APPENDIX D

ORAL AND WRITTEN STATEMENTS ON THE DRAFT EIS

Madam Secretary, what is next for Brooklyn? Calendar number 31, 32, 33 and 34 9 62. 9 72 Franklin Avenue rezoning CD nine, calendar number 31 C 2 3 3 5 6 ZMK, calendar number 32 N 2 3 0 3 5 7 ZRK, calendar number 33 N 2 3 3 5 7 A ZK calendar number 34, uh, C 2 3 0 3 5 8 [01:23:30] ZSK Public hearing in the matter of applications for zoning, map and zoning tax amendments and special permit concerning 9 62 9 72 Franklin Avenue. Rezoning. Notice a public hearing is being held by the City Planning Commission in conjunction with the above actions to receive comments related to a draft environmental impact statement. This hearing is being held pursuant to the State Environmental Quality Review Act and the City Environmental Quality Review. Great. Thank you very much with that. Um, we have an applicant team here for 10 minutes, which consists of David Rosenberg, Sean Dawson, [01:24:00] Jeff Rubin, Jose Rodriguez, Michael Vatelli, and Ian Eichner. So welcome. And whenever you're ready, you can go ahead and get started.

(01:24:11):

Good morning, commissioners. My name is, sorry. My name is David Rosenberg, land use counsel for the 9 62 9 72 Franklin Avenue rezoning. On behalf of the applicant team, I want to thank you and the staff of the Department of City planning for all the work that's gone into reviewing this application, which, if approved, would create 475 new [01:24:30] homes including 119 permanently income restricted workforce and affordable units, and would be New York City's first union built finance and operated residential project, ensuring investment in our city's workforce through good paying union jobs in all aspects of construction and building services at certification. The commission was clear that we needed to work harder and think outside the box to find architectural and zoning solutions to create the appropriate housing density without risking long-term damage to the Brooklyn Botanic Garden. We believe our modified [01:25:00] proposal accomplishes this goal. As the chair suggested at Monday's review session, there must be some amount of new incremental shadow that would not create adverse impacts.

(01:25:11):

We believe the commission set the bar for this in 1991 when it mapped the same R eight A district along Washington Avenue, immediately across from and in closer proximity to the same BBG resources that we're speaking about today. The proposed height controls in this application go far than the 1991 rezoning and establish real protections for BBG With respect [01:25:30] to nine 70 Franklin or any future upzoning, the revised proposal eliminates all CEQR shadows from BBGs public sun sensitive areas. Other non-public sun sensitive areas would see a potential reduction in their solar exposure of no more than 0.3 or 0.4% annually compared to real world conditions. As the city asks all of us to help address the housing crisis, are we really going to let 0.4% stand in the way of 475 [01:26:00] apartments permanently affordable units and hundreds of union jobs? Our proposal goes further than the 1991 rezoning creates stronger protections for BBG ones that are based on the location of the garden sensitive areas instead of street lines and lot lines and are based on the actual angle of sunlight instead of on setback distances.

(01:26:20):

And while existing tree cover is not part of the CEQR method to calculate incremental shadows, existing conditions should factor into both the analysis framework of CEQR and more [01:26:30] importantly, should also be considered by the commission in light of the social and economic benefits of the Project. CEQR methodology establishes that incremental shadow increases, increases on plants generally do not have an impact if plants have either four, six, or six to eight hours of direct sunlight depending on the type of plants. The DEIS for both the original project and for the modified project, found that every one of the sun sensitive areas of VBG will continue to have that amount of sunlight. [01:27:00] In this case,

however, parks established a new standard whereby any incremental shadow increase on the BBG doesn't matter how early in the morning or how short of an impact would constitute an untransmittable significant adverse impact.

(01:27:14):

Citing the unique nature of these resources, we as applicants disagree with this conclusion. And note that neither parks nor BBG have produced any analysis to suggest this is the case. In fact, existing conditions suggest the opposite. Our analysis shows that these resources already [01:27:30] lack direct sunlight in those morning hours, and that the proposed building will have virtually no impact on plant growth. We will continue discussions with parks and with the department about the conclusions on impact and mitigation before publication of the FEIS. But regardless of those technical conclusions, the commission should look at the full picture and evaluate this project in light of the social, economic and other essential policy considerations. Before that, creating 475 new homes, hundreds of [01:28:00] good paying union jobs and protect BBG in this project, we therefore trust that when you review this project, you'll find it worth your support. Uh, with our remaining time, the project architect, Sean Dawson, will walk through how we're going to implement these protections, followed by Jeff Rubin, who will talk about the particulars of CEQR and Jose Rodriguez to discuss our analysis of existing conditions and how that affects plant growth.

(01:28:24):

Uh, thank you. My name is Sean Dawson from Hill Lost Architects. [01:28:30] Here you can see the, uh, the existing tax slot map with our, uh, site location highlighted there in the middle. Here you can see, um, the existing R eight A zoning that exists to the left on this image. Um, our site is the highlighted red, so the proposal is to take the existing R eight a zoning that exists on Washington Avenue across from the Botanic Garden and extend it away from the Botanic garden, um, towards Franklin Avenue. [01:29:00] So given, given the R eight A between, um, our site on the right there and the botanic garden, there's a, we've proposed, um, a sun angle that we can look at in this image. It'll be located in the green area here. Um, so seen here, uh, let's see. The green line here shows the location of the sloping plane mapped on the block here.

(01:29:27):

The red line shows the sloping plane as it rises away from [01:29:30] Washington Boulevard and the garden on the right to the zoning height limit in Franklin Avenue on the left, all above the actual planned building, which is indicated there in Gray. So just in, in, to wrap this up and in conclusion, from the architect's perspective, buildings are designed differently today than they were 30 years ago, modeling technology advances, providing credible information with which we can design. So we've gathered as much information as we can with Sun angles solar radiation. We can clearly show shadow [01:30:00] and solar impacts. And using all this information we have sought to design a building that in real life, on the ground conditions, has virtually no change on the conditions of the garden. Thank you.

(01:30:19):

Good morning. My name is Jeff Rubin. I'm a planner with Philip and Associates. We're the firm that prepared the environmental impact statement, including among other areas, shadows, which will be the focus today. [01:30:30] And I will keep my remarks here very brief, but of course I'm available for questions afterwards. Um, the draft EIS, which is a public document and which is the purpose of this hearing, of course studied, which, what is referred to in this graphic as the, uh, the CEQR bulkhead. That's the certified application building that would be, uh, facilitated. Since that time has has been noted, a [01:31:00] amended application has been submitted, and we prepared a technical

memorandum that looks at the, uh, modified project that would be facilitated by the amended application. And that, uh, technical memorandum was reviewed by city planning and issued publicly.

(01:31:17):

Um, in the purpose of these, this graphic is just to give a sense of the shadows that can be cast by the building on this site at different times a year. And I think the, [01:31:30] the main takeaway here is just that over the course of the year, the, the length and nature and coverage of shadows varies quite considerably. This graphic showing the difference between December 21st, the day with the, the least amount of daylight in the year versus June 21st with the opposite, the most daylight. This graphic shows sort of two intervening periods, again, which are pre prescribed by CEQR. Um, this, the, uh, March 21st, September 21st, which are equivalent. And then another [01:32:00] date, which falls May 6th and August 6th, which falls between the equinoxes and the solstice.

(01:32:08):

Of course, I'm not gonna, uh, go through this table here, but there is, there is a table in the EIS and a table in the technical memorandum, which will be updated and which the table will be incorporated into the final EIS, which gives you all the information about the different, uh, duration times of incremental shadows cast by the project on different [01:32:30] resources of concern in Brooklyn Botanic Garden, Jackie Robinson playground. And I think the takeaway here is that the analysis is done according to the, the CEQR requirements has been reviewed by the Department of City Planning and the Department of Parks.

(01:32:48):

I'm gonna pass the final moments of our presentation off to Jose Rodriguez from certain Thomas City. Uh, thank you. Jose Rodriguez. Here. I [01:33:00] am a associate principal at, uh, Turton Thomas City, and I lead the sustainability and building analytics, um, uh, group here in New York. And, um, uh, some of analysis that we did, uh, for, for the project was not only to account for the shadows and shade on of the building, but also the quality of those shadows, um, uh, taking into consideration what existing conditions are and, uh, impact that the existing, uh, buildings, three lines and, and, uh, structures, uh, [01:33:30] post to over the, over the, the assets of the park. Uh, what we found out is that there are significant shades already existing in the, uh, sources of shade existing in the built in the, in the, in the park. Uh, mostly in the form of very large and mature trees along the Washington Avenue Street, uh, along the site, uh, the, the boundaries and the fence of a site.

(01:33:52):

Um, so you click here to go around and then we need a computer simulation, uh, to see and assess what is [01:34:00] the real impact on the quality and the quantity of light. Not only the shadows, but actually what is the energy resource that the, the different zones of the, of the park will be receiving in amount of, um, uh, solar, uh, annual, uh, solar radiation. We divided the, the study into zones, the north zone and the south zone, and we realized that, uh, uh, the amount is, uh, significantly low, uh, less than 3.3%. Okay. Um, that's, that's the end of the official time. Although I suspect [01:34:30] that we're gonna go deeper on, uh, this very question. I certainly will, and I'll probably start it right there. So first of all, thank you. Um, uh, I think we need to slow down for a second and focus on the numbers that you've presented.

(01:34:45):

Also, the question about shadow impact and whether it can be mitigated in the argument you've made in your introduction about, uh, standards, um, for review. So [01:35:00] let, uh, let's just start right there. Um, you know, first let me ask this, the general question as to whether or why the commission

should approve a development that has a significant and un mitigable shadow impact on the Brooklyn Botanic Garden. And you can use that as an occasion if you wish to. Mm-Hmm. <affirmative> dispute the point, but tell us why you think that that is something that the commission should consider approving. Yeah, so we reject the premise in the start that [01:35:30] this is a project that would have a significant untransmittable adverse impact on the garden. Now, you know, a couple years ago there was a different project that was of a incredibly different scale, but that's not the project that's in front of the commission today.

(01:35:44):

This project we knew coming in, which is why, you know, we presented a design like this to the community board even before certification after certification, that this was designed to make sure that we minimize the impact on the garden. Now [01:36:00] CEQR methodology that's, you know, by city, it's not quite regulation, but it is the guideline that we use for these environmental analyses. And CEQR methodology does its job, which is to provide you as the decision makers with all the information that you need in a most conservative estimate to be able to see what the full range of possible impacts of a project are. But the thing about secret methodology is that with respect to a project like this, and when we're dealing with a resource, you know, secret shadow methodology [01:36:30] is designed mostly to understand how people interact with these open spaces. So say Jackie Robinson playground, where this building does, you know, admittedly potentially cause a significant impact.

(01:36:44):

That's because in the afternoons of descent, particularly in December, there's going to be significant shadow. And when you don't have direct sunlight and you're sitting in the park, the difference between being in a shadow or in direct sunlight is gonna be a difference of 10 or so degrees of how you feel it. But when we talk about plant growth, [01:37:00] secret methodology doesn't quite give you the full picture, right? As Jeff pointed out to the slides over here, CEQR first makes some very conservative assumptions about the building. Uh, last December, when the city planning commission approved the city of yes for carbon neutrality, that included an increase to the maximum permitted bulkhead for any building. It went from about 35 feet to 55 feet. Now, the bulkhead that you see on the right in this image is a bulkhead that does not comply with zoning and could not [01:37:30] be built even in a 55 foot bulkhead scenario.

(01:37:33):

There are limits on the location of those bulkheads, the total coverage of those bulkheads. But because zoning doesn't prescribe exactly where on a building the 55 foot bulkhead needs to be for secret purposes, we assume that it covers the entire building. Now adding 55 feet of height to the entire building, including places where it doesn't go following the secret technical as shadow projections that are well north of 200 feet longer than [01:38:00] any real building could be just because CEQR calculates the maximum shadow at 4.3 times the height of a structure. So 55 feet higher, you're gonna have shadows that are that much longer. We believe over years that, uh, with respect to the garden, we need to look particularly at, are these shadows from the building going to affect the way that these plants can grow? The answer to that is no. The entire premise of this idea that we trigger an impact, right?

(01:38:25):

CEQR has specific methodology, six to eight hours of direct sunlight is sufficient for [01:38:30] plants, even if it's non-consecutive hours. All of this we're talking about is early morning sunlight. The last shadows exit shortly before 9:00 AM with a long day full of sunlight. You know, some of these pictures here are ones that were, you know, so first of all, the tree cover, you know, these pictures that you see here are taken different times of year, winter, fall, spring, over a period of years, 20 16, 20 18, 20 19, 20

20. The pictures over here go back. The one on the top [01:39:00] is from 2012. Then you have from 2017, November, June of 22. Picture over here from June of this year. And these are pictures from just last week, right? Whether or not the tree cover needs to count as part of the secret methodology, and we understand like that it isn't, and there's a reason why what this says and what this tree cover being here for so long and providing this kind of cover on the plants in the morning says that these specific plants that the garden's been planting here for at least 12 or so years, are not so [01:39:30] sun sensitive that they require direct sunlight from sunrise until sunset.

(01:39:35):

They're getting ambient light as our analysis from Thornton, Thomas Eddie shows, and then they're getting their direct sunlight for more or less the rest of the day as the sun moves south and moves up. And then they have south until it goes west, where you are effectively completely unobstructed by sunlight, which is why you get these numbers of that. The actual difference of a building here for the cluster on the south over here, which [01:40:00] is the hardy plant nursery yard, you're talking about 0.4%. And for the northern piece where you really only see incremental shadows for between three and 19 minutes on in December, you're talking about a 0.3 increase. And so we understand that the city planning commission has to consider CEQR, but it's not the only thing that the city planning commission should consider. And we believe that when you actually look at the issue of plant growth, right, because we're not talking about public areas of the [01:40:30] garden, we're not talking about issues where you're going to have to hang artificial lights.

(01:40:33):

That's gonna be at eye level and people are gonna block it. This is back of the house space for the garden. We're not going to be impacting plant growth. And then you have the benefits of this project necessitate approving this. Well, uh, obviously, we'll, we'll let the, the garden, um, speak for themselves about impacts that they see or how they believe this will, uh, will, uh, it if approved. Um, but let's now talk about the, the details of the, the shadows specifically. 'cause you [01:41:00] had not noted in your presentation that it's 13 to 19 minutes in the winter, 70 minutes in the summer. Um, you know, the, the stats that I have in front of me are, um, that it is, and we should just compare here 'cause I wanna make sure that everybody is operating from the same, uh, right. This is what I see here.

(01:41:17):

Mm-Hmm, <affirmative>, um, March to 20, March 21 and September 21, 49 minutes. Is that right? So that is for the garden total, right? Of every [01:41:30] incremental shadow impact that touches the garden. But as was the case in the previous application, is the case here, uh, because the garden itself broadly is not a public access, right? It's not open 24 hours a day to the public. And because these shadows leave fairly early in the morning when the garden is not open to the public, we were asked to look individually at the garden, identified 23 sun sensitive areas that contain species of plants that are particularly sensitive [01:42:00] to sunlight. And so that's where you see beginning, right? Where we've broken them out on the columns that have letter numbers, so it's A through V, right? And these cover all of the, you know, parts of the garden that I'm sure people speak about, the education greenhouses, the temperate collections, the desert collections.

(01:42:16):

And we've measured the incremental shadows for all of these individually as part of CEQR. Okay, sorry, go, go back for a second. 'cause we, we can't see A through V on, on what you're presenting here. You can see A through D on [01:42:30] this one. And because it's a long list, we've broken it out into three different slides. Okay. So let's, let's just focus on this for one, for one moment. So, and we can really just focus on one of these. 'cause I assume that the answer will be the same for all of them. So we've got

March, March 21, September 21, uh, incremental shadow duration on the botanic garden. Putting aside what you're gonna say in a moment about the time of day, public versus private or not able to be accessed by the public. 49 [01:43:00] minutes in March and September, an hour and 15 minutes in May and August, an hour and 32 minutes on June 21 and 19 minutes on December 21.

(01:43:10):

I've got that right. Right. Okay. So that's what I have. That's what I have. Mm-Hmm. <affirmative> in front of me too. Okay. So now you believe that we should be making a distinction here between spaces that are open to the public and spaces that are not open to the public. Yes. Okay. And the spaces that are not open to the public are [01:43:30] the spaces that are particularly sunlight sensitive here because they are nurseries for the Brooklyn Botanic Garden. Is that right? Yes. Okay. Um, and within the, these broken out incremental durations, you, you're about, show us I think in the next, like what we can't see on this slide. Mm-Hmm, <affirmative>, but maybe it's on the next one. Um, the, the impact on those [01:44:00] sunlight sensitive resources separate apart from the broader impact on the Brooklyn Botanic Garden. Is that what you're showing us here? Yes. Okay.

(01:44:10):

Let's, let's, let's look at that. What? Let walk us through that, please. So, right, so if you look resource A, which is the education greenhouse for desert plants, you see no incremental shadows in the modified project, which is reduction of nine minutes as compared to the originally proposed project for the December analysis day statement [01:44:30] for B, same thing, no incremental shadows, a reduction of 11 minutes in December C for the education for the tropical plants education greenhouse. Also no new incremental shadows in the proposed project, which is net reduction D for the Helen Martin facility. Right? Uh, no incremental shadows at all, which were then there were never incremental shadows in the original proposed project. Tropical pavilion, right? You see that we have a reduction. There are in the modified project, there are no new incremental shadows [01:45:00] and which is a net reduction of 40 minutes for the March and September analysis day.

(01:45:06):

Desert pavilion, same thing. Reduction of 32 minutes. Sorry. And when you say, just pause there for a second. When you say reduction, you are saying it is a reduction off of what was initially proposed here as a result of the atex amendment. Is that what you're saying? So it's not that we're reducing, I just wanna be clear. Yeah. Make sure everybody's on the same page. Not saying that the building Mm-Hmm. <affirmative> as proposed and modified by an [01:45:30] aText is casting fewer shadows on the garden than exists today. Just fewer in the modified application than the initial application, correct? Oh, for these resources, right? For a through I as modified by the apex, there are zero new incremental shadows on these areas we're not talking about. Right? The reduction is there to show you what the reduction was from with modified, but it is a complete elimination of the incremental shadows for those resources, which is separate [01:46:00] from when you start getting down to right to I through V, which are the non-public facing resources.

(01:46:07):

And that's where you see, where you still see some incremental shadow. So, okay. Okay. So let's, let's talk about that then. Mm-Hmm. <affirmative>. So what, what your argument here is, um, that of the, um, the sunlight sensitive resources for the modified proposal, zero impact on a variety of the [01:46:30] sensitive areas except for, and let's just talk about the ones so that you're about to show us. Where do you see the impact in your analysis? And let, and we'll obviously wanna discuss this with the garden. Go ahead. Yeah. So for the cluster, and I'm gonna just go back here to, to see a map of where you can see all of these, the cluster that's to the north, you see on a couple of them where there is a small impact

ranging from three to 19 minutes in the modified project [01:47:00] on the December analysis day. And then no shadow impacts throughout spring, summer, fall. Sorry, which cluster, uh, which letters are you talking about? So we're talking about I, m, N, and O are the ones that are triggered by this. And Jeff, if I, so I am n and O are the ones where you have found impacts on the sunlight sensitive resources in even in the modified by Atex proposal. Yes. Okay, let's talk about those then. I-M-N-N-O. Okay.

(01:47:30):

[01:47:30] Mm-Hmm. <affirmative>. Yeah. And so you see those, right? And I think KL also there, so that cluster, right? Just looking at the table, we're talking about a range from in December that ranges between three minutes for, as you can see with o Wait, wait, wait. Hang on. Let's, uh, let's, I wanna do them each. Okay. Yeah. Can we just do 'em one at a time? So for, right. So you can see for I, for the desert, I is the aquatic house and orchid collection. Yeah. The aquatic house and orchid collection. Right. Zero [01:48:00] shadows at all there. I'm sorry, I can't see the little hook on the J without my glasses on. So J right, the desert Mediterranean, south African bowl and arid workhouse. 17 minutes on December 21st from 8:51 AM to 9:08 AM for K, the humid tropics workhouse. 19 minutes from 8 51 to 9:10 AM lowland moist, tropical orchid workhouse, which is l 15 minutes from 8 51 [01:48:30] to 9:06 AM for m the highland moist tropical orchid workhouse.

(01:48:35):

14 minutes from 8 51 to 9:05 AM for n the tropical plant propagation house, nine minutes from 8 51 to 9:00 AM on December 21st. And for, oh, the tropical desert plant propagation house three minutes from 8 51 to 8:54 AM on December 21st. And no other incremental shadows on any of the other analysis days for that group [01:49:00] of, of sensitive areas. Okay. And what you're saying is all of those incremental shadows on J through o, um, are all before 9:00 AM The latest one I think is 9 0 8, 9 10:00 AM No, nine 10. Nine 10. I see nine 10 for the, the humid tropics. Mm-Hmm. <affirmative> workhouse. Okay. Okay. I think I understand. Um, [01:49:30] alright, let's, let's talk about, um, community board nine has, you know, said that this project is not worth the trade off of, of the impacts here. Um, you know, I think that we're gonna be talking about this all day about the impacts, and I'm sure they'll, there will be, um, other perspectives on the shadow impacts from what you have presented here.

(01:49:54):

Uh, but let's, let's just talk about the, the, the trade off of housing production and the, [01:50:00] the impacts here. What's your, what is your response to the concerns that this is not worth the trade off? So, you know, in respect what Community Board of nine was talking about, and there, you know, they looked at it as, uh, 75% market rate housing, 25% affordable housing. They would like us to effectively reverse that ratio and provide 25% market rate and 75% affordable. And as nice as that would be, that's just not economic reality. The city has a housing crisis that, you know, [01:50:30] the borough president decided despite, you know, what, uh, the particulars of that recommendation that we do need all types of housing in the city. We need market rate housing, we need affordable housing, we need all of it. And this is an area that is particularly well suited for this kind of density.

(01:50:45):

This is, you know, contextual. There's existing R eight A all around it. This is an area that's well served by transit, not just by the subway, but also by bus lines. It's well served by open space with the Botanic garden and particularly Prospect Park as a full-time, public open space. And [01:51:00] with all of that, there's a real, there's a, there's a good reason to put more housing here. And you know, the thing about this is like, as opposed to some other parts of the city that are zone manufacturing, and there are increased pressures to try to rezone them to residential, to residential use. So that new development could come here. This is already zoned residential, uh, in the old application that included larger, that

included a larger project area [01:51:30] and that rezoning was ultimately denied, right? That is now being built as market rate luxury housing on the R six A as of right without the rezoning to create the affordable units.

(01:51:41):

Here you're gonna have two things that happen. Development under R six A is that, one, you're going to have a fully market rate development, which I don't agree with the borough president, that that would be an okay scenario here. But also more importantly than the fact that it would be market rate and not just affordable, you'd also lose the density. And once you build a new building with 168 [01:52:00] units, you know, you're not gonna get another 300 units on that later just because right? If you increase the zoning later, there's a new building that's gonna be it. And so this is an opportunity with a site that can handle the density well without impacting the garden, without doing this. And this is the opportunity to do it and create the affordability. Okay. Last question from me before I go to my colleagues. Um, back in 1991, you cited this in your, in your opening, um, certain changes were made, uh, in the interest of the garden [01:52:30] next door to protect, uh, the garden.

(01:52:33):

Um, it was brought down to an R six A because of the unique position of this site. Um, you said something different in your opening Yeah. That this goes even further to protect the interests of the garden. Now obviously you're proposing an R eight A, it was set at R six A in 1991 as a way to protect the garden. Why? Oh, can you clarify how you, uh, how [01:53:00] you make that case happy to, and so firstly with that, I wanna just correct one thing that was said at the review session. This site, um, and Washington Avenue in the 1961 zoning maps, Franklin Avenue was zoned. R six Washington Avenue was zoned R eight. It wasn't, there wasn't necessarily a down zoning. In fact, the 1991 commission report actually refers to it as a slight upzoning of the Franklin Avenue side because you went from a 2.43 FAR and the height factor regulations to a 3.0 with the call, with [01:53:30] what was then the beginning of quality housing regulations.

(01:53:33):

The goal in the 1991 rezoning, the concern was that you have RA on Washington Avenue that with height factor, you could potentially have 18 story buildings there. And those 18 story buildings would cast, you know, damaging shadows on the Brooklyn Botanic Garden. And the goal was to fix that by contextualizing the block. So R eight became R eight a, R six became R six A, which the R six A on Franklin Avenue. And old likelihood, or the commission reports don't express it. The [01:54:00] old reports from the 60, from the 1960 enactment of zoning doesn't talk specifically about the block, but no likelihood it has more to do with the tower and a park context for the e its field departments nearby and the other development in the area than it does anything to do with the garden. Because to zone the idea that Franklin Avenue was zoned are six a when the Washington Avenue was on R eight A just doesn't really make a whole lot of sense.

(01:54:23):

You look at this diagram, right, uh, at, uh, certification when this was talked about, um, it is the policy of the commission [01:54:30] that when the commission maps the zoning district, it's because the, the commission believes it is appropriate to build to the full FAR and full height of that district on the site. And to say otherwise would be to say that the zoning district is inappropriate. You look on the left, you see what the existing bulk envelope is for RAA. Now, this was true in 1991, this is true today. The only difference between 1991 and today is the change to the allowable bulkhead that, uh, from city of yes [01:55:00] for carbon neutrality. But that building is significantly higher than what the R six A is. And any shadows that would come from an R six A would be blocked by the RA district. So the R six a district had

nothing to do with the fact that it, with the garden, it was the R eight A that the City Planning Commission determines this is the part, this is the height that we need to be able to make sure that we don't have such impactful shadows on the garden.

(01:55:25):

That we we're not gonna be able to grow those resources. That doesn't mean, you know, they show what [01:55:30] the actual potential shadow impact. That doesn't mean zero. You even see from the existing building there on Washington Avenue and you know, from the photos and the analysis that we have that there is existing shadow, the goal isn't zero shadows, the goal is a tolerable amount. And that baseline was set there. What we are doing here that, where I say that we go farther is we set this plane, the sloping plane, right? We kind of look at this there. Zoning has a lot of different bulk controls. There's, there are contextual districts that have height limits, but then you have bulkheads that go on top of it and dormers that can pierce [01:56:00] the setbacks. You have power on a base, you have the bolt packing rule. There are lots of different things.

(01:56:05):

There's one that we feel is the best model for this that really just says this is the height of any destruction. That's kind of how we zone around airports. And we get to the airport approach districts, particularly in Queens where, you know, the actual height matters. You know, if your maximum height is 120 feet and you can stick a 55 foot bulkhead on top, that's not a height limit of 120. It's not, doesn't, it's not true for flight path. And we think here for the garden, when we're talking about shadows, it's also, it's a good, [01:56:30] it's a good tool for us to borrow from. And so we set the sloping plane based on where we, you know, see what the analysis of where the sun comes in. And for us, setbacks 30 feet from the lot line kept us out at a height of 111 feet and continues to slope obviously with city of, yes, if we went out to 20 feet with a rear yard reduction, we'd have to stay under that slope and you bulkhead would have to stay under that slope and otherwise we would be limited by heights.

(01:56:58):

So ultimately as you get closer to the garden, [01:57:00] you actually have a real height restriction, not 110 plus x, not something that gets picked up as part of zoning ZQA back in 2016 with when qualifying ground floors increase the height by five feet and actual height limit that says this is the tallest the building can be, which is only seven feet taller than what the R six A as of right. Is today and is shorter than what the, as of right would be under the proposed city of yes amendment. And so that's why we say that this goes [01:57:30] farther to provide actual protection for VBG that says this is how tall the structures can be and that distant that, uh, measurement is actually relative to the sun and the distance to the garden as opposed to lot lines and street lines. Okay. So going back to that slide, uh, right before this one where you have the maximum, um, bulkhead height of 75 feet on the R six A, what you're saying is that's, that's not the, [01:58:00] what is your maximum height here?

(01:58:03):

So the maximum zoning height is 75 feet. Yeah. Which you can see there for the line plus a 35 foot bulkhead allowance ah, to 110. I see. Yeah. Right. Okay. There it's and under the proposed city of Yes, for housing opportunity, I think that 75 becomes 95 if I recall correctly. Okay. Okay. Uh, and just to, just to go back to the, the shadow question. So we [01:58:30] went through in detail, um, the impacts on the sunlight sensitive resources J through o mm-Hmm. <affirmative>. Um, but there also are, and I'm just really teeing this up for further conversation with the Brooklyn Botanic Garden. When we hear from them, there are also shadow impacts broader than just the sunlight sensitive resources. I focused what I was asking you on those because I, you know, I have spent a fair amount of my time [01:59:00] focusing on those resources because they are distinct and different.

(01:59:03):

Um, but there also are still the, the, the numbers that we went through at the top mm-Hmm <affirmative> the 49 minutes, the hour and 15, the hour and 32 and the 19 minutes are still applicable to the garden more generally. Is that correct? Yes, but under CEQR methodology, none of those shadows are significant enough to trigger an impact under CEQR methodology. And the reason why is because [01:59:30] a, these are generally, these are areas of the garden that are gonna have full sun exposure for the six to eight hours as recommended by CEQR. And these are also not for CEQR purposes, public resources because you can't just walk in there whenever you want. You go through paid admission, there are hours and all of those shadows exit or you see the latest shadow exits the Brooklyn Botanic Garden at, so the march, September 21, this is standard time 8 25. So 9 25 would be the latest in [02:00:00] for the March and September analysis day. In daylight savings time the garden opens to the public at 10.

(02:00:08):

And so these are both not significant enough to actually cause any damage to the greenery in the garden and not, and will not affect the public's enjoyment of the garden when they're there. Okay. Alright. Um, here's what I'm gonna do. I'm gonna go to my colleagues. Thank you very much. I'm gonna go to my colleagues. I'm gonna start with Commissioner Goodrich. Uh, and I'm just gonna ask, uh, folks who are here to please, um, um, not, [02:00:30] uh, not make noise in the hearing room 'cause it's gonna slow us down today. And also we wanna make sure that we proceed. Okay. Thank you Commissioner Goodrich. Go ahead.

(02:00:40):

The sunlight. I have some questions, so I'm gonna ask about some other areas. One of the slides mentioned, um, the affordability piece, but I really like your take on the fact that this project for the one 19 affordable units, the actual affordability is higher than [02:01:00] the community. So it's not the a MI doesn't match the community and I'm wondering why that is. So the a MI here for Community District nine is about, I don't have the exact number in front of me, but it's about $80,000 a year on the last number. Now that's a lie. I'm sorry. Tell him sorry. We cannot, you will have your chance to come up and you can rebut whatever you wish. I'm sorry. We're not gonna have a situation today in this hearing where people are just yelling out from the audience. I'm sorry. He, he is, he has his chance to come [02:01:30] and say his word.

(02:01:30):

I'm sorry ma'am. We're gonna not allow you to do that in here. And so I just ask you to control yourself. You will have a chance, we will gladly call on you, you'll have your opportunity, please proceed. And so that average, right, actually right considering also that about 60% of this neighborhood is one in two member households actually lines up a little bit closer with option one than, uh, option two than option one. We believe though that the drag on the a MI numbers for this community district as part because, and when you kind of [02:02:00] get into the weeds a little bit on it, is that this development side is like right at the south of Crown Heights where the a MI is generally lower and closer to prospect Left Gardens where some people have recently been moving in, have driven the numbers up a little bit, which is why the a MI is harder than I think where is higher than we generally feel where it is, which is why we think that as between option one and option two, which are the options that we get to, as applicants get to pursue, at least in the first instance, we believe option one is the appropriate answer, which requires, um, the affordability [02:02:30] at 40 and 60% mi and then also allows for up to one 30, which also allows us to provide the kind of workforce housing that we also hear from members of the community that they want to be able to see.

(02:02:41):

But the, but the workforce housing would be so, so, okay, so the a MI, the reason why you're saying that the a MI is higher is to account for people who have moved in into the community who essentially [02:03:00] have already, for lack of a gen gentrification. So I, that's why we think that the a MI number for community District nine, right? Not necessarily the immediate area with this project is, but Community District nine broadly is a, is higher than what a lot of members of community board nine feel is reflective of their community. So let, let, let, let me ask the question again. Mm-Hmm. <affirmative>,

(02:03:30):

[02:03:30] Why did this project choose knowing that there is a lot of, um, community skepticism already about the project because of the lack of, or the, the, the impact of sunlight on the garden. So then what people say is, okay, well we need housing and that's the priority. And then the next part of that is then the housing better be affordable, [02:04:00] not $5,000 studios. So what was the thought process behind making the 25% of which is already a low number of affordable units, a higher affordability than the community? So as and I understand why, and that, you know, 45 x with some recent changes, there have been some changes, but as applicants, we are bound by MIH chart [02:04:30] city policy. When we re resume, we have MIH and as applicants, we get, you know, two choices really as to be able to propose ultimately the city council has authority to do change things.

(02:04:39):

And, you know, we are, since this beginning of this process, we are continuing discussions with council member with other stakeholders and HPD to find ways to make the financing work that we can explore other affordability options. But in terms of what, when we file an application, the choices that we get is option one or option two, and [02:05:00] we believe that option one is better reflective of the community here than option two, which provides the afford, which provides 30% affordability instead of 25. But at 80% a MI, not at the 60 and 40 that we get in option one. Okay. I, I'll just say found by by MIH, but there is, there are still, you can still choose deeper affordability. It isn't that you have to go with the higher numbers, but let me move on from that. My last question, because I [02:05:30] know that there are gonna be a bunch of questions, it's about the tax amendment.

(02:05:33):

Um, I mentioned about the community skepticism. There was this text amendment in late July. Um, it would not just, it would have a wider impact than just a specific site, but obviously there's already community skepticism. A lot of people might not know about it, um, might not even be here to testify about it. Is there anything [02:06:00] that the applicant is doing to inform more people about that? Because that, that is not just specific to the site at that point. That's a wider, that's for people on the block. Yeah, and, and I appreciate the concern about making sure that the community is informed of this process. When we first presented to Community Board nine, about a couple of weeks before certification, we proposed this massing and showing that we were, at the time still working with the department to see if there was part [02:06:30] of existing zoning tools, something that we could use to lock in this particular design.

(02:06:35):

We showed both. We said, here's the one that's gonna be pub that we believe is probably going to be published in the DEIS. This is the one that we want, which shows the step down and the reduced shadow impact. And we're working on finding a way to lock it in. At the time, our hope was that we could do it as part of a restrictive declaration in conjunction with the special permit. Um, by the time we got the certification, it was clear that that was not a viable option because of a broader policy considerations, [02:07:00] but also because of the proposal for City of the S that would move the special

permit. So that's not a viable option to do it. So we have to go back to the drawing board. And that was a lot of the discussion from the commission of certification was figure out something.

(02:07:13):

If we don't have something that's part of the, the normal zoning toolbox to restrict it, because we're not big enough for a large scale, we don't have non-compliances to trigger other authorizations. Right. We have to find something. And so looked at it and then landed on this idea of the text amendment that provide Right. Borrowing [02:07:30] a little bit from airports of this is a know, it's creative, it's certainly, it's not something that's done every day, but accomplishes the job. But we have, you know, from the get go with this shown the community that we are committed to reducing the shadows and this is the building that we want and we're figuring out how to get there.

(02:07:49):

I know my colleagues are gonna have more questions, so I don't want take up <inaudible>. [02:08:00] Hi. Um, thanks, thanks for the detail. Just one or two quick ones. Um, one in, um, your mind. Um, I know you made the point, um, that in many of these cases, um, by 9:00 AM basically the, the shading is gone. If you will, um, just talk for a second, and I, I assume you guys have probably gotten some, um, expert opinions on based on, you know, I don't know, I don't know what's in, I assume in the Mediterranean, and we can ask BBG, this display plant tunnel. There are Mediterranean plants [02:08:30] which are probably fairly used to getting, um, a fair amount to something. What, what, what's the view of the expert? Is, is it relevant that it's before 9:00 AM in that case? Right. So I'm gonna ask Jose to come up and talk about, um, you know, how we analyzed it.

(02:08:44):

But to the first point, we've tried to get information from BBG, uh, for, you know, the better part of that, this 0.7 years, uh, we haven't gotten it. So thankfully in New York City in 2024, we have a lot of really great tools to be able to use to work around that. [02:09:00] But broadly, and Jose will come up and talk about the specifics of it, but the idea is looking at how these plants get radiation, right? I included a bunch of pictures here that I took when I was by the garden last week, which is just a couple of days off from one of the analysis days. And you see this kind of existing shadow and you know, we all kind of know how we see light, right? When it's cloudy outside, we can still see it. The light is right. It's not just binary. The CEQR is very binary.

(02:09:27):

And so we kind of sat and used years of data [02:09:30] to figure out how these plants are getting their light. And what we found is that before 9:00 AM these plants are getting their light. It's not right. It's not one for one compared to the rest. Say they're getting light from ambient light, not from direct sunlight, and they're getting the rest of their right. So the solar exposure and then the photosynthetically active radiation takes me back to my biology days. But they get most of that from the rest of the day where, you know, because of the design of the garden and prospect park to the west, they have unobstructed sun. [02:10:00] Um, Jose, if you want to talk a little bit more about it. Yes. Uh, so the, the analysis that we did is precisely that is is accounting for the quality of the light that the, these resources will receive and not necessarily a, a black and white, um, um, black or white, uh, shadow analysis.

(02:10:18):

Um, so, so yes, we, we did this, um, uh, studies on, uh, how, how to assess what is the quality of that light. And, uh, there are several studies that we did [02:10:30] for that is, uh, for photosynthetically active radiation, which is the actual light and the energy that plants receive, uh, which is very different from the lumens that we perceive of people. So plants see light different than the way people do see

light. Uh, and and these are some of results that we found for that. This is the, the amount of radiation that the plant, that those assets are receiving, um, is not sign significantly impacted by the, by the, uh, the, the new, the new, um, the new building, especially [02:11:00] when the, the con the context is taken into consideration the existing, uh, trees and so on. Uh, so there, there is, is, again, we're not talking about number of hours or minutes of, of shade, um, uh, but the amount of actual radiation that the plants will be receiving that.

(02:11:17):

And we did a, um, um, some extensive analysis on that. And then more specifically, then we did another study on, um, just [02:11:30] accounting for the incidental, uh, solar radiation. It's all the spectrum of a light that is gonna get there. And we, we, uh, this is not something new. This is, you know, is, is physics that we, we understand that, um, we simulated to that and in the south resources at least all the light, uh, only 13% of the solar radiation, 13.9% comes before 9:00 AM uh, in the morning. Everything else is after, after 9:00 AM uh, in, in the, [02:12:00] um, in the, the annual basis. And from those 13 9% of the, as a benchmark that we did, then we said how much of that is actually, uh, obstructed by existing assets or existing trees and other elements that are already there and we realize it's 4.9%.

(02:12:20):

Um, and then we said, well, once we add the, the building or the, the shape of a building in it, then we increase that number by 0.4% and there [02:12:30] is actual total energy, uh, resources that falling into those assets. Same thing for the north, uh, group of buildings where the impact is, is actually less, uh, lower than that. Got it. Got it. Okay. Thank you. That's helpful. And then, um, you know, part two is we haven't really spoken much about the playground, but, um, what jumps out at me is the time that the playground has basically summer, spring, and summer. We're between two and three hours of shading over the playground in the middle of the day. [02:13:00] And that's the time that, you know, clearly I think we can all agree, um, the playground will be used from, you know, two o'clock till five o'clock.

(02:13:06):

I I think there's a lot there. Just speak a little bit about maybe what, um, we can do to mitigate the act perhaps. Yeah. So, uh, this came up also in the previous application about Jackie Robinson playground where, uh, all right. And part of it is just because of the constraints of contextual zoning that requires so much building upfront at the street wall. Uh, there really is no, unless we completely get rid of contextual [02:13:30] zoning and put like really skinny towers there, um, there's no way to get rid of that impact. And it's probably even in the, as of Wright design, not quite the same much, but between the building that's going up on the corner lot there of Montgomery and Franklin and our lot, even as of Wright Street Wall construction is gonna cause fairly significant impacts on Jackie Robinson, which is why, you know, talking with parks, we started speaking about, uh, acknowledging that yes, this is gonna have a significant impact.

(02:13:57):

There's really isn't a way around it. So let's see if there is a way to [02:14:00] mitigate it. And those are the discussions we've had with parks. Uh, parks had made a couple of initial suggestions of what they understood from their community outreach to be what they wanted, which were improvements to the lighting and the basketball courts, and then a replacement of an existing handball court with a running track. Uh, we heard pretty quickly from the community board that replacing a handball court was something they were very much not interested in. Uh, so we started having discussions with community groups to talk about what they would want to see there. [02:14:30] And we have a framework for what it is that they're looking for. And ultimately we think that as we continue the discussion with parks about what exactly the mitigation's gonna look like, right, is um, department staff was here.

(02:14:42):

It's either gonna be we do the work or we pay for the work that we want there to make sure that parks is doing this through a community led process that, you know, we're gonna help with. Got it. Um, so I guess that raises, I, I thought I saw an analysis, um, in the material we were given for, um, as of right for Jackie Robinson, [02:15:00] and when I double check, um, I don't have it. So it definitely would be helpful if you can, uh, provide that Mm-Hmm, <affirmative> Sure. It doesn't have to be the second mm-Hmm. <affirmative>, but after the fact, we'd love to see that. Sure. That'd be helpful. Thank you. Thank you, commissioner. Um, before I go to Commissioner Erha, let me just go back for a moment if I can to your chart, um, with the, uh, resource by resource, incremental shadow impact. Um, we stopped at o Yeah.

(02:15:28):

In our conversation. Mm-Hmm. <affirmative>, lemme just [02:15:30] double check one one point. So between aquatic house, which was I, and, um, the tropical and desert plant propagation house, which was o and we were looking at the incremental numbers of minutes of shadows. Um, we were looking at one season, but the only season for which there were incremental shadows. Yes. Okay. That was what, December? Yes. Okay. Now we didn't talk about P [02:16:00] through V. P through V. Yes. Now P through V are also, let's wait, hold on. Yeah. I just wanna show some, uh, some context for these resources on a map. Okay. Before you do that though, but I just wanna note what they are. They are things like the hardy plant nursery yard and the temperate bonsai tunnel, production house, bonsai house, um, temperate plant propagation tunnel, et cetera. Now, um, we [02:16:30] should run through those mm-Hmm. <affirmative>

(02:16:32):

Two. Yeah. Um, because those also appear to be sunlight sensitive resources. And I, I'll start with the question as to why you did not, um, identify those in the first instance as what you believe to be sunlight sensitive or relevant for this conversation. No, we, we absolutely, you know, these have been identified by BBG as sun sensitive resources. The re uh, so it's under, just to see like where this [02:17:00] is on a map, right? So p right is the good one to start with because P is the general area that encompasses Q through V. Yeah. And they're all there. The reason why we are skeptical of the idea that these are so critically unsensitive that any increase in incremental shadows is an untransmittable significant adverse impact is because of existing conditions and where they are. These are all pictures along that larger hardy plant nurse's yard.

(02:17:30):

[02:17:30] And these are large tree cover, these are all taken in the morning of where this is right at the shadow increment. There are trees lining the right there, the trees that line it. And you can see on these trees, you can see where there's shadow from existing buildings and where you have the trees that are taking up sunlight, and you can see pictures of the actual plants over here and see that during the precise time that this, the incremental shadows would purportedly be blocking sunlight. There's [02:18:00] not a whole lot of sunlight of which to speak. Uh, these were taken Thursday morning, it was the first day of the heat wave. It was a bright, sunny, incredibly sweaty morning. And you can see here that this is at 8:04 AM or right there, and you can see exactly where the light is. You can see the plants in the background.

(02:18:17):

You see other equipment in the foreground of how much light we're actually talking about. Okay. Alright, I got it. So let's talk about that. I mean, you're, you're, you're saying that they're, they're shaded by trees today. Yes. Now, obviously [02:18:30] there's a significant difference between shade that's

created by trees and shade that's created by a building. So let's let, let's just, let's just start from that proposition, but let's, let's go through those resources though of, of Q through V or, or I guess including p mm-Hmm, <affirmative>. Um, okay. So now looking at the, the chart here, and again, I just wanna do this out loud so that we are all on the same page when we're talking about this throughout the course of the day. So for the Hardy plant nursery yard, that is P mm-Hmm. <affirmative>. That is, uh, okay. And the, and the first column here [02:19:00] is, um, I'm sorry, that's June, and that's the first column is March, September.

(02:19:05):

Okay. March, September. And it is 49 minutes. Yes. Uh, the second column is that is the May, August, may August, one hour, 15 minutes, and then the third column, June 21st, one hour and 32. 1 32. Okay. So that's, that's for P Yeah. And so [02:19:30] everything else is a subset of P because you say all of the, all of the other resources, um, are within that, within that range. Okay. So, and just, uh, just scanning this and for the, for the benefit of the public, um, they, this ranges from at a low, um, of 17 minutes in the temperate bonai tunnel in the early morning of March and September, or 12 minutes for the production house, same time to a high of an hour and 10 minutes [02:20:00] in June for the New York native flora and temperate plan plant propagation tunnel, uh, hour and 10 minutes. Is that, do I have this correct?

(02:20:10):

Yes. Okay. Um, okay. So those are, those are bigger impacts than, uh, I through mm-Hmm. <affirmative>, um, O but we'll certainly want to explore. Yeah. Um, you know. Yeah. And why, why, you know, the difference between if there is any difference here between I and O and P through V Yeah. From the perspective [02:20:30] of the garden or the public. And I let the, the garden speak for themselves on that, and it would be nice to hear it from them for the first time. But the thing is, the reason why we think that this is not significant is because CEQR, right. And their parks concluded that normal plan, right? Take just your regular greenery that might come up on a different shadow analysis for a different project somewhere else in the city. None of these shadows, even the hour and 10 minutes for resource U [02:21:00] would not be considered an impact because between there, so it's between 7:07 AM so daylight saving time, 8:07 AM and sunset on June 21st, which is about eight 30 plus or minus, it has full exposure to direct sun light.

(02:21:17):

And so under normal circumstances, it would not be an impact here. Parks decided to deviate from the general CEQR manual to say that because these are sun sensitive resources that need [02:21:30] their full sun exposure, they, that even this hour and 10 minutes, or even the 25 minutes or the 12 minutes for the production houses early in the morning constitutes a, an untransmittable significant adverse impact. That conclusion is premised on the fact that these are plants that are getting 12 hours a day plus direct sunlight from sunrise to sunset. And that's just not the case as far as we can see it. And we haven't seen any analysis to suggest [02:22:00] that they are getting direct sunlight all day. Do you, do you disagree with the notion that the parks would treat sunlight sensitive resources differently from say, uh, you know, a, a more typical park experience?

(02:22:17):

I'm sorry, can you repeat that? I'm asking if you're disputing the parks department's approach by treating sunlight sensitive resources differently from what you called regular greenery? No, I think that if you have documented, [02:22:30] you know, species of plants that say that really do require that kind of extensive sunlight and you would be getting in the way of that, then yes, that's an impact that then gets looked at like every other impact and CEQR, how are we going to, is there a way to mitigate it? Is there

not a way to mitigate it? But there are a couple of things. There's one, there's the calculation that there's a significant adverse impact, which, and then there's also the calculation that it is untransmittable, uh, the mitigation efforts in the DEIS talk about a couple of things. [02:23:00] Um, you know, which we're not, it's not language. We don't have enough information to say one way or another, but like, particularly around, say things like, again, moving some the educational greenhouses is probably infeasible moving.

(02:23:13):

Some other things, like if you get, uh, you know, some of these areas, maybe, maybe not, we don't know, uh, the ability to hang artificial light. We don't really know what's feasible, what's not. We know that the logic given for not being able to put artificial light is that a, it would require [02:23:30] the amount of light to light three football fields, which we just think is implausible without seeing, you know, any supporting data for it. And then the second thing was that they would have to be, the lights would have to be positioned basically at eye level. And so it would interfere with people being able to come see the plants. But now with this modification, we're not talking about parts of the garden where groups of children or visitors are coming to see, we're talking about back of the house areas that are just garden staff.

(02:23:56):

And so that concern is less. And so we hope to that between now [02:24:00] and the FEIS, we can revisit those conclusions. Okay. Thank you. Commissioner Rampersad. Thank you. Uh, couple quick questions with regards to when the a application was filed. Have you guys been in touch with the community board since then about any follow up meetings, whether it was with the land use of the full board? Yeah. So after, since the community board recommendation, uh, we've made sure that they've known that they've had copies of all the materials that we've submitted to the bar president before his review, but before the hearing and after the hearing, same thing with the material that we've submitted [02:24:30] to the commission. Uh, we let them know that the, a application was coming, uh, part of the delay in filing it, and I know that, uh, it came later than we necessarily would've wanted, was we wanted to actually speak with the garden about it.

(02:24:43):

We finally were able to get a working meeting with them on, I guess it was July 6th, was that Monday right after Independence State, where we were all able to sit down. And so we were holding off, you know, we'd been working on the text, we'd given the garden a working copy of what we were working with, hoping that we'd get some feedback from them. [02:25:00] Ultimately, it didn't come. And so we have to file it because we wanted to make sure that we kept on the, your timeline. The reason I bring that up, because, you know, uniform community board member, I know during the summer they don't meet Mm-Hmm. <affirmative>. It's very hard to get people to come in. Yeah. I was gonna lead you to my next question. How many meetings have you had with Botanical Gardens in discussion with the Project? One. And how long ago was that beginning?

(02:25:22):

That was the meeting that talking about in July. That, uh, is the only one that, uh, they've agreed to meet with us. We've repeatedly throughout this process, the pre-application process, [02:25:30] the COVID process, we'll meet with them anytime, any place to discuss it. And that still holds true. Okay. Uh, I'm interested in hearing from the public about this. And two more quick questions. In this project, do you have any three bedroom units? No, not in the current design. No, not, uh, you know, that's gonna be part of the discussion with, I guess as, as we continue discussing the affordability, uh, ultimately unit mix is gonna be subject to HPD approval. Uh, but over here we actually think that the Mixes studios,

ones and twos closely meets the [02:26:00] community need, which is about, this community is about 60% single popul. Right. One and two person households. And my last question with regards to financing of this project, is finance secured to build out this project as if it were, if it were to get approved as a 14 story building?

(02:26:16):

Yeah, we, the commitment from the A-F-L-C-I-O Housing Investment Trust is what guarantees that this is gonna be a fully union project and building construction, building operation and, you know, move this out ultimately. Right. There are a lot [02:26:30] of contingencies around actually closing financing, particularly about around the approvals and what everything looks like. So I don't want to get and start talking about that. Yes, we're ready to go today because without the reason, without the approvals here, uh, it's impossible to say. Uh, yeah. Looking at the Borough President's report on page eight, he's talking about no action with City eight. Yes. You'll still, you can end up doing a nine story through the R six A in the event that this doesn't get approved. Would you still proceed with a project that's a nine story? So the nine story would be, [02:27:00] that's using the universal affordability preference.

(02:27:02):

It's not something that we're gonna look at for this project, if for no other reason than the universal affordability preference is kind of, and as I know the commission has discussed extensively is lined up fairly well with the 4 85 x tax incentive. This project was vested under the 4 21 A Prime, and so it doesn't quite line up. And so if without the rezoning, it would likely be a market rate project. One last question with the park, how is the, with the regards [02:27:30] to the mitigation with parks, how is the finance, you guys gonna help finance the repairs to the park? Is that some, is there money allocated for that? Yeah, so it's an ongoing discussion with parks, but basically there, there are two ways that this gets done. Option one is that condition of our, there will be a restrictive deck as part of it with, uh, all the, with the, with the mitigation efforts to either that we're committing to perform the construction of very specific things that we can't get a co for our building until these are all done and signed off by parks.

(02:27:58):

Or the alternative is we can't [02:28:00] get a certificate of occupancy until we paid X dollars. Is there a limitation on that X dollars? No, it's some, it's a number that we're discussing with Parks now and that we're gonna have to finalize before the FEIS. Thank you. Thank you Commissioner. Commissioner Douek. Thank you. Um, you, you mentioned the involvement of, uh, the union and the financing, I think it was. And, uh, can you speak to any potential upside for the union in it and benefits and also through the wages and jobs that are gonna be created [02:28:30] and the wage levels? Yeah, thanks for that. We're happy to talk about 'cause this project, if approved, really, um, it would be the city's first what's called a Union BFO project, which is, that is being financed by the A-F-L-C-I-O, affordable housing trust pension fund investment, which means pension fund profits from the investment.

(02:28:48):

It also means that all of the construction jobs, and we're talking hundreds of construction jobs for this building are all union. And that when the building is completed, all building service jobs will also be all [02:29:00] union. And so it's not only investment that benefits pension holders in the A Ffl CIO fund, but it also is an investment in the city's workforce long term. And, uh, as part of the workforce housing that we'd be creating with this, these are also, uh, units of housing that people who have good paying union jobs are actually able to get and don't like. They're not stuck between the cracks. How, how many jobs do you anticipate being created for throughout the construction period? Uh, for how long? Just, I forget the numbers, [02:29:30] but I think in the racial equity report, I think we predicted some like 167 construction years or something like that. Whatever. It's a, it's a very substantial number. It's in the

hundreds. I'm hearing just from the back, from people from labor. We're talking about hundreds over the course of construction. Thank you. Thank you Commissioner. Commissioner Sorio.

(02:29:51):

Thank you Chair. Thanks for, uh, engaging with us and addressing our questions. I wanted to start by asking you if you can clarify a little bit the, the numbers [02:30:00] that you provided to Commissioner Goodrich in your response. According to the race equity report that you submitted, I see an estimated median household income of 57,584 between 2015 and 20 and 2019, which is already a 35.9 increase from 2008 and 2012 when the median household income was estimated at 42,381. Now that number can go as low as 52,287 for [02:30:30] black non-Hispanics and 49,181 for Hispanics. In your response to Commissioner Goodrich, you, you listed a much higher number Mm-Hmm. <affirmative> almost double that. Can you clarify what is the median household income that you are using so that we can understand and contextualize the discrepancy that we see between the MIH numbers that you are suggesting and the distribution of affordability units to what the census is reporting?

(02:30:56):

So I'm happy to follow up in more detail after [02:31:00] this, but the, the difference is the racial equity report, this application has been around for a while between filing, scoping, then getting to public review, and so Right. I don't think that Right. The RER has the 2020 numbers. Right. I think the numbers that I pulled yesterday were from the firm and center numbers. It's not 80,000. Hmm. It's not 80,000. We will take a look, but I looked at this yesterday, it was about 80,000. Well, I'm just looking at what you submitted, which is what we need to respond to. Mm-Hmm. <affirmative> and 80,000 may be closer to [02:31:30] the white non-Hispanic population. But as I, as I just listed, this is a very different across the different racial racial groups. Now the, the, if you can clarify that in writing, that would be helpful. Um, the other question that I have, um, has to do with, um, the, I want to understand, so the table that you showed us is really useful in terms of understanding the results that you got. I wanna ask if you can walk us through the process that results [02:32:00] in the 3%, uh, reduction in incremental shadows. How is this calculated? Yeah, so the 0.3, not 3% where it's significantly less, but I'll have Jose come and talk about how they modeled it and how they worked that number through. And can you bring back the table please? Of course. Uh, which table would you like thi this table, the secret table or the charts that show the 0.3% chart?

(02:32:27):

Uh, uh, yes. Happy to, um, [02:32:30] address a question. So just to clarify this, is this not an, um, increment on shadows is an increment on annual incident solar radiation, which is measuring the quality of the light, not necessarily just black and white shadow or light. That is, that is a difference. So is when we are measuring annual incidental, uh, solar radiation, we are measuring all the spectrum of light and not only the direct light that we are getting from the sun as you see the [02:33:00] sun, but also light that bounces around other objects and also coming from the sky and the atmosphere that is also lit up. It's the same vein that is, uh, is is no, no, thank you for, for clarifying what it is. And I stand corrected on the 0.3. Thank you for that. Yes. But I wanna understand is how it, how does the hide regulating plane result in that?

(02:33:19):

Walk us through in plain language, how, how did you achieve that result? Yeah, so, and then I'll have Sean, the Dawson, the architect come up, but the, the biggest driver that we found, the shadows [02:33:30] when we look at this is actually the bulkhead, right? The, the CEQR mythical 55 foot hulking bulkhead that could never be built. You take that off, it actually eliminates most of the shadow impact. And then right then when we see like around the edges, parving off that part of the building. And so

what it is, is about reincorporating mass from what was the back of the building on those top floors and moving them elsewhere in the building. 'cause we have a large footprint and we can do that allows that slope to allow the light through when we [02:34:00] see, particularly around, you know, we looked at it really around June, which is when we see the largest impact on that particular cluster of resources on. Thank you. And, and if you could also, eh, at the same time, help us understand how does reducing the shadow impact on the botanical garden result in more shadows or difference in shadows in the, in the playground?

(02:34:25):

So as you can see on the left, uh, let, let me just say we, we [02:34:30] used all of this data, right? So we, we've been testing multiple scenarios in lots of different ways with shadows and the solar impact. Um, and we basically just kept carving away until we got to the lo cut to numbers that we were looking to do specifically, you know, this, this angle here, I can find it. I don't remember which way it was. So yeah, here, so this angle here is specifically geared towards the June, uh, 21st date. That was the most, that was the, [02:35:00] where we were finding the most impact that we could actually accomplish, um, a significant reduction on, right? So we basically, you know, that is literally the sun angle that comes in on June 21st. And we kept carving it back and pushing it down and pulling the building back until we got to this location where the shadow line and the solar radiation was where we thought was an acceptable location.

(02:35:21):

So you can see, I mean there, it, it, it, it coincidentally aligns very closely with Washington Avenue, but that's the location on June 21st and [02:35:30] the, and the, the angle, I think the last slide at the end here. Um, alright. Yeah. So this one, uh, it shows pretty clearly that if we can, we can keep the building behind that slow plane that is the sun angle that comes in. It says up there on the top left corner, this is June 21st at 6 57, 6 50 6:00 AM Right? So if, if we tilted the angle up, you know, any, any earlier in the day, the sun angle would be higher and the sun and the shadow line would be out more any later in the day. And the sun angle is more, [02:36:00] uh, acute and it, and it starts to, uh, come produce less shadows. So this was the location we found that we could keep all the bulk in that we were proposing.

(02:36:08):

We can keep all the units, we can keep all the floor area. Um, as you can see, there's actually more height along Franklin Avenue. Um, but the rest of that is unchanged. We're keeping the height at that maximum RAA maximum height limit at 1 45. Yeah. Let me about to your second question about Franklin Avenue and Jackie Robinson. Can, can I just, before you do that, I just wanna follow up on that really quickly. So, but did you consider any further [02:36:30] reductions in the, in the regulating plane beyond below one 45th, for example, to the 85th 85 feet that is being discussed? Did you, did you analyze that? Um, yeah. Well, we, we, yeah, this is kind of the, the middle of the road we looked at, uh, further reducing, which was having significant impacts. We were have to take, we were taking more floors off and there was just no more room in the bulk to keep all of the units.

(02:36:51):

Um, and it also, I was having, it doesn't have, uh, as bit of an impact on the reduction. Right. So, um, go ahead. Yeah, to clarify, to say what he's [02:37:00] trying to get at is that reducing further would actually start, right? This is where we can keep the density. The goal is to keep the 7.2 FAR and be able to do this. And so you'd start losing density and you wouldn't actually see, based on the analysis that we did about the shadows as well as the analysis of existing conditions and growth conditions, you actually wouldn't, you'd start losing units without actually seeing any change into the impact on the garden. Thank you. I, I, um, I would love to see additional, like, [02:37:30] like the actual documentation for, for that research

because it, it sounds to me that it may be possible and may be necessary to explore, to see actually, for us to see that scenario.

(02:37:40):

Oh, I wanted to ask another quick question before we talk about the, the playground. So, eh, thank you for, and it's clear and I, I wanna honor the fact that, you know, you've gone beyond the CEQR analysis to study the shadow impacts. That's important, but I I, I specifically wanted to ask if you can respond to the botanical garden's concerns regarding the methodology. They [02:38:00] claim that some of the satellite image, the imaging images that you used are not, eh, are not sufficient and in fact inaccurate. So can you respond to that? I also just wanted to ask, the photos that you showed today are photos. Did you use any thermal images or did you actually calculate surface temperatures, uh, in, in, as part of that research? Yeah, so I'll let Jose come and talk about how they measured specifically for photosynthetically active radiation, for solar exposure.

(02:38:28):

Uh, you know, with respect [02:38:30] to this idea that the trees are missing, you know, we do have photos of the existing condition that show quite a bit of tree cover, but whether or not there's one tree missing or one more there, one knot, it doesn't really change the point that we're making about the existing conditions. We're not saying to disregard se that, you know, that old secret needs to be thrown out baby in the Bhatth water. The point is that for now, going back, these are pictures that go back to 2012. There's extensive [02:39:00] tree cover there, 20 12, 20 17, 20 22, 20 24, you know, these are all last week is that this claim that these are such sun sensitive plants that can't lose one minute of sunlight before we trigger an impact is something that evidence just doesn't support. Thank you. I, I respect your interpretation of the data, but I just want, I'm, I'm just asking for the data.

(02:39:22):

You can share that with us. We can see it and, and, and fair enough. I I appreciate your response to that criticism name. The, [02:39:30] in terms of the, can you respond also on the, the actual measurements that you made? Yeah. How you actually Yeah, yeah. There, there, there are no actual measurements. Uh, all of this is done by, uh, via computer simulation and using resources that we have. And some of them are Google Street view, right? Uh, or do you actually take a picture? Well, there's some of the pictures that we show, uh, of existing conditions, yes, they're based on, on, on Google, Google, uh, images. And then yes, we did, uh, some analysis of that and, and extrapolated on the height of the trees based on the surrounding conditions, uh, and [02:40:00] the density of the trees to put that in the, in the simulation.

(02:40:03):

Thank you. If you can share that with us, I would appreciate it. I would be happy to. And then just finally, one quick question. Um, in terms of the, the actual, uh, analysis, did you, have, you looked at the R seven A, the impacts under an R seven A scenario, it sounds like that's, that wasn't included in the DIS right? Or so? Yes. R seven A was analyzed as one of the alternatives. R six A also would generate by the secret methodology R seven A would also [02:40:30] generate significant adverse impact, uh, because right, once you start with the standard that any new incremental shadows create an impact, R seven a, R 70 D, any of the districts in between would trigger that impact anything over. Right. I think, um, DCP staff went through during the review session, anything over the R six A would even R six A, you know, would cast some shadow at some point during the day, not nearly as much, but it would.

(02:40:56):

So we didn't look at the plane referencing the R seven [02:41:00] A R seven D because the goal is that once we can deal with the shadow impacts, the goal is to maximize appropriate density. And we don't think that there, that, uh, reducing density for the sake of reducing density would be appropriate here. But just to clarify then, you didn't apply the high regulating plane to R seven A? Correct. Why, why not? I mean, can you, can you, or let me reframe the question. Would you be willing to do it just so we can understand what that is? Yeah. And like, you know, we're happy to do it, but what it would mean is that that top part of the building, [02:41:30] uh, where you see now is I think it's the 11th or 12th floor there, that is the first one that makes contact that reaches that plane.

(02:41:37):

That in an R six A scenario, that would probably be, that would be bulkhead. Thank you. And maybe if I have one last question. Thank you. So the, um, the other question that I wanted to ask you is more of a procedural question. I mean, clearly this has been a very controversial process and, and as you noted, you're trying to be as creative as possible in terms of the tools that you have to advance your proposal, right? Uh, but given the time of the year, [02:42:00] as my colleagues have mentioned, given the, the con the concerns that we've heard from the community board, from the board president, et cetera, and the recommendation to maybe consider, um, a neighborhood contextual analysis with deeper community engagement to try to understand, okay, so what is the capacity for development here in a community that has been through a lot, right?

(02:42:19):

That's what the census numbers tell us. Tell us <affirmative>, um, whether you'll be open to, you know, reframing the conversation and, and considering, uh, maybe a different [02:42:30] approach that is more sensitive to the context and that, you know, builds from all the research and all the findings you've encountered so far. Yeah. So with respect to particularly the Borough president's recommendation, you know, I have a lot of respect for the fact that for a very long time the borough president has been a strong advocate for comprehensive planning in New York City. Uh, you know, that's a discussion that we had in the LA in the last charter revision go around. And I'm sure it's one that we're gonna have again. And it's worth having, right? There certainly is this concern among communities that rezoning by rezoning that there needs to be [02:43:00] a more comprehensive process. However, uh, with this project itself, like I think there's a difference, right?

(02:43:07):

A really good analogy for this is the Atlantic Avenue mixed use Pro Carter. And that study that's now ongoing by the department with the community, that is the project of many, many years of individual applicants coming up for one rezoning here, one rezoning down the block, one rezoning there where that's the time where you take a step back and say, there's a lot of activity here. Let's look at this comprehensively on Atlantic Avenue. You can do that [02:43:30] because you are going it's zone manufacturing without the rezonings, no one's building New Residential. And so everyone, all the developers who are kind of all chomping at the bit to come and bring a rezoning application over there are gonna have to wait for that process to conclude and then move forward in that framework. Over here, the market is showing us very clearly as we see that with the site next door, that was part of the last project, that's not part of this one, that the market is saying, you know, we're not waiting for a rezoning.

(02:43:58):

We're not waiting to see what happens. We're going in, [02:44:00] we're gonna build. That's true of the R six A sites. That's also true, by the way. Uh, one Sullivan place at the corner of Sullivan and Washington, where they built a small building, it then cantilevered over a rent-stabilized building to

build a 12 story plus bulkhead building over there. It was also true in 2015 when BBG sold one 11 Montgomery Street for $25 million to a condo developer that built 12 stories plus a 20 foot bulkhead old market rate condos. And that's realistically what's gonna happen here in the current [02:44:30] market environment if we decide that, you know, we have to take another two years and go through a community planning process and then we're gonna end up losing hundreds of units, including all the affordable units.

(02:44:40):

Well, thank you. I appreciate your response. I, I just wanted to give you a chance to talk about the, the playground, 'cause you were going to answer that. And I interrupted with another question. The playground, you see slight reductions, right, with this solar plane only because we do effectively limit the height of the bulkheads, but the real driver of the shadow impact on Jackie Robinson playground at the street wall. It's the context or that's [02:45:00] just really what drives it. And then, you know, when you do a secret analysis and put a 55 bulkhead on top of that street wall, it ends up getting right. The shadows get that much worse. So when we, with the solar plane, since we are effectively reducing the maximum height at which the bulkheads could be, not by a whole lot over at that part of the building, but by some amount you get a slightly lesser impact, but it's not nearly as dramatic as what we see on the garden.

(02:45:26):

Thank you. I appreciate that. Thank you Commissioner. Commissioner Benjamin. [02:45:30] Hi, just a few quick questions. I've been listening very carefully to what you've been saying. I've been reading the material and I've been listening to the questions from my other commissioners. Um, very early on you showed this diagram with the CEQR assumption, and I'd like to make sure that everybody understands the difference between CEQR and what assumptions are made for CEQR and [02:46:00] what one's actual development plan may be. They are not necessarily considering the same set of, so in the CEQR analysis, you have a 50 foot bulkhead spread across the buildings, is that correct? Yes. But you are proposing a different bulkhead. Can you explain the bulkhead that you proposing? Uh, both in [02:46:30] terms of its coverage, its heights, and if you could delineate, which are for, let's say the elevator, the stairway, so I could get a better picture of what that coverage means.

(02:46:43):

Sean, can you, um, thank you. So, uh, on the left you can see this is very much the proposed building, right? Right. So, um, it's hard for me to indicate, but uh, on the, on the Franklin Avenue side, there's a, the tallest element, those are the overruns for the elevator. It's right in the middle. [02:47:00] There's kind of a dormer articulation there. That's where the building core would be set just back from there. So we have the elevators there. Next to that is a stair, and we'll have some mechanical equipment in that location. So we can main, we we're trying to keep that elevator overrun as low as possible. I think it has to be, I think we're in the 20 foot range just given the back to the height of this building, um, to the right, um, a north on Franklin, towards Jackie Robinson. There's another stair there and then there's another stair on the back wing where it rotates.

(02:47:27):

But we can keep those stairs at 10 feet or less. [02:47:30] Um, and then we will, any mechanical equipment that we're gonna have, we'll also keep low and clustered around, um, those items. So we're not gonna put anything above, this is absolute minimum. We're talking, you know, machine roomless elevators as we're doing every trick we can to make sure that we can maintain all of these down and they all fit underneath that slope, right? So anything that we would do is dictated by the slope. Any of these elements would be down below, um, that angle that we're proposing. If you could just give me for

the future, I don't expect [02:48:00] you to do it now, just a dimensions plan of those heights and bulk of those elements on the rooftop so I could better understand what we're talking about. Um, and I know you've done setbacks on the Franklin Avenue side, um, because you're required to, but [02:48:30] assuming for a minute that you could replace the bulk from those setbacks adding to the Franklin Avenue side, could you reduce or set back more on the, I don't know what we call it, the non Franklin Avenue side, that would, when you show the diagram with the slope that you're not intruding upon?

(02:49:00):

[02:49:00] So keep going. It's not that one. Uh, so it, right. If I understand your question is that if we could build essentially straight up to 145 feet along Franklin Avenue without that setback at 105 feet right, would we be able to further reduce the Washington Avenue side of the building there? Correct. Uh, not entirely clear because the setbacks are [02:49:30] not, so I understand the setbacks are required. They're not so wide. No, but if we got rid of the set say that we just wrote text that says we got rid of the setbacks and we could just build straight up without setbacks, it's not that much room there to do it. So you're not replacing like, uh, can't fit a whole living room bedroom over there in that 10 foot setback. And so there's not so much you can do there. Uh, in theory if it's all just, you know, playing with blocks, yeah, you could move from the front to the back, but we'd have to analyze to see if you could actually do it without destroying units.

(02:50:00):

[02:50:00] Right. But if you moved it that 10 feet and you move the center hallway that 10 feet, then you would presumably have the same number of units, but could reduce the Washington Avenue side while maintaining the same apartments because you've moved the whole top of the building over. Yeah, theoretically. Yes. We'll, we can look at it, but what that would also do is it would actually increase the shadow impact on Jackie Robinson playground and [02:50:30] then Right. The part of the idea of the setbacks is to reduce the feel of the height of the building along Franklin Avenue. And that would ultimately, right. There would be other impacts, some technical impacts, but other just general urban design pieces that would also change if you had a street wall that went up straight 145 as opposed to the setback at 10 stories.

(02:50:52):

I hear what you're saying and I understand what you're saying, but I'd like to be able to understand how that urban design [02:51:00] Mm-Hmm. <affirmative> would affect both the botanic garden and the impact from what you've said and from the materials that we have, the Jackie Robinson Park is going to be affected Mm-Hmm. <affirmative> by any building that goes up. Is that fair? Yes. So in looking at those potential trade offs, I'd like to understand if it's gonna [02:51:30] be affected whether you build an as of right building at R six A or somewhere between R six A and R eight A. What effect is it on Jackie Robinson? And can we, if we eliminate, if we basically shift the top of the building over, and so the angle from the sun Mm-Hmm. <affirmative> is more acute. [02:52:00] Yeah. Do we reduce the impacts at all on the sunlight sensitive and other parts of the garden? That's my question. I don't expect you to answer it right now, but I would like to see that so that at least I feel like I'm knowledgeable about what the choices might be. Yeah, we're happy to look at it. Um, right. I just note that you guys have been with a bay height that I don't think any contextual district in the city has. It'd be or 25 feet taller than [02:52:30] you could be the first.

(02:52:34):

Thank you. Thank you very much. Thank you Commissioner. Question, commissioner Goodridge, um, I have one other question and then a comment. Uh, my question is, you have said a few times about this four to six hours of sunlight, but that is really for like regular health plants, that's not for, um, [02:53:00]

an actual garden collection that has like a special collection. These specific plants, um, most of them are desert plants which need a higher amount of sunlight. You know, this is not like a ficus tree or, you know, these, this is a special collection. And so I'm wondering where you came up with that because is it, are you just basing it off of just like an average plant or do, or are you also considering that the garden [02:53:30] has like very specific exotic types of plants? Yeah, so, and a flora collection. Mm-Hmm, <affirmative>. So to be clear there, CEQR has two standards for plants either four to six hours or for then that's your kind of house plants, ficus plants, whatever.

(02:53:44):

Then you have six to eight, which are for, uh, you know, vegetation producing plants and like the one the more typical but more sensitive plants. And we're measuring the space off of the six to eight, not the, uh, four to six. We don't think the four to six really. Uh, you know, the garden [02:54:00] has an incredible collection of plants. It's not Right. We know the idea here where parks, where we take issue with what parks concluded, is that parks is saying not only do we have to look at the six to eight, we have to go past the six to eight because of a purported, some sensitivity that just doesn't seem to exist in the real world. And we haven't seen anything either from parks or from BBG that says, okay, here are the plants and these are the, these are the sunlight hours that they need and this is why, and this is what [02:54:30] they get now versus what they're gonna get with your building.

(02:54:33):

We haven't seen that. All we've seen is, uh, if you look at the DEIS language, is that the garden, uh, the garden contains 18,500 collections of plants of different rare foot species, some of which may be sun sensitive. And so any impact is an impact. It's not saying that the impact, right, that in Resource U or any of the right or even any of the right there is, this is particularly sensitive, requires nine hours of sunlight a day currently gets 10 hours, and with your project [02:55:00] it's gonna get six. We're not seeing that. We haven't seen it yet, which is why we disagree with the conclusion. Okay. Let, let me, so isn't it inherent in the fact that it is a garden, that the plants are going to be sunlight sensitive, that's A, and then, and then b, you, it is not, you're not disputing that the project already will have a negative impact on the sunlight?

(02:55:30):

[02:55:30] Right? So that's, that's, that's b So I, I am a little unclear about the answer because I, I, you, your applicant, there's no dispute that there's going to be a negative impact. So the garden doesn't even have to say that. You have already conceded that. And then a, it's a garden. These aren't klaas, these are, it's, it's a garden. So you're already sunlight sensitive. So be K The only thing we've conceded is [02:56:00] that using CEQR methodology, that does not factor in existing tree cover. There are increases in incremental shadows on these plants, but there is a difference between the CEQR world, which is binary of either your in sun direct sunlight or you're in pitch black. It doesn't factor in the fact that, you know, we have cloudy days. There's still light, there are days that where it hazy and the sunlight isn't direct, there's still sunlight.

(02:56:29):

And you [02:56:30] look at how these plants are growing today and have been growing for apparently at least the last 12 years, they are sending that time in the morning. We're not saying get rid of all sunlight, right? After 9:00 AM they're gonna have direct sunlight from the south. They're gonna have all the solar exposure, photosynthetically active radiation. We're talking about fractions of a percent in changes between the with action condition and without on those metrics. It's purely, that's measure of shadow or no shadow, where the secret methodology that discounts a whole lot of existing conditions sit [02:57:00] and comes away with this incremental shadow increase. But plants don't, it doesn't reflect

how plants use sunlight to grow, which is that they use ambient light, they use other sources of radiation, the visible spectrum, the non-visible spectrum, and the plants are getting those light, that light with or without this project.

(02:57:20):

Um, my next part, and I will be brief, is just really a comment. [02:57:30] Um, I read in the New York Times a statement by the developer here that was really almost like a threat. Um, essentially it said, if we don't get this rezoning, if we don't get what we want, we're going to build, we're not gonna have any affordable housing. It's gonna be all market rate. If it was our choice, and I have heard this now, this is the second time, I'm not sure if if it's the same developer, [02:58:00] but I've heard this again, which, you know, there was a Harlem development, a Harlem project where the community had valid concerns and um, voted it down. And then developer said, well, I'm gonna put a truck stop there if, if you don't approve this. And I just wanna make a statement that this is really antithetical to community engagement.

(02:58:25):

There's already a lot of skepticism about private developers that come into these communities [02:58:30] and don't listen. People already think that this commission is a scam, you know, is sort of like, we just vote on things and voices aren't heard. And I don't think that this is conducive, um, to any kind of community engagement. So I, you know, for me, when I hear this, it's extremely distasteful as, as someone who was born here and grew up here, for a developer to continually say these things and say, well, if, if I don't get what I want, there's gonna be punishment if you, so I could, yeah. [02:59:00] So, and I say that because when you started the, this is why I asked about the affordability. We talked about, you know, bringing the affordability piece. And so if there's community concern, then you know what? You guys aren't, you're gonna, you guys are gonna have market rate condos and I'm gonna contribute to gentrification.

(02:59:15):

That's a threat. So, and I, I would, you know, you can respond to that, but it's really a, a comment and a statement. Yeah. I find it as a commissioner, I find it extremely distasteful, um, for a private developer to sort of like, make these statements continually. [02:59:30] Um, and I wanna say it's the same one, actually. It, it's not just because, right. They got the same first name, but not the same last name. So different developers, which is first. Uh, the second thing that I wanna say is that is because I didn't, I didn't sit in on the interview, but I did read it, so I don't know the context of the quote. And like anyone who's had experience with journalists, like sometimes they just like full quotes and they go forward. But, you know, we're not gonna hide the statement that, you know, this is the same similar conversation that I had with Commissioner Ershad earlier [03:00:00] about what happens in an R six A scenario.

(03:00:04):

We have a couple of different tools in New York to generate affordable housing along with market rate development. There's the voluntary inclusionary housing program, which doesn't apply on this site, absent or rezoning. There's the mandatory inclusionary housing program, which doesn't apply to this site, absent or rezoning. And then with the adoption of city of, yes, there'll be the universal affordability preference, but that doesn't really line up for 4 21 a projects as much as it does for [03:00:30] 4 85 x projects. And this is a 4 21 a project, and the two are ex mutually exclusive. So it's not so much a threat of absent, of rezoning, well, we're just gonna build affordable housing for spite. It's just an economic reality that housing is gonna be built here because there's a huge demand for housing. And the only way it's financeable, absent the rezoning is to do it as a fully affordable as of right development. There is no,

there is no economic way to put in 30% affordability on an as of [03:01:00] right or six a project with this private financing. It doesn't work.

(03:01:07):

You know what, I'll, I'll, I I will, I have a lot to say, but I will leave it for comments for the committee. Okay. Alright. Thank you, commissioner. All right. Well, thank you. Uh, thank you very much. Um, we are gonna move to, uh, members of the public now, so we appreciate your, your time. Um, and we are going to start, uh, [03:01:30] with Adrian Benepe of the Brooklyn Botanic Garden. Uh, and, um, and then we will move on, uh, to, uh, the rest of the folks who signed up today. Mr. Benepe, good to see you as always. Okay. I hope you give him as much time as you gave the developers. Go ahead. Go ahead, Mr. Benepe. Okay. Half <laugh>. Oh nine. Well, okay. Let's go and, uh, just ask members of the public to please. We got it. We have a lot of folks who wanna be heard today, want to give them a chance, starting with Mr.

(03:01:59):

Dan Garodnick: Benepe. Go ahead.

Adrian Benepe: Good morning. Mr. Chair Garodnick, commissioners. My name is Adrian Benepe. I am president and CEO of Brooklyn Botanic Garden. Thank you for this opportunity to testify about why the proposal to up zone 962-972 Franklin Avenue would cause existential harm to BBG for generations to come. And I just wanna note, having sat through an hour and a half of the developer, suddenly becoming experts in plants, plant science, and the health needs of plants, so much so that they can, um, the Parks Department and Brooklyn Botanic Garden don't know what they're talking about when it comes to plant health is interesting. And I would suggest that developers saying they're advocates for the health needs of plants is like the chairman of Dow Chemical Company saying they know what's good through rivers and streams and the features that live within them.

(03:03:03):

Adrian Benepe: Now, some of you may know, I've been an advocate for parks and gardens and open spaces for almost 50 years, my entire professional life, including 27 years in the New York City Department of Parks, including running the forestry, horticulture, and natural resources divisions. I've been honored to lead the Brooklyn Botanic Gardens since 2020. Uh, and BBG was founded in 1910 on City owned land is now part of a consortium of 34 New York City institutions operated by independent nonprofit organizations on city property, that means the garden is owned by the city of New York and belongs to its residents. Plant education has been part of the Garden's mission from the start with teaching greenhouses, classrooms and a children's garden all situated alongside the Gardens Washington Avenue side. Every year, more than 150,000 children enter BBG for free to engage with plants in environmental education year-round, something that is unique in the zoo, botanic garden and aquarium world, and quite emblematic of our founding commitment to youth environmental education for New York City children.

(03:04:08):

Adrian Benepe: We are distinct among public gardens in the United States as a truly urban garden that embraces this local community through education and cultural programming. Commitment to the community is visible in our ticketing approach. Since we implemented the program in July, 2020, more than 300,000 guests have used community tickets to gain free admission. We're equally proud of our community greening programs where we teach urban gardeners, block association and civic groups,

often supplying them with plant donations that are grown in our nursery facilities. Now, our leadership recognized the Crown Heights and all the city need affordable housing. We have taken no position on the many developments that have grown up right around us. Brooklyn Botanic Garden is weighing in onthe single property that will affect our ability to affect our mission. Understanding the urgency of the housing crisis, and agreeing with the principles underlying Mayor Adams city of Yes, we nonetheless hope you'll understand and agree.

Dan Garodnick: Hold a moment. Um, Mr. Bee, commissioner Douek, if you could continue, please. Uh, it'll, I'll wrap up in 30 seconds.

???: No, I'm asking you a question so that we can hear you continue with your testimony. Okay. So I'd like to hear more about what you have to say. <laugh> <laugh>,

(03:05:21):

Adrian Benepe: Thank you for that question. We nonetheless hope you'll understand and agree that some occasions are in fact, sacred and worthy of complete protection, that Brooklyn Botanic Garden is one of those. Taking actions that would dramatically reduce the sunlight at this world renowned botanic Garden would be tantamount to removing the roof of the Metropolitan Museum of Art. Just as paintings cannot survive sunlight and elements, plants cannot survive and thrive without sunlight, we urge you to reject a proposal that pits a modest number of affordable units in a mostly market rate building against a 115-year-old public asset that's completely dependent on sunlight to serve as community. Once they take away the sunlight, it's never coming back. Thank you.

Dan Garodnick: Okay. Mr. Benepe, let me, let me jump in, to start, and then I'm gonna go to Commissioner Douek. Um, so you heard the, the colloquy back and forth about minutes, numbers of minutes of incremental shadows on various sunlight sensitive resources at the garden.

Um, we were going through the, application from, resource I to O which was Aquatic House to the Tropical and Desert Plant Propagation House. And then we were going through P through V, which is really, as you know, the Hardy Plant Nursery Yard to the Mediterranean Display Plant Tunnel. There's a, there's a, there's a difference in the number of minutes between those two areas. I guess my first question to you is the number of minutes, the incremental number of minutes for the first group, which is really only up to 17 minutes, Is that a meaningful number? Obviously, P through V is a much bigger number, but in the, in the first category for I through O is that, tell us what the impact would be. Tell us what you're concerned about there, just so that we can, and

Adrian Benepe: I think I'm gonna defer to a real expert.

I'm a quasi expert. The real expert is a Rowan Blake, our Vice President of horticulture, who will testify later, who is an expert on sunlight needs of plants, and also on, on mapping such things. And what we would say is that, , just as the developer suggested its CEQR is a blunt instrument. It's imperfect, it's also imperfect inthat it fails to take into account the first 90 minutes of sunlight in the day, and the last 90 minutes. So in fact, the loss of sunlight is much worse than that, than the tables would show. So those 17 minutes are just that which is required by CEQR, but doesn't take into account this first 90 minutes. So that's a very important point, and Rowan will cover that later. The second thing I would say, in general, when you have more than 10,000 taxa of plants, which is species and cultivars, we can't sit around and say this particular plant, this particular stage in this growth, and this particular spot in the greenhouse needs this many minutes of sunlight.

(03:08:24):

Adrian Benepe: And for the developer to suggest that we haven't given that information, it's really kind of silly because it would take scientists many years to figure out which plants and which locations need how many minutes of sunlight. That's, that's not what's at stake. What's at stake here is that in 1991, this body and a fit of really interesting civic wisdom said this thing we just built, the city just built. And the city was the one that built this conservatory in 1987 must have its most crucial resource protected, and that crucial resource is sunlight. And that's why they domed that down zoned, that undeveloped, that was a very, there was what they call a soft spot, right? There was a soft spot on that street, and they anticipated in 1991, if something's developed at R8AA that will block sunlight to this thing

we just spent tens of millions of dollars building for the public benefit. That's why they down zoned in 1991, despite the obfuscations, you've heard earlier as to why they did this, this, no, it's specifically in the language of that down zoning purposefully to protect the sunlight for that asset. So we would suggest that when this body made a determination in 1991, that that area should be down zoned, which is a very unusual thing to do in that context. It was not about contextual zoning, it was about protecting that sunlight asset. And we very respectfully employ you to respect the work done by our predecessors here.

(03:09:48):

Dan Garodnick: Okay. Thank you. And, and I see Mr. Blake is next the list. So maybe we'll, we'll hold some of these for him, but let me just ask you one other question, and you can tell me if this is better for him. If the commission or the council were to modify the application, is there a target height of either a building or the district or the Atex plane that would, from your perspective, reduce to , a place where it would be satisfactory or fully mitigate the shadow impacts on the, the sunlight sensitive resources or the, the garden, or generally?

Adrian Benepe: Well, that's, that's an excellent question. In fact, um, we did some very detailed, some of the most sophisticated sunlight and shadow analysis that's ever been done for a situation like this working with KPF. And we looked at the alternative scenarios, you know, R7, scenarios, R8X scenarios, things where there would be more, flexibility because theR8A zoning is not very flexible in terms of the form of the building.

(03:10:51):

Adrian Benepe: He said, if we could have more flexibility in the form, could we have sort of a radically redesigned building, which goes very tall at the corner, furthest for the garden, and very short <inaudible>, and nothing penciled out, nothing penciled out as having a, a good impact. In fact, they became worse. And the other thing was they created even worse shadow impacts on Jackie Robinson playground. And I'd like to add there that Jackie Robinson playgroundonce you take away three hours of sunlight in November or March when kids should be out playing basketball, this is so necessary for the kids of the Ebbits Field Houses, stealing that shoulder season sunlight, , at one of the only outdoor recreational resources in that entire community. Again, when they steal that sunlight, that's gone forever. And you've a coat of paint on the basketball court or a new swing set is not gonna mitigate, stealing that sun, that sunlight away from that playground.

(03:11:41):

Dan Barodnick: Thank you. Commissioner Douek. I did it. Okay. CommissionerRampersad followed by Vice Chair Knuckles.

Kenneth Knuckles: Earlier I had asked the applicant, how many times were they able to meet with you? They said once,, had, can you speak to that in terms from your perspective?

Adrian Benepe: Yeah. We, we had a meeting with them and it was under the,it was under the leadership of Council Member Crystal Hudson, who asked us to meet with them. We had, quite a lengthy meeting in some detail. And we talked about the various things. But, the general conclusion is that even with their, reconceived, notion of this building, while there were some improvements, there were marginal improvements. Not enough for us to say we were comfortable with this. And there was, there was no scenario. And you've kind of heard them say that unless they get this zoning, there's no scenario that works for them to build this, this thing with affordable housing. So, um, we concluded at the end of that, like we've had the meeting, they're not bending enough to make this have no impact, and it really has to have no impact. It has to have the no impact that the current zoning has, and there's some impact, but we can survive that impact. We can, there is some impact if somebody builds to the current zoning, there is 6A there will be some impact, but we can survive that. We can't survive R8A.

Dan Garodnick: [03:13:00] Thank you, commissioner. Uh, Vice Chair Knuckles.

Kenneth Knuckles: Thank you. Given the historical perspective that you just recited Mr. Benepe, I'm just wondering, do you think in hindsight that the city or, BBG or some combination thereof should have acquired a site that even then, was seen as a potential development site?

Adrian Benepe: Yeah. Yeah. That's been suggested, uh, Commissioner Knuckles and, the that's been said, why don't you just buy it from the developer, you know, and we think about, you know, , the tens of millions of dollars that we would have to take that we don't have to do that. Yeah. But even then, we, we've never had that kind of money. We're not a???. We did, we had zero in those days, zero endowment. We've been able to build an endowment since then. But, um, you know, it's, we're not swimming in money and never have been. And reminding you all that, we're a city owned asset. We get some money from the city, but that's been declining over the decades. It used to be 30 or 40 or 50%. It's now down to 10%. So every penny that we spend on growing, plants and educating children and running events and having art, there is money that we have to raise, you know, from donors, and so it doesn't, there's a lot of great trees growing in the garden, but no money trees<laugh>.

(03:14:24):

Dan Garodnick: Thank you, Mr. Vice Chairman. Commissioner Osorio.

Juan Camilio Osorio: Thank you Chair.I wanted to ask you what Commissioner Rampershad asked, so I will skip that. The other question that I wanted to ask you is if you had any response to the Borough President's recommendation to consider and whether the garden would be willing to engage in a new neighborhood planning process specifically arounda new special district.

Adrian Benepe: You know, what was so attractive about the borough president's decision? It was deeply thought and intelligent and well argued was exactly that point. And we would be delighted to engage in that, not just for our own resources, but for Jackie Robinson playground, for the other open spaces for Medgar Evers College. Medger Evers College, just spent millions of dollars relandscaping its precinct, its

campus with beautiful plantings. Those are also additional outdoor public resources belonging to the 22-20,000 students at Medgar Evers College.

(03:15:20):

Adrian Benepe: So it's a model that should be followed by in every district. And when I was Parks commissioner, I have a number of regrets of things I didn't get to. One of my deepest regrets was near the end of the 12 years I was Parks commissioner, I was talking to the, then planning commissioner, Commissioner Burden said what we really need to do is create citywide sunlight protection, zoning for open space resources, look at all particularly small parks and, and playgrounds in Manhattan and Brooklyn, other densely developed areas, and say, how can we make sure that these adjoining lots don't grow so large, that all the sunlight is taken away, that nothing can grow there, and that, that that specter does, you know, the dream world would be one where we don't have to fight these battles each time, but that we as a city do something, you know, deeply intelligent and assess the sunlight needs of open spaces in the city that continues to grow.

(03:16:10):

Adrian Benepe: And where nobody, very few people have a backyard or country house to go to. These little parks and playgrounds, particularly in Brooklyn, Brooklyn is, has four large parks or three large parks. Everything else is a small park or playground. And if you build large buildings to the south and west of those parks and playgrounds, you lose all your afternoon sun, so I deeply respect that we'd be delighted to participate in that. It's a very intelligent and, and, and sort of visionary idea, and that would obviously involve this, this body as well. Yeah.

Dan Garodnick:Thank you Commissioner. Commissioner Gold.

David Gold: Hi thank you. Um, I just, I wanted to ask you, to address a little bit, much has been made by the applicant about, , some of the shading happening before 9:00 AM, and so it was just curious, um, or maybe you can help me understand in looking through, it looks like the biggest impact, um, by the analysis is on the Mediterranean DisplayPlant Tunnel.

(03:17:10):

David Gold: Is there any significance, one to the time of day, um, , that the light would be blocked? I mean, obviously all of us understand that sun gets brighter as the day progresses, but to the plants that are, you know, stationed there or housed there, if you will, um, are these, you know, just, just, um, just to understand a little bit better, are they plants that require, you know, sunlight all day, if you will?

Adrian Benepe: And it's an interesting,, and this is something that Rowan can address in much greater detail,he's truly the expert, but I can speak in generalities. In a very tightly confined quarters, we have plants from six continents, and they range from plants from the equator where there's sunlight 12 hours a day to desert plants that require full day of sunlight to Mediterranean plants. And what's interesting about the impacts of this proposed rezoning is that the two areas that would have the impacts, the impacts is worse when they most need the sunlight.

(03:18:07):

Adrian Benepe: So for example, the winter sunlight loss is worse in the area where it's impacted, and the summer sun loss is worse in the area where that's impactedand Rowan can go into those details. So it's, there's impacts across the board in our most sun. And when we say it's our most sunlight sensitive

resources, that's where the tropical plants are growing. That's where the desert plants are growing. That's where the, that's where the plants that need the fullest possible day. So if you take a plant that's used to 12 hours, equatorial sunlight, put it in the winter, and then take away two hours of that sunlight, there's very little sunlight left for that plant. And what starts to happen is the plants become unhealthy, they die. You say, okay, we can't have that species here anymore. And the whole idea of a conservatory is to be able to display plants from all over the world, from all the biomes of the world to children and people from Brooklyn who will never travel to those places because, uh, even though it's a lot faster to get to the rainforest than when you had to, you know, these, these crystal palaces were conceived in the 19th century to show us the rainforest and the deserts because it would take you six weeks in a clipper ship to get to see them.

(03:19:10):

Adrian Benepe: Now you can get to them in a matter of hours, but most of us can't. And we'll never see the interior of a rainforest. But the Brooklyn school child's experience of the rainforest starts when they enter our tropical house and the, the needs of those plants as they go up into the rafters of tropical, they, they're each different,so to say, tell us which plant needs how many miss of sunlight the plant has grown another foot before you <laugh>. It's, so, impossible to do that.

David Gold: Got it. Okay. And then one other, and it might be a question for Rowan. In these facilities, and particularly I would think in Mediterranean, do we have artificial light in there?

Adrian Benepe: Um, in some of our growing facilities, yes. What we call the propagation houses, we do have artificial lights, but it's not possible in the, in the public display houses because the canopy is so high.It literally touches the roof of sort of 30 foot tall, buildings and there's all kinds of mid story stuff. So it's not possible to have artificial light there. It is possible in the greenhouse, and we do have that. It's already there.

David Gold: Got it. So if, if, just for example, if we talked about this Mediterranean Display Plant Tunnel, um, which, you know, uh…

Adrian Benepe: It's probably already, it's probably already there, but we need, we also, there'sdifferences between the light that that light bulbs give off and the light that you got from the sun. I'm not an expert there, but long can talk about that.

David Gold: Yeah. Perfect. Thank you. Yeah. Thank you.

Dan Garodnick: Commissioner. Commissioner Goodrich? No. Okay.

Okay. Mr. Benepe, thank you very much. I know we're gonna hear, next from, from your colleague and, uh, we'll be sure to ask him some of those technical questions on shadows. Okay. Let's goto Rowan Blake be followed by Sonal BBhatt. Alright, Mr. Blake, welcome.

Rowan Blake: Thank you for,the opportunity to talk. I'm, Rowan Blake, VP of Horticulture of Brooklyn Botanic Garden. I'm responsible for the gardens 52 acres and the facilities directly alongside the

proposal. In this role, I oversee a staff of 46 gardeners who skewed 10,000 global plant species. My training includes horticulture at Royal Botanic Gardens Queue, and a Masters of Research and Spatial Analysis at University College London. This provides me with understanding of plant needs in urban environments. The CEQR technical manual was updated in 2021. Botanic gardens are explicitly cited as unique sunlight sensitive resources, and the threshold of plant survival and basic sunlight hours has been replaced with meeting sunlight needs varied species present.

(03:21:41):

Rowan Blake: Even so, there is a significant weakness in the CEQR, shadow methodology because it does not include the first and last 90 minutes of daylight. The methodology discounts the loss of morning light to plants. So the real world morning impacts of the proposed development are minimized. Likewise, the evening shadow impacts to Medgar Evers campus plazas and Jackie Robinson Playground is also, uh, likewise discounted. On a high level, the modified step down design provides only marginal beneficial effect to , shadow impact given its masses approximately unchanged asat the CB 9 ULURP hearing, June 18th, the applicant briefly presented a third party expert light study to be made public in a few days. This was made public July 29th. This study is not fit for purpose. It cherry picks small areas for impact assessment, measuring solar radiation on the exterior of the glass house roofs 20 to 75 feet up above where our plants are actually growing and located. No real world conditions, , or meeting plant needs. Um, it sets low solar thresholds based on indirect light without identifying specific plant needs. To paraphrase it, each plant species has its own optimal light range, which will influence growth level and life expectancy. That was the only mention of plants in the entire, , study.

(03:23:30):

Rowan Blake: For info, BBG publishes a complete plant list online which we update monthly. And we also had an exhibit about the sunlight requirements of our plants, back during the last proposal.The imprecise summaries within, within the document, it states things like hardly cast any shadow and only cast shadows from 7:00 to 9:00 AM which I'd note is actually longer than the CEQR analysis.

Dan Garodnick: Okay. Let me ask you this, please finish up, but I do wanna hear the rest of what, what you have to say here.

Rowan Blake: Yeah, yeah. It discounts shadow from non-existent trees as they use outdated Google Maps from 2022 begging the questions whether their experts actually performed a site visit. 2/3 of those trees have been removed since 2017, working closely withdepartment of Parks and Rec to have more suitable street trees along Washington Avenue.

(03:24:31):

Rowan Blake: Trees are ephemeral, buildings and not. The photos from 2012, for example, , are, are irrelevant to this proposal, and they focus on "July the peak light season" When our plants grow year round. With all of the methodological shortfalls, it concludes a fantastical figure of less than 1% impact on the garden. This is not a real world measurement. Our conclusion is that no matter what is proposed in an R8 envelope, it would still have significant detrimental un mitigatable impact on Brooklyn Botanic Garden. Please do not risk a local and global gem at the behest of this unconsidered proposal. Thank you.

Dan Garodnick: Thank you very much. Let me, let me just probe on, on that a little bit because I wanna make sure that we're, we're all speaking the same language as it relates to shadows, shadow impacts, and these specific plants and what is known and what is unknown or unknowable.

(03:25:29):

Dan Garodnick: Um, first, can you just say a little bit more, you said something, and I'm, forgive me that I didn't understand it, about how they measured up to 10 feet over the highest point of your, either your building or the plant life. Can you just, can you go back to that for a minute? 'cause I did not understand it.

Rowan Blake: I can,if you look at the simulation, all of the surfaces where they're looking at where the sunlight hits, it's the roof. And they actually say that their metric is looking at sunlight, hitting the roofs of the facilities, not actually where the plants are. All of these measurements that they, usephotosynthetic radiation or whatever, the standard for measuring those is you measure them directly at the plants that will be affected. It's like having a thermostat for heating and cooling your house and putting it up on the roof.

(03:26:19):

Rowan Blake: It's totally irrelevant. Okay, thank you.

Dan Garodnick: So there is a, there is a difference in the impacts between the number of minutes between some of the buildings like the A building's I through O Aquatic House through Tropical desert Plant Propagation House, and everything that is in category P. I don't know if it matters, but I want you to address that as to, you know, because one might look at thenumber of minutes and say, well, three minutes at, um, the Tropical and Desert Plant propagation house in the early morning, or at the maximum 19 minutes at the Humid Tropics Workhouse early in the morning. It might say, well, you know, is that really so much of a concern? Obviously we have housing that, you know, that we need, but Iwant you to tell us why we should be concerned about that, uh, if at all.

(03:27:27):

Rowan Blake: Yeah, so firstly I would say that they are using the CEQR methodology, your discounting any, sunlight within the 90 minutes after dawn. And so, you know, if you look at the individual areas, it may say seven minutes say on the table, but you know that there's also sunlight lost in the daytime between dawn and the point that the measurement starts, which is very much a, planning, ayou know, a planning relevance rather than plants actually growing. So, you know, individual points within those facilities,we know that, say for example, in the winter month where we propagate plant material, within the conservatory, you know, the real world impact, talking about real world impact, you know, would be more than an hour, more than an hour and a quarter. And then you're, you know, at those points in the day when the sunlight is the shortest, as Adrian referred to, you know, these are equatorial plants, perhaps these are plants from the tropics, you are cutting out, say, 15% of the possible sunlight that they can get in Brooklyn, which is already less than what they would receive out in the wild.

(03:28:33):

Rowan Blake: So there, there is a substantial impact to these facilities. I would also say that, you know, when we look at the garden, if you were to walk around the grounds outside, you see big trees that are, maybe over a hundred years old. The majority of our plant material are small, shorter lived plants that need constant re-propagation and renewal. Without nursery and without, propagation facilities we would lose the bulk of our plant collection within 10 years. There's a kind of half life,, there's a 20 year period where almost all of our plant material is renewed and it's, as we do, they're living things, your breeding plants, your propagating plants, if you get rid of the facilities to replenish those shorter lived plants, they disappear from your collection. They disappear from your public programs, your educational content.

(03:29:29):

Dan Garodnick: The period of time it's not measured under CEQR, that 90 minutes at the very beginning and the 90 minutes at the end of the day. Um, there, there's nothing, different about this application in terms of how it's handled it, that methodology is just the methodology. But your point is that doesn't capture the impact here. Is that correct?

Rowan Blake: That's correct. Yeah.

Dan Garodnick: But we also don't have, at least I, maybe I don't, as I sit here, I don't have clarity as to what the impact is in those 90 minutes, even though it's not measured under CEQR, if any.

Rowan Blake: Yes.

Dan Garodnick: Do you, do you have anything that you could share with us

Rowan Blake: Yes.

Dan Garodnick: Okay, good.

Rowan Blake: Yeah.. And yes, the, you know, the proposal is far enough north away from, for example, the Medgar Evers complex where morning light, will hit the proposal, will cast shadows onto the garden and grounds, you know, this is part of the, you know, we've been asking for overall impacts we did provide, 'cause we were asked to provide all of these very detailed descriptions of the areas at risk.

(03:30:45):

Rowan Blake: But one thing is by going so granular and kind of disaggregating the impacts of the, the garden overall, you miss the bigger picture that it's literally from dawn through to various points in the morning, depending on the time of year, every day of the year. It's not just, you know, 10 minutes here in this space and seven minutes in that space. Adrian referred to the fact that the conservatory complex, it's gonna be more like 10 months in the year impact from fall through winter into spring. And for the nursery it would be the opposite. It would be fall, excuse me, spring, summer, fall, right when that area is propagating party plants for the outdoor areas of the garden. So we're looking at, you know, two distinct areas each having kind of impact, 'cause obviously the CEQR process looks at these indicated days of year.

(03:31:42):

Rowan Blake: We know when you look at all of the months and days and weeks in between, there's an impact every single day.

Dan Garodnick: That's right. And I think that is an important point. We're talking about it on June 21st or March, whatever those are just measurement dates. You are correct to observe that those, those shadows, it's not like on June 22nd the shadows go away. I think that's a very important point here. The

thing that I'm still a little unclear on is the 90 minutes before, at the beginning of the day and at the end of the day. And as to whether, um, it is knowable.

Rowan Blake: It is, yes.

Dan Garodnick: Okay.

Rowan Blake: And, and I agree with something that the, the applicant mentioned, which was you can simulate the very finely, now yes, you can do that, but of course, as it's not part of the, the requirement for CEQR that has been excluded, when you do see within this one document the Thomas… study, it's estimating longer shadow impact because it's using a slightly different methodology, even with the flaws that it has, it's actually identifying longer shadow impact than were displayed on the table for the, CEQR analysis.

(03:32:52):

Dan Garodnick: Okay. Alright. Let me, uh, I'll pause and go to Commissioner Osorio. Um, yes,

Rowan Blake: Sorry, I may, there was one question which was about artificial lighting.

Dan Garodnick: Yes, go ahead.

Rowan Blake: So we do use some supplementary lights. If you've walked along Washington Avenue, you will see there's a kind of purple glow coming from some of the conservatory work houses. Um, they're not to extend the day length, they're on and off. Approximately they're triggered by a light sensor, so they're onto the daylight hours. They're increasing the wavelengths of light because, you know, again, if you're a plant from the cape in South Africa, or if you're a plant from the tropics, Brooklyn doesn't have the full spectrum that you would need, and so we're improving the quality of lights, so the plants, not the quantity lights. And that's a very important thing to say we are not increasing day length, we're not making up for the shadow.

(03:33:45):

Rowan Blake: We're, boosting certain wavelengths in red and blue parts of the visible spectrum.

Dan Garodnick: Okay. Good. Thank you. And, and just one more for me commissioner. Sorry, just gimme, I just one, one last one. And then I will turn to you, the, the CEQR analysis, recognizing that you have, critiques of the secret analysis itself. It shows a range of shadow increments between, you know, some cases they're 19 minutes and some cases they're up to, you know, hour plus impacts. Is there, is there any number of minutes here that could have shown up on this chart, where from your perspective it would not have had any impacts or where the, you know, the, the number of minutes plus any additional mitigations that you can think of might make this feasible?

Rowan Blake: Okay. I would say that where, where there was scope for compromise, it was made in the planning of the conservatories and the current zoning.

(03:34:54):

Rowan Blake: I say that because, you know, over the existing conditions, an R6A development would actually remove light over the then existing conditions of the garden. So when they constructed the conservatory complex, they extended out a terrace further south in the garden and placed the conservatory raised up high so that the, um, the, the conservatory was one story above ground level at that point. So the zoning and the design and construction of the conservatory, you have to think of as like a complete unit really. And the compromise was made then saying, now we've raised the, our new conservatory up above the height of existing buildings, so as it can get sunlight and with that zoning in place, that's it set for the future, basically. So any compromise was made at that point by, through the design and through the zoning.

(03:36:00):

Dan Garodnick: I understand, I understand that that point, and that makes sense to me that you, you're, you're, your argument is, well, uh, back in 1991, there was a relationship between buildings and what was, what was done there. I really am, am asking a slightly different question, but I certainly understand the point that you just made. I'm really asking if, putting aside that, and I know it's hard to put aside that because of what has been in place for years, is there any number of, of minutes of incremental shadow that could be born or handled by the Brooklyn Botanic Garden in these sunlight sensitiveareas? That's really what I'm asking.

Rowan Blake: Yeah. I mean with the CEQR process, for example, there's a threshold of I think 10 minutes, there's 10 minutes more incremental shadow than that triggers, you know the process, you know, with the, third party studies that we've looked into, we set very kind of you know, they're relatively modest from the point of view of, you know, what is over 30 minutes, say what is over an hour, what is over 90 minutes in these areas? And you know, we know that any development there, as of right, you know, we are looking at,you know, around 30 minutes for example. And you know, it's as of right. And so yes, that's, you know, we work within that. You know, when you're looking at a niche plant material from around the world, you know, you're looking at the winter months, basically, you know, when we are looking at figures of realistically not the CEQR figures of more real realistically of, say, losing an hour, an hour and a quarter, an hour and a half from some of these areas, they are very concerning from the point of view of what we can grow and what, we can provide to visitors and to education groups.

(03:38:02):

Rowan Blake: And so, you know, we realize that R6A would lead to around, you know, 30 minutes in certain places, then that's what we have to live with. And that was what was intended when the, the infrastructure was designed and built.

Dan Garodnick: Right. Okay. Got it. And I realize that what I'm asking may not even be knowable based on what Mr. Benepe said a minute ago about specific needs of exotic plant life that is, you know, so, but there is a, you know, I would note that, your recognition of what is allowed on, as of right call it, 30 minutes, versus if the proposal were to, you know, to move to 30, if it were to have been a 37 minute, as of right, that seven minutes, I don't know if you would, we, we'd be having the conversation, I assume.Well you would say, well, it's an as of right scenario. We don't like it, but it is what it is. And then I don't know what we would be saying at 45 minutes or 60 minutes, and that really is what I'm, what I'm asking. And I, it may not be knowable, and I wanna acknowledge that this may not be knowable. So I, you know, I take it off the table if it's an unfair question, but yeah.

Rowan Blake: I mean, when you, when you're dealing with hundreds of species and you're dealing with hundreds of individual plants within those species as well, you know, I would, that would be kind of PhD territory to kind of work out, you know, the exact needs. You know, we've very much been looking at, you know, worst case impact of, of all of the proposals. And you know, that's, we have to look at worst case impact when you have thousands of plants and you have the, the resource to kind of, you know, try and, summarize, individual plant needs. You know, it's, it's unknowable from a, from a practicable point of view. Yeah.

Dan Garodnick: Okay. I understand. Sorry, commissioner, it's all yours. No, thank you, chair.

Juan Camilo Osorio: Thanks for your testimony and for engaging with us. And the questions I just wanted to follow up on two quick things. One was, um, and I think you, you already hinted at, in fact, I, I am hoping that your written testimony will include your recommendations in terms of how to improve or strengthen the CEQR analysis. But I, am very interested in that specifically, I wanted to ask if you can clarify, what are your concerns with the, the satellite imagery that was used beyond the CEQR analysis?

Rowan Blake: So, the, the areas changed substantially. And so, we know that, you know, since those photos were taken, 60 of those trees are no longer there.

(03:40:32):

Juan Camilo Osorio: So you are concerned with the, the date?

Rowan Blake: Yeah. Yeah. So if you, again, if you look on the drawings, there's a, there're a series of kind of symbolic trees that they place, you know, we haven't had trees fully lining along the conservatory for, for years. So basically within the methodology they say there's a tree there, we are excluding any impact.

Juan Camilo Osorio: Got it. Thank you. That, that, thank you. That answers my question. The second question, I mean, is, is a little bit more about the process. I mean, clearly, you have a lot of, knowledge, on the topic, as would be expected of course, but I'm, I'm wondering if you can share with us a little bit what has been the process ofengagement? Has the applicant reached out and, and designed their methodology with you?

Have there been spaces to share your concerns about the methodology? Otherwise what we see is, is a little bit of a, of a very, sort of like a, disconnected sort of like series of events with everybody sort of like responding to each other, and I'm wondering if you can describe with to us what has been that process? I mean, what we heard from the applicant, I probably you heard it, is that they had requested some information that they had received. You've said in your testimony that you've shared a series of very specific data points. I'm wondering if you can summarize that for us and help us understand what that's been.

Rowan Blake: Yes. So if you see for example, the, the map with the, the 20 something areas you know, identified, that was actually information that came from the garden and was requested as part of the, the previous application for the site.

All of the descriptions of the areas, their names, the contents and number of plants, all of that information came from us. We have an online plant database where you can click on a map and call up plant list for particular areas. All of that information is public. We share that internationally, our plant list. So it's not a mystery as to what we are growing. It's not a mystery as, you know, especially for the, for the public areas. You know, they're, they're entirely accessible. And as I said, we had an exhibit as part of the previous application where we had signage in front of key plants. We had animated, simulations of the, the shadow impact and the light playing in our gallery. So, you know, anyone can approach us and ask that information about our collections, and we haven't received a request for that. Any requests for things like the maps or descriptions of the areas that had all come from the city as part of the last planning request.

(03:43:13):

???: Other questions for Mr. Blake? Thank you, sir.

Rowan Blake: Okay, thank you very much.

???: Sonal Bhatt

Sonal Bhatt: Yes. Sorry. Thank you. Hello. Thank you for having me here today and for all your thoughtful questions. I have to say, as the head of education, I'm really appreciating all this conversation about plants. Um, but uh, I am Sonal Bhatt. I'm the Vice President of education at Brooklyn Botanic Garden. I have been for the last 15 years. I am really here to talk about what happens to the plants that we grow in these spaces and why these spaces are so important to us. BBGs programs were founded over a hundred years ago on the premise that hands-on experience, really seeing and touching and being with these plants is what we need to create lifelong learners and lovers of nature and BBGs greenhouses, nurseries, conservatories are pivotal to that work in our classrooms and greenhouses.

Sonal Bhatt: Kids get to pot up, take home plants, uh, nurture them, care for them, a lifelong lasting experience for most New York children in our conservatories, children and adults are transported to different environments,like the Tropics Desert, they get to see plants they couldn't see otherwise. These are experiences that help define perspectives on important issues facing all of us, including climate change, urban forest policies around sustainability and city planning. BBG has more than 25 programs, Most of them are free or highly subsidized, and they serve the highest audience needs, the highest needs audiences in New York City. We serve pre-K kids to adults, and each year we serve 130 targeted audiences through our direct programming. We are free to kids under 12, always, we are free to school groups always, and most of our programs are taught by union staff UC 37. We have a legacy of working with children to develop a love of nature in plants in our children's garden.

(03:45:17):

Sonal Bhatt: They grow the food and learn about the food they eat, the science of their own food and develop nutrition habits, keystones to creating these programs. In our teacher programs, we are in all five boroughs and have a deep impact on strengthening in-school science learning. BBG has taken significant steps to work with people with disabilities. We are an inclusive place that strives to make targeted programs for people and children on with autism, with special needs and memory loss. All of these programs are supported by the nurseries, conservatives, and greenhouses. All the plants we give away, including the ones we give away through our communitygreening program, are all grown in those

spaces. The education greenhouses our children go into those that is a teaching collection. All of the propagation houses grow plants that we use in all of our programs. Shading out these conservatories and back of house greenhouse spaces would be a huge detriment and loss to the work we do. And that is why those are so important to us. Thank you for allowing me.

???: Thank you Ms. Bhatt. Questions. Thank you very much.

Sonal Bhatt: Thank you.

???: Leonard Paul to be followed by Shauna Moore.

(03:46:45):

Leonard Paul: I have on my notes here to say good morning, but I think it's good afternoon is more appropriate. <laugh> <laugh>. My name is Lenny Paul and I'm a staff member of the conservatory at the Brooklyn Botanic Garden, I thank you, commission for having me here today. As you've heard, uh, Brooklyn Botanic Garden opened up in 1910, right? It in that time frame, it was a bold idea to have a botanic garden literally in the backyards of the neighborhoods. It was, and still is one of a kind, a true gem. Our conservatory is a year wrong operation. We're opening in the middle of winter when the temperature dives below zero degrees to the height of summer when the temperature soars over 100 degrees. We attract visitors from all walks of life including locally, nationally, and across the globe. We display over 10,000 different tax surf plants ranging as far as away from like Africa, Asia, Australia, north, south, and Central America.

(03:47:45):

Leonard Paul: But the plants that we grow in the conservatory in our nursery are originally from the equator that requires at least eight to 12 hours of sunlight every day. As you enter the conservatory, our tropical pavilion looks and feels like you're in a real rainforest. You are greeted by this majestic 65 foot tall mahogany tree. You'll see fruit trees like bananas, papayas, mangoes, guava, star fruit, jackfruits, coffee, vanilla, all those fruits that you don't, you will never find anywhere growing in a botanic garden, literally hanging off the trees. Our Desert Pavillion showcases old and new world cacti. Our Aquatic Pavilion display displays all kinds of orchids, including the Tiger Orchid, which is one of the largest orchids in the world. We have it at the Brooklyn Botanic Garden. We are very proud to have one of the largest collection of bonsai trees in our fees. You guys remember, karate kid, Mr. Miyagi with his one bonai tree?

(03:48:48):

Leonard Paul: We have hundreds of them at the Botanic Garden. In total, our conservatory and greenhouses consists of 21 distinct growing chambers. It is a complex and diverse operation,which means that every growing era must be calibrated to the appropriate environment for the plants growing inside. The tower that is proposed at 962-972Franklin Avenue will have a catastrophic impact on these growing areas. We all know from grade school signs, right, that plants need sunlight, sunlight actually hitting the leaves, wakes up those enzymes to create food for the plants to survive and to thrive and to grow. If we don't have these kinds of sunlight, it would affect our abilities to use organic methods to control pests and diseases along with the production of plants in a sustainable manner. You know, we all know we're trying to save the environment these days, right? So we have to do everything in an organic matter. You know, I'm gonna deviate from my script here to say that making a decision…

???: I I need you to conclude, yeah.

Leonard Paul: To make sentence that is very important to the health and the longevity of the garden is very important. What are we gonna say to our grandchildren if we lose the botanic garden? What are we gonna say that we just stood by and let it just die. Thank you. Please vote no. Thank you very much for your time.

(03:50:18):

???: Shauna Moore. I'm on Zoom. Okay, Shana, you should be able to mute in Zoom.

(03:50:44):

Shauna Moore: Great. Um, hello everyone. Can you hear me?

(03:50:48):

???: Yes. Yes.

(03:50:49):

Shauna Moore: Okay, great. I'm here to speak against the Rezoning project. My name is Shauna Moore, I'm the Director of horticulture here at Brooklyn Botanic Garden. Rezoning endangers our garden because it limits our access to the necessary natural resources of light. Any single reduction of sunlight will damage our garden, and it shows a blatant disregard for the importance of the garden. Its deep history and also the decades of hard work of those who maintain the garden. It will hinder our ability to preserve our collections. It will hinder our mission of growing and plants from around the world to provide access to the wonder of a public space, [03:51:30] specifically designed to showcase the beauty of plant life. BBG is a world renowned resource of rare and one of a kind plants. The plan would affect many of our most important and vulnerable plants. As you know, an area most directed is the conservatory, which contains over 18,000 plants with 700 protected species.

(03:51:52):

Shauna Moore: Among these plants are rare orchids and desert plants and tropical plants. These plants in their very nature require every ounce of sunlight that's available. I offer a few, but by no means comprehensive examples of what's at risk. Our orchid collection has been curated for over decades, and it's esteemed not only locally, but globally, and it's depended upon by other institutions as a shared resource for these orchids over decades, we've collected a nationally renowned collection of 159 species of South African winter blooming bulbs. Many of these were hand selected onon journeys by staff to South Africa. These plants bloom in the winter and the sunlight is most precious then Additionally, our nursery where we cultivate and protect thousands of ornamental and edible plants used for display in our gardens, as well as endangered native species. Important for conservation requires natural sunlight inthe nursery also houses, our bonsai and,our extensive citrus collection. Tropical plants,not just hardy, uh, nursery. We're a green space in a heavily populated urban area. We're a botanic garden and we must, we must deny the proposed rezoning.. We can't compromise on a single rate of natural sunlight. Please don't take away our vital resource. Thank you.

(03:53:24):

Dan Garodnick: Thank you very much Ms. Moore. We're on to Sarah Penenberg, please. Also on Zoom I 5 6 7. Okay.

(03:53:46):

Sarah Penenberg: Hi, can you,

(03:53:46):

Dan Garodnick: Sarah, you should be able to unmute. Yes, we can hear you.

(03:53:49):

Sarah Penenberg: Great. Um, thanks to the City Planning Commission and to chair Garodnick. My name is Kaitlyn Schuster. I'll be delivering this Testimony on behalf of Sarah Denberg. Uh, 32BJ, SEI's political coordinator.32BJ represents the interest of over 175,000 union members across 11 states and Washington, DC. Our members form the backbone of the property service sector here in New York City, performing crucial roles in the city's commercial and residential buildings, stadiums, airports, and a multitude of other locations. Our union has fought hard over many decades to elevate employment standards throughout our covered industries. As New Yorkers, our members have experienced firsthand the need for increased housing supply in New York City. For this reason, we are supportive of 962-972 Franklin Ave in the housing it will bring to Brooklyn. 32. BJ has additionally secured commitments from continuum to creating good jobs for the workers who will permanently staff 962-972 Franklin Ave. These commitments uphold these prevailing wage, uh, and benefits standards, which are the standards are members [03:55:00] rely on, and which the union has fought hard for. Um, so thank you so much for your time this morning. We look forward to making sure this project moves forward.

(03:55:10):

Dan Garodnick: Great. Thank you very much. Let me move, uh, I'm sorry. We have a question for you from Commissioner Goodridge.

Leah Goodridge: Uh, I have a quick question. We talked earlier,, as part of this hearing about the affordability piece, and I don't, it is clear that the affordability of this project is higher than the actual community, is that, would, the average salary of 32 BJ members even be able to afford the proposed project and to live in it?

(03:55:45):

Sarah Penenberg: I, I don't have, I'm delivering with testimony, on behalf of someone else. But I do know that our union was really involvedin, you know, the housing advocacy this year, and has done a lot of work to make sure that our members' salaries are covered, in AMI considerations and, and so forth. But I, I don't have that information on hand.

(03:56:09):

Dan Garodnick: Okay. Okay. Thank you. Let's move on to, Anthony Williamson of Local 79.

Anthony Williamson: Good afternoon, please. Council.

Dan Garodnick: Good afternoon,how you doing?

Anthony Williamson: I'm actually, uh, my name is Anthony Williamson and I represent the construction and general building laborers Local 79. I'm also the political director for 100 black construction workers, and I'm also a member, of the building trades part of the building trades of New York City. And we are in support of this project. And as I said, and listening to first of all, to, that afternoon to you, members of this great New York City planning, you know, you commissioners have been doing a good job because of the questions you ask and which shows that the very kind of people you are and who we got who are asking very unique and sensitive questions. Now, this project is unique and why this project is unique and the develop, and we must commend also the developer because of this developer have met for all the fundamental principles.

(03:57:31):

Anthony Williamson : When you are doing, when you're doing development, they look at the social impact, the economic impact, and the environmental impact. And after rescaling, this project, this developer has come up with the kind of project that is unique. And I hope this would be a model for, for other developments in New York City. Now, this is, and I, the fundamental perspective of the park and where you're coming from as it relates to the park, but, and the garden, because I used to run in the garden, why I stopped running the garden because I contracted cancer through 9/11 when this great democracy was on that attack. But it is not about just the park or the garden or the flowers, it's about our future, as a standing. We look, we look across here, it is about our children, our children standing here in here.

(03:58:34):

Anthony Williamson: It's about sending our kids to college. It's about giving them what we call a good education and background. It's about putting a roof over their heads. That's what this about. It's about not only the construction jobs of which you asked about 1000 construction careers going to be, on that project. We talking about affordable housing for New Yorkers. We talking about Brooklyn affordable housing for the people in Brooklyn. We talking about 119 units of affordable housing. We, are looking at crimes in our streets. How can we solve this? Every time construction and good construction we have in our communities, small businesses develop, small businesses thrive. Now, we, in a housing crisis every day I walk through the streets of Brooklyn. I see people look like us. People look like me without a job time crime in the streets. One minute just to, uh, just to make one point.

(03:59:47):

Dan Garodnick: Okay. I'm just gonna make it quick. Let me just, I'm, I'd like to ask you to wrap it. Let's finish up that last, that last state, that last sentence. Go ahead. Yes, go ahead.

Anthony Williamson But I'm saying that the crimes in our streets and people will look like me without a job. Okay? Every day I walk through the streets of Brooklyn, I'd rather see them with a shovel in their hand instead of them walking the streets with a gun in their hand. And that's what we want as New Yorkers. We want good housing and we want to get the crimes off the streets. Thank you. God bless you, and God bless the United States of America.

Dan Garodnick: Thank, thank you. Thank you very much. Okay, let's, let's move to, Will Lenahan.Hello, Mr. Lenahan. And, uh, you're gonna be followed by Elizabeth Peters. Welcome.

Will Lenahan: Thank you very much for having me here today. I am a third generation Brooklynite and a third generation union member. My grandfather was a union window cleaner. My father was a union, HVAC mechanic. They both love the garden. Union members need green spaces for their wellbeing just

like everyone else. My mother is from the neighborhood of Crown Heights, the neighborhood of BBG. She loved the garden. The first place she brought me after I was born at home when I was two weeks old was the conservatory that is now threatened. It was recently opened in 1988. So I'm very proud to work at the garden and represent the garden as a gardener and a union member. My responsibilities at the garden are the care of our native plant collection, which , contains plants that are, can be found originally within a hundred miles of New York City.

(04:01:30):

Will Lenahan: It includes plants that are threatened in the wild at the state level, the federal level, and some at the global level respectively. So many of these plants are found originally in ecosystems where the soil conditions stunt the growth of trees. So they're very open, there is very little shade, and they require full sunlight. Many of these are plants that were once found in what is now New York City, and the only place to see them for the public to see them now in Brooklyn, and some of them throughout the whole city, is at Brooklyn Botanic Garden. I believe that all New Yorkers have a right to the natural heritage of the land that they call home, and a right to high quality nature and high quality biodiversity. I do not believe that that is a right that should be only afforded to the residents of suburban and rural communities. So for that reason, I am asking that you please, consider that you please rejecting the rezoning. Thank you very much.

(04:02:42):Dan Garodnick: Lemme call up Elizabeth Peters.

Elizabeth Peters : Hi. I'm Elizabeth Peters. I am the, director of the digital team at the Garden where I've been for 18 years. I thank you so much for considering this matter, and I am hoping you'll oppose this proposal.If time allows, I wanna speak on three points. One is, as Adrian mentioned then, sorry, the 1990 study and the 1991 amendment that was made. I wanna call to your attention that it was specifically this lot that was discussed, kind of called out in that study. And in fact, our predecessors were trying to prevent us from being in this situation. So I'm, I'm gonna read from it. Quote, “One large, privately owned vacant lot located on Franklin Avenue between Montgomery Street and Sullivan Place. Block 1192 Lot 66 could be developed to a height of 13 stories rezoning to R6A provides the garden's greenhouses with safeguards against harmful shadows, which could result from future development on underbuilt or vacant sites such as this parcel.”

(04:04:08):

Elizabeth Peters: So I do agree with the attorney, the land use attorney for the developer, who says this, this is a, you know, significant site. I think our predecessor saw that and said that that development should be allowed and it should be capped at R6A.I also kind of, while we're talking about the 1991 amendment, I wanna correct this image of the 14 story buildings marching down Washington Avenue under an R8A zoning. Because in the text of that amendment, it says that due to the irregular lot sizes and the requirements of R8A, the buildings that would typically result from that would be four to six stories. So that is my first point. My second point is the, kind of progression of this and the rollout with this new proposal that we spent all of our time this morning on, was, was brought to the garden on July 6th.

(04:05:18):

Elizabeth Peters: This a year ago, there was a hearing about DEIS, and this is the kind of matter that should have been solved then. And instead, the developer decided in March to submit a proposal that they knew was unacceptable, that had, you know, in its own words, caused unmitigable harm to the garden. And only at this kind of 11th hour did they present an alternative. This is very unfair to Community Board 9 and the borough president who have already reviewed and voted on this matter.

The community board nine in particular time, oh gosh, I did it again. Sorry. All right, well, thank you. Thank you for considering this.

Dan Garodnick: Thank you very much. Let's move on to Elizabeth Ott.

(04:06:18):

Elizabeth Otti: Hi, my name is Liz Otti. Um, thank you for the opportunity to speak today. I work in the education department at Brooklyn Botanic Garden, and I'm here to askf or your support against the Franklin Avenue Rezoning Project, as it would greatly impact our plant collections used in our work with children and youth. I work at the Garden as partnership manager with our high school, the Brooklyn Academy of Science and the Environment or BASE, which is founded in partnership with the Department of Education over 20 years ago, and is located just across the street from BBG. Through our partnership, our high school students participate in our freshman field studies course using the gardens plant collections to, to learn about natural phenomena and ecosystems here in Brooklyn. Students learn to grow, harvest, and prepare food in our children's garden through our BASE garden crew after school program. The Garden provides our students with an incredible natural laboratory experiences in and a connection to nature while building both academic and life skills.

(04:07:28):

Elizabeth Otti: This is something that I understand and cherish deeply as I grew up in Brooklyn, gardening in the Children's Garden throughout my whole childhood. And returning again as a young adult. Exploring the grounds and gardening in the children's garden was a formative experience for me that instilled a sense of place and belonging, a connection to the land that is Brooklyn, and a passion for teaching and learning that has guided my career path and to which I attribute a deep commitment to environmental stewardship and to our communities. The zoning put into place originally to protect the gardens collection should not be changed as it would cause permanent damage to the collections, which are vital to our work with students. Thank you so much.

Dan Garodnick: Great. Thank you very much. Okay, let's move on to Barbara Kurland to be followed by Nina Brown.

(04:08:30):

Barbara Kurland: Good day. My name is Barbara Kurland. Thank you so much for the opportunity to speak. I just wanted to acknowledge, and I think it's gonna happen, but many of our students are here from BASE high school that Liz spoke about. So we are so proud of them and so happy that they came here today.I'm a staff member at Brooklyn Botanic Garden, I'm the Director of learning and Partnerships. I teach and learn with all of the gardens programs that teach and learn with schools. I've been at BBG for 35 years. My job is even more special to me because my first visit to BBG was with my fourth grade class from PS 193 in the early 1960s. It was my teacher who provided us with the opportunity to learn at the garden where each of us potted up a scented plant in those education greenhouses that you've heard so much about.

(04:09:18):

Barbara Kurland: Every student comes, for a school program at BBG. Every student who comes gets to take a plant away just like I did. Those greenhouses dedicated to education allow us to keep the plants and supplies we need so that every student can do what I did and be inspired to connect more deeply to plants and nature. Our garden is very unique in having those three educational greenhouses. It's, sort of something unique to our sister gardens in New York City as well. I'm here to speak in opposition to the

proposed rezoning that would permit the construction of buildings that would take away the light, that plant collections that the garden receive and threaten the survival of those plants in our greenhouses. As you've heard, children use, teachers and families visit the garden in all seasons. Imagine standing under the banana that Lenny mentioned with third graders.snow is covering the ground outside, but we are warm and we're looking up at those bananas. And one of the students says, do you need help cutting down that fruit? 'cause I can do it. I know how to do it. He's done it with his grandparents. When he goes to visit them on school holidays. The plants in the Steinhardt conservatory the desert. The tropical and warm tempered plants allow us to make observations, post questions, and explore phenomena about plants in the environment in authentic and tangible ways. But they're also a place where without leaving Brooklyn, many can visit the places they or their families call home any month of the year in any season of the year. It's a place where stories are told and knowledge is shared. The zoning was put in place by the city of New York with the intention of protecting the access of the plants to sunlight.

(04:10:49):

Barbara Kurland: At BBG, please protect and preserve our plants for all learners. Please keep that sunlight on. Thank you.

Dan Garodnick: Thank you very much. Okay, let's move on to Nina Brown,followed by Maria Ramos.

Nina Brown: Barbara's always a tough act to follow. Hi, commissioners <laugh>. My name is Nina Brown and I am here today to urge you to oppose the rezoning at 962-972 Franklin Avenue. I have been a neighbor, a visitor, and a student of the Brooklyn Botanic Garden for more than 30 years. But it is, as a community educator in BBGsBBGs community greening office for the past 13 years that I can attest that upzoning would dramatically affect our ability to grow plants and would undermine my and my colleagues' ability to do our jobs. I help manage BBGs community greening programs, adult education programs like the Greenest Block in Brooklyn Contest, the Community Garden Alliance, and the Brooklyn Urban Gardener Volunteer Training Program.

(04:11:52):

Nina Brown: And many of our bugs have come out today, so thank you to them. Beyond supporting hyper-local community activists to connect to the power of gardening as a force for positive change, these programs aim to get more plants into the hands of Brooklynites and into the soil of Brooklyn. And so to that end, our team nurtures over a thousand plants in our small back of the house, that category P, outdoor nursery area, which we then distribute for free to community gardeners, street tree stewards, and other street scape gardeners every single year. Many of those gardeners tell us that it feels like planting a piece of BBG on their block. So in a very real sense, these plants share and extend the gifts of sunlight itself across the entire borough. The hours of shade that these buildings shadows would create will wither those gifts. As a cultural worker, I know New York City's cultural institutions need resources.

(04:13:05):

Nina Brown: And in this case, before you, the resource in question is not even monetary. The resource is the abundant, generous, and free sunlight that guarantees the health, vitality, and propagation of plants and by extension communities do not certify this rezoning application. Thank you.

Dan Gardonick: Thank you very much. Okay. Maria Ramos to be followed by Alicia Boyd.

Maria Ramos: Good afternoon commissioners. Thank you for giving me this opportunity to be heard. My name is Maria Ramos. Last week was the hottest record we, we had on record. Brooklyn Botanic Garden is the first responder to climate change. I come from a union family too. United order workers from the Mahau Plant, New Jersey, Bethlehem Steel from the Brooklyn Navy Yard, the Meat Packers Union. My uncle and brothers were carpenters on Staten Island. I am a member of the United Federation of Teachers and have served on the executive board personal ID only.

(04:14:11):

Maria Ramos: I worked, I walked many picket lines for the workers' rights. I am a retired school teacher and have been a volunteer at Brooklyn Botanical and Garden for 10 years. I volunteer at the Discovery Garden a few weeks ago. We had 400 toddlers at our two hour program First Go Discovery program. We have children as young as one month old to four months old. We have them potting up plants that come from the nurseries that are, that may be shaded. We do arts and crafts. We do story time. Another day we had early opening program for children with special needs. And as a school psychologist, I know how important this program is. Even hard, hardworking union families need a place to relax and smell the roses. I invite all my union brothers and sisters to come to the garden, bring your family, bring your children, bring children with special needs.

(04:15:12):

Maria Ramos: You will have a wonderful time if you, I left my glasses back there. If you cast a shadow on the nurseries, on the educational greenhouses, you put shade on our children and the children who play in the Jackie Robinson Playground. Brooklyn Botanic Garden tells our history, the tree of the, the trees of little Caribbean, which is housed in the Tropical Conservatory, celebrates the culture andthe cuisine of Flatbush. My neighborhood, we have the Hattie Carson tree. Hattie Carson was an African American woman in Bed-Stuy, who organized her community to save a magnolia tree that was going to be cut down. She and that community saved that magnolia tree and in her honor and that community struggle, Brooklyn Botanic Garden named a magnolia tree in her honor. So please don't shade the Brooklyn Botanic Garden, it is the Crown Jewel of Kings County, Brooklyn. Thank you.

Dan Garodnick: Thank you very much. Okay, Ms. Boyd, followed by Nathan Rodaman.

(04:16:30):

Alicia Boyd: Hi, my name is Alicia Boyd. I represent the Crown Heights Flatbush community. the movement to protect the people. I just wanted to talk a little bit about some of the technical stuff that's happening here. First, the Department of City planning, after seeing the developer's tax amendment, still made the final determination that it would still be significantly adverse effects on the garden. So, the new plan hasn't changed that designation. So if this commission decides to approve this application, you're basically saying that even your own agency is not approving it. But we are going to approve it because we don't care about plants sunlight, BBG. Okay. So that's the first thing. The second thing is that a text amendment is very different than a ULURP application. This is a ULURP application. They're asking for a text amendment. You should know better that those two do not mix.

(04:17:27):

Alicia Boyd: There are two different processes and the two different applications. And so the text amendment should be coming as a text amendment. Also, there was no notification given to the community. This is an entire block. They're now trying to take an entire block and put a text amendment in and the … needs to be notified. That means everybody in that community will be affected by it. Not

only will it increase the other R6A , but it will decrease the R8 and all property owners plus tenants must be notified of your intentions to do such a drastic change. But it cannot be done under a ULURP application. So what are you guys even talking about this text amendment when you know, it's not even lawful. The other issue is affordability. The other issue is that the whole idea of now restraining the bulk head, you know, there's all this complaints about the ULURP application and the CEQR, and I understand CEQR is not great, okay?

(04:18:29):

Alicia Boyd: But CEQR demands that you take into account the 55 increase in bulkhead. You are now considering that the developers does not, do not consider that this is a CEQR rule. But at the same time, you are actually not considering the fact that CEQR is defective in not allowing the hour and a half to be considered. But even the fact that CA does not allow the hour and a half, there's still significant at the impacts that the Department of City planning has told you is gonna happen to the garden. So why are we still talking about the tax amendment changed? That again, is unlawful. And then there's the idea of affordable. You know, the union member kept talking about affordability, but you know, there's a T-shirt. I don't have it on. As you can see, I have the flowers instead. But we have affordable for who? Yeah, then you're gonna create affordable housing. But we got affordable housing underneath the workforce option for people who make $298,000 in this project afford. Maybe some of you guys make that kind of money. Maybe it's affordable to you, but it's definitely not affordable to my community. Thank you.

Dan Garodnick: Thank you. Uh, Nathan Rodaman, followed by Bailey Binky.

(04:20:00):

Nathan Rodaman: I used to be a kindergarten teacher, and you know what they say, you learned everything while you were in kindergarten. So my grandson is gonna give you a little bit of wisdom. My name is Nathan and I live in Brooklyn, plants need sunlight and I need sunlight.

Dan Garodnick: Thank you. Great. Thank you all you guys. Okay. Thank you very much. Love it. Okay. Uh, Bailey Binky. I'm sorry if I'm doing harm to your, to your name on Zoom, followed by, uh, Andrea Matute here. Bailey, I'm trying to promote you in Zoom. It might be a popup. If not, I'll unmute you. You should be able to mute in Zoom now.

(04:21:04):

Bailey Binky: Okay. Hi everyone,one second. Sorry. Okay. hi everyone. My name is Bailey Binky and I'm the coordinator of Access Initiatives at the Brooklyn Botanic Garden. And also a person living with, low vision and I'm legally blind,so thank you for your patience as I stumble through this. And I'm actually gonna turn off my camera as I lean in to read. So as I said, my name is Bailey. I like many of the other voices you've heard here today, oppose this rezoning project. The Brooklyn Botanic Garden is a treasured, asset for the surrounding neighborhoods, the borough of Brooklyn and New York City as a whole. It is a sanctuary for those seeking peace, tranquility, and the restorative presence of greenery and nature and approving this rezoning project twould dramatically, as we all know, um, impact the gardens plant and animal life, and diminish the life and vibrancy of the, um, of such an invaluable community resource.

(04:22:22):

Bailey Binky: Thanks again for your patience. So my work at the Brook Brooklyn Botanic Garden, um, centers on access and accessibility, which includes the implementation and support of programs and basic best practices to ensure that,individuals of all physical and cognitive abilities are able to experience, and enjoy the garden's beauty. The majority of these programs take place in the greenhouses, gardens and conservatories located, along Washington Avenue that will be most affected by this rezoning project. So, you know, for example, for people who are blind and visually impaired,the garden offers an endless, and ever-changing soundscape, an olfactory experience, the smell of the dry leaves in the fallthat litter the grounds in autumn, the sweet fragrance of the lilac trees that hang heavy in the air and spring, and the overwhelming and rich and humid wall of air that, envelops everyone who enters that wetland and aquatic conservatory in, no matter the time of year are experiences and sensations that are impossible to to find near anywhere else in New York City. A Brooklyn Botanic Garden Fragrance Garden, which will celebrate its 50th anniversary next year, was one of the first century gardens in the country. And the first of its kind to specifically, which was specifically designed to engage and welcome people who are blind or visually impaired. Visitors of all abilities now are encouraged to touch, feel, smell and interact all of the plants, um, bursting from these raised and accessible garden beds.And blind and visually impaired visitors are empowered to independently engage with this living collection.

(04:24:17):

???: Time

(04:24:19):

Bailey Binky: Using the braille plants. Many more stories, but I just would like to say that, for all of our programs that serve children and adults with cognitive.

Dan Garodnick: Thank you very much, uh, Ms. Binky. We appreciate it. Um, okay. Uh, Andrea Mat, I am sorry if I'm mispronouncing your name, followed by Sarah Stoller.

Andrea Matute: Hey, God. Wait, can you guys hear me okay? We can. Okay. <laugh>. Hi. My name is Andrea Matute. I'm currently a student at the Brooklyn Academy of Science And the environment, the Brooklyn Botanical Garden has been a very important part of our school culture. We use the garden to learn about our environment and educate ourselves on ongoing climate crisis. The Garden has provided us with many internships and extracurricular activities throughout the course of our high school career. Field studies, which is a mandatory freshman course, which me and my friends have taken, teaches us about nature and our environment when coming back to school after three years of being online, this course not only helped me, but it also helped my classmates.

(04:25:26):

Andrea Matute: The switch from online to in-person was stressful to all of us. The thought of, sorry, the thought of another covid outbreak, would that, would a thought, sorry. The thought of another covid outbreak would occur, sent us into that, would send us into quarantine, really scared all of us. As we took this course, the garden not only helped us connect back to nature, but also helped us create new bonds. And on top of that, it opened a door for a world that we had no clue in. Many of my classmates who had no idea what they would like to pursue had found a passion through working at the garden and participating in clubs. I was fortunate enough to have a teen exchange with their teen program called GAP, where I learned firsthand all of the passion they had for gardening. They work hard in the children's garden to grow crops and learned aboutspecies that are beneficial to our our environment.

And on top of that, they have created a beautiful community. By going forward with the rezoning, not only are you taking away the sunlight, but you're also taking away our education, internships, and community. I strongly oppose the rezoning as it would negatively impact the Garden's ability to teach us and give back to our environment and community. Thank you so much. Great. Thank you.

Dan Garodnick: Thank you very much for being here. Uh, Sarah Stoller, followed by, uh, Pamela Pettyjohn on Zoom.

(04:26:50):

Sarah Stoller: Good afternoon. My name is Sarah Stoller, and I'm a union member and the assistant principal at Brooklyn Academy of Science and the Environment. We are a Title one high school that was founded over 20 years ago with Brooklyn Botanic Garden. 97% of our students are minorities, and we serve, uh, 87% of our students who are economically disadvantaged. 17% of our students are housing insecure. I'm here today with my students to discuss Brooklyn Botanic Gardens, a measurably positive, positive impact on our school and our students. The loss of its greenhouse and growing facilities as a result of the proposed development would not only undermine the Garden's mission, but also impact the economic, the academic and social emotional growth of our students. Firstly,BBG is a sanctuary of green space amid the urban sprawl, it offers a peaceful retreat where city dwellers can connect with nature, providing a respite from the fast pace of daily life.

(04:27:39):

Sarah Stoller: This type of space is even more important for adolescents who often struggle to find calm amidst the busyness of city life and intensity of social interactions for our students. BBG represents a place within our community where they can take time to reflect and decompress even as they engage in the deep, real world connected learning environment. The garden the Garden provides. Moreover, BBGS commitment to sustainability and environmental stewardship is exemplary. BASE students learn about environmental stewardship through their work at BBG in classes, on field study, and via internships and job opportunities connected to the garden. Without these educational experiences, which are made possible by the Greenhouse Learning Garden, growing facilities, and other non-public garden areas, students will lose out on key opportunities to develop the community advocacy skills represented by the stewardship work they do in the garden. BBG is also a vibrant cultural hub. It hosts programs, workshops, and events that engage people of all ages and backgrounds.

(04:28:34):

Sarah Stoller:For BASE students, specifically, BBG serves as another campus, a second home where they can share themselves with each other even as they grow their science skills. All ninth grade students spend at least two hours practicing real world science in the field at BBG each week. Our partnership with BBG has enabled us to develop courses such as environmental justice and extracurricular activities such as Green Team and Garden Crew. These programs have helped us ensure that base is a re robust and meaningful learning community for our students. In summary, the Brooklyn Botanic Garden is more than a beautiful space. It is a vital, vital community resource. With the viability of this educational program's compromised, our school would be compromised as well. Our students and their families, who, by the way, could not afford to live in this development, would lose a key thread in the fabric of their community as those from outside that community make a profit at their expense. As we continue to cherish and support BBG, we must ensure that its positive impact will flourish for generations to come, and therefore take a stand against any plan that undermines that impact and represents this kind of environmental community-wide and personal injustice. Thank you.

Dan Garodnick: Thank you very much. Okay. Uh, Pamela Pettyjohn on Zoom to be followed by John Oshima and Maria Ramos here in the hearing room.

(04:29:49):

Pamela Pettyjohn: Good afternoon. I'm Pamela Pettyjohn from Coney Island Beautification Project. I need to contribute to this conversation the fact that BBG asked broad sunlight across all of Brooklyn proof positive after the devastation of Superstorm Sandy, when the Coney Island community needed emotional uplifting, BBG rose to the challenge, the garden answered. Coney Island beautification projects vaguely described call for assistance in beautifying our street tree beds, public spaces, and community gardens. BG BBG stepped forward becoming a valuable resource between Coney Island beautification project and area youth and senior groups, churches, schools, merchants, tenant associations, homeowners and social and civic groups. Specifically, through BBG Stewardship Program, our small group of community members learned a wealth of information about the proper use of composting and mulching, recognizing the importance of using native and flood resistant plants. We are proud to have earned several certificates through the Brooklyn Urban Gardener Program, receiving the title of Tree Stewards and Master Composter.

(04:31:08):

Pamela Pettyjohn: We've developed a family of fellow stewards and friends throughout New York City at large. The members of Coney Island Beautification Project are part of seven over 70,000 Brooklyn residents and participants in BBGsBBGs community greening programs each year, such as Community Garden Alliance,Greenest Black and Brooklyn, and making Brooklyn Bloom. Our success is testimony to BBG Brooklyn Botanic Garden Blooms as a teaching hub for gardeners educators across New York. BBG has helped us build horticultural knowledge to support our community and response to the devastating effects of Superstorm Sandy. They have equipped us with tools to build community engagement through gardening the greenhouse under threat by proposed 962Franklin Avenue development grows, grows plants that are displayed at BBG, along with thousands of plants that are given away to schools, community groups such as ours every year. What starts as a small ceiling in the greenhouse grows to be make BBG stunning, world famous botanic garden that it is.

(04:32:25):

Pamela Pettyjohn: They also go on to live in community gardens and streetscapes, and across the borough green Brooklyn. As far beyond the garden gates, Brooklyn relies on BBG to help green its neighborhoods right now. BBG is relying on us to support its fight against harmful rezoning. On behalf of Coney Island beautification project and community gardeners across Brooklyn, we stand with BBG and this group of supporters today. If my work is, is with my community, has taught me anything that it is, together, we can make a difference. Don't turn off the light. Join us

(04:33:07):

Dan Garodnick: Thank you Ms. Pettyjohn. Thank you. Um, I, at some point folks on Zoom will be, uh, <laugh>. There's an unceremonious, uh, cutting of the mic. Uh, my apologies for that, but, uh, okay. Uh, let's go to John Oshima, and then I think Ms. Ramos, we heard from you already, right? You're signed up twice, three times. Okay. Gotcha. All right. I love the passion, but we, we will, uh, we'll hold off. Okay, Ms. Oshima. [04:33:30] Thank you.

John Oshima: Hello. My name is John Oshima and on behalf of my wife Laura Halbert, I would like to, and myself, I would like to express our opposition to the proposed zoning change. Today. We heard a lot

about physical details of the proposed building, but fulfilling lives clearly require things beyond the walls of one's home. Given the scale of New York City in particular, vibrant green spaces are critically important to mental health.

(04:33:58):

John Oshima: A point that is now the scientific consensus with the inevitable increase in the density of New York City as it moves to address the current housing crisis. That importance is going to rise all reasons to absolutely prioritize preserving the garden as it exists. Now also, please bear in mind that while the application focuses on shadow impacts, the psychological benefits of the botanic garden will also be negatively impacted by the unavoidable visible intrusion of a new tall building into the sight lines and the experience of a visitor to the garden. Two more points as to the question of spaces that are or are not open to the public, and given that the garden has existed for over a hundred years, I challenge the, the development team to tell us how they can assure us that at some point, for example, a hundred years from now, it will not be in the best interest of the garden to take advantage of spaces that the development team has deemed irrelevant to concerns about shadows. And finally, I would like to speak as someone who for 40 years helps raise a family in New York City as a member of a union, I feel delighted and confident that the city's push to increase the construction of new housing will lead to an increase in union construction jobs. Armed with that confidence, I'm opposed to a zoning change for this one building. Thank you very much.

Dan Garodnick: Great. Thank you very much. Okay, let's move on to Jennifer Whitburn on Zoom, followed by Catherine Patton here in the room.

(04:35:55):

<silence> Jennifer, you should be able to unmute and zoom.

(04:35:59):

Jennifer Whitburn: Here we are.Thank you for allowing us to attend on Zoom. I'm here with my daughter Anna and her friend who, , are love the garden. My name is Jennifer Whitburn and I'm here to state my opposition of the proposed rezoning, um, of 962-72 Franklin Avenue. The zoning amendment that was made in 1991 to ensure continuous unobstructed sunlight for the Brooklyn Botanical Garden, and is zoning. Zoning laws are made for a reason. They're made to protect, um, developers who want to profit, over the, you know, to, prioritize, the, the needs of the community and families and, and gardens, and playgrounds over the profit of a developer. The 1991 zoning was made to protect the garden. And I urge you to, reject anything that would change the zoning in the area.

(04:37:10):

Jennifer Whitburn: The garden is a critical oasis. It's a place for people to become whole again, in our small apartment and in many apartments in, in our community, we do not have green spaces where we can gather. Um, and as some, as someone mentioned before, it's also in the visitor experience, the experience of someone in the area seeing a towering block, is very different than being in the garden where you're within green and seeing just green around you. Seeing a big bulkhead and I, as an architect, those drawings are quite, that the developer shows that just shows the cross, the section of the building without the bulkhead really needs to be looked at very critically. So I, I urge you to look at that and I wanna give them a second to also, share their, um, love for the garden for you, so you understand how important it is.

(04:38:02):

Jennifer Whitburn: Hi. So, I think that the garden is a place where people can gather and, for the community to enjoy. And the plants need sun to grow. Like that building is too big. They have to take it down at some point. Thank you.

(04:38:32):

Jennifer Whitburn: Thank you. Thank you,

(04:38:39):

Jennifer Whitburn: The playground also is of note, is a place that that is, that should be considered. It, it, the, the lack of sun. There would be significant people in the, in the neighboring communities to see the sky. People in the garden deserve to see the sky. We, the, any block of sunlight would be, something that we should prevent. Thank you.

(04:39:04):

Dan Garodnick: Thank you very much. Thank you to you and your, and your team over there. We appreciate it. <laugh>. Um, okay. Let's go to Catherine Patton.

Catherine Patton: Hi, I'm Catherine Patton and I am here in opposition to the rezoning. I moved to Brooklyn in 1981 in a rent stabilized apartment, 10 minute walk from the Brooklyn Botanic Garden. And I've been a volunteer at the Brooklyn Botanic Garden since 1990, around the same time this rezoning was the zoning, original zoning was put into place. As part of my volunteering, I volunteered over the years teaching children. One time we had a school group come in and this one girl said, who cares about trees? Because the topic that day was trees. So I said, who cares about trees? So in the course of that hour and a half I had with this girl, I think I convinced her why trees are important.

(04:40:03):

Catherine Patton: And she walked away with a little coffee tree that she could take home, but she actually saw coffee growing on a coffee tree so she could understand that maybe she doesn't drink coffee 'cause she was too young, bt her parents probably do, and this is why it's important. And we were in the very conservatories and education greenhouses that would be impacted. And that coffee tree that she took home was propagated at the Brooklyn Botanic Garden. So it has a direct impact. These children are our future. They have to understand why a coffee tree is important, why any tree is important, why when they walk into this beautiful space, why this is important. And we can educate them. They can become, like I have, I've got a certificate in horticulture from the Botanic Garden. I'm one of the Brooklyn Urban Gardeners, or affectionately known as BUGS.

(04:40:56):

Catherine Patton: I'm a rain garden steward, so I'm taking care of a rain garden out on the street. All of this, because of the love and passion that I got from the Brooklyn Botanic Garden, all of that came from there. And we need to continue to do that with all adults and all children. The ongoing community greening where we, Brooklyn Union Gardeners, as we were told by Coney Island, where we go out and we help them, we help them with their community, and we help them with plants that are propagated in this very, very important space. It's really critical. So I urge you, I, I understand and I accept the fact that a building in Brooklyn has housing issues. I don't accept the fact when I read in the New York Times that they say, oh, well, if it isn't built at this height, there'll be non-Union jobs.

(04:41:44):

Catherine Patton: I'm sorry, I don't buy that. I think that's just the wrong thing to be saying because I feel that all of the buildings should be built with union jobs, but I think we need to keep it at the height that was put in in 1991. So there is not the impact to the Brooklyn Botanic Garden, and I encourage you to come to the Botanic Garden November 2nd. I'm giving a tour. False splendor, please come. I'm giving other tours, but that's one of my best and one of my favorites. <laugh>. Thank you. Wonderful.

Dan Garodnick: Thank you very much. Thank you for that nice invitation too. Uh, okay, let's, let's go on to Steven Albani and Sue and Chong both on Zoom. [04:42:30] Steven, you should be able to mute in Zoom. Zoom.

(04:42:40):

Steven Albonesi: Okay. Thank you for the opportunity to testify. My name is Steven Albonesi, and I'm speaking on behalf of the Municipal Arts Society. MAS opposes this project for the same reasons that oppose continuum's, 2021 development proposal in 960 Franklin Avenue, namely, significant and unmitigated shadow impacts on BBG 115-year-old world class urban Oasis, as well as Jackie Robinson Playground. As you've heard, this project would cast new hours, long shadows on a significant portion of the sunlight sensitive areas studied at BBG, including world renowned greenhouses used, used to propagate plants that require full year-round sunlight. The DEIS acknowledges that if the project were to be built, remaining sunlight may not be enough to promote healthy growth of these plantseffectively compromising the garden's mission to educate and inspire children and other members of the community. Also, as you heard, project generated shadows would be especially detrimental to Jackie Robinson playground during March and September when the presence or lack of sunlight can determine whether such spaces are comfortable and usable during these times, entire areas of the playground, including tables and benches, play structures, large trees and basketball courts would lose more than two hours of prime daily sunlight.

(04:44:04):

Steven Albonesi: More than 30 years ago, the city recognized the fragility of BBG and made an explicit commitment to protect it by establishing common sense zoning regulations. On the parcel in question today, at more than double the currently allowable height, this project would set a dangerous precedent, effectively giving the green light to other projects that ignored the very purpose and function of the 1991 rezoning. In 2021, CPC rejected this projects predecessor 960 Franklin Avenue because of very similar shadow impacts that would happen with 962-972 Franklin Avenue. It is telling that in , that as in 2021, virtually every public official with a say in this project's outcome has expressed extreme concern or outright disapproval of it. And we strongly urges the commission to reject the project and uphold its commitment to neighborhood play spaces and cultural institutions like BBG, because they are vital to a great city. Thank you.

04:45:08):

Dan Garodnick: Great, thank you very much.Sue Ann Chong, followed by Thomas Chiana here at, one 20 Broadway.

Speaker 11 (04:45:18):

Sue Ann Chong: Thank you. I'm a resident of CB nine and also, served as their chair of the Land use Committee and Community Board 9. The last minute text amendments proposing these setbacks must be sent back to the community board for a public hearing per the city charter Section 201A . These

amendments affect properties in CB 9 other than the applicants namely hundreds of tenants in existing four story pre-war affordable apartment buildings built to an FAR of less than three and a half, while the applicant suggested to CB 9 that they could apply for a text amendment to codify the step back massing. We never saw the actual text before our recommendation, and we're certainly not told that it would apply to other lots. CB 9 has consistently rejected both this upzoning and other similar spot rezonings do in part to our concerns that it creates a precedent of inappropriate future up zonings for adjacent lots.

(04:46:10):

Sue Ann Chong: The applicant's argument that they're entitled to an upzoning from R6A to R8A because nearby properties have that zoning or we're up zoned to that level, demonstrates exactly why our concerns are justified. If this is granted, surely it will be used as precedent by the next developer on a neighboring lot for similar upzoing. Within the last few years, over 1000 units, including MIH units have already been built or are currently going up within five blocks of this site. If we are going to allow spot rezonings, we need to be able to say no when infrastructure is inadequate, when the zoning threatens the health, safety and quality of life of existing residents, or when we have met or exceeded our housing goals, which of course includes over 2000 units in the pipeline in the rest of the district in addition to the as of right capacity.

(04:46:56):

Sue Ann Chong: Speaking of the as of right 1 Sullivan, the 12 story cantilever building mentioned by the developer is not quite an as of right building. It benefited from a significant upzoning under the citywide ZQA privately financed senior affordable housing program. The City of Yes UAP program has modeled on this in attempts to extend it significantly. We voted to oppose UAP and City of Yes because we've already seen how such developments can be truly weird and dangerous to our residents, all while providing six affordable units. Apart from the shadow impacts the doubling of market rate units under the applicant's proposal will have a significant impact that is not mitigated by the addition of a small number of affordable unitsat 40 to 60% of AMI, the developer argues that higher income levels are appropriate because CB 9 median incomes have gone up in recent years, even if this wasn't an exaggeration. The reason is projects like this, the DEIS acknowledges that this project's additional market rate units would raise area median incomes. Finally, the DEIS makes no attempt to address the parking needs in the district substituting the number of persons who commute by car for direct statistics on local car ownership such as biannual car registrations. Nor does a special permit make an adequate case for the applicant's financial need to severely reduce the number of parking spaces. They've not offered any figures. In conclusion, please oppose the map amendment, text, amendment, and special permit. Thank you. Great,

(04:48:24):

Dan Garodnick: Thank you. Perfect timing. Uh, let me go on to Thomas Shesenna, followed by Lynne Griffo here in the hearing room. Welcome, welcome.

Thomas Shesenna: Thank you for the opportunity to speak today. Um, I'm a lifetime visitor to the Brooklyn Botanic Garden and a long time supporter. We've discussed a lot about the, micro or the, small scale, adjustments to the shadow, but I think it's better to, maybe we should safer to err on the side of overprotection to err on the side of not allowing any shadows over the current situation.

(04:49:11):

Thomas Shesenna: That's why I asked you to, retain the current zoning. My goal here is to discuss my family's connection with the botanic garden, which goes way back. Way back in the 1930s, the early

1930s, my mother attended girls commercial high school and my father used to visit her, used to meet her in the garden. My father was unemployed in the depths of the depression, a young man, and there was nowhere for them him to go. And so they used to spend their time together at the Botanic Garden, and they never forgot that. And they raised us, my sister and me to appreciate and love the garden. And, uh, I always remember the cherry blossoms in the spring and the daffodils and, the magnolias, and in the fall, the chrysanthemums, the beds of chrysanthemum and the tradition goes on. My nephew hashad his children go to the botanic garden classes, the horticultural classes. So,I ask you to please, keep the current zoning for the protection of this legacy for our, our children. Thank you very much.

Dan Garodnick: Thank you. Okay, Lynne Griffo welcome, followed by Sharon Richmond.

(04:50:30):

Lynne Griffo: Good day. I am the Reverend Lynne Griffo, a resident of 128 Marine Avenue, born and bred in Brooklyn. I'm a member of the Brooklyn Botanic Garden and a volunteer there. I am a Pratt graduate with a city planning master's degree, and I have experience in environmental assessment and affordable housing development. I urgently ask you to oppose the rezoning of 962-972 Franklin, and to preserve the current R6A contextual zone. The garden has been, for me personally, a beloved place of peace and beauty and learning. For 68 years, I toddled in as a child and now I toddled around as a senior <laugh>. The BBG is a unique cultural treasure with a widely valued role in environmental education. As you have heard of youth and community gardeners. As a volunteer, I have witnessed how it is visited and enjoyed by people of all diverse backgrounds and by persons with disabilities, school children, visual artists and tourists.

(04:51:51):

Lynne Griffo: The conservatories are key destinations for children and visitors of foreign origin. Clearly, it is a joy for them to see the plants from where they are from. The DEIS blatantly places all responsibility upon BBG to save its plant collections from significant harm. The project will undermine the extensive and costly improvements the garden has carried out in recent years, funded with public and private funds, 962 Franklin and any alternative beyond as of right threatens the mission and future of the garden, and does so after several pandemic years, resulted in a large loss of revenue for the garden. R6A zoning was created before a time when developers dictated the shape of the city. As a city planner and as an ordained minister, I worked hard for the creation of affordable housing in Brooklyn. If CB 9 was supportive of this project, I might not be here today.

(04:52:59):

Lynne Griffo: But the local community is not willing to risk the harm to BBG from this rein in trade for 119 income targeted units. And as of right project can be built with union labor. I stand with the garden. I also would note the impact of intensified competition on, on street parking is not sufficiently mitigated. Existing sewer capacity is expected to be insufficient to support the project and the excellent visual quality within the garden, which we used to have to take into account in environmental impact statements, will be significantly impact impacted and cannot be mitigated. I told myself to stop. Thank you for taking my testimony.

Dan Garodnick: Wonderful. Thank you. Thank very much. Thank you. Okay, let's move on to Sharon Richmond. Welcome. And then we've got Kate, Fermo, on Zoom, and I think I'm doing damage to your name on my apologies.

(04:53:58):

Sharon Richmond: Okay. Hi, I'm Sharon Richmond. I'm a lifelong Brooklyn resident. Born in Brooklyn, raised in Brooklyn, still live in Brooklyn. I'm one of many of you here. I have no garden. And then I realized, oh, yes, I do. The Botanic garden is my garden. And you know what? It's offered so many opportunities to myself and to other people because it's not just a place where we go to find peace and tranquility, but it's also a place where I've learned a great deal. I really hadn't thought too much about this until I thought that I had learned and heard terms that I hadn't heard since college botany. I came here as a second grader, I was one of the kids that Adrian Benepe referred to. I couldn't take a ship across to learn about different plants and trees, but when I came here as a second grader, I never forgot this cool, calm, green, magical place. And when I grew up and became a teacher myself for the New York City Department of Ed, I realized that I then took classes here and I took classes to visit this place, and I took kids to learn about careers in greening. There were a myriad of opportunities that this cultural and botanical place presented.

(04:55:25):

Sharon Richmond: Now, as an adult, an old adult who has retired from the Department of Ed, I came back to the garden and I took training as a garden guide, and I served in many different volunteer opportunities. I learned a great deal, and I was able to give back to the community through many of their programs, whether it was children's education, working in the Discovery Garden, working with memory impaired folks and their caregivers. This is a resource, this is a gem. This is an oasis that exists in the borough of Brooklyn, but it has widespread implications for the rest of the city. And for we, I meet international travelers when I've served as a greeter at different functions at the garden. So I urge you opposed to zoning, the people knew what they were doing in 1991.

Dan Garodnick: Thank you very much. Okay, let's go to Kate Fermole:. Again, my apologies. I think I'm doing harm to your name here on Zoom, followed by Kit Schneider here at 120 Broadway, followed by Gary Rivas. Kate, you should be able to mute.

(04:56:57):

Kate Fermole: Okay. Yes. Thank you so much. Hi. Good afternoon. My name is Kate Fermole:. You did a pretty good job with my last name. thank you. I'm zooming in, uh, today from BBG to ask you to reject the 962-972 Franklin Avenue rezoning application. And I have to say, I have really appreciated this super thoughtful conversationthis morning and this afternoon. As the director of Interpretation and exhibitions, my job here at BBG is to tell the many and varied stories of plants and the people who love them through tours, exhibitions, signage, and programs. And in the decade that I've spent working here at The Garden, I've had an opportunity to really learn a lot about what brings people here and connects them to this place. Um, Brooklyn Botanic Garden is more than just a public garden. Um, it's Brooklyn's backyard, as Sharon just said, where New New Yorkers come to learn about plants, yes, but also for their first dates, their first steps.

(04:58:02):

Kate Fermole: They come to mourn losses and celebrate life's wins and find quiet moments is all. And also coming to enjoy music on Cherry Esplanade. I've learned that BBG is also often the backdrop and the main character in many Brooklynites stories for well over a hundred years. In this narrative of community, Brooklyn Botanic Garden is a place where stories unfold with every season,where memories are made under canopies of trees and among the plants,and all of these things that, that need, uh, the

sunlight, allowing this rezoning to green light, the taller and taller buildings would be a catastrophe for the garden. And I add my voice to those of my colleagues and community members, uh, here on Zoom and in the room there today to urge you to preserve this oasis of natural beauty and ensuring that it remains a place of joy and reflection and life of Brooklynites today, as well as many of, many, many years to come. And for those who come after us. Thank you so much.

Speaker 1 (04:59:09):

Dan Garodnick: Great. Thank you. Thank you for being with us. Um, okay. Kit Schneider, welcome. Followed by Gary Revis and then Raphael Schweitzer

Kit Schneider: My name is Kit Schneider. Um, and I'm here to oppose the proposed changes. I've been a member of the Brooklyn Botanic Garden for over 40 years before I even moved in Brooklyn, the first time I came to visit when I was still living in Manhattan, I thought, this place is unbelievable. What is this doing in the middle of a big city, this green oasis? So I immediately became a member, and since then I have moved to Brooklyn and I love Brooklyn. And for the last 10 years, I have been a volunteer because once I retired, what do I wanna spend my time with children in nature? Well, what could be better than the Botanic Garden? And we have such a wonderful community of people at the Garden who love plants and who love gardens and wanna share it with each other, but also share it with the wider community.

(05:00:15):

Kit Schneider: As a volunteer, I have participated in many different programs. I've done a lot of children's programs, and we have babies, like infants coming to our program. Sometime I think we had a five day old. Ones like, okay, you can't participate, but at least you can be here. And children just learn to love nature, but it's also not nature. It's, it's a whole community. You get a feeling of community like, we are doing this together. It's not just a bunch of individuals, let us work together. Isn't that what we want in the city and in the world? We also do adult tours, which I've done many tours, and you have people coming from around the world, or maybe somebody down the street who never came to the garden before. And they're amazed that this is such a beautiful place. We also have programs for people with dementia and memory loss just to give them a nice day.

(05:01:06):

Kit Schneider: And we also work with people outside. I've gone to programs at public schools, at libraries, at nursing homes. So we try to share the garden with not only ourselves, but with the wider community. Many people, myself included, consider the garden, their country home. When you wanna go to the country, where do you go? You go to BBG. We love the green space, the quiet atmosphere, and all the friendly people who work there and visit there. It is just a real community of people and it's a valuable resource, and we want it for now, and we want it for the next a hundred, 200 years. So we do not want tohave our sunlight blocked. Thank you.

Dan Garodnick: Thank you very much. Okay. Gary Reevs on Zoom. Gary, you should be able to unmute in Zoom.

(05:02:19):

Gary Reevs: Alright, thank you very much. I'd like to thank the board for taking the time to hear me out. My name's Gary Reevs. I've been a member. I mean, I've lived in Park Slope since 2004 and a frequent visitor to the Botanic Garden. And last year even volunteered. I wanna say, uh, thanks to Mr. Benepe

because he hit my talking points almost in the same order I wrote them. So I'll be brief. He's already covered much of it. But a couple things I wanna point out. You know, as Mr. Benepe said, once the building's built there's no going back. And in that regard, I've heard a lot of discussion about how much light the plants get now versus how much light located the building is built, et cetera. But I just wanna point out that the plants we're talking about are…

(05:03:18):

Dan Garodnick: I think we lost you there. I no longer see Gary in the Zoom. Uh, if we, if he reestablishes a connection, we'll, okay, try again. So why, why don't we go to Raphael Schweitzer since he's standing right here. Mr. Schweitzer, welcome. and then we'll see if we can grab Gary back.

Raphael Schweitzer: Welcome. Thank you, Mr. Chair. I just wanna first thank you for your, being very human down to earth. It's not often you go to a city agency hearing and you know, the person leave the meetings actually, you know, so relatable and, you know, so I, I appreciate that. So I was a community organizer for about a decade in the Bronx. You know,, I fought buildings unsuccessfully, you know, as of right buildings. I think just wanted to urge everyone on the commission just look at, look at who's here.

(05:04:09):

Raphael Schweitzer: These people are mostly volunteer. They're mostly women, which is important because women are the caretakers. Women are really the ones that are the pillars of our community. They're the ones that give birth, they're the ones that hold the children. So I think it's really important to listen to the women in the room. We've heard all heard about the shade and everything, but I just wanted to, like, if there was no BBG, um, would this project be getting approved? because I've been, there's been a lot of other projects going up. Gentrification, it's a word that is used too much, I think, but it's, you, there's no really no other word. And the affordability levels that were talked about really aren't affordable. It's adding yet more, density as we all know. Yes, we need affordable housing, we need housing, but there's a really, there's a crisis that I think isn't really getting through to City Hall, which is we really don't have the infrastructure in New York City, the current infrastructure right now to deal with all of these new buildings going up.

(05:05:16):

Raphael Schweitzer: The roads, the traffic, the schools, the parks the sanitation, the, sewer systems. So I, I'm just sitting here wondering, I do live in Park Slope, I live in Brooklyn right now. I moved in April, but I'm just sitting here wondering if it weren't for the Brooklyn Botanical Garden, bringing out all these people,I would say this project probably would get approved because you have all, you had all these union members here, and it would be yet another building that isn't affordable, affordable for the community. And it's, and in my opinion, almost more as important is gonna overtax our infrastructure because we've had, we've had massive flooding and these buildings were, they, it won't help, but it's gonna just worsen that. Just for future meetings, I know you have to abide by laws and rules and everything, all this talk about, you know, contextual this and r for a that I think with all the changes that are proposed, instead of putting, you know, the words, which to me are gobbledygook, I think there should be, sorry, there should be diagrams of like, this is how it looked before.

(05:06:24):

Raphael Schweitzer: And, with this wording, this new contextual zoning, whatever, this is how it will look after. Because I think, not that you would, but a lot of times the law and, city agencies, they use these words to just overwhelm people. And so people are like, I don't know what you're talking about. So I'm giving up and I'm not, so if you wanna really involve people in the process, simplification, oh my god,

please somehow I know. But, um, I do thank you for your time and thank you for being so open and accessible.

Dan Garodnick: Thank you very much for that. And, um, I, I will note that we understand the level of complexity of a lot of the work that we do here, and certainly agree with you that we need to continue to do more to make it easier and more visual and more accessible across the board. So thank you for making that point. Did we pick up Mr. Reeves again? Is he there? I'm doing some outreach right now. We'll try to, okay. Alright, so let's keep going. Edwin Hurtle here in the room. Mr. Hurdle, are you here?Okay, how about [05:07:30] Hannan? Diana Hannah? She, she had to go. Okay. Gabrielle Nurnberg. Okay. Hi. And we've got, Mary Shuford after, after her. Okay, great. Welcome.

Gabrielle Nurnberg: Hi. Okay, I'm gonna be really brief. I just wanna echo and emphasize my colleagues' voices in opposition to this rezoning proposal. Thank you so much for your consideration. I just wanna talk about the calculus of community benefit, long-term effect to BBG and deeply affordable housing creation. I'm a relatively newer staff member at the Brooklyn Botanic Garden. I sought out this position because I wanted to participate in something that would enrich my community to support a New York cultural institution. Thus far, I have seen countless relentless instances of BBG supporting its community, providing resources for teachers to enrich their curriculum, hundreds of school trips, inviting children into our green classrooms, events that celebrate local culture and heritage, and events that educate urban green space stewardship.

(05:08:48):

Gabrielle Nurnberg: I'm constantly heartened and amazed by my colleagues time and effort. This is an institution that adds to its community, obviously.I say all of this to highlight the stalwart stance by the developers that all 14 stories are required for them to A) contract union labor and B) include affordable housing as stated recently in the New York Times, BBG, sunlight and critical horticultural operations should not be held hostage by a developer who has no intrinsic motivation to support affordable housing beyond an occasional gesture beyond the requisite. Ultimately, I must ask if BBGsBBGs next 100 years of community engagement and resources can be weighed against a mostly market rate apartment building. A side note, BBG has historically not stood in the way of development, which do not present an existential threat to its resources. Our experts continue to believe this proposal would have an outsized impact on BBGs conservatory and nursery resources. Not seven minutes, but perhaps 97 minutes of sunlight a day. We know this, I defer strongly to BBGs horticultural experts over developer's assessment, especially as their efforts have been up to this point opaque. Thank you for your time and consideration.

Dan Gardonick: Great. Thank you very much. Okay. Mary Ufford, followed by Constance Leasehold on the phone. Hello. Welcome.

(05:10:15):

Mary Schufford: My name is Mary Schufford. I am over a 50 year resident of Brooklyn and moved to Prospect Heights because of BBG. I've raised my children and have my grandchildren here,] but I have also worked in the Botanic Garden world outside of New York. And I know that BBG is world renowned because it is such a unique institution with its science, its greenhouses, it is respected worldwide, and it is further unique as we referred to by the fact that it is in closely within the community. It's everybody's neighbor, which makes it vulnerable to development. And the fact that buildings can come up around it

and block the sunlight, I think it is absolutely imperative to protect, as was decided by your predecessors in 1991 to protect BBGs sunlight. There is just no value in the development that's come, that would be here, that would outweighs protecting this unique internationally respected institution. And thank you. And thank you for all being so thoughtful and asking questions, and I really appreciate how engaged you are. Thank you.

Dan Garodnick: Thank you for saying that. Appreciate it. Okay. Um, let's see. Do we have Constance Leasehold on the phone? Yeah. Great. Mm-Hmm, <affirmative> followed by Jibreel Cooper on Zoom. Constant. You should be able to mute and zoom.

Constance Leasehold: Can you hear me? Yes, I can. You can hear me?] Oh, thank you. I'm sorry. This is Constance sold and I, lived for nearly 50 years across the street from the Botanic Gardens, and I'm here to oppose, the rezoning. Um, I thank you for this wonderful hearing. I feel I've spent the whole day in the Botanic Gardens and, um, it, the one thing that I think has maybe not been emphasized enough is the importance of the gardens to, uh, the battle that we face over global warming and climate change. The gardens can be and will be increasingly a center of this effort. The consequences of your hearing, can be very, very great. Should you approve the rezoning, the, the word would go out around the world.

(05:13:40):

Constance Leasehold: I don't know if you realize how much that the Botanic Gardens is a center of international gardening and, botanic gardens. I was fortunate enough to be present, for a conference of, international children's gardens, in Botanic Gardens from around the world some years back. And the Botanic Gardens is a very great leader in this. And should you allow anything to happen that damages the garden or even just appears to damage the garden this really would, be a real downer for organizations all over the world and for the efforts, on global warming and, and climate change. And that affects children all over the world and generations to come. And, young people would hear about it and old people would hear about it and be more discouraged. We can't get discouraged.

(05:14:49):

Constance Leasehold: We don't have enough going on. New York City, which you represent, is supposed to be a leader in all of this. We're supposed to be a leader in everything, and we have to take that seriously. We can't be blasé about it, so well please, I've been a part of the garden in every way. Founded the garden over the Franklin Avenue Shuttle that is called the Brooklyn Botanic Garden Stop. It was the first green thumb garden in, Brooklyn, and with the help of the Botanic Gardens, the community garden effort has grown all over the city. And, it will continue to grow and we will continue to get attention to the world. Thank you very much.

Dan Garodnick: Thank you. Thanks for being with us. Okay, next we have Jibreel Cooper on Zoom, followed by Amanda White here and Steven Sinclair also here, I believe.

(05:16:00):

Jibreel Cooper: Hi, good afternoon. My name is Jibreel Cooper. I work on the Community Green Team at Brooklyn Botanic Garden, and I want to focus on that word community. I work and speak directly with

residents of Brooklyn. Just yesterday we had our Greenest Block in Brooklyn Celebration where the community came out in full force to celebrate one another. Speaking to you today, because proposing to rezone and build a 14 story structure on Franklin Avenue is putting it kindly shortsighted. I can excuse not knowing the impact of the proposed structure, but those in favor of the project are well aware of how it would affect the garden. As someone that works directly and regularly with the community through programming such as Greenness Block and Brooklyn are Brooklyn Urban Gardener training the Nick and Brooklyn Bloom Cop three workshops, I'm, disturbed by the developer's persistence in pursuing this project.

(05:16:52):

Jibreel Cooper: The lack of consideration for the community's consistent opposition to this is alarming and shows a clear tone, deaf context barron approach to development. And that's exactly what we don't need in Brooklyn and in New York City overall. They've even presented this as affordable housing, while 75% of the building is planned to go for market rate, I've, I'm someone who's lived in affordable housing when I was a child, actual affordable housing in Astoria, Queens, Ravenswood houses on the corner of 21st Street and 36th Avenue. This proposal that continuum the developer has put forward isn't affordable. It's not ecologically sound, and it's not wanted by the community in which they want to build. And let's not forget about its impact on Jackie Robinson Playground, an amazing place for recreation for children in the community. If we want to talk about City of Yes, let us say yes, we'll protect our community resources, yes, we'll prioritize the voices of the community and residents or developers acting in their own self-interests.

(05:17:46):

Jibreel Cooper: This isn't workplace versus workplace or union versus union. I have nothing but respect for my brothers and sisters in the unions who simply want to provide for their families. I am however deeply disappointed in the development groups that misrepresents the impact that they're building would have while seeking to harm an institution that provides free affordable education for children and adult and adults of Brooklyn's community. And these are people that look like me, kids that look like me and should get to experience what the garden has to offer. Protect the zoning from 1991 and come take a class with us here at the Garden, and I'll personally teach you about true care. Thank you.

(05:18:21):

Dan Garodnick: That's great. Thank you Mr. Cooper, and thank you for that, that nice invitation too, and we will take you up on that. Thank you.okay, let's go to Amanda White. Ms. White, are you here? Great. Excellent. With a helper. Love it. All right. And let's go after to Stevens Sinclair and Doris Pluse. Okay. <laugh>.

Amanda White: Okay. Hello, my name is Amanda and I'm here today to oppose this application. This little corner of Brooklyn is extremely close to my heart. I happen to live in one of the buildings standing between the lot and the BBG. I can see both the BBG and the lot from my living room windows. My son, he plays at Jackie Robinson playground almost weekly year round. To think that we would have our sunlight at Jackie Robinson, which is already diminished year round by the towering Ebbots field apartment complex to the east of the playground further engulfed by another tall building is quite frankly depressing On a cold winter's day, it's the closest place that we can go, where I can sit and relax in the sun while my sun plays freely, and we can both keep warm, despite the bitter weather. My family and my neighbors rely on this public space for its nature, its recreation, its warmth, and it's sunshine. To rejuvenate our spirits and to restore our bodies. We will not accept our health and our peace of mind

being compromised for more luxury condos in our ever gentrifying neighborhood. This application also creates a threat for our community's beloved Botanic Garden. My family, my students, and I all deeply rely on the affected areas within the garden for personal, educational and professional growth. I am a local preschool teacher at Maple Street School, and I bring my students to, to three times a month to the gardens in the winter time, we mostly utilize the conservatories and greenhouses to study the unique plant collections housed there.

(05:20:24):

Amanda White: While the rest of garden is too cold for our two to five year olds to tolerate these indoor environments,offer a warm respite and allow us to continue our important work of understanding the natural world. My students are so young that they need concrete experiences to learn big concepts, abstract concepts like habitats, ecosystems, climate and diversity. We can observe our favorite fruits going in the tropical collection and explore all kinds of fuzzy, prickly, funny shaped plants in the desert collection. We can't travel to the Middle East or the Caribbean where some of my students' heritage traces, but we can still experience up close what kind of nature grows there. We can look to the Aquatic Houses to understand how essential water is for all life, or examine the bonsais and discover that even small things are beautiful and complicated and worth protecting.

(05:21:25):

Amanda White: The micro climates these collections depend on are extremely delicate, and where those, where these special places to lose any amount of sunlight, especially during the winter when the community utilizes the most, and when the plants most depend on every ounce of light available to them. As my 5-year-old stated, the plants would die and we would lose this extremely valuable resource. I just want to mention one more thing, that the nurseries who the person said are not available to the public, and so they are time, they shouldn't be considered. The plants there end up in every part of the garden that we use, they end up in our school's garden. They end up in my student's gardens. Okay. Thank you. So they matter to the public just as much as the other places. Thank you.

(05:22:20):

Dan Garodnick: Okay. Hi. Let's go to, is that you Mr. Sinclair? Yes. Great.. And then we have, uh, Dorey Plues and George McCracken. Next.

Steven Sinclair: Good afternoon. My name is Steven Sinclair Parisian retired head museum curator. I live most of my life in Paris, an American citizen since 2022. I have been a proud inhabitant of Winsor Terrace in Brooklyn, a very diverse neighborhood by personal choice. I am writing a walker's heritage and architecture guide of New York City and have been visiting the whole city on foot at a rate of 40 miles a week for five years, taking 60,000 photos. So I may have an impartial personal, yet distant view of the best New York City has to offer to its dwellers and visitors alike in every one of its neighborhoods. Basically, I know what I'm talking about. The Brooklyn Botanic Garden is on top of my guide, a must visit spot in a constrained space,

the staff at BBG has managed for generations to create a place, the place of beauty and quiet we all desperately need here. The Botanic Garden is the one membership I have subscribed to among the slew

of cultural institutions, the city has to offer. The botanic garden is the place close to home where I find inspiration and new ideas, notably around the Japanese hill and town and pond, sorry, a wonder of garden and architecture like. We are all seeing with the coverage of the Olympic Games, What Paris, a city without cars, thus for its inhabitants, how beautiful the city is, how happy people feel there, they are happy, mainly because there is a great deal of harmony, care, and beauty in their living environment. New York City was in fact built with the same city beautiful ideas after Paris's example, parks and gardens were an essential part of the plan.

(05:24:43):

Steven Sinclair: Then since the forties, apparently the city has not cared as much for the wellbeing of its citizens as it has for mechanical efficiency, and corporate greed, I should say <laugh>. So in my opinion, the administration is facing a choice here. Either it bends once again in the face of economic interest and pressure groups and allows irreparable harm to the garden, or it tries for once, to preserve a modicum of beauty and harmony for us all to enjoy. I hope you reject the reasoning. Thank you.

Dan Garodnick: Thank you very much. Okay. Um, Doreth Plues, please welcome. Followed by George McCracken.

Doreth Plues: Hello. Hi, my name is Doreth Plues and I'm here today to express my support for a vital and irreplaceable community asset, the Brooklyn Botanic Garden. As a member and a volunteer, I'm deeply concerned by the rezoning application for 962 Franklin Avenue. As we've been hearing in great detail during previous test testimonies, the construction of this condo building would disrupt the ecosystem of plant life at the botanic garden and have a devastating impact on the plants affected by the reduced access to sunlight. Plants would struggle to survive and will ultimately perish.

(05:26:30):

Doreth Plues: An ecosystem that has been painstakingly managed and developed, no doubt through many trials and errors would be disrupted and a precious link broken. This is why I'm asking the planning commission to reject this rezoning application so that the delicate balance that has been established be allowed to continue without harmful interference. For many people like myself, the Brooklyn Botanic Garden is a touchstone for the community. A place that is valued for the many benefits it offers to everyone in the community and beyond. It is also beneficial to wildlife. I visit the Brooklyn Botanic Garden throughout the year. Springtime is especially beautiful. Anyone who hasn't seen the cherry and magnolia trees in full bloom should really visit during this time to experience this spectacular display. Like me, you will find yourself smiling and your heart might well skip a beat. One of the events my family and I enjoy are the summer picnic nights you can spot us, relaxing under the arching canopy of a tree.

(05:28:05):

Doreth Plues: And, in the distance, toddlers and young children running around squealing and laughing as they play amongst themselves, all being chased around by a parent. It seemed to be only yesterday that my own children were of that age. Now my oldest son and his fiance are scouting venues for their wedding next year. Yes, you've guessed it. Brooklyn Botanic Garden is a consideration. So you see the BBG is a constant in an ever-changing landscape. I have remained open-minded to the arguments laid

out by the developers at previous hearings. None would justify sacrificing the Brooklyn, the BBG, because that is essentially what that they are demanding. Thank you.

Dan Garodnick: Thank you very much. Thank you. Appreciate it. Okay, George McCracken welcome. Virginia Levy, Carol Pitman on deck. Welcome.

George McCracken: Hi. Thank you. Uh, my name's George McCracken. I am a neighbor, fortunate to be, to be a neighbor of Botanic Garden.

(05:29:18):

George McCracken: I live a few blocks away on Montgomery Street. I've lived there for 12 years. Um, I'm very much opposed to this change in zoning. I'm also currently a graduate student of landscape architecture at City College. And the Botanic Garden is an incredible resource for students. You know, I think that one thing that's not maybe totally well understood is the biodiversity that's available at the Botanic Garden. There are plants that are available there to see in person, that really don't exist anywhere else in the city. And, it's very crucial that kids can go there, and be able to experience desert plants, different ecologies, rainforest that they might not know really existed outside of a book otherwise. Also the Jackie Robinson playground, I play handball there. I've always enjoyed it and it's heavily used, and the wellbeing of the children who use that playground should not be overlooked.

(05:30:25):

George McCracken: I also wanna talk a little bit about, um, the economics of this, because I think that, you know, uh, this is presented as an economic opportunity, but I think that there's, um, first of all, a false binary that's being presented by the developer. Either there's a building that is beyond the zoning requirements, or there's no building. And, I think that's, I don't buy that. On top of that, I think that we need to think about the long-term, environmental, social, and economic health of the neighborhood, and not, put short-term profits over the long-term benefits the neighborhood. If we were in Florence, Italy, there wouldn't be a discussion about putting a tower, that would shade out or obscure the Duomo. You know, this is something that's a vital amenity to the neighborhood. And once it's degraded, first of all, set a terrible precedent as people have pointed out.

(05:31:30):

George McCracken: It won't stop here. There'll be more developers who will want to push this farther. And, you know, once these amenities are destroyed, we'll never get them back. So I hope that you'll reject this,request for zoning change. Thank you.

Dan Garodnick: Thank you. Okay, Ms. Levy,. Right? It was amazing. You know, it was bound to happen once today. I was gonna get it right. Fabulous.

Virginia Levy: Thank you. Welcome. Well, thank you very much and thank you very much for your fortitude. You guys have real stamina for these, and I really appreciate the opportunity to speak. I'm here today representing my neighborhood, which is miles from the Brooklyn Botanic Garden. I represent the South Midwood Pollinators, which is a nonprofit devoted to, creating a more sustainable environment for people and for pollinators where about a hundred plus gardeners. And I think my role here today is to express the outrage that the average citizen in Brooklyn has expressed When they hear

that what they're trying to build again next to the Brooklyn Botanic Garden, like, didn't we go through this already?

(05:32:50):

Virginia Levy: Because we, urban gardeners are a very scrappy bunch. You know, we can get soil, we can even paint walls to make things warmer, we can do all kinds of things, but the one thing we cannot remediate is sunlight. Sunlight is the gift that enables life on this planet. As we all know. It's the miracle of photosynthesis that turns the energy into of the sun, into food and oxygen and all these wonderful things. And as urban gardeners, we are very sensitive to what happens when a building goes up, right? Because unlike those trees that we kept being shown that were supposedly shading, the greenhouses buildings are not deciduous, right? They are just as shadow producing in the winter as they are in the summer. And as, Mr. Blake pointed out, the winter is the most delicate time for our collections because it of the collections of the garden, because they are trying to support and bring into Brooklyn plants that are from much sunny or sunnier parts of the world. So, that is just what I would like to strongly urge against any upzoning, and know that I think that this is something that's really broadly felt in my community, which is many miles from the Brooklyn Botanic Garden <laugh>. But it's a vital resource for not just Brooklyn, but for the entire city. So thank you again for your consideration. Great. Thank you.

Dan Garodnick: Thank you very much. Okay. Carol Pitman, are you here? Gone. Gone. Okay. How about Jack Kaplan on Zoom?

Okay. To be followed by Fred Baptist. Are you here, Mr. Baptist? Yes. Great. Thank you.

(05:34:50):

Jack Kaplan: On mute. Okay. Here I am. Hi, my name's Jack Kaplan and I,, wanna introduce myself. I was born and raised in Brooklyn, and I came to the BBG as a child with my family. I also came to the BBG with my classmates when I was a kid at PS 255, back in the 1950s. And I remember buying little seeds, packets of seeds from the Botanic Garden, and they came in little brown packets and you can get your Marigolds or radishes or whatever. And of course, I've been coming here my whole BBG my whole life. And in 1980, I moved to the, uh, 81. I moved to Park Slope, I became a member. And in 1990 a became a garden guide. And I've been giving tours now for over 30 years. And in that time, I've met people from not all over New York City and also all over the United States, and even all parts of the world.

(05:35:49):

Jack Kaplan: And I know why they come to the Brooklyn Botanic Garden because quite frankly, it's famous. It's a very, very well renowned garden. And you don't have to take my word for it. I have a little vis rule here from you. This is a block of stamps issued by the US Post Office in 2020. It honoring 20 Botanic Garden, excuse me, the 10 Botanic Gardens in the United States. And guess what? The BBG is one of them. And, only one in New York City. And why is it famous? Because first of all, it's famous as a model of an urban gardener garden. And also because the Botanic Garden pioneered so many things. We were the first botanic gardens in the United States to have a Japanese garden In 1915, we started one of the first Bonai collections in New York City, and in 1955, we had the very first garden in the United States on public property devoted to the sight impaired.

(05:36:50):

Jack Kaplan: And it's still going strong today, the fragrance garden. But the biggest pioneering thing we did was to dedicate so much of our effort to education. And even back in 1915, they devoted an acre of land to school kids that they can come and grow their ownplants. And a lot of these plants were given to them and grown and propagated in the nursery. And as many of our speakers here said today, the nursery is so important because that is the source of thousands of plants that have been being given out over the years to school kids. And so I would say you really, when you start messing about with the garden, you are really doing tremendous damage to the garden. And the BBG should simply be off limits. And the limits were set in 1991, we should stick to that. And we should, we should definitely reject this proposal no matter how modified it is, because not only do we, should we discourage this developer, but future developers from doing the same sort of thing.

(05:38:00):

Dan Garodnick: Okay. Thank you very much. Thank you for being with us. Okay, let's, go to Fred Baptist, followed by Sherwin Yap on Zoom, and Sarah Erickson here at 120. Welcome.

Fred Baptist: Good afternoon, good night yet, or I don't know, <laugh> <laugh>. I wanna thank the commissioners for allowing me to speak this afternoon. My name is Fred Baptiste. I am the chair of Brooklyn Community Board 9. I'm here to speak, on this application. We voted on this in June of 2024 per the ULURP process, and we voted in opposition. As I stand here, I, I can't help but think of the, the words of the immortal Yankee philosopher. This is deja vu all over again. We have been here before, we've had this conversation before. We've done this in 1991 when we considered the zoning. We did this again two years ago when we considered an almost identical application for this.

(05:39:04):

Fred Baptist: And here we are again. So CB 9, we voted an opposition and we provided a resolution, which is almost exactly what we, uh, it's exactly the same opposition that we had two years ago. This is something that is absolutely inappropriate for the district, and I think that there are just too many threats, in terms of what it does to the Brooklyn Botanic Garden and the existing resources that we have. I want to thank our land use chair, Sue When Chong. She capturedmany of the points in terms of what we, our discussion had, and I think that's been submitted and that's part of the testimony. Um, but I also wanted to talk very briefly about, about variances. Why do we have these conversations? We already have established zoning, which says what you can build. If we're considering variances, we really should be considering the balance of equities.

(05:39:48):

Fred Baptist: What are we getting back for? Going against what we have established as a zoning? And the problem is we don't get back enough. We're talking about doubling. This proposal talks about the doubling of the densityto get 75% market rate with 25% affordable, and even two thirds of that affordability is questionable. So I'm not sure it's affordable to who we're really talking about increasing the housing stock that is not available to most New Yorkers, and definitely not to most,most of my residents. We had voted no with no modifications because from what we've heard from all the testimony, there are no mitigations for this. If you go above this, there is going to be a reputable harm done to BBG and to Jackie Robinson and to the quality of life within the neighborhood. I also wanted to note that again, part of our concern is when you add a project like this right now, this is, an area that has had nothing on it for years.

(05:40:41):

Fred Baptist: It used to be industrial light industrial, we're talking about doubling the density, which means strains and impacts. We have never measured in terms of the electrical grid. We're talking about sewers, we're talking about, the water mains. We're talking about sunlight, what the quality of life looks like in the neighborhood. We also need to consider the pressure on existing housing stock rent is always going up. If you're adding 75% housing that, you know, that's market rate plus again, more unaffordable housing. It really encourages landlords to raise the rent because bargain compared to what happens at BBG or at, at this, this facility. Also just very, my last couple of seconds, I just wanted to say, I think that is very curious that this proposal is scaled down and it's only a portion of what we considered before. And I think because you know what, you need to have something that sets up the precedent, a much smaller proposal.

(05:41:31):

Fred Baptist: So it's not as big as the last one, but it sets up a precedent for future. There is still a portion of this lot that has not been done yet, so call me a cynic, but I think we will see the other shoe drop if we allow this to go through. Thank you.

Dan Garodnick: Thank you. Mr. Baptist. Wait, before you go, before you go. Yes. We have a question for you from Commissioner Douek.

Joseph I Douek: You're the chair for CB nine? Okay. Do, do you know, if the because I haven't heard an opinion from the council member, do you know what the council member's opinion on this project is?

Fred Baptist: She hasn't really, no, actually that's not correct. She has said she's not in favor of, of a project that's gonna threaten BBG. So definitely that she's expressed concerns with regards to that.

(05:42:08):

Fred Baptist: But I believe she's really waiting for the process to play through in terms of being able to weigh in based on all the testimony that's provided as well.

Joseph I Douek: And, one more question just as maybe the how do you, how do we, how do we as a commissioner, how do I as a commissioner reconcile the BBGs concerns and the need for housing and the union, support that's, intrinsic to this project?

Fred Baptist: In terms of the union support? And, I wanna be very clear, we don't begrudge anyone trying to make a living. Absolutely. I mean, we encourage that. We think that's part of the issue where people aren't making enough. But I think that, you know, it, it's, it's funny to me, if you're gonna have a project that you helped to build, but you can't even afford to live in, based on the wages that they're talking between the 75% market rate and all the other things, yes, you're making it, but you can't even afford to live where you work.

(05:42:55):

Joseph I Douek: Right. Assuming BBG wasn't impacted by this, assuming this was a mile away still in your district, what would you think of this application? Again, I think I point back to which, which creates housing.

Fred Baptist: It does. Well, there's a difference between creating housing and creating affordable housing. And I think that's the distinction we really need to be making. I mean, and again, I point back to the whole idea of balancing equities. This is zoned at an R6, so you would think that somebody coming to build would buy something that is affordable at an R6 that would, you know, enable 'em to build a project that they can build a profit on. I think what we're seeing here is, this is a result of speculation and asking the city to bail them out by allowing them to go big and charge whatever rents they want to.

(05:43:36):

Joseph I Douek: Thank you. Thank you very much. Thank you very much.

Dan Garodnick: Commissioner Osorio, and then Commissioner Marin.

Juan Camilo Osorio: Thank you, chair. Thank you for your testimony. Thank you for being here. This is very useful for us. You've been very clear in your position, so has the garden.I'm wondering if, you can however explain a little bit what has been the extent and the, and the nature of the community engagement so far. I know that you've met with the development, the developer throughout the process at different stages. But I'm wondering if you can synthesize and summarize for us, you know, what's been the quality of that engagement so far?

Fred Baptist: They show up just prior to the application getting approved, getting certified. That's about it. I think, you know, the deepest level of engagement we had was when the pandemic was here and because everything was frozen and we couldn't meet in person and there was a whole lawsuit about even being able to meet in person. They were very, very, engaging with us in terms of hopefully being able to get us to have the hearing so they can move the hearing forward. Otherwise, in terms of the actual nitty gritty, the details, what we were looking for in terms of density or, or, or, um, housing mix, we haven't had those conversations.

(05:44:43):

Dan Garodnick: Thank you Commissioner. Commissioner Marin has withdrawn his question. I see no other questions for you. So thank you very much for being here with us. We appreciate it. And for your service to the community board. Okay. Sherwin Yhap on Zoom, followed by Sarah Erickson. Here. Ms. Erickson, are you here? Okay, great.

(05:45:11):

Sherwin Yhap: Okay. Hello everyone. My name is, uh, Sherwin. You can hear me? Okay, perfect. How you doing today? Uh, my name is Sherwin Yhap. I'm a Brooklyn Botanical Garden BUG graduate. So today, you know, I would like to say, as commissioners, you are the great protectors. You sit in between the divide of the just and the unjust. 200 years from now, everyone in this hearing and everyone

currently on this planet won't exist. So let's not treat this as an ordinary hearing. We should be excited actually, because this is a unique opportunity for all of us to calibrate our legacy, to reach into the future 200 years from now. So I take my stand today and put into the record for the world 200 years from now by saying I'm against this rezoning. Let me let you in on a secret about Brooklyn Botanical Garden.

(05:46:08):

Sherwin Yhap: But those of you who don't know, and the things I would say today are not embellishments, but a true testimony of real events that you won't hear anywhere else the way it will be told. This is a magical place. And let me say this again. This is essentially a magical place. And let me explain what I mean. True wonders are happening every day where people are being transformed. I'm one of them. When you spend enough time there, you realize what's really happening. And it's, it's kind of genius when you really think about it. They're teaching and nurturing the next generation that will be the new disciples around the world. They're responding to the human need for love, peace, and tranquility. They're transforming, unjust structures of society by challenging the idea of who can get access by reaching into underserved communities. There are not too many places that are doing this and that could perform this feat. Developers would always be developers, and they push the bottom line. So this is something that, you know, it'll never stop. It'll always happen. But the Brooklyn Botanical Garden is not a place to be tampered with. This is a sacred space for all of New York, for all of the world. I hope you agree with us about this zoning, and I hope you know that you reflect on the fact that this is a way for everyone in the room to create their legacy and put their stamp on the future. Thank you.

(05:47:42):

Dan Garodnick: Great. Thank you very much. Let me move on to Sarah Erickson. Welcome. And then, uh, Margaret Sticks, Myla Seabrook. Good afternoon. Hi.

Sarah Erickson: Hi everyone. My name is Sarah Erickson and I'm here today to speak in support of Brooklyn Botanic Gardens fight for sunlight and to express my opposition to the proposed rezoning of 962 Franklin Avenue. For nearly two years, I have been a dedicated volunteer to the garden, serving a purpose that has been very important to me. I work as a career florist and plant specialist, as well as a roving horticulture volunteer in BBGs Native Garden, as well as a tour support guide here at the Garden. That being said, I see firsthand day after day how much the natural world affects and benefits us here in the city. This cultural institution has touched the lives of so many people for over a century, and has provided the residents of Brooklyn and greater New York with an oasis and irreplaceable resource.

(05:48:45):

Sarah Erickson: So much history and so many stories live within its confines and the plan and plans from all around the world thrive within its borders. By denying the rezoning of this project, we can ensure the gardens much needed access to sunlight, a resource that it simply cannot thrive without. Without sufficient sunlight, our greenhouses would suffer as with the countless plants around the grounds. This sort of shift would significantly limit the ability to grow and exhibit hundreds of rare and exotic plants, as well as limit the garden's ability to teach people of all ages and of all backgrounds in such a special and unique setting. The experiences range from simple joy to profound educational impact for so many visitors. And this sort of institution is something that should not only be coveted and protected, but also uncompromisedin an urban environment such as ours, the residents of New York have the right to nature, open green space, science, education, and community greeting, as well as they have the right to

affordable housing. However, these two should never be pitted against one another. The adverse impacts of this proposed rezoning would do amends damage to this institution and harm a resource that is so very important to this community and all its visitors.

Dan Garodnick: Okay, thank you. Okay, thank you very much. Okay. Margaret sticks.

Ms. Sticks, are you here? No. Okay. Uh, Myla Seabrook, welcome. Kurthy Hearn on Zoom and Jolie Cobb on the phone will be next. Welcome.

Myla Seabrook: Hello. Um, good afternoon everyone. My name is Myla Seabrook and I'm the Associate Director of Individual Giving and Special Events at BBG. I could spend this time impressing upon you what a joy and an honor it is to play even a small role in, caring for the garden,but I'd like instead to talk about what it is to have a home in Brooklyn that I can return to. My great-grandmother moved to Crown Heights from Trinidad in the 1930s, brought my grandmother over in the 1940s, and my grandmother gave birth to my mom in the 1950s. All three generations found peace and a home in the garden, and my mother made sure that I did as well.

(05:50:49):

Myla Seabrook: It was in the garden that my mom fell in love with education and that Jackie Robinson School right across the street that she began her 30 year career inthe New York City Department of Education. I grew up in the gardens as much as I did on the Jackie Robinson playground, and I know both places as well as I know my own name. Through my interactions with both places, I found my own love for nature art and doing whatever I could to uplift the local community. In turn, my career has included roles at the Brooklyn Children's Museum and Prospect Park as well. I am the community this development speaks of, and I have spent much of my adult life serving it. It is in service to the community that I stand before you. Now. There are already not enough green spaces and sunlight in the neighborhoods that black and brown residents live in and that is largely by design.

(05:51:33):

Myla Seabrook: A combination of gentrification, redlining, and unbridled racism have forced us further away from trees and sky and gridlocked us between cold steel buildings we cannot afford to live in. As a black woman born and raised in New York City, I know well the shadows of developments like this one that is being proposed and what is for many the unattainable price of sunlight streaming through a living room window or onto a local playground. I know what it is to feel unwelcome in beautiful spaces, and I know the joy of finding places where that does not exist. In the garden I'm welcome and I find peace. You will have heard, from people that, from people who oppose, that the people who oppose this zoning are against affordable housing. I stand here as a living challenge to that characterization. I cannot, I'm as a Brooklyn native, I still can't really afford housing, comfortable housing in the areas that I serve.

(05:52:25):

Myla Seabrook: I cannot afford to live across the street from the garden, and still I oppose this rezoning. It is possible to support affordable housing and the natural right. We all have to green spaces and sunlight, especially when what we're calling affordable isn't affordable or even accessible to large

swaths of New York City. Destroying all that the garden has stood for in favor of yet another development that serves the interest of few would be an injustice. Taking the sunlight away from kids who are already living in housing projects like Ebbits Field would be an injustice of the highest order. Sunlight is at a premium for them and they're not allowed to access it. Thank you for your time.

Dan Garodnick: Thank you. Thank you very much for that. Okay, uh, let's go to Brandon Otis. Mr. Otis, are you here? Kurthy Hearn on Zoom? Kurthy is not on the Zoom. Jolie Cobb on the phone. Jolie Cobb, uh, we're gonna give you the ability to unmute. You're you're finding, Ms. Cobb. Okay. And, followed by Dorothy Griffiths. Julie, you should be able to mute on Zoom. Hi. We can hear you. Yeah.

(05:53:53):

Jolie Cobb: Awesome. Hello, how is everyone doing today?

(05:53:56):

Dan Garodnick: We're hanging in.

(05:53:58):

Jolie Cobb: <laugh>. How's that? Thank you for your time today. I appreciate it. So my name is Jolie Cobb and I'm one of the recent board members for CB 9 I currently, or working towards being on the Economic Development Committee along with our City of Yes Housing subcommittee and, our Parks and Recreation and Culture Committee. I do find these most interesting. I was, a server at the Botanic Garden, a lead server there for the last year. I currently live in the district and, review the data for our district and try to address some of our most foundation, our foundations and economic disparities. Some things I would like to recognize is that our districts extremely are, like, specifically South end of Eastern Parkway is at the greatest risk for displacement. I think that should be something we recognize. As much as I do appreciate all of the commentary on the shadow impact on both Jackie Robinson and the Botanic Garden, I do feel like as a housing and rezoning text that we should be addressing the affordable housing issue that this is facing and that we currently face as a citywide development.

(05:55:12):

Jolie Cobb: Within our district, 52% of our residents spend 30% of their income on their, on their rent. And then we have 28% of our residents spend over 50% of their income on their rent. Meaning 70% of our district is rent burden building developments that do not account for that disparity. And our economic status, as of right, as of now, completely negates the affordable housing conversation that we are looking to embark on. And I do think we should prioritize some of those efforts because as of right, development at market rate is commonplace as we are talking right now. While over the time of thismeeting, I did look at the 111 Montgomery and see that in the last four years, they only have 22 units that have been rented out. That's really alarming because we clearly see that developers are building, but they're just not at a rate that people can actually afford to rent at.

(05:56:16):

Jolie Cobb: And as a server, somebody that is rent burdened that do that does live this reality, it is frustrating to hear this conversation of, well, we can build just not at that rate that works for you. Um, I think we forget that there are a lot of us in, in industries that do not come with benefits, do not come

with income security or salaries that we still have somewhere and need somewhere to live. And it's really challenging, for a lot of us. So with this development specifically, the 119 affordable units was a big problem. And we had tried to negotiate if our medium area income is at $65,000 and you're only building 2020 units at that rate, how is that affordable housing? I just wanna throw one last point that 400,000 applicants are pending for the housing lottery in my district alone. So 119 buildable units is not gonna address the truly affordable housing problem that we're facing.

(05:57:15):

Dan Garodnick: Okay. Thank you. Thank you very much. Thank you for for being with us. And we certainly understandthe, the point that you're making about rent burden and also the, the crisis that we are in as a city, with a 1.4% vacancy rate that is driving up cost for everybody. And we, we certainly at the Department of City Planning are trying to find ways to create housing at all levels for all, all people at different incomes. So I certainly take that point and, understand it. Okay, Dorothy Griffiths is next to be followed by Genovia McNally and Elaine Johnson.

(05:57:59):

Dorothy Griffiths: Hello. Good afternoon. Can you hear me?

Speaker 1 (05:58:02):

Yes, we can.

(05:58:04):

Dorothy Griffiths: Yes. Good afternoon. I'm Dorothy Griffths. I'm an archeologist and a regular visitor to the Brooklyn Botanic Gardens. I also volunteer at the Garden and I've been doing so since 2017. I am saddened at the fact that the developers thought it prudent to put a construction or development in place that would impinge on the beauty and the authenticity of the green environment in our community. I understand clearly the whole idea of the need for housing. Half of us in my community cannot and wouldn't be able to afford such apartments, be that as it may to impinge on this beautiful space by shutting the, or casting a shadow over the garden is just not a good thing to do. I was in the garden last week, pruning some plants, cutting dried leaves from some cucumber plants and suddenly a dark shadow came over the garden where I was standing.

(05:59:31):

Dorothy Griffiths: And that's a section towards Washington Avenue. It felt so, scary. And I thought to myself, I should take out my camera, my, my phone and take a picture and do a sound effect so that I could use this as my prop for this talk or, or, or this testimony I'm about to give. But time did not allow me. But I'm so thankful for that opportunity at that moment to have seen and have felt or ominous it felt with that dark shadow coming over onto the garden and in that section. And then I said, oh, I wished that the developers and all those involved were right here to experience what I'm now seeing and feeling. I say to you, go back to the drawing board and rethink. This is a beautiful green space development must happen. Yes. But do revisit again. Take time and, be better than that. Take a walk to the garden at various hours of the day and see for yourself the destruction that you'll be bringing on this green space. I oppose this development and I thank you for listening. Have a good afternoon.

(06:01:09):

Dan Garodnick: Thank you Ms. Griffith. And I agree your video with musical accompaniment sounds like it would've been pretty awesome. So thank you for being with us today. Alright, let's go to Genovia McNally, followed by, let me just do a quick public service announcement. Ms. McNally, before you start. Mm-Hmm, <affirmative>, uh, we have three more people signed up to testify. Elaine Johnson, Gary Reeves, back on Zoom and Carol Reno.So if anybody wishes to be heard on this item today and has not yet had an opportunity and wants to sign up, we're getting close to the end of the line. So I encourage you to do that now. Sorry to hold you up. Welcome.

Genovia McNally: Good afternoon to all of you. My name is Genovia McNally:and I am a long time resident of Flatbush and an avid gardener, and I love the Brooklyn Botanic Garden, who I've been a member for many, many years.

(06:01:58):

Genovia McNally: When I came into that, I said to myself, I like this space. This is a lovely space, gorgeous building, but why are we here again? Why? That's the part I cannot understand. What has changed. There's still thousands of trees in the Brooklyn Botanic Garden. Lots of, seedlings being planted, lots of animals. What has changed that brings us back here. They all still need the same sunlight they did two years ago, 10 years ago, a hundred years ago. It's just frustrating to me because none of it has changed. Last time I was here, I demonstrated just how many people access BBG within a year, access it either online or in person. And I came up with like maybe about 2 million people. And that's short 'cause I only did a little bit of, a little bit of activity on that.

(06:02:49):

Genovia McNally: There's way more people that who, who are access BBG. So why are we being, why are we here? Again, wasting all of your time, all of your time. I know this is your job, but it was still a waste of time. Nothing has changed to the point where we said that the light is still needed at BBG. And this has even become more personal for me over the last two years because I live across the street from what was Sears. And right now there's huge projects going on in Sears. I got the smallest one on my little street, only 95 units, and already they've reached the fifth floor and my front garden is no longer sunny after three o'clock in the afternoon, and I will share this last story with you. When they knocked down my garden that was over there in that space, without even letting us know, just came and knocked us down, manhandled me, and pushed us all around.

(06:03:43):

Genovia McNally: And they cut down these two, this big beautiful oak tree that has been the home of birds. And another, uh, another big tree that's there from 60 plus years. And I know just, two hours after all the plants were down, the trees were cut down that same day. Here comes the hawk saying, where is my tree? I have hawks that live in my backyard and hawks come through the tree all the time. And the hawk was circling around looking for its tree that's been there for 60 plus years. Is this what we're doing to our community? Are we all hawks looking for our trees? And we'll be asking ourselves in a few years, where are our trees? And these trees still grow in Brooklyn. Thank you for your time.

Dan Garodnick: Thank you very much. Thank you. Okay. Elaine Johnson, are you here? You are welcome.

Elaine Johnson: Good afternoon. I'm a private citizen, although I work for a union. I work for train engine service for Metro North.If it's okay, I'm just going to read from an open letter that I wrote, to the Botanical Gardensthat just expresses my feelings. To whom it may concern, My name is Elaine. My daughter is Alexis Johnson. Although we live in Dutchess County, I went to Brooklyn Tech High School, as well as lived in Brooklyn for several years.

(06:05:12):

Elaine Johnson: It was to my dismay that I saw the news yesterday about a week ago, regarding the proposed high rise to be built across from the botanical garden that would cast an unacceptable shadow over the gardens. We would like to know how we can be of service and to support the botanical garden and efforts to ensure that this project does not allowed to continue. Thank you for having this meeting, and I was able to come today on my break. My sample letter was to the Honorable Governor Hoel or Mayor Adams. This come to my attention via channel seven, channel two, that there was a proposed new building that would be erected across from the Botanical Garden. Originally was to be six or seven stories. However, it is now in progress for it to be much higher. This would detrimentally impact the botanical garden as it would cast and create an unacceptable amount of shade necessary for the garden to survive and grow.

(06:06:13):

Elaine Johnson: Please consider this botanical garden as part of our shared green space for all in Brooklyn, as well as being part of the Majesty situated next to the Brooklyn Museum and the Grand Army Plaza Botanical Garden has been there for over a hundred years. This is one of the most important and historic conservation work of the area. It both promotes interactive greenery and educational opportunities and relaxation for the population. I'm sure you'll be able to see the history behind the botanical garden and the surrounding area as important to the community now. And for our future generations of visitors and residents, they lend peace, harmony, and tranquility to our lives. Please do not let real estate developers nickel and dime away our green spaces by casting a literal shadow over the garden. This is not environmentally sound. There was a limit placed on the height of the building. Please adhere and heed to this need for this. This can be a slippery slope once you allow green spaces to be carved up. There is little or no going back. And, thank you for your time and consideration. I don't envy you. I know you have a lot of tension to handle population in green spaces. Thank you.

Dan Garodnick: Thank you very much for that. We appreciate your being here. Okay, Gary Reeves.I no longer see Gary. Oh, no. Uh oh. Gary Rejoined but then dropped off. Oh boy. Okay. Well hopefully we'll get him back before we're done. Okay. Carol Reno on Zoom, followed by Pota Borgman and Lee Williams.

(06:08:15):

Carol Reno: Good afternoon everyone. Can you hear me?

(06:08:17):

Dan Garodnick: We can, we can hear you.

(06:08:19):

Carol Reno: Thank you so much for this opportunity Commissioners. I am here to testify on behalf of the Brooklyn Botanic Garden. I'm Carol Reno, a Marine Corps veteran, a native of Belize, who has lived in Brooklyn for over 35 years. I am also a public school teacher. I note Belize because I grew up in an environment where we take plants science and conservation seriously. And I know even though it doesn't seem like it from time to time, I know the United States and Brooklyn takes this seriously as well. I currently work as a science teacher in a small school in Hurst. And I'm here advocating on behalf of my science students, who in many instances, are unable to advocate for themselves

(06:09:08):

Carol Reno: When we are unable to grow plants in our small classroom spaces. We take our students to where none other than the Brooklyn Botanic Garden here is where they are able to see, feel, and touch, what they are studying in school. This gives them a firmer understanding of science. Please reject this proposal so that my New York Public School students can continue to thrive and compete with the world. I also live on a block that has won the greenest block in Brooklyn multiple times. And I'm also a Brooklyn Urban Gardener, and I volunteer with the Brooklyn Botanic Garden. The education received from these programs is shared with our neighbors in Flatbush, and I also share them with family and friends in beliefs. Once again, I urge you to help the botanic garden conserve its plants, which in turn will help future generations. I thank you for this time. Thanks once again.

(06:10:13):

Dan Garodnick: Great. Thank you. Thanks for joining us. Okay. I now have a Johta Borgman on the phone, I believe. How's it look?

(06:10:59):

Doesn't seem like they're here.

Speaker 1 (06:11:04):

Dan Garodnick: Do not see the name of Zoom. Yeah. Okay. How about Lee Williams here with us. Hey, Ms. Williams. Welcome. And again, this is the getting close , to the end here. So, Mr. Reeves, we'd love to have you back If you're out there in the world and anybody else who wants to be heard floor is yours.

Lee Williams: Thank you so much. And I'm sorry to extend, by three minutes this very long day. I echo everyone's gratitude to all of you for your thoughtful consideration in this matter. And, I have to say, I was inspired to sign up like five minutes ago on my phone. I've been here all day listening. I was here at the Borough President's, hearing a few weeks ago. And I, just the pride I feel being a member of this, BBG community, really is, is overwhelming.

(06:11:47):

Lee Williams: And I, I fear that my nerves will sort of, um, overtake any message I have. The only thing I wanna add, I can't possibly speak more eloquently or specifically to any of the sort of science that you've heard. The great history of the garden, I've lived in Brooklyn, oh gosh, 15 years,but my grandmother was born in Bedford Stuyvesant a few years before the garden opened. So I do have deep roots, in the area. Really what I wanna do is, in my role as in my capacity as director of Visitor Services and volunteers at

the Garden, is just serve as a multiplier to the voices you've heard today. So we've had a few dozen people to dedicated amazing people in this room, speaking against this, rezoning application, which I should make clear, I'm here to speak against this application too.

(06:12:35):

Lee Williams: There are hundreds and thousands, of people that are not in this room that I,in my role get to sort of see if not physically in the garden on a daily basis in our feedback that we get. One of the great parts of my job is I get to check our visitor feedback tool and read every day comments from people. I don't know who they are, they're coming from all over. It's their first visit to the garden. It's their hundredth visit. They come here since they were 10 years old. They've been coming here for decades here. They got married here. They're celebrating their anniversary. Just so many personal stories that people share with us, and it's a great joy and privilege for me to get to sort of scroll through those with my morning coffee.Then our, our volunteer crew, I just wanna, as far as the community service that the garden provides, we have over 600 active volunteers at BBG who work in all departments of the institution.

(06:13:25):

Lee Williams: And this is such a mutually beneficial relationship that we have with our dedicated volunteers. One of our, volunteers mentioned earlier, you know, she's retired, she wanted to work with nature and work with children, and, and this was the place to do it. And I feel likewe do that for a lot of people and the community and serve a really meaningful role in that capacity. So, just wanted to add those notes. Thank you all again and thank you letting me speak.

Dan Garodnick: Great. Thank you. Thank you for being with us all day. We appreciate it. Um, okay. Madam Secretary, uh, do we have anybody elsesigned up?

(06:14:03):

I believe we're getting one more speaker into the room right now. They're calling in. Okay. I believe it is Borgman. I am getting word that they're trying again to call right now, actually. Oh, and I see the number. Okay. You should be able to unmute on Zoom. Jota. Jota B Oh yes.

Jota Borgman: Oh, thank you so much. I'm so sorry. It was, the, the dial in was quite, uh, confusing. I'll speak briefly. Thank you so much for letting me speak. So my name is Jota Borgman. I live, in Prospect Lefferts Gardens, and I'm a member of the Brooklyn Botanical Garden, and I spend three to four days there. Not full days, but I go there three to four days, probably every week during the spring and summer.

(06:15:36):

Jota Borgman: It is a huge just blessing in my life for my health and wellbeing. I have a studio apartment. I don't have other, like, outdoor. I don't have outdoor space. I'm not a homeowner. I just really value being able to go to the Botanical Garden and enjoy the open space and the open skies. And I just echo everything that's been said, including by Ms. Griffith, who I heard speak. I wasn't able to attend all day today 'cause I've been working, but just really value the Brooklyn Botanical Garden as it is. I really think

this development will be detrimental to the garden, to everyone who uses a garden to, the character of the neighborhood and the space and the sky that we enjoy. I was really disappointed when another, large high rise went up on Flatbush. That is an eyesore, along this side of the park that you can see from all angles in Prospect Park. And I just, these kinds of developments aren't necessary. They're not <laugh>, they're not bringing us like the kind of value that we need, like the garden is. I just urge you to reject this, this application and to maintain the, the garden that has given so much to so many people in Brooklyn for over a century now. Thank you.

(06:17:11):

Dan Garodnick: Thank you very much. Okay. Madam Secretary, it appears we just got one registration, live real time from a . Okay. So I'm looking for Susan von Kessel on Zoom. No. Okay. Madam Secretary, while we see if either Ms. Von Kessel or Mr. Reeves materializes on Zoom, why don't you give our closing admonition about what people should do if they wish to provide testimony after this moment? For those of you who are unable to or did not wish to testify, you can submit written testimony on, this hearing and other active projects, ahead of the commission. You can submit written testimony online by selecting this hearing on the NYC Engage Portal through DCPs website, or by mailing your conference to City Planning Commission calendar information Office 31st floor, 120 Broadway, New York, New York, 10271.

(06:18:57):

Great. And, um, I just wanna take a moment, as we close, just to say thank you to, all of you who are with us today, both in person and on Zoom, and people who have stayed all day. People were here and left. Certainly, you know, your, your passion for the Brooklyn Botanic Garden, for those of you who are speaking up, is, was, was very clear. Whether it was from gardeners or educators or administrators or neighbors or community board members, we appreciate hearing fromall of you. And obviously we will take everything that we've heard today and we'll, consider how to move forward. But we appreciate all of you and we appreciate your time and attention. We know it was a long day. So with that Madam Secretary, do we have any final finalists? I do not see, Susan or Carrie. Okay. I think we've given enough notice here and there's still an opportunity if they wish to be heard by submitting the way that you mentioned. May I adjourn the meeting? I'll just note that, the, she always does that to me. So, sorry. <laugh>, procedural, the record is gonna remain open through Monday, August 19th at 5:00 PM to receive written comments on the DEIS draft environmental impact statement. Wonderful. That's it. We're adjourned. Thank you everybody. The time is.

The Municipal Art Society of New York
MASNYC

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August 12, 2024

New York City Planning Commission
120 Broadway
31st Floor
New York, NY 10271

MAS Comments on the Draft Environmental Impact Statement for 962-972 Franklin Avenue

Dear Commission,

The Municipal Art Society of New York (MAS) opposes 962-972 Franklin Avenue for the same reasons it opposed Continuum Company's 2021 development proposal at 960 Franklin Avenue. Namely, significant and unmitigated shadow impacts on the Brooklyn Botanic Garden (BBG), a 115-year-old world-class urban oasis, as well as Jackie Robinson Playground.

962-972 Franklin Avenue would cast new hours-long shadows on a significant proportion of the sunlight-sensitive areas studied at BBG, including world-renowned greenhouses used to propagate plants that require full, year-round sunlight. The DEIS acknowledges that if the project were to be built, remaining sunlight may not be enough to promote healthy growth of these plants, effectively compromising the Garden's mission to educate and inspire children and other members of the community.

Project-generated shadows would be especially detrimental to Jackie Robinson Playground during March and September, when the presence or lack of sunlight can determine whether such spaces are comfortable and usable. During these times, entire areas of the playground – including tables and benches, play structures, large trees, and basketball courts – would lose more than two hours of prime daily sunlight.

More than 30 years ago, the City recognized the fragility of BBG and made an explicit commitment to protect it by establishing commonsense zoning regulations on the parcel in question today. At more than double the currently allowable height, this project would set a dangerous precedent, effectively giving the green light to other projects that ignore the very purpose and function of the 1991 rezoning.

In 2021, CPC rejected this project's predecessor, 960 Franklin Avenue, because of very similar shadow impacts that would happen with 962-972 Franklin Avenue. It is telling that as in 2021, virtually every public official with a say in this project's outcome has expressed extreme concern or outright disapproval of it. MAS strongly urges the Commission to reject the project and uphold its commitment to neighborhood play spaces and cultural institutions like BBG because they are vital to a great city.

Sincerely,



Elizabeth Goldstein
President, The Municipal Art Society of New York

Washington Avenue Botanic Block Association

WABBA®

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July 17, 2024

Mr. Dan Garodnick
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Re: Environmental Impact Statement

Dear Mr. Dan Garodnick,

I am requesting that Franklin Ave Acquisition LLC c/o Bruce Eichner application for a R8A with a height of 14 stories to remain under the R6A zoning. This zoning was put in place not only to protect the Botanic Gardens, but also to match the building context of the numerous pre-war apartment buildings on Washington Avenue. We in this community object to the rezoning of the Spice Factory compound and denied this proposal for the following reasons:

1. The R6A zoning is to protect the Botanic Garden from skyscrapers shadows so we can have conservatories, greenhouses, nurseries and outdoor gardens for this community and people who come from all over to enjoy and learn how to garden.
2. Project will place Jackie Robinson playground, schools, and Prospect Park west in shadows.
3. New water and sew infrastructure for 14 stories mixed use commercial and residential building, is expected to have a significant impact.
4. Not enough parking spaces.

5. Solid waste and sanitation overflow and rodent infestation.
6. Electrical slowdown or shutdowns
7. Subway and transportation congestion.
8. The community already has a very high-density population with the added 4 builds, which makes it already hard to sustain.

We, Washington Avenue Botanic Block Association (WABBA) are very alarmed over the prospect of rezoning a community that has been purposely zoned to protect the Brooklyn Botanic Garden (BBG) and community from skyscrapers.

It has come to our attention that Franklin Ave Acquisitions LLC is seeking out two discretionary actions to expedite the redevelopment of two sites on 960 Franklin Avenue and Montgomery Street, where the Spice Factory formerly stood. It is currently a R6A (Medium-density) pursuing to change to a R8A (High-density), for a C2-4 overlay extension of commercial space. The community does not want a commercial overlay.

Given the Department of City Planning's EIS, stating that anything above the current R6A zone will cause harm to BBG. WABBA is extremely concerned that these 14 stories mixed use commercial and residential units would be a detriment to Brooklyn Botanic Garden Green House by brining shadows that would destroy the conservatories, greenhouses, nurseries, and outdoor gardens.

The other concerns would be Jackie Robinson Junior High School playgrounds and the connected playground losing sunlight during play time and Prospect Park west losing sunlight and greenery in the park. Has anyone considered the potential overcrowded schools these 3 buildings along with this 4th, 14 stories apartments would bring?

Water and sewer infrastructure would impact the distribution significantly because the Spice Factory was never structured to support 14 stories mixed use building. Solid waste and sanitation have always been a problem with Ebbets Field and Tivoli Towers, dealing with garbage odors, rats and water bug problems, electrical slowdown, and limited to no parking spaces has become a problem and at present, the new develop buildings are not even filled.

Although there are three subway stations close to these areas, we anticipate on an increase in volume of people coming from the new development. With 3 new buildings along with the Armory development on Bedford Avenue and Eastern parkway, developers have created and will create even higher leaves of congestion on the trains, unbearable traffic congestion on off peak and peak hours.

Yet, Franklin Ave Acquisition LLC, is fighting against providing parking spaces for the tenants by requesting a parking waiver ZR section 25-23. This would surely add to the existing parking problems in the community.

In conclusion, if this rezoning takes place, you will have open Pandora's Box, by allowing Washington Ave building owners to build on top of existing buildings. This area of Crown Heights cannot support this increase in population.

Thank You
Felice Robertson

Cc: Eric Adams, Mayor, City of New York
Yvette Clarke, U.S. Representative, N.Y. 9
Antonio Reynoso, Brooklyn Borough President
Phara Souffrant, New York State Assembly Member, District 57
Brian Cunningham, New York State Assembly Member, District 43
Robert C. Carrol, New York State Assembly Member, District 44
Crystal Hudson, New York City Council Member, District 35
Adrian Benepe, President, Brooklyn Botanic Garden
Fred Baptist, Chairperson, Community Board 9, Brooklyn, N.Y.
Dante B. Arnwine, District Manager, Community Board 9, Brooklyn, N.Y.

Statement by Suwen Cheong, Brooklyn Community Board 9

Comments on 962-972 Franklin Avenue DEIS

1. The proposed zoning text amendments 23-443 [COY HO Section Numbers] and 24-56 [COY HO Section Numbers] were filed on Jul 12, 2024. Per NYC Charter Chap 8, Section 201 (a) : "For applications involving other changes in zoning resolutions and regulations, the commission prior to taking action upon any such application shall refer it to the affected community boards or borough boards for a public hearing and recommendation.". These text amendments have not been referred to community board 9 for a public hearing, as our most recent public hearing on the city of yes for housing opportunity, after the application was certified by the department of city planning, was held on June 3, 2024, while our most recent public hearing on the 962-972 Franklin Avenue application was held on June 14, 2024 and thus neither hearing was able to address the two text amendments. Neither has the borough board had an opportunity to consider these text amendments in a public hearing, as the Brooklyn Borough President held a public hearing on City of Yes for Housing Opportunity on June 7 and the Borough Board has yet to vote on the text amendment. While the Brooklyn Borough President held a public hearing on Jul 16, adequate notice of these text amendments was not given, and in any case the borough board as a whole did not have an opportunity to hear or vote on these amendments. Considering these text amendments as part of City of Yes for Housing opportunity or the 962-972 Franklin Avenue application would therefore be a violation of the city charter. Community Board 9, like most other community boards, does not meet in July and August. These amendments, which are written to apply only to Community Board 9, should either be withdrawn or the application must not be considered by the commission until at least the beginning of October, after community board 9 has had an opportunity to conduct a public hearing and issue a recommendation at our regularly scheduled full board meeting at the end of September.

2. **Transportation** - Analysis in the EAS used questionable methods, and therefore the exclusion of this section from the DEIS is also questionable.
    a. Pedestrian sidewalk impacts EAS page F-8: " The *CEQR Technical Manual* impact criteria for a Central Business District (CBD) location are used to identify significant adverse impacts due to the proposed rezoning" . Franklin Avenue is otherwise identified in the EAS as a mostly residential area (65% of land uses), and is not one of the central business districts identified by the CEQR manual p. 16-61 " Central Business District (CBD) areas, such as Midtown and Lower Manhattan, Downtown Brooklyn, Long Island City, Downtown Flushing, Downtown Jamaica..." Per the manual p 16-61, has DOT been consulted on this decision to use CBD criteria, and if so can we see copies of the correspondence?
    b. The No-Action condition, while claiming to consider the impacts of 6 new developments in the proposed study area, actually heavily discounts their impact, p. F-12 "Where new developments were found to generate relatively little new traffic through analyzed elements, demand from their sites was also assumed to be reflected as part of general background growth." A number of these developments are extremely large, i.e. 54 Crown Street with 569 units, 124 Montgomery with 289 units, nearly doubling the residential density from nearby existing buildings like Tivoli Towers and the Washington Avenue apartment buildings. The pre-development land use of the newly developed lots was largely industrial or vacant with minimal pedestrian traffic. Therefore it strains credibility to assume that incremental "background growth" levels would cover the increase in pedestrian volumes from these other new developments, which resulted from a separate significant residential upzoning in 2018.

c. The project site is not located in a CEQR zone 1 or zone 2 parking zone. Therefore the analysis must cover the elements laid out in the CEQR manual, pp. 16-65 – 16-66, such as a qualitative and quantitative on street parking supply analysis at different times of day, and public off street parking, as well as parking shortfalls generated by the project. **The applicants analysis does none of this and therefore is wholly inadequate.** The applicant inappropriately substitutes the census bureau survey results for the district on mode of transportation to work, which would be relevant for a traffic congestion analysis, for area car ownership data, which is most relevant to parking demand. Many residents who own cars use them for essential purposes other than commuting to work. Private car ownership is a significant, unsubsidized expense, and given that these census tracts have very moderate household incomes below the city average, we can assume that for residents who spend the money anyway, it is for the most part, not a discretionary expense which can be easily dispensed with so long as bikes or car share are provided. The DMV maintains annual car registration data by zipcode; this is likely to be the most accurate indicator of car ownership levels, in addition to perhaps a survey generated factor for employee owned vehicles of nearby institutions such as Medgar Evers College and nearby commercial businesses.

3. **Socioeconomic Analysis** – the CEQR manuals recommendation that socioeconomic study area be widened if the project is expected to increase the quarter mile study area radius population by more than 5%, appears designed to ensure that all but the largest projects, in the lowest density districts, fail to meet the significance threshholds for socioeconomic impact. The greater the number of units in a project, the more the study area is increased, so instead of leading to the common sense expected result that larger projects would have a greater impact, those impacts are automatically diluted by the nonsensical methodology (unless of course it is a very low density district). I hope that the borough president addresses this disparity. Generally, the CEQR manuals socioeconomic analysis for indirect displacement does not match reality. It deems rent regulated units as not under pressure for indirect displacement when of course those are precisely the units that will be most pressured due to almost non existent enforcement of rent regulation laws. A high percentage of rent stabilized units IS recognized as increasing displacement risk in the city's equitable development data explorer, used in the racial equity report.

   CEQR also deems that a project would not accelerate existing trends towards increasing rents in an area already experiencing such increases in rents. Therefore, every upzoning that enables significant quantities of market rate housing helps enable the next one by making it part of an ongoing "trend". That is the definition of an accelerating trend, contrary to CEQR's logic. A meaningful analysis can only be done with the very first such upzoning, and too bad if that falls under the thresholds for significance. Ultimately, without cumulative environmental impact analyses, attempting to define "trends" and a given actions effect on the trend, is meaningless.

4. Sewers – DEIS acknowledges that sewer improvements may be warranted prior to acquiring a connection permit from DEP. If so, who pays for those very expensive capital improvements? Taxpayers or the developer? Given that this developer has stated that he will utilize either the 485x or 421-a property tax abatement, we can expect that the city tax revenues from this development and the MIH developments to the north will be quite low.