

A. INTRODUCTION

Unavoidable significant adverse impacts are defined as those that meet the following two criteria:

- There are no reasonably practicable mitigation measures to eliminate the impact; and
- There are no reasonable alternatives to the proposed actions that would meet the purpose and need for the actions, eliminate the impact, and not cause other or similar significant adverse impacts.

As described in Chapter 21, “Mitigation Measures,” a number of the potential impacts identified for the proposed actions could be mitigated. However, as described below, in some cases, impacts from the proposed actions would not be fully mitigated.

B. HISTORIC AND CULTURAL RESOURCES

As described in Chapter 7, “Historic and Cultural Resources,” the proposed actions, through redevelopment, would have significant adverse direct impacts on two architectural resources that have been determined eligible for listing on the State and National Registers of Historic Places (S/NR)—the Essex Street Market and the former fire station at 185 Broome Street. In addition, new development on Site 1 could have significant adverse visual and contextual impacts on the S/NR-listed Lower East Side Historic District and the S/NR-eligible Eastern Dispensary, which also appears to be eligible for New York City Landmark (NYCL) designation.

As described in Chapter 21, “Mitigation Measures,” the New York City Economic Development Corporation (NYCEDC) and the City of New York Department of Housing Preservation & Development (HPD) are undertaking continuing consultation with the New York City Landmarks Preservation Commission (LPC) and the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) regarding the development of mitigation measures for these significant adverse impacts. Potential mitigation measures that could partially mitigate the impact of the demolition of the Essex Street Market and former fire station may include, to the extent practicable and feasible: preparation of Historic American Buildings Survey documentation of all four buildings of the Essex Street Market and the former fire station; a permanent interpretive exhibit or exhibits about the Essex Street Market and the former fire station, which could be developed and installed in the new Essex Street Market facility on Site 2 or in another appropriate location near the project site; architectural salvage if any significant exterior or interior architectural elements could be removed and incorporated into the proposed development; and design of the new buildings on Sites 2, 8, 9, and/or 10 to reference the design of the Essex Street Market, which could include incorporating references to such architectural elements of the market buildings as the strip windows and the incised lettering above the entrances.

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In addition, NYCEDC and HPD will continue to consult with LPC and/or OPRHP regarding the compatibility of the proposed development on Site 1 with the S/NR-listed Lower East Side District, in which it is located, and with the S/NR-eligible and NYCL-eligible Eastern Dispensary. Submission of the preliminary design of the proposed building on Site 1 to LPC and/or OPRHP for review and comment following a developer's Request for Proposals (RFP) process (described below) is proposed as a means to eliminate or partially mitigate the potential contextual and visual impact on the historic district and Eastern Dispensary from the proposed development on Site 1. If LPC and/or OPRHP determine that the preliminary design of the proposed building on Site 1 would result in a significant adverse impact on the Lower East Side Historic District and/or the Eastern Dispensary and no design changes, which are feasible and practicable given NYCEDC and HPD's goals and objectives, are identified to eliminate or fully mitigate this impact, it would constitute an unmitigable significant adverse impact on the Lower East Side Historic District and/or the Eastern Dispensary.

At this time, there are no specific development proposals for Sites 1 through 6 and 8 through 10, and future developers will be selected pursuant to an RFP process. For sites that may be under the jurisdiction of HPD, mitigation would, to the extent practicable and feasible, either be undertaken by HPD or required to be undertaken by the developer(s) through provisions in the Land Disposition Agreement (LDA) between HPD and the developer(s). For City properties that may be managed by NYCEDC, mitigation would, to the extent practicable and feasible, either be undertaken by NYCEDC or required to be undertaken by the developer(s) through the provisions of a contract or other legally binding agreement between NYCEDC and the developer(s). transportation.

As discussed in Chapter 13, "Transportation," the proposed actions would result in significant adverse traffic impacts at locations within the traffic study area. The vast majority of the locations that would be significantly impacted could be mitigated using standard traffic improvements such as signal timing and phasing changes, parking regulation changes to gain or widen a travel lane at key intersections, and lane restriping.

Under the proposed actions, a maximum of six intersections would experience unmitigable impacts in the 2022 With Action year (but not in all peak hours). Of these six intersections, one intersection, the intersection of Delancey Street and Allen Street, could be partially mitigated. At this intersection, traffic improvements would be able to mitigate one, but not all, of the impacted movements. The five other intersections that would remain unmitigated are the intersections of East Houston Street and Allen Street/First Avenue, and Delancey Street with Essex Street, Norfolk Street, Suffolk Street and Clinton Street. Specific peak hours affected are described in detail in Chapter 21, "Mitigation Measures."

The New York City Department of Transportation (NYCDOT) is currently developing an areawide plan to improve traffic and pedestrian safety in the study area. Also, signal timing modifications are being proposed by NYCDOT along Allen Street to improve service along the M15 bus line. Details of these plans, when finalized, will be incorporated between the completion of the Draft Generic Environmental Impact Statement (DGEIS) and Final Generic Environmental Impact Statement (FGEIS) should the plans be adopted prior to release of the FGEIS. As a result, mitigation measures and findings presented in the FGEIS may be different than those identified in the DGEIS.

C. CONSTRUCTION

As described in Chapter 19, “Construction,” construction of the proposed development would be required to include measures to reduce noise levels during construction as required by the New York City Noise Control Code. Even with these measures, a conservative analysis based on a conceptual worst-case construction activity and equipment schedule determined that noise levels due to construction activities would result in significant adverse noise impacts at some sensitive receptors (i.e., residential/school buildings) immediately adjacent to some of the proposed development sites. Construction activities would be expected to result at various times in significant adverse noise impacts at 15 locations.

Some potential receptor controls that could be used to mitigate the impacts at the 10 residential/commercial locations where interior L_{10} values would be expected to exceed the value considered acceptable by CEQR criteria include the installation of interior storm windows at locations with single-glazed windows, replacement of single-glazed windows with acoustically rated windows, improvements in the sealing of the existing windows, and/or the provision of air-conditioning so that the impacted structures can maintain a closed-window condition. Such measures may affect the ability to achieve project goals with regard to the development of affordable housing and/or other project amenities; however, further exploration of the measures will be conducted between DGEIS and FGEIS to determine the practicability and feasibility of implementing these measures to minimize or avoid the potential significant adverse impacts, taking into account the practicability relative to project goals. Should it be determined that there are no practicable mitigation measures are not practicable, taking into account project goals, and should the development sites be developed and constructed as conservatively presented in this conceptual schedule, up to 10 residential/commercial locations would be expected to experience an unmitigated significant adverse impact at various times.

At limited times during the construction period, Seward Park High School (350 Grand Street) would be expected to experience significant noise impacts that may be considered unmitigated. The west, north, and east facades of the school building may experience elevated noise as a result of the proposed actions. The DGEIS discloses worst-case construction-related noise impacts at the school. However, it is possible that based on further assessment of conditions at the school, certain facades (or portions thereof) may be less affected (or not be affected at all) by project-related construction noise. Further assessment related to construction impacts at the school will be conducted between DGEIS and FGEIS to refine the area of potential impact. Some potential receptor controls that could be used to mitigate the impacts include the installation of interior storm windows, replacement of single-glazed windows with acoustically rated windows, improvements in the sealing of the existing windows, and/or the provision of air-conditioning so that the impacted structures can maintain a closed-window condition. The project sponsors will explore potential mitigation measures between DGEIS and FGEIS. In the event that mitigation measures are not determined feasible and practicable, the impact would be unmitigated.

In addition, at the four (4) buildings that have the potential to experience noise impacts only at outdoor balconies at various floors, there would be no feasible or practicable mitigation to mitigate the construction noise impacts at the balconies. Therefore these balconies would be considered to experience unmitigated significant noise impacts as a result of construction.

Thus, should the development sites be developed and constructed as conservatively presented in the conceptual schedule in Chapter 19, “Construction,” up to 15 locations could experience significant impacts for certain limited periods during construction. *