

April 18, 2008

Gary Barnett  
President  
Extell Development Company  
805 Third Avenue, Seventh Floor  
New York, NY 10022

Dear Mr. Barnett:

Manhattan Community Board 7 is writing now to provide you with our comments on your application for the proposed development of the southern parcels L, M and N, (61<sup>st</sup>-59<sup>th</sup> Streets) within the Riverside South project. Our comments on the application are based on your informal oral presentations to the CB 7 Riverside South Working Group in 2006-2007. We do not have copies of your presentation or of your application. These comments, therefore, reflect our understanding of your proposal at this stage of pre-certification, and in the absence of written draft plans the Working Group could review.

We are aware that you have begun the Technical Review phase of pre-certification of your application to the Department of City Planning, and we urge you now to take our comments and priorities seriously, since they reflect long term community concerns, as well as future planning and development needs of the Upper West Side. We hope that these comments and statements of priorities will stimulate a genuine community consultative dialogue with you in advance of any certified application, just as we hope that city agencies will make use of our criteria and observations to guide them in their own technical and legal review of your application.

**CB 7 Comments on Extell proposal for Parcels L, M and N:**

**1. Density and FAR:** CB 7 has serious reservations about your proposed density of approximately 3.3 million square feet for parcels L, M and N. We understand that you propose to allocate this floor area in this way: 2.75 million sq.ft for residential use, 165,000 sq ft for commercial use, 240,000 sq.ft for hotel use, a movie theatre of 44,000 sq ft, and a possible public school of 97,000 sq ft. The 1992 Restrictive Declaration provided for a maximum of approximately 2.3 million square feet to be built on parcels L, M and N, with a maximum of 1.8 million sq.ft for studio and large retail use. The Restrictive Declaration also prescribed a limit of 33,300 sq.ft of retail use, 19,400 sq.ft. of professional office space, 54,700 sq. ft. of community facility space and 572,172 sq. ft. of residential use.

We understand that the 1992 Restrictive Declaration assumed that approximately 1.7 million square feet might be dedicated primarily to a television studio, a use which is neither viable nor desired in 2008. Clearly, this reconsideration of uses underlies the present ULURP application, and CB 7 recognizes the need for such reconsideration. **However, Extell's proposal for over 3 million square feet for these parcels, at least a million square feet over the limits proposed in the Restrictive Declaration, raises serious questions about density for this site.**

We are aware that your proposed FAR for L, M and N, when added to the completed and anticipated FAR for buildings on the parcels from 72<sup>nd</sup> -61<sup>st</sup> Streets, does fall within the underlying zoning of approximately 8.5 million sq. ft. for Riverside South. Further, we understand that floor area can be transferred among sites within a General Large-Scale Development. Nevertheless, the Community Board believes that the hard-fought approved agreements limiting floor area to 2.4 million sq.ft on L, M and N and limiting the floor area of the entire development to just under 8 million sq. ft. should be honored in 2008 as public approvals are sought for the last southern sites. We also believe, as described more fully below, that future development needs of the Upper West Side and of New York City should not be defined primarily by the maximizing of available FAR, without a comprehensive consideration of types of uses, infrastructure, transportation and adjacent development in the mid and upper west side.

**2. Uses:** You propose approximately 2,200 residential units on L, M, and N (numbers as high as 2500 units have been cited at some occasions). The Restrictive Declaration set a limit of 5,700 units dwelling units for the entire project. Your proposal would modify that limit by an increase of more than a thousand units. **We have serious reservations about that increase in terms of density, housing type, housing for whom, and diversity.** You have stated that you hope to provide “affordable housing”. That intention should become a solid commitment which needs to be spelled out in as great a detail as possible now.

What is the percentage and type of affordable housing that could be provided within the overall limit of 5,700 units, and what percentage of the requested increase of 1,000 units would be dedicated to affordable housing in order to justify the requested increase in the Restrictive Declaration limits?. CB 7 would like to see a minimum of 20% affordable housing on L, M and N but we believe that equity and need require a higher proportion of 30% affordable housing. The need for such housing has increased, not decreased, in the last 15 years, and any request for additional residential units over the Declaration limits must rest upon that fact, and not solely on projections of hoped-for market demand.

**Community Board 7 questions strongly your insistence on the inclusion of a below- grade big box retail Costco-type store of approximately 300, 000 square feet (not counted as FAR).** This auto-dependent use in Manhattan and at this particular location is highly questionable and is opposed by the Working Group. The Upper West Side is recognized and valued for its connection of retail uses with available mass transit and for retail compatibility with adjacent residential development. Even “destination” retail, which is increasing on the Upper West Side and in the Lincoln Center area, attracts customers who walk or arrive by subway or train, not by car. New and needed retail uses should be developed in conjunction with the type of “transit-oriented development” that has characterized the development of the Upper West Side, and that does not mean cars or car-like shuttles.

It is important that you engage in a constructive needs-assessment, as well as a dialogue with appropriate stakeholders, about your allocation of the amount and type of retail space on L, M and N. A high percentage of the retail space in the rest of Riverside South has not been rented for a long period of time and we need to work together to try to fill that long-standing gap and plan for appropriate retail and commercial uses throughout the development, including on L, M and N. Riverside South is now an area that is mostly devoid of retail, street activity and animation. **Planning for commercial and retail uses on the southern sites should be done carefully and in conjunction with all that has or has not occurred to the north.** This is an opportunity to rectify some of the mistakes of past planning, to integrate commercial and retail development throughout the project for residents and for visitors. Again, we have no reflexive opposition to cinemas, but such uses work best with complementary uses and activities. We believe that the central business district starts south of 59<sup>th</sup> St. and we believe that neither “suburban” nor “midtown” uses are appropriate for these parcels and for this development on the Upper West Side.

We are not automatically opposed to a hotel but we question this midtown-like use, and we urge that consideration be given to other uses that are needed and that would be less reliant on auto-dependent visitors. **Active discussion and collaboration with the community, city agencies, and nonprofit organizations to determine how such uses could be located on these parcels would be welcome and would demonstrate that your inappropriate combination of residential/hotel/big box are not the only ones that should be considered for the future of this area.**

Community facility and related office space are uses that are lacking in the built-out Riverside South and these activities should be planned for L, M, and N as well. **A major priority for the Upper West Side and for this development is a new public school.** You have described the possibility of a school of approximately 97,000 square feet, but your commitment to this essential use would be demonstrated by your active collaboration with the Community Board and all interested parties in planning for and financing an appropriate school that would meet current and future needs of the school population.

**3. Design Guidelines, Heights, Materials and Sustainable Construction:** As we have lived with the building of Riverside South over the last 15 years, CB 7 is very aware of the unfortunate consequences of rigid guidelines and zoning that we did not agree with originally. **These guidelines might not appear so constraining if they had been employed by more imaginative architects and within the context of more fine-grained zoning.** We do not seek a continuation or replication of the uniform and dull Riverside South buildings already completed. But we do have reservations about the heights of your five proposed buildings, which are mostly higher than those already built in Riverside South, and some of which are closer to midtown heights than to those on the Upper West Side. We need to know much more about the proposed use of glass in these residential buildings. We welcome superior architecture. **Above all however, anything built on these parcels should not be constructed as an individual architectural icon or object, on the one hand, or imitation of what has already been built, on the other.** The amount of FAR is open to question as is the program, and that requires careful thought, in line with some of the points we have made above.

**4. Open Space on L, M and N; the Waterfront Park:** The oral presentations focused on the open space and the “parvis” that was heralded by the architectural team as an important and original contribution to the development of these parcels. Upper West Siders are certainly not averse to the creation of public squares and spaces that emulate some of the best example in Europe. In theory, we appreciate the effort to create a distinguished public space here. **But we have serious reservations about this space and its configuration, surrounded as it is by very tall buildings and adjacent to the Hudson River. We raise questions now about the amount and type of a “hard” landscape and we have concerns about the usability of the proposed open space because of environmental conditions, such as steep grade and winds.**

Any open space and indeed the entire street network within the new development at L, M and N should provide adequate connection and integration with the 21.5 acre waterfront park that is part of the entire Riverside South development. From your oral presentations, we have not been able to determine how these connections would work

You have stated that you would be following minimum LEED standards in the construction of the new buildings. **CB7 believes that this important development requires the highest demonstration of adherence to sustainable practice in construction and in energy consumption.** We would hope that building on L, M and N could provide a model of innovative and excellent practice.

**5. Parking:** We understand that you are seeking an increase in the permitted number of parking spaces on these parcels from 750 to approximately 1,500. This request goes together with your request for a big box or regional retail use. For the reasons described above and for the additional reservations that CB7 has about increasing the number of cars in Manhattan, we do not support this request.

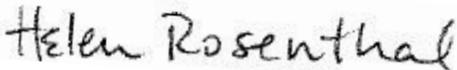
**Additional Concerns of Community Board 7**

**1. Consultation on the Waterfront Park:** The Restrictive Declaration requires that there be periodic consultation with Community Board 7 on each phase of the park's design and completion. This has not occurred for a number of years and we would like to see that changed as soon as possible. We are ready to schedule such presentations and discussions with the CB7 Parks Committee, the Riverside South Working Group and the Parks Department.

**2. Preliminary Traffic Studies:** We were told by your representatives that you would get back to the Working Group soon (and before any DEIS) on your preliminary traffic studies, especially those for the 59<sup>th</sup> Street corridor. We urge that these discussions be scheduled in the next weeks.

Community Board 7 has had a very long involvement with the planning and development of the former rail yards/ Riverside South development. As the last parcels are poised for development and before the certification and ULURP process begins, it would be prudent and mutually beneficial to engage in a continuing, open process in which the priorities and concerns described in this letter, as well as additional issues, are discussed and possibly negotiated. Community Board 7 will be engaging in such a discussion with city agencies and the broader community in the next months, and we hope that you, the applicant, will see fit to join us in that discussion. We look forward to hearing from you.

Sincerely,



Helen Rosenthal  
CB7 Chairperson  
Co-Chairperson, RSS Working Group



Ethel Sheffer  
Co- Chairperson, RSS Working Group

Cc: Chairperson Amanda M. Burden, City Planning Commission  
Council Member Gale Brewer  
Manhattan Borough President Scott Stringer  
Congressman Jerrold Nadler  
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