



OFFICE OF ENVIRONMENTAL REMEDIATION

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

Daniel Walsh, Ph.D.

Director

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NOTICE OF COMPLETION

Notice Holder(s): Devon/Staten Island, LLC
c/o RMA
455 Market Street, Suite 1460
San Francisco, CA 94105
Attention: Mr. Michael Potter

Site Information: Site Name: Devon/Staten Island LLC
Site Owner: Devon/Staten Island, LLC
Street Address: 3131 Richmond Terrace , Staten Island, NY, 10303
Block: 1208 Lot: 10
OER Site Number: 12CBCP032R

Site Description: The proposed future use of the Site will remain as a commercial self-storage facility. The current site contains a four-story building connected to a two-story building. The 105,480-square foot building contains an indoor drive through for vehicular offloading, multiple climate controlled storage units, two elevator bays and a 1,200-square foot office area. Remediation of this site includes installation of an active sub-slab depressurization system (SSDS) and approval of a Site Management Plan (SMP) detailing steps for the ongoing operation and maintenance of the SSDS.

**Date of Voluntary
Cleanup Agreement:** April 4, 2012

Notice Issuance

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

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

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

- Unrestricted Use (Track 1)
- Restricted Use (Tracks 4): *[If restricted use, check one of following]*
 - Residential
 - Restricted Residential
 - Commercial
 - Industrial

Liability Limitation

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

The Notice holder(s) shall be entitled to the liability limitation provided by the Memorandum of Understanding between the New York City Office of Environmental Remediation and the New York City Department of Environmental Protection, dated January 18, 2010, which shields the Site, upon issuance of a Notice of Completion, from enforcement under the Hazardous Substances Emergency Response Law (Title 24, Chapter 6 of the New York City Administrative Code).

The Notice holder(s) are also entitled to the statement of no further interest made by New York State Department of Environmental Conservation in a Memorandum of Agreement between NYS DEC and the New York City Office of Environmental Remediation dated July 10, 2012.

Notice of Transferability

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

Notice Modification/Revocation

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

- (1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the City Voluntary Cleanup Agreement;
- or

(2) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Voluntary Site Cleanup Agreement were reached.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel C. Walsh". The signature is written in a cursive style with a large initial "D".

Daniel C. Walsh, Ph.D.

Director,

New York City Office of Environmental
Remediation

Date of Issuance: July 2, 2013
Site No.: 12CBP032R