1160 Pugsley Avenue
FRESH Certification
Block 3802, Lots 1 and 6, Bronx
March 11, 2025

Statement of Findings

Section 63-30 CERTIFICATION FOR A FRESH FOOD STORE

Upon application, the Chairperson of the City Planning Commission shall certify that a food store #use# is a #FRESH food store#, provided that:

(a) drawings have been submitted to the Chairperson that clearly specify:

(1) all #floor area# or #cellar# space utilized as a #FRESH food store#, showing in the form of an illustrative layout that such designated space is designed and arranged to meet the requirements for perishable and non-perishable food products, pursuant to Section 63-01;

Pursuant to ZR § 63-01, a FRESH food store must provide at least 6,000 square feet of floor area, or cellar space utilized for retailing, for the sale of a general line of food and non-food grocery products, such as dairy, canned and frozen foods, fresh fruits and vegetables, fresh and prepared meats, fish and poultry, intended for home preparation and consumption, and meet requirements for the distribution of retail space. Drawing FF-003.00 indicates the specific distribution of retail space in compliance with applicable requirements, as stated below.

The proposed food store would contain 6,672.21 square feet of retail space on the ground floor used for the sale of general line of food and non-food grocery products, which satisfies the requirement for a minimum of 6,000 square feet of floor area or cellar space utilized for retailing, as specified in ZR § 63-01.

The proposed food store would dedicate 3,909 square feet of retail floor area (approximately 58.5 percent of the proposed retail space) to the sale of perishable goods, and 1,696 square feet of retail floor area to the sale of fresh produce, thereby satisfying the requirements for at least 25 percent of retail space to be allocated to the sale of perishable goods and at least 500 square feet of retail space to be allocated to the sale of fresh produce as specified in ZR § 63-01(a).

The proposed food store would dedicate 2,870 square feet to the sale of non-perishable food (approximately 43 percent of the proposed retail space), thereby satisfying the requirement for at least 35 percent of the retail space to be allocated to the sale of non-perishable food as specified in ZR § 63-01(b).

The proposed food store would provide 6,672.21 square feet of retail space on one story, thereby satisfying the requirement for at least 6,000 square feet of retail space to be located on one story as specified in ZR § 63-01(c).

(2) all #floor area# that will result from any permitted increase in #floor area#, pursuant to Section 63-21, including the location of such #floor area#;

The total increase in floor area permitted by the proposed FRESH food store floor area is 10,912.94 square feet, which is below the maximum 20,000 square feet permitted by ZR § 63-21. Such additional floor area would be reallocated to the 7th and 8th floors of the Proposed Development, as shown on drawing FF-005.00.

(3) the size, format and location of the required #sign#, pursuant to Section 63-12, including detailed information about dimensions of the #sign#, lettering, color and materials; and

As shown on drawing FF-004.00, the proposed food store would provide one FRESH food store sign that complies with the size, format, and location requirements specified in ZR § 63-12. The proposed signage would be comprised of the FRESH food store symbol that: 1) measures 1'-0" x 1'-0" in size, which is no less than 12 inches by 12 inches and no more than 16 inches by 16 inches; 2) is mounted on an exterior building wall within 1'-0" of the principal entrance of the food store on Pugsley Avenue, which is not more than five feet from the principal entrance of the food store; 3) is mounted at a height of 3'-9" and has a height not less than three feet and no more than five feet above adjoining grade; and 4) is fully opaque, non-reflective and constructed of permanent, highly durable materials.

(4) the location of the ground floor level #street wall# fronting upon a #primary street frontage#, pursuant to Section 63-23;

As shown on drawing FF-004.00, the proposed food store would provide transparent glazing that complies with the transparency requirements specified in ZR § 63-23. The proposed ground floor level street wall between a height of two feet and the height of the ground floor ceiling as measured from the adjoining sidewalk fronting on Pugsley Avenue, which is the primary street frontage, would have a total surface area of 1,853 square feet, of which 1,183 square feet (64 percent) would be glazed with transparent materials, thereby occupying at least 50 percent of the surface area of the ground floor level street wall fronting on a primary frontage.

(b) a signed lease or written commitment from the prospective operator of the #FRESH food store# has been provided in a form acceptable to the Chairperson for utilization of such #floor area# or #cellar# space and its operation as a #FRESH food store#; and

The Applicant has secured a written commitment dated _____ from _____, the prospective operator of the FRESH food store to utilize floor area and other space and operate the food store in compliance with all FRESH program requirements pursuant to ZR § 63-30. The written commitment is submitted as part of this application.

(c) for #zoning lots# containing increased #residential floor area# generated pursuant to Section 63-21 (Special Floor Area Regulations), a legal commitment, in the form of a declaration of restrictions has been executed, in a form acceptable to the Department of City Planning, binding upon the owner and its successor and assigns, and providing for continued utilization of all #floor area# or #cellar# space as a #FRESH food store#, the operation of

which shall commence within a reasonable period following the issuance of a temporary certificate of occupancy for the #floor area# or #cellar# space to be utilized by the #FRESH food store#.

Such declaration of restrictions shall provide that the legal commitment for continued occupancy of the #floor area# or #cellar space# as a #FRESH food store# shall not apply during any:

(1) six (6) month period from the date such #floor area# or #cellar# space is vacated by the operator, provided that the owner timely notifies the Department of City Planning of such vacancy in accordance with the requirements of the restrictive declaration; or

(2) event of force majeure, as determined by the Chairperson.

The filing and recordation of the declaration of restrictions in the Office of the City Register of the City of New York against all tax lots comprising the #FRESH food store#, and receipt of proof of recordation of such declaration in a form acceptable to the Department, shall be a precondition to certification by the Chairperson.

Certification by the Chairperson shall be a precondition to the issuance of any building permit, including any foundation or alteration permit, for any #development#, #enlargement# or change of #use# under this Chapter.

A Declaration of Restrictions (the "Declaration") has been submitted as part of this application. The applicant will record the Declaration in the Office of the City Register of the City of New York and provide proof recordation to the Department of City Planning prior to issuance of the certification, in compliance with ZR § 63-30(c).