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STATE ENVIRONMENTAL QUALITY REVIEW ACT  
NEGATIVE DECLARATION  
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

**DATE:** January 30, 2008

**SEQR PROJECT NO.:** 08ECF001M

**LEAD AGENCY:** New York City Educational Construction Fund  
30-30 Thomson Avenue  
Long Island City, New York 11101-3045

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law. Pursuant to those regulations and §1730.2 of the Public Authorities Law, the New York City Educational Construction Fund (ECF) is SEQR Lead Agency. As Lead Agency, ECF has determined that the proposed action described below will not have a significant effect on the quality of the environment, and a Draft Environmental Impact Statement (DEIS) will not be prepared.

**NAME OF ACTION:** 250 East 57th Street Redevelopment

**LOCATION:** 226-250 East 57th Street, New York, New York  
Tax Block 1330, Tax Lot 13

**SEQR STATUS:** Type I

**NEGATIVE DECLARATION**

**Description of Action:**

The proposed project involves the disposition of a City-owned property in Midtown Manhattan that is currently occupied by two public schools—the High School for Art and Design and P.S. 59—and the redevelopment of the site with a new, approximately 977,000-gross-square-foot (gsf) mixed use building that would consist of new school facilities, as well as new residential, retail, and accessory parking uses. During the 2005-2006 school year, the High School for Art and Design had an enrollment of 1,406 students, and P.S. 59 had an enrollment of 317 students. The proposed project would involve the in-kind replacement of the High School for Art



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and Design and an expansion of P.S. 59 to 730 seats. The proposed project would also include a 59-story tower (up to 715 feet in height) on the corner of East 57th Street and Second Avenue containing approximately 320 residential units, including 160 rental units (20 percent of which would be affordable) and 160 co-op units. The new school facilities would be located west of the residential tower and would be up to 15 stories in height. Approximately 167,265 gsf of new retail use would be located in portions of the lower floors of the building (in the cellar levels through the third floor mezzanine level). Approximately 64 accessory parking spaces for the residential tenants would be provided in a cellar level. The residential, retail, and school uses would have separate entrances, with the residential and retail entrances located on Second Avenue and East 57th Street, and the school entrances located on East 56th Street. The vehicular entrance for the accessory parking and off-street loading area for deliveries would also be located on East 56th Street.

Under this redevelopment proposal, the New York City Department of Education (DOE) would dispose of the property to the ECF, which would lease a portion of the property to the designated developer—The World-Wide Group (or its designee, 250 E. 57th Street, LLC, or another entity established or controlled by The World Wide Group)—and the ECF would retain control of the school portion of the property. The proposed building would be in conformance with the site's existing C1-9 commercial zoning regulations and requires no approvals from the City Planning Commission. To facilitate construction of the schools, the ECF would issue bonds. The new school facilities are expected to be ready for occupancy by 2011, and the mixed use development completed by 2013.

The ECF enhances the ability of DOE to construct new school facilities, thereby increasing the number of seats for the entire school system. At the same time, the ECF encourages comprehensive neighborhood development by facilitating new mixed-use developments that feature new school facilities.

The proposed project meets several objectives. The current school facilities on the site date to the 1950s and are outmoded. Elementary schools in the district (Community School District 2) are currently operating at or above capacity. The proposed action would result in the replacement of the existing P.S. 59 and the High School for Art and Design with new state-of-the-art facilities, and the expansion of P.S. 59 by approximately 350 seats.

In addition to providing new school facilities, the proposed project would continue the trend of residential development in the area and would provide new retail and community facility uses to an area with a growing residential population. The project would also support the retail activity currently located along Second Avenue and East 57th Street.



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The proposed project would require the temporary relocation of P.S. 59 to another site for approximately three years during construction of the new school facilities proposed on the western portion of the site. The High School for Art and Design would remain in its current facility until construction of the new school facilities is complete. The temporary relocation site for P.S. 59 is located at 213 East 63rd Street between Second and Third Avenues, approximately one-third of a mile from the project site. Independent of the proposed project, the building at 213 East 63rd Street is being rehabilitated and converted to a new 470-seat primary school facility. Following its use as a relocation site for P.S. 59, the facility will continue to operate as a public school facility for students in pre-K through grade five. The environmental review for the new primary school facility at 213 East 63rd Street was completed in August 2007.

### **Reasons Supporting This Determination:**

A comprehensive Environmental Assessment Form (EAF) and supporting studies for this action were completed and issued on January 18, 2008. Screening analyses were prepared for the following technical areas: neighborhood character; natural resources; waterfront revitalization program; and public health. Based on the guidelines and thresholds presented in the *City Environmental Quality Review (CEQR) Technical Manual*, the 250 East 57th Street project was not determined to have a significant adverse effect on these technical areas.

Detailed analyses were prepared for the following technical areas: land use, zoning, and public policy; socioeconomic conditions; community facilities; open space; shadows; historic resources; urban design and visual resources; hazardous materials; traffic and parking; transit and pedestrians; air quality; noise; and construction. The results of those analyses are summarized below.

### ***Land Use, Zoning, and Public Policy***

Although the proposed project would result in a change in land use on the project site, the proposed project would be in keeping with and supportive of existing land use and ongoing land use trends in the area, and would be consistent with zoning and public policy for the area. It would strengthen and add to the vibrancy of the neighborhood by replacing and improving institutional uses, which would be consistent with past uses on the project site; and introducing new residential and retail uses, which would be compatible with current and future uses in the neighborhood. The proposed reconstruction of two public schools would enhance the provision of community facilities in light of the growing residential population in the study area by expanding elementary school capacity and improving school facilities. The proposed building would be comparable in scale to nearby buildings, and its uses would be supportive of the land use trends that characterize the study area in general. The proposed project would comply with the use and bulk requirements of the Zoning Resolution. Overall, the pro-



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posed project would be compatible with the surrounding area and would not result in any significant adverse impacts on land use, zoning, or public policy.

### ***Socioeconomic Conditions***

Although the proposed project would introduce approximately 320 new residential units, it would not directly displace any existing dwelling units or introduce a substantial amount of more costly housing compared with existing or planned housing in the study area. The proposed project would contain approximately 128 market rate rental units and 160 co-op units that would most likely rent or sell at the high end of the rental or sales market, reflecting the current rents and sales prices for new or renovated housing units in the area. It would also introduce 32 rental units that would be set aside for low- to moderate-income households.

The proposed project would renovate and expand public school facilities to meet the growing demands of the neighborhood, provide additional housing (including affordable housing), and provide neighborhood and destination retail to serve the needs of the neighborhood's residents, employees, and visitors. The proposed project would not cause significant adverse impacts on socioeconomic conditions due to direct or indirect residential or business displacement, nor would it have adverse impacts on specific industries within or outside of the study area.

### ***Community Facilities***

The proposed project would not result in any direct significant adverse impacts on existing public schools. During construction of the new school facilities on the project site, P.S. 59 would be temporarily relocated to a nearby location, and the High School for Art and Design would remain in its current location until the new school facilities on the project site are completed. Although P.S. 59 would be temporarily relocated to a nearby site, both schools would remain in operation during construction.

It is estimated that the proposed development program would generate approximately 33 public elementary school students and 7 intermediate school students. The expansion of P.S. 59 would offset the additional students added by the proposed project by supplying much needed elementary school seats, alleviating projected overcrowding in Zone 4, and reducing overall utilization in CSD 2. Therefore, for both the elementary and intermediate schools in Planning Zone 4 and CSD 2 as a whole, the proposed development project would not result in a significant adverse impact on public schools.



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## ***Open Space***

Although the residents and workers generated by the proposed project would lower the passive and active open space ratios (i.e., the ratio of usable open space acreage to the study area population) in the project area when compared with the future without the proposed project, the impacts would not be significant. According to the open space ratio guidelines recommended by the *CEQR Technical Manual*, the ¼-mile and ½-mile study areas around the project site are currently underserved by open space. Due to the significant difference between the presence of open space in the area and the City's recommended guidelines for the area, this situation would persist in the future, with or without the proposed project.

With the proposed project, the passive open space ratio for workers and combined passive open space ratio in the ¼-mile study area would be below the recommended open space ratios. However, this does not account for a number of existing open space amenities in the area—such as Peter Detmold Park, Macarthur Park, Bobby Wagner Walk, Grand Army Plaza, as well as various public plazas—that are likely to be used by existing and future residents and workers. In addition, the proposed project would provide an additional approximately 9,000 square feet of passive open space on site, exclusively for use by the building's residents. Therefore, the proposed project would not have a significant adverse impact on passive open space in the ¼-mile study area. In the ½-mile study area, all active and passive open space ratios would decrease by less than 1 percent. Therefore, the impact on open space resources is not considered significant.

## ***Shadows***

Shadows cast on open spaces by the proposed building would be limited in duration and size, allowing sun to reach the open spaces for the majority of the analysis day, and would not substantially reduce the overall usability of these open spaces. None of the area's other open spaces or the two historic resources—the Central Synagogue and the Abigail Adams Smith House—would receive incremental shadows on any of the four analysis periods, due to existing shadows cast by intervening buildings. Thus, the proposed project would not result in any significant adverse shadows impacts.

## ***Historic Resources***

The New York State Historic Preservation Office has determined that the P.S. 59 and High School for Art and Design building is not eligible for listing on the State and National Registers of Historic Places (S/NR). Therefore, its demolition would not be considered an adverse effect on historic resources. In addition, as the project site is not considered to be sensitive for



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archaeological or architectural resources, there would be no adverse physical, visual, or contextual impacts on archaeological or architectural resources in the study area.

### ***Urban Design and Visual Resources***

The proposed project would replace the existing school structures with a new mixed-use building containing new facilities for P.S. 59 and the High School for Art and Design, an approximately 59-story residential tower (up to 715 feet in height) on Second Avenue, and retail uses on the street level along Second Avenue and East 57th Street. While the proposed building would be taller than the existing school buildings on the site, it would not be substantially different from the uses or general bulk, height, and massing that currently exists in the area. The proposed six-story base along Second Avenue would create a consistent streetwall along Second Avenue and would be similar in height and massing to the existing school building. The setback on East 56th Street, at the school entrances, would be in keeping with other tall buildings along the side streets which feature small plaza areas. In addition, the institutional, residential, and commercial uses would be consistent with the existing uses in the surrounding area. Thus, there would be no significant adverse impacts to these urban design features as a result of the proposed project. In addition, views to the Chrysler Building or along any of the adjacent view corridors would not be blocked by the proposed project, and therefore no significant adverse impacts would result.

### ***Hazardous Materials***

Construction of the proposed project would involve a variety of earthmoving/excavating activities that could encounter contamination in soil, rock, or groundwater. Therefore, to prevent exposure to hazardous materials, the proposed project would include appropriate health and safety and investigative/remedial measures that would precede or govern both demolition and soil disturbance activities prior to any new construction at the site. These actions would include: performing a subsurface investigation to determine if soil and groundwater have been affected by potential past dry-cleaning uses at the site; conducting any activities involving disturbance of existing soil and rock in accordance with an environmental Construction Health and Safety Plan (CHASP); incorporating safeguard elements into the proposed project design, such as a vapor barrier and venting systems, to prevent migrations of VOCs into the building; performing a comprehensive asbestos survey prior to demolition to confirm the presence or absence of asbestos; performing any renovation/demolition activities with the potential to disturb lead-based paint in accordance with the applicable U.S. Occupational Safety and Health Administration (OSHA) regulation (OSHA 29 Code of Federal Regulations [CFR] 1926.62—Lead Exposure in Construction); and ensuring that New York City Department of Environmental Protection (DEP) sewer discharge requirements are met if dewatering were to be required for construction.



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Currently, no known significant health or environmental risks are associated with the site, and with the measures outlined above, no significant adverse impacts related to hazardous materials are expected to occur either during or following construction at the site.

## *Traffic and Parking*

In assessing project-related traffic, the EAF and supporting studies assessed as part of the proposed project the following improvements at study area intersection approaches/lane groups.

### East 57th Street and Lexington Avenue

The conditions at the eastbound approach during the midday peak hour could be improved by shifting 1 second of green time from the southbound phase to the eastbound/westbound phase.

### East 57th Street and Third Avenue

The conditions at the eastbound approach during the midday peak hour could be improved by shifting 1 second of green time from the northbound phase to the eastbound/westbound phase.

### East 56th Street and Third Avenue

The conditions at the eastbound approach during the AM, midday, and PM peak hours could be improved by shifting 1 second of green time from the northbound phase to the eastbound phase.

### East 55th Street and Third Avenue

The conditions at the westbound approach during the AM and midday peak hours could be improved by shifting 5 seconds of green time from the northbound phase to the westbound phase. The conditions at the westbound approach during the PM peak hour could be improved by shifting 2 seconds of green time from the northbound phase to the westbound phase.

### East 57th Street and Second Avenue

The conditions at the westbound left-turn movement during the AM peak hour could be improved by shifting 1 second of green time from the southbound phase to the exclusive westbound left-turn phase. The conditions at the eastbound approach during the midday peak hour could be improved by shifting 1 second of green time from the exclusive westbound left-turn phase to the eastbound/westbound phase.



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### East 56th Street and Second Avenue

The conditions at the eastbound approach during the midday peak hour could be improved by shifting 1 second of green time from the southbound phase to the eastbound phase.

### East 57th Street and First Avenue

The conditions at the eastbound left-turn movement during the AM peak hour could be improved by shifting 1 second of green time from the northbound phase to the eastbound/westbound phase, and by prohibiting the truck-loading activities on the eastern curb side of the northbound First Avenue approach for approximately 100 feet to create a No Standing zone during the weekday AM peak hour. The conditions at the northbound left-turn movement during the PM peak hour could be improved by shifting 1 second of green time from the eastbound/westbound phase to the northbound phase.

### East 56th Street and First Avenue

The conditions at the eastbound approach during the AM peak hour could be improved by shifting 2 seconds of green time from the northbound phase to the eastbound phase. The conditions at the eastbound approach during the midday peak hour could be improved by shifting 1 second of green time from the northbound phase to the eastbound phase.

The New York City Department of Transportation (NYCDOT) approval of the proposed traffic improvement measures was provided in a memorandum dated January 7, 2008 (appended hereto). With these improvements, the proposed project would not result in any significant adverse traffic impacts.

### ***Transit and Pedestrians***

Project-generated subway trips expected to result from the proposed project would be spread across multiple station elements at two nearby stations: the 59th Street/Lexington Avenue Station (4/5/6/N/R/W) and the 53rd Street/Lexington Avenue Station (6/E/V). Therefore, the proposed project is not expected to create any operational constraints on any subway station elements. There are also numerous bus routes near the proposed project, and it is expected that the proposed project would not create a noticeable constraint on bus capacity. Thus, no significant adverse subway/bus transit impacts are expected as a result of the proposed project.

Five intersections in the study area are considered high vehicle/pedestrian accident locations and would experience increases in vehicular traffic with the proposed project. These include the intersections of Third Avenue at East 55th, East 57th and East 59th Streets, and the intersections of East 57th Street at First and Second Avenues. The intersections adjacent to



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the project site—including the intersections of East 57th Street at Second and Third Avenues—would also experience moderate increases in pedestrian volumes. Based on the review of the accident history at these intersections, the majority of the pedestrian-related accidents (approximately 73 percent) were caused by driver inattentiveness and signal disregard by the pedestrians. With respect to geometric deficiencies that could potentially cause safety hazards, all of the above intersections are signalized, and the majority of them are clearly painted with high-visibility crosswalks. In addition, the intersections of East 57th Street at Second and Third Avenues provide school crossing signage to warn motorists about the presence of school children at these locations.

Based on the review of the accident history at these intersections, no prevailing trends were identified as the primary causes of recorded accidents. The projected increases in vehicular and pedestrian levels at these study area locations would not exacerbate any of the current causes of pedestrian-related accidents; therefore, the proposed project is not expected to result in any significant adverse pedestrian safety impacts.

### ***Air Quality***

The air quality analysis considered the potential for emissions due to mobile sources/vehicles generated by the proposed project. It was determined that the proposed project would not result in an exceedance of the carbon monoxide (CO) *de minimis* criteria, or in a violation of national standards. Therefore, the proposed project would not result in any significant mobile source impacts.

The analysis also considered potential direct impacts from emissions generated by stationary sources at the project site, such as emissions from fuel burned on site for heating, ventilation, and air conditioning (HVAC) systems. The proposed building containing the two schools (on the western portion of the project site) would use natural gas or Con Edison steam in the HVAC system. If steam is not utilized, the primary stationary source of air pollutants associated with the proposed school building would be emissions from the combustion of natural gas by HVAC equipment. However, the HVAC exhaust would be located at the rooftop level, at about 200 feet, and would be physically separated from the proposed high school play area by a concrete wall parapet. Therefore, emissions from the HVAC system would not result in a significant adverse impact on the play area.

The nearest building of a similar or greater height to the proposed school building is an existing 20-story building, on East 57th Street, Block 1330, Lot 38. The elevated receptors on that building would be about 100 feet away from the proposed building's HVAC system exhaust; therefore, burning natural gas would not result in any significant stationary source air quality



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impacts because the proposed structure would be below the maximum permitted size as outlined in the *CEQR Technical Manual*.

The HVAC system exhaust for the proposed 59-story residential tower would be situated on the roof of the building. Regardless of the type of fuel used, HVAC emissions associated with this building would not result in any significant stationary source air quality impacts because the proposed structure would have a smaller area than the maximum permitted size as outlined in the *CEQR Technical Manual*. In addition, the analysis of emissions from the proposed school facility's fume hood exhaust system indicates that there would be no significant adverse impact on air quality from any potential spills in the school laboratory hoods.

### **Noise**

The noise analysis considered whether traffic generated by the proposed project would have the potential to result in significant noise impacts, and whether the proposed building has sufficient noise attenuation to satisfy *CEQR* building attenuation requirements. The proposed project would not generate sufficient traffic to cause a significant noise impact. To satisfy *CEQR* interior noise criteria, the proposed buildings would include at least 35 dBA of window/wall attenuation, in the form of double-glazed windows and alternate means of ventilation (i.e., air conditioning). In addition, the proposed buildings' HVAC systems would be designed to meet all applicable noise regulations and to avoid producing levels that would result in any significant increase in ambient noise levels. Thus, no significant adverse noise impacts would result from the proposed project.

### **Construction**

It is expected that construction of the proposed project would occur over approximately five years, and would be completed in 2013. The western portion of the site (the site of the existing P.S. 59 facility) would be redeveloped first, followed by the eastern portion of the site (the site of the existing High School for Art and Design).

As part of the proposed project, a number of design measures would be taken to ensure that there would be no significant adverse impacts to the existing High School for Art and Design during construction of the new school facilities on the western portion of the site. All windows on the western façade of the existing High School structure would be removed, and all windows and other openings on the western building façade would be filled with concrete. A separate insulated interior partition would be constructed and sealed at all edges. These measures would serve to protect students from noise and dust from the adjacent construction activity. In addition, new rooftop mechanical HVAC systems would be installed on the existing high school building to provide an alternate means of ventilation to the building. The intake



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louvers on this equipment would be located away from the construction activity. These units would contain MERV-14 filters, which are more efficient than a standard air filter at removing small particulate from the air. The filters would be replaced every month.

In addition to these measures, which would be taken prior to the demolition, excavation, and construction activities associated with the proposed project, several measures would be included in the construction contract documents to substantially reduce diesel particulate matter emissions from construction engines accessing the site. The proposed project would adhere to the requirements of Local Law 77, and other measures would be implemented to reduce construction vehicle emissions and ensure that dust emissions from construction activity would be limited to the extent practicable.

With respect to construction-related noise, the project would adhere to all of the requirements of the New York City Noise Control Code and, when feasible and practicable, low-noise emission level equipment and operational procedures that produce noise emission levels lower than the maximum allowable noise emission levels would be used. The new school facilities located on the western portion of the site would contain well sealed double-glazed windows and a means of alternative ventilation (i.e., air conditioning) which would significantly reduce interior noise levels produced by construction activities.

With these design measures and regulatory controls in place, no significant adverse construction-related impacts would result from the proposed project.



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ECF has determined, based on the foregoing analysis, that approval of the proposed project:

- would not result in a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; or a substantial increase in potential for erosion, flooding, leaching or drainage problems;
- would not result in the removal or destruction of large quantities of vegetation or fauna; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered specific of animal or plant; or other significant adverse impacts to natural resources;
- would not result in the creation of a material conflict with a community's current plans or goals as officially approved or adopted;
- would not result in the impairment of the character or quality of important historical, archaeological, architectural, or aesthetic resources or of existing community or neighborhood character;
- would not result in a major change in the use of either the quantity or type of energy;
- would not result in the creation of a hazard to human health;
- would not result in a substantial change in the use or intensity of use of land, open space or recreational resources, or in its capacity to support existing uses;
- would not encourage or attract a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;
- would not result in the creation of a material demand for other actions that would result in one of the above consequence;
- would not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment;
- would not result in two or more related actions undertaken funded or approved by an agency, none of which has or would have a significant impact on the environment, but



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when considered cumulatively would meet one or more of the criteria in this subdivision.

Based on the EAF and comprehensive analyses in the supporting studies, and consideration of the criteria for determining significance contained in Part 617.7(c) above, ECF has determined that the proposed project would not result in a significant adverse effect on the environment.

For further information contact:

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Jamie Smarr  
Executive Director

January 30, 2008  
Date