ACME FISH EXPANSION
Chapter 22: Response to Comments on the DEIS[1]

A. INTRODUCTION

This chapter summarizes and responds to all substantive oral and written comments on the Draft Environmental Impact Statement (DEIS) for the Acme Fish Expansion project received during the DEIS public comment period. These consist of comments made at the Public Hearing held by the New York City Planning Commission (CPC) and written comments submitted to the New York City Department of City Planning (DCP). The public hearing on the DEIS was held concurrently with the Proposed Actions' Uniform Land Use Review Procedure (ULURP) draft application on Wednesday, February 17th, 2021, which was held remotely in support of the City's efforts to contain the spread of COVID-19. The comment period for the DEIS remained open through Monday, March 1st, 2021.

Section B lists the elected officials, community board, organizations, and individuals who provided comments relevant to the DEIS. The organization and/or individual that commented are identified for each comment in the following section (Section C). These summaries convey the substance of the comments but may not necessarily quote the comments verbatim. Comments are organized by subject matter and generally parallel the chapter structure of the DEIS. Where more than one commenter expressed a similar view, the comments have been grouped and addressed together. Written comments on the DEIS are included in Appendix F.

B. LIST OF ELECTED OFFICIALS, ORGANIZATIONS, AND INDIVIDUALS WHO COMMENTED ON THE DEIS

Elected Officials

1. Eric L. Adams, Brooklyn Borough President; Borough President Recommendation dated February 22, 2021

Organizations and Interested Public

2. Mark Espinoza, member of 32BJ; oral statement at public hearing.
3. Evergreen; written submission dated February 17, 2021.
4. Richard Mazur, executive director of North Brooklyn Development Corporation; oral statement at public hearing.
5. North Brooklyn Community Members; written submission dated February 1, 2021.
6. Randy Peers, President and CEO of the Brooklyn Chamber of Commerce; written submission dated February 17, 2021.
7. Paul Samolfsky, President of North Brooklyn Chamber; oral statement at public hearing.

[1] This chapter is new to the FEIS.

C. COMMENTS AND RESPONSES ON THE DRAFT EIS

1. Project Description

Comment 1.1: We are grateful that Acme and developers Rubenstein Partners have crafted a proposal that both retains industrial real estate and expands commercial development in the Greenpoint Williamsburg Industrial Business Zone (IBZ). In recent years Acme has chosen to expand its operations outside of its longtime home in Brooklyn. This mixed use project will allow them to create a significant manufacturing expansion on the site that they have occupied for almost 70 years. (3)

Response 1.1: Comment noted.

Comment 1.2: The final approval must contain a binding mechanism which absolutely ensures that the use of the 4-story Acme Fish building remains designated for manufacturing use for at least 25 years. (5)

Response 1.2: In response to the Community Board's recommendation, the Applicant intends to enter the Industrial Development Agency (IDA) program, the benefits of which require the Acme space to be maintained as industrial for a minimum of 25 years. The Project Description chapter of the FEIS was updated to refer to the Applicant's intention.

Comment 1.3: We are demanding that the current proposed design is scaled back to downsize the height of the ancillary office building by at least three of its nine stories. We are calling on the council member to ensure that a reduction of the height of the building is an absolute requirement for this grant of this special permit. (5)

Response 1.3: The EIS analyzed the effects of the proposed building's height in all relevant technical areas, including shadows (Chapter 5), historic resources (Chapter 6), and urban design and visual resources (Chapter 7). These analyses related to height and massing found that the Proposed Development would not result in significant adverse impacts. As noted in the EIS, while the Proposed Development would be taller than existing and planned buildings in the secondary study area, it would not be out of scale with Greenpoint's existing building fabric and its industrial heritage, as well as the neighborhood's anticipated future high-density, mixed-use building fabric. Moreover, the Proposed Development's massing and PAA features, together, would articulate and reconfigure the existing block, providing relief to the pedestrian, and would open up the existing block and generate additional view corridors through the southern portion of the site.

In addition, the Applicant has stated that the additional bulk is necessary for the economic viability of the project, and the commercial component of the Proposed Development offers a revenue stream that is essential to subsidize Acme's new home. Eliminating any floor area from the building would threaten the economic viability of the project, and eliminating three of the office component's nine floors would make the project unfeasible.

Comment1.4: The current proposal, changing the existing zoning from M3-1 to M1-5, if passed, would allow five times the floor area ratio than is allowed now as-of-right: a 95,000 sq. ft. facility for Acme Fish and 580,000 sq. foot ancillary building for the project developer, Rubenstein Partners. (5)

Acme is a special case, since the Acme Fish Company is of value to the IBZ and North Brooklyn. It is important that it remains in Brooklyn. However, the development of office and retail space by Rubinstein Partners, the company that would develop and benefit from this special permit, needs to be--and no doubt can be--reduced in size and still enable the viable development of the entire project, including Acme. (5)

Response 1.4: The proposed M1-5 zoning allows a maximum FAR of 5.0, compared to 2.0 FAR under the existing M3-1 zoning, representing an increase of 2.5 times the FAR. The EIS provided a detailed analysis of the Proposed Action's effects on land use and zoning (Chapter 2), and concluded that no significant adverse impacts on land use, zoning, or public policy are anticipated in the future with the Proposed Actions. The Proposed Development would be built at a density and bulk compatible with neighboring recently developed properties and planned projects, including the recently completed eight-story commercial office and light manufacturing building located at 25 Kent Avenue, three blocks to the south, and the approved seven-story commercial office and light manufacturing building located at 12 Franklin Street, one block to the west. As such, the Proposed Actions would result in a development that the Applicant believes would be appropriate for the area, and would complement and improve the diverse land use character of the secondary study area. Also see Response 1.3

Comment 1.5: Establish a legally enforceable mechanism, such as a deed restriction, contract with a non-profit business service provider, and/or government financing agreement to ensure innovation and/or maker use, monitor use floor area compliance, restrict to innovation and maker uses, establishes clear access to the street, and limit accessory retail floor area as per the following:

a) That compliance and recordation shall be according to New York City Zoning Resolution (ZR) 74-962(d)
b) That periodic notification by the owner shall be according to ZR 74-962(e)
c) That annual reporting by a qualified third party shall be according to ZR 74-962(f)
d) That floor area managed by a not-for-profit agency shall remain part of the zoning lot and be required to comply with annual reporting and periodic notification requirements
e) That Innovation and Maker Uses restricted to Use Groups (UGs) 9A, limited to blueprinting or photostatting establishments, dental or medical laboratories, musical instrument repair shops, studios, trade schools for adults, 10A, limited to studios, 11A, 16A except for automobile showrooms, 16B, 16D except for truck terminals, warehouses, and wholesale establishments, 17B, 17C limited to agriculture, and 18A
f) That such innovation and/or maker uses be provided with clear access to common service corridors, freight elevators, and loading docks on streets 24 hours a day, seven days a week to ensure active industrial spaces
g) That accessory retail floor area that would otherwise meet the definition of (UGs 6A, 6C, 7B, 7D, 8B, 8C, 10A, and 12, not exceed the greater of 100 square feet or 10 percent of an establishment's floor area (limited to 1,000 square feet) in order to be deemed accessory (1)

Response 1.5: While the proposed zoning would allow for maker type uses in the commercial component of the Proposed Development, as detailed in Chapter 1, "Project Description," the CEQR analysis does not assume that the space would be used for that purpose, as other forms of commercial uses are allowed, such as office, which is more conservative for purposes of the EIS analyses.

Comment 1.6: Borough President Adams believes the requested M1-5 district and FAR support the applicant's objective of financing a state of-the-art production facility for Acme Smoked Fish. However, he believes that it is possible to redesign the proposed commercial building and that consideration should be given to modifying its envelope. The requested [LSGD] special permit would allow the intended development to exceed applicable height and setback requirements. The application drawings pursuant to that permit are subject to consideration by the City Planning Commission (CPC), and provide an opportunity to refine the proposed bulk. (1)

Response 1.6: Comment noted. Also see Response 1.7.

Comment 1.7: Borough President Adams believes that specific modifications could be considered in consultation with CB 1, North Brooklyn Residents, and local elected officials. However, to realize bulk reductions on certain frontages, it would be necessary to permit enlargements along others, which would require community consensus. Consideration for enlargement without compromising the intended Acme Smoke Fish structure includes extending the commercial building's rear out to the street line for its intended office floors along both Banker and Gem streets. This provides an opportunity to remove nearly 32,000 sq. ft. of bulk elsewhere, based on community prioritization. (1)

Response 1.7: The suggested modifications to the building massing, while maintaining the 5.0 FAR and proposed square footage, would compromise the Applicant's design goals of the Proposed Development. According to the Applicant, the suggested modifications would result in deeper floor plates, thereby diminishing natural daylight penetration, impacting LEED wellness goals, and increasing energy usage. In addition, the suggested modifications would reduce the square footage of the portion of the public open space that would be open to the sky. Also see Response 1.4 above.

Comment 1.8: To allow such development to exceed applicable height and setback requirements, the application documents be modified in consultation with Brooklyn Community Board 1 (CB 1), North Brooklyn Residents, and local elected officials through any combination of the below actions:

a. That Z-002 LSGD Site Plan be modified as follows:
    1) As a means of providing more floor area:
        i. Along Banker Street, the six-story height of 125 feet with a depth of 20 feet, shall be enlarged to the street line for floors two through six, and along the street line toward Wythe Avenue for a length of 221 feet, resulting in 17,680 square feet (sq. ft.)
        ii. Along Gem Street, the five-story height of 104 feet with a depth of 20 feet shall be enlarged along the street line toward Wythe Avenue for a length of 178 feet, resulting in 14,240 sq. ft. with a recessed ground floor
    2) As a means of providing less floor area:
        i. Along Meserole Avenue, the-five story height of 104 feet with a depth of 40 feet, shall be reduced to a four-story height along the street line away from Meserole Street for a depth of 40 feet for its length of 95 feet along Meserole Avenue, resulting in a reduction of 3,800 sq. ft., and/or
        ii. Along Meserole Avenue, the nine-story height of 178.5 feet, the setback of 45 feet for its length of 120 feet along Meserole Street shall be limited for floors six through nine through any combination of reducing the floor area by not less than 26,000 sq. ft. (for example, by setting back the ninth floor an additional 216.67 feet or setting back floors six through nine an additional 54.17 feet) and up to 31,920 sq. ft. and/or (for example, by setting back the

ninth floor an additional 266 feet or setting back floors six through nine an additional 66.5 feet)

iii. Along Wythe Avenue, the six-story height of 125.5 feet with a building line distanced 555.72 feet, shall be reduced to a five-story height starting at the building line of 140 feet along Wythe Avenue for a depth of 15 feet, resulting in a reduction of 2,100 sq. ft.

b. That consistent with modifications to Z-002 LSGD Site Plan:
   1) Z-011.00 Illustrative Ground Floor Plan be modified to depict dashed lines along Baker and Gem streets consistent with the above
   2) Z-020.00 Zoning Diagram Waivers be modified as follows:
      i. Remove the requested waiver depiction along Meserole Avenue and/or
      ii. Add a requested waiver depiction along Banker Street
      iii. Elongate the requested waiver depiction along Gem Street
   3) Z-030.00 and Z-031.00 Zoning Sections, Z-040.00 and Z-041-00 Zoning Elevations, Z-050.00 and Z-051.00 Neighborhood Character Diagrams, be modified to depict removed and added bulk envelope. (1)

Response 1.8: See Responses 1.7 and 1.8.

Comment 1.9: [Borough President Adams recommends] That the City Council obtain written commitments from RP Inlet, LLC to:

a. Coordinate with the New York City Department of Environmental Protection (DEP), New York City Department of Transportation (DOT), and the New York City Department of Parks and Recreation (NYC Parks) to install DEP rain gardens as part of a Builders Pavement Plan on the block bounded by Meserole and Wythe avenues, and Banker, Gem, and North 15th streets in consultation with Brooklyn Community Board 1 (CB 1) and local elected officials

b. Coordinate Connecting Residents on Safer Streets (CROSS) Brooklyn implementation with DEP and DOT to install a curb extension at the intersections of Meserole Avenue with Banker and Gem streets, and the intersections of Wythe with Banker and North 15th streets, either as part of a Builders Pavement Plan or as a treated roadbed sidewalk extension

c. Enter into a standard DOT maintenance agreement for those intersections and coordination with DEP and DOT following agency implementation of protected painted areas at the intersections of Meserole Avenue with Banker and Gem streets, and the intersections of Wythe Avenue with Banker and North 15th streets with such improvements to proceed only after consultation with CB 1 and local elected officials

d. Engage with car-sharing companies, in consultation with CB 1 and local officials, to lease multiple spaces within the development's garage. (1)

Response 1.9: Comment noted. See Responses 9.1 and 10.1.

Comment 1.10: Borough President Adams believes that facilitating car-share at this location would benefit building occupants as well as nearby Greenwood Heights residents and those of surrounding communities. The developer intends to provide 150 ground-level vehicle spaces, which would be accessed via Gem Street. Though the garage would be used primarily by the development's employees and patrons, Borough President Adams believes that 30 Gem Street could accommodate car-share rentals based on reasonable pricing. Therefore, a portion of the commercial building's garage should be set aside for a limited number of rental vehicles through dialogue with car-sharing companies. (1)

Response 1.10: Comment noted.

2. Land Use, Zoning, and Public Policy

Comment 2.1: Evergreen is supportive of the mixed commercial/manufacturing concept. We believe that if it is done correctly it will result in at a minimum no net loss of manufacturing space while allowing for additional commercial development. (3)

Response 2.1: As stated in the Land Use, Zoning, and Public Policy chapter of the EIS, the Proposed Actions will result in a net increase of 88,100 gsf of industrial/manufacturing uses, as well as 413,650 gsf of commercial uses, 36,850 gsf of local retail uses, and 43 parking spaces, compared to the No Action condition. There will be no decrease in industrial/manufacturing space.

Comment 2.2: For many years, we have been advocating for changes to the zoning code that would allow our local manufacturers to expand on site. With industrial land rapidly constricting citywide, we believe that this is our best option to be able to retain legacy manufacturers and keep their high quality working class jobs in the community. (3)

Response 2.2: Comment noted.

Comment 2.3: We agree with the applicant's assertion that the proposed map is in alignment with the Industrial Business Incentive Area (IBIA) Special Permits recently approved for nearby blocks in the Greenpoint Williamsburg IBZ. Building off research done for our Brownfield Opportunity Area Plan and subsequent development projects, Evergreen recommends for mixed use industrial/commercial projects at least 20% industrial space. This ratio in this project is 17%, which falls short of the target. However, the proposed percentage does align with the ratio approved through the IBIA project at 25 Kent and will result in an overall increase in the size of Acme's facility. (3)

Response 2.3: As stated in the Land Use, Zoning, and Public Policy chapter of the EIS, the Proposed Development will contain a mix of commercial office, light industrial/manufacturing, and local retail uses. These are consistent with uses in the surrounding study area and with relevant public policy. Moreover, these uses would be introduced to an area where there is a strong demand for these particular uses and that is well-served by infrastructure and public transportation. It should be noted that the proposed Development Site falls outside the study area for the North Brooklyn Brownfield Opportunity Area Plan discussed in the comment.

Comment 2.4: This proposal is located in an IBZ. That means, of course, "Industrial Business Zone". Let us emphasize the word "Industrial". The request of this project is to add 580,000 sq. feet of retail and office space, which, to state the obvious, is not industrial. That is an immense addition of non-industrial space in an Industrial Business Zone. There is no additional manufacturing space, other than the Acme facility, no doubt because better profit can be gained with retail and office rent; that is no excuse for changing the zoning use of this area. (5)

Response 2.4: See Response 1.4.

Comment 2.5: We strongly feel that any other uses [in IBZs] must be limited and curtailed, with not only this project, but also any others down the line. … Any current proposals, such as the Acme

proposal, should fall within the character and use of the current zoning as much as possible. (5)

Response 2.5: See Response 2.3.

Comment 2.6: Borough President Adams supports land use actions that broaden economic opportunity by providing employment for varied skill sets. This project would leverage the higher FAR permitted by an M1-5 zoning district to facilitate new commercial office development, which would, in turn, underwrite long-term upgrades to vital manufacturing space, promote commercial development, and upgrade vital manufacturing space. Such a proposal aligns with the City's industrial and workforce goals, which include the creation of quality jobs for those without college degrees. Borough President Adams supports the preservation and expansion of manufacturing floor area to sustain and grow the City's industrial sector. (1)

Borough President Adams acknowledges the large jump in density from what is otherwise permitted by the existing zoning. Without the rezoning, there would be no means to compel the applicant to retain and modernize Acme Smoked Fish — placing more than 100 union jobs and a legacy business at risk. (1)

Borough President Adams acknowledges community concerns about large-scale commercial development at this site but recognizes that such occupancy is necessary to underwrite a state-of-the-art facility for Acme Smoked Fish. The resulting bulk, while an aberration to the surrounding context, is generally justified to achieve this important policy objective. (1)

Response 2.6: Comment noted. As discussed in Chapter 2, "Land Use, Zoning, and Public Policy," the Proposed Development would support light industrial/manufacturing uses in the Greenpoint-Williamsburg IBZ. The Proposed Actions would help to create opportunities for uses, such as Acme Smoked Fish, that have limited siting opportunities, and maintain the light industrial and manufacturing character of the Greenpoint and Williamsburg neighborhoods while allowing a mix of other complementary uses that are permitted within the proposed M1-5 zoning district.

Comment 2.7: Borough President Adams seeks to ensure floor area for innovation and maker uses in perpetuity. He believes that such managed manufacturing space should reflect any combination of agricultural, heavy service, manufacturing establishments, as well as studios for art, dancing, motion picture production, music, photographic, radio/television, or theatrical, semi-industrial facilities, and trade schools for adults. It should also include service use categories from Use Group 9A such as blueprinting or photostatting establishments, dental or medical laboratories, musical instrument repair shops, studios, and trade schools for adults, which he deems consistent with maker uses. Studios are also included in Use Group 10A. (1)

Borough President Adams believes that certain uses, such as depositories and automobile showrooms, as well as truck terminals, warehouses, and wholesale establishments should be excepted from the range of otherwise considered innovation and maker uses. (1)

Borough President Adams further believes that the effectiveness of innovation and maker uses are dependent on being provided with clear access 24 hours a day, seven days a week to common service corridors, freight elevators, and loading docks on streets to ensure

active industrial spaces. He believes this should be a requirement of meeting maker floor area as defined above by certain UG 9, 10, 11, 16, 17, and 18 uses noted above. (1)

Response 2.7: Comment noted. The CEQR analysis is based on allowable uses pursuant to zoning, and does not assume limitations on type of use or size. Also see Response 1.5.

Comment 2.8: Borough President Adams seeks to clearly define the extent of the floor area that would be allotted for supporting accessory retail as well as eating and drinking operations at 30 Gem Street. He believes that it is appropriate to limit accessory retail operations, specifically for UGs 6A, 6C, 7B, 7D, 8B, 8C, 10A, and 12 by permitting up to 100 sq. ft. without regard to the size of the industrial/maker establishment, though not more than 1,000 sq. ft. or not exceeding 10 percent of floor area per establishment.(1)

Response 2.8: Comment noted. The CEQR analysis is based on allowable uses pursuant to zoning, and does not assume limitations on type of use or size.

3. Socioeconomic Conditions

Comment 3.1: Rubenstein Partners and ACME Smoked Fish have made a credible commitment to create prevailing wage service jobs at this site. This commitment is an investment in the community by providing prevailing wages and benefits that give working families opportunity for upward mobility and security. We estimate that this development will lead to the creation of 18 new janitorial jobs, and approximately 8 security jobs. (2)

Response 3.1: As discussed in the EIS, the Proposed Actions would facilitate the development of an approximately 109,300 gsf new and improved Acme Smoked Fish processing facility, approximately 493,450 gsf of commercial office space, and approximately 33,800 gsf of local retail space. The Proposed Development is expected to create approximately 1,987 new office jobs, and 102 retail jobs, and retain approximately 140 jobs at Acme Smoked Fish, in the study area. These estimates generally account for building service jobs, such as janitorial and security jobs, which are inherent to any building operations.

Comment 3.2: Acme is one of the oldest, continuously operating manufacturers in Brooklyn with a workforce that is almost 75 percent minority, with 88 percent living in New York City and nearly 60 percent within two miles of its Brooklyn factory. It is Acme's desire to remain and expand in Brooklyn, with the new project protecting 100 union manufacturing jobs. (6)

Response 3.2: Comment noted.

Comment 3.3: The project follows the model successfully pioneered by Rubenstein Partners at 25 Kent, which is utilizing market-rate retail and commercial uses to offset some of the investment cost of the new manufacturing space, making the development financially feasible. The project will generate $550 million dollars in much-needed private investment in addition to increasing the tax base, which is essential to stimulate economic growth in the borough and citywide. (6)

Response 3.3: Comment noted.

Comment 3.4: This development is a key component to supporting continued manufacturing uses in North Brooklyn and will generate up to 2,000 commercial jobs, which are sorely needed as the borough seeks to recover from the current economic crisis. The team has engaged

with the community consistently over the last two years to arrive at the current plan which retains a long-time family business, enhances the local innovation economy, and provides for a local hiring plan. (6)

Response 3.4: See Response 3.1.

Comment 3.5: This expansion will allow Acme to increase the number of production and administrative jobs on the site. A significant amount of Acme's current and projected future workforce is local, meaning that their expansion will have a direct economic impact on the local community. The significant investment in the facility will allow Acme to grow in place in a state of the art production facility purpose-built for their needs, ensuring that the proposed expansion will provide high quality employment opportunities for many years to come. (3)

Response 3.5: See Response 3.1.

4. Open Space

No comments.

5. Shadows

No comments.

6. Historic and Cultural Resources

No comments.

7. Urban Design and Visual Resources

Comment 7.1: This building must be brought down in height by eliminating at least three of its current proposed stories, so that the development's highest point falls somewhere between the height of 25 Kent Avenue and 12 Franklin Street, two neighboring projects that were granted "upzoning" and are lower in height that the proposed ancillary building of the Acme/Rubenstein project. (5)

Rubenstein Partners would develop and house retail on the first floor and office space on the upper eight floors. Those 9 stories are 170 feet, towering way above any current or planned projects in the IBZ or adjacent residential district. (5)

Response 7.1 The EIS analyzed the effects of the proposed building on urban design and visual resources (Chapter 7), and concluded that the Proposed Development would not result in significant adverse impacts. While the approved 25 Kent Avenue and 12 Franklin Street developments are shorter than the Proposed Development, they do not have the unique constraints experienced by the Proposed Development. As discussed in the EIS, a height of approximately 178.5 is necessary for the Proposed Development to fully utilize the required 5.0 FAR due to the approximately 29,925 sf footprint (equivalent to approximately 25% of the total lot area of the Development Site) allocated for the Acme Smoked Fish processing facility, leaving the remainder of the Development Site for the

office component. As a result of the unique programmatic needs of Acme Smoked Fish, most of the floor area remaining for the commercial portion must be developed on less than the entire site, and hence the Proposed Development requires a taller building to be constructed than would otherwise be necessary. The Proposed Development's mixed-use commercial and industrial program, which would require taller floor-to-ceiling heights, and the inclusion of Public Access Area (PAA) features at the ground level are consistent with both the Applicant's purpose and need, as well as the mixed-use land use character of the surrounding Greenpoint neighborhood.

Moreover, the Applicant has stated that the additional bulk is necessary for the economic viability of the project, and the commercial component of the Proposed Development offers a revenue stream that is essential to subsidize Acme's new home. Eliminating any floor area from the building would threaten the economic viability of the project, and eliminating three of the office component's nine floors would make the project unfeasible.

Comment 7.2: Borough President Adams understands that the proposed bulk and height would contrast sharply with the project's low-rise residential context. Meserole Avenue, at Banker Street, marks the start of a four-story residential context, which extends away diagonally from the development site. Further north along Banker Street, the block transitions again to residential use at Calyer Street, where buildings range from two to four stories (though the view corridor north along Banker Street leads to the Greenpoint, a residential tower on the waterfront). Along Norman Avenue, four-story residential buildings are found mid-block east of Dobbin Street, with three stories being more characteristic of residential buildings further away from the site. (1)

Response 7.2: Although the Proposed Development would be taller than surrounding buildings, as described in the EIS, it has been designed by the Applicant with the intention of being sensitive to its surroundings, weaving together the historic and contemporary. The glass upper floors are intended to minimize the visual presence of the top three floors, effectively breaking down the mass and scale of the building. Moreover, the setbacks on Banker and Gem Streets are provided in order to provide open-to-sky public space at the southern end of the project site. Also see Response 7.1.

Comment 7.3: Consideration for floor area removal should target upper floor setbacks along Meserole and/or Wythe avenues as to reduce the visual impact on the nearby four-story residential buildings. Both setbacks would decrease the development's bulk by nearly 6,000 sq. ft, leaving at least 26,000 sq. ft. to be removed from the building's tower, which could be reduced through any combination of a uniform setback from Meserole Avenue to a maximum setback of the ninth floor. If upper floor setbacks of the base along Meserole and Wythe avenues are not deemed a priority by the community, the tower segment could be set back much further from Meserole Avenue. (1)

Response 7.3: The EIS analyzed the effects of the proposed building on urban design and visual resources, and concluded that the Proposed Development would not result in significant adverse impacts. According to the Applicant, relocating floor area from the top floors of the commercial component of the Proposed Development to the lower floors, which typically have lower lease rates, would compromise the financial viability of the project. Also see Response 1.7.

8. Hazardous Materials

No comments.

9. Water and Sewer Infrastructure

Comment 9.1: *As part of his flood resiliency policy, Borough President Adams encourages developers to introduce best practices to manage stormwater runoff, such as incorporating permeable pavers and/or establishing rain gardens that advance DEP's green infrastructure strategy. He believes that sidewalks with nominal landscaping and/or adjacent roadway surfaces could be transformed through the incorporation of rain gardens, which provide tangible environmental benefits through rainwater collection, improved air quality, and streetscape beautification. Tree plantings can be consolidated with rain gardens as part of a more comprehensive green infrastructure strategy. Where it is not advisable to remove existing street trees, there would be an opportunity to integrate stormwater retention measures into existing tree pits, with additional plantings, which would increase infiltration and make the site more pleasant for its users. In addition, blue/green roofs, permeable pavers, and rain gardens (including street tree pit enhancements) would help divert stormwater from the Newtown Creek Wastewater Treatment Plant. (1)*

Response 9.1: **Comment noted. Chapter 9, "Water and Sewer Infrastructure" of the EIS includes an analysis of the Proposed Actions' potential effects on the water, wastewater, and stormwater infrastructure. The analysis, was conducted in accordance with CEQR Technical Manual methodology and determined that the Proposed Actions would not result in significant adverse impacts. As discussed in the chapter, appropriate BMPs would be developed as part of the site connection approval process to be reviewed and approved by DEP, which would reduce the overall volume of sanitary sewer discharge and stormwater runoff, as well as the peak stormwater runoff rates.**

10. Transportation

Comment 10.1: *This block is located within an IBZ, where conflicts often arise between vehicles and pedestrians, particularly near loading zones. As the proposed development would bring additional employees and visitors to area, it is essential to enhance pedestrian crossings at the block's five intersections, especially those intended as public space. There is an opportunity to enhance pedestrian safety by providing curb extensions and/or painted protected sidewalks at any of the development's five intersections, and especially at Banker Street, North 15th Street, and Wythe Avenue, which would be designed as publicly accessible open space. (1)*

Response 10.1: **The EIS provided a detailed analysis of the Proposed Development's effects on pedestrian conditions, and concluded that all analyzed pedestrian elements would continue to operate at an acceptable LOS C or better in all three analyzed peak hours, and there would be no significant adverse pedestrian impacts based on *CEQR Technical Manual* impact criteria. In addition, none of the analyzed intersections are classified as high crash locations. As noted in the EIS, it is anticipated that as part of the Proposed Development, a new crosswalk would be striped on the north leg of the Banker Street/Norman Avenue/Wythe Avenue intersection adjacent to the Development Site. In addition, curb extensions on the southeast corner of the intersection of Gem and**

North 15th streets, and the northwest corner of the intersection of Banker Street and Wythe Avenue, will be considered for inclusion as part of the BPP, in consultation with DOT.

Comment 10.2: Borough President Adams recognizes that the costs associated with the construction of sidewalk extensions can be exacerbated by the need to modify infrastructure and/or utilities. Therefore, where such consideration might compromise feasibility, he would urge DOT to explore the implementation of either protected painted sidewalk extensions defined by a roadbed surface treatment or sidewalk extensions as part of a Builders Pavement Plan. If the implementation meets DOT's criteria, the agency should enable RP Inlet, LLC to undertake such improvements as part of its Builders Pavement Plan, after consultation with CB 1 and local elected officials. The implementation of a sidewalk extension through roadbed treatment requires a maintenance agreement that indemnifies the City from liability, contains a requirement for insurance, and details the responsibilities of the maintenance partner. (1)

Response 10.2: Comment noted. Also see Response 10.1.

11. Air Quality

No comments.

12. Greenhouse Gas Emissions

Comment 12.1: The City Council [should] obtain written commitments from RP Inlet, LLC to memorialize incorporation of resiliency and sustainability measures, such as blue and/or green roofs, grid-connected rooftop batteries, passive house design, solar panels and/or facades, and/or wind turbines (1)

Response 12.1: Comment noted. As discussed in the Land Use, Zoning and Public Policy and Greenhouse Gas Emissions chapters of the EIS, the Proposed Development would be consistent with public policies related to sustainability and resiliency. The Proposed Development would be fully compliant with any and all local laws, including Local Law 97 of NYC's Climate Mobilization Act enforcing strict carbon emission targets; coastal flood resiliency and erosion regulations to protect against rising sea levels; Local Law 15 of 2020 requiring "bird friendly" materials on at least 90% of the first 75 feet of the building's exterior to reduce collision hazards; and it is the Applicant's intention that the project would achieve LEED Silver certification.

Comment 12.2: The required Builders Pavement Plan provides an opportunity to install DEP rain gardens along the proposed development's frontages on Meserole and Wythe avenues, and Banker, Gem, and North 15th streets. The ZR requirement to plant street trees provides of shade on excessively hot days, helps combat the urban heat island effect, and provides other aesthetic, air quality, and enhanced stormwater retention benefits. It should be noted that a rain garden would require a maintenance commitment and attention from the landlord. (1)

Response 12.2: Comment noted.

13. Noise

No comments.

14. Public Health

No comments.

15. Neighborhood Character

No comments.

16. Construction

No comments.

17. Mitigation

No comments.

18. Alternatives

No comments.

19. Unavoidable Adverse Impacts

No comments.

20. Growth-Inducing Aspects of the Proposed Actions

No comments.

21. Irreversible and Irretrievable Commitments of Resources

No comments.

D. MISCELLANEOUS

Comment 1: *Within our community, ACME Smoked Fish has become an important component of our community for many decades. With regard to the rezoning request, we strongly support it…[In] this time of pandemic-craziness, as a business organization seeing more and more businesses close their doors every day, we believe it's important and uplifting to see some positive movement. This is definitely that. (7)*

ACME's Fish Fridays have become an important weekly event that families and individuals look forward to and support week after week. This is just one example of how ACME has become an important component of North Brooklyn. (7)

We are gratified to see Acme literally "putting their money where their mouth is" and investing in local expansion; they certainly could have redirected production to other facilities in less expensive locales. They are investing in the future of the community as much as their own facility. (3)

I'm a big fan of keeping the Industrial Business Zone in the community that maintains a live-work environment and gives Greenpoint that great cache. We need to keep the legacy of ACME in the community. (4)

As an immigrant that came to America when I was two years old, many of our family friends got jobs at ACME Smoked Fish. (4)

It's not often that a company like ACME Smoked Fish stays in New York City. So we are so pleased that a company with deep roots in the community is able to expand and develop their facilities while providing opportunities for the community. We are in full support of this project, and we have full confidence that Rubenstein and ACME Smoked Fish will be a responsible employer and presence in the community. (2)

We are in full support of the mixed-use manufacturing and commercial project at 10 Wythe Avenue and look forward to Acme's continued growth as a key employer in the North Brooklyn manufacturing community. (6)

We are in favor of Acme Fish and of the CB1 resolution to approve the application. We request that the council member support all the CB1 contingencies. (5)

Response 1: **Comment noted.**

Comment 2: *As concerned residents we would like to be apprised of decisions as they are made and before any final agreement is reached and request that community residents are a part of the decision-making process. (5)*

Response 2: **Comment noted. The public has the opportunity to comment on the proposal throughout the ULURP process.**

Comment 3: *We want the applicant to be able to complete this project in a timely fashion, and to be able to expand operations as soon as possible. However, we urge the applicant team to work with the Department of City Planning and local building officials to find a way to memorialize the permanence of the active manufacturing portion of the development in the text without delaying the approval process. (3)*

Response 3: **Comment noted. The Applicant intends to enter the Industrial Development Agency (IDA) program, the benefits of require the Acme space to be maintained as industrial for a minimum of 25 years.**

Comment 4: *We wish Acme Smoked Fish and Rubenstein Partners the greatest success with this project, and we fervently hope that it will serve as a model for creative and equitable mixed industrial/commercial development in NYC and beyond. (3)*

We are particularly glad to have an innovative proposal that will allow Acme Smoked Fish to expand in its long-time home in the Greenpoint Williamsburg IBZ and appreciate the creative approach that Acme Smoked Fish and Rubenstein Partners have undertaken in

developing this commercial/manufacturing mixed use development. We are excited to see it come to fruition and hope that the model will be both successful and replicable. (3)

Response 4: Comment noted.

Comment 5: Because commercial uses tend to be higher value than industrial ones, without regulation, the private market would not provide land or space for maker uses. Changing the commercial zoning from M3-1 to the proposed M1-5 with the requested bulk modification permit, provides an opportunity to leverage certainty for manufacturing and other uses deemed beneficial to the community by restricting office and retail occupancy. Establishing effective legal means to ensure maker space and uses would help maximize the project's public purpose, including a new facility for Acme Smoked Fish that would secure its operations in Brooklyn. (1)

Response 5: Comment noted.

Comment 6: Borough President Adams recognizes that the applicant has expressed intent to achieve an energy efficient building envelope at 30 Gem Street and seek LEED certification. He believes it is appropriate for RP Inlet, LLC to engage the Mayor's Office of Sustainability, NYSERDA, and/or the New York Power Authority (NYPA), to give consideration to government grants and programs that might offset costs associated with enhancing the resiliency and sustainability of this development site. One such program is the City's Green Roof Tax Abatement (GRTA), which provides a reduction of City property taxes by $4.50 per sq. ft. of green roof, up to $100,000. The DEP Office of Green Infrastructure advises property owners and their design professionals through the GRTA application process. (1)

Response 6: Comment noted.

Comment 7: Borough President Adams believes that it is appropriate to zone for increased commercial density in proximity to public transportation. The site's location is equidistant from the Brooklyn-Queens Crosstown Local G train Nassau Avenue and Greenpoint Avenue stations. It is also accessible via the B32 bus, which makes stops along Franklin Avenue and North 14th Street. Finally, the area is well-served by Citi Bike, with a docking station located directly on the block, at the intersection of North 15th Street and Wythe Avenue, and another across the street on Meserole Avenue. (1)

Response 7: Comment noted.

Comment 8: Borough President Adams generally supports the proposed rezoning to facilitate the represented mixed-use development at 30 Gem Street. However, he seeks assurances of dedicated commercial space for maker businesses, a mechanism to ensure user compliance, a restricted range of permitted use groups, limitations on accessory retail floor area, consideration of bulk redistribution and reduction, integration of resilient and sustainable features including rain gardens, advancement of Vision Zero policies, the implementation of car-share, and a high level of local and MWBE hiring for the project. (1)

Response 8: Comment noted.

Comment 9: Acme Smoked Fish expects that this purpose-built facility will secure its long-term presence in Brooklyn. However, such occupancy is not guaranteed, and IDA incentive

programs would require the building to be maintained as manufacturing space for 25 years. (1)

Response 9: **Comment noted. The Applicant intends to enter the Industrial Development Agency (IDA) program, the benefits of which require the Acme space to be maintained as industrial for a minimum of 25 years.**

Comment 10: *There are two things we are calling on the council member to specifically ensure and require: that the use of the 4-story Acme Fish building remains zoned for manufacturing use for at least 25 years and a reduction in the height of the development. (5)*

Response 10: **See Responses 1.2 and 1.3 above.**

Comment 11: *Prior to considering the application, The City Council [should] obtain written commitments from RP Inlet, LLC to retain Brooklyn-based contractors and subcontractors, especially those that are designated local business enterprises (LBEs) consistent with Section 6-108.1 of the City's Administrative Code, and minority- and women-owned business enterprises (MWBEs) as a means to meet or exceed standards per Local Law 1 (no less than 20 percent participation), as well as coordinate the oversight of such participation by an appropriate monitoring agency. (1)*

Response 11: **Comment noted. This issue is outside the scope of CEQR analysis.**

Comment 12: *As a community business organization, we have had very successful relations with both ACME and Rubenstein Partners. The thoughtful design of this project, as it was explained to us, as well as the promise of much-needed additional local jobs, makes this something we're very excited about. (7)*

Response 12: **Comment noted.**

Comment 13: *ACME continues to provide jobs for the community, and I know they're good jobs. Literally, ACME created a stepping stone for the American Dream for a lot of the people that lived in Greenpoint. (4)*

Response 13: **Comment noted.**

Comment 14: *The incorporation of car-sharing vehicles within the building's garage would require the developer to provide visible signage, per ZR Section 36-523, and to state the total number of parking spaces, as well as the maximum number of car-sharing vehicles. Therefore, prior to considering this application, the City Council should obtain written commitments from the developer, RP Inlet, LLC, clarifying how it would engage car-sharing companies to lease multiple spaces within the garage. (1)*

Response 14: **Comment noted.**