



Jonathan Mintz  
Commissioner

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January 21, 2011

[Redacted]

Re: Parking Lot License Exemption for [Redacted]  
[Redacted]

Dear Mr. [Redacted]

This letter responds to your inquiry whether the operation of a parking lot located in [Redacted] requires a Department of Consumer Affairs license if it is used exclusively by patrons and employees of commercial tenants of [Redacted]. Based upon your description of the manner in which the [Redacted] Organization intends to operate the lot, the Department has concluded that the lot will be exempt from licensing requirements.

Your memorandum of December 10, 2010 described the 19-space "Bank Lot" at [Redacted] as a parking lot that has been used by commercial tenants, employees and other users of an adjacent retail strip. It is one of three parking lots in [Redacted] on [Redacted] Avenue that share a single certificate of occupancy that permits, among other uses, "open parking for 101 cars." It is located in a residential zone but qualifies as a non-conforming accessory use to retail uses provided that its use is limited to accessory parking exclusively to tenants or their employees, customers or patrons. Public parking is not a permitted use.

In your memorandum and in a telephone conference with my office on January 6, 2011, you stated that the [Redacted] Organization intends to use the Bank Lot as a short-term, metered, parking lot for the exclusive use of the employees and customers of the commercial tenants at [Redacted].

Section 20-322 of the New York City Administrative Code provides that parking garage licensing requirements "shall not apply to the maintenance, operation or conduct of a garage . . . b. in conjunction with a business for the exclusive accommodation of patrons of such business or the employees of such business . . . ." Provided that [Redacted] implements and enforces a policy limiting use of the Bank Lot for the exclusive accommodation of patrons and employees of its tenants, it need not obtain from the Department of Consumer Affairs a license to operate a parking lot.

In connection with the enforcement of an accessory use policy, [Redacted] may wish to consider the New York City laws and rules governing the towing of vehicles from private property. Section 19-169.1 of the Administrative Code of the City of New York sets forth the conditions with which the owner of private property must comply in order



to cause a vehicle to be towed from the private property. Those conditions include the posting by the owner of proper signage described in section 19-169.1(b). Detailed specifications for that signage are set forth at section 2-377 of Title 6 or the Rules of the City of New York.

Please do not hesitate to contact me if you have any questions about this letter.

Very truly yours,

[REDACTED]

[REDACTED]