

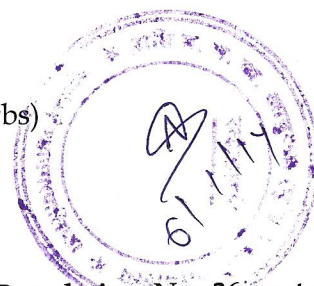
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S. S. Hussain I.A.S. (Ex)
Chief Executive Officer

Ref. No. MCHI/CEO/13-14/253

January 3, 2014

To,
Shri S. V. R. Srinivas (I.A.S.)
Additional Municipal Commissioner (Eastern Suburbs)
Municipal Corporation of Greater Mumbai
Mahapalika Head Office,
Mumbai - 400001



Sub: Require clarifications with respect to DC Regulation No. 36 pertaining to Car Parking.

Dear

Wish you a Very Happy New Year - 2014

With reference to the above subject, MCHI-CREDAI requests for clarifications with respect to provisions of DC Regulation No. 36, pertaining to Car Parking, for which we have prepared a brief note, a copy whereof, is attached herewith for your kind perusal.

I would be grateful if the desired/requisite clarifications are provided to us for the enlightenment and benefit of our Members of the Chamber.

Yours

(S. S. Hussain)

To,
Shri S. V. R. Srinivas (I.A.S.)
Additional Municipal Commissioner (Eastern Suburbs)
Municipal Corporation of Greater Mumbai
Mahapalika Head Office,
Mumbai - 400001

Brief Note on DC Regulation No. 36 of Mumbai DCR 1991.

1. Regulation No. 36 was modified by government through its Urban Development Dept. vide final sanction under section 37(2) of MRTP act bearing notification No. TPB-4308/507/CR-76/2008/UD-11 dated 12th Aug. 2009.

2. As per the said regulation parking norms for the proposed development are specified vide Table 15 - Off street parking spaces. In the said table, numbers of parking spaces required for residential units depending on carpet area of the respective tenements are mentioned vide serial no.1(A) and 1 (B). The extract of the said regulation is enclosed herewith as Annexure 'A'.

3. It can be seen from the said clause that the parking spaces required for regular proposal as against the parking spaces required to be provided for redevelopment under regulation 33(5),33(6),33(7),33(9),33(10) and 33(14) are different.

It is to be mentioned here that the required number of parking to be proposed in redevelopment proposal under regulation 33(5),33(6),33(7),33(9),33(10) and 33(14) are exactly half parking required for any other development.

4. Further due to new approved amendments in DCR on 6/1/2012, any additional parking's provided beyond permissible will be counted towards FSI as per regulation no. 35(3). **As mentioned above, vide Table 15 Sr. no. 1A & 1B; proviso for redevelopment therein uses the word shall.** Therefore BMC insists only the reduced parking nos to be provided to such redevelopments under regulation 33(5),33(6),33(7),33(9),33(10) and 33(14) as against the standard parking spaces permissible for regular development.

In some such redevelopments under clause 33, developers are ready to construct and provide more parking area/ numbers as per standard requirement. This is either because the project falls in high end residential areas of Mumbai or because of demand of the existing rehabilitating tenants/ occupants of the said property. But the BMC does not allow the same saying that what is now prescribed is both the maximum and minimum. Anything above that will mean reduction in FSI.

In context of the aforesaid, we seek explanation for the constraints by citing following example:

Any typical proposed redevelopment under section 33(5) where in maximum permissible FSI on the net plot is allowed to the tune of 3.5 and where in the existing tenants are to be compensated by allotting minimum 485 sq. ft. by carpet area apart from eligible 35% fungible compensatory FSI. Hence it can be seen that the gross built up area of the flat works out to be 733 sq. ft. that is 68.12 sq. mtrs. It is therefore undisputed fact that the person occupying flat of this size will at least have one vehicle. However, as per the aforesaid regulation where in the redevelopment under section 33(5) the parking available as per the norms such redevelopment is only half the parking per tenements as against one parking per tenements for any other regular development. The above issue is common to developments under regulation 33(6), 33(7), 33(9), 33(10) and 33(14) also.

In view of above, considering the necessity to provide for off street parking there is a need for issue of clarification to MCGM that for proposed redevelopment projects under regulation 33(5), 33(6), 33(7), 33(9), 33(10) & 33(14) parking numbers can be provided on par with the permissible parking number required for regular standard development as maximum number of parking permissible free of FSI and proviso clause as the minimum car parking number which can be provided.

Annexure "A"

36. **Parking Spaces** - Wherever a property is developed or redeveloped, parking spaces at the scale laid down in these Regulations shall be provided. When additions are made to an existing building, the new parking requirement will be reckoned with reference to the additional space only and not to the whole of building but this concession shall not apply where the use is changed.

(1) **General Space Requirement** - (i) **Types** - The parking spaces mentioned below include parking spaces in basements or on a floor supported by stilts, or on upper floors, covered or uncovered spaces in the plot and lock-up garages.

(ii) **Size of Parking Space** - The minimum sizes of parking spaces to be provided shall be as shown below:-

Type of Vehicle	Minimum size/Area of parking space
(a) Motor vehicle	2.5 m X 5.5 m.
(b) Scooter, Motor-cycle	3 sq.m.
(c) Bicycle	1.4 sq.m.
(d) Transport Vehicle	3.75 m. X 7.5 m.

Note.- In the case of parking spaces for motor vehicles, upto 50 per cent of the prescribed space may be of the size of 2.3 m X 4.5 m.

(iii) **Marking of Parking Spaces** - Parking spaces shall be paved and clearly marked for different types of vehicles.

(iv) **Manoeuvring and other ancillary Spaces** - Off-street parking space must have adequate vehicular access to a street, and the area shall be exclusive of drives, aisles and such other provisions required for adequate manoeuvring of vehicles.

(v) **Ramps for Basement Parking** - Ramps for parking in basements should conform to the requirements of sub-regulations (18) of Regulation 38.

(2) **Quantitative Requirements** - Four wheeled auto-vehicles. - Parking spaces for four wheeled auto vehicles shall be provided as in Table 15 below, any fractional space of more than half resulting from the ratios in column (3) thereof being rounded off upward to the nearest integer.

TABLE-15
Off-Street-Parking-Spaces

Serial No. (1)	Occupancy (2)	Parking-Space-required (3)
1	(i) Residential	<p>(A) In Malabar Hill, Cumballa Hill, Fort and Colaba areas in South Mumbai, Pali Hill, Bandra, Juhu-Vile Parle Development Scheme, Sassoon Dock and Jagmohandas Marg, (Napean Sea Road);</p> <p>One parking space for every-</p> <p>(a) Tenement with a carpet area upto 45 sq.m;</p> <p>(b) 2/3 tenement with carpet area exceeding 45 sq.mt. but not exceeding 100 sq.m;</p> <p>(c) 1/2 tenements with carpet area exceeding 100 sq.mt.</p> <p>In addition to parking spaces specified in (a), (b) and (c) above, parking spaces for visitors shall be provided to the extent of at least 25 per cent of the number stipulated above subject to a minimum of one.</p>

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		(B) In the rest of the Island City areas, Suburbs and Extended Suburbs: One parking space for every— —(a) 4 tenements having carpet area above 35 sq.m. each. (b) 2 tenements with carpet area exceeding 45 sq.m. but not exceeding 70 sq.m. each. (c) 1 tenement with carpet area exceeding 70 sq.m.
		In addition to the parking spaces specified in (a), (b) and (c) above, parking spaces for visitors parking shall be provided to the extent of 10 per cent of the number stipulated above, subject to minimum of one.
	(ii) For five, four and three star hotels.	One parking space for every 60 sq.m. of total floor area.
	(iii) For lodging establishments.	One parking space for every 120 sq.m. of total floor area of a lodging establishment. (a) For Grade I hotels and eating houses, one parking space for every 25 sq.m. of area of restaurant including hall, dining room, pantry and bar. (b) For Grade II and III hotels and eating houses, one parking space for every 80 sq.m. of restaurant including hall, dining room, pantry and bar.
2	Educational	One parking space for 70 sq.m. carpet area of the administrative office area and public service area.
3	Assembly and assembly halls or auditorium (including those educational uses and hostels).	(a) One parking space for 25 seats/persons. (b) Without fixed seats, one parking space for every 30 sq.m. of floor area. (c) For canteen, bar and restaurant, additional parking required under these Regulations for other permissible users as per provisions made herein for such purposes shall be provided.
4	Government or semi-public or private office business buildings.	One parking space for every 75 sq.m. of office space upto 1500 sq.m. and for every 150 sq.m. of additional space for areas exceeding 1500 sq.m. in other areas.
5	Mercantile (Markets, Department, stores, shops and other commercial users).	One parking space for every 80 sq.m. of floor area upto 800 sq.m. and one parking space for every 160 sq.m. of space for areas exceeding 800 sq.m. provided that no parking space need to be provided for floor area upto 100 sq.m.
6	Industrial	One parking space for every 300 sq.m. thereof subject to a minimum of two spaces.
7	Storage	One parking space for every 300 sq.m. thereof to a minimum of two spaces.
8	Hospitals and Medical Institutions	One parking space for every 300 sq.m. of total floor area, except that it would be one parking space for every 600 sq.m. of the total floor area in the case of Government and municipal hospitals and medical institutions. In addition, one parking space for ambulance parking measuring 10 m X 4 m for hospitals or medical institutions with bed strength of 100 or more.
9	Cinemas and theatres	Parking spaces equivalent to four per cent of the total number of seats with additional parking as otherwise also required for other permissible users in conjunction with that of cinema/theatre.
10	Shopping (not included under Mercantile Occupancy).	One parking space for 300 sq.m. of total floor area in the case of shopping user with each shops upto 20 sq.m. in area (i.e. in convenience shopping) and one parking space for 100 sq.m. of total floor area

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44	Stadia and Clubs (included under Assembly Occupancy)	for shops each over 20/30 sq.m. area. One parking space for every 200 seats plus additional parking as in these Regulations for occupancies like these of restaurants, etc. with such stadia or clubs.
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[TABLE 15] ⁽¹⁾
Off Street Parking Spaces

Serial No. (1)	Occupancy (2)	Parking Space required (3)
1	(i) Residential	<p>(A) In Malbar Hill, Cumballa Hill & for and Colaba areas in South Mumbai, Palli Hill, Bandra, Juhu, Vile Parle Development Scheme, Sasoon Dock & Jagmohandas Marg. (Nepean Sea Road).</p> <p>One Parking Space for every:-</p> <p>a) Tenement with a carpet area upto 22.5 sq.mt b) 2/3rd tenement with carpet area exceeding 22.5 sq.mt. but not exceeding 45 sq.mt. c) 1/3rd tenement with carpet area exceeding 45 sq.mt. but not exceeding 100 sq.mt. d) 1/4th tenement with carpet area exceeding 100 sq.mt.</p> <p>In addition to parking spaces specified in (a),(b) (c) and (d) above, parking spaces for visitors shall be provided to the extent of at least 25% of the number stipulated above subject to a minimum of one.</p> <p>Provided that for the redevelopment under Regulation 33(5), 33(6), 33(7), 33(9), 33(10) & 33(14) the parking shall be as follows :</p> <p>One parking space for every.</p> <p>a) Tenement with a carpet area upto 45 sq.mt. b) 2/3rd tenement with carpet area exceeding 45 sq.mt. but not exceeding 100 sq.mt. c) 1/2 tenement with carpet area exceeding 100 sq.mt.</p> <p>In addition to parking spaces specified in (a),(b) and (c) above, parking spaces for visitors shall be provided to the extent of at least 25% of the number stipulated above subject to a minimum of one.</p>
		(B) In the rest of the Island City areas, Suburbs and Extended Suburbs;
		<p>One parking space for every.</p> <p>a) 4 tenements having carpet area upto 35 sq.mt. each. b) 2 tenements with carpet area exceeding 35 sq.mt. but not exceeding 45 sq.mt. each c) 1 tenement with carpet area exceeding 45</p>

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		<p>sq.mt. but not exceeding 70 sq.mt</p> <p>d) 1/2 tenement with carpet area exceeding 70 sq.mt.</p> <p>In addition to the parking spaces specified in (a), (b) (c) & (d) above, parking for visitors shall be provided to the extent of atleast 25 per cent of the number stipulated above, subject to minimum of one.</p> <p>Provided that for the redevelopment under Regulation 33(5), 33(6), 33(7), 33(9), 33(10) & 33(14) the parking shall be as follows.</p> <p>One parking space for every.</p> <p>a) 8 tenements having carpet area upto 36 sq.mt. each</p> <p>b) 4 tenements with carpet area exceeding 35 sq.mt. each</p> <p>c) 2 tenements with carpet area exceeding 45 sq.mt. but not exceeding 70 sq.mt. each.</p> <p>d) 1 tenement with carpet area exceeding 70 sq.mt.</p>
		<p>In addition to the parking spaces specified in (a), (b), (c) & (d) above, parking spaces for visitors shall be provided to the extent of atleast 25 per cent of the number stipulated above, subject to minimum of one.</p>
	(ii) For five, four and three star hotels. For all starred category hotels	One parking space for every 60 sq.mt. of total floor area.
	(iii) For lodging establishments.	One parking space for every 120 sq.mt. of total floor area of a lodging establishment.
	iv) For Grade I, II and III Hotels	<p>One parking space for every 60 sq.mt. of total floor area of a lodging establishment.</p> <p>a) For Grade I hotels and eating houses, one parking space for every 12.5 sq.mt. of area of residential including hall, dining room, pantry and bar.</p> <p>b) For Grade II and III hotels and eating houses, one parking space for every 40 sq.mtr. of restaurant including hall, dining room, pantry & bar</p>
2	Educational	One Parking space for 35 sq.mt. carpet area of the administrative office area and public service area.
3	Assembly and assembly halls or auditorium (including those educational uses and hostels).	<p>a) One parking space for 12 seats / persons.</p> <p>b) Without fixed seats, one parking space for every 15 sq.mt. of floor area.</p> <p>c) For canteen, bar and restaurant additional</p>

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		parking required under these Regulations for other permissible users as per provisions made herein for such purposes shall be provided.
4	Government or semi-public or private office business buildings.	One parking space for every 37.5 sq.mt. of office space upto 1500 sq.mt. and for every 75 sq.mt. of additional space for areas exceeding 1500 sq.mt. in other areas.
5	Mercantile(Markets, Department, stores, shops and other commercial users).(I.T.Parks)	One parking space for every 40 sq.mtr. of floor area upto 800 sq.mt. and one parking space for every 80 sq.mt. of space for areas exceeding 800 sq.mt. provided that no parking space need to be provided for floor area upto 50 sq.mt.
6	Industrial	One Parking space for every 150 sq.mt. thereof subject to a minimum of two spaces
7	Storage	One Parking space for every 150 sq.mt. thereof to a minimum of two spaces
8	Hospitals and Medical Institutions	One parking space for every 150 sq.mt. of total floor area, except that it would be one parking space for every 600 sq.mt. of the total floor area in the case of Govt. and Municipal Hospitals and Medical institutions. In addition, one parking space for ambulance parking measuring 10 mt x 4 mt for hospitals or medical institutions with bed strength of 100 or more.
9	Cinemas and theatres	Parking spaces equivalent to eight per cent of the total number of seats with additional parking as otherwise also required for other permissible users in conjunction with that of cinema/theatre.
10	Shopping (not included under Mercantile Occupancy).	One parking space for 150 sq.mt. of total floor area in the case of shopping user with each shops upto 20 sq.mt. in area (i.e. in convenience shopping) and one parking space for 50 sq.mt. of total floor area for shops each over 20/30-sq.mt. area.
11	Stadia and Clubs (included under Assembly Occupancy.)	One parking space for every 100 seats plus additional parking as in these Regulations for occupancies like those of restaurants, etc. with such stadia or clubs

Note.- In reconstruction schemes under the Maharashtra Housing and Area Development Act, 1976, not involving change of use in the Island City and in gaathan areas elsewhere, on narrow plots upto 9m. in width, the requirement of parking spaces shall not be insisted upon.

- (3) *Other vehicles*.-For all non-residential, assembly and non-assembly occupancies,10 per cent additional parking spaces, subject to a minimum of two spaces shall be provided in addition to what is prescribed in these Regulations.
- (4) *Transport Vehicles* :- In addition to the parking spaces provided for mercantile (commercial) buildings like offices, markets, department stores and for industrial and storage buildings, parking spaces for transport vehicles shall be provided at the rate of one space for each 2000 sq.m. of floor area or fraction thereof exceeding the first 400

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sq.m. of floor area. The space shall not be less than 3.75 m x 7.5 m. in size and more than 6 spaces need not be insisted upon.

~~(5) Parking Spaces: Where to be accommodated-The parking spaces may be provided:-
(a) underneath the building, in basements within its stilted portion, or on upper floors;~~

(5) Parking Spaces: Where to be accommodated-The parking spaces may be provided,-

(a) underneath the building, in basements, podiums, within its stilted portion, or on upper floors if exclusively used for mandatory parking.

Note: (i) The deck parking inclusive of car lifts & passages thereto shall be counted in FSI.

(ii) Additional parking floor in excess of required parking shall be counted in FSI subject to the provision of D.C.R. 35(2)(vi).

(iii) In non-residential building, where entire parking is proposed by mechanical / automatic means, additional parking to the extent of 10% of the required parking shall be permitted free of FSI as vehicle holding area. ⁽⁰⁶⁰¹²⁰¹²⁾

(b) in the side and rear open spaces, but not in the amenity open spaces, if,-

- (i.) they are unenclosed but uncovered except as provided in (d) below;
- (ii.) they do not consume more than 50 percent of the open space;
- (iii.) a minimum distance of 3.0 m. around the building is kept free of parking for proper maneuverability of vehicles;
- (iv.) they are atleast 7.5 m. from the road boundary in case of detached covered garages;
- (v.) the parking layouts meet the requirements of the Chief Fire Officer in the case of multi- storeyed, high rise and special buildings.

(c) in a residential zone, beyond the compulsory side and rear open spaces stipulated in sub-regulations 2 of Regulation 26, if other conditions under sub-rule (b) above are satisfied. Here the parking space may be an unenclosed covered space.

(d) in a residential zone and a residential zone with shop line, with covered parking garages with open type enclosures of a size of 2.5 m. X 5.5 m. with a height of 2.75 m. above ground level, at the rate of one covered garage for every 400 sq.m. or part thereof of plot area, in side or rear open spaces, at a distance of not less than 7.5 m. from any street line or the front boundary of the plot:

Provided that the same is 1.5 m. from the building and the condition in (b) (v) above is complied with.

(6) *Cinemas, Theatres and Assembly Halls.*-Subject to the provisions of sub regulation (5) above, in sites of cinemas, theatres, auditoria and assembly halls, one row of uncovered

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parking may be allowed in the front margin space of 12 m. or more, if the clear vehicular access way is not reduced to less than 6 m.

- (6) *Common Parking Space.* If the total parking space required by these regulations is provided by a group of property owners for their mutual benefit, such use of this space may be construed as meeting the off-street parking requirements under these Regulations subject to the approval of the Commissioner. If such common parking space is proposed for a group of buildings, the owners of such buildings shall submit a layout thereof and also a registered undertaking stating that the area earmarked for the parking space will not be built upon.

(06012012) Final sanction to Modification by State Government under 37(1)(AA)(C) of MRTTP Act, 1966, vide order number CMS 4311/452/CR-58/2011/UD11, Dated 6th January, 2012

(11) Entire Table No. 15 for off street parking norms was modified vide Govt. Final sanction under section 37(2) of MRTTP act, 1966 vide .TPB 4308/507/CR-76/2008/UD-11 dated 12th August, 2009.

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