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**Testimony of
Jerilyn Perine
Executive Director CHPC
On Behalf of the CHPC Zoning Committee
February 4, 2009
Proposed Text Amendments Regarding Bicycle Storage**

The Zoning Committee of CHPC has reviewed the proposed text and forwarded a more expansive version of the Committee’s opinion to the Department of City Planning. Although measures to encourage bicycle use are desirable goals, we don’t believe that the amendments will further that goal sufficiently. They will however generate a series of unintended consequences like an undue cost for construction projects in NYC, which is especially troubling given the current economic climate.

We estimate that the requirements would add nearly \$2,000 per residential unit in hard costs alone. The loss of potential units because of space problems and the loss of rental income in commercial buildings would bring these costs even higher.

Its application to affordable housing, special needs housing and market rate housing outside of Manhattan is especially troubling. With construction starts nearly at a standstill, surely this is not the time to add to the costs of construction for mandates that are unlikely to meet their goals, and nearly impossible to enforce.

We do not believe that the studies cited provide sufficient justification that such a building-based requirement of bicycle storage space would in fact have the desired results. The City’s goal of doubling bicycle commuting by 2015, while commendable, would still represent less than 1.5% of commuters relative to the 3,500,000 NYC commuters. It is widely disproportional to a regulation that would affect the construction of nearly every new multi family residential and commercial building in NYC.

There is also no link noted between the provision of bicycle storage space and a resulting decrease in car usage.

Finally we are concerned about the efficacy of enforcement of the regulations which we believe further diminishes their proposed benefits. Following the issuance of the Certificate of Occupancy for example, there is little assurance that such storage areas would not simply be given over to other uses. Utilizing scarce government enforcement resources to monitor such uses over time seems inefficient as well as ineffective.

In order to achieve some of the objectives of the amendments while minimizing their negative impacts, incentives instead could be offered such as an additional 30 square feet of zoning floor area per bicycle space, limited to one bicycle per dwelling unit, one bicycle per 200 square feet of office space, or one bicycle per 2,000 square feet of retail space; Or the voluntary inclusion of bicycle storage could result in a reduction of one required car parking space for every 20 bicycle storage spaces.

Regardless of the overall objections to the proposed text amendments, at least some of the more deleterious impacts could be partially mitigated through modification. As an alternative to a large communal storage space which can create security and maintenance problems, a closet within an apartment that is minimally 6' by 6' could be an alternative. Fifteen square feet of the closet area could be deducted from the floor area.

Waivers should also be available for buildings with special needs populations such as not-for-profit residences for the elderly or special needs housing, or government assisted affordable housing. A waiver option regarding the location of the bike storage in commercial buildings should also be available. The proposed requirement that the storage space must be located within 50 feet of a main entrance and a minimum of 24 inches from any wall, for example, is far too restrictive.

While the proposed regulations provide for an authorization to waive provisions, permitting a waiver by the Commissioner of the Department of Buildings would provide a simpler and more straightforward process.

Given the costs associated with implementing such regulations and the uncertain public benefits, it would be reasonable to require a review and assessment of their cost/benefits following their implementation. This could be accomplished by requiring a review by the Department of City Planning and preparation of a report and public hearings after three years to determine if the regulation has met its objectives and at what cost. This review would allow changes to be made to the regulations in light of any unanticipated operational problems that may arise.

By establishing a clear schedule for such review, both the government and the private sector could work towards improving the regulations and making them more effective.