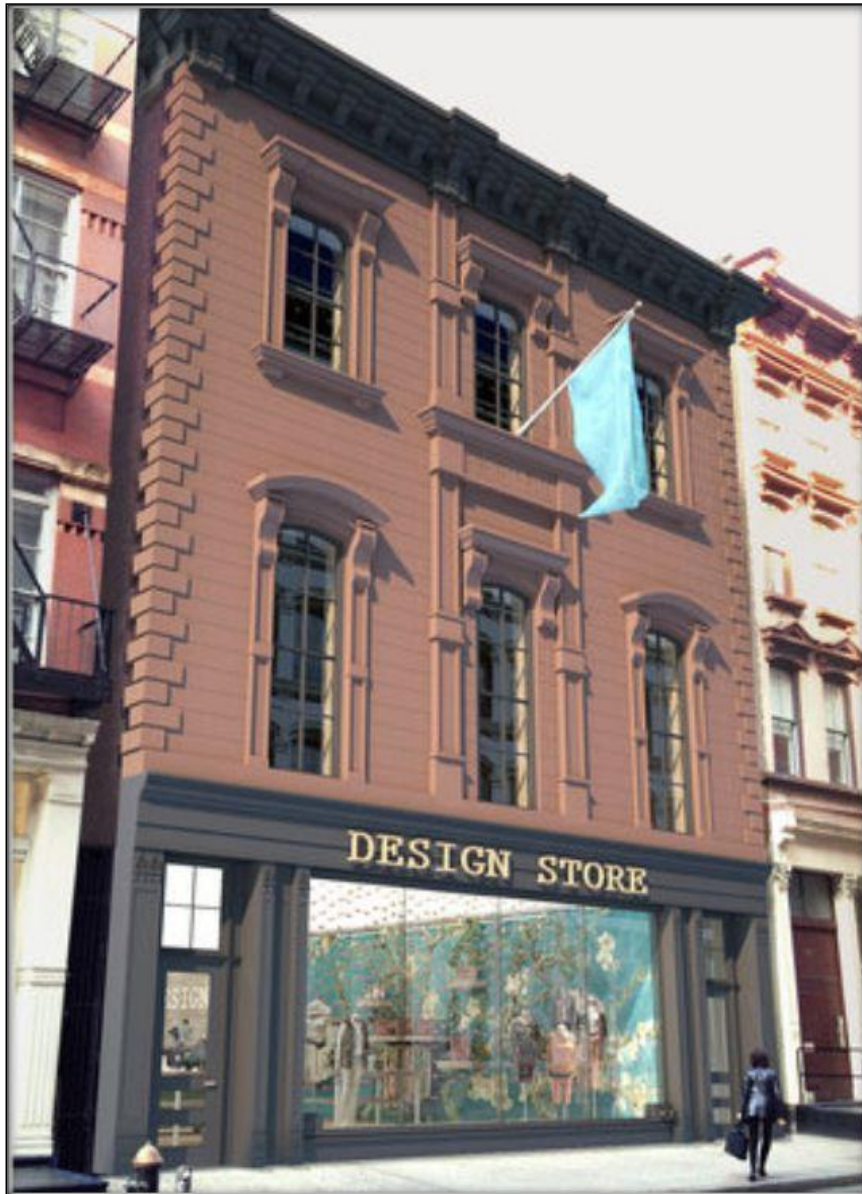


155 Mercer Street EAS

Environmental Assessment Statement

CEQR No. 14DCP118M

ULURP No. 140263ZSM



Prepared for:
RVART Owner LLC and Jensen 155 Mercer Owner LLC

Prepared by:
Philip Habib & Associates

March 12, 2014

155 Mercer Street EAS

Environmental Assessment Statement

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**ENVIRONMENTAL ASSESSMENT STATEMENT
FORM**



City Environmental Quality Review

ENVIRONMENTAL ASSESSMENT STATEMENT (EAS) FULL FORM

Please fill out and submit to the appropriate agency ([see instructions](#))

Part I: GENERAL INFORMATION

PROJECT NAME 155 Mercer Street EAS

1. Reference Numbers

CEQR REFERENCE NUMBER (to be assigned by lead agency)
14DCP118M

BSA REFERENCE NUMBER (if applicable)

ULURP REFERENCE NUMBER (if applicable)
140263ZSM

OTHER REFERENCE NUMBER(S) (if applicable)
(e.g., legislative intro, CAPA)

2a. Lead Agency Information

NAME OF LEAD AGENCY

New York City Department of City Planning

NAME OF LEAD AGENCY CONTACT PERSON

Robert Dobruskin, AICP, Director, EARD

ADDRESS 22 Reade Street, 4th Floor

CITY New York

STATE NY

ZIP 10007

TELEPHONE 212-720-3423

EMAIL

rdobrus@planning.nyc.gov

2b. Applicant Information

NAME OF APPLICANT

RVART Owner LLC and Jensen 155 Mercer Owner LLC

NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON

Melissa Glatta

ADDRESS c/o Thor Equities, 25 West 39th Street

CITY New York

STATE NY

ZIP 10018

TELEPHONE 212-529-5055

EMAIL

mgliatta@thorequities.com

3. Action Classification and Type

SEQRA Classification

UNLISTED TYPE I: Specify Category (see 6 NYCRR 617.4 and NYC Executive Order 91 of 1977, as amended): 6NYCRR Part 617.4(b)(9): any Unlisted Action occurring wholly or partially within, or substantially contiguous to, any historic building, structure, site or district. 155 Mercer Street is located within the SoHo-Cast Iron Historic District.

Action Type (refer to [Chapter 2](#), "Establishing the Analysis Framework" for guidance)

LOCALIZED ACTION, SITE SPECIFIC

LOCALIZED ACTION, SMALL AREA

GENERIC ACTION

4. Project Description

155 Mercer Street is located in the SoHo-Cast Iron Historic District in a M1-5A zoning district. M1-5A zoning districts do not permit Use Group 6 uses below the floor level of the second story of a building. The Applicant is proposing to convert the existing vacant three-story 15,998 gsf building at 155 Mercer Street into 14,589 gsf of commercial (retail) space, and is therefore seeking a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the permitted uses below the floor level of the second story of a building to permit a Use Group 6 user.

Project Location

BOROUGH Manhattan

COMMUNITY DISTRICT(S) 2

STREET ADDRESS 155-157 Mercer Street

TAX BLOCK(S) AND LOT(S) Block 513, Lot 28

ZIP CODE 10012

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS Located on the west side of Mercer Street mid-block between West Houston Street and Prince Street.

EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY M1-5A

ZONING SECTIONAL MAP NUMBER 12c

5. Required Actions or Approvals (check all that apply)

City Planning Commission: YES NO UNIFORM LAND USE REVIEW PROCEDURE (ULURP)

CITY MAP AMENDMENT

ZONING CERTIFICATION

CONCESSION

ZONING MAP AMENDMENT

ZONING AUTHORIZATION

UDAAP

ZONING TEXT AMENDMENT

ACQUISITION—REAL PROPERTY

REVOCABLE CONSENT

SITE SELECTION—PUBLIC FACILITY

DISPOSITION—REAL PROPERTY

FRANCHISE

HOUSING PLAN & PROJECT

OTHER, explain:

SPECIAL PERMIT (if appropriate, specify type: modification; renewal; other); EXPIRATION DATE:

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION §74-711: special permit for modification of use regulations

Board of Standards and Appeals: YES NO

VARIANCE (use)

VARIANCE (bulk)

SPECIAL PERMIT (if appropriate, specify type: modification; renewal; other); EXPIRATION DATE:

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

Department of Environmental Protection: YES NO If "yes," specify:

Other City Approvals Subject to CEQR (check all that apply)

<input type="checkbox"/> LEGISLATION	<input type="checkbox"/> FUNDING OF CONSTRUCTION, specify:
<input type="checkbox"/> RULEMAKING	<input type="checkbox"/> POLICY OR PLAN, specify:
<input type="checkbox"/> CONSTRUCTION OF PUBLIC FACILITIES	<input type="checkbox"/> FUNDING OF PROGRAMS, specify:
<input type="checkbox"/> 384(b)(4) APPROVAL	<input type="checkbox"/> PERMITS, specify:
<input type="checkbox"/> OTHER, explain:	

Other City Approvals Not Subject to CEQR (check all that apply)

<input type="checkbox"/> PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC)	<input checked="" type="checkbox"/> LANDMARKS PRESERVATION COMMISSION APPROVAL
	<input type="checkbox"/> OTHER, explain:

State or Federal Actions/Approvals/Funding: YES NO If "yes," specify:

6. Site Description: *The directly affected area consists of the project site and the area subject to any change in regulatory controls. Except where otherwise indicated, provide the following information with regard to the directly affected area.*

Graphics: *The following graphics must be attached and each box must be checked off before the EAS is complete. Each map must clearly depict the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site. Maps may not exceed 11 x 17 inches in size and, for paper filings, must be folded to 8.5 x 11 inches.*

<input checked="" type="checkbox"/> SITE LOCATION MAP	<input checked="" type="checkbox"/> ZONING MAP	<input checked="" type="checkbox"/> SANBORN OR OTHER LAND USE MAP
<input checked="" type="checkbox"/> TAX MAP	<input type="checkbox"/> FOR LARGE AREAS OR MULTIPLE SITES, A GIS SHAPE FILE THAT DEFINES THE PROJECT SITE(S)	
<input checked="" type="checkbox"/> PHOTOGRAPHS OF THE PROJECT SITE TAKEN WITHIN 6 MONTHS OF EAS SUBMISSION AND KEYED TO THE SITE LOCATION MAP		

Physical Setting (both developed and undeveloped areas)

Total directly affected area (sq. ft.): 4,587 sq. ft. Waterbody area (sq. ft.) and type: N/A

Roads, buildings, and other paved surfaces (sq. ft.): 4,587 sq. ft. Other, describe (sq. ft.):

7. Physical Dimensions and Scale of Project (if the project affects multiple sites, provide the total development facilitated by the action)

SIZE OF PROJECT TO BE DEVELOPED (gross square feet): 14,589 gsf

NUMBER OF BUILDINGS: 1 GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): 14,589 gsf

HEIGHT OF EACH BUILDING (ft.): 57 ft. NUMBER OF STORIES OF EACH BUILDING: 3 stories and cellar

Does the proposed project involve changes in zoning on one or more sites? YES NO

If "yes," specify: The total square feet owned or controlled by the applicant:

The total square feet non-applicant owned area:

Does the proposed project involve in-ground excavation or subsurface disturbance, including, but not limited to foundation work, pilings, utility lines, or grading? YES NO

If "yes," indicate the estimated area and volume dimensions of subsurface disturbance (if known):

AREA OF TEMPORARY DISTURBANCE: sq. ft. (width x length) VOLUME OF DISTURBANCE: cubic ft. (width x length x depth)

AREA OF PERMANENT DISTURBANCE: sq. ft. (width x length)

8. Analysis Year [CEQR Technical Manual Chapter 2](#)

ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2015

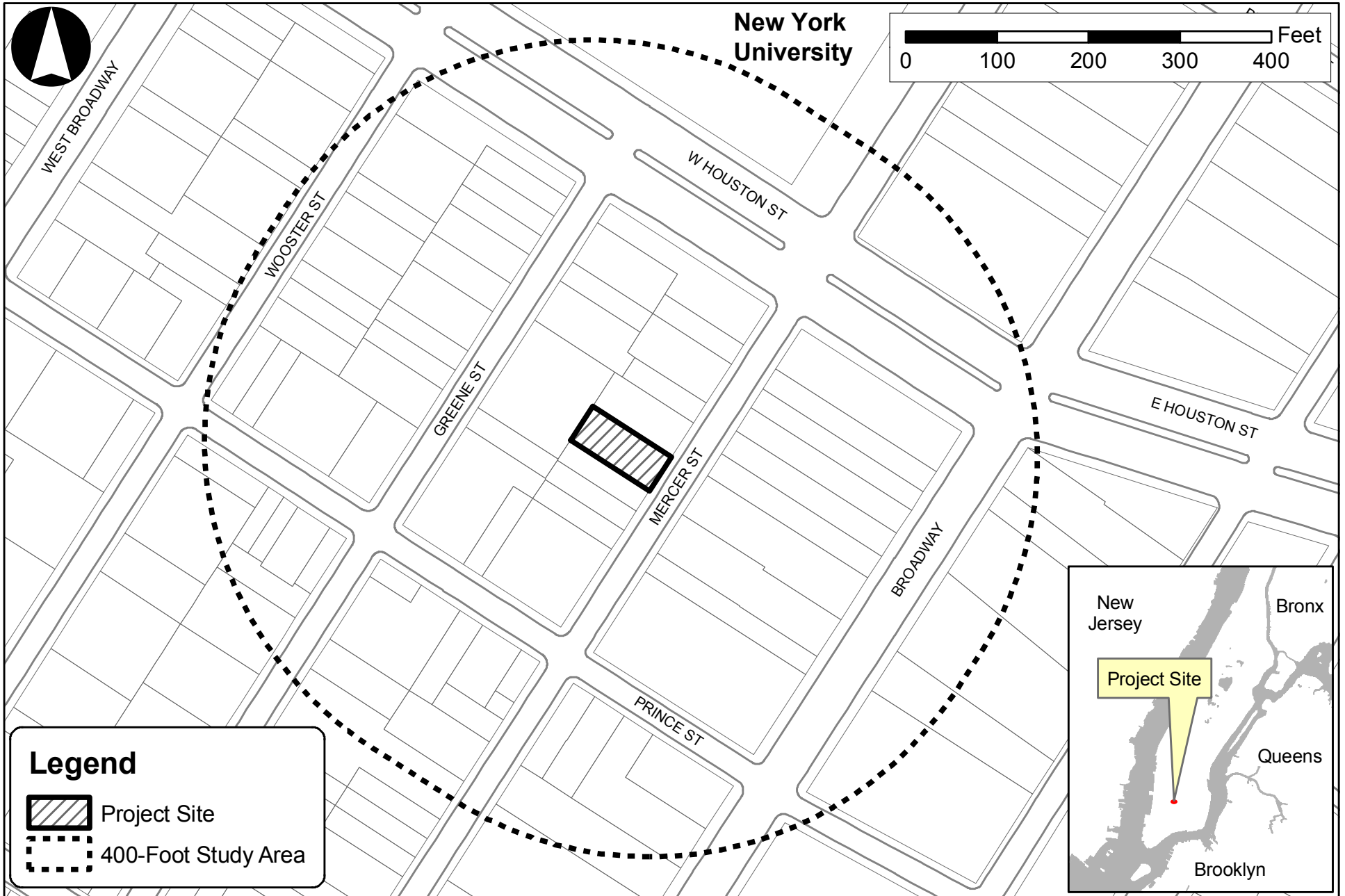
ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: 10

WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? YES NO IF MULTIPLE PHASES, HOW MANY?

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE: Interior conversion and exterior rehabilitation would occur simultaneously, and would be completed within a single year. The building at 155 Mercer Street is anticipated to be completed in early 2015. Please see Attachment B, "Supplemental Screening" for details.

9. Predominant Land Use in the Vicinity of the Project (check all that apply)

<input checked="" type="checkbox"/> RESIDENTIAL	<input type="checkbox"/> MANUFACTURING	<input checked="" type="checkbox"/> COMMERCIAL	<input type="checkbox"/> PARK/FOREST/OPEN SPACE	<input type="checkbox"/> OTHER, specify:
---	--	--	---	--



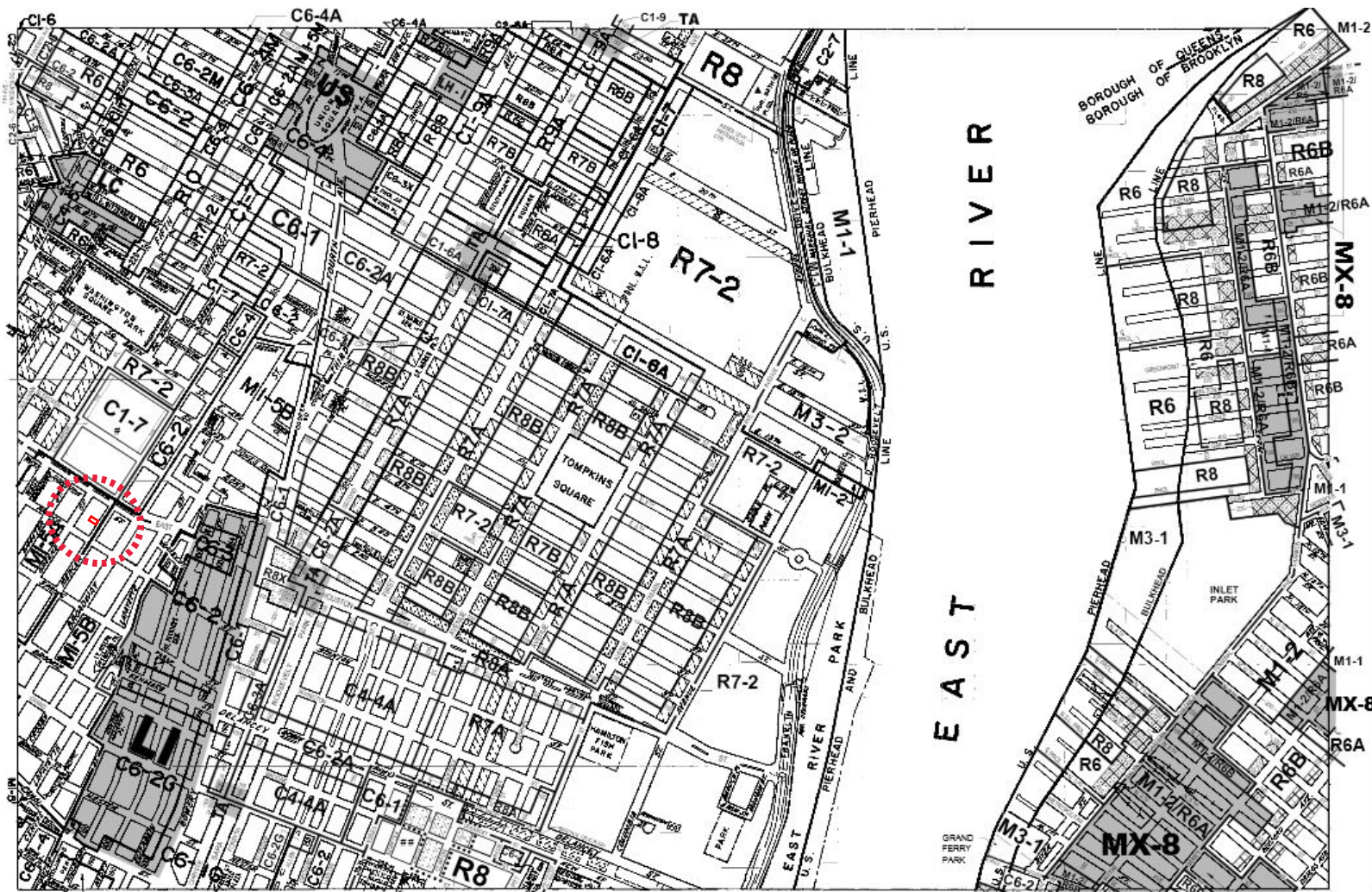
155 Mercer Street EAS

**Figure 1
Site Location Map**



155 Mercer Street EAS

Figure 2
Land Use Map



ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

Major Zoning Classifications:
The number(s) and/or letter(s) that follows or 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 as described in the text of the Zoning Resolution.
- AREA(S) REZONED

Effective Date(s) of Rezoning:
10-11-2012 C 120226 ZMM

Special Requirements:
For a list of lots subject to CEQR environmental requirements, see APPENDIX C.
For a list of lots subject to "D" restrictive declarations, see APPENDIX D.
For Inclusionary Housing designated areas on this map, see APPENDIX F.

CITY MAP CHANGE(S):
▲ 1-26-2013 N 130017 MMM

MAP KEY

8b	8d	9b
12a	12c	13a
12b	12d	13b

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NOTE: Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for this map, visit the Zoning section of the Department of City Planning website: www.nyc.gov/planning or contact the Zoning Information Desk at (212) 720-3251.

600 0 600 1200 1800 FEET

NOTE: STREETS FOR THE STREET MAP CHANGE, C 120077 ZMM ARE SHOWN ON THIS MAP PRIOR TO BECOMING EFFECTIVE IN ORDER TO LOCATE ZONING DISTRICT BOUNDARIES.

NOTE: STREETS FOR THE STREET MAP CHANGE, C 120182 ZMM ARE SHOWN ON THIS MAP PRIOR TO BECOMING EFFECTIVE IN ORDER TO LOCATE ZONING DISTRICT BOUNDARIES.

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

NOTE: Where no dimensions for zoning district boundaries appear on the zoning map, such dimensions are determined in Article VIII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution.

- Project Site
- 400-Foot Study Area



NYC Digital Tax Map

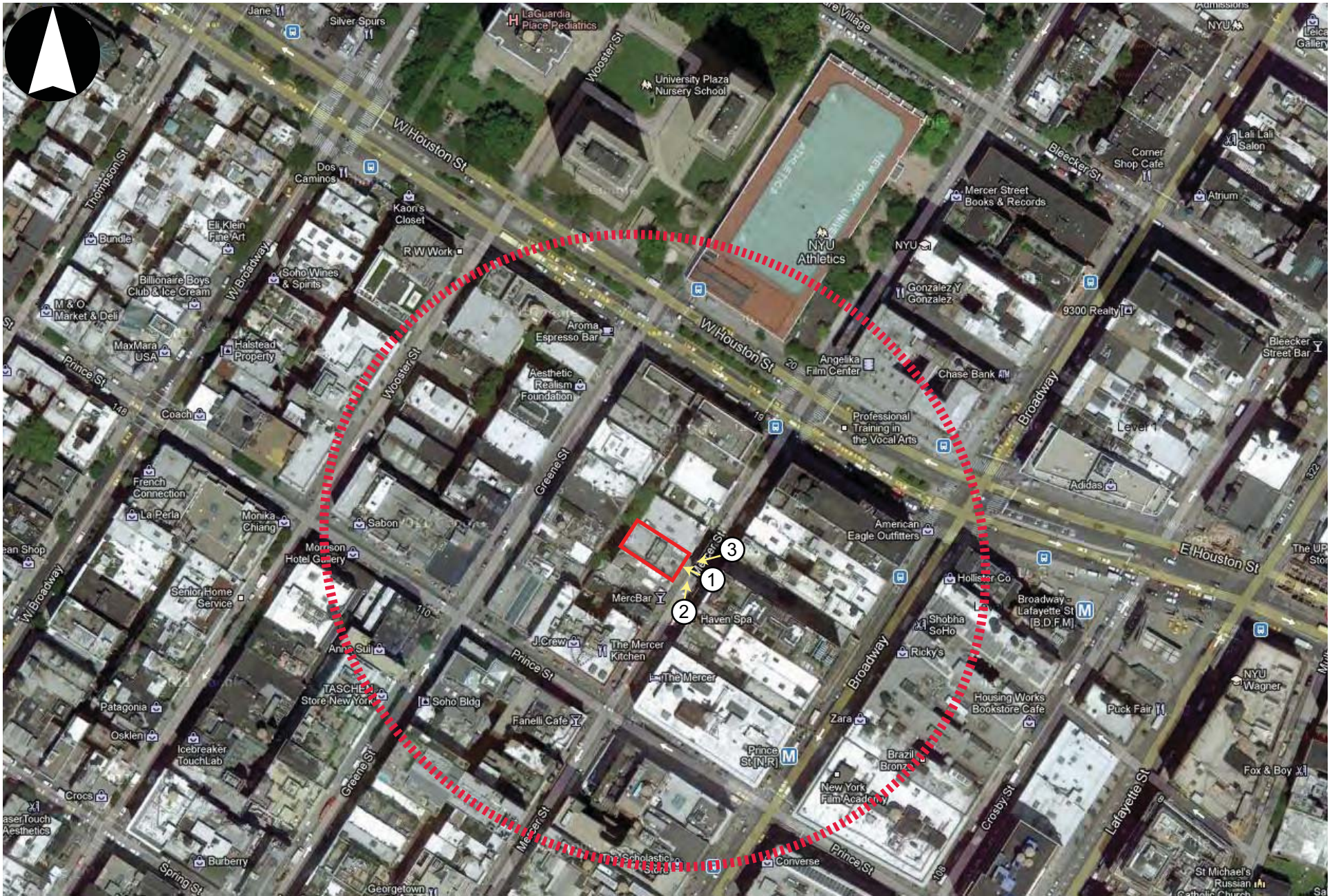
Effective Date : 05-01-2009 10:38:25
 End Date : Current
 Manhattan Block: 513

Legend

- Streets
- Miscellaneous Text
- ⚡ Possession Hooks
- - - Boundary Lines
- ⚡ Lot Face Possession Hooks
- Regular
- Underwater
- Tax Lot Polygon
- Condo Number
- Tax Block Polygon

Project Site





Project Site
 400-Foot Study Area
 ← ① Photo Location (refer to Figure 6)

155 Mercer Street EAS

Figure 5
Aerial Map and Photo Key



1. Existing front facade of 155 Mercer Street (Project Site).



2. Project Site and adjacent lower-level retail spaces.



3. Project Site and adjacent lower-level retail spaces.

DESCRIPTION OF EXISTING AND PROPOSED CONDITIONS

The information requested in this table applies to the directly affected area. The directly affected area consists of the project site and the area subject to any change in regulatory control. The increment is the difference between the No-Action and the With-Action conditions.

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
LAND USE				
Residential	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
Describe type of residential structures				
No. of dwelling units				
No. of low- to moderate-income units				
Gross floor area (sq. ft.)				
Commercial	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify the following:				
Describe type (retail, office, other)	Previously Dance Studio & Office (Vacant)	Vacant	Retail	+ Retail
Gross floor area (sq. ft.)	15,998 gsf	0 gsf	14,589 gsf	+ 14,589 gsf
Manufacturing/Industrial	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
Type of use				
Gross floor area (sq. ft.)				
Open storage area (sq. ft.)				
If any unenclosed activities, specify:				
Community Facility	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
Type				
Gross floor area (sq. ft.)				
Vacant Land	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," describe:				
Publicly Accessible Open Space	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify type (mapped City, State, or Federal parkland, wetland—mapped or otherwise known, other):				
Other Land Uses	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," describe:				
PARKING				
Garages	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces				
Operating hours				
Attended or non-attended				
Lots	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces				
Operating hours				
Other (includes street parking)	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," describe:				
POPULATION				
Residents	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify number:				

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
Briefly explain how the number of residents was calculated:				
Businesses	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify the following:				
No. and type			1 Retail	1 Retail
No. and type of workers by business			44 (based on an estimate of 3 employees per 1,000 sf of retail space)	+ 44 workers
No. and type of non-residents who are not workers			0	0
Briefly explain how the number of businesses was calculated:	The Applicant intends to convert the building into 14,589 gs of single-user retail space.			
Students (non-resident)	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If any, specify number:				
Briefly explain how the number of students was calculated:				
ZONING				
Zoning classification	M1-5A	M1-5A	M1-5A	No change
Maximum amount of floor area that can be developed	23,000 sf	23,000 sf	23,000 sf	0 sf
Predominant land use and zoning classifications within land use study area(s) or a 400 ft. radius of proposed project	M1-5A and M1-5B Commercial, residential, mixed-use	M1-5A and M1-5B Commercial, residential, mixed-use	M1-5A and M1-5B Commercial, residential, mixed-use	No change
Attach any additional information that may be needed to describe the project.				
If your project involves changes that affect one or more sites not associated with a specific development, it is generally appropriate to include total development projections in the above table and attach separate tables outlining the reasonable development scenarios for each site.				

Part II: TECHNICAL ANALYSIS

INSTRUCTIONS: For each of the analysis categories listed in this section, assess the proposed project’s impacts based on the thresholds and criteria presented in the CEQR Technical Manual. Check each box that applies.

- If the proposed project can be demonstrated not to meet or exceed the threshold, check the “no” box.
- If the proposed project will meet or exceed the threshold, or if this cannot be determined, check the “yes” box.
- For each “yes” response, provide additional analyses (and attach supporting information, if needed) based on guidance in the CEQR Technical Manual to determine whether the potential for significant impacts exists. Please note that a “yes” answer does not mean that an EIS must be prepared—it means that more information may be required for the lead agency to make a determination of significance.
- The lead agency, upon reviewing Part II, may require an applicant to provide additional information to support the Full EAS Form. For example, if a question is answered “no,” an agency may request a short explanation for this response.

	YES	NO
1. LAND USE, ZONING, AND PUBLIC POLICY: CEQR Technical Manual Chapter 4		
(a) Would the proposed project result in a change in land use different from surrounding land uses?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project result in a change in zoning different from surrounding zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Is there the potential to affect an applicable public policy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) If “yes,” to (a), (b), and/or (c), complete a preliminary assessment and attach.		
(e) Is the project a large, publicly sponsored project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If “yes,” complete a PlaNYC assessment and attach.		
(f) Is any part of the directly affected area within the City’s Waterfront Revitalization Program boundaries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If “yes,” complete the Consistency Assessment Form .		
2. SOCIOECONOMIC CONDITIONS: CEQR Technical Manual Chapter 5		
(a) Would the proposed project:		
o Generate a net increase of more than 200 residential units or 200,000 square feet of commercial space?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ If “yes,” answer questions 2(b)(ii) and 2(b)(iv) below.		
o Directly displace 500 or more residents?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ If “yes,” answer questions 2(b)(i), 2(b)(ii), and 2(b)(iv) below.		
o Directly displace more than 100 employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ If “yes,” answer questions under 2(b)(iii) and 2(b)(iv) below.		
o Affect conditions in a specific industry?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ If “yes,” answer question 2(b)(v) below.		
(b) If “yes” to any of the above, attach supporting information to answer the relevant questions below. If “no” was checked for each category above, the remaining questions in this technical area do not need to be answered.		
i. Direct Residential Displacement		
o If more than 500 residents would be displaced, would these residents represent more than 5% of the primary study area population?	<input type="checkbox"/>	<input type="checkbox"/>
o If “yes,” is the average income of the directly displaced population markedly lower than the average income of the rest of the study area population?	<input type="checkbox"/>	<input type="checkbox"/>
ii. Indirect Residential Displacement		
o Would expected average incomes of the new population exceed the average incomes of study area populations?	<input type="checkbox"/>	<input type="checkbox"/>
o If “yes:”		
▪ Would the population of the primary study area increase by more than 10 percent?	<input type="checkbox"/>	<input type="checkbox"/>
▪ Would the population of the primary study area increase by more than 5 percent in an area where there is the potential to accelerate trends toward increasing rents?	<input type="checkbox"/>	<input type="checkbox"/>
o If “yes” to either of the preceding questions, would more than 5 percent of all housing units be renter-occupied and unprotected?	<input type="checkbox"/>	<input type="checkbox"/>
iii. Direct Business Displacement		
o Do any of the displaced businesses provide goods or services that otherwise would not be found within the trade area,	<input type="checkbox"/>	<input type="checkbox"/>

	YES	NO
either under existing conditions or in the future with the proposed project?	<input type="checkbox"/>	<input type="checkbox"/>
o Is any category of business to be displaced the subject of other regulations or publicly adopted plans to preserve, enhance, or otherwise protect it?	<input type="checkbox"/>	<input type="checkbox"/>
iv. Indirect Business Displacement		
o Would the project potentially introduce trends that make it difficult for businesses to remain in the area?	<input type="checkbox"/>	<input type="checkbox"/>
o Would the project capture retail sales in a particular category of goods to the extent that the market for such goods would become saturated, potentially resulting in vacancies and disinvestment on neighborhood commercial streets?	<input type="checkbox"/>	<input type="checkbox"/>
v. Affects on Industry		
o Would the project significantly affect business conditions in any industry or any category of businesses within or outside the study area?	<input type="checkbox"/>	<input type="checkbox"/>
o Would the project indirectly substantially reduce employment or impair the economic viability in the industry or category of businesses?	<input type="checkbox"/>	<input type="checkbox"/>
3. COMMUNITY FACILITIES: CEQR Technical Manual Chapter 6		
(a) Direct Effects		
o Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, health care facilities, day care centers, police stations, or fire stations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Indirect Effects		
i. Child Care Centers		
o Would the project result in 20 or more eligible children under age 6, based on the number of low or low/moderate income residential units? (See Table 6-1 in Chapter 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project result in a collective utilization rate of the group child care/Head Start centers in the study area that is greater than 100 percent?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the project increase the collective utilization rate by 5 percent or more from the No-Action scenario?	<input type="checkbox"/>	<input type="checkbox"/>
ii. Libraries		
o Would the project result in a 5 percent or more increase in the ratio of residential units to library branches? (See Table 6-1 in Chapter 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project increase the study area population by 5 percent or more from the No-Action levels?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the additional population impair the delivery of library services in the study area?	<input type="checkbox"/>	<input type="checkbox"/>
iii. Public Schools		
o Would the project result in 50 or more elementary or middle school students, or 150 or more high school students based on number of residential units? (See Table 6-1 in Chapter 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project result in a collective utilization rate of the elementary and/or intermediate schools in the study area that is equal to or greater than 100 percent?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the project increase this collective utilization rate by 5 percent or more from the No-Action scenario?	<input type="checkbox"/>	<input type="checkbox"/>
iv. Health Care Facilities		
o Would the project result in the introduction of a sizeable new neighborhood?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project affect the operation of health care facilities in the area?	<input type="checkbox"/>	<input type="checkbox"/>
v. Fire and Police Protection		
o Would the project result in the introduction of a sizeable new neighborhood?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project affect the operation of fire or police protection in the area?	<input type="checkbox"/>	<input type="checkbox"/>
4. OPEN SPACE: CEQR Technical Manual Chapter 7		
(a) Would the project change or eliminate existing open space?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Is the project located within an under-served area in the Bronx , Brooklyn , Manhattan , Queens , or Staten Island ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) If "yes," would the project generate more than 50 additional residents or 125 additional employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Is the project located within a well-served area in the Bronx , Brooklyn , Manhattan , Queens , or Staten Island ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) If "yes," would the project generate more than 350 additional residents or 750 additional employees?	<input type="checkbox"/>	<input type="checkbox"/>
(f) If the project is located in an area that is neither under-served nor well-served, would it generate more than 200 additional residents or 500 additional employees?	<input type="checkbox"/>	<input type="checkbox"/>
(g) If "yes" to questions (c), (e), or (f) above, attach supporting information to answer the following:		

	YES	NO
o If in an under-served area, would the project result in a decrease in the open space ratio by more than 1 percent?	<input type="checkbox"/>	<input type="checkbox"/>
o If in an area that is not under-served, would the project result in a decrease in the open space ratio by more than 5 percent?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," are there qualitative considerations, such as the quality of open space, that need to be considered? Please specify:	<input type="checkbox"/>	<input type="checkbox"/>
5. SHADOWS: CEQR Technical Manual Chapter 8		
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to either of the above questions, attach supporting information explaining whether the project's shadow would reach any sunlight-sensitive resource at any time of the year.		
6. HISTORIC AND CULTURAL RESOURCES: CEQR Technical Manual Chapter 9		
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the GIS System for Archaeology and National Register to confirm)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archeological resources.		
7. URBAN DESIGN AND VISUAL RESOURCES: CEQR Technical Manual Chapter 10		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to either of the above, please provide the information requested in Chapter 10 .		
8. NATURAL RESOURCES: CEQR Technical Manual Chapter 11		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of Chapter 11 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," list the resources and attach supporting information on whether the proposed project would affect any of these resources.		
(b) Is any part of the directly affected area within the Jamaica Bay Watershed ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," complete the Jamaica Bay Watershed Form and submit according to its instructions .		
9. HAZARDOUS MATERIALS: CEQR Technical Manual Chapter 12		
(a) Would the proposed project allow commercial or residential uses in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Would the project require soil disturbance in a manufacturing area or any development on or near a manufacturing area or existing/historic facilities listed in Appendix 1 (including nonconforming uses)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Would the project result in development on or near a site that has or had underground and/or aboveground storage tanks (e.g., gas stations, oil storage facilities, heating oil storage)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Would the project result in renovation of interior existing space on a site with the potential for compromised air quality; vapor intrusion from either on-site or off-site sources; or the presence of asbestos, PCBs, mercury or lead-based paint?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Would the project result in development on or near a site with potential hazardous materials issues such as government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, coal gasification or gas storage sites, railroad tracks or rights-of-way, or municipal incinerators?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Has a Phase I Environmental Site Assessment been performed for the site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify: A Preliminary Summary of Environmental Findings (PSEF) was done for the Project Site on August 8, 2012 by ATC Associates, Inc. The PSEF determined that there was no evidence of RECs in connection with the Project Site or surrounding properties (refer to Appendix 2).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(i) Based on the Phase I Assessment, is a Phase II Investigation needed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. WATER AND SEWER INFRASTRUCTURE: CEQR Technical Manual Chapter 13		

	YES	NO
(a) Would the project result in water demand of more than one million gallons per day?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If the proposed project located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of commercial space in the Bronx, Brooklyn, Staten Island, or Queens?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If the proposed project located in a separately sewered area , would it result in the same or greater development than that listed in Table 13-1 in Chapter 13 ?	<input type="checkbox"/>	<input type="checkbox"/>
(d) Would the project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) If the project is located within the Jamaica Bay Watershed or in certain specific drainage areas , including Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	<input type="checkbox"/>	<input type="checkbox"/>
(f) Would the proposed project be located in an area that is partially sewered or currently unsewered?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a Wastewater Treatment Plant and/or contribute contaminated stormwater to a separate storm sewer system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(i) If "yes" to any of the above, conduct the appropriate preliminary analyses and attach supporting documentation.		
11. SOLID WASTE AND SANITATION SERVICES: CEQR Technical Manual Chapter 14		
(a) Using Table 14-1 in Chapter 14 , the project's projected operational solid waste generation is estimated to be (pounds per week): 3,476		
o Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the City?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the proposed project comply with the City's Solid Waste Management Plan?	<input type="checkbox"/>	<input type="checkbox"/>
12. ENERGY: CEQR Technical Manual Chapter 15		
(a) Using energy modeling or Table 15-1 in Chapter 15 , the project's projected energy use is estimated to be (annual BTUs): 3,155,600,700		
(b) Would the proposed project affect the transmission or generation of energy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. TRANSPORTATION: CEQR Technical Manual Chapter 16		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in Chapter 16 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," conduct the appropriate screening analyses, attach back up data as needed for each stage, and answer the following questions:		
o Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour?	<input type="checkbox"/>	<input type="checkbox"/>
If "yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? **It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 of Chapter 16 for more information.	<input type="checkbox"/>	<input type="checkbox"/>
o Would the proposed project result in more than 200 subway/rail or bus trips per project peak hour?	<input type="checkbox"/>	<input type="checkbox"/>
If "yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction) or 200 subway/rail trips per station or line?	<input type="checkbox"/>	<input type="checkbox"/>
o Would the proposed project result in more than 200 pedestrian trips per project peak hour?	<input type="checkbox"/>	<input type="checkbox"/>
If "yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop?	<input type="checkbox"/>	<input type="checkbox"/>
14. AIR QUALITY: CEQR Technical Manual Chapter 17		
(a) <i>Mobile Sources:</i> Would the proposed project result in the conditions outlined in Section 210 in Chapter 17 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) <i>Stationary Sources:</i> Would the proposed project result in the conditions outlined in Section 220 in Chapter 17 ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in Chapter 17 ? (Attach graph as needed)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Does the proposed project involve multiple buildings on the project site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation.		
15. GREENHOUSE GAS EMISSIONS: CEQR Technical Manual Chapter 18		
(a) Is the proposed project a city capital project or a power generation plant?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

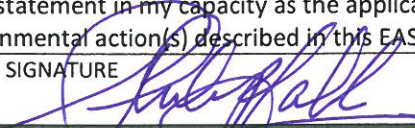
	YES	NO
(b) Would the proposed project fundamentally change the City's solid waste management system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Would the proposed project result in the development of 350,000 square feet or more?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) If "yes" to any of the above, would the project require a GHG emissions assessment based on guidance in Chapter 18 ?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the project result in inconsistencies with the City's GHG reduction goal? (See Local Law 22 of 2008 ; § 24-803 of the Administrative Code of the City of New York). Please attach supporting documentation.	<input type="checkbox"/>	<input type="checkbox"/>
16. NOISE: CEQR Technical Manual Chapter 19		
(a) Would the proposed project generate or reroute vehicular traffic?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project introduce new or additional receptors (see Section 124 in Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation.		
17. PUBLIC HEALTH: CEQR Technical Manual Chapter 20		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality; Hazardous Materials; Noise?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in Chapter 20 , "Public Health." Attach a preliminary analysis, if necessary.		
18. NEIGHBORHOOD CHARACTER: CEQR Technical Manual Chapter 21		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) If "yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in Chapter 21 , "Neighborhood Character." Attach a preliminary analysis, if necessary. The Proposed Action would not have the potential to result in any significant adverse impacts to Historic and Cultural Resources (refer to the detailed analysis in Attachment C, "Historic and Cultural Resources"), nor would it result in a combination of moderate effects to several elements that cumulatively may affect neighborhood character. Therefore, a preliminary assessment of neighborhood character is not required.		
19. CONSTRUCTION: CEQR Technical Manual Chapter 22		
(a) Would the project's construction activities involve:		
o Construction activities lasting longer than two years?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, etc.)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o The operation of several pieces of diesel equipment in a single location at peak construction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Closure of a community facility or disruption in its services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Activities within 400 feet of a historic or cultural resource?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o Disturbance of a site containing or adjacent to a site containing natural resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If any boxes are checked "yes," explain why a preliminary construction assessment is or is not warranted based on the guidance in Chapter 22 , "Construction." It should be noted that the nature and extent of any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination. The proposed exterior rehabilitation would be constructed in conjunction with the proposed interior conversion of the existing building from vacant space to retail space, and total construction time is not expected to last more than 10 months. The converted building at 155 Mercer Street is anticipated to be operational by early 2015. The proposed exterior rehabilitation is not expected to result in any significant adverse construction impacts. Refer to Attachment B, "Supplemental Screening" for details.		
20. APPLICANT'S CERTIFICATION		
I swear or affirm under oath and subject to the penalties for perjury that the information provided in this Environmental Assessment Statement (EAS) is true and accurate to the best of my knowledge and belief, based upon my personal knowledge and familiarity		

with the information described herein and after examination of the pertinent books and records and/or after inquiry of persons who have personal knowledge of such information or who have examined pertinent books and records.

Still under oath, I further swear or affirm that I make this statement in my capacity as the applicant or representative of the entity that seeks the permits, approvals, funding, or other governmental action(s) described in this EAS.

APPLICANT/REPRESENTATIVE NAME
Philip Habib, P.E.

SIGNATURE




DATE

3/12/2014

PLEASE NOTE THAT APPLICANTS MAY BE REQUIRED TO SUBSTANTIATE RESPONSES IN THIS FORM AT THE DISCRETION OF THE LEAD AGENCY SO THAT IT MAY SUPPORT ITS DETERMINATION OF SIGNIFICANCE.

Part III: DETERMINATION OF SIGNIFICANCE (To Be Completed by Lead Agency)

INSTRUCTIONS: In completing Part III, the lead agency should consult 6 NYCRR 617.7 and 43 RCNY § 6-06 (Executive Order 91 or 1977, as amended), which contain the State and City criteria for determining significance.

<p>1. For each of the impact categories listed below, consider whether the project may have a significant adverse effect on the environment, taking into account its (a) location; (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude.</p>		<p>Potentially Significant Adverse Impact</p>	
		<p>YES</p>	<p>NO</p>
IMPACT CATEGORY			
Land Use, Zoning, and Public Policy		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Socioeconomic Conditions		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Community Facilities and Services		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Open Space		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Shadows		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Historic and Cultural Resources		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Urban Design/Visual Resources		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Natural Resources		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hazardous Materials		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Water and Sewer Infrastructure		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Solid Waste and Sanitation Services		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Energy		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Transportation		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Air Quality		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Greenhouse Gas Emissions		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Noise		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Public Health		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Neighborhood Character		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Construction		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>2. Are there any aspects of the project relevant to the determination of whether the project may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials?</p> <p>If there are such impacts, attach an explanation stating whether, as a result of them, the project may have a significant impact on the environment.</p>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>3. Check determination to be issued by the lead agency:</p> <p><input type="checkbox"/> Positive Declaration: If the lead agency has determined that the project may have a significant impact on the environment, and if a Conditional Negative Declaration is not appropriate, then the lead agency issues a <i>Positive Declaration</i> and prepares a draft Scope of Work for the Environmental Impact Statement (EIS).</p> <p><input type="checkbox"/> Conditional Negative Declaration: A <i>Conditional Negative Declaration</i> (CND) may be appropriate if there is a private applicant for an Unlisted action AND when conditions imposed by the lead agency will modify the proposed project so that no significant adverse environmental impacts would result. The CND is prepared as a separate document and is subject to the requirements of 6 NYCRR Part 617.</p> <p><input checked="" type="checkbox"/> Negative Declaration: If the lead agency has determined that the project would not result in potentially significant adverse environmental impacts, then the lead agency issues a <i>Negative Declaration</i>. The <i>Negative Declaration</i> may be prepared as a separate document (see template) or using the embedded Negative Declaration on the next page.</p>			
<p>4. LEAD AGENCY'S CERTIFICATION</p>			
<p>TITLE Deputy Director, Environmental Assessment and Review Division</p>		<p>LEAD AGENCY New York City Department of City Planning</p>	
<p>NAME Celeste Evans</p>		<p>DATE March 4, 2014</p>	
<p>SIGNATURE </p>			

Statement of No Significant Effect

Pursuant to Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York and 6 NYCRR, Part 617, State Environmental Quality Review, [New York City Department of City Planning] assumed the role of lead agency for the environmental review of the proposed project. Based on a review of information about the project contained in this environmental assessment statement and any attachments hereto, which are incorporated by reference herein, the lead agency has determined that the proposed project would not have a significant adverse impact on the environment.

Reasons Supporting this Determination

The above determination is based on information contained in this EAS, which that finds the proposed project:

No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA).

TITLE	LEAD AGENCY	
NAME	SIGNATURE	DATE

ATTACHMENT A
PROJECT DESCRIPTION

I. INTRODUCTION

This is an application by RVART Owner LLC and Jensen 155 Mercer Owner LLC (Applicant) for a special permit pursuant to §74-711 of the Zoning Resolution of the City of New York (Zoning Resolution) to modify the use provisions of the Zoning Resolution, with respect to an existing three-story building located at 155 Mercer Street (Block 513, Lot 28) in the SoHo neighborhood of Manhattan Community District 2 (Project Site). The Project Site is located in an M1-5A zoning district, which prohibits Use Group 6 uses below the second floor of buildings (see Zoning Resolution §42-14(d)(2)(a)). Approval of the application will enable the Applicant to convert the entire building into retail space (Use Group 6). The Proposed Action also includes the exterior rehabilitation of the building pursuant to landmarks regulations.

The Project Site, an existing free-standing 15,998 gross square foot building located at 155 Mercer Street (refer to **Figure 1: Site Location Map** in the EAS Form), is a converted Fireman's Hall from 1854 located in the SoHo-Cast Iron Historic District, which is designated by the New York City Landmarks Preservation Commission (LPC) and listed on the New York State/National Register of Historic Places (S/NR), and is a designated National Historic Landmark (NHL). The building was occupied by dance studios and accessory office space for Joyce SoHo until April 2013 when the Applicant purchased the property from the Joyce Theater Foundation, Inc. The building is currently vacant. The Applicant is proposing to convert the existing 15,998 gross square feet of vacant space to 14,589 gross square feet of commercial (retail) space.¹ An existing mezzanine level between the second and third floors would be removed in the future with the Proposed Action in order to create a high ceiling and open area between the second and third floors, resulting in a loss of 677 gross square feet in the existing building. As a result of the rehabilitation, an additional 732 gross square feet would be removed from the third floor. The Proposed Action is needed because the New York City Zoning Resolution prohibits Use Group 6 (retail stores and personal service uses) from occupying floor space below the second level in M1-5A zoning districts, where the Project Site is located.

This attachment provides a summary and description of the Proposed Action, including the existing condition of the site, project purpose and need, project description, and the governmental approvals required. The attached supplemental analyses examine the potential for the Proposed Action to cause impacts in any CEQR technical areas, including a separate attachment with a detailed analysis of Historic and Cultural Resources. All other preliminary screening assessments are summarized in Attachment B, "Screening Analyses."

II. BACKGROUND

The building at 155 Mercer Street is located within the north central section of the LPC, S/NR, and NHL designated SoHo-Cast Iron Historic District. It was erected in 1854 as a Fireman's Hall by the New York Volunteer Fire Department. Designed by the architectural firm Field and Correja, the three-story, three-bay brick and brownstone building was originally decorated with elaborate ornamentation. Until the 1970s, the Project Site was used by the Fire Department of New York (FDNY) as a Fireman's Hall,

¹ The Proposed Action would result in 9,998 zoning square feet (zsf) of retail space in the building, less than the 10,000 zsf maximum retail floor area permitted under ZR §32-15(c).

FDNY headquarters, and station of FDNY Ladder Company No. 20. The building has been subsequently owned and operated by several dance and arts foundations, accommodating a mosque, art studios, and dance performance spaces.² Today, the building at 155 Mercer Street retains its original bulk and height, as well as original upper-floor quoins, but all other original ornamentation has been removed. Additionally, in the mid-twentieth century, the ground floor was replaced with non-original iron surrounding a metal and glass garage. The building is considered a contributing historic resource in the SoHo-Cast Iron Historic District, as “a feeling of classic dignity still remains.”³

III. EXISTING CONDITIONS

The Project Site is located within the north central section of SoHo. It occupies an approximately 4,587 square foot rectangular mid-block lot (Block 513, Lot 28) between West Houston Street to the north and Prince Street to the south. The building has approximately 46 feet of linear frontage along the western side of Mercer Street. The entire building was occupied by dance performance and studio spaces for Joyce SoHo until April 2013 when the Applicant purchased the property from the Joyce Theater Foundation, Inc. The building is currently vacant.

The Project Site is located within the SoHo-Cast Iron Historic District which is LPC, S/NR, and NHL designated. The district covers 26 blocks bounded by West Houston to the north, Crosby Street to the east, Canal Street to the south, and West Broadway to the west (refer to **Figure C-1: Historic Resources** in Attachment C, “Historic and Cultural Resources”). The intent of the SoHo-Cast Iron Historic District is to protect the neighborhood character and unique architectural value of the district. Landmarking status prohibits any demolition or major upgrade to the buildings without consent by the LPC. The Project Site is also located in an M1-5A zoning district, which prohibits retail uses below the second floor of buildings. Land uses in the immediate vicinity of the Project Site are predominately residential, commercial, and mixed-use.

IV. THE FUTURE WITHOUT THE PROPOSED ACTION (No-Action Scenario)

Pursuant to §42-14(d)(2)(a) of the Zoning Resolution, only Use Groups 7, 9, 11, 16, 17A, 17B, 17C, or 17E are permitted below the floor level of the second story of a building in an M1-5A district. However, there is little demand for these allowable uses on the ground floor of the Project Site. In the 2015 future without the Proposed Action, the proposed retail uses (Use Group 6) on the Project Site would not be permitted below the second floor and it is unlikely that the top two floors of the building at 155 Mercer Street would be reused or converted in the absence of viable ground floor uses. Therefore, it is anticipated that in the future without the Proposed Action, the existing 15,998 gross square feet of commercial space in the building would remain vacant, and no conversions or new construction on the Project Site would occur. As such, in the future without the Proposed Action, the Project Site would remain vacant and underutilized and the proposed exterior restoration would not occur.

As detailed in Attachment B, “Supplemental Screening Analyses,” although SoHo is zoned manufacturing, over the past twenty years it has evolved into a high-end retail center, with shops and galleries located on the ground and second floors of most buildings in the area surrounding the Project Site. In the future without the Proposed Action, the Project Site would remain one of the only vacant

² “Certificates of Occupancy.” New York City Department of Buildings (1981 and 1998).
Colacello, Bob. “Remains of the Dia.” *Vanity Fair* (September 1996).

“Ladder 20.” New York City Fire Museum <<http://www.nycfiremuseum.org>>

³ “SoHo-Cast Iron Designation Report.” New York City: Landmarks Preservation Commission (1973) Page 129.

buildings in the area, standing in contrast to the high-end retail corridor along Mercer Street. Additionally, without the proposed exterior restoration, the historic character of the Project Site would continue to deteriorate, detracting from the surrounding LPC, S/NR, and NHL designated SoHo-Cast Iron Historic District.

V. THE FUTURE WITH THE PROPOSED ACTION (With-Action Scenario)

By 2015 under With-Action Scenario conditions, the requested special permit pursuant to §74-711 of the Zoning Resolution would be granted and it is expected that the Applicant would complete the conversion and exterior restoration of the Project Site. The With-Action Scenario would result in the conversion of the existing 15,998 gross square foot vacant building into 14,589 gross square feet of commercial (retail) space on the Project Site, as well as the rehabilitation of the exterior façade pursuant to LPC approval (refer to **Table 1** below). It should be noted that in the future with the Proposed Action, the Project Site would not be enlarged and no new structures would be constructed, so the maximum square footages highlighted in **Table 2** below would not be met. An existing mezzanine level between the second and third floors would be removed in the future with the Proposed Action, resulting in a loss of 677 gross square feet in the existing building (refer to **Figure A-1: Proposed Site Plans**). As a result of the rehabilitation, an additional 732 gross square feet would be removed from the third floor. The Proposed Action would also include the construction of new egress stairs and a new elevator in the building. As shown in **Figure C-5b: Project Site Proposed Restoration** in Attachment C, “Historic and Cultural Resources,” the new egress stairs and elevator would allow for two ground-floor entrances in the building.

The exterior of the building at 155 Mercer Street would be rehabilitated as approved by the LPC Certificate of Appropriateness, Memorandum of Understanding, and Certificate of No Effect, issued on August 15, 2013, as well as the Restrictive Declaration that will be filed against the property and will regulate the continued maintenance of the historic building (refer to **Appendix 1**). In addition, all construction on the Project Site would be coordinated with and approved by the LPC, where applicable. The proposed restoration work of the street level storefront design, per the LPC approved plans, would include a custom installation of glass and metal framing, with a code-required attenuation level of 35 dBA, based on the Outdoor-Indoor Transmission Class (OITC) values of individual façade components, which would ensure acceptable interior noise levels for retail use.

VI. PROPOSED ACTION PURPOSE AND NEED

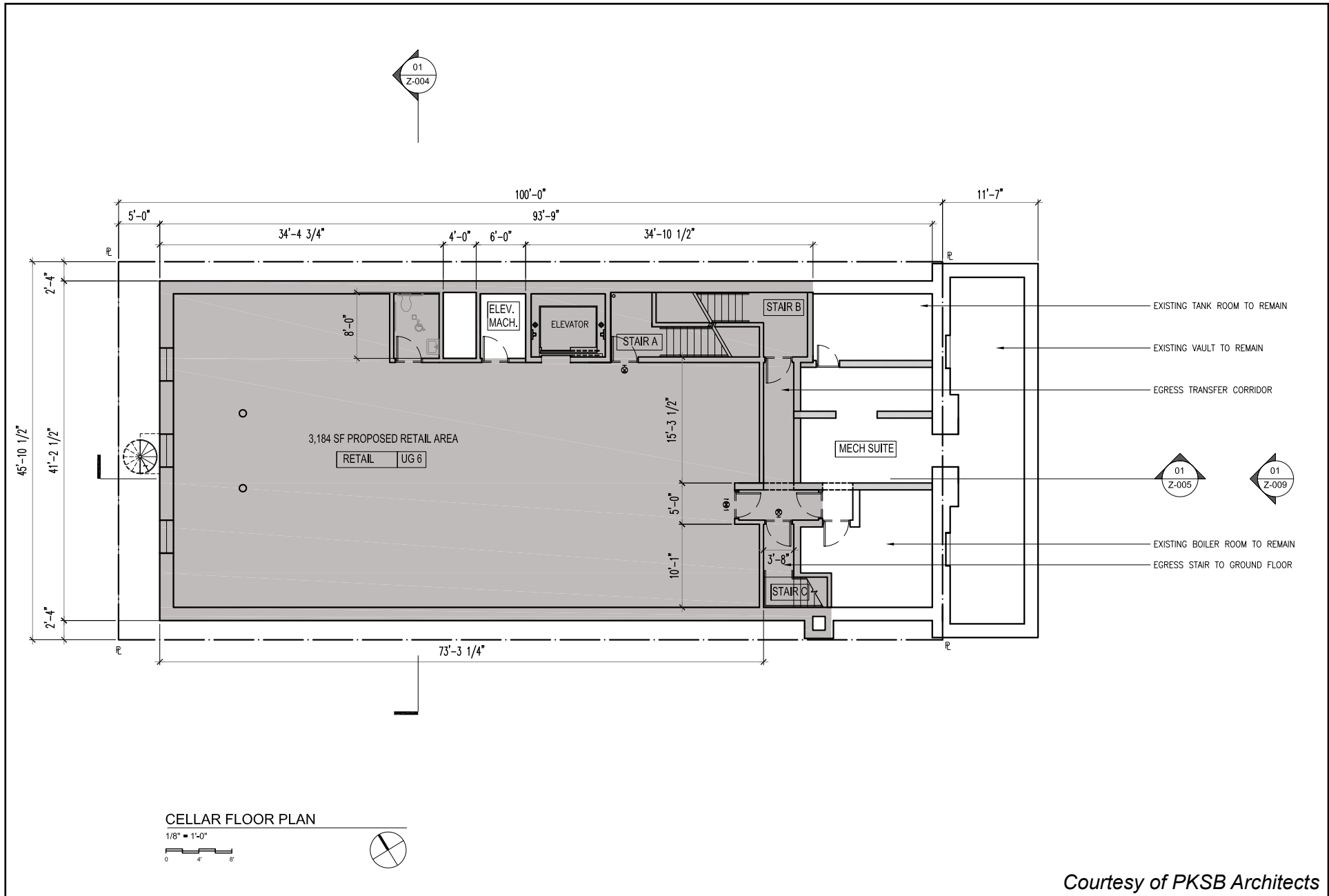
The decline of New York City’s industrial sector during the late-twentieth century left many properties in the SoHo neighborhood of Manhattan underutilized. While the industrial sector has declined, residential populations in the surrounding area have substantially increased, leading to greater demand for housing and commercial amenities in the area. Starting in the 1960’s, loft buildings in the area were steadily abandoned by manufacturing firms and converted, often a few floors at a time, either to artist, commercial, or residential uses. Throughout the 1970’s and 1980’s, the area began attracting artists in residence in the abandoned lofts, which further attracted art related studios, designer showrooms, and retail stores to the area. Although the area in which the Project Site is located is zoned for manufacturing uses, it is more accurately described as a thriving cultural, commercial, and residential area. Rising rents, combined with the larger, long-term decline in industrial employment in New York City, have already transformed the area into a significant commercial and residential neighborhood.

Table 1: Preliminary Reasonable Worst Case Development Scenario

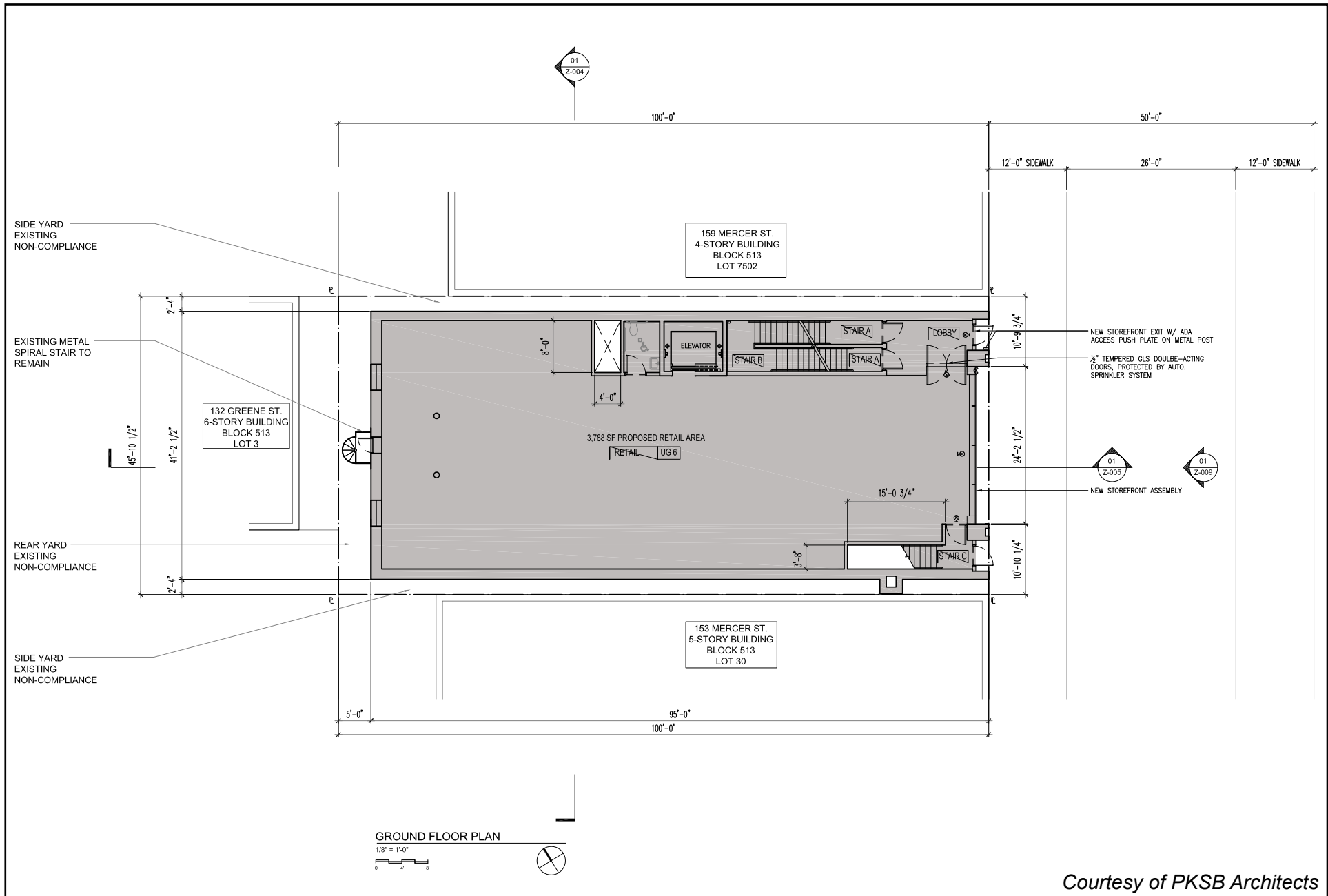
Block/Lot Number	Project Info	Existing Conditions	No-Action	With-Action	Increment
	Zoning Lot Size (SF)	4,587 sf	4,587 sf	4,587 sf	0 sf
Block 513, Lot 28	FAR	2.52	2.52	2.18	-0.34
	Above Grade Uses	0 gsf	0 gsf	10,137 gsf	+10,137 gsf
	Below Grade Uses	0 gsf	0 gsf	4,452 gsf	+ 4,452 gsf
	Commercial GSF	0 gsf	0 gsf	14,589 gsf	+ 14,589 gsf
	Community Facility GSF	0 gsf	0 gsf	0 gsf	0 gsf
	Residential GSF	0 gsf	0 gsf	0 gsf	0 gsf
	Manufacturing GSF	0 gsf	0 gsf	0 gsf	0 gsf
	# of Dwelling Units	0	0	0	0
	# of Affordable Dwelling Units	0	0	0	0
	# of Accessory Parking Spaces	0	0	0	0
	Building Height (ft.)	57 ft.	57 ft.	57 ft.	0
	Total Uses	0 gsf	0 gsf	14,589 gsf	+14,589 gsf

Table 2: Maximum Gross Square Footages and Available FAR

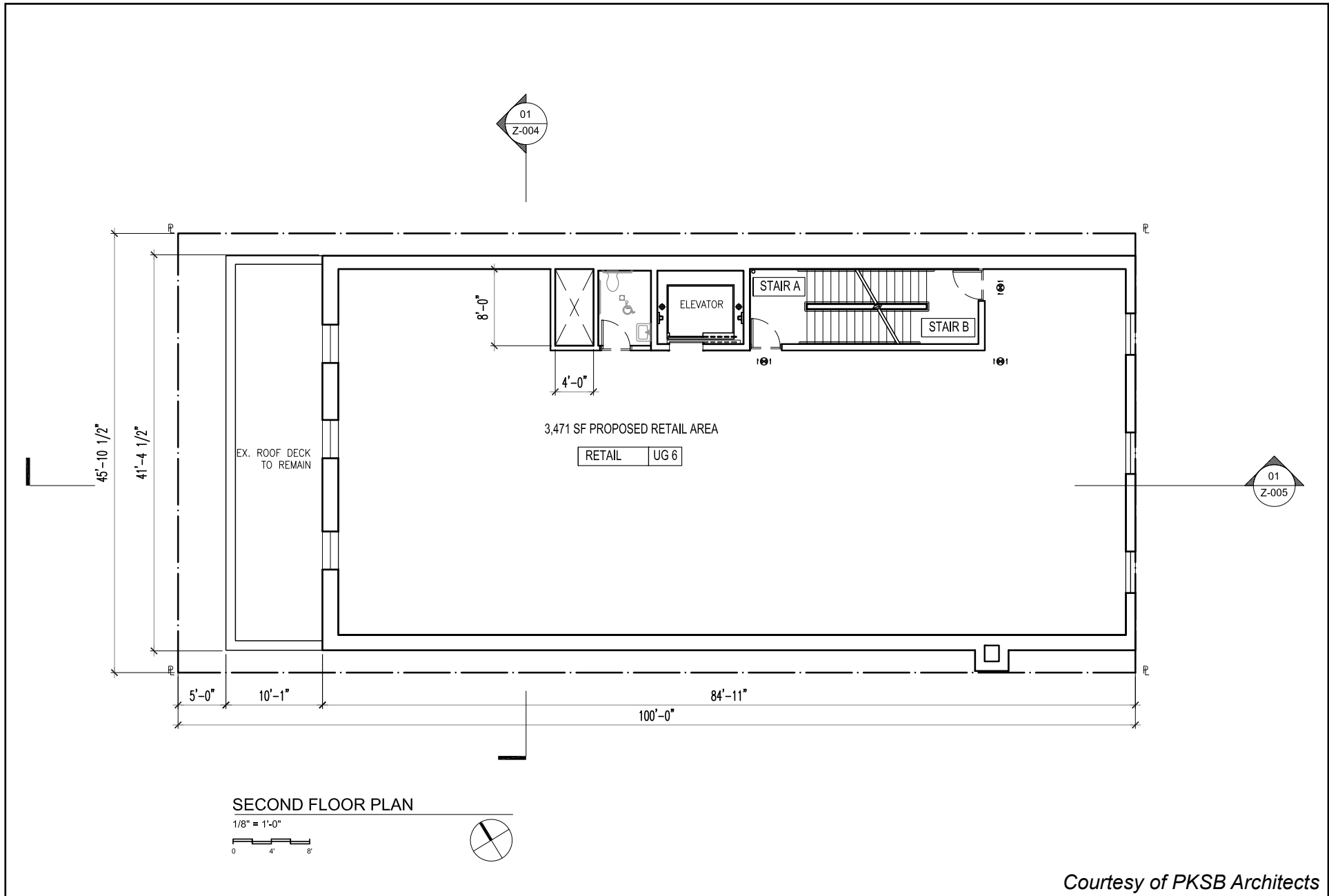
Block/Lot Number	Use	No-Action			With-Action			Increment of Max. GSF
		Zoning District	FAR	Max. GSF	Zoning District	FAR	Max. GSF	
Block 513, Lot 28	Commercial	M1-5A	5.0	23,000 gsf	M1-5A	5.0	23,000 gsf	0 gsf
	Community Facility	M1-5A	5.0	23,000 gsf	M1-5A	5.0	23,000 gsf	0 gsf
	Residential	M1-5A	0	0 gsf	M1-5A	0	0 gsf	0 gsf
	Manufacturing	M1-5A	5.0	23,000 gsf	M1-5A	5.0	23,000 gsf	0 gsf
	Total	M1-5A	5.0	23,000 gsf	M1-5A	5.0	23,000 gsf	0 gsf



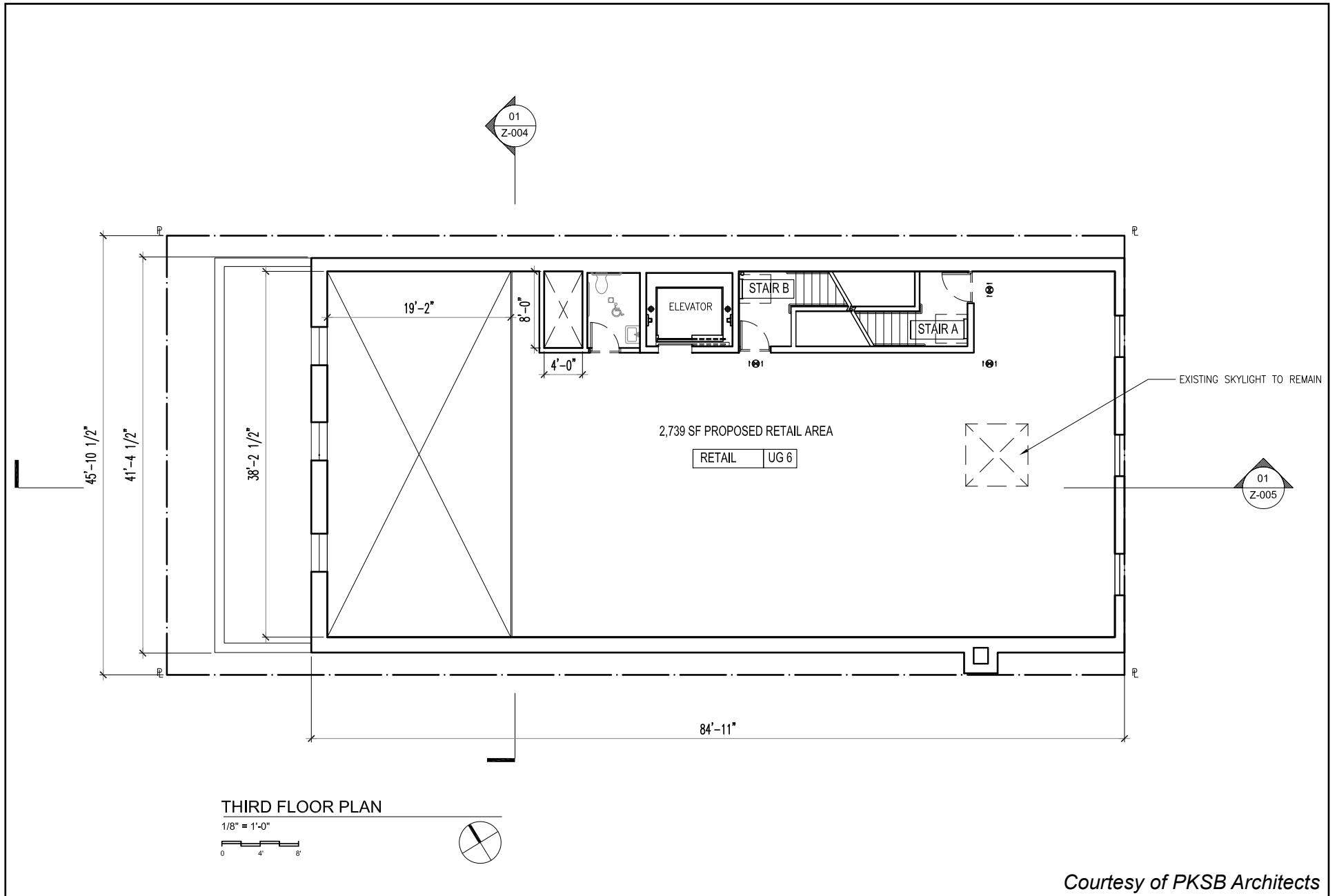
Courtesy of PKSB Architects



Courtesy of PKSB Architects



Courtesy of PKSB Architects



The Proposed Action is intended to permit the Applicant to convert the existing vacant building on the Project Site into retail space, which is prohibited in M1-5A zoning districts. The proposed conversion requires a special permit pursuant to Zoning Resolution §74-711 to modify use provisions. The Project Site is well-suited to accommodate the proposed retail uses. The Proposed Action would continue the trend of new development and conversions from manufacturing uses to mixed-use residential and commercial uses within the surrounding area of SoHo. Although the building at 155 Mercer Street is located within a light manufacturing zoning district, the proposed retail conversion would complement existing uses on the block, which consist primarily of residences, joint living-work quarters for artists (JLWQAs), retail, gallery spaces, showrooms, office, and cultural spaces. Mercer Street is currently lined with ground floor commercial retail and showroom space, including stores such as Versace, Vera Wang, Marc Jacobs, Kenneth Cole, and Niko. Retail stores Zadic & Voltaire and Marni are located in the ground floors of mixed-use buildings immediately adjacent to the left and right of the Project Site, respectively (refer to **Figure C-2: Study Area Photos** in Attachment C, “Historic and Cultural Resources”). The street corridors of Wooster, Greene, Broome, Houston, and Prince Streets and Broadway in the Study Area are also lined with ground floor retail and showroom establishments. In the absence of viable industrial alternatives, the conversion of the building to retail space keeps the Project Site active in a way that is compatible with the use of adjacent and surrounding buildings. It would prevent the building from remaining vacant in the future without the Proposed Action. The creation of ground-floor retail space on the Project Site is expected to increase the viability of the building in context with current market conditions in the area and the trend of ground-floor retail conversions along Mercer Street.

Additionally, the Proposed Action would benefit the long-term preservation of the historic building at 155 Mercer Street and would facilitate the continued maintenance of the building. The proposed exterior rehabilitation, completed pursuant to LPC approvals, would enhance the historic character of the building and surrounding SoHo-Cast Iron Historic District. None of the proposed interior modifications would change, alter, or otherwise negatively affect the building’s exterior architectural features.

VI. REQUIRED APPROVALS

The Proposed Action requires the approval of a special permit pursuant to Zoning Resolution §74-711 to modify use regulations for the Project Site. The granting of a special permit is a discretionary action that is subject to both the Uniform Land Use Review Procedure (ULURP #140263ZSM), as well as the City Environmental Quality Review (CEQR). ULURP is a process that allows public review of the Proposed Action at four levels: the Community Board; the Borough President; the City Planning Commission; and, if applicable, the City Council. The procedure has mandated time limits for review at each stage to ensure a maximum review period of seven months. CEQR is a process by which agencies review discretionary actions for the purpose of identifying the effects those actions may have on the environment. LPC approval will also be required for the Proposed Action. Additionally, Department of Environmental Protection (DEP) approval will be required for the Phase II Environmental Site Assessment, including a Phase II Investigative Protocol/Work Plan and Investigative Health and Safety Plan (HASP).

ATTACHMENT B
SUPPLEMENTAL SCREENING

I. INTRODUCTION

This Environmental Assessment Statement (EAS) has been prepared in accordance with the guidelines and methodologies presented in the 2012 *City Environmental Quality Review (CEQR) Technical Manual*. For each technical area, thresholds are defined which, if met or exceeded, require that a detailed technical analysis be undertaken. Using these guidelines, preliminary analyses were conducted for all aspects of the Proposed Action to determine whether detailed analysis of any technical area would be appropriate. Part II of the EAS Form identifies those technical areas that warrant additional assessment. The following technical areas warranted a “Yes” answer in Part II of the EAS form: Historic and Cultural Resources and Construction. Preliminary assessments are provided below for these items and a detailed analysis is provided in Attachment C, “Historic and Cultural Resources.” Additionally, a preliminary analysis for Land Use, Zoning, and Public Policy is included below, in order to sufficiently inform other technical reviews.

The Project Site, an existing free-standing 15,998 gross square foot building located at 155 Mercer Street (refer to **Figure 5: Aerial Map** in the EAS Form), is a converted Fireman’s Hall from 1854 located in the SoHo-Cast Iron Historic District, which is designated by the New York City Landmarks Preservation Commission (LPC) and listed on the New York State/National Register of Historic Places (S/NR), and is a designated National Historic Landmark (NHL). The building was occupied by dance studios and accessory office space for Joyce SoHo until April 2013 when the Applicant purchased the property from the Joyce Theater Foundation, Inc. The building is currently vacant. The Applicant is proposing to convert the existing 15,998 gross square feet of vacant space to 14,589 gross square feet of commercial (retail) space.¹ The Proposed Action is needed because the New York City Zoning Resolution prohibits Use Group 6 (retail stores and personal service uses) from occupying floor area below the second level in M1-5A zoning districts, where the Project Site is located. This Proposed Action represents the reasonable worst-case development scenario (RWCDS), with a build year of 2015.

Under the Proposed Action, the building at 155 Mercer Street would not be enlarged and no new structures are proposed for the Project Site. The exterior of the building would be restored as approved by the LPC Certificate of Appropriateness, Memorandum of Understanding, and Certificate of No Effect, issued on August 15, 2013, as well as a LPC Restrictive Declaration that will be filed against the property and will regulate the continued maintenance of the historic building (refer to **Appendix 1**). In addition, all renovations to the building would be coordinated with and approved by the LPC, where applicable.

II. LAND USE, ZONING, AND PUBLIC POLICY

According to the 2012 *CEQR Technical Manual*, a detailed assessment of land use, zoning, and public policy is appropriate if a proposed action would result in a significant change in land use or would substantially affect regulations or policies governing land use. A zoning analysis is typically performed in conjunction with a land use analysis when a proposed action would change the zoning on a site or result in the loss of a particular use. Land use analyses are required when a proposed action would

¹ The Proposed Action would result in 9,998 zoning square feet (zsf) of retail space in the building, less than the 10,000 zsf maximum retail floor area permitted under ZR §32-15(c).

substantially affect land use regulation. The land use, zoning, and public policy analysis focuses on the 400-foot area (Study Area) surrounding the Project Site.

Land Use

The Project Site is located within the northern section of the SoHo neighborhood of Manhattan. The surrounding area supports a mix of three- to twelve-story buildings, generally constructed during the mid- and late-nineteenth century. SoHo contains a large number of art galleries, and over the past twenty years has evolved into a high end retail center. Retail shops and galleries are predominately located on the ground and second floors of buildings in the Study Area. Major national and international retail chain stores are located along Broadway, while smaller, upscale boutiques are located on the cross streets, including Mercer Street surrounding the Project Site. Other land uses within the immediate vicinity of the site include joint living-work quarters for artists (JLWQAs), residential space, and office space (see **Figure 2: Land Use Map**). SoHo supports a significant residential population and is home to many contemporary artists and their work studios.

Northeast of the Project Site is the predominately commercial and residential neighborhood of NoHo, which is also an LPC designated historic district and eligible for listing on the S/NR. Northwest of the Project Site is a five-acre New York University (NYU) campus superblock bounded by LaGuardia Place, Bleecker Street, Mercer Street, and West Houston Street. This NYU campus currently accommodates the Jerome S. Coles Sports and Recreation Center to the east; University Village, which is a designated New York City Landmark (NYCL) and eligible for listing on the S/NR; and a one-story Morton Williams grocery store on the northwest corner of the block. In July 2012, the City approved *NYU 2031*, a plan to expand the University's campus, including the replacement of the existing recreation center with the mixed-use Zipper Building as well as the replacement of the Morton Williams grocery store with the mixed-use Bleecker Building. North of the Project Site is Houston Street, a major six-lane thoroughfare that traverses east-west through Lower Manhattan, which separates SoHo from NoHo and the NYU campus.

Zoning and Public Policy

The 400-foot Study Area surrounding the Project Site is comprised of M1-5A, M1-5B, C1-7, and C6-2 zoning districts (see **Figure 3: Zoning Map**). The Project Site and the blocks immediately west, southwest, and south are zoned M1-5A, which is defined as a light manufacturing zoning district. An M1-5B zoning district lies directly to the east and southeast of the Project Site. M1 districts are designed for a wide range of manufacturing and related uses which conform to a high level of performance standards. They serve as buffers to commercial and residential uses and allow a maximum Floor Area Ratio (FAR) of 5.0 for commercial uses. The existing building at 155 Mercer Street has a built FAR of 2.52, which would remain in the future without the Proposed Action. Use Groups 4-14, 16, and 17 are generally allowed as-of-right, and include such uses as some community facilities, retail, and service establishments, JLWQAs, and manufacturing and wholesale establishments. However, only the uses listed in Use Groups 7, 9, 11, 16, 17A, 17B, 17C, and 17E are allowed as-of-right below the second floor of a building on a 3,600 square foot or larger lot within an M1-5A or M1-5B zoning district.

A C1-7 zoning district is mapped over the NYU campus superblock to the northwest of the Project Site, across Houston Street. C1-7 districts are commercial districts that are predominately residential in character, mapped along major thoroughfares in medium- and high-density areas. Use Groups 1 through 6 are allowed as-of-right within C1 zoning districts, and include residential, retail, and community facility uses. C1-7 zoning districts permit a commercial FAR of 2.0 and a residential FAR of 0.94 to 6.02. A C6-2 zoning district is located to the northeast of the Project Site, across Houston Street. C6 districts are general central commercial districts that allow central business district uses and regional commercial center uses, and exclude non-retail uses that generate a great volume of trucking. Use Groups 1-12 are allowed as-of-right within C6 zoning districts, and include residential, retail, office, and

community facility uses. C6-2 zoning districts permit a commercial FAR of 6.0 and a residential FAR of 4.8 to 6.00.

Assessment

As noted above, the Proposed Action would not change the existing zoning of the Project Site. The special permit being sought would allow for retail uses to locate below the second floor of the Project Site within an M1-5A zoning district in a locally and nationally recognized historic district. The Proposed Action would complement the existing character of the area and would be consistent with existing land use and zoning conditions of the defined Study Area. The Applicant has obtained a Certificate of Appropriateness, Memorandum of Understanding, and Certificate of No Effect from the LPC to modify the building to accommodate the proposed retail uses, and a Restrictive Declaration will be filed against the property and will regulate the continued maintenance of the historic building (refer to **Appendix 1**). All future and proposed exterior renovations and upgrades to the Project Site would be coordinated and approved by LPC, where applicable.

The Proposed Action is not located within a coastal zone or in an urban renewal area, and therefore would not affect applicable public policies. The Project Site is located within the Food Retail Expansion to Support Health (FRESH) program boundaries, and is recognized as a community that is underserved with regard to healthy food options. Since the Proposed Action would not displace or introduce a grocery store or residents to the area, it would not be affected by or have a significant adverse impact on the FRESH program.

The Proposed Action would allow the existing vacant building to be converted into retail use, similar to surrounding uses on Mercer Street and in the Study Area. Additionally, the Proposed Action would not affect existing public policy in the Study Area. Therefore, no significant adverse land use, zoning, or public policy impacts are expected to occur as a result of the Proposed Action, and further analysis of land use, zoning, and public policy is not warranted.

II. HISTORIC AND CULTURAL RESOURCES

The *2012 CEQR Technical Manual* identifies historic resources as districts, buildings, structures, sites, and objects of historical, aesthetic, cultural, and archaeological importance. This includes designated New York City Landmarks; properties calendared for consideration as landmarks by the LPC; properties listed on the S/NR or contained within a district listed on or formally determined eligible for S/NR listing; properties recommended by the New York State Board for listing on the S/NR; NHLs; and properties not identified by one of the programs listed above, but that meet their eligibility requirements.

The Proposed Action is for a special permit pursuant to Zoning Resolution Section 74-711 to modify the existing use regulations of a M1-5A zoning lot in the LPC, S/NR, and NHL designated SoHo-Cast Iron Historic District. The existing free-standing building at 155 Mercer Street was erected in 1854 as a Fireman's Hall by the New York Volunteer Fire Department and was used by the FDNY until the 1970's, when it was sold and subsequently owned and operated by several dance and arts foundations, accommodating a mosque, art studios, and dance performance spaces. The Applicant is proposing to convert the building's existing dance studio and accessory office space into retail space and fully restore its historic façade.

An assessment of archaeological resources is usually needed for actions that require in-ground disturbance, unless such disturbance occurs in an area that has already been excavated. Although the building at 155 Mercer Street is located within the designated SoHo-Cast Iron Historic District, the likelihood of any adverse impact on the archeological resources of the Project Site is minimal since no

above- or below-ground construction resulting in in-ground disturbances or excavation is proposed. In addition, the LPC has reviewed this Proposed Action and determined that there are no archaeological resources associated with the Project Site (see **Appendix 1**). As such, an archaeological analysis is not warranted. An assessment of architectural resources is usually needed for actions that are located adjacent to historic or landmark structures or within historic districts. As the Project Site is located in the LPC, S/NR, and NHL designated SoHo-Cast Iron Historic District, an analysis of architectural resources is necessary, and is included in Attachment C, "Historic and Cultural Resources."

As detailed in Attachment C, the proposed conversion and renovations would not alter the setting or visual context of any historic resource in the area, nor would it eliminate or screen publicly accessible views of any resource. Moreover, the proposed exterior restoration work would allow for the improvement of a contributing historic resource compared to existing conditions, and would therefore significantly benefit the pedestrian perception of the Project Site and adjacent streetscape. Additionally, no incompatible visual, audible, or atmospheric elements would be introduced by the Proposed Action to any historic resource's setting. An LPC Certificate of Appropriateness, Memorandum of Understanding, and Certificate of No Effect were issued on August 15, 2013 and are provided in **Appendix 1**, along with the LPC Restrictive Declaration that will be filed against the property to regulate the continued maintenance of the historic building. Therefore, the Proposed Action would not result in any significant adverse impacts to distinguishing characteristics of the Project Site or surrounding historic resources, including the SoHo-Cast Iron Historic District, the nearby NoHo Historic District, or the nearby University Village.

III. HAZARDOUS MATERIALS

As detailed in the *CEQR Technical Manual*, the goal of a hazardous materials assessment is to determine whether a proposed action may increase the exposure of people or the environment to hazardous materials, and, if so, whether this increased exposure would result in potential significant public health or environmental impacts. A hazardous material is any substance that poses a threat to human health or the environment. Substances that can be of concern include, but are not limited to, heavy metals, volatile and semivolatile organic compounds, methane, polychlorinated biphenyls and hazardous wastes (defined as substances that are chemically reactive, ignitable, corrosive, or toxic). According to the *CEQR Technical Manual*, the potential for significant impacts from hazardous materials can occur when: a) hazardous materials exist on a site and b) an action would increase pathways to their exposure; or c) an action would introduce new activities or processes using hazardous materials.

An assessment was conducted in conformance with the ASTM Standard Practice E 1527-05 to determine whether the Proposed Action could lead to increased exposure of people or the environment to hazardous materials and whether the increased exposure would result in significant adverse public health impacts or environmental damage. On February 7, 2013, Cardno ATC (ATC) prepared a Phase I Environmental Site Assessment (ESA) for the Project Site (refer to **Appendix 2**). The findings are summarized below.

Phase I Environmental Site Assessment for the Project Site

The Phase I ESA consisted of a site description, information provided by the user, records review, site reconnaissance, interviews, and other environmental conditions. The Phase I ESA revealed that historical on-site and surrounding area land uses consisted of a variety of residential, commercial, and industrial uses.

An empty out-of-service aboveground storage tank with a capacity of 1,080 gallons was observed within a designated tank room in the basement of the Project Site. Additionally, fluorescent lighting fixtures and

electrical equipment on the Project Site may include polychlorinated biphenyl (PCB)-containing components and/or mercury containing components. Based on the age of the Project Site, asbestos containing materials (ACM) and lead based paints (LBP) could be present in the on-site structure.

The New York State Department of Environmental Conservation (NYSDEC) SPILLS database identified 24 closed spills within a 1/8-mile radius of the Project Site. Additionally, the NYSDEC Leaking Tanks (LTANKS) database identified 92 closed LTANKS within a half-mile radius of the Project Site.

The Phase I ESA was reviewed by the New York City Department of Environmental Protection (DEP). In a letter dated October 23, 2013 (refer to **Appendix 2**), DEP stated that a Phase II Environmental Site Assessment (Phase II ESA) is necessary to adequately identify and characterize the surface and subsurface soils of the Project Site. In addition, an Investigative Health and Safety Plan (HASP) should be submitted to DEP for review and approval prior to the start of any field work.

More specifically, a Phase II Investigative Protocol/Work Plan summarizing the proposed drilling, soil, groundwater, and soil vapor sampling activities should be submitted to DEP for review and approval. The soil vapor sampling should be conducted in accordance with the New York State Department of Health (DOH)'s October 2006 Guidance for Evaluating Soil Vapor Intrusion in the State of New York. The soil vapor samples should be collected and analyzed by a DOH Environmental Laboratory Approval Program certified laboratory for the presence of VOCs by the United States Environmental Protection Agency Method TO-15.

In addition, ACM, LBP, and suspected PCB-containing materials may be present in the existing building structure. These materials should be properly removed and/or managed prior to the start of any renovation/construction activities and disposed of in accordance with all federal, state, and local regulations.

(E) Designation

Based on the evidence of recognized environmental conditions presented above and DEP's October 23, 2013 letter to DCP, Phase II testing of the site would be required. The Applicant has stated that it would be most feasible to conduct subsurface testing in conjunction with future construction. Therefore, an (E) designation is proposed to be placed on the property to ensure that testing for and mitigation and/or remediation of any hazardous materials contamination of the property be completed prior to, or as part of, future development of the site.

To avoid any potential impacts on Block 513, Lot 28 associated with hazardous materials, the Proposed Action will place an (E) designation (E-338) for hazardous materials on the property. The applicable text for the (E) designation would be as follows:

Task 1

The fee owner of the lot restricted by this (E) designation is required to submit to the Office of Environmental Remediation (OER), for review and approval a new or updated Phase II Environmental Site Assessment (Phase II), to adequately identify/characterize the surface and subsurface soils of the subject parcel. A Phase II Investigative Protocol/Work Plan summarizing the proposed soil vapor sampling activities should be submitted to OER for review and approval. The soil vapor sampling should be conducted in accordance with the New York State Department of Health's October 2006 Guidance for Evaluating Soil Vapor Intrusion in the State of New York. The soil vapor samples should be collected and analyzes by a New York State Department of Health Environmental Laboratory Approval

Program certified laboratory for the presence of VOC's by the United States Environmental Protection Agency Method TO-15. An Investigative Health and Safety Plan (HASP) should also be submitted to OER for review and approval.

No sampling shall begin until written approval of a protocol is received from OER. The number and location of samples should be selected to adequately characterize the site, specific sources of suspected contamination (i.e., petroleum based contamination and non-petroleum based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

Task 2

A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

If OER determines that remediation is necessary based on test results, a proposed remediation plan must be submitted to OER for review and approval. The fee owner(s) of the lot(s) must complete such remediation as determined necessary by OER. The fee owner(s) of the lot(s) shall then provide proper documentation that the work has been satisfactorily completed.

A construction-related health and safety plan must be submitted to OER for approval and then implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil, groundwater and/or soil vapor.

IV. AIR QUALITY

Stationary Sources

Stationary source impacts could occur with projects that create new stationary sources or pollutants, such as emission stacks for industrial plants, hospitals, or other large institutional uses, or building's boiler stacks used for heating/hot water, ventilation, and air conditioning (HVAC) systems, that can affect surrounding uses; when they add uses near existing or planned future emissions stacks, and the new uses might be affected by the emissions from the stacks; or when they add structures near such stacks and those structures can change the dispersion of emissions from the stacks so that they begin to affect surrounding uses.

The Proposed Action would result in the conversion of the existing 15,998 gross square feet of vacant space in 155 Mercer Street to 14,589 gross square feet of commercial (retail) space. The conversion would include the installation of a new HVAC system, utilizing natural gas, which would reuse the existing boiler flue inside the existing chimney stack on the roof of the building. A preliminary HVAC screening analysis, using **Figure 17-8** in the *2012 CEQR Technical Manual*, was conducted to identify if a detailed HVAC analysis is warranted, and if the Proposed Action would result in any significant adverse impacts on air quality.

The air quality analysis of boiler HVAC emissions is based on the screening procedures and methodologies provided in Sub-Section 322.1 of the *2012 CEQR Technical Manual*. This analysis uses a nomographic procedure based on the size of the development (i.e., floor area square footage), fuel type, and distance to the nearest receptor or buildings of a height similar to or greater than the stack height of the proposed building(s). Floor area is considered an indicator of fuel usage rate. This procedure is only appropriate for buildings at least 30 feet or more from the nearest building of similar or greater height. If the Proposed Action passes the screening analysis, then there is no potential for a significant air quality impact from the project's boiler, and a detailed analysis may not need to be conducted. The nomographic figure was specifically developed through detailed mathematical modeling to predict the threshold of development size below which a project would not be likely to have a significant impact. The discussion below shows that no detailed HVAC analyses are warranted since impacts to or from surrounding land uses are not anticipated.

Preliminary HVAC Screening Analysis

The Proposed Action would consist of 14,589 gsf of commercial (retail) space in an existing, approximately 57 foot tall building with a boiler stack height of 80 feet, 10 inches at 155 Mercer Street. As such, based on Figure 17-8 from the *2012 CEQR Technical Manual*, the Proposed Action would not result in any significant adverse impacts to buildings more than 30 feet away from the proposed HVAC stacks (refer to **Figure B-1**).

As shown in **Figure B-2**, the Proposed Action would reuse the existing boiler flue inside the existing chimney stack located on the southernmost portion of the roof. The stack is more than 50 feet away from the building across Mercer Street at 583 Broadway (Block 512, Lot 7501). As shown in **Figure B-1** and discussed above, this would not result in any significant adverse air quality impacts based on Figure 17-8 from the *2012 CEQR Technical Manual*. While the existing stack is located immediately adjacent the existing building south of the Project Site, the stack is taller than the existing building. As such, a significant adverse impact on air quality from the Proposed Action's HVAC system is unlikely. Therefore, no further analysis is warranted.

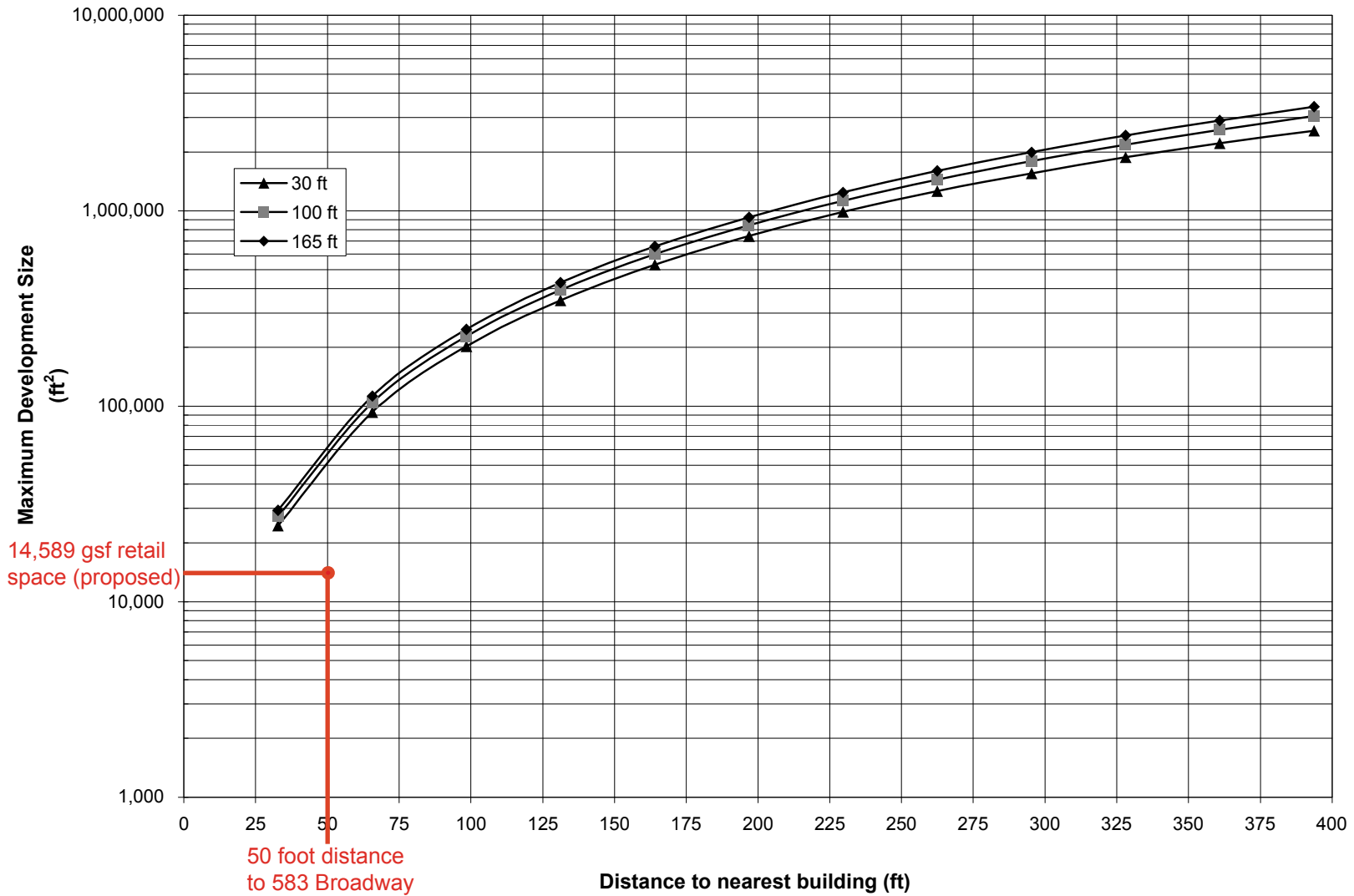
V. NOISE

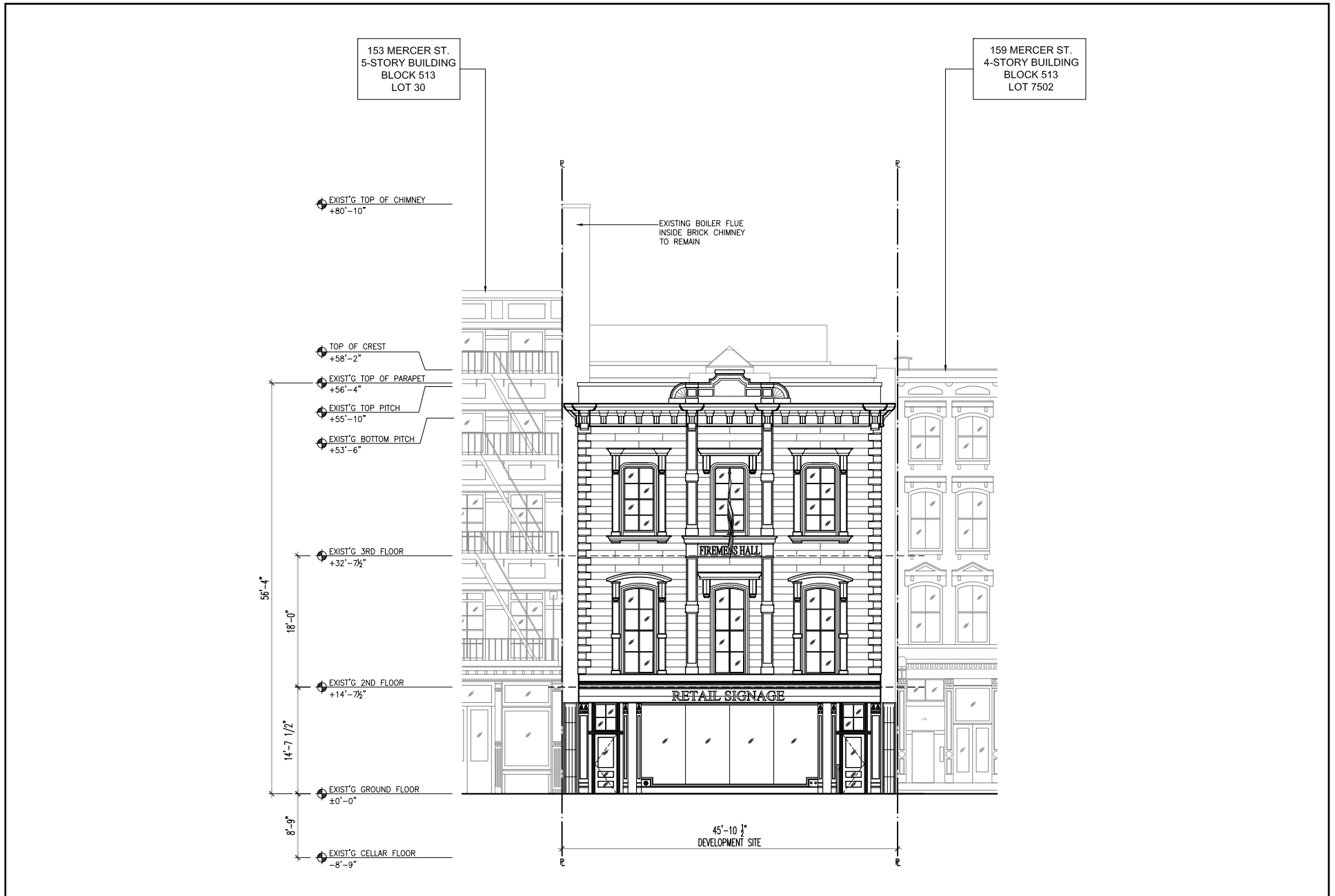
Two types of potential noise impacts are considered under CEQR. These are potential mobile source and stationary source noise impacts. Mobile source impacts are those which could result from a proposed action adding a substantial amount of traffic to an area. Potential stationary source noise impacts are considered when a proposed action would cause a stationary noise source to be operating within 1,500 feet of a receptor, with a direct line of sight to that receptor, if a proposed action would include unenclosed mechanical equipment for building ventilation purposes, or if the proposed action would introduce receptors into an area with high ambient noise levels. The *2012 CEQR Technical Manual* requires an assessment of a proposed action's potential effects on sensitive noise receptors, including in this instance, the effects on the interior noise levels of commercial (retail) uses in the subject building.

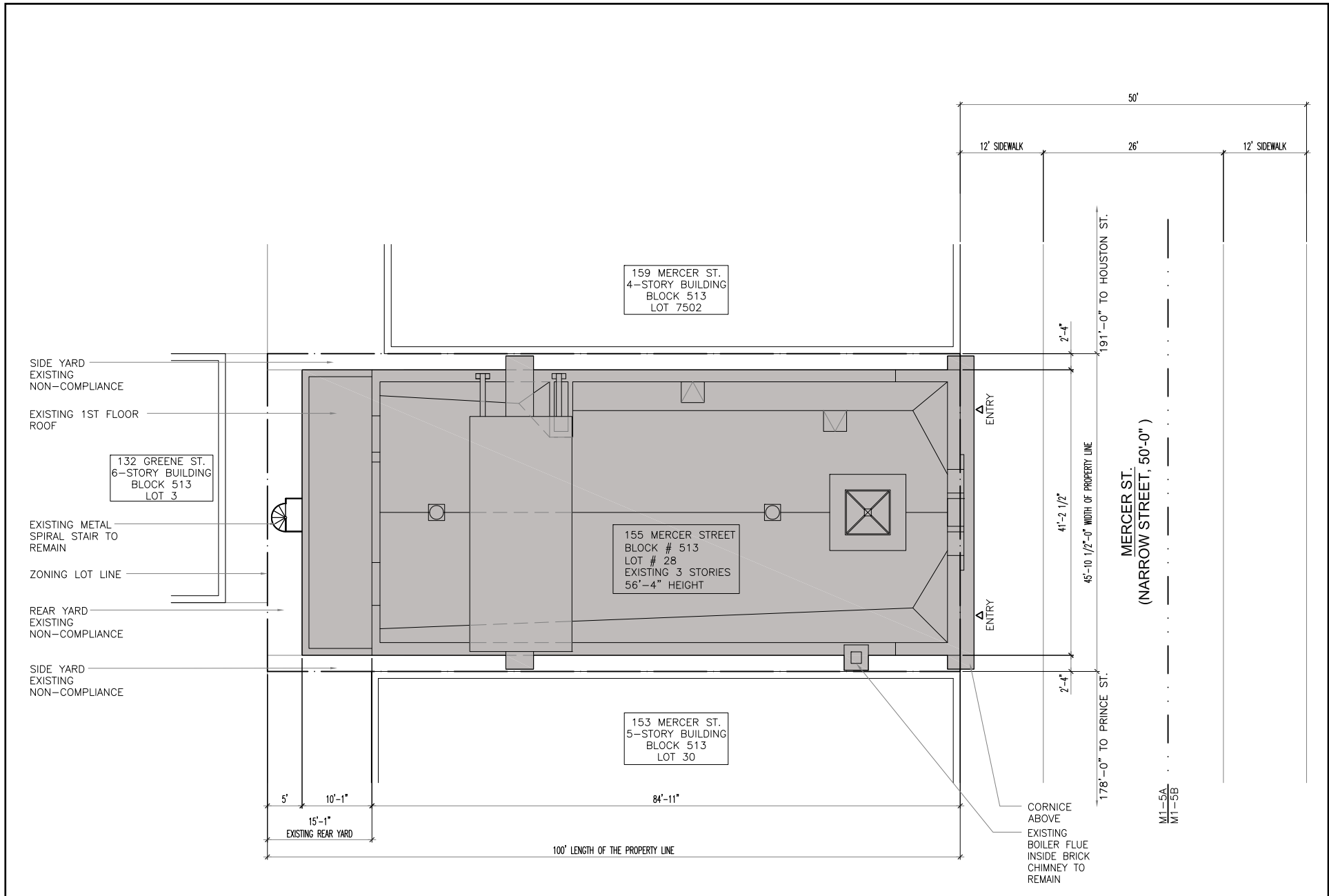
Mobile Source

Relative to mobile source impacts, a noise analysis would only be required if a proposed action would at least double existing passenger car equivalent (PCE) traffic volumes along a street on which a sensitive noise receptor (such as a residence, a park, a school, etc.) is located. Retail, residential, and JLWQA uses are located along Mercer Street providing vehicular access to the Project Site, and this would therefore be of concern relative to mobile source noise impacts. In addition, the proposed retail uses on the Project Site would be a sensitive use relative to noise impacts.

**FIG App 17-8
NO₂ BOILER SCREEN
COMMERCIAL AND OTHER NON-RESIDENTIAL DEVELOPMENT - NATURAL GAS**







155 Mercer Street EAS

Figure B-2b
Proposed Roof Plan

A detailed mobile source analysis is typically conducted when PCE values are at least doubled between the No-Action and the With-Action conditions during the worst case expected hour at receptors most likely to be affected by the Proposed Action. The subject property is located at mid-block on Mercer Street, which is moderately trafficked. PCE values on Mercer Street and West Houston Street surrounding the subject property or other area roadways would not be doubled due to the addition of 14,589 square feet of retail space, and a detailed mobile source analysis is therefore not warranted.

No significant adverse mobile source noise impacts would be generated by the Proposed Action.

In accordance with the guidelines established within the *2012 CEQR Technical Manual*, a noise analysis was performed to identify the potential noise impact to the Project Site from the existing noise environment and identify the required level of attenuation to achieve an acceptable interior noise level of 50 dBA.

Stationary Source

Potential Impacts of the Proposed Action on Surrounding Development

The Proposed Action would not include any unenclosed mechanical equipment for building ventilation purposes, and would not include any active outdoor recreational space that could result in stationary source noise impacts to the surrounding area. All mechanical equipment would be located either inside the building or would be enclosed on the roof of the structure.

Therefore, the Proposed Action would not result in potential stationary source noise impacts to any other buildings in the vicinity of the Project Site.

Potential Impacts of Surrounding Development on the Proposed Action

The Proposed Action's retail use would be considered to be a noise sensitive use which could potentially be adversely affected by existing ambient noise in the surrounding area. Existing noise level readings were taken by AKRF on May 10, 2011 as part of the *NYU Core Final EIS*. The receptor location at the northwestern corner of West Houston Street and Mercer Street is considered to be comparable to that of the subject Project Site. Vehicular traffic was the dominant source of noise at the receptor site.

The highest recorded L_{10} at the receptor location was 76.9 dBA during the PM peak traffic volume period.

As indicated in **Table 19-3** from the *2012 CEQR Technical Manual*, for Marginally Unacceptable Level III noise levels of $76 < L_{10} \leq 78$, a window wall attenuation of 33 dBA would be required as part of the Proposed Action in order to avoid potentially adverse impacts to building workers and visitors from traffic noise on the surrounding streets. Therefore, all exterior doors, windows, and walls would be provided with a minimum of 33 dBA of sound attenuation.

The proposed restoration work of the street level storefront design at 155 Mercer Street, per the LPC approved plans, would include a custom installation of glass and metal framing, with a butt-jointed glass area at the center bay. The glass assembly would have a code-required attenuation level of 35 dBA, based on the Outdoor-Indoor Transmission Class (OITC) values of individual façade components, which would ensure acceptable interior noise levels for retail use. As such, the Proposed Action is not anticipated to result in any significant adverse noise impacts, and no further analysis is warranted.

VI. CONSTRUCTION IMPACTS

As detailed in the *CEQR Technical Manual*, construction activities, although temporary in nature, can sometimes result in significant adverse impacts. A project's construction activities may affect a number of technical areas analyzed for the operational period, such as air quality, noise, and traffic; therefore, a construction assessment relies to a significant extent on the methodologies and resulting information gathered in the analysis of these technical areas. Determination of the significance of construction effects and need for mitigation is generally based on the duration and magnitude of the impacts. Construction impacts are usually important when construction activity could affect the integrity of historical and archaeological resources, hazardous materials, traffic conditions, air quality, and noise conditions.

The Proposed Action would not include or require any new development or in-ground disturbance, or new building construction. The Proposed Action is intended to facilitate the conversion of an existing vacant building containing unused dance studio and accessory office space into retail space. The Proposed Action would require the Applicant to renovate the interior facilities of the building to accommodate the proposed retail space, including the removal of a 677 square foot mezzanine level between the second and third floors; the removal of 732 gross square feet from the third floor to accommodate the proposed storefront conversion; and the construction of new egress stairs and a new elevator in the building. The Proposed Action also includes the exterior rehabilitation of the Project Site, pursuant to LPC approvals. As the Project Site is located within an LPC-designated historic district, all future and proposed modifications to the building would be coordinated with an approved by LPC where applicable. The proposed exterior rehabilitation and interior conversion would occur simultaneously and total construction time is noted expected to last more than 10 months. The building at 155 Mercer Street is anticipated to be operational by 2015. As a result, construction period impacts on transportation, air quality, or noise would be minimized.

Any designated NYC Landmarks or S/NR-listed historic buildings located within 90 linear feet of a projected or potential new construction site are subject to the protections of the New York City Department of Building's (DOB's) Technical Policy and Procedure Notice (TPPN) #10/88, which ensures that such development would not cause any significant adverse construction-related impacts to historic resources. As the Project Site is located within the LPC, S/NR, and NHL listed SoHo-Cast Iron Historic District, all surrounding buildings would be subject to DOB'S TPPN #10/88 during the Proposed Action's construction. Additional protective measures afforded under DOB TPPN #10/88, which include a monitoring program to reduce the likelihood of construction damage to adjacent LPC-designated or S/NR-listed resources, is also applicable. Therefore, the Proposed Action would not have any significant or adverse construction impacts, and further analysis is not warranted.

ATTACHMENT C
HISTORIC AND CULTURAL RESOURCES

ATTACHMENT C: HISTORIC AND CULTURAL RESOURCES

I. INTRODUCTION

The 2012 *CEQR Technical Manual* identifies historic resources as districts, buildings, structures, sites, and objects of historical, aesthetic, cultural, and archaeological importance. This includes designated New York City Landmarks (NYCL); properties calendared for consideration as landmarks by the New York City Landmarks Preservation Commission (LPC); properties listed on the State/National Registers of Historic Places (S/NR) or contained within a district listed on or formally determined eligible for S/NR listing; properties recommended by the New York State Board for listing on the S/NR; National Historic Landmarks (NHL); and properties not identified by one of the programs listed above, but that meet their eligibility requirements. An assessment of historic/archaeological resources is usually needed for actions that are located adjacent to historic or landmark structures or within historic districts, or actions that require in-ground disturbance, unless such disturbance occurs in an area that has already been excavated.

An assessment of archaeological resources is usually needed for actions that require in-ground disturbance, unless such disturbance occurs in an area that has already been excavated. The Proposed Action would not entail any in-ground disturbance or new construction. The Proposed Action is for a special permit pursuant to Zoning Resolution §74-711 to modify the existing use regulations of a M1-5A zoning lot in the LPC, S/NR, and NHL designated SoHo-Cast Iron Historic District. The Applicant is proposing to convert the building's existing dance studio and accessory office space into retail space. Although the building at 155 Mercer Street is located within the designated SoHo-Cast Iron Historic District, the likelihood of any adverse impact on the archeological resources of the Project Site is minimal since no above- or below-ground construction resulting in in-ground disturbances or excavation is proposed. In addition, the LPC has reviewed this Proposed Action and determined that there are no archaeological resources associated with the Project Site (see **Appendix 1**). As such, an archaeological analysis is not warranted and this attachment focuses exclusively on historic architectural resources.

According to *CEQR Technical Manual* guidelines, impacts on historic resources are considered on the Project Site and within a 400-foot radius of the Project Site (Study Area). As discussed below, the Project Site is located within the LPC, S/NR, and NHL designated SoHo-Cast Iron Historic District, and there are other designated LPC designated and S/NR-eligible historic resources located in the Study Area.

II. ARCHITECTURAL RESOURCES**Historical Background of Area**

SoHo has been a significant area of New York City for several centuries. It was the first free African American settlement on Manhattan Island and retained a substantial African American population for more than 200 years, until the mid-nineteenth century when much of the historic area was developed into predominately commercial uses. By 1855, the area surrounding the lower portion of Broadway became the City's primary commercial shopping and entertainment district, and the central business district of New York City. In the late 1870's and 1880's, large-scale cast iron factories and stores began to be constructed along the streets running parallel to Broadway and the once entertainment-centered district was converted into a business center for mercantile and dry-goods trade. However, by the turn of the century, most of the prominent businesses within the area moved north and only small-scale marginal

business remained within the area. In the late 1960's, the area was reborn and revitalized by contemporary artists.

Existing Conditions

Today, SoHo is one of the City's most architecturally alluring areas and is home to some of New York City's oldest cast iron structures and elevator buildings. Once a thriving industrial district, SoHo has since been transformed into a cultural haven for artists and regional shopping center and tourist attraction for New York City. It is a unique neighborhood that is comprised of a complementary mix of commercial, cultural, and residential uses. Many of the area's spacious manufacturing lofts have been converted into artist studios and gallery space, and the street level of the district has become a mix of cultural institutions, retail shops, and restaurants.

There are two designated historic districts in the Study Area, and one designated landmark, which consists of three buildings (refer to **Figure C-1: Historic Resources and Photo Key**). **Table C-1** below lists all of the designated resources in the Study Area, and each of those resources is described in more detail below.

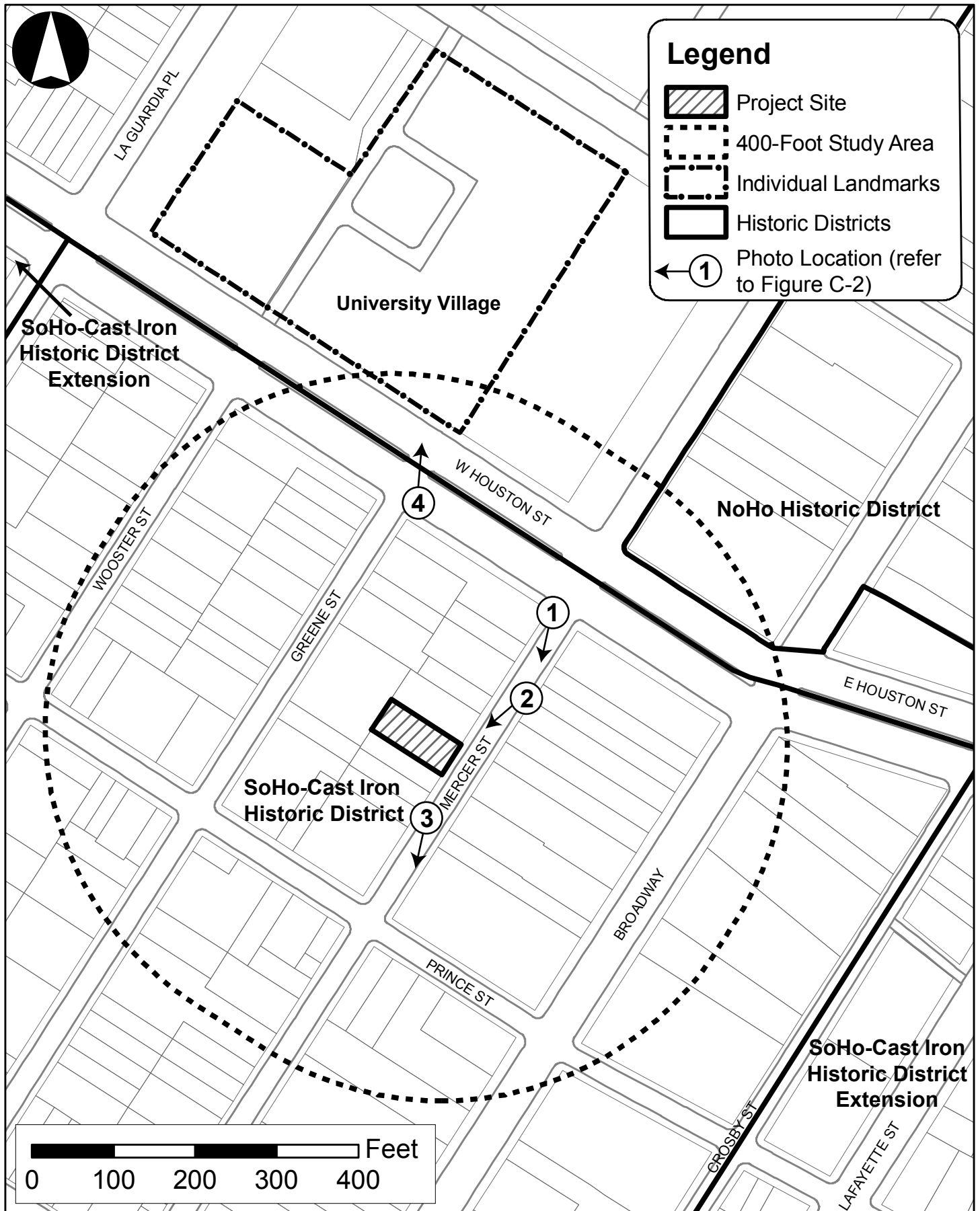
Table C-1
Designated Architectural Resources in the Study Area

Name	Address / Location	NHL	S/NR	S/NR-eligible	NYCL
SoHo-Cast Iron Historic District	Roughly bounded by West Broadway, West Houston Street, Crosby Street, and Canal Street.	X	X		X
NoHo Historic District	Roughly bounded by Mercer Street and Broadway, Wanamaker Place, Cooper Square and Lafayette Street, and Houston Street.			X	X
University Village	100 and 110 Bleecker Street and 505 LaGuardia Place			X	X
<p>Notes: Refer to Figure C-1: Historic Resources and Photo Key. NHL: National Historic Landmark. S/NR: New York State and National Register of Historic Places. S/NR-eligible: Eligible for listing on the New York State and National Register of Historic Places. NYCL: New York City Landmark.</p>					

SoHo-Cast Iron Historic District

The Project Site and much of the Study Area are located in the SoHo-Cast Iron Historic District, which is a nearly rectangular-shaped district in Lower Manhattan. The district encompasses a 26-block area that contains approximately 500 buildings and is generally bounded West Broadway to the west, West Houston Street to the north, Crosby Street to the east, and Canal Street to the south (refer to **Figure C-1: Historic Resources**). In 1973, the LPC designated the SoHo-Cast Iron Historic District as a local historic district, and in 1978 it was listed on the S/NR and designated a NHL. As one of the most important creative, cultural, and commercial centers in the country, the SoHo-Cast Iron Historic District is representative of New York City's past culture and historic heritage. It is acknowledged for its historic role in the commercial development of New York City and for its extensive collection of intact cast iron facades. The area contains some of the City's most intriguing examples of brick, stone, and mixed iron and masonry commercial construction post-Civil War.

The SoHo-Cast Iron Historic District contains the world's largest collection of full and partial cast iron facades and is an unparalleled collection of urban commercial structures erected during the latter half of the nineteenth century when the lower region of Broadway was the commercial core of New York City's mercantile trade. The district's extensive array of cast iron buildings contains a vast variety of structures



and the representative styles of commercial construction during the 1850's through 1880's including the Italianate, French Empire, and Neo Grecian styles. The majority of buildings within the SoHo-Cast Iron Historic District have complete front facades that were erected during the 1870's, but a few of the remaining buildings date back to the early 1800's when the area was exclusively residential. The subject block of Mercer Street between Prince Street and West Houston Street is lined with buildings that range from an 1827 residence in the Federal style, to a twelve-story commercial building from 1917, to twentieth century parking garages. Many of the buildings on the subject block, including the Project Site detailed below, represent the characteristic iron and masonry mercantile styles of the late nineteenth century (refer to **Figure C-2: Study Area Photos**).

*Project Site*¹

The existing free-standing building at 155 Mercer Street was erected in 1854 as a Fireman's Hall by the New York Volunteer Fire Department. The building was designed by the architectural firm Field & Correja, and was built by the carpentry firm James L. Miller & Co. and masonry firm Platt & Fisher. The three-story, three-bay building has plain brick side and rear elevations, and originally had an elaborate brownstone front façade, decorated with highly symbolic ornamentation such as flambeaux, hooks, ladders, axes, trumpets, and a fire helmet. With this elaborate ornamentation, the Fireman's Hall was one of the earliest municipal buildings in the City which used architectural expression to impose civic character, a contrast to the typical wooden storage sheds that were used as firehouses until the mid-nineteenth century.

Until the 1970s, the Project Site was used by the Fire Department of New York (FDNY) as a Fireman's Hall, FDNY headquarters, and station of FDNY Ladder Company No. 20; alterations to the building reflect the changes in fire-fighting equipment during this time. In 1893 the three existing ground-floor entrances were replaced with two wider sets of doors surrounded by cast-iron columns and a cast-iron cornice. This ground-floor infill was altered again in the early-twentieth century, as the two wider entrances were combined into one central garage door to allow for larger, motorized fire trucks. Additionally, a pedestrian door was added to the right of the central garage. By the 1970's, most of the original brownstone ornament on the upper floors was removed, the façade was coated with brown cement stucco, and the FDNY moved out of the building. The Project Site was subsequently owned and operated by several dance and arts foundations, accommodating a mosque, art studios, and dance performance spaces. By 1980, the cast-iron ground-floor infill had been replaced with a roll-up metal and glass garage door surrounded by hollow metal doors in the far left and right bays (refer to **Figure C-3: Historic Site Photos**).

Today, the building at 155 Mercer Street retains its original bulk and height, as well as original upper-floor quoins and the 1980 ground-floor infill. The front façade is generally in good condition, but sections have begun to deteriorate, including missing portions of the cast-iron cornice above the first floor and chipping paint on the ground level (refer to **Figure C-4: Project Site Existing Conditions**). Nevertheless, the building is considered a contributing historic resource in the SoHo-Cast Iron Historic District, as "a feeling of classic dignity still remains."² The entire building was occupied by dance performance and accessory office spaces for Joyce SoHo until April 2013 when the Applicant purchased the property from the Joyce Theater Foundation, Inc. The building is currently vacant.

¹ Information in this section is from: "155 Mercer Street – Existing Conditions Survey." Higgins Quasebarth & Partners (May 2013); "Certificates of Occupancy." New York City Department of Buildings (1981 and 1998); Colacello, Bob. "Remains of the Dia." *Vanity Fair* (September 1996); "Firehouses: Engine Co. 73 and Hook & Ladder Co. 42." New York City Landmarks Preservation Commission (2012); Gray, Christopher. "New Bells & Whistles at the Old Firehouse." *New York Times* (May 9, 2013); and "Ladder 20." New York City Fire Museum <<http://www.nycfiremuseum.org>>

² "SoHo-Cast Iron Designation Report." New York City Landmarks Preservation Commission (1973). Page 129.



1. View south along east side of Mercer Street.



2. View south along west side of Mercer Street.



3. View south along east side of Mercer Street.



4. New York University's University Village, in the northwest section of the Study Area.



155 Mercer Street, c. 1880

Source: George F. Mand Library, Fire Department of the City of New York

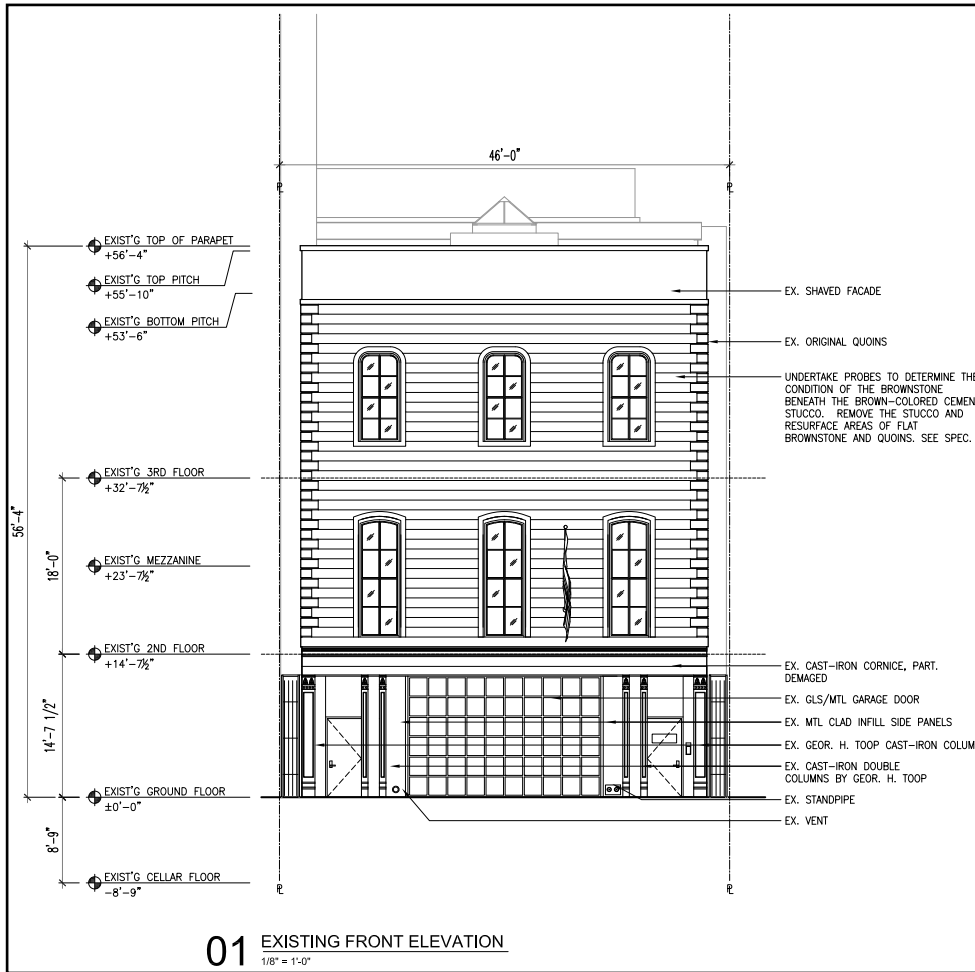
1. 155 Mercer Street (Project Site) in 1880 [courtesy of Higgins Quasebarth & Partners "Existing Conditions Survey," May 2013].



155 Mercer Street, c. 1950

Source: George F. Mand Library, Fire Department of the City of New York

2. 155 Mercer Street (Project Site) in 1950 [courtesy of Higgins Quasebarth & Partners "Existing Conditions Survey," May 2013].



1. Rendering of existing front facade of 155 Mercer Street (Project Site) [courtesy of PKSB Architects "155 Mercer Street," March 2013].



2. Missing portion of cornice beneath central second floor window.



3. Deteriorating cornice and chipping paint on the lower left side of the front facade.

NoHo Historic District

One building in the northeast portion of the Study Area is located in the NoHo Historic District, which was designated a local historic district by the LPC in 1999 and is eligible for listing on the S/NR (refer to **Figure C-1: Historic Resources**). The NoHo Historic District is generally bounded by Mercer Street and Broadway to the west, Wanamaker Place to the north, Cooper Square and Lafayette Street to the east, and Houston Street to the south. The NoHo Historic District is located across Houston Street from the SoHo-Cast Iron Historic District, in which the Project Site is located. The NoHo Historic District includes approximately 125 buildings, and represents the period of New York City's commercial history from the early 1850s to the 1910s, when this area prospered as one of the major retail and wholesale dry goods centers. Acclaimed architects were commissioned to design ornate store and loft buildings in popular architectural styles. The district also contains early nineteenth century houses, and nineteenth and twentieth century institutional buildings, turn-of-the-century office buildings, as well as modest twentieth century commercial structures, all of which testify to each successive phase in the development of that historic district. Today, the effect is of powerful and unifying streetscapes of marble, cast-iron, limestone, brick, and terra-cotta facades.

University Village

The northwest portion of the Study Area encompasses a section of the five-acre New York University (NYU) campus superblock bounded by LaGuardia Place, Bleecker Street, Mercer Street, and West Houston Street. This NYU campus currently accommodates the Jerome S. Coles Sports and Recreation Center to the east; University Village, a NYCL designated by the LPC in 2008 and considered eligible for listing on the S/NR; and a one-story Morton Williams grocery store on the northwest corner of the block (refer to **Figure C-1: Historic Resources**). The three residential buildings that comprise the landmarked University Village are also known as Silver Towers I and II at 100 and 110 Bleecker Street, respectively, and 505 LaGuardia Place. The three structures were designed by I.M. Pei & Associates with James Ingo Freed as the chief designer, and built in 1964-67. With three identical 30-story reinforced concrete towers built in a pinwheel configuration around an open lawn, University Village is considered one of the best examples of a mid-twentieth century Brutalism (refer to **Figure C-2: Study Area Photos**). In July 2012, the City approved *NYU 2031*, a plan to expand the University's campus, including the replacement of the existing recreation center with the mixed-use Zipper Building as well as the replacement of the Morton Williams grocery store with the mixed-use Bleecker Building. As detailed in the NYU Core Final Environmental Impact Statement from May of 2012, neither of these new buildings will significantly or adversely affect the landmarked University Village.

III. FUTURE WITHOUT THE PROPOSED ACTION

Pursuant to §42-14(d)(2)(a) of the Zoning Resolution, only Use Groups 7, 9, 11, 16, 17A, 17B, 17C, or 17E are permitted below the floor level of the second story of a building in an M1-5A district. However, there is little demand for these allowable uses on the ground floor of the Project Site. In the 2015 future without the Proposed Action, the proposed retail uses (Use Group 6) on the Project Site would not be permitted below the second floor and it is unlikely that the top two floors of the building at 155 Mercer Street would be reused or converted in the absence of viable ground floor uses. Therefore, it is anticipated that in the future without the Proposed Action, the existing 15,998 gross square feet of space in the building would remain vacant, and no interior conversions or exterior restorations on the Project Site would occur. As such, in the future without the Proposed Action, the Project Site would remain vacant and underutilized and the façade would continue to deteriorate, detracting from the special historic character of the building and the surrounding SoHo-Cast Iron Historic District.

IV. FUTURE WITH THE PROPOSED ACTION

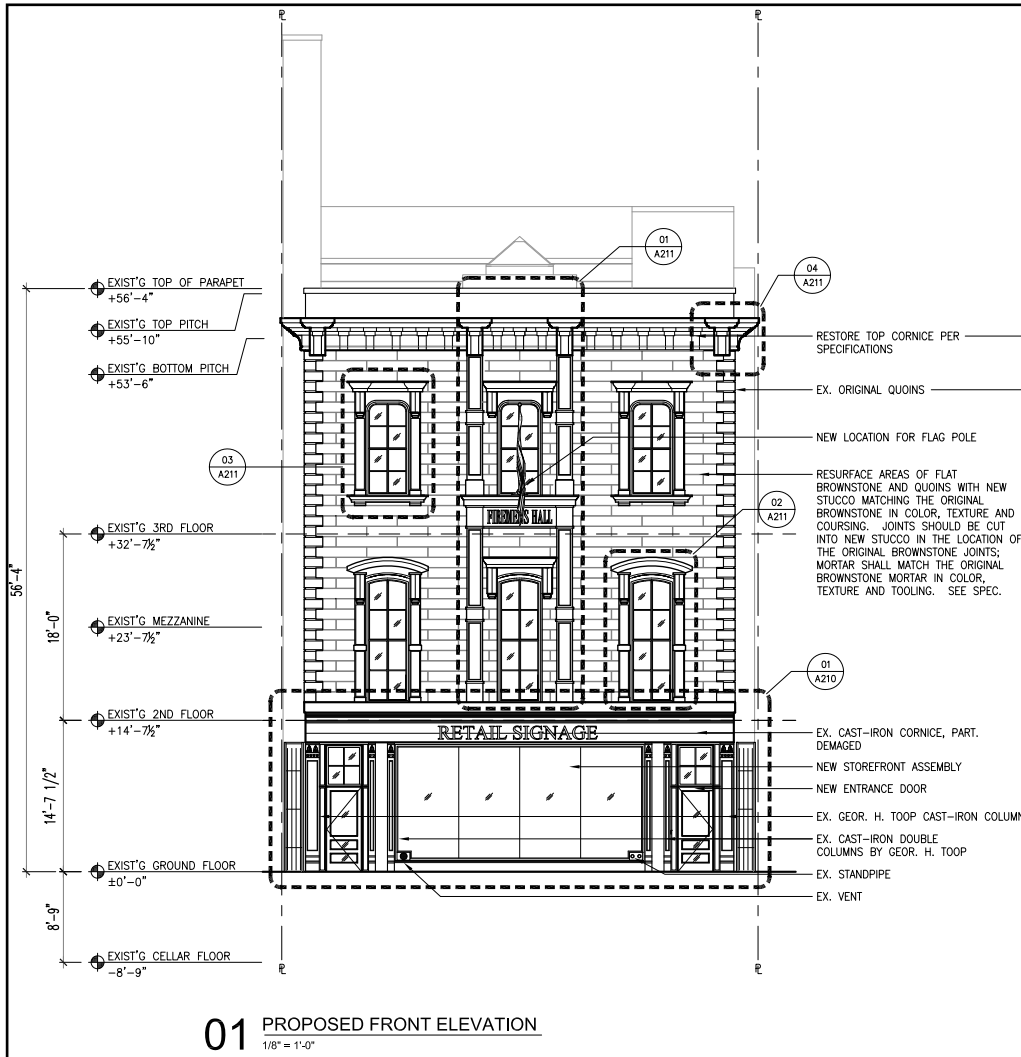
In the future with the Proposed Action, upon approval of a special permit pursuant to Zoning Resolution §74-711 and modification of the use regulations pursuant to §42-14(d)(2)(a) of the Zoning Resolution, retail uses would be permitted below the second floor of the building at 155 Mercer Street. The Proposed Action would facilitate the conversion of the existing 15,998 gross square foot vacant building into 14,589 gross square feet of commercial (retail) space on the Project Site. It should be noted that in the future with the Proposed Action, the Project Site would not be enlarged and no new structures would be constructed. An existing mezzanine level between the second and third floors would be removed in the future with the Proposed Action, resulting in a loss of 677 gross square feet in the existing building. As a result of the rehabilitation, an additional 732 gross square feet would be removed from the third floor. The Proposed Action would also include the construction of new egress stairs and a new elevator in the building.

Additionally, as noted above, the Proposed Action would result in the restoration of the front façade of 155 Mercer Street based on historic photographs and drawings, pursuant to LPC design approvals (refer to **Figure C-5: Project Site Proposed Restoration**). Based on historic photos and drawings, new stucco matching the original brownstone in color, texture, and coursing would replace existing stucco on the upper floors of the front façade. Additionally, new glass fiber reinforced concrete units matching the original brownstone ornament, based on historic photos and drawings, would be installed on the upper floors of the front façade. Existing non-historic wood windows would be repaired and repainted. The existing flagpole on the second floor would be moved to the central bay between the second and third floor. Based on historic photos and drawings, a new sheet-metal cornice matching the original in size, profile, and finish would be installed at the top of the front façade. The existing non-historic cast-iron and fiberglass cornice above the ground-floor would be replaced in kind, and new ground-floor infill based on historic infill would be installed, replacing the existing infill, per historic photos and drawings. These façade restorations that would occur in the future with the Proposed Action would improve the historic character of the Project Site and enhance the historic context of the surrounding LPC, S/NR, and NHL designated SoHo-Cast Iron Historic District.

Additionally, in the future with the Proposed Action, a Restrictive Declaration between the LPC and the Applicant would be filed against the property in order to regulate the continued maintenance of the historic building (refer to **Appendix 1**). In addition to detailing the proposed restoration work at 155 Mercer Street, the Restrictive Declaration states that the special permit is premised on, inter alia, the completion of the restoration work in conformance with the Certificate of Appropriateness. Additionally, the Restrictive Declaration states that the Applicant must comply with the obligations and restrictions of a continued maintenance program at 155 Mercer Street, including periodic inspections, the establishment of an emergency protection program, and the provision of access to the designated structure. These measures would ensure that the proposed façade restorations would not result in any significant adverse impacts to the historic character of the Project Site or SoHo-Cast Iron Historic District in the future with the Proposed Action.

V. CONCLUSION

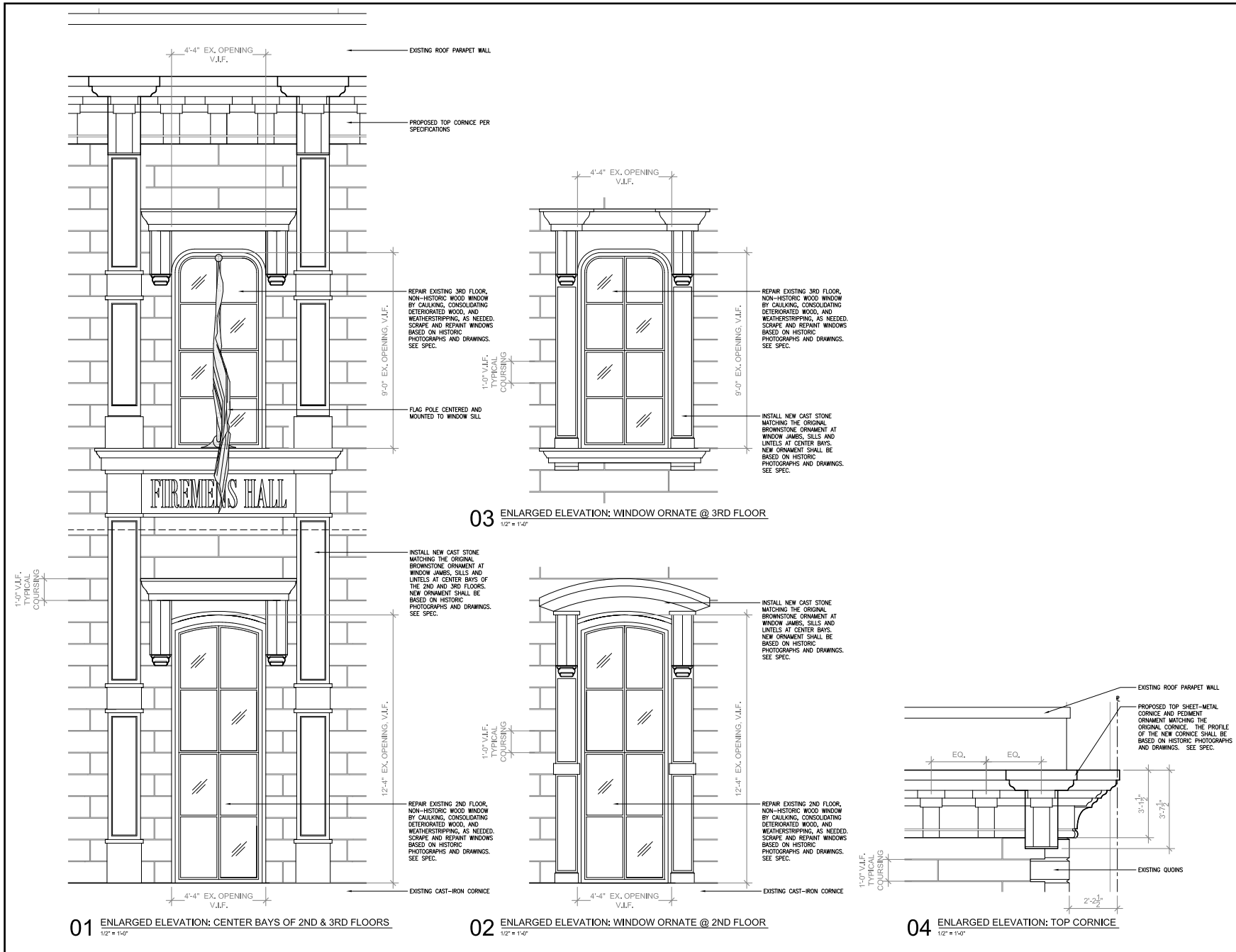
Any new development proposed within an LPC designated historic district is subject to review and approval by the LPC to assure that development would be appropriate within the context of the historic district. An LPC Certificate of Appropriateness, Memorandum of Understanding, and Certificate of No Effect were issued on August 15, 2013 and are provided in **Appendix 1**, along with the LPC Restrictive Declaration that will be filed against the property and will regulate the continued maintenance of the historic building. The proposed conversion and renovations would not alter the setting or visual context of any historic resource in the area, nor would it eliminate or screen publicly accessible views of any resource. Moreover, the proposed exterior restoration work would allow for the improvement of a



1. Rendering of proposed exterior restoration of 155 Mercer Street (Project Site) [courtesy of PKSB Architects "155 Mercer Street," March 2013].



2. Rendering of proposed exterior restoration of Project Site. [courtesy of "New Bells and Whistles at the Old Firehouse." *New York Times*, May 9, 2013].



4. Detailed rendering of proposed upper-floor restoration [courtesy of PKSB Architects "155 Mercer Street," March 2013].

contributing historic resource compared to existing conditions, and would therefore significantly benefit the pedestrian perception of the Project Site and adjacent streetscape. Additionally, no incompatible visual, audible, or atmospheric elements would be introduced by the Proposed Action to any historic resource's setting. Therefore, the Proposed Action would not result in any significant adverse impacts to distinguishing characteristics of the Project Site or surrounding historic resources, including the SoHo-Cast Iron Historic District, the nearby NoHo Historic District, or the nearby University Village.

Additionally, as discussed in Attachment B, "Screening Analyses," any designated NYC Landmarks or S/NR-listed historic buildings located within 90 linear feet of a projected or potential new construction site are subject to the protections of the New York City Department of Building's (DOB's) Technical Policy and Procedure Notice (TPPN) #10/88, which ensures that such development would not cause any significant adverse construction-related impacts to historic resources. As the Project Site is located within the LPC, S/NR, and NHL listed SoHo-Cast Iron Historic District, all surrounding buildings would be subject to DOB'S TPPN #10/88 during the Proposed Action's construction. Additional protective measures afforded under DOB TPPN #10/88, which include a monitoring program to reduce the likelihood of construction damage to adjacent LPC-designated or S/NR-listed resources, is also applicable. Therefore, the Proposed Action would not have any significant or adverse construction impacts.

APPENDIX 1

**NEW YORK CITY LANDMARKS PRESERVATION COMMISSION
CORRESPONDENCE, CERTIFICATE OF APPROPRIATENESS,
CERTIFICATE OF NO EFFECT, AND MEMORANDUM OF
UNDERSTANDING**

ENVIRONMENTAL REVIEW

Project number: DEPARTMENT OF CITY PLANNING / 77DCP117M

Project:

Address: 155 MERCER STREET, **BBL:** 1005130028

Date Received: 9/17/2013

No architectural significance

No archaeological significance

Designated New York City Landmark or Within Designated Historic District

Listed on National Register of Historic Places

Appears to be eligible for National Register Listing and/or New York City Landmark Designation

May be archaeologically significant; requesting additional materials

Comments:

The LPC is in receipt of the EAS dated 8/29/13. The EAS is acceptable for historic and cultural resources.

Gina Santucci

9/30/2013

SIGNATURE

Gina Santucci, Environmental Review Coordinator

DATE

File Name: 28823_FSO_GS_09302013.doc



THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION
 1 CENTRE STREET 9TH FLOOR NORTH NEW YORK, NY 10007
 TEL: 212 669-7700 FAX: 212 669-7780



PERMIT

CERTIFICATE OF APPROPRIATENESS

ISSUE DATE: 08/15/13	EXPIRATION DATE: 05/14/2019	DOCKET #: 147645	COFA #: COFA 14-7445
ADDRESS 155 MERCER STREET HISTORIC DISTRICT SOHO-CAST IRON		BOROUGH: MANHATTAN	BLOCK/LOT: 513/26

Display This Permit While Work Is In Progress

ISSUED TO:

Melissa Gliatta
RVART, LLC
 25 West 39th Street
 New York, NY 10018

Pursuant to Section 25-207 of the Administrative Code of the City of New York, the Landmarks Preservation Commission, at the Public Meeting of May 14, 2013 following the Public Hearing of May 7, 2013, voted to approve a proposal for certain work, as put forward in your application completed on April 11, 2013, and as you were notified in Status Update Letter 14-1077, issued on May 15, 2013. The approval will expire on May 14, 2019.

The proposed work, as approved, consists of the removal of the existing garage doors and metal infill panels at the 1st floor of the Mercer Street facade, and their replacement with new storefront infill at the entire space between the two cast-iron piers, with a low steel bulkhead incorporating the existing siamese connections and vents at the base, and with large display windows set within steel framing and with thin steel mullions; the removal of the existing metal entrance doors and surrounding infill at each end of the ground floor, and their replacement with new metal doors with large glazed openings and two glazed panels at the base, set within steel framing and with four-pane fixed metal transom windows above; the installation of new signage mounted on the cast-iron fascia of the storefront cornice, consisting of metal raised lettering; the installation of a free-standing metal post with an ADA access push plate within the northern entrance vestibule; and the relocation of a Commission-approved flagpole from the 2nd floor to the sill at the center window of the 3rd floor, as shown in presentation boards LPC-00 through LPC-24, dated 3/7/13, prepared by RKSB Architects, and board C-1, dated 5/7/13, prepared by Higgins Quasebarth & Partners, LLC, submitted as components of the application, and presented at the May 14, 2013 Public Meeting. As initially presented, the proposed storefront infill was set further forward within the opening.

In reviewing this proposal, the Commission noted that the SoHo-Cast Iron Historic District designation report

DESIGN APPROVED ONLY
 NO WORK MAY PROCEED UNTIL DOB FILING DRAWINGS ARE REVIEWED AND APPROVED

describes 155 Mercer Street as a "Fireman's Hall", designed by Field & Correja, and built in 1854; and that the building's style, scale, materials and details contribute to the special architectural and historic character of the SoHo-Cast Iron Historic District. The Commission also noted that Certificate of Appropriateness 01-5089 was issued on March 7, 2001 for the installation of a new flagpole. The Commission finally noted that this application was being reviewed in conjunction with an application for a special permit to allow a modification of use pursuant to Section 74-711 of the Zoning Resolution and with an application for a Certificate of No Effect for restorative work.

With regard to the proposal, the Commission found that the removal of the existing garage door and metal infill panels at the ground floor will not result in the removal of any historic fabric; that the historic cast-iron piers flanking the new infill will be retained, thereby preserving these significant architectural features of the building; that the transparent design of the storefront infill will evoke the open quality of the former firehouse doors; that the design of the metal entrance doors with transoms will be in keeping with the configuration of the historic entrance doors; that the glazed panels at the base of the doors will be a modern interpretation of the historic details that will not detract from any significant architectural features of the building or streetscape; that the signage will not damage, destroy or obscure any significant architectural features at the storefront cornice; that it will be installed in an area historically used for signage at the fire department; and that the size of the lettering will be proportional to the height of the cornice fascia; that the ADA access push plate is required by code and that its installation on a metal stand will not require the penetration of any historic cast iron; and that the metal stand will be simply designed and set within the entrance vestibule, therefore its presence will not detract from the significant architectural features of the building or streetscape; proposed metal post that the proposed flagpole will be located in an historic flagpole location; that the relocated flagpole will not be mounted in historic material; and that the length of the proposed flagpole is well proportioned to the scale of this institutional building. Based on these findings, the Commission determined the proposed work to be appropriate to the building and the historic district, and voted to approve it.

However, the Commission made its determination subject to the stipulations that the historic pediment at the front façade be re-created as part of the restoration work to be approved in conjunction with the associated Modification of Use, and that the storefront infill be more deeply recessed and that two signed and sealed copies of the presentation materials be submitted for review and approval.

Subsequently, on August 4, 2013, the Landmarks Preservation Commission received drawings LPC-00 through LPC-24, dated 3/7/13, and drawing C-1, dated 5/7/13, all prepared by Verida E. Paulsen, R.A. Accordingly, staff reviewed these drawings and found that the recreation of the historic pediment at the front façade has been included as part of the restoration work and that the infill has been recessed behind the cast iron piers; and that the proposal approved by the Commission has been maintained. Based on this and the above findings, the drawings are marked approved with a perforated seal, and Certificate of Appropriateness 14-7445 is being issued.

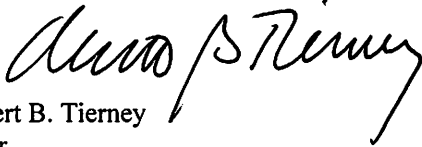
This permit is being issued in conjunction with Certificate of No Effect 14-7575, issued on August 15, 2013, for restorative work at the building, and with Modification of Use 14-7458, issued on August 15, 2013, approving a request that the Landmarks Preservation Commission issue a favorable report to the City Planning Commission relating to a modification of use pursuant to Section 74-711 of the Zoning Resolution.

This permit is issued contingent upon the Commission's review and approval of the final Department of Building filing set of drawings. No work can begin until the final drawings have been marked approved by the Landmarks Preservation Commission with a perforated seal. Please submit these drawings to the Landmarks Preservation Commission staff when they become available.

This permit is issued on the basis of the building and site conditions described in the application and disclosed during the review process. By accepting this permit, the applicant agrees to notify the Commission if the actual building or site conditions vary or if original or historic building fabric is discovered. The Commission reserves the right to amend or revoke this permit, upon written notice to the applicant, in the event that the actual

building or site conditions are materially different from those described in the application or disclosed during the review process.

All approved drawings are marked approved by the Commission with a perforated seal indicating the date of approval. The work is limited to what is contained in the perforated documents. Other work or amendments to this filing must be reviewed and approved separately. The applicant is hereby put on notice that performing or maintaining any work not explicitly authorized by this permit may make the applicant liable for criminal and/or civil penalties, including imprisonment and fines. This letter constitutes the permit; a copy must be prominently displayed at the site while work is in progress. Please direct inquiries to Timothy Shaw.



Robert B. Tierney
Chair

**PLEASE NOTE: PERFORATED DRAWINGS AND A COPY OF THIS PERMIT HAVE BEEN SENT TO:
Sherida Paulsen, PKSB Architects**

cc: S. Paulsen; C. Kane Levy, Deputy Director of Preservation, LPC

DESIGN APPROVAL ONLY
No work may proceed until DOB filing drawings are reviewed and approved

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THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION
 1 CENTRE STREET 9TH FLOOR NORTH NEW YORK, NY 10007
 TEL: 212 669-7700 FAX: 212 669-7780



PERMIT

CERTIFICATE OF NO EFFECT

ISSUE DATE: 08/15/13	EXPIRATION DATE: 08/15/2017	DOCKET #: 143675	CNE #: CNE 14-7475
ADDRESS 155 MERCER STREET HISTORIC DISTRICT SOHO-CAST IRON		BOROUGH: MANHATTAN	BLOCK/LOT: 513 / 28

Display This Permit While Work Is In Progress

ISSUED TO:

Melissa Gliatta
 RVART, LLC
 25 West 39th Street
 New York, NY 10018

Pursuant to Section 25-306 of the Administrative Code of the City of New York, the Landmarks Preservation Commission hereby approves certain alterations to the subject premises as proposed in your application completed on August 15, 2013.

The approved work consists of restorative work at the Mercer Street façade, including the installation of new cast iron capital ornaments at the historic cast iron piers at the ground floor; the repair of any damaged cast iron elements at the ground floor using an epoxy resin cement; the replacement of damaged and missing areas of the metal storefront cornice with new metal to match existing; the installation of new GFRC window surrounds, sills, and lintels at the windows at the 2nd and 3rd floors; the installation of new GFRC ornament at the center of the upper floors, including the restoration of the "Firemens Hall" sign between the 2nd and 3rd floors; the installation of a new sheet-metal cornice at the historic cornice-line; the installation of a new sheet-metal pediment above the new cornice in front of the non-historic parapet; with the design of all new GFRC and sheet-metal elements to be based on historic photographs and an historic section drawing from an early 20th century building alteration; resurfacing the existing stuccoed brownstone flat areas of the façade and quoins with a brownstone tinted Portland cement and lime based mortar, with new joints cut in the stucco to match the historic brownstone coursing, and with mortar to match the original brownstone mortar at the joints; repointing the brick as needed at the side and rear facades using mortar to be based on laboratory analysis; and brick replacement as needed at the side and rear facades using new brick to match existing; and cleaning, repointing, and replacing brick at the side and rear facades as needed; as shown in written

specifications dated August 15, 2013, prepared by PKSB Architects, and drawings LPC-00 through LPC-24, dated 3/7/13, and drawing C-1, dated 5/7/13, all prepared by Sherida E. Paulsen, R.A., and submitted as components of the application.

In reviewing this proposal, the Commission notes that the SoHo-Cast Iron Historic District designation report describes 155 Mercer Street as a "Fireman's Hall", designed by Field & Correja, and built in 1854; and that the building's style, scale, materials and details contribute to the special architectural and historic character of the SoHo-Cast Iron Historic District. The Commission also notes that Certificate of Appropriateness 525 was issued on August 29, 1977 for the restoration of the front facade including brownstone repair and the retention of the quoins and the "Fireman's Hall" sign; and that Permit for Minor Work 09-1517 was issued on July 8, 2008 for window replacement at the front facade. The Commission further notes that the "Fireman's Hall" sign is no longer extant at the facade, and that the brownstone stucco did not accurately follow the historic brownstone scoring.

With regard to this proposal, the Commission finds that the proposed work is restorative in nature and will return this building closer to its original appearance; that the new cast iron at the storefront and metal cornice elements will match the existing cast iron and metal cornice in terms of size, details, and finish; and that the epoxy resin, once painted, will match the existing cast iron in terms of texture and finish. The Commission also finds, in accordance with the Rules of the City of New York, Title 23, Section 2-17(c), that the basis for the authenticity of the design of the proposed GFRG elements at the facade and for the sheet metal cornice and pediment is documented by historic photographic and documentary evidence; and that the restoration will not cause the removal of significant historic fabric that may have been added over time and that is evidence of the history and development of the building. The Commission further finds in accordance with the R.C.N.Y., Title 63, Section 2-14, that the existing flat portions of the facade and quoins are exfoliating, damaged, or otherwise unsound; that the original texture, color, profiles, and details of the brownstone will be replicated; that the damaged stone will be cut back to a sound base and the new surface will be keyed into sound brick and built up in successive layers using a cementitious mix with the top layer tinted and finished to match the original brownstone texture and color; and that the methods and materials proposed have been provided in the form of written specifications. The Commission finally finds that the specified pointing mortar will be compatible with the historic masonry in terms of composition, and that it will match the historic masonry in terms of color, texture, and tooling; that the replacement brick will match the color, size, texture, and bonding pattern of the historic brick. The work, therefore, is approved.

PLEASE NOTE: This permit is issued contingent upon the Commission's review and approval of test samples of the metal repairs, GFRG, brownstone resurfacing mortar, pointing mortar, and replacement brick prior to the commencement of the work; and the understanding that the work will take place when the exterior temperature remains a constant 45 degrees F or above for a 72-hour period from the commencement of the work. Please contact Timothy Shaw at the Landmarks Preservation Commission when samples are completed for a site inspection.

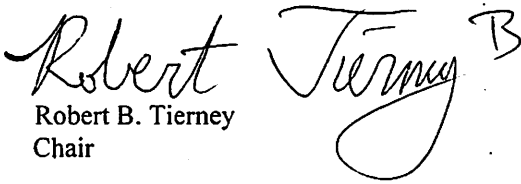
Furthermore, this permit is issued contingent upon the Commission's review and approval of the final Department of Building filing set of drawings. No work can begin until the final drawings have been marked approved by the Landmarks Preservation Commission with a perforated seal. Please submit these drawings to the Landmarks Preservation Commission staff when they become available.

The Commission further notes that this permit is being issued in conjunction with Modification of Use 14-7458 (LPC 14-7646) and Certificate of Appropriateness 14-7445 (14-7645).

The Commission has reviewed the application and these drawings and finds that the work will have no effect on significant protected features of the building.

This permit is issued on the basis of the building and site conditions described in the application and disclosed during the review process. By accepting this permit, the applicant agrees to notify the Commission if the actual building or site conditions vary or if original or historic building fabric is discovered. The Commission reserves the right to amend or revoke this permit, upon written notice to the applicant, in the event that the actual building or site conditions are materially different from those described in the application or disclosed during the review process.

All approved drawings are marked approved by the Commission with a perforated seal indicating the date of approval. The work is limited to what is contained in the perforated documents. Other work or amendments to this filing must be reviewed and approved separately. The applicant is hereby put on notice that performing or maintaining any work not explicitly authorized by this permit may make the applicant liable for criminal and/or civil penalties, including imprisonment and fines. This letter constitutes the permit; a copy must be prominently displayed at the site while work is in progress. Please direct inquiries to Timothy Shaw.

 Robert B. Tierney
Chair

**PLEASE NOTE: PERFORATED DRAWINGS AND A COPY OF THIS PERMIT HAVE BEEN SENT TO:
Sherida Paulsen, PKSB Architects**

cc: S. Paulsen; C. Kane Levy, Deputy Director of Preservation, LPC

DESIGN APPROVAL ONLY
No work may proceed until DOB filing drawings are reviewed and approved

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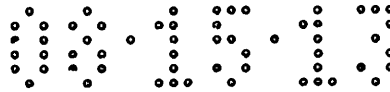
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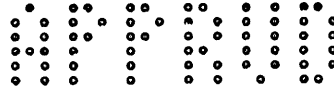


THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION
 1 CENTRE STREET 9TH FLOOR NORTH NEW YORK, NY 10007
 TEL: 212 669-7700 FAX: 212 669-7780



ROBERT B. TIERNEY
 Chair

August 15, 2013



ISSUED TO:

Amanda Burden, Chair
City Planning Commission
22 Reade Street
New York, NY 10007

Re: LPC - 147646
 MOU 14-7458
 155 MERCER STREET
HISTORIC DISTRICT
 SOHO-CAST IRON
 Borough of Manhattan
 Block/Lot: 513 / 28

At the Public Meeting of May 14, 2013, following the Public Hearing of May 7, 2013, the Landmarks Preservation Commission ("LPC") voted to issue a report to the City Planning Commission ("CPC") in support of an application for the issuance of a Special Permit pursuant to Section 74-711 of the Zoning Resolution for modification of use to allow use Group 6 below the second story at the building located at 155 Mercer Street, Manhattan, Block 513, Lot 28 ("the Designated Building"). The Designated Building consists of a building originally built as a "Fireman's Hall", designed by Field & Correja, and built in 1854. The Designated Building is located in the SoHo-Cast Iron Historic District.

In voting to issue the report, the LPC found that the applicant has agreed to undertake façade work to restore the Designated Building and bring it up to a sound, first class condition; that the applicant has agreed to establish and maintain a program for continuing maintenance to ensure that the Designated Building is maintained in a sound, first-class condition; and that a Restrictive Declaration ("Declaration") will be filed against the property which will bind the applicants and all heirs, successors and assigns to maintain the continuing maintenance program in perpetuity.

Specifically, at the same Public Meeting, the Commission approved certain restorative work, as well as the installation of new storefront infill and the relocation of a flagpole described in Certificate of Appropriateness 14-7445, dated August 15, 2013. This work included the installation of new cast iron elements, including capital ornaments, at the historic cast iron piers at the ground floor; the replacement of damaged and missing areas of the metal storefront cornice; the installation of new GFRC window surrounds, sills, and lintels at the windows at the 2nd and 3rd floors; the installation of new GFRC ornament at the center of the upper floors, including the restoration of the "Firemens Hall" sign between the 2nd and 3rd floors; the installation of a new sheet-metal cornice at the historic cornice-line; the installation of a new sheet-metal pediment above the new cornice in front of the non-historic parapet to match the pediment seen in historic photographs; resurfacing the

existing stuccoed brownstone flat areas of the façade and quoins, with new joints cut in the stucco to match the historic brownstone coursing, and with mortar to match the original brownstone mortar at the joints; and cleaning, repointing, and replacing brick at the side and rear facades as needed.

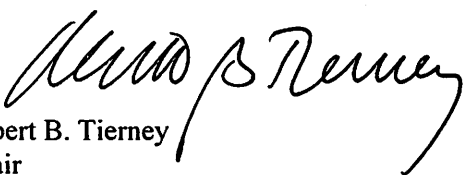
In reaching a decision to grant the Certificate of Appropriateness, the Commission reviewed the proposed work and found that the removal of the existing garage door and metal infill panels at the ground floor will not result in the removal of any historic fabric; that the historic cast-iron piers flanking the new infill will be retained, thereby preserving these significant architectural features of the building; that the transparent design of the storefront infill will evoke the open quality of the former firehouse doors; that the design of the metal entrance doors with transoms will closely match the configuration of the historic entrance doors; that the glazed panels at the base of the doors will be a modern interpretation of the historic details that will not detract from any significant architectural features of the building or streetscape; that the proposed flagpole will be located in an historic flagpole location; that the relocated flagpole will not be mounted in historic material; and that the length of the proposed flagpole is well proportioned to the scale of this institutional building.

In reaching a decision to issue a favorable report to the CPC, the LPC found that the restorative work pursuant to LPC 14-3675 will help return the building closer to its original appearance; that the facade work will reinforce the architectural and historic character of the building, the streetscape, and the SoHo-Cast Iron Historic District; that it will bring the building up to a sound first class condition and aid in its long term preservation; that the implementation of a cyclical maintenance plan will ensure the continued maintenance of the building in a sound, first-class condition; and that the owners of the designated building have committed themselves to establishing a cyclical maintenance plan that will be legally enforceable by the LPC under the provisions of a Restrictive Declaration, which will bind all heirs, successors and assigns, and which will be recorded at the New York County Registrar's Office.

The Declaration requires the Declarant to commission a qualified preservation professional, whose credentials are to be approved by LPC, to undertake inspections every five years of the Designated Building's exterior and such portions of the interior, which, if not properly maintained, would cause the Designated Building to deteriorate. The Declarant is required to perform all work identified in the resulting professional reports as being necessary to maintain the Designated Building in a sound, first class condition, and shall make such repairs within time periods approved by the LPC.

Please note that the restoration work must be completed and approved by the Landmarks Preservation Commission before the owners may apply for or accept a temporary Certificate of Occupancy or a permanent Certificate of Occupancy from the Department of Buildings for the area of the buildings that is the subject of this special permit.

The staff of the Commission is available to assist you with these matters. Please direct inquiries to Timothy Shaw.


Robert B. Tierney
Chair

cc: M. Gliatta, RVART, LLC; S. Paulsen, PKSB Architects; J. Weiss, Deputy Counsel, LPC; C. Kane Levy, Deputy Director of Preservation, LPC

RVART Owner LLC
Jensen 155 Mercer Owner LLC

DECLARATION

Dated: December __, 2013

Location: Block 513, Lot 28
New York County, New York

Record & Return to:

Fox Rothschild LLP
100 Park Avenue, Suite 1500
New York, NY 10017
Attention: Jesse Masyr, Esq.

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DECLARATION made as of the ____ day of December, 2013 by RVART Owner LLC, c/o Thor Equities, 25 West 39th Street, New York, NY and Jensen 155 Mercer Owner LLC, c/o Thor Equities, 25 West 39th Street, New York, NY (collectively referred to as the "Declarant"):

WITNESSETH:

WHEREAS, Declarant is the owner in fee simple of certain real property located in the Borough of New York City, County and State of New York, which property is designated as Block 513, Lot 28 on the Tax Map of the City of New York and by the street address 155 Mercer Street, New York, NY and is more particularly described on Exhibit A attached hereto (the "Subject Property") and on which is located a 3-story building (the "Designated Structure");

WHEREAS, Declarant proposes to renovate the Designated Structure;

WHEREAS, the Subject Property together with the Designated Structure constitutes the Subject Premises (the "Subject Premises"), as is described in the metes and bounds description attached hereto as Exhibit A; and

WHEREAS, Royal Registered Property Reports, Inc. ("Royal Abstract"), a title company, has certified as of September 9, 2013, that Declarant is the sole party in interest ("Party in Interest"), as that term is defined in the zoning lot definition in Section 12-10 of the Zoning Resolution of the City of New York (the "Zoning Resolution"), to the Subject Premises, a copy of which certification is attached hereto as Exhibit B; and

WHEREAS, all Parties in Interest to the Subject Property have executed this Declaration or waived their rights to execute this Declaration;

WHEREAS, pursuant to the provisions of Section 3020 of the New York City Charter and Title 25, Chapter 3 of the Administrative Code of the City of New York (the "Landmark Preservation Law"), the Landmarks Preservation Commission (the "LPC") has designated an area which includes the Designated Structure as being part of the SoHo Cast Iron Historic District because of its special character or historical or aesthetic interest or value; and

WHEREAS, Declarant at the public hearing on May 7, 2013, requested the LPC issue a report to the City Planning Commission of the City of New York (the "CPC") for an application under Section 74-711 of the Zoning Resolution for a special permit (the "Special Permit") to modify Section 42-14(d)(2)(a) of the Zoning Resolution, with respect to conforming uses within an M1-5A zoning district, so that Use Group 6 may be permitted below the floor level of the second story of the Designated Structure; and

WHEREAS, at the public meeting on [INSERT DATE], following said public hearing, the LPC voted to issue the report to the CPC as requested for the special permit application (the "Application"), and to grant a Certificate of Appropriateness ("C of A"), which allows the alteration of the Designated Structure in the SoHo Cast Iron Historic District in accordance with Section 25-307 of the Administrative Code of the City of New York. A copy of the C of A is annexed hereto as Exhibit C; and

WHEREAS, Section 74-711 requires, inter alia, that a program has been established for continuing maintenance (the "Continuing Maintenance Program") that will result in preservation of the Designated Structure by Declarant; and

WHEREAS, Declarant has agreed to certain obligations and restrictions contained in this Declaration for the protection, preservation, repair and maintenance of the Designated Structure; and

WHEREAS, Declarant desires to restrict the manner in which the Subject Premises may be developed, restored, and operated in order to assure the protection, preservation, repair and maintenance of the Designated Structure; and

WHEREAS, Declarant represents and warrants that there are no restrictions, liens, obligations, covenants, easements, limitations or encumbrances of any kind, the requirements of which have not been waived or subordinated, which would prevent or preclude, presently or potentially, the imposition of the restrictions, covenants, obligations, easements and agreements of this Declaration;

NOW, THEREFORE, Declarant does hereby declare and agree that the Subject Premises shall be held, sold, transferred, conveyed and occupied subject to the following restrictions, covenants, obligations, easements, and agreements, all of which are for the purpose of protecting the Subject Premises, which shall inure to the benefit of the City of New York, and which shall run with the Subject Premises and bind Declarant and its heirs, successors and assigns so long as they have a right, title or interest in the Subject Premises or any part thereof.

1.0 DEFINITIONS. The following words, when used in this Declaration, shall have the following meanings:

1.1 "Application" shall mean the application to the City Planning Commission for the Special Permit.

1.2 "Buildings Department" shall mean the New York City Department of Buildings, or any successor to the jurisdiction thereof.

1.3 "Chairperson of the CPC" shall mean the Chairperson of the City Planning Commission of the City of New York or any successor to the jurisdiction thereof.

1.4 "Chairperson of the LPC" shall mean the Chairperson of the Landmarks Preservation Commission of the City of New York or any successor to the jurisdiction thereof.

1.5 "City" shall mean the City of New York.

1.6 "City Council" shall mean the New York City Council or any successor to the jurisdiction thereof.

1.7 "CPC" shall mean the New York City Planning Commission, or any successor to the jurisdiction thereof.

1.8 "Declarant" shall mean the named Declarant and the heirs, successors and assigns of the named Declarant including, without limitation, any owner of a condominium unit within the Designated Structure, except that Declarant shall not be deemed to include (i) a mortgagee of all or any portion of the Subject Property until it succeeds to the interest or obligation of Declarant by purchase, assignment, foreclosure or otherwise, or (ii) a tenant of the Subject Premises, unless such tenant holds a lease to all or substantially all of the Subject Premises.

1.9 "DCP" shall mean the New York City Department of City Planning or any successor to the jurisdiction thereof.

1.10 "Designated Structure" shall mean the 3-story structure located on Tax Block 513, Lot 28 in Borough of Manhattan, which is a contributing structure in the SoHo Cast Iron Historic District.

1.11 "Force Majeure" shall mean: strike, lockout or labor dispute(s); inability to obtain materials or reasonable substitutes therefor unless due to any act or failure to act by Declarant; acts of God; unforeseen governmental restrictions, regulations, omissions or controls; enemy or hostile government actions; civil commotion, insurrection, revolution or sabotage; fire or other casualty; inclement weather of such a nature as to make performance or completion of the Landmark Work not feasible unless due to any act or failure to act by Declarant; any damage to the Subject Premises of such a nature as to make completion of the Landmark Work not feasible; a taking of the Subject Premises, or a portion thereof, by condemnation or eminent domain; failure of a public utility to provide power, heat or light; unusual delay in transportation; material delays by the City, State or United States Government, or any agency or instrumentality thereof, in the performance of any work or processing or approval of any applications required in order to permit Declarant to carry out its obligations pursuant to this Declaration unless due to any act or failure to act by Declarant; denial to Declarant by any owner of an enforceable interest in adjoining real property, including any private fee owner or ground lessee of adjoining real property, or any agency of the City or State having an enforceable interest in adjoining real property, including sidewalk or streets, of a right to access to such adjoining real property, if such access is required to accomplish the obligations of the Declarant pursuant to this Declaration; the pendency of a litigation not initiated by Declarant or similar proceeding which suspends or materially and adversely affects the

ability of the Declarant to accomplish the obligations of the Declarant pursuant to this Declaration; or other conditions similar in character to the foregoing which are beyond the control of Declarant. No event shall constitute a Force Majeure unless Declarant complies with the procedures set forth in Sections 2.1 and 6.2 hereof.

1.12 "Landmark Work" shall refer to the restoration work on the Designated Structure as described in the C of A which is attached hereto as Exhibit C.

1.13 "LPC" shall mean the Landmarks Preservation Commission of New York City or any successor to the jurisdiction thereof.

1.14 "Mortgagee" shall mean (a) the institutional first mortgagee of all or substantially all of the Subject Premises listed in Exhibit B or (b) the first mortgagee of a condominium unit within the Designated Structure, if applicable.

1.15 "Party(ies) in Interest" shall mean any party-in-interest listed in Exhibit B and any other party-in-interest to the Subject Premises who has given written notice of its name and address to the CPC and the LPC.

1.16 "Special Permit" shall mean the special permit described on page 2 hereof.

1.17 "Special Permit Use" shall mean Use Group 6 use to be permitted below the floor level of the second story at the Designated Structure. Notwithstanding the foregoing, no use shall be deemed a Special Permit Use if it is permitted as-of-right within the Subject Premises by the terms of the Zoning Resolution then in effect.

1.18 "Zoning Resolution" shall mean the Zoning Resolution of the City of New York.

2.0. DEVELOPMENT, PRESERVATION, REPAIR AND MAINTENANCE OF THE SUBJECT PROPERTY. The issuance of the Special Permit is premised on, inter alia, the performance of the construction of the following restoration work on the Designated Structure in conformity with the C of A and the requirements thereof (which restoration work shall be referred to as the "Landmark Work"):

- Undertake probes to determine the condition of the brownstone beneath the brown-colored cement stucco at the front façade;
- Resurface areas of flat stucco and quoins with new stucco matching the original brownstone in color, texture and coursing;
- Cut joints into new stucco in the location of the original brownstone joints;
- Match mortar to the original brownstone mortar in color, texture and tooling;
- Install new glass fiber reinforced concrete (GFRC) units matching the original brownstone ornament at window enframements, sills and lintels, and at the center bays of the second and third stories with the new ornament based on historic photographs and drawings;
- Install a new sheet-metal cornice on the front façade matching the original cornice in size, profile and finish based on historic photographs and drawings;
- Repair the existing, non-historic wood windows on the front and rear elevations by caulking, consolidating deteriorated wood and weatherstripping, as needed;
- Replace severely deteriorated wood window sills, as needed, to match the existing;
- Scrape and repaint the windows with a color based on historic photographs and drawings;
- Scrape and remove corrosion from the hollow-metal door at the first floor of the rear elevation;
- Paint the door to match the adjacent windows;
- Replace the missing cast-iron capital ornament at the ground floor of the front façade with new cast-iron elements based on the existing capitals;
- Replace the fiberglass portions of the ground-floor cornice with a new metal cornice matching the historic cornice.;
- Fill open joints in the cast-iron storefront fascia and between the fascia and columns with a metal-containing filler, and sand flush to the surface of the cast iron;
- Scrape and paint the fascia and columns with a color based on historic photographs and drawings;
- Install new ground-floor infill at the front façade derived from the configuration of the historic infill;
- Install a new flagpole below the center window on the third story of the front façade to match the historic flagpole;

- Scrape any loose paint and repaint the existing gates at the north and south yards;
- Remove the graffiti from the south elevation and clean the brick and bluestone masonry at the north, south and west elevations using the gentlest means necessary;
- Rake areas of open or defective joints at the north, south and east elevations, and repoint using a Portland-cement-lime mortar matching the existing in color, texture, strength, permeability and tooling;
- Replace cracked or heavily exfoliated brick with new brick matching the original in size, color and texture;
- Rebuild any displaced areas of brick, if present, using salvaged brick or new brick matching the original in size, color and texture;
- Remove unused conduits and cables, and any abandoned anchors on the north, south and rear elevations;
- Patch holes in the masonry with restoration mortar matching the masonry in color, texture and tooling;
- Remove biological growth from the brick at the first floor and cellar level, rear elevation;
- Remove the black coating at the southwest corner of the second and third floors, rear elevation;
- Sound the cementitious coating at the upper portion of the rear elevation and carefully remove all loose cementitious coating and areas of blind delamination, if possible, and otherwise, if removal of the coating will severely damage the brick substrate, retain the coating in situ;
- Clean the schist and brownstone at the cellar level of the rear elevation using the gentlest means necessary;
- Rake open, defective or poorly-repointed stone joints at the cellar level, and repoint using a Portland-cement-lime mortar matching the existing in color, texture, strength, permeability and tooling;
- Patch delaminating brownstone with a restoration mortar matching the stone in color, texture and tooling;
- Rebuild areas of displaced masonry using salvaged masonry or new brick and stone matching the original in size, color and texture;
- Clean the brick and repoint open joints on the brick chimney flue at the south elevation;
- Scrape the paint and remove any rust from the spiral stair between the first floor and cellar at the rear elevation;
- Prime the stair using a rust-inhibitive primer and finish with an industrial-grade paint;
- Scrape loose paint and repaint the rear-yard fence;
- Remove the bituminous coating from the coping stones at the rear parapet;
- Repitch the copings at the rear parapet to ensure positive drainage onto the roof;
- Repair all lifted flashing and termination bars at the parapets;
- Remove any debris from the roof drains;

- Replace corroded portions of the gutters and leaders, as needed;
- Remove the glazing putty and sealant from around the glass at the skylight on the roof. Reinstall new glazing putty to ensure a water-tight seal;
- Replace any broken glass, as necessary;
- Scrape the paint, remove corrosion and repaint the skylight to match the existing color;
- Scrape the paint, remove corrosion and repaint the dunnage and mechanical equipment at the roof;
- Clean the biological growth from the wood planking at the second-floor rear terrace using a pressure-washer and biocide; and
- Scrape all loose paint and repaint the railing at the second-floor rear terrace.

2.1. Certificate of Occupancy. Written notice that the Declarant is seeking a temporary certificate of occupancy ("TCO") or permanent certificate of occupancy ("PCO") shall be provided to the LPC seven days prior to the Declarant applying for a TCO or PCO. No temporary certificate of occupancy ("TCO") or permanent certificate of occupancy ("PCO") which permits a Special Permit Use shall be granted by the Buildings Department or accepted by Declarant until the Chairperson of the LPC shall have given written notice to the Buildings Department that the Landmark Work has been satisfactorily completed by Declarant or the Chairperson of the LPC has certified in writing, as provided in Section 2.1(d) hereof, that (a) a Force Majeure has occurred and (b) the Chairperson of the LPC has no objection to the issuance of a TCO or PCO for, as appropriate, all or part of the Subject Property. The Chairperson of the LPC shall issue said notice reasonably promptly after Declarant has made written request to the Chairperson of the LPC and has provided documentation to support such request, and the Chairperson of the LPC shall in all events endeavor to issue such written notice to the Buildings Department, or inform Declarant in writing of the reason for not issuing said notice, within twenty-one (21) calendar days after Declarant has requested such written notice. Upon receipt of the written notice from the Chairperson of the LPC that (i) the

Landmark Work has been satisfactorily completed or (ii) the Chairperson of the LPC has certified that a Force Majeure has occurred and that the Chairperson of the LPC has no objection to the issuance of a TCO or PCO, the Buildings Department may grant, and Declarant may accept, a TCO or PCO for the Designated Structure.

(c) Declarant shall permit inspection of the Designated Structure by the Chairperson of the LPC and representatives designated by the Chairperson of the LPC in connection with the notice described in Section 2.1(b) hereof.

(d) (i) Upon application by Declarant, notwithstanding anything contained in any other provision of this Declaration, the Chairperson of the LPC, in the exercise of his or her reasonable judgment, may certify that the performance or completion of the Landmark Work is delayed due to a Force Majeure as provided in paragraph (ii) below.

(ii) In the event that Declarant reasonably believes that full performance of its obligations to complete the Landmark Work has been delayed as a result of a Force Majeure, Declarant shall so notify the Chairperson of the LPC as soon as Declarant learns of such circumstances. Declarant's written notice shall include a description of the condition or event, its cause (if known to Declarant), its probable duration, and in Declarant's reasonable judgment, the impact it is reasonably anticipated to have on the completion of the Landmark Work. The Chairperson of the LPC shall, within twenty-one (21) calendar days of its receipt of Declarant's written notice, (A) certify in writing that a Force Majeure has occurred, including a determination of the expected duration of such delay (the "Delay Notice"), and grant Declarant appropriate relief for such delay, including certifying in writing to the Buildings Department that the Chairperson of the LPC has no objection to the issuance of a TCO or PCO for, as appropriate, all or part of

the Subject Property, or (B) notify Declarant that it does not reasonably believe a Force Majeure has occurred. With respect to any claim that a Force Majeure has delayed the Declarant's performance or completion of the Landmark Work, the LPC may require that Declarant post a bond or other security in a form and amount acceptable to the Chairperson of the LPC in order to ensure that the Landmark Work is completed. Such alternative security could include, without limitation, alternative or additional conditions on the issuance of any PCO or TCO. Any delay caused as the result of a Force Majeure shall be deemed to continue only as long as the Declarant shall be using reasonable efforts to minimize the effects thereof. Upon cessation of the events causing such delay, the Declarant shall promptly recommence the Landmark Work.

(e) Notwithstanding anything else to the contrary contained herein, this Declaration shall not be deemed to prohibit or restrict Declarant from (i) applying for or receiving a TCO or a PCO for any floor area in the Designated Structure which is not to be used for a Special Permit Use; or (ii) obtaining permits or building notices from the Building's Department to perform work, including tenant work, in the Designated Structure prior to the completion of the Landmark Work; or entering into agreements affecting all or any portions of the space in the Designated Structure prior to completion of the Landmark Work. Declarant hereby covenants and agrees to preserve, repair and maintain the Designated Structure in sound first-class condition, at its own cost and expense, in accordance with this Declaration, the C of A and the Landmarks Preservation Law. It is understood that certain obligations and duties set forth in this Declaration are above and beyond the requirements of the Landmarks Preservation Law and do not in any

way diminish Declarant's obligation and responsibility to comply with all provisions of the Landmarks Preservation Law.

2.3. Continuing Maintenance Program. Declarant shall comply with the obligations and restrictions of the continuing maintenance program (the "Continuing Maintenance Program") as set forth below:

(a) Periodic Inspections. Declarant shall establish and carry out a cyclical inspection and maintenance program for the Designated Structure which shall include, without limitation, the following:

(i) At Declarant's expense, an inspection (the "Periodic Inspection") shall be made every five years, on or within two weeks of the anniversary of the issuance by the LPC of the Notice of Compliance pursuant to the C of A, and thereafter, shall be made on or within every five years from the date of such initial inspection. In the event that Declarant has accepted a TCO or a PCO that permits a special permit use without having first received the Notice of Compliance, the first periodic inspection shall be made on or within the fifth anniversary date of the issuance of such TCO or PCO and every five years thereafter. The Periodic Inspection shall be done by a preservation architect, engineer or other qualified person knowledgeable about the preservation of historic structures (the "Preservation Architect") selected by Declarant from a list prepared by Declarant and approved by the Chairperson of the LPC as to their credentials, which approval shall not be unreasonably withheld or delayed. Declarant shall update such listing upon the request of the Chairperson of the LPC. In addition, Declarant may periodically supplement the list of Preservation Architects, subject to the approval of the Chairperson of the LPC as to their credentials. The Preservation Architect shall make a thorough inspection of the

exterior of the Designated Structure and those portions of the interior, as well as those portions of the mechanical systems that are accessible to and under the control of building management, which, if not properly maintained, could affect the condition of the exterior. The Periodic Inspection shall include (but not be limited to) the following portions of the Designated Structure: (1) all exterior walls, with particular attention to the new cornices, new ornamental surrounds and windows, as well as the historic cast iron elements at the ground level; (2) the roof and copings, including the equipment located on the roof and the skylight; (3) the cast iron spiral staircase located in the rear yard; and (4) the cellar, in order to confirm that there is no water infiltration and that foundation walls are sound.

(ii) The Preservation Architect shall, at the expense of Declarant, submit a report on each Periodic Inspection (the "Periodic Report") to Declarant and the LPC within 45 days after each Periodic Inspection. The Periodic Report shall outline the existing conditions of the Designated Structure and detail the work which should be performed in order to maintain the Designated Structure, including all architectural features and elements, in a sound first-class condition, including but not limited to caulking, painting, cleaning, repair of architectural features and elements, checking for rust and repointing of masonry.

(iii) Submission of Local Law 10 & 11 Facade Inspection Report. If the Designated Structure is subject to the Facade Inspection Report requirements of Title 1 RCNY §32-03 et seq., a copy of any such Facade Inspection Report which is submitted to the New York City Department of Buildings, shall also be provided at the same time to the Landmarks Preservation Commission. In the event that the building is found to be unsafe pursuant to such inspection, the declarant shall notify the Landmarks Preservation

Commission simultaneously with the owner and the Department of Buildings, pursuant to Title 1 RCNY §32-03(b)(2)(vii).

(iv) Except as set forth below, Declarant shall perform all work which a Periodic Report, Facade Inspection Report or Emergency Incident Report (as defined below) identifies as necessary to maintain the Designated Structure, including architectural features and elements, in sound first-class condition. No work shall be performed except pursuant to a permit from the LPC if a permit is required under the Landmarks Preservation Law. If the LPC determines that a specific item of work or method of work as set forth in a Periodic Report, Facade Inspection Report or Emergency Incident Report would be inappropriate or inadequate, the determination of the LPC shall control and Declarant need not and shall not have such specific item performed. Declarant shall have the right to contest in a hearing before the LPC any work called for in a Periodic Report or Emergency Incident Report. Declarant's obligation to perform such contested work or to perform it by a method acceptable to the LPC shall be stayed pending a decision in any such proceeding at the LPC. Declarant shall proceed with all work which is uncontested during the stay pursuant to a permit.

(v) Unless Declarant has notified the LPC in writing that it contests any work as set forth in the preceding paragraph, Declarant shall apply for all necessary permits or certificates from the LPC within 45 days of receiving the completed report from the Preservation Architect. Declarant shall use its best efforts to assure that all repairs, rehabilitation, repointing and restoration work detailed in the Periodic Report or Emergency Incident Report shall be completed at the earliest possible date, but no later than within nine months of the date of issue of the certificate or permit from the LPC, or,

if no such certificate or permit is required, within nine months of the date of the Periodic Report or Emergency Incident Report. If for reasons beyond Declarant's control, as determined by the Chairperson of the LPC, such work cannot be completed within nine months, Declarant shall apply to the LPC for an extension of time within which to complete such work. Such extensions shall be for a stated additional period of time to be related to the period of delay and shall not be unreasonably withheld.

(b) Emergency Protection Program. Declarant shall establish and be prepared to carry out an emergency protection program for the Designated Structure which shall include at the minimum, the following:

(i) If a fire, the elements or any other cause whatsoever damages or destroys the Designated Structure or any part thereof (the "Emergency Incident"), Declarant shall use all reasonable means to save, protect and preserve the Designated Structure at the time of and following the Emergency Incident, including, but not limited to, acting with an approval from the Chairperson of the LPC or his or her designated representatives to stabilize and prevent further damage to or deterioration of the structure, and to secure the Subject Premises from unauthorized access. Declarant shall not remove from the Subject Premises any debris consisting of exterior features of the Designated Structure without an approval from the Chairperson of the LPC or his or her designated representative. Unless necessitated as a safety precaution as ordered by the Departments of Buildings, Health, Fire or Police, or as an action taken in response to a life-threatening situation, the Declarant shall not remove any other debris or otherwise clear the Subject Premises without the approval of the LPC or its Chairperson.

(ii) Declarant shall give immediate written notice of such Emergency Incident to the LPC. Declarant shall also give timely notice to the LPC of the time or times when the New York City Departments of Buildings, Health and Fire will inspect the Subject Premises following the Emergency Incident, in order that the LPC may have a representative present during such inspections.

(iii) Within sixty days of such Emergency Incident, a Preservation Architect shall, at the expense of Declarant, make a thorough inspection of the Designated Structure and submit a report (an "Emergency Incident Report") to Declarant and to the LPC outlining the condition of the structure, assessing the extent of damage, and recommending (A) work, if any, which must be undertaken immediately, upon receipt of proper permits, in order to stabilize and prevent further damage to the Designated Structure, and (B) work that should be performed to repair and restore the Designated Structure to a sound, first-class condition or, alternatively to (A) and (B), that Declarant make an application to the LPC for permission to demolish the remaining portions of the Designated Structure.

(iv) With regard to the work to be performed pursuant to subparagraph (iii)(A), Declarant shall immediately upon receipt of the Emergency Incident Report request and vigorously pursue all necessary permits and upon their issuance, shall undertake all such work with alacrity. If no permits are required, work shall be undertaken as soon as possible after receipt of the Emergency Incident Report.

(v) With regard to the work to be performed pursuant to subparagraph (iii)(B), within ninety days of receiving the report of the Preservation Architect, Declarant shall apply for all necessary permits and certificates from the LPC to repair and restore or to

demolish. No work on the exterior of the Designated Structure, and no work on the interior of the Designated Structure which would affect the exterior or which would require the issuance of a permit from the Department of Buildings shall be performed except pursuant to a permit from the LPC. If the LPC determines that a recommendation to demolish or to perform a specific item of work or method of work set forth in the report would be inappropriate, using the criteria set forth in the Landmarks Preservation Law, the determination of the LPC shall control and the Declarant shall not have such specific work performed or be entitled to have the Designated Structure demolished unless Declarant is obligated to perform such work or demolish the structure in accordance with an "Unsafe Building Notice" issued by the Department of Buildings. All repair, restoration, rehabilitation, repointing, and other work provided for in a certificate or permit shall be completed within nine months of the date of issue of such certificate or permit by the LPC. If such work cannot be completed within nine months for reasons beyond Declarant's control, as determined by the Chairperson of the LPC, Declarant shall apply in writing to the LPC for an extension of time within which to complete such work. Such extensions shall be for a stated additional period of time which is related to the period of the delay and shall not be unreasonably withheld.

(c) Access to Designated Structure. Declarant agrees to provide access to the Designated Structure to the LPC and its designated representatives at reasonable times and upon reasonable written notice, except in cases of emergency, in which event the LPC or its representatives shall have access, if feasible, immediately and without notice, in order to insure that the preservation, repair and maintenance of the Designated Structure is carried out in accordance with this Declaration.

(d) Failure to Perform. In the event that the preservation, repair, or maintenance of the Designated Structure is not performed in accordance with the provisions of this Article, the LPC shall give written notice of such failure to perform to the Declarant. In the event that Declarant, its successors or assigns, fails after sixty days from receipt of written notice from the LPC to perform or shall commence to perform but fail diligently to prosecute to completion, any such repair and/or maintenance, or any obligations of Declarant set forth in this Declaration, the City of New York may perform all of the necessary work at the sole cost and expense of the Declarant and shall have the right to enter onto the Subject Property and to charge said Declarant for all the actual cost of such work, together with actual administrative and legal fees incurred in the collection thereof. Such actual costs shall include, but not be limited to, payments by the City of New York to any lawyers, consultants, contractors, painters, engineers, architects and skilled artisans required to be hired to perform or supervise such work. To the extent such actual costs are expended by the City of New York, the LPC shall have a lien on the Subject Premises as if a lien had been filed, perfected and enforced for materials and labor under Article 2 of the Lien Law of the State of New York. Notwithstanding the foregoing, in the event that the Designated Structure is converted to a condominium, Declarant's right to notice and cure provided in this subsection shall apply only to the condominium board and to any owner of space occupied by retail uses in the Designated Structure; provided that the LPC has received notice by said parties in accordance with Section 6.2.

3.0. CONDOMINIUM BOARD.

3.1 General. In the event that the Designated Structure is converted to a condominium in accordance with Article 9B of the New York State Real Property Law ("RPL"), the condominium board ("Board") shall have the responsibility to carry out all of Declarant's obligations and the authority to exercise all of Declarant's rights under this Declaration and upon such assumption, RVART Owner LLC shall be released from its liability thereunder.

3.2. Board. The following provisions of this Article 3 shall be operative only in the event that the Board is formed as described in this Section 3.1.

(a) The Board shall require that each owner of a condominium unit (the "Unit Owner") appoint the Board as his Attorney-in-Fact with respect to modification, amendment, or cancellation of the Declaration.

(b) Every deed conveying title to, or a partial interest in, the Subject Premises and every lease of all or substantially all of the Subject Premises shall contain a recital that the grantee is bound by the terms of the Condominium Declaration and By-laws which shall incorporate an obligation by the Board to comply with the provisions of Article 3 of this Declaration.

4.0 EFFECT AND ENFORCEMENT

4.1. Effective Date. This Declaration shall have no force and effect unless and until the occurrence of one of the following, to be referred to as the "Effective Date": (a) the expiration of 21 days after the Special Permit has been approved if no review is undertaken by the City Council pursuant to Section 197-d of the New York City Charter or (b) final approval of the Special Permit pursuant to Section 197-d of the New York

City Charter. The Declaration shall become immediately effective upon the Effective Date. If, before the Effective Date, Declarant requests or causes the application for the Special Permit to be withdrawn or abandoned, or if final action has been taken having the effect of denying the Special Permit, then, upon notice to CPC and LPC, this Declaration shall not become effective, shall be automatically canceled and shall be of no force and effect.

4.2 Filing and Recording. If the Special Permit is at any time declared invalid or is otherwise voided by final judgment of any court of competent jurisdiction from which no appeal can be taken or for which no appeal has been taken within the applicable statutory period provided for such appeal, then, upon entry of said judgment or the expiration of the applicable statutory period for such entry, as the case may be, this Declaration shall be automatically canceled without further action by Declarant and shall be of no further force or effect and the CPC shall, if requested by Declarant, provide Declarant with a letter in recordable form stating that the Declaration has been so canceled and is of no further force and effect. In the event that Declarant has obtained a certificate of occupancy allowing any Special Permit Use in the Designated Structure, Declarant shall promptly, after receipt of such letter, obtain a revised certificate of occupancy from the Buildings Department reflecting the cessation of any such Special Permit Use in the Designated Structure. Declarant shall file and record at its sole cost and expense this Declaration in the Register's Office, indexing it against the Subject Property, immediately upon the Effective Date. Declarant shall promptly deliver to the CPC and the LPC duplicate executed originals, promptly following the Effective Date and, following recordation, a true copy of this Declaration as recorded, as certified by the

Register. If Declarant fails to so record this Declaration, the City may record this Declaration, at the sole cost and expense of Declarant, who shall promptly pay to the City such costs together with fees for purchase of a reasonable number of certified copies of the recorded Declaration.

4.3 Additional Remedies. Declarant acknowledges that the City is an interested party to this Declaration, and consents to enforcement by the City, administratively or at law or equity, of the restrictions, covenants, easements, obligations and agreements contained herein. Declarant also acknowledges that the remedies set forth in this Declaration are not exclusive, and that the City and any agency thereof may pursue other remedies not specifically set forth herein including, but not limited to, the seeking of a mandatory injunction compelling Declarant, its heirs, successors or assigns, to comply with any provision, whether major or minor, of this Declaration.

4.4 Notice and Cure. (a) Before any agency, department, commission or other subdivision of the City of New York institutes any proceeding or proceedings to enforce the terms or conditions of this Declaration because of any violation hereof, it shall give Declarant forty-five (45) days written notice of such alleged violation, during which period Declarant shall have the opportunity to effect a cure of such alleged violation. If Declarant commences to effect a cure during such forty-five (45) day period and proceeds diligently towards the effectuation of such cure, the aforesaid forty-five (45) day period shall be extended for so long as Declarant continues to proceed diligently with the effectuation of such cure. In the event that title to the Subject Premises, or any part thereof, shall become vested in more than one party, the right to notice and cure provided in this subsection shall apply equally to all parties with a fee interest in the Subject

Property, or any part thereof, including ground lessees; provided the LPC has received notice by said parties in accordance with Section 6.2. Notwithstanding the foregoing, in the event that the Designated Structure is converted to a condominium, the right to notice and cure provided in this subsection shall apply only to the condominium board and to any owner of space occupied by retail uses in the Designated Structure; provided that the LPC has received notice by said parties in accordance with Section 6.2.

(b) If Declarant fails to observe any of the terms or conditions of this Declaration, and the Declarant fails to cure such violation within the applicable grace period provided in subparagraph 4.4(a) of this Declaration, then prior to the institution by any agency or department of the City of any action, proceeding, or proceedings against Declarant in connection with such failure, a Mortgagee who has given written notice of its name and address to the CPC and the LPC shall be given thirty (30) days written notice of such alleged violation, during which period such Mortgagee shall have the opportunity to effect a cure of such alleged violation. If such Mortgagee commences to effect a cure during such thirty (30) day period and proceeds diligently towards the effectuation of such cure, the aforesaid thirty (30) day period shall be extended for so long as such Mortgagee continues to proceed diligently with the effectuation of such cure.

(c) If after due notice as set forth in this Section 4.4, Declarant and the Mortgagee fail to cure such alleged violations, the City may exercise any and all of its rights, including those delineated in this Section and may disapprove any amendment, modification, or cancellation of this Declaration on the sole grounds that Declarant is in default of any material obligation under this Declaration.

4.5 Acknowledgement of Covenants. Declarant acknowledges that the restrictions, covenants, easements, obligations and agreements in this Declaration, which are an integral part of the Special Permit, will protect the value and desirability of the Subject Premises as well as benefit the City of New York and all property owners within a one-half mile radius of the Subject Premises. Those restrictions, covenants, easements, obligations and agreements shall be covenants running with the land, and shall bind Declarant and its successors, legal representatives, and assigns.

4.6 No Other Enforceable Restrictions. Declarant represents and warrants that there are no enforceable restrictions of record on the use of the Subject Property or the Designated Structure, nor any present or presently existing future estate or interests in the Subject Property or the Designated Structure, nor any lien, obligation, enforceable covenant, limitation or encumbrance of any kind which precludes, directly or indirectly, imposition on the Subject Premises of the restrictions, covenants, easements and obligations of this Declaration.

4.7 Governance. This Declaration shall be governed by and construed in accordance with the laws of the State of New York.

4.8 Severability. In the event that any provision of this Declaration shall be deemed, decreed, adjudged or determined to be invalid or unlawful by a court of competent jurisdiction and the judgment of such court shall be upheld on final appeal, or the time for further review of such judgment on appeal or by other proceeding has lapsed, such provision shall be severable, and the remainder of this Declaration shall continue to be of full force and effect.

4.9 Applicability to Other City Agencies. Declarant covenants to include a copy of this Declaration as part of any application submitted to the LPC, CPC, Buildings Department, Board of Standards and Appeals ("BSA"), New York State Attorney General (in the event of a proposed conversion of the Designated Structure to condominium ownership) or any agency succeeding to their respective jurisdictions. The restrictions and obligations contained herein are a condition of any permit or Certificate of Occupancy to be issued by the Building Department and Declarant will take all reasonable steps to ensure that they are so listed. Failure to carry out such obligation beyond any applicable grace period shall constitute sufficient cause for the Commissioner of the Buildings Department to revoke any building permit issued pursuant to the Special Permit or to apply to the BSA or to a court of competent jurisdiction for revocation of the Certificate of Occupancy or any permit issued by the Buildings Department.

4.10 Limitation of Liability. (a) Declarant shall be liable in the performance of any term, provision or covenant in this Declaration, subject to the following sentences and subject to Section 4.12 below. Notwithstanding anything to the contrary contained in this Declaration, the City and any other party or person relying on the Declaration will look solely to the fee estate and interest of Declarant in the Subject Property, on an in rem basis only, for the collection of any money judgment recovered against Declarant, and no other property of Declarant shall be subject to levy, execution or other enforcement procedure for the satisfaction of the remedies of the City or any other person or entity with respect to this Declaration, and Declarant shall have no personal liability under this Declaration. The liability of any Unit Owner under this Declaration shall be limited to the amount of such Unit Owner's prorated share, based on such Unit Owner's interest in

the common elements of the Condominium, of the costs of compliance with this Declaration. For the purposes of this Section 4.10, "Declarant" shall mean "Declarant" as defined in Article I hereof, as well as any principals, disclosed or undisclosed, partners (including Pyrites, Inc., the general partner of Declarant), affiliates, officers, employees, shareholders or directors of Declarant.

(b) The restrictions, covenants and agreements set forth in this Declaration shall be binding upon the Declarant and any successor-in-interest only for the period during which Declarant and any successor-in-interest is the holder of a fee interest in or is a party-in-interest of the Subject Premises and only to the extent of such fee interest or the interest rendering Declarant a party-in-interest. At such time as the named Declarant has no further fee interest in the Subject Premises and is no longer a party-in-interest of the Subject Premises, Declarant's obligations and liability with respect to this Declaration shall wholly cease and terminate from and after the conveyance of Declarant's interest and Declarant's successors-in-interest in the Subject Premises by acceptance of such conveyance automatically shall be deemed to assume Declarant's obligations and liabilities here-under to the extent of such successor-in-interest's interest.

4.11 Severability. Declarant shall cause every individual, business organization or other entity that between the date hereof and the date of recordation of this Declaration becomes a Party-in-Interest to the Subject Property, to execute this Declaration or to subordinate such interest to the Declaration and waive its right to execution. Any mortgage or other lien encumbering the Subject Property after the recording date of this Declaration shall be subject and subordinate hereto.

4.12 Right to Convey. Nothing contained herein shall be construed as requiring the consent of the CPC, the LPC, the City, any agency thereof or any other person or entity to any sale, transfer, conveyance, mortgage, lease or assignment of any interest in the Subject Property or the Designated Structure.

5.0 AMENDMENTS, MODIFICATIONS AND CANCELLATIONS

5.1 Amendment or Cancellation. Except as provided in paragraph 4.1 above, this Declaration may be amended or canceled only upon application by LPC on behalf of Declarant and only with the express written approval of the CPC and of the City Council, but only in the event that the City Council reviewed the Special Permit pursuant to Section 197-d, and no other approval or consent shall be required from any public body, private person or legal entity of any kind; provided, however, that no such approval shall be required in the case of any cancellation pursuant to paragraph 5.4.

5.2 Minor Modification. The Chairperson of the LPC and the Chairperson of the CPC may, by express written consent, administratively approve modifications to the Declaration that the CPC has determined to be minor. Such minor modifications shall not be deemed amendments requiring the approval of the CPC, the LPC, the City Council or any other agency or department of the City of New York.

5.3 Recording and Filing. Any modification, amendment or cancellation of this Declaration, except pursuant to paragraph 5.4, shall be executed and recorded in the same manner as this Declaration. Following any modification, amendment or cancellation, Declarant shall immediately record it and provide one executed and certified true copy

thereof to each of the CPC and the LPC and upon failure to so record, permit its recording by the CPC or the LPC at the cost and expense of Declarant.

5.4 Surrender or Nullification. In the event that Declarant does not use the Special Permit Restricted Space pursuant to the Special Permit, Declarant may surrender the Special Permit to the CPC and proceed with any use permitted by the Zoning Resolution and in accordance with the Landmarks Preservation Law as if such Special Permit had not been granted. This Declaration shall be rendered null and void upon recordation of an instrument filed by Declarant discharging it of record, with copies to LPC and CPC, the recordation of which instrument shall constitute a waiver of the right to use the Subject Property pursuant to the Special Permit.

6.0 MISCELLANEOUS

6.1 Exhibits. Any and all exhibits, appendices, or attachments referred to herein are hereby incorporated fully and made an integral part of this Declaration by reference.

6.2 Notices. All notices, demands, requests, consents, waivers, approvals and other communications which may be or are permitted, desirable or required to be given, served or deemed to have been given or sent hereunder shall be in writing and shall be sent if intended for Declarant to RVART Owner LLC, c/o Thor Equities, 25 West 39th Street, New York, NY if intended for the CPC, to the CPC at 22 Reade Street, New York, NY (or then-official address), Att: Chairperson, if intended for the LPC, to the LPC at 1 Center Street, 9th Floor, New York, NY (or then-official address), Att: Chairperson and (d) if intended for the City Council, to the City Council at the Office of the Speaker, City Council, City Hall, New York, New York 10007. Declarant, or its representatives,

by notice given as provided in this paragraph may change any address for the purposes of this Declaration. Each notice, demand, request, consent, approval or other communication shall be either sent by registered or certified mail, postage prepaid, or delivered by hand, and shall be deemed sufficiently given, served or sent for all purposes hereunder five (5) business days after it shall be mailed, or, if delivered by hand, when actually received.

6.3 Indemnification. Provided that Declarant is found by a court of competent jurisdiction to have been in default in the performance of its obligations under this Declaration after having received written notice of such default and opportunity to cure as provided above, and such finding is upheld on final appeal, or the time for further review of such finding on appeal or by other proceeding has lapsed, Declarant shall indemnify and hold harmless the City from and against all of its reasonable legal and administrative expenses arising out of or in connection with the City's enforcement of Declarant's obligations under this Declaration.

IN WITNESS WHEREOF, Declarant has executed this Declaration as of the day and year first above written.

RVART Owner LLC

By: _____
Melissa Gilatta
POSITION

JENSEN 155 MERCER OWNER LLC

By: _____
NAME
POSITION

SCHEDULE OF EXHIBITS

- Exhibit A - Metes and Bounds of Subject Property
- Exhibit B - Zoning Lot Certification
- Exhibit C - Certificate of Appropriateness

APPENDIX 2

**PHASE I ENVIRONMENTAL SITE ASSESSMENT AND
NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL
PROTECTION CORRESPONDENCE**



**PHASE I ENVIRONMENTAL SITE ASSESSMENT
OF**

THOR - 155 Mercer Street

**155 Mercer Street
New York, New York 10012**

CARDNO ATC PROJECT NO. NA

February 5, 2013

Prepared by:

Cardno ATC
104 E. 25th Street
New York, NY 10010
Phone: 212-353-8280
Fax: 212-979-8447

Prepared For:

Corey Elbaum
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25 West 39th Street, 16th Floor
New York, NY 10018

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1.0 Executive Summary

1.1 General Information

Project Information:

THOR - 155 Mercer Street
NA

Consultant Information:

Cardno ATC
104 E. 25th Street
New York, NY 10010

Phone: 212-353-8280

Fax: 212-979-8447

Inspection Date: 01/23/2013

Report Date: 02/05/2013

Site Information:

THOR - 155 Mercer Street
155 Mercer Street
New York, New York 10012
County: New York

Latitude, Longitude: 40.725200, -73.998400

Site Access Contact: Mr. Phil Schmeidl

Client Information:

Thor Equities, LLC
Corey Elbaum
25 West 39th Street, 16th Floor
New York, NY 10018

Site Assessor



Matthew J. Mankovich
Senior Project Manager

Project Manager



Matthew J. Mankovich
Senior Project Manager

Senior Reviewer



Thomas P. Frazer, P.G.
Environmental Manager

National Account Manager



Dale M. Allison
Director, National Client Management

Environmental Professional:

I declare that, to the best of my professional knowledge and belief, I meet the definition of Environmental Professional as defined in 312.10 of this part. We have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. We have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.



Matthew J. Mankovich - Senior Project Manager



Thomas P. Frazer, P.G. - Environmental Manager

1.2 Findings and Conclusions Summary

Cardno ATC has performed a Phase I Environmental Site Assessment (ESA) in conformance with the scope and limitations of ASTM Standard Practice E 1527-05 of 155 Mercer Street, New York, New York 10012. Any exceptions to, or deletions from, this practice are described in Section 2.0 of this report. This assessment has revealed no evidence of *recognized environmental conditions* in connection with the property.

Report Section	Further Action?	De Minimis Condition	REC	Historical REC	ASTM Nonscope Condition	Description
4.0	User Provided Information					
5.1.1	Federal Database Findings					
5.1.2	State and Tribal Database Findings					
5.1.3	Local Environmental Record Sources					
5.2	Physical Setting Sources					
5.3	Historical Records Sources					
5.3.4	Recorded Land Title Records					
6.2	Hazardous Substance Use, Storage and Disposal					
6.3	Underground Storage Tanks					
6.4	Aboveground Storage Tanks					
6.5	Other Petroleum Products					
6.6	Polychlorinated Biphenyls (PCBs)					
6.7	Unidentified Substance Containers					
6.8	Nonhazardous Solid Waste					
6.9	Wastewater					
6.10	Waste Pits, Ponds and Lagoons					
6.11	Drains and Sumps					
6.12	Septic Systems					
6.13	Stormwater Management System					
6.14	Wells					
7.0	Interviews					
8.1	Asbestos-Containing Material (ACM)					
8.2	Radon					
8.3	Lead in Drinking Water					
8.4	Lead-Based Paint (LBP)					
8.5	Mold Screening					
8.6	Additional User Requested Services					

Note 1

ATC conducted a limited visual assessment within the accessible areas of the Site building for suspect asbestos containing materials (ACM). Based on the construction date (prior to 1894), ATC concludes that ACM may be present at the Site. Suspect materials include roofing materials, window caulking, plaster, pipe insulation, cove base molding, floor tiles and associated mastic, and carpet mastic. ACM is outside of the Scope of ASTM Practice E 1527-05 and, therefore, the potential presence of ACM is not considered a *recognized environmental condition*.

Note 2

Based on the construction date of the Site building (prior to 1894), ATC concludes that lead-based paint (LBP) may be present at the Site. During the course of ATC's inspection, painted surfaces within accessible areas were generally observed in good condition. LBP is outside of the Scope of ASTM Practice E 1527-05 and, therefore, the potential presence of LBP is not considered a *recognized environmental condition*.

Note 3

ATC conducted a limited visual inspection for suspect mold growth and water intrusion within accessible areas of the portion of the on-site building that is included in the transaction. ATC's visual inspection did not observe evidence of water intrusion and mold growth. Water intrusion and mold growth are outside the scope of ASTM Practice E1527-00 and, therefore, is not a *recognized environmental condition*.

1.3 Significant Data Gap Summary

Data gaps may have been encountered during the performance of this Phase I ESA and are discussed within the section of the report where they were encountered. However, according to ASTM Standard Practice E 1527-05, data gaps are only significant if "other information and/or professional experience raises reasonable concerns involving the data gap." The following table is a summary of significant data gaps identified in this report.

Report Section	Description
3.5	Current Uses of Adjoining Properties No significant data gaps identified.
4.2	Environmental Liens or Activity and Use Limitations (AULs) No significant data gaps identified.
5.1	Standard Environmental Records No significant data gaps identified.
5.2	Physical Setting Sources No significant data gaps identified.
5.3	Historical Records Sources No significant data gaps identified.
6.1	Methodology and Limiting Conditions No significant data gaps identified.
7.0	Interviews No significant data gaps identified.

1.4 Recommendations

Based on information collected from the Phase I ESA, Cardno ATC offers the following recommendations:

- Non-ASTM Related: All suspect ACM should be managed according to the ACM O&M Program. Conduct all appropriate and required investigations for ACM prior to disturbance from construction and/or renovation activities pursuant to applicable federal, state and local regulations.
- Non-ASTM Related: All suspect LBP should be managed according to the LBP O&M Program. Conduct all appropriate and required investigations for LBP prior to disturbance from construction and/or renovation activities pursuant to applicable federal, state and local regulations.



Carter H. Strickland, Jr.
Commissioner

Angela Licata
Deputy Commissioner
of Sustainability
alicata@dep.nyc.gov

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Flushing, NY 11373
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October 23, 2013

Mr. Robert Dobruskin
Director, Environmental Assessment and Review Division
New York City Department of City Planning
22 Reade Street, Room 4E
New York, New York 10007-1216

**Re: 155 Mercer Street
Block 513, Lot 28
DEP # 14DEPTECH024M / CEQR # 77DCP117M
New York, New York**

Dear Mr. Dobruskin:

The New York City Department of Environmental Protection, Bureau of Environmental Planning and Analysis (DEP) has reviewed the August 2013 Environmental Assessment Statement prepared by Philip Habib & Associates and the February 2013 Phase I Environmental Site Assessment Report (Phase I) prepared by Cardno ATC on behalf of RVART Owner LLC and Jensen 155 Mercer Owner LLC (applicant) for the above referenced project. It is our understanding that the applicant is seeking a special permit from the New York City Department of City Planning (DCP) to permit the conversion of a vacant free-standing 16,082 gross square foot (gsf) building to Use Group 6 retail on the cellar, ground, and second floors and Use Group 6B office space, on the third floor, as well as exterior rehabilitation of the building pursuant to landmarks regulations. An existing mezzanine level between the second and third floors would be removed in the future with the proposed action, resulting in a loss of 677 gsf in the existing building and an additional 27 gsf would be removed from the ground floor as a result of the storefront conversion. The proposed project would also include the construction of new egress stairs and a new elevator in the building. The proposed action would not include or require in-ground disturbance. The subject building is designated by the New York City Landmarks Preservation Commission and listed on the New York State/National Register of Historic Places, and is a designated National Historic Landmark. The project site is located on the south side of Great Jones Street midblock between Lafayette Street and the Bowery in the SoHo neighborhood of Manhattan Community District 2.

The February 2013 Phase I report revealed that historical on-site and surrounding area land uses consisted of a variety of residential, commercial, and industrial uses including dance studios, a firehouse, residential/commercial buildings with ground floor retail, stores and flats, a store and flat (with possible manufacturing) and labeled chemicals, a packing box and hat factory, a bakery, heating apparatus manufacturing, a paper box factory, a post office, parking, a

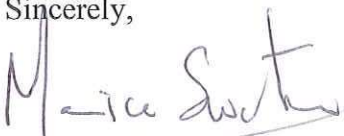
garage, an art museum, auto repair, auto body repair, filling stations, a gallery, and dry cleaning. It should be noted that an empty out-of-service aboveground storage tank with a capacity of 1,080 gallons was observed within a designated tank room in the basement of the subject building. Fluorescent lighting fixtures and electrical equipment may include polychlorinated biphenyl (PCB)-containing components and/or mercury containing components. Based on the age of the subject building, asbestos containing materials (ACM) and lead based paints (LBP) could be present in the on-site structure. The New York State Department of Environmental Conservation SPILLS database identified 24 closed spills within a 1/8-mile radius of the project site. The NYSDEC Leaking Tanks (LTANKS) database identified 92 closed LTANKS within a 1/2-mile radius of the project site.

Based upon our review of the submitted documentation, we have the following comments and recommendations to DCP:

- DCP should inform the applicant that based on the historical surrounding area land uses, a Phase II Environmental Site Assessment (Phase II) is necessary to adequately identify/characterize the surface and subsurface soils of the subject parcel. A Phase II Investigative Protocol/Work Plan summarizing the proposed soil vapor sampling activities should be submitted to DEP for review and approval. The soil vapor sampling should be conducted in accordance with the New York State Department of Health's October 2006 Guidance for Evaluating Soil Vapor Intrusion in the State of New York. The soil vapor samples should be collected and analyzed by a New York State Department of Health Environmental Laboratory Approval Program certified laboratory for the presence of VOCs by United States Environmental Protection Agency Method TO-15. An Investigative Health and Safety Plan (HASP) should also be submitted to DEP for review and approval.
- DCP should inform the applicant that ACM, LBP, and suspected PCB containing materials may be present in the on-site structure. These materials should be properly removed and/or managed prior to the start of any renovation/construction activities and disposed of in accordance with all federal, state, and local regulations.

DCP should also instruct the applicant that the Phase II Work Plan and HASP should be submitted to DEP for review and approval prior to the start of any fieldwork. Future correspondence and submittals related to this project should include the following tracking number **14DEPTECH024M**. If you have any questions, you may contact Mr. Wei Yu at (718) 595-4358.

Sincerely,



Maurice S. Winter

Deputy Director, Site Assessment

c: E. Mahoney; M. Winter; W. Yu; T. Estes; M. Wimbish; C. Evans – DCP;
I. Young – DCP; File