

A. INTRODUCTION

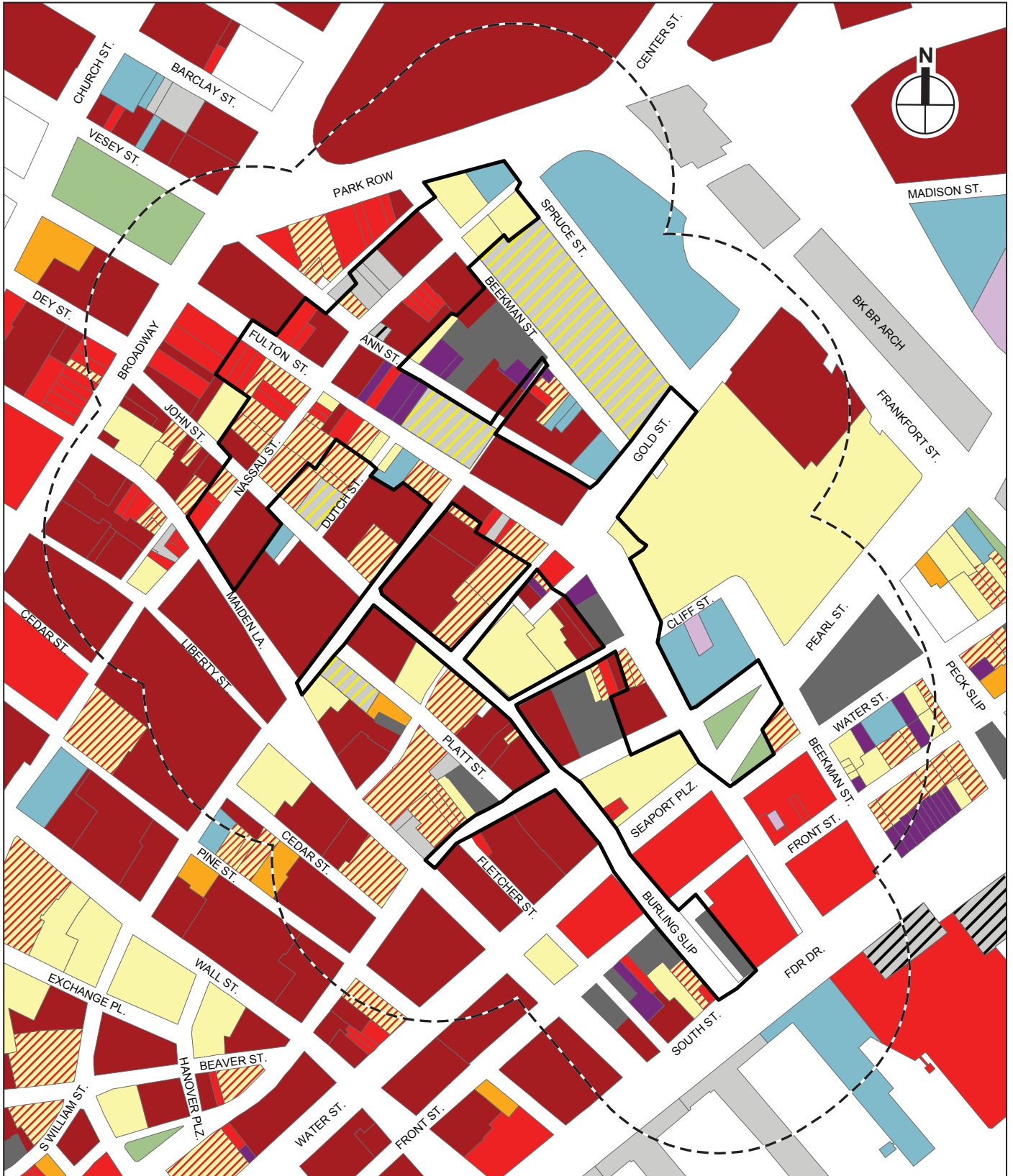
This section considers existing land use, zoning, and public land use policies for the project site and to the surrounding 400-foot study area. Land use issues associated with the Proposed Project include potential changes in local land uses and neighborhood land use patterns. Zoning and public policy issues include the compatibility of the proposed storefront and façade improvement program, streetscape improvements, and open spaces with existing public policies. As described below, this analysis concludes that the Proposed Project would be in keeping with and supportive of existing land uses in the study area, and that it would be consistent with zoning and public policy for the area. Overall, the Proposed Project would not result in any significant adverse impacts on land use, zoning, or public policy.

B. EXISTING CONDITIONS**LAND USE***PROJECT SITE*

As described in Chapter 1, “Project Description,” the project site includes Fulton Street between Broadway to the west and Water Street to the east; Nassau Street between Spruce Street on the north and Maiden Lane on the south; and other streets intersecting Fulton Street up to a three-block area north and south, including John Street from William Street to South Street, and Burling Slip, located one block south of Fulton Street and east of Water Street (see Figure 2A-1).

The Fulton Street portion of the project site is characterized primarily by a mix of office and residential uses, most of which include retail storefronts on the ground floor. The types of retail along Fulton Street include clothing and accessories stores, restaurants and fast food outlets, delis, and gift shops. A seven-story commercial building on the north side of Fulton at William Street is undergoing conversion to apartments, and many of the residential buildings in this area have been converted from office use over the past several years. The Southbridge Towers, a large residential complex with apartment towers and a number of retail establishments at ground floor level, are located on the east side of Fulton Street between Gold and Pearl Streets. A portion of the Southbridge Towers site, at Fulton and Gold Streets adjacent to DeLury Square, is part of the project site and would be acquired by the City as part of the Proposed Project. Other uses along Fulton Street include a multi-story parking garage at Cliff Street, an NYU dorm at Water Street, and Saint Vincent Hospital’s Medical Practice at Saint Margaret’s House between Cliff and Pearl Streets.

The Titanic Memorial Park and Pearl Street Playground are located at the southeastern end of the Fulton Street portion of the project site. The Pearl Street Playground, located on the northeast corner of Pearl and Fulton Streets, includes benches and play equipment. To the south across Pearl Street is the Titanic Memorial Park, which features benches, landscaping, and a lighthouse structure.



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|--|------------------------------------|--------------------|
| Project Site Boundary | Commercial and Office | Parking Facilities |
| Study Area Boundary (400-Foot Perimeter) | Industrial and Manufacturing | Vacant Land |
| Residential | Transportation and Utility | Vacant Building |
| Residential with Commercial Below | Public Facilities and Institutions | Under Construction |
| Hotels | Open Space and Outdoor Recreation | |

0 400 FEET
SCALE

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Like Fulton Street, Nassau Street is lined with a mix of office and residential buildings, nearly all of which have retail uses on the ground floor. The types of retail along Nassau Street are similar to those on Fulton Street. Several storefronts along Nassau Street are vacant and undergoing renovation. John, William, Gold, Cliff, and Pearl Streets are characterized by a similar mix of office, residential, and retail uses as Fulton and Nassau Streets, though retail use along these streets is less continuous. Burling Slip, located at the southeastern end of John Street, is a City-owned paved area currently used for parking for vehicles owned by the New York City Economic Development Corporation (EDC) and the New York City Department of Small Business Services (DSBS).

STUDY AREA

The study area includes a mix of office, retail, residential, institutional, and open space uses. Several large residential and institutional uses are located to the north and east of Fulton Street. These include the Southbridge Towers, Pace University, and the New York Downtown Hospital, which is currently undergoing expansion between Beekman and Spruce Streets. The South Street Seaport and the East River waterfront are located in the southeastern portion of the study area. The South Street Seaport is centered around Fulton Street, where Schermerhorn Row and the Fulton Market building house retail and gallery space. An esplanade runs along the waterfront beneath the elevated FDR Drive. Piers 16 and 17 house the South Street Seaport Museum and retail complex. The study area to the south and west of Fulton and John Streets is characterized by large office buildings and commercial buildings that have been converted to residential use.

ZONING

PROJECT SITE

The project site falls entirely within the Special Lower Manhattan District. Established in 1998, the Special Lower Manhattan District covers all of Lower Manhattan generally south of Murray Street and the Brooklyn Bridge. It was created to simplify and consolidate the overlapping complex regulations previously governing Lower Manhattan, to allow the area to grow while reinforcing its historic character and built fabric, and to facilitate the area's change to a mixed-use community. The zoning change relaxed strict use controls that had inhibited the retail, entertainment, and service establishments generally needed to support a 24-hour community. The special district's height and setback controls are intended to encourage new development that would be consistent with the historic character of Lower Manhattan while allowing design flexibility.

The project site falls within C5-3, C5-5, C6-4, C6-2A, and R8 zoning districts (see Figure 2A-2 and Table 2A-1). However, the portions of the project sites that would be subject only to streetscape improvements are within the existing street bed and therefore no zoning designation applies. The commercial districts that encompass the project site are central commercial districts that allow for a range of retail and office uses as well as residential uses, community facilities, and public open space. DeLury Square is zoned R8, a residential district that typically includes mid- to high-rise apartment buildings and permits public open space.

**Table 2A-1
Existing Zoning Districts**

| District | Type | Use Groups | Maximum FAR |
|---|--------------------|------------|-----------------------------|
| <i>Project Site</i> | | | |
| C5-3 | Central Commercial | 1-6, 9-11 | 15.0 (C, CF); 10.0 (R) |
| C5-5 | Central Commercial | 1-6, 9-11 | 15.0 (C, CF); 10.0 (R) |
| C6-2A | Central Commercial | 1-12 | 6.0 (C), 6.02 (R), 6.5 (CF) |
| C6-4 | Central Commercial | 1-12 | 10.0 (R, C, CF) |
| R8 | Residential | 1-4 | 6.02 (R), 6.5 (CF) |
| <i>Study Area</i> | | | |
| C2-8 | Local Service | 1-9, 14 | 2.0 (C); 10.0 (R, CF) |
| C6-9 | Central Commercial | 1-12 | 15.0 (C, CF), 10.0 (R) |
| Notes: C = Commercial Use; M = Manufacturing; CF = Community Facility; R = Residential | | | |
| Sources: New York City Zoning Resolution. | | | |

STUDY AREA

In addition to the zoning districts described above for the project site, the study area includes C2-8 and C6-9 zoning districts. C2-8 is a local service district that permits residential and community facility uses as well as a wide range of commercial uses, including local retail and service establishments, small amusement establishments, and services for boating and related activities. The maximum permitted floor area ratio (FAR) is 2.0 for commercial uses and 10.0 for residential and community facility uses. C6-9 is a central commercial district that allows the same uses as the C6-4 on the project site but permits a greater density for commercial and community facility uses.

PUBLIC POLICY

Public policy at multiple levels of government supports the expedited redevelopment of Lower Manhattan. Public policies that affect the project site and study area by encouraging development and revitalization are outlined below.

LOWER MANHATTAN DEVELOPMENT CORPORATION

The Lower Manhattan Development Corporation (LMDC) was created in November 2001 as a subsidiary of the New York State Urban Development Corporation, doing business as Empire State Development Corporation (ESDC) to help plan and coordinate the rebuilding of Lower Manhattan south of Houston Street. LMDC is charged with assisting New York City in recovering from the terrorist attacks on the World Trade Center (WTC), and ensuring that Lower Manhattan emerges as a strong and vibrant 24-hour community. The centerpiece of LMDC’s efforts is the creation of a permanent Memorial for the WTC site. In addition, several advisory councils provide input on such issues as transportation and infrastructure, residential and commuter concerns, economic development, and tourism and the arts.

NEW YORK CITY’S VISION FOR LOWER MANHATTAN

On December 12, 2002, Mayor Michael Bloomberg released New York City’s Vision for Lower Manhattan with the stated purpose of connecting Lower Manhattan to the world around it, building new neighborhoods, and creating public places that make Lower Manhattan one of the

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most appealing places in the world. The Vision discusses various recommendations to help revitalize and improve Lower Manhattan as a global center of business by creating new regional transportation links. Other goals include improvements to streetscapes, the expansion and creation of public plazas and parks, and the continued revitalization of the waterfront. The Vision aims to spark private market reactions from these public investments.

THE ALLIANCE FOR DOWNTOWN NEW YORK

The Alliance for Downtown New York (ADNY), the City's largest Business Improvement District (BID), was established in 1995. Prior to September 11, 2001, ADNY's mission was to transform downtown into a 24-hour neighborhood and to create a safe, clean, live-work, wired community for the 21st century. The BID covers the area from City Hall to the Battery, and from South Street to West Street (Route 9A). After September 11, 2001, ADNY is continuing its efforts to aid downtown redevelopment and has partnered with Seedco and Asian Americans for Equality to offer combination grants/loans and workforce subsidies to small retailers south of Canal Street.

NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM

Because the Proposed Project would fund an action within the City's Coastal Zone, it is subject to the policies of the *New York City Waterfront Revitalization Program* (WRP). The WRP was originally adopted in 1982 and approved by New York State Department of State (NYS DOS) for inclusion in the New York State Coastal Management Program. The WRP establishes the City's policies for development and use of the waterfront and provides a framework for evaluating activities proposed in the Coastal Zone. The City's WRP was revised to include 10 consolidated policies and adopted by the City Council in October 1999. In May 2002, NYSDOS approved the City's new WRP, and the U.S. Department of Commerce concurred in August 2002. An assessment of the Proposed Project's consistency with these policies is presented in Appendix A, "Waterfront Revitalization Program."

C. FUTURE WITHOUT THE PROPOSED PROJECT

LAND USE

Within the 400-foot study area, a number of development projects are under way or planned in the future without the Proposed Project by the 2009 analysis year (see Table 2A-2 and Figure 2A-3). The emergency reconstruction of Fulton Street between Church and Water Streets, and Nassau Street between Fulton and Spruce Streets is under way, having commenced in August 2007. Several residential developments, most of which involve the conversion of commercial buildings to apartments, are under way along Fulton and John Streets, and Maiden Lane. Bordering the project site to the west, the new Fulton Transit Center is under construction at Fulton Street and Broadway. Along Beekman Street between Nassau and Gold Streets, a new 74-story building with apartments, an ambulatory care facility, and an elementary school is under construction on the site of the New York Downtown Hospital parking lot on Beekman Street. The East River Waterfront Esplanade and Piers project will result in the improvement of the esplanade that runs through the study area beneath the FDR Drive.

Table 2A-2

Background Development Projects in the Study Area to be Completed by 2009

| Map No.* | Project Name/Address | Type of Development |
|--|--|---|
| 1 | Reconstruction of Fulton Street between Church and Water Streets and Nassau Street between Fulton and Spruce Streets | Street reconstruction |
| 2 | Fulton Transit Center | Transportation |
| 3 | 119 Fulton Street | 19 DU (conversion of existing building and addition of 7 new floors) |
| 4 | 127 Fulton Street | Residential conversion with 9 DU and ground floor retail |
| 5 | 151 William Street (DistrictNY) | 163 DU conversion |
| 6 | 59 John Street (recently completed) | 74 DU conversion |
| 7 | New York Downtown Hospital between Spruce and Beekman Streets | 720 DU, 24,000 ambulatory care facility, 2,400 sf retail, 630-Seat K-8 School |
| 8 | 90 William | 128 DU |
| 9 | 79 Maiden Lane | 400 DU |
| 10 | 201 Pearl Street | 315 DU, 30,000 sf retail |
| 11 | East River Esplanade and Piers Project | Open space with retail/community facility pavilions |
| 12 | 45 John Street | 84 DU (conversion of existing commercial building and addition of two floors) |
| 13 | 113 Nassau Street | 28-story residential building |
| Notes: *See Figure 2A-3. DU = Dwelling units | | |

Additionally, it is expected that Pier 17 of the South Street Seaport may be redeveloped in the future, though it would be completed beyond the Proposed Project's 2009 Build year.

ZONING

No changes to zoning are expected on the project site or in the study area by the Proposed Project's Build year.

PUBLIC POLICY

No changes to public policies that apply to the project site or study area are expected by the Proposed Project's Build year.

D. PROBABLE IMPACTS OF THE PROPOSED PROJECT

LAND USE

The Proposed Project includes enhancements to the streetscape, incentives for the improvement of storefronts and façades of buildings that contribute to the heritage and experience of the Fulton and Nassau Street corridors, and the creation, expansion, or improvement of open spaces within the project site. The retail character of Fulton and Nassau Streets would be reinforced under the Proposed Project by providing grants to property and business owners to restore building façades and improve commercial storefronts and interior space.

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The Proposed Project would create a new playground a block south of Fulton Street between Front and South Street at Burling Slip in an area currently used for parking City vehicles. This new 22,000-square-foot open space would provide a link to the East River waterfront and the enhanced esplanade planned for that area. A playground would be developed as well as some accompanying gathering space. The playground would consist of a wooden structure with a sand play area at the western end and a water feature and sitting area at the eastern end. Wooden benches would be arranged along the southern edge of the playground and at each of the site's four corners.

DeLury Square would be improved and expanded with the Proposed Project. The total open space area would be expanded to 10,900 square feet, including the small planting and seating area at the northeast corner of the intersection. The concept for DeLury Square could include a lawn, planted areas, a pond, and a fountain. This water feature could be designed to provide visual interest while helping to mask traffic noise and to define the site. The open space could be surrounded by a fence with gates at the three pathway entrances.

The Proposed Project includes the renovation and expansion of the existing triangular-shaped, 5,200-square-foot Pearl Street Playground, bounded by Fulton, Pearl, and Water Streets. The Proposed Project would upgrade the existing facility and provide an enhanced play environment for local children and their caregivers. Among the improvements that may be incorporated are new play equipment and play surfaces, enhanced seating, new plantings, lower fencing, and possibly a water feature. This effort will also seek to expand the amount of area used for the playground.

The existing 3,500-square-foot Titanic Memorial Park at Fulton and Water Streets would be refurbished to become an improved gateway to the South Street Seaport. Proposed improvements to seating and landscaping are intended to create a more attractive community gathering space.

Overall, the Proposed Project would have a positive effect on land use by creating and enhancing open spaces and by strengthening and improving the retail presence on Fulton and Nassau Streets. There would be no significant adverse impacts on land use.

ZONING AND CITY MAP

The Proposed Project would not involve any changes to zoning. Public open space is a permitted use in the zoning districts where open space enhancements would take place at DeLury Square and the Pearl Street Playground, and where new open space would be created at Burling Slip. A City map change would be made at DeLury Square in order to map this public open space as a park. The City map change would facilitate the expansion and redesign of this open space. The Proposed Project, therefore, would not result in any significant adverse impacts on zoning or the City map.

PUBLIC POLICY

The Proposed Project would support public policy efforts to revitalize Lower Manhattan and improve the quality of life of its residents, workers, and visitors. In particular, the commercially revitalized of Fulton Street would strengthen the link between the WTC site and an improved East River waterfront. As such, the Proposed Project would not result in any significant adverse impacts on public policy. *