

July 16, 2024

Brooklyn Borough President Antonio Reynoso
209 Joralemon Street
Brooklyn, NY 11201

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

Dear Borough President Reynoso,

The Municipal Art Society of New York (MAS) opposes the development proposed for 962-972 Franklin Avenue. While we recognize the need for affordable housing in Crown Heights, we have serious concerns about the project's shadow impacts on the Brooklyn Botanic Garden (BBG) and Jackie Robinson Playground, two vital open space resources for the community and the city at large.

MAS's position is informed by its yearslong Fight for Light campaign, which documented the availability and preservation of sunlight access across the city through extensive research and consultation with experts from around the world. In partnership with BBG, MAS spent years meticulously studying and testifying about the shadow impacts that Continuum Company's former 960 Franklin Avenue development proposal would have had on the garden. 960 Franklin Avenue was rejected by the City Planning Commission because of the same impacts that 962-972 Franklin Avenue would have on BBG.

Site Context

Located just 200 feet from BBG, 962-972 Franklin Avenue would be situated on a 13-block section of Crown Heights that was rezoned in 1991 to "encourage residential development in keeping with the existing neighborhood character, and minimize the potential shadow impact upon the Botanic Garden from any new residential development."¹ While current zoning limits buildings on the site to 70 feet in height, 962-972 Franklin Avenue would rise to 145 feet, more than double what is allowed. The project would set a dangerous precedent for future development, effectively green lighting other projects that ignore the purpose and function of the 1991 contextual rezoning.

Shadows

Brooklyn Botanic Garden

962-972 Franklin Avenue's shadow would have significant and unmitigated effects on BBG, potentially compromising its ability to grow, house, and display plants and educate children and the community. Of the 23 conservatories, greenhouses, and nurseries the Draft Environmental Impact Statement (DEIS) studied

¹ New York City Planning Commission, Commission Report. 25 Sep. 1991.
<https://www1.nyc.gov/assets/planning/download/pdf/about/cpc/910293.pdf>

within BBG, project-generated incremental shadows would reach 21 of these sunlight-sensitive resources. Incremental shadow duration would range from one hour and 12 minutes in December to nearly three hours in June. Shadows would be cast on several world-renowned greenhouses used to propagate plants for desert, tropical, and warm temperate climates that require full, year-round sunlight, including during the winter months. The DEIS acknowledges that if the project were to be built, the remaining sunlight may not be enough to promote healthy growth of these plants that are grown to replace the nearly 10 percent of plants that are lost to senescence every year. Most such plants are not commercially available.

The DEIS examined relocating plants and installing supplemental lighting as potential shadow mitigation measures. Both were deemed infeasible by the New York City Department of Parks and Recreation (NYC Parks), the Lead Agency. MAS agrees with NYC Parks' determination. Sunlight- and temperature-dependent greenhouse plants cannot simply be moved, as they have very specific growing requirements. Artificial lighting would not be able to imitate the energetics or match the wavelength range of natural light. Curators consulted several years ago for 960 Franklin Avenue noted that to make a difference, these lights would need to be located so close to the plants as to obscure them or make them aesthetically displeasing.

Jackie Robinson Playground

Inspired by former Crown Heights fixture Ebbets Field, Jackie Robinson Playground is a one-acre open space that offers both active and passive recreational areas for children and adults. According to the DEIS, shadows from 962-972 Franklin Avenue would cause a significant adverse impact on the playground. Incremental shadow durations would range from one hour and 18 minutes in December to nearly three and a half hours in late spring and summer. During the shoulder season months of March and September, when the presence or lack of sunlight can be the difference between physical comfort and discomfort, entire areas of the playground would lose more than two and a half hours of sunlight. New shadow would be cast on both active and passive recreational areas including tables and benches, play structures, and the basketball courts.

Pending financial feasibility, potential mitigation measures proposed by NYC Parks include the installation of synthetic turf with an asphalt painted track and adjacent sidewalk, and lighting for the basketball courts. While these investments should be made regardless of the project's outcome, it is up to the community to decide whether these measures justify a substantial loss of sunlight throughout the year.

Conclusion

The Brooklyn Botanic Garden is a 110-year-old world-class horticultural non-profit operating on City land. Almost a million people use BBG annually for scientific, educational and recreational reasons, including hundreds of local community groups and thousands of public-school children. Anyone who is a regular knows that its visitors reflect the full diversity of New York—every color, every age, every religion.

More than 30 years ago, the City recognized the fragility of this public resource and made a commitment to protect it by setting strict bulk regulations on the parcel in question. Nearby spaces like Jackie Robinson

Playground and Medgar Evers College have been protected by it as well. So why is that commitment in question now?

This is a moment for New York City to once again affirm its commitment to neighborhood play spaces and cultural institutions like BBG because they are vital to a great city. We urge you to condition your support on an alternative that complies with existing zoning and avoids significant and unmitigated impacts on BBG and Jackie Robinson Playground.

Sincerely,



Elizabeth Goldstein
President, The Municipal Art Society of New York