Chapter 26: 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) include a statement of 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* 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) amendments to implement this new statutory provision. This assessment of effects on DACs considers the impacts of the various technical areas that were identified using *CEQR Technical Manual* guidance.

As described in detail in Chapter 1, "Project Description," the New York City Department of City Planning (DCP), is proposing land use and zoning actions (collectively, the Proposed Actions) to support and facilitate implementation of the Long Island City Neighborhood Plan. The Neighborhood Plan is the subject of an ongoing community planning process to meet the long-term vision of Long Island City and its surrounding neighborhoods as a unique, transit-rich, and culturally vibrant neighborhood. The Proposed Actions would affect an approximately 54-block area (the Project Area) of the Long Island City neighborhood of Queens, Community Districts 1 and 2.

The Proposed Actions are anticipated to facilitate new residential, commercial, community facility, and industrial development. Overall, the Proposed Actions are expected to result in a net (incremental) increase of approximately 14,699 dwelling units (DU), including approximately 3,349 to 5,023 permanently income-restricted homes, 3,427,450 gross square feet (gsf) of commercial space, 291,784 gsf of community facility space, 42,383 gsf of manufacturing space, and a net decrease of approximately 821,932 gsf of warehouse space and 14,936 gsf of auto-related space, by 2035, compared to No Action conditions.

PRINCIPAL CONCLUSIONS

The Proposed Actions 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 Actions have the potential to result in significant adverse impacts in the following CEQR technical areas: community facilities and services (elementary schools, intermediate schools, libraries, early childhood programs); open space; shadows; historic and cultural resources; transportation (traffic, transit, pedestrian conditions, and ferry service); mobile source air quality; noise; and construction.

This assessment concludes that the Proposed Actions could result in a disproportionate pollution burden on DACs due to mobile source air quality impacts. The remaining

potential impacts, however, would occur in non-DACs or in DACs with "lower burdens and vulnerabilities," and would not cause a greater or more severe pollution burden in DACs as compared to non-DACs.

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. 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 26-1** and listed in **Table 26-1**, portions of one census tract in the Project Area identified as a DAC with comparatively higher burdens and vulnerabilities, and portions of two census tracts in the Project Area identified as DACs with lower burdens and vulnerabilities. In total, the ½-mile study area includes eight census tracts identified as DACs with higher burdens and vulnerabilities, and eight census tracts identified as DACs with lower burdens and vulnerabilities. The remaining census tracts in the Project Area and surrounding ½-mile study area were not identified as DACs by DEC.

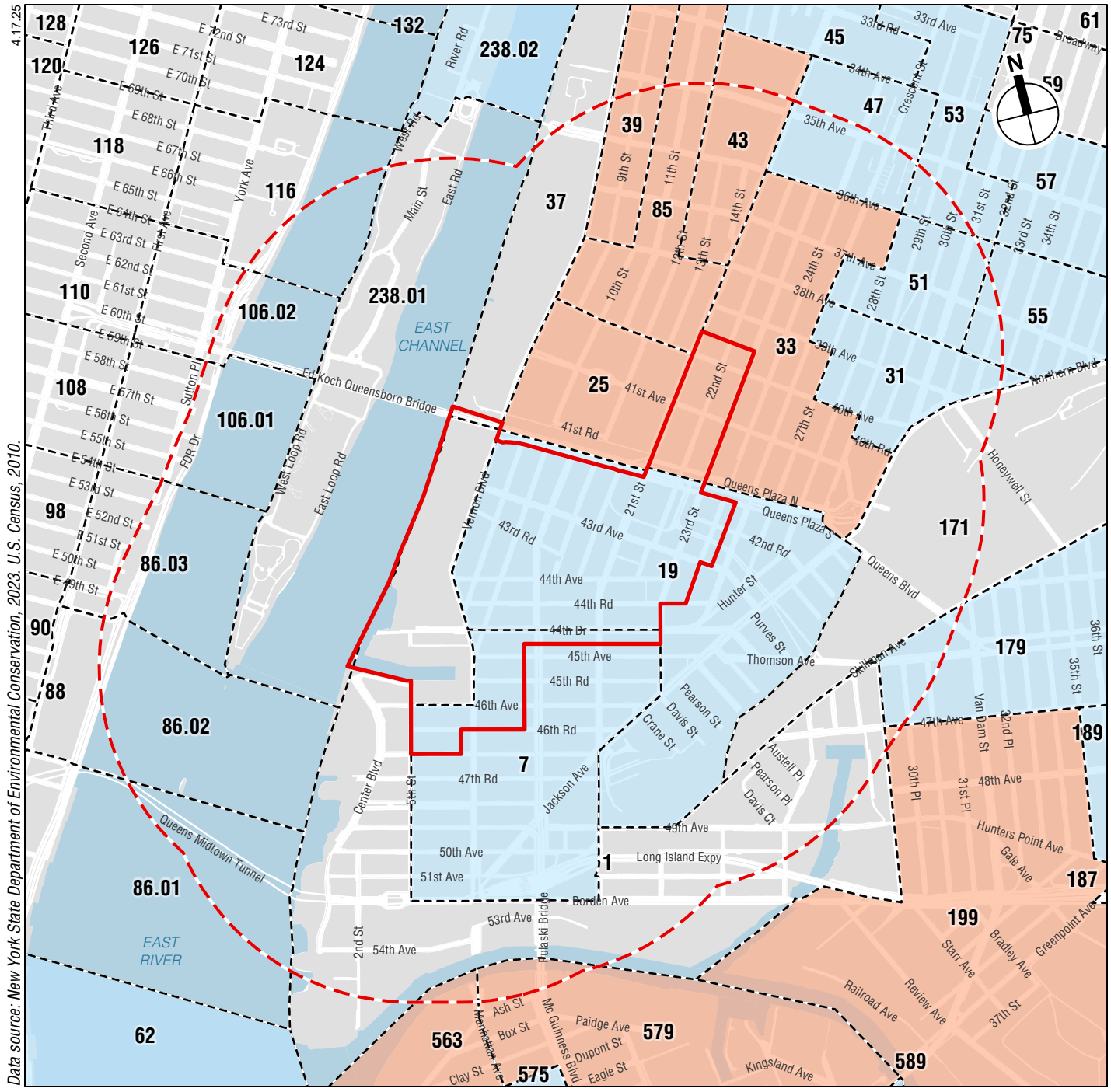
Table 26-1
Disadvantaged Communities in the ½-Mile Study Area

Census Tract	DAC Burdens & Vulnerabilities	Location
25	Higher	Study Area
33	Higher	Project Area & Study Area
39	Higher	Study Area
43	Higher	Study Area
85	Higher	Study Area
199	Higher	Study Area
563	Higher	Study Area
579	Higher	Study Area
7	Lower	Project Area & Study Area
19	Lower	Project Area & Study Area
31	Lower	Study Area
47	Lower	Study Area
51	Lower	Study Area
53	Lower	Study Area
55	Lower	Study Area
179	Lower	Study Area

Notes:
Refer to **Figure 26-1**.
The CJWG designated DACs based on the 2010 Census.
Sources: DEC DACAT

C. DISADVANTAGED COMMUNITIES ASSESSMENT

The Proposed Actions would not result in significant adverse impacts in the following technical areas analyzed in this EIS: land use, zoning, and public policy; socioeconomic conditions; urban design and visual resources; natural resources; hazardous materials;



Disadvantaged Communities Study Area

LONG ISLAND CITY NEIGHBORHOOD PLAN

Figure 26-1

water and sewer infrastructure; solid waste and sanitation services; energy; stationary source air emissions; greenhouse gas emissions and climate change; noise; public health; or neighborhood character. 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 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: community facilities and services (elementary schools, intermediate schools, public libraries, and early childhood programs); open space; shadows; historic and cultural resources; transportation (traffic, transit, pedestrian conditions, and ferry service); mobile source air emissions; and construction impacts.

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. The Proposed Actions would not result in significant adverse impacts in most of these technical areas in DACs or in non-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. The EIS discloses the potential for mobile source air quality impacts and construction-period noise impacts. In terms of construction noise impacts, given that the potential for noise effects related to construction sources would be temporary, localized, and would not be likely to result in short-term, high-decibel levels, no significant adverse public health impacts related to construction noise are expected as a result of the Proposed Actions. The EIS discloses that the Proposed Actions have the potential to result in significant adverse community facility impacts, open space impacts, shadows impacts, historic and cultural resource impacts, transportation impacts, and construction impacts; while none of these impacts themselves constitute pollution, each are described briefly below.

COMMUNITY FACILITIES AND SERVICES

As discussed in Chapter 4, “Community Facilities and Services,” the Proposed Actions would result in significant adverse impacts to elementary schools, libraries, and early childhood programs. As detailed above, there are eight DAC census tracts in the Project Area or ½-mile study areas with higher burdens and vulnerabilities: 25, 33, 39, 43, 85, 199, 563, and 579. Five of these census tracts—Census Tracts 25, 33, 39, 43, and 85—are located in CSD 30, Sub-district 3. In addition to the five census tracts in the study area designated as DACs with higher burdens and vulnerabilities, the sub-district contains portions of 19 other census tracts of which two are DACs with higher burdens and vulnerabilities, 14 are DACs with lower burdens and vulnerabilities and five are non-DAC census tracts.

The Proposed Actions would cause significant adverse impacts to the Hunters Point and Long Island City branches of the Queens Public Library system. The ¾-mile library catchment areas used for the analysis of impacts on library branches contains five of the eight DAC census tracts in the Project Area or secondary study areas with higher burdens and vulnerabilities: 25, 33, 39, 43, and 85. In addition to the five census tracts in the study area designated as DACs with higher burdens and vulnerabilities, the library study area includes 12 other census tracts of nine are DACs with lower burdens and vulnerabilities and three are non-DAC census tracts.

The Proposed Actions would result in significant adverse impacts to publicly funded childcare facilities in a 1½-mile radius from the Project Area. This area contains all eight of the DAC census tracts in the Project Area or ½-mile study area with higher burdens and vulnerabilities. The childhood programs analysis study area contains an additional 100 census tracts, 2 of which are DACs with higher burdens and vulnerabilities, 29 are DACs with lower burdens and vulnerabilities, and 69 are non-DAC census tracts.

Therefore, the significant adverse impacts to schools, libraries, and child care facilities, would be dispersed over DAC census tracts with higher burdens, lower burdens, or non-DAC census tracts, reducing the impact on the DAC census tracts with higher burdens. In addition, impacts to these community facilities are not analysis areas that the EAF Full Form identifies as having a likely ability to result in a disproportionate pollution burden on disadvantaged communities. As discussed in Chapter 21, “Mitigation,” mitigation measures will be taken to reduce the Proposed Actions’ significant adverse impacts on schools, libraries, and child care facilities. Possible measures include the restructuring of existing schools or opening of new schools, the opening of a new branch of the Queens Public Library at Court Square, and the provision of suitable space for new child care centers in or near the Project Area. Therefore, the potential significant adverse impacts related to community facilities would not cause or increase a disproportionate pollution burden on DACs.

OPEN SPACE

As presented in Chapter 5, “Open Space,” additional residents located in the ½-mile residential study area on the projected development sites would lower the total open space ratio by approximately 16.9 percent, resulting in an indirect significant adverse impact. Of the eight DAC census tracts with higher burdens and vulnerabilities located within the ½-mile study area, five are located within the open space study area: Census Tracts 25, 33, 39, 43, and 85.

Of the 14,699 net increase in residential units due to the Proposed Actions, approximately 18 percent of them (2,684 units) would be generated by development sites located in DAC census tracts with higher burdens and vulnerabilities. The remaining 82 percent of units (12,015 DUs) would be located in DAC census tracts with lower burdens and vulnerabilities or in non-DAC census tracts. Therefore, impacts to open space would be greater in in non-DAC census tracts or in DAC census tracts with lower burdens and vulnerabilities than in DAC census tracts with higher burdens and vulnerabilities. Additionally, the Proposed Project will facilitate the construction of a shore public walkway that could link Gantry State Park to Queensbridge Park, greatly expanding open space access for the residents of the high burden DACs north of the Queensboro Bridge. As discussed in Chapter 21, “Mitigation,” mitigation measures will be taken to reduce the

Proposed Actions' significant adverse impacts on open space, including the expansion of existing parks, creation of new open space on publicly owned land, and incentivizing owners of privately owned sites to create new open space as part of their redevelopment.

As described in Chapter 15, "Air Quality," the Proposed Actions would result in significant adverse air quality impacts affecting the usability of one existing open space resource, Gordon Triangle. In addition, three new publicly accessible waterfront open spaces (on Projected Development Sites 65, 67, and 71) would be affected by significant adverse air quality impacts. Gordon Triangle is located in a DAC census tract with lower burdens and vulnerabilities, and the new waterfront open spaces would all be located in non-DAC census tracts. Therefore, the pollution impacts to open spaces would be primarily located in non-DACs and lower burden DACs would not result in a disproportionate pollution burden on disadvantaged communities.

SHADOWS

As discussed in Chapter 6, "Shadows," incremental shadows would result in significant adverse impacts to three sunlight-sensitive resources: several Greenstreets medians in Queens Plaza South between Vernon Boulevard and 13th Street; Gordon Triangle; and the 44th Drive Pier, a public open space located at the western end of 44th Drive. Thus, shadows impacts would occur in both DAC and non-DAC census tracts. Moreover, these incremental shadows would not result in increased pollution. Therefore, the Proposed Actions would not result in a disproportionate pollution burden on disadvantaged communities from shadows.

HISTORIC AND CULTURAL RESOURCES

As discussed in Chapter 7, "Historic and Cultural Resources," development on projected and potential development sites under With Action conditions would result in the demolition of six architectural resources as well as construction-related impacts to 10 known and 8 potential architectural resources located within 90 feet of the certain development sites. These sites are located in both DAC and non-DAC census tracts. Moreover, these impacts would not increase pollution. Therefore, the Proposed Actions would not result in a disproportionate pollution burden on disadvantaged communities from historic and cultural resources.

TRANSPORTATION (TRAFFIC, TRANSIT, AND PEDESTRIANS)

As detailed in Chapter 14, "Transportation," the Proposed Actions have the potential to result in significant adverse impacts to: (a) vehicular traffic at 44 intersections, (b) eight subway stairs, three escalators and one fare array at two stations, (c) subway line haul conditions on four subway routes, (d) bus line haul conditions on one bus route, (e) ferry line haul conditions on one ferry route, (f) ferry landing conditions on one ferry landing, and (g) pedestrians at 26 sidewalks, 16 crosswalks, and 10 corner areas. 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. Potential impacts related to mobile sources of air pollution are discussed below.

AIR QUALITY (MOBILE SOURCE)

This EIS discloses the potential for significant adverse mobile-source air quality impacts at four intersections analyzed in Chapter 15, "Air Quality." Two of these intersections are within DAC census tracts with "lower burdens and vulnerabilities," and two intersections are partially within a DAC with "lower burdens and vulnerabilities" and partially within a non-DAC census tract. As detailed therein, without specific traffic mitigation measures implemented, concentrations of CO and $PM_{2.5}$ due to project-generated traffic at analyzed intersections within the Project Area would result in violations of National Ambient Air Quality Standards (NAAQS), which may indicate a potential public health impact. Furthermore, CO and $PM_{2.5}$ concentrations were predicted to exceed CEQR *de minimis* criteria. With traffic mitigation measures in place, concentrations of CO and $PM_{2.5}$ at analyzed intersections would be below NAAQS and CEQR CO 8-hour *de minimis* criterion and $PM_{2.5}$ 24-hour *de minimis* criterion although the exceedance of CEQR $PM_{2.5}$ annual *de minimis* criterion was identified at the analyzed intersection. Between the Draft and Final EIS, additional review and evaluation will be performed, which may 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. While the mobile source air quality impacts would not constitute significant adverse public health impacts when traffic mitigation measures implemented to eliminate exceedance of CO and $PM_{2.5}$ NAAQS caused by mobile sources, due to the existence of DACs and four intersections located within or partially within lower burden DAC Census Tracts affected by the potential mobile-source air quality impacts, a disproportionate pollution burden to DACs could occur.

NOISE

This EIS discloses the potential for significant adverse construction noise impacts, as noise PCE proportional analysis showed significant noise increases and the potential for impacts at Monitoring Locations 5, 8, 13, and 16. Therefore, the Proposed Actions could result in significant adverse noise impacts at noise receptors other than the future projected and potential development sites. Between the Draft and Final EIS, further assessment will be conducted to determine these potential impacts in detail. Although additional analysis will be conducted between DEIS and FEIS, due to the existence of DACs and noise monitoring locations within or partially within lower burden DAC Census Tracts affected by the potential noise impacts, a disproportionate pollution burden to DACs could occur.

CONSTRUCTION

This EIS discloses the potential for significant adverse construction noise impacts, as the construction analysis determined that there are areas surrounding each of the analyzed development sites where construction noise would result in a significant adverse impact. These sites are located in DAC census tracts with "lower" and "higher burdens and vulnerabilities" as well as 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. 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 or emissions during construction.

The EIS also discloses that potential significant adverse traffic, transit and pedestrian impacts could occur during construction, which would be within the range of impacts identified for the 2035 With Action condition. As with operational transportation impacts, the identified impacts on traffic, transit 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 to DACs as a result of mobile source emissions from construction-related traffic. Therefore, the Proposed Actions would not result in disproportionate pollution burden as a result of construction-related traffic. ✷