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Effects on Disadvantaged Communities

This section assesses the potential for the Proposed Actions to cause or increase a disproportionate pollution burden on disadvantaged communities (DACs). Potential impacts are weighed against the benefits that would result from the Proposed Actions in assessing whether they would cause a disproportionate burden on affected communities.

Introduction

Section 8-0109(2)(k) of the New York State Environmental Conservation Law requires that lead agencies consider the effects of proposed actions on DACs as part of environmental review, including whether the action(s) may cause or increase a disproportionate pollution burden. A disproportionate pollution burden is a pollution burden within an affected DAC that is, or would be, significantly greater than that same burden in comparable non-DACs, as a result of the Proposed Actions.[1]

As described in **Chapter 1, Project Description**, the Proposed Actions would enable the development of two new buildings (collectively, the Proposed Projects)—a 44-story, mixed-use residential and commercial building at 629 West 54th Street (Manhattan Block 1102, Lot 11) (Development Site 1) and a 38-story, mixed-use residential and commercial building at 801 Eleventh Avenue (Manhattan Block 1103, Lot 36) (Development Site 2).

The Proposed Projects would contain a total of approximately 1,179,321 gross square feet (gsf; 892,442 zoning square feet [zsf]), including approximately 939,934 gsf (743,701 zsf) of residential floor area and 199,750 gsf (148,740.6 zsf) of commercial floor area across the two development sites. The building at 629 West 54th Street would contain up to approximately 617 dwelling units (DUs) and 113,990 gsf of commercial auto dealership space. The building at 801 Eleventh Avenue would contain 477 DUs and 85,760 gsf of commercial auto dealership space.

[1] NYSDEC, Environmental Justice Siting Law Interim Guidance, https://dec.ny.gov/sites/default/files/2025-01/ejsitinglawseqrfaqs.pdf

The Proposed Actions include a zoning text amendment, a zoning map amendment, and zoning special permits to facilitate a transfer of floor area from the Granting Sites (Chelsea Piers, Piers 81/83, and Pier 98) within Hudson River Park to the development sites. In addition to the Proposed Actions, the Board of Directors of Hudson River Park Trust must approve the sale of the floor area from the Granting Sites, which requires a Signification Action process pursuant to the Hudson River Park Act.

Given the range of programs that could result from the Proposed Actions, two reasonable worst case development scenarios were assessed to ensure conservative analyses. The Maximum Commercial Scenario assesses the Proposed Projects with a more conservative mix of commercial retail and office uses instead of auto dealership space. The Maximum Residential Scenario assesses a development scenario in which the Applicants instead maximize the residential floor area that could be developed on each Development Site.

The Project Area is located in a disadvantaged community, as discussed below, and therefore further assessment is warranted.

Principal Conclusions

The Proposed Actions would not have a disproportionate effect on disadvantaged communities. Based on the technical analyses presented in the EIS pursuant to *CEQR Technical Manual* guidance, the Proposed Actions would not have the potential to result in significant adverse impacts in any technical areas other than transportation (traffic and buses) and construction (traffic and noise). The identified significant adverse operational traffic impact could be fully mitigated with signal timing changes which is a standard traffic capacity improvement that is typically implemented by the New York City Department of Transportation (NYC DOT). The bus impacts could be fully mitigated through the provision of additional service on the M12 and M57 bus routes. Although the Proposed Actions would result in significant adverse construction noise impacts that would be unmitigable, and construction traffic impacts only partially mitigated, these impacts would not cause or increase a disproportionate pollution burden on a DAC, either alone or in conjunction with other technical areas.

Methodology

Based on guidance from the New York State Department of Environmental Conservation (NYSDEC), an evaluation of a proposed action's potential effects on DACs is warranted if a project is located within a disadvantaged community, within a half mile of a disadvantaged community, or if its impacts could otherwise affect a disadvantaged community. The next step is to identify direct or indirect impacts related to pollution that could occur as a result of the proposed action. The final step is to determine whether any of the impacts identified would constitute a significant adverse impact on DACs.

Study Area

DACs in New York State are identified based on criteria adopted in 2023 by the Climate Justice Working Group (CJWG), a group composed of representatives from State Agencies and Environmental Justice groups across the State. The CJWG used 45 indicators to identify 35 percent of Census Tracts within New York State as DACs. The criteria include multiple indicators that represent

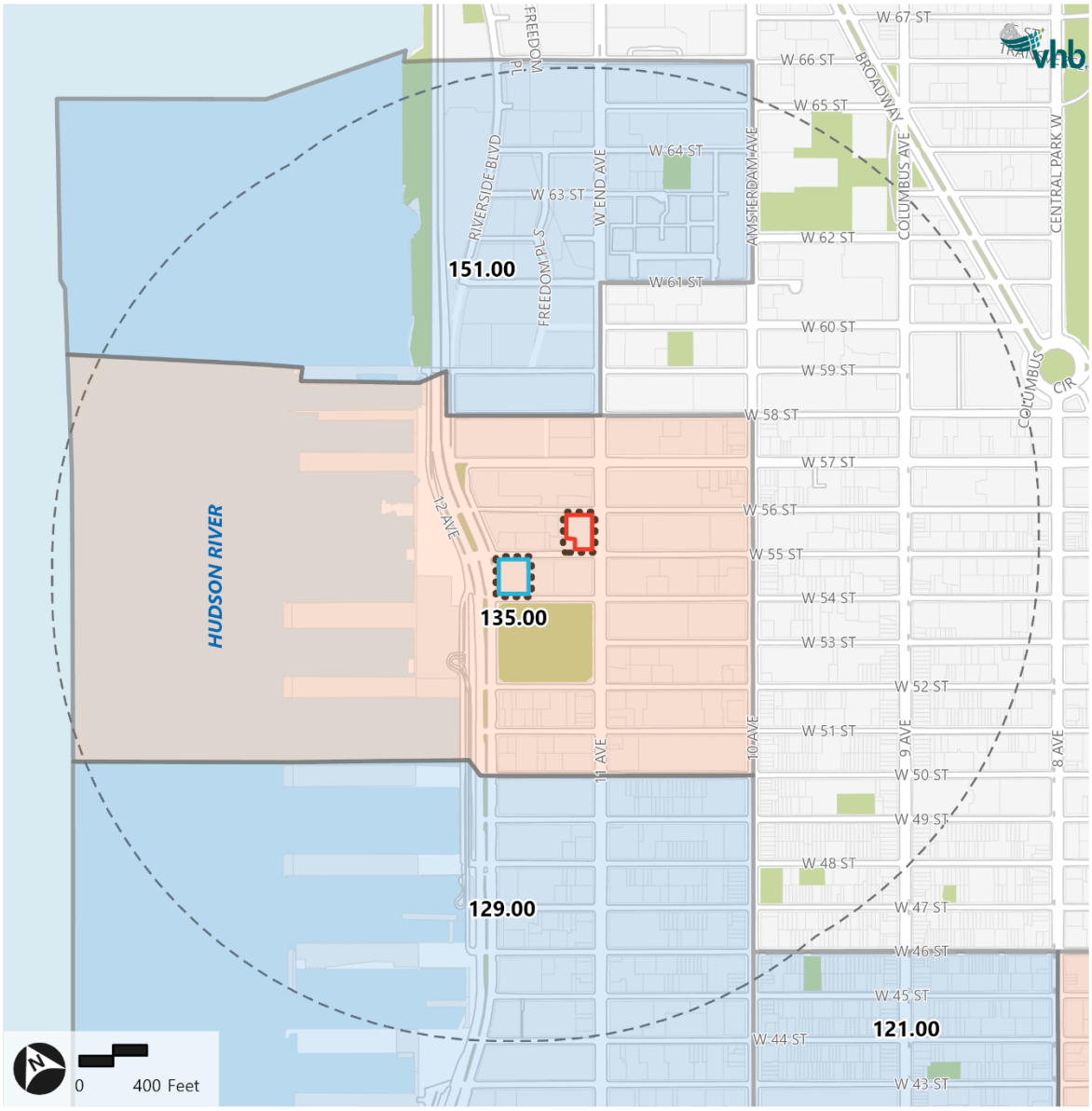
the environmental burdens or climate change risks within a community, or population characteristics and health vulnerabilities that can contribute to more severe adverse effects of climate change.[2]

As shown in **Figure 17-1**, the development sites are both located in Census Tract 135, which was identified as a DAC having comparatively higher burdens and vulnerabilities.[3] Based on guidance received from the NYC Department of City Planning (DCP), a half-mile study area is used to account for areas that could experience impacts on DACs from the Proposed Actions. Census Tracts identified as DACs are present within the half-mile study area surrounding the Project Area. In addition to Census Tract 135, of the Census Tracts with their boundaries intersecting the half-mile study area, tracts 121, 129, and 151 were each identified as DACs having comparatively lower burdens and vulnerabilities.

[2] NYSDEC (2025), https://climate.ny.gov/resources/disadvantaged-communities-criteria/

[3] The Disadvantaged Community Assessment Tool (DACAT) identifies DACs as having either 1) comparatively higher existing burdens or vulnerabilities and therefore an increased likelihood that a proposed action may have a moderate to large impact on the DAC, or 2) having comparatively lower existing burdens or vulnerabilities and therefore a decreased likelihood that a proposed action may have a moderate or large impact on the DAC. The methodology used by NYSDEC to delineate these categories is based on data from the CJWG and uses statistically meaningful thresholds to compare existing burdens in a DAC with existing burdens in the following non-DAC scenarios: statewide rural, statewide urban, regional rural, and regional urban. A detailed description of this methodology is provided here: https://es.dec.ny.gov/sites/default/files/2025-01/part617risdactoolappa.pdf

Figure 17-1 Disadvantaged Communities Study Area



Source: NYSDEC (2025)

Disadvantaged Communities Assessment

Impact Summary

The foregoing sections of the EIS have found that the Proposed Actions would not result in significant adverse impacts in any of the following CEQR technical areas: land use, zoning, and public policy; socioeconomic conditions; community facilities and services; open space; shadows; historic and cultural resources; urban design and visual resources; hazardous materials; water and sewer infrastructure; energy; air quality; greenhouse gas emissions and climate change; noise (operational); public health; and neighborhood character. As such, the Proposed Actions would not cause a disproportionate effect on DACs with respect to any of these technical areas.

As the *CEQR Technical Manual* has not been updated to include guidance for an assessment of Effects of Disadvantaged Communities, the draft proposed revised SEQRA Environmental Assessment Form (EAF) has been consulted for guidance for this analysis. The proposed 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; new or modified radiation sources; or new or modified sources of solid waste generation, management, or disposal. With the exception of construction noise (discussed in detail below), there would be no significant adverse impacts in any of these areas.

The EIS identified the potential for the Proposed Actions to result in significant adverse transportation impacts on two bus routes, significant adverse construction traffic impacts on one of the eight intersections analyzed during the AM construction peak hour and two intersections during the PM construction peak hour, and significant adverse construction noise impacts on one receptor. The identified bus impacts could be fully mitigated. The construction traffic impacts would remain unmitigated during the PM construction peak hour at one intersection. The identified construction noise impact would remain an unmitigated temporary significant adverse impact. The potential effects of these significant adverse impacts on disadvantaged communities are described in the sections below.

Transportation Impacts

Traffic

As discussed in **Chapter 10, Transportation**, the Proposed Actions would result in a significant adverse traffic impact at the intersection of Twelfth Avenue and West 55th Street during the Saturday peak hour. As discussed in **Chapter 18, Mitigation,** this identified significant adverse traffic impact could be fully mitigated with signal timing changes which is a standard traffic capacity improvement typically implemented by NYCDOT. As such, this impact could be fully mitigated.

Bus

As discussed in **Chapter 10, Transportation**, the Proposed Actions would result in significant adverse impacts due to projected service shortfalls on the M12 bus route in the northbound and southbound directions during the PM peak hour and on the M57 bus route in the eastbound direction during the AM peak hour. The M12 bus line provides service between Columbus Circle and Abington Square, and the M57 bus line provides service between the east side and west side of

Manhattan along 57th Street. Both of these bus lines connect areas that are DACs and areas that are not DACs, and their ridership includes residents of areas that are DACs and areas that are not DACs. As discussed in **Chapter 18, Mitigation**, impacts to the M12 bus route could be mitigated with an additional bus in each direction during the PM peak hour. Impacts to the M57 bus route could be mitigated with the addition of two buses in the eastbound direction in the AM peak hour. The general policy of New York City Transit (NYCT) is to provide additional bus service where demand warrants, taking into account financial and operational constraints. As such, these impacts could be fully mitigated.

Construction Impacts

Traffic

Significant construction traffic impacts were identified at two of the 11 intersections analyzed during the AM construction peak hour and four of the 11 analyzed intersections during the PM construction peak hour. Standard traffic capacity improvements typically implemented by the NYC Department of Transportation (DOT), such as signal timing modifications, could fully mitigate the significant traffic impacts at three of the four significantly impacted intersections during the PM construction peak hour (refer to **Chapter 18, Mitigation**). Significant traffic impacts during the AM and PM construction peak hour at the intersection of Twelfth Avenue and West 55th Street, due to the reduction of West 55th Street's travel lanes from three lanes to two lanes to facilitate construction activities and protect pedestrian traffic, would result in significant adverse traffic impacts that could not be mitigated; mitigation for the significantly impacted intersection at Eleventh Avenue and West 56th Street during the AM construction hour would also not be feasible (see **Chapter 18, Mitigation**, and **Chapter 20, Unavoidable Significant Adverse Impacts**). While unmitigated traffic impacts would occur during construction at these locations in the AM and/or PM peak hour, there would be no construction-period significant adverse impacts related to noise or air quality from mobile sources. The construction traffic impacts would be temporary; after construction of the Proposed Projects is complete, there would be no unmitigated operational traffic impacts.

Noise

The development sites are near existing residential and commercial land uses. Based on the proximity of these noise-sensitive land uses, there would be potential for the project to result in high exterior and interior noise levels at existing noise receptors. As discussed in **Chapter 16, Construction,** the Proposed Actions could result in construction noise impacts due to stationary sources at one receptor in the vicinity of the development sites. No sensitive receptors would experience an increase of 20 dBA over a period of three months or more as a result of construction of the Proposed Projects. However, construction noise impacts would occur at the existing commercial building at 619 West 54th Street (R32) located east of Development Site 1; . In total, construction activities would cause exterior and interior noise impacts on one commercial office receptor.

Construction of the Proposed Projects at the development sites would involve standard construction activities and practices for buildings in New York City. Typically, the noisiest activities occur during the foundation/excavation and superstructure/exterior phases of construction. The interior phases of construction typically have substantially quieter noise conditions because they involve minimal exterior equipment. With adherence to existing construction noise regulations and the implementation of a Construction Noise Mitigation Plan as required by the New York City Noise

Code, including an 8-foot construction noise barrier, construction noise would still exceed the thresholds for significant construction noise impacts prior to mitigation.

As discussed in **Chapter 14, Public Health**, the *CEQR Technical Manual* construction noise impact thresholds are based on quality-of-life considerations as opposed to public health considerations. Noise in and around residences may decrease quality of life by disrupting sleep or interfering with conversations. Prolonged exposure to levels above 85 dBA will eventually harm hearing. The predicted construction-period noise impacts identified and described in **Chapter 16, Construction**, would not constitute chronic exposure to high levels of noise because of the temporary and intermittent nature of construction-period noise. Furthermore, the potential for noise effects related to construction sources would be temporary and localized and is not expected to rise to area-wide level impacts that would warrant a detailed public health assessment. Therefore, given the magnitude and duration of the construction noise at nearby spaces, construction associated with the Proposed Projects would not result in significant adverse public health impacts due to construction. Exposure to this type of noise is common in dense, urban environments and routinely occurs in New York City in neighborhoods inside and outside of DACs. Further, the noise impacts would occur temporarily during the construction period. After construction of the Proposed Projects is complete, there would be no operational noise impacts.

Determination

Based on the technical analyses presented in the EIS pursuant to *CEQR Technical Manual* guidance, the Proposed Actions would not result in significant adverse impacts in any technical areas other than transportation (traffic and buses) and construction (traffic and noise). As discussed above, the anticipated traffic impact at one intersection during the Saturday peak hour could be fully mitigated through signal timing, and the anticipated impacts to the M12 and M57 bus routes could be fully mitigated through the provision of additional service on each bus line during the affected peak hours. Even if not fully mitigated, the effects of these impacts would not be borne disproportionately by DACs. While the impacted intersection at Twelfth Avenue and West 55th Street is located in a DAC, Twelfth Avenue is an arterial road that serves communities along the entire west side of Manhattan; i.e., the impact would not disproportionately affect those making local trips within a DAC. The M12 and M57 buses provide service in areas both inside and outside of DACs, and because the ridership of New York City buses is made up of a mix of residents of DACs and residents of areas not identified as DACs. Therefore, the Proposed Actions would not result in a disproportionate pollution burden on DACs related to transportation.

Unmitigated construction traffic impacts would only affect a single intersection during the PM peak hour and two intersections during the AM peak hour for a temporary period during construction, after which there would be no unmitigated operational traffic impacts following the completion of construction. The reduction of West 55th Street's travel lanes from three lanes to two lanes is necessary to facilitate construction activities and protect pedestrian traffic. The DOT Office of Construction Mitigation and Coordination (OCMC) reviews and approves Maintenance and Protection of Traffic (MPT) plans, and the implementation of the closures is also coordinated with DOT OCMC. In general, construction managers for major projects on adjacent sites also coordinate their activities to avoid delays and inefficiencies. These are standard practices undertaken at construction sites throughout the City, and while the impacted intersection is located in a DAC, construction traffic impacts would not cause a disproportionate burden compared to construction that occurs on a

regular basis throughout Manhattan and New York City. Therefore, the Proposed Actions would not result in a disproportionate pollution burden on DACs related to construction traffic.

Similarly, although the Proposed Actions would result in significant adverse construction noise impacts at a nearby receptor located in a DAC that would be unmitigable, these impacts would not cause or increase a disproportionate pollution burden on a DAC, either alone or in conjunction with other technical areas. Construction noise impacts would be temporary for periods of 3 to 12 months. No receptors would experience noise levels that would harm hearing with prolonged exposure, and construction at the development sites would be in compliance with the New York City Noise Code. Construction of the Proposed Projects would involve typical activities for projects of this size, and this type of construction is commonly found throughout New York City, including in areas located inside and outside of DACs.

Based on the foregoing analysis, the Proposed Actions would not disproportionately affect any disadvantaged communities, nor would they cause or increase a disproportionate pollution burden on disadvantaged communities.