



**Mayor Mike Spano**

**CITY OF YONKERS**

Vincent Pici, P.E., M.P.A.  
Commissioner

**DEPARTMENT OF HOUSING AND BUILDINGS**

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**APPLICATION FOR OPERATING PERMIT FOR PARKING GARAGE**

The owners of parking garages are required to have an operating permit and to have periodic condition assessments of those parking garages performed by qualified professional engineers as per Title 19 of the New York Codes, Rules and Regulations, and Section 58 of the Yonkers City Code (LL 10-2019).

**REQUIRED DOCUMENTS:**

- Completed original operating permit application;
- Original signed and sealed condition assessment report of parking garage prepared by a New York State Professional Engineer.
- Operating permit fee of \$750.00 (Tri-annual Filing Fee)

**SUBJECT PROPERTY INFORMATION**

Street Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

Block: \_\_\_\_\_ Lot: \_\_\_\_\_ Occupancy Class \_\_\_\_\_

**PARKING GARAGE INFORMATION**

Condition Assessment Type: Initial: \_\_\_\_ Periodic \_\_\_\_ Date Performed: \_\_\_\_\_

Parking Location: \_\_\_\_\_ Number of Floors: \_\_\_\_\_ Total Number of Spaces: \_\_\_\_\_

Construction Type: \_\_\_\_\_ Year Constructed: \_\_\_\_\_

**OWNER INFORMATION**

Owner \_\_\_\_\_ Phone # \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

E-Mail: \_\_\_\_\_

**NEW YORK STATE PROFESSIONAL ENGINEER INFORMATION**

Name \_\_\_\_\_ Phone # \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

E-Mail: \_\_\_\_\_ New York State License Number: \_\_\_\_\_

I hereby certify that I am duly authorized to make an application for an operating permit

Owners Signature \_\_\_\_\_ Date \_\_\_\_\_

**Office Use:**

Application Number: \_\_\_\_\_ Next Condition Assessment Date: \_\_\_\_\_

## **Assessment Report Definitions**

**CONDITION ASSESSMENT REPORT:** An on-site inspection and evaluation of a parking garage for evidence of deterioration of any structural element or building component of such parking garage, evidence of the existence of any unsafe condition in such parking garage, and evidence indicating that such parking garage is an unsafe structure.

**DETERIORATION:** The weakening, disintegration, corrosion, rust, or decay of any structural element or building component, or any other loss of effectiveness of a structural element or building component.

**PARKING GARAGE:** Any building or structure, or part thereof, in which all or any part of any structural level or levels is used for parking or storage of motor vehicles, excluding:

- (i) buildings in which the only level used for parking or storage of motor vehicles is on grade;
- (ii) an attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and
- (iii) a townhouse unit with attached parking exclusively for such;

**PROFESSIONAL ENGINEER:** An individual who is licensed or otherwise authorized under Article 145 of the Education Law to practice the profession of engineering in the State of New York, and who has at least three (3) years of experience performing structural evaluations.

**RESPONSIBLE PROFESSIONAL ENGINEER:** A professional engineer, as defined herein, who performs a condition assessment, or under whose supervision a condition assessment is performed, and who seals and signs the condition assessment report. The use of the term “responsible professional engineer” shall not be construed as limiting the professional responsibility or liability of any professional engineer, or of any other licensed professional, who participates in the preparation of a condition assessment without being the responsible professional engineer for such condition assessment.

**UNSAFE CONDITION:** Conditions, including those identified as “unsafe” in section 304.1.1, section 305.1.1, and section 306.1.1 of the 2015 edition of the International Property Maintenance Code (a publication currently incorporated by reference in 19 NYCRR Part 1226).

**UNSAFE STRUCTURE:** A structure that is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.

## **Condition Assessment Reports.**

**Existing Parking Garages.** Existing parking garages shall undergo an Initial Condition Assessment in accordance with the following schedule:

- a. Parking garages originally constructed prior to January 1, 1984: on or before October 1, 2019.
- b. Parking garages originally constructed between January 1, 1984 and December 31, 2002: on or before October 1, 2020.
- c. Parking garages originally constructed after January 1, 2003: on or before October 1, 2021.

**New Parking Garages.** New parking garages shall undergo an initial condition assessment following construction and prior to the issuance of a certificate of occupancy.

The responsible professional engineer shall prepare, or directly supervise the preparation of, a written report of each condition assessment, and shall submit such report to the Commissioner of Housing and Buildings as follows:

- i. Initial Condition Assessment Report: in accordance with the timetable set forth above.
- ii. Periodic Condition Assessment Report: at least 30 days prior to the expiration of the Operating Permit or application for certificate of occupancy, or in the case of an Initial Condition Assessment of existing garages, in accordance timetable set forth above.

### **Periodic Condition Assessments.**

Following the Initial Condition Assessment, parking garages shall undergo Periodic Condition Assessments at intervals not to exceed three (3) Years. The Commissioner of Housing and Buildings may shorten such period based on the findings and recommendations contained in the written Condition Assessment Report, including any recommendation therein that an additional condition assessment be performed within a specified period.

The period between required condition assessments shall be set forth in the Operating Permit.

No operating permit shall be renewed unless and until the Commissioner of Housing and Buildings has received, reviewed and accepted the Periodic Condition Assessment Report required by this subsection, including any additional condition assessments required to be performed.

### **Additional Condition Assessments.**

The Commissioner of Housing and Buildings may require additional condition assessments if recommended by the professional engineer issuing the condition assessment report. In such event, the additional assessment shall be performed no later than the timeframe or date specified in such Condition Assessment Report.

If, at any time, the Commissioner of Housing and Buildings becomes aware of any new or increased deterioration, which in the judgment of the Commissioner of Housing and Buildings indicates that an additional condition assessment of the entire parking garage or portion thereof is warranted, the Commissioner of Housing and Buildings shall require such parking garage or portion thereof to undergo an additional condition assessment by a professional engineer no later than the date determined by the Commissioner to be appropriate.

### **Condition Assessment Report Requirements**

Prior to performing a condition assessment of a parking garage, the responsible professional engineer shall review and be familiar with all industry standards that pertain to the operation, maintenance and inspection of parking garages, including, but not limited to the following:

- ACI 362.2R, Guide for Structural Maintenance of Parking Structures (American Concrete Institute);
- Maintenance Manual for Precast Parking Structures (Precast/Prestressed Concrete Institute);
- Parking Facility Maintenance Manual (National Parking Association); and
- Condition Assessment of Parking Structures (American Society of Civil Engineers).

### **Condition Assessment Report Requirements (Continued)**

The condition report shall be sealed and signed by the responsible professional engineer, and shall include:

- (1) an evaluation and description of the extent of deterioration and conditions that cause deterioration that could result in an unsafe condition or unsafe structure;
- (2) an evaluation and description of the extent of deterioration and conditions that cause deterioration that, in the opinion of the responsible professional engineer, should be remedied immediately to prevent an unsafe condition or unsafe structure;
- (3) an evaluation and description of the unsafe conditions;
- (4) an evaluation and description of the problems associated with deterioration, conditions that cause deterioration, and/or unsafe conditions;
- (5) an evaluation and description of the corrective options available, including the recommended time frame from remedying the deterioration, conditions that caused deterioration, and unsafe conditions;
- (6) an evaluation and description of the risks associated with not addressing the deterioration, conditions that caused deterioration, and unsafe conditions;
- (7) the responsible professional engineer's recommendation regarding preventative maintenance;
- (8) Except in the case of the report of the initial condition assessment, the responsible professional engineer's attestation that he or she reviewed all previously prepared condition assessment reports available for such parking garage, and considered the information in the previously prepared reports while performing the current condition assessment and while preparing the current report; and
- (9) The responsible professional engineer's recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed in making such recommendation, the following factors shall be taken into consideration: (i) the age of the parking garage; (ii) the maintenance history; (iii) structural condition; (iv) construction materials; (v) frequency and intensity of use; (vi) location; (vii) exposure to the elements; and (viii) any other factor deemed relevant by the professional engineer in his or her professional judgment.

### **Review Condition Assessment Reports.**

The Commissioner of Housing and Buildings shall take such enforcement action or actions in response to the information in such condition assessment report as may be necessary or appropriate to protect the public from the hazards that may result from the conditions described in such report. In particular, but not by way of limitation, the Commissioner of Housing and Buildings shall, by Order to Remedy or such other means of enforcement as the Commissioner of Housing and Buildings may deem appropriate, require the owner or operator of the parking garage to repair or otherwise remedy all deterioration, all conditions that cause deterioration, and all unsafe conditions identified in such condition assessment report.

All repairs and remedies shall comply with the applicable provisions of the Uniform Code. This section shall not limit or impair the right of the Commissioner of Housing and Buildings to take any other

enforcement action, including but not limited to suspension or revocation of a parking garage's operating permit, as may be necessary or appropriate in response to the information in a condition assessment report.

**Retention and Inspection of Condition Assessment Reports.**

The Building Department shall retain all condition assessment reports for the life of a parking garage. Such reports shall be made available for inspection by the professional engineer who has been engaged to conduct a condition assessment of a parking Garage, upon presentation of a written statement attesting that such professional engineer has been so engaged by the Owner of such parking garage. Copies of such reports will be provided to such professional engineer upon payment of applicable copying costs as listed in Section 56-6.

This section shall not limit or impair the right or the obligation of the City of Yonkers:

- (i) to perform such construction inspections as are required;
- (ii) to perform such periodic fire safety and property maintenance inspections as are required;  
and/or
- (iii) to take such enforcement action or actions as may be necessary or appropriate to respond to any condition that comes to the attention of the Commissioner of Housing and Buildings by means of its own inspections or observations, by means of a complaint, or by any other means other than a condition assessment or a report of a condition assessment.

**Penalties for Offenses**

A violation of any section of this article shall be a Class I offense.

When the City obtains a judgment in any action against the owner, in addition to the appropriate methods of enforcement of the judgment established in the New York Civil Practice Law and Rules, such judgment for penalties shall be assessed and collected in the same manner as general City taxes.