163-01 CROSS BAY BOULEVARD REZONING
Certification Pursuant to ZR Section 62-811

Applicant's Statement of Findings

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.

(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 and all other applicable documents have 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);

As detailed in the plans submitted as part of this application, the proposed hotel development at Development Site 1 would comply with ZR Sections 62-50 and 62-60, as modified by the authorizations set forth briefly below and in more detail in the *"Authorizations Pursuant to ZR Section 62-822: Statement of Findings"*. The proposed hotel development would include an approximately 4,541 square foot waterfront public access area ("WPAA") along the Shellbank Basin. The WPAA would be accessed from Cross Bay Boulevard to the west. The WPAA would provide approximately 94 linear feet of bench seating, approximately 1,186 square feet of planted area, five sets of trash and recycling receptacles, and two bicycle racks. It would be landscaped with the goal of restoring the natural ecosystem and habitats native to the Shellbank Basin. The design of the WPAA will comply with the design requirements of ZR Section 62-50 and 62-60 with the exception of the following sections for which this application seeks authorizations pursuant to ZR Section 62-822: ZR Section 62-511(c) to allow the visual corridor to be located perpendicular to the shoreline coincident with a City easement; ZR Section 62-512 to allow a reduction in the minimum width of the visual corridor to 50 feet; ZR Sections 62-561(a)(1) and 62-64(a)(1) to allow an upland connection with a minimum width of less than 12 feet; ZR Section 62-62(c)(1) to allow less than 35 percent of the area of the shore public walkway and supplemental public access area to be planted; ZR Sections 62-62(c)(2)(i), 62-62(c)(2)(ii) and 62-655(a)(7) to allow no screening buffer or a screening buffer width of less than four feet; ZR Section 62-64(b)(1) to allow more than 65 percent of the entry area to be paved; ZR Section 62-64(c)(1) to allow less than 40 percent of the area of the upland connection to be planted; ZR Section 62-64(c)(1)(iii) to allow a waiver of tree planting requirements within the upland connection; and ZR Section 62-652(d) to allow seating with less than 22 inches of clearance from a circulation path.

Under the regulations of ZR Article VI, Chapter 2 (the "Waterfront Regulations"), visual corridors must be provided for zoning lots developed within waterfront blocks, such as Development Site 1. The location of these corridors is determined in one of three ways, set forth in ZR Section 62-511(a) through (c). If "there is no way to provide a visual

corridor in compliance with ZR Section 62-511, no visual corridors" are required (ZR Section 62-51).

ZR Section 62-511(a) provides that 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 streets on the City Map that extend seaward of Cross Bay Boulevard, the first upland street bounding Development Site 1. Therefore, a visual corridor cannot be provided in accordance with ZR Section 62-511(a).

Section 62-511(b) states that 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. Development Site 1 is not located within a Waterfront Access Plan, so a visual corridor cannot be provided in accordance with Section 62-511(b).

Section 62-511(c) states that 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. As noted above, the first upland street bounding the waterfront block on which Development Site 1 is adjacent to is Cross Bay Boulevard. 163rd Avenue, which is 80 feet wide, terminates at Cross Bay Boulevard, and, if prolonged, would traverse the zoning lot and intersect with the shoreline at an angle of 45 degrees or more. Therefore, 163rd Avenue and its prolongation will be a required visual corridor in accordance with ZR Section 62-511(c).

(c) ***a site plan has been submitted showing compliance with the provisions of Sections 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.

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