

**A. INTRODUCTION**

This chapter summarizes unavoidable significant adverse impacts that may result from the ~~previously proposed project~~ Proposed Project.<sup>1</sup> According to the 2020 *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 impracticable.

As described in Chapter 19, “Mitigation,” the ~~Proposed Project~~ previously proposed project would result in significant adverse impacts with respect to open space (the open space impact would result from the shadows impact and is therefore discussed under shadows), shadows, historic and cultural resources, traffic, pedestrians, and construction (traffic 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 the significant adverse impacts, and there are no reasonable alternatives to the ~~Proposed Project~~ previously proposed project that would meet the purpose and need, eliminate potential impacts, and not cause other or similar significant adverse impacts.

**B. SHADOWS**

As discussed in Chapter 19, “Mitigation,” the ~~Proposed Project~~ previously proposed project has the potential to result in a significant adverse shadow impact to the Southbridge Towers complex open spaces. ~~While~~ The Applicant has stated that, at this time, there is no massing alternative to remove the significant adverse shadow impact and the significant adverse open space impact from direct effects on the Southbridge Towers complex open spaces and feasibly meet the goals and objectives of the Proposed Project previously proposed project. Mitigation measures to partially offset the significant adverse impact to the Southbridge Towers complex open spaces’ users and vegetation were developed. The Applicant will monitor the open spaces’ vegetation and replace vegetation with more shade-tolerant species, as necessary, potential mitigation measure are being explored by the Applicant in consultation with the Department of City Planning (DCP) and NYC Parks, and will be refined between the Draft Environmental Impact Statement (DEIS) and Final Environmental Impact Statement (FEIS), see Chapter 19, “Mitigation.” However, for the purposes of the ~~DEIS~~ FEIS, this impact would remain unmitigated.

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<sup>1</sup> Since the publication of the DEIS, the Applicant has withdrawn the application for the previously proposed project and submitted a modified application (Application Number C 210438(A) ZSM; the “A-Application”) with proposed changes to the project—this modified version of the project is described and considered in this FEIS as the Reduced Impact Alternative, as outlined in Chapter 18, “Alternatives.”

## C. HISTORIC AND CULTURAL RESOURCES

As discussed in Chapter 6, “Historic and Cultural Resources,” and Chapter 19, “Mitigation,” the New York City Landmarks Preservation Commission (LPC) voted on May 4, 2021 to issue Certificates of Appropriateness for a modified design version of the previously proposed building on the Development Site (Docket #: LPC-21-03235; Document #: COFA-21-03235) and the potential expansion of the Museum (Docket #: LPC-21-04480; Document #: SUL-21-04480). On May 13, 2021, LPC issued a Certificate of Appropriateness (Design Approval) with respect to the modified design of the previously proposed building on the Development Site. The program and bulk of the approved designs are within the Reasonable Worst Case Development Scenario (RWCDs) that is analyzed in theis DEIS and this FEIS for the previously proposed building on the Development Site and the potential expansion of the Museum.

For the purposes of this ~~DEIS~~Final Environmental Impact Statement (FEIS), a new building on the Development Site that would be developed to the RWCDs’s maximum building envelope (e.g., up to a maximum height of 395 feet) would have the potential to result in significant adverse contextual impacts to historic resources. The Applicant has withdrawn the application for the previously proposed building and intends to submit a revised Land Use Application consistent with the LPC-approved designs between the publication of ~~this the DEIS and the this Final Environmental Impact Statement (FEIS, which is considered in this FEIS as the Reduced Impact Alternative, as described in Chapter 18, “Alternatives.”)~~ and the height, proportion, and massing of the building will therefore be refined between the publication of this DEIS and the FEIS; the FEIS will identify changes to the maximum building envelope and reflect a building massing that is consistent with the LPC approved design. The incorporation of these changes is anticipated to eliminate potential contextual impacts on the surrounding historic district. However, for the purposes of the DEIS, this impact would remain unmitigated.

## D. TRANSPORTATION

As discussed in Chapter 19, “Mitigation,” the intersections of Pearl Street and Beekman Street, Pearl Street and Dover Street, and Pearl Street and Robert F. Wagner Sr. Place could not be fully mitigated during one of more analysis peak hours; therefore, these unmitigated impacts would constitute unavoidable significant adverse impacts. ~~Subject to continuing review by the New York City Department of Transportation (DOT), some of the analyses and mitigation conclusions presented in this DEIS could change and may be revised, as needed, for the FEIS.~~

With regard to the significant adverse pedestrian impacts at the southeast corner of Pearl Street and Frankfort Street during the weekday midday and PM peak hours, a six-foot corner curb extension has been identified to fully mitigate these impacts as summarized in Chapter 19, “Mitigation.” As part of the curb extension, a “No Standing Anytime” parking regulation would need to be installed along the north curb of the eastbound receiving side of Dover Street for approximately 40 feet, which would remove two on-street parking spaces dedicated to the Human Resources Administration. The feasibility of these measures would be subject to approval by DOT prior to implementation, and should they be deemed infeasible and no alternative mitigation measures can be identified, then the identified significant adverse pedestrian impacts would constitute unavoidable significant adverse impacts.

## E. CONSTRUCTION

The ~~Proposed Project~~previously proposed project would have the potential for unmitigated significant adverse impacts with regard to construction ~~traffic and construction noise~~.

### CONSTRUCTION TRAFFIC

~~As discussed in Chapter 17, "Construction," and Chapter 19, "Mitigation," the Proposed Project could potentially result in unmitigatable significant adverse traffic impacts at the Pearl Street and Beekman Street and Pearl Street and Frankfort Street/Dover Street intersections during the construction AM peak hour, which would constitute unavoidable significant adverse impacts.~~

### CONSTRUCTION NOISE

As discussed in Chapter 17, "Construction," and Chapter 19, "Mitigation," the detailed analysis of construction noise determined that construction of the ~~Proposed Project~~previously proposed project has the potential to result in noise levels that would constitute significant adverse construction-period impacts at multiple sensitive locations.

~~As discussed in Chapter 19, "Mitigation," the Proposed Project is committed to implementation of additional control measures beyond those required by Code, which were identified in Chapter 17, "Construction." Additional mitigation measures will be continued to be further explored between the DEIS and FEIS; however, if no reasonably practicable measures can be identified those construction noise impacts would be unmitigated.~~

For the Pearl Street Playground and outdoor residential balconies of the Southbridge Towers buildings (i.e., 100 Beekman Street, 299 Pearl Street, 333 Pearl Street), noise levels near where construction activities are taking place would increase above the construction noise impact criteria and would result in significant adverse noise impacts on these locations. Noise levels at the Pearl Street Playground and outdoor residential balconies are currently above the recommended *CEQR Technical Manual* noise level for outdoor areas and proposed construction activities would exacerbate these exceedances of the recommended level. While the previously proposed project is committed to implementation of additional control measures beyond those required by Code as discussed in Chapter 19, "Mitigation," ~~N~~no practical and feasible mitigation measures have been identified that could be implemented to reduce noise levels below threshold. Consequently, construction activities would result in noise levels at the Pearl Street Playground and outdoor residential balconies identified above that would constitute a significant adverse noise impact. Therefore, at these receptors, the significant adverse construction noise impacts would be unavoidable. However, as construction would not regularly occur during evening or weekend hours, the playground and balconies would be free of construction noise during these times.

~~At building façades that are predicted to experience impact, and that do not already have insulated glass or storm windows and an alternate means of ventilation, potential mitigation measures may include the~~ Applicant would offer to make available at no cost the installation of storm windows for façades that do not already have insulated glass windows and/or one window air conditioner per bedroom, ~~or living room, or classroom on impacted façades at residences~~ that do not already have alternative means of ventilation. With the provision of such measures, the façades of these buildings would be expected to provide approximately 25 dBA window/wall attenuation. Even with these measures, interior  $L_{10(1)}$  noise levels at these buildings would at times during the construction period exceed the 45 dBA guideline recommended for residential and community spaces according to CEQR noise exposure guidelines by up to approximately 17 dBA. Because

interior noise levels could still exceed the acceptable threshold even with the provision of receptor noise mitigation, the significant adverse construction noise impacts identified in Chapter 17, "Construction," would be only partially mitigated. In addition, some building owners may not accept the potential offer of storm windows and/or alternative means of ventilation ~~if such measures are determined as mitigation~~; at these locations, the significant adverse construction-period noise impacts would be unmitigated. Because these impacts cannot be fully mitigated, the impacts would constitute an unavoidable adverse impact. \*