HERKIMER-WILLIAMS EIS
Chapter 22: Unavoidable Adverse Impacts

A. INTRODUCTION

This chapter summarizes unavoidable significant adverse impacts resulting from the Proposed Actions. According to the 2021 *City Environmental Quality Review* (CEQR) *Technical Manual*, unavoidable adverse impacts are those that would occur if a proposed project is implemented regardless of the mitigation employed, or if mitigation is infeasible.

As described in **Chapter 20, "Mitigation,"** the Proposed Actions would result in significant adverse impacts with respect to transportation (traffic, transit, and pedestrians), ~~air quality (mobile source),~~ and construction (transportation). To the extent practicable, mitigation has been proposed for these identified significant adverse impacts. In the event that no practicable mitigation is identified to fully mitigate significant adverse impacts, 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 are explored. In other cases, mitigation has been proposed, but absent a commitment to implement the mitigation, the impacts may not be eliminated. Where impacts cannot be fully mitigated, they would constitute an unavoidable significant adverse impact of the Proposed Actions.

B. TRANSPORTATION

As discussed in **Chapter 13, Transportation,"** the Proposed Actions would result in significant adverse impacts to: a) vehicular traffic at 16 intersections; b) ~~two~~ one stair~~s~~ at one subway station; and c) pedestrian elements at four sidewalks, five corners, and three crosswalks.

Traffic

As described in **Chapter 13, "Transportation,"** the Proposed Actions would result in significant adverse traffic impacts at 16 study area intersections (~~11~~ 13 signalized and ~~five~~ three unsignalized) during one or more analyzed peak hours; specifically, ~~23~~ 24 lane groups at 14 intersections during the weekday AM peak hour, ~~19~~ 22 lane groups at ~~13~~ 14 intersections in the midday peak hour, 27 lane groups at ~~16~~ 15 intersections in the PM peak hour, and 20 lane groups at ~~14~~ 13 intersections during the Saturday peak hour.

As demonstrated below, some of these impacts could be mitigated through the implementation of traffic engineering improvements, including:

- Modification of existing traffic signal phasing and/or timing~~; and~~
- ~~Installation of new traffic signals.~~

As discussed in **Chapter 20, "Mitigation,"** implementation of traffic engineering improvements would fully mitigate significant adverse traffic impacts at two lane groups in the weekday AM peak hour, ~~one~~ two lane group~~s~~ in the midday, zero lane groups in the PM, and zero lane groups in the Saturday peak hour. Intersections where these impacts would be fully mitigated would total two, ~~one~~two, zero, and zero during these same periods, respectively. As shown in **Table 20-4** in **Chapter 20, "Mitigation,"** no

practicable mitigation was identified for the impacts to one or more lane group(s) in one or more peak hours at ~~16~~ 15 intersections. Consequently, these impacts would constitute unavoidable significant adverse traffic impacts because of the Proposed Actions.

The proposed traffic engineering improvements will be implemented at the discretion of DOT. If DOT determines that implementation of the proposed traffic engineering improvement at one or more locations is infeasible, and no alternative and equivalent measure is identified, then that impact would remain unmitigated and would constitute an unavoidable adverse impact. Mitigation measures ~~will continue to be~~were evaluated between certification of the DEIS and publication of the FEIS.

Transit

As described in **Chapter 13, "Transportation,"** the Proposed Actions would result in significant adverse impacts to ~~two~~ one platform stair~~s~~ in the ~~AM and~~ PM peak hour~~s~~ at the Broadway Junction (A/C/J/L/Z) Subway Station complex. Stairway widening is the most common form of mitigation for significant stairway impacts, provided that New York City Transit (NYCT) deems it practicable (i.e., that it is worthwhile to disrupt service on an existing stairway to widen it and that a given platform and sidewalk affected by such mitigation are wide enough to accommodate the stairway widening). Another potential mitigation measure would be to add vertical capacity (i.e., adding an escalator or additional stairway) in the vicinity of the impacted stairway. Due to geometric limitations in the vicinity of the impacted stairs, it has been determined that the mitigation measures would not be feasible and as such, no feasible mitigation measures were identified for these stairs. Therefore, it is currently assumed that the Proposed Actions would result in an unmitigated significant adverse impact at ~~platform stairs P3/P4 and~~ the new platform stair to the southbound A/C platform in the Broadway Junction Subway Station complex. No~~netheless, the potential for~~ feasible mitigation measures ~~will continue to be evaluated~~were identified between certification of the DEIS and publication of the FEIS.

Pedestrians

As described in **Chapter 13, "Transportation,"** the Proposed Actions would significantly adversely impact four sidewalks, five corners, and three crosswalks in one or more peak hours. Recommended mitigation measures consisting of the widening of crosswalks would ~~fully~~ mitigate the impacts to ~~two~~ the north crosswalk at Williams Avenue/Herkimer Street at East New York Avenue during the weekday midday peak hour and the east crosswalk of Van Sinderen Avenue at Fulton Street during the Saturday peak hour~~s~~. Practicable mitigation measures could not be identified for significant adverse impacts in one or more peak hours at four sidewalks, ~~one~~ two crosswalks, and five corners. **Table 20-3** in **Chapter 20, "Mitigation,"** shows a summary of fully mitigated and unmitigated significant adverse impacts. The recommended pedestrian mitigation measures will be implemented at the discretion of DOT. If DOT determines that implementation of the recommended pedestrian mitigation measures at the two crosswalks is infeasible, and no alternative and equivalent measure is identified, then these impacts would remain unmitigated and would constitute unavoidable adverse impacts. Mitigation measures ~~will continue to be~~ were evaluated between certification of the DEIS and publication of the FEIS.

~~C. AIR QUALITY~~

~~As described in **Chapter 14, "Air Quality,"** the Proposed Actions would result in a potential significant adverse air quality impact related to the $PM_{2.5}$ annual *de minimis* criterion at one of the intersection sites analyzed. Between certification of the DEIS and publication of the FEIS, additional refinements to the~~

~~analysis will be performed which is expected to determine that the identified threshold for a *de minimis* impact related to mobile source annual average $PM_{2.5}$ increments will not be met. Additional modeling of $PM_{2.5}$ concentrations (Grid Analysis) will be performed using more comprehensive analysis procedures to determine the magnitude and extent of neighborhood-scale $PM_{2.5}$ impacts from mobile sources. Other updates may include the use of newer vehicle emissions model data and projections. It is anticipated that the analysis accounting for these additional data points will conclude that $PM_{2.5}$ concentrations as a result of the Proposed Actions fall below the annual *de minimis* criteria thresholds, and consequently the identified impacts related to mobile sources would not occur. However, if the additional review and evaluation determines that there would still be a significant adverse mobile source air quality impact at the analyzed location and there is no feasible or practical mitigation for the identified impact, then this would constitute an unavoidable adverse impact of the Proposed Actions.~~

~~D.~~C. CONSTRUCTION

Transportation

As presented in **Chapter 19, "Construction,"** in the second quarter of 2035 peak construction period, construction traffic in combination with operational traffic from completed development on the Projected Development Sites would result in significant adverse traffic impacts at 10 study area intersections (eight signalized and two unsignalized) during one or both analyzed construction peak hours; specifically, five lane groups at four intersections in the AM construction peak hour and 17 lane groups at 10 intersections in the PM construction peak hour. Some of these impacts could be mitigated through the implementation of traffic engineering improvements, including modification of existing traffic signal phasing and/or timing. ~~it is expected that potential significant adverse traffic and pedestrian impacts could occur during construction and that these impacts would be within the range of impacts identified **Chapter 13, "Transportation"** for the 2036 With-Action condition. The mitigation measures identified for 2036 operational traffic and pedestrian impacts would likely be similarly effective at mitigating any potential construction traffic and pedestrian impacts.~~

As discussed in **Chapter 20, "Mitigation,"** implementation of traffic engineering improvements would fully mitigate significant adverse traffic impacts at two lane groups in the AM construction peak hour and at one lane group in the PM construction peak hour. Intersections where all impacts would be fully mitigated would total two and one, during these same periods, respectively. As shown in **Table 20-17** in **Chapter 20, "Mitigation,"** no practicable mitigation was identified for the impacts to one or more lane group(s) in one or more peak hours at nine intersections. Consequently, these impacts would constitute unavoidable significant adverse traffic impacts because of the Proposed Actions. ~~As discussed in **Chapter 20, "Mitigation,"** most significant adverse impacts would be mitigated with the implementation of recommended mitigation measures, but unmitigated significant adverse impacts could remain at several intersections during the construction peak hours. No basic intersection improvement measures could mitigate the significant adverse construction-related impacts at these intersections and therefore these constitute unavoidable adverse impacts.~~ The proposed traffic engineering improvements will be implemented at the discretion of DOT. ~~In addition, i~~If DOT determines that an identified improvement is infeasible, and no alternative and equivalent measure is identified, then that impact would remain unmitigated and would constitute an unavoidable adverse impact.

In addition, as described in **Chapter 19, "Construction,"** the Proposed Actions would significantly adversely impact one crosswalk during the PM construction peak hour, which is also impacted during the

operational peak hours. A recommended mitigation measure consisting of the widening of a crosswalk would fully mitigate the impact to the crosswalk. The recommended pedestrian mitigation measure will be implemented at the discretion of DOT. If DOT determines that implementation of the recommended pedestrian mitigation measure at the crosswalk is infeasible, and no alternative and equivalent measure is identified, then this impact would remain unmitigated and would constitute an unavoidable adverse impact.