



## CITY PLANNING COMMISSION

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November 18, 2009/Calendar No. 13

N 090509 ZRM

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IN THE MATTER OF an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Section 91-063 (Modification of use and bulk regulations for zoning lots fronting upon DeLury Square Park) in the Special Lower Manhattan District, Community District 1, Borough of Manhattan.

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The application for an amendment of the Zoning Resolution was filed by the Department of City Planning on June 24, 2009. The text amendment modifies the use and bulk regulations for zoning lots fronting upon DeLury Square Park in the Special Lower Manhattan District in Community District 1, Borough of Manhattan.

### **BACKGROUND**

On August 11, 2008 the City Planning Commission approved a change to the City Map (C 080336 MMM) submitted by the Department of Parks and Recreation to establish a small public park, known as DeLury Square Park, at the corner of Fulton and Gold streets in Community District 1, Manhattan, on the same block as the Southbridge Towers housing development. The park, as established, would contain a portion of Block 94, Lot 1 and was acquired by the City from Southbridge Towers.

The newly established DeLury Square Park contains 0.20 acres (8,897 sq. ft.) of land and is designed for passive recreation. It is part of a broader initiative under the Fulton Street Corridor Revitalization Project to revitalize Lower Manhattan following the events of September 11, 2001.

The Zoning Resolution requires that the minimum distance between a legally required window and a lot line be 30 feet. When DeLury Square was acquired as a park, the lot line for Southbridge Towers was relocated such that it is only 15 feet from the windows and creates a lawful non-compliance with this regulation. This text amendment reinforces the legality of the

location of the legally required windows of Southbridge Towers by establishing that the new lot line is equivalent to a street line; thus the 30 feet requirement is inapplicable.

The proposed text amendment is in the Special Lower Manhattan District of the Zoning Resolution and would apply only to the park boundaries of DeLury Square Park.

### **ENVIRONMENTAL REVIEW**

This application (N 090509 ZRM) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead agency is the Lower Manhattan Development Corporation. The designated CEQR number is HUD CDBG B-02-DW-36-0001.

After a study of the potential environmental impacts, the lead agency determined that the proposed action represents a minor modification which does not alter the conclusions of the environmental assessment and in a memo issued August, 14, 2009, stated that the finding of no significant adverse impact pursuant to the National Environmental Policy Act (NEPA) and Negative Declaration pursuant to the State Environmental Quality Review Act (SEQRA) for the Fulton Street Corridor Revitalization Project issued on February 14, 2008, remain valid.

### **PUBLIC REVIEW**

On August 17, 2009, this application (N 090509 ZRM) was referred to Community Board 1 and the Borough President in accordance with the procedure for referring non-ULURP matters.

### **Community Board Review**

Community Board 1 held a public hearing on this application on September 22, 2009, and on that date, by a vote of 40 to 0 with 0 abstentions, adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

The Borough President declined to comment on this application.

### **City Planning Commission Public Hearing**

On October 7, 2009 (Calendar No.2), the City Planning Commission scheduled October 21, 2009 for a public hearing on this application (N 090509 ZRM). The hearing was duly held on October 21, 2009 (Calendar No. 16).

There was one speaker in favor. A representative from the Mayor's Office of Economic Development spoke in support of the text amendment and thanked the Department of City Planning's collaborative work with the Southbridge Towers' board and Community Board 1 in developing the text amendment and application.

### **CONSIDERATION**

The Commission believes that this zoning text amendment (N 090509 ZRM) is appropriate with a modification. The Commission has changed the number of the proposed Section 91-063 to Section 91-07 (Modification of use and bulk regulations for zoning lots fronting upon DeLury Square Park) of the Zoning Resolution for better clarity and consistency with the organization of the Zoning Resolution.

The Commission believes that this text amendment is appropriate in that it memorializes the distance from Southbridge Towers' windows to the DeLury Square Park boundary and establishes that the lot lines bounding DeLury Square Park will be defined as a street line for the purposes of applying bulk and use regulations.

The Commission further notes that the text amendment helps to facilitate the proposed DeLury Square Park, a desired enhancement of public open spaces in Lower Manhattan which, under the Fulton Street Corridor Revitalization Project, will help to revitalize Lower Manhattan following the events of September 11, 2001.

**RESOLUTION**

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination and consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is old, to be deleted;

\* \* \* indicates where unchanged text appears in the Zoning Resolution

**ARTICLE IX: SPECIAL PURPOSE DISTRICTS**

**Chapter 1: Special Lower Manhattan District**

\* \* \*

**91-07**

**Modification of use and bulk regulations for zoning lots fronting upon DeLury Square Park**

Where the #lot line# of a #zoning lot# coincides with, or is within 20 feet of the boundary of DeLury Square Park, such #lot line# shall be considered to be a #street line# for the purposes of applying all #use# and #bulk# regulations of this Resolution.

The above resolution (N 090509 ZRM), duly adopted by the City Planning Commission on November 18<sup>th</sup>, 2009 (Calendar No. 13), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

**AMANDA M. BURDEN, FAICP, Chair**  
**KENNETH J. KNUCKLES, Esq., Vice Chairman**  
**ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,**  
**ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,**  
**RICHARD W. EADDY, ANNA HAYES LEVIN, NATHAN LEVENTHAL,**  
**SHIRLEY A. McRAE, Commissioners**