Chapter 22: Unavoidable Adverse Impacts

22.1 Introduction

This chapter summarizes unavoidable significant adverse impacts that may result 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 (public schools), shadows, transportation, and construction. To the extent practicable, mitigation has been proposed for these identified significant adverse impacts. However, in some instances, no practicable mitigation has been identified to fully mitigate significant adverse impacts, and there are no reasonable alternatives to the Proposed Actions that would meet the Proposed Actions' purpose and need, eliminate potential 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.

22.2 Community Facilities

PUBLIC SCHOOLS

As discussed in Chapter 4, "Community Facilities and Services," in the future with the Proposed Actions, the elementary and intermediate school enrollment of Sub-district 2 of CSD 9 is anticipated to exceed the significant adverse impact threshold in the 2026 Proposed Actions. CSD 9, Sub-district 2 elementary schools would increase from a No-Action utilization rate of 128.7 percent to 151.5 percent in the With-Action condition (a 22.8 percentage point increase). CSD 9, Sub-district 2 intermediate schools would increase from a No-Action utilization rate of 125.9 to 171.2 in the With-Action condition (a 45.3 percentage point increase). As CSD 9, Sub-district 2 elementary and intermediate schools would operate over capacity in the future with the Proposed Actions with an increase of five percentage points or more

to their collective utilization rates between the No-Action and With-Action conditions, significant adverse impacts to this sub-district would result per the *CEQR Technical Manual* threshold. CSD 10, Sub-district 4 elementary schools would increase from a No-Action utilization rate of 115.7 percent to 121.9 percent in the With-Action condition (a 6.2 percentage point increase).

Potential mitigation measures to avoid the elementary and intermediate schools impact have been identified, but at this time, there has been no commitment to adopt any of specific measure. Between the DEIS and FEIS, potential mitigation will be reviewed with the Department of Education (DOE) and the School Construction Authority (SCA) to determine its feasibility. If none of these measures are determined to be practicable and feasible, then the proposed action's intermediate schools impact would be considered an unavoidable adverse impact.

22.3 Shadows

As discussed in Chapter 6, "Shadows," a detailed shadows analysis determined that development resulting from the Proposed Actions would result in significant adverse shadow impacts on eight open space resources. No historic resources would be affected by incremental shadows. The 146 projected and potential development sites identified in the RWCDS would result in incremental shadow coverage on 41 open space resources. The detailed shadows analysis identified significant adverse impacts at eight open space resources. The analysis determined that six resources (Bronx School of Young Leaders, PS 306 Schoolyard, Mount Hope Playground, Goble Playground, Inwood Park, Keltch Park) would experience significant incremental shadow coverage, duration, and/or periods of complete sunlight loss that could have the potential to affect open space utilization or enjoyment. Two resources (Edward L Grant Greenstreet, Jerome Avenue/Grant Avenue Greenstreet) would not receive adequate sunlight during the growing season (at least the four to six hour minimum specified in the *CEQR Technical Manual*) as a result of incremental shadow coverage and vegetation at these resources could be significantly impacted. Measures to reduce or eliminate the significant adverse shadow impacts will be explored between the DEIS and FEIS. If no feasible or practicable mitigation measures can be identified and/or implemented to mitigate these shadow impacts, the Proposed Actions would result in an unavoidable significant adverse shadow impacts on these open space resources.

22.4 Transportation

The Proposed Actions would result, as detailed below, in significant adverse impacts to: a) vehicular traffic at 22 intersections, b) public bus service on three routes, and c) pedestrians at one corner, one sidewalk, and one crosswalk.

TRAFFIC

As discussed in Chapter 13, "Transportation," under *CEQR Technical Manual* impact criteria (which are based on lane group delay and levels of service), the Proposed Actions would result in significant adverse traffic impacts at 22 intersections during one or more analyzed peak hours. Significant adverse impacts were identified to 16 lane groups at 14 intersections in the weekday AM peak hour, 19 lane groups at 15 intersections in the weekday midday peak hour, 32 lane groups at 21 intersections in the weekday PM peak hour, and 30 lane groups at 19 intersections in the Saturday midday peak hour. Most of these impacts could be mitigated through the implementation of traffic engineering improvements, including:

- Modification of traffic signal phasing and/or timing; and
- Elimination of on-street parking within 100 feet of intersections to add a limited travel lane.

The types of traffic mitigation measures proposed herein are standard measures that are routinely identified by the City and considered feasible for implementation. Implementation of the recommended traffic engineering improvements is subject to review and approval by the New York City Department of Transportation (DOT). DCP, as lead agency, will coordinate with DOT between the DEIS and FEIS to obtain their approval of the proposed mitigation measures. In the absence of the application of mitigation measures, the impacts would remain unmitigated.

According to *CEQR Technical Manual* criteria, an impact is considered fully mitigated when the resulting level of service (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 13, "Transportation." With implementation of the recommended traffic engineering improvements, significant adverse traffic impacts would be fully mitigated at all but three lane groups at two intersections during the weekday AM and midday peak hours, 18 lane groups at nine intersections during the weekday PM peak hour, and nine lane groups at five intersections during the Saturday midday peak hour. In total, impacts to one or more lane groups would remain unmitigated in one or more peak hours at nine intersections. These unmitigated impacts would generally occur along Jerome Avenue at Kingsbridge Road, Fordham Road, Burnside Avenue, and 167th Street, and at River Avenue at 167th Street, and at Grand Concourse at Burnside Avenue, Tremont Avenue, Mt. Eden Avenue, and 167th Street. Further measures to address these impacts will be explored with the relevant agencies between

the DEIS and FEIS. If no additional practicable mitigation is identified, these impacts would constitute unavoidable significant adverse traffic impacts as a result of the Proposed Action.

TRANSIT

Bus

The Proposed Actions would result in a capacity shortfall of the east and westbound Bx11, southbound Bx32, and eastbound Bx35 in the AM peak hour and on the westbound Bx11, north and southbound Bx32, and east and westbound Bx35 in the PM peak hour. The significant adverse impacts to Bx11, Bx32, and Bx35 local bus service could be fully mitigated by the addition of a total of five standard buses in the AM peak hour and six standard buses in the PM peak hour. If these changes are not made, these impacts would be considered unavoidable.

Pedestrians

Incremental demand from the Proposed Actions would significantly adversely impact one of the 33 analyzed sidewalks elements, one of the 41 analyzed crosswalk elements, and one of the 37 analyzed corner areas in one or more peak hours. As outlined in Chapter 21, "Mitigation," the identified crosswalk and sidewalk impacts would be fully mitigated through sidewalk and crosswalk widenings. Implementation of these measures would be subject to review and approval by DOT. If, prior to implementation, DOT determines that an identified mitigation measure is infeasible, an alternative and equivalent mitigation measure will be identified. If no feasible measures can be identified, the projected impacts would remain unmitigated and would therefore be considered unavailable adverse impacts. No feasible mitigation measures could be identified that would mitigate the significant adverse impact to the one impacted corner area and this would remain an unmitigated significant adverse impact.

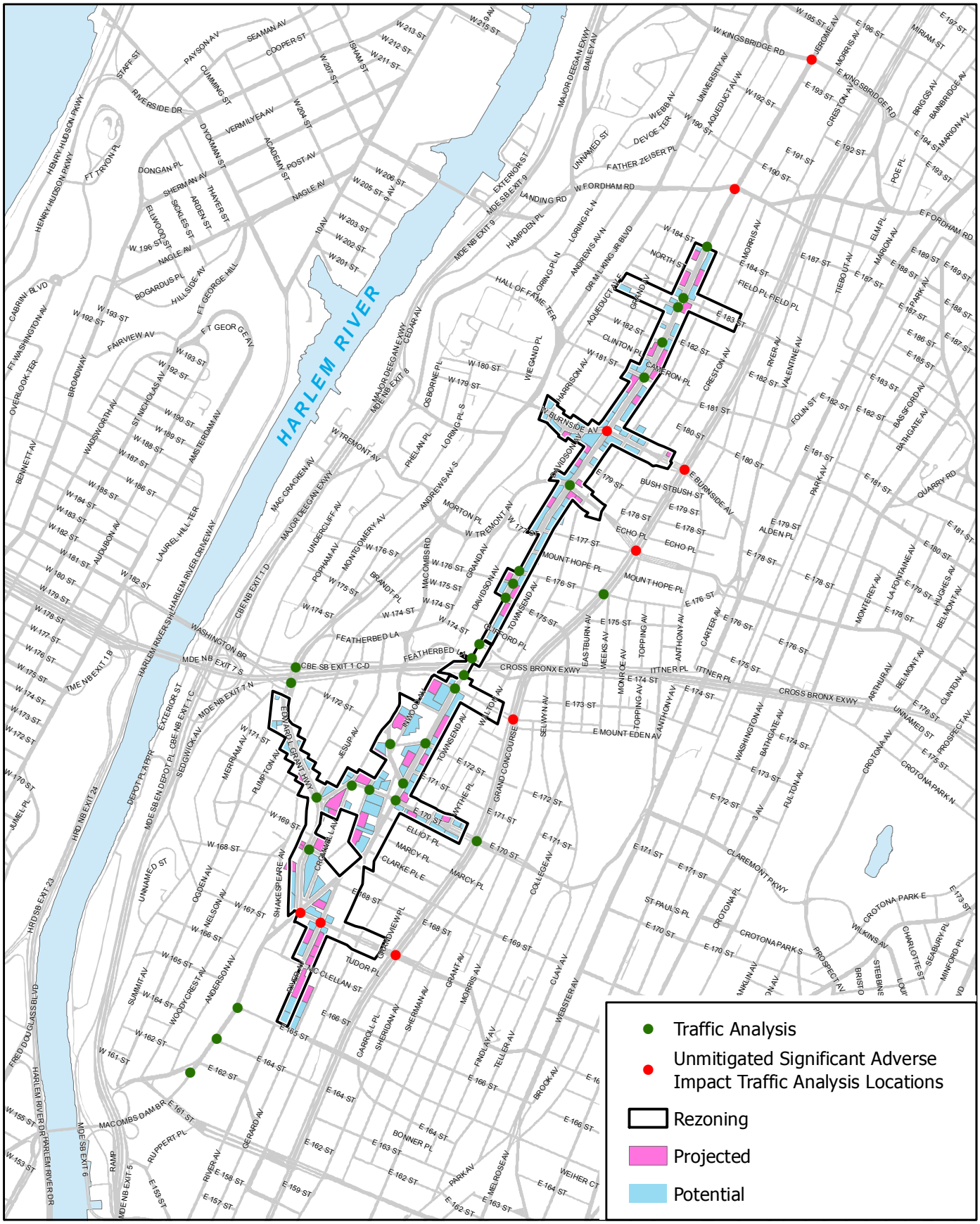

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Figure 22-2

UNMITIGATED SIGNIFICANT ADVERSE IMPACT TRAFFIC ANALYSIS LOCATIONS

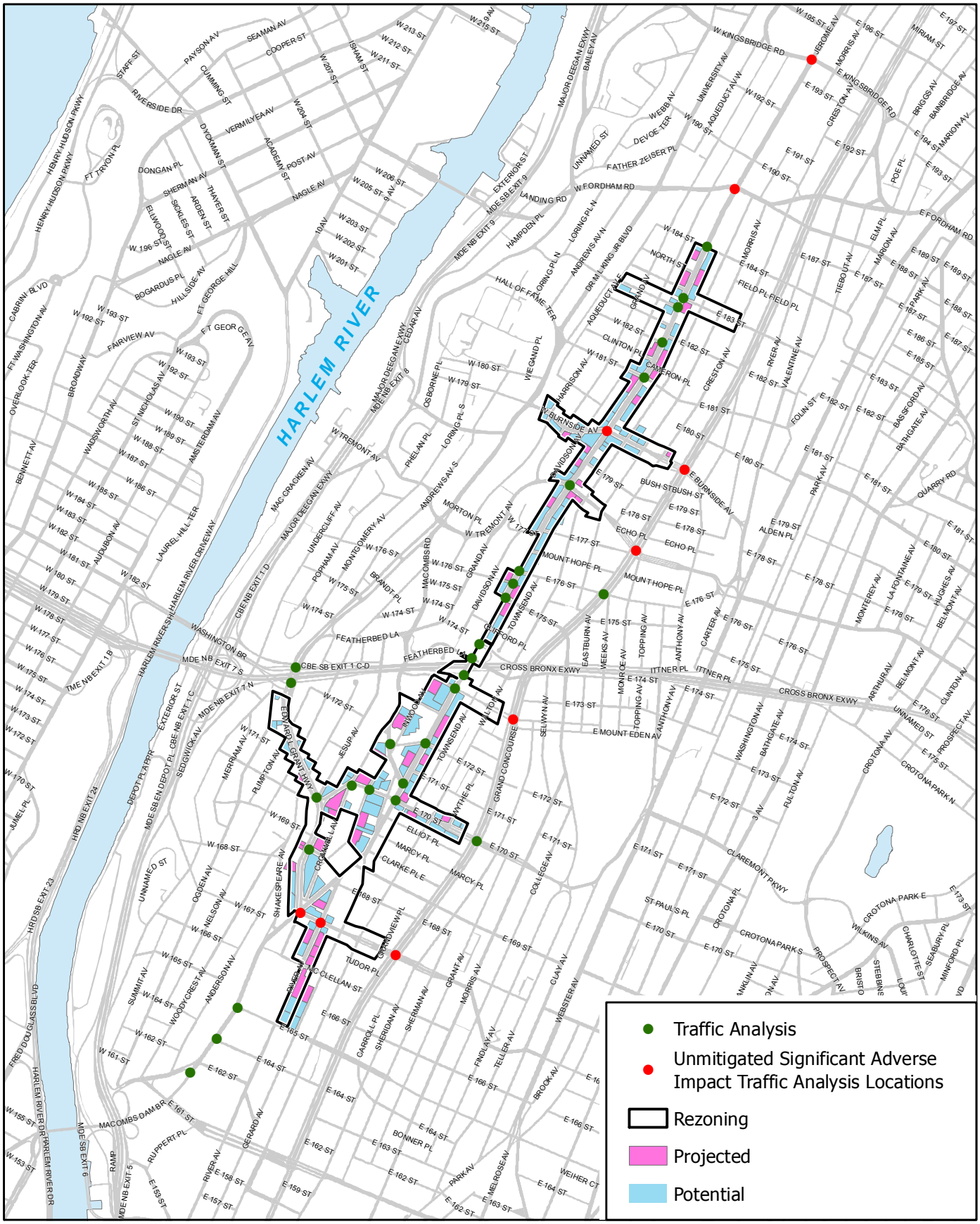

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Figure 22-2

UNMITIGATED SIGNIFICANT ADVERSE IMPACT TRAFFIC ANALYSIS LOCATIONS

22.5 Construction

TRANSPORTATION

As described in Chapter 19, "Construction," construction-related traffic would have significant adverse impacts at one intersection during the weekday construction 6-7 AM peak hour and 13 intersections during the weekday construction PM peak hour (3-4 PM). Most significant adverse impacts would be mitigated with the implementation of recommended mitigation measures, but unmitigated significant adverse impacts remain at one intersection during the construction AM peak hour and five intersections during the construction PM peak hour. No basic intersection improvement measures could mitigate the significant adverse construction-related impacts at these five intersections. Further measures to address these impacts will be explored with the relevant agencies between the DEIS and FEIS. If no additional practicable mitigation is identified, these impacts would constitute unavoidable significant adverse traffic impacts as a result of the Proposed Action.

HISTORIC AND CULTURAL RESOURCES

The rezoning area is substantially contiguous to the Croton Aqueduct System at approximately West 183rd Street and also at approximately Ogden Avenue and Dr. Martin Luther King, Jr., Boulevard (just south of the Cross-Bronx Expressway). In each of these two areas, there is one potential development site within 90 feet of the mapped Croton Aqueduct System/Aqueduct Walk; as described following, in this chapter, it is presumed that appropriate protections would be in place during construction to ensure that the aqueduct system and the public park would not experience construction-related impacts.

Any designated NYCL or S/NR-listed historic buildings located within 90 linear feet of a projected or potential new construction site are subject to the protections of the New York City Department of Building's (DOB's) Technical Policy and Procedure Notice (TPPN) #10/88. In effect, this policy would prevent construction-related impacts to properties within the Grand Concourse Historic District that would be within 90 feet of potential development sites 75, 76, and 77. Therefore, no construction impacts to the Grand Concourse Historic District would result with the Proposed Actions. There are no projected or potential development sites within the Morris Avenue Historic District, and the nearest site that would be developed with the Proposed Actions would be Potential Development Site 43, which is located approximately 170 feet southwest of the historic district boundary; therefore, the Proposed Actions would result in no construction impacts to the Morris Avenue Historic District.

As described following, in this chapter, one projected development site and four potential development sites are located within approximately 90 feet of the U.S. Post Office – Morris Heights Station (S/NR-eligible). As defined in the procedure notice TPPN #10/88, "historic resources" that are considered adjacent to construction activities, only include designated NYCLs and S/NR-listed properties that are within 90 feet of a lot under development or alteration. They do not include S/NR-eligible, NYCL-eligible, potential, or unidentified architectural resources. Without the particular protections of TPPN #10/88, or similar protections in place, the Proposed Actions could result in construction impacts on the U.S. Post Office – Morris Heights Station, with the development of potential development sites 96 and 97, the boundaries of which are nearly adjacent to the post office building structure.

NOISE

As discussed in Chapter 19, "Construction," construction activities associated with the Proposed Action would occur on multiple development sites within the same geographic area and, as a result, has the potential to increase interior noise levels of existing adjacent commercial and residential buildings. These increases would likely approach or marginally exceed the impact threshold for short periods of time. The same potential to exceed the noise limits exist during other construction quarters bordering the peak construction period

The findings indicate that noise levels above the CEQR impact threshold are expected at several existing buildings adjacent to Projected Development Sites 33,34,35,36 and to Projected Development Sites 43,44,45. For Projected Development Sites 33,34,35,36 the highest noise levels are projected to be at top-level receptor locations adjacent to existing commercial and residential buildings on Cromwell Street between West Clarke Place and East 170th Street. For Projected Development Sites 43,44,45 the highest noise levels are projected to be at mid-level receptor locations adjacent to existing residential buildings o Gerard Street between McLellan Street and West 167th Street.

Although these locations are expected to experience exterior noise levels significantly above CEQR limits, for those buildings with double-paned glazed-glass windows and a closed ventilation system, it would keep interior noise levels for those buildings below or near the CEQR 50-dBA L10 impact threshold for commercial buildings and the CEQR 45-dBA L10 impact threshold for residential buildings. The interior noise levels of these adjacent buildings would likely approach or marginally exceed the CEQR L10 impact thresholds for short periods of time. The same potential for noise impacts also exist for similar noise-level increases at these and/or other receptor locations in the immediate vicinity of Project Development Sites 33,34,35,36 and 43,44,45 during other construction quarters bordering this peak construction period (i.e., second quarter of 2018 and third quarter of 2022). If the peak construction scenario conservatively assumed for simultaneous construction on Project Development Sites 33,34,35,36 and 43,44,45, the Proposed Action would result in a significant adverse construction noise impact.

Noise Reduction Measures

Construction of the Proposed Projected would be required to follow the requirements of the NYC Noise Control Code for construction noise control measures. Specific noise control measures would be incorporated in noise mitigation plan(s) required under the NYC Noise Code. These measures could include a variety of source and path controls.

The following proposed mitigation measures go beyond the noise control measures already identified in Chapter 19, "Construction," and may partially mitigate significant adverse impacts (and substantially reduce construction-related noise levels) at some locations:

- Noise barriers constructed from plywood or other materials at a height of 12 to 16 feet utilized to provide shielding;
- Utilizaion of isolation pads between pile driver hammer and piles;
- Acoustical shrouds surrounding the pile driver hammer and piles;
- Electric cranes or cranes with exhaust silencers that have lower noise emission levels; and
- Excavators with exhaust silencers that have lower noise emission levels.

Between the DEIS and FEIS, the above mitigation measures will be explored, which are intended to address the pieces of construction equipment that would produce the highest noise levels. However, even if all of the above mitigation measures are determined to be feasible and practicable, some significant adverse construction noise impacts could potentially continue to be experienced at sensitive receptors and, as a result, be unavoidable. In the event no additional practicable or feasible mitigation measures are determined, the significant adverse construction noise impacts identified in Chapter 19, "Construction," would be unavoidable.