

# WHITE PLAINS SUPPLEMENTAL BUILDING CODE

## Chapter X. White Plains Private Parking Garage Code

### Section 1. General

1. Definitions. In addition to the definitions set forth in Section 1 of this Chapter, for purposes of this section, the following terms shall have the following meanings:

*“Condition Assessment Report”* means a written evaluation and description of a condition assessment, as defined in section 3 (d) of this Chapter.

*“Deterioration”* means 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”* shall mean, for the purposes of issuing an Operating Permit and otherwise complying with Chapter 10 of the Code, any building or structure, or part thereof, in which all or part of any structural level or part thereof is utilized for the parking or storage of motor vehicles, excluding:

- (a) Buildings in which the only level utilized for the parking and/or storage of motor vehicles is completely at grade
- (b) Buildings in which one level of parking is directly below the building and is not subject to any adverse environmental infiltration from roof, courtyard, planted areas, drive areas, etc. above the garage and accommodates no more than twelve (12) striped parking spaces;
- (c) An attached or accessory structure providing parking and/or storage of motor vehicles for a detached one (1) or two (2) family dwelling; and
- (d) A townhouse unit with attached parking exclusively for such unit.

*“Professional Engineer”* means 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”* means the 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.

## **Section 2. Parking Garage Operating Permits**

1. Operating Permit Required. An Operating Permit shall be required for operating a parking garage, as defined in Section 1 of this Chapter.
2. Applications for Parking Garage Operating Permit. An application for an Operating Permit shall be in writing on a form provided by, or otherwise acceptable to, the Building Commissioner or the Building Commissioner's duly authorized representative, and shall be accompanied by the applicable fee, as set forth in Chapter I. Such application shall include such information as the Building Commissioner deems sufficient to make a determination that the subject parking garage conforms to the requirements of the New York State Uniform Fire Prevention and Building Code ("Uniform Code") and this Code, as they pertain to the structural integrity of the parking garage.
3. Additional Tests and Reports. The Building Commissioner, or the Building Commissioner's duly authorized representative, may require such tests, reports, repairs and/or renovations as deemed necessary to verify or obtain compliance with the Uniform Code and this Code, as they pertain to the structural integrity of the parking garage. Such tests, reports, repairs and/or renovations shall be performed or provided by such person(s) as may be designed by, or otherwise acceptable to, the Building Commissioner, at the expense of the applicant.
4. Duration of Operating Permit.
  - (a) *Initial Operating Permit.* An initial Operating Permit issued to the Owner of a parking garage in accordance with the terms of this section shall be effective for one (1) year.
  - (b) *Renewals.*
    - (i) Subject to the requirements of section 3(3)(c) of this Chapter ("Periodic Condition Assessments"), a duly issued Operating Permit may be renewed upon application to the Building Commissioner and payment of the applicable fee, as set forth in Chapter I.
    - (ii) Operating Permits will be renewed for periods of one (1) year, subject to the provisions of section 4(3)(d) of this Chapter ("Additional Condition Assessments").
5. Fees. The fee for an initial Operating Permit shall be \$1,000.00. The fee for a renewal Operative Permit shall be \$750.00.
6. Violations. Failure to comply with and/or conform to any applicable provision of the Chapter, as determined by the Building Commissioner or the Building Commissioner's authorized representative, may result in enforcement action as

provided for in Chapter IA, and/or revocation or suspension of such operating permit. The decision to suspend or revoke such Operating Permit shall rest solely with the Building Commissioner, who, in their discretion, may reinstate such Operating Permit upon submission of such evidence as he or she deems appropriate that the offending condition has been remedied.

### **Section 3. Condition Assessments**

#### 1. General Requirements.

- (a) Each parking garage located in the City of White Plains shall, at the sole expense of the Owner, undergo an Initial Condition Assessment as described in section 3.2 of this Chapter, Periodic Condition Assessments as described in section 3.3 of this Chapter, and such Additional Condition Assessments as may be required under section 3.4 of this Chapter.
- (b) The Owner of each parking garage is solely responsible for the timely performance of conditional assessments, including, but not limited to, payment of all associated costs and fees.
- (c) Each condition assessment shall be performed by, or under the direct supervision of, a professional engineer.
- (d) A written report of each condition assessment shall be prepared and provided to the Building Commissioner in accordance with section 3.5 of this Chapter.
- (e) Before performing a condition assessment of a parking garage (other than the Initial Condition Assessment), the responsible professional engineer for such condition assessment shall review all available previous condition assessment reports for such parking garage.

#### 2. Initial Condition Assessment. Each parking garage in the City of White Plains shall undergo an initial condition assessment as follows:

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

Parking garages originally constructed prior to January 1, 1984: on or before October 1, 2019.

Parking garages originally constructed between January 1, 1984 and December 31, 2002: on or before October 1, 2020.

Parking garages originally constructed after January 1, 2003: on or before October 1, 2021.

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

3. Periodic Condition Assessments.

(a) Following the Initial Condition Assessment, parking garages shall undergo Periodic Condition Assessments every three (3) years. The Building Commissioner 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.

(b) The period between required condition assessments shall be set forth in the Operating Permit, as provided for in section 3(a) of this Chapter.

(c) No operating permit shall be renewed unless and until the Building Commissioner has received, reviewed and accepted the Periodic Condition Assessment Report required by this subsection, including any additional condition assessments required to be performed in accordance with paragraph (d) of this subsection.

4. Additional Condition Assessments.

(a) The Building Commissioner 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.

(b) If, at any time, the Building Commissioner becomes aware of any new or increased deterioration, which in the judgement of the Building Commissioner indicates that an additional condition assessment of the entire parking garage or portion thereof is warranted, the Building Commissioner 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.

5. Condition Assessment Reports.

(a) 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 Building Commissioner as follows:

(i) Initial Condition Assessment Report: in accordance with the timetable set forth in section 3(2)(a) of this Chapter.

- (ii) Periodic Condition Assessment Report: every three (3) years thereafter.
- (b) 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:
- (i) ACI 362.2R, Guide for Structural Maintenance of Parking Structures (American Concrete Institute);
  - (ii) Maintenance Manual for Precast Parking Structures (Precast/Prestressed Concrete Institute);
  - (iii) Parking Facility Maintenance Manual (National Parking Association);  
and
  - (iv) Condition Assessment of Parking Structures (American Society of Civil Engineers).
- (c) Such condition report shall be sealed and signed by the responsible professional engineer, and shall include:
- (i) an evaluation and description of the extent of deterioration and conditions that cause deterioration that could result in an unsafe condition or unsafe structure;
  - (ii) 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;
  - (iii) an evaluation and description of the unsafe conditions;
  - (iv) an evaluation and description of the problems associated with deterioration, conditions that cause deterioration, and/or unsafe conditions;
  - (v) an evaluation and description of the corrective options available, including the recommended timeframe from remedying the deterioration, conditions that caused deterioration, and unsafe conditions;
  - (vi) an evaluation and description of the risks associated with not addressing the deterioration, conditions that caused deterioration, and unsafe conditions;

- (vii) the responsible professional engineer's recommendation regarding preventative maintenance;
- (viii) 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
- (ix) 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: (a) the age of the parking garage; (b) the maintenance history; (c) structural condition; (d) construction materials; (e) frequency and intensity of use; (f) location; (g) exposure to the elements; and (h) any other factor deemed relevant by the professional engineer in his or her professional judgment.

6. 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 the appropriate fee as set forth in Chapter I.

7. Enforcement.

- (a) The Building Commissioner shall take appropriate enforcement action in response to information contained in the Condition Assessment Report as may be necessary to protect the safety and welfare of public, including, but not limited to, issuance of an Order of Remedy directing the Owner of the parking garage to repair or otherwise remedy any deterioration, conditions that cause deterioration, and/or unsafe conditions identified in the Condition Assessment Report.
- (b) This section shall not limit or impair the right of the Building Commissioner and/or the City of White Plains to take any other enforcement action, including, but not limited to, the imposition of a fine, and/or suspension or revocation of a parking garage's Operating Permit, as may be necessary or appropriate in response to the information contained in a Condition Assessment Report, as determined by Building Commissioner.

8. Conflict of Terms. In the event of any inconsistency between the provisions of this section and any other provision of this Code, this section shall govern and control.
9. No Limitation of Rights. This section shall not limit the right or obligation of the City of White Plains to:
  - (a) perform such construction inspections as are required by the stricter of 19 NYCRR Part 1203 (b) or this Code;
  - (b) perform such periodic fire safety and property maintenance inspections as required by the stricter of 19 NYCRR Part 1203 (h) or this Code;
  - (c) take such enforcement action(s) as may be necessary and appropriate to respond to any condition that comes to the attention of the City of White Plains;
  - (d) use of the term “Responsible Professional Engineer” in this Chapter shall not be construed as limiting the professional responsibility or liability of any professional engineer, or any other licensed professional, who participates in the preparation of a condition assessment without being the “responsible professional engineer” for such condition assessment.

End of Chapter