Chapter 22: Effects on Disadvantaged Communities[1]

A. EFFECTS ON DISADVANTAGED COMMUNITIES

Effective December 30, 2024, Section 8-0109(2)(k) of the New York State Environmental Conservation Law requires that EISs include a statement of the effects of the proposed actions on disadvantaged communities, including whether the action may cause or increase a disproportionate pollution burden on a disadvantaged community (DAC). The 2021 *City Environmental Quality Review (CEQR) Technical Manual* predates these revisions to the Environmental Conservation Law and does not provide guidance regarding the scope of this analysis; however, on January 29, 2025, the DEC proposed draft revisions to its SEQRA regulations (6 NYCRR Part 617) to implement this new statutory provision. This assessment considers the impacts that have been identified pursuant to the *CEQR Technical Manual* as well as applicable guidance from DEC in determining whether the Proposed Actions would result in disproportionate impacts on DACs.

PRINCIPAL CONCLUSIONS

The Proposed Project would not occur within a ½-mile of any DAC and the Proposed Actions' potential significant adverse impacts would not affect a DAC. As the Proposed Project's potential significant adverse impacts would occur in non-DAC census tracts, there would not be a disproportionate pollution burden on DACs as a result of the Proposed Actions. Nor do the Proposed Actions have the potential to cause any combination of moderate effects which together would result in a disproportionate impact on a DAC.

IDENTIFICATION OF DISADVANTAGED COMMUNITIES

In 2023, the Climate Justice Working Group (CJWG), an advisory council established under the New York State Climate Leadership and Community Protection Act (CLCPA), used 45 indicators to identify DACs in New York State. Approximately 35 percent of New York State census tracts were identified as DACs. The criteria include multiple indicators that represent the environmental burdens or climate change risks within a community, or population characteristics and health vulnerabilities that can contribute to more severe adverse effects of climate change. Census tracts with higher scores relative to other census tracts statewide or to their region (i.e., New York City) were identified as DACs.

Based on DEC's Disadvantaged Community Assessment Tool, which is a screening tool created to help lead agencies assess disproportionality and consider whether a potentially affected DAC has an increased likelihood of experiencing a moderate to large impact based on existing burdens or vulnerabilities as compared to relevant non-DACs, neither the Project Site nor the ½-mile study

[1] This chapter is new to the EIS.

area contains any DACs (see **Figure 22-1**). The nearest DAC is Census Tract 152, approximately ¾ mile away from the Project Site, in the Yorkville section of the Upper East Side of Manhattan.

DISADVANTAGED COMMUNITIES ASSESSMENT

The Proposed Actions would not result in significant adverse impacts in the following technical areas analyzed in this FEIS: land use, zoning, and public policy; community facilities and services; open space; historic and cultural resources; urban design and visual resources; hazardous materials; water and sewer infrastructure; transportation; air quality; greenhouse gas emissions and climate change; noise; public health; or neighborhood character. As such, the Proposed Actions would not cause a disproportionate impact on DACs with respect to any of these technical areas.

The proposed Environmental Assessment Form (EAF) Full Form identifies direct or indirect impacts that may affect a DAC, including: new noise sources or expansions/modifications of existing noise sources (i.e., noise from operational sources or construction activities); emissions of air pollutants including mobile emissions; wastewater discharges; generation of odors; light pollution (excessive or inappropriate artificial lighting); new or modified radiation sources; or new or modified sources of solid waste generation, management, or disposal. The Proposed Actions would not result in significant adverse impacts in most of these technical areas in DACs or in non-DACs. This FEIS discloses the potential for shadows impacts and temporary construction noise impacts. Shadows impacts neither reach a DAC nor are they an impact area identified in the proposed EAF Full Form. Temporary construction noise impacts are discussed below.

CONSTRUCTION (NOISE)

The construction analysis determined that there are areas on and surrounding the Project Site under either Envelope 1 or Envelope 2 where construction noise would result in a significant adverse impact (see Chapter 16, "Construction"). None of these significant impacts would occur within or near a DAC census tract. Given the potential for noise effects related to construction sources would be temporary and localized, the Proposed Actions would not cause or increase a disproportionate pollution burden on DACs as a result of noise during construction. ✷

This figure is new for the FEIS.



Disadvantaged Communities Study Area

LENOX HILL HOSPITAL REDEVELOPMENT

Figure 22-1