Technical Memorandum #004

95-97 Horatio Street
CEQR Number 82-070M
April 8, 2016
Revised September 2, 2016

A. INTRODUCTION

The applicant, 95-97 Horatio LLC, is seeking a modification to Restrictive Declaration D-93 to remove use restrictions and marketing requirements imposed on the currently vacant "Industrial Space" located within the northwest corner of the ground floor of the existing building at 95-97 Horatio Street (Block 643, Lot 1) within the Gansevoort Market Historic District, Manhattan Community District 2 (see Figures 1 and 2). As a condition of the 1984 *Meat Market West Village Rezoning* of approximately two blocks, the Restrictive Declaration was placed on the portion of Lot 1 designated as Industrial Space in order to mitigate the potential adverse impacts of residential development on industrial meatpacking businesses (see Figure 2). Effective January 21, 2016 tax lots 1 and 27 merged into the single tax lot, Lot 1. The "Project Site" is Block 643, Lot 1. The "Proposed Development Site" is comprised of the 11,650 sf vacant space located in the northwest corner of the Project Site (see Figures 3 and 4), which includes the area currently designated as Industrial Space, a portion of the ground floor that is not use restricted, and an associated cellar space not subject to D-93.

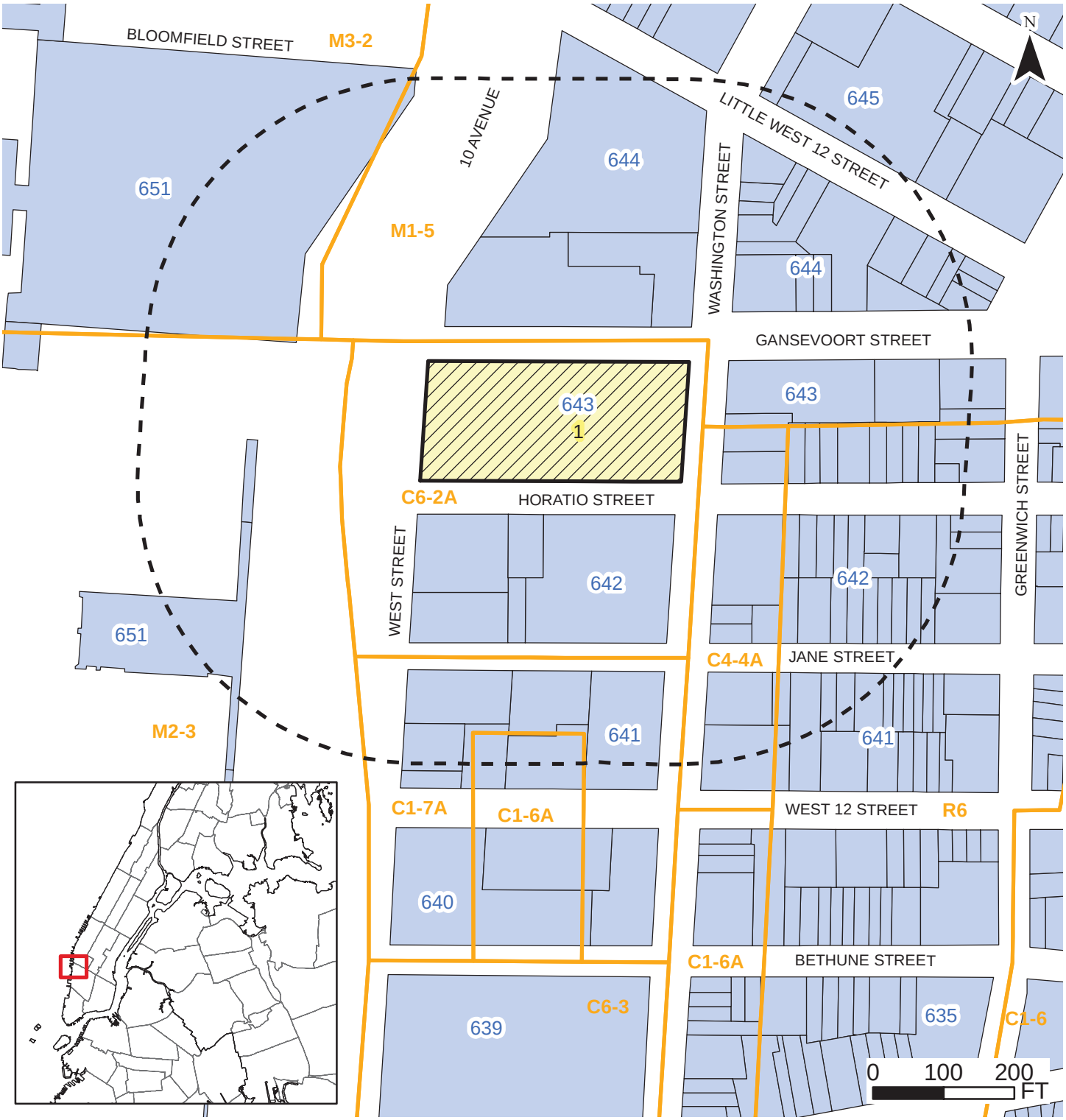
B. PROPOSED ACTIONS

The applicant is seeking to modify Restrictive Declaration D-93 to remove the use restriction (i.e. Section 2.03) that limits the northwestern portion of the site to certain industrial and meat-related uses (e.g., Use Groups 17A and 17B), in order to allow uses pursuant to the underlying C6-2A zoning regulations (e.g., restaurant, retail or other conforming uses). The use of the Industrial Space as an eating and drinking establishment with dancing ("Night Club Use") would remain prohibited. Restrictive Declaration D-93 was originally executed and recorded in conjunction with zoning map amendment that was approved in 1984 (C840260 ZMM) (see Figure 2). The proposed actions would modify Sections 2.03, 2.04 and related provisions in the Restrictive Declaration (see Appendix B). As discussed below, given changes in the area's land use, neighborhood character, and socioeconomic conditions since 1984, as well as changes in the meatpacking industry in New York City, the Declaration's requirements to use and market the Industrial Space only for industrial and meat-related uses have become obsolete and these mitigation measures are no longer necessary or appropriate.

C. SITE DESCRIPTION

The Project Site is located on the block directly south of the new Whitney Museum of American Art and the southern terminus of the High Line at Gansevoort Street. The Site is on the border of the West Village neighborhood to the south and the Meatpacking District to the north, which is generally bounded by West 16th Street, Hudson Street, and West Street. The Site is located within a special flood hazard area (the 100-year floodplain) and includes base elevations ranging from 11-12 feet. The building has Aqua-Fence panels that will be deployed in the event of a flood. The panels would

Date: 3/4/2016



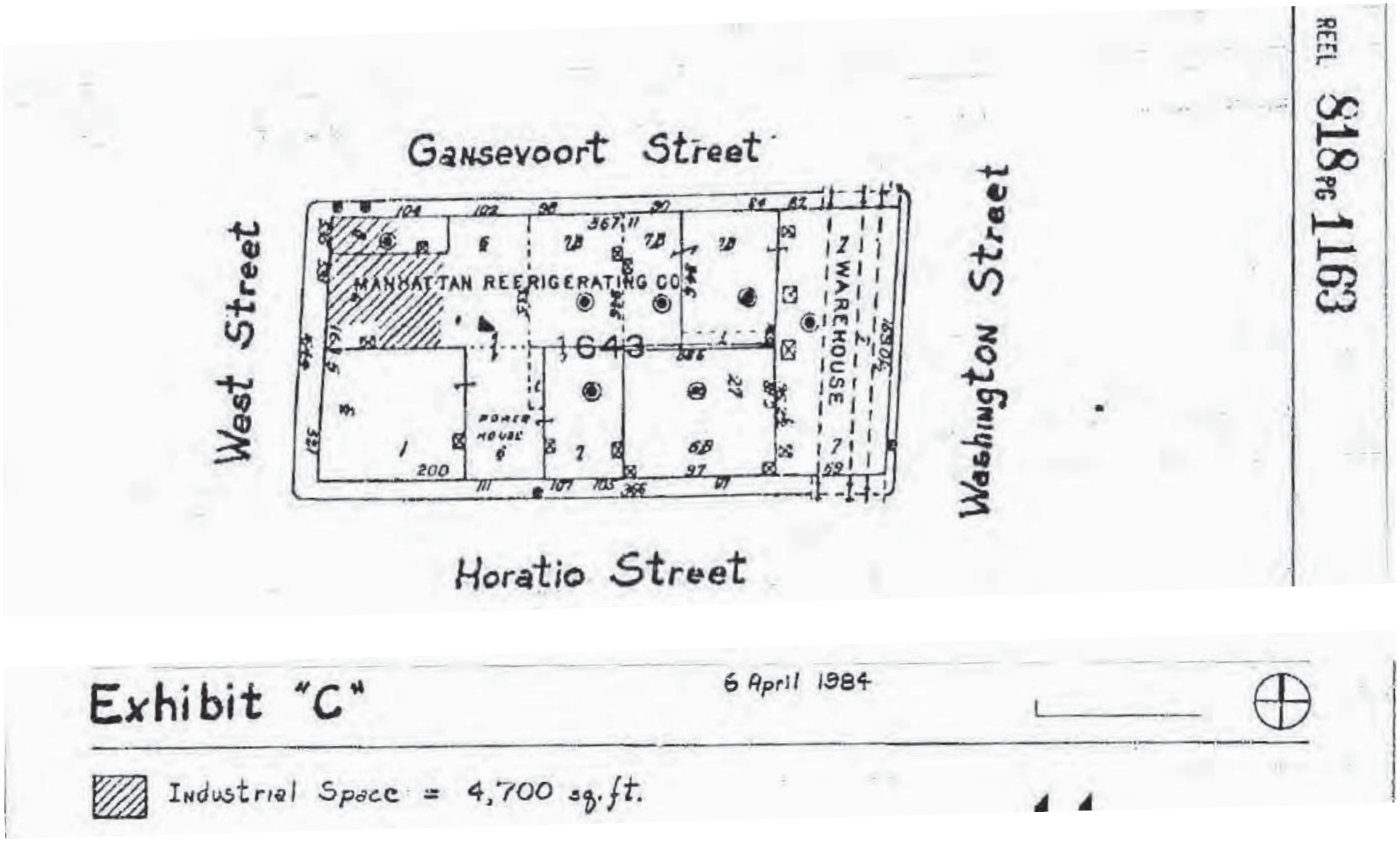
95-97 Horatio Street
New York, New York

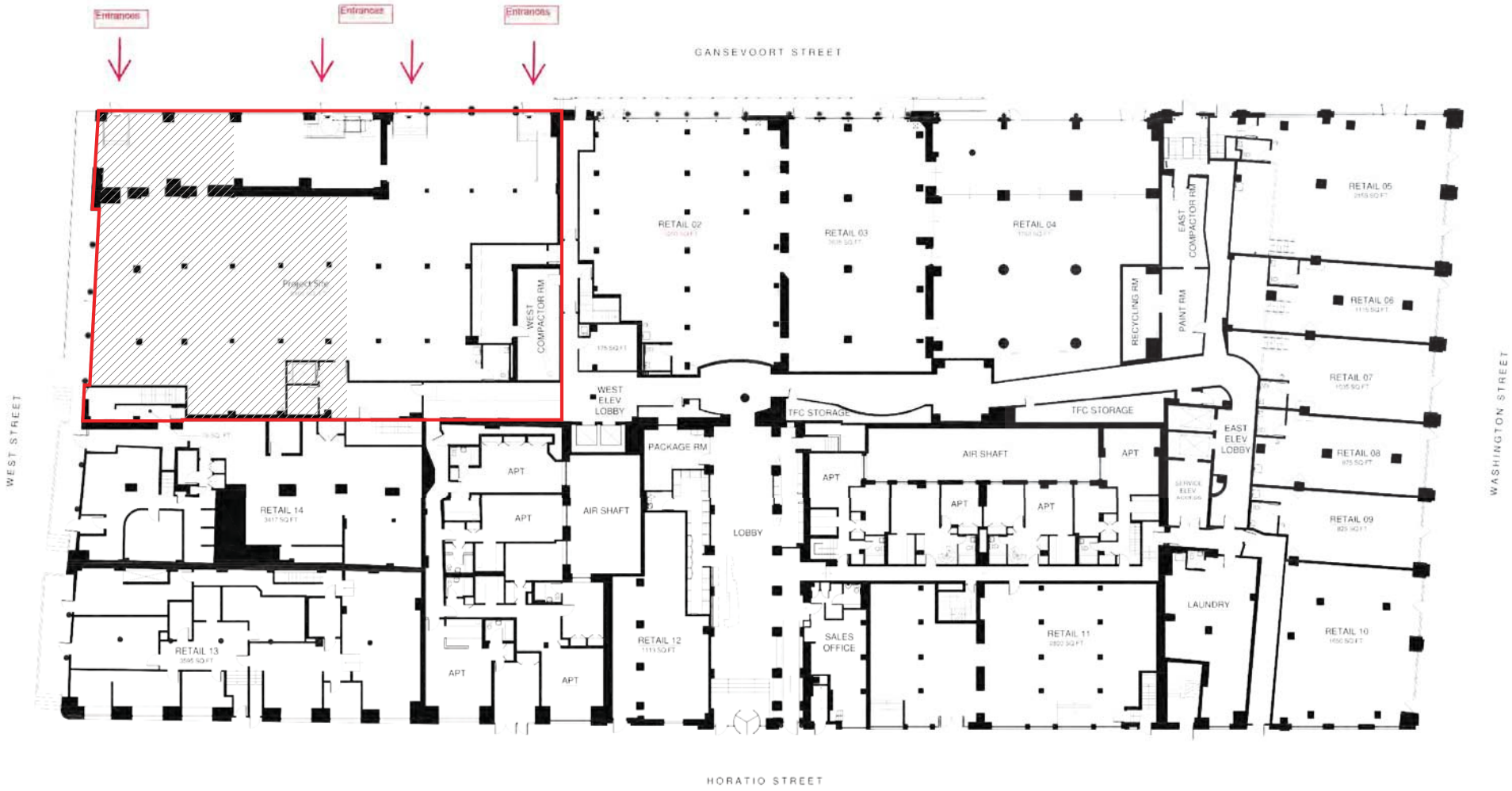
Site Location Map

Figure 1

- Project Site
- 400-Foot Radius
- 1 Tax Lot
- 643 Tax Block
- C6-2A Zoning District

Sources:
1. New York (City). Dept. of City Planning 2015. Manhattan MapPLUTO (Edition 15v1). New York City: NYC Department of City Planning.
2. New York (City). Dept. of City Planning 2015. LION (Edition 15B). New York City: NYC Department of City Planning.
3. New York (City). Dept. of City Planning 2015. New York City Borough Boundary (Edition 15B). New York City: NYC Department of City Planning.
4. New York (City). Dept. of City Planning 2015. New York City Community Districts (Edition 15B). New York City: NYC Department of City Planning.
5. New York (City). Dept. of City Planning 2015. NYC GIS Zoning Features (September 2015). New York City: NYC Department of City Planning.

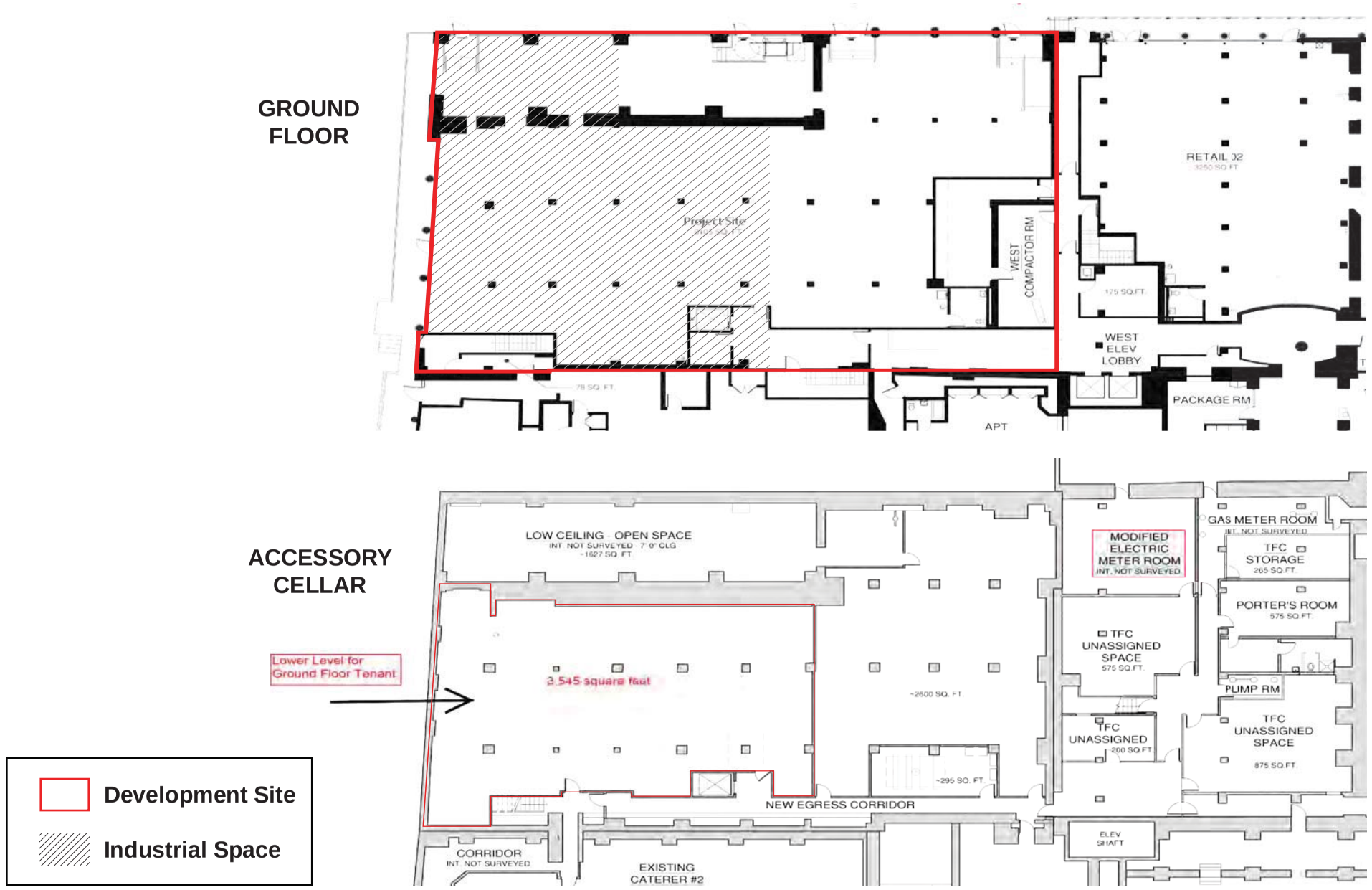

Gansevoort Street
West Street
Washington Street
Horatio Street
MANHATTAN REFRIGERATING CO
643
WAREHOUSE
POWER HOUSE
REEL 818 PG 1163
Exhibit "C"
6 April 1984
Industrial Space = 4,700 sq. ft.



95-97 Horatio Street
New York, New York

Ground Floor Site Plan

Figure
3



95-97 Horatio Street
New York, New York

Accessory Cellar and Ground Floor Development Site Plan

Figure **4**

create a continuous barrier from a point on Gansevoort Street proceeding west, full coverage along West Street, proceeding east along Horatio to another point near the east end of Horatio. In addition, the electric service room has been relocated to above the 100-year flood elevation. An emergency generator has been installed on the roof and flood doors are installed in the boiler room which remains in the cellar.

The Project Site lies within the area the New York City Landmarks Preservation Commission (LPC)-designated Gansevoort Market Historic District. The Meatpacking District neighborhood is generally characterized by upscale retail shopping and dining, a vibrant nightlife scene, and a mix of residential buildings (including historic row houses, warehouse/loft conversions, and luxury residential developments). The recent additions of the High Line Park and the Whitney Museum have served to complement these uses. The current neighborhood has changed significantly over the years from the original historic character of the district as the meat market epicenter for New York City and its surrounding region (described in more detail in Section III below). In 1984, the site was rezoned as part of *The Meat Market West Village Rezoning* (ULURP No. C840260ZMM). Since that time, several applications have been filed seeking to modify conditions of the original rezoning that were applicable to sites in the vicinity of applicant's site. These previous applications are described in turn, below.

D. PURPOSE AND NEED

Currently the Project Site at 95-97 Horatio Street is subject to Restrictive Declaration D-93, originally recorded in 1984, that applies additional limitations on the permissible uses of the site beyond those established by the site's underlying zoning. The Restrictive Declaration was originally intended to mitigate potential adverse impacts on industrial/meat-related businesses from the rezoning that occurred in 1984. Due to changed conditions in the neighborhood since the early 1980s, the character of the neighborhood has changed substantially and, as described further below, the mitigation is now obsolete.[1]

E. BACKGROUND

Meatpacking District History

The Meatpacking District began to form in the mid-19th century with both residential and heavy industrial uses (e.g., coal, stone and lumber yards, paint works, iron foundries). The area experienced relatively strong residential and commercial growth towards the end of the 19th century due to the development of markets that provided wholesale groceries. Technological innovations (particularly refrigeration) as well as infrastructure- and transportation-related improvements contributed to the rise of the neighborhood as New York City's meat packing epicenter. Towards the end of the 1970s and the beginning of the 1980s, the meatpacking industry within the Meatpacking District neighborhood was in noticeable decline with many industrial buildings converted to or replaced by residential uses.

The rezoning that occurred in 1984, intended to facilitate the development of new residential buildings and the residential conversion of non-residential buildings on properties owned by the project sponsor, covered approximately two blocks of the Meatpacking District. The Restrictive Declaration was recorded on the Project Site to mitigate potentially adverse impacts on

[1] Introducing a Night Club Use, however, would be incompatible with nearby residential uses.

industrial/meat-related businesses from this rezoning. By 2001, the percentage of meatpacking industries remaining in the neighborhood was a small fraction of its peak. A section of the Meatpacking District, including the Project Site, was designated by LPC as the Gansevoort Market Historic District in 2003. Following approval of the *Special West Chelsea District Rezoning* in 2005, the already transitioning neighborhood changed even more significantly, with the addition of the High Line and increased residential density and neighborhood services, such as restaurants and local retail stores. Specifically, the rezoning mapped C6 districts, which permitted residential and a broad range of commercial uses consistent with the existing mixed use character of West Chelsea, modified density requirements to restrict buildings to lower density close to the historic district and higher density towards the edges of the historic district, and mandated minimum and maximum street wall and building heights in the special district.

Weichsel Beef was the tenant of the industrial space at the Project Site at the time of the 1984 FEIS and occupied the space until September 2012. In 2012, Weichsel Beef relocated one block to the north to the New York City Meat Packing Cooperative at 826 Washington Street. The industrial space at the Project Site has remained vacant since then and, given the decline of the meat packing industry in the area, is unlikely to be re-occupied by a meatpacking use in the future despite restrictions requiring such tenants. Further, Given the retail and commercial trends in the area, modification of the existing Restrictive Declaration to remove the use restrictions would allow uses consistent with the contemporary character of the surrounding neighborhood.

The Meat Market West Village Rezoning - 1984

In 1983, the Rockrose Development Corporation proposed to rezone an area comprised of two full blocks and portions of two additional blocks. The approximately 3.5-acre area was generally bounded by Gansevoort, Washington, West 12th and West Streets and was located in the Meatpacking District and West Village neighborhoods of Manhattan. Rockrose Development Corporation proposed rezoning this area from M1-5 and C8-4 zoning districts to a C6-2A zoning district (ULURP No. C840260ZMM). As noted, the rezoning area included the current Project Site. The rezoning proposal was intended to facilitate the development of new residential buildings and the residential conversion of non-residential buildings on properties owned by the project sponsor.

A Final Environmental Impact Statement (FEIS) was prepared for this proposal and the Notice of Completion was issued in April 1984 (CEQR No. 82-070M). The FEIS disclosed that the action could produce several adverse impacts related to land use, neighborhood character, and socioeconomics (i.e., job and business displacement). The FEIS also included a modified C6-2A rezoning alternative, which reduced the boundaries of the rezoning area to two blocks, reduced permitted densities and building heights, and placed use restrictions on project sponsor-owned properties within the rezoning area. The modified C6-2A alternative was ultimately chosen for adoption. As part of the rezoning, an E-Designation (E-4) was also applied to the Project Site (95-97 Horatio Street) to require noise attenuation for the residential uses.

In connection with the FEIS and the adoption of the modified C6-2A rezoning alternative, Restrictive Declarations were recorded against various sites within the approved rezoning area. These restrictive declarations included requirements that several industrial spaces containing meat-related Use Group 17A and 17B uses (including the industrial space that is the subject of the current proposed actions) be maintained for such uses. In the event that the spaces were to become vacant, "best efforts" were required to find a new tenant that would occupy the spaces for these uses. If such tenants were not found, only "Permitted Uses" would then be allowed. "Permitted Uses" were defined to include

most uses listed at that time in Use Groups 11A, 11B, 16A, 16D, 17A, 17B, 17C, 18A and 18B. Collectively, four separate restrictive declarations were executed and recorded, including D-92 (for Manhattan Blocks 642 – 643, Lots 12 and 27), D-93 (for Manhattan Block 643, Lot 1 [i.e., the Project Site]), D-94 (for Manhattan Block 643, Lots 13, 49, and 54), and D-95 (for Manhattan Block 642, Lots 14, 19, and 30). Restrictive Declaration 93 only restricted use in a portion of Lot 1, the Industrial Space.

Modification to Restrictive Declaration D-95 – 1995 EAS

In 1995, an application (ULURP No. M 840260(A) ZMM) was filed to modify Restrictive Declaration D-95 (CEQR No. 95DCP030M), which restricts Block 642, Lots 14, 19, and 30 (located south of the current Project Site), in order to permit construction of a 283-unit residential building and a 200-space parking garage. The application sought to modify the bulk regulations of the Restrictive Declaration to increase the permissible floor area ratio (FAR) from 4.0 to 6.02, and included a request for a special permit for a public parking garage. An EAS was filed (CEQR # 95DCP030M) and a Negative Declaration was issued in 1995, but the request to modify the Restrictive Declaration was subsequently disapproved.

Modification to Restrictive Declaration D-94 – 1998 Technical Memorandum #001

In 1998, an application was approved (ULURP No. M 840260(B) ZMM) to modify Restrictive Declaration D-94 as it pertained to Block 643, Lot 54 (located east of the Project Site). A Technical Memorandum dated March 16, 1998 (Technical Memorandum #001 CEQR #82-270M) found that the proposed modification did not alter the conclusions of the earlier review and the Notice of Completion (NOC) issued April 5, 1984. Specifically, the modification expanded permitted uses at this lot to include Use Group 6 commercial and retail uses allowed by underlying M1-5 zoning, but continued to prohibit Use Groups 8A and 12A. In approving this modification, the City Planning Commission (CPC) noted in its report dated June 29, 1998, that "this modification reflects the changing mix of uses in the vicinity, notably the substantial reduction in meat-related uses and the increase in retail and commercial uses, such as restaurants, coffee shops, art galleries, architecture and graphic design offices, and photography studios." Further, "the Commission believes that this evolving use mix stems not from the rezoning in 1984 of two blocks located immediately to the west, but is related to technological and economic changes within the meat industry affecting production and distribution, as well as, broader economic trends within the city."

Modification to Restrictive Declaration D-94 – 2003 Technical Memorandum #002

In 2003, an application was filed to further modify the use restrictions associated with Restrictive Declaration D-94 (ULURP No. M840260(C) ZMM), with respect to sites adjacent to and to the east of the current Project Site. The applicant sought to permit Use Group 6 retail and commercial uses at Lots 43 and 49 and Use Group 9 uses at Lots 43, 49, and 54. The applicant faced difficulties in tenanting the restricted space as a result of the decline in meat-related industries, and therefore wished to permit viable businesses at these locations. A Technical Memorandum dated May 30, 2003 (Technical Memorandum #002 CEQR #82-270M) found that the proposed modification did not alter the conclusions of the earlier review and the Notice of Completion (NOC) issued April 5, 1984. In 2003, the City Council modified the CPC approved application to preclude Use Group 6B office uses and subsequently approved application.

F. PROJECT DESCRIPTION

The proposed actions are limited to Block 643, p/o Lot 1, specifically the portion of Lot 1 that is identified in Restrictive Declaration D-93 as the Industrial Space and subject to the use restriction outlined in Section 2.03 of the Restrictive Declaration (see Figure 2). Accordingly, the applicant's proposed Project Site is the only development site that would be affected under the proposed actions.

The Proposed Development Site is located within the northwestern portion of the existing building at 95-97 Horatio Street, on Manhattan Block 643, Lot 1 (see Figures 5a-5j), the "Project Site." The Proposed Development Site is comprised of the 11,650 sf vacant space located in the northwest corner of the lot (see Figures 3 and 4), which includes the area currently designated as Industrial Space, a portion of the ground floor that is not use restricted, and an associated cellar space that is not subject to D-93. Lot 1 merged with Lot 27 effective January 21, 2016 and now comprises the entire block bounded by Gansevoort Street, Horatio Street, Washington Street, and Tenth Avenue / West Street. Prior to the tax lot merger, the two buildings that are located on the current Lot 1, 97-103 Horatio Street and 105-115 Horatio Street, were each located on separate lots, Lot 27 and Lot 1, respectively.

The Project Site is located in a C6-2A zoning district, which allows a maximum commercial FAR of 6.0, a maximum residential FAR of 6.02, and a maximum community facility FAR of 6.5. C6-2A districts provide for a wide range of retail, office, amusement service, high-bulk commercial, custom manufacturing, and related uses, allowing Use Groups 1-12. Under Restrictive Declaration D-93, the Industrial Space is restricted to Use Group 17A and 17B. In the event that the Industrial Space could not be rented for "meat-related" uses, it could be utilized for any "Permitted Use" listed in Exhibit D of the Declaration, which included uses in Use Group 11A, 11B, 16A, 16D, 17A, 17B, 17C, 18A, and 18B.

The lot is currently improved with a 289,376 gross square foot (gsf) 10-story mixed-use building. The structure is built to an FAR of less than 7.16 (the FAR reflects the gross square footage, not the building's zoning square footage) and rises 122.58 feet. [2] The 10-story building contains 272 residential units (rent-stabilized and market rate) as well as ground floor retail stores and eating and drinking establishments. The permitted Zoning Use Groups per the Certificate of Occupancy include Use Groups 2, 6, 9.

The proposed modification would facilitate the re-tenanting of the currently vacant 8,105 sf ground floor space plus up to 3,545 sf of cellar space (together totaling 11,650 sf), referred to as the Proposed Development Site (see Figure 4). Although the proposed actions would allow for a range of uses permitted per the underlying zoning (other than a Night Club Use), it is assumed that a restaurant use would occupy the space (although there is not yet a specific tenant). The underlying C6-2A zoning district permits Use Groups 1-12, allows a residential FAR of 6.02, a commercial FAR of 6.0, and a community facility FAR of 6.5, and restricts building height to a maximum of 120 feet. No new construction would take place as part of the project. For analysis purposes, it is assumed the tenant also would use the associated 3,545 sf cellar space for storage or as a back of the house/kitchen prep area for the restaurant, bringing a total space for the restaurant to 11,650 sf.

[2] This FAR was calculated based on the total building floor area from the Department of City Planning's MapPluto (15v1) divided by the area of the tax lot.



1. View of Horatio Street facing west from Washington Street (Site at right).



2. View of the intersection of Washington Street and Horatio Street facing southwest.



3. View of Washington Street facing north from Horatio Street (Site at left).



95-97 Horatio Street
New York, New York

View of Study Area

Figure
5a



4. View of the sidewalk along the west side of Washington Street facing north from Horatio Street (site at left).



5. View of the sidewalk along the north side of Horatio Street facing west from Washington Street (Site at right).



6. View of Horatio Street facing southeast from the Site.



95-97 Horatio Street
New York, New York

View of Study Area

Figure
5b



7. View of the side of Horatio Street facing northeast.



8. View of the Site facing northwest from Horatio Street.



9. View of Horatio Street facing southwest from the Site.



95-97 Horatio Street
New York, New York

View of Study Area

Figure
5c



10. View of the sidewalk along the north side of Horatio Street facing east from Tenth Avenue (Site at left).



11. View of the Site facing northeast from the intersection of Horatio Street and Tenth Avenue.



12. View of Horatio Street facing east from Tenth Avenue (Site at left).



95-97 Horatio Street
New York, New York

View of Study Area

Figure
5d



13. View of Tenth Avenue facing north from Horatio Street (Site at right).



14. View of the sidewalk along the east side of Tenth Avenue facing north from Horatio Street (Site at right).



15. View of Tenth Avenue facing southwest from the Site.



95-97 Horatio Street
New York, New York

View of Study Area

Figure
5e



16. View of Tenth Avenue facing northwest from the Site.



17. View of the sidewalk along the east side of Tenth Avenue facing south from Gansevoort Street (Site at left).



18. View of Tenth Avenue facing south from Gansevoort Street (Site at left).



95-97 Horatio Street
New York, New York

View of Study Area

Figure
5f



19. View of the sidewalk along the south side of Ganesvoort Street facing east from Tenth Avenue (site at right).



20. View of Ganesvoort Street facing east from Tenth Avenue (Site at right).



21. View of the Site facing southeast from Gansevoort Street.



95-97 Horatio Street
New York, New York

View of Study Area

Figure
5g



22. View of The Whitney Museum along the north side of Ganesvoort Street facing northwest from the Site.



23. View of the Site facing southwest from Gansevoort Street.



24. View of the Site facing southeast from Gansevoort Street.



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View of Study Area

Figure
5h



25. View of The High Line and the side of Gansevoort Street facing northeast from the Site.



26. View of the sidewalk along the south side of Gansevoort Street facing west from Washington Street (Site at left).



27. View of the Site facing southwest from Gansevoort Street.



95-97 Horatio Street
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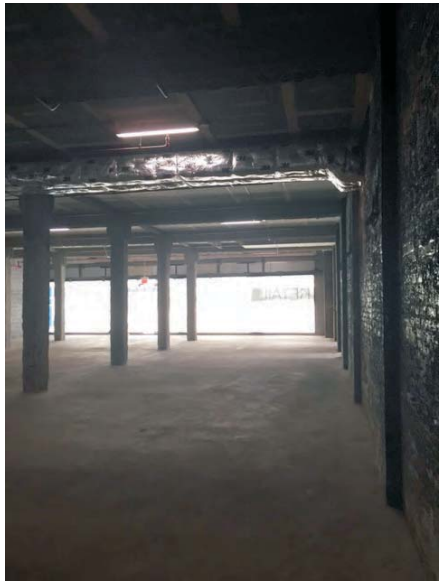
View of Study Area

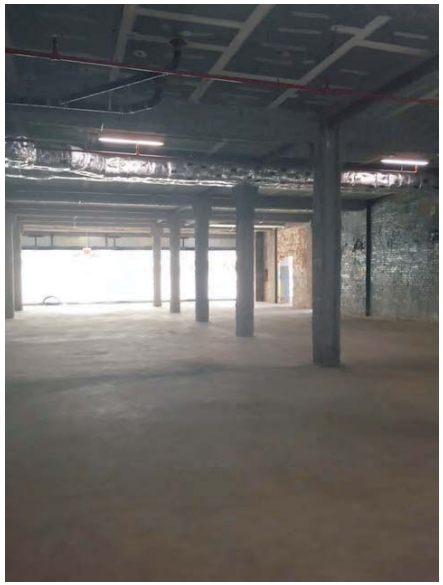
Figure
5i



34. View from within the Industrial Space.



35. View from within the Industrial Space.



36. View from within the Industrial Space.



37. View from within the Industrial Space.

95-97 Horatio Street
New York, New York

View of Project Site

Figure
5j

The build year for the proposed project is 2017. There would be no new construction or major upgrades required to the site in order to lease out the space. It is assumed that approval by the City Council would occur late in 2016, the site would be occupied soon following project approval.

G. FRAMEWORK FOR ANALYSIS

Existing Conditions

The building at 95-97 Horatio Street is a 10-story building with associated bulkheads, containing 272 residential units, approximately 31,630 sf of commercial space, and the 4,700 sf designated Industrial Space. The commercial space includes retail stores, eating and drinking establishments/catering, and vacant space, including the 3,405 sf portion of the Proposed Development Site that is not designated as Industrial Space (see Figure 3). The structure is built to a FAR of less than 7.16 (this FAR is based on gross square footage) and rises approximately 123 feet. Permitted zoning Use Groups per the Certificate of Occupancy include Use Groups 2, 6, 9. The Project Site is located in a C6-2A zoning district, which allows a maximum commercial FAR of 6.0, a maximum residential FAR of 6.02, and a maximum community facility FAR of 6.5. C6-2A zoning districts permit Use Groups 1-12.

The area affected by the proposed actions, the Proposed Development Site, is comprised of the 8,105 sf vacant space on the ground floor located within the northwest corner of the lot (see Figure 3), of which 4,700 sf is the Industrial Space that is restricted to Use Group 17A and 17B uses under Restrictive Declaration D-93 (see Table 1). Additionally, the Proposed Development Site has an associated 3,545 sf cellar space (see Figure 4) that is not subject to D-93. The building has entrances along all of its bounding streets. The residential lobby to the building is located along Horatio Street. The Proposed Development Site, which is the subject of the proposed actions, has four entrances along Gansevoort Street.

No-Action Scenario

Absent the proposed actions, the ground floor Industrial Space (see Figure 3) would be reconfigured into two separate spaces, with the smaller space to be used for restaurant or retail as-of-right and the larger Industrial Space to remain vacant. In 2012, when Weichsel Beef vacated the building, the interior wall separating the former meat wholesale space (4,700 sf) from the adjacent retail space (3,405 sf) was removed to create the current 8,105 sf vacant space on the ground floor. Under the No-Action Scenario, the former condition would be recreated. The existing space would be divided with new interior walls and new entrances to separate the restricted 4,700 sf Industrial Space and the remaining 3,405 sf unrestricted space. The ground floor space that is currently not restricted would be made available for re-tenanting, likely with restaurant use. Absent the proposed actions, the Industrial Space could be re-occupied with a conforming industrial or meat-industry related use (e.g., Use Group 17A or Use Group 17B) and / or a "Permitted Use" listed in exhibit D of the Declaration. However, a tenant has not been located since 2012 and for analysis purposes it is conservative to assume the space would remain vacant.

The overall development program is shown in Table 1. The portions of the Project Site not described as part of the Proposed Development Site would be unaffected with or without the proposed actions. In summary, the No Action Scenario would consist of the existing vacant 11,650 sf space in the northwest portion of Lot 1 being divided into 3,405 sf of restaurant space, while the 4,700 sf of Industrial Space on the ground floor and the associated cellar space would remain vacant. The cellar space would not be easily accessible from the non-restricted commercial space and therefore it is assumed it would remain vacant.

With-Action Scenario

As described above, the proposed modification to the Restrictive Declaration D-93 would allow use (other than a Night Club Use) consistent with the existing character of the surrounding area for the entire 11,650 sf space (including cellar space) referred to as the Proposed Development Site, with entrances along Gansevoort Street (see Figure 3). For analysis purposes, it is assumed the tenant would use the associated 3,545 sf cellar space for storage or as a back of the house/kitchen prep area for the restaurant use in combination with the 8,105 sf ground floor space, bringing the total space for the restaurant use to 11,650 sf. Subtracting the 3,405 sf area that is planned for restaurant space absent the proposed actions, the increment of new uses as a result of the proposed actions would be 8,245 sf. The overall development program under the With-Action condition and the increment for analysis is shown in Table 1 and Table 2.

Increment

The following table further illustrates the proposed RWCDS for analysis.

Table 1
Reasonable Worst-Case Development Scenario for the Project Site (Block 643, p/o Lot 1)

Use	Existing	No-Action	With-Action	Increment
Proposed Development Site[3]	11,650	11,650	11,650	+0
Restaurant	0	3,405[4]	11,650	+8,245
Vacant	11,650	8,245[5]	0	-8,245

Notes:
1. All values are in gross square feet (gsf).
2. Table 1 presents figures solely for the affected portion of Lot 1, not for the entire Lot.
3. Includes associated 3,545 cellar space (see Figure 4).
4. Unrestricted retail space would be separated and tenanted.
5. Assumes no access to accessory cellar space from no-action retail.

H. ANALYSES

The 1984 *Meat Market West Village Rezoning* Final Environmental Impact Statement (CEQR No. 82-070M) identified the potential for residential development in the proposed C6-2A district to result in adverse impacts on industrial/meat-related businesses, both within and outside the rezoning area. To mitigate these impacts, the Commission required Rockrose Development Corporation to execute and record Restrictive Declarations against four of its properties, including the Site; these declarations are listed as numbers D-92, D-93, D-94 and D-95 in Appendix D of the Zoning Resolution.

As discussed above, this application seeks a modification of Restrictive Declaration D-93 in order to remove the use restrictions and marketing requirements that were imposed on the Industrial Space as mitigation measures in connection with the 1984 Rezoning. This modification would permit the applicant to market and occupy the Industrial Space for commercial uses (other than a Night Club Use) permitted by the underlying C6-2A district, consistent with the transformation of the Meatpacking District since 1984 from a center for industrial meat-processing businesses to a commercial and cultural center.

Based on the nature of the project which does not involve any physical alterations and is limited to a change in the use of an existing space (changing an approximately 8,245 sf space from vacant space to

retail/restaurant space), the proposed actions would not result in any new or different significant adverse impacts not previously identified in the original FEIS. The size of the new use facilitated by the action, 8,245 sf, is well below *CEQR Technical Manual* thresholds for additional analysis for Transportation (which is 15,000 sf for local retail and 20,000 sf for restaurant use in this area). Because if the relatively small size of this project and given that no new residents would be generated by the project, no adverse impacts would result and no further analysis would be required with respect to Community Facilities, Open Space, Water and Sewer Infrastructure, and Solid Waste and Sanitation Services. Additionally, there would be no building alterations or in-ground disturbance requiring site-specific analyses such as Urban Design and Visual Resources, Shadows, Hazardous Materials, Noise, Air Quality or Construction analyses. Because detailed analyses are not required in any of the areas mentioned above that have the potential to affect Neighborhood Character according to the *CEQR Technical Manual* guidance, a separate Neighborhood Character analysis is likewise not required. In summary, based on the nature of the project, it would not create the potential to alter the analysis conclusions of the following sections: Community Facilities, Open Space, Shadows, Urban Design and Visual Resources, Natural Resources, Hazardous Materials, Water and Sewer Infrastructure, Solid Waste and Sanitation Services, Energy, Transportation, Air Quality, Greenhouse Gas Emissions, Noise, Public Health, Neighborhood Character, and Construction. Areas that merited additional analysis, but which also were concluded not to result in significant adverse impacts consist of the following: Land Use, Zoning, and Public Policy, Historic and Cultural Resources, and Socioeconomics. The following contains an assessment of whether the proposed actions would result in changes to the conclusions of these categories in the previously approved FEIS.

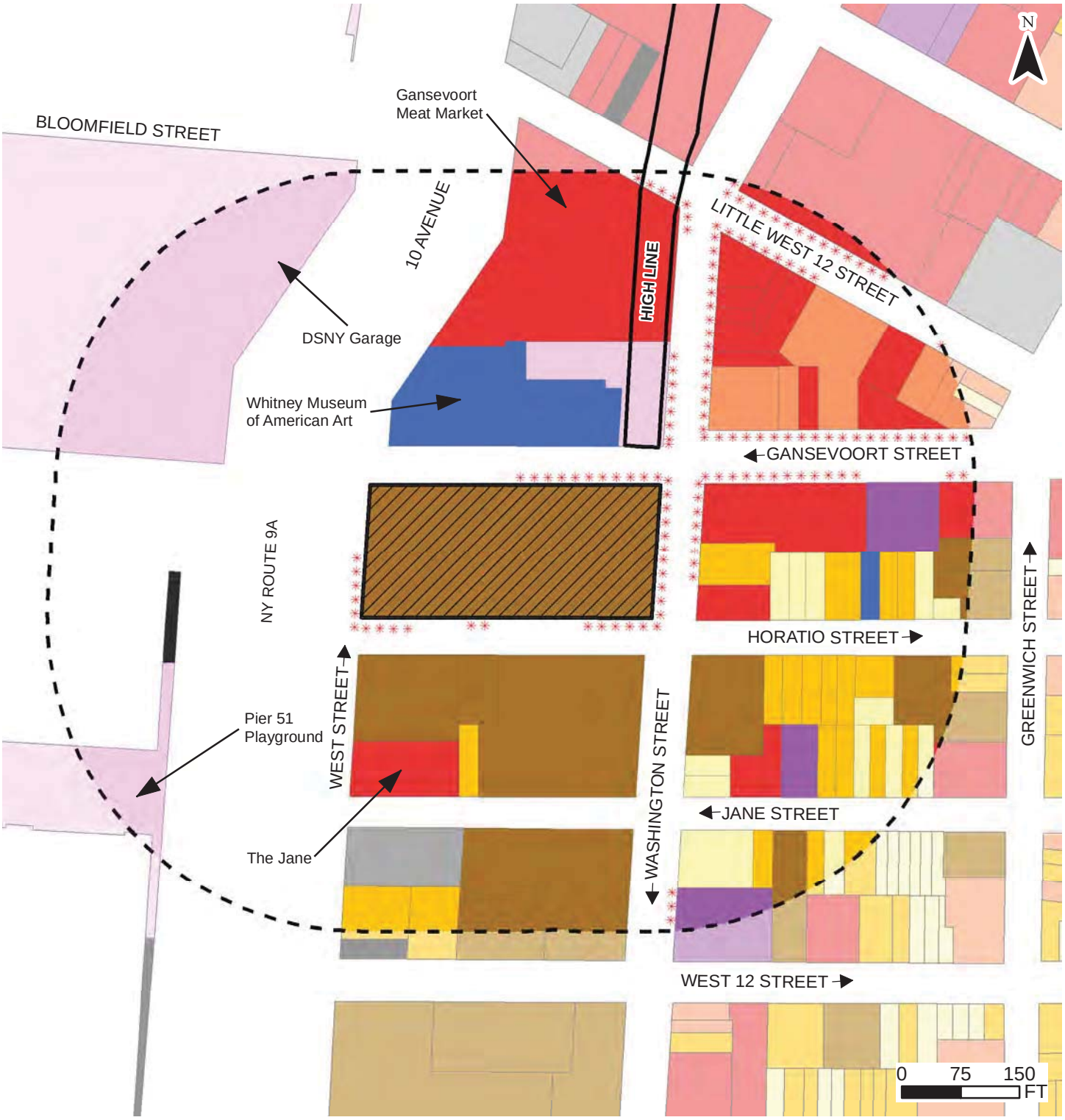
Land Use, Zoning, and Public Policy

The Project Site is located in the Meatpacking District neighborhood of Manhattan, Community District 2. It is bordered on its western side by the thoroughfare of West Street / 10th Avenue and on its northern side by Gansevoort Street. The area is served by the A, C, E and L subways lines, with a station at the intersection of 8th Avenue and West 14th Street, and the M11, M12 and M14A bus lines on Hudson Street, two blocks east of the Site.

Land Use

The existing building at 95-97 Horatio Street is a multi-family residential elevator building with ground floor retail. Additionally, within the northwest corner of the existing building is the use restricted Industrial Space. The entrance to the residential portion of Lot 1, known as "The West Coast," is located mid-block along Horatio Street. The ground floor retail uses include a catering company (The Upper Crust), a grocery store (Nonno Gourmet Produce), a perfume store (Kilian), a Shoe Store (Christian Louboutin Men's Store), a Lingerie Store (Hanro of Switzerland), and a Women's Clothing Store (Intermix). These uses are consistent with the primary character of this mixed-commercial portion of the Meatpacking District neighborhood, which has evolved into an entertainment and shopping destination (see Figure 6).

Land uses to the south of the Project Site are predominately residential, with limited commercial and industrial uses. Residential buildings are found in varying scales, including historic townhouses, multi-family elevator buildings, contemporary apartment buildings, and converted industrial spaces. The blocks east of Washington Street generally consist of one- and two-family and multi-family walkup townhouses from three to five stories with mid-block frontage. Additionally, larger lot-size buildings tend to be located block ends. The blocks to the west of Washington Street are generally



95-97 Horatio Street
New York, New York

Land Use Map

Figure 6

- Project Area
- 400-Foot Radius
- Ground Floor Retail
- Indicates One Way
- One & Two Family Buildings
- MultiFamily Walkup Buildings
- MultiFamily Elevator Buildings
- Mixed Commercial/Residential Buildings
- Commercial/Office Buildings
- Industrial/Manufacturing
- Transportation/Utility
- Public Facilities & Institutions
- Open Space
- Parking Facilities
- Vacant Land
- All Others or No Data

Sources:
1. New York (City). Dept. of City Planning 2015. Manhattan MapPLUTO (Edition 15v1). New York City: NYC Department of City Planning.
2. New York (City). Dept. of City Planning 2015. LION (Edition 15B). New York City: NYC Department of City Planning.
3. New York (City). Dept. of City Planning 2015. New York City Borough Boundary (Edition 15B). New York City: NYC Department of City Planning.
4. New York (City). Dept. of City Planning 2015. New York City Community Districts (Edition 15B). New York City: NYC Department of City Planning.
5. New York (City). Dept. of City Planning 2015. NYC GIS Zoning Features (September 2015). New York City: NYC Department of City Planning.

categorized by more contemporary multi-family residential elevator buildings ranging from approximately 6-11 stories in height. The Jane, a landmarked five-story hotel also falls within the study area.

The new Whitney Museum of American Art is directly north of the Project Site, across Gansevoort Street, and the remainder of the area north and northeast of the Project Site, including the southern side of Gansevoort Street, is predominantly categorized by commercial uses and limited residential and industrial uses. The north side of Gansevoort Street, east of Washington Street is largely commercial and includes ground floor uses such as boutique retail, nightclubs, and bars/restaurants. The traditional meatpacking related uses that once characterized the area are essentially limited to the Gansevoort Market Meat Center block between Little West 12th Street, Washington Street and Gansevoort Street, and West Street. As indicated by the land use map, the traditional meatpacking industry that once defined the area has shrunk substantially and does not have a significant presence throughout the neighborhood (see Figure 6).

Transportation and utility uses (i.e. the DSNY Garage) are located across West Street on the piers northwest of the Project Site. The Pier 51 Playground is located across West Street, southwest of the Project Site. Open spaces in the project area includes the High Line elevated park, which begins one block north of the Project Site, and the Hudson River Park along the riverfront southwest of the Project Site (which includes the Pier 51 Playground).

As stated previously, the 1984 Restrictive Declaration, in addition to incorporating provisions governing bulk requirements on the Project Site, incorporated mitigation measures requiring the prior owner of the site and its successors to use "best efforts" to maintain the use of the Industrial Space for "meat related Use Group 17A and 17B uses" and, in the event of a vacancy, to use "best efforts" to rent to such uses. These requirements are set forth in Section 2.03 of the Declaration. In the event the Industrial Space could not be rented for "meat-related" uses, it could be utilized for any "Permitted Use" listed in Exhibit D of the Declaration, which included uses in Use Groups 11A, 11B, 16A, 16D, 17A, 17B, 17C, 18A and 18B.

In connection with an application (M 840260C ZMM) to modify similar provisions of Restrictive Declaration D-94 (recorded against 46-74 Gansevoort Street; Block 643, Lots 43, 49 and 54) in order to allow Use Group 6 and 9 commercial and retail uses, the City Planning Commission stated in its report that the modification "reflects the changing mix of uses in the vicinity, notably the substantial reduction in meat-related uses and the increase in retail and commercial uses, such as restaurants, coffee shops, art galleries, architecture and graphic design offices, and photography studios." Further, the Commission noted that "this evolving use mix stems not from the rezoning in 1984 of two blocks located immediately to the west, but is related to technological and economic changes within the meat industry affecting production and distribution, as well as broader economic trends within the city."

As described above and consistent with the Commissions' finding for the site at 46-74 Gansevoort Street, the proposed modification to permit the applicant to market and occupy the Industrial Space for commercial uses permitted in the C6-2A district is consistent with the transformation of the Meatpacking District since 1984 from a center for industrial meat-processing business to a commercial and cultural center. The proposed modification of the use restriction for the Project Site would not result in the introduction of a new or incompatible use to the neighborhood. Restaurants currently existing within the study area, are permitted on an as-of-right basis, and are compatible with the mixed-use character of the district. In addition, the proposed modification would not result

in any physical alterations to the existing building. Since the proposed actions would permit uses that are compatible with existing development patterns in the surrounding area and would not alter the existing building, it would not result in any significant adverse impacts to land use. Therefore, the proposed actions would not result in any significant adverse impacts on land use conditions, and no further analysis is warranted.

Zoning

The Project Site is within a C6-2A zoning district that includes the block to the south between Horatio Street and Jane Street. The C6-2A district provides a basic maximum FAR of 6.0 for commercial uses, 6.02 for residential uses and 6.5 for community facility uses. The areas to the west and north of the Site are mapped with manufacturing districts, consisting of an M2-3 district directly west of the Site, an M3-2 district on the waterfront northwest of the Site and an M1-5 district running several blocks north and northeast of the Site. The Special West Chelsea District begins three blocks north of the Site, above West 14th Street. The areas to the east and south of the Site are mapped with commercial and residential districts: a C4-4A district is mapped on the eastern side of Washington Street to a depth of 100 feet, adjacent to an R6 district mapped further to the east; C1-6A and C1-7A districts are mapped on the two blocks south of the Site's C6-2A district, and a C6-3 district is mapped south of Bethune Street, three blocks south of the Site. The proposed modification to the Restrictive Declaration, which would remove the industrial and meatpacking related use restriction, would permit an additional use on the site that is consistent with the uses permitted by the underlying and surrounding zoning districts (other than a Night Club Use). Therefore, the proposed actions would not result in any significant adverse impact to zoning.

Public Policy

The Project Site is located within the NYC Waterfront Revitalization Program's Costal Zone. When a proposed project is located within the Coastal Zone and it requires a local, state, or federal discretionary action, a determination of the project's consistency with the policies and intent of the Waterfront Revitalization Plan (WRP) must be made before the project can move forward. Meat-related industrial uses are not related to waterfront activity. Additionally, while the waterfront in this portion of Manhattan is fairly well-utilized, the replacement of a vacant space with a restaurant use would contribute to further revitalization. As the proposed actions are strictly limited to a change in use and the proposed actions do not include any physical alteration to the existing structure, the proposed project would not substantially affect any of the WRP policies as shown in the attached WRP Consistency Form (see Appendix A).

Socioeconomics

The socioeconomic character of an area includes its population, housing and economic activity. Socioeconomic changes may occur when a project directly or indirectly changes any of these elements. The general screening thresholds used to determine whether additional CEQR analysis would be warranted include whether a project would:

- Generate a net increase of 200 or more residential units
- Generate a net increase of 200,000 or more square feet of commercial space
- Directly displace more than 500 residents
- Directly displace more than 100 employees
- Affect conditions in a specific industry

The proposed change in use would effectively allow a vacant 8,245 gsf space to be tenanted with a restaurant use. No residential units would be generated and the net increase of commercial space is far less than the 200,000 sf threshold of analysis. No residents or employees would be displaced as the space is currently vacant.

Since the time that the proposed rezoning and Restrictive Declaration were adopted, trends in the meat industry have changed in ways that were not contemplated during the early 1980's, when the Declaration was recorded. Despite the City's 1984 effort to preserve and enhance the meat market through various means, the meat packing and distributing industry has contracted because of technological and demand driven changes, and reduced consumer demand for beef products. Additionally, the City has changed the public policy regarding the preservation of the Meat Market by creating a meat market in Hunts Point, the Bronx, and in Sunset Park, Brooklyn to actively attract meat-related uses to these two City-sponsored facilities. The development of the High Line of which the first Phase was completed in 2009, the redevelopment of the Gansevoort Market as a food hall in 2014, and the opening of the new Whitney Museum in 2015 are all emblematic of and contributing to the area's continuing transition towards commercial, retail, and cultural uses.

Since 1984, the Meat Market has shrunk and moved further north, the Meat Market is now located in the area generally bounded by Little West 12th Street on the south, West 15th Street on the north, Washington Street on the east and West Street on the west. The reduction of the Meat Market both in terms of number of jobs and number of meat industry firms continues a trend identified in the original 1984 Rezoning FEIS. It has resulted from a combination of factors, including the delivery of specialized meat cuts from meat plants outside of New York City directly to retailers and restaurants, modern packing processes such as freeze drying, overnight delivery services, obsolete buildings, and increasing operating costs.

Of the approximately 200 meatpacking businesses that were located in the Meat Market District during its peak, only approximately 25-30 remained by 2001.[3] Based on current Pluto Land Use data and Certificates of Occupancy the only remaining active industrial uses within the study area are located in the meatpacking cooperative north of the Whitney at 48-56 Little West 12th Street and 565 West Street. Further, all seven of the remaining meatpacking firms in downtown Manhattan are tenants of the meatpacking cooperative. The firms are able to remain in the area due to the low-rate leases offered by the City of New York for space at the cooperative.[4]

As meat-related operations in the vicinity have declined, new uses, permitted by the underlying zoning designations, have, over time, moved into the area. These new uses include restaurants, coffee shops, bars, nightclubs, galleries and other retail establishments, photography studios, and offices for architects, graphic designers, media production firms, etc. While some of these uses may serve residents from adjoining residential enclaves, most serve a wider segment of the city and region. The proposed actions would allow tenanting of the Project Site in conformance with the property's

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[3] Jay Shockley et al. (Landmarks Preservation Commission). 2003. Gansevoort Market Historic District Designation Reports, pgs. 19-20. Downloaded March 6, 2016.

[4] Aaron Elstein, "They got Beef: The neighborhood the meatpackers made has been their undoing," *Crain's New York Business. November 16, 2015, http://www.crainsnewyork.com/article/20151116/REAL_ESTATE/151119920/they-got-beef-the-neighborhood-the-meatpackers-made-has-been-their-undoing.*

underlying C6-2A zoning (other than for Night Club Use) and would be in context with the area and its land use trends.

This action is consistent with the transformation of the Meatpacking District since 1984 from a center for industrial meat-processing businesses to a commercial and cultural center. The proposed restaurant use would be consistent with and reinforce the socioeconomic character of the study area and would not affect conditions of the Meat Market industry. Therefore, the proposed project would not result in significant adverse impacts to the socioeconomic conditions of the study area.

Historic and Cultural Resources

The Project Site is located within the Gansevoort Market Historic District. Additionally, the Greenwich Village Historic District abuts the site to the south (see Figure 7). The existing building is described in the Gansevoort Market Historic District designation report.[5]

Formerly, the existing building was composed of multiple buildings on separate lots, which over time were aggregated into what is today Lot 1. The designation report considers Lot 1 to be made up of nine distinct buildings, which are each described individually in the report as "part of Lot 1." The Project Site, while wholly encompassed by what is today considered Lot 1 is sited within a space that was historically two buildings and is described as such in the designation report. No physical alterations to the existing structure are proposed, therefore there is no potential for a significant adverse impact to the historic character of the existing structure. Furthermore, the proposed use is consistent with other neighboring uses as other portions of Lot 1 are currently used for ground floor retail.

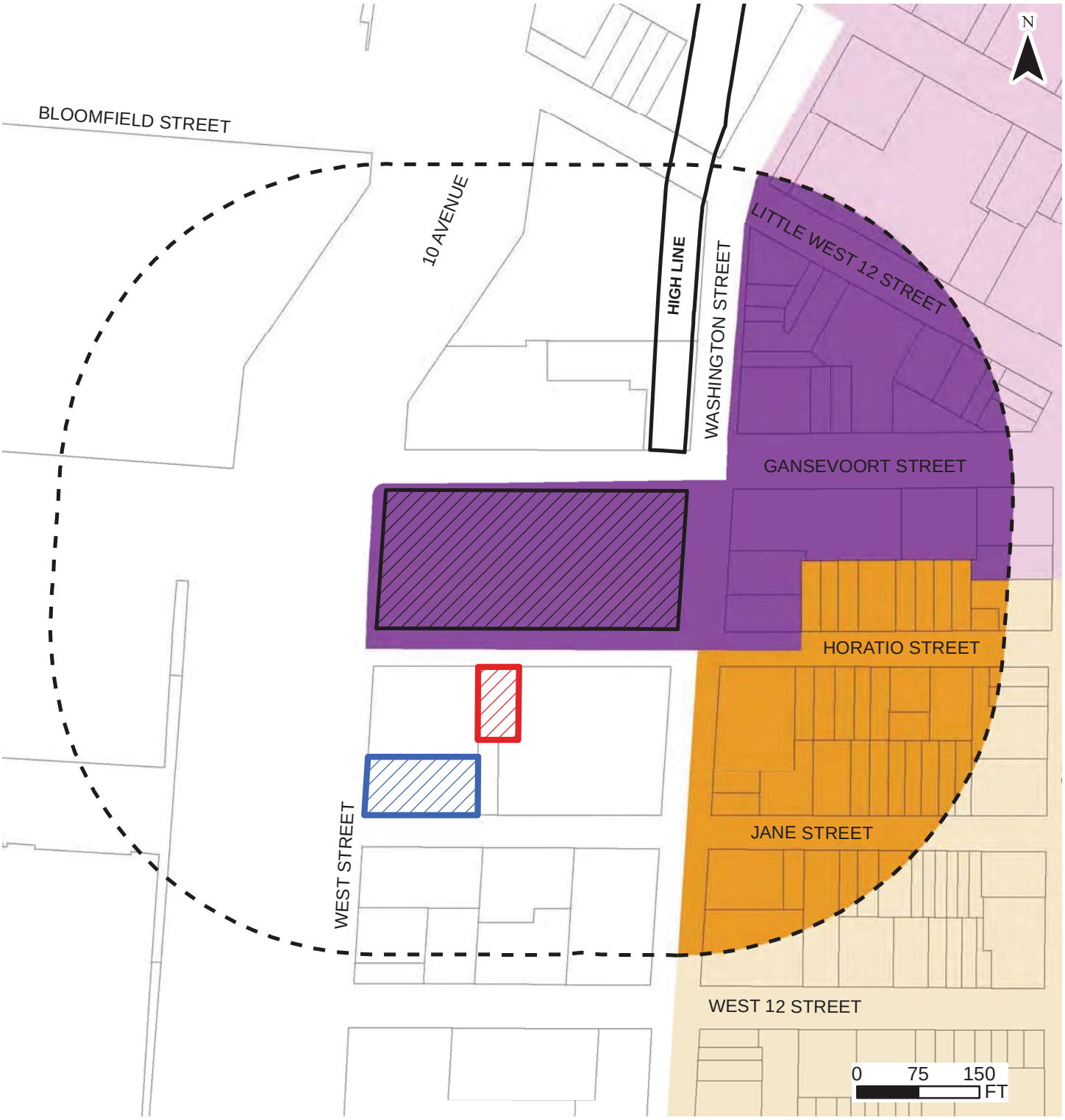
Additionally, there would be no impact on the LPC-designated Greenwich Village Historic District nor on the nearby individually LPC-designated F.W. Devoe & Co. Factory (LP-02308) and LPC-designated, NR-eligible American Seamen's Friends Society Sailors' Home and Institute (LP-02080) as a result of the proposed actions. The proposed actions are consistent with the existing character of these LPC-designated areas and pursuant to the attached letter (see Appendix C), LPC concurred that the proposed actions would not result in a significant adverse impact on the study area's historic and cultural resources, therefore no further analysis is required.

Conclusion

As demonstrated by the above analyses, the proposed actions, which would change the use limitations on the site to allow for use (other than a Night Club Use) in conformance with the underlying zoning regulations, would not be expected to result in any significant adverse environmental impacts.

[5] Jay Shockley et al. (Landmarks Preservation Commission). 2003. Gansevoort Market Historic District Designation Reports, pgs. 91-114. Downloaded January 25, 2016.

Date: 3/24/2016



95-97 Horatio Street
New York, New York

Historic and Cultural Resources

Figure 7

Project Area
400-Foot Radius

LPC Individual Landmarks

F.W. Devoe & Co. Factory
American Seamen's Friend Society Sailors' Home and Institute

LPC Historic Districts

Greenwich Village Historic District
Gansevoort Market Historic District

Sources:
1. New York (City). Dept. of City Planning 2015. Manhattan MapPLUTO (Edition 15v1). New York City: NYC Department of City Planning.
2. New York (City). Dept. of City Planning 2015. LION (Edition 15B). New York City: NYC Department of City Planning.

APPENDIX A

WRP CONSISTENCY ASSESSMENT

APPENDIX A

WRP CONSISTENCY ASSESSMENT

For Internal Use Only:
Date Received: _____

WRP no._____
DOS no._____

NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM
Consistency Assessment Form

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's designated coastal zone, must be reviewed and assessed for their consistency with the *New York City Waterfront Revitalization Program (WRP)*. The WRP was adopted as a 197-a Plan by the Council of the City of New York on October 13, 1999, and subsequently approved by the New York State Department of State with the concurrence of the United States Department of Commerce pursuant to applicable state and federal law, including the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. As a result of these approvals, state and federal discretionary actions within the city's coastal zone must be consistent to the maximum extent practicable with the WRP policies and the city must be given the opportunity to comment on all state and federal projects within its coastal zone.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, other state agencies or the New York City Department of City Planning in their review of the applicant's certification of consistency.

A. APPLICANT

1. Name: 95-97 Horatio, LLC / Jon McMillan
2. Address: 387 Park Avenue South, New York, NY 10016
3. Telephone: 212-672-1000 Fax:_____ E-mail: Jon.McMillan@TFCornerstone.com
4. Project site owner: 95-97 Horatio, LLC

B. PROPOSED ACTIVITY

1. Brief description of activity:

   The applicant, 95-97 Horatio LLC, is seeking a modification to Restrictive Declaration D-93 to remove use restrictions and marketing requirements imposed on the currently vacant "Industrial Space" (eating and drinking establishments with dancing, "Night Club Use," would remain prohibited) located within the northwest corner of the ground floor of the existing building at 95 Horatio Street (Block 643, Lot 1). The proposed modification would facilitate the re-tenanting of the currently vacant project site. Although the proposed actions would allow for a range of uses permitted per the underlying zoning (other than Night Club Use in the Industrial Space), it is assumed that a restaurant use would occupy the space (although there is not yet a specific tenant).

2. Purpose of activity:

   Currently the Development Site at 95-97 Horatio Street is subject to Restrictive Declaration D-93, originally recorded in 1984, that applies additional limitations on the permissible uses of the site beyond those established by the site's underlying zoning. The Restrictive Declaration was originally intended to mitigate potential adverse impacts on industrial/meat-related businesses from the rezoning that occurred in 1984. However, the character of the neighborhood has changed substantially since that time and, as described further below, the mitigation is now obsolete due to changed conditions in the neighborhood since the early 1980s.

3. Location of activity: (street address/borough or site description):

   The Development Site Site is located in the northwest corner of the ground floor of the existing building at 95 Horatio Street (Block 643, Lot 1) within the Gansevoort Market Historic District, Manhattan Community District 2. The site is located along West Street, just east of the Hudson River Park, northeast of the Pier 51 playground and southeast of the DSNY parking garage facility. The Project Site is lcoated within the coastal zone.

Proposed Activity Cont'd

4. If a federal or state permit or license was issued or is required for the proposed activity, identify the permit type(s), the authorizing agency and provide the application or permit number(s), if known:

   N/a

5. Is federal or state funding being used to finance the project? If so, please identify the funding source(s).

   N/a

6. Will the proposed project require the preparation of an environmental impact statement?
   Yes _____ No ____✓____ If yes, identify Lead Agency:

   The project will require the preparation of a Technical Memorandum as part of a previously certified environmental impact statement; The Department of City Planning is the lead agency.

7. Identify **city** discretionary actions, such as a zoning amendment or adoption of an urban renewal plan, required for the proposed project.

   The applicant is seeking to modify Restrictive Declaration D-93 to remove the use restriction (Section 2.03) that limits the northwestern portion of the site to certain industrial and meat-related uses (Use Groups 17A and 17B), in order to allow uses pursuant to the underlying C6-2A zoning regulations (restaurant, retail or other conforming uses). Night Club Uses would be prohibited in the Industrial Space.

C. COASTAL ASSESSMENT

Location Questions:	**Yes**	**No**
1. Is the project site on the waterfront or at the water's edge?		✓
2. Does the proposed project require a waterfront site?		✓
3. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land underwater, or coastal waters?		✓

Policy Questions	**Yes**	**No**

The following questions represent, in a broad sense, the policies of the WRP. Numbers in parentheses after each question indicate the policy or policies addressed by the question. The new Waterfront Revitalization Program offers detailed explanations of the policies, including criteria for consistency determinations.

Check either "Yes" or "No" for each of the following questions. For all "yes" responses, provide an attachment assessing the effects of the proposed activity on the relevant policies or standards. Explain how the action would be consistent with the goals of those policies and standards.

4. Will the proposed project result in revitalization or redevelopment of a deteriorated or under-used waterfront site? (1)		✓
5. Is the project site appropriate for residential or commercial redevelopment? (1.1)	✓	
6. Will the action result in a change in scale or character of a neighborhood? (1.2)		✓

Policy Questions cont'd	Yes	No
7. Will the proposed activity require provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (1.3)		✓
8. Is the action located in one of the designated Significant Maritime and Industrial Areas (SMIA): South Bronx, Newtown Creek, Brooklyn Navy Yard, Red Hook, Sunset Park, or Staten Island? (2)		✓
9. Are there any waterfront structures, such as piers, docks, bulkheads or wharves, located on the project sites? (2)		✓
10. Would the action involve the siting or construction of a facility essential to the generation or transmission of energy, or a natural gas facility, or would it develop new energy resources? (2.1)		✓
11. Does the action involve the siting of a working waterfront use outside of a SMIA? (2.2)		✓
12. Does the proposed project involve infrastructure improvement, such as construction or repair of piers, docks, or bulkheads? (2.3, 3.2)		✓
13. Would the action involve mining, dredging, or dredge disposal, or placement of dredged or fill materials in coastal waters? (2.3, 3.1, 4, 5.3, 6.3)		✓
14. Would the action be located in a commercial or recreational boating center, such as City Island, Sheepshead Bay or Great Kills or an area devoted to water-dependent transportation? (3)		✓
15. Would the proposed project have an adverse effect upon the land or water uses within a commercial or recreation boating center or water-dependent transportation center? (3.1)		✓
16. Would the proposed project create any conflicts between commercial and recreational boating? (3.2)		✓
17. Does the proposed project involve any boating activity that would have an impact on the aquatic environment or surrounding land and water uses? (3.3)		✓
18. Is the action located in one of the designated Special Natural Waterfront Areas (SNWA): Long Island Sound- East River, Jamaica Bay, or Northwest Staten Island? (4 and 9.2)		✓
19. Is the project site in or adjacent to a Significant Coastal Fish and Wildlife Habitat? (4.1)		✓
20. Is the site located within or adjacent to a Recognized Ecological Complex: South Shore of Staten Island or Riverdale Natural Area District? (4.1and 9.2)		✓
21. Would the action involve any activity in or near a tidal or freshwater wetland? (4.2)		✓
22. Does the project site contain a rare ecological community or would the proposed project affect a vulnerable plant, fish, or wildlife species? (4.3)		✓
23. Would the action have any effects on commercial or recreational use of fish resources? (4.4)		✓
24. Would the proposed project in any way affect the water quality classification of nearby waters or be unable to be consistent with that classification? (5)		✓
25. Would the action result in any direct or indirect discharges, including toxins, hazardous substances, or other pollutants, effluent, or waste, into any waterbody? (5.1)		✓
26. Would the action result in the draining of stormwater runoff or sewer overflows into coastal waters? (5.1)		✓
27. Will any activity associated with the project generate nonpoint source pollution? (5.2)		✓
28. Would the action cause violations of the National or State air quality standards? (5.2)		✓

Policy Questions cont'd	Yes	No
29. Would the action result in significant amounts of acid rain precursors (nitrates and sulfates)? (5.2C)		✓
30. Will the project involve the excavation or placing of fill in or near navigable waters, marshes, estuaries, tidal marshes or other wetlands? (5.3)		✓
31. Would the proposed action have any effects on surface or ground water supplies? (5.4)		✓
32. Would the action result in any activities within a federally designated flood hazard area or state-designated erosion hazards area? (6)	✓	
33. Would the action result in any construction activities that would lead to erosion? (6)		✓
34. Would the action involve construction or reconstruction of a flood or erosion control structure? (6.1)		✓
35. Would the action involve any new or increased activity on or near any beach, dune, barrier island, or bluff? (6.1)		✓
36. Does the proposed project involve use of public funds for flood prevention or erosion control? (6.2)		✓
37. Would the proposed project affect a non-renewable source of sand ? (6.3)		✓
38. Would the action result in shipping, handling, or storing of solid wastes, hazardous materials, or other pollutants? (7)		✓
39. Would the action affect any sites that have been used as landfills? (7.1)		✓
40. Would the action result in development of a site that may contain contamination or that has a history of underground fuel tanks, oil spills, or other form or petroleum product use or storage? (7.2)		✓
41. Will the proposed activity result in any transport, storage, treatment, or disposal of solid wastes or hazardous materials, or the siting of a solid or hazardous waste facility? (7.3)		✓
42. Would the action result in a reduction of existing or required access to or along coastal waters, public access areas, or public parks or open spaces? (8)		✓
43. Will the proposed project affect or be located in, on, or adjacent to any federal, state, or city park or other land in public ownership protected for open space preservation? (8)		✓
44. Would the action result in the provision of open space without provision for its maintenance? (8.1)		✓
45. Would the action result in any development along the shoreline but NOT include new water-enhanced or water-dependent recreational space? (8.2)		✓
46. Will the proposed project impede visual access to coastal lands, waters and open space? (8.3)		✓
47. Does the proposed project involve publicly owned or acquired land that could accommodate waterfront open space or recreation? (8.4)		✓
48. Does the project site involve lands or waters held in public trust by the state or city? (8.5)		✓
49. Would the action affect natural or built resources that contribute to the scenic quality of a coastal area? (9)		✓
50. Does the site currently include elements that degrade the area's scenic quality or block views to the water? (9.1)		✓

Policy Questions cont'd	Yes	No
51. Would the proposed action have a significant adverse impact on historic, archeological, or cultural resources? (10)		✓
52. Will the proposed activity affect or be located in, on, or adjacent to an historic resource listed on the National or State Register of Historic Places, or designated as a landmark by the City of New York? (10)		✓

D. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with New York City's Waterfront Revitalization Program, pursuant to the New York State Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If the certification can be made, complete this section.

"The proposed activity complies with New York State's Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent Name: 95-97 Horatio, LLC / Jon McMillan

Address: 387 Park Avenue South

New York, NY 10016 Telephone 212-672-1000

Applicant/Agent Signature: J. McMillan Date: 2/3/16

APPENDIX A: WATERFRONT REVITAILIZATION PROGRAM CONSISTENCY ASSESSMENT

The Waterfront Revitalization Program (WRP) consists of ten policies, which are intended to maximize the benefits derived from economic development, environmental preservation, and public use of the waterfront, while minimizing the conflicts among these objectives. Each of the policies that were identified in the Consistency Assessment Form (CAF) as requiring further assessment are presented below, followed by a discussion of the proposed project's consistency with the policy.

Policy 1: Support and facilitate commercial and residential development in areas well-suited to such development

1.1 Encourage commercial and residential redevelopment in appropriate coastal zone areas.

The existing building at 95-97 Horatio Street is a multi-family residential elevator building with ground floor retail. Within the northwest corner of the existing building is the use restricted Industrial Space. The proposed project would modify the use restricted area within the 11,650 gross square foot Development Site with a restaurant use within the coastal zone.

Land uses to the south of the Project Site are predominately residential, with limited commercial and industrial uses. The new Whitney Museum of American Art is directly north of the Project Site, across Gansevoort Street, and the remainder of the area north and northeast of the Project Site, is predominantly categorized by commercial uses and limited residential and industrial uses. Transportation and utility uses (i.e. the DSNY Garage) are located across West Street on the piers northwest of the Project Site. The Pier 51 Playground is located across West Street, southwest of the Project Site. Open spaces in the project area includes the High Line elevated park, which begins one block north of the Project Site, and the Hudson River Park along the riverfront southwest of the Project Site (which includes the Pier 51 Playground).

The proposed modification to the use restriction for the Proposed Development Site would not result in the introduction of a new or incompatible use to the neighborhood. Restaurants currently exist within the study area, are permitted on an as-of-right basis, and are compatible with the mixed-use character of the district. Furthermore, the proposed modification would not result in any physical alterations to the existing building. Since the proposed actions would permit uses that are compatible with existing development patterns in the surrounding area and would permit appropriate uses in a currently vacant space, the proposed actions are consistent with Policy 1.1 of the Waterfront Revitalization Program.

Policy 6: Minimize loss of life, structures and natural resources caused by flooding and erosion.

6.1 Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the condition and use of the property to be protected and surrounded.

The Project Site is located within a special flood hazard area (the 100-year floodplain) and includes base elevations ranging from 11-12 feet. Therefore, the proposed action would result in activities within a special flood hazard area. The existing building at 95-97 Horatio Street is equipped with Aqua-Fence panels that will be deployed in the event of a flood. The panels would create a

continuous barrier from a point on Gansevoort Street proceeding west, full coverage along West Street, proceeding east along Horatio to another point near the east end of Horatio (see Figure 8).

In addition, the electric service room has been relocated to above the 100-year flood elevation. An emergency generator has been installed on the roof and flood doors are installed in the boiler room which remains in the cellar.

Please see the Technical Memorandum for additional information concerning the effects of the proposed actions on Policy 1.1 and Policy 6 of the Waterfront Revitalization Program.

APPENDIX A: WATERFRONT REVITAILIZATION PROGRAM CONSISTENCY ASSESSMENT

The Waterfront Revitalization Program (WRP) consists of ten policies, which are intended to maximize the benefits derived from economic development, environmental preservation, and public use of the waterfront, while minimizing the conflicts among these objectives. Each of the policies that were identified in the Consistency Assessment Form (CAF) as requiring further assessment are presented below, followed by a discussion of the proposed project's consistency with the policy.

Policy 1: Support and facilitate commercial and residential development in areas well-suited to such development

1.1 Encourage commercial and residential redevelopment in appropriate coastal zone areas.

The existing building at 95-97 Horatio Street is a multi-family residential elevator building with ground floor retail. Within the northwest corner of the existing building is the use restricted Industrial Space. The proposed project would modify the use restricted area within the 11,650 gross square foot Development Site with a restaurant use within the coastal zone.

Land uses to the south of the Project Site are predominately residential, with limited commercial and industrial uses. The new Whitney Museum of American Art is directly north of the Project Site, across Gansevoort Street, and the remainder of the area north and northeast of the Project Site, is predominantly categorized by commercial uses and limited residential and industrial uses. Transportation and utility uses (i.e. the DSNY Garage) are located across West Street on the piers northwest of the Project Site. The Pier 51 Playground is located across West Street, southwest of the Project Site. Open spaces in the project area includes the High Line elevated park, which begins one block north of the Project Site, and the Hudson River Park along the riverfront southwest of the Project Site (which includes the Pier 51 Playground).

The proposed modification to the use restriction for the Proposed Development Site would not result in the introduction of a new or incompatible use to the neighborhood. Restaurants currently exist within the study area, are permitted on an as-of-right basis, and are compatible with the mixed-use character of the district. Furthermore, the proposed modification would not result in any physical alterations to the existing building. Since the proposed actions would permit uses that are compatible with existing development patterns in the surrounding area and would permit appropriate uses in a currently vacant space, the proposed actions are consistent with Policy 1.1 of the Waterfront Revitalization Program.

Policy 6: Minimize loss of life, structures and natural resources caused by flooding and erosion.

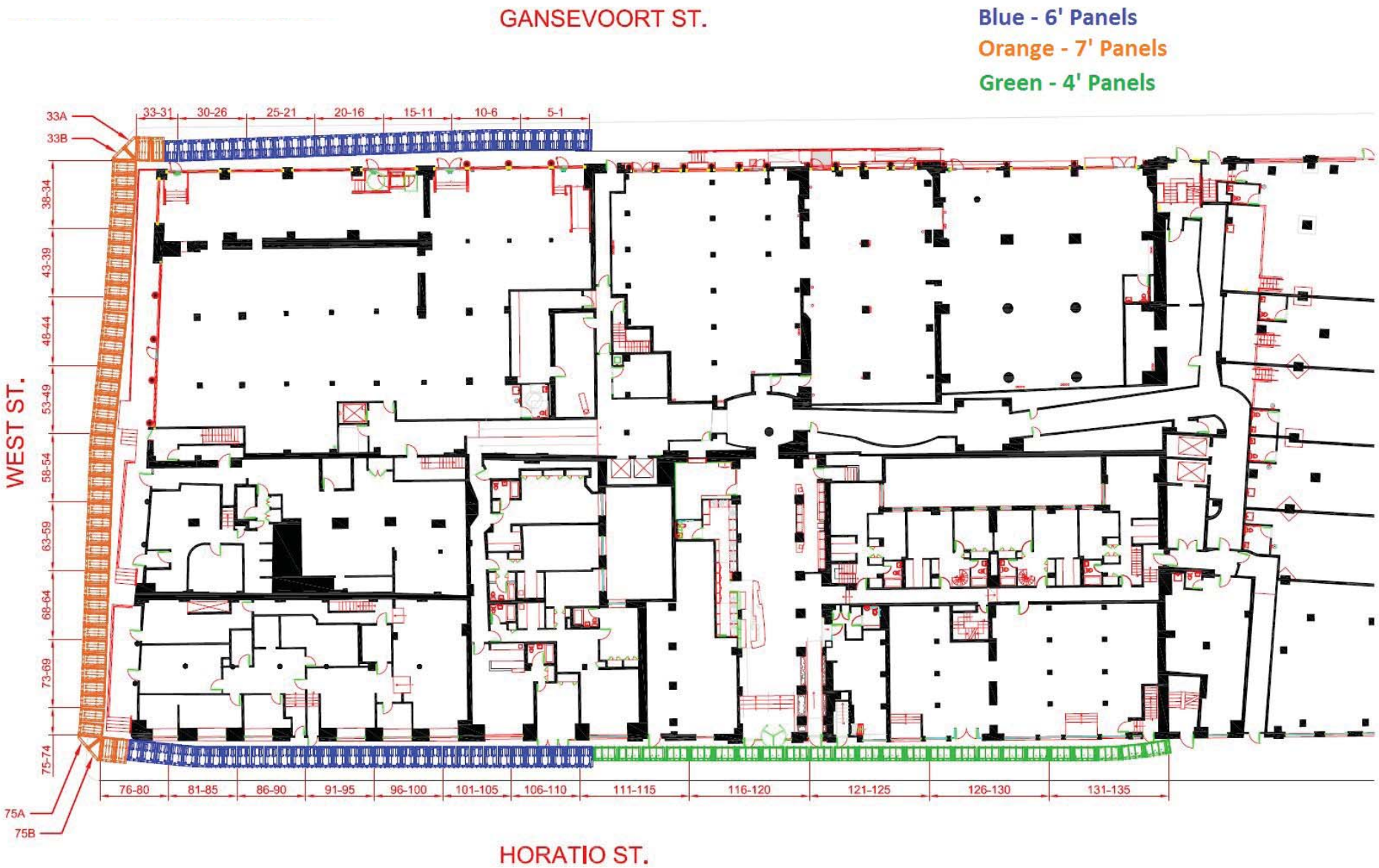
6.1 Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the condition and use of the property to be protected and surrounded.

The Project Site is located within a special flood hazard area (the 100-year floodplain) and includes base elevations ranging from 11-12 feet. Therefore, the proposed action would result in activities within a special flood hazard area. The existing building at 95-97 Horatio Street is equipped with Aqua-Fence panels that will be deployed in the event of a flood. The panels would create a

continuous barrier from a point on Gansevoort Street proceeding west, full coverage along West Street, proceeding east along Horatio to another point near the east end of Horatio (see Figure 8).

In addition, the electric service room has been relocated to above the 100-year flood elevation. An emergency generator has been installed on the roof and flood doors are installed in the boiler room which remains in the cellar.

Please see the Technical Memorandum for additional information concerning the effects of the proposed actions on Policy 1.1 and Policy 6 of the Waterfront Revitalization Program.



95-97 Horatio Street
New York, New York

AquaFence Deployment Plan

Figure
8

Appendix B
Restrictive Declaration

D E C L A R A T I O N

This Declaration, made the 13 day of April, 1984, by West Coast Company c/o Rockrose Development Corporation, with offices at 309 East 45 Street, New York, New York 10017, both corporations created and existing pursuant to the laws of the State of New York, (hereinafter called the "Declarant").

WITNESSETH:

WHEREAS, Declarant is the owner in fee simple of certain real property located in the Borough of Manhattan, City and State of New York, Block 643, Lot 1, which property is designated as 95 Horatio Street and known as the West Coast Apartments, and which property is described in Exhibit "A" annexed hereto and is hereinafter referred to as the "Subject Property"; and

WHEREAS, the Title Guaranty Company has certified that as of the date hereof Declarant and the Citibank, N.A., are the sole "parties in interest" to the Subject Property as defined in Section 12-10 ("Zoning Lot") to the New York City Zoning Resolution, a copy of the title report being annexed hereto as Exhibit "B"; and

WHEREAS, Declarant desires to have the Subject Property rezoned from M1-5 to C6-2A and to develop the Subject Property pursuant to said zoning change and a zoning text amendment, and Declarant had filed application for said rezoning under Docket No. C840260ZMM, with the New York City Planning Commission; and the zoning text amendment establishing the C6-2A zoning district has been filed by the Department of City Planning under Docket No. C840235ZRY; and

WHEREAS, Declarant desires to restrict the manner in which the Subject Property may be developed, maintained and operated in the future and intends these restrictions to benefit the land; and

☆ SO IN ORIGINAL

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WHEREAS, Declarant represents and warrants that except for a mortgage held by the Citibank, N.A., no restrictions of record on the use of the Subject Property, nor any present or presently existing estate or interest in the Subject Property, nor any lien, obligation, covenant, limitation or encumbrance of any kind presently precludes the imposition of the restrictions, covenants and obligations of this Declaration or the development of the Subject Property in accordance therewith.

NOW, THEREFORE, Declarant does hereby declare that the Subject Property shall be held, sold, conveyed and occupied subject to the following restrictions, covenants and obligations which are for the purpose of protecting the value and desirability of the Subject Property and which shall be binding on all heirs, successors, legal representatives, mortgagees in possession and assigns, and shall run with such real property.

ARTICLE I

Definitions

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

1.01 "Board of Estimate" shall mean the New York City Board of Estimate, or any successor to the jurisdiction thereof.

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

1.03 "Chairman" shall mean Chairman of the City Planning Commission or any successor to the jurisdiction thereof.

1.04 "Circumstances beyond the reasonable control of Declarant" shall mean such circumstances as may be determined by the CPC to be beyond the reasonable control of Declarant despite Declarant's diligent effort to complete the required work. Such circumstances shall include but not be limited to strikes, lockouts, labor disputes, inability to obtain materials or

reasonable substitutes, acts of God, governmental restrictions, regulations or controls, fire or other casualty, enemy or hostile governmental action, civil insurrection, revolution, sabotage, or similar conditions, or unreasonable agency delay in processing or approval of any necessary application or permit.

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

1.06 "Comptroller" shall mean the Comptroller of the City of New York, or any successor to the jurisdiction thereof.

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

1.08 "Commercial", "Manufacturing" or "Residential" shall have the meanings set forth in Section 12-10 of the Zoning Resolution of the City of New York.

1.09 "Industrial Space" shall mean the floor area located on the Subject Property as shown in Exhibit "C" annexed, which is presently used for any manufacturing or industrial use permitted as of right in an M1-5 zoning district.

1.10 "Industrial Tenant" shall mean a tenant occupying Industrial Space pursuant to a valid lease.

1.11 "Permitted Uses" shall mean those uses set forth in Exhibit "D" annexed.

1.12 "Proposed Building" shall mean the building described in §2.01 of this Declaration.

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

1.14 "Rezoning Application" shall mean the application for a change in the zoning map affecting the Subject Property filed with CPC under Docket No. C840260ZMM.

1.15 "Zoning Text Amendment" shall mean the addition to the Resolution filed under Docket No. C840235ZRY.

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ARTICLE II

Development and Use of Subject Property

2.01 Subject to the provisions of Section 4.01 of this Declaration, should the existing buildings on the Subject Property be demolished by the Declarant and new buildings constructed, or enlargements made to the existing building located on the Subject Property, redevelopment of the Subject Property, except that portion located within 100 feet distant from the east side of the West Street lot line, shall comply with the following:

a) Such buildings shall have a maximum floor area ratio of 4.0, containing not more than 143,932 square feet of total net building floor area excluding mechanical space, stairways, shafts and elevators;

b) The maximum street wall height shall be 60 feet.

c) The required lot area per dwelling unit shall be not less than 130 square feet. The required ~~floor~~ lot area per room unit shall be not less than ~~130~~ 104 square feet.

e) The sky exposure plane shall start at 60 feet above the street line and shall be at a ratio of 1 vertical to 1 horizontal with an initial setback of 20 feet at the maximum street wall height.

Such building shall hereinafter be referred to as the Proposed Building.

2.02 Notwithstanding the provisions of Section 2.01, if the existing buildings on the Subject Property are damaged or destroyed by any means to the extent of 75 percent or less, redevelopment of the Subject Property may occur by reconstruction of the buildings provided that such reconstruction shall not

4/16/84 J.B. K.C.

RECORDED 818 PG 1142

create a new non-compliance nor increase the pre-existing degree of non-compliance with the applicable district bulk regulations.

2.03 Weischel Beef Company, the Industrial Tenant presently occupying the Industrial Space located on the Subject Property shall be offered a renewal of its current lease, which shall provide for a term of not less than five years, and shall be on terms substantially similar to the terms of the current lease except that the present rent may be increased by not more than the percentage change in the Consumer Price Index for the New York/Northern New Jersey area during the twelve months preceeding the date of expiration of the tenants current lease, with annual increases at a percentage not more than the percentage increase in the Consumer Price Index for the New York/Northern New Jersey area during the preceding twelve month period. Subsequent use of the Industrial Space located on the Subject Property may only be for a Permitted Use. Declarant shall use its best efforts to ~~provide such Permitted Use for the Industrial Space~~ maintain Industrial Space presently occupied for retail related Use Group 17A and 17B uses, and, in the event of vacancy of such space to use best efforts to rent to such uses.

4/16/84

2.04 The provisions of Sections 2.01 and 2.03 shall not impose any obligation on the Declarant to construct any new or rehabilitated building on the Subject Property pursuant to the Rezoning Application. If such new or rehabilitated building is not developed, Declarant shall have no obligation to comply with the provisions of Section 2.01 and 2.03.

ARTICLE III

Effective Date and Enforcement

3.01 This Declaration shall become effective immediately upon the approval by the Board of Estimate of the Rezoning Application together with the related Zoning Text Amendment and Declarant shall file and record this Declaration in the Office of the Register of the City of New York, County of New York, indexing it against the entire Subject Property immediately

REEL 918 PG 1143

following such approval by the Board of Estimate. Declarant will promptly deliver to CPC a true copy of this Declaration as recorded, 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 the Declarant, who shall immediately pay such costs to the City.

3.02 Declarant acknowledges that the restrictions, covenants and obligations in this Declaration will protect the value and desirability of the Subject Premises. Declarant further acknowledges that such restrictions, covenants and obligations are an integral part of the Rezoning Application and the Zoning Text Amendment, and are necessary for the protection of the land.

3.03 The restrictions and covenants in this Declaration will be binding upon the Declarant or any successor in interest only for the period during which the Declarant, or such successor in interest, is holder of a fee interest in the Subject Property subject in any event to the further provisions of this Section 3.03; provided, that if the whole or a substantial portion of the Subject Property and/or Proposed Buildings are leased, then upon application of the Declarant and approval of the Chairman which approval will not be unreasonably withheld or delayed, the lessee under such lease will be deemed the sole holder of a fee interest in the subject property for purposes of this Section 3.03. 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 estate and interest of Declarant, its successors and assigns or the subsequent holders of a fee interest in the subject property, on an in rem basis only, for the collection of any judgment recovered against Declarant, or such successors, assigns and holders, based upon the breach by Declarant, or such successors, assigns and holders, of any of the terms, covenants

RR 818 1144

or conditions of this Declaration to be performed, on the part of the Declarant, or such successors, assigns and holders and no other property of Declarant or its principals, disclosed or undisclosed, or such successors, assigns and holders, shall be subject to levy, execution or other enforcement procedure for the satisfaction of the remedies of the City or of any other party or person under or with respect to this Declaration, and Declarant and any other person or party, disclosed or undisclosed, shall have no personal liability under this Declaration.

3.04 Declarant shall include a copy of this Declaration as a part of any application to the Buildings Department or any other agency of the City relating to the Subject Property or any portion thereof.

3.05 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 covenants, conditions and restrictions contained herein by any appropriate means, including, in case of Declarant's default, the revocation of any Certificate of Occupancy for the Subject Property.

3.06 Prior to Declarant being in default or being declared by the Chairman to be in default under any term, provision and/or covenant contained in the Declaration, the City shall give Declarant and any mortgagee referred to in Section 3.07 thirty (30) days written notice of such alleged default by registered or certified mail during which period Declarant and any mortgagee referred to in Section 3.07 of the Declaration shall have the opportunity to effect a cure. If Declarant or such mortgagee referred to in Section 3.07 commences to effect a cure during such 30-day period and upon a finding by the Chairman that Declarant has commenced a cure during such 30-day period and is proceeding diligently toward a cure, the aforesaid 30-day period shall be extended, for so long as the Chairman finds that

Reel 1145

Declarant has continued to proceed diligently with the effectuation of such cure. Failure to proceed diligently shall be an event of default.

3.07 Simultaneously with the giving of any notice to Declarant hereunder, the party giving such notice to Declarant shall send a duplicate copy of such notice by registered or certified mail to the holder of any mortgage on the Subject Property who has previously notified the CPC in writing of its interest as mortgagee. Performance by any mortgagee of any obligation on Declarant's part hereunder shall constitute performance by Declarant.

RER 818pg 1146

ARTICLE IV

Miscellaneous

4.01 If Declarant does not develop the Proposed Building on the Subject Property, and the C6-2A zoning designation on the Subject Property is hereafter changed to another zoning designation, the Subject Property may be developed as-of-right with any building or structure which conforms to the then-existing use and bulk restrictions. Notwithstanding the above, so long as the C6-2A zoning designation remains substantially as provided in the Zoning Text Amendment, development and use of the Subject Property shall be in accordance with the terms and conditions of Article II.

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

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

4.04 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, such provision shall be severable and the remainder of this Declaration shall continue to be of full force and effect.

4.05 This Declaration may be amended or cancelled only upon application by the Declarant or any successors in interest and by the approval of the CPC, the Board of Estimate, and no other legal approval or consent from any public body, private person or legal entity of any kind shall be required. However, the CPC may, upon application of Declarant, administratively approve such modifications to this Declaration as the CPC may determine to be minor modifications. Such minor modifications shall not be deemed amendments requiring the approval of the Board of Estimate.

4.06 If Declarant shall file a copy of this Declaration with the Attorney General of the State of New York in connection with any application for a cooperative or condominium development on the subject property, it shall, unless prohibited by applicable law, include in the offering plan or prospectus associated therewith a true copy of this Declaration, in addition to any applicable provisions of state or local law.

4.07 Wherever in this Declaration the certification, consent or approval of Declarant or the Chairman or CPC is required or permitted to be given, such certification, consent or approval will not be unreasonably withheld or delayed. If the Chairman or CPC shall not act upon a request for an approval within the time limits provided such approval shall be deemed granted.

REC 818 PG 1147

4.08 The provisions of this Declaration shall be a covenant running with the land, and shall inure to the benefit of and be binding upon Declarant's heirs, successors, legal representatives, mortgagees in possession and assigns, subject to the provisions of Section 3.03. References in this Declaration to Declarant shall be deemed to include such heirs, successors, legal representatives, mortgagees in possession and assigns.

4.09 By acceptance of this Declaration in connection with the approval of the Rezoning Application and the Zoning Text Change the City and the Chairman acknowledge their responsibilities under this Declaration. However, Declarant acknowledges and confirms that this Declaration is neither a contract nor an agreement with the City and that the City nor any agency or official has no obligations under this Declaration.

4.10 Declarant shall cause every individual, business organization or other entity which between the effective date of this Declaration and the date of recordation of this Declaration becomes a "party-in-interest" to the Subject Property, as defined in Section 12-10 ("Zoning Lot") of the Resolution, to subordinate its interest in the Subject Property to the Declaration. A copy of such subordination instrument shall be submitted to CPC prior to recordation and shall be in a form substantially similar to the form attached hereto as Exhibit "E". Any mortgage or other lien encumbering the Subject Property after the recording date of this Declaration shall be subject and subordinate hereto as provided herein.

4.11 All notices, demands, requests or other communications which may be or are permitted, desirable or required to be given or sent: if intended for Declarant, by mailing to Declarant at its address given at the commencement of this Agreement, ATTN: Jeffrey Elghanayan with copies to Stein, Davidoff, Malito & Teitler, 100 East 42nd Street, New York, New York 10017, ATTN: Marvin E. Mitzner, Esquire and to the holder

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of any mortgage on the Subject Property who has given CPC notice of its name and address and has requested that it receive such copy; and if intended for City or CPC, by mailing to CPC at 2 Lafayette Street, New York, New York 10007, ATTN: Chairman. Any change in the above addressees shall be given within thirty (30) days of such change. Each notice, demand, request or other communication which shall be mailed shall be deemed sufficiently given, secured or sent for all purposes hereunder three days (if mailed in New York City) and five days (if mailed outside of New York City) after it shall be mailed by United States registered or certified mail at a branch post office regularly maintained by the United States Postal Service.

REL 818: 1149

IN WITNESS WHEREOF, Declarant has caused this Declaration to be signed this day of April, 1984.

WEST COAST COMPANY
c/o ROCKROSE DEVELOPMENT CORP.

By: _____
Jeffrey Elghanayan

By: _____
Henry H. Elghanayan

By: _____
Kamran T. Elghanayan

By: _____
Frederick Elghanayan

STATE OF NEW YORK)
: ss.:
COUNTY OF NEW YORK)

On this 13 day of April, 1984, before me personally came JEFFREY ELGHANAYAN to me known to be the person who executed the foregoing instrument, and who, being duly sworn by me, did depose and say that he is an officer of Rockrose Development Corporation, and that he executed the foregoing instrument in the firm's name, and that he had authority to sign the same, and he acknowledged to me that he executed the same as the act and deed of said firm for the uses and purposes therein mentioned.

VALERIE R. LEES
Commissioner of Deeds
City of New York - No. 12502
Certificate Filed in New York County
Commission Expires Dec. 1, 1984

Notary Public

STATE OF NEW YORK)
: ss.:
COUNTY OF NEW YORK)

On this 13 day of April, 1984, before me personally came HENRY H. ELGHANAYAN to me known to be the person who executed the foregoing instrument, and who, being duly sworn by me, did depose and say that he is an officer of Rockrose Development Corporation, and that he executed the foregoing instrument in the firm's name, and that he had authority to sign the same, and he acknowledged to me that he executed the same as the act and deed of said firm for the uses and purposes therein mentioned.

VALERIE R. LEES
Commissioner of Deeds
City of New York - No. 12502
Certificate Filed in New York County
Commission Expires Dec. 1, 1984

Notary Public

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REL 818 PG 1151

STATE OF NEW YORK)
: ss.:
COUNTY OF NEW YORK)

On this 13 day of April, 1984, before me personally came KAMRAN T. ELGHANAYAN to me known to be the person who executed the foregoing instrument, and who, being duly sworn by me, did depose and say that he is an officer of Rockrose Development Corporation, and that he executed the foregoing instrument in the firm's name, and that he had authority to sign the same, and he acknowledged to me that he executed the same as the act and deed of said firm for the uses and purposes therein mentioned.

VALERIE A. LEES
Commissioner of Deeds
City of New York - No. 1-2852
Certificate Filed in New York County
Commission Expires Dec. 1, 1985

Notary Public

STATE OF NEW YORK)
: ss.:
COUNTY OF NEW YORK)

Valerie A. Lees

On this 13 day of April, 1984, before me personally came FREDERICK ELGHANAYAN to me known to be the person who executed the foregoing instrument, and who, being duly sworn by me, did depose and say that he is an officer of Rockrose Development Corporation, and that he executed the foregoing instrument in the firm's name, and that he had authority to sign the same, and he acknowledged to me that he executed the same as the act and deed of said firm for the uses and purposes therein mentioned.

VALERIE A. LEES
Commissioner of Deeds
City of New York - No. 1-2852
Certificate Filed in New York County
Commission Expires Dec. 1, 1985

Valerie A. Lees

Notary Public

EXHIBIT E

SUBORDINATION OF MORTGAGE

Subordination of Mortgage made this 13 day of April, 1984, by Citibank, N.A. having office at 399 Park Avenue , New York, New York (the "Mortgagee").

REEL 818 PG 1152

Preliminary Statement

The Mortgagee is the lawful owner of mortgages (the "Mortgages") from West Coast Company (the "Mortgagor"), dated and recorded in the Office of the City Register, New York County, New York (the "Register") in Reel and Page as described in Exhibit B hereto, which Morgages cover the property (the "Premises") described therein including the Premises described on Schedule A hereto.

The Mortgagor has, by a Declaration (the "Declaration") date as of April 13, 1984 made by Mortgagor, which Declaration is intended to be recorded in the Register prior to the recordation hereof, described that the Premises shall be held, sold, conveyed and occupied subject to certain restrictions, covenants, obligations, easements and agreements defined therein.

The Mortgagee has agreed, at the request of the Mortgagor to subordinate the Mortgage to the Declaration.

NOW, THEREFORE, in consideration of Dollars paid to the Mortgagee, the receipt of which is hereby acknowledged, the Mortgagee hereby subordinates the Mortgage and the lien, operation and effect thereof, to the Declaration and all rights created by the Declaration.

IN WITNESS WHEREOF, the Mortgagee has duly executed this subordination the day and year first above written.

Attest:

Seal

By: Barbara Slaight
vice president

Barbara Slaight
Assistant Vice-President

REEL 818 PG 1153

Exhibit A

R-3

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Title No.....727077.....

SCHEDULE A

REEL 818 PG 1154

PARCEL A

ALL that certain plot, piece or parcel of land together situate, lying and being in the Borough of Manhattan, City of New York, and bounded and described as follows:-

BEGINNING at the corner formed by the intersection of the easterly side of West Street and the northerly side of Horatio Street; and running

THENCE northerly along the easterly side of West Street, 142 feet 1/2 of an inch;

THENCE easterly along a line forming an angle of 93 degrees 6 minutes no seconds on its southerly side with the said easterly side of West Street and through a wall now designated as a party wall, 77 feet 10½ inches;

THENCE northerly along a line forming an angle of 87 degrees 35 minutes 10 seconds on its westerly side with the preceding course and through a wall now designated as a party wall, 22 feet 10 inches to the southerly side of Gansevoort Street;

THENCE easterly along the southerly side of Gansevoort Street, 292 feet 1-3/4 inches to the corner formed by the intersection of the said southerly side of Gansevoort Street and the westerly side of Washington Street;

Title No. 727077

SCHEDULE "A", continued... (PARCEL A) PAGE TWO

REEL 818 PG 1155

THENCE southerly along the westerly side of Washington Street, 168 feet 4 inches to the corner formed by the intersection of said westerly side of Washington Street and the northerly side of Horatio Street;

THENCE westerly along the northerly side of Horatio Street, 69 feet 1-3/4 inches to the westerly face of the westerly wall of the nine story concrete brick front building on the premises now being described;

THENCE northerly along the westerly face of said westerly wall and along a line forming an angle of 90 degrees 45 minutes no seconds on its easterly side with said northerly side of Horatio Street, 80 feet 10½ inches;

THENCE westerly along the southerly face of the southerly wall of the seven story brick building on the premises now being described, and along a line forming an angle of 90 degrees 39 minutes 30 seconds on its southerly side with the preceding course, 41 feet 4 inches;

THENCE northerly along the westerly end of said Wall 11 inches to the southerly face of the southerly independent wall of the building on the premises now being described;

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Title No. 727077

SCHEDULE "A", continued... (PARCEL A) PAGE THREE

REEL 818 PG 1156

THENCE westerly along the southerly face of said southerly wall and along a line which forms an angle of 91 degrees 15 minutes no seconds on its southerly side with last mentioned course, 20 feet 6 inches;

THENCE southerly along a line which forms an angle of 89 degrees 22 minutes 20 seconds on its easterly side with the preceding course 10¼ inches;

THENCE westerly along the northerly face of the northerly independent wall of the one story brick building on the premises adjoining on the south and along a line which forms an angle of 88 degrees 54 minutes 50 seconds on its northerly side with the preceding course, 17 feet 2¼ inches;

THENCE southerly along the easterly face of a brick wall on the premises now being described and along a line forming an angle of 88 degrees 24 minutes 30 seconds on its easterly side with the preceding course, 5 feet 11½ inches;

THENCE westerly along the northerly face of the northerly brick wall of the building on the premises adjoining on the south, and along a line forming an angle of 88 degrees 41 minutes no seconds on its northerly side with the preceding course, 17 feet 6-3/4 inches to the westerly face of the westerly wall of the six story brick

-continued-

Title No. 727077

SCHEDULE "A", continued... (PARCEL A) PAGE THREE

THENCE westerly along the southerly face of said southerly wall and along a line which forms an angle of 91 degrees 15 minutes no seconds on its southerly side with last mentioned course, 20 feet 6 inches;

THENCE southerly along a line which forms an angle of 89 degrees 22 minutes 20 seconds on its easterly side with the preceding course 10¼ inches;

THENCE westerly along the northerly face of the northerly independent wall of the one story brick building on the premises adjoining on the south and along a line which forms an angle of 88 degrees 54 minutes 50 seconds on its northerly side with the preceding course, 17 feet 2¼ inches;

THENCE southerly along the easterly face of a brick wall on the premises now being described and along a line forming an angle of 88 degrees 24 minutes 30 seconds on its easterly side with the preceding course, 5 feet 11½ inches;

THENCE westerly along the northerly face of the northerly brick wall of the building on the premises adjoining on the south, and along a line forming an angle of 88 degrees 41 minutes no seconds on its northerly side with the preceding course, 17 feet 6-3/4 inches to the westerly face of the westerly wall of the six story brick

-continued-

building on the premises adjoining on the south;

THENCE southerly along the westerly face of the last mentioned wall and along a line which forms an angle of 90 degrees 6 minutes no seconds on its westerly side with the northerly side of Horatio Street, 74 feet 11 inches to the northerly side of Horatio Street; and

THENCE westerly along the said northerly side of Horatio Street, 201 feet 3 inches to the first mentioned corner, the point or place of BEGINNING.

PARCEL "B"

ALL THAT certain lot, piece or parcel of land, together, situate, lying and being in the Borough of Manhattan, City of New York, bounded and described as follows:-

BEGINNING at the corner formed by the intersection of the easterly side of West Street and the southerly side of Gansevoort Street;

RUNNING THENCE easterly along the southerly side of Gansevoort Street, 75 feet 9¼ inches;

THENCE southerly along a line forming an angle of 91 degrees 18 minutes 30 seconds on its westerly side with said southerly side of Gansevoort Street; and through a wall now designated as a party wall, 22 feet 10 inches;

THENCE westerly along a line forming an angle of 87 degrees 35 minutes 10 seconds on its northerly side with the preceding course and through a wall now designated as a party wall, 77 feet 10½ inches to the said easterly side of West Street; and

THENCE northerly along the same, 21 feet, 4½ inches to the corner, the point or place of BEGINNING.

REEL 818 PG 1158

DNA

For conveyancing only, if intended to be conveyed.

Together with all right, title and interest of, in and to any streets and roads abutting the above described premises, to the center line thereof

Exhibit B

TELEPHONE WORTH 2-7900

COMPLETE
TITLE SERVICE
ALL COUNTIES

SEARCHES FOR
LAST OWNERS
MECHANICS LIENS
TAX SEARCHES
PERSONAL PROPERTY
MISCELLANEOUS

ROYAL

Registered Property Reports, Inc.

280 BROADWAY • NEW YORK 7, N. Y.

March 8th, 1984

Leimas, Roth & Schein, Esqs.
217 Broadway
New York, N.Y. 10007

IN REPLYING PLEASE REFER TO

REEL 818 PG 1160

ATT: Daniel B. Zanini, Esq.

Title No: 144,278

Gentlemen:

Pursuant to your request, we have caused a search to be made in the Register's Office of New York County to ascertain the last recorded grantee of record and any open mortgages of record affecting

PREMISES:- 95 HORATIO STREET, NEW YORK, N.Y.

and the report is annexed hereto.

Very truly yours,

ROYAL REGISTERED PROPERTY
REPORTS, INC.

BY _____

SWK:k
enc.

The within report is furnished for information only.
No liability assumed hereunder in absence of Title Insurance Policy

TITLE NO: 144,278

PREMISES: 95 Horatio Street - Block 643 Lot 1
New York, N.Y.

REEL 818 PG 1161

GRANTEE: West Coast Company
217 Broadway

Deed Recorded: 5-16-80
Reel: 524 Pg. 384

MORTGAGES:

Reel 542 Pg. 1585, Reel 596 Pg. 180, Reel 487 Pg. 1670, Reel 698 Pg. 562, Reel 655 Pg. 670, Liber 6184 Mp. 16, Liber 6266 Mp. 472, Liber 6386 Mp. 355 and Reel 191 Pg. 1699, consolidated for $18,000,000.00 on 6-28-83 and held on record by:-

CITIBANK, N.A.

ROYAL REGISTERED PROPERTY REPORTS, INC.

BY _____
STANLEY KRAVET

SWK:hn

REEL 818 PG 1162

Exhibit C

REEL 818 PG 1163

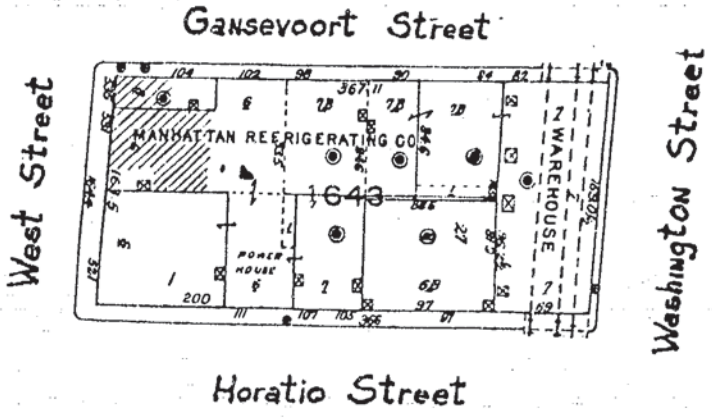

Exhibit "C"

6 April 1984

Industrial Space = 4,700 sq. ft.

ROCKROSE

REEL 818 PG 1164

Exhibit D

EXHIBIT

PERMITTED USES

Group A:

The following users are included in Section 15-581. Accessory uses shall be considered part of such use. Uses which are encompassed within categories under more than one Use Group are included in Section 15-581 as long as one such category is included below:

REEL 818 PG 1165

In Use Group 11 A:

MANUFACTURING ESTABLISHMENTS

Art needle work, hand weaving or tapestries
Books, hand binding or tooling
Ceramic products, custom manufacturing
Clothing, custom manufacturing or altering for retail
Hair Products, custom manufacturing
Jewelry manufacturing from precious metals
Medical, dental drafting instruments optical goods, or similar precision instruments
Musical instruments, except pianos and organs
Orthopedic or medical appliances, custom manufacturing
Printing, custom, limited to 2,500 square feet of floor area per establishment for production, provided that such floor area limitation shall not apply in C6 Districts
Watchmaking

In Use Group 16 A:

Blacksmith shops
Carpentry, custom woodworking or furniture making shops
Household or office equipment or machinery repair shops
Machinery rental or sales establishments
Mirror silvering or glass cutting shops
Silverplating shops
Soldering or welding shops
Tool, die or pattern-making establishments or similar small machines

In Use Group 17 A:

Produce or meat markets, wholesale

In Use Group 17 B:

MANUFACTURING ESTABLISHMENTS

Adhesives - excluding manufacture of basic components
Advertizing displays
Aircraft, including parts
Apparel or other textile products from textiles or other materials, including hat bodies or similar products
Automobiles, trucks or trailers, including parts or rebuilding or engines
Beverages, non-alcholic
Boats less than 200 feet in length, building or repair, open or enclosed, provided that such use or portion thereof may be conducted outside a completely enclosed building only if located at a distance greater than 200 feet from a Residence District boundary, or if effectively screened by a wall or fence at least eight feet in height with no boat building located less than 30 feet from a Residence District boundary
Bottling work, for all beverages
Brushes or brooms
Cameras or other photographic equipment, except film
Carpets
Ceramicproducts, including pottery, small glazed tile, or similar products
Canvas or canvas products
Chemicals, Compounding or packaging
Cork products
Cosmetics or toiletries
Cotton ginning or cotton wadding or linters
Electrical supplies, including wire or cable assembly switches lamps, insulation, dry cell batteries, or similar supplies
Film, photographic
Food products, except slaughtering of meat preparation of fish for packing
Fur goods, not including tanning or dyeing
Glass products from previously manufactured glass
Hair, felt or feather products, except washing, curing, or dyeing

Hosiery
Ice, dry or natural
Ink or inked ribbon
Jute, hemp sisal or cakum products
Laboratories, research, experimental, or testing
Leather products, including shoes, machine belting, or similar products
Luggage
Machines, business, including typewriters, accounting machines, calculators, card-counting equipment, or similar products
Machinery, miscellaneous including washing machines, firearms refrigerators, air-conditioning, commercial motion picture equipment, or similar products
Machine tools, including metal lathes metal presses, metal stamping machines, woodworking machines, or similar products
Mattresses, including rebuilding or renovating
Metal finishing, plating, grinding, sharpening, polishing, cleaning, rustproofing, heat treatment, or similar processes
Metal stamping or extrusion, including costume jewelry, pins and needles, razor blades, bottle caps, buttons, kitchen utensils or similar products
Motorcycles, including parts
Musical instruments, including pianos or organs
Novelty products
Optical equipment, clocks or similar precision instruments
Orthopedic or medical appliances, including artificial limbs braces, supports stretchers, or similar appliances
Paper products, including envelopes, stationery, bags, boxes shipping containers, bulk goods, tubes, wallpaper printing, or similar products
Perfumes or perfumed soaps compounding only
Pharmaceutical products
Plastic products, including tableware, phonograph records, buttons, or similar products
Printing or publishing, with no limitation on floor area per establishment
Rubber products, such as washers, gloves footwear, bathing caps, atomizers, or similar products, excluding manufacture of natural or synthetic rubber
Scenery construction
Shoddy
Silverware, plate or sterling
Soap or detergents, packaging only
Sporting or athletic equipment, including balls, baskets cues, gloves, bats racquets, rods, or similar products
Statuary mannequins figurines, or religious or church art goods, excluding foundry operations
Steel products, miscellaneous fabrication or assembly, including steel cabinets, doors, fencing, metal furniture, or similar products
Textiles, spinning weaving, manufacturing dyeing, printing, knit [illegible], yarn, thread or cordage
Tobacco, including curing, or tobacco products
Tools or hardware, including bolts, nuts, screws, doorknobs, handtools or cutlery, hinges, house hardware, locks.

REEL 818 PG 1167

non-ferrous metal castings, plumbing appliances, or similar products
Toys
Umbrellas
Upholstering, bulk, excluding upholstering shops dealing directly with consumers
Vehicles, children's including bicycles, scooters, wagons, baby carriages, or similar vehicles
Venetian blinds, window shades, or awnings, with no limitation on production or on floor area per establishment
Wax products
Wood products, including furniture, boxes, crates, baskets, pencils, cooperage works, or similar products

In Use Group 18 A

MANUFACTURING ESTABLISHMENTS
Asphalt or asphalt products
Beverages alcoholic, or breweries
Brick, tile or clay
Cement
Charcoal, lampblack, or fuel briquettes
Chemicals, including acetylene, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black or bone black, cleaning or polishing preparations, creosote, exterminating agents, hydrogen or oxygen industrial alcohol potash, plastic materials or synthetic resins, rayon yarns, or hydrolic, picric, or sulphuric acids or derivatives
Coal Coke, or tar products
Excelsior or packing materials
Fertilizers
Foundries, ferrous or non-ferrous
Gelatin, glue, or size
Glass or large glass products, including structural or plate glass or similar products
Grain, milling or processing
Graphite, or graphite products
Gypsum
Hair, felt or feathers, bulk processing, washing curing or dyeing
Incineration or reduction of garbage, offal, or dead animals
Insecticides, fungicides, disinfectants, or related industrial or household chemical compounds
Leather or fur tanning curing, finishing, or dyeing
Linoleum or oil cloth
Machinery, heavy including electrical, construction mining or agricultural, including repairs
Matches
→ Meat or fish products, including but not limited to slaughtering of meat or preparation of fish for packing
Metal or metal ores, reduction, refining smelting, or alloying
Metal alloys or foil miscellaneous, including solder, pewter, brass, bronze, or tin, lead or gold foil, or similar product
Metal or Metal products, treatment or processing, including enameling, parkerizing, lacquering, galvanizing, or similar processes

Metal casting or foundry products, heavy, including ornamental iron work, or similar products
Monument works, with no limitation on processing
Paint, varnishes, or turpentine
Petroleum or petroleum products, refining
Plastic, raw
Porcelain products, including bathroom or kitchen equipment, or similar products
Radioactive waste disposal services involving the handling or storage of radioactive waste
Railroad equipment, including railroad cars or locomotives
Rubber, natural or synthetic, including tires, tubes, or similar products
Sewage disposal plants
Ship or boat building or repair yards, for ships or boats 200 feet in length or over
Soaps or detergents, including fat rendering
Steel, structural products, including bars, girders, rails wire rope, or similar products
Solvent extracting
Stock yards or slaughtering of animals or poultry
Stone processing or stone products, including abrasives, asbestos, stone screenings, stone cutting, stone work, sand or lime products, or similar processes or products
Sugar refining
Textile bleaching
Wood or bone distillation
Wood or lumber processing, including sawmills or planing mills, excelsior, plywood, or verneer, wood-preserving treatment, or similar products or processes
Wood pulp or fiber, reduction or processing, including paper mill operations
Wood scouring or pulling

REEL 818 PG 1169

Group B

The following uses are included in Section 15-562. Accessory uses shall be considered part of such uses. Uses which are encompassed within categories under more than one Use Group are included in Section 15-562 as long as one such category is included below:

In Use Group 11 B:

Wholesale or Similar Establishments
Ship Chandlers
Wholesale establishments, with accessory storage limited to 2,500 square feet of floor area per establishment.

In Use Group 16 A:

Electrical glazing, heating, painting, paperhanging, plumbing, roofing, or ventilating contractors establishments
Poultry or rabbit killing establishments
Sign Painting Shops

In Use Group 16 B:

Linen, towel, or diaper supply establishments
Moving or storage offices
Packing or crating establishments
Warehouses
Wholesale establishments

In Use Group 17 A:

Building material and contractors yards

In Use Group 17 C:

Trucking terminals or motor freight stations

In Use Group 18 B:

Storage or Miscellaneous Uses, Open or Enclosed

Coal or gas storage
Dumps, marine transfer stations for garbage, or slag piles
Electric power or steam generating plants
Explosives storage, when not prohibited by other ordinances
Gas manufacturing plants
Grain storage
Junk or salvage yards, including auto wrecking or similar establishments provided that such yard is completely enclosed on all sides by a solid opaque entrance and exit gates of suitable uniform material and color, at least eight feet in height and constructed in accordance with rules and regulations to be promulgated by the Commissioner of Buildings.
Lumber yards, with no limitation on lot area per establishment
Manure, peat, or topsoil storage
Petroleum or petroleum products storage or handling
Refrigerating plants
Scrap metal, junk paper or rags storage, sorting, or baling, provided that any yard in which such use is conducted is completely enclosed on all sides by a solid opaque fence or wall (including solid opaque entrance and exit gates) of suitable uniform material and color, at least eight feet in height and constructed in accordance with rules and regulations to be promulgated by the Commissioner of Buildings.

REEL 818 PG 1170

REEL 818PG 1171

Exhibit E

EXHIBIT E

SUBORDINATION OF MORTGAGE

REEL 818 PG 1172

Subordination of Mortgage made this day of , 1984, by having office at , New York, New York (the "Mortgagee").

Preliminary Statement

The Mortgagee is the lawful owner of mortgages (the "Mortgages") from (the "Mortgagor"), dated and recorded on in the Office of the City Register, New York County, New York (the "Register") in Reel , Page , which Morgages cover the property (the "Premises") described therein including the Premises described on Schedule A hereto.

The Mortgagor has, by a Declaration (the "Declaration") date as of , made by Mortgagor, which Declaration is intended to be recorded in the Register prior to the recordation hereof, described that the Premises shall be held, sold, conveyed and occupied subject to certain restrictions, covenants, obligations, easements and agreements defined therein.

The Mortgagee has agreed, at the request of the Mortgagor to subordinate the Mortgage to the Declaration.

NOW, THEREFORE, in consideration of Dollars paid to the Mortgagee, the receipt of which is hereby acknowledged, the Mortgagee hereby subordinates the Mortgage and the lien, operation and effect thereof, to the Declaration and all rights created by the Declaration.

IN WITNESS WHEREOF, the Mortgagee has duly executed this subordination the day and year first above written.

Attest:

By:_____

_____
Seal

comp
ad
BD

REEL 818 PG 1173

18280

B-44

☆ SO IN ORIGINAL

DECLARATION

Premises: 95 Horatio Street

Block: 643 Lot: pt. 1

TITLE NO. 84-RC-00177
RECORD AND RETURN TO:
Soraida Perez
NEW YORK TITLE INSURANCE COMPANY
230 Park Avenue
New York, New York 10169

84 JUL 31 P 1:35

OFFICE OF CITY REGISTER
New York County
RECORDED
Witness my hand
and official seal

Jay E. Cheng
ACTING CITY REGISTER

JUL-31-84 101239 B—1st 44.00

APPENDIX C

NYC LANDMARKS PRESERVATION COMMISSION CORRESPONDENCE AND STATEMENT OF FINDINGS

NYC Landmarks Preservation Commission

1 Centre Street
9th Floor North
New York, NY 10007

Voice (212)-669-7700
Fax (212)-669-7960
http://nyc.gov/landmarks

ENVIRONMENTAL REVIEW

Project number: DEPARTMENT OF CITY PLANNING / 82-070M
Project: MEAT MARKET WEST VILLAGE REZONING
Date received: 3/15/2016

Comments: as indicated below. Properties that are individually LPC designated or in LPC historic districts require permits from the LPC Preservation department. Properties that are S/NR listed or S/NR eligible require consultation with SHPO if there are State or Federal permits or funding required as part of the action.

Properties with Architectural significance:

1) ADDRESS: 809 WASHINGTON STREET, BBL: 1006430043, LPC FINDINGS: DESIGNATED LPC HISTORIC DISTRICT; PERMIT FROM THE LPC PRESERVATION DEPARTMENT REQUIRED, STATE/NATIONAL REGISTER FINDINGS: PROPERTY W/IN NATIONAL REGISTER HD

2) ADDRESS: 52 GANSEVOORT STREET, BBL: 1006430049, LPC FINDINGS: DESIGNATED LPC HISTORIC DISTRICT; PERMIT FROM THE LPC PRESERVATION DEPARTMENT REQUIRED, STATE/NATIONAL REGISTER FINDINGS: PROPERTY W/IN NATIONAL REGISTER HD

3) ADDRESS: 842 GREENWICH STREET, BBL: 1006430054, LPC FINDINGS: BLDG. W/IN DESIGNATED HISTORIC DIST, STATE/NATIONAL REGISTER FINDINGS: PROPERTY W/IN NATIONAL REGISTER HD

4) ADDRESS: 95 HORATIO STREET, BBL: 1006430001, LPC FINDINGS: DESIGNATED LPC HISTORIC DISTRICT; PERMIT FROM THE LPC PRESERVATION DEPARTMENT REQUIRED, STATE/NATIONAL REGISTER FINDINGS: NATIONAL REGISTER HISTORIC DISTRICT, COMMENTS: SITE ADDED 3/16/16. CHANGE OF USE ONLY.

LPC is in receipt of the Technical Memorandum #003 of 3/14/16 regarding the change of use for 95 Horatio Street. The text is acceptable with the following changes.

Figure 7 (and the text) should indicate that the project site is within the S/NR listed Gansevoort Market HD. The American Seamen's Friend Society appears S/NR eligible as well as LPC designated. Footnote 2 on page 11, the name is "Jay Shockley", not "Shocklet".

Gina Santucci 3/16/2016

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 29031_FSO_GS_03162016.doc