



OFFICE OF ENVIRONMENTAL REMEDIATION

100 Gold Street – 2nd Floor
New York, New York 10038

Daniel Walsh, Ph.D.
Director

Tel: (212) 788-8841
Fax: (212) 788-2941

NOTICE TO PROCEED
DOB Job Number NB- 121181915

May 7, 2015

Martin Rebholz, R.A.
Manhattan Borough Commissioner
NYC Department of Buildings
280 Broadway, 3rd Floor
New York, NY 10007

**Re: 507-515 West 28th Street – Hazardous Materials, Air Quality & Noise “E” Designation
E-142: Block 700, Lots 27, 32, 34, 38, 42, 44 & 45, Manhattan CD 4
West Chelsea / Highline Rezoning - CEQR # 03 DCP 069M
OER Project # 13EHAN009M / NYC VCP Site # 13CVCP106M**


Dear Commissioner Rebholz:

The New York City Office of Environmental Remediation (OER) hereby issues a Notice to Proceed for the above-referenced Department of Buildings Job Number. This correspondence is provided pursuant to OER's responsibilities as established in Chapter 24 of Title 15 of the Rules of the City of New York and Section 11-15 of the Zoning Resolution of the City of New York. The Applicant has filed a Hazardous Materials remedial action work plan, Noise remedial action plan, and Air Quality remedial action plan that are acceptable to this Office and has prepared a Construction Health and Safety Plan for implementation on this project. OER's Decision Document that defines the remedial actions required for this project has been prepared and filed and is available on request.

At the conclusion of remedial activities required under this action, the Zoning Resolution and §24-07 of the Rules of the City of New York requires that OER issue a Notice of Satisfaction signifying that all remedial action requirements established for this project have been satisfied prior to issuance of the Certificate of Occupancy or Temporary Certificate of Occupancy by Department of Buildings.

If you have any questions or comments, please feel free to contact Samantha Morris at 212-341-2082.

Sincerely,


Shaminder Chawla
Deputy Director

cc: D. Walsh, S. Chawla, M. Bertini, PMA-OER
Kevin Lalezarian, Owner - kevin@lalezarian.com
Jason Hayes, Langan – jahayes@langan.com
Avinash Malhotra, R.A. - amalhotra@akmarch.com
Ryan Piper, DEC Spills - ryan.piper@dec.ny.gov
Michael MacCabe, DEC- mdmaccab@gw.dec.state.ny.us



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DECISION DOCUMENT

NYC VCP and E-Designation Remedial Action Work Plan Approval

May 7, 2015

Re: **507-515 West 28th Street – Hazardous Materials, Air Quality & Noise “E” Designation**
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West Chelsea / Highline Rezoning - CEQR # 03 DCP 069M
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The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated February 2013 with Stipulation Letter dated May 7, 2015 and the Remedial Action Plan for Air Quality and Noise dated February 2015 for the above-referenced project. These Plans were submitted to OER under the NYC Voluntary Cleanup Program and E-Designation Program.

The RAWP was released for public comment for 30 days as required by program rule. That comment period ended on March 7, 2013. There were no public comments.

Project Description

The proposed future use of the Site consists of a mixed-use residential and commercial development with one cellar level. A layout of the proposed site development is presented in Figure 3 and additional proposed development plans are provided in Appendix 2. The current zoning designation is C6-4 and C6-3. Zoning C6 districts permit a wide range of high-bulk commercial uses requiring a central location such as corporate headquarters, large hotels, department stores and entertainment facilities in high-rise mixed buildings. The proposed use is consistent with existing zoning for the property.

The proposed development, referred to as the High Line 28-29 development, will consist of two 13-story buildings and one 35-story building that connect at the ground floor and share a common atrium. There will also be 1-story retail commercial space beneath the High Line structure. The 35-story building will be located along 10th Avenue. One 13-story building will be located on West 28th Street and another 13-story building will be located on West 29th Street. Cellar excavation and foundation installation for the three towers is expected to extend to or into the groundwater table.

The buildings are anticipated to include a total of 375 apartments with gross building area divided into: 338,527 sqft residential, 20,513 sqft of commercial, 17,817 sqft of ventilated parking garage and 2,858 sqft of bike storage. There are no landscaped areas planned for the site; the entire area will be covered by impervious cover (e.g., concrete building slab). Details on each building are provided below.

West 29th Street Tower

The proposed building along W 29th Street will have an approximately 10,370 square-foot cellar with top of foundation slab at approximately el -0.25 (approximately 12 ft below sidewalk grade [bsg]). Excavation will extend to approximately el -1.5 to accommodate the slab and a likely several inches of sub-base material (i.e. gravel, concrete, etc). Pile cap excavation will continue to approximately el -4.5 and excavation for the elevator pit located along the eastern cellar wall of the building will continue to approximately el -11. To minimize the

need for risky underpinning, the cellar will be off-set ten feet from the property line on the western boundary of Lot 45 and the eastern border of Lot 42. The proposed cellar setbacks will be excavated down to approximately four feet deep to accommodate foundation components. The cellar use will include:

- mechanical rooms (gas meter room, fire pump water meter, electrical room, compactor room, boiler room, HVAC room, swimming pool filtration) throughout,
- building storage along the western wall, and
- tenant recreation room in the southwestern corner.

The first floor area above the cellar setback will be a ventilated parking garage along the western property boundary and a mechanical room, stairwell and hallway along the eastern property boundary.

West 28th Street Tower

The proposed building along W 28th Street will have an approximately 7,590 square-foot cellar with top of foundation slab at approximately el +0.31 (approximately 12 ft bsg). Excavation will extend to approximately el - 1.0 to accommodate the slab and likely several inches of sub-base material. Pile cap excavation will continue to approximately el -4.5 and excavation for the elevator pit located along the western cellar wall of the building will continue to approximately el -12.5. Additionally, excavation for the proposed swimming pool will extend to el - 4.7. The cellar use will include:

- fitness room, stretching area, and bathroom in the southeastern corner,
- bathroom and compactor room in the southwestern corner, and
- recreation and swimming pool area in the northern portion.

10th Avenue Tower

The proposed building along 10th Avenue will have an approximately 8,875 square-foot cellar with top of foundation slab at approximately el 2.8 (approximately 11 ft bsg). Excavation will extend to approximately el 1.5 to accommodate the slab and likely several inches of sub-base material. Excavation for the matt foundation component will continue to approximately el -7.5 and will extend across more than 50% of the building footprint. To minimize the need for risky underpinning, the cellar will be off-set approximately ten feet from the southern property line of Lot 32. This setback will be excavated down to approximately four feet deep to accommodate foundation components. The cellar use will include:

- retail storage in the southwestern corner of the cellar,
- boiler room, gas meter room and fire pump room along the eastern wall of the cellar, and
- electrical room and telecommunications room in the northwestern corner of the cellar.

The first-floor area above the cellar setback will include a mechanical room, storage, and a stairwell exit.

Commercial Building under High Line

The proposed building underneath the High Line will have a footprint of approximately 9,030 square feet. No cellar level is proposed for the building underneath the existing High Line and excavation will extend down to approximately el 9 (approximately 4 ft bsg) to accommodate installation of foundation components. Deeper excavation for remedial work will occur as practicable. The building beneath the High Line will be used for commercial retail.

The following are square footages for the various components of the project:

- The footprint of the site is 39,050 sqft
- The footprint of the W 29th Street tower cellar is 10,280 sqft (26% of site)
- The footprint of the W 28th Street tower cellar is 7,590 sqft (19% of site)
- The footprint of the 10th Avenue tower cellar is 8,875 sqft (23% of site)
- The footprint of the at-grade commercial building beneath the High Line is 9,330 sqft (24% of site)
- The footprint of the cellar setbacks is 2,975 sqft (8% of site).
- The above-grade building footprint will be approximately 39,100 sqft (100% of the site) with a gross square footage of 379,715 (approximately 6% commercial, 89% residential, 5% parking).

Approximately 19,500 tons (13,000 cubic yards) of soil and fill material is anticipated to be excavated and disposed to accommodate the proposed development. Development plans are included as Appendix 2.

Statement of Purpose and Basis

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as “Highline 28-29 Development” pursuant to Title 43 of the Rules of the City of New York Chapter 14, Subchapter 1 and the Zoning Resolution and §24-07 of the Rules of the City of New York.

Description of Selected Remedy for Hazmat

The remedial action selected for the “Highline 28-29 Development” site is protective of public health and the environment. The elements of the selected remedy are as follows:

1. Preparation of a Community Protection Statement and performance of all required NYC VCP citizen participation activities according to an approved Citizen Participation Plan;
2. Performance of a Community Air Monitoring Program for particulates and volatile organic carbon compounds;
3. Establishment of Track 4 Soil Cleanup Objectives (SCOs) for contaminants of concern;
4. Site mobilization involving Site security setup, equipment mobilization, utility mark outs and marking & staking excavation areas;
5. Dewatering and treatment of impacted groundwater prior to discharge to the municipal sewer system;
6. In-situ treatment of groundwater through enhanced reductive dechlorination (ERD) via in-situ enhanced bioremediation (ISEB). All remediation activities are conducted in accordance with the Langan March 5, 2014 Technical Memorandum.
7. Excavation down to the depths of 4 feet under highline areas and in cellar setbacks (to accommodate slab and foundation components) and to approximately 12 feet on rest of property and removal of soil/fill exceeding site-specific SCOs. Over-excavation beyond the development cut will be completed to remove identified contaminant hot-spot areas. The known hot spot area is located in the central portion of the Site beneath the High Line area and has SVOC and metal exceedances of Track 4 SCOs and detections of PCE;
8. Screening of excavated soil/fill during intrusive work for indications of contamination by visual means, odor, and monitoring with a photoionization detector (PID);
9. Management of excavated materials including temporarily stockpiling and segregating to prevent comingling of contaminated material and non-contaminated materials;
10. Collection and analysis of end-point samples to determine the performance of the remedy with respect to attainment of SCOs.
11. Removal of underground storage tanks (if encountered), and closure of petroleum spills, in compliance with applicable local, State and Federal laws and regulations;
12. Transportation and off-site disposal of soil/fill material at permitted facilities in accordance with applicable laws and regulations for handling, transport, and disposal, and this plan. Sampling and analysis of excavated media as required by disposal facilities;
13. Installation of a certified waterproofing/vapor barrier system (with a minimum thickness of 20 mils) as per manufacturer’s specifications beneath the new building slab(s) and upwards along all subsurface sidewalls;
14. Installation and operation of a Sub-Membrane Depressurization (SMD) system under the waterproofing/vapor barrier system of occupied building areas, except where the bottom of the building slab subgrade material is at or below the water table (water table is within 2 feet from the bottom of the slab subgrade material) or the use of the area is a ventilated parking garage. And installation of mitigation systems (e.g., slab sealing, vapor barrier, depressurization system) if required based upon additional soil vapor investigation.
15. Construction and maintenance of an engineered composite cover consisting of impervious surface cover (e.g. concrete or asphalt pavement, building slab, etc.) or two feet of certified clean fill/top soil imported from an OER-approved source with an underlying demarcation barrier for soil capped areas (not anticipated) to prevent human exposure to residual soil/fill remaining at the Site;
16. Performance of all activities required for the remedial action, including permitting requirements and pretreatment requirements, in compliance with applicable laws and regulations;

17. Implementation of stormwater pollution prevention measures in compliance with applicable laws and regulations;
18. Submission of a Remedial Action Report (RAR) that describes remedial activities, certifies remedial requirements were achieved, describes Engineering Controls (ECs) implemented at the Site, and lists deviations from this RAWP, if applicable;
19. Submission of an approved Site Management Plan (SMP) in the RAR for long-term management of residual historic fill, including plans for inspection and certification of Engineering and Institutional Controls and reporting at a specified frequency.
20. Continued registration as an E-Designated property and listing of Engineering Controls and a requirement that management of these controls must be in compliance with an approved SMP; and Institutional Controls including prohibition of the following: (1) vegetable gardening and farming; (2) use of groundwater without treatment rendering it safe for the intended use; (3) disturbance of residual contaminated material unless it is conducted in accordance with the SMP; and (4) higher level of land usage without OER-approval.

Description of Selected Remedy for Air Quality

The elements of the remedial action selected for Air Quality for the “Highline 28-29 Development” site are as follows:

In order to meet the requirements of the E-Designation, the following window/wall attenuation(s) will be achieved at the locations described below:

West 29th Street Tower (Block 700, Lots 42, 44 and 45)

- 31 dB(A) for windows less than 100 feet above street level; and
- 28 dB(A) for windows greater than 100 feet above street level.

10th Avenue Tower (Block 700, Lots 32 and 34)

- 31 dB(A) along the western façade for windows less than 100 feet above street level;
- 28 dB(A) along the western façade for windows from 100 to 200 feet above street level;
- 23 dB(A) along the western façade for windows greater than 200 feet above street level;
- 35 dB(A) along the northern, eastern and southern façades for windows less than 100 feet above street level;
- 33 dB(A) along the northern, eastern and southern façades for windows from 100 to 200 feet above street level; and
- 31 dB(A) along the northern, eastern and southern façades for windows from 200 to 400 feet above street level.

The following windows will be installed:

Building Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
10th Avenue Tower North, East & South Floors 1 to 9	40	Modeling data for glazing only is included in Appendix H	SYP Glass Group Co. LTD. GL-3	6mm YRE0146(2#) + 16Ar + 6mmClear + 1.52PVB(acoustical) + 6mmClear

10th Avenue Tower North, East & South Floors 10 to 35	38	A commitment to provide OER with an ASTM E.90 Lab Test Report for the proposed windows prior to purchase and installation is included in Noise RAP Appendix I (owner/developer commitment letter).	SYP Glass Group Co. LTD. GL-2	6mmYRE0146(2#) + 16AR + 6mmClear + 0.76PVB(acoustical) + 0.76PVB + 6mmClear
10th Avenue Tower West Floors 1 to 9	38		SYP Glass Group Co. LTD. GL-2	6mmYRE0146(2#) + 16AR + 6mmClear + 0.76PVB(acoustical) + 0.76PVB + 6mmClear
10th Avenue Tower West Floors 10 to 35	33		SYP Glass Group Co. LTD. GL-1	6mmYRE0146(2#) + 16AR + 8mmClear
West 29th Street Tower All Façades Floors 1 to 11	38		SYP Glass Group Co. LTD. GL-2	6mmYRE0146(2#) + 16AR + 6mmClear + 0.76PVB(acoustical) + 0.76PVB + 6mmClear
West 29th Street Tower All Façades Floors 12 & 13	33		SYP Glass Group Co. LTD. GL-1	6mmYRE0146(2#) + 16AR + 8mmClear

The modeled OITC ratings in the table above are for glass type only and do not include the whole window assembly. The acoustical reports described above are representative of the acoustical performance of all proposed windows.

Description of Selected Remedy for Noise

The elements of the remedial action selected for Noise for the “Highline 28-29 Development” site are as follows:

In order to satisfy the requirements of the E-Designation, Alternate Means of Ventilation (AMV) will be installed in order to maintain a closed window condition. AMV for this project will be achieved by:

West 29th Street Tower (Lots 42, 44 and 45)

PTAC units manufactured by Ice Air LLC will be installed beneath windows in the living rooms and bedrooms of the residential apartments. Fresh air will be provided to all bedrooms and living rooms by the PTAC units. Floor plans showing the locations of the PTAC units are included in Appendix F. Manufacturer specifications for the PTAC units are included as Appendix K. The PTAC units provide fresh air through louvers.

10th Avenue Tower (Lots 32 and 34)

Trickle vents manufactured by Titon Inc. will be installed in windows of the residential units. Fresh air will be provided to all bedrooms and living rooms by the trickle vents. Floor plans showing the locations of the trickle vents are included in Appendix F. Manufacturer specifications for the trickle vents are included as Appendix K.

Commercial retail and lower floor amenity spaces are heated, air conditioned and ventilated via packaged air and/or water cooled equipment with ventilation air provided via louvers in the building’s fascia.

The remedies for Hazardous Materials, Air Quality, and Noise described above conform to the promulgated standards and criteria that are directly applicable, or that are relevant and appropriate and takes into consideration OER guidance, as appropriate.

5/7/15

Date



Samantha Morris
Project Manager

5/7/15

Date



Shaminder Chawla

5/7/15

Date



Maurizio Bertini
Assistant Director

cc: D. Walsh, S. Chawla, M. Bertini, PMA-OER
Kevin Lalezarian, Owner - kevin@lalezarian.com
Jason Hayes, Langan – jahayes@langan.com
Avinash Malhotra, R.A. - amalhotra@akmarch.com
Ryan Piper, DEC Spills - ryan.piper@dec.ny.gov
Michael MacCabe, DEC- mdmaccab@gw.dec.state.ny.us