PARK AVENUE BROOKLYN REZONING
Chapter 15: Effects on Disadvantaged Communities

A. INTRODUCTION

Effective 30 December 2024, Section 8-0109(2)(k) of the New York State Environmental Conservation Law requires that environmental review documentation includes a statement of the effects of the Proposed Actions on disadvantaged communities (DACs), including whether the action may cause or increase a disproportionate pollution burden. On January 29, 2025, the New York State Department of Environmental Conservation (NYSDEC) proposed draft State Environmental Quality Review Act (SEQRA) Amendments to implement this new statutory provision. The 2025 *City Environmental Quality Review (CEQR) Technical Manual* incorporates guidance from DEC regarding the scope of this analysis. This assessment of the effects on disadvantaged communities follows 2025 *CEQR Technical Manual* guidance relevant guidance from DEC to assess the Proposed Project's potential to cause or increase a disproportionate pollution burden on DACs.

As discussed in **Chapter 1, "Project Description,"** the Applicant is seeking a: (1) zoning map amendment to rezone portions of existing M1-1 and M1-2 zoning districts to M1-4/R7D and M1-4/R6-1 mixed use districts; and (2) zoning text amendment to establish the Project Area as a Mandatory Inclusionary Housing (MIH) Area. The Proposed Actions would facilitate the redevelopment of nine Applicant-controlled Projected Development Sites and three non-Applicant controlled Projected Development Sites within the Project Area, considered collectively and referred to as the total RWCDS for the Proposed Actions. Overall, the total RWCDS for the Proposed Actions would result in a total of 483 dwelling units (DUs), including 124 affordable units pursuant to the Applicant's proposed MIH Option 1, 244,088 gross-square-feet (gsf) of private school space, 80,155 gsf of local retail space, 11,590 gsf of medical office space, and 151 accessory parking spaces (the With-Action condition) on the 12 Projected Development Sites. Compared to No-Action conditions, the total RWCDS for the Proposed Actions would result in an incremental (net) increase of approximately 481 DUs, including 124 affordable units pursuant to MIH Option 1, 201,838 gsf of private school space, 28,505 gsf of local retail space, and net decreases of approximately 40,250 gsf of medical office space, 17,969 gsf of office space, 11,400 gsf of warehouse space, 5,000 gsf of house of worship space, as well as a net decrease of 100 parking spaces. For CEQR analysis purposes, construction of the 12 Projected Development Sites is anticipated to occur over a period of approximately 51 months, with expected completion and full occupancy by 2031.

B. PRINCIPAL CONCLUSIONS

The area affected by the Proposed Actions would affect Census Tracts comprised of Disadvantaged Communities (DACs) – both higher and lower vulnerability levels. The Proposed Actions have the potential to result in significant adverse impacts related to open space, transportation (traffic and pedestrians), and construction (noise), however, there would not be any disproportionate pollution burden on DACs as a result of those potential impacts. Although most of the potential impacts would occur in DACs with "higher burdens and vulnerabilities," the potential impacts would not cause a greater or more severe pollution burden in DACs as compared to non-DACs.

C. IDENTIFICATION OF DISADVANTAGED COMMUNITIES

In 2023, the Climate Justice Working Group (CJWG) used 45 indicators to identify disadvantaged communities (DAC) in New York State. Approximately 35 percent of New York State census tracts were identified as DAC. 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. Each census tract was scored based on relative burden, risk, vulnerability, or sensitivity. Specifically, the percentile ranks of the indicators for each census tract were combined to produce a value measuring a census tract's relative level of "Environmental Burdens and Climate Change Risks" as well as "Population Characteristics and Health Vulnerabilities" relative to other census tracts. census tracts with higher scores relative to other census tracts statewide or to their region (i.e., New York City) were identified as DACs.

DEC's Disadvantaged Community Assessment Tool (DACAT) compares three scores (Combined Score, Burden Component Score, and Vulnerability Component Score) for each census tract to non-DAC comparison scenarios (statewide urban, statewide rural, and urban/rural for each of the 10 regions). The DACAT then selects the lowest score in each of the comparison scenarios, called the "aggregate denominator." It also displays the percent difference between the three scores and the statewide mean or median for each. The DACAT compares the three scores with the identified aggregate denominators. If the Combined Score is 25 percent higher than its aggregate denominator, and one or both the Burden and Vulnerability Component Scores are 35 percent higher than their aggregate denominators, then DACAT highlights the census tract as having comparatively higher existing burdens or vulnerabilities. This indicates an increased likelihood that a proposed action may have a moderate or large impact on the DAC. If the conditions above are not met, then the DACAT highlights the census tract as 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.

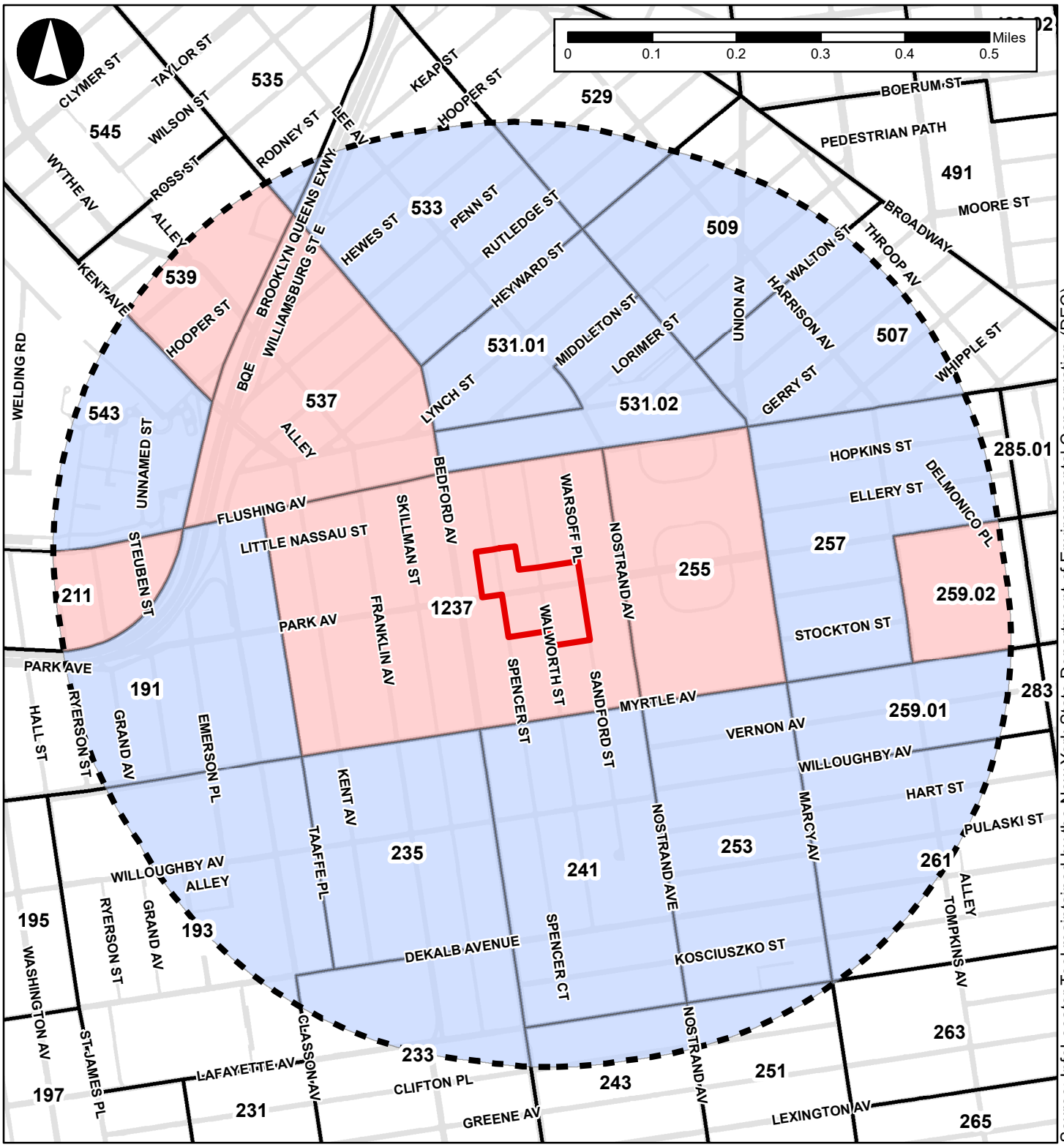
As shown in **Figure 15-1** and listed in **Table 15-1** below, the census tract comprising the Project Area (census tract 1237) is identified as a DAC with higher burdens and vulnerabilities. In total, the 0.5-mile study area includes six census tracts identified as DACs with higher burdens and vulnerabilities, and 20 census tracts identified as DACs with lower burdens and vulnerabilities. Details of the DACs with higher burdens and vulnerabilities identified in the Project Area and 0.5-mile study area are provided below.

D. DISADVANTAGED COMMUNITIES ASSESSMENT

As shown in **Figure 15-1** the census tract comprising the Project Area (census tract 1237) is identified as a DAC with higher burdens and vulnerabilities. Per DACAT, this DAC has a combined component score of 108.47, with a burden component score of 51.10, a vulnerability component score of 57.37, and a combined component score percentage difference of 28.84.

Census tract 1237 is identified as having "higher" burdens and vulnerabilities with both high vulnerability and burden component scores, indicating that the Population Characteristics, Health Vulnerability, Environmental Burdens and Climate Change Risks for this Census Tract is higher than other urban tracts state- and/or City-wide. The indicators used to determine this include:

DEC Disadvantaged Communities in the Study Area



Source: InfoLocator Tool maintained by the New York State Department of Environmental Conservation (DEC)

Legend

- Project Area
- 1/2-mile Radius
- 2020 Census Tracts

Study Area Census Tracts

- Identified as a DAC with higher burdens and vulnerabilities
- Identified as a DAC with lower burdens and vulnerabilities

TABLE 15-1
NYS Disadvantaged Communities in the 0.5-Mile Study Area

Census Tract	DAC Burdens and Vulnerabilities	Location
191	Lower	Study Area
193	Lower	Study Area
211	Higher	Study Area
233	Lower	Study Area
235	Lower	Study Area
241	Lower	Study Area
243	Lower	Study Area
251	Lower	Study Area
253	Lower	Study Area
255	Higher	Study Area
257	Lower	Study Area
259.01	Lower	Study Area
259.02	Higher	Study Area
261	Lower	Study Area
263	Lower	Study Area
507	Lower	Study Area
509	Lower	Study Area
529	Lower	Study Area
531.01	Lower	Study Area
531.02	Lower	Study Area
533	Lower	Study Area
535	Lower	Study Area
537	Higher	Study Area
539	Higher	Study Area
1237	Higher	Project Area and Study Area
543	Lower	Study Area

Source: DEC's DACAT.
Note: Refer to **Figure 15-1**.

- Environmental Burdens and Climate Change Risk:
  - *Land Use and Facilities Associated with Historical Discrimination or Disinvestment*. Proximity to remediation sites; proximity to regulated management plan sites; proximity to major oil storage facilities; proximity to power generation facilities; proximity to active landfills; proximity to scrap metal processors; industrial/ manufacturing/mining land use; and housing vacancy rate.
  - *Potential Climate Change Risks*. Extreme heat projections; flooding in coastal and tidally influenced areas (projected); flooding in inland areas (projected); low vegetative cover; agricultural land; and driving time to hospitals or urgent/critical care.
  - *Potential Pollution Exposures*. Vehicle traffic density diesel truck and bus traffic; particulate matter ($PM_{2.5}$); benzene concentration; and wastewater discharge.

- Population Characteristics and Health Vulnerability
  - *Income*. Percent <80% area median income; percent <100% of federal poverty line; percent without bachelor's degree; unemployment rate; and percent single-parent households.
  - *Race and Ethnicity.* Percent Latino/a or Hispanic; percent Black or African American; percent Asian; percent Native American or Indigenous; limited English proficiency; historical redlining score.
  - *Health Outcomes and Sensitivities.* Asthma emergency department visits; COPD emergency department visits; heart attack (MI) hospitalization; premature deaths; low

birthweight; percent without health insurance; percent with disabilities; percent adults age 65+.

- *Housing Mobility and Communications.* Percent renter-occupied homes; housing cost burden (rental costs); energy poverty/cost burden; manufactured homes; homes built before 1960; percent without internet.

For Environmental Burdens and Climate Change Risk, Census Tract 1237 had high scores (above 90th percentile) for particulate matter ($PM_{2.5}$), wastewater discharge, industrial/manufacturing/mining land use, proximity to remediation sites, and low vegetative cover. For Population Characteristics and Health Vulnerability, Census Tract 1237 had high scores (above 90th percentile) for percent <80% area median income, percent <100% of federal poverty line, historical redlining score, asthma emergency department visits, premature deaths, percent without internet, energy poverty / cost burden, and housing cost burden (rental costs).

While this DAC has higher burdens and vulnerabilities, the Proposed Actions would not result in significant adverse impacts in the following CEQR technical areas: land use, zoning, and public policy; socioeconomic conditions; urban design and visual resources; hazardous materials; water and sewer infrastructure; air quality; greenhouse gas emissions and climate change; noise; public health; neighborhood character; and construction (air quality and transportation). Furthermore, the EIS does not identify the potential for the Proposed Actions to cause any combination of moderate effects which together result in an impact. As discussed below, several measures are being incorporated to ensure that the Proposed Actions would not result in any significant adverse impacts related to some of those technical areas. As such, the Proposed Actions would not cause a disproportionate impact on DACs with respect to any of these technical areas, including cumulative effects from multiple technical areas.

Significant adverse impacts have the potential to occur in the following CEQR technical areas: open space, transportation (traffic and pedestrians), and construction (noise).

The Draft SEQRA Full 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. The Proposed Actions would not result in significant adverse impacts in most of these technical areas in DACs, nor would it cause a combination of moderate effects which together may result in a pollution impact in the Project Area or surrounding study area. Additionally, the Proposed Actions would not require any State agency approvals or any NYSDEC permits. However, the EIS discloses that the Proposed Actions have the potential to result in significant adverse open space, operational transportation and construction noise impacts; while none of these impacts themselves constitute pollution, each are described briefly below.

Open Space

As detailed in **Chapter 4, "Open Space,"** additional residents located in the 0.5-mile residential study area on the Projected Development Sites would lower the total, active, and passive open space ratio by approximately 1.52 percent, resulting in an indirect significant adverse impact on open space. As discussed in **Chapter 16, "Mitigation,"** the Applicant will continue to explore potential feasible mitigation measures in consultation with the lead agency, DCP, and NYC Department of Parks and Recreation (NYC Parks) between the DEIS and FEIS. If practicable

measures to fully mitigate the impact cannot be identified, then it would remain as an unavoidable adverse impact. However, this type of impact does not constitute pollution. Therefore, the Proposed Actions would not result in disproportionate pollution burden on DAC due to open space.

Transportation (Traffic and Pedestrians)

As detailed in **Chapter 8, "Transportation,"** the Proposed Actions have the potential to result in significant adverse impacts to a) vehicular traffic at nine intersections; and b) pedestrian conditions at six sidewalks. The identified impacts on pedestrians are unlikely to result in increased pollution. Traffic congestion occurs in locations throughout New York City, including in areas outside of DACs. Air and noise emissions associated with traffic may have the potential to create a pollution burden on a DAC, but traffic itself does not constitute pollution. As detailed in **Chapter 9, "Air Quality,"** concentrations of CO and $PM_{2.5}$ due to project-generated traffic at analyzed intersections would not result in any violations of National Ambient Air Quality Standards (NAAQS), and furthermore, concentrations were predicted to be below CEQR *de minimis* criteria. As such, the Proposed Actions would not result in a disproportionate pollution burden to DACs as a result of mobile source air quality emissions from traffic.

Construction (Noise)

As described in **Chapter 14, "Construction,"** the Proposed Actions would result in temporary construction impacts for construction noise. Locations in which significant adverse impacts were determined are shown in **Figure 14-3**. However, building construction would typically occur during weekday daytime hours and would therefore not produce noise during nighttime hours when residents would be most sensitive to noise. Further, construction would comply with *New York City Noise Control Code* regulations. Per *New York City Noise Control Code* regulations, construction under the Proposed Actions would be required to prepare a Construction Noise Mitigation Plan, which may identify more control measures that would further reduce construction noise levels. In addition, as discussed in **Chapter 14**, path control measures beyond NYC regulations for construction will be implemented as a Project Component Related to the Environment (PCRE) codified in the Restrictive Declaration for the Proposed Actions, specifically, concrete operations at Projected Development Site 6 would be located within the Development Site's construction barrier until 86 and 88 Walworth Street are vacated. Although the threshold for significant adverse construction noise impacts is predicted to be exceeded during construction in DAC census tracts, these temporary noise exceedances would not disproportionately affect the DACs. Given the potential for noise effects related to construction sources would be temporary and localized, it is not anticipated that the Proposed Actions would have a disproportionate pollution burden on DACs as a result of noise during construction.

Other Technical Areas

As noted above, the Proposed Actions would not result in significant adverse impacts in any of the other CEQR technical areas typically associated with pollution burdens. As discussed below, several measures are being incorporated to ensure that the Proposed Actions would not result in any significant adverse impacts related to some of those technical areas.

To avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise, (E) designations (E-898) will be mapped on some or all of the Projected and Potential Development Sites pursuant to the provisions of Section 11-15 of the Zoning Resolution of the

City of New York (Environmental Requirements) as part of the Proposed Actions. The (E) designation is an institutional control that provides a mechanism to ensure that testing for and remediation of hazardous materials, if necessary, are completed prior to, or as part of, future development of an affected site, that the associated HVAC systems at the development sites and potential laboratory fume hood emissions from proposed school sites would not result in any violations of ambient air quality standards, and that the appropriate noise attenuation would be provided to maintain an acceptable interior noise level. The (E) designation would preclude the potential for significant adverse hazardous materials, significant adverse air quality impacts, and significant adverse noise impacts (refer to **Chapter 6, "Hazardous Materials," Chapter 9, "Air Quality,"** and **Chapter 11, "Noise"**). In addition, as discussed in **Chapter 14, "Construction,"** measures would be implemented as PCREs to further reduce air pollutant emissions during construction under the Proposed Actions. These include: a) utilization of newer equipment – to the extent practicable, all diesel-powered non-road construction equipment 50 horsepower (hp) or greater would meet at least the Tier 3 emissions standard; and b) best available tailpipe reduction technologies – construction contracts would specify that all diesel non-road engines rated at 50 hp or greater would utilize Diesel particulate filters (DPFs), either installed by the original equipment manufacturer or retrofitted.

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