

1 **Transportation Planning Committee**

Item #: 39

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3

4 June 26, 2012

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6 Amanda Burden, FAICP

7 Chair

8 City Planning Commission

9 22 Reade Street

10 New York, New York 10007

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12 **Re: Manhattan Core Parking Study**

13

14 **Dear Ms. Burden:**

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17 Manhattan Community Board 4 (MCB4) appreciates the presentation from Department of City Planning
18 staff summarizing the results of the December 2011 "Manhattan Core Parking Study" and the outreach
19 your staff is doing to collect Community Boards' input on this important matter. We understand that your
20 proposals will exclude Hudson Yards but will affect the balance of our district.

21

22 We applaud your efforts to improve parking regulations in the Manhattan Core. We are particularly
23 pleased that the study concluded that the Manhattan Core parking regulations¹ "have proved to be
24 compatible with population and job growth and a thriving Central Business District." finding that since
25 1982 the supply of off-street parking the CBD declined by one-fifth, while Manhattan employment
26 increased by 16% and population by 10%. These statistics point to the success of the 1982 policy change,
27 which removed off-street parking requirements for new buildings, and limited as-of-right parking for
28 residential buildings, hotels, and commercial buildings in the Manhattan Core.

29 We are encouraged by your intent to require safer, more pedestrian oriented off-street garage and curb cut
30 design. These measures will reduce the negative impact of parking on the streetscapes and on pedestrians.
31 We suggest that renewals of existing parking licenses and permits become subject to these conditions, so
32 that the vast majority of the population can benefit from these changes sooner.

33 We also support revising technical standards to ensure that physical size of facilities are appropriate
34 given the expected number of spaces, removing minimum parking requirements for new affordable
35 housing, and updating parking regulations to encourage automated parking facilities.

36 However, we are very concerned that the proposed policy of opening accessory parking to transient public
37 use will negatively affect the pedestrian safety and quality of life in residential districts and encourage the
38 building of excessive parking capacity. The problems this policy purports to resolve could be more
39 effectively addressed by other policies that carry lesser risks. This change combined with the proposed
40 revision of the layout standards will significantly increase the amount of as-of-right public parking in
41 Manhattan. Our analysis suggests that such policy is not warranted and probably violates the 1978 court

¹ As of right parking for residential buildings to 20% (south of 60th Street) and 35% (CD 7 and 8) of the number of apartments, hotels (maximum 15% of rooms) and maximum parking in commercial buildings (1 space per 4,000 sf up to 100 spaces) in the Manhattan Core (Manhattan CD 1-8).

42 order that led to the 1982 zoning change. It would also be a violation of New York's State
43 Implementation Plan (SIP) adopted to comply with the Clean Air Act.

44 The addition of new findings to the Special Permit process is going in the right direction provided a clear
45 inventory of parking supply and vacancy rate is performed and the needs are evaluated in the context of a
46 multi-modal transportation system. For special generators, we need to see and comment on what the
47 "specific criteria" would consist of. Existing findings should be modified to account for cumulative
48 traffic and to include pedestrian safety.

49 Therefore we recommend that the proposal be amended as follows:

- 50 • New York State Department of Environment Conservation should vet any proposed amendment
51 related to accessory and transient use for compliance with the State Implementation Plan.
- 52 • Residential accessory garages should not be used for transient parking. At most, spaces within
53 accessory garages could be rented out for non-transient use for a minimum period of one month.
- 54 • New Special permits findings should be based on a factual definition of need, and account for the
55 cumulative effect of granted permits, parking inventory and vacancy rate in the area, and not by a
56 speculative projection of need.
- 57 • Existing findings regarding traffic and pedestrians should be amended to include cumulative
58 traffic impacts and pedestrian safety.
- 59 • All existing parking lots and garages should be subject to the proposed street interface and
60 queuing requirements at license renewal time.
- 61 • Special Permits duration should be limited to five years

62 **Pedestrian Friendly Streetscape and Safe Street Interface**

63 We support parking garage streetscapes and entrance/exit designs that promote safe streets and enhance
64 the surrounding uses. Particularly as technology enables for more efficient garage layouts (through
65 mechanical stacking and other means), we would expect increased requirement, when feasible, of ground
66 floor retail or community facilities in front of garages.

67 Garages that include street frontage should be required to have lighting that promotes safety and design
68 that is consistent with the surrounding area. Special attention should be required around curb cuts to
69 enhance attractiveness while increasing pedestrian and cyclist awareness of entrances and exits.

70 We also feel that garages exits should have speed bumps, internal light signals or cameras to enable
71 departing cars to be aware of the surrounding sidewalks and bicycle lanes. Garages should have signs
72 (both audible and visual) for pedestrians (and cyclists along bicycle paths) that indicate when a departing
73 car is approaching.

74 **Is there a need for more parking in the Manhattan Core?**

75 The Manhattan Core study argues that there is a need for new parking beyond the amount permitted as-of-
76 right because of more commuter vehicular traffic and increasing demand from market rate housing. in

77 conjunction with a declining parking supply. When looking at the claimed need for more parking,
78 however, the following facts points to a different picture:

- 79
- 80 • As discussed in more detail below, despite increases in household income and the tendency of
81 auto-ownership to increase with income, there has been remarkable stability in the ratio of
82 automobiles available per household (25% of households in both 1990 and 2008) and in the
83 proportion of public parking occupied by residents (39% in 1982 and 36% today).
 - 84 • The study indicates that below 60th Street, the number of public parking spaces decreased from
85 approximately 127,000 in 1978 to approximately 102,000 in 2010. Meanwhile the total number of
86 vehicles entering the CBD has increased to 750,000 in 2009 from 701,000 in 1982. However the
87 relevant number for the purpose of assessing the need for additional parking is the maximum
88 accumulation of non-resident vehicles in the CBD at the midday peak. That number has
89 *dramatically declined* from 106,200 in 1980 to 78,200 in 2010.²
 - 90 • The study claims that a decrease in the number of parking spaces since 1982 combined with
91 “continued robust demand” has caused parking rates to become very high. But in reality,
92 adjusted for inflation, parking costs have probably declined since 1982. Costs certainly declined
93 between 1981 and 1995.³ A more relevant comparison of parking costs would take in account the
94 underlying real estate prices. In New York the parking cost per month of \$ 538 per month
95 compares to Chicago’s \$289⁵. But the price for a two-bedrooms apartment in comparable
96 downtown areas is \$ 933,000 in New York and \$332,000 in Chicago⁴. This makes Chicago
97 parking 150% more expensive than New York City parking in relation to real estate values.
98 Closer to home, monthly parking costs \$840 at the Stamford, CT Metro North station and \$972 at
99 the South Norwalk, CT Metro North Station.⁵ By comparison, parking in New York Manhattan
100 core is relatively cheap, largely because of the continuing excessive vacancy rate. It should also
101 be noted that New York’s parking rate is the lowest of the five top financial centers in the world.
102 It’s about half the parking rate in London, a direct competitor to New York also with a flourishing
103 economy.

104 **Opening Accessory Parking to the Public**

105 As you know, the main purpose of parking controls in the New York SIP is to strictly limit additional
106 transient parking in the Manhattan Central Business District (CBD). As explained in an April 19, 1982,
107 memorandum from then-Counsel Norman Marcus to then-Chairman Herbert Sturz (attached), limits on
108 transient parking were to be accomplished by two measures. First, all new transient commercial parking,
109 except for hotels, would be subject to City review. Second, in contrast to many other areas of the city
110 where accessory parking is “primarily” for storage of cars owned by occupants, in the Manhattan Core
111 accessory parking was to be used “exclusively” by occupants of residential buildings or by tenants and
112 employees of non-residential buildings (ZR, §13-12, §13-133).

² NYMTC, Hub Bound Travel data, 1980 – 2010.

³ Heyden|Wegman, Parking Facilities Users’ Survey and Parking Need Survey in Community Districts 1-8 in Manhattan, March, 1997, Table 3-2.

⁴ Willows .com

⁵ Ctpost.com, January 28, 2012

113 Of course reality hasn't quite worked out that way. The Department of Consumer Affairs (DCA) has
114 failed to enforce the accessory-only provision, although based on your staff's comments at their recent
115 presentation, it is not clear that DCA ever had the authority to do so. But the solution to the non-
116 enforcement problem is not to abandon the distinction between accessory and transient parking. Not only
117 are there other options, but also abandoning that distinction would clearly be a violation of the SIP.⁶

118 Most residential accessory parking is located on residential blocks with schools and seniors around and
119 generate few trips — the Manhattan Core Study shows that only 20% of residential parkers use their cars
120 to go to work. While the study found that residential parking garages are operated as "public," there is a
121 large difference between a quasi-accessory garage that welcomes residential parkers from neighboring
122 buildings, and a truly public garage that also serves commuters, visitors, and shoppers. A transient public
123 parking space generates at least four times as many trips as a residential accessory parking space because
124 so many Manhattan residents use public transit even if they own a car. Indeed the Commission itself, in
125 its 1982 report, found that "as a matter of good land use planning, public parking facilities do not belong
126 in residential buildings or neighborhoods without a careful review of their land use, traffic and
127 environmental impacts."

128 Our experience contradicts the report's assertion that residential accessory garages that operate as public
129 do not have negative effects on neighborhoods. Community Board 4 has frequently expressed its
130 concerns related to the heavier traffic and pedestrian safety issues raised by parking garages that include
131 transient public parking in residential buildings and communities.⁷ Further, the exhaust fumes that
132 accumulate in poorly vented public garages would negatively affect the air quality inside adjacent
133 residences.

134 We understand that under your proposal accessory garages that operate illegally today as transient
135 garages, would be grandfathered and thus would not be subject to the reservoir and other pedestrian safety
136 requirements you are also proposing. This would only perpetuate their negative impact on residential
137 streets. This change also means that all new parking built will be public parking as-of-right, instead of
138 transient parking being subject to city review as envisioned in 1982. Again, changing this provision
139 would clearly be a violation of the SIP.

140 The solution to this problem is to simply use a modified version of the formulation in ZR §25-412,
141 which has been in effect since 1961, and allows residential accessory parking spaces in the Manhattan
142 core to be rented for any non-transient use. We would recommend that the existing rental period of no
143 less than 14 days be restricted to no less than one month. We assume that this change would be
144 consistent with licensing by the Department of Consumer Affairs. Since accessory residential garages
145 would not be rented for transient use, the zoning resolution should prohibit signs advertising parking
146 on the outside of buildings. In addition such garages should be prohibited from posting other than
147 monthly rate signs. Accessory garages that wish to rent to non-residents could also be required to
148 install an automated self-park system with barriers and card keys.

⁶ While the New York SIP does not rely on the parking regulation to achieve specific emission reductions, it remains a permanent part of the SIP as an area-wide measure to maintain air quality in the future. As a part of the SIP, CBD parking restrictions are subject to enforcement by federal courts.

⁷ The zoning resolution recognizes that public parking can have a negative effect on neighborhoods — §74-52(c) requires a finding that a public garage be "so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas." The best, and perhaps only, way to find that a transient parking garage draws a minimum of traffic through residential areas is make sure that it is located elsewhere.

149

150 **New Special Permit Findings**

151 While we support the inclusion of new findings to obtain a special permit, the tests must be designed
152 carefully to allow for a meaningful evaluation of the permit request in its specific context, and the
153 duration of permits should be significantly reduced to provide for a better enforcement at renewal time.

154 After having dealt as a Community Board with numerous permit requests for additional parking over the
155 years, we believe that meaningful evaluation requires simple, reliable tests that allow for consideration of
156 cumulative impacts. Our review of the Manhattan Core study indicates that the kind of tests that have
157 been suggested — those based on supposedly objective projections of the number of parking spaces
158 needed — are unreliable and would tend to overestimate need.

159 For example, the Manhattan Core study states that since 1982 household income in the Manhattan core
160 increased by 239%, and that vehicle ownership increases dramatically with income (pp. 16, 17). These
161 factors seem to indicate a much greater need for residential parking. If such factors were used to set
162 standards for determining the need for residential accessory parking, many new special permits might be
163 granted. But such an analysis would be wrong because it is contradicted by the fact that there has been no
164 change in twenty years in the ratio of automobiles available per household in the Manhattan core — 25%
165 of households in both 1990 and 2008.⁸

166 Nor should permit standards be based on some “expectation” of the number of spaces required. One
167 proposal, we are told, is that need would be based on an expectation that parking should be provided at a
168 rate of 20% or 35% of new residential units. But the 20% or 35% rates in the Zoning Resolution are legal
169 maximums, not the amount of parking needed in new developments. Many residents without parking in
170 their building simply park their cars in non-residential garages. Despite major residential development
171 over the past thirty years, there has been little change in the number of households and, contrary to the
172 study, no large shift in the proportion of public parking occupied by residents — 39% in 1982 and 36%
173 today in the CBD.⁹ Thus there is no need for every new residential development to provide parking or to
174 evaluate special permit requests based on such an expectation.

175 Standards for granting a special permit should be based, not on projections of need, but on the actual
176 vacancy rate of garages in the surrounding area. If there is a need for more parking in the area, then the
177 vacancy rate will be low; if vacancy rate is not low, then there is no such need. Vacancy rate is also the
178 best measure of the cumulative need for parking due to developments that have occurred in the past. We
179 doubt that any other method of accounting for cumulative impact would be more valid, and certainly it
180 would not be as simple.

181 In previous meetings, DCP staff said that using vacancy rate, as a criterion would not work because the
182 current overall vacancy rate of 20% at midday peak represents some kind of economic equilibrium. We
183 disagree for two reasons. First, while there was also an overall vacancy rate of 20% in 1978, the vacancy
184 rate varied greatly by area, from 24% in the CBD periphery to 5% Downtown.¹⁰ Vacancy rates among
185 U.S. central business districts also vary greatly, from more than 40% to near zero, contradicting the notion

⁸ 1990 Census and 2008 American Community Survey.

⁹ Department of Environmental Protection, “The New York City Parking Management Study,” 1981, p. IV-9, and underlying data for the table on page 26 of the Manhattan Core Study.

¹⁰ Department of Environmental Protection, “The New York City Parking Management Study,” 1981, Table 7, p. III-24.

186 of an economic equilibrium.¹¹ If the vacancy rate is 5% downtown, why can't it be 5% in Midtown? If
187 the vacancy rate can be near zero in some cities, does some contrary economic law of equilibrium apply
188 only in New York?

189 Second, we know that parking operators increasingly exceed the capacity prescribed by their permit.
190 Largely because of the increasing use of stackers, in each special permit renewal we have reviewed in
191 recent years, the actual capacity was in excess of the permitted capacity by anywhere from 25% to 300%.
192 So the vacancy rate may actually be increasing. We believe that vacancy rate remains the best indicator
193 of need for parking, and we have seen no evidence to the contrary. On balance, we feel that special
194 permits for residential accessory or public parking should only be granted when the vacancy rate in the
195 surrounding area is 5% or less.

196 With regard to large sites or "special generators", the presentation is not detailed enough: we need to see
197 and comment on what the "specific criteria" would consist of for Manhattan Core where the job market is
198 robust, traffic frequently exceeds street capacity, and public transportation is ubiquitous.

199 With regard to all parking special permits, ZR §13-53 should be amended to require reports on parking
200 inventory and vacancy rates, along with traffic.

201 **Existing Special Permit Findings**

202 The existing special permit finding at §13-561(c) and §74-52(b) covers impacts on traffic congestion and
203 pedestrians. It requires that a new garage "not create or contribute to serious traffic congestion and . . .
204 not unduly inhibit surface traffic and pedestrian flow." In our view, that finding is inadequate. First, that
205 finding ignores cumulative impacts of multiple parking special permits that may be granted in an area
206 over a number of years.

207 Consideration should be given to amending the finding to include the impact of all special permits granted
208 in an area over a five year period when evaluating traffic congestion, surface traffic, anticipated
209 pedestrian flow, and change in character of the neighborhood. This is particularly important in CB4, given
210 the substantial up-zonings that have recently occurred and that include considerable as-of-right accessory
211 parking.

212 Consideration should be given to denying a special permit if the entrances/exits of the garage are
213 located near intersections that the Department of Transportation has rated "LOS D" or worse. The
214 finding should further require that the entrances /exits do not pose a safety risk to pedestrians,
215 especially when entrances and exits are near schools, parks, playgrounds, day care and other uses
216 frequented by children or near high pedestrian traffic streets.

217 Finally, the duration of all parking special permits should be limited to five years to reflect rapidly
218 changing neighborhoods and to allow for enforcement at renewal. Operators that violate the terms of
219 their permits should not be given a new permit.

220

¹¹ Colliers International, 2011 North America Central Business District Parking Rate Survey.

221 In conclusion the study points to several findings that indicate there are still many commuters who could
222 be encouraged to take mass transit or car pool. It is our belief that if not well crafted, the Manhattan Core
223 proposals could miss opportunities to reinforce the current market trends towards reduced parking
224 demand and increased transit use. Proposed changes could instead add to parking availability,
225 encouraging driving and car oriented development, and thus undermine the clean air and health objectives
226 of Plan NYC 2030.

227 We look forward to working with DCP on detailing and implementing those policy changes. However,
228 we feel any positives from those policy changes — and indeed the progress the study indicates the city
229 has made in the last 30 years — will be severely undermined by any proposal to allow public parking uses
230 in accessory garages and urge DCP to withdraw that recommendation.

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232 Sincerely,

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234

235 cc: Sandy Hornick, Department of City Planning

236 Eric Kober, Department of City Planning

237 Adam Wolff, Department of City Planning

238 Jack Schmidt, Department of City Planning

239 David Karnovsky, Department of City Planning

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241 Joe Martens, NYS Department of Environmental Conservation

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243 Community District 4 Elected officials

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