DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Marisa Lago, *Director*
Department of City Planning

July 26, 2019

RP Inlet, LLC
c/o Abir Sabet
Philip Habib & Associates
102 Madison Ave, 11th Floor
New York, NY 10016

Re: Acme Fish Expansion
CEQR No. 20DCP009K
ULURP Nos. Pending
Positive Declaration

Dear Ms. Sabet:

Under City Environmental Quality Review, it is required that if the lead agency determines that a proposed action may have a significant effect on the environment, it shall issue a Positive Declaration and request that the applicant prepare a Draft Environmental Impact Statement.

Based upon review, the Department of City Planning, acting on behalf of the City Planning Commission as CEQR lead agency, has found that the proposed actions fall within this category and that an Environmental Impact Statement (EIS) will be required. Accordingly, enclosed is the Positive Declaration for CEQR No. 20DCP009K, Acme Fish Expansion project.

A public scoping meeting has been scheduled for Tuesday, August 27, 2018, at 4:00pm and will be held at the senior center meeting room of the Polish and Slavic Center located at 176 Java St, Brooklyn, NY 11222. Written comments will be accepted by the lead agency through Friday, September 6, 2019.

Enclosed are the Environmental Assessment Statement, Positive Declaration, Draft Scope of Work, and Public Notice of a Scoping Meeting.

If you have any questions regarding this application, please contact the Project Manager, Rachel Antelmi, at (212) 720-3621.

Olga Abinader, *Director*
120 Broadway, 31st Floor, New York, NY 10271
Phone (212) 720-3493 Fax (212) 720-3488
oabinad@planning.nyc.gov

Sincerely,

Olga Abinader, Director
Environmental Assessment and Review Division
New York City Department of City Planning

cc: Marisa Lago, Chair
City Planning Commissioners
Eric L. Adams, Brooklyn Borough President
Stephen T. Levin, New York City Council, 33rd District
Dealice Fuller, Chair, Community Board 1, Brooklyn
Gerald A. Esposito, District Manager, Community Board 1, Brooklyn
Raju Mann, City Council
Lisa Schreibman, MTA
Terrell Estesen, DEP
Emily Humes, DPR
Shakil Ahmed, DOT
Gina Santucci, LPC
Shin Mitsugi, NYCIDA
Rob Holbrook, NYCIDA
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Sarah Goldwyn
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Diane McCarthy
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John Mangin
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James Merani
Frank Ruchala
Howard Slatkin
Vikram Viswanathan
Winston Von Engel
Kerensa Wood
Pat Bussey
Mauricio Garcia
Evan Lemonides
Susan Wong

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POSITIVE DECLARATION

Project Identification
Acme Fish Expansion
CEQR No. 20DCP009K
ULURP Nos. Pending
SEQRA Classification: Type I

Lead Agency
City Planning Commission
120 Broadway
New York, NY 10271
Contact: Olga Abinader
(212) 720-3493

Name, Description and Location of Proposal:

Acme Fish Expansion
The Applicant, RP Inlet, LLC, seeks City Planning Commission approval of a zoning map amendment, zoning text amendment, large-scale general development (LSGD) special permit, and other land use actions (the "Proposed Actions") to facilitate the development of an entire block bounded by Banker Street to the east, Wythe Avenue to the south, Gem and North 15th streets to the west, and Meserole Avenue to the north (the "Development Site" or "Project Area") in the Greenpoint neighborhood of Brooklyn, Community District 1. The Development Site is the entirety of the proposed rezoning area and is comprised of Block 2615, Lots 1, 6, 19, 21, 25, 50, and 125.

The Proposed Actions would facilitate the construction of a new development with approximately 637,250 gsf (the "Proposed Project") on the Development Site, comprised of a new and improved 105,600 gsf Acme Smoked Fish processing facility, and 531,650 gsf of commercial office and retail space (including parking/loading/bike storage spaces). The Acme Smoked Fish facility would be located on the northeastern portion of the block, fronting on Meserole Avenue and Banker Street. The commercial office/retail component of the Proposed Project would occupy the remainder of the block.

The Applicant seeks the following discretionary actions to facilitate the Proposed Project:

- **Zoning Map Amendment**
  The proposed zoning map amendment, which would rezone the Project Area from M3-1 to M1-5, would increase the permitted FAR from 2.0 to 5.0 for commercial and industrial uses (and up to 6.5 FAR for community facility uses), allowing for additional development of these uses than could be provided under existing conditions.

- **Zoning Text Amendment**
  The proposed zoning text amendment would allow, by special permit, modification of regulations applicable to the site in Section 44-54 of the zoning resolution that require additional loading berths

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120 Broadway, 31st Floor, New York, NY 10271
Phone (212) 720-3493 Fax (212) 720-3488
oabinad@planning.nyc.gov

for buildings which contain wholesale, manufacturing or storage space as well as other permitted uses, than otherwise would be required if the uses were located in separate buildings.

- **Large-Scale General Development (LSGD) Special Permits**
  Two LSGD special permits are being sought. The first LSGD special permit, pursuant to Section 74-743(a)(2) of the Zoning Resolution of the City of New York ("ZR"), is to allow the Proposed Development to penetrate the required sky exposure plane and the required initial setback distance allowing a building height in excess of the maximum allowable height under ZR 43-43. Upon approval, the Applicant would enter into a Restrictive Declaration (RD), a legally binding mechanism tied to the Development Site that governs the provisions of the LSGD.

  The second LSGD special permit, pursuant to the new Section 74-745(d), is to waive Section 44-54 of the Zoning Resolution for the Proposed Development, thereby reducing the required number of loading berths for the Proposed Development from seven to five.

The Applicant may also seek discretionary tax incentives from the NYCIDA for the commercial office component of the Proposed Development.

Absent the Proposed Actions, the existing M3-1 zoning would remain and the Proposed Project would not be constructed. It is anticipated that Acme Smoked Fish would relocate outside of New York State and vacate its buildings on the site (Lots 1, 21, 25, and 50). Lot 6, which is currently occupied by ABC Stone, is also expected to be vacated in the No-Action, as the business is currently in the process of moving out. Based on existing and anticipated real estate market trends, existing structures and site conditions, and uses allowed by existing zoning, it is expected that those vacated buildings would be re-occupied. As such, the No-Action scenario assumes that Acme Smoked Fish's and ABC Stone's vacated buildings would be reoccupied by a mix of eating/drinking/entertainment establishments, creative office and warehouse uses. The vacant building on Lot 19 is assumed to be re-occupied by restaurant use in the No-Action. Finally, the No-Action scenario assumes that Lot 125, which currently accommodates parking and open storage, would be redeveloped with a new 3-story commercial building. Overall, the No-Action condition for the Development Site is assumed to consist of a total of 169,485 gsf, comprised of approximately 35,225 gsf of restaurant/entertainment uses, 66,750 gsf of creative office space, 28,610 gsf of warehousing spaces, and 17,500 gsf of industrial space, as well as an estimated 21,400 gsf of accessory parking (107 spaces).

The analysis year for the Proposed Actions is 2024.

Statement of Significant Effect:
On behalf of the CPC, the Department of City Planning has determined, pursuant to 6 NYCRR Part 617.7, that the Proposed Actions may have a significant adverse effect on the environment as detailed in the following areas, and that an environmental impact statement will be required:

The Proposed Actions may result in significant adverse impacts related to: land use, zoning, and public policy; socioeconomic conditions; open space; shadows; historic and cultural resources; urban design and visual resources; hazardous materials; water and sewer infrastructure; transportation; air quality; greenhouse gas emissions and climate change; noise; public health; neighborhood character; and construction.

The Proposed Actions would not result in significant adverse impacts related to community facilities; natural resources; solid waste and sanitation services; and energy.

Supporting Statement:

The above determination is based on an Environmental Assessment Statement prepared for the Proposed Actions which finds that:

1. The Proposed Actions would affect the land use and change the zoning within the project area and would have the potential to substantially affect land use regulations or policy controlling land use. Therefore, the Proposed Actions have the potential to result in significant adverse impacts related to land use, zoning, and public policy. Additionally, the Project Area is within the Coastal Zone and review of consistency with the City's Waterfront Revitalization Program policies is required. Therefore, the Proposed Actions have the potential to result in significant adverse impacts related to land use, zoning, and public policy.

2. The Proposed Actions would result in substantial new commercial development which has the potential to result in indirect business displacement. Therefore, the Proposed Actions have the potential to result in significant adverse impacts related to socioeconomic conditions.

3. The Proposed Actions would not directly affect any community facility. Additionally, the Proposed Actions would not exceed any threshold warranting additional analysis for indirect effects to community facilities and services. Therefore, the Proposed Actions would not result in significant adverse impacts to community facilities and services.

4. The Proposed Actions would create a demand for existing open space facilities that has the potential to result in indirect effects on the ability of the area's open space to serve future population. Therefore, the Proposed Actions have the potential to result in significant adverse impacts related to open space.

5. The Proposed Actions could result in new shadows long enough to reach a sunlight-sensitive resource. Therefore, the Proposed Actions have the potential to result in significant adverse impacts related to shadows.

6. The Proposed Actions would result in a new building that has the potential to affect the visual context of and/or introduce new shadows on sunlight-sensitive historic and cultural resources. Therefore, the Proposed Actions have the potential to result in significant adverse impacts related to historic and cultural resources.

7. The Proposed Actions would result in a new building that would be beyond the bulk and form currently permitted as-of-right which may affect a pedestrian's experience of public space. Therefore, the Proposed Actions have the potential to result in significant adverse impacts related to urban design and visual resources.

8. The Proposed Actions would result in development in an area devoid of natural resources. Therefore, the Proposed Actions would not result in significant adverse impacts related to natural resources.

9. The Proposed Actions have the potential to result in an increase in pathways to human or environmental exposure to hazardous materials. Therefore, the Proposed Actions have the potential to result in significant adverse impacts related to hazardous materials.

10. The Proposed Actions would not result in a substantial increase in solid waste production that would overburden available waste management capacity or otherwise be inconsistent with the City's Solid Waste Management Plan (SWMP) or with state policy related to the City's integrated solid waste management system. Therefore, the Proposed Actions would not result in significant adverse impacts related to solid waste and sanitation services.

11. The Proposed Actions would not significantly affect the transmission or generation of energy or generate substantial indirect consumption of energy (such as a new roadway). Therefore, the Proposed Actions would not result in significant adverse impacts related energy.

12. The Proposed Actions would introduce a substantial amount of new commercial and industrial density in a combined sewer area. Therefore, the Proposed Actions have the potential to result in significant adverse impacts related to water and sewer infrastructure.

13. The Proposed Actions would generate additional vehicular, pedestrian, and transit volumes and an increase demand for parking. These new trips have the potential to affect the area's transportation systems. Therefore, the Proposed Actions have the potential to result in significant adverse impacts related to transportation.

14. The Proposed Actions would have the potential to increase or cause a redistribution of traffic, add new uses near mobile sources of pollutants, create new stationary sources of pollutants, introduce new emissions stacks so that changes in the dispersion of emissions from the stacks may affect surrounding uses. Therefore, the Proposed Actions have the potential to result in significant adverse impacts related to air quality.

15. The Proposed Actions would facilitate development at a density at which inconsistencies with the City's greenhouse gases reduction goal would have the potential to be considered significant. Therefore, the Proposed Actions have the potential to result in significant adverse impacts related to greenhouse gas emissions and climate change.

16. The Proposed Actions would generate mobile sources of noise and be in an area with existing high ambient noise levels. Therefore, the Proposed Actions have the potential to result in significant adverse impacts related to noise.

17. The Proposed Actions have the potential to result in unmitigated significant adverse impacts related to air quality, water quality, hazardous materials, or noise. Therefore, the Proposed Actions could have the potential to result in significant adverse impacts related to public health.

18. The Proposed Actions have the potential to result in significant adverse impacts in the constituent technical areas related to neighborhood character or in moderate effects to several elements that define neighborhood character. Therefore, the Proposed Actions have the potential to result in significant adverse impacts related to neighborhood character.

19. The Proposed Actions have the potential to result in long-term construction that could have a disruptive and noticeable effect on adjacent communities and people passing through the area. Therefore, the Proposed Actions have the potential to result in significant adverse impacts related to construction.

Public Scoping:

The CEQR lead agency hereby requests that the applicant prepare or have prepared, at their option, a Draft Environmental Impact Statement (DEIS) in accordance with 6 NYCRR 617.9(b) and Sections 6-08 and 6-12 of Executive Order No. 91 of 1977 as amended (City Environmental Quality Review).

A public scoping meeting will be held on Tuesday, August 27, 2019 at 4:00 PM at the senior center meeting room of the Polish and Slavic Center located at 176 Java St, Brooklyn, NY 11222. Written comments will be accepted by the lead agency through Friday, September 6, 2019.

This determination has been prepared in accordance with Article 8 of the Environmental Conservation Law.

Should you have any questions pertaining to this Positive Declaration, you may contact the Project Manager, Rachel Antelmi, at (212) 720-3621.

Olga Abinader, Director
Environmental Assessment & Review Division
New York City Department of City Planning

JULY 26, 2019
Date