

# **Section 63-50: AUTHORIZATION FOR BULK AND PARKING MODIFICATIONS Authorization Application Guidelines**

**Version: 1.5**

## **Purpose**

This document provides general guidance regarding the preparation of the drawings and other elements of an application for an authorization for bulk and parking modifications when a change of use of a FRESH food store would create new non-compliance, or result in reduction of required accessory off-street parking pursuant to ZR 63-50. The drawings and other information are intended to inform the City Planning Commission in making the findings and rendering a decision under ZR 63-50.

## **When to Use**

Please use these guidelines when preparing an application for an authorization pursuant to Section 63-50 (Authorization for Bulk and Parking Modifications).

## **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 demonstrate compliance with the conditions and findings of the authorization to modify bulk and parking requirements, where a change in use from a FRESH Food Store to another use would result in a new, or increase in the degree of non compliance, or a reduction in the number of required accessory parking spaces, the drawings listed below must be provided.

In addition to the drawings Attachment 11: Applicant's Statement of Findings is also required. The Attachment should describe in narrative form how each of the findings of Section 63-50 is met.

## Submission Requirements

**Table A. Required Drawings**

Number	Required Drawing(s)	Additional Content Requirements	Relevant Zoning Section Nos.
1	Area Map	<ul style="list-style-type: none"> <li>Label traffic directions.</li> <li>Include curb cuts on zoning lot.</li> </ul>	<ul style="list-style-type: none"> <li>63-50(e)</li> </ul>
2	Zoning Analysis	<ul style="list-style-type: none"> <li>Provide floor area calculations for space previously certified as FRESH food store, floor area bonus generated, and floor area of new uses.</li> <li>Include all underlying Article II or Article III bulk regulations that may be affected by change of use.</li> <li>Provide number of required accessory parking for all uses on site.</li> </ul>	<ul style="list-style-type: none"> <li>63-30(a)(1)</li> <li>63-30(a)(2)</li> <li>63-21</li> <li>Required to document the conditions of approval.</li> </ul>
3	Zoning Lot Site Plan	<ul style="list-style-type: none"> <li>Include any existing, at-grade parking spaces and driveways</li> <li>Show entrances</li> <li>Show location of ground floor level street wall.</li> <li>Include uses of adjacent buildings</li> <li>Show location of parking areas and all vehicular entrances</li> </ul>	<ul style="list-style-type: none"> <li>63-50(d)</li> <li>63-50(e)</li> </ul>

Number	Required Drawing(s)	Additional Content Requirements	Relevant Zoning Section Nos.
4	Ground Floor Plan	<ul style="list-style-type: none"> <li>Show existing to remain uses within the building</li> <li>Show proposed new use(s)</li> <li>Include any existing to remain parking spaces and access points</li> </ul>	<ul style="list-style-type: none"> <li>Required to document the conditions of approval</li> </ul>
5	Upper Floor Plan	<ul style="list-style-type: none"> <li>Show bulk waivers, if any</li> </ul>	<ul style="list-style-type: none"> <li>Required to document the conditions of approval</li> </ul>
6	Section	<ul style="list-style-type: none"> <li>Follow general DCP guidelines for this document</li> <li>Show bulk waiver area, if any</li> </ul>	<ul style="list-style-type: none"> <li>63-50 (d)</li> </ul>
7	Neighborhood Character Diagram	<ul style="list-style-type: none"> <li>Follow general DCP guidelines for this document</li> </ul>	<ul style="list-style-type: none"> <li>63-50 (d)</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>On Page 1, Item 4, check both ZA and ZC.</li> <li>If the owner/applicant is not signing on page 2, include an owner's authorization letter.</li> <li>Page 2, Item 7, list chair certification granted pursuant to Section 62-30.</li> </ul>

Number	Additional Application Requirements	Description
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> <li>Should include the authorization pursuant to Section 63-50.</li> <li>Only fill out <u>TO MODIFY</u>: for the Section 63-50 row. This section must be consistent with the zoning analysis.</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>
6	Draft notice of cancelation	<ul style="list-style-type: none"> <li>If authorization is granted, a notice of cancelation of restrictive declaration recorded pursuant to Section 63-30 should be executed and recorded.</li> </ul>
7	LR Item 3: Description of Proposal	<ul style="list-style-type: none"> <li>Follow general DCP guidelines for this document.</li> <li>Under Prior Actions, describe the chairperson certification issued pursuant to Section 62-30 or Section 63-22. Include the tracking number and date of approval.</li> <li>Under Actions, describe what bulk and/or parking modifications are being requested pursuant to the authorization (Section 63-50). Reference specific</li> </ul>

Number	Additional Application Requirements	Description
		<p>sections and requirements that are being modified. State what the requirement would be and what is proposed under the change of use.</p>
8	Statement of Findings (Attachment 11)	<ul style="list-style-type: none"> <li>• Follow the general DCP format guidelines for this document.</li> <li>• For finding (a), describe the market conditions. Include any applicable reference materials or citations and why applicant believes that there is no reasonable possibility that the operation of a FRESH Food Store will bring a reasonable return.</li> <li>• For finding (b), describe the history of operation of the FRESH food store.</li> <li>• For finding (c), describe the commercially reasonable efforts undertaken to market the FRESH food store. This may include marketing of the type described in Appendix A.</li> <li>• For finding (d), describe the proposed non-compliance and how that non-compliance relates to neighboring buildings. Describe the effects of the non-compliance on light and air and discuss any potential adverse impacts.</li> <li>• For finding (e), describe how the change in use will affect the traffic capacity of the surrounding area, including whether required parking will be reduced. Note the width, circulation, and volume of nearby streets as well as proximate mass transit. Include the location of any curb cuts and other parking facilities. Refer to the technical assessment for the project, pursuant to the CEQR Technical Manual, as well as mitigation recommended as appropriate.</li> </ul>

Number	Additional Application Requirements	Description
9	Proof of Reasonable Marketing	<p>Proof of Reasonable Marketing may include, for example, proof of advertising in local and citywide press, listing the space with brokers and informing local and citywide industry groups. Such efforts shall have been actively pursued for a period of no less than six months for “buildings” under 3,600 square feet and one year for “buildings” over 3,600 square feet, prior to the date of the application for a special permit.</p> <ul style="list-style-type: none"> <li>Please see further information regarding this method of marketing in Appendix A of this document.</li> </ul>
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 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.
Area Map Standard	Land Use and Zoning Map required for all Special Permit 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).
Upper Floor Plan Guidelines	Depicts the proposed programmatic arrangement of the upper floors within a proposed building.
Elevation Guidelines	Depicts the façade(s) of the proposed project in order to illustrate the impact and/or relationship of a proposed building to neighboring buildings.

### Revision History

Date	Version	Description	Author
6/25/2012	1.0	First draft.	Jamie Chan

06/28/12	1.2	General format and content revisions	B. Estroff
08/12/13	1.3	Edits following review with TRD	B. Budelman
08/16/2013	1.4	Final version for internal review	B. Budelman
04/24/14	1.5	Final version for external review	D. Parish

## APPENDIX A

### PROOF OF REASONABLE MARKETING REQUIREMENTS

1. Advertising in local and city-wide press - I.E. NY Times and Village Voice. Also, in foreign-language papers if warranted. Check with your Lead Planner for more information..
  - a. Ads must list the price per square foot
  - b. The square footage of the space being marketed
  - c. The location of the space within the building
  - d. The use being sought
  - e. The ads must be in the appropriate section of the classifieds
  - f. The ads must appear weekly for a set period of time
  
2. Listing the space with brokers doing business in the supermarket or grocery real estate market
  - a. Letters from brokers indicating that they were retained to list the space for required period of time and a list of all inquiries and reasons for lack of interest

Letters from brokers must include the following information:

  - a. The price per square foot
  - b. The square footage of the space being marketed
  - c. The location of the space within the building
  - d. The use being sought
  
3. Informing local and city-wide industry groups (attached)
  - a. Letters to these groups requesting them to list the space must be submitted and copies of the certified mail receipts to confirm mailing
  - b. The letters must include the price per square foot