



Comments Received by the Department of  
Consumer and Worker Protection on

Proposed Rules related to  
Parking Lots and Parking Garages

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**From:** [Issa Diakite](#)  
**To:** [rulecomments \(DCWP\)](#)  
**Cc:** [Sharee Henry](#)  
**Subject:** [EXTERNAL] DCWP Proposed Rules  
**Date:** Monday, September 23, 2024 8:30:43 AM  
**Attachments:** [DCWP Questions.docx](#)

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Good morning,

Sharing some of the questions we have regarding the DCWP proposed rules changes ahead of the call this morning.

Thank you,

**Issa Diakite** | SP+ | A Metropolis Company | Vice President, Commercial Division  
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(b)- (2) A Licensee must notify the department within 10 days of any change that reduces the maximum vehicle capacity legally permitted at the premises, including changes to a certificate of occupancy or temporary certificate of occupancy issues by the New York DOB

- Typically, the operator manages the parking facility on behalf of the owner and changes to the CO and TCO are not immediately communicated to the Operator that is responsible to secure the parking license. Could the notification period increase to 90 days?

(e)- In the event of change of ownership of licensed garage or parking lot, the licensee of record must notify the commissioner within 30 days of such change in ownership.

- In addition to notifying the commissioner, how long does the licensee have to renew the license to reflect the new ownership information?

(f)- (2) Every licensee **must** report to the Police Commissioner, in writing, the registration number, make and the name of the owner of every motor vehicle stored on a transient basis and left in a licensed garage or parking lot and remaining unclaimed for a period of more than seventy-two consecutive hours.

- Most operators currently don't require transient parkers to provide their name and registration number and NY does not allow for a DMV lookup, how are operator expected to collect transient customer information including name of the owner, registration number? Operators currently collect the vehicle make, color, license plate number.

**From:** [Vincent Petraro](#)  
**To:** [rulecomments \(DCWP\)](#)  
**Subject:** [EXTERNAL] Testimony Re Proposed Rules Subchapter Q: Operation of Parking Lots and Garages  
**Date:** Monday, September 23, 2024 10:45:06 AM  
**Attachments:** [Testimony to DCWP - September 23, 2024.docx](#)

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See Attached

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**TESTIMONY OF VINCENT L. PETRARO  
REPRESENTING THE  
METROPOLITAN PARKING ASSOCIATION  
September 23, 2024**

Good morning/afternoon...

My name is Vincent Petraro, and I represent the Metropolitan Parking Association (MPA), the trade association of most parking operators in the City of New York. Our membership has operators with one location up to the largest operators in the City of New York. The workforce are members of Local 272 of the Teamsters. During COVID-19, parking was designated an essential service by New York State, and the MPA's members and their employees helped keep the City running by parking the vehicles of other essential workers, including law enforcement, firefighters, doctors, nurses, and others in the medical field, retail workers, among others.

Parking is one of the most regulated businesses in the City of New York, and the MPA has been working with the Department of Consumer and Worker Protection (DCWP) for decades. My interaction goes back to the early 90's when Mark Green was the Commissioner. During Jonathan Mintz's tenure, the MPA and the Department worked together to amend the bicycle parking regulations to make them fairer for consumers and parking operators.

Our major issue with the proposed regulations concerns Section 2-161 (g) (xi), which concerns different prices for monthly customers.

Seven years ago, we had this same conversation with DCA staff and explained that there are so many different reasons for different rates for monthly customers and that as long no one is paying more than the posted monthly rate, there should not be a requirement to list all of the varied permutations. What is fairest to the consumer is that no customer pays more than the posted monthly rates, similar to what hotels do. After the meeting with DCA and these discussions, the issue was resolved until now.

We propose that the Department accept their past practice of allowing different monthly rates as long as monthly customers do not pay more than the posted board rate.

The reason is that there can be so many permutations of monthly parking rates. For example, there could be someone who has been a customer for 20 years versus one who is a customer for one month, or for 19 years, 18 years, etc. There could be someone with a tiny car, one with a compact car, one with a mid-sized car, and on and on. One with a tall vehicle that will only fit certain places. One who takes their car out on the weekend, vs. one who takes their car out every day, vs. one who takes it out three days a week, vs one who takes it out every other weekend, and on and on. Hotels only have maximum rates, and customers can bargain for the rate. Same with

retail stores of all kinds. Again, protecting consumers from overcharging should be the primary concern.

Two other issues we see at this time:

1. Section 2-161 (m), regarding record retention – it is archaic to require paper copies in a booth. Some are very small. There should be an alternative to allow for electronic storage.
2. Section 2-161 (f) (2) regarding reporting to the Police of any transient parked for more than 72 hours is another outdated section which should be removed, rather than updated.

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**From:** [Pretente, Janine](#)  
**To:** [rulecomments \(DCWP\)](#)  
**Cc:** [Christine Berthet](#); [Jesse Greenwald](#); [Jesse Bodine](#)  
**Subject:** MCB4 Letter re Parking Lots and Parking Garages  
**Date:** Monday, September 23, 2024 2:55:23 PM  
**Attachments:** [TPC Letter to City Council re Parking Rules Testimony.pdf](#)

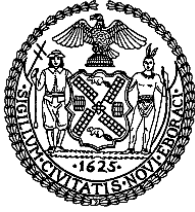
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Respectfully submitted by Manhattan Community Board 4. This letter is subject to ratification at MCB4's October 1<sup>st</sup> Full Board meeting.

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*\* Due to the abundance of State and City directives regarding the COVID-19 Pandemic, the Manhattan Community Board 4 office is closed to unscheduled visitors. We can be reached via email and phone. All meeting details can be found on our website's [calendar page](#).*

**\*\* MCB4 Members Only:** [Remote Participation Request Form](#)



**JESSICA CHAIT**  
Chair

**JESSE R. BODINE**  
District Manager

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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 2008<sup>1</sup> 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 1<sup>st</sup> as the testimony deadline did not allow for a full board vote.

Sincerely,

Manhattan Community Board 4

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<sup>1</sup> HKNA versus City of New York parking lawsuit

## Online comments: 1

- **Karl Beecher**

Thank you for the opportunity to share my testimony. I'm Karl Beecher.

Pursuant to Section 1. Subchapter Q of Chapter 2 of Title 6 of the Rules of the City of New York.

I support this proposed rule amendment with some suggested addendum/tweaking.

I'm in agreement that parking lots and garages are permitted to charge customers different rates based on method of payment. However, I do not know the particulars as to how this is played out but if there is one specific price respective to a particular day/ time duration and vehicle; the conversion in charge should only be diminished but never increased.

In other words the conversion should only be made as a discount and not a penalty. If the licensee is charging \$50.00 and indicates a discount for cash payment to \$47.00 then that's fine.

On the other hand, if the licensee was charging the same service at a rate of \$47.00 for cash patrons and an extra \$3.00 totalling \$50.00 for a credit card payment; that would be unjust and unacceptable.

Secondly, rate changes should be allowed with a proviso of sufficient notification of a time span no less than 6 months instead of 2 months allowing the patrons ample time to acquire more funds to address the impending rate change as well as to seek out a competitive price from other establishments that is comparable to said rate prior to the rate change/increase.

Thirdly, addressing the certificate of occupancy relative to maximum vehicle capacity. Considering the relatively recent news in the media confirming particular garages all over the city have collapsed from weak internal structural integrity causing much destruction.

I propose prior to any certificate being approved. All clients must be provided a copy of the certificate from the fire department and/or the structural integrity inspectors; whoever those individuals might be, ensuring that the structural integrity of said garage can accommodate a higher level for maximum capacity safely.

Allow clients the opportunity to decide if they want to still maintain their service relative to the extra intended weight and risk.

Fourth issue: I noticed only in Manhattan the licensee needs to provide a 12-in by 18-in signage. I'm in the Bronx and I'm a little jealous I want our signs to also be 12 inches by 18 inches. I'm curious to know why the discrepancy. I also suggest parenthetically, within the rule a clear distinction what is considered the "width" numerals and what's considered the "height" numerals. For example 12 inches wide and 18 inches high. For the lay person that might not be easily understood.

My final insight and suggestion pertains to licensee ensuring there is personnel on the premises at all times and not simply an access to someone's voice over an intercom. The law must specify a physically live person as opposed to communicating with someone via intercom.

There are certain garages that have a intercom system whereby there is no physical person at the location and I think that's unacceptable and deleterious.

I have attached a review that I wrote to share an ordeal I experienced with a less than user friendly garage. I literally felt like I was being

held hostage because there was no physical person there to raise the boom barrier. That's definitely a safety violation.

The garage and location that I utilized for parking was at the

Concourse Plaza Garage, located at 200 E 161 Street, Bronx, NY 10451.

# 1-800-836-6666

On Sunday Dec 4 2023 at approximately 1:00am I attempted to pay my parking fee with cash and the machine would not receive the bills. I then tried to utilize my credit card and it wouldn't receive my credit card as well.

There was a security guy there but the security guy ( and no shade to him) was unable to help because he was only there to secure the property and he was not authorized for making any transactions with payment to exit the location

However, he was helpful in directing me to press a particular button which would connect me to an intercom system, where someone was able to direct me on how to exit the location.

The gentleman over the intercom system told me to insert my credit card, which I did. I tried three times and their system was still not working and it wasn't because my credit card was invalid. Their system was inoperative.

He apologized but I made it clear that this was taking way too long and I had to go( luckily i didn't have the go to the bathroom but I just imagine if I did or or if someone really had to get home in a hurry, which I did. It was already 1:00am.

To tell you the truth, if I wasn't living for Jesus the one and only true God and King of Heaven's Armies...and if I had a big SUV with some

bull bars on the front, I would have plowed right through it ) this guy had me wait there for at least 15-20 minutes .

Eventually he asked for my phone number so that he could send me a notification code to confirm my phone number. Once my phone number was confirmed, a payment link was sent to my phone for payment.

The voice over the intercom system eventually indicated that I would be able to exit and raised the boom barrier. He allowed me to exit without paying with the mutual understanding and anticipation that payment would be made at a later time (within a few days, no longer than a month)

What's interesting is... what if a customer did not have a phone or the phone's battery was dead and was unable to access the information he sent. I'm sure the exit process would have probably been another 20 minutes worth of waiting. This is so ridiculous. I felt like I was being kidnapped and held hostage.

The correct customer service process should have simply been to allow me an immediate exit once the system was down and inoperable. It should not have taken me 15 to 20 minutes to exit that location. Again if someone had to use the bathroom or a personal emergency this would have been a horrible situation.

Needless to say I had a horrible experience and I doubt I will ever utilize this garage again. I'd rather park it out in the street, risk my car being vandalized, and walk the distance to the movie theater, rather than being held hostage in this creepy "Saw" ( the movie ) garage.

I would advise any management that's reading this, please...for future customers who are stuck behind the boom guard when the payment system is not working, allow the customer immediate exit

Comment added September 19, 2024 9:13pm