



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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District Manager

October 23, 2009

Ms. Sharon L. Greenberger
President and CEO
School Construction Authority
30-30 Thompson Avenue
Long Island City, NY 11101

Re: Proposed Site Selection of new replacement Public School 51 pursuant to §1731 of the New York City School Construction Authority Act

Dear Ms. Greenberger:

Manhattan Community Board No. 4, having held a duly noticed public hearing pursuant to §1731 of the New York City School Construction Authority Act (NYCSCAA) on the Notice of Site Selection dated September 11, 2009, adopted the following resolution by roll call vote (35 favor, 0 opposed, 0 abstentions and 0 present but not eligible to vote) at its meeting on October 7, 2009. The resolution recommends approval with conditions.

The September 11, 2009 Notice of Site Selection, issued by the School Construction Authority (SCA), proposes the construction of a new, 630 seat replacement Public School 51 (P.S.51) that will be located on West 44th Street, between Tenth and Eleventh Avenues immediately south of the existing P.S.51, on a portion Block 1073, Lot 1 in Manhattan in School District 2.

PROJECT OVERVIEW

Originally condemned in 1975 for the construction of a new school and housing, the project site has been the subject of a number of unrealized development proposals, until it was most recently identified in the January 2005 Hudson Yards Points of Agreement¹ as a publicly-owned site on which to develop 600 units of permanently affordable housing and to expand P.S.51.

The proposed new P.S.51 facility will be located on a larger residential development site that encompasses almost an entire city block between West 44th and 45th Streets, between Tenth and Eleventh Avenues. The residential development will include 1,210 residential units, of which 675 will be affordable to families of low-, moderate- and middle-incomes.

¹ The Hudson Yards Points of Agreement between the New York City Council and NYC Administration is attached hereto as Exhibit A.

The residential development is the subject of five related Uniform Land Use Review Procedure (ULURP) applications filed by the Department of Housing Preservation and Development (HPD) and certified by the Department of City Planning (DCP) on September 6, 2009. Community Board 4 (CB4) is submitting comments separately on those applications.

The current P.S.51 facility will continue to operate on the site until the new facility is ready for occupancy. After the new facility is built, the existing school will be adapted for reuse as a residential building.

COMMUNITY CONCERNS

Our community is delighted, after many years of unrealized proposals, to see concrete plans for a new school that will relieve overcrowding, provide up-to-date facilities and serve our expanding community.

The existing P.S.51 building was built in 1905 and, while well-maintained, is desperately in need of improvements. As you are aware, the 276 seat facility is operating at 121% capacity and lacks basic amenities considered standard for modern school programming, namely adequate classroom space, an auditorium and a gymnasium. We look forward to working with the School Construction Authority (SCA) and the Department of Education (DOE) on the siting, programming and construction of the new facility as this process moves forward.

While we are pleased that this process is moving forward, we have a number of concerns that need to be addressed, namely:

GENERAL CONCERNS

Site Selection Timetable

The timing of this project is critical to ensure a smooth transition to the new facility, minimize the exposure of students and staff to harmful effects of construction, and to limit the disruption that the construction will inevitably have on the daily activities of the school program. The Board appreciates the SCA's commitment to synchronize the school construction timeline with that of the adjacent residential development. In order to do so, it is essential that:

- SCA/DOE submit the Notice of Site Selection to the City Council and the Mayor pursuant to NYCSCAA §1732 so as to complete the review required by each entity concurrent with the City Council review of the related ULURP actions for the residential component.
- The construction of the school must follow the same timeline as the residential development to minimize disruption to the operations of P.S.51 and ensure a smooth transition to the new site.

Establish a Community Advisory Task Force

The successful development of the new P.S.51 will require close coordination with the SCA, DOE, local elected officials, CB4 members, P.S. 51 PTA members, P.S. 51 Administrators and Gotham (as appropriate). CB4 proposes that an advisory board comprised of all stakeholders be established for regular consultation regarding the planning, programming, selection of a developer and construction issues relating to both the P.S.51 facility and the adjacent residential construction. Together, we can plan and develop an enormous asset for our community that better meets the respective goals of each stakeholder.

CB4 has meaningfully participated in a number of similar advisory boards on State-sponsored projects in our community, most recently serving on the Hudson Yards Community Advisory Committee, Moynihan Station Community Advisory Committee and the Javits Community Advisory Committee. We therefore request that:

- A P.S. 51 Community Advisory Board be established that is representative of SCA, DOE, local elected officials, CB4 members, P.S. 51 PTA members, P.S. 51 Administrators and Gotham (as appropriate) for regular consultation and formal review of issues related to the programming, design, selection of a developer and construction management for the new P.S.51. The Advisory Board will be active in development, design, construction and programming stages.

CONTINUED OPERATION OF EXISTING P.S.51

The historic 1905 P.S.51 facility will be adapted for reuse as a residential dwelling after the construction of the new P.S.51 facility. The disposition of the site to the proposed residential developer is the subject of a related ULURP action pending now before the City Planning Commission. While we have been reassured that the existing P.S.51 facility will continue to operate at the same location until the new school facility is constructed, the community has significant concerns. Those concerns include the continued operation of the existing school after the ownership has been transferred from the City, the health and safety of the students and staff during construction, and the unavoidable disruptions that the construction will have on school programming.

Continued Right to Operate

After the disposition of the existing P.S.51 site, DOE will continue to operate the facility under a lease agreement with the proposed residential developer, 44th Development LLC (an affiliate of the Gotham Organization, hereinafter referred to as “Gotham”). It is therefore critical that:

- the lease negotiated by DOE with Gotham be recorded as an exhibit to the Land Disposition Agreement (LDA) for the site at 520 West 45th Street, and include provisions to ensure the continued operation of the school without disruption, taking into account unforeseeable delays in opening the new facility.

Construction Impacts on the Existing School

P.S.51 will be operating in the middle of a major construction site. Excavation, foundation work, demolition and construction of 1,200 residential units will be taking place on all adjacencies, including construction of a platform and two residential buildings over the railroad cut immediately east, demolition and new construction to the west and the construction of the new P.S.51 to the south. Protecting the health and safety of the children and staff during construction is our first priority.

Asthma rates, particularly among children, are already a concern in our community. NYC Department of Health (DOH) ranked CD4's asthma rates the third highest (out of the ten communities) in Manhattan, only exceeded by Central and East Harlem². Manhattan itself ranked second only to the Bronx out of the five boroughs.

CB4 has serious concerns for the vulnerable school-age population during construction. All possible steps must be taken to minimize disruption, lessen health impacts and ensure regular communication, including:

- Minimize the length of the overall construction timeline by ensuring that the construction of the new P.S.51 facility proceeds concurrently with the residential construction.
- Establish the P.S.51 advisory board as a vehicle for addressing construction concerns, ensuring minimal disruptions during school hours through construction coordination and monitoring and ensuring regular communication about construction.
- Mitigate the exposure to serious health hazards by staff and children during demolition and construction through low cost measures taken in the existing P.S.51 facility. These measures must be incorporated into the existing facility at 520 West 45th Street prior to the start of any construction.
- Minimize noise and dust through the installation of air conditioners throughout to reduce particle dust, as recommended by the P.S.51 Administration in its September 21, 2009 letter.
- Students must have access to a playground while school is in session. An interim outdoor play space within three blocks of P.S.51 must be identified. Access to the existing P.S.51 playground will be unavailable during the construction period, meaning the school would be without both indoor and outdoor play space during this time.

NEW REPLACEMENT P.S.51

School Program

P.S.51's currently operates at 121% capacity with 334 students in a 276 facility. The adjacent residential development alone will add more than 145 new elementary students. A conservative estimate of new elementary students expected as a result of new

² NYC DOH: Comparison of Asthma Rates in NYC by Community, 1997-2004;
<http://www.nyc.gov/html/doh/downloads/pdf/asthma/asthma-hosprates-children.pdf>

development projects under construction within the P.S.51 school zone is that 537 new elementary students will need to be accommodated in the immediate future³.

Additional new developments that are currently on hold but will likely be constructed once the economy rebounds, will add 300 more elementary-aged students to P.S.51.⁴

Resolving PS51's current overcrowding and planning for future growth is our first concern. According to the Draft Environmental Impact Study (DEIS) prepared for the adjacent residential development, the proposed school program reserves 277 seats out of the total 354 seat expansion for a new intermediate component at the site. Under this plan, P.S.51 will only be able to accommodate a total of 19 new elementary school students.

The school must be for grades pre-K through 5, not pre-K through 8. [You don't need underlining both here and in the request below.] Resolving P.S. 51's current overcrowding and increasing its capacity to accommodate new elementary school students is our first priority. To expand P.S.51, and then fill the new school seats with a brand new IS student body, is shortsighted and does nothing to address the needs of the rapidly growing community and student body. Redistricting school zones would fail to resolve the overcrowding as an equal number of new developments are on-line throughout all parts of Community District 4. An overall plan must be developed for our community to address the anticipated huge influx of elementary school students.

We therefore request that:

- P.S.51 remains pre-kindergarten through fifth grades, not pre-K through eighth.

School Playground

The existing school yard measures 16,250 square feet (s.f.) and benefits from plentiful amounts of sunlight. The proposed school yard is smaller at 12,658 s.f., will need to accommodate a significantly larger student body, and is projected by the DEIS to be in full or partial shadow during every part of the day, all year long. While the ample indoor play space included in the school design is greatly appreciated, it is not a substitute for outdoor space. There must be adequate sunlit play space included in the design of the school. The Board originally requested that play space be accommodated on the roof; in response, the SCA explained the need to house mechanical equipment. The Board appreciates the expert analysis the SCA has shared with it, but believes that since the school building is in the design stage, space for both mechanical equipment and sufficient play area can be balanced. CB4 therefore requests that:

- the mechanical equipment be located to leave 50% of roof space for play space at the western side of the building to maximize sunlight and compensate for the projected shadows in the proposed school yard.

Public Use of School Facilities

- The school playground must be opened to the public as a public playground, consistent with PlaNYC's top open space initiative. CD4 ranks 58 out of 59

³ A list of new developments planned or in construction in P.S.51's school zone is attached as Exhibit B.

⁴ A list of new developments planned or in construction in P.S.51's school zone is attached as Exhibit B.

among New York City's Community Districts in open space. This Proposed Project presents a unique opportunity to address that shortcoming by designing a school yard that could serve as a school yard and a neighborhood playground when it is not being used as part of the school program.

- Indoor school facilities, such as the gymnasium, must be made available to the local community and arts organizations for use during out-of-session hours. CD4 is home to a large number of not-for-profit theater, arts and cultural organizations that have been impacted by escalating rents and severe space needs; the community must best use its available public resources to support cultural activities.

Design

Façade: Overall Design Objectives

The Board and Gotham have had several discussions over the past two years to ensure that the adjacent residential development reflects the existing built context. While the Board is satisfied with the proposed design by Gotham, CB4 first saw the proposed exterior design for P.S.51 last month. We look forward to working with the SCA to develop a design that is better integrated into the neighborhood.

Façade: School Design Objectives

While the school building can be modern in design, it must reflect the architectural rhythm of Clinton's mid-blocks, which are largely dominated by low-rise buildings on narrow lots and brick and stone façades embellished with appropriately scaled, horizontal elements.

The SCA originally presented a rendering of the school façade that featured gray brick and a three-story "P.S. 51" sign. The Board expressed concern that these façade elements were inconsistent with the predominant masonry and scale of the residential neighborhood. The Board is grateful that the current façade proposal has responded to its requests regarding these features. There are still aspects of the school design that must be modified. The design contrasts too dramatically with the character of the surrounding neighborhood or adjacent housing development.

- The white brick color is inconsistent with neighboring buildings;
- The verticality of the eastern section of the building distracts from the horizontal pattern typical of surrounding buildings;
- The uninterrupted bands of horizontal windows on the western side of the building are reminiscent of industrial construction, also uncharacteristic of the residential neighborhood.

In light of the Board's design preferences, it requests that the façade design be redesigned to:

- be brick, in a color that is consistent with adjacent buildings;
- reflect the horizontal rhythm characteristic of surrounding buildings;
- incorporate vertical elements and punched windows to break up the western portion of the façade; and
- be consistent in style with the rest of the Development.

Interior

In the current school design, the cluster of special education classrooms has been located in a portion of the school that isolates these students and teachers from the rest of the classrooms. While it is acknowledged that these classrooms require centrally provided resources, the Board requests that:

- special education classrooms must be located among non-special education classrooms, so as to not segregate these students.

Environmental design considerations

- The school should be designed to a LEED standard and incorporate green design elements, including, but not limited to, the use of recycled materials to construct playground furnishings.

Technology

The Board welcomes the inclusion of many state-of-the-art facilities in the school proposal. It is important that the school be designed to accommodate advancements in technology and educational tools.

Selection of a Developer

Over thirty years ago, the Education Construction Fund (ECF) condemned the project site for residential and school use. Given the ECF's role in the history of the site and the fact that Gotham is building approximately 1,210 residential units and 17,000 sq. ft. of commercial space as part of the project, the Board finds that the construction of the new school under the management of the ECF with Gotham as the builder is the most efficient solution to selecting a developer. The selection of Gotham under the authority of ECF is beneficial in terms of economies of scale, construction coordination and staging. Multiple contracts suffer the consequences of lacking accountability, union differences and scheduling mismanagement. To that end, we recommend that the execution of construction be done through the ECF and that Gotham be selected as the builder if at all possible. The Board looks forward to working with the SCA and ECF to satisfy the necessary criteria for ECF's involvement.

Financial Contribution

- Gotham's financial contribution to the cost of construction must be held in a segregated account held by the City of New York and used only for construction of the new P.S.51.

Historic Preservation of Existing Facility

The existing P.S.51 at 520 West 45th Street is a 1905 Renaissance-style school designed by C.B.J. Snyder and marks the proliferation of school construction following the consolidation of New York City. Its five-story, red-brick façade with stone base features a tripartite design, with a base, shaft, and capital. CB4 has requested that the facility be landmarked. We ask that SCA assist in the formal landmarking process.

NOW, therefore, be it resolved that Manhattan Community Board No. 4 recommends approval of the Notice of Site Selection dated September 11, 2009, for the new, 630 seat, replacement P.S.51, submitted pursuant to the New York City School Construction Authority Act, provided the following conditions are met:

General Concerns

- A P.S. 51 Community Advisory Board is established with representatives of SCA, DOE, local elected officials, CB4 members, P.S. 51 PTA members , P.S. 51 Administrators and Gotham (as appropriate) for regular consultation and formal review of issues related to the programming, design, selection of a developer and construction management for the new P.S.51.
- The construction of the facility follows the same timeline as the residential development to minimize disruption to the operations of P.S.51 and ensure a smooth transition to the new site.

Continued Operation of the Current Facility

- The disposition of the City-owned site on which the current P.S.51 is located is conditioned on the negotiation of a lease that is recorded with the LDA, is on terms acceptable to DOE and allows DOE to continue to operate at the existing location until the new facility is constructed.
- All steps necessary to minimize disruptions, lessen health impacts and ensure regular communication during the school construction period must be taken, including installing low cost preventive measures in the existing P.S.51 facility
- Construction schedules are coordinated to minimize the impact during the school year and school hours; and
- Alternative playground space is identified in the immediate vicinity for use by students currently attending P.S.51 throughout the construction period.

New Replacement P.S.51

- Funds allocated by Gotham for the construction of P.S.51 are segregated in a separate fund by SCA for use only for P.S.51.
- P.S.51's expansion of 354 new seats is used solely for an elementary education program; no intermediate education program should be included on the site.
- 50% of the new school roof area is made available for additional outdoor play space.
- Special education classrooms are located among non-special education classrooms, so as to not segregate these students.

- The design of the new school façade reflects the architectural rhythm of Clinton’s mid-blocks and be consistent in style with the rest of the residential development, as follows:
 - be brick, in a color that is consistent with adjacent buildings;
 - reflect the horizontal rhythm characteristic of surrounding buildings;
 - incorporate vertical elements and punched windows to break up the western portion of the façade; and
 - be consistent in style with the rest of the Development.
- The school is designed to a LEED standard and incorporate green design elements.
- The school is designed to accommodate advancements in technology and educational tools.
- The school yard is open to the public as a public playground, consistent with PlaNYC’s top open space initiative.
- Indoor school facilities such as the gymnasium must be made available to the local community and arts organizations as spaces for use during out-of-session hours.
- The SCA and ECF work with the Board to satisfy the necessary criteria for ECF’s involvement in the construction of the new school with Gotham as the developer.

Thank you for this opportunity to provide comments and to submit recommendations on these important applications. We look forward to continued dialogue.

Sincerely,



John Weis, Chair
Manhattan Community Board 4



Elisa Gerontianos, Co-Chair
Clinton/Hell’s Kitchen Land Use Committee



Sarah Desmond, Co-Chair
Clinton/Hell’s Kitchen Land Use Committee

cc: City Planning Commission
DCP – Edith Hsu-Chen, Erika Sellke
DCP Calendar Office
HPD – Sara Levenson
MBPO – Anthony Borelli, Deborah Morris
NYC Council Speaker Christine Quinn
NYC Council Speaker Quinn’s Office – Kate Seeley-Kirk, Melanie Larocca
NYC Council Land Use Division – Danielle DeCerbo

NYS Senator Thomas K. Duane

NYS Assemblyman Richard Gottfried

The Gotham Organization (Melissa Pianko) & Attorneys

NYS HFA

P.S.51 Nancy Sing-Bock,

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