

Section 13-451 (Additional parking spaces for residential growth) Special Permit Application Guidelines

Version: 3.0

Purpose

This document provides general guidance for the minimum requirements and content parameters for the production of an application package for a special permit in the Manhattan Core (Community Districts 1-8) for additional parking spaces pursuant to Section 13-451 (Additional parking spaces for residential growth). This information is necessary for the New York City Planning Commission to make an informed decision when it comes to addressing the findings of this action. These guidelines should be used in coordination with the application requirements laid out in the Zoning Resolution.

When to Use

Please use these minimum requirements when producing an application for a land use action pursuant to Section 13-451 (Additional parking spaces for residential growth). The applicant must show that the proposed number of off-street parking spaces is reasonable and not excessive in relation to recent trends in close proximity to the proposed development.

Exceptions

These requirements are for use as a reference only. Application requirements are based on the action requested by the applicant and will be confirmed by the DCP Project Team at the Interdivisional Meeting. Exceptions to the content of these guidelines should be based on unique site or project considerations and should be discussed at the Interdivisional Meeting.

Application Guidelines Overview

The City Planning Commission has the discretion to grant additional parking above as-of-right limits for predominantly residential developments and enlargements, pursuant to Section 13-451. In order to be considered for the special permit, applicants must demonstrate that the proposed parking facility meet the conditions of Section 13-20, including:

- Enclosure and screening requirements
- Curb cut restrictions (location and maximum width)
- Reservoir space requirements
- Pedestrian safety and access requirements
- Minimum and maximum size of facility provisions

The applicant must also demonstrate that the proposed parking facility complies with the findings of 13-45, including that:

- the location of vehicular entrances and exits will not unduly interrupt the flow of pedestrian traffic or result in any undue conflict between pedestrian and vehicular movements
- the location of vehicular entrances and exits will not interfere with the efficient functioning of streets
- the parking facility will not create or contribute to serious traffic congestion



- exempted floor area for public parking garages is needed to prevent excessive on-street parking demand
- the parking facility will not be inconsistent with the character of the existing streetscape

Additionally, applicants must demonstrate that either:

- The number of parking spaces in the proposed facility is reasonable in relation to recent trends in close proximity with regard to:
 - Increases in the number of dwelling units, and
 - The number of public and accessory parking spaces constructed or eliminated (CPC may take into account parking facilities that have received building permits or special permits.
 - OR
- The number of parking spaces does not exceed the ratios which would be applied for an as-of-right facility (20% of the total number of dwelling units in Manhattan Community Districts 1, 2,3, 4, 5, and 6 or 35% in Manhattan Community Districts 7 and 8).

Additionally, the City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area and the Commission may take into account levels of vacancy in existing parking facilities within the area of the proposed parking facility

Specific guidelines for presenting these findings can be found below.

Findings Statement Guidelines - Section 13-451(a)

In order to address the findings related to Section 13-451(a), the applicant must show that the proposed number of residential off-street parking spaces is reasonable and not excessive in relation to recent trends within close proximity to the proposed development. To make this determination, the applicant should consider and analyze sites where the net number of residential units and residential parking spaces has changed over approximately the past ten years, and, up to the build year of the proposed development within the study area. The study area is defined as approximately one-third (1/3) of a mile (1,760 feet) from the edge of the zoning lot. Maps of the study area should be created that show residential parking change sites and residential unit change sites. The applicant must verify and confirm each parking facility change site and every residential unit change site identified in the study area during the study period.

The study period is defined as approximately a ten year look-back prior to the application filing, along with expected changes through the build year of the proposed development.

Residential Parking Change Analysis

When assessing residential off-street parking within the study area, the analysis should consider both DCA- licensed (Department of Consumer Affairs) public parking facilities where a portion of parking spaces are used as a shared resource by local residential parkers, and non-DCA accessory residential parking facilities. To determine the changes in residential parking spaces, the applicant should provide a map and table of all residential parking change sites indicating the net change in parking spaces at each location throughout the study area. For non-DCA parking sites, the applicant should review Certificates of Occupancies of new buildings, make site visits, review building bulk and use, look for curb cuts, etc., in order to estimate the change in the number of accessory (non-public) residential parking spaces during the study period, if any.



For DCA-licensed parking facilities that have been or will be eliminated in the study area within the study period, the applicant should determine the percentage of public parking spaces that were/are used by residents at each facility. This can be determined through information provided by garage operators, independent surveys, or other methods. The applicant can also use the residential parking percentages for parking facilities provided in the Manhattan Core Public Parking Study (www.nyc.gov/html/dcp/html/mn_core/mn_core_study.shtml). For parking facilities in CD1 the percentage of parking used by residents is 42 percent; in CD2 and CD3 it is 67 percent; in CD4 it is 30 percent; in CD5 is it 24 percent; in CD6 it is 44 percent; in CD7 and CD8 it is 69 percent.

In general, for DCA-licensed facilities within new residential, mixed-use, and commercial developments from the study period, the following methodology should be used: if the number of parking spaces represents an increase in parking, the percentage of residential parkers should be assigned at 100 percent; whereas, if the number of DCA parking spaces represents a decrease (i.e. the project site contains a DCA facility), the CD-based percentages cited above should be used to calculate residential parking. For the latter case, the applicant may present data to justify a different percentage of residential parking, for example, asking the operator of a facility the percentage of vehicles parked by residents. All DCA facilities located on new residential developments sites (both those representing losses and gains in off-street parking) should be documented in the Residential Unit Change Analysis inventory, and not appear on the Residential Parking Change Analysis inventory.

The number of parking spaces listed by the DCA in a DCA-licensed parking facility is the official number to use in analyzing changes in parking. Residential parking change sites are defined as having changed parking capacity from the beginning of the study period to the end of the study period and not changes only within the study period. For example, a study period from 2004 (ten years back from the land use application filing year of 2014) to the 2016 build year, should not consider as a parking change site a facility where a change in parking only occurred between 2006 and 2007.

Sites that have a change in residential parking during the study period include 1) locations within the study area where there has been a change in the number of DCA-licensed spaces whether they are within a residential building or not, and 2) locations within the study area where there has been a change in non-DCA accessory residential parking. For example, if a site changes from a private, non-residential parking facility to a DCA-licensed facility during the study period, it counts as a DCA change site, with the appropriate percentage of spaces (based on Community District percentages listed above) allocated to residential parking.

Residential Unit Change Analysis

For analysis of the amount of change in residential units, the applicant should provide a map and table of residential unit change sites, indicating the net change in residential units (new buildings, residential conversions, and demolitions) during the study period throughout the study area. The applicant must also analyze sites that are expected to change in the near future up to the build year of the proposed development. The table should also show the number of residential parking spaces that could be built as-of-right, the number of spaces actually built, and, if applicable, the number of "unbuilt" parking spaces (which is the difference between allowed and built parking spaces). New residential unit Change map and table and not the Residential Parking Change map and table.

Residential Growth Parking Ratio

Within the study area, the applicant should calculate the residential growth parking ratio which is done by taking the net change in the number of parking spaces (adding DCA and non-DCA parking spaces) and dividing by the net change in the number of residential units during the study period. The applicant



should also provide a residential growth parking ratio that includes the proposed project, i.e. the proposed number of parking spaces and residential units in the application. Both numbers should be expressed as a percentage and as a number (see Residential Growth Parking Ratio definition). The target percentage of parking spaces to residential units is the same as the AOR parking maximums in the Manhattan Core: 20 percent of units for Community Districts 1-6 and 35 percent of units for Community Districts 7-8. Any pending special permits that include residential parking spaces and/or residential units should have a separate residential growth parking ratio discussed and listed in the narrative. DCP review and analysis of the data may differ from the applicant's due data updates, new administrative data, data corrections, and differences in study area boundaries and study period.

Special Permit Findings Narrative Using the residential growth parking ratio, described above, the applicant should create a narrative that discusses how the proposed residential parking is reasonable and not excessive in relation to recent trends in close proximity to the proposed development. Pending special permits that are located within the study area, but have not fully completed the land use review process, should be included in the narrative section of the analysis towards the end. This should include a separate residential growth parking ratio that includes any pending special permit projects. Pending special permits should not be included in Table 1 or Table 2.

Associated Sites for Residential Growth Special Permit

If necessary, the applicant must identify one or more nearby residential growth sites and/or a residential parking change site to "associate" with every parking space in the proposed development. The purpose of associating with these sites is to ensure that the same sites are not used again for future residential growth special permits. The special permit application should therefore include a list of one or more associated sites where unbuilt, as-of-right accessory parking spaces are associated with the proposed project. The associated site(s) should be based on the residential parking change and residential growth analyses, beginning with sites closest to the proposed development.

The applicant must first self-associate with its own proposed development site if off-street residential parking spaces were lost, such as if there was a parking facility with residential parking on the site previously that was lost due to the proposed development. The applicant must also self-associate the number of parking spaces in their new residential accessory garage or new public parking garage with residential units up to the permitted as-of-right residential parking percentages per unit (20% for Community Districts 1-6 and 35% for Community Districts 7-8). For example, a 40-unit building with 14 parking spaces in CD5 can self-associate 8 parking spaces (20% of 40-units); and a development in CD3 with 160 residential units and a 100-space public parking garage can self-associate 32 parking spaces (20% of 160). In each case, the applicant must associate the rest of their parking spaces starting from nearest sites that have lost residential parking and/or unbuilt as-of-right residential parking. Unbuilt, as-of-right community facility and as-of-right commercial/retail parking spaces in mixed-use developments are not eligible for associations. DCP will also provide a list of previously "associated" sites which should not be considered for the proposed project. The applicant may also associate with its own proposed development site if off-street residential parking spaces will be lost as a result of the development.

Data Resources

In order to prepare an analysis of the recent trends, DCP is providing data from DCA and the Department of Buildings (DOB). This data is a starting point for the applicant to verify, analyze and prove that the proposed number of off-street parking spaces is reasonable and not excessive in relation to recent trends in close proximity to the proposed development. Other data sources include field surveys, PLUTO, DOB online records, and Sanborn maps. The applicant must verify and confirm each



parking facility change site (DCA and non-DCA) and every residential unit change site identified in the study area during the study period.

The DCA data consists of:

- 1. a list of DCA "change sites," defined as locations where the number of DCA-licensed parking spaces is likely to have increased or decreased over the past 10 years;
- 2. an archive of DCA-licensed off-street parking facilities in the Manhattan Core for the past 10 years.

The DOB data consists of:

- 1. an archive of Certificates of Occupancy for new residential developments (including residential conversions) through the past 10 years;
- 2. an archive of DOB permits for new residential buildings and applicable alterations (e.g. residential conversions) issued in the previous two years.

DCP may also provide additional information and guidance about sites where the number of residential units has changed in the study period, or is expected to change in the near future. This information may include approved special permits that have not yet received a DOB Building Permit. DCP will also provide any relevant residential growth parking and residential unit change analysis from previous applicants. This information may include previously "associated" residential growth sites and/or residential parking change sites which should not be considered for "associating" with the proposed project. The applicant should also use Sanborn Maps, field visits, and interviews with parking facility staff to augment, confirm and gather information.

Maps created for the Residential Parking Change Analysis and the Residential Unit Change Analysis must be submitted to DCP with shapefiles.

The DCA and DOB data is being provided for informational purposes only and may be useful to applicants seeking a special permit for off-street parking within the Manhattan Core (Community Districts 1-8) in the creation of an inventory of parking and housing development within close proximity to the subject site for the study period. DCP does not warranty the completeness, accuracy, content or fitness for any particular purpose or use of the data, nor are any such warranties to be implied or inferred. DCP is not liable for any deficiencies in the completeness, accuracy, content or fitness for any particular purpose or use of the data, or application utilizing such data.

Findings Statement Guidelines - Section 13-451(b)

In order to address the findings related to Section 13-451(b), the applicant must show that the proposed ratio of residential off-street parking spaces to dwelling units does not exceed the as-of-right parking maximum ratios that would be applied to a parking facility within the Manhattan Core Community District where the applicant's proposed facility is located. For Manhattan Community Districts 1-6 the AOR parking maximum is set at 20 percent of dwelling units and for Community Districts 7-8 it is 35 percent of dwelling units. Applicants will likely utilize Section 13-451(b) if the subject parking facility is located in one of three Special Districts (Clinton, Little Italy, and Lincoln Square) in which as-of-right accessory parking is not permitted throughout or in certain areas, or if the number of units in a proposed residential development is large enough that applying the as-of-right parking ratio would exceed the cap of 200 parking spaces for accessory residential facilities (Section 13-11).



Priority of Review

Given that throughout the Manhattan Core there exists only a limited number of sites where un-built, as-of-right accessory spaces are available for a proposed development to associate with, there is a possibility that multiple pending applications with overlapping study areas may seek to associate with the same un-built, as-of-right accessory spaces.

In order to reduce the uncertainty surrounding the amount of potential spaces that are available for an applicant to potentially associate with at any given time, and to establish a predictable, fair and orderly queue for processing pending applications which may otherwise potentially request to associate with the same un-built spaces, the Department of City Planning will follow the guidance below:

- Applications will be reviewed in accordance with existing pre-application submission and meeting requirements set forth in RCNY Title 62 Chapter 10 of the City Planning Rules.
- b) Applications will be certified for review in ULURP in order of receipt of a date and timestamped Pre Application Statement which has been accepted by City Planning.



Terms

The Study Area: Approximately 1/3 of a mile, or 1,760 feet from the edge of the proposed development's zoning lot.

The Study Period: Approximately 10 years prior to the application filing and up to the build year of the proposed development.

Residential Parking Change Sites: indicating the net change in the number of parking spaces in DCA-licensed parking facilities and accessory parking spaces in residential buildings without a DCA-license within the study area.

Residential Unit Change Sites: indicating the net change in residential units at all locations within the study area. The applicant must also analyze sites that are expected to change in the near future up to the build year of the proposed development.

Unbuilt Parking Spaces: The difference between the number of parking spaces that a development could build AOR and the number actually built.

Associated Sites: The applicant must identify one or more residential growth sites and/or residential parking change sites to "associate" with each parking space in the proposed development. The associated sites must be located closest to the proposed development.

Residential Parking Percentage: the percentage of parking spaces at a parking facility used by residents. The applicant should determine the percentage of public parking spaces that were/are used by residents at each facility or use the percentages provided in the Manhattan Core Public Parking Study.

Residential Growth Parking Ratio: dividing the change in the number of parking spaces (adding DCA and non-DCA parking spaces) by the change in the number of residential units during the study period.

С

10 year Ratio with Project =

<u>A + B + P1</u> C + P2

A = Change in Number of DCA Parking Spaces multiplied by percentage of residential parkers in Community District

Data Provided

- DCA Change Sites likely gain or loss in DCA spaces over past 10 years
- Supplement to DCA Change Sites facilities added to the Change Sites list because they are operating in current year on same BBL as "New Residential Development Site" (see below), but not showing a gain or loss in DCA spaces over the past 10 years
- DCA Historical archive (including Changes Sites and non-Change Sites) which can be useful for research of parking facilities in the Study Area
- DCA parking facility Residential Parking Ratios use the Manhattan Core Parking Study percentages if applicant is unable to determine through fieldwork



• Residential parking change analysis and residential unit change analysis within the applicants study area from previously approved Manhattan Core special permits for residential growth – includes sites that have already been associated

Research Required

- Confirmation of DCA capacity at each site for the beginning and end of 10-year lookback period (DOB online, field visits, Sanborn maps)
- Calculation of number of residential monthly parking spaces at each DCA facility analyzed

B = Change in Number of Non-DCA Accessory Residential Parking Spaces

Data Provided

• New residential development sites (see C, below)

Research Required

- Determine change in non-DCA residential accessory parking for new residential development sites
- Determine whether DCA-licensed Public Parking garages and Public Parking lots have ceased operation permanently in the Study Area in the Study Period

C = FINAL Change in number of units of Residential Units

Data Provided

- DOB Certificate of Occupancy's for new residential buildings or major alterations that added residential units (e.g. loft conversion) going back 10 years
- DOB New Building Permits for new residential buildings or major alterations that added residential units (e.g. loft conversion)
- Residential parking change analysis and residential unit change analysis within the applicants study area from previously approved Manhattan Core special permits for residential growth includes sites that have already been associated
- Supplemental information from DCP

Research Required

• Determine universe of confirmed new residential development sites for the study period and calculate change in the number of residential units for each site (DOB online, field visits, Sanborn maps)

P1 = [Proposed Number of Parking Spaces (total number of spaces, whether or not DCA)] – [Number of residential parking spaces on the Project Site]

P2 = [Proposed Number of Residential Units] – [Number of residential units currently on the Project Site]



Submission Requirements

Table A. Information Required for Analysis for 13-451(a)

| Number | Required | Content Requirements | Data Sources Provided by DCP |
|---------|--|--|--|
| Table 1 | Residential Parking Change Analysis: Map (including shapefiles), Table, and spreadsheets | Label the project site, the Parking Study Area at one-third mile (approx.) around the project site. A map and table of all Residential Parking Change Sites for the Study Period both within the one-third mile Study Area. The inventory should include both DCA Parking Change Sites and non-DCA sites with changes to residential parking. The table should include: Borough Block Lot (BBL) and address. All sites should be listed in ascending order based on distance (in feet) from the proposed development starting with the closest_Distance from proposed_development (in feet). Number of residential parking spaces at the beginning of the Study Period (including calculation of the total number of DCA spaces and percentage used by residential parking spaces at the end of the Study Period (including calculation of the total number of DCA spaces and percentage used by residential parkers). Number of residential parking spaces at the end of the Study Period (including calculation of the total number of DCA spaces and percentage used by residential parkers). Net difference between the number of residential parking spaces at the beginning and end of the study period. | DCA off-street parking data consisting of: 1) DCA "change sites," defined as locations where the number of DCA-licensed parking spaces is likely to have increased or decreased over the past 10 years; and 2) an archive of DCA-licensed off-street parking facilities in the Manhattan Core for the past 10 years. DOB data about new residential developments with accessory parking as shown below. Any applicable information about sites where the number of residential parking spaces is expected to change. This information may include approved Special Permits that have not yet received a DOB Building Permit. |



| Number | Required | Content Requirements | Data Sources Provided by DCP |
|--------|----------|---|------------------------------|
| | | Spreadsheets of Residential Parking Changes Sites should be included with analysis. | |
| | | Shapefiles of maps. | |
| | | Associated sites should be noted in a column on the spreadsheet. | |
| | | Pending special permits should not be included in the table or spreadsheet. | |



| Number | Required | Content Requirements | Data Sources Provided by DCP |
|---------|--|--|--|
| Table 2 | Residential Unit Change Analysis: Map (including | • A map and table of all new dwelling units and residential conversions for the Study Period within the Study Area. The table should include: | DOB Certificates of Occupancies issued or modified in the 10-year study period. |
| | shapefiles), Table and spreadsheets | Borough Block Lot (BBL) and address. Distance from proposed development (in feet). All sites should be listed in ascending order based on distance (in feet) from the proposed development starting with the closest. Number of residential units at the beginning and end of the 10-year study period. For new residential buildings, number of parking spaces allowed AOR, number of mumber of "unbuilt spaces," if applicable. | DOB New Building Permits issued in the last two years (for future developments). Any applicable information about sites where the number of residential units has changed in the last 10 years, or is expected to change. This information may include approved Special Permits that have not yet received a DOB Building Permit. |
| | | • New residential developments with DCA- licensed parking facilities should be included in the Residential Unit Change map and table and not the Residential Parking Change map and table. | |
| | | Spreadsheets of Residential Unit Change Sites should be included with analysis. | |
| | | Shapefiles of maps. | |
| | | Associated sites should be noted in a column on the spreadsheet. | |
| | | Pending special permits should not be included in the table or spreadsheet. | |



| Number | Required | Content Requirements | Data Sources Provided by DCP |
|--------|--|--|------------------------------|
| 3 | Residential Change Parking Ratio | Ratio of total change to residential parking spaces to change in residential units in the Study Area and for the Study Period. | |
| 4 | Special Permit Findings Narrative | • Narrative discusses how the proposed residential parking is reasonable and not excessive in relation to recent trends in close proximity to the proposed development by calculating the Residential Growth Parking Ratio with and without the proposed project. | |
| 5 | Associated Sites for Proposed Development | List of one or more sites where unbuilt as-of-right accessory parking spaces or lost residential parking spaces are "associated" with the proposed project (cannot include previous associations of lost or unbuilt parking). Applicant must first associate with itself for unbuilt as-of-right residential parking spaces attributable to the proposed development. | |



Table B. Required Drawings

| Number | Required Drawing(s) | Additional Content Requirements | Relevant Zoning Section Nos. |
|--------|---|--|---|
| 1 | Area Map | Follow the general DCP format guidelines for this document | 13-45(b) |
| 2 | Ground Floor Plan | Follow the general DCP format guidelines for this document Ground floor for portions of the building If other zoning actions are a part of the overall project, then a site plan consistent with DCP guidelines is required. | Required to memorialize the conditions of approval. 13-24-13-27; 13-40; 13-45(c)1 & 2 |
| 3 | Below-grade or Upper Floor Plan – for all parking levels | Follow the general DCP format guidelines for this document | 13-24-13-27, |
| 4 | Section(s) | Include dimension between zoning lot line 13-24-13 and adjacent buildings | |
| 5 | Elevation(s) | Follow the general DCP format guidelines for this document | 13-45 (c)5 |



Table C. Additional Application Requirements

| Number | Additional Application Requirements | Description |
|--------|--|--|
| 1 | LR Form | Pages 1-2 If the owner/applicant is not signing on page 2, include an owner's authorization letter. |
| 2 | LR Form Attachment 2: Site Data | Only required if the affected tax block and lots do not fit on LR Form page 1 |
| 3 | Supplemental Form ZS/ZA/ZC | Include the full title of the ZR Section Under <u>TO MODIFY</u>: these sections must be consistent with the zoning analysis. |
| 4 | Official Zoning Sectional Map | Submit at 8.5x14" or 11x17" Maps can be accessed online here: <u>http://www.nyc.gov/html/dcp/html/zone/zonedex.shtml</u> |
| 5 | DOF Tax Map(s) | Submit at 11x17" DCP will accept maps printed from the Library of Tax Maps or a hard copy from the Department of Finance only. The maps can be accessed online and printed from here: <u>Digital Tax Map Library - New York City</u> <u>Department of Finance</u> |
| 6 | LR Item 3: Description of Proposal | Follow general DCP guidelines for this document. Under Actions Requested, describe all waivers and reference appropriate sections that are being modified by the action. |
| 7 | Photos | Follow the general DCP format guidelines for this document. |



For More Information

Please contact your Manhattan Borough Office Planner for additional information.

Related Documents

| Document | Description |
|--|---|
| Statement of Findings Guidelines | Lists findings related to the proposed action and the applicant's response to those findings. |
| Zoning Lot Site Plan Guidelines | Depicts all aspects of the development site and zoning lot(s) that relate to the proposed land use action. |
| Section Guidelines | Depicts a building's height, massing, and land uses, as well as any deviations from compliance with the requirements of the Zoning Resolution. |
| Ground Floor Plan Guidelines | Depicts the interior layout of a proposed building on a zoning lot that will be affected by the requested land use action(s). |
| Upper Floor Plan Guidelines | Depicts the proposed programmatic arrangement of the upper floors within a proposed building. |
| Neighborhood Character Diagram Guideline | Depicts the total massing of the proposed building(s) on a development site that would be facilitated by proposed land use actions in relation to neighboring, existing structures. |
| Elevation Guidelines | Depicts the façade(s) of the proposed project in order to illustrate the impact and/or relationship of a proposed building to neighboring buildings. |
| Parking Table | |