Chapter 20: Effects on Disadvantaged Communities

A. INTRODUCTION

Section 8-0109(2)(k) of the New York State Environmental Conservation Law, which became effective on December 30, 2024, requires that an Environmental Impact Statement (EIS) consider the effects of a proposed action on disadvantaged communities (DACs), including whether the action may cause or increase a disproportionate pollution burden. The 2021 *City Environmental Quality Review (CEQR) Technical Manual* predates this update and does not provide guidance regarding the scope of this analysis. On January 29, 2025, the New York State Department of Environmental Conservation (DEC) proposed State Environmental Quality Review Act (SEQRA) draft regulations to implement this new statutory provision. This assessment of effects on DACs considers the impacts identified in other relevant portions of the EIS that were prepared using *CEQR Technical Manual* guidance.

As described in Chapter 1, "Project Description," the Proposed Actions would facilitate the adaptive reuse and redevelopment of a portion of Block 3247 in the Kingsbridge Heights neighborhood of the Bronx, NY (the "Proposed Project"). That portion includes the Kingsbridge Armory Site (the "Armory Site") at 1 West Kingsbridge Road (Block 3247, Lot 10), which is occupied by the Kingsbridge Armory (the "Armory") and currently owned by the City of New York, and the New York National Guard ("National Guard") Site (the "National Guard Site") at 10 West 195th Street (Block 3247, Lot 2) (collectively, the "Project Site"). The Project Site occupies the portion of Block 3247 that is bounded by West 195th Street, Reservoir Avenue, West Kingsbridge Road, and Jerome Avenue.

The Proposed Project includes the adaptive reuse of the vacant, approximately 588,765-gross-square-foot (gsf) Armory to provide up to approximately 735,800 gsf of new uses, including a mix of community facility and cultural space, light manufacturing space, commercial office space, a 17,000-person capacity live event venue, and other entertainment uses, along with parking and loading docks. The National Guard Site would be redeveloped with a new residential building (up to approximately 494,500 gsf) containing 500 new permanently affordable dwelling units (DUs) and approximately 14,400 gsf of ground floor retail, replacing a one-story garage and a two-story office building. The Proposed Project would include a total of up to approximately 1,230,300 gsf of development at the Project Site.

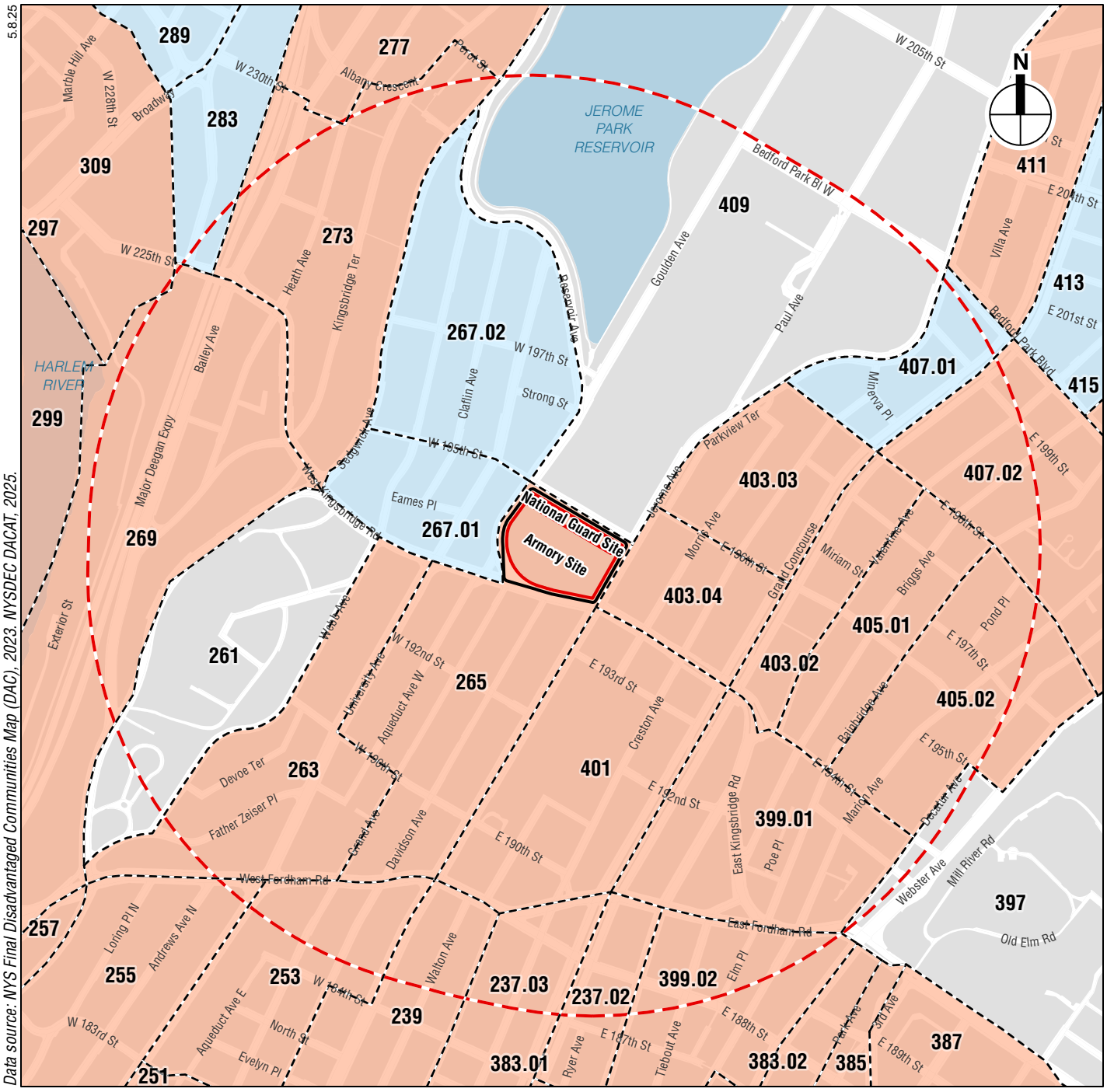
PRINCIPAL CONCLUSIONS

The Proposed Project would affect census tracts identified as DACs with both comparatively higher and lower burdens and vulnerabilities, as well as non-DACs in the study area. The Proposed Project has the potential to result in significant adverse impacts in the CEQR technical areas of transportation, air quality, and operational and construction noise.

This assessment concludes that the Proposed Actions could result in a disproportionate pollution burden on DACs due to mobile source air quality and noise impacts. However, between the Draft and Final EIS, additional review and evaluation will be performed per the air quality assessment, which is anticipated to determine that the identified impacts related to mobile source annual average $PM_{2.5}$ increments are reduced and therefore, exceedances of CEQR $PM_{2.5}$ annual *de minimis* criterion avoided. Similarly, the operational noise assessment will be further refined between Draft and Final EIS. The remaining potential impacts, however, would not cause a greater or more severe pollution burden in DACs as compared to non-DACs or would be temporary in nature due to their occurrence during the construction period.

B. IDENTIFICATION OF DISADVANTAGED COMMUNITIES

DACs in New York State were identified based on criteria adopted in 2023 by the Climate Justic Working Group (CJWG), a group composed of representatives from State agencies and Environmental Justice groups throughout New York 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 environmental burdens within a community, population characteristics, and health vulnerabilities that can contribute to more severe adverse effects of climate change. As shown in **Figure 20-1** and listed in **Table 20-1** below, the Project Site is located in a DAC that is categorized as having comparatively higher burdens and vulnerabilities, indicating that there is a higher likelihood that a proposed action may have a moderate or large impact on the DAC. Most of the study area comprises DACs in a similar categorization However the Census Tracts located to the north of the study area are classified as DACs that have comparatively lower burdens and vulnerabilities. There are two Census Tracts that are not classified as DACs (Census Tracts 261 and 409) which have large institutional uses occupying the majority of the area.



Disadvantaged Communities Study Area

KINGSBRIDGE ARMORY REDEVELOPMENT

Figure 20-1

Table 20-1
NYS Disadvantaged Communities in the Half-Mile Study Area

Census Tract	DAC Burdens & Vulnerabilities	Location
237.02	Higher	Study Area
237.03	Higher	Study Area
239	Higher	Study Area
253	Higher	Study Area
263	Higher	Study Area
265	Higher	Project Site
269	Higher	Study Area
273	Higher	Study Area
399.01	Higher	Study Area
399.02	Higher	Study Area
401	Higher	Study Area
403.02	Higher	Study Area
403.03	Higher	Study Area
403.04	Higher	Study Area
405.01	Higher	Study Area
405.02	Higher	Study Area
407.02	Higher	Study Area
267.01	Lower	Study Area
267.02	Lower	Study Area
283	Lower	Study Area
407.01	Lower	Study Area

Note: Refer to **Figure 20-1**.
Source: DEC Disadvantaged Communities Assessment Tool (DACAT)

C. DISADVANTAGED COMMUNITIES ASSESSMENT

As the *CEQR Technical Manual* has not been updated to include guidance for an assessment of effects of a proposed action on DACs, the New York State Draft Environmental Assessment Form (EAF) Full Form and Draft SEQRA Workbook Guidance has been consulted for this analysis. That guidance 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 Project would not result in significant adverse impacts in the following technical areas analyzed in this Draft Environmental Impact Statement (DEIS): Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic and Cultural Resources; Urban Design and Visual Resources; Natural Resources; Hazardous Materials; Water and Sewer Infrastructure; Solid Waste and Sanitation Services; Energy; Greenhouse Gas Emissions and Climate Change; Noise; Public Health; and Neighborhood Character. Furthermore, the DEIS does not disclose the potential for the Proposed Project to cause any combination of moderate effects which together result in an impact. As such, the Proposed Project would not cause a disproportionate effect on DACs with respect to any of these technical areas, and is not expected to result in cumulative effects from multiple technical areas.

However, the DEIS concludes that the Proposed Project has the potential to result in significant adverse impacts in the areas of transportation, mobile source air quality, and construction-period noise. The Proposed Project is not expected to result in significant adverse stationary source air quality impacts or operational noise impacts.

TRANSPORTATION

As discussed in Chapter 13, "Transportation," detailed analyses were prepared for vehicular traffic, transit, pedestrians, street user safety, and parking. The Proposed Project has the potential to result in significant adverse impacts to traffic intersections, a subway station stairway, and pedestrian elements (sidewalks, corner reservoirs, and crosswalks). The identified impacts on transit and pedestrians would not result in increased pollution, as these sources do not result in increased mobile source air quality or noise emissions. Air and noise emissions associated specifically with traffic may have the potential to create a pollution burden on a DAC. Potential impacts related to mobile sources of air pollution are discussed below. As detailed in Chapter 13, "Transportation," and Chapter 22, "Mitigation," where appropriate, measures to improve traffic, bicyclist, and pedestrian safety are identified and will be coordinated between the Draft and Final EIS with DOT.

AIR QUALITY

The analysis of the potential light industrial sources associated with the Proposed Project determined that certain use group categories had the potential to result in a significant adverse air quality impact at receptor locations due to emissions from one or more air toxic compounds. To ensure that there are no potential significant adverse impacts of identified air toxic compounds on existing or proposed sensitive locations, certain restrictions would be required as part of the Proposed Project. With these restrictions in place, the Proposed Project would not result in stationary source air quality impacts. The proposed parking facilities were analyzed and are not expected to result in any significant adverse air quality impacts.

As described in in Chapter 14, "Air Quality," the Proposed Project has the potential for significant adverse mobile-source air quality impacts at two analyzed intersections. Both of these intersections are located at the corners of two or more census tracts. The intersection at West Kingsbridge Road and Reservoir Avenue contains a DAC census tract with "lower burdens and vulnerabilities," to the west of Reservoir Avenue and a DAC census tract with "higher burdens and vulnerabilities" To the east and south of the intersection. Similarly, the West 195th Street and Reservoir Avenue intersection contains a DAC census tract with "lower burdens and vulnerabilities," to the west of Reservoir Avenue and a DAC census tract with "higher burdens and vulnerabilities" to the southeast. The census tract to the northeast of the intersection is not considered a DAC census tract. Without the implementation of specific traffic mitigation measures, concentrations of $PM_{2.5}$ due to project-generated traffic at analyzed intersections within the Project Area would result in an exceedance of the CEQR $PM_{2.5}$ annual *de minimis* criterion.

Between the Draft and Final EIS, additional review and evaluation will be performed, which is anticipated to determine that the identified impacts related to mobile source annual average $PM_{2.5}$ increments are reduced and therefore, exceedances of CEQR $PM_{2.5}$ annual *de minimis* criterion avoided. For annual average $PM_{2.5}$, a more refined

microscale analysis will be performed to incorporate all of the traffic peak periods and account for the relative frequency of events that would take place. If required, additional modeling of $PM_{2.5}$ concentrations (Grid Analysis) will be performed using more refined or comprehensive analysis procedures to determine the magnitude and extent of neighborhood-scale $PM_{2.5}$ impacts from mobile sources. It is anticipated that this will reduce $PM_{2.5}$ concentrations below the annual *de minimis* criterion threshold.

While the mobile source air quality impacts would not constitute significant adverse public health impacts, due to the two analyzed intersections location and proximity to lower and higher burden DAC census tracts, the potential mobile-source air quality impacts, absent any further analysis, could result in a disproportionate pollution burden to DACs. As discussed in the Draft EAF Full Form, the creation of new air emissions or increase in existing air emissions within a DAC may result in an impact. However, as noted above, refined analysis to be performed for the FEIS is anticipated to reduce $PM_{2.5}$ concentrations below the annual *de minimis* criteria.

OPERATIONAL NOISE

This EIS discloses the potential for a significant adverse mobile source noise impact at Receptor Site 2, which represents residences along Reservoir Avenue between West 195th Street and West Kingsbridge Road. Assuming standard building façade construction, these residences would be expected to provide approximately 25 dBA window/wall attenuation. As such, interior noise levels at these residences would be less than the 45 dBA threshold considered acceptable for residential use. However, due to the predicted 4.4 dBA incremental increase in noise levels at this receptor, the Proposed Project would have the potential to result in a significant adverse noise impact at residences along Reservoir Avenue between West 195th Street and West Kingsbridge Road. The analysis of noise due to traffic at this receptor will be refined further between the Draft and Final EIS, and the refined analysis may find that noise due to the Proposed Project would not rise to the level of a significant adverse impact.

Additionally, the total noise exposure at the residences would be in the “marginally acceptable” range and interior noise levels at buildings with standard façade construction would be expected to experience interior noise levels less than 45 dBA L_{10}, which would be considered acceptable according to the *CEQR Technical Manual* noise exposure guidance. The Proposed Project would also comply with *New York City Noise Control Code* regulations. Possible mitigation measures are discussed in more detail in Chapter 22, “Mitigation.” With the mitigation measures in place, the predicted operational noise impact would be completely mitigated. However, due to the existence of DACs and noise impact locations within DAC census tracts affected by the potential noise impacts, a disproportionate pollution burden to DACs could occur.

CONSTRUCTION NOISE

This EIS discloses the potential for significant adverse construction noise impacts at certain areas surrounding the Project Site. These sites are located in DAC census tracts with “lower-” and “higher burdens and vulnerabilities,” as well as in non-DAC census tracts. Although the thresholds for significant adverse construction noise impacts are predicted to be exceeded during construction in DAC and non-DAC census tracts, these temporary noise exceedances would not permanently increase noise levels or disproportionately affect DACs.

Additionally, as with operations, construction would comply with *New York City Noise Control Code* regulations. Per *New York City Noise Control Code* regulations, the Proposed Project would be required to prepare a Construction Noise Mitigation Plan, which may identify more control measures that would further reduce construction noise levels. Additional refinements to the construction noise analysis to be conducted between the Draft and Final EIS, including detailed modeling of additional analysis time periods and existing condition noise levels, may result in elimination of predicted significant adverse construction noise impacts at some receptors. Given the potential for noise effects related to construction sources would be temporary and localized, it is not anticipated that the Proposed Project would have a disproportionate pollution burden on DACs as a result of noise or emissions during construction. ✷