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## BUILDINGS BULLETIN 2010-015

### Technical

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<b>Supersedes:</b>	None
<b>Issuer:</b>	Fatma M. Amer, P.E. First Deputy Commissioner
<b>Issuance Date:</b>	May 13, 2010
<b>Purpose:</b>	This bulletin clarifies when a fresh fruits and vegetables, and pushcart storage facility for Green Cart vendors may be considered a Zoning Use Group 4 community facility and establishes administrative requirements and technical criteria for such a facility.
<b>Related Code/Zoning Section(s):</b>	ZR 22-14 AC 17-307
<b>Subject(s):</b>	Zoning Use Groups, Use Group 4; Green Cart; Food Storage; Pushcart Storage; Community facility, Use Group 4; Use Group 4, community facility; Residential districts, community facility; Community facility, residential districts; Community facility, philanthropic institution; Community facility, non-profit institutions without sleeping accommodations; Storage facility, Temporary Use Permit

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#### A. Background

Pursuant to ZR Section 22-14, Use Group ("UG") 4A consists primarily of community facilities which may appropriately be located in residential areas to provide essential services for the residents and do not create significant objectionable influences in residential areas. UG 4A includes community facilities which are philanthropic or non-profit institutions without sleeping accommodations.

#### B. Zoning Use Group Classification

A fresh fruits and vegetables, and pushcart storage facility that satisfies the following criteria may be considered UG 4A community facility.

1. The facility is operated by a philanthropic or not-for-profit organization devoted in full or in part to serving the needs of low-income communities, and/or promoting improvements in community health and welfare. Proof of the philanthropic or not-for-profit status of the organization shall be presented at the time of filing.
2. The facility stores fresh fruits and vegetables, and pushcarts exclusively for vendors holding a New York City Green Cart permit as set forth in AC Section 17-307. Green Cart vendors, unlike ordinary food cart vendors, provide an essential service for the residents.
3. The facility is for fresh fruits and vegetables, and pushcart storage only.
4. The facility has appropriate refrigeration systems and sinks, but does not have other food preparation devices or appliances.

5. The facility does not exceed 1500 square feet of fresh fruits and vegetable, and pushcart storage floor space in total.
6. No sales take place anywhere on the zoning lot on which the facility is established.

### **C. Code Requirements**

1. Where the facility is located on the first floor, it shall provide direct exiting to a public way and be in compliance with means of egress requirements.
2. Where the facility occupies a cellar, the cellar shall be provided with a minimum of two means of egress in conformance with means of egress requirements, or as otherwise permitted by the Commissioner. In buildings of combustible constructions, an automatic sprinkler system in compliance with BC Chapter 9 shall be provided in the entire cellar floor.

### **D. Administrative Requirements**

1. A new or amended Certificate of Occupancy shall be obtained for the facility.
2. Alternatively, the facility may be considered a temporary use and be issued a permit for temporary uses pursuant to section AC Section 28-111 by filing and signing off an Alteration Type 2 application (non-Directive 14) demonstrating compliance with the applicable provisions of the Building Code and Zoning Resolution. On the PW-1 form for the application, in section 11 (Job Description) the applicant shall indicate:

*“This application is filed for a Temporary Use Permit for a fresh fruits and vegetable, and pushcart storage facility for Green Cart vendors pursuant to section AC 28-111 and Buildings Bulletin 2010-015.”*

A Temporary Use Permit may then be issued in accordance with section AC 28-111 for 30 days. However, at the discretion of the Borough Commissioner, such permit may be issued for a period of 90 days at a time provided the fees are correspondingly prorated. Such permit for temporary use may be renewed with demonstrated cause and payment of fees.

3. Such storage facility shall only be used for the storage of fresh fruits, vegetable, and pushcarts for Green Cart vendors. Other unrelated storage shall be considered contrary to the Temporary Use Permit and shall not be permitted.
4. Temporary Use Permit issued pursuant to this bulletin shall expire when the ownership, operation, or use enumerated in this bulletin ceases.