



Comments Received by the Department of Consumer Affairs

on

Proposed Rule related to Amendment of Rules Governing  
Commercial Garages and Parking Lots

as made available for public inspection

**IMPORTANT:** The information in this document is made available solely to inform the public about comments submitted to the agency during a rulemaking proceeding and is not intended to be used for any other purpose

Testimony re Proposed Rule Amendment – Section 2-161  
February 12, 2018

My name is Vincent Petraro and I represent the Metropolitan Parking Association (“MPA”), a Trade Association of parking operators in New York City with approximately 900 parking facilities.

The MPA wholeheartedly supports the “Statement of Basis and Purpose of Proposed Rule” as attached to the “Proposed Rule Amendment.”

After a year of uncertainty in the licensing process, a Rule that will “simplify compliance for garage and parking lot license applicants who have previously been approved for a license at same location” is welcome.

The purposes listed for the Proposed Rule are all worthy:

- Eliminate the requirement that a garage and parking lot license may not be issued “unless certificates have been forwarded to the commissioner by the Fire Department, the Department of Buildings, the Bureau of Gas and Electricity in the Department of General Services, and the Department of Ports and Trade when applicable; stating that the premises proposed to be licensed comply with all applicable laws and regulations.”
- Replace the certificate requirement with a self-certification from the applicant that “the premises proposed to be licensed comply with all applicable laws and regulations” and that the applicant is in compliance with all relevant local, state and federal laws.

- Eliminate references to the “Department of Ports and Trade” and “Certificates of Completion,” because they do not currently exist.
- Eliminate the requirement that the “maximum motor vehicle capacity of each garage and parking lot” be taken from an approved Certificate of Occupancy issued by the Department of Buildings.”
- Amend the rule as it relates to maximum motor vehicle capacity to provide that: (1) for applicants that will operate from previously licensed premises, DCA may use the maximum capacity from the previous license; and (2) for applicants that will operate from newly licensed premises, DCA shall require the applicant to provide documents to show the maximum motor vehicle capacity allowed by local, state or federal law, as applicable.

We have no issues with the basis and purpose of the proposed rule, but have some important questions about the details:

Section (a) of the Proposed Rule states that “...the applicant certifies, in such form and manner as determined by the Commissioner, that the premises proposed to be licensed comply with all applicable local, state and federal laws and regulations.” What exactly would the applicant be certifying and in what form? Would the certification be completed by the applicant or must it be completed by a licensed professional?

Since the last listed item on the ‘purpose list’ states that “...for applicants that will operate from previously licensed premises, DCA may use the maximum capacity from the previous license,” it would seem that the certification is about something other than that listed capacity. Is that correct?

Section (b) of the Proposed Rule initially states that the “...determination of the maximum motor vehicle capacity of each garage and parking lot...shall be made as follows: (1) for previously licensed premises, by adopting the maximum vehicle capacity as stated on the previous license document; and (2) for newly licensed premises and for previously licensed premises seeking an increase in maximum vehicle capacity from the previous license document, by requiring that the applicant submit documents to show the maximum vehicle capacity allowed by local, state or federal laws and regulations, as applicable.”

The next sentence states: “Both previously and newly licensed premises must certify, in such form and manner as determined by the Commissioner, that the maximum vehicle capacity being requested complies with local, state and federal laws and regulations as applicable.”

Re: Section (b) (1), since the determination of the maximum motor vehicle capacity, in a previously licensed premises, shall be made “by adopting the maximum vehicle capacity as stated on the previous license document”, what laws and regulations must be complied with? Or does this later sentence (the one beginning with “Both previously and newly licensed...”) only apply to Section (2) – “newly licensed premises and for previously licensed premises seeking an increase?”

As to Section (2), What documents is the Proposed Rule referring, to show maximum vehicle capacity? What local laws and regulations is the Proposed Rule referring as to maximum capacity?

Additionally, will all parking facilities that received temporary licenses receive their permanent licenses should the proposed rule take effect? If so, what would be the process?

In conclusion, the MPA welcomes a rule change that would allow the maximum previously licensed capacity to continue upon all renewals and would like to know the details of such a process.

Thank you for the opportunity to present testimony.

Vincent Petraro  
Metropolitan Parking Association



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February 12, 2018

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**Re: Amendment of Rules Governing Commercial Garages and Parking Lots**

Dear Mr. Adams,

I write to you on behalf of Edison ParkFast, an operator of public parking lots and garages in New York City. The stated purpose of the proposed rule change – to simplify the compliance process for parking licenses and align application requirements with current practices – is commendable. However, as written, the proposed amendment raises questions regarding how the rule will be implemented in practice by the Department of Consumer Affairs (DCA).

First, the amendment introduces a new applicant certification process that is not described in detail.

- Does this certification process apply to license renewals for previously licensed facilities maintaining their existing capacities in addition to new facilities and existing facilities seeking a capacity increase? No applicant certification process, as referenced in Subdivision "a" or "b" of the proposed amended rule, should apply to DCA-licensed facilities that seek to renew their DCA licenses at the existing licensed capacity.
- What would the certification process be for new facilities and existing facilities seeking an increase in capacity?
- What obligation does the applicant have to ensure its interpretation is accurate and how would disputes in interpretation be handled?

In regard to newly licensed facilities and for previously licensed facilities seeking an increase in capacity:

- What are the "documents" that the applicant would be expected to submit? Will the DCA require documents from agencies besides the NYC Department of Buildings (DOB)? If the intent is to require documentation just from DOB, the DCA should state that documents are from DOB. This would be appropriate as DOB is the City agency in charge of regulating land use.

- What is the certification process for showing that maximum vehicle capacity complies with local, state, and federal laws and regulations? What does the DCA anticipate the “form and manner” will be for certification?
- Is the certification process different from the applicant’s document submission process?

We appreciate the Department’s efforts to streamline and clarify the licensing process. We believe that further clarification – whether through a fine-tuning of the text itself or through a Department memo – is needed to allow parking owners and operators to understand the effect of the proposed rule change.

Thank you for your consideration of our comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shaun Kirby', with a long horizontal flourish extending to the right.

Shaun Kirby  
President, Edison ParkFast

**Comment submitted via [rules.cityofnewyork.us](https://rules.cityofnewyork.us)**

2/12/2018 11:27 A.M.

**Author:** Gary Tkach

**Comment:** Hi, I have been operating my parking lot for more then 20 years now. My license was issued based on my original LNO. I think original license requirements should be respected and not changed. Please reconsider and don't jeopardize loosing my license.