



January 31, 2021

Chair Marisa Lago  
City Planning Commission  
Equitable Life Building, 31st Floor  
120 Broadway  
New York, NY 10271

Dear Chair Lago and City Planning Commissioners,

The Municipal Art Society of New York and Brooklyn Botanic Garden write to you to request that you withhold certification of the 960 Franklin Rezoning Proposal on tomorrow's Review Session agenda because the application is incomplete.

Simply put, the application is incomplete because the Draft Environmental Impact Statement fails to disclose the full environmental impacts of the proposed action. The City Planning Commission can only "certify" an application once it is complete, because an incomplete or inaccurate application denies the public, the Community Board, the Borough President, City Council, or ultimately the Commissioners themselves, to adequately understand the project's full environmental impact.

The DEIS is incomplete and inaccurate in the following fundamental areas, at minimum:

1. **Inadequate Shadow Analysis:** The DEIS takes a grossly narrow view of the sunlight-dependent and sunlight-sensitive resources that would be affected by this project, disregarding the living collections of the world-renowned Garden. Not only does the perfunctory shadow analysis ignore the obvious necessity for more in-depth analysis, the DEIS does not include a letter previously submitted by the New York City Parks Department with a bleak assessment of the shadow impacts to the Garden. Nor does the DEIS include any subsequent environmental review correspondence from Parks.
2. **Deficient Consideration of Key Open Space Resources:** Jackie Robinson Playground to the southeast of the Garden will be severely adversely affected by lack of sunlight. We note, too, that there is no mention of the potential impacts on Medgar Evers College campus, a public institution that should be treated by the DEIS as a sunlight-sensitive resource.
3. **Lack of Mitigation:** The DEIS concludes that the shadow impacts to both the Garden and Jackie Robinson Playground are unmitigable, while alluding to "further discussions" with the Department of Planning and the Parks Department. We find that judgement a stunning refutation of common sense and note that any future discussion attending to mitigation of impacts on the Garden would

do well to include the Garden and its horticultural experts. In addition, mitigations must be disclosed to the public, Community Board, and Borough President so that they may comment on their adequacy.

4. **No Rationale for a Large-Scale Residential Development:** The DEIS fails to disclose how the use of this particular zoning tool would result in better urban design that is offered in exchange for greater site planning flexibility. One is tempted to point out that better, more lucrative views is not equivalent to better urban design. The alternatives are insufficiently broad for decision-makers to be able to evaluate it.

The errors and omissions in the DEIS are serious. The Commission cannot find this application complete. We urge the developers to consider a proposal significantly more appropriate to the scale of the neighborhood and consistent with existing zoning. In the meantime, we urge the Commission to find this application incomplete.

Yours truly,

Elizabeth Goldstein  
President  
Municipal Art Society of New York

Adrian Benepe  
President  
Brooklyn Botanic Garden