



## **CITY PLANNING COMMISSION**

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September 8, 2004/Calendar No. 31

N 030416 ZAK

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**IN THE MATTER OF** an application submitted by IKEA Property, Inc. for **the grant of an authorization pursuant to Section 62-722 of the Zoning Resolution to modify the requirements of Sections 62-40 (REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AND VISUAL CORRIDORS) and 62-60 (DESIGN STANDARDS FOR THE WATERFRONT AREA) to facilitate the development of a 3-story commercial building development on a zoning lot located at 1 Beard Street, a.k.a. 21 Erie Basin** (Block 612, Lot 130), in M1-1 and M3-1 Districts, Community District 6, Borough of Brooklyn.

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**WHEREAS**, the City Planning Commission has received an application (N 030416 ZAK) dated March 31, 2003 from IKEA Property, Inc. requesting an authorization pursuant to Section 62-722 of the Zoning Resolution to modify the requirements of Sections 62-40 (REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AND VISUAL CORRIDORS) and 62-60 (DESIGN STANDARDS FOR THE WATERFRONT AREA) to facilitate the development of an approximately 346,000 square foot furniture store, three ancillary retail or restaurant buildings and a 6.3 acre waterfront public access area on an approximately 22-acre site in Red Hook, Community District 6, Brooklyn; and

**WHEREAS**, implementation of the project also requires related applications for a special permit pursuant to Section 74-922 to allow a large retail establishment in an M1-1 district (C 030414 ZSK), a zoning map amendment from M3-1 to M1-1 (C 030413 ZMK), amendments to the City Map (C 030412 MMK), a special permit to modify the waterfront bulk regulations pursuant to Section 62-736 to permit a building exceeding 30 feet in height (C 030415 ZSK) and a chair's certification of waterfront public access and view corridors pursuant to Section 62-711 (N 030418 ZCK); and

**WHEREAS**, detailed descriptions of this and the related actions are provided in the Commission report for the related special permit application (C 030414 ZSK); and

**WHEREAS**, this application (N 030416 ZAK), in conjunction with the applications for the related actions (C 030414 ZSK, C 030413 ZMK, C 030412 MMK, C 030415 ZSK, and N 030418 ZCK) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 03DCP041K. The lead agency is the City Planning Commission.

A summary of the environmental review and the Final Environmental Impact Statement appears in the report on the related application for the grant of a special permit (C 030414 ZSK) ; and

**WHEREAS**, this application (N 030416 ZAK) was referred to Community Board 6 and the Borough President, in conjunction with the applications for related actions (C 030414 ZSK, C 030413 ZMK, C 030412 MMK and C 030415 ZSK), which were certified as complete by the Department of City Planning on April 26, 2004, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules; and

**WHEREAS**, a summary of the recommendations of the Community Board and the Borough President may be found in the report on the related special permit (C 030414 ZSK); and

**WHEREAS**, this application was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999 and by the New York State Department of State on May 28, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 03-019; and

**WHEREAS**, the City Planning Commission hereby makes the following findings pursuant to Sections 62-722(a) and 62-722(b) of the Zoning Resolution:

the regulations would result in an unfeasible development due to the presence of existing buildings or other structures or unique shoreline conditions such as wetlands; and

such modifications would result in a design of the public access areas that is functionally equivalent or superior to the design prescribed by strict adherence to the provisions of Section 62-60; and

**WHEREAS**, the Commission has determined that the application warrants approval and therefore adopts the following resolution:

**RESOLVED**, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on August 27, 2004, with respect to this application (CEQR No. 03DCP041K), the City Planning Commission finds that the requirements of Part 617, State Environmental Quality Review, have been met and that, consistent with social, economic and other essential considerations:

1. From among the reasonable alternatives thereto, the actions to be approved are ones which minimize or avoid adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts revealed in the FEIS will be minimized or avoided to the maximum extent possible by incorporating as conditions to the approval those mitigative measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.9(c)(3) of the SEQRA regulations; and be it further

**RESOLVED**, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

**RESOLVED**, by the City Planning Commission, that based on the environmental determination described in this report, the application (N 030416 ZAK) of IKEA Property, Inc. for the grant of an authorization pursuant to Section 62-722 of the Zoning Resolution to modify the requirements of Sections 62-40

(REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AND VISUAL CORRIDORS) and 62-60 (DESIGN STANDARDS FOR THE WATERFRONT AREA) to facilitate the development of a 3-story commercial building development on a zoning lot located at 1 Beard Street, a.k.a. 21 Erie Basin (Block 612, Lot 130), in M1-1 and M3-1 Districts, Community District 6, Borough of Brooklyn, is approved subject to the following terms and conditions:

1. The properties that are the subject of this application (N 030416 ZAK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications, and zoning computations indicated on the following plans, prepared by the architecture firm of Greenberg Farrow, and filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Date</u>
Z2.0	Attachment #7, #8 - Zoning Sectional Maps/Proposed Zoning/Tax Maps	9/01/04
Z3.0	Attachment #2 - Ground Floor Plan	9/01/04
Z4.0	Attachment #2 - Roof Plan 9/01/04	
Z5.0	Attachment #4 - Height and Setback Diagrams	9/01/04
ZW 1.0	Zoning Computations and Site Plans	9/01/04
ZW 2.0	Waterfront Public Access Design Plan	9/01/04
ZW 3.0	Waterfront Paving Plan	9/01/04
ZW3.1	Waterfront Paving Plan	9/01/04
ZW 4.0	Waterfront Planting Plan	9/01/04
ZW4.1	Waterfront Planting Plan	9/01/04
ZW4.2	Waterfront Planting Plan	9/01/04
ZW 5.0	Waterfront Seating Plan	9/01/04
ZW5.1	Waterfront Seating Plan	9/01/04
ZW 6.0	Waterfront Lighting Plan	9/01/04
ZW6.1	Waterfront Lighting Plan	9/01/04
ZW7.0	Building Sections and Site Details	9/01/04

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction and maintenance.
4. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign or legal representative of such party to observe any of the restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the authorization hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said authorization. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission or of any agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission to disapprove any application for modification, cancellation or amendment of the authorization.

5. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this authorization.

The above resolution, duly adopted by the City Planning Commission on September 8, 2004 (Calendar No. 31) is filed with the Office of the Speaker, City Council in accordance with Section 62-722(a) of the Zoning Resolution.

**AMANDA M. BURDEN**, AICP, Chair

**KENNETH J. KNUCKLES**, Esq., Vice-Chairman

**ANGELA M. BATTAGLIA, IRWIN G. CANTOR**, P.E.,

**ANGELA R. CAVALUZZI, R.A., RICHARD W. EADDY,**

**JANE D. GOL, CHRISTOPHER KUI, JOHN MEROLO,**

**KAREN A. PHILLIPS, DOLLY WILLIAMS**, Commissioners