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 Measures," the Proposed Actions would result in significant adverse impacts with respect to community facilities (elementary school), open space, shadows, historic and cultural resources (architectural and archaeological resources), transportation (traffic, transit, and pedestrians), and construction (traffic, architectural resources, and noise). 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 and Services

PUBLIC SCHOOLS

As described in Chapter 4, "Community Facilities," the Proposed Actions would result in a significant adverse impact on elementary and intermediate schools.

Compared to the No-Action condition, the Reasonable Worst-Case Development Scenario (RWCDS) associated with the Proposed Actions would introduce a net increment of 3,575 total students, consisting of approximately 1,799 elementary school students, 804 intermediate school students, and 972 high school students spread across CSD 11, Sub-district 1 and CSD 12, Sub-district 2, with the majority of students being introduced by projected development sites within CSD 11, Sub-district 1. In the 2033 future with the Proposed Actions, CSD 11, Sub-district 1 would experience significant adverse impacts to elementary schools, while CSD 12, Sub-district 2 would not experience significant adverse impacts to either elementary or intermediate schools.

To eliminate these impacts in CSD 11, Sub-district 1, the Draft Environmental Impact Statement (DEIS) identified the following mitigation measures that could be applied in conjunction with the City's monitoring of capacity: a) restructure or reprogram existing school space under the Department of

Education's control in order to make available more capacity in existing school buildings located within CSD 11, Sub-district 1; b) relocate administrative functions to another site, thereby freeing up space for classrooms; and/or c) create additional capacity in the area by constructing a new school(s), building additional capacity at existing schools, or leasing additional school space constructed as part of projected development within CSD 11, Sub-district 1. The feasibility of these potential mitigation measures were explored between the publication of the DEIS and the Final Environmental Impact Statement (FEIS) and options a) and b) were found to be infeasible, however, if a need for additional capacity is identified, SCA/DOE will evaluate the appropriate timing and mix of measures to address increased school enrollment. If additional school construction is warranted and if funding is available, it will be identified in the Five-Year Capital Plan that covers the period in which the capacity need would occur. ~~These preliminary mitigation options will continue to be explored between the Draft Environmental Impact Statement (DEIS) and Final Environmental Impact Statement (FEIS).~~

New York City Department of City Planning (DCP), as lead agency, will continue to explore these mitigation measures with the SCA/DOE. Absent the implementation of these mitigation measures, the Proposed Actions would result in an unmitigated significant adverse impact on elementary schools.

22.3 Open Space

As described in Chapter 5, "Open Space," the Proposed Actions would result in a significant adverse indirect open space impact to total, passive, and active open space in the residential (½-mile) study area.

Possible measures that could mitigate the Proposed Actions' significant adverse open space impact in the residential study area may include: expanding existing parks; creating new open space on publicly-owned sites; pursuing opportunities to encourage owners of large privately-owned sites to create new open space as part of their redevelopment; making playgrounds accessible to the community after school hours through the Schoolyards to Playgrounds program, establishing new pedestrian plazas in streets through the City's Plaza Program, and/or improving existing parks to allow for more diverse programming and enhanced usability. ~~These potential mitigation measures are currently being explored in coordination with the lead agency, DCP, and the New York City Department of Parks and Recreation (DPR) and will be refined between the DEIS and FEIS.~~

Although many of the potential mitigation measures listed above could substantially increase the amount and usability of open space resources for the additional population introduced by the Proposed Actions, opportunities to create new publicly accessible open space resources in sufficient amounts (i.e., approximately 10 acres) within the study area to fully mitigate the identified significant adverse open space impacts are limited. As a consequence, the Proposed Actions' significant adverse open space impact would not be completely eliminated and, as a result, unavoidable significant adverse indirect open space impacts would occur.

22.4 Shadows

As described in Chapter 6, "Shadows," the Proposed Actions would result in significant adverse shadow impacts on three sunlight-sensitive resources: a portion of Pelham Parkway, the Greenstreet at Sacket Avenue, and a small portion of the larger 129-acre Parkchester Special Planned Community Preservation

District. For all three identified resources, the analysis determined that they would not receive adequate sunlight during the growing season (at least the six to eight hour minimum specified in the *CEQR Technical Manual*) as a result of incremental shadow coverage, and vegetation at these resources could therefore be significantly impacted.

According to the *CEQR Technical Manual*, possible measures that could mitigate significant adverse shadow impacts on open spaces may include relocating sunlight-sensitive features within an open space to avoid sunlight loss; relocating, replacing, or monitoring vegetation for a set period of time; undertaking additional maintenance to reduce the likelihood of species loss; or providing for replacement facilities on another nearby site. Other potential mitigation strategies include the redesign or reorientation of the open space to provide for replacement facilities, vegetation, or other features. The *CEQR Technical Manual* guidance also discusses strategies to reduce or eliminate shadows impact, including modifications to the height, shape, size, or orientation of a proposed development that creates the significant adverse shadow impact. ~~Measures to reduce or eliminate the Proposed Actions' shadow impacts will be explored~~ DCP, as lead agency, explored potential mitigation measures in coordination with NYC Parks between the DEIS and FEIS. No feasible measures were identified to mitigate the shadows impacts discussed above and, therefore, ~~Absent the identification and implementation of feasible and practicable mitigation measures that would mitigate the shadow impacts ,~~ the Proposed Actions would result in unmitigated significant adverse shadows impacts on the identified resources.

22.5 Historic and Cultural Resources

As described in Chapter 7, "Historic and Cultural Resources," the Proposed Actions would result in direct and indirect significant adverse impacts to both architectural and archaeological resources.

ARCHITECTURAL RESOURCES

The Proposed Actions would result in significant adverse direct impacts to the Parkchester Special Planned Community Preservation District which is eligible for listing in the State/National Registers of Historic Places (S/NR-eligible), as a result of the demolition and/or modification of contributing resources to the historic district (2000 East Tremont Avenue, 14 Metropolitan Oval, and 2040 East Tremont Avenue,). The significant adverse impacts as a result of demolition would be unavoidable, as the contributing buildings are privately owned and could be demolished and modified to allow for developments constructed as-of-right under the Proposed Actions.

In addition, potential significant adverse impacts would occur to contributing resources in the S/NR-eligible Parkchester Special Planned Community Preservation District, including the S/NR-eligible 1595 Unionport Road, as a result of adjacent construction located within 90 feet of projected or potential development sites. The S/NR-eligible Parkchester Special Planned Community Preservation District, including the S/NR-eligible 1595 Unionport Road, could experience construction-related damage, as neither the district nor the individual landmark are S/NR-listed or designated New York City Landmarks (NYCL) and would, therefore, not be afforded the added special protections under New York City Department of Buildings (DOB) requirements, potentially resulting in an unavoidable impact.

ARCHAEOLOGICAL RESOURCES

The Proposed Actions would result in construction activity on the project site that the Phase 1A Archaeological Study concluded was potentially sensitive for 19th century historic archaeological resources and human remains. In order to mitigate significant adverse impact on archaeological resources, additional archaeological analysis would be required on the site before it is redeveloped. While there are no mechanisms currently in place to ensure that this archaeological analysis would occur on the privately owned site subsequent to the rezoning, if redevelopment would involve either federal or state funding or permitting, then further environmental review could be required, and historic resource issues could be addressed. Environmental review could necessitate Phase 1B archaeological testing and possibly mitigation for identified significant resources through avoidance or data recovery. If future development does not entail federal or state funding and occurs as-of-right, the proposed action would result in significant adverse impacts on archaeological resources and there would be no mechanism available to require archaeological analysis to determine the presence of archaeological resources; therefore, these impacts would be unmitigated.

22.6 Transportation

TRAFFIC

As described in Chapter 13, "Transportation," the Proposed Actions would result in significant adverse traffic impacts at ~~38~~ 40 study area intersections during one or more analyzed peak hours; specifically, ~~79~~ 81 lane groups at ~~37~~ 39 intersections during the weekday AM peak hour, 63 lane groups at 29 intersections in the weekday midday peak hour, ~~70~~ 71 lane groups at ~~35~~ 36 intersections in the weekday PM peak hour, and ~~38~~ 39 lane groups at ~~20~~ 21 intersections during the Saturday midday peak hour.

Table 22-1, "Summary of Lane Groups/Intersections with Significant Adverse Traffic Impacts," indicates that significant adverse impacts would not be fully mitigated at ~~66~~ 68 lane groups at 28 intersections during the weekday AM peak hour, ~~50~~ 48 lane groups at ~~20~~ 19 intersections during the midday peak hour, ~~56~~ 55 lane groups at ~~25~~ 24 intersections during the PM peak hour, and ~~25~~ 24 lane groups at ~~ten~~ nine intersections during the Saturday midday peak hour. Table 22-2, "Lane Groups with Unmitigated Significant Adverse Traffic Impacts," provides a more detailed summary of the intersections and lane groups that would have significant adverse traffic impacts. In total, impacts to one or more approach movements would remain unmitigated in one or more peak hours at up to 30 study intersections.

Table 22-1: Summary of Lane Groups/Intersections with Significant Adverse Traffic Impacts**

Peak Hour	Lane Groups/ Intersections Analyzed	Lane Groups/ Intersections with No Significant Impacts	Lane Groups/ Intersections with Significant Impacts	Mitigated Lane Groups/ Intersections	Unmitigated Lane Groups/ Intersections
Weekday AM	252/59	171/20	81/39	13/11	68/28
Weekday Midday	250/59	188/30	63/29	15/10	48/19
Weekday PM	251/59	180/23	71/36	16/12	55/24
Saturday Midday	250/59	211/38	39/21	15/11	24/9
Note: The small difference in number of lane groups analyzed between time periods is due to the presence of de-facto left-turn/right-turn lanes in certain time periods					

Source: STV Incorporated, 2024.

**This table has been updated in the FEIS.*

Table 22-2: Lane Groups with Unmitigated Significant Adverse Traffic Impacts**

Signalized Intersections	Peak Hour			
	Weekday AM	**Weekday Midday**	**Weekday PM**	**Saturday Midday**
East Tremont Avenue at Boston Road/West Farms Road	WB-L, WB-TR, NE-LTR, SW-LTR, NB-LR, NB-R	WB-L, NE-LTR, SW-LTR, NB-LR	WB-L, WB-TR, NE-LTR, SW-LTR, NB-LR, NB-R	WB-L, NE-LTR, SW-LTR
East Tremont Avenue at Devoe Avenue	WB-L, WB-TR	WB-TR	--	--
East Tremont Avenue at Morris Park Avenue	EB-L, WB-LTR	--	EB-L, WB-LTR	--
East Tremont Avenue at White Plains Road	EB-L, WB-TR, NB-L, NB-TR, SB-T	EB-L, WB-LTR, NB-TR	EB-L, WB-LTR, NB-TR, SB-T	EB-L, WB-LTR, NB-TR
East Tremont Avenue at Unionport Road	EB-LTR, WB-LTR, SB-LTR	EB-LTR, WB-LTR	WB-LTR	--
East Tremont Avenue at Purdy Street	WB-LTR	--	WB-LTR	--
East Tremont Avenue at Bronxdale Avenue	EB-LT, SB-L, SB-R	EB-LT, SB-L, SB-R	EB-LT, SB-L, SB-R	--
East Tremont Avenue at Castle Hill Avenue	EB-T, WB-L, WB-TR, NB-R	EB-T, WB-L, WB-TR, NB-R	WB-L, WB-TR, NB-R	EB-T, WB-L, WB-TR, NB-R
East Tremont Avenue at Overing Street	--	WB-T	NB-LR	--
East Tremont Avenue at Silver Street	EB-L, SB-R	EB-L, SB-R	EB-L, SB-R	EB-L, SB-R
Williamsbridge Road at Pelham Parkway South Service Road	EB-R, NB-TR	--	--	--
Williamsbridge Road at Morris Park Avenue	NB-TR, SB-TR, EB-TR	NB-TR, SB-TR, EB-TR	NB-TR, SB-TR	--
Williamsbridge Road at Eastchester Road	NB-LTR, SB-LTR	NB-LTR, SB-LTR	NB-LTR, SB-LTR	NB-LTR, SB-LTR
Eastchester Road at Pelham Parkway North	WB-L, SB-T	--	WB-L, WB-T, SB-T	--
Eastchester Road at Pelham Parkway South	SB-LT	--	SB-LT	--
Eastchester Road at Pelham Parkway South Service Road	EB-TR, SB-LT	--	NB-TR, SB-LT	--
Eastchester Road at Stillwell Avenue	NB-LT, NB-R	NB-LT, NB-R	NB-LT, NB-R	NB-LT, NB-R
Eastchester Road at Morris Park Avenue	NB-L, NB-TR, SB-LTR, EB-L, EB-R	NB-L, SB-LTR, EB-L, EB-R	NB-L, NB-TR, SB-LTR, EB-L, EB-R	SB-LTR, EB-L, EB-R
Eastchester Road at Sackett Avenue	NB-L, NB-T, SB-TR	NB-L, NB-T, SB-TR	--	--
Eastchester Road at Bassett Avenue	NB-TR, SB-T	NB-TR, SB-T	NB-TR, SB-T	NB-TR
Eastchester Road at Waters Place	NB-T, NB-R, SB-L, WB-L	NB-T, NB-R, SB-L, SB-T, WB-L	NB-T, NB-R, SB-L, WB-L	NB-T, NB-R, SB-L, WB-L
Eastchester Road at Blondell Avenue	WB-LTR, NB-LT, SB-TR	WB-LTR, NB-LT, SB-TR	WB-LTR, SB-TR	--
Stillwell Avenue at Pelham Parkway	WB-TR	--	WB-TR	--
Waters Place at Marconi Street	WB-T, WB-R	--	WB-T	--
Waters Place at Fink Avenue/Hutchinson River Parkway Off-Ramp	SB-TR, WB-R	SB-TR	--	--
Bronxdale Avenue at Poplar Street	NB-L	NB-L	NB-L	--
Williamsbridge Road at Poplar Street	EB-LT	EB-LT	--	--
Eastchester Road at Loomis Street	--	NB-LT	NB-LT	--
Stillwell Avenue at McDonald Street	EB-LTR	--	EB-LTR	--
Bassett Avenue at Morris Park Avenue	EB-LR	--	EB-LR	--

Source: STV Incorporated, 2024.

**This table has been updated in the FEIS.*

The proposed mitigation measures include traffic engineering improvements such as signal timing changes and modifications to curbside parking regulations, and the construction of a new bridge on Marconi Street. The traffic engineering improvements and the construction of the new Marconi Bridge are subject to review and approval by DOT. If DOT determines that an identified traffic engineering improvements are deemed infeasible, and no alternative and equivalent measure is identified, then that impact would remain unmitigated and would constitute an unavoidable adverse impact. In addition, absent construction of the Marconi Bridge, there could be different or additional unmitigated locations constituting additional unavoidable adverse impacts.

PEDESTRIANS

Incremental demand from the Proposed Actions would significantly adversely impact 14 sidewalks and 11 crosswalks in one or more analyzed peak hours. There would be no significant impacts to any corner areas in any period. Recommended measures to mitigate pedestrian impact consist of the relocation/removal of impediments to sidewalk flow, the widening of the paved sidewalk area, and the widening of crosswalks. These measures would fully mitigate the impacts to three sidewalks and seven crosswalks. Implementation of the proposed mitigation measures would be subject to review and approval by DOT, as well as NYC Parks if a street tree is to be removed. If DOT or NYC Parks determines that an identified pedestrian improvement is infeasible, and no alternative and equivalent measure is identified, then that impact would remain unmitigated and would constitute an unavoidable adverse impact.

Practicable mitigation measures could not be identified for significant adverse impacts at nine, nine, eight and nine sidewalks during the weekday AM, midday, PM, and Saturday midday peak hours. Practicable mitigation measures could not be identified for significant adverse impacts at three, two, one, and one crosswalks during the same peak hours, respectively; these impacts would remain unmitigated and would constitute unavoidable adverse impacts.

22.7 Construction

TRANSPORTATION

As described in Chapter 19, "Construction," construction-related traffic would have significant adverse impacts at eight intersections during the weekday construction 6-7 AM peak hour and ~~23~~ 24 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 three intersections during the construction AM peak hour and ~~11~~ ten intersections during the construction PM peak hour and these impacts would constitute unmitigated significant adverse traffic impacts as a result of the Proposed Actions. The recommended mitigation measures are subject to review and approval by DOT. If DOT determines that an identified mitigation measure is infeasible, and no alternative and equivalent measure is identified, then that impact would

remain unmitigated and would constitute an unavoidable adverse impact. ~~No basic intersection improvement measures could mitigate the significant adverse construction-related impacts at these 12 total intersections and therefore these constitute unavoidable adverse impacts. In addition, 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.~~

HISTORIC AND CULTURAL RESOURCES

Architectural Resources

Potential significant adverse impacts would occur to contributing resources in the S/NR-eligible Parkchester Special Planned Community Preservation District, including the S/NR-eligible 1595 Unionport Road, as a result of adjacent construction located within 90 feet of projected or potential development sites. The S/NR-eligible Parkchester Special Planned Community Preservation District, including the S/NR-eligible 1595 Unionport Road, could experience construction-related damage, as neither the district nor the individual landmark are S/NR-listed or designated New York City Landmarks (NYCL) and would therefore, not be afforded the added special protections under New York City Department of Buildings (DOB) requirements, potentially resulting in an unavoidable impact.

NOISE

As discussed in Chapter 19, "Construction," the Proposed Actions would result in significant adverse construction noise impacts. Two representative construction sites were selected for analysis. The largest projected development site (Projected Development Site 59) and a typical projected development site with long-term construction duration (Projected Development Site 8) were selected to be analyzed for each phase of construction: excavation and foundation; superstructure; and interior fit-out. Projected Development Site 59 was selected to represent all large projected development sites (i.e., Projected Development Sites 7, 9, 29, 58, and 59), and Projected Development Site 8 was selected to represent all other projected development sites with construction duration of 24 months or more (i.e., Projected Development Sites 5, 8, 19, 22, 24, 31, and 38). No significant adverse construction noise impacts are expected from construction of development sites whose construction duration would be considered short-term (less than 24 months). Based on the construction stage predicted to occur at each development site according to the conceptual construction schedule during each of the selected analysis periods, each receptor expected to experience an exceedance of the construction noise impact threshold was determined for each period. One peak construction period per year over the analysis period of 2025 to 2033 was analyzed. Based on these determinations, receptors where noise level increases are predicted to exceed the noise impact threshold criteria were identified.

As described in Chapter 19, "Construction," and shown on Figure 19-2, "Construction Noise Impacts," the Proposed Actions would have the potential to result in significant adverse construction noise impacts throughout the Affected Area. Because the analysis is based on construction phases, it does not capture the natural daily and hourly variability of construction noise at each receptor. The level of noise produced by construction fluctuates throughout the days and months of the construction phases, while the construction noise analysis is based on the worst-case time periods only, which is conservative. The noise analysis results show that the predicted noise levels could exceed the impact criteria throughout the Affected Area. The analysis is based on RWCDS conceptual site plans and construction schedules, with the possibility that the actual construction may be of less magnitude, or that construction on multiple projected development sites may not overlap, in which case construction noise would be less than the analysis predicts.

Specific noise control measures would be incorporated in noise mitigation plan(s) required under the NYC Noise Control Code. These measures could include a variety of source and path controls. ~~These mitigations will be further explored between the DEIS and FEIS. If no practicable or feasible mitigation is identified, these impacts would constitute unavoidable significant adverse noise impacts as a result of the Proposed Actions.~~ Between publication of the DEIS and FEIS, additional mitigation measures were explored, however none were determined feasible and practicable. The following mitigation measures beyond the noise control measures already identified in Chapter 19, "Construction" could further 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;
- Utilization of isolation pads between the 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.

Because there is no mechanism to require these additional measures beyond what is required by the New York City Noise Control Code to partially or fully mitigate the significant adverse construction noise impact, the significant adverse construction noise impacts identified in Chapter 19, "Construction" would be unavoidable.