

THE CITY OF NEW YORK
HOUSING AND DEVELOPMENT ADMINISTRATION
DEPARTMENT OF BUILDINGS

DEPARTMENTAL MEMORANDUM

DATE: July 23, 1976

TO: Borough Superintendents
FROM: Director of Operations Irving E. Minkin
SUBJECT: INDIRECT SOURCE PERMIT FOR PARKING FACILITIES

Directive No. 11/73, issued November 20, 1973, relating to Environmental Review of Major Projects, includes within the list of "major projects" new parking facilities for more than 50 vehicles anywhere in the city.

On November 29, 1973, I issued a memorandum relating to Part 200 of the New York State Air Code, indicating requirements that Indirect Source Permits to construct certain parking facilities must be obtained from the New York State Department of Environmental Conservation.

We have now been informed that the latter regulations have been modified, and recodified as Part 203, and now require an Indirect Source Permit from the New York State Department of Environmental Conservation under the following circumstances insofar as construction of parking facilities is concerned.

"(A) For the boroughs of Brooklyn, Bronx, Richmond and Queens:

1. the construction of any new parking facility or other new indirect source with an associated parking area which adds new parking capacity of 1000 vehicles or more, and;
2. the modification of any parking facility or any associated parking area which, by itself or when added together with all parking capacity constructed subsequent to Nov. 4, 1973 or the date the latest permit to construct has been issued for such facility or area, will produce parking capacity of 500 vehicles or more, unless such modification is permitted under the latest permit to construct, and;

(B) For the borough of Manhattan, the construction or modification of any parking facility or any associated parking area regardless of size".

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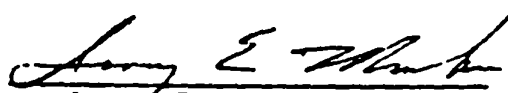
Since the New York City Environmental Protection Administration Office of Environmental Impact has been designated as the Department of Environmental Conservation's agent in New York City, no change in procedures from those set forth in Directive #11/73 for implementation of Executive Order No. 87 are required in Bronx, Brooklyn, Queens and Richmond.

In Manhattan, however, we have been notified by the New York State Department of Environmental Conservation that despite the ongoing prerequisite of an Indirect Source Permit to construct a parking facility for one or more vehicles since November 5, 1973, there have been numerous instances of commencement of construction of such facilities by persons unaware of the state's requirements. In order to preclude recurrences of this, the following requirements shall be implemented in Manhattan, only, for the construction of, or new use of land for a parking facility for one or more vehicles:

1. An affidavit shall be required to be submitted by the applicant indicating that he (or she) has notified their client of the Indirect source permit requirements; and, that their client has indicated that he has filed (or will file within 10 days) for and will obtain such permit prior to construction. Alternately, a notarized affidavit from the owner alone will suffice.
2. No approval shall be issued for any new or enlarged parking facility unless such affidavit has been filed.
3. If, subsequent to approval and issuance of a permit, you are informed in writing by either the New York State Department of Environmental Conservation or the New York City Office of Environmental Impact that no Indirect Source Permit has been issued, the building permit is to be revoked, pursuant to section C26-118.7 of the Administrative Code.

Forwarded herewith is a copy of Part 205 of 6 NYCRR 203 for perusal by the public.

The memorandum of November 29, 1973, is hereby rescinded.


Irving E. Minkin
Director of Operations

IEM/df
Enc.
CC: Exec. Staff
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