



CITY PLANNING COMMISSION

September 8, 2004/Calendar No. 29

C 030414 ZSK

IN THE MATTER OF an application submitted by IKEA Property, Inc. pursuant to Sections 197-c and 201 of the New York City Charter **for the grant of a special permit** pursuant to Section 74-922 of the Zoning Resolution **to allow the development of large retail establishments (Use Group 6 and 10A) with no limitation on floor area 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.

The application for the special permit was filed by IKEA Property, Inc., on March 31, 2003, 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.

RELATED ACTIONS

In addition to the special permit, which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

1. C 030413 ZMK A zoning map amendment from M3-1 to M1-1;
2. C 030412 MMK Changes to the City Map;
3. C 030415 ZSK A special permit to modify the waterfront bulk regulations pursuant to Section 62-736 to permit a building exceeding 30 feet in height;
4. N 030416 ZAK An authorization to modify the waterfront public access and visual corridor

regulations pursuant to Section 62-722; and

5. N 030418 ZCK Certification by the Chair of the City Planning Commission pursuant to Section 62-711 that a site plan has been submitted showing compliance with the waterfront zoning regulations.

BACKGROUND

IKEA Property, Inc. submitted an application for a number of actions from the City Planning Commission in order to construct a Use Group 10A furniture store, three ancillary buildings occupied by Use Group 6 or 10 uses and a waterfront public access area on an approximately 22-acre site in Red Hook, CD6, Brooklyn. The actions include a zoning map change, a special permit for a large retail use in a light-manufacturing district, changes to the City Map, a special permit allowing a modification to waterfront bulk regulations to allow a retail building exceeding 30 feet in height, an authorization to modify waterfront public access and visual corridor regulations, and a waterfront certification from the Chair of the City Planning Commission.

Project Site

The project site is bordered by Beard Street and Halleck Street on the north, Columbia Street on the east, the Erie Basin to the south, and a deep-water slip to the west within an M3-1 heavy manufacturing zoning district. The site is currently an underutilized industrial property consisting of approximately thirteen warehouses and light-industrial buildings, most in disrepair, five piers or portions of piers, a graving dock, two floating dry docks, and a number of surface parking areas. The bulkheads along the

site's entire shoreline are in disrepair. Uses on the site are comprised primarily of open storage and parking uses, with limited office space and ship repair.

Area Description

The properties in the immediate vicinity of the project site are predominantly industrial in nature, with concentrations of residential use north and northwest of the site and of parkland northeast of the site.

A heavy manufacturing district (M3-1) hugs the Red Hook waterfront for 1 ½ blocks west of the site and several blocks east of the site to the mouth of the Gowanus Canal. Immediately west of the site is the former Revere Sugar Refinery, vacant since 1985, and the Beard Street Pier, which has been restored for light industrial and office uses. One block further west is an area rezoned to MX-5 (M1-1/R5) by the City Planning Commission in 2001 (C 020047 ZMK) to allow the redevelopment, currently under construction, of a civil-war-era warehouse building for use as a Fairway supermarket and limited office and residential uses.

Within the M3-1 zoning district east of the project site is a vacant former industrial site and east across Columbia Street is the vacant Port Authority Grain Terminal elevator building used for charter bus parking. Southeast of the project site, along the arm of Erie Basin, is a bottle distribution facility and a New York Police Department evidence vehicle impound facility approved by the City Planning Commission in 1993 (C 930366 PCK). The Columbia Street Esplanade, which was constructed as a City Planning Commission condition of that approval, runs along the eastern and southern edges of the

Erie Basin with views to the mouth of the Gowanus Canal and the Sunset Park waterfront industrial area.

One block inland of the project site are M1 and M2 light- and medium-intensity manufacturing districts. Immediately north of the site is a block primarily used for open bus parking, with one mixed residential/commercial building. Northwest of the project site along Beard and Van Dyke Streets are light manufacturing and distribution uses and a few pre-existing non-conforming residential buildings.

A few blocks further inland, zoned R5 and R6, is the residential core of Red Hook and parkland. The residential areas are comprised of two- and three-story rowhouses and detached housing concentrated northwest of the project site and approximately 5,600 public housing units within the Red Hook Houses, a complex of several six-story buildings and one 14-story building north and northeast of the site.

Directly northeast of the project site is a one block section of the Red Hook Recreational Area. While this portion of the Recreational Area has been underutilized in the recent past, the Department of Parks and Recreation has recently reached an agreement with a non-profit environmental education organization to run a raised-bed and greenhouse farming program on the block. The majority of the 58-acre Red Hook Recreational Area is northeast of the site. The Red Hook Recreation Area includes a swimming pool, a track and numerous playing fields that are heavily used by baseball and soccer leagues.

The area is served by the B61 and B77 bus lines from the north and east, respectively. The B61 runs along Van Brunt Street and currently terminates at Beard Street, approximately two blocks west of the project site. The B77 line runs on Lorraine, Dikeman, and Van Dyke Streets, one block north of the project site. There are no subway stations within the neighborhood.

Project Description

The applicant proposes to construct a 346,000 square foot Use Group 10A furniture store to be used by IKEA, three ancillary retail buildings, and a 6.3 acre waterfront public access area with an esplanade that would extend the length of the site and have four connections to the upland streets.

There would be approximately 1,400 accessory parking spaces provided on the site for all of the retail uses. The primary retail building, located at the northeast portion of the site, would have three stories.

Most of the ground level would contain approximately 800 spaces of unenclosed surface parking, and there would be an approximately 10,000 square foot store entrance facing Halleck Street, with stairs, elevators and escalators up to the main level. The main floor, raised above parking on columns, would

contain approximately 231,000 square feet of floor area and include showrooms and the store's warehouse and checkout area. An elevated loading dock off Columbia Street would allow trucks to deliver goods directly to the second story warehouse area. The third story would contain approximately 115,000 square feet of floor area and include additional showroom space, offices, and a restaurant.

The Use Group 10A building would employ green building elements, including an approximately 70,000 square foot field of solar panels on one portion of the roof to supply energy to the grid and offset the use of power at the site, as well as an approximately 70,000 square foot vegetated green roof

on another portion of the roof to reduce stormwater runoff and energy consumption. The proposed IKEA store would employ approximately 500 to 600 full- and part-time workers.

In addition to the proposed Use Group 10A building, the applicant is proposing three structures that would contain Use Group 6 or 10 uses. Two of the three ancillary retail buildings on the site would be located at the western perimeter of the site adjacent to the deep water basin that defines the site's western edge. Each of these buildings would be approximately 22,200 square feet. The third building would be approximately 23,900 square feet and would be located in the southeastern corner of the site. The applicant anticipates that the uses in these buildings would be restaurants and retail stores complementary to the proposed IKEA furniture store.

The project site is subject to the waterfront zoning regulations relating to public access and visual corridors. However, Section 62-40(a)(4) of the Zoning Resolution exempts commercial developments of less than 1.0 FAR within M1 districts, such as the proposed project, from many design provisions. While the proposed project would be exempted from provisions such as upland connectors, minimum required walkway widths, planting, and lighting, the proposed public access area would nonetheless provide walkways, planting, and lighting.

The proposed development would provide a 6.3-acre waterfront public access area including a 40-foot wide esplanade stretching along the entire length of the site with a 15-foot wide path for multiple uses, as well as more than 140 shade trees, 150 ornamental trees, approximately 90 post lights, and more

than 1,700 linear feet of seating. The esplanade would provide a variety of experiences to visitors including a grassy amphitheater sloping down to the water at the site's southeastern edge, a ferry plaza with movable seating, a portion of the graving dock that would be retained as a water feature, five historic gantry cranes as key focal elements reminiscent of the site's industrial past, and public access to the longest of the site's five piers.

The site's other four piers would be used by a local barging operation for berthing. Barges currently tie up three and four deep to the bulkheads on the south and western edges of Erie Basin, which is one of the most protected waterfront areas in New York Harbor.

The public access area and piers to be used for barge berthing would require substantial work to improve the condition of the existing bulkhead and piers. The existing bulkhead and piers are in disrepair. The bulkheads would be shored-up with new sheet-piling and rip-rap walls and the piers repaired.

The proposed development would also include a number of transportation improvements, both on- and off-site, designed to improve the flow of pedestrians and vehicles to and from the site and encourage the use of public transit to the site. Such improvements would include widening and reconfiguring streets in the immediate vicinity of the proposed store, reconfiguring intersections and improving pedestrian conditions at the edge of Red Hook along Hamilton Avenue, introducing free weekend bus shuttle service to and from subway stations in Downtown Brooklyn, Carroll Gardens and Park Slope,

introducing free weekend ferry service from Lower Manhattan to the site, and extending the existing B61 bus line east to the site from where it currently terminates at Van Brunt and Beard Streets.

There would be two vehicular entrances to the site on Beard Street, and one entrance on Columbia Street. The Columbia Street entrance would provide access to the third ancillary retail building, to the rear of the under-store parking and to the elevated loading dock. A taxi drop-off is proposed in front of the store entrance, as well as a bus stop that accommodates public bus service and a pull-off for the private shuttle bus connecting the store with several Brooklyn subway stations.

Proposed Actions

The applicant is requesting a zoning map change, changes to the City Map, two special permits, an authorization and a certification to facilitate the proposed development.

ZONING MAP AMENDMENT (C 030413 ZMK)

The proposed action would rezone most of Block 612, Lot 130 from an M3-1 district to an M1-1 district. The existing M3-1 district permits 2.0 FAR for manufacturing, commercial and limited community facility uses including heavy-industrial uses. Large retail stores are not permitted within M3-1 zoning districts. The proposed M1-1 zoning district would permit light manufacturing, as well as limited commercial and community facility uses. M1-1 districts allow 1.0 FAR for commercial and manufacturing uses and 2.4 FAR for community facility uses. Large retail stores are permitted by City Planning Commission special permit in M1-1 districts.

Under the proposed M1-1 zoning district, the maximum permitted commercial floor area on the applicant's zoning lot would be 1,278,723 square feet (1.0 FAR). The proposed buildings would contain 414,371 square feet (0.324 FAR) of commercial floor area.

SPECIAL PERMIT FOR CERTAIN LARGE RETAIL ESTABLISHMENTS (C 030414 ZSK)

The applicant is requesting a special permit pursuant to Section 74-922 to permit the proposed large retail establishments in an M1 district. This special permit would allow a Use Group 10A furniture store, such as the proposed IKEA store. The plans submitted as part of this special permit application identify Use Group 6 or 10 uses for the ancillary buildings; these include department stores, floor covering stores, clothing stores, fabric stores, food stores, household appliance stores or variety stores.

As a condition of granting a special permit for such large retail establishments, the Commission shall find that the principal vehicular access for such use is not located on a local narrow street, that such use is so located to draw a minimum of vehicular traffic to and through local streets, that adequate reservoir space at the vehicular entrance and sufficient vehicular entrances and exits are provided to prevent congestion, that vehicular entrances and exits are provided for such uses and are located not less than 100 feet apart, that in selecting the site due consideration has been given to the proximity and adequacy of bus and rapid transit facilities, that such use is so located as not to impair the essential character or the future use of or development of the surrounding area, and that such use will not produce any adverse effects which interfere with the appropriate use of land in the district or in any adjacent district.

CHANGES TO THE CITY MAP (C 030412 MMK)

The applicant is requesting changes to the City Map involving: the elimination, discontinuance and closing of Otsego Street between Beard Street and the United States Bulkhead Line to facilitate the proposed development; the elimination, discontinuance and closing of Halleck Street between segments of Columbia Street to improve the geography of the intersection; the widening of Beard Street between Otsego Street and Richards Street to improve traffic flow to the project site; and the establishment of Ikea Plaza/Beard Street between Otsego Street and Richards Street to facilitate traffic circulation in the vicinity of the proposed retail store. Currently, Beard Street is open, in use, and owned by the City of New York. The widened portion of Beard Street, which is currently privately owned and not in use as a street, would be improved and conveyed to the City of New York by the applicant.

An interagency conference was held on April 28, 2003 and concerns were expressed by DEP, Keyspan and Con Edison. Subsequent meetings were held and additional materials were subsequently received from commentators and were evaluated. After review, the maps were revised to address any outstanding concerns and no agencies have expressed opposition to the proposal.

SPECIAL PERMIT FOR WATERFRONT BULK MODIFICATION (C 030415 ZSK)

The applicant is requesting a special permit pursuant to Section 62-736 for modifications to the bulk regulations of Section 62-34 to allow the proposed primary retail building to exceed the 30 foot height limit in this waterfront area. Exceeding the height limit would allow the store to be raised by a level to facilitate at-grade parking below the proposed building. The site is also located in a floodplain which effectively

prohibits below-grade parking. The ground floor entry area and at-grade parking would be approximately 12 feet tall, the second story warehouse and showroom area and the third story showroom, restaurant and offices would each be approximately 18 feet tall. The three ancillary retail buildings would comply with the 30 foot height limit, and all proposed buildings would adhere to all other applicable zoning regulations pertaining to yards, lot coverage, height and setback, and distance between buildings.

As a condition of granting a special permit to modify waterfront bulk regulations, the Commission shall find that the zoning lot has unique natural features, an irregular shoreline or shape, or contains existing buildings or other structures that would make a complying building impracticable, that the site plan of the proposed development would result in better bulk placement and articulation of buildings, and a better arrangement of open spaces than would be possible by strict adherence to the bulk regulations, that the proposed development would provide physical or visual public access to the waterfront in a way that is superior to that which would be possible by strict adherence to the bulk regulations, and that such modifications would significantly enhance the relationship between the proposed development and the surrounding area.

**AUTHORIZATION TO MODIFY WATERFRONT PUBLIC ACCESS AND VISUAL CORRIDOR REQUIREMENTS
AND TO MODIFY THE DESIGN STANDARDS FOR THE WATERFRONT AREA**

(N 030416 ZAK)

The applicant is requesting an authorization pursuant to Section 62-722 to modify the waterfront public access and visual corridor requirements pursuant to Sections 62-627, 62-421(a), 62-421, 62-642(d) and 62-554(a) and to modify the design standards for the waterfront area pursuant to Section 62-60 to allow

additional site planning flexibility. The shape of the zoning lot in conjunction with its irregular shoreline, subsurface conditions and floodplain location constrains the location and configuration of the proposed retail buildings on the site.

Four modifications of the waterfront public access and visual corridor regulations and one modification to the design standards for the waterfront area are being sought:

The applicant requests to waive the visual corridor required pursuant to Section 62-421(a) at the prolongation of Otsego Street to the water because the Use Group 10A store would block the Otsego Street visual corridor. In place of the required visual corridor at the termination of Otsego Street, an 80-foot wide visual corridor would be provided approximately 250 feet west of Otsego Street. The first several hundred feet of this visual corridor would coincide with a major pedestrian route to the waterfront public access area that would be marked by an allée of trees.

The applicant also requests to waive the requirement for a 600-foot maximum spacing between visual corridors pursuant to Section 62-421 due to the irregular shape of the lot and the massing of the proposed primary retail building.

A waiver is also sought for the prohibition pursuant to Section 62-642(d) against shade trees within 15 feet of the center line of a visual corridor to allow a number of trees within the parking lot and public access area.

In addition, the applicant requests to waive the prohibition on vehicular access through a waterfront public access area pursuant to Section 62-627. The waiver is requested for three locations. Along the portion of the public access area which connects the ferry terminal to the store entrance and Beard Street, two approximately 20-foot-wide vehicular crossings would be provided at the front and back of the store to allow access from the western surface parking lot to the parking lot and customer pick-up area underneath the store. In addition, a third, approximately 20-foot-wide vehicular crossing would be provided along the public access area connecting Columbia Street to the esplanade to allow access from the Columbia Street vehicular driveway to the ancillary parking lot at the southern portion of the site.

The applicant also requests to waive the screening requirements for parking facilities on waterfront blocks pursuant to Section 62-554(a), which mandate screening of open parking areas on the zoning lot from adjoining zoning lots and public access areas on the project zoning lot. In order to maximize views to the water from Beard Street and Columbia Street and to the waterfront esplanade from the two public access areas connecting Beard Street and Columbia Street, substantial portions of the primary and secondary surface parking lots on the site would not be screened from adjoining zoning lots or from public access areas using the four-foot-high hedges or opaque walls/fences required pursuant to Section 62-675.

As a condition to granting such an authorization, the Commission shall find that the regulations would result in an infeasible development due to the presence of existing buildings or unique shoreline conditions, that it would be impractical to satisfy the development's programmatic requirements while adhering to the regulations, and that modifying the design standards would result in a design of public access areas that is

functionally equivalent or superior to the design prescribed by strict adherence to the zoning regulations.

CERTIFICATION FOR WATERFRONT PUBLIC ACCESS AND VISUAL CORRIDORS

(N 030418 ZCK)

The applicant requests a Certification by the Chair of the City Planning Commission pursuant to Section 62-711 that a site plan has been submitted showing compliance with the provisions of Section 62-40 (Requirements for Waterfront Public Access and Visual Corridors) and 62-60 (Design Standards for the Waterfront Area). The site plan would show compliance with the provisions of Section 62-40 and 62-60 as modified by the authorization pursuant to Section 62-722 described above.

ENVIRONMENTAL REVIEW

This application (C 030414 ZSK), in conjunction with the applications for the related actions (C030413 ZMK, C 030412 MMK, C 030415 ZSK, N 030416 ZAK 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.

After a study of the potential environmental impacts of the proposed action, it was determined that the proposed action may have a significant effect on the environment, and that an environmental impact statement would be required for the following reasons:

1. The action, as proposed, may result in significant adverse impacts related to land use, zoning, and public policy in the vicinity of the affected area.
2. The action, as proposed, may result in significant adverse impacts on socioeconomic conditions in the vicinity of the affected area.
3. The action, as proposed, may result in significant adverse impacts on community facilities in the vicinity of the affected area.
4. The action, as proposed, may result in significant adverse impacts on publicly accessible open space facilities in the vicinity of the affected area.
5. The action, as proposed, may result in significant adverse shadow impacts in the vicinity of the affected area.
6. The action, as proposed, may result in significant adverse impacts on historic resources (architectural resources) in the affected area.
7. The action, as proposed, may result in significant adverse impacts on urban design and visual resources in the vicinity of the affected area.
8. The action, as proposed, may result in significant adverse impacts on neighborhood character in the vicinity of the affected area.
9. The action, as proposed, may result in significant adverse impacts on natural resources in the vicinity of the affected area.
10. The action, as proposed, may result in significant adverse hazardous materials impacts in the affected area.
11. The action, as proposed, may result in inconsistencies in Coastal Zone policies in the vicinity of the affected area with respect to the Waterfront Revitalization Program.
12. The action, as proposed, may result in significant adverse impacts on infrastructure systems in the vicinity of the affected area.
13. The action, as proposed, may result in significant adverse impacts on solid waste and sanitation services in the vicinity of the affected area.
14. The action, as proposed, may result in significant adverse impacts on energy in the vicinity of the

affected area.

15. The action, as proposed, may result in significant adverse impacts to traffic and parking conditions in the vicinity of the affected area.
16. The action, as proposed, may result in significant adverse impacts on transit services and pedestrian flows in the vicinity of the affected area.
17. The action, as proposed, may result in significant adverse impacts to air quality in the vicinity of the affected area.
18. The action, as proposed, may result in significant adverse noise impacts in the vicinity of the affected area.
19. The action, as proposed, may result in significant adverse construction-related impacts.
20. The action, as proposed, may result in significant adverse public health impacts in the vicinity of the affected area.

A Positive Declaration was issued on May 2, 2003, and distributed, published and filed, and the applicant was asked to prepare a Draft Environmental Impact Statement (DEIS). A public scoping meeting was held on the Draft Scope of Work on June 10, 2003 and a Final Scope of Work was issued on November 24, 2003.

The lead agency prepared a DEIS and issued a Notice of Completion on April 23, 2004. Pursuant to the SEQRA regulations and the CEQR procedures, a joint public hearing was held on the DEIS on July 28, 2004, in conjunction with the Uniform Land Use Review Procedure (ULURP) applications (C 030414 ZSK, C 030413 ZMK, C 030412 MMK, C 030415 ZSK). The Final Environmental Impact Statement (FEIS) was completed, and a Notice of Completion of the FEIS was issued on August 27, 2004. The

Notice of Completion for the FEIS identified the following significant impacts and proposed the following mitigation measures:

HISTORIC RESOURCES

Architectural Resources

The demolition of structures on the project site identified as historic resources - Buildings 1 through 5 - as well as the partial filling of Graving Dock No. 1 would constitute a significant adverse impact on historic resources. This impact would be lessened by components of the Proposed Project which would serve to retain and enhance the maritime and industrial elements of the site. In addition, measures to mitigate the effect of the proposed project on historic resources have been developed with and approved by OPRHP. A draft Memorandum of Agreement (MOA) has been developed with OPRHP and will be implemented to take into account the effect of the Proposed Project on historic resources. The provisions of the draft MOA are discussed in more detail under "Mitigation," below.

HAZARDOUS MATERIALS

Based on the Phase I Environmental Assessment completed for the development site, the analysis has not ruled out the presence of hazardous materials. The materials could be petroleum based or non-petroleum based or both. The potential for the presence of hazardous materials in the soil, groundwater, and building materials results from the previous and existing uses of the site and the surrounding areas.

TRAFFIC AND PARKING

The proposed IKEA development would generate approximately 641 (310 in and 331 out), 624 (308 in and 316 out), 720 (316 in and 404 out), 719 (333 in and 386 out), and 1,533 (810 in and 723 out) vehicle trips during the typical weekday midday, weekday PM, Friday midday, Friday PM and Saturday midday peak hours, respectively. During a sales period, which would occur eight percent of the year, the Proposed Project is estimated to generate approximately 794 (381 in and 413 out), 766 (387 in and 379 out), 910 (393 in and 517 out), 919 (426 in and 493 out), and 1,711 (904 in and 807 out) vehicle trips during the typical weekday midday, weekday PM, Friday midday, Friday PM and Saturday midday peak hours, respectively.

Primary Study Area

Build Typical Condition

Under the Build typical condition, three locations within the primary study area would experience significant traffic impacts during one or more of the analyzed peak periods: Hamilton Avenue and Clinton (weekday evening, Friday evening, and Saturday midday peak periods); Columbia Street and Lorraine Streets (Friday evening, and Saturday midday peak periods); and Van Brunt and Coffey Streets (weekday midday and Friday evening peak periods).

Build Sales Condition

Under the Build sales condition, five locations within the primary study area would experience significant traffic impacts during one or more of the analyzed peak periods:

- Clinton Street and Lorraine Street (Saturday midday peak period);
- Van Brunt and Coffey Streets (weekday midday, Friday midday and Friday evening peak periods);
- Hamilton Avenue and Clinton Street (weekday evening, Friday evening, and Saturday midday peak periods);
- Columbia and Lorraine Streets (weekday evening, Friday midday, Friday evening, and Saturday midday peak periods); and
- Bay Street and Clinton Street (weekday midday and Saturday midday peak periods).

Secondary Study Area

Build Typical Condition

Under the Build typical condition, six locations within the secondary study area would experience significant traffic impacts during one or more of the analyzed peak periods:

- Atlantic Avenue and Clinton Street (Friday midday and Saturday midday peak periods);
- Atlantic Avenue and Court Street (Friday midday, Friday evening and Saturday midday peak periods);
- Atlantic Avenue and Boerum Place (Friday evening peak period);
- Church Avenue and Ocean Parkway (Friday midday peak period);
- Hamilton Avenue/Prospect Avenue and Third Avenue (Friday midday and Saturday midday peak periods); and
- Fourth Avenue and 9th Street (weekday midday, Friday midday, and Saturday midday peak periods).

Build Sales Condition

Under the Build sales condition, seven locations within the secondary study area would experience significant traffic impacts during one or more of the analyzed peak periods:

- Atlantic Avenue and Clinton Street (weekday midday, Friday midday, and Saturday midday peak periods);
- Atlantic Avenue and Court Street (Friday midday, Friday evening and Saturday midday peak periods);
- Atlantic Avenue and Boerum Place (Friday midday and Friday evening peak periods);

- Church Avenue and Ocean Parkway (Friday midday peak period);
- Hamilton Avenue/Prospect Avenue and Third Avenue (Friday midday and Saturday midday peak periods);
- Fourth Avenue and 9th Street (weekday midday, Friday midday, Friday evening, and Saturday midday peak periods); and
- Fourth Avenue and 38th Street (Saturday midday peak period).

All impacts can be mitigated using standard traffic mitigation measures, as discussed below in “Mitigation.”

NOISE

Noise levels from the Proposed Project were determined using Sales Condition traffic, as Sales Conditions contain “worst-case” traffic volumes and yield maximum noise impacts. The table below, 2006 Future Build Noise Levels, presents future noise levels with the Proposed Project for the seven receptor locations in the year 2006.

2006 Future Build Noise Levels

(Using Sales Condition Traffic) (in dBA)

Receptor Location	Time		No Build Traffic	Build Traffic	Build Ferry	Total Build	Change due to Project	Total Build
			$L_{eq(1)}$	$L_{eq(1)}$	$L_{eq(1)}^*$	$L_{eq(1)}$		$L_{10(1)}$
1	weekday	MD	64.6	65.3	NA	65.3	0.7	64.9
		PM	63.8	65.6	NA	65.6	1.8	65.2
	weekend	MD	64.4	68.3	59.9	70.2	5.8	72.9
2	weekday	MD	63.1	64.0	NA	64.0	0.9	67.1
		PM	60.6	62.7	NA	62.7	2.1	65.5
	weekend	MD	64.1	69.4	NA	69.4	5.3	71.0
3	weekday	MD	71.6	71.8	NA	71.8	0.2	73.6
		PM	69.8	70.0	NA	70.0	0.2	72.9
	weekend	MD	65.2	65.8	NA	65.8	0.6	70.4
4	weekday	MD	68.2	68.7	NA	68.7	0.5	72.1
		PM	70.9	71.3	NA	71.3	0.4	74.6
	weekend	MD	63.6	64.8	NA	64.8	1.2	66.8

5	weekday	MD	71.3	71.7	NA	71.7	0.4	75.8
		PM	71.9	72.4	NA	72.4	0.5	76.8
	weekend	MD	66.3	68.0	NA	68.0	1.7	71.4
6	weekday	MD	66.7	67.1	NA	67.1	0.4	69.3
		PM	65.5	66.1	NA	66.1	0.6	67.8
	weekend	MD	64.5	67.1	NA	67.1	2.6	68.2
7	weekday	MD	67.3	67.8	NA	67.8	0.5	70.2
		PM	64.7	65.3	NA	65.3	0.6	67.8
	weekend	MD	64.7	67.1	NA	67.1	2.4	69.3
* Build ferry $L_{eq(1)}$ for worst-case noise levels (ferry idling)								

In terms of the CEQR criteria, noise levels with the Proposed Project at Receptor Locations 6 and 7 would remain in the “marginally acceptable” category, and noise levels at Receptor Locations 3, 4, and 5 would also remain in the “marginally unacceptable” category. However, the noise levels with the Proposed Project at Receptor Locations 1 and 2 would change from the “marginally acceptable” to the “marginally unacceptable” category.

Based upon the analysis of Receptor Location 1, significant noise impacts are projected to occur along Beard Street between Otsego and Dwight Streets.

On Halleck Street (Receptor Location 2), the only sensitive receptor(s) are the users of a portion of the Red Hook Recreational Area, located on the north side of Halleck Street. Projected noise levels at Receptor Location 2 would be representative of the noise levels experienced by people using this recreation area. As a public open space, the project’s noise impact at this location is considered significant.

MITIGATION HISTORIC RESOURCES

The demolition of structures on the project site identified as historic resources—Buildings 1 through 5—as well as the partial filling of Graving Dock No. 1 would constitute a significant adverse impact on historic resources. As requested by LPC, the retention of a portion of Buildings 1 through 5 was considered as a way of recalling the maritime and commercial history of the project site. However, Buildings 3, 4, and 5 are in a severe state of disrepair, and thus could not be utilized in their present condition or relocated on or off-site, and the Proposed Project would require the widening of Beard Street on its southerly side

between Otsego Street and a point west of Dwight Street, to accommodate project-generated traffic and meet NYCDOT requirements for standard street geometry. These constraints would require the demolition of Buildings 1 through 5.

The impact on historic resources would be lessened by components of the Proposed Project which would serve to retain and enhance the maritime and industrial elements of the site, such as the incorporation of some of the existing gantry cranes on the site (including the northern gantry crane adjacent to Graving Dock No. 1) into the waterfront esplanade, and the retention of an approximately 130-foot end portion of Graving Dock No. 1 and its caisson wall as a water feature within the esplanade. Measures to further mitigate this impact have been developed with and approved by OPRHP. A draft Memorandum of Agreement (MOA) has been developed with OPRHP and will be implemented in order to take into account the effect of the Proposed Project on historic resources. The provisions of the draft MOA include:

- The project elements listed above;
- Indicating the boundaries of Graving Dock No. 1 by unique pavers and/or landscaping within the proposed parking lot;
- Creating a design for the waterfront esplanade in keeping with the historic industrial waterfront;
- Creating interpretive displays within the waterfront esplanade;
- Avoiding the potential archaeological resources on the site by not excavating below the current ground surface in the relevant areas;
- Offering the portions of the piers to remain on a case-by-case basis to historic ships in need of a temporary mooring location that does not require land access, to the extent that such mooring does not interfere with barging and other maritime uses occurring along such piers; and
- Recording Buildings 1 through 5 and Graving Dock No. 1 through a Historic American Buildings Survey (HABS)-level photographic documentation and accompanying narrative.

With these measures, the adverse impact of the Proposed Project on historic resources would be partially mitigated.

HAZARDOUS MATERIALS

To prevent any significant adverse impacts from the contaminated materials on the site, IKEA has entered into an agreement with NYSDEC with respect to the remediation of environmental conditions on the site under the Voluntary Cleanup Program. The goal of that agreement (the “Voluntary Cleanup Agreement”) is to remediate contamination identified during the site investigation to a level that is protective of public health and the environment, consistent with the proposed future commercial use of the property. NYCDEP has reviewed the Voluntary Cleanup Agreement and concurred with the provisions set forth in the agreement. IKEA will continue to submit documentation pertaining to the cleanup to NYCDEP for review.

In addition, IKEA has submitted an application under New York State's newly-enacted Brownfields Program, which has been determined to be complete by NYSDEC. IKEA expects to transfer into that program by executing a Brownfields Cleanup Agreement subsequent to NYSDEC's approval of the application.

A draft Remedial Work Plan (RWP) for the site has been submitted to NYSDEC. Implementation of the measures specified in the RWP would minimize any significant adverse impacts from the contaminated materials on the site.

Before construction, the identified "hot spots" of soil contamination would be remediated by excavating the contaminated soil and disposing of it at a permitted off-site treatment/disposal facility. The electric transformers on the site would be decommissioned and removed, along with associated stained concrete flooring. Waste stockpiles, and other potentially contaminated materials including stained wood and concrete surfaces, and the dust collection system in Building 93 would also be removed for proper off-site disposal. Existing monitoring wells would be filled and sealed. Sub-grade drainage structures would be removed for proper off-site disposal, or cleaned and abandoned in place.

The RWP includes a number of measures intended to eliminate pathways for potential exposure to contaminants in the on-site fill material during construction. Disturbance of the existing fill material on the site would be minimized by importing clean fill material to raise the grades throughout the site. Construction activities would be performed in accordance with a construction health and safety plan to minimize exposure of construction workers and others to potentially hazardous materials, and a community air monitoring plan to detect and respond to any emissions of vapors or dust from the site. Dust suppression measures would be taken during all activities that involve disturbance of the existing fill on the site. In accordance with a soil management plan, all earth-moving construction activities would be monitored, and excavated soil would be field screened and sampled for laboratory analysis where necessary. Sedimentation and erosion control measures also will be implemented. The location of all fill material that is relocated on the site would be documented.

Following construction, most of the site would be covered with new buildings, asphalt-paved parking areas, and concrete walkways. These structures would serve as barriers to prevent direct contact with the existing fill material on the site after construction is completed, and also to prevent infiltration of water through the fill. The only portion of the site that would not be capped in this way is the landscaped portion of the waterfront promenade. In that area, all the existing fill material would be excavated down to the level of the groundwater surface and replaced by imported clean fill. The excavated materials from this area, along with any other fill material that must be excavated to install utilities, pile caps, or other subsurface structures, would be placed in locations beneath the new buildings, where they would be capped and isolated.

A methane mitigation system would be installed under the southern portion of the proposed Use Group 10A large retail use (anticipated IKEA) building, where elevated levels of methane have been detected in the soil gas. The system would be designed to prevent the accumulation of methane and other organic vapors in the subsurface beneath the building. A vapor barrier would be installed as part of this system. To assess the effectiveness of the system, levels of methane and other organic vapors in soil gas would be monitored following completion of construction.

The measures in the RWP would result in the removal of the most significant sources of contamination on the site, and the elimination of potential pathways for human or environmental exposures to the historic urban fill material that would remain. Therefore, the implementation of the RWP is expected to prevent any significant adverse impacts from hazardous and contaminated materials on the site.

TRAFFIC

All significant adverse traffic impacts expected to result from the Proposed Project could be mitigated using standard traffic mitigation measures, as described below.

Primary Study Area

Build Typical Conditions

Under these operating conditions, project-generated traffic at two of the three intersections that would be potentially impacted could be mitigated by implementing signal timing changes. At Lorraine Street and Columbia Street, the removal of parking along westbound Lorraine Street would be required during the Friday evening and Saturday midday peak periods to accommodate a second moving lane. At Van Brunt Street and Coffey Street, daylighting for approximately 100 feet along eastbound Coffey Street would be required during the weekday midday and Friday evening peak periods to accommodate a second moving lane.

Build Sales Conditions

Mitigation measures would be required at five primary study area locations to improve conditions during the Build sales conditions. During weekday and Friday midday and Friday evening peak periods, daylighting along eastbound Coffey Street at Van Brunt Street would be required to create a second moving lane to accommodate additional volumes. Similar parking regulation modifications would be required along westbound Lorraine Street (at Columbia Street) during the Friday midday, evening and Saturday midday peak periods. Daylighting along eastbound Bay Street at Clinton Street would be required during the weekday and Saturday midday peak periods. In addition, signal timing changes at Hamilton Avenue and Clinton Street, Columbia and Lorraine Streets, and Clinton and Lorraine Streets would be required.

Secondary Study Area

Build Typical Conditions

Signal timing changes at the six locations identified within the secondary study area would be required as mitigation during Build typical conditions. These intersections are Atlantic Avenue and Clinton Street, Atlantic Avenue and Court Street, Atlantic Avenue and Boerum Place, Church Avenue and Ocean Parkway, Hamilton Avenue/Prospect Avenue and Third Avenue, and Fourth Avenue and 9th Street.

Build Sales Conditions

Under the Build sales condition, the seven locations identified would require signal timing changes during one or more of the analyzed peak periods. These intersections are Atlantic Avenue and Clinton Street, Atlantic Avenue and Court Street, Atlantic Avenue and Boerum Place, Church Avenue and Ocean Parkway, Hamilton Avenue/Prospect Avenue and Third Avenue, Fourth Avenue and 9th Street, and Fourth Avenue and 38th Street.

NOISE

Significant noise impacts are projected to occur at Receptor Locations 1 and 2 (along Beard Street between Otsego and Dwight Streets, and on Halleck Street). For Receptor Location 1, at the only noise sensitive receptor along this street, a residence located on the northeast corner of Beard and Dwight Streets, the applicant is proposing to make available double-glazed windows and alternative ventilation (i.e., air conditioning) to mitigate project impacts.

UNMITIGATED IMPACTS

NOISE

On Halleck Street (Receptor Location 2), the only sensitive receptor(s) are the users of a portion of the Red Hook Recreational Area, located on the north side of Halleck Street. Projected noise levels at Receptor Location 2 would be representative of the noise levels experienced by people using this recreation area. As a public open space, the project's noise impact at this location is considered significant. Practicable mitigation for the noise impact on this portion of the Red Hook Recreational Area has not been identified. The applicant and NYCDPR have investigated measures to mitigate this impact, including the construction of a berm or low wall on the southern side of this area. However, even with such a barrier or berm, the significant adverse noise impact would still remain. Mitigation would require a wall, but it would have to be approximately 12 to 14 feet high. A wall of this height would be visually incompatible with the design goals of the New York City Department of Parks and Recreation (NYCDPR), and would be incompatible with the City's design goals for the waterfront. Therefore, the significant noise impact on this area would remain unmitigated.

UNIFORM LAND USE REVIEW

This application (C 030414 ZSK), in conjunction with the applications for the related actions (C030413 ZMK, C 030412 MMK and C 030415 ZSK), was certified as complete by the Department of City Planning on April 26, 2004, and was duly referred to Community Board 6 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules, together with the non-ULURP related actions (N 030416 ZAK and N 030418 ZCK) which were referred for review and comment.

Community Board Public Hearing

Community Board 6 held a public hearing on this application on May 13, 2004, and on June 9, 2004, by a vote of 34 to four with two abstentions, adopted a resolution recommending approval of the application with the following conditions:

that at one-year and at three-years after the IKEA store has been in operation, IKEA, in consultation with the Community Board and the New York City Department of Transportation, will conduct another traffic study that replicates the initial traffic study performed for the EIS (i.e., performing the same traffic counts at the same locations, etc.) limited to within a 1.75-mile radius of the store and that, at their cost, IKEA will agree to perform any subsequent traffic mitigation measures that may be indicated at those times, subject to the review of the New York City Department of Transportation;

that within one-year after opening, in conjunction with the follow-up traffic study called for in the above condition and in consultation with a working group consisting of representatives for the Community Board, the New York City Department of Transportation and the community, that IKEA will also commit to plan, fund and implement other street, pedestrian and traffic-related amenities to enhance public safety, promote a positive neighborhood aesthetic and generally improve the quality of life in the Red Hook

community. Amenities should include, but not be limited to, consideration of such items as installation of historic replica street lighting, trees, landscaping and other plantings, public litter baskets, tree-guards, fencing and parks/open space improvements;

that prior to the final approval of these applications, IKEA must submit to the Community Board an executed written agreement with a non-profit organization to fund and create a fully operational job training center to be housed ideally in, or in close proximity to, Red Hook Houses for the purposes of developing job training and retention skills for residents in the Red Hook community, and that one-year after the IKEA store has been in operation, IKEA will submit to the Community Board an employment report that shows, at a minimum, where the Red Hook store's initial hires and current employees live grouped by zip code, and, in furtherance of their June 9, 2004 memorandum to Brooklyn Community Board 6, that IKEA will have in place a job training program at least one-year in advance of the projected store opening;

that within five-years after the IKEA store has been in operation, IKEA will conduct a goods movement study to determine the most feasible way to shift its merchandise delivery to the Red Hook store from truck- to barge-dependent means as an effort to both reduce its reliance on truck-traffic and increase the amount of water-dependent activity generated at the site, and that the results of this study be shared with the Community Board.

The Community Board also resolved to approve two related applications with the following conditions:

C 030412 MMK

that the Red Hook IKEA store not open until all of the recommended and agreed to traffic mitigation measures as called for in the final EIS, i.e., new street/road construction, new traffic signals, and other traffic calming devices, are in place.

C 030413 ZMK

that a restrictive covenant be placed on this site that would prevent the applicant from developing the 6.3-acre waterfront esplanade/open space portion of the site for any other purposes.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application with conditions on July 12, 2004.

The Borough President's recommendation included the following conditions:

That IKEA:

- 1) work with its employees and the community to explore the means of providing day care services for the children of its employees;
- 2) provide ongoing funding to an organization that will operate a facility in Red Hook to encourage the hiring and retention of Red Hook residents;
- 3) provide one of the proposed free standing buildings for cultural uses including space for the year-round design, preparation, exhibit and sale of art work by artists, space for performances and accessory office space.

City Planning Commission Public Hearing

On July 14, 2004 (Calendar No. 7), the City Planning Commission scheduled July 28, 2004, for a public hearing on this application (C 030414 ZSK). The hearing was duly held on July 28, 2004 (Calendar No. 29), in conjunction with the public hearings on the applications for the related actions (C 030413 ZMK, C 030412 MMK, and C 030415 ZSK). There were 29 speakers in favor of the application and 27 speakers in opposition.

Speakers in favor included the members of the applicant team, who summarized the proposed development including the hiring policies and the design of the waterfront public access area, and answered questions from the Commission on the number of proposed jobs and stormwater management methods. Also speaking in favor were the Chair of Community Board 6, the President and the Vice-President for Economic Development of the Brooklyn Chamber of Commerce, representatives of Red Hook Rise, the Director of the Red Hook Senior Citizens Center, representatives of the Red Hook East Tenants Association, a representative of the District Council of Carpenters, representatives of local businesses and area residents.

The speakers described the positive contribution that the proposed development would make to the neighborhood and to the City by providing the opportunity for jobs with good benefits, improved public access to the waterfront, berthing space for barges, and tax revenues. Several speakers noted that the proposal is consistent with many of the goals of the 197-a plan for Red Hook and with the City's waterfront plan.

Speakers in opposition included representatives of the Metropolitan Waterfront Alliance, the Tri-State Transportation Campaign, the Green Party, the Carroll Gardens Association, the Red Hook Group Against Garbage Siting, the Coalition to Revitalize Our Waterfront Now, the Red Hook Civic Association, the Van Dyke Street Coalition, a member of Community Board 6 and area residents.

Several speakers testified that the traffic generated by the proposed development would create impacts to air quality, health, safety, neighborhood character and businesses in Red Hook and surrounding neighborhoods, and one speaker suggested methods to increase use of public transit and pedestrian safety. Several speakers stated that the proposal would not achieve the goals of the 197-a plan for Red Hook, that it would conflict with the New York State Open Space Plan, that it would be contrary to the site's designation as a Significant Maritime Industrial Area, and that the project would negatively affect the site's historic resources. Concerns were also expressed that the proposed development's plans to fill or deck over the graving dock could have a deleterious effect on boat repair in the New York harbor, that the proposed width of the esplanade is inconsistent with the goals of the Brooklyn Waterfront Greenway, and that day care for the children of employees be provided.

There were no other speakers and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application, in conjunction with those for the related actions, (C030413 ZMK, C 030412 MMK, C 030415 ZSK, N 030416 ZAK and N 030418 ZCK), 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.

CONSIDERATION

The Commission believes that this special permit (C 030414 ZSK) in conjunction with the related applications to amend the zoning map (C 030413 ZMK), change the City Map (C 030412 MMK), modify waterfront bulk regulations (C 030415 ZSK), and modify waterfront public access and visual corridor requirements (N 030416 ZAK), is appropriate.

The Commission believes that the proposed actions would facilitate a substantial investment in a long-derelict and underutilized site. The proposed development would add over 400,000 square feet of retail space, significantly improve public access to Brooklyn's industrial waterfront with a 6.3-acre waterfront esplanade, stabilize the shoreline and restore numerous historic industrial artifacts such as piers, gantry cranes and a portion of an historic dry dock, provide 500 to 600 jobs with health, dental, retirement and education benefits in a neighborhood with high unemployment, and generate tax revenues for the City of New York.

Further, the Commission notes that the applicant would encourage the use of public transit and waterborne travel by providing a free weekend shuttle service from subway stations in Downtown Brooklyn, Carroll Gardens and Park Slope and providing a free weekend ferry from Lower

Manhattan. Moreover, the proposal includes significant improvements to the Hamilton Avenue corridor, and the applicant has worked with the Transit Authority to extend the B61 bus line and has committed to providing a bus stop at the site. The Commission believes that these measures would improve transit service to the neighborhood, traffic circulation and vehicular and pedestrian safety.

The Commission believes that the applicant's stated commitment to fund a workforce development program, open a hiring trailer on the site, accept applications from the Red Hook zip code two weeks prior to the general application period and provide extensive, paid on-the-job training provides a positive model for economic development in the Borough of Brooklyn and the City of New York. The Commission expects that the applicant will periodically update the City and the community regarding its progress in fulfilling these commitments.

The Commission also notes the applicant's stated commitment to conduct a traffic study analyzing traffic conditions at the intersections analyzed in the Final Environmental Impact Statement one year after the proposed Use Group 10A store opens and to work with the New York City Department of Transportation to implement any necessary additional transportation improvements. The Commission expects the applicant to share the results of this study with the Department and the Commission.

Further, the Commission applauds the applicant's commitment to environmentally-conscious

architecture including a vegetated green roof and rooftop solar panels on the proposed primary retail building that would reduce the need for energy, minimize the urban heat island effect and reduce stormwater runoff.

ZONING MAP AMENDMENT (C 030413 ZMK)

The Commission believes that the amendment to the zoning map is appropriate because it would allow commercial or light manufacturing development consistent with surrounding light- and heavy-manufacturing uses including the 24-hour barge use of the Erie Basin, nearby manufacturing, warehousing and distribution uses and surrounding surface parking lots. Local manufacturing, warehousing, distribution and surface parking uses typically have peak activity times on weekdays different from that of the proposed retail use, which would be most active on weekends mid-day. The proposed M1-1 district would be an appropriate buffer between heavier manufacturing uses south of the site and the residential uses a few blocks to the north.

Regarding the Community Board's recommendations specific to this action, the Commission notes that, pursuant to Section 62-14, a restrictive declaration would be recorded against the property mandating the construction and maintenance of the waterfront esplanade as proposed and approved by the City Planning Commission.

SPECIAL PERMIT FOR CERTAIN LARGE RETAIL ESTABLISHMENTS (C 030414 ZSK)

The Commission believes that the special permit for large retail use is appropriate. The special permit, if exercised, binds the applicant to the proposed site plan including building configuration, location and square footage and the proposed waterfront public access area. The special permit also would restrict the applicant to Use Group 10A uses within the primary retail building proposed to be occupied by an IKEA furniture store and to Use Group 6 or 10 uses within the three proposed ancillary buildings.

The Commission notes that the proposed site is bounded by Columbia Street to the east, Erie Basin to the south and west, and Halleck and Beard Streets to the north. Principal vehicular access to the site would be from Columbia, Halleck and Beard Streets. Columbia and Halleck Streets are 80 foot-wide mapped wide streets and Columbia Street is a designated truck route. The section of Beard Street used for principal vehicular access would be a wide street following the proposed change to the City Map (related action C 030412 MMK) that would widen it from 60 feet to 80 feet by extending it into the proposed development site and acquiring a small portion of Block 606, Lot 5, which is currently used for surface bus parking.

Further, the Commission notes that the site is located within ½-mile of the Gowanus Expressway and its service road, Hamilton Avenue, which form the northeastern boundary of Red Hook, and that the site is located in an area of Red Hook surrounded by and easily accessed via non-local streets. The Gowanus Expressway connects to the Brooklyn-Battery Tunnel, the Brooklyn-Queens Expressway,

the Prospect Expressway and the Belt Parkway, facilitating vehicular access to Red Hook via limited-access highways from all five boroughs. The primary routes through Red Hook to the site would be Columbia, Clinton Bay and Lorraine Streets. Columbia, Clinton and Bay Streets are all wide streets as defined by the Zoning Resolution. Lorraine Street, though only 60 feet wide, is not a local street but rather a primary corridor serving significant portions of Red Hook. The main streets into Red Hook that are located west of the site - Van Brunt and Richards Streets - would be avoided by most drivers, as these streets do not provide direct access to the site from Hamilton Avenue.

The Commission notes that the proposed development would be served by four vehicular entrances/exits: two along Beard Street with curb cuts approximately 33 feet and 36 feet wide and two along Columbia Street with curb cuts approximately 24 feet wide. Further, the site would be served by one additional exit with a curb cut approximately 20 feet wide onto Halleck Street. These vehicular access points are separated by more than 100 feet, and the ample reservoir space within the proposed parking lot would prevent traffic congestion and allow for the efficient circulation of vehicles arriving at and departing from the site.

The Commission notes that two bus lines, the B61 and the B77, are located in the vicinity of the proposed site, and that the applicant has worked with the Transit Authority to extend the B61 line to the site. The proposed development includes a bus stop at the site and a traffic light at the bus stop that would utilize bus priority signaling technology. Further, the applicant would provide free shuttle bus

service on weekends - the peak shopping period for the proposed use - from subway stations in Downtown Brooklyn, Carroll Gardens and Park Slope, connecting the site to the 2, 3, 4, 5, A, C, F, G, M, N and R subway lines. Moreover, the applicant would provide free weekend ferry service from Lower Manhattan. The Commission believes that these transit improvements would improve access to the site via transit while reducing the reliance on vehicles to access the site.

The Commission believes that the proposed development would not impair the essential character or the future use of or development of the surrounding area. Rather, the Commission believes that the proposed use would substantially improve the condition of the property, provide significant new areas of public waterfront access and views, bring a substantial number of jobs to a community with a high unemployment rate, and result in vital improvements to transportation service for the community, thereby improving both the character of the neighborhood and the prospects for future use and development of the surrounding area. The Commission believes that the presence of a clean, well-maintained, landscaped site with attendant security would increase both the value and the attractiveness of surrounding sites.

The Commission believes that the proposed development would not produce any adverse effects that would interfere with the appropriate use of the land in the proposed M1-1 zoning district or in any adjacent districts. The proposed uses are consistent with the surrounding manufacturing uses, and the public waterfront esplanade would complement the nearby Red Hook Recreational Area and Columbia

Street Esplanade. Further, the proposed development would have sufficient off-street parking so that there would be no parking impacts on neighboring streets or the operations of nearby businesses.

AMENDMENT TO THE CITY MAP (C 030412 MMK)

The Commission believes that the amendment to the City Map is appropriate. This action would improve traffic circulation in the project area and facilitate proposed development. While the streets to be demapped are not essential to the City Map and are not needed for traffic circulation purposes, the newly-widened street would allow traffic to access the proposed development more easily and safely and provide uninterrupted traffic flow in the area.

Regarding the Community Board's recommendations specific to this action, the Commission notes that the applicant has agreed to work closely with the New York City Department of Transportation (NYCDOT) to expedite the infrastructure and road network improvements identified in the application and the FEIS.

SPECIAL PERMIT FOR WATERFRONT BULK MODIFICATION (C 030415 ZSK)

The Commission believes that the special permit to modify the waterfront bulk regulations of Section 62-34 to allow the proposed primary Use Group 10A building to be 48 feet tall, exceeding the 30 foot height limit, is appropriate. Exceeding the height limit would allow the store to be raised by a level to

facilitate at-grade parking below the proposed building. The three ancillary retail buildings would comply with the 30 foot height limit, and all proposed buildings on the site would adhere to all other applicable zoning regulations pertaining to yards, lot coverage, height and setback, and distance between buildings.

The Commission notes that the site has both an irregular shoreline and an irregular shape. Moreover, the site is an “L”-shaped parcel with a depth from street frontage to water that varies greatly, from approximately 80 feet to approximately 750 feet. The site has frontage along Halleck, Beard and Columbia Streets, but excludes a substantial parcel at the corner of Columbia and Halleck Streets.

The Commission notes that strict adherence to the bulk regulations of Section 62-34 would require all commercial buildings on the site to be no taller than 30 feet tall. Since IKEA’s operations (and the operations of most large retail establishments) require a minimum clearance of 18 feet from floor-to-floor, the 30-foot height restriction would force the store to be configured entirely on one level, rather than its proposed two-story configuration above at-grade parking. Thus, a complying building would have a floorplate of approximately 346,000 square feet, rather than the proposed 232,000 square feet. An expanded floorplate would severely constrain the ability to provide open spaces on the site and result in a more intrusive articulation of the proposed IKEA building.

The Commission notes that strict adherence to the bulk regulations of Section 62-34 would result in a one-story building with a streetwall that extends along Beard Street and Halleck Street for the majority of the site's street frontage. Such a building would likely cover almost 50 percent more of the zoning lot than would the proposed buildings, would preclude opening a significant portion of the Beard Street frontage to the water, and would prevent access to the site's open space from most of its Halleck and Beard Street frontages. The proposed development would provide views of the water for approximately 300 linear feet of frontage along Beard Street, improving the connection between the water and the surrounding streets. Furthermore, such a massive one-story building would also result in inefficient access from point-to-point within the building, forcing customers to walk twice the distance to access certain parts of the proposed IKEA store. The Commission believes that the additional height of the proposed IKEA building would be offset by its substantially reduced lot coverage and access and views to the waterfront, as compared to that of a building that would comply with the 30 foot height limit.

**AUTHORIZATION TO MODIFY WATERFRONT PUBLIC ACCESS AND VISUAL CORRIDOR
REQUIREMENTS AND TO MODIFY THE DESIGN STANDARDS FOR THE WATERFRONT AREA**

(N 030416 ZAK)

The Commission believes that the authorization to modify waterfront public access and visual corridor requirements pursuant to Sections 62-627, 62-421(a), 62-421, 62-642(d) and 62-554(a) and to modify the design standards for the waterfront area pursuant to Section 62-60 is appropriate because

they would result in the development of the site that would provide better visual connections between the waterfront public access area and the surrounding neighborhood than would a development that complies with the waterfront public access and visual corridor regulations. The Commission also believes that the proposed modifications would result in better pedestrian and vehicular circulation within the site. These modifications would waive the required visual corridor at the prolongation of Otsego Street, the required minimum distance of 600 feet between visual corridors, the prohibition on shade trees within a visual corridor to allow certain trees to be planted within the parking lot and the waterfront esplanade, the prohibition on vehicular access through a public access area to allow vehicles to cross pedestrian routes between the upland streets and the waterfront esplanade at three locations, and the required screening for certain parts of the parking lot from adjacent zoning lots as well as from the portions of waterfront public access area.

The Commission notes that the visual corridor requirements pursuant to Section 62-421 require a minimum of three visual corridors, one each at the prolongations of Otsego and Dwight Streets, which currently terminate at the site, and one extending through the site from Columbia Street at the eastern edge of the site. The visual corridors from Columbia Street and the prolongation of Dwight Street would be provided. However, existing subsurface structures on a substantial portion of the site render development in accordance with requirements to provide a visual corridor at the prolongation of Otsego Street infeasible.

The Commission notes that a large portion of the site west of the extension of Otsego Street is comprised of still-present or filled dry docks for ship repair. It would not be feasible to locate the proposed primary retail building above this portion of the site due to the prohibitive costs of driving building support piles. Moreover, this area of the site is not large enough to accommodate the proposed building without blocking the Otsego Street visual corridor. However, the proposed development would provide an 80-foot wide visual corridor approximately 250 feet west of Otsego Street. The first several hundred feet of this visual corridor would coincide with a major mid-site pedestrian route to the waterfront public access area that would be marked by an allée of trees.

Due to interior layout requirements for the store (i.e. the marketplace and showroom must be located above one-another and the warehouse must occupy a double-height space adjacent to the marketplace and showroom floors) such a store would have to extend for a length of at least 600 feet. The Commission notes that there is no feasible means of orienting the store within the 450 foot frontage between the required Dwight Street visual corridor and the required Otsego Street visual corridor, while preserving the programmatic requirements of the IKEA store and adhering to other zoning requirements. Further, locating the store on the western portion of the proposed site would be infeasible due to the location of the former and current dry docks. The Commission believes that permitting a visual corridor approximately 250 feet west of Otsego Street rather than at the prolongation of Otsego Street and that waiving the requirement for a maximum distance of 600 feet between visual corridors is appropriate, given the physical constraints of the site, the operational constraints of the proposed use

and the extensive waterfront public access proposed.

The Commission notes that two mid-site public access corridors would be provided by the proposed development to maximize pedestrian access from upland streets to the waterfront esplanade. The Commission believes that it would be impractical and inefficient to the vehicular circulation within the site to prevent vehicles from crossing these public access corridors, because the corridors bisect major parking areas. Since these crossings would be used by non-emergency vehicles, they would not be permitted as-of-right. The Commission believes that the provision of mid-site public access corridors to the waterfront esplanade is important to the public use of this area.

The Commission notes that the proposed development includes numerous trees within the parking lots, marking the pedestrian corridors through the parking areas to the waterfront esplanade, and bosks of trees within certain areas of the esplanade, some of which would violate regulations prohibiting trees within visual corridors. Further, the proposed development would effectively screen the waterfront esplanade from the primary waterfront elevation of the proposed primary retail building utilizing decorative fencing with embedded seating, and provide vegetative screening between the parking areas and other waterfront public access areas as well as adjacent zoning lots, while permitting views to the waterfront and a permeable border for pedestrians. The Commission believes that the targeted waivers of the prohibition on street trees within visual corridors and screening of portions of the parking area would result in a better site plan given the physical constraints of the site and the operational needs of

the proposed uses than one that would comply with these regulations.

In response to testimony at the public hearing and in written statements, the Commission notes the measures that the applicant proposes to improve traffic circulation and pedestrian safety and to encourage use of public transportation. These measures would include widening and reconfiguring streets in the immediate vicinity of the proposed development, reconfiguring intersections and improving pedestrian conditions at the edge of Red Hook along Hamilton Avenue, providing free weekend bus shuttle service between the site and subway stations in Downtown Brooklyn, Carroll Gardens and Park Slope and free weekend ferry service from Lower Manhattan to the site, and extending the existing B61 bus line east to the site. With regard to the Community Board recommendations regarding future traffic studies and a study of goods movement to determine a feasible way to shift merchandise delivery to barges, the Commission notes that IKEA has stated a commitment to conduct subsequent traffic analyses, to mitigate any unanticipated impacts, and to conduct a feasibility study of goods transportation to the store by means other than truck within five years of opening the store.

Regarding testimony at the public hearing and written testimony about consistency with local planning and policy documents such as the 197-a plan *Red Hook: A Plan for Community Regeneration* adopted by the Commission on September 11, 1996, the *Plan for the Brooklyn Waterfront*, the *New York State Open Space Plan* and the site's designation as a Significant Maritime Industrial Area (SMIA), the Commission believes that the proposed development is consistent with a number of the

goals expressed in these documents for waterfront access, promoting economic development, improving transportation access and circulation and supporting maritime industrial use of the waterfront. The development proposal includes a 6.3 acre, 40-foot wide waterfront public access area with more than 1,700 linear feet of seating. The waterfront esplanade would provide views to the working waterfront of Erie Basin for the first time in decades. This is consistent with waterfront open space goals articulated in the 197-a plan, the Plan for the Brooklyn Waterfront and the *New York State Open Space Plan*. The proposed development would employ 500 to 600 people, with an emphasis on local job training and hiring consistent with the economic development goals for the neighborhood expressed in the 197-a plan. Further, the Commission believes that, by providing a bus stop at the site, working with the Transit Authority to extend the B61 bus line, and providing free weekend ferry and shuttle bus service to the site, the proposed development would improve transit access to the neighborhood, a goal articulated in the 197-a plan. Moreover, the Commission believes that the proposed use of the site's piers for barge tie-up and the continuation of manufacturing zoning on the site are consistent with the SMIA designation.

With regard to the written testimony arguing that the proposed width of the esplanade is inconsistent with the goals of the Brooklyn Waterfront Greenway, the Commission notes that the proposed esplanade would not be required by the waterfront zoning regulations pursuant to Section 62-40 due to the exemption for commercial developments of less than 1.0 FAR in M1 zoning districts, and that the proposed Brooklyn Waterfront Greenway was not anticipated to pass through the project site.

However, the Commission further notes that the proposed waterfront esplanade would be designed to accommodate both bicyclists and pedestrians, and would provide a connection between the Columbia Street esplanade and the Red Hook Recreational Area to the east of the site, and the potential route of the trail to the west.

Regarding the Borough President's additional recommendations, the Commission notes that these recommendations are beyond the scope of this land use review.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-922 (Certain large retail establishments) of the Zoning Resolution:

- (a) that the principal vehicular access for such use is not located on a local narrow street; and
- (b) that such *use* is so located to draw a minimum of vehicular traffic to and through local *streets*; and
- (c) that adequate reservoir space at the vehicular entrance and sufficient vehicular entrances and exits are provided to prevent congestion; and
- (d) that vehicular entrances and exits are provided for such uses and are located not less than 100 feet apart; and
- (e) that in selecting the site due consideration has been given to the proximity and adequacy of bus and rapid transit facilities; and
- (f) that such *use* is so located as not to impair the essential character or the future use of or development of the surrounding area; and
- (g) that such *use* will not produce any adverse effects which interfere with the appropriate *use* of land in the district or in any adjacent district; and

- (h) Not applicable; and
- (i) Not applicable.

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 practicable 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 617.11(d) 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, pursuant to Sections 197-c and 201 of the New York City Charter, that based on the environmental determination, and the consideration and findings described in this report, the application of IKEA Property, Inc. for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow the development of large retail establishments (Use Group 6 and 10A) with no limitation on floor area 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, pursuant to the findings of Section 74-922 (Certain large retail establishments) of the Zoning Resolution, subject to the following terms and conditions:

1. The property that is the subject of this application (C 030414 ZSK) 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, 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
ZW1.0	Zoning Computations and Site Plans	9/01/04
ZW2.0	Waterfront Public Access Design Plan	9/01/04

ZW3.0	Waterfront Paving Plan	9/01/04
ZW3.1	Waterfront Paving Plan	9/01/04
ZW4.0	Waterfront Planting Plan	9/01/04
ZW4.1	Waterfront Planting Plan	9/01/04
ZW4.2	Waterfront Planting Plan	9/01/04
ZW5.0	Waterfront Seating Plan	9/01/04
ZW5.1	Waterfront Seating Plan	9/01/04
ZW6.0	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 shown on the plans 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, operation and maintenance.
4. The development shall include regular weekend ferry service to the site.
5. The development shall include regular weekend shuttle bus service between the site and subway stations in Downtown Brooklyn, from the Smith and 9th Street station of the F and G lines, and from the Fourth Avenue station of the M and R lines.
6. The development shall include pier space for barge tie-up or other maritime use as indicated in drawing number ZW2.0 Waterfront Public Access Design Plan, prepared by the architecture firm of Greenberg Farrow.
7. The development shall include an approximately 70,000 square foot field of solar panels on the roof of the primary Use Group 10A building to supply energy to the grid and offset the use of power at the site, as well as an approximately 70,000 square foot vegetated green roof to reduce stormwater runoff, energy consumption and the urban heat island effect, as indicated in drawing

number Z4.0 Roof Plan, prepared by the architecture firm of Greenberg Farrow.

8. The development shall include those mitigative measures listed in the Final Environmental Impact Statement (CEQR No. 03DCP041K) issued on August 27, 2004, (and identified as practicable), as follows:

HISTORIC RESOURCES

The demolition of structures on the project site identified as historic resources—Buildings 1 through 5—as well as the partial filling of Graving Dock No. 1 would constitute a significant adverse impact on historic resources. As requested by LPC, the retention of a portion of Buildings 1 through 5 was considered as a way of recalling the maritime and commercial history of the project site. However, Buildings 3, 4, and 5 are in a severe state of disrepair, and thus could not be utilized in their present condition or relocated on or off-site, and the Proposed Project would require the widening of Beard Street on its southerly side between Otsego Street and a point west of Dwight Street, to accommodate project-generated traffic and meet NYCDOT requirements for standard street geometry. These constraints would require the demolition of Buildings 1 through 5.

The impact on historic resources would be lessened by components of the Proposed Project which would serve to retain and enhance the maritime and industrial elements of the site, such as the incorporation of some of the existing gantry cranes on the site (including the northern gantry crane adjacent to Graving Dock No. 1) into the waterfront esplanade, and the retention of an approximately 130-foot end portion of Graving Dock No. 1 and its caisson wall as a water feature within the esplanade. Measures to further mitigate this impact have been developed with and approved by OPRHP. A draft Memorandum of Agreement (MOA) has been developed with OPRHP and will be implemented in order to take into account the effect of the Proposed Project on historic resources. The provisions of the draft MOA include:

- C The project elements listed above;
- C Indicating the boundaries of Graving Dock No. 1 by unique pavers and/or landscaping within the proposed parking lot;
- C Creating a design for the waterfront esplanade in keeping with the historic industrial waterfront;
- C Creating interpretive displays within the waterfront esplanade;
- C Avoiding the potential archaeological resources on the site by not excavating below the current ground surface in the relevant areas;

- C Offering the portions of the piers to remain on a case-by-case basis to historic ships in need of a temporary mooring location that does not require land access, to the extent that such mooring does not interfere with barging and other maritime uses occurring along such piers; and
- C Recording Buildings 1 through 5 and Graving Dock No. 1 through a Historic American Buildings Survey (HABS)-level photographic documentation and accompanying narrative.

With these measures, the adverse impact of the Proposed Project on historic resources would be partially mitigated.

HAZARDOUS MATERIALS

To prevent any significant adverse impacts from the contaminated materials on the site, IKEA has entered into an agreement with NYSDEC with respect to the remediation of environmental conditions on the site under the Voluntary Cleanup Program. The goal of that agreement (the “Voluntary Cleanup Agreement”) is to remediate contamination identified during the site investigation to a level that is protective of public health and the environment, consistent with the proposed future commercial use of the property. NYCDEP has reviewed the Voluntary Cleanup Agreement and concurred with the provisions set forth in the agreement. IKEA will continue to submit documentation pertaining to the cleanup to NYCDEP for review. In addition, IKEA has submitted an application under New York State’s newly-enacted Brownfields Program, which has been determined to be complete by NYSDEC. IKEA expects to transfer into that program by executing a Brownfields Cleanup Agreement subsequent to NYSDEC’s approval of the application.

A draft Remedial Work Plan (RWP) for the site has been submitted to NYSDEC. Implementation of the measures specified in the RWP would minimize any significant adverse impacts from the contaminated materials on the site.

Before construction, the identified “hot spots” of soil contamination would be remediated by excavating the contaminated soil and disposing of it at a permitted off-site treatment/disposal facility. The electric transformers on the site would be decommissioned and removed, along with associated stained concrete flooring. Waste stockpiles, and other potentially contaminated materials including stained wood and concrete surfaces, and the dust collection system in Building 93 would also be removed for proper off-site disposal. Existing monitoring wells would be filled and sealed. Sub-grade drainage structures would be removed for proper off-site disposal, or cleaned and abandoned in place.

The RWP includes a number of measures intended to eliminate pathways for potential exposure to contaminants in the on-site fill material during construction. Disturbance of the existing fill material on the site would be minimized by importing clean fill material to raise the grades throughout the site. Construction activities would be performed in accordance with a construction health and safety plan to minimize exposure of construction workers and others to potentially hazardous materials, and a community air monitoring plan to detect and respond to any emissions of vapors or dust from the site. Dust suppression measures would be taken during all activities that involve disturbance of the existing fill on the site. In accordance with a soil management plan, all earth-moving construction activities would be monitored, and excavated soil would be field screened and sampled for laboratory analysis where necessary. Sedimentation and erosion control measures also will be implemented. The location of all fill material that is relocated on the site would be documented.

Following construction, most of the site would be covered with new buildings, asphalt-paved parking areas, and concrete walkways. These structures would serve as barriers to prevent direct contact with the existing fill material on the site after construction is completed, and also to prevent infiltration of water through the fill. The only portion of the site that would not be capped in this way is the landscaped portion of the waterfront promenade. In that area, all the existing fill material would be excavated down to the level of the groundwater surface and replaced by imported clean fill. The excavated materials from this area, along with any other fill material that must be excavated to install utilities, pile caps, or other subsurface structures, would be placed in locations beneath the new buildings, where they would be capped and isolated.

A methane mitigation system would be installed under the southern portion of the proposed Use Group 6 or 10 large retail use (anticipated IKEA) building, where elevated levels of methane have been detected in the soil gas. The system would be designed to prevent the accumulation of methane and other organic vapors in the subsurface beneath the building. A vapor barrier would be installed as part of this system. To assess the effectiveness of the system, levels of methane and other organic vapors in soil gas would be monitored following completion of construction.

The measures in the RWP would result in the removal of the most significant sources of contamination on the site, and the elimination of potential pathways for human or environmental exposures to the historic urban fill material that would remain. Therefore, the implementation of the RWP is expected to prevent any significant adverse impacts from hazardous and contaminated materials on the site.

TRAFFIC

All significant adverse traffic impacts expected to result from the Proposed Project could be mitigated using standard traffic mitigation measures, as described below.

Primary Study Area

Build Typical Conditions

Under these operating conditions, project-generated traffic at two of the three intersections that would be potentially impacted could be mitigated by implementing signal timing changes. At Lorraine Street and Columbia Street, the removal of parking along westbound Lorraine Street would be required during the Friday evening and Saturday midday peak periods to accommodate a second moving lane. At Van Brunt Street and Coffey Street, daylighting for approximately 100 feet along eastbound Coffey Street would be required during the weekday midday and Friday evening peak periods to accommodate a second moving lane.

Build Sales Conditions

Mitigation measures would be required at five primary study area locations to improve conditions during the Build sales conditions. During weekday and Friday midday and Friday evening peak periods, daylighting along eastbound Coffey Street at Van Brunt Street would be required to create a second moving lane to accommodate additional volumes. Similar parking regulation modifications would be required along westbound Lorraine Street (at Columbia Street) during the Friday midday, evening and Saturday midday peak periods. Daylighting along eastbound Bay Street at Clinton Street would be required during the weekday and Saturday midday peak periods. In addition, signal timing changes at Hamilton Avenue and Clinton Street, Columbia and Lorraine Streets, and Clinton and Lorraine Streets would be required.

Secondary Study Area

Build Typical Conditions

Signal timing changes at the six locations identified within the secondary study area would be required as mitigation during Build typical conditions. These intersections are Atlantic Avenue and Clinton Street, Atlantic Avenue and Court Street, Atlantic Avenue and Boerum Place, Church Avenue and Ocean Parkway, Hamilton Avenue/Prospect Avenue and Third Avenue, and Fourth Avenue and 9th Street.

Build Sales Conditions

Under the Build sales condition, the seven locations identified would require signal timing

changes during one or more of the analyzed peak periods. These intersections are Atlantic Avenue and Clinton Street, Atlantic Avenue and Court Street, Atlantic Avenue and Boerum Place, Church Avenue and Ocean Parkway, Hamilton Avenue/Prospect Avenue and Third Avenue, Fourth Avenue and 9th Street, and Fourth Avenue and 38th Street.

NOISE

Significant noise impacts are projected to occur at Receptor Locations 1 and 2 (along Beard Street between Otsego and Dwight Streets, and on Halleck Street). For Receptor Location 1, at the only noise sensitive receptor along this street, a residence located on the northeast corner of Beard and Dwight Streets, the applicant is proposing to make available double-glazed windows and alternative ventilation (i.e., air conditioning) to mitigate project impacts.

UNMITIGATED IMPACTS

NOISE

On Halleck Street (Receptor Location 2), the only sensitive receptor(s) are the users of a portion of the Red Hook Recreational Area, located on the north side of Halleck Street. Projected noise levels at Receptor Location 2 would be representative of the noise levels experienced by people using this recreation area. As a public open space, the project's noise impact at this location is considered significant. Practicable mitigation for the noise impact on this portion of the Red Hook Recreational Area has not been identified. The applicant and NYCDPR have investigated measures to mitigate this impact, including the construction of a berm or low wall on the southern side of this area. However, even with such a barrier or berm, the significant adverse noise impact would still remain. Mitigation would require a wall, but it would have to be approximately 12 to 14 feet high. A wall of this height would be visually incompatible with the design goals of the New York City Department of Parks and Recreation (NYCDPR), and would be incompatible with the City's design goals for the waterfront. Therefore, the significant noise impact on this area would remain unmitigated.

9. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.

10. Development pursuant to this resolution shall be allowed only after the attached restrictive declaration dated September 8, 2004, executed by One Beard Street, L.L.C., the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County of Kings.

- 11. 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 covenants, restrictions, agreements, terms or conditions of this resolution and the attached restrictive declaration whose provisions shall constitute conditions of the special permit and authorization hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit and 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 other 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 or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit and authorization hereby granted or of the attached restrictive declaration.

- 12. 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 special permit and authorization.

The above resolution (C 030414 ZSK), duly adopted by the City Planning Commission on September 8, 2004 (Calendar No. 29), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

- 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