Chapter 18: Effects on Disadvantaged Communities

A. INTRODUCTION

The co-Applicants, the New York City Educational Construction Fund (ECF) and 240 Nassau Street Holdings, LLC, are seeking zoning approvals, including zoning map and text amendments, a special permit, and other City and State approvals and potential future U.S. Department of Housing and Urban Development (HUD) actions (the "Proposed Actions"), to facilitate the construction of a proposed mixed-use development on Block 110, Lot 25 and Block 111, Lot 1 (the "Project Site") in Downtown Brooklyn, Community District (CD) 2. The proposed development would include four new buildings totaling approximately 1.7 million gross square feet (gsf), including public school facilities; residential, retail, and community facility space; cultural center space; and open space (the "Proposed Project").

The Proposed Actions include the transfer, reallocation, and lease of property among 240 Nassau Street Holdings, LLC, ECF, and the City of New York to allow for the Proposed Project and ECF financing and discretionary zoning approvals from the New York City Planning Commission (CPC) and New York City Council. A detailed description of the Proposed Project and the approvals needed to facilitate the Proposed Project is presented in Chapter 1, "Project Description."

Section 8-0109(2)(k) of the New York State Environmental Conservation Law requires that an environmental impact statement include an assessment of the effects of any proposed action on disadvantaged communities, including whether the action may cause or increase a disproportionate pollution burden on a disadvantaged community (DAC). On January 29, 2025, the New York State Department of Environmental Conservation (DEC) proposed State Environmental Quality Review Act (SEQRA) amendments to implement this new statutory provision. In May 2026, DEC finalized SEQRA regulations to incorporate the SEQRA-related requirements of the Environmental Justice Siting Law. The 2025 *CEQR Technical Manual* incorporates guidance from DEC regarding the scope of this analysis. This assessment of effects on DACs follows *CEQR Technical Manual* guidance and relevant guidance from DEC to assess the Proposed Project's potential to cause or increase a disproportionate pollution burden on DACs.[1]

PRINCIPAL CONCLUSIONS

The Proposed Project would not cause or increase a disproportionate pollution burden on a DAC because it would not result in significantly greater pollution burdens on DACs compared with non-DACs.

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[1] DEC, *State Environmental Quality Review Act (SEQR) Regulatory Revisions*, https://dec.ny.gov/regulatory/regulations/proposed-emergency-recently-adopted-regulations/state-environmental-quality-review-act-regulatory-revisions, last accessed February 11, 2026.

B. IDENTIFICATION OF DISADVANTAGED COMMUNITIES

Under the 2019 New York State Climate Leadership and Community Protection Act (CLCPA), DACs are defined as "communities that bear burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high concentrations of low- and moderate- income households."

The Climate Justice Working Group was established under CLCPA to develop criteria for identifying DACs. The body is composed of representatives from various environmental justice communities across New York State, including urban, rural, and suburban areas, as well as state agencies like DEC and the Departments of Health and Labor. The Working Group used 45 indicators to classify 35 percent of census tracts across the State as DACs. The indicators included environmental burdens and climate change risk, as well as population characteristics and health vulnerabilities.

The Disadvantaged Community Assessment Tool (DACAT) was developed by DEC as an initial screening tool to help lead agencies identify DAC census tracts and understand how existing burdens and vulnerabilities compare to comparable census tracts in the state (i.e., those in the same region [e.g., New York City] or urban/rural). The DACAT was used to determine whether any DACs are present within ½ mile of the Project Site (a half mile is the minimum screening distance recommended by DEC and generally the appropriate study area for the DAC assessment according to the *CEQR Technical Manual*).

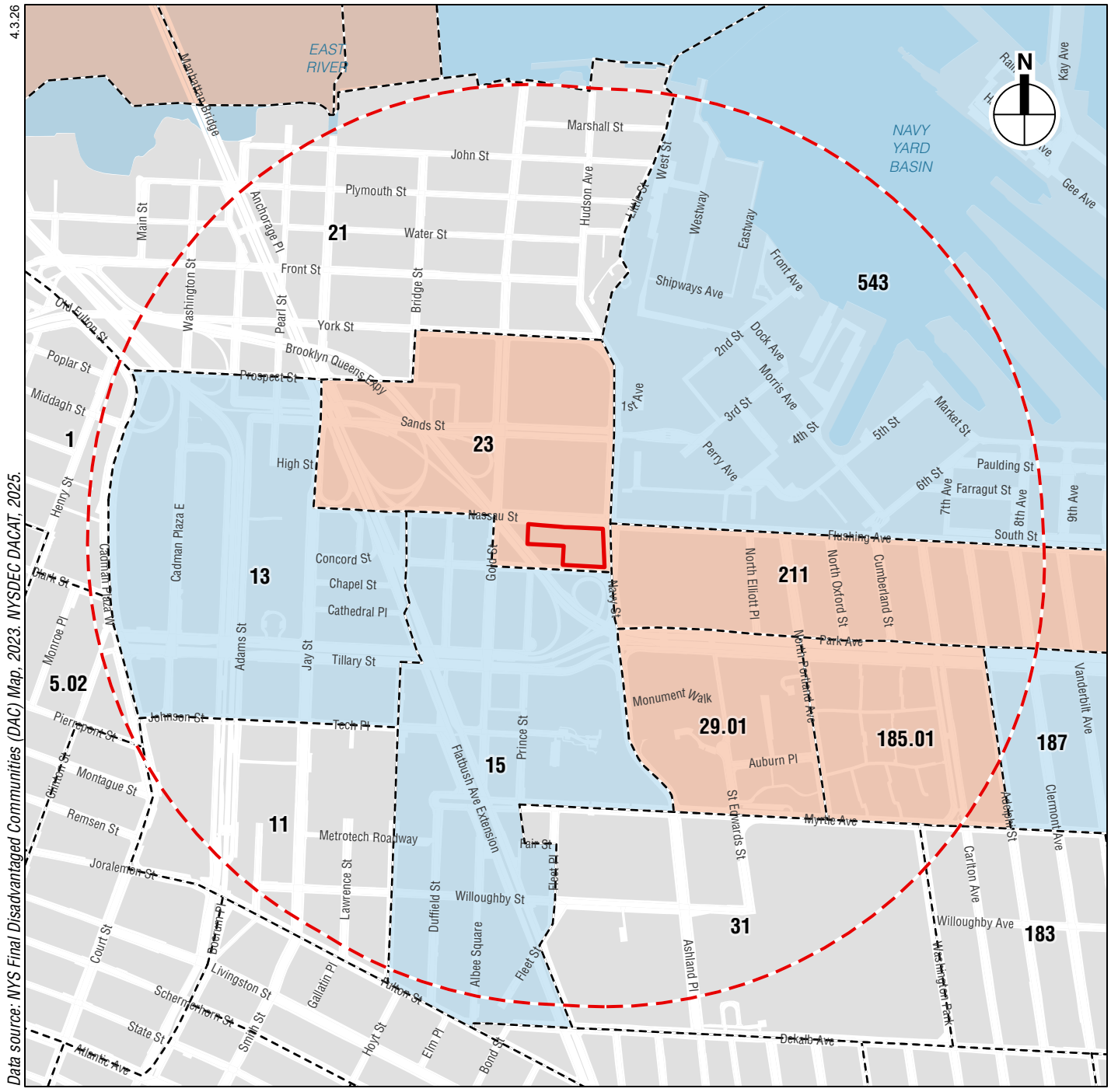
The DACAT identifies census tracts with comparatively higher existing burdens or vulnerabilities and therefore an increased likelihood that a proposed action may have a moderate or large impact on a DAC, as well as census tracts with comparatively lower existing burdens or vulnerabilities and therefore a decreased likelihood that a proposed action may have a moderate or large impact on the DAC.[2]

DACAT classifications reflect a composite of environmental burdens, climate risks, health indicators, and socioeconomic characteristics. Within the half-mile study area, identified DAC census tracts reflect conditions typical of built-up Brooklyn neighborhoods encompassing Downtown Brooklyn and the Brooklyn Navy Yard and parts of DUMBO and Fort Greene, areas with high levels of pedestrian and vehicular activity, transit infrastructure, and commercial land uses, with varying levels of baseline vulnerability. These baseline conditions were considered in evaluating whether the Proposed Project could introduce new or disproportionate pollution burdens.

PROJECT SITE

The Project Site is located within Census Tract 23, which is designated as a DAC with comparatively higher burdens and vulnerabilities and therefore an increased likelihood that the Proposed Project may have a moderate or large impact on the DAC (see **Figure 18-1**).

[2] DEC, *Disadvantaged Community Assessment Tool Methodology*, https://ht.dec.ny.gov/sites/default/files/2025-01/part617risdactoolappa.pdf, last accessed March 3, 2026.



NYC Educational Construction Fund

Disadvantaged Communities Study Area

240 NASSAU STREET

Figure 18-1

STUDY AREA

As shown in **Figure 18-1**, the study area includes eight census tracts (or portions of) identified as DACs. **Table 18-1** lists the study area's DACs along with their DACAT category (i.e., comparatively lower/higher burdens and vulnerabilities). While Census Tract 543 is a DAC with comparatively lower burdens and vulnerabilities according to DACAT, this tract is the Brooklyn Navy Yard and does not contain any residential population.

Table 18-1
Disadvantaged Communities in the ½-Mile Study Area

Census Tract	Burdens & Vulnerabilities
13	Lower
15	Lower
23	Higher
29.01	Higher
185.01	Higher
187	Lower
211	Higher
543	Lower

Notes: Refer to **Figure 18-1**. DACs are based on 2010 Census Tracts.
Source: DEC's DACAT, 2025.

C. DISADVANTAGED COMMUNITIES ASSESSMENT

According to DEC, a disproportionate pollution burden is a pollution burden within an affected disadvantaged community that is, or would be, significantly greater than that same burden in comparable non-DACs, as a result of the proposed action.[3]

Pollution is defined in New York State's Environmental Conservation Law §1-0303, as "the presence in the environment of conditions and or contaminants in quantities of characteristics which are or may be injurious to human, plant or animal life or to property or which unreasonably interfere with the comfortable enjoyment of life and property throughout such areas of the state as shall be affected thereby."

New York State and recent CEQR guidance for conducting an assessment of effects on DACs calls for the identification of 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. Based on the conclusions of this Environmental Impact Statement (EIS), the Proposed Project have the potential to result in significant adverse impacts in the following technical areas: transportation (traffic, transit, and pedestrians), and construction-period noise and transportation (traffic and pedestrians).

[3] DEC, *Environmental Justice Siting Law Interim Guidance*, https://dec.ny.gov/sites/default/files/2025-01/ejsitinglawseqrfaqs.pdf, last accessed March 3, 2026

The Proposed Project's potential effects on DACs are described below, along with an assessment of whether any effects would cause or increase a disproportionate pollution burden on a DAC.

CONSTRUCTION IMPACTS OF THE PROPOSED PROJECT

This EIS discloses the potential for significant adverse construction noise impacts, as the construction analysis determined that there are areas surrounding and within the Project Site where construction noise would result in a significant adverse impact. These sensitive receptors are located in DAC census tracts with "higher burdens and vulnerabilities. Although the thresholds for significant adverse construction noise impacts are predicted to be exceeded during construction in DAC census tracts, these temporary noise exceedances would not permanently increase noise levels or disproportionately affect DACs. The maximum level of noise exposure at the buildings at which significant adverse construction noise impacts were predicted to occur would be well below the 85 dBA threshold for potential hearing damage. In addition, construction would comply with *New York City Noise Control Code* regulations. Specific noise control measures would be incorporated in noise mitigation plan(s) required under the *New York City Noise Control Code.* Furthermore, mitigation measures to control noise could also be offered during construction of the Proposed Project at receptors predicted to experience impacts. Given the potential for noise effects related to construction sources would be temporary and localized, it is not anticipated that the Proposed Actions would cause or increase a disproportionate pollution burden on DACs as a result of noise or emissions during construction.

The EIS also discloses that potential significant adverse traffic and pedestrian impacts could occur during construction, which would be within the range of impacts identified for the 2033 With Action condition. As with operational transportation impacts, the identified impacts on traffic and pedestrians are unlikely to result in increased pollution. Moreover, traffic congestion occurs in locations throughout New York City, including in areas outside of DACs. In addition, the Proposed Actions would not result in a disproportionate pollution burden on DACs as a result of mobile source emissions from construction-related traffic. Therefore, the Proposed Actions would not result in a disproportionate pollution burden as a result of construction-related traffic.

As discussed in Chapter 9, "Hazardous Materials," to avoid any potential for hazardous materials exposure, an (E)-Designation (E-921) for hazardous materials would be placed on the Project Site, and all federal, state, and local requirements and regulations would be followed. Furthermore, if remediation of the Project Site is indicated based on testing, the (E)-Designation (E-921) for hazardous materials would require the preparation of a Remedial Action Work Plan (RAWP) and Construction Health and Safety Plan (CHASP) for implementation during construction, which would include measures to address the potential for exposure to contaminants during and following redevelopment on the Project Site. With the implementation of these procedures, no significant adverse impacts related to hazardous materials would result from the Proposed Project.

Therefore, the Proposed Project would not cause or increase a disproportionate pollution burden on a DAC during construction.

OPERATIONAL IMPACTS OF THE PROPOSED PROJECT

As discussed in Chapter 11, "Transportation," the Proposed Actions would result in significant adverse transportation impacts to a) vehicular traffic at 11 intersections; b) transit (two subway station vertical circulation elements); and c) pedestrian conditions at eight sidewalks, two corners, and seven crosswalks. The identified impacts on transit and 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 12, "Air Quality," and Chapter 14, "Noise," the Proposed Project would not result in significant adverse air or noise pollution impacts. 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. Overall, because the Proposed Project would not result in significantly greater pollution burdens on DACs compared with non-DACs, it would not cause or increase a disproportionate pollution burden on a DAC. ✷