



CITY PLANNING COMMISSION

May 6, 2009/Calendar No. 14

N 090185 ZRR

IN THE MATTER OF an Application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, 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

The application for an amendment of the Zoning Resolution was filed by the Department of City Planning on November 6, 2008, as part of a comprehensive effort by the Mayor's Staten Island Transportation Task Force to improve traffic conditions in the borough of Staten Island.

BACKGROUND

The Cross Access Connection zoning text amendment is a joint effort of the Department of City Planning and the Mayor's Staten Island Transportation Task Force. The Task Force consists of the Staten Island Borough President of Staten Island, City Council Members, all three Community Boards, the NYC Department of Transportation and other city and state agencies. Staten Island is home to several regional shopping areas, which are characterized by large parking lots due to the borough's dependence on autos. Most of these shopping centers are designed with fences or landscaped buffers surrounding their parking lots. The concentration of autos in these areas, combined with a lack of driveways between parking lots create congested streets as shoppers must use the local road network to get to the next store. These traffic movements coming in and out of parking lots exacerbate road conditions, slowing both buses and commuters. This traffic pattern also creates hazards for pedestrians as drivers must cross sidewalks more often than necessary.

Unlike many other cities, current zoning regulations do not require vehicular connections between adjacent large shopping centers.

ZONING TEXT AMENDMENT

The proposed Zoning Text Amendment has two main objectives: to reduce traffic on main arterials by allowing vehicles to move between retail or community facility developments without re-entering the public street and to create a safer pedestrian and vehicular environment by reducing redundant curb cuts on retail strips.

The areas affected by the proposal are all C4-1, C8 and M districts in the Borough of Staten Island. These areas contain large commercial and community facility uses with accessory parking lots. Many of the large adjacent accessory parking lots are not connected to each other, preventing vehicles from moving directly from one lot to another. The proposal would require that adjacent parking lots be connected to each other so traffic could move from one parking lot to another without re-entering roads. Current zoning regulations do not require vehicular connections between adjacent large shopping centers.

As originally referred, the proposed text would apply to both new developments and enlargements. The requirements for new developments would apply when 70 percent or more of the resulting floor area would be occupied by a commercial or community facility use and there would be at least 18 accessory parking spaces or at least 6,000 square feet. of parking area. For enlargements, the requirements would apply when at least 70 percent of the resulting floor area would be occupied by a commercial or community facility use and the enlargement

would raise the total of accessory parking spaces to at least 18 or the total area devoted to parking to at least 6,000 square feet.

The text would require that before the Department of Buildings issues a building permit for a project requiring a Cross Access Connection, the Chair of the City Planning Commission must certify that the Cross Access Connection:

- Connects with an open parking area to either an existing open parking area that has at least 18 accessory outdoor parking spaces or is greater than 6,000 square feet or connects to an adjacent vacant zoning lot.
- Is provided at zoning lot lines that are coincident for at least 60 feet with another zoning lot.
- Is at least 22 feet in width and at least 23 feet from a street line.
- Is an extension of a travel lane in the proposed parking lot and aligns with a Cross Access Connection that has been previously constructed on an adjacent property.
- Has a slope of no greater than 15 percent.
- Is not placed where a building on an adjacent property is within 50 feet of the lot line.
- Is placed in an area which will not require the removal of significant natural features such as wetlands or trees with a caliper of six inches or more.

When a Cross Access Connection is required an easement for ingress and egress to adjacent lots must be recorded by the property owner at the Richmond County Clerk. The Chair of the City Planning Commission can, by certification to the Department of Buildings, waive the Cross Access Connection if:

- grade changes between adjacent properties are greater than 15 percent,
- there are buildings or other structures on an adjacent lot that are within 50 feet of the subject property, or
- significant natural features exist on the site such as wetlands or trees over 6 inches in caliper.

The construction of a Cross Access Connection is a two-part process that requires separate actions by two different property owners. The requirements only apply when a property owner builds a new development or enlarges an existing development. The first property owner would be required to record an easement and build their half of the connection. The adjacent property owner would be required to build their half, if and when they build a new development or enlarge an existing development. In the interim, the first property owner may use the location of the Cross Access Connection for up to three required parking spaces. These spaces would no longer be required when the Cross-Access Connection is provided.

In situations where constructing a Cross Access Connection would be difficult due to site constraints, the City Planning Commission may, by authorization, allow a waiver of the requirement or the adjustment of the dimensions of the Cross Access Connection. The Commission would be able to request reports from license engineers or landscape architects when considering modifications or waivers. In order to grant the Authorization the Commission must find that:

- The irregular shape of the lot precludes the construction of the connection; or
- Site constraints necessitate the placement of a building or an enlargement that precludes a cross access connection.

South Richmond Special District (SSRDD)

As part of the text amendment the SSRDD requirements for Planting and Screening for Open Parking Areas would be changed. Specifically, the zoning lot line landscaped buffer will be reduced from seven feet to four feet within SSRDD. The street line landscaped buffer will remain unchanged at seven feet, as will all other regulations pursuant to the recently adopted zoning text amendment concerning design regulations for parking lots.

ENVIRONMENTAL REVIEW

This application (N 090185 ZRR) 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 09DCP021R. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on January 20, 2009. Subsequent to the issuance of the Negative Declaration, the Commission modified the action to require that Cross Access easements be recorded at all travel lanes, require that the threshold be increase from 18 parking spaces or 6,000 sq. ft. of open parking area to 36 parking spaces or 12,000 sq. ft. of parking area, and allow optional Cross Access for existing developments. The modified application was analyzed in a technical memorandum dated May 4, 2009, which found that the conclusions of

the EAS would remain unchanged and that no significant adverse impacts would result. Therefore, the Negative Declaration issued on January 20, 2009 remains in effect.

PUBLIC REVIEW

On January 20, 2009, this application (N 090195 ZRR) was referred to Staten Island Community Boards 1, 2, and 3 the Borough President, and the Borough Board in accordance with the procedure for referring non-ULURP matters.

Community Board Recommendation

Staten Island Community Board 1: On February 10, 2009 Community Board 1 adopted resolution in favor of the proposed text amendment adopted a resolution recommending approval of the application subject to the following conditions:

“an expedited approval process for any developed property owner that asks for a special permit, facilitate the coordination of approvals with the government agencies that have domain over permits, all administrative, filing and permit fees with respect to allowing an existing developed lot to be cut through be waived by all the agencies involved, allow owners to utilize their existing plans and drawings for minor or moderate access cuts so an architect will not have to redraw the lot with respect to the current proposal, and clear directional (i.e north) markings of egress roads be mandated as part of the plan.”

Staten Island Community Board 2: On February 17, 2009 Community Board 2 adopted a resolution in favor of the proposed text amendment.

Staten Island Community Board 3: On February 27, 2009 Community Board 3 adopted a resolution in favor of the proposed text amendment.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation on March 12, 2009, approving the application.

Borough Board Recommendation

This application was considered by the Staten Island Borough Board, who issued a recommendation approving the application on March 12, 2009.

City Planning Commission Public Hearing

On March 18, 2009, (Cal. No. 5), the Commission scheduled April 1, 2009 for a public hearing on this application (N 090185 ZRR). The hearing was duly held on April 1, 2009 (Calendar No. 26).

There were no speakers and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application (N 090185 ZRR) 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 08-118.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes the amendment of the Zoning Resolution of the City of New York, as modified, is appropriate.

The Commission believes that the proposed text would increase vehicular and pedestrian safety by reducing vehicular and pedestrian conflicts on streets and sidewalks by providing direct connections between commercial developments.

The Commission also believes that the proposed text will improve reduce traffic on streets in regional shopping areas by allowing vehicles to move directly between abutting retail or community facility developments.

The Commission has carefully considered the recommendations and comments of the Borough President, the Community Board 1, and other written testimony. In response to the comments of Community Board 1, the Commission notes that the proposed Chair's Certification is an expeditious, non-discretionary action. The Commission notes that the board's recommendation that fees be waived for existing developments, to allow the reuse of existing drawings, and that directional signs for egress roads be required, are beyond the scope of this application.

As a result of comments received by the Borough President of Staten Island and others during the public review of the application, the Commission is making the following modifications to the text that was referred on January 20, 2009.

- Recognizing that small parking lots may have difficulty meeting the proposed regulations, Section 36-591 has been modified to change the text's applicability threshold from 18 parking spaces or 6,000 square feet of open parking area to 36 parking spaces or 12,000 square feet of parking area.
- The Commission also recognizes that the developer of the second lot to develop will have limited design options because an easement located has already been selected for the first lot to develop. Accordingly, Sections 36-592 and 36-594 has been modified to allow more design flexibility by requiring the first zoning lot to develop to provide Cross Access easements at the end of all traffic lanes where applicable. The referred text required that the developer choose only one location. This allows the second developer to choose that Cross Access location which works best.
- The Commission also recognizes that owners of existing adjacent developed lots should have the ability to establish a Cross Access Connection between their sites. However, there are is no existing mechanism to allow the removal of required landscaping and parking. Accordingly, Section 36-594 has been modified to allow the Cross Access Certification to be available to existing sites that are not subject

to the proposed regulations. Consequently, owners would be able to take advantage of the parking and landscaping waivers available under the Cross Access Certification.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; 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 Section 197-c of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of

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.

Angle of Park	A	B	C	D
	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.

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Article IV
Chapter 4

Accessory Off-Street Parking and Loading Regulations

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44-40

ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED OFF-STREET PARKING SPACES

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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).

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Chapter 7

Special South Richmond Development District

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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.

The above resolution (N 090185 ZRR), duly adopted by the City Planning Commission on May 6, 2009 (Calendar No. 14), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, FAICP, Chair
KENNETH J. KNUCKLES, Esq., Vice-Chairman
IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, AIA., ALFRED C. CERULLO III, BETTY Y. CHEN, MARIA M. DEL TORO, RICHARD W. EADDY, NATHAN LEVENTHAL, SHIRELY A. McRAE, JOHN MEROLO KAREN A. PHILLIPS, Commissioners