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Manhattan Community Board 4 Written Testimony
To The Department of Consumer and Worker Protection
September 23, 2024

Re: Amend rules related to parking lots and garages

Dear Commissioner Mayuga,

Manhattan Community Board 4 (MCB4) applauds the Department of Consumer and Worker Protection's (DCWP) efforts to protect those drivers who use garages and parking lots. However, in the Central Business District where parking space is at a premium, it is a common experience that both garage operators and customers routinely use public space, such as sidewalks and bike lanes, for vehicles, to the detriment of other drivers, pedestrians and cyclists. We recommend that you take this opportunity to clarify the boundaries that garages can operate in and have them adopt the best practices for safety that exist in the current Zoning Text. Here are some specifics:

(f) (1) and (2) **Parking on public space:** It is surprising to see that the rules allow parking on public space if the customer agrees to it. This seems in contradiction to other business, such as commercial retail and restaurants, that have to either obtain approval and pay the city a fee for the use of public space. We do not agree with public space being used for private profit without a process and compensation to the city.

This contradiction in policy allows the parking lots and to some extent the parking garages, especially in midtown, to consistently encroach on the public space without reimbursing the city or paying penalties for it: it is common to see the first row of cars in a lot impede onto the sidewalk. Automobile dealers leave customer cars on the sidewalk for hours at a time and never receive summonses; parking attendants leave cars queued across the sidewalk while they extract a car from the back of the lot; customers do not think twice about leaving their cars unattended across the walk lane because they cannot bother to wait in line to enter the garages or the lots.

The text should be consistent and clear that sidewalks must be 100% clear at all times, that parking must be entirely contained on their property and that no public space can be used even for a short period. Each parking lot should have an area marked for queuing and circulation inside its boundary.

Zoning text (37-92) requires that new parking lots be separated from the sidewalk by a physical screen, a visual protection. We ask that all new and renewed licenses be subject to such screening and greening requirements.

Zoning text specifies that safety features must be installed at the exits of new parking lots and garages (13-26). We request that these inexpensive and life saving features be required for each new or renewed license.

(g) (2) (i) Posting of fee schedule and rules:

While this is definitely a good requirement, the placement of such sign should be on private property only and in no case the durable sign can be posted as a stand-alone on the sidewalk. This would avoid contributing to the proliferation of sandwich boards on the sidewalk encroaching on the public space.

(b) (1) Determination of maximum capacity: informal surveys in 2008¹ have shown that a large proportion of parking lots and garages vastly exceed their licensed capacity. In one instance in Chelsea, 600 cars were parked in a 120-space licensed garage. Most of the parking lots that use stackers exceed their permitted capacity. Parking attendants illegally park cars in the reservoir spaces causing more overflow on the sidewalks.

We recommend that an on-site audit be performed for each lot and garage before the renewal of their license, the licensing brought in compliance with the special permits, and the fee be proportional to the number of slots.

(q) While this paragraph of the rules requires the parking lots and garages to comply with all laws, making those laws that protect pedestrians and public space much clearer in the rules would go a long way to make our sidewalk feel safer and less crowded with vehicles. While many operators are diligent, many are understaffed and overwhelmed: we recommend that, similar to other businesses, parking garages and parking lots operations be inspected on a regular basis and their license be withheld when they demonstrate repeated noncompliance.

This letter was voted unanimously by the Transportation Planning Committee and is subject to ratification by the full board on October 1st as the testimony deadline did not allow for a full board vote.

Sincerely,

Manhattan Community Board 4

¹ HKNA versus City of New York parking lawsuit