



**OFFICE OF ENVIRONMENTAL REMEDIATION**

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

**Daniel Walsh, Ph.D.**  
**Director**

Tel: (212) 788-8841

December 16, 2016

Michael Nicholls  
CREF 546 West 44<sup>th</sup> Street, LLC  
1980 Post Oak Blvd  
Houston, Texas 77056

Re: Notice of Completion  
546 West 44<sup>th</sup> Street, Manhattan, NY  
OER Site Number: 14CVCP162M

Dear Mr. Nicholls:

The New York City Office of Environmental Remediation (OER) is pleased to inform you that the Remedial Action Report for the above-referenced site is hereby approved, allowing the Notice of Completion (NOC) to be issued for the site. Please find the Notice of Completion attached, the issuance date of which is December 16, 2016. Congratulations!

If you have any questions regarding any of these items, please contact me at 212-442-3007.

Sincerely,

Shaminder Chawla  
Deputy Director



**OFFICE OF ENVIRONMENTAL REMEDIATION**

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

**Daniel Walsh, Ph.D.**  
**Director**

Tel: (212) 788-8841

**NOTICE OF COMPLETION**

**Notice Holder(s):** Michael Nicholls  
CREF 546 West 44<sup>th</sup> Street, LLC  
1980 Post Oak Blvd  
Houston, Texas 77056

**Site Information:** Site Name: 546 West 44th Street  
Site Owner: CREF 546 West 44<sup>th</sup> Street, LLC  
Street Address: 546 West 44th Street, Manhattan, NY  
Block 1072, Lot 50  
OER Site Number: 14CVCP162M

**Project Description:** Redevelopment of the Site consisted of: 1) the demolition of the two-story garage building; and 2) the construction of two 14-story residential towers (with a common cellar), a landscaped area (on a concrete slab) at cellar grade, a landscaped area at sidewalk grade, and a covered breezeway at sidewalk grade between the two buildings.

The two buildings share a 25,500-square-foot cellar with the top of the foundation slab elevation (el.) at 2.71 (using BPMD datum), which corresponds to depths of about 15 feet below sidewalk grade in the northern building and about 13 feet below sidewalk grade in the southern building. This excavation extended to at least el. 0.4 across most of the Site to accommodate installation of sub-base material (i.e. gravel, concrete, etc.) and the 16-inch foundation cellar slab. Excavation in the center area of each tower was advanced to about el. -2.2 to accommodate elevator pits (including their 42-inch mat slabs), pile caps, and foundation elements.

A cellar was not constructed in a 2,115-square-foot area in the northeastern portion of the Site. Excavation in this area extended to about el. 13.0 (about 4 feet below sidewalk grade). A portion of this area was backfilled with clean fill and capped with an 8-inch concrete foundation slab for the north tower and the remaining area was backfilled with clean fill for a landscaped area.

Cellar use includes tenant storage areas, mechanical rooms, amenity space, and a landscaped area (on a concrete slab) between the two buildings. The first floor of each tower contains a lobby and residential units. There is an at-grade landscaped area and a covered breezeway between the towers. The main lobby is located in the south tower. Floors 2 through 14 of each tower contain residential units. The development is consistent with the current zoning designation (R9-residential).

NYSDEC and NYC DOHMH were briefed on remedial action in September 2013.

**Date of Voluntary**

**Cleanup Agreement:** September 24, 2013

**Notice Issuance**

This Notice of Completion, hereinafter referred to as the “Notice,” is issued pursuant to Chapter 9 of Title 24 of the Administrative Code of the City of New York.

This Notice has been issued upon satisfaction of the Director, following review by the Office of the Remedial Action Report and data submitted pursuant to the Voluntary Cleanup Agreement, as well as any other relevant information regarding the Site, that the remediation requirements set forth at Section 1407 of Title 43 of the Rules of the City of New York have been achieved in accordance with the Remedial Action Work Plan.

The remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses:

- Unrestricted Use
- Restricted Use:
  - Residential
  - Restricted Residential
  - Commercial
  - Industrial

**Liability Limitation**

Upon issuance of this Notice of Completion, and subject to the terms and conditions set forth herein, the Notice holder(s) shall be entitled to the liability limitation provided in Section 906 of Title 24 of the administrative code of the City of New York. The liability limitation shall run with the land, extending to the Notice holder’s successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in Section 906 of Title 24 of the administrative code of the City of New York, and any other applicable provision of law.

In accordance with a Memorandum of Agreement between the New York State Department of Environmental Conservation and the New York City Mayor’s Office of Environmental Remediation dated July 10, 2012, New York State Department of Environmental Conservation agrees that this site is of no further interest, and it does not plan or anticipate taking administrative or judicial action with regard to the property.

**Notice of Transferability**

This Notice may be transferred to the Notice holder’s successors or assigns upon transfer or sale of the Site as provided by section 906(c) of the administrative code of the City of New York.

**Notice Modification/Revocation**

This Notice of Completion may be modified or revoked by the Director following notice in accordance with Section 43-1408(f) of the Rules of the City of New York upon a finding that:

- (1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the City Voluntary Cleanup Agreement;
- (2) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Voluntary Site Cleanup Agreement were reached; or
- (3) there is good cause for such modification or revocation.

The Notice holder(s) (including its successors or assigns) shall have thirty (30) days within which to cure any deficiency or to seek a hearing. If the deficiency isn't cured or a request for a hearing received within such 30-day period, the Notice shall be deemed modified or vacated on the 31<sup>st</sup> day after the Office notice.

Sincerely,



Shaminder Chawla  
Deputy Director  
New York City Office of Environmental Remediation

Date of Issuance: December 16, 2016  
Site No.: 14CVCP162M