Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

13-45 - Special Permits for Additional Parking Spaces

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13-45 - Special Permits for Additional Parking Spaces

LAST AMENDED
12/5/2024

In accordance with the special permit provisions of Sections 13-451 through 13-455, the City Planning Commission may permit the off-street parking facilities listed in paragraph (a) of this Section, provided that such parking facilities comply with the findings of paragraphs (b) and (c) of this Section.

(a) Eligible parking facilities

The City Planning Commission may permit, subject to the otherwise applicable zoning district regulations:

(1) #accessory# off-street parking facilities on-site or off-site, open or enclosed, with any capacity, where such facilities:

(i) are proposed #developments# or #enlargements# with a capacity not otherwise allowed under the applicable regulations of Section 13-10 (PERMITTED OFF-STREET PARKING IN THE MANHATTAN CORE); or

(ii) are located in an existing parking facility or are creating a new parking facility associated with an existing #building# #developed# without parking beyond the capacity authorized pursuant to Section 13-442 (Limited increase in parking spaces for existing buildings);

(2) #public parking lots#, where such facilities:

(i) are proposed #developments# or #enlargements# with any capacity not otherwise allowed under the applicable regulations of Section 13-10;

(ii) are located in an existing parking facility or are creating a new parking facility associated with an existing #building# #developed# without parking beyond the capacity authorized pursuant to Section 13-442; or

(iii) are proposed #developments# or #enlargements# in locations not permitted by Section 13-14 (Permitted Parking in Public Parking Lots);

(3) #public parking garages#, where such facilities:

(i) are proposed #developments# or #enlargements# in the zoning districts permitted, pursuant to paragraph (d) of Section 13-041 (Applicability of parking regulations within the Manhattan Core); or

(ii) are located in an existing parking facility or are creating a new parking facility associated with an existing #building# #developed# without parking beyond the capacity authorized pursuant to Section 13-442.

The Commission may also permit floor space in such #public parking garages# used for off-street parking spaces in any #story# located not more than 23 feet above #curb level# to be exempt from the definition of #floor area#, as set forth in Section 12-10.

(b) Findings

The Commission shall find that:

(1) the location of the vehicular entrances and exits to such parking facility will not unduly interrupt the flow of pedestrian traffic associated with #uses# or public facilities, including access points to mass transit facilities in close proximity thereto, or result in any undue conflict between pedestrian and vehicular movements, due to the entering and leaving movement of vehicles;

(2) the location of the vehicular entrances and exits to such parking facility will not interfere with the efficient functioning of #streets#, including any lanes designated for specific types of users or vehicles, due to the entering and leaving movement of vehicles;

(3) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;

(4) for #public parking garages#, that where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion; and

(5) such parking facility will not be inconsistent with the character of the existing streetscape.

(c) Additional findings

The Commission shall also find that each proposed off-street parking facility complies with the additional findings set forth in one of the following Sections, as applicable:

(1) Section 13-451 (Additional parking spaces for residential growth) shall apply to any such parking facility serving the parking needs of a predominantly #residential#

#development# or #enlargement# on a tract of land that has or will have an area of less than 1.5 acres;

(2) Section 13-452 (Additional parking spaces for health care, arts or public assembly uses) shall apply to any such parking facility serving the parking needs of any #use# listed in paragraph (a) of Section 13-452 on a tract of land that has or will have an area of less than 1.5 acres;

(3) Section 13-453 (Additional parking spaces for economic development uses) shall apply to any such parking facility serving the parking needs of a non-#residential use# not otherwise listed in paragraph (a) of Section 13-452 on a tract of land that has or will have an area of less than 1.5 acres;

(4) Section 13-454 (Additional parking spaces for large development sites) shall apply to any such parking facility serving the parking needs of a #large-scale development# or any other #development# or #enlargement# on a tract of land that has or will have an area of at least 1.5 acres; or

(5) Section 13-455 (Additional parking spaces for existing accessory off-street parking facilities) shall apply to any such #accessory# parking facility existing prior to May 8, 2013.

In determining the amount of additional parking spaces to grant pursuant to such additional findings, the Commission may take into account levels of vacancy in existing off-street parking facilities within the area of the proposed parking facility.

13-451 - Additional parking spaces for residential growth

LAST AMENDED
5/8/2013

The City Planning Commission may permit a parking facility listed in paragraph (a) of Section 13-45 (Special Permits for Additional Parking Spaces), where such parking facility serves the parking needs of a predominantly #residential# #development# or #enlargement#, provided that, in addition to the conditions and findings set forth in Section 13-45, the Commission shall find that either:

(a) the number of off-street parking spaces in such proposed parking facility is reasonable and not excessive in relation to recent trends in close proximity to the proposed facility with regard to:

(1) the increase in the number of #dwelling units# ; and

(2) the number of both public and #accessory# off-street parking spaces, taking into account both the construction, if any, of new off-street parking facilities and the reduction, if any, in the number of such spaces in existing parking facilities. In making this determination, the Commission may take into account off-street parking facilities for which building permits have been granted, or which have obtained City Planning Commission special permits pursuant to Section 13-45; or

(b) the proposed ratio of parking spaces to #dwelling units# in the proposed #development# or #enlargement# does not exceed:

(1) 20 percent of the total number of #dwelling units#, where such units are located within Community District 1, 2, 3, 4, 5 or 6; or

(2) 35 percent of the total number of #dwelling units#, where such units are located within Community District 7 or 8.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

13-452 - Additional parking spaces for health care, arts or public assembly uses

LAST AMENDED
6/6/2024

The City Planning Commission may permit a parking facility listed in paragraph (a) of Section 13-45 (Special Permits for Additional Parking Spaces), where such parking facility would serve the parking needs of a health care, arts or public assembly #use#, provided that, in addition to the conditions and findings set forth in Section 13-45, the Commission shall find that:

(a) the proposed parking facility is either in close proximity to or on the same #zoning lot# as one or more of the following #uses# :

(1) non-profit, voluntary or proprietary hospitals and related facilities, listed under Use Group III(B)

(2) museums, listed in Use Group III(B);

(3) art, music, dancing or theatrical studios, or theaters, listed under Use Group VIII; or

(4) an arena, auditorium, trade exposition or stadium, listed under Use Group VIII or, where permitted by special permit, pursuant to Section 74-182 or other government agency approvals;

(b) an increased number of permitted off-street parking spaces in such proposed parking facility is essential to the operation of such health care, arts or public assembly #use#; and

(c) reasonable measures to minimize parking demand have been identified. For existing or #enlarged# health care, arts or public assembly #uses#, such measures shall have been implemented, where feasible, prior to application, and a commitment by the applicant shall be made, in a form acceptable to the Commission, to continue and, where necessary, improve upon and supplement such measures. For new health care, arts or public assembly #uses#, such measures shall be committed to in a form acceptable to the Commission.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

13-453 - Additional parking spaces for economic development uses

LAST AMENDED
5/8/2013

The City Planning Commission may permit a parking facility listed in paragraph (a) of Section 13-45 (Special Permits for Additional Parking Spaces), where such parking facility serves the parking needs of a non-#residential use# not otherwise listed in paragraph (a) of Section 13-452, provided that, in addition to the conditions and findings set forth in Section 13-45, the Commission shall find that:

(a) the proposed parking facility is in close proximity to or on the same #zoning lot# as a #commercial# #use#, #community facility# #use# or #manufacturing# #use# that is of significant importance to the economic well-being of the City of New York;

(b) an increased number of permitted off-street parking spaces in such proposed parking facility is essential to the operation of such #use#; and

(c) reasonable measures to minimize parking demand have been identified. For existing or #enlarged# #uses#, such measures shall have been implemented, where feasible, prior to application, and a commitment by the applicant shall be made, in a form acceptable to the Commission, to continue and, where necessary, improve upon and supplement such measures. For new #uses#, such measures shall be committed to in a form acceptable to the Commission.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

13-454 - Additional parking spaces for large development sites

LAST AMENDED
5/8/2013

The City Planning Commission may permit a parking facility listed in paragraph (a) of Section 13-45 (Special Permits for Additional Parking Spaces), where such parking facility serves the parking needs of a #large-scale development# or any other #development# or #enlargement# on a tract of land exceeding 1.5 acres, provided that, in addition to the conditions and findings set forth in Section 13-45, the Commission shall find that:

(a) where an increased number of permitted off-street parking spaces in such proposed parking facility would serve the parking needs of a predominantly #residential# #development# or #enlargement#, either finding (a) or finding (b) of Section 13-451 (Additional parking spaces for residential growth) is met; or

(b) where such proposed parking facility would serve the parking needs of a predominantly non-#residential# #development# or #enlargement#, an increased number of permitted off-street parking spaces in such proposed parking facility is essential to the operation of the non-#residential uses# in such #development# or #enlargement# ; and

(c) where a parking deficit is created by the relocation of parking users from off-street parking spaces that will be eliminated through the proposed #development# or #enlargement#, the availability of off-street parking in the vicinity of such proposed #development# or #enlargement# will be of insufficient capacity to accommodate such potential parking users;

(d) reasonable measures to minimize parking demand have been identified. For existing or #enlarged uses#, such measures shall have been implemented, where feasible, prior to application, and a commitment by the applicant shall be made, in a form acceptable to the Commission, to continue, and where necessary, improve upon and supplement such measures. For new #uses#, such measures shall be committed to in a form acceptable to the Commission; and

(e) where phased construction will occur in the #large-scale development#, or #development# or #enlargement# on a tract of land exceeding 1.5 acres, a phased parking plan has been provided that demonstrates that a reasonable and not excessive amount of additional parking spaces is provided in the proposed parking facility in relation to the amount of completed construction within each phase.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

13-455 - Additional parking spaces for existing accessory off-street parking facilities

LAST AMENDED
5/8/2013

The City Planning Commission may permit an increase in the number of spaces in an #accessory# off-street parking facility existing prior to May 8, 2013, as listed in paragraph (a) of Section 13-45 (Special Permits for Additional Parking Spaces), provided that, in addition to the conditions and findings set forth in Section 13-45, the Commission shall find that:

(a) where such increased number of permitted off-street parking spaces in such existing parking facility would serve the parking needs of a #zoning lot# or #zoning lots# comprised predominantly of #residential uses#, either:

(1) finding (a) of Section 13-451 (Additional parking spaces for residential growth) is met; or

(2) the sum of any existing off-street parking spaces, and the proposed increase, does not exceed:

(i) 20 percent of the total number of #dwelling units#, where such units are located within Community District 1, 2, 3, 4, 5 or 6; or

(ii) 35 percent of the total number of #dwelling units#, where such units are located within Community District 7 or 8; and

(iii) the number of parking spaces that would be permitted for existing conforming non-#residential uses#, if the ratio of parking spaces to #floor area# for the applicable #use#, as specified in Section 13-10 (PERMITTED OFF-STREET PARKING IN THE MANHATTAN CORE), were applied.

Any #dwelling units# on the #zoning lot# or #zoning lots# which are #non-complying# as to density shall not be included in such calculation pursuant to paragraphs (a)(2)(i) or (a)(2)(ii) of this Section, and any #non-complying# #floor area# on such #zoning lot# or #zoning lots# shall be excluded in applying such ratio in paragraph (a)(2)(iii) of this Section; or

(b) where an increased number of permitted off-street parking spaces in such existing parking facility would serve the parking needs of a #zoning lot# or #zoning lots# comprised predominantly of conforming non-#residential uses#, the sum of any existing off-street parking spaces, and the proposed increase, does not exceed the number of parking spaces that would be permitted if the ratio of parking spaces to #floor area# for the applicable #use#, as specified in Section 13-10, were applied. Any #non-complying# #floor area# on such #zoning lot# or #zoning lots# shall be excluded in applying such ratio.