26.0 Effects on Disadvantaged Communities

Introduction

Section 8-0109(2)(k) of the New York State Environmental Conservation Law, effective December 30, 2024, requires that future Environmental Impact Statements (EIS) include a statement of the effects of the Proposed Actions on disadvantaged communities, including whether an action may cause or increase a disproportionate pollution burden. The 2021 *CEQR Technical Manual* predated changes to the Environmental Conservation Law § 8-0109 and does not provide guidance regarding the scope of this analysis. The New York State Department of Environmental Conservation (NYSDEC) proposed a rule in January 2025 that provides additional considerations regarding this new statutory provision. Draft NYSDEC regulations and guidance were consulted to develop this assessment.[1] The assessment in this chapter incorporates that draft guidance and discusses the impact categories outlined in the *CEQR Technical Manual*.

As described in **Chapter 1, Project Description,** the Proposed Actions would rezone a 21-block area in Brooklyn Community Districts 3 and 8. By the 2034 build year, the total development expected to occur on the 54 projected development sites under the With-Action Condition would consist of approximately 6,665,448 sf of floor area, including 5,321,642 sf of residential floor area (approximately 5,279 DUs, 25 to 30 percent of units would be affordable pursuant to MIH with additional affordable housing to be provided pursuant to other City-based programs), 344,325 sf of local retail uses, 50,410 sf of destination retail uses, 472,574 sf of office and other commercial uses, 77,095 sf of industrial uses, and 389,402 sf of community facility uses, as well as no accessory parking spaces. The estimated population under the With-Action condition would include a total of approximately 12,933 residents and 3,559 workers on these projected development sites. The projected incremental (net) change between the No-Action and With-Action conditions that would result from the Proposed Actions would be an increase of 5,206,685 sf of residential floor area (5,143 DUs), 286,507 sf of local retail space, 50,410 sf of destination retail space, 449,926 sf of office space and other commercial uses, 121,716 sf of community facility space, a net reduction of 160,276 sf of industrial spaces, 209 accessory parking spaces, and a net decrease of 81,000 sf of automotive-related uses on the projected development sites. The estimated incremental population as a result of the Proposed Actions would be approximately 12,600 residents and 2,819 workers.

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. Indicators include land use and facilities associated with historical discrimination or disinvestment, potential climate change risks, potential pollution exposures, and

[1] https://dec.ny.gov/regulatory/regulations/proposed-emergency-recently-adopted-regulations/state-environmental-quality-review-act-regulatory-revisions

population and health characteristics. As shown in **Figure 26-1,** portions of the Project Area and ½-mile radius are located within DAC.

DAC that intersects with the Project Area and ½-mile radius all have comparatively lower burdens and vulnerabilities. DAC are concentrated in the eastern portion of the Project Area's ½-mile radius.

Assessment

The Proposed Actions would not result in significant adverse impacts in the following CEQR technical areas: land use, zoning, and public policy; socioeconomic conditions; community facilities and services; urban design and visual resources; natural resources; hazardous materials; water and sewer infrastructure; solid waste and sanitation services; energy; air quality; greenhouse gas emissions and climate change; noise; public health; and neighborhood character.

Significant adverse impacts have the potential to occur in the following CEQR technical areas: open space; shadows; historic and cultural resources; transportation; and construction (noise and air quality).

Open Space

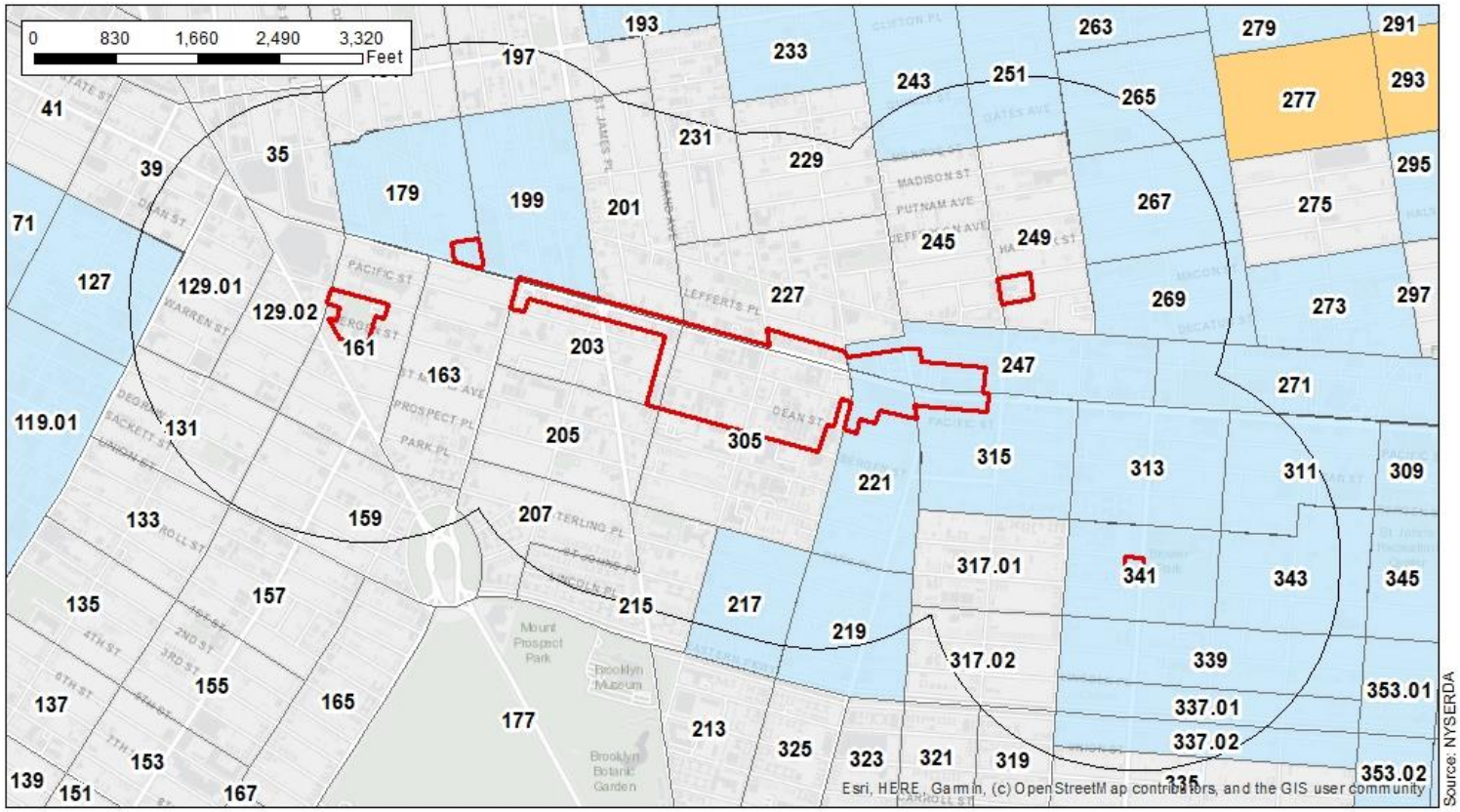
As presented in **Chapter 5, Open Space,** additional residents located in the ½-mile residential study area at the 54 projected development sites would lower the total open space ratio approximately 6.29 percent, resulting in an indirect significant adverse impact.

Table 26-1 below presents total, active, and passive open space ratios under No-Action and With-Action conditions for DAC and Non-DAC census tracts located within the ½-mile residential open space study area used in **Chapter 5, Open Space**.

Table 26-1: DAC Open Space Ratio Summary

	DAC			Non-DAC		
	No-Action	With-Action	% Change	No-Action	With-Action	% Change
Total	0.317	0.298	-6.26%	0.282	0.264	-6.98%
Passive	0.216	0.203	-6.26%	0.198	0.185	-6.98%
Active	0.101	0.095	-6.26%	0.085	0.079	-6.98%

As shown in **Table 26-1**, indirect impacts to open space (total, active, and passive) would not be concentrated in DAC census tracts and therefore would not be a disproportionate open space burden to disadvantaged communities.



Atlantic Avenue Mixed-Use Plan

Figure 26-1
NYS Disadvantaged Communities

Shadows

As discussed in **Chapter 6, Shadows**, incremental shadow would result in significant adverse impacts to two sunlight sensitive resources: Lefferts Place Block Association Garden and St. Bartholomew's Church. The Lefferts Place Block Association Garden is not located with a DAC. St. Bartholomew's Church is located within a DAC. While there would be an incremental shadow impact to St. Bartholomew's Church, as the Proposed Actions would result in shadows on resources in both DACs and Non-DAC census tracts, there would not be a disproportionate impact within DACs.

Historic and Cultural Resources

As discussed in **Chapter 7, Historic and Cultural Resources**, ten projected and potential development sites were identified as having archaeological sensitivity and could result in significant adverse archaeological impacts as a result of the Proposed Actions. Two of these ten sites are located in DAC.

The construction of projected development sites 10, 20, 33, 44, 47, 48, 52 would result in construction-related impacts to several S/NR-Eligible and NYCL-Eligible resources that are not afforded the added special protection under DOB's TPPN #10/88. Of these seven projected development sites, only two, projected development sites 20 and 48 are located in DAC. As a result, construction related impacts would not result in a disproportionate impact within DACs.

The Proposed Actions would result in indirect (contextual impacts) to two resources, the NYCL-Designated Alhambra Apartments, which would be impacted by projected development site 54, and the S/NR-Listed NYCL-Designated St. Bartholomew's Church, which as discussed above would be impacted by incremental shadow from projected development site 20. Projected development site 20 is located in a DAC. Projected development site 54 is not located in a DAC.

The Proposed Actions would result in direct impacts from the development of projected development sites 20 and 52. As described above, only projected development site 20 is located in a DAC.

Impacts to historic and cultural resources would not disproportionately burden DAC census tracts.

Transportation

As described in **Chapter 13, Transportation**, the Proposed Actions would result in significant adverse impacts to 27 intersections (24 signalized and 3 unsignalized) during one or more analyzed peak hours. Impacts to transit (subway line haul) would occur for northbound C trains in the AM peak hour and southbound C trains in the PM peak hour. Impacts would also occur at 12 sidewalks, four crosswalks, and four corners in one or more analyzed peak hours.

Though the Proposed Actions may result in significant adverse traffic impacts at certain local intersections, it should be noted that the Proposed Actions would not result in significant adverse impacts to noise or mobile source air quality. While the NYSDEC Draft SEQR Workbook Guidance indicates that a level of service impact is likely to result in an impact to a DAC, detailed mobile source air quality and noise analyses (**Chapter 14, Air Quality** and **Chapter 15, Noise**) were conducted pursuant to the *CEQR Technical Manual.* These analyses demonstrate that the Proposed Actions would not result in significant adverse mobile air quality or noise impacts. Therefore, the project would not contribute to a disproportionate pollution burden on a DAC.

Construction

As described in **Chapter 19, Construction,** the Proposed Actions would result in temporary construction impacts for construction transportation, noise, and air quality.

Figures 19-3 and 19-4 show the objectionable[2] and very objectionable[3] construction noise impacts would occur in the vicinity of projected development sites. These temporary construction noise impacts would occur in a manner that is distributed throughout the Study Area, comprised of DAC and non-DACs, and are not disproportionately located in DACs. Measures required by the New York City Noise Control Code will partially mitigate impacts at some affected receptors. Therefore, there is not a disproportionate construction noise pollution burden to DACs.

The construction of projected development sites 10 and 14 would result in temporary construction air quality impacts. Projected development site 10 is not located in a DAC. Projected development site 14 is in a DAC. These temporary construction air quality impacts are distributed throughout the Study Area, comprised of DAC and non-DACs and are not disproportionately located in DACs. Therefore, there is not a disproportionate construction air quality pollution burden to DACs.

Although the thresholds for significant adverse construction noise and air quality impacts are predicted to be exceeded during construction in DAC and Non-DAC census tracts, these temporary noise and air quality exceedances would not disproportionately affect the DACs. Given the potential for noise and air quality effects related to construction sources would be temporary and localized, it is not anticipated that the Proposed Action would have a disproportionate pollution burden on DACs as a result of noise or air quality emissions during construction.

Conclusion

The Proposed Actions would not cause or increase a disproportionate pollution burden to DAC.

[2] Temporary noise increases of 15 dBA within approximately 250 feet and sustained for 12 continuous months.
[3] Temporary noise increases of 20 dBA within approximately 150 feet and sustained for three continuous months.