



# **Report and Resolution**

Of

**Community Board 7/Manhattan**  
**Under the Uniform Land Use Review Procedure**

**Concerning**

## **Riverside Center**

**As proposed by the Extell Development Company**

**July 2010**

Riverside Center Working Group, Ethel Sheffer, Chair  
Community Board 7/Manhattan, Mel Wymore, Chair  
Community Board 7/Manhattan, Penny Ryan, District Manager

## Acknowledgements

This document reflects the research, analysis, hearings, discussions and recommendations of Community Board 7/Manhattan (“MCB7”) regarding the Riverside Center development project proposed by the Extell Development Company, as certified by the New York City Department of City Planning on May 24, 2010. We acknowledge and appreciate the focus and effort of all members of Community Board 7, and in particular, the members of the Riverside Center Working Group\*.

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We thank MCB7 District Manager Penny Ryan and MCB7 staff John Martinez and Jessie Nieves for their unfaltering support.

We thank MCB7 consultants Michael Kwartler, John West, and Georges Jacquemart for their invaluable counsel. We are grateful to the Fund for The City of New York, The New York Community Trust, and New York City Council Member Inez Dickens for their financial support of the consultants’ work, which is of the highest professional standard.

We thank volunteer experts Paul Willen and Dan Gutman for their essential contribution to the site plan, and Paul Elston, Craig Whitaker, Batya Lewton, Olive Freud, and Anne Weisberg for their research, analysis, and informed perspectives.

We appreciate the responsive staffs and resources of Manhattan Borough President Scott M. Stringer, City Council Member Gale A. Brewer, New York State Senator Tom Duane, New York State Assembly Member Linda Rosenthal, U.S. Congress Member Jerrold Nadler, and the Department of City Planning. We also appreciate the willingness of the Extell Development Company to meet and provide information as we studied the Riverside Center application.

Finally, and as always, we appreciate the steadfast engagement and input of countless residents, professionals, organizations, and other stakeholders who share a passion for the environment, quality of life, and future of Manhattan’s Upper West Side.

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## A. Executive Summary

Community Board 7/Manhattan (“MCB7” or the “Board”) welcomes the opportunity to review the application by Extell Development Company (“Extell” or the “Developer”) to develop “Riverside Center” (“RSC” or the “Project”), a general, large-scale development project proposed for approximately 8 acres of land located in the southwestern corner of Manhattan’s Upper West Side, proximate to the Hudson River, and bounded by West 61<sup>st</sup> Street, West 59<sup>th</sup> Street, West End Avenue, and Riverside Boulevard. The application proposes approximately 3 million SF of construction, including 5 high-rise towers, 2,500 residential apartments, space for a public school, a hotel, a cinema, mixed retail, an auto showroom and below-ground auto repair center, 1,800 below-ground parking spots, and approximately 2.75 acres of privately-owned Public Open Space.



Rendering of Extell’s proposed Riverside Center project

MCB7 is amenable to development of this site, which is currently occupied by a ground level, open-air parking lot and indoor parking facility, provided that material concerns expressed in this report are met. The Board appreciates several aspects of the proposal, including the unique design of the proposed towers, the extension of Freedom Place South from West 61<sup>st</sup> to West 59<sup>th</sup> Streets, the extension of West 60<sup>th</sup> Street from West End Avenue to Freedom Place South, the residential programming of the site, and the inclusion of certain provisions for a public school, affordable housing, and public open space. However, after considerable review, analysis, and broad input from community stakeholders, MCB7 has several significant concerns that should be, but have not yet been, addressed by specific and reasonable modifications to the application.

Prior to reviewing the application, MCB7 combined accepted standards of urban design with the input of resident experts, professional consultants, and public testimony to develop a set of principles by which to consider the Project. The Core Principles (which address issues of zoning and density, public open space, connectivity and circulation, transportation and traffic, streetscape,

retail and cultural facilities, housing, public education, and sustainability) were adopted by MCB7 in February 2010, and have been refined in this report.

Having established Core Principles, the Board identified three “Givens” that are of critical importance to the community: the public school, affordable housing, and sustainability.

**Public School:** The application includes a 75,000 SF “core and shell” for a school, to be built at Developer expense, with an option for the Department of Education (“DoE”)/School Construction Authority (“SCA”) to purchase an additional 75,000 SF. Further the DoE/SCA would be required to fund the entire cost of fitting out all of the 151,598 SF of raw space into a usable school. *The application should be modified to include a new 6-section-per-grade pre-K through 8 school of at least 151,598 SF for Community School District #3, built in the first building constructed at the site, and fully funded by the Developer.*

**Affordable Housing:** The application specifies that 12% of the residential units will be affordable for a period of 20 years. *The application should be modified to include 30% mixed-income permanently affordable housing, primarily integrated within the site.*

**Sustainability:** The application specifies a few steps that minimize environmental impacts and carbon footprint. *The application should be modified to incorporate the highest available LEED certification standards and the inclusion of green technologies that pay back within 10 years.*

MCB7 has concluded that the proposed plan fails to meet the Core Principles in several additional and significant ways:

- Density is excessive and out of context, even with respect to recent developments to the north and east of the site. The Developer’s request is significantly greater than the previously approved density for the site and is not justified. Increased population will add significant load to schools, hospitals, parks, sanitation, and transportation systems.
- The privately-owned Public Open Space is elevated on a platform, constricted by narrow access points, and divided by criss-crossing pathways and sculptural elements that further reduce and constrain the usable space. Its design is reflective of a private enclave that is not inviting or engaging to a variety of community users. There are no provisions for active recreation or cultural programming.
- The plan marginalizes West 59<sup>th</sup> Street and Riverside Boulevard, as well as the historic powerhouse, and hampers rather than facilitates pedestrian Connectivity and Circulation to and from Riverside Park South.
- The Streetscapes, especially around the site perimeter, are not engaging from the sidewalk. Retail spaces are often elevated or removed from pedestrian traffic.
- Commercial uses, especially the auto showroom and repair center, are not environmentally responsible, engaging, or useful to the local community. Competition from these uses may also adversely impact the auto district to the south, which the city has sought to preserve.

To address these concerns, MCB7 makes several recommendations. These modifications are further described within this report and specified in the drawings and presentations of MCB7's consultants, Michael Kwartler & Associates and BFJ Planning, which are available at [www.nyc.gov/mcb7](http://www.nyc.gov/mcb7). Recommendations for improving the site plan include:

***Restrict total density to 2.4 Million Zoning Square Feet.***

***Create Additional Public Open Space by Removing Building 4 to improve public open space for the entire neighborhood, reduce density, increase light and air, reduce shadow and wind, provide a contextual relationship with the nearby historic powerhouse, and provide for active recreation (thereby addressing some of the adverse impacts identified in the DSEIS).***

***Bring the Site to Grade (eliminate the platform) to enhance the West 59<sup>th</sup> Street corridor to and from Riverside Park South, connect the site to the historic powerhouse, and increase mutual visibility between the Public Open Space and the West 59<sup>th</sup> Street and Riverside Boulevard sidewalks, making them more inviting, safer, and less isolated.***

***Surround Public Open Space with Publicly Accessible Streets or Broad Pathways, either for pedestrian or limited vehicular use — including the extension of West 60<sup>th</sup> Street to Riverside Boulevard — to delineate public from private space, encourage pedestrian circulation to and within public spaces, and enable building lobbies to open onto public ways.***



Rendering of Extell's plan with MCB7 modifications

Recommendations for the programming of the site plan include:

***Eliminate the Auto Showroom and Repair Center** and replace it with useful, relevant, and vibrant retail that attracts customers and visitors and serves the local community.*

***Limit underground parking to 1000 spaces, centralized in a single garage** that serves the entire site, to optimize underground loading/unloading, minimize surface traffic, and deter growth in automobile ownership and traffic.*

***Include a public playground** that could be used by the public school.*

Because the Project will generate a significant influx of population and load on the common assets of the Upper West Side, **MCB7 recommends that the Developer contribute significantly to the local community and infrastructure, including to the completion of Riverside Park South.**

In conclusion, MCB7 welcomes development at this site and seeks to strike a balance between private incentives and public needs, local concerns and city growth, short-term advantages and long-term impacts, and most of all, between what is viable and what is truly visionary. While not insignificant, the recommendations offered by MCB7 are reasonable, respectful of the application, and designed to benefit the city, the Upper West Side community, the future residents and customers of the proposed site, and of course, the Developer. MCB7 looks forward to continued discussions and deliberations as ULURP continues through Fall 2010.

This report was adopted by the Full Board on July 22, 2010, by a vote of 36-2-0-0.

Recommendations made throughout this report are summarized in Appendix A. Resolutions on each of the specific discretionary actions requested by the Developer are contained in Appendix B. Reference materials, presentations, consultant reports, meeting minutes, and other related documents can be found in the “projects” section at [www.nyc.gov/mcb7](http://www.nyc.gov/mcb7).

## B. Jurisdiction and Required Actions

MCB7 submits this Report and Resolution in fulfillment of its ULURP obligations pursuant to New York City Charter § 197-c.

Extell is applying for discretionary actions and modifications to develop the southernmost portion of Riverside South (parcels L, M, and N), which are different from those originally approved in 1992. Extell's proposed project was certified by the Department of City Planning to begin ULURP on May 24, 2010. MCB7's review period of 60 days began on June 2, 2010 and ends on August 2, 2010. MCB7 has, both prior to and during ULURP, conducted a series of presentations, review sessions, and public hearings on the Project.

This report summarizes MCB7's findings, concerns, positions and recommendations in response to Extell's application, including the Developer's requests to modify certain provisions of the 1992 Restrictive Declaration and the approvals it contains. Recommendations, including specific modifications to the proposal, are summarized in Appendix A. Resolutions on each of the specific discretionary actions requested by the Developer are contained in Appendix B.

As part of the overall ULURP review, MCB7 has taken a position on each of the 16 applications for discretionary approval, irrespective of whether the application is technically subject to ULURP. MCB7 resolutions responding to specific land use actions, fully detailed in Appendix B, are summarized below:

- MCB7 **adopts and approves** this report and all recommendations herein.
- MCB7 supports creative architectural design, and **approves application #N 100294 ZRM** to allow any open area surrounded on three sides by building walls to be treated as an "outer court."
- MCB7 believes the proposed automotive showroom and service center is neither green in ethos, nor neighborhood-oriented, nor likely to attract pedestrians and passers-by, nor likely to contribute to a lively streetscape in any way, and **disapproves application #N 100295 ZRM** for a text amendment to permit automotive sales and service establishments (UG 16) within a "general large-scale development."
- MCB7 believes the urban design of the Riverside Center proposal would be significantly improved by eliminating Building 4 (and modifying the footprint of Building 5), and **disapproves application #C 100296 ZSM**, *unless the Project is modified in accordance with this report and the drawings of MCB7's consultants, Michael Kwartler & Associates and BFJ Planning.*
- MCB7 believes the proposed automotive showroom and service center is neither green in ethos, nor neighborhood-oriented, nor likely to attract pedestrians and passers-by, nor to contribute to a lively streetscape in any way, and **disapproves application #C 100297 ZSM** for a special permit (pursuant to the text amendment sought in #N 100295 ZRM) to allow automobile sales and services.
- MCB7 supports physical construction on the Riverside Center site and would approve an application to allow that portion of a railroad or transit right-of-way to be completely covered

over by a permanent platform to be included in the “lot area” for the Development, but MCB7 also believes strongly in the urban design principle that open space should meet the perimeter sidewalks at grade, and so **disapproves application #C 100287 ZSM** to establish elevation + 24 above Manhattan Datum instead of “curb level” as the reference plane for the Development plus additional curb levels for streetscape purposes (26-00 and 37-30).

- MCB7 recognizes the need for public parking on this large, mixed-use site, but recommends that parking should be limited to 1000 spaces, and that only one below-ground garage should be constructed to serve the entire site. Therefore, MCB7 **disapproves application #C 100288 ZSM** to permit a “public parking garage” with a maximum of 1,800 public parking spaces and 5 access points, *but would approve a single, below-ground public parking garage, with 1000 spaces and up to 4 access points.*
- MCB7 believes multiple garages with multiple points of access will increase traffic and congestion, and **disapproves applications #C 100289 ZSM, #C 100290 ZSM #C 100291 ZSM, #C 100292 ZSM, #C 100293 ZSM** that would permit public parking garages to be located beneath each of the five buildings proposed in the application.
- MCB7 supports the extension of West 60<sup>th</sup> Street, and **approves application # N 100298 ZAM** to permit a curb cut on West End Avenue (a wide street) to facilitate the extension of West 60<sup>th</sup> Street westward through a portion of the project site as a public access easement.
- MCB7 believes the site plan over-burdens West 59<sup>th</sup> Street with services, and **disapproves application # N 100299 ZCM** to allow four additional curb cuts on West 59<sup>th</sup> Street (a narrow street), *but would approve an application to allow two additional curb cuts on West 59<sup>th</sup> Street.*
- MCB7 **approves application # N 100286 ZCM** to allow one additional curb cut on West 61<sup>st</sup> Street (a narrow street).
- MCB7 would approve an application to modify requirements for commercial uses, signage, and street-wall transparency for **Building 2**, as the proposed home for the preK-8 school, but **disapproves application # N 100300 ZCM** for such modifications for **Building 3 and Building 5**.
- MCB7 **disapproves application #M 920358 D ZSM** for the Fourth Modification of a previously approved “general large-scale development” special permit and restrictive declaration to reflect the current proposal, *but would approve an application modified in accordance with this report and the drawings of MCB7’s consultants, Michael Kwartler & Associates and BFJ Planning.*

## C. Background and History

Eighteen years ago — almost to the day (July 27, 1992) — MCB7 issued its report and disapproval resolution (vote: 35-1-1-2), pursuant to ULURP, on the proposal for Riverside South, a project to redevelop the former Penn Central railroad yards along the Hudson River from West 59<sup>th</sup> Street to West 72<sup>nd</sup> Street. That ULURP culminated in December 1992, when the City Council approved Riverside South with modifications.

MCB7's planning for the development of the defunct rail yards had started a decade earlier. In 1982, before the advent of the current land-use approval process, MCB7 reviewed an application for the rezoning of the site from industrial/manufacturing to residential and commercial uses, thus beginning the transformation of this railroad and waterfront area. Approved by the Board of Estimate, the 7.3 million-square-foot Lincoln West project – which proposed development of 4,300 residential units, along with retail, hotel, and office uses – was never built.

Following the Lincoln West failure, MCB7 engaged in a major planning effort covering all of Manhattan Community District 7, culminating in the *West Side Futures* study. In the late 1980s, *West Side Futures'* analysis called for a total floor area of slightly less than 6 million square feet for the entire rail yards site.

The Trump Organization acquired the rail yards in 1990, and in 1991 joined with a group of civic organizations (Municipal Art Society, Regional Plan Association, The Parks Council, the Riverside Park Fund, Westpride, Natural Resources Defense Council, and the New York League of Conservation Voters) to form the Riverside South Planning Corporation (“RSPC”) to develop criteria for the development of the site. They proposed a public waterfront park to be built at developer expense, a mixed-use development of 8.3 million SF, and a plan to relocate the elevated highway inland and underground. RSPC was to oversee the implementation of design guidelines for all the buildings as agreed to by the developer and to advocate for funding the relocation of the highway. This agreement was to become a formal application subject to the full public ULURP and environmental review process.

MCB7 welcomed many aspects of the voluntary agreement plan between Trump and the civic organizations, but also had significant reservations. With the support of the Manhattan Borough President and the New York Chapter of the American Institute of Architects, MCB7 hosted a four-day charrette where architects, planners, and economic experts from around the country joined members of the community to critique this new plan. The charrette yielded recommendations for a maximum density of 6.9 million SF, a mixture of market-rate and affordable housing, mapped streets, and plans for a waterfront park both with and without the removal of the Miller Highway.

The charrette strongly informed MCB7's ultimate resolution and report on the 1992 ULURP. Key points were:

- 6.9 million SF for the entire site, including 5.5 million SF residential
- 20% affordable housing
- Mapped public streets
- 25-acre mapped public park, including provision for active recreation uses
- Partial developer funding for the West 72<sup>nd</sup> Street and West 66<sup>th</sup> Street IRT subway stations as mitigation for transit impacts
- Disapproval of any superblock on the site between West 59<sup>th</sup> and West 61<sup>st</sup> Streets
- Disapproval of the then-proposed TV studio use and any potential large-scale retail mall on the site between West 59<sup>th</sup> and West 61<sup>st</sup> Streets
- 3,500 parking spaces for the entire site, primarily for residents
- Need for a public school
- Variety of concerns expressed about infrastructure and impacts of the project
- General support for the relocation of the highway, but "only to the extent that the 80% Federal and 20% New York State shares do not diminish funds for other transportation projects, both highway and mass transit, planned for New York City."

The City Council's ultimate approval of Riverside South included these major elements, memorialized in the Riverside South Restrictive Declaration:

- General Large Scale District, including 15 development parcels (Parcels A-O) with a maximum of 7,899,951 SF (vs. 8.3 million requested in the application and 6.9 million recommended by MCB7), including a mix of residential, community facility, office, cinema, retail and studio uses
- Maximum 5,700 residential units for the entire site
- A minimum of 12% of the housing units to be built by the developer as affordable, with provision for efforts to be made to meet the desired goal of 20% affordable units of the total number of units, if government programs were available
- Developer to construct Riverside Boulevard from West 72<sup>nd</sup> to West 59<sup>th</sup> Streets
- Mapped public waterfront park of 21.5 acres, with another 4 acres of accessible open space inland
- Two alternatives for the waterfront park (i.e., with the Miller Highway in place and with the Miller Highway relocated below grade)
- Developer funding for part of the costs for the rehabilitation of the West 72<sup>nd</sup> Street and West 66<sup>th</sup> Street IRT subway stations
- Maximum 3,500 parking spaces for the entire site
- Space to be set aside for a public school, but no specific provisions for design or funding
- Additional contributions to services for seniors and young people in the community.

In the 1992 approval, the southernmost sites (L, M, N) were to be limited to the following:

- Maximum 1,690,600 SF for studio use
- 19,400 SF professional office space
- 35,000 SF retail
- 54,700 SF community facility space
- 572,192 SF residential
- 743 below-ground parking spaces.

*The Riverside South approval included a provision that any proposed change to the approved uses for sites L, M, and N would be deemed a major modification and subject to its own subsequent ULURP. This provision occasioned the current review under ULURP of the Riverside Center Project.*

Riverside South is now mostly built. Portions of the waterfront park are close to completion. Major characteristics of Riverside South between West 72<sup>nd</sup> Street and West 61<sup>st</sup> Street:

- 6,691,505 SF total development
- 4,492 residential units (projection includes Building K) of the 5,700 maximum originally approved
- 583 affordable units (i.e. 13% of units so far)
- 2,611 parking spaces (including Building K)
- Mainly unsuccessful retail and office space
- Riverside Boulevard completed from West 72<sup>nd</sup> to West 63<sup>rd</sup> Streets
- Riverside Park South: Phases 1-4 complete, Phase 5 started, Phases 6-7 planned
- No new school; however families in Riverside South have contributed to the overcrowding of existing neighborhood public schools.

## **D. Project Review**

In 2006, upon Extell's purchase of the yet-to-be-developed parcels of Riverside South, MCB7 formed the Riverside South Working Group, later called the Riverside Center Working Group (the "Working Group"). The Working Group is composed of Chairs of relevant standing committees and other members of the Board. Given MCB7's long history with Riverside South, and the size and scope of the last remaining vacant land in MCB7, it was essential to establish an interdisciplinary task force to monitor the project and address community concerns.

In April 2008, MCB7 wrote to the Developer and to the Director of City Planning to express concerns about density, site plan, below-ground uses, affordable housing, and the pressing need for a public school on the site. The Developer responded in a September 2008 letter, stating his willingness to continue discussion on these topics, while also repeating his unwillingness to discuss "floor area and dwelling unit count" since the applicant's requests were needed "to support the high cost of construction."

The Developer completed a proposed scope for a Draft Supplemental Environmental Impact Statement (DSEIS) in late 2008. MCB7 and the public presented detailed written and oral comments on that scope in January 2009. (Comments available at [www.nyc.gov/mcb7](http://www.nyc.gov/mcb7), and response to comments available at [www.nyc.gov/dcp/env\\_review/riverside/riverside\\_draft\\_scope\\_comments.pdf](http://www.nyc.gov/dcp/env_review/riverside/riverside_draft_scope_comments.pdf).)

In June 2009, MCB7 (with the generous support of Fund for the City of New York, The New York Community Trust, and New York City Council Member Inez Dickens) retained two planning and architectural firms, BFJ Planning and Michael Kwartler & Associates, to provide expert technical assistance to the Board with regard to site planning, density, open space, pedestrian circulation and amenities, parking, traffic and other issues.

In the past year, MCB7's expert volunteers and consultants have developed a critique and a series of recommendations and approaches, within the framework of the Developer's proposal, to improve the Project and achieve a suitable balance between the interests of the Developer, the community, and the city. These analyses have been presented to the public and to the Developer at multiple public meetings and hearings.

Since certification, MCB7 has held public hearings and meetings on the application on May 24, June 3, June 15, June 29, July 6, and July 22, 2010. MCB7 has also made presentations and received testimony from various community groups, including the District 3 Community Education Council, District 3 Presidents' Council, Riverside South Resident Associations, Amsterdam Houses Tenants Association, Lincoln Towers Residents Associations, Landmark West!, West Side Street Renaissance, Transportation Alternatives, Coalition for a Livable West Side, Committee for Environmentally Sound Development, Riverside South Planning Corporation, and New Yorkers 4 Parks, among others.

In the past two months, MCB7 has received either written or oral input from more than 500 residents and stakeholders, and over 1300 signatures on petitions (many relating to the proposed public school). The recommendations included in this report reflect the vast majority of this input.

## 1. Project Description

The present Extell application for Parcels L, M, and N includes the following major features:

- Five buildings, ranging in height from 393 feet to 535 feet
- Constructed on a platform, providing foundation for all structures, at approx. elevation of West End Avenue
- 2,471,590 SF residential use (= approx. 2,500 units)
- 12% of number of residential units as affordable housing, within the five buildings
- Approximate 151,598 SF for a public elementary and intermediate school in Building 2 (memorandum of agreement between SCA and Extell, and described in DSEIS)
- 104,432 SF office space
- 249,240 SF hotel use (possibly to be replaced by residential, yielding RSC-wide unit total of approximate 3,000)
- 140,168 SF above-ground retail, including approximately 36,701 SF of cinema use, and 20,183 SF of automotive showroom use associated with the below-ground automotive service use
- Approximate 181,677 to 276,000 SF below-ground automotive service use
- Approximate 1,800 below-ground parking spaces
- 2.7 acres of privately-owned, publicly accessible open space within the 8-acre site
- Extension of West 60<sup>th</sup> Street west to Freedom Place South
- Creation of superblock between the extension of Freedom Place South to the east, West 59<sup>th</sup> Street to the south, West 61<sup>st</sup> Street to the north, and Riverside Boulevard to the west.

Fundamentally, the application proposes significant changes in density and use for the site, thereby substantially increasing its value to the Developer. The table below compares the essential elements of the proposal with those approved in 1992.

<b>Approved Plan 1992:</b> Restrictive Declaration	<b>Extell Proposal 2010:</b> Increase Density, Change Use, Increase Value
Approx. 2.5 million SF, studio/retail	Approx. 3 million SF, 5 high-rise buildings
577 residential units	2,500 residential units
2 Million SF television studios	250K SF hotel (250 rooms)
37K SF retail	208K SF retail/office/auto showroom
100K SF below-ground cinema/retail	37K SF cinema
Below-ground parking (743 spaces)	182K SF below-ground auto service center
Requires West 60 <sup>th</sup> Street extension if use of L, M, N is modified	Below-ground parking (1800 spaces)
	75K to 150K SF shell for K-8 school

## Proposed Extell Site Plan



## 2. Core Principles

The Working Group drafted a set of Core Principles by which to evaluate the current proposed Project. These Principles were presented at various community meetings, discussed, redrafted, approved by MCB7 in February 2010, and are further revised and approved through this report.

**Zoning and Density:** Provide for zoning and built density that is appropriate to the context and infrastructure, and is reflective of superior urban design.

**Public Open Space:** Create clearly defined open space that facilitates and encourages public use, activities and access, serving a broad spectrum of residents, neighbors and visitors. Delineate clearly between public and private spaces to discourage the perception of private enclaves. Ensure minimum impact of wind and shadows on all public and common areas by careful placement and shaping of buildings.

**Connectivity and Circulation:** Create connectivity between the Project and its surrounding neighborhood and the waterfront (and within the Project itself), respecting the city grid. Promote access and circulation for pedestrians by means of public streets and generous pathways. Promote public and alternative modes of transportation. Minimize the use and impact of autos and trucks.

**Transportation and Traffic:** Design streets and pathways to ensure public safety, optimize travel for all modes of transportation, promote access and use of public transportation, minimize congestion, and reduce pollution.

**Streetscape:** Promote excellent and animated streetscape design and landscaping that emulates the best of traditional Upper West Side parks and public spaces, together with innovative 21<sup>st</sup> century examples of new green spaces that will work and welcome everyone.

**Retail/Cultural Facilities:** Create vibrant, innovative, and attractive retail at street level, and cultural facilities that serve local residents and can attract visitors from around the city. Develop cultural, educational, and community facilities and uses above ground and below ground that will create a public benefit and enhance life on the Upper West Side and in New York.

**Housing:** Promote social and economic diversity in housing type and income. Provide housing that is attractive and affordable.

**Public Education:** Increase public school capacity necessary to serve the current and future needs of the community (Community School District 3).

**Sustainability:** Promote the highest standard of environmentally responsible practices, integrated into every aspect of design, architecture, and infrastructure. Design for clean and efficient energy production/distribution, waste management, sanitation, and integration with mass transit.

### 3. Key Project Elements – “The Givens”

Having established Core Principles, MCB7 identified three aspects of the proposal that are of critical importance to the community: the public school, affordable housing, and sustainability.

#### a. Public School

The application proposes that the Developer provide the exterior walls and floors of raw space (“core and shell”) for a public school of 75,000 SF. Build-out of that raw space, and associated costs, would be the responsibility of the SCA. The application also provides that the Developer will reserve an additional 75,000 SF of space for purchase and build-out by DoE/SCA if the DoE/SCA chooses to exercise that option.

Unfortunately, the proposal falls short of reasonable expectations for this location. The Project is located within Community School District 3 (“CSD3”), which is already critically overcrowded. Kindergarten enrollment at PS 199 (nine blocks away) doubled in less than five years after the buildings in the northern part of the Riverside South complex were occupied. Demand for public school seats throughout CSD3 is increasing rapidly. DoE views this trend toward ever-increasing use of the public schools as permanent and not a temporary or cyclical anomaly. PS 191, the public school zoned to include the Project, is too small to accommodate its predicted increase in enrollment, let alone the other new units expected by the time Riverside Center is completed.

According to the DSEIS, by 2018, the schools within a ½ mile radius of the Project will be over capacity, unless the 151,598 SF school is built. Public elementary schools will be at 140% capacity and middle schools at 162% capacity. Even if the FAR permitted by the 1992 Restrictive Declaration – the lower-density alternative examined in the DSEIS – were to be built, a school would be needed to mitigate the effects of the Project. It is therefore essential that a school be built to meet the needs of CSD3 and not just of this Project.

MCB7’s research into fitting out the 151,598 SF school as a state-of-the-art green facility with the latest technology and connectivity, including Smart-boards, WiFi and networking, and the equipment needed for a rich curriculum that includes science, art, and music, is estimated to cost \$350-450 per square foot (= approx. \$53-68 million), based on historical DoE/SCA costs. The Developer could reduce costs considerably with its economies of scale and buying power. It should be noted that the raw 75,000 SF space, as well as the additional 75,000 SF available for purchase by DoE/SCA, would be built in any case, and would therefore impose no additional cost to the Developer.

In November 2006, after the enrollment from the first Riverside South buildings began to overwhelm the existing neighborhood public school, DoE/SCA declined to purchase land for the construction of a public school at another parcel of the Riverside South complex. SCA’s 2010-14 Capital Plan includes *no funding* for new seats in CSD3, making it unreasonable to expect that DoE/SCA will exercise the option necessary to meet community needs.

The outdoor play space reserved by Extell for the school is also inadequate. This space would be situated on building setbacks at the fourth floor of Building 2, and would comprise approximately 8,400 SF. Outdoor play space of this size may be suitable for a school of under 500 students (i.e., the school proposed by Extell), but is inadequate to meet the needs of the 151,598 SF school needed by the community.

*MCB7 disapproves the proposed Project without a school that meets the community's needs. MCB7 recommends that Riverside Center include a public school fully funded by the Developer with the following features:*

- *Serves grades K-8, with room for a pre-K*
- *Houses 6 sections per grade (a minimum of 1,332 students)*
- *Constructed in the first building built at the Project site*
- *Includes all necessary program spaces and state-of-the-art equipment*
  - Large or multiple cafeterias (ensuring reasonable timing of lunch)*
  - Multiple or dividable gyms (providing weekly access for all students)*
  - Separate, age-appropriate outdoor play spaces, preferably at grade*
  - Dedicated space for art, music, science labs, and student services*
  - Wide hallways with lockers for upper-grade students*
  - Flexible auditorium space*
  - Green features (e.g. green roof, vegetable garden)*
- *Includes 151,598 SF of space that meets all DOE/SCA requirements*
- *Outdoor space sufficient to accommodate 1,332 students.*

The complete analysis of the MCB7 Youth, Education & Libraries Committee is in Appendix C.

### **b. Affordable Housing**

The city's affordable housing programs recognize the strength and stability brought to our communities through economic diversity. Prescribing a portion of a proposed development as affordable housing is also necessary to provide for an unmet need. On the Upper West Side, affordable housing is already scarce – and decreases each year, due to renovations and conversions to market-rate units, transient accommodations and other uses.

Moreover, one of the attributes sought for public schools in the city is a diverse student body, which can be fostered by including a mix of housing and residents on the site and in the community. It is good public policy to capture for the public benefit a portion of the increase in land value resulting from zoning changes that allow more profitable uses or that increase density.

MCB7 strongly believes that no project of the size and residential density proposed for this site should be approved with less than 30% affordable housing. The percentage of affordable housing should be calculated based on floor area, not based on number of units (as was approved for Riverside South). Since the market-rate units to be included in the Project are expected to be high-end luxury dwellings, MCB7's goals would be best served by taking advantage of the provisions of the city's inclusionary housing programs to serve multiple economic levels, i.e., low-, moderate-, and middle-income households.

Affordable units should be permanent for the life of the Development, and should be located on site and distributed throughout all the buildings. MCB7 consultant, BFJ Planning, emphasizes that the social good generated by including affordable units is best achieved when affordable units are integrated among market-rate units.

The Developer is now proposing 12% affordable housing as a percentage of the proposed number of units with such units to remain affordable for only 20 years. The Developer's proposal follows the minimum provision for affordable housing contained in the 1992 Restrictive Declaration. Both

the need for affordable housing in the community, and the nature of inclusionary housing programs, have changed in the 18 years since the City Council's adoption of the Restrictive Declaration. The Developer's requests for a substantial change in use and density offers an appropriate opportunity to revisit the minimum acceptable affordable housing to be included at the site.

*MCB7 disapproves the plan for affordable housing as proposed by the Developer and recommends 30% permanently affordable housing, primarily integrated within the site.*

### **c. Sustainability**

Achieving sustainability is one of the most critical issues facing the city. Tremendous effort at all levels of government has been put into making New York City truly sustainable. PlaNYC has led this effort by setting the goal of reducing carbon emissions by 30% by the year 2030 in addition to improving the amount and accessibility of open space, remediating brownfields, improving water quality, supporting alternative forms of transportation, and addressing air quality issues. MCB7 has identified sustainability as one of its primary goals.

The proposed Riverside Center plan incorporates a few steps to minimize the environmental impacts of the Development. However, the Project should serve as a *model* for innovation in sustainable design and should be guided by the principles set forth in PlaNYC.

*MCB7 recommends strict adherence to sustainable practices in design/construction and a commitment to energy efficient operations and maintenance (O&M) in perpetuity. At a minimum, sustainable design, construction, and operations should:*

- *Require the Developer to do all in its power to secure Leadership in Energy and Environmental Design (LEED) Platinum certification, or the highest LEED rating available at the start of construction, from the United States Green Building Council and the United States Building Certification Institute.*
- *Adopt the best available technologies to reduce energy and water consumption that provide a 10-year or shorter payback on investment. These include, but are not limited to, cogeneration and other technologies that generate electricity or other forms of energy on site, or improve the energy efficiency of any building system, such as the building envelope, lighting, heating, ventilation (including window function), or air conditioning.*
- *Install the best available energy management system and implement a comprehensive O&M protocol, which includes continuous commissioning.*
- *Require the Developer immediately to retain a LEED-accredited professional to join the design and construction team (or to identify the entity/person on its present team with this capacity).*

#### 4. Site Plan Review

MCB7 worked with community groups and consultants to conduct an in-depth review of the proposed site plan as it relates to MCB7's Core Principles.

##### a. Density

The Project would increase the amount of floor area from the 2.4 million SF approved in the 1992 Restrictive Declaration to more than 2.9 million SF. This increase in floor area is connected to a request for a change in uses from the TV studio (and some residential and commercial uses) to a mix of residential and commercial/retail uses. It should be noted that the application and supporting documents sometimes describe density in different ways. *MCB7 requests clarification of all density measurements (ZSF, GSF, FAR) during the ULURP process.*

The burden of proof for this requested increase in density lies with the Developer. The 1992 Restrictive Declaration limited the total floor area for all of Riverside South to 7,899,951 SF. Riverside South, when completed, will contain approximately 5.5 million SF. Adding the proposed almost 2.9 million SF to that total, would make for a grand total of approximately 8.4 million SF compared to the 1992 approved density of 7.9 million SF.

MCB7 understands that FAR is not the only determinant of density. Number of dwelling units, urban design, usability and viability of public open spaces, height, setback, and massing of buildings all contribute to the resulting density. The proposal includes 2,500 residential units (with a possibility of as many as 3,000 units). Adding 2,500 would result in an increase of 1,292 residential units over the approved 5,700 units for the entire Riverside South. MCB7 does not believe that this increase is needed or justified. As stated below, the defects in the site plan and some of the urban design shortcomings, together with the increased FAR, all contribute to an inappropriate density for the site.

Additionally, while the massing and form of the buildings is unique and interesting, the buildings are noticeably larger than the buildings to the north and east. Especially along West 61<sup>st</sup> Street, structures have long, uninterrupted frontages. A more contextual base plan of masonry, glass and steel, topped by a variety of rectilinear and then two- or three-faceted towers would help offset the perception of bulk and integrate the Development with the rest of the neighborhood while not diminishing its unique architectural design.

*MCB7 recommends that total density on the site be restricted to 2.4 Million SF to meet 1992 approvals and achieve MCB7's Lower Density Build Alternative.*

*MCB7 recommends removing Building 4 (399,361 SF) to reduce density, increase light and air, create improved community space for future residents, and provide an engaging relationship with the historic powerhouse building on the south side of West 59<sup>th</sup> Street. Removal of Building 4 would achieve 2/3 of the overall Project density reduction MCB7 is seeking.*

*MCB7 recommends including breaks in the faceted façade of the buildings to reflect traditional setbacks and minimize the canyon-like effect on West 61<sup>st</sup> Street, a narrow residential way.*

*MCB7 recommends requiring that changes or departures from the approved schematic design of the buildings or deviations from the footprint, shape, contour, size, height, bulk, massing, or relationship*

*between the buildings be considered a major modification and be returned to the Board and City Planning for approval.*

## **b. Public Open Space**

Among the most exciting possibilities for this site is the opportunity to create a truly extraordinary destination for visitors from throughout the city. Riverside Center could capitalize on its proximity to the Hudson River, Riverside Park South, and the historic powerhouse building by creating an integrative Open Space that is inviting, accessible from all directions, engaging, and accommodating to a variety of active and passive uses.

Given its planted slopes, meandering pathways, and central water scrim, the privately-owned Public Open Space proposed for the site appears sophisticated. However, many of the design choices serve to limit access from outside of the Development, and even limit the activity within the space itself. Unfortunately, the proposed configuration and design of the Project's open space falls well short of its potential.

### **1. Elevation**

The majority of the Project's open space is situated on a superblock west of the extension of Freedom Place South. Importantly, most of the space is elevated above sidewalk level along West 59<sup>th</sup> Street and along Riverside Boulevard. Although West 59<sup>th</sup> Street is the main east-west pedestrian corridor to and from Riverside Park South, the Public Open Space is designed to float above the sidewalk, making it mostly invisible and/or inaccessible to passers-by. From this sidewalk, which provides primary access from West End Avenue and Columbus Circle to Riverside Park South, the pedestrian will see building walls, service doors, garage entrances, and loading docks.

*MCB7 recommends bringing the site to grade (eliminating the platform) to make the Public Open Space visible and accessible from West 59<sup>th</sup> Street and from Riverside Boulevard, enhance the West 59<sup>th</sup> Street corridor to and from Riverside Park South, connect the site to the historic powerhouse, and increase mutual visibility between Public Open Space and sidewalks, making them more inviting, safer, and less isolated.*

### **2. Points of Access**

The main access points to the proposed Public Open Space, located at West 60<sup>th</sup> Street & Freedom Place and West 61<sup>st</sup> Street and Riverside Boulevard, have narrowed entrances that give the impression that the space is private, not public. In general, the site is not designed to engage passing foot traffic and draw people into the site.

*MCB7 recommends extending West 60<sup>th</sup> Street to Riverside Boulevard, at least as a broad public pathway, angled along the front of Building 1, to expand Public Open Space and attract pedestrian traffic.*

### **3. Size and Use Limitations**

As MCB7's consultants point out, the open space proposed by the Developer consists mainly of sitting lawns, visual landscape elements, and the water feature. The open space is fragmented,

complicated by a network of narrow pathways that would hamper the possibility of community gatherings or free play. Very little of the open space would support any type of active recreation.

*MCB7 recommends removing Building 4 to dramatically expand useful Public Open Space, provide for active recreation, reduce shadow and wind, provide a central open area for the Development, and open connections to the historic powerhouse to the south.*

*MCB7 recommends “straightening” Freedom Place South to expand the Public Open Space, reinforce the city grid, and provide visual perspectives of the historic powerhouse.*

*MCB7 recommends modifying the footprint of Building 5 to accommodate the “straightening” of Freedom Place South to expand Public Open Space, further reduce density, reinforce the city grid, and provide visual perspectives of the historic powerhouse.*

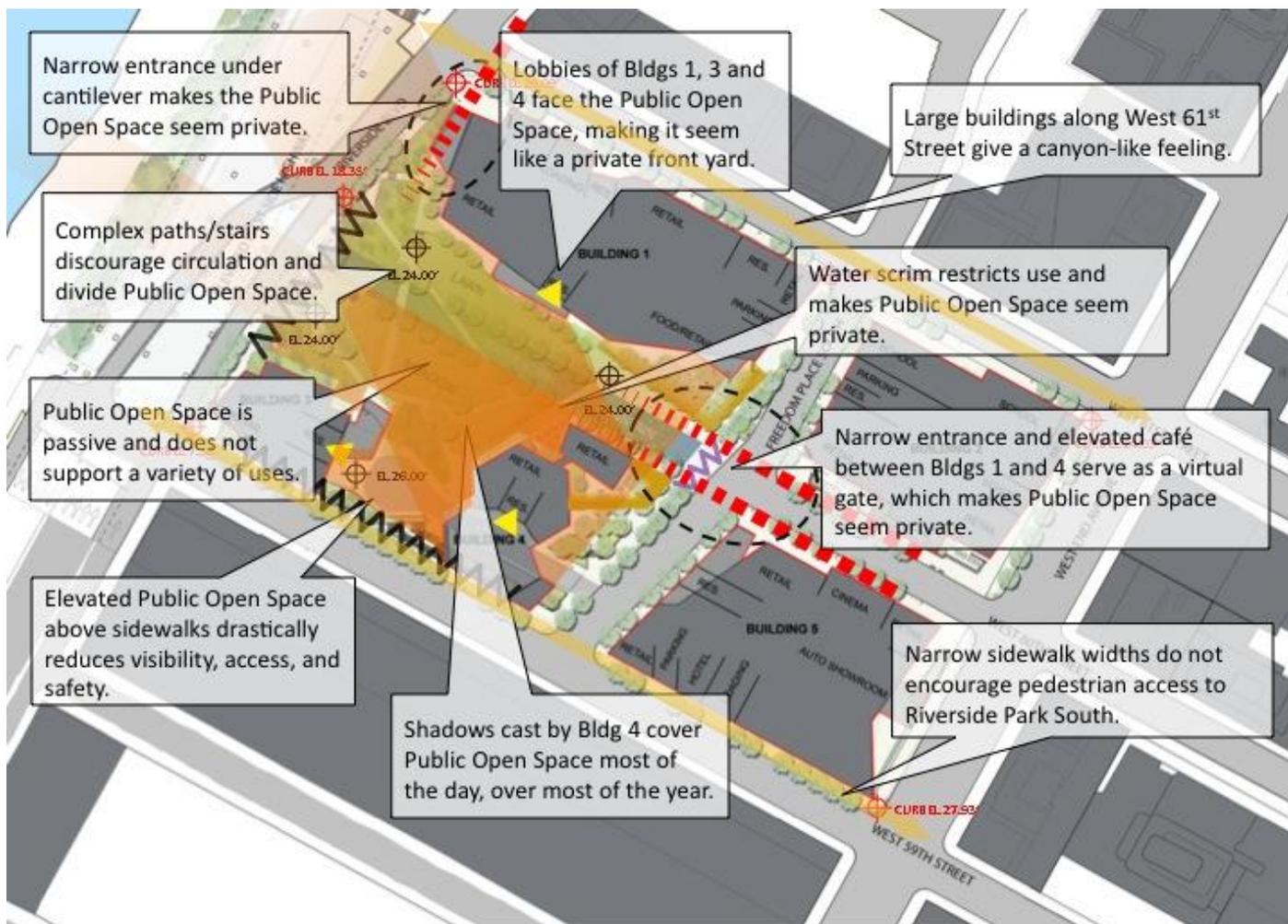
*MCB7 recommends eliminating the private driveway that serves Building 3 to expand Public Open Space and reinforce the city grid.*

#### 4. Public/Private Delineation

The proposed Public Open Space is poorly delineated and feels more like a private front yard than a space for public enjoyment. As MCB7’s consultant, Michael Kwartler & Associates, points out, the absence of pathways separating the open space from the individual buildings renders it “ambiguous as to what is public and what is private.” The perception that the open space is private and not public “is reinforced by the superblock’s open space functionally ending in a dead end [at the western edge of the site] where it is elevated above Riverside [Boulevard].”

*MCB7 recommends surrounding the Public Open Space with publically accessible streets or broad pathways, either for pedestrian or limited vehicular use, to delineate public from private space, drive pedestrian traffic to public spaces, improve circulation, and enable building lobbies to open onto public ways.*

## MCB7 Critique of Proposed Site Plan

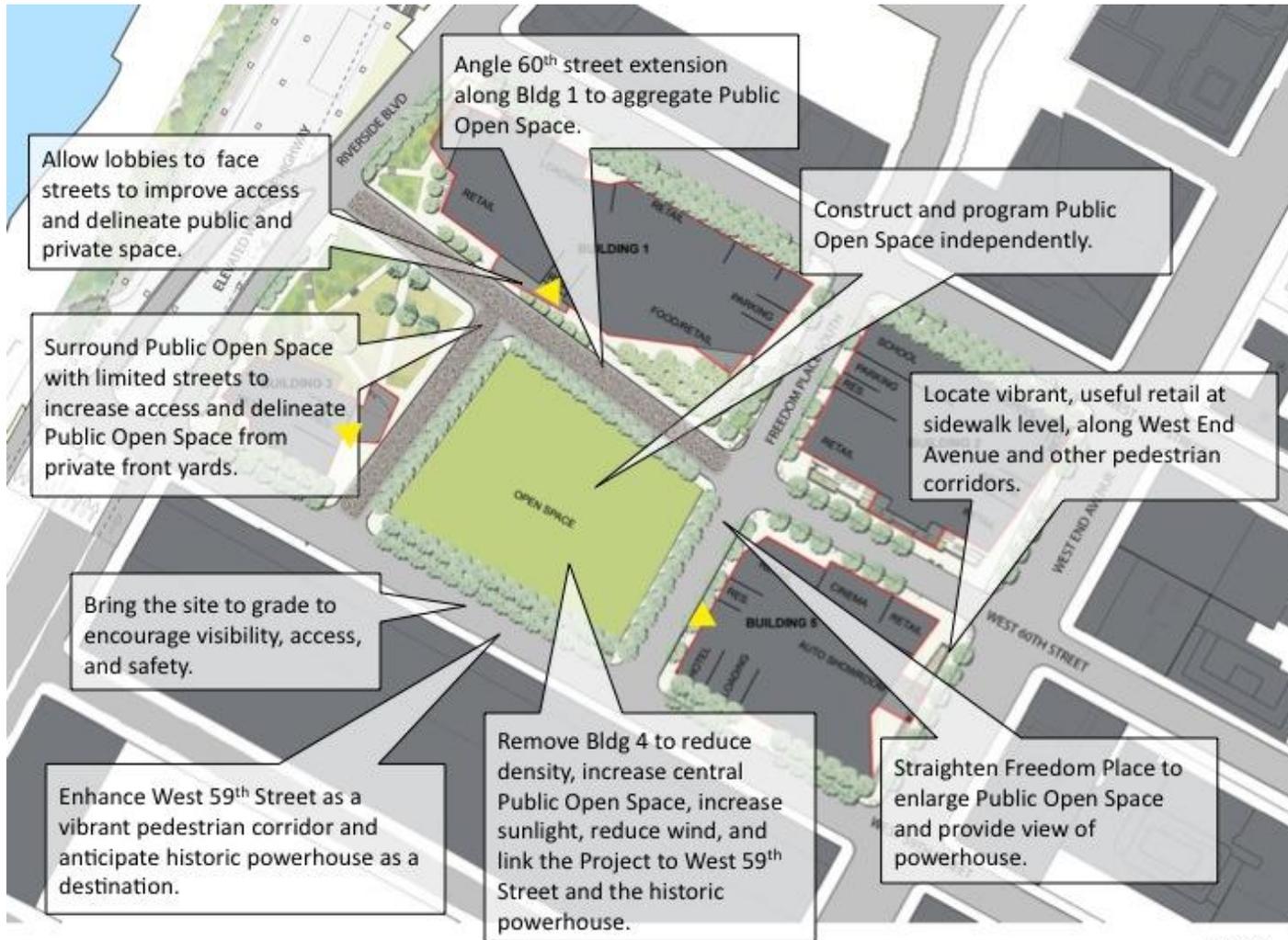


\*Curb elevations are taken from Manhattan Borough President's Maps

\*\*Proposed platform elevations are taken from Riverside Center Ground Floor Plan (Sheet: C.B.A-3, dated 07/27/09)

17 June 2010

## MCB7 Recommended Modifications



17 June 2010

### **c. Connectivity and Circulation**

The Project includes a superblock between Freedom Place South, Riverside Boulevard, West 61<sup>st</sup> Street, and West 59<sup>th</sup> Street, which separates the site from the city grid and hampers circulation through and within the site. The grid system has several advantages: 1) it allows more flexibility and more dispersion for vehicular traffic thus reducing the traffic loads at the average intersection, and 2) it improves conditions for pedestrian and bicycle circulation by allowing greater accessibility throughout the neighborhood.

#### **1. Internal Circulation**

MCB7 endorses the Developer's proposed extension of West 60<sup>th</sup> Street to Freedom Place South, which will improve access into site, especially for vehicles. However, the Developer's proposed abrupt narrowing of West 60<sup>th</sup> Street to a sidewalk – to accommodate the proposed water scrim – will limit access into the site from the outside.

As proposed, Building 3's vehicular access is via a private driveway that extends beneath Building 4 from Freedom Place South. Such a cul-de-sac is extremely anti-urban and inefficient for traffic circulation. All buildings should have lobby access from a public street. The driveway also disrupts the open space. MCB7's recommendation to eliminate Building 4 would help address this problem, as the open space issues would be clearer. In addition, MCB7 recommends adding a public street or broad pathway (see drawings by MCB7's consultants, Michael Kwartler & Associates and BFJ Planning) that connects West 59<sup>th</sup> Street to West 60<sup>th</sup> Street, along Building 3.

*MCB7 recommends extending West 60<sup>th</sup> Street to Riverside Boulevard, at least as a broad public pathway, angled along the front of Building 1, to expand the Public Open Space, break up the superblock, draw in pedestrian traffic, provide a street front for the Building 1 lobby, and facilitate circulation within and through the site.*

*MCB7 recommends eliminating the private driveway that serves Building 3, and adding a public street or broad pathway (per consultant drawings) that connects West 59<sup>th</sup> Street to West 60<sup>th</sup> Street along Building 3.*

#### **2. West 59<sup>th</sup> Street**

The proposed Project resembles a city within a city, separating its own circulation from that of its surroundings. The perimeter of the site is not porous and limits visual and physical connections to and from nearby streets, parks, landmarks, cultural facilities, and buildings.

In particular, the Project has no relationship to West 59<sup>th</sup> Street, using it only for service entries, loading docks, and garage entrances that exacerbate the unsafe and unsightly conditions that exist today. However, West 59<sup>th</sup> Street may be the most important westbound thoroughfare in the southern portion of the district, and is the only viable link in the district south of West 72<sup>nd</sup> Street for cyclists accessing the Hudson River bike path. As the area surrounding the Project continues to grow, West 59<sup>th</sup> Street receives an ever-increasing amount of pedestrian and bicycle traffic, despite its current poor condition. Indeed, residents of buildings to the north, east, and south have testified that they access Riverside Park South via West 59<sup>th</sup> Street, even when it feels unsafe. With the

addition of Riverside Center, West 59<sup>th</sup> Street will carry substantially more traffic (pedestrian, bicycle, and vehicular) to and from the site and the park.

West 59<sup>th</sup> is the only street with the potential to integrate Riverside Center with its extraordinary context: commerce to the east, historic powerhouse to the south, and Riverside Park South to the west. The Project as planned squanders the enormous opportunity to transform West 59<sup>th</sup> Street into a thriving corridor for visitors from throughout the city attracted by cultural, recreational, and commercial amenities in and near Riverside Center.

*MCB7 recommends the Developer incorporate specific plans to accommodate and manage a substantial influx of vehicular, bicycle, and pedestrian traffic along West 59<sup>th</sup> Street.*

*MCB7 recommends the Project incorporate the integrative potential of West 59<sup>th</sup> Street, rather than exacerbating its use as a service corridor, by maximizing its ability to connect Riverside Center with St. Luke's-Roosevelt Hospital, John Jay College, the historic powerhouse, and Riverside Park South.*

### 3. Street Rationalization

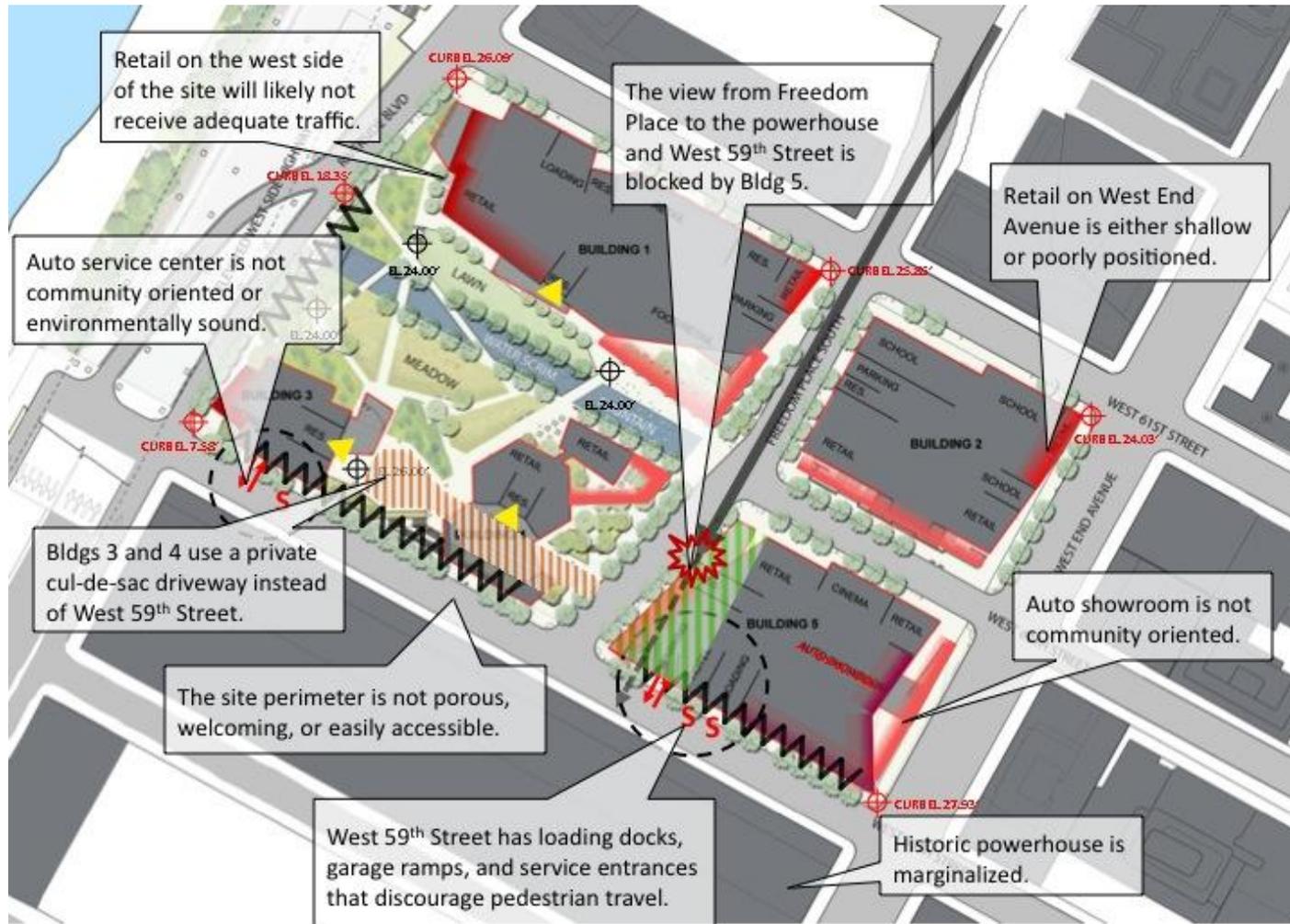
The DSEIS recommends that West 59<sup>th</sup> Street become a westbound street to allow drivers to access the site from the east. The 1992 Restrictive Declaration required that West 61<sup>st</sup> Street become a westbound street, but NYC Department of Transportation (NYC DOT) is not considering this.

Additionally, NYC DOT has decided to install a pedestrian refuge island at West 61<sup>st</sup> Street and West End Avenue and prohibit left turns into Riverside Center from northbound West End Avenue. This means the only access onto West 61<sup>st</sup> Street between West End Avenue and Riverside Boulevard will be from the north. Given that West 61<sup>st</sup> Street will be a primary roadway into the site, and the 8-year construction plan calls for trucks to be allowed to make this left turn, MCB7 believes the island should be moved to West 62<sup>nd</sup> Street.

*MCB7 recommends that the NYC DOT and MCB7 together study the traffic directions of roads surrounding the site, including West End Avenue, West 59<sup>th</sup>, 60<sup>th</sup>, and 61<sup>st</sup> Streets, Riverside Boulevard, and Freedom Place South.*

*MCB7 recommends that the pedestrian refuge planned for West 61<sup>st</sup> street and West End Avenue be moved to West 62<sup>nd</sup> Street and West End Avenue.*

## MCB7 Critique of Connectivity, Circulation, and Streetscape



17 Jul 2010

## **d. Transportation and Traffic**

### **1. Traffic Management**

Vehicular and pedestrian traffic will increase significantly on all streets and intersections in and around the Project. Riverside Boulevard, Freedom Place South, West 59<sup>th</sup>, 60<sup>th</sup>, and West 61<sup>st</sup> Streets must be designed to account for safe and efficient management of a variety of traffic types.

Some of the traffic impacts identified in the DSEIS appear to be based on data from a West 57<sup>th</sup> Street rezoning of 2001 – thus predating many new developments in the area. Mitigations rely mostly on adjusting traffic signals, but MCB7 found little information on turning movement counts, delay studies, saturation flow rates, or a likely influx of pedestrian traffic.

In addition, residents of the Riverside South buildings immediately north of the site have experienced unsafe conditions and other difficulties with the design and operation of Riverside Boulevard.

*MCB7 recommends that the Developer and the NYC DOT take immediate steps to address the traffic safety concerns of residents of Riverside South along Riverside Boulevard and Freedom Place by completing the roadway work and turning the streets over to the city.*

*MCB7 recommends that the Developer and the NYC DOT analyze traffic impacts with updated data that reflects recent growth in the area surrounding the Project, including a technical analysis of 59<sup>th</sup> Street.*

*MCB7 recommends that the Project be modified to include traffic safety designs (such as curb extensions, midblock chicanes, planted areas with seating, highly visible crosswalks, and signals with leading pedestrian intervals) rather than relying on signage or signals alone.*

*MCB7 recommends that the Developer construct Riverside Boulevard first, completing the connection from West 72<sup>nd</sup> Street to West 59<sup>th</sup> Street.*

*MCB7 recommends that the Developer make substantial investments in local infrastructure (See Section 7, below) to offset the significant influx in traffic to be generated by above-ground and below-ground uses of the site.*

## 2. Transit

Riverside Center will add considerable load to both bus and subway services near the site. In particular, the DSEIS indicates that the M104, M11, M66, M57, and M31 bus routes and the Columbus Circle station for the A, B, C, D, and #1 subway lines will get significant use by visitors and residents of the site.

The M57 bus runs along West End Avenue, the eastern border of the site. The M31 bus, running along West 57<sup>th</sup> Street, passes close to the site, on its way to its terminus at 11th Avenue and West 54<sup>th</sup> Street. MCB7 believes that this terminus should be changed to West 59<sup>th</sup> Street, the southern border of Riverside Center. This will bring many more passengers to the western end of this long bus route, and give residents of Riverside Center direct transit access to Midtown, as well as to the hospitals along York Avenue on the Upper East Side. The M66 Bus, which currently has its western terminus at West 66<sup>th</sup> Street and West End Avenue, should be extended into the site. The M72, which has part of its route on Riverside Boulevard, should have its route extended southward into Riverside Center.

Additionally, there has been discussion of a Metro-North commuter rail station within the Riverside Center site. It appears that the only place near Riverside Center with the room and clearances necessary for a station is near West 56<sup>th</sup> Street, close enough to serve the site, but not actually within it.

Every effort should be made to utilize the 15-foot light rail easement and provide light-rail service to and from the site, with an eye toward serving various Midtown destinations.

*MCB7 recommends that the Developer request adding capacity to the M57, M31, M66, and M72 bus lines, and adjusting bus routes to better serve the site.*

*MCB7 recommends that the Developer contribute to the development of a light rail system that would serve the site.*

### **e. Streetscape**

#### 1. Sidewalks and Perimeter Treatment

The presence of several schools, public institutions, new residential buildings, and destination retail will likely generate a dramatic increase in pedestrian traffic around the site. The Project perimeter, however, is largely monolithic and impermeable, flanked by long fortress-like building walls with lobbies that open inward, toward the central open space, rather than outward, toward the public streets. This exaggerates the impression of a private enclave. The positioning of the school and the auto showroom effectively bar more engaging uses along West End Avenue, where many Upper West Side visitors will walk. Altogether, there is little reason for people to interact with the site.

The main east-west pedestrian corridors along West 59<sup>th</sup> Street and West 61<sup>st</sup> Street are especially bleak. On West 61<sup>st</sup> Street, tall street walls will rise directly along side streets, casting deep shadows for much of the day and overwhelming pedestrians walking the floor of a canyon. Since the street's proposed programming is not engaging, what could be a vibrant corridor is rendered largely

unattractive to potential visitors. Student congestion and limited streetscape may end up discouraging use of West 61<sup>st</sup> Street as a viable corridor to and from Riverside Park South.

Finally, the sidewalk along Riverside Boulevard is isolated from the site by virtue of the proposed platform. Pedestrians will not feel safe or comfortable without clear sight lines to and from the site.

*MCB7 recommends that the Developer widen the sidewalks along West 59<sup>th</sup>, West 60<sup>th</sup>, and West 61<sup>st</sup> Streets, plant double rows of trees, and develop street designs that encourage pedestrian and bicycle access to the Public Open Space and to Riverside Park South, and include bicycle parking to encourage cyclists to visit and shop.*

*MCB7 recommends making the site perimeter more porous and accessible by removing Building 4 and making the site level with sidewalks on all sides.*

*MCB7 recommends positioning retail and other destination uses along the site perimeter to invite pedestrian traffic.*

## 2. Street Front Retail

A good portion of Riverside Center's proposed retail uses are located inside the superblock, around the privately-owned open space. The goal should be a diversity of retail uses that are part of the public life of the community.

*MCB7 recommends that much of the retail use be located on West End Avenue, and also be incorporated onto West 59<sup>th</sup>, West 60<sup>th</sup> and West 61<sup>st</sup> Streets, and that these uses serve the surrounding community as well as the residents in the proposed Development.*

*MCB7 recommends that retail uses should be on, or close to, the street line, at the same elevation as the sidewalk to encourage a direct connection between pedestrians and the stores.*

*MCB7 recommends that the Developer limit the size of retail spaces to attract small businesses that serve the local community.*

## 3. Connection to Historic Powerhouse

The arrangement of buildings, curb cuts and service needs for the Project renders West 59<sup>th</sup> Street a service corridor that ignores the architectural significance of the historic powerhouse occupying the south side of West 59<sup>th</sup> Street from West End Avenue to the West Side Highway. An application is now before the Landmarks Preservation Commission (LPC) to designate the powerhouse – designed by the renowned architecture firm McKim Mead & White and built a century ago to power the original IRT subway – as an individual landmark.

Similar worthy buildings in New York and elsewhere have been the subject of creative adaptive reuses that add to the vibrancy of neighborhoods. At present, only a fraction of the interior space of the powerhouse is used by Con Ed for power generation (burning #6 oil – known to be detrimental to the environment and perhaps soon to be outlawed – to produce steam). Whether or not the powerhouse is adaptively reused, its façade will be all but obscured from the north by the Project. Rather than celebrate this anchoring presence, the Project turns its back on it.

*MCB7 recommends eliminating Building 4, creating open space that gently slopes to meet the sidewalk at West 59<sup>th</sup> Street, and widening the sidewalks on West 59<sup>th</sup> Street, to place the historic powerhouse in an appropriate context for passive enjoyment and support future changes to its use.*

## **5. Site Program – Above Ground Uses**

### **a. Residential Units**

The Project proposes to build 2,500 to 3,000 residential units, which will likely attract 5,000 to 6,000 new Upper West Side residents, or approximately 3% of the existing population. This increase in population will impact the schools, parks, hospitals, transportation systems, sanitation/sewage systems, cultural centers, and other economic and infrastructural assets of the community. Although many concerns are discussed in this report, MCB7 recommends that *all* systems be carefully monitored in order to anticipate and accommodate the inevitable stresses on local infrastructure.

Already identified in the DSEIS is an impact on affordable childcare. When the Project is expected to be completed, residents eligible for publicly funded child care will compete for slots at centers already well beyond full capacity. Most of those slots are a considerable distance from the site, with many located more than a mile away and in the opposite direction of many workers' commutes. The expected condition is expected to be more severe than disclosed in the DSEIS since it is based on a low-end estimate of 12% affordable housing, as compared to the greater amount needed by the community and recommended by MCB7. The Project as proposed provides no mitigation for exacerbating the scarcity of publicly funded child care and Head Start slots near the site.

The Developer proposes only to study actual demand when the future condition comes to fruition, and to "work with the Administration for Children's Services to develop appropriate measures to provide additional capacity, if needed," but only to the extent "required by the Restrictive Declaration."

*MCB7 recommends that the Developer include specific provisions for affordable day care facilities on site.*

### **b. Retail**

The proposed Project would include approximately 140,168 SF of retail uses, of which approximately 36,701 SF is to be a cinema. The DSEIS states that retail uses are currently lacking in the neighborhood and that the goal is to integrate commercial and retail development throughout the Project for residents, neighbors, and visitors.

MCB7, Councilmember Gale Brewer, and the Lincoln Square BID recently conducted an informal survey of over 500 businesses between West 54<sup>th</sup> and West 70<sup>th</sup> Streets, west of the Broadway/Columbus Avenue corridor. The survey demonstrated a lack of local service businesses in the area south of West 70<sup>th</sup> Street, including community services, and local stores such as clothing stores and grocery markets. The most common uses are restaurants and coffee shops (25%) and retail (25%). The survey also showed the trend toward chain stores, even in smaller commercial spaces, as well as major retailers (e.g., Apple, Best Buy) in the Lincoln Square area.

Riverside Center has the potential to bring much needed vitality and activity to the entire area west of Amsterdam Avenue by providing retail uses that include a diverse mix of local services and destination venues. The Project can also encourage the development of small businesses by creating some smaller retail spaces, or shared spaces that can house several small businesses.

*MCB7 recommends that the Project accommodate a broad variety of engaging and useful retail that serves the local community.*

*MCB7 recommends that the Developer work with the Department of Small Business Services to create designs and incentives that attract viable small businesses to the site.*

### **c. Auto Showroom/Dealership**

An auto dealership at Riverside Center is not consistent with the stated goals of the Project, the fabric of the Upper West Side community, or New York City's policies to discourage automobile ownership, decrease traffic congestion, and promote environmentally friendly modes of transportation. Not only is an auto showroom an inappropriate use for the site, it would likely exacerbate adverse impacts related to trip generation and loading/unloading of large trucks.

Auto dealerships are clustered along 11<sup>th</sup> Avenue between West 40<sup>th</sup> and West 57<sup>th</sup> Streets, to the south of the Project site, along a largely commercial strip. Having an auto dealership in a mixed-use, predominantly residential complex would be an unwelcome departure from ground-level retail in residential buildings of the Upper West Side.

Cars are infrequent purchases, especially for urban dwellers. An auto dealership (and its companion below-ground service center) is a retail use not designed to serve the immediate residential community. Rather, it would attract a very occasional population unlikely to form a sustained relationship with the other retail and commercial features of the Project site. An auto dealership (and service center) would fail to meet the Developer's stated goal of providing "commercial uses that are complementary to the proposed neighborhood development" and which would "serve both the tenants of the new buildings and community residents." Moreover, ancillary businesses attracted by the dealership – for example, businesses offering auto accessories, sound systems, spare parts, detailing and other auto amenities – would further erode the pedestrian-friendly residential feel.

The retail space in Building 5 will be among the first stores encountered by those approaching from the south, where 11<sup>th</sup> Avenue becomes West End Avenue. At this first opportunity north of Midtown, the retail *should* serve the local community.

*MCB7 disapproves the intrusion of an auto showroom/dealership into a residential neighborhood, and recommends it be replaced with retail appropriate to the character and needs of the Upper West Side.*

## 6. Site Program – Below Ground Uses

The Developer proposes two below-ground uses: an auto service center (181,677 to 276,011 SF), and an 1800-space parking garage (482,400 SF), totaling 664,077 SF of revenue-generating below-ground space (not included in FAR calculations).

### a. Parking

MCB7's consultant, BFJ Planning, summarized current trends by observing that it "is good public policy to discourage automobile trips in urban areas." This policy finds expression in the Zoning Resolution, which limits parking in and near Midtown Manhattan in order to improve air quality and to provide for a pedestrian-friendly street environment.

The proposed development allocates space for a garage area of 482,400 SF (including all ramps). The application requests 1,800 spaces, 1,200 of which would be for residents and approximately 600 for transients. The proposal includes two garage configurations: 1) a single garage that serves all buildings across the entire site (Parking Option "A"), and 2) 5 separate garages, each serving a separate building (Parking Option "B"). *MCB7 prefers a single garage to maximize below-ground circulation and minimize above-ground loading/unloading.*

The Developer's request assumes approximately 50% car ownership for its residents. A survey of auto ownership among residents of Manhattan Community Boards 4, 5 and 6 associated with the approvals for Hudson Yards found that 31% to 36% owned cars. Rezoning for the large Hudson Yards project included 0.30 spaces per dwelling unit for luxury housing and 0.08 spaces for affordable units (Section 93-821 of the Zoning Resolution). When approving these parking limits, the City Planning Commission asserted that capping parking is "consistent with the objective of creating an area with a transit- and pedestrian-oriented neighborhood character."

By any measure, the 1,800 spaces proposed by the Developer (with 1,200 accessory to residential units and other uses on the site) and 600 to replace parking currently serving drivers otherwise unrelated to the site, exceeds the metrics approved at other locations. For example, MCB7's consultants, BFJ Planning, calculated that the 1,200 spaces proposed for on-site use, less 15% of the number of hotel rooms (38 spaces, per section 13-131 of the Zoning Resolution), and minus 77 spaces for retail and school users (1 space per 4,000 square feet, per section 13-133), means that 1,085 spaces would be dedicated to 2,500 residential units in the proposed project – a ratio of 43%.

As MCB7's consultants correctly observed, "[i]f more parking spaces are provided than are actually needed ... the additional spaces are likely to be used by outsiders, attracting traffic that would not be generated by the uses that are on site." Considerations of efficiency, traffic congestion, and air quality thus inform the decision on the number of parking spaces appropriate at the site.

The City Planning Commission is currently considering a zoning text amendment to facilitate car-sharing. The proposed text amendment embraces the approach that easily accessible car-sharing programs can lead to a reduction of car ownership and usage, thus reducing the need for parking infrastructure in new developments. MCB7 has endorsed this zoning text amendment.

Along with car-sharing, MCB7 urges parking-space sharing. Parking should be used as efficiently as possible, accommodating residential users overnight and transients during the day. Employing this approach would eliminate the need to dedicate additional spaces to replace the parking capacity displaced from the current condition.

Finally, to promote the use of alternative fuels and lower-pollution vehicles, the garage should include plug-in connections to recharge electric cars.

*MCB7 recommends approval of one garage that serves the entire site.*

*MCB7 recommends that the garage include approximately 1,000 spaces, a generous number, reasonably consistent with several established approaches to calculating parking.*

*MCB7 recommends that the site include a car-sharing facility.*

*MCB7 recommends that the site include a below-ground car-rental facility that serves the community and supports residents that do not own cars.*

*MCB7 recommends that the garage include plug-in connections to recharge electric cars.*

### **b. Auto Repair Center**

The proposed 181,677 SF auto service center would be located on the highest below-ground level (just under the platform), and accessed by a 30-foot curb cut adjacent to Building 3. It would provide auto servicing, parking and auto storage, parts storage, parts loading area, a delivery bay, and a large service queueing area. The Developer has included the option to increase the size of the center to 276,000 SF. The auto dealership could represent a number of auto companies or lines and is designed to offer certified pre-owned vehicles, which require a greater amount of on-site vehicle storage. This use is not permitted under the Project's current zoning and would require a text amendment and special permit.

In the "Worst Case Scenario" in the DSEIS, the 276,000 SF center could generate 724 trips on a weekday and 458 on a Saturday. The 181,677 SF center could generate 478 and 301 trips, respectively. These are in addition to the trips related to the parking entrances from Buildings 3 and 5, the truck elevator entrance, showroom car delivery trucks, tow trucks, Department of Sanitation vehicles, and general traffic on West 59th street. This traffic will conflict with pedestrians, who are expected to concentrate at 59<sup>th</sup> Street and West End Avenue and will be using the north sidewalk of West 59<sup>th</sup> Street to enter the site at various locations and to access the completed Riverside Park South.

The text amendment that would permit the auto service center requires a City Planning Commission finding that: "Such use will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic or adversely affect pedestrian movement." MCB7 believes this case cannot be made.

Under the special permit, "the City Planning Commission will have the authority to impose conditions on its construction and operation that are needed to insure that its impacts on other uses are minimized." This assumes there will be impacts such as exhaust fumes and the storage, use and disposal of a variety of toxic substances. Oil, grease, and other lubrication compounds, antifreeze, engine-cleaning solvents, battery acid, and various heavy metals found in auto electronic systems are all toxic if not properly contained and create unpleasant odors, even if well handled.

MCB7 believes the proposed below-ground auto facility to be neither green in ethos, nor neighborhood-oriented, nor attractive nor safe for pedestrians and passers-by, nor contributing to a lively streetscape in any way.

*MCB7 disapproves the request for an auto repair facility below ground and recommends elimination of the auto service center and removal of the 30-foot curb cut for the ramp that would serve it.*

## **7. Mitigations and Community Investments**

In light of the substantial size of the Project, its inevitable long-term impact on the local environment and infrastructure, and the considerable value to be gained by providing for new uses of the site, MCB7 encourages the Developer to contribute significantly to the local economy and infrastructure.

### **a. Active Open Space**

The DSEIS compiled by the Developer identified a direct and significant impact on the ratio of active open space available to local residents.

“Given the size of the decrease (6.1 percent) in the active open space ratio and the already high utilization of many of the active open space resources that would be available to the users in the future with the proposed project, both within and without the study area, the proposed project has the potential to result in significant adverse open space impact ... the proposed project would have to include an additional 0.88 acres of active open space on the project site or in the ½ mile residential study area in 2018 so that the active open space ratio would remain unchanged.”

In at least partial mitigation of the decrease to the active open space ratio in the study area that would result from the Project,

*MCB7 recommends that the Developer be required to create additional Public Open Space by removing Building 4, and create significant active recreation facilities in the additional open space, including a playground for children.*

### **b. Riverside Park South**

The original Riverside South project got a certain amount of civic support based on the promise that a park would be built above a buried highway. A 1991 letter from MCB7 to City Planning states that Riverside South (as it was later approved in that ULURP process) “makes no sense whatsoever [w]ithout the removal of the [elevated Miller] highway.”

The New York State Department of Transportation (“NYSDOT”) issued a final EIS concerning burying the highway in 2000, and recommended a Preferred Alternative route for the relocated highway. In 2001 NYSDOT obtained approval of the relocation project from the Federal Highway Administration (“FHWA”).

Meanwhile, as required by the 1992 Restrictive Declaration, in 2005 the city required the developer to begin constructing portions of the northbound highway tunnel. Four blocks of that tunnel will soon be completed. However, in the years since 1992, no significant additional public or other

financing has been available to complete the other tunnel sections required for burying the highway.

Park concerns in the 1992 Restrictive Declaration go well beyond questions of highway relocation. Other provisions relate to the construction and maintenance of Riverside Park South.

The developer was required to construct the park in seven phases, each triggered by the completion of buildings containing successive amounts of aggregate floor area. Each section of the park was to be deeded to New York City as public parkland upon its completion. The Restrictive Declaration provided alternative designs for Phases 5 to 7, the inland sections of the park. The versions of those sections with the highway still in place were termed “Interim”; the versions with the highway buried were termed “Permanent.”

So far, Phases 1 to 4 of Riverside Park South (the sections along the river) have been completed and deeded over to New York City. Phases 5 to 7 are still in the planning stages, with some construction begun on Phase 5.

The 1992 Restrictive Declaration also required the developer to provide maintenance funds for the completed sections of the park, based on an annual budget to be approved by the Department of Parks and Recreation (DPR).

Riverside Park South is extremely popular and already very crowded, as is the original Riverside Park to the north. Many residential buildings have been built in the immediate vicinity of the Riverside Center, on parcels that were not contemplated for large-scale residential development at the time of the original ULURP. Because of these developments, along with the explosion in school-age population and the success of the Hudson River Greenway, Riverside Park South is crucially lacking in recreational space, particularly space for active recreation.

Thus, regardless of how many residential units of new housing are approved in the 2010 ULURP process, and regardless of the amount and configuration of other floor area at Riverside Center, the increased demands on an already overtaxed park will be, as the Developer has acknowledged, very substantial.

The park construction budget specified in the 1992 Restrictive Declaration is not adequate to build the remaining phases of Riverside Park South to today’s design standards and needs. Certain federal and city funds are available in connection with park construction and related park uses, but their allocation has not yet been determined.

Moreover, the 1992 Restrictive Declaration did not address deteriorating conditions in Riverside Park South that developed, or continued, after the park sections were deeded to the city. Remediation of these conditions is not clearly identified as “maintenance” obligations of the developer. (For instance, the need to replace benches or to address masonry stairs or paths that have settled.) Numerous such conditions have developed and more may develop. Remediation of these conditions is expensive, may need in some cases to be done repeatedly, and cannot reasonably be expected to be funded under the city capital or expense budgets.

DPR has studied a number of measures that could help to mitigate the proposed Project’s impact on Riverside Park South. These measures include certain capital work – such as restoration of the West 69<sup>th</sup> Street railroad “transfer bridge” (or gantry) and the removal of the now-abandoned West 72<sup>nd</sup> Street highway off-ramp – that would enhance the park experience and to some extent

increase the usable open space.

DPR has also studied opportunities for active recreational facilities that could be created by requiring the Developer to construct the southbound tunnel sections necessary to bury the highway between West 61<sup>st</sup> and West 69<sup>th</sup> Streets. Constructing these tunnel sections would yield a flat “roof” on which to locate several ball fields along with a small but badly needed park maintenance facility.

*CB7 recommends that, as a condition to and in connection with any amendment of the 1992 Restrictive Declaration, the Developer be required to contribute substantially toward fully funding the permanent completion of Riverside Park South, and toward the maintenance, remediation of deteriorated conditions, capital improvements and other park needs. Any new Restrictive Declaration should include updated provisions for maintenance and capital contributions and for MCB7 to participate in the planning process for each element of the park.*

### **c. Construction**

MCB7 welcomes the Construction Program presented in the DSEIS, the proposed mitigations, and the studies. The Board has a long history of construction coordination, which began with the construction of the first buildings at Riverside South. MCB7 has organized over 20 construction coordinating groups that brought together developers, construction companies, city and state agencies, (especially DOB, DOT and DEP), community leaders, and stakeholders to address construction impacts and to provide essential information about the implementation of the Construction Program and the on-going construction work.

A major construction impact is always noise. Although the city’s noise code was recently strengthened, it recognizes that noise generated by many construction machines cannot be safely mitigated. MCB7 encourages the Developer to utilize soundproofing materials around the perimeter of the site, as discussed in the Construction Program.

The DSEIS identifies significant adverse construction noise impacts at 18 locations during the anticipated eight years of construction. Of these, the Amsterdam Houses building on the northeast corner of West 61<sup>st</sup> Street and West End Avenue and the Beacon School on West 61<sup>st</sup> Street need mitigation. The Developer will provide air conditioning units and storm windows (whichever are not currently provided). Between the DSEIS and the FSEIS, options will be explored to implement additional measures, and a window/wall survey will be conducted at the two buildings. *MCB7 asks to be briefed on these options and studies.*

The Construction Plan also outlines measures related to archaeological and historic resources. The 1992 FEIS and the DSEIS recognize the potential for finding archaeological resources on the site. Before any work is started, these should be explored through test pits. There may already be some reports testifying to the significance of the area. Such reports should be located and studied. Established procedures should be followed under the direction of a qualified archaeologist, with the Landmark Preservation Commission (LPC) as the lead agency for monitoring the site and determining how to handle any artifacts that might be retrieved. Recent discoveries at other city construction sites testify that these precautions are not merely academic, but are necessary lest important keys to our past be lost.

It is imperative that a plan to protect historic resources (such as the powerhouse) be in place before any demolition or heavy construction begins. Existing guidelines for construction sites proximate

to historic resources call for monitoring to detect any movement of the historic structure or any cracks in its walls. The guidelines also provide for photographing the historic building to create a baseline for comparison and as a further means of detection.

*MCB7 recommends that the Developer make periodic reports to Landmarks Preservation Commission staff, with vigilant oversight by the Department of Buildings.*

*MCB7 recommends that establishment of a Construction Coordinating Group, under the auspices of the Board, be added to the General Construction Plan and included in the Restrictive Declaration.*

#### **d. Public School**

In response to the disclosure in the DSEIS of a substantial unmitigated adverse impact on the community from increased public school enrollment, the mitigation required for this Project should include a new school at the site. To the extent that this is considered mitigation, reference is made to the discussion of the proposed school and its relationship to the needs of the community as set forth in Section D.3.a of this report and in support documents found on [www.nyc.gov/mcb7](http://www.nyc.gov/mcb7).

*MCB7 recommends that the Developer build and outfit a new 151,598 SF public school on the site.*

#### **e. Light Rail**

*MCB7 recommends that the Developer investigate the opportunity to access the light rail easement on the site to make mass transit more accessible to local residents.*

#### **f. Job Training and Employment**

*MCB7 recommends that the Developer provide a job-training program for local residents.*

*MCB7 recommends that the Developer ensure that residents of Community District 7 fill at least 20% of all jobs related to construction and operation of the site.*

#### **g. Community Meeting Space**

*MCB7 recommends that the Developer construct and make available in perpetuity a meeting space, outfitted with state-of-the-art audiovisual equipment and seating for up to 200 people, for use by organizations of the Upper West Side at no cost.*

## Appendix A – Summary of MCB7 Recommendations

### 1. Givens

**Public School:** The application should be modified to include a new 6-section-per-grade pre-K through 8 school of at least 151,598 SF fully fitted out, built in the first building constructed at the site, and fully funded by the Developer.

**Affordable Housing:** The application should be modified to include 30% mixed-income permanently affordable housing, primarily integrated within the site.

**Sustainability:** The application should be modified to incorporate the highest available LEED certification standards and the inclusion of green technologies that pay back within 10 years. The Developer should immediately retain a LEED-accredited professional to join the design and construction team.

### 2. Site Plan Modifications

**Restrict total density to 2.4 Million SF** to meet 1992 approvals and achieve MCB7's Lower Density Build Alternative. Clarify density measurements during the ULURP process.

**Remove Building 4** to reduce density, expand useful Public Open Space, provide for active recreation, increase light and air, reduce shadow and wind, and provide an engaging relationship with West 59<sup>th</sup> Street and the historic powerhouse. Removal of Building 4 would achieve approximately 2/3 of the density reduction recommended by MCB7.

**Bring the Site to Grade** (eliminate the platform) to make the Public Open Space visible and accessible from West 59<sup>th</sup> Street and from Riverside Boulevard, enhance the West 59<sup>th</sup> Street corridor to and from Riverside Park South, connect the site to the historic powerhouse, and increase mutual visibility between Public Open Space and sidewalks, making them more inviting, safer, and less isolated.

**Extend 60<sup>th</sup> Street to Riverside Boulevard**, either as a pedestrian or limited vehicular way, angled along the front of Building 1, to expand Public Open Space, break up the superblock, draw in pedestrian traffic, provide a street front for the Building 1 lobby, and facilitate circulation within and through the site.

**Surround the Public Open Space with publicly accessible streets or broad pathways**, either for pedestrian or limited vehicular use, to improve circulation, delineate public from private space, drive pedestrian traffic to public spaces, and enable building lobbies to open onto public ways.

**“Straighten” Freedom Place South** to expand the Public Open Space, reinforce the city grid, and provide visual perspectives of the historic powerhouse.

**Modify the Footprint of Building 5** to accommodate the “straightening” of Freedom Place South, expand the Public Open Space, further reduce density, reinforce the city grid, and provide visual perspectives of the historic powerhouse.

**Eliminate the Private Driveway** that serves Building 3 to expand Public Open Space and reinforce the city grid.

**Remove the 30-foot curb cut** for the ramp to the lower level designed to serve the auto service center.

**Widen sidewalks along West 59<sup>th</sup>, 60<sup>th</sup> and 61<sup>st</sup> Streets** to invite pedestrian traffic and signal access to the Public Open Space and to Riverside Park South, include bicycle parking to encourage cyclists to visit and shop.

**Position and Configure Retail Spaces and Destination Uses** along the site perimeter, particularly along West End Avenue and West 59<sup>th</sup> Street, close to the street line and at sidewalk elevation, varying sizes of stores to invite pedestrian traffic and support a mixture of large destination retail and small business retail that best serves the community.

**Include breaks in the faceted façade of the buildings** to reflect traditional set-backs and minimize the canyon-like effect on West 61<sup>st</sup> Street, a narrow residential way.

**Require further MCB7 and City Planning review and approval** once a general massing and specific design for these buildings is set and before the NYC Department of Buildings issues permits, if there are any significant departures from the approved schematic design of the buildings or deviations from the footprint, shape, contour, size, height, bulk, massing, or relationship between the buildings.

### **3. Site Program Recommendations**

**Eliminate the above-ground auto showroom and replace** with relevant and vibrant retail that attracts customers and visitors.

**Eliminate the below-ground repair center and replace** with relevant and vibrant retail that attracts customers and visitors.

**Include facilities for affordable childcare** to address the impact of new families joining the neighborhood.

**Include a playground for children** that could also be used by the public school.

**Accommodate a broad variety of engaging and useful retail** that serves the local community.

**Work with the Department of Small Business Services** to create designs and incentives that attract viable small businesses to the site.

## Proposed Extell Site Plan



## Proposed Site Plan with CB7 Modifications



#### 4. Circulation and Transportation

**Incorporate specific plans to accommodate and manage a substantial influx of vehicular, bicycle, and pedestrian traffic along West 59<sup>th</sup> Street.**

**Incorporate the integrative potential of West 59<sup>th</sup> Street**, rather than exacerbating its use as a service corridor.

**Construct Riverside Boulevard first**, completing the connection from West 72<sup>nd</sup> Street to West 59<sup>th</sup> Street.

**Analyze traffic impacts with updated data** that reflect recent explosive growth in the area surrounding the Project.

**Include pedestrian, cyclist and vehicular traffic safety designs both inside and outside the site** (including curb extensions, midblock chicanes, planted areas with seating, highly visible crosswalks, signals with leading pedestrian intervals, and bike lanes) **rather than relying on signage or signals alone.**

**Study (in conjunction with MCB7 and NYC DOT) the traffic directions of roads surrounding the site**, including West End Avenue, West 59<sup>th</sup>, West 60<sup>th</sup>, West 61<sup>st</sup> Streets, Riverside Boulevard, and Freedom Place South.

**Move the pedestrian refuge planned for West 61<sup>st</sup> street and West End Avenue to West 62<sup>nd</sup> street and West End Avenue.**

**Take immediate steps to address traffic safety concerns of residents** in Riverside South buildings along Riverside Boulevard and Freedom Place.

**Optimize loading/unloading and circulation below-ground** to minimize curb cuts and surface truck traffic.

**Limit underground parking to 1000 spaces** in a **single garage** that serves the entire site, to optimize underground loading/unloading and minimize surface traffic.

**Include car-sharing facility below-ground on the site.**

**Include a car rental facility below-ground on the site** that serves the community and supports local residents who don't own cars.

**Include plug-in connections for electric cars.**

**Request added capacities and routing adjustments for the M57, M31, M66 and M72 buses,** to better serve the site.

**Make substantial investments in local infrastructure** to offset the significant influx in traffic to be generated by above-ground and below-ground uses of the site.

## 5. Mitigations and Community Investments

### a. Active Open Space

**Create Additional Public Open Space**, by **Removing Building 4**. Create significant active recreation facilities in the additional open space, including a playground for children.

### b. Riverside Park South

**Contribute significantly toward completion of the permanent Riverside Park South**, and toward the maintenance, remediation of deteriorated conditions, capital improvements and other park needs. As with the existing Restrictive Declaration, there should be provision for MCB7 to participate in the planning process for each element of the Park.

### c. Construction Coordination

**Make periodic reports to the Landmarks Preservation Commission** staff, and provide for vigilant oversight by the Department of Buildings.

**Establish a Construction Coordinating Group**, under the auspices of MCB7, and add this requirement to the General Construction Plans and the Restrictive Declaration.

### d. Public School

**Build and outfit a 151,598 SF public school.**

### e. Light Rail

**Investigate the opportunity to access the light rail easement on the site** to make mass transit more accessible to local residents.

### f. Job Training and Employment

**Provide a job training program for local residents.**

**Ensure that residents of Community District 7 fill at least 20% of all jobs related to construction and operation of the site.**

### g. Community Meeting Space

**Construct and make available in perpetuity a meeting space**, outfitted with state-of-the-art audiovisual equipment and seating for up to 200 people, for use by organizations of the Upper West Side **at no cost**.

## Appendix B – MCB7 Responses to Land Use Actions

### Resolutions of Community Board 7 / Manhattan (MCB7) with regard to the application for “Riverside Center” by Extell Development Company

1. BE IT RESOLVED that Community Board 7 / Manhattan (MCB7) **adopts and approves its report** of July 2010 regarding the application for development of “Riverside Center” on the “L-M-N” site of Riverside South, i.e. the site bounded by West End Avenue (east), Riverside Boulevard (west), West 61<sup>st</sup> Street (north), and West 59<sup>th</sup> Street (south).
2. WHEREAS, MCB7 applauds creative architectural design;  
THEREFORE, BE IT RESOLVED that MCB7 **approves application #N 100294 ZRM** to amend Section 74-743 of the Zoning Resolution to allow the City Planning Commission to permit, within a general large-scale development, modification of Section 12-10 (Court, outer) to allow any open area surrounded on three sides by building walls to be treated as an “outer court.”
3. WHEREAS, MCB7 strongly believes that the Riverside Center development should set a high standard for environmental sustainability and responsibility, as well as architectural and urban design; and  
WHEREAS, MCB7 desires a mix of street-enlivening, neighborhood-oriented and more broadly attractive retail uses; and  
WHEREAS, an automotive showroom and service center is neither green in ethos, nor neighborhood-oriented, nor likely to attract pedestrians and passers-by, nor to contribute to a lively streetscape in any way;  
THEREFORE, BE IT RESOLVED that MCB7 **disapproves application #N 100295 ZRM** to amend Section 74-744(a) of the Zoning Resolution to allow the City Planning Commission to permit automotive sales and service establishments (UG 16) within a “general large-scale development” in a C4 District in Manhattan Community District 7 provided certain findings are met.
4. WHEREAS, MCB7 applauds creative architectural design, but believes the urban design of the Riverside Center proposal would be significantly improved by the elimination of Building 4 and the modification of Building 5, as discussed in MCB7’s *July 2010 Report on Riverside Center* and documented in the drawings of MCB7’s consultants, Michael Kwartler & Associates and BFJ Planning;  
THEREFORE, BE IT RESOLVED that MCB7 **disapproves application #C 100296 ZSM** for a Special Permit from the City Planning Commission, within a “general, large-scale development,” pursuant to Sections:
  - A. 74-743(a)(2) to permit location of buildings without regard for applicable
    - “court” regulations found in ZR Section 23-84 and 23-851, to modify the minimum dimensions and areas of outer courts and inner courts and allow up to 5% of an inner court to be covered;

- distance between “buildings” regulations found in ZR Sections 23-711 to permit less than the required distance; and
  - height and setback (including tower) regulations found in ZR Sections 23-634, 33-433, and 33-451 to allow the location of buildings without regard to street wall location requirements, maximum street wall height, initial setback distance and tower regulations; and
- B. 74-743(a)(7), as amended, to modify Section 12-10 (Court, outer) to allow the open areas surrounded on three sides by building walls as designated on Drawing Z-113 to be treated as “outer courts.”

**... unless Building 4 is eliminated from the project and the footprint of Building 5 is modified in accordance with the drawings of MCB7’s consultants Michael Kwartler & Associates and BFJ Planning, and the proposal for the Project is modified in accordance with MCB7’s July 2010 Report on Riverside Center.**

5. WHEREAS, MCB7 strongly believes that the Riverside Center development should set a high standard for environmental sustainability and responsibility, as well as architectural and urban design; and  
 WHEREAS, MCB7 desires a mix of street-enlivening, neighborhood-oriented and more broadly attractive retail uses; and  
 WHEREAS, an automotive showroom and service center is neither green in ethos, nor neighborhood-oriented, nor likely to attract pedestrians and passers-by, nor to contribute to a lively streetscape in any way; and  
 WHEREAS, MCB7 disapproves the proposed Zoning Text Amendment [re: #N 100295 ZRM to amend Section 74-744(a)(2)] that would enable an applicant to seek a Special Permit to allow an automotive showroom and service center within a “general large-scale development” such as the Riverside Center site;  
 THEREFORE, BE IT RESOLVED that MCB7 **disapproves application #C 100297 ZSM** for such Special Permit from the City Planning Commission to allow automobile sales and service uses (Use Group 16B) without regard for the Use provision found in 32-00.
6. WHEREAS, MCB7 believes strongly in the urban design principle that open space should meet the perimeter sidewalks at grade, as discussed in MCB7’s July 2010 Report on Riverside Center;  
 THEREFORE, BE IT RESOLVED THAT MCB7 **disapproves application #C 100287 ZSM** for a Special Permit from the City Planning Commission, within a “general large-scale development,” **pursuant to Sections:**
- a. **74-681(a)(1)** to allow that portion of a railroad or transit right-of-way to be completely covered over by a permanent platform to be included in the “lot area” for the development; and
  - b. **74-681(a)(2)** to allow the portion of the yard where railroad use has been permanently dislocated to be included in the “lot area” for the development; and
  - c. **11-42(c)** to provide that the Special Permit pursuant to Sections 74-681(a)(1) and 74-681(a)(2) will not lapse if, within 10 years from the effective date of the special permit, substantial construction of at least one building has been completed; and
  - d. **74-681(c)(4)** to establish elevation + 24 above Manhattan Datum instead of “curb level” as the reference plane for the development plus additional curb levels for streetscape purposes (26-00 and 37-30).

**But would approve the application if Section 74-681(c)(4) were deleted and the project reference plane established at “curb level.”**

7. WHEREAS, MCB7 recognizes the need for public parking on this large, mixed-use site; and  
WHEREAS, the applicant is proposing an 1800-space garage to serve the entire Riverside Center site (Parking Option “A”) with 5 access points (i.e., one at each proposed building) on two levels (Subcellar #1 and Subcellar #2, both beneath the cellar level proposed for an automotive service center, which use MCB7 disapproves – see relevant resolutions); and  
WHEREAS, MCB7 prefers Parking Option “A” to Parking Option “B” (i.e., separate garages for each of the five buildings proposed for Riverside Center); and  
WHEREAS, MCB7 believes strongly in the urban design principle that open space should meet the perimeter sidewalks at grade, as discussed in MCB7’s *July 2010 Report on Riverside Center*, and thus urges the applicant to limit below-ground construction to what can be developed beneath a slope to sidewalk grade (elevation approx. + 7.6) at Riverside Blvd. & West 59<sup>th</sup> Street; and  
WHEREAS, the 1992 Riverside South Restrictive Declaration allowed for a 743-space garage on the L-M-N site; and  
WHEREAS, the history of parking-garage development in Riverside South and the future trends for car ownership and use indicate that 1800 spaces is excessively large for this site; and  
WHEREAS, MCB7 disagrees with the applicant’s DSEIS analysis that 600 spaces are required to accommodate those who park in the garages and lots currently on the site; and  
WHEREAS, MCB7 finds the accessory ratios used by the applicant in the DSEIS to be excessively high (i.e. approximately .5 spaces for each residential unit vs. .3 spaces per market-rate residential unit and .08 spaces per affordable unit on the Hudson Yards site);  
THEREFORE, BE IT RESOLVED that MCB7 **disapproves application #C 100288 ZSM** for a Special Permit, pursuant to Sections 13-562 and 74-52, from the City Planning Commission to permit a “public parking garage” with a maximum of 1,800 public parking spaces, **but would approve a single, below-ground public parking garage, with 1000 spaces.**
8. WHEREAS, MCB7 recognizes the need for public parking on this large, mixed-use site; and  
WHEREAS, MCB7 believes strongly in the urban design principle that open space should meet the perimeter sidewalks at grade, as discussed in MCB7’s *July 2010 Report on Riverside Center*, and thus urges the applicant to limit below-ground construction to what can be developed beneath a slope to sidewalk grade (elevation approx. + 7.6) at Riverside Boulevard and West 59<sup>th</sup> Street; and  
WHEREAS, the 1992 Riverside South Restrictive Declaration allowed for a 743-space garage on the L-M-N site; and  
WHEREAS, the history of parking-garage development in Riverside South and the future trends for car ownership and use indicate that 1800 spaces is excessively large for the Riverside Center site overall; and  
WHEREAS, MCB7 prefers Parking Option “A” (i.e., a single garage serving the entire Riverside Center site) to Parking Option “B” (i.e., separate garages for each of the five buildings proposed for Riverside Center);  
THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves application #C 100289 ZSM** for a Special Permit, pursuant to Sections 13-562 and 74-52, from the City Planning Commission to permit a “public parking garage” to be located beneath Parcel 1 with a maximum of 460 public parking spaces.

9. WHEREAS, MCB7 recognizes the need for public parking on this large, mixed-use site; and  
 WHEREAS, MCB7 believes strongly in the urban design principle that open space should meet the perimeter sidewalks at grade, as discussed in MCB7's *July 2010 Report on Riverside Center*, and thus urges the applicant to limit below-ground construction to what can be developed beneath a slope to sidewalk grade (elevation approx. + 7.6) at Riverside Boulevard and West 59<sup>th</sup> Street; and  
 WHEREAS, the 1992 Riverside South Restrictive Declaration allowed for a 743-space garage on the L-M-N site; and  
 WHEREAS, the history of parking-garage development in Riverside South and the future trends for car ownership and use indicate that 1800 spaces is excessively large for the Riverside Center site overall; and  
 WHEREAS, MCB7 prefers Parking Option "A" (i.e., a single garage serving the entire Riverside Center site) to Parking Option "B" (i.e., separate garages for each of the five buildings proposed for Riverside Center);  
 THEREFORE, BE IT RESOLVED that MCB7 **disapproves application #C 100290 ZSM** for a Special Permit, pursuant to Sections 13-562 and 74-52, from the City Planning Commission to permit a "public parking garage" to be located beneath Parcel 2 with a maximum of 230 public parking spaces.
10. WHEREAS, MCB7 recognizes the need for public parking on this large, mixed-use site; and  
 WHEREAS, MCB7 believes strongly in the urban design principle that open space should meet the perimeter sidewalks at grade, as discussed in MCB7's *July 2010 Report on Riverside Center*, and thus urges the applicant to limit below-ground construction to what can be developed beneath a slope to sidewalk grade (elevation approx. + 7.6) at Riverside Boulevard and West 59<sup>th</sup> Street; and  
 WHEREAS, the 1992 Riverside South Restrictive Declaration allowed for a 743-space garage on the L-M-N site; and  
 WHEREAS, the history of parking-garage development in Riverside South and the future trends for car ownership and use indicate that 1800 spaces is excessively large for the Riverside Center site overall; and  
 WHEREAS, MCB7 prefers Parking Option "A" (i.e., a single garage serving the entire Riverside Center site) to Parking Option "B" (i.e., separate garages for each of the five buildings proposed for Riverside Center);  
 THEREFORE, BE IT RESOLVED THAT MCB7 **disapproves application #C 100291 ZSM** for a Special Permit, pursuant to Sections 13-562 and 74-52, from the City Planning Commission to permit a "public parking garage" to be located beneath Parcel 3 with a maximum of 290 public parking spaces.
11. WHEREAS, MCB7 recognizes the need for public parking on this large, mixed-use site; and  
 WHEREAS, MCB7 believes strongly in the urban design principle that open space should meet the perimeter sidewalks at grade, as discussed in MCB7's *July 2010 Report on Riverside Center*, and thus urges the applicant to limit below-ground construction to what can be developed beneath a slope to sidewalk grade (elevation approx. + 7.6) at Riverside Boulevard and West 59<sup>th</sup> Street; and  
 WHEREAS, the 1992 Riverside South Restrictive Declaration allowed for a 743-space garage on the L-M-N site; and  
 WHEREAS, the history of parking-garage development in Riverside South and the future trends for car ownership and use indicate that 1800 spaces is excessively large for the Riverside Center site overall; and

WHEREAS, MCB7 prefers Parking Option “A” (i.e., a single garage serving the entire Riverside Center site) to Parking Option “B” (i.e., separate garages for each of the five buildings proposed for Riverside Center);

WHEREAS, MCB7 disapproves the entire Riverside Center proposal unless Building 4 is eliminated (along with other provisos, documented in MCB7’s *July 2010 Report on Riverside Center*);

THEREFORE, BE IT RESOLVED THAT MCB7 **disapproves application #C 100292 ZSM** for a Special Permit, pursuant to Sections 13-562 and 74-52, from the City Planning Commission to permit a “public parking garage” to be located beneath Parcel 4 with a maximum of 370 public parking spaces.

12. WHEREAS, MCB7 recognizes the need for public parking on this large, mixed-use site; and WHEREAS, MCB7 believes strongly in the urban design principle that open space should meet the perimeter sidewalks at grade, as discussed in MCB7’s *July 2010 Report on Riverside Center*, and thus urges the applicant to limit below-ground construction to what can be developed beneath a slope to sidewalk grade (elevation approx. + 7.6) at Riverside Boulevard and West 59<sup>th</sup> Street; and

WHEREAS, the 1992 Riverside South Restrictive Declaration allowed for a 743-space garage on the L-M-N site; and

WHEREAS, the history of parking-garage development in Riverside South and the future trends for car ownership and use indicate that 1800 spaces is excessively large for the Riverside Center site overall; and

WHEREAS, MCB7 prefers Parking Option “A” (i.e., a single garage serving the entire Riverside Center site) to Parking Option “B” (i.e., separate garages for each of the five buildings proposed for Riverside Center);

THEREFORE, BE IT RESOLVED THAT MCB7 **disapproves application #C 100293 ZSM** for a Special Permit, pursuant to Sections 13-562 and 74-52, from the City Planning Commission to permit a “public parking garage” to be located beneath Parcel 5 with a maximum of 450 public parking spaces.

13. MCB7 **approves application # N 100298 ZAM** for an Authorization, pursuant to Section 13-553, from the City Planning Commission, to permit a curb cut on West End Avenue (a wide street) to facilitate the extension of West 60<sup>th</sup> Street westward through a portion of the project site as a public access easement.

14. WHEREAS, one curb cut is allowed as of right on West 59<sup>th</sup> Street as a narrow street; and WHEREAS, the applicant proposes 5 curb cuts for West 59<sup>th</sup> Street, specifically

- Intersection with Freedom Place South, which MCB7 endorses
- Loading bay for Building 5, which MCB7 accepts
- Garage entrance at/for Building 3, which MCB7 accepts
- Garage entrance at/for Building 5, which MCB7 disapproves
- Automotive service entrance at Building 3, which MCB7 deplors and disapproves;

THEREFORE, BE IT RESOLVED that MCB7 **disapproves application # N 100299 ZCM** for a Certification, pursuant to Section 26-15, from the City Planning Commission to allow [4] additional curb cuts, in excess of one for each “narrow street” frontage, for “zoning lots” in excess of 30,000 square feet of “lot area,” to allow more than one curb cut on West 59<sup>th</sup> Street (a narrow street), **but would approve an application to allow 2 additional curb cuts on West 59<sup>th</sup> Street.**

15. BE IT RESOLVED that MCB7 **approves application # N 100286 ZCM** for a Certification, pursuant to Section 26-15, from the City Planning Commission to allow [1] additional curb cut, in excess of one for each “narrow street” frontage, for “zoning lots” in excess of 30,000 square feet of “lot area,” to allow more than one curb cut on West 61<sup>st</sup> Street (a narrow street).
16. BE IT RESOLVED THAT MCB7 **disapproves application # N 100300 ZCM** for a Certification, **pursuant to Section 26-17**, from the City Planning Commission to modify the provision of 37-35 requiring that 50 percent of a front building wall fronting on a wide street shall be occupied by commercial uses, and to modify the provisions of 37-36 to permit signs to be located in a horizontal band not higher than three feet, the base of which is located not higher than 17 feet above curb level (established level), and to modify the provisions of 37-37 to permit less than 50 percent of the total surface area of any building wall of a “development” between curb level (established level) and 12 feet above curb level or ground floor ceiling height to be transparent for **Building 2**, **unless application # N 100300 ZCM with regard to Building 3 and Building 5 is withdrawn.**
17. BE IT RESOLVED that MCB7 **disapproves application #M 920358 D ZSM** for the Fourth Modification of previously approved “general large-scale development” special permit and restrictive declaration to reflect the current proposal, but would approve an application modified in accordance with the foregoing report and the drawings of MCB7’s consultants, Michael Kwartler & Associates and BFJ Planning.

## Appendix C – Public School Analysis

The proposed Riverside Center project (the "Project") fails to satisfy the Core Principles because it fails to provide a new, fully programmed 6-section per grade pre-K through 8 school of at least 151,598 GSF for the District, built in the first building constructed at the site, and fully funded by the Developer.

Instead, the Developer proposes to fund only the exterior walls and floors of raw space of a school half the size needed for the community, leaving the cost of the conversion of that raw space to the School Construction Authority ("SCA"). It also seeks to transfer to the SCA the total cost (exterior walls, floors and fit-out) for the balance of the school needed by the community.

### The Proposed School Fails to Meet the Community's Needs.

The building of a new school has been the first priority identified in CB7's Charter-mandated statement of budget priorities for the City's Capital Budget for fiscal years 2009 and 2010.

#### A. Schools in the District Are Overcrowded.

##### 1. Current Overcrowding.

The Project is located within Community School District 3. By any rational measure, the elementary schools in the southern portion of District 3 are already critically overcrowded. The kindergarten enrollment at PS 199 (9 blocks away) doubled in less than five years after the buildings in the northern part of the Riverside South complex became occupied. PS 199 remains above its target capacity despite changes to its zone lines and the relocation of another school with which it shared space until Fall 2009.

In addition, due to the strength of the educational opportunities offered in the District, demand for public school seats is accelerating rapidly. At PS 87, another school proximate to the Project site, 111 K families were placed on an in-zone waiting list for September 2010 (one of the largest waiting lists in the City), a four-fold increase in zone enrollment in four years. The Department of Education has stated that it views this trend toward ever-increasing use of the public schools as permanent and not a temporary or cyclical anomaly.

While PS 191, in whose catchment zone the Project site is located, is not currently overcrowded, the school facility is of modest size compared to its neighboring schools and could not withstand the cataclysm of over-enrollment visited on PS 199 in the last five years. Moreover, the Department of Education has identified PS 191 as one of the overflow schools to which in-zone families that PS 199 cannot accommodate will receive alternate offers. Simply put, there is less margin for error with over-enrollment at PS 191 than at PS 199. Moreover, with significant additions to residential capacity in the PS 191 zone coming on line in the near future, the anticipated expansion of its zone in 2010-11, and even more residential units expected from the Fordham redevelopment, PS 191 is expected to be at or above its capacity shortly even without the Project.

2. The DSEIS Confirms Future Overcrowding.

According to the DSEIS, by 2018, the schools within a ½ mile radius of the project will be over capacity unless the 151,598 GSF school is built. Public elementary schools will be at 140% capacity and middle schools at 162% capacity. Even if the FAR permitted by the 1992 Restrictive Declaration – the lower-density alternative examined in the DSEIS – were to be built, a school would be needed to mitigate the effects of the Project.

It is therefore essential that a school be constructed as part of the Project that meets the needs of the District and not just this development.

3. The SCA Declined a Previous Option.

The 1992 Restrictive Declaration governing the Riverside South complex required the Developer of those sites to extend an option to the City of New York to allow it to purchase land on which to construct a public school upon the occurrence of certain conditions. Extell succeeded to the obligation in the 1992 Restrictive Declaration, and offered the land to the Department of Education.

The Department of Education, through the SCA, declined the option in November 2006, despite growing evidence that the Riverside South buildings were already taxing the capacity of PS 199, and despite efforts by the community and elected officials to urge the SCA to take a longer-term view of the District's needs.

B. The School that the Community Needs.

CB7 convened a public meeting on May 24, 2010, the date the Project was certified by the City Planning Commission, the focus of which was the need for a school at the Project site. The meeting was co-sponsored by the District 3 Community Education Council and the District 3 Presidents' Council. The meeting was attended by over 240 parents and community members. In addition, at the meeting, over 1,300 signatures were presented in connection with a petition calling for a school to be built at the Project site big enough to serve the entire District.

That meeting followed discussions at CEC and Presidents' Council meetings during 2009-10, as well as at meetings on overcrowding and space utilization in District 3 convened by the Manhattan Borough President in 2009 and 2010, all of which acknowledged the critical need for the creation of new seats in the District. These discussions echoed testimony from parents, educators and elected officials at CB7 full Board, Working Group and committee meetings during 2009 and 2010 all to the same effect.

CB7 recommends that Riverside Center includes a public school with the following features:

- Serve grades K-8, with room for a pre-K;
- House 6 sections per grade (a minimum of 1,332 students);
- Be built in the first building constructed at the Project site;
- Offer all necessary program spaces and state-of-the-art equipment, including:
  - large or multiple cafeterias (ensuring reasonable timing of lunch);
  - multiple or dividable gyms (providing weekly access for all students);
  - separate, age-appropriate outdoor play spaces, preferably at grade;
  - dedicated space for art, music, science labs, and student services;
  - wide hallways with lockers for upper grade students;
  - flexible auditorium space; and
  - green features (e.g. green roof, vegetable garden)

- 151,598 GSF of space that meets DOE/SCA requirements
- Open space sufficient to accommodate 1400 students

If designed and built with care and attention to detail, CB7's research indicates that an effective school that addresses the community's needs could be built in a space of 151,598 GSF.

C. The Proposed School Does Not Meet the Community's Needs.

1. Extell Is Not Funding a School that Meets the District's Needs.

The DSEIS reveals that while the Developer has reserved a total of 151,598 GSF for a school, it is proposing to pay for a fraction of the cost of constructing an approximately 75,000 GSF school. The Developer estimates that a school of that size would be sufficient to accommodate the enrollment that is expected under applicable CEQR regulations to be generated solely by the Project itself.

The school is not expected to accommodate the enrollment from any of the buildings built or to be built by affiliates of the Developer on other parcels of Riverside South, nor from buildings constructed by predecessors in interest to Developer (e.g. the "Trump" buildings). The school certainly would not accommodate enrollment projected from the proposed development at Fordham or other buildings in the vicinity expected to come on line in the near future. And it pays no heed whatsoever to the growing trend identified by the DoE for increased use of the public schools overall, a trend that DoE has characterized as not temporary.

The outdoor space reserved by Extell for the school also appears inadequate. The outdoor play space envisioned by the Developer would be situated on building setbacks at the fourth floor of Building 2, and would comprise approximately 8,400 GSF. Outdoor play space of this size would potentially be suitable for a school of under 500 students (e.g. the school proposed by Extell), but is inadequate to meet the needs of the school needed by the community. CB7's proposal to create truly public open space by removing proposed Building 4 and reconfiguring the open space to accommodate both active and passive use could include the creation of appropriate outdoor space to be used by the school during the school day, while making it available to the general public after hours and on weekends.

Moreover, Extell has shifted the lion's share of the cost of even the school needed to meet the demand it is creating to the SCA and the City and State taxpayers.

2. The MOU Shifts the Cost of the School from Extell to the SCA.

The Developer entered into a memorandum of understanding ("MOU") with the SCA in May 2010. In the MOU, the Developer agreed to build and pay for the "core and shell" of a 75,000 GSF school. In this context, the "core and shell" includes the construction of the exterior walls and internal floors of a building, but does not include fitting out that raw space into classrooms, hallways, gyms and other spaces needed for a functioning school, nor does it include mechanicals. The cost of fitting out the raw space was left to the SCA.

Since Extell will build the exterior walls of its 40+-story building regardless of whether a school occupies any of the floors, the Developer's share of the cost of the school it proposes is de minimis. Indeed, the added value of residential units that will be located on higher floors based on locating the school on the lower floors of its buildings will cover much if not all of the incremental cost of the "core and shell" proposed by the Developer in the MOU.

The MOU also granted the SCA an option to require the Developer to build an additional approximately 75,000 GSF for the school. That option, which the SCA would be required to exercise, if at all, at an undefined interval prior to the commencement of construction of the

building in which it would sit, would be entirely at SCA's cost (i.e. the MOU allocates to the SCA the cost of the core and shell and of fitting out the raw space).

Thus, virtually all of the cost of building half of the school, and literally all of the balance of the school needed by the community, is being left to the public. This represents a monumental unmitigated impact of the proposed development.

While the cost of the exterior walls and floors is de minimis to Extell, it would not be to the SCA. Extell must build the core so that it will not only house the school, but support a building that will rise more than 500 feet above it. Were SCA to build a stand-alone school, the design specifications would be vastly different. In addition, the site selected by the Developer for the school sits above the Amtrak/Metro North right of way, requiring the construction of a platform sufficient to support the 500+ foot tall tower. Assigning to SCA any share of the costs associated with erecting a building that meets the Developer's needs for a tower above or platform below would be manifestly unfair, and require constant parsing of expenses and monitoring of construction to ensure that public money is being used only for the incremental cost of adding the school.

CB7's research into the cost to fit out the school reveals that estimates mentioned in public hearings that the school would cost hundreds of millions of dollars are grossly exaggerated. Fitting out the 151,598 GSF school as a state-of-the-art green facility with the latest technology and connectivity, including Smart-boards, WiFi and networking, and the equipment needed for a rich curriculum that includes science, art, and music, is estimated to cost between \$350-450 per square foot, or between \$53-68 million. These estimates are of SCA's costs – the Developer likely can trim these costs considerably with its economies of scale and buying power.

As noted above, when the Developer's need to build the walls that form the "core and shell" anyway, and the increase in value to its apartments above by placing them on higher floors, is considered, the effect of the MOU is shift virtually the entirety of the real cost of the school to the SCA.

### 3. SCA Is Unlikely to Exercise the Option.

The SCA's 2010-14 Capital Plan contains no funding whatsoever for the creation of additional seats in District 3. Similarly, neither the 2005-09 Capital Plan nor any of its annual amendments had any funds for new seats in the District. As noted, the SCA has already declined to exercise an option to build a school at the contiguously adjacent Riverside South complex.

The confluence of SCA's lack of funding and the MOU's requirement that SCA pay for nearly all of the total cost of construction of an inadequately-sized school, and all of the cost of the balance of the school needed by the community, creates an unacceptably high likelihood that the full school needed by the community will not be built, and leaves palpable doubt as to whether even the small scale school will be timely built.

### 4. Extell Should Fund the Entire School Needed by the Community.

It is fair to require Extell to fund the entire cost of the school needed by the District and not just RSC. Extell, in other sections of Riverside South, created a significant portion of the over-enrollment that has plagued our public schools in the last five years. It succeeds to the development rights that similarly have swamped the adjacent public schools. That those buildings were constructed based on an outdated assessment of community needs does nothing to abate the resources consumed already and projected to be consumed going forward.

Extell should take the entire community in which it seeks to build as it finds it. That should include the steady and recognized trend in the neighborhood in which it seeks to site its development to use public schools in greater numbers than contemplated by the 1992 Restrictive Declaration, let alone the applicable provisions of the zoning resolution.

The full school needed by the community is too important to leave to the uncertainties of the option contained in the MOU. The option would in turn require the creation of an open and transparent process by which the community, included elected officials, the Community Board, and the CEC and Presidents' Council, could assess the Project as actually built, enrollment and projections, and the DoE's and SCA's responses. Such a process would interfere with the swift completion of the Project and any school, and in any event would be difficult to enshrine in an appropriate amended restrictive declaration.

In addition, Extell is consuming for RSC the entirety of the largest undeveloped site within our District. It is the first viable open space on which to locate a new school facility in our area in decades, and may well be the last such parcel available into the foreseeable future. The opportunity cost of allowing the Project to be built without the construction of the full school needed by the community is staggering, and its effects will be felt for generations.

Building a state-of-the-art school facility at this site will benefit the Developer. For the prospective purchasers of its luxury units, private school could be an option to avoid the current uncertainties of in-zone waiting lists and alternate offers to schools other than the zoned school. Having a viable public school on site could save its purchasers the cost of private school tuition, currently over \$30,000 per year, enabling the Developer to seek to capture a portion of that savings through purchase prices. It also adds to the good will associated with the Project, and enables Extell to include the school in its marketing (in much the way that real estate ads on the Upper West Side included the zoned school until the recent waiting list/overcrowding crisis erupted). When those positives are added to the increase in value of the units placed on higher floors when the school occupies the lower floors, Extell's shouldering the cost of the entire school is still a win-win, and must be a requirement of this Project.

Conclusion. The absence of a firm commitment by the Developer to build and fully fund the creation of the entire school needed by the community means that the Project fails to satisfy the first "given" identified as flowing from CB7's Core Principles. For these reasons, CB7 should disapprove Extell's application in its entirety.