

1 **Transportation Planning Committee**

Item #: 39

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3
4 June 26, 2012

5
6 Amanda Burden, FAICP
7 Chair
8 City Planning Commission
9 22 Reade Street
10 New York, New York 10007

11
12 **Re: Manhattan Core Parking Study**

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14 Dear Ms. Burden:

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16 Manhattan Community Board 4 (MCB4) appreciates your efforts to improve parking regulations in the
17 Manhattan Core. We particularly appreciate the outreach your staff is doing to collect Community
18 Boards' input on this important matter. We understand that your proposals will exclude Hudson Yards but
19 will affect the balance of our district.

20
21 We are encouraged by your intent to require safer, more pedestrian oriented off-street garages and curb
22 cut designs. These measures will reduce the negative impact of parking on the streetscapes and on
23 pedestrians. We suggest that renewals of existing parking licenses and permits become subject to these
24 conditions, so that the vast majority of the population can benefit from these changes sooner.

25 All the same, we are very concerned that the proposed policy of opening accessory parking to transient
26 public use will negatively affect the pedestrian safety and quality of life in residential districts and
27 encourage the building of excessive parking capacity. The problems this policy purports to resolve could
28 be more effectively addressed by other policies that carry lesser risks. This change combined with the
29 proposed revision of the layout standards will significantly increase the amount of as-of-right public
30 parking in Manhattan. Our analysis suggests that such policy is not warranted and probably violates the
31 1978 court order that led to the 1982 zoning change. It would also be a violation of New York's State
32 Implementation Plan (SIP) adopted to comply with the Clean Air Act.

33 The addition of new findings to the Special Permit process is going in the right direction provided a clear
34 inventory of cumulative supply and demand is performed and the needs are evaluated in the context of a
35 multi-modal transportation system. But neither major entertainment nor job creation should be a
36 justification for increased parking in Manhattan Core where public transportation is ubiquitous, effective
37 and environment friendly.

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

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- 40 • New York State Department of Environment Conservation should vet any proposed amendment related to accessory and transient use for compliance with the State Implementation Plan.
 - 41 • Residential accessory parking should not be used for transient parking. At most, spaces within
42 accessory garages could be rented out for non-transient use for a minimum period of one month.

- 43 • New Special permits should be based on a factual definition of need, such as the cumulative
44 effect of granted permits, parking inventory and vacancy rate in the area, and not by a speculative
45 projection of need.
- 46 • All existing parking lots and garages should be subject to the proposed street interface and
47 queuing requirements at license renewal time.
- 48 • Special Permits duration should be limited to five years
- 49 • For special generators, DCP indicated in its presentation that it is contemplating special criteria
50 for major entertainment and job creation sites. While this high-level description raises concerns in
51 the context of Manhattan Core, we need to see and comment on what the "specific criteria" would
52 consist of.

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

54 The Manhattan Core study argues that there is a need for new parking beyond the amount permitted as-of-
55 right because of more commuter vehicular traffic and increasing demand from market rate housing, in
56 conjunction with a declining parking supply. When looking at the claimed need for more parking,
57 however, the following facts points to a different picture:

- 58 • As discussed in more detail below, despite increases in household income and the tendency of
59 auto-ownership to increase with income, there has been remarkable stability in the ratio of
60 automobiles available per household and in the proportion of public parking occupied by
61 residents.
- 62 • The study indicates that below 60th Street, the number of public parking spaces decreased from
63 approximately 127,000 in 1978 to approximately 102,000 in 2010. Meanwhile the total number of
64 vehicles entering the CBD has increased to 750,000 in 2009 from 701,000 in 1982. However the
65 relevant number for the purpose of assessing the need for additional parking is the maximum
66 accumulation of non-resident vehicles in the CBD at the midday peak. That number has
67 dramatically *declined* from 106,200 in 1980 to 78,200 in 2010.¹
- 68 • The study claims that a decrease in the number of parking spaces since 1982 combined with
69 “continued robust demand” has caused parking rates to become very high. But in reality, adjusted
70 for inflation, parking costs have probably declined since 1982. Costs certainly declined between
71 1981 and 1995.²
- 72 • A more relevant comparison of parking costs would take in account the underlying real estate
73 prices. In New York the parking cost per month of \$ 538 per month compares to Chicago’s
74 \$289⁵. But the price for a two-bedrooms apartment in comparable downtown areas is \$ 933,000
75 in New York and \$332,000 in Chicago³. This makes Chicago parking 150% more expensive than
76 New York City parking in relation to real estate values. Closer to home, monthly parking costs

¹ NYMTC, Hub Bound Travel data, 1980 – 2010.

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

³ Willows .com

77 \$840 at the Stamford, CT Metro North station and \$972 at the South Norwalk, CT Metro North
78 Station.⁴ By comparison, parking in New York Manhattan core is relatively cheap, largely
79 because of the continuing excessive vacancy rate. It should also be noted that New York’s
80 parking rate is the lowest of the five top financial centers in the world. It’s about half the parking
81 rate in London, a direct competitor to New York also with a flourishing economy.

82 **Opening accessory parking to the public**

83 As you know, the main purpose of parking controls in the New York SIP is to strictly limit additional
84 transient parking in the Manhattan Central Business District (CBD). As explained in an April 19, 1982,
85 memorandum from then-Counsel Norman Marcus to then-Chairman Herbert Sturz (attached), limits on
86 transient parking were to be accomplished by two measures. First, all new transient commercial parking,
87 except for hotels, would be subject to City review. Second, in contrast to most other areas of the city
88 where accessory parking is “primarily” for storage of cars owned by occupants (see ZR, §25-412, §25-
89 42), in the Manhattan Core accessory parking was to be used “exclusively” by occupants of residential
90 buildings or by tenants and employees of non-residential buildings (ZR, §13-12, §13-133).

91 Of course reality hasn’t quite worked out that way. The Department of Consumer Affairs (DCA) has
92 failed to enforce the accessory-only provision, although based on your staff’s comments at their recent
93 presentation, it is not clear that DCA ever had the authority to do so. But the solution to the non-
94 enforcement problem is not to abandon the distinction between accessory and transient parking. Not only
95 are there other options, but also abandoning that distinction would clearly be a violation of the SIP.⁵

96 Most residential accessory parking is located on residential blocks with schools and seniors around and
97 generate few trips — the Manhattan Core Study shows that only 20% of residential parkers use their cars
98 to go to work. While the study found that residential parking garages are operated as “public,” there is a
99 large difference between a quasi-accessory garage that welcomes residential parkers from neighboring
100 buildings, and a truly public garage that also serves commuters, visitors, and shoppers. A transient public
101 parking space generates at least four times as many trips as a residential accessory parking space because
102 so many Manhattan residents use public transit even if they own a car. Opening residential accessory
103 garages to transient use would have a very negative impact on the safety of pedestrians on residential
104 blocks. Further, the exhaust fumes that accumulate in poorly vented public garages would negatively
105 affect the air quality inside adjacent residences. Indeed the Commission itself, in its 1982 report, found
106 that “as a matter of good land use planning, public parking facilities do not belong in residential buildings
107 or neighborhoods without a careful review of their land use, traffic and environmental impacts.”

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

⁴ Ctpost.com, January 28, 2012

⁵ 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.

114 The solution to this problem is to simply revert to the formulation in ZR §25-412, which has been in
115 effect since 1961, and allow residential accessory parking spaces in the Manhattan core to be rented for
116 any non-transient use. We would recommend that the rental period be restricted to no less than one
117 month. We assume that this change would be consistent with licensing by the Department of Consumer
118 Affairs. Since accessory residential garages would not be rented for transient use, the zoning resolution
119 should prohibit signs advertising parking on the outside of buildings. Accessory garages that wish to rent
120 to non-residents could also be required to install an automated self-park system with barriers and card
121 keys.

122 **Special Permit Findings**

123 While we support the inclusion of new findings to obtain a special permit, the tests must be designed
124 carefully to allow for a meaningful evaluation of the permit request, and the duration of permits should be
125 significantly reduced to provide for a better enforcement at renewal time.

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

131 For example, the Manhattan Core study states that since 1982 household income in the Manhattan core
132 increased by 239%, and that vehicle ownership increases dramatically with income (pp. 16, 17). These
133 factors seem to indicate a much greater need for residential parking. If such factors were used to set
134 standards for determining the need for residential accessory parking, many new special permits might be
135 granted. But such an analysis would be wrong because it is contradicted by the fact that there has been no
136 change in twenty years in the ratio of automobiles available per household in the Manhattan core — 25%
137 of households in both 1990 and 2008.⁶

138 Nor should permit standards be based on some “expectation” of the number of spaces required. One
139 proposal, we are told, is that need would be based on an expectation that parking should be provided at a
140 rate of 20% or 35% of new residential units. But the 20% or 35% rates in the Zoning Resolution are legal
141 maximums, not the amount of parking needed in new developments. Many residents without parking in
142 their building simply park their cars in non-residential garages. Despite major residential development
143 over the past thirty years, there has been little change in the number of households and, contrary to the
144 study, no large shift in the proportion of public parking occupied by residents — 39% in 1982 and 36%
145 today in the CBD.⁷ Thus there is no need for every new residential development to provide parking or to
146 evaluate special permit requests based on such an expectation.

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

⁶ 1990 Census and 2008 American Community Survey.

⁷ 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.

153 Some say that using vacancy rate, as a criterion would not work because the current overall vacancy rate
154 of 20% at midday peak represents some kind of economic equilibrium. We disagree for two reasons.
155 First, while there was also an overall vacancy rate of 20% in 1978, the vacancy rate varied greatly by
156 area, from 24% in the CBD periphery to 5% Downtown.⁸ Vacancy rates among U.S. central business
157 districts also vary greatly, from more than 40% to near zero, contradicting the notion of an economic
158 equilibrium.⁹ If the vacancy rate is 5% Downtown, why can't it be 5% in Midtown? If the vacancy rate
159 can be near zero in some cities, does some contrary economic law of equilibrium apply only in New
160 York?

161 Second, we know that parking operators increasingly exceed the capacity prescribed by their permit.
162 Largely because of the increasing use of stackers, in each special permit renewal we have reviewed in
163 recent years, the actual capacity was in excess of the permitted capacity by anywhere from 25% to 300%.
164 So the vacancy rate may actually be increasing. We believe that vacancy rate remains the best indicator
165 of need for parking, and we have seen no evidence to the contrary.

166 With regard to large sites or "special generators", the presentation indicated that special criteria are being
167 contemplated for major entertainment and job creation sites. While this high-level description raises
168 concerns in the context of Manhattan Core, we need to see and comment on what the "specific criteria"
169 would consist of for Manhattan Core where the job market is robust, traffic frequently exceeds street
170 capacity, and public transportation is ubiquitous.

171 Special Permits duration should be limited to five years to reflect rapidly changing neighborhoods and to
172 allow for enforcement at renewal. Operators that violate the terms of their permits should not be
173 given a new permit.

174 It is our belief that if not well crafted, the Manhattan Core proposals could miss opportunities to reinforce
175 the current market trends towards reduced parking demand, and increased transit use. Proposed changes
176 could instead add to parking availability, encouraging driving and car oriented development, and thus
177 undermine the clean air and health objectives of Plan NYC 2030. .

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179 Sincerely,

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182 cc: Sandy Hornick, Department of City Planning
183 Eric Kober, Department of City Planning
184 Adam Wolff, Department of City Planning
185 Jack Schmidt, Department of City Planning
186 David Karnovsky, Department of City Planning
187
188 Joe Martens, NYS Department of Environmental Conservation
189
190 Community District 4 Elected officials

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⁸ Department of Environmental Protection, "The New York City Parking Management Study," 1981, Table 7, p. III-24.

⁹ Colliers International, 2011 North America Central Business District Parking Rate Survey.

