

Section 63-40: CERTIFICATION FOR CHANGE OF USE OF A FRESH FOOD STORE Certification Application Guidelines

Version: 1.6

Purpose

This document provides general guidance regarding the preparation of the drawings and other elements of an application for a certification by the Chairperson of the City Planning Commission for a change of use of a FRESH food store pursuant to ZR 63-40. The drawings and other information are intended to inform the Chairperson in determining whether the conditions required for a certification are met.

When to Use

Please use these guidelines when preparing an application for a certification pursuant to Section 63-40 (CERTIFICATION FOR CHANGE OF USE OF A FRESH FOOD STORE).

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 project features.

Application Guidelines Overview

In order to demonstrate that the proposed change of use of a FRESH food store pursuant to Section 63-40, will not create new non-compliance, increase the degree of non-compliance, or reduce the number of required accessory off-street parking spaces, the application should include the materials listed below in Tables A and B.

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 a certification under Section 63-40 is met.

Submission Requirements

Table A. Required Drawings

Number	Required Drawing(s)	Additional Content Requirements	Relevant Zoning Section Nos.
1	Land Use Map	<ul style="list-style-type: none"> Label the development site 	<ul style="list-style-type: none"> Required to understand location and neighborhood context of FRESH site.
2	Zoning Analysis	<ul style="list-style-type: none"> Provide floor area calculations for space Certified as FRESH food store Floor area that resulted from the FRESH floor area bonus. Provide floor area of proposed new use that replaces FRESH food store Provide number of accessory parking required for FRESH food store and for new use. 	<ul style="list-style-type: none"> 63-30(a)(1) 63-30(a)(2) 63-21 Required to document the conditions of approval. Required to demonstrate compliance with underlying zoning requirements.
3	Zoning Lot Site Plan (existing)	<ul style="list-style-type: none"> See number 7 below also 	<ul style="list-style-type: none"> 63-30 (a)(4) 63-23

Number	Required Drawing(s)	Additional Content Requirements	Relevant Zoning Section Nos.
4	Zoning Lot Site Plan (proposed)	<ul style="list-style-type: none"> Only needed if changes to the building envelope have been proposed Show any proposed changes to parking, vehicular entrances, pedestrian spaces or interior space (other than use) 	<ul style="list-style-type: none"> Required to demonstrate compliance with underlying zoning requirements.
5	Ground Floor Plan and/or Cellar Plan (existing)	<ul style="list-style-type: none"> Illustrative layout of FRESH food store 	<ul style="list-style-type: none"> 63-30(a)(1) 63-01
6	Ground Floor Plan and/or Cellar Plan (proposed)	<ul style="list-style-type: none"> Show proposed new use 	<ul style="list-style-type: none"> Required to document the conditions of approval.
7	Upper Floor Plan (Existing)	<ul style="list-style-type: none"> Only necessary if the building was subject to a waiver under Section 63-22 Show the floor subject to the FRESH waiver 	<ul style="list-style-type: none"> 63-211
8	Upper Floor Plan (Proposed)	<ul style="list-style-type: none"> Show the Floor Area that will no longer be under waiver due to the change of use 	<ul style="list-style-type: none"> 63-211
9	Garage/Parking Plan	<ul style="list-style-type: none"> Show compliance with accessory parking requirements. 	<ul style="list-style-type: none"> 63-25

Table B. Additional Application Requirements

Number	Additional Application Requirements	Description
1	LR Form	<ul style="list-style-type: none"> Pages 1-2 If the owner/applicant is not signing on page 2, include an owner’s authorization letter. Page 2, Item 7, list chair certification granted pursuant to Section 62-30.
2	LR Form Attachment 2: Site Data	<ul style="list-style-type: none"> Only required if the affected tax block and lots do not fit on LR Form page 1
3	Supplemental Form ZS/ZA/ZC	<ul style="list-style-type: none"> Include the full title of the ZR Section This certification does not allow for the modification or waiver of any use regulations. There should be no sections listed under <u>TO MODIFY</u>..
4	Official Zoning Sectional Map	<ul style="list-style-type: none"> Submit at 8.5x14” or 11x17” Maps can be accessed online here: http://www.nyc.gov/html/dcp/html/zone/zonedex.shtml
5	DOF Tax Map(s)	<ul style="list-style-type: none"> Submit at 11x17” 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: Digital Tax Map Library - New York City Department of Finance
6	Draft notice of cancelation	<ul style="list-style-type: none"> If certification is granted, a notice of cancelation of restrictive declaration recorded pursuant to Section 63-30 should be executed and recorded

Number	Additional Application Requirements	Description
7	LR Item 3: Description of Proposal	<ul style="list-style-type: none"> Follow general DCP guidelines for this document. Under Prior Actions, describe the chairperson certification issued pursuant to Section 62-30. Include the tracking number and date of approval. Under Actions, state the floor area of the FRESH food store, the floor area bonus generated, and the floor area of the new use. The use should be referenced by its use group designation (ie UG6) and zoning use (retail).
8	Statement of Findings (Attachment 11)	<ul style="list-style-type: none"> Follow the general DCP format guidelines for this document. State the new use and its floor area. Reference appropriate underlying zoning regulation section(s) pertaining to as-of-right uses, state whether the building's form or scale is changing, and describe any changes to the amount or provision of accessory parking.
9	Photos	<ul style="list-style-type: none"> Follow the general DCP format guidelines for this attachment.

For More Information

Please contact your Borough Office Project Manager 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.
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).
Upper Floor Plan Guidelines	Depicts the proposed programmatic arrangement of the upper floors within a proposed building.

Revision History

Date	Version	Description	Author
6/25/2012	1.0	First draft.	Jamie Chan
06/22/12	1.1	General format and content revisions	B. Estroff
08/09/2013	1.2	Changes following review with TRD	B. Budelman
08/16/2013	1.3	Final version for internal review	B. Budelman
04/24/14	1.4	Final version for external review	D. Parish
06/24/14	1.5	General edits	D. Goodman
06/25/14	1.6	Final edits	D. Goodman