



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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July 27, 2012

Amanda Burden, FAICP
Chair
City Planning Commission
22 Reade Street
New York, New York 10007

Re: Manhattan Core Parking Study

Dear Ms. Burden:

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

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

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

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).

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

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

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

Therefore we recommend that the proposal be amended as follows:

- 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.
- Residential accessory garages should not be used for transient parking. At most, spaces within accessory garages could be rented out for non-transient use for a minimum period of one month.
- New Special permits findings should be based on a factual definition of need, and account for the cumulative effect of granted permits, parking inventory and vacancy rate in the area, and not by a speculative projection of need.
- Existing findings regarding traffic and pedestrians should be amended to include cumulative traffic impacts and pedestrian safety.
- All existing parking lots and garages should be subject to the proposed street interface and queuing requirements at license renewal time.
- Special Permits duration should be limited to five years

Pedestrian Friendly Streetscape and Safe Street Interface

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

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

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

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

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

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

Opening Accessory Parking to the Public

As you know, the main purpose of parking controls in the New York SIP is to strictly limit additional transient parking in the Manhattan Central Business District (CBD). As explained in an April 19, 1982, memorandum

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

from then-Counsel Norman Marcus to then-Chairman Herbert Sturz, limits on transient parking were to be accomplished by two measures. First, all new transient commercial parking, except for hotels, would be subject to City review. Second, in contrast to many other areas of the city where accessory parking is “primarily” for storage of cars owned by occupants, in the Manhattan Core accessory parking was to be used “exclusively” by occupants of residential buildings or by tenants and employees of non-residential buildings (ZR, §13-12, §13-133).

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

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

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

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

The solution to this problem is to simply use a modified version of the formulation in ZR §25-412, which has been in effect since 1961, and allows residential accessory parking spaces in the Manhattan core to be rented for any non-transient use. We would recommend that the existing rental period of no less than 14 days be restricted to no less than one month. We assume that this change would be consistent with licensing by the Department of Consumer Affairs. Since accessory residential garages would not be rented for transient use,

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.

the zoning resolution should prohibit signs advertising parking on the outside of buildings. In addition such garages should be prohibited from posting other than monthly rate signs. Accessory garages that wish to rent to non-residents could also be required to install an automated self-park system with barriers and card keys.

New Special Permit Findings

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

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

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

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

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

In previous meetings, DCP staff said that using vacancy rate, as a criterion would not work because the current overall vacancy rate of 20% at midday peak represents some kind of economic equilibrium. We disagree for two reasons. First, while there was also an overall vacancy rate of 20% in 1978, the vacancy rate varied greatly

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.

by area, from 24% in the CBD periphery to 5% Downtown.¹⁰ Vacancy rates among U.S. central business districts also vary greatly, from more than 40% to near zero, contradicting the notion of an economic equilibrium.¹¹ If the vacancy rate is 5% downtown, why can't it be 5% in Midtown? If the vacancy rate can be near zero in some cities, does some contrary economic law of equilibrium apply only in New York?

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

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

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

Existing Special Permit Findings

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

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

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

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

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

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

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

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

Sincerely,



Corey Johnson
Chair



Christine Berthet
Co-Chair
Transportation Planning Committee



Jay Marcus
Co-Chair
Transportation Planning Committee

cc: Sandy Hornick, Department of City Planning
Eric Kober, Department of City Planning
Adam Wolff, Department of City Planning
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Community District 4 Elected Officials