# 21 UNAVOIDABLE ADVERSE IMPACTS

## 21.1 Introduction

Per the 2021 *CEQR Technical Manual*, significant adverse impacts are considered unavoidable if mitigation is impracticable or if a significant adverse impact occurs when a project is implemented, regardless of the mitigation employed. This chapter summarizes the unavoidable significant adverse impacts that may result from the Proposed Actions.

## 21.2 Principal Conclusions

As described in Chapter 19, "Mitigation," the Proposed Actions are expected to result in significant adverse impacts in the area of transportation (traffic and pedestrian circulation) and construction traffic. To the extent practicable, m~~M~~itigation measures have been proposed ~~to the extent practicable for these~~for the identified significant adverse impacts ~~and are currently being explored with~~in coordination with the NYC Department of Transportation (NYCDOT). ~~The Applicant team has committed to fund the implementation of these mitigation measures, subject to NYCDOT approval.~~ However, in some instances, no practicable mitigation has been identified to fully mitigate the significant adverse impact, and there are no reasonable alternatives that would meet the purpose and need of the Proposed Actions, eliminate potential impacts, and not cause other or similar significant adverse impacts. These instances, which are listed and described below, constitute unavoidable adverse impacts.

### Transportation

The Proposed Actions would result in significant adverse transportation impacts in the areas of traffic and pedestrians. The analysis identified five traffic intersection/approach lanes that would experience a significant adverse impact in at least one peak hour. As described in Chapter 19, "Mitigation," significant adverse impacts related to traffic could all be mitigated with traffic signal timing modifications.

The analysis also identified seven pedestrian elements that have the potential to experience a significant adverse impact in at least one or more peak hours. As also described in Chapter 19, "Mitigation," the significant adverse pedestrian impacts at four out of the seven impacted pedestrian elements could be mitigated with readily implementable engineering measures, including the installation of a corner curb extension, crosswalk widening and the relocation of an existing signpost. However, three of the adversely impacted pedestrian elements would remain unmitigated with the Proposed Actions. In the absence of feasible mitigation measures, the pedestrian impacts during peak hours would continue to remain unmitigated and would constitute unavoidable significant adverse impacts.

The feasibility of the proposed mitigation measures will be further explored by the Applicant in a post implementation transportation monitoring plan (TMP). The TMP will measure the actual travel demand generated by the Proposed Actions at the time the Proposed Development is complete; and will include all street and pedestrian improvements that have been implemented in the study area at that time.

The Applicant team has committed to fund the implementation of the mitigation measures and the cost associated with the TMP, subject to NYCDOT approval, including any subsequent design and implementation of mitigation measures determined in the plan. This commitment is further described in detail in the Restrictive Declaration ~~associated with~~tied to the Development Sites.

If, based on the TMP, any of the mitigation measures are deemed to be infeasible and no alternative mitigation measures can be identified, then the significant adverse traffic impacts would remain unmitigated.

### Construction Traffic

The Proposed Actions would result in a significant adverse construction impact in the area of traffic during at least one construction peak hour at up to three intersection approaches/lane groups. However, as described in Chapter 19, "Mitigation," the significant adverse construction traffic impacts at the three impacted intersection approaches/lane groups could be mitigated with traffic signal timing modifications.

## 21.3 Transportation

### Traffic

As described in Chapter 12, "Transportation," the Proposed Actions would result in significant adverse transportation impacts in the areas of traffic and pedestrians. The analysis identified five traffic intersection/approach lanes that have the potential to experience a significantly adverse impact in at least one peak hour. The traffic intersections/approach lanes that could experience a significant adverse impact include:

- The westbound approach at the Sheridan Boulevard and Edgewater Road intersection, opposite Jennings Street, during the weekday AM peak hour.
- The northbound left-turn at the Sheridan Boulevard and Edgewater Road intersection, opposite Jennings Street, during the weekday AM, midday, PM, and Saturday midday peak hours.

- The northbound through/right-turn at the Westchester Avenue and Edgewater Road intersection during the weekday PM peak hour.
- The southbound left-turn at the Westchester Avenue and Whitlock Avenue intersection during the weekday PM and Saturday midday peak hours.
- The southbound through and through/right-turn at the Westchester Avenue and Whitlock Avenue intersection during the weekday AM and midday peak hours.

As described in Chapter 19, "Mitigation," potential mitigation measures for the identified significant adverse transportation impacts have been ~~are currently being~~ explored by the Applicant in coordination with NYCDOT. The *CEQR Technical Manual* lists potential mitigation measures for traffic and pedestrian impacts. These measures may include, but are not limited to, signal timing changes, lane restriping, travel demand management, curb extensions, crosswalk widening, or the addition of pedestrian refuge islands. For the Proposed Actions, significant adverse impacts related to traffic intersection approaches/lane groups could all be mitigated with traffic signal timing modifications.

The feasibility of the proposed mitigation measures will be further explored by the Applicant in a post implementation transportation monitoring plan (TMP). The TMP will measure the actual travel demand generated by the Proposed Actions at the time the Proposed Development is complete; and will include all street and pedestrian improvements that have been implemented in the study area at that time.

If, based on the TMP, any of the mitigation measures are deemed to be infeasible and no alternative mitigation measures can be identified, then the significant adverse traffic impacts would remain unmitigated.

***Sheridan Boulevard and Edgewater Road (at Jennings Street) – West of Service Road Median***

In the weekday AM peak hour, the significant adverse traffic impact to the westbound Edgewater Road approach could be fully mitigated by shifting three seconds from the northbound/southbound Sheridan Boulevard phase to the westbound Edgewater Road phase.

***Sheridan Boulevard and Edgewater Road (at Jennings Street) – East of Service Road Median***

The significant adverse traffic impacts to the northbound Edgewater Road left-turn movement could be fully mitigated as follows:

- In the weekday AM peak hour, shift three seconds from the northbound through Edgewater Road phase to the northbound left-turn/through Edgewater Road phase.
- In the weekday midday peak hour, shift two seconds from the northbound through Edgewater Road phase to the northbound left-turn/through Edgewater Road phase.
- In the weekday PM peak hour, shift three seconds from the northbound through Edgewater Road phase to the northbound left-turn/through Edgewater Road phase.
- In the Saturday midday peak hour, shift three seconds from the northbound through Edgewater Road phase to the northbound left-turn/through Edgewater Road phase.

***Westchester Avenue, Edgewater Road and the Northbound Sheridan Expressway Off-Ramp***

In the weekday PM peak hour, the significant adverse traffic impact to the northbound Sheridan Expressway Off-Ramp through/right-turn movement could be fully mitigated by shifting one second from the eastbound/westbound Westchester Avenue phase to the northbound Sheridan Expressway Off-Ramp phase, and by shifting three additional seconds from the shared eastbound/westbound Westchester Avenue phase to the exclusive eastbound Westchester Avenue phase.

***Westchester Avenue and Whitlock Avenue***

The significant adverse traffic impacts to the southbound Whitlock Avenue through/right-turn movement and southbound Whitlock Avenue left-turn movement could be fully mitigated as follows:

- In the weekday AM peak hour, shift one second from the shared eastbound/westbound Westchester Avenue phase to the southbound Whitlock Avenue phase; and shift one additional second from the shared eastbound/westbound Westchester Avenue phase to the exclusive westbound Westchester Avenue phase.
- In the weekday midday peak hour, shift one second from the eastbound/westbound Westchester Avenue phase to the southbound Whitlock Avenue phase.
- In the weekday PM peak hour, shift seven seconds from the eastbound/westbound Westchester Avenue phase to the southbound Whitlock Avenue phase.
- In the Saturday midday peak hour, shift one second from the eastbound/westbound Westchester Avenue phase to the southbound Whitlock Avenue phase.

## Pedestrian Impacts

The pedestrian analysis identified seven pedestrian elements that have the potential to experience a significant adverse impact in at least one or more peak hours. These pedestrian elements include:

*Crosswalks*

- The north crosswalk (across Sheridan Boulevard) at the intersection of Sheridan Boulevard and Edgewater Road, opposite Jennings Street, during the weekday midday peak hour.
- The south crosswalk (across Sheridan Boulevard) at the intersection of Sheridan Boulevard and Edgewater Road, opposite Jennings Street, during the weekday AM, midday, PM and Saturday midday peak hours.
- The north crosswalk (across Edgewater Road) at the intersection of Sheridan Boulevard and Edgewater Road, opposite Jennings Street, during the weekday PM and Saturday midday peak hours.
- The south crosswalk (across Edgewater Road) at the intersection of Sheridan Boulevard and Edgewater Road, opposite Jennings Street, during the weekday AM, midday, PM and Saturday midday peak hours.

*Corners*

- The northeast corner at the intersection of Longfellow Avenue and Freeman Street during the weekday AM peak hour.

*Sidewalks*

- The northeast, east-west sidewalk at the intersection of Freeman Street and Hoe Avenue during the weekday AM, PM and Saturday midday peak hours.
- The northeast, north-south sidewalk at the intersection of Sheridan Boulevard and Edgewater Road, opposite Jennings Street, during the weekday AM and midday peak hours.

The significant adverse pedestrian impacts at four of the seven pedestrian elements could be fully mitigated with readily implementable engineering measures, including the installation of a corner curb extension, crosswalk widening and the relocation of an existing signpost.

***Freeman Street and Hoe Avenue***

In the weekday AM, PM, and Saturday midday peak hours, the significant adverse pedestrian impacts on the north sidewalk of Freeman Street, between Hoe and Vyse avenues (northeast, east-west sidewalk), would remain unmitigated. The sidewalk's total width (approximately 8 feet) and proximity to adjacent private properties to the north, as well as the presence of utility infrastructures (light poles and a fire hydrant), limit opportunities to implement readily available improvements. In the absence of feasible mitigation measures, the impacts during the weekday AM, PM, and Saturday midday peak hours would remain unmitigated and would constitute an unavoidable significant adverse impact.

***Freeman Street and Longfellow Avenue***

The potentially significant adverse pedestrian impact to the northeast corner of Freeman Street and Longfellow Avenue during the weekday AM peak hour could be mitigated by installing a physical corner extension within the existing roadway pavement area adjacent to the corner. The proposed design for this improvement will be further refined between Draft and Final EIS and would require approval by NYCDOT for implementation. In the absence of a feasible mitigation measure, the impact during the weekday AM peak hour would remain unmitigated and would constitute an unavoidable significant adverse impact.

***Sheridan Boulevard and Jennings Street***

*North Crosswalk*

The significant adverse pedestrian impact to the north crosswalk during the weekday midday peak hour could be mitigated by widening the north crosswalk by approximately 2 feet, resulting in a total north crosswalk width equal to approximately 16 feet. Due to the existing alignment of the southbound Sheridan Boulevard STOP-bar at this intersection (set back approximately 14 feet from the existing crosswalk), the proposed crosswalk widening would not necessitate the relocation of the existing STOP-bar for southbound traffic on Sheridan Boulevard (minimum 10-foot setback is required).

*South Crosswalk*

In the weekday AM, midday, PM, and Saturday midday peak hours, the significant adverse pedestrian impacts to the south crosswalk would remain unmitigated with the Proposed Actions. The intersection's proximity to up- and downstream traffic signals, as well as the relatively long pedestrian crossing distance on Sheridan Boulevard, limit opportunities for implementation of readily available operational improvements. In the absence of feasible mitigation measures, the impacts during the weekday AM, midday, PM, and Saturday midday peak hours remain unmitigated and would constitute an unavoidable significant adverse impact.

***Edgewater Road and Jennings Street***

*North Crosswalk*

The significant adverse pedestrian impacts to the north crosswalk during the weekday PM and Saturday midday peak hours could be fully mitigated by widening the north crosswalk by approximately 4 feet, resulting in a total north crosswalk width equal to approximately 18 feet.

*East Sidewalk (North of Jennings Street)*

The significant adverse pedestrian impacts to the sidewalk on the east side of Edgewater Road between Jennings and East 172nd streets (northeast, north-south sidewalk) during the weekday AM and midday peak hours could be fully mitigated by relocating the existing "No Parking, Tuesday and Friday, 8:00 – 9:30 AM" sign post approximately 5 feet to the southwest, within the midblock sidewalk bump-out area (see Appendix G – Figure G-4). This would result in a minimum effective passable width on the sidewalk equal to approximately 8 feet (accounting for shy distances), which would be sufficient to fully mitigate the significant adverse pedestrian impacts at this location.

*South Crosswalk*

In the weekday AM, midday, PM, and Saturday midday peak hours, the significant adverse pedestrian impacts to the south crosswalk would remain unmitigated with the Proposed Actions. The traffic signal at this intersection works as a couplet with the adjacent signal at Sheridan Boulevard and Jennings Street, with one coordinated signal timing plan for both intersections. As discussed above, these intersections' proximity to up- and downstream traffic signals, as well as the relatively long pedestrian crossing distance on Sheridan Boulevard, limit opportunities to implement readily available operational improvements. In the absence of feasible mitigation measures, the impacts during the weekday AM, midday, PM, and Saturday midday peak hours would remain unmitigated and would result in an unavoidable significant adverse impact.

## Unavoidable Adverse Impacts

As outlined above, three pedestrian elements that could experience potentially significant adverse impacts would remain unmitigated with the Proposed Actions. These include:

- the south crosswalk of Sheridan Boulevard and Jennings Street;
- the sidewalk on the north side of Freeman Street, between Hoe and Vyse Avenues; and

- the south crosswalk of Edgewater Road and Jennings Street.

These pedestrian impacts during peak hours would continue to remain unmitigated and would constitute unavoidable significant adverse pedestrian impacts.

## 21.4 Construction

The Proposed Actions would not result in significant adverse construction impacts in the areas of open space, historic and cultural resources, hazardous materials, air quality, or noise. However, as described in Chapter 18, "Construction," the Proposed Actions would result in a significant adverse traffic impact during construction. Significant adverse traffic impacts could occur during at least one construction peak hour at up to three intersection approaches/lane groups from project-generated construction activities. These significant adverse traffic impacts are as follows:

- The northbound left-turn at the Sheridan Boulevard and Edgewater Road intersection, opposite East 172nd Street, during the weekday PM construction peak hour.
- The northbound left-turn at the Sheridan Boulevard and Edgewater Road intersection, opposite Jennings Street, during the weekday AM and PM construction peak hours.
- The southbound left-turn at the Westchester Avenue and Whitlock Avenue intersection during the weekday PM construction peak hour.

As described in Chapter 19, "Mitigation," the significant adverse traffic impacts at the three impacted intersection approaches/lane groups could be fully mitigated with modifications to traffic signal timing.

***Sheridan Boulevard and Edgewater Road (at East 172nd Street) – East of Service Road Median***

In the weekday PM construction peak hour, the significant adverse traffic impact to the northbound left-turn Edgewater Road lane group could be mitigated by shifting one second from the northbound through Edgewater Road phase to the northbound left-turn/through Edgewater Road phase. This signal timing modification on northbound Edgewater Road, east of the service road median, would also require a one second shift from the northbound/southbound Sheridan Boulevard phase to the westbound Edgewater Road phase at the intersection of Sheridan Boulevard and Edgewater Road, at East 172nd Street, west of the service road median.

***Sheridan Boulevard and Edgewater Road (at Jennings Street) – East of Service Road Median***

The significant adverse traffic impacts to the northbound left-turn Edgewater Road lane group could be mitigated as follows:

- In the weekday AM construction peak hour, shift one second from the northbound through Edgewater Road phase to the northbound left-turn/through Edgewater Road phase. This signal timing modification on northbound Edgewater Road, east of the service road median, would also require a one second shift from the northbound/southbound Sheridan Boulevard phase to the westbound Edgewater Road phase at the intersection of Sheridan Boulevard and Edgewater Road, at Jennings Street, west of the service road median.

- In the weekday PM construction peak hour, shift three seconds from the northbound through Edgewater Road phase to the northbound left-turn/through Edgewater Road phase. This signal timing modification on northbound Edgewater Road, east of the service road median, would also require a three second shift from the northbound/southbound Sheridan Boulevard phase to the westbound Edgewater Road phase at the intersection of Sheridan Boulevard and Edgewater Road, at Jennings Street, west of the service road median.

***Westchester Avenue and Whitlock Avenue***

In the weekday PM construction peak hour, the significant adverse traffic impact to the southbound left-turn Whitlock Avenue lane group could be mitigated by shifting one second from the eastbound/westbound Westchester Avenue phase to the southbound Whitlock Avenue phase.