

## **A. INTRODUCTION**

This chapter summarizes unavoidable significant adverse impacts resulting from the Proposed Actions. According to the *City Environmental Quality Review (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 infeasible.

As described in **Chapter 21, “Mitigation,”** the Proposed Actions would result in significant adverse impacts with respect to community facilities and services (child care services), open space (direct impacts from shadows), shadows, natural resources (direct impacts from shadows, transportation (traffic, pedestrians), and construction (transportation, noise). To the extent practicable, mitigation has been proposed for these identified significant adverse impacts. However, in some instances no practicable mitigation was identified to fully mitigate significant adverse impacts, and there are no reasonable alternatives to the Proposed Actions that would meet their purpose and need, eliminate their impacts, and not cause other or similar significant adverse impacts. In other cases, mitigation has been proposed, but absent a commitment to implement the mitigation, the impacts may not be eliminated.

## **B. COMMUNITY FACILITIES AND SERVICES**

### **Child Care Services**

As described in **Chapter 4, “Community Facilities and Services,”** the Proposed Actions would result in significant adverse impacts on publicly funded child care centers. According to the *CEQR Technical Manual*, a significant adverse child care center impact could result if an action results in: (1) a collective utilization rate greater than 100 percent in the With-Action condition; and (2) the demand constitutes an increase of five percent or more in the collective capacity of child care centers serving the study area over the No-Action condition. Under the RWCDs, the Proposed Development would introduce approximately 84 children potentially eligible for subsidized child care to the study area. The analysis of publicly funded child care services found that under the With-Action condition the child care study area would experience a utilization rate of 104.2 percent, an increase of 5.6 percentage points over No-Action conditions. As such, the Proposed Actions would result in significant adverse impacts on publicly funded child care facilities.

The Applicant has stated a willingness to provide child care facility capacity, which would constitute a possible mitigation measure to this impact. Conversely, the Applicant could pay the City to provide nine child care slots off-site to ensure that the Proposed Actions do not result in impacts to child care services. Alternatively, the impact could be eliminated by reducing the Proposed Project from 1,578 total DUs (with 474 affordable DUs through the MIH Program) to 1,404 DUs (with 421 affordable DUs through the MIH Program), a reduction of 53 affordable DUs. ~~Consideration of providing additional child care facility capacity and/or other measures is being explored in consultation with ACS, and will be further explored between the DEIS and FEIS. If feasible and practicable measures to fully mitigate the project’s anticipated impact are not identified and implemented, this would remain an unavoidable significant adverse impact.~~

To mitigate the significant adverse child care impact, the Applicant would commit, through the Restrictive Declaration, to make space available to DOE on the Development Site for publicly-funded childcare. If DOE does not pursue the space for publicly funded child care, the Applicant would pay the City to provide nine child care slots off-site to ensure that the Proposed Actions do not result in impacts to child care services. The applicant would re-evaluate the need for additional publicly-funded child care seats at the triggering 421<sup>st</sup> affordable unit, in consultation with DCP and DOE, as appropriate. If measures to fully mitigate the project's anticipated impact are not identified and implemented, this would remain an unavoidable significant adverse impact.

## C. OPEN SPACE, SHADOWS, NATURAL RESOURCES

As described in **Chapter 5, "Open Space," Chapter 6, "Shadows,"** and **Chapter 9, "Natural Resources,"** the Proposed Project would result in significant adverse impacts due to direct shadows effects on open and natural resources in Brooklyn Botanic Garden and on open space resources in Jackie Robinson Playground.

As discussed in **Chapter 21, "Mitigation,"** possible mitigation measures include adjusting the existing implementation and extent of rooftop netting, shades, and supplemental lighting at the Brooklyn Botanic Garden to ensure the health of the plants over time. The Applicant has also identified a 34-story development in **Chapter 21, "Mitigation,"** which would result in a reduction in shadow coverage and duration on Brooklyn Botanic Garden. The 34-story Development would not result in any noticeable change to the duration of incremental shadow coverage on Jackie Robinson Playground. As the significant adverse shadows impacts would not be fully mitigated on Brooklyn Botanic Garden and would not be mitigated on Jackie Robinson Playground, the Proposed Project would result in unmitigated significant adverse shadow impacts to these resources.

## D. TRANSPORTATION

As discussed in **Chapter 14, "Transportation,"** the Proposed Actions would result, as detailed below, in significant adverse impacts to vehicular traffic and pedestrians conditions, at three intersections and one crosswalk, respectively.

### Traffic

As discussed in **Chapter 14, "Transportation,"** under *CEQR Technical Manual* impact criteria (which are based on lane group delay and levels of service (LOS)), the Proposed Actions would result in significant adverse traffic impacts at one signalized intersections during one or more analyzed peak hours; specifically, two lane groups at one intersection during the weekday AM, weekday PM, and Saturday midday peak hours.

The types of traffic mitigation measures proposed herein are standard measures, such as modification of traffic signal phasing and/or timing that are routinely identified by the City and considered feasible for implementation. According to *CEQR Technical Manual* criteria, an impact is considered fully mitigated when the resulting LOS degradation under the Action-with-Mitigation Condition compared with the No-

Action Condition is no longer deemed significant, following the impact criteria described in **Chapter 14, "Transportation."** With implementation of the recommended traffic engineering improvements, all significant adverse impacts would be fully mitigated. However, implementation of the recommended traffic engineering improvements outlined in **Chapter 21, "Mitigation,"** is subject to review and approval by the NYCDOT. In the absence of the application of mitigation measures, the impacts would remain unmitigated and would constitute significant adverse unavoidable traffic impacts.

## **Pedestrians**

As discussed in **Chapter 14, "Transportation,"** incremental demand from the Proposed Actions would result in significant adverse impacts on one pedestrian element, the north crosswalk at Empire Boulevard and Washington Avenue in all four analysis peak hours. With implementation of the proposed mitigation measures, including the signal timing changes proposed as part of the traffic mitigation and the widening of the impacted crosswalk, the significant adverse impacts to the impacted crosswalk would be fully mitigated in all four peak hours.

## **E. CONSTRUCTION**

### **Transportation**

As described in **Chapter 20, "Construction,"** six lane groups at five intersections are expected to have the potential for significant adverse traffic impacts as a result of construction activities, namely the northbound left-through and southbound left at Eastern Parkway and Washington Avenue, the southbound left-through-right at Washington Avenue and Empire Boulevard, the southbound right at Franklin Avenue and Empire Boulevard, the southbound through-right at Franklin Avenue and Sullivan Place, and the westbound left-right at Washington Avenue and Carroll Street, all during the 3 to 4 PM peak hour.

As discussed in **Chapter 21, "Mitigation,"** the significant adverse impacts at the intersections of Washington Avenue and Empire Boulevard, and Franklin Avenue and Empire Boulevard could be mitigated through changes in signal timing. However, if the NYCDOT were not to implement these signal timing changes, these intersections would experience significant adverse impacts as a result of construction activity.

The significant adverse impacts at the intersections of Washington Avenue and Eastern Parkway, Franklin Avenue and Sullivan Place, and Washington Avenue and Carroll Street cannot be mitigated. Therefore, construction activities would result in unavoidable significant adverse impacts to these three intersections.

### **Noise**

**Chapter 20, "Construction,"** concludes that the Proposed Actions would have the potential to result in temporary significant adverse construction noise impacts at several receptor locations surrounding the Development Site. Construction activities would follow the requirements of the New York City Noise Control Code (also known as Chapter 24 of the Administrative Code of the City of New York, or Local Law 113) for construction noise control measures. Specific noise control measures would be incorporated in noise mitigation plan(s) required under the New York City Noise Control Code. These measures could include a variety of source and path controls. However, the implementation of these measures would not

eliminate all of the identified significant adverse construction noise impacts predicted to occur during hours when the loudest pieces of construction equipment are in use. Consequently, these construction (noise) impacts would not be fully mitigated and would therefore constitute an unavoidable significant adverse construction (noise) impact.