

**Environmental Assessment Statement
and
Supplemental Report**

for

**130 Prince Street Special Permit
130 Prince Street
New York, NY**

Prepared by:

**Compliance Solutions Services, LLC
434 West 20th Street
New York, NY 10011**

May 15, 2014

EAS 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 130 Prince Street - 74-711 Special Permit

1. Reference Numbers

CEQR REFERENCE NUMBER (to be assigned by lead agency)
14DCP151M

BSA REFERENCE NUMBER (if applicable)

ULURP REFERENCE NUMBER (if applicable)
140330ZSM

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

2a. Lead Agency Information

NAME OF LEAD AGENCY
NYC Department of City Planning

NAME OF LEAD AGENCY CONTACT PERSON
Robert Dobruskin

ADDRESS 22 Reade Street

CITY New York

STATE NY

ZIP 10007

TELEPHONE 212-720-3423

EMAIL
rdobrus@planning.nyc.gov

2b. Applicant Information

NAME OF APPLICANT
Prince Street - SOHO LLC

NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON
John J Strauss, Compliance Solutions Services, LLC

ADDRESS 434 West 20th Street, Suite 8

CITY New York

STATE NY

ZIP 10011

TELEPHONE 212-741-3432

EMAIL jstrauss-
css@nyc.rr.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): 617.4(b)(9)

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

This application seeks a Special Permit from the City Planning Commission pursuant to Section 74-711 of the NYC Zoning Resolution (ZR) to modify ZR Section 42-14D(2)(a) with respect to conforming uses within an M1-5A zoning district to legalize and allow the existing Use Group 6 retail use below the level of the second story of the subject premises.

Project Location

BOROUGH Manhattan

COMMUNITY DISTRICT(S) 2

STREET ADDRESS 128-136 Prince Street

TAX BLOCK(S) AND LOT(S) Block 501, Lot 15

ZIP CODE 10012

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS Southwest corner of Prince and Wooster Streets

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, 42-14D(2)(a)

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)

LEGISLATION

FUNDING OF CONSTRUCTION, specify:

RULEMAKING

POLICY OR PLAN, specify:

<input type="checkbox"/> CONSTRUCTION OF PUBLIC FACILITIES <input type="checkbox"/> 384(b)(4) APPROVAL <input type="checkbox"/> OTHER, explain:	<input type="checkbox"/> FUNDING OF PROGRAMS, specify: <input type="checkbox"/> PERMITS, specify:
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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 checked="" type="checkbox"/> OTHER, explain: Department of Buildings Approval
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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.): 12,653.6 SF	Waterbody area (sq. ft.) and type: None
Roads, buildings, and other paved surfaces (sq. ft.): 12,653.6 SF	Other, describe (sq. ft.): None

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): 77,440.8 SF (existing)	
NUMBER OF BUILDINGS: 1	GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): 77,440.8 SF
HEIGHT OF EACH BUILDING (ft.): 73-85 FT	NUMBER OF STORIES OF EACH BUILDING: 5 + PH

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: None

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

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE: N/A

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

RESIDENTIAL MANUFACTURING COMMERCIAL PARK/FOREST/OPEN SPACE OTHER, specify:

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)	21,620.1 sf UG 6 retail, 52,133.6 sf UG 6 office, 3,687.1 sf bldg lobby & mechanicals	21,620.1 sf UG 16 use, 52,133.6 sf UG 6 office, 3,687.1 sf bldg lobby & mechanicals	21,620.1 sf UG 6 retail, 52,133.6 sf UG 6 office, 43,687.1 sf bldg lobby & mechanicals	- 21,620.1 sf UG 16 use; + 21,620.1 sf UG 6 retail space
Gross floor area (sq. ft.)	77,440.8 SF	77,440.8 SF	77,440.8	0
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				

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
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:				
Briefly explain how the number of residents was calculated:				
Businesses	<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:				
No. and type	4 retail stores, 1 vacant retail space, 1 office use	UG 16 uses, 1 office use	5-6 retail stores, 1 office use	-UG 16 uses, +5-6 retail stores
No. and type of workers by business	22 retail workers, 208 office workers	19 UG 16 workers, 208 office workers	38 retail workers, 208 office workers	- 19 UG 16 workers, + 38 retail workers
No. and type of non-residents who are not workers	160 daily retail customers, 50 daily office visitors	100 daily UG 16 customers, 50 daily office visitors	200 daily retail customers, 50 daily office visitors	- 100 daily UG 16 customers, + 200 daily retail customers
Briefly explain how the number of businesses was calculated:	Based on site survey			
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	None
Maximum amount of floor area that can be developed	82,248.4 SF	82,248.4 SF	82,248.4 SF	0
Predominant land use and zoning classifications within land use study area(s) or a 400 ft. radius of proposed project	R, C, M; M1-5A, R7-2	R, C, M; M1-5A, R7-2	R, C, M; M1-5A, R7-2	None
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.

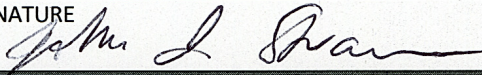
	YES	NO
1. LAND USE, ZONING, AND PUBLIC POLICY: CEQR Technical Manual Chapter 4		
(a) Would the proposed project result in a change in land use different from surrounding land uses?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project result in a change in zoning 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?		
▪ If “yes,” answer questions 2(b)(ii) and 2(b)(iv) below.		
o Directly displace 500 or more residents?		
▪ If “yes,” answer questions 2(b)(i), 2(b)(ii), and 2(b)(iv) below.		
o Directly displace more than 100 employees?		
▪ If “yes,” answer questions under 2(b)(iii) and 2(b)(iv) below.		
o Affect conditions in a specific industry?		
▪ 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?		
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?		
ii. Indirect Residential Displacement		
o Would expected average incomes of the new population exceed the average incomes of study area populations?		
o If “yes:”		
▪ Would the population of the primary study area increase by more than 10 percent?		
▪ 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?		
o If “yes” to either of the preceding questions, would more than 5 percent of all housing units be renter-occupied and unprotected?		
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,		

	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 checked="" 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 checked="" 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 checked="" type="checkbox"/>	<input 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:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(i) Based on the Phase I Assessment, is a Phase II Investigation needed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. WATER AND SEWER INFRASTRUCTURE: CEQR Technical Manual Chapter 13		
(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	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	YES	NO
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 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 checked="" 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 checked="" 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): 5,706 LBS. (79 lbs. x 38 retail workers + 13 lbs. x 208 office workers)		
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): 14,020,306 BTUs		
(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? <i>**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.</i>	<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 type="checkbox"/>	<input checked="" 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.		
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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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.		
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 John J Strauss, Compliance Solutions Services, LLC	SIGNATURE 	DATE 5/15/14
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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.

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.

IMPACT CATEGORY	Potentially Significant Adverse Impact	
	YES	NO
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"/>

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?

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.

3. Check determination to be issued by the lead agency:

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 *Positive Declaration* and prepares a draft Scope of Work for the Environmental Impact Statement (EIS).

Conditional Negative Declaration: A *Conditional Negative Declaration* (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.

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 *Negative Declaration*. The *Negative Declaration* may be prepared as a separate document (see [template](#)) or using the embedded Negative Declaration on the next page.

4. LEAD AGENCY'S CERTIFICATION

TITLE Director, EARD	LEAD AGENCY NYC Department of City Planning	
NAME Robert Dobruskin	SIGNATURE <i>Robert Dobruskin</i>	DATE 5/14/2014

PROJECT DESCRIPTION

130 Prince Street Special Permit Project Description

Proposed Action

The Applicant, Prince Street - SOHO LLC, is seeking a Special Permit pursuant to Zoning Resolution (ZR) Section (§) 74-711 to modify § 42-14D (2) (a) with respect to conforming uses within an M1-5A zoning district in the SoHo Cast Iron Historic District within Manhattan, Community District 2. The affected project site is identified as 130 Prince Street (Block 501, Lot 15). The proposed action is intended to legalize and allow the existing UG 6 retail use below the level of the second story of the existing building on the project site. The proposed action also includes the exterior rehabilitation of the building pursuant to Landmarks Preservation Commission (LPC) regulations. No changes to the existing occupancies of the building or additions or enlargements to the building are being requested as part of this application.

Existing Conditions

The project site, identified as 130 Prince Street (aka 128-136 Prince Street), New York, NY (Block 501, Lot 15), consists of a roughly rectangular shaped 12,653.6 square foot lot at the southwest corner of Prince and Wooster Streets in the SoHo neighborhood of lower Manhattan. The project site is located within the SoHo Cast Iron Historic District. The project site has 125' of frontage along Prince Street and 101' of frontage along Wooster Street. The project site is developed with a five-story, penthouse, and cellar approximately 77,440.8 gross square foot (gsf) mixed-use commercial building comprised of approximately 12,653.6 gsf of UG 6 retail space and lobby area on the ground floor, approximately 12,653.6 gsf of cellar level space used for retail storage and building mechanicals, and approximately 52,133.6 gsf of UG 6 business office space on floors two through five and penthouse.

The project site is zoned M1-5A. The M1-5A district is mapped in the SoHo/NoHo neighborhoods of lower Manhattan and allows Use Group 17D Joint Living-Work Quarters for Artists (JLWQA) in loft buildings. The M1 district is often a buffer between M2 or M3 districts and adjacent residential or commercial districts. Use Groups 4 through 14, 16, and 17 are permitted in the M1 district but the M1-5A zoning district restricts certain of these uses including eating and drinking establishments, places of entertainment, museums, and other uses. Strict performance standards are common to all M1 districts. Light industries typically found in M1 areas include woodworking shops, auto storage and repair shops, and wholesale service and storage facilities. Retail and office uses and Use Group 4 community facilities are also permitted but residential uses are not allowed.

Project Description

The Applicant seeks to legalize and allow the long term existing UG 6 retail use below the level of the second story of the existing building on the project site. The proposed development would legalize the existing approximately 12,653.6 gsf of UG 6 retail space on the ground floor of the subject building as well as the existing UG 6 accessory retail storage space which comprises a portion of the approximately 12,653.6 gsf cellar area.

Pursuant to ZR § 42-14D (2) (a) *"In M1-5A Districts, in buildings occupying more than 3,600 square feet of lot area, only uses listed in Use Groups 7, 9, 11, 16, 17A, 17B, 17C or 17E shall be allowed below*

the floor level of the second story of such buildings, unless modified by the Chairperson of the City Planning Commission, pursuant to Sections 42-141 or 74-781". The most recent Certificate of Occupancy (February 11, 1997) for the project site indicates that the permissible uses and occupancies for the first floor and cellar of the building on the project site are UG 16 Wholesale Establishments. Therefore, the existing UG 6 retail uses on the first floor and cellar of the existing building are not currently permitted.

The existing 52,133.6 gsf of UG 6 offices on floors two through five plus penthouse are permitted legal occupancies which would remain under the proposed action. No changes to the existing occupancies of the building or additions or enlargements to the building are being requested as part of this application. Under the No-Action condition, the first floor and cellar of the building would be occupied by permitted UG 16 uses including uses such as a custom furniture store, an animal hospital and/or pet day care center, a dry cleaning establishment, or a commercial laundry.

Based on an estimated 1-year approval process, the Build Year is assumed to be 2015.

Purpose and Need

The Applicant seeks to legalize and allow the long term existing UG 6 retail use below the level of the second story of the building on the project site to remain. The existing retail uses are typical ground floor uses in buildings in the vicinity and are beneficial to visitors, workers, and residents of the surrounding community. The permitted UG 16 wholesale occupancies of the ground floor of the subject building shown on the February 11, 1997 Certificate of Occupancy are not present in this area and the functional and economic viability of such uses are questionable given prevailing development in the surrounding neighborhood. Special Permit approval pursuant to ZR § 74- 711 to modify § 42-14D (2) (a) with respect to conforming uses within an M1-5A zoning district is required in order to legalize and allow the existing UG 6 retail use below the level of the second story of the building on the project site to remain.

The exterior of the building at 130 Prince Street would be rehabilitated as approved by the following:

- (1) the LPC Certificate of No Effect issued on April 23, 2013 ;
- (2) the LPC Certificate of Appropriateness 14-1080, issued on February 22, 2013, amended on March 28, 2013 and further amended on November 8, 2013; and
- (3) the Restrictive Declaration that will be filed against the project site and will regulate the continued maintenance of the subject building (see Historic and Cultural Resources Appendix).

In addition, all construction on the building on the project site would be coordinated with and approved by the LPC, where applicable. The proposed restoration work pursuant to the LPC approved plans, would include, among other measures, repair and/or replacement of exterior masonry, coping and waterproofing, windows, storefront/storefront infill, and sidewalks. LPC approved changes to the building exterior would include, among other measures, removing the existing storefront infill and stone cladding at the ground floor, recladding the facade with brick to match the historic brick, and creating new masonry openings and installing new storefront infill.

The existing retail uses/spaces in the building and their floor areas are provided below. With the exception of the existing vacant retail space and associated storage area, the building owner

plans to allow the existing retail occupancies in the building to remain. Note that all retail spaces contain less than 10,000 square feet of floor area. The existing retail uses are typical ground floor uses in buildings in the vicinity of the project site and are beneficial to visitors, workers, and residents of the surrounding community.

1. Cole Haan Company Store, Inc. (facing Wooster Street)
 - First Floor = 2,049 SF retail sales
 - Cellar = 2,165 SF retail storage
2. Vacant Retail Space (facing Wooster Street)
 - First Floor = 1,450 SF retail sales
 - Cellar = 1,093 SF retail storage
3. Barbour, Inc. (facing Wooster Street)
 - First Floor = 1,993 SF retail sales
 - Cellar = 138 SF retail storage
4. True Religion Apparel, Inc. (facing Prince Street)
 - First Floor = 2,004 SF retail sales
 - Cellar = 680 SF retail storage
5. Samsung Galaxy Studio SoHo (facing Prince Street)
 - First Floor = 5,025 SF retail sales
 - Cellar = 4,016 SF retail storage
 - Samsung Galaxy Studio SoHo is occupying the space under a short-term lease through mid-July. This space was previously divided into two separate retail stores; when re- rented may be occupied by either one or two retail stores.
6. One cellar storage space (980 SF) is being rented by Estee Lauder, Inc. the tenant on the building's upper floors.

The existing 52,133.6 gsf of UG 6 offices on floors two through five plus penthouse rented by Estee Lauder, Inc. would remain under the proposed action. No changes to the existing occupancies or additions or enlargements would be made to the subject building.

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 # I 140330 ZSM), 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. 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 is required for the proposed action. Additionally, Department of Environmental Protection (DEP) approval was required for the Phase I Environmental Site Assessment.

SUPPLEMENTAL REPORT

EAS NARRATIVE ATTACHMENT
130 PRINCE STREET SPECIAL PERMIT

ENVIRONMENTAL ASSESSMENT STATEMENT

INTRODUCTION

Based on the analysis and the screens contained in the Environmental Assessment Statement Full Form, the analysis areas that require further explanation include land use, zoning, and public policy, historic and cultural resources, hazardous materials, air quality, and noise as further detailed below. The proposed project is a Type I action. The section numbers below correspond to the relevant chapters of the 2014 *CEQR Technical Manual*.

4. LAND USE, ZONING, AND PUBLIC POLICY

EXISTING CONDITIONS

Land Use

Project Site

The project site, identified as 130 Prince Street (aka 128-136 Prince Street), New York, NY (Block 501, Lot 15), consists of a roughly rectangular shaped 12,653.6 square foot lot at the southwest corner of Prince and Wooster Streets in the SoHo neighborhood of lower Manhattan. The property has 125' of frontage along Prince Street and 101' of frontage along Wooster Street. The property is developed with a five-story, penthouse, and cellar approximately 77,440.8 gross square foot (gsf) mixed-use commercial building comprised of approximately 12,653.6 gsf of UG 6 retail space and lobby area on the ground floor, approximately 12,653.6 gsf of cellar level space used for retail storage and building mechanicals, and approximately 52,133.6 gsf of UG 6 business office space on floors two through five and penthouse.

The existing retail uses/spaces in the building and their floor areas are provided below. Note that all retail spaces contain less than 10,000 square feet of floor area. The existing retail uses are typical ground floor uses in buildings in the vicinity of the project site and are beneficial to visitors, workers, and residents of the surrounding community.

1. Cole Haan Company Store, Inc. (facing Wooster Street)
 - First Floor = 2,049 SF retail sales
 - Cellar = 2,165 SF retail storage
2. Vacant Retail Space (facing Wooster Street)
 - First Floor = 1,450 SF retail sales
 - Cellar = 1,093 SF retail storage
3. Barbour, Inc. (facing Wooster Street)
 - First Floor = 1,993 SF retail sales
 - Cellar = 138 SF retail storage
4. True Religion Apparel, Inc. (facing Prince Street)
 - First Floor = 2,004 SF retail sales

- Cellar = 680 SF retail storage
5. Samsung Galaxy Studio SoHo (facing Prince Street)
- First Floor = 5,025 SF retail sales
 - Cellar = 4,016 SF retail storage
 - Samsung Galaxy Studio SoHo is occupying the space under a short-term lease through mid-July. This space was previously divided into two separate retail stores; when re-rented may be occupied by either one or two retail stores.
6. One cellar storage space (980 SF) is being rented by Estee Lauder, Inc. the tenant on the building's upper floors.

The existing 52,133.6 gsf of UG 6 offices on floors two through five plus penthouse are rented by Estee Lauder, Inc.

As discussed in greater detail in the Zoning section below, the existing UG 6 retail uses on the first floor and cellar of the Premises are not currently permitted. The existing 52,133.6 gsf of UG 6 offices on floors two through five plus penthouse are permitted legal occupancies.

Site History

The May 1, 2012 Phase I Environmental Site Assessment report prepared by Targus Associates, LLC indicates that small stores and residential structures occupied the subject property at 130 Prince Street prior to 1925. The current building on the property was built in 1925 and has been occupied by art galleries, cosmetics companies, internet companies, baking companies, Adams Brush Mfg Co (1950s), and engravers (late 1940s/early 1950s). The property included a garage from approximately the 1930s to 1989 when the building was renovated. The adjoining property at 128 Prince Street was developed with a building that was removed in the 1960s after which this property served as the loading area for 130 Prince Street until 1989. From 1989 to the present, 128 Prince Street has been occupied by commercial and retail uses.

Further investigations indicate that from approximately 1953 to 1982, a bakery was located on the property at 130 Prince Street. In 1989, the building was converted to office use with ground floor retail space. An approximately 25' x 100' five-story and penthouse enlargement was added to the building in 1989 on the adjoining lot at 128 Prince Street.

The earliest NYC Department of Buildings (DOB) records available indicate an unsafe building in 1903. 1925 DOB records indicate an unsafe building, a demolition permit, and a new building. Electric sign applications were filed in several years between 1926 and 1941. Building alterations were filed in several years between 1946 and 1998. A demolition permit was issued in 1963.

The earliest DOB Certificate of Occupancy (CO) records available extend back to January 1953 and indicate that the building on the property contained a parking garage, offices, loading, and storage on the first floor; a bakery and storage on the second floor; and light manufacturing, offices, and storage on floors three and four. A January 1965 CO for the adjacent property at 128 Prince Street (Block 501, Lot 19) indicates that this adjacent lot was used for open accessory off street loading berths and an open air truck terminal accessory to the bakery at 130 Prince Street. COs dated between May 1990 and January 1997 indicate occupancy by wholesale establishments on the first floor and in the cellar of the building with cellar level storage space,

and business offices and gallery space on the second through fifth floors and penthouse level of the building. The February 1997 CO indicates occupancy by wholesale establishments on the first floor and in the cellar of the building with cellar level storage space, art galleries on the second floor, business offices and gallery space on the third and fourth floors, and business offices on the fifth floor and penthouse level of the building. Temporary COs dated between May 2012 and October 2013 indicate occupancy by office space on the second through fifth floors and penthouse level with no indication of the first floor or cellar uses in the building.

Study Area

The primary study area extends approximately 400 feet in all directions from the project site. The study area is roughly bounded by East Houston Street on the north, Spring Street on the south, an area between Greene and Mercer Streets to the east, and Thompson Street to the west. In order to assess existing land use conditions for the proposed development, a parcel by parcel inventory was undertaken within the 400-foot radius study area surrounding the site. The inventory included a survey of ground floor uses and upper floors by predominant use.

The area surrounding the project site is primarily characterized by a mixture of loft buildings and multiple dwellings. The loft buildings are either occupied by commercial uses or have been converted to JLWQA use, office space, or residential use. Many of the buildings in the area contain a mixture of these uses and many also contain a ground floor retail component. Other scattered uses include a religious institution and a parking lot.

Properties bordering and directly across the street from the project site include the following:

- 140 Prince Street is a six-story multiple dwelling adjoining the project site to the west.
- 115 Wooster Street is a through block six-story structure comprised of three separate buildings occupied by JLWQA uses adjoining the project site to the south.
- Three seven-story multiple dwellings (127, 131, and 137 Prince Street) lie across Prince Street from the project site to the north.
- One 5-story and one 6-story loft buildings (120 and 128 Wooster Street) occupied by commercial office and retail uses lie across Wooster Street from the project site to the east.

Most of the remainder of Block 501, the block on which the project site is located, is developed with five- and eight-story multiple dwellings and loft buildings in residential, JLWQA, or commercial office and related use occupancy often with ground floor retail space. The block also contains one 1-story, one 2-story, and one 3-story commercial/retail buildings.

Block 515, located directly across Prince Street to the north of the project site, is primarily developed with four- to ten-story multiple dwellings, a number of which also contain ground floor retail space. Block 500, located directly across Wooster Street to the east of the project site, is primarily developed with four- to seven-story multiple dwellings, a number of which also contain ground floor retail space. The block also contains a number of one- to six-story loft buildings occupied by commercial office and retail uses as well as JLWQA uses. Block 502, located west of the project site block across West Broadway, is developed with three- to six-story multiple dwellings, some with ground floor retail space, and several three- to four-story loft buildings occupied by commercial office and retail uses. The remainder of the 400-foot

radius project study area, including portions of Blocks 499, 503, 513, 514, 515, and 517, has a very similar development pattern to the blocks discussed above.

ZONING

Project Site

The New York City Zoning Resolution shows the project site as being located in an M1-5A light manufacturing zoning district. The M1-5A district is mapped in the SoHo/NoHo neighborhoods of lower Manhattan and allows Use Group 17D Joint Living-Work Quarters for Artists (JLWQA) in loft buildings. The M1 district is often a buffer between M2 or M3 districts and adjacent residential or commercial districts. Use Groups 4 through 14, 16, and 17 are permitted in the M1 district but the M1-5A zoning district restricts certain of these uses including eating and drinking establishments, places of entertainment, museums, and other uses. Strict performance standards are common to all M1 districts. Light industries typically found in M1 areas include woodworking shops, auto storage and repair shops, and wholesale service and storage facilities. Retail and office uses and Use Group 4 community facilities are also permitted but residential uses are not allowed.

However, as relevant to this project and pursuant to ZR § 42-14D (2) (a) *“In M1-5A Districts, in buildings occupying more than 3,600 square feet of lot area, only uses listed in Use Groups 7, 9, 11, 16, 17A, 17B, 17C or 17E shall be allowed below the floor level of the second story of such buildings, unless modified by the Chairperson of the City Planning Commission, pursuant to Sections 42-141 or 74-781”*. The most recent (non-temporary) Certificate of Occupancy (February 11, 1997) for the subject Premises indicates that the permissible uses and occupancies for the first floor and cellar of the Premises are UG 16 Wholesale Establishments. Therefore, the existing UG 6 retail uses on the first floor and cellar of the Premises are not currently permitted. The existing 52,133.6 gsf of UG 6 offices on floors two through five plus penthouse are permitted legal occupancies.

A maximum FAR of 5.0 is permitted for all commercial and manufacturing buildings in M1-5A zones, and an FAR of up to 6.50 is allowed for community facility buildings. Therefore, a maximum floor area of 63,268 square feet of commercial or manufacturing space or 82,248.4 square feet of community facility space would be allowed on the 12,653.6 square foot project site. This refers to zoning floor area, which excludes cellar and mechanical space, and is thus lower than a building's gross square footage. The existing 62,077.2 zoning square feet (77,440.8 gross square feet) of commercial floor area on the project site represents an FAR of 4.9. As a higher density M1 zone, parking is not required in the M1-5 district. Loading requirements vary with the size and type of use.

The M1 zone does not require front or side yards but if side yards are provided, they must be a minimum of eight feet in depth. A rear yard of a minimum depth of 20 feet is required for new buildings within M1-5 districts. No rear yard is provided on the project site which is permitted as a pre-existing condition. Initial setback requirements relevant to the project site would be 20 feet along Prince and Wooster Streets, which are considered to be narrow streets as they are less than 75 feet wide. The existing building on the project site complies with the setback requirements.

Although the M1-5 zone does not limit total building height, it requires the front wall of a building to be setback 20 feet at a height of 85 feet or six-stories on narrow streets. The M1-5 district also has requirements relating to sky exposure plane, which is defined as an imaginary

inclined plane beginning above the street line at a height defined in the Zoning Resolution and rising over a zoning lot at a ratio of vertical distance to horizontal distance as also defined in the Resolution. Relative to the project site, a sky exposure plane of 2.7 to 1 would be required at a height of 85 feet above the street lines of Prince and Wooster Streets. The existing six-story, 73- to 85-foot tall building on the project site does not exceed six-stories or 85 feet in height and therefore complies with the height and setback provisions of the M1-5 zoning district.

The City has established the Food Retail Expansion to Support Health (FRESH) program in response to the issues raised in neighborhoods that are underserved by grocery stores. FRESH provides zoning and financial incentives to promote the establishment and retention of neighborhood grocery stores in underserved communities throughout the five boroughs. The FRESH program is open to grocery store operators renovating existing retail space or developers seeking to construct or renovate retail space that will be leased by a full-line grocery store operator. The project site is eligible for various tax incentives related to grocery store development and operation. As 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.

Study Area

Most of the area within 400 feet of the project site shares the property's M1-5A zoning. Therefore, the zoning use and bulk provisions relevant to the project site also apply to this portion of the project study area.

The only other zoning district mapped within 400 feet of the site is the R7-2 district mapped over the area west of the mid-block between West Broadway and Thompson Street. The R7-2 zoning district permits medium density residential housing with residential FARs ranging between 0.87 and 3.44 and up to 4.0 on wide streets under the optional Quality Housing Program outside the Manhattan Core. A community facility FAR of up to 6.5 is also permitted. The height factor regulations for R7 districts encourage lower apartment buildings on smaller zoning lots and, on larger lots, taller buildings with less lot coverage. As an alternative, developers may choose the optional Quality Housing regulations to build lower buildings with greater lot coverage. The R7-2 zoning district regulations require that parking be provided for 50 percent of the dwelling units and can be waived if 15 or fewer spaces are required.

The tax incentive provisions of the City's FRESH program are applicable to the 400-foot radius project study area surrounding the site.

PUBLIC POLICY

Project Site

The project site is located within the New York City Landmarks Preservation Commission, the New York State, and the National Register designated Soho Cast Iron Historic District. The property is therefore subject to New York City and New York State landmarks preservation regulations. The site is not located within the City's Coastal Zone Boundary and is therefore not subject to the provisions of the New York City Waterfront Revitalization Program. The project site is not covered by any 197-a or other community plans, and it is not within an urban renewal area and is therefore not subject to the provisions of an urban renewal plan.

Study Area

Portions of the land use study area surrounding the project site are also subject to the requirements of public policy documents. The 400-foot radius project study area is included in the Soho Cast Iron Historic District with the exception of its western edge, a portion of which is mapped within the Soho Cast Iron Historic District Extension. The study area is therefore generally subject to the provisions of the New York City Landmarks Law and also to New York State and Federal landmarks legislation as the Soho Cast Iron District is listed on the New York State and National Registers. The 400-foot radius project study area is not located within the City's Coastal Zone Boundary and is therefore not subject to the City's Waterfront Revitalization Program. No other public policy documents would apply to the project study area.

THE FUTURE WITHOUT THE PROJECT

Land Use

Under the No-Action RWCDs for the Project Build Year of 2015, the Applicant has stated that the first floor and cellar of the building on the subject Premises, identified as Block 501, Lot 15 in Manhattan, would be occupied by permitted UG 16 uses including uses such as a custom furniture store, an animal hospital and/or pet day care center, a dry cleaning establishment, or a commercial laundry. The Applicant has indicated that these permitted general service uses would occupy the existing approximately 12,653.6 gsf of floor area on the first floor of the building (minus lobby space) and approximately 8,092 gsf¹ of the 12,653.6 square foot cellar for storage space. The 52,133.6 gsf of UG 6 offices would occupy floors two through five plus penthouse. It is assumed that one cellar storage space (980 gsf) would be rented by a tenant on the building's upper floors.²

No new development on the few vacant lots or parking lots within the project study area is anticipated to occur by 2015 in the absence of the proposed action.

ZONING

The M1-5A zoning of the subject property permits a maximum FAR of 5.0 for commercial and manufacturing uses and a maximum FAR of 6.5 for community facility uses. Residential uses are not permitted within the M1-5A district with the exception of Joint Living-Work Quarters for Artists (JLWQA), which are listed as a UG 17 industrial use. The subject property is currently developed to an FAR of 4.9 as calculated based on the subject lot area of 12,653.6 square feet and the zoning floor area of the subject building of 62,077.2 square feet. No additional commercial floor area would be anticipated to be developed on the property given the minimal additional amount of floor area that would be permitted. No manufacturing or community facility floor area would be anticipated to be developed or established on the property given the prevailing development pattern of the surrounding area and the economic viability and marketability of such uses in this area.

¹ Assumes same amount of storage space as currently used by ground floor retail spaces in the building.

² Assumes same amount of storage space as currently used by tenant on upper floors of the building.

Based on a review of the DCP website, no changes are anticipated to the zoning districts and zoning regulations or to any public policy documents relating to the project site or the surrounding study area in the near future.

THE FUTURE WITH THE PROJECT

Land Use

The Applicant is seeking a Special Permit pursuant to Zoning Resolution (ZR) Section (§) 74-711 to modify § 42-14D (2) (a) with respect to conforming uses within an M1-5A zoning district. The application will legalize and allow the existing UG 6 retail use below the level of the second story of the subject Premises. No changes to the existing occupancies of the building or additions or enlargements to the building are being requested as part of this application.

The exterior of the building at 130 Prince Street would be rehabilitated as approved by the LPC Certificate of No Effect issued on April 23, 2013 and the LPC Certificate of Appropriateness 14-1080, issued on February 22, 2013, and amended on March 28, 2013 and further amended on November 8, 2013, as well as the Restrictive Declaration that will be filed against the property and will regulate the continued maintenance of the historic building (see Historic and Cultural Resources Appendix). In addition, all construction on the project site would be coordinated with and approved by the LPC, where applicable. The proposed restoration work pursuant to the LPC approved plans, would include, among other measures, repair and/or replacement of exterior masonry, coping and waterproofing, windows, storefront/storefront infill, and sidewalks. LPC approved changes to the building exterior would include, among other measures, removing the existing storefront infill and stone cladding at the ground floor, recladding the facade with brick to match the historic brick; and creating new masonry openings and installing new storefront infill.

In the future with the action, the RWCDs on the project site would include following:

The existing approximately 12,653.6 gsf of UG 6 retail space on the ground floor of the subject building (minus lobby space) as well as the existing UG 6 accessory retail storage space comprising a portion of the approximately 12,653.6 gsf cellar of the building would remain. With the exception of the existing vacant retail space and associated storage area, the building owner plans to allow the existing retail occupancies in the building (as identified in the existing land use section above) to remain. The vacant retail space was previously divided into two separate retail stores. When re-rented it may be occupied by either one or two retail stores. The existing 52,133.6 gsf of UG 6 offices on floors two through five plus penthouse would remain under the proposed action.

The Applicant seeks to legalize and allow the long term existing UG 6 retail use below the level of the second story of the subject Premises to remain. The existing retail uses are typical ground floor uses in buildings in the vicinity and are beneficial to visitors, workers, and residents of the surrounding community. The permitted UG 16 wholesale occupancies of the ground floor of the subject building are not present in this area and the functional and economic viability of such uses are questionable given prevailing development in the surrounding neighborhood. Special Permit approval pursuant to ZR § 74-711 to modify § 42-14D (2) (a) with respect to conforming uses within an M1-5A zoning district is required in order to legalize and allow the existing UG 6 retail use below the level of the second story of the subject Premises to remain.

As the proposed development would occur wholly within a historic district (the SoHo Cast Iron Historic District) that is listed on the National and State Registers of Historic Places, the project would be classified as Type I pursuant to 6 NYCRR 617.4(b)(9). As such, provisions related to hazardous materials, air quality, and noise are normally included in the project description. However, as no hazardous materials, air quality, noise, or other mitigation would be required for the proposed project, no provisions related to these items are included in the description.

Based on an estimated 1-year approval process, the Build Year is assumed to be 2015.

No adverse impact to land use patterns in the area is expected to arise as a result of the proposed project, and further assessment of land use is not warranted.

ZONING

Introduction

The proposed action is the request for a CPC Special Permit pursuant to ZR § 74-711 to modify §42-14D (2) (a) with respect to conforming uses within an M1-5A zoning district. The existing Use Group 6 use below the level of the second floor is not permitted under the existing M1-5A zoning of the property pursuant to ZR §42-00 and §42-14D and therefore requires the subject Special Permit. The Applicant seeks to legalize and allow the long term existing UG 6 retail use below the level of the second story of the subject Premises.

As with the No-Action RWCDs discussed above, the M1-5A zoning of the subject property permits a maximum FAR of 5.0 for commercial and manufacturing uses and a maximum FAR of 6.5 for community facility uses. Residential uses are not permitted. The subject property is currently developed to an FAR of 4.9 as calculated based on the subject lot area of 12,653.6 square feet and the zoning floor area of the subject building of 62,077.2 square feet. No additional commercial floor area would be anticipated to be developed on the property given the minimal additional amount of commercial floor area that would be permitted. No manufacturing or community facility floor area would be anticipated to be developed or established on the property given the prevailing development pattern of the surrounding area and the economic viability and marketability of such uses in this area.

CPC Special Permit ZR §74-711

ZR § 42-14D (2) (a) states that *“in M1-5A Districts, in buildings occupying more than 3,600 square feet of lot area, only uses listed in Use Groups 7, 9, 11, 16, 17A, 17B, 17C or 17E shall be allowed below the floor level of the second story of such buildings, unless modified by the Chairperson of the City Planning Commission, pursuant to Sections 42-141 or 74-781”*. The most recent (non-temporary) Certificate of Occupancy (February 11, 1997) for the subject Premises indicates that the permissible uses and occupancies for the first floor and cellar of the Premises are UG 16 Wholesale Establishments. Therefore, the existing UG 6 retail uses on the first floor and cellar of the Premises are not currently permitted.

ZR §74-711 states that: *In all districts, for zoning lots containing a landmark designated by the Landmarks Preservation Commission, or for zoning lots with existing buildings located within Historic Districts designated by the Landmarks Preservation Commission, the City Planning Commission may permit modification of the use and bulk regulations, except floor area ratio regulations, provided that:*

The subject site qualifies for this provision of the Zoning Resolution as the Applicant seeks a use modification on a property containing an existing building located within a Landmarks

Preservation Commission (LPC) designated Historic District. Please see further discussion in the Historic and Cultural Resources section.

The proposed action would conform with the conditions and findings required pursuant to ZR §74-711 including the following:

(a) The following conditions are met:

(1) any application pursuant to this Section shall include a report from the Landmarks Preservation Commission stating that a program has been established for continuing maintenance that will result in the preservation of the subject building or buildings, and that such use or bulk modifications, or restorative work required under the continuing maintenance program, contributes to a preservation purpose;

This Zoning Application filed with this EAS includes a report from the LPC dated April 24, 2013 stating that a program has been established for continuing maintenance that will result in the preservation of the building, and that the restorative and mechanical work in the program for continuing maintenance contribute to a preservation purpose.

The details of the program for continuing maintenance are set forth in a Restrictive Declaration, a copy of which is included in the Zoning Application filed with this EAS, which will be executed by the Applicant (and execution of which will be waived by all other parties-in-interest in the property) upon approval of this application, and filed in the Office of the Register of the City of New York.

(2) any application pursuant to this Section shall include a Certificate of Appropriateness, other permit, or report from the Landmarks Preservation Commission stating that such bulk modifications relate harmoniously to the subject landmark building or buildings in the Historic District, as applicable; And

Although no bulk modification is being sought with this Application, a Certificate of Appropriateness 14-1080 (LPC 14-022) was issued by LPC dated February 22, 2013, and amended March 28, 2013 and further amended November 8, 2013, which states that, among other things, the removal of the existing storefront infill and stone cladding, the recladding of the façade in brick, and the proposed masonry openings are appropriate to the building and will relate harmoniously to the SoHo Cast-Iron Historic District.

(3) the maximum number of dwelling units shall be as set forth in Section 15-111 (Number of permitted dwelling units).

This section is not applicable to the proposed action does not include any dwelling units.

(b) In order to grant a special permit, the City Planning Commission shall find that:

(1) such bulk modifications shall have minimal adverse effects on the structures or open space in the vicinity in terms of scale, location and access to light and air; and

This section is not applicable to the proposed action as no bulk modification is sought.

(2) such use modifications shall have minimal adverse effects on the conforming uses within the building and in the surrounding area.

The Applicant seeks to legalize and allow the long term existing UG 6 retail use below the level of the second story of the subject Premises to remain. The existing retail uses are typical ground floor uses in buildings in the vicinity and are beneficial to visitors, workers, and residents of the surrounding community. The permitted UG 16 wholesale occupancies of the ground floor of the subject building are not present in this area and the functional and economic viability of such

uses are questionable given prevailing development in the surrounding neighborhood. The use modification being sought would therefore have minimal adverse effects on the conforming office uses within the building and other conforming uses in the surrounding area.

Further discussion of this finding is included in the Zoning Application filed with this EAS.

Conclusions

The Special Permit requested pursuant to ZR §74-711 is required in order to legalize and allow the long term existing UG 6 retail use below the level of the second story of the subject Premises to remain.

The proposed action would not result in significant adverse zoning impacts. The existing/proposed ground floor retail uses are similar to and compatible with many similar uses located in the surrounding area. The proposed action would not have a significant impact on the extent of conformity with the current zoning in the surrounding area, and it would not adversely affect the viability of conforming uses on nearby properties.

Potentially significant adverse impacts related to zoning are not expected to occur as a result of the proposed action, and further assessment of zoning is not warranted.

Public Policy

No adverse impacts to public policies would occur as a result of the proposed action as the proposed development would be compatible with the New York City and New York State landmarks preservation regulations applicable to the site and the immediately surrounding area (see the Historic and Cultural Resources section below). LPC has issued a report stating that a program has been established for continuing maintenance that will result in the preservation of the subject building, and that the proposed use modifications contributes to a preservation purpose. The legalization and continuation of the existing ground floor UG6 retail uses on the project site would be beneficial to the SoHo-Cast Iron Historic District.

No potentially significant adverse impacts related to public policy are anticipated to occur as a result of the proposed action, and further assessment of public policy is not warranted.

9. HISTORIC AND CULTURAL RESOURCES

EXISTING CONDITIONS

Project Site

The subject property at 130 Prince Street (aka 128-136 Prince Street) is located at the southwest corner of Prince and Wooster Streets in the SoHo-Cast Iron Historic District of Manhattan. The roughly rectangular shaped lot measures 12,653.6 square feet in size and has 125' frontage along Prince Street and 101' frontage along Wooster Street. The property is developed with a five-story, penthouse, and cellar approximately 77,440.8 gross square foot (gsf) mixed-use commercial building comprised of approximately 12,653.6 gsf of UG 6 retail space and lobby area on the ground floor, approximately 12,653.6 gsf of cellar level space used for retail storage and building mechanicals, and approximately 52,133.6 gsf of UG 6 business office space on floors two through five and penthouse. The building covers the entire lot on which it is located.

As the project site is located within a designated Historic District, it is subject to the jurisdiction of the New York City Landmarks Preservation Commission (LPC). The building on the subject site is not an individually designated historic structure and is not located in close proximity to any such individually designated properties. However, LPC notes in the Certificate of No Effect issued for the proposed action that the SoHo-Cast Iron Historic District Designation Report describes 130 Prince Street, aka 130-136 Prince Street, as a garage building built in 1925; and that in terms of its style, scale, materials, and details, the building contributes to the special architectural and historic character for which the SoHo-Cast Iron Historic District was designated.

Study Area

The project site is located within the SoHo Cast Iron Historic District, an LPC designated New York City Historic District that is also listed on the New York State and National Registers of Historic Places. The SoHo Cast Iron District, which was designated by LPC in 1973, is bounded by West Houston Street on the north, Canal Street on the south, West Broadway to the west, and Crosby Street and Broadway to the east. As stated above, the subject site does not contain any individually designated historic structures and is not located in close proximity to any individually designated properties. The SoHo Cast Iron Historic District Designation Report states that:

SoHo (from “south of Houston”) is a commercial district, developed in the mid- to late 19th century to serve the wholesale dry goods trade. The district contains the world’s largest collection of buildings with cast-iron fronts.

The LPC designated Soho Cast Iron Historic District Extension is located within the 400-foot radius project study area and is located approximately 100 feet west of the subject property. The western portion of the Soho Cast Iron Historic District Extension roughly extends between West Houston and Watts/Broome Streets to the north and south, respectively, between West Broadway on the east and as far west as Thompson Street on the west. The May 11, 2010 SoHo Cast Iron Historic District Extension Designation Report states that many of the buildings in the Historic District Extension date from the same period of development as those in the Soho Cast Iron Historic District and exhibit similar architectural characteristics.

PROPOSED ACTION

No changes to the existing occupancies of the building or additions or enlargements to the building are being requested as part of this application. In addition, no new subsurface disturbance would occur as part of the action. The exterior of the building at 130 Prince Street would be rehabilitated as approved by the LPC Certificate of No Effect issued on April 23, 2013 and by the LPC Certificate of Appropriateness 14-1080, issued on February 22, 2013, and amended on March 28, 2013 and further amended on November 8, 2013, as well as the Restrictive Declaration that will be filed against the property and will regulate the continued maintenance of the historic building (see Historic and Cultural Resources Appendix). In addition, all construction on the project site would be coordinated with and approved by the LPC, where applicable. The proposed restoration work pursuant to the LPC approved plans, would include, among other measures, repair and/or replacement of exterior masonry, coping and waterproofing, windows, storefront/storefront infill, and sidewalks. LPC approved changes to the building exterior would include, among other measures, removing the existing

storefront infill and stone cladding at the ground floor, recladding the facade with brick to match the historic brick; and creating new masonry openings and installing new storefront infill.

The most recent (non-temporary) Certificate of Occupancy (February 11, 1997) for the subject Premises indicates that the permissible uses and occupancies for the first floor and cellar of the Premises are UG 16 Wholesale Establishments. Therefore, the existing UG 6 retail uses on the first floor and cellar of the Premises are not currently permitted.

The proposed action would legalize and allow the long term existing UG 6 retail use below the level of the second story of the subject Premises. The proposed development would legalize the existing approximately 12,653.6 gsf of UG 6 retail space on the ground floor of the subject building as well as the existing UG 6 accessory retail storage space which comprises a portion of the approximately 12,653.6 gsf cellar area. The existing 52,133.6 gsf of UG 6 offices on floors two through five plus penthouse are permitted legal occupancies which would remain under the proposed action.

As the proposed action would involve a building located within a designated New York City Historic District, LPC review of the project would be conducted to meet requirements under CEQR. In recent communications with the LPC, LPC stated that DCP typically forwards EAS's on projects such as these to LPC and LPC issues any comments directly to DCP.

LPC issued a letter dated March 19, 2014 in which they state that the LPC is in receipt of the EAS, the text of which is acceptable for historic and cultural resources. LPC also indicates in the letter that 130 Prince Street has no archaeological significance; the property is a Designated New York City Landmark or is within a Designated Historic District; and the site is listed on the National Register of Historic Places.

The project also requires LPC approval to meet agency requirements not related to the City's CEQR regulations and to allow the proposal to proceed. LPC has issued a report dated April 24, 2013 stating that a program has been established for continuing maintenance that will result in the preservation of the building, and that the restorative and mechanical work in the program for continuing maintenance contribute to a preservation purpose. The details of the program for continuing maintenance are set forth in a Restrictive Declaration which will be executed by the Applicant (and execution of which will be waived by all other parties-in-interest in the property) upon approval of this application, and filed in the Office of the Register of the City of New York. These documents are included in the Zoning Application filed with this EAS.

A Certificate of Appropriateness 14-1080 (LPC 14-022) was issued by LPC dated February 22, 2013, and amended March 28, 2013 and further amended November 8, 2013, which states that, among other things, the removal of the existing storefront infill and stone cladding, the recladding of the facade in brick, and the proposed masonry openings are appropriate to the building and will relate harmoniously to the SoHo Cast-Iron Historic District. The Certificate of Appropriateness is included in the Historic and Cultural Resources Appendix to this report.

Conclusions

As no new subsurface disturbance would occur on the subject property and changes made to the exterior of the building would be as approved under LPC's Certificate of Appropriateness

14-1080 (LPC 14-022), it is not anticipated that the proposed action would result in any significant adverse effects to historic or archaeological resources either on the project site or within the surrounding 400-foot radius project study area. The building would therefore continue to remain compatible with its historic context and with the surrounding Soho Cast Iron Historic District. No impact to individual historic properties or to the Soho Cast Iron District would be expected as a result of the proposed action.

12. HAZARDOUS MATERIALS

Introduction

The project site is located in a manufacturing district and the site and many nearby properties have a history of industrial and warehouse type uses. A preliminary hazardous materials analysis is required for the proposed project because of possible contamination of the site and the existing structure by previous uses on the property and in the immediately surrounding area.

Phase I Environmental Site Assessment

A Phase I Environmental Site Assessment report dated May 2012 was prepared by Targus Associates, LLC (Targus) for the client/owner of the subject property, Invesco Advisers, Inc. (Invesco). The findings, conclusions, and recommendations of the ESA are summarized below.

Targus Associates, LLC (Targus) performed a Phase I Environmental Site Assessment (ESA) and Additional Services of 130 Prince, located at 130 Prince Street in New York City, New York County, New York (the subject property). As stated in the Phase I ESA, the subject property encompassed approximately 0.3 acres of land and was improved with one five-story mixed-use building with a basement and penthouse suite, providing approximately 90,000 rentable square feet. Originally constructed in 1925, the subject property was expanded and rebuilt in 1986-1989. The subject property was occupied by M.A.C. Cosmetics Headquarters, and various retail tenants. The subject property was located in an area characterized by mixed-use commercial, retail, and residential buildings.

Based on the information obtained to date, Targus' conclusions and recommendations are as follows:

- The results of Targus' subject property and area reconnaissance did not indicate *recognized environmental conditions* associated with the current subject property or surrounding land use. Review of historical and regulatory agency information did not indicate on-site or off-site sources of *recognized environmental conditions* associated with the current or historical subject property or surrounding land use.
- Targus conducted additional services in accordance with the proposed scope of work as further detailed below.

ASTM Issues

Targus has performed a Phase I ESA of 130 Prince, located at 130 Prince Street in New York City, New York County, New York in general conformance with the scope and limitations of

ASTM Practice E 1527-05. Based upon the information obtained, the assessment has revealed no evidence of *recognized environmental conditions* in connection with the subject property.

Non-ASTM Issues

In accordance with the proposed scope of work, Targus conducted additional services. Based on Targus' understanding of the client's objectives, risk tolerance, and future plans for the subject property, with the exception of asbestos, this assessment/review did not identify any *business environmental risk* associated with the additional services performed. Results of a limited asbestos survey confirmed damaged brick surfacing in the stairwells, mechanical rooms, and basement to be asbestos-containing materials (ACM). The ACM can be managed in place under the Invesco asbestos policy, provided that repair is conducted early in the hold period.

NYC Department of Environmental Protection Review

The NYC Department of Environmental Protection (DEP) has reviewed the above referenced Phase I EAS and has issued the following comments in their letter to DCP dated April 17, 2014.

- The proposed modify use request to legalize retail use below the level of the second story in the on-site building would not result in any new subsurface disturbance, enlargements or expansion of existing structure. In addition, the proposed action would not result in changes to the existing occupancies of the existing building as part of this application. Therefore, DEP has no objection to the proposed action.
- ACM suspected hazardous materials may be present in the on-site structure. These materials should be properly removed and or managed prior to any planned renovation or construction activities and disposed in accordance with all federal, state, and local regulations.

Conclusions

The Phase I ESA prepared by Targus concluded that no further action is recommended for the subject site relative to ASTM hazardous materials concerns. Relative to non-ASTM hazardous materials issues, it is recommended that ACM found in damaged brick surfacing in the stairwells, mechanical rooms, and basement of the building be managed in place under the Invesco asbestos policy, provided that repair is conducted early in the hold period.

It should be noted that the proposed action would not result in any disturbance of the subsurface areas of the project site. Therefore, as no contamination of the property would be expected from prior uses on the project site or in the surrounding area, no hazardous materials concerns would be anticipated.

The Applicant has agreed to properly remove and or manage any ACM suspected hazardous materials in the subject building prior to any planned renovation or construction activities and will dispose of such materials in accordance with all federal, state, and local regulations.

The proposed action would not result in any hazardous materials impacts.

17. AIR QUALITY

Introduction

Under CEQR, two potential types of air quality impacts are examined. These are mobile and stationary source impacts. Potential mobile source impacts are those which could result from an increase in traffic in the area, resulting in greater congestion and higher levels of carbon monoxide (CO). Potential stationary source impacts are those that could occur from stationary sources of air pollution, such as the heat and hot water boiler of a proposed development which could adversely affect other buildings in proximity to the proposed project. Odors resulting from the operation of a proposed development are also discussed in the assessment, if relevant.

Mobile Source

Under guidelines contained in the 2014 *CEQR Technical Manual*, and in this area of New York City, projects generating fewer than 170 additional vehicular trips in any given hour are considered as highly unlikely to result in significant mobile source impacts, and do not warrant detailed mobile source air quality studies.

Under the No-Action Scenario for the project site, development on the property would consist of a 77,440.8 gsf building comprised of 25,307.2 gsf of UG 16 space, lobby space, and building mechanicals and 52,133.6 gsf of UG 6 office space. There would be 21,620.1 gsf of UG 16 space on the first floor and cellar of the building not including lobby and mechanical space. Under the With-Action Scenario for the project site, development on the property would consist of a 77,440.8 gsf building comprised of 25,307.2 gsf of UG 6 retail space, lobby space, and building mechanicals and 52,133.6 gsf of UG 6 office space. The project would therefore result in the incremental addition of 21,620.1 gsf of ground floor and cellar level UG 6 retail space and the removal of 21,620.1 gsf of floor area occupied by UG 16 uses on the 1st floor and the cellar of the building.

Based on the thresholds included in the Transportation chapter of the 2014 *CEQR Technical Manual*, an increase of 30,000 square feet of new retail floor area in Zone 1 (Manhattan south of 110th Street) would be anticipated to generate approximately 50 new peak hour vehicle trips. The proposed action would generate substantially less than 50 peak hour vehicle trips as it consists of the incremental addition of 21,620.1 gsf of retail space and the removal of 21,620.1 gsf of floor area occupied by UG 16 uses. Therefore, the proposed legalization of 21,620.1 gsf of UG 6 retail space in the building would not be anticipated to generate in excess of 170 additional vehicular trips in any given hour.

It is therefore concluded that no significant adverse mobile source impacts would be generated by the project.

Stationary Source

Based on 2014 *CEQR Technical Manual* criteria, a stationary source analysis is typically required for “projects that would use fossil fuels (fuel oil or natural gas) for heating/hot water, ventilation, and air conditioning systems”. The building at 130 Prince Street utilizes heat and hot water generated by a natural gas-fired boiler.

Total emissions from the building's natural gas-fired boiler would be the same regardless of whether the first floor and cellar of the building are occupied by the existing UG6 retail uses proposed to be legalized or by permitted UG16 uses.

The potential for significant adverse impacts due to boiler stack emissions is unlikely, and a detailed analysis of stationary source impacts would therefore not be required. It is therefore concluded that no significant adverse stationary source impacts would be generated by the project.

Odors

The building on the property does not generate any odors and therefore has no adverse odor impacts on the surrounding area.

Conclusions

Conditions associated with the project would not result in any violations of the ambient air quality standards. Therefore, the action would not result in any potentially significant adverse stationary or mobile source air quality impacts, and further assessment is not warranted.

19. NOISE

Introduction

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 project 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 the project would include unenclosed mechanical equipment for building ventilation purposes, or if the project would introduce receptors into an area with high ambient noise levels.

Mobile Source

Relative to mobile source impacts, a noise analysis would only be required if a proposed project 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.) was located. Residential uses are located along Prince and Wooster Streets which provide vehicular access to the project site. Traffic generated by the project along Prince and Wooster Streets would therefore be of concern relative to mobile source noise impacts.

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 peak hour at receptors most likely to be affected by the proposed action. As explained in the Air Quality section above, the proposed action would generate substantially less than 50 peak hour vehicle trips. In addition to the residential uses located along Prince and Wooster Streets, numerous commercial retail and office uses line these streets in the vicinity of the subject site generating substantial traffic volumes from their patrons and employees. PCE values along Prince and Wooster Streets would not be doubled by the increase in peak hour vehicle trips generated by the proposed

action, and a detailed mobile source analysis is therefore not warranted.

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

Stationary Source

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

Therefore, the proposed project would not result in potential stationary source noise impacts to any other buildings in the vicinity of the project site.

Conclusions

A detailed noise analysis is not required for the proposed action as the action would not introduce significant mobile or stationary source noise into the surrounding area. The development would not have any potentially significant adverse mobile or stationary source noise impacts, and further assessment is not warranted.

APPENDIX

FIGURES & PHOTOGRAPHS

130 Prince Street Special Permit

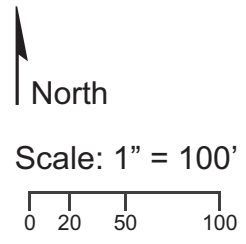
List of Figures and Drawings

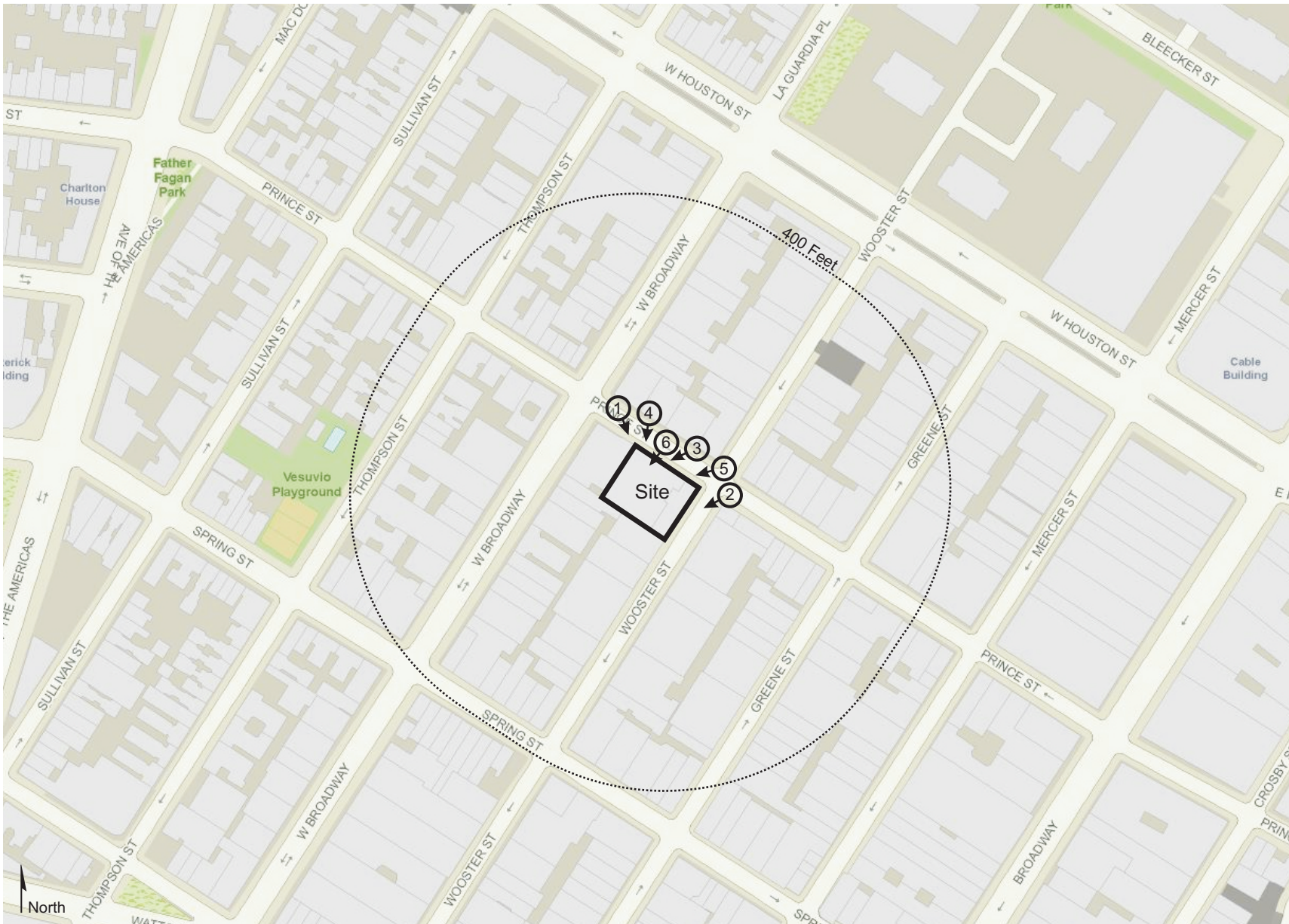
1. Tax Map
2. Site Location (w/photo view locations)
 - Photos 1-6
3. Land Use
4. Zoning

130 Prince Street, Manhattan

Legend

- # - Lot Numbers
- ### - Block Numbers
- - 400 Foot Radius





1



3



NO PARKING
8-11 AM
MON-FRI



NYC
SHOP SOLO
melissa

WOOSTER ST
ONE WAY
ONE WAY

CSI
Water Treatment Chemicals and Services
• Condenser and Coil Cleaning
• Cooling Tower Repairs
• Drinking Water Testing
• Air Duct Cleaning
www.csiontheweb.com 718/361-6866

139

139

an d'art
T-SHIRT

5



PH

NO PARKING
3AM-6PM
MON-FRI

Large white graphic of a creature with horns and a heart-shaped cutout.



130

130

TRUE REL
GRAND JERSEY

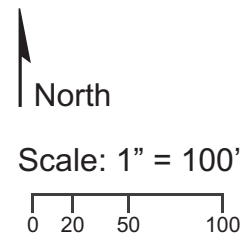


Land Uses

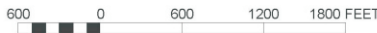
- One and Two-Family Homes
- Multiple Dwelling
- Commercial
- Mixed Use (Residential-Commercial)
- Manufacturing
- Open Space / Park Land
- Institutional / Community Facility
- Parking / Automotive

Legend

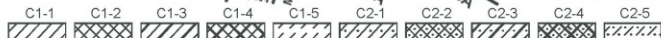
- # - Lot Numbers (within radius)
- ### - Block Numbers
- I, II, III - Story Height
- MD - Multiple Dwelling
- D - Dwelling
- R - Retail
- G - Garage
- C - Commercial
- I - Industrial
- M - Manufacturing
- W - Warehouse
- V - Vacant
- GF - Community Facility



Zoning Map 12a ← Zoning Map 12c



NOTE: STREETS FOR THE STREET MAP CHANGE C 12007 MMM ARE SHOWN ON THIS MAP PRIOR TO BECOMING EFFECTIVE IN ORDER TO LOCATE ZONING DISTRICT BOUNDARIES.
 ## NOTE: STREETS FOR THE STREET MAP CHANGE C 120156 MMM ARE SHOWN ON THIS MAP PRIOR TO BECOMING EFFECTIVE IN ORDER TO LOCATE ZONING DISTRICT BOUNDARIES.



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

ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

Major Zoning Classifications:

The number(s) and/or letter(s) that follows an 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

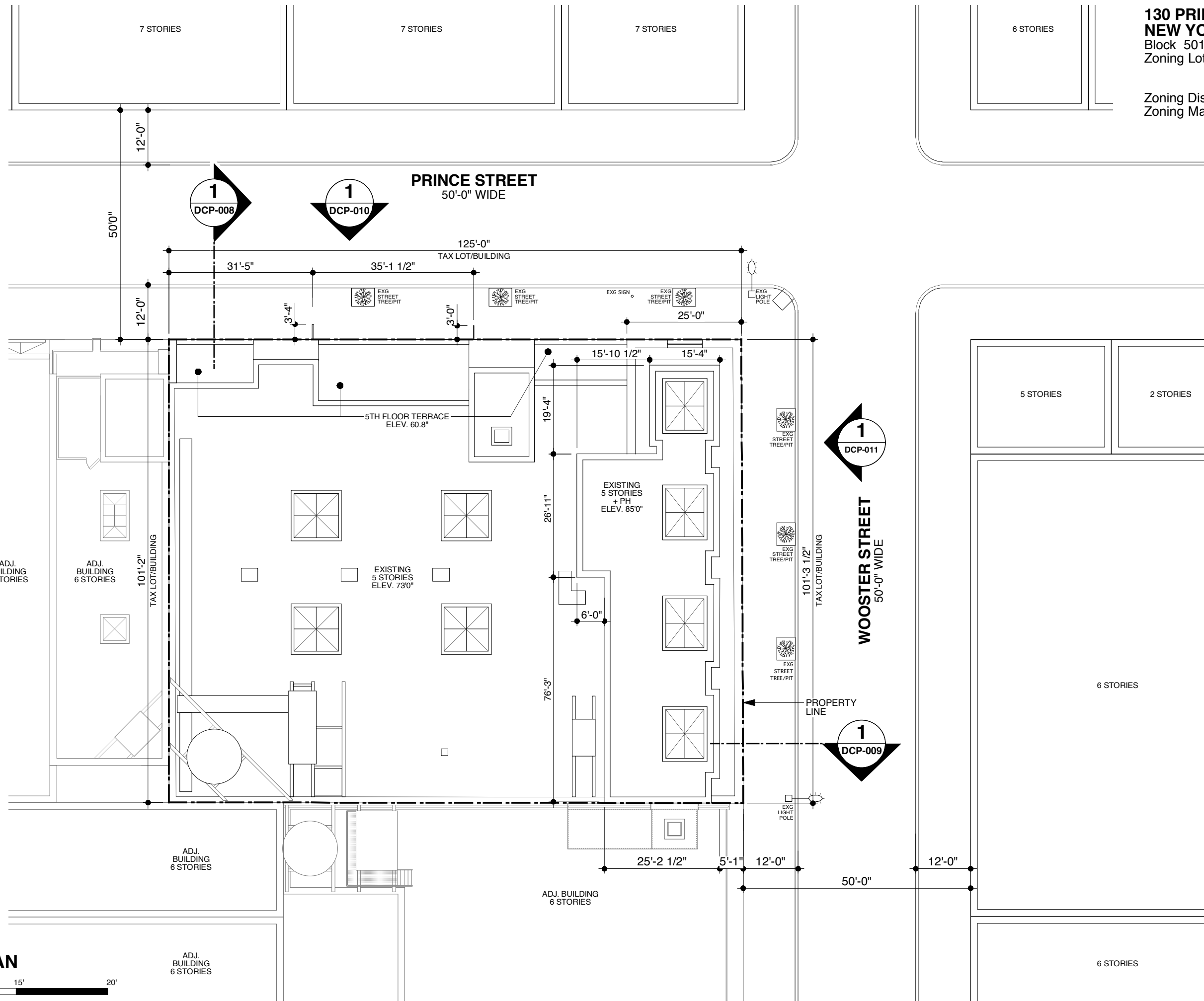
8b	8d	9b
12a	12c	13a
12b	12d	13b

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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) 720-5291.

Architectural Plans

130 PRINCE STREET
NEW YORK, NY 10012
 Block 501, Lot 15
 Zoning Lot Area = 125'-0" x 101'-2" (East)
 = 125'-0" x 101'-3 1/2" (West)
 = 12,653.6 SF
 Zoning District: M1-5A
 Zoning Map: 12c



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130 Prince Street
 New York, New York

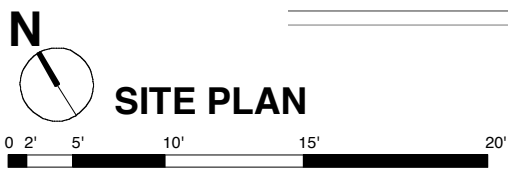
Site Plan

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	9 OF 19



SITE PLAN

SITE INFORMATION					
BLOCK & LOT: BLOCK 501, LOT 15 ADDRESS: 130 PRINCE STREET, NEW YORK NY 10012 LOT AREA: 12,653.6 SQ.FT. ZONING MAP: 12C ZONING DISTRICT: M1-5A HISTORIC DISTRICT: SOHO-CAST IRON COMMUNITY DISTRICT: 2 MANHATTAN					
ZR SECTION	ITEM / DESCRIPTION	REQUIRED / PERMITTED	PROPOSED		COMMENTS / COMPLIANCE NOTES
			EXISTING TO REMAIN	NEW	
ZR 42-00 ZR 42-14	USES	UG 16 & 17 UG 4 - 14	UG 6	UG 6 **	** SPECIAL PERMIT PURSUANT TO ZR SECTION 74-711 REQUIRED FOR RETAIL USE ON PORTIONS OF CELLAR & FIRST FLOOR
ZR 43-12	FAR BULK				
	RESIDENTIAL	0	0	0	
	COMMERCIAL / MANUFACTURING	5.0	4.9	0	
ZR 43-12	COMMUNITY FACILITY	6.5	0	0	
	FLOOR AREA				
	RESIDENTIAL	0	0	0	
	COMMERCIAL / MANUFACTURING	63,268.0 SF	62,077.2 SF	0	
ZR 43-12	COMMUNITY FACILITY	82, 248.4 SF	0	0	
	MAX FOR ZONING LOT	82, 248.4 SF	62,077.2 SF	NO CHANGE	
	YARDS				
ZR 43-25 ZR 43-261	FRONT YARD	NONE REQUIRED	NONE	NO CHANGE	
	SIDE YARD	NONE REQUIRED	NONE	NO CHANGE	
	REAR YARD: CORNER LOT 100' FROM CORNER	NONE REQUIRED	NONE	NO CHANGE	
ZR 43-43	HEIGHT & SETBACK				
	MIN STREET WALL HEIGHT	NONE REQUIRED	NONE	NO CHANGE	
	MAX STREET WALL HEIGHT	85' OR 6 STORIES	85' / 6 STORIES	NO CHANGE	
	REQUIRED MIN SETBACK @ MAX STREET WALL HEIGHT (NARROW STREET)	20'	NONE	NO CHANGE	
	MAX BUILDING HEIGHT (BUILDING CANNOT PENETRATE SKY EXPOSURE PLANE - NARROW STREET)	NO LIMIT S.E.P. = 2.7:1	85'	NO CHANGE	
ZR 44-10 ZR 44-21	PARKING				
	PERMITTED ACCESSORY PARKING	NONE REQUIRED	NONE	NO CHANGE	
ZR 44-50 ZR 44-52	LOADING				
	REQUIRED LOADING BERTHS	NONE REQUIRED	NONE	NO CHANGE	
ZR 43-02	STREET TREES	NONE REQUIRED	PRINCE ST. = 3 TREES WOOSTER ST. = 3 TREES	NO CHANGE	

EXISTING FLOOR AREA CALCULATIONS (See Diagrams)					
FLOOR	USES	GFA	DEDUCTIONS	UG 6 Retail SF	ZFA SF
Cellar	UG 6	12,653.6 SF	12,653.6 SF	10,129.7 SF	0.0 SF
FIRST	UG 6	12,653.6 SF	218.0 SF	11,490.4 SF	12,435.6 SF
SECOND	UG 6	12,653.6 SF	623.0 SF	0.0 SF	12,030.6 SF
THIRD	UG 6	12,653.6 SF	623.0 SF	0.0 SF	12,030.6 SF
FOURTH	UG 6	12,653.6 SF	623.0 SF	0.0 SF	12,030.6 SF
FIFTH	UG 6	11,834.4 SF	623.0 SF	0.0 SF	11,211.4 SF
PH	UG 6	2,338.4 SF	0.0 SF	0.0 SF	2,338.4 SF
TOTAL				21,620.1 SF	62,077.2 SF

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Zoning Analysis

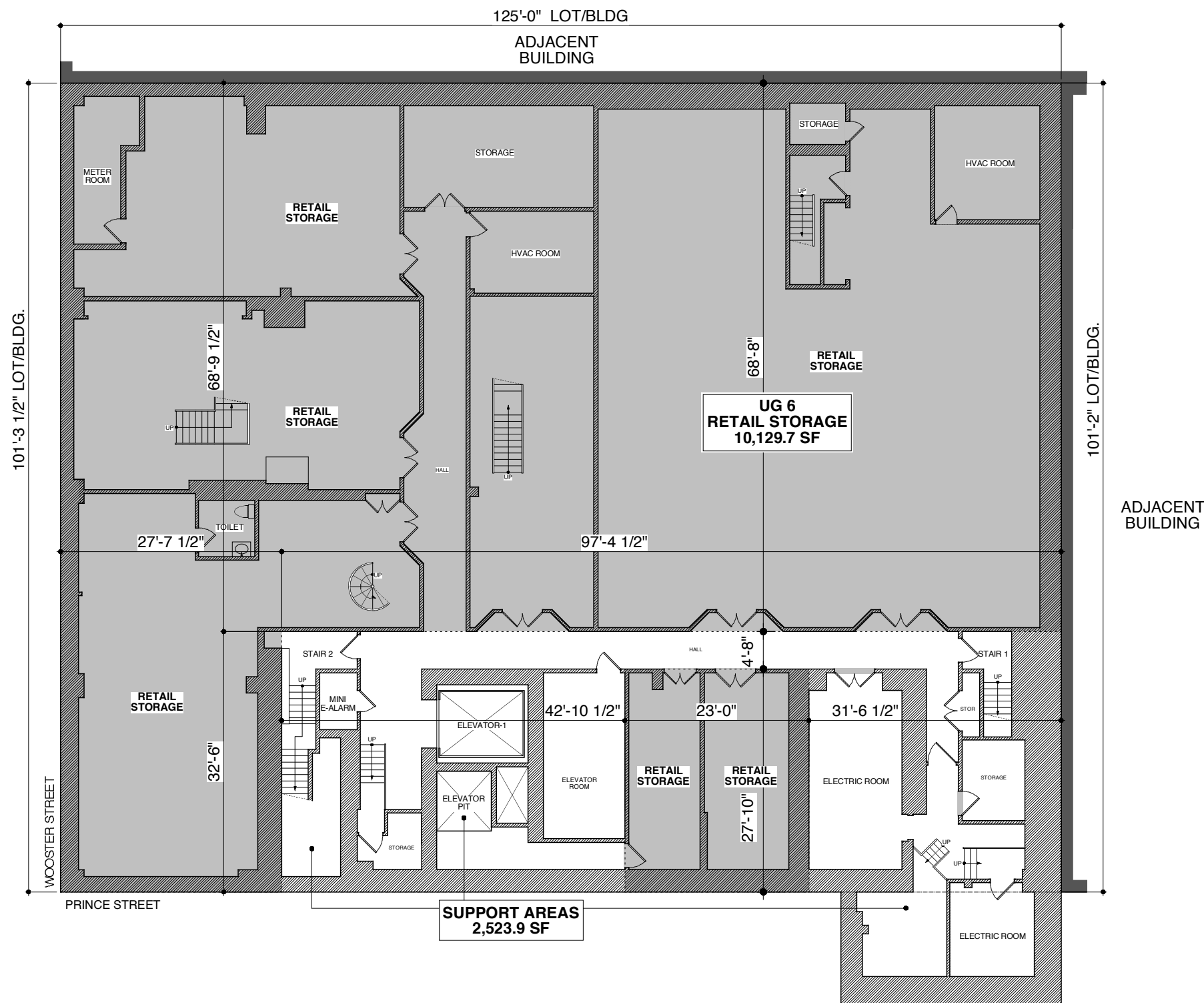
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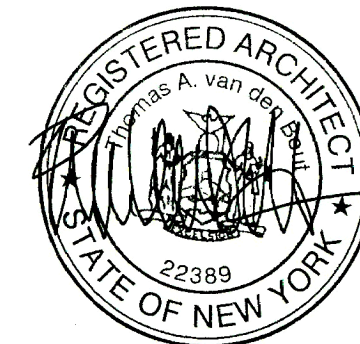


LEGEND

UG 6 - RETAIL
SUBJECT TO CPC
SPECIAL PERMIT
PURSUANT TO
ZR SECTION
74-711

NOTE:

1. INTERIOR PARTITIONS ARE FOR ILLUSTRATIVE PURPOSES ONLY
2. NO SINGLE RETAIL ESTABLISHMENT SHALL BE GREATER THAN 10,000 SF OF ZONING FLOOR AREA.



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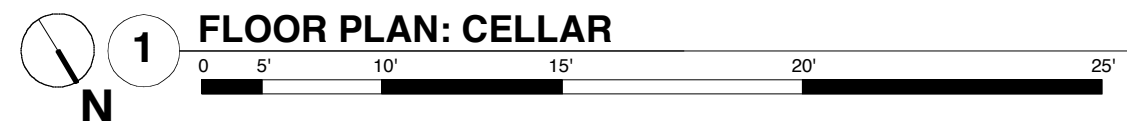
Floor Plan:Cellar

REV#	ISSUE	DATE

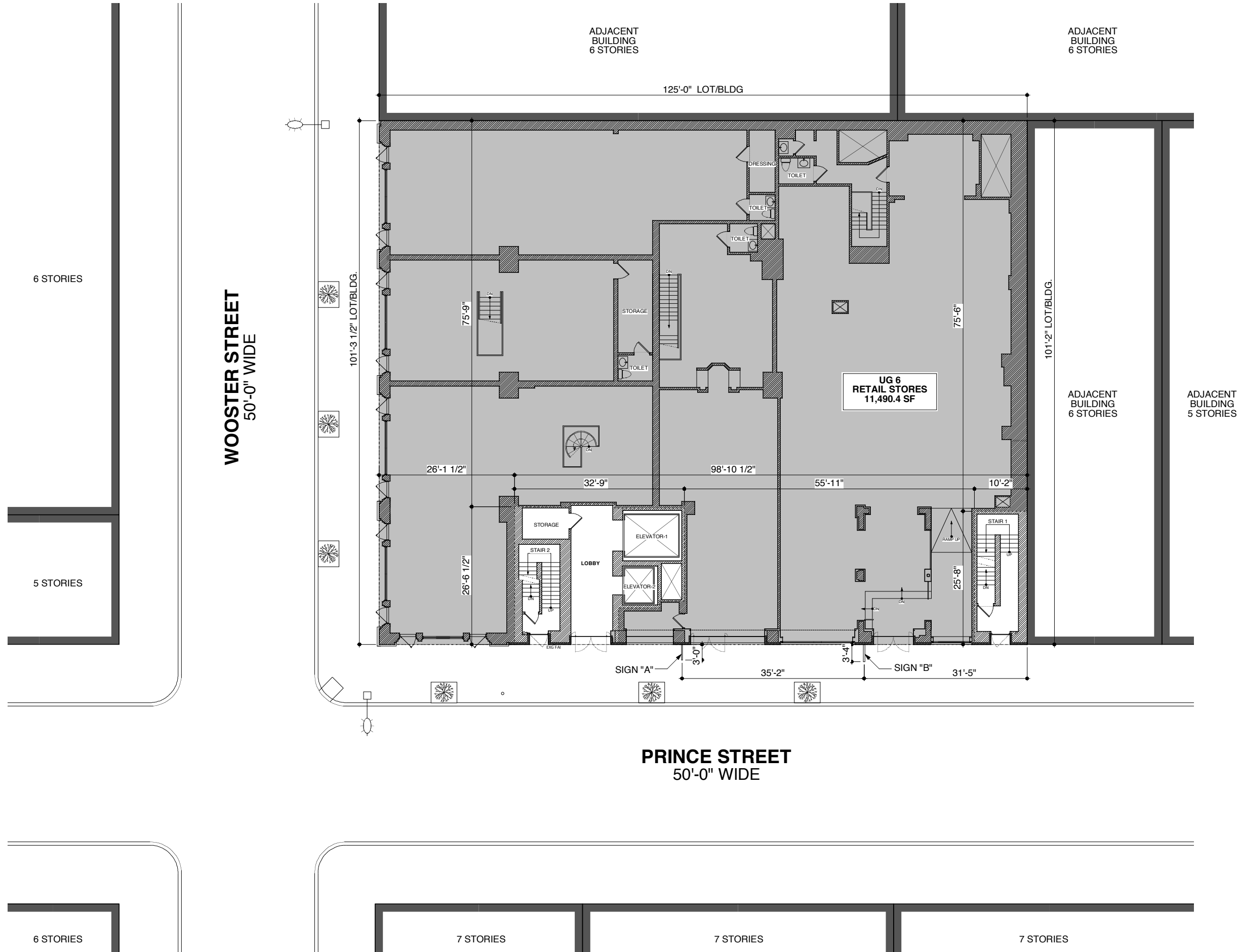
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1 FLOOR PLAN: CELLAR



LEGEND

UG 6 - RETAIL SUBJECT TO CPC SPECIAL PERMIT PURSUANT TO ZR SECTION 74-711

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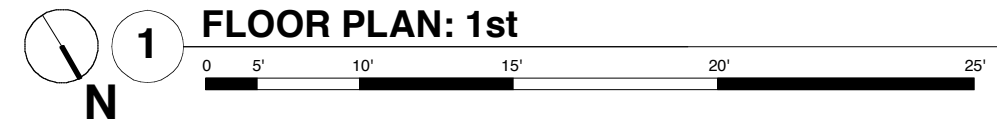
Floor Plan: 1st

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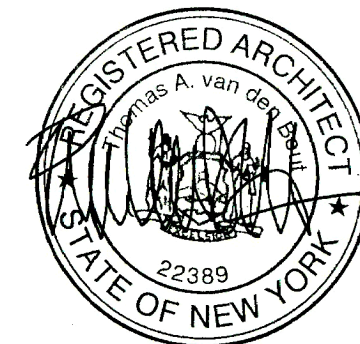
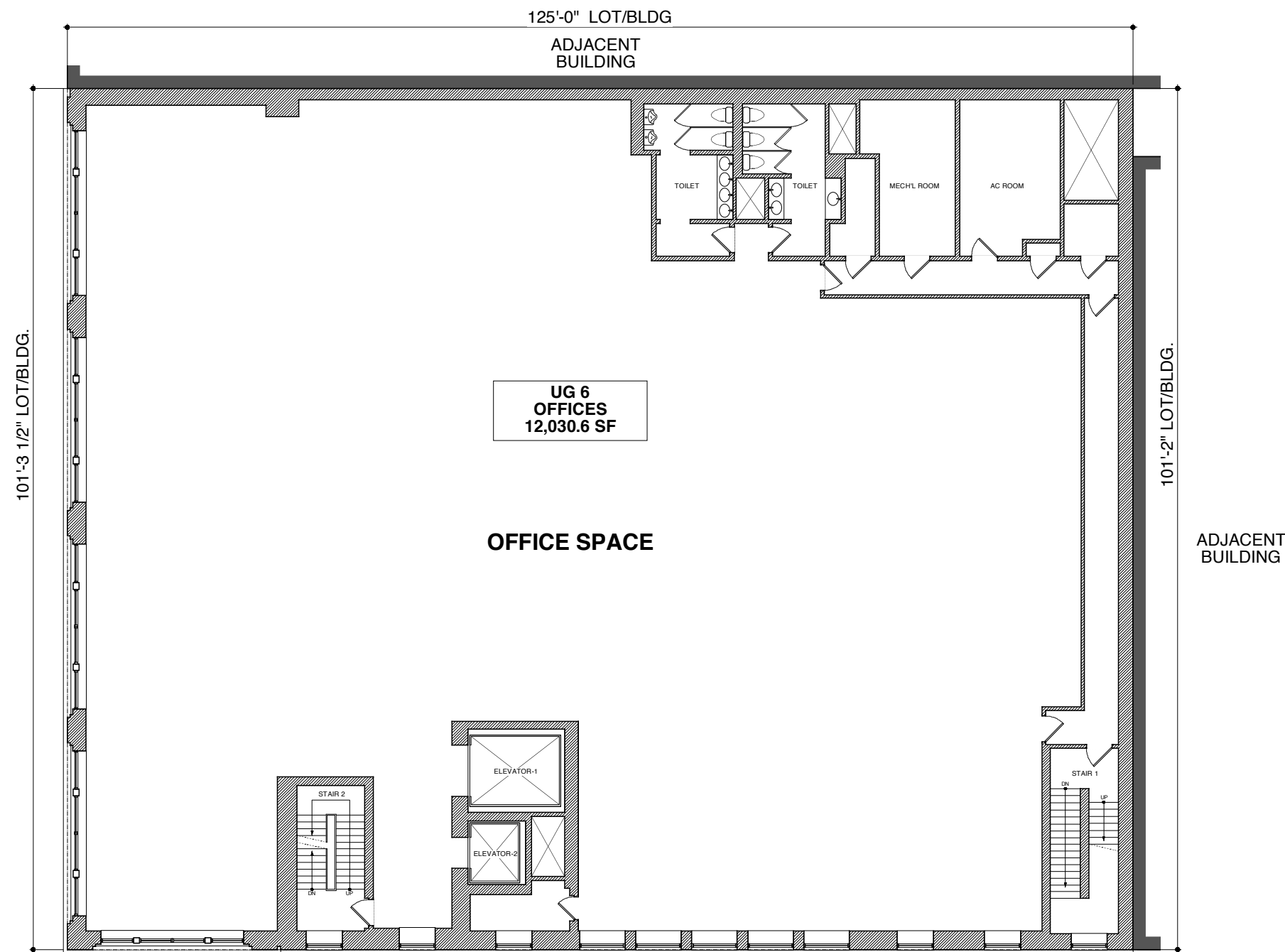
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FLOOR PLAN: 1st

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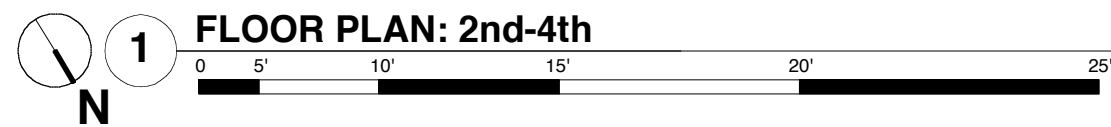
Floor Plans: 2nd-4th

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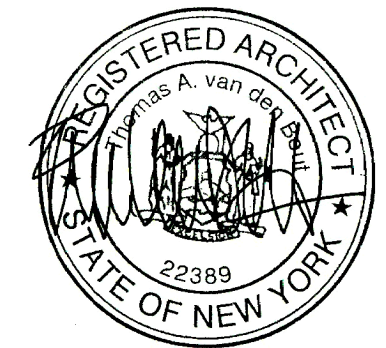
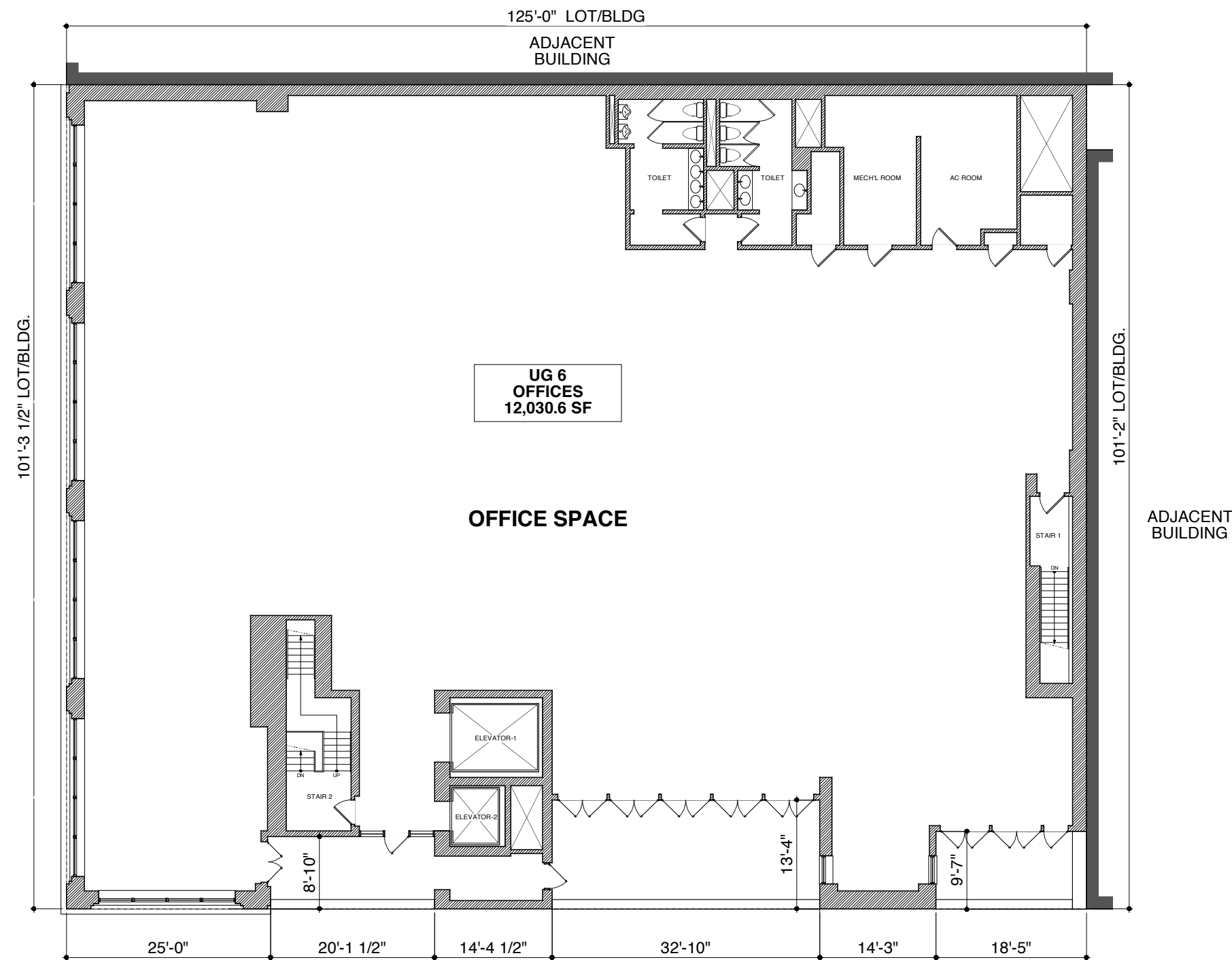
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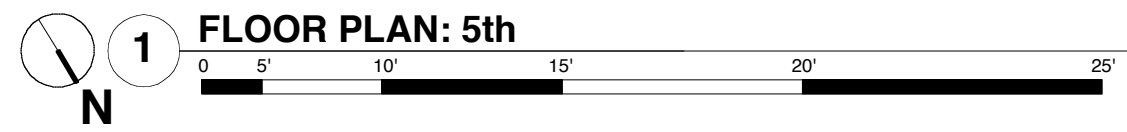
Floor Plan: 5th

REV#	ISSUE	DATE

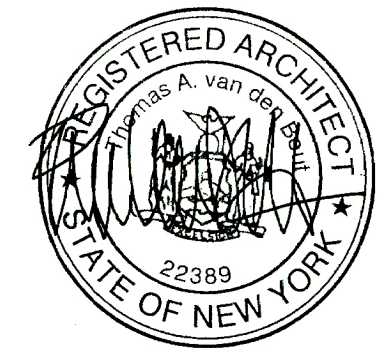
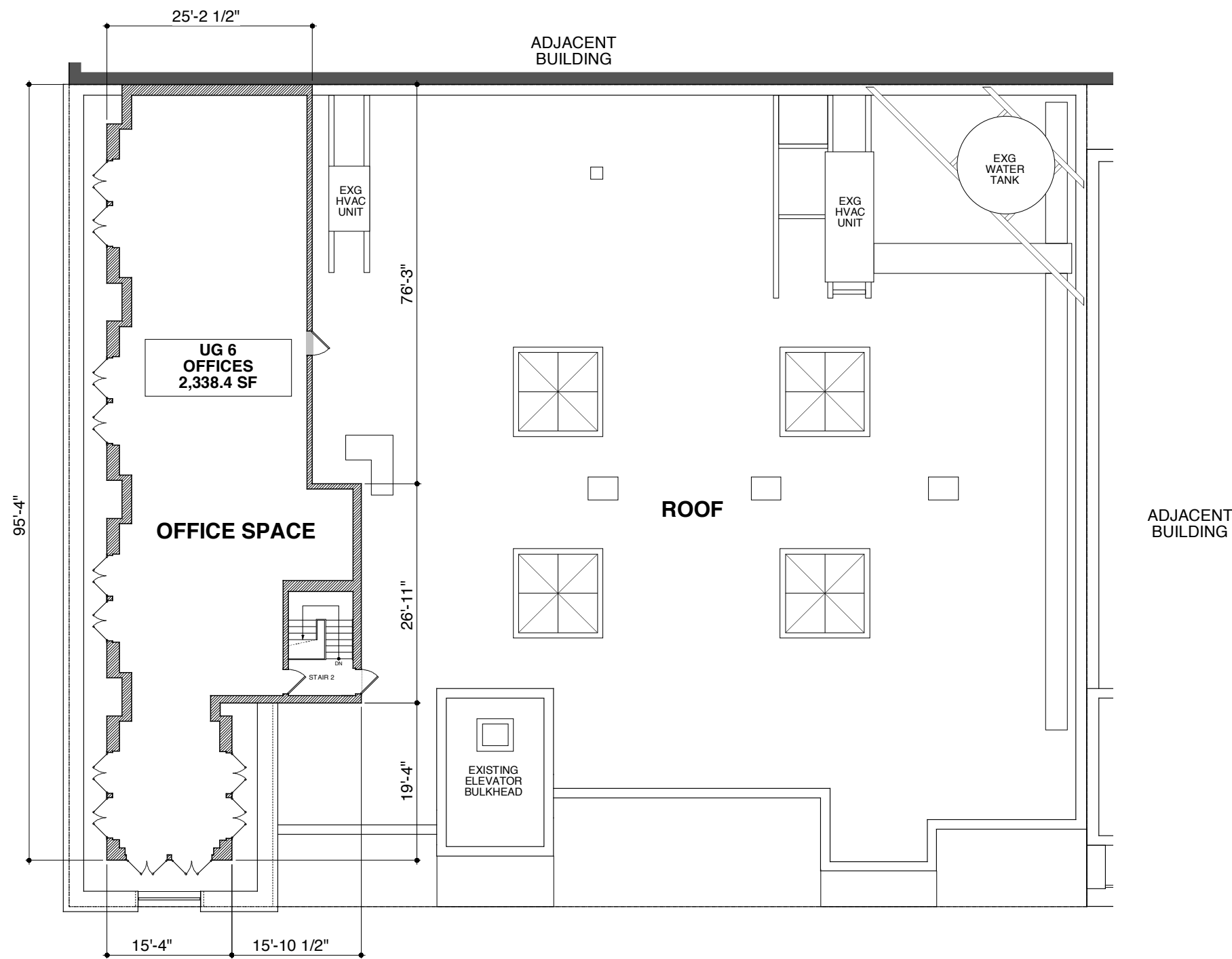
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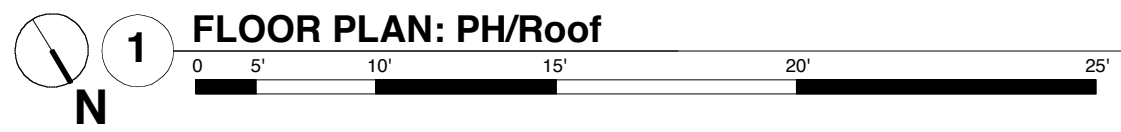
Floor Plan: PH/Roof

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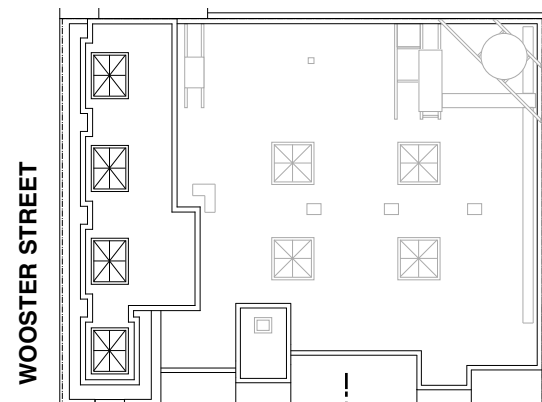
FLOOR PLAN: PH/Roof

LEGEND

UG 6 - RETAIL
SUBJECT TO CPC
SPECIAL PERMIT
PURSUANT TO
ZR SECTION
74-711

NOTE:

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KEY PLAN

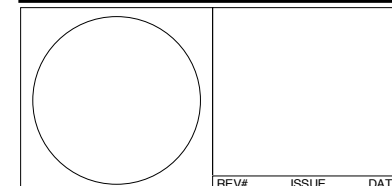


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Section



DCP-008.00

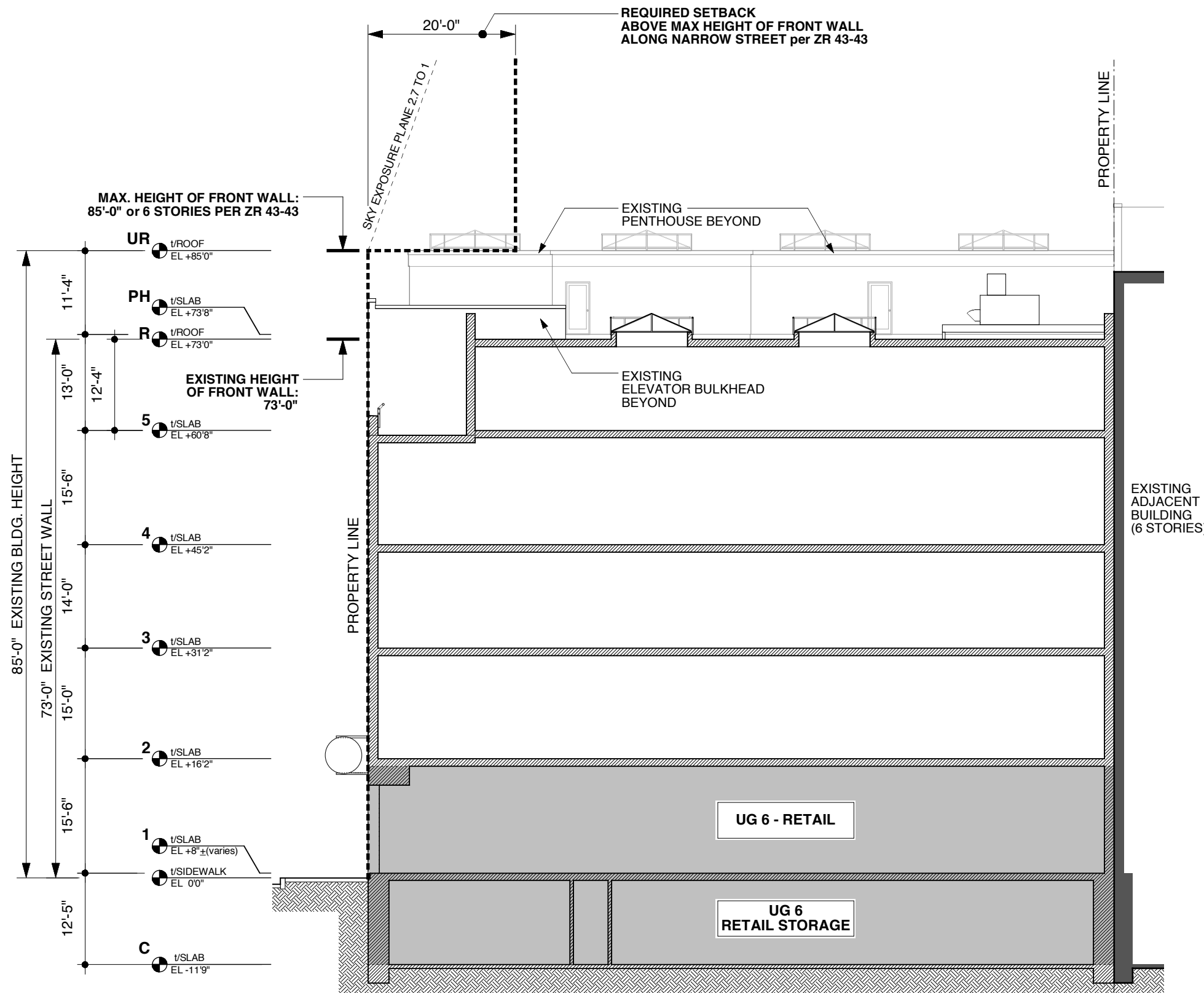
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1 SECTION at PRINCE STREET
1/16" = 1'-0"

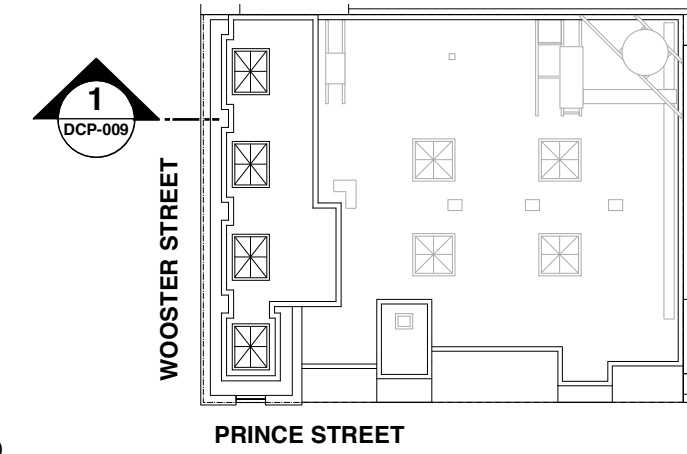
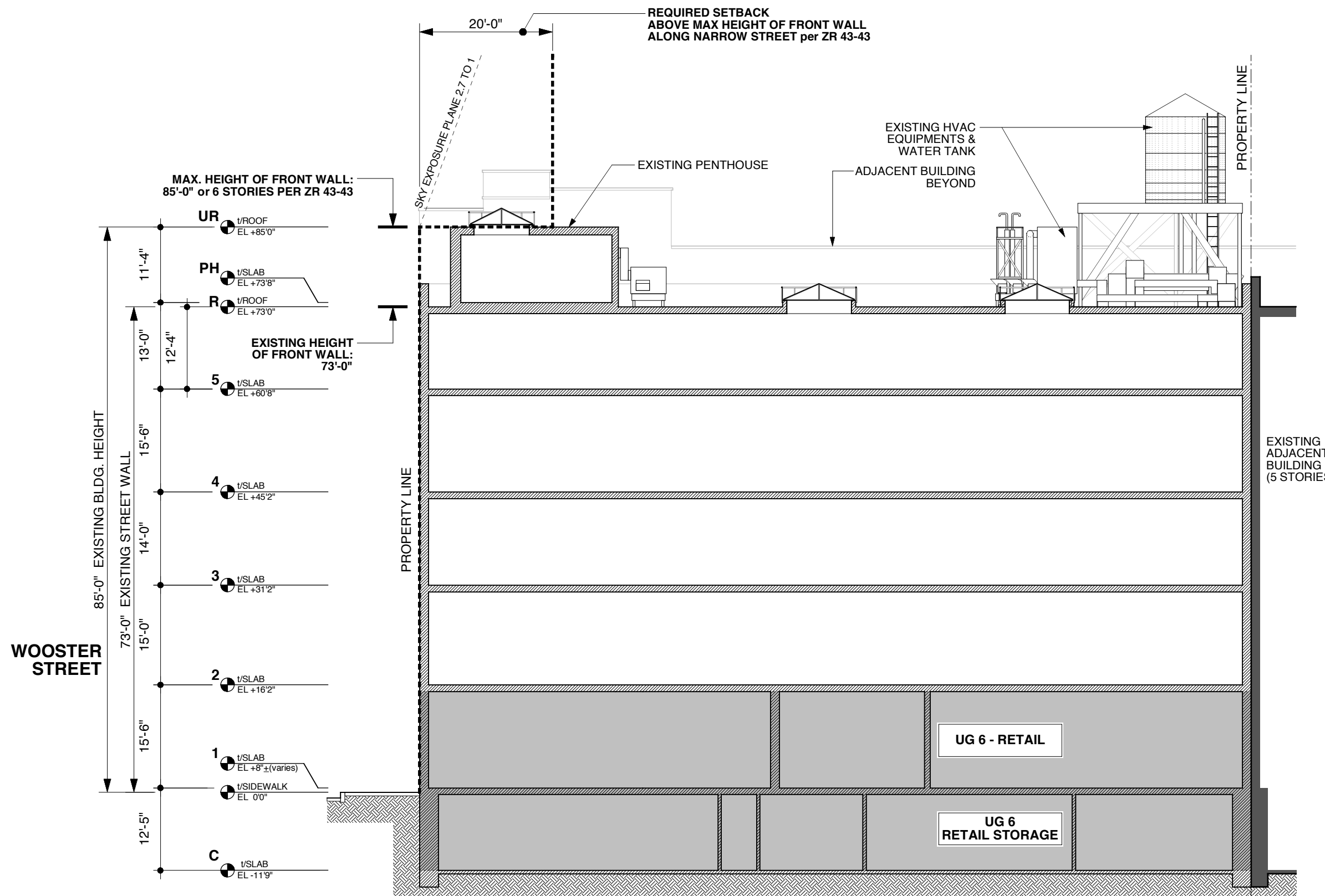


LEGEND

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WOOSTER STREET

EXISTING ADJACENT BUILDING (5 STORIES)

UG 6 - RETAIL

UG 6 RETAIL STORAGE

1 SECTION at WOOSTER STREET
1/16" = 1'-0"

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Section

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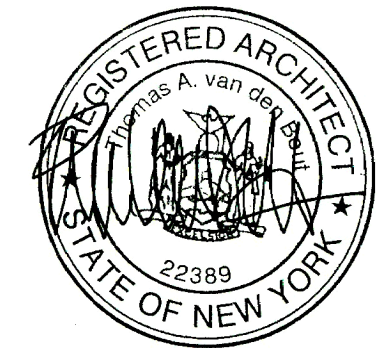
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130 Prince Street
New York, NY 10012

Prince Street Elevation

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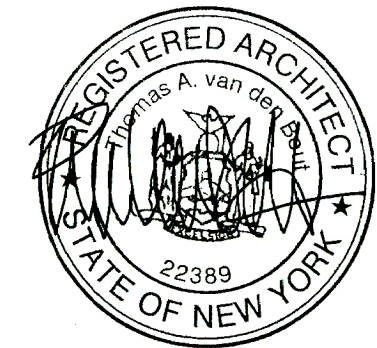
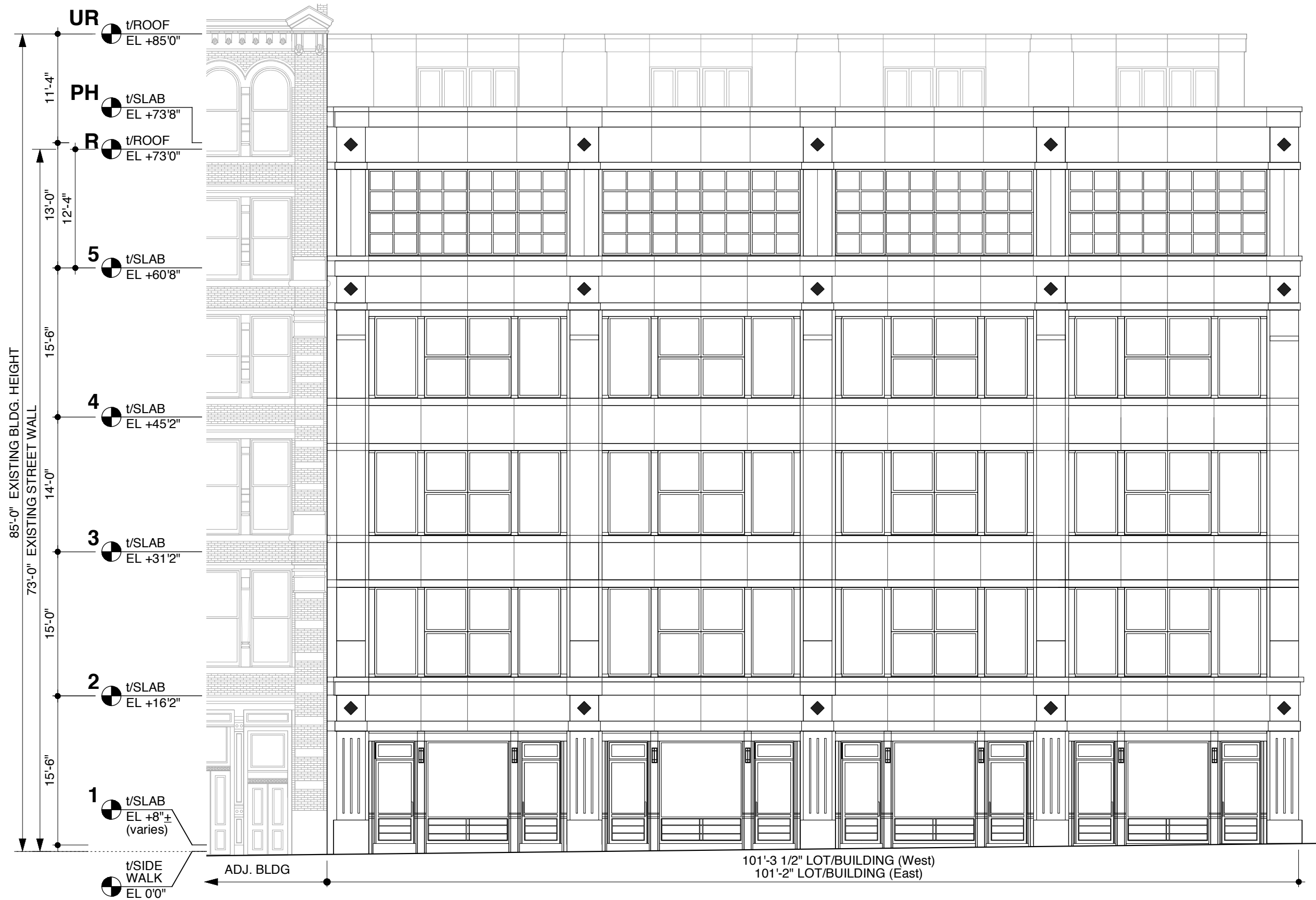
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	18 OF 19

1 PRINCE STREET ELEVATION
3/32" = 1'-0"

NOTE:
1. THIS DRAWING IS FOR ILLUSTRATIVE PURPOSES ONLY



NV/design.architecture
6 Maiden Lane Suite 500
New York 10038
phone 212.964.6070 fax 212.964.6072
www.nvda.com © 2010 NV I da, llc

NOTICE:
It is a violation of New York State law to alter plans, specifications or reports to which the seal of an architect has been applied. It is a violation of the law for any person, unless acting under the direction of a licensed architect, to alter an item in any way. If the item bearing the seal of an architect is altered, the altering architect shall affix to his item his seal and the notation "altered by" followed by his signature and the date of such alteration, and a specific description of that alteration.

130 Prince Street
New York, NY 10012

Wooster Elevation

	REV#	ISSUE	DATE

DCP-011.00

DATE: 02.26.14

NYC DOB NUMBER	PRI
	Scale: As Noted
	19 OF 19

1 WOOSTER STREET ELEVATION
3/32" = 1'-0"

**HISTORIC AND CULTURAL
RESOURCES APPENDIX**

THE CITY OF NEW YORK



DEPARTMENT OF BUILDINGS ALT 1435/86
CERTIFICATE OF OCCUPANCY

BOROUGH MANHATTAN

DATE FEB 11 1997 NO. 11206415000

ZONING DISTRICT M1-5A

This certificate supersedes C.O. NO. ~~11206415000~~
 THIS CERTIFIES that the ~~new~~ altered ~~existing~~ building premises located at
 128-130 PRINCE STREET SWC WOOSTER STREET Block 501 Lot 15,19

CONFORMS SUBSTANTIALLY TO THE APPROVED PLANS AND SPECIFICATIONS AND TO THE REQUIREMENTS OF ALL APPLICABLE LAWS, RULES, AND REGULATIONS FOR THE USES AND OCCUPANCIES SPECIFIED HEREIN.

PERMISSIBLE USE AND OCCUPANCY

STORY	LIVE LOAD LBS PER SQ. FT.	MAXIMUM NO. OF PERSONS PERMITTED	ZONING DWELLING OR ROOMING LIMITS	BUILDING CODE HABITABLE ROOMS	ZONING USE GROUP	BUILDING CODE OCCUPANCY GROUP	DESCRIPTION OF USE
128-136 PRINCE STREET (LOT 15 & 19)							
CELLAR	O.G.	20			16	C	WHOLESALE ESTAB- LISHMENT STORAGE
1ST FLOOR	100	70			16	C	WHOLESALE ESTAB- LISHMENTS FIRST FLOOR LOBBY
2ND FLOOR	75	70			6	F-3	ART GALLERIES
3RD FLOOR	50	70			6	E F-3	BUSINESS OFFICE/ ART GALLERIES
4TH FLOOR	50	70			6	E F-3	BUSINESS OFFICE/ ART GALLERY
5TH FLOOR	50	70			6	E	BUSINESS OFFICES
PENTHOUSE	50	17			6	E	BUSINESS OFFICES
NEW CODE							
THIS CERTIFICATE OF OCCUPANCY MUST BE POSTED WITHIN THE BUILDING IN ACCORDANCE WITH THE RULES OF THE DEPARTMENT PROMULGATED MARCH 31ST, 1967.							

OPEN SPACE USES _____ (SPECIFY—PARKING SPACES, LOADING BERTHS, OTHER USES, NONE)

M.C.G. NO CHANGES OF USE OR OCCUPANCY SHALL BE MADE UNLESS
 A NEW AMENDED CERTIFICATE OF OCCUPANCY IS OBTAINED
 THIS CERTIFICATE OF OCCUPANCY IS ISSUED SUBJECT TO FURTHER LIMITATIONS, CONDITIONS AND
 SPECIFICATIONS NOTED ON THE REVERSE SIDE.

Romy A. Aron, P.E.
 BOROUGH SUPERINTENDENT

Austin Silver, R.A.
 COMMISSIONER

ORIGINAL OFFICE COPY - DEPARTMENT OF BUILDINGS COPY

THAT THE ZONING LOT ON WHICH THE PREMISES IS LOCATED IS BOUNDED AS FOLLOWS:

BEGINNING at a point on the SWC side of WOOSTER STREET
 distant 0 feet from the corner formed by the intersection of
 WOOSTER STREET and PRINCE STREET
 running thence SOUTH 101'-0" feet; thence WEST 125'-0" feet;
 thence NORTH 101'-0" feet; thence WEST 125'-0" feet;
 thence to the point or place of beginning.

X ~~PER~~ ALT. No. 1435/86 DATE OF COMPLETION 10/22/96 CONSTRUCTION CLASSIFICATION CLASS 1 FIREPROOF
 BUILDING OCCUPANCY GROUP CLASSIFICATION BUSINESS HEIGHT 5 STORIES 74'-6" FEET

THE FOLLOWING FIRE DETECTION AND EXTINGUISHING SYSTEMS ARE REQUIRED AND WERE INSTALLED IN COMPLIANCE WITH APPLICABLE LAWS.

	YES	NO		YES	NO
STANDPIPE SYSTEM	X		AUTOMATIC SPRINKLER SYSTEM		
YARD HYDRANT SYSTEM					
STANDPIPE FIRE TELEPHONE AND SIGNALLING SYSTEM					
SMOKE DETECTOR					
FIRE ALARM AND SIGNAL SYSTEM	X				

STORM DRAINAGE DISCHARGES INTO:

- A) STORM SEWER B) COMBINED SEWER C) PRIVATE SEWAGE DISPOSAL SYSTEM

SANITARY DRAINAGE DISCHARGES INTO:

- A) SANITARY SEWER B) COMBINED SEWER C) PRIVATE SEWAGE DISPOSAL SYSTEM

LIMITATIONS OR RESTRICTIONS:

BOARD OF STANDARDS AND APPEALS CAL. NO. _____

CITY PLANNING COMMISSION CAL. NO. _____

OTHERS: _____

ENVIRONMENTAL REVIEW

Project number: DEPARTMENT OF CITY PLANNING / 77DCP126M

Project:

Address: 130 PRINCE STREET, **BBL:** 1005010015

Date Received: 3/11/2014

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 of 2/14/14. The text is acceptable for historic and cultural resources.



3/19/2014

SIGNATURE

Gina Santucci, Environmental Review Coordinator

DATE

File Name: 29308_FSO_GS_03192014.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 NO EFFECT

ISSUE DATE: 04/23/13	EXPIRATION DATE: 04/13/2017	DOCKET #: 140421	CNE #: CNE 14-3257
ADDRESS 130 PRINCE STREET HISTORIC DISTRICT SOHO-CAST IRON		BOROUGH: MANHATTAN	BLOCK/LOT: 501 / 15

Display This Permit While Work Is In Progress

ISSUED TO:

**Grant Greenspan
 Kaufman Organization
 450 Seventh Avenue
 Suite 1905
 New York, NY 10123**

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 April 1, 2013.

The approved work consists of restorative work, including removing non-historic windows at the second through fourth floors of the primary facade and installing black painted steel multi-light windows, with fixed upper and lower sashes and an intermediate hopper sash to match the historic configuration and operation; and repair of the primary and secondary west masonry facades, including cleaning, repointing and replacing deteriorated brickwork, and removal and resetting of the parapet coping; as shown in an undated "Existing Conditions Survey" prepared by NV/design.architecture PLLC, and written specifications and drawings G101, Z101, and A304, dated 01/29/13; A101 through A104, A201c, and A203, dated 03/28/13; prepared by Thomas A. van den Bout, R.A., and submitted as components of the application.

In reviewing the proposal, the Commission notes that the SoHo-Cast Iron Historic District Designation Report describes 130 Prince Street, aka 130-136 Prince Street, as a garage building built in 1925; and that in terms of its style, scale, materials, and details, the building contributes to the special architectural and historic character for which the SoHo-Cast Iron Historic District was designated. The Commission further notes that Certificate of Appropriateness 14-1080 (LPC 14-0422) was issued for removing the existing

storefront infill and stone cladding at the ground floor; re-cladding the facade with brick to match the historic brick; creating new masonry openings of varied sizes and installing new storefront infill and stone steps and paving at the recessed masonry openings; installing globe lights at the brick piers and a five foot diameter steel circular bracket sign with a black finish at the approximate historic location; and installing a strip of contrasting color within the concrete sidewalk; and that Modification of Use 14-3258 (LPC 13-9203) is being issued in conjunction with this Certificate of No Effect.

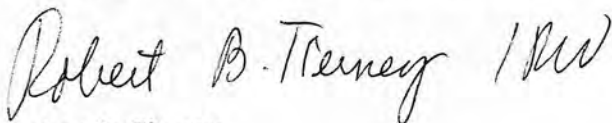
With regard to this proposal the Commission finds, in accordance with the provisions set forth in RCNY, Title 63, Section 3-04 (c), that the new windows at the primary facade will match the historic windows in terms of configuration, operation, details, material, and finish. The Commission also finds that the proposed brick will match the historic brick in terms of size, color, texture, and bond pattern; that the existing joints will be raked by hand or by a method that will not cause damage to the surrounding brick; that the proposed mortar will match the historic mortar in terms of size, color, texture, and tooling; that the cleaning of the facades will be done in the gentlest effective method without causing damage to the masonry; that the water pressure will not exceed 500 psi; and that the proposed work will protect the building's facade and structure from future damage due to water infiltration and aid in the long term preservation of the building.

PLEASE NOTE: this permit is contingent upon the Commission's review and approval of samples of replacement brick, masonry cleaning, joint cutting method(s), and pointing, prior to the commencement of work. Samples should be installed adjacent to clean, original surface(s) being repaired; allowed to cure; and cleaned of residue. Submit digital photographs of all samples to rwong@lpc.nyc.gov for review. This permit is also contingent on the understanding that the work will be performed by hand and when the temperature remains a constant 45 degrees Fahrenheit or above for a 72 hour period from the commencement of the work.

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 Rita Wong.



Robert B. Tierney
Chair

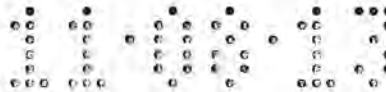
PLEASE NOTE: PERFORATED DRAWINGS AND A COPY OF THIS PERMIT HAVE BEEN SENT TO:
Mark Ferdie Villasin, NV/design.architecture PLLC

cc: Cory Scott Herrala, Senior Technical Advisor



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



November 8, 2013

ISSUED TO:

**Grant Greenspan
 Kaufman Organization
 450 Seventh Avenue
 Suite 1905
 New York, NY 10123**

Re: **MISCELLANEOUS/AMENDMENTS**
 LPC - 149079
 MISC 15-0789
 130 PRINCE STREET
HISTORIC DISTRICT
 SOHO-CAST IRON
 Borough of Manhattan
 Block/Lot: 501 / 15

Pursuant to Section 25-307 of the Administrative Code of the City of New York, the Landmarks Preservation Commission issued Certificate of Appropriateness 14-1080 (LPC 14-0222) on February 22, 2013, approving a proposal for removing the existing storefront infill and stone cladding at the ground floor, recladding the facade with brick to match the historic brick; creating new masonry openings and installing new storefront infill; installing globe lights and a steel circular bracket sign; and installing a strip of contrasting color within the concrete sidewalk. Additionally, the Commission issued Miscellaneous/Amendment 14-2293 (LPC 14-2366) on March 28, 2013 to correct the owner information which was erroneously indicated on the permit. Copies of Certificate of Appropriateness 14-1080 and Miscellaneous/Amendment 14-2293, which approved this work, are appended.

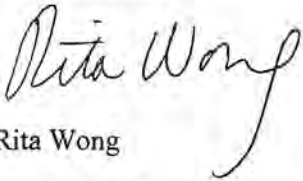
Subsequently, on September 24, 2013, the Commission received a proposal for an amendment to the work approved under that permit. The proposed amendment consists of modifying the scope of work to include adding an aluminum horizontal stabilizer bar between the transom and storefront entrance doors; reducing the height of the single glazed doors at the two outer bays to include a frameless glass transom above; modifying the bracket of the exterior sconces to include a fitter piece below the lamp; and reducing the size of the circular bracket sign from a 60" diameter to a 38" diameter to conform to the requirements of the Zoning Resolution and Building Code for the projection of a bracket sign and armature from the building's facade; as shown in product specifications, a section detail of a door rail prepared by C.R. Laurence Architectural Products, and drawings A202b, A303, and A305 dated 09/10/13, prepared by Thomas A. van den Bout, R.A.

Accordingly, the Commission reviewed the drawings and finds that the modification of the proposed doors will be modest in scope and will have little impact on the composition of the storefront infill; that the projection of the bracket sign and armature beyond the property line conforms to the requirements of the Zoning Resolution and Building Code, and shall not extend more than 40 inches from the facade in districts that were historically manufacturing or industrial in character; that these modifications will not detract from the special architectural or historic character of the building or district; and that the revised scope of work is in keeping with the intent of the

original approval. Based on these findings, Certificate of Appropriateness 14-1080 is hereby amended.

This amendment is issued on the basis of the building and the site conditions described in the application and disclosed during the review process. By accepting this permit, the applicant agrees to notify the Commission if 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 during the review process.

All approved drawings are marked approved by the Commission with a perforated seal indicating the date of the approval. The approved work is limited to what is contained in the perforated documents. Other work 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 amendment; a copy must be prominently displayed at the site while work is in progress. Any additional work or further amendments must be reviewed and approved separately. Please direct inquiries regarding this property to Rita Wong, Landmarks Preservationist.



Rita Wong

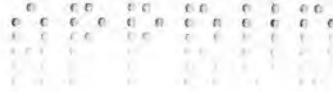
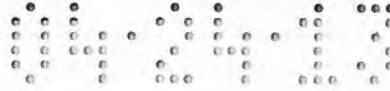
cc: Cory Scott Herrala, Senior Technical Advisor



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



April 24, 2013

ISSUED TO:

Amanda Burden, Chair
City Planning Commission
22 Reade Street
Suite 1905
New York, NY 10007

Re: LPC - 139203
MOU 14-3258
130 PRINCE STREET
HISTORIC DISTRICT
SOHO-CAST IRON
Borough of Manhattan
Block/Lot: 501 / 15

At the Public Meeting of January 22, 2013, following the Public Hearing of the same date, the New York City 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 a Modification of Use ("MOU"), seeking to modify Section 42-14 of the zoning resolution, at the building located at 130 Prince Street, aka 130-136 Prince Street, Manhattan, Block 501, Lot 15 ("the Designated Building") to permit Use Group 6 (retail use) at the ground floor and cellar of the Designated Building. The Designated Building consists of a garage building built in 1925. 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 facade 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; 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 removing the existing storefront infill and stone cladding at the ground floor, recladding the facade with brick to match the historic brick with a modified brick soldier course above the masonry openings and a cast stone string course below the second floor window sills; creating new masonry openings of varied sizes and installing new storefront infill, both flush and recessed within the masonry openings; featuring display windows and entrance doors framed in black finished metal;

recessed lighting within the soffits of the openings, and stone steps and paving at the recessed masonry openings; installing globe lights at the brick piers and a five foot diameter steel circular bracket sign with a black finish at the approximate historic location; and installing a strip of contrasting color within the concrete sidewalk; as described in Certificate of Appropriateness 14-1080 (LPC 14-0422) dated February 22, 2013. The applicant also agreed to perform restorative work described in Certificate of No Effect 14-3257 (LPC 14-0421), including replacement of the front facade windows at the second through fourth floors with black painted steel multi-light windows, with fixed upper and lower sashes and an intermediate hopper sash to match the historic configuration and operation; and repair of the front and secondary west masonry facades, including cleaning, repointing and replacing deteriorated brickwork, and removal and resetting of the parapet coping.

In reaching a decision to grant the Certificate of Appropriateness, the Commission reviewed the proposed work and found that the removal of the existing storefront infill and stone cladding will not eliminate any significant historic fabric; that recladding the facade in brick and reinstalling a stone string course will restore missing architectural details and features and will return the building closer to its original appearance; that the proposed asymmetric masonry openings, in varying sizes and with a combination of flush and recessed infill, will recall the historic openings at the base of this former garage building; that the design of the proposed storefront infill, with simply detailed large display windows and minimal framing, will recall the transparency of the former open garage doors and will be compatible with the utilitarian character of the historic garage building; that, in conjunction with the restored facade, the proposed storefront infill will help reconnect the altered base to the historic facade above and restore its distinction from the adjacent building to the east; and that the proposed scope of work will enhance the appearance of the building and the special architectural and historic character of the street and of the Soho-Cast Iron Historic District. Based on these findings, the Commission determined the work to be appropriate to the building and to the SoHo-Cast Iron Historic District and voted to approve this application.

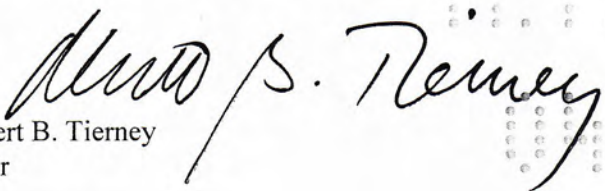
In reaching a decision to issue a favorable report to the CPC, the LPC found that the restorative work approved pursuant to Certificate of No Effect 14-3257 (LPC 14-0421), will bring the building up to a sound first-class condition and aid in its long term preservation; that the restorative work will restore missing features and will help return the building closer to its original appearance; 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 Landmarks Preservation Commission 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 Rita Wong.



Robert B. Tierney
Chair

cc: Cory Scott Herrala, Senior Technical Advisor; John Weiss, Deputy
Counsel; Grant Greenspan, Kaufman Organization

PRINCE STREET-SOHO, LLC

DECLARATION

Dated: _____, 2013

Location: Block 501 Lot 15
130 Prince Street
New York County, New York

Record & Return to:

Deirdre A. Carson, Esq.
Greenberg Traurig, LLP
200 Park Avenue
New York, New York 10166

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DECLARATION made as of the ____ day of _____, 2013 by PRINCE STREET-SOHO, LLC, a Delaware limited liability company, having an address at Three Galleria Tower, 13155 Noel Road, Suite 500, Dallas, Texas 75240 (the "Declarant"):

WITNESSETH:

WHEREAS, Declarant is the owner in fee simple of certain real property located in the Borough of Manhattan, City, County and State of New York, which property is designated as Block 501, Lot 15 on the Tax Map of the City of New York and by the street address 130 Prince Street, and is more particularly described on Exhibit A attached hereto (the "Subject Property") and on which is located a 5 story plus penthouse and cellar 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"), more particularly described in Exhibit A attached hereto; and

WHEREAS, Royal Abstract of New York LLC (the "Title Company"), a title company, has certified as of January 8, 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, as of the date hereof, the Title Company has determined there has been no change in the certification attached as Exhibit B and Declarant represents and warrants that the Parties in Interest listed in Exhibit B are the only known Parties in

Interest in the Subject Premises as of the date hereof; and

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 the SoHo-Cast Iron Historic District (the "Historic District"); and

WHEREAS, Declarant at the public hearing on January 22, 2013 requested the LPC issue a report to the City Planning Commission of the City of New York (the "CPC") for a special permit (the "Special Permit") under Section 74-711 of the Zoning Resolution to modify Section 42-14 of the Zoning Resolution, with respect to conforming uses within an M1-5A zoning district, to allow Use Group 6 retail use in the ground floor and cellar of the Subject Premises; and

WHEREAS, at such 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 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.

ARTICLE I: 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 5 story plus penthouse and cellar structure located on Tax Block 501, Lot 15 in New York County, which is a contributing structure in the 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.

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 below the level of the second story of 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.

ARTICLE II: DEVELOPMENT, PRESERVATION, REPAIR AND MAINTENANCE OF THE SUBJECT PROPERTY

2.1 Certificate of Occupancy.

a) The issuance of the Special Permit is premised on, inter alia, the performance and/or 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"):

(i) Sidewalks: A section of existing concrete will be removed as required as part of the removal of the non-original storefront and replaced with a new sidewalk section which will be poured in two sections and in two tones to relate to the small band of original granite which exists at the westernmost 25' of Prince Street. New granite stone topping to match original sidewalk. The new shades of concrete will be subject to the approval of LPC. Existing stone topping is to be removed for replacement. Existing granite historical sidewalk to remain. New granite stone band to match original stone sidewalk, and stone joints are to align with existing joints. Granite stone topping to match original sidewalk with sloped top 1/4" per 12" minimum. Sidewalk to be repaired as required, with minimum 4" topping slab over waterproof membrane.

(ii) Storefront / Storefront Infill: Remove cast stone walls, granite accents with decorative metal and glass window and door assemblies and restore original material, detail with new minimal glass infill at reconstructed opening. All brick and cast stone material are to match existing type, color, surface texture, coursing, size

and/or other visual characteristics relating to aesthetic effects. Mortar is to be of hydrated lime and aggregate that matches the existing in size, texture, color gradation and joint type. Water used is to be free of oils, acids, alkalis, and organic matter. Align edge of certain storefront windows with edges of existing window openings above. Align first floor stair door with 2nd-4th floor windows. Storefront is to have open metal frame, welded ground-smooth painted white signage frame, exterior sconce by Sun Valley Lighting, and bracket sign center on transom. On storefronts, height of cast stone is to match height of existing stone band, drip mold flashing will be painted to match window frame and roll-up gate will be “Alumatik Model AV-VENT Panel” by Lawrence Doors or architect-approved equivalent. Metal panel soffit is to be painted black, new exterior downlights to be installed and granite stone step is to match original sidewalk with sloped top 1/4” per 12”.

(iii) Windows: All windows on the main facade of 130 Prince Street on the second, third and fourth floors, currently multi-lite windows made of vinyl, which operate as a single leaf casement, are to be removed and replaced with custom-fit steel windows with historically accurate 4x5 (20 pane) configuration. An operable hopper of the same size and configuration as the original pivot section will be installed. The new windows will be painted black to match the original color. The glazing will be insulated glass. Storefront windows to have GWB furring on 1 5/8” stud with 2’ rigid foil faced polyiso insulation R-13, tempered double-glazed clear glass, and new brick to match above including mortar color. Open metal frame, welded ground-smooth painted white signage frame behind glass to be installed.

(iv) Exterior Masonry: Approximately five percent (5%) of the brickwork will require re-pointing. Any masonry that is chipped, loose, broken or otherwise damaged will be removed. Existing units are to be reset and reused, and units to be replaced are to match adjacent units in color, texture, dimension, and other visual qualities that relate to aesthetic effect. Units are to be installed in fresh mortar, and pointed to eliminate evidence of replacement. At the end of each day, a dry, non-metallic brush is to be used to remove mortar from any masonry faces. Loose and defective mortar is to be removed, and joints are to be cleaned thoroughly back to sound mortar, using hand-held tools only. Precautions will be made to avoid damaging surrounding masonry units. Mortar is to be of hydrated lime and aggregate that matches the existing mortar in size, texture, color gradation and joint type. Water used is to be free of oils, acids, alkalis, and organic matter. Any voids or holes, except weep holes, are to be minimally enlarged and filled with mortar. All joints including comers, openings and adjacent work are to be pointed-up in order to provide a neat and uniform appearance. The exterior masonry must be cleaned in an orderly manner from top to bottom, and from one end of each elevation, within each building segment to the other, to remove moderate water stains from the roof line at various points. This procedure is to be performed in a manner that results in a clean and uniform surface that is clear of streaks, and does no damage to the masonry surface. Only areas that are soiled or stained are to be cleaned using the gentlest means possible. Employ a low-pressure water wash at first, then supplement with a lid detergent only if required. Cleaning methods will be tested on a sample surface for review and approval by architect and LPC before any cleaning may proceed further. All adjacent surfaces are to be protected from contact with cleaning

agents. Sprayers are not to exceed 80PSI and should not be held against the masonry surface, but rather held perpendicular.

(v) Coping and Waterproofing: The existing masonry coping is to be removed and reset with a pitch to the interior of the property, because the original brick masonry at 130 Prince Street is streaked with water stains from improperly set coping stones and joints, as the coping pitches water onto the building facade rather than onto the roof and the joints between the coping segments further concentrate dirt and add to the strength of the staining. The coping joints will be re-painted and pitched to drain to the interior of the property. Recommendations for pointing are as per the previous section.

(vi) Enlargement Portion – 128 Prince Street: The cast stone facade must be cleaned to remove minor water staining and some graffiti in an orderly manner from top to bottom, and from one end of each elevation, within each building segment, to the other. This procedure is to be performed in a manner that results in a clean and uniform surface that is clear of streaks, and does no damage to the masonry surface. Only areas that are soiled or stained are to be cleaned using the gentlest means possible. Employ a low-pressure water wash at first, then supplement with a lid detergent only if required. Cleaning methods will be tested on a sample surface for review and approval by architect and LPC before any cleaning may proceed further. All adjacent surfaces are to be protected from contact with cleaning agents. Sprayers are not to exceed 80PSI and should not be held against the masonry surface, but rather held perpendicular.

b) 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; (ii) obtaining permits or building notices from the Building's Department to perform work of any sort, including, without limitation, tenant work, in the Designated Structure prior to the completion of the Landmark Work; or (iii) entering into agreements affecting all or any portions of the space in the Designated Structure prior to completion of the Landmark Work.

2.2 Preservation, Repair and Maintenance.

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 masonry portions of the building, including but not be limited to:
 - a) All walls;
 - b) Foundations;
 - c) All brick, and mortar joints;
 - d) Lintels, stone sills;
 - e) Paved areas, sidewalks;
 - f) Parapet, coping and corbelling;
 - g) Window and door openings;
 - h) Penthouse structures;
 - i) Caulking where necessary;
 - j) Decorative cast stone;
- 2) All windows (sash and frames) and doors;
- 3) All metal work including cast iron and cornices;
- 4) All areas of the roof, flashing, drainage and rainwater systems;
- 5) All skylights, marquees and awnings;
- 6) All mechanical systems and equipment, including but not limited to:

- a) Plumbing;
 - b) Electrical and lighting fixtures;
 - c) Heating and air conditioning;
 - d) Elevators.
- 7) Storefront infill; and
 - 8) Any nonmetal cornices.

(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, repainting 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.

ARTICLE III: 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, Declarant shall be released from its liability thereunder.

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.

3.2 Board.

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.

3.3 Condominium Declaration.

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. **In addition, every deed, lease, the offering plan, and by-laws shall include the following language: This building is obligated by a restrictive declaration to be maintained in a sound, first-class condition in perpetuity. This obligation includes a thorough inspection of the building every five years and the preparation of an existing conditions report that shall be submitted to the Landmarks Preservation Commission. All work identified in the existing conditions report as necessary to maintain this building in a sound, first-class condition must be expeditiously undertaken.**

ARTICLE IV: EFFECT AND ENFORCEMENT

4.1 Effective Date.

(a) 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.

(b) 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 such event, if 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.

4.2 Filing and Recording.

Declarant shall file and record this Declaration at its sole cost and expense in the Register's Office immediately upon the Effective Date and shall index it against the Subject Property. Declarant shall 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 Use Group 6 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 Acknowledgment 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. The restrictions, covenants, easements, obligations and agreements shall be covenants running with the land enforceable by the City, 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 other 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, provided that in no event shall this Declaration be deemed effective in the event that all or any portion of the Special Permit is deemed or decreed unlawful.

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, 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 Subordination.

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.

ARTICLE V: 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.

Notwithstanding Section 5.1 hereof, 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 all or any portion of the Designated Structure for a Special Permit Use, or in the event that the Special Permit had lapsed under Section 11-42 of the Zoning Resolution, 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. In either of such events, 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.

ARTICLE VI: 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 the Declarant to Prince Street-SOHO, LLC, c/o Invesco Advisers, Inc., Three Galleria Tower, 13155 Noel Road, Suite 500, Dallas, Texas 75240; if intended for the CPC, to the CPC at 22 Reade Street, New York, New York 10007-1216 (or then-official address), Att: Chairperson; if intended for the LPC, to the LPC at 1 Centre Street, 9th Floor, New York, New York 10007 (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 6.2, 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, by commercial overnight delivery, 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 the following day if sent by overnight delivery, 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.

6.4 Enforcement.

Declarant acknowledges that the City of New York is an interested party to this Declaration and consents to enforcement solely by the City of New York, and by no other party, administratively, or at law or equity, of the restrictions, covenants, obligations, easements and agreements contained herein.

[SIGNATURE PAGE FOLLOWS]

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

DECLARANT

PRINCE STREET-SOHO, LLC, a Delaware
limited liability company

By: _____
Name:
Title:

Out of State:

STATE OF)
) ss.
COUNTY OF)

On the ____ day of _____, 201__, before me,
_____ the undersigned, personally appeared
_____, personally known to me or proved to me on the
basis of satisfactory evidence to be the individual whose name is subscribed to the within
instrument and acknowledged to me that he executed the same in his capacity, that by his
signature on the instrument, the individual, or person upon behalf of which individual
acted, executed the instrument, and that such individual make such appearance before the
undersigned in the

_____.

(add the city or political subdivision and the state or country or other place where the
acknowledgment was taken).

Notary Public

In New York State:

STATE OF NEW YORK)
) ss.
COUNTY OF)

On the ____ day of _____, 201__, before me, the undersigned, personally
appeared _____, personally known to me or proved
to me on the basis of satisfactory evidence to be the individual whose name is subscribed
to the within instrument and acknowledged to me that he executed the same in his
capacity, and that by his signature on the instrument, the individual, or person upon
behalf of which individual acted, executed the instrument.

Notary Public

SCHEDULE OF EXHIBITS

- Exhibit A - Metes and Bounds of Subject Property
- Exhibit B - Certification of Parties In Interest
- Exhibit C - Certificate of Appropriateness

Exhibit A
Metes and Bounds of Subject Property

ALL THAT CERTAIN plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Manhattan, County of New York, City and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the westerly line of Wooster Street with the southerly line of Prince Street;

RUNNING THENCE southerly along the westerly line of Wooster Street, 101 feet 3 1/2, inches;

THENCE westerly along a line forming an angle of 89 degrees 42 minutes 30 seconds on its northerly side with the preceding course, 125 feet 0 inches;

THENCE northerly along a line forming an angle of 90 degrees 17 minutes 30 seconds on its easterly side with the preceding course, 101 feet 2 inches to a point in the southerly line of Prince Street;

THENCE easterly along the southerly line of Prince Street, 125 feet 0 inches to the point or place of BEGINNING.

For Information Only: Said premises are known as 130-136 Prince Street and 128 Prince Street a/k/a 123 Wooster Street, New York, NY and designated as Block 501 Lot 15 as shown on the Tax Map of the City of New York, County of New York.

Exhibit B
Certification of Parties in Interest
(Immediately Follows)

Exhibit C
Certificate of Appropriateness
(Immediately Follows)

HAZARDOUS MATERIALS APPENDIX

SUMMARY

130 Prince
130 Prince Street

New York City, New York County, New York

On behalf of Prince Street - Soho, LLC, Invesco has engaged Targus Associates, LLC (Targus) to perform a Phase I Environmental Site Assessment (ESA) and Additional Services of 130 Prince, located at 130 Prince Street in New York City, New York County, New York (subject property). The subject property encompassed approximately 0.3 acres of land and was improved with one five-story mixed-use building with a basement and penthouse suite, providing approximately 90,000 rentable sf. Originally constructed in 1925, the subject property was expanded and rebuilt in 1986-1989. The subject property was occupied by M.A.C. Cosmetics Headquarters, and various retail tenants, as listed in Section 2.3. The subject property was located in an area characterized by mixed-use commercial, retail, and residential buildings.

Based on the information obtained to date, Targus conclusions and recommendations are as follows:

- The results of Targus' subject property and area reconnaissance did not indicate *recognized environmental conditions* associated with current subject property or surrounding land use. Review of historical and regulatory agency information did not indicate on-site or off-site sources of *recognized environmental conditions* associated with the current or historical subject property or surrounding land use.
- Targus conducted additional services in accordance with the proposed scope of work, including the assessment of those enumerated in section 11.0.

ASTM Issues

Targus has performed a Phase I ESA of 130 Prince, located at 130 Prince Street in New York City, New York County, New York in general conformance with the scope and limitations of ASTM Practice E 1527-05. Exceptions to, or deletions from, this practice are described in Section 10.0 of this report.

Based upon the information obtained, as reflected in this report, this assessment has revealed no evidence of *recognized environmental conditions* in connection with the subject property.

Non-ASTM Issues

In accordance with the proposed scope of work, Targus conducted additional services as discussed in Section 11.0 of this report. Based on Targus' understanding of the client's objectives, risk tolerance, and future plans for the subject property, with the exception of asbestos, this assessment/review did not identify any *business environmental risk* associated with the additional services performed. Results of a limited

asbestos survey detected asbestos in select samples collected from damaged brick surfacing in the stairwells, mechanical rooms, and basement. The ACM can be managed in place under the Invesco asbestos policy, provided that repair of damaged areas or protection of materials susceptible to damage is conducted early in the hold period.

This summary is for convenience only and should not be relied upon without first reading the full contents of this report, including appendix materials.



April 17th, 2014

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

**Re: 130 Prince Street
Block 501, Lot 15
CEQR # 14DCP151M
Manhattan, New York**

Emily Lloyd
Commissioner

Angela Licata
*Deputy Commissioner of
Sustainability*

59-17 Junction Blvd.
Flushing, NY 11373

Tel. (718) 595-4398
Fax (718) 595-4479
alicata@dep.nyc.gov

Dear Mr. Dobruskin:

The New York City Department of Environmental Protection, Bureau of Environmental Planning and Analysis (DEP) has reviewed the March 2014 Environmental Assessment Statement (EAS) prepared by Compliance Solutions Services, LLC and the May 2012 Phase I Environmental Site Assessment Report (Phase 1) conducted by Targus Associates on behalf of Prince Street-SOHO 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) pursuant to Zoning Resolution (ZR) section 74-711 to modify use regulations. The proposed action would facilitate a proposal by the applicant to legalize retail use below the level of the second story in a building located at 130 Prince Street, in the SOHO neighborhood of Manhattan, Community District 2. The M1-5A Zoned property is developed with a five-story, penthouse, and cellar approximately 77,440.8 gross square foot (gsf) mixed-use commercial building. The building comprised of approximately 12,653.6 gsf UG 6 retail space and lobby area on the ground floor, approximately 12,653.6 gsf of cellar level space used for retail storage and building mechanicals and approximately 52,133.6 gsf of UG6 business office space on floors two through five and penthouse.

The May 2012 Phase I report revealed that historical on-site and surrounding area land uses consisted of a variety of residential, commercial and manufacturing uses including a cosmetics headquarters, several retail clothing establishments, various galleries, Exxon gas station, trading company, various printers and lithographers, hat company, filter company, plating works company, photo lab, various furniture companies, active minting and die company, trucking company, collision repair company, etc. It should be noted that small quantities of paint and cleaning supplies were observed in the janitor closets, mechanical rooms and basement. It should also be noted that the chemicals were in closed containers without apparent leakage or spills. The New York State Department of Environmental Conservation (NYSDEC) Spills

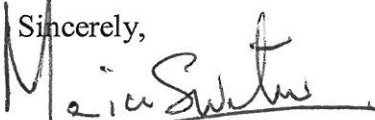
database identified 160 spills within a ½ mile radius of the project site. Based on the age of the subject building, there is the potential for asbestos containing materials (ACM) and lead based paints (LBP) could to be present in the on-site structure.

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

- The proposed modify use request to legalize retail use below the level of the second story in the on-site building would not result in any new subsurface disturbance, enlargements or expansion of existing structure. In addition, the proposed action would not result in changes to the existing occupancies of the existing building as part of this application. Therefore, DEP has no objective to the proposed action.
- DCP should inform the applicant that ACM suspected hazardous materials may be present in the on-site structure. These materials should be properly removed and or managed prior to any planned renovation or construction activities and disposed in accordance with all federal, state, and local regulations.

Future correspondence related to this project should include the following **CEQR # 14DCP151M**. If you have any questions, you may contact Maurice Winter at (718) 595-4514.

Sincerely,



Maurice S. Winter

Deputy Director, Site Assessment

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