Certification Pursuant to ZR Section 62-811

Monitor Point

Project ID: 2024K0358

September 15, 2025

Discussion of Conditions

62-811

Waterfront public access and visual corridors

No excavation or building permit shall be issued for any development on a waterfront block, or any other block included within a Waterfront Access Plan, until the Chairperson of the City Planning Commission certifies to the Department of Buildings or Department of Business Services, as applicable, that:

(a) there is no #waterfront public access area# or #visual corridor# requirement for the #zoning lot# containing such #development# due to the following:

(1) the #development# is exempt pursuant to Sections 62-52 (Applicability of Waterfront Public Access Area Requirements) or 62-51 (Applicability of Visual Corridor Requirements); or

Not applicable.

(1) the #waterfront public access area# or #visual corridor# requirement has been waived pursuant to Section 62-90 (WATERFRONT ACCESS PLANS);

Not applicable.

(b) a site plan has been submitted showing compliance with the provisions of Sections 62-332 (Rear yards and waterfront yards), 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), and 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS);

Not applicable.

(c) a site plan has been submitted showing compliance with the provisions of Section 62-90;

The Development Site is identified as Parcels 15 and 19 in the Waterfront Access Plan (BK-1 WAP)(ZR Section 62-931). The WAP modifies, but does not waive, waterfront public access area ("WPAA") or visual corridor requirements.

As detailed in the plans submitted as part of this application, the proposed development complies with Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) and 62-50 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), as modified by the WAP and

by Section 62-50, which provides that the design of a WPAA located within New York State-designated wetlands or their adjacent regulated areas ("Regulated Areas"), shall be in accordance with an approval from the New York State Department of Environmental Conservation ("NYSDEC"). Of the 43,258 square feet of WPAA proposed on the Development Site, 33,933 square feet (78%) lies within the Regulated Area and is subject to NYSDEC regulations, leaving 9,325 sf (22 %) that is outside the Regulated Areas and not subject to NYSDEC requirements. The Development Site is also burdened by a New York City Department of Environmental Protection ("NYCDEP") sewer infrastructure: (1) a 30-foot wide easement, occupied by a 66-inch combined sewer, beginning at the intersection of Quay Street and West Street, and traveling southeast through the Development Site (the "Easement"), and (2) a combined sewer overflow that extends west from the end of Quay Street (the "CSO"), where it terminates at a combined sewer overflow outfall draining into the East River.

Waterfront Yard

ZR Section 62-332 requires that a yard with a minimum depth of 40 feet be provided along the entire length of the shoreline, bulkhead or stabilized natural shore, whichever is furthest landward. For shallow portions of lots (i.e., less than 70 feet in depth), the minimum depth may be reduced by one foot for each foot that the lot dimension measured from such edge is less than 70 feet, provided the yard is not reduced to less than 10 feet.

As shown on the Zoning Lot Site Plan (L-200), the Development Site has a shoreline of 806 linear feet, beginning at the East River to the west, and wrapping around Bushwick Inlet to the western boundary of Bushwick Inlet Park to the east. A 40-foot yard will be provided along approximately 50 percent of the Development Site's shoreline. However, the Development Site is irregular in shape, with a very narrow portion (between 22 and 33 feet deep) located along its westernmost portion (the "Panhandle"). As a result, approximately 40 percent of the Development Site's shoreline is too narrow to accommodate a 40-foot yard. A reduced yard depth between 21 feet and 32.5 feet will be provided within the Panhandle, as permitted by ZR Section 42-332(a)(1).

The required 40-foot yard depth will also be reduced to 30 feet for the portion of the yard adjacent the Greenpoint Monitor Museum (the "Museum"). The Development Site's shoreline is located entirely on Lot 25, which is owned by the Museum. The Museum will be located to the east of the Panhandle, where Lot 25's depth as measured perpendicular from the shoreline increases to approximately 90 feet. To accommodate the Museum's program, which will include an immersive experience demonstrating how the USS Monitor was constructed, along with necessary support spaces and circulation, the width of the Museum Building will increase from 50 feet at its northern end to 60 feet at its southern end. Where the Museum's width is greater than 50 feet, the yard depth will be reduced to between 30 and 40 feet. See Waterfront Access Area Diagram (L-200). The waiver of the 40-foot yard depth to

accommodate the Museum footprint is requested in the companion application for a special permit pursuant to Section 74-743 (Special Provisions for Bulk Modifications).

Visual Corridor

The prolongation of West Street through the Development Site as a designated visual corridor is identified on WAP Map BK-1c: Designated Visual Corridors Designation and is required by ZR Section 62-511(b) and 62-931(e)(7). No additional visual corridors through the Development Site are required pursuant to ZR Section 62-511 or ZR Section 62-931.

As illustrated on the Visual Corridor Diagram and Waterfront Public Access Area Diagram (L-200), the required visual corridor will be 60 feet in width as required by ZR Section 62-512. As shown on the WPAA Zoning Calculations (L-101), the visual corridor on the Development Site will comply with ZR Section 62-513 (Permitted obstructions in visual corridors).

Waterfront Public Access Area

As shown on the WPAA Zoning Calculations (L-101 and L-102), the Waterfront Public Access Area ("WPAA") will comply with the requirements of ZR Sections 62-50 and 62-60, as modified by the NYSDEC requirements.

The proposed shore public walkway ("SPW") is technically not subject to WPAA requirements because it is within the Regulated Area, but it meets the design requirements of ZR Section 62-62, providing a primary circulation path with a minimum clear width of 12 feet within 10 feet of the shoreline for at least 20% of the length of the shoreline. See WPAA Zoning Calculations (L-101 and L-102). The SPW will provide connections to Bushwick Inlet Park to the east, the terminus of Quay Street, and the walkways planned and partially completed for the development on the adjacent property to the north. With a design that includes industrial materials and interpretive signage relating to the site's historic role in the construction of the USS Monitor, the SPW includes pathways, plantings, and a variety of seating options, including a picnic area that overlooks the Bushwick Inlet to the south and west. The planted area within the SPW is 8,947 square feet, exceeding the requirement of 7,992 square feet.

An upland connection ("UC") as a prolongation of West Street will be provided, as required on Map BK-1b ("UC1"). UC1, which will connect Quay Street to the north with Bushwick Inlet Park to the south, is located partially within and partially outside of the Regulated Area. The NYCDEP Easement is located within UC1. As shown on drawings L-101 and L-102, UC1 will meet all of the design requirements of ZR Section 62-64 for the portion outside of the Regulated Area, and many of the design requirements for the portion within the Regulated Area. A minimum 12-foot clear path width will be provided within UC1, as required for a "Type 1" walkway in ZR Section 62-561, and 68 linear feet of seating will be provided within UC1, exceeding the requirement for 41

linear feet. The variety of seating within UC1 includes moveable tables and chairs, and wood and stone benches.

Additional public access areas, providing additional planting and seating, are located along the SPW and on either side of UC1. As a result, the total WPAA provided equals 43,258 square feet of the lot area of the Development Site (nearly one acre), which exceeds the minimum requirement of 25,605 square feet under ZR Section 62-50. The public access areas adjacent to UC1 will contain additional seating and plantings, as well as an elevated grove, interactive water feature, and a dry creek bed with natural boulder accents that would reference the tidal creek that once flowed through the Development Site. The width of UC1 and adjacent access areas will vary between 85 and 175 feet, allowing for a welcoming entry to Bushwick Inlet Park from the upland community. See Dimension Plan (L-250).

An additional UC ("UC2") will be provided as a prolongation of Quay Street, connecting Quay Street with the SPW. UC2 is located entirely within the Regulated Area and is also occupied by the CSO. UC2 will provide a "Type 1" 12-foot pathway, and both plantings and seating. However, because of the presence of the CSO, as well as needed circulation space relating to the adjacent Museum, the majority of entrance to UC2 will be paved.

Section 62-60 identifies design requirements for WPAA, as modified by the WAP and the NYSDEC requirements. As shown on drawings L-101 and L-102, the proposed waterfront public access area also complies with the design standards of the waterfront area for guardrails and bollards, seating, lighting, signage, plantings and trees, paving, bicycle racks and trash receptacles. These elements are detailed in the drawings and comply with the requirements of ZR Section 62-65 (Public Access Design Reference Standards).

(d) for #developments# listed in Section 62-52, paragraph (b), on a #zoning lot# containing a public access area established prior to October 25, 1993, meeting the terms of Section 62-58 (Requirements for Water-Dependent Uses and Other Developments), by restrictive declaration, lease agreement, maintenance and operation agreement or other agreement with a public entity, which public access area is required to be provided for the life of the #development# subject to such agreement, a copy of such restrictive declaration or agreement and a site plan indicating the location, area and design of the required public access area and showing substantial compliance with the provisions of Section 62-58 have been submitted; or

Not applicable.

(e) for the #development# of a park, a site plan and all other applicable data have been submitted showing compliance with the provisions of Section 62-59 (Special Regulations for Zoning Lots that Include Parks).

Not applicable.

For any parcel identified in Waterfront Access Plan BK-1, the Chairperson shall allow for

the phased implementation of all required #waterfront public access areas# upon certification to the Commissioner of Buildings that a plan has been submitted that provides for an amount of #waterfront public access area# proportionate to the amount of #floor area# being #developed# in each phase. Additionally, for any #development# located within 240 feet of a #shoreline#, the initial phase and each subsequent phase shall provide a minimum of 200 linear feet of #shore public walkway# and any adjacent #supplemental public access area# located between such #development# and such #shore public walkway#, one #upland connection# through or adjacent to the entire parcel leading to the #shore public walkway#, and at least one other connection from the #shore public walkway# to an adjacent #shore public walkway#, #street# or other #upland connection#. For any #development# located entirely beyond 240 feet of a #shoreline#, the initial phase and each subsequent phase shall also provide a minimum of 100 linear feet of #shore public walkway# and one #upland connection# through or adjacent to the entire parcel leading to the #shore public walkway#. However, no #waterfront public access area# need be provided for a phase consisting of a #development# in which all #residences# in such phase are affordable #residences# for #lower income households# as defined in Section 23-93, or #moderate income households# as defined in Section 62-352, provided that such exemption shall only apply where 25 percent or less of the total #residential# #floor area#, including any applicable #floor area# bonuses, on the parcel has been #developed#.

Not applicable.

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A certification pursuant to paragraphs (b) or (c) of this Section shall be granted on condition that an acceptable restrictive declaration is executed and filed pursuant to Section 62-74 (Requirements for Recordation).

A restrictive declaration will be executed and recorded against the Development Site in accordance with ZR Section 62-74.

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