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**POLICY BRIEF
BICYCLE PARKING TEXT AMENDMENT**

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For the CHPC Zoning Committee
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The Zoning Committee of CHPC has reviewed the proposed text submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning the establishment of regulations for indoor, secure bicycle parking in new multi-family residential, community facility, and commercial buildings.

Although measures to encourage bicycle use and accommodate cyclists' need for safe storage areas are desirable goals, the proposed amendments create an undue cost and burden on construction projects in NYC, especially given the current economic climate. At the same time, the analytical support for the stated public policy objectives is not well substantiated, and the disproportionate reliance on developers to provide this resource for a highly restricted and limited public purpose makes it difficult to justify.

This brief describes the reasons for opposition to the proposed changes as they are currently drafted and recommends providing incentives that would encourage the provision of storage space for bicycles in new buildings rather than requirements.

In addition, the brief also suggests changes to the amendment should it be accepted.

Limited Public Benefits

The rationale for the proposed requirement is to encourage *more people* to utilize bicycles for travel, especially to commute to work, based on the assumption that the lack of secure bike storage at work and at home is a significant impediment to greater bike usage.

As reported in the American Community Survey in 2007, only approximately 26,000 persons currently utilize bicycles as their mode of transportation to work in New York City. This is only 0.7% of commuters in the NYC Metro area. The City's goal of doubling bicycle commuting by 2015 would only affect an additional 26,000 people out of 3,500,000 commuters—an extraordinarily limited increase in actual numbers of people, to justify a regulation that would affect the construction of every new multi family residential, commercial, and community facility building.

Furthermore, three studies by the Department of City Planning were cited to justify these bicycle storage requirements, and they do not provide sufficient analytical information that indicates that such a building-based requirement of bicycle storage space would in fact have the desired results. All three studies surveyed current bicycle users, rather than non-cyclists, regarding what factors encourage them to use bicycles. Those surveyed are already commuting by bike despite limited bike storage options. It is also not made clear in the survey questions whether better access to bike storage facilities is the deciding factor that would convert people into bicycle commuters, or just a facility that makes it easier for existing cyclists. While 33% of bicycle-riding commuters cited indoor bike storage as a reason that they do cycle to work, this does not establish how important that factor is alongside others, such as knowledge of the health benefit, environmental concerns, etc.

There is also no link noted between the provision of bicycle storage space and a resulting decrease in car usage, a clear public benefit. Currently data is unavailable to statistically quantify the assertion that provision of extra bicycle storage actually reduces car usage—especially as the numbers involved are so small. Further, it is even more difficult to correlate it with reduction of car ownership. This further reduces the public benefit of this policy, and the ability to test its impact, and makes such a wide-ranging, complex regulation for developers difficult to justify.

Finally, this text amendment represents an unfunded mandate that adds to the cost of construction in New York City and creates an additional enforcement burden on the Department of Buildings. It also raises questions regarding the efficacy of enforcement of the regulations, further diminishing 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.

High Costs of Proposed Requirements

The costs of requiring bicycle storage in new buildings will be high and disproportionately burdensome, even if the new regulations meet the stated objective to increase bicycle use. Assuming residential building construction costs of \$250 per square foot for example, each bicycle space required to be between 7.5 and 15 square feet, would add between \$900 and \$1875 to the cost of each residential unit. For many projects, \$250 per square foot is a conservative estimate. One commercial building developer estimated that a new planned office building would require 6,800 square feet of bicycle storage at a cost over \$2.04 million.

Finally, these hard costs do not take into account additional soft costs associated with compliance with such requirements, including all of the extra architect, lawyer and consultant fees. Nor do they include the lost income associated with diverting square footage from residential, commercial, retail or other revenue-generating uses, especially coupled with the fixed location requirement of the storage areas in commercial developments.

Incentives, not Requirements

In order to achieve some of the objectives of the amendments while minimizing their negative impacts, incentives should be offered for developers to provide bicycle parking, rather than requirements. In this way, it should be possible to obtain some of the public benefits from some possible increased bicycle usage while minimizing the cost burdens on new construction. Such incentives could include the following:

- **Provide Zoning Bonus** - Bicycle storage space could generate a zoning bonus of an additional 30 square feet of floor area per bicycle space which would be 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. This would allow for reasonable benefits that encourage the inclusion of such spaces where there is a demand for them in the market.
- **Allow for Reduction of Car Parking Requirements** - The voluntary inclusion of bicycle storage could result in a reduction of the required car parking for new construction. Reducing car parking requirements by one car space for every 20 bicycle storage spaces could encourage the inclusion of bicycle storage.

Recommendations for changes to the text amendment

Regardless of the overall objections to the proposed text amendments, at least some of the more deleterious impacts could be partially mitigated through modification. The following represent some alternatives to the existing provisions, without completely eliminating the requirements put forth:

- **Alternatives to Communal Storage in Residential Buildings**

As an alternative to a large communal storage space which can create security and maintenance problems, and be difficult and expensive to accommodate in many properties, a closet within an apartment that is minimally 6' by 6' should be an alternative that meets the necessary requirements of the proposed regulations. Fifteen square feet of the closet area could be deducted from the floor area.

- **Expand Waiver Provisions in Residential and Commercial Buildings**

- The current regulations provide waivers only to buildings with “site planning constraints.” Waivers should also be available for buildings with special needs populations such as not-for-profit residences for the elderly or special needs 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. Such narrowly drawn requirements should be eliminated or a process for waiver should be clearly indicated.

- **Streamline Waiver Process**

While the proposed regulations provide for an authorization to waive provisions, they trigger a City Environmental Quality Review; a lengthy, complex, and expensive process, in addition to community review. By permitting a waiver by the Department of Buildings Commissioner instead, a simpler and more straightforward process could be put in place.

- **Require Review and Assessment**

Given the costs associated with implementing such regulations and the uncertain public benefits, it would be reasonable to allow for 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.