~~970~~ 962-972 Franklin Avenue

~~Draft~~ Final Scope of Work for an Environmental Impact Statement

CEQR #: 23DCP165K

Lead Agency:
NYC Department of City Planning

Applicant:
Franklin Ave. Acquisition LLC.

Prepared by:
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~~June 26, 2023~~May 10, 2024

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This document is the Final Scope of Work (Final Scope) for the 962-972 Franklin Avenue Rezoning Draft Environmental Impact Statement (DEIS). This Final Scope has been prepared to describe the Proposed Actions, present the proposed framework for the EIS analysis, and discuss the procedures to be followed in the preparation of the DEIS. This Final Scope incorporates changes that were made subsequent to publication of the Draft Scope of Work (Draft Scope). Revisions of the Draft Scope have been incorporated into this Final Scope and are indicated by underlining new text and striking deleted text.

A. INTRODUCTION

This ~~Draft~~ Final Scope of Work ("Final~~Draft~~ Scope") outlines the technical areas to be analyzed in the preparation of the Draft Environmental Impact Statement (DEIS) for the ~~970~~ 962-972 Franklin Avenue Rezoning in the Crown Heights neighborhood of Brooklyn Community District (CD) 9. The New York City Department of City Planning (DCP), acting on behalf of the New York City Planning Commission (CPC), as lead agency for City Environmental Quality Review (CEQR), has determined that the project will require the preparation of an EIS. The 962-972 Franklin Avenue Rezoning consists of three discretionary approvals, including a zoning map amendment, a zoning text amendment, and a special permit (collectively, the "Proposed Actions.")

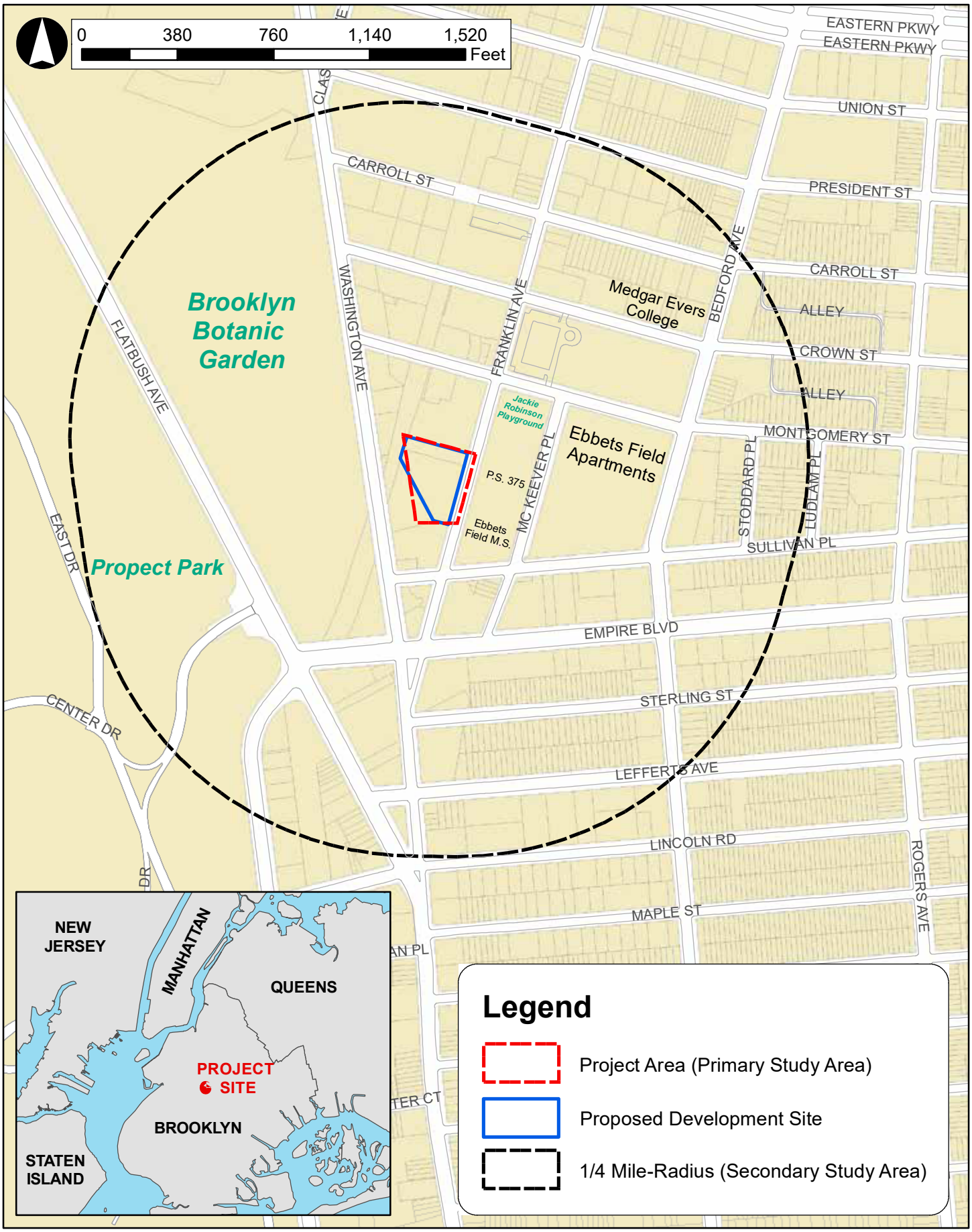
Approval of the Proposed Actions would facilitate the development of a 14-story (145-foot-tall excluding mechanical equipment), 471,495 gross square foot (gsf) mixed-used residential and commercial building (the "Proposed Project") containing 475 dwelling units (DUs) (419,346 gsf), 119 of which would be permanently affordable pursuant to MIH, 8,128 gsf of local retail space, 30,101 gsf of parking and loading area, and approximately 13,920 gsf of mechanical/storage space. The Proposed Project would include affordable dwelling units that would help to address affordable housing goals set forth by the City in Housing New York: A Five-Borough, Ten-Year Plan. ~~As described above, t~~The Proposed Project would be located on the 53,257-square-foot (sf) property at 962-972 Franklin Avenue (Block 1192, Lots 63 and 66) (the "Proposed Development Site"), which is located on the block bound by Montgomery Street, Franklin Avenue, Sullivan Place, and Washington Avenue, on the eastern side of the Franklin Avenue subway shuttle right-of-way, in the Crown Heights neighborhood of Brooklyn Community District (CD) 9. The Proposed Project would be constructed on underbuilt and vacant land near public transportation and other public amenities. The area subject to the proposed zoning map and text amendments consists of Block 1192, parts of Lots 1, 46, 63, 66, 77, and 85 (the "Proposed Rezoning Area" or the "Project Area"). Refer to Figure 1.

Parking for approximately 20 percent of all market-rate units would be provided at the Proposed Project (approximately 71 parking spaces). The accessory parking garage would be accessed via a curb cut on Franklin Avenue.

It is expected that the Proposed Project would be constructed over an approximately ~~33~~ 31-month period following project approval, with completion and occupancy expected to occur in ~~2026~~2027.

This document provides a description of the Proposed Actions and the Applicant's Proposed Project and includes task categories for all technical areas to be analyzed in the DEIS.

Figure 1
Project Location



B. REQUIRED APPROVALS AND REVIEW PROCEDURES

Required Approvals

The Proposed Actions would encompass several discretionary actions that are subject to review under the City Environmental Quality Review (CEQR) process. The anticipated discretionary actions include:

1. A zoning map amendment, which would extend the existing R8A zoning district and rezone the Project Area from R6A to R8A with a C2-4 commercial overlay (mapped in the Project Area within 100 feet of Franklin Avenue), would increase the permitted floor area ratio (FAR) in the Project Area, allowing for additional development of residential uses and for the development of commercial uses that would not be permitted under existing conditions.

2. ~~A~~ The proposed zoning text amendment to Appendix F of the Zoning Resolution (ZR) would designate the Project Area as a Mandatory Inclusionary Housing Area (MIH) and would require a portion (25-30%) of the residential floor area be designated as permanently affordable housing units.~~.~~

3. A special permit would be required pursuant to ZR section 74-533 to waive the parking requirements per ZR section 25-23. The requested parking reduction would facilitate the development of additional affordable housing in a development site located within a transit zone. Parking would be required for 40 percent of the non-income restricted units, with a total of approximately 143 required parking spaces. Parking for approximately 20 percent of the proposed market-rate dwelling units would be provided (approximately 71 spaces). As such, 72~~1~~ parking spaces would be waived by the requested special permit. It should be noted that no parking would be required for the income-restricted units under MIH zoning.

City Environmental Quality Review (CEQR) and Scoping

The Proposed Actions are classified as a Type I Action, as defined under 6 NYCRR Part 617.4 and NYC Executive Order 91 of 1977 §6-15 (2) and is subject to environmental review in accordance with CEQR guidance. An Environmental Assessment Statement (EAS) and Positive Declaration were issued on June 27, 2023, by DCP, as lead agency. DCP has determined that the Proposed Actions may result in significant adverse environmental impacts and directed that a DEIS be prepared.

This Final~~Draft~~ Scope of Work (Final~~Draft~~ Scope) for the preparation of a DEIS contains a description of the Proposed Actions and the tasks that would be undertaken to analyze the potential environmental impacts of the Proposed Actions and associated Proposed Project. This Final~~Draft~~ Scope sets forth the analyses and methodologies that will be utilized to prepare the DEIS. During the public comment period, those interested in reviewing the Final~~Draft~~ Scope may do so and give their comments to the lead agency.

In accordance with SEQRA and CEQR, this Final~~Draft~~ Scope of Work has been distributed for public review. ~~The issuance of the Draft Scope marks the beginning of the public comment period.~~ In accordance with City and State environmental review regulations and methodologies, the Draft Scope of Work to prepare the DEIS was issued on June 27, 2023. The scoping process allows the public a voice in framing the scope of the DEIS. A public scoping meeting ~~has been scheduled for~~ was held on July 27, 2023 at 2:00 pm ("Scoping Meeting") and the period for submitting written comments ~~will~~ remained open until 5:00 pm on August 7, 2023. To continue to allow for broad public participation options, DCP held~~will hold~~ the public scoping meeting remotely. Instructions on how to view and participate, as well as materials relating to

the meeting, ~~will be~~were made available at the DCP Scoping Documents webpage (https://www.nyc.gov/site/planning/applicants/scoping-documents.page) and NYC Engage website (https://www1.nyc.gov/site/nycengage/index.page) in advance of the meeting. The public, interested agencies, and elected officials, ~~are~~ were invited to comment on the Draft Scope, either in writing or orally, at the Scoping Meeting.

Comments received during the Scoping Meeting and written comments received up to ten days after the meeting ~~will be~~were considered and incorporated, as appropriate, into the Final Scope of Work (Final Scope). This~~e~~ Final Scope incorporates all relevant comments made on the Draft Scope and ~~will~~ revises the extent or methodologies of the ~~studies~~analyses, as appropriate, in response to comments made during the CEQR scoping process and to include any other necessary changes to the Final Scope for the EIS. **Appendix 1** includes responses to comments made on the Draft Scope. The written comments and a transcript of the Draft Scope Public Hearing are included in **Appendix 2**. The DEIS will be prepared in accordance with the resulting Final Scope.

Once the lead agency is satisfied that the DEIS is complete, the document will be made available for public review and comment. A public hearing will be held on the DEIS in conjunction with the City Planning Commission (CPC) hearing on the land use applications to afford all interested parties the opportunity to submit oral and written comments. At the close of the public review period, a Final EIS (FEIS) will be prepared. Comments made on the DEIS will be responded to and incorporated into the FEIS, as appropriate. The FEIS will then be used by the relevant City and State agencies to develop S/CEQR findings, which address project impacts and proposed mitigation measures, and to decide whether to approve the requested discretionary actions, with or without modifications. The rationale for that decision is then set forth in a document called a Statement of Findings.

C. EXISTING CONDITIONS

Land Use

The Proposed Development Site

As noted above, the Proposed Development Site consists of Lots 63 and 66 on Block 1192.

~~Golombeck has operated to the north of the Proposed Development Site on Lots 41 and 46 from approximately 1955 to present as a spice warehouse, processing and distribution facility.~~ Lot 63 is occupied by a one-story 12,968 gsf warehouse building that is part of a ~~the~~ larger spice warehouse facility on Lots 41 and 46 located immediately north of the Proposed Development Site.

Lot 66 is a 40,277-sf lot that has remained predominantly vacant since 1961. Prior uses on the southern portion of the ~~site~~ lot includes tennis courts from 1951 to 1961; the Rubel Corporation's ice production and distribution facility from 1932 to 1951; and Flatbush Hygienic Ice Company's ice production and distribution facility from 1908 to 1932.

There are three existing curb cuts along Franklin Avenue. Not all curb cuts are used for site access on a regular basis at present. Only the northernmost curb cut on Franklin Avenue leads to a loading dock along Franklin Avenue (Lot 63). The other two curb cuts lead to the vacant Lot 66.

The two tax lots comprising the Projected Development Site lie almost entirely within the Project Area. Of Lot 63, 12,851 sf of the 12,980-sf lot is within the Project Area, with approximately 129 sf (approximately

one percent) outside the Project Area. Similarly, of Lot 66, 38,666 sf of the 40,277-sf lot is within the Project Area, with approximately 1,511 sf (approximately one percent) outside the Project Area. Overall, approximately 51,517 sf of the 53,257-sf Proposed Development Site lies within the Project Area. In other words, 1,640 sf of the Proposed Development Site lies outside the Project Area.

The Balance of the Project Area

The Project Area also includes portions of four lots not owned or under the control of the Applicant, including: part of Lot 1 (approximately 251 sf or less than one percent of the 32,461 sf lot), part of Lot 46 (approximately 555 sf or one percent of the 54,131 sf lot), part of Lot 77 (approximately 6,969 sf or 25.3 percent of the 27,479 sf lot), and part of lot 85 (approximately 186 sf or 0.6 percent of the 28,123 sf lot), as shown in **Table 1**. These properties, located partially within the Project Area, are occupied by the following land uses:

- Lot 1 is a 32,461-sf rectangular property which contains the MTA's Franklin Avenue subway shuttle right-of-way, an open-cut subway line that transects Block 1192 from Montgomery Street to Washington Avenue. Approximately 251 sf of the larger lot is located within the Project Area. As this tax lot is owned by the MTA, it is unlikely to be developed as a consequence of the Proposed Actions.

- 124 Montgomery Street (Lot 46) is an irregularly shaped 54,131 sf corner lot partially located within the Project Area. Approximately 555 sf of lot area (less than one percent of the total lot area) is located within the Project Area. Therefore, it is unlikely the property would be redeveloped as a result of the Proposed Actions.

- 1015 Washington Avenue (Lot 77) is a 27,479 sf trapezoidal property partially located within the Project Area. Lot 77 is occupied by a six-story, 95,000 gsf multi-family residential building, which represents a built FAR of 3.14. The current residential building contains 90 DUs ~~dwelling units~~ constructed before 1974. Although Lot 77 is developed to less than the maximum allowable FAR under the R8A zoning (6.02 FAR), it is unlikely the property would be redeveloped since only a small portion (25.3 percent) of the ~~site~~ lot would be rezoned as a consequence of the Proposed Actions.

- 1035 Washington Avenue (Lot 85) is a 28,123 sf irregular shaped property partially located within the Proposed Rezoning Area. Lot 85 is occupied by a six-story, 117,250 gsf multi-family residential building which represents a built FAR of 3.79. The current residential building contains 104 DUs ~~dwelling units~~ constructed before 1974. Although Lot 85 is developed to less than the maximum allowable FAR under the R8A zoning (6.02 FAR), it is unlikely the property would be redeveloped as only a small portion (0.6 percent) of the ~~site~~ lot would be rezoned as a consequence of the Proposed Actions.

TABLE 1
Percentage of Lot Area Within the Existing R6A Zoning District (Project Area)

Block	Lot[1]	Address	Total Lot Area (SF)[2]	Square Footage of Lot Within the Existing R6A Zoning District ~~Proposed Rezoning~~ (the Project Area)	Percentage of Lot Located Within the Existing R6A Zoning District (the Project Area) (%)

				(SF)	
1192	1	Washington Avenue (MTA Right-of-Way)	32,461	251	<1%
	46	124 Montgomery Street	54,131	555	1%
	63	962 Franklin Street	12,980	12,851	99%
	66	972 Franklin Street	40,277	38,666	99%
	77	1015 Washington Avenue	27,479	6,969	25%
	85	1035 Washington Avenue	28,123	186	<1%

[1]The shaded rows represent the Proposed Development Site.

[2]Lot area comes from PLUTO data (lots 1, 77 and 85) and from a topographic survey (the Proposed Development Site).

As described below, the Proposed Actions would not be expected to result in new development on Lots 1, 46, 77 or 85.

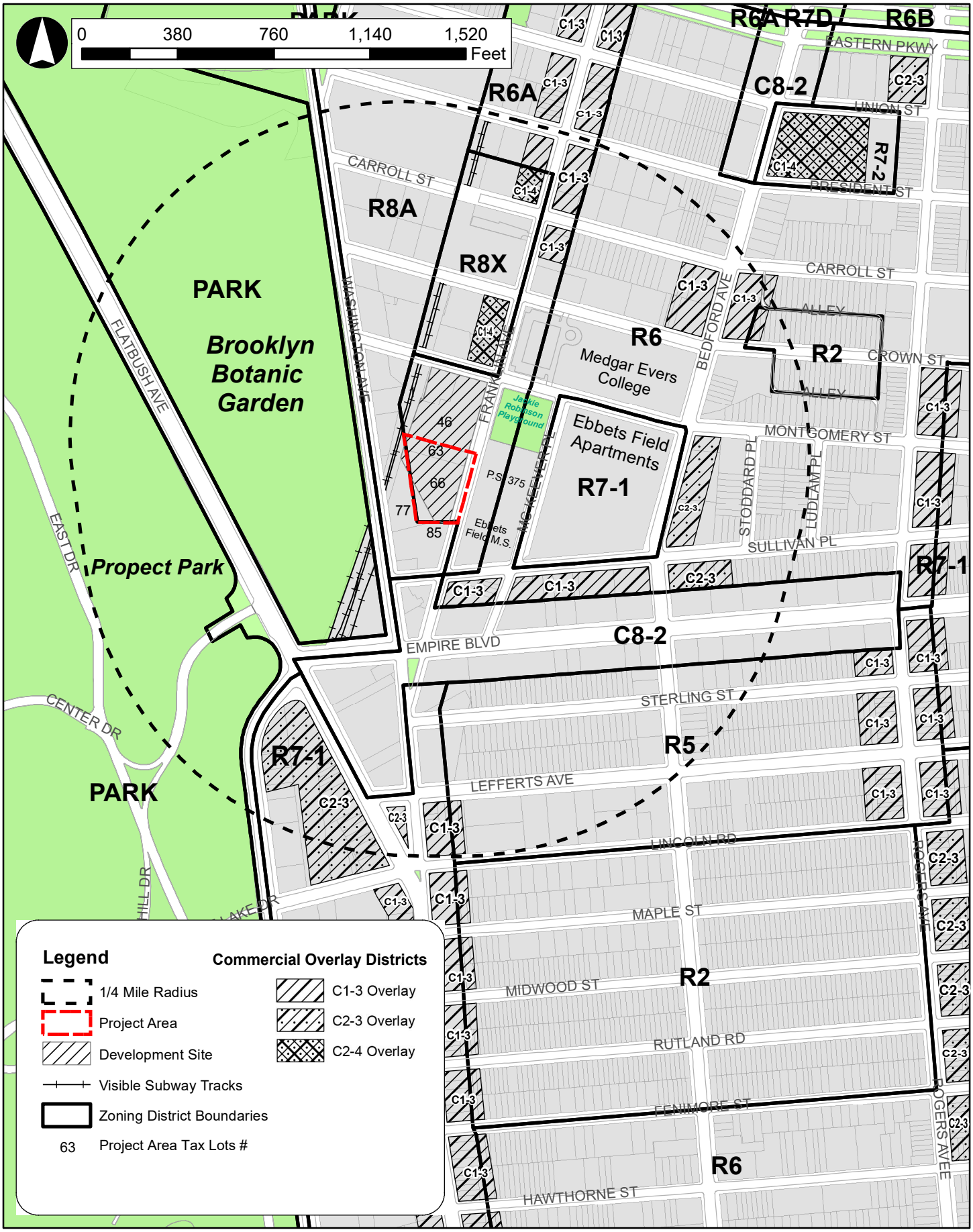
Zoning

The Proposed Development Site is primarily located within an R6A zoning district. Small portions of the Proposed Development Sites are presently located within an existing R8A zoning district. The portion of the Proposed Development Site that is coextensive with the Project Area (identified above in the description of existing land use and as shown in **Table 1)**. ~~As described above, small~~ would be rezoned under the Proposed Actions to be located in R8A and R8A/C2-4 zoning districts. The remaining portions of ~~the lots located within~~ the Proposed Development Site ~~Project Area are located within the R6A zoning district~~ already have the zoning district designation being sought for the majority of the Proposed Development Site under the Proposed Actions.

Regarding the remainder of the Project Area, t~~T~~he majority of Lots 1, 77, and 85 ~~and small portions of Lots 63 and 66~~ are zoned R8A. The portions of these lots within the Project Area are currently zoned R6A and are identified in Table 1 (also r~~R~~efer to **Figure 2**).

R6A

R6A zoning districts are medium-density contextual districts where Quality Housing bulk regulations are mandatory. R6A districts permit a maximum FAR of 3.0 with a minimum base height of 40 feet, a maximum base height of 60 feet (65 feet with a qualifying ground floor), and a maximum building height of 70 feet (75 feet with a qualifying ground floor). Parking is required for 50 percent of the market-rate dwelling units in R6A zoning districts.


0
380
760
1,140
1,520
Feet
R6A
R7D
R6B
EASTERN PKWY
C8-2
C2-3
UNION ST
R7-2
C1-4
PRESIDENT ST
R6A
C1-3
CARROLL ST
R8A
R8X
PARK
Brooklyn Botanic Garden
FLATBUSH AVE
WASHINGTON AVE
FRANKLIN AVE
R6
Medgar Evers College
BEDFORD AVE
CARROLL ST
ALLEY
R2
CROWN ST
Jackie Robinson Playground
Ebbets Field Apartments
R7-1
MONTGOMERY ST
STODDARD PL
LUDLAM PL
MCKEEVER PL
P.S. 375
Ebbets Field M.S.
46
63
66
77
85
SULLIVAN PL
EAST DR
Propect Park
EMPIRE BLVD
C8-2
CENTER DR
STERLING ST
R5
PARK
LEFFERTS AVE
LINCOLN RD
ROGERS AVE
HILL DR
LAKE DR
MAPLE ST
MIDWOOD ST
R2
RUTLAND RD
FENIMORE ST
R6
HAWTHORNE ST
Legend
1/4 Mile Radius
Project Area
Development Site
Visible Subway Tracks
Zoning District Boundaries
63 Project Area Tax Lots #
Commercial Overlay Districts
C1-3 Overlay
C2-3 Overlay
C2-4 Overlay

R8A

R8A zoning districts are high-density contextual districts where Quality Housing bulk regulations are mandatory. R8A districts permit a maximum FAR of 6.02 with a minimum base height of 60 feet, a maximum base height of 85 feet (95 feet with a qualifying ground floor), and a maximum building height of 120 feet (125 feet with a qualifying ground floor). Parking is required for 40 percent of dwelling units in R8A zoning districts.

Under Inclusionary Housing, the R8A district permits a maximum FAR of 7.20 with a minimum base height of 60 feet, a maximum base height of 105 feet, and a maximum building height of 140 feet (145 feet with a qualifying ground floor). Parking is required for 40 percent of dwelling units in R8A zoning districts.

As shown in **Figure 2,** an R6A zoning district is mapped across most of the Proposed Development Site (99 percent). However, small portions (approximately one percent) of the Proposed Development Site ~~Project Area~~ are already mapped with an R8A zoning district (refer to **Table 1**). As described above, the existing zoning district boundaries create split lot conditions for the following tax lots: 1, 63, 66, 77, and 85. ~~As shown in **Table 1**, the vast majority of the Proposed Development Site is located within the boundaries of the existing R6A/proposed R8A zoning district extension (99 percent of Lots 63 and 66).~~

Only a small portion of Lots 1, 46, 77 and 85 would be rezoned as a result of the Proposed Actions, with approximately one percent of Lot 46, 25 percent of Lot 77 and less than one percent of Lot 85 being located within the Proposed R~~r~~ezoning A~~a~~rea. Less than one percent of Lot 1 would be located within the Project Area and this property is an open subway cut for the MTA's Franklin Avenue subway shuttle. Therefore, it is not likely to be redeveloped as a result of the Proposed Actions.

1991 Contextual Rezoning

In 1991, the Project Area was rezoned in conjunction with a Department of City Planning rezoning of a 13-block area bounded by Eastern Parkway, Washington Avenue, Sullivan Place, and a line 100 feet east of Franklin Avenue, pursuant to ULURP No. C910293 ZMK. The application rezoned R6 and R8 districts and a 150-foot-deep C1-3 commercial overlay to contextual R6A and R8A districts and lessened the C1-3 overlay to a 100-foot depth. The rezoning was intended to encourage mid-rise, high coverage buildings, and to prevent incursion of commercial uses in the residential mid-blocks. The 1991 rezoning effort was City Planning's response to area conditions in 1991, namely, to encourage contextual residential development.

As a result of the 1991 rezoning, most (99 percent) of t~~T~~he Proposed Development Site is currently zoned R6A, which allows for medium-density residential (Use Group 1 and 2) and community facility uses (Use Groups 3 and 4). Commercial and industrial/manufacturing uses are not permitted. Development is governed by Quality Housing regulations.

ZQA and MIH

On September 21, 2015, the CPC certified into ULURP (i) the Zoning for Quality and Affordability text amendment ("ZQA") under ULURP No. N160049ZRY, and (ii) the Mandatory Inclusionary Housing text amendment ("MIH") under ULURP No. N160051ZRY. The ZQA text amendment allows modest five, ten or fifteen-foot height increases in certain zoning districts to allow for buildings with desirable high-ceilinged ground floor retail space, to allow for variety in building envelopes, to reduce parking requirements for buildings providing affordable housing under the Inclusionary Housing program in certain transit-rich areas, and to accommodate all permitted floor area in the permitted bulk envelope,

particularly in buildings providing affordable housing under the Inclusionary Housing program. The MIH text amendment makes the Inclusionary Housing program mandatory in certain districts to facilitate the production of affordable housing. On February 2, 2016, the New York City Planning Commission approved the text amendments with modifications. On March 22, 2016, the City Council approved the text amendments.

960 Franklin Avenue Rezoning

The Project Area was part of the previous 960 Franklin Avenue Rezoning proposal (C200184 ZMK, C200186 ZSK, C200187 ZSK, and N200185 ZRK) (CEQR No. 19DCP095K). The application included a zoning text amendment, zoning map amendment, and several special permits ~~to rezone Block 1192, Lots 40, 41, 46 and portions of Lots 1, 63, 66, 77, and 85 to R9D/C2-4~~ to facilitate the development on Lots 41, 46, 63, and 66 of two 39-story mixed-use towers (424 and 421 feet tall north and south towers, respectively) including 1,478 DUs, 21,183 gsf of local retail space, 9,678 gsf of community facility space, and parking for approximately 16 percent of all market-rate dwelling units (approximately 128 spaces)~~.~~ by rezoning Block 1192, Lots 40, 41, 46 and portions of Lots 1, 63, 66, 77, and 85 to R9D/C2-4.~~–~~ The application was disapproved by the City Planning Commission (CPC) in September 2021.

Topography

The topography of the ~~project site~~ Proposed Development Site slopes downwards from Montgomery Street toward the southern edge of the property. Existing elevations in the vicinity of the property generally range from approximately 92 feet at the Project Area's northeastern corner to approximately 86 feet near Franklin Avenue at the southern edge of the property (as measured in North American Vertical Datum of 1988 (NAVD 88)).

Neighborhood Context

The area immediately north of the Proposed Development Site, consisting of Lots 41 and 46 on the northern portion of the same block, contains several multi-story buildings totaling 107,744 gsf, including an office building, a former boiler building, as well as buildings which contain spice warehousing and spice processing uses. In addition, a decommissioned smokestack is located north of the Proposed Development Site.

Prior uses to the north of the Proposed Development Site include: Burton Dixie Corporation, a manufacturer of mattresses and cotton felts, from 1932 to 1955; and Consumers Park Brewery, a brewery with cold storage and bottling of beverages from 1908 to 1932. The buildings on Lots 41 and 46 have been determined eligible for listing on the New York State/National Registers (S/NR), but the NYC Landmarks Preservation Commission (LPC) has indicated that the buildings do not meet their criteria for designation. The Project Area is located in the Crown Heights neighborhood of Brooklyn. Nearby neighborhoods include Prospect-Lefferts Gardens and Prospect Heights, and the Project Area is also located just east of Prospect Park and the Brooklyn Botanic Garden. During the past several years, the neighborhood has experienced considerable residential growth. The secondary study area, located within a radius of approximately a quarter-mile of the Project Area, is primarily residential and institutional, but also accommodates some commercial/office space, transportation uses, open space resources, and vacant land.

The quarter-mile study area is comprised of predominately residential buildings (67.9 percent of buildings in the secondary study area) with several institutions/public facilities (13.3 percent of buildings) and mixed

commercial and residential buildings (10.3 percent of floor area in the secondary study area). Additionally, industrial and manufacturing buildings comprise approximately 3.3 percent of the buildings in the secondary study area (refer to **Figure 3**). The approximate quarter-mile radius around the Project Area also accommodates smaller amounts of commercial/office space (3.7 percent of the total building area), and open space (0.9 percent of the total building area).

Approximately 10.0 percent of lot area and 4.4 percent of buildings in the quarter-mile study area is comprised of public facilities and institutions. P.S. 241 Emma L. Johnston (976 President Street), P.S. 375 Jackie Robinson School/M.S. 352 Ebbets Field (46 McKeever Place) and the City University of New York's (CUNY's) Medgar Evers College campus (1637 Bedford Avenue) are located within a quarter-mile of the ~~p~~Proposed ~~r~~Rezoning ~~a~~Area.

Additionally, several religious institutions are located within an approximate quarter-mile radius of the Project Area. The Full Gospel Assembly Pentecostal Church (836 Franklin Avenue) is located four blocks north of the Project Area. The Ebenezer Haitian Baptist Church (1594 Bedford Avenue), the Kingdom Hall of Jehovah's Witnesses (1032 Carroll Street), and the Full Gospel Assembly of God (131 Sullivan Place) are located in the eastern section of the secondary study area. Grace Reformed Church (1800 Bedford Avenue) and the Gospel Truth Church of God (1055 Washington Avenue) are located in the quarter-mile study area to the south of the Project Area.

Additional institutions in the quarter-mile study area include the Brooklyn Museum (200 Eastern Parkway) at the northwestern limits of the Pproposed Rrezoning Aarea; the Five Block Day Care Center (955 Carroll Street) to the east of the Pproposed Rrezoning Aarea; and, the Institute for Community Living Inc. (516 Flatbush Avenue), a 20-bed congregate community residence for individuals who are diagnosed with co-occurring psychiatric and substance abuse disorders is located at the southern limits of the study area. The Bedford-Union Armory (1555 Bedford Avenue) is located just beyond the limits of the quarter-mile study area boundary to the northeast of the Project Area.

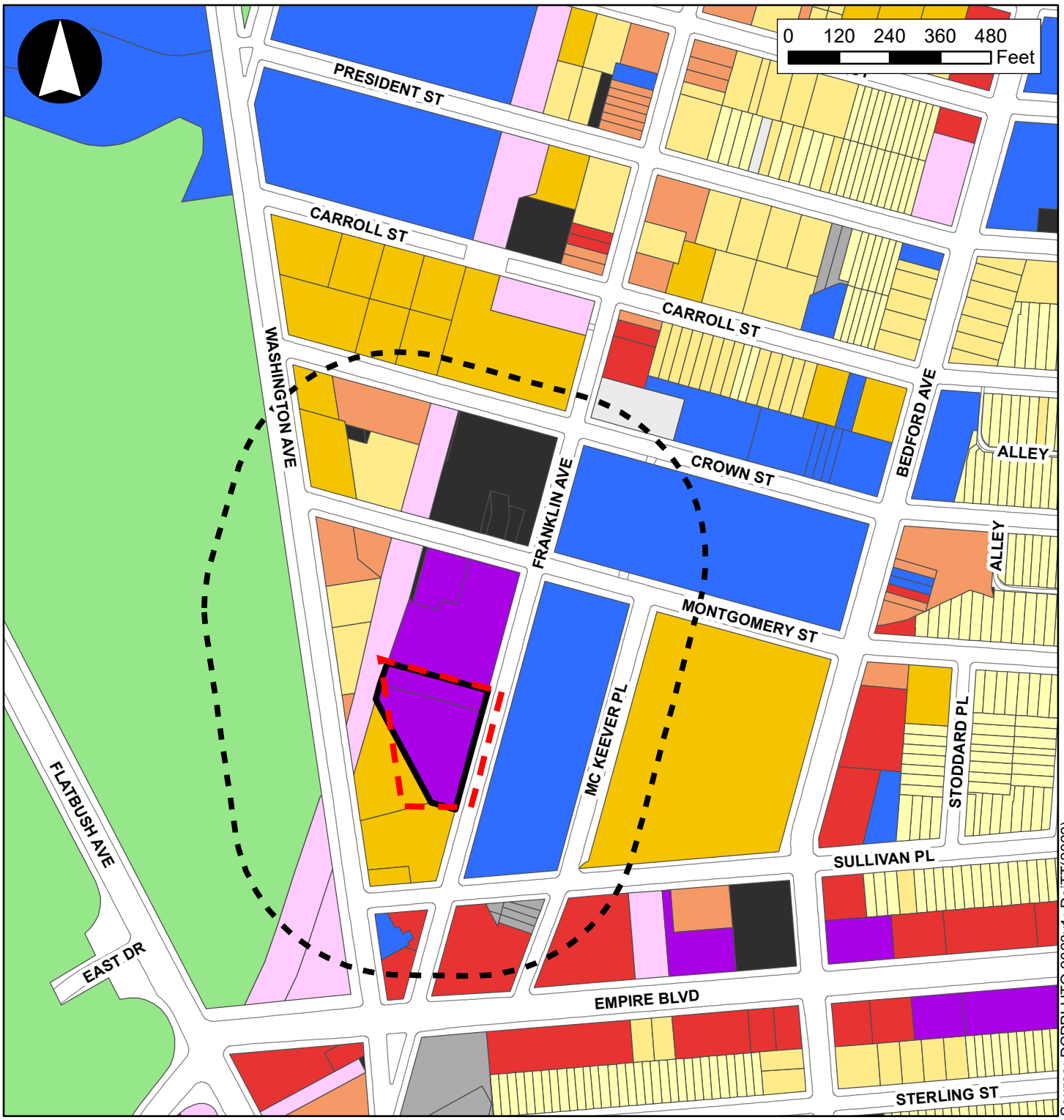
There are also several large open space resources within the secondary study area. A portion of Prospect Park, including the Prospect Park Zoo (450 Flatbush Avenue), is located in the southwestern section of the quarter-mile study area. A majority of the Brooklyn Botanic Garden, including the Science Center (109 Montgomery Street), is also located within the quarter-mile study area, to the west of the Project Area. To the northwest of the Project Area is the 1.36-acre Dr. Ronald McNair Park, bounded by Eastern Parkway, Classon Avenue, and Washington Avenue.

The residential buildings in the area surrounding the Proposed Rezoning Area vary greatly, ranging in height and density from two-story, semi-detached houses, to six-story apartment buildings, to the seven 25-story Ebbets Field Houses apartment buildings containing approximately 1,300 DUs ~~dwelling units~~ at 1720 Bedford Avenue in the eastern portion of the study area. Tivoli Towers, located at the northern limits of the study area, is a Mitchell-Lama residential complex built in the 1970s, consisting of 33 stories (297 feet high) and approximately 321 DUs ~~dwelling units~~.

D. DESCRIPTION OF APPLICANT'S PROPOSED PROJECT

For analysis purposes, it is anticipated that the Proposed Actions would facilitate the development of an approximately 471,495 gsf (383,451 zoning square feet [zsf]) mixed-use residential and commercial development. The Proposed Project would comprise approximately 419,346 gsf of residential uses, introducing a total of approximately 475 DUs, of which 119 DUs would be permanently affordable

Figure 3
Land Use Map



Legend

- Project Area (Primary Study Area)
- Proposed Development Site
- 400-Foot Radius

Land Use

- One & Two Family Buildings
- Multi-Family Walkup Buildings
- Multi-Family Elevator Buildings
- Mixed Commercial/Residential Buildings
- Commercial/Office Buildings
- Industrial/Manufacturing
- Transportation/Utility
- Public Facilities & Institutions
- Open Space
- Parking Facilities
- Vacant Land
- All Others or No Data

pursuant to MIH. The Proposed Project would be 14-stories, reaching a maximum base height of 105 feet before setting back from the street and reaching its maximum height of 145 feet, (not including mechanical equipment, which could reach up to an additional 55-feet-tall on a portion of the rooftop).

In addition to the residential component, approximately 8,128 gsf of ground floor local retail space would be provided. Approximately 30,101 gsf (parking and loading for approximately 20 percent of market-rate units or 71 parking spaces) would be allocated for parking on the ground- and cellar-levels of the Proposed Project. The remaining 13,920 gsf would be used for mechanical/storage purposes. The accessory parking garage would be accessed via a curb cut on Franklin Avenue.

The Proposed Project would comply with the height, bulk, and setback regulations of the proposed R8A/C2-4 zoning district. The Proposed Project would reach a maximum base height of 105 feet before setting back from street and reaching its maximum height of 145 feet (not including mechanical equipment).

Development of the Proposed Project would occur in a single phase and would commence as soon as all necessary public approvals are granted. Construction is expected to occur in a single phase over approximately ~~33~~ 31 months and be completed in ~~2026~~ 2027.

E. PROPOSED ACTIONS

The Proposed Project requires the following discretionary approvals from the CPC:

Zoning Map Amendment

The proposed zoning map amendment, which would rezone the Project Area from R6A to R8A with a C2-4 commercial overlay mapped within 100 feet of Franklin Avenue, would increase the permitted FAR in the Project Area (see **Figure 2** for boundaries of the Project Area/Proposed Rezoning Area), allowing for development of more residential and commercial uses than could be provided under existing conditions. As shown in **Figure 2**, the northern boundary of the Project Area would be approximately 285 feet south of Montgomery Street and would extend from the centerline of Franklin Avenue to the right-of-way of the Franklin Avenue shuttle to the western side of the right-of-way. The eastern boundary would extend along Franklin Avenue from a point approximately 285 feet south of Montgomery Street to a point approximately 150 feet north of Sullivan Place. The southern boundary of the Project Area would extend west from Franklin Avenue in a line that runs parallel to and approximately 150 feet north of Sullivan Place to a point approximately 100 feet east of Washington Avenue. The western boundary of the Project Area would run parallel to and 100 feet east of Washington Avenue from a point approximately 150 feet north of the Sullivan Place centerline to a point approximately 300 feet west of Franklin Avenue and 285 feet south of Montgomery Street.

The proposed R8A/C2-4 zoning district would allow for the development of a wider range of uses at higher densities and would create opportunities for a more vibrant, mixed-use community, while maximizing space for affordable housing units. Within an R8A/C2-4 district, residential and community facility uses would be subject to the bulk controls of an R8A district and commercial uses would be subject to the bulk controls of a C2-4 district.

Zoning Text Amendment

A zoning text amendment to Section 23-90 (Appendix F) of the ZR is being sought in order to establish the entirety of the Project Area as a MIH area. The proposed zoning text amendment, which would designate the Proposed Rezoning Area as a MIH area, would require the construction of affordable residential units on the Applicant-owned and controlled Proposed Development Site. The City's MIH program specifies that an applicant can choose between Option 1, which requires that 25 percent of the housing must be affordable to households making 60 percent of the AMI for a household of three, and Option 2, which requires that 30 percent of the housing must be affordable to households making 80 percent of AMI for a household of three.

Special Permit to Reduce Required Parking

A special permit would be required pursuant to ZR section 74-533 to waive the parking requirements per ZR section 25-23, which states that parking is required for 40 percent of the non-income restricted units. The Proposed Project would be required to provide approximately 142 parking spaces. Parking for approximately 20 percent of market-rate units in the Proposed Project is being requested (approximately 71 parking spaces). As such, 71 parking spaces would be waived by the requested special permit. It should be noted that no parking would be required for the income-restricted units under MIH zoning.

F. PURPOSE AND NEED FOR THE PROPOSED ACTIONS

The proposed zoning map amendment, which would rezone the Project A~~a~~rea from R6A to R8A with a C2-4 overlay mapped within 100 feet of Franklin Avenue, combined with the text amendment and other requested discretionary actions described above, would facilitate the Proposed Project by increasing the permitted FAR in the Project Area, allowing for the development of more residential space, including approximately 119 units of affordable housing that would be permanently affordable housing through the City's MIH program. The proposed rezoning would also allow for the introduction of new local retail uses within 100 feet of Franklin Avenue.

The proposed zoning text amendment, which would designate the Project Area as a MIH area, would require the construction of affordable dwelling units on the Applicant-owned Proposed D~~d~~evelopment ~~s~~Site. As described above, the MIH program has two options for applicants to select from, which provide either 25 or 30 percent of the total residential units be made permanently affordable. The creation of new affordable housing would help to address affordable housing goals set forth by the City in *Housing New York: A Five-Borough, Ten-Year Plan*. Further, the 119 units of affordable housing would help to meet the stated goal of Brooklyn Community District 9 in the fiscal year 2023 *Statement of Community District Needs and Community Board Budget Requests* to address the critical need for affordable housing.

The Proposed Project would be constructed on private land in ~~close~~ proximity to public transportation. The inclusion of the proposed C2-4 commercial overlay would extend the existing commercial corridor further south along Franklin Avenue. As a result, it is anticipated that pedestrian activity of the surrounding Crown Heights neighborhood would be drawn south along Franklin Avenue into the Project Area.

The Proposed Actions would result in the extension of the existing R8A district mapped to the west along Washington Avenue to the Project Area.

G. ANALYSIS FRAMEWORK FOR ENVIRONMENTAL REVIEW

The 2021 *CEQR Technical Manual* will serve as the general guide for the methodologies and impact criteria for evaluating the Proposed Project's potential effects on the various environmental areas of analysis. The EIS will disclose the Proposed Project's potential significant adverse impacts on the environment. As it is anticipated that the Proposed Project would be built and operational in ~~2026~~ 2027, the technical analyses and consideration of alternatives will include descriptions of existing conditions, conditions in the future without the Proposed Project (the No-Action Condition in ~~2026~~ 2027), and conditions in the future with the Proposed Project (the With-Action condition in ~~2026~~ 2027). The incremental difference between the No-Action and With-Action conditions is analyzed to determine the potential significant adverse environmental effects of the Proposed Project.

Analysis Year

Construction of the Proposed Project would occur over an approximately ~~33~~ 31-month period with an anticipated start date in ~~2023~~ 2025 with all components complete and fully operational by the end of ~~2026~~ 2027. Accordingly, the Proposed Project will use a ~~2026~~ 2027 Build Year for analysis purposes. Since the Proposed Project would be operational in ~~2026~~ 2027, future environmental conditions for that build year were considered for this analysis rather than the existing environmental conditions. The technical analyses and consideration of alternatives assess current conditions and forecast these conditions to the expected ~~2026~~ 2027 Build Year for the purposes of determining potential impacts. Each technical analysis will provide a description of the "Existing Condition" and assessment of future conditions without the Proposed Project ("Future without the Proposed Actions") and with the Proposed Project ("Future with the Proposed Actions").

The Future Without the Proposed Actions (No-Action Condition)

Absent approval of the Proposed Actions, the Applicant would proceed with as-of-right development on the Proposed Development Site pursuant to filed plans with the Department of Buildings (DOB). The Applicant's No-Action Development would be developed pursuant to the existing R6A zoning. The R6A zoning district permits 3.0 FAR with a maximum base height of 60 feet (65 feet with a qualifying ground floor) and a maximum building height of 70 feet (75 feet with a qualifying ground floor). The Applicant would construct a seven-story residential building containing approximately 168 DUs (177,716 gsf) and 84 accessory off-street parking spaces. The 84 accessory off-street parking spaces would be in compliance with the R6A district's requirement for parking for 50 percent of the building's market-rate units.

Both lots comprising the Proposed Development Site are under the control of the Applicant. The Proposed Development Site (Lots 63 and 66) are predominantly vacant and would be redeveloped pursuant to the existing R6A zoning. As such, an as-of-right development would be developed on the Proposed Development Site pursuant to the existing R6A zoning under future No-Action conditions.

The Future With the Proposed Actions (With-Action Condition)

Under the With-Action scenario, a mixed-use residential and commercial building would be constructed with a total combined area of approximately 471,495 gsf (~~372,802~~383,451 zsf). The Proposed Project would comprise 419,346 gsf of residential uses, introducing a total of 475 DUs, of which 119 DUs would be affordable units pursuant to MIH, and 356 DUs would be market-rate units. An average unit size of 875 gsf per unit is assumed for all dwelling units. In addition to the residential component, approximately

8,128 gsf of local retail space would be included in the Proposed Project on the ground floor. Approximately 30,101 gsf (parking and loading for approximately 20 percent of market-rate units or 71 parking spaces) would be allocated for parking on the ground- and cellar-levels of the Proposed Project. The Proposed Project would have approximately 13,920 gsf of mechanical/storage space.

TABLE 2
Comparison of No-Action and With-Action Development Scenarios

Use	No-Action Scenario	With-Action Scenario	Increment
Residential			
Market-Rate Dwelling Units	168 (~177,716 gsf)	356 (~314,509.5 gsf)	**+188 (~136,793.5 gsf)**
Affordable Dwelling Units	0	119 (~104,836.5.5 gsf)	**+119 (~**104,836.5**gsf)**
TOTAL	**168 (~177,716 gsf)**	**475 (419,346 gsf)**	**+307 (~241,650 gsf)**
Local Retail	--	8,128 gsf	**+8,128 gsf**
Parking	84 spaces (~46,707 gsf)	71 spaces (30,101 gsf)	**-13 spaces (-16,606 gsf)**
Population/Employment[1]	**No-Action Scenario**	**With-Action Scenario**	**Increment**
Residents	423	1,197	**+774**
Workers	7	43	**+36**

Notes:
[1] Assumes 2.52 persons per ~~affordable~~ DU (based on 2020 U.S. Census data for Brooklyn Community District 9). Estimate of workers is based on standard rates and are as follows: 1 worker per 25 DUs ~~dwelling units~~; 3 workers per 1,000 sf retail space.

The Applicant's Proposed Project would maximize the allowable FAR and allowable zoning envelope permitted in the requested R8A/C2-4 zoning district. Therefore, the Proposed Project would represent the upper limits of potential development and the impact of the Proposed Actions would be no worse than those considered in each of the technical analyses presented.

H. PROPOSED SCOPE OF WORK FOR THE EIS

Because the Proposed Project could potentially affect various areas subject to environmental assessment and was found to have the potential for significant adverse impacts, pursuant to the EAS and Positive Declaration, an Environmental Impact Statement (EIS) will be prepared for the Proposed Project that will analyze all technical areas requiring analysis beyond the Environmental Assessment Statement.

The EIS will be prepared in conformance with all applicable laws and regulations, including SEQRA (Article 8 of the New York State Environmental Conservation Law) and its implementing regulations found at 6 NYCRR Part 617, New York City Executive Order No. 91 of 1977, as amended, and the Rules of Procedure for CEQR, found at Title 62, Chapter 5 of the Rules of the City of New York. The EIS will follow the guidance of the 2021 *CEQR Technical Manual*, and will contain:

- A description of the development resulting from the Proposed Actions and its environmental setting;
- A statement of the environmental impacts of the Proposed Actions, including short- and long-term effects and typical associated environmental effects;
- An identification of any adverse environmental effects that cannot be avoided if the Proposed Actions are implemented;
- A discussion of reasonable alternatives to the Proposed Actions;
- An identification of irreversible and irretrievable commitments of resources that would be involved in the Proposed Actions should they be implemented; and
- A description of mitigation measures proposed to eliminate or minimize any significant adverse environmental impacts.

Based on the conclusions of the EAS, in accordance with the *CEQR Technical Manual*, there is no potential for significant adverse impacts to socioeconomic conditions; community facilities; historic and cultural resources; urban design and visual resources (see following paragraph); water and sewer infrastructure; solid waste and sanitation services; energy; transportation (see below); air quality; noise; or public health; due to the Proposed Project, and, as a result, analysis for those environmental areas would not be required in the EIS. All other CEQR technical areas warrant assessment and would therefore be included in the EIS. The specific technical areas to be included in the EIS, as well as their respective tasks and methodologies, are described below.

Although the Proposed Project would not have the potential to result in significant adverse urban design and visual resources impacts, as described below the EIS will include a detailed assessment for informational purposes, and as a supplement to the analysis of the Proposed Project's effects on technical areas that require detailed analysis in the EIS, including land use, zoning, and public policy; and shadows.

Transportation

The objective of the transportation analysis is to determine whether a proposed action may have a potential significant impact on traffic operations and mobility, public transportation facilities and services, pedestrian elements and flow, safety of all roadway users (pedestrians, bicyclists, and vehicles), on- and off-street parking, or goods movement.

The *CEQR Technical Manual* identifies minimum development densities that have the potential to result in significant adverse impacts to and therefore require a detailed transportation analysis. The development densities shown in Table 16-1 of the *CEQR Technical Manual* generally result in fewer than fifty peak hour vehicle trips, 200 peak hour subway/rail or bus transit riders, and 200 peak hour pedestrian trips, where significant adverse impacts are considered unlikely to occur. According to the *CEQR Technical Manual*, if an action would result in development greater than one of the minimum development densities in Table 16-1, a Level 1 (Project Trip Generation) Screening Assessment should be prepared. Except in unusual circumstances, if a proposed action is projected to result in fewer than 50 peak hour vehicle trips, 200 peak hour subway/rail or bus transit riders, or 200 peak hour pedestrian trips, it is unlikely that further analysis would be necessary. If the trip generation screening thresholds are exceeded, a Level 2 (Project-Generated Trip Assignment) Screening Assessment should be prepared to determine if a proposed action would generate or divert 50 peak hour vehicle trips through any intersection, 200 peak hour subway trips through a single station, 50 peak hour bus trips on a single bus route in the peak direction, or 200 peak hour pedestrian trips through a single pedestrian element. If any of these Level 2 screening thresholds are met or exceeded, a detailed analysis for the respective mode is required.

A travel demand forecast was prepared in **Attachment F, "Transportation"** of the EAS to determine if the Proposed Project would exceed the Level 1 Screening Assessment thresholds. As discussed therein, the Proposed Project would exceed Level 1 Screening Assessment thresholds for traffic and pedestrians, warranting further analysis. Transit would not exceed the Level 1 Screening Assessment Threshold and would not require further analysis. The Proposed Project would exceed Level 2 Screening Assessment thresholds for pedestrians at the west sidewalk between Montgomery Street and Sullivan Place (on the project frontage) and the northwest corner of Franklin Avenue and Sullivan Place. Therefore, a detailed analysis of pedestrian conditions was provided. The Level 2 Screening Assessment determined that additional analysis of traffic was not warranted. As detailed in **Attachment F, "Transportation"** of the EAS, each of these locations are expected to operate at level of service (LOS) C or better under the 2027 With-Action condition, and no significant adverse pedestrian impacts are anticipated. Therefore, the Proposed Project is not expected to result in significant adverse transportation impacts and further analysis is not warranted.

Task 1: Project Description

The first chapter of the EIS will introduce the reader to the discretionary actions required to facilitate the Proposed Project and set the context in which to assess impacts. This chapter will contain a description of the Proposed Actions, Proposed Project, and ~~Project~~ Proposed Development Site, including background and/or history; a statement of the purpose and need for the Proposed Actions; key planning considerations that have shaped the current proposal; and discussion of the approvals required, procedures to be followed, and the role of the EIS in the process. In addition, the Project Description chapter will present the planning background and rationale for the actions being proposed and summarize the Proposed Project for analysis in the EIS. Any need for environmental requirements or commitments as part of the Proposed Actions will be described.

City of Yes for Housing Opportunity

The NYC Department of City Planning is proposing a citywide zoning text amendment, the City of Yes for Housing Opportunity "CHO" (CEQR No. 24DCP033Y) to expand opportunities for housing within all zoning districts, and across all 59 of the City's Community Districts. These changes to the City's Zoning Resolution would enable more housing and a wider variety of housing types in every neighborhood, from the lowest-density districts to the highest, to address the housing shortage and high cost of housing in New York City. It is anticipated that this proposed zoning text amendment would be referred into public review in Spring 2024. The R8A zoning district included in the Proposed Actions would not benefit from any additional FAR or increased height under CHO. Therefore, it has been determined that the 962-972 Franklin Avenue Rezoning project will not be affected by the CHO citywide text amendment.

The section on approval procedures will explain the ULURP process, its timing, and hearings before the Community Board, the Borough President's office, the CPC, and the New York City Council. The role of the EIS as a full-disclosure document to aid in decision-making will be identified and its relationship to ULURP and the public hearings described, as well as its relationship to other permitting and approvals processes.

Task 2: Land Use, Zoning, and Public Policy

A land use analysis characterizes the uses and development trends in the area that may be affected by a proposed project, describes the public policies that guide development in the area, and determines whether a proposed project is compatible with those conditions and consistent with these policies. In addition to considering the Proposed Actions' effects in terms of land use compatibility and trends in zoning and public policy, this chapter will also provide a baseline for other analyses. The primary land use study area will consist of the Project Area, where the potential effects of the Proposed Actions would be directly experienced. The secondary land use study area would include the neighboring areas within an approximate ¼-mile radius from the Project Area, as shown in **Figure 3**, which could experience indirect impacts. The analysis will include the following subtasks:

- Provide a brief development history of the Project Area (primary study area) and its surroundings (secondary study area).
- Provide a description of land use, zoning, and public policy in the study areas discussed above. Recent trends in the area will be noted.
- Based on field surveys and prior studies, identify, describe, and graphically portray predominant land use patterns for the balance of the study area. Describe recent land use trends in the study areas and identify major factors influencing land use trends.

- Describe and map existing zoning and recent zoning actions in the study areas.
- Prepare a list of future development projects in the study areas that are expected to be constructed by the ~~2026~~ 2027 analysis year and may influence future land use trends. Also, identify pending zoning actions or other public policy actions that could affect land use patterns and trends in the study areas. Based on these planned projects and initiatives, assess future land use and zoning conditions without the Proposed Actions (No-Action condition).
- Describe the Proposed Actions and provide an assessment of the impacts of the resultant RWCDS on land use and land use trends, zoning, and public policy. Consider the effects of the Proposed Actions related to issues of compatibility with surrounding land use, consistency with public policy initiatives, and the effect on development trends and conditions in the area.

Task 3: Open Space

If a project may add population to an area, demand for existing open space facilities would typically increase. Indirect effects may occur when the population generated by the Proposed Project would be sufficiently large to noticeably diminish the ability of an area's open space to serve the future population. An assessment is conducted if the Proposed Project would generate more than 200 residents or 500 employees, or a similar number of other uses. As shown in Table 2, it is anticipated that the Proposed Project would introduce approximately 1,197 total new residents and approximately 43 total new employees to the area, with an incremental increase over future No-Action conditions expected to be approximately 774 residents and approximately 36 employees.

The Proposed Project would not directly displace any open space as there is no publicly accessible open space located within the Project Area; however, based on other chapters of the EIS, this chapter will summarize the findings of potential direct effects related to shadows. With respect to potential indirect impacts, the Proposed Project is expected to introduce more than 200 residents (774 incremental residents); therefore, an assessment of the potential for indirect effects on open space due to an increased residential population is warranted. The number of incremental workers generated by the Proposed Actions would be 36, less than the 500-worker threshold specified in the *CEQR Technical Manual*. Therefore, a detailed open space analysis is warranted for the residential population only, which would be included in the EIS pursuant to the following sub-tasks.

The open space analysis will consider both passive and active open space resources within a residential (0.5-mile radius) study area. As shown in **Figure 4**, the study area will generally comprise those census tracts that have 50 percent or more of their area located within the 0.5-mile radius of the Proposed Development Site, as recommended in the *CEQR Technical Manual*.[1]

The detailed open space analysis in the DEIS will include the following subtasks:

- Characteristics of the residential users will be determined. To determine the number of residents in the study area, 2020 U.S. Census data will be compiled for census tracts comprising the residential open space study area. As the study area may include a workforce and daytime population that may also use open spaces, the number of employees and daytime workers in the study area will also be calculated, based on reverse journey-to-work census data and other available information.

1 0.5-mile radius adjusted to be coterminous with the boundaries of census tracts and census blocks with existing populations that have 50 percent of their area within the radius; the 0.5-mile radius was not adjusted to be coterminous with census tracts with negligible existing populations (e.g., census tracts entirely comprised of open space).

Figure 4
Open Space Study Area



Source: DCPPLUTO 2023v3.1; DoiTT(2022)

Legend

- Development Site
- Proposed Rezoning Area
- Half-Mile Radius
- 213 2020 Census Tracts
- Open Space Study Area
- Open Space

- Existing publicly accessible passive and active open spaces within the 0.5-mile open space study area will be inventoried and mapped. Any open space that typically charges an entry fee (e.g., Prospect Park Zoo and the Brooklyn Botanic Garden) will not be included in the inventory or quantitative analysis. The condition and usage of existing facilities will be described based on the inventory and field visits. Acreages of these facilities will be determined, and the total study area acreages will be calculated. The percentage of passive and active open space will also be calculated.
- Based on the inventory of facilities and study area populations, total, passive, and active open space ratios will be calculated for the residential population and compared to City guidance to assess adequacy. Open space ratios are expressed as the amount of open space acreage (total, passive, and active) per 1,000 user population.
- Expected changes in future levels of open space supply and demand in the ~~2026~~ 2027 analysis year will be assessed, based on other planned development projects within the open space study area. Any new open space or recreational facilities that are anticipated to be operational by the analysis year will also be accounted for. Open space ratios will be calculated for future No-Action conditions and compared with exiting ratios to determine changes in future levels of adequacy.
- Effects on open space supply and demand resulting from increased residential population associated with the Proposed Project will be assessed. Any new public accessory open space facilities included in the Proposed Project would also be taken into account. The assessment of the Proposed Project's impacts will be based on a comparison of open space ratios for the future No-Action versus future With-Action conditions. In addition to the quantitative analysis, a qualitative analysis will be performed to determine if the changes resulting from the Proposed Project constitute a substantial change (positive or negative) or an adverse effect to open space conditions. The qualitative analysis will assess whether or not the study areas are sufficiently served by open space, given the type (active or passive), capacity, condition, and distribution of open space, and the profile of the study area populations.

If significant adverse impacts are identified, mitigation measures will be identified in conjunction with DCP as lead agency and any expert agencies, as appropriate.

Task 4: Shadows

A shadows analysis assesses whether new structures resulting from a proposed action would cast shadows on sunlight sensitive publicly accessible resources or other resources of concern, such as open space, historic resources, and natural resources, and to assess the significance of their impact. This chapter will examine the Proposed Project's potential for significant and adverse shadow impacts pursuant to *CEQR Technical Manual* criteria. Generally, the potential for shadow impacts exists if an action would result in new structures or additions to buildings resulting in structures over 50 feet in height that could cast shadows on important natural features, publicly accessible open space, or on historic features that are dependent on sunlight. New construction or building additions resulting in incremental height changes of less than 50 feet can also potentially result in shadow impacts if they are located adjacent to, or across the street from, a sunlight-sensitive resource.

The Proposed Project would result in the construction of a 14-story 145-foot-tall building in the vicinity of sunlight-sensitive resources, including Jackie Robinson Playground to the east and the Brooklyn Botanic Garden and Prospect Park to the west. Therefore, a shadows assessment is warranted to determine the extent, duration, and effects of any potential incremental new shadows on any sunlight-sensitive

resources in the vicinity of the Proposed Development Site. The shadows assessment will follow the methodology described in the *CEQR Technical Manual*, and will include the following:

- A preliminary shadows screening assessment will be prepared to ascertain whether shadows from the Proposed Project ~~Development~~ may potentially reach any sunlight-sensitive resources at any time of year. As a zoning map amendment is being requested, a maximum building envelope will be evaluated within which the Proposed Project would be built. The shadows analysis will maximize the allowable bulk within the requested R8A zoning district. For conservative analysis purposes, the entire 14-story portion of the Proposed Project will be raised ~~40~~55-feet to account for the potential of a permitted obstruction (i.e., mechanical bulkhead)[2].
  - A Tier 1 Screening Assessment will be conducted to determine the longest shadow study area for the Proposed Project ~~Development~~, which is defined as 4.3 times the height of a structure (the longest shadow that would occur on December 21, the winter solstice), pursuant to the *CEQR Technical Manual*. A base map that illustrates the location of the Proposed Project in relation to the sunlight-sensitive resources will be developed.
  - A Tier 2 Screening Assessment will be conducted if any portion of a sunlight-sensitive resource lies within the longest shadow study area. The Tier 2 assessment will determine the triangular area that cannot be shaded by the Proposed Project due to the path of the sun across the sky, which in New York City is the area that lies between -108 and +108 degrees from true north.
  - If any portion of a sunlight-sensitive resource is within the area that could be potentially shaded by the Proposed Project, a Tier 3 Screening Assessment will be conducted. The Tier 3 Screening Assessment will determine if shadows resulting from the Proposed Project can reach a sunlight-sensitive resource through the use of three-dimensional computer modeling software with the capacity to accurately calculate shadow patterns. The model will include a three-dimensional representation of the sunlight-sensitive resource(s), a three-dimensional representation of the Proposed Project, and a three-dimensional representation of the topographical information within the area to determine the extent and duration of new shadows that would be cast on sunlight-sensitive resources as a result of the Proposed Project.
- If the screening analysis does not rule out the possibility that project-generated shadows would reach any sunlight-sensitive resources, a detailed analysis of potential shadow impacts on publicly-accessible open spaces and/or sunlight-sensitive historic resources resulting from the project will be provided in the DEIS. The detailed shadow analysis will establish a baseline condition (No-Action), which will be compared to the future condition resulting from the Proposed Project (With-Action) to illustrate the shadows cast by existing or future buildings and distinguish the additional (incremental) shadow cast by the Proposed Project. The detailed analysis will include the following tasks:
  - The analysis will be documented with graphics comparing shadows resulting from the No-Action condition with shadows resulting from the Proposed Project, with incremental shadow highlighted in a contrasting color.
  - A summary table listing the entry and exit times and total duration of incremental shadow on each applicable representative day for each affected resource will be provided.
  - The significance of any shadow impacts on sunlight-sensitive resources will be assessed based on CEQR criteria.

[2] As part of the enacted City of Yes Carbon Neutrality Zoning Text Amendments, the maximum bulkhead allowance rose from 40 feet to 55 feet.

If significant adverse impacts are identified, mitigation measures will be identified in conjunction with DCP as lead agency and any expert agencies, as appropriate.

Task 5: Natural Resources

A natural resources assessment is conducted when a natural resource is present on or near the project area and when an action involves the disturbance of that resource. The *CEQR Technical Manual* defines natural resources as: water resources, including surface water bodies and groundwater; wetland resources (freshwater and tidal); surface water hydrology; upland resources, including beaches, maritime dunes, erosional slopes and bluffs; shrublands, grasslands, meadows and old fields; upland forests, woodlands and barrens; and built resources, including piers and other waterfront structures, old piers, pile fields and other ruins, beach protection structures, flood protection structures; and significant, sensitive, or designated resources, as indicated by the New York Natural Heritage Program. The ~~p~~Project ~~a~~Area is located in a fully developed area in Brooklyn and has limited potential to provide the habitat required by state- or federally-listed rare, threatened and/or endangered species. A screening analysis will be presented in the EIS identifying whether the Proposed Project ~~Development~~ would result in significant impacts on natural resources. The Brooklyn Botanic Garden represents a terrestrial cultural community as defined in the *CEQR Technical Manual* which may be affected by the Proposed Project. The assessment will provide an analysis of the effects of shading from the Proposed Project on the sunlight sensitive natural resources in the Brooklyn Botanic Garden during the early morning hours, as described in the shadows assessment.

Task 6: Urban Design and Visual Resources

Urban design is the totality of components that may affect a pedestrian's experience of public space. An assessment of urban design and visual resources is appropriate when there is the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning. When an action would potentially obstruct view corridors, compete with icons in the skyline, or would result in substantial alterations to the streetscape of the neighborhood by noticeably changing the scale of buildings, a more detailed analysis of urban design and visual resources would be appropriate. The urban design and visual resources assessment included in the EAS included two illustrative with-action and no-action renderings. Additional views from key streets and vantage points beyond those presented in the EAS' urban design and visual resources assessment will be provided for informational purposes and as a supplement to analysis of the Proposed Project's effects on other technical areas that require detailed analysis in the EIS, including: land use, zoning, and public policy; and shadows. Therefore, a preliminary assessment of urban design and visual resources will be provided in the EIS.

The urban design study area will be the same as that used for the land use analysis (delineated by a 400-foot radius from the Project Area boundary). For visual resources, the view corridors within the study area from which such resources are publicly viewable will be identified. The preliminary assessment will consist of the following:

- Based on field visits, the urban design and visual resources of the directly affected area and adjacent study area will be described using text, photographs (from the vantage point of a pedestrian on the sidewalk), and other graphic material, as necessary, to identify critical features, use, bulk, form, and scale.

- In coordination with Task 2, "Land Use. Zoning. And Public Policy," the changes expected in the urban design and visual character of the study area due to known development projects in the future No-Action condition will be described.
- Potential changes that could occur in the urban design character of the study area as a result of the Proposed Actions will be described. For the Proposed Development Site, the analysis will focus on the Proposed Project's massing, as well as elements such as streetwall height, setback, building envelope, and massing/bulk relationship to the surrounding area. Photographs and/or other graphic material will be utilized, where applicable, to assess the potential effects on urban design and visual resources, and a three-dimensional representation of the future With-Action condition streetscape.

If warranted based on the preliminary assessment, a detailed urban design and visual resources analysis would be prepared in accordance with *CEQR Technical Manual* guidance. Examples of projects that may require a detailed analysis are those that would make substantial alterations to the streetscape of a neighborhood by noticeably changing the scale of buildings, potentially obstruct view corridors, or compete with icons in the skyline, as described in the *CEQR Technical Manual*. The detailed analysis would describe the Proposed Development Site and the urban design and visual resources of the surrounding area. The analysis would describe the potential changes that could occur to urban design and visual resources in the future with the Proposed Actions, in comparison to the future without the Proposed Actions, focusing on the changes that could negatively affect a pedestrian's experience of the area.

Task ~~6~~7: Hazardous Materials

A hazardous materials assessment determines whether a proposed action may increase the exposure of people or the environment to hazardous materials and, if so, whether this increased exposure would result in potential significant public health or environmental impacts. The potential for significant impacts related to hazardous materials can occur when: a) elevated levels of hazardous materials exist on a site and the project would increase pathways to human or environmental exposure; b) a project would introduce new activities or processes using hazardous materials and the risk of human or environmental exposure is increased; or c) the project would introduce a population to potential human or environmental exposure from off-site sources.

The hazardous materials chapter will examine the potential for significant hazardous materials impacts from the Proposed Actions. As part of the hazardous materials task, a Phase I Environmental Site Assessment (ESA) was prepared for the Proposed Development Site. Based on a request from NYC DEP, a Phase II Environmental Site Investigation is required. A preliminary work plan and Health and Safety Plan (HASP) has been submitted to DEP for review. No site investigation will occur until DEP approves the work plan and HASP. Findings from the Phase II Site Investigation will be discussed in the EIS.

~~Task 7: Transportation~~

~~The objective of the transportation analysis is to determine whether a proposed action may have a potential significant impact on traffic operations and mobility, public transportation facilities and services, pedestrian elements and flow, safety of all roadway users (pedestrians, bicyclists, and vehicles), on- and off-street parking, or goods movement.~~

~~The *CEQR Technical Manual* identifies minimum development densities that have the potential to result in significant adverse impacts to and therefore require a detailed transportation analysis. The development densities shown in Table 16-1 of the *CEQR Technical Manual* generally result in fewer than fifty peak hour vehicle trips, 200 peak hour subway/rail or bus transit riders, and 200 peak hour pedestrian~~

~~trips, where significant adverse impacts are considered unlikely to occur. According to the *CEQR Technical Manual*, if an action would result in development greater than one of the minimum development densities in Table 16-1, a Level 1 (Project Trip Generation) Screening Assessment should be prepared. Except in unusual circumstances, if a proposed action is projected to result in fewer than 50 peak hour vehicle trips, 200 peak hour subway/rail or bus transit riders, or 200 peak hour pedestrian trips, it is unlikely that further analysis would be necessary. If the trip generation screening thresholds are exceeded, a Level 2 (Project-Generated Trip Assignment) Screening Assessment should be prepared to determine if a proposed action would generate or divert 50 peak hour vehicle trips through any intersection, 200 peak hour subway trips through a single station, 50 peak hour bus trips on a single bus route in the peak direction, or 200 peak hour pedestrian trips through a single pedestrian element. If any of these Level 2 screening thresholds are met or exceeded, a detailed analysis for the respective mode is required.~~

~~A travel demand forecast was prepared in **Attachment F, "Transportation"** of the EAS to determine if the Proposed Project would exceed the Level 1 Screening Assessment thresholds. As discussed therein, the Proposed Project would exceed Level 1 Screening Assessment thresholds for traffic and pedestrians, warranting further analysis. Transit would not exceed the Level 1 Screening Assessment Threshold and would not require further analysis. The Proposed Project would exceed Level 2 Screening Assessment thresholds for pedestrians at the west sidewalk between Montgomery Street and Sullivan Place (on the project frontage) and the northwest corner of Franklin Avenue and Sullivan Place. Therefore, a detailed analysis of pedestrian conditions was provided. The Level 2 Screening Assessment determined that additional analysis of traffic was not warranted. As detailed in **Attachment F, "Transportation"** of the EAS, each of these locations are expected to operate at level of service (LOS) C or better under the 2026 2027 With-Action condition, and no significant adverse pedestrian impacts are anticipated. Therefore, the Proposed Project is not expected to result in significant adverse transportation impacts and further analysis is not warranted.~~

Task 8: Greenhouse Gas Emissions and Climate Change

Greenhouse Gas Emissions

Increased greenhouse (GHG) emissions are changing the global climate, which is predicted to lead to wide-ranging effects on the environment, including rising sea levels, increases in temperature, and changes in precipitation levels. Although this is occurring on a global scale, the environmental effects of climate change are also likely to be felt at the local level. As the RWCDS exceeds the 350,000 sf development threshold, a GHG emissions assessment will be provided in the EIS.

In accordance with the *CEQR Technical Manual*, GHG emissions generated by the RWCDS will be quantified, and an assessment of consistency with the City's established GHG reduction goal will be prepared. Emissions will be estimated for the analysis year and reported as carbon dioxide equivalent (CO_2e) metric tons per year. GHG emissions other than carbon dioxide (CO_2) will be included if they would account for a substantial portion of overall emissions, adjusted to account for the global warming potential. Relevant measures to reduce energy consumption and GHG emissions that could be incorporated into the Applicant's Proposed Project ~~Development~~ will be discussed, and the potential for those measures to reduce GHG emissions from the Proposed Project ~~Development~~ will be assessed to the extent practicable.

- *Building Operational Emissions*: GHG emissions from the Proposed Project ~~Development~~ will be estimated based on carbon intensity factors specified in the *CEQR Technical Manual*.

- *Mobile Source Emissions*: GHG emissions from vehicle trips generated by the RWCDS to and from the Project Area will be quantified using trip distances and vehicle emission factors provided in the *CEQR Technical Manual*.
- *Potential Measures to Reduce GHG Emissions*: Design features and operational measures to reduce the Proposed Project ~~Development~~'s energy use and GHG emissions will be discussed to the extent that information is available.
- *Consistency with the City's GHG Reduction Goal*: Consistency of the Proposed Project ~~Development~~ and the Proposed Actions overall will be assessed. While the City's overall goal is to reduce GHG emissions by 30 percent below 2005 level by 2025, individual project consistency is evaluated based on building energy efficiency, proximity to transit, on-site renewable power and distributed generation, efforts to reduce on-road vehicle trips and/or to reduce the carbon fuel intensity or improve vehicle efficiency for project-generated vehicle trips, and other efforts to reduce the project's carbon footprint.

Task 9: Neighborhood Character

Neighborhood character is established by numerous factors, including land use patterns, the scale of its development, the design of its buildings, the presence of notable landmarks, and a variety of other physical features that include traffic and pedestrian patterns, noise, etc. The Proposed Project has the potential to alter certain elements contributing to the affected area's neighborhood character. Therefore, a neighborhood character analysis will be provided in the EIS.

A preliminary assessment of neighborhood character will be provided in the EIS to determine whether changes expected in other technical analysis areas—land use, zoning, and public policy; socioeconomic conditions; open space; historic and cultural resources; natural resources; urban design and visual resources; transportation; and noise—may affect a defining feature of neighborhood character. The preliminary assessment will:

- Identify the defining features of the existing neighborhood character.
- Summarize changes in the character of the neighborhood that can be expected in the future With-Action condition and compare to the future No-Action condition.
- Evaluate whether the Proposed Actions have the potential to affect these defining features, either through the potential for a significant adverse impact or a combination of moderate effects in the relevant technical areas.

If the preliminary assessment determines that the Proposed Actions could affect the defining features of neighborhood character, a detailed analysis will be conducted in accordance with the *CEQR Technical Manual* guidance.

Task 10: Construction

Construction impacts, though temporary, can have a disruptive and noticeable effect on the adjacent community, as well as people passing through the area. Construction impacts are usually important when construction activity has the potential to affect transportation conditions, archaeological resources and the integrity of historic resources, community noise levels, air quality conditions, and mitigation of hazardous materials. Multi-sited projects with overall construction periods lasting longer than two years and that are near to sensitive receptors should undergo a preliminary impact assessment according to the

CEQR Technical Manual. Construction of the Proposed Project is expected to take place over a period greater than two years and is therefore considered long-term. As such, construction analysis will focus on the anticipated 33-month construction period to develop the Proposed Project. This chapter of the DEIS will provide a preliminary impact assessment following the guidance in the *CEQR Technical Manual*. The preliminary assessment will evaluate the duration and severity of the disruption or inconvenience to nearby sensitive receptors. Technical areas to be assessed include the following:

- **Transportation Systems:** In accordance with *CEQR Technical Manual* methodologies, the travel demand that would be generated during construction of the Proposed Project will be forecasted to identify the expected number of vehicle, transit (bus and subway) and pedestrian trips from construction workers and equipment. The potential effects of this construction travel demand on study area transportation systems will then be assessed. Based on the trip projections of activities associated with peak construction for the Proposed Project, an assessment of potential transportation impacts during construction and how they are compared to the trip projections under the operational condition will be provided. If this effort identifies the need for separate detailed quantitative analysis due to an exceedance of the *CEQR Technical Manual* quantified transportation analysis thresholds (50 or more vehicle-trips and/or 200 or more transit/pedestrian trips during a given peak hour), such analysis will be prepared. The assessment will also evaluate the potential effects of construction activities on streets, sidewalks, bicycle and bus lanes, and transit access points adjacent to the Project Area, where applicable.
- **Air Quality:** The construction air quality impact section will contain a detailed discussion of emissions from construction equipment, on-road construction-related vehicles, as well as fugitive dust. The quantitative analysis will review the projected activity and equipment in the context of intensity, duration, and location of emissions relative to nearby sensitive locations including the adjacent school and playground and identify any project-specific control measures required to further reduce the effects of construction and to ensure that significant impacts on air quality do not occur.
- **Noise:** The construction noise impact section will contain a detailed quantitative analysis of noise from each phase of construction activity. Appropriate recommendations will be made to comply with NYCDEP Rules for Citywide Construction Noise Mitigation and the New York City Noise Control Code. The analysis will quantitatively review the projected activity and equipment in the context of intensity, duration, and location of emissions relative to nearby sensitive locations, and identify any project-specific control measures required to further reduce construction noise. Potential construction-related noise impacts will be assessed and addressed quantitatively.
- **Other Technical Areas:** As appropriate, the construction assessment will discuss other areas of environmental concern, including Land Use and Neighborhood Character, Socioeconomic Conditions, Community Facilities, Open Space, Historic and Cultural Resources, and Hazardous Materials, for potential construction-related impacts. In accordance with *CEQR Technical Manual* guidelines, the construction analysis will include an assessment of whether construction of the Proposed Project ~~Development~~ would potentially physically impact, or inhibit access to, adjacent land uses, including community facilities.

If significant adverse impacts are identified, mitigation measures will be identified in conjunction with DCP as lead agency and any expert agencies, as appropriate.

Task 11: Mitigation

Where significant adverse impacts that could result from the Proposed Project have been identified in Tasks 2 through 9, this chapter will describe the practicable measures that would be implemented to mitigate those impacts. These measures will be developed and coordinated with the responsible City/State agencies, as necessary. Where impacts cannot be fully mitigated, they will be disclosed as unavoidable adverse impacts.

Task 12: Alternatives

Pursuant to CEQR, the purpose of an alternatives section in an EIS is to examine development options that would reduce or eliminate impacts resulting from the Proposed Project while substantively meeting the goals and objectives of the Proposed Actions. The specific alternatives to be analyzed will be better defined once the full extent of the Proposed Project's impacts have been identified. At this time, it is expected that the EIS will include two alternatives: (1) a No-Action alternative, which describes the conditions that would exist if the Proposed Actions were not implemented, and is considered throughout the EIS as the No-Action Condition, and (2) a No Unmitigated Impact alternative, which assesses a change in density or program design in order to avoid the potential for any unmitigated significant adverse impacts that may be associated with the Proposed Project. The specifics of these alternatives will be finalized as project impacts become clarified. The analysis of each alternative will be qualitative, except in those technical areas where significant adverse impacts of the Proposed Project have been identified.

Task 13: Summary EIS Chapters

The EIS will include the following three summary chapters, in accordance with CEQR guidance:

- **Unavoidable Adverse Impacts:** summarizes any significant adverse impacts that are unavoidable if the Proposed Actions are implemented regardless of the mitigation employed (or if mitigation is not feasible).
- **Growth-Inducing Aspects of the Proposed Project:** which generally refer to "secondary" impacts of the Proposed Actions that trigger further development.
- **Irreversible and Irretrievable Commitments of Resources:** which summarizes the Proposed Actions and their impact in terms of the loss of environmental resources (loss of vegetation, use of fossil fuels and materials for construction, etc.), both in the immediate future and in the long term. Any significant impacts for which no mitigation can be implemented will be presented as Unavoidable Adverse Impacts. In addition to discussions of Growth-Inducing Aspects of the Proposed Project and Irreversible and Irretrievable Commitment of Resources.

Task 14. Executive Summary

The executive summary will utilize relevant material from the body of the EIS to describe the Proposed Project, the environmental impacts, measures to mitigate those impacts, and alternatives to the Proposed Actions. The executive summary will be written in enough detail to facilitate drafting of a notice of completion by the lead agency.

APPENDIX 1

RESPONSE TO COMMENTS ON THE DRAFT SCOPE OF WORK FOR A DRAFT ENVIRONMENTAL IMPACT STATEMENT

962-972 FRANKLIN AVENUE

RESPONSE TO COMMENTS ON THE DRAFT SCOPE OF WORK FOR A DRAFT ENVIRONMENTAL IMPACT STATEMENT

A. INTRODUCTION

This document summarizes and responds to comments on the Draft Scope of Work (DSOW), issued on June 27, 2023, for the 962-972 Franklin Avenue Rezoning (the "Proposed Actions"). Oral and written comments were received during the public meeting held by the New York City Department of City Planning (DCP) on behalf of the New York City Planning Commission (CPC) on July 27, 2023. Written comments were accepted through the close of the public comment period, which ended at 5:00 PM on Monday, August 7, 2023. Appendix II contains the written comments received on the DSOW and a transcript of the public scoping meeting. A Final Scope of Work (FSOW) was issued on May 10, 2024, incorporating comments received on the DSOW where relevant and appropriate, as well as other background and project updates that were made subsequent to publication of the DSOW.

Section B lists the elected officials, organizations, and individuals that provided relevant comments on the DSOW. Section C contains a summary of these relevant comments and a response to each. These summaries convey the substance of the comments made, but do not necessarily quote the comments verbatim. Comments are organized by subject matter and generally parallel the chapter structure of the DSOW.

B. LIST OF ELECTED OFFICIALS, ORGANIZATIONS, AND INDIVIDUALS THAT COMMENTED ON THE DRAFT SCOPE OF WORK

Elected Officials and Government Agencies

1. Crystal Hudson, Council Member, 35th Council District; written submission dated July 27, 2023 (submitted by Andrew Wright, Senior Director of Policy & Budget Initiatives, Office of Council Member Crystal Hudson), oral statement delivered by Andrew Wright at public scoping meeting.

Organizations and Interested Public

2. Sinade Wadsworth, NYC District Council of Carpenters; written submission dated July 29, 2023; oral statement delivered at the public scoping meeting.
3. Alicia Boyd, Movement to Protect the People (MTOPP); oral statement delivered at the public scoping meeting.
4. Lashaun Ellis, MTOPP, FLAC, SLSNA); oral statement delivered at the public scoping meeting.
5. Julia Bryant, Girl Trek; oral statement delivered at the public scoping meeting.
6. Adrian Benepe, President & CEO, Brooklyn Botanic Garden; oral statement delivered at the public scoping meeting.
7. Maxine Barnes, 200 Sterling Street Block Association; oral statement delivered at the public scoping meeting.
8. Esteban Giron, Crown Heights Tenant Union; oral statement delivered at the public scoping meeting.

9. Rowan Blaik, Vice President of Horticulture, Brooklyn Botanic Garden; oral statement delivered at the public scoping meeting.

10. Janine Nichols; oral statement delivered at the public scoping meeting.
11. Rickie James; oral statement delivered at the public scoping meeting.
12. Grahame Cornibear; oral statement delivered at the public scoping meeting.
13. Constance Lesold; oral statement delivered at the public scoping meeting.
14. Theresa Westerdahl; oral statement delivered at the public scoping meeting.
15. Nichola Cox, Sullivan Ludlam Stoddard Neighborhood Association; oral statement delivered at the public scoping meeting.
16. Liberty Guitjens; oral statement delivered at the public scoping meeting.
17. Michael Piccirillo, NYC District Council of Carpenters; oral statement delivered at the public scoping meeting.
18. Suwen Cheong; oral statement delivered at the public scoping meeting.
19. Mary Ann Fastook; written submission dated July 27, 2023.
20. Sandy Reiburn, Preserve Our Brooklyn Neighborhoods; written submission dated July 27, 2023.
21. Marge Othrow; written submission dated July 27, 2023.
22. Anonymous; written submission dated July 12, 2023
23. Gary LaBarbera, President, Building and Construction Trades Council of Greater New York & Vicinity; written submission dated July 27, 2023
24. Hector Robertson; oral statement delivered at the public scoping meeting.

C. COMMENTS AND RESPONSES ON THE DRAFT SCOPE OF WORK

1. Project Description/Development Scenario Comments

Comment 1.1: I oppose this project as proposed given its detrimental impact on local community assets and the applicant's failure to secure robust community input for this project. (1, 18, 24)

Response 1.1: ***Comment noted. The DEIS will disclose all potential significant adverse impacts in accordance with the guidance in the CEQR Technical Manual, following methodologies described in the Final Scope of Work.***

Comment 1.2: I commend the Continuum Company for their unwavering commitment to a 100 percent unionized project – a rare feat in bustling New York City. (2, 17, 23)

Response 1.2: ***Comment noted.***

Comment 1.3: I speak for all of our members to fiercely object to the impending rezoning application request. (4, 7, 8, 15, 16, 18, 20, 21, 22, 24)

Response 1.3: ***Comment noted.***

Comment 1.4: The 970 Franklin Avenue project is proposing to rezone 962-972 Franklin Avenue in the Crown heights neighborhood of Brooklyn to create a fourteen (14) story, mixed-income residential development in the neighborhood that will include approximately 119 units of workforce and affordable housing. This type of project must move forward given our City's housing shortage as it will create housing affordable for our City's teachers, firefighters, nurses, bus drivers and grocery clerks. (23)

Response 1.4: ***Comment noted. An assessment of the Proposed Action's compatibility with public policies will be provided in the Land Use, Zoning and Public Policy chapter of the DEIS, as described in the Final Scope of Work.***

Comment 1.5: We noted that you are including other properties to be changed, 1% on two properties, and 25% on another property. I don't see any rationale for that, except for giving the property owners the option, once they have two zoning designations on that property, to allow them to kind of circumvent this process and go to the Board of Standards and Appeals (BSA) and ask that the new zoning will then cover the entire lot. And so, the Department of City Planning has not necessarily stated why it it is essential to have these other properties also gain the benefit of having an increased FAR on their property sites and then not take into consideration the environmental impact, because it's only 1% knowing that there's a loophole in the law that will allow them further along the lines to actually increase that 1% to 100% and avoid an environmental impact on that. So, I'm also concerned about that and I think that that needs to be addressed. (3)

Response 1.5: ***As shown in Table 1 of the Final Scope of Work, approximately one percent of the lot area of Lots 1, 46, and 85 would be located within the Proposed Rezoning Area. Approximately 25% of Lot 77 is located within the Proposed Rezoning Area. As part of the Proposed Actions, these lots would be rezoned from R8A/R6A to R8A, creating only one zoning designation on these lots. The potential for future development on these lots as a result of the Proposed Actions is described in the Project Description of the DEIS, as described in the Final Scope of Work.***

Lot 1 is under the jurisdiction of the MTA and would require additional discretionary action and public hearings through the City's ULURP process for its development.

Lot 46 is a 54,131-sf corner lot located partially within the Project Area. As shown in Table 1, approximately 555 sf is located within the Project Area. As discussed in the Project Description, it is expected that this lot would be redeveloped as-of-right pursuant to the existing R6A zoning.

Lot 77 is a 27,479-sf trapezoidal property partially located within the Project Area. Lot 77 is occupied by a six-story, 95,000 gsf multi-family residential building, which represents a built FAR of 3.14. The current residential building contains 90 dwelling units constructed before 1974. As this building is likely to be rent stabilized, it is unlikely the existing building would be legally demolished due to tenant relocation requirements. Although Lot 77 is developed to less than the maximum allowable FAR under the R8A zoning (6.02 FAR), it is unlikely the property would be redeveloped as a consequence of the Proposed Actions since only a small portion (25.3 percent) of the site would be rezoned from R6A to R8A, with the remainder of the lot already zoned R8A. The area changed is in the rear of the lot with no street frontage, so the rear yard requirement would prohibit most of the area to be built upon. Under the current R8A zoning the existing zoning lot has approximately 70,000 sf of unbuilt floor area, but only 21,000 sf could be added as an addition to the existing building as a result of the Proposed Actions. As this incremental increase in floor area provided under the proposed extension of the existing R8A zoning would be very small, it is anticipated that there would be little incentive for the building owner to demolish the existing building in order to obtain approximately 21,000 sf of floor area that would not be available under existing zoning. Therefore, it is unlikely that the Proposed Actions would incentivize redevelopment of this site.

Lot 85 is a 28,123 sf irregularly shaped property partially located within the Project Area. Lot 85 is occupied by a six-story, 117,250 gsf multi-family residential building which represents a built FAR of 3.79. The current residential building contains 97 dwelling units constructed before 1974. Although Lot 85 is developed to less than the maximum allowable FAR under the R8A zoning (6.02 FAR), it is unlikely the property would be redeveloped as only a small portion (0.6 percent) of the site would be rezoned as a consequence of the Proposed Actions. The area that would be rezoned as a consequence of the Proposed Actions is on the side lot line along Franklin Avenue. Under the proposed rezoning, approximately 781 sf of additional floor area would be available from the portion of the lot that would be rezoned to R8A. As this incremental increase in floor area provided under the proposed R8A zoning would be very small, it is anticipated that there

would be little incentive for the building owner to demolish the existing building in order to obtain approximately 781 sf of floor area that would not be available under existing zoning.

Therefore, the proposed rezoning would not create a substantial amount of new usable floor area for any of the other lots outside of the Proposed Development site that would be partially, or completely, rezoned as a consequence of the Proposed Actions. As such, there would be no new off-site development within the Project Area that would be expected to occur due to the proposed rezoning and the RWCDS would be comprised of only the Proposed Project.

Comment 1.7: Also, there's a concern-- I didn't see anyone talking about the racial impact analysis. There's supposed to be a racial impact analysis, I didn't see that a part of the scoping hearing. And so again, I'm concerned that that is not being discussed, especially when we're talking about Crown Heights South, which is a predominantly African American community, a low-moderate income community that this project will impact on negatively as far as displacement. And of course, the MIH, and what targets they are targeting for MIH. (3)

Response 1.7: ***The Racial Equity Report is a required component of the Land Use Application and will be provided in the Land Use Application. The Racial Equity Report is not a component of the environmental review. As presented in Attachment C, "Socioeconomic Conditions," in the Environmental Assessment Statement (EAS), the Proposed Actions are not expected to result in significant adverse impacts to indirect residential displacement as the Proposed Actions would result in an estimated 2.1 percent population increase in the study area.***

Comment 1.8: We fought this rezoning -- the similar rezoning -- once before, and I'm here to oppose it once again. (4, 7, 8)

Response 1.8: ***Comment noted.***

Comment 1.9: We must adhere to the 6-story, as-of-right height, as planned by the 1991 community plan. (7, 8, 14, 16)

Response 1.9: ***Comment noted. As described in the Final Scope of Work, the No-Action condition will be established as a baseline for the analysis of the Proposed Actions. In addition, the Alternatives chapter of the DEIS will describe and evaluate a No-Action Alternative. Absent approval of the Proposed Actions, the Applicant intends to construct an as-of-right development on the Proposed Development Site pursuant to filed plans with the Department of Buildings (DOB). The Applicant's No-Action Development would be developed pursuant to the existing R6A zoning. The R6A zoning district permits 3.0 FAR with a maximum base height of 60 feet (65 feet with a qualifying ground floor) and a maximum building height of 70 feet (75 feet with a qualifying ground floor). The Applicant would construct a seven-story residential building containing approximately 168 DUs (177,716 gsf) and 84 accessory off-street parking spaces. The 84 accessory off-street parking spaces would be in compliance with the R6A district's requirement for parking for 50 percent of the building's market-rate units.***

Comment 1.10: The 1991 Rezoning is our clear guideline. We've never varied from that. The community groups, the Garden, tenant groups, the Board itself, the Community Board itself. So, it's baffling that you would just do this all over again. (8, 4, 7, 18)

Response 1.10: ***Comment noted.***

Comment 1.11: I'm very concerned about the height, the additional height of the mechanicals which I think would typically add another five stories to the height of this building. (12, 14, 18)

Response 1.11: ***Comment noted. As noted in the Final Scope of Work, the EIS will provide an assessment of Urban***

Design and Shadows, based on a With-Action condition that reasonably maximized the permitted envelope, including mechanical bulkhead, under the Applicant's proposed zoning designation and reflective of revisions to regulations adopted in December 2023 under the under the City of Yes (COY) Carbon Neutrality Zoning text amendment, which allow a 55-foot high bulkhead for the Proposed Project. Also, refer to Response 1.15.

Comment 1.11: The 6 stories, I think, is fine. 14 stories, however, I am completely against, especially with the City of Yes bylaw changes that aren't being taken into account. (14, 16)

Response 1.11: ***Comment noted. Refer to Response 1.9 and to Response 1.10, which notes that the analysis of the Proposed Project accounts for the maximum permitted 55-foot-high mechanical bulkhead.***

Comment 1.12: As far as this scoping for the EIS, our request is that in addition to gathering a list of the other development projects underway, a cumulative impact assessment be performed to understand the full impact to this community of the multiple planned projects, including shadows created, impacts on parking, impacts on water sewage, our mass transit systems, etc. (15)

Response 1.12: ***As described in the Final Scope of Work, per CEQR Technical Manual guidance, "Known Projects", based on filed building plans with the Department of Buildings, are included in the future conditions without the Proposed Actions (No-Action condition). As such, the technical analyses presented in the Environmental Assessment Statement (EAS) and provided in the DEIS have, and will account for the demands that these developments would place on the local community and a separate cumulative analysis is not warranted.***

Analyses presented in the EAS indicate that significant adverse impacts would not occur for transportation or water and sewer infrastructure and further analysis is not warranted for these technical areas. A shadows analysis will be presented in the DEIS and is described in Response 4.3.

Comment 1.13: We need to preserve the natural environments in this beautiful neighborhood for the community's health, our children, and future generations by rejecting this proposal, and others like it. I do not support the 14-story rezoning proposal on Franklin Avenue, as the zoning should not go above the limit of 6 stories. (16)

Response 1.13: ***Comment noted. Analyses presented in the EAS indicate that significant adverse impacts would not occur for public health concerns and further analysis is not warranted for this technical area. The EAS determined that the Proposed Project would have no significant adverse impacts to the aquatic resources and habitats of Jamaica Bay. The DEIS will include a Natural Resources analysis to assess the Proposed Project's impact on the Project Area natural environment, as well as impacts from shadows cast on natural resources in the Brooklyn Botanic Garden.***

Comment 1.14: I'm just speaking in full support of this project. This project is going to create many family-standing wages for the people who work on the project and the people in the neighborhood. (17)

Response 1.14: ***Comment noted.***

Comment 1.15: There are also what looks to be some FAR freebies in there, for example if a developer does a rooftop solar array, they can call it a community facility which comes with a 1.0 FAR bonus normally, but they can use the permitted obstruction rules to host the rooftop solar. (18)

Response 1.15: ***The Reasonable Worst-Case Development Scenario for the Proposed Actions maximizes the allowable FAR, height, and zoning envelope in the proposed R8A/C2-4 zoning district. For conservative analysis purposes, the shadows analysis in the DEIS will assume that the full 14-story portion of the Proposed Project would be raised to account for the maximum mechanical***

bulkhead allowance. Therefore, the shadows analysis in the DEIS will fully account for the maximum amount of permitted obstruction.

2. Land Use, Zoning, and Public Policy

Comment 2.1: The city zoned the area along Washington Avenue at 7 stories for a very good reason: to allow the flora and fauna of the garden to flourish which it will not if there is a taller building built. (19)

Response 2.1: ***Comment noted. The Proposed Actions include the extension of the existing R8A zoning district mapped along Washington Avenue. The R8A district permits a maximum building height between 12 and 14 stories. As described in the Final Scope of Work, the DEIS will provide an assessment of the Proposed Actions' compatibility with surrounding land use and zoning patterns in Chapter 2, "Land Use, Zoning, & Public Policy."***

Comment 2.2: The purpose of zoning is to protect public health and safety, and so we do want to address that in the future, and we don't want this R8A zoning to be seen as the context of this area. (18)

Response 2.1: ***Comment noted. The DEIS will provide an assessment of the Proposed Actions' compatibility with surrounding land use and zoning patterns in Chapter 2, "Land Use, Zoning, & Public Policy."***

4. Shadows

Comment 4.1: The proposed 14-story, 145-foot tower would assuredly cast lengthy shadows on key community assets – Ebbets Field Middle School, Jackie Robinson School, Jackie Robinson Playground, the Prospect Park Zoo, Medgar Evers College, and –most notably – the Brooklyn Botanic Garden. (1, 7, 8, 9, 15, 16, 21, 22, 24)

Response 4.1: ***As discussed in the Final Scope of Work, the DEIS will analyze the potential for the Proposed Project to cast incremental shadow on sunlight-sensitive resources, in accordance with the guidance in the CEQR Technical Manual.***

Comment 4.2: The City Planning Commission should require the Environmental Impact Statement for this project to go beyond CEQR standards and analyze (1) the varying characteristics of shadows cast every week of the year; (2) their impacts on BBG's collection and nursery; and (3) their impacts on other community assets. (1, 9, 12)

Response 4.2: ***In accordance with CEQR Technical Manual guidance, and described in the Final Scope of Work, a preliminary shadows screening assessment will focus on the representative analysis days during the growing season in the New York City area (i.e., March 21 [vernal equinox]/September 21 [which is approximately the same]; June 21 [summer solstice]; and May 6/August 6 [halfway between the summer solstice and equinoxes]), as well as a representative analysis day during the winter months outside of the growing season (i.e., December 21 [winter solstice, the day on which the longest shadow could be cast by a proposed structure]), to demonstrate conditions during cold-weather when people who do use open spaces rely most heavily on available sunlight for warmth. According to the CEQR Technical Manual, these months and days represent the full range of possible shadows that could be cast by a proposed project. For the representative growing season months, it is not necessary to analyze those months where it is found that no shadow from the Proposed Project would reach a sunlight-sensitive resource. For the cold-weather months, if it is found that no shadow from the Proposed Project would reach a sunlight-sensitive resource on the December 21 analysis day, then the assessment should be performed***

for a representative day in either November, January, or February in order to confirm that no shadow from the Proposed Project would reach a sunlight-sensitive resource during any of those months, in accordance with CEQR Technical Manual guidance. However, as project-generated shadows are expected to reach a sunlight-sensitive resource on the December 21 analysis day, an assessment on other cold-weather analysis days is not warranted.

The analysis presented in the DEIS will assess the potential for significant adverse impacts to the Brooklyn Botanic Garden, its greenhouses, other rare plant collections, and nurseries.

As discussed in the Final Scope of Work, the DEIS will analyze the potential for the Proposed Project to cast incremental shadow on sunlight-sensitive resources, in accordance with the guidance in the CEQR Technical Manual.

Comment 4.3: I am a member and volunteer at the Brooklyn Botanic Garden. I have examined the paperwork submitted by the developer and find that while he has reduced the height of the building he wants to construct, it is still too high to save the Brooklyn Botanic Garden from damage through lack of sunlight. (12, 19)

Response 4.3: ***As detailed in the FSOW, and in accordance with CEQR Technical Manual guidance, a preliminary shadows screening assessment will be prepared to ascertain whether shadows from the Proposed Project may potentially reach any sunlight-sensitive resources. If the screening analysis does not rule out the possibility that project-generated shadows would reach any sunlight-sensitive resources, a detailed analysis of potential shadow impacts on publicly accessible open spaces and/or sunlight-sensitive historic resources resulting from the Proposed Actions will be provided in the DEIS. The detailed shadow analysis will establish a baseline condition (i.e., the No-Action condition), which will be compared to the future condition resulting from the Proposed Actions (i.e., the With-Action condition) to illustrate the shadows cast by existing or future building and distinguish the additional (incremental) shadow cast by the Proposed Project. If the shadows analysis concludes there is a significant adverse impact, potential mitigation strategies will be assessed in accordance with the CEQR Technical Manual guidance to reduce or eliminate, to the greatest extent practicable, the effect caused by incremental shadows. As discussed in Tasks 13 and 14, the DEIS will include discussion of a No Unmitigated Impact Alternative and disclose any potential impacts that cannot be fully mitigated.***

Comment 4.4: The consequences [of the Proposed Actions] to our treasured Brooklyn Botanic Garden and the unique plantings which will be put in harm's way have been clearly stated in prior attempts to construct skyscrapers on these lots. Mindless tower construction casting shadows will remove needed sunlight for their survival. (20)

Response 4.4: ***Comment noted. Refer to Response 4.3.***

Comment 4.5: It will cast a shadow over what is one of Brooklyn's jewels, a balm for Brooklynites, and a mecca for tourists. (21)

Response 4.5: ***Comment noted. Refer to Response 4.3.***

Comment 4.6: The shadows assessment should take into consideration the City of Yes, and the text amendments that are coming through that would actually increase the shadow impacts from the 400-feet that currently allows mechanical equipment on the buildings to now go up to 55 feet. (3, 5, 15, 18)

Response 4.6: ***Comment noted. For conservative analysis purposes, the DEIS shadows analysis will account for the potential for a 55' permitted obstruction (mechanical bulkhead) on the 14-stort portion of the Proposed Project.***

Comment 4.7: This application for rezoning for 962 and 972 Franklin Avenue across from the Botanic Garden, although it's a smaller height request it still will put shade on the Brooklyn Botanic Garden as well as the Jackie Robinson playground. (5)

Response 4.7: Comment noted. Refer to Response 4.3.

Comment 4.8: This rezoning seeks to double the maximum building height of the existing zoning, and to more than double the floor area ratio. Because of its location and density, it represents an existential threat to BBG's outdoor nursery yard, indoor propagation facilities, and conservatory display houses. I want to underscore that every part of the 52-acre botanic garden, which has been here in Crown Heights for 113 years, is dependent on the propagation and growing facilities expected to be impacted by the shadows cast by this Proposed Development.

Therefore, any EIS must fully account for special sunlight requirements of our globally significant collections. The current standards of analysis under CEQR do not go far enough, and sunlight impacts, beginning at dawn, should be conducted because the greenhouses, nursery, and conservatories are elevated and because plants respond immediately to sunlight, these collections will be affected by the earliest light of day.

I want to conclude by mentioning our overall concerns about the shadow and environmental impacts on the entire Crown Heights neighborhood, including new shadows on Jackie Robinson playground, and on the public plaza and beautifully new landscaped public areas of Medgar Evers College. (6)

Response 4.8: Refer to Response 4.3. As detailed in the Final Scope of Work, the shadows analysis in the DEIS will analyze potential for significant adverse shadows impacts on sunlight-sensitive resources, as described in the CEQR Technical Manual.

According to the 2021 CEQR Technical Manual, a "shadow assessment considers those shadows occurring between 1.5 hours after sunrise and 1.5 hours before sunset. Shadows occurring earlier and later are long, move fast, and generally blend with shadows from existing structures. At times outside the timeframe window of analysis, the sun is located near the horizon, and the sun's rays reach the Earth at close to tangential angles, diminishing the amount of energy delivered by the sun's rays and producing shadows that grow in length exponentially until the sun reaches the horizon and sets. Because of these conditions, the shadows occurring between 1.5 hours before sunset and 1.5 hours after sunrise are not considered significant under CEQR, and their assessment is not warranted."

While guidance in the CEQR Technical Manual will be used, the lead agency will employ technical analysis to fully assess the potential for significant adverse impacts based on the context and specific features of the sunlight-sensitive resources in the surrounding area.

Comment 4.9: These new proposals are grossly out of scale, given their very close proximity to the most sunlight-sensitive areas of the garden. Any development there above as-of-right will lead to irreversible, significant shadow impacts to the garden. This loss of sunlight would affect the Garden year-round. In the areas immediately, at risk of change from rezoning-- mainly the greenhouses, nursery, conservatories, and surrounding grounds--we grow plants from around the world, from deserts, warm, temperate, and tropical regions, all of them requiring natural daylight and day length.

It is a sunlight-sensitive resource, indoors and out, and should receive the highest level of study above and beyond CEQR standards, not just cherry-picking individual plants or individual areas here and there. (9)

Response 4.9: ***As described in the Final Scope of Work, the shadows analysis presented in the DEIS will be based on the guidance of the CEQR Technical Manual and in consultation with experts including NYC Parks. Refer to Response 4.8.***

Comment 4.10: I want to remind you that, shadow studies, typically developers will try to do a shadow study that doesn't take into--I'm thinking of Cornell realty-- they don't take into account topography, right? So a building that's uphill from, you know, cast a larger. No, they pretend, like the whole city is flat, like a piece of paper. So if there's going to be a shadow study. It has to take into effect, into account, the topography of the area. (10)

Response 4.10: ***In accordance with CEQR Technical Manual methodology, and described in the Final Scope of Work, the shadows analysis in the DEIS will take into account the topography of the area.***

Comment 4.11: It's going to negatively impact the Botanic Gardens, and not only the Botanic Gardens, but the Jackie Robinson School, which has its own garden and playground in that area. (14)

Response 4.11: ***Comment noted. Refer to Response 4.3.***

Comment 4.12: The potential of shadows impacting the Botanical Garden, the lack of community support of this project, really should give pause to these developers to really understand that the community is not standing behind you on this type of development. (24)

Response 4.12: ***Comment noted. Refer to Response 4.2.***

8. Greenhouse Gas Emissions and Climate Change

Comment 8.1: I'm very, very passionate about this and close, and please set a precedent and let developers know that you are seriously committed to a city of uncompromised infrastructure and against broad-stroke rezoning, allowing increased heights and shadows without consideration for green spaces, community residents and global warming, global warming's disastrous effects that we are, as I speak, feeling. (7)

Response 8.1: ***As described in the Final Scope of Work, analyses of greenhouse gas emissions associated with the Proposed Project and climate change, open space, shadows, and urban design will be provided in the DEIS to assess the potential for significant adverse impacts, based on the guidance of the CEQR Technical Manual.***

Comment 8.2: Do we stand for doing something about global warming, protecting our greenery and our gardens that are supposed to be the main way that we become educated over these issues? Do we stand for all these things, or do we just stand for a little more money in a developer's pocket, which in the long run will be less money in everybody's pocket, because if we do not protect the planet from global warming well, we can all use our imaginations of where that is going to go, but it is not going to make us a richer country or a richer world. (13)

Response 8.2: ***Comment noted. Refer to Response 8.1***

9. Neighborhood Character

Comment 9.1: My major concerns of the community's quality of life there, affecting the neighborhood's character. Please preserve your history, the walk of fame, the Civil War plaques, and monuments inside of that neighborhood. (11)

Response 9.1: ***Comment noted. As discussed in the Final Scope of Work, the DEIS will include a preliminary assessment of neighborhood character, pursuant to methodologies presented in the CEQR Technical Manual.***

APPENDIX 2

WRITTEN COMMENTS ON THE DRAFT SCOPE OF WORK

00:00:00 Host – Stephanie Shellooe: Streaming to our Youtube and recording. I see that's happening now. And production, can we get a confirmation that we are live streaming? Okay, see, we were now streaming to Youtube. Thank you to our back house folks. I'm just going to say a few things just to confirm that the AV is working on the live stream. Again, testing audio for our live stream to our viewers watching on Youtube. I'm hearing some background noise, so if everyone can just make sure they're muted on the panelists' and co-hosts' end. We will unmute folks as they're presenting. All right, thank you everyone for joining, you are tuning in to the remote public scoping meeting for the 962- 972 Franklin Avenue rezoning proposal. The CEQR number, or City Environmental Quality Review, number is 23DCP165K. Host: My name is Stephanie Shellooe, I'm the director of the New York City Department of City Planning's Environmental Assessment and Review Division, or EARD. I'll be hosting today's meeting. Evren Ulker-Kacar, who you also see on the screen here, is the deputy director of EARD, and will be co-hosting today's meeting, and we'll step in if any technological issues happen on my end. We appreciate your patience in this format. There's always, as you as you saw, takes a little time to get everything set up. So we appreciate everyone's patience, and of course, thank you for taking time out of your busy days to be here with us today. I also want to emphasize that we will hear from everyone who wishes to speak today, and this meeting will remain open until we have heard from all speakers. We also welcome written testimony and comments through 5 PM, Monday, August 7th 2023, and we provide written comments with the same attention and consideration as comments that will be provided today live at this meeting. I will note, that everyone in our attendees' panel appears to have been registered to speak, so if you have registered through NYC Engaged, and you are in the Zoom meeting, you are in our speakers queue, and we will hear from you. Thank you all. If we can begin the presentation, please. We will now proceed to our public scoping meeting for the 962-972 Franklin Avenue Rezoning. Again, for the record, I'll note that the City Environmental Quality Review or CEQR, application number is 23DCP165K. Today's date is July 27th 2023, and the time is approximately 2:03 PM. Next slide, please. And next slide. Again, my name is Stephanie Shellooe, I'm the director of the Environmental Assessment and Review Division here at the New York City Department of City Planning, and I will be chairing today's scoping meeting. The Department of City Planning is acting on behalf of the City Planning Commission as Lead Agency for the proposal's Environmental Review. As Lead Agency, the department is overseeing the preparation and completion of the Environmental Impact Statement, or EIS, for the 962-972 Franklin Avenue Rezoning proposal. Next slide. Joining me today are several colleagues from the Department of City Planning. Alex Sommer, the Director of the Department's Brooklyn office, Karensa Wood, Deputy Director of the Department's Brooklyn office, as I mentioned, Evren Ulker-Kacar, Deputy Director of EARD. We're also joined by Max Marinoff, the project manager for the proposal in EARD, and Josh Vogel, the project manager in the Brooklyn office. We also have many folks from DCP, staff members working in the background to ensure that today's meeting runs smoothly, so really

appreciate all of their time and effort today. Next slide. Together, we're here to receive your comments on the draft scope of work for the Draft Environmental Impact Statement, or DEIS, for the 962-972 Franklin Avenue Rezoning proposal. The draft scope of work identifies all the subjects that will be analyzed in the upcoming DEIS and explains how the subjects will be studied. The Draft Scope of Work materials are available on the Department of City Planning website via our Zap search website. Next slide. Again, the purpose of today's meeting is to allow for public participation in the preparation of the DEIS at the earliest stage possible in the Environmental Review process, specifically scoping allows the public to help shape the DEIS before it is written. Toward that end, the Department as Lead Agency will receive verbal testimony on the Draft Scope of Work today from elected officials, government agencies, those speaking on behalf of the local Community Board and the public. As I mentioned, we also welcome written comments on the Draft Scope of Work, those can be submitted through 5 PM on Monday, August 7th, 2023. Next slide. At the end of the written comment period, the Department as Lead Agency will review all comments. Those we hear today, as well as any written comments we've received. After carefully reviewing all comments, the Department will decide what changes, if any, need to be made to the Draft Scope of Work, and we'll issue a Final Scope of Work. It's the Final Scope of Work that will begin, that will serve as the basis for preparing the Draft Environmental Impact Statement. Next slide. Today marks the beginning of the Environmental Review process for the 962-972 Franklin Avenue Rezoning proposal. No decisions will be made today regarding the Draft Scope of Work; rather, the purpose of today's meeting is to allow the public to provide their comments on the Draft Scope of Work and to allow the Department to listen to those comments. It's important for all voices to be heard today. Next slide. I'll now focus on the structure of today's meeting, which is going to be divided into three parts. During the first part, the applicant team will give a brief overview describing the 962-972 Franklin Avenue Rezoning proposal. The applicant team will provide a brief summary of the Environmental Review and the Draft Scope of Work. This should take about 20 minutes. During the second part of the meeting, we'll receive comments on the Draft Scope of Work from elected officials, government agencies, and those speaking on behalf of the Community Board. During the third and final part of the meeting, the Department will receive comments from the general public. The meeting will only end when everyone who's signed up to speak has had a chance to do so. Next slide. On to a few logistics. If you do wish to speak and plan to access the meeting online, using a computer tablet or smartphone, as you entered today, please register through the 962-972 Franklin Avenue Rezoning Public Scoping meeting page of the NYC Engage portal at nyc.gov/nycengage. A link to join us and provide your testimony will be emailed to you after you've completed the registration process on the NYC Engage portal, and we will add you to your speakers, to our speakers' list. Again, for those of you that are that are in the meeting now, you have registered your, you are in our speakers' list. Next slide. When it is your turn to speak, your name will be called and you'll be granted temporary speaking privileges by the Department

of City Planning staff, and you'll be promoted to panelist. This allows you to unmute your microphone and the ability to turn on your camera if you wish. Please note that promoting speakers takes a moment, so we ask that everyone's patient. It does appear that you're no longer in the meeting for just a moment, but you'll automatically rejoin as a panelist. Then you'll be asked to convey your remarks, and we will help you unmute your microphone. To allow us to hear from everyone who wishes to speak, we ask that you limit your remarks to three minutes. A three-minute countdown clock will run on the screen. If you're participating in zoom, at the three-minute mark your time will expire, and you will be asked to conclude your remarks. Again, if you do wish to turn on your camera, we will be able to see you. Next slide. Additional note of those of you joining us by phone today. I don't know that we have anyone, but I'll go through the instructions just in case. If you wish to provide testimony via telephone, I will call out your name and you'll select "Star 9" when prompted. Please listen for me to call out the last three digits of your phone number, at which point you'll be given the temporary ability to share your testimony. You'll need to press "Star 6" to unmute your telephone, and we'll be able to hear you. When your testimony is complete or your 3 min have expired, whichever comes first, you'll press "Star 6" again to mute yourself. If you would like to participate via phone, we'd still do ask you to register via phone using the dial in participant hotline that's available on NYC Engaged and that was shown on the screen earlier in this meeting. Please note that muting and unmuting speakers does take a moment, so we appreciate everyone's patience. Next slide. Time limits. Speakers from the general public have three minutes to give testimony. There are a few exceptions to the three-minute time limit. Elected officials, for example, are given the courtesy of jumping to the front of the queue, and are not limited to three minutes. To those of you joining us who might also be viewing the live stream, please be mindful of potential background noise during your testimony. Make sure the live stream is muted when you begin your testimony to avoid hearing an echo. Next slide. If you wish to submit written testimony, it can be submitted to the Department of City Planning. Our mailing address is shown here on the screen. It's 120 Broadway, 31st floor, New York, New York, 10271. And that can be to my attention, Stephanie Shellooe. We also have an email address set up for this project which I know we've already received comments from some of our participants today. the email comments can be mailed to 23DCP165K_DL@planning.nyc.gov. This information is all available on the NYC Engaged Portal and on the Department of City Planning's website. As a reminder, we will accept comments through Monday, August 7th 2023 at 5 PM. Next slide. If you miss the instructions at all this afternoon, please visit www.nyc.gov/nycengage for instructions on how to participate and provide testimony. We will now move on to the first part of the meeting, where the applicant will present an overview of the Proposed Project. This presentation will be followed by the environmental consultant, who will summarize the Draft Scope of Work. So I will now turn it over to David Rosenberg and the rest of the applicant team for this presentation. Thank you.

2.
00:13:34 Presenter 1 - David Rosenberg: Thank you. Good afternoon. My name is David Rosenberg, of Phillip Nizer LLP. Our office represents Franklin Avenue Acquisition, LLC in this application. Next slide, please. In this presentation, we're going to identify the CEQR Lead Agency and other interested agencies. Then, Bruce Eichner of the Continuum Company will introduce the development team and give an overview of background behind the project. Sean Dawson, of Hill West Architecture will then present the Proposed Development. I will come back to discuss the specific proposed land use actions, and then John Mcnally, a Philip Habib & Associates will discuss CEQR and the Draft Scope of Work. Skip two slides, please. The Department of City Planning acts on behalf of the City Planning Commission will serve as the lead agency. Other interested agencies include the Departments of Transportation, Environmental Protection and Parks and Recreation. The list of interested agencies may change throughout this process if additional significant adverse impacts are identified Next slide. In addition to the Applicant, the development team includes the Continuum Company and Lincoln Equities Group. Hill West is the architect and Philip Habib & Associates is the environmental consultant Phillips Nizer is land use counsel.
Two slides, please. And now I'm going to turn over to Bruce Eichner to talk about the background of the project.

3.
00:15:19 Presenter 2 - Bruce Eichner: Am I live? Can you hear me?

4.
00:15:22 Presenter 1 – David Rosenberg: Yes.

5.
00:15:26 Presenter 2 - Bruce Eichner: Good afternoon ladies and gentlemen. It is both a privilege and an honor to me to introduce our mixed-income, contextually-zoned 14-story building known as 962-972 Franklin Avenue. I will be submitting more extensive remarks to the record, but simply want to use this opportunity to thank this administration, and DCP in particular, for their commitment to getting stuff done and helping to address the increasingly alarming problem of affordable housing for all residents of New York City. Before I hand the presentation over to our to (discretion?) consultants, I'd like to make two points. The first is that, unlike any other project coming before this commission, this project is being developed under the template of Union DFO. Union builds with a robust community outreach or union tradesmen and women in our community union (for the X?) through the AFL-CIO Housing Investment Trust, which is a union pension fund, and union-operated by our (commerce?) friends union 32BJ. Lastly, I wanted to point out that we've reduced the scope, (?), and height of this project from its original, two-building aggregate 78-story development by 82%, resulting in a completely contextually-zoned, one mixed-income, 14-story building. We look forward to working with all the shareholders in the Crown Heights community to ensure a

project which we can all be proud of. With that, I will turn the presentation over to Sean Dawson. Thank you.

6.
00:17:27 Presenter 3 - Sean Dawson: Thank you, next slide, please. Good afternoon, my name is Sean Dawson, I'm from Hill West Architects, and I will discuss the proposed building concept. This is a good image to understand the Project Site. It's a midblock site on Franklin Avenue, north of Sullivan Place and Empire Boulevard to the south and it's south of Montgomery Street to the north. It has the shuttle rail cut to the west, and you can see PS. 375 and Jackie Robinson playground to the east. Next slide, please. This angled aerial view helps to show the size and context and the surrounding buildings. It gives you another contextual view. Next slide, please. The building site is specifically Lot 63 and 66 as highlighted here on Block 1192. Note the location of the Rezoning Area boundary. It's 285 feet from the intersection of Montgomery and 150 feet from the intersection of Sullivan Place to the south, which is along the existing R8 district that borders the Site to the south and to the west. Next slide, please. These photos show the current structures on the site with Lot 66 being a vacant site, that was, you know, more evident on some of the earlier aerial slides, but can be seen here as well and Lot 63 having a one-story building as seen most clearly in image A. Next slide, please. A proposed building is a quality housing contextual massing with the continuous street wall along Franklin Avenue. It's a 15-foot setback above the 10th-story street wall. This mixed-use building will have a ground floor retail at the street with residential above, the total roof height of the building will be below the 145-foot height limit with 14 stories. Next slide, please. This location has multiple transit options with the 2, 3, 4, 5, and shuttle trains available to the north on Eastern Parkway and the B, Q, and shuttle trains available to the south at the Prospect Park station. It also has access to the B43, 48, 49 B16, B41 buses are also in the vicinity. Next slide, please. The proposed building will be a 14 story with the roof below the 145-foot height limit. Approximately 8,000 square feet will be commercial space at the ground floor street level. The building will contain approximately 100 or 70, sorry, 71 off-street parking spaces at the rear of the ground floor. The proposed building will contain approximately 475 dwelling units, of which approximately 119 will be permanently affordable as per MIH. Next slide, please. Next slide, please. This conceptual ground floor plan shows the residential lobby entries and the retail on the Franklin Street frontage there, at the bottom, in the pink and the orange. At the rear of the site is enclosed accessory parking, at the back of the ground floor. Next slide, please. And here is a proposed axonometric drawing showing the building in the context of its neighbors. The 14-story height and setbacks at the 10-story, Franklin street wall can be seen in relation to the rest of the building massing in its surroundings. Next slide, please. Thank you for your time, I will now pass the presentation on to my colleagues to discuss the proposed actions.

7.
00:21:18 Presenter 1 - David Rosenberg: Thank you, Sean, next slide, please. Oh, I'm sorry. So, as Mr. Eichner mentioned, the Applicant's main goal is to create critical workforce, mixed-income housing here in Crown Heights. Additionally, this project seeks to extend and revitalize the retail corridor along Franklin Avenue. The project seeks to revitalize vacant, underutilized land for a compelling public purpose. Further, consistent with the goal set forth by the city in City of Yes and in Housing our Neighbors, the project seeks to add residential density and new affordable housing in a transit-rich area. Next slide, please. To accomplish this, the Applicant is proposing three actions. The first is a zoning map amendment to change the zoning on the Applicant-owned Development Site as well as fractional parts of some of the adjoining lots from the existing R6A zoning to an R8A zoning district with a C2-4 commercial overlay along Franklin Avenue. Next slide. So this diagram shows exactly where the zoning map amendment would be taking place. You can see the R8A district that exists along Washington Avenue, and then along Franklin Avenue by Sullivan Place, is extended slightly north to encompass the Development Site and small pieces of some of the adjacent parcels. Can you go back one slide, please? The second action is the proposed zoning text amendment which would amend the Zoning Resolution to establish a Mandatory Inclusionary Housing area on the Development Site which will ensure that future development on the site is permanently affordable. The final action proposed is a special permit pursuant to Zoning Resolution sections 74-533 to reduce the off-street parking requirement for the building in order to facilitate the construction of permanently affordable housing. And so with that, I will turn to John McNally of Philip Habib & Associates to discuss the Environmental Review for this project.

8.
00:23:30 Presenter 4 - John McNally: Thanks. Good afternoon, my name is John McNally from Philip Habib & Associates. I'll provide an overview of the Draft Scope of Work, which provides the framework for how the DEIS will be prepared. Next slide, please. The DEIS will be consistent with the guidance of the CEQR environment, sorry City Environmental Quality Review Technical Manual, also referred to as the CEQR Technical Manual, which is the standard guidance document for environmental analysis and review in the city. CEQR is a disclosure process by which decision-makers evaluate the potential for environmental consequences before approving a discretionary action. CEQR compares the future No-Action Condition to the future With-Action Condition through a Reasonable Worst Case Development Scenario. The EIS will analyze the incremental changes that could be reasonably expected to occur if the Proposed Actions are adopted. Public comments will be incorporated into a Final Scope of Work. A draft EIS will be prepared in accordance with the Final Scope of Work, and will then be published for public review and comment. A public hearing will be held on the DEIS, and all comments received during the hearing and subsequent comment period will be incorporated into the final EIS. Next slide. The analysis year for the proposed actions is 2026, which

is the year that the Proposed Project is expected to be completed and operational. A Reasonable Worst Case Development Scenario was established for the 2026 analysis year, with and without the approval of the Proposed Actions. In the absence of project approval, referred to as the "No-Action Condition," it is assumed that the Development Site would be developed with a 6-story, market-rate residential building, with approximately 168 dwelling units. In the future with approval of the requested actions, referred to as the "With-Action Condition," it is assumed that the Applicant's Proposed Project would be complete, as the Proposed Project would maximize the allowable floor area and height of the proposed R8A zoning district, the Applicant's proposed project would be considered the Reasonable Worst Case Development Scenario for environmental analysis purposes. The EIS will analyze the incremental changes between No-Action and With-Action Conditions. Next slide, please. As shown in the right-hand column of the table, compared to the No-Action Condition, the Proposed Actions are expected to result in a net increase of approximately 307 dwelling units, approximately 8,000 gross square feet of local retail space and a decrease of approximately 13 parking spaces. The proposed project would add approximately 774 residents and 36 workers to the Development Site compared to No-Action conditions. This incremental difference between the No-Action and With-Action Conditions highlighted here in the right-hand column of this table will serve as the basis of the impact analyses in the DEIS. Next slide, please. As detailed in the Draft Scope of Work and shown in this slide, the Reasonable Worst Case Development Scenario triggers analysis of 8 of the 19 impact categories outlined in the CEQR Technical Manual. The Draft Scope provides a detailed outline of how these technical areas will be examined, and for each of these technical areas it identifies study areas, types of data to be gathered and how this data would be analyzed and potential impacts quantified when appropriate. Based on the analyses presented in the Environmental Assessment Statement, the Proposed Project would not warrant further analysis of socioeconomic conditions, community facilities, historic and cultural resources, urban design and visual resources, water and sewer infrastructure, solid waste and sanitation services, energy, transportation, air quality, noise, and public health, as no significant adverse impacts would occur to these technical areas. I will briefly discuss a few of the technical areas to be analyzed in the EIS. For example, as the Proposed Actions would affect regulations and policies governing land use within the development site, an analysis of land use, zoning and public policy would will be provided. As the Development Site is located in the vicinity of the Brooklyn Botanic Garden and Jackie Robinson playground, and because the Proposed Actions would allow for a structure greater than 50 feet in height, an assessment of open space, shadows and natural resources will be provided. Construction of the Proposed Project is expected to take place over a period of approximately 33 months, and is therefore considered long-term pursuant to the CEQR Technical Manual, warranting a detailed construction analysis. The DEIS will assess potential construction impacts to noise, air, quality, and transportation. Next slide. In addition, the DEIS will include a mitigation chapter which would

describe mitigation measures, measures to address any significant adverse impacts that are identified in the technical analyses. Finally, an alternatives chapter will be included in the DEIS to evaluate reasonable options that may reduce or eliminate significant adverse action-related impacts. The alternatives are usually defined when the full extent of Proposed Actions are determined. At this time, the DEIS is expected to analyze a No-Action alternative, and an alternative that avoids any identified, unmitigated, significant adverse impacts. Other additional alternatives may be developed in consultation with the Department of City Planning during the scoping process. Next slide. The Draft Scope of Work can be viewed in it in its entirety online, using the link below at the Department of the City Planning website. Thank you. I will now turn it back over to Stephanie.

9.
00:29:10 Host - Stephanie Shellooe: Thank you to the Applicant team for that overview of the Proposed Project and the Draft Scope of Work. We will now move on to the second part of our meeting, at which point we'll receive testimony from elected officials, Community Board leaders and government agencies. When it's your turn to speak, your name will be called. You'll be promoted to panelist, which will allow you to unmute your microphone and the ability to turn on your camera. There will be a short period where it appears you're no longer in the meeting. Don't be alarmed. You should automatically rejoin the meeting as a panelist. If anyone is experiencing technical issues that prevent you from sharing your testimony, we'll pause, move on to our next speaker and allow troubleshooting to happen in the background with our dial in participant hotline. If you do have any issues and want to try to troubleshoot on your own, there are how-to guides on the NYC Engage website for assistance. Callers, or anyone having difficulty can also dial into our dial in participant hotlines. Calling any of these numbers shown on the screen, including that first, (877) 853-5247, and when prompted for a meeting ID, dial that number on the bottom, (618) 237-7396, and when prompted for a password dial one. All right. In this group, two of speakers which, we hear from elected officials, Community Board leaders and government agencies. We have one speaker, that is Andrew Wright, speaking on behalf of the local Councilperson's office. So, Andrew Wright, we will promote you to panelist, and you will kick off our speakers today.

10.
00:30:59 Speaker 1 - Andrew Wright: Hello! Good afternoon, everyone. My name is Andrew Wright, and I'm the Senior Director of Policy and Budget Initiatives, here to speak on behalf of Councilmember Crystal Hudson, who represents Council District 35, including the site of this proposed rezoning. The following statement is from the Councilmember. Quote: I have many concerns about this proposed development, but I will keep my remarks brief. In short, I oppose this project as proposed, given its detrimental impact on local community assets and the Applicant’s failure to secure robust community input for this

project. I cannot in good conscience support any project that is so damaging to one of the major cultural landmarks in Brooklyn, the Brooklyn Botanic Garden. The proposed 14-story, 145-foot tower would assuredly cast lengthy shadows on key community assets: Ebbetts Field Middle School, Jackie Robinson School, Jackie Robinson playground, the Prospect Park Zoo, Medgar Evers College, and most notably the Brooklyn Botanic Garden. According to a letter to City Planning Commission Chair, Dan Garnick, from Brooklyn Botanic Garden President Adrian Benepe, the development would "cause the loss of at least two hours of sunlight a day on the most sensitive areas of the collection, particularly in winter." Mr. Benepe adds that this loss would "devastate the Garden's world class collections and critical back-of-house propagation spaces resulting in a gradual but significant decline in plant health." The shadows would also prohibit the garden from cultivating many rare and endangered plants and undermine its conservation work. Let me be clear: I will not support any development that harms the Brooklyn Botanic Garden's collection. Additionally, I would need to understand the impact of shadows on other community assets from the Zoom-to-Local playgrounds before I could consider supporting any Applicant. As such, the City Planning Commission should require the EIS for this project to go beyond CEQR standards and analyze 1) the varying characteristics of shadows cast every week of the year 2) their impacts on BBG's collection and nursery and 3) their impacts on other community aspects. Additionally, our city's approach to development and planning is deeply flawed. Too often the City Council is asked to review individual applications for spot rezonings based on the merits of the applications rather than their impact on the local community, and without any robust investment from the city to accommodate for the increase density. For councilmembers, individual applications serve as a Catch-22. We need the city to commit to investing in planning growing neighborhoods before we feel comfortable approving projects, but the city won't commit to planning until we approve these projects that illustrate sufficient development interest in these communities and too often developers propose projects without any consultation with the community. In the end, negotiations are left until the final minute and without any robust input process. During the ULURP process for 960 Franklin a few years ago, community residents voiced frustration that they were neither informed nor consulted about this development. They noted how time and again developers come into their communities, propose a development that fails to meet the community's needs, and expect policymakers to fall in line. They requested greater community input on any development, including on the former spice factory site. Yet once again, the developers failed to bring community stakeholders to the table. This dynamic is why I also launched a unique project called Planning Together for our Future, with the assistance of urban planning and design from Hester Street. Through robust survey focus groups and independent research, we met district residents where they were to understand their priorities and needs for any new development in their neighborhood. Over the next few months, we will work to establish a land use vision and prioritization framework that will establish a set of community-established parameters for development in

our district. Functionally, it will serve as a rubric for myself and the Council to use when evaluating land use applications that do require Council approval. Any proposal that fails to meet a certain percentage of criteria as established by local residents would be a non-starter. Therefore, I cannot support any proposed rezonings until this rubric is completed and community priorities for Crown Heights are identified and finalized. In conclusion, given these concerns, I ask that the Applicant pull their application and do the work this community expects of them. Have a conversation with the Brooklyn Botanic Garden in good faith to ensure shadows or other environmental factors do not adversely impact this long-standing cultural institution's collection, and engage local community stakeholders in discussions on the type of development they would like to see in their neighborhood. Should the City Planning Commission certify this application, and the Applicant failed to withdraw, I will have no option but to mobilize the City Council to reject the application when it comes before the full body in a few months' time. Thank you.

11.
00:35:35 Host – Stephanie Shellooe: Thank you for your testimony and for your and the Councilmember's service to the community. All right. I will check our back-of-house, but I believe that that was the only speaker in that part two group to speak, so we will now move to part three of the Public Scoping meeting, where members of the general public will be invited to speak for up to three minutes, so I'll ask that we move to our slide with the time tracker. This tracker will start when you begin your testimony, whenever you, you know, begin speaking. As a reminder again, just when it is your turn to speak and your name is called, you will be promoted to panelist and allow you to unmute your microphone and turn on your camera if you wish. Again as a reminder, there'll be a short, a brief moment where it appears that you're no longer in the meeting, but you will automatically rejoin the meeting as a panelist. Please remember that after the three minutes have passed, you'll be asked to conclude your remarks. And as a reminder, if anyone experiences technical issues, I will pause, see if we can figure it out, and then move to the next speaker. But if you are able to rejoin, we will recall you. All right. We will now move to our speakers who have registered. The first speaker is Sinade Wadsworth, to be followed by Alicia Boyd and LaShaun Ellis. Synod Wadsworth, you are our first speaker. You'll be promoted to panelist.

12.
00:37:14 Speaker 2 – Sinade Wadsworth: Hello, everyone!

13.
00:37:14 Host – Stephanie Shelloe: Hi, welcome.

14.
00:37:16 Speaker 2 - Sinade Wadsworth: Can you hear me?

15.
00:37:18 Host – Stephanie Shellooe: Yes.

16.
00:37:18 Speaker 2 - Sinade Wadsworth: Hi! Good afternoon. My name is Sinade Wadsworth, I'm a representative for the New York City District Council of Carpenters. Thank you for the opportunity to testify today at this hearing, this project has been a long time coming. Myself, I am a tradeswoman who have been in the industry over 11 years. It is very crucial that projects like this and developers that are building a hundred percent union projects, union-financed, built, and operated. It's crucial for people of color, women, and those who are looking to change their lives. This union has given me everything that I have, everything that I own, and everyone should have that same opportunity. Right? It's not every day that you see a developer willing to build unions, willing to work with the community, willing to change (people's?) lives, and, most importantly, give people a pathway to the middle class. So thank you so much for the opportunity to speak today, and I look forward to seeing this project come to fruition. Thank you.

17.
00:38:27 Host – Stephanie Shellooe: Thank you. Thanks for being here and for providing your testimony. We will now move on to our next speaker, Alicia Boyd, to be followed by LaShaun Ellis, to be followed by Julia Bryant. Alicia Boyd, we will promote you, and you will have the opportunity to share your testimony. Hi, welcome!

18.
00:39:02 Speaker 3 - Alicia Boyd: Hi! My name is Alicia Boyd. I represent a community group called the Movement to Protect the People. I just wanted to say that it was my understanding that Adrian Benepe was going to be on this, on this hearing, and we would like for you to be able to push him forward so that he gets an opportunity to speak being that he's the President of the Brooklyn Botanic Gardens. I find my issue with this project is the fact that no one, according to the Scoping hearing, there's going to be a conservative look at the heights and shadow impacts. I don't see them taking into consideration the City of Yes, and the text amendments that are coming through that would actually increase the shadow impacts from the 40 feet that currently allows mechanical equipment on the buildings to now go up to 55 feet, and on top of that, putting other things on top of the mechanical voids on mechanical equipment that would actually increase the shadow impact to almost 8 stories. And so, I would want to make sure that when you conduct the shadow impact that you are taking into consideration the new regulations that are coming down, that will do that. Also, we noted that you are including other properties to be changed, 1% on 2 properties and 25% on another property. I don't see the rationale for that, except for giving the property owners the option to, once they have two zoning designations on that property, to allow them to kind of circumvent this process and go to the Board of Standards and Appeals and ask that the new zoning will then cover the entire lot. And so, the Department of City Planning has not necessarily stated why it is essential to have these other properties also gain the benefit of having an increased FAR on their property

sites and then not take into consideration the environmental impact, because it's only 1% knowing that there's a loophole in the law that will allow them further along the lines to actually increase that 1% to 100% and avoid an environmental impact on that. So I'm also concerned about that and I think that that needs to be addressed. Also, there's a concern-- I didn't see anyone talking about the racial impact analysis. There's supposed to be a racial impact analysis, I didn't see that a part of the scoping hearing. And so again, I'm concerned that that is not being discussed, especially when we're talking about Crown Heights South, which is a predominantly African American community, a low-moderate income community that this project will impact on negatively as far as displacement. And of course, the MIH, and what targets they are targeting for MIH.

19.
00:42:14 Host – Stephanie Shellooe: Your time is up. Please conclude your remarks.

20.
00:42:14 Speaker 3 - Alicia Boyd: I hope that you do take my comments into consideration, and that a full and robust shadow study is conducted with the anticipated increases that are anticipated by the City of Yes, thank you.

21.
00:42:30 Host – Stephanie Shellooe: Thank you. Thank you for your testimony, and just a reminder to all of our speakers: comments received today and in writing will be responded to in a Final Scope of Work document that will be published on our website. So thank you for your time and for your testimony here. We will move on to our next speaker LaShaun Ellis, to be followed by Julia Bryant, to be followed by Nicholas Smith. Lashaun Ellis, you're our next speaker. We will promote you to panelist, and you should have the ability to unmute your microphone.

22.
00:43:12 Speaker 4 - LaShaun Ellis: Hi, hi there! How are you?

23.
00:43:12 Host – Stephanie Shellooe: Good, welcome!

24.
00:43:14 Speaker 4 – Lashaun Ellis: Good, good! I am coming, give me a second. I'm sorry. This zoom business, you know, allows you to do all these things at once, so that is what I am doing. So I apologize, just give me one second. I'm here, My name is Lashaun Ellis.

25.
00:43:41 Host – Stephanie Shellooe: If we could just restart the time.

26.

00:43:48 Speaker 4 – LaShaun Ellis: Oh, yes, yeah. Okay. I live in Crown Heights, less than three blocks from the Proposed Development Site. We fought this rezoning -- the similar rezoning -- once before, and I'm here to oppose it once again. All that needs to be done is, remember the request by the Brooklyn Botanic Garden in 1991 that was turned into law for these three development sites flanking the garden. This law was made to protect the Garden from impending development. It is unfortunate that leadership and goals at the Garden have changed so much that the prior leadership responsible for selling off the sites, opening up the can of worms that we are now dealing with today. According to the website 6 to celebrate -- or 6 to be celebrated I guess I believe it is--.org, the spice factory, once a brewery, was the first in the United States to be powered entirely by electricity, built in 1900. It also has the long-gone Brick Garden Hotel, a restaurant, beer garden, entertainment venue. The complex was so influential that it had its own stop on the Brighton Franklin Avenue Shuttle line. I know it is probably too late for the scenario, as the building has never been registered as a historical site, a huge mistake. But a person can dream, without dreams we are dead. If DCP and developers are really interested in creating affordable housing that is truly affordable and helping to develop a community, the site is right for so many more innovative ways to do that. The city should be looking to partner with developers that would restore and incorporate this historic gem into a residential complex that stays within the as-of-right height limits for a nonprofit/ for profit, venture that could increase tourism and jobs and educate the public and residents about the rich history of the area while housing low to moderate income families, instead of supporting another land grab, and the demolition of a cultural and architectural gem. New York is proving to be at the bottom of the list of cities that preserve history so much as being erased right before our eyes before green because green is the order of the day. I encourage you to be more creative, more demanding, and protective when it comes to working with developers, make them work for the city and the people not the other way around. Stop giving away our land, our sun, our air, the rich can't own everything. One third of our city block for a dollar, and the people are left with $100 swim lessons. I please, I really implore you to vote against this proposal. Thank you.

27.
00:46:02 Host – Stephanie Shellooe: Thanks. Thanks for your testimony, and for taking time out of your day to join us. Our next speaker will be Julia Bryant, to be followed by Nicholas Smith, to be followed by Adrian Benepe. Julia Bryant, you will be our next speaker.

28. 00:46:29
Speaker 5 - Julia Bryant: Can you hear me?

29.
00:46:30 Host – Stephanie Shellooe: Hello! Welcome.

30.

00:46:32. Speaker 05 -Julia Bryant: Hi!

31.
00:46:40 Host – Stephanie Shellooe: Your microphone is very soft. If you're in.

32.
00:46:41 Speaker 5 – Julia Bryant: Can you hear me now?

33.
00:46:43 Host – Stephanie Shellooe: Yes, perfect. Thank you.

34.
00:46:46 Speaker 5 - Julia Bryant: Okay. I'm a member of Girl Trek, it’s a group of over 1 million women of color and their allies, who walk 30 min every day to maintain our health and our mental equilibrium. Many of our Brooklyn group walk in and around Brooklyn Botanic Garden. This application for rezoning for 962 and 972 Franklin Avenue across from the Botanic Garden, although it's a smaller height request it still will put shade on the Brooklyn Botanic Garden as well as the Jackie Robinson playground. We need as many green spaces as possible. I'm also a student of the rezoning. I'm a member of the Movement to Protect the People pro se legal team, and I realize on the face of this rezoning application, it's smaller in height. But this request will come with a later mechanical bulkhead requirement. This project will be much taller than the original application. This is a people of color neighborhood. We need our green space as much as our white neighbors. Please keep our comments into consideration. Thank you.

35.
00:48:16 Host – Stephanie Shelloe: Thank you. Thank you for your testimony and for joining us today. Our next speaker will be Nicholas Smith, to be followed by Adrian Benepe, to be followed by Maxine Barnes. Nicholas Smith does not appear to be in the Zoom. Nicholas Smith, if you are here or watching on the Youtube, please join the Zoom Meeting as soon as you can, and we will be able to hear your testimony.
All right. We will note that we'll pass over Nicholas Smith, but we'll come back to him if he is able to join. Our next speaker is Adrian Benepe, to be followed by Maxine Barnes, to be followed by Esteban Giron. Adrian Benepe, you are our next speaker.

36.
00:49:23 Speaker 7 - Adrian Benepe: Hi, good afternoon.

37.
00:49:25 Host – Stephanie Shellooe: Hi, welcome.

38.
00:49:26 Speaker 7 - Adrian Benepe: Well, thank you. My name is Adrian Benepe. I am President of Brooklyn Botanic Garden, or BBG. Thank you

for this opportunity to testify before you today to help ensure that all of the impacts of the Proposed Rezoning at 962-972 Franklin Avenue are fully understood. This rezoning seeks to double the maximum building height of the existing zoning, and to more than double the floor area ratio. Because of its location and density, it represents an existential threat to BBG's outdoor nursery yard, indoor propagation facilities, and conservatory display houses. The display houses, or pavilions as they are known, are the public gallery showing the plants of the world, and represent habitats and species dependent on full days of sun. The back-of-house spaces are an integral part of the garden's ability to repopulate the plants. We propagate there for the entirety of the 52-acre garden, and to store and maintain illegally sold and transported, rare, and endangered plants seized by federal officials. Our preliminary analysis of the proposal indicates it would cause a loss of at least two hours of sunlight a day on the most sensitive areas of the collection, particularly in winter. A loss this substantial to tropical and equatorial plants would devastate our world class living collections and critical back-of-the-house propagation spaces, resulting in a gradual but significant decline in plant health. BBG would no longer be able to grow certain types of plants, including many rare and endangered species of orchids, putting our conservation work at risk. I want to underscore that every part of the 52-acre botanic garden, which has been here in Crown Heights for 113 years, is dependent on the propagation and growing facilities expected to be impacted by the shadows cast by this Proposed Development.
All of BBG's annual perennial plants are produced in one of several nursery spaces for eventual out planting in the garden. There is no other place to accomplish this work. Therefore, the direct shadows on BBG's nursery yard and propagation facilities will have a dire potential impact on the entirety of the garden's living collections. BBG is not just a green space or display garden—we’re an educational institution that supports informal science education across the city specifically by housing and propagating equatorial, tropical, and desert plants. Without a viable conservatory and propagation facility, the Garden would no longer be able to offer the same caliber, free year-round education to New York city public school students. We welcome at least 200,000 students a year for hands-on planting projects in our greenhouse classrooms. We are a unique green space and sunlight-sensitive resource. Therefore, any EIS must fully account for special sunlight requirements of our globally significant collections. The current standards of analysis under CEQR do not go far enough, and sunlight impacts, beginning at dawn, should be conducted because the greenhouses, nursery, and conservatories are elevated and because plants respond immediately to sunlight, these collections will be affected by the earliest light of day In the late 1980s—

39.
00:52:35 Host – Stephanie Shellooe: Your time is concluded. Please wrap up your remarks.

40.
00:52:41 Speaker 7 - Adrian Benepe: I will wrap up, this is the most important part. In the late 1980s, the City of New York, in partnership with BBG, invested millions of public dollars to construct a new conservatory complex along Washington Avenue. In 1991, the City Planning Commission had the vision to cap building height on properties adjacent to the conservatory complex and the nursery yard in order to preserve BBG's access to sunlight. The needs of the sunlight-sensitive public resource have not changed, and nor should the zoning which was put in place to protect it. I want to conclude by mentioning our overall concerns about the shadow and environmental impacts on the entire Crown Heights neighborhood, including new shadows on Jackie Robinson playground, and on the public plaza and beautifully new landscaped public areas of Medgar Evers College. We therefore urge the Commission to include a careful assessment of those impacts on those important community open space resources. Thank you again.

41.
00:53:36 Host – Stephanie Shellooe: Thank you. Thank you for your testimony and for being here, and of course we will accept written testimony if you have not already submitted it to get your full testimony, if you weren't able to cover it. Thank you very much for being here, and for your time. Our next speaker is Maxine Barnes, to be followed by Esteban Giron, to be followed by Rowan Blaik apologies for any mispronunciations, feel free to correct me when you join. Maxine Barnes, you are our next speaker. You'll be promoted to panelist in just a moment.

42.
00:54:21 Speaker 8 - Maxine Barnes: Hello!

43.
00:54:22 Host – Stephanie Shellooe: Hi, welcome!

44.
00:54:25 Speaker 8 - Maxine Barnes: Thank you. Good afternoon. It is absurd that developers are here again, applying to destroy and shadow the Brooklyn Botanical Garden and the Jackie Robinson playground. The community is looking for the Department of City Planning to stop the madness, stop the over-development, extension of heights and the disregard for light, air, and of our green spaces. Please. Please. The community asks that you honor the 1991 community plan and environmental review that was put in place for just this reason. A plan to for posterity to limit heights that would shadow and kill the Brooklyn Botanical Garden, the gardens that the community rely on, absent adequate green spaces. We must adhere to the 6-story, as-of-right height, as planned by the 1991 community plan. Absent oversight, the elusive MIH program, broken promises of community benefits and never-realized affordable housing and (coin?) City of Yes, as passed by City Council, the Brooklyn Botanical Gardens would be shadowed and destroyed. We are already now the most dense community in the 5

boroughs, in New York. In closing, I'm very, very passionate about this and close, and please set a precedent and let developers know that you are seriously committed to a city of uncompromised infrastructure and against broad-stroke rezoning, allowing increased heights and shadows without consideration for green spaces, community residents and global warming, global warming's disastrous effects that we are, as I speak, feeling. Save our city, save our earth, and thank you for allowing me to speak for my community. I am President Emeritus of the 200 Sterling Street Block Association, and also member of M Time. Thank you, community.

45.
00:56:34 Host – Stephanie Shellooe: Thank you. Thank you very much for your for your testimony and for being here today. All right, we will move to our next speaker, Esteban Giron, to be followed by Rowan Blaik, to be followed by Charles Cantlow.

46.
00:57:02 Host – Stephanie Shellooe: Hi! Welcome.

47.
00:57:09 Speaker 9 – Esteban Giron: How about now? Can you hear me?

48.
00:57:11 Host – Stephanie Shellooe: Yes.

49.
00:57:11 Speaker 9 - Esteban Giron: Okay great. Hi! My name is Esteban Giron. I am a member of the Crown Heights Tenant Union. I'm also on the Land Use Committee of Community Board 9, and have been so for 6 or 7 years now, and basically pretty much everybody said what needs to be said here, I just want to add my voice to the course of people saying: we've talked about this. The 1991 Rezoning is our clear guideline. We've never varied from that. The community groups, the Garden, tenant groups, the Board itself, the Community Board itself. So, it's baffling that you would just do this all over again. The other thing that I think that needs to be addressed, and it's not necessarily the scope of the scope to do that, but it's concerning that the developer that's brought this application filed for bankruptcy on this property in November, and the same day, the property transferred to Cornell Realty Management, and for anybody who's familiar, the Franklin Avenue Rezoning, which is literally across the street from me. that's who bought that and so if you're listening, anybody from Cornell or from Continuum.
Remember that it took like 5 or 6 years of litigation, just to be able to get construction started on here because you did so many shenanigans with ownership. So don't go down that road again. We're here. We're not going anywhere. You may have property here, but we've been here for decades. You will not be able to outlast this. So do what you need to do. But like we're going to be here, so expect us. Thank you.

50.
00:58:46 Host- Stephanie Shellooe: Thank you. Thank you for being here, for your testimony, and your service on the Community Board. We appreciate it. Our next speaker will be Rowan Blaik, to be followed by Charles Canflow, to be followed by Janine Nichols. Rowan Blaik we'll promote you to panelist in just a moment. Hi, welcome!

51.
00:59:20 Speaker 10 – Rowan Blaik: Hello, there! Can you hear me okay?

52.
00:59:22 Host – Stephanie Shellooe: Yes.

53.
00:59:24 Speaker 10 - Rowan Blaik: Thank you. Thank you for the opportunity to speak today, my name is Rowan Blaik, I'm Vice President for Horticulture with the Brooklyn Botanic Garden and I've worked here for 6 years. These new proposals are grossly out of scale, given their very close proximity to the most sunlight-sensitive areas of the garden. Any development there above as-of-right will lead to irreversible, significant shadow impacts to the garden. This loss of sunlight would affect the Garden year-round. In the areas immediately, at risk of change from rezoning-- mainly the greenhouses, nursery, conservatories, and surrounding grounds--we grow plants from around the world, from deserts, warm, temperate, and tropical regions, all of them requiring natural daylight and day length. Our grasshouse facilities hold over 18,500 plants representing almost 7,000 species in almost 200 families, and we grow more than 150 endangered species. Around 20% of our permanent collections are grown there, and it's taken over 100 years to build up these collections. Like a museum, not all of our collections can be on display at any one time. 70% of our collections are held behind the scenes and cycled through our display houses when at their very best. In addition to these collections, we grow more than 25,000 plants annually for outdoor display and community giveaways. Nursery and propagation facilities are the heart of any garden. Preliminary studies show the gardens naturally would lose sunlight in every season throughout the growing season, including more than two hours in peak season. For these types of plants, a mixture of woody and herbaceous perennials and seasonal plants, summer is their peak season. In winter, as shadows are cast further north, the conservatory facilities will be negatively impacted. This includes our display houses and pavilions, back-of-house growing, and propagation areas. The majority of these plants come from sunlight-rich environments, for example, the desert and tropical regions, and they do not have an offseason. They need sunlight for growth and survival year-round. Winter sunlight also helps heat our glass houses through solar gain, reducing the garden's energy use. There's no substitute for natural sunlight and no practical or sustainable mitigations to sunlight loss of this kind. Much of the plant material we grow is not commercially (grade?), available, or easily replaced. Reducing the diversity of plants we currently grow, our ability to propagate new plants and to replenish our existing collections garden-

wide, not just where the proposed shadows will fall, will lead to permanent harm to the gardens. Typical to all botanic gardens, around 5% of our collections have to be replenished annually. These spaces are vital for that, but even with current light levels, (should be?) these propagation and growing facilities, over half our current collections would be gone in a decade. Finally, a reminder that BBG is both a series of gardens within a garden and a garden and collection as a whole. It is a sunlight-sensitive resource, indoors and out, and should receive the highest level of study above and beyond CEQR standards, not just cherry-picking individual plants or individual areas here and there. Sunlight lost through rezoning would damage the garden every single day of the year. Thank you for your time.

54.
01:02:31 Host – Stephanie Shellooe: Thank you. Right at the buzzer. Thank you for your time and for being here today. Our next speaker is Charles Cantlow, to be followed by Janine Nichols, to be followed by Ricky James. We're not seeing Charles Cantlow in the Zoom at the moment. Charles, if you are joining, or if you are viewing us on the Youtube, please join the Zoom Meeting as soon as you can, so that we can hear your testimony. We will note that we are skipping Charles Cantlow for the moment and move to our next speaker. Our next speaker is Janine Nichols, again to be followed by Ricky James, to be followed by Grahame Conibear.
Janine Nichols, you're our next speaker, we'll promote you to panelists, and you will be able to share your testimony.

55.
01:03:32 Speaker 12 - Janine Nichols: Yes, can you hear me?

56.
01:03:34 Host – Stephanie Shellooe: Yes, welcome.

57.
01:03:35 Speaker 12 – Janine Nichols: Alright. So my name is Janine Nichols, and I am part of the pro se legal team that pursued Bruce Eichner for the 45 stories, or whatever it was that he previously wanted to build on this site. I can't help noticing the King Kong poster in his office or his beginning this the whole this testimony by saying he really doesn't have much to say, which I find fascinating, because there is so much to say and what he is trying to do would cause so much damage, but he doesn't really have very much to say about it. I would remind the Department that when we were fighting Bruce Eichner successfully in court with his previous monolith, he threatened us with a 6 story market-rate like, I'll show you. I'll abide by the 1991 plan, and you'll have to deal with, you know, 6 story apartments for rich people. But the history--what's going on in the city is that developers are constantly requesting rezoning, you know, variances and text amendments blah blah blah, in the name of building affordable housing, and they never build any affordable housing, not any. Just this morning I saw a thing in the Guardian saying the average rent in New York is now $4,500. So the idea that

he's the this, this monolith, it looks frankly as somebody I saw in a text a private text, but it looks like a prison, this thing, and these walls of glass along the avenue. They do not create, you know, street life. I mean you. You can look at any street in New York where we are reduced to just.
you know, shoe box stores, and you know there's no life to them, and there won't be any from this building. I want to remind you that, shadow studies, typically developers will try to do a shadow study that doesn't take into--I'm thinking of Cornell realty-- they don't take into account topography, right? So a building that's uphill from, you know, cast a larger. No, they pretend, like the whole city is flat, like a piece of paper. So if's there's going to be a shadow study. It has to take into effect, into account the topography of the area. I could go on and on with my rage about this, but the idea that we're even talking about something that the Botanic Gardens says will massively affect the plant life—Bruce Eichner was ready to kill half the plant life in the Botanic Gardens over a 10-year period to make a buck. And now at 14 stories it's not a real number, because the text amendments will go through and the height will go up, and it's all a farce, and 6 stories as of right, that's it. Thank you.

58.
01:06:37 Host – Stephanie Shellooe: Thank you. Thank you for your testimony, and for joining us today. Our next speaker is Ricky James, to be followed by Grahame Conibear, to be followed by Constance Lesold. Ricky James, you're our next speaker. You will be promoted to panelist in just a moment. And thanks everyone for your patience, it is taking a second for folks to be promoted to panelist.

59.
01:07:12 Speaker 13 – Rickie James: Hello, can you hear me?

60.
01:07:14 Host – Stephanie Shellooe: Hi, good afternoon! Welcome!

61.
01:07:17 Speaker 13 – Rickie James: Welcome. My name is Mr. Rickie James. I'm a preservationist from the State of New York. I am also a trustee at Park Slope Civic Council. I would like to rescind my speaking opportunity. My major concerns of the community's quality of life there, affecting the neighborhood's character. Please preserve your history, the walk of fame, the Civil War plaques, and monuments inside of that neighborhood. Thank you. End of my testimony.

62.
01:08:00 Host: Thank you, thank you for being here and for your testimony. We will now move to our next speaker, Grahame Conibear, to be followed by Constance Lessel, to be followed by Teresa Westerdahl. Grahame Conibear, we will promote you to panelist in just a moment, and you will have the opportunity to share your testimony.

63.

01:08:21 Speaker 14 - Grahame Conibear: Good afternoon. Can you hear me?

64.
01:08:22 Host – Stephanie Shellooe: Yes, welcome.

65.
01:08:24 Speaker 14 - Grahame Conibear: Good afternoon, my name is Grahame Conibear, I'm simply a concerned local resident in the neighborhood. I can be fairly brief with my comments. I would strongly urge that those reviewing this application pay very careful attention to the points so carefully and eloquently made by the president of BBG and his colleague from the Plants Department. I'm very concerned about the height, the additional height of the mechanicals which I think would typically add another five stories to the height of this building. You simply have to look at surrounding new developments in this neighborhood to see the trick that the mechanicals play with the suggested height limits. But most of all, I think the concerns of BBG have to be the overriding consideration here. Thank you for the opportunity.

66.
01:09:17 Host – Stephanie Shellooe: Thank you. Thank you for your testimony, and for joining. Our next speaker is Constance Lesold, to be followed by Teresa Westerdahl, to be followed by Nichola Cox. Constance Lesold, you are our next speaker.

67.
01:09:34 Speaker 15 - Constance Lesold: This is Constance Lesold. Can you hear me?

68.
01:09:39 Host – Stephanie Shellooe: Yes we can, welcome.

69.
01:09:40 Speaker 15 - Constance Lesold: Thank you very much for the opportunity to speak on this matter. I'm speaking as an individual. However, I am also speaking as a member of, as the founder of the Committee of 100 to make the Brooklyn Botanic Garden free again, which it is now. There is no reason that anyone who wishes to come to the Gardens cannot come regardless of their income, or what. I'm also the founder of the Garden over the Franklin Avenue shuttle, which is referred to as the Brooklyn Botanic Garden stop and have worked with the Brooklyn Botanic Gardens since the 1970s on various of their assets and problems and what have you, and it has been a great pleasure. And I think the one thing that has been left out of what it has been said, and I support every speaker before this, every single one, is that we have not taken into account that the Brooklyn Botanic Gardens is really an international institution. If you asked Adrian Benepe who his members are, they come from all over the world as well as the neighborhood, as well as all over the United States. What you do will go to those places, and it will serve as a symbol of what New

York stands for. Do we stand for doing something about global warming, protecting our greenery and our gardens that are supposed to be the main way that we become educated over these issues? Do we stand for all these things, or do we just stand for a little more money in a developer's pocket, which in the long run will be less money in everybody's pocket, because if we do not protect the planet from global warming well, we can all use our imaginations of where that is going to go, but it is not going to make us a richer country or a richer world. So I beg you to look at the larger picture and be a city planning that plans for the long run and that plans for everyone, not just a few. Thank you for the opportunity to testify, and I will continue to work with the Botanic Gardens on all of its issues.

70
01:12:17 Host – Stephanie Shellooe: Great. Thank you for joining and for your testimony. All right, moving to our next speaker. Our next speaker is Theresa Westdahl to be followed by Nichola Cox, to be followed by Liberty Guitjens. Theresa Westerdahl, you are our next speaker.

71.
01:12:43 Speaker 16 - Theresa Westerdahl: Hi! Can you hear me?

72.
01:12:44 Host – Stephanie Shellooe: Yes, welcome.

73.
01:12:46 Speaker 16 – Theresa Westerdahl: I wrote an entire speech, and I lost it before this started just to let you know, so I'm speaking off the cuff. My name is Theresa Westerdahl. I live on Sullivan Place. I live very close to the Sullivan, or to the Franklin Avenue Spice Factory, it is known as project. I raised a child here. I'm a homeowner. I've lived here for almost 2 decades. I'm a Brooklyn Botanic Gardens fan as well as Prospect Park. The 6 stories, I think, is fine. 14 stories, however, I am completely against, especially with the City of Yes bylaw changes that aren't being taken into account. It's going to make it even higher. It's going to negatively impact the Botanic Gardens, and not only the Botanic Gardens, but the Jackie Robinson School, which has its own garden and playground in that area. The plan, as I see it, the design--it's horrible. It's just like, a facade of nothing, you know there's no street-level engagement there. There's nothing friendly. I see no bike racks. I see no containers. I see nothing that's going to afford engagement with the city. I want one hundred percent affordable low-income and moderate-income housing. This is not going to happen there. I also know that -- and I have seen nobody talk about it -- is that the spice factory has some epic cork cellars, world-renowned in some circles. It used to be, before it was a beer, or excuse me, before it was a spice factory it was used for making beer, and those cork cellars are extremely rare, and I see nothing about what's going to be done to preserve and protect those cellars, and that they're even there. Nobody is mentioning it. I don't see it helping my neighborhood whatsoever we don't even have, we don't

have a pool that is free for the community to use here. We had a drowning in the park recently. We don't have a senior center that everybody can use. We need all these services, and it's not happening at all. We've been given many false promises. We've been fighting against this height and 14 stories is too much. Six stories is fine, so I hope that I made myself understood. I would prefer that the whole area be taken over and be an extension of the Botanic gardens, and be used for high-rise, gardening and other environmentally safe considerations, if that makes sense, for our neighborhood. We are in dire circumstances in this incredibly dense neighborhood over here, with the current development, it's happening and DOB is not exercising proper enforcement in my neighborhood.

74.
01:15:56 Host – Stephanie Shellooe: It’s time, please conclude your remarks.

75.
01:15:57 Speaker 16 - Theresa Westerdahl: Okay, we have poor air quality. We have dumping. It's really bad what's happening here, we’re one of the densest, I think the second densest neighborhood in the city.

76.
01:16:09 Host – Stephanie Shellooe: Thank you, your time has concluded. If you do want to provide your written testimony, please feel free to do so. We'll share that information again at the conclusion of this meeting. Thank you very much for your testimony. Alright, our next speaker will be Nichola Cox, to be followed by Liberty Guitjens, to be followed by Barry James. Nichola Cox, you are our next speaker.

77.
01:16:44 Speaker 17 – Nichola Cox: Good afternoon.

78.
01:16:46 Host – Stephanie Shellooe: Hi, welcome.

79.
01:16:49 Speaker 17 - Nichola Cox: Thank you. Okay. My name is Nichola Cox, and I live in Crown Heights, a few blocks from the spice factory and the Botanic Gardens. Theresa, who just spoke, is a neighbor of mine, as well as LaShaun and several others that have spoken today. I was born and raised in this community, I was a child gardener at BBG, and I'm currently the President of the Sullivan Lefferts Gardens Neighborhood Association. Our block association is within the quarter-mile, secondary study radius for this project. Now, we have several members of our block association that have lived in the community since the 60s and 70s, including members who are now in their 90s, and my grandmother, who's 106, but they're all still actively involved. For the past several years, we've supported MTOP and BBG's efforts to protect the Botanic Garden and this neighborhood from outsized

development projects by maintaining the 1991 Franklin Avenue community plan, and we still hold the position that development along Franklin Avenue should adhere to the height limits set by that 1991 plan. As Teresa and others have mentioned, Community Board 9 is already one of the densest in New York, and with that said, we still have several additional large projects, development projects, underway to add to our density. We have Cornell Realty's Franklin Avenue rezoning project that's, you know, has broken ground. We have an almost complete building on Washington Avenue and Sullivan Place, a mixed-use building at Bedford Avenue and Empire, where the Firestone was, a mixed-use development on Nostrand Avenue, between Montgomery and Sullivan Place, where the Associated Supermarket was, and the Bedford Union Armory took up an almost an entire block for a dollar which was supposed to provide affordable housing and for the most part it's just been more luxury development. And these are just some of the projects along with other as-of-right developments. So again, our belief is that we, as a community, have done our fair share in supporting New York City's housing needs. The bottom line is that there's no need to build another tower on Franklin Avenue which places the Botanic Gardens and the surrounding community at risk, point-blank period. Nothing beyond as-of-right development is needed. As far as this scoping for the EIS, our request is that in addition to gathering a list of the other development projects underway. A cumulative impact assessment be performed to understand the full impact to this community of the multiple planned projects, including shadows created, impacts on parking, impacts on water sewage, our mass transit systems, etc.

80.
01:19:56 Host – Stephanie Shellooe: That's time. Please conclude your remarks.

81.
01:19:59 Speaker 17 - Nichola Cox: Okay. In addition, the shadow study for this development doesn't seem to provide, include additional heights resulting from MIH, the QA, or the potential City of Yes text amendments. As others have already mentioned, it's critical to fully understand the

82.
01:20:15 Host – Stephanie Shellooe: Thank you for your testimony. Please submit your written testimony so you can share the remainder of your of your thoughts. We appreciate your testimony, and for you being here today and making all those points. Our next speaker will be Liberty Guitjens, to be followed by Barry James, to be followed by Erwin Cantos. Liberty Guitjens, you are our next speaker.

83.
01:20:45 Speaker 18 - Liberty Guitjens: Hi! Can you hear me?

84.
01:20:48 Host – Stephanie Shellooe: Hi! Yes, welcome.

85.
01:20:48 Speaker 18 - Liberty Guitjens: Okay. My name is Liberty Guitjens. My mother is Theresa Westerdahl, so she's a child that, or I'm the child that she raised here. So I'm Liberty Guitjens, I'm 18 years old, and I've lived on Sullivan Place for my entire life. I grew up going to the Brooklyn Botanic Gardens and Jackie Robinson playground since before I could remember, and it's been a place for not only me, but for the neighborhood and others to escape the city's heat and global warming. Rezoning areas in Crown Heights in other neighborhoods is selfish, due to the destructive nature of the huge buildings towering over residents. Instead of wealthy companies developing retail locations and slapping a band aid of affordable housing on the proposal, which none has been created, the community must decide what we need. As a young person myself, it's necessary to protect Crown Heights and surrounding neighborhoods, from the shadows that the project would cause. We need to preserve the natural environments in this beautiful neighborhood for the community's health, our children and future generations by rejecting this proposal, and others like it. I do not support the 14-story rezoning proposal on Franklin Avenue, as the zoning should not go above the limit of 6 stories. Thank you.

86.
01:22:10 Host – Stephanie Shellooe: Thank you. Thanks for your testimony and for getting involved today. Our next speaker is Barry James, to be followed by Erwin Cantos, to be followed by Michael Piccirillo. Barry James, you are our next speaker. All right, it appears that we're having some trouble giving Barry James the ability to become a panelist. I'm just going to check something here in the background. Okay, Barry James, we will see if we have another way to get in touch with you for you to provide your testimony. Otherwise, we will move on to our next speakers, Erwin Cantos, to be followed by Michael Picarillo, to be followed by Hector Robertson. Erwin Cantos, you will be our next speaker. Erwin Cantos, it looks like we are also having some technical difficulty giving you the speaking privilege. If we can just go back for a moment to Barry James and try to allow them to speak from the attendees column. Hi, welcome! Are you able to provide your testimony? Okay, it looks like you are unmuted, but we are not able to hear you in this meeting, so we'll continue to troubleshoot. Let's move on to Erwin Cantos, and see if we are able to allow them to speak from the attendees column. Erwin Cantos, if you are able to unmute yourself and provide your testimony. Okay, all right. We will move on to our next speakers. The next speaker will be Michael Picarillo, to be followed by Hector Robertson, to be followed by Suwen Chong. Michael Picarillo, you will be our next speaker.

87.
01:25:25 Speaker 21 - Michael Piccirillo: Hello! Can you hear me?

88.
01:25:30 Host – Stephanie Shellooe: Yes, I can hear you.

89.
01:25:31 Speaker 21 – Michael Piccirillo: Okay. Good. Hi, everyone. My name is Michael Picarillo. I am the area standards manager for the New York City District Council of Carpenters. I speak on behalf of our 18,000 members, many of which live in the borough of Brooklyn, many of which also live in Crown Heights and surrounding areas. I'm just speaking in full support of this project. This project is going to create many family-standing wages for the, for the people who work on the project and the people in the neighborhood. We also provide apprenticeships to people who, which is the gateway, basically, to the middle class. You know, my family, I'm a second generation carpenter, my mother actually grew up in that, in the neighborhood. You know, we definitely full support, you know, it's kind of hard to find a project that's 100% union that you don't have to fight for. This is one of those projects, very unique in in this time, where they recognize the need for, you know, family-standing wages, benefits, retirement and apprenticeships, so we definitely are in support of this project. Thank you very much.

90.
01:26:37 Host – Stephanie Shellooe: Thank you. Thanks for your testimony, and for being here. Our next speaker is Hector Robertson, to be followed by Suwen Chong. Hector Robertson, we'll promote you in just a second. I also see you registered to testify via dial in, if you are the phone number ending in 147, who's joined the meeting please raise your hand by pressing "Star 9." Oh, it looks like you are in the meeting here in zoom. Hi! Welcome!

91.
01:27:17 Speaker 22 - Hector Robertson: Can you hear me?

92.
01:27:18 Host – Stephanie Shellooe: Yes we can, welcome.

93.
01:27:20 Speaker 22 - Hector Robertson: Great thanks, thanks for providing the opportunity. My name is Hector Robertson, and I live just a few steps away from the proposed site for this building. I raised my family right here in Crown Heights, and I have been an active member of the community through the Crown Heights Community Council and the Washington Avenue (of the Towning?) Block Association, 10 and group. I ran for City Council in the last, in the election cycle before the last one, and the reason why I did that was because of issues like this, overdevelopment in our community. I'm not going to go specifically into the technical aspect of this project, but I would like to focus more on how developers come into our local community to propose developments that do not benefit most of the community, especially African Americans in Crown Heights. The old concept of affordable housing has become (all boring?) entire. New York City right now has over 70,000 family individuals and working people living in shelters across the city, so that concept of affordable housing really goes out the window. We should actually

really be paying attention to those people. All those developments do not even seem to benefit any of those people in any way, shape or form. The potential of shadows impacting the Botanical Garden, the lack of community support of this project, really should give pause to these developers to really understand that the community is not standing behind you on this type of development. It's incredible the lack of apathy and understanding that they actually show when they don't really listen to the community. We have seen the explosion of gentrification in our community and what it's done to our community. This building is just another reason for adding density to our community. And for the most part, these new buildings, they're all mostly standing empty or occupied by transit gentrifiers. Finally, for our union members, my family has union members, and I am happy to see that developers are including union workforce to get these developments done. But the fact of the matter is that this particular development, this particular development, is not a good development for our community, and I am more than willing to support union members, given the opportunities to work on full development projects. But that does not, does not come at the expense of the community. We just don't think this is the right project for our union members. Thank you.

94.
01:29:52 Host – Stephanie Shellooe: Thank you. Thanks for your testimony, and for being here. We are to the end of our speakers list. Our next speaker here is Suwen Chong. Suwen, we will promote you and you will be able to provide your testimony.

95.
01:30:13 Speaker 23 - Suwen Cheong: Hi, thank you. I'm a resident of Community District 9, and I'm a member of Community Board Nine's Land Use Committee. I have concerns about the precedent that this upzoning would set in terms of being able to protect our other residents in the area through appropriate zoning. The developer sites the adjacent R8A zoning on Washington Avenue, but that is actually not the context of Washington Avenue. Almost all of the apartment buildings there fit in R6A zone, and this has caused a lot of problems. For example, a building owner who tried to put 9 stories on top of an occupied 7 story building, the One Sullivan building that was mentioned by someone else, it's got six stories cantilevered over an occupied six-story building that caused cracking and shaking of the tenants' apartments on the top floor. The purpose of zoning is to protect public health and safety, and so we do want to address that in the future and we don't want this R8A zoning to be seen as the context of this area. Second of all, I agree that City of Yes needs to be taken into account. It's going to add heightened density for mechanicals. There are also what looks to be some FAR freebies in there, for example if a developer does a rooftop solar array, they can call it a community facility which comes with a 1.0 FAR bonus normally, but they can use the permitted obstruction rules to host the rooftop solar. So it looks basically like a freebie, plus double counting of the FAR bonus for passive house and permitted obstructions. So this is just

adding one thing after another, these developments getting bigger and bigger, and maybe it's time to dial back the baseline from the existing R6A to an R6B. Finally, you know, we're all concerned about the Botanic Gardens, of course, the impact of the height and the shadows. Yeah, you know, we've heard this one for what seems like several years, and, you know, we'd really like for the developer to come back with something that respects the community. Thank you.

96.
01:32:44 Host – Stephanie Shellooe: Thank you. Thank you for providing your testimony and for being here, and for everyone's patience. Our last registered speaker here is Barry and Deborah James. Again. I think we were having trouble. If you are able to unmute yourself, we're happy to hear your testimony.
Otherwise I will move, so for anyone joining us via phone who dialed into the Zoom webinar and if you did not have a chance to register, please indicate now that you would like to speak by dialing "Star 9." Okay. If there is anyone else who wishes to speak at this time, we are going to take a brief 5 min recess to allow anyone who has not yet had the chance to speak, to have the opportunity to go ahead and register. If we can go to the next slide. Sorry. 2 slides back, I think, with the registration info. Yes, perfect. So again, here is all the information of how to register, including our dial in participant hotlines. If anyone had technical difficulties that they were not able to provide their testimony today. We have this 5-minute countdown timer running on this clock, on the screen, so we'll convene in about 4 minutes and 4-and-a half minutes at about 3:37. So anyone who would like to stick around, we will be back in a few minutes to take testimony from any speakers who did not yet have the chance to register. Thanks.

97.
01:39:16 Host – Stephanie Shellooe: Hello, everyone. Welcome back. This is still the remote public scoping meeting for the 962-972 Franklin Avenue rezoning proposal. Again for the record, the CEQR number is 23DCP165K. I am still Stephanie Shallooe, the Director of the New York City Department of City Planning's Environmental Assessment and Review Division. We're currently on part three of the Public Scoping meeting where members of the public are invited to speak for up to three minutes. We had taken a brief five minute recess to allow anyone who had not had the opportunity to register to speak, to do so. If there is anyone who has not had a chance to speak, we do not have any more registered speakers in our queue, and so we will move to close the meeting. If we can go to the next slide. All right, so if no one else wishes to speak at this time we will move ahead to close the Public Scoping meeting. For those of you who had difficulty testifying today, or if you had any technological issues, or just did not wish to speak, please recall that you can submit written testimony online by selecting this hearing on the upcoming meeting's page of the NYC Engage portal at www.nyc.gov/nycengage. The information is also available on DCP's website, or by emailing or mailing your comments to the Department of City Planning at the email and mailing addresses

shown on the screen. As a reminder, the deadline for written comments is 5 PM on Monday, August 7th 2023, and we give the written comments the same attention and consideration as we do comments provided live at this meeting. As a reminder, all comments received will be thoughtfully considered and we do appreciate everyone's thoughtful testimony today. Comments will be considered and responded to in a Final Scope of Work that will be published on the Department of City Planning's website. Thank you everyone, really, for your participation and for being here today and your patience with our systems. Please reach out to this email with your written comments. The time is approximately 3:40 PM and this Public Scoping meeting is now closed. Thank you everyone, have a great afternoon.

From:	Sinade Wadsworth
To:	23DCP165K_DL; Stephanie Shellooe (DCP)
Cc:	Reynoso, Ask (BROOKLYNBP); William Wallace IV; Church, Carol-Ann; District35@council.nyc.gov; simonj@nyassembly.gov
Subject:	[EXTERNAL] 960 Franklin Avenue- Letter of Support - New York City District Council Of Carpenters
Date:	Saturday, July 29, 2023 10:01:13 AM

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To: The Department of City Planning

I am Sinade Wadsworth, the Eastern District Chair For the United Brotherhood Of Carpenters. With great pride, I am responsible for the Brooklyn borough as a representative of the New York District Council of Carpenters, diligently advocating for the rights and interests of over 20,000 committed members within the vibrant city of New York.

Eleven years ago, I embarked on a journey as a pre-apprentice through the Nontraditional Employment for Women program by the grace of GOD. This program trains and places women and non-binary individuals directly into with careers in unionized building and maintenance trades. It's the best decision I ever made.

I am here to passionately champion the cause of underprivileged and underrepresented communities. These deserving individuals must be made aware of the profound impact that this project has on them. Envision acquiring an invaluable skill that can never be stripped away, earning a living while continually learning, and obtaining essential medical benefits and a secure pension for the future. These opportunities will serve as a powerful catalyst for people who share my background, having faced unfair circumstances. Through such transformative projects, the pathway to the middle class and self-sufficiency becomes accessible.

I commend The Continuum Company for their unwavering commitment to a 100 percent unionized project—a rare feat in bustling New York City. When developers and unions unite, the possibilities are limitless.

The **Continuum Company** is the **ONLY** developer devoted to extensive community outreach for UNION labor in OUR communities, backed by tangible support from the AFL-CIO Housing Investment Trust.

It's time for our elected officials to recognize the power of this community redevelopment template - UNION BFO: Union Built; Union Financed, and Union Operated. Empowering this model will lead to a stronger, more prosperous community for all. We fully support this project and need your support.

PS: *If you know of anyone interested in joining the unionized building trades, please feel free to share my contact information with anyone you know. Together, we will build a better future where opportunity and prosperity flourish for everyone. Thank you.*

Sinade Wadsworth
Eastern District Chair
New York City District Council Of Carpenters
United Brotherhood Of Carpenters
Swadsworth@nycdistrictcouncil.org
917-376-5513

From: Mary Ann Fastook
To: 23DCP165K_DL
Subject: [EXTERNAL] Brooklyn Botanic Garden scoping meeting
Date: Thursday, July 27, 2023 10:22:40 AM

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I am a member and volunteer at the Brooklyn Botanic Garden. I have examined the paperwork submitted by the developer and find that while he has reduced the height of the building he wants to construct, it is still too high to save the Brooklyn Botanic Garden from damage through lack of sunlight. The city zoned the area along Washington Avenue at 7 stories for the very good reason: to allow the flora and fauna of the garden to flourish which it will not if there is a taller building built. In addition, the Garden contributes to science by undertaking research to find ways to protect plants from pests, climate change etc. This project should not go forward. Please do the right thing and protect the jewel that is the Brooklyn Botanic Garden. Mary Ann Fastook

Sent from Mail for Windows

From: molofsky@aol.com
To: 23DCP165K_DL
Subject: [EXTERNAL] Brooklyn Botanical Garden -construction
Date: Wednesday, July 12, 2023 10:36:16 AM

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Any construction which in any way negatively impacts on the Brooklyn Botanic Gardens would be civic vandalism.

The Gardens have been an oasis of beauty and natural wonder for more than a century in an otherwise thoroughly urbanized environment.

It is an unparalleled, and irreplaceable place of repose for NYC residents, and a worldwide tourist mecca.

Allowing construction which would cast a shadow on the Gardens would cast a shadow on your commitment to this unique Brooklyn gem.

Please do not allow any construction to literally "cast a pall" on this beautiful, serene, unique Brooklyn treasure.

From: Preserve Our Brooklyn Neighborhoods
To: 23DCP165K_DL
Subject: [EXTERNAL] NO! to 962-972 Franklin Ave Rezoning
Date: Thursday, July 27, 2023 10:20:46 AM

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As President of Preserve Our Brooklyn Neighborhoods, I speak for all of our members to fiercely object to the impending rezoning application request. The consequences to our treasured Brooklyn Botanic Garden and the unique plantings which will be put in harm's way have been clearly stated in prior attempts to construct skyscrapers on these lots. Mindless tower construction casting shadows will remove needed sunlight for their survival.

Adding insult to injury the developer, Daryl Hagler is being sued by NYS Attorney General James as a criminal steward of his owned Nursing Homes 'business'! https://therealdeal.com/new-york/2023/06/30/letitia-james-suing-real-estate-investor-daryl-hagler-for-nursing-home-fraud-neglect/

If he can be responsible for the alleged crimes to vulnerable patient residents...do you believe he will care a whit about greenspaces and plant life?

The 'comprehensive' word is bandied about by your agency...DCP-how about comprehensively understanding the broader context here...a profit-driven charlatan may be about to develop a project to the detriment of a community-to the detriment of nature and to the detriment of the idea that bad actors must NEVER be rewarded for malfeasance.

Thank you.

Sandy Reiburn
Preserve Our Brooklyn Neighborhoods

From: marge othrow
To: 23DCP165K_DL
Subject: [EXTERNAL] PROTECT THE BROOKLYN BOTANIC GARDEN
Date: Thursday, July 27, 2023 10:15:31 AM

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To the NY City Council:

The Public Scoping Hearing today is dealing with the original owner of this lot and the instigator of constructing a building that he knew was too tall for the surrounding community and too tall for the nearby Brooklyn Botanic Garden.

The owner ship changed hands, the conspirators submitted a design that was too tall and were denied permission (as was NECESSARY.)

Today, the original owner, now the current owner, has lessened the number of floors BUT the building is still too high.

It will CAST A SHADOW OVER WHAT IS ONE OF BROOKLYN'S JEWELS, A BALM FOR BROOKLYNITES AND A MECCA FOR TOURISTS.

Please deny this construction.

Marge Othrow
417 Washington Avenue
Brooklyn, N.Y. 11238
718 789 1619
margeothrow@yahoo.com

From: Heather Beaudoin
To: 23DCP165K_DL
Subject: [EXTERNAL] NYC Building Trades 970 Franklin Ave Scoping Testimony
Date: Monday, August 7, 2023 3:08:48 PM
Attachments: 970 Franklin Letter of support.pdf

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Hi Stephanie,

Please see the attached Building and Construction Trades Council of Greater New York testimony for submission on the 970 Franklin Ave Scoping Hearing.

Please don't hesitate to contact me with any questions at 347-922-1074.

Thank you for your consideration, Heather Beaudoin

BUILDING & CONSTRUCTION TRADES COUNCIL OF GREATER NEW YORK

GARY LaBARBERA
PRESIDENT

AFFILIATED WITH THE
BUILDING CONSTRUCTION TRADES DEPARTMENT
OF WASHINGTON, DC

BUILDING AND CONSTRUCTION TRADES COUNCIL
OF NEW YORK STATE

AMERICAN FEDERATION OF LABOR OF CONGRESS
OF INDUSTRIAL ORGANIZATION

TESTIMONY
On behalf
BUILDING AND CONSTRUCTION TRADES COUNCIL OF GREATER NEW YORK AND VICINITY
In Support of the 970 Franklin Project
July 27, 2023

I am Gary LaBarbera, President of the Building and Construction Trades Council of Greater New York & Vicinity. Thank you for allowing me the opportunity to submit this testimony in support of the 970 Franklin Avenue Project.

The Building and Construction Trades Council is an organization of local building and construction trade unions that are affiliated with 15 International Unions in the North American Building Trades Union. Our local union affiliates represent approximately 100,000 union construction workers. The Building Trades mission is to raise the standard of living for all workers, to advocate for safe work conditions and to collectively advance working conditions for our affiliates' members, as well as all workers in New York City.

The 970 Franklin Avenue project is proposing to rezone 962-972 Franklin Avenue in the Crown heights neighborhood of Brooklyn to create a fourteen (14) story, mixed-income residential development in the neighborhood that will include approximately 119 units of workforce and affordable housing. This type of project must move forward given our City's housing shortage as it will create housing affordable for our City's teachers, firefighters, nurses, bus drivers and grocery clerks. Additionally, this project will be financed, built and operated with Union labor; providing well-paying jobs with family-sustaining wages and benefits to the residents of our City.

970 Franklin Avenue is an example of the type of housing projects that our City must support. It will create housing units that are affordable for working class citizens while also creating jobs with fair wages and benefits that will allow workers to be able to afford to live in this City.

We thank you for this opportunity to submit this testimony in support of the 970 Franklin Avenue project.

350 WEST 31st STREET • SUITE 700 • NEW YORK, NY 10001
TEL. (212) 647-0700 • FAX (212) 647-0705

From:	Wright, Andrew
To:	23DCP165K_DL
Cc:	Hudson, Crystal; Addison, Casie
Subject:	Statement from CM Crystal Hudson re: 962-972 Franklin Avenue Rezoning
Date:	Thursday, July 27, 2023 12:00:08 PM
Attachments:	7.27.23 962 Franklin Scoping Meeting Statement.pdf

Good morning,

I have attached a statement from CM Hudson regarding the 962-972 Franklin Avenue Rezoning ahead of today's scoping meeting. I will be in attendance to read this statement on her behalf. Please let me know if you need anything else from us.

Best,

Andrew Wright (he/him)
Senior Director of Policy & Budget Initiatives
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THE COUNCIL *of* THE CITY OF NEW YORK

Statement of Councilmember Crystal Hudson

Public Scoping Hearing: 962-972 Franklin Avenue Rezoning (2022K0423)

NYC Department of City Planning

July 27, 2023; 2pm

Good afternoon. My name is Andrew Wright, and I am the Senior Director of Policy & Budget Initiatives, here to speak on behalf of Council Member Crystal Hudson, who represents Council District 35 — including the site of this proposed rezoning. The following statement is from the Council Member [quote]:

I have many concerns about this proposed development, but I will keep my remarks brief. In short, I oppose this project as proposed given its detrimental impact on local community assets and the applicant's failure to secure robust community input for this project. I cannot in good conscience support any project that is so damaging to one of the major cultural landmarks in Brooklyn: the Brooklyn Botanic Garden.

Impact on Local Community Assets

The proposed 14-story, 145-foot tower would assuredly cast lengthy shadows on key community assets — Ebbets Field Middle School, Jackie Robinson School, Jackie Robinson Playground, the Prospect Park Zoo, Medgar Evers College, and — most notably — the Brooklyn Botanic Garden.

According to a letter to City Planning Commission Chair Dan Garodnick from Brooklyn Botanic Garden President Adrian Benepe, the development would [quote] "cause the loss of at least two hours of sunlight a day on the most sensitive areas of the collection, particularly in winter." Mr. Benepe adds that this loss would "devastate [the garden's] world class collections and critical back of house propagation spaces, resulting in a gradual but significant decline in plant health." The shadows would also prohibit the Garden from cultivating many rare and endangered plants and undermine its conservation work.

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Let me be clear, I will not support any development that harms the Brooklyn Botanic Garden's collection. Additionally, I would need to understand the impact of shadows on other community assets — from the zoo to local playgrounds— before I could consider supporting any applicant.

As such, the City Planning Commission should require the Environmental Impact Statement for this project to go beyond CEQR standards and analyze (1) the varying characteristics of shadows cast every week of the year; (2) their impacts on BBG's collection and nursery; and (3) their impacts on other community assets.

Planning & Community Input

Our city's approach to development and planning is deeply flawed. Too often, the City Council is asked to review individual applications for spot rezonings based on the merits of the applications rather than their impact on the local community and without any robust investment from the city to accommodate for the increased density. For Council Members, individual applications serve as a Catch-22: we need the city to commit to investing in planning growing neighborhoods before we feel comfortable approving projects but the city won't commit to planning until we approve those projects that illustrate sufficient development interest in these communities. And too often developers propose projects without any consultation with the community. In the end, negotiations are left until the final minute and without any robust input process.

During the ULURP process for 960 Franklin a few years ago, community residents voiced frustration that they were neither informed nor consulted about this development. They noted how time and again developers come into their communities, propose a development that fails to meet the community's needs, and expect policymakers to fall in line. They requested greater community input on any development, including on the former Spice Factory site. Yet once again, the developers failed to bring community stakeholders to the table.

This dynamic is why I also launched a unique project called Planning Together for Our Future with the assistance of urban planning and design firm Hester Street. Through a robust survey, focus groups, and independent research, we met District 35 residents where they were to understand their priorities and needs for any new developments in their neighborhood. Over the next few months, we will work to establish a Land Use Vision and Prioritization Framework that will establish a set of community-established parameters for development in our district. Functionally, it will serve as a rubric for myself and the Council to use when evaluating land use applications that require Council approval. Any proposal that fails to meet a certain percentage of criteria — as established by local residents — would be a non-starter.

Therefore, I cannot support any proposed rezonings until this rubric is completed and community priorities for Crown Heights are identified and finalized.

Conclusion

Given these concerns, I ask that the applicant pull their application and do the work this community expects of them — have a conversation with the Brooklyn Botanic Garden, in good faith, to ensure shadows or other environmental factors do not adversely impact this longstanding cultural institutions' collection and engage local community stakeholders in discussions on the type of development they would like to see in their neighborhood. Should the City Planning Commission certify this application and the applicant fail to withdraw, I will have no option but to mobilize the City Council to reject the application when it comes before the full body in a few months time.

Thank you.