

# **Section 63-30 (CERTIFICATION FOR A FRESH FOOD STORE)**

## **Certification Application Guidelines**

**Also applicable for 63-23 (Special Transparency Requirements)**

**Version: 1.8**

### **Purpose**

This document provides general guidance regarding the preparation of the drawings and other contents of an application for a certification for a FRESH food store pursuant to Section 63-30. The drawings and other information are intended to inform the Chairman of the City Planning Commission in rendering a decision under ZR 63-30.

### **When to Use**

Please use these guidelines when preparing an application for a certification pursuant to Section 63-30 (Certification for a FRESH Food Store).

If you are also seeking an authorization pursuant to Section 63-22 (Authorization to Modify Maximum Building Height), please refer to the related guidelines for that action.

### **Exceptions and Modifications**

These guidelines provide general guidance only. Depending on the specifics of the project, the DCP Project Team may require drawings and information in addition to or different from those described in the guidelines. At the Interdivisional Meeting, the DCP Project Team will discuss whether and to what extent preparation of the application requires exceptions to or modifications of these guidelines, in order to take into account site or project features.

### **Application Guidelines Overview**

In order to certify that a food store use qualifies as a FRESH Food Store under the provisions of Article VI, Chapter 3 (Special Regulations Applying to Fresh Food Stores), the Chairperson must determine that a variety of conditions are met.

Compliance with these conditions is demonstrated through submission of the drawings and documents listed in the tables below.

A signed lease or written commitment from the prospective FRESH food store operator and a restrictive declaration binding building owners to the continued utilization as a FRESH food store is required. Attachment 11: Applicant's Statement of Findings is also required. The Statement of Findings should describe in narrative form how each of the conditions required for certification is met.

Applicants should be aware that the ZR 63-30 requires applicants to provide a copy of the application to the affected Community Board at the time of filing. The Community Board will then have 45 days to review the application and provide any advisory comments on it to the Department of City Planning. The Chair cannot Certify an application under ZR 63-30 until the Community Board has delivered their comments, the Community Board has informed DCP that they have no comments, or after the completion of the 45 day review period.

## Submission Requirements

**Table A. Required Drawings**

Number	Required Drawing(s)	Additional Content Requirements	Relevant Zoning Section Nos.
1	Zoning Analysis (2 types)	<ol style="list-style-type: none"> <li>1. Standard Zoning analysis                             <ul style="list-style-type: none"> <li>• Document floor area that will result from any permitted increase in floor area</li> </ul> </li> <li>2. FRESH analysis showing square footage devoted to the requirements of 63-01                             <ul style="list-style-type: none"> <li>• Show floor area calculations for space utilized as FRESH food store</li> <li>• Document floor area that will result from any permitted increase in floor area</li> <li>• Document required and proposed parking</li> <li>• Document any proposed reductions in required glazing</li> </ul> </li> </ol>	<ul style="list-style-type: none"> <li>• 63-30(a)(1)</li> <li>• 63-30(a)(2)</li> <li>• 63-21</li> <li>• Must meet terms of 63-01 (a) and (b)</li> <li>• 63-25</li> <li>• 63-23</li> </ul>
2	Zoning Lot Site Plan	<ul style="list-style-type: none"> <li>• FRESH entrance(s) should be labeled</li> <li>• Label the principal street</li> <li>• Include any curb cuts, related parking and loading areas</li> </ul>	<ul style="list-style-type: none"> <li>• 63-30(a)(4)</li> </ul>

Number	Required Drawing(s)	Additional Content Requirements	Relevant Zoning Section Nos.
3	Detail Elevation(s)	<ul style="list-style-type: none"> <li>• Illustrate first story utilized as a FRESH food store</li> <li>• Include proposed entrance, glazing and signage</li> <li>• If a reduction in proposed glazing is requested, illustrate the applicant's proposal in the Detail Elevation and calculate both the required glazing area and the proposed glazing area in the Zoning Analysis.</li> <li>• Dimension all features.</li> <li>• See #5</li> </ul>	<ul style="list-style-type: none"> <li>• 63-23</li> <li>• 63-30</li> </ul>

Number	Required Drawing(s)	Additional Content Requirements	Relevant Zoning Section Nos.
4	Ground Floor Plan and/or Cellar Plan	<ul style="list-style-type: none"> <li>• Separate plans for each floor that contains part or all of a FRESH store</li> <li>• Include the square footage and illustrative layout of FRESH food store, as proposed.</li> <li>• As an illustrative aide, include color-coded locations of the areas devoted to the sale of items defined in Section 63-01:               <ul style="list-style-type: none"> <li>○ At least 3,000 sq ft or 50 percent of retail space (whichever is greater) for the sale of general food products intended for home preparation</li> <li>○ At least 2,000 sq ft or 30 percent of retail space (whichever is greater) for the sale of perishable goods                   <ul style="list-style-type: none"> <li>▪ Of which 500 sq ft shall be for fresh produce</li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• 63-30(a)(1)</li> <li>• 63-01</li> </ul>
5	Upper Floor Plan (for bonus area)	<ul style="list-style-type: none"> <li>• Label all floor area that will result from any permitted increase in floor area, pursuant to Section 63-21</li> </ul>	<ul style="list-style-type: none"> <li>• 63-30(a)(2)</li> </ul>

Number	Required Drawing(s)	Additional Content Requirements	Relevant Zoning Section Nos.
6	Signage Detail Drawing	<ul style="list-style-type: none"> <li>Size, format, and location of required sign should be shown in elevation, including dimensions, lettering, color and materials</li> <li>Can be incorporated into the Detail Elevation or separate</li> </ul>	<ul style="list-style-type: none"> <li>63-30(a)(3)</li> <li>63-12</li> </ul>

**Table B. Additional Application Requirements**

Number	Additional Application Requirements	Description
1	LR Form	<ul style="list-style-type: none"> <li>Pages 1-2</li> <li>If the owner/applicant does not sign on page 2, include an owner's authorization letter.</li> </ul>
2	LR Form Attachment 2: Site Data	<ul style="list-style-type: none"> <li>Only required if the affected tax block and lots do not fit on LR Form page 1</li> </ul>
3	Supplemental Form ZS/ZA/ZC	<ul style="list-style-type: none"> <li>Include the full title of the ZR Section.</li> </ul>
4	Official Zoning Sectional Map	<ul style="list-style-type: none"> <li>Submit at 8.5x14" or 11x17"</li> <li>Maps can be accessed online here: <a href="http://www.nyc.gov/html/dcp/html/zone/zonedex.shtml">http://www.nyc.gov/html/dcp/html/zone/zonedex.shtml</a></li> </ul>
5	DOF Tax Map(s)	<ul style="list-style-type: none"> <li>Submit at 11x17"</li> <li>DCP will accept maps printed from the Library of Tax Maps or a hard copy from the Department of Finance only. The maps can be accessed online and printed from here: <a href="#">Digital Tax Map Library - New York City Department of Finance</a></li> </ul>

Number	Additional Application Requirements	Description
6	Signed lease or written commitment	<ul style="list-style-type: none"> <li>Signed letter from prospective operator of FRESH per Section 63-30(b) in a form acceptable to the Chairperson.</li> </ul>
7	Restrictive declaration	<ul style="list-style-type: none"> <li>Restrictive declaration, in a form acceptable to the Department of City Planning, binding owner and successor to continued utilization and operation of FRESH food store, after a reasonable period following issuance of TCO per Section 63-30(c)</li> </ul>
8	LR Item 3: Description of Proposal	<ul style="list-style-type: none"> <li>Follow general DCP guidelines for this document.</li> <li>Under Actions Requested, state the floor area of the FRESH food store and the floor area bonus generated. For example, "The FRESH food store certification allows the Project to include 17,236 square feet of additional floor area (one square foot for each square foot of FRESH food store floor area), pursuant to Section 63-211."</li> </ul>
9	<p>Applicant's Statement of Findings (Attachment 11)</p> <p><b>Note:</b> Only applicable for 63-30 applications.</p>	<ul style="list-style-type: none"> <li>Follow the general DCP format guidelines for this document.</li> <li>Respond to conditions 63-30 (a) thru (c), and reference appropriate drawings and other attachments when necessary.</li> <li>For condition 63-30 (a)(1), describe the illustrative layout and give general square footages allotted to food and non-food grocery products, using the distribution ratio in Section 63-01.</li> <li>For condition 63-30 (a)(2), state the floor area of the FRESH food store and its location, the floor area bonus and its location, and the total floor area of the project.</li> <li>For finding 63-30 (a)(3), describe the size, format, and location of the required sign, including required details regarding dimensions, lettering, color and materials.</li> <li>For finding 63-30 (a)(4), describe how the transparency requirements are met and the location</li> </ul>

Number	Additional Application Requirements	Description
		of the ground floor level street wall in relation to the principal street. Explain any variations in transparency requirements related to the second and third paragraphs of ZR 63-23, relating to mixed use buildings. Include the proximity of pedestrian and vehicular circulation access to the entrance.
10	Photos	<ul style="list-style-type: none"> <li>Follow the general DCP format guidelines for this attachment.</li> </ul>

## For More Information

Please contact your Lead Planner for additional information.

## Related Documents

Document	Description
Statement of Findings Guidelines	Lists findings related to the proposed action and the applicant's response to those findings.
Zoning Analysis Guidelines	Depicts a proposed project's compliance with applicable Zoning Regulations.
Land Use Map Standard	Land Use Map required for most Certification actions and some Authorization actions.
Section Guidelines	Depicts a building's height, massing, and land uses, as well as any deviations from compliance with the requirements of the Zoning Resolution.
Zoning Lot Site Plan Guidelines	Depicts all aspects of the development site and zoning lot(s) that relate to the proposed land use action.
Ground Floor Plan Guidelines	Depicts the interior layout of a proposed building on a zoning lot that will be affected by the requested land use action(s).
Detail Elevation Guideline	Depicts architectural details of the lower floor(s) as they relate to the street wall, fenestration, landscaping, and the use of signage and glass.

## Revision History

Date	Version	Description	Author
6/25/2012	1.0	First draft.	Jamie Chan
7/24/12	1.1	Edits	B. Estroff
08/09/2013	1.2	Edits following review with TRD	B. Budelman
08/16/2013	1.3	Final version for internal review	B. Budelman
2/13/14	1,4	Final version post-DK Review	D. Parish
2/13/14	1,5	With edits	D. Parish
2/24/14	1.6	Final version for external review	D. Parish

06/23/14	1.7	General Edits	D. Goodman
06/25/14	1.8	Final Edits	D. Goodman