

OPERATING PERMIT APPLICATION FORM: PARKING GARAGE

INSTRUCTIONS TO APPLICANTS

An Operating Permit is required to use any building or structure, or portion thereof, as a parking garage, defined as follows: “Any building or structure, or part thereof, in which all of any part of any structural level or levels is used for parking or storage of motor vehicles, excluding: (a) buildings in which the only level used for parking or storage of motor vehicles is on grade; (b) an attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and (c) a townhouse unit with attached parking exclusively for such unit” (*see* Title 19 of the New York Codes, Rules and Regulations (“19 NYCRR”), Part 1203.3 (j) (2) (iv).

ALL APPLICATIONS for Operating Permits for parking garages, as defined above, shall be submitted the “Owner” of the subject parking garage. The term “Owner” means any person, operator, entity, firm or corporation having a legal or equitable interest in the parking garage; or recorded in the official records of the state, county or city as holding an interest in or title to the parking garage; or otherwise having possession or control of the parking garage. For purposes of obtaining and maintaining an Operating Permit, the Board of Directors (or its equivalent) of a Housing Cooperative, and the Homeowners Association (or its equivalent) of a Condominium, shall function as the “Owner” of any parking garage appurtenant to the residential units and common areas.

FIRST TIME APPLICANTS: As a condition to the issuance of an Operating Permit, the subject parking garage must undergo an initial condition assessment performed by a qualified professional engineer in accordance with the timetable set forth in 19 NYCRR Part 1203.3 (j) (3) and (4), and the White Plains Supplemental Building Code (the “WPSBC”), as well as periodic condition assessments conducted at regular intervals throughout the life of the building or structure, as provided for in 19 NYCRR Part 1203.3 (j) (5) and the WPSBC.

APPLICATIONS FOR RENEWAL/REISSUANCE: Renewal/Reissuance of an Operating Permit is conditioned on acceptance by the White Plains Building Department of a Condition Assessment Report prepared and filed by a professional engineer, as required by 19 NYCRR 1203.3 (j) (3) – (5), and the WPSBC.

PART I
Applicant/Parking Garage Information

1. Address of Parking Garage for which Operating Permit is required:

2. Application is for: Initial Operating Permit

Renewal/Reissuance

3. Applicant is: Single Owner

Multiple Owners (skip to No. 5)

Condominium (skip to No. 6)

Housing Cooperative (skip to No. 6)

4. Owner's Name and Address:

5. Multiple Owners: List Name and Address of each Owner:

a. _____

b. _____

c. _____

d. _____

6. Condominium or Housing Cooperative:

a. Name and Address of Condominium or Housing Cooperative:

b. Name, Title, and Address of individual submitting application:

Part II
Parking Garage Information

1. Have any violations of the Uniform Fire Prevention and Building Code (“Uniform Code”) or the White Plains Supplemental Building Code (“WPSBC”) been issued in relation to the parking garage, or the building/structure in which the parking garage is located?

Yes No

If yes, please explain:

2. Date of most recent Condition Assessment by a professional engineer: _____.¹

3. Name and address of professional engineer who performed Condition Assessment:

4. Does Condition Assessment Report recommend any **immediate action** to prevent an unsafe condition or unsafe structure:

Yes No

If yes, described extent and nature of condition requiring attention, and recommended action:

5. Has condition been remedied?

Yes (Attach written statement from Responsible Professional Engineer attesting that unsafe condition has been remedied.)

No If no, what action is required?

¹ See 19 NYCRR Part 1203.3 (j) (3).

SIGNATURE OF APPLICANT(S)

By signing this application below, the applicant is certifying and agreeing to the following:

1. The foregoing information (including attachments) is true and complete. The undersigned further certifies that the content of any condition report submitted in connection with this application, or any condition assessment previously filed upon which this Application relies, is true, accurate and complete in all respects.
2. IF THIS APPLICATION IS FOR AN RENEWAL PERMIT: The issuance of an Operating Permit does not constitute an agreement by the City of White Plains, the White Plains Department of Building or any of their elected officials, officers, employees, contractors or agents that the parking garage that is the subject of this Application complies with the applicable provisions of the Uniform Code or the WPSBC, and merely indicates that the Applicant has complied with the requirements of 19 NYCRR in submitting a condition assessment and that such condition assessment either does not indicate remedial action is required or that action has been taken to implement remedial action recommended by such condition assessment.
3. Notwithstanding the issuance of an operating permit, the Department of Building reserves the right, subject to compliance with applicable law, to inspect the subject garage and to take remedial action permitted by the Uniform Code and the WPSBC in the event it becomes aware of any violation of the Uniform Code or the WPSBC or that the subject garage is in an unsafe condition.
4. Applicant hereby releases and forever discharges the City of White Plains, its elected officials, employees, officers and agents (together, the "Released Parties") of and from any and all manner of action, cause of action, claim, suit, damages, judgments, executions, claims for personal injuries, property damage and demands whatsoever, in law or in equity, which he/she/they/it ever had, now has or which his/her/their/its successors, assigns, heirs, executors or administrators hereafter can, shall, or may have against the Released Parties which may arise or accrue during the period commencing upon submission of this Application through the term of any operating permit issued in connection with this Application, in connection with (1) the granting or denial of an operating permit in connection with this Application; (2) the operation of the garage that is the subject of this Application; (3) errors, omissions, misstatements in this Application and (4) any inaccuracies, omissions or misstatements, of any kind whatsoever, in the condition assessment submitted for this Application or referenced in this Application.
5. Applicant agrees that it shall indemnify and hold harmless the City, and its officers, employees, agents, and servants (collectively, the "Indemnified Parties"), from and against any and all claims, liabilities, losses, costs, expenses (including, without limitation, reasonable attorneys' fees and disbursements), and damages (collectively, "Losses"), including Losses attributable to, or in connection with, personal injury, death or damage to property arising, whether caused by the Applicant or the Applicant's contractors or agents, arising out of (1) the operation of the garage that is the subject of

this Application; (2) errors, omissions, misstatements in this Application; and (3) any inaccuracies, omissions or misstatements, of any kind whatsoever, in the condition assessment submitted for this Application or referenced in this Application. Applicant shall, upon the City's demand and at the City's direction, promptly and diligently defend, at the Applicant's sole risk and expense, any and all suits, actions, or proceedings which may be brought or instituted against one or more of the Indemnified Parties for which the Applicant is required to provide indemnification as stated in this paragraph.

Signature of Applicant or Authorized Representative Date

Print Name and Title

ADDITIONAL SIGNATURES (if required):

Signature of Applicant or Authorized Representative Date

Print Name and Title

Signature of Applicant or Authorized Representative Date

Print Name and Title

PART IV
TO BE COMPLETED BY THE BUILDING DEPARTMENT

FOR INITIAL OPERATING PERMITS ONLY:

Any structural or fire safety issues or problems noted in inspection report?

- Yes
- No

If yes, what, if any, remedial actions are required on the part of the Applicant?

Application Approved: Yes No Date of Approval: _____

Approved by: _____
Name and Title

FOR ALL APPLICATIONS:

Condition Assessment Report received and reviewed:

- Yes
- No

Date of Condition Assessment Report: _____

Condition Assessment prepared by:

Have recommended remedial actions, if any, been satisfactorily completed as per Responsible Professional Engineer's written attestation:

- Yes
- No

Recommended renewal period as Condition Assessment Report: _____ years _____ months

Application Approved: Yes No

Conditions of Operating Permit, if any (list conditions here and in operating permit):

Operating Permit issued by: _____
Name and Title

TERM OF OPERATING PERMIT:

Date Operating Permit issued: _____

Date Operating Permit expires: _____