ACME FISH EXPANSION
Chapter 1: Project Description

A. INTRODUCTION

RP Inlet, LLC ("the Applicant") is requesting two discretionary actions that would facilitate a mixed-use development comprising a total of approximately 654,300 gross square feet (gsf) (583,778 zoning square feet (zsf)) of commercial/ manufacturing uses (the "Proposed Development") on the 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"), in the Greenpoint neighborhood of Brooklyn Community District (CD) 1 (refer to Figure 1-1, "Project Location"). The Development Site comprises Brooklyn Block 2615, Lots 1, 6, 19, 21, 25, 50, and 125 (the "Proposed Rezoning Area").

The Applicant seeks the following discretionary approvals (collectively, the "Proposed Actions"):

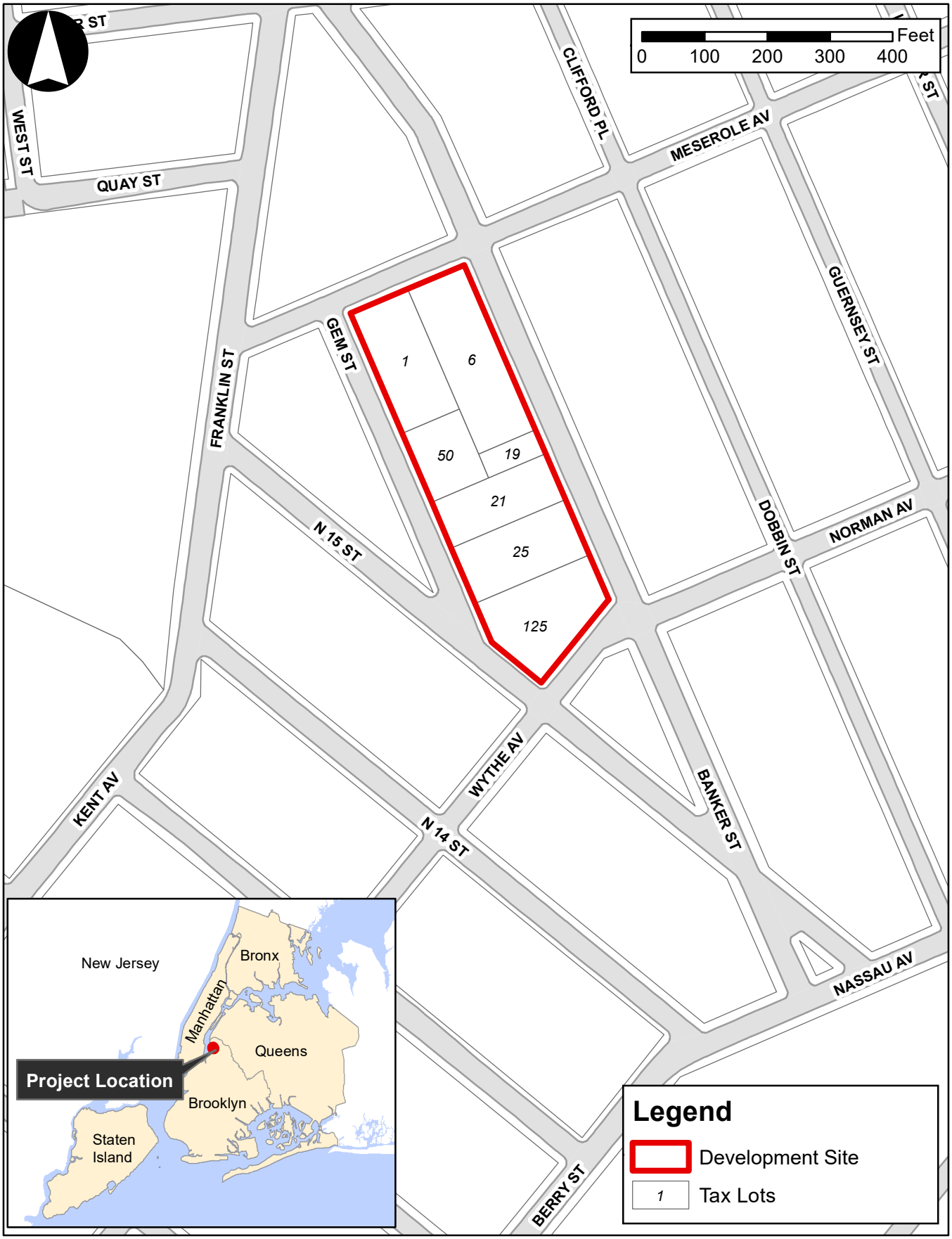
1. A zoning map amendment to rezone the Development Site (Block 2615, Lots 1, 6, 19, 21, 25, 50, and 125) from M3-1 to M1-5.
2. A Large-Scale General Development (LSGD) special permit pursuant to Section 74-743(a)(2) of the Zoning Resolution of the City of New York ("ZR") to allow the Proposed Development to penetrate the required sky exposure plane and the required initial setback distance, contrary to ZR 43-43.

The Applicant may also seek discretionary tax incentives from the New York City Industrial Development Agency (NYCIDA).

The Proposed Actions would facilitate a new development with approximately 654,300 gsf, comprising (i) a new and improved approximately 109,300 gsf (95,299 zsf) Acme Smoked Fish processing facility (including accessory administrative space), and (ii) approximately 545,000 gsf (488,479 zsf) of commercial office and retail space (including parking/loading/bike storage spaces). The Acme Smoked Fish processing facility would contain four stories with a height of approximately 74 feet to the building roofline[1]. There would be a mechanical metal louver screen on the roof that is approximately 25 feet high. 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 Development would consist of nine stories, with a maximum building height envelope of approximately 178.5 feet to the building roofline[2], occupying the remainder of the block. There would be a mechanical bulkhead and mechanical equipment screen on the roof that would be approximately 25 feet tall. Although no parking spaces are required under the proposed zoning, up to approximately 150 off-street accessory parking

[1] It should be noted that, although the Acme Smoked Fish processing facility would reach a roofline height of approximately 74 feet, plus a mechanical louver screen above, the requested LSGD special permit would permit a maximum building height envelope of approximately 104 feet (including mechanical bulkhead). As such, this maximum permitted height will be used for CEQR analysis purposes throughout this document, unless otherwise noted.

[2] It should be noted that, although the commercial/retail component of the Proposed Development would reach a roofline height of approximately 172.5 feet, plus a mechanical bulkhead above, the requested LSGD special permit would permit a maximum building height envelope of approximately 178.5 feet to the roofline. As such, this maximum permitted height will be used for CEQR analysis purposes throughout this document, unless otherwise noted.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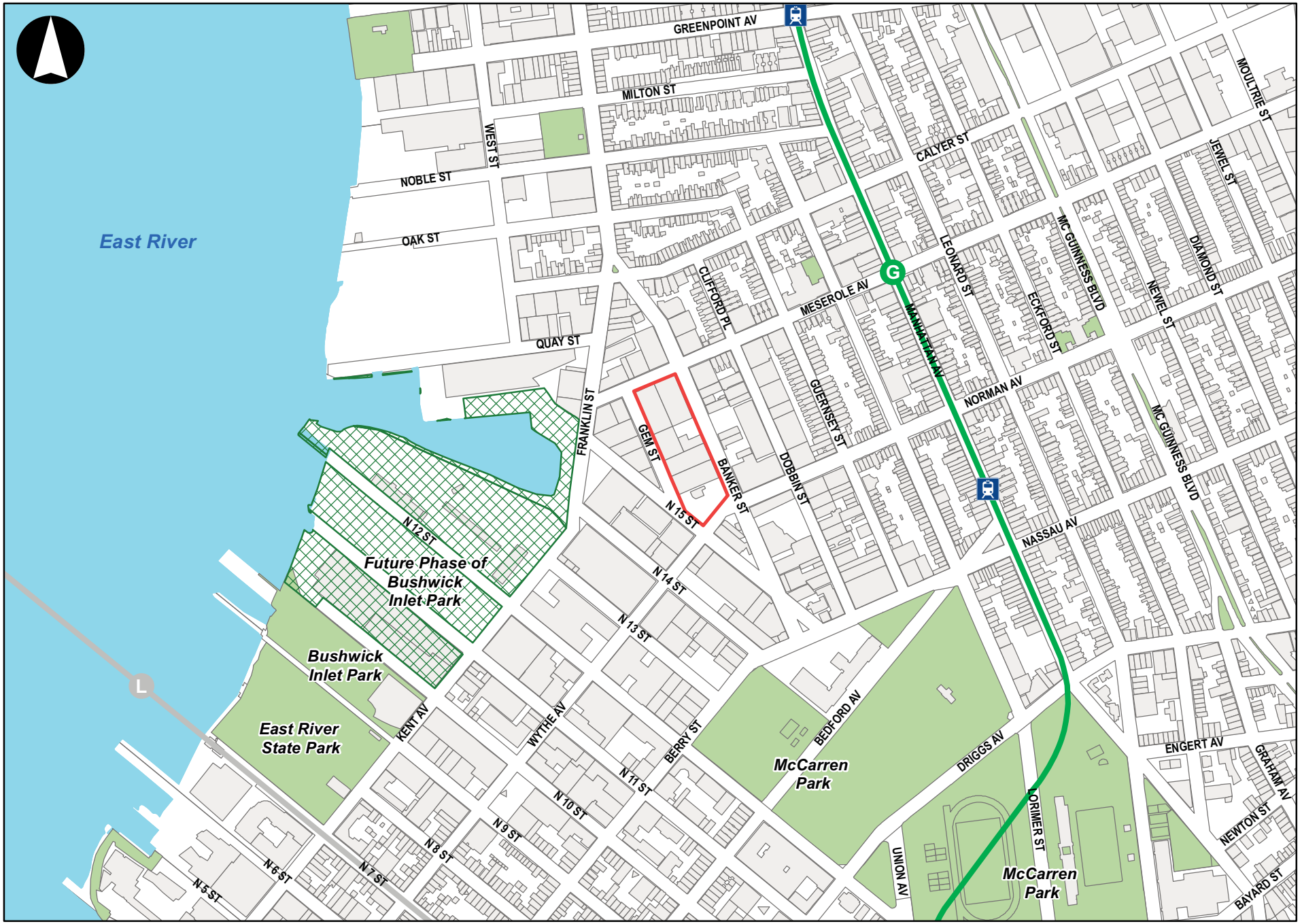
BANKER ST
NASSAU AV
BERRY ST
New Jersey
Bronx
Manhattan
Queens
Brooklyn
Staten Island
Project Location
Legend
Development Site
1
Tax Lots



Development Site

Acme Fish Expansion

Figure 1-1b
Project Location - Neighborhood Context



Development Site 1 Photo Locations (refer to Figure 1-2)

Source: Google Earth Pro

Acme Fish Expansion

Figure 1-1c
Project Location - Aerial View

spaces would be provided on the ground level, with curb-cut access via Gem Street. A total of six loading berths would be provided – three for Acme Smoked Fish, with access from Meserole Avenue (two berths) and Banker Street (one berth), and three for the commercial building, with access from Banker Street. The Proposed Development is also anticipated to include partially covered open space areas at the southern portion of the Development Site, totaling approximately 21,403 sf of Public Access Area.

It is expected that the Proposed Development would be constructed over an approximately 48-month period following approval of the Proposed Actions, with completion and full occupancy expected to occur by late 2024.

This chapter provides a summary and description of the Proposed Actions, Development Site and its location, existing conditions, project purpose and need, project description, reasonable worst-case development scenario (RWCDS) under No-Action and With-Action conditions, and the public review process required for the Proposed Actions. The analyses following this chapter examine the potential for the Proposed Actions to result in significant adverse environmental impacts in any technical area of the 2014 *City Environmental Quality Review (CEQR) Technical Manual*.

B. BACKGROUND AND EXISTING CONDITIONS

Proposed Rezoning Area/Development Site

The Development Site (Block 2615 in its entirety) comprises approximately 116,756 square feet (sf) of lot area, and is 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 (refer to Figure 1-1). It is the current home of the processing plant and smokehouse for Acme Smoked Fish, a New York City institution founded in 1905 and operated by four generations of the Caslow family. Acme Smoked Fish first opened their facility on Gem Street in 1954, and the facility was rebuilt in 1966 after a major fire. The business has thrived since its opening at 30 Gem Street (Lot 50) and grown, in a piecemeal manner, from an approximately 10,000 gsf facility to its current size of approximately 72,885 gsf. In 1975, Acme Smoked Fish expanded to an adjacent building at 14 Meserole Avenue (Lot 1), and in 1994, it expanded again to an adjacent building at 192 banker Street (Lot 21), and expanded further in 2003 to the adjacent building at 190 Banker Street (Lot 25). Thus, Acme Smoked Fish's current Brooklyn facility is a cobbled together agglomeration of four different buildings, assembled piecemeal over a course of decades. The Acme Smoked Fish facility continues to occupy the majority of the subject block. The existing buildings on the block mostly date from the 1920s and 1930s, but have undergone various alterations since the 1980s.

The Acme Smoked Fish facility currently occupies tax lots 1, 21, 25, and 50 (64,151 sf of total lot area), comprising four interconnected 1- to 2-story buildings with a total of approximately 72,885 gsf of built floor area. The Development Site also includes Lot 6, which contains ABC Stone, a stone supplier occupying a 2-story building (approximately 21,500 gsf), which is currently in the process of moving out and is expected to relocate within the area. The Development Site also includes, a single-story vacant building with approximately 3,800 gsf on Lot 19, and the field office and open storage for Corzo Contracting Company, a utility construction company that occupies the southern portion of the block (Lot 125), which intends to relocate within New York City. Refer to Figure 1-2 for photos of existing conditions on the Development Site.

The Development Site is currently zoned M3-1. M3 districts are designated areas for heavy industrial uses that generate noise, traffic, or pollutants. Typical uses include power plants, solid waste transfer facilities



1. View from Gem Street looking northeast towards Acme facility at corner with Meserole Avenue (on Lot 1).



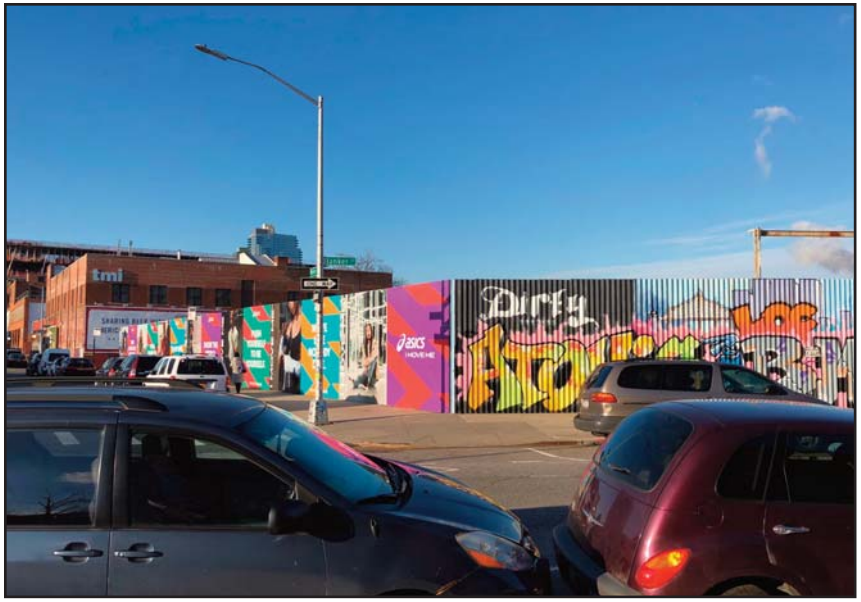
2. View from Gem Street looking northeast towards Acme facility on Lot 1 & a portion of Lot 50.



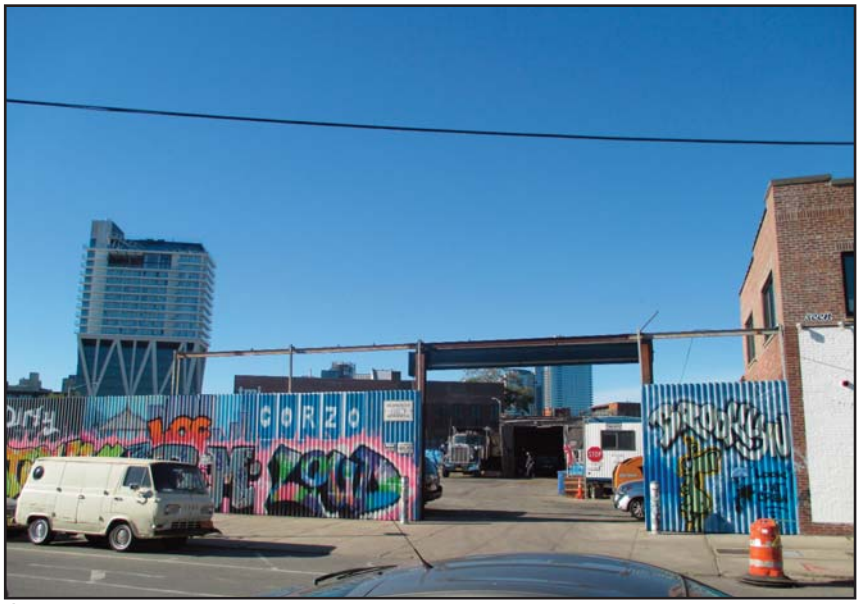
3. View from Gem Street looking northwest towards Acme facility on Lots 21 and 50 (and Lot 1 beyond). Smokehouse on Lot 50 is visible in center right of photo.



4. View from Gem Street looking southeast towards North 15th Street and Wythe Avenue. Acme facility, with smokehouse on Lot 50, visible to the left.



5. View from corner of Banker Street and Wythe Avenue west towards proposed development site (Lot 125).



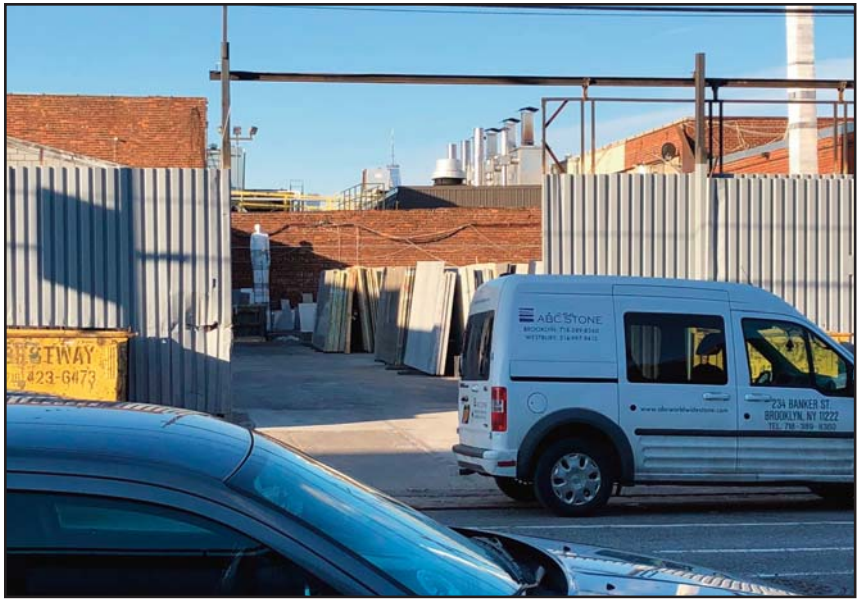
6. View from Banker Street looking west towards Lot 125.



7. View from Banker Street looking west towards Lot 25, with a portion of Lot 125 to the left.



8. View from Banker Street looking northwest towards Lots 21 and 25.



9. View from Banker Street looking west towards Lot 6.



10. View along sidewalk on Banker Street looking north towards Meserole Avenue (Lot 6 is on the left).



11. View from corner of Banker Street and Meserole Avenue looking southwest towards Lots 6 (left) and 1 (right).



12. View on Meserole Avenue looking southwest towards Acme facility on Lot 1.

and recycling plants, and fuel supply depots. Uses with potential nuisance effects are required to conform to minimum performance standards. The maximum floor area ratio (FAR) in M3-1 districts is 2.0, with a maximum base height before setback of 60 feet, and buildings are governed by the sky exposure plane, a virtual sloping plane that begins at a specified height above the street line and rises inward over the zoning lot at a ratio of vertical distance to horizontal distance set forth in district regulations. A building may not penetrate the sky exposure plane, which is designed to provide light and air at street level. The Development Site was initially proposed for rezoning (from M3-1 to M1-2) as part of the 2005 Greenpoint-Williamsburg Rezoning; however, it was ultimately excluded from the rezoning area in response to comments received from Acme Fish Co. to facilitate the continued operation and expansion of their active business.

The Development Site is located within the Greenpoint-Williamsburg Industrial Business Zone IBZ (the "Greenpoint-Williamsburg IBZ"), which is discussed further in the following section.

Neighborhood Context

The area surrounding the Development Site is characterized by a wide variety of industrial, commercial, and residential land uses and various building types. The Development Site straddles the neighborhoods of Greenpoint and Williamsburg in Brooklyn, and is located a few blocks northeast of Bushwick Inlet Park, which is planned for expansion by NYC Parks in the future, and a block to the northwest of McCarren Park (refer to Figure 1-1b). Current land uses within a 400-foot radius reflect longstanding manufacturing and industrial buildings (some of which have been converted to commercial uses). Commercial uses can be found throughout the 400-foot radius, and include creative workspace, restaurants, retail, and studios. Some residential uses are also located within a 400-foot radius, largely concentrated on the block bounded by Calyer Street, Clifford Place, Meserole Avenue, and Banker Street. Beyond a 400-foot radius, the area to the northeast of the Development site is the residential neighborhood of Greenpoint, and to the south is the mixed office, industrial and residential neighborhood of Williamsburg. Although the Development Site is zoned M3-1, a district designated for heavy industries, it is surrounded by M1-2 and M1-1 zoning districts, which typically include light industrial uses and are often buffers between M2 or M3 districts and adjacent residential or commercial districts.

The surrounding Greenpoint-Williamsburg area has seen significant changes since 2005, including new hotel, office, and residential development. South of the Development Site, the Wythe Hotel (at 75 North 11th Street) opened in 2012, and Amazon developed a 40,000 gsf photo studio and office space at 35 Kent Avenue. Additionally, the recently completed eight-story, approximately 405,156 gsf, 25 Kent Avenue development is three blocks to the south of the Development Site. 25 Kent Avenue was the first project in the City to establish and map an Industrial Business Incentive Area (IBIA) and apply for a special permit that incentivizes the construction of commercial and/or manufacturing buildings that allocate a portion of their floor area to certain light industrial uses in IBIAs.

As noted above, the Development Site is located within the Greenpoint-Williamsburg IBZ. The IBZ covers over twenty blocks (or portions thereof) in the Greenpoint and Williamsburg neighborhoods, and is generally bounded by Kent Avenue/Franklin Street to the west, Calyer Street and Meserole Avenue to the north, Banker, Dobbin, and Guernsey Streets to the east, and Nassau Ave/Berry Street and North 12th and North 13th streets to the south. IBZs offer various incentives to prevent industrial uses from relocating outside of the City and represent a commitment by the City not to rezone these areas for residential uses. Within an IBZ, Industrial Business Solutions Providers offer industrial firms guidance accessing appropriate financial and business assistance programs, navigating and complying with regulatory requirements, developing workforces, and ensuring the neighborhood is well-maintained. The Industrial Business

Solutions Provider for the Greenpoint-Williamsburg IBZ is Evergreen, a membership-based industrial advocacy and non-profit organization that manages the IBZ and assists industrial businesses in North Brooklyn.

Area Transportation

The area surrounding the Development Site is served by several public transit options. The Nassau Avenue G subway station (located to the southeast at the intersection of Nassau and Manhattan avenues) is approximately 0.3 miles to the southeast of the Development Site and the Bedford Avenue L subway station (located to the south at the intersection of Bedford Avenue and North 7th Street) is approximately 0.6 miles from the Development Site. In addition, the B32 bus (connecting Williamsburg Bridge Plaza and Long Island City) runs along Franklin Street/Kent Avenue and Wythe Avenue, the B62 bus (connecting Downtown Brooklyn/Fulton Mall and Long Island City) runs along Bedford and Driggs Avenues, and the B43 bus (connecting Lefferts Gardens/Prospect Park and Greenpoint) runs along Manhattan Avenue and Graham Avenue. The B32 bus also makes a wide variety of connections to other local bus lines along the Broadway commercial corridor in Brooklyn, including connections with the B24, B39, B46, B60, B62, Q54 and Q59 bus lines. The North Williamsburg stop on the NYC Ferry East River route is located less than 0.7 miles to the southwest of the Development Site at the western terminus of North 5th Street, and the Greenpoint stop is located less than 0.7 miles to the northwest of the Development Site at the western terminus of India Street. There are two nearby CitiBike stations, at the corner of Banker Street and Meserole Avenue and at the corner of North 15th Street and Wythe Avenue. Taken together, these transit options provide access to the Development Site from much of North Brooklyn and beyond.

C. DESCRIPTION OF THE PROPOSED ACTIONS

The Proposed Actions comprise a zoning map amendment and a Large-Scale General Development (LSGD) Special Permit. These actions are detailed below.

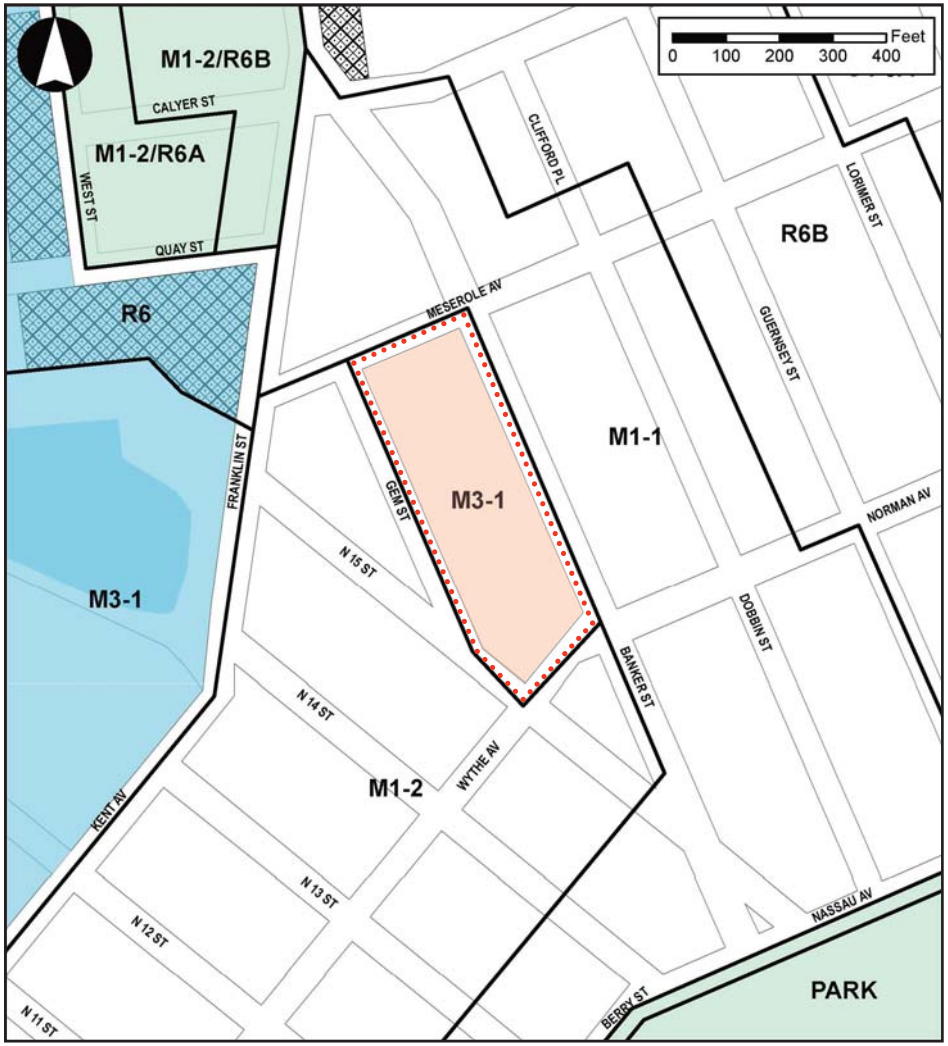
Zoning Map Amendment

The proposed zoning map amendment, which would rezone the Proposed Rezoning 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. As shown in Figure 1-3, the Proposed Rezoning Area encompasses the entirety of the Development Site.

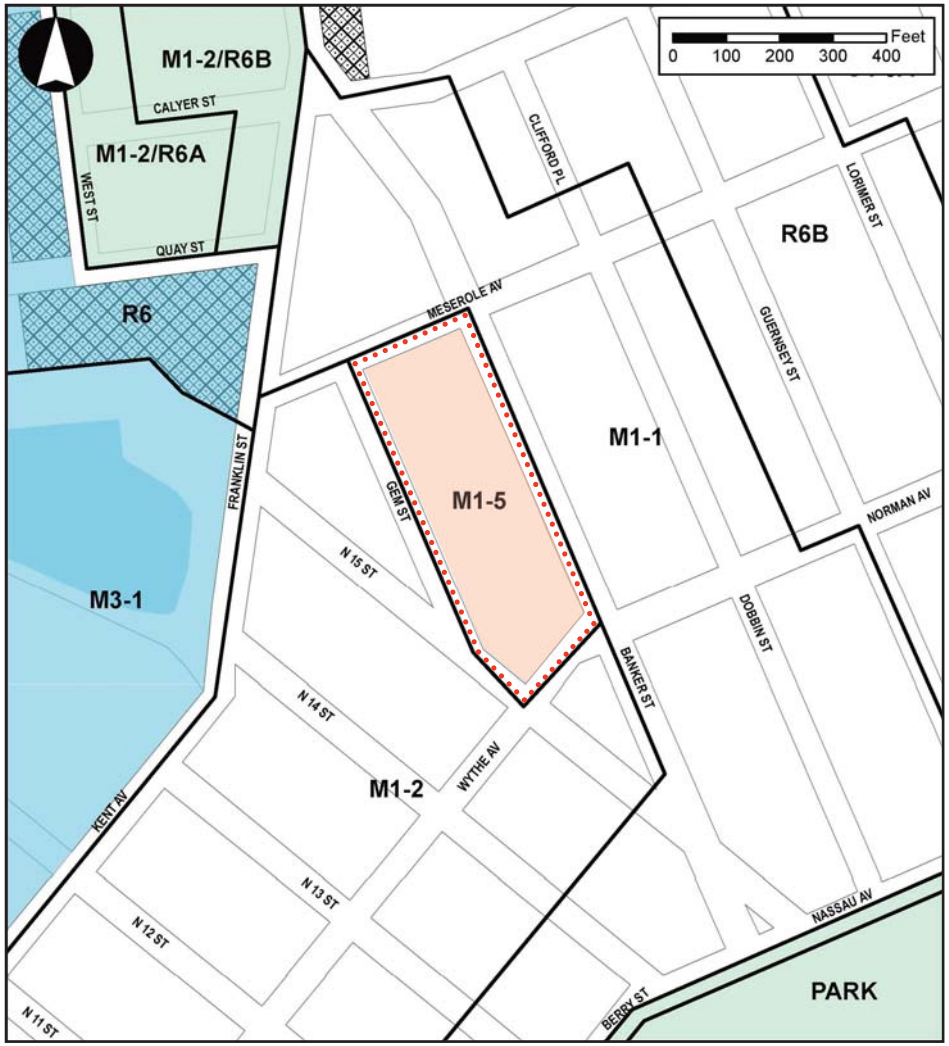
M1-5 districts allow uses in Use Groups 4 through 17, subject to certain limitations, and allow Use Group 18, subject to compliance with performance standards. In M1-5 districts, Use Group 5 hotels are allowed only by special permit. In addition, the Development Site is in an area designated in Appendix J of the Zoning Resolution, where self-storage facilities are permitted by special permit. The proposed Use Group 18A (preparation of fish for packing) will comply with all applicable performance standards and therefore is permitted in the M1-5 zoning district as-of-right.

Large-Scale General Development (LSGD) Special Permit

A LSGD special permit is being sought, 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



EXISTING ZONING



PROPOSED ZONING

Legend

- Development Site
- Proposed Rezoning Area
- M3-1 Zoning District Boundaries
- C2-4 Commercial Overlay
- Special Mixed Use District (MX-8)
- Waterfront Access Plan Area

plane and the required initial setback distance, contrary to ZR 43-43 (refer to Figure 1-4). 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.

Specifically, ZR 43-43 requires that the front wall of a development in an M1-5 zoning district be set back 20 feet from a narrow street above a height of 85 feet or 6 stories (whichever is less). As shown in Figure 1-4a, the commercial component of the Proposed Development along Gem Street and Meserole Avenue would rise on the lot line to a height of approximately 104 feet before providing the setback. This waiver is requested to allow the roof of the Acme Smoked Fish facility to be unobstructed for ventilation purposes. The waiver would permit the distribution of the commercial floor area on the site to accommodate the factory ventilation requirements and would produce a better site plan with maximum landscaped public areas, allowing improved pedestrian access in and through the large block.

Additionally, Section 43-43 of the Zoning Resolution requires that a development in an M1-5 zoning district stay below a sky exposure plane of 2.7 vertical feet to 1 horizontal foot extending from the maximum front wall height of 85 feet. As shown in Figure 1-4, the commercial component of the Proposed Development would penetrate the required sky exposure plane on the Gem Street and Meserole Avenue sides of the building. This LSGD modification is requested to allow the Proposed Development to shift the bulk into the middle of the block, along Gem Street, and to allow the building to step back on the Wythe Avenue side of the site. This provides the office component of the Proposed Development, with most of its frontage along Gem Street and a portion of Banker Street, a building design that incorporates increased office floor plates. Additionally, this modification is requested to permit the roof of the Acme Smoked Fish facility to be unobstructed for ventilation purposes. By permitting the vertical distribution of the commercial floor area on the site to accommodate the factory ventilation requirements, a better site plan is achieved with maximum landscape public access areas and improved pedestrian access in and through the large block.

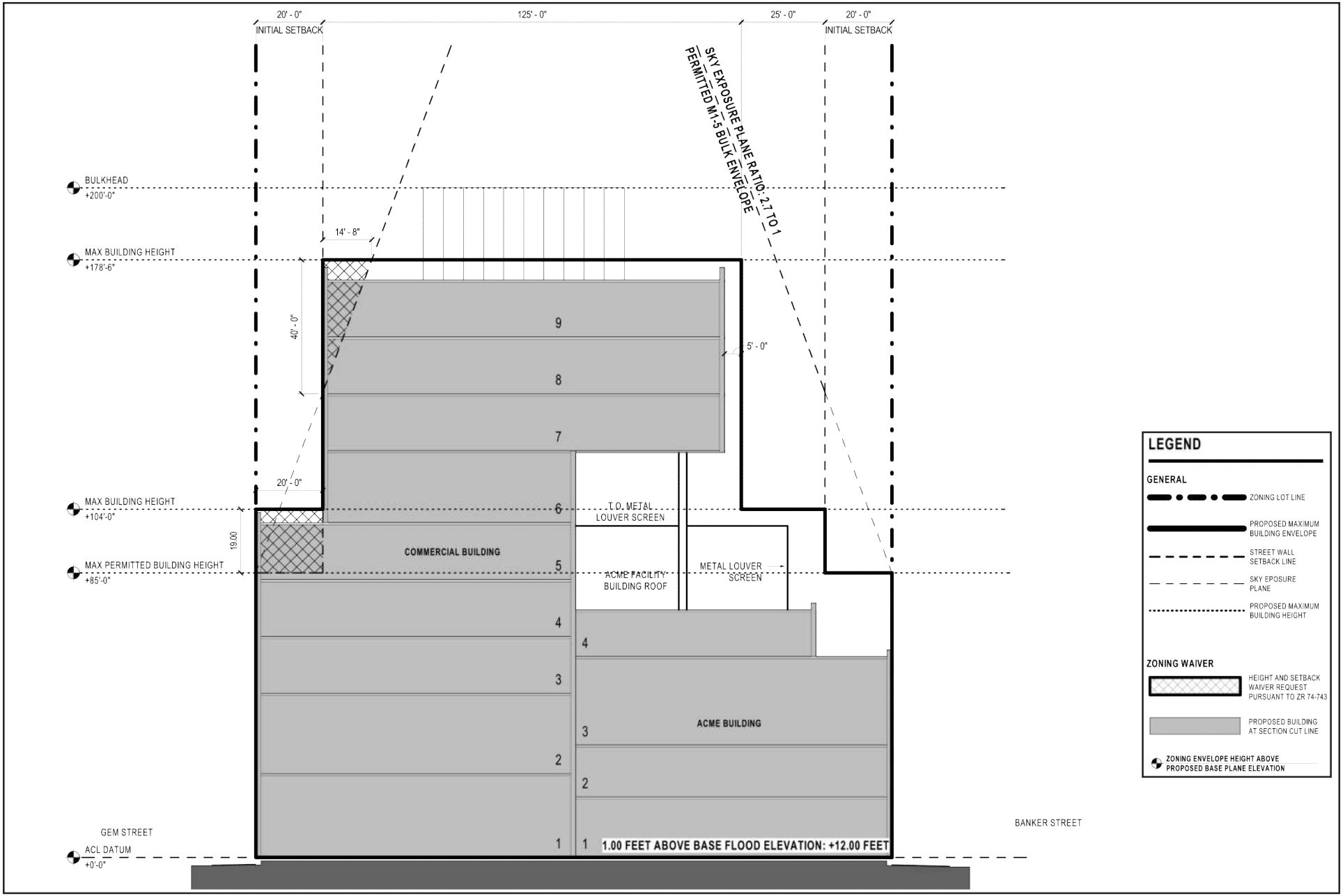
Other Potential Discretionary Approvals

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

D. PURPOSE AND NEED FOR THE PROPOSED ACTIONS

The existing Acme Smoked Fish facility on the Development Site poses a number of challenges, including limited capacity and an outdated plant. Moreover, advances in food safety require increased cost, and stretch the capabilities of the existing aging facility, and the level of investment required to upgrade the current facility would be cost-prohibitive. The only cost-effective and operationally acceptable solution to allow Acme Smoked Fish to remain in Greenpoint would be to construct a new flexible, purpose-built facility, while keeping the current plant operational. The Proposed Development seeks to enable the cost of a new state-of-the-art factory for Acme Smoked Fish to be offset by allowing a mix of complementary uses. Amending the zoning to facilitate the preservation of an existing industrial use while allowing greater commercial density would achieve this objective.

The Proposed Actions, consisting of a zoning map amendment and LSGD special permit, are being requested in order to facilitate the Proposed Development and achieve the objectives discussed above. 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 area

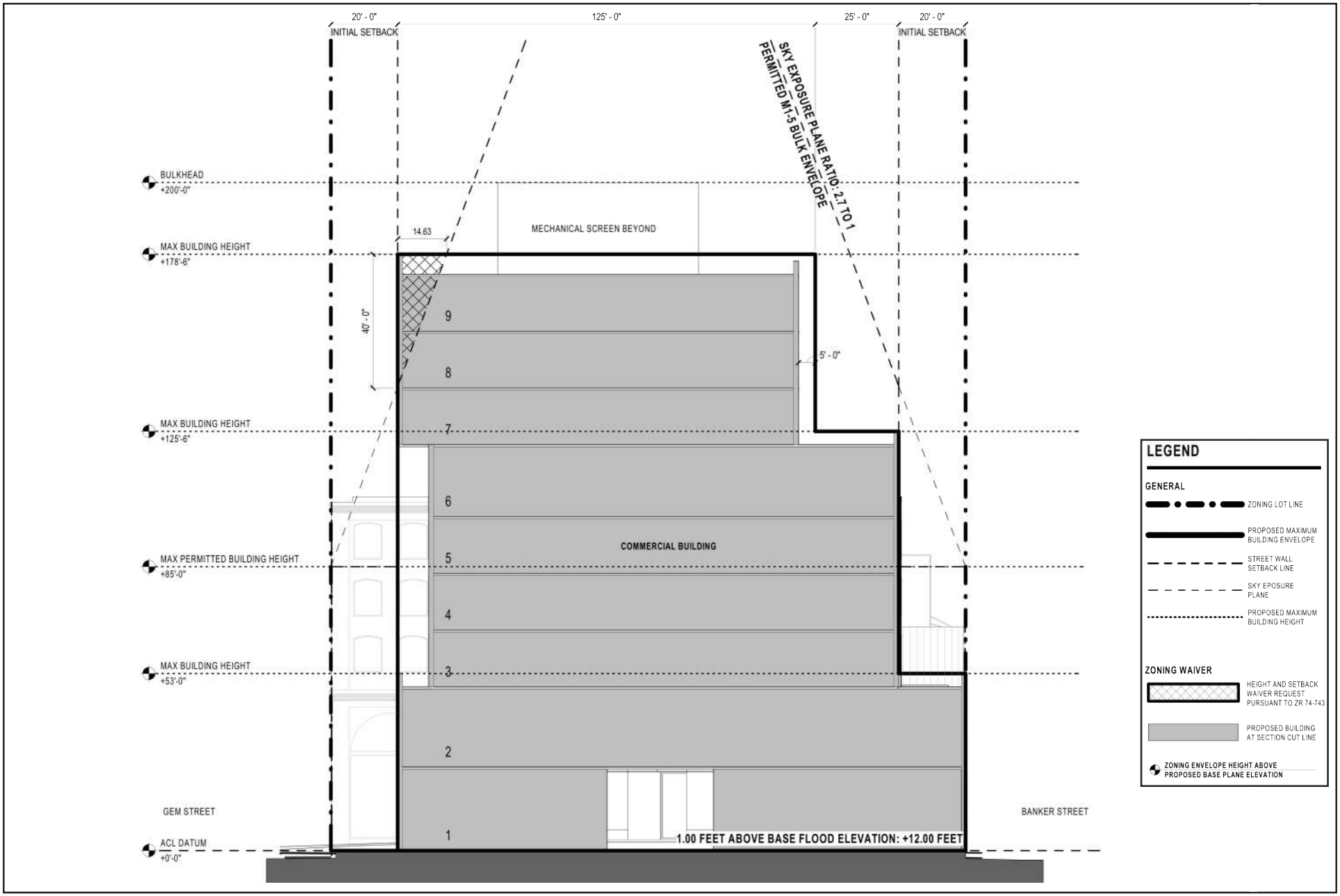


Source: Gensler Architect

Acme Fish Expansion

Figure 1-4a

Proposed Development Section: Setback and Sky Exposure Plane - East-West (North)



Source: Gensler Architect

Acme Fish Expansion

Figure 1-4b

Proposed Development Section: Setback and Sky Exposure Plane - East-West (South)

while allowing a mix of other complementary uses that are permitted within the proposed M1-5 zoning district. The Proposed Development is an opportunity to stabilize the loss of industrial space in the area and help create a synergy between industrial tenants and office tenants, which will reinforce the mixed-use character of the Greenpoint-Williamsburg IBZ.

The proposed zoning map amendment would complement the existing context of the surrounding area, which has experienced a change in land use patterns, through the conversion of existing buildings and new construction, from heavy industrial uses to light manufacturing and commercial uses. Although the Development Site is currently zoned M3-1, a district designated for heavy industries, it is surrounded by M1-2 and M1-1 zoning districts which typically include commercial and light industrial use that similar to uses found in the proposed M1-5 district. The proposed M1-5 zoning district would also be appropriate for the Development site given its proximity to public transportation, as higher density zoning districts are better suited in areas with proximity to a variety of public transit options to accommodate workers.

The designation of the Development Site as a LSGD would allow for the modification of the height and setback provision under ZR 43-43, which would provide for a better site plan on the block and better relationship among the building and the open space areas, thereby creating a site plan that the Applicant believes to be superior. Provision of the Acme Smoked Fish processing facility with unique programmatic requirements, combined with the need to create adequately sized office floor plates, requires waiver of the required 20-foot front wall setback, and penetration of the required sky exposure plane. The requested LSGD special permit offers flexibility in the project design that allows for a better site plan while still allowing the Proposed Development to both have a state-of-the-art fish processing facility and to provide first-class office space.

The proposed increase in density for industrial and commercial uses would allow the existing food processing manufacturer to remain in the same location in Brooklyn. The increase in the commercial FAR to 5.0 would allow the development of a new, state of the art fish processing facility for Acme Smoked Fish, which has outgrown its existing industrial space. 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 zoning map amendment is consistent with recently approved zoning actions in the surrounding area, including several Industrial Business Incentive Area (IBIA) Special Permits. As proposed, the combined industrial/commercial Proposed Development is in keeping with the City's policy of encouraging the retention and expansion of industrial businesses, especially in IBZ areas, by providing increased commercial floor area and acknowledging the site constrains that such developments may entail.

The Proposed Development is expected to serve a variety of office uses in addition to the Acme Smoked Fish facility, encourage job creation in areas near transit, provide increased walk-to-work opportunities in Brooklyn CD 1, strengthen the economic base of the City, contribute to a diverse mix of business uses and employment in the area, and protect the City's tax revenues. This would be in-line with Mayor de Blasio's initiative, *New York Works* – the 2017 jobs plan for New York City, which seeks to create 100,000 jobs over the next ten years (including much needed office jobs in the outer boroughs), combat economic inequality, grow middle class jobs, and adapt the economy to ongoing changes in technology.

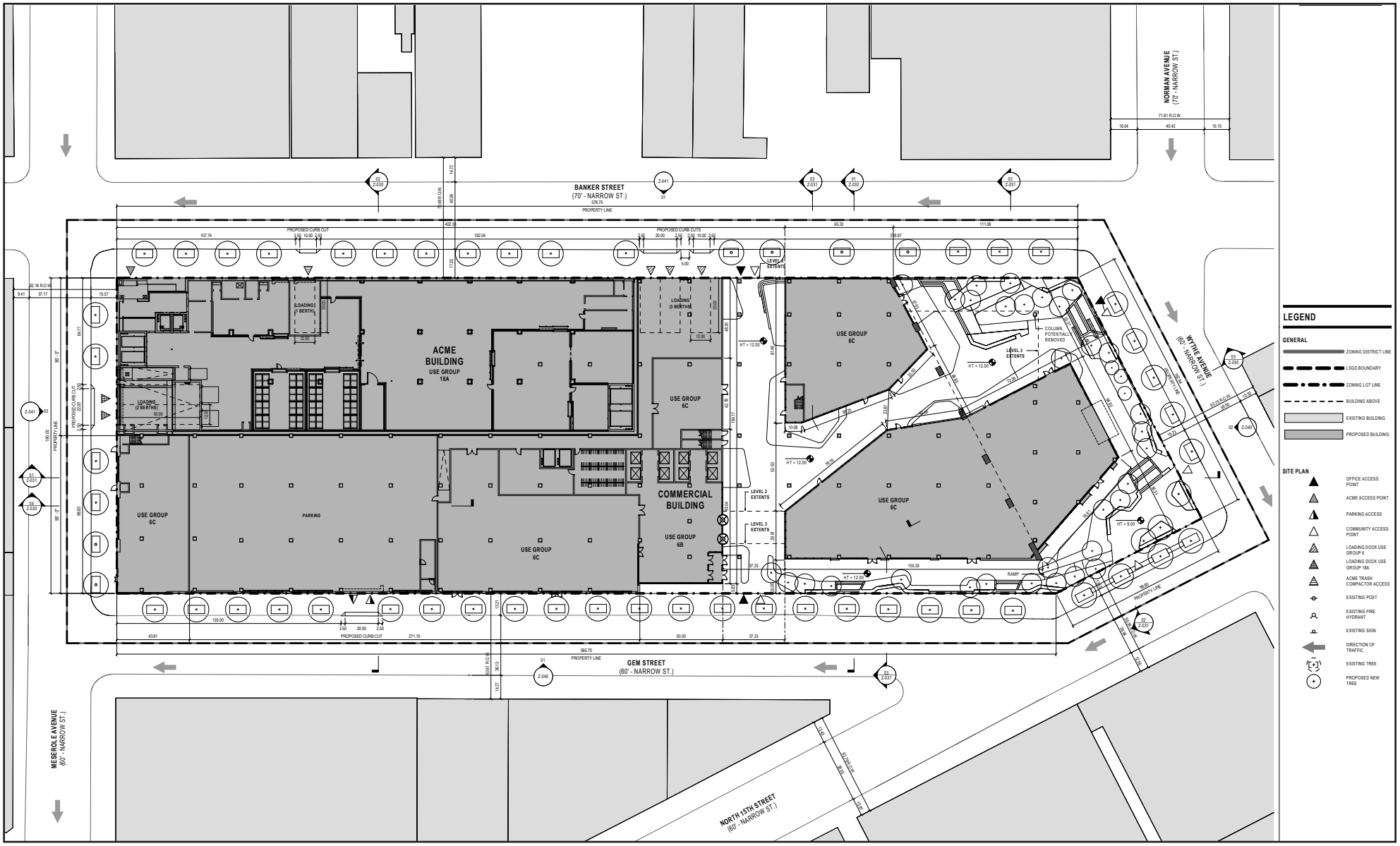
Furthermore, introducing additional commercial office space in Greenpoint would address a borough-wide need for more commercial office space. As demand for commercial space has increased in Brooklyn, substantial new commercial space has been created in Downtown Brooklyn, DUMBO, the Navy Yard, and Williamsburg over the past five years. This includes the approximately 1.2 million sf Dumbo Heights, a five-building complex in DUMBO, the approximately 400,000 sf Empire Stores development, also in DUMBO, as well as the approximately 1 million sf Building 77 renovation and the new approximately 675,000 sf Dock 72 building, both within the Brooklyn Navy Yard. Additional commercial development is also currently under construction, including the 25 Kent Avenue development, the approximately 700,000 sf Panorama project, a 5-building commercial complex in Columbia Heights, and the approximately 600,000 sf new building at 47 Hall Street near the Brooklyn Navy Yard, among others. The commercial office space facilitated by the Proposed Actions would contribute toward addressing demand for new commercial space in Brooklyn. Particularly in light of the Covid-19 health crisis, the commercial component of the Proposed Development would meet the need for new, modern, office space offering the latest in health and wellness measures (e.g., state-of the art infrastructure and HVAC systems). It would also allow companies to locate in the Greenpoint/Williamsburg neighborhood, closer to a large pool of available workforce that currently lives there, thereby allowing many office workers to walk or bike to work.

E. DESCRIPTION OF PROPOSED DEVELOPMENT

The Proposed Actions would allow the Applicant to construct a new development with approximately 654,300 gsf on the Development Site, comprised of (i) a new and improved approximately 109,300 gsf Acme Smoked Fish processing facility, and (ii) approximately 545,000 gsf of commercial office and retail space (including parking/loading/bike storage spaces). The Acme Smoked Fish processing facility would be constructed first, on Lot 6, while the current facility would continue to operate on Lots 1, 21, 25, and 50. Once the new Acme Smoked Fish processing facility is complete, Acme Smoked Fish would move its operations to the new facility, with a minimum of disruption. Only after Acme Smoked Fish is operating in the new facility will the Applicant begin construction on the remaining portion of the Development Site. Although the fish processing portion, and the office and retail portion, of the Proposed Development would be constructed separately and in sequence without interruption, the two portions are part of one single building that comprises the Proposed Development. A total of six loading berths would be provided for the Proposed Development – three for Acme Smoked Fish, with access from Meserole Avenue (two berths) and Banker Street (one berth), and three for the commercial building, with access from Banker Street (refer to Figure 1-5 for illustrative ground floor plan).

The Acme Smoked Fish processing facility would contain four stories with a height of approximately 74 feet to the building roofline and a maximum building height envelope of approximately 104 feet. There would be a mechanical metal louver screen on the roof that is approximately 25 feet high[3]. The Acme Smoked Fish facility would be located on the northeastern portion of the block, fronting on Meserole Avenue and Banker Street. The proposed Acme Smoked Fish facility would provide a more efficient and state of the art industrial space for the optimal production of their fish products. The entrance of the building would be on Banker Street near the corner of Meserole Avenue. The raw materials would be

[3] It should be noted that, although the Acme Smoked Fish processing facility would reach a roofline height of approximately 74 feet, plus a mechanical louver screen above, the requested LSGD special permit would permit a maximum building height envelope of approximately 104 feet (including mechanical bulkhead). As such, this maximum permitted height will be used for CEQR analysis purposes throughout this document, unless otherwise noted.



Source: Gensler Architect

Acme Fish Expansion

Figure 1-5
Proposed Development - Illustrative Ground Floor Plan

delivered through two loading berths on Meserole Avenue. The first floor of the facility would contain the cooler and freezer areas, brining section, defrosting and cleaning areas, and a storage area to hold the organic waste and refrigerated compactor. The organic waste would be removed through the third loading berth on Banker Street. The second and third floors would contain the salting, smoking and oven areas for smoking the fish products, hanging cooler area, packaging, and packaging cooling areas along with salad production and mayo storage areas. The administrative office and employee wellness areas will be located on the fourth floor of the facility. The proposed facility, being true to its industrial nature, is expected to feature a variation of dark grey textured insulated metal panels in keeping with the industrial context of the neighborhood.

The commercial office/retail component of the Proposed Development would consist of nine stories, with a maximum building height envelope of approximately 178.5 feet to the building roofline[4], occupying the remainder of the block. There would be a mechanical bulkhead and mechanical equipment screen on the roof that would be 25 feet tall (refer to Figure 1-4 for zoning sections for the Proposed Development, and Figure 1-6 for illustrative rendering). The commercial office/retail component of the Proposed Development would comprise a total of approximately 545,000 gsf, of which the office use would be approximately 493,450 gsf and the ground floor retail use approximately 33,800 gsf, and approximately 17,750 gsf would be occupied by parking/loading/bike storage space. Although no parking spaces are required under the proposed zoning, up to approximately 150 off-street accessory parking spaces would be provided on the ground level, with access via a curb-cut on Gem Street. The building would also provide approximately 65 accessory bicycle parking spaces.

The commercial/office component of the Proposed Development is intended to imitate the feeling of the many surrounding warehouse buildings. From grade, the brick vernacular base engages the ground, the metal industrial commercial segment then rests above the brick portions, and the modern intervention of the glass volume floats above (refer to Figure 1-6). The goal of the façade articulation design is to break down the mass and scale by aggregating the height at nine stories in the center of the building, decreasing the floor heights at five stories on Gem Street and Meserole Avenue, two and six stories on Banker Street, and two and six stories on Wythe Avenue. The terrace on the roof of the building and the terraces on the setbacks provided at varying roof heights on all façades will offer a visual connection between street and building levels as well as views towards the planned future phases of Bushwick Inlet Park. The commercial office entrance, situated in a modern transparent double height lobby featuring glass walls and roof, would be located on Gem Street.

In addition, as shown in Figure 1-7, the Proposed Development is also anticipated to include approximately 21,403 sf of Public Access Area ("PAA") at the southern portion of the Development Site, of which approximately 12,880 sf would be open to the sky and approximately 8,523 sf would be partially covered. Additionally, separate from the PAA, there would be approximately 5,775 sf of open areas adjacent to the retail establishments on the Development Site. The proposed PAA, occupying four street frontages (Banker Street, Wythe Avenue, North 15th Street, and Gem Street), would be planted with street trees and feature differing levels of plantings establishing a vertical hierarchy of landscaped integration within the Development Site and the adjoining neighborhood. Within the PAA, the open space areas

[4] It should be noted that, although the commercial/retail component of the Proposed Development would reach a roofline height of approximately 172.5 feet, plus a mechanical bulkhead above, the requested LSGD special permit would permit a maximum building height envelope of approximately 178.5 feet. As such, this maximum permitted height will be used for CEQR analysis purposes throughout this document, unless otherwise noted.

FOR ILLUSTRATIVE PURPOSES ONLY



Source: Gensler Architect

Acme Fish Expansion

Figure 1-6

Proposed Development Illustrative Rendering - Southwest Corner Looking Northeast



Source: MPFP PLLC

Acme Fish Expansion

Figure 1-7
Proposed Development - Public Access Area Plan

would include a variety of seating options throughout the site, including accessible companion seating, moveable tables and chairs, benches, and wooden platforms with sculptural seating.

The Proposed Development would feature two pedestrian pathways, with textured and patterned stone pavers, which would be partially covered by the Building. The main pedestrian pathway would extend north-south from Wythe Avenue to the mid-block of the Development Site, and the second pedestrian pathway, under the commercial building, would extend east-west from Banker Street to Gem Street. Along Banker Street, Wythe Avenue, and North 15th Street the Proposed Development would step back toward the north providing an open to the sky landscaped area. The main pedestrian pathway would start at Wythe Avenue and proceed from the uncovered public space to the covered public space and the east-west connection. Both proposed pedestrian pathways would be flanked by ground level retail frontage (e.g. restaurants with cafes) to promote activity and security.

The open areas adjacent to the retail establishments, which are separate from the PAA, can be accessed from these establishments and provide furnishings for sitting and dining. The proposed furnishings will include dining tables, chairs, outdoor sofas, and lounge chair seating.

F. ANALYSIS FRAMEWORK

The Proposed Actions would change the regulatory controls governing land use and development at the Development Site. The 2014 *CEQR Technical Manual* will serve as the general guide on the methodologies and impact criteria for evaluating the Proposed Actions' potential effects on the various environmental areas of analysis.

Analysis Year

Construction of the Proposed Development, according to the Applicant, would occur over an approximately 48-month period, with all components complete and fully operational by the end of 2024. This build year was determined in consideration of the amount of time necessary for the Proposed Development site to reasonably be developed. The construction timeline for the Proposed Development is estimated at approximately 48 months, beginning with the start of demolition of the existing building on the site of the future Acme Smoked Fish facility by the end of 2020, which can occur on an as-of-right basis. This would allow for construction of the new Acme Smoked Fish facility adjacent to the existing facility in order to allow for continued operation. Once the new facility is constructed and occupied by Acme Smoked Fish, the existing facility would be demolished and construction of the office component of the Proposed Development on the remainder of the site would be completed. With an anticipated approval date of Spring 2021 and an approximately 48-month construction period, and accounting for design finalization and DOB approvals, the Proposed Development is expected to be completed and fully occupied by the end of 2024. Accordingly, a 2024 Build Year will be used for CEQR analysis purposes.

As the Proposed Development would be operational in 2024, its environmental setting is not the current environment, but the future environment. Therefore, the technical analyses and consideration of alternatives assess current conditions and forecast these conditions to the expected 2024 Build Year for the purposes of determining potential impacts. Each chapter of the EIS will provide a description of the "Existing Condition" and assessment of future conditions without the Proposed Actions ("No-Action" condition) and future conditions with the Proposed Actions ("With-Action" condition).

Reasonable Worst-Case Development Scenario (RWCDS)

In order to assess the possible effects of the Proposed Actions and resulting Proposed Development, a reasonable worst-case development scenario (RWCDS) was established for both the future without the Proposed Actions (No-Action) and the future with the Proposed Actions (With-Action) for an analysis year, or Build Year, of 2024. The incremental difference between the No-Action and With-Action conditions will serve as the basis of the impact category analyses. The Proposed Development described above, which would occupy the entire Proposed Rezoning Area (a.k.a. the "Development Site"), would have a built FAR of approximately 5.0, and would therefore maximize the allowable commercial/manufacturing FAR of 5.0 under the proposed M1-5 zoning. In addition, the Proposed Actions include a LSGD special permit, which would govern the bulk on the site based on the proposed development plans. For the above reasons, the Applicant's Proposed Development constitutes the With-Action RWCDS for the Build Year of 2024.

The Future Without the Proposed Actions (No-Action)

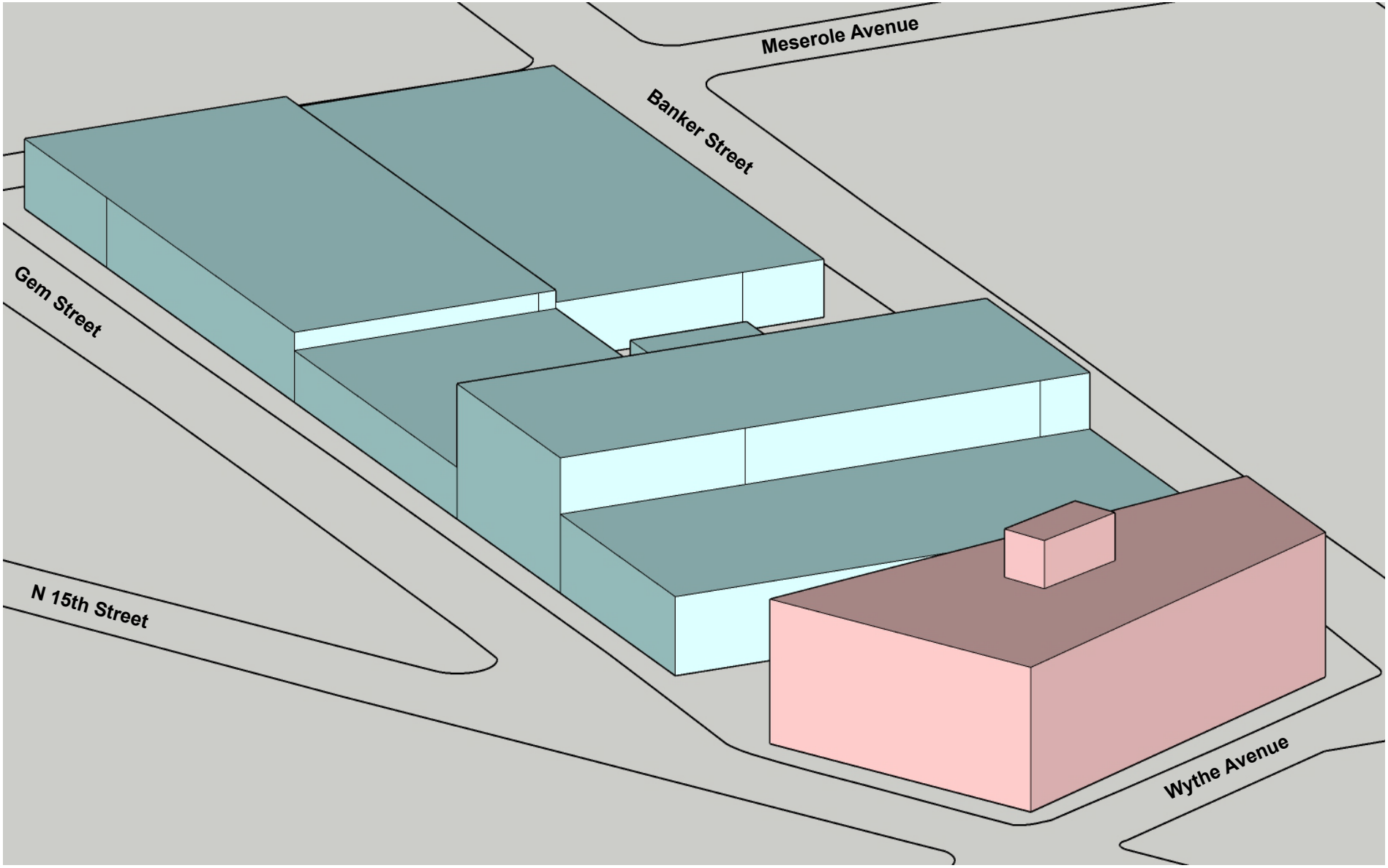
Under future conditions without the Proposed Actions, the existing M3-1 zoning would remain and the Proposed Development would not be constructed. It is anticipated that, without a new state-of-the-art purpose-built facility for its operations, Acme Smoked Fish would strongly consider relocating outside of New York State. As such, for analysis purposes, it is assumed that in absence of the Proposed Actions Acme Smoked Fish would 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 re-occupied by a mix of eating/drinking/entertainment establishments, creative office and warehouse uses. The vacant building on Lot 19, which is the smallest lot on the block, 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 with distillery, office, dance studio and restaurant uses (refer to illustrative massing diagram in Figure 1-8).[5] Figure 1-9 provides a site plan for the No-Action RWCDS.

Overall, as shown in Table 1-1 below, 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 (distillery), as well as an estimated 21,400 gsf of accessory parking (107 spaces).

The Future With the Proposed Actions (With-Action)

In the 2024 future with the Proposed Actions, the 116,756 sf Development Site would accommodate a new development with approximately 654,300 gsf (the "Proposed Development"), comprised of (i) a new and improved approximately 109,300 gsf Acme Smoked Fish processing facility, and (ii) approximately 545,000 gsf of commercial office and retail space (including parking/loading/bike storage spaces). As described above, the Acme Smoked Fish processing facility would contain four stories with a height of approximately 74 feet to the building roofline; there would be a metal louver screen on the roof that is 25 feet high, and the building envelope would have a maximum permitted height of 104 feet. The Acme Smoked Fish facility would be located on the northeastern portion of the block, fronting on Meserole

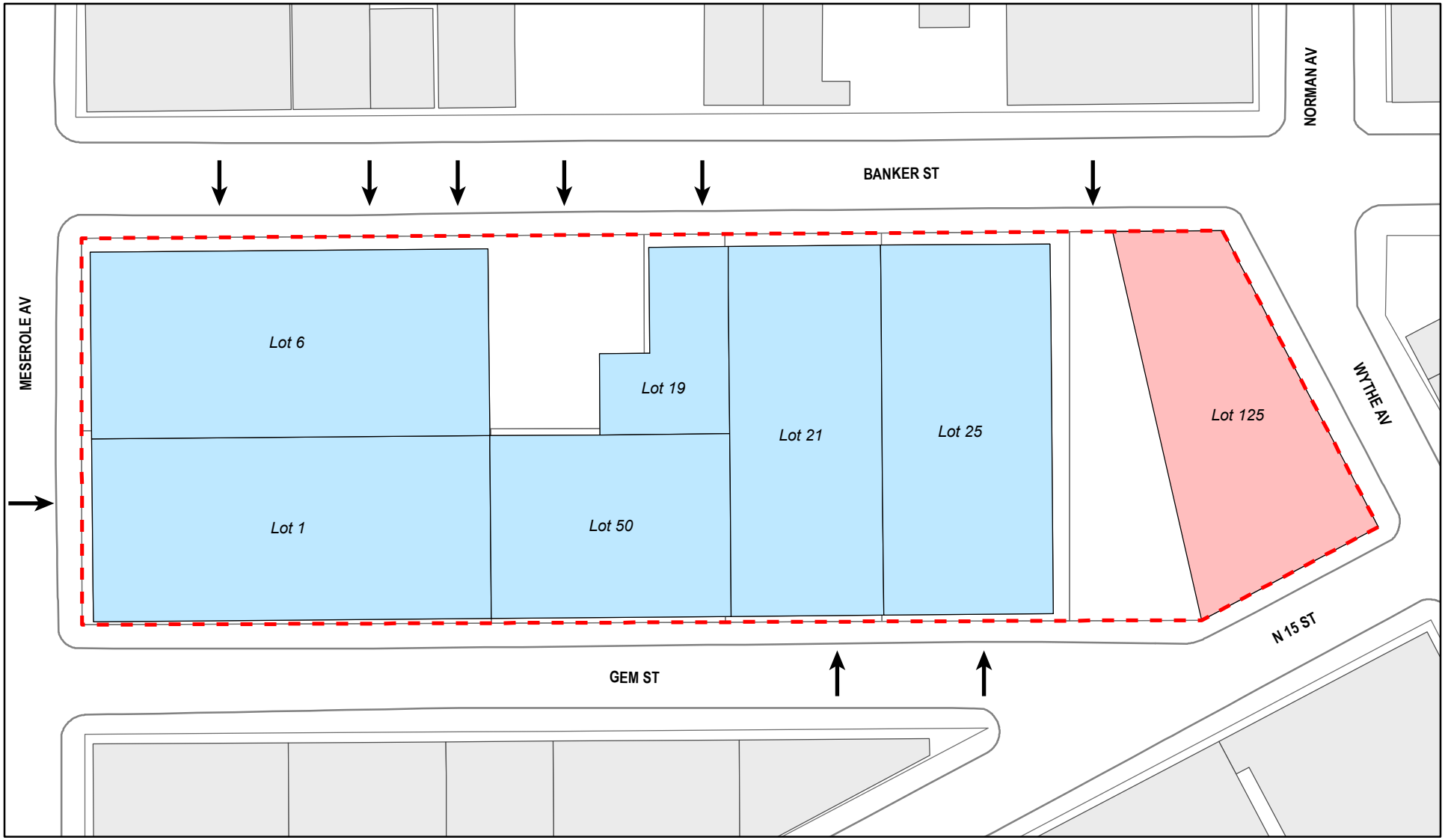
[5] Based on a prior permit application that was filed with the Department of Buildings in 2015 (https://newyorkyimby.com/2015/10/permits-filed-14-wythe-avenue-greenpoint-distillery.html)



Acme Fish Expansion

Figure 1-8

No-Action RWCDS - Illustrative Massing



Legend

- Development Site
- Existing Buildings Re-Occupied
- New Construction
- Building Footprints
- Curb Cut Locations

Acme Fish Expansion

Figure 1-9

No-Action RWCDS - Illustrative Site Plan

Avenue and Banker Street. The commercial office/retail component of the Proposed Development would consist of nine stories, with a maximum building height envelope of approximately 178.5 feet to the roofline, occupying the remainder of the block. There would be a mechanical bulkhead and mechanical equipment screen on the roof that would be approximately 25 feet tall. Although no parking spaces are required under the proposed zoning, up to approximately 150 off-street accessory parking spaces would be provided on the ground level, with access via Gem Street. A total of six loading berths would be provided – three for Acme Smoked Fish, with access from Meserole Avenue (two berths) and Banker Street (one berth), and three for the commercial building, with access from Banker Street. The Proposed Development is also anticipated to include partially covered public access areas at the southern portion of the Development Site, totaling approximately 21,403 sf.

Possible Effects of the Proposed Actions

Table 1-1 below provides a comparison of the No-Action and With-Action scenarios identified for analysis purposes. As shown, the incremental (net) change that would result from the Proposed Actions is an increase of approximately 91,800 gsf of industrial space, 430,050 gsf of office space, 33,800 gsf of retail space, and 43 accessory parking spaces, and a decrease of approximately 35,225 gsf of restaurant/entertainment space and 28,610 gsf of warehouse space, compared to No-Action conditions. As also shown in Table 1-1, the Proposed Actions are estimated to result in a net increase of approximately 1,810 workers on the Development Site compared to No-Action conditions.

TABLE 1-1
Comparison of No-Action and With-Action Development Scenarios

Use	No-Action Scenario [gsf]	With-Action Scenario [gsf]	Increment
Industrial/Manufacturing[1]	17,500	109,300	**+ 91,800 gsf**
Office[2]	66,750	496,800	**+ 430,050 gsf**
Local Retail	--	33,800	**+ 33,800 gsf**
Restaurant/Entertainment	35,225	--	**- 35,225 gsf**
Warehousing	28,610	--	**- 28,610 gsf**
Parking	107 spaces (21,400 gsf)	150 spaces (14,400 gsf)	**+ 43 spaces (-7,000 gsf)**
Employment[3]	**No-Action Scenario**	**With-Action Scenario**	**Increment**
Workers	422	2,232	**+ 1,810**

Notes:
[1] Industrial/Manufacturing uses include some accessory administrative spaces.
[2] Office use includes loading and bike storage space.
[3] Employee numbers for Acme Smoked Fish provided by Applicant (approximately 169 current employees, and 140 on-site employees with the Proposed Actions, including administrative staff). For other No-Action and proposed uses, estimates based on 1 employee per 1,000 sf for industrial/warehousing, 1 employee per 250 sf of office space, 3 employees per 1,000 sf of retail/restaurant space, and 1 employee per 50 parking spaces.

G. PUBLIC REVIEW PROCESS

The Proposed Actions comprise a zoning map amendment and LSGD Special Permits. These actions are subject to public review under ULURP, Section 200 of the City Charter, as well as CEQR procedures. The ULURP and CEQR review processes are described below.

Uniform Land Use Review Procedure (ULURP)

The City's ULURP process, mandated by Sections 197-c and 197-d of the New York City Charter, is designed to allow public review of ULURP applications at four levels: Community Board, Borough President, the CPC, and the City Council. The procedure has mandated time limits for review at each stage to ensure a maximum review period of approximately seven months.

The process begins with certification by DCP that the ULURP application is complete. The application is then referred to the relevant Community Board (in this case Brooklyn Community Board (CB) 1). The Community Board has up to 60 days to review and discuss the proposal, hold a public hearing, and adopt an advisory resolution on the ULURP application. The Borough President then has up to 30 days to review the application. CPC then has up to 60 days, during which time a public hearing is held on the ULURP application. If approved by the CPC, the application is then forwarded to the City Council, which has 50 days to review the ULURP application, during which time a ULURP/CEQR public hearing is held. Comments made at the Draft EIS (DEIS) public hearing and subsequent comment period (the record for commenting remains open for ten days after the hearing to receive written comments) are incorporated into a Final EIS (FEIS).

The FEIS must be completed at least ten days before CPC makes its decision on the application. The CPC may approve, approve with modifications or deny the application. If the ULURP application is approved, or approved with modifications, it moves forward to the City Council for review. The City Council has 50 days to review the application and during this time will hold a public hearing on the proposed action, through its Land Use Subcommittee. The Council may approve, approve with modifications or deny the application. If the Council proposes a modification to the proposed action, the ULURP review process stops for 15 days, providing time for a CPC determination on whether the proposed modification is within the scope of the environmental review and ULURP review. If it is, then the Council may proceed with the modification; if not, then the Council may only vote on the actions as approved by the CPC. Following the Council's vote, the Mayor has five days in which to veto the Council's actions. The City Council may override the mayoral veto within 10 days.

City Environmental Quality Review (CEQR)

CEQR is a process by which agencies review discretionary actions for the purpose of identifying the effects those actions may have on the environment. The City of New York established CEQR regulations in accordance with the New York State Environmental Quality Review Act (SEQRA). Pursuant to the SEQRA (Article 8 of the Environmental Conservation Law) and its implementing regulations found at 6 NYCRR Part 617, New York City has established rules for its own environmental quality review in Executive Order 91 of 1977, as amended, and 62 RCNY Chapter 5, the Rules of Procedure for CEQR. The environmental review process provides a means for decision-makers to systematically consider environmental effects along with other aspects of project planning and design, to propose reasonable alternatives, and to identify, and when practicable mitigate, significant adverse environmental effects. CEQR rules guide environmental review, as follows:

- *Establish a Lead Agency*. Under CEQR, the "lead agency" is the public entity responsible for conducting environmental review. In accordance with CEQR rules (62 RCNY §5-03), DCP, acting on behalf of the CPC, is serving as the CEQR lead agency for environmental review and will coordinate the review of the Proposed Actions, with the NYCIDA acting as an involved agency.

- *Environmental Review and Determination of Significance*. The lead agency determines whether the proposed action(s) may have a significant impact on the environmental. To do so, DCP, in this case, evaluated an Environmental Assessment Statement (EAS) dated July 26, 2019 for the Proposed Actions. Based on information contained in the EAS, and as the Proposed Actions are classified as a "Type I Action," DCP determined that the Proposed Actions may have a significant adverse impact on the environment, as defined by statute, and issued a Positive Declaration on July 26, 2019, requiring that an EIS be prepared in conformance with all applicable laws and regulations.
- *Scoping.* Along with its issuance of a Positive Declaration, DCP issued a Draft Scope of Work for the EIS, dated July 26, 2019, marking the beginning of the comment period on the Draft Scope. "Scoping," or creating the scope of work, is the process of identifying the environmental impact analysis areas, the methodologies to be used, the key issues to be studied, and creating an opportunity for others to comment on the intended effort. CEQR requires a public scoping meeting as part of the process. A public scoping meeting was held on August 27, 2019, at 4:00 PM, at the senior center meeting room of the Polish and Slavic Center, located at 176 Java Street, Brooklyn, NY 11222. The public review period for agencies and the public to review and comment on the Draft Scope of Work was open through the close of business on September 6, 2019. Modifications to the Draft Scope of Work for the project's EIS were made as a result of public and interested agency input during the scoping process. A Final Scope of Work document for the Proposed Actions was issued on October 30, 2020.
- *Draft Environmental Impact Statement (DEIS).* The DEIS was prepared in accordance with the Final Scope of Work, and followed the methodologies and criteria for determining significant adverse impacts in the *CEQR Technical Manual*. The lead agency reviewed all aspects of the document, calling on other City and state agencies to participate where the agency's expertise is relevant. Once the lead agency is satisfied that the DEIS is complete, it issues a Notice of Completion and circulates the DEIS for public review.
- *Public Review.* Publication of the DEIS and issuance of the Notice of Completion signal the start of the public review period. During this time, which must extend for a minimum of 30 days, the public has the opportunity to review and comment on the DEIS either in writing or at a public hearing convened for the purpose of receiving such comments. When the CEQR process is coordinated with another City process that requires a public hearing, such as ULURP, the hearings may be held jointly. The lead agency must publish a notice of the hearing at least fourteen (14) days before it takes place, and must accept written comments for at least ten (10) days following the close of the hearing. All substantive comments received at the hearing become part of the CEQR record and must be summarized and responded to in the FEIS.
- *Final Environmental Impact Statement (FEIS).* After the close of the public comment period for the DEIS, the FEIS is prepared. The FEIS must incorporate relevant comments on the DEIS, either in a separate chapter or in changes to the body of the text, graphics and tables. Once the lead agency determines the FEIS is complete, it issues a Notice of Completion and circulates the FEIS.
- *Findings.* To document that the responsible public decision-makers have taken a hard look at the environmental consequences of a proposed project, any agency taking a discretionary action regarding a project must adopt a formal set of written findings, reflecting its conclusions about the significant adverse environmental impacts of the project, potential alternatives, and potential mitigation measures. The findings may not be adopted until ten (10) days after the Notice of Completion has been issued for the FEIS. Once findings are adopted, the lead and involved

agencies may take their actions (or take “no action”). This means that the CPC must wait at least ten days after the FEIS is complete to take action on a given application.