Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

63-50 - AUTHORIZATION FOR BULK AND PARKING MODIFICATIONS

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LAST AMENDED
12/9/2009

The City Planning Commission may, by authorization, permit modifications to the #bulk# and #accessory# off-street parking requirements of the applicable zoning districts when a change of #use# of a #FRESH food store# for which a certification has been issued, pursuant to Section 63-30, would create a new #non-compliance#, increase the degree of #non-compliance# of #buildings# on the #zoning lot#, or result in fewer #accessory# off-street parking spaces than required by the new #use# pursuant to Section 63-24 (Required Accessory Off-street Parking Spaces in Certain Districts), provided that such #use# is permitted by the underlying districts.

In order to grant such authorization, the Commission shall find that:

(a) due to the market conditions prevalent at the time of the application, there is no reasonable possibility that the operation of a #FRESH food store# will bring a reasonable return;

(b) the applicant, the operator or a prior operator of such #FRESH food store# has not created or contributed to such unfavorable market conditions;

(c) the applicant, the operator or a prior operator of such #FRESH food store# has undertaken commercially reasonable efforts to secure a new operator, and demonstrates to the Commission that such efforts have been unsuccessful;

(d) any proposed #non-compliance# or increase in the degree of #non-compliance# will not be incompatible with or adversely affect adjacent #uses#, including #uses# within the #building#; and

(e) any reduction of required #accessory# off-street parking shall not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian movement.

If such authorization is granted, a notice of cancellation, in a form acceptable to the Department of City Planning, of the declaration of restrictions recorded pursuant to Section 63-30, shall be executed and recorded in the Office of the City Register of the City of New York against all tax lots comprising the former #FRESH food store#.

In issuing an authorization under this Section, the Commission may impose conditions and safeguards to minimize adverse impacts on the character of the surrounding area.