



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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May 8, 2008

Meenakshi Srinivasan
Chair
Board of Standards and Appeals
40 Rector Street, 9th Floor
New York, NY 10006-1705

**Re: BSA Application No. 58-08-BZ - Nations Academy – 614-632 W. 58th Street
(bet. Eleventh and Twelfth Avenues)**

Dear Ms. Srinivasan:

Manhattan Community Board 4 is pleased to provide its recommendation on this application by the Durst Organization for a special permit to allow a school to be constructed and operated at this location. We recommend approval of the application, subject to the conditions stated in this letter, which we believe are necessary in order to meet the findings required for the special permit.

THE PROJECT

Durst proposes to construct a six story building on the mid-block portion of the block bounded by 57th and 58 Streets and Eleventh and Twelfth Avenues for use by Nations Academy, a proposed new private school for a projected 1750 students in pre-school through 12th grade (about 100 students per grade, pre-school through 8th grade, and 150 students per grade in grades 9-12). The southern half of the school site is in a C4-7 zoning district, where school use is permitted. The northern half of the school site is in an M1-5 zoning district, where school use is not permitted except by BSA special permit. The project includes construction of a 399-space below-grade public parking garage pursuant to a special permit that was approved in 2001. The entrance to the garage will be on 58th Street at the western end of the school site.

The applicant's team has met twice with the board's Clinton/Hell's Kitchen Land Use Committee and once with its Quality of Life Committee. At those meetings additional information about Nations Academy has been provided that does not appear in the BSA application. Nations Academy is intended to be a system of tightly integrated international private schools around the world, with a coherent educational program for a global transient population. The plan is to open schools in New York and the Washington D.C area in the fall of 2010, four additional sites in 2011, four to six more

sites in 2012, and additional sites after that until a system of 45 to 60 schools is established in major cities around the world. Nations Academy is being founded by Edison Schools, whose principals Chris Whittle and Benno Schmidt have met with us, and Global Education Management Systems, described to us as an Indian company based in Dubai. A separate not-for-profit corporation, Cities School Network Inc., is being established to own and operate the U.S. schools, including the New York school. Nations Academy LLC, a for profit venture, will provide development services during the construction of the New York school and will enter into a management agreement with CSN for the school's operation.

The cost of establishing the school in New York is planned to be financed with \$100 million or more in private equity that is now being raised and \$200 million or more in bond financing being sought from the New York City Industrial Development Agency (IDA). Our concerns related to the proposed IDA financing are the subject of a separate letter to the IDA.

ENVIRONMENTAL CONSIDERATIONS

Nations Academy projects that a large percentage of its student body will reside in Manhattan's Upper West Side and Upper East Side, and that students will commute to school by subway (37%), bicycle/on foot/ferry (20%), school bus (15.5%), private car (13.7%), M31 and M57 bus (7.1%), and taxi (6.7%). The main school entrance will be on West 58th Street.

The only other active uses on that block of West 58th Street are ConEd's steam plant occupying the entire block to the north and the Manhattan Mini Storage facility which is accessed by its clients from a parking lot and loading dock adjacent to the proposed school site. The Manhattan Mini Storage facility is open 7am to 10pm.

In addition, the Department of Sanitation now uses both sides of West 58th Street to park garbage trucks, pending completion of the DSNY garage on Twelfth Avenue between 56th and 57th Streets. When these spaces are not occupied by garbage trucks, they are often used by private charter buses serving Lincoln Center and the Theater District. The city must establish an effective and coordinated relocation plan for these trucks and buses before construction begins.

Traffic. The area around the proposed school site may look relatively empty and quiet, but traffic on Eleventh Avenue in this area is complicated, and likely to become even more so when the John Jay College expansion is complete. (The main entrance to the new John Jay facility will be on the east side of Eleventh Avenue between 58th and 59th Streets.) As the Environmental Assessment Statement acknowledges, the intersection of Eleventh Avenue/West 57th Street is especially complex, with conflicting left turn movements on all approaches. For the 2004-2006 period, there were over 100 reportable and non-reportable accidents, including 8 pedestrian and bicycle accidents even with very few pedestrians. The intersection is already congested, with a Level of Service of "F" in

the AM peak hour. It will take great care to safely add children to this mix. This relates to one of the required findings, and is discussed further below.

Air quality. The EAS notes on p. E-1 that the CEQR Technical Manual threshold for air quality screening is 100 peak hour trips, but asserts that “fewer than 100 new peak hour vehicle trips at nearby intersections in the study area.” However, Table C-2 shows that the proposed project will generate a total of 133 additional vehicle trips in the AM peak hour. Air quality screening should be required if this discrepancy cannot be explained. Consider, also, that many of these additional trips will involve cars and buses idling as they drop off and pick up students, and that the majority of those affected by any unacceptable air quality will be children.

Bus transit. The applicant’s project currently provides shuttle bus loop service between the site and the Columbus Circle subway station. It is proposed to increase the frequency of these shuttle buses during peak periods. Others of the new projects along West End Avenue have their own shuttle buses running to the same location, on 58th Street at Eighth Avenue, where there is no bus stop and the intersection is frequently congested with shuttle buses and trucks, black cars and other traffic serving the Time Warner Center. A dedicated bus stop and other traffic mitigation measures are required at this location.

THE FINDINGS

With two exceptions, we agree without comment with the applicant’s statement of the findings required for the special permit. The exceptions are the findings related to traffic safety, and to the balancing of the hazards or disadvantages to the community against the advantages to be derived by the community. We believe that these findings can also be made if certain conditions are imposed.

Traffic Safety. The BSA must find “*that the movement of traffic through the street on which the school is located can be controlled so as to protect children going to and from the school.*” (ZR Section 73-19(d))

The EAS identifies the following improvements to ensure pedestrian safety:

- Widening of W. 58th Street in front of the project site to 38 ft from 34 ft to better accommodate two-way operation and curbside drop-offs.
- Increase the existing shuttle bus service to the Columbus Circle/59th Street subway entrance to 7.5 minute headways.
- Add high visibility crosswalks and school safety pavement markings to the West 57th and West 58th Street intersections with Eleventh Avenue
- Provide school safety ambassadors on the street to ensure student safety.

We suggest, in addition, the following additional improvements:

- Longer pedestrian crossing times should be implemented during school hours to allow short-legged students to cross Eleventh Avenue at 57th and 58th Streets, and these crossings should be protected from turning vehicles at all times.¹
- Provide articulated safety controls at the entrances to the parking garage and the Manhattan Mini Storage parking lot during morning and afternoon peak periods.

All of these improvements, together with any additional improvements identified by the Department of Traffic in its report (required by ZR Section 73-19(d)), must be conditions of the special permit.

Balancing of the hazards or disadvantages to the community against the advantages to be derived by the community. The BSA must also find “*that, under the conditions and safeguards imposed, the hazards or disadvantages to the community at large of such special permit use . . . are outweighed by the advantages to be derived by the community by the grant of such special permit.*” (ZR Section 73-03(a)).

In response to our questions and concerns about how the school will fit into our community, Nations Academy has agreed to:

- Provide financial aid equal to at least 10% of the school’s gross tuition revenues to be used by students who are New York City residents, with a preference given to eligible students of low- or moderate-income families residing in Community Districts 4 and 7, subject to IDA regulations. For those eligible students, Nations Academy would seek to provide financial assistance in an amount sufficient to enable them to attend. (10% of gross tuition revenues is IDA’s minimum requirement. CB4 would prefer a much higher standard.)
- Work with CB4 and the local City Council member to hold a job fair with the goal of filling as many of the 250 staff positions as possible with neighborhood residents.
- Establish and maintain a community liaison function.
- As school staffing and calendars permit, allow community groups to use the school’s facilities at night and on weekends, when such use would not conflict with school use.
- Seek use of other outdoor athletic fields/recreation facilities, given that DeWitt Clinton Park is currently heavily used by other schools.
- Focus its student community service activities within Community Districts 4 and 7 as practicable.
- Use design and construction methods and methods of operation that will achieve a high degree of environmental sustainability, including meeting or

¹ A memo subsequently received from the applicant’s traffic consultant Philip Habib and Associates in response to questions raised by the Clinton/Hell’s Kitchen Land Use Committee reports that the present 25 seconds of green time is enough for students to cross safely. Based on some of our individual experience walking with younger children, we continue to believe that a longer crossing time would be prudent to ensure student safety.

exceeding the standards for U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Silver certification.

These commitments will ensure that the community derives significant advantages from the project, and should be conditions of the special permit.

Now, therefore be it resolved that Manhattan Community Board 4 recommends approval of BSA Application No. 58-08-BZ, subject to the following conditions:

- The traffic safety improvements and community benefit commitments identified above are made conditions of the special permit; and
- The city must establish effective and coordinated relocation plan for the garbage trucks and charter buses now parked on West 58th Street and other traffic mitigation measures on 58th Street and Eighth Avenue adjacent to the Columbus Circle subway station before construction begins.
- The city must also establish a bus stop for shuttle buses

Sincerely,



Jean-Daniel Noland
Chair



Anna Hayes Levin, Chair
Clinton/Hell's Kitchen Land Use Committee

Cc: Applicant: Alexander and Helena Durst, The Durst Organization, 1155 Avenue of the Americas, New York, NY 10036
H. Christopher Whittle, President and CEO, Nations Academy, 767 Third Avenue, 31st Floor, New York, NY 10017
Carol Rosenthal, Fried, Frank, Harris, Shriver & Jacobson LLP, One New York Plaza, New York, NY 10004
Elected officials: Duane, Rosenthal, Brewer