

**GOLDMAN HARRIS LLC**

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**Eugene C. Travers**

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BD. STANDARDS AND APPEALS

2012 OCT 18 A 9:56

299-12-BZ-

OCT 18  
October 18, 2012

**BY HAND**

Hon. Meenakshi Srinivasan, Chair  
NYC Board of Standards and Appeals  
40 Rector Street, 9<sup>th</sup> Floor  
New York, NY 10006

**Re: Variance Application  
40-56 Tenth Avenue  
Block 646, Lot 1, Manhattan**

Dear Chair Srinivasan:

Submitted herewith is an application for a variance pursuant to Zoning Resolution Section 72-21 to allow the construction of a twelve-story plus cellar building containing Use Group 6 office and retail use at the above-captioned premises. The premises are located within an M1-5 zoning district, and the proposed development would require modification of the floor area, height and setback, and rear yard regulations of the Zoning Resolution.

In connection with this application, please find enclosed the following attachments:

1. BZ Application Form;
2. Department of Buildings Objections;
3. Affidavit of Ownership;
4. Statement of Facts and Findings;
5. Certificates of Occupancy;
6. Zoning Map;
7. BSA Zoning Analysis Form;
8. Tax Map;
9. Radius Diagram/Land Use Map;
10. Photographs;
11. Existing Condition Plans;
12. Conforming (As-of-Right) Plans;
13. Proposed Condition Plans;
14. List of Affected Property Owners and Tenants;
15. CEQR Application;
16. Phase I Environmental Site Assessment (electronic copy on CD);
17. Phase II Environmental Site Assessment (summary excerpt); and
18. Geotechnical Engineering Report (electronic copy on CD).

Hon. Meenakshi Srinivasan  
October 18, 2012  
Page 2

In addition, checks in the amount of \$12,600.00 for the filing fee and \$47,815.00 for the CEQR fee are submitted herewith.

Please let us know if you require any additional information in this regard.

Thank you.

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CAL. NO.

Very truly yours,



Eugene C. Travers

cc: Hon. Christine C. Quinn, Council Member District 3  
Hon. Scott Stringer, Manhattan Borough President  
Bob Gormley, Community Board 2 District Manager  
Edith Hsu-Chen, Director, Department of City Planning Manhattan Office  
Christopher Holme, Department of City Planning





**City of New York**  
**Board of Standards and Appeals**  
 40 Rector Street, 9<sup>th</sup> Floor  
 New York, NY 10006-1705  
 Phone: (212) 788-8500  
 Fax: (212) 788-8769  
 www.nyc.gov/bsa

**ZONING (BZ) CALENDAR**  
 Application Form

BSA APPLICATION NO. 299-12-BZ-  
 SCEQR NO. 13-BSA-048M

2012 OCT 18 A 9:57

**Section A**

**Applicant/  
Owner**

<b>GoldmanHarris LLC</b>	40-56 Tenth Avenue LLC c/o William Gottlieb Real Estate
NAME OF APPLICANT	OWNER OF RECORD
475 Park Avenue South, 28th Floor	544 Hudson Street
ADDRESS	ADDRESS
New York NY 10016	New York NY 10014
CITY STATE ZIP	CITY STATE ZIP
212 935-1622	
AREA CODE TELEPHONE	LESSEE / CONTRACT VENDEE
212 935-2651	
AREA CODE FAX	ADDRESS
hgoldman@goldmanharris.com	
EMAIL	CITY STATE ZIP

**Section B**

**Site  
Data**

**40-56 Tenth Avenue** 10014  
 STREET ADDRESS (INCLUDE ANY AKA) ZIP CODE

Located on the east side of Tenth Avenue between West 13th and West 14th Streets  
 DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS

<u>646</u>	<u>1</u>	<u>Manhattan</u>	<u>2</u>	<u>N/A</u>
BLOCK	LOT(S)	BOROUGH	COMMUNITY DISTRICT	LANDMARK/HISTORIC DISTRICT
<u>Hon. Christine C. Quinn</u>	<u>M1-5</u>			<u>8b</u>
CITY COUNCIL MEMBER	ZONING DISTRICT (include special district, if any)			ZONING MAP NUMBER

**Section C**

**Dept of Building  
Decision**

BSA AUTHORIZING SECTION(S) 72-21 for  VARIANCE  SPECIAL PERMIT (Including 11-41)  
 Section(s) of the Zoning Resolution to be varied 43-12, 43-311, 43-43  
 DOB Decision (Objection/ Denial) date: September 26, 2012 Acting on Application No: 120801052

**Section D**

**Description**

(LEGALIZATION  YES  NO  IN PART)

This application is filed pursuant to Section 72-21 of the Zoning Resolution seeking to waive the required FAR, height and setback, and rear yard requirements to facilitate the construction of a twelve-story office building with the first and second stories devoted to retail uses.

**Section E**

**BSA History  
and  
Related Actions**

If "YES" to any of the below questions, please explain in the STATEMENT OF FACTS

	YES	NO
1. Has the premises been the subject of any previous BSA application(s)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PRIOR BSA APPLICATION NO(S): _____		
2. Are there any applications concerning the premises pending before any other government agency?...	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Is the property the subject of any court action?.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Section F**

**Signature**

I HEREBY AFFIRM THAT BASED ON INFORMATION AND BELIEF, THE ABOVE STATEMENTS AND THE STATEMENTS CONTAINED IN THE PAPERS ARE TRUE.

Howard Goldman SWORN TO ME THIS 18 DAY OF OCT 20 12  
 Signature of Applicant, Corporate Officer or Other Authorized Representative

Howard Goldman Attorney  
 Title

[Signature]  
 NOTARY PUBLIC STATE OF NEW YORK







# BOARD OF STANDARDS AND APPEALS

40 Rector Street, 9<sup>th</sup> Floor  
New York, New York 10006-1705  
Phone: (212) 788-8500  
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## AFFIDAVIT OF OWNERSHIP AND AUTHORIZATION

CAL. NO.

### Affidavit of Ownership

299-12-BZ-

Neil Bender, being duly sworn, deposes and says that (s)he resides at 544 Hudson Street, in the City of New York, in the County of New York, in the State of New York; that 40-56 Tenth Ave. LLC is the owner in fee of all that certain lot, piece or parcel of land located in the Borough of Manhattan, in the City of New York and known and designated as Block 646, Lot(s) 1, Street and House Number 40-56 Tenth Avenue; and that the statement of facts in the annexed application are true.

Check one of the following conditions:

- Sole property owner of zoning lot
- Cooperative Building
- Condominium Building
- Zoning lot contains more than one tax lot and property owner

### Owner's Authorization

The owner identified above hereby authorizes GoldmanHarris LLC to make the annexed application in her/his behalf.

Signature of Owner

Print Name

Neil Bender

Print Title

President

Sworn to before me this 12<sup>th</sup> day

Of OCTOBER 2012

Hugh A Feinberg

HUGH A. FEINBERG  
Notary Public, State of New York  
No. 01493163652  
Qualified in Kings County  
Certified in New York County  
Commission Expires Oct 10, 2010  
NOV 17, 2014



NYC Development Hub  
 Department of Buildings  
 80 Centre Street  
 Third Floor  
 New York, New York 10013  
 nycdevelopmenthub@buildings.nyc.gov

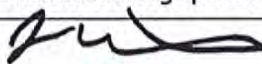
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2012 OCT 18 A 9:57  
 Notice of Comments  
 CAL. NO.

299-12-BZ-

<b>Owner:</b>	Date: 09/24/12
	Job Application #: 120801052
	Application type: NB
<b>Applicant:</b> Jeanne Gang, R.A. 1212 N. Ashland Ave, Suite 212 Chicago, IL 60622	Premises Address: 40 Tenth Avenue, Manhattan
	Zoning District: M1-5
	Block: 646 Lots: 1,5,6,7, 8, &9 Doc(s):
<b>Plan Examiner at NYC Development Hub: Clara Gomez</b>	

Examiner's Signature:

Obj. #	Doc #	Section of Code	Comments	Date Resolved	Comments
1		ZR 43-12	Proposed FAR exceeds 5.0 FAR		
2		ZR 43-311, ZR 43-312	20'-0" rear yard is required for interior portion of lot beyond 100'-0" of front lot line.		
3		ZR 43-43	Proposed front wall exceeds 85'-0", applicable sky exposure plane for both wide and narrow streets violated.		
<div style="border: 1px solid black; padding: 10px; width: fit-content; margin: 0 auto;"> <p>REVIEWED BY  <b>Jed Weiss</b>            Executive Zoning Specialist</p>  <p><b>DENIED</b>            For Appeal to Board of            Standards and Appeals</p> <p>Date/Time: Sep 26, 2012 - 5:25 PM</p> </div>					



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2012 OCT 18 A 9:58

**STATEMENT OF FACTS AND FINDINGS**  
CAL. NO.

Re: **40-56 Tenth Avenue, Manhattan**  
**Block 646, Lot 1**  
**(the "Premises")**

299-12-BZ-

**I. INTRODUCTION**

This is an application under Section 72-21 of the Zoning Resolution of the City of New York (the "Zoning Resolution" or "ZR") to facilitate the construction of a twelve-story commercial building (the "Proposed Development") at the Premises. The Proposed Development would contain Use Group 6 office and retail space. The Premises are located in the Gansevoort Market/Meatpacking District area of Manhattan, within an M1-5 zoning district which permits office and retail use.

The Premises are currently occupied by two, three-story buildings formerly used in connection with the meat-packing industry. These buildings would be demolished. The easternmost extent of the Premises is diagonally traversed by the High Line. The Proposed Development seeks variances of the floor area (Section 43-12), height and setback (Section 43-43), and rear yard (Section 43-261) regulations of the Zoning Resolution.

The requested variances are necessary due to the relationship of the Premises to the High Line and subsurface soil conditions. These conditions result in construction costs such that a conforming development would not be economically feasible.

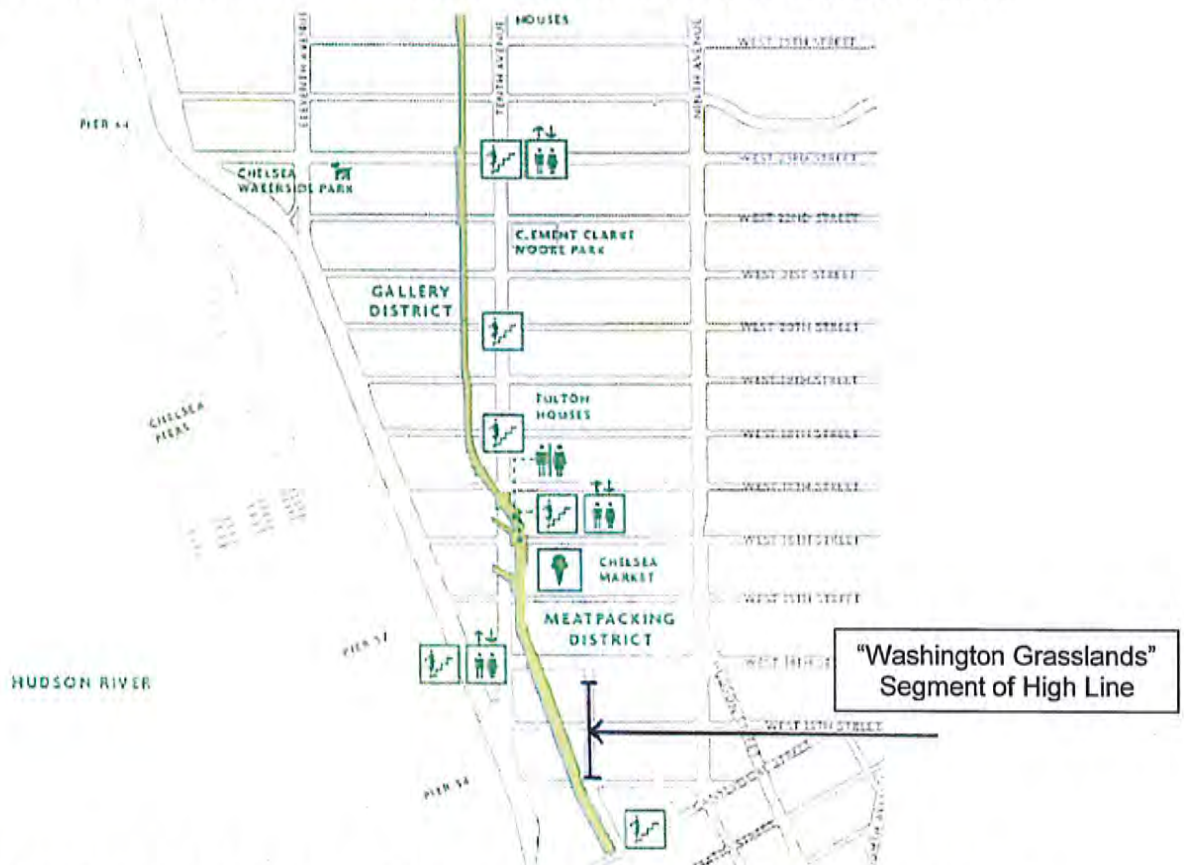
**II. STATEMENT OF FACTS**

**A. The Premises**

The Premises comprise Tax Lot 1 on Block 646, a rectangular block bounded by West 14<sup>th</sup> Street to the north, West 13<sup>th</sup> Street to the south, Ninth Avenue to the east, and Tenth Avenue to the west. The Premises form an irregular "L"-shaped lot that occupies the entire western block front, with approximately 206 feet of frontage on

Tenth Avenue, 153 feet of frontage on West 13<sup>th</sup> Street, and 75 feet of frontage on West 14<sup>th</sup> Street. The Premises have a total lot area of 23,541 square feet and are currently improved with two, three-story brick buildings located at the northeast corner of West 13<sup>th</sup> Street and Tenth Avenue.

The High Line, an elevated railroad trestle, extends diagonally across the easternmost portion of the Premises and overlies half of its entire eastern lot line of the Premises. The High Line is owned by the City of New York and has been converted into an award winning, world-class public open space. The Premises are the last undeveloped parcel surrounding the "Washington Grasslands" section of the High Line, which stretches from Little West 12<sup>th</sup> Street to West 13<sup>th</sup> Street, as depicted below:



The Premises are located adjacent to, but not within, the Gansevoort Historic District as designated by the New York City Landmarks Preservation Commission. The Premises are located within the New York State Register of Historic Places (S/NR) Gansevoort Market Historic District.



## B. Neighborhood Context

The Premises are located in the Gansevoort Market/Meatpacking District area of Manhattan, which is roughly bounded by West 16<sup>th</sup> Street to the north, Gansevoort Street to the south, Ninth Avenue to the east, and Eleventh Avenue to the west. The Premises, along with most of the surrounding area, are located in an M1-5 zoning district. The Premises are surrounded by a mix of commercial and industrial buildings.

The neighborhood has undergone a dramatic change in uses over the past ten to fifteen years, notably the elimination of meat-related uses and the increase in a range of commercial uses, such as retailers, restaurants, nightlife establishments, boutiques, art galleries, architecture and graphic design offices, photography studios and upper floor office space. This evolving mix is related to technological and economic changes within the meat industry affecting production and distribution, as well as broader economic trends within the City.

Most of the original buildings in the area surrounding the Premises were built for meatpacking or other industrial and general commercial uses. Typically, they are high lot coverage buildings of six stories or less dating from the nineteenth century or the first half of the twentieth century. With recent changes in market conditions, many have been adaptively reused for retail and office uses.

West of the Meatpacking District along the Hudson River waterfront lies the Hudson River Park. This waterfront area includes Pier 57, at the foot of West 15<sup>th</sup> Street, which the City is seeking to redevelop. Further south between Little West 12<sup>th</sup> Street and Gansevoort Street is the Gansevoort Peninsula, a seven-acre area of fill currently used by the New York City Department of Sanitation for storage. The City is planning to locate a marine waste transfer station and park uses in this area in the future. South and east of the Meatpacking District within a quarter-mile radius of the Premises is the northwest portion of the West Village, a mixed-use area with many buildings that contain ground floor retail with residential units above, but which also has a variety of commercial, industrial, and institutional uses. North of the Meatpacking District, within a quarter-mile radius of the Premises, is the lower portion of West Chelsea, a predominantly residential, mixed-use neighborhood.



In June 2005, the City rezoned much of West Chelsea and created the Special West Chelsea District. The Special District is designed to encourage the development of West Chelsea as a dynamic mixed use neighborhood, to facilitate the restoration and reuse of the High Line as an accessible, public open space, and to ensure that the form and use of new buildings relate to and enhance neighborhood character and the High Line. Large portions of the area were rezoned from M1-5, which did not permit residential use, to commercial districts in which residential use was permitted at base FARs ranging from 5.0 to 7.5, bonusable to between 6.0 and 10.0 FAR. To encourage preservation of light and air around the High Line, and recognizing the impact that the High Line may have on encumbered sites, the rezoning allows development rights to be transferred from High Line properties to designated receiving sites within the Special West Chelsea District. The rezoning also created a High Line Transfer Corridor (HLTC), a 100-foot wide corridor containing the entire High Line structure and portions of adjacent lots between West 18<sup>th</sup> and West 30<sup>th</sup> Streets. Owners of property within the HLTC are permitted to transfer their development rights, equivalent to the base FAR for the property, to designated receiving sites within the Special District. Although the High Line runs squarely through the Meatpacking District to its southern terminus at Gansevoort Street, no parallel set of regulations currently exist below West 14<sup>th</sup> Street.

The City Planning Commission recently approved a proposed zoning map amendment and zoning text change (ULURP Nos. C 120143 ZMM and N 120142 ZRM, respectively) which, if approved by the City Council, would expand the Special West Chelsea District south to incorporate an entire block bounded by West 16<sup>th</sup> Street to the north, West 15<sup>th</sup> Street to the south, Ninth Avenue to the east, and Tenth Avenue to the west, located just north of the Premises. The proposal is a private application related to the expansion of the Chelsea Market and the subject block is traversed by the High Line along Tenth Avenue. The proposed actions would allow for an increase in the development potential of the block to 7.5 FAR through a contribution to the High Line Improvement Fund and the construction of public restrooms, storage space, and other amenities for the High Line.



In its report approving the proposal, the City Planning Commission stated, "The Commission also recognizes the unique condition of the Chelsea Market and its relationship to the High Line. ...While the Commission believes a maximum height of 230 feet is appropriate for the Tenth Avenue addition, the Commission agrees with the community board and the Borough President that the Tenth Avenue addition is located too closely to the High Line, with the potential to reduce light and air to the High Line. The Commission therefore modifies the text herein to require that the Tenth Avenue building set back 15 feet from Tenth Avenue above the existing building to a height of 185 feet, with another 10 foot setback at a height of 185 feet to a height of 200 feet, a third 10 [foot] setback required at a height of 200 feet to a height of 215 feet, and an additional 40 foot setback at a height of 215 feet, with a maximum height of 230 feet."

These modifications embody the goal of the Special West Chelsea District, and broader public policy, to preserve light and air to the High Line. The City Council is expected to hold a hearing on the proposal on October 23, 2012.

To the south of the Premises is the Standard Hotel (Block 645, Lot 11), a nineteen-story, 271-foot tall hotel that straddles the High Line. It is a tall, slender structure with a broad east-west facade. The Standard Hotel is an as-of-right building with an FAR of approximately 5.0. However, the southern 10,000 square-foot portion of Lot 11, at the corner of Washington Street and Little West 12<sup>th</sup> Street, is undevelopable due to the presence of the High Line. When the floor area of the Standard Hotel is calculated on the portion of the lot comprising the footprint of the building, the Standard Hotel produces an effective FAR of approximately 7.3.

Adjacent to and abutting the northeast lot line of the Premises is the recently completed "High Line Building" (Block 646, Lot 10), an office and retail building. Fronting on West 14<sup>th</sup> Street, the High Line Building rises sixteen stories and 221 feet and also straddles the High Line. This building is comprised of a modern tower element that sits atop an old cold storage warehouse. The zoning calculations for the High Line Building involve a zoning lot merger and transfer of development rights from Lots 14, 16, 17 and 18, as well as a 10% bonus as per ZR 43-121 (Expansion of Existing Manufacturing Buildings) as applied to the entire zoning lot. The resulting floor area for



the High Line Building is approximately 79,000 square feet, which produces an effective FAR of approximately 7.7 when calculated on the portion of the lot comprising the footprint of the building.

Finally, at the southeast corner of Block 646 and separated from the Premises by the High Line, is the site of the Romanoff Building (Block 646, Lots 19 and 20). The Board previously approved a variance for this site (BSA Cal. No. 314-08-BZ) which permitted an FAR of 6.19, a height of 175 feet without setback, no rear yard and Use Group 10 retail.

These three buildings, along with the new Whitney Museum on Gansevoort Street between the West Side Highway and the High Line, reflect the drastic transformation of the Meatpacking District.

### C. Zoning and the Proposed Project

The Premises are located in an M1-5 zoning district, with frontage on Tenth Avenue, a wide street, and West 13<sup>th</sup> and West 14<sup>th</sup> Streets, both narrow streets. The uses proposed for the Proposed Development are conforming.

The maximum FAR in M1-5 zoning districts is 5.0 for manufacturing or commercial use, and 6.5 for community facility use. There are no floor area bonuses available. The total maximum floor area permitted on the Premises for manufacturing or commercial use is 75,890 square feet. On a narrow street in M1-5 zoning districts, a building must set back 20 feet from the street at a height of 85 feet or six stories, whichever is less, and may thereafter rise within a sky exposure plane of 2.7 to 1. On wide streets, a fifteen-foot setback is required, and the required sky exposure plane is 5.6 to 1. Tower buildings that penetrate the sky exposure plane are permitted, provided that, for a site the size of the Premises, tower coverage may not exceed 45 percent of the lot area. A rear yard of at least 20 feet is required except on corner lots and portions of lots within 100 feet of an intersection.

The Proposed Development would have an FAR of approximately 6.68, which equals 157,280 square feet. The Proposed Development would comprise a slender, twelve-story tower reaching 199 feet in height. With the building mass pulled toward



Tenth Avenue, a terrace space is proposed adjacent to the High Line at a height of approximately 27 feet, six inches in order to enhance the openness of the High Line at this location (the High Line is approximately 25 feet high).

The most notable characteristics of the Proposed Development are the “solar carve” elements in the facade. Floor area in the lower floors at the southeast corner of the building facing the High Line is relocated to Tenth Avenue, where it is aligned vertically. This design allows significantly more light and air to reach the High Line than an as-of-right development, but requires a waiver of the height and setback regulations along Tenth Avenue.

**FAR:** The waiver sought for floor area is a result of costs associated with subsurface conditions, environmental conditions, and the presence of the High Line on the Premises. As discussed in greater detail below, these conditions, in the aggregate, impose a hardship on redevelopment of the Premises and render an as-of-right development infeasible.

**Height and Setback Waiver.** The height and setback waivers are sought in order to minimize environmental impacts on the already burdened Washington Grasslands segment of the High Line between West 14<sup>th</sup> Street and West 13<sup>th</sup> Street. An as-of-right building, built to the High Line and set back from Tenth Avenue in accordance with the underlying height and setback regulations, would cast this segment of the High Line into increased shadow, adversely impacting the Washington Grasslands and the public enjoyment thereof.

**Rear Yard:** A 53-foot wide portion of the Premises along the West 13<sup>th</sup> Street frontage is beyond 100 feet from the intersection and thus requires a 20-foot rear yard. A portion of the proposed building’s terrace element would be constructed in this rear yard, where permitted obstructions (including terraces) are permitted up to 23 feet pursuant to ZR 43-23. Here the terrace level extends up to 27 feet, six inches in order to better relate to the High Line. The waiver is sought for the four foot, six inch portion above the 23-foot permitted obstruction that occupies the required rear yard.



D. Department of Buildings

The New York City Department of Buildings issued the following objections, dated September 26, 2012, with respect to the Proposed Development:

1. ZR 43-12: Proposed FAR exceeds 5.0 FAR.
2. ZR 43-311, ZR 43-312: 20'-0" rear yard is required for interior portion of lot beyond 100'-0" of front lot line.
3. ZR 43-43: Proposed front wall exceeds 85'-0", applicable sky exposure plane for both wide and narrow streets violated.

The attached printout from the online records of the Department of Buildings shows that there are 23 outstanding violations of record against the Premises as of the date hereof, most of which are elevator and boiler violations. The existing buildings on the Premises are to be demolished and all violations would be resolved before a certificate of occupancy is issued for any new construction.

**III. FINDINGS PURSUANT TO ZONING RESOLUTION SECTION 72-21**

Pursuant to Section 72-21 of the Zoning Resolution, the Board of Standards and Appeals has the authority to vary the strict application of zoning regulations, provided that five requisite findings are satisfied. Each of the necessary findings is satisfied by this application, as discussed below.

**(A) UNIQUENESS**

**There are unique physical conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to and inherent in the particular zoning lot; and that, as a result of such unique physical conditions, practical difficulties or unnecessary hardship arise in complying strictly with the use or bulk provisions of the Resolution; and that the alleged practical difficulties or unnecessary hardship are not due to circumstances created generally by the strict application of such provisions in the neighborhood or district in which the zoning lot is located;**



The Premises are subject to a unique confluence of circumstances unique conditions relating to the Premises that present issues of financial hardship; including:

### **Subsurface Soil Conditions**

The Premises are burdened by unique poor soil conditions that require additional excavation, foundation, and underpinning measures. The following unique conditions related to the Proposed Development create hardships:

- The Langan Geotechnical Engineering Report indicates a zone of probable liquefaction on the Premises in an area below grade. The piles for the Proposed Development would extend through this liquefiable zone, and the pile design cannot rely on friction between the soil and pile within the liquefiable zone. Thus, the Proposed Development will require piles that are longer and more costly than traditional piles.
- The Premises are underlain by up to 20 feet of fill material, such that the Proposed Development must be supported by a deep foundation system. The proximity of the site to the High Line and nearby landmark structures will preclude the use of driven piles because of the vibrations pile driving can generate. Therefore, more expensive and time-consuming drilled caissons will be required.
- The adjacent structures to the west and north will require underpinning. Because of the poor site soils, underpinning schemes will likely involve drilled piles spaced every eight feet, with the foundations of the adjacent structures supported on new grade beams cast against/under the existing foundations and spanning between the new piles. The High Line Building is a new building above a very old building. The old building's foundation will necessitate considerable underpinning and sensitively installed piles in the development of the Premises.

These conditions are unique. For example, although borings indicate a "zone of probable liquefaction" on the Romanoff Building site, borings indicate that the Standard Hotel is within a "liquefaction unlikely" zone. The majority of the Standard Hotel building is supported on drilled "micro-piles" that obtain their capacity via friction in the sand



layer. The super columns that support the High Line spans are supported on higher capacity drilled “mini-caissons” bearing in the bedrock. In contrast, the piles for the Proposed Development would have to extend through the liquefiable zone. Thus, the Proposed Development will require piles that are longer and more costly than comparable piles on the Standard Hotel site.

### **Irregular Lot Shape**

The Premises are unique in their relationship and proximity to the High Line. With the High Line crossing diagonally over the Premises and overlapping approximately ten percent of its area, the Premises comprise a *de facto* irregularly shaped lot. The physical constraints imposed by the High Line require the Proposed Development to be narrower and taller than would otherwise be necessary on an unencumbered lot of this size.

The Premises are irregularly shaped with three separate street frontages and 50 percent of its interior lot line border traversed by the High Line. Furthermore, the five parcels that comprise the northwest corner are only 75-feet deep – the shallowest parcels on the block. This site shallowness, at the important West 14<sup>th</sup> Street and Tenth Avenue corner, when coupled with the setback requirements, creates small floor plates above the initial setback on an as-of-right basis. The attached Floor Plate Study demonstrates this impact, where the functional floor plate area is reduced to a width of 21 feet and 17 feet above the initial setback requirement.

The High Line, which crosses over the southeast portion of the Premises along West 13<sup>th</sup> Street, effectively creates a no-foundation and no-build zone. As discussed in the Langan Geotechnical Engineering Report, the presence of the High Line presents the need for special and costly foundation solutions for portions of the building located near the High Line’s support structure.

The West 14<sup>th</sup> Street location of the High Line access elevator and structure presents a special condition. The Premises constitute the westernmost retail frontage on West 14<sup>th</sup> Street, but is isolated by the High Line and visually separated from the main commercial corridor of West 14<sup>th</sup> Street. The elevator further reinforces this



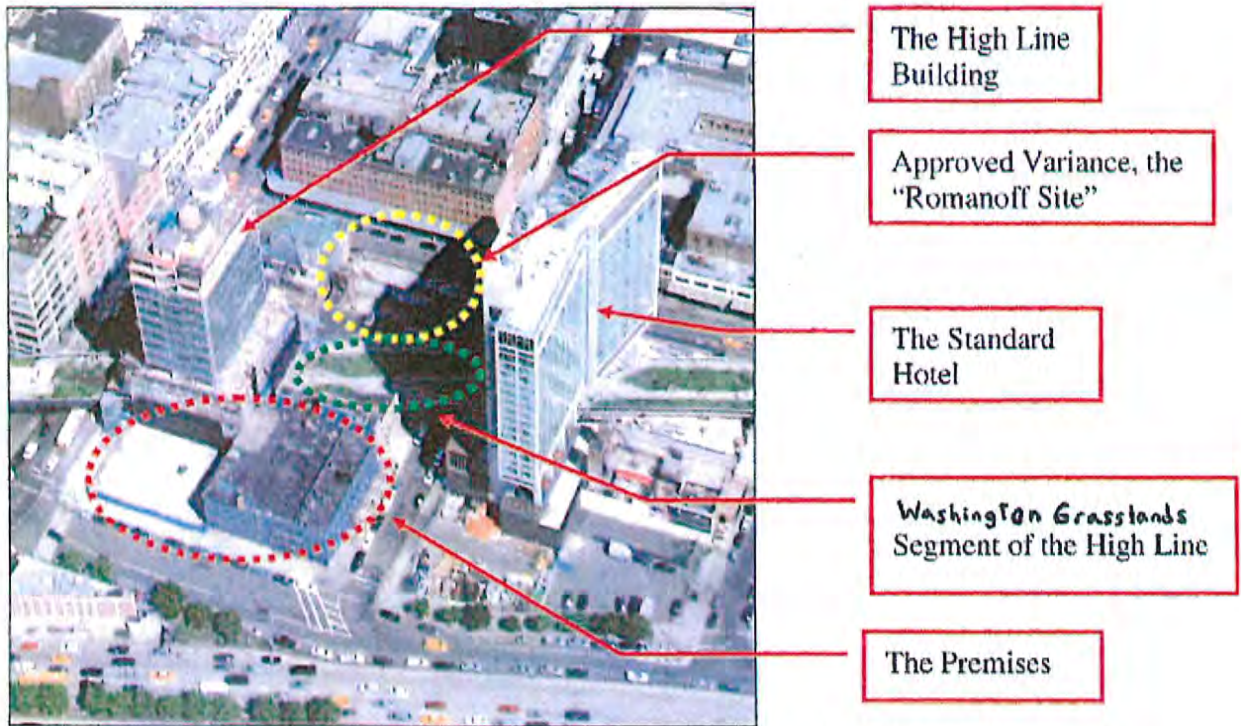
commercial separation and therefore diminishes the economic viability of ground-floor retail use in the Proposed Development.

Properties north of West 16<sup>th</sup> Street that are encumbered by the High Line are located within the Special West Chelsea District. Large portions of that area were rezoned from M1-5, in which residential use was not permitted, to commercial districts in which residential use was permitted at base FARs ranging from 5.0 to 7.5, bonusable up to a range between 6.0 and 10.0 FAR. Many sites in the Special West Chelsea District are also permitted to transfer unusable floor area to other sites. As to the other properties south of West 16<sup>th</sup> Street, the Premises do not have pre-existing structure or foundations capable of reuse, as do the High Line Building and the Standard Hotel. The Whitney Museum site two blocks to the south of the Premises is a publicly subsidized development with a highly specialized program. Further, it is located on a large zoning lot such that larger and more regular floor plates can be achieved. The property at 447-469 West 14<sup>th</sup> Street, at the northeast corner of Tenth Avenue and West 14<sup>th</sup> Street, was the subject of a variance granted by the Board in 1970 (and recently, a substantial compliance letter related to a one-story retail addition), which recognized the encumbrance of the High Line. (See BSA Cal. No. 596-69-BZ.)

### **High Line Adjacency and Shadow Impacts**

An as-of-right development on the Premises would negatively impact light and air available to the Washington Grasslands section of the High Line. The presence of the nearby High Line Building, the Standard Hotel, and the approved Romanoff Building reduce eastern and southern light and air to the High Line between West 13<sup>th</sup> and West 14<sup>th</sup> Streets. Construction of an as-of-right development or the Conforming Development at the Premises would create a shadowed canyon segment on the High Line, as well as a vegetation "dead-zone" in the Washington Grasslands. The High Line would be hemmed in by the quartet of buildings, and would be dark for much of the daytime. The below diagram illustrates the configuration of the existing buildings and the Premises as it relates to the Washington Grasslands:



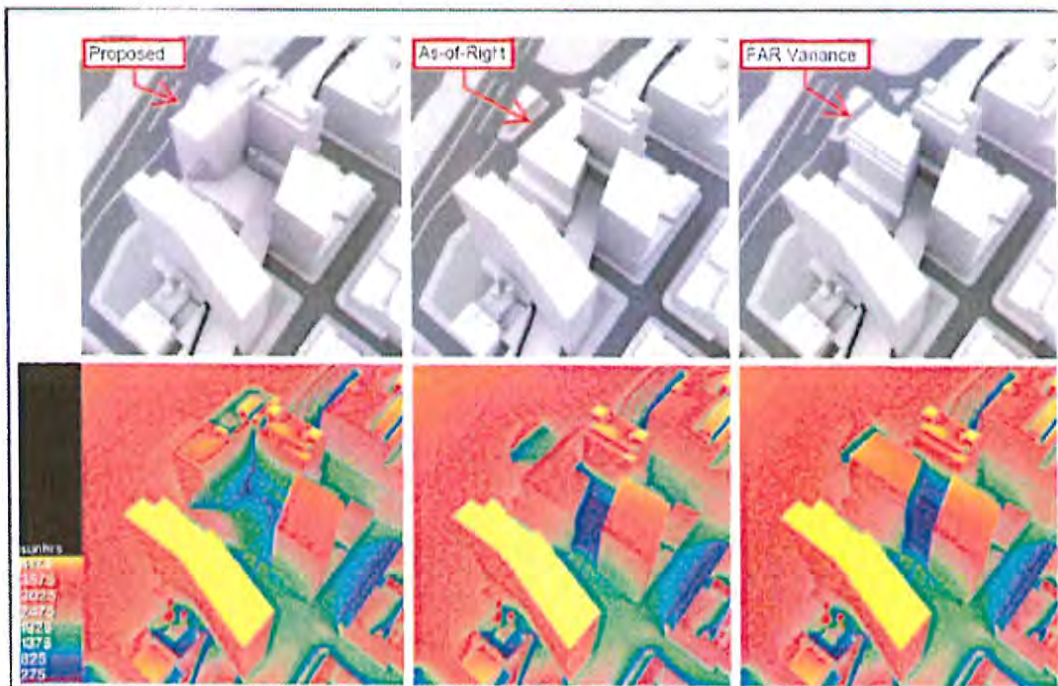


The presently underbuilt Premises allows nearly unfettered light from the southwest and the west to the High Line, but an as-of-right development of the Premises would impair the High Line's access to natural light for this segment. Although the EAS does not predict any significant environmental impacts, that is due to the fact that the Washington Grasslands is planted with shade-tolerant grasses and flowers. While there may not be an environmental impact under CEQR due to the specific type of plantings, there *would* be a measurable impact on the quality and quantity of daylight reaching the Washington Grasslands. While this may not impact the existing vegetation from an environmental standpoint, it would impair the utility and value of the High Line as a publicly accessible open space.

The Proposed Development is sensitive to this unique condition created by the confluence of the buildings surrounding the Washington Grasslands, two of which straddle the High Line. The adjacency of the Premises to the High Line therefore requires that the lower floors be set back to preserve light and air to the High Line. This would mitigate adverse impacts on public open space and support good design and sound public policy.



Further analysis of the Proposed Development's beneficial impact on the High Line was undertaken by the engineering firm Arup Group Limited. An analysis of solar exposure of the Washington Grasslands was completed using three-dimensional models of the Proposed Development, As-of-Right, and Conforming Setback (referred to in the study as the "FAR Variance") development scenarios to determine the annual potential for solar exposure on the Washington Grasslands. The study depicts the total number of hours of direct sunlight that could potentially land on the Washington Grasslands under each development scenario. The study does not incorporate weather conditions, and assumes that the sun is shining during all daylight hours, and thus is suitable for comparing the different development scenarios. The study's methodology differs from the CEQR process in that it analyzes every daylight hour of the year, rather than specific dates or times, so it can capture significant impacts that may fall outside of the scope of CEQR review. The second row of photographs show the As-of-Right and Conforming Setback development scenarios casting the Washington Grasslands in a dark blue tone, which represents far less sunlight exposure than in the Proposed Development scenario:



The Proposed Development provides the opportunity to locate the massing of the development closer to Tenth Avenue and further from the High Line to mitigate the



environmental hardship. In this configuration, daylight analysis predicts a doubling of daylight hours available to the Washington Grasslands as compared to a typical as-of-right massing. However, such a design would also result in the following cost hardships:

- Greater exterior facade area (as a ratio of floor area);
- Increased quantities of structural steel;
- Additional elevators and elevator stops;
- Additional plumbing, electrical, and mechanical equipment; and
- Increased soft costs and general conditions.

### **Subsurface Soil Contamination**

The Premises are burdened by unique soil and water contamination that will require additional remediation measures. Specifically, as set forth in the attached Langan Phase I and Phase II Report, the following unique conditions related to the Premises create hardships:

- A Phase I for the Premises revealed that a gas station north of the Premises and across West 14<sup>th</sup> Street has had a gasoline spill. Gasoline-related contaminants remain in the soil and groundwater at concentrations significantly greater than allowed by applicable New York State standards. Due to high water table conditions at the Premises and the need for dewatering on the Premises during excavation and construction, contaminated water will be drawn up through the Premises and will require costly treatment prior to discharge. Long-term monitoring wells will also be required. In addition, groundwater contamination associated with the gasoline spill will result in higher than acceptable soil vapor concentrations, thereby necessitating the inclusion of a vapor mitigation system, including a vapor barrier and a sub-slab depressurization system; all are part of the foundation design.
- The soil underlying the Premises is land fill from the 1800s. Historic fill typically contains ash, demolition debris, and municipal waste products. These materials



are typically contaminated at concentrations greater than regulatory standards, and will require special disposal costs.

- There are at least two unregistered, underground storage tanks (“USTs”) located beneath the Tenth Avenue sidewalk. These USTs must be decommissioned and removed. As outlined in the Langan Remedial Cost Estimate Memorandum (the “Langan Remediation Memo”; attached to the feasibility study prepared by Freeman/Frazier & Associates, Inc., submitted herewith), a petroleum release at the Premises associated with the two USTs was identified during a Phase II Environmental Site Investigation. The New York State Department of Environmental Conservation (“NYSDEC”) was notified of the release and NYSDEC Spill No. 10-09353 was assigned. Both soil and groundwater at the Premises have been impacted as a result of the release. Based on the results of the Phase II, it is estimated that 125 cubic yards (approximately 200 tons) of petroleum-impacted soil is located at the Premises and will require excavation and off-site disposal. The estimated cost of spill remediation tasks in connection therewith is about \$127,000 to \$133,000.
- A Phase II for the adjacent Romanoff Building site detected semi-volatile organic compounds and metal compounds in concentrations that exceed New York State Department of Environmental Conservation (“DEC”) Recommended Soil Cleanup Objectives (“RSCOs”). Volatile organic compounds and metals were detected at concentrations that exceeded DEC Technical and Operational Guidance Series (“TOGS”) Ambient Water Quality Standards (“AWQS”) in groundwater samples at the Premises. While many of these results reflect concentrations of organic compounds and metals typical of the urban New York City environment, two soil samples were identified as hazardous for lead, and required special handling, disposal, and reporting procedures during site development. In addition, groundwater at the Romanoff Site was found to contain concentrations of chlorinated solvents above the DEC TOGS AWQS for Class GA groundwater. These compounds have the potential to volatilize and create an issue with respect to soil vapor, such that the New York City Department of Environmental



Protection ("DEP") may require a vapor/waterproofing barrier under the building. Given the close proximity of the Premises to the Romanoff Building site, it is highly likely that the Premises are burdened by similar subsurface soil conditions.

### **Contaminated Structure**

As discussed in the EAS and the Langan Remediation Memo, the existing buildings on the Premises contain asbestos containing materials, lead-based paint, PCBs, asbestos-containing materials and several other contaminants. In addition, the buildings are relics of the meat-packing industry and have many feet of refrigerant piping lining the walls. These pipes contain ammonia and may contain other atypical hazardous materials requiring special handling and disposal. This is a unique condition. The building will be costly to demolish and will involve significant disposal costs.

### **Aggregate Impacts and Summary of Unique Hardships**

The factors discussed above, when considered in the aggregate, create a hardship and practical difficulties in developing a site in conformity with the Zoning Resolution for purposes of Zoning Resolution Section 72-21(a). The Board has recognized aggregate factors in many other cases.<sup>1</sup>

The proximity of the Premises to the High Line, the resulting irregularity of the developable portion and the required additional foundation work and construction practice limitations and poor soil conditions, which require additional excavation, foundation, underpinning and remediation measures, constitute unique physical conditions peculiar to and inherent in the Premises which create practical difficulties and unnecessary hardship in complying with the regulations of the Zoning Resolution.

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<sup>1</sup> See 372 Lafayette Street, 290-06-BZ, April 17, 2007 (irregularly shaped lot, adjacency to subway line, and likely soil contamination constitute unique physical conditions); 363-371 Lafayette Street, 64-06-BZ, March 13, 2007 (same); Seventh Avenue South, 156-05-BZ, January 10, 2006 (poor soil conditions, unusual shape and small size of lot, presence of underground storage tanks, and proximity to the subway, when considered in the aggregate, create unnecessary hardship and practical difficulties); 180 West Broadway, 396-04-BZ, May 15, 2005 (combination of poor soil conditions, shallow lot, close proximity to subway tunnel, contaminated soil, and high water table constitute unique conditions); 108-20 71<sup>st</sup> Avenue, 75-06-BZ, August 7, 2007 (poor soil conditions, irregular lot shape, and adjacency to subway create unnecessary hardship and practical difficulty).



These difficulties and hardship are not due to circumstances created generally by the strict application of the provisions of the Zoning Resolution in the neighborhood or district in which the Premises are located, but rather from the need to design a building that provides a reasonable return on this particular parcel, with its confluence of unique physical conditions.

**(B) REASONABLE RETURN**

**Because of such physical conditions there is no reasonable possibility that the development of the zoning lot in strict conformity with the provisions of this Resolution will bring a reasonable return, and that the grant of a variance is therefore necessary to enable the owner to realize a reasonable return from such zoning lot; this finding shall not be required for the granting of a variance to a non-profit organization;**

As a result of the unique factors discussed above, unnecessary hardship arises in complying strictly with the bulk provisions of the Zoning Resolution, and the grant of a variance is therefore necessary to enable the owner of the Premises to realize a reasonable return at the Premises. Submitted with this application is a feasibility study prepared by Freeman/Frazier & Associates, Inc. (the "FF Report") that analyzes various development scenarios and incorporates special development expenses associated with the unique conditions present at the site. The FF Report analyzed the following scenarios: (i) As-of-Right Development, (ii) Conforming Setback Development, (iii) Ideal Development, and (iv) the Proposed Development. The As-of-Right Development would comply with the M1-5 zoning regulations in all respects and comprise a nine-story, 140,868 square-foot building with retail on the first and second floors and office space on floors three through nine. The Conforming Setback Development would comply with the M1-5 district's height and setback regulations and would include a thirteen-story, 164,638 square-foot building (6.68 FAR) with retail and restaurant space on the first and second floors, and offices on floors three through thirteen. The floor plates of the Conforming Setback building would get smaller as the building rose from a base that maintains a high and full street wall. The Ideal Development represents an as-of-right development unencumbered by the unique site conditions outlined above.



The Proposed Development would include a thirteen-story, 164,638 square-foot building (6.68 FAR) with retail on the first and second floors, a restaurant on the first floor and second floor terrace, and offices on floors three through twelve.

The FF Report (inclusive of the cost estimates provided by McQuilkin Associates and Gramercy Demolition, and the cost remediation estimates provided by Langan Engineering & Environmental Services) have identified and quantified the following:

1. Unique physical conditions, including subsurface conditions and the presence of the High Line on the Premises, adding a premium cost to the development of the Premises in an approximate amount of \$10,097,000;
2. Unique site conditions, including hazardous materials mitigation measures add approximately \$1,567,000;
3. Demolition of the on-site building, burdened with a variety of sensitive and costly demolition and carting factors will cost approximately \$930,000; and
4. Related soft costs related in an approximate amount of \$3,134,000.

These factors add an approximate \$15,728,000 in construction premium expenses to the development of the Premises – expenses that are attributed to the unique conditions at or surrounding the Premises.

The analysis in the FF Report of the above scenarios concludes that the As-of-Right scenario fails to produce an acceptable capitalized value sufficient to render the project economically feasible (-\$13,095,000). The Ideal Development scenario produces a positive capitalized value since, under this scenario, the site is unburdened by the reality of the various unique site conditions and burdens (\$3,260,000). The Conforming Setback Development and the Proposed Development generate capitalized values that closely approximate projects costs and are therefore minimally feasible in accordance with BSA standards (-\$45,000 and \$408,000, respectively). However, only the Proposed Development, which seeks height and setback waivers, overcomes the environmental hardship of preserving light and air to the Washington Grasslands segment of the High Line.



**(C) CHARACTER OF NEIGHBORHOOD**

**The variance, if granted, will not alter the essential character of the neighborhood or district in which the zoning lot is located; will not substantially impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare;**

The requested bulk variance will not alter the essential character of the neighborhood, impair the appropriate use or development of adjacent property, or be detrimental to the public welfare. As discussed above, the immediate surroundings for the Premises have and continue to undergo a transformative development phase. The recent completion of the Standard Hotel, the High Line Building and the anticipated construction of the Romanoff Building all redefine the character of the area. The proposed Solar Carve Building will not alter the essential character of the area, nor will it impair the use or development of nearby or adjacent properties. In fact, it is an appropriate and innovative addition to the area.

As discussed above, the Premises are located in the Meatpacking District, which is undergoing a transformation from industrial to commercial uses as meatpacking businesses are almost non-existent in the area. Principal uses now include apparel retailers, restaurants, nightlife establishments, art galleries, and upper floor office space. Possible tenants for the Proposed Development include retail, restaurant and office users, which are consistent with other local area uses and existing neighborhood character.

With regard to the general public welfare finding of the "C" finding, the Proposed Development would be significantly more "beneficial" than either the Conforming Setback Development or an as-of-right development. Both such buildings would have serious adverse consequences for sunlight access to the Washington Grasslands section of the High Line. The opportunity to protect easterly and southerly light and air to this segment of the High Line is lost with the construction of the Standard Hotel and the approval of the Romanoff Building. The Proposed Development represents an important opportunity to protect southwesterly light, air and waterfront sunsets for this section of the High Line.



The Proposed Development neither alters area character, nor impairs development of adjacent properties. Furthermore, the Proposed Development will maximize High Line access to (i) southwesterly light and air, as well as (ii) waterfront vistas; and therefore, the Proposed Development will be beneficial from a public welfare perspective.

**(D) SELF-CREATED HARDSHIP**

**The practical difficulties or unnecessary hardship claimed as a ground for a variance have not been created by the owner or by a predecessor in title; however where all other required findings are made, the purchase of a zoning lot subject to the restrictions sought to be varied shall not itself constitute a self-created hardship; and**

The practical difficulties and unnecessary hardship encountered on the Premises have not been created by the owner of the Premises or a predecessor in title, but result from subsurface soil conditions, the adjacency and unique relationship of the Premises to the High Line, and environmental conditions.

**(E) MINIMUM VARIANCE**

**Within the intent and purposes of this Resolution the variance, if granted, is the minimum variance necessary to afford relief; and to this end, the Board may permit a lesser variance than that applied for.**

The FF Report conclusively demonstrates that the Proposed Development is the only feasible scenario that would provide the owner of the Premises with a reasonable return on an investment of this nature. The return that would be derived from the Proposed Development represents only a minimally acceptable return for a commercial real estate investment venture such as this. In short, the variances requested are no greater than is necessary to afford relief.

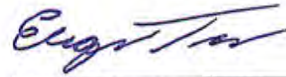
**IV. CONCLUSION**

As detailed above, the five findings of Section 72-21 of the Zoning Resolution have been met. It is respectfully requested that the Board approve this application for a



variance to facilitate the construction of a twelve-story retail and office building located at the Premises.

Respectfully submitted,



P.P. Howard Goldman

New York, New York

October 18, 2012

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CAL. NO.

299-12-BZ-



DEPARTMENT OF HOUSING AND BUILDINGS

BOROUGH OF MANHATTAN

CITY OF NEW YORK

RECEIVED  
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No. 299-12-BZ

2012 OCT 10 January 8, 1953

CERTIFICATE OF OCCUPANCY

(Standard forms adopted by the Board of Standards and Appeals and issued pursuant to Section 646 of the New York Charter, and Sections C-26-181.0 to C-26-187.0 inclusive Administrative Code 2.1.3.1 to 2.1.3.7 Building Code.)

This certificate supersedes C. O. No. 19767

299-12-BZ

To the owner or owners of the building or premises:

THIS CERTIFIES that the ~~new~~ altered ~~existing~~ building ~~located~~ located at

40-44 Tenth Avenue

Block 646 Lot 1 and 2

~~same~~, conforms substantially to the approved plans and specifications, and to the requirements of the building code and all other laws and ordinances, and of the rules and regulations of the Board of Standards and Appeals, applicable to a building of its class and kind at the time the permit was issued; and

CERTIFIES FURTHER that, any provisions of Section 646F of the New York Charter have been complied with as certified by a report of the Fire Commissioner to the Borough Superintendent.

Alt. No. 1483-1944

Construction classification— Class 3 Nonfireproof

Occupancy classification— Commercial

Height 3 stories 37 feet

Date of completion— January 5, 1953

Located in Unrestricted Use District

A Area 2 Height Zone at time of issuance of permit 2570-1950

This certificate is issued subject to the limitations hereinafter specified and to the following resolutions of the Board of Standards and Appeals: (Circular numbers to be inserted here)

PERMISSIBLE USE AND OCCUPANCY

STORY	LIVE LOADS LL, per Sq. Ft.	PERSONS ACCOMMODATED			USE
		MALE	FEMALE	TOTAL	
Cellar	On ground				Cold storage and lockers.
1st Story	120			9	Cold storage and sales.
2nd Story	60			12	Offices.
3rd story	120			12	Cooler and meat cutting.

Sec. 2523 sub-c Building Code, 2523.0 Adm. Code

Handwritten initials

Joseph B. Herman  
Borough Superintendent



FORM 6 (REVISED 1916)

**NO CHANGES OF USE OR OCCUPANCY NOT CONSISTENT WITH THIS CERTIFICATE SHALL BE MADE UNLESS FIRST APPROVED BY THE BOROUGH SUPERINTENDENT**

Unless an approval for the same has been obtained from the Borough Superintendent, no change or rearrangement in the structural parts of the building, or affecting the light and ventilation of any part thereof, or in the exit facilities, shall be made; no enlargement, whether by extending on any side or by increasing in height shall be made; nor shall the building be moved from one location or position to another; nor shall there be any reduction or diminution of the area of the lot or plot on which the building is located.

The building or any part thereof shall not be used for any purpose other than that for which it is certified. The superimposed, uniformly distributed loads, or concentrated loads producing the same stresses in the construction in any story shall not exceed the live loads specified on reverse side; the number of persons of either sex in any story shall not exceed that specified when sex is indicated, nor shall the aggregate number of persons in any story exceed the specified total; and the use to which any story may be put shall be restricted to that fixed by this certificate except as specifically stated.

This certificate does not in any way relieve the owner or owners or any other person or persons in possession or control of the building, or any part thereof from obtaining such other permits, licenses or approvals as may be prescribed by law for the uses or purposes for which the building is designed or intended; nor from obtaining the special certificates required for the use and operation of elevators; nor from the installation of fire alarm systems where required by law; nor from complying with any lawful order for additional fire extinguishing appliances under the discretionary powers of the fire commissioner; nor from complying with any lawful order issued with the object of maintaining the building in a safe or lawful condition; nor from complying with any authorized direction to remove encroachments into a public highway or other public place, whether attached to or part of the building or not.

If this certificate is marked "Temporary", it is applicable only to those parts of the building indicated on its face, and certifies to the legal use and occupancy of only such parts of the building; it is subject to all the provisions and conditions applying to a final or permanent certificate; it is not applicable to any building under the jurisdiction of the Housing Division unless it is also approved and endorsed by them, and it must be replaced by a full certificate at the date of expiration.

If this certificate is for an existing building, erected prior to March 14, 1916, it has been duly inspected and it has been found to have been occupied or arranged to be occupied prior to March 14, 1916, as noted on the reverse side, and that on information and belief, since that date there has been no alteration or conversion to a use that changed its classification as defined in the Building Code, or that would necessitate compliance with some special requirement or with the State Labor Law or any other law or ordinance; that there are no notices of violations or orders pending in the Department of Housing and Buildings at this time; that Section 646F of the New York City Charter has been complied with as certified by a report of the Fire Commissioner to the Borough Superintendent, and that, so long as the building is not altered, except by permission of the Borough Superintendent, the existing use and occupancy may be continued.

"§ 646F. No certificate of occupancy shall be issued for any building, structure, enclosure, place or premises wherein containers for combustibles, chemicals, explosives, inflammables and other dangerous substances, articles, compounds or mixtures are stored, or wherein automatic or other fire alarm systems or fire extinguishing equipment are required by law to be or are installed, until the fire commissioner has tested and inspected and has certified his approval in writing of the installation of such containers, systems or equipment to the Borough Superintendent of the borough in which the installation has been made. Such approval shall be recorded on the certificate of occupancy."

Additional copies of this certificate will be furnished to persons having an interest in the building or premises, upon payment of a fee of fifty cents per copy.





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BIN: 1080271 Block: 646 Lot: 1

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CAL. NO.

299-12-BZ-

**ECONOMIC ANALYSIS REPORT**

**40-56 TENTH AVENUE**

**NEW YORK, NEW YORK**

William Gottlieb Real Estate  
October 9, 2012

Freeman/Frazier & Associates, Inc.  
132 Nassau Street, Suite 1220  
New York, New York 10038



## **1.00 Scope of Report**

The purpose of this Report is to analyze the feasibility of four alternatives for the development of a site located at 40-56 Tenth Avenue, New York, New York. The alternatives considered include: 1) As of Right Development (“As of Right Development”); 2) Ideal Development (“Ideal Development”); 3) Conforming Setback Development (“Conforming Setback Development”); and 3) the Proposed Development (“Proposed Development”). The Proposed Development option requires approval from the Board of Standards and Appeals.

The report includes detailed financial schedules that compare the ability of each development alternative to provide an acceptable return on the investment required to facilitate development. A summary of the economic characteristics of the alternatives, including projected cash flows, and development costs, may be found on Schedules A and B

Recent, verifiable comparable vacant land and underutilized building sales were reviewed to establish the market in the vicinity of the subject property. A schedule of this review may be found as Schedule C.

Recent, verifiable retail and office rents were reviewed to establish the potential space market in the vicinity of the subject property. A schedule of this review may be found as Schedule D and E, respectively.

Financial feasibility, the ability to provide the developer and investor with the return of, and a reasonable return on capital invested, was analyzed for each alternative using actual and estimated costs, for acquisition, hard and soft construction costs and building operating expenses. These assumptions are detailed in subsequent sections of this Report.

### **1.10 Description of Property and Project Area**

The subject property is located at 40-56 Tenth Avenue (Block 646, Lots 1, 5, 6, 7, 8 and 9) in the Meatpacking District neighborhood. The property is located thru block from West 13<sup>th</sup> Street to West 14<sup>th</sup> Street fronting on Tenth Avenue in the Meatpacking neighborhood of Manhattan. It is located within Manhattan Community Board #2. This section of Manhattan, just south of Chelsea, is composed of a mix of commercial buildings and some residential buildings with restaurants and high-end retail on the ground floor. There is a mix of new and historic construction. The immediate vicinity of the site is commercial in character.

The subject lot contains approximately 23,541 sq.ft. with the Highline running through the eastern portion of the site. There is currently a three-story building on lot 1 with 47,392 sq.ft. of gross floor area. The property has approximately 153 feet of frontage on West 13<sup>th</sup> Street, approximately 206 feet of frontage on Tenth Avenue, and approximately 75 feet of frontage on West 14<sup>th</sup> Street.

## 1.20 Zoning Regulations

The present zoning for the property is M1-5, a manufacturing district that permits a variety of commercial and manufacturing uses, but limits certain retail uses.

The current Floor Area Ratio (F.A.R.) permitted by Zoning for this district is 5.0. The maximum developable square footage permitted by M1-5 regulations for this site is 5.0 x 23,541 sq. ft. (total site area), which yields an allowable zoning floor area of 117,705 sq.ft.

Under the Proposed Development, the zoning floor area, not including the cellar would be 157,280 sq.ft. The proposed development requires approval by the Board of Standards and Appeals.

## 1.30 Property Ownership

William Gottlieb Real Estate owns the subject property.

The property is assessed in the 2012/13-tax year as follows:

	<u>Land</u>	<u>Total</u>
Target	\$771,300	\$1,474,200
Transitional	\$1,098,637	\$1,630,893

At a tax rate of 10.312%, taxes on the property are estimated at \$168,178 /year.

The applicant in this BSA case is Howard Goldman of GoldmanHarris LLC on behalf of William Gottlieb Real Estate.

## 1.40 Development Alternatives

The alternatives analyzed include the As of Right Development, Conforming Setback Development, Ideal Development and Proposed Development.

## 1.41 As of Right Development

The As of Right Development would be a mixed use program with retail on the ground floor and second floor, a restaurant on the ground and second floor, and offices on the third through eighth floors.



There would be 7,430 sq.ft. of retail space on the ground floor, and 7,590 sq.ft. of retail space on the second floor. There would be 10,980 sq.ft. of retail in the cellar. There would be 5,635 sq.ft. of restaurant space on the ground floor and 6,570 sq.ft. on the second floor. There would be 430 sq.ft. of restaurant storage in the cellar. There would be 95,548 sq.ft. of office space which includes office lobbies. There would be a total gross floor area of 120,222 sq.ft. not including the cellar areas. The zoning floor area would be 117,705.

This development program is referred to as the "As of Right Development".

#### 1.42 Ideal Development

The Ideal Development would be a mixed use program with retail on the ground and second floors, and offices on the third through sixth floors.

There would be 8,450 gross sq.ft. of retail space on the ground floor, and 23,541 gross sq.ft. of retail space on the second floor. There would be 10,980 sq.ft. of retail in the cellar. The restaurant would have 4,540 sq.ft. on the ground floor. There would be 430 sq.ft. of restaurant storage in the cellar. There would be 77,077 sq.ft. of office space which includes the lobby. There would be a total gross floor area of 122,515 sq.ft. not including the cellar areas. The zoning floor area would be 117,705 sq.ft.

This development program is referred to as the "Ideal Development".

#### 1.43 Conforming Setback Development

The Conforming Setback Development would be a mixed use program with retail on the ground and second floors, a restaurant on the ground and second floors, and offices on the third through thirteenth floors.

There would be 7,430 gross sq.ft. of retail space on the ground floor, and 7,590 gross sq.ft. of retail space on the second floor. There would be 10,980 sq.ft. of retail in the cellar. The restaurant would have 5,635 sq.ft. on the ground floor and 6,570 sq.ft. on the second floor. There would be 430 sq.ft. of restaurant storage in the cellar. There would be 136,363 sq.ft. of office space which includes office lobbies. There would be a total gross floor area of 166,638 sq.ft. not including the cellar areas. The zoning floor area would be 157,280.

This development program is referred to as the "Conforming Setback Development".

#### 1.44 Proposed Commercial Development

The Proposed Commercial Development would be a mixed-use program with retail on the ground through second floors, a restaurant on the ground and second floor terrace, and offices on the third through twelfth floors. The space will be typical of office work undertaken by owners or prospective tenants in terms of tenant fit out of interior partitions, ceilings and finishes.

There would be 7,430 gross sq.ft. of retail space on the ground floor and 7,010 gross sq.ft. of retail on the second floor. There would be 10,980 sq.ft. of retail in the cellar. The restaurant would have 5,635 sq.ft. on the ground floor and 7,790 sq.ft. on the second floor terrace. There would be 141,885 sq.ft. of office space which includes the lobby. There would be a total gross floor area of 164,185 sq.ft. not including the cellar and a zoning floor area of 157,280 sq.ft.

This development program is referred to as the "Proposed Commercial Development".

## 2.00 Methodology

### 2.10 Value of the Property As Is

The value of the property was estimated based on comparison with recent sales of similar properties.

The subject property contains approximately 23,541 sq.ft. of land area.

In order to estimate the value of the property under consideration, recent sales prices for comparable properties in similar manufacturing (M) zones and in geographic proximity within Manhattan were reviewed. Four appropriate sales were identified. A site visit to each property was made and location, condition and sales price data were compared. A schedule of the comparable sales is attached as Schedule C.

When adjusted for comparability, property sales ranged from \$230/sq.ft. of built area to \$330/sq.ft. of built area with an average of \$284/sq.ft. of built area. For purposes of this analysis, a value of \$280/sq.ft. was used. The site area is approximately 23,541 sq.ft. Therefore, the value is estimated at \$32,957,000



### **3.00 Economic Assumptions**

An economic analysis of the four development alternatives was undertaken. As part of this analysis, a review of comparable recent rentals was performed. Schedule A of this Report identifies and compares the ability of each alternative to provide acceptable income to justify the capital investments required.

#### **3.10 Development Cost Assumptions**

Development Costs consist of Acquisition Costs, as described in Section 2.00, above; Holding and Preparation Costs; Hard Construction Costs for specific improvements; and Soft Costs including construction loan interest, professional and other fees, property and other taxes and miscellaneous development related expenses incurred during the construction period.

Development related soft costs for the alternatives were estimated based on typical expenses incurred for similar types of development.

The architectural firm Studio Gang Architects has provided plans for each development alternative and construction cost estimates have been provided by McQuilkin Associates. The construction cost estimates are attached as Exhibit A to this Report.

The estimated hard construction cost for the As of Right Development is \$44,297,000. The base construction cost includes core and shell including electrical, mechanical and elevator systems, as well as a finished lobby.

The estimated hard construction cost for the Ideal Development is \$34,200,000. The base construction cost includes electrical and mechanical systems. Ground floor retail would have only a core and shell and basic mechanical systems, with the tenant responsible for all improvements.

The estimated hard construction cost for the Conforming Setback Development is \$60,123,000. The base construction cost includes core and shell including electrical, mechanical and elevator systems, as well as a finished lobby.

The estimated hard construction cost for the Proposed Development is \$61,917,000. The base construction cost includes electrical and mechanical systems. Ground floor retail would have only a core and shell and basic mechanical systems, with the tenant responsible for all improvements.

Based on our review, the cost estimates provided by McQuilkin Associates can be considered within the reasonable range for comparable construction and finishes for this type of project, taking into account the cost premiums resulting from the property's unique physical conditions. Development related soft costs for the alternatives were estimated based on typical expenses incurred for similar types of development. Schedule B identifies the specific Hard and Soft Cost estimates utilized in this analysis.

### 3.20 Financing Assumptions

Typically, construction loan interest rates are indexed to the Prime Rate, at a variable index related to the type of project and its inherent risks. As of the Report's date, the Prime Rate was an unusually low 3.25%, which cannot be reasonably assumed to remain in effect during the development's projected timeframe. Therefore, 5.50% was used as the construction loan rate for the analysis.

Long-term mortgage financing rates are incorporated in the determination of the capitalization rate referenced in section 4.30 of this report. No further consideration of long-term mortgage financing rates is assumed.

### 3.30 Real Estate Tax Assumptions

Current taxes were assumed as a base for the construction and rent up periods for the Existing and Conforming Use alternative.

### 3.40 Expense Assumptions

Operating characteristics for similar projects were reviewed. Expenses for the commercial alternatives, including maintenance, repairs, marketing, insurance, etc. are assumed to be approximately \$12.50/sq.ft. per year, plus a management fee. It is assumed that the tenant will pay all other expenses.

Common Area Expenses for the ground floor commercial space is assumed to be \$3.25/sq.ft. per year, plus a management fee.

### 3.50 Retail Rents

Based on our review the retail market in this section of Meatpacking District is different from West 14<sup>th</sup> Street, which is oriented toward high end fashion. Restaurants are prevalent in the immediate area as well as an eclectic mix of shopping and remaining meat related service uses. Major retail districts are located along Hudson Street, 14<sup>th</sup> Street and Ninth Avenue and other locations along the side streets.



As identified in Schedule D, adjusted rents are in the \$235 - \$361/sq.ft. range, with an average of \$296/sq.ft. For this analysis, \$300/sq.ft. has been used for the ground floor, \$150/sq.ft. has been used for the second floor, and \$125/sq.ft. has been used for the second floor terrace.

### 3.60 Office Rents

Commercial Office rents in the Meatpacking District were reviewed. Converted warehouses near Tenth Avenue tend to have larger floor plates than commercial buildings along the side streets. Larger space users tend to command these spaces, which are in short supply. Design, publishing, fashion and other smaller professional space users are more likely to be in the later set of buildings.

As shown in Schedule E, rents adjusted for the size of the building, location of the site and office amenities, range in the \$64 - \$81/sq.ft. range for comparable office space with an adjusted average of \$73/sq.ft. For this analysis \$75/sq.ft., or slightly above average has been used.

## 4.00 Consideration

### 4.10 Property Acquisition

Based on our market review, the estimated price is within the observed market range, taking into account the special features and conditions regarding the subject property as noted in Section 2.10. Economic feasibility issues regarding the project are not, therefore, a result of the estimated value of the property.

### 4.20 Unique Site Conditions

The unique physical conditions of this site have a significant impact on the economic feasibility of a conforming use. Without a variance, conforming use of the site is not financially viable. Because this is the last undeveloped site surrounding this portion of the High Line, one of the City's premier public open spaces, facilitating appropriate development and design is a matter of public as well as private concern.

### *Construction Cost Premiums*

As documented in the Comparative Evaluation of a regularly configured ideal development set forth herein, and the As of Right Commercial Development Comparison prepared by McQuilkin Associates and included in Exhibit A of this Report, approximately \$10,097,000

in premium construction costs result from the site's unique physical conditions. These costs result from subsurface conditions as well as the High Line's location on and adjacent to the property.

#### *Environmental Cost Premiums*

Unique environmental conditions which have an effect on construction costs are documented in the report of Langan Engineering, attached as Exhibit B to this Report. Hazardous materials, including a high probability of lead, will need to be removed and disposed of, resulting in an additional \$1,567,000 in mitigation costs. The cost to remediate and demolish the existing building, which contains asbestos, PCB's and other contaminants, is an estimated additional \$930,000, as detailed in Exhibit C to this Report.

#### *Soft Cost Premiums*

Soft costs related to the unique physical conditions set forth above are estimated at \$3,134,000 more than those that would be incurred for a property unencumbered by these conditions.

#### *Total Cost Premiums*

The total cost premiums resulting from the unique site conditions set forth above are estimated at \$15,728,000.

#### *Site Conditions Affecting Value*

The site is an irregular 'L' shape, further truncated by the Highline which covers a portion of the property. The irregular shape of the lot results in inefficient floor plates and the adjacency of the Highline require an additional set back from the Highline. A more regularly configured property would allow for efficient floors of greater size, providing more beneficial income than the constrained floor plate of the actual site.

#### 4.30 Feasibility Analysis

We have used the capitalization of income method to determine each development's value and feasibility. This method capitalizes the net operating income, which is the rent less commission and expenses. For purposes of the analyses contained in this Report, a capitalization rate of 8.00% has been utilized for the Ideal Development and the As of Right Development, and 7.50% has been utilized for the Conforming Setback Development and Proposed Development alternatives. This capitalization rate used is based on a survey of lenders and investors taken by RealtyRates.com in the 2<sup>nd</sup> quarter of 2012, and includes both lender and investor expectations, attached as Exhibit C.



The feasibility of the development is determined by comparing the value created by capitalizing the net operating income with the cost of development, including land acquisition, holding and preparation costs, hard construction cost and development related soft costs. When the capitalized value is approximately equal to the project cost then the project is feasible. When the capitalized value is significantly less than the total development cost, it is not a feasible project.

A project value which is equal to or not significantly more or less than the total development cost would meet the minimum acceptable return on investment generally acceptable as the minimum variance standard of the Board of Standards and Appeals.

#### 4.32 As of Right Development

As shown in the attached Schedule A, the capitalized value determined by the analysis for commercial spaces in the As of Right Development is \$90,388,000.

As shown in the attached Schedule A, the total development cost, including estimated property value, hard construction costs, tenant fit-out costs and soft costs, for the As of Right Development is estimated to be \$103,483,000.

As shown in the attached Schedule A, the difference between the value of the capitalized net operating income of \$90,388,000 and the development cost of \$103,483,000 is a significant negative (\$13,095,000). The As of Right Development contains significantly less value than the total development and is not considered feasible, as a lender would not finance the project cost.

#### 4.33 Ideal Development

Using the capitalization of income method, as shown in the attached Schedule A, the capitalized value determined by the analysis for commercial spaces in the Ideal Development alternative is \$90,888,000.

As shown in the attached Schedule A, the total development cost, including estimated property value, holding and preparation costs, hard construction costs, tenant fit-out costs and soft costs, for the Ideal Development is estimated to be \$87,628,000.

As shown in the attached Schedule A, the difference between the value of the capitalized net operating income of \$90,888,000 and the development cost of \$87,628,000 is \$3,260,000.

The Ideal Development contains more value than the total development and can be considered feasible.

#### 4.34 Conforming Setback Development

Using the capitalization of income method, as shown in the attached Schedule A, the capitalized value determined by the analysis for commercial spaces in the Conforming Setback Development alternative is \$127,800,000.

As shown in the attached Schedule A, the total development cost, including estimated property value, holding and preparation costs, hard construction costs, tenant fit-out costs and soft costs, for the Conforming Setback Development is estimated to be \$127,845,000.

As shown in the attached Schedule A, the difference between the value of the capitalized net operating income of \$127,800,000 and the development cost of \$127,845,000 is (\$45,000). The Conforming Setback Development contains slightly less value than the total development and would be considered marginally feasible.

#### 4.35 Proposed Development

Using the capitalization of income method, as shown in the attached Schedule A, the capitalized value determined by the analysis for commercial spaces in the Proposed Commercial Development Alternative is \$130,920,000.

As shown in the attached Schedule A, the total development cost, including estimated property value, holding and preparation costs, hard construction costs, tenant fit-out costs and soft costs, for the Proposed Development is estimated to be \$130,513,000.

As shown in the attached Schedule A, the difference between the value of the capitalized net operating income of \$130,920,000 and the development cost of \$130,512,000 is \$408,000. The Proposed Development contains slightly more value than the total development and would be considered feasible.

### 5.00 Conclusion

Using the capitalization of income methodology, the Proposed Development contains slightly more value than the total development cost. This development could be considered to meet the return on investment generally acceptable as the minimum variance standard by the Board of Standards and Appeals.

### 6.00 Professional Qualifications

A statement of my professional qualifications is attached. Please note that I am independent of the subject property's owner and have no legal or financial interest in the subject property.



SCHEDULE A : ANALYSIS SUMMARY

BUILDING AREA (SQ.FT.)	AS OF RIGHT COMMERCIAL DEVELOPMENT	IDEAL SITE	COMPLYING SETBACK DEVELOPMENT	PROPOSED COMMERCIAL DEVELOPMENT
OFFICE USE	95,548	77,077	136,363	141,885
RETAIL USE	15,020	31,991	15,020	14,440
RETAIL STORAGE	10,980	10,980	10,980	10,980
RESTAURANT	6,570	4,540	12,205	5,635
RESTAURANT STORAGE	430	430	430	430
HIGHLINE TERRACE	NA	NA	NA	7,790
<b>TOTAL AREA</b>	<b>120,222</b>	<b>122,515</b>	<b>166,638</b>	<b>164,185</b>
<b>CAPITAL INVESTMENT SUMMARY</b>				
ACQUISITION COSTS	\$32,957,000	\$32,957,000	\$32,957,000	\$32,957,000
HOLDING & PREP. COSTS	\$2,497,000	\$0	\$2,497,000	\$2,497,000
BASE CONSTRUCTION COSTS	\$44,297,000	\$34,200,000	\$60,123,000	\$61,917,000
TENANT FIT-OUT COSTS	\$3,595,000	\$3,468,000	\$5,432,000	\$5,740,000
SOFT CONSTRUCTION COSTS	\$20,137,000	\$17,003,000	\$26,836,000	\$27,401,000
	<b>\$103,483,000</b>	<b>\$87,628,000</b>	<b>\$127,845,000</b>	<b>\$130,512,000</b>
<b>INCOME AND EXPENSES</b>				
OFFICE	\$7,166,000	\$5,781,000	\$10,227,000	\$10,641,000
RETAIL	\$2,253,000	\$4,799,000	\$3,368,000	\$3,281,000
RESTAURANT	\$2,676,000	\$1,382,000	\$2,676,000	\$2,664,000
<b>GROSS INCOME</b>	<b>\$12,095,000</b>	<b>\$11,942,000</b>	<b>\$16,271,000</b>	<b>\$16,586,000</b>
(less)VACANCY	(\$1,210,000)	(\$1,194,000)	(\$1,627,000)	(\$1,659,000)
<b>EFFECTIVE INCOME</b>	<b>\$10,885,000</b>	<b>\$10,748,000</b>	<b>\$14,644,000</b>	<b>\$14,927,000</b>
(less)COMM'L M&O EXPENSES	(\$1,827,000)	(\$1,620,000)	(\$2,525,000)	(\$2,610,000)
(less)WATER & SEWER	(\$24,000)	(\$19,000)	(\$34,000)	(\$35,000)
(less)COMM'L R.E. TAXES	(\$1,803,000)	(\$1,838,000)	(\$2,500,000)	(\$2,463,000)
<b>NET OPERATING INCOME</b>	<b>\$7,231,000</b>	<b>\$7,271,000</b>	<b>\$9,585,000</b>	<b>\$9,819,000</b>
CAPITALIZED VALUE OF NOI @ 8.00%/7.50%	\$90,388,000	\$90,888,000	\$127,800,000	\$130,920,000
<b>FEASIBILITY ANALYSIS</b>				
PROJECT VALUE @ CAP RATE = 8.00/7.50%	\$90,388,000	\$90,888,000	\$127,800,000	\$130,920,000
PROJECT DEVELOPMENT COST (SCHEDULE B)	\$103,483,000	\$87,628,000	\$127,845,000	\$130,512,000
<b>PROJECT VALUE (less) PROJECT DEVELOPMENT COST</b>	<b>(\$13,095,000)</b>	<b>\$3,260,000</b>	<b>(\$45,000)</b>	<b>\$408,000</b>

NOTE : ALL \$ FIGURES ROUNDED TO NEAREST THOUSAND

SCHEDULE B : DEVELOPMENT COSTS

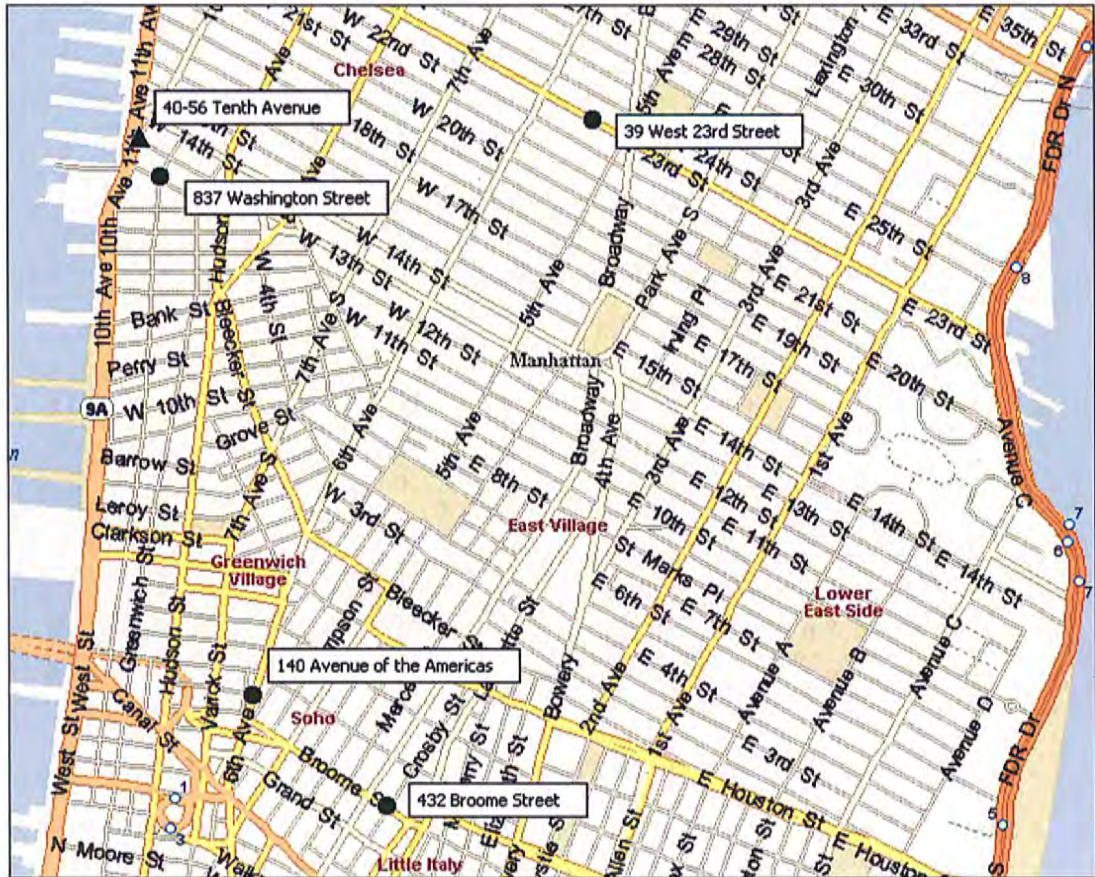
		AS OF RIGHT COMMERCIAL DEVELOPMENT	IDEAL SITE	COMPLYING SETBACK DEVELOPMENT	PROPOSED COMMERCIAL DEVELOPMENT
<b>DEVELOPMENT COST SUMMARY</b>					
ACQUISITION COSTS		\$32,957,000	\$32,957,000	\$32,957,000	\$32,957,000
HOLDING & PREP. COSTS:		\$2,497,000	\$0	\$2,497,000	\$2,497,000
BASE CONSTRUCTION COSTS		\$44,297,000	\$34,200,000	\$60,123,000	\$61,917,000
TENANT FIT-OUT / FF&E (HOTEL)		\$3,595,000	\$3,468,000	\$5,432,000	\$5,740,000
EST.SOFT COSTS		\$20,137,000	\$17,003,000	\$26,836,000	\$27,401,000
<b>EST. TOTAL DEV.COSTS</b>		<b>\$103,483,000</b>	<b>\$87,628,000</b>	<b>\$127,845,000</b>	<b>\$130,512,000</b>
<b>ACQUISITION COSTS :</b>					
Land Purchase Price		\$32,957,000	\$32,957,000	\$32,957,000	\$32,957,000
<b>TOTAL LAND VALUE</b>		<b>\$32,957,000</b>	<b>\$32,957,000</b>	<b>\$32,957,000</b>	<b>\$32,957,000</b>
<b>HOLDING &amp; PREP. COSTS:</b>					
		\$2,497,000	\$0	\$2,497,000	\$2,497,000
<b>BASE CONSTRUCTION COSTS :</b>					
TENANT FIT-OUT		\$44,297,000	\$34,200,000	60123000	\$61,917,000
EST.CONST.LOAN AMOUNT :		\$3,595,000	\$3,468,000	\$5,432,000	\$5,740,000
EST.CONST.PERIOD(MOS) :		\$77,612,000	\$65,721,000	\$95,884,000	\$97,884,000
		20	16	24	24
<b>EST. SOFT COSTS :</b>					
Builder's Fee/Developer's Profit	1.50%	\$1,552,000	\$1,314,000	\$1,918,000	\$1,958,000
Archit.& Engin. Fees	6.00%	\$2,758,000	\$2,052,000	\$3,607,000	\$3,715,000
Bank Inspect.Engin.		\$23,000	\$20,000	\$26,000	\$26,000
Construction Management	3.00%	\$1,329,000	\$1,026,000	\$1,804,000	\$1,858,000
Inspections, Borings & Surveys					
Laboratory Fees	LS	\$10,000	\$10,000	\$10,000	\$10,000
Soil Investigation	LS	\$10,000	\$10,000	\$10,000	\$10,000
Preliminary Surveys	LS	\$5,000	\$5,000	\$5,000	\$5,000
Ongoing Surveys	LS	\$15,000	\$15,000	\$15,000	\$15,000
Environmental Surveys/Reports	LS	\$2,000	\$2,000	\$2,000	\$2,000
Controlled Inspection Fees	LS	\$75,000	\$75,000	\$75,000	\$75,000
<b>Legal Fees</b>					
Dev.Legal Fees		\$25,000	\$75,000	\$80,000	\$80,000
Con.Lender Legal		\$78,000	\$49,000	\$96,000	\$98,000
End Loan Legal		\$33,000	\$23,000	\$43,000	\$44,000
<b>Permits &amp; Approvals</b>					
D.O.B. Fees	25.53%	\$31,000	\$31,000	\$43,000	\$42,000
Cond/Co-op Offering Plan		NA	NA		NA
Other		\$40,000	\$20,000	\$40,000	\$40,000
<b>Accounting Fees</b>					
Consultant Fees		\$5,000	\$5,000	\$5,000	\$5,000
Appraisal Fees		\$8,000	\$8,000	\$8,000	\$8,000
<b>Marketing/Pre-Opening Expenses</b>					
Rental Commissions	25.00%	\$3,024,000	\$2,986,000	\$4,068,000	\$4,147,000
Sales Expenses & Advertising		NA	NA	NA	NA
Hotel Pre-opening		NA	NA	NA	NA
<b>Financing and Other Charges</b>					
Con.Loan Int. @ Loan Rate =	5.50%	\$3,557,000	\$2,410,000	\$5,274,000	\$5,384,000
Rent-up Loan Int. @ Loan Rate =	5.50%	\$1,794,000	\$1,804,000	\$2,378,000	\$2,436,000
Con.Lender Fees	1.00%	\$776,000	\$657,000	\$959,000	\$979,000
End Loan Fee	1.00%	\$652,000	\$656,000	\$865,000	\$886,000
Construction Real Estate Tax		\$289,000	\$217,000	\$289,000	\$289,000
Rent-up Real Estate Tax		\$902,000	\$919,000	\$1,250,000	\$1,232,000
Title Insurance	0.33%	\$341,000	\$289,000	\$422,000	\$431,000
Mtge.Rec.Tax	2.75%	\$2,134,000	\$1,807,000	\$2,637,000	\$2,692,000
Construction Insurance	1.00%	\$664,000	\$513,000	\$902,000	\$929,000
Water and Sewer		\$5,000	\$5,000	\$5,000	\$5,000
Other		\$0	\$0	\$0	\$0
<b>TOTAL EST.SOFT COSTS</b>		<b>\$20,137,000</b>	<b>\$17,003,000</b>	<b>\$26,836,000</b>	<b>\$27,401,000</b>

NOTE : ALL \$ FIGURES ROUNDED TO NEAREST THOUSAND





Schedule C: Comparable Vacant Land Sales





Schedule C: Comparable Vacant Land Sales

1. 432 Broome Street

This is a vacant lot at the northwest corner of Broome and Crosby Street in the SoHo area of Manhattan. The parcel is within a M1-5B zoning district, it is approximately 8,275 square feet. A -5% adjustment was made for time, and a -10% adjustment was made for the superior location. An additional +5% adjustment was made for the small size and a -5% adjustment was made for the licensed parking lot currently on site. No adjustments were made for zoning.

2. 39 West 23rd Street

This is small, narrow vacant parcel is about 6,540 sq. ft. located east of Sixth Avenue in the Chelsea/Flatiron area of Manhattan. The parcel is situated in a M1-6 zoning district, and is northeast of the subject site. A -5% adjustment was made for time and a -10% adjustment was made for the superior location. A +5% adjustment was made for the small size. An additional -25% adjustment was applied for the M1-6 zoning which allows for 10.0 FAR, and a -5% adjustment was made for the licensed parking lot currently on site.

3. 140 Avenue of Americas

This is a triangle-shaped, 11,470 sq.ft.lot with a located in the SoHo neighborhood of Manhattan. It is in a M1-5B zoning district, and directly east of the subject property. A -10% adjustment was made for time, and a -10% adjustment was made for the superior location. A +5% other adjustment was made for the configuration of this parcel. No adjustments were made for size or zoning factors.

4. 837 Washington Street

This is an underutilized two story building with plans for a four story enlargement located in Meatpacking District neighborhood of Manhattan. The parcel is within a M1-5 zoning district, and is two blocks from the subject property. A -10% adjustment was made for time and a +5% adjustment was made for size. An additional -25% other adjustment was made for the current building on site. No adjustments were made for location and zoning.

Schedule C: Comparable Vacant Land Sales

1. 432 Broome Street



2. 39 West 23rd Street





Schedule C: Comparable Vacant Land Sales

3. 140 Avenue of Americas



4. 837 Washington Street



Freeman/Frazier & Associates, Inc.

Date : October 9, 2012

Property : 40-56 Tenth Avenue

Block : 646 Lots : 1, 5-9 Manhattan

Total Land Area : 23,541 sq.ft.

Zone : M1-5

Page 18

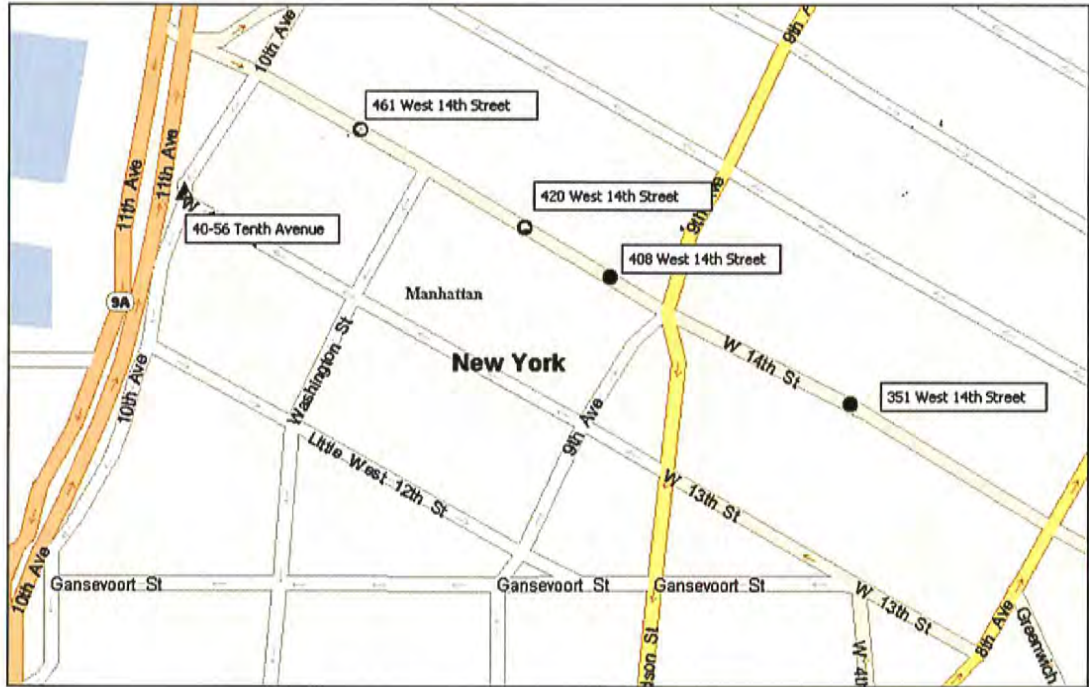
Schedule D : Comparable Retail Rents

<u>RENTAL LOCATION</u>	<u>DATE</u>	<u>ANNUAL RENT</u>	<u>RETAIL AREA</u>	<u>PRICE/ SQ.FT.</u>	<u>TIME</u>	<u>LOCATION</u>	<u>SIZE</u>	<u>ZONING</u>	<u>OTHER</u>	<u>COMPOS FACTOR</u>	<u>ADJUSTED PRICE/S.F.</u>
1. 408 West 14th Street New York, NY Blk 646 Lot 38	Asking	\$2,120,000	5,300	\$400.00	1.00	0.95	1.00	1.00	0.95	0.90	\$361
2. 461 West 14th Street, A New York, NY Blk 712 Lot 6	Asking	\$3,606,750	9,618	\$ 375.00	1.00	0.95	1.00	1.00	0.95	0.90	\$338
3. 461 West 14th Street, B New York, NY Blk 712 Lot 6	Asking	\$1,360,500	5,442	\$250.00	1.00	1.00	1.00	1.00	0.95	0.95	\$238
4. 351 West 14th Street New York, NY Blk 738 Lot 8	Asking	\$1,687,500	7,500	\$225.00	1.00	1.10	1.00	1.00	0.95	1.05	\$235
5. 420 West 14th Street New York, NY Blk 646 Lot 30	Asking	\$960,000	6,400	\$325.00	1.00	1.00	1.00	1.00	0.95	0.95	\$309
Average											
Subject 40-56 Tenth Avenue New York, NY				\$300.00	1.00	1.00	1.00	1.00	1.00	1.00	\$300

\$296



Schedule D: Comparable Retail Rents



Schedule D: Comparable Retail Rents

1. 408 West 14<sup>th</sup> Street

This is a 5,300 sq.ft. retail store for rent located in the Meatpacking neighborhood of Manhattan. Located between 9<sup>th</sup> Avenue and Washington Street it is approximately three blocks away from the subject property. A -10% adjustment was made for the superior location. An additional -5% other adjustment was made for the current asking status of the site. No adjustments were made for time, size or zoning.

2. 461 West 14<sup>th</sup> Street, Space A

This is a 9,618 sq.ft. retail store for rent located in the Meatpacking neighborhood of Manhattan. Located between Washington Street and 10<sup>th</sup> Avenue it is approximately two blocks away from the subject property. A -10% adjustment was made for the superior corner location. An additional -5% other adjustment was made for the current asking status of the site. No adjustments were made for time, size or zoning.

3. 461 West 14<sup>th</sup> Street, Space B

This is a 5,442sq.ft. retail store for rent located in the Meatpacking neighborhood of Manhattan. Located between Washington Street and 10<sup>th</sup> Avenue it is approximately two blocks away from the subject property. A -5% other adjustment was made for the current asking status of the site. No adjustments were made for time, location, size or zoning.

4. 351 West 14<sup>th</sup> Street

This is a 7,500 sq.ft. retail store for rent located in the Meatpacking neighborhood of Manhattan. Located between 8<sup>th</sup> Avenue and 9<sup>th</sup> Avenue it is approximately four blocks away from the subject property. A +10% adjustment was made for the inferior location, and a -5% other adjustment was made for the current asking status of the site. No adjustments were made for time, size or zoning.

5. 420 West 14<sup>th</sup> Street

This is a 6,400 sq.ft. retail store for rent located in the Meatpacking neighborhood of Manhattan. Located between 9<sup>th</sup> Avenue and Washington Street it is approximately three blocks away from the subject property. A -5% other adjustment was made for the current asking status of the site. No adjustments were made for time, location, size or zoning.



Schedule D: Comparable Retail Rents

1. 408 West 14<sup>th</sup> Street



2. 461 West 14<sup>th</sup> Street, Space A



Schedule D: Comparable Retail Rents

3. 461 West 14<sup>th</sup> Street, Space B



4. 351 West 14<sup>th</sup> Street





Schedule D: Comparable Retail Rents

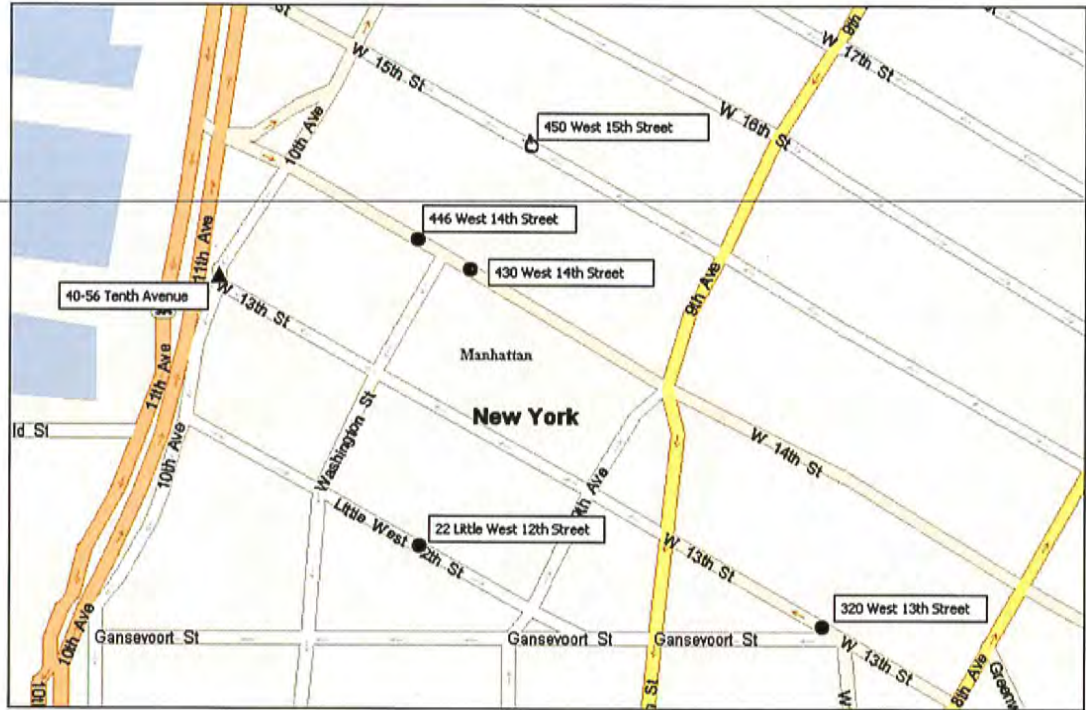
5. 420 West 14<sup>th</sup> Street







Schedule E: Comparable Office Rentals



Schedule E: Comparable Office Rentals

1. 446 West 14<sup>th</sup> Street

This is a 6,200 sq.ft. office space for rent located in the Meatpacking District of Manhattan. Located between Washington Street and 10<sup>th</sup> Avenue, it is approximately two blocks away from the subject property. A -5% adjustment was made for the current asking status of the space. No adjustments were made for time, location, size or zoning.

2. 320 West 13<sup>th</sup> Street

This is a 2,000 sq.ft. office space for rent located in the West Village Neighborhood of Manhattan. Located between West 4<sup>th</sup> Street and Hudson Street, it is approximately six blocks away from the subject property. A +5% adjustment was made for the inferior location, and a -5% adjustment was made for the current asking status of the space. No adjustments were made for time, size or zoning.

3. 450 West 15<sup>th</sup> Street

This is a 12,000 sq.ft. office space for rent located in the Meatpacking District of Manhattan. Located between 9<sup>th</sup> and 10<sup>th</sup> Avenues, it is approximately two blocks away from the subject property. A -5% adjustment was made for the current asking status of the space. No adjustments were made for time, location, size or zoning.

4. 430 West 14<sup>th</sup> Street #405

This is a 2,587 sq.ft. office space for rent located in the Meatpacking District of Manhattan. Located between 9<sup>th</sup> Avenue and Washington Street, it is approximately two blocks away from the subject property. A -5% adjustment was made for the current asking status of the space. No adjustments were made for time, location, size or zoning.

5. 22 Little West 12<sup>th</sup> Street

This is a newly renovated six-story building located between Washington and Greenwich Streets, approximately four blocks away. A total of 5,000 sq.ft. is available for rent. A -5% adjustment was made for the current asking status of the available space. No adjustments were made for location, size or zoning.



Schedule E: Comparable Office Rentals

1. 446 West 14<sup>th</sup> Street



2. 320 West 13<sup>th</sup> Street



Schedule E: Comparable Office Rentals

3. 450 West 15<sup>th</sup> Street



4. 430 West 14<sup>th</sup> Street #405





Schedule E: Comparable Office Rentals

5. 22 Little West 12<sup>th</sup> Street



EXHIBIT A : CONSTRUCTION COST ESTIMATE



# 40-56 TENTH AVE

AS OF RIGHT OFFICE FAR 5.0

Preliminary Construction Cost Estimate

*New York, New York*

September 25, 2012

**McQUILKIN ASSOCIATES, LLC**

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**Construction Consultants**

**500 Morris Avenue  
Springfield, NJ 07081  
Tel: 973-218-1600  
Fax: 973-218-1700**

McQUILKIN ASSOCIATES, LLC  
PROJECT:40-56 TENTH AVENUE - AOR 5.0 FAR  
LOCATION: NEW YORK. NY

DATE: 9/25/12  
REV.:

### QUALIFICATIONS

- 1 This estimate is based on a competitively bid project utilizing union labor.

### EXCLUSIONS

- 1 Demolition work - Existing Buildings
- 2 Design/Professional fees.
- 3 Surveys & Reports
- 4 Treatment/Removal of Contaminated Materials
- 5 Controlled Testing and Inspection
- 6 Public Agency Approvals/Inspection Fees
- 7 Building permit/filing fees.
- 8 Builder's risk insurance.
- 9 Utility Company Charges (other than Temporary for Contractor)
- 10 Overtime
- 11 Performance Bond
- 12 Mock-Ups
- 13 Escalation - Estimate Based on Construction Start 3rd Qtr 2012
- 14 Contractors Profit or Construction Manager's Fee
- 15 Tenant Improvements



McQUILKIN ASSOCIATES, LLC  
 PROJECT:40-56 TENTH AVENUE - AOR 5.0 FAR  
 LOCATION: NEW YORK. NY

DATE: 9/25/12  
 REV.:

CSI CODE	TRADE SUMMARY	AMOUNT	COST/S.F 143,331 SF
01500	TEMPORARY CONSTRUCTION	940,000	6.56
02500	SITE IMPROVEMENTS	188,700	1.32
02600	SITE UTILITIES	170,000	1.19
02950	EXCAVATION/FOUNDATION	6,304,449	43.99
03300	SUPERSTRUCTURE CONCRETE	1,221,358	8.52
04100	MASONRY	351,350	2.45
05100	STRUCTURAL STEEL	5,374,913	37.50
05300	METAL DECK	573,324	4.00
05500	MISCELLANOUS IRON	500,770	3.49
06100	ROUGH CARPENTRY	202,000	1.41
06200	FINISH CARPENTRY	76,700	0.54
07100	WATERPROOFING	164,484	1.15
07250	FIREPROOFING	429,993	3.00
07510	ROOFINGINSULATION/FIRESTOPPING	585,510	4.09
07900	CAULKING & SEALANTS	85,000	0.59
08100	HOLLOW METAL	59,600	0.42
08300	SPECIAL DOORS	35,000	0.24
08400	ENTRANCES AND STOREFRONT	998,875	6.97
08700	HARDWARE	69,750	0.49
08950	EXTERIOR FAÇADE	8,400,285	58.61
09000	INTERIOR FIT OUT	612,495	4.27
09250	DRYWALL	1,381,775	9.64
09300	TILE	164,196	1.15
09500	ACOUSTIC TILE	123,824	0.86
09650	RESILIENT FLOORING	63,180	0.44
09900	PAINTING	264,170	1.84
10400	IDENTIFYING DEVICES	25,000	0.17
10530	CANOPIES	315,000	2.20
10800	TOILET ACCESSORIES	100,700	0.70
11160	LOADING DOCK EQUIPMENT	20,000	0.14
14200	ELEVATORS	1,985,000	13.85
15300	FIRE PROTECTION	644,990	4.50
15400	PLUMBING	1,145,000	7.99
15500	HEATING, VENTILATING AND AIR CONDITIONING	2,583,501	18.02
16,000	ELECTRICAL WORK	2,238,041	15.61
		<b>SUBTOTAL</b>	<b>38,398,932</b>
	GENERAL CONDITIONS 12%		4,607,872
		<b>SUBTOTAL</b>	<b>43,006,803</b>
	INSURANCE 3%		1,290,204
		<b>TOTAL</b>	<b>44,297,007</b>
			309.05

**40-56 TENTH AVE**

**AS OF RIGHT IDEAL**

**Preliminary Construction Cost Estimate**

*New York, New York*

September 25, 2012

**McQUILKIN ASSOCIATES, LLC**

---

**Construction Consultants**

**500 Morris Avenue  
Springfield, NJ 07081  
Tel: 973-218-1600  
Fax: 973-218-1700**



McQUILKIN ASSOCIATES, LLC  
PROJECT:40-56 TENTH AVENUE - AOR IDEAL  
LOCATION: NEW YORK. NY

DATE: 9/25/12  
REV.:

### QUALIFICATIONS

- 1 This estimate is based on a competitively bid project utilizing union labor.

### EXCLUSIONS

- 1 Demolition work - Existing Buildings
- 2 Design/Professional fees.
- 3 Surveys & Reports
- 4 Treatment/Removal of Contaminated Materials
- 5 Controlled Testing and Inspection
- 6 Public Agency Approvals/Inspection Fees
- 7 Building permit/filing fees.
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McQUILKIN ASSOCIATES, LLC  
 PROJECT:40-56 TENTH AVENUE - AOR IDEAL  
 LOCATION: NEW YORK. NY

DATE: 9/25/12  
 REV.:

CSI CODE	TRADE SUMMARY	AMOUNT	COST/S.F
			146,056 SF
01500	TEMPORARY CONSTRUCTION	840,000	5.75
02500	SITE IMPROVEMENTS	195,960	1.34
02600	SITE UTILITIES	170,000	1.16
02950	EXCAVATION/FOUNDATION	3,183,863	21.80
03300	SUPERSTRUCTURE CONCRETE	1,234,608	8.45
04100	MASONRY	351,350	2.41
05100	STRUCTURAL STEEL	5,111,960	35.00
05300	METAL DECK	584,224	4.00
05500	MISCELLANOUS IRON	363,240	2.49
06100	ROUGH CARPENTRY	163,450	1.12
06200	FINISH CARPENTRY	65,000	0.45
07100	WATERPROOFING	162,200	1.11
07250	FIREPROOFING	438,168	3.00
07510	ROOFING INSULATION/FIRESTOPPING	470,820	3.22
07900	CAULKING & SEALANTS	85,000	0.58
08100	HOLLOW METAL	49,500	0.34
08300	SPECIAL DOORS	35,000	0.24
08400	ENTRANCES AND STOREFRONT	978,875	6.70
08700	HARDWARE	58,950	0.40
08950	EXTERIOR FAÇADE	5,598,873	38.33
09000	INTERIOR FIT OUT	337,115	2.31
09250	DRYWALL	1,124,394	7.70
09300	TILE	109,264	0.75
09500	ACOUSTIC TILE	88,448	0.61
09650	RESILIENT FLOORING	48,603	0.33
09900	PAINTING	264,274	1.81
10400	IDENTIFYING DEVICES	25,000	0.17
10530	CANOPIES	315,000	2.16
10800	TOILET ACCESSORIES	60,100	0.41
11160	LOADING DOCK EQUIPMENT	20,000	0.14
14200	ELEVATORS	980,000	6.71
15300	FIRE PROTECTION	657,252	4.50
15400	PLUMBING	745,500	5.10
15500	HEATING, VENTILATING AND AIR CONDITIONING	2,549,097	17.45
16,000	ELECTRICAL WORK	2,181,135	14.93
		<b>SUBTOTAL</b>	<b>29,646,223</b>
	GENERAL CONDITIONS 12%		3,557,547
		<b>SUBTOTAL</b>	<b>33,203,769</b>
	INSURANCE 3%		996,113
		<b>TOTAL</b>	<b>34,199,883</b>



# 40-56 TENTH AVE

HARDSHIP 6.68 FAR

Preliminary Construction Cost Estimate

*New York, New York*

September 25, 2012

**McQUILKIN ASSOCIATES, LLC**

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**Construction Consultants**

**500 Morris Avenue  
Springfield, NJ 07081  
Tel: 973-218-1600  
Fax: 973-218-1700**

McQUILKIN ASSOCIATES, LLC  
PROJECT:40-56 TENTH AVENUE - HARSHIP 6.68 FAR  
LOCATION: NEW YORK, NY

DATE: 9/25/12  
REV.:

#### QUALIFICATIONS

- 1 This estimate is based on a competitively bid project utilizing union labor.

#### EXCLUSIONS

- 1 Demolition work - Existing Buildings
- 2 Design/Professional fees.
- 3 Surveys & Reports
- 4 Treatment/Removal of Contaminated Materials
- 5 Controlled Testing and Inspection
- 6 Public Agency Approvals/Inspection Fees
- 7 Building permit/filing fees.
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CSI CODE	TRADE SUMMARY	AMOUNT	COST/S.F 185,291 SF
01500	TEMPORARY CONSTRUCTION	940,000	5.07
02500	SITE IMPROVEMENTS	188,700	1.02
02600	SITE UTILITIES	170,000	0.92
02950	EXCAVATION/FOUNDATION	6,570,749	35.46
03300	SUPERSTRUCTURE CONCRETE	1,576,568	8.51
04100	MASONRY	351,350	1.90
05100	STRUCTURAL STEEL	8,025,000	43.31
05300	METAL DECK	741,164	4.00
05500	MISCELLANOUS IRON	778,850	4.20
06100	ROUGH CARPENTRY	295,550	1.60
06200	FINISH CARPENTRY	94,700	0.51
07100	WATERPROOFING	256,468	1.38
07250	FIREPROOFING	566,634	3.06
07510	ROOFING/INSULATION/FIRESTOPPING	742,120	4.01
07900	CAULKING & SEALANTS	85,000	0.46
08100	HOLLOW METAL	87,300	0.47
08300	SPECIAL DOORS	35,000	0.19
08400	ENTRANCES AND STOREFRONT	1,240,125	6.69
08700	HARDWARE	100,350	0.54
08950	EXTERIOR FAÇADE	13,440,772	72.54
09000	INTERIOR FIT OUT	676,465	3.65
09250	DRYWALL	2,050,420	11.07
09300	TILE	338,158	1.83
09500	ACOUSTIC TILE	183,456	0.99
09650	RESILIENT FLOORING	87,831	0.47
09900	PAINTING	374,041	2.02
10400	IDENTIFYING DEVICES	25,000	0.13
10530	CANOPIES	315,000	1.70
10800	TOILET ACCESSORIES	171,800	0.93
11160	LOADING DOCK EQUIPMENT	20,000	0.11
14200	ELEVATORS	2,215,000	11.95
15300	FIRE PROTECTION	833,810	4.50
15400	PLUMBING	1,894,500	10.22
15500	HEATING, VENTILATING AND AIR CONDITIONING	3,524,545	19.02
16,000	ELECTRICAL WORK	3,121,279	16.85
		<b>SUBTOTAL</b>	<b>52,117,704</b>
	GENERAL CONDITIONS 12%		6,254,125
		<b>SUBTOTAL</b>	<b>58,371,829</b>
	INSURANCE 3%		1,751,155
		<b>TOTAL</b>	<b>60,122,984</b>

# 40-56 TENTH AVE

PROPOSED 6.68 FAR

Preliminary Construction Cost Estimate

*New York, New York*

September 25, 2012

**McQUILKIN ASSOCIATES, LLC**

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**Construction Consultants**

**500 Morris Avenue  
Springfield, NJ 07081  
Tel: 973-218-1600  
Fax: 973-218-1700**



McQUILKIN ASSOCIATES, LLC  
PROJECT:40-56 TENTH AVENUE - PROPOSED 6.68 FAR  
LOCATION: NEW YORK. NY

DATE: 9/25/12  
REV.:

### QUALIFICATIONS

- 1 This estimate is based on a competitively bid project utilizing union labor.

### EXCLUSIONS

- 1 Demolition work - Existing Buildings
- 2 Design/Professional fees.
- 3 Surveys & Reports
- 4 Treatment/Removal of Contaminated Materials
- 5 Controlled Testing and Inspection
- 6 Public Agency Approvals/Inspection Fees
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McQUILKIN ASSOCIATES, LLC  
 PROJECT:40-56 TENTH AVENUE - PROPOSED 6.68 FAR  
 LOCATION: NEW YORK, NY

DATE: 9/25/12  
 REV.:

CSI CODE	TRADE SUMMARY	AMOUNT	COST/S.F
			185,845 SF
01500	TEMPORARY CONSTRUCTION	940,000	5.06
02500	SITE IMPROVEMENTS	188,700	1.02
02600	SITE UTILITIES	170,000	0.91
02950	EXCAVATION/FOUNDATION	6,570,749	35.36
03300	SUPERSTRUCTURE CONCRETE	1,601,394	8.62
04100	MASONRY	351,350	1.89
05100	STRUCTURAL STEEL	8,715,000	46.89
05300	METAL DECK	755,512	4.07
05500	MISCELLANEOUS IRON	747,770	4.02
06100	ROUGH CARPENTRY	279,600	1.50
06200	FINISH CARPENTRY	91,100	0.49
07100	WATERPROOFING	253,948	1.37
07250	FIREPROOFING	566,634	3.05
07510	ROOFING/INSULATION/FIRESTOPPING	742,120	3.99
07900	CAULKING & SEALANTS	85,000	0.46
08100	HOLLOW METAL	82,300	0.44
08300	SPECIAL DOORS	35,000	0.19
08400	ENTRANCES AND STOREFRONT	1,220,125	6.57
08700	HARDWARE	95,400	0.51
08950	EXTERIOR FAÇADE	14,999,563	80.71
09000	INTERIOR FIT OUT	518,215	2.79
09250	DRYWALL	1,970,385	10.60
09300	TILE	273,760	1.47
09500	ACOUSTIC TILE	168,248	0.91
09650	RESILIENT FLOORING	82,779	0.45
09900	PAINTING	339,353	1.83
10400	IDENTIFYING DEVICES	25,000	0.13
10530	CANOPIES	315,000	1.69
10800	TOILET ACCESSORIES	157,400	0.85
11160	LOADING DOCK EQUIPMENT	20,000	0.11
14200	ELEVATORS	2,085,000	11.22
15300	FIRE PROTECTION	836,303	4.50
15400	PLUMBING	1,763,500	9.49
15500	HEATING, VENTILATING AND AIR CONDITIONING	3,517,773	18.93
16,000	ELECTRICAL WORK	3,108,771	16.73
		<b>SUBTOTAL</b>	<b>53,672,750</b>
	GENERAL CONDITIONS 12%		288.80
			6,440,730
		<b>SUBTOTAL</b>	<b>60,113,480</b>
	INSURANCE 3%		323.46
			1,803,404
		<b>TOTAL</b>	<b>61,916,885</b>
			333.16



McQUILKIN ASSOCIATES, LLC		DATE:		9/25/12	
PROJECT: 40-56 TENTH AVENUE - AOR 5.0 FAR		REV.:			
LOCATION: NEW YORK, NY					
CSI					
CODE	TRADE SUMMARY	ACTUAL	IDEAL	DELTA	COMMENTS
01500	TEMPORARY CONSTRUCTION	940,000	840,000	100,000	ACTUAL HAS ADDITIONAL FLOORS AND HOIST COSTS
02500	SITE IMPROVEMENTS	188,700	195,960	(7,260)	IDEAL HAS MORE SIDEWALKS AND CURBS
02600	SITE UTILITIES	170,000	170,000	-	
02950	EXCAVATION/FOUNDATION	6,304,449	3,183,863	3,120,586	ACTUAL REQUIRES DEEPER EXCAVATION, PILES, SHEETING UNDER HIGHLINE, GREATER DEWATERING, HYDROSTATIC MAT FOUNDATIONS, AND SLAB WATERPROOFING
03300	SUPERSTRUCTURE CONCRETE	1,221,358	1,234,608	(13,250)	IDEAL HAS A LARGER STRUCTURAL AREA DUE TO FULL BASEMENT
04100	MASONRY	351,350	351,350	-	
05100	STRUCTURAL STEEL	5,374,913	5,111,960	262,953	ACTUAL REQUIRES MORE STEEL DUE TO GREATER NUMBER OF FLOORS
05300	METAL DECK	573,324	584,224	(10,900)	IDEAL HAS A LARGER STRUCTURAL AREA DUE TO FULL BASEMENT
05500	MISCELLANEOUS IRON	500,770	363,240	137,530	ACTUAL HAS MORE STAIRS DUE TO GREATER NUMBER OF FLOORS
06100	ROUGH CARPENTRY	202,000	163,450	38,550	ACTUAL REQUIRES ADDITIONAL PROTECTION AND HAS A GREATER NUMBER OF DOORS
06200	FINISH CARPENTRY	76,700	65,000	11,700	ACTUAL HAS ADDITIONAL VANITY TOPS
07100	WATERPROOFING	164,484	162,200	2,284	ACTUAL HAS GREATER NUMBER OF TOILETS
07250	FIREPROOFING	429,993	438,168	(8,175)	IDEAL HAS A LARGER STRUCTURAL AREA DUE TO FULL BASEMENT
07510	ROOFING INSULATION/FIRESTOPPING	585,510	470,820	114,690	ACTUAL INCLUDES TERRACE PAVERS
07900	CAULKING & SEALANTS	85,000	85,000	-	
08100	HOLLOW METAL	59,600	49,500	10,100	ACTUAL REQUIRES MORE DOORS DUE TO GREATER NUMBER OF FLOORS
08300	SPECIAL DOORS	35,000	35,000	-	
08400	ENTRANCES AND STOREFRONT	998,875	978,875	20,000	ACTUAL INCLUDES TERRACE DOORS
08700	HARDWARE	69,750	58,950	10,800	ACTUAL REQUIRES MORE DOORS DUE TO GREATER NUMBER OF FLOORS
08950	EXTERIOR FAÇADE	8,400,285	5,598,873	2,801,412	ACTUAL HAS GREATER AREA OF CURTAINWALL
09000	INTERIOR FIT OUT	612,495	337,115	275,380	ACTUAL HAS LOBBIES ON FIRST AND SECOND FLOORS
09250	DRYWALL	1,381,775	1,124,394	257,381	ACTUAL REQUIRES MORE PARTITIONS DUE TO GREATER NUMBER OF FLOORS
09300	TILE	164,196	109,264	54,932	ACTUAL REQUIRES MORE TILEWORK DUE TO GREATER NUMBER OF TOILETS
09500	ACOUSTIC TILE	123,824	88,448	35,376	ACTUAL REQUIRES MORE ACOUSTIC TILE DUE TO GREATER NUMBER OF FLOORS

McQUILKIN ASSOCIATES, LLC		DATE: 9/25/12			
PROJECT: 40-56 TENTH AVENUE - AOR 5.0 FAR		REV.:			
LOCATION: NEW YORK, NY					
CSI	TRADE SUMMARY	ACTUAL	IDEAL	DELTA	COMMENTS
09650	RESILIENT FLOORING	63,180	48,603	14,577	ACTUAL REQUIRES MORE VINYL COMPOSITION TILE DUE TO GREATER NUMBER OF FLOORS
09900	PAINTING	264,170	264,274	(104)	
10400	IDENTIFYING DEVICES	25,000	25,000	-	
10530	CANOPIES	315,000	315,000	-	
10800	TOILET ACCESSORIES	100,700	60,100	40,600	ACTUAL REQUIRES MORE TOILET ACCESSORIES DUE TO GREATER NUMBER OF TOILETS
11160	LOADING DOCK EQUIPMENT	20,000	20,000	-	
14200	ELEVATORS	1,985,000	980,000	1,005,000	ACTUAL INCLUDES TWO ADDITIONAL ELEVATOR AND TWO ESCALATORS
15300	FIRE PROTECTION	644,990	657,252	(12,263)	IDEAL HAS A LARGER BUILDING AREA DUE TO FULL BASEMENT
15400	PLUMBING	1,145,000	745,500	399,500	ACTUAL REQUIRES MORE PLUMBING FIXTURES DUE TO GREATER NUMBER OF FLOORS
15500	HVAC	2,583,501	2,549,097	34,404	ACTUAL HAS A GREATER AREA OF OFFICE SPACE
16,000	ELECTRICAL WORK	2,238,041	2,181,135	56,906	ACTUAL HAS A GREATER AREA OF OFFICE SPACE
	SUBTOTAL	38,398,932	29,646,223	8,752,709	
	GENERAL CONDITIONS 12%	4,607,872	3,557,547	1,050,325	ACTUAL WILL REQUIRE AN ADDITIONAL SIX MONTHS TO CONSTRUCT
	SUBTOTAL	43,006,803	33,203,769	9,803,034	
	INSURANCE 3%	1,290,204	996,113	294,091	PERCENTAGE FUNCTION OF CONSTRUCTION COSTS
	TOTAL	44,297,007	34,199,883	10,097,125	



EXHIBIT B : ENVIRONMETAL COSTS

**To:** Neil Bender, William Gottlieb Real Estate/Tenth Avenue, LLC

**From:** Michael Burke

**CC:** J. Most (Sheldon Lobel)  
D. Eisenberg, S. Karasik (Simon, Eisenberg, and Baum)  
A. Ciancia (Langan)

**Date:** June 30, 2011

**Re:** Remedial Cost Estimate  
Highline 13, 14, 10  
42-46 10<sup>th</sup> Avenue and 449-451 West 13<sup>th</sup> Street  
Langan Project No.: 170119302

---

The purpose of this memo is to identify estimated costs that are incidental to general construction in the area surrounding the property at 42-46 10<sup>th</sup> Avenue and 449-451 West 13<sup>th</sup> Street (the "Site"), and those that are unique to the Site. The remedial cost estimate described below summarizes the tasks detailed in Langan's Phase II Environmental Site Investigation (ESI) Report, dated May 11, 2011 that may complicate construction at the Site. The costs have been divided into two categories: Incidental to Construction and Unique Site Conditions.

### **Estimated Site Remediation Costs**

#### Rationale for Estimate

Based on our review of architectural drawings from Studio/Gang Architects, Dated March 21, 2011, the proposed development consists of a 13-story mixed-use building with a single cellar level. The cellar and first floor levels will span approximately 20,750 square feet and floors 2-13 will extend beyond the eastern property line approximately 40 feet and hang over the Highline Park. The proposed cellar level is 14 feet below surface grade (bgs); therefore, an excavation depth of 16 to 17 feet is assumed to accommodate the foundation slab construction. Remediation costs are those costs that are over and above the cost of removal of assumed clean soil to accommodate the foundation of the proposed development. The unit cost for disposal of contaminated material is based on current project experience and is not reduced by the cost of disposal of clean soil, since this cost is highly variable and unpredictable.

Based on the proposed construction envelope, the total volume of soil expected to be excavated and require off-site disposal is approximately 13,100 cubic yards (or approximately 21,000 tons).



# MEMO

## **Costs Incidental to Construction**

### Waste Characterization Sampling

Waste characterization sampling is a required component of a disposal facility's permit. Prior to off-site disposal, Site soils will have to be properly characterized per the selected soil disposal facility. Sampling requirement for disposal facilities can vary greatly depending on the State Agency regulating the facility. We recommend an allowance of approximately \$80,000 to implement a waste characterization plan.

### Urban fill and High Level Contaminated Soils Handling and Disposal

The Phase II ESI indicated that all of the soil to be excavated (approximately 19,700 tons) is generally consistent with typical New York City historic urban fill material (man-made material used to fill in the eastern extent of the Hudson River in the late 1800s). Based on a unit rate of \$55 to \$65 per ton for urban fill, the estimated cost for transportation and disposal (T&D) of non-petroleum-impacted fill material is estimated at about \$1,200,000 to \$1,400,000.

### Dewatering Liquid Permitting and Disposal (Allowance)

Due to the final excavation depth below the groundwater table, dewatering will be required during foundation excavation and construction. The estimated cost to design and install a standard dewatering system is about \$200,000.

The fee to discharge to the New York City Sewer System is \$8.20 per 100 cubic yards. Based on a range of 100,000 gallons to 300,000 gallons per day, the estimated discharge fees are \$1,100 to \$3,300 per day. Based on a four month foundation construction schedule, the estimated range is about \$135,000 to \$400,000.

### Waterproofing/Vapor Barrier

Waterproofing must be incorporated into the building foundation design. The waterproofing membrane will also act as a vapor barrier that will mitigate any vapor associated with residual petroleum impacts associated with NYSDEC Spill 09-11962 and 10-09353. Assuming a cost of \$14 per square foot, the estimated cost for the installation of the waterproofing vapor barrier is about 300,000.

## **Unique Environmental Site Condition Costs**

Unique environmental site condition costs are those costs associated with environmental conditions that are not common to the majority of the Sites in the surrounding area.

# MEMO

## Spill Remediation

A petroleum release associated with two unregistered underground storage tanks (USTs) at the Site was identified during the Phase II ESI. The New York State Department of Environmental Conservation (NYSDEC) was notified of the release and NYSDEC Spill No. 10-09353 was assigned. Both soil and groundwater have been impacted as a result of the release. Based on the results of the Phase II ESI, we estimate 125 cubic yards (approximately 200 tons) of petroleum-impacted soil associated with NYSDEC Spill No. 10-09353 is located at the Site and will require excavation and off-site disposal. Based on a unit rate of \$80 to \$95 per ton, the cost for disposal of petroleum-impacted material is estimated at about \$16,000 to \$19,000.

Following completion of the spill excavation, excavation end point samples must be collected in accordance with NYSDEC Technical Guidance for Site Investigation and Remediation, dated May 2010 (DER-10). We recommend a sampling allowance of \$5,000.

Following completion of the excavation of petroleum-impacted soil associated with NYSDEC Spill No. 10-09353, groundwater treatment and monitoring will be required to treat residual petroleum-related contaminants in groundwater. Oxygen Releasing Compound (ORC) slurry should be applied to the open excavation to address residual petroleum impacts to groundwater. The estimated cost of application and maintenance of ORC to the base of the spill excavation is about \$15,000.

After the samples are collected and ORC is applied, the excavation must be backfilled with soil that meets NYSDEC requirements for Unrestricted Use. Based on a unit rate of \$45 to \$55 per ton, the cost for backfill importation and placement is estimated at about \$8,000 to \$11,000. Replacement of sidewalk flags will also be required to restore the sidewalk to its original condition. We estimate that 8 sidewalk flags will be replaced following remediation of the spill. Based on a unit rate of \$1,000 per flag, the cost for sidewalk flag replacement is about \$8,000.

Installation of at least three permanent monitoring wells near the spill area and groundwater monitoring for at least one year will be required by the NYSDEC to confirm that the remedy was effective. The costs for well installation and four quarterly sampling events are estimated at about \$50,000.

An environmental consultant will be required to prepare required work plans, monitoring reports, and spill closure reports and to navigate through the NYSDEC Spill Program. We recommend an allowance of \$25,000 for engineering and consulting costs to administratively close the spill with NYSDEC/

The estimated cost of spill remediation tasks is about \$127,000 to \$133,000.



# MEMO

## UST removal

Up to two apparent USTs are located beneath the 10th Avenue sidewalk. To decommission the USTs in accordance with applicable regulations, USTs and associated piping and any residual petroleum product should be removed and transported to an off-site disposal facility that is permitted to accept this material. Petroleum impacted soil observed around the tanks will also be removed. The estimated cost to remove, register and close the USTs is estimated at about \$40,000.

## Removal of Refrigerant Fluid

Mounted refrigerant pipes observed throughout the Site buildings should be drained during demolition and care should be taken to collect any residual liquid. Based on ammonia concentration in the liquid, it may be corrosive. This material should be tested for RCRA characteristics to determine if it is hazardous, and disposed of in accordance with local, city and state regulations. The demolition contractor should consider health and safety concerns associated with ammonia exposure while dismantling the pipes. We recommend an allowance of \$20,000 for the proper handling and disposal of ammonia wastes.

## Groundwater Treatment

A previous Phase I Environmental Site Assessment (ESA), prepared by Langan in September 2010, identified an open Spill (No. 09-11962) at an adjoining gasoline station approximately 50 feet north of the Site. The gasoline station is located cross-gradient to the Site, relative to the groundwater flow direction, and gasoline impacts associated with the adjoining spill have not impacted the Site. However, construction dewatering will be required during Site development and this is expected to draw gasoline-impacted groundwater from the gasoline station towards the Site. Treatment of this water will be required before it can be disposed into the NYC sewer system. We recommend an allowance of \$100,000 for the treatment and maintenance of groundwater for compliance with the NYCDEP permit.

## **Remediation Estimate Total**

Assuming a 25% contingency for unexpected sub-surface conditions, we estimate approximately \$2,725,000 to \$2,975,000 in incidental construction costs and \$375,000 for unique environmental site conditions.

EXHIBIT C : DEMOLITION COST ESTIMATES





# What Goes Up ... We Take Down

123 Frost St. Suite 202, Westbury, NY 11590  
(o) 516-876-0020 (f) 516-876-0021

Date: 5/18/2011

## Proposal

Company: Simon, Eisenberg & Baum  
Address: 24 Union Square East, Fifth Floor, New York, NY 10003  
Attention: Matthew J. Simon  
Phone: 212-353-8700  
Fax: 212-353-1708  
Email: msimon@simonandseisenberg.com

**Tenth Ave & W. 13th St Demolition**  
Corner of Tenth Ave. and W. 13th Street, NY NY

Gramercy is pleased to provide you with the following proposal. This proposal is based on a site visit as well as the scope of work listed below. Project is based on normal working hours with un-restricted access to the site. Access to the site from the lot to the North is required to complete this project for the pricing provided.

### SCOPE OF WORK

- Permits for up to four buildings
- Utility disconnects (four water & four sewer)
- Rodent control
- Scaffolding
- Plywood construction fence
- Pre-demolition survey
- Removal of two elevators
- Temporary utilities
- All buildings are to be hand demolished to the second floor slab and mechanically demolition to the basement slab
- All foudation walls will be bermed with masonry from the demolition
- Removal of two elevators
- NYC Site Safety Manager
- Engineered drawings

### EXCLUSIONS

- Any and all environmental
- Foundation wall removal
- Basement slab removal
- Backfill
- Masonry disposal
- SWPPP
- Premium time
- Sidewalk bridge
- Saw cutting
- Full time PE on site
- Sheeting/Shoring/Bracing
- DeWatering
- Site security
- Salvage
- Water proofing neighboring buildings
- Sidewalk vault removal
- Any scope of work items not listed above

**Bid Total Figures:** \$ 930,000.00  
**Bid Total Words:** Nine Hundred Thirty Thousand Dollars And No Cents

Very Truly Yours,

Richard M. Peterson



EXHIBIT D: REALTY RATES RESEARCH



RealtyRates.com INVESTOR SURVEY - 2nd Quarter 2012*						
OFFICE - ALL TYPES						
Item	Input					OAR
<b>Minimum</b>						
Spread Over 10-Year Treasury	0.83%	<b>DCR Technique</b>	1.15	0.049307	0.80	<b>4.54</b>
Debt Coverage Ratio	1.15	<b>Band of Investment Technique</b>				
Interest Rate	2.80%	Mortgage	80%	0.049307	0.039446	
Amortization	30	Equity	20%	0.083878	0.016776	
Mortgage Constant	0.049307	OAR				<b>5.62</b>
Loan-to-Value Ratio	80%	<b>Surveyed Rates</b>				<b>5.34</b>
Equity Dividend Rate	8.39%					
<b>Maximum</b>						
Spread Over 10-Year Treasury	6.49%	<b>DCR Technique</b>	2.25	0.117888	0.50	<b>13.26</b>
Debt Coverage Ratio	2.25	<b>Band of Investment Technique</b>				
Interest Rate	8.46%	Mortgage	50%	0.117888	0.058944	
Amortization	15	Equity	50%	0.175444	0.087722	
Mortgage Constant	0.117888	OAR				<b>14.67</b>
Loan-to-Value Ratio	50%	<b>Surveyed Rates</b>				<b>13.93</b>
Equity Dividend Rate	17.54%					
<b>Average</b>						
Spread Over 10-Year Treasury	3.16%	<b>DCR Technique</b>	1.70	0.071063	0.68	<b>8.16</b>
Debt Coverage Ratio	1.70	<b>Band of Investment Technique</b>				
Interest Rate	5.13%	Mortgage	68%	0.071063	0.047967	
Amortization	25	Equity	33%	0.134239	0.043628	
Mortgage Constant	0.071063	OAR				<b>9.16</b>
Loan-to-Value Ratio	67.5%	<b>Surveyed Rates</b>				<b>10.30</b>
Equity Dividend Rate	13.42%					

\*1st Quarter 2012 Data

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RealtyRates.com INVESTOR SURVEY - 2nd Quarter 2012*						
OFFICE - CENTRAL BUSINESS DISTRICT						
Item	Input					OAR
<b>Minimum</b>						
Spread Over 10-Year Treasury	1.03%	<b>DCR Technique</b>	1.40	0.050592	0.65	<b>4.60</b>
Debt Coverage Ratio	1.40	<b>Band of Investment Technique</b>				
Interest Rate	3.00%	Mortgage	65%	0.050592	0.032885	
Amortization	30	Equity	35%	0.085878	0.030057	
Mortgage Constant	0.050592	OAR				<b>6.29</b>
Loan-to-Value Ratio	65%	<b>Surveyed Rates</b>				<b>5.98</b>
Equity Dividend Rate	8.59%					
<b>Maximum</b>						
Spread Over 10-Year Treasury	6.49%	<b>DCR Technique</b>	2.25	0.117888	0.50	<b>13.26</b>
Debt Coverage Ratio	2.25	<b>Band of Investment Technique</b>				
Interest Rate	8.46%	Mortgage	50%	0.117888	0.058944	
Amortization	15	Equity	50%	0.175444	0.087722	
Mortgage Constant	0.117888	OAR				<b>14.67</b>
Loan-to-Value Ratio	50%	<b>Surveyed Rates</b>				<b>13.93</b>
Equity Dividend Rate	17.54%					
<b>Average</b>						
Spread Over 10-Year Treasury	3.76%	<b>DCR Technique</b>	1.83	0.079179	0.58	<b>8.31</b>
Debt Coverage Ratio	1.83	<b>Band of Investment Technique</b>				
Interest Rate	5.73%	Mortgage	58%	0.079179	0.045528	
Amortization	23	Equity	43%	0.126183	0.053628	
Mortgage Constant	0.079179	OAR				<b>9.92</b>
Loan-to-Value Ratio	58%	<b>Surveyed Rates</b>				<b>10.46</b>
Equity Dividend Rate	12.62%					

\*1st Quarter 2012 Data

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EXHIBIT E: PROFESSIONAL QUALIFICATIONS

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C/A/C/K/FREEMAN

Jack Freeman is principal of Freeman/Frazier & Associates, Inc. Mr. Freeman's professional background combines real estate finance, development planning, project management and public sector experience to provide comprehensive real estate advisory services to the benefit of his clients.

His development financing background includes several years experience as a Mortgage Officer for The New York City Community Preservation Corporation, responsible for construction and permanent loan origination. The Corporation is a consortium of the New York City Commercial Banks and Savings Institutions, established to provide mortgage financing for multifamily housing rehabilitation and economic development.

Public Sector experience includes the position of Director, New York City Department of City Planning, Zoning Study Group and Senior Staff positions in the Mayor's Office of Development, responsible for management of major commercial and residential projects in Lower Manhattan.

As a developer, Mr. Freeman has been a principal and General Partner in the development of multifamily market rate and affordable housing projects, with a value in excess of \$17 million.

In 1993 Mr Freeman was appointed, and served until 1996, as a Commissioner of the New York City Landmarks Preservation Commission. For three years, Mr. Freeman was a member of the New York State Council of Arts Capital Program Review Panel. He has been a recipient of a National Endowment for the Arts Grant for Architecture and a Progressive Architecture Award for Urban Design.

Mr. Freeman is a Licensed Real Estate Broker, a member of the Real Estate Board of New York, the Urban Land Institute and the American Planning Association. He has taught Real Estate Development as a member of the Graduate Faculty of the City University of New York and has been a regular lecturer in Real Estate Finance at Princeton University.

Mr. Freeman holds a Masters Degree in City Planning from the City University of New York and a Bachelor of Architecture Degree from Cooper Union.

FREEMAN

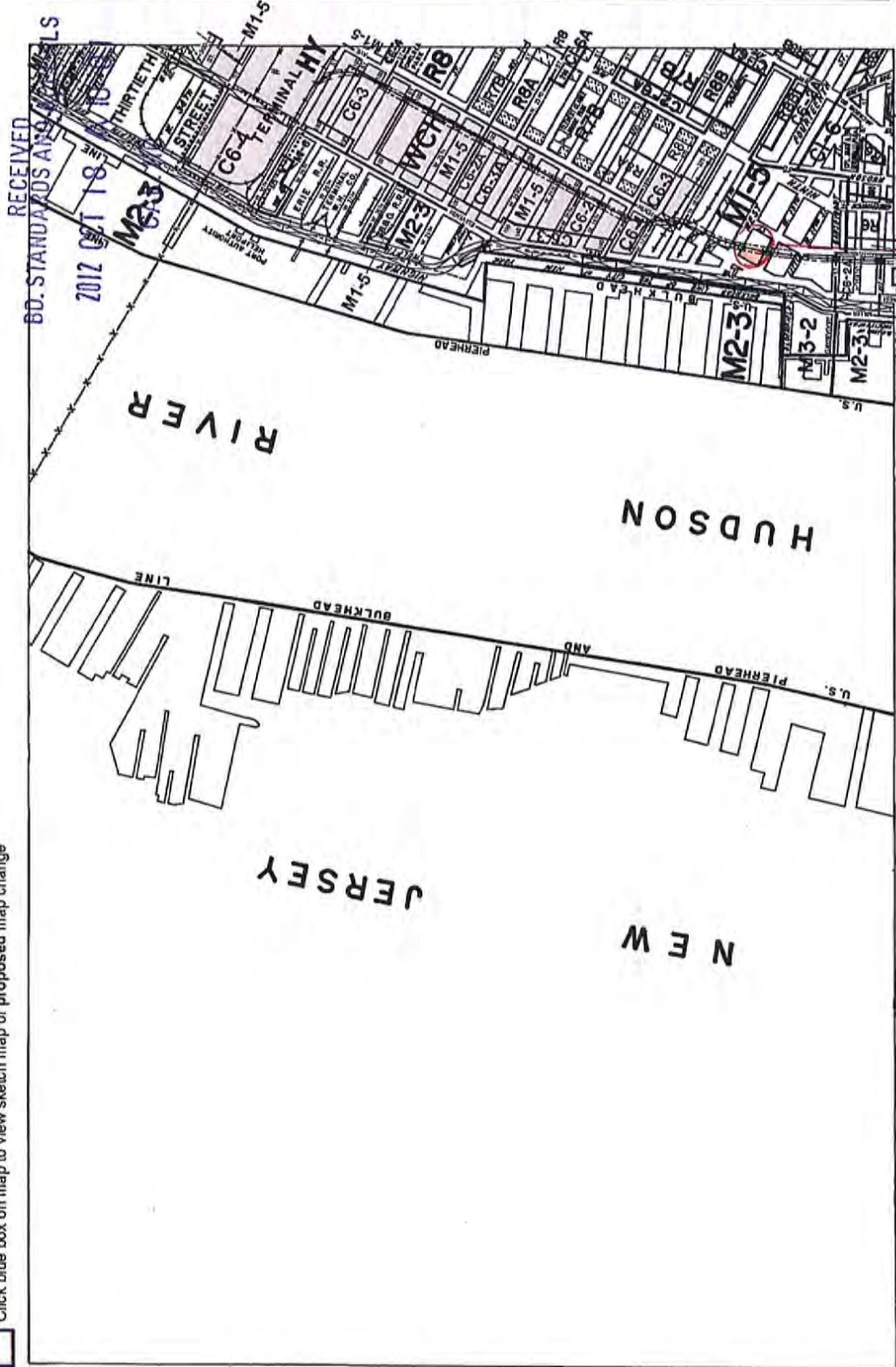
FRAZIER

A ASSOCIATES, INC.



299-12-BZ-

Click blue box on map to view sketch map of proposed map change



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2012 OCT 18

### ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

#### Major Zoning Classifications:

The number(s) and/or letter(s) that follows on R, C or M District designation indicates use, bulk and other controls as described in the text of the Zoning Resolution.

- R - RESIDENTIAL DISTRICT
- C - COMMERCIAL DISTRICT
- M - MANUFACTURING DISTRICT

**SPECIAL PURPOSE DISTRICT**  
The letter(s) within the shaded area designates the special purpose district that applies to the lot.

**AREA(S) REZONED**

**Effective Date(s) of Rezoning:**  
12-21-2009 C 090433 ZMM

#### Special Requirements:

For a list of lots subject to CEQR Appendix C requirements, see APPENDIX C.

For a list of lots subject to "D" Appendix D requirements, see APPENDIX D.

For Inclusionary Housing designated areas on this map, see APPENDIX F.

### ZONING MAP 8b



MAP KEY

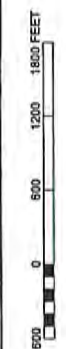
8a	8c
8b	8d
12a	12c

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**NOTE:** Zoning information shown on the map is subject to change. For the most current zoning information, visit the Zoning section of the Department of City Planning website: [www.dcp.nyc.gov/zoning](http://www.dcp.nyc.gov/zoning) or contact the Zoning Information Desk at (212) 726-5351.

- C1-1
- C1-2
- C1-3
- C1-4
- C1-5
- C2-1
- C2-2
- C2-3
- C2-4
- C2-5

**NOTE:** STREETS FOR THE STREET MAP CHANGE CANNOT BE SHOWN ON THIS MAP PRIOR TO BECOMING EFFECTIVE IN ORDER TO LOCATE ZONING DISTRICT BOUNDARIES.



premises

## ZONING ANALYSES

Premises:                   Block 646, Lot 1  
                                  40-56 10<sup>th</sup> Avenue  
                                  New York, New York

---

Enclosed please find Zoning Analyses for As-of-Right, Hardship, and Proposed development scenarios.



NYS RA / PE SEAL AND SIGN

BSA ZONING ANALYSIS

REVISED APRIL 2005

BSA CALENDAR NO.

BLOCK 646

LOT 1

SUBJECT SITE ADDRESS

40 TENTH AVENUE, NEW YORK, NY 10014

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BOARD OF ZONING AND APPEALS

APPLICANT

Goldman Harris LLC

ZONING DISTRICT M1-5

PRIOR BSA # N/A 18 A 10:01

COMPLIANT: "Y"

IF NOT: "N" and

INDICATE AMT

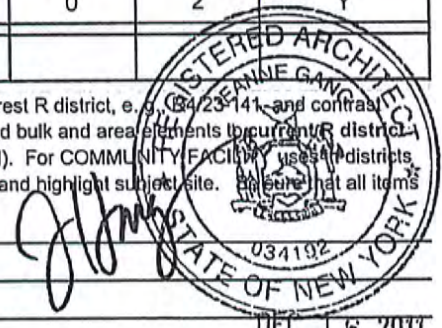
SPECIAL/HISTORIC DISTRICT N/A

COMMUNITY BOARD 2

* APPLICABLE ZR SECTION	MAXIMUM PERMITTED	MINIMUM REQUIRED	LEGAL PER C of O or BSA	EXISTING	PROPOSED	OVER/UNDER
				23,541sf	23,541sf	Y
				206'-6"	206'-6"	Y
42-00	17			vac.	6	Y
43-12	117,705sf			47,392sf	117,705sf	Y
43-12	117,705sf			47,392sf	117,705sf	Y
43-12	5.0			2.01	5.0	Y
43-12	5.0			2.01	5.0	Y
N/A						
N/A						
N/A						
43-43	85' / 6 st.			40' / 3 st.	45' / 2 st.	Y
				40'	143'	N/A
				3	8	N/A
43-43		0		0	0	Y
43-25		0		0	0	Y
43-25		0		0	0	Y
43-261		20' x 53'		N/A	20' x 78'	Y
43-43		15' / 20'		N/A	15' / 20'	Y
43-43	2.7:1, 5.6:1			N/A	2.7:1, 5.6:1	Y
44-12 / 44-20	150	0		0	0	Y
44-52	N/A	1		0	2	Y

OTHER:

\* In Applicable ZR Section column: For RESIDENTIAL developments in non-residential districts, indicate nearest R district, e.g., (R4-23-141) and contrast compliance. For COMMERCIAL or MANUFACTURING developments in residential districts, contrast proposed bulk and area elements to current R district requirements, except for parking and loading requirements (contrast to nearest district where use is permitted). For COMMUNITY FACILITY uses in districts where not permitted, contrast to nearest district where permitted. For all applications, attach zoning map and highlight subject site. Ensure that all items noted in the DOB Denial/Objection are included. NOTES:





NYS RA / PE SEAL AND SIGN

BSA ZONING ANALYSIS

REVISED APRIL 2005

BSA CALENDAR NO. \_\_\_\_\_

BLOCK 646

LOT 1

SUBJECT SITE ADDRESS

40 TENTH AVENUE, NEW YORK NY 10014

APPLICANT

GoldmanHarris LLC

COMPLIANT: "Y"

ZONING DISTRICT M1-5

PRIOR BSA #

N/A STANDARDS AND APPEALS

IF NOT: "N" and

SPECIAL/HISTORIC DISTRICT N/A

\* APPLICABLE

MAXIMUM

MINIMUM

LEGAL PER

C of O or BSA

EXISTING

INDICATE AMT

COMMUNITY BOARD 2

ZR SECTION

PERMITTED

REQUIRED

2017 OCT 18 A 10:01

PROPOSED

OVER/UNDER

LOT AREA

23,541sf

23,541sf

Y

LOT WIDTH

206'-6"

206'-6"

Y

USE GROUP (S)

42-00

17

vac.

6

Y

FA RESIDENTIAL

FA COMMUNITY FACILITY

FA COMMERCIAL/INDUST.

43-12

117,705sf

47,392sf

157,280sf

N

FLOOR AREA TOTAL

43-12

117,705sf

47,392sf

157,280sf

N

FAR RESIDENTIAL

FAR COMMUNITY FACILITY

FAR COMMERCIAL/INDUST.

43-12

5.0

2.01

6.68

N

FAR TOTAL

43-12

5.0

2.01

6.68

N

OPEN SPACE

N/A

OPEN SPACE RATIO

N/A

LOT COVERAGE (%)

N/A

NO. DWELLING UNITS

N/A

WALL HEIGHT

43-43

85' / 6 st.

40' / 3 st.

45' / 2 st.

Y

TOTAL HEIGHT

40'

213'

N/A

NUMBER OF STORIES

3

13

N/A

FRONT YARD

43-43

0

0

0

Y

SIDE YARD

43-25

0

0

0

Y

SIDE YARD

43-25

0

0

0

Y

REAR YARD

43-261

20' x 53'

0

20' x 78'

Y

SETBACK (S)

43-43

15' / 20'

0

15' / 20'

Y

SKY EXP. PLANE (SLOPE)

43-43

2.7:1, 5.6:1

N/A

2.7:1, 5.6:1

Y

NO. PARKING SPACES

44-12 / 44-20

150

0

0

0

Y

LOADING BERTH (S)

44-52

N/A

1

0

2

Y

OTHER: \_\_\_\_\_

\* In Applicable ZR Section column: For RESIDENTIAL developments in non-residential districts, indicate nearest R district, e.g., R4-33-141, and contrast compliance. For COMMERCIAL or MANUFACTURING developments in residential districts, contrast proposed bulk and area elements to current R district requirements, except for parking and loading requirements (contrast to nearest district where use is permitted). For COMMUNITY FACILITY uses in districts where not permitted, contrast to nearest district where permitted. For all applications, attach zoning map and highlight subject site. Be sure that all items noted in the DOB Denial/Objection are included. NOTES: \_\_\_\_\_



DEC 16 2011



299-12-BZ-

Proposed

NYS RA / PE SEAL AND SIGN **BSA ZONING ANALYSIS** REVISED APRIL 2005

BSA CALENDAR NO. BLOCK 646 LOT 1

SUBJECT SITE ADDRESS 40 TENTH AVENUE, NEW YORK NY 10014

APPLICANT Goldman Harris LLC

ZONING DISTRICT M1-5 PRIOR BSA # N/A

SPECIAL/HISTORIC DISTRICT N/A

COMMUNITY BOARD 2

LOT AREA 23,541sf

LOT WIDTH 206'-6"

USE GROUP (S) 42-00 17 vac. 6 Y

FA RESIDENTIAL 0 0 Y

FA COMMUNITY FACILITY 0 0 Y

FA COMMERCIAL/INDUST. 43-12 117,705sf 47,392sf 157,280sf N

FLOOR AREA TOTAL 43-12 117,705sf 47,392sf 157,280sf N

FAR RESIDENTIAL

FAR COMMUNITY FACILITY

FAR COMMERCIAL/INDUST. 43-12 5.0 2.01 6.68 N

FAR TOTAL 43-12 5.0 2.01 6.68 N

OPEN SPACE N/A 0 Y

OPEN SPACE RATIO N/A 0 Y

LOT COVERAGE (%) N/A

NO. DWELLING UNITS N/A

WALL HEIGHT 43-43 85' / 6 st. 40' / 3 st. 199' / 12 st. N

TOTAL HEIGHT 40' 213' N/A

NUMBER OF STORIES 3 12 N/A

FRONT YARD 43-43 0 0 0 Y

SIDE YARD 43-25 0 0 0 Y

SIDE YARD 43-25 0 0 0 Y

REAR YARD 43-261 20'x 53' 0 0 N

SETBACK (S) 43-43 15' / 20' 0 0 N

SKY EXP. PLANE (SLOPE) 43-43 2.7:1, 5.6:1 N/A 0 N

NO. PARKING SPACES 44-12 / 44-20 150 0 0 Y

LOADING BERTH (S) 44-52 N/A 1 0 2 Y

OTHER:

COMPLIANT: "Y" IF NOT: "N" and INDICATE AMT OVER/UNDER

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REGISTERED ARCHITECT JEANNE GANGI STATE OF NEW YORK 034192

NOTES:

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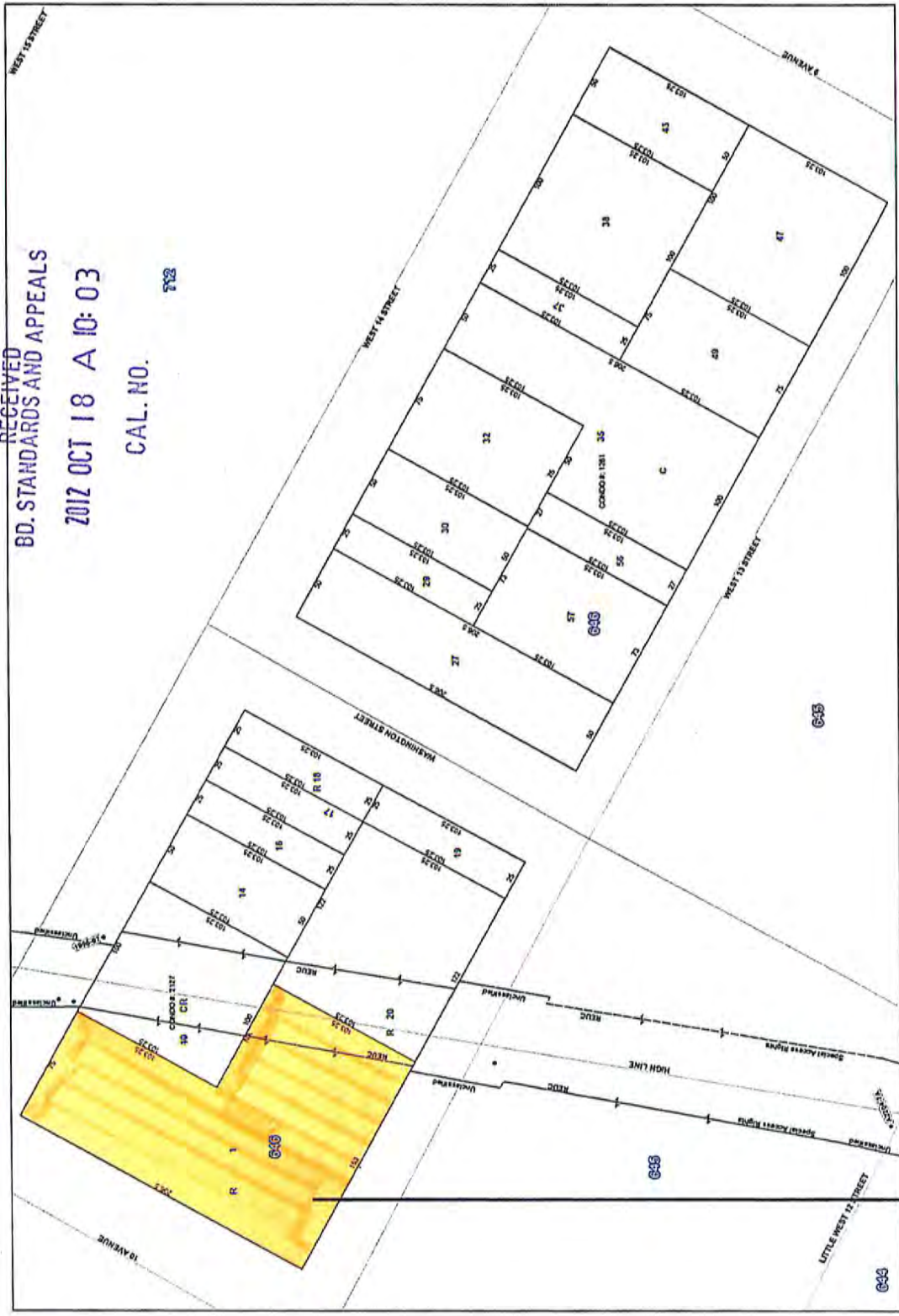
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CAL. NO.

752



NYC Digital Tax Map  
Effective Date : 04-18-2012 08:59:23  
End Date : Current  
Manhattan Block 646

- Legend
- Street
  - Manhattan Tax Block Boundary
  - Boundary Line
  - Lot Fire Possession Hooks
  - Regular
  - Underwater
  - Tax Lot Polygon
  - Conto Number
  - Tax Block Polygon

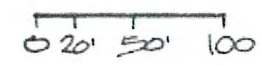
Premises

0 10 20 30 40 Feet



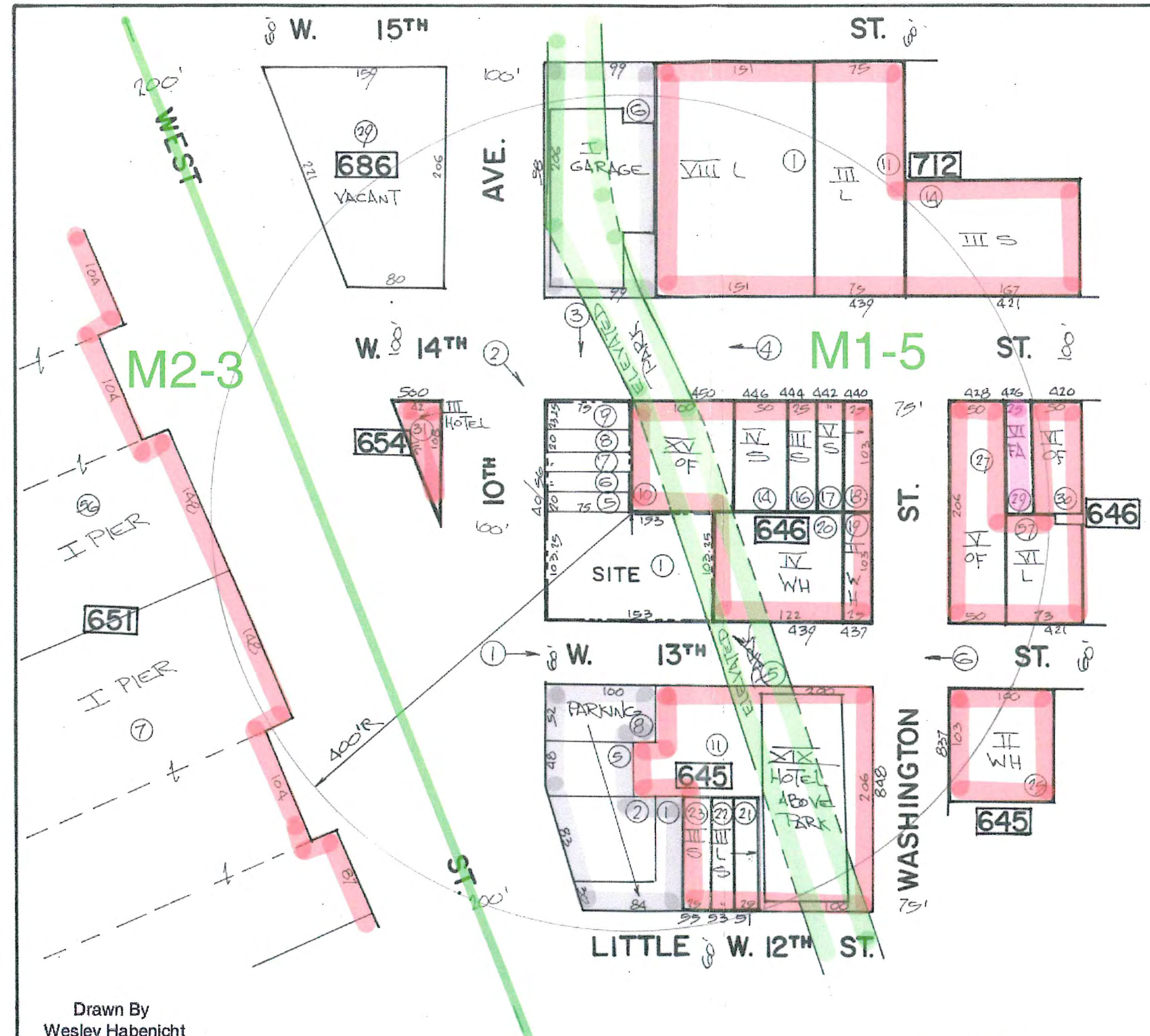


SCALE: 1" = 100'



LEGEND

- LOT NUMBERS
- BLOCK NUMBER
- II STORY HEIGHTS
- L LOFT
- S SPRE
- OF OFFICE
- FA FACTORY
- WH WAREHOUSE
- ② CAMERA POSITION



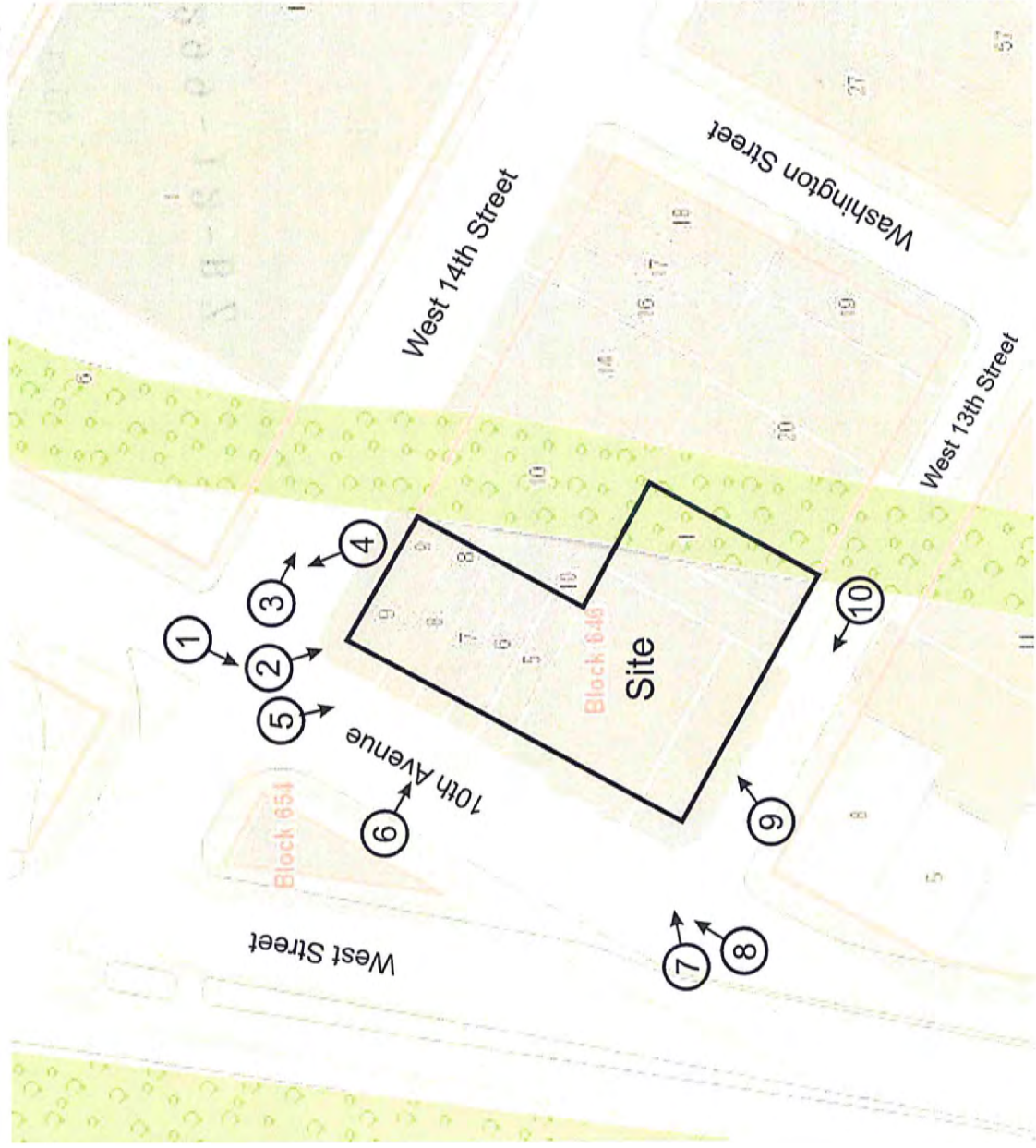
Land Use

- Commerical
- Vehicle Parking
- Manufacturing
- Park
- Vacant

Drawn By  
Wesley Habenicht  
P.O. Box 20382  
Floral Park N.Y. 11002  
516 352-3295

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CAL. NO. 299-12-BZ







40-56 10th Avenue, Manhattan  
Block 646, Lot 1 (Formerly Lots 1, 5, 6, 7, 8 & 9)



Site

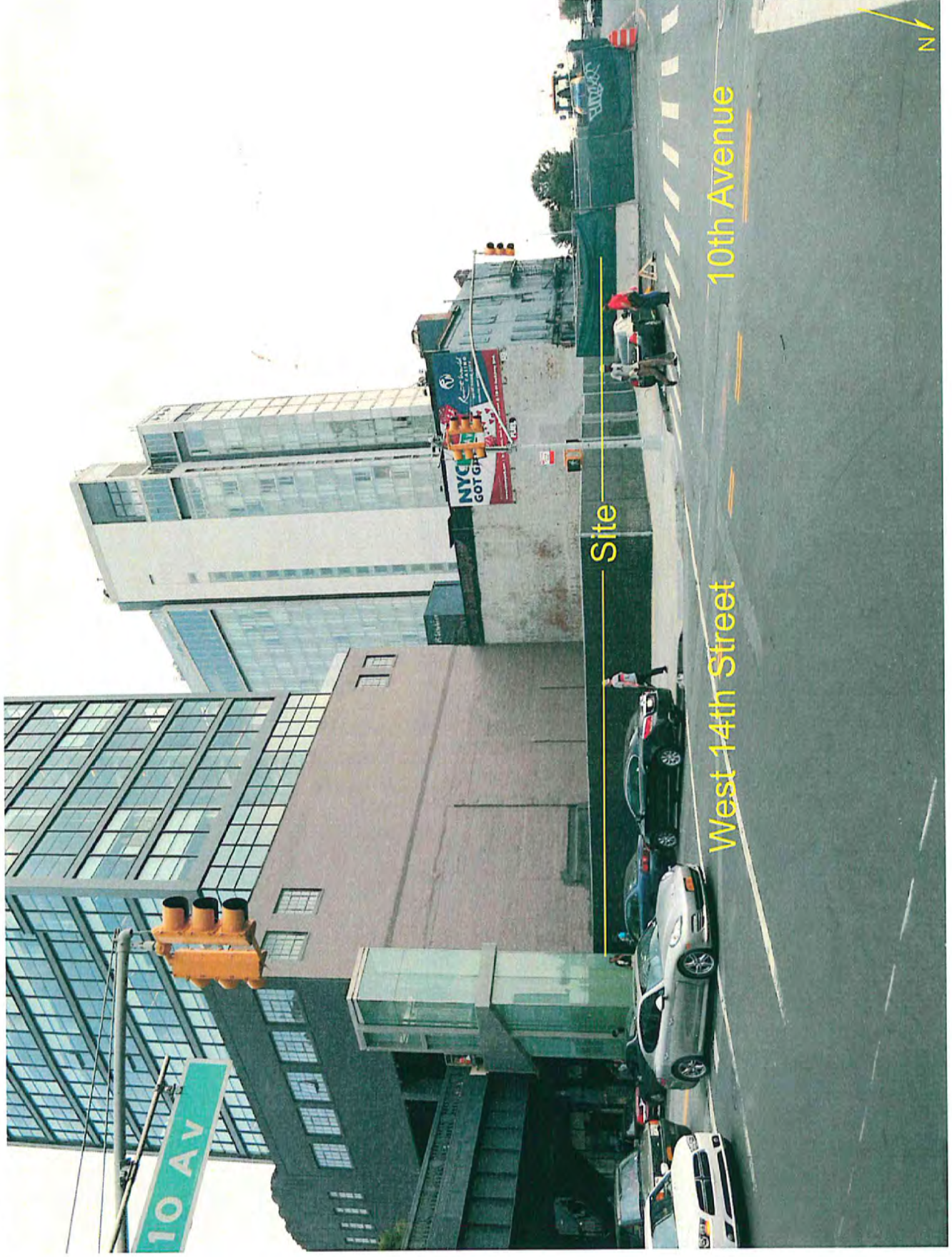
West 14th Street

10th Avenue

N



40-56 10th Avenue, Manhattan  
Block 646, Lot 1 (Formerly Lots 1, 5, 6, 7, 8 & 9)





40-56 10th Avenue, Manhattan  
Block 646, Lot 1 (Formerly Lots 1, 5, 6, 7, 8 & 9)





40-56 10th Avenue, Manhattan  
Block 646, Lot 1 (Formerly Lots 1, 5, 6, 7, 8 & 9)

Photo #4





40-56 10th Avenue, Manhattan  
Block 646, Lot 1 (Formerly Lots 1, 5, 6, 7, 8 & 9)



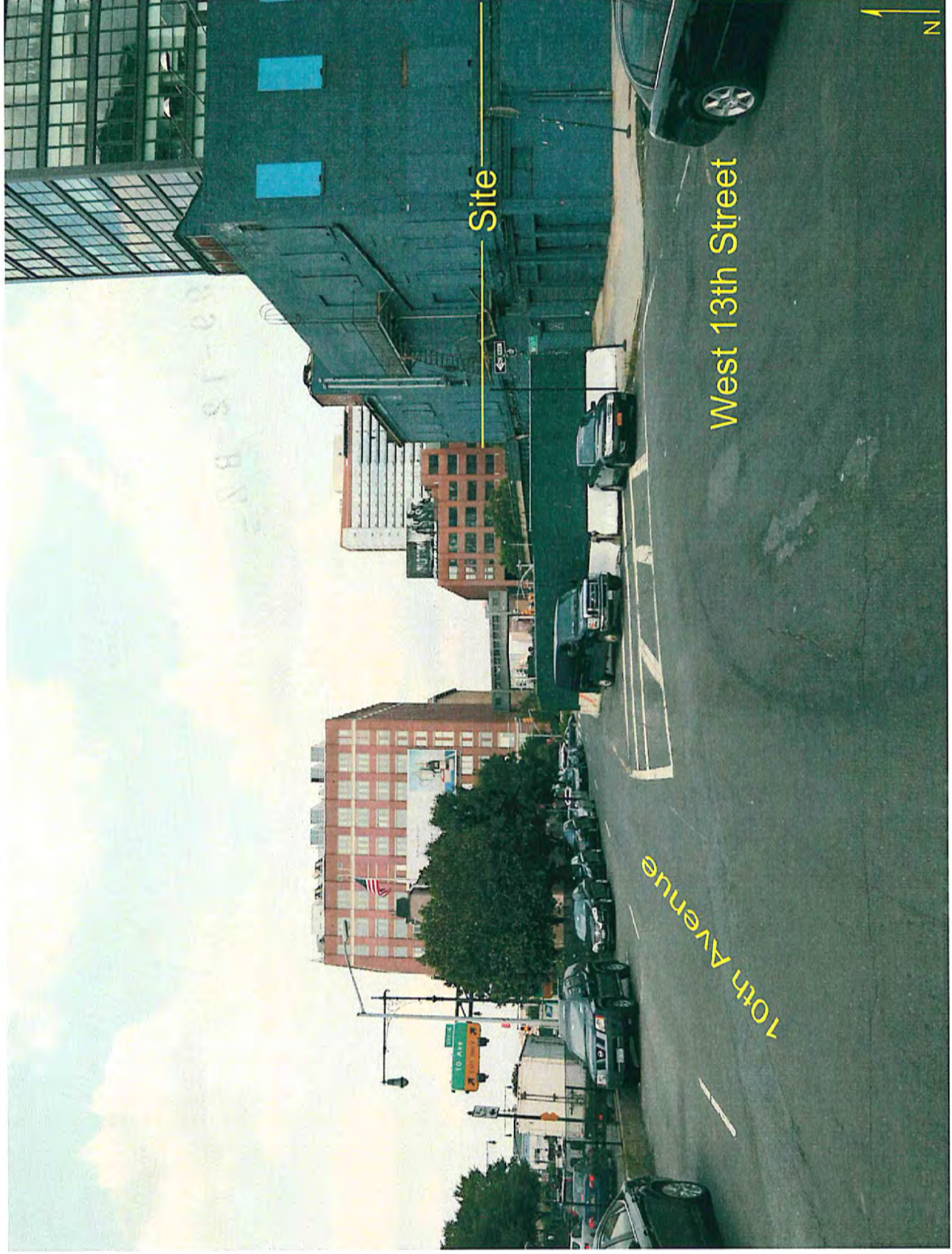














40-56 10th Avenue, Manhattan  
Block 646, Lot 1 (Formerly Lots 1, 5, 6, 7, 8 & 9)





40-56 10th Avenue, Manhattan  
Block 646, Lot 1 (Formerly Lots 1, 5, 6, 7, 8 & 9)





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CAL. NO.



299-42-3Z

*J Gang*  
DEC 16 2011

# 40 TENTH AVE.

NEW YORK, NEW YORK 10014

## EXISTING CONDITIONS

DECEMBER 16, 2011

### 40-56 TENTH AVE., LLC

CLIENT  
24 Union Square East Fifth Floor T 212.353.8700  
New York, New York 10003 F 212.353.1708

### STUDIO/ GANG

ARCHITECTS  
ARCHITECT  
1212 N. Ashland Ave Suite 212 T 773.384.1212  
Chicago, Illinois 60622 F 773.384.0231

### ARUP NY STRUCTURAL ENGINEER

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### DRAWING INDEX:

#### GENERAL

G000 TITLE SHEET- DRAWING INDEX  
G001 SURVEY

#### ARCHITECTURAL

E000 ZONING, SITE PLAN

E010 SITE PLAN

E104 ROOF LEVEL PLAN

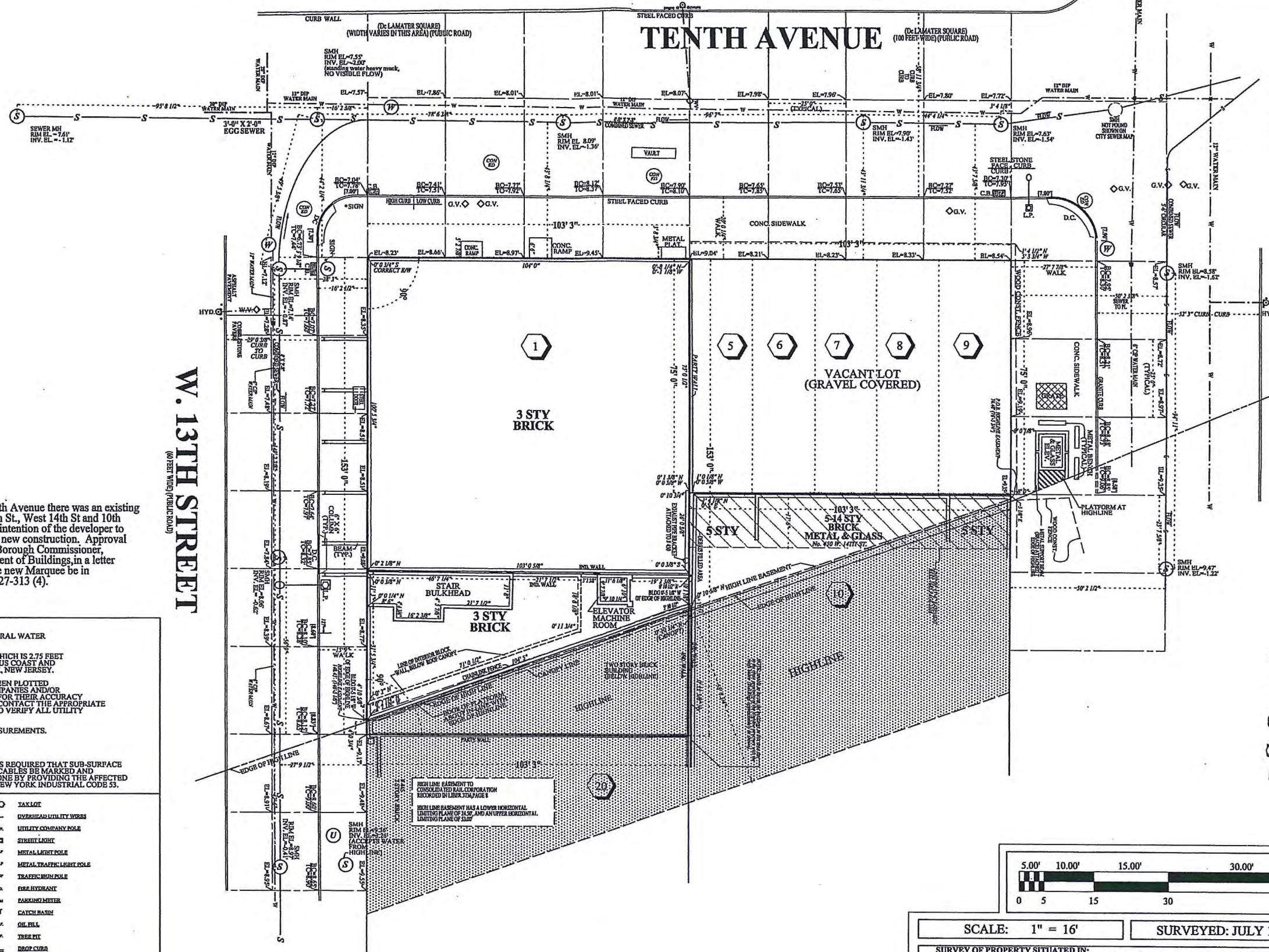
E200 NORTH ELEVATION  
E201 SOUTH ELEVATION  
E202 EAST ELEVATION  
E203 WEST ELEVATION  
E204 CONTEXT ELEVATION  
LOOKING EAST



BLOCK: 646  
 LOTS: 1, 5-9  
 TOTAL LOT AREA:  
 SQ. FT.: 23,541.00  
 ACRES: 0.5404

# ARCHITECTURAL SURVEY

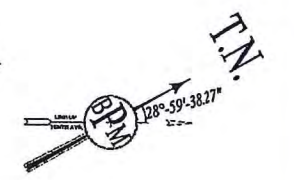
TITLE NO.



NOTE: Prior to the date of this survey of 40-56 10th Avenue there was an existing MARQUEE attached to the buildings on West 13th St, West 14th St and 10th Avenue which was temporarily removed. It is the intention of the developer to replace that Marquee with a new one as part of the new construction. Approval for the replacement of the Marquee was given by Borough Commissioner, Christopher M. Santulli, P.E. of the NYC Department of Buildings, in a letter dated August 14, 2008, with the stipulation that the new Marquee be in compliance with the Administrative Code Section 27-313 (4).

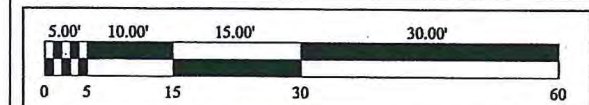
NOTES:  
 THIS IS TO CERTIFY THAT THERE ARE NO STREAMS OR NATURAL WATER COURSES IN THE PROPERTY AS SHOWN ON THIS SURVEY.  
 ALL ELEVATIONS ARE IN MANHATTAN HIGHWAY DATUM, WHICH IS 2.75 FEET ABOVE THE NATIONAL GEODETIC SURVEY DATUM OF 1929, (US COAST AND GEODETIC SURVEY DATUM) MEAN SEA LEVEL, SANDY HOOK, NEW JERSEY.  
 ALL UNDERGROUND UTILITIES INDICATED HEREON HAVE BEEN PLOTTED FROM MAPS AS PROVIDED BY THE RESPECTIVE UTILITY COMPANIES AND/OR GOVERNMENTAL AGENCIES. WE BEAR NO RESPONSIBILITY FOR THEIR ACCURACY OR COMPLETENESS. IT IS THE OWNER'S RESPONSIBILITY TO CONTACT THE APPROPRIATE UTILITY COMPANY PRIOR TO ANY EXCAVATION IN ORDER TO VERIFY ALL UTILITY LOCATIONS.  
 ALL MANHOLE COVERS PLOTTED FROM ACTUAL FIELD MEASUREMENTS. INVERT ELEVATIONS FIELD VERIFIED.  
 CAUTION:  
 BEFORE DOING ANY DIGGING OR DRILLING ON THIS SITE IT IS REQUIRED THAT SUB-SURFACE SERVICE, INCLUDING THE UNDERGROUND MAINS, DUCTS & CABLES BE MARKED AND IDENTIFIED BY THE UTILITY INVOLVED. THIS SHOULD BE DONE BY PROVIDING THE AFFECTED UTILITY WITH THE NOTICE REFERRED TO IN THE STATE OF NEW YORK INDUSTRIAL CODE 53.

LEGEND	
○	CONCRETE MANHOLE COVER
○	ELECTRIC MANHOLE COVER
○	UNDERGROUND ELECTRIC DUCTS
○	DEPARTMENT OF WATER SUPPLY MANHOLE COVER
○	WATER MAIN
○	SEWER MANHOLE COVER
○	SANITARY SEWER
○	STREAM MAIN
○	DEPARTMENT OF WATER SUPPLY WATER GATE
○	WATER VALVE
○	GAS MAIN
○	GAS CO. MANHOLE
○	GAS VALVE
○	CLEAN OUT MANHOLE COVER
○	TELEPHONE MANHOLE COVER
○	TELEPHONE LINES
○	TAX LOT
○	OVERHEAD UTILITY WIRE
○	UTILITY COMPANY POLE
○	STREET LIGHT
○	METAL LIGHT POLE
○	METAL TRAFFIC LIGHT POLE
○	TRAFFIC SIGNAL POLE
○	FIRE HYDRANT
○	PARKING METER
○	CATCH BASIN
○	OIL FILL
○	TREE PIT
○	DROP CURB
○	STAIR PILE
○	CHAIN LINK FENCE
○	WROUGHT IRON FENCE
○	WOOD STOCKADE FENCE
○	PORT AND RAIL FENCE



W. 14TH STREET  
 (100 FEET WIDE) (PUBLIC ROAD)

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SCALE: 1" = 16'  
 SURVEYED: JULY 10, 2010

SURVEY OF PROPERTY SITUATED IN:  
 40-56 10TH AVENUE  
 BOROUGH OF MANHATTAN  
 CITY OF NEW YORK  
 STATE OF NEW YORK

FEHRINGER SURVEYING, P.C.  
 ROBERT FEHRINGER  
 LICENSED LAND SURVEYOR  
 2200 JACKSON AVENUE  
 SEAFORD, N.Y. 11783  
 (516) 763-5515 FAX NO. (516) 763-5525

NOTE: THERE ARE NO LEGAL GRADES ESTABLISHED IN THIS AREA. ELEVATIONS INDICATED TRUS (7.00') REPRESENT THE EXISTING GRADES AS SHOWN ON THE FINAL MAP FOR BLOCK 646.



# ZONING ANALYSIS

**SITE ADDRESS:**

40 Tenth Avenue  
New York, NY 10014

**APPLICABLE SECTION**

- MAP 8b. ZONING DISTRICT: M1-5
- ZR 42-00 GENERAL PROVISIONS  
USES PERMITTED: 4-14, 16, 17  
USES EXISTING: VACANT
- ZR 43-10 FLOOR AREA REGULATIONS
- ZR 43-12 MAXIMUM PERMITTED F.A.R. = 5.0  
LOT AREA: 23,541 SF  
PERMITTED ZONING AREA: 23,541x5 = 117,705 SF  
  
EXISTING F.A.R. = 2.01  
EXISTING ZONING AREA = 47,392 SF
- ZR 43-20 YARD REGULATIONS
- ZR 43-25 MINIMUM REQUIRED SIDE YARDS: NONE REQUIRED  
SIDE YARDS EXISTING: NONE
- ZR 43-26 MINIMUM REQUIRED REAR YARDS:  
20'-0" EXCEPT AT CORNER OR THROUGH LOTS
- ZR 43-261 BEYOND 100' OF A STREET LINE: SEE SITE PLAN  
REAR YARDS PROVIDED: NONE
- ZR 43-40 HEIGHT AND SETBACK REGULATIONS
- ZR 43-43 INITIAL SETBACK DISTANCE  
  
ALLOWED: 20'-0" on narrow street  
15'-0" on wide street  
  
EXISTING: N/A  
  
MAXIMUM HEIGHT OF FRONT WALL  
  
ALLOWED: 85'-0" or 6 stories  
EXISTING: 3 STORIES  
  
SKY EXPOSURE PLANE  
  
ALLOWED: 2.7 vertical to 1 horizontal on narrow street  
5.6 vertical to 1 horizontal on wide street  
EXISTING: N/A
- ZR 44-50 GENERAL PURPOSES
- ZR 44-52 REQUIRED ACCESSORY OFF-STREET LOADING BERTHS  
  
FIRST 100,000 SF = NONE REQUIRED  
NEXT 200,000 SF = 1 REQUIRED  
EACH ADDITIONAL 300,000 SF = 1 REQUIRED  
  
REQUIRED = 1  
EXISTING = 1
- ZR 44-581 SIZE OF REQUIRED LOADING BERTH  
  
OFFICE USE = L 33ft x W 12ft x H 14ft
- ZR 44-582 LOCATION OF ACCESS TO THE STREET  
  
ENTRANCE OR EXITS = Not less than 50 ft from  
intersection of any two streets

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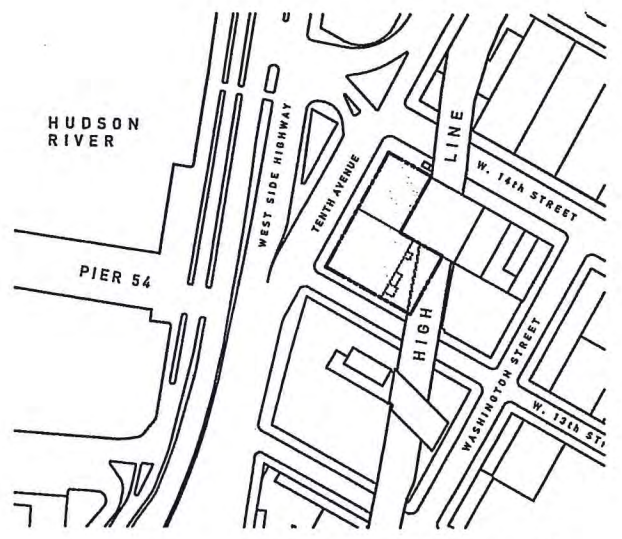
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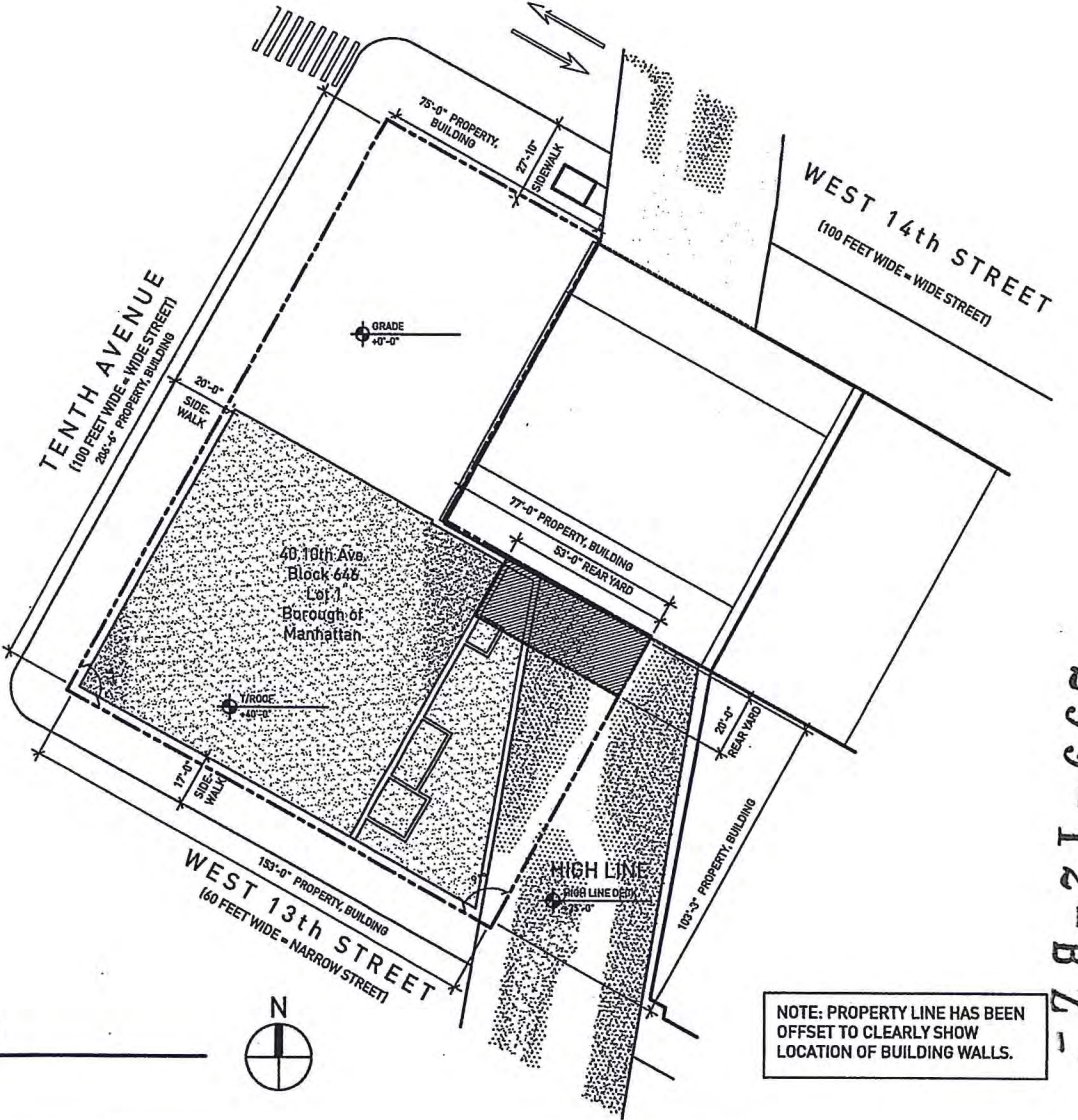
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Date: 02.22.2011

Sheet Title: **ZONING SITE PLAN**

Drawing Number: **E000**



**2 LOT PLAN**  
SCALE: 1" = 300'-0"



**1 ZONING SITE PLAN**  
SCALE: 1" = 60'-0"

299-12-BZ

NOTE: PROPERTY LINE HAS BEEN OFFSET TO CLEARLY SHOW LOCATION OF BUILDING WALLS.



299-12-B Z

WEST 14th STREET  
(100' WIDE = WIDE STREET)

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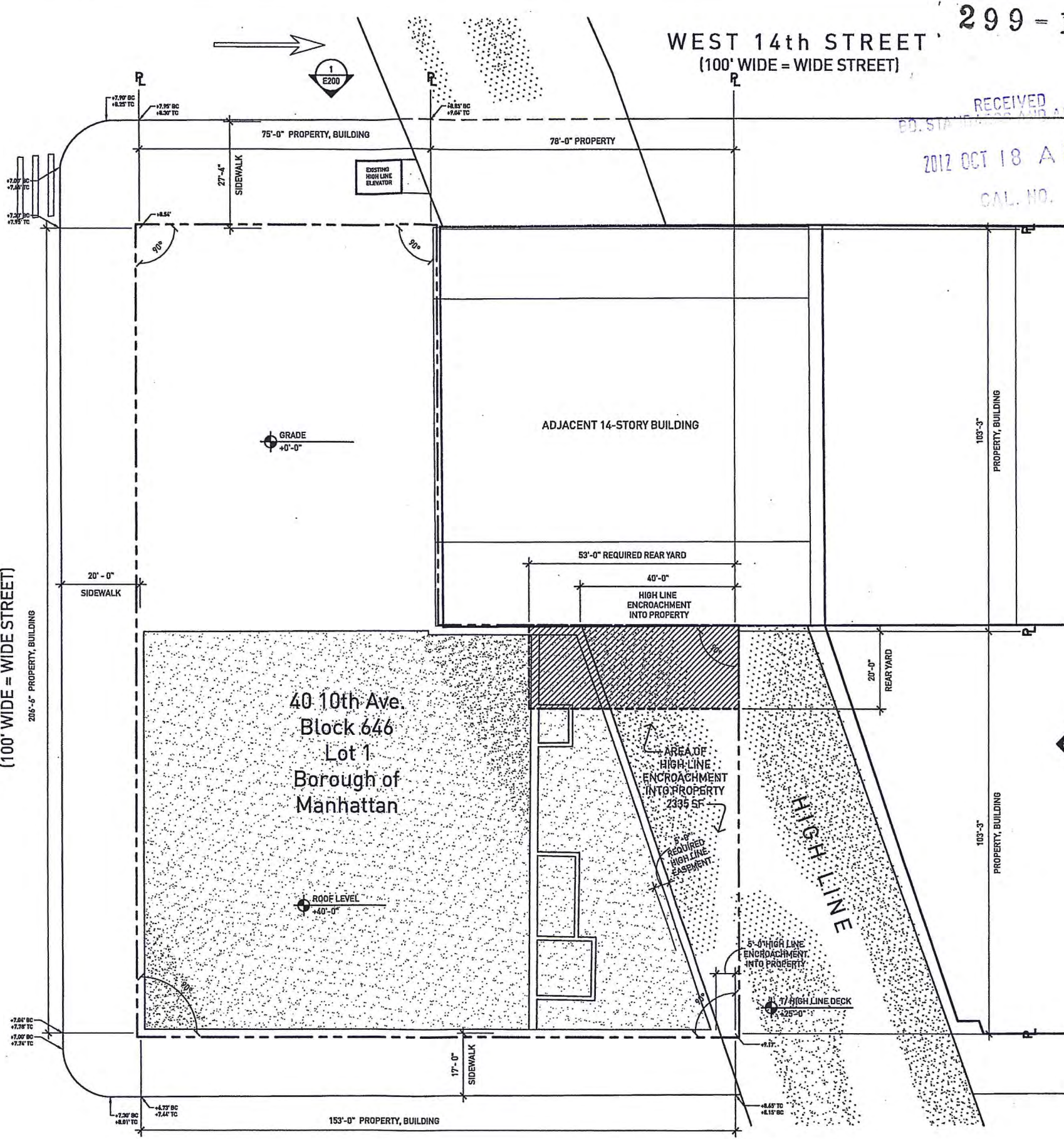
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SITE PLAN  
Drawing Number: E010

TENTH AVENUE  
(100' WIDE = WIDE STREET)



WEST 13th STREET  
(60' WIDE = NARROW STREET)



NOTE: PROPERTY LINE HAS BEEN OFFSET TO CLEARLY SHOW LOCATION OF BUILDING WALLS.

NOTE: ALL PARTITIONS AND EXITS SHALL BE AS APPROVED BY DEPARTMENT OF BUILDINGS.

1 SITE PLAN  
SCALE: 1" = 30'-0"





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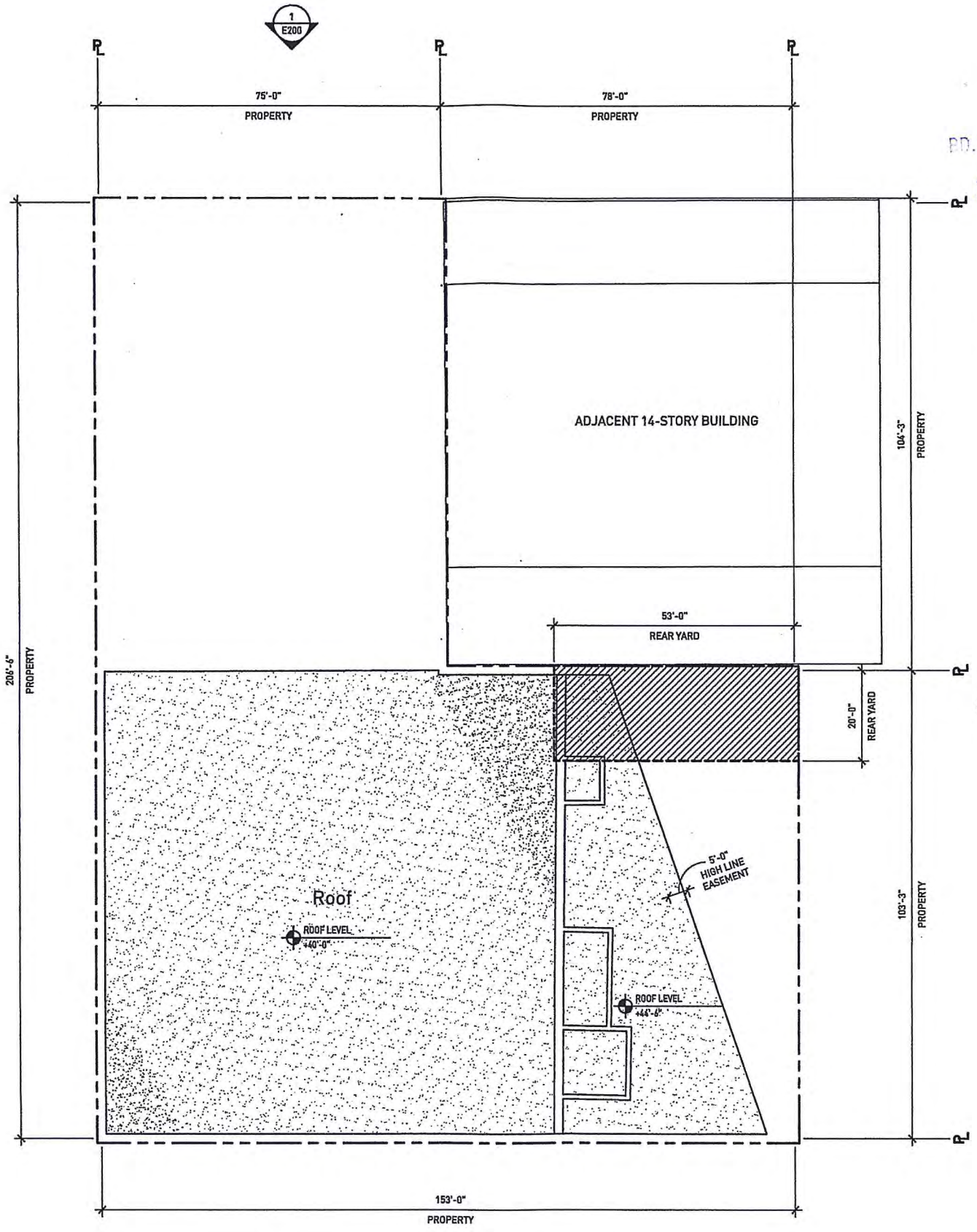
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ROOF PLAN

Drawing Number: E104



NOTE: PROPERTY LINE HAS BEEN OFFSET TO CLEARLY SHOW LOCATION OF BUILDING WALLS.

**1 ROOF LEVEL PLAN**  
SCALE: 1" = 30'-0"





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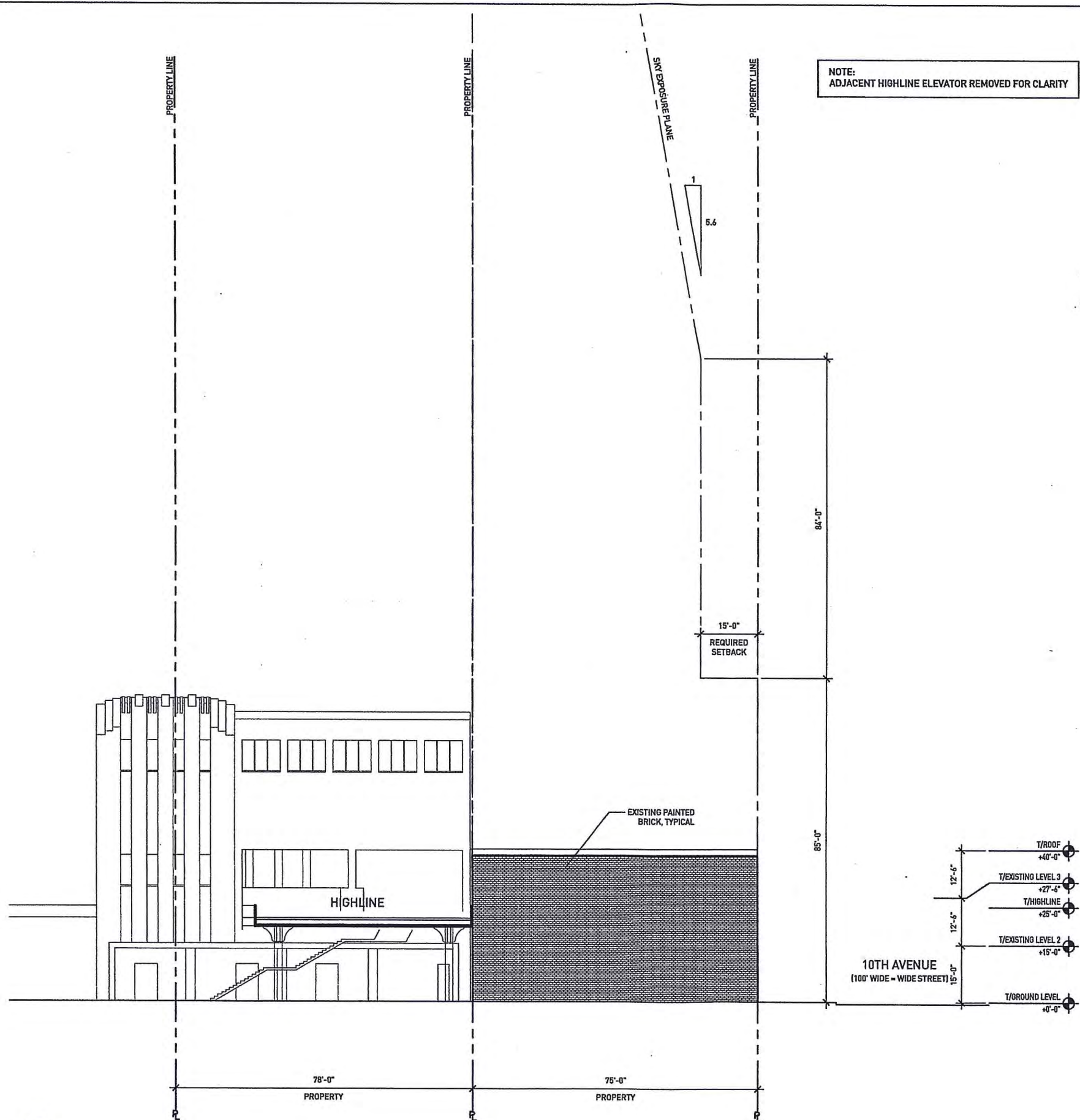
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1 NORTH ELEVATION  
SCALE: 1" = 30'-0"

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Sheet Title: NORTH ELEVATION Scale: 1" = 30'-0"  
Drawing Number: E200



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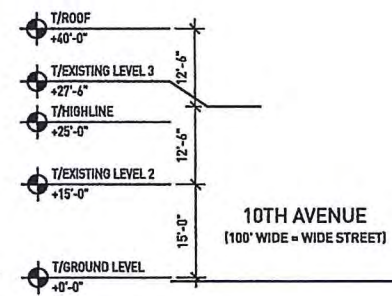
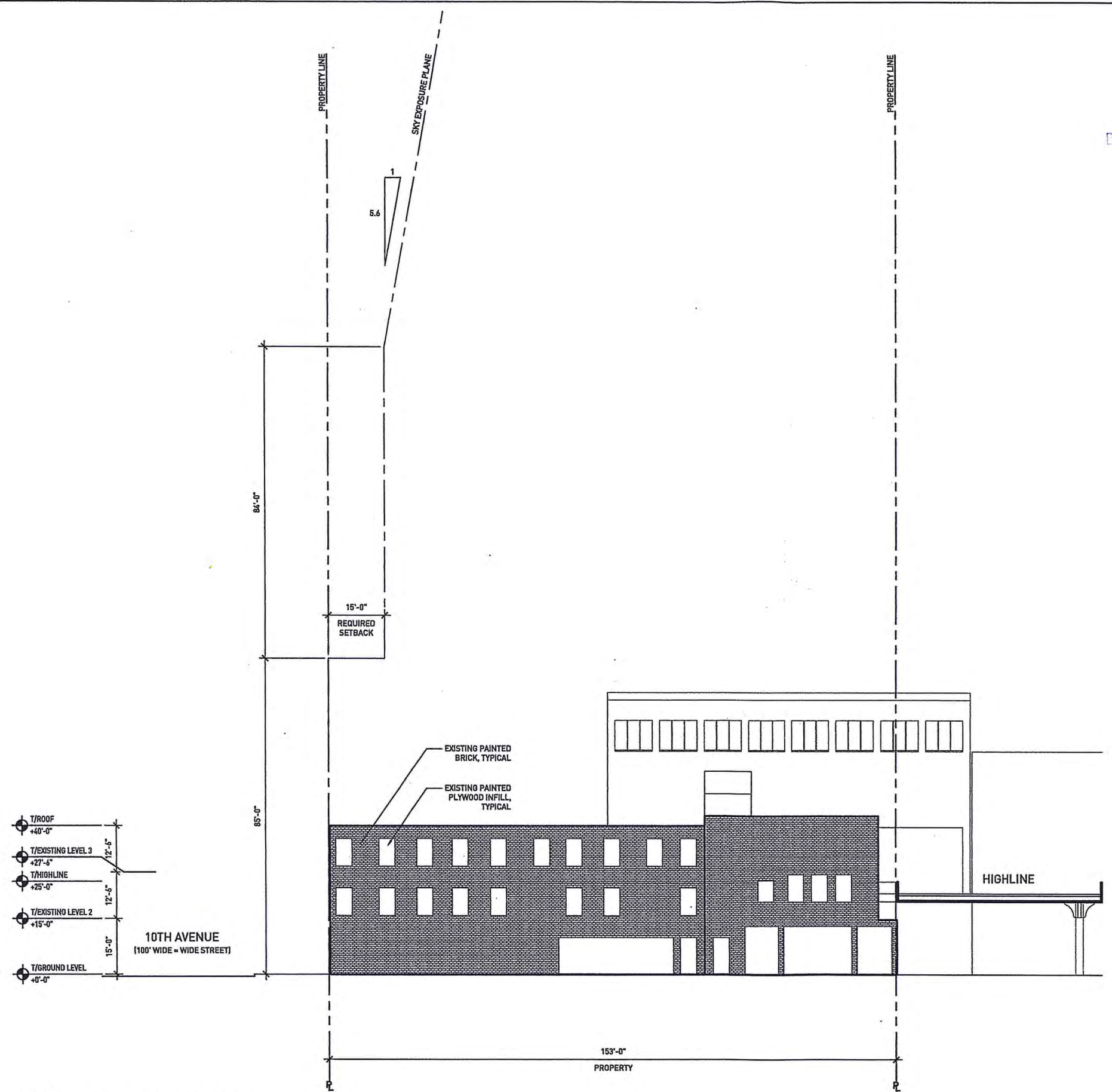
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Sheet Title: SOUTH ELEVATION  
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Drawing Number: E201



**1 SOUTH ELEVATION**  
SCALE: 1" = 30'-0"



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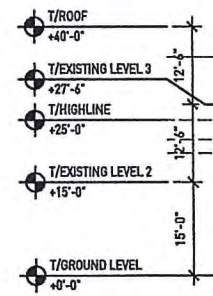
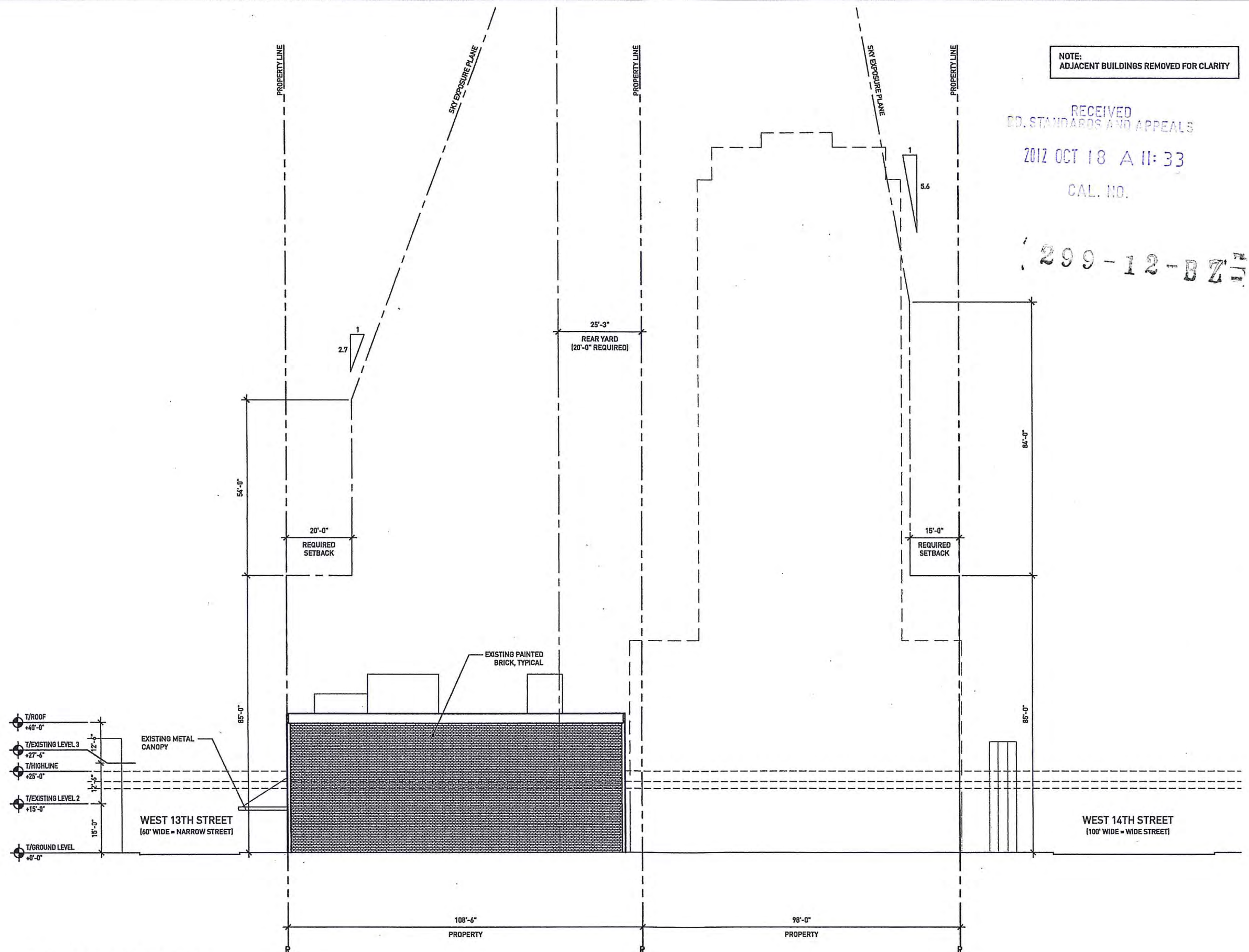
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Project No: 1009  
Drawn: WE Date: 02.22.2011

Checked: MS  
Sheet Title: EAST ELEVATION Scale: 1" = 30'-0"

Drawing Number: **E202**



**1 EAST ELEVATION**  
SCALE: 1" = 30'-0"



**40 TENTH AVENUE**  
NEW YORK, NY 10014

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*Jeannie Gang*  
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1	PRICING	03-21-2011

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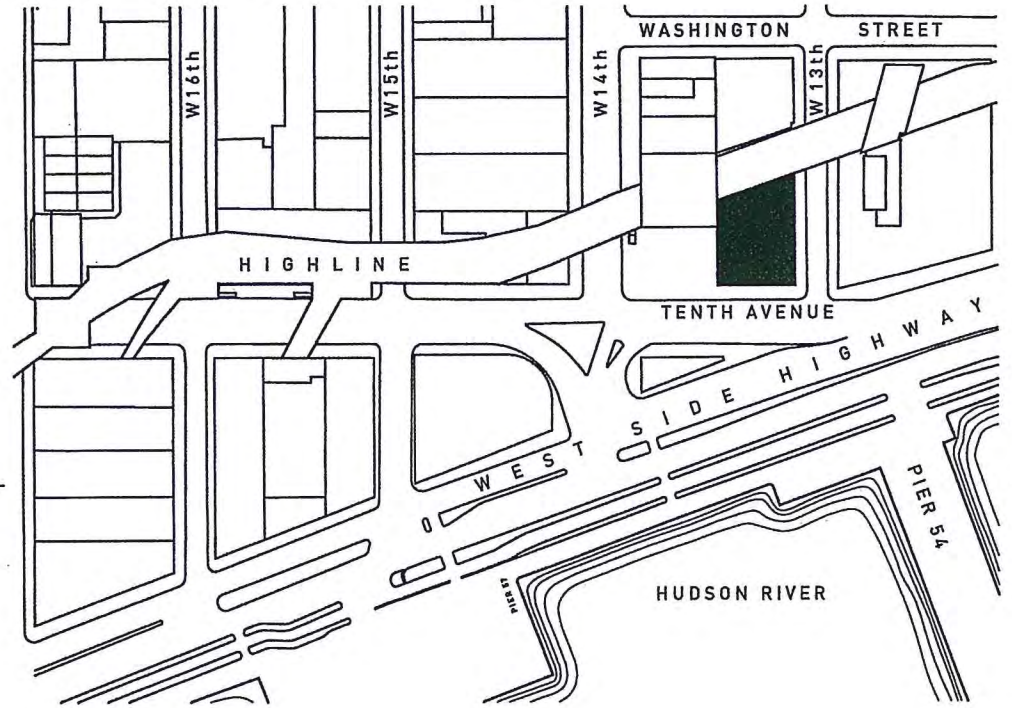
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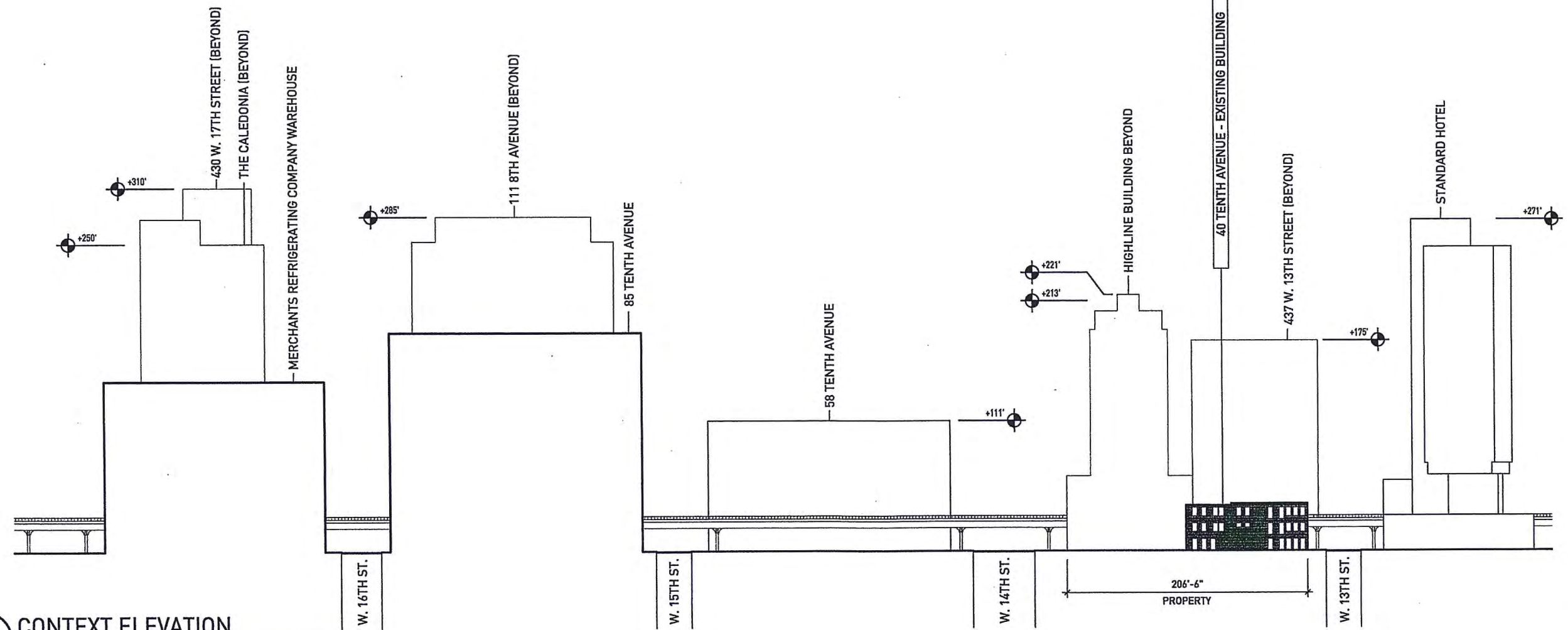
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Project No.:	1009
Drawn:	WE Date: 02.22.2011
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Sheet Title:	Scale: varies <b>CONTEXT ELEVATION LOOKING EAST</b>
Drawing Number:	<b>E204</b>



**2 KEY PLAN**  
SCALE: 1" = 250'-0"



**1 CONTEXT ELEVATION**  
SCALE: 1" = 100'-0"



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*J. Gang*  
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# 40 TENTH AVE.

NEW YORK, NEW YORK 10014

## AS-OF-RIGHT DEVELOPMENT - 5.0 F.A.R.

DECEMBER 16, 2011

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### DRAWING INDEX: GENERAL

G000 TITLE SHEET-DRAWING INDEX  
G001 SURVEY

### ARCHITECTURAL

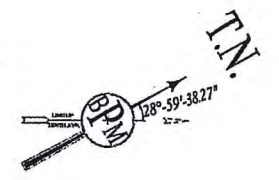
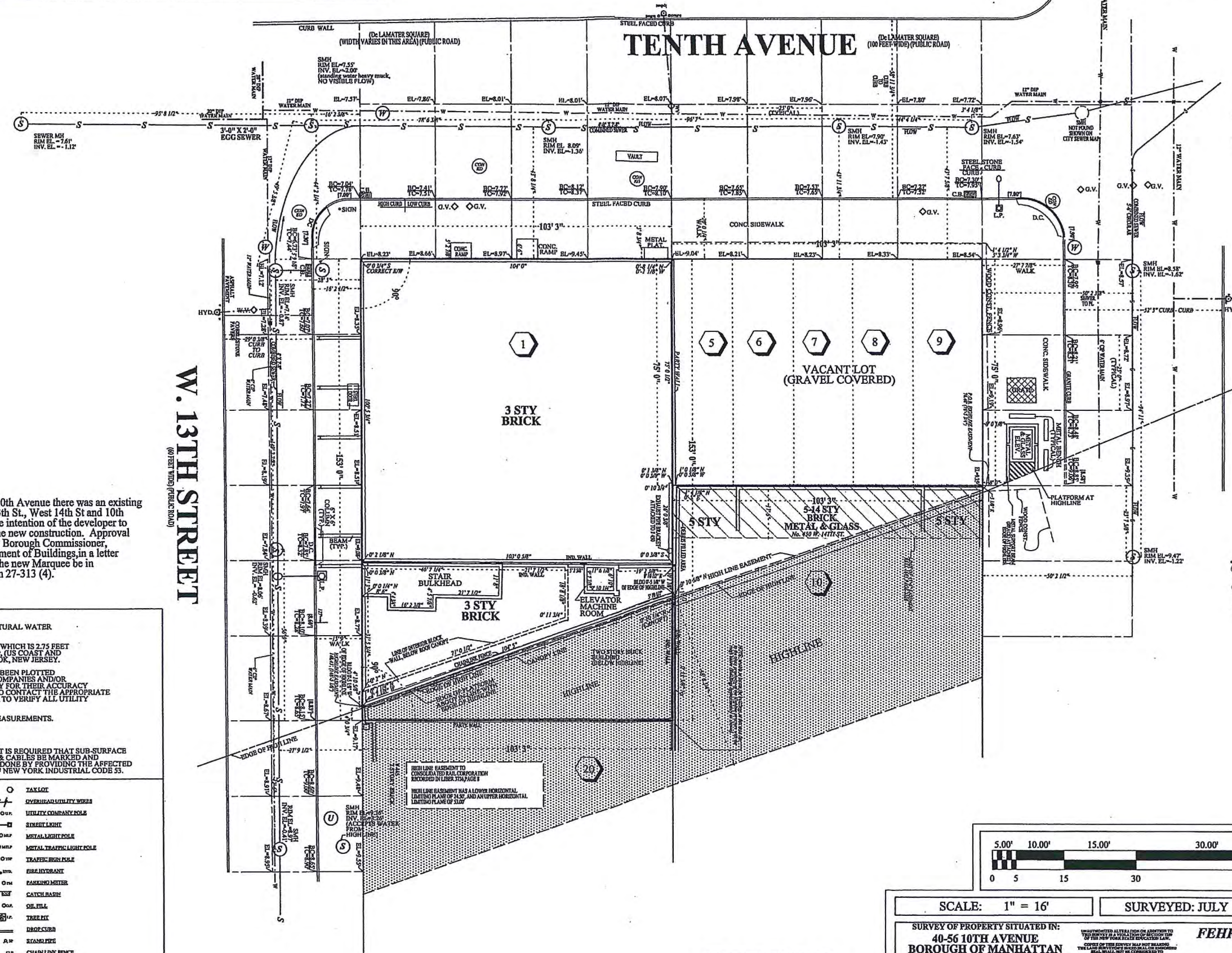
A000 ZONING, SITE PLAN  
FLOOR AREA TABLES  
CALCULATIONS  
SITE PLAN  
A010  
A100 CELLAR LEVEL PLAN  
A101 GROUND LEVEL PLAN  
A102 2ND LEVEL PLAN  
A103 TYPICAL 3RD-7TH LEVEL PLAN  
A108 8TH LEVEL PLAN  
A109 ROOF LEVEL PLAN  
A200 NORTH ELEVATION  
A201 SOUTH ELEVATION  
A202 EAST ELEVATION  
A203 WEST ELEVATION  
A204 CONTEXT ELEVATION  
LOOKING EAST  
A300 BUILDING SECTION N-S  
A301 BUILDING SECTION E-W



BLOCK: 646  
 LOTS: 1, 5-9  
 TOTAL LOT AREA:  
 SQ. FT.: 23,541.00  
 ACRES: 0.5404

# ARCHITECTURAL SURVEY

TITLE NO.



NOTE: Prior to the date of this survey of 40-56 10th Avenue there was an existing MARQUEE attached to the buildings on West 13th St., West 14th St and 10th Avenue which was temporarily removed. It is the intention of the developer to replace that Marquee with a new one as part of the new construction. Approval for the replacement of the Marquee was given by Borough Commissioner, Christopher M. Santulli, P.E. of the NYC Department of Buildings in a letter dated August 14, 2008, with the stipulation that the new Marquee be in compliance with the Administrative Code Section 27-313 (4).

NOTES:  
 THIS IS TO CERTIFY THAT THERE ARE NO STREAMS OR NATURAL WATER COURSES IN THE PROPERTY AS SHOWN ON THIS SURVEY.  
 ALL ELEVATIONS ARE IN MANHATTAN HIGHWAY DATUM, WHICH IS 2.75 FEET ABOVE THE NATIONAL GEODETIC SURVEY DATUM OF 1929, (US COAST AND GEODETIC SURVEY DATUM) MEAN SEA LEVEL, SANDY HOOK, NEW JERSEY.  
 ALL UNDERGROUND UTILITIES INDICATED HEREON HAVE BEEN PLOTTED FROM MAPS AS PROVIDED BY THE RESPECTIVE UTILITY COMPANIES AND/OR GOVERNMENTAL AGENCIES. WE BEAR NO RESPONSIBILITY FOR THEIR ACCURACY OR COMPLETENESS. IT IS THE OWNERS RESPONSIBILITY TO CONTACT THE APPROPRIATE UTILITY COMPANY PRIOR TO ANY EXCAVATION IN ORDER TO VERIFY ALL UTILITY LOCATIONS.  
 ALL MANHOLE COVERS PLOTTED FROM ACTUAL FIELD MEASUREMENTS.  
 INVERT ELEVATIONS FIELD VERIFIED.  
 CAUTION:  
 BEFORE DOING ANY DIGGING OR DRILLING ON THIS SITE IT IS REQUIRED THAT SUB-SURFACE SERVICE, INCLUDING THE UNDERGROUND MAINS, DUCTS & CABLES BE MARKED AND IDENTIFIED BY THE UTILITY INVOLVED. THIS SHOULD BE DONE BY PROVIDING THE AFFECTED UTILITY WITH THE NOTICE REFERRED TO IN THE STATE OF NEW YORK INDUSTRIAL CODE 53.

LEGEND	
	CURBED MANHOLE COVER
	ELECTRIC MANHOLE COVER
	UNDERGROUND ELECTRIC DUCTS
	DEPARTMENT OF WATER SUPPLY MANHOLE COVERS
	WATER MAIN
	SEWER MANHOLE COVER
	SANITARY SEWER
	STEAM MAIN
	DEPARTMENT OF WATER SUPPLY WATER GATS
	WATER VALVE
	GAS MAIN
	GAS CO MANHOLES
	GAS VALVE
	CLEAN OUT MANHOLE COVERS
	TELEPHONE MANHOLE COVERS
	TELEPHONE LINES
	OVERHEAD UTILITY WIRES
	UTILITY COMPANY POLE
	STREET LIGHT
	METAL LIGHT POLE
	METAL TRAFFIC LIGHT POLE
	TRAFFIC SIGN POLE
	FIRE HYDRANT
	PARKING METER
	CATCH BASIN
	OIL FILL
	TREE PIT
	DROP CURB
	SIGN POLE
	CHAIN LINK FENCE
	WROUGHT IRON FENCE
	WOOD STUCKADE FENCE
	POST AND RAIL FENCE



SCALE: 1" = 16'  
 SURVEYED: JULY 10, 2010

SURVEY OF PROPERTY SITUATED IN:  
 40-56 10TH AVENUE  
 BOROUGH OF MANHATTAN  
 COUNTY OF NEW YORK  
 CITY OF NEW YORK  
 STATE OF NEW YORK

FEHRINGER SURVEYING, P.C.  
 ROBERT FEHRINGER  
 LICENSED LAND SURVEYOR  
 2200 JACKSON AVENUE  
 SEAFORD, N.Y. 11783  
 (516) 763 - 5515 FAX NO. (516) 763 - 5525

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Project No: 1009  
Drawn: WE Date: 02.22.2011

Checked: MS

Scale: varies

**ZONING SITE PLAN FLOOR AREA TABLES**

Drawing Number: **A000**

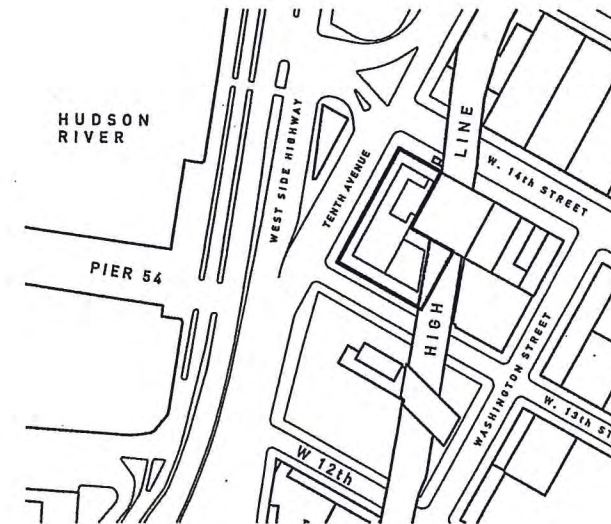
**ZONING ANALYSIS**

<b>SITE ADDRESS:</b> 40 Tenth Avenue New York, NY 10014	
<b>APPLICABLE SECTION</b>	
MAP 8b.	ZONING DISTRICT: M1-5
ZR 42-00	GENERAL PROVISIONS USES PERMITTED: 4-14, 16, 17 USES PROPOSED: 6
ZR 43-10	FLOOR AREA REGULATIONS
ZR 43-12	MAXIMUM PERMITTED F.A.R. = 5.0 LOT AREA: 23,541 SF PERMITTED ZONING AREA: 23,541x5 = 117,705 SF PROPOSED F.A.R. = 5.0 PROPOSED ZONING AREA = 117,705 SF
ZR 43-20	YARD REGULATIONS
ZR 43-25	MINIMUM REQUIRED SIDE YARDS: NONE REQUIRED
ZR 43-26	MINIMUM REQUIRED REAR YARDS: 20'-0" EXCEPT AT CORNER OR THROUGH LOTS
ZR 43-261	BEYOND 100' OF A STREET LINE: SEE SITE PLAN REAR YARDS PROVIDED: 20'-0" X 78'-0"
ZR 43-40	HEIGHT AND SETBACK REGULATIONS
ZR 43-43	<b>INITIAL SETBACK DISTANCE</b>  ALLOWED: 20'-0" on narrow street 15'-0" on wide street  PROVIDED: 20'-0" on narrow street 15'-0" on wide street  <b>MAXIMUM HEIGHT OF FRONT WALL</b>  ALLOWED: 85'-0" or 6 stories PROVIDED: 45'-0" (2 stories)  <b>SKY EXPOSURE PLANE</b>  ALLOWED: 2.7 vertical to 1 horizontal on narrow street 5.6 vertical to 1 horizontal on wide street  PROVIDED: 2.7 vertical to 1 horizontal on narrow street 5.6 vertical to 1 horizontal on wide street
ZR 44-50	GENERAL PURPOSES
ZR 44-52	REQUIRED ACCESSORY OFF-STREET LOADING BERTHS  FIRST 100,000 SF = NONE REQUIRED NEXT 200,000 SF = 1 REQUIRED EACH ADDITIONAL 300,000 SF = 1 REQUIRED  REQUIRED = 1 BERTH PROVIDED = 2 BERTHS
ZR 44-581	SIZE OF REQUIRED LOADING BERTH OFFICE USE = L 33ft x W 12ft x H 14ft
ZR 44-582	LOCATION OF ACCESS TO THE STREET ENTRANCE OR EXITS = Not less than 50 ft from intersection of any two streets

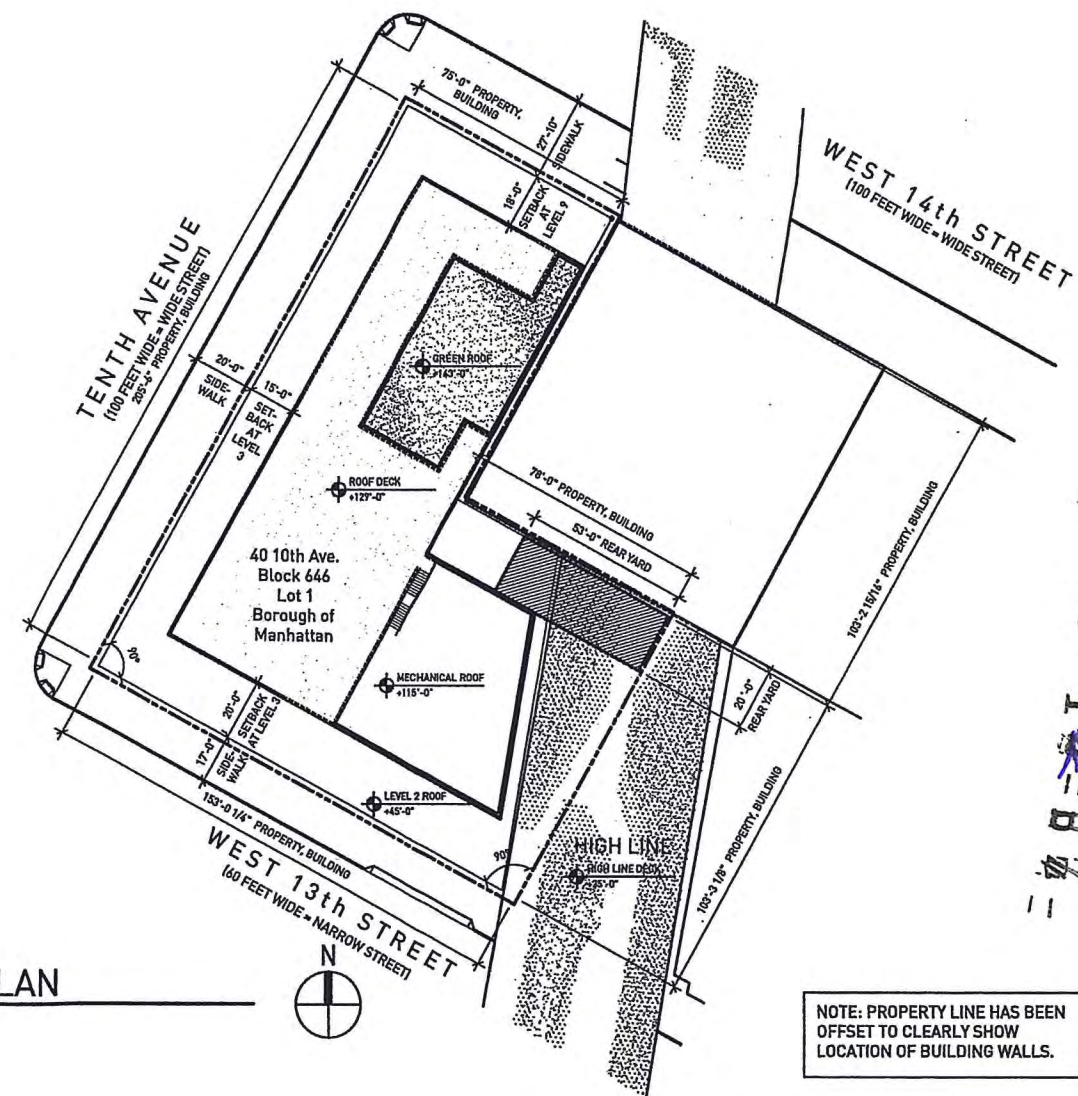
**FLOOR AREA SCHEDULE**

FLOOR	USE	NON-ZONING F.A. (SF)	ZONING F.A. (SF)
CELLAR	MECH/RETAIL	20,650	0
FIRST	RETAIL/COMM./LOADING	2,069	21,473
SECOND	COMM./RETAIL	364	19,632
THIRD	OFFICE	364	12,950
FOURTH	OFFICE	364	12,950
FIFTH	OFFICE	364	12,950
SIXTH	OFFICE	364	12,950
SEVENTH	OFFICE	364	12,950
EIGHTH	OFFICE/MECH.	3,565	9,750
NINTH	STOARGE/ROOF DECK	364	2,100
<b>TOTAL</b>	<b>ALL USES</b>		<b>117,705</b>
	<b>PROPOSED ZONING AREA</b>		<b>117,705</b>
	<b>MAX. ALLOWABLE ZONING AREA</b>		<b>117,705</b>

NOTE: CELLAR AREA DOES NOT COUNT AS PART OF OVERALL ZONING FLOOR AREA



**2 LOT PLAN**  
SCALE: 1" = 300'-0"



**1 ZONING SITE PLAN**  
SCALE: 1" = 60'-0"

NOTE: PROPERTY LINE HAS BEEN OFFSET TO CLEARLY SHOW LOCATION OF BUILDING WALLS.

299-13-B7



**40 TENTH AVENUE**  
NEW YORK, NY 10014

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*J. Gang*  
**DEC 16 2011**

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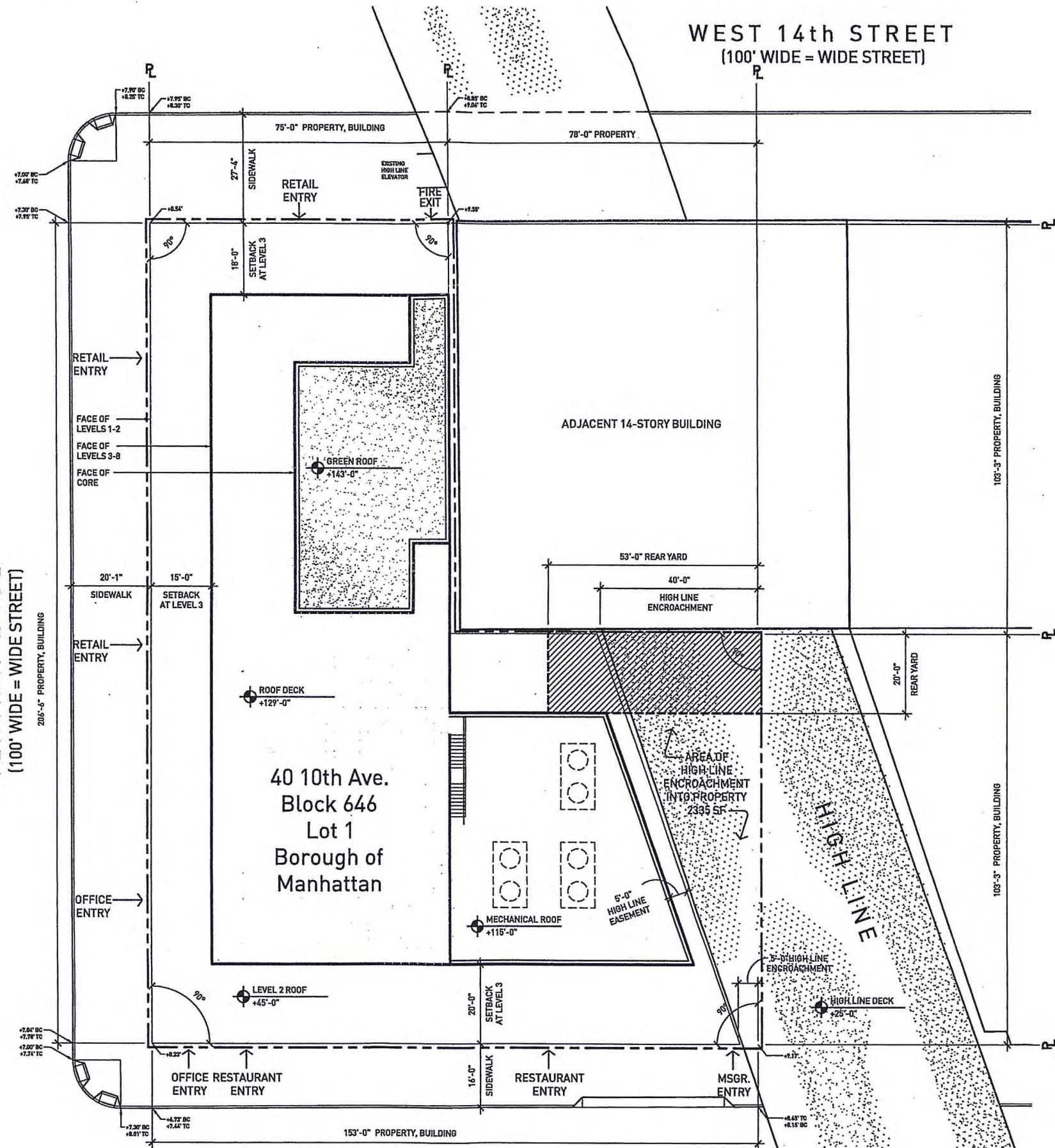
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**1 SITE PLAN**  
SCALE: 1" = 30'-0"



**WEST 13th STREET**  
(60' WIDE = NARROW STREET)

Project No.: 1009  
Drawn: WE Date: 02.22.2011  
Checked: MS  
Sheet Title: SITE PLAN Scale: 1" = 30'-0"  
Drawing Number: **A010**



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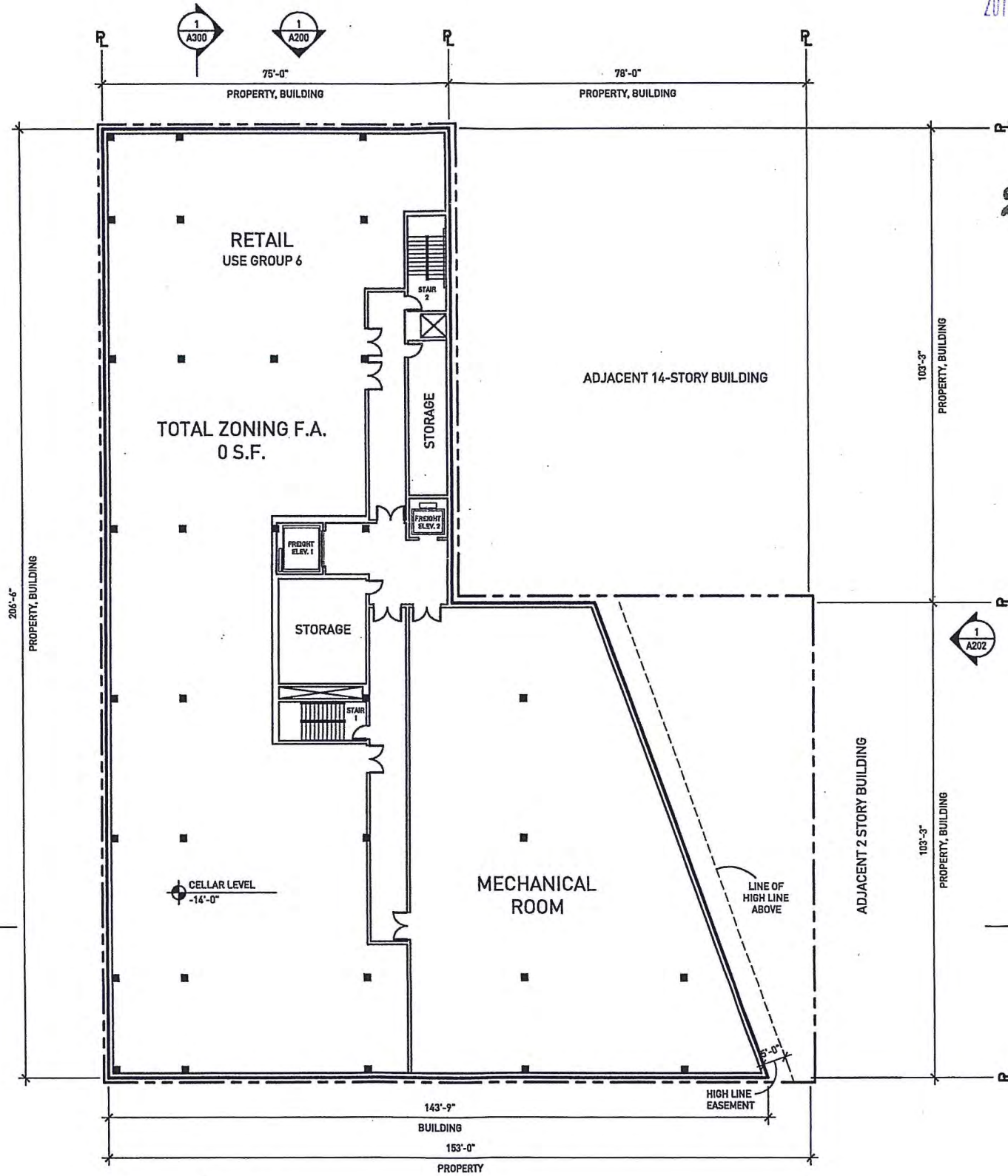
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Project No: 1009  
Drawn: WE Date: 02.22.2011

Checked: MS  
Sheet Title: Scale: 1" = 30'-0"

CELLAR LEVEL PLAN

Drawing Number: A100



NOTE: PROPERTY LINE HAS BEEN OFFSET TO CLEARLY SHOW LOCATION OF BUILDING WALLS.

NOTE: ALL PARTITIONS AND EXITS SHALL BE AS APPROVED BY DEPARTMENT OF BUILDINGS.

1 CELLAR LEVEL PLAN  
SCALE: 1" = 30'-0"





WEST 14th STREET  
(100' WIDE = WIDE STREET)

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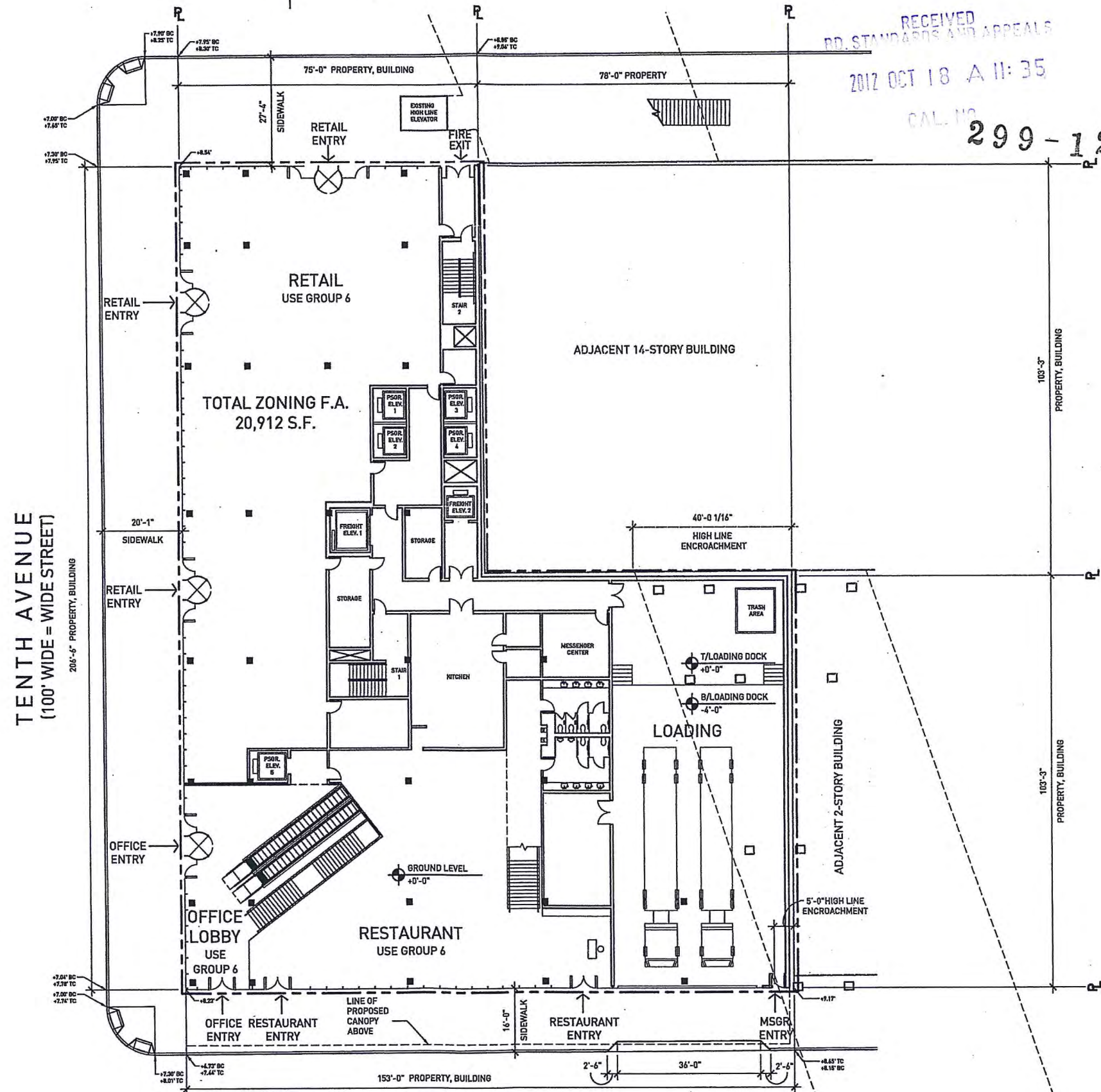
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Project No: 1009  
Date: 02.22.2011

Drawn: WE  
Checked: MS  
Scale: 1" = 30'-0"

Sheet Title: **GROUND LEVEL PLAN**

Drawing Number: **A101**



NOTE: PROPERTY LINE HAS BEEN OFFSET TO CLEARLY SHOW LOCATION OF BUILDING WALLS.

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**1 GROUND LEVEL PLAN**  
SCALE: 1" = 30'-0"

WEST 13th STREET  
(60' WIDE = NARROW STREET)



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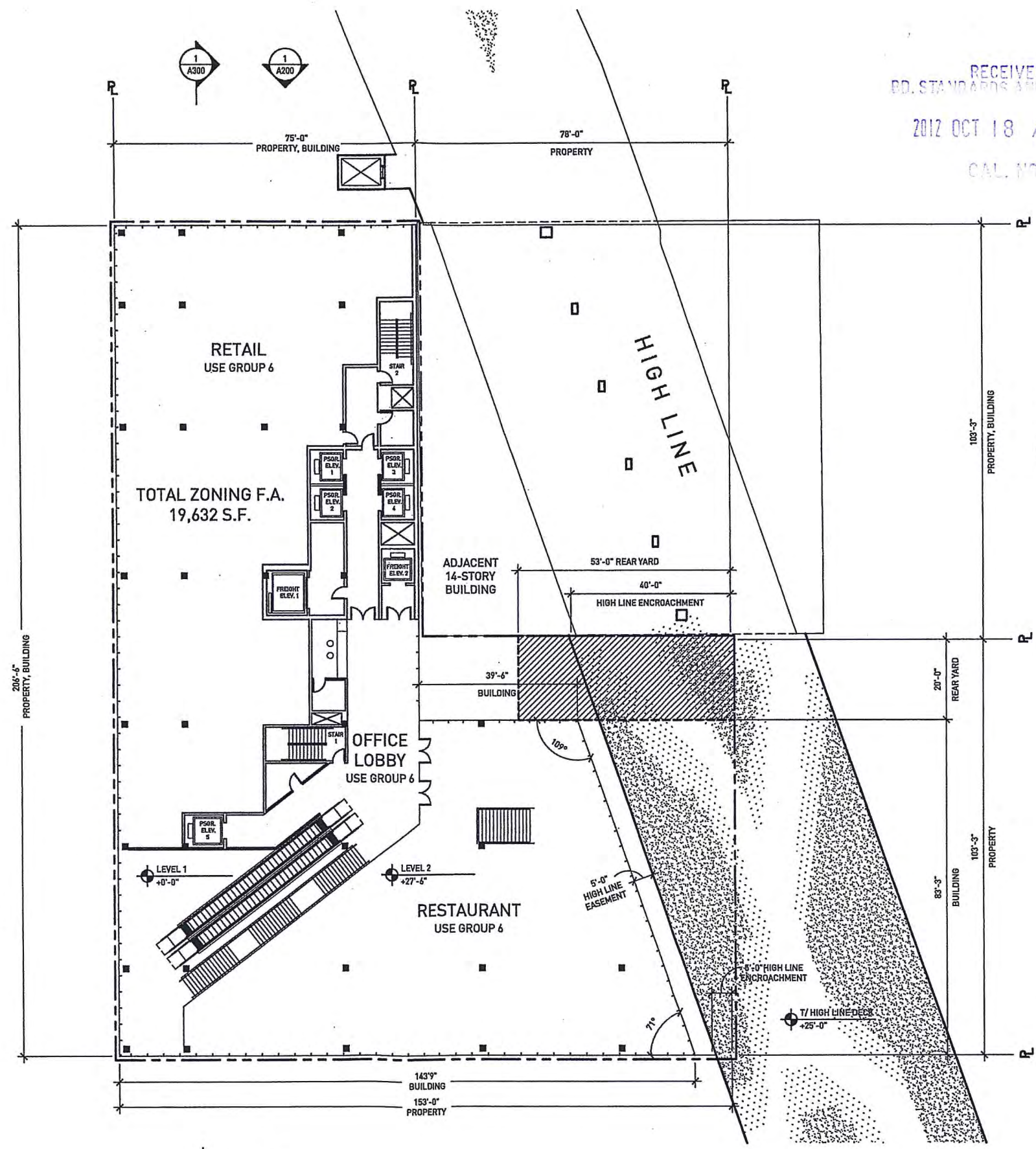
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Project No :	1009
Drawn :	WE
Date :	02.22.2011
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Scale :	1" = 30'-0"

Sheet Title:  
**2ND LEVEL PLAN**

Drawing Number:  
**A102**



NOTE: PROPERTY LINE HAS BEEN OFFSET TO CLEARLY SHOW LOCATION OF BUILDING WALLS.

NOTE: ALL PARTITIONS AND EXITS SHALL BE AS APPROVED BY DEPARTMENT OF BUILDINGS.

**1** 2ND LEVEL PLAN  
SCALE: 1" = 30'-0"





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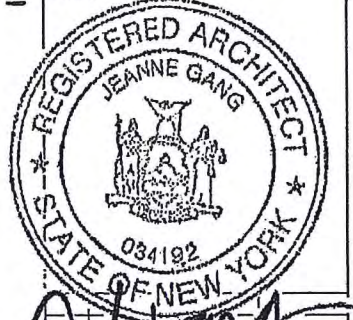
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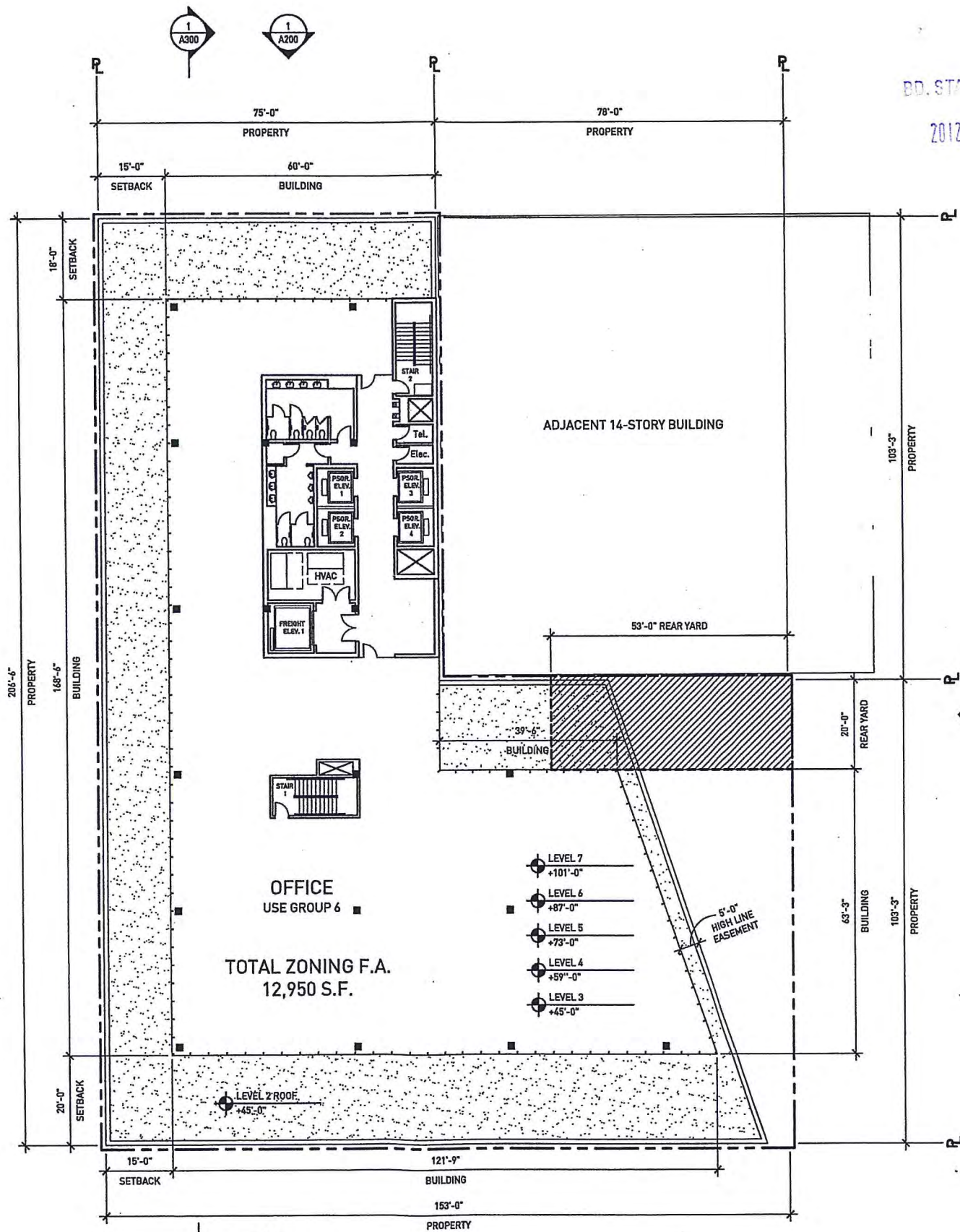
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Project No: 1009  
Drawn: WE Date: 02.22.2011  
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Scale: varies  
**TYPICAL 3RD - 7TH LEVEL PLAN**  
Drawing Number: **A103**



NOTE: PROPERTY LINE HAS BEEN OFFSET TO CLEARLY SHOW LOCATION OF BUILDING WALLS.

NOTE: ALL PARTITIONS AND EXITS SHALL BE AS APPROVED BY DEPARTMENT OF BUILDINGS.

**1** TYPICAL 3RD - 7TH LEVEL PLAN  
SCALE: 1" = 30'-0"





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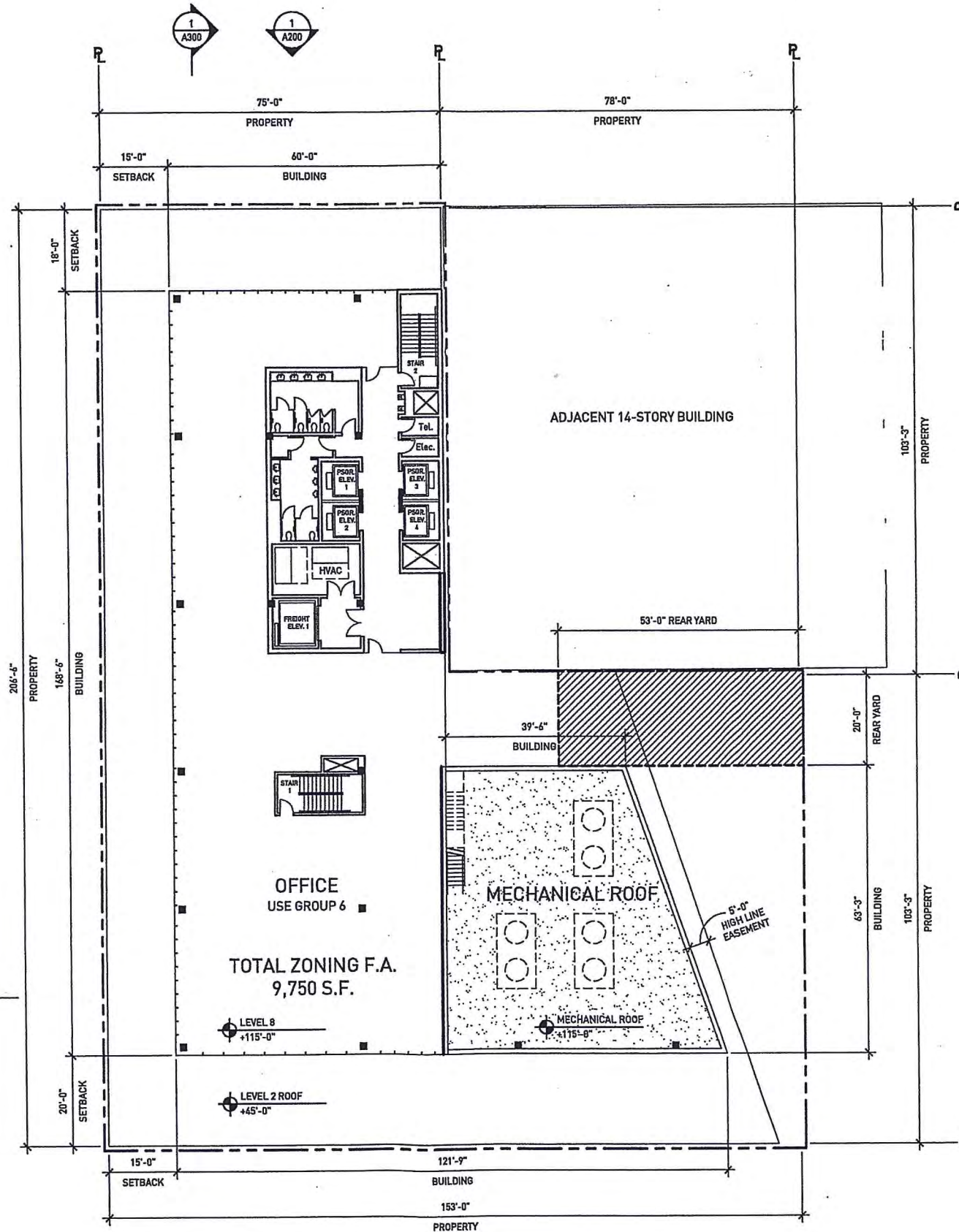
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Project No : 1009  
Drawn : WE Date : 02.22.2011  
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Sheet Title: 8TH LEVEL PLAN  
Scale: 1" = 30'-0"

Drawing Number: A108



NOTE: PROPERTY LINE HAS BEEN OFFSET TO CLEARLY SHOW LOCATION OF BUILDING WALLS.

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1 8TH LEVEL PLAN  
SCALE: 1" = 30'-0"



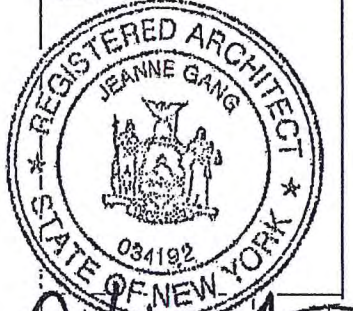


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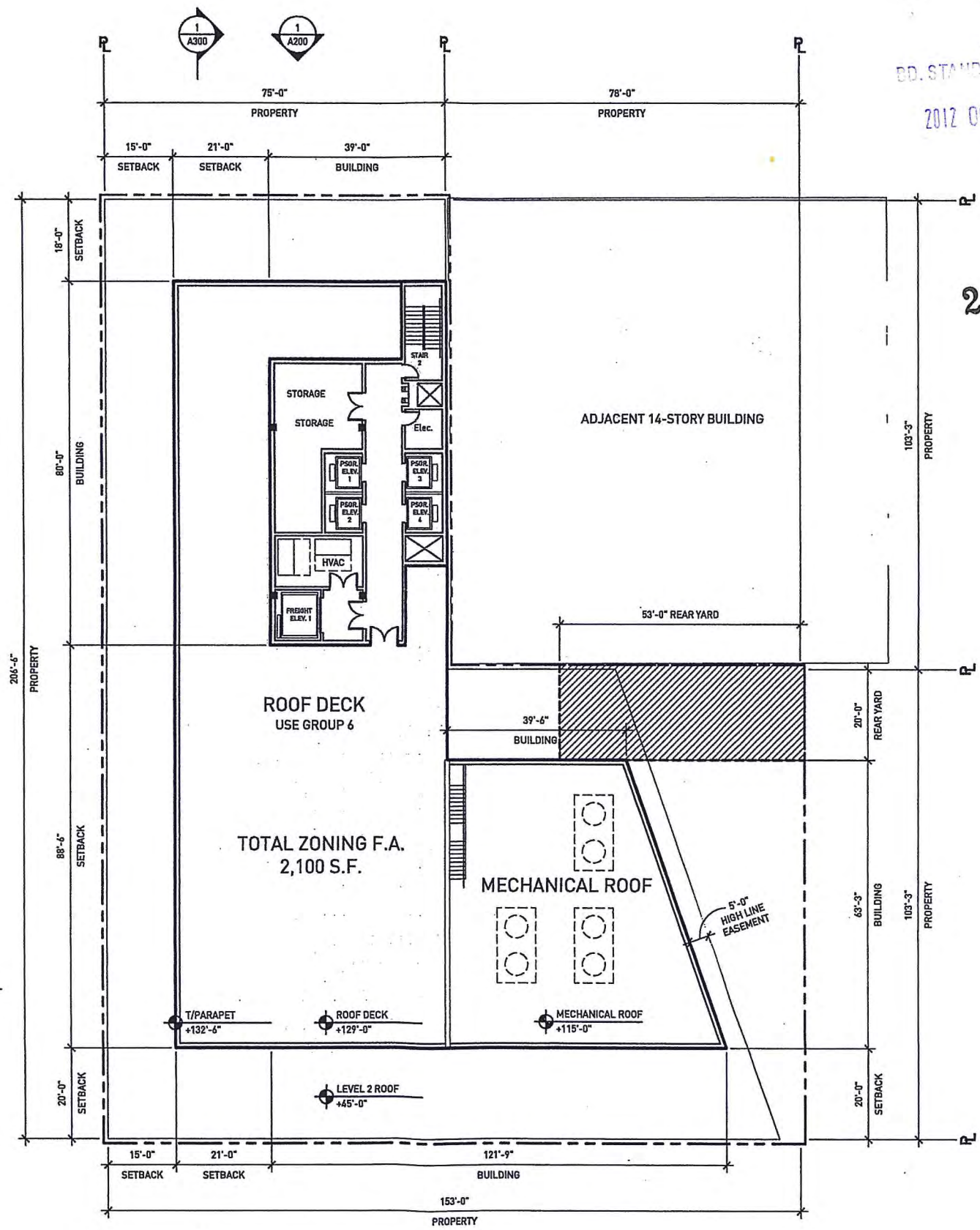
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Project No.: 1009  
Drawn: WE Date: 02.22.2011  
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Sheet Title: ROOF LEVEL PLAN  
Scale: 1" = 30'-0"

Drawing Number: A109



NOTE: PROPERTY LINE HAS BEEN OFFSET TO CLEARLY SHOW LOCATION OF BUILDING WALLS.

**1 ROOF LEVEL PLAN**  
SCALE: 1" = 30'-0"

NOTE: ALL PARTITIONS AND EXITS SHALL BE AS APPROVED BY DEPARTMENT OF BUILDINGS.



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NOTE:  
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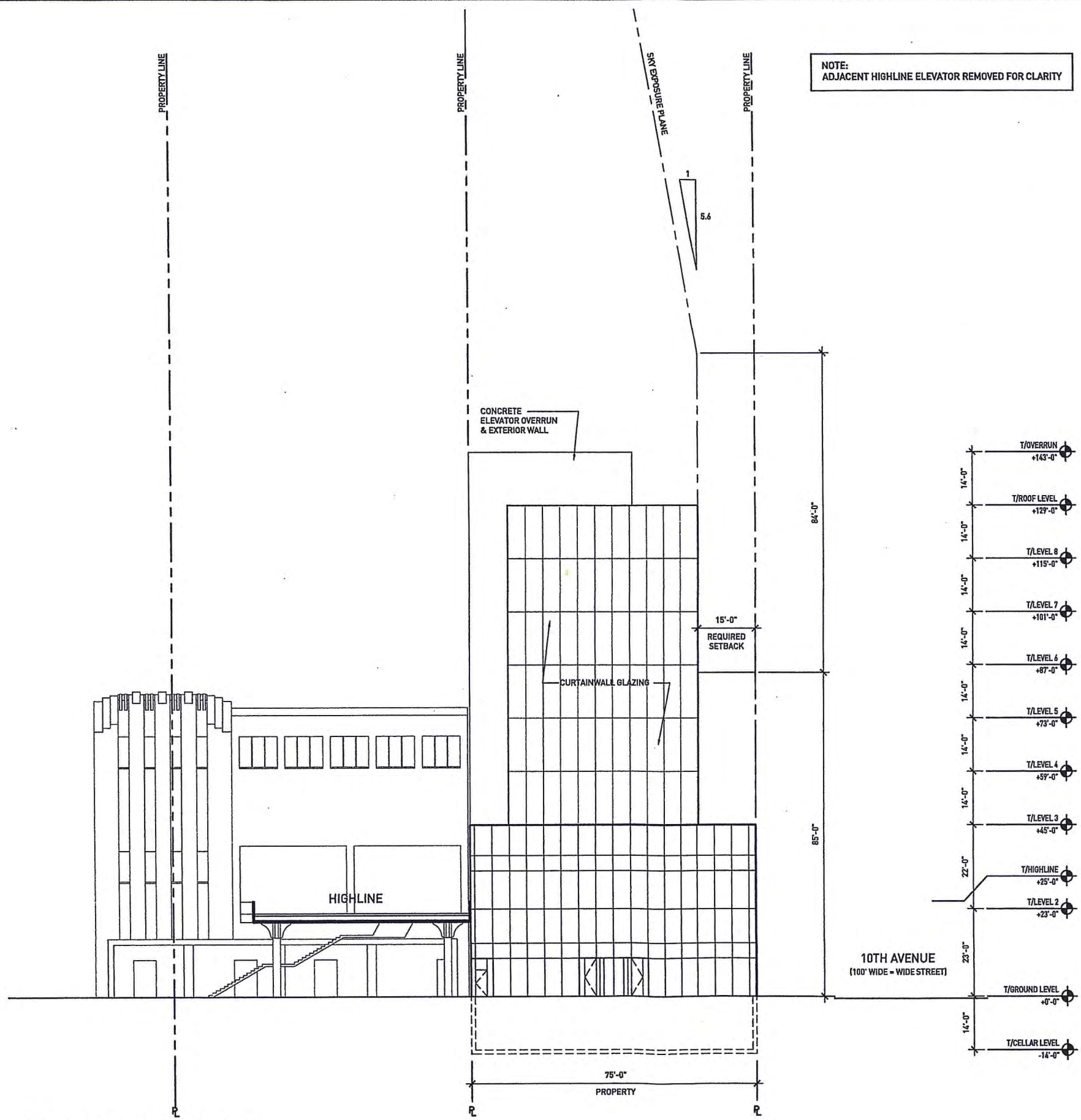
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Project No: 1009  
Drawn: WE Date: 02.22.2011

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Sheet Title: Scale: 1" = 30'-0"

NORTH ELEVATION  
Drawing Number: A200



**1 NORTH ELEVATION**  
SCALE: 1" = 30'-0"



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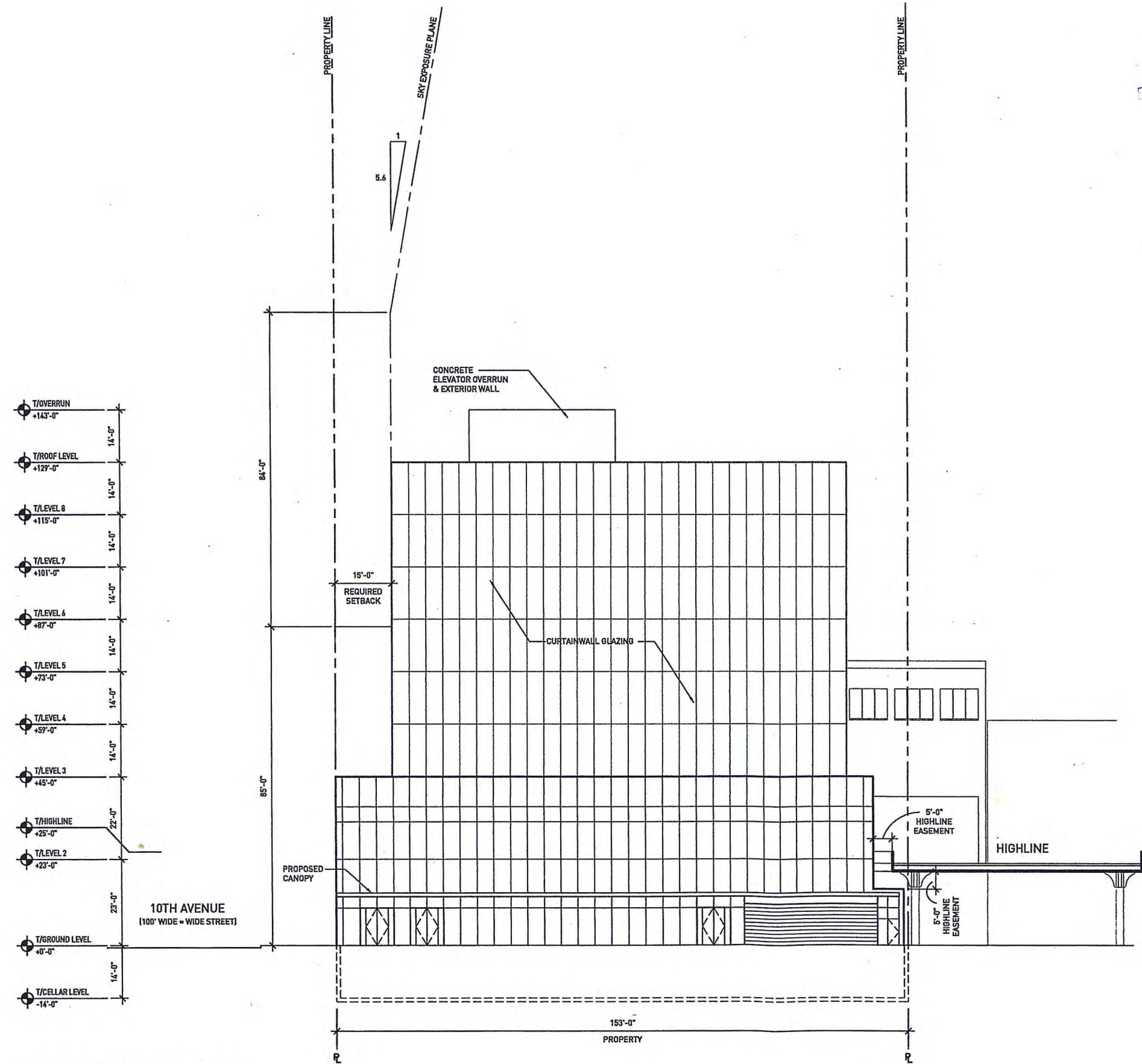
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Project No: 1009  
Drawn: WE Date: 02.22.2011  
Checked: MS

Sheet Title: SOUTH ELEVATION  
Drawing Number: A201  
Scale: 1" = 30'-0"



T/OVERRUN	+143'-0"	14'-0"
T/ROOF LEVEL	+129'-0"	14'-0"
T/LEVEL 8	+115'-0"	14'-0"
T/LEVEL 7	+101'-0"	14'-0"
T/LEVEL 6	+87'-0"	14'-0"
T/LEVEL 5	+73'-0"	14'-0"
T/LEVEL 4	+59'-0"	14'-0"
T/LEVEL 3	+45'-0"	22'-0"
T/HIGHLINE	+25'-0"	23'-0"
T/LEVEL 2	+23'-0"	14'-0"
T/GROUND LEVEL	+0'-0"	
T/CELLAR LEVEL	-14'-0"	

**1 SOUTH ELEVATION**  
SCALE: 1" = 30'-0"



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*Jeane Gang*  
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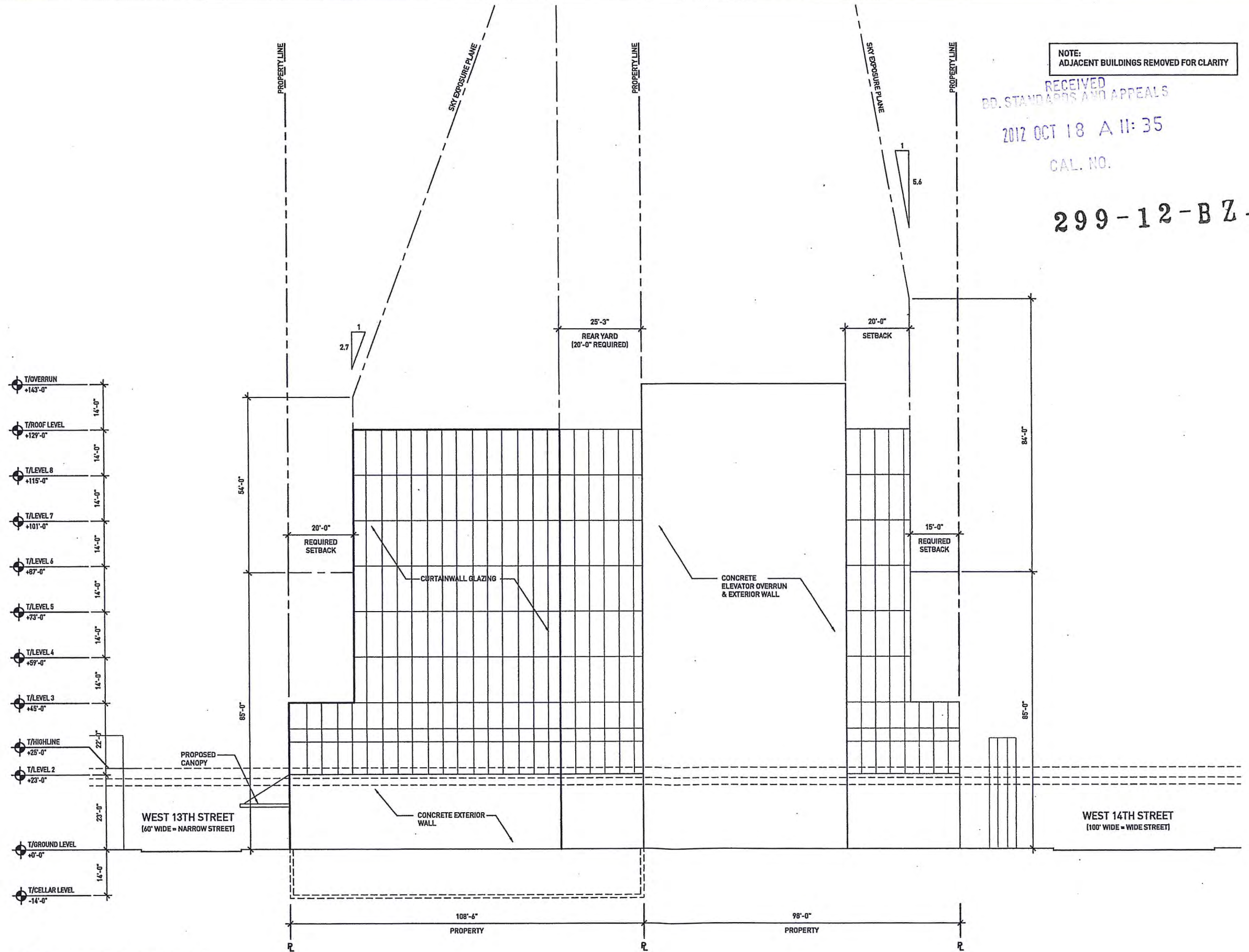
Project No: 1009  
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Sheet Title: EAST ELEVATION  
Drawing Number: A202  
Scale: 1" = 30'-0"

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1 EAST ELEVATION  
SCALE: 1" = 30'-0"



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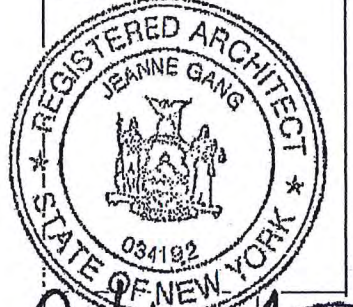
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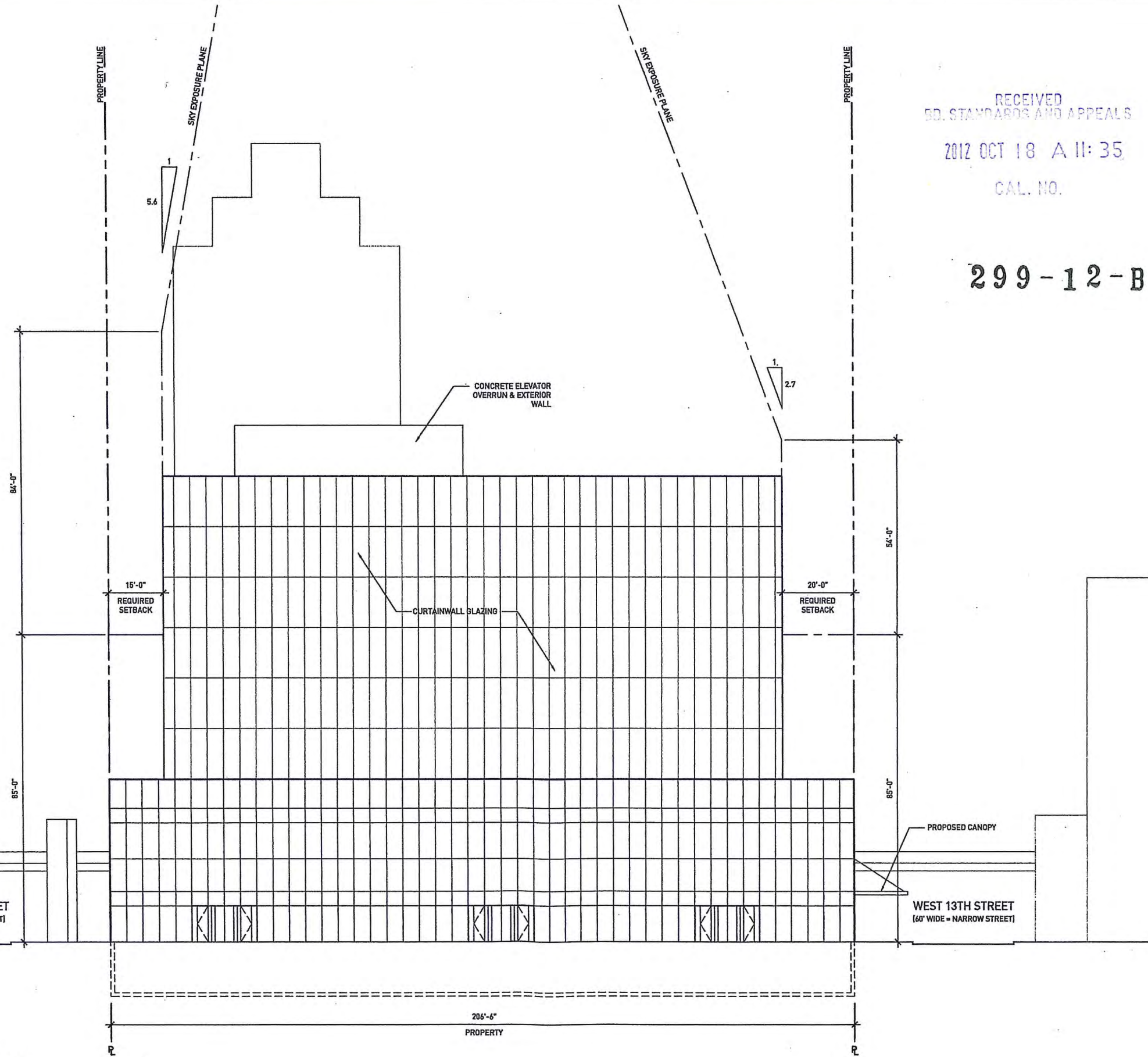
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Project No:	1009
Drawn:	WE Date: 02.22.2011
Checked:	MS
Sheet Title:	Scale: 1" = 30'-0"

WEST ELEVATION  
Drawing Number: **A203**

7/OVERRUN	+143'-0"	14'-0"
7/ROOF LEVEL	+129'-0"	14'-0"
7/LEVEL 8	+115'-0"	14'-0"
7/LEVEL 7	+101'-0"	14'-0"
7/LEVEL 6	+87'-0"	14'-0"
7/LEVEL 5	+73'-0"	14'-0"
7/LEVEL 4	+59'-0"	14'-0"
7/LEVEL 3	+45'-0"	14'-0"
7/HIGHLINE	+25'-0"	22'-0"
7/LEVEL 2	+23'-0"	
7/GROUND LEVEL	+0'-0"	
7/CELLAR LEVEL	-14'-0"	

**1 WEST ELEVATION**  
SCALE: 1" = 30'-0"

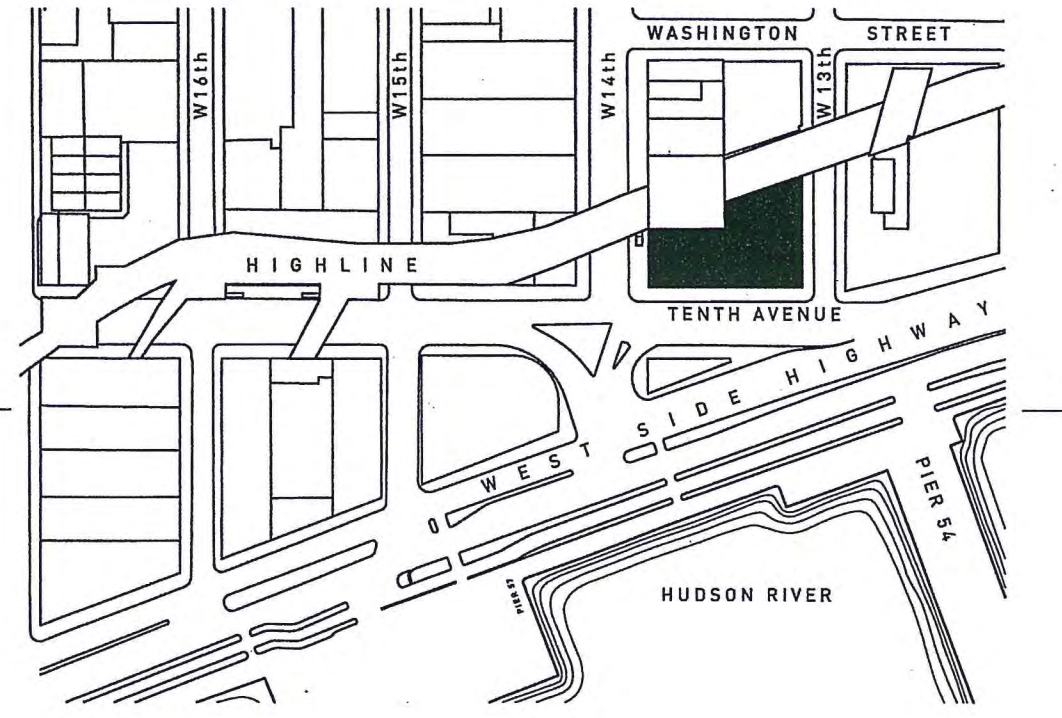




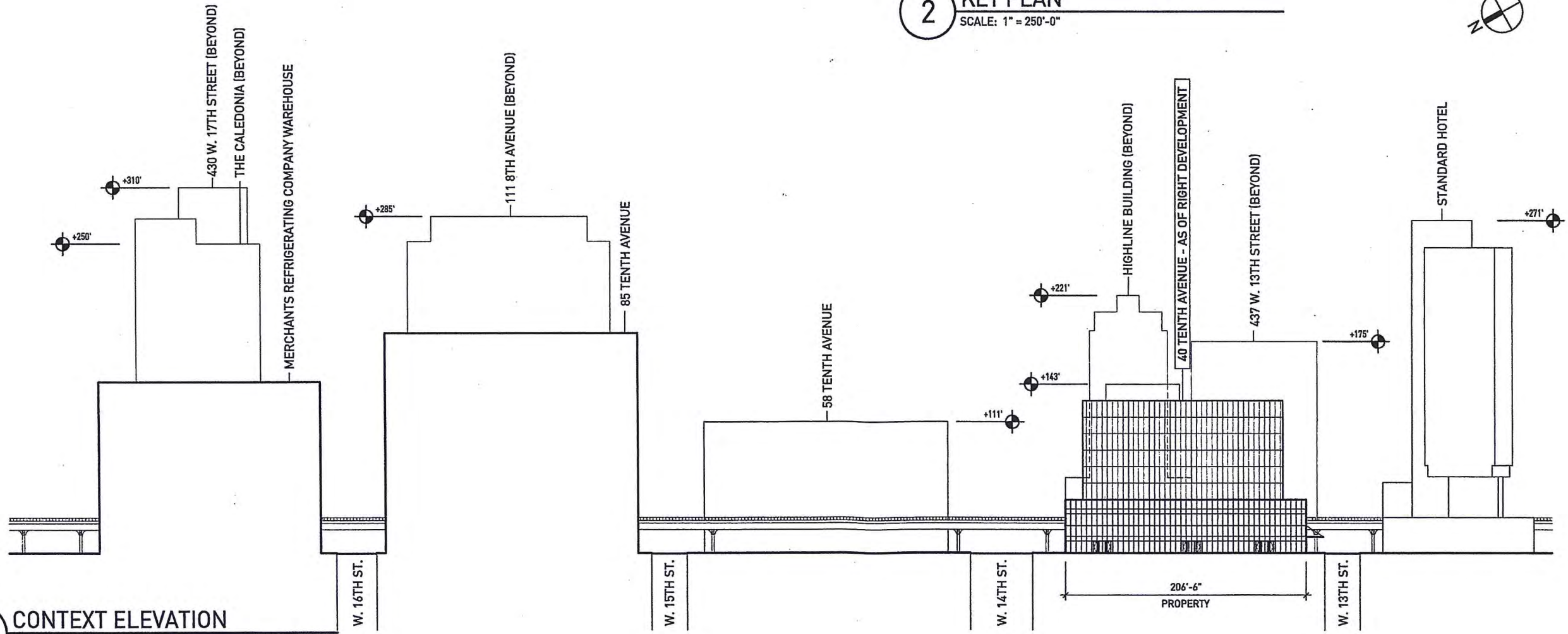
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1  
 A204



2 KEY PLAN  
 SCALE: 1" = 250'-0"



1 CONTEXT ELEVATION  
 SCALE: 1" = 100'-0"

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Project No: 1009  
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**CONTEXT ELEVATION LOOKING EAST**  
 Drawing Number: **A204**



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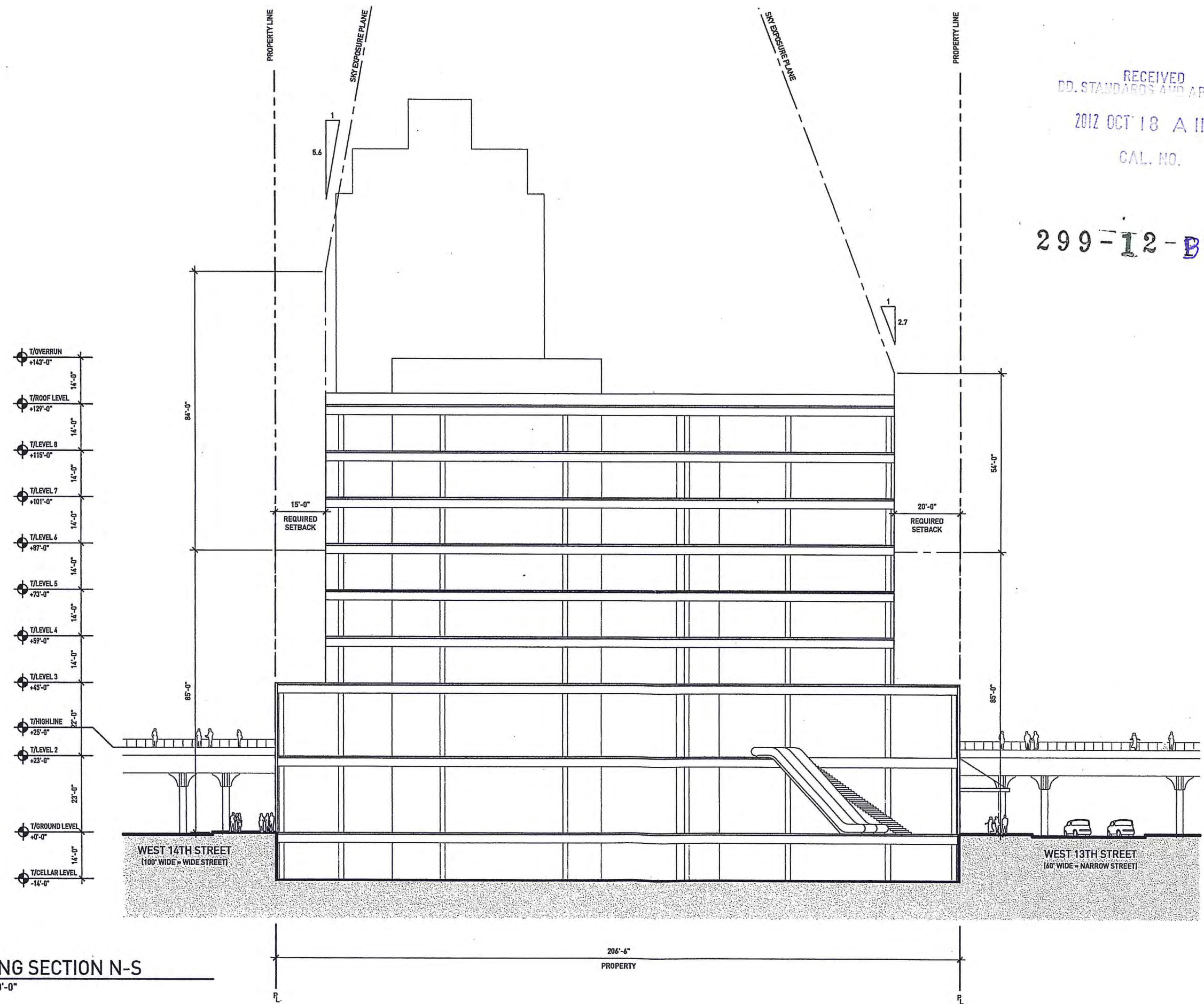
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Sheet Title: Scale: 1" = 30'-0"  
**BUILDING SECTION N-S**

Drawing Number: **A300**



- T/OVERRUN +143'-0"
- T/ROOF LEVEL +129'-0"
- T/LEVEL 8 +115'-0"
- T/LEVEL 7 +101'-0"
- T/LEVEL 6 +87'-0"
- T/LEVEL 5 +73'-0"
- T/LEVEL 4 +59'-0"
- T/LEVEL 3 +45'-0"
- T/HIGHLINE +25'-0"
- T/LEVEL 2 +23'-0"
- T/GROUND LEVEL +0'-0"
- T/CELLAR LEVEL -14'-0"

**1 BUILDING SECTION N-S**  
SCALE: 1" = 30'-0"



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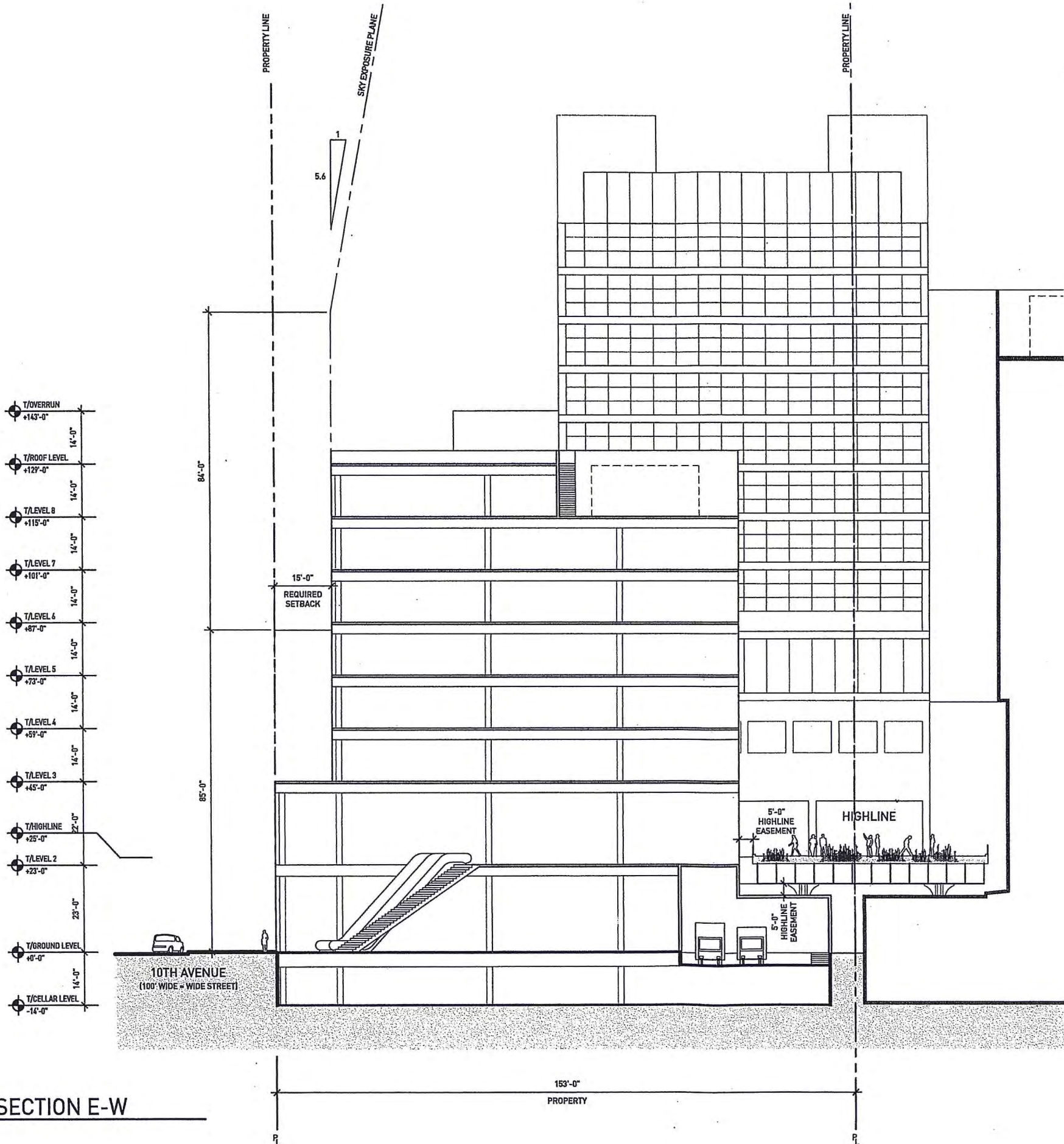
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Project No.:	1009
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Sheet Title: BUILDING SECTION E-W  
Scale: 1" = 30'-0"

Drawing Number: A301



T/OVERRUN	+143'-0"	14'-0"
T/ROOF LEVEL	+129'-0"	14'-0"
T/LEVEL 8	+115'-0"	14'-0"
T/LEVEL 7	+101'-0"	14'-0"
T/LEVEL 6	+87'-0"	14'-0"
T/LEVEL 5	+73'-0"	14'-0"
T/LEVEL 4	+59'-0"	14'-0"
T/LEVEL 3	+45'-0"	14'-0"
T/HIGHLINE	+25'-0"	23'-0"
T/LEVEL 2	+23'-0"	14'-0"
T/GROUND LEVEL	+0'-0"	
T/CELLAR LEVEL	-14'-0"	

**1 BUILDING SECTION E-W**  
SCALE: 1" = 30'-0"



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# 40 TENTH AVE.

NEW YORK, NEW YORK 10014

## PROPOSED DEVELOPMENT - 6.68 F.A.R.

DECEMBER 16, 2011

### 40-56 TENTH AVE., LLC

CLIENT  
24 Union Square East Fifth Floor T 212.353.8700  
New York, New York 10003 F 212.353.1708

### STUDIO/ GANG

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ARCHITECT  
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### DRAWING INDEX:

#### GENERAL

G000 TITLE SHEET-DRAWING INDEX  
G001 SURVEY

#### ARCHITECTURAL

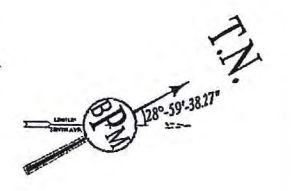
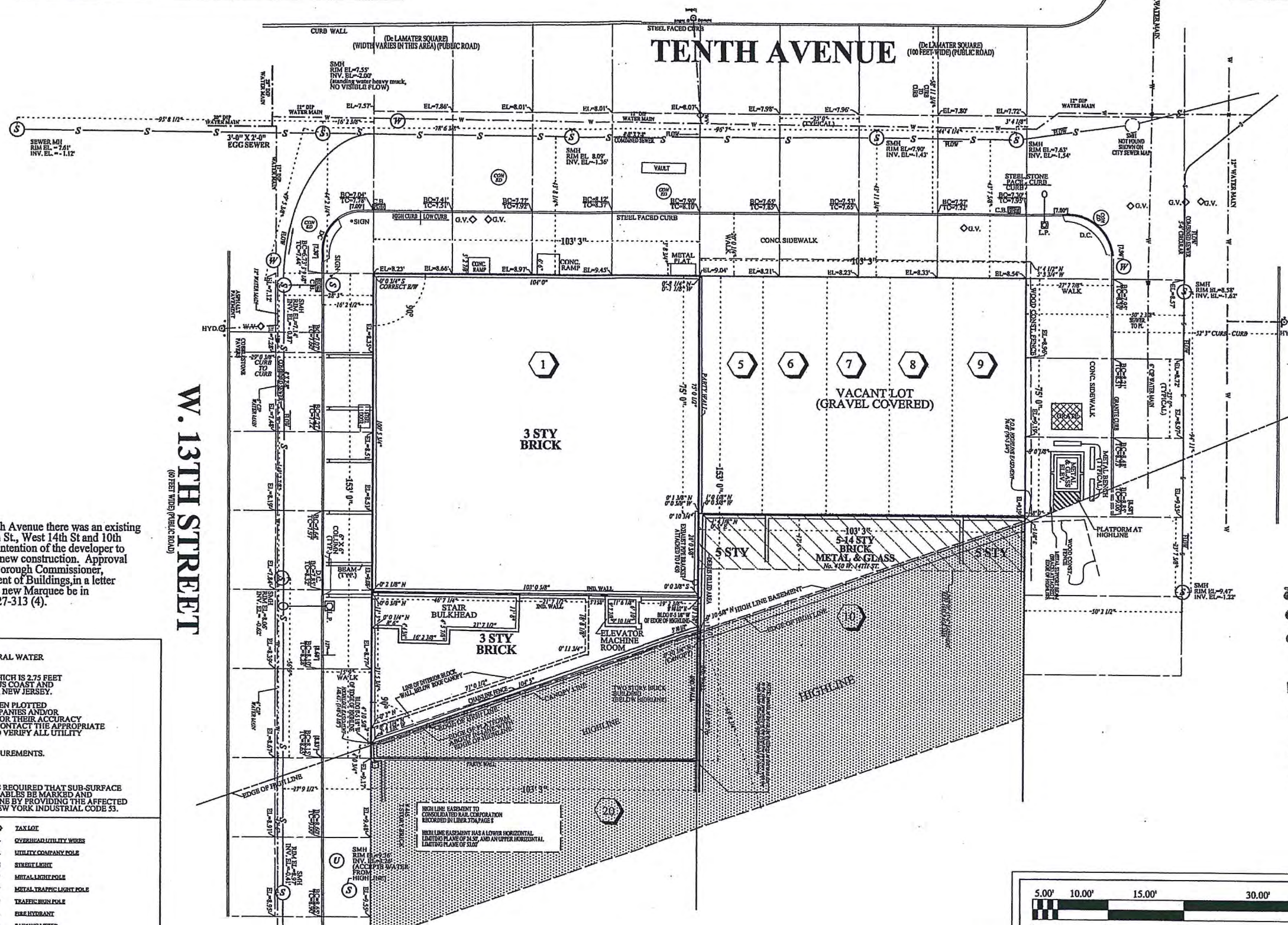
C000 ZONING, SITE PLAN,  
FLOOR AREA TABLES,  
CALCULATIONS  
C010 SITE PLAN  
C100 CELLAR LEVEL PLAN  
C101 GROUND LEVEL PLAN  
C102 2ND LEVEL PLAN  
C103 TYPICAL LEVEL PLAN  
C112 12TH LEVEL PLAN  
C113 ROOF LEVEL PLAN  
C200 NORTH ELEVATION  
C201 SOUTH ELEVATION  
C202 EAST ELEVATION  
C203 WEST ELEVATION  
C204 CONTEXT ELEVATION  
LOOKING EAST  
C300 BUILDING SECTION N-S  
C301 BUILDING SECTION E-W



BLOCK: 646  
 LOTS: 1, 5-9  
 TOTAL LOT AREA:  
 SQ. FT.: 23,541.00  
 ACRES: 0.5404

# ARCHITECTURAL SURVEY

TITLE NO.



W. 14TH STREET  
 (100 FEET WIDE) (PUBLIC ROAD)

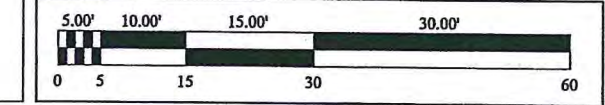
W. 13TH STREET  
 (100 FEET WIDE) (PUBLIC ROAD)

TENTH AVENUE  
 (100 FEET WIDE) (PUBLIC ROAD)

NOTE: Prior to the date of this survey of 40-56 10th Avenue there was an existing MARQUEE attached to the buildings on West 13th St, West 14th St and 10th Avenue which was temporarily removed. It is the intention of the developer to replace that Marquee with a new one as part of the new construction. Approval for the replacement of the Marquee was given by Borough Commissioner, Christopher M. Santulli, P.E. of the NYC Department of Buildings, in a letter dated August 14, 2008, with the stipulation that the new Marquee be in compliance with the Administrative Code Section 27-313 (4).

NOTES:  
 THIS IS TO CERTIFY THAT THERE ARE NO STREAMS OR NATURAL WATER COURSES IN THE PROPERTY AS SHOWN ON THIS SURVEY.  
 ALL ELEVATIONS ARE IN MANHATTAN HIGHWAY DATUM, WHICH IS 2.75 FEET ABOVE THE NATIONAL GEODETIC SURVEY DATUM OF 1929, (US COAST AND GEODETIC SURVEY DATUM) MEAN SEA LEVEL, SANDY HOOK, NEW JERSEY.  
 ALL UNDERGROUND UTILITIES INDICATED HEREON HAVE BEEN PLOTTED FROM MAPS AS PROVIDED BY THE RESPECTIVE UTILITY COMPANIES AND/OR GOVERNMENTAL AGENCIES. WE BEAR NO RESPONSIBILITY FOR THEIR ACCURACY OR COMPLETENESS. IT IS THE OWNERS RESPONSIBILITY TO CONTACT THE APPROPRIATE UTILITY COMPANY PRIOR TO ANY EXCAVATION IN ORDER TO VERIFY ALL UTILITY LOCATIONS.  
 ALL MANHOLE COVERS PLOTTED FROM ACTUAL FIELD MEASUREMENTS.  
 INVERT ELEVATIONS FIELD VERIFIED.  
 CAUTION:  
 BEFORE DOING ANY DIGGING OR DRILLING ON THIS SITE IT IS REQUIRED THAT SUB-SURFACE SERVICE, INCLUDING THE UNDERGROUND MAINS, DUCTS & CABLES BE MARKED AND IDENTIFIED BY THE UTILITY INVOLVED. THIS SHOULD BE DONE BY PROVIDING THE AFFECTED UTILITY WITH THE NOTICE REFERRED TO IN THE STATE OF NEW YORK INDUSTRIAL CODE 53.

LEGEND	
○	CURB MANHOLE COVER
○	ELECTRIC MANHOLE COVER
—	UNDERGROUND ELECTRIC DUCTS
○	DEPARTMENT OF WATER SUPPLY MANHOLE COVER
○	WATER MAIN
○	SEWER MANHOLE COVER
—	SANITARY SEWER
—	STEAM MAIN
○	DEPARTMENT OF WATER SUPPLY WATER GATE
○	WATER VALVE
○	GAS MAIN
○	GAS CO. MANHOLE
○	GAS VALVE
○	CLEAN OUT MANHOLE COVER
○	TELEPHONE MANHOLE COVER
○	TELEPHONE LANSER
○	TAX LOT
—	OVERHEAD UTILITY WIRES
○	UTILITY COMPANY POLE
○	STREET LIGHT
○	METAL LIGHT POLE
○	METAL TRAFFIC LIGHT POLE
○	TRAFFIC SIGN POLE
○	ERE HYDRANT
○	PARKING METER
○	CATCH BASIN
○	DE. ELL.
○	TREE PIT
○	DEPT. CURB
○	STAND PIPE
○	CHAIN LINK FENCE
○	WROUGHT IRON FENCE
○	WOOD STOCKADE FENCE
○	POST AND RAIL FENCE



SCALE: 1" = 16' SURVEYED: JULY 10, 2010

SURVEY OF PROPERTY SITUATED IN:  
 40-56 10TH AVENUE  
 BOROUGH OF MANHATTAN  
 COUNTY OF NEW YORK  
 CITY OF NEW YORK  
 STATE OF NEW YORK

**FEHRINGER SURVEYING, P.C.**  
 ROBERT FEHRINGER  
 LICENSED LAND SURVEYOR  
 2200 JACKSON AVENUE  
 SEAFORD, N.Y. 11783  
 (516) 763-5515 FAX NO. (516) 763-5525

NOTE: THERE ARE NO LEGAL GRADES ESTABLISHED IN THIS AREA. ELEVATIONS INDICATED THUS (7.99') REPRESENT THE EXISTING GRADES AS SHOWN ON THE FINAL MAP FOR BLOCK 646.

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# ZONING ANALYSIS

**SITE ADDRESS:**  
40 Tenth Avenue  
New York, NY 10014

**APPLICABLE SECTION**

MAP 8b. ZONING DISTRICT: M1-5

ZR 42-00 GENERAL PROVISIONS  
USES PERMITTED: 4-14, 16, 17  
USES PROPOSED: 6

ZR 43-10 FLOOR AREA REGULATIONS

ZR 43-12 MAXIMUM PERMITTED F.A.R. = 5.0  
LOT AREA: 23,541 SF  
PERMITTED ZONING AREA: 23,541x5 = 117,705 SF  
PROPOSED F.A.R. = 6.68  
PROPOSED ZONING AREA: 157,280

ZR 43-20 YARD REGULATIONS

ZR 43-25 MINIMUM REQUIRED SIDE YARDS: NONE  
SIDE YARDS PROVIDED: NONE

ZR 43-26 MINIMUM REQUIRED REAR YARDS: 20'-0", EXCEPT AT CORNER OR THROUGH LOTS

ZR 43-261 BEYOND 100' OF A STREET LINE: SEE SITE PLAN  
REAR YARDS PROVIDED: NONE

ZR 43-40 HEIGHT AND SETBACK REGULATIONS

ZR 43-43 INITIAL SETBACK DISTANCE  
ALLOWED: 20'-0" on narrow street  
15'-0" on wide street  
PROVIDED: NONE  
MAXIMUM HEIGHT OF FRONT WALL  
ALLOWED: 85'-0" or 6 stories  
PROVIDED: 199'-0" (12 stories)  
SKY EXPOSURE PLANE  
ALLOWED: 2.7 vertical to 1 horizontal on narrow street  
5.6 vertical to 1 horizontal on wide street  
PROVIDED: NONE

ZR 44-50 GENERAL PURPOSES

ZR 44-52 REQUIRED ACCESSORY OFF-STREET LOADING BERTHS  
M1-5  
FIRST 100,000 SF = NONE REQUIRED  
NEXT 200,000 SF = 1 REQUIRED  
EACH ADDITIONAL 300,000 SF = 1 REQUIRED  
REQUIRED = 1 BERTH  
PROVIDED = 2 BERTHS

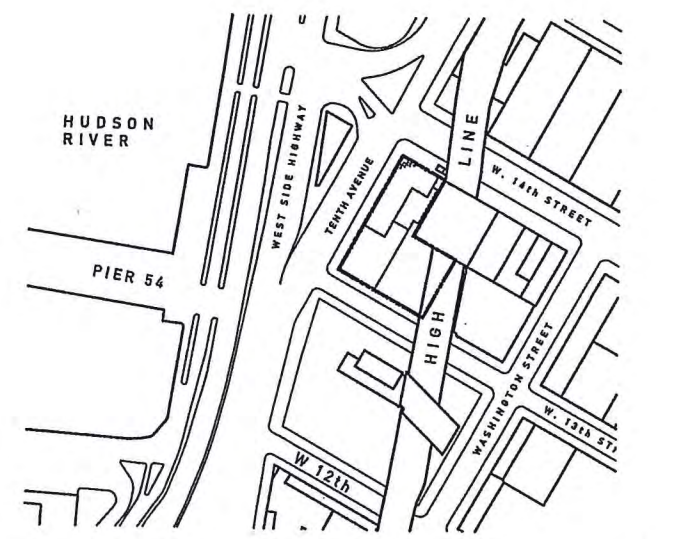
ZR 44-581 SIZE OF REQUIRED LOADING BERTH  
OFFICE USE = L 33ft x W 12ft x H 14ft

ZR 44-582 LOCATION OF ACCESS TO THE STREET  
ENTRANCE OR EXITS = Not less than 50 ft from intersection of any two streets

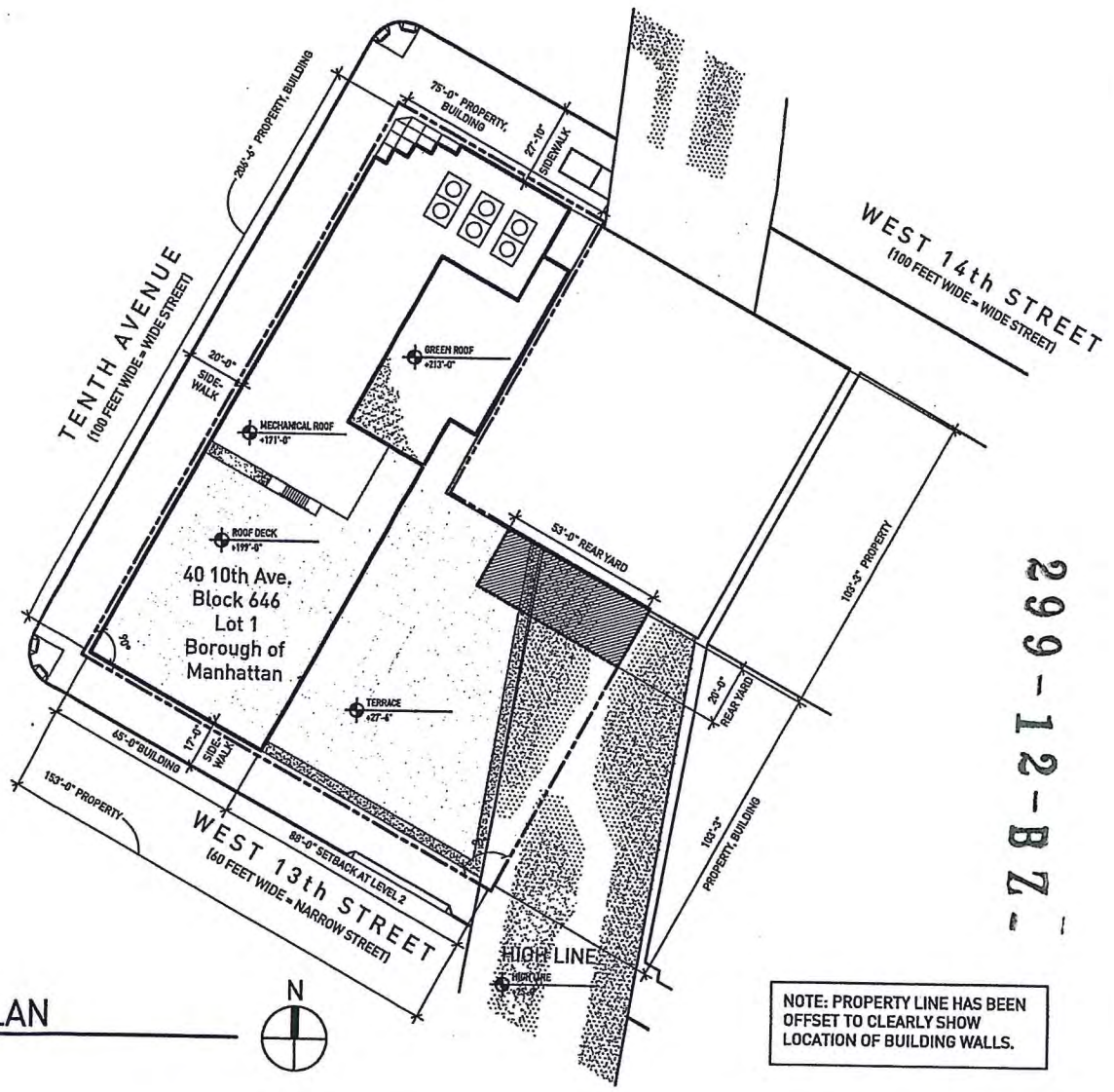
# FLOOR AREA SCHEDULE

FLOOR	USE	NON-F.A.R. S.F.	ZONING S.F.
CELLAR	MECH/RETAIL	20,650	0
FIRST	RETAIL/COMM./LOADING	2,405	21,015
SECOND	COMM./RETAIL	375	11,250
THIRD	OFFICE	375	11,705
FOURTH	OFFICE	375	12,165
FIFTH	OFFICE	375	12,575
SIXTH	OFFICE	375	12,925
SEVENTH	OFFICE	375	13,205
EIGHTH	OFFICE	375	13,415
NINTH	OFFICE	375	13,545
TENTH	OFFICE	375	13,625
ELEVENTH	OFFICE	375	13,655
TWELFTH	OFFICE	375	7,000
ROOF	ROOF DECK	375	1200
<b>TOTAL</b>	<b>ALL USES</b>		<b>157,280</b>
		<b>PROPOSED ZONING AREA</b>	<b>157,280</b>
		<b>MAX. ALLOWABLE ZONING AREA</b>	<b>117,705</b>

NOTE: CELLAR AREA DOES NOT COUNT AS PART OF OVERALL ZONING FLOOR AREA



**2 LOT PLAN**  
SCALE: 1" = 300'-0"



**1 ZONING SITE PLAN**  
SCALE: 1" = 60'-0"

NOTE: PROPERTY LINE HAS BEEN OFFSET TO CLEARLY SHOW LOCATION OF BUILDING WALLS.

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NEW YORK, NY 10014

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Project No.: 1009  
Drawn: WE Date: 02.22.2011  
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Sheet Title: ZONING, SITE PLAN FLOOR AREA TABLES  
Drawing Number: C000



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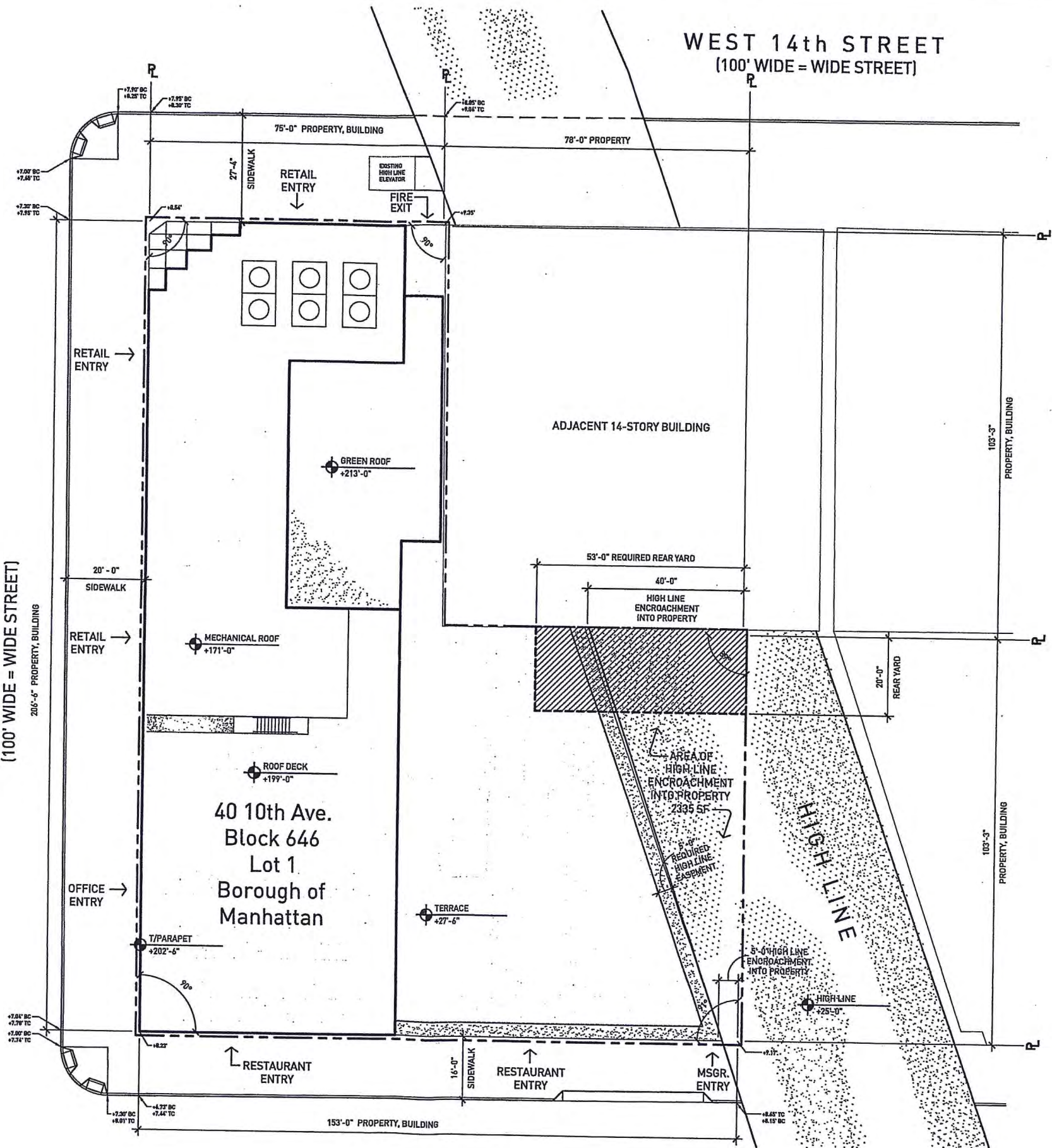
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NOTE: PROPERTY LINE HAS BEEN OFFSET TO CLEARLY SHOW LOCATION OF BUILDING WALLS.

NOTE: ALL PARTITIONS AND EXITS SHALL BE AS APPROVED BY DEPARTMENT OF BUILDINGS.

1 SITE PLAN  
SCALE: 1" = 30'-0"



WEST 13th STREET  
(60' WIDE = NARROW STREET)

Project No.: 1009  
Date: 02.22.2011

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Checked: MS  
Sheet Title: SITE PLAN  
Scale: 1" = 30'-0"

Drawing Number: C010



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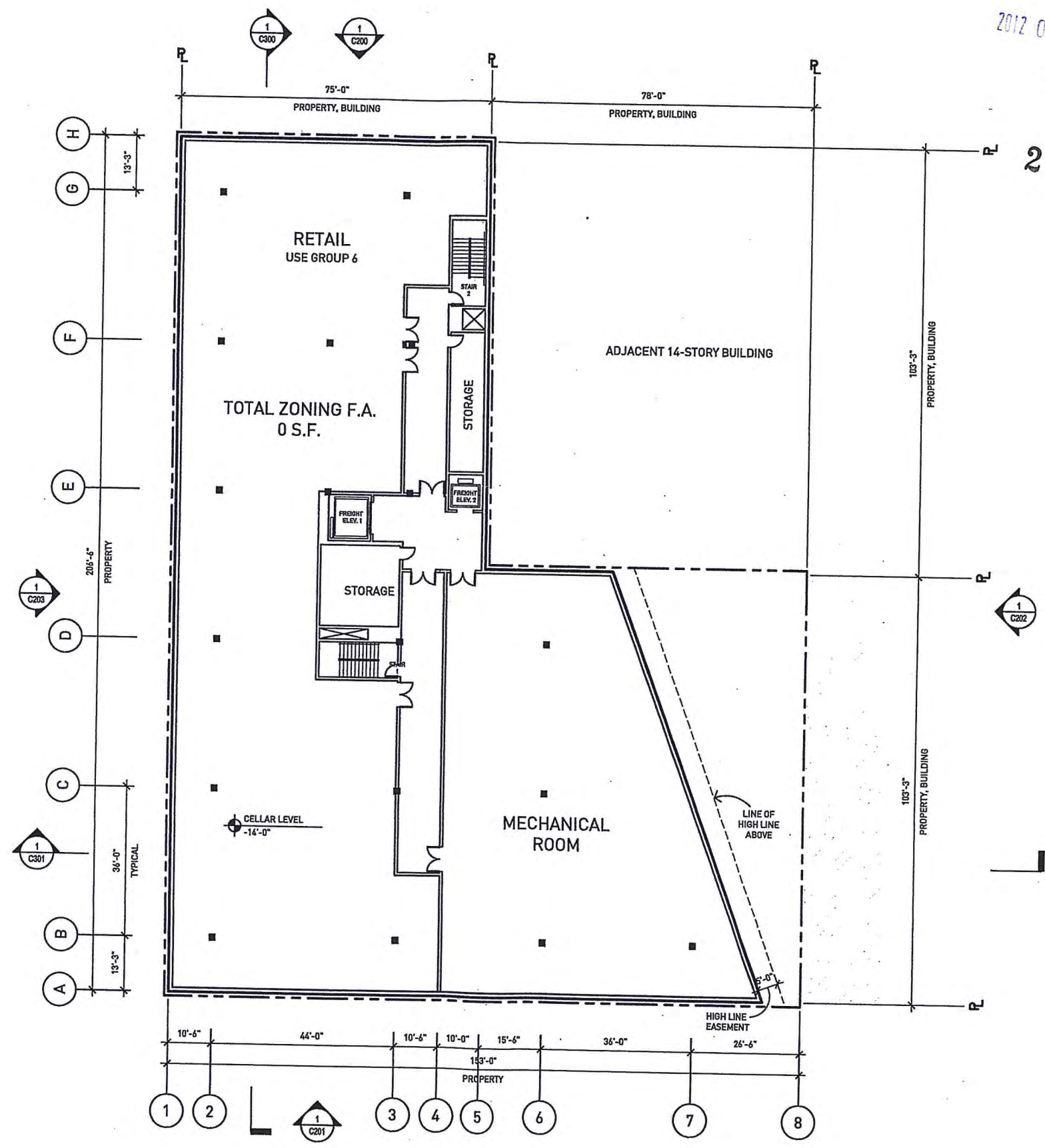
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Project No:	1009
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Sheet Title:	CELLAR LEVEL PLAN
Scale:	1" = 30'-0"
Drawing Number:	C100



**1 CELLAR LEVEL PLAN**  
 SCALE: 1" = 30'-0"



WEST 14th STREET  
(100' WIDE = WIDE STREET)

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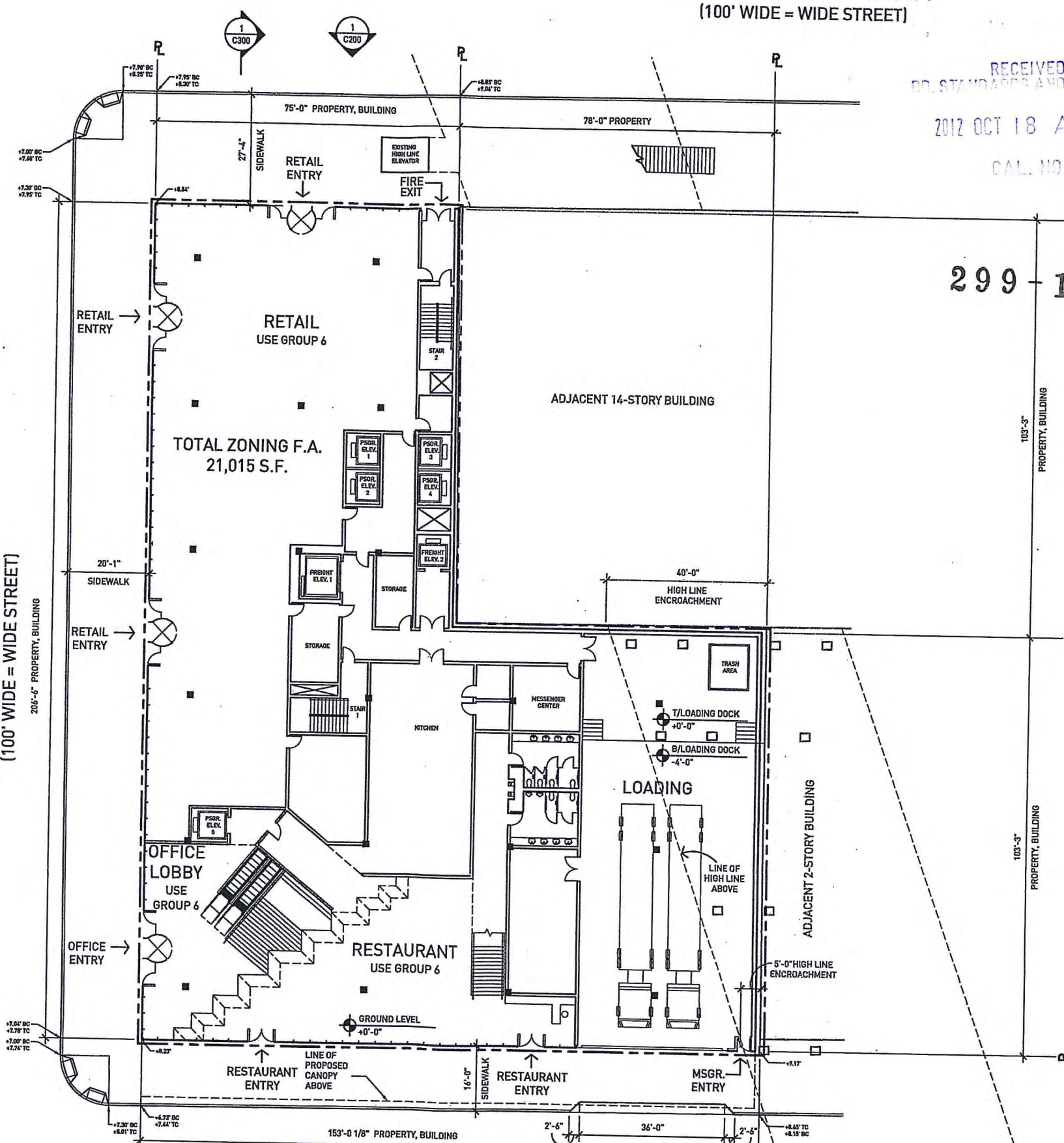
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Project No: 1009  
Drawn: WE Date: 02.22.2011  
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Sheet Title: Scale: 1" = 30'-0"  
**GROUND LEVEL PLAN**  
Drawing Number: **C101**



NOTE: PROPERTY LINE HAS BEEN OFFSET TO CLEARLY SHOW LOCATION OF BUILDING WALLS.

NOTE: ALL PARTITIONS AND EXITS SHALL BE AS APPROVED BY DEPARTMENT OF BUILDINGS.

**1 GROUND LEVEL PLAN**  
SCALE: 1" = 30'-0"

WEST 13th STREET  
(60' WIDE = NARROW STREET)



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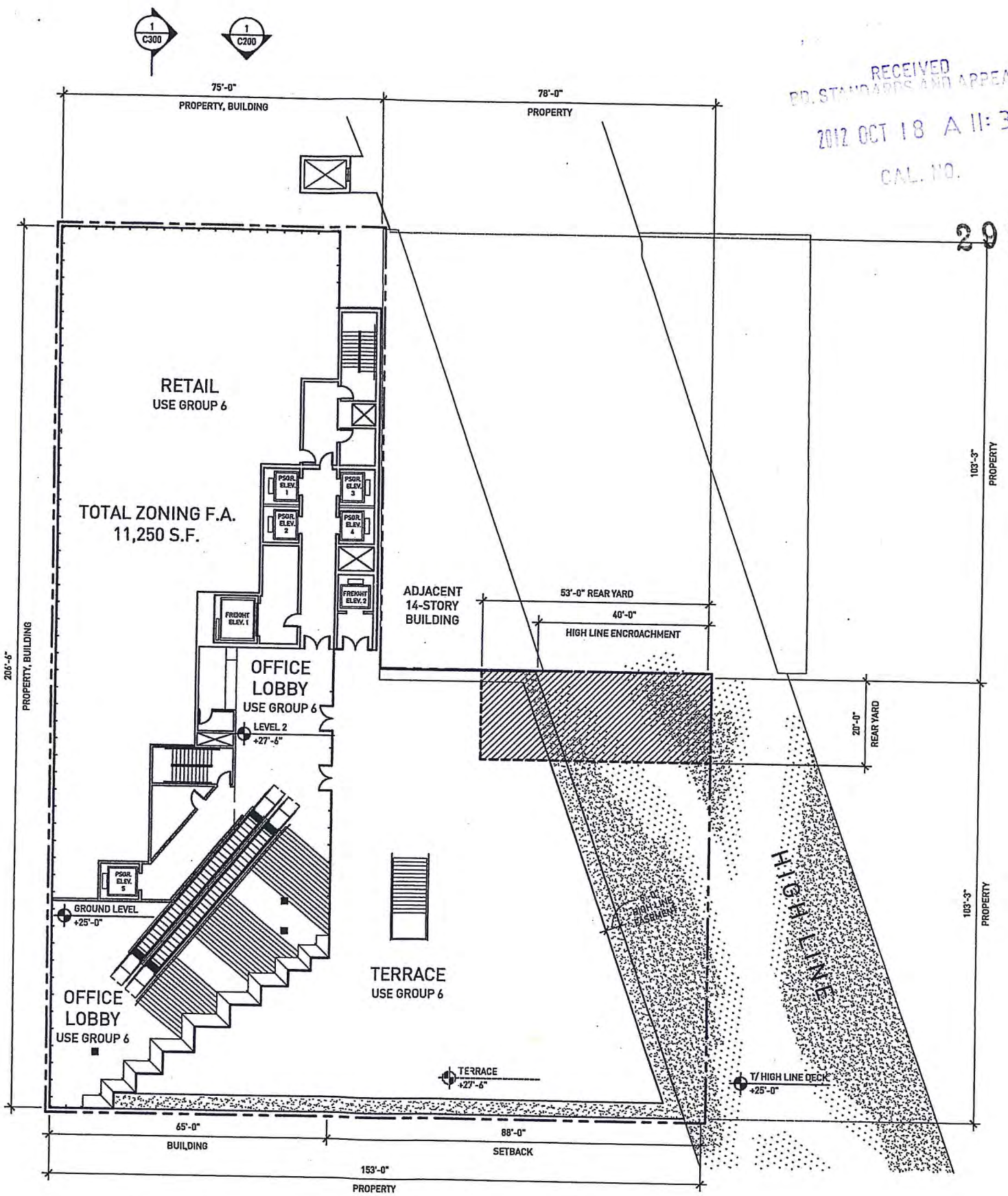
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Project No.: 1009  
Drawn: WE Date: 02.22.2011

Checked: MS  
Sheet Title: 2ND LEVEL PLAN Scale: 1" = 30'-0"

Drawing Number: C102



NOTE: PROPERTY LINE HAS BEEN OFFSET TO CLEARLY SHOW LOCATION OF BUILDING WALLS.

NOTE: ALL PARTITIONS AND EXITS SHALL BE AS APPROVED BY DEPARTMENT OF BUILDINGS.

1 2ND LEVEL PLAN  
SCALE: 1" = 30'-0"





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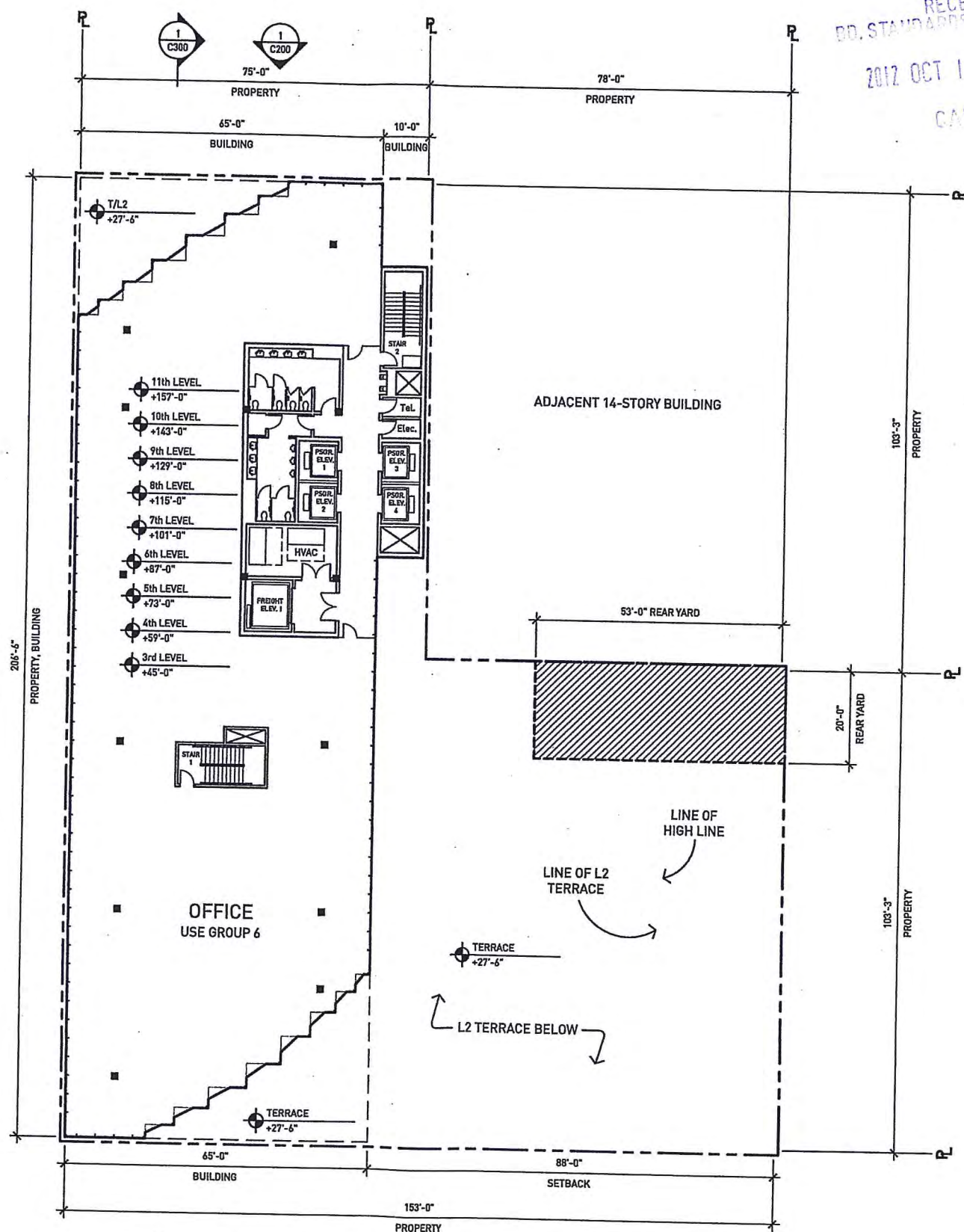
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Project No :	1009
Drawn :	WE Date : 02.22.2011
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Sheet Title :	Scale: 1" = 30'-0"
Drawing Number :	<b>C103</b>



NOTE: PROPERTY LINE HAS BEEN OFFSET TO CLEARLY SHOW LOCATION OF BUILDING WALLS.

- LEVEL 11 TOTAL ZONING F.A. 13,655 S.F.
- LEVEL 10 TOTAL ZONING F.A. 13,625 S.F.
- LEVEL 9 TOTAL ZONING F.A. 13,545 S.F.
- LEVEL 8 TOTAL ZONING F.A. 13,415 S.F.
- LEVEL 7 TOTAL ZONING F.A. 13,205 S.F.
- LEVEL 6 TOTAL ZONING F.A. 12,925 S.F.
- LEVEL 5 TOTAL ZONING F.A. 12,575 S.F.
- LEVEL 4 TOTAL ZONING F.A. 12,165 S.F.
- LEVEL 3 TOTAL ZONING F.A. 11,705 S.F.

**1 TYPICAL 3RD - 11TH LEVEL PLAN**  
SCALE: 1" = 30'-0"

NOTE: ALL PARTITIONS AND EXITS SHALL BE AS APPROVED BY DEPARTMENT OF BUILDINGS.



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*Jeanne Gang*  
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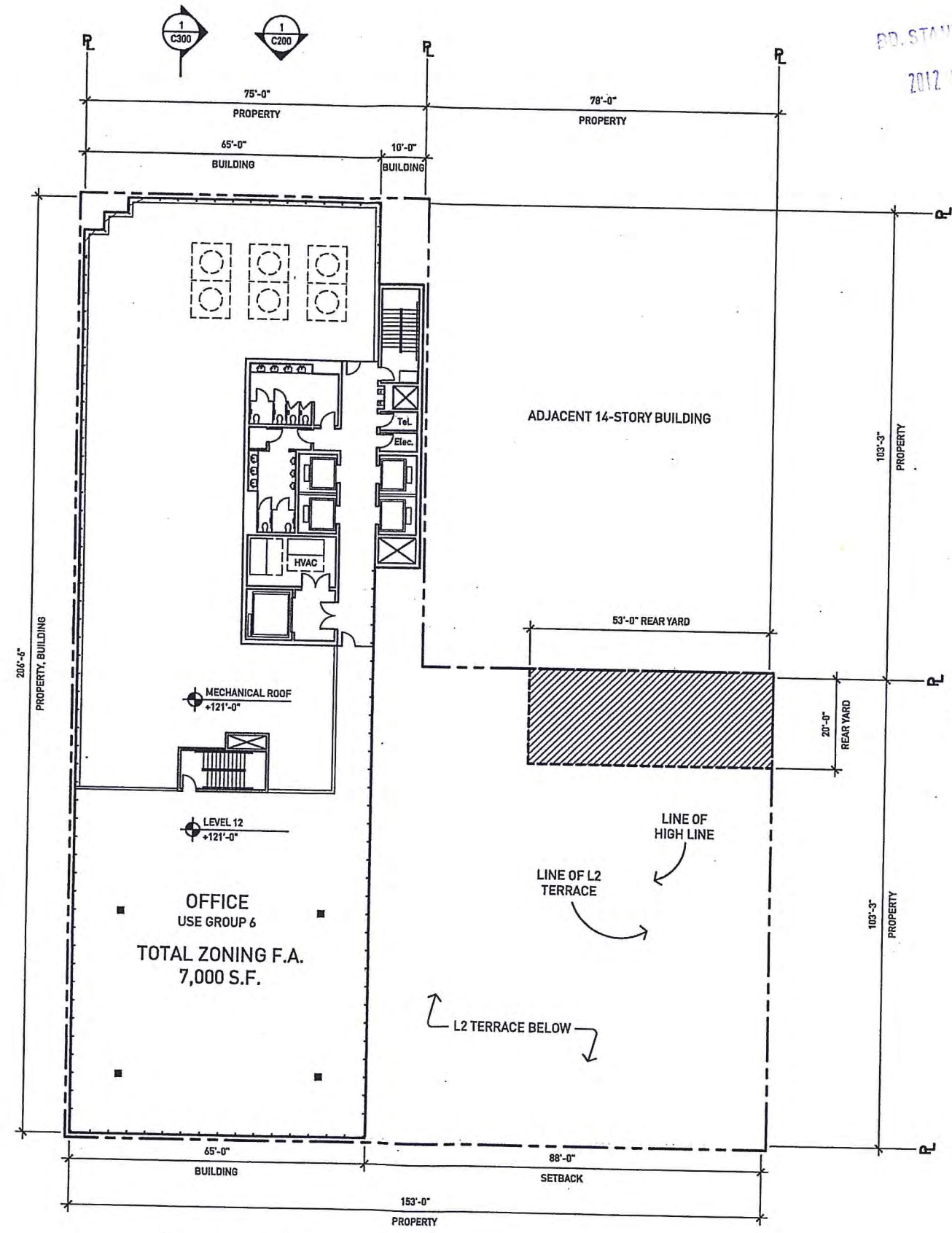
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Project No:	1009
Drawn:	WE Date: 02.22.2011
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Sheet Title:	Scale: 1" = 40'-0"
<b>12TH LEVEL PLAN</b>	
Drawing Number:	C112



NOTE: PROPERTY LINE HAS BEEN OFFSET TO CLEARLY SHOW LOCATION OF BUILDING WALLS.

NOTE: ALL PARTITIONS AND EXITS SHALL BE AS APPROVED BY DEPARTMENT OF BUILDINGS.

**1 12TH LEVEL PLAN**  
SCALE: 1" = 30'-0"





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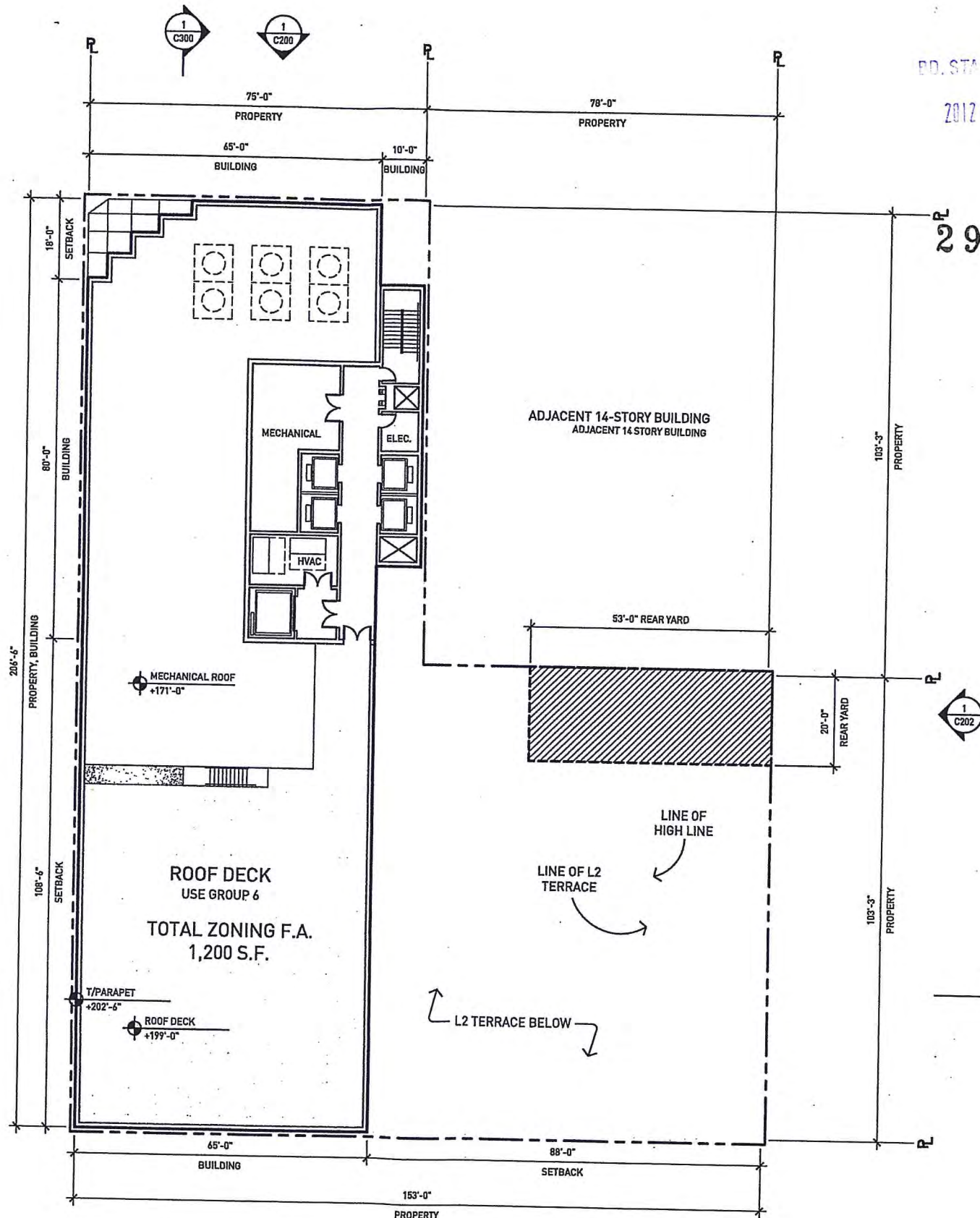
Project No: 1009

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Sheet Title: **ROOF LEVEL PLAN**

Drawing Number: **C113**



NOTE: PROPERTY LINE HAS BEEN OFFSET TO CLEARLY SHOW LOCATION OF BUILDING WALLS.

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**1** ROOF LEVEL PLAN  
SCALE: 1" = 30'-0"





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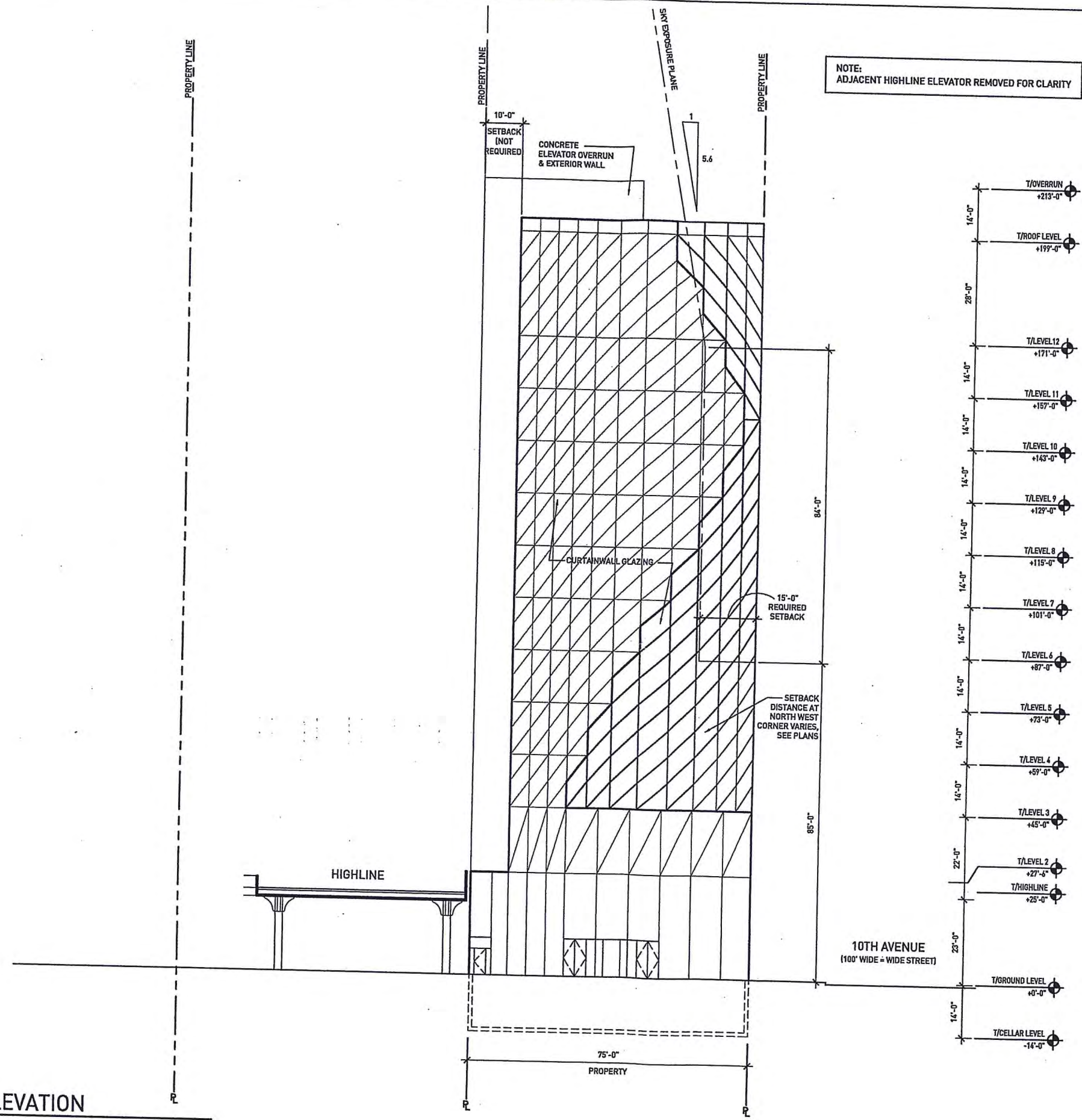
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Sheet Title: Scale: 1" = 30'-0"

**NORTH ELEVATION**  
Drawing Number: **C200**

NOTE:  
ADJACENT HIGHLINE ELEVATOR REMOVED FOR CLARITY



**1 NORTH ELEVATION**  
SCALE: 1" = 30'-0"



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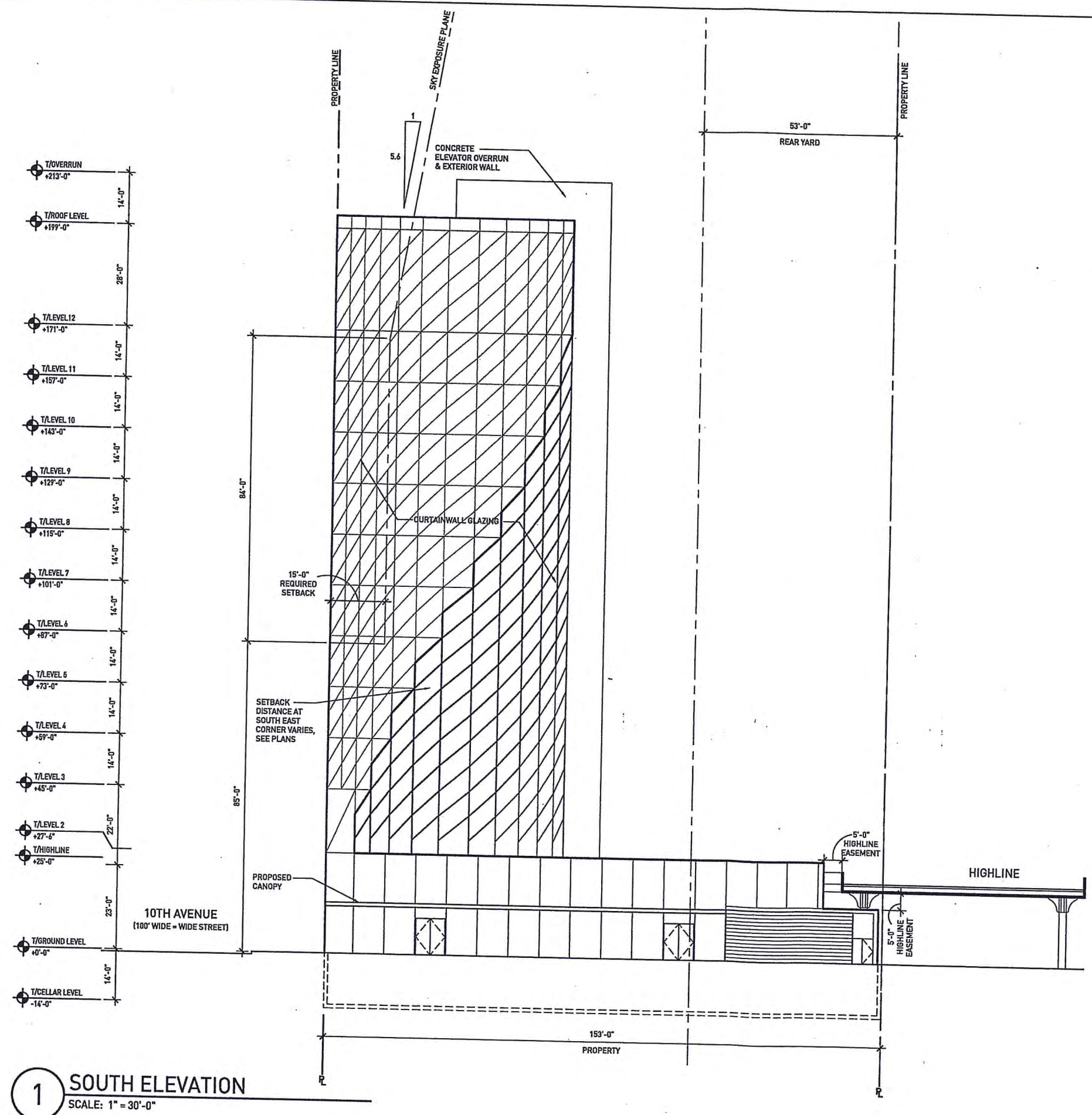
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Project No: 1009  
Drawn: WE Date: 02.22.2011  
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Sheet Title: SOUTH ELEVATION  
Drawing Number: C201



1 SOUTH ELEVATION  
SCALE: 1" = 30'-0"



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NOTE:  
ADJACENT BUILDINGS REMOVED FOR CLARITY

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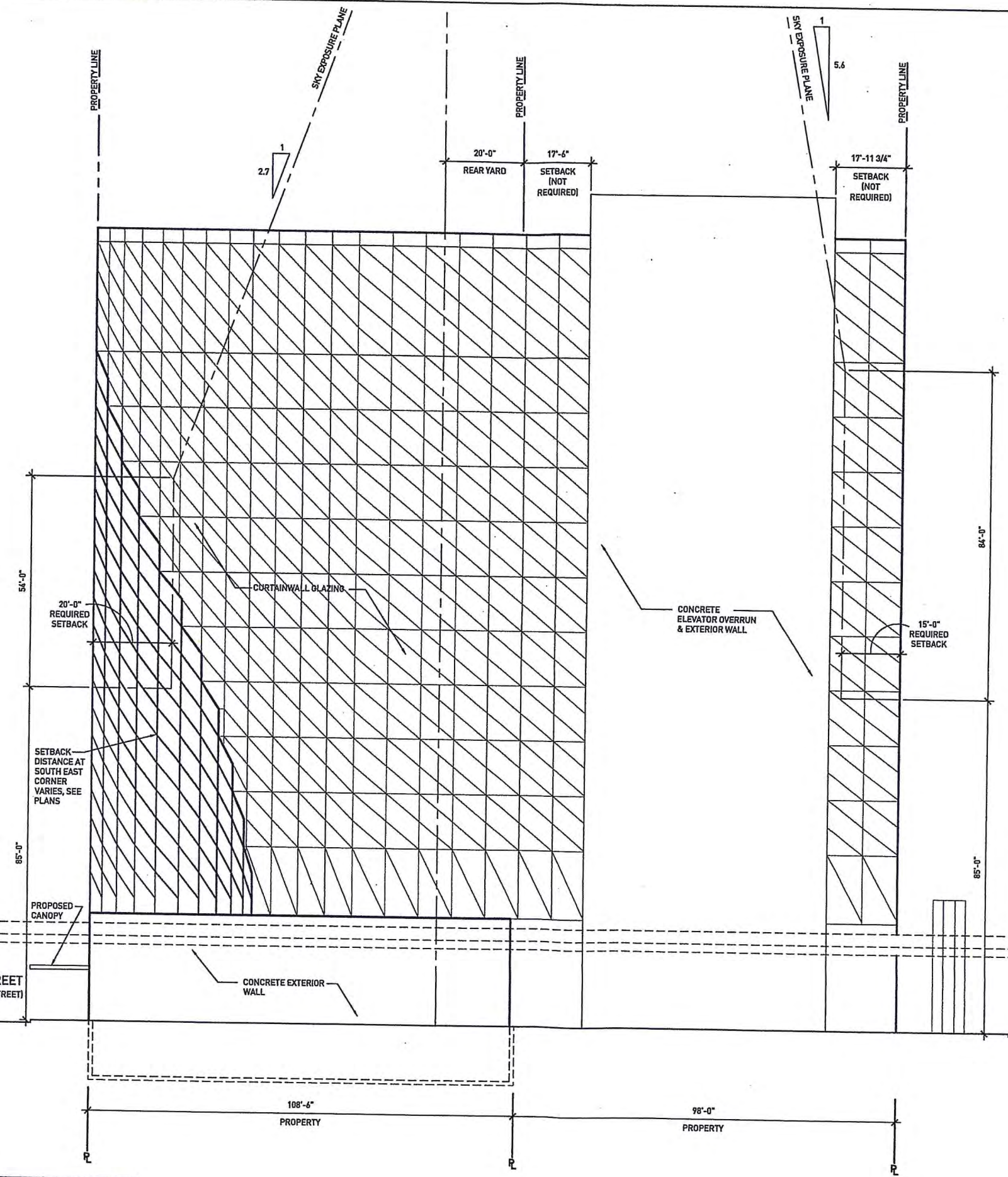
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Project No: 1009  
Drawn: WE Date: 02.22.2011

Checked: MS  
Sheet Title: EAST ELEVATION Scale: 1" = 30'-0"

Drawing Number: C202

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- T/ROOF LEVEL +199'-0"
- T/LEVEL 12 +171'-0"
- T/LEVEL 11 +157'-0"
- T/LEVEL 10 +143'-0"
- T/LEVEL 9 +129'-0"
- T/LEVEL 8 +115'-0"
- T/LEVEL 7 +101'-0"
- T/LEVEL 6 +87'-0"
- T/LEVEL 5 +73'-0"
- T/LEVEL 4 +59'-0"
- T/LEVEL 3 +45'-0"
- T/LEVEL 2 +27'-6"
- T/HIGHLINE +25'-0"
- T/GROUND LEVEL +0'-0"
- T/CELLAR LEVEL -14'-0"



1 EAST ELEVATION  
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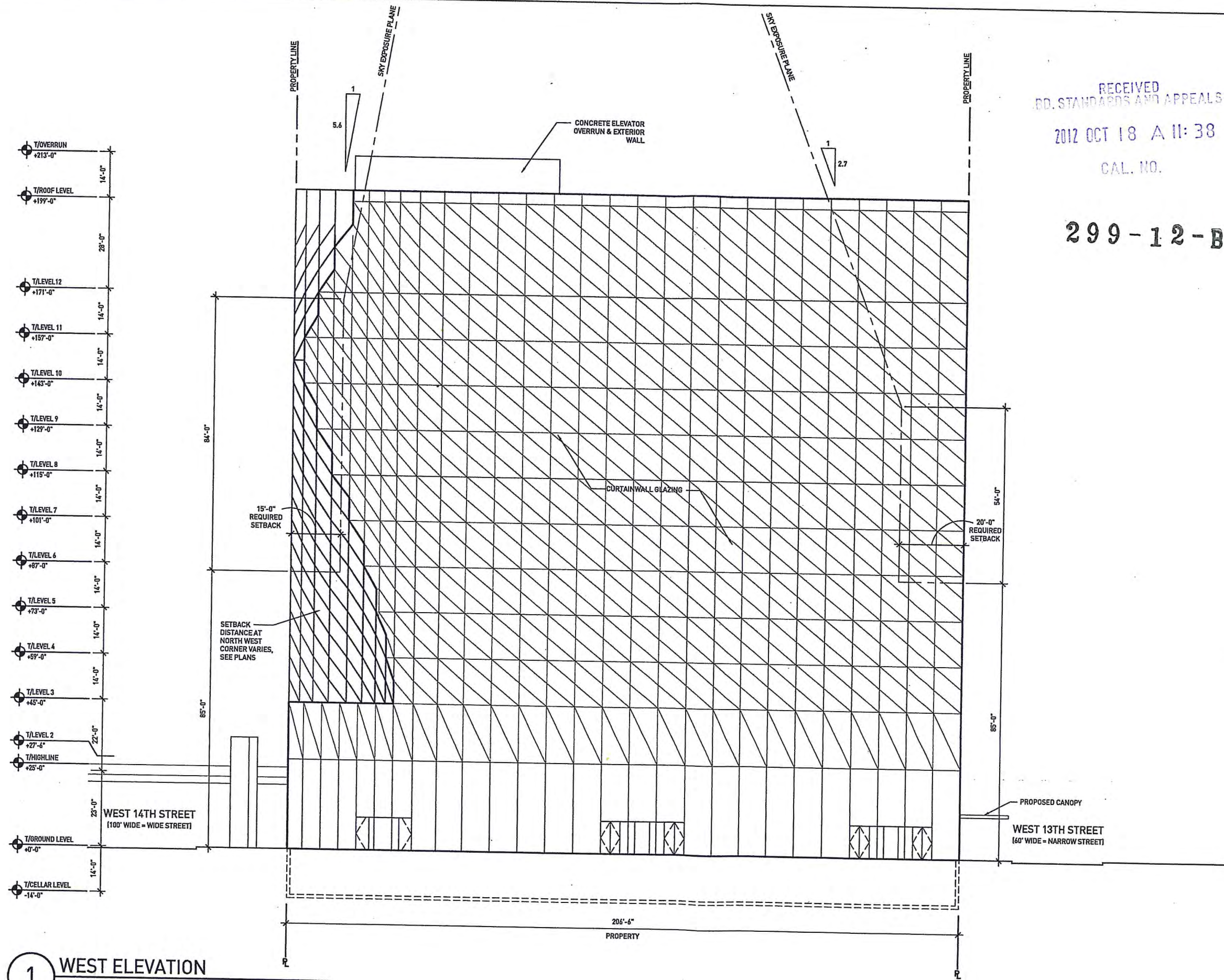
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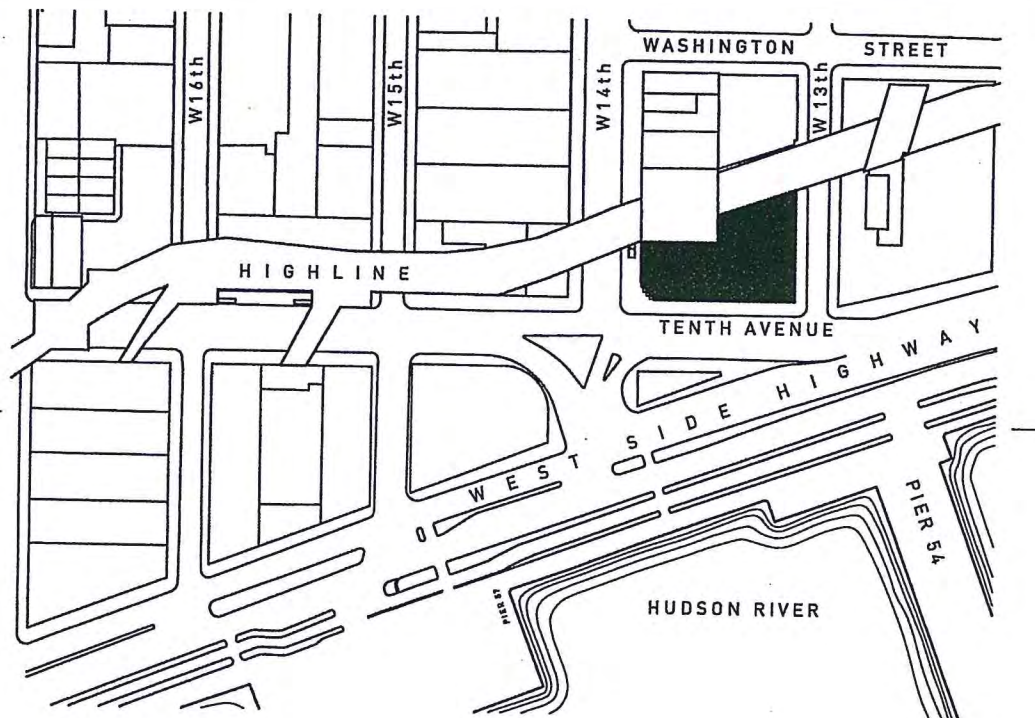


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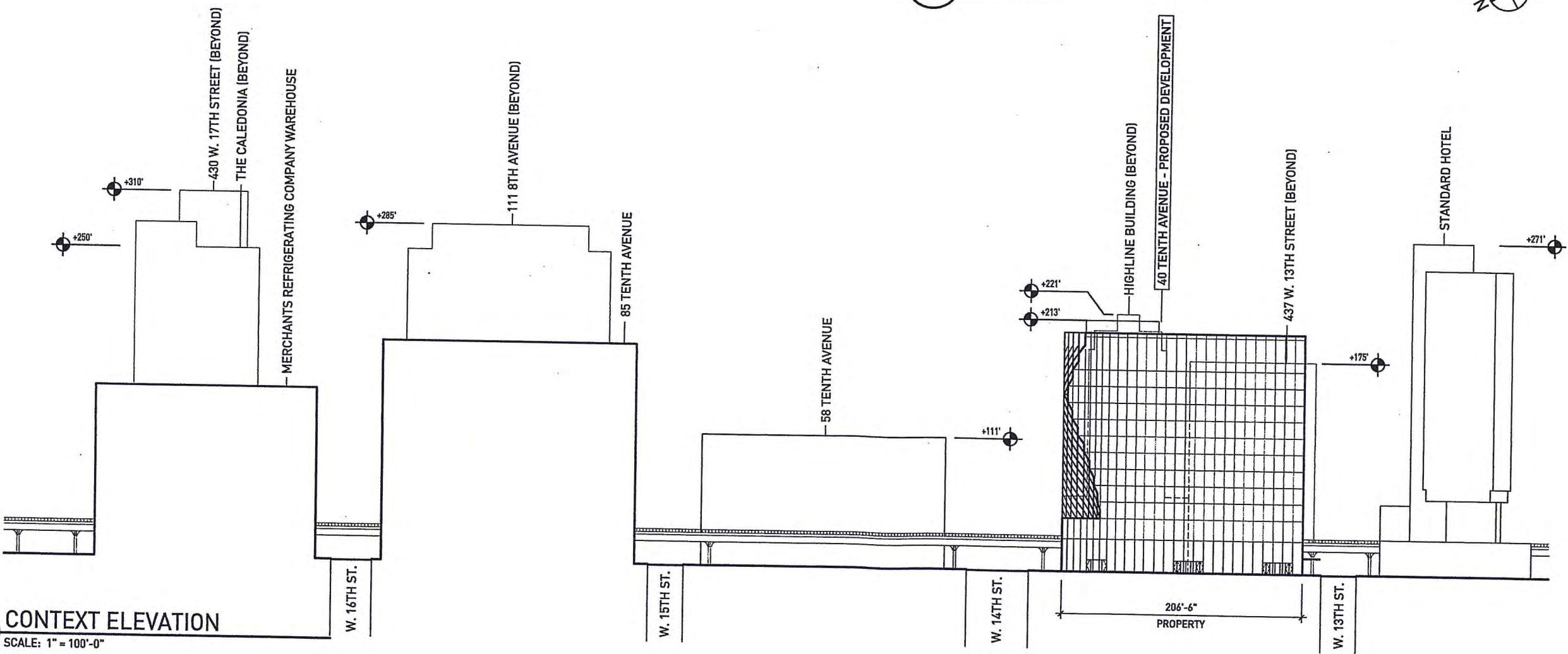
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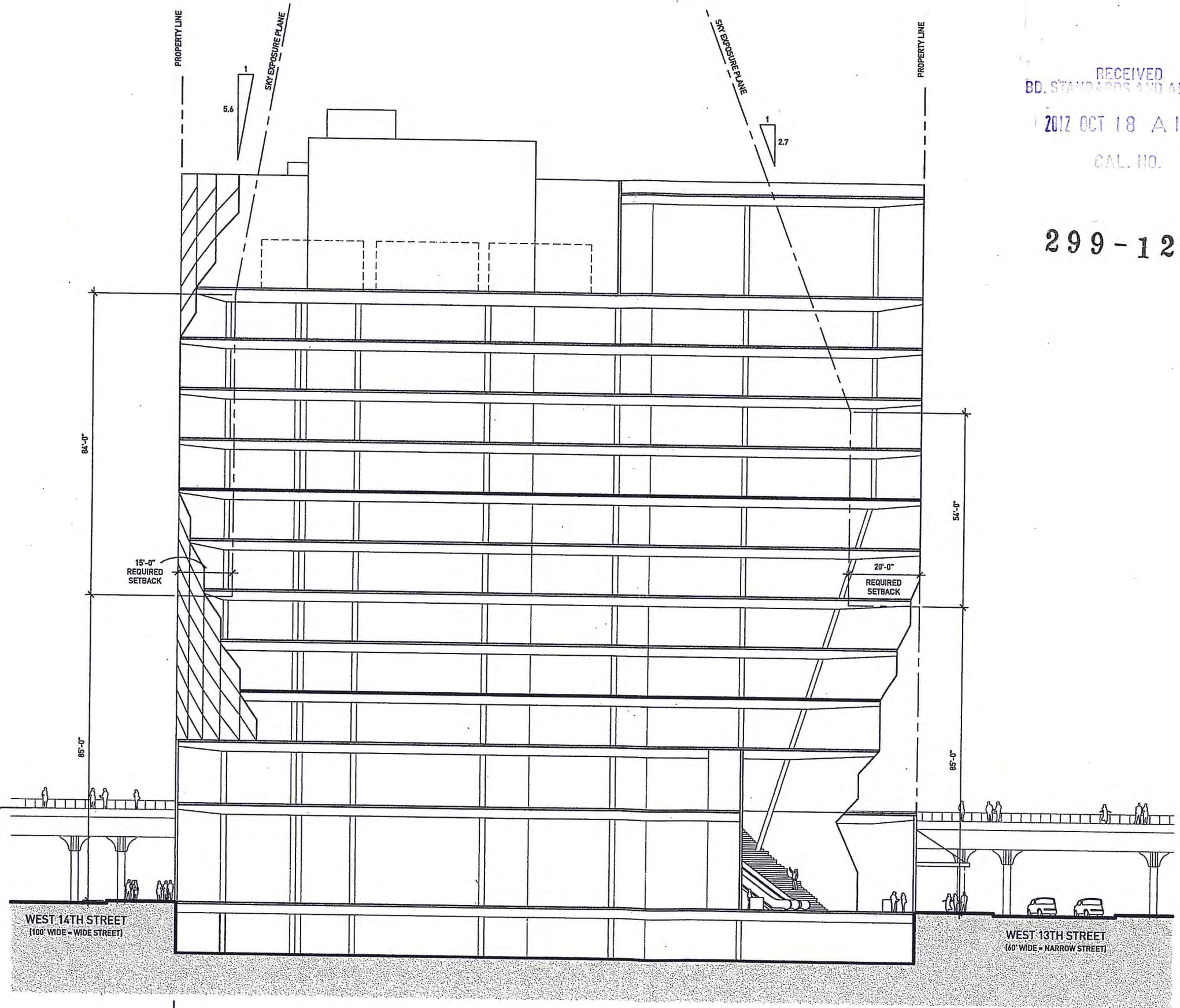
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Drawing Number: C300

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- T/ROOF LEVEL +199'-0"
- T/LEVEL 13 +185'-0"
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- T/LEVEL 9 +129'-0"
- T/LEVEL 8 +115'-0"
- T/LEVEL 7 +101'-0"
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- T/LEVEL 2 +27'-5"
- T/HIGHLINE +25'-0"
- T/GROUND LEVEL +0'-0"
- T/CELLAR LEVEL -14'-0"



**1 BUILDING SECTION N-S**  
SCALE: 1" = 30'-0"

206'-6"  
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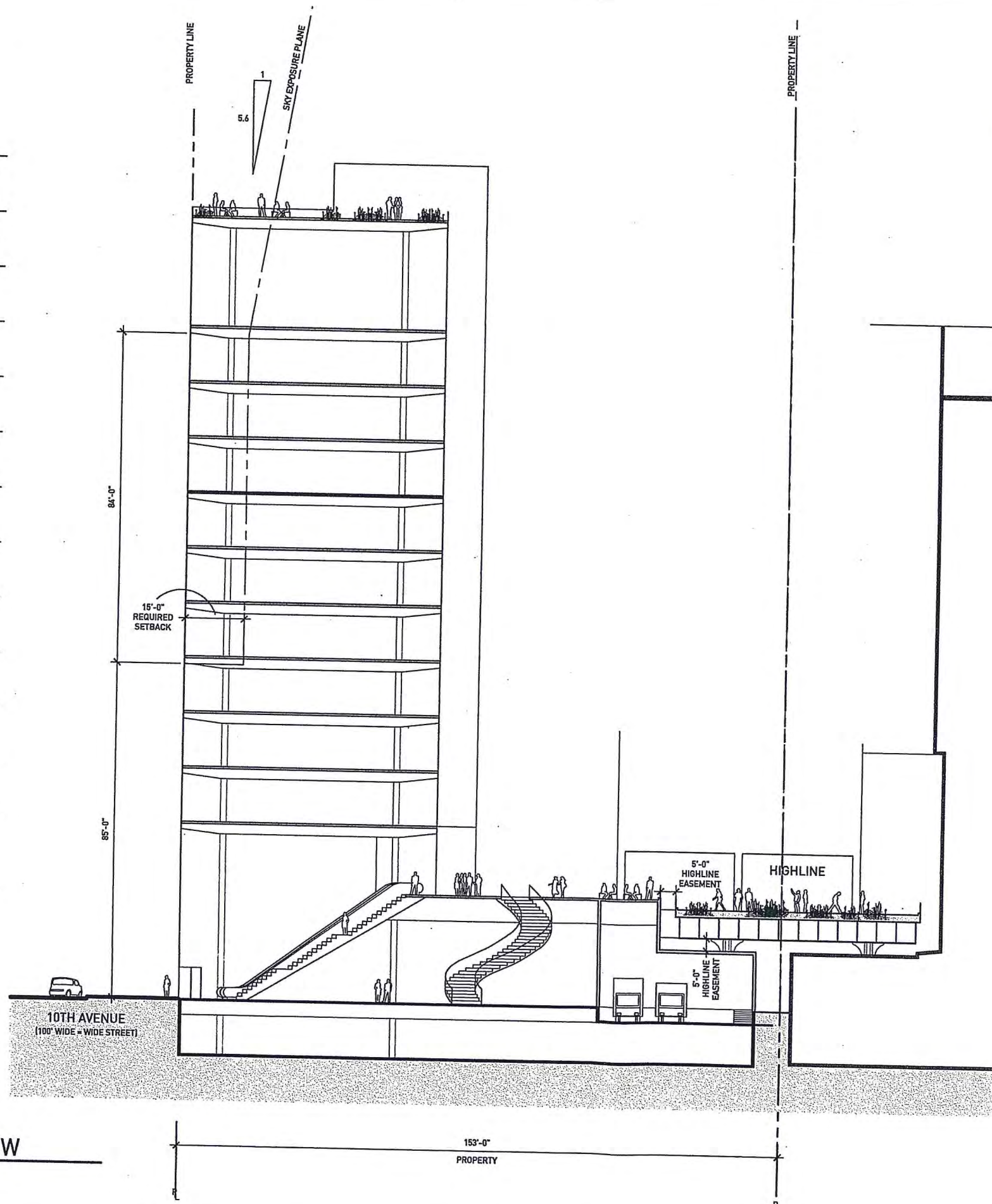
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T/LEVEL 5	+73'-0"	14'-0"
T/LEVEL 4	+59'-0"	14'-0"
T/LEVEL 3	+45'-0"	17'-6"
T/LEVEL 2	+27'-5"	27'-6"
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**1 BUILDING SECTION E-W**  
SCALE: 1" = 30'-0"

153'-0"  
PROPERTY



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645	2	NYS Dept. Of Transportation	4720 21 Street	L. I. City	N. Y.	11101
645	5	211 East Broadway Inc.	28 10 Avenue	New York	N. Y.	10014
645	8	Paramount Antiques Inc.	32 10 Avenue	New York	N. Y.	10014
645	11	AB Green Gansevoort Llc	848 Washinton Street	New York	N. Y.	10014
645	21	R. S. U. P.	51 Little West 12	New York	N. Y.	10014
645	22	William Gottlieb Real Estate	53 Little West 12	New York	N. Y.	10014
645	23	55 Little West 12 Llc	55 Little West 12	New York	N. Y.	10014
645	25	837 Washington Owner Llc	837 Washington Street	New York	N. Y.	10014
646	10	High Line Development Llc	161 Chrystie Street	New York	N. Y.	10002
646	14	446 West 14 Street Assoc. Llc	446 West 14 Street	New York	N. Y.	10014
646	16	444 West 14 Llc	444 West 14 Street	New York	N. Y.	10014
646	17	389 West 12 Street	389 West 12 Street	New York	N. Y.	10014
646	18	389 West 12 Street	389 West 12 Street	New York	N. Y.	10014
646	19	437-51 West 13 Street	711 S. Broadway	White Plain	N. Y.	10601
646	20	437-51 West 13 Street	711 S. Broadway	White Plain	N. Y.	10601
646	27	Blackrock Granite Property Fund L. P.	428 West 14 Street	New York	N. Y.	10014
646	29	Ben'ous Realty Inc.	426 West 14 Street	New York	N. Y.	10014
646	30	Imperial Vealand Lamb Co. Inc.	420 West 14 Street	New York	N. Y.	10014
646	57	M. Meilman Realty	421 West 13 Street	New York	N. Y.	10014
651	7	Port Authority Of N. Y. And N. J.	225 Park Avenue S	New York	N. Y.	10003
651	56	Dept Re-City Of New York	2 Lafayette Street	New York	N. Y.	10007
654	31	Duanco Inc.	500 West 14 Street	New York	N. Y.	10014
686	29	Annesta Corp	5 Short Drive	Roslyn	N. Y.	11576
712	1	Stellar Management	156 William Street	New York	N. Y.	10038
712	6	Realty Mulnick	215 Coles Street	Jersey City	N. J.	07310
712	11	Ceco Studios	439 West 14 Street	New York	N. Y.	10014
712	14	413 West 14 Assoc.	421 West 13 Street	New York	N. Y.	10014



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Manhattan Boro President  
Scott M. Stringer  
One Centre Street  
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County Of Manhattan )

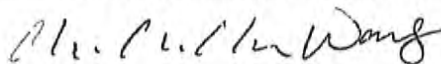
Wesley Habenicht, Being Duly Sworn, Deposes And Says: That The Foregoing  
Names And Addresses Were Obtained From The City Collector's Office On The 4th Day Of  
March, 2011.



Wesley Habenicht

Sworn Before Me On  
This 4th Day Of March, 2011.

GENA CHIU CHEN WANG  
Notary Public, State of New York  
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**PHASE II ENVIRONMENTAL SITE**

GAL. NO. **INVESTIGATION REPORT**

299-12-BZ-

**Highline 131410**  
**42-46 10<sup>th</sup> Avenue & 449-451 West 13<sup>th</sup> Street**  
**New York, New York**

*Prepared For:*

William Gottlieb Real Estate/Tenth Avenue, LLC  
544 Hudson Street  
New York, New York  
10014

*Prepared By:*

Langan Engineering & Environmental Services, P.C.  
360 West 31<sup>st</sup> Street, 8<sup>th</sup> Floor  
New York, New York 10001



*May 11, 2011*  
*Langan Project No. 170119302*



## TABLE OF CONTENTS

<b>1.0</b>	<b>INTRODUCTION.....</b>	<b>3</b>
<b>2.0</b>	<b>BACKGROUND.....</b>	<b>4</b>
<b>2.1</b>	<b>Site Location and Description.....</b>	<b>4</b>
<b>2.2</b>	<b>Previous Environmental Reports.....</b>	<b>4</b>
2.2.1	Phase I ESA, Langan Engineering & Environmental Services, September 2010 .....	4
<b>2.3</b>	<b>Proposed Development.....</b>	<b>5</b>
<b>2.4</b>	<b>Geology.....</b>	<b>6</b>
<b>2.5</b>	<b>Hydrogeology.....</b>	<b>6</b>
<b>3.0</b>	<b>FIELD INVESTIGATION.....</b>	<b>7</b>
<b>3.1</b>	<b>Geophysical Survey.....</b>	<b>7</b>
<b>3.2</b>	<b>Soil Investigation.....</b>	<b>8</b>
<b>3.3</b>	<b>Groundwater Investigation.....</b>	<b>9</b>
<b>3.4</b>	<b>Sub-Surface Soil Vapor Investigation.....</b>	<b>9</b>
<b>3.5</b>	<b>Drum Investigation.....</b>	<b>10</b>
<b>3.6</b>	<b>Refrigerator Pipe Investigation.....</b>	<b>10</b>
<b>3.7</b>	<b>Historical Data Review.....</b>	<b>11</b>
<b>4.0</b>	<b>OBSERVATIONS AND RESULTS.....</b>	<b>11</b>
<b>4.1</b>	<b>Geophysical Survey.....</b>	<b>11</b>
<b>4.2</b>	<b>Subsurface Observations.....</b>	<b>12</b>
<b>4.3</b>	<b>Analytical Results.....</b>	<b>12</b>
4.3.1	Soil Sample Results.....	12
4.3.2	Groundwater Results.....	13
4.3.3	Subsurface Soil Vapor Results.....	15
4.3.4	Drum Characterization Results.....	15
4.3.5	Refrigerator Pipe Characterization Results.....	15
4.3.6	Historical Report Review.....	16
<b>5.0</b>	<b>CONCLUSIONS AND RECOMMENDATIONS.....</b>	<b>17</b>
<b>6.0</b>	<b>LIMITATIONS.....</b>	<b>19</b>
<b>7.0</b>	<b>REFERENCES.....</b>	<b>20</b>

## TABLES

Table 1:	Summary of Detected Compounds in Soil Samples
Table 2:	Summary of Detected Compounds in Groundwater Samples
Table 3:	Summary of Detected VOCs in Subsurface Vapor Samples
Table 4:	Summary of Detected VOCs in Ambient Air Sample
Table 5:	Summary of Detected Compounds in Refrigerant Fluid Samples
Table 6:	Summary of Detected NYCDEP Discharge Parameters

## FIGURES

- Figure 1: Site Location Map
- Figure 2: Sample Location Map
- Figure 3: Soil Sample Results Map
- Figure 4: Groundwater Sample Results Map
- Figure 5: Subsurface Vapor Sample Results Map

## APPENDICES

- Appendix A: Phase II Work Plan
- Appendix B - Previous Environmental Reports (CD)
- Appendix C: Site Photographs
- Appendix D: Geophysical Report
- Appendix E: Soil Boring Logs
- Appendix F: Groundwater Sampling Logs
- Appendix G: Laboratory Analytical Reports



## 1.0 INTRODUCTION

Langan Engineering & Environmental Services, P.C. (Langan) prepared this Phase II Environmental Site Investigation (ESI) Report, at the request of William Gottlieb Real Estate/Tenth Avenue, LLC (the "User"), for the assemblage of properties located at 42-46 10<sup>th</sup> Avenue and 449-451 West 13<sup>th</sup> Street, also identified as Block 646, Lots 1, 5, 6, 7, 8, and 9, in the Greenwich Village section of the borough of Manhattan, New York (the "Site"). The objective of this Phase II ESI was to investigate potential impacts from recognized environmental conditions (RECs) identified by Langan in a Phase I Environmental Site Assessment (ESA), dated September 2010.

The Phase II ESI was implemented between November 22 and December 27, 2010, and consisted of a geophysical survey and the completion of 17 soil borings, three permanent monitoring wells, six temporary monitoring wells, and three soil vapor sampling points. The sampling program consisted of 17 grab soil samples, one composite soil sample, 12 groundwater samples, three subsurface soil vapor samples, one ambient air sample, two samples from unknown liquid in 55-gallon drums, and two samples from unidentified liquid in historic refrigerant piping in the building. The Phase II ESI was conducted in general accordance with the Phase II ESI Work Plan, included as Appendix A, with the following exceptions:

1. Three additional borings were advanced to investigate two geophysical anomalies indicative of underground storage tanks near the southwest corner of the Site;
2. Two offset borings, and one temporary monitoring well, were advanced to delineate the extent of petroleum impacts identified near borings SB14 and SB15;
3. One composite and one grab soil sample were collected for waste characterization purposes from the delineation borings;
4. Three permanent monitoring wells were installed to investigate potential petroleum impacts associated with an open New York State Department of Environmental Conservation (NYSDEC) spill at an adjoining property to the north;
5. Two samples were collected from historic refrigerant pipes that remain in the building to characterize the unidentified liquid; and
6. Additional lead analysis via the Toxicity Characteristic Leaching Procedure (TCLP) was performed on soil samples collected from SB2 and SB5.

This report is organized as follows:

Section 2.0: Describes the Site background including a discussion of previous investigations

Section 3.0: Presents the Phase II field investigation methodology

Section 4.0: Presents the findings of the Phase II ESI

Section 5.0: Presents conclusions and recommendations based on the investigation findings

## 2.0 BACKGROUND

### 2.1 Site Location and Description

The Site consists of an assemblage of properties located at 42-46 10<sup>th</sup> Avenue and 449-451 West 13<sup>th</sup> Street (Block 646, Lots 1, 5, 6, 7, 8 and 9) in the Greenwich Village area of the borough of Manhattan, New York. The Site is on the city block bordered by West 14<sup>th</sup> Street to the north, Washington Street to the east, West 13<sup>th</sup> Street to the south, and 10<sup>th</sup> Avenue to the west. A Site location map is provided as Figure 1.

The Site is an "L"-shaped lot and occupies an approximate area of 23,500 square feet. Lot 1 is improved with two abandoned 3-story buildings encompassing an approximate area of 15,800 square feet. Lots 5-9 are vacant and surrounded by wood construction fencing with a locked gate on 10<sup>th</sup> Avenue; the three-story buildings that were previously located on Lots 5-9 were destroyed in a fire in approximately 2003. The Highline Park runs northwest-southeast above the easternmost portion of the Site. The buildings on Lot 1 and the former buildings on Lots 5-9 were previously used for cold storage of food products.

The Site is bound by West 14<sup>th</sup> Street and a Mobil gasoline filling station to the north; a multi-story building under construction and an abandoned commercial building with two roll-up garage doors to the east, West 13<sup>th</sup> Street followed by a multi-story hotel to the south, and the intersection of 10<sup>th</sup> and 11<sup>th</sup> Avenues followed by a 3-story hotel to the west. Beyond the adjoining properties, the surrounding area is comprised primarily of multi-story commercial and residential buildings, many with ground-level retail space and restaurants.

### 2.2 Previous Environmental Reports

#### 2.2.1 Phase I ESA, Langan Engineering & Environmental Services, September 2010

Langan prepared a Phase I ESA and identified the following on-site RECs:

##### *REC 1 – Petroleum or Chemical Bulk Storage*

During the Site reconnaissance, three above ground storage tanks (ASTs) were observed in the eastern end of the basement. Two ASTs, each with an approximate capacity of 10,000 gallons, were observed within a concrete vault. An approximate 750-gallon AST was observed immediately south of the AST vault. Contents of the ASTs were not confirmed; however, it is believed that they stored fuel oil for low-pressure boilers that were identified in New York City Department of Building (NYCDOB) records. Langan was unable to thoroughly inspect the areas beneath the tanks for staining or evidence of a petroleum release during the Phase I site inspection. Potential spills or leaks of petroleum contained in the identified ASTs may have adversely impacted soil and groundwater at the Subject Property and is considered a REC.

##### *REC 2 – Monitoring Wells*

A monitoring well was observed on the 14<sup>th</sup> Street sidewalk at the northern extent of the Subject Property and three apparent abandoned boreholes were observed along the 10<sup>th</sup> Avenue sidewalk at the western



extent of the Subject Property. The monitoring well and abandoned boreholes may be related to a previous environmental investigation and/or monitoring at the Site and are considered RECs.

#### *REC 3 – Historic Site Usage*

An independent electric plant was located in the center of the block in 1904. The southern portion of this facility extended onto Lot 1. Potential coal burning and storage associated with this plant may have impacted soil and groundwater at the Site. In addition, Central Tool and Machine Co. was identified at 48 10<sup>th</sup> Avenue in 1973. Leaks or spills of petroleum products and/or solvents used at this facility may have adversely impacted soil and groundwater at the Site.

#### *REC 4 – Historic Fill*

A review of historic Viele maps indicates that the Hudson River originally extended approximately 200 feet east of 10<sup>th</sup> Avenue at 13<sup>th</sup> Street, indicating that most of the Subject Property consists of made land filled in for development purposes in the late 1800s. Historic urban fill typically consists of ash, demolition debris, and municipal waste products; it may contain several types of contamination at concentrations above current regulatory levels, including volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), and metals. The presence of historic fill at the Site is a REC.

The following off-site RECs were identified at surrounding Properties:

#### *REC 1 - Open Spill Incident at a Mobil Gasoline Station at 461-469 West 14<sup>th</sup> Street*

NYSDEC Spill No. 0911962 was opened in February 11, 2010 and addresses several outstanding issues associated with historic spills at the gas station. Benzene, toluene, ethylbenzene, xylene (BTEX), and methyl-tert butyl ether (MTBE) remain in soil and groundwater at concentrations significantly greater than applicable New York State Standards. Based on the nature of this spill, regulatory status, and close proximity to the Site (adjoining to the north across 14<sup>th</sup> Street), it has the potential to adversely impact groundwater at the Site and is considered a REC.

#### *REC 2 - Historic Use of Surrounding Properties*

The following historical uses of surrounding properties are considered RECs:

- A Gasoline filling station was located at 501 West 14<sup>th</sup> Street, approximately 150 feet north, northwest (cross-gradient) of the Site, from 1969-1996. Leaks or spills of petroleum products at this facility may have adversely impacted groundwater at the subject Property.
- Unspecified manufacturing activities were documented at 445 West 14<sup>th</sup> Street, approximately 200 feet northeast (up-gradient) of the Subject Property, between 1969 and 2005. Leaks or spills of solvents and/or other chemicals at this facility may have adversely impacted groundwater at the Subject Property.
- A paint shop was located at 456 West 14<sup>th</sup> Street in 1895, which was up-gradient and adjoined Lots 5-9 to the east. Leaks or spills of paints containing solvents, lead or other chemicals at this facility may have adversely impacted groundwater at the Subject Property.

### **2.3 Proposed Development**

Redevelopment plans for the Site have not been finalized, but it is assumed that at least one basement level will be incorporated into the project design.

## 2.4 Geology

Geological surface features (e.g., rock outcroppings) were not observed on the Site. Based on a review of the "Bedrock and Engineering Geologic Maps of New York County and parts of Kings and Queens Counties, New York, and parts of Bergen and Hudson counties, New Jersey" (Baskerville Map), dated 1994 and prepared by Charles A Baskerville, the Site is underlain by bedrock of the middle Ordovician to lower Cambrian Hartland Formation, which consists of interbedded mica schist, gneiss, and amphibolite. Based on a geotechnical investigation performed at the Site by Langan and this Phase II ESI, the subsurface strata consists of fill material to a depth of at least 12 feet (ft) below grade surface (bgs). Fill material consists of fine to coarse gravel with some concrete, brick, construction debris and some fine to coarse sand. Bedrock was not encountered during this investigation but is estimated to be approximately 70 ft below mean sea level in a former drainage and shoreline area.

## 2.5 Hydrogeology

Typically, groundwater flow is topographically influenced, as shallow groundwater tends to originate in areas of topographic highs and flows toward areas of topographic lows, such as rivers, stream valleys, ponds, and wetlands. A broader, interconnected hydrogeologic network often governs groundwater flow at depth or in the bedrock aquifer. Groundwater depth and flow direction are also subject to hydrogeologic and anthropogenic variables such as precipitation, evaporation, extent of vegetation cover, underground utilities, building foundations, and coverage by impervious surfaces. Other factors influencing groundwater include depth to bedrock, the presence of artificial fill, and variability in local geology and groundwater sources or sinks.

Groundwater measurements recorded during this Phase II ESI ranged from approximately 10 to 12 ft bgs. Temporary monitoring wells were not surveyed during this Phase II however, groundwater flow direction was evaluated during a previous geotechnical evaluation by Langan and flows southwest towards the Hudson River. Groundwater in this area of New York City is not used as a potable (drinking) water source. The potable water supply is provided by the City of New York and is derived from surface impoundments in the Croton, Catskill, and Delaware watersheds.



### 3.0 FIELD INVESTIGATION

Langan implemented this Phase II ESI between November 22 and December 27, 2010. The field investigation consisted of a geophysical survey and the completion of 17 soil borings, three permanent monitoring wells, six temporary monitoring wells, and three soil vapor sampling points. The sampling program consisted of 17 grab soil samples, one composite soil sample, 12 groundwater samples, three subsurface soil vapor samples, one ambient air sample, two samples from unknown liquid in 55-gallon drums and two samples from unidentified liquid in historic refrigerant piping in the building. The Phase II was conducted in general accordance with the Phase II ESI Work Plan, included as Appendix A, with the following exceptions:

1. Three additional borings were advanced to investigate two geophysical anomalies indicative of underground storage tanks near the southwest corner of the Site;
2. Two offset borings, and one temporary monitoring well, were advanced to delineate the extent of petroleum impacts identified near borings SB14 and SB15;
3. One composite and one grab soil sample were collected for waste characterization purposes from the delineation borings;
4. Three permanent monitoring wells were installed to investigate potential petroleum impacts associated with an open New York State Department of Environmental Conservation (NYSDEC) spill at an adjoining property to the north;
5. Two samples were collected from historic refrigerant pipes that remain in the building to characterize the unidentified liquid;
6. Additional lead analysis was performed via TCLP on soil samples collected from borings SB2 and SB5;

Photographs taken during the field investigation are included in Appendix C.

#### 3.1 Geophysical Survey

Before any subsurface sampling was completed, NOVA Geophysical Services (NOVA) of Douglaston, New York, conducted a geophysical survey on November 22, 2010 and November 23, 2010. A Langan field engineer supervised NOVA during the Survey. Due to remaining mechanical equipment and standing water, the geophysical survey was primarily limited to locating buried utilities in the vicinity of boring locations in the basement of the existing buildings. A more thorough survey was conducted in Lots 5-9 and in the western portion of Lot 1 (along 10<sup>th</sup> Avenue) to investigate potential UST locations and to trace the location and alignment of sub-surface stormwater drains. Accessible portions of the Site and proposed soil boring locations were first screened using the Geonics<sup>(tm)</sup> electromagnetic detector by carrying the instrument over the boring locations in 5 ft x 5 ft traverses. When geophysical anomalies indicative of utilities or USTs were identified, a Ditch-witch<sup>(tm)</sup> utility locator was used to determine if the anomalies were utilities or other large sub-surface metal objects. GPR profiles were then collected over each metal-detector anomaly and inspected for reflections, which could be indicative of USTs. Soil borings were placed upon completion of the geophysical survey to avoid subsurface structures or utilities



and to obtain sub-surface information adjacent to potential USTs. A copy of the geophysical report is included in Appendix D.

### 3.2 Soil Investigation

Langan retained Craig Geotechnical Testing Company, Inc. (Craig Test) of Mays Landing, New Jersey to complete the Phase II ESI borings. The soil investigation included 17 environmental soil borings (SB1 through SB17). Borings were advanced to depths of up to 12 ft bgs using a Geoprobe<sup>®</sup> 7720 direct-push sampler. Due to spatial and access limitations, borings SB7 through SB11 were advanced using a hand-held direct-push sampler. A Langan field engineer supervised Craig Test during drilling. Boring locations are presented on Figure 3.

Soil samples were collected continuously to the completion depth of each boring in 4-foot macrocore<sup>®</sup> sample barrels with dedicated acetate liners. Soil samples were inspected for visual and olfactory evidence of contamination and screened for total organic vapors (TOVs) with a photoionization detector (PID) equipped with a 10.6 electron volt (eV) lamp. Field observations were documented in the field in boring logs by the supervising Langan engineer and are included in Appendix E.

Two soil samples were collected for laboratory analysis from borings SB1 and SB-4. One sample was collected for laboratory analysis from the remaining borings. With the exception of petroleum impacts that were identified near the southwest corner of the Site, field evidence of a chemical or petroleum release was not evident. As such, soil samples were collected from varying intervals within the historic fill for laboratory analysis. Borings SB13 - 17 were added to the scope of work to investigate petroleum-impacted soil and geophysical anomalies indicative of two USTs near the southwest corner of the Site. Three soil samples were collected from borings SB-13, SB-14 and SB-17 at the interval just below apparent petroleum impacts to confirm the vertical extent of the release. In addition, one composite soil sample was collected from petroleum-impacted soil in borings SB-14, SB-15, and SB-16 to characterize soil for disposal purposes.

A total of 17 grab soil samples and one composite soil sample were collected into laboratory-supplied containers and were delivered via courier to York Analytical Laboratories, Inc (York), a New York State Department of Health (NYSDOH) Environmental Laboratory Approval Program (ELAP) certified laboratory in Stratford, Connecticut under standard chain-of-custody protocol. Grab soil samples were analyzed for Target Compound List (TCL) VOCs by Environmental Protection Agency (EPA) Method 8260, TCL SVOCs by EPA Method 8270, Target Analyte List (TAL) metals by EPA Methods 6010B/7471A, and polychlorinated biphenyls (PCBs) by EPA Method 8082. Based on the total lead concentration in sample SB2 (10-12) and SB5 (10-12), additional lead analysis was performed via the Toxicity Characteristic Leaching Procedure (TCLP) to determine whether this soil will be considered a Resource Conservation and Recovery Act (RCRA) characteristic hazardous waste upon excavation.

Composite soil sample SB14/15/16 was also collected from petroleum-impacted soil around SB14, SB15 and SB16 for waste characterization purposes. The composite waste characterization sample was analyzed for TCL SVOCs, Resource Conservation and Recovery Act (RCRA) metals, PCBs, pesticides,



and herbicides. In addition, one grab soil sample (SB14) was analyzed for total petroleum hydrocarbons (TPH) diesel range organics (DRO) via EPA Method 8100M and petroleum identification via EPA Method 8015B.

### 3.3 Groundwater Investigation

Seven of the borings were converted into temporary groundwater monitoring wells and three were converted into permanent wells. Temporary wells were installed by inserting a 10-foot length of 0.01-inch slotted, 1-inch diameter, Schedule 40 polyvinyl chloride (PVC) screen and attached risers. Permanent groundwater monitoring wells were installed by inserting a 10-foot length of 0.01-inch slotted, 1-inch diameter, Schedule 40 polyvinyl chloride (PVC) screen and attached riser and finished with 4-foot standpipes. Following installation and development, each well was sampled using a peristaltic pump. Prior to sample collection, a minimum of three well volumes was purged from each well and groundwater parameters (pH, conductivity, turbidity, dissolved oxygen, temperature, and oxidation-reduction potential) had stabilized with turbidity measurements below 50 Nephelometric Turbidity Units (NTU) or after a period of 45 minutes had passed, whichever occurred first. Nine groundwater samples were collected into laboratory supplied glassware and delivered via courier service to York. Groundwater was not collected from temporary monitoring well TMW10 due to the presence of light non-aqueous phase liquid (LNAPL) observed at the water table. In addition, three groundwater monitoring wells (B2-OW, B3-OW and B7-OW) that were installed by Langan during a geotechnical investigation were also sampled using a peristaltic pump. Groundwater samples were analyzed for TCL VOCs by EPA Method 8260, TCL SVOCs by EPA Method 8270, TAL metals (unfiltered) by EPA Methods 6010B/7471A and PCBs by EPA method 8082. Groundwater monitoring well locations are presented on Figure 4. Groundwater sampling logs are included as Appendix F.

### 3.4 Sub-Surface Soil Vapor Investigation

Three sub-surface soil vapor samples were collected by advancing an expendable steel point and post-run-tubing (PRT) system to the depth just above the capillary fringe with the Geoprobe<sup>®</sup> rig (about 9.5 ft bgs). An expendable steel point was placed in a holder attached to a 4-foot drive rod. The drive rod was installed by Craig Test to 10 ft bgs and then retracted approximately 6-inches to create a void beneath the drive rods and the soil. Prior to sample collection, each subsurface vapor point was purged using a PID at a rate of 0.5 liters per minute (L/min) to evacuate a minimum of three sample tubing volumes. As a quality assurance/quality control (QA/QC) measure, an inert tracer gas (helium) was introduced into an above-grade sampling chamber to ensure that the soil vapor sampling points were properly sealed above the target sampling depth, thereby preventing sub-surface infiltration of ambient air. Soil vapor samples were collected into laboratory-supplied, batch-certified 2.7-Liter Summa<sup>®</sup> canisters that were calibrated for a sampling rate of .045 L/min for 60 minutes of sampling.

An ambient air sample was also collected during the investigation to determine the outdoor air background concentrations and to assess if the air quality at the Site has been adversely impacted by surrounding facilities. Sample AA-1 was placed in the central area of Lots 5-9. An individually-certified-clean 2.7-Liter stainless steel SUMMA<sup>®</sup> canister fitted with a laboratory-calibrated low-flow regulator was used to collect the ambient air sample. Winds were from the north at approximately 7 miles



per hour (mph) during collection of the ambient air sample (AA1). The collected sub-surface soil vapor and ambient air samples were delivered via courier service to York under standard chain-of-custody protocol and analyzed for VOCs by EPA Method TO-15.

### **3.5 Drum Investigation**

Two partially filled, unlabeled 55-gallon drums were identified in the basement of the existing vacant building and sampled during this Phase II ESI. Prior to sample collection, the Langan engineer observed the current condition of the drums for indications of leaks and/or spills or other signs of deterioration (i.e., rust, pitting, etc.). Langan screened the opening and surrounding areas for TOVs using a PID; VOCs were not detected. The oil-like liquid in each drum was sampled using a peristaltic pump and dedicated polyethylene tubing. Each sample was collected into laboratory supplied glassware and delivered via courier service to York under standard chain-of-custody protocol and analyzed for TPH via EPA Method 8100M. In addition, one of the drum samples (Drum 2) was also analyzed for PCBs.

### **3.6 Refrigerator Pipe Investigation**

The mounted piping that remained in the basement and second floor cold storage rooms of the existing building on Lot 1 were also investigated during this Phase II ESI. The objective of this phase of the investigation was to characterize any residual liquid that remained in the pipes and to determine whether any special disposal requirements are necessary while handling this material. Residual liquid was only identified in mounted piping in the basement; pipes located in the second floor cold storage room did not contain fluid. Sections of the mounted piping were opened using hand tools and a Sawzall<sup>®</sup>, and screened for TOVs using a PID. Any fluid that drained from the pipes was collected into laboratory supplied glassware, delivered via courier service to York under standard chain-of-custody protocol and analyzed for TCL VOCs, TCL SVOCs, TAL Metals (unfiltered), PCBs and ammonia. After sampling was complete, the pipe openings were sealed by Craig Test using hydrated bentonite.

### **3.7 Historical Data Review**

As part of this Phase II ESI, a Freedom of Information Act (FOIA) request was submitted to the NYSDEC for any available information pertaining to NYSDEC Spill No. 0911962 at the adjoining property to the north of the Site (i.e., Chelsea Car Wash) at 58-76 10th Avenue/461-469 West 14th Street. The NYSDEC's FOIA response included two Phase II Subsurface Investigation Reports, including the Limited Phase II Subsurface Investigation, prepared by Property Solutions Inc. and dated August 2008 and the Limited Subsurface Investigation Report, prepared by Environmental Maintenance Contractors, Inc. and dated May 2010. Each report was reviewed and the data was evaluated to determine the potential for the spill at the adjoining property to impact groundwater at the Site during construction.



## 4.0 OBSERVATIONS AND RESULTS

### 4.1 Geophysical Survey

Two adjacent geophysical anomalies, each consistent with a UST, were located by NOVA on the sidewalk to the west of the existing building on Lot 1. Each anomaly measured approximately 10 feet by 4 feet and was oriented north - south. One of the anomalies appeared to be connected to an out-of-service fill port observed near the Site building; however, a fill port associated with the second anomaly was not identified.

Several minor geophysical anomalies indicative of former building foundations (i.e., steel beams, bricks, concrete blocks, and unconsolidated soil) were located throughout Lots 1 and 5 through 9. In addition, out-of-service and active sub-surface utilities (electric, sewer, gas and water) were located on the sidewalk, to the west of the Site. All proposed boring locations were cleared of utilities and marked at the Site.

A copy of the geophysical report, including a map of the surveyed areas, is included as Appendix C.

### 4.2 Subsurface Observations

Fill material, predominantly consisting of fine to coarse gravel with some concrete, brick, construction debris and some fine to coarse sand, was identified at the surface of the vacant portion of the Site (Lots 5-9) and beneath the concrete slab at Lot 1, and extended into groundwater, up to 12 feet bgs. This fill layer is classified as Historic Urban Fill as defined in the NYSDEC DER-10 Technical Guidance for Site Investigation and Remediation, dated May 3, 2010. Depth to groundwater ranges from 10 to 12 feet bgs and was identified immediately beneath the basement of the existing building on Lot 1.

Petroleum-related odors and staining, residual petroleum in unsaturated soil, and PID readings ranging from 5.2 to 26.2 parts per million (ppm) were identified in borings SB9/TMW6, SB14 and SB15 adjacent to the suspect USTs that were identified in the sidewalk near the southwest corner of the Site (see discussion in Section 4.1). Petroleum-related odors and LNAPL were also identified on purged groundwater at TMW6 and SB14/TMW-10. Based on field observations that were indicative of a historic petroleum release, the NYSDEC was notified of the condition and NYSDEC Spill No. 10-09353 was assigned to the Site. Five delineation borings (SB13 – SB17) were added to the scope of work to investigate geophysical anomalies indicative of USTs and to delineate the horizontal and vertical extent of the petroleum release identified in boring SB9. Based on the field observations, the extent of petroleum impacts associated with NYSDEC Spill No. 10-09353 spans an area of approximately 600 square feet. Petroleum impacts extend to the west to 10<sup>th</sup> Avenue; the western extent of the spill was not determined.

## 4.3 Analytical Results

### 4.3.1 Soil Sample Results

Seventeen grab soil samples and one composite soil sample were submitted to York Analytical for analysis. Analytical results were compared to Title 6 of the New York Codes, Rules and Regulations (NYCRR), Part 375 Unrestricted Use Soil Cleanup Objectives (SCOs). The analytical results for soil samples are summarized in Table 1 and are shown on Figure 3. Composite sample SB14/15/16 was collected from petroleum-impacted soil for waste characterization purposes. A complete copy of the York Analytical laboratory report is included in Appendix G.

#### VOCs

Nine VOCs were detected in soil throughout the Site; however, none of the VOCs were detected at concentrations greater than the Unrestricted Use SCOs except for acetone and total xylenes. Acetone exceeded its Unrestricted Use SCO (0.055 micrograms per kilogram) in 10 of the 17 grab soil samples and ranged from 0.057 milligram per kilogram (mg/kg) to 0.096.10 mg/kg. Acetone was also detected in the associated analysis batch blank in all but one sample and is considered a laboratory artifact and not representative of Site conditions. An estimated xylene concentration of 0.51 mg/kg was detected in boring SB7, exceeding the Unrestricted Use SCO of 0.26 mg/kg. There was no evidence of a chemical or petroleum release at SB7; the source of xylenes appears to be historic fill and is not related to a spill or separate contaminant source.

#### SVOCs

Fifteen SVOCs were detected in soil throughout the Site; however, none of the SVOCs were detected at concentrations greater than their respective Part 375 Unrestricted Use SCOs.

#### Metals

Eighteen metals were detected in soil samples throughout the Site, including five at concentrations greater than their respective Part 375 Unrestricted Use SCOs. The following five metals were detected at concentrations greater than their respective Unrestricted Use SCOs<sup>1</sup>:

- arsenic – 16.5 mg/kg in SB13(10'-12') [13 mg/kg];
- copper – 60.6 mg/kg in SB17(10'-12') to 234 mg/kg in SB12(0-2') [50 mg/kg];
- lead – 71.9 in SB12(0-2') to 957 mg/kg in SB5(10'-12') [63 mg/kg];
- nickel – 48.0 mg/kg in SB2(10'-12') [30 mg/kg];
- zinc – 113 mg/kg in SB10(0-2') to 559 mg/kg in SB3 (10'-12') [109 mg/kg]

Due to the high concentrations of total lead in samples SB2(10'-12') and SB5(10'-12'), additional analysis via the Toxicity Characteristic Leaching Procedure (TCLP) was performed on these samples to determine whether excess soil generated during site development will be classified as a RCRA Hazardous Waste. The TCLP lead results for SB2(10'-12') and SB5(10'-12') was 0.0218 milligrams per liter (mg/L)

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<sup>1</sup> Part 375 Unrestricted Use SCOs shown in brackets



and 0.300 mg/L respectively, and below the RCRA regulatory limit of 5 mg/L. Excess soil that is generated during site development will be classified as a non-hazardous waste.

Based on their random occurrence throughout the Site, the metals detected at concentrations greater than the SCOs appear to be a constituent of the heterogeneous historic fill material and are not related to a spill or separate contaminant source.

#### PCBs

PCBs were not detected at concentrations that exceed the Part 375 Unrestricted Use SCOs.

#### Pesticides and Herbicides and RCRA Metals

Pesticides and herbicides were not detected in composite soil sample SB14/15/16. None of the RCRA metals were detected in the composite soil sample. Soil that is excavated during remediation of NYSDEC Spill No. 10-09353 will be characterized as non-hazardous petroleum contaminated waste.

#### Petroleum Identification of Petroleum Impacted Soils

The results of the petroleum identification analysis performed on petroleum-impacted soil associated with NYSDEC Spill No. 10-09353 indicate that the NAPL resembles a mixture of #2 fuel oil and lubricating oil. The reported TPH DRO concentration in soil from the spill area is 15,400 mg/kg. Based on these results and field observations made during this Phase II ESI, excavation of approximately 125 cubic yards of petroleum impacted soil over an area of approximately 600 square feet is required to close out NYSDEC Spill No. 10-09353. Soil excavated during remediation of the spill will be considered a non-hazardous petroleum-impacted material. Disposal of this material at a permitted thermal treatment facility may be required.

#### 4.3.2 Groundwater Results

Twelve groundwater samples were submitted for laboratory analysis. A sample was not collected from temporary monitoring well TMW10 due to the presence of LNAPL. Analytical results were compared to the NYSDEC Division of Water Technical and Operational Guidance Series (TOGS) 1.1.1 Ambient Water Quality Standards (AWQS) and Guidance Values for Class GA (drinking water) groundwater. In addition, one groundwater sample was also compared to the New York City Department of Environmental Protection (NYCDEP) Limitations for Effluent to Sanitary or Combined Sewers. Analytical results from the groundwater samples are summarized in Table 2 and presented on Figure 4. A complete copy of the York Analytical laboratory report is included in Appendix G.

#### VOCs

Twelve VOCs were detected in groundwater samples throughout the Site, including three which exceeded the NYSDEC Class GA water quality standards. The following three VOCs were detected at concentrations above their respective TOGS Class GA standards or guidance values<sup>2</sup>:

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<sup>2</sup> TOGS AWQS Class GA Standard or Guidance Value shown in parentheses

- benzene – 1.5 micrograms per liter ( $\mu\text{g/L}$ ) in TMW6 [1  $\mu\text{g/L}$ ];
- Chloroform – 21  $\mu\text{g/L}$  in TMW2 and B3-OW to 27  $\mu\text{g/L}$  in TMW1 [7  $\mu\text{g/L}$ ], and;
- Toluene – 5.9  $\mu\text{g/L}$  in TMW9 [5  $\mu\text{g/L}$ ].

Chloroform was only detected in groundwater along the northern property line. Chloroform is known to form as a result of the chlorination of naturally occurring organic materials found in raw water supplies. According to NYCDEP test data from 2004 – 2009, the average and maximum chloroform concentrations in New York City tap water are 27.22  $\mu\text{g/L}$  and 44.6  $\mu\text{g/L}$ , respectively, which is within the range detected at the Site. Based on this data, the source of chloroform in groundwater appears to be runoff from the Chelsea Car Wash, which is located at the adjoining property to the north of the Site. The VOCs benzene and toluene were detected at concentrations that marginally exceed their Class GA standards in groundwater sampled near NYSDEC Spill No. 10-09353 and is likely associated with the spill.

#### SVOCs

Four SVOCs were detected in unfiltered groundwater samples, including one which exceeded the NYSDEC Class GA water quality standard. A naphthalene concentration of 15.9  $\mu\text{g/L}$  was detected in temporary monitoring well TMW6, exceeding the Class GA standard of 10  $\mu\text{g/L}$ . TMW6 is located within the petroleum-impacted area associated with NYSDEC Spill No. 10-09353. Because naphthalene is a constituent of No. 2 fuel oil, the occurrence of this SVOC in groundwater is attributed to the petroleum release.

#### Metals

Sixteen metals were detected in groundwater samples throughout the Site, including two which exceed the NYSDEC Class GA water quality standards. The following two metals exceeded the TOGS Class GA standards or guidance values<sup>31</sup>:

- mercury – 1.4  $\mu\text{g/L}$  in TMW5 (0.7  $\mu\text{g/L}$ ); and
- selenium – 11  $\mu\text{g/L}$  in TMW9 to 16  $\mu\text{g/L}$  in TMW6 (10  $\mu\text{g/L}$ ).

These metals were also detected in historic fill material that was sampled during this Phase II. Based on the occurrence of mercury in selenium in both soil and groundwater and because temporary monitoring wells were installed without a sand filter pack, the occurrence of these metals appears to be primarily due to entrained sediment in the sample and not actual groundwater conditions.

#### PCBs

A total PCB concentration of 0.503  $\mu\text{g/L}$  was detected in the groundwater sampled at temporary monitoring well TMW5, exceeding the TOGS Class GA standard of 0.09  $\mu\text{g/L}$ . Based on the occurrence of PCBs at low concentrations in soil samples SB7 and SB10, collected in the vicinity of TMW5, its low solubility and because temporary monitoring wells were installed without a sand filter pack, the

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<sup>3</sup> TOGS AWQS Class GA Standard or Guidance Value shown in parentheses



occurrence of PCBs appears to be primarily due to entrained sediment in the sample and not actual groundwater conditions.

#### 4.3.3 Subsurface Soil Vapor Results

Three subsurface vapor samples and one ambient air sample were submitted for laboratory analysis. Laboratory analytical results from the subsurface and ambient air samples were compared to the NYSDOH Air Guidance Values (AGVs) and NYSDOH Decision Matrices 1 and 2. In addition, subsurface soil vapor sample results were compared to the ambient air sample results and several indoor air background data base concentrations that are presented in Appendix C of the NYSDOH Guidance for Evaluating Soil Vapor Intrusion in the State of New York (NYSDOH Guidance), including Upper Fence Limit Indoor Air Values from "Table C-1 NYSDOH 2003: Study of VOCs in Air of Fuel Oil Heated Homes," 90<sup>th</sup> Percentile Indoor Air Values from "Table C-2 – EPA 2001: Building Assessment and Survey Evaluation (BASE) Database, SUMMA canister method," and the 95<sup>th</sup> Percentile Indoor Air Values from "Table C-5, Health Effects Institute (HEI) 2005: Relationship of Indoor, Outdoor and Personal Air". The analytical results for subsurface and ambient air samples are summarized in Tables 3 and 4 and are shown on Figure 5. A complete copy of the York Analytical laboratory report is included in Appendix G.

A review of the sub-surface soil vapor sample results indicates that 16 of the 61 VOCs analyzed using EPA Method TO-15 were detected in at least one of the three soil vapor samples. None of the VOCs exceeded the NYSDOH AGVs. The following nine VOCs were detected in sample SV3 at concentrations above all of the background comparison criteria: 1,2,4-trimethylbenzene, acetone, cyclohexane, ethylbenzene, methyl chloride, chloromethane, n-hexane, o-xylene, m,p-xylene, and toluene. The vapor concentrations that were detected were within an order of magnitude of the anticipated indoor air background concentrations and are not considered an environmental concern.

#### 4.3.4 Drum Characterization Results

Petroleum identification analysis was performed on liquid waste stored in two, unlabeled 55-gallon drums in the basement at Lot 1. Sample results were indicative of a lubricating oil (Drum 1) and transmission fluid (Drum 2). Both drums appeared to be in good condition (i.e., no rust or pitting) and there was no evidence of a release in the area surrounding the drums.

#### 4.3.5 Refrigerator Pipe Characterization Results

Residual liquid that remains in mounted piping in the basement was characterized to determine whether any special disposal requirements are necessary while handling this material. The liquid was screened with a PID and no VOCs were detected. PCBs and SVOCs were not detected. VOCs were not detected above Class GA standards. The metals arsenic, barium, cadmium, chromium, lead and silver were detected at concentrations that exceed drinking water standards, but not at concentrations that are characteristic of a RCRA hazardous waste. In addition, ammonia (as nitrogen) was detected in the pipe liquid at a concentration of 1,560 µg/L. The pipes should be drained during demolition and care should

be taken to collect any residual liquid. This material should be disposed as a non-hazardous liquid waste in accordance with local, city and state regulations.

Analytical results from the refrigerator pipe liquid samples are summarized in Table 5. A complete copy of the Alpha Analytical laboratory report is included in Appendix G.

#### 4.3.6 Historical Report Review

Based on our review of both reports, groundwater flows to the southwest and has been impacted as a result of NYSDEC Spill No. 09-11962. Gasoline-related VOCs and SVOCs remain in soil and groundwater at concentrations significantly higher than their respective New York State standards. Groundwater at the Site has not been impacted as a result of this spill; however, construction dewatering is anticipated during the development of the Site. As such, the groundwater flow direction will likely be redirected towards the Site. The following petroleum-related constituents were detected in groundwater at concentrations above the NYCDEP Limitations for Effluent to Sanitary or Combined Sewers<sup>4</sup>:

- Ethylbenzene – up to 4,400 µg/L (134 ug/L);
- Tetrachloroethene – up to 44 µg/L (20 ug/L);
- Toluene – up to 160 ug/L (74 µg/L);
- Xylenes – up to 32,000 ug/L (74 µg/L); and
- Naphthalene -- up to 1,100 ug/L (47 µg/L)

Based on these results, pumped groundwater will require treatment to remove residual gasoline-related impacts prior to discharging to the New York City sewer system; treatment of petroleum-related VOCs and SVOCs should be incorporated into the construction dewatering design.

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<sup>4</sup> NYCDEP Limitations for Effluent to Sanitary or Combined Sewers are shown in parentheses.



## 5.0 CONCLUSIONS AND RECOMMENDATIONS

Based on the findings of the Phase II, we conclude the following:

### Conclusions

- Geophysical anomalies indicative of up to two USTs were identified
- Shallow soil at the Site consists of historic urban fill, with concentrations of metals and SVOCs above NYSDEC Part 375 Unrestricted Use SCOs.
- A historic petroleum release was identified and NYSDEC Spill No. 10-09353 was assigned to the Site. Approximately 125 cubic yards of petroleum-impacted soil associated with the spill was identified over an approximate area of 600 square feet. Petroleum impacts extend to the west to 10<sup>th</sup> Avenue; the western extent of the spill was not determined.
- Petroleum-related VOCs were detected at concentrations that marginally exceed their Class GA standards in groundwater sampled near NYSDEC Spill No. 10-09353. The source of VOCs in groundwater is NYSDEC Spill No. 10-09353.
- Residual liquid that remains in refrigerant piping contains metals at concentrations that exceed Class GA standards. In addition, ammonia is also present in this liquid.
- Gasoline-related groundwater impacts associated with NYSDEC Spill No. 09-11962 have not impacted groundwater conditions at the Site. However, construction dewatering is anticipated during development and groundwater flow may be redirected as a result. Gasoline-related VOCs and SVOCs are expected to impact groundwater at the Site as a result of construction dewatering.

### Recommendations

For the Site to be suitable for its intended use as a mixed use multi-story building, Langan recommends the following:

- The apparent USTs located underneath the sidewalk fronting 10<sup>th</sup> Avenue near the southwest corner of the Site should be decommissioned and removed in accordance with local, state and federal regulations. USTs and associated piping and any residual petroleum product should be removed and transported to an off-site disposal facility that is permitted to accept this material. NYSDEC Petroleum Bulk Storage (PBS) registration is required upon completion of the UST work.
- Excavation of approximately 125 cubic yards of petroleum-impacted soil associated with NYSDEC Spill No. 10-09353 and off-site disposal of soil to a facility that is permitted to accept this material is required. The excavation will occur in the sidewalk fronting 10<sup>th</sup> Avenue, near the southwest corner of the Site, and is in addition to the building foundation excavation. Spill closure must be performed in accordance with the NYSDEC DER-10 Technical Guidance for Site Investigation and Remediation and NYSDEC spill closure requirements. Soil must be handled in accordance with applicable local, state and federal regulations. Additional waste

characterization analysis should be performed in accordance with the disposal facility's requirements.

- Following completion of the excavation of petroleum-impacted soil associated with NYSDEC Spill No. 10-09353, Oxygen Releasing Compound (ORC) slurry should be applied to the open excavation to address residual petroleum impacts to groundwater. At least three permanent monitoring wells should be installed along the sidewalk near the southwest corner of the Site and groundwater should be monitored to confirm that the remedy was effective.
- Upon completion of the excavation of petroleum-impacted soil associated with NYSDEC Spill No. 10-09353, the excavation should be backfilled with fill material that meets the Part 375 Unrestricted Use SCOs.
- In addition to the spill remediation area, any excess soil that will be generated during the  $\pm 15$  foot excavation that will occur during development of the Subject Property will be considered a regulated solid waste. Soil should be handled and transported in accordance with applicable local, state and federal regulations to a disposal facility that is permitted to accept this material. This material should be properly characterized prior to transportation to an off-site disposal facility.
- Mounted refrigerant pipes should be drained during demolition and care should be taken to collect any residual liquid. This material should be disposed as a non-hazardous liquid waste in accordance with local, city and state regulations. In addition, the demolition contractor should consider health and safety concerns associated with ammonia exposure while dismantling the pipes.
- VOC and SVOC concentrations in groundwater at the adjoining property to the north are up to 400 times greater than the NYCDEP Limitations for Effluent to Sanitary or Combined Sewers. Groundwater generated as a result of construction dewatering will require treatment to remove residual gasoline-related impacts prior to discharging to the New York City sewer system. Treatment of petroleum-related VOCs and SVOCs should be incorporated into the construction dewatering design.
- Waterproofing must be incorporated into the building foundation design. The waterproofing membrane will also act as a vapor barrier that will mitigate any vapor associated with residual petroleum impacts associated with NYSDEC Spill 09-11962 and 10-09353
- The proposed building will cover the entire Site footprint; however, construction plans have not been finalized. Upon completion of the new construction, if any soil is exposed (i.e., soil is not covered by a paved or other impermeable surface), it should be covered with at least two feet of fill material meeting the Part 375 Unrestricted Use SCOs.



## **6.0 LIMITATIONS**

This Phase II report was prepared expressly for William Gottlieb Real Estate/Tenth Avenue, LLC for the proposed development at the property located at 42-46 10<sup>th</sup> Avenue and 449-451 West 13<sup>th</sup> Street in Manhattan, New York and for the objectives defined herein. Langan cannot assume responsibility for the use of this Report for any property other than the specific site addressed in this report, or by any third party without specific written authorization from Langan.

The conclusions, opinions, and recommendations provided in this report are based on subsurface conditions ascertained from the analysis of a limited number of samples and from environmental reports prepared by Langan and other professionals that were provided by William Gottlieb Real Estate/Tenth Avenue, LLC. Recommendations provided are contingent upon one another and no recommendation should be followed independent of the others. Actual conditions encountered may differ substantially from those presented herein and should be brought to our attention whereby we may determine how such changes may affect our conclusions, opinions and recommendations.

## 7.0 REFERENCES

Phase I Environmental Site Assessment Report for Highline 13, 14 & 10, New York, New York; prepared by Langan Engineering and Environmental Services, P.C.; dated September 2010.

Limited Phase II Subsurface Investigation for Chelsea Carwash, 70 10<sup>th</sup> Avenue, New York, New York; prepared by Property Solutions, Inc., dated August 22, 2008.

Limited Phase II Subsurface Investigation for 70 10<sup>th</sup> Avenue, New York, New York; prepared by Environmental Maintenance Contractors, Inc., dated May 14, 2010.

Guidance for Evaluating Soil Vapor Intrusion in the State of New York, October 2006; prepared by the New York State Department of Health Center for Environmental Health, Bureau of Environmental Exposure Investigation

6 NYCRR § 375, effective December 14, 2006; New York State Department of Environmental Conservation Rules and Regulations, Remedial Program Requirements.

6 NYCRR Chapter X § 700 – 706; New York State Department of Environmental Conservation Water Quality Regulations, Surface Water and Ground Water Classifications and Standards.

Determination of Soil Cleanup Levels, 12/20/2000, New York State Department of Environmental Conservation Memorandum from Michael K O'Toole, Jr. Director of Division of Environmental Remediation to Bureau Directors, Section Chiefs, Regional Spill Engineers and Regional Hazardous Water Remediation Engineers.

National Primary Drinking Water Regulations, Technical Fact Sheet on Tetrachloroethylene. United States Environmental Protection Agency

<http://www.epa.gov/ttnatw01/hlthef/chlorofo.html>

<http://www.ewg.org/tap-water/whatsinyourwater/NY/New-York-City-Department-of-Environmental-Protection--Jamaica/7011735/>

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## TABLES



Buildings

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NYC Department of Buildings  
Property Profile Overview

42 10 AVENUE  
10 AVENUE

42 - 46

MANHATTAN 10014

Health Area : 6100  
Census Tract : 79  
Community Board : 102  
Buildings on Lot : 4

BIN# 1080270

Tax Block : 646  
Tax Lot : 1  
Condo : NO  
Vacant : NO

[View DCP Addresses...](#) [Browse Block](#)

[View Zoning Documents](#)

[View Challenge Results](#)

[View Certificates of Occupancy](#)

Cross Street(s): WEST 13 STREET, WEST 14 STREET

DOB Special Place Name:

DOB Building Remarks:

Landmark Status:

Special Status: N/A

Local Law: NO

Loft Law: NO

SRO Restricted: NO

TA Restricted: NO

UB Restricted: NO

Little 'E' Restricted: N/A

Grandfathered Sign: NO

Legal Adult Use: NO

City Owned: NO

Additional BINs for Building: NONE

Special District: UNKNOWN

This property is not located in an area that may be affected by Tidal Wetlands, Freshwater Wetlands, or Coastal Erosion Hazard Area. [Click here for more information](#)

Department of Finance Building Classification: E9-WAREHOUSE

Please Note: The Department of Finance's building classification information shows a building's tax status, which may not be the same as the legal use of the structure. To determine the legal use of a structure, research the records of the Department of Buildings.

	Total	Open	<a href="#">Elevator Records</a>
<a href="#">Complaints</a>	6	0	<a href="#">Electrical Applications</a>
<a href="#">Violations-DOB</a>	25	19	<a href="#">Permits In-Process / Issued</a>
<a href="#">Violations-ECB (DOB)</a>	7	4	<a href="#">Illuminated Signs Annual Permits</a>
This property has 2 open DOB "Work Without A Permit" Violations and may be subject to DOB civil penalties upon application for a permit.			<a href="#">Plumbing Inspections</a>
<a href="#">Jobs/Filings</a>	5		<a href="#">Open Plumbing Jobs / Work Types</a>
ARA / LAA Jobs	0		<a href="#">Facades</a>
Total Jobs	5		<a href="#">Marquee Annual Permits</a>
<a href="#">Actions</a>	24		<a href="#">Boiler Records</a>
OR Enter Action Type: <input type="text"/>			<a href="#">DEP Boiler Information</a>
OR Select from List: <input type="text" value="Select.."/>			<a href="#">Crane Information</a>
AND <a href="#">Show Actions</a>			<a href="#">After Hours Variance Permits</a>

If you have any questions please review these [Frequently Asked Questions](#), the [Glossary](#), or call the 311 Citizen Service Center by dialing 311 or (212) NEW YORK outside of New York City.



