

**Community Board 7/Manhattan
Special Full Board Meeting
Mel Wymore, Chair
July 22, 2010**

Community Board 7/Manhattan held a special meeting on July 22, 2010, at Goddard Riverside Community Center, 589 Columbus Avenue, in the District. The meeting was called to order at 6:55 pm after a quorum was determined to be present, and was chaired by Mel Wymore, Chair of CB7. The following topics were discussed.

The sole topic on the agenda of the special meeting was CB7's draft report and resolutions concerning the developer's ("Extell" or the Developer") applications relating to its proposed Riverside Center ("RSC") development between 59th-61st Streets, West End Avenue ("WEA") and Riverside Park South ("RSPS").

Chair's Introduction:

- Appendix A to the draft Report and Resolution ("R&R") sets forth a summary of CB7's recommendations for the site, which follow CB7's Core Principles as discussed in ULURP public hearings on May 24th, June 3rd, June 15th, June 29th, July 6th, July 21st, as well as at prior meetings of the CB7 full Board, Land Use Committee, and Riverside Center Working Group ("RSCWG").
- The Core Principles are set forth in R&R section D(2), and have been applied to the proposed RSC project (the "Project") using the methodology described in R&R Executive Summary section A.
- Appendix B to the R&R contains CB7's proposed responses to each of the individual applications submitted by the Developer. Certain of the applications in turn contain multiple sub-parts.

The R&R is incorporated in these minutes by this reference, and is available at www.nyc.gov/mcb7.org.

Appendix A – Summary of CB7 Recommendations.

Item 1 – "Givens":

Public School:

- Difference between CB7's recommendation and the Developer's proposal:
 - Developer is funding only the exterior walls and floors of undifferentiated raw space for a 75,000 sq ft school, big enough to serve only the children in the Project, leaving the fit-out of the school to the Department of Education's School Construction Authority ("SCA").
 - Developer offering an option to SCA to purchase an additional 75,000 sq ft, the entire cost of which to be borne by SCA; SCA turned down a similar option in 2006.
- Concern that the school will be constructed too late to meet current critical overcrowding, and including this recommendation will thwart needed school development in the interim.
- SCA has earmarked no funds whatsoever in the 2010-14 Capital Plan for new seats in our District – the Project is the single opportunity to meet the community's needs for new seats.
- Cost of the fit-out estimated by an approved SCA contractor and engineer at \$250-450 per square foot, including a state-of-the-art facility. Total estimated at \$53-68MM – well short of the "hundreds of millions" suggested by the Developer at previous meetings.
- Concern that current cost estimates will not be relevant at the time the Project is actually built.

No amendment offered.

Affordable Housing:

- Developer proposes 12% affordable housing, measured as a percentage of units, to be subject to affordable housing limitations for 20 years.

- CB7 recommends 30% permanently affordable housing, measured by square footage.
- Affordable units are expected to be rentals, but some consideration should be given to an inclusionary model that provides a path to affordable ownership.

- Proposed Amendment per Helen Rosenthal:
Delete “primarily” from R&R and Appendix A, so that CB7 calls for all affordable housing units to be at the Project site.
- For the Amendment:
- Helen Rosenthal:
 - CB7’s R&R should conform to the recommendation from the CB7 Housing Committee discussion on July 15th, which recommended that all affordable units be on the Project site.
 - Creating affordable housing off-site creates a segregated and disfavored neighborhood.
- Charles Simon (co-chair, Housing Committee):
 - Should strike a balance – strategically should ask for all needs of our community, while remaining credible to the decision-makers. Mistake to ask for too much, or too little.
 - Recommending 30% on site gives the City Council and others the maximum room to negotiate for the best possible deal.
- Miki Fiegel:
 - There are already 150,000 unclaimed affordable housing credits in our community.
 - Cheaper to pay for the credits than actually build - should insist that units actually be built.
- Marisa Maack:
 - Joint Housing and YEL Committee meeting emphasized the importance of economic diversity to the success of the school as well as the Project.
- Against the Amendment:
- Shelly Fine:
 - CB7’s recommendation was originally at 20%; increased per Shelly’s report at July 6th full Board and July 15th Housing Committee meetings, noting the higher percentage of affordable housing recently required at the Atlantic Yards and Domino Sugar developments.
 - Bulk of the affordable housing lost was located in the northern portion of the District – reasonable and responsible to replace a portion of that stock where it is needed.
 - Understands that Council Member Brewer supports affordable housing both on and off site.
- Haydée Rosario: Concern about flexibility.
- Elizabeth Starkey: Flexibility ensures we do not end up with only the Developer’s proposal.
- Tom Vitullo-Martin:
 - Flexibility on/off site encourages increases the chance that more affordable units will be built.

VOTE on Proposed Amendment 16-21-2-0; Amendment failed.

No other amendment offered.

Sustainability

- Proposed Amendment per Page Cowley: Change the description in Appendix A to read:
The application must address sustainability of the entire design proposal and require the inclusion of green technologies that pay back within 10 years. The Developer must immediately retain a LEED-accredited professional to join the design team or identify this entity/person on their present team.
Sustainable strategies have not been included and must be considered at this stage of the Project. The design proposal for the buildings and the site need to meet the highest LEED rating of the Green Building Certification Institute (GBCI) as developed by the U.S. Green Building Council (USGBC).

- Suzanne Robotti:
 - LEED application is only a checklist.
 - Must plan for sustainability at the earliest possible stage of development.
- Nick Prigo:
 - There is a huge difference between plain-vanilla LEED certification and Platinum certification.
 - Require Developer to do everything in its power to achieve LEED Platinum certification.
- Elizabeth Starkey (co-Chair, Parks/Environment Committee):
 - Difficult to enumerate all sustainability goals.
 - Extell must be guided by the principles expressed in LEED as well as PlaNYC, and demonstrate to City Council that they have complied with those goals.

Amendment Adopted as Friendly.

Item 2 – Site Plan Modifications:

Restrict total density to 2.4 Million ZSF.

- Ethel Sheffer: would amount to a reduction of approximately 500-600K sq ft
 - Cannot easily convert square feet into reduced floors of the proposed buildings - too many variables. Building 4, which CB7 recommends be removed, is approx 400K sq ft.
- Tom Vitullo-Martin:
 - Believes Board members do not have strong feelings about square footage.
 - some argue it is a good negotiating point to give on.
 - some would prefer to get benefits in exchange for increase.
 - original proposal had huge buildings blocking views; the Project is much better.
- Richard Asche (Co-Chair, Land Use Committee):
 - The need to address congestion, open space and infrastructure provides substantial and real reasons to reduce density, possibly even below 2.4MM sq ft.
 - It would be imprudent to recommend less than the 92 R/D; hold at its limit of 2.4MM ZSF.
 - Change of use is significant. Residential uses tax infrastructure more intensely than offices.
- Mel Wymore: R&R should reflect community views as well as those of Board members.

No amendment offered.

Remove Building #4

No amendment offered.

Bring Site to Grade:

- Ethel Sheffer: No estimate available of the cost to bring the site to grade.
- Phyllis Gunther: Fordham example of beautiful but inaccessible open space.
- Mel Wymore: No engineering reason why the site cannot be brought to grade.
- Klari Neuwelt: Architect's response for purpose of the platform was largely site lines and views.
- Tom Vitullo-Martin:
 - site is on a hill, cannot avoid the slope. Slope is only 11'-13' at 59th and RSB (not a wall).
 - a level site would be beneficial, and causes no disadvantage to the street below.
- Hope Cohen:
 - Bryant Park before renovations was an elevated open space with hedges such that people on site and the sidewalk cannot see one another -- creates feeling of not being safe.
 - Project proposes a 6' tall waterfall on RSB – it is a wall.

- Stairs and terraces along 59th St would rise above pedestrian's head – also a wall.
- nothing to entice people leaving RSPS into the site to retail etc.

No amendment offered.

Extend 60th Street to Riverside Boulevard as a “limited vehicular and pedestrian way”:
No amendment offered.

Surround the Public Open Space with publicly accessible streets or pathways:
No amendment offered.

"Straighten" Freedom Place South:
No amendment offered.

Modify the footprint of Building 5: – to accommodate straightening Freedom Place South.
No amendment offered.

Eliminate the private driveway that serves Building 3:
No amendment offered.

Remove the 30-foot curb cut for the ramp to the lower level designed to serve the auto service center:
No amendment offered.

Widen sidewalks along 59th and 60th Streets:
No amendment offered.

Position and Configure Retail Spaces and Destination Uses along the perimeter:

- Mel Wymore: Position retail along WEA instead of inward-facing.
- Hope Cohen:
 - retail is organized around the plaza; should be organized around streets.
 - retail more successful and inviting if not placed on elevated platforms.
- Proposed Amendment per Blanche Lawton:
 - add “pedestrian” between "invite" and “traffic”; add “off stores” after “varying sizes.”

Amendment adopted as friendly.

- Proposed Amendment per Mark Darin:
 - add "59th Street" after "West End Avenue" to retail space

Amendment adopted as friendly.

- Tom Vitullo-Martin: Concerned that CB7 is replacing Developer's plan for retail with its own.
- Richard Ashe:
 - consider RSC in context of another project by same Developer across WEA on 61st – creates a canyon-like effect which should be ameliorated on this site.
- Dahlia Mahmoud:
 - this area recently lost a Gristedes – should encourage a supermarket as part of the retail.

- Mark Diller:
 - CB7's proposed alternatives to the auto showroom specifically recommend a supermarket.
- Ethel Sheffer -- R&R references need for diverse retail, which would include supermarkets.

No other amendments offered.

Specify loose "shrink-wrapping" of buildings:

- Klari Neuwelt: object is to allow flexibility in massing and form.
 - empower those negotiating on density to achieve goals unimpeded by unusual shapes.
- Gabby Palitz:
 - eliminating odd shapes can redress the canyon effect on West 61st Street.
 - odd shapes throughout make the parcel feel private and an uninviting enclave.
- Proposed Amendment per Gabby Palitz and Page Cowley:
Replace the entire paragraph entitled "Specify loose 'shrink-wrapping' of buildings" with the following:

Include breaks in the faceted façade of the buildings as proposed by the current architects to reflect traditional set-backs that exist adjacent to and opposite the site at a reasonable height to minimize the "canyon-like" effect on West 61st Street, a narrow residential way.

Require further CB7 and City Planning review and approval once a general massing and specific design for these buildings is set and before DoB permits can issue, 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, so as to support the design diversity of this proposal from Riverside South to the north (as distinguished by the unique sculptural shapes of the towers).

- Richard Asche:
 - Initial point about flexibility must allow certain lee-way while ensuring that the buildings as build bear a material resemblance to what was approved.
 - Concern over a repeat of Atlantic Yards, where Frank Gehry designs were approved, but a very different set of designs will actually be built.
- Page Cowley: Deleting reference to "shrink-wrap."
- Gabby Palitz: Intent is to protect the impact on the area without prescribing design or materials.

Amendment adopted as friendly.

Item 3 - Site Plan Recommendations:

Eliminate or replace the above-ground auto showroom:

No amendment offered.

Eliminate or replace the below-grade repair center:

- Andrew Albert:
 - Per Transportation Committee, significant traffic congestion is expected to be created by the auto service center.

No amendment offered.

Include facilities for affordable child care:

- Mark Diller:
 - DSEIS reveals a significant unmitigated impact, with overcrowded facilities over 1.5 miles away attempting to accommodate increased demand.
 - As the affordable housing percentage is increased, the unmet excess demand will worsen.

No amendment offered.

Include a playground for children:

No amendment offered.

Accommodate a broad variety of engaging and useful retail.

No amendment offered.

Work with the Department of Business Services to attract viable small businesses to the site:

No amendment offered.

Item 4 - Circulation and Transportation:

Incorporate the integrative potential of West 59th Street:

No amendment offered.

Construct Riverside Boulevard first:

- Klari Neuwelt: should not build the road before the school.
- Proposed Amendment to strike the entire paragraph.

VOTE on amendment: 3-29-0-0 -- amendment fails.

- Proposed Amendment per Andrew Albert: delete "before constructing any buildings on the site."

Amendment accepted as friendly.

Analyze traffic impacts with updated data:

No amendment offered.

Include traffic safety designs:

- Proposed Amendment per Sue Robotti
 - Add "bike lanes" to the list of safety improvements.
 - Add "pedestrian, cyclist and vehicular" before "traffic safety."
 - Add "both inside and outside the site."
- Hope Cohen:
 - mitigation through adjustments to traffic lights is illusory since DoT modifies to meet usage and experience routinely.
 - must seek a more structural solution to congestion and safety.

Amendment accepted as friendly.

Make 59th and 61st Streets Westbound only:

- Andrew Albert (co-Chair, Transportation Committee):
 - Transportation Committee walking tour of the site raised concerns as to whether 59th Street can be made one-way without disrupting other patterns.
 - Freedom Place South is 2-way and ends at 59th Street.
- Hope Cohen:
 - 59th Street is the only at-grade access to and from RSPS - should facilitate use of access.
- Proposed Amendment: Change to read:
CB7 and the Department of Transportation must study the traffic directions of roads surrounding the site, including West End Avenue, 59th Street, Riverside Boulevard, 61st Street, and Freedom Place South.

Amendment accepted as friendly.

Move the pedestrian refuge planned for 61st Street and WEA to 62nd Street and WEA:

No amendment offered.

Take immediate steps to address traffic safety concerns of residents in buildings along RSB.

No amendment offered.

Optimize loading/unloading and circulation below grade:

No amendment offered.

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

- Mel Wymore:
 - 92 R/S permits 743 spaces.
 - All Consultants recommended 1000 or fewer spaces.
 - Concept of limiting parking by number of floors for the garage rather than number of spaces.
- Madge Rosenberg:
 - Site proximate to the highway exit is an ideal place for parking, to keep cars from midtown.
- Dan Zweig (co-Chair Transportation Committee):
 - Transportation Committee voted for 1200 spaces as a compromise to balance accessory needs of residents and those whose spots will be lost on the site.
 - already expensive/difficult to own a car on the UWS.
 - expect residents at the site will be able to afford to keep cars.
 - residents, displaced current users not accommodated will bid up the price of parking on UWS.
- Hope Cohen:
 - 743 spaces is close to what is required;
 - assessing rate of usage in RSS and applying metric to the site suggests 500 spaces.
 - most reasonable solution is a single-level garage; avoids issue of accessory vs transient.
 - no way to manage between accessory and public, so should be public.
- Dan:
 - single garage is a good idea.
 - should provide for rental cars at the site.
- Mel Wymore: rental cars envisioned for auto repair center space.
- Proposed Amendment per Ken Coughlin:
Limit parking to 700 spaces.

- at 1800 spaces proposed by Developer, parking would generate 4700 trips per weekday, 4200 Saturdays (DSEIS p 16-52).
- at 1200 spaces, would generate 3100 trips per day; at 800 spaces - 2100 trips per day.
- Scarcity would discourage car ownership, and create a coalition to support mass transit.
- Midtown accessory parking ratio is 20%. Site is on the edge of the midtown Central Business District, where accessory limited to 20% as remediation of Clean Air Act violations.
- UWS accessory parking ratio is 35%.
- Hudson Yards compromise of 30% for market and 8% for affordable.

VOTE: 9-23-3-0 -- amendment failed.

- Proposed Amendment per Miki Fiegel:
Increased number of permitted spaces to 1200.
-- should avoid pollution from drivers circling for parking.

VOTE: 10-23-4-0 -- amendment failed.

- Page Cowley:
Proposed Amendment - delete requirement that the garage be contained on a single level.
-- potential for transportation hub or park-and-ride scheme (e.g. to support congestion pricing).
-- concern about single-level because it could force the creation of a wall preventing the site from being brought to grade to accommodate a single-level, site-wide garage.
- Richard Asche:
-- supports the amendment, as it is impossible to predict consequences of design choices.

VOTE: 25-3-5-0 -- amendment adopted

- Tom Vitullo-Martin:
To create a greener project, should authorize (rather than require) the construction for additional spaces for rental cars, shared-cars and electric plug-in cars.
- Ethel Sheffer -- following items address rental cars and car-sharing.
- Marisa Maack: Concern for impact of parking on LEED certification.
- Proposed Amendment: add reference to the need for spaces for electric (plug-in) cars.

Amendment accepted as friendly.

No further amendments offered.

Include car-sharing facility below-grade on the site:

No amendment offered.

Include a car rental facility below-grade on the site:

No amendment offered.

Request added capacity for the M57 and M31 buses, and re-routing of the M31 bus:

- Proposed Amendment per Andrew Albert:
Expand to seek re-routing of M66 and M72 as well.

Amendment accepted as friendly.

Make substantial investments in local infrastructure:

No amendment offered.

Item 5 - Mitigations:

Create new open space by removing Building #4:

- Klari Neuwelt:
 - mitigation means to address impacts once the site is built.
 - removing Building 4 addresses other issues, including density, light and air, wind, view corridor to Powerhouse, etc.
- Hope Cohen:
 - removing Building 4 is a mitigation because it addresses the scarcity of active open space that will worsen when the site is occupied.
- Proposed Amendment per Mark Darin - change "new" to "additional"

Amendment accepted as friendly.

Establish a Construction Coordinating Group under CB7 for the site.

No amendment offered.

Proposed Amendment per Helen Rosenthal re an additional point to include under Mitigation.

- Helen Rosenthal:
 - Since the DSEIS reveals that, absent the creation of the school required by the community, the site will create a substantial unmitigated adverse impact on the community, the mitigation section should cross-reference the need for a school.
- Mark Diller:
 - add a new paragraph to read as follows:

Build a Full-Sized 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 must include a new school at the site. To the extent that this is considered mitigation, reference is respectfully made to the discussion of the nature the proposed school and its relationship to the needs of the community as set forth in Section D.3.a of CB7's Report and Resolution, and in Appendix C-6.

Item 6 - Investment in Community and Infrastructure:

a. Riverside Park South -- Three sub-sections considered in one discussion.

Assure completion of the Miller Highway relocation by making a substantial contribution to the costs of the replacement highway tunnels.

Construct active recreation facilities on top of and next to the newly constructed tunnels.

Contribute annually to on-going maintenance, capital improvements, and remediation of deteriorated elements in RSPS.

- Klari Neuwelt:
 - RSPS is a victim of its own success, with usage and deterioration not foreseeable in 1992.
 - Addition of the Project and its residents will further strain RSPS resources.
 - 92 R/D does not adequately address the needs of a sustainable park that serves the community.
 - Issues should be moved to the Mitigation section since they flow from the Project as built.

- While 92 R/D did not require the Highway to be moved, it assumed it would be. 92 R/D refers to the inland sections of RSPS as the "interim park" to be replaced once the Highway relocated.
- RSPS was to be the signature, most significant benefit to the community from the RSS project.
- burying the Highway is a benefit to the community and vastly improves RSPS.
- Should accomplish now what should have been a requirement in 1992 - removing the Highway.
- It is reasonable to request this of the Developer based on the increase in the value of the land from the change of use, which can support the school, affordable housing and this request.

- Proposed Amendment per Roberta Semer:
 - Delete the first two recommendations under item 6.a.
 - Moving the highway is expensive, and there are no federal dollars for highway construction.
 - State will not contribute to relocation without federal funds and assurance it will be completed.
 - Many City highways in worse shape.
 - Area under highway actively used (basketball, skating).
 - Must complete an EIS to remove the Highway (which is an expensive undertaking itself).
- For the Amendment:
- Richard Asche:
 - Cost to relocate highway estimated at \$500MM or more.
 - CB7 is asking a lot from this Developer.
 - Highway has a useful life of 15-25 years; unwise to ask for tunnel that won't be used for years.
- Shelly Fine:
 - Asking for funding on this magnitude strains CB7's credibility.
- Ethel Sheffer:
 - Cost of burying the Highway should not be borne by the Developer alone.
 - Should be a government initiative, and government not providing needed funds.
- Against the Amendment:
- Miki Fiegel:
 - removing the Highway further south made a huge difference to those neighborhoods. Will do the same here.
 - Already half way through the renovated Highway's useful life.
 - Developer's profit/return can support this request.
- Elizabeth Starkey
 - Park is the only benefit to the whole UWS that community got in 92 R/D.
- Klari Neuwelt:
 - by the time this project is done, highway will need to be replaced anyway.
 - EIS re relocating the Highway is already done.
 - Vastly improves RSPS to relocate the Highway.
 - not asking enough of this Developer.

VOTE on the Amendment: 12-16-9-0. Amendment fails.

- Klari Neuwelt:
 - language in the draft R&R varied from language that had been submitted, and which had been received favorably by the Land Use and Working Group chairs.
 - Original draft sought support for a continuum of needs ranging from replacing deteriorating elements to relocating the Highway.
 - Mitigation should obtain the maximum possible financial contribution to the needs continuum.
- Proposed Amendment per Elizabeth Starkey:
Adopt the original text of the RSPS mitigation section, subject to review by chairs of Land Use and the Working Group. Focus on keeping options open. Combine Mitigation and Investment.

Amendment accepted as friendly.

VOTE on keeping options open and the friendly amendment: 23-1-3-0.

b - Light rail:

No amendment offered.

c - Job Training and Employment:

No amendment offered.

d - Community Meeting Space:

No amendment offered.

Resolutions. Text of resolutions contained in Appendix B of the R&R. After deliberation, CB7 adopted the following resolutions:

1. Approve R&R as amended.
VOTE: 35-3-0-0.
2. Application N 100294 ZRM (relating to outer court regulations).
VOTE: 35-2-2-0.
3. Application N 100295 ZRM (text amendment: allow special permit for auto showroom/service).
VOTE: 36-0-1-0
4. Application C 100296 ZSM (height, setback and distance between buildings).
VOTE: 34-3-1-0
5. Application C 100297 ZSM (special permit for auto showroom/service center).
VOTE: 36-2-1-0
6. Application C 100287 ZSM (3 sub actions: first two allow building of platform over rail yards (approve), and the third redefines sloping of the site as podium (disapprove)).
VOTE: 35-2-1-0
7. Application C 100289 ZSM (single large garage).
VOTE: 35-2-1-0
8. Application C 100289 ZSM (separate garage in Building 1).
VOTE: 36-1-1-0
9. Application C 100290 ZSM (separate garage in Building 2).
VOTE: 36-1-1-0
10. Application C 100291 ZSM (separate garage in Building 3).
VOTE: 36-1-1-0
11. Application C 100292 ZSM (separate garage in Building 4).
VOTE: 36-1-1-0

12. Application C 100293 ZSM (separate garage in Building 5).
VOTE: 36-1-1-0
13. Application N 100298 ZAM (curb cut on WEA to allow 60TH Street to run through the site).
VOTE 37-0-1-0
14. Application N 100299 ZCM (more than 1 curb cut on 59th Street).
VOTE: 32-1-4-0
15. Application N 100286 ZCM (curb cut on 61st Street – loading bay for Building 1).
VOTE: 36-1-0-0
16. Application N 100300 ZCM (modify zoning requirements for Building 2, 3 and 5).
VOTE: 35-0-3-0
17. Application M 920358 D ZSM (modify restrictive declaration to permit change in use).
VOTE: 36-2-0-0.

Adjourn: 11:00 pm

Present: Mel Wymore, Andrew Albert, Richard Asche, Brian Byrd, Elizabeth Caputo, Hope Cohen, Kenneth Coughlin, Page Cowley, Mark Darin, Mark Diller, Robert Espier, Miki Fiegel, Sheldon J. Fine, Paul Fischer, Victor Gonzalez, Phyllis E. Gunther, Ulma Jones, Blanche E. Lawton, Marisa Maack, Daniel Meltzer, Klari Neuwelt, Lenore Norman, Gabrielle Palitz, Nick Prigo, Anne Raphael, Oscar Ríos, Suzanne Robotti, Haydee Rosario, Madge Rosenberg, Helen Rosenthal, Gabriella Rowe, Roberta Semer, Ethel Sheffer, Charles Simon, Elizabeth Starkey, Barbara Van Buren, Thomas Vitullo-Martin, Cara Volpe, and Dan Zweig. **On-Leave:** Robert Herrmann. **Absent:** Jay Adolf, Linda Alexander, Louis Cholden-Brown, Marc Glazer, Dalia Mahmoud, Judith Matos, Lillian Moore, Michele Parker, Eric Shuffler and George Zeppenfeldt-Cestero.