Legislation Details (With Text)

File #:	Res 2026-2009	**Version:** *	**Name:**	LU 1107 - ULURP, Cross Access Connections, Staten Island (N090185ZRR)
Type:	Resolution		**Status:**	Adopted
			In control:	Committee on Land Use
On agenda:	6/10/2009			
Enactment date:			**Enactment #:**	

Title: Resolution approving the decision of the City Planning Commission on Application No. N 090185 ZRR, for an amendment to the Zoning Resolution of the City of New York, relating to Article III, Chapter 6, (Cross Access Connections in the Borough of Staten Island), Article IV, Chapter 4 (Cross Access Connections in the Borough of Staten Island), Article X, Chapter 7 (Planting and screening for open parking areas) concerning establishment of Cross Access Connections in the Borough of Staten Island (L.U. No. 1107).

Sponsors:

Indexes:

Attachments: 1. Press Release, 2. Committee Report, 3. Hearing Transcript - Stated Meeting 6/10/09

Date	Ver.	Action By	Action	Result
6/4/2009	*	Committee on Land Use	Approved by Committee	
6/10/2009	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 2026

Resolution approving the decision of the City Planning Commission on Application No. N 090185 ZRR, for an amendment to the Zoning Resolution of the City of New York, relating to Article III, Chapter 6, (Cross Access Connections in the Borough of Staten Island), Article IV, Chapter 4 (Cross Access Connections in the Borough of Staten Island), Article X, Chapter 7 (Planting and screening for open parking areas) concerning establishment of Cross Access Connections in the Borough of Staten Island (L.U. No. 1107).

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on May 8, 2009 its decision dated May 6, 2009 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the Department of City Planning for an amendment to the Zoning Resolution of the City of New York, relating to Article III, Chapter 6, (Cross Access Connections in the Borough of Staten Island), Article IV, Chapter 4 (Cross Access Connections in the Borough of Staten Island), Article X, Chapter 7 (Planting and screening for open parking areas) concerning establishment of Cross Access Connections in the Borough of Staten Island, Application No. N 090185 ZRR, Community Districts 1, 2, and 3, Borough of Staten Island (the "Application");

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on

June 2, 2009;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration issued on January 20, 2009 (CEQR No. 09DCP021R):

RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, the Council approves the Decision.
The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in underline is new, to be added;
Matter in ~~strikeout~~ is to be deleted;
Matter with # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution

* * *

Article III
Chapter 6
Accessory Off-Street Parking and Loading Regulations

* * *

36-50
ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED ACCESSORY OFF-STREET PARKING SPACES

* * *

36-58
Parking Lot Maneuverability and Curb Cut Regulations

C1 C2 C3 C4 C5 C6 C7 C8

* * *

(b) Parking Lot Maneuverability

All open parking areas shall comply with the maneuverability standards set forth in the following table.

A	B	C	D

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Angle of Park	Minimum length	Minimum Width	Minimum ~~Aisle~~ Travel Lane	Minimum Turnaround
0*	8’-6”	20’-0”	13’-2”	NA
0**	8’-6”	20’-0”	23’-3”	NA
45	17’-1”	8’-6”	12’-10”	18’-0”
50	17’-8”	8’-6”	13’-2”	17’-6”
55	18’-1”	8’-6”	13’-7”	17’-3”
60	18’-5”	8’-6”	14’-6”	17’-0”
65	18’-7”	8’-6”	15’-4”	17’-3”
70	18’-8”	8’-6”	16’-5”	17’-6”
75	18’-7”	8’-6”	17’-10”	18’-0”
90	18’-0”	8’-6”	22’-0”	22’-0”

* Figures given are for one-way traffic
** Figures given are for two-way traffic

* * *

36-59
Cross Access Connections in the Borough of Staten Island

C4-1 C8

In the Borough of Staten Island, in the districts indicated, existing or new open parking lots adjacent to one another on the same or separate #zoning lots# shall be required to provide vehicular passageways between such open parking lots. Such vehicular passageways are hereinafter referred to as “cross access connections”, and shall be provided in accordance with the requirements of this Section .

36-591
Applicability

Cross access connections shall be required for:

(a) #developments# where at least 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility use# with an open parking lot that has 36 or more #accessory# parking spaces or is greater than 12,000 square feet in area;

(b) #enlargements# on a #zoning lot# with an open parking lot that has 36 or more #accessory# parking spaces or is greater than 12,000 square feet in area; or

(c) #zoning lots# where the number of parking spaces #accessory# to #commercial# or #community facility uses# is increased and such increase results in at least 36 parking spaces or more than 12,000 square feet of open parking lot area.

Such #developments#, #enlargements# or #zoning lots# shall locate cross access connections in accordance

with the requirements of Sections 36-593 and 36-594.

36-592
Certification of cross access connections

No excavation, foundation or building permit shall be issued for any #development# or #enlargement# requiring a cross access connection, and no certificate of occupancy shall be amended for any increase in the number of parking spaces requiring a cross access connection until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the requirements of this Section 36-59, inclusive, have been met.

36-593
Site planning criteria for cross access connections

Every potential cross access connections meeting the criteria of this Section shall be shown on the site plan required pursuant to Section 36-58 (Parking Lot Maneuverability and Curb Cut Regulations).

(a) the connection shall be a minimum of 22 feet in width as measured along a #lot line# or boundary between separate properties when located on the same #zoning lot#, and at least 23 feet from any #street line#;

(b) the connection shall be an extension of a travel lane of the subject open parking lot and align to the maximum extent practicable with a travel lane on any adjacent open parking lot;

(c) the connection shall have a grade not greater than 15 percent;

(d) the connection be placed in an area that is not blocked by an existing #building or other structure# that is within 50 feet of the #lot line# or other boundary of the subject property; and

(e) the connection shall be placed in an area that will not require the removal of significant natural features such as wetlands or trees with a caliper of six inches or more, on the same or adjacent #zoning lots#

No screening or landscaping along a #lot line# shall be required in the connection area.

36-594
Establishment of Location of Required Cross Access Connection

One cross access connection shall be provided on the subject property at each #zoning lot line# or other boundary on the same #zoning lot#, where the properties divided by such lot line or boundary are contiguous by at least 60 feet, and where the adjacent properties are located in C4-1, C8 or Manufacturing Districts. The location of the required cross access connection shall be established as follows:

(a) where an easement has not been previously recorded against any adjacent property in accordance with Section 36-595, an easement shall be recorded against the subject property documenting the locations of all potential cross access connections identified pursuant to Section 36-593. The easement shall provide for at least one future cross access connection to each adjacent property, at any of the locations

identified.

(b) where an easement has been previously recorded against an adjacent property in accordance with Section 36-595, an easement providing for at least one cross access connection meeting the criteria set forth in Section 36-593 shall be recorded against the subject property. Such cross access connection shall also align with one of the locations identified in the previously recorded easement against an adjacent property. If the previously recorded easement has identified more than one location for a cross access connection along such #lot line# or other boundary, the owner of the subject property shall select one of these locations for the cross access connection.

Each property owner shall construct its portion of the cross access connection in accordance with the requirements of Section 36-593 and 36-595. If such cross access connection has been established in a location that contained parking spaces, upon the effective date of the easement, as set forth in Section 36-595, the following provisions shall apply:

(1) such connection shall be counted as four required parking spaces; and

(2) such connection shall be separated from any adjacent parking spaces by a planting island at least four feet wide and densely planted with shrubs maintained at a maximum height of three feet. Such planting islands shall not be subject to the landscaping provisions of Section 37-922 (Interior landscaping).

36-595
Recordation and Notice Requirements

An easement through all required cross access connections for vehicular passage between and among adjacent parking lots, in a form acceptable to the Department of City Planning, shall be recorded in the Office of the Richmond County Clerk. An easement so recorded shall not become effective unless and until a corresponding easement has been recorded against an adjacent property, whether on the same or adjacent #zoning lot#, pursuant to this Section. Nothing herein shall be construed to limit the ability of a property owner or lessee to prohibit parking by non-customers.

If an easement pursuant to this Section has previously been recorded against any adjacent property, the owner of the subject property shall notify the owner of the adjacent property of the easement location he has selected by sending such owner a copy of the recorded easement. Proof of notification shall be a condition of certification under this Section. Prior to issuance of a temporary certificate of occupancy or permit sign-off, as applicable, the subject property owner shall further notify the adjacent property owner that the cross access connection must be constructed on the adjacent property within six months of the date of such notice. No temporary certificate of occupancy for any #development#, #enlargement# or increase in the number of parking spaces on the subject property, or permit sign off, if applicable, shall be issued until the applicant has demonstrated to the Department of Buildings that such owner of the adjacent property has been duly notified. Failure to provide the cross access connection in accordance with the requirements of this Section and to allow for vehicular passage between and among the adjacent parking lots within six months of the date of the notice shall constitute a violation of this Zoning Resolution by the adjacent property owner. Failure to provide the cross access connection in accordance with the requirements of this section and to allow for vehicular passage between and among the adjacent parking lots at the time of the aforementioned temporary certificate of occupancy or permit sign-off, if applicable, shall constitute a violation of this Zoning Resolution by the owner of the subject property.

36-596
Certification that no connection is required; relocation and voluntary connection

(a) Certification that no connection is required

The Chairperson shall certify to the Department of Buildings that no cross access connection is required along a #lot line#, or other boundary between separate parking lots when located on the same #zoning lot#, due to the presence of:

(1) grade changes greater than 15 percent;

(2) existing #buildings or other structures# to remain that are located within 50 feet of the subject #zoning lot# or property, or

(3) wetlands or trees with a caliper of six inches or more,

and no alternate location along such #lot line# or other boundary between properties exists.

(b) Relocation of previously certified connection

The Chairperson may relocate a previously-certified cross access connection where such new location is acceptable to the owners of both properties and such connection complies with all requirements of this Section. The Chairperson may also certify a non-required cross access connection provided such connection complies with all requirements of this Section 36-59, inclusive.

36-597
Authorizations for waivers or modifications of cross access connections

The City Planning Commission may authorize modifications or waivers of the requirements of Section 36-59, inclusive, provided the Commission finds that:

(a) due to the irregular shape of the #zoning lot# or the location of connections along other #lot lines# or boundaries between properties on the same #zoning lot#, it is not possible to design a complying parking lot with a complying cross access connection; or

(b) site planning constraints necessitate the placement of a new or enlarged #building# against a #lot line# or other boundary between properties that precludes a cross access connection along such #lot line# or boundary, and no other site plan is feasible.

The Commission may request reports from licensed engineers or landscape architects in considering such modifications or waivers.

* * *

Article IV
Chapter 4

Accessory Off-Street Parking and Loading Regulations

* * *

44-40
ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED OFF-STREET PARKING SPACES

* * *

44-49
Cross Access Connections in Manufacturing Districts in the Borough of Staten Island

M1 M2 M3

In the Borough of Staten Island, in the districts indicated, existing or new open parking lots adjacent to one another on the same or separate #zoning lots# shall be required to provide vehicular passageways between such open parking lots in accordance with the provisions of Section 36-59 (Cross Access Connections in the Borough of Staten Island).

* * *

Chapter 7
Special South Richmond Development District

* * *

107-40
SPECIAL USE, BULK AND PARKING REGULATIONS

* * *

107-483
Planting and screening for open parking areas

(a) Tree planting requirements

* * *

For open parking areas with at least 36 parking spaces, the total number of trees required required pursuant to Section 37-922 (Interior landscaping) shall be superceded by the number of trees required pursuant to this Section.

(b) Screening requirements

The parking area shall be screened from all adjoining #zoning lots# ~~or~~ #~~streets~~# by a ~~perimeter~~ landscaped area at least ~~seven~~ four feet in width, densely planted with shrubs maintained at a maximum height of three feet. Such parking area shall also be screened from all adjoining #streets# by a perimeter landscaped area at least seven feet in width. Such perimeter landscaped areas may be interrupted only by vehicular entrances and exits. Sidewalks that provide a direct connection between the public sidewalk and a pedestrian circulation route within the parking area may also interrupt a perimeter landscaped area.

~~All screening areas shall comply with the provisions of paragraphs (a), (b) and (c) of Section 37-921 (Perimeter landscaping), except that the number of trees shall be as set forth in this Section~~.

In addition, such screening shall be maintained in good condition at all times and may be interrupted by normal entrances and exits.

Adopted.

Office of the City Clerk, }
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on June 10, 2009, on file in this office.

.....
City Clerk, Clerk of The Council

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