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DOI AND MANHATTAN DISTRICT ATTORNEY ANNOUNCE ARREST OF ENGINEER ON CHARGE OF FALSELY CERTIFYING A SAFETY INSPECTION REPORT FOR THE FAÇADE OF A MANHATTAN BUILDING WHERE A PIECE OF TERRACOTTA FELL AND KILLED A TWO-YEAR-OLD GIRL

--DOI Investigation Also Finds Widespread Failures By Buildings Department to Enforce Safety Inspection Law--

Today, Department of Investigation ("DOI") Commissioner Mark G. Peters and Manhattan District Attorney Cyrus R. Vance, Jr., jointly announced the arrest of a Professional Engineer ("PE") on a charge of falsely filing a façade inspection report for a Manhattan senior residence on West End Avenue when, in fact, the PE had never been to the building and failed to comply with laws regarding façade inspections. In May 2015, terracotta from that very building's façade fell off, striking and killing two-year-old Greta Greene as she sat on a bench in front of the building with her grandmother. As a result of this tragic incident, DOI began an investigation of the circumstances that led up to the child's death and examined how the Department of Buildings ("DOB") enforces façade inspections across the City as required by Local Law 11, finding a systemic failure by building owners across the City to meet the requirements of Local Law 11 and by DOB to effectively enforce the law's compliance. Those findings are outlined in a Report released today by DOI. The Report also issues recommendations to strengthen DOB's monitoring of the law, hold building owners accountable, and prevent dangerous conditions. A copy of the Report is attached to this release and the Report with appendices can be found at the following link: http://www.nyc.gov/html/doi/html/doireports/public.shtml

DOI Commissioner Mark G. Peters said, "This case represents massive breakdowns in basic public safety rules. A licensed engineer falsified safety forms obscuring a building's danger. He is now under arrest. While DOB did not get this warning, it did ignore other red flags, and failed, on a wholesale basis, to enforce a law designed to prevent the very tragic death that occurred earlier this year. Fortunately, after meetings with DOI the City has now moved swiftly to remedy this problem."

Manhattan District Attorney Cyrus R. Vance, Jr., said: "Far too often, licensed professionals cut corners and break the law, which puts at risk the safety of others. I would like to thank Commissioner Peters and the Department of Investigation for their partnership in this case, which is an important step to ensure the integrity of our City's buildings, prevent future tragedies, and maintain safe conditions for all New Yorkers."

MAQSOOD FARUQI, 55, of Jackson, N.J., was arrested on a charge of Offering a False Instrument for Filing in the First Degree, a class E felony. If convicted, a class E felony is punishable by up to four years in prison.

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According to DOI's Investigation, in 2011, FARUQI falsely certified in a report that he complied with Local Law 11 requirements by supervising a façade inspection of a building known as the "Esplanade" at 305 West End Ave. in Manhattan, ultimately concluding that the Esplanade's façade was "safe." However, the investigation revealed that FARUQI had never visited the site nor seen the Esplanade's maintenance records or prior façade inspection reports. FARUQI filed his inspection report stating that he directly supervised the inspection and reviewed the proper documents to assess the façade's structural integrity, writing, "All conditions identified in previous reports as requiring repairs have been corrected."

In March 2014, a piece of the Esplanade's façade fell to the sidewalk in front of the building, though DOB was not notified of the incident, and in October 2014, seven months before the death of Greene, a private consultant inspecting an adjacent building emailed DOB warning the agency of a "scary" crack on the Esplanade's façade that he believed DOB should "get someone over pretty quick" to address. Though his warning was acknowledged by a member of DOB's Façades Unit, the agency took no action – failing to send an inspector or require any remedial safety work.

DOI widened its investigation to examine DOB's procedures to ensure compliance with Local Law 11 citywide and uncovered that when buildings fail to file façade inspection reports, DOB primarily reacts by issuing violations, rather than physically visiting and inspecting these sites to ensure their safety. DOI's investigation found that approximately 1,000 buildings failed to file their façade inspection reports – 101 of which were City-owned buildings. As of February 2015, 2,490 buildings filed façade inspection reports citing "unsafe" conditions and by mid-summer less than half filed amended reports stating that the unsafe conditions were corrected. DOB's response to these buildings is inadequate. While the Façades Unit inspects buildings, if notified, of unsafe conditions during façade inspections, it only strives to inspect 10 to 15 percent of buildings that file unsafe façade inspections reports. DOI's investigation found this response is insufficient to ensure these façades are safe and conditions are being remediated. Even after DOI reported these issues to DOB, the department initially failed to expedite its inspections.

To increase public safety and ensure adequate compliance with Local Law 11, DOI has made the following policy and procedure recommendations to DOB, which have been accepted and are in the process of being implemented:

1. Create a database that tracks the history of each building required to file a façade inspection report under Local Law 11 so reports can be pulled and data analysis conducted;

2. Allow the Buildings Information System ("BIS") to have the capability to upload façade inspection reports and/or allow Qualified Exterior Wall Inspectors ("QEWIs") to upload all of the information contained in the report to BIS so that the information is easily accessible to the public;

3. Implement a system that alerts DOB's Façades Unit when time periods, as set forth in Local Law 11, have passed and not been complied with by individual buildings;

4. Re-inspect buildings where façade violations were issued every three months until the situation has been remedied;

5. Inspect all building façades within 180 days of the filing of reports citing unsafe conditions. If necessary, erect sidewalk shedding immediately;

6. Conduct inspections of all buildings that do not file façade inspection reports within 180 days of the date they are due. Take steps to install a sidewalk shed if necessary;

7. Conduct an additional random audit of 25% of all façade report filings. This should include, but not be limited to, buildings that file initial reports of safe conditions or reports listing the building as "safe with a repair and maintenance program";

8. Create a written protocol within the Façades Unit for accepting façade complaints, focusing on tracking all incoming complaints, immediately inspecting such conditions, and logging the disposition;

9. Require building owners to file additional certifications along with Local Law 11 filings. The owners should be required to attest to hiring the QEWI and certify that an inspection was conducted, the owner has reviewed that report, and the owner is aware of his or her obligation to notify DOB of unsafe conditions pursuant to N.Y. City Admin. Code § 28-301.1; and

10. Require that, if a QEWI reports an unsafe condition, he or she be mandated to detail in their report what conditions are unsafe, why they believe them to be unsafe, how imminent the danger is and what, if any, protection is immediately needed for the public.

An indictment is an accusation. A defendant is presumed innocent until proven guilty.

DOI is one of the oldest law-enforcement agencies in the country and New York City's corruption watchdog. Investigations may involve any agency, officer, elected official or employee of the City, as well as those who do business with or receive benefits from the City. DOI's strategy attacks corruption comprehensively through systemic investigations that lead to high-impact arrests, preventive internal controls and operational reforms that improve the way the City runs.

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New York City Department of Investigation

Investigation into May 2015 Fatality from a Piece of Terracotta Falling Off Building Façade and the City Department of Buildings' Failure to Enforce Façade Inspections and Reporting

MARK G. PETERS
COMMISSIONER

November 2015

EXECUTIVE SUMMARY

On May 17, 2015, a piece of terracotta fell off the façade of a building known as "The Esplanade," a residence for seniors at 305 West End Avenue in Manhattan. The terracotta fell eight stories striking a two-year-old child in her head as she sat on a bench in front of the building with her grandmother.[1] The child, Greta Greene, died from her injuries the following day.

DOI investigated the circumstances leading up to the incident and also examined how the Department of Buildings (DOB) enforces façade inspections across the City as required by Local Law 11.[2] This broader investigation revealed DOB's inadequate enforcement of Local Law 11 and façade maintenance requirements across the City.[3] Specific to the Esplanade, the DOI investigation uncovered failures by the building's owner and a licensed professional in complying with statutory requirements laid out in the Local Law, as well as failures by DOB in enforcing compliance at the Esplanade and in responding to a very specific complaint they received about the façade of the Esplanade just seven months before the piece of terracotta broke off the front of the building and killed Greta Greene. Specifically:

- **February 2005 – February 2007:** The Esplanade was mandated to have a façade inspection report filed with DOB between February 2005 and February 2007, but no such report was filed. In response, DOB issued a violation to the Esplanade for failure to file the report. As the years passed, and the report still was not filed, DOB's Local Law and Façades Unit continued to issue violations, but did not conduct a field inspection to ensure the façade was safe.[4] The report, if filed and certified by a Registered Architect (RA) or Professional Engineer (PE), would have alerted DOB to problems with the structural safety

[1] Photographs taken at the Esplanade by the New York City Department of Buildings (DOB) on May 17, 2015, are included in Appendix A.

[2] Local Law 11 was initially passed by the New York City Council as Local Law 10 of 1980 in response to the 1979 death of a Barnard College freshman, who was killed when a piece of terracotta fell off of an Upper West side building facade and struck her in the head. Local Law 10 is included in Appendix B-1.

In 1998, the City Council amended the legislation under Local Law 11 of 1998 (passed under Title 27, Article 129 of the New York City Administrative Code and later amended to Title 28, Chapter 3, Article 302 of that same code) due to a number of incidents of debris falling from building facades, as well as partial building collapses and construction accidents. A copy of the NYC Council Committee on Housing and Buildings Committee Report is included in Appendix C.

[3] The Local Law requires that all buildings' exterior walls and appurtenances be maintained in a safe condition and for all buildings over six stories, have facade inspections conducted every five years and file accompanying facade inspection reports with the New York City Department of Buildings (DOB). N.Y. City Admin. Code §§ 28-302.1 – 28-302.2(1), 28.302.4, included as Appendices B-3 and B-4 (updated in 2014).

In addition, the New York City Administrative Code requires owners to maintain their buildings in a safe condition and anyone involved in building operations to notify DOB in writing if he or she has reason to believe that part of the building is dangerous or unsafe. It further states that "[t]he owner shall be responsible at all times to maintain the building and its facilities and all other structures regulated by this code in a safe and code-compliant manner and shall comply with the inspection and maintenance requirements of this chapter [Chapter 3]." N.Y. City Admin. Code § 28-301.1, included in Appendix B-3.

[4] DOB violation 113007LL1198NRF43140 was issued on November 30, 2007 and ECB violation 36006542X was served on June 11, 2009, ECB 36013111J was served on June 2, 2010, and ECB 36015980K was served on April 28, 2011. Copies of these violations are included in Appendix G.

of the building's façade, including whether repairs, as required by the building's November 2000 mandated façade inspection report, were ever started, much less completed.[5]

- **September 2008 – February 2011:** The Esplanade entered into a contract with D & N Construction and Consulting, Inc. (D & N) in September 2008, to have a façade inspection completed and ultimately to file an accompanying façade inspection report with DOB.[6] D & N started by first subcontracting façade repair work and eventually in February of 2011, D & N filed an acceptable façade inspection report with DOB on behalf of the Esplanade.[7] DOI's investigation revealed that in the façade report, a PE concluded that the façade was "safe,"[8] even though DOI's investigation revealed the PE had never been to the building and, as detailed in this report, failed to comply with the applicable law regarding façade inspections and their accompanying reports.
- **March 2014**: According to an entry made in the Esplanade's front desk diary, in March of 2014 a piece of the Esplanade's façade fell to the sidewalk in front of the building.[9] As discussed in this report, the DOI investigation uncovered that DOB was not informed of this incident. If DOB had been informed, DOB protocol is to inspect the façade, issue violations to the building owner if any unsafe condition exists, and if necessary, require the owner to erect a sidewalk shed to protect pedestrians from falling debris.
- **October 2014:** Seven months before the death of Greta Greene, in October of 2014, a private consultant who was inspecting a building façade adjacent to the Esplanade, emailed DOB that he saw at least one *"scary"* crack on the Esplanade's façade and warned that DOB should *"get someone over pretty quick on this."* His warning was acknowledged by a member of DOB's Façades Unit, but ultimately DOB took no action, failed to send an inspector and failed to require any remedial safety work.
- **May 17, 2015**: A piece of terracotta fell from the Esplanade's façade, killing two-year-old Greta Greene.

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[5] A copy of the Esplanade's November 2000 amended facade inspection report filing is included in Appendix G-2. The original February 2000 facade inspection report filing is included in Appendix G-1.

While the facade inspection report was not filed, DOB issued the following permits on behalf of the Esplanade: In June 2009 DOB issued a permit to install pipe scaffolding, in September 2009 DOB issued a permit to repoint part of the brick chimney wall, in January 2010 DOB issued a permit for installation of a sidewalk shed for remedial repairs. In addition, in March of 2010, DOB issued a stop work order to the Esplanade because the sidewalk shed did not meet code specifications in that the shed did not extend as the code required. These are included in Appendix J.

[6] A copy of the Esplanade's September 2008 contract with D & N Construction and Consulting, Inc., is included in Appendix E.

[7] A facade inspection report was submitted on behalf of the Esplanade in September of 2010 and was rejected by DOB for various reasons, including that it was not filed within 60 days of the facade inspection and the history of facade repairs, permits, and violations were not noted. A copy of the September 2010 and February 2011 reports are included in Appendices G-3 and G-4, respectively.

[8] 1 RCNY § 103-04(a) (defining "safe" as "[a] condition of a building wall, any appurtenances thereto or any part thereof not requiring repair or maintenance to sustain the structural integrity of the exterior of the building and that will not become unsafe during the next five years.") A copy of this rule is included in Appendix E-2.

[9] This was recorded in a diary kept by the Esplanade, included in Appendix H.

As part of this investigation, DOI examined the measures in place to ensure that buildings across the city maintain their façades and thoroughly reviewed Citywide compliance with Local Law 11.

DOI's investigation revealed that even though all deadlines passed as of February 21, 2013 for timely façade inspection report filings, by mid-summer 2015 approximately 1,000 New York City buildings still had not filed their mandated façade inspection reports. DOB's response to these noncompliant buildings was inadequate, even though the law was first enacted in 1979 after a similar fatality to Greta Greene. Specifically, when buildings fail to file façade inspection reports, DOB primarily reacts by issuing violations, rather than physically visiting and inspecting these sites to ensure their safety.

Additionally, by the end of the reporting cycle in February of 2015, 2,490 buildings filed façade inspection reports citing "unsafe" conditions and by mid-summer, less than half filed amended reports stating that the unsafe conditions were corrected.[10] DOB's response to these buildings is inadequate. While the Façades Unit inspects buildings, if notified, of unsafe conditions during façade inspections, it only otherwise strives to inspect 10 to 15 percent of buildings that file unsafe façade inspection reports.[11] This response is insufficient to ensure these façades are safe and conditions are being remediated.

Even after DOI reported these issues to DOB, the Buildings Department initially failed to expedite inspections. Only after DOI informed the Mayor's Office was prompt action taken. At that juncture, the City's response was swift and many of the conditions were remedied.

As a result of this investigation, DOI worked with the New York County District Attorney's Office to arrest Maqsood Faruqi who, in 2011, falsely certified the Esplanade's last façade inspection report. DOI's investigation into criminal wrongdoing with regard to this incident is continuing. Additionally, as detailed in this report, DOI uncovered a systemic failure by building owners across the City to meet the requirements of Local Law 11 and by DOB to effectively enforce Local Law 11 compliance, as well as façade maintenance requirements. Finally, this report lays out

[10] At the end of the last reporting cycle, 2,490 buildings filed facade inspection reports citing unsafe conditions, and during this investigation, approximately 1,006 buildings had filed amended reports stating that the unsafe conditions were corrected, leaving 1,484 buildings with outstanding unsafe condition/s reported.

"Unsafe" is defined as "[a] condition of a building wall, any appurtenances thereto, or any part thereof that is hazardous to persons or property and requires prompt repair. In addition, any condition that was reported as SWARMP in a previous report and that is not corrected at the time of the current inspection shall be reported as an unsafe condition." 1 RCNY § 103-04(a). SWARMP ("Safe With A Repair and Maintenance Program") is defined as "[a] condition of a building wall, any appurtenances thereto or any part thereof that is safe at the time of inspection, but requires repairs or maintenance during the next five years in order to prevent its deterioration into an unsafe condition during that five-year period. 1 RCNY § 103-04(a).

[11] The Local Law and DOB rules also requires the license professionals conducting facade inspections to notify DOB at the time unsafe conditions are discovered during facade inspections. N.Y. City Admin. Code § 28-302.3 and 1 RCNY § 103-04(b)(2)(vii). DOB's Facades Unit does inspect building facades when so notified. DOB does not inspect building facades where the licensed professional failed to make such required notification, but still reports an unsafe condition in a facade inspection report.

The Unit does conduct other inspections, including upon the filing of an amended facade inspection reports and upon the request to remove sidewalk shedding.

recommendations and reforms aimed at strengthening DOB's enforcement of Local Law 11 and the Administrative Code, as well as requiring modifications to the façade inspection paperwork submitted by building owners, PEs, and RAs to DOB. These recommendations will hold all of these individuals more accountable for the conditions of building façades and thus help prevent future tragedies.

I. The Esplanade Case: DOI's Investigation Uncovered Deficiencies in Compliance with and Enforcement of Local Law 11 and Façade Maintenance Requirements Contributing to Public Safety Concerns with the Building's Façade.

A. The Esplanade Failed to File a Mandated Façade Inspection Report.

Pursuant to Local Law 11 and DOB's accompanying rules, the Esplanade, like all buildings over six stories, is required to have a licensed PE or RA conduct or supervise a façade inspection every five years.[12] The Esplanade must then file a façade inspection report with DOB that provides details of the inspection and its results.[13]

In fact, a licensed PE concluded in the Esplanade's November 2000 façade inspection report that repairs were needed on the Esplanade's façade to prevent its deterioration before the next mandatory façade inspection in five years.[14] The necessary repairs included replacing brickwork and lintels over certain windows, cracked coping stones, rebuilding some parapets, and replacing cracked brick at window heads.

The Esplanade's next façade inspection report was due to DOB between February of 2005 and February of 2007.[15] DOB's rules required that the status of the previously-reported repairs be noted in this next report.[16] If the repairs were not made, then the building would automatically be

[12] Local Law 11 requires that all buildings over six-stories, which would include the Esplanade and approximately 13,500 other buildings, have facade inspections every five years. N.Y. City Admin. Code § 28-302.1 – 302.2 (requiring facade inspections every five years for buildings over six-stories); N.Y. City Admin. Code § 28-302.2(1) (requiring the inspection to be conducted "by or under the direct supervision of a 'registered design professional,'" defined as a licensed Professional Engineer or licensed Registered Architect. 1 RCNY § 101-07(a)(13)) and 1 RCNY § 103-04(b)(2)(ii) (requiring the inspection to be conducted by or under the direct supervision of a QEWI, defined as a registered design professional with at least one year of relevant experience (1 RCNY § 101-07(a)(12)). A copy of 1 RCNY § 101-07 is included in Appendix E-3.

[13] This report must be filed within 60 days of the inspection. N.Y. City Admin. Code § 28-302.4.

[14] The Esplanade's November 2000 facade inspection report concluded facade conditions as "safe with a repair and maintenance program" (SWARMP) because the conditions needing repairs were considered "condition[s] of a building wall, any appurtenances thereto or any part thereof that is safe at the time of inspection, but requires repairs or maintenance during the next five years in order to prevent its deterioration into an unsafe condition during that five-year period into an unsafe condition." 1 RCNY § 32-03(a), included in Appendix E-1.

[15] The Esplanade; however, did not file a report during 2001 through 2010.

[16] 1 RCNY § 32-03(b)(3)(ii)(J).

deemed "unsafe,"[17] violations could be issued, and the Local Law in effect at the time required the building to correct unsafe conditions within 30 days.[18]

The Esplanade made no such filing and in November of 2007, DOB's Façades Unit issued a violation to the Esplanade for failure to file a Local Law 11 façade inspection report. DOB did not properly follow up when the Esplanade continually failed to file a report. In total, DOB's Façades Unit issued four violations to the Esplanade between 2007 and 2011, carrying increasing fines for failing to file the required façade inspection report, but the Unit did not conduct a field inspection to ensure that steps were taken to address the specific safety concerns noted in the November 2000 filing.[19] In fact, this investigation revealed that the issuing of violations was the primary enforcement tool used by DOB when buildings failed to file their five year façade inspection report.

DOI learned that in September 2008, the Esplanade accepted a proposal from D & N for a Local Law 11 façade inspection. Instead of immediately preparing and filing such report with DOB detailing the condition of the building's façade, D & N paid subcontractors to first conduct repairs of the Esplanade's façade. These repairs included brick replacement, lintel replacement, waterproofing, and repointing of mortar joints. D & N's owner admitted to DOI that he did not review the Esplanade's November 2000 façade inspection report, and therefore, there was no way D & N's owner could have known what repairs the licensed PE previously recommended.

D & N's owner told DOI that he paid two consultants to inspect the Esplanade's façade. The D & N owner stated that one of the paid consultants wrote the accompanying façade inspection report deeming the building safe.

B. A Professional Engineer Certified the Esplanade's Façade was Safe in the 2011 Façade Inspection Report, Despite Never Visiting the Building.

In February 2011, a façade inspection report was filed on behalf of the Esplanade by Maqsood Faruqi, a PE. Faruqi concluded that the Esplanade's façade was "safe," even though DOI's investigation revealed that Faruqi had never even been to the Esplanade.

A Local Law 11 façade inspection must:

1. be conducted by or under the direct supervision of a Qualified Exterior Wall Inspector (QEWI), who is a Professional Engineer or licensed Registered Architect with at least one year of relevant experience;[20]

[17] 1 RCNY § 32-03(b)(6)(ii), repealed in January 2011, and replaced by 1 RCNY § 103-04(a).

[18] Unsafe conditions had to be made safe within 30 days of filing a facade inspection report. N.Y. City Admin. Code § 27-129(d)(1)(b) later amended by N.Y. City Admin. Code § 28-302.2(5)(1) that extended the time to correct unsafe conditions to 90 days. N.Y. City Admin. Code § 27-129 is included in Appendix B-2.

[19] See ftn. 3.

[20] N.Y. City Admin. Code § 28-302.2(1) (requiring the inspection to be conducted by or under the direct supervision of a "registered design professional," defined as a licensed Professional Engineer or licensed Registered Architect 1

2. include a careful review of the previous façade inspection report,[21] as well as any other available façade inspection reports;[22]
3. have an inspection program designed by the QEWI for the specific building being inspected;[23] and
4. as of January 2011, include a final physical inspection by the QEWI.[24]

DOI determined that Faruqi, who holds a license as a professional engineer, had never been to the Esplanade, nor did he ever see any of the Esplanade's maintenance records or prior façade inspection reports. During an interview, Faruqi admitted to DOI that he never personally inspected the building. According to the owner of D & N, Faruqi was hired after the façade inspection was completed, therefore, Faruqi could not have designed a façade inspection program or been involved in the inspection. Despite this, Faruqi certified that the building's façade was "safe."[25] In fact, the report that Faruqi submitted falsely stated that he directly supervised the inspection and reviewed documentation relating to the building's façade, including "maintenance inspection reports, repair records and maintenance work tickets . . . in order to assess the structural and watertight integrity of the façades." In addition, despite admitting to DOI that he did not review prior façade inspection reports, he certified in his report that "all conditions identified in previous reports as requiring repairs have been corrected."

RCNY § 101-07(a)(13)) and 1 RCNY § 103-04(b)(2)(ii) (requiring the inspection to be conducted by or under the direct supervision of a QEWI, defined as a registered design professional with at least one year of relevant experience (1 RCNY § 101-07(a)(12)).

[21] N.Y. City Admin. Code § 28-302.2(2).

[22] 1 RCNY § 103-04(b)(2).

[23] 1 RCNY § 103-04(b)(2)(iii).

[24] 1 RCNY § 103-04(b)(2)(viii).

[25] The results of facade inspection reports, including Faruqi's February 2011 facade inspection report for the Esplanade, are reported on DOB's website and are available to the public. In fact, a building consultant relied on the results of Faruqi's filing when preparing his own report. Specifically, the consultant was hired by a company that was interested in purchasing the Esplanade to conduct a "Property Condition Assessment" of the building.

In his report, the consultant states that*"[t]he exterior face of the building is in good condition. According to Local Law #11/98 Inspection – 7th Cycle filing, dated February 7, 2011, the building is safe with a repair and maintenance program (SWARMP)."* The consultant explained to DOI that he concluded that the building's facade was in "good condition" based on the Esplanade's Local Law 11 February 2011 report filing as he saw reported on DOB's website and from what he could see with his naked eye while standing on the sidewalk. The Consultant's "Property Condition Assessment" report is included herein as Appendix I.

C. The Esplanade's Front Desk Diary Refers to a Piece of the Building Falling to the Sidewalk in March of 2014.[26]

DOI learned that approximately 14 months before Greta Greene was struck and killed by the falling terracotta, a piece of the front façade fell off the Esplanade onto the sidewalk. This information was found in an entry dated March 22, 2014 in a diary labeled "Front Desk."[27] It states:

> *"A piece of the building fell on the sidewalk! I (Trini) called Jack and he said to place the yellow combs in front of the building."*

The New York City Administrative Code requires owners to maintain their buildings in a safe condition and anyone involved in building operations to notify DOB if he or she has any reason to believe that part of the building is dangerous or unsafe.[28]

DOI interviewed the Esplanade's Executive Director and Superintendent. They both stated that a piece of terracotta fell from the building's 14th elevation façade in the southeast corner. Neither called DOB in response to this incident.[29]

D. DOB Failed to Take Any Action after Receiving a Complaint about a Deteriorating Condition on the Esplanade's Façade.

On October 6, 2014, an experienced private building consultant notified DOB in emails of an unsafe and "scary" façade condition at the Esplanade. Specifically, while the Consultant was inspecting a building south of the Esplanade, the Consultant looked across the street and saw a large wavy crack and a disjointed portion of terracotta on the Esplanade's south façade. The Consultant also observed other deteriorating conditions on the façade that he recommended DOB inspect.

Later that night, the Consultant sent an email to DOB's Assistant Commissioner of Investigative Engineering Services who oversees the Façades Unit. The subject line of the email stated, "305 west end Ave south elevation 12th floor stone work." The email included the following photograph – showing a crack and sagging of the terracotta:

[26] N.Y. City Admin. Code § 28-301.1.

[27] This a diary is included in Appendix H.

[28] See ftn. 3.

[29] In addition, DOI issued a subpoena to the Esplanade regarding documentation relating to work done on the Esplanade's facade and the building provided thousands of pages in response. In those materials, DOI did not locate documentation showing that a notification was made to DOB or repairs were made during that time. Further, DOB has no record of permit requests or of a complaint filed.

The body of the email, which included the Consultant's full name, address, main telephone number, and cellular telephone number, read in pertinent part as follows:

> *"While I was doing a site inspection on the building to the south I saw this on the 12 or so floor on the south elevation*
>
> *I also saw other items that I believe your staff should look at feel free to have your inspector give me a call*
>
> *I would get someone over pretty quick on this*
>
> *Call me if you have any questions*
>
> *I tried calling 311 but from Jersey it does not work . . . "*

After receiving an automatic out-of-office reply from the DOB Assistant Commissioner's email, the Consultant forwarded his original email to an Administrative Architect in DOB's Façades Unit and carbon-copied the DOB Assistant Commissioner. In the email, the Consultant asked the Administrative Architect to process the request for an inspection.

The following morning, the Administrative Architect emailed the Consultant stating:

> *"Processing now. thanks"*

In response, the Consultant emailed to the Administrative Architect:

> *"yeah looks scary lets get it before winter sets in the building is nursing home looks a little lower budget."*

The DOB Administrative Architect diverted from protocol after she received the above emails, in that she did not fill out an "Inspection Request Form." Instead, the Administrative Architect forwarded the original email she received from the Consultant requesting an inspection. The Administrative Architect forwarded it to the Supervising Inspector and copied the Administrative

Architect's supervisor as well as the Supervising Inspector's supervisor. Within her email, the Administrative Architect asked:

> *". . . can we inspect?"*

It appears that the Supervising Inspector did not respond to the email, nor does it appear that he ever opened it because a forensic analysis conducted by DOI revealed it is marked as "unread." In the end, the DOB Supervising Inspector acknowledged that an inspector should have been dispatched to the building, but DOB ultimately took no action in response to being alerted about this potentially dangerous façade condition.[30]

Seven months later the building remained uninspected, and a piece of terracotta fell, killing two-year old Greta Greene.

II. DOB's Inadequate Enforcement of Administrative Code and Local Law 11 Compliance More Generally

A. DOB's Façades Unit

Once DOI's investigation uncovered numerous failures in ensuring the façade at the Esplanade was safe and in compliance with Local Law 11, DOI examined current practices and protocols in place for enforcing Local Law 11 compliance across the City. This review revealed that DOB failed to ensure compliance resulting in approximately 1,400 buildings failing to file façade inspection reports by the close of the last reporting cycle in February 2015, even though all filings, to be considered timely, were actually due in February of 2013. A subsequent Amnesty Initiative by DOB resulted in the submission of approximately 400 reports, leaving approximately 1,000 unfiled.

All façade inspection reports are filed with DOB's Façades Unit, where the reports are reviewed and maintained. According to the Unit, it receives approximately 27,000 façade report filings per five-year reporting cycle.

While DOB informed DOI that they consider the Façades Unit an "administrative unit," the Unit is unable to run a single report detailing the history of a building's façade and its compliance with Local Law 11. The Unit does not internally monitor individual building compliance with Local Law 11 and DOB's Buildings Information System (BIS)[31] does not even allow for such regular tracking. For example, there is no central database to review the timeliness of façade inspection report filings or the results of Local Law 11 façade inspections, and what permits are requested by a building for façade work and protective shedding.

[30] DOI has referred several DOB employees for discipline based upon this incident.

[31] BIS is a database available to the public that can be accessed through DOB's website that contains basic information for every property in the City of New York, including, but not limited to, complaints on the property, violation issued, permits, and elevator and boiler inspection history.

B. Buildings That Failed to File Mandatory Façade Inspection Reports

As of July 2015, DOB still had not received approximately 1,003 overdue façade inspection reports. DOB reported that the City itself (primarily NYCHA) was the landlord for 101 of these buildings. When asked the reason why those buildings had not filed and what condition the façades of those buildings were in, DOB was unable to provide answers.

DOI requested that DOB address all buildings that had not filed reports.

DOB prioritized and completed inspections for 541 of the 1,003 buildings. DOB issued violations to over half of the buildings (267) for failing to maintain the façades in a safe condition and determined that 14 of the 267 buildings needed to immediately fix conditions or install protection for the public because of existing hazardous conditions on the façades that could result in falling debris.

Ultimately, DOI has informed DOB that all the remaining uninspected buildings – 462 – should be inspected promptly.[32] The Mayor's Office is coordinating façade inspections and report submissions for the remaining City-owned buildings.

C. Buildings That Filed Façade Inspection Reports Citing Unsafe Façade Conditions

In addition to buildings that failed to file a report, DOI learned during its investigation that 2,490 buildings (including – City-owned buildings, again mostly NYCHA) filed reports by the end of the reporting cycle (February 20, 2015) that affirmatively stated that the façade had "unsafe" conditions.

Approximately four months after the cycle ended, approximately 1,006, less than half, of these buildings filed amended reports stating that the unsafe conditions were corrected. This left approximately 1,484 buildings with outstanding reports of unsafe façade conditions. DOI discovered that DOB had inadequate protocol for inspecting these unsafe filings to ensure compliance with Local Law 11.

DOB's Façades Unit prioritized inspections for 153 of the 2,490 buildings that filed façade inspection reports citing unsafe conditions. The majority of the buildings, 113, were issued violations for failure to maintain the façade in a safe condition and/or protect the public. In addition, DOB required that 40 of 113 buildings immediately make repairs or install safety measures as unsafe conditions presented the possibility of debris on the buildings falling off within months.

Most non-prioritized buildings fall into 3 categories: (1) Buildings that had been inspected by DOB's Façades Unit since January 1, 2014; (2) Publicly-owned buildings where the Mayor's

[32] DOB did not prioritize these privately-owned buildings because: (1) as of January 1, 2014, they were previously inspected after DOB was notified during the facade inspection of an unsafe condition; (2) as of January 1, 2014, they were issued a sidewalk shed permit; (3) as of January 1, 2013, they were issued a permit for facade repairs; (4) as of July 1, 2010, they demolition of the building was signed-off on; and (4) filings that were received late.

Office was meeting with those public agencies separately and ensuring correction was underway; and (3) Buildings with some – but not sufficient – indicia of remediation.[33] As of the date of this report, all City agencies had either corrected unsafe conditions or installed sidewalk shedding, if necessary, at the 764 City-owned buildings that cited unsafe conditions. DOI has informed DOB that the remaining uninspected non-prioritized buildings must be inspected promptly.

III. Policy and Procedure Recommendations.

To ensure adequate compliance with and enforcement of Local Law 11 in addition to increasing public safety, DOI made the following policy and procedure recommendations to DOB, which have been accepted and are in the process of being implemented:

1. Create a database that tracks the history of each building required to file a façade inspection report under Local Law 11 so reports can be pulled and data analysis conducted;
2. Allow BIS to have the capability to upload façade inspection reports and/or allow QEWIs to upload all of the information contained in the report to BIS so that the information is easily accessible to the public;
3. Implement a system that alerts DOB's Façades Unit when time periods, as set forth in Local Law 11, have passed and not been complied with by individual buildings;
4. Re-inspect buildings where façade violations were issued every three months until the situation has been remedied;
5. Inspect all building façades within 180 days of the filing of reports citing unsafe conditions. If necessary, erect sidewalk shedding immediately;
6. Conduct inspections of all buildings that do not file façade inspection reports within 180 days of the date they are due. Take steps to install a sidewalk shed if necessary;
7. Conduct an additional random audit of 25% of all façade report filings. This would include, but not be limited to, buildings that file initial reports of safe conditions or safe with a repair and maintenance program;
8. Create a written protocol within the Façades Unit for accepting façade complaints, focusing on tracking all incoming complaints, immediately inspecting such conditions, and logging the disposition;
9. Require building owners to file additional certifications along with Local Law 11 filings. The owners should attest to hiring the QEWI and certify that an inspection was conducted, the owner has reviewed that report, and the owner is aware of his or her obligation to maintain the façade in a safe condition pursuant to N.Y. City Admin. Code § 28-301.1; and

[33] DOB excluded buildings that had immediately notified DOB of unsafe facade conditions prior to filing a report as of January 1, 2014 and therefore had been inspected by DOB, buildings that filed reports amending conditions from unsafe and were pending with the Facades Unit who inspects all buildings upon the filing of an amended report, and buildings that filed for sidewalk shed permits as of January 1, 2014.

10. Require that, if a QEWI reports an unsafe condition, he or she should be mandated to detail in their report what conditions are unsafe, why they believe them to be unsafe, how imminent the danger is and what, if any, protection is immediately needed for the public.

IV. Conclusion.

The DOI investigation resulted in the arrest of a Licensed Professional Engineer for falsifying a façade inspection report. Moreover, the investigation uncovered a broader problem. Specifically, DOI's investigation revealed a systemic failure to ensure Local Law 11 compliance throughout the City. DOI uncovered the following:

- DOB did not have appropriate protocols in place to address the number of buildings that failed to file their Local Law 11 reports. As a result, not enough was being done to address and hold accountable the buildings that failed to file the required façade inspection reports and ensure that the public was safe.
- DOB did not have in place the appropriate protocols to ensure buildings that filed their façade reports indicating unsafe conditions were taking the appropriate measure to ensure the safety of the public pending repairs to the façade.

Not only has this investigation resulted in the arrest of a licensed PE, but the recommendations laid out in this report will help ensure future compliance with Local Law 11 and ultimately provide an increased level of safety to pedestrians on City streets.

APPENDICES

APPENDIX A

Photographs Taken by DOB on May 17, 2015 at The Esplanade

Photo 1: Apartment 811 Piece of Terracotta that Fell on May 17, 2015

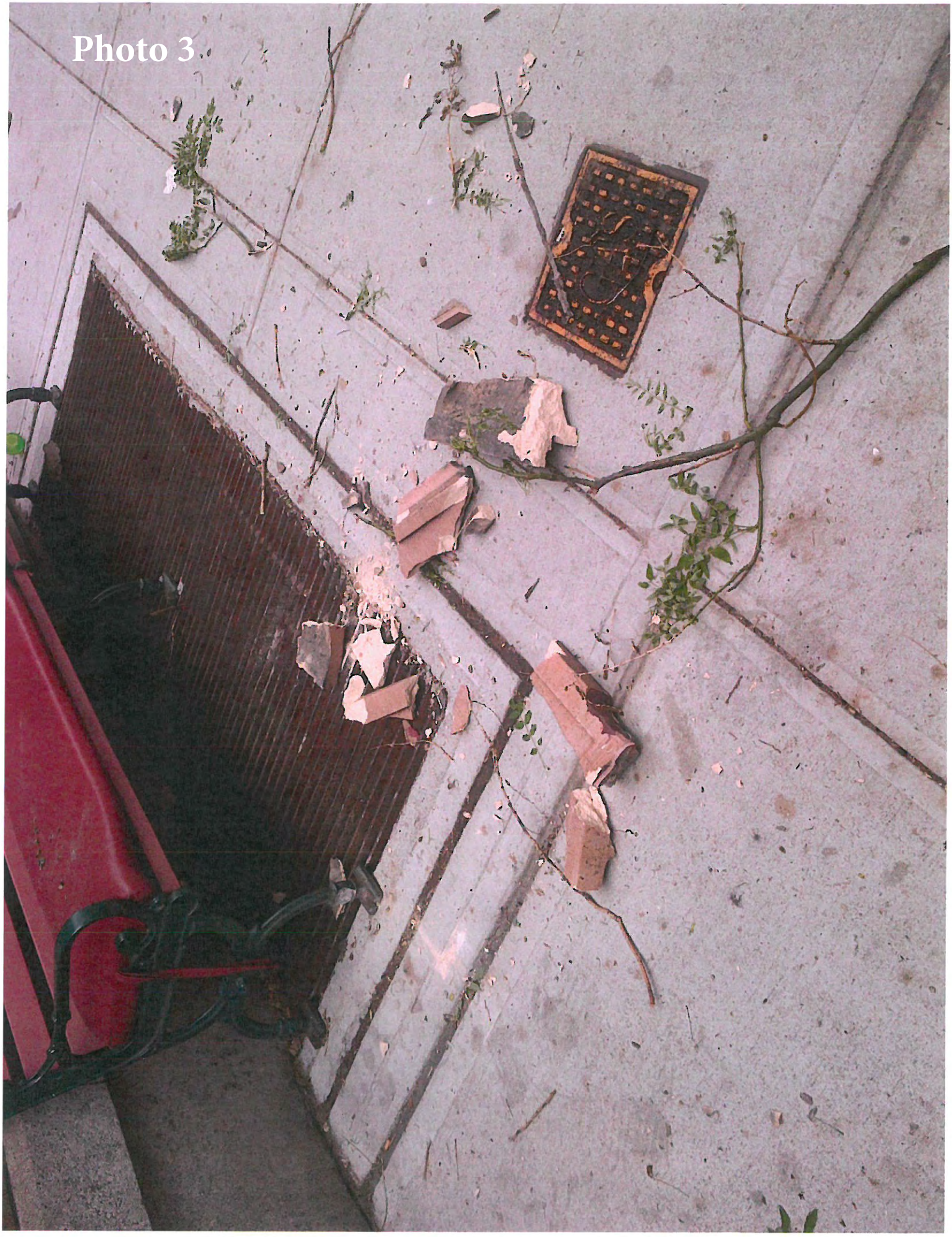
Photo 2: Broken Terracotta Windowsill outside Apartment 811

Photo 3: Broken Terracotta That Fell in Front of The Esplanade on May 17, 2015

Photo 1

Photo 2

Photo 3



APPENDIX B-1

Local Law 10

LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 1981

No. 10

Introduced by Council Members Kaufman, Povman and Manton; also Council Members Horwitz, Olmedo, Ryan, Samuel, Michels, Williams, Vallone, Berman, Greitzer, Pinkett, Eisland, Friedlander, Foster, Dryfoos, Messinger, Gerena-Valentin, Savino and Muratori.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to inspections and liens for inspection fees.

Be it enacted by the Council as follows:

Section one. Title A of chapter twenty-six of the administrative code of the city of New York is amended by adding a new section 643a-14.0 to read as follows:

§643a-14.0. Liens on premises for inspection fees.

a. Any unpaid fee for an inspection performed by the department pursuant to law shall constitute a lien upon the land and buildings upon or in respect to which such inspection was performed, as hereinafter provided.

b. There shall be filed in the office of the department a record of all fees for inspections performed by or on behalf of the department. Such records shall be kept on a building by building basis and shall be accessible to the public during business hours. An entry of a fee on the records of the department shall constitute notice to all parties.

c. AN such unpaid fees shall constitute a lien upon the land and building upon, or in respect to which, such inspection was performed when the amount thereof shaH have been definitely computed as a statement of account by the department and the department shall cause to be filed in the office of the city collector an entry of the account stated in the book in which such charges against the premises are to be entered. Such lien shall have a priority over all other liens and encumbrances except for the lien of taxes and assessments. However, no lien created pursuant to this section shall be enforced against a subsequent purchaser in good faith or mortgages in good faith unless the requirements of subdivision b of this section are satisfied; this limitation shall only apply to transactions occurring between the date such record should have been entered pursuant to subdivision b and the date such entry was made.

d. A notice thereof, stating the amount due and the nature of the charge, shall be mailed by the city collector, within five days after such entry, to the last known

address of the person whose name appears on the records in the office of the city collector as being the owner or agent or as the person designated by the Owner to receive tax bills or, where no name appears, to the premises, addressed to either the owner or the agent.

e. If such charge is not paid within thirty days from the date of entry, it shall be the duty of the city collector to receive interest thereon at the rate of fifteen percent per annum, to be calculated to the date of payment from the date of entry.

f. Such charge and the interest thereon shall continue to be, until paid, a lien on the premises. Such lien shall be a tax lien within the meaning of sections 415(l)-23.0 and D17-1.0 of the administrative code and may be sold, enforced or foreclosed in the manner provided in titles A and D of chapter seventeen of such code or may be satisfied in accordance with the provisions of section thirteen hundred fifty-four of the real property actions and proceedings law.

g. Such notice mailed by-the city collector pursuant to this section shall have stamped or printed thereon a reference to this section of the administrative code.

h. In any proceedings to enforce or discharge a lien created pursuant to this section the validity of the lien shall not be subject to challenge based on:

(1) The lawfulness of the inspection or

(2) The propriety and accuracy of the fee for which a lien is claimed, except as provided in this section.

i. No such challenge may be made except by (1) the owner of the property, or (2) a mortgage or lienor whose mortgage or lien would, but for the provisions of this section, have priority over the department's lien.

§2. Subdivision d of section C26-86.5 of title C of such chapter of such code is =ended to read as follows:

d. Continuing violations after notice.-Any person who, having been served with a notice as prescribed in this title to remove any violation or comply with any requirement of this title, or with any order or rule made thereunder, shall fail to comply with such notice within ten days after such service or shall continue to violate any requirement of this title in the respect named in such notice shall be upon conviction, guilty of an offense punishable by a fine of not more than five hundred dollars or imprisonment for not more than sixty days or both. Notwithstanding the foregoing provision, the commissioner may determine that the presence of a violation or the failure to comply with any requirement of this title, or any order or rule made thereunder, constitutes a condition dangerous to human life and safety as set forth by the commissioner in the rules and regulations promulgated by the commissioner.

In such event, any person who fails to remove such violation or who fails to comply with any requirements of this title, or any order or rule made thereunder, after having been served with a notice personally or by certified mail indicating that removal of such

condition exists and requiring such removal or compliance unless the removal of such condition is prevented by a labor dispute or is the result of vandalism beyond the control of the owner, shall also be liable for civil penalty of not Jess than one hundred fifty dollars per day commencing on the date of the service of such notice and terminating on the date that such removal or compliance has been substantially completed. When service of such notice is made by mail to the owner, civil penalties as herein provided shall commence five days from the date of such mailing.

§ 3. Subdivision f of Section C26-86.5 of such title and chapter of such code is amended, to read as follows:

f. Discontinuance of action upon removal of violation.-If any violation shall be removed or be in process of removal within ten days after the service of a notice as prescribed in this title, liability shall cease, and the corporation counsel, on request of the commissioner shall discontinue any prosecution or action pending to recover any fine, upon such removal or the completion thereof within a reasonable time. Notwithstanding the foregoing provisions where the commissioner, pursuant to subdivision d of this section, has served a notice requiring removal of a violation or compliance with the requirements of this title or with any order or rule made thereunder-with respect to a condition dangerous to human life and safety, liability shall cease and the corporation counsel on request of the commissioner, shall discontinue such prosecution or action only if the removal or compliance so required has been completed or substantially completed within ten days after the service of such notice. The commissioner shall, upon good cause shown grant additional time for such removal or compliance. In addition, the civil penalties shall be tolled from the date the owner certifies under oath, on a form prescribed by the commissioner, that the removal. of the violation has been substantially completed. If subsequent inspection by the commissioner shows a failure to have removed the violation, the civil penalties shall be deemed to have accrued as of the first day notice of violation has been served.

§ 4. Section C26-1802.2 of such title and **chapter of such code is hereby amended to read as follows:**

§ C26-1808.2. Periodic inspection and test intervals.-Every new and existing device listed in sub-article 1800.0 shall be inspected as tested at least **at the following intervals:**

(a) Elevators-three times per calendar year at intervals of every 4 months, or as otherwise provided by the commissioner and except:

(1) Car safeties and counterweight safeties, where provided, shall be inspected at intervals not exceeding one year and shall be tested at intervals not exceeding 2 years.

(2) Oil buffers and governors shall be periodically inspected and shall be tested at intervals not exceeding one year.

(3) Hydraulic elevator pressure tanks and the piston rods of roped hydraulic elevators every 3 years.

(b) Escalators --every 4 months.

(c) Amusement devices --every 6 months except that the commissioner may extend the periodic inspection and test for an additional two months for amusement devices located in premises which are seasonably operated.

(d) Workmen's hoists --every 3 months and immediately following each increase in travel.

(e) Power operated scaffold s --every 6 months and at such time that replacements of parts or major repairs are made.

(f) All other devices at such intervals as the commissioner may require.

(g) Additional inspections --in addition to the inspections required by (a) through (f) above, the commissioner may make such additional inspection as required to enforce the provisions of this code. No fee shall be charged for such additional inspections.

(h) Fees --every owner of elevators and other devices shall pay to the department an inspection f" for each elevator or device in the amount prescribed by subdivision c of section C26-33.0.

§5. Section C26-1802.4 of such title and chapter of such code is hereby amended to read as follows:

§ C26-1802.4. Inspection agencies and elevator repair service. (a) The required periodic inspections shall be made by the department except that one of the three inspections required each year for elevators and escalators, and one of the two annual inspections for power operated scaffolds shall be made on behalf of the owner by an insurance company, elevator maintenance company, elevator manufacturer, elevator inspection company, or other person, each of which must be acceptable to the commissioner. The department shall promulgate rules and regulations establishing criteria as to the qualifications of such companies or persons. Such owner shall cause such inspections to be performed between January first and September fifteenth of each year. Reports by private inspection agencies shall be on such forms and in such manner as required by the commissioner. Such reports shall be delivered to the owner of each elevator, escalator or power operated scaffold inspected listing all violations of any of the provisions of this article within five days of the inspection, and a signed copy of the report of each inspection shall be filed with the commissioner within 10 days of the delivery of such report to the owner. The failure to have such inspection performed and to file a copy of the report with the department on or before September thirtieth of each year shall be a violation of this section, which shall be punishable pursuant to the provisions of § 643a-11.0 of this code. After such violation is placed the owner may file such report and the department shaH enter a notation in its records of the

date on which such report was received by the department. After the date of receipt by the department, the per them penalty provided by subdivision c of §643a-11.0 of this code shall be stayed. The department shall maintain the violation an its records, with a notation of the date on which such report was received by the department, On or before October fifteenth of each year 0 defects as found upon such inspection shall be corrected.

(b) In multiple dwellings (either 11 or J2 occupancy groups), the owner shall be required to have a contract with an elevator repair person or company authorizing the performance of emergency elevator repair work. Such repair person or company shall be one of the elevator inspection agencies or inspectors employed thereby currently acceptable to the Commissioner. The name, address and telephone number of such elevator repair person or company shall be maintained on each premises, in a location readily accessible to employees of this department, and maintenance or custodial staff at the premises.

§6. Section 643a-11.0 of title A of chapter twenty-six of such cod,- is amended by adding a new subdivision c, to read as follows:

c. In addition to the penalties provided in subdivision a of this section, any owner who shall fail to file a report pursuant to the provisions of section C26-1802.4 of this code shall be -liable for a civil penalty of not less than twenty-five dollars nor more than one hundred dollars per day not to exceed one thousand dollars commencing with the date after which such report was required to be filed with the department and terminating in the date of the filing of such report with the department.

§ 7. Section C26-1802.5 of title C of such chapter of such code is Repealed. § 3.

This local law shall take effect thirty days after its enactment into law.

THE City *OF* New YORK, Office OF THE City CLERK, S. S.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on January 22, 1981, and approved by the Mayor on February 9, 1981.

DAVID N. DINKINS, City Clerk, Clerk of the Council

Certification PURSUANT *TO Municipal* Home Rule Law *Section* 27

Pursuant to the provisions of Municipal Home Rule Law Section 27, 1 hereby certify that the enclosed local law (Local Law No. 10 of 1981, Council Int. No. 747-A), contains the correct text and received the following vote at the meeting of the New York City Council on January 22, 1981; 38 for, 0 against, I (one) not voting.

Was approved by the Mayor on February 9, 1981.

Was returned to the City Clerk on February 10, 1981.

ALLEN G. SCHWARTZ, Corporation Couns

APPENDIX B-2

Local Law 11 – N.Y. City Admin. Code § 27-129

LOCAL LAWS
OF
THE CITY OF NEW YORK

FOR THE YEAR 1998

No. 11

Introduced by Council Members Spigner, Malave-Dilan, Michels, Linares, Boyland and Stabile (by request of the Mayor); also Council Members Lasher, Robles, Carrion and Espada.

A LOCAL LAW

To amend the administrative code of the City of New York, in relation to inspection of the exterior walls of buildings greater than six stories in height.

Be it enacted by the Council as follows:

Section 1. Section 27-129 of the administrative code of the city of New York is amended to read as follows:

§ 27-129 Exterior walls and appurtenances thereof. In order to maintain a building's exterior walls and appurtenances thereof in a safe condition, the following additional requirements shall apply to all existing buildings or buildings hereafter erected which are greater than six stories in height:

(a) Inspection requirements. A critical examination of an applicable building's exterior walls and appurtenances thereof shall be conducted at periodic intervals as set forth by rule [or regulation] of the commissioner, but such examination shall be conducted at least once every five years.

(1) The initial examination for any building in existence on February twenty-first, nineteen hundred eighty shall be conducted prior to February twenty-first, nineteen hundred eighty-two and the initial examination for any building thereafter constructed shall be conducted in the fifth year following the erection or installation of any exterior wall and/or enclosures.

(2) Such examination shall be conducted and witnessed by or under the direct supervision of a licensed architect or licensed professional engineer by or on behalf of the owner of the building.

(3) Such examination shall include, in addition to an inspection, a complete review of the most recently prepared report.

(4) Such examination shall also be conducted in accordance with the applicable rules [and regulations] promulgated by the commissioner.

(b) Notification requirements. Whenever an architect or engineer learns through a critical examination of a building's exterior walls and appurtenances thereof of an unsafe condition prior to the filing of a report with the department of buildings pursuant to subdivision (c) of this section, he or she shall notify the owner and the department of buildings immediately in writing of such condition.

[(b)]*(c)* Report of examination. Such architect or engineer shall submit a written report certifying the results of such examination to the commissioner, clearly documenting the condition of the exterior walls and appurtenances [thereto] *thereof, as either safe, unsafe or safe with a repair and maintenance program.* The report shall include a record of all significant deterioration, unsafe conditions and movement observed as well as a statement concerning the watertightness of the exterior surfaces. Such report must be signed by and bear the professional seal of such architect or engineer.

[(c)]*(d)* Necessary repairs. *(1) Unsafe condition. a.* Upon the filing of the architect's or engineer's report of *an* unsafe condition with the commissioner, the owner, his or her agent or the person in charge shall immediately commence such repairs[,] *or* reinforcements [or precautionary] *and shall undertake such* measures as may be required to *secure public safety and to* make the building's [front] *exterior* walls or appurtenances thereof conform to the provisions of this code. [Such ameliorative work shall be completed within a time period to be established by rule or regulation of the commissioner.]

b. All unsafe conditions shall be corrected within thirty days of the filing of the critical examination report.

c. The architect or engineer shall inspect the premises and file an amended report setting forth the condition of the building within two weeks after repairs to correct the unsafe condition have been completed.

d. The commissioner may grant an extension of time of up to ninety days to complete the repairs required to correct an unsafe condition upon receipt and review of an initial extension application submitted by the architect or engineer together with such additional documentation as may be prescribed by rule.

e. The commissioner may grant a further extension of time to complete the repairs required to remove an unsafe condition upon receipt and review of an application for a further extension submitted by the architect or engineer together with such further documentation as may be prescribed by rule.

(2) Safe condition with a repair and maintenance program. An architect or engineer shall not file a report of a safe condition with a repair and maintenance program for the same building for two consecutive filing periods unless the second such report is accompanied by his or her certification attesting to the correction of all conditions identified in the earlier report as requiring repair.

[(d)]*(e)* Exceptions. The additional requirements imposed by this section shall not be applied to[:

(1) Exterior walls set back more than twenty-five feet from the street and/or any paved pedestrian walkway] *any part of an exterior wall which is less than twelve inches from the exterior wall of an adjacent building.*

[(2) Buildings having an on-going maintenance program subject to rules and regulations promulgated by the department of buildings for the exterior walls and appurte-

nances thereof, under the supervision of a licensed architect or engineer retained by or on behalf of the owner.]

[(e)]*(f)* Violations. Any person who shall violate, or refuse, or neglect to comply with any provisions of this section shall, upon conviction thereof, be punished by a fine of not more than one thousand dollars, or by imprisonment not exceeding six months, or both; and any such person shall, also, for each offense, be subject to the payment of a penalty in the sum of two hundred fifty dollars for each month there is non-compliance, to be recovered in a civil action brought in the name of the commissioner.

(g) With respect to buildings in existence on March first, nineteen hundred ninety-eight, the initial critical examination of an exterior wall which was not subject to such examination under the provisions of paragraph one of subdivision d of this section in effect prior to the effective date of this local law shall be conducted prior to March first, two thousand.

§2. This local law shall take effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on February 25, 1998, and approved by the Mayor on March 13, 1998.

CARLOS CUEVAS, City Clerk, Clerk of the Council

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW § 27

Pursuant to the provisions of Municipal Home Rule Law § 27, I hereby certify that the enclosed local law (Local Law 11 of 1998, Council Int. No. 97-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on February 26, 1998: 49 FOR, 0 AGAINST.

Was returned signed by the Mayor on March 13, 1998.

Was returned to the City Clerk on March 16, 1998.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel

APPENDIX B-3

Local Law 11 – N.Y. City Admin. Code § 28-301 & 302

CHAPTER 3
MAINTENANCE OF BUILDINGS

ARTICLE 301
GENERAL

§28-301.1 Owner's responsibilities. All buildings and all parts thereof and all other structures shall be maintained in a safe condition. All service equipment, means of egress, materials, devices, and safeguards that are required in a building by the provisions of this code, the 1968 building code or other applicable laws or rules, or that were required by law when the building was erected, altered, or repaired, shall be maintained in good working condition. Whenever persons engaged in building operations have reason to believe in the course of such operations that any building or other structure is dangerous or unsafe, such person shall forthwith report such belief in writing to the department. The owner shall be responsible at all times to maintain the building and its facilities and all other structures regulated by this code in a safe and code-compliant manner and shall comply with the inspection and maintenance requirements of this chapter.

ARTICLE 302
MAINTENANCE OF EXTERIOR WALLS

§28-302.1 General. A building's exterior walls and appurtenances thereof shall be maintained in a safe condition. All buildings greater than six stories shall comply with the maintenance requirement of this article.

Exception: The requirements imposed by this article shall not apply to any part of an exterior wall that is less than 12 inches (305 mm) from the exterior wall of an adjacent building.

§28-302.2 Inspection requirements. A critical examination of a building's exterior walls and appurtenances thereof shall be conducted at periodic intervals as set forth by rule of the commissioner, but such examination shall be conducted at least once every five years. No later than January 1, 2009 the commissioner shall by rule establish staggered inspection cycles for buildings required to comply with this section. The initial examination for a new building shall be conducted in the fifth year following the erection or installation of any exterior wall and/or appurtenances as evidenced by the issuance date of a temporary or final certificate of occupancy or as otherwise prescribed by rule.

1. Such examination shall be conducted on behalf of the building owner by or under the direct supervision of a registered design professional with appropriate qualifications as prescribed by the department.
2. Such examination shall include a complete review of the most recently prepared report and an inspection.
3. Such examination shall be conducted in accordance with rules promulgated by the commissioner.

§28-302.3 Immediate notice of unsafe condition. Whenever a registered design professional learns of an unsafe condition through a critical examination of a building's exterior walls and appurtenances thereof, such person shall notify the owner and the department immediately in writing of such condition.

§28-302.4 Report of critical examination. The registered design professional shall submit a written report to the commissioner within 60 days of completing the critical examination, but not more than five years following submission of the preceding report of critical examination, certifying the results of such critical examination as either safe, unsafe or safe with a repair and maintenance program. The report shall clearly document the condition of the exterior walls and appurtenances thereof and shall include a record of all significant deterioration, unsafe conditions and movement observed as well as a statement concerning the watertightness of the exterior surfaces. Such report must be professionally certified by such registered design professional.

§28-302.5 Repair of exterior walls, unsafe condition. Upon the notification to the department of an unsafe condition, the owner, the owner's agent or the person in charge shall immediately commence such repairs, reinforcements or other measures as may be required to secure public safety and to make the building's exterior walls or appurtenances thereof conform to the provisions of this code.

1. All unsafe conditions shall be corrected within 30 days of filing the critical examination report.
2. The registered design professional shall reinspect the premises and file an amended report within two weeks after the repairs have been completed certifying that the unsafe conditions of the building have been corrected.
3. The commissioner may grant an extension of time of up to 90 days to complete the repairs required to correct an unsafe condition upon receipt and review of an initial extension application submitted by the registered design professional together with such additional documentation as may be prescribed by rule.
4. The commissioner may grant further extensions of time to complete the repairs required to remove an unsafe condition upon receipt and review of an application for a further extension submitted by the registered design professional together with such further documentation as may be prescribed by rule.

§28-302.6 Safe condition with a repair and maintenance program. The registered design professional shall not file a report of a safe condition with a repair and maintenance program for the same building for two consecutive filing periods unless the second such report is accompanied by his or her professional certification attesting to the correction of all conditions identified in the prior report as requiring repair.

APPENDIX B-4

Local Law 11 – N.Y. City Admin. Code § 28-301 & 302 Amended February 2014

CHAPTER 3

MAINTENANCE OF BUILDINGS

ARTICLE 301
GENERAL

§28-301.1 Owner's responsibilities. All buildings and all parts thereof and all other structures shall be maintained in a safe condition. All service equipment, means of egress, materials, devices, and safeguards that are required in a building by the provisions of this code, the 1968 building code or other applicable laws or rules, or that were required by law when the building was erected, altered, or repaired, shall be maintained in good working condition. Whenever persons engaged in building operations have reason to believe in the course of such operations that any building or other structure is dangerous or unsafe, such person shall forthwith report such belief in writing to the department. The owner shall be responsible at all times to maintain the building and its facilities and all other structures regulated by this code in a safe and code-compliant manner and shall comply with the inspection and maintenance requirements of this chapter.

§28-301.2 Filing of reports in writing or electronically. Reports required to be filed under this chapter shall be filed in writing or electronically as the commissioner may require.

ARTICLE 302
MAINTENANCE OF EXTERIOR WALLS

§28-302.1 General. A building's exterior walls and appurtenances thereof shall be maintained in a safe condition. All buildings greater than six stories shall comply with the maintenance requirement of this article.

Exception: The requirements imposed by this article shall not apply to any part of an exterior wall that is less than 12 inches (305 mm) from the exterior wall of an adjacent building.

§28-302.2 Inspection requirements. A critical examination of a building's exterior walls and appurtenances thereof shall be conducted at periodic intervals as set forth by rule of the commissioner, but such examination shall be conducted at least once every five years. No later than January 1, 2009 the commissioner shall by rule establish staggered inspection cycles for buildings required to comply with this section. The initial examination for a new building shall be conducted in the fifth year following the erection or installation of any exterior wall and/or appurtenances as evidenced by the issuance date of a temporary or final certificate of occupancy or as otherwise prescribed by rule.

1. Such examination shall be conducted on behalf of the building owner by or under the direct supervision of a registered design professional with appropriate qualifications as prescribed by the department.
2. Such examination shall include a complete review of the most recently prepared report and an inspection.
3. Such examination shall be conducted in accordance with rules promulgated by the commissioner.

§28-302.3 Immediate notice of unsafe condition. Whenever a registered design professional learns of an unsafe condition through a critical examination of a building's exterior walls and appurtenances thereof, such person shall notify the owner and the department immediately in writing of such condition.

§28-302.4 Report of critical examination. The registered design professional shall submit a written report to the commissioner within 60 days of completing the critical examination, but not more than five years following submission of the preceding report of critical examination, certifying the results of such critical examination as either safe, unsafe or safe with a repair and maintenance program. The report shall clearly document the condition of the exterior walls and appurtenances thereof and shall include a record of all significant deterioration, unsafe conditions and movement observed as well as a statement concerning the watertightness of the exterior surfaces. Such report must be professionally certified by such registered design professional.

§28-302.5 Repair of exterior walls, unsafe condition. Upon the notification to the department of an unsafe condition, the owner, the owner's agent or the person in charge shall immediately commence such repairs, reinforcements or other measures as may be required to secure public safety and to make the building's exterior walls or appurtenances thereof conform to the provisions of this code.

1. All unsafe conditions shall be corrected within 90 days of filing the critical examination report.
2. The registered design professional shall reinspect the premises and file an amended report within two weeks after the repairs have been completed certifying that the unsafe conditions of the building have been corrected.
3. The commissioner may grant an extension of time of up to 90 days to complete the repairs required to correct an unsafe condition upon receipt and review of an initial extension application submitted by the registered design professional together with such additional documentation as may be prescribed by rule.

4. The commissioner may grant further extensions of time to complete the repairs required to remove an unsafe condition upon receipt and review of an application for a further extension submitted by the registered design professional together with such further documentation as may be prescribed by rule.

§28-302.6 Safe condition with a repair and maintenance program. The registered design professional shall not file a report of a safe condition with a repair and maintenance program for the same building for two consecutive filing periods unless the second such report is accompanied by his or her professional certification attesting to the correction of all conditions identified in the prior report as requiring repair.

ARTICLE 303
PERIODIC BOILER INSPECTIONS

§28-303.1 General. Periodic boiler inspections shall be performed in accordance with this article.

§28-303.2 Annual inspections. Except as otherwise provided in this article, each owner of a boiler, as defined in section 204 of the New York state labor law, excepting those boilers listed in subdivision five of such section of such labor law, shall have such boiler inspected at least once a year in accordance with this article. All individuals who perform periodic inspections pursuant to this article shall be qualified under section 204 of the New York state labor law and the rules promulgated by the commissioner of labor or the commissioner of buildings.

§28-303.2.1 Internal inspection required. All high pressure boilers shall have an annual internal inspection performed in accordance with section 204 of New York state labor law and the rules of the department. Where construction of a low pressure boiler allows, an internal inspection shall be performed on a periodic schedule in accordance with section 204 of the New York state labor law and the rules of the department.

§28-303.2.2 External inspection required. All high and low pressure boilers shall have an annual external inspection performed in accordance with section 204 of New York state labor law and the rules of the department. Such inspection shall include chimney connectors.

§28-303.3 Qualifications of boiler inspectors. All individuals who perform periodic inspections pursuant to this article shall have the qualifications set forth in section 28-303.3.1 or section 28-303.3.2, as applicable.

§28-303.3.1 High-pressure boilers. Inspections required by section 28-303.2 of a high-pressure boiler must be performed, in accordance with the rules of the department, on behalf of the owner, by boiler inspectors in the employ of a duly authorized insurance company who are qualified in accordance with section 204 of the New York state labor law.

§28-303.3.2 Low-pressure boilers. Inspections required by Section 28-303.2 of a low-pressure boiler must be performed, in accordance with the rules of the department, on behalf of the owner, by boiler inspectors who are qualified in accordance with section 204 of the New York state labor law.

§28-303.4 Staggered inspection cycles. The commissioner may by rule establish staggered inspection cycles for buildings required to comply with this article.

§28-303.5 Repair of defects. The owner of each boiler that is subject to periodic inspection shall correct any defects identified in the annual boiler inspection.

§28-303.6 Reporting an unsafe or hazardous condition. If an inspection reveals that any boiler is unsafe or hazardous to life and safety, the device is to be immediately taken out of service by the agency performing the inspection and the building owner notified. Such agency shall notify the department of the unsafe or hazardous condition of the boiler within 24 hours after the condition is discovered. Notification to the department may be made by telephone, electronically or in writing.

§28-303.7 Owner's annual boiler inspection report. The owner of each boiler that is subject to inspection pursuant to section 28-303.2 shall file a signed annual report with the commissioner in accordance with the rules of the department within 45 days after the required annual inspection of the boiler has been performed. Extensions of time to file such report may be granted in accordance with the rules of the department. The report shall include, but shall not be limited to:

1. The location of the boiler.
2. The name and address of the inspector, the qualification of the inspector to perform the inspection, the date of inspection and if the inspector is a qualified boiler inspector in the employ of a duly authorized insurance company, the policy number covering the boiler.
3. A list of all defects found in the inspection for each device inspected.

§28-303.7.1 Affirmation of correction. The owner must file an affirmation that all defects identified in the annual boiler inspection report have been corrected. Such affirmation must be filed with the department within 120 days after the date of filing of the report.

§28-303.8 Scope of inspection. During required inspection and testing, in addition to any other requirements prescribed by this code or the rules of the department, all parts of the equipment shall be inspected to determine that they are in safe operating condition and that parts subject to wear have not worn to such an extent as to affect the safe and reliable operation of the boiler.

APPENDIX C

NYC Council Committee on Housing and Buildings Committee Report

Staff: Anthony Baronci
Counsel to the Committee

THE COUNCIL

Committee on Housing and Buildings

February 13, 1998

PROP. INT. NO. 97-A: By: Council Members Spigner, Malave-Dilan, Linares, Boyland and Stabile (by request of the Mayor); also Council Members Lasher, Michels, Robles, Carrion and Espada

ADMINISTRATIVE CODE: Amends section 27-129

TITLE: In relation to inspection of the exterior walls of buildings greater than six stories in height.

BACKGROUND AND INTENT:

In recent weeks, there have been a number of accidents reported within the City of New York involving falling debris from building facades, partial building collapses and construction site mishaps. Most noted, is the accident that occurred at the office tower located at 540 Madison Avenue. According to an article appearing in the December 8, 1997 edition of The New York Times, a

section of the building's side wall peeled off, snapping a hanging work platform in two and dangling a ton of bricks from a torn safety net. Fortunately, there were only minor injuries inflicted, but neighboring buildings had to be evacuated and several blocks had to be closed off to traffic and remained closed for several weeks thereafter.

Another incident, which occurred some two weeks later, involved a three-foot by five-foot chunk of concrete that fell from a nine-story hotel on the upper West Side. In this case, no one was injured.

Under Local Law No. 10 of 1980 owners of a building greater than six stories in height are required to inspect the exterior walls and appurtenances at least once every five years to check for any cracks or other architectural flaws and if there are any, to make all necessary repairs. Such inspections must be made or witnessed by a registered architect or professional engineer and a copy of the inspection report must be sent to the Department of Buildings. Buildings that have ongoing maintenance or walls which are set back more than 25 feet from the street or paved pedestrian walkway are not subject to Local Law 10 inspection requirements.

In light of the City's recent experience at 540 Madison Avenue, wherein the portion of the building that fell was outside

the scope of Local Law 10, Int. No. 97 would amend Local Law 10 to require that inspections be conducted at least once every five years on all exterior walls of the building, except for exterior walls that are less than 12 inches from the exterior wall of an adjacent building.

With respect to buildings in existence on March 1, 1998, the initial examination of an exterior wall which was not subject to examination prior to the effective date of this local law shall be conducted prior to March 1, 2000.

On Friday, January 30, 1998, Commissioner Silva testified in support of Int. No. 97 and offered several proposed amendments, which are described below. Upon conclusion of the meeting, Int. No. 97 was laid over.

This local law would take effect immediately.

Amendments to Int. 97:

1. A new subdivision b is added to section 27-129 requiring licensed professionals, who during a critical examination of the exterior walls of a building or appurtenances thereof learn of an "unsafe condition", to immediately notify the Department of Buildings in writing. The Department must be notified even if the unsafe condition is discovered before the date the inspection

report is due.

2. Currently, licensed professionals may categorize conditions of building exteriors as either "safe", "unsafe" or "precautionary". The Administration proposed to eliminate "precautionary" as a possible condition, thus leaving architects and engineers with only two categories, "safe" or "unsafe", to select from. Based upon concerns raised by Council staff, a third category, "safe with a repair and maintenance program", has been added to the bill, giving licensed professionals greater discretion when performing their examinations. However, licensed professionals are prohibited from filing a report of a safe condition with a repair and maintenance program for the same building for two consecutive filing periods unless the second such report is accompanied by the licensed professional's certification to the correction of all conditions identified in the earlier report as requiring repairs.

3. Subdivision c of section 27-129 has been relettered as subdivision d and has been amended to require all unsafe conditions to be corrected within thirty days of the filing of a critical examination. The licensed professional may apply for a ninety day extension, or additional time if necessary, to complete the repairs required to correct the unsafe condition. Within two weeks after repairs to correct the unsafe condition have been completed, the

licensed professional must file an amended report with the Department setting forth the condition of the building.

4. Subdivision c of section 27-129 has been relettered as subdivision d and paragraph 2 therein, which exempted buildings with ongoing maintenance plans from the cyclical filing requirements, has been deleted.

Update:

On Friday, February 13, 1998, the Committee adopted this legislation by a vote of eight in the affirmative, none in the negative and no abstentions.

APPENDIX D

Violations Issued to The Esplanade Between 2007 – 2011 for Failure to File Acceptable Façade Reports

NYC BUILDINGS

EXECUTIVE OFFICES
280 BROADWAY, NEW YORK, NY 10007
PATRICIA J. LANCASTER, FAIA, Commissioner
Website: NYC.gov/buildings

LOCAL LAW ENFORCEMENT UNIT
280 Broadway – 4th Floor
New York, New York 10007

November 30, 2007

ESPLANADE VENTURE,PRTNER
305 WEST END AVENUE
NEW YORK, NY 10018
NY NY 10023

Notice of Violation

Owner:	**ESPLANADE VENTURE,PRTNER**
Address:	**305 WEST END AVENUE** **NEW YORK, NY 10018** **NY, NY 10023**
Location:	**305 WEST END AVENUE MANHATTAN**
Block:	**1184** **Lot: 77**
BIN #:	**1031008** **Control #:603674**
Violation #:	**113007LL1198NRF43140**

A review of our records indicates that you are in violation of ADMINISTRATIVE CODE SECTION 27-129 for failing to submit a written report as to the result of a critical examination of the exterior walls and appurtenances thereof for the above referenced location as required by **LOCAL LAW 11 OF 1998** and RULE 32-03 of the Buildings Department rules relating to the periodic inspection of exterior walls.

You are hereby directed to remove this violation by submitting a Local Law 11 of 98 Report immediately to the Local Law Enforcement Unit and pay the outstanding late filing fees at the above address.

Pursuant to SECTION 26-248 (a) and (d) and/or SECTION 26-122 of the ADMINISTRATIVE CODE, if you fail to comply with this order, you may be found guilty of an offense punishable by fines, imprisonment, or both.

If you have any questions, please call the Local Law Enforcement Unit at 212-566-5120

Patricia J. Lancaster, F.A.I.A.

NYC Buildings

NOTICE OF VIOLATION AND HEARING

COMMISSIONER OF THE DEPARTMENT OF BUILDINGS
OF THE CITY OF NEW YORK, PETITIONER, AGAINST

Violation No. 36006542X
ENVIRONMENTAL CONTROL BOARD

Respondent	First name (or entity name) ~~RONALD ERICKSON~~ ESPLANADE VENTURE	Last name PARTNERSHIP,			
☐ **Mailing address** (Check if same address as place of occurrence)	Number and street 305 WEST END AVENUE ~~ESPLANADE VENTURE~~	City NYC	State NY	Zip code 10023
		License No. (If Applicable)	Project Code		

Additional mailing to be sent (agent, care of, other):

Name	First name	Last name ESPLANADE VENTURE PARTNERSHIP	Company				
Mailing address	Number and street C/O 305 WEST END AVE	City NEW YORK	State NY	Zip code 10023			

Commissioner's Order To Correct Violations

Place of occurrence		Boro	Date of violation	Type	Dist.	Code	No.
305	WEST END AVENUE	MANHATTAN	12 07 2008	NRF			

Construction type	BIN No.	No. of stories	Block	Lot	Occupancy at time of inspection	Basis of violation
	1031008	14	1184	77	1	3007LL1198NRF43140

Based on an inspection of the premises and/or records of the Department, the undersigned has determined that you are in violation of the sections of law cited below, of Title 27, Title 28 of the NYC Administrative Code, the NYC Construction Codes, the NYC Zoning Resolution, the Reference Standards and/or Titles 1 and/or 2 of the Rules of the City of New York.

Violating Conditions Observed

Stop Work Order ☐ Full ☐ Partial | Class 1 ☐ | Class 2 ☐ | Class 3 ☐ | Recurring Condition ☐

Infraction Code	Provision of Law	
B230	28-302.4	FAILURE TO SUBMIT AN ACCEPTABLE SIXTH ROUND TECHNICAL REPORT IN COMPLIANCE WITH CODE PROVISIONS: PERIODIC INSPECTION OF ~~EXTERIOR WALLS AND APPURTENANCES AS REQUIRED BY ARTICLE 28.302~~ AND THE DEPARTMENT OF BUILDINGS RULES AND REGULATIONS

Remedy:

FILE THE REQUIRED REPORT TO THE BUILDING DEPARTMENT STANDARDS.

☐ **ILLEGAL CONVERSION - CLASS 1.** Per 28-202.1 & 1RCNY 102-01, additional daily penalties for continued violation of 28-210.1 also applicable.

☐ Per 28-202.1 & 1RCNY 102-01, additional "Class 1" daily or "Class 2" monthly penalty also applicable. ☐ Aggravated II Condition Per 1RCNY 102-01(f)

The Commissioner of the Department of Buildings orders that you correct these conditions and file a certificate of such correction.

Important Information: As detailed in §28-201.4 and Section 102-01 of Subchapter B of Title 1 of the Rules of the City of New York, violations may be subject to aggravated penalties of the first order, which shall be imposed in accordance with the ECB Buildings Penalty Schedule.

Resolution options

CURE DATE 07/21/09

If a date appears in the box above, you may have the option to **admit** the violation and certify correction by the "cure date." By doing so, you avoid a hearing before the Environmental Control Board and any penalties which would be assessed at the hearing. Note: Depending on the violation, non-ECB civil penalties may apply before a cure can be granted. For more information, see reverse side of the respondent copy of this Notice of Violation.

HEARING DATE 07/30/09 at ☐ 8:30 AM ☑ 10:30 AM ☐ 1:30 PM

The hearing date above is mandatory if you are either charged with a Class 1 violation, or the violation is marked as an Aggravated II condition, or if no "cure date" is given on this Notice of Violation. Also, the above hearing date is mandatory for all other types of charges if a certificate of correction (for a cure) is not received by the date indicated to the left, or is not approved by the Department, or if you are offered but have not timely accepted a pre-hearing stipulation. Refer to the ECB Violation Penalty Table in the Reference area of www.NYC.gov/Buildings or check the violation status on the BIS query on this website.
YOU MUST ATTEND THE HEARING IF YOU WISH TO CONTEST THE VIOLATION

Environmental Control Board hearing locations:

- ☐ **Queens,** (718) 298-7300 - 144-06 94th Avenue, 1st fl.
- ☑ **Manhattan,** (212) 361-1400 - 66 John Street, 10th fl.
- ☐ **Brooklyn,** (718) 875-7428 - 233 Schermerhorn Street, 11th fl.
- ☐ **Bronx,** (718) 993-6110 - 3030 3rd Ave., 2nd fl.
- ☐ **Staten Island,** (212) 361-1400 - 350 St. Marks Place, 1st fl.

Proceedings will be held under the authority of the NYC Charter section 1049-a and the rules promulgated thereunder. This hearing is your opportunity to answer and defend against the allegations set forth above. Failure to appear, unless an appearance is not required through availability of a Cure or Stipulation (see reverse), will result in a default and imposition of maximum penalties.

For more information. To reschedule your hearing or inquire about the case status, call the Environmental Control Board at the numbers listed above. For information on certifying correction of this violation, read instructions on the Certificate of Correction form, call the Department of Buildings at 311, or download the "ECB Violation Reference Guide" in the Reference Materials section at www.nyc.gov/buildings.

Issuing officer's last name, first initial (print)
DAVIS, K

9KDX | L9
Badge number | Unit Code

Supervisor's signature _____

I personally observed the violation(s) charged and/or verified their existence through review of departmental records.

Issuing officer's signature Kathleen Davis

This statement is affirmed under penalty of perjury.

36006542X

ORIGINAL-ECB COPY

ECB-PC (Re

NYC Buildings

NOTICE OF VIOLATION AND HEARING

AGGRAVATED I

COMMISSIONER OF THE DEPARTMENT OF BUILDINGS OF THE CITY OF NEW YORK, PETITIONER, AGAINST

Violation No. 36013111J

ENVIRONMENTAL CONTROL BOARD

Respondent	First name (or entity name): ESPLANADE VENTURE PARTNERSHIP	Last name		
☐ **Mailing address** (Check if same address as place of occurrence)	Number and street: 305 WEST END AVENUE	City: NEW YORK	State: NY	Zip code: 10023
Additional mailing to be sent (agent, care of, other):		License No. (If Applicable)	Project Code	
Name	First name	Last name	Company	
Mailing address	Number and street	City	State	Zip code

Commissioner's Order To Correct Violations

Place of occurrence	Boro	Date of violation	Type	Dist.	Code	No.
305 WEST END AVENUE	MANHATTAN	04/28/2010	NRF			

Construction type	BIN No.	No. of stories	Block	Lot	Occupancy at time of inspection	Basis of violation
	1031008	14	1184	77		113007LL1198NRF43140

Based on an inspection of the premises and/or records of the Department, the undersigned has determined that you are in violation of the sections of law cited below, of Title 27, Title 28 of the NYC Administrative Code, the NYC Construction Codes, the NYC Zoning Resolution, the Reference Standards and/or Titles 1 and/or 2 of the Rules of the City of New York.

Violating Conditions Observed

Stop Work Order ☐ Full ☐ Partial | Class 1 ☐ | Class 2 ☐ | Class 3 ☐ | Recurring Condition ☑

Infraction Code	Provision of Law	
B230	28-302.4	FAILURE TO FILE AN ACCEPTABLE SIXTH ROUND TECHNICAL REPORT IN COMPLIANCE WITH CODE PROVISIONS: PERIODIC INSPECTION OF EXTERIOR WALLS AND APPURTENANCES AS REQUIRED BY ARTICLE 28.302 AND THE DEPARTMENT OF BUILDINGS RULES AND REGULATIONS
		36006542X

FILE THE REQUIRED REPORT TO THE BUILDING DEPARTMENT STANDARDS.

Remedy:

☐ **ILLEGAL CONVERSION - CLASS 1.** Per 28-202.1 & 1RCNY 102-01, additional daily penalties for continued violation of 28-210.1 also applicable.

☐ Per 28-202.1 & 1RCNY 102-01, additional "Class 1" daily or "Class 2" monthly penalty also applicable. ☐ Aggravated II Condition Per 1RCNY 102-01(f)

The Commissioner of the Department of Buildings orders that you correct these conditions and file a certificate of such correction.

Important Information: As detailed in §28-201.4 and Section 102-01 of Subchapter B of Title 1 of the Rules of the City of New York, violations may be subject to aggravated penalties of the first order, which shall be imposed in accordance with the ECB Buildings Penalty Schedule.

Resolution options

CURE DATE 07/12/10

If a date appears in the box above, you may have the option to **admit** the violation and certify correction by the "cure date." By doing so, you avoid a hearing before the Environmental Control Board and any penalties which would be assessed at the hearing. Note: Depending on the violation, non-ECB civil penalties may apply before a cure can be granted. For more information, see reverse side of the respondent copy of this Notice of Violation.

HEARING DATE 07/22/10 at ☐ 8:30 AM ☒ 10:30 AM ☐ 1:30 PM

The hearing date above is mandatory if you are either charged with a Class 1 violation, or the violation is marked as an Aggravated II condition, or if no "cure date" is given on this Notice of Violation. Also, the above hearing date is mandatory for all other types of charges if a certificate of correction (for a cure) is not received by the date indicated to the left, or is not approved by the Department, or if you are offered but have not timely accepted a pre-hearing stipulation. Refer to the ECB Violation Penalty Table in the Reference area of www.NYC.gov/Buildings or check the violation status on the BIS query on this website. YOU MUST ATTEND THE HEARING IF YOU WISH TO CONTEST THE VIOLATION

Environmental Control Board hearing locations:

- ☐ **Queens,** (718) 298-7300 - 144-06 94th Avenue, 1st fl.
- ☒ **Manhattan,** (212) 361-1400 - 66 John Street, 10th fl.
- ☐ **Brooklyn,** (718) 875-7428 - 233 Schermerhorn Street, 11th fl.
- ☐ **Bronx,** (718) 993-6110 - 3030 3rd Ave., 2nd fl.
- ☐ **Staten Island,** (212) 361-1400 - 350 St. Marks Place, 1st fl.

Proceedings will be held under the authority of the NYC Charter section 1049-a and the rules promulgated thereunder. This hearing is your opportunity to answer and defend against the allegations set forth above. Failure to appear, unless an appearance is not required through availability of a Cure or Stipulation (see reverse), will result in a default and imposition of maximum penalties.

For more information. To reschedule your hearing or inquire about the case status, call the Environmental Control Board at the numbers listed above. For information on certifying correction of this violation, read instructions on the Certificate of Correction form, call the Department of Buildings at 311, or download the "ECB Violation Reference Guide" in the Reference Materials section at www.nyc.gov/buildings.

Issuing officer's last name, first initial (print): WALDRON, C

Badge number: 9993 Unit Code: L9

I personally observed the violation(s) charged and/or verified their existence through review of departmental records.

Issuing officer's signature _____

This statement is affirmed under penalty of perjury.

Supervisor's signature _____

ORIGINAL-ECB COPY

36013111J

ECB-PC (Rev. 9/08)

NYC Buildings

NOTICE OF VIOLATION AND HEARING

AGGRAVATED I

COMMISSIONER OF THE DEPARTMENT OF BUILDINGS
OF THE CITY OF NEW YORK, PETITIONER, AGAINST

Violation No. 36015980K
ENVIRONMENTAL CONTROL BOARD

Respondent	First name (or entity name) ESPLANADE VENTURE PARTNERSHIP	Last name		
☐ **Mailing address** (Check if same address as place of occurrence)	Number and street 305 WEST END AVENUE	City NEW YORK	State NY	Zip code 10023
Additional mailing to be sent (agent, care of, other):		License No. (If Applicable)	Project Code	
Name	First name	Last name	Company	
Mailing address	Number and street	City	State	Zip code

Commissioner's Order To Correct Violations

Place of occurrence	Boro	Date of violation	Type	Dist.	Code	No.
305 WEST END AVENUE	MANHATTAN	01 / 25 / 2011	NRF			

Construction type	BIN No.	No. of stories	Block	Lot	Occupancy at time of inspection	Basis of violation
	1031008	14	1184	77		113007LL1198NRF43140

Based on an inspection of the premises and/or records of the Department, the undersigned has determined that you are in violation of the sections of law cited below, of Title 27, Title 28 of the NYC Administrative Code, the NYC Construction Codes, the NYC Zoning Resolution, the Reference Standards and/or Titles 1 and/or 2 of the Rules of the City of New York.

Violating Conditions Observed

Stop Work Order ☐ Full ☐ Partial | Class 1 ☐ | Class 2 ☒ | Class 3 ☐ | Recurring Condition ☒

Infraction Code	Provision of Law	
B230	28-302.4	FAILURE TO FILE AN ACCEPTABLE SIXTH ROUND TECHNICAL REPORT IN COMPLIANCE WITH CODE PROVISIONS: PERIODIC INSPECTION OF EXTERIOR WALLS AND APPURTENANCES AS REQUIRED BY ARTICLE 28.302 AND THE DEPARTMENT OF BUILDINGS RULES AND REGULATIONS

36013111J

Remedy: FILE THE REQUIRED REPORT TO THE BUILDING DEPARTMENT STANDARDS.

☐ **ILLEGAL CONVERSION - CLASS 1.** Per 28-202.1 & 1RCNY 102-01, additional daily penalties for continued violation of 28-210.1 also applicable.

☐ Per 28-202.1 & 1RCNY 102-01, additional "Class 1" daily or "Class 2" monthly penalty also applicable. ☐ Aggravated II Condition Per 1RCNY 102-01(f)

The Commissioner of the Department of Buildings orders that you correct these conditions and file a certificate of such correction.

Important Information: As detailed in §28-201.4 and Section 102-01 of Subchapter B of Title 1 of the Rules of the City of New York, violations may be subject to aggravated penalties of the first order, which shall be imposed in accordance with the ECB Buildings Penalty Schedule.

Resolution options

CURE DATE 6 / 7 / 11

If a date appears in the box above, you may have the option to **admit** the violation and certify correction by the "cure date." By doing so, you avoid a hearing before the Environmental Control Board and any penalties which would be assessed at the hearing. Note: Depending on the violation, non-ECB civil penalties may apply before a cure can be granted. For more information, see reverse side of the respondent copy of this Notice of Violation.

HEARING DATE 6 / 16 / 11 at ☐ 8:30 AM ☒ 10:30 AM ☐ 1:30 PM

The hearing date above is mandatory if you are either charged with a Class 1 violation, or the violation is marked as an Aggravated II condition, or if no "cure date" is given on this Notice of Violation. Also, the above hearing date is mandatory for all other types of charges if a certificate of correction (for a cure) is not received by the date indicated to the left, or is not approved by the Department, or if you are offered but have not timely accepted a pre-hearing stipulation. Refer to the ECB Violation Penalty Table in the Reference area of www.NYC.gov/Buildings or check the violation status on the BIS query on this website.
YOU MUST ATTEND THE HEARING IF YOU WISH TO CONTEST THE VIOLATION

Environmental Control Board hearing locations:

☐ **Queens,** (718) 298-7300 - 144-06 94th Avenue, 1st fl.
☒ **Manhattan,** (212) 361-1400 - 66 John Street, 10th fl.
☐ **Brooklyn,** (718) 875-7428 - 233 Schermerhorn Street, 11th fl.
☐ **Bronx,** (718) 993-6110 - 3030 3rd Ave., 2nd fl.
☐ **Staten Island,** (212) 361-1400 - 350 St. Marks Place, 1st fl.

Proceedings will be held under the authority of the NYC Charter section 1049-a and the rules promulgated thereunder. This hearing is your opportunity to answer and defend against the allegations set forth above. Failure to appear, unless an appearance is not required through availability of a Cure or Stipulation (see reverse), will result in a default and imposition of maximum penalties.

For more information. To reschedule your hearing or inquire about the case status, call the Environmental Control Board at the numbers listed above. For information on certifying correction of this violation, read instructions on the Certificate of Correction form, call the Department of Buildings at 311, or download the "ECB Violation Reference Guide" in the Reference Materials section at www.nyc.gov/buildings.

Issuing officer's last name, first initial (print)

ROBINSON, C

Badge number 9CRX Unit Code L9

Supervisor's signature _____

I personally observed the violation(s) charged and/or verified their existence through review of departmental records.

Issuing officer's signature Cecil Robinson

This statement is affirmed under penalty of perjury.

36015980K

ORIGINAL-ECB COPY

ECB-PC (Rev. 9/08)

APPENDIX E-1

1 RCNY § 32-03

§ 32-03 Periodic Inspection of Exterior Walls and Appurtenances of Buildings.

(a) *Definitions.*

Critical examination. Critical examination means an examination conducted to review the exterior of a building and all parts thereof to determine whether the exterior walls and the appurtenances thereto are safe, unsafe, or safe with a repair and maintenance program and whether, in the judgment of a Registered Architect or Professional Engineer, they require remedial work.

Unsafe condition. Unsafe condition means a condition of a building wall, any appurtenances thereto or part thereof that is dangerous to persons or property and requires prompt remedial action. In addition, any condition which was reported as safe with a repair and maintenance program in an earlier report and which is not corrected at the time of the current inspection shall be reported as an unsafe condition.

Safe. Safe means a condition of a building wall, any appurtenances thereto or any part thereof not requiring repair or maintenance to sustain the structural integrity of the exterior of the building and that will not become unsafe during the next five years.

Safe with a repair and maintenance program. Safe with a repair and maintenance program means a condition of a building wall, any appurtenances thereto or any part thereof that is safe at the time of inspection, but requires repairs or maintenance during the next five years in order to prevent its deterioration during that five year period into an unsafe condition.

Standard reporting period. The standard reporting period is the time interval established by the Commissioner of Buildings for the filing of each successive report for each successive critical examination of every building subject to the requirements of Local Law 10 for the Year 1980 as amended by Local Law 11 for the Year 1998.

(b) *Critical examinations.*

(1) *Requirements.*

(i) In order to maintain a building's exterior walls and appurtenances in a safe condition in accordance with §27-129 of the Administrative Code, a critical examination of all parts of all exterior walls and any appurtenances thereto shall be conducted at periodic intervals, which are at least once every five years, of all existing buildings or buildings hereafter erected that are greater than six stories in height, except for those parts of any exterior wall which are less than twelve inches from the exterior wall of an adjacent building.

(ii) The second critical examination shall be conducted within two years after February 21,1985 for all buildings covered by the first examination cycle. The initial critical examination for any building erected subsequent to February 21,1982 shall be conducted in the fifth year following the erection or installation of any exterior walls and/ or enclosures. Subsequent critical examinations shall be conducted within five years from the previous examination.

(iii) Regarding buildings in existence on March first, nineteen hundred ninety-eight, initial critical examinations of exterior walls or parts thereof and any appurtenances thereto which were not subject to such examinations under the provisions of paragraph (i) of subdivision (1) of section (b) of these rules in effect prior to March first, nineteen hundred ninety-eight, and which did not have a critical examination for which a report was filed prior to February twenty-first, nineteen hundred ninety-seven, shall be conducted prior to March first, two thousand.

(2) *Inspection procedures.*

(i) Before any exterior wall for any building is critically examined, the Registered Architect or Licensed Professional Engineer (hereinafter referred to as "professional") employed by the owner of the building shall carefully review the most recent report and any previous available reports. The Buildings Department will maintain a file of such reports submitted in conformance with §27-129, and furnish copies upon payment of fees set forth in §26-214.

(ii) Such examination shall be conducted and witnessed by or under the supervision of a professional retained by or on behalf of the owner of the building. It shall be done to the best of his/her knowledge and belief.

(iii) The professional shall determine methods employed in the examination, but he/she need not be physically present at the location where the examination is made. Under the professional's supervision, technicians, tradesmen, contractors, and engineers-in-training may be delegated selected inspection tasks. These individuals need not be in his/her employ.

(iv) The methods used to examine the building shall permit a complete inspection of same. Except as herein required, the use of a scaffold or other observation platform is preferred, but the professional may use other methods of inspection as he/she deems appropriate. A physical examination from a scaffold or other observation platform is required for a representative sample of the exterior wall. The professional shall determine what constitutes a representative sample. The representative sample must include at least one physical examination along a path from grade to top of an exterior wall on a street front using at least one scaffold drop or other observation platform configuration.

(v) The known history of the building, the nature of the materials used and the conditions observed will dictate the extent of the critical examination.

The Registered Architect or Licensed Professional Engineer [sic] shall utilize a professional standard of care to detect splitting or fracturing of terra cotta on buildings, cracking of masonry and brick work in brick faced buildings, loosening of metal anchors and supports, water entry, movement of lintel angles, etc., and shall ascertain the cause of these and such other conditions detected. The professional shall order any special inspections and/or tests that may be required. The removal of portions of the façade in order to facilitate the performance of tests may require a permit from the Landmarks Preservation Commission.

(vi) During the course of the critical examination, photographs shall be taken and/or sketches made to properly document the location of all conditions observed that are either unsafe or safe with a repair and maintenance program.

(vii) Upon discovery of any unsafe condition, the professional shall immediately notify the Borough Commissioner and the owner of the building by letter or fax.

(3) *Report requirements.*

(i) The professional shall submit to the Commissioner and to the Owner of the building a written report as to the result of such examination, clearly documenting all conditions not classified as safe and stating that the inspection was performed and completed in accordance with the New York City Administrative Code.

(ii) The report shall include:

(A) The address, any a.k.a. addresses, the location from the nearest cross street, and Block and Lot numbers;

(B) The landmark status of the building;

(C) The name, mailing address and telephone number of the owner of the building, his agent or the person in charge, possession or control of the building;

(D) (a) The description of the building including number of stories, height, plan dimensions, Certificate of Occupancy number, if available, usage, and age and type of exterior wall construction;

(b) Brief history of any settlements, repairs, revisions to exterior enclosures, if available;

(E) A detailed description of the procedures used in making the critical examination;

(F) A detailed description of the extent and location of all physical examinations performed;

(G) A report of all conditions including significant deterioration and movement observed as well as a statement concerning the apparent water-tightness of the exterior surfaces, and the deleterious effect of exterior appurtenances, including exterior fixtures, flagpoles, signs, parapets, copings, guard rails, window frames (including hardware and lights), window guards, window air conditioners, flower boxes, etc. The report shall classify each such condition as safe, unsafe or safe with a repair and maintenance program;

(H) The causes of the reported conditions;

(I) The status of the exterior maintenance;

(J) Comparison of observed conditions with conditions observed during previous examinations, including status of the repairs or maintenance performed with respect to the prior conditions;

(K) Recommendations for repairs or maintenance, if appropriate, including the recommended time frame for same to be performed;

(L) Date of start and completion of the critical examination;

(M) The seal and signature of the professional under whose supervision the critical examination was performed shall be on the written report;

(N) If there are no unsafe conditions and no conditions that are safe with a repair and maintenance program, then the building shall be classified as safe;

(O) If there is at least one unsafe condition, then the building shall be classified as unsafe;

(P) If there is (are) a(ny) condition(s) that is (are) safe with a repair and maintenance program and there are no unsafe conditions, then the building shall be classified as safe with a repair and maintenance program;

(Q) The professional shall not file a report of the same condition that is safe with a repair and maintenance program for the same building for two consecutive filing periods. Unless the professional certifies to the correction of all conditions identified in the earlier report as requiring repair the building shall be classified as unsafe;

(R) Photographs and/or sketches documenting the location of any conditions that are either unsafe or safe with a repair and maintenance program;

(S) A statement by the professional indicating which repairs and/or maintenance require the obtaining of work permits prior to their commencement.

(4) *Report filing requirements.*

(i) Any building existing as of the date of the passage of Local Law 10 of 1980 shall file a report of the second examination of the building's exterior walls and appurtenances thereto no sooner than February 21, 1985 and no later than February 21, 1987, and thereafter no sooner or no later than February 21 of each fifth subsequent year.

(ii) Any building of which the erection or installation of any exterior wall or enclosures reached a height greater than six stories or for which a Temporary Certificate of Occupancy or Certificate of Occupancy was received prior to January 1, 1983 shall be required to file a report no later than February 21, 1987, and thereafter no later than February 21 of each fifth subsequent year.

(iii) Any other building of which the erection or installation of any exterior wall or enclosures reaches a height greater than six stories shall be required to file an initial report five years from the date when such height is obtained, and thereafter a report each subsequent fifth year; however, such initial report shall be filed no later than five years from the date a Temporary Certificate of Occupancy, or Certificate of Occupancy, whichever is sooner, is received.

However, if the date reached five years from such issuance falls between the standard reporting periods, the filing shall be made during the first standard reporting period following the five-year date.

(iv) Persons or entities wishing to perform the critical examinations of and the report filing for the exterior walls referenced in Section (b) (1) (iii) of these rules in conjunction with the critical examinations of, and the report filing for the exterior walls otherwise scheduled for critical examinations and report filing from February twenty-first, two thousand until February twenty-first, two thousand two may perform such combined critical examinations and file such combined reports no earlier than February twenty-first, nineteen hundred ninety-nine and no later than March first, two thousand.

(v) Each written report shall be accompanied by a signed statement by the owner of the building acknowledging receipt of a copy of it and acknowledging awareness of the required repairs and/or maintenance, if any, and the time frame for same.

(vi) Each written report shall be submitted in original and in microfilm form to the appropriate Borough Office of the Department of Buildings. It shall be accompanied by an Exterior Periodic Inspection Report Form in triplicate, one copy of which may be retained by the applicant.

(5) *Unsafe conditions.*

(i) Upon the filing of the professional's report of an unsafe condition with the Department, the Owner of the building, his or her agent, or the person in charge of the building shall immediately commence such repairs or reinforcements and any other appropriate measures such as sidewalk sheds, fences, and/or safety netting as may be required to secure the safety of the public and to make the building's walls and/or appurtenances thereto conform to the provisions of the Building Code.

(ii) All unsafe conditions shall be corrected within 30 days from the filing of the critical examination report.

(iii) The professional shall inspect the premises and file a detailed amended report stating the condition of the building with the Borough office within two weeks after repairs to correct the unsafe condition have been completed.

(iv) The Commissioner may grant an extension of time of up to 90 days to complete the repairs required to remove an unsafe condition upon receipt and review of an initial extension application submitted by the professional, together with:

(A) Copy of original report with attachments;

(B) Notice that the premises have been made safe by means of a shed, fence or other appropriate measures;

(C) Copy of contract indicating scope of work to remedy unsafe conditions;

(D) Professional's estimate of length of time required for repairs;

(E) Notarized affidavit by owner of the building that work will be completed within stated time of professional's estimate.

(v) A further extension will be considered only upon receipt and review of a further extension application, together with notice of:

(A) Substantial completion of work but subject to an unforeseen delay (e.g., weather, labor strike), or

(B) Unforeseen circumstances (e.g., fire, building collapse), or

(C) Nature of hazard requires more than 90 days to remove (e.g., new wall to be built).

(6) *Conditions that are Safe with a Repair and Maintenance Program.*

(i) The owner of the building is responsible for ensuring that the conditions described in the critical examination report as safe with a repair and maintenance program are repaired, and all actions recommended by the professional are completed within the required time frame, and are not left to deteriorate into unsafe conditions before the next critical examination.

(ii) The professional shall not file a report of the same condition that is safe with a repair and maintenance program for the same building for two consecutive filing periods.

(iii) A certification must be made by the professional attesting to the correction of all conditions identified in the earlier report as requiring repair.

(iv) The professional shall report conditions that were previously reported as safe with a repair and maintenance program as unsafe if not corrected at the time of the current inspection.

APPENDIX E-2

1 RCNY § 103-04

1 RCNY §103-04

CHAPTER 100

Subchapter C Maintenance of Buildings

§103-04 Periodic Inspection of Exterior Walls and Appurtenances of Buildings.

(a) *Definitions.*

Acceptable report. A technical examination report filed by a Qualified Exterior Wall Inspector that meets the requirements of the Administrative Code and this rule as determined by the Department.

Amended report. A technical examination report filed by a Qualified Exterior Wall Inspector who certifies that the unsafe conditions reported in the initial report have been repaired and that no unsafe conditions exist at the building.

Critical examination. An examination conducted to review the exterior of a building and all parts thereof to determine whether the exterior walls (facades) and the appurtenances thereto are either safe, unsafe, or safe with a repair and maintenance program and whether, in the judgment of a Qualified Exterior Wall Inspector, they require remedial work.

Filed report. A report shall be deemed filed with the Department when it has been received by the Department. The filed report shall be completed in accordance with the provisions of paragraph (3) of subdivision (b) of this section.

Filing window. The two-year period during which a report for a particular building may be filed without penalty.

Qualified Exterior Wall Inspector (hereinafter "QEWI"). A qualified exterior wall inspector as defined in section 101-07 of the rules of the department.

Report filing cycle. The five-year time interval established by the Commissioner for the filing of each successive report for each successive critical examination of every building subject to the requirements of Article 302 of Title 28 of the Administrative Code.

Safe. A condition of a building wall, any appurtenances thereto or any part thereof not requiring repair or maintenance to sustain the structural integrity of the exterior of the building and that will not become unsafe during the next five years.

Safe with a repair and maintenance program (hereinafter "SWARMP"). A condition of a building wall, any appurtenances thereto or any part thereof that is safe at the time of inspection, but requires repairs or maintenance during the next five years in order to prevent its deterioration into an unsafe condition during that five-year period.

Staggered inspection cycle. The separate time intervals for filing reports of critical examinations as determined by the last digit of the building's block number, beginning February 21, 2010, and continuing thereafter for each subsequent report filing cycle.

Subsequent report. A technical examination report that is filed by a QEWI after an acceptable report in order to change the status of the building for that report filing cycle to reflect changed conditions.

Unsafe condition. A condition of a building wall, any appurtenances thereto, or any part thereof that is hazardous to persons or property and requires prompt repair. In addition, any condition that was reported as SWARMP in a previous report and that is not corrected at the time of the current inspection shall be reported as an unsafe condition.

(b) *Critical examinations.*

(1) *Periodic inspection requirements.* In order to maintain a building's exterior walls and appurtenances thereto in a safe condition, and in accordance with Article 302 of Title 28 of the Administrative Code, a critical examination of all parts of all exterior walls and any appurtenances thereto of all existing buildings greater than six stories in height or buildings hereafter erected that are greater than six stories in height, except for those parts of any exterior wall that are less than twelve inches (305 millimeters) from the exterior wall of an adjacent building, shall be conducted at periodic intervals.

(2) *Inspection procedures.*

(i) Before any exterior wall for any building is critically examined, the QEWI retained by or on behalf of the owner of the building shall carefully review the most recent report and any available previous reports. The Department will maintain a file of such reports submitted in conformance with the law in effect prior to July 1, 2008 and with Article 302 of Title 28 of the New York City Administrative Code, and furnish copies upon payment of fees set forth in the rules of the Department.

(ii) Such examination shall be conducted and witnessed by or under the direct supervision of a QEWI retained by the owner of the building or his or her representative.

(iii) The QEWI shall design an inspection program for the specific building to be inspected, which shall include, but not be limited to, the methods to be employed in the examination. The inspection program shall be based on the considerations of the type of construction of the building's envelope, age of the material components, the façade's specific exposure to environmental conditions and the presence of specific details and appurtenances. Consideration shall be given to the façade's history of maintenance and repairs as described in previous reports and submittals to the department.

Except as provided in subparagraph (viii) of paragraph (2) of this subdivision, the QEWI need not be physically present at the location when the examination is made. Architects, engineers, tradesmen and technicians, working under the QEWI's direct supervision, may be delegated to perform selected inspection tasks only when they are employees or subcontractors of the QEWI.

(iv) The methods used to examine the building shall permit a complete inspection of same. Except as herein required, the use of a scaffold or other observation platform is preferred, but the QEWI may use other methods of inspection as he/she deems appropriate. A physical examination from a scaffold or other observation platform (a "close-up inspection") is required for a representative sample of the exterior wall. The QEWI shall determine what constitutes a representative sample. The representative sample shall include at least one physical examination along a path from grade to top of an exterior wall on a street front using at least one scaffold drop or other observation platform configuration, including all setbacks.

(v) The known history of the building, the nature of the materials used and the conditions observed will dictate the extent of the critical examination.

The QEWI shall utilize a professional standard of care to assess the building's condition, including splitting or fracturing of terra cotta on buildings, cracking of masonry and brick work in brick faced buildings, loosening of metal anchors and supports, water entry, movement of lintel angles, and shall ascertain the cause of these and such other conditions detected. The QEWI shall order any special or additional inspections and/or tests that may be required to support investigations and to determine the causes of any defects.

The removal of portions of the façade in order to facilitate the performance of tests may require a permit from the Landmarks Preservation Commission.

(vi) During the course of the critical examination, photographs shall be taken and/or sketches made to properly document the location of all conditions observed that are either unsafe or SWARMP.

(vii) Upon discovery of any unsafe condition, the QEWI shall immediately notify the Department and the owner of the building by letter or fax, in a form and manner as provided by the Department.

(viii) Completion of a critical examination shall mean that the QEWI has conducted a final physical inspection to determine that the building conditions as described in the report are consistent with the actual conditions. Such final inspection shall, at a minimum, include an actual visual examination and a walk around with binoculars or other inspectorial equipment. A drive-by inspection is not acceptable.

(3) *Report requirements.*

(i) The QEWI shall file with the Department and submit a copy to the owner of the building a written report describing the result of the critical examination, clearly documenting all conditions noted during the inspection and stating that the inspection was performed and completed in accordance with the Administrative Code and this rule. A separate acceptable report must be prepared and filed for each building, even if it shares a Block and Lot number with other structures.

(ii) Technical information in the report shall adhere to and follow the sequence and the labeling of the report requirements as listed in subparagraph (iii) of this paragraph, and shall be provided on such forms and in such format as the Department shall require. Additional information may be provided. All letters (A – O) shall be listed in the report. If a requirement is not applicable, this shall be indicated on the report under the relevant letter.

(iii) The report shall include an executive overview that shall consist of a summary of findings and recommendations, a concise statement of the scope of the inspection and findings, the conclusions and recommendations and a determination as to whether the building is categorized as "safe," "SWARMP," or "unsafe." The report shall also include, but shall not be limited to:

(A) The address, any a.k.a. addresses, Block and Lot number, the Building Identification Number ("BIN"), the landmark status of the building, the location from the nearest cross street, and a copy of the Property Profile Overview from the Buildings Information System ("BIS") found on the Department's website;

(B) The name, mailing address and telephone number of the owner of the building, or, if the owner is not an individual, the name, mailing address, telephone number, position/title of a principal of the owner;

(C) A description of the building, including the number of stories, height, plan dimensions, Certificate of Occupancy number if available, usage, and age and type of exterior wall construction;

(D) A detailed description of any settlements, repairs, or revisions to exterior enclosures since the previous report;

(E) A detailed description of the procedures used in making the critical examination;

(F) A detailed description of:
1. The extent and location of all physical examinations performed;
2. The names, addresses, telephone numbers, and license or registration numbers for riggers and other consultants involved in the critical examination;
3. A location diagram of a discernable scale and with a north arrow, indicating the main entrance and nearest cross street and locations and dates of close-up inspections; and
4. Dates of the start and completion of the critical examination;

(G) A description and classification of each significant condition observed including deterioration and any movement detected and the apparent water-tightness of the exterior surfaces.
The description must also include a list of all the exterior appurtenances and their condition. Appurtenances include, but are not limited to, exterior fixtures, flagpoles, signs, parapets, railings, copings, guard rails, window frames (including hardware and lights), balcony enclosures, window guards, window air conditioners, flower boxes and any equipment attached to or protruding from the façade.
Each condition must be classified as safe, unsafe or SWARMP. If the building is classified as unsafe or SWARMP, the report must include the locations and descriptions of all unsafe or SWARMP conditions.
Balcony railings must be inspected to ensure that their components (balusters, intermediate railings and panel fillers) are positively secured against upward movement (e.g. by welds, bolts or screws). If any balcony enclosure is found not to be positively secured, the condition is classified as unsafe and must be made safe pursuant to the requirements of paragraph (5) of subdivision (b) of this section. In the event a cycle seven report has already been filed with the Department pursuant to paragraph (4) of this subdivision, a separate report regarding the condition of the balcony enclosures must be filed within cycle seven.

(H) An analysis of the causes of the conditions reported as unsafe or SWARMP.

(I) A detailed status report of maintenance work performed up to the date of submission of the report;

(J) A comparison of currently observed conditions with conditions observed during the previous report filing cycle examinations, including the status of the repairs or maintenance performed with respect to the prior conditions. The following shall be included and discussed:
1. Work permit numbers relating to façade repairs, including permits for sheds;
2. Job numbers, status and sign-off dates for any façade related jobs, where applicable; and
3. Violation numbers of any open Environmental Control Board ("ECB") façade violations and the status of the repairs of the conditions cited in the ECB violations;

(K) Detailed recommendations for repairs or maintenance of SWARMP items, including:
1. The recommended time frame for such repairs or maintenance to be performed, which shall indicate the date by which the work shall be performed (MM/YYYY) to prevent the conditions from becoming unsafe and not the date on which work is planned or scheduled;
2. Time frames of less than one (1) year, "ASAP," or "immediately," shall not be accepted.

(L) A list and description of the work permits required to accomplish the necessary work. If no work permits will be required, the reason shall be indicated;

(M) 1. Color photographs of the primary house number and at least one view of the entire street front elevation for all reports regardless of the building's filing condition, and color photographs and sketches documenting any conditions that are either unsafe or SWARMP and their locations. Photographs shall be at least 3" x 5" (76mm x 127mm) in size, unless otherwise requested by the Department. The photographs shall be dated and both the original photographs and all required copies shall be in color.
2. The page/sheet size for attachments shall not exceed 11" x 17" (280mm x 430mm).

(N) The classification of the building for the current report filing cycle, as determined by the following guidelines:
1. If there are no unsafe conditions and no conditions that are SWARMP, then the building shall be classified as safe;
2. If there is at least one unsafe condition, then the building shall be classified as unsafe.
3. If there is at least one condition that is SWARMP and there are no unsafe conditions, then the building shall be classified as SWARMP. A report may not be filed describing the same condition at the same location as SWARMP for two consecutive report filing

cycles. The QEWI shall certify that all of the conditions identified in the previous report as requiring repair have been corrected or the building shall be classified as unsafe;

(O) The seal and signature of the QEWI under whose direct supervision the critical examination was performed.

(4) *Report filing requirements.*

(i) The requirements of this rule shall apply to all buildings with exterior walls or parts thereof that are greater than six stories in height, including the basement, but not the cellar, as defined in the building code, and regardless of the information in the Certificate of Occupancy. For buildings constructed on sloped sites that contain six (6) full stories plus one partial story where more than half the height of that partial story is above existing grade and/or adjacent to open areas (e.g., areaways, yards, ramps), the wall containing that partial story shall be subject to façade inspection. Conditions requiring façade inspections may also include other structures that add to the height of the building as per section BC 504. The Commissioner shall determine which additional buildings and/or parts thereof are required to file in accordance with this rule.

(ii) Buildings required to file a report shall do so once during each five-year report filing cycle established by the Department. The next complete report filing cycle, cycle seven, runs from February 21, 2010 to February 20, 2015.

(iii) An acceptable report shall be filed within the applicable two-year filing window to avoid a late filing penalty, except for cycle seven, during which the applicable filing window shall be:

(A) two years for buildings that meet the requirements of item (A) of subparagraph (v) of this paragraph,

(B) eighteen months for buildings that meet the requirements of item (B) of subparagraph (v) of this paragraph and

(C) twelve months for buildings that meet the requirements of item (C) of subparagraph (v) of this paragraph.

(iv) The report shall be submitted to the Department along with a filing fee as specified in the rules of the Department.

(v) Beginning with cycle seven, which runs from February 21, 2010 to February 20, 2015, an acceptable report for each building to which this rule applies is due in accordance with the following filing windows:

(A) For buildings located within a block ending with the number four (4), five (5), six (6), or nine (9), an acceptable report shall be filed within the filing window starting February 21, 2010 and ending February 21, 2012.

(B) For buildings located within a block ending with the number zero (0), seven (7), or eight (8), an acceptable report shall be filed within the filing window starting February 21, 2011 and ending August 21, 2012.

(C) For buildings located within a block ending with the number one (1), two (2), or three (3), an acceptable report shall be filed within the filing window starting February 21, 2012 and ending February 21, 2013.

(vi) For every five-year report filing cycle thereafter an acceptable report is due in accordance with the following filing windows:

(A) For buildings located within a block ending with the number four (4), five (5), six (6), or nine (9), an acceptable report shall be filed within the two-year filing window starting February 21 of years ending in zero (0) and five (5) and ending February 21 of years ending in two (2) and seven (7).

(B) For buildings located within a block ending with the number zero (0), seven (7), or eight (8), an acceptable report shall be filed within the two- year filing window starting February 21 of years ending in one (1) and six (6) and ending February 21 of years ending in three (3) and eight (8).

(C) For buildings located within a block ending with the number one (1), two (2), or three (3), an acceptable report shall be filed within the two-year filing window starting February 21 of years ending in two (2) and seven (7) and ending February 21 of years ending in four (4) and nine (9).

(vii) Initial reports for new buildings greater than six stories in height shall be filed as follows:

(A) The report shall be filed five years from the date the first Temporary Certificate of Occupancy or Certificate of Occupancy was issued, if that five year date falls within the applicable filing window according to the last digit of the building's block number as provided in subparagraph (v) or (vi) of this paragraph; or

(B) If five years from the date the first Temporary Certificate of Occupancy or Certificate of Occupancy was issued falls outside the applicable filing window according to the last

digit of the building's block number as provided in subparagraph (v) or (vi) of this paragraph, then the initial report shall be filed within the applicable two-year filing window for the next five-year cycle.

(viii) If contiguous zoning lots under single ownership or management contain multiple buildings that are considered one complex where at least two buildings of more than six stories in height fall into different filing windows as described above in items (A), (B) and (C) of subparagraphs (v) and (vi) of this paragraph, the owner or management shall choose one of the following report filing options:

(A) An acceptable report for each building to which this rule applies may be filed separately according to the filing window corresponding to the last digit of that individual building's block number; or

(B) The owner or his or her representative may choose one of the applicable filing windows and file a report for all of the buildings within that filing window, regardless of that building's individual filing window. The owner or his or her representative shall inform the Department 180 days prior to the end of the assigned filing window if this option is chosen. If an owner or representative chooses this option, the owner or representative shall continue to file under this same filing window for the duration of the owner's ownership of the property.

(ix) A report shall be filed within sixty (60) days of the date on which the QEWI completed the critical examination (final inspection date), as defined in subparagraph (viii) of paragraph (2) of subdivision (b) of this section. Failure to file a report within sixty (60) days of the completed critical examination requires a new critical examination.

(x) A report may not be filed more than one (1) year after completion of the close-up inspection.

(xi) If the report is not acceptable and is rejected by the Department, a revised report must be filed within forty-five (45) days of the date of the Department's rejection. If the report is not acceptable after two (2) rejections, a new initial filing fee as specified in the rules of the department is required. Failure to submit a revised report addressing the Department's objections within one (1) year of the initial filing requires a new critical examination, including a new close-up inspection.

(xii) A subsequent report indicating revised conditions may be filed within a five-year report filing cycle to change a building's filing status for that cycle.

(xiii) The Department retains the right to destroy any copy of reports not picked up by the owner within thirty (30) days after the date of its acceptance or rejection by the Department.

(5) *Unsafe conditions.*

(i) Upon filing a report of an unsafe condition with the Department, the owner of the building, his or her agent, or the person in charge of the building shall immediately commence such repairs or reinforcements and any other appropriate measures such as erecting sidewalk sheds, fences, and safety netting as may be required to secure the safety of the public and to make the building's walls and appurtenances thereto conform to the provisions of the Administrative Code.

(ii) All unsafe conditions shall be corrected within thirty (30) days from the submission of the critical examination report.

(iii) Within two weeks after repairs to correct the unsafe condition have been completed, the QEWI shall inspect the premises. The QEWI shall obtain permit sign-offs as appropriate and shall promptly file with the Department a detailed amended report stating the revised report status of the building, along with a filing fee as specified in the rules of the Department. If the report is not acceptable and is rejected by the Department, a revised report must be filed within forty-five (45) days of the date of the Department's rejection. If the report is not acceptable after two (2) rejections, a new amended filing fee as specified in the rules of the department is required. Sheds or other protective measures shall remain in place until an amended report is accepted; however, the QEWI may request permission for the removal of the shed upon submission of a signed and sealed statement certifying that an inspection was conducted, the conditions were corrected and the shed is no longer required. Permission to remove the shed may be granted in the Commissioner's sole discretion.

(iv) The Commissioner may grant an extension of time of up to ninety (90) days to complete the repairs required to remove an unsafe condition upon receipt and review of an initial extension application submitted by the QEWI, together with:

(A) A copy of the original report for that report filing cycle and all required documentation submitted with such report;

(B) Notice that the premises have been secured for public safety by means of a shed, fence, or other appropriate measures as may be required;

(C) A copy of the contract indicating scope of work to remedy unsafe conditions;

(D) The QEWI's estimate of length of time required for repairs;

(E) A statement of all applicable permit requirements;
(F) A notarized affidavit by the owner of the building that work will be completed within the time of the QEWI's stated estimate; and
(G) a fee as specified in the rules of the Department.

Note: Financial considerations shall not be accepted as a reason for granting an extension.

(v) A further extension will be considered only upon receipt and review of a further extension application, together with notice of:
(A) An unforeseen delay (e.g., weather, labor strike) affecting the substantially completed work; or
(B) Unforeseen circumstances (e.g., fire, building collapse); or
(C) The nature of the hazard that requires more than ninety (90) days to remedy (e.g., new wall to be built).

Note: Financial considerations shall not be accepted as a reason for granting an extension.

(6) *Conditions that are safe with a repair and maintenance program.*
(i) The owner of the building is responsible for ensuring that the conditions described in the critical examination report as SWARMP are repaired and all actions recommended by the QEWI are completed within the time frame recommended by the QEWI, and are not left to deteriorate into unsafe conditions before the next critical examination. It is the owner's responsibility to notify the Department of any deviation from the timeframe to make corrections as specified in QEWI's report. Such notification shall be accompanied by supporting documents from the QEWI justifying the request for a new time frame. The department may approve or disapprove such request.
(ii) A report may not be filed describing the same condition and pertaining to the same location on the building as SWARMP for two consecutive report filing cycles.
(iii) The QEWI shall certify the correction of each condition reported as requiring repair in the previous report filing cycle, or report conditions that were reported as SWARMP in the previous report filing cycle as unsafe if not corrected at the time of the current inspection.

(c) Civil Penalties.
(1) Failure to file. An owner who fails to file the required acceptable inspection report shall be liable for a civil penalty of one thousand dollars ($1,000) per year immediately after the end of the applicable filing window.
(2) Late filing. In addition to the penalty for failure to file, an owner who submits a late filing shall be liable for a civil penalty of two hundred fifty dollars ($250.00) per month, commencing on the day following the filing deadline of the assigned filing window period and ending on the filing date of an acceptable initial report.
(3) In addition to the penalties provided in this section, an owner who fails to correct an unsafe condition shall be liable for a civil penalty of one thousand dollars ($1,000) per month, pro-rated daily, until the unsafe condition is corrected, unless the commissioner grants an extension of time to complete repairs pursuant to this section. This penalty shall be imposed until receipt of an acceptable amended report by the department indicating the unsafe conditions were corrected or an extension of time is granted.
(4) Challenge of civil penalty.
(i) An owner may challenge the imposition of any civil penalty authorized to be imposed pursuant to this subdivision by providing proof of compliance. Examples of such proof shall include, but are not limited to, a copy of an acceptable initial report, a copy of the acceptable amended report, copies of approved extension of time requests while work was/is in progress or written proof from a QEWI that the unsafe conditions observed at the building were corrected and the violation was dismissed.
(ii) Challenges shall be made in writing within thirty (30) days from the date of service of the violation by the department and send to the office/unit of the department that issued the violation. The decision to dismiss of uphold the penalty shall be at the sole discretion of the department.

(d) Penalty waivers; eligibility and evidentiary requirements.
Owners may request a waiver of penalties assessed for violation of Article 302 of Title 28 of the Administrative Code, the 1968 New York City Building Code and/or rules enforced by the Department. Requests shall be made in writing and shall meet eligibility and evidentiary requirements as follows:
(1) Owner status.
(i) New owner requesting a waiver due to change in ownership shall submit proof of a recorded deed evidencing transfer of ownership to the current owner after penalties were incurred, as well as any other documentation requested by the Department, and only in one of the following circumstances:
(A) the new owner has obtained full tax exemption status from the New York City Department of Finance; or
(B) the new owner took title of the property as part of an economic development program sponsored by a government agency.

(ii) A new owner of a government-owned property requesting a waiver due to change in ownership shall submit official documentation from the government entity affirming that the premises was entirely owned by the government entity during the period for which a waiver is requested.

(iii) An owner may be granted a waiver of penalties upon submission of a copy of a bankruptcy petition, together with proof that either the department or the New York City Law Department was served with a "Notice of Bar Date."

(2) Building status. An owner requesting a waiver because the building was demolished shall submit city or departmental records evidencing the demolition of the building prior to the filing deadline.

APPENDIX E-3

1 RCNY § 101-07

1 RCNY §101-07

CHAPTER 100

Subchapter A Administration

§101-07 Approved Agencies.

(a) **Definitions.** For the purposes of this section, all terms used herein shall have the same meanings as set forth in the New York City Building Code ("Building Code"). In addition, the following terms shall have the following meanings:

(1) *Approved boiler inspection agency.* An agency employing qualified boiler inspectors.

(2) *Approved inspection agency.* An agency that is approved by the department as qualified to perform one or more of the inspections required by the New York City Construction Codes ("Construction Codes").

(3) *Approved pipe welder qualifying agency.* An agency that is approved by the department to qualify welders of gas piping installations in accordance with section 406.1.1.1 of the New York City Fuel Gas Code ("Fuel Gas Code") and high pressure steam piping systems in accordance with section 1210 of the New York City Mechanical Code ("Mechanical Code").

(4) *Approved product certification agency.* An inspection agency that is approved by the department as qualified to inspect at regular intervals the material that is to be or is listed and labeled, to verify that the labeled material is representative of the material tested.

(5) *Approved progress inspection agency.* An agency that is approved by the department as qualified to per-form one or more of the progress inspections required by section BC 109 of the Building Code.

(6) *Approved testing agency.* An agency that is approved by the department as qualified to test and evaluate the performance of one or more of the materials regulated in its use by the Construction Codes. Such term shall include, when approved pursuant to department rules, a third party testing or certification agency, evaluation agency, testing laboratory, testing service or other entity concerned with product evaluation. Such term shall also include a licensed concrete testing laboratory.

(7) *Certificate of compliance.* A certificate stating that materials meet specified standards or that work was done in compliance with approved construction documents and other applicable provisions of law.

(8) *Construction documents.* Plans and specifications and other written, graphic and pictorial documents, prepared or assembled for describing the design, location and physical characteristics of the elements of the project necessary for obtaining a building permit.

(9) *Qualified boiler inspector.* An inspector who has been issued a certificate of competence by the State Department of Labor and who is employed by an authorized insurance company, a high pressure boiler operating engineer licensed pursuant to the provisions of the New York City Administrative Code ("Administrative Code"), a class A or class B oil burning equipment installer licensed pursuant to the provisions of such Code, a master plumber licensed pursuant to the provisions of such Code, or a journeyman plumber acting under the direct and continuing supervision of a master plumber licensed pursuant to the provisions of such Code. For inspection of boilers at properties owned or managed by the Department of Education, such term shall include an individual who has passed the National Board Commission examination and who has 5 years relevant experience, as defined below, approved by the department.

(10) *Qualified elevator inspector.* An individual who has obtained a Qualified Elevator Inspector ("QEI") Certificate from an ASME-accredited agency to witness elevator inspections and tests.

(11) *Qualified elevator inspector supervisor.* An individual who has obtained a Qualified Elevator Inspector Supervisor ("QEIS") Certificate from an ASME-accredited agency to supervise a QEI's witnessing and/or to witness directly elevator inspections and tests.

(12) *Qualified exterior wall inspector.* A registered design professional with at least 1 year of relevant experience.

(13) *Registered design professional.* A New York State licensed and registered architect (RA) or a New York State licensed and registered professional engineer (PE).

(14) *Relevant experience.* Direct participation and practice related to the underlying construction activities that are the subject of the special or other inspection where such participation has led to accumulation of knowledge and skill required for the proper execution of the special or other inspection.

(15) *Supervision.* Oversight and responsible control by a registered design professional having the necessary qualifications and relevant experience to effectively perform responsibilities associated with the inspection being supervised. Field supervision shall include responsibility for determining competence of special inspectors for the work they are authorized to inspect and monitoring the inspection activities at the jobsite to assure that the qualified inspector is performing his or her duties when work requiring inspection is in progress. The supervisor shall review inspection progress reports and final reports for conformance with the approved plans, specifications and workmanship provisions of the Building Code. Such supervision and control shall be evidenced by the supervisor's signature and seal upon any required statements, applications and/or reports.

(16) *Technician.* An employee of the inspection or testing agency assigned to perform the actual operations of inspection or testing. See ASTM E329-07, paragraph 3.1.17.

(b) **General requirements for approved agencies.**

(1) Availability and compliance. An approved agency shall have responsibilities set forth in this rule and in the building code. Such agency shall employ experienced personnel qualified to conduct, supervise and evaluate the tests or inspections that it undertakes.

(2) Duties. Except as provided for in paragraph (8) of subdivision (c) of this section, the approved agency shall:

(i) Examine all relevant documents, including approved construction documents and/or manufacturers' instructions that define and describe requirements in connection with the test or inspection to be performed.

(ii) Confirm that the documents are sufficient to enable the proper performance of the test or inspection.

(iii) Confirm that any relevant approved construction documents are acceptable to the registered design professional of record or another design professional retained by the owner for the purpose of accepting shop drawings and that the manufacturers' instructions are current. Acceptance shall be demonstrated in writing on the drawing by the registered design professional.

(iv) Confirm through the test or inspection that the installation and materials are in compliance with all relevant documents, reference standards and the building code.

(3) Documentation. An approved agency shall maintain records of inspections and tests for at least 6 years or for such shorter period as the commissioner shall determine and shall make such records available to the department upon request. Such records shall include field logs, test results, laboratory reports, notes, photographs and such other information as may be necessary or appropriate to establish the sufficiency of the inspection. The principal of the approved agency shall furnish to the department upon request such records of any inspection or test, in the manner required by the department.

(4) Obligation to cooperate with inquiries. All approved agencies shall cooperate with any investigation by the department, or other city or law enforcement agency, into the activities at any job site or fabricating/manufacturing/testing facility for which such agencies have undertaken any inspections or tests and shall provide prompt, accurate and complete responses to reasonable inquiries by the department and other such city or law enforcement agencies about the conduct of such activities.

(5) Limitation of duties. An approved agency shall not engage in any activity for which it has not been approved, registered, licensed or accredited. An inspector or technician employed by an approved agency shall not perform inspections or tests beyond the area of expertise for which he or she is qualified in accordance with the standards set by the department, the accrediting agency, if applicable, and the agency supervisor.

(6) Obligation to comply with an order of the commissioner. All approved agencies shall comply with an order of the commissioner.

(7) Maintenance of insurance. Every approved agency shall maintain the following insurance coverage:

(i) A general liability insurance policy in the amount of one million dollars. Where a registered design professional of record for an application for construction document approval also serves personally, without relying on persons under his or her supervision, as the progress inspector for such application in accordance with paragraph (3) of subdivision (c) of this section, a general liability policy shall not be required.

(ii) Insurance required by the provisions of the New York State Workers' Compensation and Disability Benefits Laws; and

(iii) For progress inspection agencies, qualified exterior wall inspectors and licensed concrete testing laboratories only, in addition to the requirements of (i) and (ii) above, a Professional Liability/Errors and Omissions insurance policy in the amount of at least three hundred thousand dollars.

(8) Agency structure. An approved agency's structure shall comply with all applicable New York State and Federal laws.

(9) Audits. The operations of approved agencies shall be subject to audit at any time. Audits may examine applications for registration or accreditation as well as the performance and documentation of inspections and tests. Audits may also be conducted upon receipt of complaints or evidence of falsification, negligence or incompetence.

(c) **Qualifications of approved agencies.**

(1) All approved agencies, including single person approved agencies, shall comply with the requirements of this section and Article 114 of Title 28 of the Administrative Code and shall meet the qualifications set forth herein.

(2) Testing and inspection agencies for product certification.

(i) A testing agency shall be deemed an approved testing agency for testing materials to specified standards in accordance with the Construction Codes and their referenced standards where such agency has achieved accreditation for such testing from International Accreditation Service, Inc. or an equivalent accrediting agency accrediting to the standards set forth in International Standards Organization ("ISO") 17025, 2005 edition (General Requirements for the Competence of Testing and Calibration Laboratories) or a federal agency. Accrediting agencies, other than federal agencies, must be members of an internationally recognized cooperation of laboratory and inspection accreditation bodies subject to a mutual recognition agreement.

(ii) An inspection and/or product certification agency shall be deemed an approved inspection and/or approved product certification agency for listing and labeling materials to specified standards in accordance with the Construction Codes and their referenced standards where such agency has achieved accreditation for such listing and labeling from International Accreditation Service, Inc. or an equivalent accrediting agency accrediting to the standards set forth in ISO 17020, 1998 edition (General Criteria for the Operation of Various Types of Bodies Performing Inspection), ISO Guide 65, 1996 edition (General Requirements for Bodies Operating Product Certification Systems) or a federal agency. Accrediting agencies, other than federal agencies, must be members of an internationally recognized cooperation of laboratory and inspection accreditation bodies subject to a mutual recognition agreement.

(iii) An approved testing and/or approved inspection agency shall have in responsible charge a director who shall be qualified by education and relevant experience to undertake the tests or inspections performed. Qualification may be based on the standards set forth in ASTM E329-07. The director shall personally supervise the testing and/or inspection of materials for compliance with prescribed nationally recognized standards. Concrete testing laboratories shall follow the provisions of paragraph (6) of subdivision (c) of this section.

(iv) Technicians shall be qualified by education and relevant experience to perform all tests or inspections they may be required to conduct under the supervision of the director. Qualification may be based on the standards set forth in ASTM E329-07.

(v) An approved testing agency shall furnish to the department such proof of qualifications of all personnel and information regarding the equipment used to perform tests as the

department may from time to time request, and any other such information that the commissioner deems appropriate in assessing the competency of the agency's operations.

(vi) All approved testing and approved inspection agency inspection and test reports shall be retained in a form acceptable to the department and shall bear the name of the approved agency, its accreditation, license or department acceptance identification information where applicable, the name of the director who supervised the inspection or test, the names of all personnel who performed the inspection or test, and the names of all witnesses to such inspection or test.

(3) Progress inspection agencies.

(i) Responsibility of owner. It shall be the responsibility of the owner to retain an approved agency to perform all required progress inspections for a new building or alteration project.

(ii) Obligation to avoid conflict of interest. A progress inspector and/or a progress inspection agency shall not engage in any activities that may conflict with their objection judgment and integrity, including, but not limited to, having a financial and/or other interest in the construction, installation, manufacture or maintenance of structures or components that they inspect.

(iii) Agency qualifications. Registered design professionals with relevant experience shall be deemed approved progress inspection agencies, without further requirement of registration or accreditation, for the purpose of conducting the progress inspections required by section BC 109.3.

(iv) Inspector qualifications. A progress inspection agency shall conduct required progress inspections, provided such inspections are conducted by a registered design professional with relevant experience or an otherwise qualified individual pursuant to the following table:

Progress Inspection Category	2008 Code Section	Qualifications	
		Primary Inspector or Inspection Supervisor	**Supplemental Inspector** under direct supervision of Inspection Supervisor
Preliminary inspection	AC 28-116.2.1	• Registered design professional with relevant experience	• A person with relevant experience
Compliance inspections	AC 28-116.2.2	• Registered design professional with relevant experience	• A person with relevant experience
Footing and foundation	BC 109.3.1	• Registered design professional with relevant experience	• A person with relevant experience
Lowest floor elevation	BC 109.3.2; BC G105.3, Item 1	• Engineer with relevant experience or licensed professional land surveyor with relevant experience	• A person with relevant experience
Frame	BC 109.3.3	• Registered design professional with relevant experience	• A person with relevant experience
Fire-resistance-	BC 109.3.4	• Registered design	• A person with

rated construction		professional with relevant experience	relevant experience
Energy code compliance – "residential"[1] buildings	BC 109.3.5	• Registered design professional of record for the respective work; or • Registered design professional with five years experience in the design, construction, construction observation and/or inspection of Energy Code-regulated systems for buildings	• 3 years experience in the inspection or construction observation of buildings for Energy Code-regulated systems
Energy code compliance – "commercial"[2] buildings	BC 109.3.5	• Registered design professional of record for the respective work; or • Registered design professional with five years experience in the design, construction, construction observation and/or inspection of Energy Code-regulated systems for commercial buildings, at least three years of which shall be for the system type(s) for which he/she performs progress inspections	• 3 years experience in the inspection or construction observation of the system type(s) for Energy Code–regulated systems in commercial buildings for which he/she performs progress inspections
Other	BC 109.3.6	• Registered design professional with relevant experience	• A person with relevant experience
Final	AC 28-116.2.4.2	• Registered design professional with relevant experience	• A person with relevant experience
Place of assembly emergency lighting	AC 28-116.2.2	• Registered design professional with relevant experience	• A person with relevant experience

[1] As such term "residential" is defined in the New York City Energy Conservation Code.
[2] As such term "commercial" is defined in the New York City Energy Conservation Code.

(v) Verifications by progress inspector. In addition to all other items required to be inspected in accordance with applicable laws and rules, the progress inspector shall verify the following:

(A) Completion of related special inspections. A progress inspection agency's performance of a progress inspection shall include verification that any special inspections that were required to have been conducted prior to the progress inspection have been documented as completed.

(B) Updated approved documents. Prior to performing a progress inspection, the progress inspection agency shall verify that the relevant approved construction documents, for the purpose of the progress inspection, represent the built conditions. If changes are required in the approved construction documents for the purpose of the progress inspection, the progress inspector shall wait to perform the inspections until the updated construction documents have been approved, including the energy analysis, where applicable.

(C) Energy code verifications. Progress inspectors for Energy Code compliance shall perform inspections in accordance with the following:

1. Sampling. Unless noted otherwise in the Inspection/Test columns of Tables I and II of 1 RCNY §5000-01 (h), required inspections or tests shall be performed on not less than 15% of each relevant construction item in the scope of work as listed in the applicable table, and on not less than one of each type where applicable. Selection of such sample construction shall be at the sole discretion of the progress inspector. Nothing in this item shall prevent the progress inspector from determining that, in his or her professional judgment, more than 15% of a given type of construction item shall be inspected.

2. Phased inspection for temporary certificates of occupancy. Prior to issuance of a temporary certificate of occupancy for less than the total scope of work, inspection shall be required for all work serving the portion of the building for which the temporary certificate of occupancy is to be issued. Where a practical difficulty for some inspections is demonstrated to the commissioner, the commissioner may grant a waiver of those inspections for a specified time or until final inspection for the final certificate of occupancy.

3. Phased inspection of controls. Notwithstanding item 2 of this clause, where inspection of the HVAC and lighting controls for central head-end systems and communication networks depends upon completion of installation of all related end devices and components located in the building, such inspection of such controls for head-end systems and communication networks shall be completed prior to issuance of a final certificate of occupancy.

4. Lighting. Where the progress inspector verifies that, for any given space, the lighting power density is less than the lighting power density for such space on the approved construction documents, the progress inspector may approve such space without the need for revised construction documents to be submitted to and approved by the Department. For the purposes of this item, a space shall mean an area within the building separated by floor-to-ceiling partitions from all other spaces within the building.

(4) Elevator inspection agencies.

(i) Notwithstanding anything to the contrary set forth herein, elevator inspection agencies, including their directors and inspectors that currently hold or hereafter secure a Certificate of Approval from the department issued pursuant to Chapter 11 of Title 1 of the Rules of the City of New York shall be deemed approved elevator inspection agencies without further requirement of registration or accreditation, for the purpose of conducting

the periodic elevator inspections and tests required by section 28-304.6 of the Administrative Code.

(ii) Written or oral tests required by 1 RCNY 11-01(a)(2)(ii) shall require familiarity with the standards set forth in section 3001.2 and appendix K of the Building Code, including chapter K3, pertaining to existing elevators, as set forth in the rules of the department.

(iii) Tests and inspections performed by an approved elevator inspection agency on behalf of the owner after the effective date of this section shall be performed in compliance with section 3012.1 of the Building Code and the reference standards set forth in appendix K of the Building Code.

(iv) Effective January 1, 2009, periodic elevator inspections and tests performed by an approved elevator inspection agency on behalf of the owner as required by section 28-304.6.1 of the Administrative Code shall be performed in compliance with the following requirements:

(A) The test must be performed by an approved elevator inspection agency and witnessed by an approved elevator inspection agency or a QEI or QEIS authorized pursuant to clause (C) of this subparagraph that is not affiliated with the agency performing the test.

(B) The approved elevator inspection agency responsible for performing the test shall designate skilled elevator trade personnel in its employment to perform the test under the direct supervision of a director who holds a Certificate of Approval from the department issued pursuant to the 1968 Building Code and 1 RCNY 11-01. Such designation by the director shall be in writing and shall indicate the director's endorsement of the qualification of the personnel designated to conduct the test. Such personnel may perform the test through December 31, 2011. Thereafter, the test shall be performed by an inspector or director who holds a Certificate of Approval from the department.

(C) The approved elevator inspection agency responsible for witnessing the test shall designate an inspector in its employment who holds a Certificate of Approval from the department issued pursuant to the 1968 Building Code and 1 RCNY 11-01 to witness such test. Individuals who have applied for and passed a department-sponsored/administered examination for a Private Elevator Inspection Agency Director or Private Elevator Inspection Agency Inspector Certificate of Approval examination by July 1, 2010 may continue to witness the test based on satisfaction of the qualifications set forth in items 1 through 3 below, through December 31, 2011 or until the issuance or denial of a Certificate of Approval from the department, whichever is sooner.

1. A valid QEI or QEIS Certificate;
2. A minimum of five (5) years of satisfactory experience, within the last seven (7) years immediately preceding the date of affirmation from the director of the agency as prescribed in item 3 below, in the assembly, installation, repair, design, or inspection of elevators, or as an elevator mechanic;
3. An affirmation from the director of the agency, on such form as the commissioner shall require, attesting that the QEI or QEIS
   A. Is familiar with the construction and maintenance of elevators, escalators and related equipment and the standards set forth in Chapter 30 and appendix K of the Building Code, including appendix K3, pertaining to existing elevators, in the rules of the department; and
   B. Is of good moral character so as not to adversely impact upon his or her fitness to witness elevator inspections.

The commissioner may refuse to accept such certification for any of the reasons specified as grounds for revocation or suspension set forth in subdivision (d) of this section.

(D) The witnessing inspector shall affix the test/inspection date and his or her agency's Certificate of Approval number to the inspection certificate at the site. The witnessing inspector and the director of the witnessing agency shall further sign and indicate that agency's Certificate of Approval number in the test report.

(v) Agency employee restriction. An employee of an elevator inspection agency may work only for such agency and for one agency director at a time.

(5) Boiler inspection agencies.

(i) Notwithstanding anything to the contrary set forth herein, a qualified boiler inspector shall be deemed an approved boiler inspection agency, without further requirement of registration or accreditation, for the purpose of conducting the periodic inspections required by section 28-303.2 of the Administrative Code.

(ii) Periodic boiler inspections required by section 28-303.2 of the Administrative Code shall be performed in compliance with the following requirements:

(A) Low pressure boiler annual inspection reports shall be submitted for each calendar year on such forms and in such manner as required by the department. The report shall include:

1. An inspection report for each boiler identifying the inspector or inspection agency;
2. The owner's annual statement completed in compliance with section 28-303.6 of the Administrative Code; and
3. A certification by the owner that identified defects have been corrected. The report must be filed within 45 days from the date of the inspection but in no event later than December 31st of each calendar year. Any required part of the report not filed within 45 days from the date of the inspection and on or before December 31st shall be deemed late and shall subject the owner to penalties as provided in Administrative Code sections 28-201.2.2 and 28-202.1 and the rules of the department.

(B) A low pressure boiler annual inspection must be conducted between January 1st and December 31st of the calendar year for which an owner submits the report. Low pressure boiler annual inspections must be conducted at least six months apart. The inspector must verify that a valid department-issued boiler number is affixed to the boiler and such number must be used in all correspondence between the inspector and the department. If an inspection reveals any dangerous condition in a boiler that threatens life or safety and that requires an immediate shut down of the boiler, or reveals an unregistered boiler, the inspector must immediately notify the boiler division at the department of the condition via fax or email at the number or address provided on the department's website, http://www.nyc.gov/buildings.

(C) Low pressure boiler annual inspection reports not filed within 12 months from the date of the inspection will be deemed expired. Expired inspection reports will not be accepted by the department to satisfy the annual inspection report filing requirement as prescribed by section 28-303.7 of the Administrative Code and this section.

(6) Concrete testing laboratories.

(i) A concrete testing laboratory shall be deemed an approved agency for purposes of testing and inspecting concrete-related construction activities in accordance with the Building Code and its referenced standards where such laboratory has:

(A) Obtained a license as a concrete testing laboratory pursuant to Article 406 of Title 28 of the Administrative Code; and

(B) Achieved accreditation from AASHTO Accreditation Program, the National Voluntary Laboratory Accreditation Program, or an equivalent accrediting agency accrediting to the standards set forth in ASTM Designations: C1077, C1093 and E 329-07 or a federal agency. Accrediting agencies, other than federal agencies, must be members of an internationally recognized cooperation of laboratory and inspection accreditation bodies subject to a mutual recognition agreement.

(ii) A licensed concrete testing laboratory shall have in responsible charge a director who shall be qualified by education and relevant experience to undertake the tests or inspections performed. Such director shall:

(A) Personally supervise inspections and tests to ensure compliance with prescribed nationally recognized standards. Such supervision shall include ensuring that inspections and technicians are properly trained and educated as necessary in order to perform their duties and shall include planning for continued training related to developing technology;

(B) Be a full-time employee of the laboratory and shall not serve as the director of more than one licensed laboratory at a time;

(C) Be a registered design professional with at least five years of experience in the testing and inspection of concrete materials; and

(D) Submit proof of qualification to the department with any application for the initial licensing of a laboratory and when there is a change in director for an existing licensed laboratory.

(iii) Technicians shall be qualified by education and relevant experience to perform all tests or inspections they may be required to conduct under the supervision of the director. Field technicians shall be certified as ACI Field Testing Technician – Grade I, or other equivalent certification acceptable to the commissioner.

(iv) Laboratory technicians shall be certified as ACI Concrete Testing Laboratory Technician – Level 1, or other equivalent certification acceptable to the commissioner. Qualification may be based on the standards set forth in ASTM C1077, C1093 and E 329-07.

(v) The concrete testing laboratory shall furnish to the department such proof of qualifications of all personnel and information regarding the equipment used to perform tests as the department may from time to time request, and any other such information that the commissioner deems appropriate in assessing the competency of the laboratory's operations.

(vi) All concrete testing laboratory inspection and test reports shall be presented in a form acceptable to the department and shall bear the name of the laboratory or service and its accreditation and department-issued license number where applicable, the name of the director who supervised the inspection or test, the names of all personnel who performed the inspection or test, and the names of all witnesses. Reports shall be signed and sealed by the director who supervised the inspection or test.

(vii) A concrete testing laboratory shall maintain a New York City address or agent for the acceptance of service. A Post Office Box shall not be acceptable for such purposes.

(viii) A concrete testing laboratory's facilities and equipment shall be used exclusively for its own concrete testing and quality control and shall not be shared with other entities.

(ix) A concrete testing laboratory shall not engage in any activities that may conflict with their object judgment and integrity, including but not limited to having a financial and/or other interest in the construction, installation, manufacture or maintenance of structures or components that they inspect.

(x) A concrete testing laboratory testing for the acceptance of concrete as part of a special inspection, shall be employed by the owner in accordance with section 1704.1 of the Building Code.

(7) Exterior wall inspections.

(i) Examination of a building's exterior walls and appurtenances thereof pursuant to section 28-302.2 of the Administrative Code shall be performed by or under the direct supervision of a qualified exterior wall inspector.

(ii) A qualified exterior wall inspector shall maintain records of inspections and tests for at least 6 years and shall make such records available to the department upon request.

(iii) A qualified exterior wall inspector shall maintain insurance coverage as set forth in paragraph (7) of subdivision (b) above.

(iv) Except as modified by the building code and this section, the provisions of 1 RCNY 103-04 shall apply.

(8) Pipe welder qualifying agencies. An agency shall be deemed an approved agency for qualifying welders of gas piping installations in accordance with section 406.1.1.1 of the Fuel Gas Code and

high pressure steam and high temperature hot water piping systems in accordance with section 1210 of the Mechanical Code, where such agency complies with the following:

(i) The testing administrator for the pipe welder qualifying agency shall be an employee of such agency and an AWS Certified Welding Inspector.

(ii) A pipe welder qualifying agency shall be responsible for the following:

(A) Complying with the requirements of section 406.1.1.1 of the Fuel Gas Code and section 1210.2.2 of the Mechanical Code;

(B) Positively identifying each welder or welding operator being qualified;

(C) Observing the welder or welding operator during the qualification test.

(iii) No pipe welder qualifying agency shall engage in any activities that may conflict with its objective judgment and integrity, including but not limited to having a financial or other interest in the qualification of the welder. A quality control manager or his or her designee shall be considered sufficiently independent to satisfy this requirement when a manufacturer or contractor has an ASME Certificate of Authorization.

(iv) A letter requesting pipe welder qualifying agency approval and attesting to compliance with this section, signed by the owner of the agency, accompanied by any related fees set forth in the rules of the department, shall be mailed to the Department of Buildings, 280 Broadway, 7th Floor, New York, NY, 10007, Attn: The Office of Technical Certification and Research ("OTCR").

(v) A pipe welder qualifying agency's approval shall be renewed every three years.

(vi) A pipe welder qualifying agency shall maintain a New York City address for the acceptance of service. A Post Office Box shall not be acceptable for such purposes.

(d) **Suspension or revocation and reinstatement of approved agency status.**

(1) In accordance with department rules, the commissioner may suspend or revoke an approved agency's approval, with or without the imposition of penalties, for violation of any provision of Title 28 of the Administrative Code or the Building Code or the rules of the department, or any other applicable law or rule. The commissioner may refuse to accept any application or other document submitted pursuant to or in satisfaction of any requirement of law or rule that bears the signature of any approved agency or director that has been found, after notice and an opportunity to be heard, to have knowingly or negligently made a false statement or to have knowingly or negligently falsified or allowed to be falsified any certificate, form, signed statement, application, report or certification of the correction of a violation required under the provisions of Title 28 of the Administrative Code or the Building Code or any rule of any agency.

(2) Invalidation of tests and inspections upon suspension or revocation of approved agency status. Upon any suspension or revocation of approved agency approval pursuant to this subdivision, the owner of a building at which such approved agency was required or scheduled to perform special, progress or periodic inspections shall immediately designate another approved agency to re-do such tests or inspections performed by the disciplined agency. Any periodic inspections performed by a disciplined agency shall be rejected in the current cycle of such inspections and any owner of a building requiring such periodic inspection shall, upon notice of such disciplinary action, retain another approved agency to perform the periodic inspection.

(3) Reinstatement of approval. Upon expiration of a suspension or no sooner than one (1) year from the date of revocation, an agency shall be eligible for reinstatement of approval. Such agency shall submit to OTCR the following for review:

(i) Documentation that addresses corrections to the conduct or practices that formed the basis for the suspension or revocation.

(ii) Documentation that establishes procedures to prevent the conduct or practices that formed the basis for the suspension or revocation.

(iii) A reinstatement application.

(e) **Obligations of others.** Nothing in this section is intended to alter or diminish any obligation otherwise imposed by law on others, including but not limited to, the owner, construction manager, general contractor, contractor, materialman, architect, engineer, site safety manager, land surveyor, superintendent of construction or other party involved in a construction project, to engage in sound engineering, design,

and construction practices, and to act in a reasonable and responsible manner to maintain a safe construction site.

APPENDIX F

Contract Between D & N Construction and Consulting, Inc. and The Esplanade

D & N CONSTRUCTION & CONSULTING INC.,

98 WEST 45 STREET, BAYONNE, NEWJERSEY-07002
Tel: (201) 736-1141, Tel: (914) 490-0706, Tel: (917) 440-9266

September 18, 2008

Attn.: Marcy Salwen Levitt
305 West End Avenue@ 74th St.
Astoria, NY-11103
Tel: 212-874-5000
E-mail: mlevitt@esplanadesenior.com

Proposal prepared for: 305 West End Avenue@ 74th St, New York

Dear Sir,

Please find attached a Local law 11/98 façade inspection proposal for the above reference project.

SCOPE OF WORK:

1. Installation of out rigger scaffold under supervision of a master license rigger.
2. Apply to Dept. of Buildings CD-5 permit for scaffold installation.
3. Apply to Dept. of Buildings for Scaffold drop notification Number with fee.
4. Apply to BIS for electrical permit & sign off for electric scaffold hook ups with fee.
3. Close view scaffold inspection at the entrance elevation of the building will be done by an engineer.
4. Visual inspection for the remained elevations will be done by our engineers.
5. Prepare the technical survey report.
6. Report will be reviewed by License professional Engineer.
7. Techanial reports three copies will be submitted to Building Department with the Micro film.
8. including Removal of Exterior violations. 9000.00

Unit price per building with all the above works will be **~~$10,650.00~~ (Ten Thousand six Hundred Fifty Dollars.)**

(This price is good for upto 14th stories building. Price will be changed base on the height of the building.)

Fees shall be due as follows:

1. Deposit- 50 percent (~~50%~~ 30) of the total upon acceptance of this proposal:
2. Balance- 50 percent (50%) of the total upon completion of Building Dept. filing:

Acceptance:

The proposed description of professional services and terms are satisfactory and are hereby accepted. Authorization to proceed with the work is granted. The terms of this proposal shall be null and void if not accepted within thirty (30) days. Project: NY, Printed Name: Mr. Title: Agent: Manager Signature: Marcy Levitt Date: 9/22/08 D & A Construction & Consulting Inc.: Printed Name: Mr. Arfan Mahmood Title: Owner Signature: _____ Date: _____. Please print a copy, sign where indicated, and return the signed copy to us when submitting the deposit. We will then sign your copy as well. We cannot begin work until this agreement is signed by both parties.

If you have any questions, please do not hesitate to contact me.

Sincerely yours,

Arfan Mahmood

Check # 12939 down payment

APPENDIX G-1

The Esplanade's February 2000 Façade Inspection Report Filing

CYCLE 5
INITIAL

THE CITY OF NEW YORK
DEPARTMENT OF BUILDINGS

Technical Report
Periodic Inspection of
Exterior Walls and Appurtenances

February 21, 1999 - February 21, 2002
Please File 3 Copies
This Form Must Be Typewritten and Microfilmed with the Report

Control # for location
From DOB LL 11/98 Master printout

Cycle Number:

1 Filing Status

X Initial Filing | Amended Filing (indicate initial filing date) ____/____/____ | Supplemental Cycle 4 Local Law 11/98 Filing (indicate initial filing date) ____/____/____

Was filing made for any previous cycle (yes/no)? If yes, indicate last filing date ____/____/____

2 Location

Borough: Manhattan | Block: 1184 | Lot: 77 | Bin:
House No.: 305 | Street Name: West End Avenue
AKA address(es)

3 Applicant

Last Name: Erickson | First Name: Ronald | MI: R.
Business Name: | Business Phone: (212) 302-8844
Address: 265 West 40th Street | City: New York | State: NY | ZIP: 10018
X P.E. | R.A. | Lic. No.: 43461

4 Owner

Last Name: Esplanade Venture Partners | First Name: | MI:
Business Name: | Business Phone: (212) 874-5000
Address: 305 West End Avenue | City: New York | State: NY | ZIP: 10023

5 Building Characteristics

Number of Stories: 14 stories (no 13th Floor) | Exterior Wall Type: Brick Masonry

6 Prior Status - Last Cycle Local Law 10/80

Ongoing Maintenance Program | X Preautionary Conditions | Unsafe Conditions
Conformed with Code Requirements | Current Completion of Work Estimated to be: 0 % | Current Completion of Work Estimated to be: %

7 Current Field Report - Critical Examination

SAFE: All apparent conditions conform to Code Requirements and applicable Rules, Regulations and Directives

SAFE WITH A REPAIR AND MAINTENANCE PROGRAM: All apparent conditions conform to Code Requirements and applicable Rules, Regulations and Directives except for the recommended Repair and Maintenance work described in the report and below

X UNSAFE: All apparent conditions conform to Code Requirements and applicable Rules, Regulations and Directives except for the unsafe conditions described in the report and below

See accompanying report. Projected terra cotta ornamental details at demi-balconies are unsafe---particularly the 14th floor level. Masonry crack at north-east corner full ht. appears unstable. South end of north bulkhead parapet is unstable. Chimneys and stacks at north end of building are unsafe. Cracked brick at lintels w.wall.

8 Statements and Signatures

Page 11, items 1-9

Falsification of any statement is misdemeanor under Section 26-324 of the Administrative Code and is punishable by a fine or imprisonment, or both. It is unlawful to give to a city employee or for a city employee to accept any benefit, monetary or otherwise, either as a gratuity for properly performing the act or in exchange for [illegible]. Violation is punishable by imprisonment or fine or both.

Applicant's name (print): Ronald R. Erickson	Owner's name (print)
I hereby state that the owner has authorized me to make this application. Furthermore, I hereby state that the statements are correct and complete to the best of my knowledge. A copy of this report has been given to the owner.	I hereby state that I am the owner of the premises described in the attached report. Furthermore, I hereby state that I have received a copy of the attached report and that I am aware of the required repairs and/or maintenance, if any, and the recommended timeframe for same.
Applicant's signature	Owner's signature
Date	

SEE INSTRUCTIONS ON REVERSE SIDE

RONALD R. ERICKSON, P.E.
265 West 40th Street, 10th Floor
New York, NY 10018

CRITICAL EXAMINATION OF EXTERIOR WALLS AND EXTERIOR APPURTENANCES PURSUANT TO LOCAL LAW 11, SECTION 27-129 (C26-105.3) OF THE ADMINISTRATIVE CODE OF CYCLE 5 THE CITY OF NEW YORK.

BUILDING:	305 West End Avenue, Manhattan
INSPECTION DATES:	June 22, 1999; October 6, 1999; November 9, 1999
BLOCK: 1184	LOT: 77
LOCATION FROM CROSS STREET:	Located at the North-West corner of West End Avenue and 74th Street
ADDRESS:	305 West End Avenue, Manhattan
OWNER:	Esplanade Venture Partners
OFFICER OF CORPORATION:	Alexander Scharf
PERSON IN CHARGE.	Regina Minsky
NO. OF STORIES:	14 stories (1 thru 15; no 13th floor).
HEIGHT:	Approximately 170 feet high.
AGE:	Approximately 80 years old.
PLAN DIMENSIONS:	142'-2" x 100'-0" depth of lot.
DESCRIPTION OF BUILDING:	The building is a Residential building constructed with fireprocfed steel columns, girders and beams and arch floor construction.
WALL CONSTRUCTION:	Brick masonry non-bearing with stone and terra cotta trim.

WALLS SUBJECT TO CRITICAL EXAMINATION IN ACCORDANCE WITH SECTION 27-129 (C26-105.3):

East Elevation: West End Avenue

South Elevation: West 74th Street

West Elevation: facing rear yard and abutting the adjoining building.

North Elevation: facing yard and abutting the adjoining building.

TYPE OF EXTERIOR FACADE:

Tan face brick with terra cotta trim; red brick at rear walls. Terra cotta trim at 3rd floor, 4th floor, 14th floor and 15th floor.

SET-BACKS:

At main roof level, and second floor level at rear yard.

BALCONIES:

None, however there are decorative demi-balconies at 4th floor and 14th floor levels.

PARAPETS:

At main roof level and roof bulkheads.

EXTERIOR APPURTENANCES:

Entrance canopy of vinyl material, supported on a light gage metal frame, and projected awnings of similar construction above first floor windows facing West End Avenue.

WINDOW AIR CONDITIONING UNITS:

These are projected window units serving various residential rooms.

PLANTERS AND OUTDOOR FURNITURE:

At main roof level.

PROCEDURES USED IN CRITICAL EXAMINATION:

a. Visual:

The primary means of examination was done by visual observation, accomplished by sighting from vantage points at street level, from rear yard, set-backs, main roof and bulkhead roof level. Three scaffold drops were made.

b. Telescopic:

High magnification, image stabilizing binoculars were used at all sighting locations, and from across street.

c. Photographic:

Photographs were taken at selected sighting locations, and then examined in the office.

Scaffold Drops:

Three scaffold drops were made at the building--- south wall facing West 74th Street, east end; east wall facing West End Avenue, north end; and rear (west) wall, north end.

DATES OF CRITICAL EXAMINATION:

June 22, 1999; October 6, 1999 and November 9, 1999

EQUIPMENT USED:

Canon Image Stabilizer 15x45IS Binoculars.
Olympus 3500DLX Camera with 35-120mm Zoom Lens.

HISTORY OF SETTLEMENT, REPAIRS, CHANGES:

The exterior walls were examined for any unusual movement, shifting or settlement. There was no such evidence in the building walls, which appear sound except as noted herein. There are some cracked masonry corners, which must be rebuilt, and obvious areas where masonry was replaced due to cracks or spalling; however these are minor repairs which are normal for a building of this type and age.

There are also long-standing cracks in the projected terra cotta elements, some of which appear to be unstable.

STATUS OF EXTERIOR M[illegible]NANCE:

It appears that t[illegible] was no significant maintenance performed following the m[illegible]ecent cycle of Local Law 10 reports.

COMPARISON OF OBSERVED CONDITIONS WITH LAST LOCAL LAW 10 REPORT:

The Local Law 10 Report for the last examination cycle was prepared and signed by John Mahler dated February 21, 1997, and is on file with the New York City Department of Buildings. The previous report was evaluated as a part of the preparation of this report.

PRECAUTIONARY CONDITIONS:

Certain precautionary work was listed in the last report, with description and the fourth cycle recommendations as follows:

a. Cracked, shifted, and otherwise defective brickwork was observed at various locations along the building facades and parapets.

   All cracked, spalled, and otherwise defective brickwork should be removed and replaced.

b. Eroded and otherwise defective brickwork mortar joints were observed in various locations along the building facades and roof level masonry.

   All eroded and otherwise defective brickwork mortar joints should be cut out and pointed.

c. Unsealed, cracked and otherwise defective cross-joints between coping stone sections were observed in several locations along the parapets.

   All unsealed, cracked and otherwise defective coping stone cross-joints should be cut out and resealed.

d. Cracked and otherwise defective coping stone sections were observed in various locations along the parapets.

   All cracked and otherwise defective coping stone sections should be removed and replaced.

e. An unbraced flue pipe was observed along the west façade.

   The existing brace should be immediately re-secured to the flue pipe.

f. Cracked, shipped, spalled, and otherwise defective decorative terra cotta sections were observed at numerous locations along the building facades.

All cracked, chipped, spalled, and otherwise defective terra cotta sections should be hands-on inspected for stability and all defective terra cotta should be pinned and patched.

g. Oxidized window lintel steel was observed in numero[illegible]ions along the building facades.

All oxidized window lintel steel should ve [illegible]d painted.

The conditions observed and recorded in 1997 h[illegible]ve [illegible] addressed, or only addressed minimally, and [illegible]er facade has further deteriorated over the int[illegible].

SCOPE OF INSPECTION AND REPORT:

The sole purpose of this report is to provi[illegible]ice [illegible]ion of the building exterior as defined by Local [illegible]e -129 (C26-105.3) of the Administrative Code of the [illegible]. This report renders an opinion as to the condition [illegible] e.io valls only as of the dates on which the examinations [illegible]ducted. This report has been prepared for no other purposes.

The report is not intended to imply any warranty [illegible]arantee; and no certification is made other than the specific co[illegible]s noted herein. It is not intended to be a specification for requir[illegible]rk.

The observations, conclusions and recommendations stated herein are based on visual examination of facade of the referenced building which are subject to the requirements of filing for the current examination cycle.

No existing surfaces were penetrated or removed as a part of the inspections, and there was no attempt to disturb or loosen the facade surfaces, or make probe holes. The conditions of the materials beneath the surface was deduced solely from the appearance of the surface, and my judgment of the conditions observed.

The Engineer assumes no responsibility for the adequacy of design or construction of the original building, nor for the adequacy of alterations, maintenance or repair work either performed in the past, present, or future by contractors or maintenance personnel.

No examination was made of the building mechanical systems, plumbing systems, electrical systems, or the concealed structure or other portions of the exterior or interior of the building, other than the specific conditions noted herein.

All dimensions of building height, location, and size are approximate within the accuracy requirements of this report and are not to be used for other purposes.

A copy of this report is to be submitted to the owner prior to filing with the Department of Buildings.

BUILDING DESCRIPTION

1. **Type of exterior wall construction:**

Brick __x__ Concrete_____ Glass_____ Stone_____

Cast Iron _____ Tile _____ Marble _____ Other _____

CONDITION: Good _____ Fair __x__ Poor _____

Terra Cotta Trim Good _____ Fair _____ Poor __x__

2. **Type of Roof:**

Flat __x__ Pitched _____ Gable _____ Other _____

CONDITION: Good ____ Fair _____ Poor _

Bituminous Felt __x__ Tile ____ Copper __

Slate ____ Wood Shingle ____ Asphalt Shing

OTHER: _____

3. **Type of Windows:**

			CONDITION:
a.	Fixed	___	Good ___ Fair ___ Poor ___
b.	Double Hung	__x__	Good ___ Fair __x__ Poor ___
c.	Casement	_____	Good ___ Fair ___ Poor ___
d.	Sliding	_____	Good ___ Fair ___ Poor ___
e.	Awning	_____	Good ___ Fair ___ Poor ___
f.	Thermopane	____	Screens _____ No. ___

Window Frame: Anodized Aluminum Good __x__ Fair ___ Poor ___

Wood Good ___ Fair ___ Poor ___

4. **Glazing:**

Metal Trim X Wood Trim ___

5. **Type of Doors:**

			CONDITION		
a.	Swinging	X	Good X	Fair ___	Poor ___
b.	Sliding	___	Good ___	Fair ___	Poor ___
c.	Other	___	Good ___	Fair ___	Poor ___

NOTE: Windows indicated above are the windows in the exterior walls inspected. Doors indicated above are the doors at the building entrance.

6. **Exterior Appurtenances:**

			MATERIAL	CONDITION		
a.	Fire Escape	___	___	Good ___	Fair ___	Poor ___
b.	Balcony	___	___	Good ___	Fair ___	Poor ___
c.	Gutter/Drain	___	___	Good ___	Fair ___	Poor ___
d.	Canopy	___	framed w canvas	Good ___	Fair X	Poor ___
e.	Sign	___	___	Good ___	Fair ___	Poor ___
f.	Parapet	___	brick	Good ___	Fair X	Poor ___
g.	Coping	___	aluminum covers; stone	Good ___	Fair X	Poor ___
h.	Guard Rails	___	___	Good ___	Fair ___	Poor ___
i.	Cornice	___	___	Good ___	Fair ___	Poor ___
j.	Lintel	___	metal	Good ___	Fair ___	Poor X
k.	Railing	___	___	Good ___	Fair ___	Poor ___
l.	Louver	___	___	Good ___	Fair ___	Poor ___
m.	Arch	___	___	Good ___	Fair ___	Poor ___
n.	Attached Plants	___	___	Good ___	Fair ___	Poor ___
o.	Others:	___	___	Good ___	Fair ___	Poor ___

Three complete scaffold drops were made at the building. One was at the rear wall to comply with the requirements of Local Law 11. In view of the state of deterioration of the projected terra cotta elements on the facade, two other scaffold drops were made, for a close-up examination of the terra cotta.

Some of the demi-balconies facing the streets are in potentially hazardous condition, and it is not possible to predict when failure may occur. Such conditions are unsafe. The 14th floor extreme south balcony and the 14th floor extreme north balcony facing West End Avenue are in the worst condition. At the north end balcony, there is a meandering horizontal crack at the base for practically the full length, with a separation of the lower portion. This indicates that the lower portion has displaced vertically, and is in potential danger of falling off the building. At the south end, there is similar cracking, although it appears that there is less vertical displacement.

The Owner has installed a sidewalk shed along West End Avenue to protect the public. The sidewalk shed should be continued to extend the full façade of the building, including West 74th Street.

The two end demi-balconies at the facade corners (eight total) are in the very poor condition. These balconies are projected approximately 20-inches from the building, leaving much more surface area subject to the weather over the many years since the building was built.

Approximately one half of the balusters are cracked, and the cracks have been caulked over many years. The balusters are hollow and despite the caulking, water has and will inevitably get inside the hollow section, causing further damage during the freeze/thaw cycles, when water expands in the last few degrees as it approaches freezing temperatures.

In some cases, particularly at the upper floors of the building, the steel lintels supporting the brickwork above the windows have rusted, become weakened, and deflected in the range of up to 1-inch at mid-span. All lintels are in need of scraping and painting. Deflected lintels should be replaced.

The window sub-sills are composed of short lengths of terra cotta with open cross-joints. The same detail exists above certain windows at the highest (15th floor) level. The open cross-joints take in water during rainstorms, and the migrated water does further damage to the terra cotta and the bricks. All the open cross joints need to have loose material raked out, and be caulked with urethane sealant.

Most parapet coping stones have open cross joints that need [illegible] the top surface and pointing. Some parapet coping stones are cracked, which should be replaced.

There is a substantial crack at the north east corner of the building, rising practically the full height of the building. The crack is up to 3/4-inches width. The brickwork should be [illegible] at this location. When the work is done, the steel column at the corner will be exposed, and must be checked for deterioration. It may be necessary to reinforce the steel column. The south east and south-west corners are cracked as well, although they do not appear to be as badly cracked as the northeast corner.

Also, there are certain vertical cracks that extend up thru the parapet, and down one story that appear to be the result of thermal expansion at:

- north-west corner
- north end of courtyard wall
- west side north-east corner (continuation of the corner cracks

The south end parapet of the north bulkhead is unstable. This condition is set back from the street and yards, and does not affect the public.)

At the north end of the building, the upper six feet of the chimney extension has badly eroded mortar joints; cracked brickwork; and is in unsafe condition. There are two metal stacks at the north side of the building that serve the adjoining building. Both are unsafe

The roof bulkhead has slate coping on the east low parapet which is delaminating, and is unsafe. (This condition is set back from the street and yards, and does not affect the public.)

At approximately 50% of the masonry openings observed at the rear wall scaffold drop, there are broken and cracked brick at the corners of the window heads. Many of the conditions with broken bricks are unsafe. Some of the lintels below parapets have to be replaced---for example at north wall facing the courtyard, the lintel and parapet need replacement.

The lintels below the parapet level at the rear yard should be replaced; and some of the lintels at the façade need to be replaced

RECOMMENDATIONS:

The walls of the building can be made safe with a repair and maintenance program, described as follows:

1. Rebuild or remove projected demi balcony balustrades (balusters and top rail) at 14th floor level. The base detail should be re-built in any event.

2. Replace cracked balusters at 4th floor level, and repair/replace deteriorated top rail and sill sections to extent required.

3. Rebuild cracked masonry at corners where described in previous section. (Reinforce structural steel column if necessary

4. Make probe holes at south east corner and south west corners to determine the condition of the concealed columns. Reinforce column and re-build masonry to extent required

5. Caulk all cross-joints in window sills, projected trim, and copings.

6. Replace cracked coping stones.

7. Replace brickwork and lintels over windows where deflection is excessive, particularly at 14th and 15th floor levels, where many are excessively deflected.

8. Rebuild parapets where described in previous section.

9. Replace cracked brick at window heads.

Because of the extensive degree of deterioration of the terra cotta elements of this building, an examination of all terra cotta parts of the façade, including both areas that are noted herein as well as those areas that at present do not warrant maintenance or repairs, should be made by a licensed engineer or registered architect on an annual basis.

Also, the exterior appurtances should be monitored on a regular, continual basis for support and safety. This includes ornamental items and window air conditioners. Additionally, the window glass, window guards, guardrails, awning and canopy should be monitored on a regular continual basis. The regular continual monitoring should be done by building personnel, including superintendents, window washers and maintenance persons.

CONCLUSIONS:

The following unsafe conditions were noted:

a. Unstable terra cotta at demi-balconies.

b. Masonry crack, north-east corner.

c. Unstable parapet, south end of north bulkhead.

d. Unsafe chimney and stacks, north end of building.

e. Cracked brick at window heads, west wall.

Additionally, the maintenance and repair items as described in this report, can be done in the course of the building's normal maintenance.

This is to advise the Owner that where this report describes any condition(s) that are unsafe, repairs should be made without delay, and any conditions that can be made safe with a repair and maintenance program, those conditions must be corrected before the report for the next filing period (Cycle 6), which according to current regulations is in the two year period ending February 21, 2007. The Owner is responsible to correct the conditions, and then retain an engineer or architect licensed in the State of New York to re-examine the conditions requiring correction, and file a Cycle 6 report within the stipulated time limit. The engineer responsible for the Cycle 5 report has not been retained and has no responsibility for further examinations.

DATES OF THE CRITICAL EXAMINATION:

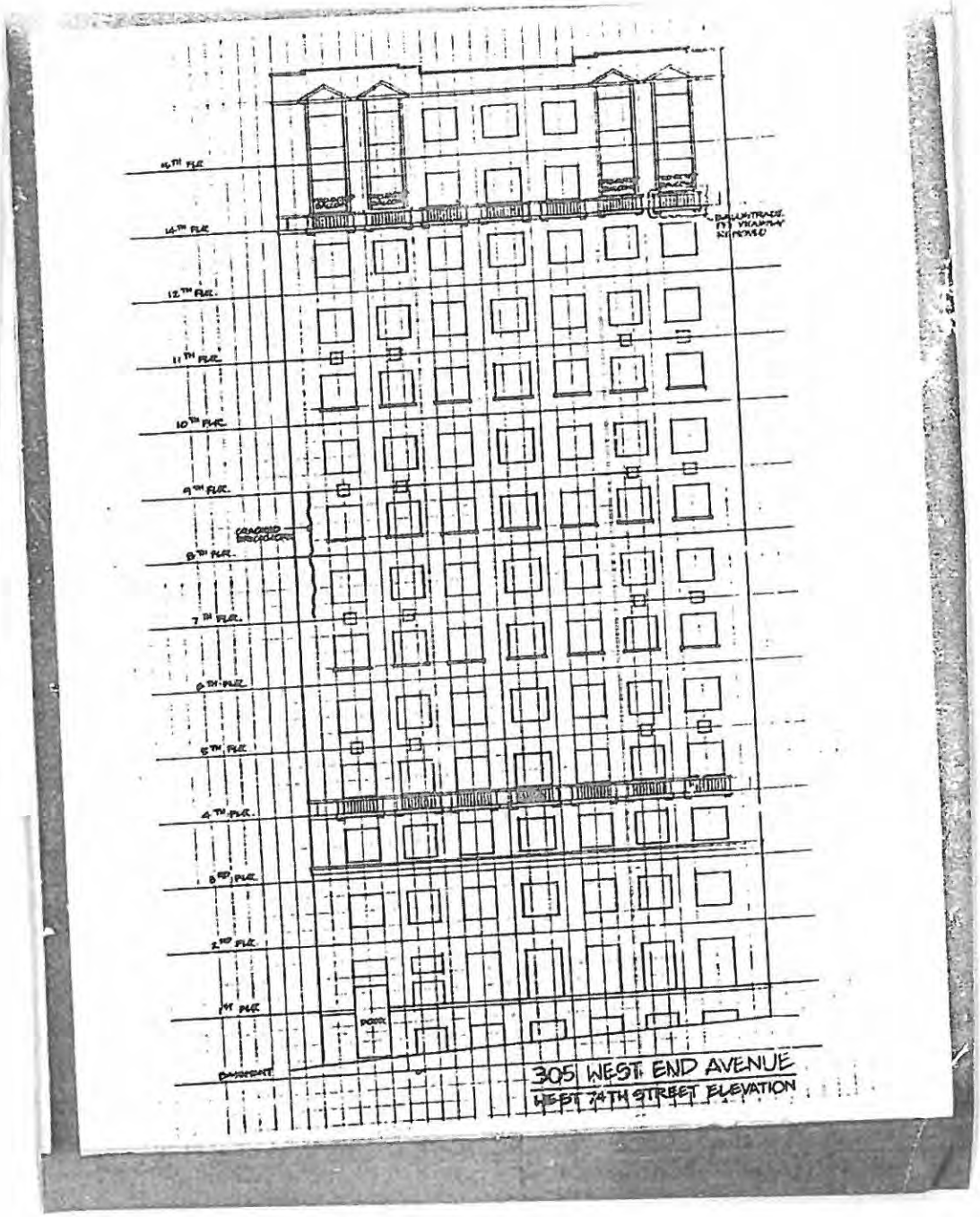
June 22, 1999; October 6, 1999; November 9, 1999

Respectfully Submitted,

Ronald R. Erickson P.E.
RRE: ac

STATE OF NEW YORK
RONALD R. ERICKSON
No. 43641
LICENSED PROFESSIONAL ENGINEER

Attachments:
2 Pages of Elevations
13 Pages of Photos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13TH FLR.
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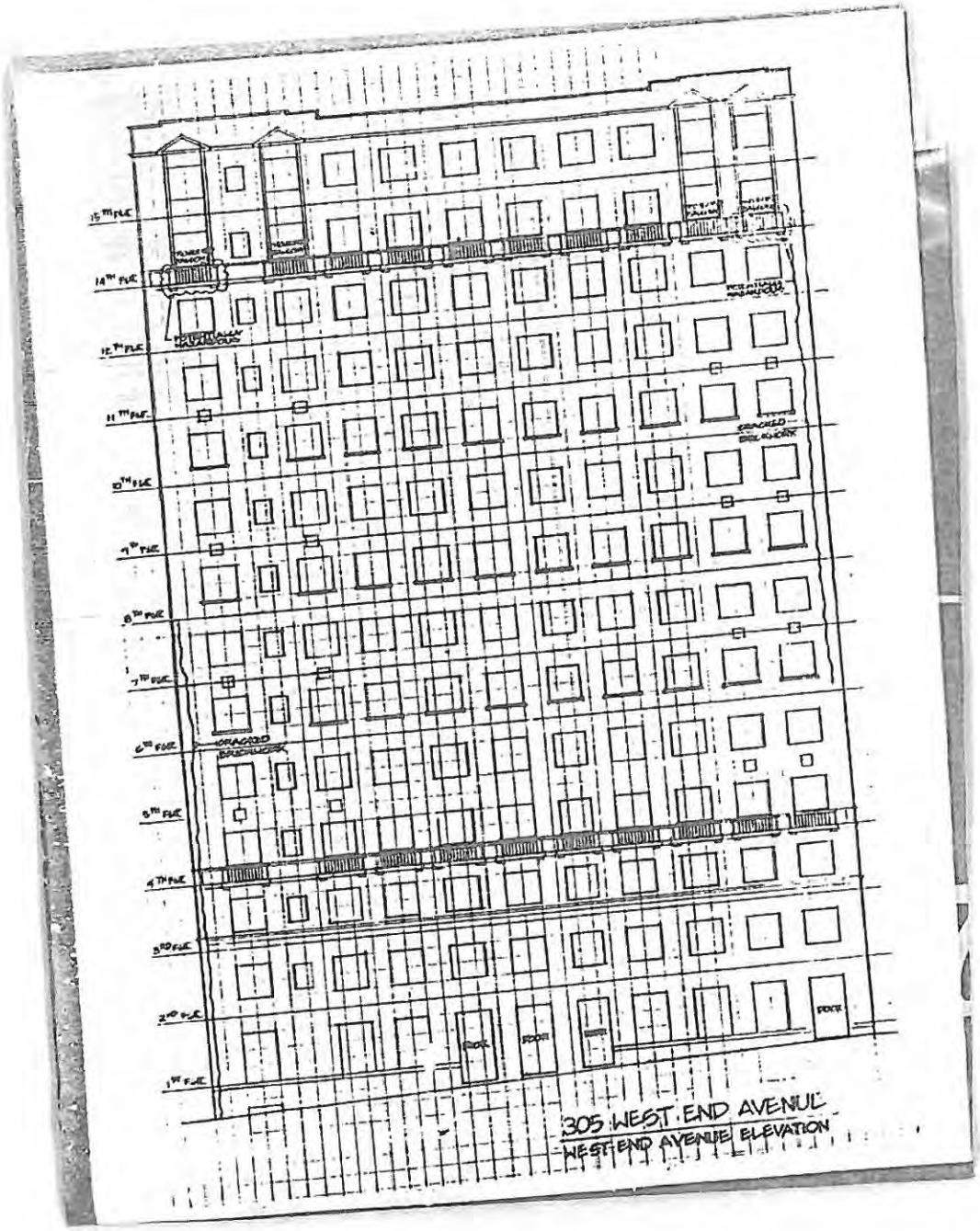
9TH FLR.
8TH FLR.
7TH FLR.
6TH FLR.
5TH FLR.
4TH FLR.
3RD FLR.
2ND FLR.
1ST FLR.
POOL
305 WEST END AVENUE
WEST 74TH STREET ELEVATION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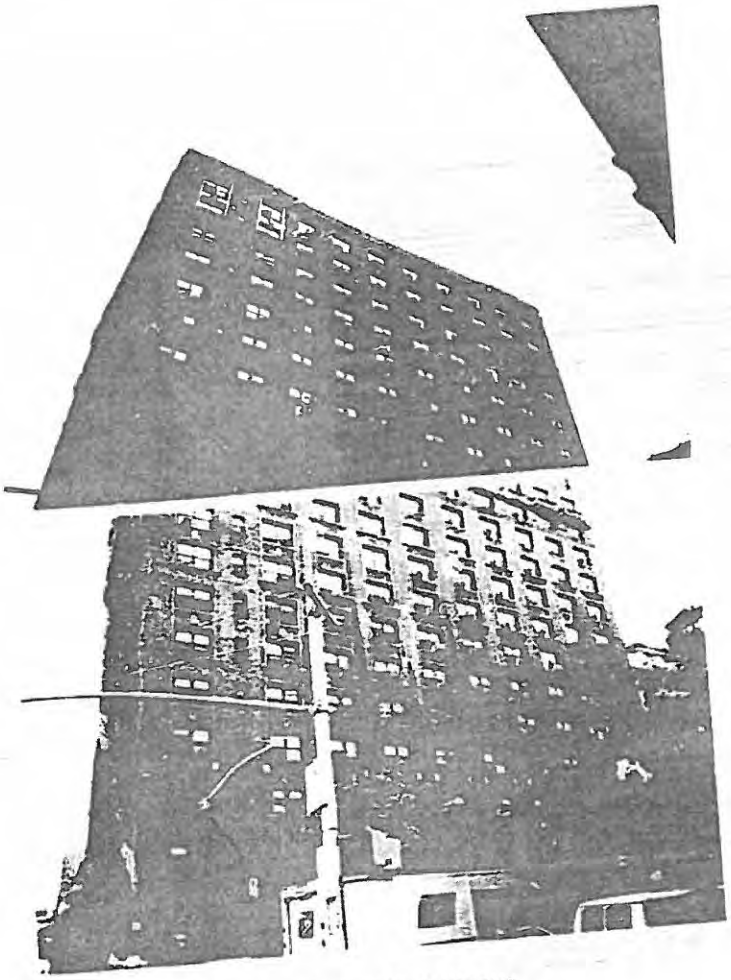
6TH FLR
5TH FLR
4TH FLR
3RD FLR
2ND FLR
1ST FLR
CRACKED
CRACKED
CRACKED
DOOR
DOOR
DOOR
305 WEST END AVENUE
WEST END AVENUE ELEVATION

Facade South-East Corner
West 74th Street & West End Avenue

305 West End Avenue
New York, NY



Facade West End Avenue

305 West End Avenue
New York, NY

Facade West End Avenue

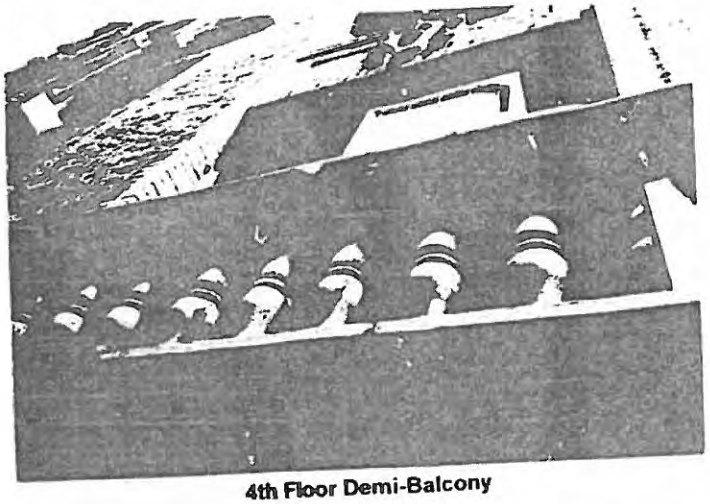
305 West End Avenue
New York, NY

West Wall from
West 74th Street

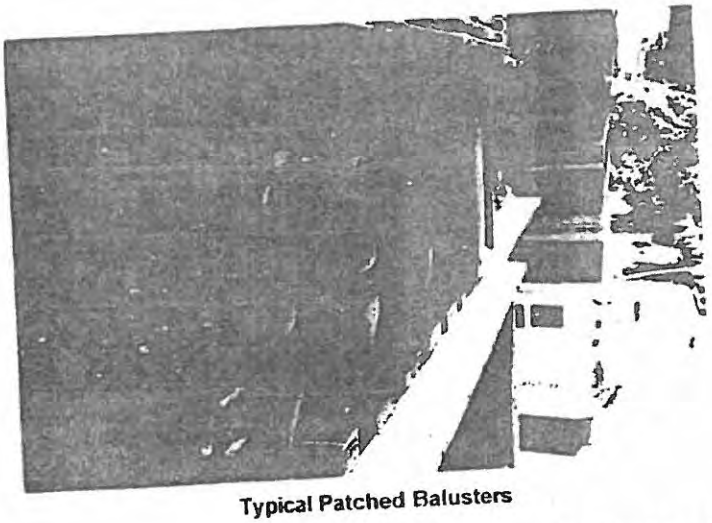
North Wall from
West 75th Street

305 West End Avenue
New York, NY

South-East Corner Facing West 74th Street



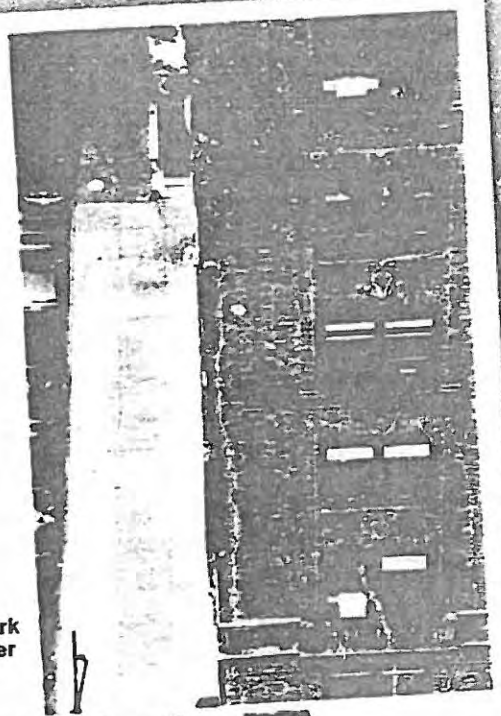
4th Floor Demi-Balcony



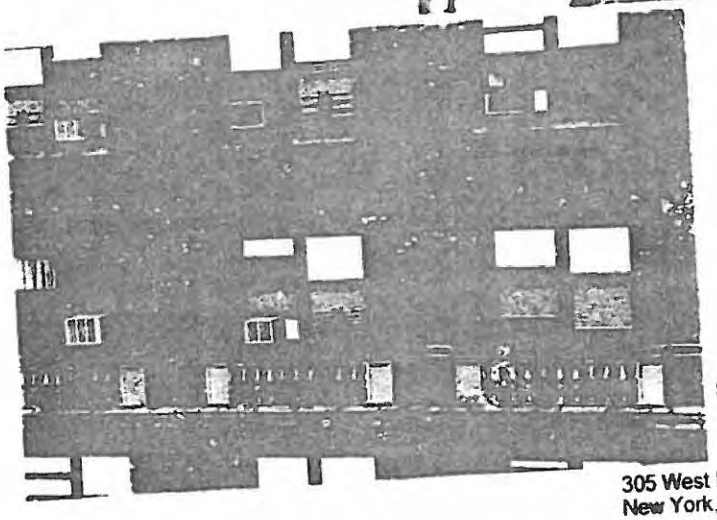
Typical Patched Balusters

305 West End Avenue
New York, NY

South-East Corner Facing
West End Avenue

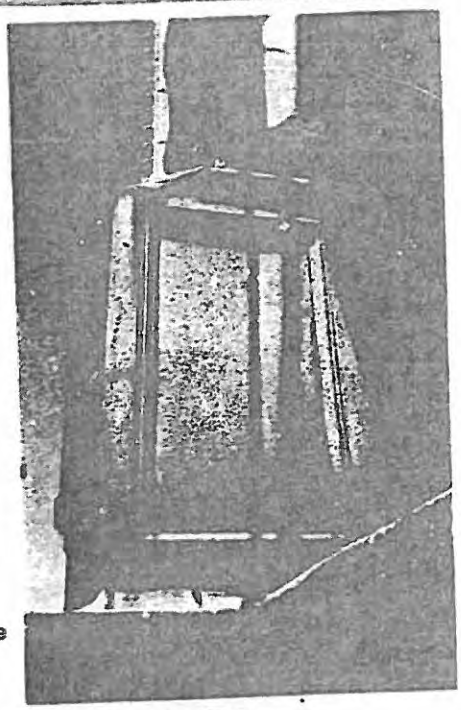


Cracked Brickwork
at South-East Corner

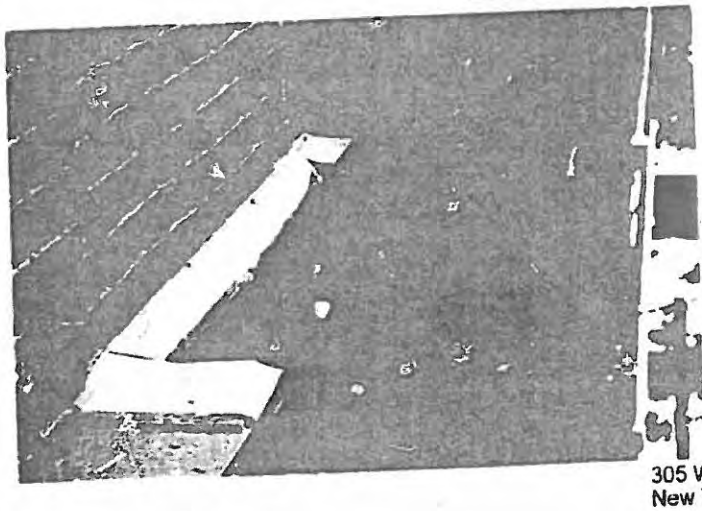


Spalled Brick at
Lintel

305 West End Avenue
New York, NY



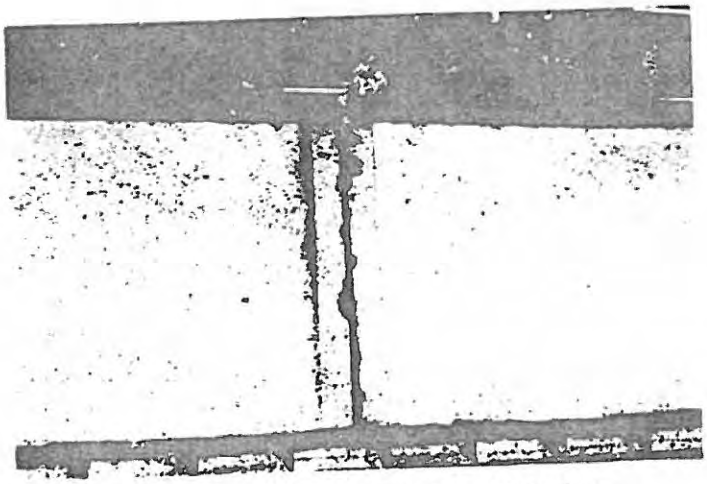
Broken End of Balustrade



Broken Terra Cotta
Water Table

305 West End Avenue
New York, NY

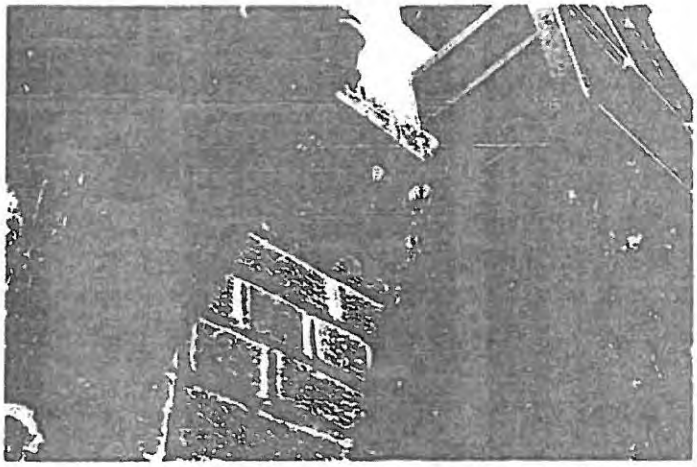
Open Mortar Joints at Fireplace Chimney



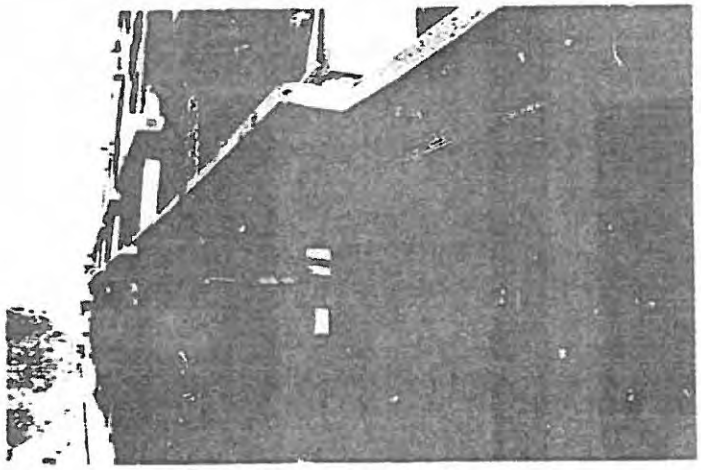
Typical Open Cross Joints in Parapet Coping

305 West End Avenue
New York, NY

14 Floor Level, East End Facing West 74th Street



Previously Removed Balustrade



Open Joists at Balustrade Support

305 West End Avenue
New York, NY

APPENDIX G-2

The Esplanade's November 2000 Amended Façade Inspection Report Filing

CYCLE 5
AMENDED

THE CITY OF NEW YORK
DEPARTMENT OF BUILDINGS

Technical Report
Periodic Inspection of
Exterior Walls and Appurtenances

February 21, 1998 - February 21, 2002
Please File 3 Copies
This Form Must Be Typewritten and Microfilmed with the Report

Control # for location
From DOB LL 11/80 Master Record

Cycle Number: 5

1 Filing Status
Initial Filing [X] Amended Filing 2/23/00
This filing report is an amended report? If yes, previous filing date 2/21/97

Supplemental Cycle 4 Local Law 11/98 Filing

2 Location
Borough Manhattan Block 1184 Lot 77
House Number 305 Street Name West End Avenue
Additional address(es)

3 Applicant
Last Name Erickson First Name Ronald M.
Business Name
Address 265 west 40th Street City New York
Business Phone (212) 302-8844
State NY Zip 10018
X - E - RA Lic. No. 43461

4 Owner
Last Name Esplanade Venture Partners First Name
Business Name
Address 305 West End Avenue City New York
Business Phone (212) 874-5000
State NY Zip 10018

5 Building Characteristics
Number of Stories 14 stories (no 13th floor) Exterior Wall Type Brick Masonry

6 Prior Status - Last Cycle Local Law 10/80
Ongoing Maintenance Program
Compliance with Code Requirements
Previously Certified
Current Completion of Work Estimated at 0%
Unsafe Conditions
Current Completion of Work Estimated to be 100 %

7 Current Field Report - Critical Examination
SAFE - No observed conditions pertain to Code Requirements
X SAFE WITH A REPAIR AND MAINTENANCE PROGRAM - All observed conditions conform to Code Requirements and applicable Rules, Regulations and Directives except for the noncompliance listed and maintenance work described in the report and below
UNSAFE - No observed conditions pertain to Code Requirements and applicable Rules, Regulations and Directives except for the unsafe conditions described in the report and below

Unsafe conditions reported in initial filing of Cycle 5 submission on 2/23/00 have now been satisfactorily completed. Remaining items in report can be made safe with a repair and maintenance program. Terra cotta should be monitored annually, especially 14th floor level.

8 Statements and Signatures
I am aware that this is a misdemeanor under Section 28-124 of the Administrative Code and is punishable by a fine or imprisonment, or both.
I am a registered architect or licensed professional engineer authorized by the owner to file this report and I have performed or witnessed either all or a portion of the periodic inspection of the building described herein and prepared the report or portion thereof submitted herewith. I am aware that this report is submitted in connection with an application for a permit to perform work on the building described herein. Furthermore, I hereby state that the statements and information contained in this report are complete to the best of my knowledge and belief. A copy of this report has been provided to the owner of the building described herein.

STATE OF NEW YORK
RONALD M. ERICKSON
No. 43461
LICENSED PROFESSIONAL ENGINEER

Professional Engineer's / Registered Architect's name (please print) Ronald M. Erickson
Professional Engineer's / Registered Architect's signature
Date 10/12/00

Owner's name (please print)
I hereby state that I am the owner of the premises referenced in the attached report. Furthermore, I hereby state that I have reviewed a copy of the attached report and that I am aware of the required repairs and/or maintenance items and the recommended time frame for same.
Owner's signature
Date 4/17/01

SEE INSTRUCTIONS ON REVERSE SIDE
TR4 Revised 10-98

RONALD R. ERICKSON, P.E.
265 West 40th Street, 10th Floo-
New York, NY 10018

CYCLE 5 AMENDED FILING

CRITICAL EXAMINATION OF EXTERIOR WALLS AND EXTERIOR APPURTENANCES PURSUANT TO LOCAL LAW 11, SECTION 27-129 (C26-105.3) OF THE ADMINISTRATIVE CODE OF CYCLE 5 THE CITY OF NEW YORK.

BUILDING:	305 West End Avenue, Manhattan
INSPECTION DATES:	May 4, 11, 18, 2000; June 14, 29, 2000; July 13, 21, 28, 2000; August 3, 7, 17, 24, 2000; September 7, 14, 2000; October 3, 13, 2000.
BLOCK: 1184	LOT: 77
LOCATION FROM CROSS STREET:	Located at the North-West corner of West End Avenue and West 74th Street.
ADDRESS:	305 West End Avenue, Manhattan
OWNER:	Esplanade Venture Partners
OFFICER OF CORPORATION:	Alexander Scharf
PERSON IN CHARGE:	Jerry Roth
NO. of STORIES:	14 stories (1 thru 15, no 13th floor).
HEIGHT:	Approximately 170 feet high.
AGE:	Approximately 80 years old.
PLAN DIMENSIONS:	142'-2" x 100'-0" depth of lot.
DESCRIPTION OF BUILDING:	The building is a Residential building constructed with fireproofed steel columns, girders and beams and arch floor construction.
WALL CONSTRUCTION:	Brick masonry non-bearing with stone and terra cotta trim.

WALLS SUBJECT TO CRITICAL EXAMINATION IN ACCORDANCE WITH SECTION 27-129 (C26-105.3):

East Elevation: West End Avenue

South Elevation: West 74th Street

West Elevation: facing rear yard and abutting the adjoining building.

North Elevation: facing yard and abutting the adjoining building.

TYPE OF EXTERIOR FACADE:

Tan face brick with terra cotta trim; red brick at rear walls. Terra cotta trim at 3rd floor, 4th floor, 14th floor and 15th floor.

SET-BACKS:

At main roof level, and second floor level at rear yard.

BALCONIES:

None; however there are decorative demi-balconies at 4th floor and 14th floor levels.

PARAPETS:

At main roof level and roof bulkheads.

EXTERIOR APPURTENANCES:

Entrance canopy of vinyl material, supported on a light gage metal frame, and projected awnings of similar construction above first floor windows facing West End Avenue.

WINDOW AIR CONDITIONING UNITS:

These are projected window units serving various residential rooms.

PLANTERS AND OUTDOOR FURNITURE:

At main roof level.

PROCEDURES USED IN CRITICAL EXAMINATION:

a. Visual:

The primary means of examination was done by visual observation, accomplished by sighting from vantage points at street level, from rear yard, set-backs, main roof and bulkhead roof level. One scaffold drop was made.

b. Telescopic:

High magnification, image stabilizing binoculars were used at all sighting locations, and from across street.

c. Photographic:

Photographs were taken at selected sighting locations, and then examined in the office.

d. Scaffold Drop:

One scaffold drop was made at the building--- at north end of wall facing West End Avenue.

DATES OF CRITICAL EXAMINATION:

May 4, 11, 18, 2000; June 14, 29, 2000; July 13, 21, 28, 2000; August 3, 7, 17, 24, 2000; September 7, 14, 2000; October 3, 13, 2000.

EQUIPMENT USED:

Canon Image Stabilizer 15x45IS Binoculars.
Olympus 3500DLX Camera with 35-120mm Zoom Lens.

WORK COMPLETED

The Owner entered into a contract with Riteway General Contracting Inc. in the amount of $148,500 to repair conditions noted as unsafe in my original Cycle 5 LL11 report.

I examined the program of repairs as it progressed, making a total of 16 visits to the site to monitor the work.

The following significant items were accomplished:

- replace defective terra cotta balusters on the façade

balconies

- rebuild cracked masonry north-east corner
- rebuild cracked masonry south-east corner
- rebuild loose masonry at chimney, north end of building
- replace approximately 32 lintels
- spot painting
- scrape and paint lintels
- caulk cross joints in window sills and projected trim

CONCLUSIONS:

The remaining maintenance and repair items as described in this report, can be done in the course of the building's normal maintenance.

This is to advise the Owner that for the remaining conditions from my original report that can be made safe with a repair and maintenance program, those conditions must be corrected before the report for the next filing period (Cycle 6), which according to current regulations is in the two year period ending February 21, 2007. The Owner is responsible to correct the conditions, and then retain an engineer or architect licensed in the State of New York to re-examine the conditions requiring correction, and file a Cycle 6 report within the stipulated time limit. The engineer responsible for the Cycle 5 report has not been retained and has no responsibility for further examinations.

DATES OF THE CRITICAL EXAMINATION:

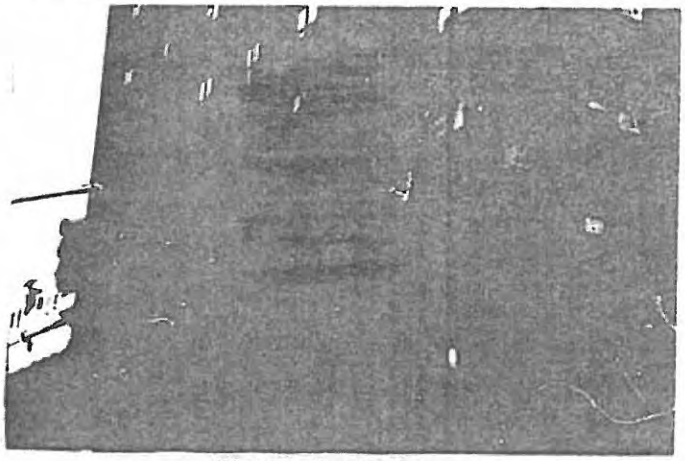
May 4, 11, 18, 2000; June 14, 29, 2000; July 13, 21, 28, 2000; August 3, 7, 17, 24, 2000; September 7, 14, 2000; October 3, 13, 2000.

Respectfully submitted:

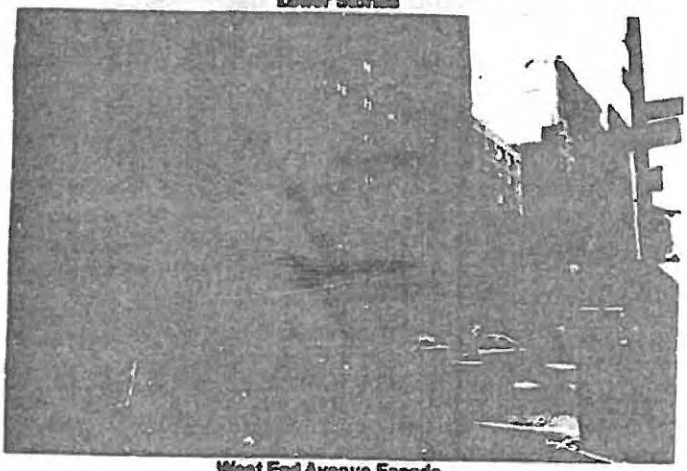
STATE OF NEW YORK
RONALD R. ERICKSON
No. 43
LICENSED PROFESSIONAL

Ronald R. Erickson, P.E.
RRE:

Attachments
5 Pages

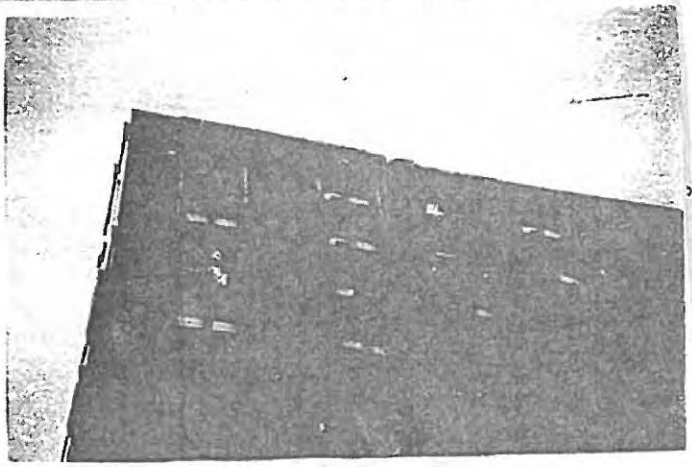


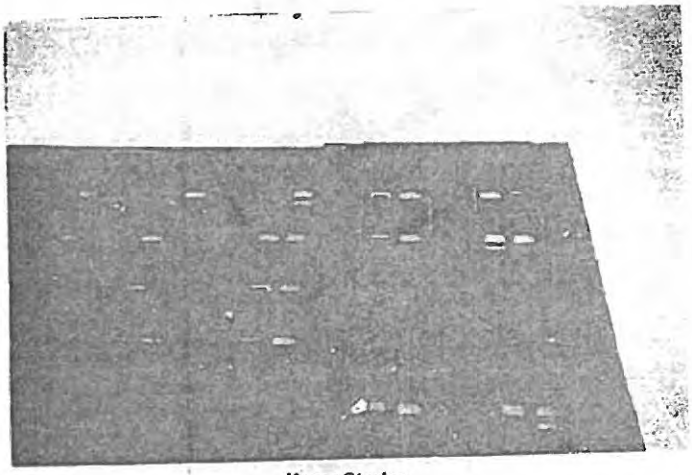
West 74th Street Façade
Lower Stories



West End Avenue Façade
Lower Stories

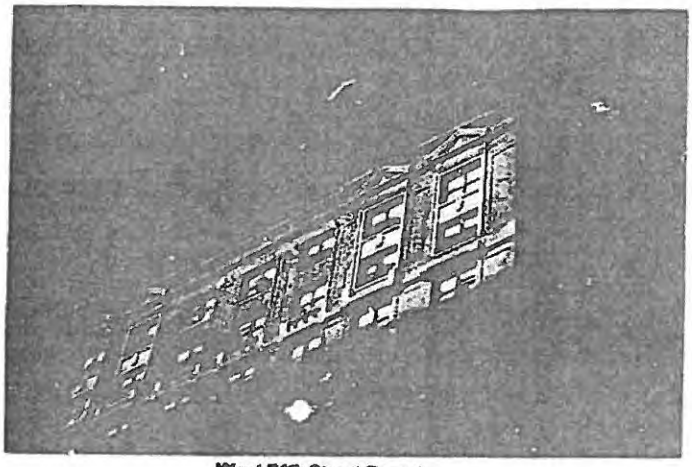
305 West End Avenue
New York, NY 10018



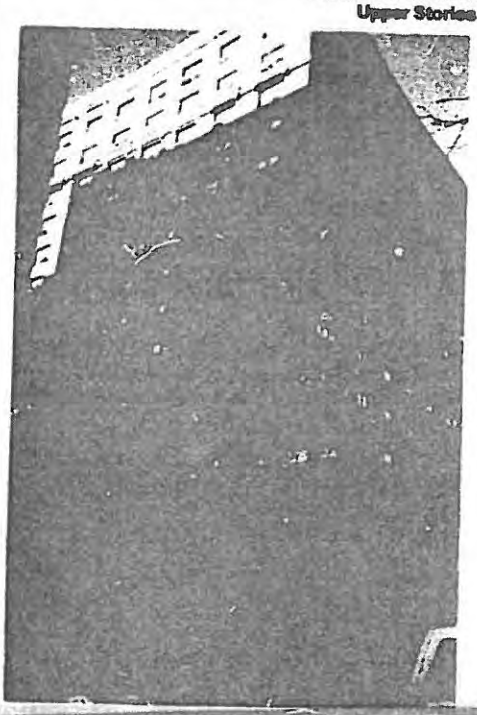


Upper Stories
West End Avenue Façade

305 West End Avenue
New York, NY 10018

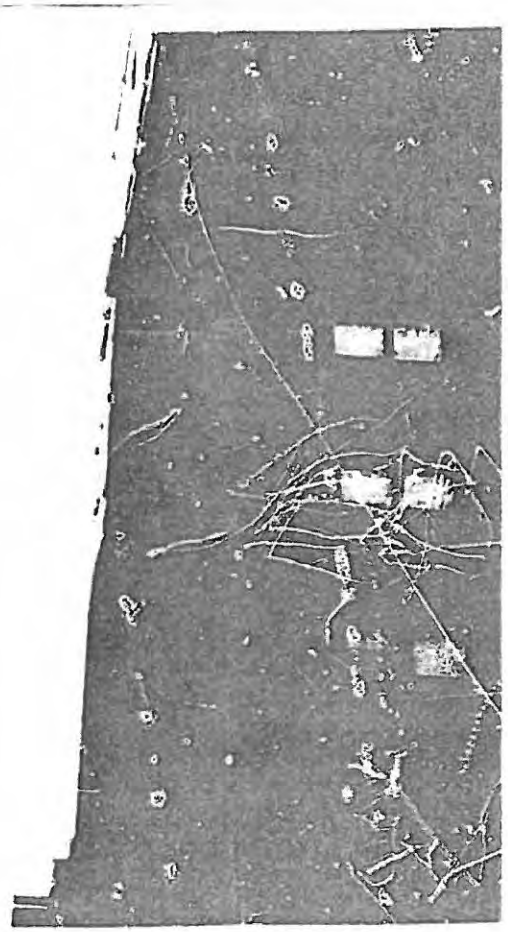


West 74th Street Façade
Upper Stories

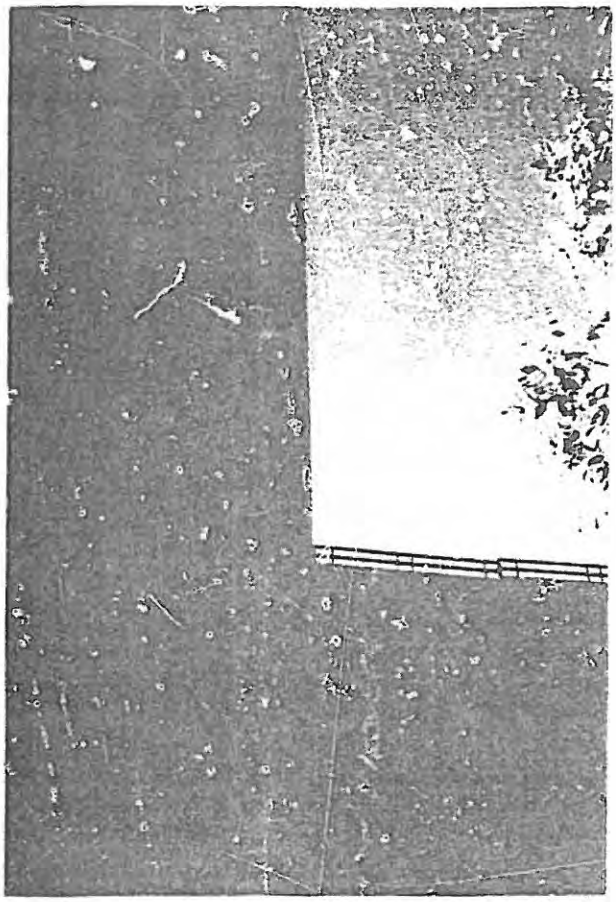


View From
South - East

305 West End Avenue
New York, NY 10018

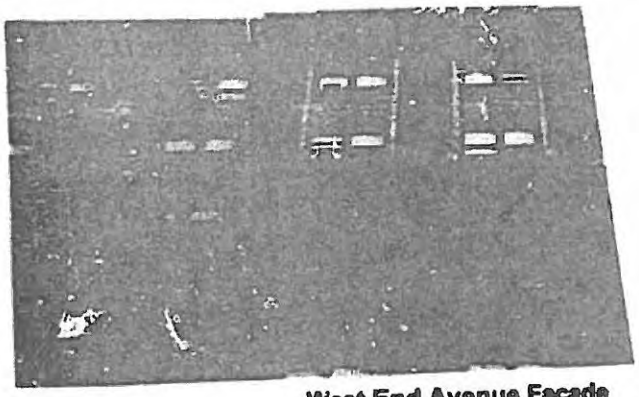


Re-built South-East
Corner

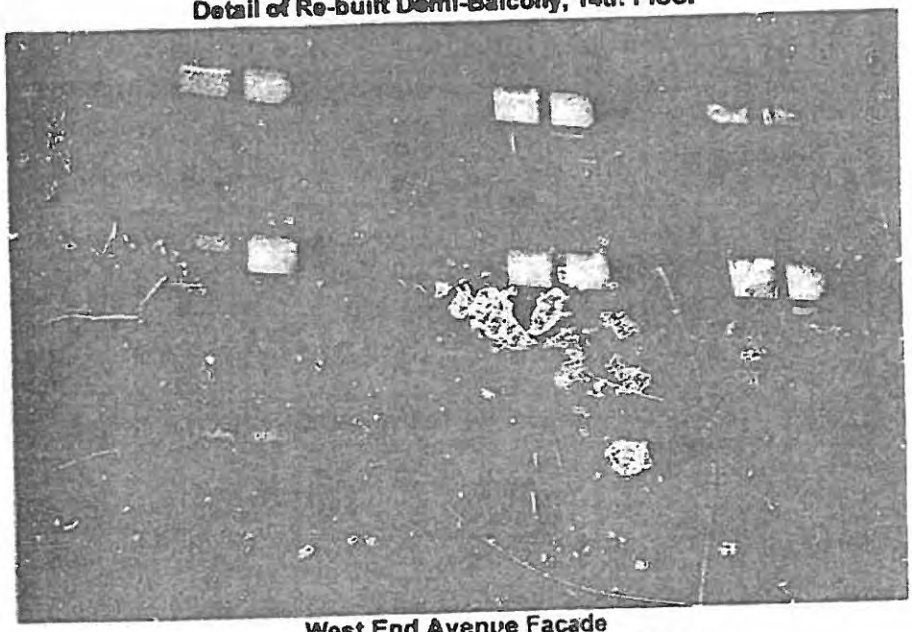


Re-built North-East
Corner

305 West End Avenue
New York, NY 10018



West End Avenue Façade
Detail of Re-built Demi-Balcony, 14th Floor



West End Avenue Façade
Detail of Re-built Demi-Balcony, 4th Floor

303 West End Avenue
New York, NY 10018

APPENDIX G-3

The Esplanade's September 2010 Rejected Façade Inspection Report Filing

NYC Buildings
NYC Department of Buildings
280 Broadway, New York, NY 10007

Robert D. LiMandri, Commissioner

Ronald K. McCain, R.A.
Director, Façade Integrity Audit Unit

280 Broadway, 4th Floor
New York, NY 10007
Phone: (212) 566-5358
Fax: (212) 566-5762

CYCLE 7
NOTICE OF REJECTION OF FACADE INSPECTION AND SAFETY PROGRAM FILING (FISP)

To: QEWI: **Maqsood Faruqi, P.E.**
Blue Prints Engineering, PC
27-24 Jackson Avenue
Long Island City, NY 11101

Re: Address: **305 West End Avenue** **BIN: 1031008**

Borough: **Manhattan** Block/ Lot: **1184 / 77** **Filing Date: 9/30/2010** Status: **SAFE**

Please be advised that your Façade Inspection and Safety Program Report is unacceptable for the following reasons:

☑ **Incomplete or incorrect or missing information as per Rules RCNY 32-03 as follows:**

1. Report (in general): as per rule §32-03 (b)(3)(ii) façade inspection reports have to follow the format in Rules §32-03 (b)(3)(iii)(A-P) and list all paragraphs (A through P) (Note: use amended rule §32-03; Effective Date 3-27-09).
2. Report (p. 3): as per rule 32-03 (4)(ix) "a report shall be filed within sixty (60) days of the date on which the QEWI completed the critical examination".
3. Report (photo): provide legible photos of building and façade overviews.
4. TR-6 (# 3, 6): provide last inspection date and owner's e-mail address.

- ☐ Ascertain causes of the reported conditions.
- ☑ Note all appurtenances, incl. window A/C units, and their condition.
- ☐ Provide time frame to complete repairs of defects.
- ☐ Determine if repairs require work permits as per TPPN 1/99.
- ☐ Provide statement about water tightness.
- ☑ Discuss history of any settlements, repairs and revisions to exterior enclosures, incl. façade repair Permits and façade related violations.
- ☑ Indicate location graphically of close-up inspection (scaffold drop), Rigger's info and license No.

*NOTE: An acceptable report must be resubmitted within 30 days of the date of this notice in order to keep current filing date. The above items must appear in the resubmitted report. Please attach a copy of this letter upon resubmission. Until the report is reviewed and accepted by FIAU, the building status will reflect "No Report Filed (NR)". If unsafe conditions are identified, comply with procedures in RCNY 32-03 (b)(5) and OPPN 1/05.

Date: **10/14/2010**

Eugene Krenitsyn, P.E ☎ (212) 566-559

cc: Owner: **Salwen Levitt-Marcy**
Esplanade Senior Residence
305 West End Avenue
New York, NY 10023

Kathy Davis- LLEU (info)

NYC Buildings

Technical Report (TR6)

Periodic Inspection of Exterior Walls and Appurtenances
Sub-Cycle 7A – February 21, 2010 — February 21, 2012
Sub-Cycle 7B – February 21, 2011 — August 21, 2012
Sub-Cycle 7C – February 21, 2012 — February 21, 2013

& 6

Must be typewritten

RECEIVED
SEP 30 2010
DEPT. OF BUILDINGS
LOCAL LAW ENFORCEMENT UNIT

NYC DEPT. OF BUILDINGS
L11/98 REPORT INTAKE REVIEW
UNACCEPTABLE
RESUBMIT TO LLEU
BY DATE 10/14/10

1 Filing Information

Answer all questions— Submit: ***one (1) microfilm and one (1) original report with one (1) copy if SWARMP or Safe status and two (2) copies if Unsafe status or Amended Reports. Indicate if combined cycles.***

☒ Initial Filing — Report cycle: 6 & 7 — Last cycle filing date: 02/23/2000
☐ Amended Filing — Report cycle: _____ — Initial unsafe filing date: _____
☐ Subsequent Filing — Initial filing date: _____

2 Location Information

House No(s) 305 Street Name West End Avenue Zip 10023 Block 1184 Lot 77 BIN 1031008
Borough Manhattan CB No 107 A K A Address 301 West 74 street, 301-311 West End Avenue

3 Inspection Report Status Information

Current Cycle: Last Inspection Date ___/___/___ SWARMP Recommended Date ___/___/___
☒ Safe ☐ Safe with repair and maintenance program (SWARMP) ☐ Unsafe

Prior Filing Cycle 5
☐ Safe ☒ SWARMP ☐ Unsafe

4 Building Characteristics

Landmark Building: ☐ Yes ☒ No Landmark District: Yes ☐ No ☒
Number of stories: 14 Exterior wall type: Solid

Wall(s) Subject to Inspection
☒ All ☐ Partial _____

5 Qualified Exterior Wall Inspector (QEWI) Information

Last Name FARUQI First Name MAQSOOD Middle Initial A
Business Name BLUE PRINTS ENGINEERING, PC Business Telephone (718) 278-4696
Business Address 27-24 JACKSON AVENUE Business Fax (718) 278-4697
City Long Is City State NY Zip 11101 Mobile Telephone
E-Mail BLUEENGINEERING_PC@YAH ☒ P.E. ☐ R.A. NYS License Number 071297

6 Owner of Record Information *(Not a Representative or Business Manager or Agent)*

Last Name Levitt- Marcy First Name Salwen Middle Initial
Business Name ESPLANADE SENIOR RESIDENCE Business Telephone (212) 582-9080
Business Address 305 West End Avenue E-Mail Business Fax
City Manhattan New York State New York Zip 10023 Mobile Telephone

7 Statements and Signatures

Owner / Owner Representative

(A) I hereby state that I am the owner/owner's representative of the premises referenced in the attached report. Furthermore, I have received and read a copy of the attached report and I am aware of the required repairs and/or maintenance, if any and the recommended time frame for same.
(B) I certify that all items noted as SWARMP conditions in the previous cycle's report have been corrected/repaired; or this report must be rated as Unsafe as

Name Salwen Levit-Marcy Signature Marcy Salwen Levitt
Relationship to owner Executive Dir. Phone 212-874-5020 Date 9/17/10

Qualified Exterior Wall Inspector (QEWI)

Name (please print) Maqsood A Faruqi P.E.
Signature Date 9-23-10

I hereby state that the Owner / Owner's Representative has authorized me to submit this report. Furthermore, I hereby state that all statements are correct and complete to the best of my knowledge. A copy of this report has been given to the owner.

P E / R A Seal *(apply seal, then sign and date)*

STATE OF NEW YORK — MAQSOOD A. FARUQI — 071297 — PROFESSIONAL ENGINEER

Falsification of any statement is a misdemeanor and is punishable by a fine or imprisonment, or both. It is unlawful to give to a city employee, or for a city employee to accept, any benefit, monetary or otherwise, either as a gratuity for properly performing the job or in exchange for special consideration. Violation is punishable by imprisonment or fine or both.

INITIAL REPORT

INITIAL Report - Local Law 11-98 Cycle 7 & 6

This is an initial report based upon height above adjacent grade.

Current Filing Status :	**SAFE**
Previous filing status :	**SWARMP**

Refer to Rules IRCNY 32-03 (b) (3) (ii) Items A through S.

I - Property Information

A	**Address**	**305 West End Avenue**
	A.K.A.	**301-311 West End Avenue, 301 West 74 Street**
	Cross Street	**West 74 Street, West 75 Street**
	Borough	**Manhattan** **Block** **1184** **Lot** **77**
	BIN #	**1031008** **Community Board** **107**
	Site Plan Attached	
C	**Owner**	**ESPLANADE SENIOR RESIDENCE** **305 West End Avenue, NY, 10023**

format?

II - Summary of Findings & Recommendations

We have not observed any building movement, deterioration or water tightness problems at the exterior surfaces. The exterior fixtures on the facades of the building were found properly supported and in fair condition at the time of inspection.

There are no **UNSAFE or SWARMP** conditions observed at this time. The inspection was performed under the direct supervision of **Maqsood A. Faruqi, P. E.**

N	**SAFE**	**The building is currently classified as SAFE.**
Q	**SWARMP**	**There are no SWARMP conditions.**
O	**UNSAFE**	**There are no unsafe conditions observed at this time.**

P SWARMP Conditions :

We have not observed any building movement, deterioration, or water tightness problems at the exterior surfaces.

There are no **UNSAFE** or **SWARMP** conditions observed at this time.

III - Methods Used To Conduct Inspections

E, F A critical examination was performed on **04/16/2010** to review the exterior of the building and all parts thereof to determine whether the exterior walls and the appurtenances thereto are safe, unsafe or safe with a repair and maintenance program and whether they require remedial work.

The inspecting engineer has reviewed maintenance inspection reports, repair records and maintenance work tickets for the subject building in order to assess the structural and watertight integrity of the façades. The inspection was performed under the direct supervision of MAQSOOD A **FARUQI, P. E.**, an employee of **BLUE PRINTS** ENGINEERING, PC and was done to the best of his knowledge and belief.

The methodology of inspection was developed to permit a complete and comprehensive inspection of the building. The known history of the building, the nature of the materials used and the conditions observed was used to determine the extent of the critical examination required. Professional Standards of care were used to determine the severity of structural deterioration and watertight integrity observed during the critical examination. A motorized swing scaffold was hung from the roof on the street façade of the building immediately adjacent to the front entrance, which was deemed by the Professional Engineer to constitute a representative sample of the exterior wall. The Scaffold rigging was performed by **Aklak A. Choudhary.**, who possesses **Master Rigger's License # 5750**
The critical examination from the scaffold was performed continuous from the grade to the roof **at Building Entrance** on West End Avenue.
All other facades, rear walls, sidewalls, courtyards, alcoves, setbacks, and roof structures were inspected continuously in thirty (30) foot or less segments, from grade to the roof with use of high power (X-75) binoculars, beginning at the front entrance of the building, in continuously, adjoining segments in a counter-clockwise direction for the complete circumference of the building and returning to the front entrance. All findings were recorded by the inspector, photographed, logged onto field sketches, assessed and recorded to properly document the locations of all conditions observed.

Close up inspection were performed by the engineers during the repair work on all sides of the building from the hanging scaffolds.
See attached photos and sketches.

1	**Visual observation (entire building façade) From:**			
	Street Level	X	**Building Roof**	X
	Fire Escape		**Adjacent Building**	
2	**Optical instrumental observation From:**			
	Street Level	X	**Building Roof**	X
	Fire Escape		**Adjacent Building**	

3 Hanging Scaffold Inspection:

Location: Building Entrance on West End Avenue

Name of Rigger & Company: Aklak A. Coudhary
Pioneer General Construction Co.

Address 953 Dean Street, Brooklyn, NY -11238

Phone (718) 745 -5464

License Number 5750

L See Attached Key Plan for exact location.

The Scaffold inspection Started and was Completed on 4/16/2010

Licensed Professional Engineer: MAQSOOD A FARUQI, P. E.

IV - Description Of The Inspected Building

B Landmark Status of the Building Yes ____ No X

Number of Stories: 14 Plan Dimensions N/A

Type of Exterior Walls: Brick Wall / Solid Wall

Age of Building: 58 Years

Usage: Residential X Commercial: ____

C.O.O.# 39913

V - Report Of Findings

There was no significant building movement or deterioration.
There were no water tightness problems at the exterior surfaces.
All Exterior Fixtures on the building façade were found properly supported and in fair condition at the time of the inspection except where stated, if any, in item II-P.

History of Repairs:
We observed that recent repairs have been completed all sides of the building facades as shown on photos. Repairs consisted of brick replacement, lintel replacement, waterproofing and repointing of mortar joints.
During the repairs close up inspection was performed throughout the building façade wherever scafffolds where hung.

H **The causes of the reported conditions if any:** None

I **The status of the exterior maintenance:** Completed

J **Conditions observed during previous examination:** None

K **Recommendation for repairs or maintenance:** Repairs.

We have not found any **UNSAFE or SWARMP** conditions. However, we advised the Manager/Owner to distribute the Department of Buildings window air conditioner installation tips to all tenants. Management is making best efforts to comply with window air conditioner installation tips to ensure that they are securely installed.

We recommend periodic inspection of the building facades every 24 months to monitor any changes in the building façade condition and to assure the continuous safe condition of the facades.

Time frame for repairs: N/A

R **Photographs are attached for UNSAFE or SWARMP conditions:** N/A

S **Repairs that require the obtaining of permits prior to their commencement:**
None

VI. Professional

MAQSOOD A FARUQI, P. E.

STATE OF NEW YORK
MAQSOOD AHMED FARUQI
071297
LICENSED PROFESSIONAL ENGINEER

P. E. SEAL

BLUE PRINTS ENGINEERING, PC
27-24 JACKSON AVENUE
(718) 278-4696
E-mail: BLUEENGINEERING_PC@YAHOO.COM

SIGNATURE & DATE 9/23/10

VII - Appendices

B.I.S. printouts - including violations & permits.

A/C installation tips

Selected photographs or sketches.

TR - 6

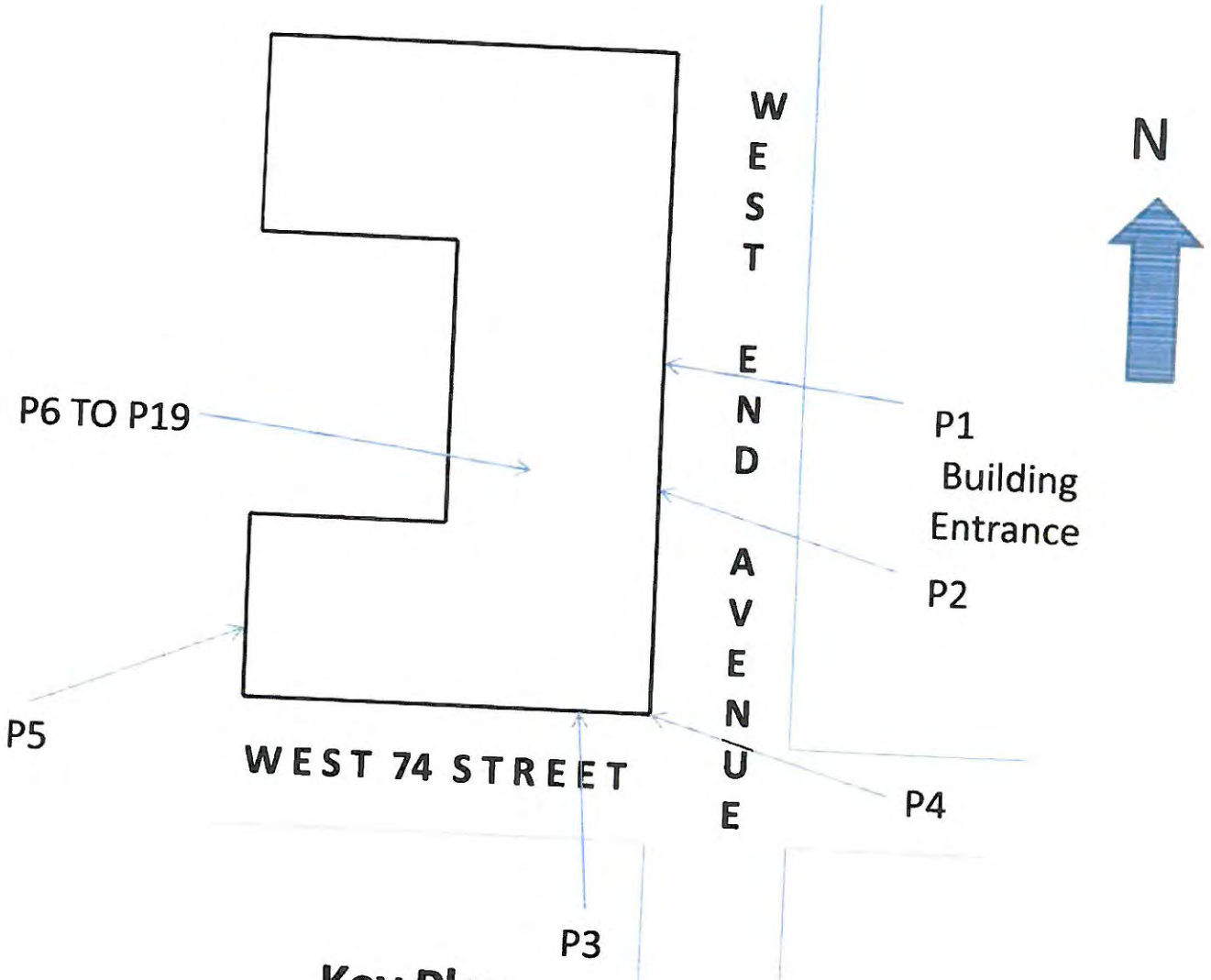
Plot plan with North arrow.

Photograph with building address.

Permits issued for the completed repairs.

close-up location ?

305 WEST END AVENUE



Key Plan

305 West End Avenue
Manhattan

Photo quality?

Photo # 1

Building Entrance

305 West End Avenue
Manhattan

New Repointing of Mortar Joints

Photo # 2

Building Front Elevation

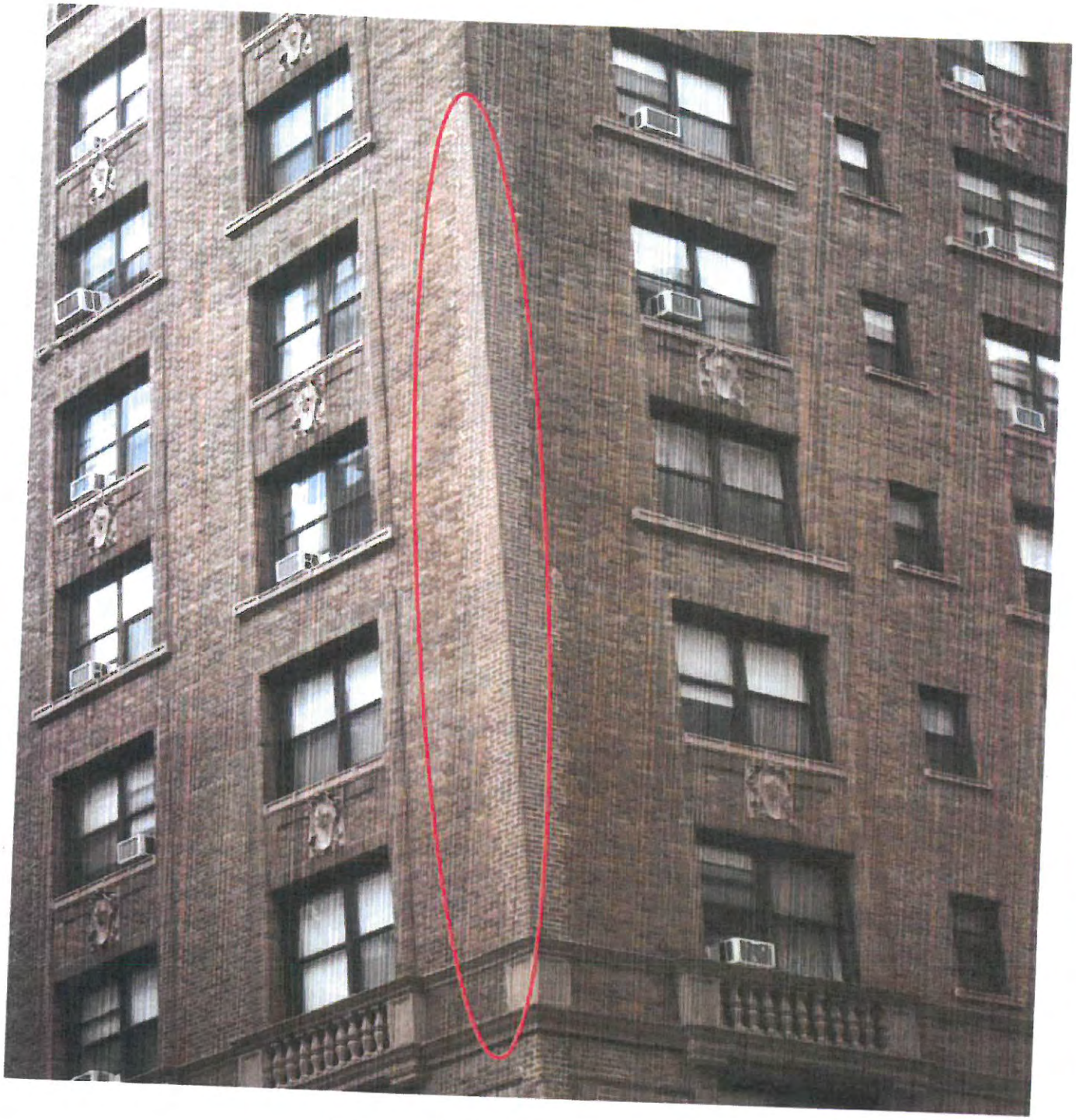
305 West End Avenue
Manhattan

New Repointing of Mortar Joints

Photo # 3

Front & Side Elevation

305 West End Avenue
Manhattan

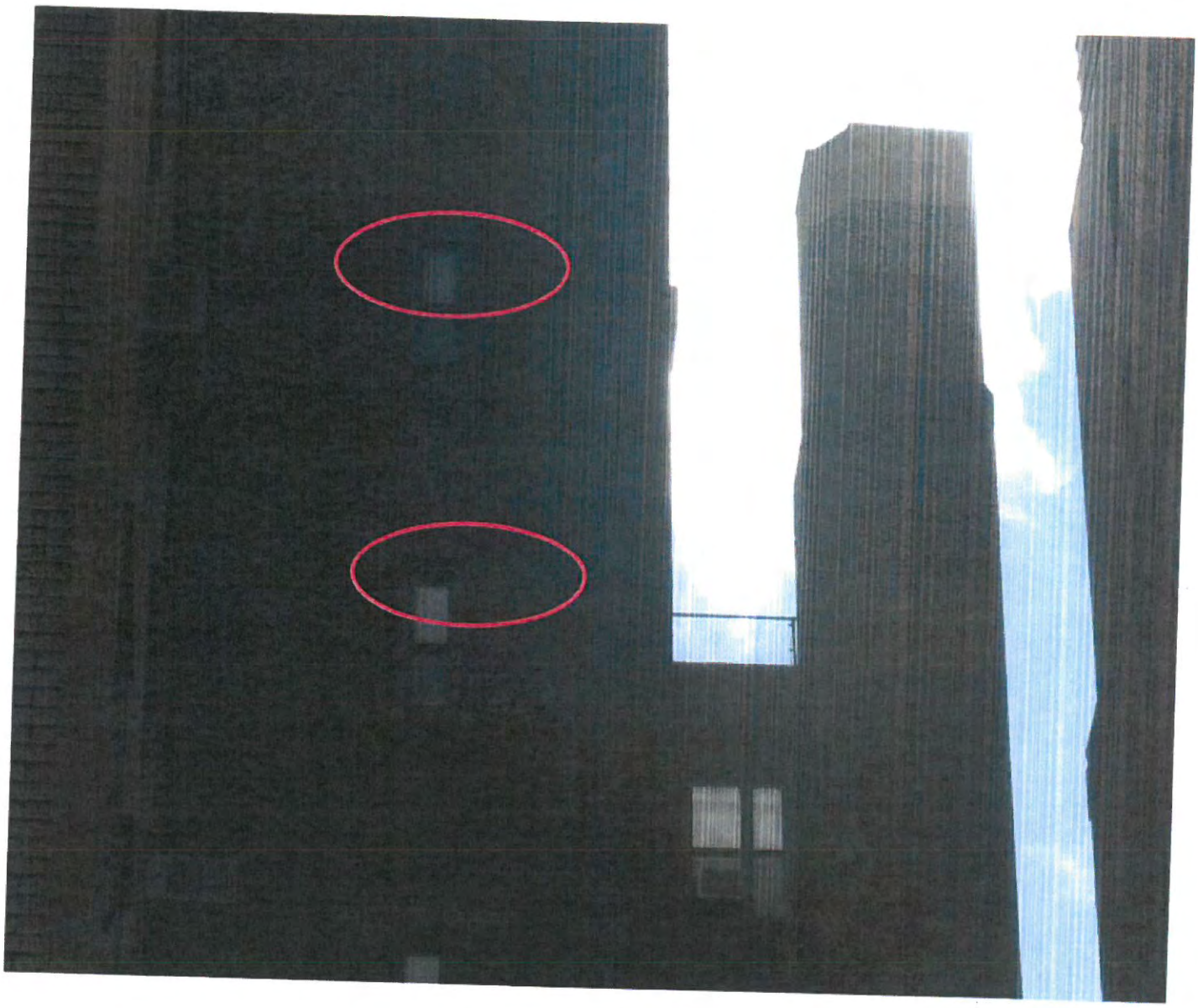


New Repointing of Mortar Joints

Photo # 4

Façade

305 West End Avenue
Manhattan



New Repointing of Mortar Joints

Photo # 5

Rearside of the Building

305 West End Avenue
Manhattan

New Repointing of Mortar Joints

Photo # 6

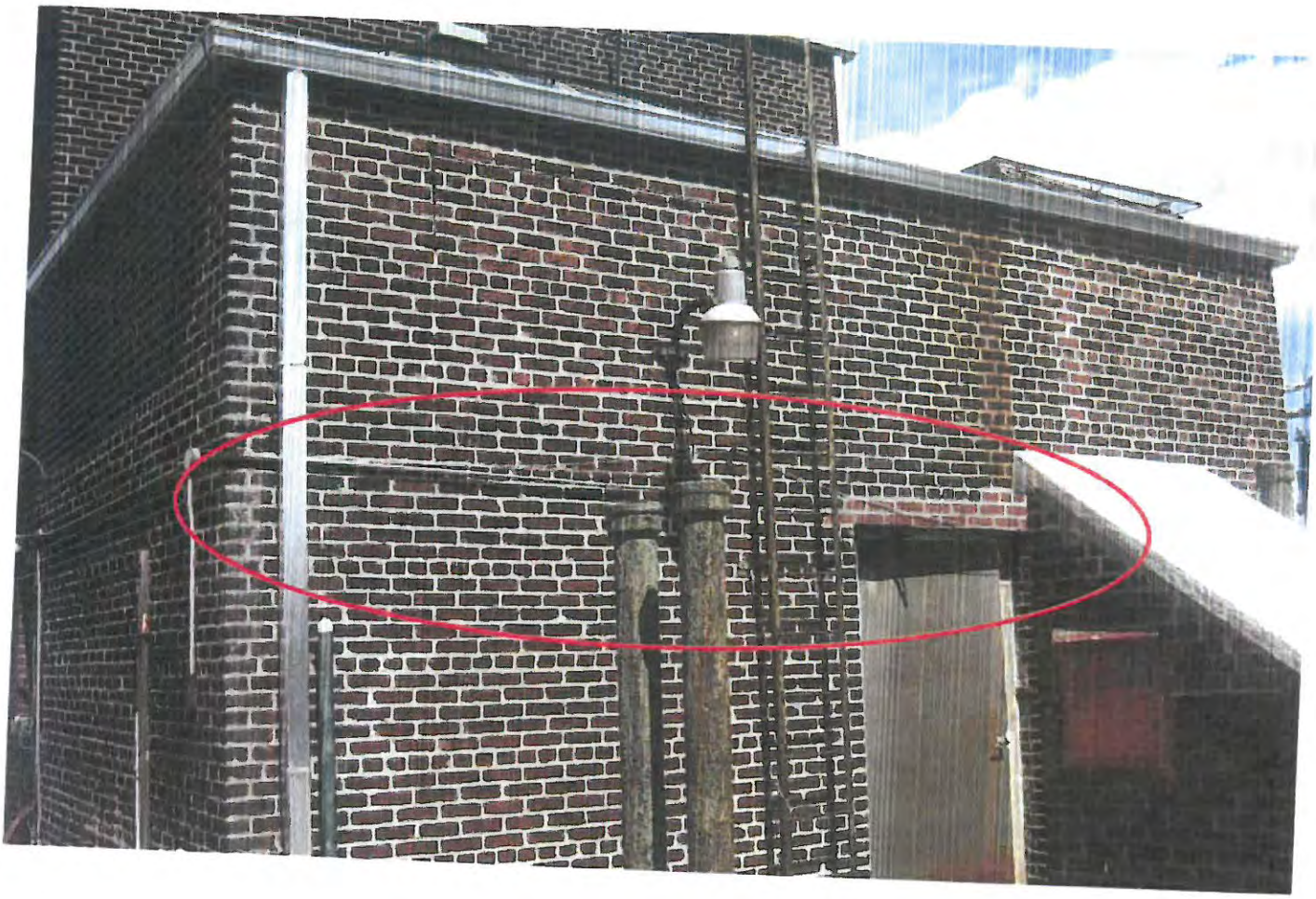
Chimney

305 West End Avenue
Manhattan

Waterprofing

Photo # 7

305 West End Avenue
Manhattan



New Repointing of Mortar Joints

Photo # 8

Bulkhead

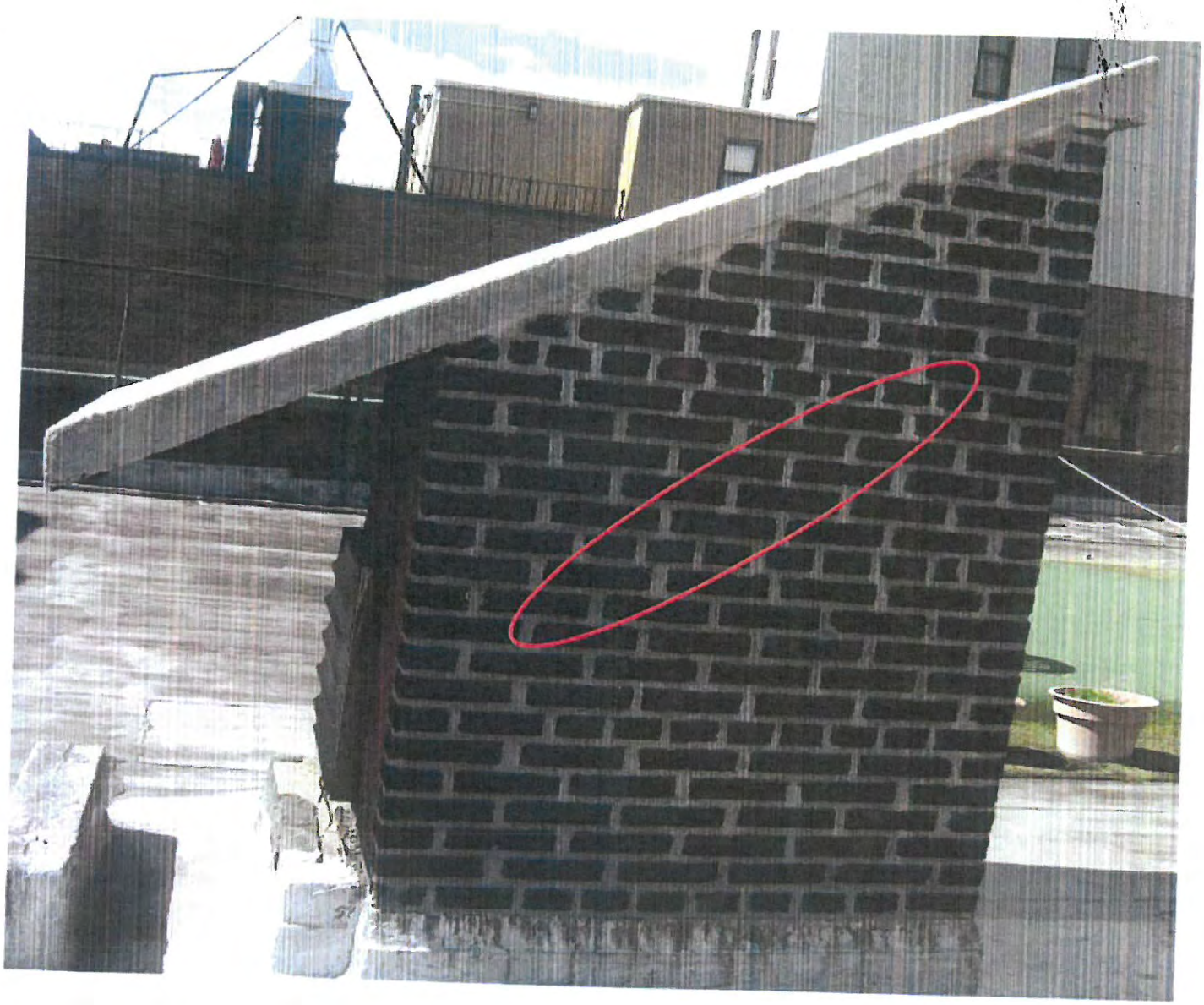
305 West End Avenue
Manhattan

New Brickwork

Photo # 9

Bulkhead

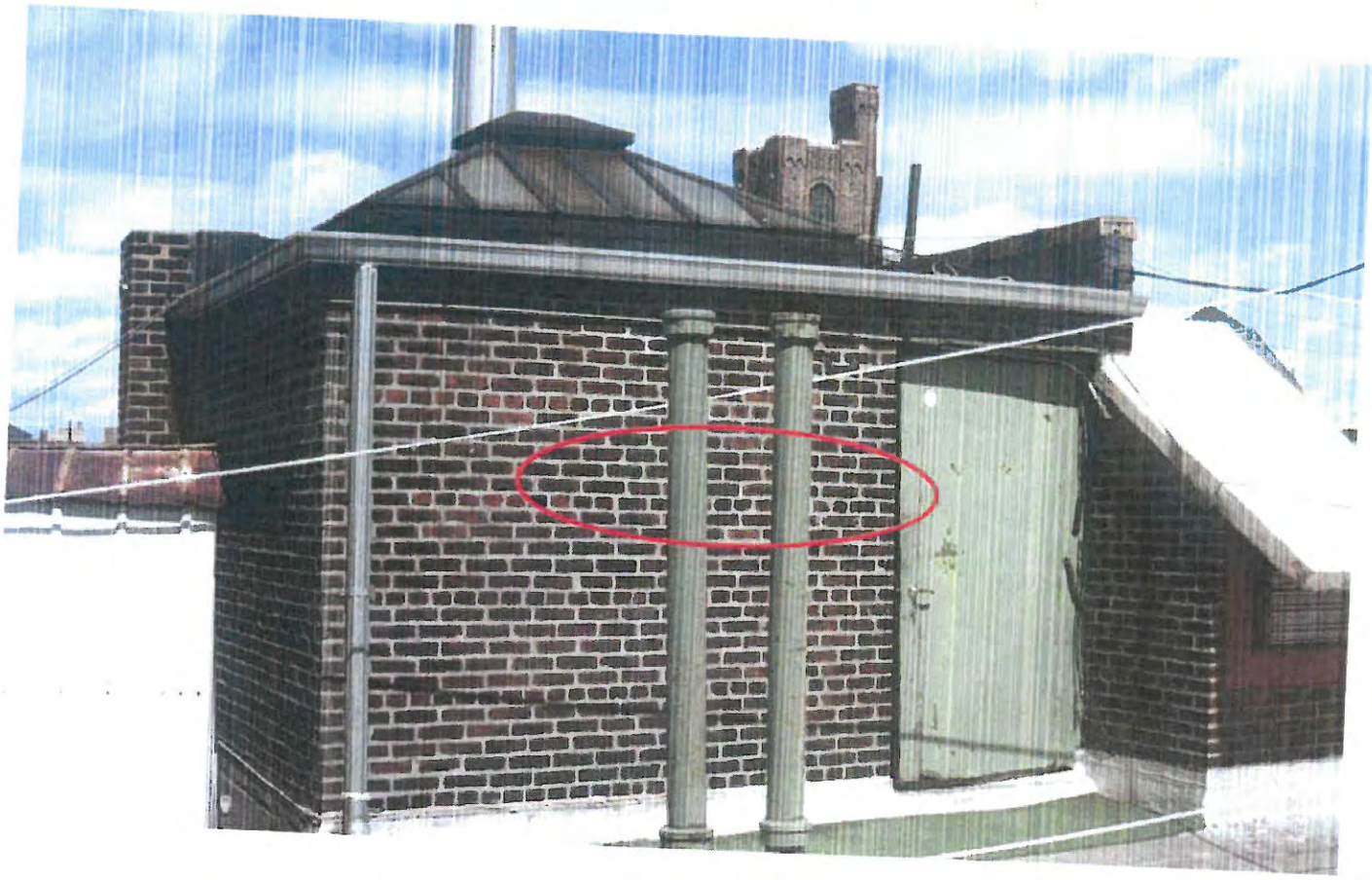
305 West End Avenue
Manhattan



New Repointing of Mortar Joints

Photo # 10

305 West End Avenue
Manhattan

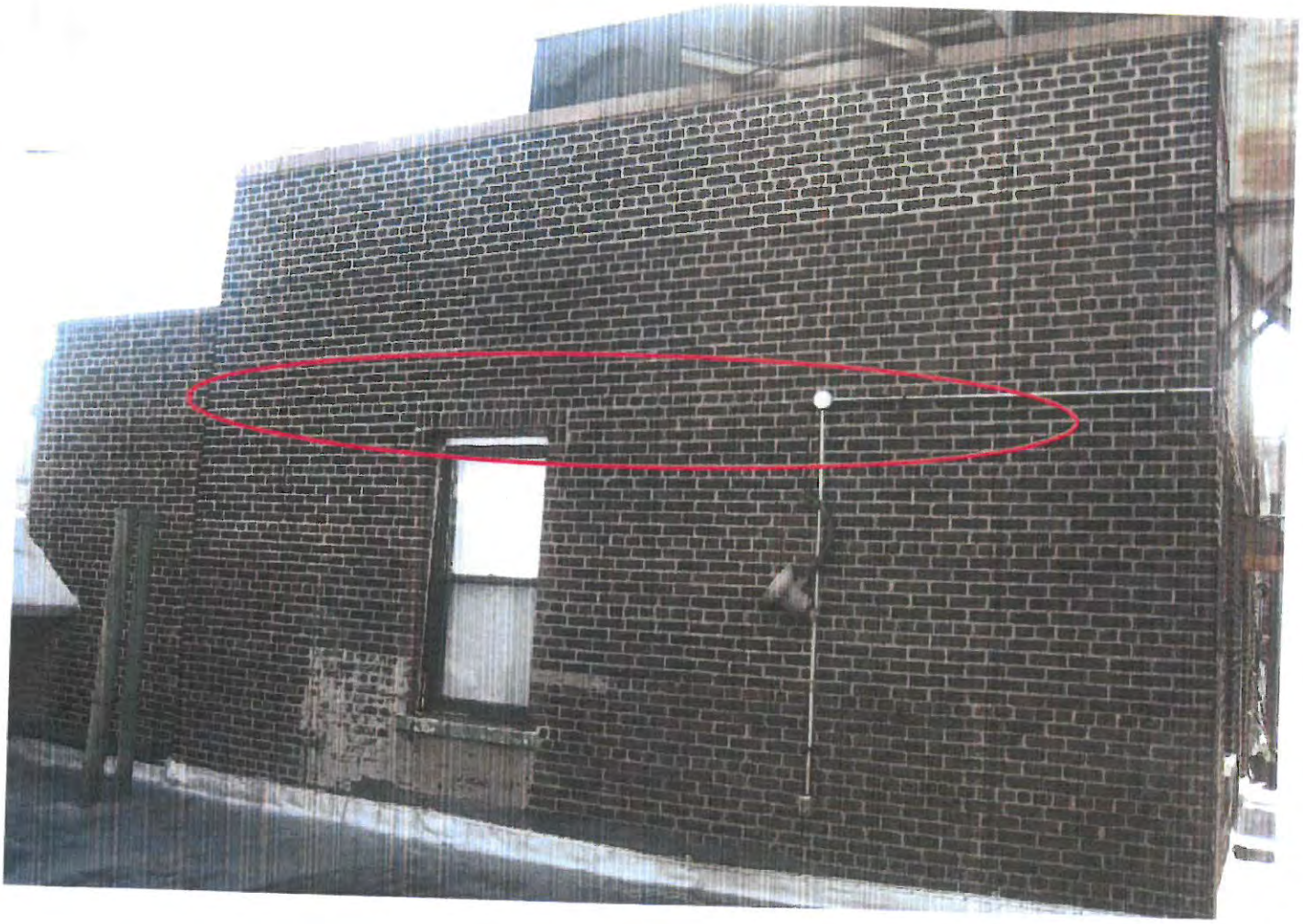


New Repointing of Mortar Joints

Photo # 11

Bulkhead

305 West End Avenue
Manhattan



New Repointing of Mortar Joints

Photo # 12

Bulkhead

APPENDIX G-4

The Esplanade's February 2011 Façade Inspection Report Filing

703674 – 1184
603674 – 1184

NYC Buildings

Technical Report (TR6)

Periodic Inspection of Exterior Walls and Appurtenances
Sub-Cycle 7A – February 21, 2010 — February 21, 2012
Sub-Cycle 7B – February 21, 2011 — August 21, 2012
Sub-Cycle 7C – February 21, 2012 — February 21, 2013

Place stamp here

Must be typewritten.

1 Filing Information

Answer all questions— Submit: *one (1) microfilm and one (1) original report with one (1) copy if SWARMP or Safe status and two (2) copies if Unsafe status or Amended Reports. Indicate if combined cycles.*

☒ Initial Filing
Report cycle: 6&7
Last cycle filing date: 2/23/2000

☐ Amended Filing
Report cycle: _____
Initial unsafe filing date: _____

☐ Subsequent Filing
Initial filing date: _____

2 Location Information

House No(s) 305 Street Name West End Avenue Zip 10459 Block 1184 Lot 7 BIN 1031008
Borough Manhattan CB No 107 A.K.A. Address 301 West End Avenue

3 Inspection Report Status Information

Current Cycle: Last Inspection Date 12/17/10 SWARMP Recommended Date __/__/__
☒ Safe ☐ Safe with repair and maintenance program (SWARMP) ☐ Unsafe

Prior Filing Cycle 5
☐ Safe ☒ SWARMP ☐ Unsafe

4 Building Characteristics

Landmark Building: ☐ Yes ☒ No Landmark District: Yes ☐ No ☒
Number of stories: 7 Exterior wall type: solid /Brick

Wall(s) Subject to Inspection
☒ All ☐ Partial _____

5 Qualified Exterior Wall Inspector (QEWI) Information

Last Name FARUQI First Name MAQSOOD Middle Initial A
Business Name BLUE PRINT ENGINEERING,P.C. Business Telephone (718) 278-4696
Business Address 27-24 JACKSON AVENUE Business Fax
City LIC State NY Zip 11101 Mobile Telephone
E-Mail blueengineering_pc@yahoo.com ☒ P.E ☐ R.A. NYS License Number

6 Owner of Record Information *(Not a Representative or Business Manager or Agent)*

Last Name LEVIT-MARCY First Name SALWEN Middle Initial
Business Name ESPLANADE SENIOR RESIDENCE Business Telephone (212)582-9080
Business Address 305 West End Avenue E-Mail Business Fax
City New York State NY Zip 10023 Mobile Telephone

7 Statements and Signatures

Owner / Owner Representative

(A) I hereby state that I am the owner/owner's representative of the premises referenced in the attached report. Furthermore, I have received and read a copy of the attached report and I am aware of the required repairs and/or maintenance, if any and the recommended time frame for same
(B) I certify that all items noted as SWARMP conditions in the previous cycle's report have been corrected/repaired, or this report must be rated as Unsafe as

Name Salwen Levit-Marcy Signature Salwen Levit-Marcy
Relationship to owner Exec. Director Phone (212) 874 5000 Date 2/7/11

Falsification of any statement is a misdemeanor and is punishable by a fine or imprisonment, or both. It is unlawful to give to a city employee, or for a city employee to accept, any benefit, monetary or otherwise, either as a gratuity for properly performing the job or in exchange for special consideration. Violation is punishable by imprisonment or fine or both

Qualified Exterior Wall Inspector (QEWI)

Name (please print) MAQSOOD A. FARUQI
Signature Date 2/8/11

I hereby state that the Owner/ Owner's Representative has authorized me to submit this report. Furthermore, I hereby state that all statements are correct and complete to the best of my knowledge. A copy of this report has been given to the owner.

P.E / R.A. Seal *(apply seal, then sign and date)*

STATE OF NEW YORK … LICENSED PROFESSIONAL …

DEPARTMENT OF BUILDINGS
L11 '98 REPORT INTAKE REVIEW
ACCEPTABLE*
BY _____ DATE 2/18/11
*SUBJECT TO FIELD INSPECTION VERIFICATION

TR6 2/10

Exhibit 4

INITIAL REPORT

INITIAL Report - Local Law 11-98 Cycle 6 &7

This is an initial report based upon height above adjacent grade.

Current Filing Status : **SAFE**

Refer to Rules IRCNY 32-03 (b) (3) (ii) Items A through P.

A **Address** 305 West End Avenue

A.K.A. 301-311 West End Avenue, 301 West 74 Street

Cross Street West 74 Street, West 75 Street

Borough Manhattan **Block** 1184 **Lot** 77

BIN # 1031008 **Community Board** 107 **Not Landmark**

A copy of the BIS building profile is attached.

B **Owner:** Esplanade Venture Partner

305 West End Avenue, NY, 10023 (212)582-9080

C The building is not a landmark.

Number of stories 14

Type of exterior walls Brick Solid Wall

Age of building 58 Years.

Usage Residential C.O.O.# 39913

D **History of Repairs:**

We observed that recent repairs have been completed all sides of the building facades as shown on photos 2 to 17. Repairs consisted of brick replacement, lintel replacement, waterproofing and repointing of mortar joints.

Permits and sign off attached.

E **Methods Used To Conduct Inspections**

A critical examination was performed on **12/17/2010** to review the exterior of the building and all parts thereof to determine whether the exterior walls and the appurtenances thereto are safe, unsafe or safe with a repair and maintenance program and whether they require remedial work.

The inspecting engineer has reviewed maintenance inspection reports, repair records and maintenance work tickets for the subject building in order to assess the structural and watertight integrity of the façades.

The methodology of inspection was developed to permit a complete and comprehensive inspection of the building. The known history of the building, the nature of the materials used and the conditions observed was used to determine the extent of the critical examination required. Professional Standards of care were used to determine the severity of structural deterioration and watertight integrity observed during the critical examination. A motorized swing scaffold was hung from the roof on the street façade of the building immediately adjacent to the front entrance, which was deemed by the Professional Engineer to constitute a representative sample of the exterior wall.

F **1.The extent and Location of all physical examinations performed.**

The critical examination from the scaffold was performed continuous from the grade to the roof **at Building Entrance** on West End Avenue on **June15/2010**.
All other facades, rear walls, sidewalls, courtyards, alcoves, setbacks, and roof structures were inspected continuously in thirty (30) foot or less segments, from grade to the roof with use of high power (X-75) binoculars, beginning at the front entrance of the building, in continuously, adjoining segments in a counter-clockwise direction for the complete circumference of the building and returning to the front entrance. All findings were recorded by the inspector, photographed, logged onto field sketches, assessed and recorded to properly document the locations of all conditions observed.

2. The inspection was performed under the direct supervision of **Maqsood Faruqi,P.E.** an employee of Blue prints Engineers,P.C. and was done to the best of his knowledge and belief.

License number 071297
27-24 Jackson Avenue Long Island City, NY 11101
Email: blueprintengineering_pc@yahoo.com

The Scaffold inspection was performed by **Aklak A. Choudhary.**, who possesses **Master Rigger's License # 5750**

953 Dean Street,Brooklyn, NY 11238

Tel: (718) 745-5464

3.Location of close up examination : Building entrance on West End Avenue.

Date inspection performed 6/15/2010

See attached Key Plan.

4.The physical examination started on December 17/2010 and was completed on December 18/2010 The up-close inspection fro the scaffolds was performed on June 15/2010 during the repairs.

G **Conditions observed:**

1.No deterioration or building movement observed.

2.The building exterior surfaces appear to be water tight.

3.The building is classified as SAFE, there are no unsafe or swarmp conditions at this time.

4. the exterior fixtures on the building facades including air conditioners,signs,parapets,coping,etc were found properly supported and in fair condition at the time of inspection.

5. We have not found any Unsafe or swarmp conditions.

6.We recommend periodic inspection of the building facades every 24 months to monitor any changes in the building façade conditions and to assure the continuous safe conditions of the facades.

H Causes of conditions reported as Unsafe or Swarmp N/A

I **The Status of the exterior maintenance** Completed

J **1.Work permits numbers related to the façade repairs:**

Permit # 120245537-01-EQ-SH
Permit# 120135567-01-EW-OT

2.Job # 120135567 **sign off date :** **1/19/2011** BIS attached

3.ECB Violation# 36013111J Failure to file cycle 6 report.Cycle 6&7 report is attached

K Recommendations for repairsof swarmp conditions N/A

Swarmp conditions repairs recommended completion date N/A

L	Permits required to accomplish the necessary work	N/A
M	Photographs are attached including the entire street front elevation.	
N	The classification of this building for the current report is SAFE.	
	all conditions identified in previous reports as requiring repairs have been corrected.	

O QEWI

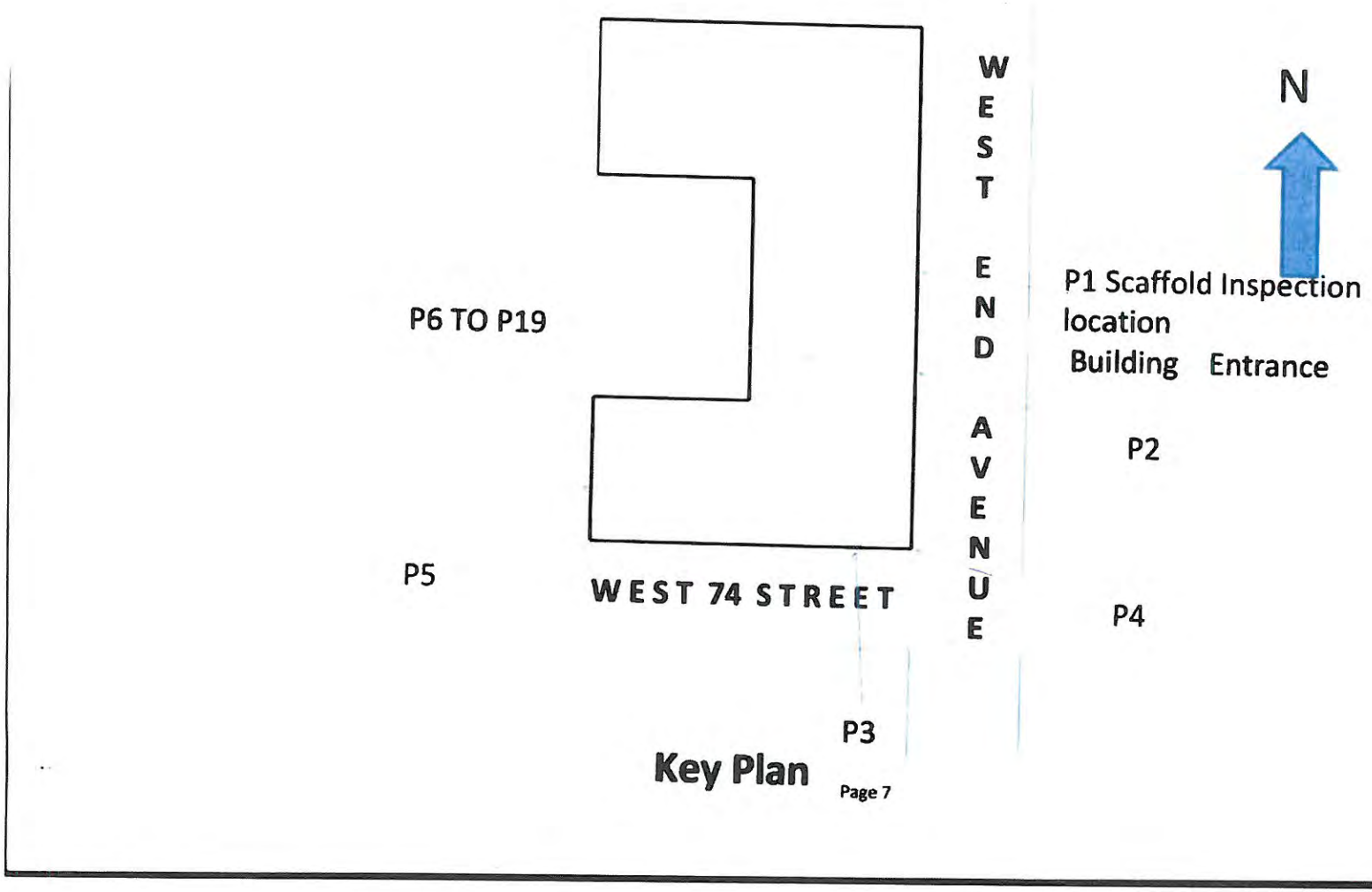
MAQSOOD A. FARUQI P.E.

P.E. SEAL

BLUE PRINT ENGINEERING,PC
27-24 JACKSON AVENUE
LONG ISLAND CITY,NY 11101
TEL: (718) 278-4696
EMAIL:BLUEENGINEERING_PC@YAHOO.COM

P Appendices: BIS Property Profile
Violation Summary
Violation Detail
BIS permits.

305 WEST END AVENUE



Key Plan

305 West End Avenue
Manhattan

Photo # 1

Building Entrance

305 West End Avenue
Manhattan

New Repointing of Mortar Joints

hoto # 2

Building Front Eleva

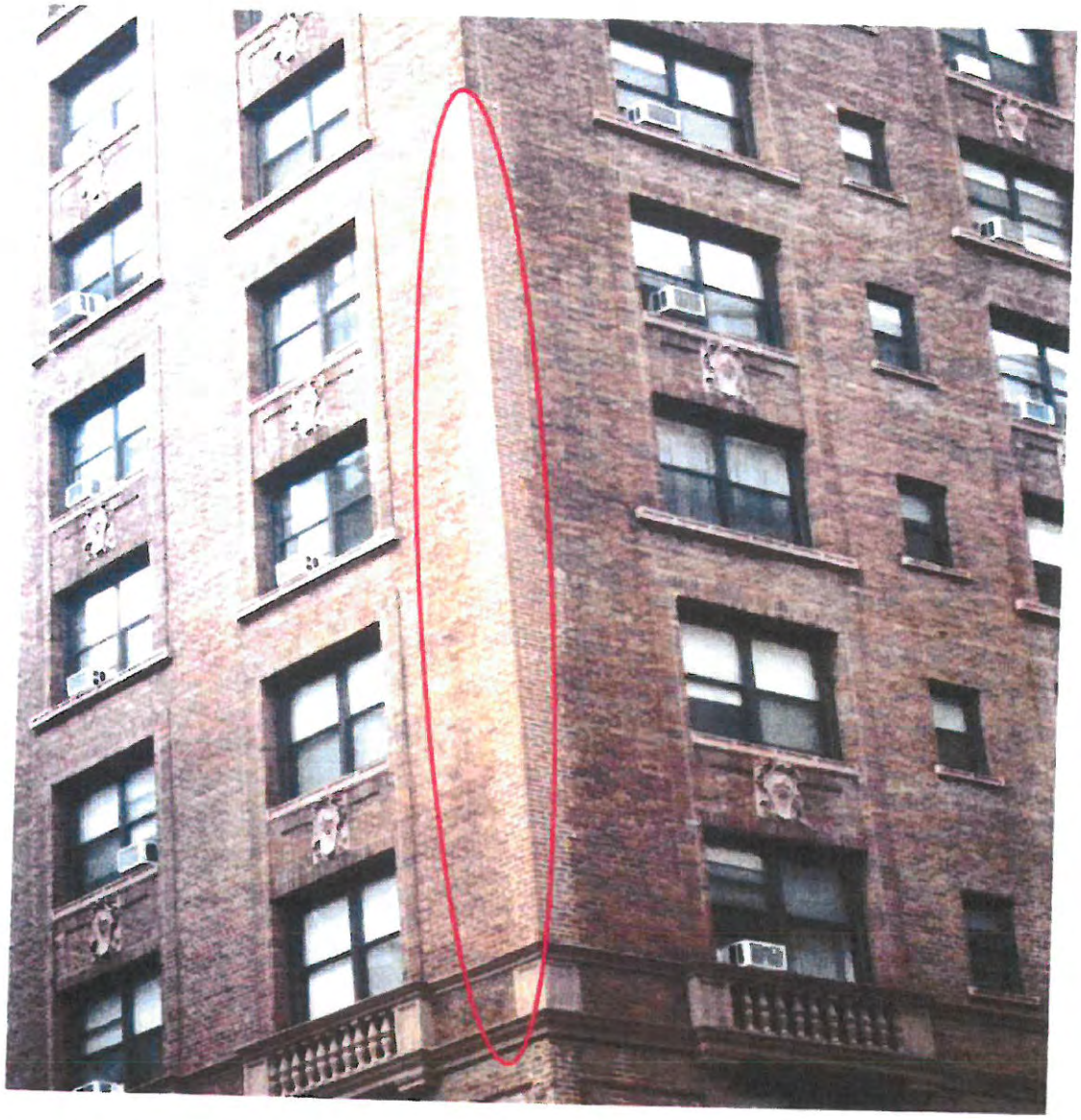
305 West End Avenue
Manhattan

New Repointing of Mortar Joints

Photo # 3

Front & Side Elevati

305 West End Avenue
Manhattan

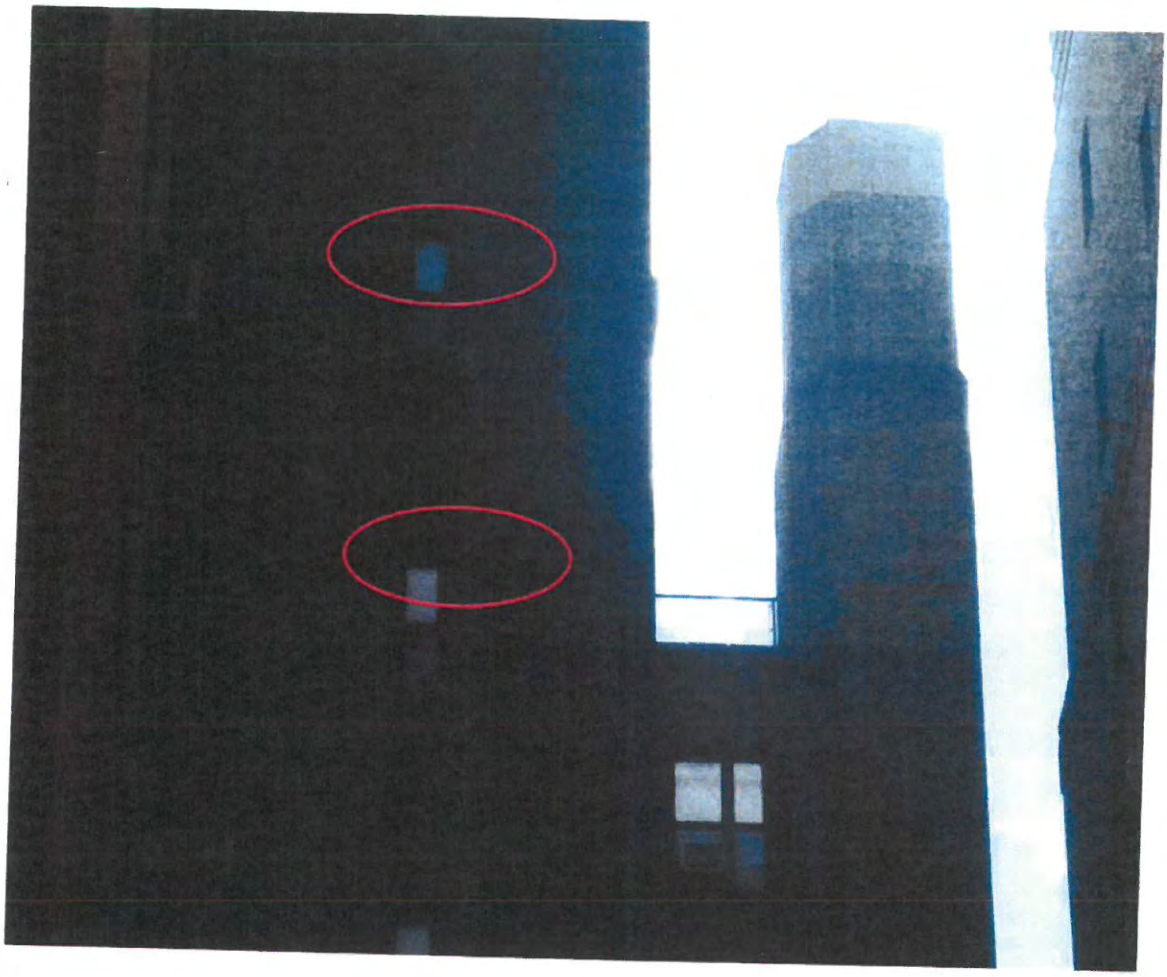


New Repointing of Mortar Joints

Photo # 4

Façade

305 West End Avenue
Manhattan

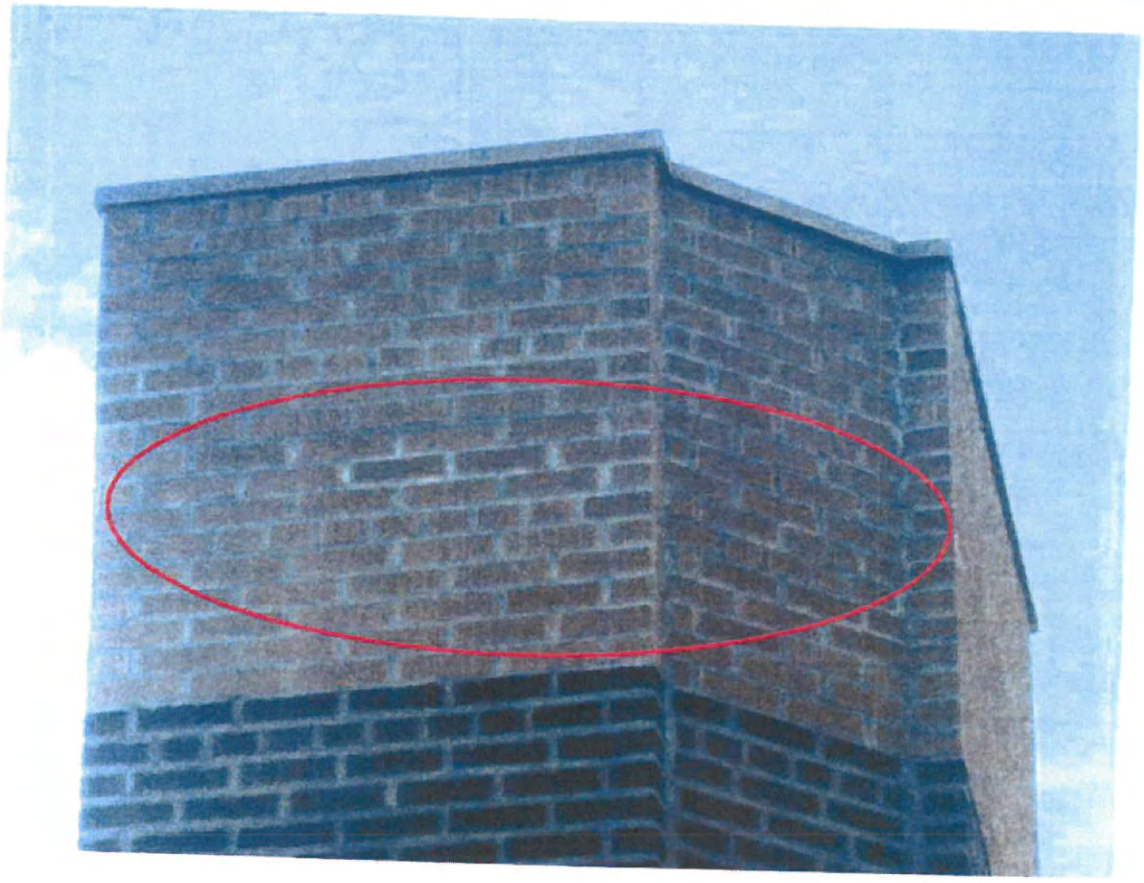


New Repointing of Mortar Joints

hoto # 5

Rea rside of the Buil

305 West End Avenue
Manhattan

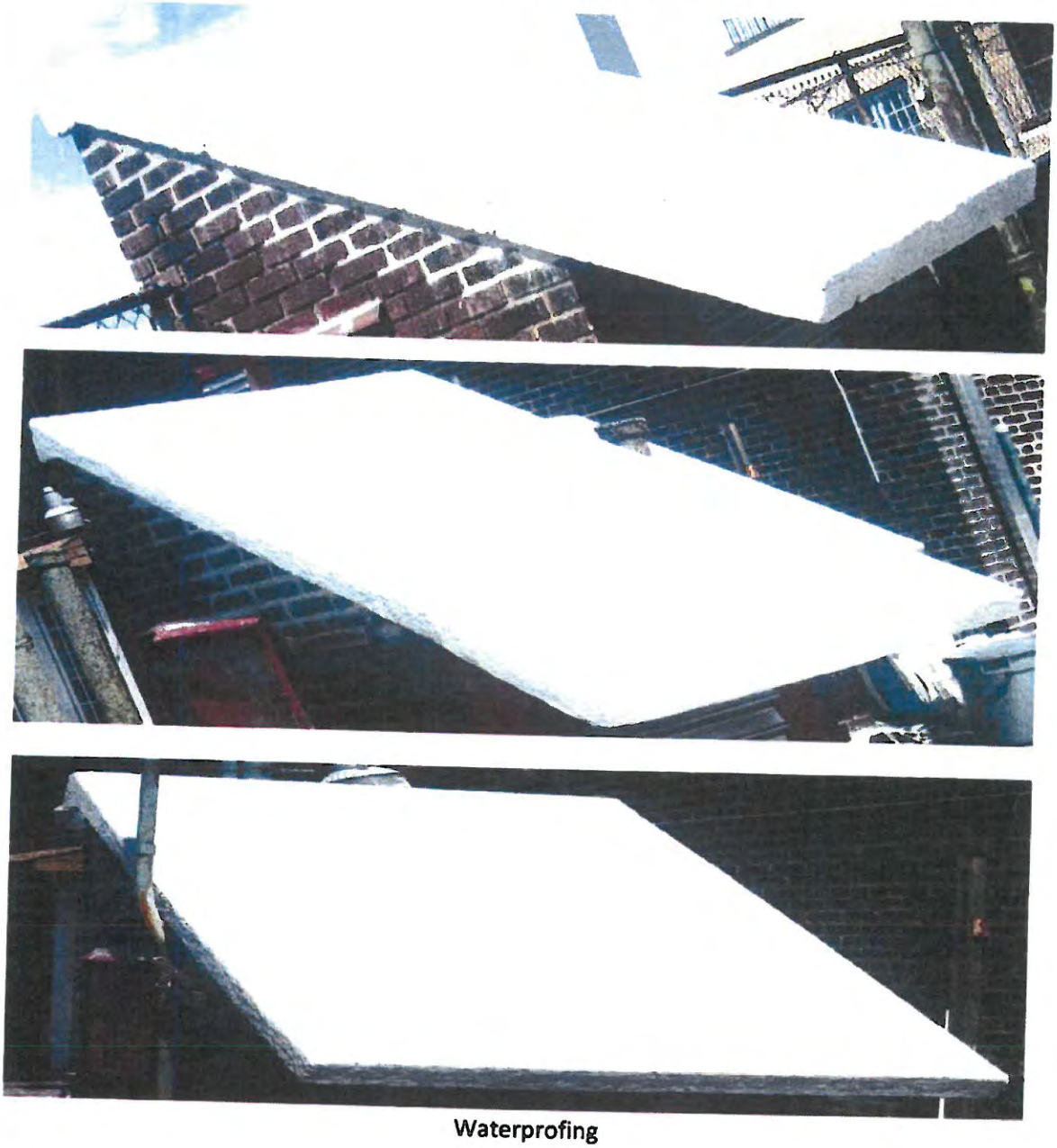


New Repointing of Mortar Joints

Photo # 6

Chimney

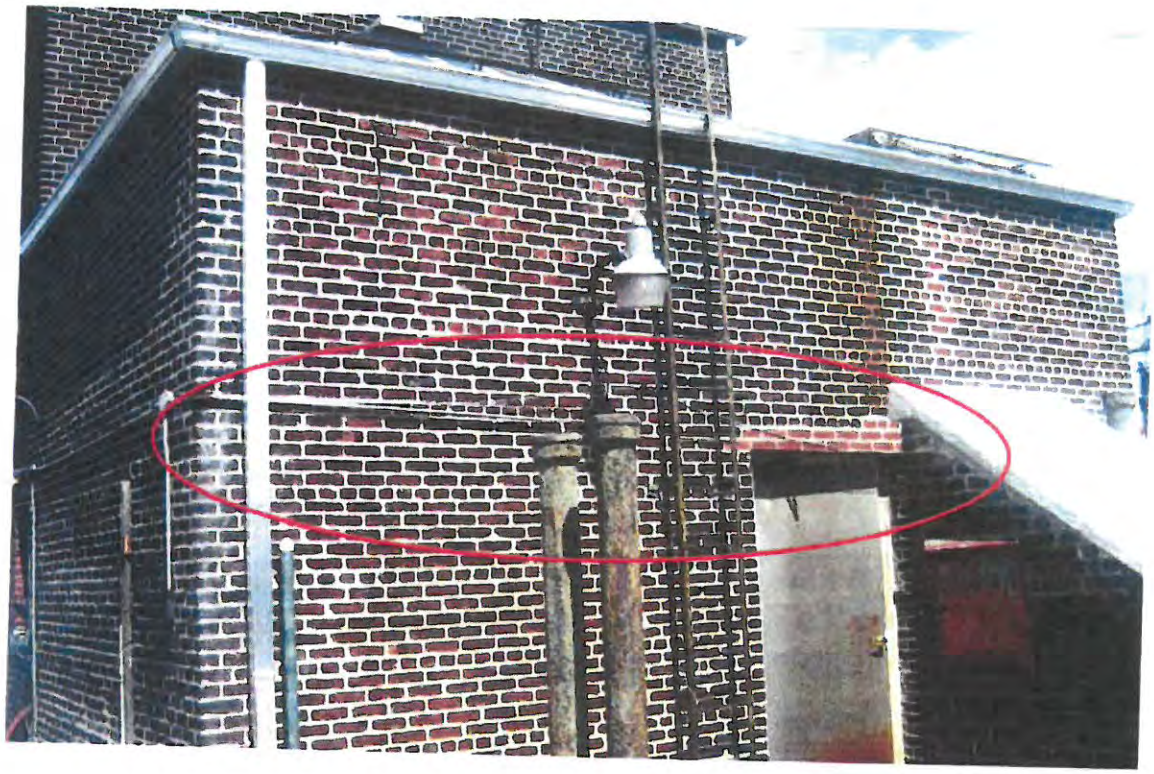
305 West End Avenue
Manhattan



Waterprofing

Photo # 7

305 West End Avenue
Manhattan

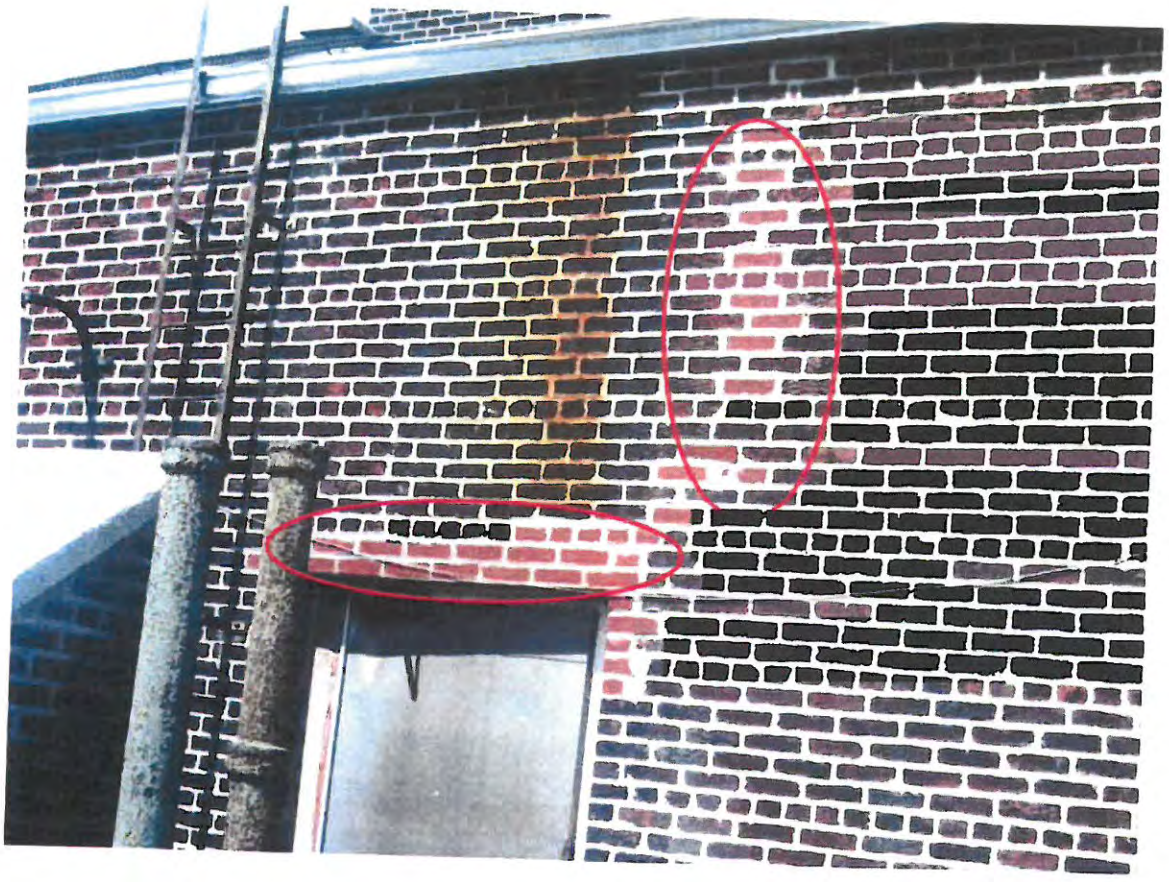


New Repointing of Mortar Joints

Photo # 8

Bulkhead

305 West End Avenue
Manhattan



New Brickwork

Photo # 9

Bulkhead

305 West End Avenue
Manhattan

New Repointing of Mortar Joints

Photo # 10

305 West End Avenue
Manhattan

New Repointing of Mortar Joints

Photo # 11

Bulkhead

305 West End Avenue
Manhattan

New Repointing of Mortar Joints

Photo # 12

Bulkhead

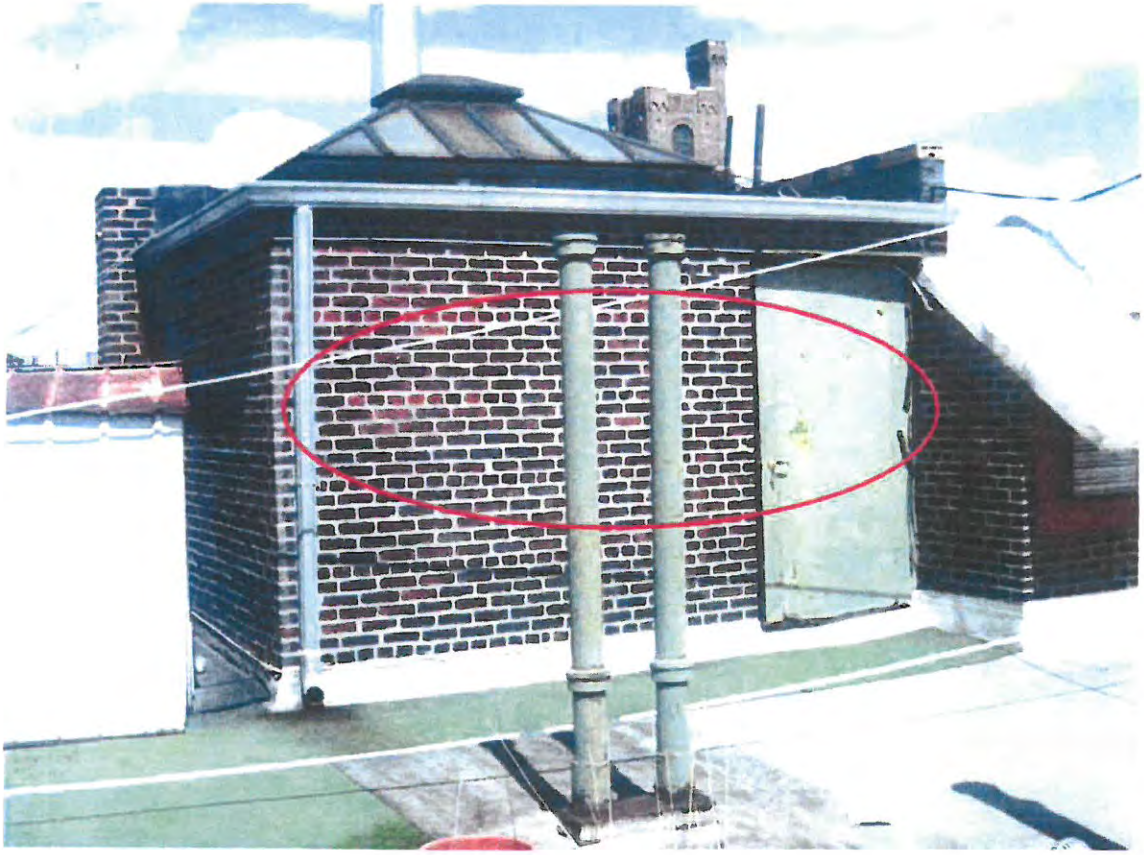
305 West End Avenue
Manhattan

New Repointing of Mortar Joints

Photo # 13

Bulkhead on Mainr

305 West End Avenue
Manhattan

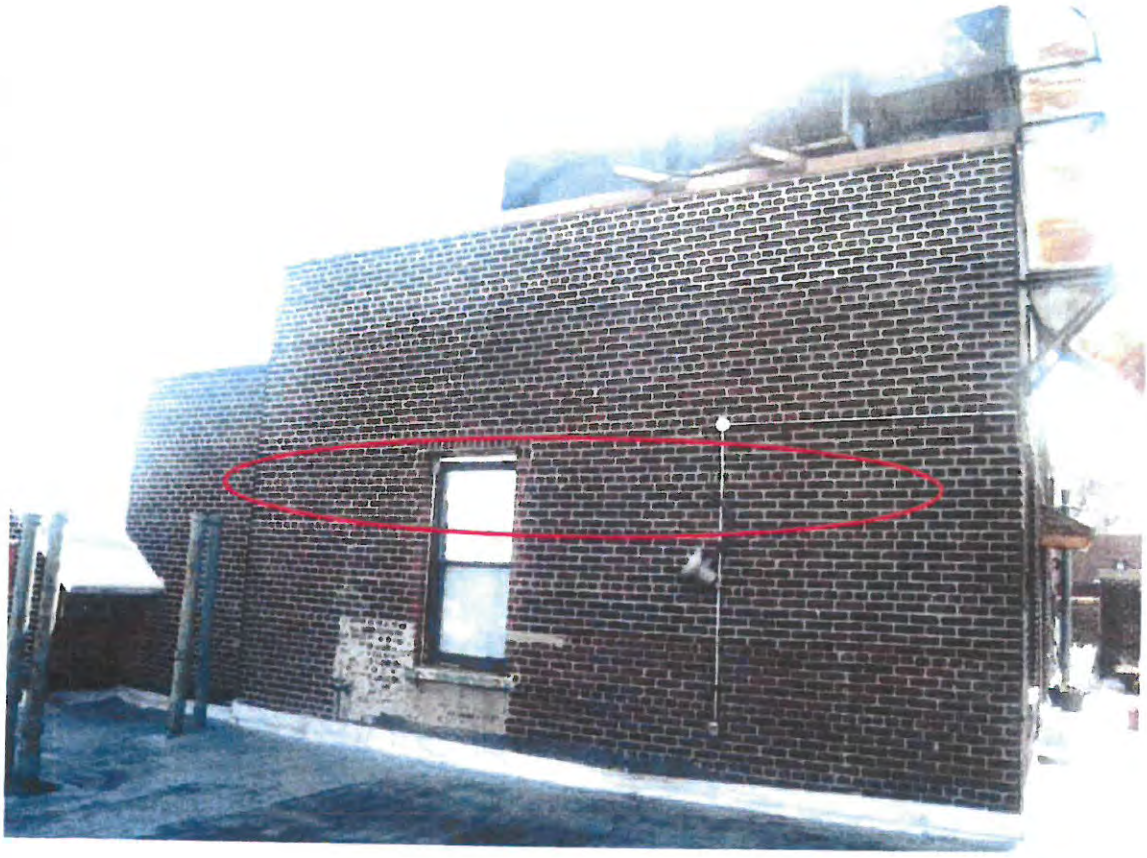


New Repointing of Mortar Joints

Photo # 14

Bulkhead

305 West End Avenue
Manhattan

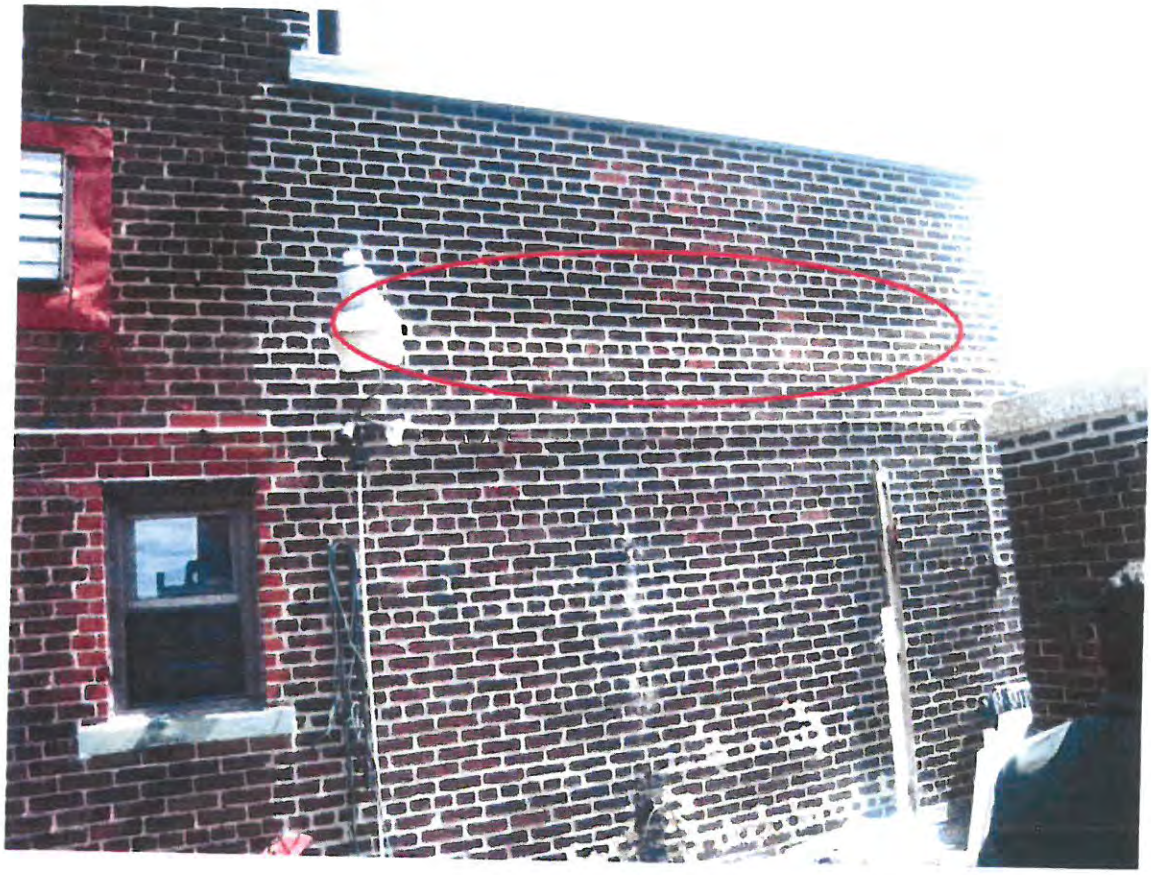


New Repointing of Mortar Joints

Photo # 15

Bulkhead

305 West End Avenue
Manhattan



New Repointing of Mortar Joints

Photo # 16

Bulkhead

305 West End Avenue
Manhattan

New Repointing of Mortar Joints

Photo # 17

Chimney

NYC Buildings **SPECIAL RIGGER**

Name: Akhlak A. Coudhary

License No: 5750

Issue Date: 09/11/2009

Exp. Date: 10/31/2012

SPECIAL RIGGER

Name
Akhlak A. Coudhary

Business Name
Pioneer General Const Co.

Business Address
963 Dean Street, Brooklyn, NY 11238

R005750

APPENDIX H

The Esplanade Front Desk Diary

[redacted]

follow 2014 81st day – 284 days follow

SATURDAY 22 MARCH

810 Margesta Carr fell and was taken to the hospital her son was called and arrived and Requested to call the Ambulance was taken to the hospital Roosevelt

A piece of the building fell on the sidewalk I (Trini) called Jack and he said to place the yellow combs in front of building.

Mary Esther Carr is on her way back to the Esplanade. Room 810 (SHE IS BACK!)

APPENDIX I

"Property Condition Assessment" Report

MERRITT & HARRIS, INC.
NEW YORK • LOS ANGELES • SOUTH FLORIDA www.merrittandharris.com

24-362E

February 3, 2015

Mr. Christopher Cocotas
Project Manager
Maplewood Senior Living
One Gorham Island
Westport, Connecticut 06880

E-mail: cocotas@maplewoodsl.com

Re: Property Condition Assessment
The Esplanade
305 West End Avenue
New York, New York

Dear Mr. Cocotas:

Enclosed is our Property Condition Assessment report of the conditions observed during our site visit to the referenced property on January 20, 2015. Edward J. Bellavigna, AIA served as the Project Manager, coordinating the fieldwork and editing the report.

Thank you for selecting Merritt & Harris, Inc. as your consultant on this project. If you have any questions, please call.

Very truly yours,

MERRITT & HARRIS, INC.

Edward J. Bellavigna, AIA
Principal & Group Leader
Property Condition Assessment

EJB:ejb
Enclosure

cc: Manny P. Kratsios
Joseph Masucci

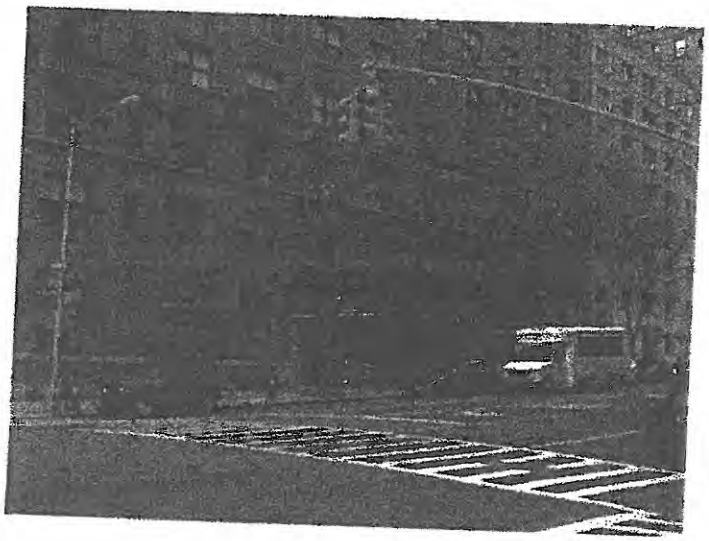
CONFIDENTIAL

M&H

PROPERTY CONDITION ASSESSMENT

REPORT OF

THE ESPLANADE



Located At

305 WEST END AVENUE
NEW YORK, NEW YORK

Prepared For

MAPLEWOOD SENIOR LIVING
ONE GORHAM ISLAND
WESTPORT, CONNECTICUT

Prepared By

MERRITT & HARRIS, INC.
90 JOHN STREET - SUITE 503
NEW YORK, NEW YORK 10038-3241

February 3, 2015

24-362E

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SECTION I - IDENTIFICATION

Project Name: The Esplanade

Property Description: An approximately 160,000 sq. ft. urban senior living apartment building, consisting of a 14-story building constructed in 1929.

Location:
305 West End Avenue
New York, New York 10023

Report Prepared For:
Maplewood Senior Living
One Gorham Island
Westport, Connecticut 06880
Christopher Cocotas
Phone: 203.557.4777
Cell: 203.246.9600
E-mail: ccocotas@maplewoodsl.com

Site Visit and Report By:
Edward J. Bellavigna, AIA
Principal
Phone: 212.697.3188 Ext. 313
Cellphone: 646.373.8649
E-mail: ebellavigna@mharrisinc.com
Merritt & Harris, Inc.

Joseph Masucci, P.E., LEED AP
Mechanical Engineer
Phone: 212.697.3188 Ext. 303
Cell: 646.570.6792
E-mail: jmasucci@mharrisinc.com
Merritt & Harris, Inc.

Present During Visit:
Chris Cocotas, *Project Manager*
Phone: 203.557.4777
E-mail: ccocotas@maplewoodsl.com

Jack Biccic, *Chief Engineer*
The Esplanade
Phone: 917.697.8617

Date of Site Visit: January 20, 2015

CONFIDENTIAL

SECTION II - OBJECTIVE

The purpose of the on-site evaluation and document review is to assess the general physical condition of the property, as it currently exists. The resulting report provides a narrative and photographic description of the building, as well as a listing of deficiencies and related cost estimates that were noted during our site visit.

SECTION III - PROCEDURES AND LIMITATIONS

Merritt & Harris, Inc. performed on-site evaluations on January 20, 2015, to assess the present condition of the property. Jack Biccic, Chief Engineer, met with our team for a discussion of building history. Mr. Biccic then escorted the team on an observation tour of the property to evaluate the systems in place.

No construction drawings were available on site for review. This report is, however, primarily based on observations made during our site visit, and from information and documentation obtained from persons familiar with the project. **Section VI - "Documents and Certifications"** contains a listing of materials reviewed.

In addition to the on-site observation, the Building and Fire Departments of New York, New York, were contacted and requested to review their records and inform us of any outstanding violations against the building.

The square foot areas used in the following sections are as supplied by the Management's Representatives. Field measurements are not included in the scope of our services.

The cost estimates presented in this report are engineering estimates and are not bid prices. The estimates represent our opinion of the amount of current U.S. dollars it should take to have the work accomplished by union labor.

Merritt & Harris, Inc.'s assignment included a general review of the building's compliance with Title III of the Americans with Disabilities Act (ADA). Items of nonconformance are cited without regard for whether or not they are, by ADA definition, readily achievable. Factors to be considered in determining whether or not an action is readily achievable include the nature and the cost of the action needed, the overall financial resources of the operation, and the number of persons employed at the site. The decision as to which actions are to be undertaken rests, therefore, with the building ownership in consultation with its accountants, lawyers, and architects. Our general observation of the property's ADA status and related comments is not intended, and should not be construed, to replace a full ADA audit and report.

The opinions and recommendations described in this report are based upon the observations made at the time of our visit. Since there are inherently concealed and/or unknown conditions that exist within buildings, we have had to rely upon discussions with persons familiar with the daily operation and maintenance of facilities. Nothing in this report is meant to warrant or guarantee the performance or condition of any property component. Merritt & Harris, Inc. assumes no liability for items not disclosed to us at the time of our on-site visit and, in any event, liability is expressly limited to the fee paid for our services.

Some equipment observed was not operating during our visit due to seasonal requirements or building demand. No attempt was made to operate the equipment as the facility was occupied and appropriate climate control was required. In the case of idle machinery or equipment, our opinions were formed by interviewing available personnel and reviewing any maintenance records and service contracts presented to us.

Possession of this report does not imply the right to publication, nor may it be used for any purpose by anyone but Maplewood Senior Living without the prior written consent and approval of Merritt & Harris, Inc., and in any event, only in its entirety. Should the report be used in connection with a sales transaction, parties to such a transaction, other Maplewood Senior Living, are not entitled to rely upon the information contained within the report, except as a preliminary source of data. Such parties are responsible for their own independent professional due diligence.

It is not the intent of Merritt & Harris, Inc. to assume any part of the design responsibility but, rather, to report our findings to Maplewood Senior Living to whom this report is addressed.

Merritt & Harris, Inc. assumes no liability regarding insect infestations, asbestos audits, microbial contaminants, hazardous or toxic material monitoring, surveying, or reporting and cannot be responsible for the work or opinions of other independent consultants engaged to do so.

SECTION IV - EXECUTIVE SUMMARY

Project Scope	The subject project is an urban senior living apartment building consisting of a 14-story building, constructed in 1929 located on the Upper West Side of Manhattan.
Project Condition	The building appears to have been satisfactorily constructed with quality, durable materials. No unusual cracking of the structural elements or other major issues were noted. During the course of the Capital Forecast period, windows, interiors, and freight lift will need repairs. Various MEP items, including boilers, hot water coil, and canopy lights will be at the end of their useful lives and need to be replaced.
Property Maintenance	A staff of 9 – including the Chief Engineer
Accessibility	The main building entrance is accessible to persons with disabilities, and has automatic slider doors. Paths of travel through the building are accessible and accessible restroom facilities are provided which need ADA adjustments. The elevators are ADA accessible. The apartment bathrooms are not up to ADA standards. There are no roll-in showers and dimensions of the spaces are limited. A full ADA Audit should be performed by an ADA specialist to provide a full report of ADA Guideline deficiencies.
Violation Status	The New York City Department of Buildings Property Profile Overview dated January 20, 2015 indicates that there are 0 open Complaints, 17 open DOB violations, and 18 open ECB violations listed against the property. The 17 DOB violations pertain to photoluminescence, elevators, and construction; and the 18 ECB violations pertain to elevators and construction. An expeditor should be hired to remove old violations. We have contacted the New York City Bureau of Fire Prevention to determine if there are any Fire Department violations pending against the property. When we receive a response, it will be forwarded to you.
Project Costs	Equipment deficiencies and estimated costs for work required immediately and within the next year, along with ADA compliance work, are itemized in **Section VII - "Recommendations and Estimated Costs."**

The following table summarizes those estimated costs:

Cost Estimate Category	Total	Major Component of Cost
Required	$19,000	Exterior repairs & sprinkler heads
Recommended	$0	-
ADA	$15,000	ADA Audit

Capital Expenditure Forecast over a 5-year term are calculated at **$832,394 ($840.80/apt./yr.)** inflated.

SECTION V - PROJECT DESCRIPTION AND CONDITIONS

A. Overall Project

Building Type — A senior living apartment building consisting of 14-story building with 198 apartments.

Built-Circa — Approximately 1929

Legal Description — Block 1184, Lot 77

Last Renovation — Interior Renovations – Ongoing
Roofs – 2003-2008

Total Sq. Ft. — Approximately 160,000 sq. ft.

General Breakdown of Floor Uses

Floors	Predominate Uses
Mech. PH	Mechanical, EMR, penthouse apartment
2-14	Senior Apartments (no 13)
1	Main lobby, dining room, kitchen, meeting rooms
Cellar	Administrative offices, laundry, engineering/maintenance, mechanical, storage

Building Height — The height, of the overall building from the elevation of the 1st floor to the roof is approximately 150' according to the Certificate of Occupancy.

Special Features — The 2nd floor has an outdoor roof terrace.

Design Team — Not provided

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B. Site

Size/Layout	The site is generally flat and nearly rectilinear-shaped. The site is bounded by West 74th Street to the south, residential properties to the west and north, and West End Avenue to the east.
Easements/ Encroachments	No ALTA survey was provided.
Flood Zone	Flood Zone "X", area of minimal flooding, determined to be outside the 500-year floodplain, according to FEMA Map 3604970086F, dated September 5, 2007.
Geological Hazards	UBC Seismic Zone 2A
Electrical	The building is provided with three 120/208 Volt 3 phase 400 amp service. The three switchboards are located in the cellar.
Gas	One 4" gas service is installed and enters the building cellar from the West End Ave or 74th Street main located under the road. The building meter is located in the cellar. There are two meters for the building but there is no sub metering.
Domestic Water	Two 3" water service are installed and enter the building in cellar. One service is from the city main under West 74th Street and one connects to a separate city main under West End Street.
Fire Protection	These are no dedicated fire lines.
Storm and Sanitary Systems	One 8" combination storm and sanitary sewer is installed.
Underground Irrigation System	Not applicable
Site Lighting	Site lighting is provided. Florescent lighting fixtures are installed under the entrance canopy.
Access	Pedestrian access is from the east at West End Avenue.
Paving	N/A
Sidewalks	Concrete sidewalk between the building and the street
Curbing	The curbing is typically granite.

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Landscaping	Three trees at the east side along West End Avenue
Stairs/Entrances	The building has a main entrance at the main lobby area. The main building entrance has a vestibule. Emergency exit stairs exit to the lobby and then to the sidewalk.
Retaining Walls	N/A
No. of Parking Spaces	N/A
Loading Docks	Loading occurs at West 74th Street
Compactors	N/A
Site Amenities	N/A
Signage	The large canopy (marquee) at the main entrance has the building name and address affixed to it.
Condition	The concrete sidewalks are in good condition. However, there are cracked portions of concrete sidewalk near the fire hydrants of both West 74th Street and West End Avenue, which need repair. The lenses for the lights under the canopy are faded/clouded.

C. Building Description

1. Structure

Foundation	Drawings were not available. However, reinforced concrete foundation walls were observed.
Superstructure	Steel-framed, encased in concrete fireproofing, with concrete slab floors.
Column Spacing	Not provided

Floor-to-Floor Height — Approximately, 10' floor-to-floor

Floor Loading — According to the Certificate of Occupancy live loads are as follows:

Space	PSF
Cellar	On-grade
1st Floor	100
Typical	40
Penthouse	40

Condition — No signs of structural overstress were observed or pointed out with the foundations or superstructure of the building. No unusual cracking was noted in partitions or exposed floor slabs. However, the cracked concrete fireproofing at a beam above the boilers at the cellar needs repair.

2. Exterior

Overview — The building consists of a 14-story C-shaped building on a 1-story base at grade.

Facade/Wall Section — Exterior facades are face brick at the front elevation and common brick at the sides, courtyards, and rear. Some terra cotta detail is used at the 2nd and upper floors of the front and side elevation. The base along West 74th Street and West End Avenue is granite.

Windows — The windows are double-glazed, aluminum double-hung units.

Window Cleaning Equipment — Window cleaning equipment is not included; operable windows are used.

Doors — The main entrance is protected from the weather by a large canopy. The entrance has an anodized aluminum-framed vestibule. Service doors are painted, hollow metal units in metal frames.

Weatherproofing/ Sealants — Vision glass is set in elastomeric glazing sealant.

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Condition	The exterior face of the building is in good condition. According to Local Law #11/98 Inspection – 7th Cycle filing, dated February 7, 2011, the building is safe with a repair and maintenance program (SWARMP). The next cycle report will be due in 2016. Approximately 80% of the window sashes have been replaced during the renovations over the years. The reaming 20% will be replaced during in-house renovations over the next few years. The vertical crack at the granite base at the southeast corner of the building needs repair. The metal framing of the exterior canopy (marquee) is rusty and needs repair, scraping, and painting. There is dry rot at the wooden framing of the cellar windows along West 74th Street, which needs repair.

3. Roof

Overview	The roofs of the building consist of black built-up roofing (BUR) with silver coating. The 2nd floor roof terrace areas have a concrete topping.
Description	Black BUR with silver coating is used.
Parapets/Copings	6' – 8' high brick parapets at main roofs. Copings are detailed terra cotta at the front elevation and plain terra cotta at the courtyard.
Flashing	Aluminum and copper is used as needed at roof penetrations and parapets.
Drainage	Storm water typically drains to interior roof drains.
Access	Roofs are accessed by a door at the penthouse level, ships ladder at the upper levels, and doors at the lower level.
Bonds/Warranties	None provided

Condition	The roofs were reportedly replaced between 2003 and 2005 with a silver coating in 2008. However, roof warranties were not provided and the roof has ponding and bubbles at the main roof level northwest corner. Some current leaks were observed or reported at the southeast corner of the building. The skylights above the stair towers should be checked for water tightness – there is evidence of old leaks. There is 1 damaged and 1 loose ship's ladder at the roof bulkheads which need repair.

4. Interior Construction and Finishes

Overview	The 1st floor has the main entrance and lobby, dining room, and meeting rooms. The upper floors contain 198 senior apartments. The cellar has support areas for the building.
Lobby/Vestibule	The lobby is located at the east side of the 1st floor off of West End Avenue. The lobby is finished with carpeted floors and vinyl wall covering (VWC), and wood accent walls. Ceilings are painted plaster.
Common Areas	The corridors have decorative pattern carpeting with carpet base. Walls have vinyl wall covering. The dining and meeting rooms have carpeted floors, a combination of painted plaster and wood trimmed walls, and painted plaster ceilings with suspended, recessed, and wall sconce lighting. The cellar administrative office finishes include carpeted floors, vinyl wall covering, and acoustic tile ceilings with recessed light fixtures. There is a dayroom with kitchen at the 2nd floor (near the access to the roof terrace). The finishes are laminated wood flooring, and painted plaster walls and ceiling. Adjacent to the space is a library with similar finishes and wooden bookcases.
Restrooms	The men's and women's restrooms are located on the 1st floor near the elevators and are large but not ADA compliant. The restrooms have large ceramic tile floors and wet walls, and painted plaster walls and ceilings with recessed fluorescent lights.
Apartments	The building contains a total of 198 senior apartments; including studios, 1-bedroom, and 2-bedroom units.

	Apartment entrances have hollow metal corridor doors in a hollow metal frames. Bathrooms have wood doors and metal frames. Closets are provided. Floors have carpeting (kitchenettes have vinyl) and walls and ceilings have painted plaster.
Fire Stairs	There are 2 enclosed fire-rated stairways, located remotely from each other, serving the Cellar – Penthouse floors. Finishes are concrete in metal pan treads and landings and painted plaster walls and ceilings. Metal railings with wooden handrails are provided.
Service Areas	The majority of the service areas are located on the cellar level. However, the kitchen on the 1st floor has quarry tile floors, ceramic tile walls, and a suspended 2 x 2 panel ceilings. Mechanical rooms typically have painted concrete floors, painted gypsum board walls, and exposed structure ceilings.
Special Features	A 2nd floor terrace for the tenant's use
Sound Insulation	Carpeted floors and concrete slabs dampen noise transmission between floors.
Condition	The building interiors consist of quality, durable finishes that have been well maintained. The lobby, corridor areas, and meeting rooms are in good condition. The apartments are in good condition and are well maintained. Repairs throughout the facility are performed on an as-need basis with periodic renovations, upgrades, and replacements. At the dayroom kitchen on the 2nd floor there is a pipe leak from a bathroom above which needs repair and the ceiling patched. At apartment 1411, there are damaged ceiling areas due to a steam pipe leak above. Also, the floor near the radiator is damaged. Currently, the apartment is receiving a full renovation. There is old damaged ceiling plaster at the tops of the stair towers near the skylights. The areas should be checked for water-tightness and the plaster repaired. At apartment 1506 (southeast corner), there is a leak from the parapet above. The leak needs to be repaired and the ceiling patched.

5. Vertical Transportation

Overview and Layout

There are a total of 5 elevators serving this property, consisting of 3 passenger elevators and 2 freight elevators.

Passenger elevators Nos. 1-3 have Hollister Whitney basement traction machines. These elevators have a capacity of 2,000 pounds and a car rated speed of 200 feet per minute. Elevators Nos. 1 and 2 serve floors 1-12, 14, and 15. Elevator No. 3 serves floors B, 1-12, 14, 15 and PH. A modernization was completed in 2012 with GALAXY controllers and GAL MOVFR door equipment.

Freight Car No. 4 has a Hollister Whitney basement traction machine. This elevator has a capacity of 2,000 pounds and a car rated speed of 200 feet per minute; serving floors B, 1-12, 14, 15 and PH. A modernization was completed in 2012 with GALAXY controllers and GAL MOVFR door equipment.

Freight Car No. 5 has an Otis basement drum machine. This elevator has a capacity of 1,700 pounds and a car rated speed of 50 feet per minute; serving floors L, ST, B, and SB. This equipment is the original 1920s installation that includes an OTIS FKS controller.

Century Elevator maintains the elevator equipment.

Elevator No.	Floors Served	Capacity (LBS)	Contract Speed (FPM)	Current Function
1P11414	1-12, 14, 15	2,000	200	Passenger
1P11356	1-12, 14, 15	2,000	200	Passenger
1P11357	B, 1-12, 14, 15, PH	2,000	200	Passenger
1P11358	B, 1-12, 14, 15, PH	2,000	200	Passenger/Freight
1F3965	L, ST, B, SB	1,700	50	Freight

Elevatoring

In order to determine if the elevator system is under-designed for the theoretical peak elevator demand when the building is fully occupied, a calculated traffic analysis of the elevator system was performed. These calculations were performed assuming that the elevators are performing up to benchmark levels.

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CALCULATED RESULTS

Elevator Bank	Floors Served	Estimated Population	Five-Minute Handling Capacity Demand (# of People)	Passenger Loading in the up Direction (# of People)	Average Interval (seconds)
Passenger 3 cars	(B) L-12, 14, 15, (PH)	297	7%	1.2	33
		TARGET:	7%	≤ 8	< 50-70

Based on the results in the table above, the elevators should provide very good service to the occupants of the building. The handling capacity is more than sufficient, and the average interval is better than the required range for acceptable service.

Inspections

Electric Elevator Category Five Test Summary				
Elevator No.	City ID No.	Test Tag Date	Anniversary Date	Status
1	1P11414	4/13	4/18	Current
2	1P11356	4/13	4/18	Current
3	1P11357	4/13	4/18	Current
4	1P11358	9/12	9/17	Current
5	1F3965	1/13	1/18	Current

Electric Elevator Category One Test Summary				
Elevator No.	City ID No.	Test Tag Date	Anniversary Date	Status
1	1P11414	11/14	11/15	Current
2	1P11356	11/14	11/15	Current
3	1P11357	11/14	11/15	Current
4	1P11358	11/14	11/15	Current
5	1F3965	11/14	11/15	Current

Compliance

Elevator No.	ADA	Fire Return	Main Line Disconnect Lockable?	Main Line Disconnect Fused?
1P11414	Yes	Yes	Yes	Yes
1P11356	Yes	Yes	Yes	Yes
1P11357	Yes	Yes	Yes	Yes
1P11358	Yes	Yes	Yes	Yes
1F3965	No (Not Req'd)	No	No	Yes

Elevator No. 5 has not been upgraded to the latest codes as the equipment is all-original. See "Condition" and "Recommendations" for more information.

Cab Description

Passenger elevators Nos. 1-3 have walls with rigidized stainless steel bottoms and wood Formica tops. The ceilings are white Formica drop ceilings and have down lighting. The floors are vinyl tiles. The return and trim of the cabs is stainless steel.

Service elevator No. 4 has rigidized stainless steel walls, white Formica drop ceilings with down lighting, and diamond plate flooring.

Freight Elevator No. 5 has a very old cab with diamond plate on the bottom of the walls and floors.

Condition

BOCA found the overall condition of the elevators to be average. A regular preventative maintenance program is being performed based on the condition of the equipment surveyed. Routine cleaning of the equipment and machinery spaces average, as are standard adjustments and calibrations.

The four passenger and passenger/service elevators were all fully modernized in 2012, including new machines. They are in very good condition and no capital expenditures are expected within the next five years.

Elevator No. 5, the four-stop freight elevator, has all original equipment from the 1920's. This elevator has a basement drum-type machine, and manual DC rheostatic operation. The elevator is in poor condition and has far exceeded its reliable life expectancy. There are also several code items that will need attention on this elevator, including car gates, toe guards, and other additional items.

Therefore, BOCA would recommend a complete modernization of Elevator No. 5 in the near future. For a complete modernization and automation of this elevator, we would use $300,000 as an order of magnitude budget, including new basement traction machine, controller, drive, entrances with automatic door equipment, fixtures, a new standard freight-style cab, and ancillary components. This does not include any soft costs or ancillary work by other trades. Ancillary design and construction will include structural work necessary to convert the machine support system from a drum-type machine to a traction-type machine.

Because of the conversion from manual to automatic, and the conversion to traction machine, the budget is intended as an order-of-magnitude budget and a complete feasibility study would be required to verify that automation and conversion to traction can be performed on this equipment based on available entrance clearances, hoistway clearances, etc.

6. HVAC

Overall System

The apartments, Lobby, Dining Room, Library, Ballroom, Elevator Control Room, Kitchen and offices are heated and air-conditioned. The Mechanical Room, Electrical Room, Laundry Room, and all other unoccupied room are only heated.

Window air conditioning units are used to air conditions the apartments and library and split air conditioning units are used to air condition all other areas. Steam radiators are installed in the suites to provide heat and steam heating coils are installed in the air-handling units serving the other spaces. The cellar is not heated.

Heating

The building is provided with a low-pressure two-pipe steam heating system. The 14 steam risers concealed in the walls and exposed in the stairways branch horizontally in the floors or under the drop ceiling to the terminal heating equipment. All piping is the original piping.

The original cast iron steam radiators are installed in suites. As the rooms are renovated, the radiators are replaced with steam baseboard heaters.

Boilers	Two power vented fire tube steam boilers manufactured by National Boiler are installed in the basement. The boilers are the original boilers. The boilers were rebuilt in 1985. The boilers burn either No. 2 fuel oil or natural gas. Along with heating the building, the boilers are used to produce domestic hot water. The boiler maintains a steam pressure at 5 PSI. The condensate is returned into a reservoir and pumped back to the boiler.
Fuel Oil Tank	A 7,500-gallon fuel oil tank is installed in the room next to the Boiler Room. The tank is beginning to show signs of rust but appears to be in good conditions. Inspection was limited because there were no lights in the room and space was limited.
Pumps	Two 3/4 hp condenser water pumps and two 1/2 hp fuel oil pumps are installed in the basement.
Air-Conditioning Units	A window air conditioning unit is installed in each apartment and the Library. Six split air conditioners are installed. One serves the Kitchen and Dining Room, one serves the Ballroom and Lobby, one servers the elevator machine room and three serve the offices.
Exhaust	The restroom and bathrooms are exhausted into shafts and exhausted from the building at the roof. The kitchen hoods are exhausted thru welded steel ductwork. The exhaust fans and ductwork are installed outside the building and exhausted at the roof.
Fans	Each restroom and bathroom is provided with an exhaust fans. Kitchen exhaust fans are provided for each kitchen exhaust hood.
Cooling Tower/ Chillers	None
Controls	A Building Management system is installed. A pressure control controls the boiler burner to fire to maintain 5 PSI, temperature sensors are installed on the 3rd, 4th, 5th, 12th, 14th and 15th floors. The sensor controls a steam valve that serves the respective floor. The 6th thru 11th floors do not have any control. Separate thermostats are installed to control the air conditioning units.
Energy Sources	No. 2 fuel oil, natural gas and electric.

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Condition	The HVAC equipment is being well maintained and in good operating condition. The hoods located on the second floor roof are damaged and need to be replaced. A rumbling noise is coming from the kitchen exhaust fan on the second floor roof. It sounds like it may be the fan bearings but further investigation is required. The boilers were rebuilt 30 years ago and currently operating properly but will require to be rebuilt within a few years.

7. Plumbing

Storm and Sanitary Systems	Leaders from the roof drains and sanitary drains run internally in the building, run horizontally in the basement into a common header and discharge to the city main. It is assumed they are combined drains but this could not be verified because the lines could not be fully traced.
Water Services	Two 3" water service were are installed, one located in the Boiler Room and the second located in the Pump Room in the cellar. The two services combine and feed two-booster pump. One service is from the main under West 74th street and the second from the main under West End Ave.
Domestic Water Heater	Three domestic hot water heating systems are installed; one for the building, the second for kitchen, and the third for the penthouse apartments. For the building, hot water is generated by a domestic hot water heating coil located in the boiler. Because the water temperature, as it leaves the coil, cannot be maintained at a constant temperature, it is supplied to a temperature control valve where it is mixed with cold water as required and supplied to the building. The kitchen is supplied from a gas fired hot water heater/storage tank system located in the Laundry Room. An electric domestic hot water heated located in the Tank Room provides hot water to the penthouse apartments.

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Pumps	Two 15 hp cold-water booster water pumps and two hot water recirculation pump are installed.
Storage Tank	An 8,000-gallon water storage tank is located on the roof.
Gas Service	Gas service installed supplies gas to the boilers, kitchen equipment, kitchen water heater, and clothes dryers. The street pressure in not sufficient and a gas booster is required. The gas booster is installed in the boiler room.
Condition	Overall, the equipment appears to being well maintained. No specific issues were identified or reported as having problems

8. Electrical

Electrical Service	Three 120/208-volt, 3-phase, 4-wire 400 amp electrical services are installed with the switchboards located in the cellar. The service fire pump and fire alarm are taken ahead of the main disconnect switch on the switchboard.
Emergency Power	No Emergency generators are installed.
Lighting	Fluorescent fixtures are installed in the drop ceiling in the kitchen, basement, and other unoccupied areas and incandescent fixtures in the lobby, office area, Dining Room, corridor, and apartments.
Security	CCTV cameras located on under the canopy on West End Avenue, on the building façade on West 74th Street and in the kitchen.
Communications	Telephone and cable TV systems are installed in each apartment. Typical apartments will have one telephone outlet and one TV outlet in the bedroom one-cable outlet in the living room and one in the bedroom.
Condition	The electrical systems for the building appears to be well maintained and in good condition.

9. Life Safety

General	The building is protected by automatic sprinklers and a fire alarm system. A foam system is installed in the kitchen hoods.

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Sprinklers and Standpipe	The building is fully protected by automatic sprinklers. The sprinklers are supplied from a fire standpipe riser located in stairwell A and B. The design uses a fire pump and jockey pump and draws from the water tank located in the Tank Room located on the roof. Fire department Siamese connections are located on West End Ave and West 74th Street.
Fire Pumps	A 15 Hp. fire pump and 1 Hp. jockey pump are installed in the Tank Room.
Fire Extinguishers	Located throughout the building.
Fire Alarm System	A fire alarm system is installed and it includes water flow and tamper switches associated with the sprinkler system, smoke detectors, manual pull stations, strobe lights and an audio alarm. The fire alarm control panel and alarm bells are located on the 1st floor in the corridor behind reception desk.
Smoke Detectors and Carbon Monoxide Detectors	Smoke detection are generally provide throughout the building but missing in the dining room and only carbon monoxide detectors are installed in renovated apartments.
Egress Lighting	Lights with battery packs and directional exit signs are installed.
Circuit Protection	GFI outlets are installed in the bathrooms and the kitchenettes.
Condition	Overall the life safety system is appropriate and typical for a building of this type and operational. It is recommended a full survey be done to confirm all the required smoke detectors are installed. The cover plates for the recessed sprinklers in the Dining Room have been painted over and sealed and need to be replaced.

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10. *Sustainability*

General	The building is provided with a building management system which controls only the steam-control valves.
Energy Management	The air conditioning equipment is provided with local controls. The room does not have individual radiator controls. Sensors are installed on the floors which control all radiators on the respective floors.
Glazing	Insulated glazing will be installed.
Roof Insulation	Rigid insulation, and R-30 batt insulation above the top floor ceilings, is specified.
Wall Insulation	Un-faced glass-fiber blanket and R-5.1 radiant barrier are specified.
Condition	The installed control system sufficiently control the HVAC equipment presently installed.

11. ADA Compliance

General Overview & Priorities

For the purpose of this report, a general review of the property has been conducted to determine basic compliance with Title III of the federally enacted ADA, dated July 26, 1990. Under the ADA, buildings initially occupied after January 26, 1993 (or building areas altered after January 26, 1992), are required to comply with the ADAAG. Projects with areas of public accommodation constructed prior to this date are required to comply to the extent it is "readily achievable." Provisions in the Act require Owners of existing properties with public accommodations to identify barriers for physically disabled persons that exist on the site or in buildings. The barriers should be systematically removed according to a given set of priorities, the degree allowed by structural feasibility and the financial resources available. The obligation to remove barriers is a continuing one.

Building Conditions	The main building entrance is accessible to persons with disabilities, and has automatic slider doors. Paths of travel through the building are accessible and accessible restroom facilities are provided which need ADA adjustments. The elevators are ADA accessible. The apartment bathrooms are not up to ADA standards. There are no roll-in showers and dimensions of the spaces are limited. A full ADA Audit should be performed by an ADA specialist to provide a full report of ADA Guideline deficiencies.

12. Applicable Code and Violations Status

Applicable Code	New York City Building Code
Occupancy Group	Class "A" - Apartment Hotel
Construction Type	Class 1 - Fireproof
Zoning	R10A - Residential
Certificate of Occupancy	CO: 39913, dated May 29, 1952
Violations Status	The New York City Department of Buildings Property Profile Overview dated January 20, 2015 indicates that there are 0 open Complaints, 17 open DOB violations, and 18 open ECB violations listed against the property. The 17 DOB violations pertain to photoluminescence, elevators, and construction; and the 18 ECB violations pertain to elevators and construction. An expeditor should be hired to remove old violations. We have contacted the New York City Bureau of Fire Prevention to determine if there are any Fire Department violations pending against the property. When we receive a response, it will be forwarded to you.

SECTION VI - DOCUMENTS AND CERTIFICATIONS

The following documents were reviewed for general information:

1. Certificate of Occupancy
2. NYC Department of Buildings, Property Profile Overview, and Open Violations
3. NYC Department of Buildings Façade Status Info

The following is a list of documents requested but not provided:

1. A set of Construction Documents
2. Gas and Electric Utility Bills
3. Roof Warranties
4. Past and Future Budgets

SECTION VII - RECOMMENDATIONS AND ESTIMATED COSTS

We have prepared 2 columns for the estimated costs of each item. The costs listed in the **Required** column are items we feel require repair or correction as soon as reasonably possible. They indicate deficiencies that are in violation of Codes that pose a danger to public safety or that, if not corrected, will lead to further deterioration of the property.

Recommended costs represent estimates for work, not required by Agencies or Codes, but that in our opinion, represent expenditures necessary in the context of prudent property management or suggestions for property enhancement.

Maintenance-type deficiencies, which in-house personnel and/or current Service Contractors should address, appear without estimates.

All estimated costs are engineering estimates and not bid prices. Costs are in current U.S. dollars and assume use of union labor unless otherwise noted.

	REQUIRED	RECOMMENDED
Site		
1. There are cracked portions of concrete sidewalk near the fire hydrants of both West 74th Street and West End Avenue, which need repair.		
Estimated Cost	*$1,500*	-
Structure		
2. The cracked concrete fireproofing at a beam above the boilers at the cellar needs repair.		
Estimated Cost	*$500*	-

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	REQUIRED	RECOMMENDED
Exterior		
3. According to Local Law #11/98 Inspection – 7th Cycle filing, dated February 7, 2011, the building is safe with a repair and maintenance program (SWARMP). The next cycle report will be due in 2016.		
Capital Forecast Item	-	-
4. Approximately 80% of the window sashes have been replaced during the renovations over the years. The reaming 20% will be replaced during in-house renovations over the next few years.		
Capital Forecast Item	-	-
5. The vertical crack at the granite base at the southeast corner of the building needs repair.		
Estimated Cost	*$1,000*	-
6. The metal framing of the exterior canopy (marquee) is rusty and needs repair, scraping, and painting.		
Estimated Cost	*$5,000*	-
7. There is dry rot at the wooden framing of the cellar windows along West 74th Street, which needs repair.		
Estimated Cost	*$1,000*	-
Roof		
8. The roofs were reportedly replaced between 2003 and 2005 with a silver coating in 2008. However, roof warranties were not provided and the roof has ponding and bubbles at the main roof level northwest corner. Some current leaks were observed or reported at the southeast corner of the building.		
Maintenance Item	-	-

REQUIRED RECOMMENDED

9. The skylights above the stair towers should be checked for water tightness – there is evidence of old leaks.

Maintenance Item

10. There is 1 damaged and 1 loose ship's ladder at the roof bulkheads which needs repair.

Maintenance Item

Interior

11. At the dayroom kitchen on the 2nd floor there is a pipe leak from a bathroom above which needs repair and the ceiling patched.

Maintenance Item

12. At apartment 1411, there are damaged ceiling areas due to a steam pipe leak above. Also, the floor near the radiator is damaged. Currently, the apartment is receiving a full renovation.

Advisory Note

13. There is old damaged ceiling plaster at the tops of the stair towers near the skylights. The areas should be checked for water-tightness and the plaster repaired.

Maintenance Item

14. At apartment 1506 (southeast corner), there is a leak from the parapet above. The leak needs to be repaired and the ceiling patched.

Maintenance Item

	REQUIRED	RECOMMENDED
Vertical Transportation		
15. Elevator No. 5, the four-stop freight elevator, has all original equipment from the 1920's. This elevator has a basement drum-type machine, and manual DC rheostatic operation. The elevator is in poor condition and has far exceeded its reliable life expectancy. There are also several code items that will need attention on this elevator, including car gates, toe guards, and other additional items. Therefore, BOCA would recommend a complete modernization of Elevator No. 5 in the near future.		
Capital Forecast Item	-	-
MEP		
16. Rebuild the two existing boilers.		
Capital Forecast Items	-	-
17. Replace the hoods on the second floor roof.		
Capital Forecast Items	-	-
18. Replace the lights in the canopy.		
Capital Forecast Items	-	-
19. Replace the sprinkler heads in the Dining Room.		
Estimated Cost	*$10,000*	-
TOTALS	**$19,000**	**$0**

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ADA

ADA Costs are related to accessibility to the building for persons with disabilities in accordance with Title III of the federally enacted FHAA of 1988 and ADA legislation, dated July 26, 1990.

1. The main building entrance is accessible to persons with disabilities, and has automatic slider doors. Paths of travel through the building are accessible and accessible restroom facilities are provided which need ADA adjustments. The elevators are ADA accessible.

   The apartment bathrooms are not up to ADA standards. There are no roll-in showers and dimensions of the spaces are limited. A full ADA Audit should be performed by an ADA specialist to provide a full report of ADA Guideline deficiencies.

Estimated Cost	*$15,000*
ADA TOTAL	**$15,000**

CAPITAL EXPENDITURE FORECAST

Building Component	AVG EUL (Yr)	EFF AGE (Yr)	RUL Life	Unit	Quantity	Unit Cost ($)	YEAR 1 2015	YEAR 2 2016	YEAR 3 2017	YEAR 4 2018	YEAR 5 2019	TOTAL ($)	Note
Exterior													
L.L. 11/98 Cycle 8 Report													
Replace remaining 20% of window sashes				LS	1	10,000		10,000				10,000	Report
				LS	1	64,000	32,000	32,000				64,000	Replace
Roof													
Annual roof maintenance				LS	1	10,000	2,000	2,000	2,000	2,000	2,000	10,000	Repair
Interior													
Renovate remaining 40% of apartments				LS	1	240,000	48,000	48,000	48,000	48,000	48,000	240,000	Replace
Vertical Transportation													
Modernize freight elevator #5				LS	1	300,000		300,000				300,000	Mod.
HVAC													
Replace Boilers				EA	2	50,000					100,000	100,000	Replace
Replace Roof Hood				LS	1	3,600	3,600					3,600	Replace
Plumbing													
Replace Domestic Hot Water Coil				LS	1	15,000			15,000			15,000	Replace
Electrical													
Replace Canopy Lights				LS	1	25,600		25,600				25,600	Replace
Sub totals							85,600	417,600	65,000	50,000	150,000	768,200	
Inflation							1.03	1.06	1.09	1.13	1.16		
Totals							88,168	443,032	71,027	56,275	173,891	832,394	

Total Sq.Ft.	160,000
# of Apartments	198
Year Built	1929
Age	86
Reserve Term	5
Inflation	3

Uninflated	
$153,640	$/Yr
$775.96	$/Apt/Yr

Inflated	
$166,479	$/Yr
$840.80	$/Apt/Yr

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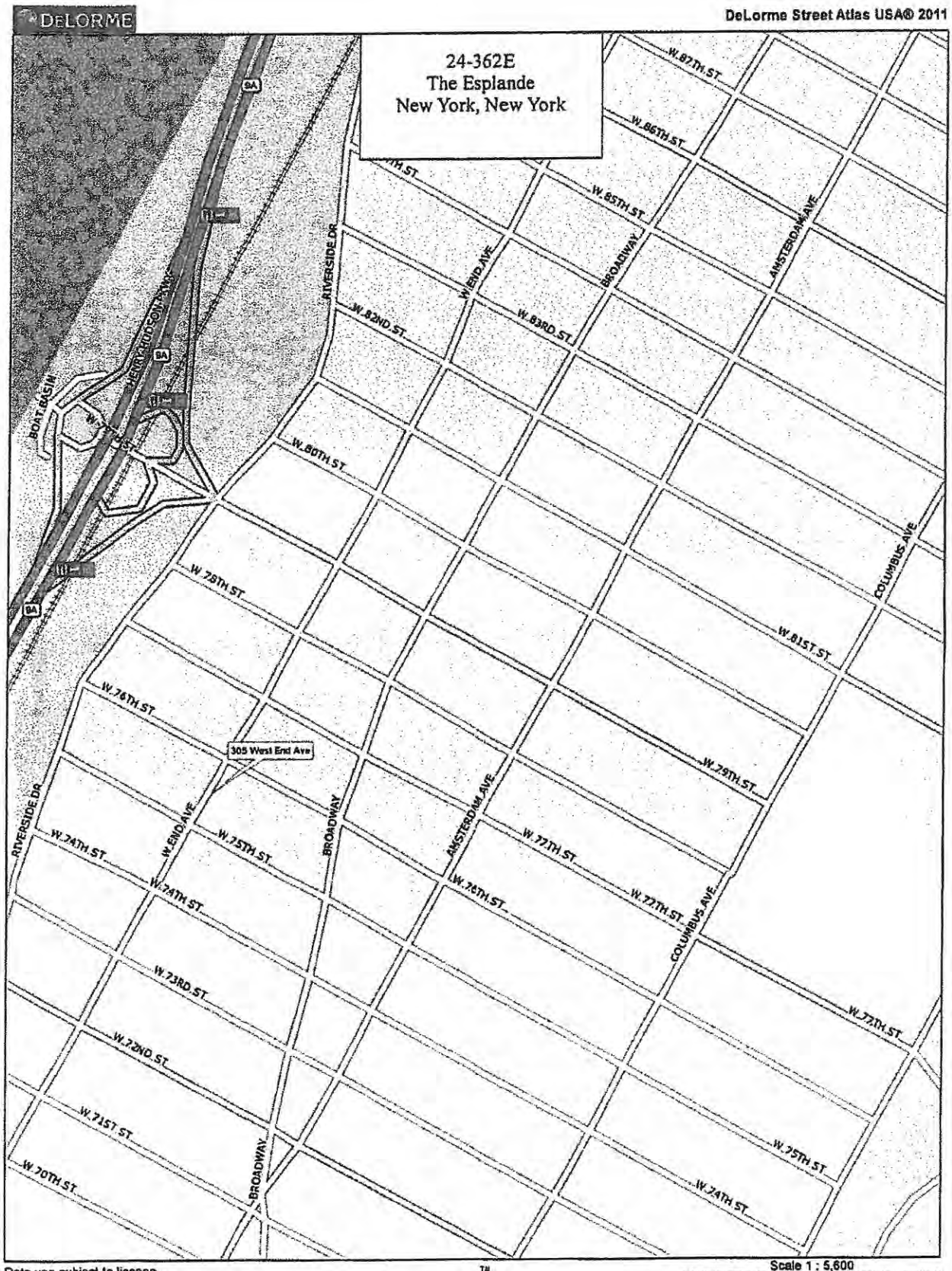
EVP00058

SECTION VIII - ATTACHMENTS

The following documents are attached to this report:

1. *Location Map*
2. *Certificate of Occupancy*
3. *NYC Department of Buildings, Property Profile Overview, and Open Violations*
4. *NYC Fire Department Violation Search Request*
5. *NYC Department of Buildings Façade Status Info*
6. *BOCA Elevator Report*
7. *Photographs taken January 20, 2015*


DeLorme
DeLorme Street Atlas USA® 2011
24-362E
The Esplande
New York, New York
W.87TH.ST.
W.86TH.ST.
W.85TH.ST.
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W.74TH.ST.
W.75TH.ST.
W.77TH.ST.
W.73RD.ST.
W.72ND.ST.
W.71ST.ST.
W.70TH.ST.
W.72TH.ST.
W.74TH.ST.
RIVERSIDE DR
W END AVE
BROADWAY
AMSTERDAM AVE
COLUMBUS AVE
HENRY HUDSON PKWY
BOAT BASIN
305 West End Ave
9A
Data use subject to license.
© DeLorme. DeLorme Street Atlas USA® 2011.
www.delorme.com
Scale 1 : 5,600
1" = 466.7 ft
Data Zoom 15-2

Form 54-1231-51M32(51) 114

DEPARTMENT OF HOUSING AND BUILDINGS

BOROUGH OF MANHATTAN , CITY OF NEW YORK

No. 39913

Date May 29, 1952

CERTIFICATE OF OCCUPANCY

(Standard form adopted by the Board of Standards and Appeals and issued pursuant to Section 646 of the New York Charter, and Sections C26-181.0 to C26-187.0 inclusive Administrative Code 2.1.1.1. to 2.1.3.7. Building Code.)

This certificate supersedes C. O. No. 2203

To the owner or owners of the building or premises:

THIS CERTIFIES that the ~~new~~—altered ~~existing~~—building—premises located at

301-309 West End Avenue -
301 West 74th Street

Block 1184 Lot 77

, conforms substantially to the approved plans and specifications, and to the requirements of the building code and all other laws and ordinances, and of the rules and regulations of the Board of Standards and Appeals, applicable to a building of its class and kind at the time the permit was issued; and

CERTIFIES FURTHER that, any provisions of Section 646F of the New York Charter have been complied with as certified by a report of the Fire Commissioner to the Borough Superintendent.

~~New~~ Alt. No.—1960-1949 Construction classification— Class 1 fireproof

Occupancy classification—Heretofore Erected ~~Existing~~ Height 14 stories, 150 feet.

Date of completion—May 27, 1952 Class "A" Apt. Hotel Located in Residence Use District

B Area 1½ , Height Zone at time of issuance of permit 164-1952.

This certificate is issued subject to the limitations hereinafter specified and to the following resolutions of the Board of Standards and Appeals: (Calendar numbers to be inserted here)

PERMISSIBLE USE AND OCCUPANCY

STORY	LIVE LOADS Lbs. per Sq. Ft.	PERSONS ACCOMMODATED MALE	FEMALE	TOTAL	USE
Cellar	on ground				Boiler room, storage, Paint shop and valet, accessory to Multiple Dwelling.
1st story	100			250	Dining Rooms, kitchens, Management offices, Lobby and Ballroom.
2nd story	40				Fourteen (14) apartments.
3rd to 14th story	40 each				Thirteen (13) apartments on each story.
Pent House	40				One (1) apartment.
				NOTE:	This building complies with Section 67 of the Multiple Dwelling Law.
					Fuel Oil installation approved by Fire Department June 14, 1951.
					Sprinkler system approved by Fire Department April 8, 1952.
Sec. 5.1.2.3 sub-4 Building Code, C26-2.3.0 Admin. Code. The [illegible] use of a structure erected or altered [illegible] / of such [illegible] / in the [illegible] of occupancy shall be permanently [illegible] and maintained in the main entrance hall of such [illegible] stories.					Standpipe system approved by Fire Department April 8, 1952. Fire Alarm and Watchmen's Time Detector systems approved by Fire Department February 18, 1952.
THIS CERTIFICATE SHALL ALSO BE CONSIDERED A CERTIFICATE OF OCCUPANCY UNDER SECTION 301 OF THE MULTIPLE DWELLING LAW.					

James A. Grayson
acting Borough Superintendent

ATTACHMENT 2

(Page 1)

NO CHANGES OF USE OR OCCUPANCY NOT CONSISTENT WITH THIS CERTIFICATE SHALL BE MADE UNLESS FIRST APPROVED BY THE BOROUGH SUPERINTENDENT

Unless an approval for the same has been obtained from the Borough Superintendent, no change or rearrangement in the structural parts of the building, or affecting the light and ventilation of any part thereof, or in the exit facilities, shall be made; no enlargement, whether by extending on any side or by increasing in height shall be made; nor shall the building be moved from one location or position to another; nor shall there be any reduction or diminution of the area of the lot or plot on which the building is located.

The building or any part thereof shall not be used for any purpose other than that for which it is certified.

The superimposed, uniformly distributed loads, or concentrated loads producing the same stresses in the construction in any story shall not exceed the live loads specified on reverse side; the number of persons of either sex in any story shall not exceed that specified when sex is indicated, nor shall the aggregate number of persons in any story exceed the specified total; and the use to which any story may be put shall be restricted to that fixed by this certificate except as specifically stated.

This certificate does not in any way relieve the owner or owners or any other person or persons in possession or control of the building, or any part thereof from obtaining such other permits, licenses or approvals as may be prescribed by law for the uses or purposes for which the building is designed or intended; nor from obtaining the special certificates required for the use and operation of elevators; nor from the installation of fire alarm systems where required by law; nor from complying with any lawful order for additional fire extinguishing appliances under the discretionary powers of the fire commissioner; nor from complying with any lawful order issued with the object of maintaining the building in a safe or lawful condition; nor from complying with any authorized direction to remove encroachments into a public highway or other public place, whether attached to or part of the building or not.

If this certificate is marked "Temporary", it is applicable only to those parts of the building indicated on its face, and certifies to the legal use and occupancy of only such parts of the building; it is subject to all the provisions and conditions applying to a final or permanent certificate; it is not applicable to any building under the jurisdiction of the Housing Division unless it is also approved and endorsed by them, and it must be replaced by a full certificate at the date of expiration.

If this certificate is for an existing building, erected prior to March 14, 1916, it has been duly inspected and it has been found to have been occupied or arranged to be occupied prior to March 14, 1916, as noted on the reverse side, and that on information and belief, since that date there has been no alteration or conversion to a use that changed its classification as defined in the Building Code, or that would necessitate compliance with some special requirement or with the State Labor Law or any other law or ordinance; that there are no notices of violations or orders pending in the Department of Housing and Buildings at this time; that Section 646F of the New York City Charter has been complied with as certified by a report of the Fire Commissioner to the Borough Superintendent, and that, so long as the building is not altered, except by permission of the Borough Superintendent, the existing use and occupancy may be continued.

"§ 646F. No certificate of occupancy shall be issued for any building, structure, enclosure, place or premises wherein containers for combustibles, chemicals, explosives, inflammables and other dangerous substances, articles, compounds or mixtures are stored, or wherein automatic or other fire alarm systems or fire extinguishing equipment are required by law to be or are installed, until the fire commissioner has tested and inspected and has certified his approval in writing of the installation of such containers, systems or equipment to the Borough Superintendent of the borough in which the installation has been made. Such approval shall be recorded on the certificate of occupancy."

Additional copies of this certificate will be furnished to persons having an interest in the building or premises, upon payment of a fee of fifty cents per copy.

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NYC Buildings

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NYC Department of Buildings

Property Profile Overview

305 WEST END AVENUE
WEST 74 STREET 301 - 301
WEST END AVENUE 301 - 311

MANHATTAN 10023

Health Area	: 3400
Census Tract	: 163
Community Board	: 107
Buildings on Lot	: 1

BIN# 1031008

Tax Block	: 1184
Tax Lot	: 77
Condo	: NO
Vacant	: NO

View DCP Addresses... Browse Block
View Zoning Documents View Challenge Results Pre - BIS PA View Certificates of Occupancy

Cross Street(s):	WEST 74 STREET, WEST 75 STREET		
DOB Special Place Name:			
DOB Building Remarks:			
Landmark Status:	L - LANDMARK	Special Status:	N/A
Local Law:	YES	Loft Law:	NO
SRO Restricted:	NO	TA Restricted:	NO
UB Restricted:	NO		
Environmental Restrictions:	N/A	Grandfathered Sign:	NO
Legal Adult Use:	NO	City Owned:	NO
Additional BINs for Building:	NONE		

Special District: UNKNOWN

This property is not located in an area that may be affected by Tidal Wetlands, Freshwater Wetlands, or Coastal Erosion Hazard Area. Click here for more information

Department of Finance Building Classification: H6-HOTELS

Please Note: The Department of Finance's building classification information shows a building's tax status, which may not be the same as the legal use of the structure. To determine the legal use of a structure, research the records of the Department of Buildings.

	Total	Open
Complaints	70	0
Violations-DOB	142	17
Violations-ECB (DOB)	64	18

This property has 1 open DOB and 2 open ECB "Work Without A Permit" Violations and may be subject to DOB civil penalties upon application for a permit. After obtaining the permit, a certificate of correction must be filed on the ECB violations.

Jobs/Filings	21
ARA / LAA Jobs	2
Total Jobs	23
Actions	115

OR Enter Action Type:
OR Select from List: Select...
AND Show Actions

Elevator Records
Electrical Applications
Permits In-Process / Issued
Illuminated Signs Annual Permits
Plumbing Inspections
Open Plumbing Jobs / Work Types
Facades
Marquee Annual Permits
Boiler Records
DEP Boiler Information
Crane Information
After Hours Variance Permits

If you have any questions please review these Frequently Asked Questions, the Glossary, or call the 311 Citizen Service Center by dialing 311 or (212) NEW YORK outside of New York City.

ATTACHMENT 3

NYC Buildings

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NYC Department of Buildings

DOB Violation Display for 113007LL1198NRF43140

Premises: 301 WEST END AVENUE MANHATTAN **BIN:** 1031008 **Block:** 1184 **Lot:** 77

Issue Date:	11/30/2007	**Violation Category:**	V - DOB VIOLATION - ACTIVE
Violation Type:	LL1198 - UNKNOWN		
Violation Number:	NRF43140	**Device No.:**	603674
ECB No.:			
Infraction Codes:			
Description:			
Disposition:			
Code:	**Date:**		
Inspector:			
Comments:			

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DOB Violation Display for 033108LL2604NRF00657

Premises: 301 WEST END AVENUE MANHATTAN **BIN:** 1031008 **Block:** 1184 **Lot:** 77

Issue Date: 03/31/2008
Violation Type: LL2604 - PHOTOLUMINESCENT
Violation Number: NRF00657
ECB No.:
Infraction Codes:
Description:
Disposition:
Code:
Inspector:
Comments:

Violation Category: V - DOB VIOLATION - ACTIVE
Device No.:
Date:

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DOB Violation Display for 120707E9011/229434

Premises: 301 WEST END AVENUE MANHATTAN **BIN:** 1031008 **Block:** 1184 **Lot:** 77

Issue Date:	12/07/2007	**Violation Category:**	V - DOB VIOLATION - ACTIVE
Violation Type:	E - ELEVATOR		
Violation Number:	9011/229434	**Device No.:**	1PQ11357
ECB No.:			
Infraction Codes:			
Description:			
Disposition:			
Code:	**Date:**		
Inspector:			
Comments:			

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DOB Violation Display for 010801CB7PH01

Premises: 301 WEST END AVENUE MANHATTAN **BIN:** 1031008 **Block:** 1184 **Lot:** 77

Issue Date:	01/08/2001	**Violation Category:**	VW - VIOLATION WORK WITHOUT PERMIT - ACTIVE
Violation Type:	C - CONSTRUCTION		
Violation Number:	B7PH01	**Device No.:**	
ECB No.:	34267472M (refer to for further details)		
Description:			

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ECB Violation Details

Premises: 301 WEST END AVENUE MANHATTAN **Filed At: 305 WEST END AVENUE , MANHATTAN , NY 10023**

BIN: 1031008 Block: 1184 Lot: 77 **Community Board: 107**

ECB Violation Summary

VIOLATION OPEN

ECB Violation Number: 38150987H

Severity: NON-HAZARDOUS

Certification Status: NO COMPLIANCE RECORDED
Hearing Status: STIPULATION/IN-VIO
Penalty Balance Due: $0.00

Respondent Information

Name: ESPLANADE VENTURE PARTNER
Mailing Address: 305 WEST END AVENUE , NY , NY 10023

Violation Details

Violation Date: 03/01/2005
Served Date: 03/01/2005
Device Type: ELEVATOR
Device Number: 1P11357
Violation Type: ELEVATOR
Inspection Unit: ELEVATOR DIVISION

Infraction Codes	Section of Law	Standard Description
BP7	27-987	FAILURE TO MAINTAIN ELEVATOR

Specific Violation Condition(s) and Remedy:

83O02/65M07/64M07/66M07/55Y13/41G09. 83-O-02 CLEAN ENTIRE DEVICE,65-M-07 PROVIDE PIT STOP SWITCH.64-M-07 PROVIDE PIT LIGHT,66-M-07 PROVIDE PIT LADDER,55-Y-13 SEAL LEAK IN MACHINE.41-G-09 FUSES JUMPED PROPERLY F

Issuing Inspector ID:
DOB Violation Number: 030105E2183A02
Issued as Aggravated Level: NO

Dept. of Buildings Compliance Information

Certification Status: NO COMPLIANCE RECORDED
Compliance On:

Stipulated Compliance Due Date: 07/26/2005

A Certificate of Correction must be submitted to the Administrative Enforcement Unit (AEU) for all violations. A violation that is not dismissed by ECB will continue to remain ACTIVE or "open" on DOB records until acceptable proof is submitted to the AEU, even if you have paid the penalty imposed by ECB.

ECB Hearing Information

Scheduled Hearing Date: 04/21/2005
Hearing Time: 10:30
Hearing Status: STIPULATION/IN-VIO

ECB Penalty Information

Penalty Imposed: $350.00

Adjustments:	$0.00
Amount Paid:	$350.00
Penalty Balance Due:	$0.00
Court Docket Date:	10/31/2005

If you have any questions please review these Frequently Asked Questions, the Glossary, or call the 311 Citizen Service Center by dialing 311 or (212) NEW YORK outside of New York City.

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Open DOB "Work Without a Permit" Violations

Premises: 301 WEST END AVENUE MANHATTAN BIN: 1031008 Block: 1184 Lot: 77

NUMBER
VW 010801CB7PH01

FILE DATE
01/08/2001

If you have any questions please review these Frequently Asked Questions, the Glossary, or call the 311 Citizen Service Center by dialing 311 or (212) NEW YORK outside of New York City.

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ECB Violation Details

Premises: 301 WEST END AVENUE MANHATTAN **Filed At: 301 WEST END AVENUE , MANHATTAN , NY 10023**

BIN: 1031008 Block: 1184 Lot: 77 **Community Board: 107**

ECB Violation Summary

VIOLATION OPEN

ECB Violation Number: 34146384L

Severity: NON-HAZARDOUS

Certification Status: NO COMPLIANCE RECORDED
Hearing Status: STIPULATION/IN-VIO
Penalty Balance Due: $0.00

Respondent Information

Name: OWNER OF
Mailing Address: 305 WEST END AVENUE , MANHATTAN , NY 10023

Violation Details

Violation Date: 12/09/1996 **Violation Type:** CONSTRUCTION
Served Date: 12/09/1996 **Inspection Unit:**

Infraction Codes	Section of Law	Standard Description
B04	27-147	WORK WITHOUT A PERMIT

Specific Violation Condition(s) and Remedy:

WORK WITHOUT A PEMRIT WORK NOTED: RENOVATION APARTMENT BY REMOVED TWOPARTITION WALLS TO CREATE NEW LAYOUT WITH PERMIT LOCATION APARTMENT 706 REMEDY: STOP ALL WORK UNTIL A PEMRIT AND APPROVALS AN OBTAIN FROM TH

Issuing Inspector ID: 0756 **DOB Violation Number:** 120996CB7GG01VW

Issued as Aggravated Level: NO

Dept. of Buildings Compliance Information

Certification Status: NO COMPLIANCE RECORDED
Compliance On:

Stipulated Compliance Due Date: 05/04/1997

A Certificate of Correction must be submitted to the Administrative Enforcement Unit (AEU) for all violations. A violation that is not dismissed by ECB will continue to remain ACTIVE or "open" on DOB records until acceptable proof is submitted to the AEU, even if you have paid the penalty imposed by ECB.

ECB Hearing Information

Scheduled Hearing Date: 01/30/1997 **Hearing Status:** STIPULATION/IN-VIO
Hearing Time: 10:30

ECB Penalty Information

Penalty Imposed: $350.00
Adjustments: $0.00

Amount Paid:	$350.00
Penalty Balance Due:	$0.00

If you have any questions please review these Frequently Asked Questions, the Glossary, or call the 311 Citizen Service Center by dialing 311 or (212) NEW YORK outside of New York City.

NYC Buildings

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ECB Violation Details

Premises: 301 WEST END AVENUE MANHATTAN
Filed At: 305 WEST END AVENUE , MANHATTAN , NY 10023
BIN: 1031008 **Block:** 1184 **Lot:** 77
Community Board: 107

ECB Violation Summary

VIOLATION OPEN

ECB Violation Number: 34400880L
Severity: NON-HAZARDOUS
Certification Status: NO COMPLIANCE RECORDED
Hearing Status: DEFAULT
Penalty Balance Due: $0.00

Respondent Information

Name: ESPLANADE VENTURE PRTNRSH
Mailing Address: 305 WEST END AVENUE , NEW YORK , NY 10023

Violation Details

Violation Date: 05/06/2003
Violation Type: CONSTRUCTION
Served Date: 05/06/2003
Inspection Unit: MANHATTAN CONSTRUCTION

Infraction Codes	Section of Law	Standard Description
B04	27-147	WORK WITHOUT A PERMIT

Specific Violation Condition(s) and Remedy:
WORK WITHOUT PERMIT. WORK NOTED: ON THENTH FL LEVEL ROOM 1007 ERECTEDNEW METAL STUDS FRAMING FOR BATHROOM WALLS & CEILING. REMEDY: OBTAIN PERMIT OR RESTORE TO PRIOR LEGAL CONDITION,

Issuing Inspector ID: 0474
DOB Violation Number: 050603CB7LS02
Issued as Aggravated Level: NO

Dept. of Buildings Compliance Information

Certification Status: NO COMPLIANCE RECORDED
Compliance On:

A Certificate of Correction must be submitted to the Administrative Enforcement Unit (AEU) for all violations. A violation that is not dismissed by ECB will continue to remain ACTIVE or "open" on DOB records until acceptable proof is submitted to the AEU, even if you have paid the penalty imposed by ECB.

ECB Hearing Information

Scheduled Hearing Date: 06/26/2003
Hearing Status: DEFAULT
Hearing Time: 10:30

ECB Penalty Information

Penalty Imposed: $2,500.00
Adjustments: $0.00
Amount Paid: $2,500.00
Penalty Balance Due: $0.00

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24-362E

FIRE DEPARTMENT – CITY OF NEW YORK
Public Records Unit / Fire Records Section
9 MetroTech Center
Brooklyn, New York 11201-3857
(718) 999-2681 or 2682

Violation Special Report Request Form

SECTION A **CUSTOMER INFORMATION**
Please print the required information below.

OFFICE USE ONLY
Cashier / Search No.
PRU Staff Accepted By/Initials:
Searched By:
Total Amount:

1/21/15
Date

EDWARD J. BELLAVIGNA, AIA
Name
MERRITT + HARRIS, INC.
90 JOHN STREET - SUITE 503
Address
NEW YORK, NY 10038
Borough, State Zip Code

212-697-3188 X313
Telephone Number

Note: Please make sure you complete this form and attach all required documents. Enclose a check or money order made payable to the NYC Fire Department and a stamped self-addressed envelope (with postage). Mail checks or money orders directly to the address and unit listed above. DO NOT MAIL CASH.

SECTION B **REQUEST VIOLATION REPORT** **FEE $10.00 / PER REPORT**
Please print the required information below.

305 WEST END AVE. MANHATTAN
House No Street Name Borough

☒ EXISTING- ALL NOTICES OF VIOLATION AND VIOLATION ORDERS ISSUED BY THE FIRE PREVENTION

☐ EXISTING- ALL SUMMONSES

Note: This search is limited to outstanding Summonses, Notices of Violation and Violation Orders (VOs) that are reported to be related to a specific address. With respect to VOs this search is limited to VOs issued on January 1, 2008 or thereafter. This search does not contain information on VOs issued by fire companies, unless they were forwarded to the Bureau of Fire Prevention. A requested report will only list the violation numbers. After you have received the Report, you can obtain a copy of any record available for an additional fee of $0.25 (cents) / per page by filling out the copy of violation request form.

Note: Requests will be responded to within 10 business days.

PR4 (April-09)

ATTACHMENT 4

NYC Buildings

NYC

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NYC Department of Buildings

Facade Status Information

Premises: 301 WEST END AVENUE MANHATTAN
BIN: 1031008 **Block:** 1184 **Lot:** 77

Cycle: 7A
Control Number: 703674

Filed At: 305 WEST END AVENUE
Block: 1184 **Lot:** 77 **Seq No.:** 01

Submission Date:
Submission Status:
Current Status * : OK - SAFE

Applicant Name:	MAQSOOD A FARUQI	**NYS License Number:**	PE 071297
Applicant Business:	BLUE PRINT ENGINEERING,P.C 27-24 JACKSON AVENUE LIC NY 11101		
Owner Name:	SALWEN LEVIT-MARCY		
Owner Business:	ESPLANADE SENIOR RESIDENCE 305 WEST END AVENUE NEW YORK		
Exterior Wall Types:	SOLID BRICK		

Late Filing?	N	**Late Filing amount:**	$0.00	**Late Filing fee paid?**	N
Failure to file?	N	**Failure to file amount:**	$0.00	**Failure to file fee paid?**	N
Failure to collect?	N	**Failure to collect amount:**	$0.00	**Failure to collect fee paid?**	N

* If applicable, any penalties will be calculated upon compliance.

Initial Filing Date:	02/10/2011	**Initial Filing Status:**	OK - SAFE
Amended Filing Date:		**Amended Filing Status:**	
Subsequent Filing Date:		**Subsequent Filing Status:**	
Prior Cycle Filing Date:	02/23/2000	**Prior Status:**	SW - SAFE W/REPAIR & MAINTENANCE
Field Inspection Completed Date:	12/17/2010	**QEWI‡ Signed Date:**	02/07/2011

(*) Current Status of SW, UN or OK indicates an accepted report.
(‡) QEWI - Qualified Exterior Work Inspector

If you have any questions please review these Frequently Asked Questions, the Glossary, or call the 311 Citizen Service Center by dialing 311 or (212) NEW YORK outside of New York City.

ATTACHMENT 5

BOCA GROUP

January 26, 2014

BOCA GROUP EAST, LLC
200 Park Avenue
New York, NY 10166

212.983.7010 PHONE
212.983.7011 FAX

www.bocagroup.com

Mr. Ed Bellavigna
Merritt and Harris, Inc.
90 John Street, Suite 503
New York, NY 10038

RE: **305 West End**
New York, NY 10038
Vertical Transportation Study

Dear Mr. Bellavigna:

We are pleased to submit our report based on a visual inspection performed by our field engineers who visited the above referenced property on January 20, 2015.

Overview and Layout

There are a total of five (5) elevators serving this property, consisting of three (3) passenger elevators and two (2) freight elevators.

Passenger elevators Nos. 1-3 have Hollister Whitney basement traction machines. These elevators have a capacity of 2,000 pounds and a car rated speed of 200 feet per minute. Elevators Nos. 1 and 2 serve floors 1-12, 14 and 15. Elevator No. 3 serves floors B, 1-12, 14, 15 and PH. A modernization was completed in 2012 with Galaxy controllers and GAL MOVFR door equipment.

Freight Car No. 4 has a Hollister Whitney basement traction machine. This elevator has a capacity of 2,000 pounds and a car rated speed of 200 feet per minute; serving floors B, 1-12, 14, 15 and PH. A modernization was completed in 2012 with Galaxy controllers and GAL MOVFR door equipment.

Freight Car No. 5 has an Otis basement drum machine. This elevator has a capacity of 1,700 pounds and a car rated speed of 50 feet per minute; serving floors L, ST, B and SB. This equipment is the original 1920 installation that includes an Otis FKS controller.

Century Elevator maintains the elevator equipment.

Elevator No.	Floors Served	Capacity (LBS)	Contract Speed (FPM)	Current Function
1P11414	1-12, 14, 15	2,000	200	Passenger
1P11356	1-12, 14, 15	2,000	200	Passenger
1P11357	B, 1-12, 14, 15, PH	2,000	200	Passenger
1P11358	B, 1-12, 14, 15, PH	2,000	200	Passenger/Freight
1F3965	L, ST, B, SB	1,700	50	Freight

Elevatoring

In order to determine if the elevator system is under-designed for the theoretical peak elevator demand when the building is fully occupied, a calculated traffic analysis of the elevator system was performed. These calculations were performed assuming that the elevators are performing up to benchmark levels.

ASSUMPTIONS

- **Estimated Population:** The population estimates used in the theoretical traffic calculations are based on the assumption that there are 1.5 people per unit, which results in an estimated population of 297 people. This is most likely a higher estimate than is required for this type of senior living residential occupancy, but as shows in the results the system is still more than capable of serving this population estimate.

DESIGN CRITERIA

The following are the criteria used to analyze elevator traffic capabilities. Please note that these are design criteria. The values produced by these calculations cannot be directly translated to average waiting times.

- **Five-minute Handling Capacity:** This is the approximate number of passengers the elevator system will serve during a five-minute peak traffic period. Typically, during the peak traffic period the five-minute demand for service will be between 5-7% of the population served by the elevators. This criterion, in conjunction with the "Passenger Loading per Trip" described below, verifies the quantity of elevator service but is not related to the quality of service, which is measured by the average interval.

- **Passenger Loading per Trip:** This is the average number of passengers that would need to take the elevator for each trip in order to achieve the target five-minute handling capacity demand. This criterion is related to the quantity of elevator service but is not related to the quality of service, which is measured by the average interval.

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- **Average Interval:** This is the average time interval between elevators passing a given floor in a particular direction during a peak period, assuming the elevators are evenly spaced throughout the building. Average interval is a measure of the quality of elevator service. Note that Average Interval is a design criteria, and is NOT the same as the "average waiting time", which cannot be directly calculated by theoretical means. For a bank of elevators serving a residential building, the average interval during a morning peak period should be no more than 50-70 seconds, depending on the level of prestige of the building and the quality of service demanded.

CALCULATED RESULTS

Elevator Bank	Floors Served	Estimated Population	Five-Minute Handling Capacity Demand (# of People)	Passenger Loading in the up Direction (# of People)	Average Interval (seconds)
Passenger 3 cars	(B) L-12, 14, 15, (PH)	297	7%	1.2	33
		TARGET:	7%	≤ 8	< 50-70

Based on the results in the table above, the elevators should provide very good service to the occupants of the building. The handling capacity is more than sufficient, and the average interval is better than the required range for acceptable service.

Inspections

Electric Elevator Category Five Test Summary				
Elevator No.	City ID No.	Test Tag Date	Anniversary Date	Status
1	1P11414	4/13	4/18	Current
2	1P11356	4/13	4/18	Current
3	1P11357	4/13	4/18	Current
4	1P11358	9/12	9/17	Current
5	1F3965	1/13	1/18	Current

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Electric Elevator Category One Test Summary				
Elevator No.	City ID No.	Test Tag Date	Anniversary Date	Status
1	1P11414	11/14	11/15	Current
2	1P11356	11/14	11/15	Current
3	1P11357	11/14	11/15	Current
4	1P11358	11/14	11/15	Current
5	1F3965	11/14	11/15	Current

Compliance

Elevator No.	ADA	Fire Return	Main Line Disconnect Lockable?	Main Line Disconnect Fused?
1P11414	Yes	Yes	Yes	Yes
1P11356	Yes	Yes	Yes	Yes
1P11357	Yes	Yes	Yes	Yes
1P11358	Yes	Yes	Yes	Yes
1F3965	No (Not Req'd)	No	No	Yes

Elevator No. 5 has not been upgraded to the latest codes as the equipment is all original. See "Condition" and "Recommendations" for more information.

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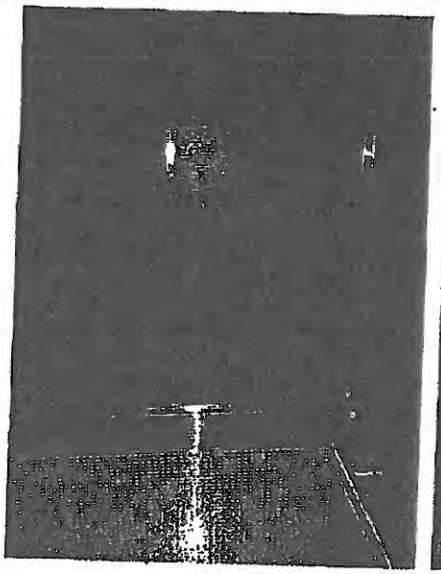
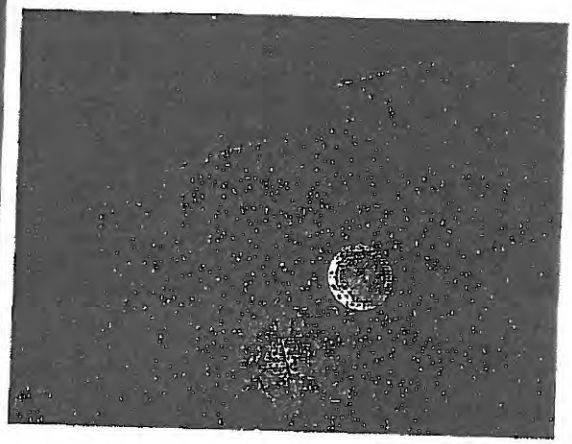
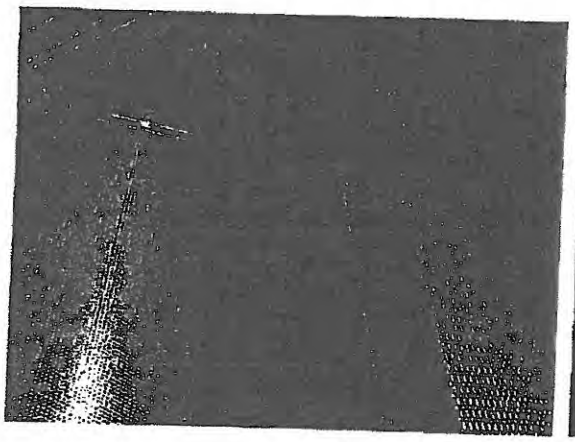
Cab Description

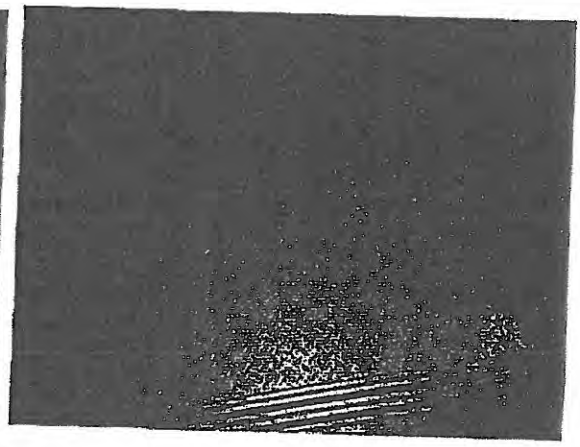
Passenger elevators Nos. 1-3 have walls with rigidized stainless steel bottoms and wood Formica tops. The ceilings are white Formica drop ceilings and have down lighting. The floors are vinyl tiles. The return and trim of the cabs is stainless steel.





Service elevator No. 4 has rigidized stainless steel walls, white Formica drop ceilings with down lighting, and diamond plate flooring.





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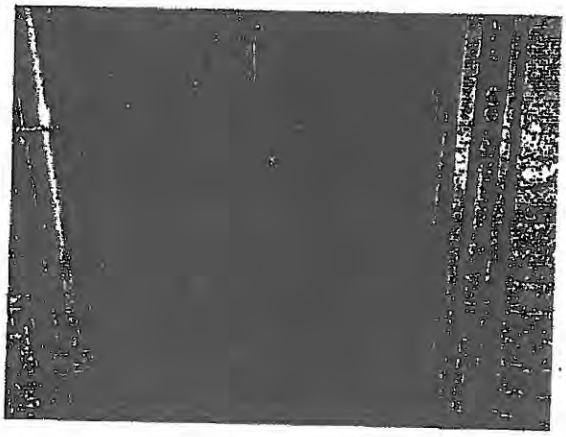
Freight Elevator No. 5

This elevator has a very old cab with diamond plate on the bottom of the walls and floors.



Condition of Elevators

We found the overall condition of the elevators to be average. A regular preventative maintenance program is being performed based on the condition of the equipment we surveyed. Routine cleaning of the equipment and machinery spaces average, as are standard adjustments and calibrations.

However, Elevator No. 5 is in very poor condition and has all original equipment from the 1920's. Due to the condition and age of the entire installation we recommend a complete modernization of the equipment. There are several code requirements that will need to be addressed, including car gates and toe guards. We recommend these be performed as soon as possible along with the recommended modernization.

Recommendations

The four passenger and passenger/service elevators were all fully modernized in 2012, including new machines. They are in very good condition and no capital expenditures are expected within the next ten years.

Elevator No. 5, the four-stop freight elevator, has all original equipment from the 1920's. This elevator has a basement drum-type machine, and manual DC rheostatic operation. The elevator is in poor condition and has far exceeded its reliable life expectancy. There are also several code items that will need attention on this elevator, including car gates, toe guards, and other additional items.

Therefore, we would recommend a complete modernization of Elevator No. 5 in the near future. For a complete modernization and automation of this elevator, we would use $300,000 as an order of magnitude budget, including new basement traction machine, controller, drive, entrances with automatic door equipment, fixtures, a new standard freight-style cab, and ancillary components. This does not include any soft costs or ancillary work by other trades. Ancillary design and construction will include structural work necessary to convert the machine support system from a drum-type machine to a traction-type machine.

Because of the conversion from manual to automatic, and the conversion to traction machine, the budget is intended as an order-of-magnitude budget and a complete feasibility study would be required to verify that automation and conversion to traction can be performed on this equipment based on available entrance clearances, hoistway clearances, etc.

General Notes Regarding Budget Estimates

The budgets provided above are based on a site survey performed specifically for the purpose of generating this report. A more complete survey performed for the purpose of creating in-depth specification documents may reveal conditions or additional recommended scope items that can affect the estimated budgets.

Please note all budget estimates are in 2015 dollars and do not include any budget for work on the cab interiors, which can vary greatly depending on the scope of work and finishes and materials chosen. Typical cost for cab upgrades in a building of this sort would be $35,000-$45,000 per elevator.

Also note that, due to elevator union increases and material cost increased projected over the next several years, this budget number should be increased by 6-10% per year after 2015.

Elevator modernization budgets are based on control systems with conventional dispatching, and do not include destination-based dispatching controllers or related equipment.

This budget is for elevator work only, and does not include any work required by other trades. These budgets do not include any fire and life safety upgrades which may be mandated by local code authority at the time of modernization, or any other work required as a result of the modernization but not directly performed by the elevator contractor, such as potential electrical upgrades, HVAC upgrades, structural requirements, etc. We strongly urge you to have the appropriate engineering consultants review the fire safety, electrical, HVAC and structural requirements of new elevator equipment compared to the existing conditions prior to commencing a modernization program.

The budget for the hydraulic elevator(s) includes money for standard drilling to replace the casing, and does not include additional budget for extra drilling and excavation should the hole backfill or should other obstructions be found, or should the hole size need to be increased to accommodate the new cylinder and PVC liner.

The budget estimates do not include soft costs for elevator consulting, or for engineering consultants that may be required for other disciplines.

Should you have any questions or should you need any clarifications on our report, please feel free to contact us. Thank you.

Sincerely,

BOCA Group East, LLC

Frank Dineen
Elevator Inspector
305 West End Due Diligence DRAFT 1.20.16.docx

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LIST OF INVOICES DATE

Date 02/02/15
Page 2

Date	Invoice Number	ORG	Project Name	Client	M&H Rep.	Description	Amount Billed	Exps.	Consultant	TAX
	24041013	FL	ALTA DADELAND - TWO RESID	HSBC	JM	Site Obs. Report of 12/16/14, 11th	2,300.00	186.96		
	24056011	LA	BLOSSOM PLAZA	CITI	RF	Site Obs. Report of 11/25/14, 10th	2,000.00			
	24060010		G & S LIVINGTON SHOPPING	SANTD	JGC	Site Obs. Report of 12/18/14, 8th	1,800.00			
	24063005		99 WALL STREET (FROM RENT	CORNE	JGC	Site Obs. Report of 12/23/14, 4th	1,960.00			
	24144005	FL	PEARL DADELAND	JPMCB	JM	Site Obs. Report of 1/5/15, 4th	2,300.00	61.04		
	24187008		LAS VEGAS ARENA	BOA	JGC	Site Obs. Report of 12/10&11/14, 5th Fee:$6,160 Expenses: $1,339.33	7,499.33	1,217.57		
	24203012	LA	SACRAMENTO KINGS ARENA	SACRA	RF	Services Rendered visit & verify stored materials for Schuff Steel in Bloy, Phoenix & FlaggStaff Arizona - 14 hours @ $160/hr $2,240 Expenses:$1,012.83	3,252.83	920.75		
	24208002		470 4TH AVENUE (RESIDENTI	SANTD	JGC	Site Obs. Report of 12/8/14, 1st	1,700.00			
	24211002	FL	ZOM BALDWIN HARBOR	JPMCB	JM	Site Obs. Report of 12/16/14, 1st	3,000.00	467.36		
	24291004		45 EAST 22ND STREEET (RES	GOLD	JGC	Services Rendered Weekly Meeting 12/11/14	800.00			
	24340E01	LA	CERRITOS WEST INDUSTRIAL	ALERE	RF	Property Condition Report of 12/30/14	22,230.00	320.22	5,500.00	
	24353E01	FL	FLAGLER STATION BUILDING	MSLEN	JM	Property Condition Report of 12/291/4	4,000.00	280.18		
						SUBTOTAL	73,223.80	5,394.82	5,500.00	
01 13 15	24300002		520 WEST 28TH STREET (CON	UNION	JGC	Site Obs. Report of 12/10/14, 1st Fee:$2,200 Reliance Report $1,000	3,200.00			

LIST OF INVOICES DATE

Date 02/02/15
Page 3

Date	Invoice Number	ORG	Project Name	Client	M&H Rep.	Description	Amount Billed	Exps.	Consultant	TAX
						SUB TOTAL	3,200.00			
01 15 15	23533041		WEST VILLAGE RESIDENCES	JPMCB	JGC	Site Obs. Report of 12/ 16/14, 37th	9,450.00	5.00		
	23734053		PARK PLACE	PNCB	JGC	Site Obs. Report "Informal Site Visit #21st, 12/30/14	2,165.00			
	23793012		HILTON GARDEN INN	INBAN	JGC	Site Obs. Report of 12/ 29/14, 8th	2,240.00			
	23808024	FL	FLAGLER VILLAGE	JPMCB	JM	Site Obs. Report of 12/ 23/14, 23rd	2,500.00	19.04		
	23808A24	FL	FLAGLER VILLAGE	HEIT	JM	Site Obs. Report of 12/ 23/14, 23rd	560.00			
	23889023	FL	CROWN MIAMI BEACH	ARCHN	JM	Site Obs. Report of 12/ 17/14, 16th	2,850.00	67.90		
	23908016		NORDSTROMS	BLSTN	JGC	Site Obs. Report of 1/8/ 15, 14th	3,150.00			
	23915018		MARBELLA SOUTH	JPMCB	JGC	Site Obs. Report of 12/ 23/14, 16th	2,800.00	209.68		
	23929017		626 FLATBUSH AVENUE (RESI	CITI	JGC	Site Obs. Report of 1/5/ 14, 14th	1,700.00			
	23950113		KINGSBOROUG HOUSES	NYCCO	JGC	Site Obs. Report of 1/9/ 15 14th	1,500.00			
	23950215		KINGSBOROUGH EXTENSION	NYCCO	JGC	Site Obs. Report of 1/ 9/15, 14th	1,000.00			
	23950807		OVERSIGHT CONSTRUCTION MO	NYCCO	JGC	Site Obs. Report of 1/9/ 15, 6th	1,000.00	6.68		
	23950907		OVERSIGHT CONSTRUCTION MO	NYCCO	JGC	Site Obs. Report of 1/9/ 15, 6th	1,000.00			
	23950D05		ADAMS HOUSES	NYCCO	JGC	Site Obs. Report of 1/5/ 15, 4th	1,250.00			
	23950004		EAST 152 STREET	NYCCO	JGC	Site Obs. Report of 1/5/ 15, 3rd	1,000.00			

LIST OF INVOICES DATE

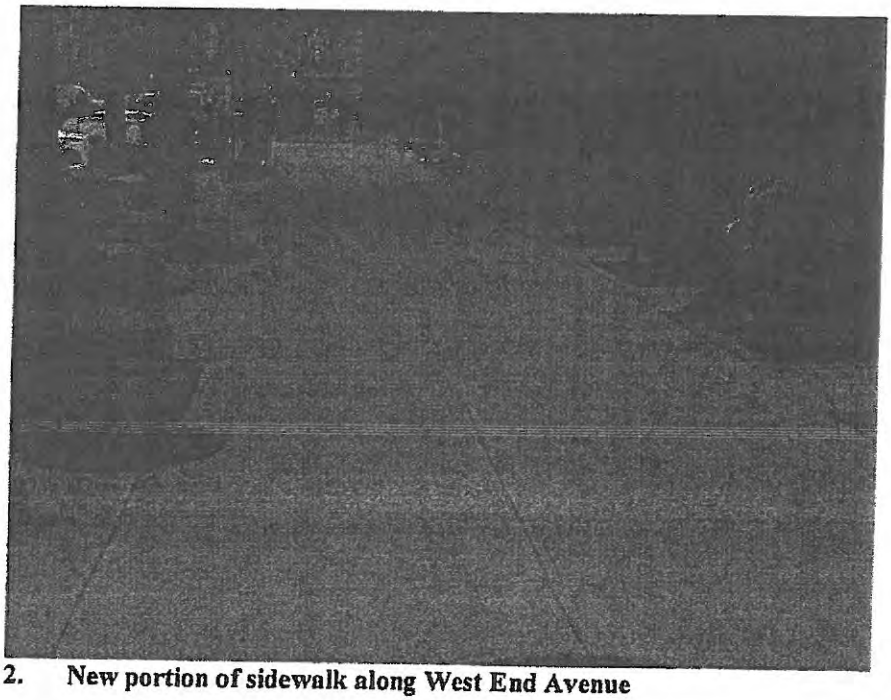
Date 02/02/15
Page 4

Date	Invoice Number	ORG	Project Name	Client	M&H Rep.	Description	Amount Billed	Exps.	Consultant	TAX
	23950U05		LAFAYETTE GARDENS	NYCCO	JGC	Site Obs. Report of 1/9/15, 4th	1,250.00			
	23950V06		LA GUARDIA HOUSES & LA GU	NYCCO	JGC	Site Obs. Report of 1/7/15, 5th	1,250.00			
	23950Z05		BOYNTON AVENUE REHAB	NYCCO	JGC	Site Obs. Report of 1/5/15, 4th	1,000.00			
	23970017		JADE HOTEL - BRYAN PARK	UBS	JGC	Site Obs. Report of 1/7/14, 10th	2,800.00			
	23978015		RITZ HILL APARTMENTS (SBB	DBRA	JGC	Site Obs. Report of 1/5/15, 12th	2,300.00			
	23978A14		RITZ HILL APARTMENTS	NORDE	JGC	Site Obs. Report of 1/5/15, 12th	1,200.00			
	23993008	FL	MIZNER APARTMENT BUILDING	HSBC	JM	Site Obs. Report of 1/5/15, 7th	1,900.00	1,900.00		
	24035011		LARGO STATION	HSBC	JGC	Site Obs. Report of 12/17/12th	2,500.00			
	24035A10		LARGO STATION	ASSUR	JGC	Site Obs. Report of 12/17/14, 12th	500.00			
	24111013	LA	ONE MARKET PLAZA	LANBA	RF	Site Obs. Report of 10/10/14, 9th	2,750.00	485.25		
	24117003		30 HUDSON YARDS - TOWER A	RELCO	JGC	Project Review "Updated Review Report" 1/7/15 - 25 hours @ $160/hour	4,000.00			
	24153007		RODIN SQUARE	SANTD	JGC	Site Obs. Report of 12/2/14, 5th $2,500 & off-site stored materials - 2 hours @ $160/hour $320	2,820.00	191.70		
	24214007	LA	1001 SOUTH OLIVE STREET (	HSBC	RF	Site Obs. Report of 12/16/14, 5th	2,100.00			
	24220002	FL	LAKEWOOD RANCH	AEW	JM	Site Obs. Report of 12/19/14, 1st	2,500.00	258.31		
	24261002		WORLD TRADE CENTER - TOWE	GOLD	JGC	Site Obs. Report of 12/11/14, 36th	4,600.00			

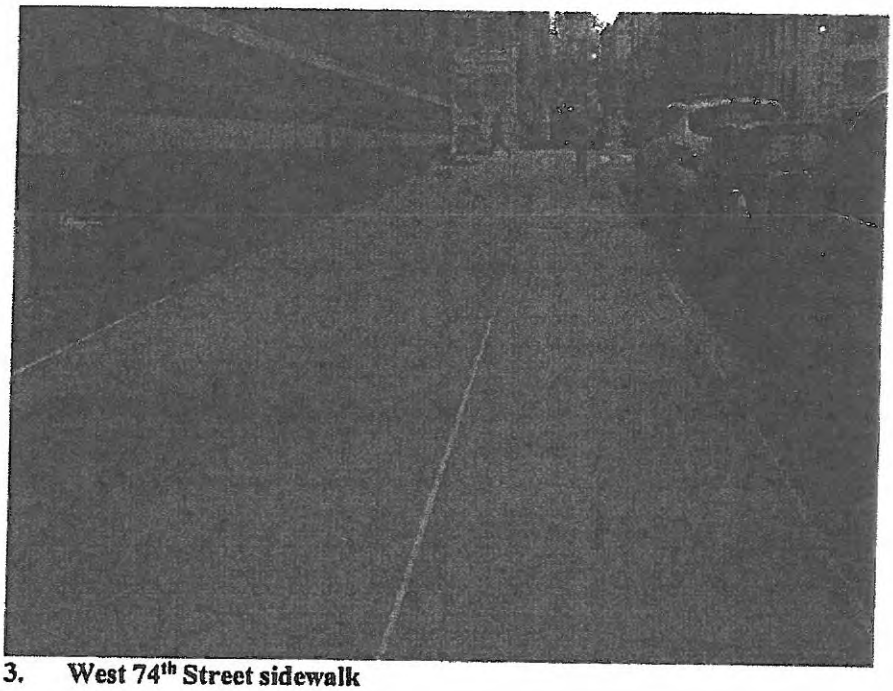
LIST OF INVOICES DATE

Date	Invoice Number	ORG	Project Name	Client	M&H Rep.	Description	Amount Billed	Exps.	Consultant	TAX
	24288002		RITZ - CARLTON HOTEL RENO	HSBC	JGC	Project Review Report Billed @ 20%	1,568.00			
	24290002	FL	HYDE RESORT & RESIDENCES	BLACK	JM	Site Obs. Report of 1/5/15, 1st	2,900.00	48.16		
	24291005		45 EAST 22ND STREET (RES	GOLD	JGC	Site Obs. Report of 12/23/14, 3rd	3,400.00			
						SUBTOTAL	75,503.00	3,181.72		
01 23 15	23583099	LA	LEVI'S STADIUM	GOLD	RF	Site Obs. Report of 1/8/14, 35th Fee:$6,720 Expenses: $617.06	7,337.06	560.96		
	23604038	LA	BLVD 6200 NORTH	BOA	RF	Site Obs. Report of 1/13/15, 31st	2,600.00			
	23612060	LA	PICO APARTMENTS	UBS	RF	Services Rendered at Client's request follow-up letter regarding Potential Warranty Items 1/16/15 - 6 hours @ $160/hr $960 Expenses:$27.72	987.72	25.20		
	23651030		PHILLPS HOUSES	CITI	JGC	Site Obs. Report of 1/6/15, 28th	1,400.00			
	23653033		MALL AT BAY PLAZA	BOA	JGC	Site Obs. Report of 12/23/14, 29th	2,500.00			
	23712027		57-63 GREENE STREET (MIXE	NORST	JGC	Site Obs. Report of 1/8/15, 24th	1,680.00			
	23747029		RIVERSIDE CENTER - BUILDI	BOA	JGC	Site Obs. Report of 11/26/14, 25th	3,000.00			
	23822021	FL	PONCE & BIRD MIAMI DEVELO	JPMCB	JM	Site Obs. Report of 12/23/14, 19th	2,300.00	35.28		
	23827024		HUDSON YARDS - TOWER C (S	JPMCB	JGC	Site Obs. Report of 12/18/14, 22nd	4,550.00			
	23827A23		HUDSON YARDS SOUTH TOWERS	JPMCB	JGC	Site Obs. Report of 1/15/15, 22nd	1,000.00			
	23836011		250 OLD COUNTRY ROAD (APA	JPMCB	JGC	Site Obs. Report of 1/9/15, 9th	2,500.00			

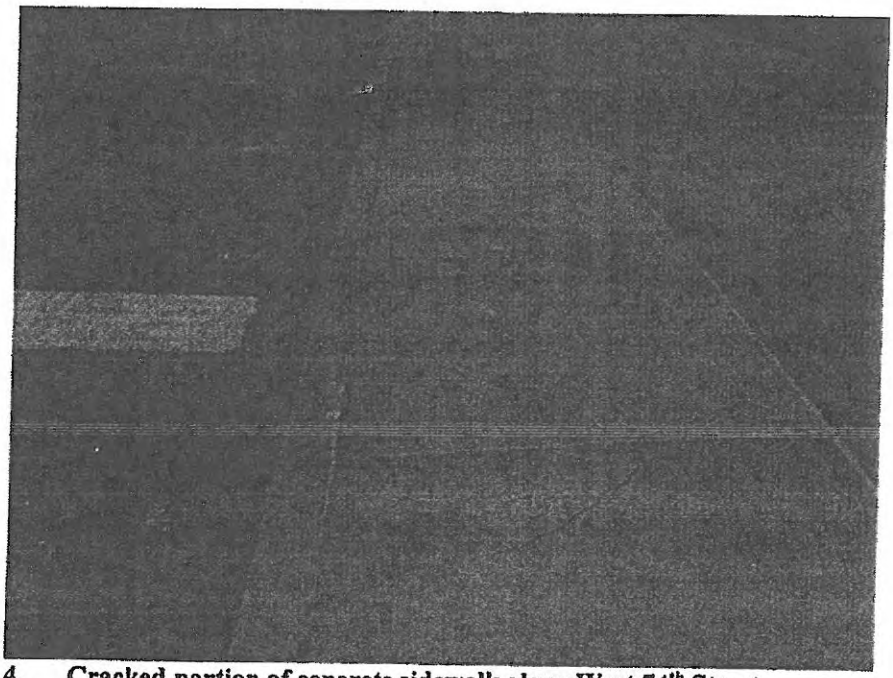
1. **ID Shot – Main Entrance**



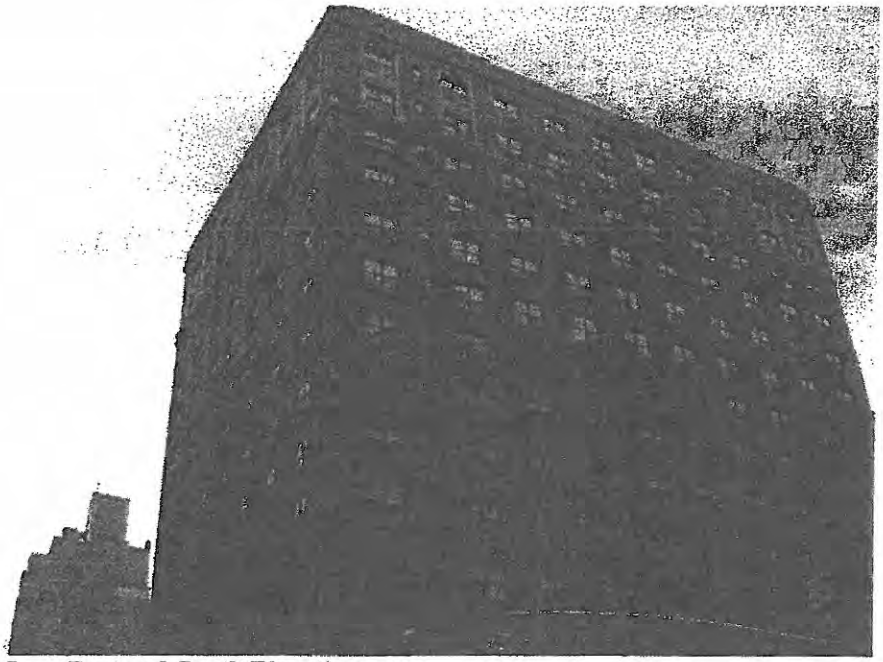
2. **New portion of sidewalk along West End Avenue**



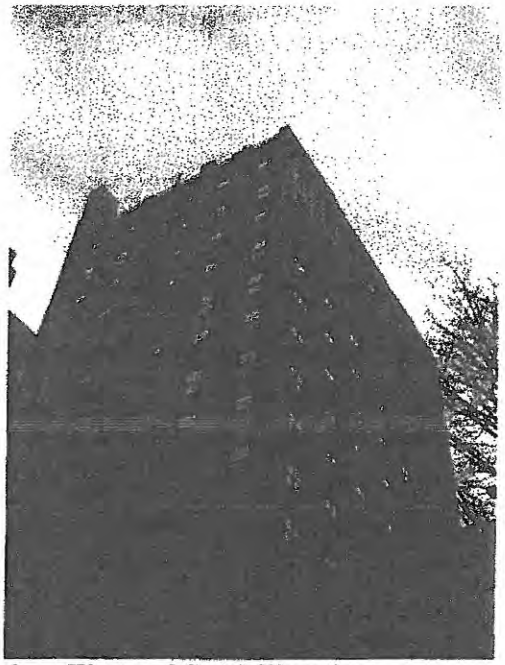
3. West 74th Street sidewalk



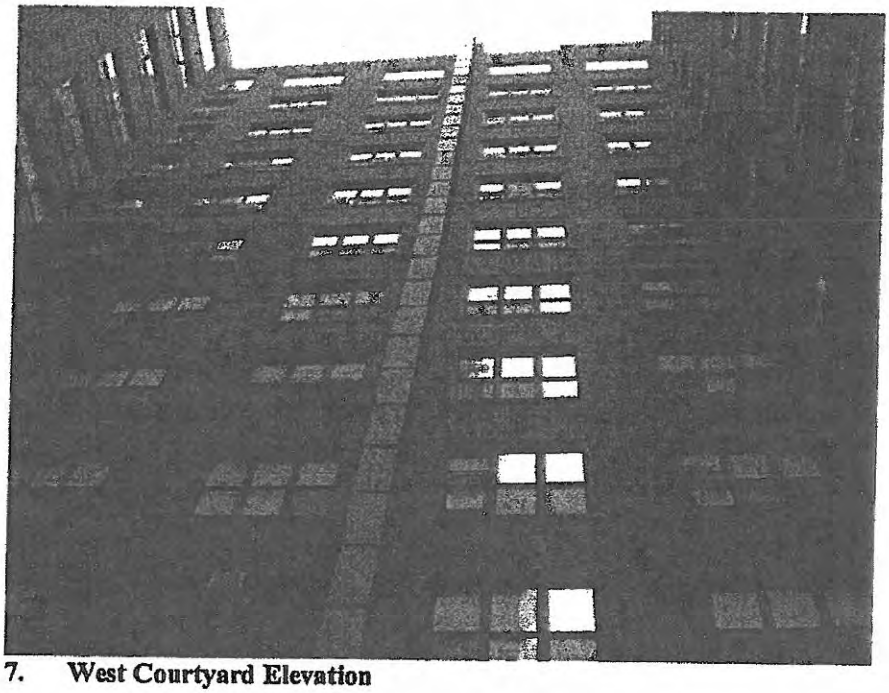
4. Cracked portion of concrete sidewalk along West 74th Street



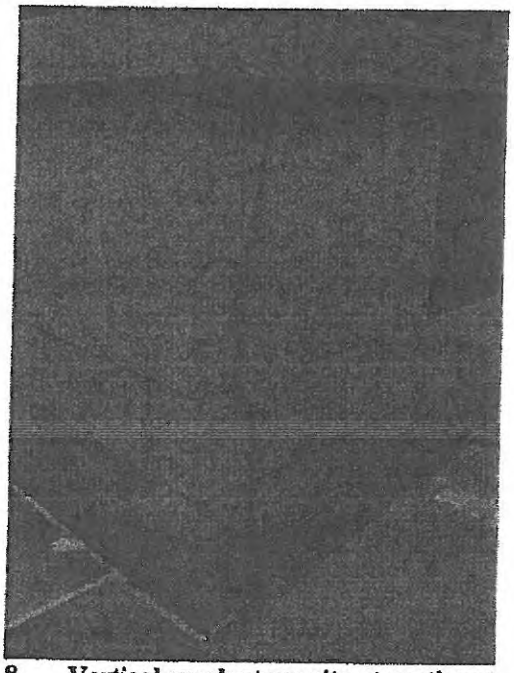
5. East and South Elevations



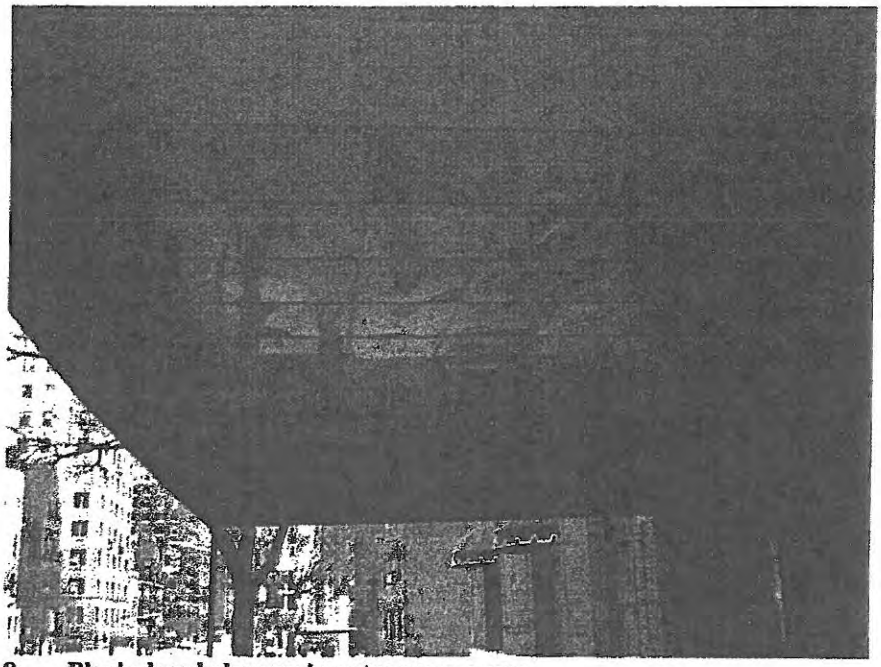
6. West and South Elevations



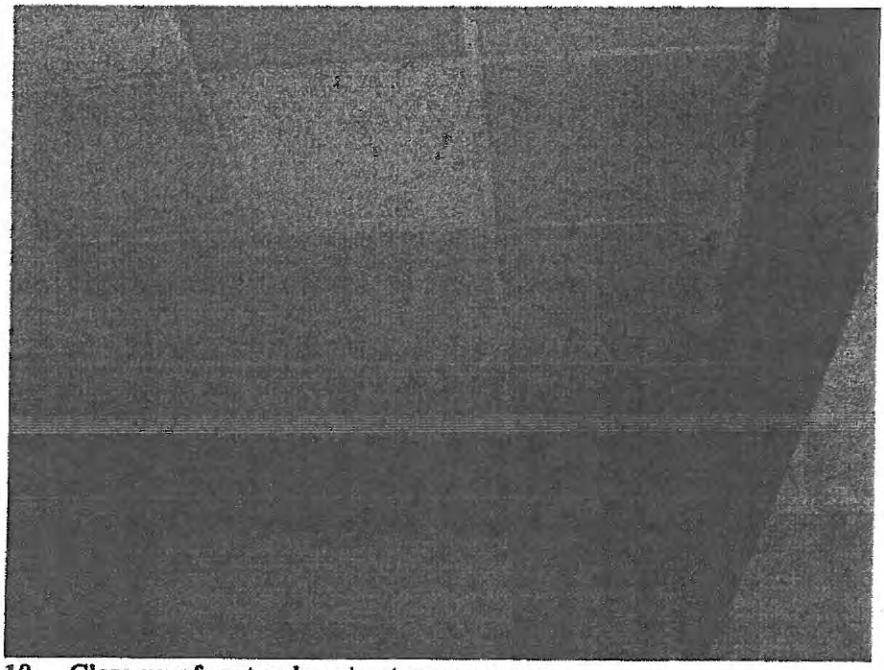
7. **West Courtyard Elevation**



8. **Vertical crack at granite at southeast corner base**

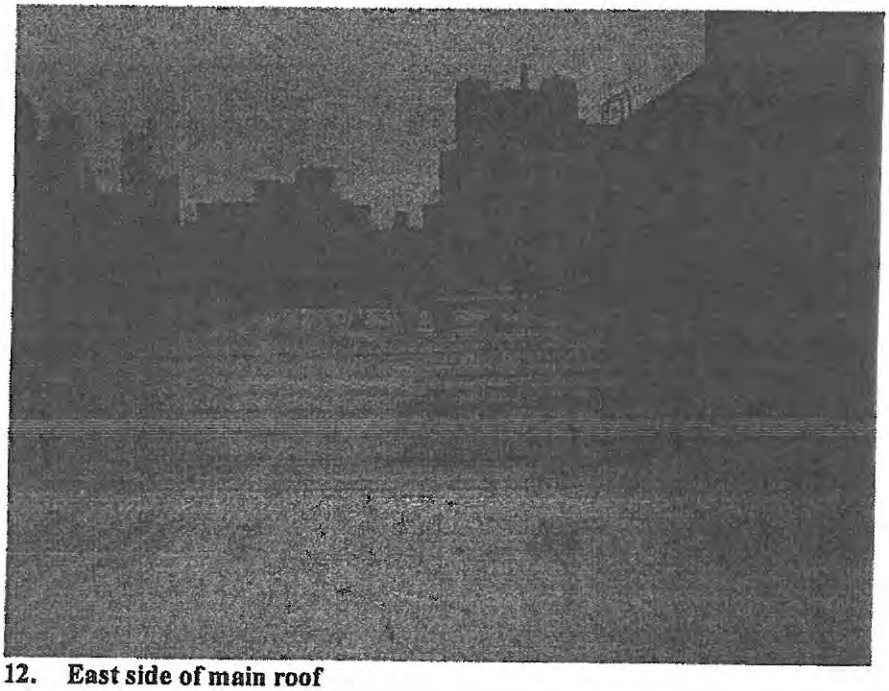


9. **Plexi-glass below main entrance canopy**

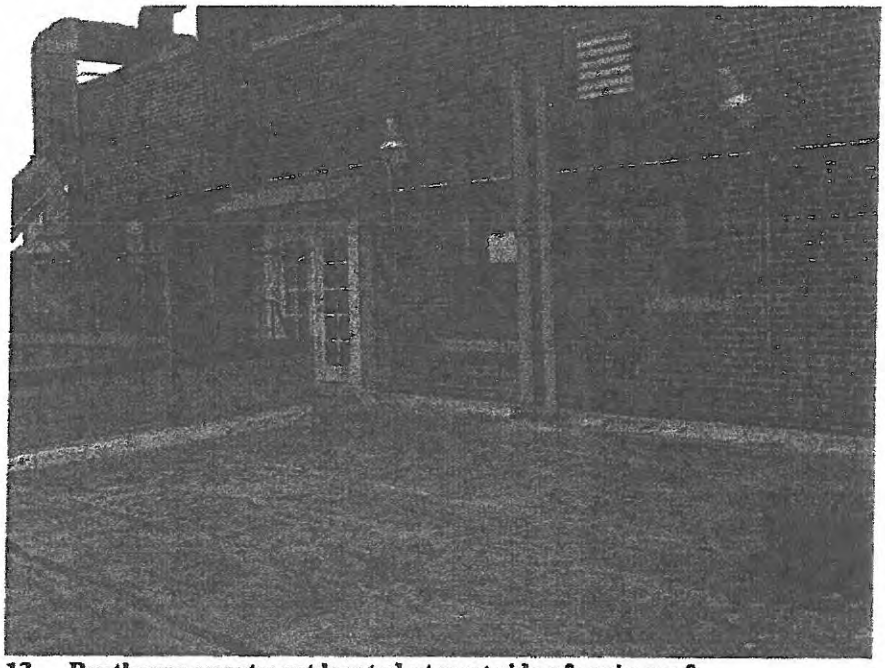


10. **Close-up of rusty edge at entrance canopy**

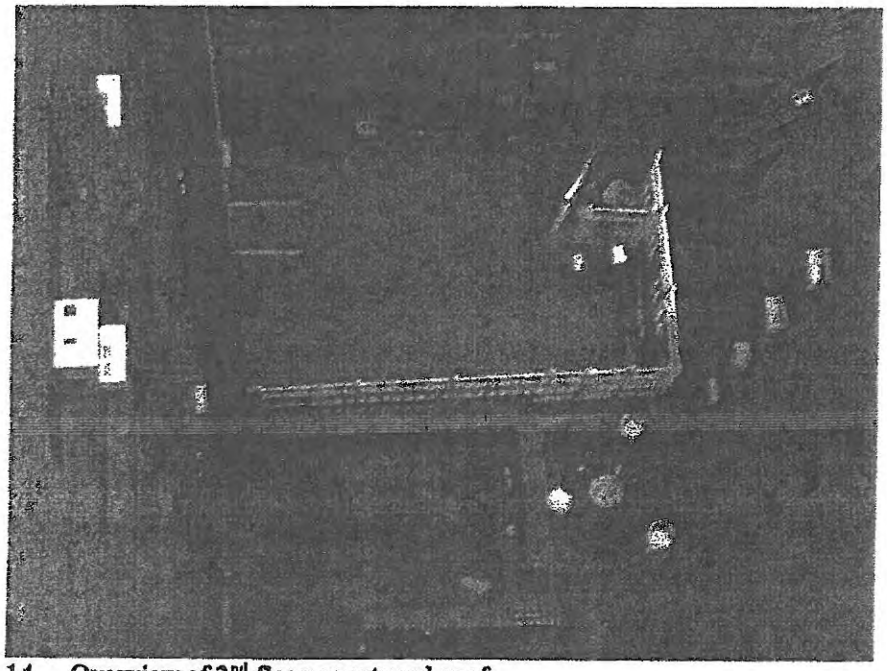
11. Dry-rot at wooden framing of cellar windows along West 74th Street



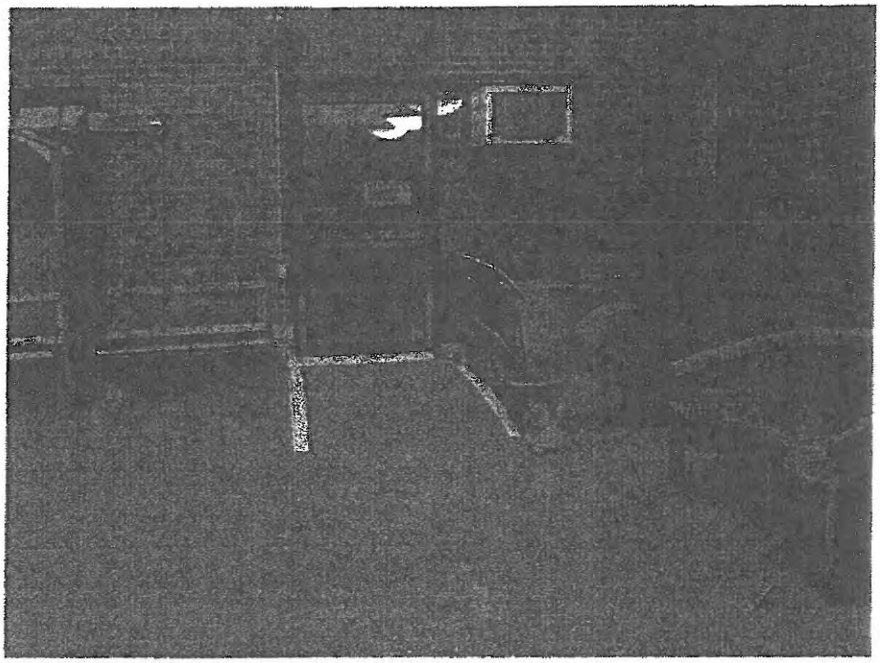
12. East side of main roof



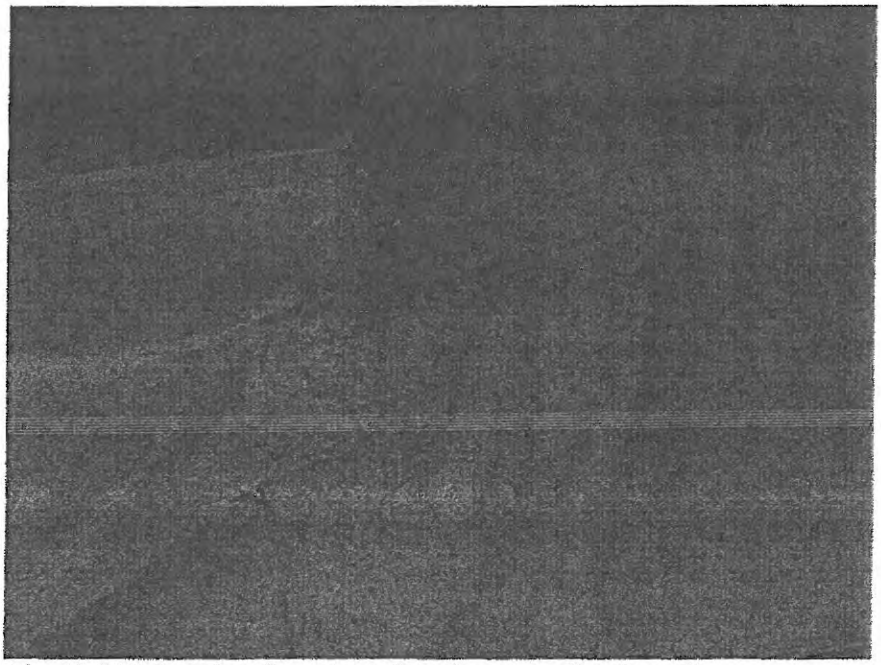
13. Penthouse apartment located at west side of main roof



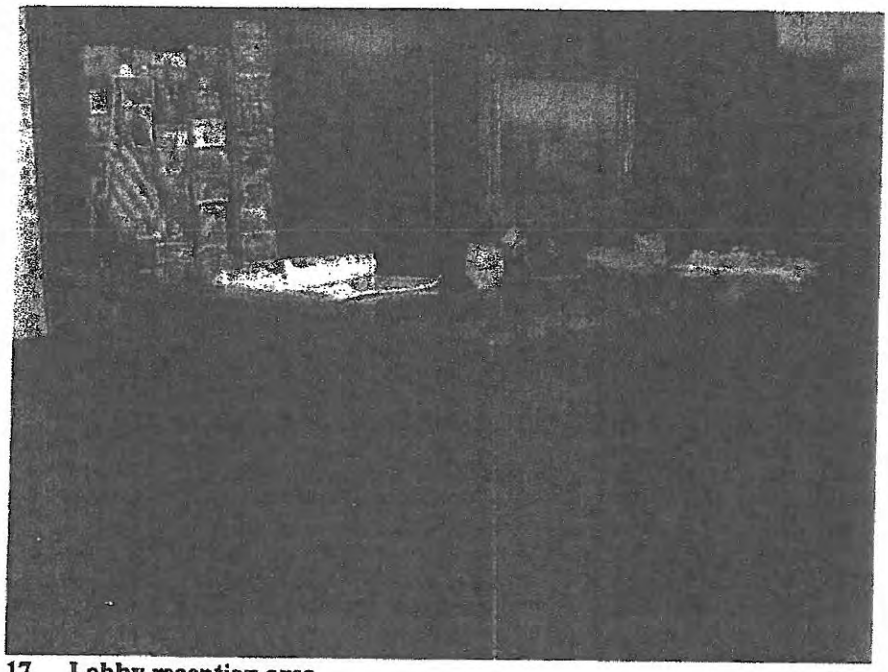
14. Overview of 2nd floor courtyard roof



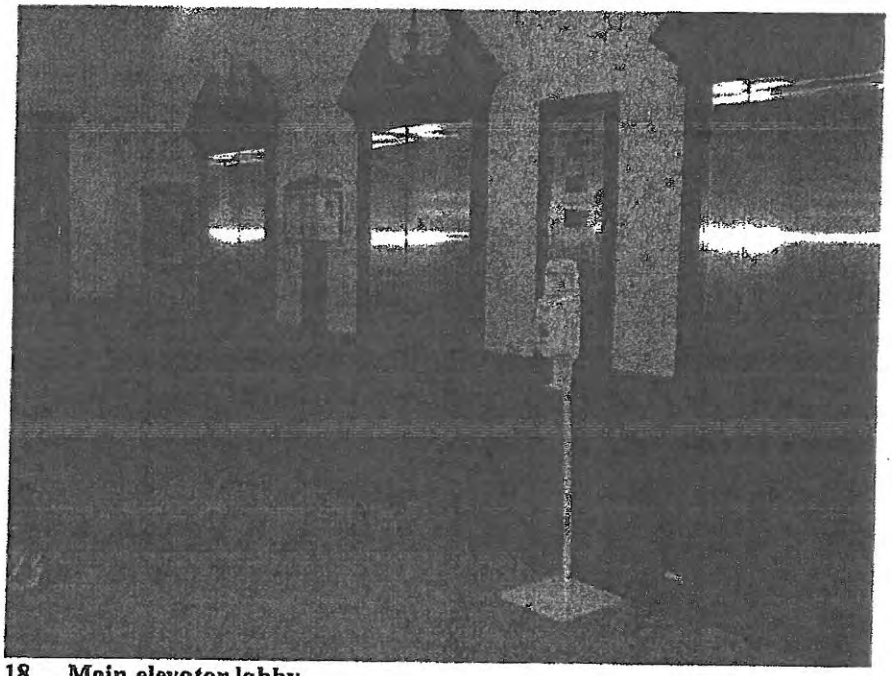
15. Entrance to building from courtyard roof



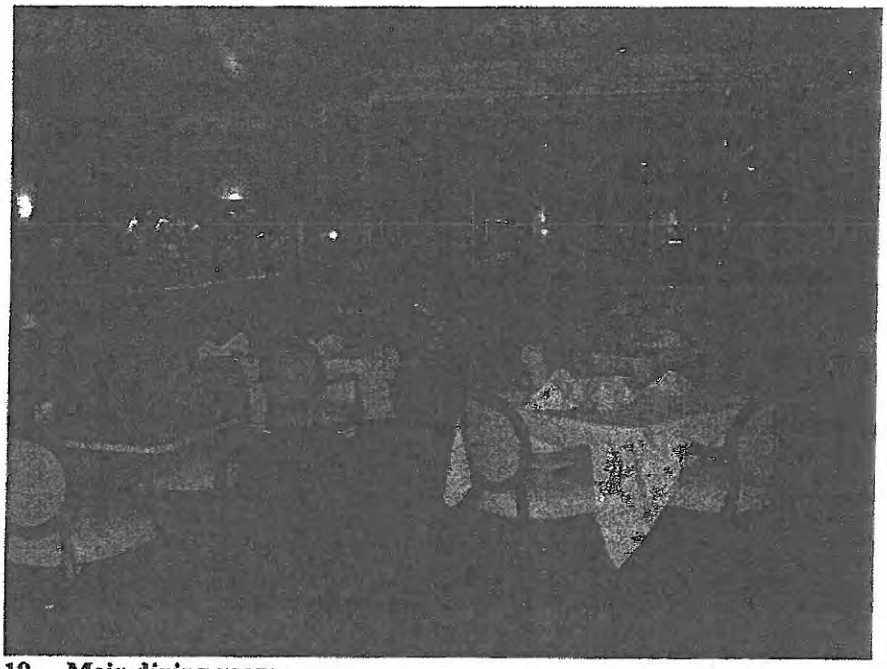
16. Bubbled roof surface at northwest corner of main roof



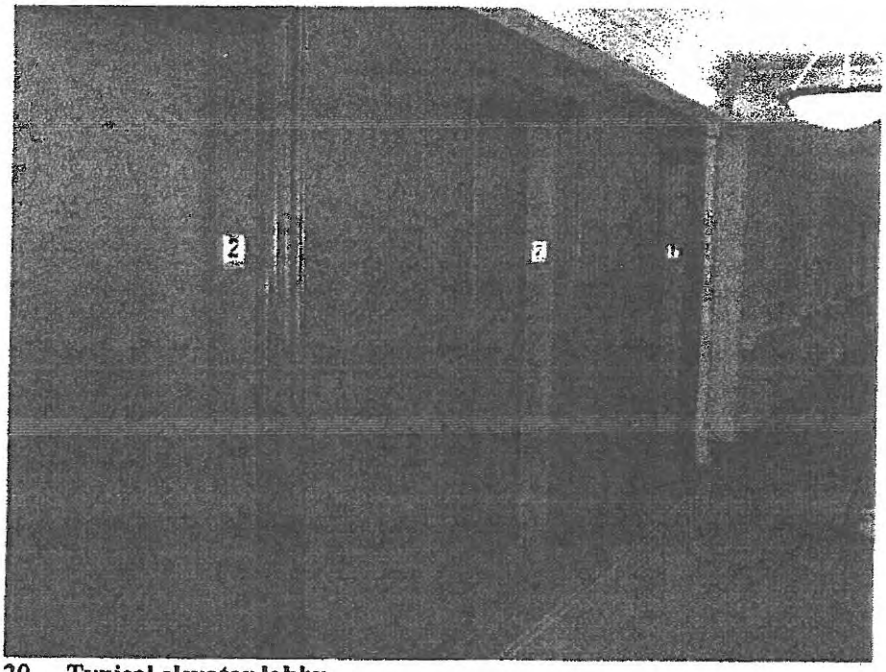
17. **Lobby reception area**



18. **Main elevator lobby**

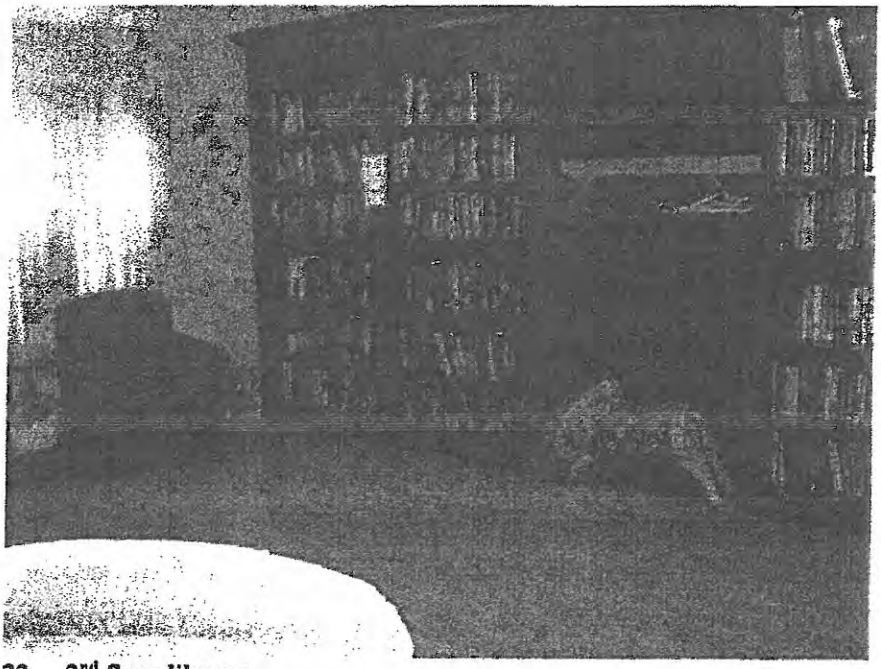


19. **Main dining room**

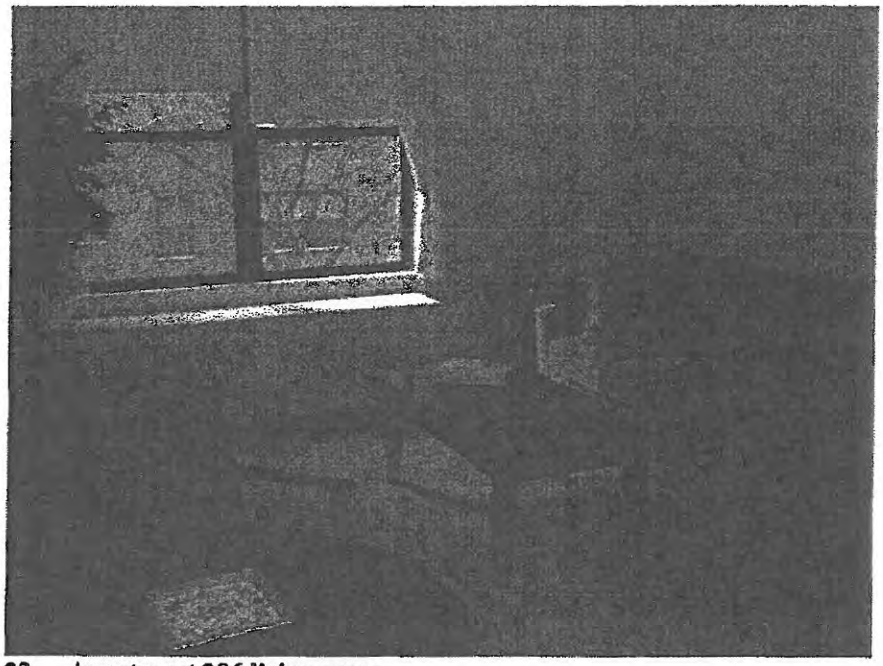


20. **Typical elevator lobby**

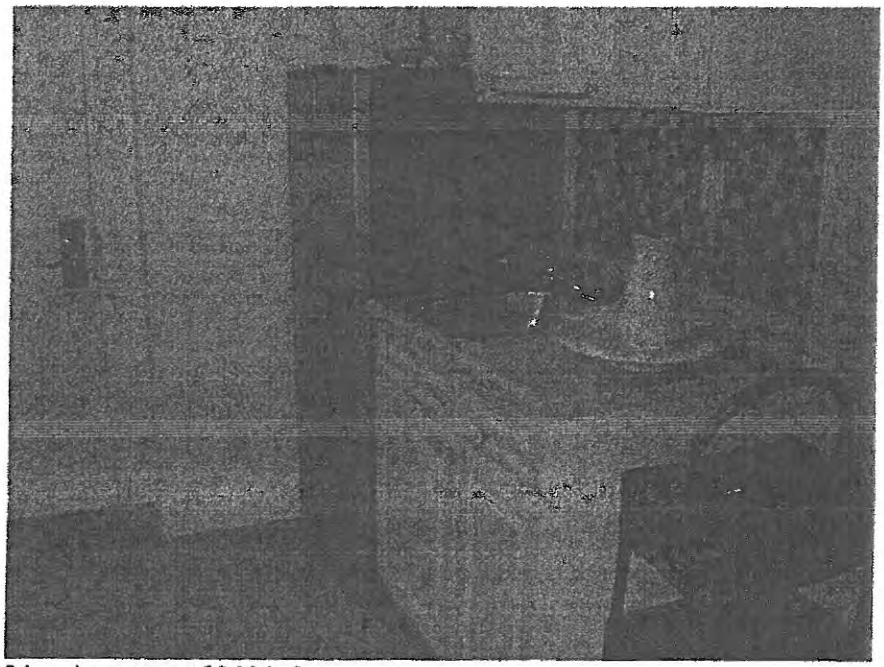
21. **Typical corridor**



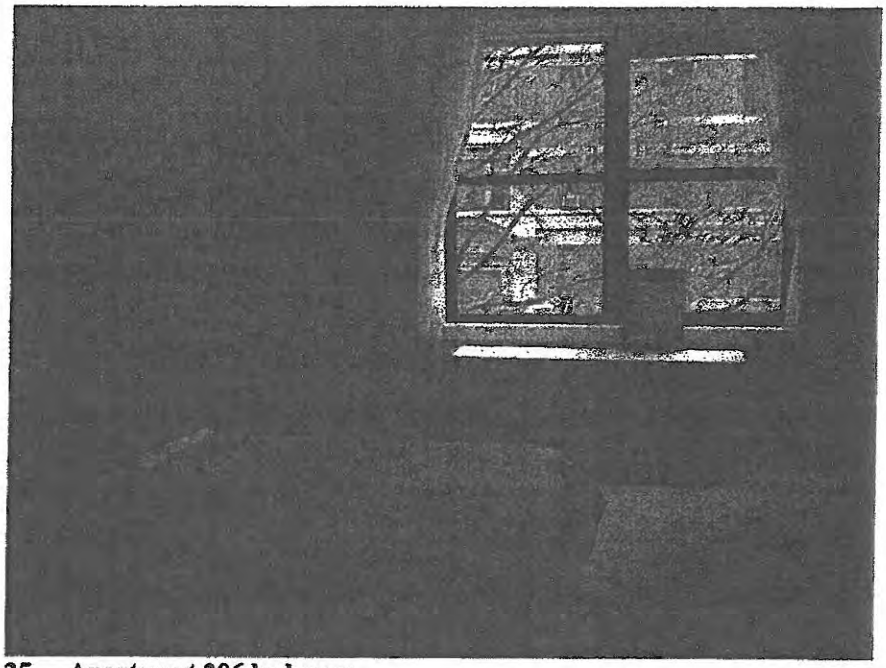
22. **2nd floor library**



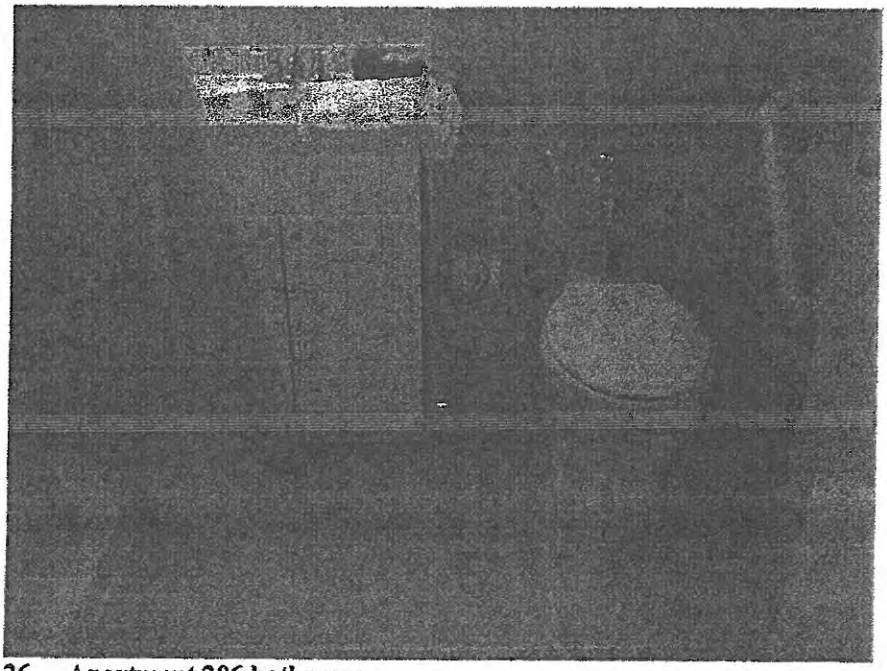
23. Apartment 206 living room



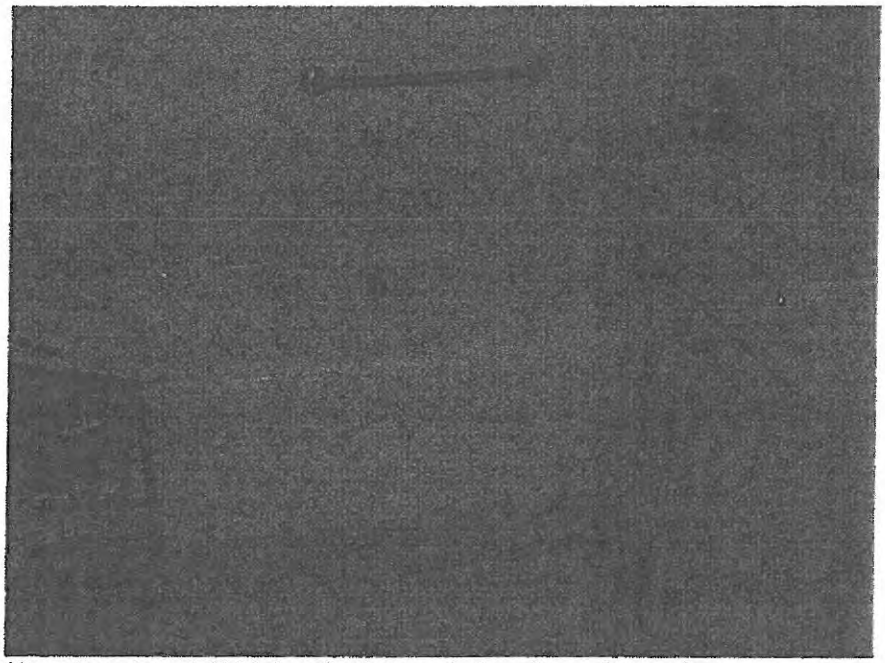
24. Apartment 206 kitchen



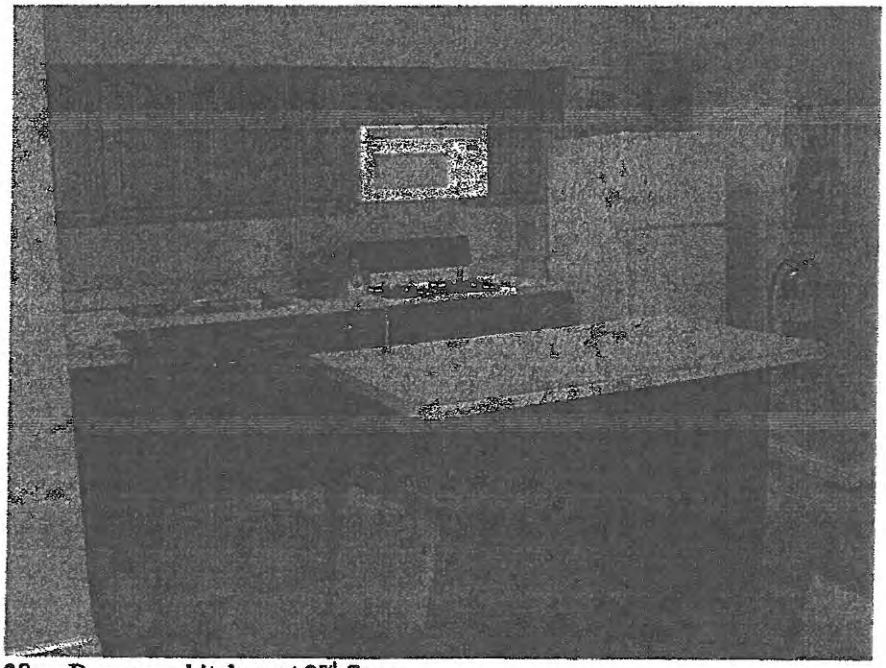
25. **Apartment 206 bedroom**



26. **Apartment 206 bathroom**

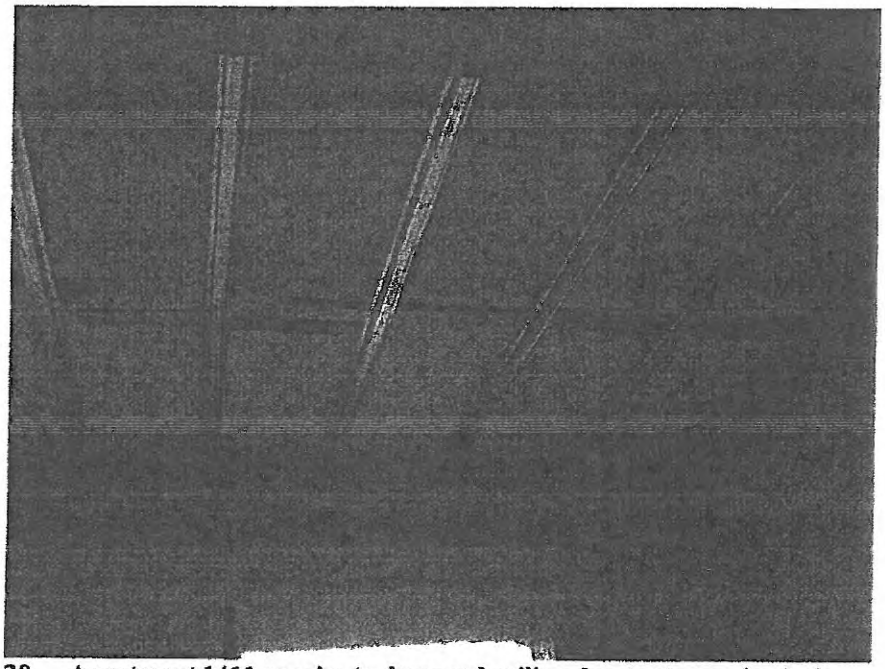


27. Apartment 604 tub at bathroom (others have showers)



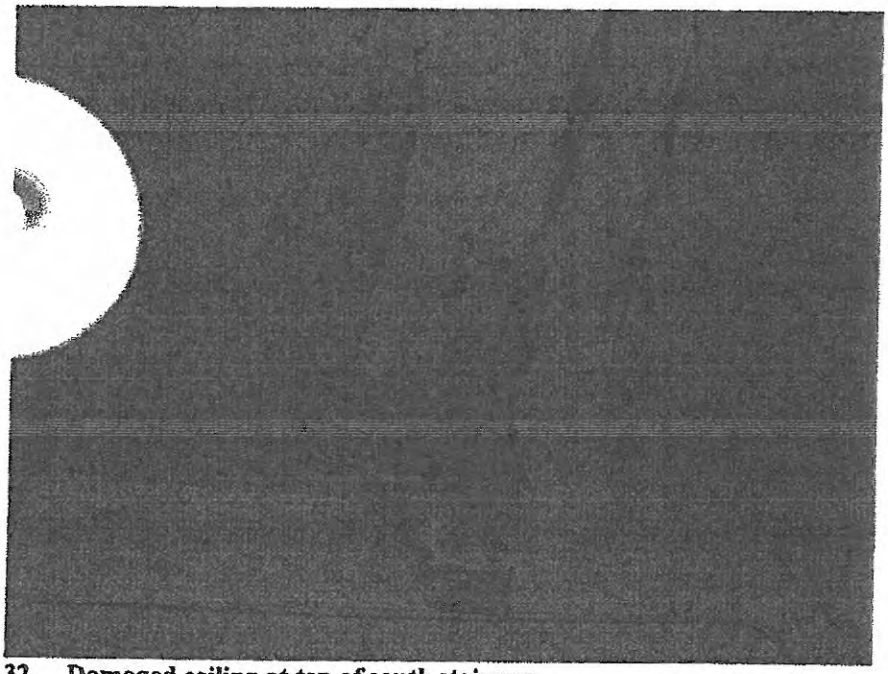
28. Dayroom kitchen at 2nd floor

29. Pipe leak from bathroom above at dayroom kitchen

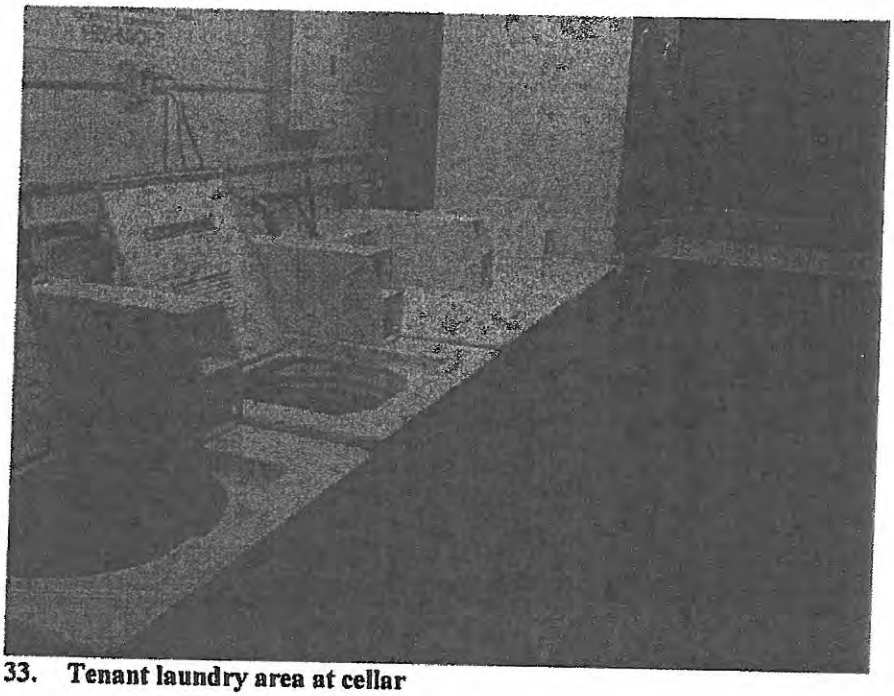


30. Apartment 1411 repairs to damaged ceiling due to steam pipe leak above

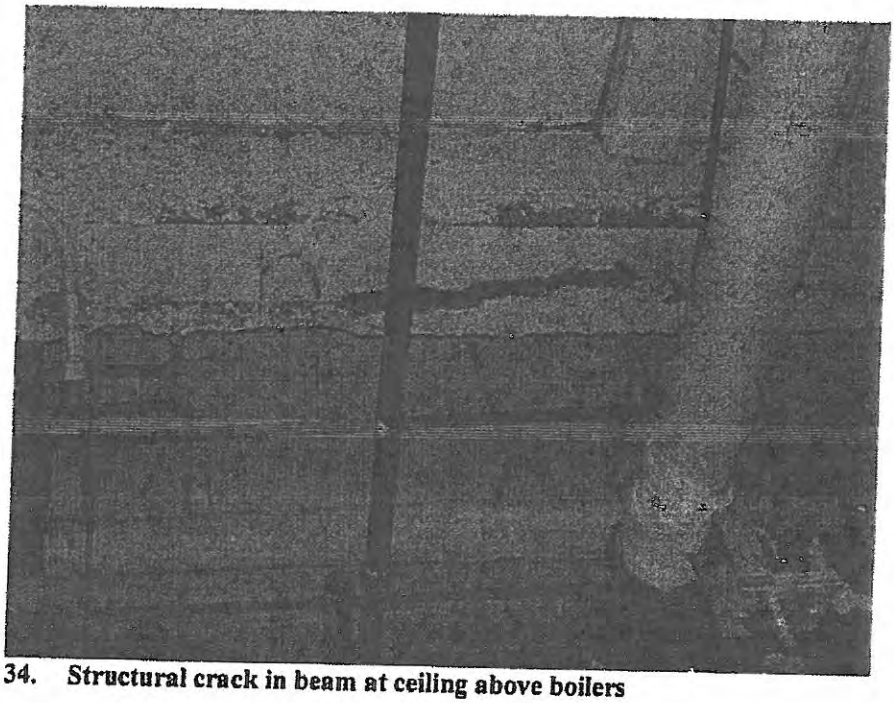
31. Apartment 1411 damaged floor near radiator



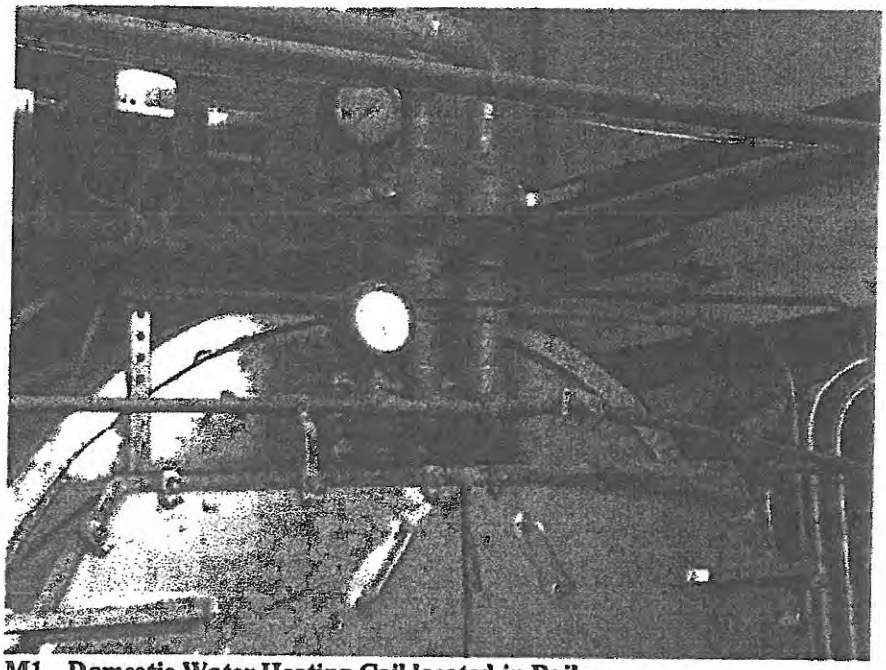
32. Damaged ceiling at top of south stairway



33. Tenant laundry area at cellar

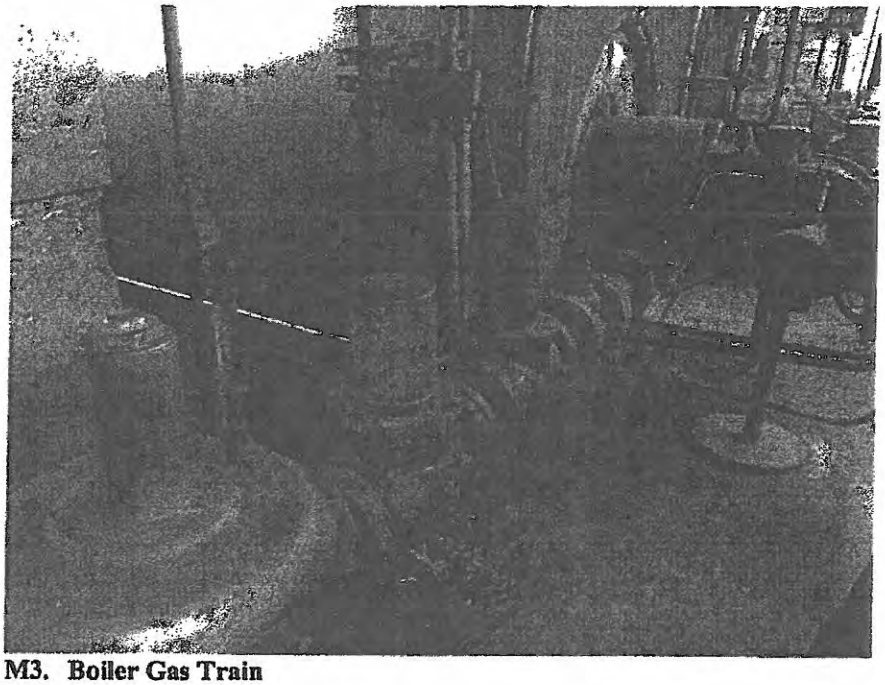


34. Structural crack in beam at ceiling above boilers

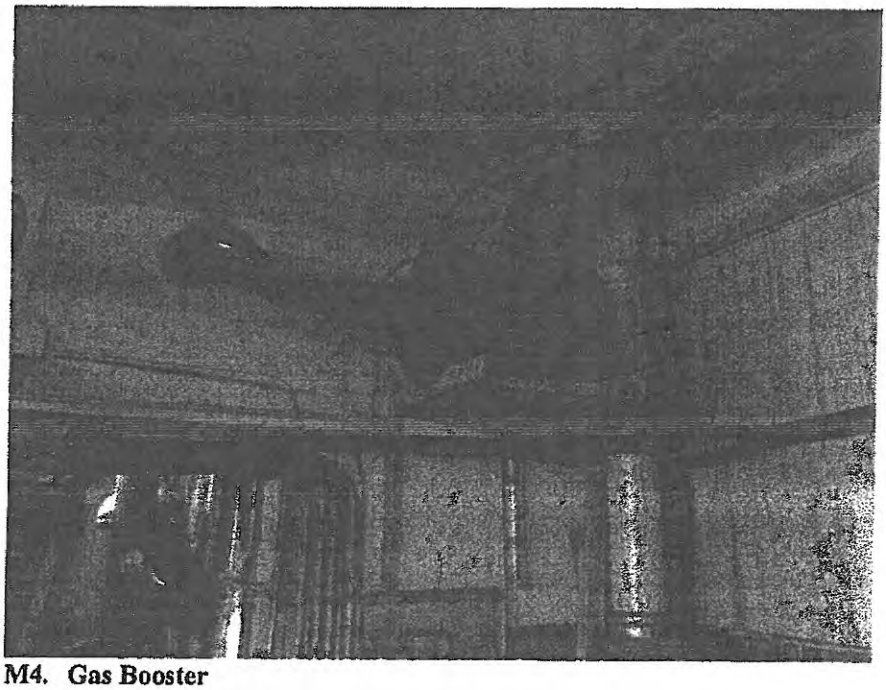


M1. Domestic Water Heating Coil located in Boiler

M2. Condensate Reservoir and Condensate Pumps

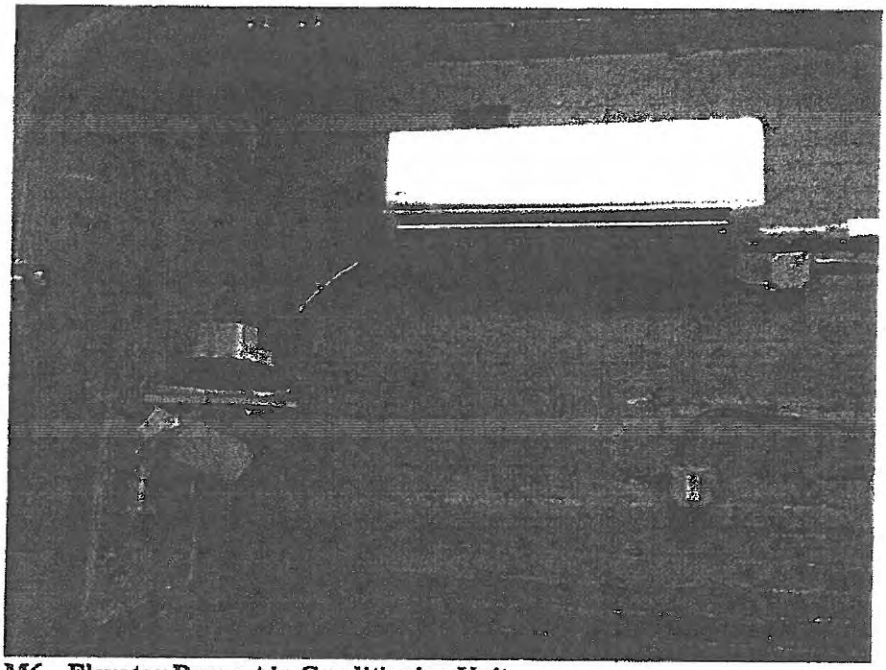


M3. Boiler Gas Train



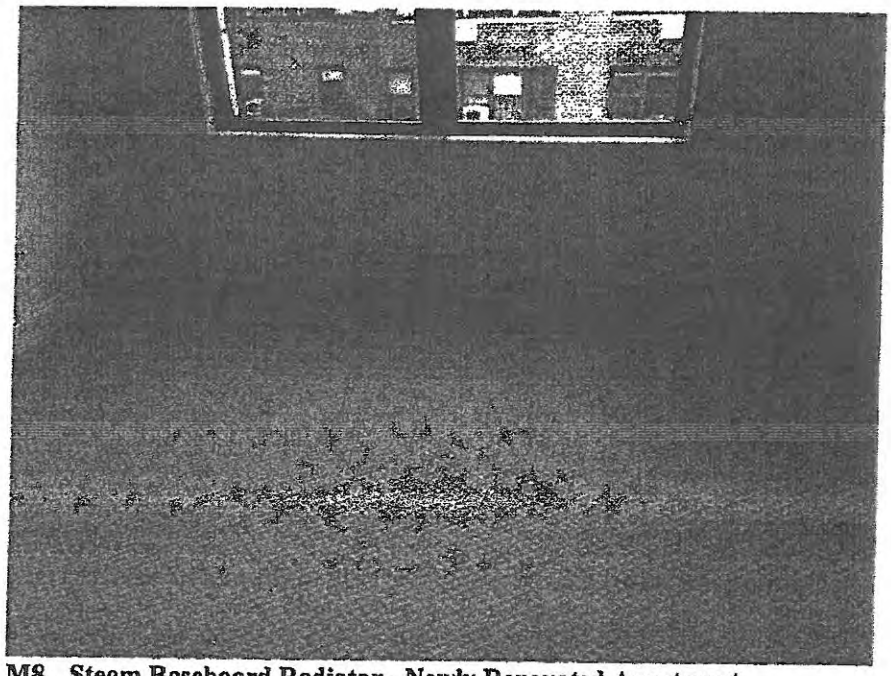
M4. Gas Booster

M5 Gas Service and Gas Meters



M6. Elevator Room Air-Conditioning Unit

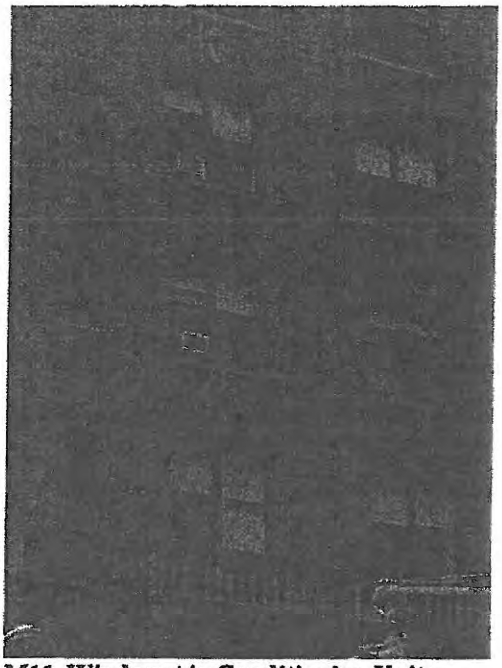
M7. Steam Radiator - Occupied Room



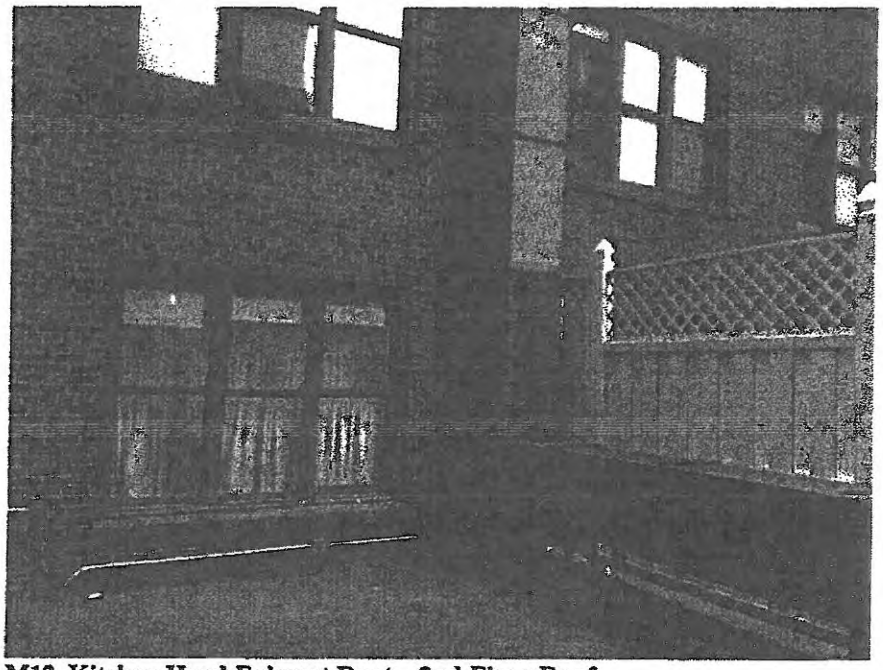
M8. Steam Baseboard Radiator - Newly Renovated Apartment

M9. Damaged Intake 1 Hood 2nd Floor Roof

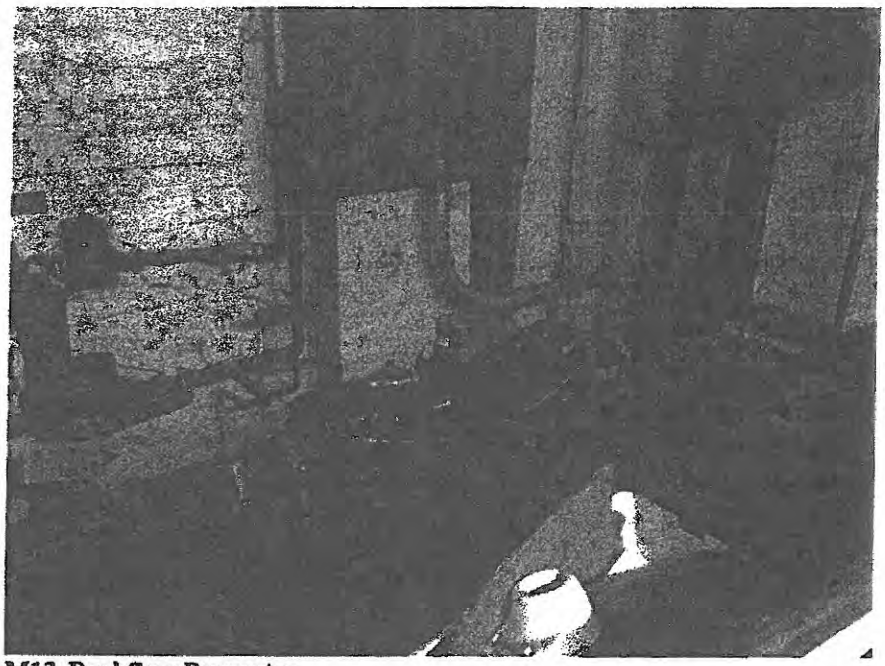
M10. Damaged Intake 2 Hood – 2nd Floor Roof



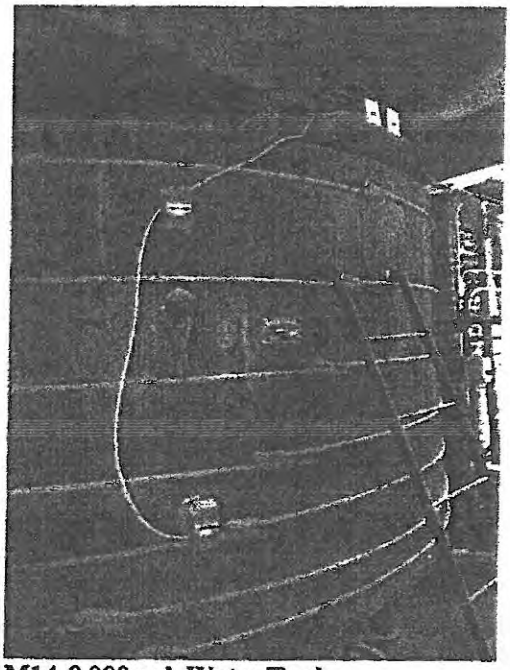
M11. Window Air Conditioning Units



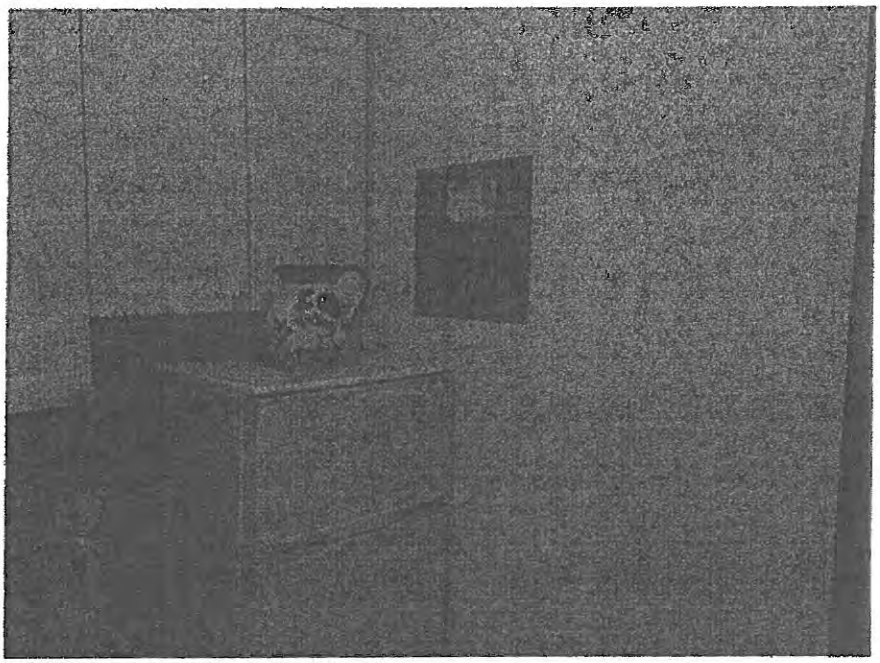
M12. Kitchen Hood Exhaust Duct – 2nd Floor Roof



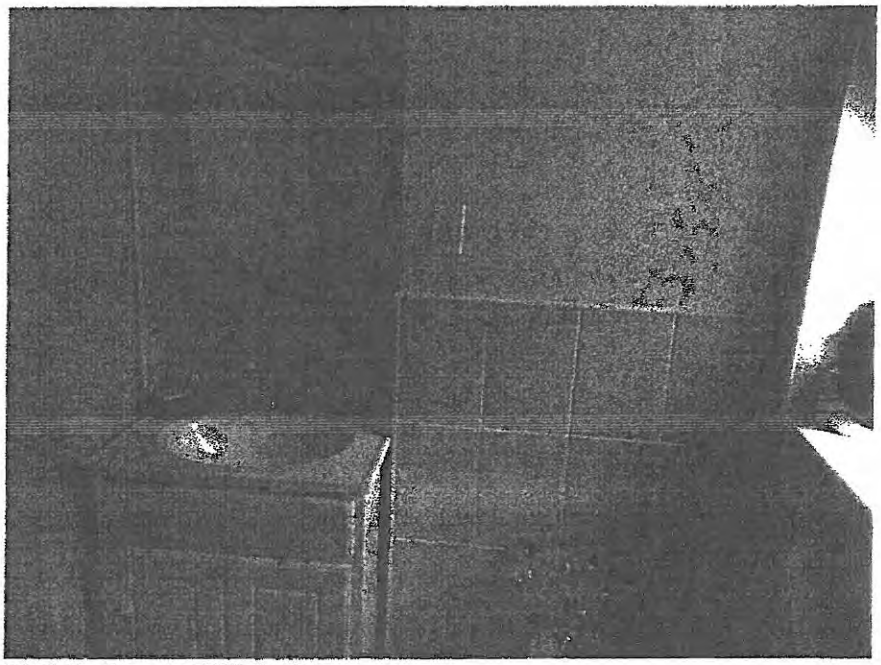
M13. Backflow Preventer



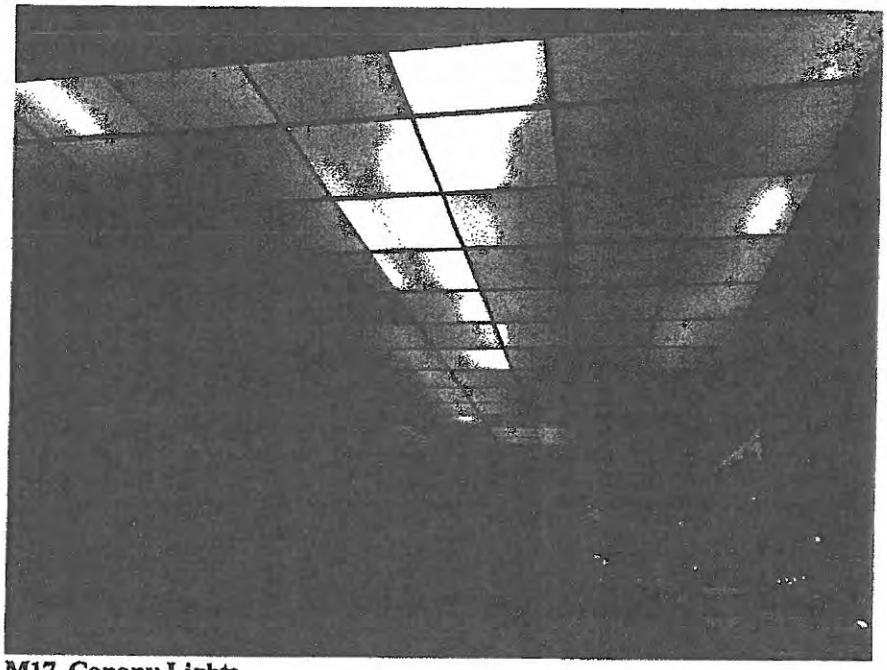
M14. 8,000-gal. Water Tank



M15. Apartment Electrical Panel

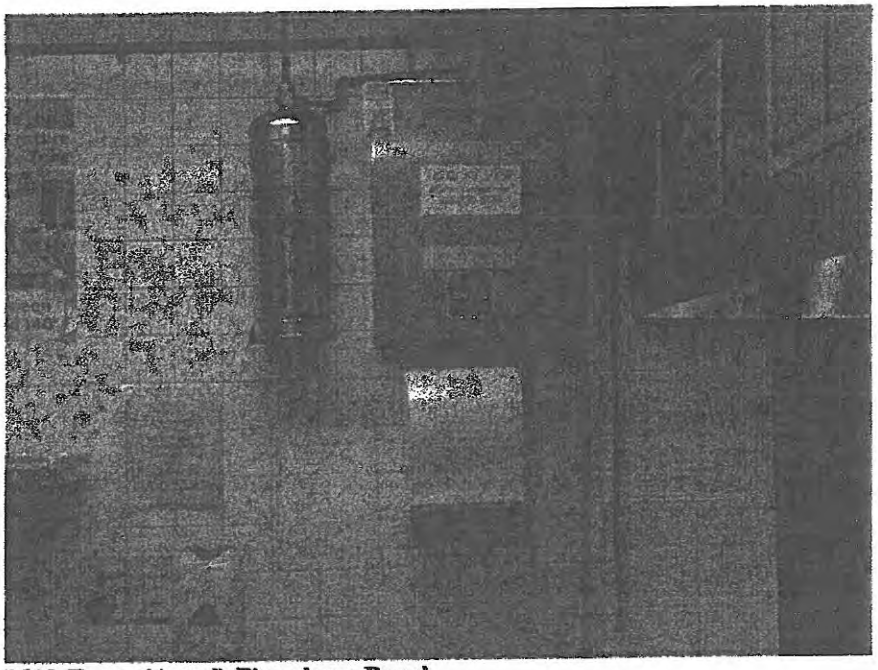


M16. Bathroom GFI Outlet

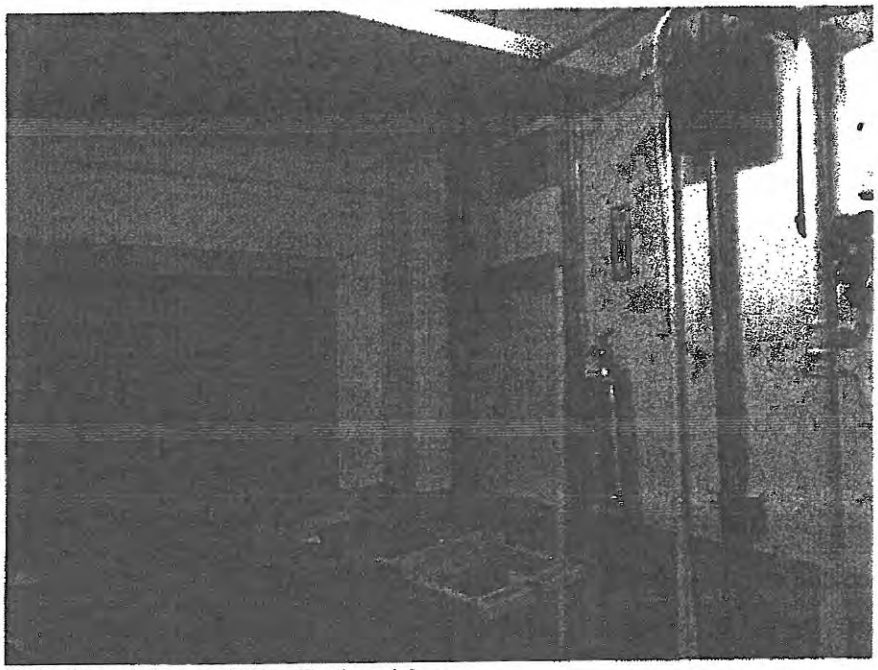


M17. Canopy Lights

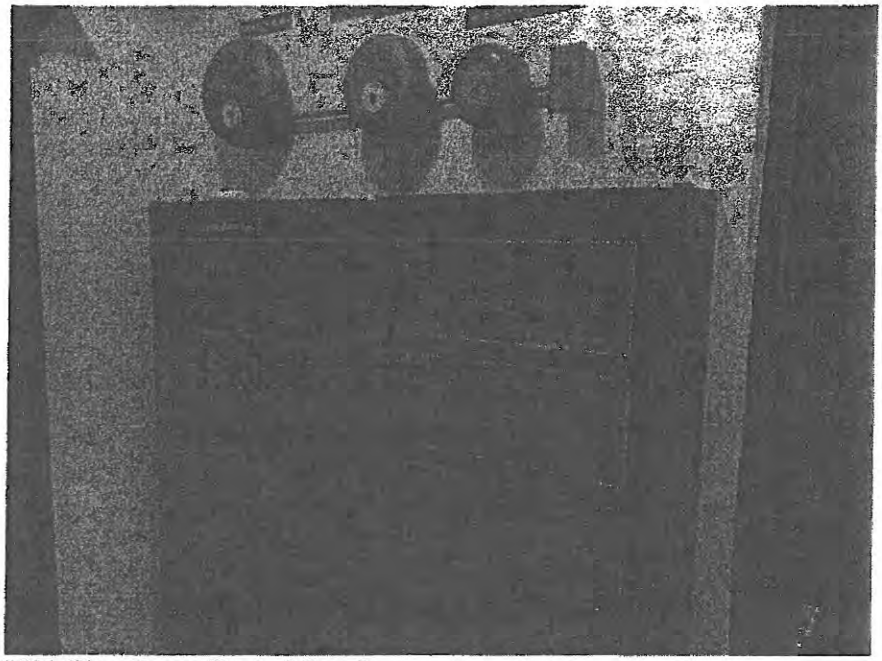
M18. Corridor Emergence Light



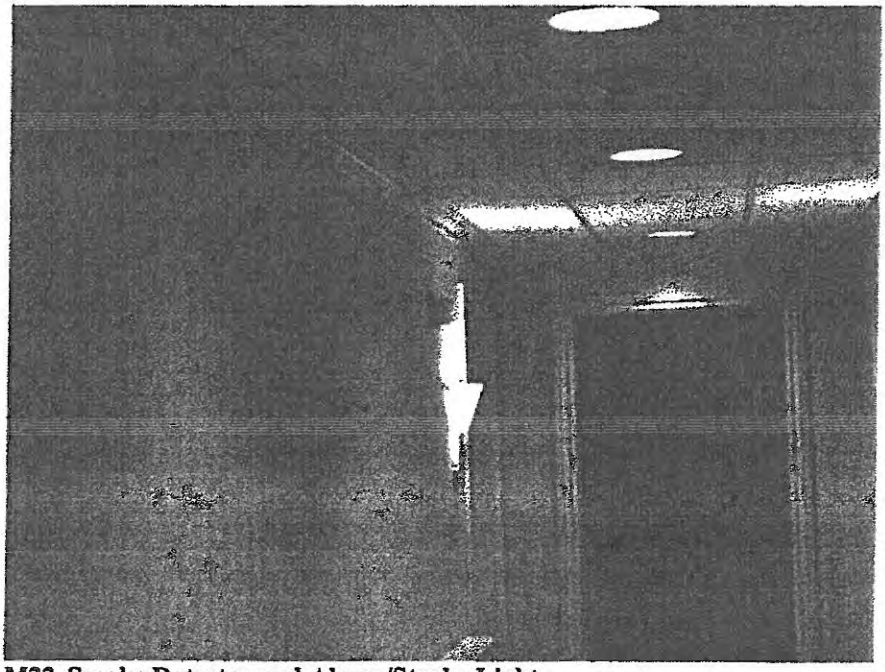
M19. Foam (Ansul) Fire alarm Panel



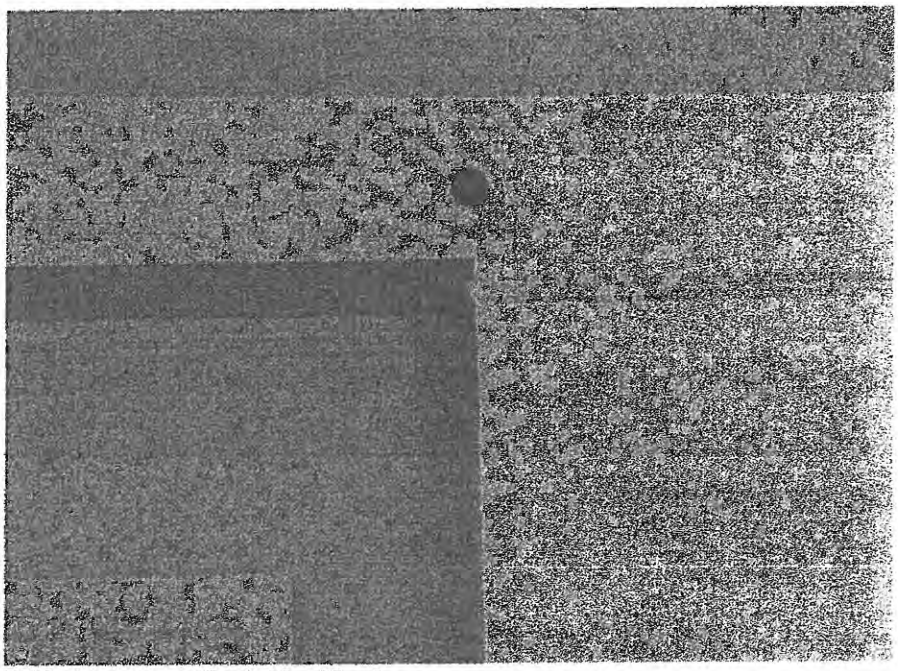
M20. Standpipe and Fire Extinguisher



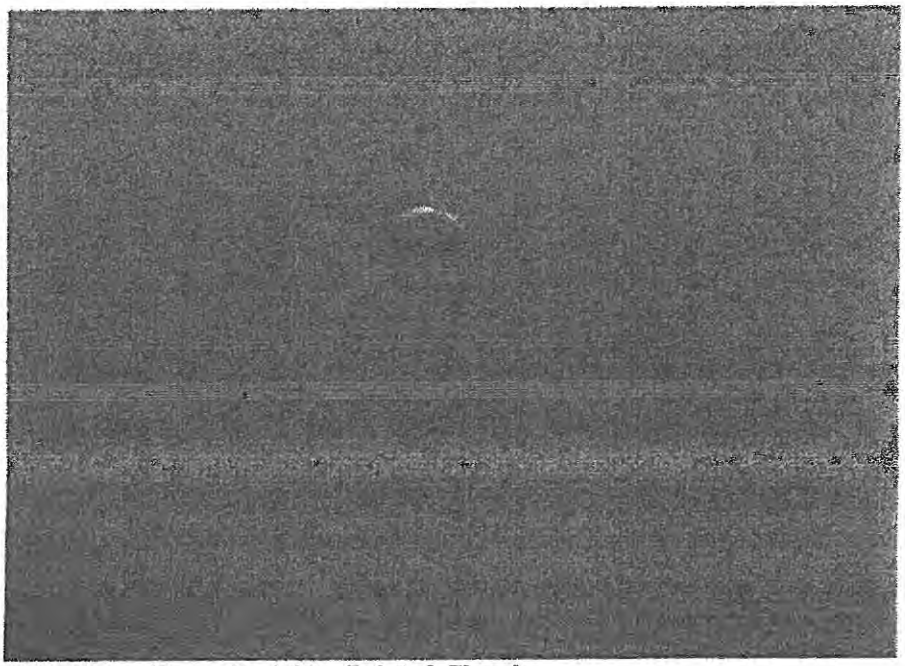
M21. Fire Alarm Control Panel



M22. Smoke Detector and Alarm/Strobe Light

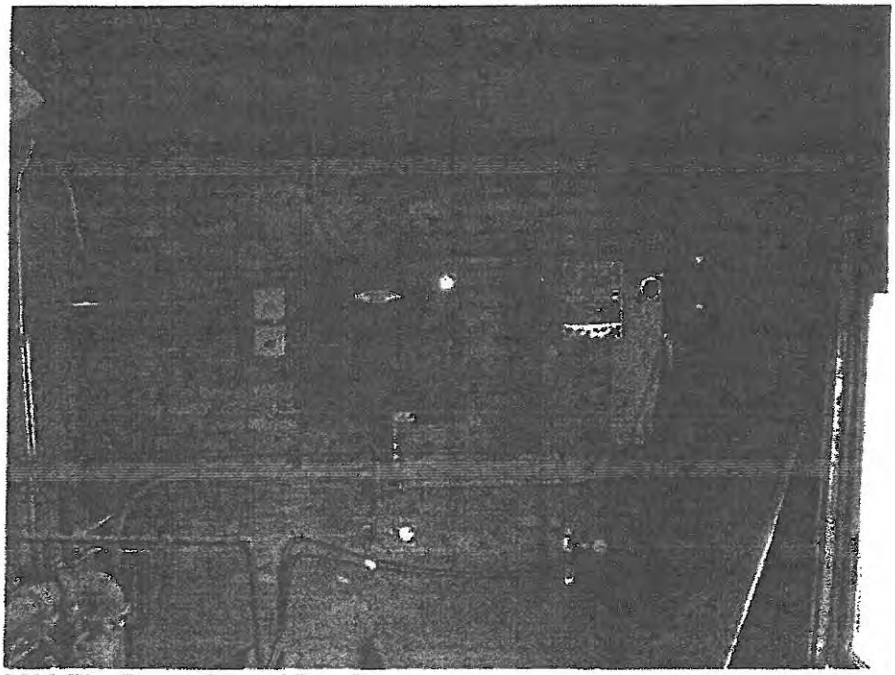


M23. Apartment Sprinkler Head

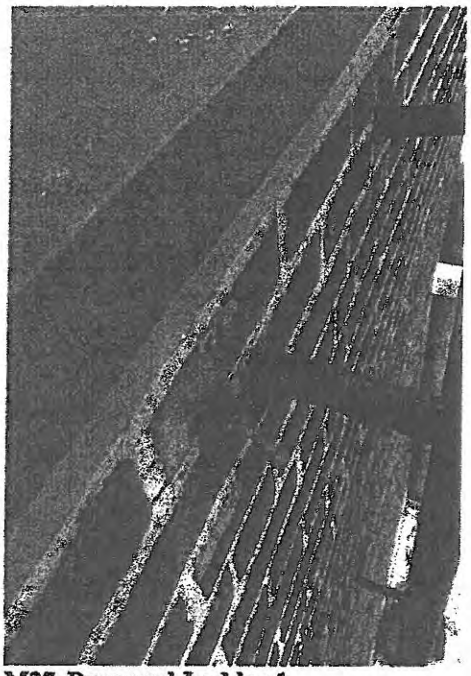


M24. Dining Room Sprinkler Painted Closed

M25. Fire Pump

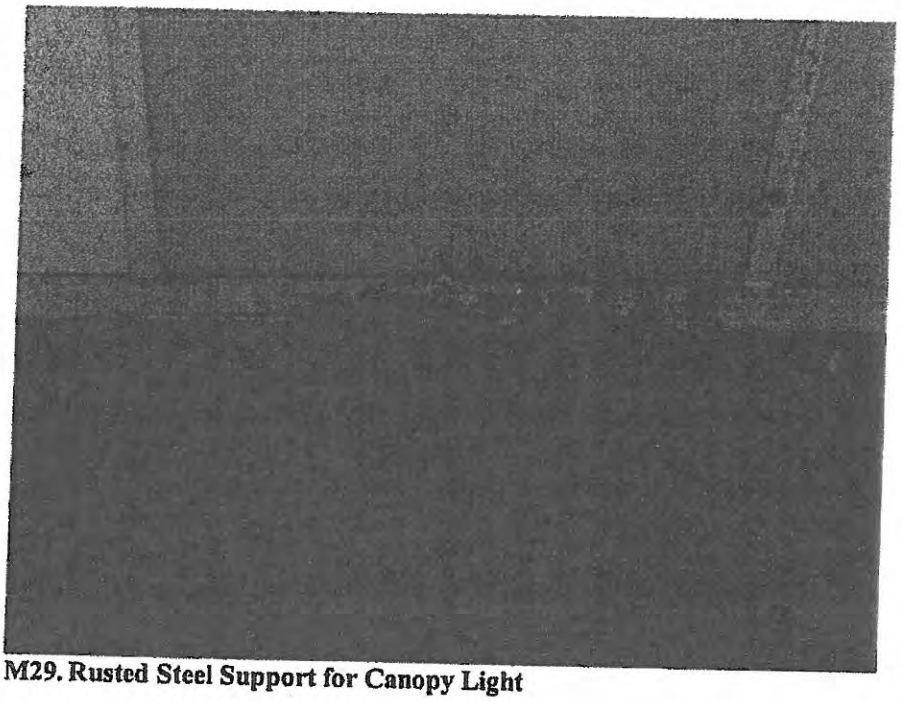


M26. Fire Pump Control Panel



M27. Damaged Ladder 1

M28. Damaged Ladder 2



M29. Rusted Steel Support for Canopy Light

APPENDIX J

Permits and Stop Work Order Referenced in Footnote 5 of This Report

NYC Buildings INTRANET

NYC

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NYC Department of Buildings

Work Permit Data

Premises: 301 WEST END AVENUE MANHATTAN **Filed At: 305 W END AVE MANHATTAN**

BIN: 1031008 Block: 1184 Lot: 77 **Job Type: A3 - ALTERATION TYPE 3**

Printable (PDF) version of this Permit

Job No:	120067391			**Fee:**	STANDARD
Permit No:	120067391-01-EQ-SF	**Issued:**	06/17/2009	**Expires:**	04/01/2010
Seq. No.:	01	**Filing Date:**	06/17/2009 INITIAL	**Status:**	ISSUED
Work:		**Proposed Job Start:**	06/17/2009	**Work Approved:**	06/17/2009

ALTERATION TYPE 3 - CONSTRUCTION EQUIPMENT - SCAFFOLD
PROPOSED INSTALLATION OF PIPE SCAFFOLD FOR REMIDIAL REPAIRS AS PER PLANS. NO CHANGE IN USE OCCUPANCY OR EGRESS UNDER THIS APPLICATION. SIDEWALK SHED FILED UNDER SEPARATE APPLICATION.

Use: RES - RESID. BLDG - OLD CODE **Landmark:** NO **Stories:** 14

Review is requested under Building Code: 2008

Issued to: MANJIT SINGH

GENERAL CONTRACTOR - NON-REGISTERED: GC 011735

Business: M.S.S. CONSTRUCTION CORP
4197 PARK AVE BRONX NY 10457

Phone: 718-299-8100

If you have any questions please review these Frequently Asked Questions, the Glossary, or call the 311 Citizen Service Center by dialing 311 or (212) NEW YORK outside of New York City.

NYC Buildings INTRANET

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NYC Department of Buildings

Work Permit Data

Premises: 301 WEST END AVENUE MANHATTAN **Filed At: 301 WEST END AVENUE MANHATTAN**

BIN: 1031008 Block: 1184 Lot: 77 **Job Type: A2 - ALTERATION TYPE 2**

Printable (PDF) version of this Permit

Job No:	120135567			**Fee:**	STANDARD
Permit No:	120135567-01-EW-OT	**Issued:**	09/09/2009	**Expires:**	08/16/2010
Seq. No.:	01	**Filing Date:**	08/21/2009 INITIAL	**Status:**	ISSUED
Work:		**Proposed Job Start:**	09/09/2009	**Work Approved:**	08/21/2009

ALTERATION TYPE 2 - GEN. CONSTR

REPOINT PART OF BRICK CHIMNEY WALL. NO CHANGE IN USE EGRESS OR OCCUPANCY.

Use: COM - COMMERCIAL BUILDINGS - OLD CODE **Landmark:** NO **Stories:** 14

Site Fill: NOT APPLICABLE

Review is requested under Building Code: 1968

Issued to: REHMAN W MOHAMMAD

GENERAL CONTRACTOR - NON-REGISTERED: GC 602024

Business: FREE WORLD CONTR INC

1113 CONEY ISLAND AVENUE BROOKLYN NY 11230 **Phone:** 347-404-6932

If you have any questions please review these Frequently Asked Questions, the Glossary, or call the 311 Citizen Service Center by dialing 311 or (212) NEW YORK outside of New York City.

Buildings INTRANET

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NYC Department of Buildings

Work Permit Data

Premises: 301 WEST END AVENUE MANHATTAN **Filed At: 305 WEST END AVENUE MANHATTAN**

BIN: 1031008 Block: 1184 Lot: 77 **Job Type: A3 - ALTERATION TYPE 3**

Printable (PDF) version of this Permit

Job No:	120245537			**Fee:**	STANDARD
Permit No:	120245537-01-EQ-SH	**Issued:**	01/15/2010	**Expires:**	12/08/2010
Seq. No.:	01	**Filing Date:**	01/14/2010 INITIAL	**Status:**	ISSUED
Work:		**Proposed Job Start:**	01/15/2010	**Work Approved:**	01/14/2010

ALTERATION TYPE 3 - CONSTRUCTION EQUIPMENT - SIDEWALK-SHED
PROPOSED INSTALLATION OF HEAVYDUTY SIDEWALK SHED FILED FOR REMEDIAL REPAIRS AS PER PLANS. NO CHANGE IN USE OCCUPANCY OR EGRESS UNDER THIS APPLICATION. LIVE LOAD 300 PSF. SIDEWALK SHED SHALL COMPLY WITH CHAPTER # 33 OF THE 2008 CODE. NO STORAGE ON SIDEWALK SHED

Electrical Application Number for Shed Lighting: Z124450

Use: RES - RESID. BLDG - OLD CODE **Landmark:** N/A **Stories:** 14

Review is requested under Building Code: 2008

Issued to: MANMOHAN SINGH

GENERAL CONTRACTOR - NON-REGISTERED: GC 602267

Business: TALICO CONSTRUCTION CORP
58 MARLOWE ROAD VALLEY STREAM NY 11580

Phone: 516-887-3900

If you have any questions please review these Frequently Asked Questions, the Glossary, or call the 311 Citizen Service Center by dialing 311 or (212) NEW YORK outside of New York City.

NYC Buildings INTRANET

NYC

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NYC Department of Buildings

Overview for Complaint #:1277883 = RESOLVED

Complaint at: 305 WEST END AVENUE **BIN:** 1031008 **Borough:** MANHATTAN **ZIP:** 10023
Re: SCAFFOLD DOES NOT MEET BUILDING CODE SAFETY STANDARDS

Category Code: 23 SIDEWALK SHED/SUPPORTED SCAFFOLD/INADEQUATE/DEFECT/NONE/NO PMT/NO CERT

Assigned To: BEST SQUAD **Priority:** B

Entered By: SBY (I) 03/19/2010 13:59:43

Received: 03/19/2010 13:59 **Block:** 1184 **Lot:** 77 **Community Board:** 107
Owner: ESPLANADE VENTURE PARTNERSHIP

Last Inspection: 03/31/2010 - - BY BADGE # 2443 BABEL DARIUZ
Disposition: 04/01/2010 - L2 - STOP WORK ORDER FULLY RESCINDED N
Disposition Entered By: CNS 04/01/2010 08:13:47
Comments: FULL RESCIND OF STOP WORK ORDER #4142
Prev DOB Violation #: 031910SSTCM02
Prev ECB Violation #: 34832239P

Complaint Disposition History

#	Disposition Date	Disposition Code	Disposition	Inspection By	Date
2	04/01/2010	L2	STOP WORK ORDER FULLY RESCINDED FULL RESCIND OF STOP WORK ORDER #4142	2443 BABEL	03/31/2010
1	03/19/2010	L1	PARTIAL STOP WORK ORDER SWO# 4241 ISSUED FOR SHED DOES NOT EXTEND AS REQ' BY CODE,	2427 MILLS	03/19/2010

If you have any questions please review these Frequently Asked Questions, the Glossary, or call the 311 Citizen Service Center by dialing 311 or (212) NEW YORK outside of New York City.

NOTICE OF VIOLATION AND HEARING

NYC Buildings

COMMISSIONER OF THE DEPARTMENT OF BUILDINGS OF THE CITY OF NEW YORK, PETITIONER, AGAINST 1031008

Violation No. 34832239P
ENVIRONMENTAL CONTROL BOARD

Respondent	First name (or entity name): TALICO CONSTRUCTION CORP	Last name:		
☐ **Mailing address** (Check if same address as place of occurrence)	Number and street: 58 MARLOWE ROAD	City: VALLEY STREAM	State: NY	Zip code: 11580
Additional mailing to be sent (agent, care of, other):		License No. (If Applicable): 602267-GC	Project Code:	
Name	First name:	Last name:	Company:	
Mailing address	Number and street:	City:	State:	Zip code:

Commissioner's Order To Correct Violations

Place of occurrence	Boro	Date of violation	Type	Dist.	Code	No.
305 WESTEND AVE	MN	3/19/10	C	SST	C01	02

Construction type	BIN No.	No. of stories	Block	Lot	Occupancy at time of inspection	Basis of violation
RESTORATION	103100	16	1184	77	OCC	AUDIT

Based on an inspection of the premises and/or records of the Department, the undersigned has determined that you are in violation of the sections of law cited below, of Title 27, Title 28 of the NYC Administrative Code, the NYC Construction Codes, the NYC Zoning Resolution, the Reference Standards and/or Titles 1 and/or 2 of the Rules of the City of New York.

Violating Conditions Observed

Stop Work Order ☐ Full ☐ Partial | Class 1 ☐ | Class 2 ☒ | Class 3 ☐ | Recurring Condition ☐

Infraction Code	Provision of Law	
B223	BC3307.6	SIDEWALK SHED DOES NOT MEET CODE SPECIFICATIONS

– SHED DOES NOT EXTEND AS REQUIRED BY CODE AT EXP #1

Remedy: CONFORM SHED TO CODE SPECIFICATIONS

☐ **ILLEGAL CONVERSION - CLASS 1.** Per 28-202.1 & 1RCNY 102-01, additional daily penalties for continued violation of 28-210.1 also applicable.

☐ Per 28-202.1 & 1RCNY 102-01, additional "Class 1" daily or "Class 2" monthly penalty also applicable. ☐ Aggravated II Condition per 1RCNY 102-01(f)

The Commissioner of the Department of Buildings orders that you correct these conditions and file a certificate of such correction.

Important Information: As detailed in §28-201.4 and Section 102-01 of Subchapter B of Title 1 of the Rules of the City of New York, violations may be subject to aggravated penalties of the first order, which shall be imposed in accordance with the ECB Builldings Penalty Schedule.

Resolution options

CURE DATE — / —

If a date appears in the box above, you may have the option to **admit** the violation and certify correction by the "cure date." By doing so, you avoid a hearing before the Environmental Control Board and any penalties which would be assessed at the hearing. Note: Depending on the violation, non-ECB civil penalties may apply before a cure can be granted. For more information, see reverse side of the respondent copy of this Notice of Violation.

HEARING DATE 5/13/10 at ☐ 8:30 AM ☒ 10:30 AM ☐ 1:30 PM

The hearing date above is mandatory if you are either charged with a Class 1 violation, or the violation is marked as an Aggravated II condition, or if no "cure date" is given on this Notice of Violation. Also, the above hearing date is mandatory for all other types of charges if a certificate of correction (for a cure) is not received by the date indicated to the left, or is not approved by the Department, or if you are offered but have not timely accepted a pre-hearing stipulation. Refer to the ECB Violation Penalty Table in the Reference area of www.NYC.gov/Buildings or check the violation status on the BIS query on this website.
YOU MUST ATTEND THE HEARING IF YOU WISH TO CONTEST THE VIOLATION

Environmental Control Board hearing locations:

☐ **Queens,** (718) 298-7300 - 144-06 94th Avenue, 1st fl.
☒ **Manhattan,** (212) 361-1400 - 66 John Street, 10th fl.
☐ **Brooklyn,** (718) 875-7428 - 233 Schermerhorn Street, 11th fl.
☐ **Bronx,** (718) 993-6110 - 3030 3rd Ave., 2nd fl.
☐ **Staten Island,** (212) 361-1400 - 350 St. Marks Place, 1st fl.

Proceedings will be held under the authority of the NYC Charter section 1049-a and the rules promulgated thereunder. This hearing is your opportunity to answer and defend against the allegations set forth above. Failure to appear, unless an appearance is not required through availability of a Cure or Stipulation (see reverse), will result in a default and imposition of maximum penalties.

For more information. To reschedule your hearing or inquire about the case status, call the Environmental Control Board at the numbers listed above. For information on certifying correction of this violation, read instructions on the Certificate of Correction form, call the Department of Buildings at 311, or download the "ECB Violation Reference Guide" in the Reference Materials section at www.nyc.gov/buildings.

Issuing officer's last name, first initial (print): Mills, C

Badge number: 2427 Unit Code: SC

Supervisor's signature: [signature]

I personally observed the violation(s) charged and/or verified their existence through review of departmental records.

Issuing officer's signature: C. Mills

This statement is affirmed under penalty of perjury.

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ECB-PC (Rev. 9/08)

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