



**OFFICE OF ENVIRONMENTAL REMEDIATION**

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

**Mark P. McIntyre, Esq.**  
**Director**

Tel: (212) 788-8841

April 20, 2022

Mr. Enning Xu  
881 Lexington Avenue LLC  
543 Decalb Avenue, Unit 2A  
Brooklyn, NY 11205

Re: Notice of Completion  
881 Lexington Avenue, Brooklyn, NY  
OER Site Number: 20CVCP014K

Dear Mr. Xu:

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 April 20, 2022. Congratulations!

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

Sincerely,

Shaminder Chawla  
Deputy Director



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**NOTICE OF COMPLETION**

**Notice Holder(s):** 881 Lexington Avenue LLC

**Site Information:** Site Name: 881 Lexington Avenue  
Site Owner: 881 Lexington Avenue LLC  
Street Address: 881 Lexington Avenue, Brooklyn, NY  
Block 1623, Lot 57  
OER Site Number: 20CVCP014K

**Project Description:** Redevelopment plans consisted of the construction of a new 6-story mixed use (retail and residential) building with an approximate 3,000 ft<sup>2</sup> partial cellar. The cellar is located in the front/center of the lot. The cellar consists of a tenant's storage room, a 187 ft<sup>2</sup> bike storage room, a building storage room, utility rooms, trash compactor room, and a small restroom. The first floor consists of a retail space, the residential lobby and package room, and a garage door entrance to a concrete capped parking lot constructed behind the building. The 2<sup>nd</sup> through 6<sup>th</sup> floors consist of residential apartments.

The 3,000 ft<sup>2</sup> cellar level required excavation to a depth of at least 12 ft below grade, with additional excavation as needed for installation of footings (15 ft) and elevator pit (15 ft). The remainder of the Site was excavated to a minimum depth of 4 ft below grade, and then sloped excavation was performed to the base of the cellar walls/footings (approximately 12 ft). Clean native soil excavated from below 6 ft below grade was utilized to backfill behind the cellar walls to install the at-grade slab around cellar. The total volume of soil that was excavated for the new building and disposed off-Site was approximately 2,899.19 tons. The water table is approximately 40 feet below grade surface and was not encountered during excavation.

**Date of Voluntary  
Cleanup Agreement:** February 23, 2021

**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:

<u>      </u>	Unrestricted Use
<u>  x  </u>	Restricted Use (Track 2):
<u>  x  </u>	Residential
<u>      </u>	Restricted Residential
<u>      </u>	Commercial
<u>      </u>	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