Technical Memorandum 001
Potential City Council Modifications and Follow-up Action
Atlantic Avenue Mixed-Use Plan
CEQR No. 24DCP019K

ULURP NOS.: C250016HAK, C250017HAK C250021PPK, C250022PPK, C250023PPK C250020PQK, C250019PQK, C250018PQK C250014ZMK, N250015ZRK

May 16, 2025

A. INTRODUCTION

The New York City Department of City Planning (DCP), together with the New York City Department of Housing Preservation and Development (HPD) and Department of Citywide Administrative Services (DCAS), is proposing a series of land use actions including zoning map amendments, acquisition, disposition of City-owned property and Urban Development Action Area Project (UDAAP), and zoning text amendments (including establishing a new Special District and Mandatory Inclusionary Housing [MIH]) (collectively, the Proposed Actions) that would facilitate the implementation of a neighborhood land-use plan along Atlantic Avenue in Prospect Heights, northwestern Crown Heights, and southern Bedford Stuyvesant in partnership with elected officials, City agencies, community boards, and local stakeholders. The Proposed Actions would affect an approximately 21-block area of Brooklyn Community Districts 3 and 8.

The Draft Environmental Impact Statement (DEIS) for the Proposed Actions was accepted as complete on October 11, 2024, by DCP, acting on behalf of the City Planning Commission (CPC) as lead agency. A public hearing on the DEIS was held on February 5, 2025, in conjunction with the CPC's citywide public hearing pursuant to ULURP, and written comments on the DEIS were accepted until February 18, 2025. The Notice of Completion for the Final Environmental Impact Statement (FEIS) was issued March 7, 2025 (CEQR No. 24DCP019K). The FEIS incorporated responses to the public comments received on the DEIS and additional analyses conducted after the completion of the DEIS.

Following the publication of the FEIS, the CPC adopted the Proposed Actions on March 19, 2025 (the Proposed Actions) and referred the application to the New York City Council (City Council).

Since the CPC's adoption of the Proposed Actions, proposed modifications and follow-up actions have been identified by the City Council and DCP, respectively. The proposed City Council modifications (the "Proposed Modifications") and DCP's follow-up action (the "Follow-up Action") are summarized below. This technical memorandum examines the potential for the Proposed Modifications and Follow-up Action to result in any new or different significant adverse environmental impacts not already identified in the FEIS. The Reasonable Worst Case Development Scenario (RWCDS) has been revised to account for both the Proposed Modifications and Follow-up Action (the "Modified RWCDS"), and serves as the basis for this technical memorandum.

As discussed below, neither the Proposed Modifications by the City Council nor the Follow-up Action by DCP would result in any new or different significant adverse impacts not already identified in the FEIS.

B. Description of the Proposed City Council Modifications and Follow-up Action

Zoning Text Amendments

The Proposed Modifications include two changes to the zoning text amendments included in the Proposed Actions.

Open Space Plaza Bonus

As part of the Proposed Actions, a zoning text amendment was proposed to create a zoning authorization (Zoning Resolution [ZR] 146-41 – Authorization for a Public Plaza) to incentivize the creation of public plazas on zoning lots in the Project Area larger than 25,000 square feet (sf) in C6-3A, C6-3X, and M1-4A/R9 districts. The CPC-approved authorization allowed for a 20 percent increase in floor area and up to a 25 percent increase in height for lots that provided a public plaza in accordance with ZR 37-70.

The Proposed Modifications would reduce the eligibility of the authorization to zoning lots larger than 30,000 sf.

Mandatory Inclusionary Housing (MIH) Options/Map

As part of the Proposed Actions, the zoning text amendments would map MIH Options 1, 2, and 3 (Deep Affordability) throughout the portions of the Project Area zoned for residential uses.

As part of the Proposed Modifications, MIH Option 2 and 3 would no longer be mapped in portions of the Project Area zoned for residential use (refer to discussion of Proposed Modifications to amendments to the zoning map below). MIH Option 1 would be the only MIH Option mapped in the Project Area. Additionally, the extent of the mapped MIH portions would be reduced to reflect the proposed modifications to the map amendments below.

Zoning Map Amendments

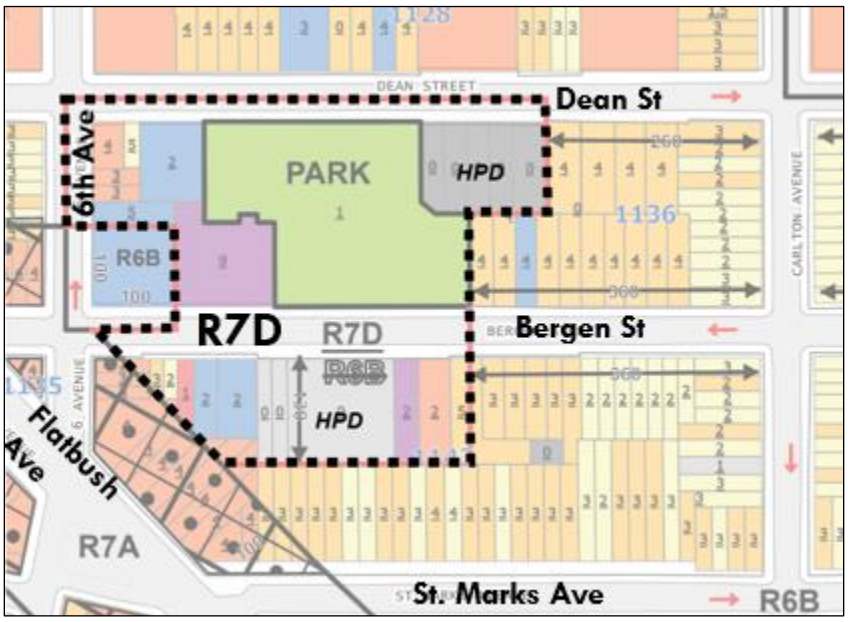
The Proposed Modifications include two changes to the zoning map amendments proposed in the Proposed Actions.

Dean and Bergen Street Non-Contiguous Area

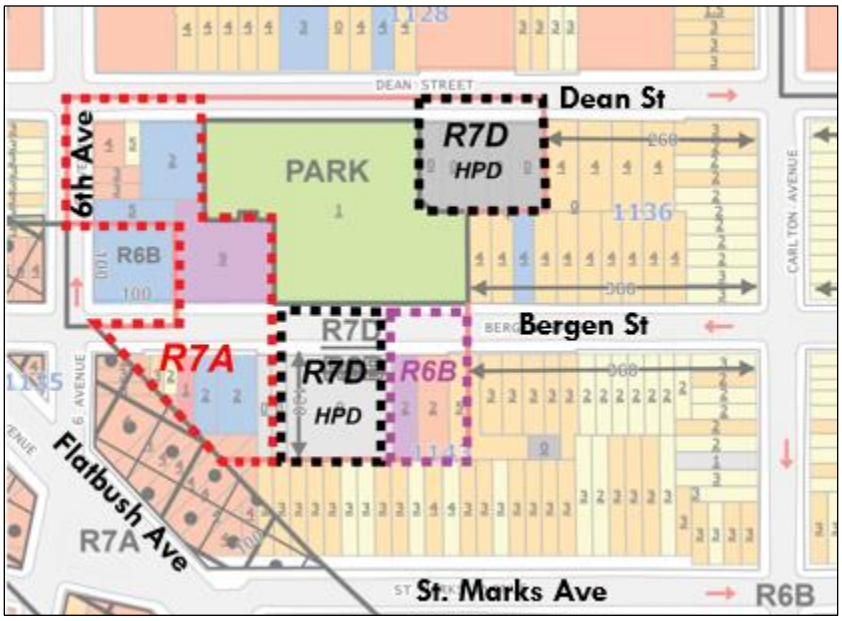
As described in the FEIS, the Project Area includes a non-contiguous area bounded by 6th Avenue to the west, Carlton Avenue to the east, Dean Street to the north, and St. Marks and Flatbush Avenues to the south. As shown in **Figure 1**, under the CPC-approved zoning map amendment, this area would be rezoned from R6B to R7D.

As part of the Proposed Modifications, the city-owned sites in this area would continue to be rezoned R7D to maximize the creation of affordable housing. As shown in **Figure 1**, the western portion of the area would be rezoned R7A under the Proposed Modifications. The southeastern corner of this area would remain zoned R6B. One projected development site (Projected Development Site 52) would have its zoning changed from the Proposed Actions to the Proposed Modifications. Under the Proposed Modifications, Projected Development Dite 52's zoning would change from R7D to R7A (refer to **Table 1**).

Figure 1 – Proposed Modifications – Dean and Bergen Street Non-Contiguous Area



CPC-approved Zoning Map



City Council Proposed Modifications

Table 1 – Dean and Bergen Street Non-Contiguous Area (Blocks 1136 and 1143)

	CPC-Approved Proposed Actions	Proposed Modifications	
Zoning District	**R7D**	**R7A**	**R6B**
Max. Residential FAR	5.6	5.01	2.4
Max. Base/Building Height	95'/125'	85'/115'	45'/65'
Development Site Assumptions	Site 52: 27 dwelling units + community facility space	Site 52: 24 dwelling units + community facility space	N/A

Mid-Block Loft Preservation Area

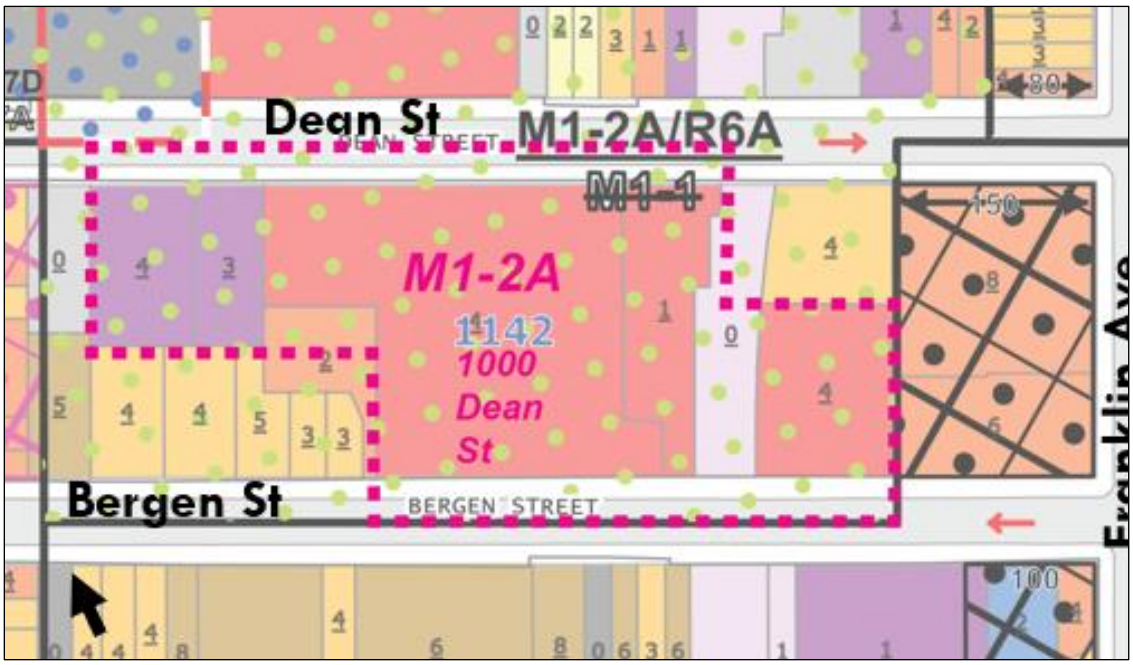
Under the Proposed Actions, portions of the Project Area would be rezoned to M1-2A/R6A. As shown in **Figure 2**, under the CPC-approved zoning map amendment, this area would be rezoned from M1-1 to M1-2A/R6A.

As part of the Proposed Modifications, an area on the block bounded by Dean Street, Franklin Avenue, Bergen Street, and Classon Avenue would be zoned M1-2A, eliminating the potential for residential uses in this area. Potential Development Site J is the only projected/potential development site located in this area. The FEIS did not analyze residential uses at Potential Development Site J. **Table 2** provides an overview of changes at Potential Development Site J due to the Proposed Modifications.

Table 2 – Mid-Block Loft Preservation Area (Block 1142)

	CPC-Approved Proposed Actions	Proposed Modifications
Zoning District	**M1-2A/R6A**	**M1-2A**
Max. Residential FAR	3.9	N/A
Max. Commercial/Industrial FAR	3.0 (+1.1 FAR mixed-use incentive)	3.0
Total FAR	5.0	3.0
Max. Base/Building Height	65'/95' (95'/125' with mixed-use incentive)	65'/95'
Development Site Assumptions	Site J: 90-foot-tall commercial building with office/local retail (4.0 FAR)	Site J: 90-foot-tall commercial building with office/local retail (3.0 FAR)

Figure 2 – Proposed Modifications – Mid-Block Loft Preservation Area



City Council Proposed Boundary shown in pink

Follow-up Action

In addition to the Proposed Actions being proposed by AAMUP, and the Proposed Modifications, DCP will be advancing a zoning text amendment to modify use regulations in the Special Atlantic Avenue Mixed Use District, applicable to M1-2A/R6A zoning districts within Community District 8 (the "Follow-up Action"), in order to promote production, repair, arts-related uses ("Referenced commercial and manufacturing uses" defined in ZR 12-10 excluding automotive repair and maintenance establishments), along with certain community facility uses (libraries, museums, community centers, and philanthropic or non-profit institutions without sleeping accommodations). Within M1-2A/R6A zoning districts in the Special District, the Special District allows a maximum FAR of 3.9 for residential and up to a maximum FAR of 5.0 for mixed-use buildings, which enables an additional 1.1 FAR for non-residential uses in mixed-use buildings. Under the proposed text amendment, for zoning lots above 10,000 square feet within M1-2A/R6A zoning districts in the Special District, the total FAR would be modified such that 0.5 FAR will be restricted to the subset of uses described above, while the remaining 0.6 FAR would continue to allow the full range of non-residential uses.

C. Effects of the Proposed City Council Modifications and the Follow-up Action

The Proposed Modifications would reduce the density and height of one projected and potential development site (Projected/Potential Development Sites 52 and J, respectively).

In addition, the Proposed Modifications would alter a zoning authorization contained in the Proposed Actions. This revision would reduce the number of eligible projected/potential development sites in the Project Area from eight under the Proposed Actions to four under the Proposed Modifications. Development that seeks to use this modified zoning authorization would

be subject to future discretionary approval, and any environmental impacts associated with such action would be assessed and disclosed pursuant to that environmental review with a project-specific analysis.

Under the Follow-up Action, the allowable projected and potential development sites would not increase density or height for eligible sites in the Special District's M1-2A/R6A areas. The non-residential uses proposed to be incentivized in the Follow-up Action in mixed-use buildings in the M1-2A/R6A areas were analyzed in the FEIS. As such, Proposed Modifications and Follow-up Action generally do not affect most environmental assessment areas.

D. Environmental Assessment of the Proposed Modifications

Land Use, Zoning, and Public Policy

Like the Proposed Actions, the Proposed Modifications and Follow-up Action would not result in any significant adverse impacts and would generally result in the same effects to land use, zoning, and public policy as described in the FEIS. The Proposed Modifications and Follow-up Action would not generate land uses that would be incompatible with zoning and existing and future land uses generated under the Proposed Actions. With the Follow-up Action, the mid-block incentive of 1.1 FAR for non-residential uses will be restricted to a narrower subset of uses, specifically production, repair, arts and certain community facilities. We anticipate this additional limitation on uses could result in less uptake of the mixed-use incentive, and therefore could result in a reduction of the total development of non-residential space and reduction in total jobs created across the M1-2A/R6A areas. The Proposed Actions and the Proposed Modifications and Follow-up Action would generally result in the same land uses in the Project Area. The zoning map and text amendments proposed under the Proposed Modifications and Follow-up Action, like the Proposed Actions, would not conflict with any public policy. Therefore, no significant adverse impacts to land use, zoning and public policy are anticipated under the Proposed Modifications or Follow-up Action.

Socioeconomic Conditions

Similar to the Proposed Actions, the Proposed Modifications and Follow-up Action would not result in significant adverse impacts to socioeconomic conditions.

Direct Residential Displacement

The Proposed Modifications and Follow-up Action would not result in significant adverse impacts due to direct residential displacement. The Proposed Modifications and Follow-up Action would result in the same amount of direct residential displacement, because the number and location of projected development sites would not change. As described in the FEIS for the Proposed Actions, the Proposed Modifications and Follow-up Action could similarly directly displace approximately nine dwelling units (DUs), or approximately 20 residents. Therefore, the Proposed Modifications and Follow-up Action would not result in impacts to direct residential displacement.

Indirect Residential Displacement

As described above, the Proposed Modifications and Follow-up Action would reduce the project-wide development by three DUs (seven fewer residents) than the FEIS analyzed (refer to **Table 1**). This reduction in seven residents would have slightly less potential to alter the demographics of the study area population. The elimination of MIH Options 2 and 3 from the zoning text amendment under the Proposed Modifications would deepen the affordability for MIH units. The reduced population and lower overall average income under the Proposed Modifications and Follow-up Action would not result in impacts to indirect residential displacement.

Direct Business Displacement

Similar to the Proposed Actions, the Proposed Modifications and Follow-up Action would not result in significant adverse impacts to direct business displacement. The Proposed Modifications and Follow-up Action would not change the number of projected development sites to be developed. As such, the Proposed Modifications and Follow-up Action would not change the amount of business displacement compared to the Proposed Actions. Therefore, no significant adverse impacts to direct business displacement would occur as a result of the Proposed Modifications and Follow-up Action.

Indirect Business Displacement

The Proposed Modifications and Follow-up Action, like the Proposed Actions, would not result in significant adverse impacts to indirect business displacement. As described above, under the Proposed Modifications and Follow-up Action, the Modified RWCDS would produce the same amount of non-residential area as the RWCDS analyzed in the FEIS. Therefore, no significant adverse impacts to indirect business displacement would occur as a result of the Proposed Modifications and Follow-up Action.

Adverse Effects on Specific Industries

The Proposed Modifications and Follow-up Action would result in the same effects as the Proposed Actions for direct residential and business displacement and affects to specific industries. The Proposed Modifications and Follow-up Action would result in the same amount of direct business displacement and indirect business displacement. Therefore, the Proposed Modifications and Follow-up Action would not significantly affect businesses conditions in any specific industry.

Community Facilities

Similarly to the Proposed Actions, the Proposed Modifications and Follow-up Action would not result in significant adverse impacts on community facilities. The reduction of three DUs at Projected Development Site 52 would slightly reduce demand for schools, libraries, and publicly funded childcare. The Proposed Modifications and Follow-up Action would not change the capacity of public schools, local libraries, or publicly funded childcare centers. Therefore, the Proposed Modifications and Follow-up Action would not result in significant adverse impacts on community facilities.

Open Space

Similar to the Proposed Actions, the Proposed Modifications and Follow-up Action would result in indirect significant adverse impacts to total, active, and passive open space in the residential study area. Like the Proposed Actions, the Proposed Modifications and Follow-up Action would not result in significant adverse impacts related to direct open space impacts or indirect impacts to the non-residential study area.

The Proposed Modifications and Follow-up Action would result in three fewer DU (approximately seven fewer residents). This reduction would slightly lessen the demand for publicly accessible open space resources compared to the Proposed Actions. Under both conditions, the residential study area's total, active, and passive open space ratios would remain below the City's open space planning goal ratios. Therefore, the Proposed Modifications and Follow-up Action, like the Proposed Actions, would result in significant indirect adverse impacts to open space in the residential study area. Mitigation is described below.

Shadows

The Proposed Modifications and Follow-up Action, like the Proposed Actions, would result in significant adverse shadows impacts to the Lefferts Place Block Association Garden and St. Bartholomew's Episcopal Church. These resources would be impacted by incremental shadows cast from Projected Development Sites 13 and 20 and Potential Development Site G.

The Proposed Modifications and Follow-up Action would not increase the density, bulk, or height of any of the projected or potential development sites and would therefore not result in any increase of shadows cast on sunlight-sensitive resources from the shadow identified in the FEIS. The Proposed Modifications and Follow-up Action would not modify the height or bulk of Projected Development Sites 13 and 20 and Potential Development Site G. Therefore, under the Proposed Modifications and Follow-up Action, a significant adverse impact to the Lefferts Place Block Association Garden and St. Bartholomew's Episcopal Church would still occur. Mitigation is described below.

Historic and Cultural Resources

The Proposed Modifications and Follow-up Action would result in the same significant adverse impacts to archaeological impacts, direct and indirect impacts to architectural resources, and construction impacts as identified in the FEIS.

Archaeological Resources

The Proposed Modifications and Follow-up Action would not change the number or location of projected and potential development sites analyzed in the FEIS. Therefore, Projected Development Sites 9, 10, 11, 20, 21, 22, 24, 27, 28, and 55 would still result in significant adverse impacts to archaeological resources under the Proposed Modifications and Follow-up Action, similar to the impacts identified with the Proposed Actions.

Architectural Resources

The Proposed Modifications and Follow-up Action, similar to the Proposed Actions, would result in a significant adverse historic resources direct impact on one resource. The resource, the Former Olivet Church, is conservatively assumed to be eligible for State/National Register (S/NR) listing for the purpose of this environmental review[1]. The Former Olivet Church, located on Projected Development Site 52, would be demolished under both the Proposed Actions and the Proposed Modifications and Follow-up Action, resulting in a direct significant adverse impact to architectural resources.

Under both the Proposed Actions and the Proposed Modifications and Follow-up Action, Projected Development Sites 20 and 48 and Potential Development Sites H and I would cause indirect impacts to the setting and visual context of the NYC-L 23rd Regiment Armory. These indirect impacts may alter the relationship of the resource to the streetscape and introduce incompatible visual elements to the Armory's setting when construction is completed. The Proposed Modifications and Follow-up Action would not modify the allowable height or bulk for Projected Development Sites 20 and 48 or Potential Development Sites H and I. Therefore, the Proposed Modifications and Follow-up Action would result in the same indirect impacts to architectural resources as the Proposed Actions identified in the FEIS. Mitigation is described below.

[1] For the purposes of this memorandum and the FEIS, it is assumed that the Former Olivet Church is eligible for listing in the National Register of Historic Places (NRHP) under Criteria A and C.

Construction

The Proposed Modifications and Follow-up Action would result in the same construction impacts to historic resources that would occur under the Proposed Actions. The Proposed Modifications and Follow-up Action would not alter the number of projected or potential development sites that would be developed. Similar to the Proposed Actions, development at nine projected and potential sites under the Proposed Modifications and Follow-up Action/ could potentially result in construction-related impacts to seven S/NR-Eligible / Eligible New York City Landmarks (NYC-E) historic resources, located within 90 feet of the projected/potential development sites. One of the eligible historic resources is a historic district. Therefore, the Proposed Modifications and Follow-up Action would result in the same construction impacts to historic resources as the Proposed Actions.

Urban Design and Visual Resources

Like the Proposed Actions, the Proposed Modifications and Follow-up Action would not result in any significant adverse impacts to urban design and visual resources in the primary or secondary study areas. The Proposed Modifications and Follow-up Action would slightly reduce the density/height in the Project Area due to the proposed zoning map amendments.

Similar to the Proposed Actions, the Proposed Modifications and Follow-up Action would facilitate the construction of active ground-floor (and occasional upper-floors) uses in the Project Area, including retail and community facility spaces, residential and office lobbies, and light industrial uses, reactivating the corridors of the area. The Proposed Modifications and Follow-up Action would not alter any viewsheds of visual resources in the Project Area. Therefore, the Proposed Modifications and Follow-up Action would not result in a significant adverse impact related to urban design and visual resources.

Hazardous Materials

The Proposed Modifications and Follow-up Action would not result in significant adverse impacts related to hazardous materials. The Proposed Modifications and Follow-up Actions would continue to establish (E) Designation (E-810) which would avoid the potential for significant adverse impacts related to hazardous materials during construction within the projected and potential development sites. Similar to the Proposed Actions, the Proposed Modifications and Follow-up Action would not result in a significant adverse impact related to hazardous materials.

Water and Sewer Infrastructure

Like the Proposed Actions, the Proposed Modifications and Follow-up Action would not result in significant adverse impacts to water and sewer infrastructure. The Proposed Modifications and Follow-up Action would result in three fewer DUs and would slightly reduce the total demand on the City's water supply and sewer infrastructure as described in the FEIS. Therefore, the Proposed Modifications and Follow-up Action would not result in impacts to water and sewer infrastructure.

Solid Waste and Sanitation Services

Like the Proposed Actions, the Proposed Modifications and Follow-up Action would not result in significant adverse impacts to solid waste and sanitation services. The small reduction of three DUs would slightly reduce the generation of solid waste and would not result in noticeable changes to the analysis presented in the FEIS. Likewise, the Proposed Modifications and Follow-up Action would not overburden existing waste management capacity, nor would it conflict with the City's solid waste management policies. Therefore, the Proposed Modifications and Follow-up Action would not result in significant adverse impacts to solid waste and sanitation services.

Energy

Like the Proposed Actions, the Proposed Modifications and Follow-up Action would not result in significant adverse impacts to energy. The reduction of three DUs as a result of the Proposed Modifications and Follow-up Action would slightly reduce demand for energy. Any new development resulting from the Proposed Actions with the Proposed Modifications and Follow-up Action would be required to comply with the New York City Energy Conservation Code (NYCECC), which governs performance requirements of heating, ventilation, and air condition systems, as well as the exterior building envelope of new buildings. In compliance with this code, new development must meet standards for energy conservation, which include requirements related to energy efficiency and combined thermal transmittance. Therefore, the Proposed Modifications and Follow-up Action would not result in any significant adverse impact on energy.

Transportation

Like the Proposed Actions, the Proposed Modifications and Follow-up Action would result in significant adverse impacts to traffic (27 intersections), transit (subway line haul conditions on one route), and pedestrians (10 sidewalks, four corners, and four crosswalks). As a result of the reduction of three DUs as a result of the Proposed Modifications and Follow-up Action, the number of action-generated vehicle, transit, and pedestrian trips would be generally comparable, or slightly less than the number of trips generated under the Proposed Actions. Therefore, the significant adverse impacts identified in the FEIS would continue to be realized, and mitigation is described below.

Air Quality

Mobile Sources

Under the Proposed Modifications and Follow-up Action, vehicle trips would slightly decrease due to the reduction of three DUs. This small change would not change the conclusions of the mobile source air quality analysis presented in the FEIS. Therefore, like the Proposed Actions, the Proposed Modifications and Follow-up Action would not result in significant adverse impacts to air quality from mobile sources.

Stationary Sources

The Proposed Modifications and Follow-up Action would not increase the height or density of any projected and potential development sites. Therefore, the Proposed Modifications and Follow-up Action are not expected to increase emissions from heat and hot water systems compared to what was analyzed in the FEIS under the Proposed Actions. At certain sites, an (E) Designation (E-810) would be mapped (or comparable measures required through an Land Disposition Agreement [LDA] for sites under City jurisdiction) in connection with the Proposed Actions to ensure that future developments would not result in any significant adverse air quality impacts from fossil fuel-fired heat and hot water systems emissions.[2] The same requirements identified for the Proposed Actions would apply with the Proposed Modifications and Follow-up Action.

The FEIS included an analysis of industrial source emissions associated with the RWCDS. The Follow-up Action would ensure that for sites larger than 10,000 sf in M1-2A/R6A zoning districts within the proposed Special District, that at least 0.5 FAR would include “Referenced commercial and manufacturing uses” (defined in ZR 12-10). Inclusion of these uses within mixed-use buildings was analyzed as part of the FEIS. Therefore, like the Proposed Actions, the Proposed

[2] Refer to Appendix F of the Atlantic Avenue Mixed-Use Plan FEIS.

Modifications and Follow-up Action would not result in significant adverse impacts to air quality from stationary sources.

Greenhouse Gas Emissions and Climate Change

Like the Proposed Actions, the Proposed Modifications and Follow-up Action would not result in significant adverse impacts on greenhouse gas (GHG) emissions and climate change. With a slight reduction in vehicle trips due to the reduction in DU, the Proposed Modifications and Follow-up Action would result in lower GHG emissions than the Proposed Actions. The Proposed Modifications and Follow-up Action, like the Proposed Actions, would be consistent with citywide GHG reduction goals and resilience to climate change. Therefore, no significant impacts related to greenhouse gas emissions and climate change would occur under the Proposed Modifications and Follow-up Action.

Noise

Like the Proposed Actions, the Proposed Modifications and Follow-up Action would not result in significant adverse impacts due to noise. The Proposed Modifications and Follow-up Action, like the Proposed Actions, would ensure acceptable interior noise levels through an (E) Designation (E-810) on privately owned sites and LDA on publicly owned sites. Following publication of the FEIS, an error regarding the mapping of the (E) Designation on Projected Development Site 47 was identified. As the site is City-owned, it would not be eligible for (E) Designation. The site would not receive an (E) Designation for noise; instead, the same restrictions would be codified in an LDA pursuant to future development.

The Proposed Modifications and Follow-up Action would have a slight decrease in vehicle trips, compared to the Proposed Actions as a result of three fewer DUs. Therefore, like the Proposed Actions, the Proposed Modifications and Follow-up Action would not result in a noise level increase above 3 dBA. The Proposed Modifications and Follow-up Action would not result in significant adverse impacts due to noise.

Public Health

Like the Proposed Actions, the Proposed Modifications and Follow-up Action would not result in significant adverse impacts to public health. As described in the FEIS, the Proposed Actions would not result in unmitigated significant adverse impacts to hazardous materials, water quality, air quality, or operational noise. Likewise, the Proposed Modifications and Follow-up Action would similarly not result in significant adverse impacts to the same categories.. However, as noted in the FEIS, and in this technical memorandum, the Proposed Actions and Proposed Modifications and Follow-up Action would result in unmitigated construction noise and air quality impacts. The potential for these impacts to occur is expected to be limited in duration and would not significantly affect public health. Therefore, the Proposed Modifications and Follow-up Action would not result in significant adverse impacts to public health.

Neighborhood Character

Like the Proposed Actions, the Proposed Modifications and Follow-up Action would not result in significant adverse impacts to neighborhood character. The changes resulting from the Proposed Modifications and Follow-up Action would result in similar effects as the FEIS in the following technical areas considered in the neighborhood character assessment: land use, zoning, and public policy; socioeconomic conditions; open space; shadows; historic and cultural resources; urban design and visual resources; transportation; and noise. The Proposed Modifications and Follow-up Action would result in the same significant adverse impacts to open space, shadows, historic and cultural resources, and transportation as the Proposed Actions as identified in the

FEIS. These impacts would not result in significant adverse impacts to determining elements of neighborhood character.

Construction

The number of projected and potential development sites to be constructed would be the same under the Proposed Actions and the Proposed Modifications and Follow-up Action. The construction phasing, duration, and schedule under the Proposed Modifications and Follow-up Action is expected to be the same as under the Proposed Actions. Neither the Proposed Actions nor the Proposed Modifications and Follow-up Action would result in significant adverse construction impacts to land use and neighborhood character, socioeconomic conditions, community facilities, open space, hazardous materials, or vibration. Like the Proposed Actions, construction activities in the Proposed Modifications and Follow-up Action would result in impacts to historic and cultural resources, transportation, air quality, and noise. Therefore, the Proposed Modifications and Follow-up Action would result in the same construction-related impacts as the Proposed Actions.

Mitigation

The Proposed Modifications and Follow-up Action would result in similar significant adverse impacts to the Proposed Actions: open space; shadows; historic and cultural resources; transportation; and construction, and as such would not require any additional mitigation measures beyond what was identified in the FEIS.

The proposed zoning text amendment modification to the Open Space Plaza Bonus would reduce the number of eligible sites, which may lessen the potential for public plazas to be created in the Project Area and partially mitigate the passive open space impacts described above. As noted in the FEIS, development that seeks to use this new zoning mechanism would be subject to future discretionary approval and any environmental impacts associated with such action would be assessed and disclosed pursuant to that environmental review.

Unavoidable Significant Adverse Impacts

Like the Proposed Actions, the Proposed Modifications and Follow-up Action would result in unavoidable significant adverse impacts in open space, shadows, historic and cultural resources, transportation, and construction. With the Proposed Modifications and Follow-up Action, the impacts to these technical areas would not be greater than the impacts associated with the Proposed Actions.

Effects on Disadvantaged Communities

Like the Proposed Actions, the Proposed Modifications and Follow-up Action would not cause or increase a disproportionate pollution burden to disadvantaged communities (DAC). With the Proposed Modifications and Follow-up Action, the degree and location of impact to these technical areas would not be greater or change compared to the impacts associated with the Proposed Actions. Therefore, the Proposed Modifications and Follow-up Action would not cause or increase a disproportionate pollution burden to DAC.

E. Conclusion

This Technical Memorandum concludes that the Proposed Modifications and Follow-up Action would not result in any new or different significant adverse impacts not already disclosed in the FEIS.