



CITY PLANNING COMMISSION

March 20, 2013 / Calendar No. 7

N 130105 ZRM

IN THE MATTER OF an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, concerning Article I, Chapter 3 (Comprehensive Off-Street Parking Regulations in Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and Portions of Community Districts 1 and 2 in the Borough of Queens), and various other Sections, modifying the regulations governing off-street parking and loading in Manhattan Community Districts 1 through 8.

The application (N 130105 ZRM) for an amendment to the Zoning Resolution was filed by the Department of City Planning on November 5, 2012, to update the regulations for off-street parking and loading in the Manhattan Core.

BACKGROUND

The Department of City Planning has proposed the Manhattan Core off-street parking regulations text amendment which affects most of Manhattan Community Districts 1-8, including Manhattan south of 110th Street on the West Side and south of 96th Street on the East Side with the exception of Governor's Island in Community District 1 and Roosevelt Island in Community District 8. In the area subject to the special Hudson Yards parking regulations (portions of the Special Hudson Yards District, the Special Garment Center District and the Special Clinton District, in Community Districts 4 and 5) certain provisions of the proposal would apply.

The Manhattan Core has some of the City's densest residential neighborhoods, major institutions, transit hubs, and the Midtown and Lower Manhattan Central Business Districts (CBD) which include portions of Community Districts 1, 4, 5 and 6. The proposed text amendment would promote a more rational and efficient allocation of off-street parking in the

Manhattan Core through a series of amendments to the as-of-right and discretionary parking regulations in the Zoning Resolution. In 2011, the Department of City Planning completed a detailed study of off-street parking in the Manhattan Core which highlighted recent trends in off-street parking utilization and supply, and informed the development of this zoning proposal.

In 1982, in the context of the Clean Air Act and national and local concerns about deteriorating air quality, the City of New York adopted pioneering rules to manage the supply of off-street parking in Manhattan's Central Business District. The 1982 Manhattan Core parking zoning amendments sought, in the words of the City Planning Commission's report, "to institute land use controls over off-street parking which are consistent with environmental policies and sensitive to the concerns of business and development interests in the City." While the 1982 amendments recognized the continuing need for limited amounts of parking for vehicles associated with services, business, culture, and entertainment as well as residents, strict limits were applied to public parking. It was anticipated that these limits, together with the redevelopment of sites with parking lots and garages, would, over time, reduce the overall number of public parking spaces and that with fewer parking spaces available, fewer motor vehicles would enter Manhattan's most traffic-congested areas. These regulations continue to be in effect today in Community Districts 1- 8. This area is referred to as the "Manhattan Core" in the New York Zoning Resolution.

The most significant change in the 1982 parking regulations was a shift from minimum parking requirements for new residential development to maximum parking allowances for parking

spaces that are limited to residents of the development, known as accessory spaces. Before 1982, off-street parking was required for residential developments in the Manhattan Core; since 1982, accessory parking is optional and subject to strict limits on the amount of parking spaces that can be provided – an amount of spaces equal, in residential buildings or residential portions of mixed buildings, to no more than 20 percent of the number of residential units for developments in Community Districts 1 through 6 and an amount of spaces equal to no more than 35 percent of residential units for developments in Community Districts 7 and 8. The zoning further limited use of these spaces to building residents, in contrast to pre-1982 regulations that permitted use by nonresidents. Accessory parking for other uses is also subject to maximums, and the total number of spaces provided in a development is capped at no more than 225 spaces for any mix of uses. Under the 1982 regulations, only new developments and enlargements may incorporate parking as-of-right, whereas prior to 1982 the creation of new parking in existing buildings was allowed. In addition, the 1982 regulations require authorizations or special permits for accessory parking exceeding the maximums as well as for new parking in existing buildings and for all public parking garages. New surface public parking lots are not permitted in prime commuter areas such as Lower Manhattan and Midtown except by special permit.

While automobile rental establishments were limited to certain zoning districts prior to 1982, the 1982 zoning regulations further limited the capacity of such establishments in the Manhattan Core to 100 spaces in C2, C4 and C6 districts. There is no discretionary provision to permit larger capacity. The 1982 City Planning Commission report did not explain the reason for this limitation.

The commercial parking regulations have, however, been continually fine-tuned to meet the needs of specific areas since they were enacted in 1982. The existing commercial vehicle regulations (added to the zoning resolution in 1994), allowing 10 percent of parking spaces in certain public parking facilities to be occupied by commercial vehicles; the unique parking regulations tailored to Hudson Yards (added in 2005); the Special Lincoln Square District (added in 1994), and the Preservation Area of the Special Clinton District (added in 1982 and amended in 1988) where no as-of-right parking is permitted; and in Lower Manhattan, where up to 20 percent parking is permitted as-of-right in existing buildings (added in 1998), reflect ways in which the zoning resolution has been updated along with changing land uses and parking patterns

Looking back after almost 30 years, these regulations have proven to be compatible with a growing, successful Manhattan Core. The regulations allow limited amounts of off-street parking to be provided with new development and allow some developments to provide additional parking by special permit. In doing so, the 1982 regulations, and associated amendments since then, attempt to strike a balance, seeking to discourage auto commuting in a highly traffic-congested part of the city where transit access and walkability are excellent while recognizing that a need for limited additional off-street parking continues to exist.

Since 1982, physical and demographic changes in the Manhattan Core and trends in CBD-bound travel have altered the overall supply of off-street parking and its utilization. While parking

facilities have been built as part of new developments since 1982, more spaces have been eliminated – typically as public parking lots and garages have been redeveloped for other uses. The total off-street public parking supply in the Manhattan CBD (CD’s 1-6) decreased from approximately 127,000 spaces in 1978 to 102,000 spaces in 2010.

At the same time, there has been an increase in higher-income residents and families with children, characteristics highly correlated with car ownership. There are approximately 20,000 more cars owned by Manhattan Core households today than in 1980. The pressure this trend places on the off-street parking supply has been exacerbated by changing land uses in formerly peripheral neighborhoods, such as Tribeca and the Far West Side, that have seen the rise of a significant amount of residential redevelopment. As a result, public parking facilities in the Manhattan Core are increasingly used by residents rather than Manhattan-bound commuters and other visitors, who are now more likely to choose public transit over cars than in 1982. The Manhattan Core has thrived during this time, and its distinction as the commercial, cultural, and residential center of the region continues to grow.

With the regulations now 30 years old, the Department of City Planning decided to investigate how off-street parking in the Manhattan Core is currently used and to employ that information, along with three decades of experience, to reexamine and update the Manhattan Core parking regulations while retaining their basic framework. As a result of this research, detailed in the Manhattan Core Public Parking Study, the Department believes that fine-tuning the existing regulations can add clarity and predictability, provide mobility improvements, reflect the shift

away from commuter parking, and better ensure that the City is providing the right amount of parking spaces to support businesses, residents, and visitors.

These provisions would support other City policies to encourage alternatives to automobile usage and ownership, reduce energy consumption and carbon emissions as outlined in the *PlaNYC 2030* as well as the Department's own projects on sustainability and green initiatives such as Zone Green, bicycle parking and sharing, waterfront planning, and climate resilience.

Manhattan Core Public Parking Study

The study identified recent trends in off-street parking utilization and supply, and informed the development of this zoning proposal. The key findings derived from this study include:

- The Manhattan Core parking regulations have proved to be compatible with population and job growth and a thriving Central Business District (CBD). Travel into the CBD has shifted toward transit while off-street parking is less in demand by commuters, though it still plays an important role in supporting economic activity and residents.
- Levels of car ownership and auto commuting by residents in the Manhattan Core are relatively low. Approximately 23 percent of Manhattan Core households own a car, compared with 46 percent Citywide, and only about one-fifth of those households commute to work by car.
- Public parking facilities serve a large number of Manhattan residents and accommodate neighborhood needs for residential parking. In contrast with 1982, the 2009 study found a

large portion of spaces in public parking facilities to be utilized by Manhattan residents on a monthly basis for long-term residential parking. In public parking facilities located in residential and mixed-use buildings, approximately 60 percent of spaces were occupied by residential monthly parkers, most of who do not live in the building but come from the surrounding neighborhood.

- Most new as-of-right parking facilities in the Manhattan Core operate as public parking facilities, despite zoning regulations that require parking permitted on an as-of-right basis to be reserved for accessory use only. These facilities are available to neighborhood residents who do not live in the building and function as neighborhood parking resources. The 1982 regulations assumed that distinguishing between accessory and public parking was necessary to avoid use by commuters and to ensure that there is parking sufficient to meet residential demand. However, this distinction was not achieved, due to the inconsistency between Department of Consumer Affairs licensing requirements and zoning. Those property owners wishing to have public parking in accessory garages are able to do so.
- Limited amounts of new parking are still needed. Many travelers into the Manhattan Core who park in public parking facilities make all or most of their trips into the Core by car and are inflexible in their abilities to shift to public transportation. As was the case when the 1982 regulations were adopted, parking will still be needed to accommodate some share of trips, even if that share continues to fall. People choose to drive for a variety of reasons ranging from the needs of their job, because they are transporting goods or other people, or the inadequacy of transit where they live. Some new parking will be necessary

to support economic activity and accommodate residential demand.

The study and research highlighted current trends in parking since the 1982 and identified a number of deficiencies in the existing Manhattan Core parking regulations.

The Current Special Permit Process for Public Parking Garages

Based on its experience with the review of land use applications, the Department believes that the special permit application process does not give the City Planning Commission (CPC), the New York City Council, or affected communities sufficient information or flexibility to craft sound recommendations and decisions regarding the appropriate number of spaces for a given site over and above the as-of-right maximums. Public comments often concern whether the amount of parking proposed in a project is actually needed. However, the special permit findings currently offer no opportunity to consider this question for public parking. For accessory parking over the as-of-right limits, there is a requirement to find that the spaces are “needed,” but no guidance as to how to evaluate this.

Public Use of Accessory Parking Facilities

“Accessory parking” in the Zoning Resolution is parking that serves residential, commercial, or other uses on the same zoning lot. In the Manhattan Core, residential accessory parking spaces are permitted as-of-right for 20 percent of dwelling units in Community Districts 1-6, and 35 percent of dwelling units in Community Districts 7 and 8. These spaces are restricted to use by only residents of the building. These restrictions were intended to ensure that this parking not be

available to commuters. Nonresidential accessory parking is permitted as-of-right at various square foot ratios, depending on the use. Retail uses, for example, generate a parking allowance of one space per 4,000 square feet of development. Nonresidential accessory parking is similarly limited to the tenants or employees of the development and may be made available to the public only by special permit.

However, these provisions have not operated in a coordinated fashion with the New York City Department of Consumer Affairs (DCA) licensing requirements for public parking garages, which are based on different criteria. All New York City parking facilities with a private operator are required by law to obtain a license from DCA, which requires that the facility post rates and the number of parking spaces. Many accessory facilities obtain DCA licenses in order to hire a parking attendant, for example, and, as such, hold themselves out to the public as providing public parking. The study and research shows that, in practice, the distinction between accessory and public facilities is blurred, and that parking facilities in residential districts or in predominantly residential buildings often serve residents beyond those living within the building.

The New York City Department of Finance (DOF) offers a tax exemption for Manhattan residents who own and register their motor vehicle to a Manhattan address and park in a long-term rented space for a month or more. According to DOF records, on average only 10 percent of residents who filed for the tax exemption lived in the same building where they parked their vehicle; 63 percent of filers lived in the same building or within a quarter-mile of the parking facility where they parked their vehicle; and 84 percent of filers lived in the same building or

within a half-mile of the facility where they parked their vehicle. This suggests that residents are parking in and around their neighborhoods in accessory and public parking facilities that suit their needs. While accessory parking facilities with DCA licenses also serve commuters and other short-term daily parkers, there has been a marked decrease in the use of public parking by commuters. Studies preceding the 1982 regulations indicate that in 1982 off-street public parking was primarily a commuter resource. In contrast, today it is increasingly utilized by residents. The public use of accessory garages occurs in a context of increasing residential use of public parking facilities and declining auto commutation into the Manhattan Core; thus the distinction sought in 1982 has not been necessary to enable the City to achieve its goal of transit-oriented growth. Moreover, the current de facto situation has benefits: it allocates the supply of parking more efficiently, supports local economic activity and allows for residents to be visited by friends and relatives that may not be well-served by transit while still preserving the ability for a residential building to maintain their off-street parking as strictly accessory.

Reservoir Space Requirements

Existing reservoir space requirements may be excessive for some facility capacities, due to the failure of the requirements to increase in proportion to facility size, and force public parking facility developers to allocate unnecessary square footage towards reservoir spaces at the expense of other parking spaces or other uses. Additionally, there are no reservoir space requirements for accessory parking, though many of these accessory garages operate as public parking facilities, or car rental facilities, which often have peak operating times that leave the facilities susceptible to vehicle queuing on the street.

Floor Area Exemption up to 23' for Parking Facilities

The current floor area exemption for above-grade parking up to a height of 23' does not provide for active ground floor use, potentially resulting in blank walls and other undesirable streetscape conditions.

As-of-Right Retail Allowance for Parking

Under the existing regulations, retail and other commercial uses generate parking at an as-of-right ratio of one space per 4,000 square feet of commercial use. While some amount of parking for retail is appropriate, the absence of any limit on parking generated by retail square footage has the potential to facilitate the development of auto-oriented shopping destinations which are generally inappropriate for the Manhattan Core's built environment.

Floor Space for Attended Parking Facilities

The current rules limit the size of attended accessory facilities to no more 200 square feet per permitted parking space, occasionally creating anomalous situations where not all permitted parking can be accommodated in a desirable configuration. The current rules include all aisles and ramps in the square feet -per-space calculation, thereby penalizing facilities with long ramps that lead drivers to parking but don't actually contribute to the provision of parking. This can create an incentive to locate off-street parking at-grade or close to the street, in lieu of more active uses.

The current regulations do not include spaces on mechanically operated lifts or “stackers” within the 200-square-foot-per space limitation, providing an alternative means of accommodating facilities with long ramps but also potentially circumventing controls on facility size.

Automated Parking Facilities

The current rules did not anticipate new technology that allows for completely automated parking facilities. Automated parking facilities provide a number of advantages over conventional attended public parking facilities, both for developers and communities. Because cars are not running while they are moved to a parking space in an automated facility, emissions are reduced and the need to vent is minimal as compared to a traditional garage where venting requirements often result in undesirable streetwalls and building facades. These facilities operate within a smaller footprint, allowing for a more efficient use of space as well as space for other uses and, because they lack the need for significant venting, the facilities can be more easily wrapped with other uses. Also, because they are fully automated and computerized, more detailed information on parking capacity and utilization is readily available to the facility operators, allowing them to better manage their facilities.

Garage Design and Configuration

The current regulations do not contain provisions to promote a safe facility design or pedestrian safety.

Storage of Rental Cars

As the Manhattan Core has become more affluent since 1982, an increasing number of residents and visitors have utilized car rental services, particularly on weekends. Rental car availability contributes to the choice of Manhattan Core households to forego owning a vehicle since cars may be rented for use only when needed. Manhattan Core rental car agencies serve this peak demand by bringing in cars from remote locations such as the New York-area airports. Because of the restrictions on rental car storage capacity, the car rental agencies have limited ability to store cars in the Manhattan Core, necessitating car movements at peak times for traffic congestion, and leading to excess returned cars being illegally parked on streets and sidewalks outside rental facilities. Current regulations permit up to 40 percent of parking spaces in public facilities in C2 and C4 districts to be occupied by car share vehicles, with no allowance for rental cars. Dedicated car rental facilities are limited in certain commercial districts to 100 spaces. Car rental operations and car share operations serve similar purposes in the Manhattan Core, by allowing non-car owning households the flexibility to travel by car when needed and providing access to a vehicle at a location convenient to their point of departure. Providing residents with convenient access to a rental vehicle when needed also influences household decisions to own cars, potentially limiting the demand for off-street parking.

Commercial Vehicle Parking Allowances in Public Parking Facilities

Current regulations allow for up to 10 percent of parking spaces in public parking facilities in C5, C6 and M1-6 districts to be occupied overnight by commercial vehicles, resulting in relatively few spaces available for fleets to park overnight. As a result, commercial fleets and vans may leave Manhattan empty to park overnight, returning empty the next day to conduct

business, which encourages needless back and forth driving causing congestion. Certain parking facilities in Brooklyn and Queens identify themselves as “open for van parking” in recognition of this demand, and many of the vehicles found within these lots appear to be commercial vans reporting to businesses in Manhattan, based on the addresses shown on the vehicles.

Loading Dock Requirements

Truck loading dock regulations have become outdated as typical trucks serving the Manhattan Core have become longer since 1961 and often obstruct sidewalks while loading. Additionally, truck loading docks may be blocked by trash dumpsters. Finally, zoning loading requirements do not fully account for the circumstances in which providing a loading dock is impractical. The current rules require loading dock dimensions of 33’ x 12’. However, modern trucks serving the Manhattan Core often have lengths that exceed the 33’ depth required for a loading dock, resulting in trucks blocking sidewalks in front of loading areas.

Publicly-Assisted Housing

There is no effective parking requirement for affordable housing in the Manhattan Core today. However, there is text in the Zoning Resolution (Section 13-42) which references discontinued Federal programs, and could be mistakenly read as a parking requirement for affordable housing. The Federal program references are obsolete and the text is inapplicable.

Existing Parking Required Pre-1982

Prior to 1982, parking was required and determined by required minimums, rather than the

permitted maximums post-1982. As a result, many developments generated large amounts of parking, built as parking lots or structured facilities, in the Manhattan Core. Some of this parking area may be more appropriate for other uses. For example, affordable housing was developed on a site formerly used for open parking for New York City Housing Authority tenants as a consequence of a targeted zoning text amendment (ULURP No. N100262ZRM). There currently is no mechanism to scrutinize the appropriateness of converting or redeveloping such parking for other uses.

The Proposed Manhattan Core Parking Regulations

The Department of City Planning believes that fine-tuning the existing regulations can add more clarity and predictability, provide mobility improvements, continue to promote the shift away from commuter parking and better ensure that the City provides the right amount of parking spaces to support businesses, residents and visitors. The proposed zoning text amendment would update the regulations for off-street parking in the Manhattan Core and expand the range of land use concerns considered for special permits to exceed as-of-right parking ratios. A summary of the proposed text provisions are discussed below.

Special Permits

The proposed text amendment would update the framework for reviewing special permit applications that seek to exceed the number of off-street parking spaces allowed as-of-right. There are two components: new special permit findings and new special permits. The new special permit findings would set reasonable standards for determining the number of permitted

off-street parking spaces and require applicants to provide additional information. The findings would consider neighborhood and street characteristics, pedestrian safety, and land use conflicts. All new special permits will be subject to a set of generally applicable conditions and findings as well as findings particular to each type of permit. The generally applicable findings are as follows:

- The proposed parking facility shall comply with the applicable provisions of Section 13-20 (Special Rules for Manhattan Core Parking Facilities);
- The proposed parking facility will not interrupt the flow of traffic or create conflict between vehicles and pedestrians;
- The location of vehicular entries and exits in the proposed parking facility will not interfere with the efficient functioning of the street;
- Any exempted floor area used for parking is needed in order to prevent excessive on-street parking demand and relieve traffic congestion;
- The proposed parking facility will not be inconsistent with the character of the existing streetscape; and
- The proposed off-street parking facility complies with the additional findings set forth in Section 13-451, 13-452, 13-453 and 13-454, as applicable.

The four new special permits make distinctions between different types of development and assess the proposed parking supply accordingly and each new special permit has additional findings depending on the type of proposal. These findings are based on recent residential development in the surrounding area and recent changes in the supply of off-street parking.

Applicants may demonstrate the need for parking above the permitted as-of-right ratios based on the following factors, as applicable:

- **Special permit for additional parking for residential growth (Section 13-451):** This special permit allows for parking above what is permitted as-of-right with a development, provided that:
 - The number of parking spaces in the proposed facility is reasonable and not excessive in relation to the increased number of dwelling units in close proximity (typically within one-third to one-half of a mile) to the proposed facility in recent years (typically 5 to 10 years); and
 - The number of parking spaces in the proposed facility is reasonable and not excessive in relation to the number of public and accessory parking spaces in close proximity, including any parking spaces for which building permits have been granted, or which have obtained City Planning Commission Special permits to be built; or
 - The proposed ratio of parking spaces to dwelling units in the proposed development does not exceed what would be allowed for an as-of-right building developed under the provisions of Section 13-10 (Permitted Off-Street Parking in the Manhattan Core), disregarding the applicable limits on the total number of permitted parking spaces established for as-of-right buildings.

- **Special permit for additional parking spaces for health care, arts, or public assembly uses (Section 13-452):** This special permit allows for additional parking for uses that operate under conditions where additional parking may be appropriate, and allows for additional parking provided that:
 - The proposed parking facility is in close proximity to, or on the same zoning lot as, a hospital or related facility, a museum, a theater, an arena, an auditorium, a trade exposition or a stadium;
 - An increased number of permitted parking spaces is essential to the operation of the above use; and
 - Reasonable measures to minimize parking demand have been identified. For existing uses wishing to expand their parking, such measures have been implemented where feasible, prior to application, and a commitment has been made to continue and improve upon such measures. For new uses seeking additional parking with development, a commitment has been made to utilize measures to minimize parking demand.

- **Special permit for additional parking spaces for economic development uses (Section 13-453):** This special permit allows for additional parking for uses that are considered to be of significant importance to the economic well-being of the city, provided that:
 - The proposed facility is in close proximity to, or on the same zoning lot as, a use of significant economic importance to the city;

- An increased number of permitted parking spaces is essential to the operation of the above use; and
 - Reasonable measures to minimize parking demand have been identified. For existing uses wishing to expand their parking, such measures have been implemented where feasible, prior to application, and a commitment has been made to continue and improve upon such measures. For new uses seeking additional parking with development, a commitment has been made to utilize measures to minimize parking demand.
- **Special permit for additional parking spaces for large-scale developments (Section 13-454):** This special permit allows for additional parking within a development or enlargement on a tract of land exceeding one-and-a-half acres, provided that:
 - The increased number of parking spaces would alleviate a parking deficit associated with the development or enlargement of a residential use;
 - An increased number of permitted parking spaces is essential to the operation of the above use;
 - Where a parking deficit is created by the relocation of parking users from off-street parking spaces that will be eliminated through the proposed development or enlargement, the availability of off-street parking in close proximity will be of insufficient capacity to accommodate such potential parking users;
 - Reasonable measures to minimize parking demand have been identified. For existing uses wishing to expand their parking, such measures have been

implemented where feasible, prior to application, and a commitment has been made to continue and improve upon such measures. For new uses seeking additional parking with development, a commitment has been made to utilize measures to minimize parking demand; and

- where phased construction will occur in the large-scale development, a phased parking plan has been provided which demonstrates that a reasonable and not excessive amount of additional parking spaces is provided in the proposed parking facility in relation to the amount of completed construction in such large-scale development.

The special permits also look for reasonable measures to minimize parking demand for special generators (Sections 13-452 and 13-453) and for large-scale developments (Section 13-454). These measures are known as Transportation Demand Management (TDM) strategies which encourage traveling on multimodal and high occupancy modes and discourage total vehicle trips, especially single-occupant vehicles. These strategies can be implemented voluntarily, enforced through regulations, incentivized through use of alternate travel modes, or through pricing. TDM strategies include parking management (pricing and supply of parking spaces), bicycle and pedestrian enhancements (indoor bicycle parking, changing room, safe walking and bicycling connections, Complete Streets), transit enhancements (improved bus or train service and connections), vehicle sharing (carpool, vanpool, car sharing), and employer-based programs (work scheduling, travel allowances, commuter tax benefits).

An additional special permit would be created for a limited increase of parking spaces in existing buildings or parking facilities to allow for additional parking up to what would be permitted on the zoning lot if the zoning lot were vacant and developed with a new building.

Public Use of Accessory Parking Facilities

The proposed text amendment would permit all new as-of-right accessory parking to operate as public. All new accessory parking may be for public use, and any existing accessory parking facility that holds a Department of Consumer Affairs (DCA) license as of January 1, 2012 may file their DCA license with the New York City Department of Buildings (DOB) to indicate that public use is permitted. This provision would recognize the de facto situation in which accessory parking typically is open to the public, allowing for a more efficient allocation of parking supply while still preserving the right for a residential building to maintain its off-street parking as strictly accessory. This provision reflects how Manhattan residents are currently parking in the Core and using off-street parking facilities as a shared neighborhood resource. All parking facilities retain the right to make spaces available to specific users. Additionally, residents with an accessory parking facility in their building can request a parking space that is being used by a non-resident parking in the facility. The parking space will be made available within 30 days. This provision is available in the rest of the New York City but was eliminated in the Manhattan Core as part of the 1982 Parking Amendment because the accessory spaces were already supposed to be used exclusively by residents of the building.

Reservoir Space Requirements

The proposed text amendment would modify reservoir space requirements to allow small facilities to waive out, and to enable a more rational provision of reservoir spaces given garage capacities. The proposal would reduce the reservoir requirement to: none for facilities with less than 25 parking spaces; 5 percent reservoir spaces for a facility with a capacity between 26-50 spaces; 10 percent reservoir spaces for a facility with a capacity between 51-100 spaces; 10 reservoir spaces for a facility with between 101-200 spaces; and 10 reservoir spaces plus 5 percent of all spaces for a facility with more than 200 parking spaces. The current requirement is 20 percent of spaces up to 50 spaces, and 5 percent of the number over 200. Reservoir space requirements would be applied to accessory facilities and automobile rental facilities which currently do not have a requirement.

Floor Area Exemption up to 23' for Parking Facilities

The existing floor area exemption for parking spaces between curb level up to 23' in new developments would be retained only for buildings wrapped to a depth of 30' with non-parking uses. In residential districts, exempted floor area would have a planting and screening requirement. This would create a more engaging and active ground floor use.

As-of-Right Retail Allowance for Parking

The proposal would cap the as-of-right retail parking allowance to 10 spaces in order to discourage auto-oriented retail development in the Manhattan Core.

Floor Space for Attended Parking Facilities

The proposal would exempt parking ramps and mechanical space from 200'-per-space parking requirement. This would enable garages, especially smaller facilities, with long ramps that had to previously be included in the square footage calculations for size of a parking facility, to fit all of their permitted spaces. This would also remove the incentive to locate parking at the street level rather than using street frontages for active uses.

Automated Parking Facilities

The proposal defines guidelines and sets standards for automated parking facilities, including wrapping requirements and floor area exemptions. These recommendations would encourage the development of automated facilities, which are a more efficient use of space and have some environmental benefits over conventional attended garages. The Commissioner of Buildings would be given authority to determine capacity and the number of reservoir spaces needed, based on the operational characteristics of the facility. This flexibility is needed because each automated parking facility is custom-designed for the site, and because the technology for this type of facility is evolving. The proposal would also increase the floor area waiver, now permitted for garages up to a height of 23', to 40' for automated parking facilities by City Planning Commission Chair certification, provided that:

- a. there is floor area above the garage (there has to be another use and not just a stand-alone garage);
- b. the first story must be wrapped by another use to a depth of 30';
- c. the façade up to 40' is consistent with the rest of the building's façade.

Garage Design and Configuration

The proposal would establish design regulations to ensure safe vehicular and pedestrian access. The following safety features shall be provided at all vehicular exit points: a 'stop' sign which shall be clearly visible to drivers, and a speed bump located within the exit lane of the parking facility.

Rental Vehicles

The proposal seeks to increase efficiency and flexibility for rental vehicle parking by increasing the permitted number of car rental vehicles in public parking facilities to 40 percent in C2, C4, C5, C6, C8 and M districts, where they are currently not permitted or, in C5-2, C5-2.5, C5-3, C5-5, C5-P, C6-4, C6-4.4, C6-5, C6-5.5, C6-6, C6-6.5, C6-7, C6-9 and M1-6 Districts, where they are limited to 10 spaces or 10 percent of total facility capacity, whichever is less. The current 100 space limit on rental car vehicles in stand-alone facilities in the Manhattan Core would be modified to allow for additional storage of 150 in C2 districts; 225 in C4, C5, C6 and C8 districts; and 300 in M districts. Rental car vehicles (and car share vehicles) would also be permitted to count towards the 50 percent of commercial vehicles in C5, C6, C8 and all M districts (see below). This would help to encourage low car ownership rates in Manhattan and provide better service to Manhattan residents. Reservoir spaces would also be required in standalone rental car facilities.

Commercial Vehicle Parking

Because commercial vehicles are limited as to where they can park, they often have to leave Manhattan with at the end of the workday to park. This creates unnecessary congestion. The proposal would create more flexibility for commercial vehicle parking by allowing them to park in up to 50 percent of spaces in C5, C6, C8 and all M districts. This would include car share and car rental vehicles. The affected districts are those that generally have relatively low occupancy rates in the evening.

Loading Docks

The proposal would increase the minimum loading dock depth to 37' x 12' from 33' x 12' to address the issue of trucks blocking sidewalks in front of loading areas. There would be a waiver via a certification by the Commissioner of Buildings for sites with below grade or infrastructure constraints. Additionally, internal areas used for dumpsters may be excluded from floor area (up to 25' x 12') which would encourage loading dock areas to remain free of clutter. The proposal would also grant the Commissioner of Buildings expanded ability to exempt loading requirements on zoning lots that have two street frontages, one of which does not permit curb cuts. The waiver would be allowed if the second street frontage, where curb cuts are permitted, has an unusually narrow street width (as in Lower Manhattan), or is encumbered by residential buildings, landmark buildings, or large commercial buildings that preclude access to a required loading dock.

Publicly-Assisted Housing

There is no effective parking requirement for affordable housing in the Manhattan Core today.

However, there is text in the Zoning Resolution (Section 13-42) which references discontinued Federal programs, and could be mistakenly read as a parking requirement for affordable housing. The Federal program references are obsolete and the text is inapplicable. The proposal would remove these provisions which would clarify the regulations.

Existing Parking Required Pre-1982

The proposal would allow for, by City Planning Commission Authorization, a reduction of the number of required accessory off-street parking spaces for off-street parking facilities built prior to January 1, 2012 where the Commission finds that such reduction will not have undue adverse effects on residents, businesses, or community facilities in the surrounding area. While parking is optional for new development in the Manhattan Core since 1982, parking that is required as a legacy of pre-1982 parking rules cannot be removed. This would make off-street parking policy more consistent.

Special Districts

There are twelve Special Districts in the Manhattan Core that have parking and loading regulations specific to the areas they encompass. The Special Districts that are modified to ensure consistency with the proposed revisions to the underlying Manhattan Core regulations for off-street parking and loading include: the Special Midtown District; the Special Lincoln Square District; the Special Battery Park City District; the Special Lower Manhattan District; the Special Park Improvement District; the Special Transit Land Use District; the Special Clinton District; the Special Madison Avenue District; the Special Little Italy District; the Special Garment

Center District; and the Special Mixed Use Districts. The Special Hudson Yards District parking regulations are not affected by the current Manhattan Core regulations and only four elements of the proposed regulations would apply in the district: automated parking, rental car establishments, small commercial vehicles, and loading docks.

ENVIRONMENTAL REVIEW

This application (N 130105 ZRM) 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 13DCP041M. The lead is the City Planning Commission.

The City Planning Commission is proposing modifications to the zoning text amendment. A study of the potential environmental impact of those proposed modifications found that the proposed action, as modified, would not change the basis of the environmental analysis conducted and therefore, as stated in the revised Negative Declaration issued on March 5, 2013, the conclusion of the Negative Declaration previously issued is still valid.

PUBLIC REVIEW

On November 5, 2012 this application (N 130105 ZRM) was duly referred to Manhattan Community Boards 1-8, Manhattan Borough Board and Manhattan Borough President, in

accordance with the procedures for referring non-ULURP matters.

COMMUNITY BOARD REVIEW

Eight Community Boards submitted a response to the Manhattan Core text amendment: four approved without conditions (CB 3, 5, 6, 8); two approved with conditions (CB 1, 7); and two opposed with conditions (CB 2, 4).

Manhattan Community Board 1: On December 1, 2012, by a vote of 33 in favor and 0 opposing, Community Board 1 voted unanimously to support the proposed text amendment with three modifications. They believed that permitting rental car vehicles to park in up to 40% of public parking spaces could “negatively impact the availability of parking in such a garage for local residents” and they suggested lowering the percentage to 25% of spaces. Regarding the floor area waiver for automated parking facilities, the Community Board believed that they, and the local Council Member where the proposed automated parking facility is located, should have an opportunity to comment on the facility before the deadline for Chair certification. Finally, the Community Board “does not agree with the proposal to allow new accessory parking facilities and those with DCA licenses to operate as public facilities within the maximum amounts allowed today and objects to the proposal to allow DCA-licensed accessory garages existing as of January 1, 2012 to file their DCA licenses with the Department of Buildings to indicate that public use is permitted.”

Manhattan Community Board 2: On January 24, 2013, Community Board 2 unanimously

opposed the zoning text amendment and requested three modifications. The CB is concerned that allowing accessory parking spaces to operate as public parking facilities, which they say may have a “minimal average impact,” may encourage some operators to replace residential parking spaces for hourly public parking. They ask the Commission to take steps to avoid this displacement and allow residents to “claim spaces in nearby buildings, not just the buildings where they live.” They also stated that the special permits may encourage intensive commercial development, auto-oriented uses, and the “vague and low bar findings” would allow unlimited parking. They requested that the special permits have a cap of 50 parking spaces. They also requested that parking facility driveways provide a level area prior to the sidewalk crossing.

Manhattan Community Board 3: In a letter dated December 20, 2012, Community Board 3 approved the zoning text amendment stating that it would “promote a more rational and efficient allocation of off-street parking.”

Manhattan Community Board 4: In a letter dated January 14, 2013, Community Board 4 stated that they opposed the text amendment unless certain provisions were removed or revised. They stated that the proposal to permit accessory off-street parking to be available for public use will attract more commuters and visitors, increase traffic congestion, reduces pedestrian safety, increase parking costs for residents, and reward garage operators with DCA-licenses who “willfully engaged in years of illegal behavior.” They also believed that this provision would make the “existing ban” on new public parking garages in Midtown meaningless and lower barriers to create new public parking. They suggested restricting parking to monthly parking for

Manhattan Core residents only.

On the issue of the new special permits, findings, and conditions, while CB4 appreciated some of the new provisions and the concept of giving more information and flexibility to the City Planning Commission to evaluate special permits, they would like some additional findings. CB4 would like the findings to include: a goal of reducing traffic congestion; a requirement of “building occupant need” and limited impact on local residential streets; a determination that there are insufficient parking spaces and a parking “need based on vacancies” in nearby garages; mitigation of “dangerous intersections” near the location of the proposed facility; New York City Department of Transportation and New York City Department of Environmental Protection review of traffic and air quality impacts; adding that there is no increase or creation of pedestrian safety hazards at garage entrances and exits; and that the proposed use will not cause or exacerbate ambient air quality standards. Additionally, the CB stated that the proposed new special permits not be permitted in the Clinton Special District, that a new finding includes a traffic plan that minimizes vehicular travel in nearby residential neighborhoods through way-finding signs and speed bumps, and that the proposed reasonable measures to minimize parking demand include inducements to use mass transit.

While CB4 appreciated the proposed requirement to include reservoir spaces for accessory parking garages, they believe that the proposed reductions are too substantial. They propose that parking facilities with between 25 and 99 parking spaces have reservoir space for at least 10% of the vehicles. They also requested that 50% of the reservoir space must be “solely for reservoir

space” and to define the dimensions of a parking space.

Regarding the proposal for rental vehicle parking, CB4 supports the goal of increasing rental car availability but suggests the proposed caps and percentages are too substantial and seek a lower percentage increase as well as “any rental car parking in the Clinton Special District require a Special Permit.”

CB4 also requested that more pedestrian safety elements be included in the proposal such as warning strips and truncated domes on the sidewalks outside of garage access points; and that community boards have an opportunity to review and comment before certification on any CPC Chair authorizations for the 40’ floor area waiver for automated parking facilities.

Manhattan Community Board 5: On December 13, 2012, by a vote of 36 in favor, 0 opposed, and 1 abstaining, Community Board 5 voted to approve the zoning text amendment. Referencing Hurricane Sandy, the CB also encouraged the Department of City Planning to “investigate flood control measures that could be put in place for below grade parking facilities.”

Manhattan Community Board 6: On January 9, 2013, by a vote of 36 in favor, 0 opposed and 1 abstaining, CB6 voted to approve the Manhattan Core proposal. They also reiterated their request to reduce the accessory parking maximum in their Community Board from 20% to 10% as stated in their 197-a Plan. The CB also encouraged the Department of City Planning to consider a provision to give residents of the building where the off-street parking is located

preference.

Manhattan Community Board 7: On January 3, 2013, by a vote of 34 in favor, 4 opposed and 1 abstaining, Community Board 7 voted to approve the proposed text amendment with two conditions. The Community Board believed that the Department of City Planning should retain the requirement that all applicants for special permits should be reviewed by the New York City Department of Transportation for traffic impacts and by the New York City Department of Environmental Protection for air quality impacts. The Community Board also disapproved the proposal to permit accessory parking to operate as public parking unless a “defined percentage of spaces are reserved for monthly parking only, with the percentage to be determined through further study.”

Manhattan Community Board 8: On January 9, 2013, Community Board 8 approved the zoning text amendment by a vote of 26 in favor, 1 opposed and 5 abstentions.

BOROUGH PRESIDENT AND BOROUGH BOARD REVIEW

No recommendations were received from the Manhattan Borough President or the Manhattan Borough Board.

CITY PLANNING COMMISSION PUBLIC HEARING

On January 9, 2013, (Calendar No. 2), the City Planning Commission scheduled a January 23,

2013, public hearing on this application (N 130105 ZRM). The hearing was duly held on January 23, 2013 (Calendar No. 12). There were 4 speaking in favor of the application and 4 in opposition.

A representative of the Real Estate Board of New York spoke in favor of the proposal and noted that the package of changes will make smarter use of parking resources and that allowing public parking in accessory garages meets the need for local parking without negative impacts. She stated that the City should further explore parking policies that expand as-of-right surface parking with design guidelines and as-of-right parking in conversions for more than 20% of the units in new construction.

A representative of the Avis Budget Group, a global provider of vehicle rental services, expressed strong support for the proposal. The speaker said the proposal will “better accommodate the rental demands of Manhattan residents” while reducing congestion and allow operations to be more efficient.

A representative of New York University’s Furman Center for Real Estate and Urban Policy expressed appreciation for the Department of City Planning’s ongoing reappraisal of off-street parking regulations. While the Center has a general policy of not endorsing specific legislation, they made supportive comments in three areas. The existing Manhattan Core parking regulations removed parking requirements or minimums for new development, but did not apply to buildings built prior to 1982. They noted that the proposal allows the City Planning Commission to reduce

or remove pre-1982 parking requirements which could then be replaced with “affordable housing or other uses better suited to today’s Manhattan Core.” Second, they noted that the accessory parking restriction, that parking in a building only serves the residents of that building, reduces flexibility and results in “excess demand at other facilities, or pressure for more parking development.” The proposal enhances parking flexibility by allowing new accessory parking facilities and those with a DCA license, to operate as public parking facilities. Finally, it was noted that the new special permit framework is tied to residential growth which “promises to better match parking supply to neighborhood level conditions.”

A representative of the Council of New York Cooperatives and Condominiums offered strong support for the off-street parking proposal because the proposal will enable co-ops and condominiums that have off-street parking to benefit from the “increased flexibility in deciding how to manage” the space.

The co-chair of the Manhattan Community Board 4 Transportation Committee, who was also representing Transportation Alternatives, Tri-State Transportation Campaign, and Chekped, spoke against the proposal. She highlighted three main concerns: the conversion of accessory parking to public parking, the reduction of reservoir space, and the definition of ‘need’ for special permits. She stated that by “making all accessory garages public,” this will “open the floodgates” by opening new capacity to commuters, increase vehicle trips, and increase congestion. The speaker suggested an “incremental step” of opening accessory parking to other residents of the Manhattan Core as monthly parkers. Second, she stated that the proposed

reservoir reduction is excessive and that the special permits for accessory parking should require an “overall measurement of available supply.”

The other co-chair of the Manhattan Community Board 4 Transportation Committee spoke out against the proposal although he stated that the CB supports a “majority of the changes.” He echoed concerns about opening up accessory parking to public parking and the reduction of reservoir spaces. The speaker said there was support for the proposed increased flexibility in rental car vehicle parking but that the requirement should only be increased to 25% in C6-2 districts. He stated that the dimensions of a parking space should be spelled out in the text, that larger parking facilities should have additional safety measures like “lights and sounds,” and that bicycle parking space should be separated from reservoir space.

An environmental activist who resides in Community District 4 spoke against the proposal focusing mainly on the proposed special permit for residential growth. He stated that there is no evidence for a need for more parking beyond what the current resolution provides for and that the existing special permits and findings for accessory parking are adequate. He suggested that the need for new parking should come from residents of a building and that the proposed findings are too subjective. Furthermore, the speaker stated “the most important thing” is that vacancy should be taken into account when reviewing whether more parking is needed.

The Chairman of Edison Properties spoke in opposition to the proposal because of restrictions on surface parking lots. He said that surface parking lots are important as an interim use in the

assemblage process and that without it there would be fewer development sites.

In written testimony, a representative of the Institute for Rational Urban Mobility urged the CPC to drop the proposed Manhattan Core regulations and place a cap on the total number of spaces in the Core and create a plan to reduce the number of existing spaces which is needed to reduce congestion and maintain the economic vitality of the city.

Waterfront Revitalization Program Consistency Review

This application 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 12-113. This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that this application for an amendment to the Zoning Resolution (N 100284 ZRY), as modified herein, is appropriate.

The Commission commends the Department in undertaking this zoning text amendment that updates the 30-year old regulations and reflects a contemporary understanding of off-street parking policy, while enabling stakeholders to make information-based determinations about a project's appropriateness. These provisions would make targeted improvements to the existing off-street parking regulations which will result in clear and predictable regulations that will provide mobility improvements for residents.

The Commission believes that the new special permits and findings will set reasonable standards for determining the number of parking spaces. This critical, new information and data will give not only the Commission, but community boards, neighborhoods, and stakeholders as well, the ability to consider many new factors in reviewing a special permit. The Commission notes that the current special permit findings do not allow the Commission to consider such factors as population trends, whether there has been significant recent development in the area, and whether that development has provided parking. Nor does the special permit process give guidance to consider what the appropriate amount of parking for special generators or for large sites that may have unique opportunities or challenges to providing parking. In practice, nearly all applicants meet the current findings, which focus on the traffic impacts of the proposed parking facility. Community boards and elected officials have frequently raised questions about whether proposed public parking facilities are "needed," but the current findings provide no information or guidance in addressing this question. The discretionary grant of additional parking by special permit should be based on a consistent and predictable parking policy.

In its review of the proposal, the Commission sought to clarify how the new findings relating to residential growth, including the demonstration of “need”, should be interpreted. The Commission thinks it is reasonable to use the standards employed in the EAS conceptual analysis, whereby an applicant demonstrates findings related to changes in both the number of dwelling units and the parking capacity in the vicinity, measured at one-third of a mile from the project site, over the previous decade. Since studies on parking utilization revealed that car owners are likely to park their car within one-third mile of their residence, the Commission believes this is an appropriate distance threshold from which to measure parking supply and need. In addition, because development trends can be observed over ten-year cycles, the Commission believes that a ten-year look-back is an appropriate period of time for the consideration of residential development and the creation or destruction of off-street parking spaces as a result of redevelopment.

Additional off-street parking may be justified in cases where there is a parking “deficit,” in the area within the radius, relative to a conceptual “target” of spaces equal to 20 percent of new residential units in Community Districts 1-6, and 35 percent of new residential units in Community Districts 7 and 8 (the permitted as-of-right accessory parking). This “deficit” may be due to recent residential construction and conversions developed with fewer accessory parking spaces than as of right ratios allow, or public parking facilities that have recently gone out of operation.

The Commission approves the modification to the special permits to include language stating that the Commission may take into account parking vacancy rates within the area of the proposed development. This responds to concerns raised at the public hearing and in received comments, that if nearby parking facilities are underutilized, the demand for additional parking spaces may be met in nearby facilities instead of through new parking space development. The Commission notes the complexity of evaluating vacancy data. Since vacancy in parking facilities is really a function of pricing, and since facilities set prices to maximize revenue and not occupancy, there is often a “normal” level of vacancy, even at peak times.

The Commission also approves the modification to reinstate the traffic congestion finding for all special permits and authorizations -- that the proposed facility would not create or contribute to traffic congestion or inhibit traffic or pedestrian flow. In reviews under the current special permit, the traffic congestion finding is considered in the context of CEQR Technical Manual review methodologies. This continues under the new special permits and restoring the finding addresses public concerns that traffic congestion would no longer receive the level of consideration that occurs at present.

The new special permits also address a number of new pedestrian-oriented findings including pedestrian safety and access requirements like stop signs, speed bumps, and potential conflicts at off-street parking entrances and exits. The Commission approves the modification of adding of mass transit access points to this list.

The Commission acknowledges concerns raised by Community Board 7 and Community Board 4 about retaining the provision to allow the New York City Department of Transportation and the New York City Department of Environmental Protection to review special permits for traffic and air quality impacts. However, this is already established in the City's CEQR Rules of Procedure (62 RCNY Chapter 5) and would be redundant.

The Commission received comments from Community Board 2 that the new special permits and findings would encourage commercial development and auto-oriented uses and that the special permits should have a cap or include some proportional maximum measurement. The Commission does not want to encourage auto-oriented development in the Core and notes that "retail" is excluded from the special generator categories and the proposal also caps retail parking in as-of-right development at 10 spaces. Currently, there is no upper limit on how much parking can be obtained and requested with a special permit as the purpose of a special permit is to allow more than what is permitted as-of-right. The Commission believes that with the proposed new conditions and findings, the applicant is required to supply more information and data which will aid in making appropriate decisions on off-street parking.

The Commission received comments from Community Board 4 concerning the mitigation of "dangerous intersections" and the minimization of vehicular traffic with way-finding signs and speed bumps around proposed parking facilities. The Commission notes that the NYCDOT manages street signage and configurations and already has numerous, successful initiatives and

systems in place to calm traffic and address pedestrian and bicycle safety and to identify high crash locations.

The Commission heard testimony and received comments for and against the provision to permit new accessory facilities to operate as public parking facilities and those currently with DCA-licenses to operate as public parking facilities. Those speaking in favor highlighted that this provision would be a smarter use of parking resources and that allowing public parking in accessory garages meets the need for local parking without negative impacts, and that it will increase flexibility in how coops and condominiums manage off-street parking spaces. Those speaking against this provision mainly focused on the idea that residents could lose their parking spaces and that it would encourage automobile commuters.

The Commission stresses that all facilities retain the right to make spaces available only to specific users like residents of a building. The Commission believes that this provision of the proposal reflects how parking is being used today in the Core and that this provision would not change how these spaces will be used in the future. The public use of accessory parking has occurred in the context of the increasing number of residents using public parking lots and garages. In the broader context, since 1999 the number of individuals entering Manhattan south of 60th Street by auto, taxi, van or trucks has declined, while the number of individuals arriving by public transit has increased. Parking facility surveys underscore this trend. The Department's research showed that Manhattan residents, as opposed to visitors to Manhattan, are using a large portion of these accessory and public off-street parking spaces wherever they can find suitable

spaces, and that these facilities are serving as shared neighborhood resources. The Commission believes that restricting access to Manhattan residents, or the enforcement of percentages of parking spaces for verification of residency status, would be replacing one set of zoning rules that do not reflect how parking is actually used with another. It would also require amending the DCA licensing law, which has not been proposed. Most importantly, such a change is not necessary to achieve the city's sustainability goals.

The Commission also notes that the proposal only has applicability in new parking facilities and ones that are already operating as public parking with a DCA license; there will be no change to existing accessory parking facilities without a DCA license. Furthermore, residents will now be able to request a parking space in their building that is being used by a non-resident with 30-day notice. This is available in the rest of the city but not under the current Manhattan Core parking regulations because the accessory spaces were supposed to be exclusively for residents already.

The Commission received comments from Community Board 4 and Community Board 1 stating that the proposed provisions to increase the percentages of rental car vehicle parking at specific locations and to raise the cap on the number of rental car vehicles at certain location were excessive. The Commission believes that these provisions will increase flexibility for rental car operators, improve efficiency, improve service for Manhattan residents and, most importantly encourage the low car ownership rate in Manhattan. The proposed caps of 150 vehicles in C2; 225 in C4, C5, C6, C8; and 300 in M districts, were determined after studying parking facilities and rental car operations. The business model for rental car operators is to have cars available

when needed by customers, and the proposed caps are to allow flexibility for rental vehicles to park at peak times for Manhattan customers, which are at the beginning and the end of each weekend when residents pick-up and return these vehicles

The Commission received comments and heard testimony from Community Board 4 that the proposed reservoir space reductions were too substantial, the dimensions of a reservoir space size are not defined, and that bicycle parking and pedestrian space should not be included in the reservoir space calculations. The proposed reservoir space requirements by garage size were determined after studying real garage activity, ins/outs, garage plans, and discussions with parking operators, architects and consultants. The Commission believes that the proposed requirement is appropriate; however, the Commission has modified the proposal to include a minimum dimension for the size of a parking space (8.5'x18') which was defined elsewhere in the Zoning Resolution. The Commission also notes that the Department of City Planning adopted bicycle parking requirements for new buildings in 2009 and their space requirements are measured separately from vehicle reservoir space requirements.

The Commission received comments from the Community Board 1 and Community Board 4 expressing concern that the automated parking garage waiver for up to 40' should also require notice to the Community Board so they can comment on the application. The Commission, in response to this concern, has modified the text to give the affected community board 30 days to review and comment on the application.

The Commission heard testimony and received comments concerning surface parking lots. The Commission acknowledges the role surface parking lots have served as interim sites for assemblage and development. However, the Commission does not support a change in the existing Manhattan Core regulations on permitted parking in public parking lots (up to 150 spaces in C2, C4, C6, C8, M2, M3) or in the commuter areas that require a special permit such as Midtown, Lower Manhattan, and the Special Clinton District. These restrictions have not had adverse effects on real estate development in Manhattan, which has remained strong since 1982.

The Commission also received comments from the parking industry concerning automated parking facilities and that some types of these facilities do not move vehicles around on trays or pallets. In order to avoid any confusion over space calculations and enforcement, the Commission has modified the text to clarify that the term ‘tray’ means pallet or pallet-less systems.

The Commission has also added dimensions for parking lift systems or ‘stackers’ for calculating surface area of a garage which will ensure that stacked spaces are held to the same size requirements as surface spaces at a maximum of 153 square feet per space.

The Commission also heard from the parking industry and developers on transparency requirements for parking facilities. Several areas in the Manhattan Core have existing transparency regulations in zoning or Special Districts. The text is modified to clarify that the proposed transparency requirements for ground floor uses wrapping parking garages do not

override these existing regulations. Additionally, the text has been modified to clarify situations where a distant frontage from the location of the garage is not considered to “screen” the garage.

The Commission believes that these provisions would make targeted improvements to the existing off-street parking regulations which will result in clear and predictable regulations that will provide mobility improvements for residents.

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 200 of the New York City Charter, that based on the environmental determination and consideration described in this report, 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 I: General Provisions

* * *

Chapter 3

Comprehensive Off-Street Parking and Loading Regulations in the Manhattan Core

~~Comprehensive Off-Street Parking Regulations in Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and a Portion of Community Districts 1 and 2 in the Borough of Queens~~

13-00

GENERAL PURPOSES

(Sections 13-00 through 13-562 are to be deleted and re-written as new text, as follows.
Long Island City regulations to be moved to Article I, Chapter 6)

The provisions of this Chapter establish special comprehensive regulations for off-street parking in the #Manhattan Core#, as defined in Section 12-10 (DEFINITIONS).

These regulations reflect best practices to address sustainability goals, while accommodating the parking needs of residents and businesses in a more rational manner.

13-01

General Provisions

Except as modified by the express provisions of this Chapter, the regulations of the underlying zoning districts or special purpose districts shall remain in effect.

13-02

Definitions

Access zone

For the purposes of this Chapter, an “access zone” shall refer to the portion of an #accessory# off-street parking facility, #public parking garage# or an automobile rental establishment, occupied by:

- (a) vehicular ramps between parking levels, or between a parking level and a vehicular entrance or exit, provided that such ramps are not used as parking spaces or associated maneuvering space;
- (b) vehicular elevators;
- (c) required reservoir spaces;
- (d) portions of required accessible pedestrian egress routes, including any associated ramps or elevators; or
- (e) bicycle parking spaces.

Automated parking facility

For the purposes of this Chapter, an “automated parking facility” shall refer to an #accessory# off-street parking facility or #public parking garage# where vehicular storage and retrieval within such facility is accomplished entirely through a mechanical conveyance system. A parking facility with parking lift systems that require an attendant to maneuver a vehicle that is to be parked shall not be considered an #automated parking facility#.

Parking zone

For the purposes of this Chapter, a “parking zone” shall refer to the portion of an #accessory# off-street parking facility, #public parking garage# or an automobile rental establishment, occupied by permitted off-street parking spaces and associated maneuvering space, and any other portion of such parking facility not included in the #access zone#. In attended parking facilities with parking lift systems, the #parking zone# shall also include the lifted tray a vehicle is stored upon.

13-03 **Maps**

Maps are located in Appendix A of this Chapter and are hereby incorporated and made an

integral part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements set forth in this Chapter apply.

Map 1 – Locations where #public parking lots# are not permitted in the Midtown #Manhattan Core#

Map 2 – Locations where #public parking lots# are not permitted in the Downtown #Manhattan Core#

13-04

Applicability

13-041

Applicability of parking regulations within the Manhattan Core

The provisions of this Chapter shall apply to #accessory# off-street parking facilities, #public parking lots#, #public parking garages# and automobile rental establishments, as listed in Use Group 8, in the #Manhattan Core#, as follows:

- (a) for #accessory# off-street parking facilities, #public parking garages# and #public parking lots# constructed prior to (date of adoption), the number of parking spaces required or permitted shall be as set forth in Section 13-07 (Existing Buildings and Off-Street Parking Facilities in the Manhattan Core).
- (b) for #accessory# off-street parking facilities, automobile rental establishments and #public parking lots developed# or #enlarged# after (date of adoption), the as-of-right number of parking spaces permitted in a parking facility shall be as set forth in Section 13-10 (PERMITTED OFF-STREET PARKING IN THE MANHATTAN CORE) .

Special rules shall apply to all such #accessory# off-street parking spaces, automobile rental establishments and #public parking lots#, as set forth in Section 13-20 (SPECIAL RULES FOR MANHATTAN CORE PARKING FACILITIES).

- (c) Any increase in the number of off-street parking spaces in an #accessory# off-street parking facility or #public parking lot# resulting in a capacity not otherwise allowed under the applicable regulations of Section 13-10; or a new #public parking lot# in a location not permitted by Section 13-14 (Permitted Parking for Public Parking Lots), shall only be permitted by the City Planning Commission pursuant to the applicable special permit in Section 13-45 (Special Permits for Additional Parking Spaces).

- (d) #Public parking garages developed# or #enlarged# after (date of adoption) shall not be permitted as-of-right. Any #development# or #enlargement# of such #public parking garages# shall only be permitted in C1-5, C1-6, C1-7, C1-8, C1-9, C2, C4, C5, C6, C8, M1, M2 or M3 Districts by the City Planning Commission pursuant to the applicable special permit in Section 13-45. Commercial vehicles may occupy spaces in permitted #public parking garages# in accordance with the provisions of Section 13-16 (Permitted Parking for Car Sharing Vehicles and Commercial Vehicles).

13-042

Applicability of special permits within the Manhattan Core

The following special permits shall not be applicable within the #Manhattan Core#:

- (a) Section 73-48 (Exceptions to Maximum Size of Accessory Group Parking Facilities);
- (b) Section 74-512 (In other Districts);
- (c) Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas), except as set forth in Section 13-06 (Previously Approved Special Permits and Authorizations); and
- (d) Section 74-53 (Accessory Group Parking Facilities for Uses in Large-Scale Residential Developments or Large-Scale Community Facility Developments or Large-Scale General Developments).

13-043

Applicability of loading regulations within the Manhattan Core

The provisions of Section 13-30 (OFF-STREET LOADING REGULATIONS IN THE MANHATTAN CORE), inclusive, shall apply to all #accessory# off-street loading berths provided in #developments# and #enlargements# within the #Manhattan Core# after (date of adoption).

13-05

Exceptions

The provisions of this Chapter shall not apply to Roosevelt Island, in Community District 8 in the Borough of Manhattan. In the #Hudson Yards parking regulations applicability area#, as

defined in Section 93-81, the provisions of this Chapter shall apply as specified in Section 93-80 (OFF-STREET PARKING REGULATIONS).

Additional modifications to the provisions of this Chapter are found in the following Special Purpose Districts:

- (a) the #Special Midtown District#, as set forth in Section 81-30 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS), inclusive, Section 81-44 (Curb Cut Restrictions) and paragraph (c) of Section 81-84 (Mandatory Regulations and Prohibitions);
- (b) the #Special Lincoln Square District#, as set forth in Section 82-50 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS);
- (c) the #Special Battery Park City District#, as set forth in Section 84-14 (Parking Regulations and Curb Cuts), inclusive;
- (d) the #Special United Nations Development District#, as set forth in Section 85-03 (Modifications of Use Regulations);
- (e) the #Special Lower Manhattan District#, as set forth in Section 91-50 (OFF-STREET PARKING, LOADING AND CURB CUT REGULATIONS), inclusive;
- (f) the #Special Park Improvement District#, as set forth in Section 92-05 (Maximum Number of Accessory Off-Street Parking Spaces);
- (g) the #Special Transit Land Use District#, as set forth in Section 95-09 (Special Regulations for Accessory Off-Street Parking and Curb Cuts);
- (h) the #Special Clinton District#, as set forth in Section 96-111 (Off-Street Parking Regulations);
- (i) the #Special Madison Avenue Preservation District#, as set forth in Section 99-06 (Off-Street Parking Regulations); and
- (j) the #Special Little Italy District#, as set forth in Sections 109-16 (Parking Regulations); 109-351 (Parking regulations), 109-352 (Curb cut regulations) and 109-521 (Modification of accessory off-street parking facilities).

13-06

Previously Filed or Approved Special Permits or Authorizations

If, before (date of adoption), an application for an authorization or special permit relating to parking regulations in the #Manhattan Core# has been certified or referred by the City Planning Commission or has been filed with the Board of Standards and Appeals, such application may continue pursuant to the regulations in effect at the time such authorization or special permit was certified or referred by the Commission or filed with the Board. Such authorizations or special permits, if granted by the Commission or Board, may be started or continued, in accordance with the terms thereof, or as such terms may be subsequently modified, pursuant to the regulations in effect at the time such authorization or special permits were certified or referred by the Commission or filed with the Board.

Any authorization or special permit relating to parking regulations in the #Manhattan Core# granted by the City Planning Commission or Board of Standards and Appeals prior to (date of adoption) may be started or continued, in accordance with the terms thereof, or as such terms may be subsequently modified, pursuant to the regulations in effect at the time such authorization or special permit was granted.

All such authorizations or special permits shall be subject to the provisions of Sections 11-42 (Lapse of Authorization of Special Permit Granted by the City Planning Commission) and 11-43 (Renewal of Authorization or Special Permit).

Notwithstanding the foregoing, any subsequent modifications to such authorizations or special permits that involve an increase in the number of off-street parking spaces provided shall only be as permitted by the applicable special permit provisions of Section 13-45 (Special Permits for Additional Parking Spaces).

13-07

Existing Buildings and Off-Street Parking Facilities

The provisions of this Section shall apply to existing required or permitted #accessory# off-street parking spaces, #public parking lots# and #public parking garages# established prior to (date of adoption) in the #Manhattan Core#, as applicable, and to existing #buildings developed# without the provision of parking.

Existing required or permitted #accessory# off-street parking spaces, #public parking lots# and #public parking garages# established prior to (date of adoption) shall continue to be subject to the applicable zoning district regulations in effect prior to (date of adoption), except that:

- (a) any reduction or elimination of existing #accessory# off-street parking spaces that were required under the applicable provisions in effect prior to April 29, 1982, or for public or

publicly-assisted housing under the applicable provisions in effect prior to (date of adoption), shall be allowed only by authorization of the City Planning Commission pursuant to Section 13-443 (Reduction of the number of required existing parking spaces);

(b) #enlargements#, #extensions# or any increase in the number of off-street parking spaces within such off-street parking facilities shall be allowed by the City Planning Commission as follows:

(1) where the proposed increase in off-street parking spaces occurs in a #building developed# without the provision of parking, the Commission may authorize up to 15 off-street parking spaces pursuant to the provisions of Section 13-442 (Limited increase in parking spaces for existing buildings without parking);

(2) where the proposed increase occurs in an existing off-street parking facility, the Commission may permit such an increase, pursuant to the applicable provisions of Section 13-45 (Special Permits for Additional Parking Spaces);

(c) #conversions# shall be permitted to retain all spaces in existing parking facilities. Additional #accessory# off-street parking spaces shall be permitted by the City Planning Commission pursuant to the applicable special permit provisions of Section 13-45.

(d) an #accessory# off-street parking facility in possession of a license issued by the Department of Consumer Affairs pursuant to Section 20-321 of the New York City Administrative Code to maintain, operate or conduct a garage or parking lot (as defined therein) prior to January 1, 2012 may make #accessory# parking spaces available for public use in accordance with the provisions of Section 13-21 (Public Use and Off-Site Parking), provided that a copy of such license is filed with the Department of Buildings. However, any increase in the number of spaces in such a facility shall only be permitted in accordance with the applicable provisions of Section 13-45.

13-10

PERMITTED OFF-STREET PARKING IN THE MANHATTAN CORE

As-of-right off-street parking spaces located within #accessory# off-street parking facilities, automobile rental establishments and #public parking lots# in the #Manhattan Core# shall be permitted as set forth in this Section, inclusive.

13-101

Calculating parking spaces in automated parking facilities

For the purposes of this Resolution, with regard to #automated parking facilities#, the term ‘tray’ shall refer to the structural support for vehicle storage in both pallet and pallet-less vehicle storage systems.

For the purpose of calculating parking spaces in #automated parking facilities#, each tray upon which a vehicle is stored shall constitute one off-street parking space. However, auxiliary parking trays may be exempted from constituting a parking space where the Commissioner of Buildings determines that such auxiliary parking trays are necessary to store and retrieve vehicles for the efficient operation of such #automated parking facility#.

13-11

Permitted Parking for Residences

#Accessory# off-street parking spaces are permitted for #residences# in #developments# or #enlargements#, as follows:

- (a) for Community Districts 1, 2, 3, 4, 5, and 6, #accessory# off-street parking spaces may be provided for not more than 20 percent of the total number of new #dwelling units# contained in the #development# or #enlargement#, or 200 spaces, whichever is less.
- (b) for Community Districts 7 and 8, #accessory# off-street parking spaces may be provided for not more than 35 percent of the total number of new #dwelling units# contained in the #development# or #enlargement#, or 200 spaces, whichever is less.

13-12

Permitted Parking for Non-Residential Uses

#Accessory# off-street parking spaces are permitted for non-#residential uses# in #developments# or #enlargements#, as follows:

- (a) #Transient hotels#

For #transient hotel developments# or #enlargements#, a maximum of 225 #accessory# off-street parking spaces shall be permitted. In no event may the number of parking spaces exceed 15 percent of the number of new #transient hotel# rooms.

- (b) Hospitals

For hospital #developments# or #enlargements#, a maximum of 100 #accessory# off-street parking spaces are permitted.

(c) Retail #uses#

For #developments# or #enlargements# comprising #commercial uses# listed in Use Groups 6A, 6C, or 10A, the maximum number of #accessory# off-street parking spaces permitted shall not exceed one space per 4,000 square feet of #floor area#, or 10 spaces, whichever is less.

(d) Other #commercial#, #community facility# and #manufacturing uses#

For #developments# or #enlargements# comprising #community facility uses# other than hospitals, #commercial uses# other than those listed in paragraphs (a) and (c) of this Section, and #manufacturing uses#, the maximum number of #accessory# off-street parking spaces permitted shall not exceed one space per 4,000 square feet of such #community facility#, #commercial# or #manufacturing floor area#, or 100 spaces, whichever is less.

13-13

Permitted Parking for Zoning Lots with Multiple Uses

Where a #development# or #enlargement# contains a combination of #uses# for which parking regulations are set forth in Sections 13-11 (Permitted Parking for Residences), and 13-12 (Permitted Parking for Non-Residential Uses), the number of #accessory# off-street parking spaces for all such #uses# shall not exceed the number of spaces permitted for each #use# in accordance with the provisions of such Sections. However, in no event shall the maximum number exceed 225 #accessory# off-street parking spaces.

13-14

Permitted Parking in Public Parking Lots

#Public parking lots#, with a maximum capacity of 150 spaces, are permitted in C2, C4, C6, C8, M1-5, M1-6, M2 and M3 Districts, except that:

(a) no #public parking lots# shall be permitted:

- (1) within the area designated on Map 1 (Locations where #public parking lots# are not permitted in the Midtown #Manhattan Core#) in Appendix A of this Chapter;

- (2) within the area designated on Map 2 (Locations where #public parking lots# are not permitted in the Downtown #Manhattan Core#) in Appendix A of this Chapter; and
 - (3) within the Preservation Area of the #Special Clinton District, as shown on the map in Appendix A of Article IX, Chapter 6; and
- (b) for M1-5 Districts and M1-6 Districts, #public parking lots# shall only be permitted in the following locations:
- (1) in M1-5 and M1-6 Districts north of 42nd Street and west of 10th Avenue;
 - (2) in the M1-5 Districts west of Ninth Avenue between 17th Street and 30th Street; and
 - (3) in the M1-5 District south of Canal Street.

In such districts, the City Planning Commission may permit a #public parking lot# in a location not allowed by this Section pursuant to the applicable special permit in Section 13-45 (Special Permits for Additional Parking Spaces). Any such proposed #public parking lots# located in the Preservation Area of the #Special Clinton District# shall also be subject to the additional findings set forth in Section 96-111 (Off-street parking regulations).

13-15
Permitted Parking for Automobile Rental Establishments

Automobile rental establishments, as listed in Use Group 8, are permitted, provided that:

- (a) in C2 Districts, the number of automobiles that may be stored in such establishments shall not exceed 150 spaces;
- (b) in C4, C6, and C8, the number of automobiles that may be stored in such establishments shall not exceed 225 spaces; and
- (c) in M1, M2, and M3 Districts, the number of automobiles that may be stored in such establishments shall not exceed 300 spaces.

13-16

Permitted Parking for Car Sharing Vehicles and Commercial Vehicles

#Car sharing vehicles# and commercial vehicle parking for motor vehicles not exceeding a length of 20 feet shall be permitted within #accessory# off-street parking facilities, #public parking garages# and #public parking lots#, as follows:

(a) #Accessory# off-street parking facilities

#Car sharing vehicles# may occupy parking spaces in an #accessory# off-street parking facility, provided that such #car sharing vehicles# shall not exceed 20 percent of all parking spaces in such facility, or five spaces, whichever is greater.

(b) #Public parking garages# and #public parking lots#

(1) In C1-5, C1-6, C1-7, C1-8, C1-9, C2 and C4 Districts, vehicles stored by automobile rental establishments and #car sharing vehicles# shall be permitted, provided such vehicles do not exceed, in total, 40 percent of the total number of parking spaces permitted within the #public parking garage# or #public parking lot#.

(2) In C5, C6, C8, M1, M2 and M3 Districts, vehicles stored by automobile rental establishments and #car sharing vehicles# shall be permitted, provided such vehicles do not exceed, in total, 40 percent of the total number of parking spaces permitted within the #public parking garage# or #public parking lot#. In addition, commercial vehicle parking for motor vehicles not exceeding a length of 20 feet shall be permitted, provided that the total amount of parking spaces occupied by commercial vehicles, including any #car sharing vehicles# and automobile rental establishment vehicles, shall not exceed, in total, 50 percent of the total number of parking spaces permitted within the #public parking garage# or #public parking lot#.

13-20

SPECIAL RULES FOR MANHATTAN CORE PARKING FACILITIES

All #accessory# off-street parking facilities, automobile rental establishments, and #public parking lots developed#, #enlarged# or #extended# in the #Manhattan Core# after (date of adoption) shall comply with the applicable provisions of this Section, inclusive.

13-21

Public Use and Off-Site Parking

All #accessory# off-street parking spaces may be made available for public use. However, any such space shall be made available to the occupant of a #residence# to which it is #accessory# within 30 days after written request therefor is made to the landlord.

No #accessory# off-street parking spaces shall be located on a #zoning lot# other than the same #zoning lot# as the #use# to which they are #accessory#.

13-22

Applicability of Enclosure and Screening Requirements

(a) Screening

In addition to the screening provisions of paragraph (a)(1) of Section 13-221 (Enclosure and screening requirements), the ground floor #use# provisions of the following Sections shall apply:

- (1) Sections 32-431 (Ground floor use in C1-8A, C1-9A, C2-7A, C2-8A, C4-6A and C4-7A Districts) and 32-432 (Ground floor use in Community Board 7, Borough of Manhattan);
- (2) Section 37-35 (Retail Continuity);
- (3) Sections 81-42 (Retail Continuity along Designated Streets), and 81-531 (Special retail frontage requirements) in the #Special Midtown District#;
- (4) Section 82-21 (Restrictions on Street Level Uses) in the #Special Lincoln Square District#;
- (5) Section 91-12 (Uses on Designated Retail Streets) and the applicable Sections of 91-41 (Regulations for Designated Retail Streets), inclusive, in the #Special Lower Manhattan District#;
- (6) Section 95-08 (Special Use Regulations), inclusive, in the #Special Transit Land Use District;
- (7) paragraph (c) of Section 96-21 (Special Regulations for 42nd Street Perimeter Area) in the #Special Clinton District#;

- (8) Section 98-14 (Ground Floor Use and Transparency Requirements on Tenth Avenue) in the #Special West Chelsea District#;
- (9) Section 99-03 (Special Use Regulations), inclusive, in the #Special Madison Avenue Preservation District#; and
- (10) Sections 109-11 (Special Use Regulations), inclusive, and 109-21 (Use Regulations), inclusive in the #Special Little Italy District#; and
- (11) Section 132-20 (SPECIAL USE REGULATIONS), inclusive, in the #Special Enhanced Commercial District#.

(b) Transparency

The transparency provisions of paragraph (a)(2) of Section 13-221 shall not apply to portions of ground floor level #street walls# which are subject to the following Sections:

- (1) Section 37-37 (Street Wall Articulation);
- (2) Section 81-42 (Retail Continuity along Designated Streets) in the #Special Midtown District#;
- (3) Section 82-23 (Street Wall Transparency) in the #Special Lincoln Square District#;
- (4) Section 91-412 (Access and glazing of required retail space) in the #Special Lower Manhattan District#;
- (5) paragraph (c) of Section 96-21 (Special Regulations for 42nd Street Perimeter Area) in the #Special Clinton District#;
- (6) Section 98-14 (Ground Floor Use and Transparency Requirements on Tenth Avenue) in the #Special West Chelsea District#; and
- (7) Section 132-30 (SPECIAL TRANSPARENCY REGULATIONS), inclusive, in the #Special Enhanced Commercial District#.

13-221

Enclosure and screening requirements

(a) #Accessory# off-street parking facilities

All #accessory# off-street parking spaces shall be located within a #completely enclosed building#, with the exception of parking spaces #accessory# to a hospital, as listed in Use Group 4, and as provided in Section 13-45 (Special Permits for Additional Parking Spaces). In addition, such parking facilities shall comply with the following provisions:

(1) Screening

Any portion of an #accessory# off-street parking facility, except for entrances and exits, that is located above #curb level# shall be located behind permitted #commercial#, #community facility# or #residential floor area# so that no portion of such facility is visible from adjacent public sidewalks or #publicly accessible open areas#. Such #floor area# shall have a minimum dimension of 30 feet, as measured perpendicular to the #street wall# of the #building#.

Alternatively, for parking facilities or portions thereof, fronting upon a #narrow street# within a #Residence District#, off-street parking facilities may be screened by a densely-planted buffer strip, with a depth of at least 10 feet.

(2) Transparency

Portions of ground floor #commercial# and #community facility uses# screening the parking facility in accordance with the provisions of paragraph (a)(1) of this Section shall be glazed with transparent materials which may include #show windows#, transom windows or glazed portions of doors. Such transparent materials may be provided anywhere on the portion of the ground floor level #street wall# occupied by such #uses#, except that:

- (i) the maximum width of a portion of the #ground floor level street wall# without transparency shall not exceed ten feet; and
- (ii) transparent materials shall occupy at least 50 percent of the surface area of such ground floor level #street wall# between a height of two feet and 12 feet, or the height of the ground floor ceiling, whichever is higher, as measured from the adjoining sidewalk. Transparent materials provided to satisfy such 50 percent requirement shall not begin higher than 2 feet, 6 inches, above the level of the adjoining sidewalk, with the exception of transom windows, or portions of windows separated by mullions or other structural dividers; and shall have a minimum width of two feet.

However, for #buildings# where the #base flood elevation# is higher than the level of the adjoining sidewalk, all such transparency requirements shall be measured from a height of one foot above the height of the #base flood elevation#, instead of the level of the adjoining sidewalk.

For #zoning lots# with multiple #street wall# frontages, the transparency provisions of this paragraph need not apply to #street walls# which are located entirely beyond 100 feet of any portion of the #accessory# parking facility, as measured in plan view, perpendicular to such parking facility.

(b) Automobile rental establishments

All off-street parking within an automobile rental establishment shall be located within a #completely enclosed building# and shall comply with the screening provisions of paragraph (a) of this Section. #Accessory# office space and customer waiting areas associated with such establishments shall constitute #commercial floor area# for the purposes of such screening requirement.

(c) #Public parking lots# and certain permitted #accessory# parking lots

#Public parking lots# and open parking spaces #accessory# to a hospital shall provide screening in accordance with the provisions of 37-921 (Perimeter landscaping).

13-23
Floor Area

The definition of #floor area# in Section 12-10 shall be modified as follows for purposes of this Chapter:

(a) Attended parking facilities with parking lift systems

For portions of an attended parking facility with parking lift systems, individual lifted trays upon which a vehicle is stored which, in operation, rise to a height in excess of 23 feet, as measured above #curb level#, shall be considered #floor area# in an amount of 153 square feet, or the size of such lifted tray, whichever is greater.

(b) #Automated parking facilities#

Floor space used for off-street parking spaces in an #accessory automated parking facility# up to a height of 40 feet above #curb level# shall be exempt from the definition of #floor area# upon certification of the Chairperson of the City Planning Commission,

pursuant to the provisions of Section 13-432 (Floor area exemption for automated parking facilities).

For portions of an #automated parking facility#, each tray upon which a vehicle is stored at a height in excess of 40 feet in parking facilities certified pursuant to 13-432, or 23 feet in all other #automated parking facilities#, shall be considered #floor area# in an amount of 153 square feet, or the size of such lifted tray, whichever is greater.

13-24 **Curb Cut Restrictions**

In addition to the provisions of this Section, inclusive, additional restrictions on curb cuts in the #Manhattan Core# are found in the following Special Purpose Districts:

- (i) the #Special Midtown District#, as set forth in Sections 81-44 (Curb Cut Restrictions), and 81-624 (Curb cut restrictions and loading berth requirements);
- (ii) the #Special Lincoln Square District#, as set forth in paragraph (b) of Section 82-50 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS) ;
- (iii) the #Special Battery Park City District#, as set forth in Sections 84-144 (Location of curb cuts) and 84-343 (Curb cuts);
- (iv) the #Special Lower Manhattan District#, as set forth in Section 91-52 (Curb Cut Regulations);
- (v) the #Special Park Improvement District#, as set forth in Section 92-05 (Maximum Number of Accessory Off-Street Parking Spaces);
- (vi) the #Special Transit Land Use District#, as set forth in Section 95-09 (Special Regulations for Accessory Off-Street Parking and Curb Cuts);
- (vii) the #Special Clinton District#, as set forth in paragraph (f) of Section 96-21 (Special Regulations for 42nd Street Perimeter Area);
- (viii) the #Special Madison Avenue Preservation District#, as set forth in Section 99-06 (Off-street Parking Regulations); and
- (ix) the #Special Little Italy District#, as set forth in Section 109-352 (Curb cut regulations).

13-241

Location of curb cuts

For #accessory# off-street parking facilities, automobile rental establishments and #public parking lots#, curb cuts are required for entry and exit to such parking facilities. Such curb cuts:

- (a) shall not be permitted within 50 feet of the intersection of any two #street lines#, except where the Commissioner of Buildings certifies that such location is not hazardous to traffic safety, is not likely to create traffic congestion and will not unduly inhibit surface traffic or pedestrian flow. The Commissioner of Buildings may refer such matter to the Department of Transportation, or its successor, for a report;
- (b) shall not be located within two and one-half feet of any #side lot line# of the #zoning lot#, or prolongation thereof;
- (c) for #accessory# off-street parking facilities and automobile rental establishments, shall not be located on a #wide street#, except where authorized pursuant to Section 13-441 (Curb cuts); and
- (d) for #public parking lots#, shall not be permitted on the following #wide streets#, except where authorized pursuant to Section 13-441 (Curb cuts):
 - (1) Fifth Avenue;
 - (2) Avenue of the Americas, from 23rd Street to 32nd Street;
 - (3) Seventh Avenue, from 23rd Street to 32nd Street;
 - (4) 14th Street, from Seventh Avenue to Fourth Avenue;
 - (5) Delancey Street, from Clinton Street to the west side of Orchard Street;
 - (6) Church Street, from Park Place to Worth Street;
 - (7) Worth Street, from Centre Street to Church Street; and
 - (8) Canal Street, from the Bowery to West Broadway.

13-242

Maximum width of curb cuts

(a) #Accessory# off-street parking facilities

For curb cuts accessing off-street parking spaces #accessory# to #residences# in the #Manhattan Core#, the provisions of Sections 25-631 (Location of curb cuts in certain districts), and 36-532 (Location and width of curb cuts accessing residential parking spaces in certain districts) shall apply, as applicable.

In addition, the maximum width of a curb cut shall be 22 feet for curb cuts accessing off-street parking spaces #accessory# to #residences# in R9 or R10 Districts, C1 and C2 Districts mapped within R9 and R10 Districts, and in all other #Commercial Districts# where, as set forth in the tables in Section 34-112 or 35-23, as applicable, the equivalent #Residential District# is R9 or R10. This maximum curb cut width of 22 feet shall also apply to curb cuts accessing off-street parking spaces #accessory# to #commercial# or #community facility uses#, and to curb cuts accessing off-street parking facilities with parking spaces #accessory# to a mix of #uses#.

(b) Automobile rental establishments

For curb cuts accessing automobile rental establishments, the maximum width of a curb cut shall be 22 feet.

(c) #Public parking lots#

For curb cuts accessing #public parking lots#, the curb cut provisions of paragraph (c) of Section 36-58 (Parking Lot Maneuverability and Curb Cut Regulations) shall apply.

13-25

Reservoir Spaces

For the purpose of determining required reservoir spaces, fractions equal to or greater than one-half resulting from the calculations in this Section shall be considered to be one reservoir space. In no event shall the dimensions of any reservoir space be less than 18 feet long and eight feet, six inches wide.

(a) Attended parking facilities

For attended #accessory# off-street parking facilities or #public parking lots# with more than 25 off-street parking spaces, off-street reservoir space at the vehicular entrance shall

be provided to accommodate:

- (1) five percent of the total number of parking spaces provided in parking facilities with more than 25 parking spaces and up to 50 parking spaces;
- (2) ten percent of the total number of parking spaces provided in parking facilities with more than 50 parking spaces and up to 100 parking spaces;
- (3) ten parking spaces in parking facilities with more than 100 off-street parking spaces and up to 200 parking spaces; and
- (4) five percent of the total number of parking spaces provided in parking facilities with more than 200 off-street parking spaces. However such number of reservoir spaces need not exceed 50.

(b) #Automated parking facilities#

For #automated parking facilities#, off-street reservoir space at the vehicle entrance shall be provided at the rate set forth in paragraph (a) of this Section.

Each individual parking location where a driver is permitted to leave a vehicle for transfer to a mechanized automobile storage and retrieval unit shall constitute one reservoir space. Additional reservoir spaces may be located where drivers queue to access such locations for vehicle transfer.

In addition, the number of reservoir spaces required pursuant to this Section may be reduced where the Commissioner of Buildings determines that the operational characteristics of such #automated parking facility# warrant such a reduction.

(c) Automobile rental establishments

For automobile rental establishments, off-street reservoir space at the vehicle entrance shall be provided at the rate set forth in paragraph (a) of this Section.

(d) Self-parking facilities

For self-parking #accessory# off-street parking facilities and #public parking lots# where entering vehicles are required to stop before a mechanically-operated barrier before entering such parking facility, such barrier shall be placed a minimum of 20 feet beyond the #street line#.

Pedestrian Safety and Access

For all #accessory# off-street parking facilities, the following safety features shall be provided at all vehicular exit points:

- (a) a 'stop' sign which shall be clearly visible to drivers. Such signage shall comply with the standards set forth in the Manual of Uniform Traffic Control Devices (MUTCD) issued by the Federal Highway Administration (FHWA) for a conventional single lane road; and
- (b) a speed bump, which shall be located within the exit lane of the parking facility. Such speed bump shall:
 - (1) span the width of the vehicular travel lane;
 - (2) have a minimum height of two inches, as measured from the adjoining grade of the exit lane, and shall have a maximum depth of twelve inches; and
 - (3) shall be located a minimum of four feet beyond the #street line#, as measured perpendicular to the #street line#.

13-27

Minimum and Maximum Size of Parking Facilities

For all #accessory# off-street parking facilities and automobile rental establishments, the minimum and maximum size requirements for the #parking zone# for such parking facilities shall be set forth in this Section. The #access zone# of such parking facilities shall not have a minimum or maximum gross surface area.

For the purpose of calculating surface area in attended parking facilities with parking lift systems, the lifted tray upon which a vehicle is stored shall constitute surface area.

- (a) Attended parking facilities
 - (1) For attended parking facilities without parking lift systems, the minimum gross surface area, in square feet, of the #parking zone# shall be 180 times the number of off-street parking spaces provided, and the maximum gross surface area, in square feet, of the #parking zone# shall not exceed 200 times the number of off-street parking spaces provided.

(2) For attended parking facilities with parking lift systems, the minimum and maximum surface area of the #parking zone# allocated to non-elevated parking spaces shall be calculated at the rate set forth in paragraph (a)(1) of this Section; and the surface area, in square feet, of the portion of the #parking zone# allocated to elevated parking spaces shall be 153 times the number of elevated spaces able to be provided on lifted trays.

(b) #Automated parking facilities#

No minimum or maximum surface area requirement shall be required in off-street parking facilities that the Commissioner of Buildings determines to be #automated parking facilities#.

(c) Automobile rental establishments

The maximum gross surface area, in square feet, of the #parking zone# of an automobile rental establishment, shall be established at the rate set forth in paragraph (a) of this Section.

(d) Self-park facilities

The gross surface area, in square feet, of the #parking zone# of a self-parking #accessory# off-street parking facility shall be a minimum of 300 times the number of off-street parking spaces provided, and a maximum of 350 times the number of off-street parking spaces provided. However, an area of less than 300 square feet, but in no event less than 200 square feet, may be considered as one space, where the layout and design of the parking area are adequate to permit convenient access and maneuvering in accordance with regulations promulgated by the Commissioner of Buildings.

Such minimum and maximum #parking zone# requirements of this Section may be modified by the Chairperson of the City Planning Commission pursuant to the certification set forth in Section 13-431 (Reduction of minimum facility size).

13-30

OFF-STREET LOADING REGULATIONS IN THE MANHATTAN CORE

All #accessory# off-street loading facilities #developed# or #enlarged# in the #Manhattan Core# after (date of adoption) shall comply with the applicable provisions of this Section, inclusive.

In addition to the provisions of this Section, additional restrictions on loading berths in the #Manhattan Core# are found in the following Special Purpose Districts:

- (a) the #Special Midtown District#, as set forth in Sections 81-312 (Prohibitions of off-street parking or off-street loading facilities, 81-44 (Curb Cut Restrictions), 81-624 (Curb cut and loading berth requirements) and 81-84 (Mandatory Regulations and Prohibitions);
- (b) the #Special Lincoln Square District#, as set forth in Section 82-50 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS) ;
- (c) the #Special Battery Park City District#, as set forth in Sections 84-143 and 84-342 (Off-street loading); and
- (d) the #Special Lower Manhattan District#, as set forth in Section 91-52 (Curb Cut Regulations) and 91-53 (Waiver of Requirements for Accessory Off-Street Loading Berths)

13-31
Modification of Minimum Size of Loading Berth

For all permitted or required #accessory# loading berths, the minimum length requirements for hospitals and related facilities or prisons; hotels, offices or court houses; #commercial uses#; and wholesale, #manufacturing# or storage #uses#, set forth in Sections 36-681 (Size of required berths) and 44-581 (Size of required loading berths), shall be 37 feet.

13-32
Floor Area Exemption

In addition to the #floor area# exemption for #accessory# off-street loading berths set forth in Section 12-10 (DEFINITIONS), for #buildings# with a total #floor area# in excess of 100,000 square feet, up to 300 square feet of floor space may be exempted from the definition of #floor area# where such #buildings# allocate a permanent space for dumpster storage, and such storage space has a minimum dimension of 12 feet by 25 feet. Such dumpster storage space shall be adjacent to a #building's# loading berth.

13-33
Modification of Provisions for a Zoning Lot with Uses Subject to Different Loading Requirements

The provisions of Sections 36-63 and 44-53 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Loading Requirements) shall not apply.

13-34

Location of Access to the Street

In addition to the provisions of Sections 25-75, 36-682 and 44-582 (Location of Access to the Street), no entrance or exit to an #accessory# off-street loading berth shall be located on a #street# with a roadbed width of less than 20 feet, as measured curb to curb.

13-35

Modification of Loading Berth Requirements

The provisions of Sections 25-75 (Location of Access to the Street), 36-65 and 44-55 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden) shall be modified to allow the Commissioner of Buildings to reduce or waive the applicable loading berth requirements, provided that:

- (a) the #zoning lot# only has frontage upon a #street#, or portion thereof, where curb cuts or entrances and exits to #accessory# off-street loading berths are not permitted;
- (b) the #zoning lot# has frontage along a #street# where curb cuts accessing a loading berth are otherwise permitted, but there is no access to such #zoning lot# from the #street# due to the presence of:
 - (1) a #building# existing on (date of adoption) containing #residences#;
 - (2) a #non-residential building# existing on (date of adoption) that is three or more #stories# in height; or
 - (3) a #building# designated as a landmark or considered a contributing #building# in an Historic District designated by the Landmarks Preservation Commission; or
- (c) there are subsurface conditions, ventilation requirements from below-grade infrastructure or other site planning constraints that would make accommodating such loading berths infeasible.

In the case of paragraph (c), as set forth in this Section, the Commissioner shall require a loading berth of not less than 33 feet in depth, if such a berth can be accommodated in consideration of the relevant site restraints. The Commissioner of Buildings may request reports from licensed engineers or registered architects in considering such reduction or waiver.

13-40

CERTIFICATIONS, AUTHORIZATIONS AND SPECIAL PERMITS IN THE MANHATTAN CORE

13-41

General Provisions

The City Planning Commission may grant certifications, authorizations and special permits in accordance with Section 13-40 (CERTIFICATIONS, AUTHORIZATIONS AND SPECIAL PERMITS IN THE MANHATTAN CORE), inclusive. All such special permits and authorizations, in addition to meeting the requirements, conditions and safeguards prescribed by the Commission as specified in this Section, shall conform to and comply with all of the applicable regulations, except as otherwise specified herein.

13-42

Requirements for Applications

An application to the City Planning Commission for the grant of a certification, authorization or special permit under the provisions of Section 13-40 (CERTIFICATIONS, AUTHORIZATIONS AND SPECIAL PERMITS IN THE MANHATTAN CORE) shall include a site plan showing the location of all existing and proposed #buildings or other structures# on the #zoning lot#, the location of all vehicular entrances and exits and off-street parking spaces, and such other information as may be required by the Commission.

13-43

Certifications in the Manhattan Core

13-431

Reduction of minimum facility size

An off-street parking facility in the #Manhattan Core# may provide a gross unobstructed surface area less than the minimum size required by Section 13-27 (Minimum and maximum size of parking facilities) upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the proposed layout of such parking facility, including, but not limited to, the arrangement of parking spaces, travel aisles and reservoir spaces, where applicable, is sufficient to accommodate the requisite vehicular navigation and turning movements associated with such a facility. In order to make such a determination, the applicant shall provide the Chairperson with dimensioned plan drawings which depict the proposed vehicular movement through the facility, including any relevant maneuverability or turning

radius information.

Where the Chairperson certifies that an #accessory# off-street parking facility may be reduced in size because vehicles will be limited in length, such restriction shall be noted on the certificate of occupancy.

13-432

Floor area exemption for automated parking facilities

Floor space used for off-street parking spaces in an #accessory automated parking facility#, up to a height of 40 feet above #curb level#, shall be exempt from the definition of #floor area# upon certification of the Chairperson of the City Planning Commission to the Commissioner of Buildings that:

- (a) the entire #automated parking facility# will be contained within a #completely enclosed building#;
- (b) the portion of the #street wall# of such #automated parking facility# below a height of 14 feet, as measured above #curb level#, complies with the screening provisions of Section 13-221 (Enclosure and screening requirements), and the portion of the #street wall# above a height of 14 feet, will be similar in composition to the portion of the #building's street wall# immediately above such #automated parking facility#, including but not limited to, the choice of building materials and arrangement and amount thereof; and
- (c) such #automated parking facility# is within a #building# with a #floor area ratio# of at least 2.0.

Any application for such certification shall include relevant plan, elevation and section drawings demonstrating compliance with the provisions of this Section.

A copy of an application for certification pursuant to this Section shall be sent by the Department of City Planning to the affected Community Board, which may review such proposal and submit comments to the Chairperson of the City Planning Commission. If the Community Board elects to comment on such application, it must be done within 30 days of receipt of such application. The Chairperson will not act on such application until the Community Board's comments have been received, or the 30 day comment period has expired, whichever is earlier.

13-44

Authorizations in the Manhattan Core

13-441

Curb cuts

The City Planning Commission may authorize, subject to the applicable zoning district regulations, curb cuts located on a #wide street#, provided the Commission finds that a curb cut at such a location:

- (a) is not hazardous to traffic safety;
- (b) will not create or contribute to serious traffic congestion, or unduly inhibit vehicular movement;
- (c) will not adversely affect pedestrian movement;
- (d) will not interfere with the efficient functioning of bus lanes, specially designated #streets# and public transit facilities; and
- (e) will not be inconsistent with the character of the existing streetscape.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

13-442

Limited increase in parking spaces for existing buildings without parking

The City Planning Commission may, by authorization, allow an off-street parking facility in the #Manhattan Core# with a maximum capacity of 15 spaces in an existing #building developed# without the provision of parking, provided that the conditions of paragraph (a) and the findings of paragraph (b) are met.

- (a) Conditions

As a condition for approval, the parking facility shall comply with the applicable provisions of Section 13-20 (SPECIAL RULES FOR MANHATTAN CORE PARKING FACILITIES), except that such parking facility need not comply with the provisions of Section 13-221 (Enclosure and screening requirements).

- (b) Findings

The Commission shall find that:

- (1) the location of the vehicular entrances and exits to the parking facility will not unduly interrupt the flow of pedestrian traffic associated with #uses# or public facilities, including access points to mass transit facilities, in close proximity thereto or result in any undue conflict between pedestrian and vehicular movements, due to the entering and leaving movement of vehicles;
- (2) the location of the vehicular entrances and exits to such parking facility will not interfere with the efficient functioning of #streets#, including any lanes designated for specific types of users or vehicles, due to the entering and leaving movement of vehicles;
- (3) that such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow; and
- (4) such parking facility will not be inconsistent with the character of the existing streetscape.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

13-443

Reduction of the number of required existing parking spaces

For off-street parking facilities built prior to (date of adoption), the City Planning Commission may authorize a reduction of the number of required #accessory# off-street parking spaces where the Commission finds that such reduction will not have undue adverse effects on residents, businesses or community facilities in the surrounding area, as applicable.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

13-45

Special Permits for Additional Parking Spaces

In accordance with the special permit provisions of Sections 13-451 through 13-455, the City Planning Commission may permit the off-street parking facilities listed in paragraph (a) of this Section, provided that such parking facilities comply with the conditions of paragraph (b) and the findings of paragraphs (c) and (d) of this Section.

(a) Eligible parking facilities

The City Planning Commission may permit, subject to the otherwise applicable zoning district regulations, the following:

(1) #accessory# off-street parking facilities on-site or off-site, open or enclosed, with any capacity, where such facilities:

(i) are proposed #developments# or #enlargements# with a capacity not otherwise allowed under the applicable regulations of Section 13-10 (PERMITTED OFF-STREET PARKING IN THE MANHATTAN CORE); or

(ii) are existing prior to (date of adoption), and increasing the number of parking spaces pursuant to the provisions of Section 13-07 (Existing Buildings and Off-Street Parking Facilities);

(2) #public parking lots#, where such facilities:

(i) are proposed #developments# or #enlargements# with any capacity not otherwise allowed under the applicable regulations of Section 13-10;

(1) are existing prior to (date of adoption), and increasing the number of parking spaces pursuant to the provisions of Section 13-07; or

(2) are proposed #developments# or #enlargements# in locations not permitted by Section 13-14 (Permitted Parking for Public Parking Lots);

(3) #public parking garages#, where such facilities:

(i) are proposed #developments# or #enlargements# in the zoning districts permitted pursuant paragraph (d) of Section 13-041 (Applicability of parking regulations within the Manhattan Core); or

(ii) are existing prior to (date of adoption), and increasing the number of parking spaces pursuant to the provisions of Section 13-07.

The Commission may also permit floor space in such #public parking garages# used for off-street parking spaces in any #story# located not more than 23 feet above #curb level# to be exempt from the definition of #floor area# as set forth in

Section 12-10.

(b) Conditions

The proposed parking facility shall comply with the applicable provisions of Section 13-20 (SPECIAL RULES FOR MANHATTAN CORE PARKING FACILITIES). Proposed #public parking garages# shall utilize the applicable regulations for #accessory# off-street parking facilities. However, applications to increase the number of parking spaces in parking facilities existing prior to (date of adoption) need not comply with the provisions of Section 13-221 (Enclosure and screening requirements).

(c) Findings

The Commission shall find that:

- (1) the location of the vehicular entrances and exits to such parking facility will not unduly interrupt the flow of pedestrian traffic associated with #uses# or public facilities, including access points to mass transit facilities, in close proximity thereto or result in any undue conflict between pedestrian and vehicular movements, due to the entering and leaving movement of vehicles;
- (2) the location of the vehicular entrances and exits to such parking facility will not interfere with the efficient functioning of #streets#, including any lanes designated for specific types of users or vehicles, due to the entering and leaving movement of vehicles;
- (3) that such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;
- (4) for #public parking garages#, that where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion; and
- (5) such parking facility will not be inconsistent with the character of the existing streetscape.

(d) Additional findings

The Commission shall also find that each proposed off-street parking facility complies with the additional findings set forth in one of the following Sections, as applicable:

- (1) Section 13-451 (Additional parking spaces for residential growth) shall apply to any such parking facility serving the parking needs of a predominantly #residential development# or #enlargement# that has or will have an area of less than 1.5 acres;
- (2) Section 13-452 (Additional parking spaces for health care, arts or public assembly uses) shall apply to any such parking facility serving the parking needs of a any #use# listed in paragraph (a) of Section 13-452 that has or will have an area of less than 1.5 acres;
- (3) Section 13-453 (Additional parking spaces for economic development uses) shall apply to any such parking facility serving the parking needs of a non-#residential use# not otherwise listed in paragraph (a) of Section 13-452 that has or will have an area of less than 1.5 acres;
- (4) Section 13-454 (Additional parking spaces for large-scale developments) shall apply to any such parking facility serving the parking needs of a #development# or #enlargement# that has or will have an area of at least 1.5 acres; or
- (5) Section 13-455 (Additional parking spaces for existing accessory off-street parking facilities) shall apply to any such #accessory# parking facility existing prior to (date of adoption).

In determining the amount of additional parking spaces to grant pursuant to such additional findings, the Commission may take into account levels of vacancy in existing off-street parking facilities within the area of the proposed parking facility.

13-451 **Additional parking spaces for residential growth**

The City Planning Commission may permit a parking facility listed in paragraph (a) of Section 13-45 (Special Permits for Additional Parking Spaces), where such parking facility serves the parking needs of a predominantly #residential development# or #enlargement#, provided that, in addition to the conditions and findings set forth in Section 13-45, the Commission shall find that either:

- (a) the number of off-street parking spaces in such proposed parking facility is reasonable and not excessive in relation to recent trends in close proximity to the proposed facility with regard to:
- (1) the increase in the number of #dwelling units#; and
 - (2) the number of both public and #accessory# off-street parking spaces, taking into account both the construction, if any, of new off-street parking facilities and the reduction, if any, in the number of such spaces in existing parking facilities. In making this determination, the Commission may take into account off-street parking facilities for which building permits have been granted, or which have obtained City Planning Commission special permits pursuant to Section 13-45 (Special Permits for Additional Parking Spaces); or
- (b) the proposed ratio of parking spaces to #dwelling units# in the proposed #development# or #enlargement# does not exceed:
- (1) 20 percent of the total number of #dwelling units#, where such units are located within Community Districts 1, 2, 3, 4, 5 or 6; or
 - (2) 35 percent of the total number of #dwelling units#, where such units are located within Community District 7 or 8.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

13-452

Additional parking spaces for health care, arts or public assembly uses

The City Planning Commission may permit a parking facility listed in paragraph (a) of Section 13-45 (Special Permits for Additional Parking Spaces), where such parking facility would serve the parking needs of a health care, arts or public assembly #use#, provided that, in addition to the conditions and findings set forth in Section 13-45, the Commission shall find that:

- (a) the proposed parking facility is either in close proximity to or on the same #zoning lot# as one or more of the following #uses# being #developed#, #enlarged# or created within existing #buildings#:
- (1) a hospital or related facility, as listed in Use Group 4;

- (2) a museum, as listed in Use Group 3;
 - (3) a theater, as listed in Use Group 8, or other performing arts venue; or
 - (4) an arena, auditorium, trade exposition or stadium, as listed in Use Group 12 or, where permitted by special permit, pursuant to Section 74-41 or other government agency approvals.
- (b) an increased number of permitted off-street parking spaces in such proposed parking facility is essential to the operation of such health care, arts or public assembly #use#; and
- (c) reasonable measures to minimize parking demand have been identified. For existing or #enlarged# health care, arts or public assembly #uses#, such measures shall have been implemented, where feasible, prior to application, and a commitment by the applicant shall be made, in a form acceptable to the Commission, to continue, and where necessary, improve upon and supplement such measures. For new health care, arts or public assembly #uses#, such measures shall be committed to in a form acceptable to the Commission.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

13-453

Additional parking spaces for economic development uses

The City Planning Commission may permit a parking facility listed in paragraph (a) of Section 13-45 (Special Permits for Additional Parking Spaces), where such parking facility serves the parking needs of a non-#residential use# not otherwise listed in paragraph (a) of Section 13-452, provided that, in addition to the conditions and findings set forth in Section 13-45, the Commission shall find that:

- (a) the proposed parking facility is in close proximity to or on the same #zoning lot# as a #commercial use#, #community facility use# or #manufacturing use# which is being #developed#, #enlarged# or created within an existing #building or other structures#, and such #use# is of significant importance to the economic well-being of the City of New York;

- (b) an increased number of permitted off-street parking spaces in such proposed parking facility is essential to the operation of such #use#; and
- (c) reasonable measures to minimize parking demand have been identified. For existing or #enlarged uses#, such measures shall have been implemented, where feasible, prior to application, and a commitment by the applicant shall be made, in a form acceptable to the Commission, to continue, and where necessary, improve upon and supplement such measures. For new #uses#, such measures shall be committed to in a form acceptable to the Commission.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

13-454

Additional parking spaces for large-scale developments

The City Planning Commission may permit a parking facility listed in paragraph (a) of Section 13-45 (Special Permits for Additional Parking Spaces), where such parking facility serves the parking needs of a #development# or #enlargement# on a tract of land exceeding one and one-half acres, provided that, in addition to the conditions and findings set forth in Section 13-45, the Commission shall find that:

- (a) where an increased number of permitted off-street parking spaces in such proposed parking facility would serve the parking needs of a predominantly #residential# large-scale #development# or #enlargement#, either finding (a) or finding (b) of Section 13-451 (Additional parking spaces for residential growth) is met;
- (b) where such proposed parking facility would serve the parking needs of a predominantly non- #residential# large-scale #development# or #enlargement#, an increased number of permitted off-street parking spaces in such proposed parking facility is essential to the operation of the non-#residential uses# in such #development# or #enlargement#;
- (c) where a parking deficit is created by the relocation of parking users from off-street parking spaces that will be eliminated through the proposed #development# or #enlargement#, the availability of off-street parking in the vicinity of such proposed #development# or #enlargement# will be of insufficient capacity to accommodate such potential parking users;
- (d) reasonable measures to minimize parking demand have been identified. For existing or #enlarged uses#, such measures shall have been implemented, where feasible, prior to

application, and a commitment by the applicant shall be made, in a form acceptable to the Commission, to continue, and where necessary, improve upon and supplement such measures. For new #uses#, such measures shall be committed to in a form acceptable to the Commission; and

- (e) where phased construction will occur in the large-scale #development#, a phased parking plan has been provided which demonstrates that a reasonable and not excessive amount of additional parking spaces is provided in the proposed parking facility in relation to the amount of completed construction in such large-scale #development#.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

13-455

Additional parking spaces for existing accessory off-street parking facilities

The City Planning Commission may permit an increase in the number of spaces in an #accessory# off-street parking facility existing prior to (date of adoption), as listed in paragraph (a) of Section 13-45 (Special Permits for Additional Parking Spaces), provided that, in addition to the conditions and findings set forth in Section 13-45, the Commission shall find that:

- (a) where such increased number of permitted off-street parking spaces in such existing parking facility would serve the parking needs of a #zoning lot# or #zoning lots# comprised predominantly of #residential uses#, either:
 - (1) finding (a) of Section 13-451 (Additional parking spaces for residential growth) is met; or
 - (2) the sum of any existing off-street parking spaces, and the proposed increase, does not exceed:
 - (i) 20 percent of the total number of #dwelling units#, where such units are located within Community Districts 1, 2, 3, 4, 5 or 6; or
 - (ii) 35 percent of the total number of #dwelling units#, where such units are located within Community District 7 or 8; and
 - (iii) the number of parking spaces that would be permitted for existing conforming non-#residential uses#, if the ratio of parking spaces to #floor area# for the applicable #use#, as specified in Section 13-10

(PERMITTED OFF-STREET PARKING IN THE MANHATTAN CORE), were applied.

Any #dwelling units# on the #zoning lot# or #zoning lots# which are #non-complying# as to density shall not be included in such calculation pursuant to paragraphs (a)(2)(i) or (a)(2)(ii) of this Section, and any #non-complying floor area# on such #zoning lot# or #zoning lots# shall be excluded in applying such ratio in paragraph (a)(2)(iii) of this Section; or

- (b) where an increased number of permitted off-street parking spaces in such existing parking facility would serve the parking needs of a #zoning lot# or #zoning lots# comprised predominantly of conforming non-#residential uses#, the sum of any existing off-street parking spaces, and the proposed increase, does not exceed the number of parking spaces that would be permitted if the ratio of parking spaces to #floor area# for the applicable #use#, as specified in Section 13-10, were applied. Any #non-complying floor area# on such #zoning lot# or #zoning lots# shall be excluded in applying such ratio.

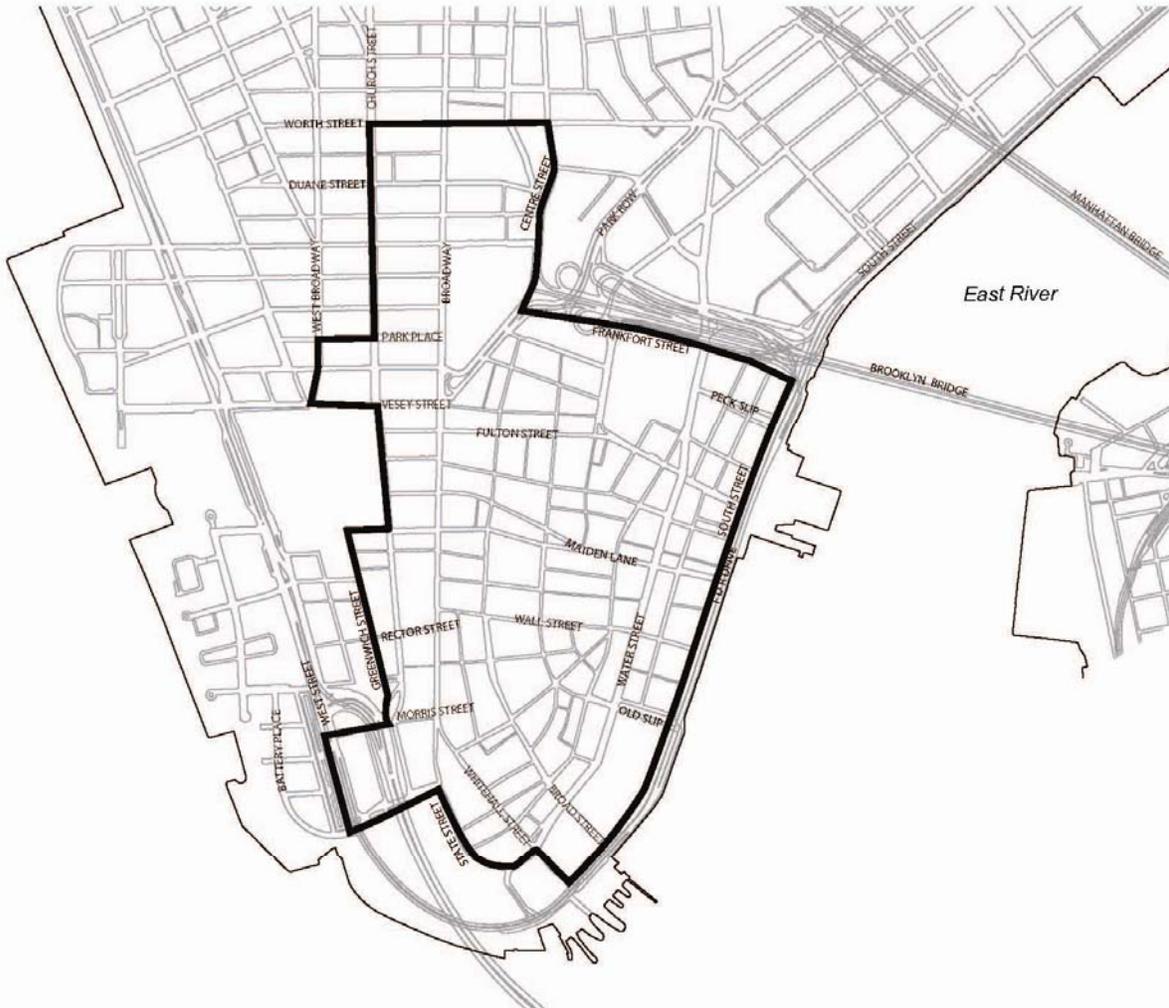
Appendix A
Manhattan Core Parking Maps

Map 1 – Locations where #public parking lots# are not permitted in the Midtown #Manhattan Core#



Boundary where #public parking lots# are not permitted in the Midtown #Manhattan Core#, except where permitted by Section 13-46 (Special Permits for Additional Parking Spaces)

Map 2 – Locations where #public parking lots# are not permitted in the Downtown #Manhattan Core#



— Boundary where #public parking lots# are not permitted in the Downtown #Manhattan Core#, except where permitted by Section 13-46 (Special Permits for Additional Parking Spaces)

**13-00
GENERAL PURPOSES**

~~The provisions of this Chapter establish special comprehensive regulations for off-street parking in Manhattan Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 (with the exception of Roosevelt Island) and portions of Queens Community Districts 1 and 2. These regulations are a significant step forward towards bringing the Zoning Resolution into conformity with current environmental programs and safety standards concerning air pollution in the Borough of Manhattan, south of 110th Street. In Long Island City, Borough of Queens, these regulations will allow the city to plan for the parking needs of residents and businesses in a more rational manner and help facilitate a mass transit, pedestrian-oriented Central Business District.~~

13-01

Applicability

~~In Manhattan Community Districts 1, 2, 3, 4, 5, 6, 7 and 8, and the portions of Queens Community Districts 1 and 2 bounded by Queens Plaza North, 21st Street, 41st Avenue, 29th Street, 40th Road, Northern Boulevard, 43rd Street, Skillman Avenue, 39th Street, 48th Avenue, 30th Street, 49th Avenue, Dutch Kills Canal, Newtown Creek, the East River, the westerly prolongation of 50th Avenue, Center Boulevard, 49th Avenue, Fifth Street, Anable Basin, the East River, and the prolongation of Queens Plaza North, as depicted by Areas A, B and C in the map in this Section, #accessory# off-street parking spaces, #public parking lots# and #public parking garages# shall be #used#, #developed# or #enlarged# in accordance with the provisions of this Chapter, except as otherwise provided in Section 13-011 (Exceptions).~~

~~The provisions of the underlying district shall apply, except where modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and any other Chapter of this Resolution, the more restrictive provisions shall apply. For the purpose herein, the more restrictive provisions shall be considered those which permit the:~~

- ~~(a) — fewest number of parking spaces;~~
- ~~(b) — most exclusive use of parking spaces; and~~
- ~~(c) — most limited location of curb-cuts.~~

~~Portions of Queens Community Districts 1 and 2
Areas A, B, and C~~

~~(insert map)~~

13-011

Exceptions

~~The provisions of this Chapter shall not apply to Sections 78-41 (Location of Accessory Parking Spaces) and 78-42 (Parking Regulations for Commercial and Community Facility Uses)~~

concerning ~~#large-scale residential developments#~~ and the ~~#Special Battery Park City District#~~.

13-012

Existing off-street parking facilities

- (a) — Existing ~~required or permitted #accessory#~~ off-street parking spaces, ~~#public parking lots#~~ and ~~#public parking garages#~~ established prior to April 29, 1982, in Manhattan, and October 25, 1995, in Queens, shall continue to be subject to the applicable zoning district regulations in effect prior to April 29, 1982, in Manhattan, and October 25, 1995, in Queens. However, ~~#enlargements#, #extensions#~~ or any increase in the number of off-street parking spaces within such off-street parking facilities shall be subject to the provisions of this Chapter.
- (b) — Nothing herein contained shall be deemed to permit a reduction or elimination of existing ~~#accessory#~~ off-street parking spaces that were required under the applicable provisions of the zoning district regulations in effect prior to April 29, 1982, in Manhattan, and October 25, 1995, in Queens.
- (c) — ~~#Car sharing vehicles#~~ may occupy existing ~~required or permitted #accessory#~~ off-street parking spaces established prior to April 29, 1982, in Manhattan, and October 25, 1995, in Queens; however, the number of spaces so occupied shall not exceed five spaces or 20 percent of all such ~~#accessory#~~ off-street parking spaces, whichever is greater.
- (d) — ~~#Accessory residential#~~ off-street parking spaces shall be made available to the occupants of the ~~#residences#~~ to which they are ~~#accessory#~~ within 30 days after written request is made to the landlord.
- (e) — ~~#Car sharing vehicles#~~ may occupy parking spaces in ~~#public parking lots#~~ and ~~#public parking garages#~~ established prior to April 29, 1982, in Manhattan, and October 25, 1995, in Queens; however, the number of spaces so occupied shall not exceed 40 percent of all parking spaces in such parking facilities.

13-013

Previously approved special permits or authorizations

Whenever, under the applicable provisions of the Zoning Resolution in effect prior to April 29, 1982, in Manhattan, and October 25, 1995, in Queens, the City Planning Commission or the Board of Standards and Appeals has granted any special permit or authorization, the status of such approved special permit or authorization shall not be altered by the provisions of this Chapter. However, the provisions of this Chapter shall apply to the renewal of any special permit or authorization for a ~~#public parking lot#~~.

13-014

Commercial vehicle parking in public parking facilities

Notwithstanding the definition of ~~#public parking garages#~~ and ~~#public parking lots#~~ in Section 12-10 (DEFINITIONS), commercial and public utility motor vehicle parking shall be permitted within such facilities when located in ~~C5-2, C5-2.5, C5-3, C5-5, C5-P, C6-4, C6-4.4, C6-5, C6-5.5, C6-6, C6-6.5, C6-7, C6-9 and M1-6~~ Districts, provided that:

- (a) — such vehicles do not exceed 20 feet in length; and
- (b) — the number of spaces provided for such vehicles is limited to not more than 10 spaces or 10 percent of the total number of spaces permitted within the ~~#public parking garages#~~ or ~~#public parking lots#~~, whichever is less.

13-10

PERMITTED ACCESSORY OFF-STREET PARKING SPACES

13-11

General Provision

~~#Accessory#~~ off-street parking spaces are not permitted in Manhattan Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 or in Areas A, B and C in Queens Community Districts 1 and 2, as shown on the map in Section 13-01 (Applicability), except as set forth in this Chapter.

13-12

Residential Development

~~#Accessory#~~ off-street parking spaces are permitted only for ~~#developments#~~ or ~~#enlargements#~~ containing ~~#residential use#~~, as follows:

- (a) — For the area south of 60th Street and its prolongations, the number of ~~#accessory#~~ off-street parking spaces shall not exceed 20 percent of the number of new ~~#dwelling units#~~ contained in the ~~#development#~~ or ~~#enlargement#~~ or 200 spaces, whichever is less.
- (b) — For the area north of 60th Street and its prolongations in Community Districts 7 and 8, the number of ~~#accessory#~~ off-street parking spaces shall not exceed 35 percent of the number of new ~~#dwelling units#~~ contained in the ~~#development#~~ or ~~#enlargement#~~ or 200 spaces, whichever is less.
- (c) — Within Area A in Queens Community Districts 1 and 2, as shown on the map in

~~Section 13-01 (Applicability), the number of #accessory# off street parking spaces shall not exceed 50 percent of the #dwelling units# contained in the #development# or #enlargement#, or 200 spaces, whichever is less.~~

~~Within Areas B and C, as shown on the map in Section 13-01, the number of #accessory# off street parking spaces shall not exceed 100 percent of the #dwelling units# contained in the #development# or #enlargement#.~~

~~All such #accessory# off street parking spaces shall be located within a #completely enclosed building# and shall be used exclusively by the occupants of the #residential development# or #enlargement#.~~

13-13 Non-Residential Development

13-131 Transient hotels

~~For #transient hotel developments# or #enlargements#, a maximum of 150 #accessory# off street parking spaces are permitted if there is only one entrance to the #accessory group parking facility# and 225 #accessory# off street parking spaces are permitted if there are two or more entrances. In no event may the number of parking spaces exceed 15 percent of the number of #transient hotel# rooms in Manhattan Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 or 50 percent of the number of #transient hotel# rooms in Areas A, B and C in Queens Community Districts 1 and 2, as shown on the map in Section 13-01 (Applicability). All such parking spaces shall be located within a #completely enclosed building# and shall be used primarily for the personnel, guests and occupants of the #transient hotel#.~~

13-132 Hospitals

~~For hospital #developments# or #enlargements# in Manhattan Community Districts 1, 2, 3, 4, 5, 6, 7 and 8, a maximum of 100 #accessory# off street parking spaces, open or enclosed, are permitted.~~

~~For hospital #developments# or #enlargements# in Area A in Queens Community Districts 1 and 2, as shown on the map in Section 13-01 (Applicability), a maximum of 150 #accessory# off street parking spaces, open or enclosed, are permitted if there is only one entrance to the #accessory# group parking facility and 225 #accessory# off street parking spaces, open or enclosed, are permitted if there are two or more entrances.~~

Within Areas B and C, as shown on the map in Section 13-01, ~~accessory~~ off street parking may be provided in accordance with the underlying district regulations.

Such parking spaces are to be used exclusively by the hospital staff, patients and visitors.

13-133

Community facility, commercial or manufacturing developments

For ~~community facility, commercial or manufacturing developments or enlargements~~, in Manhattan Community Districts 1, 2, 3, 4, 5, 6, 7 and 8, and Area A in Queens Community Districts 1 and 2, as shown on the map in Section 13-01 (Applicability), the maximum number of ~~accessory~~ off street parking spaces permitted for each ~~development or enlargement~~ shall not exceed one space per 4,000 square feet of ~~floor area~~ or 100 spaces, whichever is less. All such parking spaces shall be located within a ~~completely enclosed building~~ and shall be used exclusively by the tenants or employees of the ~~development or enlargement~~ and shall not be available to the public.

Within Areas B and C, as shown on the map in Section 13-01, the maximum number of ~~accessory~~ off street parking spaces permitted for each ~~development, enlargement, or alteration~~ shall not exceed one space per 4,000 square feet of ~~floor area~~ or 100 spaces, whichever is less. In the event that the permitted number of ~~accessory~~ off street spaces would be less than 15, an ~~accessory~~ parking facility of up to 15 spaces may be provided. All spaces shall be located within a ~~completely enclosed building~~, except a maximum of 15 spaces which may be open, and shall be used exclusively by the tenants or employees of the ~~development or enlargement~~ and shall not be available to the public.

13-134

Multiple use development

Where a ~~development or enlargement~~ contains a combination of ~~uses~~ for which ~~accessory~~ parking space regulations are set forth in Sections 13-12 (Residential Developments), 13-131 (Transient hotels), 13-132 (Hospitals) and 13-133 (Community facility, commercial or manufacturing developments), the number of ~~accessory~~ off street parking spaces shall not exceed the number of spaces permitted for each ~~use~~ in accordance with the provisions of such Sections; however, in no event may the maximum number of ~~accessory~~ off street parking spaces exceed 225 spaces. All ~~accessory~~ off street parking spaces shall be located within a ~~completely enclosed building~~. The exclusive or primary ~~use~~ provisions of Sections 13-12, 13-131, 13-132, and 13-133 shall be applicable to the number of spaces provided for each ~~use~~.

13-14

Additional Regulations for Permitted Accessory Off-Street Parking Spaces

13-141

Location of accessory off-street parking spaces

No ~~accessory~~ off-street parking spaces shall be located on a ~~zoning lot~~ other than the same ~~zoning lot~~ as the ~~use~~ to which they are ~~accessory~~.

13-142

Location of access to the street

(a) ~~The entrances and exits to all permitted accessory off-street parking spaces shall not be located within 50 feet of the intersection of any two street lines. However, curb cuts located within 50 feet of the intersection of two street lines may be permitted if the Commissioner of Buildings certifies that such location:~~

- ~~(1) is not hazardous to traffic safety;~~
- ~~(2) not likely to create traffic congestion; and~~
- ~~(3) will not unduly inhibit surface traffic or pedestrian flow.~~

~~The Commissioner may refer such matter to the Department of Transportation, or its successor, for a report and may base the determination on such report.~~

(b) ~~In Manhattan Community Districts 1, 2, 3, 4, 5, 6, 7 and 8, the entrances and exits to all permitted accessory off-street parking spaces shall not be located on a wide street except by authorization of the City Planning Commission, pursuant to Sections 13-53 (Departmental Reports) and 13-553 (Curb cuts).~~

(c) ~~In Areas A, B and C, in Queens Community Districts 1 and 2, as shown on the map in Section 13-01 (Applicability), the entrances and exits to all permitted accessory off-street parking spaces shall not be located on the following wide streets except by authorization of the City Planning Commission pursuant to Sections 13-53 and 13-553:~~

- ~~(1) Queens Boulevard;~~
- ~~(2) Queens Plaza;~~
- ~~(3) 21st Street;~~

- (4) — Skillman Avenue;
- (5) — 44th Drive;
- (6) — Thomson Avenue; and
- (7) — Jackson Avenue.

13-143

Maximum size of permitted accessory group parking facilities

The gross unobstructed surface area, in square feet, of a permitted #accessory group parking facility# including stalls, aisles, driveways and maneuvering areas shall not exceed 200 times the number of #accessory# off street parking spaces provided. This size limitation shall not be applicable to off street parking spaces permitted under the provisions of Section 13-133 (Community facility, commercial or manufacturing developments) where such spaces are exclusively #accessory#, no charge, self parking spaces in enclosed facilities with a capacity limited to 100 automobiles. In such facilities, the gross unobstructed surface area, in square feet, shall not exceed 300 times the number of #accessory# off street parking spaces provided.

13-144

Car sharing vehicles

Notwithstanding the provisions of Sections 13-12 and 13-13, inclusive, #car sharing vehicles# may occupy parking spaces in #accessory# off street parking facilities; however, the number of spaces so occupied shall not exceed five spaces or 20 percent of all parking spaces in such facilities, whichever is greater. #Accessory residential# off street parking spaces shall be made available to the occupants of the #residences# to which they are #accessory# within 30 days after written request is made to the landlord.

13-20

PERMITTED PUBLIC PARKING LOTS

13-21

General Provisions

Except in the areas listed in Section 13-22, #public parking lots# with a maximum capacity of 150 spaces are permitted in C2, C4, C6, C8, M2 and M3 Districts subject to the regulations set

forth in Section 13-23 (Additional Regulations for Permitted Public Parking Lots).

13-22

Areas Where Public Parking Lots Are Not Permitted

13-221

Midtown Manhattan core

No #public parking lots# are permitted in the area bounded by 60th Street and its prolongations, First Avenue, 32nd Street and Eighth Avenue, except as provided in Section 13-552 (Public parking lots).

13-222

Downtown Manhattan core

No #public parking lots# are permitted within the area bounded by Worth Street, Centre Street, Frankfort Street, South Street, Whitehall Street, State Street, Battery Place, West Street, Morris Street, Greenwich Street, Liberty Street, Church Street, Vesey Street, West Broadway, Park Place and Church Street, except as provided in Section 13-552 (Public parking lots).

13-223

Special Clinton District

No #public parking lots# are permitted in the area bounded by 42nd Street, Tenth Avenue, 59th Street and Eighth Avenue, except as provided in Section 96-111 (Off-street parking regulations).

13-224

Manufacturing Districts

#Public parking lots# are not permitted in M1-5 and M1-6 Districts, except as provided in Section 13-552. However, within these districts, #public parking lots# are permitted on the frontage of the Avenue of the Americas, from 23rd Street to 32nd Street, to a depth of 100 feet; the M1-5 and M1-6 Districts north of 42nd Street and west of Tenth Avenue; the M1-5 District east of First Avenue between 34th Street and 41st Street; the M1-5 District west of Ninth Avenue between 17th Street and 30th Street, and the M1-5 District south of Canal Street.

13-225

~~In portions of Queens Community Districts 1 and 2~~

~~Within Areas A, B and C in Queens Community Districts 1 and 2, as shown on the map in Section 13-01 (Applicability), no #public parking lots# are permitted, except as provided in Section 13-552.~~

~~13-23~~

~~Additional Regulations for Permitted Public Parking Lots~~

~~13-231~~

~~Location of access to the street~~

- ~~(a) — The entrances and exits to all permitted #public parking lots# shall not be located within 50 feet of the intersection of any two #street lines#. However, curb cuts located within 50 feet of the intersection of two #street lines# may be permitted if the Commissioner of Buildings certifies that such location is not hazardous to traffic safety, not likely to create traffic congestion and will not unduly inhibit surface traffic or pedestrian flow. The Commissioner may refer such matter to the Department of Transportation or its successor for a report and may base the determination on such report.~~
- ~~(b) — The entrances and exits to a permitted #public parking lot# shall not be located on the following #wide streets# except by authorization of the City Planning Commission pursuant to Section 13-53 (Departmental Reports) and 13-553 (Curb cuts):~~
- ~~(1) — Fifth Avenue;~~
 - ~~(2) — Avenue of the Americas, from 23rd Street to 32nd Street;~~
 - ~~(3) — Seventh Avenue, from 23rd Street to 32nd Street;~~
 - ~~(4) — 14th Street, from Seventh Avenue to Fourth Avenue;~~
 - ~~(5) — Delancey Street, from Clinton Street to the west side of Orchard Street;~~
 - ~~(6) — Church Street, from Park Place to Worth Street;~~
 - ~~(7) — Worth Street, from Centre Street to Church Street; and~~
 - ~~(8) — Canal Street, from the Bowery to West Broadway.~~

13-232

Surfacing and screening

The applicable regulations set forth in Sections 36-55 or 44-44 (Surfacing) and Sections 36-56 or 44-45 (Screening) shall be met.

13-30

PERMITTED PUBLIC PARKING GARAGES WITHIN PORTIONS OF QUEENS COMMUNITY DISTRICTS 1 AND 2

13-31

General Provisions

Within Area C in Queens Community Districts 1 and 2, as shown on the map in Section 13-01 (Availability), notwithstanding any underlying district regulations, #public parking garages# with a maximum capacity of 150 spaces are permitted as of right within any zoning district subject to the regulations set forth in Section 13-32 (Additional Regulations for Permitted Public Parking Garages).

13-32

Additional Regulations for Permitted Public Parking Garages

13-321

Location of access to the street

- (a) — The entrances and exits to all permitted #public parking garages# shall not be located within 50 feet of the intersection of any two #street lines#. However, curb cuts located within 50 feet of the intersection of two #street lines# may be permitted if the Commissioner of Buildings certifies that such location is not hazardous to traffic safety, not likely to create traffic congestion and will not unduly inhibit surface traffic or pedestrian flow. The Commissioner may refer such matter to the Department of Transportation, or its successor, for a report and may base a determination on such report.
- (b) — The entrances and exits to a permitted #public parking garage# shall not be located on the following #wide streets# except by authorization of the City Planning Commission pursuant to Section 13-553 (Curb cuts):
 - (1) — Vernon Boulevard;

- (2) — 44th Drive;
- (3) — Jackson Avenue;
- (4) — 21st Street;
- (5) — Queens Plaza; and
- (6) — Queens Boulevard.

**13-40
REQUIRED ACCESSORY OFF-STREET PARKING SPACES**

**13-41
General Provisions**

Except as otherwise set forth in this Section and Section 13-42 or by the provisions of Section 13-012 (Existing off-street parking facilities), no #accessory# off-street parking spaces are required for any #development# or #enlargement# in Manhattan Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 or Areas A, B and C in Queens Community Districts 1 and 2, as shown on the map in Section 13-01 (Availability).

**13-42
Residential Development**

#Accessory# off-street parking spaces are only required for public or publicly-assisted housing #developments# or #enlargements# in Manhattan Community Districts 1, 2, 3, 4, 5, 6, 7 and 8, only as set forth below:

- (a) — For public or publicly-assisted housing, as such categories are defined in Section 25-25 (Modification of Requirements for Public or Publicly Assisted Housing or Non-Profit Housing for the Elderly), the minimum number of #accessory# off-street parking spaces required for new #dwelling units# provided in the #development# or #enlargement# as a percentage of such new #dwelling units# are as follows:

South of 60th Street and its Prolongations	North of 60th Street and its Prolongations
--	--

	(in percent)	(in percent)
Publicly assisted housing as defined in Section 25-25(a)	15.0	20.0
Public housing developments or dwelling units for low income tenants as defined in Section 25-25(b)	12.0	12.0
Federal rent subsidy program as defined in Section 25-25(c)	13.5	17.5

- ~~(b) — The requirements of this Section shall not apply to #developments# or #enlargements# on #zoning lots# having a #lot area# of 10,000 square feet or less.~~
- ~~(c) — Required parking shall be waived for #developments# or #enlargements# if the required number of #accessory# off street parking spaces resulting from the application of the table in paragraph (a) results in 15 spaces or less.~~
- ~~(d) — All required #accessory# off street parking spaces may be located either on the same #zoning lot# as the #development# or #enlargement# or on another #zoning lot# in accordance with the applicable zoning district regulations and shall be subject to the restrictions on location and #use# of #accessory# off street parking spaces in Sections 25-51 through 25-55, inclusive, and the additional regulations for permitted or required #accessory# off street parking spaces set forth in Sections 25-61 through 25-66, inclusive, or Sections 36-51 through 36-57, inclusive. The waiver provisions of Sections 25-27 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden) or 36-24 (Waiver of Requirements) shall also be applicable.~~
- ~~(e) — If a public or publicly assisted housing #development# or #enlargement#, as such categories are defined in Section 25-25 (Modification of Requirements for Public, Publicly Assisted and Government Assisted Housing or for Non profit Residences for the Elderly), provides additional #accessory# off street parking spaces within the #group parking facility# that satisfies the minimum number of spaces required by this Section, then the permitted #accessory# spaces are not subject to the regulations set forth in paragraph (c) of Section 13-12 (Residential Development), 13-141 (Location of accessory off street parking spaces) and 13-143 (Maximum size of permitted accessory group parking facilities).~~

(f) ~~All such parking spaces shall be used exclusively by the occupants of the #residential development# or #enlargement# and occupants of nearby public or publicly assisted housing projects, except that #car sharing vehicles# may occupy #accessory# off-street parking spaces; however, the number of spaces so occupied shall not exceed five spaces or 20 percent of all such parking spaces, whichever is greater. #Accessory residential# off-street parking spaces shall be made available to the occupants of the #residences# to which they are #accessory# within 30 days after written request is made to the landlord.~~

(g) ~~Parking is not required for #non-profit residences for the elderly# or #dwelling units# for the elderly as defined in paragraph (c) of Section 25-25 (Modification of Requirements for Public, Publicly Assisted and Government Assisted Housing or for Non-profit Residences for the Elderly).~~

13-50

SPECIAL PERMITS AND AUTHORIZATIONS

13-51

General Provisions

~~The City Planning Commission may grant special permits and authorizations, pursuant to Sections 13-55, inclusive, and 13-56, inclusive.~~

~~All such special permits and authorizations, in addition to meeting the requirements, conditions and safeguards prescribed by the Commission, shall conform to and comply with all of the applicable zoning district regulations of the Zoning Resolution, except as otherwise specified herein.~~

13-52

Requirements for Applications

~~An application to the City Planning Commission for the grant of a special permit or authorization under the provisions of this Section shall include a site plan showing the location of all #buildings or other structures# on the site, the location of all vehicular entrances and exits and off-street parking spaces, and such other information as may be required by the Commission.~~

13-53

Departmental Reports

~~In Manhattan Community Districts 1, 2, 3, 4, 5, 6, 7 and 8, all applications for the grant of a~~

~~special permit or authorization pursuant to this Section shall be referred to the Department of Transportation, or its successor, for its report with respect to the anticipated traffic impact resulting from such #use# at the proposed location and to the Department of Environmental Protection or its successor for its report on air quality at the proposed location. If such agencies shall report thereon within one month from the date of referral, the City Planning Commission shall, in its determination, give due consideration to such report and, further, shall have the power to substantiate the appropriate findings solely on the basis of the reports by such agencies with respect to the issues referred. If such agencies do not report within one month, the Commission may make a final determination without reference thereto. In no case shall a special permit or authorization be granted if the proposed #use# would cause a violation of ambient air quality standards or exacerbate an existing violation of such standards.~~

13-54

Relationship to Public Improvement Projects

~~In all cases, the City Planning Commission shall deny a special permit application or authorization whenever the #use# will interfere with a public improvement project (including housing, highways, public #buildings# or facilities, redevelopment or renewal projects, or rights-of-way for sewers, transit, or other public facilities) which is approved by or pending before the City Council or the Commission, as determined from the Calendar of each agency issued prior to the date of the public meeting on the application for a special permit or authorization.~~

13-55

Authorizations

13-551

Accessory off-street parking spaces

~~The City Planning Commission may, by authorization, subject to the otherwise applicable zoning district regulations, allow on-site enclosed #accessory# off-street parking facilities with a maximum capacity of 15 spaces in existing #buildings#, provided that the Commission finds that:~~

- ~~(a) — the #building# does not have #accessory# off-street parking spaces;~~
- ~~(b) — such parking spaces are needed for and will be used exclusively by the occupants of the #use# to which they are #accessory#, except that #car-sharing vehicles# may occupy #accessory# off-street parking spaces; however, the number of spaces so occupied shall not exceed five spaces or 20 percent of all such parking spaces, whichever is greater. For the purposes of this paragraph, (b), such need shall exist where there are special~~

~~circumstances and there are no reasonably viable alternatives to on-site enclosed parking spaces;~~

- ~~(c) — the parking spaces will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic;~~
- ~~(d) — the parking spaces will not adversely affect pedestrian movement;~~
- ~~(e) — the parking spaces will not be incompatible with, or adversely affect, adjacent #uses# including #uses# within the #building#; and~~
- ~~(f) — the curb cut accessing such parking spaces will not be inconsistent with the character of the existing streetscape.~~

13-552

Public parking lots

~~The City Planning Commission may authorize #public parking lots# with a capacity of not more than 150 spaces in C2, C4, C6, C8 and M1 Districts or in Areas A, B or C in Queens Community Districts 1 and 2, as shown on the map in Section 13-01 (Availability), provided that the otherwise applicable regulations set forth in Sections 36-55 or 44-44 (Surfacing), and Sections 36-56 or 44-45 (Screening) are met.~~

~~As a condition for authorizing any such #public parking lots#, the Commission shall make the following findings:~~

- ~~(a) — such #use# will not be incompatible with, or adversely affect, the growth and development of #uses# comprising vital and essential functions in the general area within which such #use# is to be located;~~
- ~~(b) — such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit vehicular and pedestrian movement;~~
- ~~(c) — such #use# is so located as to draw a minimum of vehicular traffic to and through local #residential streets#; and~~
- ~~(d) — the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby.~~

~~The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs#, or requirements for shielding of floodlights and for locations of entrances and exits.~~

13-553

Curb cuts

The City Planning Commission may authorize, subject to the applicable zoning district regulations, curb cuts located on a #wide street# provided the Commission finds that a curb cut at such a location:

- (a) — is not hazardous to traffic safety;
- (b) — will not create or contribute to serious traffic congestion, or unduly inhibit vehicular movement;
- (c) — will not adversely affect pedestrian movement;
- (d) — will not interfere with the efficient functioning of bus lanes, specially designated #streets# and public transit facilities; and
- (e) — will not be inconsistent with the character of the existing streetscape.

13-56

Special Permits

13-561

Accessory off-street parking spaces

The City Planning Commission may, by special permit, subject to the otherwise applicable zoning district regulations, allow on site or off site, open or enclosed, #accessory# off street parking facilities with any capacity not otherwise allowed under Section 13-10 (PERMITTED ACCESSORY OFF-STREET PARKING SPACES), provided the Commission finds that:

- (a) — such parking spaces are needed for, and will be used by, the occupants, visitors, customers or employees of the #use# to which they are #accessory#, except that #car sharing vehicles# may occupy #accessory# off street parking spaces; however, the number of spaces so occupied shall not exceed five spaces or 20 percent of all such parking spaces, whichever is greater;
- (b) — within the vicinity of the site, there are insufficient parking spaces available;
- (c) — the facility will not create or contribute to serious traffic congestion nor will unduly

~~inhibit vehicular and pedestrian movement;~~

~~(d) — the facility is so located as to draw a minimum of vehicular traffic to and through local residential streets#; and~~

~~(e) — adequate reservoir space is provided at the vehicular entrance to accommodate vehicles equivalent in number to 20 percent of the total number of parking spaces, up to 50 parking spaces, and five percent of any spaces in excess of 200 parking spaces, but in no event shall such reservoir spaces be required for more than 50 vehicles. However, in the case of a facility with a capacity of 10 vehicles or less, the Commission may waive this finding.~~

~~The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including traffic improvements, if necessary, and limitations on signs# or requirements for shielding or floodlights or for locations of entrances and exits.~~

13-562

Public parking garages and public parking lots

~~The City Planning Commission may, by special permit, allow public parking garages# and public parking lots# not otherwise permitted, pursuant to the applicable provisions of Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas).~~

* * *

Chapter 6

Comprehensive Off-Street Parking Regulations in Long Island City

The provisions of this Chapter establish special comprehensive regulations for off-street parking in Long Island City#, as defined in Section 16-02 (Definitions).

These regulations will allow the city to plan for the parking needs of residents and businesses in a more rational manner and help facilitate a mass transit, pedestrian-oriented Central Business District.

16-01

General Provisions

Except as modified by the express provisions of this Chapter, the regulations of the underlying zoning districts or special purpose districts shall remain in effect.

16-02
Definitions

Long Island City

For the purpose of this Chapter, “Long Island City” shall refer to the portion of Queens Community Districts 1 and 2 within the boundaries shown on Map 1 (#Long Island City# and Subareas) in Appendix A of this Chapter.

16-03
Maps

Maps are located in Appendix A of this Chapter and are hereby incorporated and made an integral part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements set forth in this Chapter apply.

Map 1 - #Long Island City# and Subareas

Map 2 – Locations where curb cuts are prohibited

16-04
Subareas

In order to carry out the purposes and provisions of this Chapter, three subareas, Subareas A, B and C, are established within #Long Island City#, the boundaries of which are shown on Map 1 (#Long Island City# and Subareas) in Appendix A of this Chapter.

16-05
Applicability

16-051
Applicability of parking regulations within Long Island City

The provisions of this Chapter shall apply to #accessory# off-street parking facilities, #public parking lots# and #public parking garages# in #Long Island City#, as follows:

- (a) for #accessory# off-street parking facilities, #public parking garages# and #public parking lots# constructed prior to October 25, 1995, the number of parking spaces required or permitted shall be set forth in Section 16-07 (Existing Buildings and Off-Street Parking Facilities in Long Island City).

- (b) for #accessory# off-street parking facilities, #public parking lots# and #public parking garages developed# or #enlarged# after October 25, 1995, the number of parking spaces permitted in a parking facility shall be as set forth in Section 16-10 (PERMITTED OFF-STREET PARKING IN LONG ISLAND CITY). Special rules shall apply to all such #accessory# off-street parking spaces, #public parking lots# and #public parking garages#, as set forth in Section 16-20 (SPECIAL RULES FOR LONG ISLAND CITY PARKING FACILITIES).
- (c) any increase in the number of off-street parking spaces in an #accessory# off-street parking facility, #public parking lot# or #public parking garage# resulting in a capacity not otherwise allowed under the applicable regulations of Section 16-10, shall only be permitted by the City Planning Commission pursuant to the applicable special permit in Section 16-35 (Special Permits), inclusive.

16-052

Applicability of parking regulations for large-scale residential developments within Long Island City

The provisions of this Chapter shall not apply to #large-scale residential developments# utilizing the provisions of Sections 78-41 (Location of Accessory Parking Spaces) or 78-42 (Parking Regulations for Commercial and Community Facility Uses).

16-053

Applicability of Special Purpose Districts within Long Island City

Additional modifications to the provisions of this Chapter are found in the following Special Purpose Districts:

- (a) the #Special Long Island City Mixed Use District#, as set forth in Section 117-54 (Off-Street Parking and Loading Regulations); and
- (b) the #Special Southern Hunters Point District#, as set forth in Section 125-50 (PARKING REGULATIONS), inclusive.

16-06

Previously Approved Special Permits or Authorizations

Any authorization or special permit relating to parking regulations in #Long Island City# granted

by the City Planning Commission or Board of Standards and Appeals prior to October 25, 1995, may be started or continued, in accordance with the terms thereof, or as such terms may be subsequently modified, pursuant to the regulations in effect at the time such authorization or special permit was granted. Such authorizations or special permits shall be subject to the provisions of Sections 11-42 (Lapse of Authorization of Special Permit Granted by the City Planning Commission) and 11-43 (Renewal of Authorization or Special Permit). However, the provisions of this Chapter shall apply to the renewal of any special permit or authorization for a #public parking lot#.

Any subsequent modifications to such authorizations or special permits that involve an increase in the number of off-street parking spaces provided shall only be permitted by the applicable special permit provisions of Section 16-35 (Special Permits).

16-07 **Existing Buildings and Off-Street Parking Facilities**

Existing #buildings developed# without the provision of parking, and existing required or permitted #accessory# off-street parking spaces, #public parking lots# and #public parking garages# established prior to October 25, 1995 shall be subject to the applicable zoning district regulations in effect prior to October 25, 1995, except that:

- (a) any reduction or elimination of existing #accessory# off-street parking spaces that were required under the applicable provisions in effect prior to October 25, 1995 shall not be permitted;
- (b) #enlargements#, #extensions# or any increase in the number of off-street parking spaces within such off-street parking facilities shall be permitted by the City Planning Commission:
 - (1) where the proposed increase in off-street parking spaces occurs in a #building developed# without the provision of parking, the Commission may authorize up to 15 off-street parking spaces pursuant to the provisions of Section 16-341 (Limited increase in parking spaces for existing buildings without parking);
 - (2) where the proposed increase occurs in an existing off-street parking facility, and such proposed increase results in a capacity not otherwise allowed under the applicable regulations of Section 16-10 (PERMITTED OFF-STREET PARKING IN LONG ISLAND CITY), the Commission may permit such an increase, pursuant to the applicable provisions of Section 16-35 (Special Permits), inclusive;

16-10

PERMITTED OFF-STREET PARKING IN LONG ISLAND CITY

Off-street parking spaces located within #accessory# off-street parking facilities, #public parking lots# and #public parking garages# in #Long Island City# shall be allowed as set forth in this Section, inclusive.

16-11

Permitted Parking for Residences

#Accessory# off-street parking spaces are permitted for #residences# in #developments# or #enlargements#, as follows:

- (a) within Subarea A, #accessory# off-street parking spaces may be provided for not more than 50 percent of the total number of new #dwelling units# contained in the #development# or #enlargement#, or 200 spaces, whichever is less.
- (b) within Subareas B and C, #accessory# off-street parking spaces may be provided for not more than 100 percent of the total number of new #dwelling units# contained in the #development# or #enlargement#.

All such #accessory# off-street parking spaces shall be used exclusively by the occupants of the #residential development# or #enlargement#.

16-12

Permitted Parking for Non-Residential Uses

#Accessory# off-street parking spaces are permitted for non-#residential uses# in #developments# or #enlargements#, as follows:

- (a) #Transient hotels#

For #transient hotel developments# or #enlargements#, a maximum of 150 #accessory# off-street parking spaces are permitted if there is only one entrance to the #accessory group parking facility# and a maximum of 225 #accessory# off-street parking spaces are permitted if there are two or more entrances. In no event may the number of parking spaces exceed 50 percent of the number of new #transient hotel# rooms. All such parking spaces shall be used primarily for the personnel, guests and occupants of the #transient hotel#.

(b) Hospitals

For hospital #developments# or #enlargements# in Subarea A, a maximum of 150 #accessory# off-street parking spaces, open or enclosed, are permitted if there is only one entrance to the #accessory# group parking facility and a maximum of 225 #accessory# off-street parking spaces, open or enclosed, are permitted if there are two or more entrances.

For hospital #developments# or #enlargements# within Subareas B and C, #accessory# off-street parking may be provided in accordance with the underlying district regulations.

All such parking spaces are to be used exclusively by the hospital staff, patients and visitors.

(c) Other #commercial#, #community facility# and #manufacturing uses#

For #developments# or #enlargements# in Subarea A comprising #community facility uses# other than hospitals, #commercial uses# other than #transient hotels#, and #manufacturing uses#, the maximum number of #accessory# off-street parking spaces permitted shall not exceed one space per 4,000 square feet of such #community facility#, #commercial# or #manufacturing floor area#, or 100 spaces, whichever is less. All such parking spaces shall be used exclusively by the tenants or employees of the #development# or #enlargement# and shall not be available to the public.

Within Subareas B and C, the maximum number of #accessory# off-street parking spaces permitted for each #development#, #enlargement#, or alteration shall not exceed one space per 4,000 square feet of #floor area# or 100 spaces, whichever is less. In the event that the permitted number of #accessory# off-street spaces would be less than 15, an #accessory# parking facility of up to 15 spaces may be provided. All spaces shall be used exclusively by the tenants or employees of the #development# or #enlargement# and shall not be available to the public.

16-13

Permitted Parking for Zoning Lots with Multiple Uses

Where a #development# or #enlargement# contains a combination of #uses# for which parking regulations are set forth in Sections 16-11 (Permitted Parking for Residences), and 16-12 (Permitted Parking for Non-Residential Uses), the number of #accessory# off-street parking spaces for all such #uses# shall not exceed the number of spaces permitted for each #use# in accordance with the provisions of such Sections. However, in no event shall the maximum number exceed 225 #accessory# off-street parking spaces. The exclusive or primary #use#

provisions of Sections 16-11 and 16-12 shall be applicable to the number of spaces provided for each use#.

16-14

Permitted Parking in Public Parking Lots

No public parking lots# shall not be permitted within Long Island City#, except where authorized by the City Planning Commission in accordance with the provisions of Section 16-342 (Public parking lots).

16-15

Permitted Parking for Public Parking Garages

Public parking garages# may be developed# or enlarged# with Long Island City# in accordance with the underlying district regulations. However, within Subarea C, notwithstanding any underlying district regulations, public parking garages# with a maximum capacity of 150 spaces are permitted as-of-right within any zoning district.

16-16

Permitted Parking for Car Sharing Vehicles and Commercial Vehicles

Car sharing vehicles# and commercial vehicle parking for motor vehicles not exceeding a length of 20 feet shall be permitted as follows:

- (a) Accessory# off-street parking facilities

Car sharing vehicles# may occupy parking spaces in an accessory# off-street parking facility, provided that such car sharing vehicles# shall not exceed 20 percent of all parking spaces in such facility, or five spaces, whichever is greater. Accessory residential# off-street parking spaces shall be made available to the occupant of a residence# to which it is accessory# within 30 days after written request therefore is made to the landlord.

- (b) Public parking garages# and public parking lots#

(1) Car sharing vehicles# shall be permitted within public parking garages# and, where authorized pursuant to Section 16-342, public parking lots#, provided such vehicles do not exceed, in total, 40 percent of the total number of parking spaces permitted.

- (2) Commercial vehicle parking for motor vehicles not exceeding a length of 20 feet shall be permitted within #public parking garages# and, where authorized pursuant to Section 16-342 #public parking lots#, provided that the total amount of parking spaces occupied by commercial vehicles, shall not exceed 10 percent of the total number of parking spaces permitted, or 10 spaces, whichever is less.

16-20

SPECIAL RULES FOR LONG ISLAND CITY PARKING FACILITIES

All #accessory# off-street parking facilities, #public parking lots# and #public parking garages developed# or #enlarged# after October 25, 1995 in #Long Island City# shall comply with the applicable provisions of this Section, inclusive.

16-21

Off-Site Parking

No #accessory# off-street parking spaces shall be located on a #zoning lot# other than the same #zoning lot# as the #use# to which they are #accessory#.

16-22

Enclosure, Surfacing and Screening Requirements

All #accessory# off-street parking spaces shall be located within a #completely enclosed building#, with the exception of:

- (a) parking spaces #accessory# to a hospital, as listed in Use Group 4; and
- (b) up to 15 off-street parking spaces #accessory# to #commercial uses# other than a #transient hotel#, as listed in Use Group 5, #community facility uses# other than hospitals, or #manufacturing use#.

16-23

Curb Cut Restrictions

In addition to the provisions of this Section, inclusive, additional restrictions on curb cuts in #Long Island City# are found in the following Special Purpose Districts:

- (a) the #Special Long Island City Mixed Use District#, as set forth in paragraph (b) of Section 117-54 (Off-Street Parking and Loading Regulations); and
- (b) the #Special Southern Hunters Point District#, as set forth in Section 125-55 (Location of Curb Cuts).

16-231

Location of curb cuts

For #accessory# off-street parking facilities, #public parking lots# and #public parking garages#, curb cuts accessing entrances and exits to such parking facilities:

- (a) shall not be permitted within 50 feet of the intersection of any two #street lines#, except where the Commissioner of Buildings certifies that such location is not hazardous to traffic safety, is not likely to create traffic congestion and will not unduly inhibit surface traffic or pedestrian flow. The Commissioner of Buildings may refer such matter to the Department of Transportation, or its successor, for a report; and
- (b) for #accessory# off-street parking facilities and #parking garages#, such curb cuts shall not be located on a #wide streets# designated on Map 2 (Locations where curb cuts are prohibited) in Appendix A of this Chapter, except where authorized pursuant to Section 16-343 (Curb cuts).

16-24

Minimum and Maximum Size of Parking Facilities

The gross unobstructed surface area, in square feet, of a permitted #accessory group parking facility# including stalls, aisles, driveways and maneuvering areas shall not exceed 200 times the number of #accessory# off-street parking spaces provided. This size limitation shall not be applicable to off-street parking spaces permitted under the provisions of paragraph (c) of Section 16-12 (Permitted Parking for Non-Residential Uses) where such spaces are exclusively #accessory#, no-charge, self-parking spaces in enclosed facilities with a capacity limited to 100 automobiles. In such facilities, the gross unobstructed surface area, in square feet, shall not exceed 300 times the number of #accessory# off-street parking spaces provided.

16-30

AUTHORIZATIONS AND SPECIAL PERMITS

16-31
General Provisions

The City Planning Commission may grant authorizations and special permits, pursuant to Sections 16-34, inclusive, and 16-35, inclusive.

All such special permits and authorizations, in addition to meeting the requirements, conditions and safeguards prescribed by the Commission, shall conform to and comply with all of the applicable zoning district regulations of the Zoning Resolution, except as otherwise specified herein.

16-32
Requirements for Applications

An application to the City Planning Commission for the grant of a special permit or authorization under the provisions of this Section shall include a site plan showing the location of all #buildings# or other structures# on the site, the location of all vehicular entrances and exits and off-street parking spaces, and such other information as may be required by the Commission.

16-33
Relationship to Public Improvement Projects

In all cases, the City Planning Commission shall deny a special permit application or authorization whenever the #use# will interfere with a public improvement project (including housing, highways, public #buildings# or facilities, redevelopment or renewal projects, or rights-of-way for sewers, transit, or other public facilities) which is approved by or pending before the City Council or the Commission, as determined from the Calendar of each agency issued prior to the date of the public meeting on the application for a special permit or authorization.

16-34
Authorizations

16-341
Limited increase in parking spaces for existing buildings without parking

The City Planning Commission may, by authorization, subject to the otherwise applicable zoning district regulations, allow onsite enclosed #accessory# off-street parking facilities with a maximum capacity of 15 spaces in existing #buildings#, provided that the Commission finds that:

- (a) the #building# does not have #accessory# off-street parking spaces;

- (b) such parking spaces are needed for and will be used exclusively by the occupants of the #use# to which they are #accessory#, except that #car sharing vehicles# may occupy #accessory# off-street parking spaces; however, the number of spaces so occupied shall not exceed five spaces or 20 percent of all such parking spaces, whichever is greater. For the purposes of this paragraph, (b), such need shall exist where there are special circumstances and there are no reasonably viable alternatives to on-site enclosed parking spaces;
- (c) the parking spaces will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic;
- (d) the parking spaces will not adversely affect pedestrian movement;
- (e) the parking spaces will not be incompatible with, or adversely affect, adjacent #uses# including #uses# within the #building#; and
- (f) the curb cut accessing such parking spaces will not be inconsistent with the character of the existing streetscape.

16-342

Public parking lots

The City Planning Commission may authorize #public parking lots# with a capacity of not more than 150 spaces in #Long Island City#, provided that the otherwise applicable regulations set forth in Sections 36-55 or 44-44 (Surfacing), and Sections 36-56 or 44-45 (Screening) are met.

As a condition for authorizing any such #public parking lots#, the Commission shall make the following findings:

- (a) such #use# will not be incompatible with, or adversely affect, the growth and development of #uses# comprising vital and essential functions in the general area within which such #use# is to be located;
- (b) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit vehicular and pedestrian movement;
- (c) such #use# is so located as to draw a minimum of vehicular traffic to and through local #residential streets#; and

- (d) the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs#, or requirements for shielding of floodlights and for locations of entrances and exits.

16-343

Curb cuts

The City Planning Commission may authorize, subject to the applicable zoning district regulations, curb cuts located on a #wide street# provided the Commission finds that a curb cut at such a location:

- (a) is not hazardous to traffic safety;
- (b) will not create or contribute to serious traffic congestion, or unduly inhibit vehicular movement;
- (c) will not adversely affect pedestrian movement;
- (d) will not interfere with the efficient functioning of bus lanes, specially designated #streets# and public transit facilities; and
- (e) will not be inconsistent with the character of the existing streetscape.

16-35

Special Permits

16-351

Accessory off-street parking spaces

The City Planning Commission may, by special permit, subject to the otherwise applicable zoning district regulations, allow onsite or off-site, open or enclosed, #accessory# off-street parking facilities with any capacity not otherwise allowed under Section 16-10 (PERMITTED OFF-STREET PARKING IN LONG ISLAND CITY), provided the Commission finds that:

- (a) such parking spaces are needed for, and will be used by, the occupants, visitors, customers or employees of the #use# to which they are #accessory#, except that #car sharing vehicles# may occupy #accessory# off-street parking spaces; however, the

number of spaces so occupied shall not exceed five spaces or 20 percent of all such parking spaces, whichever is greater;

- (b) within the vicinity of the site, there are insufficient parking spaces available;
- (c) the facility will not create or contribute to serious traffic congestion nor will unduly inhibit vehicular and pedestrian movement;
- (d) the facility is so located as to draw a minimum of vehicular traffic to and through local #residential streets#; and
- (e) adequate reservoir space is provided at the vehicular entrance to accommodate vehicles equivalent in number to 20 percent of the total number of parking spaces, up to 50 parking spaces, and five percent of any spaces in excess of 200 parking spaces, but in no event shall such reservoir spaces be required for more than 50 vehicles. However, in the case of a facility with a capacity of 10 vehicles or less, the Commission may waive this finding.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including traffic improvements, if necessary, and limitations on #signs# or requirements for shielding or floodlights or for locations of entrances and exits.

16-352

Public parking garages and public parking lots

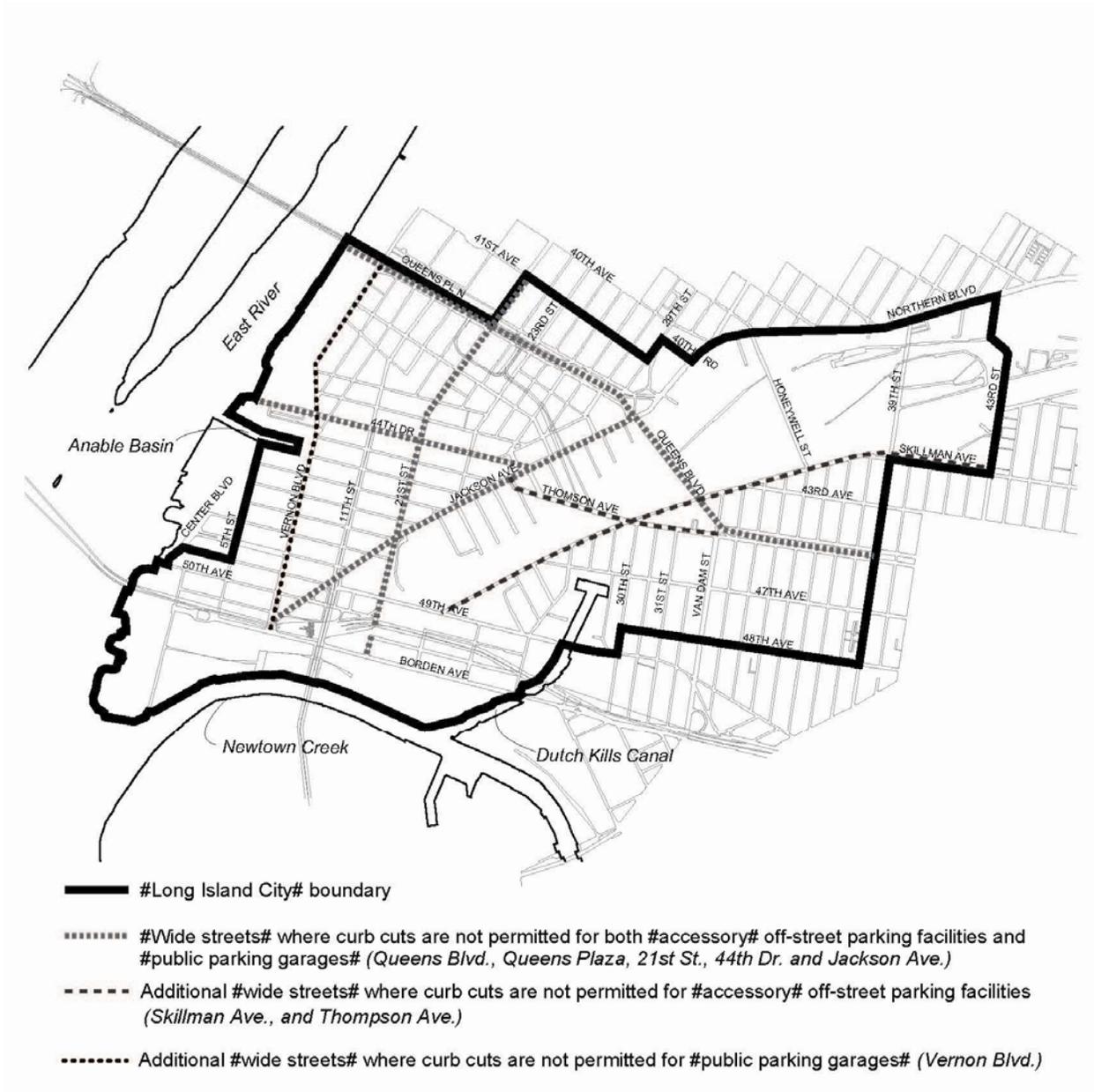
The City Planning Commission may, by special permit, allow #public parking garages# and #public parking lots# not otherwise permitted, pursuant to the applicable provisions of Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas).

Appendix A
Long Island City Parking Maps

Map 1 - #Long Island City# and Subareas



Map 2 – Locations where curb cuts are prohibited



* * *

Article II: Residence District Regulations

* * *

Chapter 3 Residential Bulk Regulations in Residence Districts

* * *

23-635 Special bulk regulations for certain sites in Community District 4, Borough of Manhattan

Within the boundaries of Community District 4 in the Borough of Manhattan, excluding the #Special Clinton District#, for #developments# or #enlargements# in R8 Districts without a letter suffix, on #zoning lots# larger than 1.5 acres that include #residences# for which #public funding#, as defined in Section 23-911 (General definitions) is committed to be provided, the City Planning Commission may authorize modifications of height and setback regulations ~~and in conjunction therewith reduce the amount of required off-street parking~~, provided the Commission finds that such modifications will facilitate the provision of such #residences#, and such modifications will not unduly obstruct access of light and air to the detriment of the occupants or users of #buildings# on the #zoning lot# or nearby properties, #open space# or #streets# ~~and that the reduction in parking is consistent with the needs of the residents~~. Prior to issuing a building permit for any #development# or #enlargement# utilizing modifications granted by this authorization, the Department of Buildings shall be furnished with written notice of a commitment from the appropriate funding agency for the provision of such #public funding#.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

* * *

Chapter 5 Accessory Off-Street Parking and Loading Regulations

* * *

25-023

Applicability of regulations in the Manhattan Core and Long Island City Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and a Portion of Community Districts 1 and 2 in the Borough of Queens

Special regulations governing ~~permitted or required~~ #accessory# off-street parking and loading in the #Manhattan Core# are set forth in Article 1, Chapter 3, and special regulations governing #accessory# off-street parking in #Long Island City#, as defined in Section 16-02 (Definitions), are set forth in Article 1, Chapter 6.

* * *

Article III: Commercial District Regulations

* * *

**Chapter 2
Use Regulations**

* * *

**32-17
Use Group 8
C2 C4 C6 C8**

* * *

C. Automotive Service Establishments

Automobile rental establishments, except that ~~in Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and a portion of Community Districts 1 and 2 in the Borough of Queens,~~ in #Long Island City#, as defined in Section 16-02 (Definitions), the number of automobiles that may be stored in such establishments in C2, C4 or C6 Districts shall not exceed 100 spaces and the maximum size in square feet of such storage area shall not exceed 200 times the number of parking spaces provided, exclusive of entrance/exit ramps

#Public parking garages# or #public parking lots# with capacity of 150 spaces or less, subject to the provisions set forth for #accessory# off-street parking spaces in Sections 36-53 (Width of Curb Cuts and Location of Access to the Street), 36-55 (Surfacing) and 36-56 (Screening), and provided that such #public parking lots# are not permitted as of right in C6-1A Districts and such #public parking garages# are not permitted as of right in C2-5, C2-6, C2-7, C2-8, C4-5, C4-5A, C4-5X, C4-6, C4-7, C6, C8-4, M1-4, M1-5,

M1-6, M2-3, M2-4 or M3-2 Districts. #Public parking garages# may be open or enclosed, provided that no portion of such #use# shall be located on a roof other than a roof which is immediately above a #cellar# or #basement#.

In the #Manhattan Core#, Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and a portion of Community Districts 1 and 2 in the Borough of Queens, these #uses# are subject to the provisions of Article I, Chapter 3, and in #Long Island City#, as defined in Section 16-02 (Definitions), such #uses# are subject to the provisions of Article 1, Chapter 6.

* * *

32-21
Use Group 12
C4 C6 C7 C8

* * *

D. Automotive Service Establishments

#Public parking garages# or #public parking lots# with capacity of 150 spaces or less, subject to the provisions set forth for #accessory# off-street parking spaces in Sections 36-53 (Width of Curb Cuts and Location of Access to the Street), 36-55 (Surfacing) and 36-56 (Screening), and provided that such #public parking lots# are not permitted as-of-right in C7 Districts and such #public parking garages# are not permitted as-of-right in C4-5, C4-6, C4-7, C6, C8-4, M1-4, M1-5, M1-6, M2-3, M2-4 or M3-2 Districts. #Public parking garages# may be open or enclosed, provided that no portion of such #use# shall be located on a roof other than a roof which is immediately above a #cellar# or #basement#.

In the #Manhattan Core#, Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and a portion of Community Districts 1 and 2 in the Borough of Queens, these #uses# are subject to the provisions of Article I, Chapter 3, and in #Long Island City#, as defined in Section 16-02 (Definitions), such #uses# are subject to the provisions of Article 1, Chapter 6.

* * *

32-32
By the City Planning Commission

* * *

#Public parking garages#*:

C1
Limited in capacity to 100 spaces

C2-1 C2-2 C2-3 C2-4 C4-1 C4-2 C4-3 C4-4 C7 C8-1 C8-2 C8-3
With capacity of more than 150 spaces

C2-5 C2-6 C2-7 C2-8 C4-5 C4-6 C4-7 C5 C6 C7 C8-4
With any capacity

#Public parking lots#*:

C1
Limited in capacity to 100 spaces

C2 C4 C6 C7 C8
With capacity of more than 150 spaces

C5 C7
With any capacity

* * *

* In the #Manhattan Core#, Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and a portion of Community Districts 1 and 2 in the Borough of Queens, these #uses# are subject to the provisions of Article I, Chapter 3, and in #Long Island City#, as defined in Section 16-02 (Definitions), such #uses# are subject to the provisions of Article 1, Chapter 6.

* * *

Article III: Commercial District Regulations

* * *

**Chapter 6
Accessory Off-Street Parking and Loading Regulations**

* * *

**36-024
Applicability of regulations in the Manhattan Core and Long Island City Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and a portion of Community**

Districts 1 and 2 in the Borough of Queens

Special regulations governing ~~permitted or required~~ #accessory# off-street parking and loading in the #Manhattan Core# are set forth in Article I, Chapter 3-, and special regulations governing #accessory# off-street parking in #Long Island City#, as defined in Section 16-02 (Definitions), are set forth in Article 1, Chapter 6.

* * *

Article IV: Manufacturing District Regulations

* * *

**Chapter 2
Use Regulations**

* * *

42-12

**Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16
M1 M2 M3**

Use Group 3A shall be limited to Museums that are ancillary to existing Motion Picture Production Studios or Radio or Television Studios, provided they are located within 500 feet of such studios and do not exceed 75,000 square feet of #floor area#.

Use Groups 6A except that foodstores, including supermarkets, grocery stores or delicatessen stores, shall be limited to 10,000 square feet of #floor area# per establishment, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16 as set forth in Sections 32-15 to 32-23, inclusive, and Section 32-25. However, in Community District 1, in the Borough of the Bronx, in M1-4 Districts, foodstores, including supermarkets, grocery stores or delicatessen stores, shall be limited to 30,000 square feet of #floor area# per establishment.

Use Group 10A shall be limited to depositories for storage of office records, microfilm or computer tapes, or for data processing; docks for ferries; office or business machine stores, sales or rental; photographic or motion picture production studios; and radio or television studios.

In the #Manhattan Core# ~~Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and a portion of Community Districts 1 and 2 in the Borough of Queens,~~ automobile rental establishments, #public parking garages# and #public parking lots# in Use Group 8C and 12D are subject to the provisions of Article I, Chapter 3-, and in #Long Island City#, as defined in Section 16-02 (Definitions), #public parking garages# and #public parking lots# in Use Group 8C and 12D are subject to the provisions of Article I, Chapter 6.

* * *

42-32

By the City Planning Commission

In the districts indicated, the following #uses# are permitted by special permit of the City Planning Commission, in accordance with standards set forth in Article VII, Chapter 4.

* * *

M1-1 M1-2 M1-3 M2-1 M2-2 M3-1
#Public parking garages#** with capacity of more than 150 spaces

M1-4 M1-5 M1-6 M2-3 M2-4 M3-2
#Public parking garages#** with any capacity

M1 M2 M3
#Public parking lots# with capacity of more than 150 spaces**

* * *

** In the #Manhattan Core#, Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and a portion of Community Districts 1 and 2 in the Borough of Queens, these #uses# are subject to the provisions of Article 1, Chapter 3, and in #Long Island City#, as defined in Section 16-02 (Definitions), such #uses# are subject to the provisions of Article 1, Chapter 6.

* * *

**Chapter 4
Accessory Off-Street Parking and Loading Regulations**

* * *

44-022

Applicability of regulations in the Manhattan Core and Long Island City Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and a portion of Community Districts 1 and 2 in the Borough of Queens

Special regulations governing ~~permitted or required~~ #accessory# off-street parking and loading in the #Manhattan Core# are set forth in Article I, Chapter 3, and special regulations governing #accessory# off-street parking in #Long Island City#, as defined in Section 16-02 (Definitions), are set forth in Article I, Chapter 6.

* * *

Article V: Non-Conforming Uses and Non-Complying Buildings

* * *

Chapter 2 - Non-Conforming Uses

* * *

52-31

General Provisions

For the purposes of this Chapter, a change of #use# is a change to another #use# listed in the same or any other Use Group. However, a change in ownership or occupancy shall not, by itself, constitute a change of #use#.

A #non-conforming use# may be changed to any conforming #use#, and the applicable district #bulk# regulations and #accessory# off-street parking requirements shall not apply to such change of #use# or to alterations made in order to accommodate such conforming #use#, but shall apply to any #enlargement#.

In all zoning districts which mandate compliance with the Quality Housing Program, the provisions of Article II, Chapter 8, shall apply to such change of #use#.

However, notwithstanding the provisions above, in Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 and 2, the #conversion# of non-#residential floor area# to #residences# shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion within Existing Buildings), unless such #conversions# meet the requirements for #residences# of Article II (Residence District Regulations).

A #non-conforming use# may be changed to another #non-conforming use# only in accordance with the provisions of this Chapter.

Any such change of #use# permitted by this Chapter shall conform to the applicable district regulations on #accessory# off-street loading berths as set forth in Section 52-41 (General Provisions) and on #accessory signs#, except that in #Residence Districts# such change shall conform to the regulations on #accessory signs# applicable in a C1 District.

In the #Manhattan Core#, Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and a portion of Community Districts 1 and 2 in the Borough of Queens, a #non-conforming use# may be changed to an automobile rental establishment, #public parking garage# or #public parking lot# in Use Groups 8 and 12D only pursuant to the provisions of Article I, Chapter 3-, and in #Long Island City#, as defined in Section 16-02 (Definitions), a #non-

conforming use# may be changed to a #public parking garage# or #public parking lot# in Use Groups 8 and 12D only pursuant to the provisions of Article I, Chapter 6.

In the case of a conflict between these provisions and retail continuity provisions that apply to the ground floor of #buildings#, a #non-conforming use# on the ground floor in such #building# may be changed only to a #conforming use#.

* * *

**52-41
General Provisions**

* * *

For #non-conforming use# in #Residence Districts#, #accessory# off-street parking spaces or loading berths shall be subject to the provisions of Sections 25-66 or 25-77 (Screening).

In the #Manhattan Core# Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and a portion of Community Districts 1 and 2 in the Borough of Queens, #enlargements# or #extensions# of #nonconforming uses# which involve the provision of off-street parking are subject to the regulations set forth in Article I, Chapter 3-, and in #Long Island City#, as defined in Section 16-02 (Definitions), such #enlargements# or #extensions# are subject to the regulations set forth in Article I, Chapter 6.

In the case of a conflict between these provisions and retail continuity provisions that apply to the ground floor of #buildings#, a #non-conforming use# on the ground floor in such #building# may be changed only to a #conforming use#.

* * *

Article VII: Administration

* * *

**Chapter 3
Special Permits by the Board of Standards and Appeals**

* * *

**73-45
Modification of Off-Site Parking Provisions**

In all districts, the Board of Standards and Appeals may modify the provisions regulating the location of #accessory# off-street parking spaces provided off the site, in accordance with the provisions of this Section which are applicable in the specified district. However, in no event shall #accessory# off-street parking spaces be permitted off-site in a #public parking garage#.

This Section shall not apply to ~~the #Manhattan Core# Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan~~ where the regulations set forth in Article I, Chapter 3, shall apply.

In all cases, the Board may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

* * *

73-47

Rental of Accessory Off-Street Parking Spaces to Non-Residents

In C1 or C5 Districts, for a term not to exceed five years, the Board of Standards and Appeals may permit off-street parking spaces #accessory# to #residences# or #non-profit hospital staff dwellings# to be rented for periods of less than one week, to persons who are not occupants of such #residences# or #non-profit hospital staff dwellings#, provided that such rental of spaces conforms to the provisions set forth in Section 36-46 (Restrictions on Use of Accessory Off-Street Parking Spaces) and that the following special findings are made:

- (a) that the number of spaces to be rented or the location of access, thereto, is such as to draw a minimum of vehicular traffic to and through #streets# having predominantly #residential# frontages;
- (b) that the total number of spaces to be rented to nonresidents does not exceed 100; and
- (c) that where the total number of spaces to be rented to nonresidents exceeds 20, reservoir space is provided at the vehicular entrance to accommodate 10 automobiles or 20 percent of the spaces so rented, whichever amount is less.

The Board may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for the shielding of floodlights.

This Section shall not apply to ~~the #Manhattan Core# Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan~~ where the regulations set forth in Article I, Chapter 3, shall apply.

* * *

73-48

Exceptions to Maximum Size of Accessory Group Parking Facilities

The Board of Standards and Appeals may permit #accessory group parking facilities# with more than 150 spaces in #Commercial# or #Manufacturing Districts# or for hospital and related facilities in #Residence Districts# in accordance with the provisions of this Section provided that

such provisions shall not apply to #accessory# off-street parking spaces provided in #public parking garages# in accordance with the provisions of Section 36-57 or 44-46 (Accessory Off-Street Parking Spaces in Public Parking Garages).

This Section shall not apply to the #Manhattan Core# Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan where the regulations set forth in Article I, Chapter 3, shall apply.

* * *

**74-512
In other Districts**

In C2-1, C2-2, C2-3, C2-4, C4-1, C4-2, C4-3, C4-4, C4-5D, C7, C8-1, C8-2, C8-3, M1-1, M1-2, M1-3, M2-1, M2-2 or M3-1 Districts, the City Planning Commission may permit #public parking garages# or #public parking lots# with more than 150 spaces, provided that the applicable regulations set forth in Sections 36-53 (Width of Curb Cuts and Location of Access to the Street) or 44-43 (Location of Access to the Street), Sections 36-55 or 44-44 (Surfacing) and Sections 36-56 or 44-45 (Screening) are met. The Commission may permit some of such spaces to be located on the roof of such #public parking garage#, or may permit floor space on one or more #stories# and up to a height of 23 feet above #curb level# to be exempted from the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS). As a condition of permitting such #use#, the Commission shall make the following findings:

* * *

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for shielding of floodlights, for locations of entrances and exits, or for setback of any roof parking areas from #lot lines#.

This Section shall not apply to the #Manhattan Core# where the regulations set forth in Article I, Chapter 3, shall apply, except as provided in Section 13-06 (Previously Approved Special Permits or Authorizations).

**74-52
Parking Garages or Public Parking Lots in High Density Central Areas**

In C1-5, C1-6, C1-7, C1-8 or C1-9 Districts, the City Planning Commission may permit #public parking garages# or #public parking lots# with a capacity of not more than 100 spaces, and in C2-5, C2-6, C2-7, C2-8, C4-5, C4-5A, C4-5X, C4-6, C4-7, C6, C8-4, M1-4, M1-5, M1-6, M2-3, M2-4 or M3-2 Districts, the Commission may permit #public parking garages# with any capacity or #public parking lots# with more than 150 spaces, and in C5 and C6-1A Districts, the Commission may permit #public parking garages# or #public parking lots# with any capacity,

provided that the applicable regulations set forth in Sections 36-53 (Width of Curb Cuts and Location of Access to the Street) or 44-43 (Location of Access to the Street), Sections 36-55 or 44-44 (Surfacing) and Sections 36-56 or 44-45 (Screening) are met.

* * *

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area including limitations on #signs#, or requirements for shielding of floodlights, for locations of entrances and exits, or for setback of any roof parking areas from #lot lines#.

This Section shall not apply to the #Manhattan Core# where the regulations set forth in Article I, Chapter 3, shall apply, except as provided in Section 13-06 (Previously Approved Special Permits or Authorizations).

74-53

Accessory Group Parking Facilities for Uses in Large-Scale Residential Developments or Large-Scale Community Facility Developments or Large-Scale General Developments

The City Planning Commission may permit #group parking facilities accessory# to #uses# in #large-scale residential developments# or #large-scale community facility developments# or #large-scale general developments# with more than the prescribed maximum number of parking spaces set forth in Sections 25-12, 36-12 and 44-12 (Maximum Size of Accessory Group Parking Facilities) or may permit modifications of the applicable provisions of Sections 25-11, 36-11 and 44-11 (General Provisions) so as to permit off-street parking spaces #accessory# to such #uses# to be located on the roof of a #building#.

As a condition of permitting such exceptions or modifications, the Commission shall make the following findings:

- (a) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in residential areas;
- (b) that such #use# has adequate reservoir space at the vehicular entrance to accommodate either 10 automobiles or five percent of the total parking spaces provided by the #use#, whichever amount is greater, but in no event shall such reservoir space be required for more than 50 automobiles;
- (c) that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby; and

- (d) that where roof parking is permitted, such roof parking is so located as not to impair the essential character or future use or development.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area including requirements for shielding of floodlights, for locations of entrances and exits, or for setback of any roof parking areas from #lot lines#.

This Section shall not apply to ~~the #Manhattan Core# Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and a portion of Community Districts 1 and 2 in the Borough of Queens,~~ where the regulations set forth in Article I, Chapter 3, shall apply, or to the #Long Island City#, as defined in Section 16-02 (Definitions), where the regulations set forth in Article I, Chapter 6 shall apply.

* * *

Article VIII: Special Purpose Districts

* * *

Chapter 1 Special Midtown District

* * *

81-30 OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

81-31 General Provisions

The regulations of Article I, Chapter 3 (~~Comprehensive Off-Street Parking and Loading Regulations in the Manhattan Core Comprehensive Off Street Parking Regulations in Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and a portion of Community Districts 1 and 2 in the Borough of Queens~~) and the applicable underlying district regulations of Article III, Chapter 6, or Article IV, Chapter 4, relating to Off-Street Loading Regulations, shall apply throughout the #Special Midtown District#, except as otherwise provided in this Section.

81-311 ~~Applicability of more restrictive provisions~~

~~In the event of a conflict between the provisions in this Chapter and those contained in Article I,~~

~~Chapter 3, the more restrictive provisions shall apply. For the purpose herein, the more restrictive provisions shall be considered those which permit:~~

- ~~(a) fewer number of parking spaces;~~
- ~~(b) more exclusive use of parking spaces; and~~
- ~~(c) more limited location of curb cuts.~~

81-311

81-312

Prohibitions of off-street parking or off-street loading facilities

Notwithstanding the provisions of Article I, Chapter 3, prohibitions of off-street parking facilities or #accessory# off-street loading berths or restrictions as to their location or access, as provided in Sections 81-44 (Curb Cut Restrictions) or 81-84 (Mandatory Regulations and Prohibitions), may be waived only in accordance with the applicable provisions of Sections 81-44 or 81-84.

* * *

81-40

MANDATORY DISTRICT PLAN ELEMENTS

* * *

81-44

Curb Cut Restrictions

Along all avenues in Midtown and along 57th, 53rd, 42nd and 34th Streets, no driveway curb cuts for parking facilities or loading berths shall be permitted except for the following:

- (a) the Commissioner of Buildings may approve a curb cut where there are no alternative means of access to off-street loading berths from other #streets# bounding the #zoning lot#; or
- (b) the City Planning Commission may authorize curb cuts where such curb cuts are needed for required loading berths. Such loading berths must be adjacent to a fully enclosed maneuvering area on the #zoning lot# at least equal in area to the area of the required loading berth and arranged so as to permit head-in and head-out truck movements to and from the #zoning lot#. The City Planning Commission will refer such applications to the Department of Transportation for their comment.

In addition, for #zoning lots# with frontage along such avenues and #streets# in Midtown where curb cuts are prohibited, the Commissioner of Buildings may waive required off-street loading berths pursuant to the provisions set forth in Section 13-35 (Modification of Loading Berth Requirements).

Where a curb cut is permitted as indicated in this Section, the maximum width of such curb cut shall be 15 feet for one-way traffic and 25 feet for two-way traffic. These curb cut requirements shall be in addition to any other applicable City rules or regulations concerning driveway curb cuts.

The above exceptions do not apply to Fifth Avenue, or between 43rd and 50th Streets, to Seventh Avenue or Broadway and no curb cuts shall be permitted in these cases. Between 43rd and 50th Streets, access to #accessory# off-street loading berths or off-street parking facilities shall not be permitted on Seventh Avenue or Broadway or, except where the length of a #narrow street block# frontage between the #street lines# of Seventh Avenue and Broadway exceeds 75 feet but is less than 125 feet, within 50 feet of the Seventh Avenue or Broadway #street line#. #Interior lots# between 43rd and 50th Streets with a #street# frontage only on Seventh Avenue or Broadway shall not contain loading berths.

* * *

81-70

SPECIAL REGULATIONS FOR THEATER SUBDISTRICT

* * *

81-73

Special Sign and Frontage Regulations

81-731

Special regulations for signs, transparency, banners and canopies

Within that area of the Theater Subdistrict whose boundaries are described in Section 81-72 (Use Regulations Modified), the following provisions apply along #wide street# frontages. Within the Theater Subdistrict Core, the following provisions also apply along #narrow street# frontages.

- (a) At least 50 percent of the #street wall# of a #development# or ground floor #enlargement# shall be glazed at the ground floor level with clear, untinted, transparent material and not more than 50 percent of such transparent surface shall be painted or obstructed with #signs#.

For the purpose of the glazing requirements, the #street wall# surface at the ground floor

level shall be measured from the floor to the height of the ceiling or 14 feet above grade, whichever is less, and shall exclude any area of #street wall# occupied by #accessory# off-street loading berths or entrances and exits to #accessory# off-street parking provided pursuant to the required under provisions of Section 81-30 (OFF-STREET PARKING AND OFFSTREET LOADING REGULATIONS). For the purposes of this Section, clear, unobstructed openings in the surface of a #street wall# provided for a stairway entrance into a subway relocated onto a #zoning lot# in accordance with the requirements of Section 81-46 (Off-Street Relocation or Renovation of a Subway Stair) or a through #block# connection provided in accordance with the requirements of paragraph (h) of Section 37-53 (Design Standards for Pedestrian Circulation Spaces) shall be treated as transparent glazed surfaces.

- (b) Canopies (as defined in the Building Code) and awnings shall not be permitted on the exterior of any #building#.

For the purposes of this Section, any #signs# which do not comply with the regulations of this Section may be continued for one year after May 13, 1982, provided that after the expiration of that period such #non-conforming sign# shall terminate; a #sign# which the Chairperson of the City Planning Commission certifies as an integral part of the #building# shall not be required to terminate.

* * *

Chapter 2 Special Lincoln Square District

* * *

82-50 OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

The regulations of Article I, Chapter 3 (Comprehensive Off-Street Parking and Loading Regulations in the Manhattan Core ~~Comprehensive Off-Street Parking Regulations in Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and a portion of Community Districts 1 and 2 in the Borough of Queens~~) and the applicable underlying district regulations of Article III, Chapter 6, relating to Off-Street Loading Regulations, shall apply in the #Special Lincoln Square District# except as otherwise provided in this Section. In addition, the entrances and exits to all off-street loading berths shall not be located on a #wide street# except by authorization as set forth in this Section.

- (a) #Accessory# off-street parking spaces

#Accessory# off-street parking spaces are permitted only by the applicable special permit

of the City Planning Commission pursuant to Section 13-45 (Special Permits for Additional Parking Spaces), inclusive ~~13-561 (Accessory off-street parking spaces)~~.

(b) Curb cuts

The City Planning Commission may authorize curb cuts within 50 feet of the intersection of any two #street lines#, or on #wide streets# where such curb cuts are needed for off-street loading berths, provided the location of such curb cuts meets the findings in Section ~~13-553-13-441~~.

(c) Waiver of loading berth requirements

The City Planning Commission may authorize a waiver of the required off-street loading berths where the location of the required curb cuts would:

- (1) be hazardous to traffic safety;
- (2) create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement; or
- (3) interfere with the efficient functioning of bus lanes, specially designated streets or public transit facilities.

The Commission shall refer these applications to the Department of Transportation for its comments.

~~82-60~~

~~PUBLIC PARKING GARAGES~~

~~In that portion of the #Special Lincoln Square District# located within a C4-7 District, the City Planning Commission may permit #public parking garages# with any capacity pursuant to Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas).~~

~~82-60~~

~~82-70~~

EXISTING PUBLICLY ACCESSIBLE OPEN AREAS OR OTHER PUBLIC AMENITIES

* * *

**Chapter 4
Special Battery Park City District**

84-00
GENERAL PURPOSES

* * *

84-031
Special permit uses

The following #uses# are permitted only by special permit of the City Planning Commission:

* * *

~~In Zone A, #public parking garages# as provided for in C5 Districts, pursuant to Section 74-52.~~

As a condition precedent to the granting of such special permit, the Commission shall make a finding that such #use# is located so as to minimize adverse effects on existing or future development in nearby areas or on the use or enjoyment of the #Esplanade# or other public facilities.

* * *

84-10
ZONE A GENERAL DISTRICT REGULATIONS

* * *

84-14
Parking Regulations and Curb Cuts

84-141
Accessory off-street parking spaces

Except as provided in Section 84-142 (Accessory off-street parking spaces for buildings containing hotel uses), #accessory# off-street parking spaces may be provided only for #residential uses# subject to the provisions of this Section. The ownership requirement for #accessory# off-street parking is satisfied by an interest commensurate with the interest of the principal #use#. Such #accessory# parking spaces shall be #completely enclosed#. No portion of any #accessory# parking facility may be constructed at a height of more than 23 feet above #curb level#. Except as otherwise provided in this Section, no #accessory# off-site parking shall be permitted.

~~Parking facilities #accessory# to #residential uses# on a #zoning lot# shall contain no more than 200 off street parking spaces or a number of spaces equal to 20 percent of the number of #dwelling units# on such #zoning lot#, whichever is less. The size in square feet of an #accessory# off street parking facility, exclusive of entrance and exit ramps, shall not exceed 200 times the number of parking spaces provided.~~

#Accessory# parking facilities shall be constructed so that no exhaust vents open onto any #street# or park or onto the #Esplanade# and so that no portion of the facility, other than entrances and exits, is visible from adjoining #zoning lots#, #streets# or parks or the #Esplanade#.

The City Planning Commission may, upon application, authorize permitted #accessory# off-street parking spaces to be located anywhere within Zone A without regard for #zoning lot lines#, provided that the Commission shall find that:

- (a) the #accessory# off-street parking spaces and required curb cuts are located within subzones A-1, A-2 or A-3 for #zoning lots# within subzones A-1, A-2 or A-3, or within subzones A-5 or A-6 for #zoning lots# in subzones A-5 or A-6, as indicated in Appendices 2 and 3; parking setbacks in Appendices 2.5 and 3.4; and curb cut locations in Appendices 2.6 and 3.5;
- (b) such #accessory# off-street parking spaces will be conveniently located in relation to the #buildings# containing #residences# to which such off-street spaces are #accessory#, and provided that all such spaces shall not be further than 600 feet from the nearest boundary of the #zoning lot# occupied by the #residences# to which they are #accessory#;
- (c) such location of #accessory# off-street parking spaces will permit better site planning;
- ~~(d) the #accessory# off street parking facility will not create or contribute to traffic congestion or unduly inhibit vehicular and pedestrian movement;~~
- ~~(e) the #accessory# off street parking facility is located so as to draw a minimum of additional vehicular traffic to and through local residential #streets#; and~~
- (d) such #accessory# off-street parking facility shall contain parking spaces #accessory# to #residential uses# only; and
- (e) such parking facility complies with the findings in paragraphs (c)(1), (c)(2), (c)(3) and (c)(5) of Section 13-45 (Special Permits for Additional Parking Spaces).

Whenever off-street parking spaces are authorized to be located without regard to #zoning lot lines# in accordance with the provisions of this Section, the number of spaces generated by each #building# shall be recorded in that building's certificate of occupancy (temporary and permanent). In addition, any certificate of occupancy for the #accessory# off-street parking facility shall state the number of parking spaces authorized to be relocated from each #zoning lot#.

84-142

Accessory off-street parking spaces for buildings containing hotel uses

For the #zoning lot# south of First Place and east of Battery Place, #accessory# off-street parking spaces for hotel #uses# may be provided at the rate established for #transient hotels# in Section 13-12 (Permitted Parking for Non-Residential Uses) or 13-13 (Permitted Parking for Zoning Lots with Multiple Uses), as applicable, only in accordance with this Section. Such #accessory# parking facilities shall contain no more than 15 percent of the number of #transient hotel# rooms or 225 spaces, whichever is less.

~~In the case of a #building# containing both #residential# and hotel #uses#, the number of #accessory# off-street parking spaces shall not exceed the number of spaces permitted for each #use# in accordance with this Section and Section 84-141 (Accessory off-street parking spaces); however, in no event may the maximum number of #accessory# off-street parking spaces exceed 225 spaces.~~

84-143

Off-street loading

Enclosed #accessory# off-street loading berths shall be provided in conformity with the requirements set forth in the following table and under rules and regulations promulgated by the Commissioner of Buildings for the #uses# listed in the table.

REQUIRED OFF-STREET LOADING BERTHS

Type of #Use#	For #Floor Area# (in square feet)	Required Berths
Supermarkets	First 8,000	None
	Next 17,000	1

	Next 15,000	1
	Each additional 15,000 or fraction thereof	1
Hotels	First 100,000	None
	Next 200,000	1
	Each additional 300,000 or fraction thereof	1

All required off-street loading berths shall have a minimum length of 33 feet, a minimum width of 12 feet and a minimum vertical clearance of 14 feet, except that required off-street loading berths for hotels, as permitted by Section 84-12 (Use Regulations), shall be allowed to have a minimum vertical clearance of 12 feet.

* * *

Article IX - Special Purpose Districts

* * *

**Chapter 1
Special Lower Manhattan District**

* * *

**91-50
OFF-STREET PARKING, LOADING AND CURB CUT REGULATIONS**

The off-street parking regulations of Article 1, Chapter 3 (Comprehensive Off-Street Parking and Loading Regulations in the Manhattan Core ~~Comprehensive Off-Street Parking Regulations in Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and a Portion of Community Districts 1 and 2 in the Borough of Queens~~) and the loading regulations of the underlying districts apply to the #Special Lower Manhattan District#, except as supplemented or modified by the provisions of this Section.

* * *

**91-511
Authorization for off-site parking facilities for converted buildings**

The City Planning Commission may authorize #accessory# residential off-site parking spaces for

#non-residential buildings# erected prior to January 1, 1977, or portions thereof, that are #converted# to #residential use#, to be provided in a fully-enclosed #building# on a #zoning lot# within the #Special Lower Manhattan District# other than the #zoning lot# that contains the #residential use#, provided the Commission finds that:

- (a) such #accessory# off-site parking spaces are conveniently located in relation to the #residential use#, and in no case further than 600 feet from the #zoning lot# containing the #residential use#;
- (b) such location of the #accessory# off-site parking facility will permit better site planning for the #building converted# to #residential use#;
- ~~(c) the #accessory# off-site parking facility will not create or contribute to traffic congestion or unduly inhibit vehicular and pedestrian movement;~~
- ~~(d) that the #accessory# off-site parking facility is located so as to draw a minimum of additional vehicular traffic to and through local residential #streets#; and~~
- (c) that such #accessory# off-site parking facility shall contain parking spaces #accessory# only to #residential uses#; and
- (d) such parking facility complies with findings in paragraphs (c)(1), (c)(2), (c)(3) and (c)(5) of Section 13-45 (Special Permits for Additional Parking Spaces).

The number of #accessory# off-site parking spaces authorized in accordance with the provisions of this Section shall be recorded on the certificates of occupancy, temporary and permanent, for both the #residential use# and the #accessory# off-site parking facility.

91-52 Curb Cut Regulations

All curb cuts shall be prohibited on #streets# indicated on Map 5 in Appendix A, except that:

- (a) The Commissioner of Buildings may approve a curb cut where there are no alternative means of access to required off-street loading berths from other #streets# bounding the #zoning lot#.
- (b) The City Planning Commission may authorize curb cuts for loading berths, provided:

- (1) such loading berths are adjacent to a fully enclosed maneuvering area on the #zoning lot#;
- (2) such maneuvering area is at least equal in size to the area of the loading berth; and
- (3) there is adequate space to permit head-in and head-out truck movements to and from the #zoning lot#.

The City Planning Commission may refer such applications to the Department of Transportation for comment.

(c) The City Planning Commission may authorize curb cuts for #accessory# parking for #residences#, provided such curb cuts:

- (1) will not create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement; and
- (2) will not interfere with the efficient functioning of required pedestrian circulation spaces, or public transit facilities.

The City Planning Commission may refer such applications to the Department of Transportation for comment.

No curb cuts may be approved or authorized on Battery Place, Broad Street, Broadway, Liberty Street west of Broadway, Park Row South or Wall Street.

In addition, for #zoning lots# with frontage on #streets# where curb cuts are prohibited, the Commissioner of Buildings may waive required off-street loading berths pursuant to the provisions set forth in Section 13-35 (Modification of Loading Berth Requirements).

Where a curb cut is approved or authorized pursuant to this Section, the maximum width of a curb cut, including splays, shall be 15 feet for a #street# with one-way traffic and 25 feet for a #street# with two-way traffic.

* * *

**Chapter 2
Special Park Improvement District**

**92-00
GENERAL PURPOSES**

* * *

92-05

Maximum Number of Accessory Off-Street Parking Spaces

Within the portion of the #Special Park Improvement District# located within the #Manhattan Core#, the provisions of Article I, Chapter 3 (Comprehensive Off-Street Parking and Loading Regulations in the Manhattan Core) shall apply, inclusive. For all other portions of the #Special Park Improvement District#, the provisions of this Section shall apply.

In no case shall the number of #accessory# off-street parking spaces for a #residential use# exceed 40 percent of the number of #dwelling units#. In no case shall curb cuts for vehicular access be located on Fifth Avenue or Park Avenue or on a #street# within 50 feet of its intersection with the #street line# of Fifth Avenue or Park Avenue. No off-site #accessory# off-street parking facilities for any #use# shall be permitted within the Special District. All parking spaces #accessory# to #residences# shall be designed and operated exclusively for the long term storage of the private passenger motor vehicles used by the occupants of such #residences#.

The parking requirements set forth in Sections 25-21, 25-31, 36-21 or 36-31 shall not apply to any #development# for which the Commissioner of Buildings has certified that there is no way to provide the required parking spaces with access to a #street# in conformity with the provisions of this Section.

~~The maximum number of permitted, and the minimum number of required #accessory# off-street parking spaces, for #zoning lots# in the area of the Special District located within Manhattan Community District 8, are set forth in Article I, Chapter 3.~~

* * *

**Chapter 3
Special Hudson Yards District**

93-00

GENERAL PURPOSES

* * *

93-05

Applicability of District Regulations

* * *

93-052

Applicability of Article I, Chapter 3

~~#Public parking lots#~~ authorized pursuant to ~~Section 13-552~~ prior to January 19, 2005, and ~~#accessory#~~ off-street parking facilities for which a special permit has been granted pursuant to ~~Section 13-561~~ prior to January 19, 2005, may be renewed subject to the terms of such authorization or special permit.

The provisions of Article I, Chapter 3, in their entirety shall be applied to Subdistrict F. The following provisions of Article I, Chapter 3 governing #automated parking facilities#, as defined in Section 13-02 (Definitions), automobile rental establishments, commercial vehicle parking, and off-street loading berths shall apply to Subdistricts A, B, C, D and E, as applicable:

- (a) for #automated parking facilities#, the provisions of Section 13-101 (Calculating parking spaces in automated parking facilities), paragraph (b) of Section 13-25 (Reservoir Spaces), and paragraph (b) of Section 13-27 (Minimum and Maximum Size of Parking Facilities);
- (b) for automobile rental establishments, the provisions of Section 13-15 (Permitted Parking for Automobile Rental Establishments, paragraph (b) of Section 13-221 (Enclosure and screening requirements), Section 13-241 (Location of curb cuts), paragraph (b) of Section 13-242 (Maximum width of curb cuts), paragraph (c) Section 13-25, and paragraph (c) of Section 13-27;
- (c) for commercial vehicle parking, the provisions of Section 13-16 (Permitted Parking for Car Sharing Vehicles and Commercial Vehicles); and
- (d) for off-street loading berths, the provisions of Section 13-30 (OFF-STREET LOADING REGULATIONS IN THE MANHATTAN CORE), inclusive.

Additional provisions of Article I, Chapter 3, shall be applicable as specified in Section 93-80, inclusive.

* * *

93-80 OFF-STREET PARKING REGULATIONS

In Subdistricts A, B, C, D and E, the regulations governing permitted ~~and required~~ ~~#accessory#~~ off-street parking spaces of Article I, Chapter 3 (Comprehensive Off-Street Parking and Loading Regulations in the Manhattan Core ~~Comprehensive Off-Street Parking Regulations in Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and a Portion of~~

~~Community Districts 1 and 2 in the Borough of Queens~~) and Article II, Chapter 5; Article III, Chapter 6; and Article IV, Chapter 4 (Accessory Off-Street Parking and Loading Regulations) shall not apply except as set forth in this Section. In lieu thereof, the provisions of this Section, inclusive, shall apply.

In Subdistrict F, the regulations of Article I, Chapter 3, shall apply.

* * *

93-821

Permitted parking when the reservoir surplus is greater than or equal to zero

When the #reservoir surplus# is greater than or equal to zero, off-street parking spaces may be provided only in accordance with the provisions of this Section.

- (a) For #residences#, #accessory# off-street parking spaces may be provided for not more than 30 percent of the total number of #dwelling units#, except that where such #dwelling units# are comprised of #low income floor area#, #moderate income floor area# or #middle income floor area#, as defined in Section 23-911, #accessory# off-street parking spaces may be provided for not more than eight percent of the total number of such #dwelling units#.
- (b) For Use Group 5 #transient hotels#, the applicable provisions of Section 13-12 (Permitted Parking for Non-Residential Uses) ~~13-134~~ shall apply with respect to the number of permitted #accessory# off-street parking spaces, provided that the number of such spaces does not exceed 0.16 for every 1,000 square feet of #floor area#.
- (c) For Use Group 6B offices, not more than 0.16 #accessory# off-street parking spaces may be provided for every 1,000 square feet of #floor area#.

* * *

93-822

Permitted parking when a reservoir deficit exists

When a #reservoir deficit# exists, additional off-street parking spaces may be provided in accordance with the provisions of this Section. However, this Section shall not apply in the Eastern Rail Yard Subarea A1.

- (a) The number of permitted #accessory# off-street parking spaces for Use Group 5 hotels may exceed 0.16 for every 1,000 square feet of #floor area#, up to the number permitted by the applicable provisions of Section 13-12 (Permitted Parking for Non-Residential Uses) Section 13-131.
- (b) The number of permitted #accessory# off-street parking spaces for Use Group 6B offices may be increased by up to 33 percent of the number permitted pursuant to Section 93-821, paragraph (b).

* * *

93-823

Parking permitted by special permit

When a #reservoir deficit# exists, the City Planning Commission may allow, by special permit, Use Group 6B offices to exceed the number of #accessory# off-street parking spaces permitted by Section 93-822, provided that: in accordance with the provisions of Section 13-561, except that finding (a) of Section 13-561 shall not apply.

- (a) within the vicinity of the site, there are insufficient parking spaces available;
- (b) the facility will not create or contribute to serious traffic congestion nor unduly inhibit vehicular and pedestrian movement;
- (c) the facility is so located as to draw a minimum of vehicular traffic to and through local #residential streets#; and
- (d) adequate reservoir space is provided at the vehicular entrance to accommodate vehicles equivalent in number to 20 percent of the total number of parking spaces, up to 50 parking spaces, and five percent of any spaces in excess of 200 parking spaces, but in no event shall such reservoir spaces be required for more than 50 vehicles. However, in the case of a facility with a capacity of 10 vehicles or less, the Commission may waive this finding.

In addition, the Commission shall find that the number of #accessory# off-street parking spaces in excess of the number permitted by Section 93-821, proposed to be added by the #development# or #enlargement# that is the subject of the application under review, does not exceed the #reservoir deficit#; and that such additional #accessory# off-street parking spaces, when added to the sum of the parking spaces specified in paragraphs (e)(2)(i), (e)(2)(ii) and (e)(2)(iii) of Section 93-821 does not exceed 5,905 spaces, except insofar as the limit of 5,905 spaces set forth in paragraph (e)(2) has been adjusted pursuant to the provisions of paragraph

(e)(3) of Section 93-821. In making such finding, the Commission shall not consider any prior certification or any special permit that has lapsed in accordance with the provisions of this Resolution.

* * *

93-83
Use and Location of Parking Facilities

The provisions of this Section shall apply to all off-street parking spaces within the #Special Hudson Yards District#.

- (a) All off-street parking spaces #accessory# to #residences# shall be used exclusively by the occupants of such #residences#. Except in the Eastern Rail Yard Subarea A1, all off-street parking spaces #accessory# to Use Group 5 #transient hotels# and Use Group 6B offices may be made available for public use. No #accessory# off-street parking spaces shall be located on a #zoning lot# other than the same #zoning lot# as the #use# to which they are #accessory#. ~~The provisions of Section 13-141 (Location of accessory off-street parking spaces), inclusive, shall apply.~~
- (b) All off-street parking spaces shall be located within facilities that, except for entrances and exits, are:
 - (1) entirely below the level of any #street# or publicly accessible open area upon which such facility, or portion thereof, fronts; or
 - (2) located, at every level above-grade, behind #commercial#, #community facility# or #residential floor area#, so that no portion of such parking facility is visible from adjoining #streets# or publicly accessible open areas.

* * *

Chapter 5
Special Transit Land Use District

* * *

95-00
GENERAL PURPOSES

* * *

95-09
Special Regulations for Accessory Off-Street Parking and Curb Cuts

Within the portion of the #Special Transit Land Use District# located within the #Manhattan Core#, the provisions of Article I, Chapter 3 (Comprehensive Off-Street Parking and Loading Regulations in the Manhattan Core) shall apply, inclusive. For all other portions of the #Special Transit Land Use District#, the provisions of this Section shall apply.

On any #zoning lot# on which a transit easement volume is provided, the required #accessory# off-street parking requirements for #residential uses# of the applicable underlying districts shall be reduced to a maximum of 20 percent.

In no case within the Special District shall curb cuts for vehicular access be located on a #street# containing transit lines or on a #street# within 50 feet of its intersection with the #street lines# of such a #street#.

The #accessory# parking requirements shall not apply to any #development# or #enlargement# for which the Commissioner of Buildings has certified that there is no way to provide the required parking spaces with access to a #street# in conformity with the provisions of this Section.

* * *

Chapter 6 Special Clinton District

* * *

96-10 PRESERVATION AREA

* * *

96-111 Off-street parking regulations

#Accessory# off-street parking spaces, #public parking lots# or #public parking garages# are not permitted within the Preservation Area except by the applicable special permit as set forth in Section 13-45 (Special Permits for Additional Parking Spaces), inclusive Sections 13-561 (Accessory off-street parking spaces) and 13-562 (Public parking garages and public parking lots).

In addition, the Commission shall find that:

- (a) the property has been or will be vacated pursuant to the provisions of Section 96-108; and

(b) the applicant has followed the relocation procedures set forth in Section 96-23.

* * *

**96-21
Special Regulations for 42nd Street Perimeter Area**

The provisions of this Section shall apply in all #Commercial Districts# within the area bounded by the following:

* * *

(f) Special curb cut and parking provisions requirements

No curb cuts shall be permitted on 42nd Street. The parking provisions requirements of the #Special Hudson Yards District# shall apply within the 42nd Street Perimeter Area, as set forth in Section 93-80 (OFF-STREET PARKING REGULATIONS), except that such parking provisions requirements shall not apply to any #development# or #enlargement# for which a special permit was granted prior to January 19, 2005.

Any #development# or #enlargement# for which a building permit has been lawfully issued prior to December 31, 2004 shall comply with either the parking regulations in effect at the time the permit was issued, or the provisions requirements of this paragraph, (f).

* * *

**Chapter 9
Special Madison Avenue Preservation District**

* * *

**99-00
GENERAL PURPOSES**

* * *

**99-06
Off-Street Parking Regulations**

Within the portion of the #Special Madison Avenue District# located within the #Manhattan

Core#, the provisions of Article I, Chapter 3 (Comprehensive Off-Street Parking and Loading Regulations in the Manhattan Core) shall apply, inclusive. For all other portions of the #Special Madison Avenue District#, the provisions of this Section shall apply.

Where #accessory# off-street parking is provided, in no case shall curb cuts for vehicular access be located on Madison Avenue or on a #street# within 50 feet of its intersection with the #street line# of Madison Avenue. No off-site #accessory# off-street parking facilities for any #use# shall be permitted within the Special District.

~~The maximum number of permitted, and the minimum number of required, #accessory# off-street parking spaces for #developments# or #enlargements# in the area of the Special District located within Community District 8 are set forth in Article I, Chapter 3.~~

* * *

Article X - Special Purpose Districts

* * *

Chapter 9 – Special Little Italy District

* * *

109-10 PRESERVATION AREA (Area A)

* * *

109-16 Parking Regulations

No #accessory# off-street parking is permitted ~~or required~~ for any #development# or #enlargement# in Area A, except as set forth herein.

The City Planning Commission, ~~by special permit,~~ may allow #accessory# off-street parking facilities for any #development# or #enlargement# on a #zoning lot# pursuant to the applicable authorization or special permit in Article I, Chapter 3 (Comprehensive Off-Street Parking and Loading Regulations in the Manhattan Core). ~~provided that the following findings are made:~~

- ~~(a) that such off-street parking spaces be used solely as #accessory# parking facilities for #residential use# and that the number of such spaces shall not exceed 20 percent of the total number of new #dwelling units#;~~

- ~~(b) that within the vicinity of the site there is insufficient parking space available; and~~
- ~~(c) that such parking facilities will not create or contribute to serious traffic congestion and will not unduly inhibit vehicular traffic or pedestrian flow.~~

~~The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for shielding, color and intensity of lighting, screening and signage, or for location of entrances and exits.~~

* * *

109-30
HOUSTON STREET CORRIDOR (Area B)

* * *

109-35
Parking and Curb Cuts

109-351
Parking regulations

~~The parking regulations of the underlying district shall apply except that the City Planning Commission may permit additional #accessory# off-street parking facilities, or a reduction in the required amount of such facilities, provided the following findings are made:~~

- ~~(a) that in the case of a reduction of such required facilities, there is sufficient parking available or, in the case of additional parking facilities, there is insufficient parking available within the vicinity of the site;~~
- ~~(b) that such parking facilities will not create or contribute to serious traffic congestion and will not unduly inhibit vehicular traffic or pedestrian flow.~~

~~The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for shielding, color and intensity of lighting, screening and signage or for location of entrances and exits.~~

109-351
109-352
Curb cut regulations

There shall be not more than one curb cut on each #street line# frontage of a #zoning lot#.

* * *

Article XI - Special Purpose Districts

* * *

Chapter 7 Special Long Island City Mixed Use District

* * *

117-02 General Provisions

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Long Island City Mixed Use District#, the regulations of this Chapter shall apply within the #Special Long Island City Mixed Use District#. The regulations of all other Chapters of this Resolution are applicable, except as modified, supplemented or superseded by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

* * *

- (c) Regulations relating to #accessory# parking facilities, #public parking lots# and #public parking garages# within the Hunters Point Subdistrict, the Court Square Subdistrict and the Queens Plaza Subdistrict are set forth in Article I, Chapter 6 (Comprehensive Off-Street Parking Regulations in Long Island City) ~~Chapter 3 (Comprehensive Off-Street Parking Regulations in Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and in Portions of Community Districts 1 and 2 in the Borough of Queens)~~, and such provisions are further modified by Section 117-54 (Off-street Parking and Loading Regulations).

* * *

117-54 Off-street Parking and Loading Regulations

- (a) The off-street parking provisions of Article I, Chapter 6 ~~Chapter 3~~, shall apply, except that:

- (1) the prohibition of curb cuts accessing entrances and exits to ~~accessory~~ off-street parking facilities on certain ~~wide streets~~, as set forth in paragraph (b) of Section 16-231 (Location of curb cuts), ~~provisions of paragraph (b) of Section 13-142 (Additional regulations for permitted accessory off-street parking spaces)~~ shall also apply to Northern Boulevard, Crescent Street and 23rd Street; and
- (2) the provisions of ~~paragraph (c) of Section 16-12 (Permitted Parking for Non-Residential Uses) Section 13-133 (Community facility, commercial or manufacturing developments)~~ shall be modified as follows: the maximum number of ~~accessory~~ off-street parking spaces permitted for a ~~development~~ or ~~enlargement~~ shall not exceed one space per 2,000 square feet of ~~floor area~~ or 250 spaces, whichever is less.

(b) Curb cuts shall not be permitted within 40 feet of a ~~zoning lot line~~ that abuts the Sunnyside Yard.

* * *

Article XII - Special Purpose Districts

* * *

**Chapter 1
Special Garment Center District**

* * *

**121-10
PRESERVATION AREA**

* * *

**121-11
Special Use Regulations**

* * *

**121-111
Use Group A**

Changes of ~~use~~ to Use Group A ~~uses~~ are exempt from the ~~floor area~~ preservation requirements of Section 121-113. In Preservation Area P-1, in the case of a change of ~~use~~ of ~~floor area~~ to a Use Group 6B ~~use~~, Use Group A ~~uses~~ may not be used to satisfy the preservation requirement. In Preservation Area P-2, in the case of a change of ~~use~~ of ~~floor area~~ to any ~~use~~ permitted by the underlying ~~use~~ regulations, Use Group A ~~uses~~

may not be used to satisfy the preservation requirement.

In Use Group 6A:

All #uses#

In Use Group 6C:

All #uses# except loan offices, telegraph offices and travel bureaus

In Use Group 6D:

All #uses#

In Use Group 9A:

Blueprinting or photostatting establishments

Musical instrument repair shops

Printing establishments, limited to 2,500 square feet of #floor area# per establishment for production

Typewriter or other small business machine sales, rentals or repairs

In Use Group 12B:

All #uses#

Additional #uses#:

#Accessory uses#

Automobile rental establishments

#Public parking lots# and #public parking garages#, pursuant to the provisions of Article I, Chapter 3 (Comprehensive Off-Street Parking and Loading Regulations in the Manhattan Core ~~Comprehensive Off-Street Parking Regulations in Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan~~)

Wholesale establishments, with a minimum of 15 percent of #accessory# storage

Wholesale showrooms

* * *

121-40

PARKING PROVISIONS FOR REQUIREMENTS IN PRESERVATION AREA P-2

Within Preservation Area P-2, as shown in Appendix A of this Chapter, the underlying parking requirements shall not apply. In lieu thereof, the parking provisions ~~regulations~~ of the Special Hudson Yards District, as set forth in Section 93-80 (OFF-STREET PARKING) shall apply.

* * *

Chapter 3

Special Mixed Use District

* * *

123-70

PARKING AND LOADING

For #Special Mixed Use Districts# located within the #Manhattan Core#, the provisions of Article I, Chapter 3 (Comprehensive Off-Street Parking and Loading Regulations in the Manhattan Core) shall apply, inclusive, and for #Special Mixed Use Districts# located within #Long Island City#, as defined in Section 16-02 (Definitions), the provisions of Article I, Chapter 6 (Comprehensive Off-Street Parking Regulations in Long Island City) shall apply, inclusive. For all other #Special Mixed Use Districts#, the provisions of this Section, inclusive, shall apply.

* * *

Chapter 5

Special Southern Hunters Point District

* * *

125-50

PARKING REGULATIONS

The regulations governing permitted and required #accessory# off-street parking spaces of Article I, Chapter 6 (Comprehensive Off-Street Parking Regulations in Long Island City) Chapter 3 (Comprehensive Off-Street Parking Regulations in Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and a Portion of Community Districts 1 and 2

~~in the Borough of Queens~~ and Article II, Chapter 5; Article III, Chapter 6; and Article IV, Chapter 4 (Accessory Off-Street Parking and Loading Regulations) shall apply, except as set forth in this Section.

* * *

125-53

Maximum Size of Permitted Accessory Group Parking Facilities

In the East River Subdistrict, Section 16-13 (Permitted Parking for Zoning Lots with Multiple Uses) ~~13-134 (Multiple use development)~~ shall apply except that the maximum number of spaces shall be 780. Section 16-21 (Off-Site Parking) ~~13-141 (Location of accessory off street parking spaces)~~ shall not apply.

In the Newtown Creek Subdistrict, Section 16-13 ~~13-134~~ shall apply except that the maximum number of spaces shall not exceed 40 percent of the number of #dwelling units# within the #development# or #enlargement#.

END

* * *

The above resolution (N 130105 ZRM), duly adopted by the City Planning Commission on March 20, 2013 (Calendar No. 8), 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
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MICHELLE R. DE LA UZ,
MARIA M. DEL TORO, JOSEPH I. DOUEK, RICHARD W. EADDY,
ANNA HAYES LEVIN, ORLANDO MARIN, Commissioners

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: DECEMBER 19, 2012

COMMITTEE OF ORIGIN: PLANNING

BOARD VOTE: 33 In Favor 0 Opposed 0 Abstained 0 Recused

RE: N 130105 ZRM
Manhattan Core Public Parking

WHEREAS: The Department of City Planning (DCP) is proposing to revise the zoning regulations governing off-street parking in the Manhattan Core, which is comprised of Manhattan Community Districts 1-8, south of 96th Street on the East Side and below 110th Street on the West Side; and

WHEREAS: The Manhattan Core currently has some of the most progressive parking regulations in the country with no minimum parking requirement, and with limitations on the amount of permitted parking; and

WHEREAS: The Manhattan Core Public Parking Study (2011) undertaken by DCP identified recent trends in off-street parking as well as a number of deficiencies in the 30-year old existing parking regulations; and

WHEREAS: DCP is now proposing changes to existing off-street parking regulations with the stated objective of ensuring that the right amount of parking spaces is being provided to support Manhattan Core businesses, residents and visitors while also addressing the city's sustainability objectives to encourage public transit and reduce energy use and greenhouse gas emissions. The proposal addresses the following primary subjects: Automated Parking Facilities; Loading Docks;

Rental Vehicle Parking; Commercial Vehicle Parking; Permit Accessory Parking to Operate as Public Parking; Special Permits, as described in more detail below:

Automated Parking Facilities. The proposal defines guidelines for automated parking facilities including wrapping requirements and floor area exemptions. These provisions would encourage the development of automated facilities, which are a more efficient use of space and have environmental benefits over conventional attended garages. The Commissioner of the Department of Buildings would be given authority to determine capacity and the number of reservoir spaces needed based on the operational characteristics of the facility. This flexibility is needed as each automated parking facility is custom-designed

for the site and technology for this type of facility is evolving. The proposal would also increase the floor area waiver, now permitted for garages up to a height of 23', to 40' for automated parking facilities by Chair certification, provided that: (a) there is floor area above the garage (there has to be another use and not just a stand-alone garage); (b) the first story must be wrapped by another use to a depth of 30'; and (c) the façade up to 40' is consistent with the rest of the building's façade.

Loading Docks. The proposal would increase the minimum loading dock depth to 37' x 12' from 33' x 12' to address the issue of trucks blocking sidewalks in front of loading areas. Additionally, internal areas used for dumpsters may be excluded from floor area (up to 25' x 12'). The proposal would grant the Commissioner of the Department of Buildings a waiver through a certification for sites with below grade or infrastructure constraints and expand the ability to exempt loading requirements on zoning lots that have two street frontages, when one frontage does not permit curb cuts. The waiver would be allowed if the second street frontage, where curb cuts are permitted, has an unusually narrow street width (as in Lower Manhattan), or is encumbered by residential buildings, landmark buildings, or large commercial buildings that preclude access to a required loading dock.

Rental Vehicle Parking. The Manhattan Core is a prime location for car rental vehicles (and car share), which contribute to the low rate of car ownership, encourage transit use and reduce the need for off-street parking. The proposal would allow more flexibility for car rental vehicles to park in public parking facilities by increasing the permitted number to 40 percent in C2, C4, C5, C6, C8 and M districts. The current 100 space limit on rental car vehicles in standalone facilities in the Manhattan Core would be modified to allow for additional storage (150 in C2 districts, 225 in C4, C5, C6 and C8 districts, 300 in M districts). Rental car vehicles and car share vehicles would also be permitted to count towards the 50 percent of commercial vehicles in C5, C6, C8 and all M districts (see below). Reservoir spaces would be required in standalone rental car facilities.

Commercial Vehicle Parking. Many small commercial vans and vehicles (a maximum of 20 feet) have to leave the Manhattan Core to park overnight due to current restrictions on parking location. The proposal will provide additional opportunities for these vehicles to park in the Manhattan Core by increasing the number of spaces they may occupy overnight in public parking facilities: up to 50 percent in C5, C6, C8 and all M districts. This will reduce vehicle miles traveled and decrease congestion. Permitted car rental vehicles would be counted within this cap.

Permit Accessory Parking to Operate as Public Parking. The Manhattan Core study found that most new accessory parking facilities in residential buildings have received licenses from the Department of Consumer Affairs to

operate as public garages. This proposal would allow all new accessory parking facilities and those with DCA licenses to operate as public facilities within the maximum amounts allowed today. DCA-licensed accessory garages existing as of January 1, 2012 may file their DCA license with the Department of Buildings to indicate that public use is permitted.

Special Permits. Currently, there is a lack of guidance to inform CPC's determination about the appropriate amount of parking for a proposed development seeking accessory spaces above the permitted as-of-right ratios. Additionally, there are no findings on the appropriateness of the amount of parking for a proposed public parking facility application. New findings for the parking Special Permits would provide a rational framework for evaluating whether the number of spaces proposed is appropriate. The findings would set a standard of reasonableness for the number of spaces, based on recent residential development in the surrounding area and recent changes in the supply of public parking used by residents in the area. The proposed Special Permits would have a uniform set of conditions and findings for all applications and would also establish four new Special Permits to exceed as-of-right parking ratios and maximum capacities allowed as part of a development. The proposed Special Permit findings are described in the attached summary; and

WHEREAS: Community Board 1 supports the general principles underlying the proposed Manhattan Core Parking zoning changes, but has concerns regarding three aspects of the proposed changes: first, CB1 believes that permitting up to 40 percent of a public parking garage to be devoted to rental car parking could negatively impact the availability of parking in such a garage for local residents; second, CB1 believes that the local community should have the opportunity to comment on any floor area waiver to be granted by CPC Chair certification with respect to an automated parking facility under the new regulations; and third, CB1 does not agree with the proposal to allow new accessory parking facilities and those with DCA licenses to operate as public facilities within the maximum amounts allowed today and objects to the proposal to allow DCA-licensed accessory garages existing as of January 1, 2012 to file their DCA licenses with the Department of Buildings to indicate that public use is permitted, now

THEREFORE

BE IT

RESOLVED

THAT:

Community Board 1 supports the proposed Manhattan Core Parking zoning changes with the following modifications: (1) that the percentage of rental car parking in a public garage be set at 25%, rather than 40%; (2) that floor area waiver that would be subject to CPC Chair certification with respect to an automated parking facility also be subject to a notice to the Community Board and Council Member in whose districts the facility is located, sufficiently in advance of the deadline for Chair certification such that the Community Board and Council Member would have opportunity to comment, and (3) that new

accessory parking facilities and those with DCA licenses not be allowed to operate as public facilities within the maximum amounts allowed today and, specifically, that DCA-licensed accessory garages existing as of January 1, 2012 should not be permitted to file their DCA licenses with the Department of Buildings to indicate that public use is permitted.

David Gruber, Chair
Bo Riccobono, First Vice Chair
Jo Hamilton, Second Vice Chair
Bob Gormley, District Manager



Antony Wong, Treasurer
Susan Kent, Secretary
Keen Berger, Assistant Secretary

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LAND USE COMMITTEE

January 9, 2013

The Land Use Committee of Community Board #2, Manhattan, held its regularly scheduled monthly meeting on Wednesday, January 9, 2013, at 6:30 PM, at 32 Waverly Place, Room 401.

Board Members Present: Tobi Bergman, chair; Terri Cude, vice chair; Anita Brandt; Doris Diether; Jo Hamilton; Susan Wittenberg; Robert Woodworth

Board Members Excused: Arthur Kreimelman; Sean Sweeney

Board Members Absent:

Public Members Present: Robert Burton

Public Members Excused: Mike Akerly

Public Members Absent:

Other Board Members attending: Shirley Secunda, Chair, Traffic & Transportation Committee; Frederica Sigel.

A quorum being present, the meeting was called to order. Three presentations for action were made to the committee. Three corresponding resolutions were passed as follows:

1. A proposal from the Department of City Planning for a Text Amendment to modify off-street parking regulations in the Manhattan Core.

Whereas:

(Regarding proposal information.)

1. The proposal was presented to the committee by Stephen Johnson of the Department of City Planning and Sandy Hornick, a consultant to DCP for this project;
2. The Project Description for the Manhattan Core Parking Text Amendment Environmental Assessment Statement discusses a study of off-street parking in the Manhattan Core complete in 2011;
3. The key findings of this study indicate generally resounding success of the 30-year old Manhattan Core parking regulations;
4. The proposed amendment is a comprehensive re-write of the regulations;
5. The amendment would improve efficiency of use of parking facilities by allowing public parking use of parking currently restricted to residential accessory use;

6. The amendment will establish an as-of-right cap of ten spaces for retail parking but will also allow additional retail parking by special permit with no upper limit;
7. The amendment will provide new regulations to facilitate use of automated parking;
8. The amendment will implement design requirements to improve garage safety;
9. The amendment will facilitate use of garages for car rental, car sharing, and commercial overnight parking;

(Regarding the project impact and community response.)

10. The chair of the CB2 Traffic & Transportation committee and one public member of that committee raised questions regarding the advisability of this proposal citing risks of disrupting the success of the current text and the risk of encouraging more car trips into the Manhattan Core;
11. No members of the public spoke for or against the proposal;
12. It may not be possible to fully gauge the impacts of this comprehensive amendment and more care is needed to assure that new regulations are not disruptive to the achievements of the current regulations that have reduced entry of unnecessary vehicles into the Manhattan Core;
13. In particular, blanket allowance of public parking in all facilities may have minimal average impact, but may encourage some operators to replace monthly residential parking by residents of nearby buildings with hourly parking, particularly in night-life areas, putting commercial amenity parking in certain areas in competition with residential off-street parking and encouraging entry into the Core of additional vehicles;
14. This risk may especially impact residential parkers in CB2 and other downtown districts where residents are currently more likely to use accessory parking of nearby buildings than in uptown districts;
15. Even a small increase in vehicle entry to the Manhattan Core would be a step backwards with unpredictable localized impacts on traffic, and related impacts on air quality and pedestrian safety;
16. The proposal encourages driveway design that generally improves the safety of pedestrians, but fails to deal with the hazards associated with driveways that do not provide a level area prior to the sidewalk crossing;
17. Of five new Special Permits, at least three may encourage parking intensive commercial development at sites within Hudson River Park, including Pier 40 at West Houston Street;
18. In general, these special permits would allow, without a specified upper limit, conditions directly in opposition to the purpose of the underlying regulation to avoid facilitating the development of auto-oriented uses inappropriate for the Manhattan Core's built environment, and in the cases of Pier 40 and the St. Johns Center, for example, would do so in the worst possible location in the midst of high volume traffic generated by the Holland Tunnel;
19. The availability of these permits will open a door to large-scale parking-dependent commercial projects and generally soften commendable new policy regarding inappropriateness of auto-oriented commercial uses in the Manhattan Core;

20. These three special permits, all with vague and low bar findings, would allow almost unlimited parking for large entertainment projects, stadia, and retail malls or big box stores, all of which have been strongly opposed by when proposed as waterfront uses;
21. Policy discouraging uses that generate high parking demand near the Holland Tunnel and along Route 9A, which is frequently congested, should be strengthened.

Therefore it is resolved that CB2 Manhattan

1. Commends the Department of City Planning for undertaking a careful study of off-street parking in the Manhattan Core and proposing many improvements to regulations;
2. Opposes the text amendment as written;
3. Requests the Commission to take special steps to avoid displacement of off-street parking for residents who currently park in nearby buildings by allowing residents to claim spaces in nearby buildings, not just the buildings where they live;
4. Requests the Commission to set an upper limit of 50 spaces for parking allowed by Special Permits to assure that regulations do not encourage parking-based commercial development at Pier 40, the St. Johns Building, and possibly other sites in the intensely congested Holland Tunnel access area;
5. Requests the addition of a requirement of a level area at the top of ramps inside garage entrances.

Passed (Unanimous)



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Gigi Li, Board Chair

Susan Stetzer, District Manager

December 20, 2012

Hon. Amanda M. Burden, Chair
City Planning Commission
22 Reade Street
New York, NY 10007

Re: N 130105 ZRM Manhattan Core Parking Zoning Text Amendment

Dear Chair Burden:

At its December 2012 monthly meeting, Community Board 3 passed the following resolution:

WHEREAS, the Department of City Planning is proposing a text amendment (N 130105 ZRM) to the Zoning Resolution to modify the off-street parking regulations in the Manhattan Core; and

WHEREAS, the proposed regulations would apply to Community District 3 (among others); and

WHEREAS, the proposed text amendment would promote a more rational and efficient allocation of off-street parking; and

WHEREAS, the implementation of these regulations would result in a better match between parking needs and the amount of parking provided while addressing the city's sustainability objectives; so

THEREFORE, BE IT RESOLVED, that CB3 approves the Manhattan Core Parking Text Amendment N130105 ZRM.

If you have any questions, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink that reads 'Gigi Li'.

Gigi Li, Chair
Community Board 3



CITY OF NEW YORK

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COREY JOHNSON
Chair

ROBERT J. BENFATTO, JR., ESQ.
District Manager

January 14, 2013

Director Amanda M. Burden
Department of City Planning
22 Reade Street
New York, New York 10007

Re: Proposed Manhattan Core Parking Text Amendment (N 130105 ZRM)

Dear Chair Burden:

Manhattan Community Board 4 (CB4) appreciates the Department of City Planning's (DCP's) efforts to improve parking regulations in the Manhattan Core. These text changes are the first proposed major revisions to the Manhattan Core parking regulations since their creation in 1982 – when the city first limited, rather than required, parking in new developments in the Manhattan Core, comprised of Manhattan south of 110th Street on the west side and south of 96th Street on the east side. The 1982 revisions have proven successful with a December 2011 DCP study finding a reduction in car usage and car accumulation in the Central Business District while at the same time there has been substantial economic and residential growth.

As we stated in our July 27, 2012 letter when DCP first presented their concepts to the Community Board, we applaud this effort to update the parking regulations and feel many of the proposals warrants support. However, four of the proposals would present a major step backward, rather than building on the success of the 1982 policy as described by DCP – “limiting off-street public parking has “proved to be compatible with population and job growth and a thriving Central Business District.” We oppose the proposed text amendments unless these provisions are removed or revised.

- **Allowing Public Parking in Accessory Parking** garages: As additional residential and commercial buildings will be developed throughout the Manhattan Core, particularly in neighborhoods rezoned in the last 10 years, this proposal would increase congestion on residential streets. DCP indicates the major reason they make this proposal is to serve Manhattan Core residents who do not have parking at the residence. We propose a logical compromise to permit “Monthly Parking” for non-residents in accessory buildings to accommodate neighborhood residents, as this will not attract transient drivers and will still meet DCP’s goal.
- **Allowing special permits to be based on the inventory of existing and projected parking spaces without taking into account parking garage vacancies, neighborhood traffic or character.** While we appreciate that the proposed new findings for special permits includes a focus on garage entrance/exit interaction with pedestrians and streetscape, we are concerned that existing findings regarding impact on traffic congestion and increasing traffic through local residential streets are removed. We feel those current findings should remain. We are also concerned that the revised proposed findings focus on overall projection for parking rather than include the need for the parking

(documenting insufficient current spaces/low vacancy rates). Without these clarifications, special permits can lead to the building of excess capacity and increased traffic congestion in residential streets. We also feel that changes permitted by Certification rather than Special Permit, including Automated Garages and enabling garage space below regulatory minimums, should require Community Board notification and minimum 45 days review.

- **Reducing reservoir requirements and merging all non-parking space into unified “access zones.”:** The proposed changes include substantially reducing reservoir requirements for public garages with less than 50 spaces and also classify reservoirs within newly defined “access zones” of garages that would enable using ramp, bicycle parking and other “access” space for reservoir space without separate dedicated space for each function. We feel this can lead to substantial overflow onto streets for entering cars during peak hours, a substantial problem already in many neighborhoods. We feel a more reasonable proposal would permit some flexibility and mixing of “access zones, but require bicycle parking and up to 50% of required reservoir spaces be separate space.
- **Creating new Special Permits for increased parking for Large Scale Developments, general Residential Growth, and Health Care, Arts, Public Assembly and Economic Generators, including within the Clinton Special District.** We are concerned about the potential for substantial increases in parking spaces and congestion in the Manhattan Core through these Special Permits, but understand the need to encourage economic activity and respond to a growing health care and cultural sector in the borough. We propose an inclusion of some maximum ratio or standards in lieu of a maximum number. We also feel strongly that these larger scale project Special Permits are incompatible with the Clinton Special District and should not be allowed in that part of the Community District.

While many of the overall proposals are beneficial, these above specific changes have the potential to reverse 40 years of successful efforts to reduce traffic congestion and improve air quality in the Central Business District (CBD) and will pose a specific burden on Manhattan Core neighborhoods with mixed use development.

Our analysis of the above-mentioned proposed changes shows that they would increase the usage and number of public garage facilities even though there is no demonstrated need for more public parking. In fact all statistics point to a decline in car usage and a related reduction of car accumulation in the CBD. Further the recent DCP study found that while the supply of off-street parking in the CBD declined by one-fifth since 1982, Manhattan employment increased by 16% and population by 10%. These statistics point to the success of the 1982 policy.

DCP’s presentation of survey results (August, 2011) points out that “moderate constraints on parking supply may help induce some portion of [drivers] to use transit instead.” As long as that is the case, we should not be increasing the number of transient parking spaces in the guise of accessory parking or otherwise.

These specific proposals will also negatively affect the safety and quality of life on residential streets and lead to more driving and traffic congestion in Manhattan Core, a trend the 1973 Transportation Control Plan and the 1982 zoning resolution recognized and set out to reverse.¹ In turn, the increased congestion is likely to worsen air pollution. New York City is currently not in compliance of the Clean Air Act targets for Ozone and PM2.5. NYC experienced 37 unhealthy air days in 2010, the third worst in the country.²

Overview

² FHWA,

http://www.fhwa.dot.gov/environment/airquality/publications/air_quality_planning/aqplan04.cfm

The Department of City Planning proposal rewrites Section 13-00 through 13-562 of the zoning code – “The Comprehensive Off-Street Parking and Loading Regulations in the Manhattan Core.” In essence this rewrite includes several major changes, though only four (as noted below³) affect the Clinton and Hudson Yards Special Districts. This proposal will affect Chelsea directly and the remainders of the district indirectly, since a large portion of transient traffic drives through the district, in order to reach its parking destination in other parts of the Manhattan Core.

1. Permit Public Parking in new Accessory Parking Garages (Section 13-21, “Public Use and Off-Site Parking) and permit existing (as of 1/1/2012) non-compliant Accessory Parking garages to continue to permit Public Parking (13-07d)

As indicated above, DCP proposes that, “All “accessory” off street parking spaces may be available for public use.”

Making “accessory” parking “public” will inevitably attract more commuters and visitors, which would add to traffic congestion contrary to DCP belief that the proposed zoning text change will have “no impact on the number of cars in the street.” This proposal hurts residents and reduces their safety by attracting a much larger volume of in- and out-trips than would otherwise be generated by accessory parking⁴, instead of reducing traffic and improving pedestrian safety in residential neighborhoods, a goal the Planning Commission endorsed in 1982.⁵

DCP makes this proposal indicating that most existing garages zoned for Accessory-only in the Manhattan Core operate with licenses from the Department of Consumer Affairs (DCA) that permit public parking, a requirement when a commercial operator (instead of the owner) seeks to operate a garage. While we acknowledge this inconsistency between the Parking zoning and licensing, we think it is inappropriate to change a major policy (discouraging public parking in the Manhattan Core and particularly in residential areas) because of a loophole. DCP, which in this case is subject to the ULURP process, should ensure that the zoning text conforms to responsible planning rather than default to DCA rules - as inadequate as they may be. This is particularly concerning for CB4 because it comes at a time when there is substantial increased residential and commercial building, particularly in Chelsea.

DCP also notes that Manhattan Core residents utilize a majority of spaces in Midtown Core accessory parking with public garage utilization, though that is not the case in CB’s 1, 4, 5 and 6. They also expect this demand to increase because of the growing number of higher income residents in that Manhattan core, who have a higher car ownership rate (35% versus the existing 23% of current Manhattan Core residents). We do not agree with this assessment, since the ownership rate in the Manhattan Core has remained constant between 1980 and 2009 at 23% despite substantial up-scale residential growth. In addition, the study notes that households without children have a far lower car ownership rate – 20% in 2010 – and much of the growth in the Manhattan Core has been in 0 and 1-bedroom apartments. In fact, in CB7 and CB8, which have the highest concentration of higher income residents and households with children, the car ownership rate has decreased by 3% in the last 10 years.⁶

We also note that the proposed provision would make the existing ban on new Public Parking garages in Midtown Manhattan meaningless, since new buildings could build accessory parking as of right, but then

³ Automated parking, rental car establishments, small commercial vehicles and loading docks

⁴ See EAS for 400 space parking garage for 310-320 West 38th Street (CEQUA 08DCP0003M)

⁵ As stated in its March 16, 1982 report on the Manhattan Core parking provisions, “The Commission believes that, as a matter of good land use planning, public parking facilities do not belong in residential buildings or neighborhoods” as of right.

⁶ MNCORE HH_Vehicle_Increase_1980+. DCP, December 2012

legally utilize the facility as a Public Parking garage without a Special Permit. The barriers to creating new public parking would be lowered.

In the long term while this will likely lower parking costs for transient parkers, by increasing the parking space supply available to them. It would likely increase parking costs for resident (particularly in neighborhoods adjacent to major commercial and/or tourist areas) as it increases the demand from transient parkers for spaces in those garages.

DCP also proposes to grandfather garages that do not comply with the current zoning and operate public parking in what should be an accessory only garage. This would reward operators who willfully engaged in years of illegal behavior, allow them to continue to put residents at risk and give them a competitive advantage over new legal operators who will have to comply with new reservoir and other requirements.

We feel meeting the demand of Manhattan Core car owners in buildings without parking could be met more easily and with fewer in-and-out traffic movement by permitting currently Accessory Garages to be “Only for Residents and Monthly Parking,” with signs and plaques stating that and the Monthly Parking rate. DCA regulations already provide that signs at certain residential accessory garages can say “No transients or non-residents permitted. Residential tenants only.” That rule could be amended to include all accessory garage and to have required external signs stating, “No transient parking permitted, Residential Monthly Parking Only” in Accessory Garages.

Thus, Manhattan Community Board 4 opposes the Department of City Planning’s revisions of Sections 13-000 to 13-562 of the zoning code unless the proposed Sections 13-21 and 13-07d delete the reference to Public Parking and replace it with Accessory and Monthly Parking. All currently non-compliant garages should be required to comply with the new safety [§13-26] and reservoir requirements [§13-25] within a certain time period.

2. Reservoir Space (Section 13-25)

Manhattan CB4 appreciates that under DCP’s proposal as of right Accessory garages will be required to have reservoir space – previously only Public Garages and Accessory garages applying for Special Permits had reservoir requirements. However, we are concerned that DCP proposes to classify reservoir space as part of an “Access Zone “ (13-02) of a garage, which also includes ramps, bicycle parking, and pedestrian egress routes. This implies that reservoir space does not need to be separately designated and could be part of the ramp or other “Access Zone” areas. According to DCP, in fact, most garages currently use ramps for a majority of their reservoir space. We feel this is insufficient. In addition, the proposal calculates reservoir parking by “parking space,” but does not define the dimensions of the parking space.

DCP also proposes to eliminate reservoir requirements for attended accessory and public parking garages with less than 25 spaces and reduce the requirement from 20% to 5% of the permitted parking spaces for parking garages with between 25 and 50 spaces. This would be a substantial reduction from the current policy, which exempts only garages with less than 10 spaces and requires 20% of parking spaces for garages with 10 and 50 spaces. It keeps the requirement for 50 to 100 spaces at 10%.

We are concerned by such a substantial reduction in reservoir space and size since, without proper reservoir, the queuing for garages can spill onto the street. In CB4 where a number of parking garages serve the theater district, arrivals are very concentrated in time; and without proper staffing for peak hours arrivals, cars overflow in the street. Cars standing in the way of pedestrians at garage entrances are a frequent complaint of pedestrians in CB4. However, given the lower traffic in smaller accessory garages, we support the request for some reduction.

Thus, **Manhattan Community Board 4 opposes the Department of City Planning's revisions of Sections 13-000 to 13-562 of the zoning code unless proposed Sections 13-25 is rewritten to state that accessory and public parking facilities with more than 25 parking spaces but less than 100 spaces, are required to have off-street reservoir space of at least 10% of the parking spaces provided in the facility. We also request that at least 50% of reservoir space must be solely reservoir space. Further, we request that DCP define the size (in square feet) of parking spaces to be used in meeting the reservoir requirement.**

3a. Special Permits, Certifications, and Authorization (13-40, 13-41, 13-42, 13-43, 13-431, 13-432, 13-45, and 13-46a-c)

DCP proposes to replace the current set of special permit *findings* with a universal set of *conditions* and *findings* for all applications. The proposed special permit *conditions* include layout provisions for as-of-right facilities, enclosure and screening requirements, curb cut restrictions; reservoir space requirements, pedestrian safety requirements, and minimum and maximum size of facility provisions. Special permit *findings* would require the City Planning Commission to find that locations of entrances and exits will not result in a conflict between pedestrian and vehicular movement, locations of entrances and exits will not interfere with efficient function of streets, exempted floor area in public parking garages is needed to prevent excessive on-street parking demand, and the parking facility/curb cut is not inconsistent with the character of the existing streetscape.

We applaud the proposed conditions, as well as the idea of giving more information and flexibility to the Commission to evaluate Special Permits and to encourage uniformity and simplicity. However with the rewrite, some key concepts have been removed from the findings (the current 13-561), most notably verifying the need for parking for the building occupants and reviewing that the proposed use would “draw a minimum of vehicular traffic to and through local residential streets.” Also concerning is that DCP is removing a requirement that the Department of Transportation and the Department of Environmental Protection review applications for special permits (and Authorizations) for traffic and air quality impacts, respectively. Finally DCP does not include an evaluation of vacancies/utilization in the area and safety or lack thereof at adjacent intersections. We propose that DCP include the evaluation of vacancies/utilization for all special permit applications and include the current special permit findings that relate to vehicular traffic through residential streets.

The provision (Section 13-431) also enables the City Planning Commission to permit parking facilities to have less than the required gross square feet providing City Planning Commission reviews their plan for lay-out and provides a “Certification” that the garage has sufficient space for parking, travel aisles and reservoir spaces given car turning required to enter and exit. While we are not opposed to this provision, we do request that the local Community Board be notified of any requested Certifications and be allowed to review the application and make comments to DCP within a 45 day period.

It also (Section 13-432) enables the City Planning Commission to approve an increase of exemption from FAR for a garage in a building that has at least 2 FAR from the current 23' to 40' feet if the City Planning Commission provides “Certification” that the proposal is for an automated parking facility, the facility has screening as otherwise required for a parking facility and that the street wall above 14' has a similar street wall and material composition as to the area above the 40.' We support the concept of encouraging use of Automated Garages, garages where vehicular storage and retrieval is “accomplished entirely through a mechanical conveyance system.” We understand that this technology improves vehicle safety within garages, makes for more efficient use of space, and encourages increased ground floor retail uses. However, since we are concerned that the street wall be consistent with the rest of the building, and often the surrounding buildings, we request that Community Boards be notified of any requested Certifications and be allowed to review the application and make comments to DCP within a 45 day period.

There is also a provision, similar to a current provision (proposed deleted 13-551), permitting CPC to provide “Authorization” to permit a building that currently does not have any parking to add up to 15 spaces (13-442) with the findings that entrance and exits do not unduly interfere with the pedestrian or vehicular traffic movement or other street lanes (e.g. on-street loading and unloading) and that it not be inconsistent with the surrounding streetscape. Given the small number of spaces proposed for this Authorization we are not opposed to this provision, but are concerned that required additional curb cuts can impact the street, the reprogramming of a portion of the building can impact the street ambiance and, if public parking is permitted in accessory parking, the increased traffic. We understand that Community Boards are already notified of proposed “Authorizations.”

Thus, Manhattan Community Board 4 opposes the Department of City Planning’s revisions of Sections 13-000 to 13-562 of the zoning code unless proposed Sections 13- 40, 13-431, 13-432, 13-442 and 13-45 are rewritten to include the following:

- Retain the findings of “building occupant need” and limited impact on “local residential streets” (Currently found in the proposed deleted 13-561).
- Include a finding that there is “insufficient parking spaces (e.g. Taking in account current vacancy rates),”⁷ for accessory parking permits; and include them in all proposed new public parking permits (13-461, 462, 463, and 464, as outlined below),
- Include a finding requiring mitigation of dangerous intersections nearby for all permits
- Amend the finding related to vehicular entrances and exits not resulting in “any undue conflict between pedestrian and vehicular movement,” by adding “or to increase or create pedestrian safety hazards.”
- Include a finding of need based on vacancies and clarify the language of the new special permit for Limited Increase of Parking Spaces in Existing Buildings or Parking Facilities (13-45)
- Retain the finding and include it in all special permits that “the proposed #use# will not cause a violation of ambient air quality standards, exacerbate an existing violation of such standards, nor be inconsistent with maintenance of such standards or the goal of reducing traffic congestion in the Central Business District.”
- Retain the role of DEP and DOT in determining traffic, and air quality impacts by retaining and strengthening the current Section 13-53 by giving the departments two months to respond.

3b. New Special Permits for

- **Additional Parking Spaces Section 13-46d and 13-461**
- **Additional Parking Spaces for Residential Growth 13-462**
- **Additional Parking Spaces for Health Care, Arts or Public Assembly Uses; 13-463**
- **Additional Parking Spaces for Economic Development Uses 13-464**
- **Additional Parking Spaces for Additional Parking Spaces for Large Scale Development (exceeding 1.5 acres)**

DCP proposes to replace the Existing Special Permit for additional Accessory Parking (proposed deleted 13-561) with a Special Permit for “Additional Parking Spaces for Residential Growth” (proposed 13-461) and to add three additional Special Permits.

The proposed Additional Parking Spaces for Residential Spaces would permit a proposed residential Accessory garage to exceed the 20% of apartments and 200 space maximums if the City Planning Commission finds there has been residential growth in the immediate vicinity of new facility and that there

⁷ Vacancies would be determined by a utilization study as specified in the CEQR technical manual.

is a reasonable expectation that the number of off street parking spaces in the area “is not excessive in relations to recent trends.” It also permits garages to exceed to the 200-unit maximum without meeting any finding for vicinity need if it remains within the 20% limit. In both cases, the findings outlined in the previous section - not unduly interrupt pedestrian traffic or cause vehicle/pedestrian conflicts; not interfere with efficient street functioning; and not be inconsistent with the existing streetscape - apply.

This provision will severely weaken the important limits on Accessory Parking imposed 1982 at the same time DCP proposes to open these facilities to Public Parking and is thus very concerning. We would prefer that the current 13-561, which requires a need based on the individual building, remain in place and that this proposal be withdrawn. At a minimum we insist that the findings we request above for all Special Permits, be clearly applicable here – documentation of low vacancy rate at nearby garages, limited effect of nearby residential street traffic, DOT review and finding of limited traffic impact (both degree of traffic and accidents), DEP funding of limited air quality impact, and documented additional need in the building.

The Proposed Additional Parking for Health Care, Arts and Public Assembly uses and Economic Generators would permit hospitals, community facilities and office/manufacturing to exceed the current Accessory 100 space maximums and Retail to exceed the current 10 space Accessory maximum through a Special permit process that includes the conditions and findings mentioned in the above section, as well as a finding that increased parking is essential to their operation and that they have taken reasonable measures to minimize parking demand.

The proposed Additional Parking Spaces for Large Scale Development (over 1.5 acres), which also waives the Accessory 200 space maximum for residential, 100 space maximum for community facility/commercial/manufacturing and the 10-space maximum for retail. In addition to the findings outlined in the previous section, this special permit also requires documentation that there is a parking deficit created by the relocation of parking users from eliminated facilities or that there insufficient capacity to accommodate potential parking users in surrounding areas. It also requires a finding that reasonable efforts were made to minimize parking demand.

While we are concerned about the long-term potential for these Special Permits on the Manhattan Core, we understand the need to be responsive to growing health care, arts (museums, theaters, etc.) and high impact and larger economic projects. However, we would request that maximum amounts include some proportional measurement, such as the Retail/Commercial/ Community Facility limit of 1 space per 4,000 square feet/Residential 20% of apartments or another reasonable measure. We also request that the reasonable measures to minimize parking demand finding be expanded to also require a finding that the project design/traffic plan minimizes vehicular travel in nearby residential neighborhoods (through way-finding signs, speed bumps and other means). Reasonable measures to minimize parking demand should be required to include inducement to use nearby mass transit. We also request that these Special Permits not be permitted in the Clinton Special District. The Clinton Special District was created specifically (Section 96-00 of the zoning code) to “preserve and strengthen the residential character” and “preserve the small scale character” of the area. These Special Permits run in direct contradiction to that purpose.

Thus, Manhattan Community Board 4 opposes the Department of City Planning’s revisions of Sections 13-000 to 13-562 of the zoning code unless proposed Sections 13- 461, 462, 463 and 464 unless:

- Additional findings as outlined in section 3A of this letter also be included;
- Section 461 include findings related to the need in for additional accessory parking within the building;
- Sections 462, 463 and 464 should not apply to the Clinton Special District;

- Sections 462, 463 and 464 should have an additional finding that the traffic plan minimizes vehicular travel through nearby residential neighborhoods;
- Section 462, 463 and 464 should mention some specific examples of how a Special Permit applicant can meet the finding that the development includes reasonable measures to minimize parking demand that might include active inducements to use area mass transit, car pooling apps., etc.

4. Permitted Parking for Automobile Rental Establishments (13-15) and Permitted Parking for Car Sharing Vehicles and Commercial Vehicles (13-16)

DCP proposes to increase the percent of permitted car rental vehicles in Manhattan Core Accessory garages from the existing 10% to 40% in C1, C2, C4, C5, C6, C8 and M districts. DCP also proposes increasing car share vehicles to 20%. The combined Car Share and Rental Vehicles percentages would be increased to 40% in C1-5, C1-6, C1-7, C1-8, C1-9, C2, and C4 districts and to 50% in C5, C6, C8, M1, M2 and M3 Districts. We note that this provision will apply to the Hudson Yards and Clinton Special Zoning Districts. We also note that Chelsea has substantial C6-2 and 2A, C6-3 and 3A, and C6-4 mapped areas and several areas with C2-5 overlays along 7th Avenue and the east sides of 9th and 10th Avenue and M1-5 between 10th and 11th Avenues. Hell's Kitchen/Clinton Special District has substantial C2-5 overlays along both 10th Avenue and the east side of 11th Avenue and M2-4 between 11th and 12th Avenues. Most of these areas have already become or are in the process of becoming substantially residential or more mixed use in character.

We support DCP's goal of increasing rental car and car share availability as a means to decrease car ownership rates. However, we are concerned the substantial proposed level of increase – from 10% to 40% for car rentals in C Districts and from 100 maximums to 150, 225 and 300 maximums, depending on zoning district. Rental cars can cause increased traffic, particularly on weekends, in these increasingly residential areas. We would propose instead an increase (including for combined Car Share and Rental Car spaces) to 25% with an overall maximum of 150 spaces in all C2, C4, C6, C7 and C8 Districts and 40% with an overall maximum of 200 spaces in M Districts. We would also propose that any rental car parking in the Clinton Special District require a Special Permit.

Thus, Manhattan Community Board 4 opposes the Department of City Planning's revisions of Sections 13-000 to 13-562 of the zoning code unless proposed Sections 13-15 is revised to indicate Rental Parking/Car Share of up to 150 spaces in C2, C4, C6, C7, and C8 Districts and 200 Spaces in M Districts and proposed Section 13-16 be amended to limit combined car rental parking and car share parking not to exceed 25% in C1-5, C1-6, C1-7, C1-8, C1-9, C2, C4, C5, C6, C8, and 40% in M1, M2 and M3 zones and require a Special Permit to increase above the current maximums in the Clinton Special District.

5. Most of the additional provisions in the proposed zoning text are ones that CB4 supports and which improve the current system. We have some recommendations one two of the changes we hope DCP will consider to further improve their affect.

- Loading Docks 13-30

The proposal would increase the minimum loading dock depth to 37 ft x 12 ft. from 33 ft. x 12 ft. to address the issue of trucks blocking sidewalks in front of loading areas. Additionally, internal areas used for dumpsters may be excluded from floor area (up to 25 ft. x 12 ft).

This proposed change, based on the request of another Community Board, should assist in reducing truck loading and unloading from double-parked positions. **Manhattan CB4 supports the proposed changes to loading dock depth and FAR exemption for dumpsters (Section 13-30)**

- Floor Area Exemption 13-23

In residential districts, exempted floor area would also have planting and screening requirement. This proposed change, adding conditions for the floor exemption, would encourage new developments with parking garages to have other uses adjacent to the garages and encourage planting and screening. **Manhattan CB4 supports the proposed changes for conditions for floor area exemption in new parking garages.**

- Retail Uses – 13-12c

The as-of-right retail parking allowances for Use Groups 6A and 6C (smaller retail shops) and 10A (larger retail shops) would be capped to 10 spaces. This change would cap as of right spaces for retail to the lesser of 1 space per 4,000 square feet or 10 spaces. This would limit these higher turnover spaces and thus likely reduce traffic. **Manhattan CB4 supports the proposed change capping retail related parking.**

- Reduction in Parking Spaces – 13-445

This provision enables the City Planning Commission to authorize the reduction in the number of parking spaces in facilities built previous to the 1982 Manhattan Core Parking changes, as long as the reduction won't unduly impact the residents, business, or community facility affected. This provision has the potential to eliminate unneeded parking spaces in the Manhattan Core. **Manhattan Community Board 4 supports the proposed change permitting CPC to authorize the reduction of pre-1982 approved parking spaces.**

- Commercial Vehicles – 13-16b2

The proposed amendment would permit commercial vehicles of less than 20 feet to have up to 50% of the spaces in public parking garages. This provision would assist CB4 in dealing with the substantial number of commercial vehicles that park on our streets. **MCB supports the proposal to permit commercial vehicles to use up to half of the spaces in public parking garages.**

- Encouraging Ramp and Reservoir Space – 13-27

This proposed amendment indicates that access zones, which include ramps, reservoirs, mechanical space, pedestrian access, and bicycle parking, in parking lots shall not have a minimum or maximum gross surface area. We support the effort to not establish a maximum, since the economics of having non income producing space already provides a disincentive. **Manhattan Community Board #4 supports this proposal to have no maximums on "access zone space," but encourage a minimum totaling at least the total of minimum required bicycle parking, mechanical room, and 50% of reservoir space calculation in a garage.**

- Pedestrian Safety and Access 13-26

The proposed regulations would require a stop sign and a speed bump on the exit lanes of accessory parking garages. Community Board #4 has long supported increased safety features for parking garage exits and entrances and supports this change. However we feel there should additional safety features for those with visual disabilities, as well as for larger garages. **Manhattan Community Board #4 supports the proposed changes to the Manhattan Core Parking that require pedestrian safety and access, but also request that detectible warning strips with truncated domes also be required on the sidewalk around the entrance/exit curb cuts. We also request that garages with over 200 spaces be required to have additional safety devises such as a warning light and/or sound for pedestrians when vehicles are leaving.**

6 –Other issues

Changes to Manhattan Core Parking have not occurred since 1982 and are not likely to occur again for a similar time. We thus request that DCP review a couple of existing requirements for further refinement:

- **Curb Cuts on Wide Streets:** Curb cuts for Public Parking Garages on wide streets are prohibited in 8 locations in the Manhattan Core. Currently only a small portion of one of those locations is in CB4 (West 14th Street between 3rd and 7th Avenue). In addition, curb cuts are prohibited in the Special Clinton District along West 42nd Street (Section 96-21f). **CB4 requests that DCP consider adding some additional high vehicle and pedestrian trafficked areas including West 14th Street from 7th to 10th Avenues, 8th Avenue between West 14th and West 23rd Streets, and 9th Avenue between West 42nd and West 57th Streets.**
- **Self-Parking Facilities:** Section 13-25d requires that accessory and public self-parking facility entrances have a barrier a minimum of 20 feet beyond the street line. This minimum distance should be related to the capacity, and thus the likely queuing, for the garage. **CB4 requests that DCP consider increasing this distance by 10' each 100 increase in capacity above 200.**

We also want to note, with substantial appreciation, the extensive outreach DCP staff undertook in this process. They gave in-depth presentations to our Community Board first after the completion of the study and then again after the regulations were drafted. We understand they made similar efforts with other Manhattan Core Community Boards. In CB4, they took an extra step of doing the presentation for two different committees in one month. They also made themselves available to Community Board members and advocates to discuss the proposed changes. While we disagree on some larger points in the proposed zoning change, we also feel that many of the positive changes we support would not have occurred if not for the dedication of the policy work staff.

We look forward to working with the DCP to effect the proposed changes.

Sincerely,



Corey Johnson
Chair



Christine Berthet
Co-Chair
Transportation Planning Committee



Jay Marcus
Co-Chair
Transportation Planning Committee



J. Lee Compton, Co-Chair
Chelsea Preservation & Planning Committee



Brett Firfer, Co-Chair
Chelsea Preservation and Planning Committee



Jean-Daniel Noland, Co-Chair
Clinton/Hell's Kitchen Land Use Committee

Manhattan Community Board Five

Vikki Barbero, Chair

450 Seventh Avenue, Suite 2109
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Wally Rubin, District Manager

December 14, 2012

Hon. Amanda Burden
Chair
Department of City Planning
22 Reade Street, Room 2E
New York, NY 10007

RE: A proposal by the Department of City Planning for an amendment to the Off-Street Parking Regulations in Manhattan Community Boards 1-8.

Dear Chair Burden:

At the regularly scheduled monthly meeting of Community Board Five on Thursday, December 13, 2012, the Board passed the following resolution by a vote of 36 in favor, 0 opposed, 1 abstaining:

WHEREAS, The Department of City Planning (DCP) is proposing to revise the zoning regulations governing off-street parking in the Manhattan Core - Manhattan Community Districts 1-8, south of 96th Street on the East Side and below 110th Street on the West Side; and

WHEREAS, under the current regulations in CB#5 a developer can build – for a residential building – 1 parking space for every 5 apartments and if the developer seeks to build more than this amount of parking they need to go through a special permit – a full ULURP; and

WHEREAS, the Manhattan Core has parking regulations which have been in place for 30 years were created in order to help reduce air pollution from vehicular emissions. The regulations do not require any parking to be built as a part of a new development and have limitations on the amount of parking that can be built; and

WHEREAS, DCP's Manhattan Core Public Parking Study – begun in 2008 - identified recent trends in off-street parking as well as a number of issues in the existing parking regulations which suggested to the Department that it was time to re-examine the parking rules; and

WHEREAS, The Manhattan Core Public Parking Study produced a number of findings:

- The existing parking regulations have been compatible with population and job growth in Manhattan Community Boards 1-8. As travel mode over time has shifted toward transit, off-street parking is less critical as a resource although it still plays an important role in supporting economic activity and meeting the parking needs of Manhattan residents.

- Levels of car ownership in the Manhattan Core are relatively low. Approximately 23 percent of Manhattan Core households own a car, compared with 46 percent in the rest of New York City.
- In contrast with 1982, when most public parking was utilized by commuters and commercial users, a large portion of spaces in public parking facilities is now used by Manhattan residents (approx. 40% for CB5).
- Most new as-of-right parking facilities in the Manhattan Core operate as public facilities despite zoning regulations that requires parking to be reserved for building users (accessory) only. These facilities are available to neighborhood residents who do not live in the building.

WHEREAS, informed by this parking study the Department of City Planning is proposing changes which they argue are designed to meet parking needs while also addressing the objectives of encouraging public transit and reducing energy use and greenhouse gas emissions; and

WHEREAS, the Department has stated they seek to modify of the zoning resolution in order to:

- Create additional requirements for applicants seeking more parking that they can build as-of-right by requiring that special permit demonstrate a need for additional parking spaces in that immediate area. These new criteria would give additional information to the Community Board, Borough President, the City Planning Commission and City Council.
- Promote pedestrian safety and efficient vehicular movement with new layout and design requirements for new parking facilities, such as requiring a speed bump at the entrance to a facility.
- Allow all new parking facilities to operate as public facilities within the maximum amounts allowed today, helping to meet the needs of both neighborhood residents and visitors.
- Establish regulations for automated parking facilities.
- Provide greater flexibility for rental cars and other small commercial vans and vehicles to park in public garages.
- Increase the minimum loading dock depth to 37' x 12' from 33' x 12'.
- Modify the existing floor area exemption for parking spaces between curb level up to 23' in new developments only for buildings wrapped to a depth of 30' with non-parking floor area.
- Allow for reductions or removal of once-required parking by a City Planning Commission authorization – essentially some buildings built before 1982 had a parking requirement, this proposal would allow for a parking reduction through an authorization process.

WHEREAS, Community Board Five in light of the flooding created by Hurricane Sandy encourages the Department to investigate flood control measures that could be put in place for below grade parking facilities; and

WHEREAS, Community Board Five recognizes the ever changing nature of our district and the need to continue to refine our regulations to address these changes and also the importance of parking as a shared community resource in the CBD; therefore be it

RESOLVED, That Community Board Five recommends **approval of** the proposal by The Department of City Planning to modify off-street parking regulations for Manhattan Community Boards 1-8.

Thank you for the opportunity to comment on this matter.

Sincerely,



Vikki Barbero
Chair



Raju Mann
Acting Chair, Land Use & Zoning Committee



MANHATTAN COMMUNITY BOARD SIX

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Sandro Sherrod
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Ellen Imbimbo
Vice Chair
Letty Simon
Vice Chair
Beatrice Disman
Treasurer
Aaron Humphrey
Secretary

January 15, 2013

Amanda Burden
Chair
Department of City Planning
22 Reade Street
New York, NY 10007

Re: Department of City Planning application N130105ZRM - Manhattan Core Parking Amendment.

Dear Chair Burden:

At the January 9th, Full Board meeting of Community Board 6 the following resolution was adopted:

WHEREAS, the Manhattan Core includes Community Districts 1 through 8; and

WHEREAS, the Department of City Planning conducted a Study of off-street parking regulations in the Manhattan Core, the “Study”; and

WHEREAS, the NYC zoning resolution defines accessory parking as parking only for residents of the building, and not for the public; and

WHEREAS, although public parking is not permitted in accessory garages, it is common practice that many accessory garages illegally convert to public parking garages; and

WHEREAS, Community Board 6 in 2003 recommended in its 197-a plan that accessory parking requirements be reduced from 20% to 10% of apartment units in new construction, providing a disincentive for new residential developments to illegally convert accessory parking garages to, public parking garages contributing to traffic and congestion in the area; and

WHEREAS, the Study found that the Department of Consumer Affairs (DCA), which licenses the parking garages, and the Department of Buildings, are not effectively enforcing existing zoning restrictions on accessory parking, and, in fact, DCA encourages garages to permit public parking; and

WHEREAS, the Study concludes that the current regulations do not reflect how accessory and public parking is actually used; and

WHEREAS, the Department of City Planning has proposed a Manhattan Core Text Amendment to align the Zoning Resolution to current practice; and

WHEREAS, the overall amount of commuter parking has been reduced in the past 30 years ;
and

WHEREAS, Community Board 6 believes access to accessory parking garages addresses the needs of occasional visitors, tradesmen, and others that choose to drive to Manhattan; and

WHEREAS, the Department of City Planning has proposed changes in its Manhattan Core Text Amendment to update and improve future parking facilities; and

WHEREAS, the proposed Amendment establishes layout standards for new parking facilities that promote pedestrian safety and well-functioning streets, including:

- allowing creation of automated parking facilities;
- requiring deeper loading docks;
- adding additional spaces for rental cars and car sharing;
- allowing parking of commercial vehicles;
- requiring stop signs and speed bumps at the entrances; and

WHEREAS, Community Board 6 is concerned about increased traffic congestion resulting from demographic trends mentioned in the parking study, especially increasing automobile ownership and use among various groups including families, and increasing levels of vehicular usage during weekends; and

WHEREAS, permitting public parking in accessory garages may alleviate the congestion; and

WHEREAS, Community Board 6 has reservations about other governmental policies and practices that seem to encourage automotive ownership and use, including tax laws (including the recent extension of the Federal income tax credit for commuter parking) and lax enforcement of existing on-street parking regulations (especially parking placard abuse); now

THEREFORE, be it

RESOLVED, that Community Board 6 supports the proposed Manhattan Core Text Amendment as written; that Community Board 6 reiterates its request to reduce the accessory parking maximum to 10% as stated in the 197-a Plan, in lieu of 20%; and

BE IT FURTHER RESOLVED, that Community Board 6 encourages City Planning to consider a provision to give preference for parking spaces to residents of the buildings where the garages are located.

VOTE: 36 in Favor 0 Opposed 1 Abstention 0 Not Entitled

Yours truly,



Toni Carlina
District Manager

Cc: Hon. Scott Stringer
Hon. Carolyn Maloney
Hon. Brad Hoylman
Hon. Liz Krueger
Hon. Richard Gottfried
Hon. Brian Kavanagh
Hon. Dan Quart
Hon. Spkr. Quinn
Hon. Dan Garodnick
Hon. Jessica Lappin
Hon. Rosie Mendez
Dep. Mayor Robert K. Steel

Edith Hsu-Chen – DCP
Adam Wolff - DCP
Dominick Answini - DCP
Sandro Sherrod, Chair, CB 6
Terrence O'Neal, Land Use Chair CB 6

RESOLUTION

Date: January 3, 2013

Committees of Origin: Land Use and Transportation

Re: The Department of City Planning Manhattan Core Parking Text Amendments, Application #N130105ZRM.

Full Board Vote: 34 In Favor 4 Against 1 Abstention 0 Present

This resolution is based upon the following facts:

The Department of City Planning has proposed a series of zoning text amendments relating to indoor/off-street parking in the Manhattan Core (comprising Manhattan Community Board Districts 1 through 8). These text amendments are summarized at:

http://www.nyc.gov/html/dcp/html/mn_core/index.shtml, and the full text of the proposed amendments can be found at: http://www.nyc.gov/html/dcp/pdf/mn_core/mn_core_proposed_text_amendment.pdf.

The CB7 Land Use and Transportation Committees and other Board members have received or attended multiple presentations by DCP on the proposed amendments and the studies on which the proposals are based, and have considered these matters at joint committee meetings in November and December 2012.

Now, Therefore, Community Board 7/Manhattan resolves as follows with respect to the proposed Manhattan Core Parking text amendments:

- A. CB7 **approves** the portion of the proposed text amendments relating to **Automated Parking Facilities**, which would establish the first regulations in New York City to accommodate automated parking facilities.
Land Use/Transportation Committee: 11-0-0-0
Board Members: 1-0-0-0
- B. CB7 **approves** the portion of the proposed text amendment relating to **Loading Docks**, which would enhance pedestrian safety by providing required space for such uses.
Land Use/Transportation Committee: 11-0-0-0
Board Members: 1-0-0-0
- C. CB7 **approves** the portion of the proposed text amendment relating to **Rental Vehicle Parking**, which would permit off-street parking facilities to accommodate more rental vehicles than the current limits.
Land Use/Transportation Committee: 11-0-0-0
Board Members: 1-0-0-0
- D. CB7 **approves** the portion of the proposed text amendment relating to **Commercial Vehicle Parking**, which would permit commercial vehicles to be stored in off-street parking facilities.
Land Use/Transportation Committee: 11-0-0-0
Board Members: 1-0-0-0

- E. CB7 **disapproves** the portion of the proposed text amendment relating to **Permitting Accessory Parking to Operate as Public Parking** unless a defined percentage of spaces were reserved for monthly parking only, and with the percentage to be determined through further study.
Land Use/Transportation Committee: 11-0-0-0
Board Members: 1-0-0-0
- F. CB7 **approves** the portion of the proposed text amendments relating to **Special Permits – New Findings Requirements**, which would impose new criteria for granting a special permit for any off-street facility that seeks to exceed the permitted number of spaces. In addition to general criteria, the proposed text amendment provides specific criteria where the reason additional spaces is sought is as a result of seeking a : (a) Residential Growth Special Permit; (b) Health Care, Arts or Public Assembly Uses Special Permit; (c) Economic Generators Special Permit; or (d) Large-scale development Special Permit. CB7 calls on the DCP to retain the requirement that all special permit requests are reviewed by the City’s DOT and DEP for traffic and air quality impacts.
Land Use/Transportation Committee: 8-2-0-1
Board Members: 1-0-0-0
- G. CB7 **approves** the portion of the proposed text amendments relating to **Floor Area Exemption**. The existing floor area exemption for parking spaces between curb level up to 23’ in new developments would be retained only for buildings wrapped to a depth of 30’ with non-parking uses. In residential districts, exempted floor area would have a planting and screening requirement.
Land Use/Transportation Committee: 10-0-1-0
Board Members: 1-0-0-0
- H. CB7 **approves** the portion of the proposed text amendments relating to the **As-of-right retail cap allowance**. The as-of-right retail parking allowance would be capped to 10 spaces.
Land Use/Transportation Committee: 10-0-0-0
Board Members: 1-0-0-0
- I. CB7 **approves** the portion of the proposed text amendments relating to **Removing Parking Requirement Provisions**. While parking is not required in new developments today, parking was required prior to the 1982 parking regulations and currently cannot be removed. This proposal would allow for reductions or removal of this once-required parking by a City Planning Commission authorization.
Land Use/Transportation Committee: 11-0-0-0
Board Members: 1-0-0-0
- J. CB7 **approves** the portion of the proposed text amendments relating **Requirement exemptions**. Ramps and mechanical space would be exempted from the 200’-per-space parking requirement and standards would be defined for mechanical lifts.
Land Use/Transportation Committee: 11-0-0-0
Board Members: 1-0-0-0

- K. CB7 **approves** the portion of the proposed text amendments relating to **Waiving Reservoir Requirements**. Reservoir space requirements to allow small facilities to waive out would be modified to enable a more rational provision of reservoir spaces given garage capacities.
 - Land Use/Transportation Committee: 11-0-0-0
 - Board Members: 1-0-0-0

- L. CB7 **approves** the portion of the proposed text amendments relating to **Enhanced Pedestrian / Vehicular Design and Safety Requirements**. Design regulations to ensure safe vehicular and pedestrian access would be established with a ‘stop’ sign and a speed bump located within the exit lane of the parking facility.
 - Land Use/Transportation Committee: 11-0-0-0
 - Board Members: 1-0-0-0

- M. CB7 **approves** the remainder of the proposed text amendments.

Nicholas Viest
Chair

Latha Thompson
District Manager



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The City of New York Manhattan Community Board 8

January 16, 2013

Honorable Meenakshi Srinivasan, Chair
NYC Board of Standards and Appeals
40 Rector Street
New York, New York 10006

Re: N 130105 ZRM Manhattan Core Parking Text Amendment

Dear Chair Srinivasan:

At the Community Board 8M Land Use meeting on Wednesday, January 9, 2013 the following resolution was approved by a vote of 26 in favor, 1 opposed, and 5 abstentions:

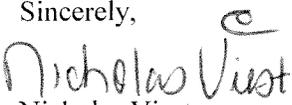
Whereas, The New York City Department of City Planning is proposing a zoning text amendment to modify the off-street parking regulations in the Manhattan Core which encompasses the entirety of Manhattan Community Districts 1 through 8, except for Governor's Island in Community Board 1, the Special Hudson Yards District in Community District 4 and Roosevelt Island in Community District 8. The proposed text amendment would promote a more rational and efficient allocation of off-street parking in Manhattan Core through a series of amendments to the as-of-right and discretionary parking regulations in the Zoning Resolution. The proposal would update the 30-year old regulations and ensure that the amount of parking provided in the Manhattan Core matches need while addressing the city's sustainability objectives encouraging public transit and reducing energy use and greenhouse gas emissions.

Whereas, Community Board 8M held a public hearing regarding this matter; therefore

Be It Resolved that Community Board 8M approves the Manhattan Core Parking Text Amendments to modify the off-street parking regulations in the Manhattan Core.

Please advise this office of any decision made by the Board of Standards and Appeals concerning this matter.

Sincerely,


Nicholas Viest
Chair

cc: Honorable Michael Bloomberg, Mayor of the City of New York
Honorable Scott Stringer, Manhattan Borough President
Honorable Carolyn Maloney, 14th Congressional District Representative
Honorable Liz Krueger, NYS Senator, 26th Senatorial District

Honorable Micah Kellner, NYS Assembly Member, 65th Assembly District
Honorable Dan Quart, NYS Assembly Member, 73rd Assembly District
Honorable Jessica Lappin, NYC Council Member, 5th Council District
Honorable Daniel Garodnick, NYC Council Member, 4th Council District