LR 11: Statement of Findings

2201-2227 Neptune Avenue, Brooklyn, NY

Tax Block 6990, Lots 1 and 10, Borough of Brooklyn

September 15, 2023

CERTIFICATION PURSUANT TO ZR §62-811

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***

Waterfront Public Access Area Requirements
The Project Area is located on a waterfront block that is coincident with the shoreline of Coney Island Freek. However, pursuant to Section 62-52 of the Zoning Resolution, the Development Site is exempt from Waterfront Public Access Area requirements because it is not located on a "waterfront zoning lot," as defined in Section 62-11 of the Zoning Resolution.

Visual Corridor Requirements
Pursuant to Section 62-51 of the Zoning Resolution, visual corridors must be provided on zoning lots in waterfront blocks in the locations specified by subdivisions (a) through (c) of ZR 62-511, as follows:

(a) the #street lines# of a #street# shown on the City Map which extend seaward of the first upland #street# bounding a #waterfront block# and terminate at a #waterfront block# shall be prolonged as a #visual corridor# through all intervening #zoning lots# to the water if the prolonged #street# would intersect the #shoreline# at an angle of 45 degrees or more and there are no existing obstructions blocking 50 percent or more of the width of the #visual corridor# that would result;

There are no such streets that terminate at the subject waterfront block. See the attached visual corridor diagram submitted as part of this Application.

(b) a #visual corridor# designated in a Waterfront Access Plan that traverses the #zoning lot# shall be maintained through the #zoning lot# in accordance with the provisions of such plan; and

There is no Waterfront Access Plan that controls the Project Area.

(c) the #street lines# of a #street# shown on the City Map which terminate at the first upland #street# bounding a #waterfront block#, and which #street# would, if prolonged, traverse the #zoning lot# and intersect the #shoreline# at an angle of 45 degrees or more without traversing an intervening #zoning lot#, shall be prolonged as a #visual corridor# if there are no existing obstructions blocking 50 percent or more of the width of the #visual corridor# that would result.
Such #visual corridor# pursuant to paragraph (c) of this Section shall not be required if any of the following conditions exist within 400 feet, as measured along the #street line# of the first upland #street# bounding the #waterfront block#, and its elimination does not result in a condition whereby #visual corridors# through the #zoning lot# or to either side of the #zoning lot# are more than 600 feet apart:
(1) there is an existing mapped #street# extending to the water that intersects the #shoreline# at an angle of 45 degrees or more;

There are no such streets that terminate at the subject waterfront block. Instead, there are two existing visual corridors designated along West 22nd Street and West 23rd Street, adjacent to the Development Site and spaced within a distance of 600 feet of each another. Therefore, the Applicant is requesting a Certification that the Project complies with visual corridor requirements because no visual corridor is required on the Development Site.

(2) 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 62-50 (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;

Not applicable.

(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.