



THE CITY OF NEW YORK  
OFFICE OF THE PRESIDENT  
BOROUGH OF MANHATTAN

**SCOTT M. STRINGER**  
BOROUGH PRESIDENT

August 31, 2010

**Recommendation on  
Riverside Center**

**Application Nos. M 920358 D ZSM, N 100286 ZCM, C 100287 ZSM, C 100288 ZSM,  
C 100289 ZSM, C 100290 ZSM, C 100291 ZSM, C 100292 ZSM, C 100293 ZSM,  
N 100294 ZRM, N 100295 ZRM, C 100296 ZSM, C 100297 ZSM,  
N 100298 ZAM, N 100299 ZCM, and N 100300 ZCM  
by CRP/Extell Parcel, L, LP and CRP/Extell Parcel, N, LP**

**PROPOSED ACTIONS**

CRP/Extell Parcel, L, LP and CRP/Extell Parcel, N, LP (herein together “Extell” or “applicant”)<sup>1</sup> seek to modify a restrictive declaration associated with a previously approved special permit; two zoning text amendments; three special permits associated with a large-scale development special permit; six special permits for public parking garages; two City Planning Commission (“CPC”) certifications for curb cuts on narrow streets; a CPC authorization to allow a curb cut on a wide street; and a CPC certification to modify transparency, retail continuity and signage requirements to facilitate the development of five mixed-use buildings,<sup>2</sup> known as “Riverside Center,” located in Manhattan Community District 7 on a tract of land bounded by West 59<sup>th</sup> and 61<sup>st</sup> streets between Riverside Boulevard and West End Avenue. The development site consists of the final phase of “Riverside South,” a large-scale development spanning from West 59<sup>th</sup> Street to West 72<sup>nd</sup> Street.

Specifically, Extell seeks the **fourth modification of a restrictive declaration associated with a previously approved special permit for the Riverside South large-scale development (M 920458 D ZSM)** to remove restrictions on the development site, including limitations on the number of parking spaces, total density, and number of dwelling units. Additionally, the applicant seeks to modify the permitted building forms on the site and to remove a requirement to map West 60<sup>th</sup> Street as a City street.

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<sup>1</sup> CRP/Extell Parcel, L, LP and CRP/Extell Parcel are development companies, which are primarily represented by Extell Development Company.

<sup>2</sup> The buildings are herein referenced as Building 1, Building 2, Building 3, Building 4, and Building 5.

Extell also seeks approval of a **Zoning Text Amendment (N 100294 ZRM) to create Section 74-743(a)(7) (General Large-Scale Development, Bulk modification) of the New York City Zoning Resolution (“ZR”) to allow the CPC to modify ZR § 12-10 (Court, outer)**. The proposed text amendment would allow the CPC to consider any open area surrounded on three sides by building walls to be treated as an “outer court” for a general large-scale development special permit.

Extell seeks a related **special permit (C 100296 ZSM) pursuant to ZR §§ 74-743(a)(2) and 74-743(a)(7) (as amended) to modify the provisions of ZR §§ 23-84 and 23-851 (court regulations); 23-711 (minimum distance between buildings); 23-634, 33-433, and 33-451 (height and setback regulations); and 12-10 (court, outer)**. The CPC may grant the proposed bulk waivers provided that the modifications satisfy certain findings set forth in ZR § 74-743(b), including that the modifications will result in a better site plan and a better relationship between the development and the surrounding area than would otherwise be possible, and will thus benefit the occupants of the development, neighborhood, and the City; that the modifications will not obstruct light and air; that the streets are adequate to handle resulting traffic flow; and that a plan for any required additional public facilities has been provided.

Extell additionally seeks a **Zoning Text Amendment (N 100295 ZRM) to ZR § 74-744(a) (General Large-Scale Development, use modification) to allow the CPC to permit automobile showroom and service establishments (Use Group 16) in C4 Districts in Manhattan Community District 7 and a related special permit (C 100287 ZSM) pursuant to ZR § 74-744(a)(as amended) to allow an automobile showroom and service establishment**. The CPC may grant the proposed use modification provided that the portion of the establishment used for the servicing and preparation of automobiles is located entirely on the cellar level; sufficient indoor space for storage of vehicles for sale or service has been provided; and such use will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic or adversely affect pedestrian movement.

Extell also seeks a **special permit (C 100287 ZSM) pursuant to ZR § 74-681 to allow the large-scale development site to use a railroad or transit right-of-way in the “lot area” of the development; to allow a portion where the railroad has been permanently discontinued to be included in the “lot area” of the development; and to establish an appropriate grade to serve instead of the curb level for streetscape purposes (ZR §§ 26-00 and 37-30)**. In order to grant this special permit, the CPC must find that the streets providing access are adequate to handle resulting traffic; that the distribution of floor area and the number of dwelling units does not adversely affect the character of the surrounding area by being unduly concentrated in any portion of such development or enlargement, including any portion located beyond the boundaries of such railroad or transit right-of-way or yard; that all uses, developments or enlargements located on the zoning lot or below a platform do not adversely affect one another; and that if such railroad or transit right-of-way or yard is deemed appropriate for future transportation use, the site plan and structural design of the development does not preclude future use of, or improvements to, the right-of-way for such transportation use.

Extell additionally seeks **six special permits (C 100288 ZSM, C 100289 ZSM, C 100290 ZSM, C 100291 ZSM, C 100292 ZSM, and C 100293 ZSM) pursuant to ZR §§ 13-562 and 74-52**

**to allow either one of two public parking garage schemes at the site.** Scenario A (C 100288 ZSM) would allow a single public parking garage of 1,800 spaces. Scenario B (C 100289 ZSM through C 100293 ZSM) would allow for five separate parking garages with a total of 1,800 spaces; the applicant proposes to have 460 spaces under Building 1; 230 spaces under Building 2; 290 spaces under Building 3; 370 spaces under Building 4; and 450 spaces under Building 5. In order for the special permits to be granted, the CPC must find that the garage(s) will not adversely impact or affect the growth or development of other uses in the area; will not create or contribute to serious traffic congestion or pedestrian flow; will not draw traffic through areas which are primarily residential; contains adequate reservoir space; is surrounded by streets that are adequate for generated traffic; and, where rooftop parking is permitted, is so located as not to impair the essential character, future use or development of adjacent areas.

Extell further seeks **two CPC certifications (N 100299 ZCM and N 100286 ZCM) pursuant to ZR § 26-15 to allow more than one curb cut on both West 59<sup>th</sup> Street and on West 61<sup>st</sup> Street.** In order to grant the certifications, the CPC must find that the curb cuts will not result in conflict between pedestrian and vehicular circulation and will result in a good overall site plan.

Extell also seeks a **CPC authorization (N 100298 ZAM) pursuant to ZR § 13-553 to permit a curb cut on West End Avenue to facilitate the extension of West 60<sup>th</sup> Street westward through a portion of the development site as a public access easement.** In order to grant the authorization, the CPC must find that the curb cut is not hazardous to traffic safety; will not create or contribute to serious traffic congestion or unduly inhibit vehicular movements; will not adversely affect pedestrian movement; will not interfere with the efficient function of bus lanes, specifically designated streets and public transit facilities; and will not be inconsistent with the character of the existing streetscape.

Extell also seeks a **CPC certification (N 100300 ZCM) pursuant to ZR § 26-17 to modify ZR §§ 37-35 (retail continuity), 37-36 (sign regulations) and 37-37 (street wall articulation).** In order to grant the certification, the CPC must find that such modifications will enhance the design quality of the proposed development.

Finally, on August 20, 2010, the applicant submitted an **alterative text amendment (N 100294(A) ZRM)**, which would additionally **modify ZR § 23-144 (In designated areas where the Inclusionary Housing Program is Applicable) and Appendix F (Inclusionary Housing Designated Areas); ZR §§ 23-954 (Additional requirements for compensated developments) and 74-743 (General Large-Scale Special Permit) to allow the CPC to modify ZR §§ 23-952 (Floor area compensation in Inclusionary Housing designated areas) and 23-96(b) (Requirements for Generating Sites) as part of a large-scale special permit.** Generally these modifications would designate the site as eligible to participate in the City's Inclusionary Housing Program; allow C4-7 district tower regulations to apply to large-scale development sites utilizing the inclusionary bonus within C4-7 districts in Community District 7; allow the CPC to modify (pursuant to the large-scale special permit) the base and maximum permitted floor area ratio ("FAR") for the site; and allow the CPC to modify the distribution requirements for affordable housing units within C4-7 districts in Community District 7. The applicant also filed an **alternative large-scale development special permit (C 100296(A)) to modify the base and**

**maximum FAR and the distribution of inclusionary housing units** along with the waivers described above.

## **PROJECT DESCRIPTION**

The proposed actions would facilitate the construction of a large-scale development, known as “Riverside Center,” at a site (Block 1171, Lots 155 and 165) bounded by West 59<sup>th</sup> Street, West 61<sup>st</sup> Street, West End Avenue, and Riverside Boulevard.<sup>3</sup> The site is located in the southwest corner of Community District 7 and is the last development site to be planned of the larger Riverside South development. The Riverside Center development would consist of five towers with a maximum of 3,000 dwelling units, 1,800 public parking spaces, an elementary/middle school, 135,000 SF of ground-floor retail, and an automobile showroom and service center.

The area surrounding the development site consists of primarily residential uses to the north and east, which include a large-scale planned community owned by the New York City Housing Authority, known as Amsterdam Houses, and the balance of the Riverside South development. The area directly south of the site includes a mix of residential, commercial and industrial uses, including a Con Edison steam facility and Department of Sanitation facilities. To the west of the site are the elevated Miller Highway, Riverside Park, Hudson River Park, and a sanitation pier currently anticipated to be used by the Department of Sanitation for recycling.

### **History of the Site**

In 1992, the City Council approved a large-scale development plan for Riverside South, which included the development site subject to this application. The plan governed the redevelopment of former rail yards, which extended from West 59<sup>th</sup> Street to West 72<sup>nd</sup> Street between West End Avenue and Riverside Boulevard. Riverside Boulevard is a mapped street that is being constructed as part of the Riverside South development plan. It currently extends from West 72<sup>nd</sup> Street to West 63<sup>rd</sup> Street and will eventually extend to West 59<sup>th</sup> Street. The plan allowed for a total of 7,899,951 SF of development with mixed residential and commercial uses on 15 separate parcels (Development Site A through O). Additionally, the Riverside South development was limited to 5,700 residential units and 3,500 parking spaces. These restrictions were codified in a restrictive declaration. As part of the original plan the developer was required to provide a minimum of 12 percent of the total residential units as affordable housing units; construct Riverside Boulevard from West 59<sup>th</sup> Street to West 72<sup>nd</sup> Street; build 21.5 acres of waterfront park; create 4 acres of accessible open space inland; pay for the cost of rehabilitating the West 66<sup>th</sup> Street and West 72<sup>nd</sup> Street subway stations; provide space for, but not fund, a public school; construct a “box” in which a portion of the raised Miller Highway could be relocated underground in the future; and make contributions to programs serving senior and youth populations in the community.

To date, 6,691,505 SF of the Riverside South development have been constructed, which includes 4,492 residential units (583 of which are affordable housing units) and 2,611 parking spaces. Development Site J, located two blocks north of the Riverside Center development site, is currently under construction, and Development Site K, located one block north of the site, has

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<sup>3</sup> Riverside Boulevard would be constructed as part of the proposed Riverside Center development.

approved plans based on the requirements of the restrictive declaration. Additionally, Riverside Boulevard has been constructed from West 63<sup>rd</sup> Street to West 72<sup>nd</sup> Street, and 12.93 acres of the waterfront parkland have been developed with the balance of the required park space either under construction or planned. No school has been constructed, as the Department of Education did not choose to exercise its option to site a school at Riverside South.

Three sites of the original Riverside South development remain undeveloped – Development Site L, M, and N – and comprise Riverside Center. The Riverside Center development site was restricted to a total of 2,372,192 SF, with 1,690,600 SF for television studio uses; 19,400 SF for professional office space; 35,000 SF of community facility space; and 572,192 SF of residential use. Additionally, the site was restricted to 743 below-ground parking spaces and 577 residential units. Further, development of the site included a provision that West 60<sup>th</sup> Street must be mapped if the site were to be developed for any use other than for television studios. Absent approval of the proposed actions and modifications to the existing restrictive declaration, the applicant would be restricted to develop the Riverside Center site under the above-mentioned parameters.

### **Proposed Development**

The proposed development is in a C4-7 zoning district. Absent any other restrictions on the development site, the underlying zoning would permit a maximum density of 3,562,820 SF (10 FAR) for commercial, community facility, and residential uses on the site. Approximately 525,989 SF (1.48 FAR) were transferred off site to other development sites within the Riverside South development as part of the original large-scale development plan. The proposed Riverside Center plan, which utilizes the majority of the remaining available development rights, consists of a total of 3,014,829 SF (8.46 FAR) of development. Of the total permitted development square footage, an allocation of approximately 150,000 SF for an on-site public school exists. If a public school is not constructed on the site, the development would be restricted to a total of 2,882,829 SF (FAR of 8.09).

As proposed, the site would include five buildings and a maximum of 2,884,907 SF of residential uses, 980,000 SF of commercial uses, and 332,000 SF of community facility uses (including 132,000 SF for a public school). The proposed development program also includes the possibility that 712,000 SF may be used for either hotel or residential purposes and that 200,000 SF may be used for either commercial or community facility uses, but in no case can the on-site maximum permitted density be greater than 3,014,829 SF.

The applicant originally proposed to provide 12 percent of total residential units as affordable housing (consistent with the original approvals); the applicant, however, submitted an alternative application on August 20, 2010 that would make the proposed project comply with the City's Inclusionary Housing Program. This program requires the applicant provide 20 percent of the total residential density as permanently affordable housing.

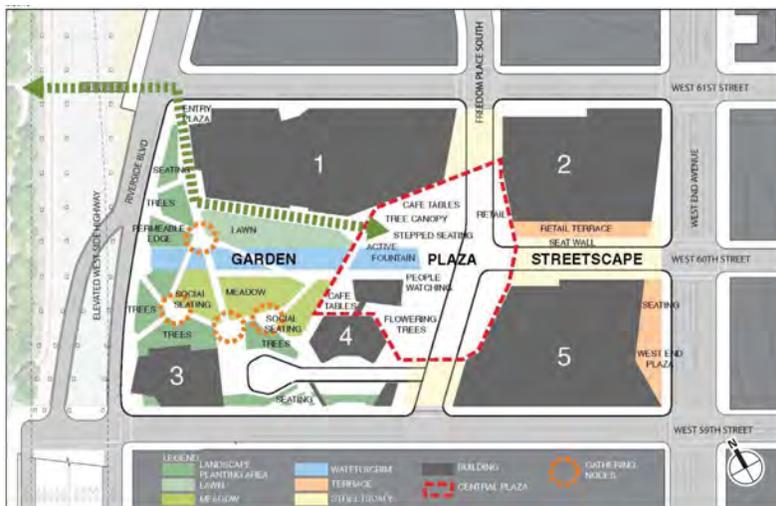
Further the applicant proposes to fund the core and shell of a 75,000-SF new public school on the site. In addition to the proposed uses that comprise zoning floor area, the applicant proposes to

use 181,677 SF in the cellar for an automobile service facility and showroom and 482,400 SF on two sub-cellar floors for a public parking garage with a maximum of 1,800 spaces.

The proposed development would additionally include up to 2.75 acres of privately-owned publicly accessible open space, including public easements for the extension of West 60<sup>th</sup> Street, Freedom Place South, and the widening of West 59<sup>th</sup> Street and West 61<sup>st</sup> Street. The buildings are oriented around the open space, which features a water scrim, active lawns, and planted meadows. The open space would include thick plantings along Riverside Boulevard in order to mitigate wind conditions.

The proposed land use actions would restrict development on the site, including specifying uses, building forms and densities for the five proposed buildings to be consistent with the plan as proposed by the applicant.

Building 1 is located at the northwest corner of the site. It is proposed to be 463 feet tall (38 stories) at its highest point and have a maximum density of 1,047,354 SF. The current development scenario anticipates 918,733 SF of development with 774,196 SF of residential uses, 101,390 SF of office uses, and 41,003 SF of retail uses. The building would have a residential entrance on West 61<sup>st</sup> Street and on the proposed open space, and an entrance for the proposed office space would be located on West 61<sup>st</sup> Street. The ground floor, with the exception of access space for the residential and commercial office uses, would contain retail uses.



Source: Riverside Center DSEIS (CEQR 09DCP020M), Figure S-11,

Building 2 is located at the northeast corner of the site. It is proposed to be 369 feet tall (31 stories) at its highest point and have a maximum density of 698,149 SF. The current development scenario anticipates 628,623 SF of development with 479,237 SF of residential uses, 132,000 SF of public school space (a community facility use), and 15,180 SF of retail uses. The residential lobby would be accessed from the Freedom Place South extension, and the access point to the school would be located on West 61<sup>st</sup> Street. Retail would be located on the building's West End Avenue, West 60<sup>th</sup> Street and Freedom Place South frontages.

Building 3 is located at the southwest corner of the site. It is proposed to be 433 feet tall (34 stories) at its highest point and have a maximum density of 420,793 SF. The current development scenario anticipates 369,417 SF of development with 362,669 SF of residential uses and 6,748 SF of retail uses. The residential lobby and the retail space would be accessed via a

private driveway over which Building 4 is cantilevered. The entrance to the below-grade automobile service center would also be located at Building 3 on West 59<sup>th</sup> Street.

Building 4 is located at the southern section of the site between Building 3 and 5. It is proposed to be 369 feet tall (31 stories) at its highest point and have a maximum density of 412,549 SF. The current development scenario anticipates 361,884 SF of development with 348,518 SF of residential uses and 13,369 SF of retail uses. The residential lobby would be accessed via a private driveway (over which it is cantilevered) that is also used by Building 3. The retail uses would be located along the site's open space.

Building 5 is located at the southwestern corner of the site. It is proposed to be 511 feet tall (44 stories) at its highest point and have a maximum density of 839,237 SF. The current development scenario anticipates 736,173 SF of development, with 435,170 SF of residential uses, 239,678 SF for a transient hotel, 35,632 SF for a cinema, 4,559 SF of retail uses, and 19,595 SF for an automobile showroom. Retail uses would be accessed on West End Avenue, Freedom Place South, and West 60<sup>th</sup> Street. The residential lobby and hotel lobby would be accessed separately via Freedom Place South. West 59<sup>th</sup> Street would be primarily used for service entrances, loading berths, and parking ramps.

## **Proposed Actions**

### *Pursuant to the Large-Scale Development Plan*

Outer Courts: ZR § 23-84 requires that if an outer court is less than 30 feet in width, its width must be 1.33 times the depth. If the outer court is greater than 30 feet in width, the depth must be equal to the width (but no greater than 60 feet). Further, the outer court recess (the portion of the building surrounding the court) must be twice the width of the depth of the court. Due to the irregular shapes of the proposed buildings, all five buildings will not comply with these regulations. The proposed waivers will not affect the required light and air (a minimum of 30 feet) for legally required windows. A proposed text amendment is necessary to grant this waiver.

Inner Courts: ZR § 23-851 requires that any inner court be at least 1,200 SF and has a minimum dimension of 30 feet. Due to the irregular shapes of the buildings, Building 1, 2, and 5 require waivers of these inner court regulations. The proposed waivers will not affect the required light and air for legally required windows.

Minimum Distance Between Buildings: ZR §§ 23-71 and 23-82 require that buildings with a height of over 50 feet have a minimum distance of 40 feet between walls, a minimum distance of 50 feet between walls and windows, and a minimum distance of 60 feet between windows. These required distances apply not only to buildings but also building segments. The buildings, as a whole, are proposed to comply with these provisions as they relate to each other. However, each individual building has multiple building segments that are set too close to each other, thereby creating non-compliance with the zoning. The non-compliance with the required minimum distances between buildings is due to the architectural design of the buildings' upper floors.

Height and Setback: Since the proposed buildings’ lot coverage is 39.6 percent, below the 40 percent requirement, the development is able to use “tower” regulations; therefore, portions of the proposed buildings are permitted to penetrate the sky exposure plane. ZR § 33-45 requires that any building utilizing tower regulations set back 10 feet from a wide street and 15 feet from a narrow street. It further requires that the tower portion of a building not encroach more than 1,600 SF within 40 feet of a wide street and 1,875 SF within 50 feet of a narrow street. Finally, ZR §§ 23-634 and 33-433 require that buildings in R10-equivalent districts in Community District 7 have a street wall height between 125 feet and 150 feet along wide streets within 50 feet of a wide street.

All five buildings encroach within 50 feet of the narrow streets along which they front by more than the permitted amount. Building 1 and 2 encroach upon West 61<sup>st</sup> Street by 19,030 SF, and Building 3, 4, and 5 encroach upon West 59<sup>th</sup> Street by 17,706 SF.

Further, the proposed buildings encroach upon required setback areas. Due to the irregular shapes of the buildings, these encroachments are for different depths at varying heights:

Building	Maximum setback encroachment depth on a wide street	Maximum setback encroachment height on a wide street	Maximum setback encroachment depth on a narrow street	Maximum setback encroachment height on a narrow street
1	8 feet	318.29 feet	13 feet	338.34 feet
2	10 feet	309.01 feet	13 feet	401.22 feet
3	8 feet	285.74 feet	7 feet	276.16 feet
4	N/A	N/A	7 feet	276.16 feet
5	10 Feet	167.33 Feet	7 feet	384.02 feet

Inclusionary Housing Program: Pursuant to ZR § 23-952, the Inclusionary Housing Program provides developments with a base residential FAR and permits a 33 percent floor area bonus in exchange for providing 20 percent of the total residential density as permanent affordable housing. In the C4-7 zoning district with an inclusionary housing bonus, the base residential FAR would be 9 and a maximum permitted FAR would be 12. Further, pursuant to ZR § 23-96(b) these affordable housing units must be distributed on not less than 65 percent of all the floors in a residential building, and no more than one-third of the total number of affordable units can be concentrated on any one floor. The applicant proposes to modify these zoning provisions of the Inclusionary Housing Program as it relates to the subject development site. The first modification would allow the CPC to lower the base FAR to 6.36 or a density of approximately 2,300,000 SF. Consequently, the applicant would only be able to achieve the maximum density of 3,014,829 SF by utilizing the inclusionary housing bonus. Additionally, the applicant seeks to modify the distribution of affordable units in individual buildings. Since several of the proposed buildings may be developed as condominiums, the applicant is seeking flexibility in the distribution of units; the exact plan for distribution, however, has not been decided at this time.

Automobile Showroom and Service Center: The applicant proposes an automobile showroom and service center on the cellar level of the entire development site (including under the proposed open space). An automobile showroom is an as-of-right use on the development site provided that there is no service or preparation of vehicles for delivery at the site. In order to

include the service center, the applicant requires an approval of a special permit (created by a zoning text amendment proposed by the applicant).

Development over a railroad or transit right-of-way: In order to develop over the transit right-of-way crossing through the site, the applicant requires a special permit. Amtrak currently has a below-grade easement that runs at an angle through the eastern portion of the site from the corner of West End Avenue and West 59<sup>th</sup> Street to West 61<sup>st</sup> Street between Freedom Place South and West End Avenue. Absent the special permit, the applicant would be required to set the buildings back from West End Avenue.

Alternative reference point instead of “curb level” reference: In order to minimize the slope of the proposed development, the applicant proposes to construct the majority of the open space at a height of 24 feet above sea level. The site would be at grade with West 61<sup>st</sup> Street and West End Avenue and begin to rise above the street grade at West 59<sup>th</sup> Street west of Freedom Place South and at Riverside Boulevard south of West 61<sup>st</sup> Street. In order to establish a new reference point, the applicant requires approval of a special permit. The new level is proposed to minimize the impact of the development on western views of the Miller Highway, to enable the operation of the scrim, and to create more passive and active recreation space on the site.

#### *Public Parking Garages and Curb Cuts*

The applicant proposes two public parking schemes, each with a maximum of 1,800 public parking spaces. Scenario A is comprised of a single public parking garage with 1,800 spaces: 1,100 attended spaces on the first sub-cellar and 600 self-parking spaces on the second sub-cellar. Scenario B consists of five separate public parking garages within the sub-cellar floors. There would be 460 spaces beneath Building 1, 230 spaces beneath Building 2, 290 spaces beneath Building 3, 370 spaces beneath Building 4, and 450 spaces beneath Building 5. In both scenarios, the garages would be accessed via 25-foot curb cuts and 22-foot ramps on Freedom Place South for Building 1 and 2 and on West 59<sup>th</sup> Street for Buildings 3 and 5. Building 4 would have an additional 25-foot curb cut for its private driveway, from which vehicles could access a 12-foot wide ramp to the garage. Public parking garages are not permitted as-of-right.

To achieve the proposed parking garage scenarios, the applicant requires approval for multiple curb cuts. The development site is permitted only one curb cut on West 59<sup>th</sup> Street and West 61<sup>st</sup> Street, which are narrow streets. The applicant requires additional curb cuts for the two parking ramps, a hotel loading berth, the entrance to the automobile service center, and the intersection of Freedom Place South and West 59<sup>th</sup> Street. On West 61<sup>st</sup> Street, the applicant requires curb cuts for a loading berth for Building 1 and for the intersection of Freedom Place South and West 61<sup>st</sup> Street. Finally, the applicant requires a curb cut on West End Avenue for the extension of West 60<sup>th</sup> Street, which is not permitted as West End Avenue is a wide street.

#### *Streetscape Waivers*

Retail Continuity: ZR § 37-35 requires that 50 percent of a building’s frontage on a wide street be occupied by commercial uses. Building 3 does not comply with this requirement along Riverside Boulevard since its retail is proposed to front the central open space.

Signage Waivers: ZR § 37-36 requires that signs be located on a 3-foot high band no higher than 12 feet above the curb level. Signage is proposed to be placed at varying heights for Building 2, 3, and 5 above the permitted limit. Waiver of this provision is needed due to the site's grade constraints and the buildings' high floor-to-ceiling heights.

Ground Floor Transparency: ZR § 37-37 requires that 50 percent of a building's street frontage be transparent. Every building, except Building 1, does not comply with transparency requirements on the narrow streets (West 59<sup>th</sup> and West 61<sup>st</sup> streets). Building 2 and 5 compensate with additional transparency (70 percent) on West End Avenue. Building 3 complies on Riverside Boulevard. Additionally the applicant has chosen to place retail frontage along the base of the buildings fronting West 60<sup>th</sup> Street, Freedom Place South, and the proposed central open area.

### **Anticipated Development under the Reasonable Worst Case Scenario Development**

The Draft Supplemental Environmental Impact Statement ("DSEIS") indicates that under a Reasonable Worst Case Scenario Development, the proposed actions would result in significant negative adverse impacts. The proposed project would result in significant negative impacts for several categories including:

- Public Schools: The proposed actions would result in an increase in the school district's total enrollment of over 5 percent. The applicant proposes to mitigate the impact by constructing the core and shell of 75,000 SF of a public school, which would absorb the students expect to be generated by the project. The proposed mitigation, however, neglects to account for the overcrowded conditions caused by the approval of Riverside South, which remain unmitigated since 1992;
- Child Care Centers: The proposed actions would result in an increased demand for child care services by 9 percent. No mitigation is proposed for this impact;
- Open Space: The proposed actions would result in a decrease in the open space ratio for active recreational open space by 6 percent. No mitigation is proposed for this impact;
- Urban Design: The development site's design would encourage wind conditions at two locations, which exceed recommended safety conditions. The applicant proposes to mitigate the majority of the site's dangerous wind conditions with a specific landscaping plan;
- Traffic: The proposed actions would contribute to traffic congestion by significantly decreasing the level of service at 24 intersections. All but three of these impacted intersections are proposed to be mitigated;
- Transit: The proposed actions would impact bus service by creating a capacity short-fall for three cross-town bus routes (M11, M31 and M57). No mitigation is proposed for this impact;
- Pedestrians: The proposed actions would impact intersections on West 60<sup>th</sup> Street by decreasing the level of service at Amsterdam and Columbus Avenues. Amsterdam Avenue intersection can be mitigated, but no mitigation is proposed for the Columbus

Avenue Impact; and

- Construction: The development would result in a multitude of construction related impacts. With the exception of noise impacts on residential and educational buildings in the neighborhood, these impacts can be mitigated.

## COMMUNITY BOARD'S RECOMMENDATION

At its Full Board meeting on July 22, 2010, Community Board 7 ("CB7") voted to:

1. **disapprove application M 920358 D ZSM** (modification of the 1992 restrictive declaration) unless the action is modified to meet the conditions of its report (discussed below) by a vote of 36 in favor and 2 against;
2. **disapprove application C 100297 ZSM** for a special permit for the automobile showroom and service center by a vote of 36 in favor, 2 against, and 1 abstention;
3. **disapprove application C 100296 ZSM** for a large-scale development special permit unless Building 4 is eliminated and Building 5 is modified in accordance with CB7's report by a vote of 34 in favor, 3 against, and 1 abstention;
4. **disapprove with conditions application C 100288 ZSM** for a single parking facility under the site unless the garage is limited to 1,000 spaces by a vote of 35 in favor, 2 against, and 1 abstention;
5. **disapprove applications C 100289 ZSM, C 100290 ZSM, C 100291 ZSM, C 100292 ZSM, C 100293 ZSM** for special permits for individual parking garages underneath each building as CB7 prefers the single garage option by a vote of 36 in favor, 1 against, and 1 abstention;
6. **disapprove with conditions application C 100287 ZSM** for a special permit for construction over a railroad right-of-way unless the application is redrawn to establish an at-grade curb level by a vote of 35 in favor, 2 against, and 1 abstention;
7. **approve application N 100286 ZCM** for an additional curb cut on West 61<sup>st</sup> Street by a vote of 36 in favor and 1 against;
8. **approve application N 100294 ZRM** for a text amendment allowing modification of outer courtyard regulations by a vote of 36 in favor, 2 against, and 1 abstention;
9. **disapprove application N 100295 ZRM** for a text amendment to create a special permit to allow an automobile service center in large-scale developments by a vote of 36 in favor and 1 abstention;
10. **approve application N 100298 ZAM** to allow a curb cut on West End Avenue to allow the extension of West 60<sup>th</sup> Street by a vote of 37 in favor and 1 abstention;
11. **disapprove application N 100299 ZCM** to allow multiple curb cuts on West 59<sup>th</sup> Street, though CB7 noted it would approve an application to allow two additional curb cuts on the street by a vote of 32 in favor, 1 against, and 4 abstentions;
12. **disapprove application N 100300 ZCM** for a certification to allow a waiver of signage, transparency and retail continuity requirements unless the requested waivers for Building 3 and 5 are withdrawn by a vote of 35 in favor and 3 abstentions.

Additionally, CB7 voted to adopt a detailed report on the proposed development site by a vote of 35 in favor and 3 against. In the report, CB7 expressed that the developer should provide full build-out of 150,000 SF for a public school, provide 30 percent of the residential units as affordable housing, and that the development should achieve the highest level LEED rating possible. Further, CB7 indicated that the project generally fails to meet its core principles by: placing excess density on the site; creating a perception of exclusivity for the open space; hampering pedestrian circulation by marginalizing West 59<sup>th</sup> Street and Riverside Boulevard; failing to engage the streetscapes with retail spaces; and providing commercial uses that are not environmentally responsible.

The community board suggested an alternative development scenario that would increase the total amount of open space, reduce the total density, surround the new open space with publicly accessible streets or broad pathways, remove the automobile showroom and service center, limit the total number of parking spaces, and include a public playground. The proposed changes are achieved, in part, by removing Building 4 and replacing its footprint with open space.



Source: Riverside Center Report by CB7 (Page 42)

Further, CB7 requests that there be mitigation of the impacts resulting from the site’s development and that public amenities, such as Riverside Boulevard and a public school, be provided in the first phase of the development.

## **BOROUGH PRESIDENT’S COMMENTS**

### **General Comments**

Development of the Riverside Center site is, in general, appropriate. Its current use as a two-block open-air public parking lot provides limited beneficial activity in the neighborhood and does little to promote pedestrian activity around the site. The site’s current state imposes a dark, vacant character on surrounding streets, which discourages residents from fully utilizing this part of their neighborhood. Further, large undeveloped sites tend to impair development in surrounding areas and often lead to problems in the greater community by creating zones of inactivity or, “dead zones,” in which illegal and illicit activities may take place.

The site’s redevelopment has the potential to provide significant benefits to the neighborhood. The residential and ground-floor retail uses at Riverside Center would assist in enlivening the area by creating new activity and uses that are more compatible with the surrounding neighborhood than the existing uses and contribute to enhancing the public realm. These types of uses, which benefit the community by activating the streets and creating safer conditions, should be encouraged. Further, redevelopment of the site would have a positive economic

impact. During the construction period, the site is estimated to create 8,159 full-time equivalent jobs and provide \$314 million in tax revenue. Post-construction, the site is anticipated to directly and indirectly create 2,549 full-time equivalent, permanent jobs in New York State. In recognition of these important benefits, community members have rightly spoken in favor of seeing responsible development of the site move forward.

Riverside Center, however, is the last development site of the Riverside South large-scale development. As such, it is the last opportunity to remedy the impacts and shortcomings of the original development plan. When Riverside South was approved in 1992, the developer failed to reach a broad consensus. The buildings forms are monolithic. The retail is relatively unused. The Riverside South buildings feel separate from the rest of the neighborhood, and several of the impacts of the approved development remain unmitigated. Many of the neighborhood's negative conditions, such as local school overcrowding and traffic conditions on West End Avenue, can be attributed directly to the Riverside South large-scale development.

To replicate the same shortcomings and negative impacts associated with the Riverside South development for the Riverside Center development is unacceptable. Although the site's development may be generally welcomed, that development must not overwhelm the surrounding neighborhood. It is important to critically examine the proposed uses, built form, and contributions to the neighborhood in order to ensure that the development is integrated into the larger community.

Over the past two years, CB7 has held monthly public meetings and numerous public hearings on the proposed Riverside Center development. Prior to certification of the land use applications, the applicant made changes to its development proposal in order to respond to community concerns and environmental considerations. Changes included reducing the heights of the tallest buildings; eliminating proposed big-box retail uses; reducing the proposed density; reducing the number of parking spaces from 2,300 to 1,800; and widening the sidewalks around the project to a minimum of 15 feet.

Despite these changes, CB7, after extensive public outreach and consideration of the proposed actions, has retained concerns about the development's configuration and proposed uses. Overall, the community board's proposed modifications aim to enhance the proposed public benefits, mitigate the identified negative impacts, and improve the project's contribution to the well-being of the overall community.

### **Environmental and Site Planning Concerns**

The Manhattan Borough President's Office recommends several modifications to the proposed development in order to address impacts identified in the DSEIS, as well as to address general concerns about the project's proposed uses, site planning, and public policy considerations.

#### *Density*

The site's proposed density is over 600,000 SF greater than was originally set in the 1992 restrictive declaration. Approximately 480,000 SF of this additional density is directly related to status of West 60<sup>th</sup> Street as an unmapped City street. Until 1907, all of the streets associated

with Riverside South, including West 60<sup>th</sup> Street, were mapped as public streets. As a result of a Corporation Counsel ruling, these streets were demapped to accommodate rail yards for the New York Central Railroad (which eventually merged with Pennsylvania Railroad). The 1992 Riverside South approvals remapped public streets throughout the development, but did not map West 60<sup>th</sup> Street in order to accommodate the large footprint necessary for anticipated television studios.

The restrictive declaration for Riverside South, however, requires that this street be mapped as a City street if the site does not include television studios. The applicant proposes to eliminate this requirement and utilize density on the site that would otherwise be publicly owned if West 60<sup>th</sup> Street were mapped as a public street. Based on the site's density restrictions and the explicit street mapping requirement set forth in the existing restrictive declaration, it is clear that the public never contemplated that additional density would be available on site in the future for more private residential development.

A condition of the proposed large-scale development special permits (pursuant to ZR §§ 74-743 and 74-681) is that streets providing access to a general large-scale development are adequate to handle the resulting traffic considering the development's size. According to the DSEIS, the proposed project will result in unmitigatable traffic impacts associated with the project's density. Consequently, this finding cannot be met unless there is a reduction in proposed on-site density. The reduction should reflect an amount that is, at minimum, equivalent to the density gained from not mapping West 60<sup>th</sup> Street – approximately 480,000 SF.

Currently, Riverside Center results in several other unmitigated adverse impacts on open space, mass transit, pedestrian flow, and community facilities. These impacts are attributable, in part, to the requested increase in density and cannot be mitigated without a significant density reduction or a reconfiguration of the site. Any additional density should only be granted if the applicant can demonstrate that the development's proposed density does not create or contribute to additional adverse impacts that cannot be mitigated. It is not sound public policy to encourage development with unmitigated impacts that strain existing infrastructure and reduce the quality of life of all residents in the neighborhood. Consequently, the density increase remains unwarranted.

A reduction in density would lessen, though not eliminate, the overall strain on surrounding infrastructure and would make the proposed development better meet the findings of the large-scale development special permits as they relate to traffic impacts.

### *Public Schools*

Over the last several years, the Upper West Side has experienced significant overcrowding in its local public elementary and middle schools. According to the DSEIS, the local elementary and intermediate schools within a one-half mile of the project site are currently at 104 percent utilization.<sup>4</sup> The existing overcrowded school conditions have resulted in neighborhood children being placed on long waiting lists, leaving them uncertain about where they will be attending

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<sup>4</sup> To derive overall utilization of these school, the enrollment and capacity figures in Table 4-3 (Public Elementary Schools Serving the Study Area) and 4-4 (Public Intermediate Schools Serving the Study Area), respectively, were combined, and the ratio of total enrollment to total capacity was determined.

school. Available seats at local public schools are part of the fundamental infrastructure needed for healthy neighborhoods. By 2018, the build year for this project, the nearest schools will be at 145 percent capacity.<sup>5</sup> This condition will exist even with the applicant’s proposed mitigation.

Much of the condition of the area’s public schools is related to the unmitigated impact associated with the original Riverside South large-scale development plan. In the original restrictive declaration, the developer for Riverside South agreed to provide a site to the City, at fair market value, that would be sufficient for a 600-seat school on Development Site I, J, or K. The City did not exercise its option to purchase this property, and the original Riverside South impact on schools remains unmitigated. The current applicant now seeks to alter aspects of the original development plan by adding significant density to the Riverside South large-scale development plan, which was not anticipated during the original public review of the Riverside South development plan, impacts, and related mitigations.

Riverside Center is inextricably linked to the original large-scale development and the related environmental impacts, because it modifies the original actions and the conditions analyzed in the original Environmental Impact Statement (“EIS”). By ignoring the impacts of the original project and failing to adequately mitigate those impacts, the applicant is effectively segmenting the environmental review process, which is contrary to the intent of the State Environmental Quality Review Act.<sup>6</sup> The stakeholders present during the original Riverside South public review process were not aware that 3,000 additional residential units might be added to the site, and they were denied the opportunity to consider the cumulative impacts of Riverside Center and Riverside South. Consequently, they were denied the opportunity to properly consider the breadth of mitigations needed.

The proposed plan currently dedicates up to 150,000 SF for a public school. The provision of a 150,000-SF school would significantly contribute to relieving overcrowding in the community’s schools, which is partly a result of the Riverside South large-scale development. However, the applicant intends to fund only 75,000 SF of school development and, given the current fiscal climate, it is unlikely that the School Construction Authority will be able to fund the remaining 75,000 SF of school space. Therefore, the original impacts will remain unmitigated and the public school system will likely remain overcapacity.

The applicant should work to mitigate the cumulative impact of the Riverside South development by constructing as large of a public school as possible. This would not only meet neighborhood needs, but also addresses a longstanding issue associated with the larger Riverside South development. Further, the addition of a larger public school would represent superior site planning for both the proposed Riverside Center and the modified Riverside South large-scale

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<sup>5</sup> Utilization was derived by adding the enrollments and capacities, respectively, in Table 4-9 (Estimated Public Elementary School Enrollment, Capacity and Utilization: 2018 Future with the Proposed Project) and 4-10 (Estimated Public Intermediate and High School Enrollment, Capacity and Utilization: 2018 Future with the Proposed Project). Enrollment was then divided by capacity to determine utilization. The capacity and enrollment assumes that the applicant mitigates the impact of the proposed development by constructing a public school for 480 elementary and intermediate students.

<sup>6</sup> “Considering only part or segment of an action is contrary to the intent of SEQRA.” State Environmental Quality Review Act 617.3 General Rules

plans. Failure to do otherwise would perpetuate a negative consequence of the original Riverside South development, which continues to negatively impact the community.

*Open Space (Configuration, Quality, and Accessibility)*

The applicant proposes to provide approximately 50 percent of the site as dedicated open space accessible to the public.<sup>7</sup> The entirety of the open space is primarily located on the private streets and the central open space. A portion of the proposed open space, however, is actually along the perimeters of each of the buildings. Much of this perimeter “open space” would be relatively unusable as traditional open space and would instead be accessory to the proposed uses fronting the public or private streets within or adjacent to the site. Further, much of the proposed open space, even the central open space, would be unusable due to the site’s steep grade and its design as viewing gardens. Despite the proposed provision of open space on site, the development would still have an unmitigated impact on open space.

In addition, the proposed open space is created by orienting the majority of the bulk along the southern and northern edges of the site. This proposed configuration casts the open space in shadow most of the year thereby obstructing light and air and reducing the open space’s quality, visibility, and general usability. The buildings along the southern edge of the site, in particular, are primarily responsible for these shadow conditions. Further, the proposed open space narrows along its easternmost edge (between Building 1 and Building 4), which obscures the open space from pedestrians passing along the surrounding streets.

In order to meet the findings of the large-scale development special permit, the applicant must produce a site plan that results in a better relationship among buildings and open space to public streets. The applicant must also demonstrate that the location of buildings will not unduly obstruct access of light and air to uses on the development site.

The applicant should reconsider the site plan in order to increase the total amount of active open space and reconfigure the site to reduce the visual obstructions to the open space. Increasing the open space would allow the applicant to at least partially mitigate the development’s impact on active recreational space in the area. In considering the type of active recreational space, the community has expressed a preference for a playground on the site. Further, by reconfiguring the site to remove visual obstructions around the proposed open space, the site plan would have a better relationship among buildings and open areas to surrounding streets and would not unduly obstruct light and air to the detriment of users on the block, thereby meeting the findings of the large-scale development special permit.

Additionally, the development’s proposed grade change results in a less than optimal open space configuration. Due to grade constraints, the applicant proposes to use a portion of the open space for a private driveway that runs parallel to West 59<sup>th</sup> Street. The driveway limits access along the southwestern corner of the site, and entry points from the street that lead to the driveway rather than to the open space can reinforce a perception that the open space is private space not public. The applicant intends to raise the open space in order to separate the space from heavily-

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<sup>7</sup> 34 percent of the site would be open space and 16 percent of the site would public easements for street extensions and sidewalk widenings.

trafficked streets, create view corridors, and to mitigate wind conditions by placing dense plantings along the western edge of the site.

However, the proposed configuration leaves the southwestern corner inaccessible to many individuals, including those with disabilities, because the only means of access are staircases. This condition is a particular concern because the access point at West 59<sup>th</sup> Street and Riverside Boulevard serves as the last at-grade connection to Riverside Park and the Hudson River Greenway (the most heavily utilized bikeway in the United States) until West 72<sup>nd</sup> Street. Therefore, this site serves as an important crossing for individuals who need to exit the park at grade such as people with disabilities, bicycles or strollers. Those individuals utilizing this major park connection and who are unable to use the site's steep stairs would have to travel to West 60<sup>th</sup> Street or to the Freedom Place South extension in order to access the Riverside Center at grade.

The inaccessibility of the site due to the grade change is unacceptable. It results in a development that does not relate to the surrounding streets and makes a significant portion of the site inaccessible for many individuals. The applicant should ensure that the access point to the open space at the intersection of Riverside Boulevard and West 59<sup>th</sup> Street is ADA-accessible.

Although the grade change is primarily necessary to mitigate wind conditions, the grade differential should be reduced along West 59<sup>th</sup> Street to soften the site's edges and increase the site's permeability along public thoroughfares. Even if the grade at West 59<sup>th</sup> Street were reduced or eliminated, the current site plan has the West 59<sup>th</sup> Street access point leading directly to a private driveway. This design creates the impression that the entry is not public because it leads to a private driveway and not directly to the open space. The private driveway should be reduced or removed in order to bring plantings to the edge of the site and promote a sense that the entry serves as public access to public space. Therefore, the West 59<sup>th</sup> Street access point should be redesigned to create an at-grade, direct connection to the public open space.

Further, it is possible that this publicly accessible privately-owned open space has the potential of being perceived as private over time if there is no clear indication that it is open to the public. Therefore, the open space should be clearly marked with appropriate signage to ensure that the public is aware that the space is publicly accessible. Such signage should be in or as near in compliance with public plaza regulations as possible.

#### *Treatment of West 59<sup>th</sup> Street*

The current plan proposes to place no active uses along West 59<sup>th</sup> Street. Instead, the development plan places service entrances and curb cuts along the street. This creates a significant zone of inactivity along West 59<sup>th</sup> Street, which will be exacerbated by the existing lack of active uses to the south of the site where the block-long Con Edison steam plant is located. The proposed design re-creates a dead zone similar to other places in the immediate area, such as the Fordham University campus prior to its efforts to redevelop its campus and near Lincoln Center.

The proposed dead zone is not simply a result of permitted development under the existing zoning, but rather created by the requested zoning actions to increase the number of curb cuts,

reduce the ground-floor transparency of the buildings, and re-grade the site (most affecting West 59<sup>th</sup> Street). The applicant should modify its development proposal to provide greater connectivity to the open space from West 59<sup>th</sup> Street, create new active uses, and reduce the number of curb cuts and service entrances along the street.

Improving the conditions on West 59<sup>th</sup> Street prevents the re-creation of dormant streetscapes and zones of inactivity existing in other parts of the community. Further, by increasing connectivity of and active uses on West 59<sup>th</sup> Street, the applicant will better meet the findings associated with the bulk waivers sought through the large-scale development special permit and the certification to modify streetscape requirements. Finally, by improving West 59<sup>th</sup> Street, the applicant will encourage a greater number of pedestrians to utilize West 59<sup>th</sup> Street and reduce the number of residents using West 60<sup>th</sup> Street to access the Columbus Circle subway station. By redirecting pedestrians onto another thoroughfare, the total impact on the West 60<sup>th</sup> Street intersections will be diminished, including the unmitigated intersection.

#### *Public Parking and Automobile Showroom and Service Center*

The proposed automobile showroom and service center is not environmentally friendly, will increase traffic congestion, and is an inactive commercial use that does not contribute to the neighborhood. Further, the proposed public parking garage – to be one of the largest in Manhattan – will increase traffic congestion and negatively impact surrounding infrastructure. Additionally, the lowest level of the development site will be a two-block self-parking garage. A self-parking garage of this size is unusual and may create an unsafe condition if not adequately monitored. Additionally, as a matter of public policy, it is questionable whether non-essential Use Group 16 uses, which are classified as semi-industrial, should be encouraged in a residential neighborhood.

The DSEIS indicates that the proposed actions would impact 24 intersections. The DSEIS proposes, among other mitigations, to decrease the amount of time allotted to pedestrians to cross West End Avenue. Based on longstanding community complaints, residents currently have difficulty crossing West End Avenue, particularly the elderly and those with children. Therefore, it is doubtful that this proposed mitigation is actually feasible.

If the impacts cannot be mitigated, then drivers will likely look for alternative north/south routes to West End Avenue on which to travel. Although the re-distributed traffic volume may be controlled on other avenues with signal changes, no such option exists for Riverside Boulevard because it lacks traffic lights. The applicant should re-examine the existing traffic analysis based on an assumption that the proposed mitigation on West End Avenue may not be feasible and that additional traffic may divert to other thoroughfares such as Riverside Boulevard. Additionally, if a new impact on Riverside Boulevard is identified, the applicant should explore signaling those intersections.

Further, according to the DSEIS, the proposed actions would result in three intersections that cannot be mitigated. As such the proposed uses would create or contribute to serious traffic congestion in the neighborhood, and the impacts indicate that the streets are not adequate to handle the resulting traffic. Therefore, the applicant cannot meet the required findings for the automobile service center or the public parking garage(s). Whether the applicant chooses a

single garage or a five-garage scenario, the impacts on the neighborhood will be the same because either scenario relies on the same number of ingress/egress points. Therefore, the option for a single garage or multiple garages is only a question of internal operation and not of environmental impact.

The applicant's DSEIS anticipates a demand for 1,374 spaces of accessory parking, which is based on an assumption of a high car ownership rate. The community board has noted that a survey performed for the Hudson Yards Rezoning found that a residential car ownership rate of between 31 and 36 percent exists for the area. Based on the Hudson Yards survey, the project's parking demand is more likely to be a maximum of 1,080 spaces.<sup>8</sup> The proposed public parking garage will house 1,101 spaces on the first sub-cellar level and 699 on the lowest sub-cellar level (for the accessory parking). The garage would still be able to accommodate the project's maximum residential parking demand even if it were not to include parking on the lowest sub-cellar level.

The applicant should remove the proposed Use Group 16 automobile service center and, at minimum, one floor of parking, which would reduce the total number of parking space to 1,100. Further, as the proposed mitigation for West End Avenue is potentially infeasible, the applicant should re-examine the proposed impacts on other major thoroughfares and investigate adding signalization on Riverside Boulevard.

#### *Affordable Housing*

Originally, the applicant committed to providing 12 percent of the residential units as affordable housing units. Late in the Borough President's review period, the applicant submitted a proposal to the Department of City Planning to make the City's Inclusionary Housing Program applicable for this site. The Inclusionary Housing Program would require that 20 percent of the total residential density be targeted to households that earn 80 percent or less of the Area Median Income. Further, the affordable housing will have to be permanent.

This new modification of the project brings the proposed development significantly closer to meeting community goals and is preferable to the applicant's previous commitment.

#### *Environmental Sustainability*

Promoting environmental sustainability in development is an important goal in the long-term planning of the City. Large-scale plans, which address larger geographic areas, represent a unique opportunity to consider sustainability in development. It is, therefore, essential to use this opportunity to plan not only for the immediate future, but to consider the impacts over the coming decades and to promote environmentally sustainable infrastructure.

The original Riverside South development plan attempted to incorporate new ideas of environmental sustainability by requiring the developer to provide environmentally sustainable technologies with a payback period of five years. The benefit of creating a sustainable development was part of the public policy considerations that led to the project's approval.

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<sup>8</sup> The applicant proposes a maximum number of 3,000 residential units and assuming a 36 percent car ownership rate the applicant will likely generate a demand for 1,085 spaces at its maximum.

Since this agreement in 1992, significant advances have been made in green technologies. Developments, even affordable housing developments, have increasingly been able to achieve high levels of environmental sustainability.

The applicant's proposal to continue incorporating technologies with a payback period of five years is no longer sufficient. As green technologies rapidly advance, maintaining a standard based on a payback period is no longer a meaningful way to ensure environmental sustainability. The applicant should instead identify specific sustainable practices and technologies that will be incorporated into the proposed development and work to achieve the equivalent of the highest level LEED rating possible.

### *Construction Impacts*

Large-scale projects inevitably affect the quality of life of surrounding residents during construction. The DSEIS for this proposed development does identify construction as a potential adverse impact category. Unfortunately, some disruption due to construction is unavoidable. The neighborhood disturbance due to construction is temporary and necessary for the redevelopment to occur. Construction impacts, however, can be mitigated to allow the development to move forward without overwhelming the community. The applicant should commit to implementing all construction mitigation measures identified in the DSEIS, including those relating to pollution and noise mitigation.

### *Retail Use, Local Hiring, and Job Training*

The proposed development will greatly increase the commercial uses in the area, which are otherwise predominately residential. This increase creates a unique opportunity to connect the development with the surrounding community. Successful developments usually have active retail, such as grocery stores, and other neighborhood-oriented retail. While a cinema is a positive neighborhood amenity, the proposed automobile showroom is a destination use that does not serve a local need. The applicant should work with the local community to identify needed neighborhood retail.

Further, the development has an opportunity to not only increase employment opportunities in the area, but also to make those jobs available to local residents, some of whom may lack the proper training. As part of any approvals, the applicant should explore and commit to local hiring practices and a job training program for low-income community members in order to ensure that the economic benefit of this development is retained within the community over the long run.

### *Environmental Mitigation*

Finally, the proposed development results in several unmitigated impacts on, among others, open spaces, day care facilities, pedestrian intersections, cross-town buses, and traffic. These impacts result not only from the increase in density on the site and the new uses, but also from the related introduction of a significant population to the area. According to the DSEIS, these impacts would still exist in a lower density alternative, but to a lesser extent. Since the potential environmental impacts would exist even under a lower density alternative, no change should be

made to the 1992 restrictive declaration or the original large-scale development plan without a corresponding plan to mitigate these impacts.

## **Conclusion**

Sound development of the site is desirable to the Upper West Side. The neighborhood would benefit from the increase in jobs and improvements to the immediate neighborhood resulting from redevelopment. However, it is important not to simply approve development at the site for the sake of development, but rather to advocate for a responsible and appropriate development plan.

The proposed recommendations would assist in blending the development into the larger community and resolve local concerns. I urge the applicant to continue to work with stakeholders throughout the remainder of the public review process.

## **BOROUGH PRESIDENT'S RECOMMENDATION**

The Riverside Center development has the potential to either improve the neighborhood or to recreate the past mistakes of Riverside South. Significant environmental impacts are unmitigated, and many community concerns regarding the proposed design have not been addressed. Most important, the proposal fails to meet many of the findings of the proposed actions and, as such, does not warrant approval.

**Therefore, the Manhattan Borough President recommends conditional disapproval of application M 920358 D ZSM (modification of the 1992 restrictive declaration) unless the applicant reduces density, mitigates new impacts, and addresses outstanding impacts on the school system associated with the Riverside South large-scale development.**

**Further, the Manhattan Borough President recommends approval of application N 100294 (A) ZRM (text amendment to allow modification of outer courtyard regulations and to include the site in the Inclusionary Housing Program) as the action would allow the CPC greater flexibility to encourage interesting architectural design and will make 20 percent of the floor area permanently affordable housing.**

**Further, the Manhattan Borough President recommends conditional disapproval of application C 100296 (A) ZSM (large-scale development special permit) unless the total density is reduced; the amount of open space is increased; West 59<sup>th</sup> Street is activated; and the site is redesigned to prevent the open space from being cast in shadows and obscured from the public street. Without the proposed alterations, the applicant does not meet the findings that the application results in a better relationship between the development and the surrounding area than would otherwise be possible, and will thus benefit the occupants of the development, neighborhood, and the City; that the modifications will not obstruct light and air; or that the surrounding streets are adequate to handle resulting traffic flow. However, the Manhattan Borough President recognizes that the provision of inclusionary housing in this special permit is a positive development since the application's certification.**

Further, the Manhattan Borough President recommends disapproval of applications N 100295 ZRM and C 100297 ZSM (text amendment and special permit for the automobile showroom and service center) as the service center will create or contribute to traffic congestion and is inconsistent with sound public policy by placing non-essential, semi-industrial uses in residential neighborhoods.

Further, the Manhattan Borough President recommends conditional disapproval of applications C 100288 ZSM, C 100289 ZSM, C 100290 ZSM, C 100291 ZSM, C 100292 ZSM, and C 100293 ZSM (public parking garages) unless the public parking garage is limited to 1,100 spaces, which could be achieved by removing the lowest sub-cellar floor, as the proposed garage contributes to or creates serious traffic congestion and inhibits pedestrian flow (particularly on West 59<sup>th</sup> Street) and thus does not meet the required findings.

Further, the Manhattan Borough President recommends conditional disapproval of application C 100287 ZSM (construction over a railroad right-of-way) unless ADA-accessible entrances to the open space are provided at Riverside Boulevard and West 59<sup>th</sup> Street, and West 59<sup>th</sup> Street is brought to grade.

Further, the Manhattan Borough President recommends approval of applications N 100298 ZAM and N 100286 ZCM (curb cut on West 61<sup>st</sup> Street and West End Avenue) as they will be used for the extension of Freedom Place South and the West 60<sup>th</sup> Street, which will enhance the site's overall design;

Further, the Manhattan Borough President recommends conditional disapproval of application N 100299 ZCM and N 100300 ZCM (streetscape modifications) to allow multiple curb cuts on West 59<sup>th</sup> Street and waive streetscape requirements as the current configuration negatively impacts West 59<sup>th</sup> Street and has the potential of creating unsafe, inactive conditions. The proposed treatment should be revisited to encourage active uses and bring a greater portion of West 59<sup>th</sup> Street to grade. Without such changes, the proposed actions will not enhance the site plan or enhance the design as compared to an as-of-right scenario.



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Scott M. Stringer  
Manhattan Borough President