ALTERNATIVES

CHAPTER 23

SEQR requires that alternatives to the proposed project be identified and evaluated in an EIS so that the decision-maker may consider whether alternatives exist that would minimize or avoid adverse environmental effects. 6 NYCRR 617.9(b)(5). The EIS should consider a range of reasonable alternatives to the project that have the potential to reduce or eliminate a proposed project's impacts and that are feasible, considering the objectives and capabilities of the project sponsor. If the EIS identifies a feasible alternative that eliminates or reduces significant adverse impacts, the lead agency may consider adopting that alternative as the proposed project. In some cases, this change may permit the agency to issue a negative declaration. In the case of a proposed comprehensive plan for the redevelopment of an area, the lead agency may sometimes include planning alternatives that may have either similar–or in some cases, greater–significant adverse environmental impacts than the proposed project or may not address all of the goals and objectives of the proposed project. Such alternatives may serve as an analytical tool that demonstrates the environmental consequences of the planning decisions being made.

100. IDENTIFICATION OF ALTERNATIVES

The selection of alternatives to a proposed project is determined by taking into account the nature of the specific project, its stated purpose and need, potential impacts, and the feasibility of potential alternatives. There is no prescribed number of alternatives that need to be examined. The only alternative required to be considered is the No-Action alternative and the lead agency should exercise its discretion in selecting the remaining alternatives to be considered. The following presents a nonexclusive list of the types of alternatives that may be appropriate and the rationale used to determine their reasonableness.

110. NO-ACTION ALTERNATIVE

As required by SEQR, the No-Action alternative must be examined. The No-Action alternative demonstrates environmental conditions that would exist if the project were not implemented. This analysis is essentially equivalent to the analysis of the future without the project that is formulated to provide a baseline for the evaluation of each type of potential impact associated with the proposed project.

120. ALTERNATIVE USE

Consideration of different uses may form a reasonable alternative where the impacts of a project relate to the proposed use. For privately sponsored projects, the feasibility of an alternative use should be considered carefully in relation to the objectives and capabilities of the sponsor. For city-sponsored projects, there may be more flexibility in considering an alternative use. The different use alternative is often considered when the proposed project involves a use change to an existing building. For example, an alternative use of an historic structure that better aligns with the physical and/or historic integrity of the resource may be considered for a project that proposes a use that would significantly and adversely impact the resource.

130. ALTERNATIVE SIZE OR LESSER DENSITY

This alternative may be reasonable for projects for which the degree of potential impact is related to the size or density of the project. In that event, a lesser size or density alternative with the potential to reduce the impacts of a proposed project while, to some extent, still meeting the project's stated purpose and need may be considered. For example, because of the magnitude of activity generated, traffic and associated air quality impacts are often related to the size of the project. An alternative that is smaller than the proposed project, but proposes the iden-

tical use may result in less traffic generation and associated air quality impacts while meeting a portion of the objectives of the project. In fashioning an alternative size or lesser density alternative, the lead agency considers the relationship of project size or scale to the objectives and capabilities of the sponsor, taking into account factors that may affect the sponsor's ability to implement a project at a reduced size or scale. However, the size or scale of the project as defined by the proposed project should not be considered an essential objective of the project sponsor precluding consideration of a smaller size or lesser density as a reasonable alternative. In some cases, the detailed analysis of the alternative size or lesser density alternative in an EIS may demonstrate that it would not significantly reduce the impacts of the proposed project, while failing to fully meet the objectives of the sponsor.

140. ALTERNATIVE DESIGN OR CONFIGURATION

An alternative design or configuration may be considered for projects that have potential adverse impacts related to the proposed project's bulk, visual character, contextual or direct effect on historic or other environmentally sensitive resources, effects on stormwater runoff or energy consumption, or its physical relationship to another use, such as a power plant stack, a noise generator, or an area of soil contamination. Some examples of design or configuration alternatives include changing a building footprint to reduce interference with an historic building; changing the location, orientation, and height of a building in relation to an existing stack to reduce or eliminate a potential air quality impact; altering design elements such as setbacks, materials, and fenestration to relate the building(s) to the surrounding area; incorporating sustainable design measures to reduce stormwater runoff or energy consumption; or configuring the site plan to avoid excavation in an area containing contaminated soils or archaeological resources.

160. ALTERNATIVE SITE

The consideration of one or more alternative sites for a proposed project is appropriate when the objectives of the proposed project are not site dependent, and it is often considered when the project is a site selection. In order to consider an alternative site for private developments, the applicant must own or own a right to use the alternative site. Projects for which alternate site analyses may be appropriate include proposals for siting public facilities, such as a municipal garage, or projects where identified significant impacts may be reduced or eliminated on a different site without compromising project objectives. For example, if a project would result in significant impacts because of its proximity to a wetland, choosing an alternative site that is not near any wetlands would eliminate those impacts.

170. ALTERNATIVE TECHNOLOGY

Alternative technology should be considered when potential impacts of the proposed project may be reduced or eliminated by adopting an alternative technology and/or when the alternative technology would be less costly and adequately efficient to meet the objectives of the project. For example, if significant odor impacts are associated with a technical process of a particular project (*e.g.*, allowing solid waste to be stored at a facility), an alternative applying a different technique that is reasonably effective and reduces the identified impact might be analyzed (containerizing and moving the waste out of the facility more quickly).

180. PHASING ALTERNATIVE

Phasing alternatives are most often considered when a project is proposed in phases, is of large magnitude, is of uncertain timing, or contains several components with impacts related to the timing of their implementation. For example, an environmental assessment may assume that the commercial component, scheduled for early completion, of a large-scale residential and commercial development would create a traffic impact on a nearby congested intersection for which public improvements are planned, but not yet implemented. A project phasing alternative that schedules construction of t after implementation of the street improvements is appropriate to consider in this case, to the extent that it meets the project's objectives. Finally, for large projects where construc-

tion of the second phase would take place during operation of the first phase, it may be appropriate to consider altering the phasing to reduce a traffic and air quality impact of combined construction and operation.

190. NO UNMITIGATED IMPACT ALTERNATIVE

When a project would result in significant adverse impacts that cannot be mitigated, it is often CEQR practice to include an assessment of an alternative to the project that would result in no unmitigated impacts. Often, this results in a smaller project, but may also result in a change of the proposed use or a change in site design. For example, if the proposed project would result in significant adverse impacts on a local subway station because of the new users that it would send to the station during rush hour, and physical conditions at that station make mitigation of this impact impracticable, the no unmitigated impact alternative considers a project small enough to avoid that impact. This alternative demonstrates those measures that would have to be taken to eliminate all of the project's unmitigated impacts. This alternative may not be feasible in relation to the objectives and capabilities of the project sponsor, may nevertheless serve as an analytical tool that demonstrates there is no alternative meeting the goals of the proposed project without resulting in unmitigated impacts.

200. ASSESSMENT METHODS

Evaluation of alternatives comprises three steps: (1) framing and describing the alternatives for consideration; (2) assessing impacts of alternatives; and (3) comparing the effects of the alternatives to those of the proposed project, as discussed below.

210. FRAMING AND DESCRIBING ALTERNATIVES

Once the alternatives to be considered are identified, each must be described adequately so that its impacts may be assessed. The level of detail in the description depends on the type of alternative and the impacts to be assessed. The No-Action alternative is described in each technical assessment area and is summarized in the alternatives section. Other alternatives to the proposed project should be described using text and graphics including such information as program elements, square footages, site plans, bulk drawings, elevations, axonometric drawings, and any other information pertinent to their comparison with the proposed project.

220. ASSESSING IMPACTS OF ALTERNATIVES

In general, impacts of alternatives do not need to be assessed at the same level of detail as that of the proposed project. In areas where no significant impact of the proposed project was identified, a qualitative assessment is sufficient. However, where a significant impact of the proposed project has been identified, it is usually appropriate to quantify the impact of the alternative so that a comparison may be meaningful. Quantification is accomplished by applying the same methodology used for assessment of the proposed project. Sometimes it is possible to estimate the difference between the alternative and the proposed project by applying a ratio. This technique is used when impacts are directly proportional to the size of the project, such as trip generation and transportation analysis. When the alternative would create impacts in different technical areas from those of the proposed project (such as a school impact caused by a residential alternative to a proposed commercial project), the assessment should follow the techniques set forth in the appropriate technical guidance, Chapters 4 through 22. The impacts of the alternative are assessed for the same build year as were used to analyze the proposed project. If the project would be built in phases and the other technical areas consider interim build years for those phases, it may be appropriate to consider those interim years for the alternative as well.

230. COMPARING THE EFFECTS OF THE ALTERNATIVES TO THOSE OF THE PROPOSED PROJECT

The environmental effects of each alternative, including the No-Action alternative, are compared to the proposed project without mitigation. Consider the following example:

1. The analysis of the proposed project shows that it would have significant traffic impacts at five intersections;
2. The analysis of the No-Action alternative shows that three of those five intersections would have moderately congested traffic conditions;
3. The analysis of the lesser-density alternative shows that it would result in significant traffic impacts at four of the five intersections.

In this example, quantitative information should be presented for each alternative, including the No-Action alternative. More specifically, for each alternative, the volume-to-capacity ratios or levels of service at each of the five intersections should be compared with those of the proposed project. After addressing relative impacts without mitigation, the comparison should consider the types, availabilities and levels of mitigation required to reduce the significant impacts under each alternative, and compare these with mitigation under the proposed project. If the same mitigation is needed to address the impacts that would occur under an alternative as under the proposed project, then the difference in level of impact between the proposed project and the alternative may be of less significance to the decision-maker. If, however, more mitigation is required for the proposed project compared with an alternative, that difference may be of greater relevance to the decision-maker.