



READ INTO
RECORD

Voice for the future of our city.

**Statement of the Municipal Art Society of New York before
New York City Planning Commission regarding 15 Penn Plaza, June 24, 2010**

MAS is committed to the success of Moynihan Station and west Midtown and believes that a comprehensive transportation strategy is integral to encouraging development on the west side that is sustainable for the long term and helps to develop a recognizable sense of place. For several years, MAS has co-chaired the Friends of Moynihan Station, a coalition of civic organizations, business groups and elected officials that has consistently and effectively advocated expanding and renovating Penn Station, as well as building a "Moynihan Station District" of dense new development that takes advantage of the station's unparalleled access to the region's workforce. We are very proud of the progress toward making a new Moynihan Station a reality and believe that it will dramatically improve people's travel experiences. However, how the new station will relate to the larger transportation system needs to be considered carefully.

The city and state now have a historic opportunity to plan for a significant east-west transportation system. The subway system grew over time and was not built according to an overarching plan; however, we would like to see improvements to it made in a thoughtful way that is cohesive and coordinated. The Hudson Yards Rezoning creates development rights of nearly 26 million square feet of new office development, 20,000 units of housing, 2 million square feet of retail, and 3 million square feet of hotel space but there are currently no underground transportation systems to connect Moynihan Station to the new density that will rise to the west. While expansion of the number 7 train will be useful, transit options that do not rely on 42nd Street are needed from Moynihan Station to new developments on the far west side.

MAS notes that 15 Penn Plaza could be the first of many very large buildings in the area. Without commenting on the use, design, or the proposed bulk of either of the buildings certified for the 15 Penn site we believe that signage should be sized and located appropriately and new loading docks and curb cuts should be minimized to accommodate the expected large number of additional pedestrians. With Moynihan Station at the center of what we imagine will be a very active neighborhood we believe that all future projects in the area should contribute toward improving transportation as well as the aboveground experience. Today the streets around Penn Station are packed and during rush hours in particular pedestrians spill out from the sidewalks. The proposed 15 Penn Plaza building will draw many more people into a congested neighborhood that is only going to become more so. While we think that the proposed transit improvements such as the reopening of the Gimbel's passageway and better access to subway platforms are much needed, we are concerned that these plans alone will not sufficiently improve the flow of large numbers of people from east to west along the area's exceedingly crowded streets and sidewalks. The grand experience of passing through a new Moynihan Station should be matched in the street realm.

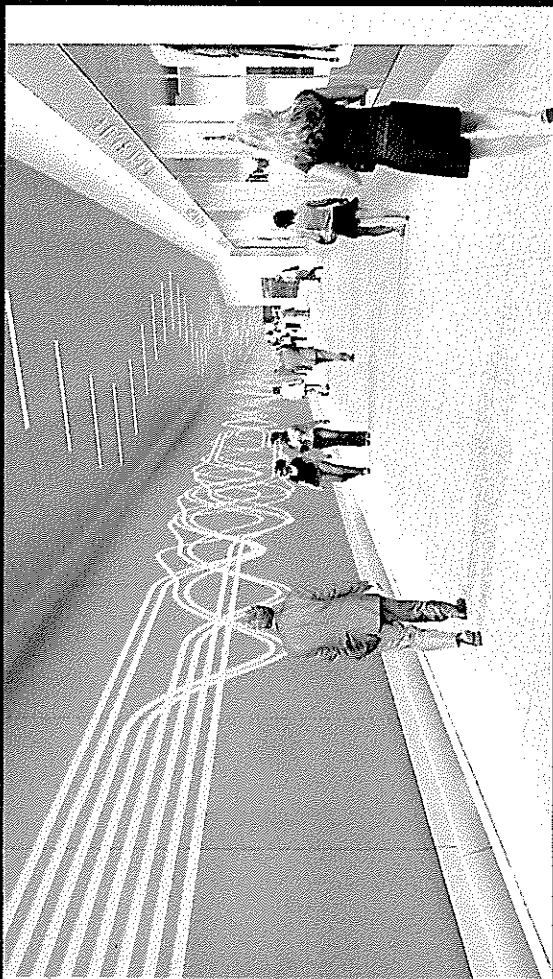
In light of the size of the proposed 15 Penn Plaza development, and its potential as a precedent for new buildings in the vicinity of Moynihan Station, MAS would like to see an area-wide transportation master plan for both above and belowground so the public can evaluate how these incremental measures fit into a long-term planning framework.

The Municipal Art Society of New York is a private, non-profit membership organization whose mission is to fight for intelligent urban design, planning and preservation through education, dialogue and advocacy.

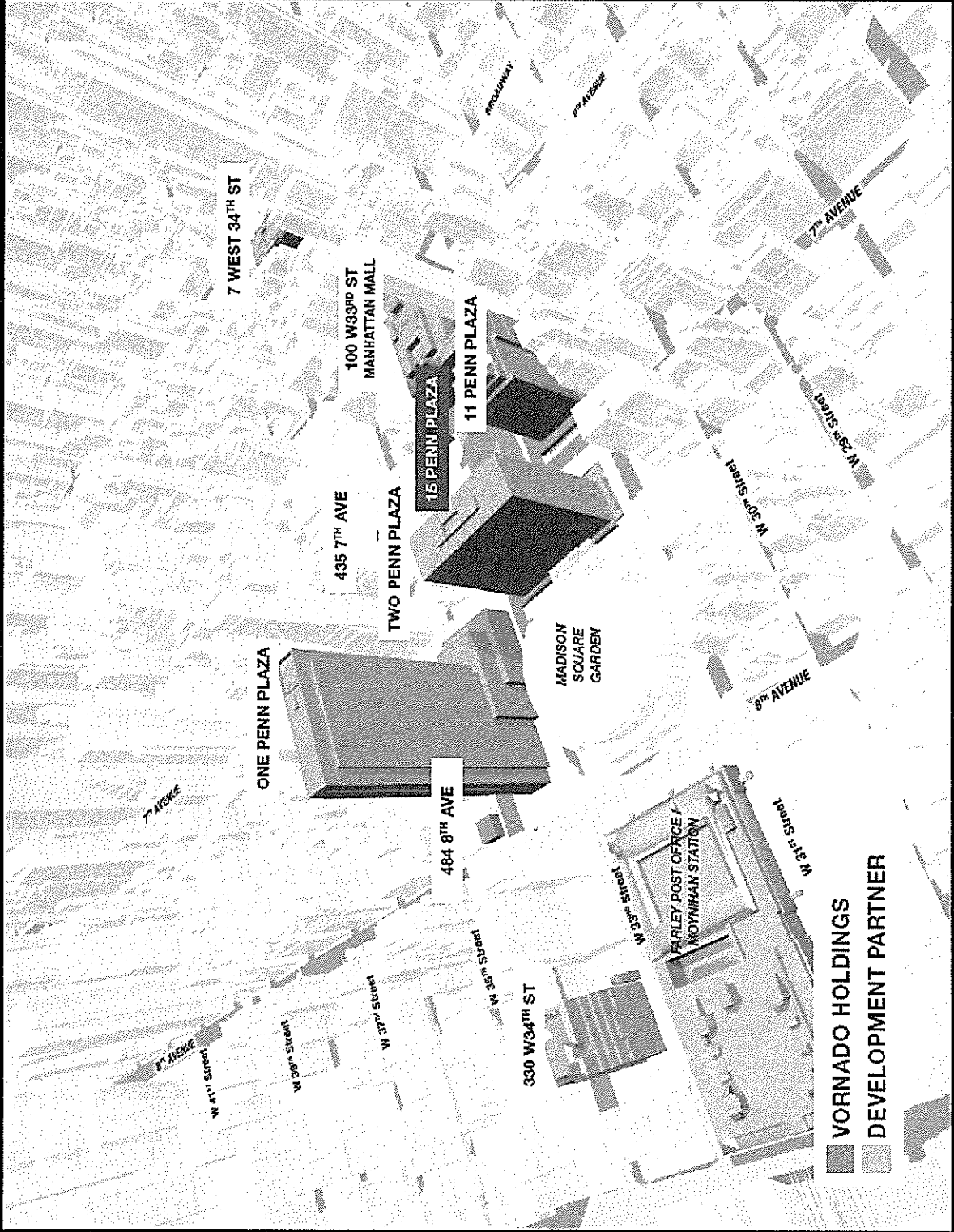
15 Penn Plaza

VORNADO

REALTY TRUST



Site Map



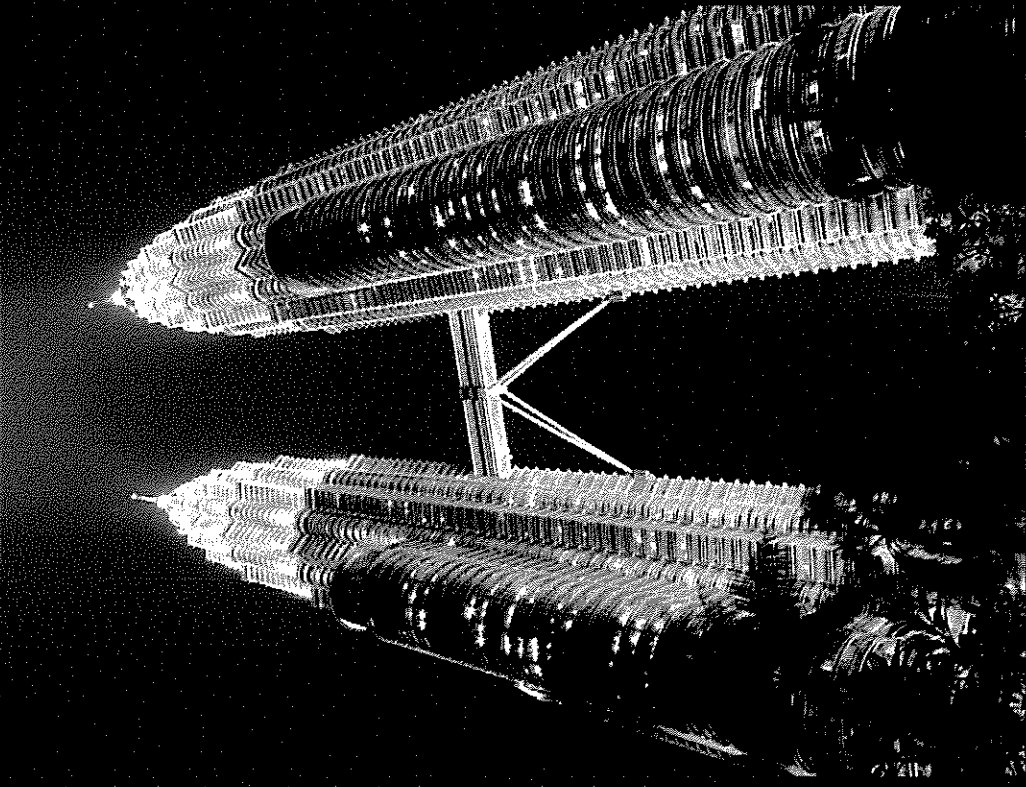
■ VORNADO HOLDINGS
■ DEVELOPMENT PARTNER

Center of Commercial District

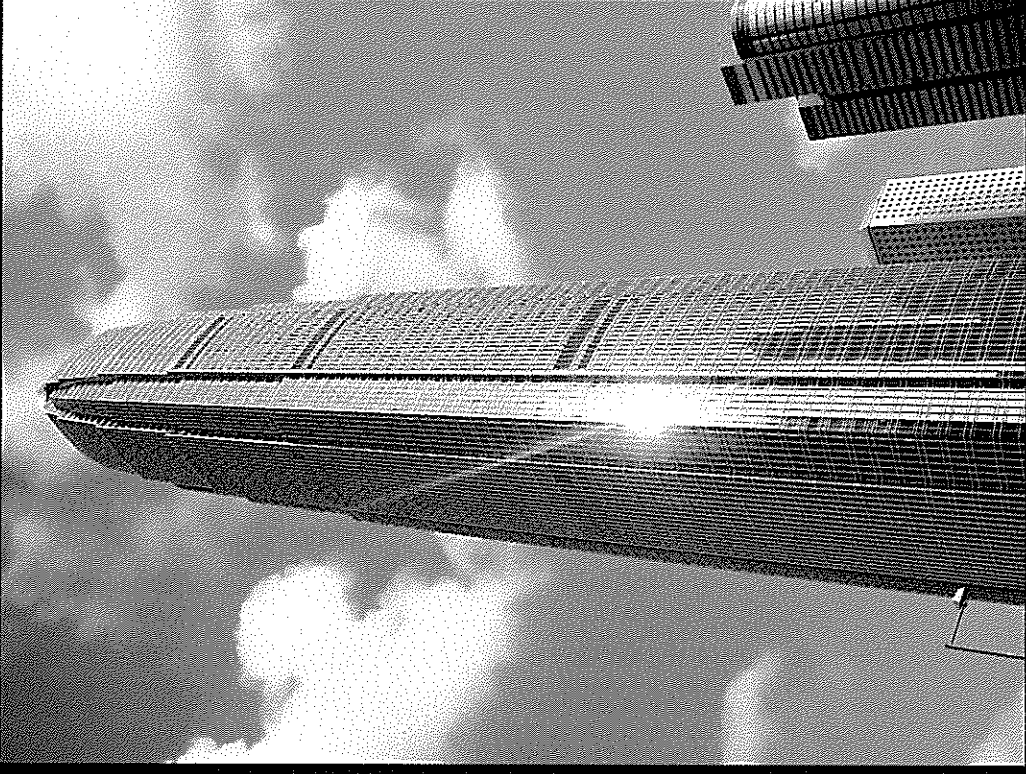


- Residential
- Commercial
- Residential (commercial below)
- Public Facilities

Pelli Clarke Pelli Projects

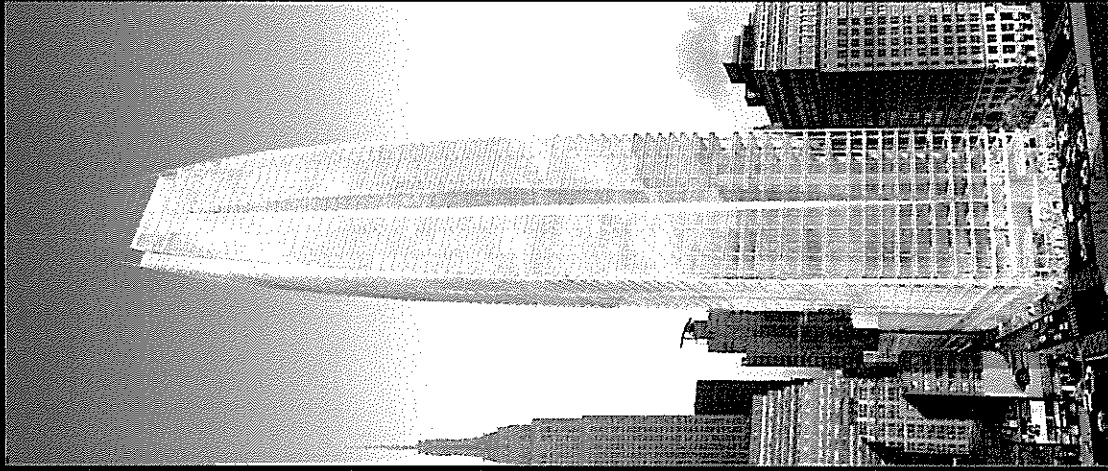


Petronas Tower, Malaysia

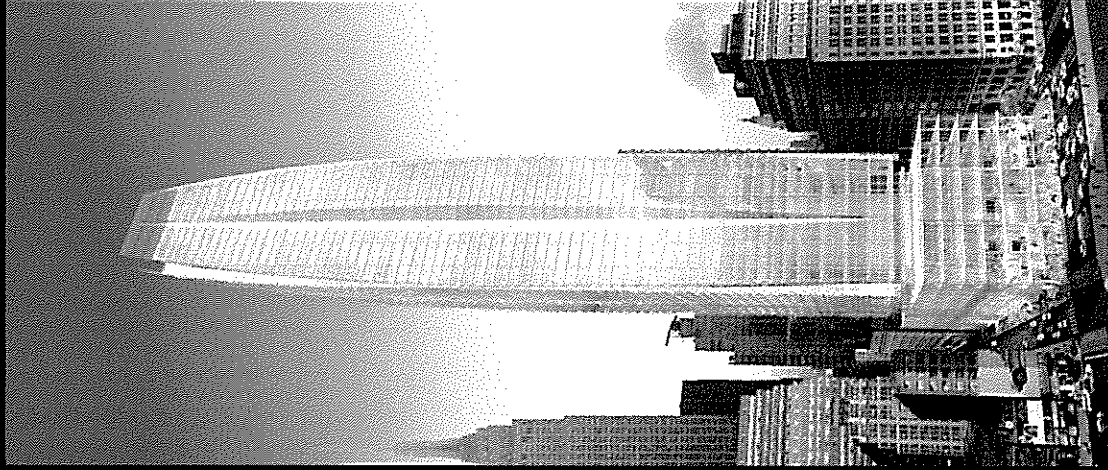


International Finance Center, Hong Kong

Tower Alternatives



Single-Tenant Building



Multi-Tenant Building

Single-Tenant Building

- 67 Stories
- Building height (top of screen) 1,190'
- 2,052,667 zsf
 - Retail: 11,126 zsf
 - Trading: 310,180 zsf
 - Office: 1,731,361 zsf
- 100-car accessory parking garage

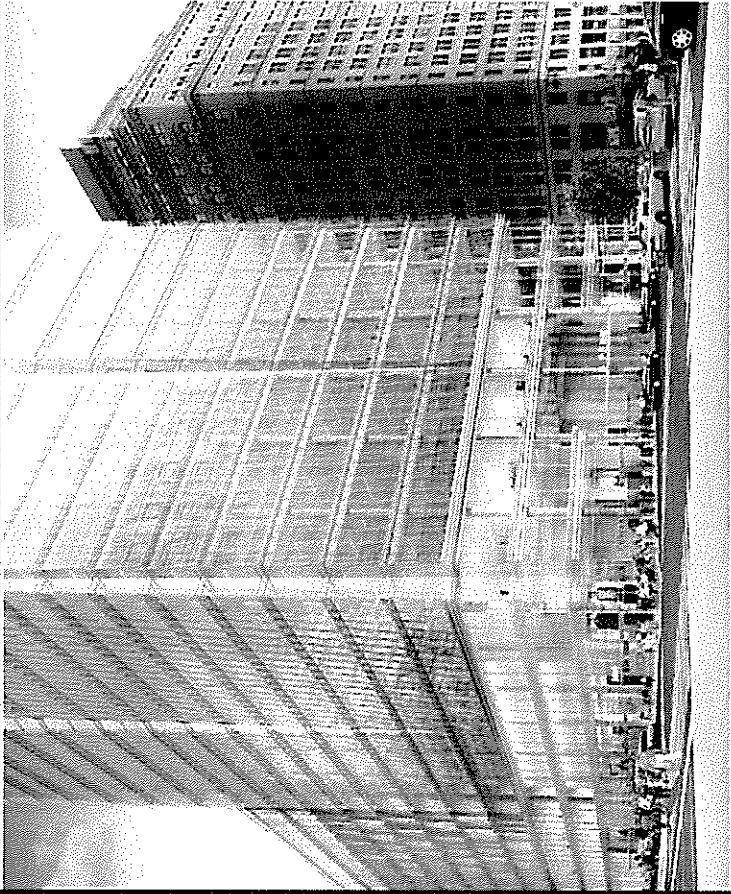


Multi-Tenant Building

- 68 Stories
- Building height (top of screen) 1,216'
- 2,052,667 zsf
 - Retail: 296,392 zsf
 - Office: 1,756,275 zsf
- 100-car accessory parking garage

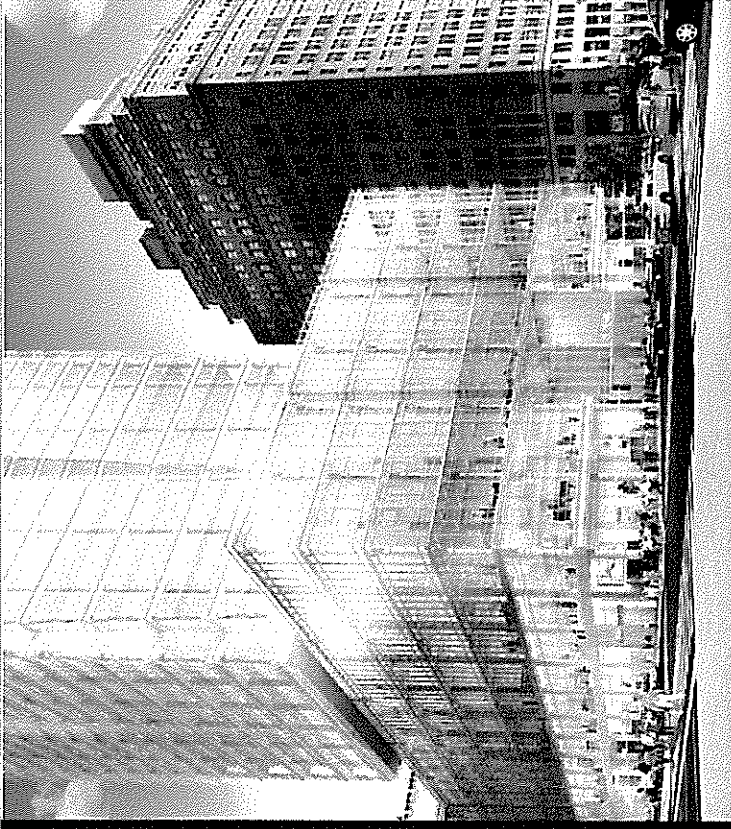


Street Level Renderings



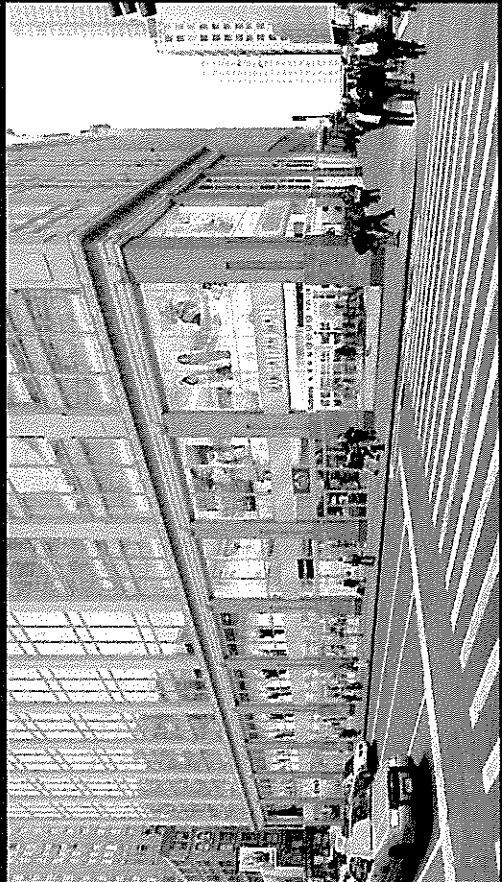
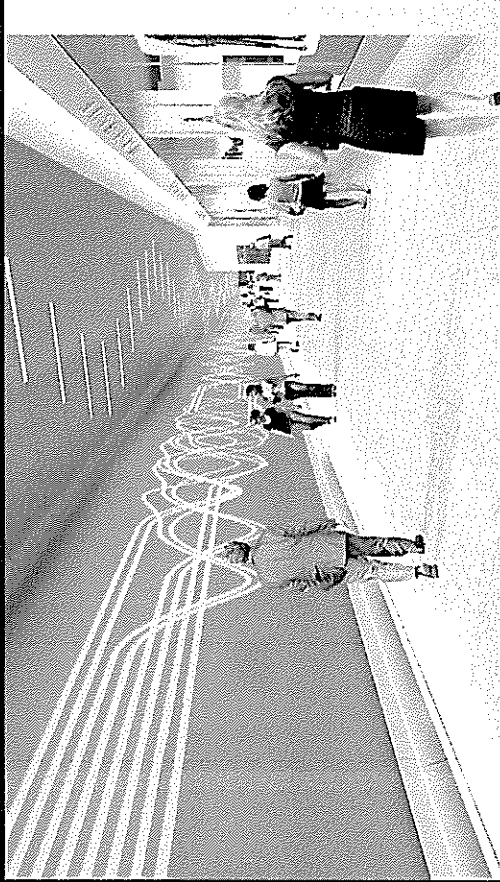
Single-Tenant Building

- 32nd and 33rd Street sidewalk widths increased by 10 feet, 15 feet on 7th Avenue
- Active retail on 7th Avenue as well as 32nd and 33rd Street
- 24 trees added on 32nd Street
- Drive in – Drive out loading

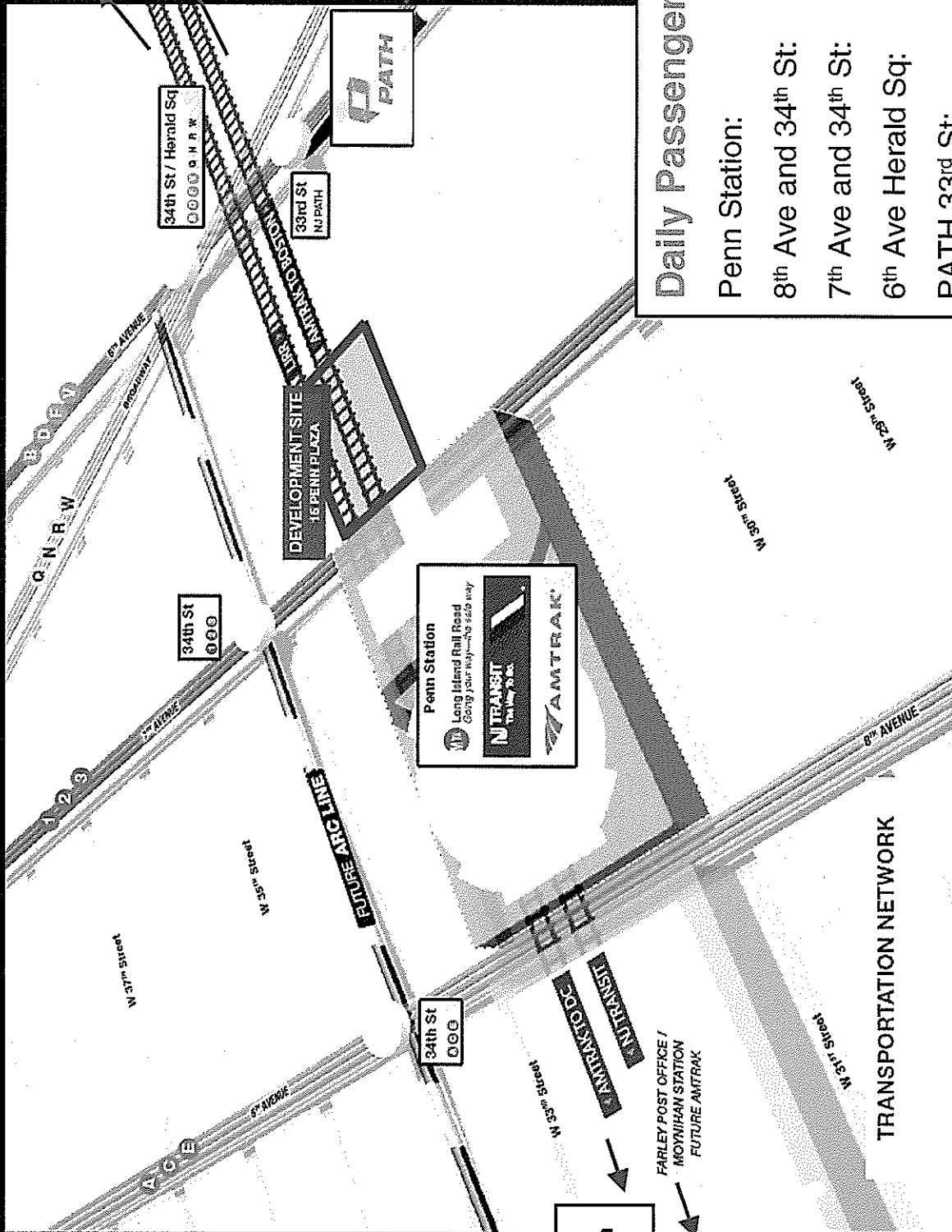


Multi-Tenant Building

TRANSIT IMPROVEMENTS



Pennsylvania Station – Nation’s busiest commuter hub



To Long Island

To Boston

To New Jersey

To Washington DC

To New Jersey

Daily Passenger Counts

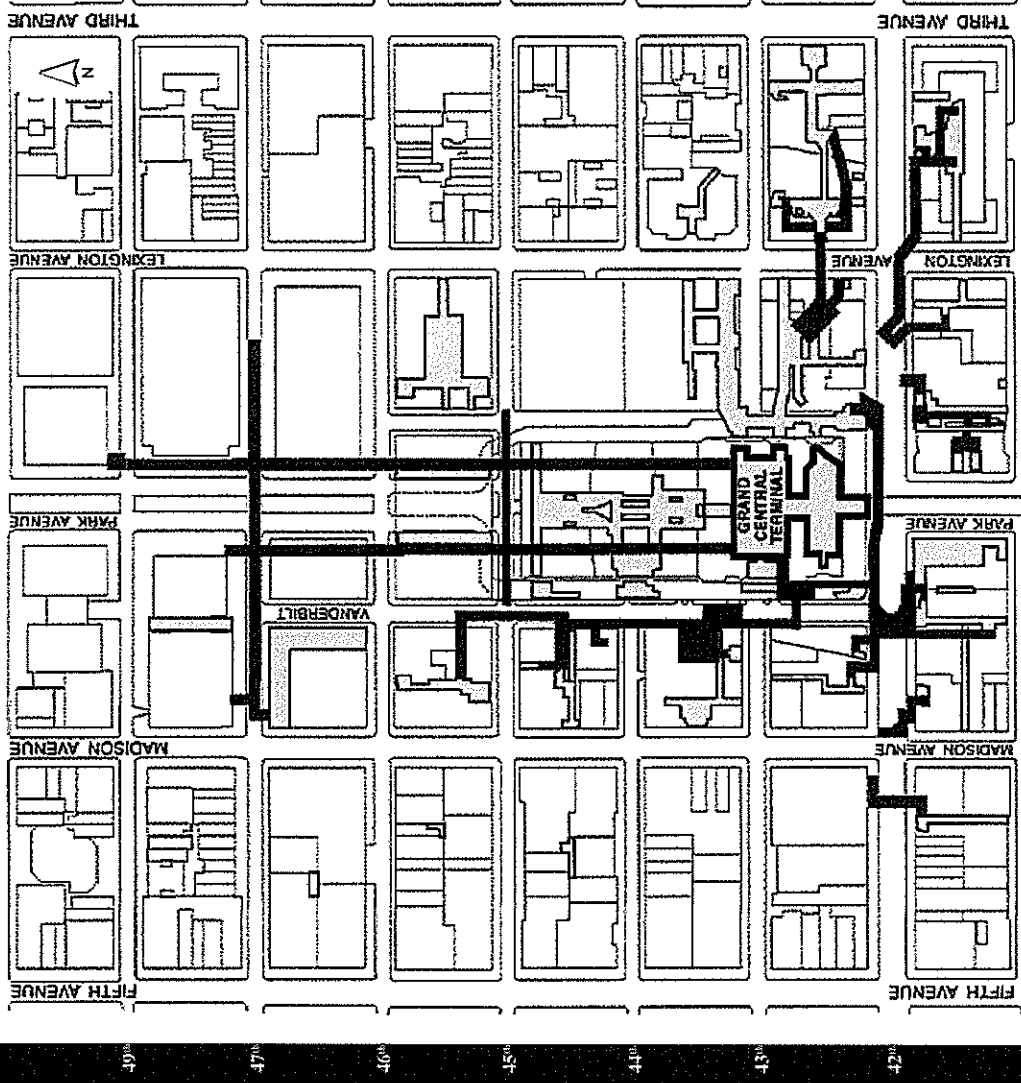
Penn Station:	425,000
8th Ave and 34th St:	80,000
7th Ave and 34th St:	90,000
6th Ave Herald Sq:	110,000
PATH 33rd St:	110,000

Transit Improvements

Grand Central Concourse System

Network of Pedestrian Circulation

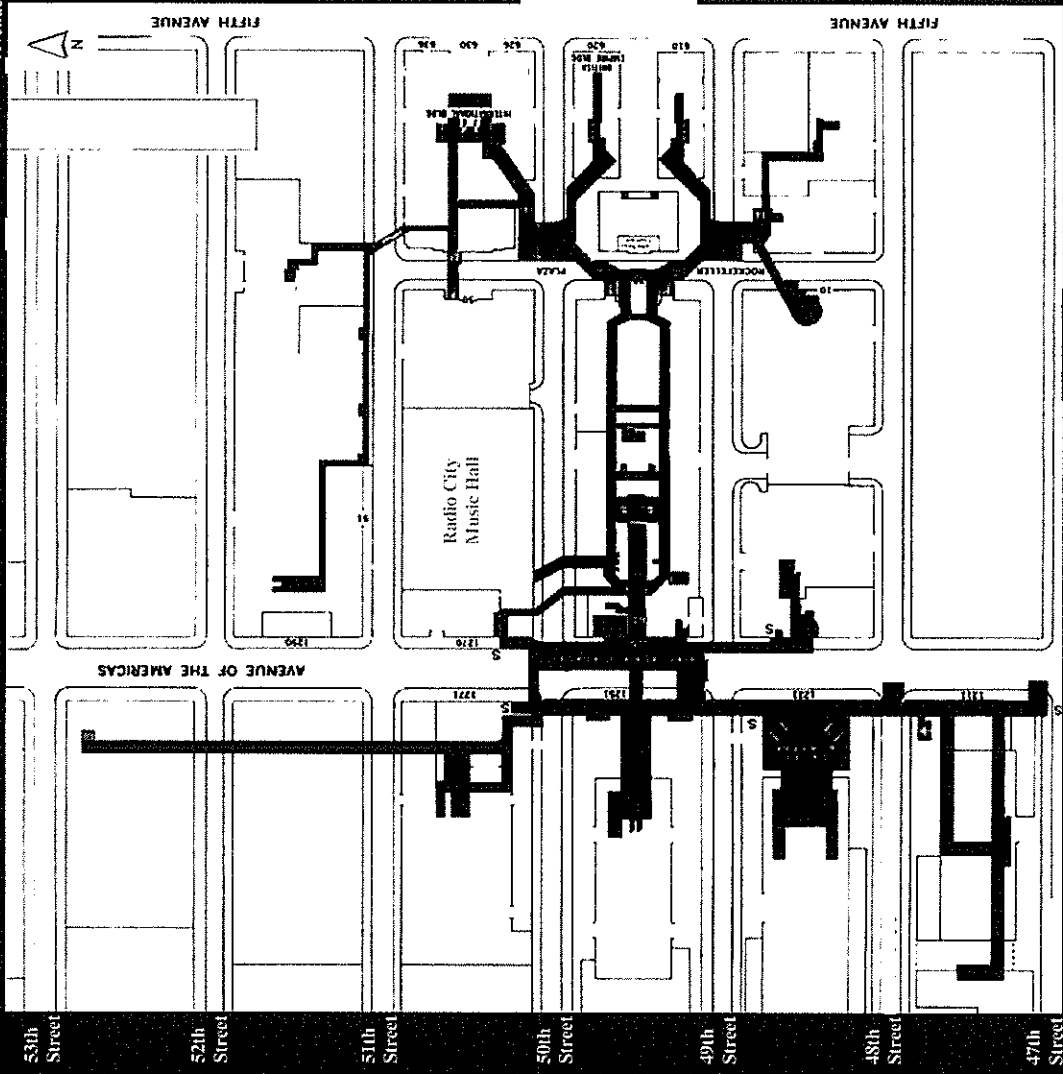
-  Below Grade Circulation Network
-  Street Level Circulation Network



Rockefeller Center Concourse System

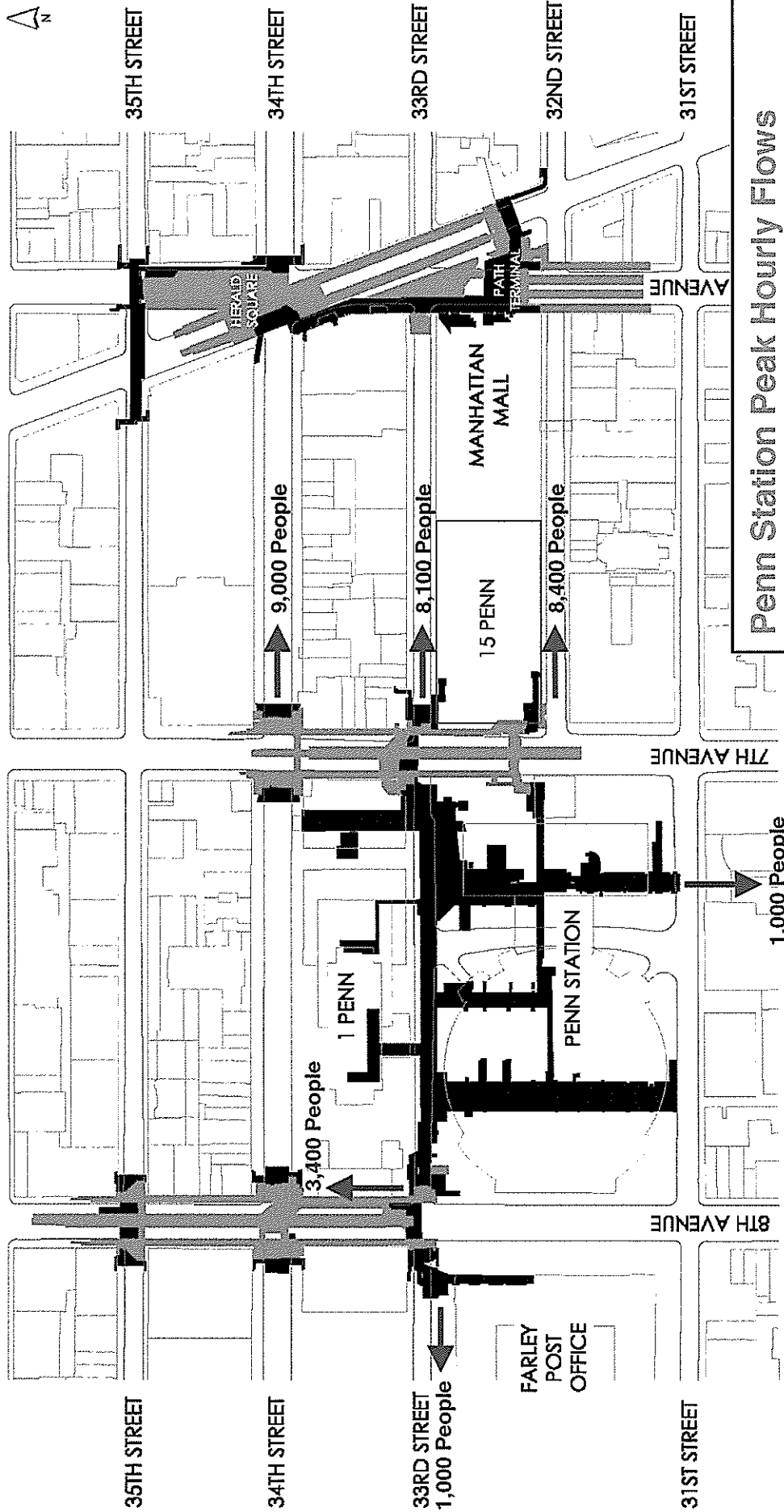
Network of Underground Circulation

Be low Grade Circulation Network



Network of Pedestrian Circulation

TODAY — BEFORE PROPOSED PASSAGEWAY



Penn Station Peak Hourly Flows

Pedestrians Walking From Station: 30,900 People

Walking North and East: 25,500 People

Transit Improvements

Existing Gimbels Passageway

- Opened in 1919, closed in the 1980s
- Runs under 33rd St between 6th Ave and 7th Ave



Along 15 Penn (~10' wide)



Along Manhattan Mall (~9' wide)

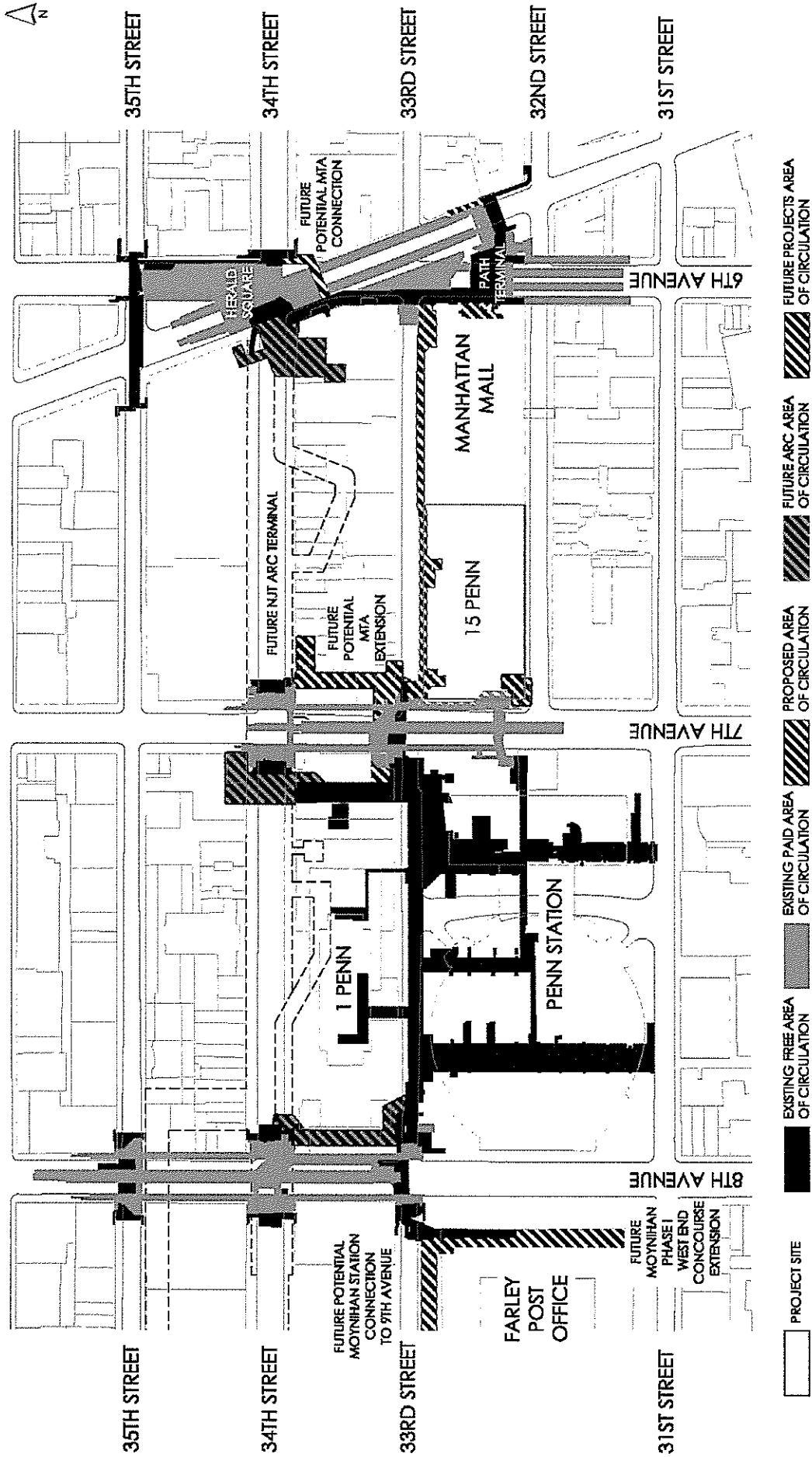
New 33RD Street Passageway



Rendering of New Passageway Looking East

Network of Pedestrian Circulation

AFTER PASSAGEWAY



Four New Subway Entrances

7th Avenue & 32nd St. Subway Entrance



Existing Entrance



Proposed Entrance

6th Avenue & 33rd St. Subway Entrance



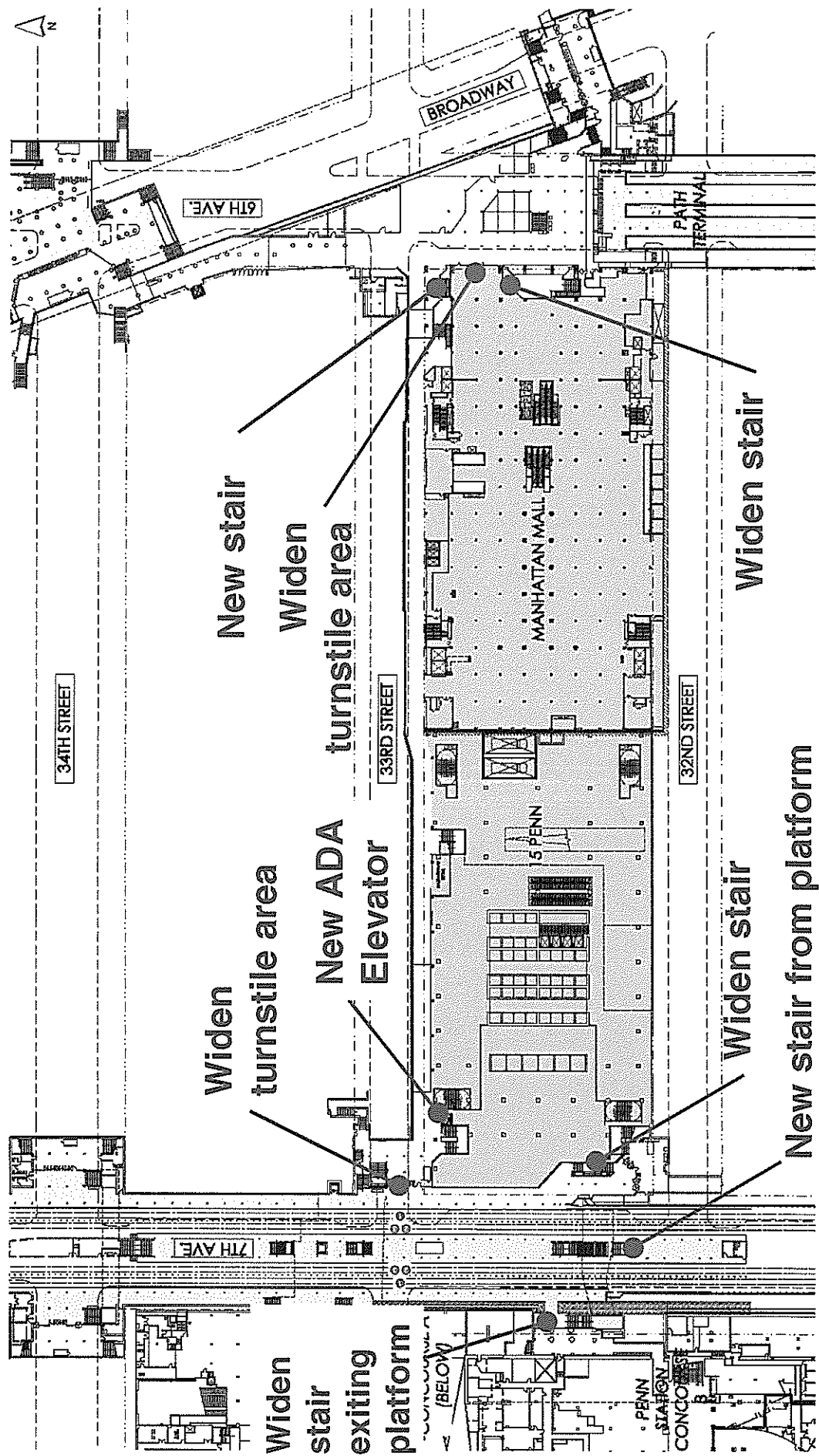
Existing Entrance



Proposed Entrance

Transit Improvements

Other Improvements



Mass Transit Improvement Package

1. Reconstruction of 33rd Street Passageway
2. 7th Avenue platform widening and new express platform stair
3. New transit entrances:
 - 7th Ave and 32nd St entrance
 - 7th Ave and 33rd St entrance
 - 6th Ave and 32nd St entrance
 - 6th Ave and 33rd St entrance
4. New ADA elevator
5. Circulation improvements to alleviate overcrowding:
 - 7th Ave SB platform stair
 - 6th Ave / 32nd St PATH to IND stair
 - 6th Ave / 33rd St / passageway to IND stair
 - IND control area



The Future

Photo of the Chrysler Building
Circa 1932

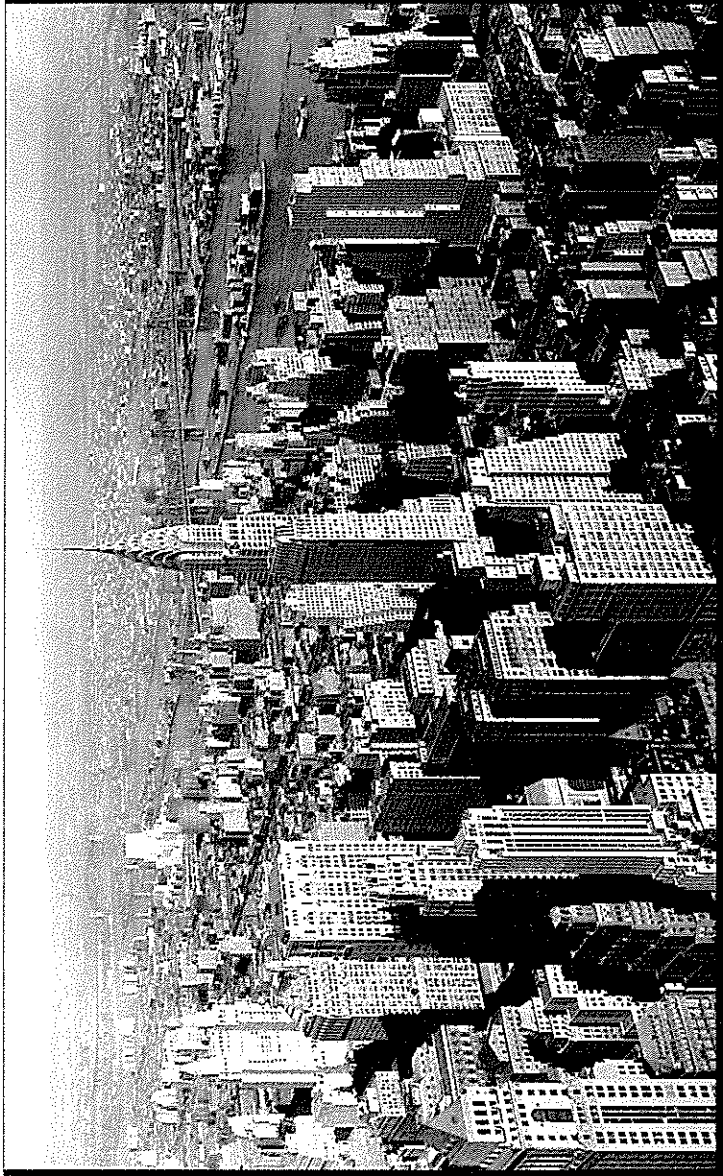


Photo of the Chrysler Building
Today





The Future



The Future



READ INTO
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Camille Rivera
Assistant Political Director
SEIU 32BJ

Testimony to the City Council Subcommittee on Zoning & Franchises
Public Hearing on 15 Penn Plaza

August 23, 2010

Good morning. I am here to testify on behalf of the 70,000 New Yorkers represented by SEIU 32BJ in support of the 15 Penn Plaza project. SEIU 32BJ is the city's largest private sector union representing the doormen, superintendents, office cleaners, handypersons, and security officers who perform vital roles in maintaining the homes and workplaces of New Yorkers.

The proposed 15 Penn Plaza development encourages appropriate high-density transit-oriented development and provides an opportunity to develop high quality office space in the nation's largest Central Business District. Additionally, the project includes much needed transit improvements that will positively impact local and regional commuters. The area around Penn Station is consistently busy and difficult to navigate—the transit improvements that will result from this project will provide relief from the congestion for our members and for the thousands of New Yorkers commuting to and from work every day.

More importantly, this project will create badly needed good jobs. While many say the recession is ending, we know that New Yorkers are still struggling. Over 10% of New Yorkers are unemployed. And this does not even count low wage workers struggling to make ends meet in one of the most expensive cities in the world. With everything from the cost of groceries to the cost of rent rising, we must do everything we can to create and support the kinds of good jobs that allow New Yorkers to live, raise families, and flourish in our city.

If this project is successfully completed it will create close to 6,000 jobs including nearly 100 good paying, building service jobs like the ones currently occupied by our members. With working class people all over New York City struggling, we should support responsible developers like Vornado who are committed to creating quality jobs.

EMPIRE STATE BUILDING COMPANY L.L.C.
c/o Malkin Holdings LLC
One Grand Central Place
60 East 42nd Street
New York, NY 10165

By Hand

August 18, 2010

Honorable Mark S. Weprin
Chair of the Subcommittee on Zoning and Franchises
New York City Council
250 Broadway
New York, NY 10007

Re: 15 Penn Plaza (ULURP Nos. 100047ZMM, 100048ZRM,
100049ZSM, 100050ZSM, 100237 PQM; CEQR No. 09DCP019M)

Dear Councilmember Weprin:

We are the owners of 350 Fifth Avenue, internationally known as the Empire State Building ("ESB"), located between 33rd and 34th Streets, and are writing you in opposition to the proposed height of the development of the 15 Penn Plaza project at the site of the existing Hotel Pennsylvania ("Project Site").

15 Penn Plaza Background

As was disclosed in the Draft Environmental Impact Statement ("DEIS") and the Final Environmental Impact ("FEIS"), the applicant, 401 Hotel REIT, LLC ("Applicant"), proposes to develop at the Project Site either:

- a 1,190-foot high single tenant office building, which would contain approximately 2,821,000 gross square feet ("GSF") of commercial space or
- a 1,216-foot high multi-tenant building, containing approximately 2,666,000 GSF of commercial.

We understand that under either scenario, 15 Penn Plaza would be approximately 67-stories tall and contain approximately 2,052,667 zoning square feet ("ZSF"), of which 740,625 ZSF would come from the proposed rezoning of the Project Site and the transit improvement bonus floor

area, an increase of approximately fifty-six percent (56%) in floor area from the as-of-right 1,312,042 ZSF development of the Project Site.

Additionally, the Applicant is seeking numerous height and setback waivers for 15 Penn Plaza that will dramatically impact daytime sky light. (A daylight evaluation score¹ of 75% is the minimum score required; however, 15 Penn Plaza would have a score of 17.5% in the case of the single tenant proposal and 37.4% in the case of the multi tenant proposal.) Furthermore, 15 Penn Plaza, an all-glass façade building, would be illuminated at night from its base to the top of its mechanical spaces, disrupting the very fabric of the internationally identified skyline of New York City.

The Empire State Building

In comparison to 15 Penn Plaza, the ESB is New York City's largest and arguably most important Landmarked building². Built in 1931 and currently in the midst of a \$550 million rebuilding program (including a meticulous restoration of its lobby and exterior, modernization for the 21st century, and groundbreaking energy efficiency retrofit work), ESB is 1,250 feet tall to the top of its 102nd floor (with the skeletal broadcast tower, the ESB is approximately 200 feet taller) and contains approximately 2.9 million GSF. The ESB is illuminated at night from its 71st floor setback to its crown atop its 102nd floor.

ESB is the defining building on New York City's skyline and its single most important Landmark. Voted #1 in a competition to define the favorite architecture in the United States, ESB is at the forefront of international, national, and local consciousness. It is not ESB's height alone that makes it the City's most iconic structure

¹ A measurement of portions of the sky blocked by 15 Penn Plaza from certain vantage points. Zoning Resolution of the City of New York, Section 81-27.

² ESB is a Landmark (interior and exterior) under the New York City Landmarks Preservation Commission regulations and listed on both the New York State and the National Register of Historic Places.

(there have been and will be other tall buildings in the City), but its place in the City's skyline and in the hearts and minds of people around the world. It is said that a letter to a tenant of ESB from anywhere around the world addressed merely with the name of the tenant and the building name and a stamp will be delivered without any delay.

15 Penn Plaza's Impact on New York City Skyline

The proposed height and mass of the development at the Project Site - less than two blocks (less than 1,000 feet) away from ESB - will permanently damage the beauty and distinction of the City's skyline, our City's and country's public face to the world. The attached photo taken from the west side of Manhattan, looking east, clearly demonstrates how 15 Penn Plaza will forever change this City's and country's landmark skyline.

This is not about banning tall buildings in the City, but about observing and preserving the very historic uniqueness and beauty of the City's skyline by not allowing a massive building made possible only through waivers and bonuses in such close proximity to a Landmarked building to defile and destroy ESB and our skyline. The New York City skyline is anchored by ESB (ESB's slender shape during the day and with its lights at night is the icon of New York City). 15 Penn Plaza, on the other hand, is a massive all-glass building that imperceptibly "tapers" from the ground floor to the top of the mechanicals without any setbacks, which has been characterized as "uninspired" and "bulky."³ The attached photo taken from the west, looking east, further illustrates the bulkiness of the proposed project.

It is not as of right that the most loved building in the United States and the symbol of New York City's skyline

³ See April 16, 2010 Resolution by the Manhattan Community Board Five ("CB5") regarding 15 Penn Plaza ("CB5 Resolution").

around the world will be crowded out. Only by granting discretionary and unjustified approvals for bonuses and waivers of height, bulk, and setbacks will this nearby building of similar height but much greater mass disrespect New York City's own context and history. Such action sets our City on a path to generic city skylines around the world, think of developing world cities without enforced zoning rules and with indistinguishable skylines.

It is hard to imagine the City of Paris allowing a structure similar to 15 Penn Plaza to be erected within proximity of the Eifel Tower or the Big Ben clock tower of Parliament. Would we allow a drilling rig next to The Stature of Liberty? 15 Penn Plaza's proposed height, bulk, shape and all-glass illuminated façade would obliterate ESB's position and permanently and irretrievably deface the City's profile day and night.

In considering this project, the City Council is poised to rule on a permanent adverse impact on the public face of New York City to the world arising from discretionary government action. The same City Planning Commission which has forwarded this monstrosity to the City Council for approval agreed that the skyline must be considered when it rejected the proposed 1,250 foot MoMA tower on East 53rd Street (where the City required the reduction in height of the proposed tower by 200 feet to 1,050 feet in consideration of the City's skyline). The impact of the proposed height of 15 Penn Plaza on the unique setting of New York City's skyline and nearby buildings, including ESB as the City's most prominent and defining landmark, has to be seriously considered⁴--at least to the extent of reducing the height of 15 Penn Plaza. As noted in CB5's 36-1 Resolution to reject the project, 15 Penn Plaza "fail[s] to seize [the] opportunity to add beauty and distinction to the New York City skyline and streetscape."⁵ The attached photo taken from the east,

⁴ See June 11, 2010 letter from CB5 to the City Planning Commission, where CB5 noted that 15 Penn Plaza lacks architectural features and would diminish the skyline position of ESB.

⁵ CB 5 Resolution.

fittingly looking west from a cemetery, shows that even when miles away the 15 Penn Plaza project will obscure ESB and negatively redefine the New York City skyline.

The Uncertain Plans For 15 Penn Plaza

As it is unclear when the construction of the 15 Penn Plaza Project would commence, it is possible that the plans for 15 Penn Plaza would be changed in the future to "fit" the changing economy, prospective tenant needs, building economics, etc. Accordingly, there is no guarantee that 15 Penn Plaza would be developed and used as currently proposed. Though major changes to the current plans for 15 Penn Plaza would be subject to the Uniform Land Use Review Procedure ("ULURP"), certain changes that are considered to be minor would not be subject to the full ULURP and may even be approved at staff level without ULURP review,⁶ making it difficult, if not impossible, for the public to have any meaningful involvement in any future changes to 15 Penn Plaza.

Given the large scope and scale of 15 Penn Plaza, changes in use or bulk that the public may see as a major change are likely to be argued by the Applicant and may even be deemed to be minor by DCP (e.g., even a 5% increase in size of the building, a relatively small increase in percentage, would lead to an increase approximately of 133,000/140,000 GSF).

The adverse impact of 15 Penn Plaza to the City's skyline is clear. It could be further exacerbated in the event that plans for 15 Penn Plaza change in the future to increase the height of 15 Penn Plaza or the visible upper portions change, making it even more bulky and intrusive to the City's profile than currently proposed. In a building the size of 15 Penn Plaza, minor changes could have massive impacts; as discussed above, changes are not just possible, they would be permissible. All this goes

⁶ Depending on the scope of the proposed change, the change may be subject to a full ULURP review, processed as a minor modification or reviewed at staff level by the Department of City Planning ("DCP").

to another root of the problem: the ULURP process is intended for urgent and pressing matters; 15 Penn Plaza has no tenant, no planned commencement, and is nothing more than an option sought to be secured in a favorable political environment.

The negative impacts to our City's history, identity and transportation arteries, especially in view of the fact that disclosure of future uses has not been made (perhaps hiding under the veil of future development) are very real. As such, we request that (i) the negative impacts of 15 Penn Plaza to the City's skyline be fully considered; (ii) 15 Penn Plaza be reduced in height so as to not adversely impact the skyline; and (iii) the Applicant (and any successor in interest thereto) be required to provide public notice to CB5, the 34th Street Partnership, other community and neighborhood groups in the area and the owners of the ESB in a full DEIS if any change to 15 Penn Plaza is proposed in the future, especially those that would increase the height or bulk of 15 Penn Plaza or would have potential impacts on traffic.

The City Council weighs more in its decision on 15 Penn Plaza than just an opportunity to spur economic activity ... a prospect off in the undefined future in any event with this specific project. A decision as to the character of our city, its image to the world, and our cultural legacy is at stake. Failure to act in the city's best interest is to take a step tantamount to allowing the destruction of the original Penn Station. The approval of 15 Penn Plaza as referred by the City Planning Commission will plant a cultural and iconic time bomb which can not be defused. There is no reason not to require a reduction in the height and reconsideration of the setbacks granted as part of the bonuses and waivers lavished upon 15 Penn Plaza.

For your convenience, we are also attaching (i) a copy of our June 7th submission to the City Planning Commission outlining our concerns and raising issues that were ultimately ignored by the Applicant in the FEIS and by the City Planning Commission and (ii) a summary fact sheet

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outlining the impacts from the proposed project.

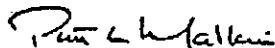
We are merely stewards of the Empire State Building. Others have owned the building before us, and others will own it after us. If we do not speak up, who will? Therefore, we thank you for the opportunity to comment on the 15 Penn Plaza Project. We are available, of course, to discuss in person any of our concerns outlined above. We appreciate your attention and cooperation.

Very truly yours,

EMPIRE STATE BUILDING COMPANY L.L.C.

By: Malkin Holdings LLC, Supervisor

By:



Peter L. Malkin, Chairman



Anthony E. Malkin, President

Enclosures

cc: Honorable Christine C. Quinn, Speaker
Honorable Leroy G. Comrie, Jr., Chair, Land Use
Committee
Honorable Maria del Carmen Arroyo
Honorable Charles Barron
Honorable Inez E. Dickens
Honorable Daniel R. Garodnick
Honorable Sara M. Gonzalez
Honorable Daniel J. Halloran
Honorable Vincent Ignizio
Honorable Robert Jackson
Honorable Peter Koo
Honorable Brad Lander
Honorable Jessica S. Lappin

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Honorable Stephen Levin
Honorable Rosie Mendez
Honorable Annabel Palma
Honorable Diana Reyna
Honorable Joel Rivera
Honorable James Sanders, Jr.
Honorable Larry B. Seabrook
Honorable James Vacca
Honorable Albert Vann
Honorable Jumaane D. Williams
Ross F. Moskowitz, Esq.
Jerry Goldfeder, Esq.

Empire State Building Impacts of 15 Penn Plaza

If there are two images the world associates with New York City, they are the Statue of Liberty and the Empire State Building. The Empire State Building is the defining building on the city's skyline, and its single most important Landmark. Voted #1 in a competition to define the favorite architecture in the United States¹, the Empire State Building (ESB) is at the forefront of international, national, and local consciousness.

It is not ESB's height that makes it New York's most iconic structure. There have been and will be other big buildings in New York City. The World Trade Centers were taller than ESB, and the long awaited 1 World Trade Center will be taller still. It is not height alone which defines ESB, but its place in the skyline and in the hearts and minds of hundreds of millions around the world.

The proposed development at 15 Penn Plaza – less than two blocks away from ESB – will dilute the distinction of New York's skyline, our city's public face to the world. In considering this development, the City Council is poised to rule on an adverse impact on the public face of New York to the world. The impact of 15 Penn Plaza as proposed on the unique setting of New York City's largest Landmark has to be prominently considered.

This is not about banning tall buildings, but about preserving the very uniqueness of the New York City skyline with ESB visible from its midpoint to its spire, its slender shape during the day and its lights at night, its iconic stature which has become the iconography of New York City. To set precedent to allow ESB to be crowded out by nearby buildings of equal height is to set New York City on a path of Beijing or Shanghai and drown out its uniqueness. Similar to the loss of Penn Station, but at a much more visible scale, this is a precedent which should not be allowed.

Empire State Building

- Built in 1931
 - Reinvented for today through a more than \$550 million rebuilding program including a meticulous restoration of its lobby and exterior, modernization for the 21st century, and groundbreaking energy efficiency retrofit work defining the potential for repurposing with economic return existing buildings.
- 1,250 feet tall to the top of its 102nd floor
 - The broadcast tower adds 200 feet to the building but is not part of the original building.
- 102 floors
- 2.9 million square feet
- illuminated at night from its 71st floor setback to its crown atop its 102nd floor

15 Penn Plaza

- Proposed, with no certain date for construction commencement

¹ A survey conducted by Harris Polls on behalf of the American Institute of Architects

- 1,216 or 1,190 feet tall² to the top of its mechanicals
 - Not clear whether or not there is specific prohibition against antenna though none is referenced in its current plans.
- 67 floors
- 2.8 million gross square feet
- Waivers, rezoning and bonus FAR granted to 15 Penn Plaza by the City Planning Commission
 - Waiver of certain height and setback requirements of Special Midtown Zoning District known as daylight evaluation score (relates to measurement of portions of the sky blocked by 15 PP from certain vantage points)
 - 15 Penn Plaza scored 17.5% vs. required 75% in the case of the single tenant proposal.
 - 15 Penn Plaza scored 37.4% vs. required 75% in the case of the multi tenant proposal.
 - Rezoning and Bonus gross square feet
 - As of right gross square footage is approximately 1.79 million square feet.
 - Rezoning plus Bonus gross square footage yields additional 1.01 million square feet.
 - Total gross square footage available for 15 PP is approximately 2.8 million square feet.
- All glass and, as presented, illuminated at night from its base to the top of its mechanical spaces

Brief History

- 15 Penn Plaza was publicly announced early April
- Submitted to the City Planning Commission through ULURP Process.
 - ULURP Process is typically limited to urgent matters which 15 Penn Plaza, with no tenant or defined approach, is not.
 - Issues arise through the DEIS.
 - Omitted any reference to Empire State Building.
 - While the ordinary radius for review under the requirements for the DEIS is 400 feet, ESB is less than 1,000 feet away and should have been included³.
- ESB submits letter to City Planning Commission June 7, 2010 raising following issues
 - 15 Penn Plaza DEIS utilized 400 foot radius.
 - 15 Penn Plaza is a 2.8 million square feet, 1,216 or 1,190 feet tall building (depending upon the version), less than 1,000 feet away from ESB.
- Revised DEIS in response to ESB letter submitted 2 days before the City Planning Commission vote by 15 Penn Plaza developers stated.

² There are 2 different versions, a single tenant version with trading floors at the base and a multitenant version with a mall at the base. There is slight variation of total height depending upon the single tenant or multiple tenant alternative.

³ CEQR states a larger study area is appropriate for “[p] projects that result in changes that are highly visible and can be perceived from farther than 400 feet and could affect the context of historic resources some distance away...” CEQR 9-9.

- Effectively, ESB is far enough away from 15 Penn Plaza.
- ESB plus its antenna is still taller than 15 Penn Plaza.
- Acknowledged 15 Penn Plaza building has no setbacks and with large floorplates for the full height of the building with no setbacks.
- Speaks of view shed corridors not of the overall skyline of New York.
- False presentation of visuals show 15 Penn Plaza in the foreground, barely taller than 1 Penn Plaza and significantly shorter than ESB in the background.

There is already precedent against 15 Penn Plaza. Refer to the example of proposed Hines' development of the Jean Nouvel tower on 53rd Street. Here, the height was restricted due to its impact on the skyline of New York. How can the Nouvel tower have had an adverse impact, and not the Pelli designed 15 Penn Plaza? There is more at work in reviewing development than traffic, impact on street life, and neighborhood context. The impact on the skyline in general must be considered.

Ultimately, the issues posed by 15 Penn Plaza pertain to:

- Close proximity to ESB
- Impact on skyline of New York City, daytime and nighttime
- Lack of setbacks
- Inappropriate height and bulk for a building so close to New York City's largest, most iconic, and most loved Landmark

EMPIRE STATE BUILDING COMPANY L.L.C.
c/o Malkin Holdings LLC
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60 East 42nd Street
New York, NY 10165

BY HAND DELIVERY

June 7, 2010

Honorable Amanda M. Burden
Chairperson
City Planning Commission of the City of New York
22 Reade Street
New York, NY 10007

RE: Proposed Redevelopment of 139 West 32nd Street, New York, NY (ULURP Nos. 1000047ZM, 1000048ZRM, 100049ZSM and 100050ZSM; collectively, the "15 Penn Plaza Project")

Dear Chairperson Burden:

We are the owners of 350 Fifth Avenue, commonly known as the Empire State Building ("ESB"), located between 33rd and 34th Streets, and are writing you to comment on the 15 Penn Plaza Project at the site of the existing Hotel Pennsylvania ("Project Site").

As was disclosed at the May 26, 2010 public hearing, the applicant for the 15 Penn Plaza Project, 401 Hotel REIT, LLC ("Applicant"), proposes to develop at the Project Site either a 1,190-foot high single tenant office building, containing approximately 2,821,000 gross square feet ("GSF") of commercial space, or a 1,216-foot high multi-tenant building, containing approximately 2,666,000 GSF of commercial space. We understand that under either scenario, the 15 Penn Plaza Project would contain approximately 2,052,667 zoning square feet ("ZSF").

Given ESB's great historical significance, its status as a landmarked icon in New York City's skyline and, most importantly, its proximity to the 15 Penn Plaza Project, Applicant's thorough communication to us with respect to the 15 Penn Plaza Project would have been expected. However, we only received one phone call from Applicant about the project and only once it was within the public realm. As a result of our counsel's FOIL request, we recently received a copy of the application materials for the project, which prompted questions and a phone call to Applicant. We are still in the process of reviewing the application and the Draft Environmental Impact Statement ("DEIS") to assess the impacts on ESB and surrounding areas.

Though we are early in our review of the 15 Penn Plaza Project, we have the following initial questions and/or concerns:

1. ESB is a building of historical and cultural importance, declared a landmark (interior and exterior) by the New York City Landmarks Preservation Commission, and listed on both the New York State and the National Register of Historic Places. It is troubling that ESB is not discussed, or even mentioned, in the Historical Resources section of the DEIS. This section of the DEIS states that the study area for evaluating impacts on architectural resources is 400 feet (90 feet for an archaeological resource). Given that the 400-foot radius is the standard established

by the City Environmental Quality Review Technical Manual ("CEQR Manual), Applicant's exclusion of ESB from 15 Penn Plaza Project's impacts on historical resources may have been appropriate in ordinary circumstances; however, these are not ordinary circumstances. The scale of the 15 Penn Plaza Project is immense, more immense than ESB. We believe that a study area of 400 feet for a building that would rise to approximately 1,200 feet in such close proximity to ESB which rises to 1,250 feet (the top of the mast) and 1,450 feet (the top of the broadcast tower) is severely inadequate. In fact, the CEQR Manual states that the 400-foot radius is adequate for most proposals, but concedes that a larger study area is appropriate in certain instances. By way of example, the CEQR Manual states that a larger study area is appropriate for "[p]rojects that result in changes that are highly visible and can be perceived from farther than 400 feet and could affect the context of historic resources some distance away..."¹ Given the 15 Penn Plaza Project's proximity to ESB, the scale, bulk and the design of the 15 Penn Plaza Project is incompatible with ESB, and the 15 Penn Plaza Project blocks views of the ESB from areas west of the 15 Penn Plaza Project, permanently changing the character of the New York City skyline. Accordingly, we believe a full evaluation of impacts associated with the 15 Penn Plaza Project on ESB is appropriate and necessary.

2. As ESB was not identified as an architectural resource, ESB was also not analyzed in the Shadows section of the DEIS. Though this section of the DEIS does briefly mention ESB, the impact of shadows from the 15 Penn Plaza Project is not fully analyzed in the DEIS. For example, the DEIS shows shadows falling on properties immediately adjacent to ESB. Based on our review of this section of the DEIS, we seriously question how shadows would not fall on ESB as well and wonder if additional time frames should have been analyzed. As the CEQR Manual states that where shadows from a new skyscraper extend outside the 400-foot radius and affect sun-sensitive features of a historic resource, a larger study area is appropriate, the 400-foot radius study area used in the DEIS is seemingly inadequate and should be expanded to include ESB. The DEIS does not provide this analysis.

3. The application materials and the DEIS indicate that the 15 Penn Plaza Project would reach approximately 1,200 feet in height (1,134 feet or 1,156 feet to the top of roof; 1,190 feet or 1,216 feet to the top of screen), but contain only 67 stories in the single-tenant scenario or 68 stories in the multi-tenant scenario. We are confused as to why approximately 14 feet per story is justified for a 67- or 68-story building to reach such great heights. In comparison, ESB is 102 stories high and reaches approximately the same height as the 15 Penn Plaza Project (not including ESB's broadcast tower), and the state-of-the-art New York Times Building at the intersection of Eight Avenue and 42nd Street is 52-stories and 748 feet tall. We would respectfully request justification for the 15 Penn Plaza Project height. In addition, we request information on whether a mast, a spire, an antenna or other similar structure(s) is anticipated to be installed or constructed atop the 15 Penn Plaza Project and if so, up to what height, so that we and the public can know the true and overall height of the project.

4. In addition to the shadow impacts, the 15 Penn Plaza Project would disrupt/partially block ESB's broadcast area, causing interference with antenna based transmission to sectors on the west side of Manhattan, New Jersey and beyond, and potential bounceback off 15 Penn Plaza to the east. This is a significant impact that adversely affects broadcasting in New York City, not just at ESB, and one that must be fully disclosed and evaluated.

¹ CEQR Technical Manual, 9-9.

5. We are also concerned about the traffic impacts in the area from the 15 Penn Plaza Project. The Project Site is directly across from Penn Station, which was disclosed at the public hearing to be the biggest transportation hub in New York City in terms of the number of commuters. As such, this area is severely congested at all hours with regard to both vehicular and pedestrian traffic. We understand that Applicant will be providing a number of transit improvements, including the reopening of the "Gimbels Passageway." Though these transit improvements would help to mitigate the additional traffic during construction and the resulting increase in traffic from the 15 Penn Plaza Project, it is unclear whether such improvements would fully mitigate the rise in traffic congestion from the addition of 2.6 to 2.8 million gross square feet of combined office and retail space. Additionally, as Applicant expects to lease the majority, if not all, of the 15 Penn Plaza Project as a headquarters for a major financial services firm, there will be obvious vehicular traffic impacts associated with "black car" services. Although Applicant has committed to requiring "black car" service providers to have an off-site waiting area, the feasibility of such off-site waiting area that would be able to provide the level of service, including promptness, may be unrealistic and is an item of concern that should be analyzed in greater detail. Lastly, the proposed 34th Street Transitway and the planned nearly decade long construction along 34th Street of the ARC project raise serious questions. We believe a more detailed traffic study that takes in these possibilities is appropriate and necessary.

As noted above, we are in the process of reviewing the application and the DEIS for the 15 Penn Plaza Project which we recently received to evaluate the project's impacts on ESB and the surrounding area and will share any additional concerns we may have with you and the Commission.

Thank you for the opportunity to comment on the 15 Penn Plaza Project. We are available, of course, to discuss in person any of our concerns outlined above. We appreciate your attention and cooperation.

Very truly yours,


EMPIRE STATE BUILDING COMPANY L.L.C.

By: Malkin Holdings LLC, Supervisor

By:


Peter L. Malkin, Chairman

By:


Anthony E. Malkin, President

cc: Honorable Christine C. Quinn
Honorable Scott M. Stringer
Honorable Richard N. Gottfried
Members of the City Planning Commission
Community Board No. 5, Manhattan
David Karnovsky, Esq.
Ms. Edith Hsu-Chen
Ross F. Moskowitz, Esq.

Chapter 28: Response to Comments on the Draft Scope of Work and DEIS¹

A. INTRODUCTION

This chapter summarizes and responds to all substantive comments on the Draft Scope of Work (Draft Scope) and the Draft Environmental Impact Statement (DEIS) for the 15 Penn Plaza Project made during the public review period. For the Draft Scope, these consist of comments spoken or submitted at the Draft Scope public meeting on January 27, 2009, as well as written comments that were accepted by the lead agency through February 11, 2009. For the DEIS, comments consist of spoken or written testimony submitted at the public hearing held by the New York City Planning Commission (CPC) on May 26, 2010. Written comments were accepted through the public comment period which ended on June 7, 2010. Written comments received on the Draft Scope and DEIS are included in Appendices H and I, respectively.

Section B of this chapter lists the elected officials, community board and organization members, and individuals who commented at the Draft Scope public meeting or in writing. The comments are summarized and responded to in Section C. Similarly, Section D lists those who commented at the DEIS public hearing or in writing, and Section E presents a summary of the comments as well as responses to them. The organization and/or individual that commented are identified after each comment. These summaries convey the substance of the comments but do not necessarily quote the comments verbatim. Comments are organized by subject matter and generally parallel the chapter structure of the Draft Scope and DEIS. Where more than one commenter expressed a similar view, the comments have been grouped and addressed together.

Some commenters did not make specific comments related to the proposed approach or methodology for the impact assessments. Others had suggested editorial changes. Where relevant and appropriate, these edits, as well as other substantive changes to the DEIS, have been incorporated into the Final Environmental Impact Statement (FEIS).

B. LIST OF OFFICIALS AND INDIVIDUALS WHO COMMENTED ON THE DRAFT SCOPE OF WORK

ELECTED OFFICIALS

1. Honorable Scott Stringer, Manhattan Borough President, oral testimony delivered January 27, 2009, and written submission dated January 27, 2009 (Stringer)
2. Honorable Richard N. Gottfried, Member of Assembly, 75th District, oral testimony delivered November 18, 2008, and written submission dated November 18, 2008 (Gottfried)

¹ This chapter is new to the FEIS.

The passageway would be an attractive pedestrian option, activated by retail and by LED artwork. It would also provide real-time train information for Amtrak, New Jersey Transit, Long Island Railroad (LIRR), and PATH. The passageway would be substantially enlarged from its existing dimensions. As discussed in the applicant's letter to CPC dated June 10, 2010 and illustrated in the attachments to the letter, the width of the passageway would be increased from 9 feet to 16 feet along the 15 Penn site and from 9 feet to a minimum of 14 feet 8 inches along the Manhattan Mall site. Further widening would be limited by existing infrastructure beneath 33rd Street. This letter (see Appendix I) provides more detail on the proposed width of the passageway, its lighting plan, and its finishes. Also discussed in the memo is the passageway elevation, which cannot be lowered because of the existing Amtrak and LIRR train shed directly below.

Comment 17: The upzoning proposed for the midblock portion of the site would not only violate the intention of the Zoning Map and burden the area with excessive density but also set a troubling precedent and tipping point for future development in the area. There is no rationale for the upzoning other than the developer's desire to retain the option to develop more office space. (CB5)

Response: As discussed in Chapter 3, "Land Use, Zoning, and Public Policy," of this BIS, the proposed actions, including the rezoning, and the project's proposed density (either scenario) would be consistent with the City's policy to encourage high-density commercial development within the area immediately surrounding the transportation hubs located at Penn Station and Herald Square.

Comment 18: If the C6-4.5 to C6-6 upzoning is granted and if the applicants do not proceed with either the Single-Tenant Office or Multi-Tenant Office Scenarios, by having merged the development site with the adjacent Manhattan Mall site, the upzoning floor area increase can be used for any future development that may take place on the merged lot. (CB5)

Response: Under the restrictive declaration for the proposed project, any future development proposal to utilize the additional floor area under the rezoning which is not consistent with the Single-Tenant Office or Multi-Tenant Office Scenarios would be subject to CPC review and additional environmental analysis.

Comment 19: The application materials and the BIS indicate that the proposed project would reach approximately 1,200 feet in height (1,134 feet or 1,156 feet to the top of roof; 1,190 feet or 1,216 feet to the top of screen), but contain only 67 stories in the Single-Tenant Office Scenario or 68 stories in the Multi-Tenant Office Scenario. In comparison, the Empire State Building is 102 stories high and reaches approximately the same height as the proposed project (not including the Empire State Building's broadcast tower), and the state-of-the-art New York

Times building at the intersection of Eighth Avenue and 42nd Street is 52 stories and 748 feet tall. We are confused as to why approximately 14 feet per story is justified for a 67- or 68-story building to reach such great heights. Justification for the proposed project's height should be provided. (ESB)

Response:

According to the applicant, the current standard for modern class A office buildings, particularly for those that meet the latest LEED guidelines, is a 14-foot, 6-inch floor-to-floor height, which provides a 9-foot, 6-inch clear height and an additional 5 feet needed to accommodate building systems that, consistent with LEED guidelines, improve indoor air quality and energy efficiency, which comprises the following elements:

- 1-foot, 3-inch raised floor for under floor air and cabling infrastructure
- 7-inch concrete slab on metal deck
- 2-foot, 5-inch structure (typical W27 beam with 2-inch fireproofing)
- 9-inch at finished ceiling (to include light fixtures)

Because the proposed project is being designed to meet LEED guidelines (as set forth in the project's Restrictive Declaration) and because retail use also requires higher floor heights for visual connectivity, the proposed building would rise to a height of 1,130 feet (to the top of the roof) in the Single-Tenant Office Scenario and a height of 1,156 feet (to the top of the roof) in the Multi-Tenant Office Scenario (a screen to hide building mechanical use would extend the height of the building in both scenarios). The office floor-to-floor heights proposed for this project are comparable with the office floor-to-floor heights of the New York Times building (floor-to-floor heights of 13 feet, 9 inches) completed in 2007, the One Bryant Park building (14 feet, 6 inches) completed in 2009, and the Goldman Sachs building in Battery Park City (14 feet, 6 inches) completed in 2010. Furthermore, the retail floor-to-floor heights proposed for this project are comparable with the retail floor-to-floor heights of other modern retail spaces, including those at the World Financial Center (22 feet, 6 inches and 19 feet, 6 inches) and 731 Lexington Avenue (also known as the Bloomberg Tower; retail floor-to-floor heights range from 22 feet to 31 feet).

Comment 20: Will a mast, a spire, an antenna, or another similar structure(s) be installed or constructed atop the proposed project and, if so, up to what height? What is the true and overall height of the project? (ESB)

Response:

As shown in Figures 1-5 and 1-10 of the BIS, the Single-Tenant Office Scenario would rise to a height of approximately 1,190 feet, and the Multi-Tenant Office Scenario would rise to a height of approximately 1,216 feet. These heights include a screen that would obscure the rooftop mechanical systems. The proposed project does not include a mast, spire, antenna or similar structure. Antennae and decorative spires are regulated by the Special Midtown

requirements (ZR Section 81-252). Placing an antenna on the building would be a modification that would require the applicant to come back to the CPC to modify the terms of the Special Permit.

Comment 21: The applicants should improve sidewalk conditions by working with Community Board 5 and the New York City Department of Parks and Recreation (DPR) to determine appropriate locations for the 56 street trees that cannot be planted at the perimeter of the development site (Stringer). Additional improvements should be made to mitigate the environmental impact of this development, including tree plantings. (CB5)

Response: A certain number of street trees are required by the New York City Zoning Resolution; these street trees are not mitigation for project impacts. In the project sponsor's letter to CPC dated June 9, 2010, Response 6 discusses the proposed sidewalk widenings that would be part of the project. The sidewalk widenings and street plantings on West 32nd Street would improve sidewalk conditions at the development site. The street trees that are required by zoning but cannot be accommodated at the development site because of the underground passageway would be planted elsewhere in Community Board 5 in consultation with DPR and would improve sidewalk conditions within Community Board 5. In addition, as discussed in Chapter 9, "Urban Design and Visual Resources," the re-opening and renovating of the pedestrian passageway under the south side of West 33rd Street would be expected to improve the pedestrian circulation within the study area.

Comment 22: Improvements to the area's arts facilities should be included as relief from the exceptional increase in density at the development site. (CB5)

Response: The effects of the project's density have been analyzed in the FEIS, and the following impacts were identified: open space, traffic, pedestrians, and construction-period noise. Mitigation measures to address those impacts are identified in Chapter 22, "Mitigation." Improvements to arts facilities are not recognized mitigation measures for any of the identified impacts.

CHAPTER 2: PROCEDURAL AND ANALYTICAL FRAMEWORK

Comment 23: It does not make sense to destroy a successful and huge hotel to construct a relatively small office building (the No Action building), and the presentation of this fact in the BIS is worthy of suspicion. By proclaiming that the hotel will be destroyed no matter what, Vomado is apparently betting that anyone opposed to that action will see the situation as hopeless and simply give them what they want. (Corley)

Response: As described in the EIS, the applicants have stated that they will build a smaller office building on the site of the Hotel Pennsylvania absent approval of the

A. PROJECT DESCRIPTION

INTRODUCTION

The applicants, 401 Commercial LP and 401 Hotel REIT LLC, propose to redevelop the current site of the Hotel Pennsylvania (Block 808, Lots 1001 and 1002, or the "development site") on Seventh Avenue between West 32nd and West 33rd Streets adjacent to Penn Station in Manhattan with a new commercial office building—a redevelopment project known as 15 Penn Plaza. To provide the applicants with the flexibility to respond to market conditions, two options are proposed—a Single-Tenant Office Scenario and a Multi-Tenant Office Scenario. Both scenarios would consist of a new commercial office tower located above a podium base suitable for trading uses and new below-grade mass transit improvements. The Multi-Tenant Office Scenario would also accommodate retail uses in the podium base.

In order to develop this proposed project (either scenario), certain discretionary approvals are required from the New York City Planning Commission (CPC). Thus, the proposed project is subject to environmental review under the State Environmental Quality Review (SEQR) and City Environmental Quality Review (CEQR) regulations and guidelines. The New York City Department of City Planning (DCP) will act as the CEQR lead agency for this proposal. Approvals from the Metropolitan Transportation Authority-New York City Transit (NYCT), Port Authority of New York and New Jersey (PANYNJ), and Amtrak are required for the design and maintenance of the below-grade mass transit improvements. In addition, subsurface easements may be requested from Amtrak for building support columns.

The proposed project is expected to have an approximately 4-½-year construction period and be complete in 2014.

Absent approval of the proposed project, the applicant would develop an as-of-right project (or No Action building) of approximately 1.15 million zoning square feet (zsf) on the development site. This building could be built without any discretionary approvals.

DEVELOPMENT AND PROJECT SITES

The development site consists of the western half of the block (Block 808, Lots 1001 and 1002) bounded by Seventh Avenue on the west, West 33rd Street on the north, Avenue of the Americas on the east, and West 32nd Street on the south (see Figure S-1). The 1,700-room Hotel Pennsylvania currently occupies the development site. In addition to the hotel uses within the Hotel Pennsylvania, the development site contains additional commercial uses, including approximately 46,400 gross

Action building on the development site. As with the No Action building, in the future with the proposed project, under either scenario, some views south on Seventh Avenue from the southern portion of the Garment Center Historic District would include views of the proposed project. However, these changes would not be considered adverse due to the existing varied context of the architectural resources in the primary study area. Additionally, the proposed project would not obstruct significant views of any architectural resource, or adversely alter the visual setting of any resource in the primary study area.

The development site is within 90 feet of one architectural resource in the study area—the former Equitable Life Assurance Company Building is approximately 60 feet south of the development site. To avoid potential inadvertent construction-related impacts on this architectural resource, a Construction Protection Plan (CPP) would be developed in consultation with the New York City Landmarks Preservation Commission (LPC) and would be implemented by a professional engineer prior to any demolition at the development site. Other architectural resources in the primary study area would not be expected to be adversely effected by the proposed project as they are at a greater distance from the development site.

With either scenario, and also with the No Action scenario, the proposed actions would result in the addition of a new tall building to the variety of taller and shorter buildings in the secondary study area. This new building on the development site would change the context of the Empire State Building in some eastward views from vantage points west of the development site. However, most existing views to the Empire State Building from the secondary study area would not be affected by the proposed development. More distant views of the Empire State Building, including some views from Brooklyn, Queens, and the Bronx, would change with the new building on the development site, as the proposed project would introduce a new tall building to the Manhattan skyline. However, the new building would be shorter than the Empire State Building, which would remain the tallest building in New York City. In addition, the approximately 1,000-foot distance between the development site and the Empire State Building would further diminish the perceived height of the new building in more distant views. The development on Hudson Yards Site 32/33 will be located on the southwest corner of West 33rd Street and Ninth Avenue west of the development site and will alter the context of some eastward views of the Empire State Building from the secondary study area. Further, it is not unusual for historic buildings in New York City, and in Midtown in particular, to be located in a mixed context of older and newer buildings of greatly varied heights, styles, and cladding materials.

Therefore, the proposed project would not result in a significant adverse impact to the Empire State Building. Overall, architectural resources in the study areas would not be adversely affected by the proposed project.

URBAN DESIGN AND VISUAL RESOURCES

As summarized in this section, the assessment finds that the proposed project would not result in any significant adverse impacts to urban design and visual resources.

In comparison to the No Action scenario, neither the Single-Tenant Office Scenario nor the Multi-Tenant Office Scenario would result in any significant adverse impacts to urban design and visual resources. Like the No Action condition, the proposed project would alter the urban design of the development site by replacing the current 22-story (268-foot-tall) masonry-clad building on the site with a new, taller building with steel and glass curtain walls. In both scenarios, the proposed building would set back 10 feet from the lot lines of West 32nd and West 33rd Streets, slightly altering the streetwalls of those two streets. Like the No Action

building, as well as the existing Hotel Pennsylvania, in both scenarios the proposed building would set back 15 feet from Seventh Avenue, providing a wide sidewalk for this busy pedestrian area. The tower portion of the Multi-Tenant Office Scenario building would be set back farther from Seventh Avenue than the Single-Tenant Office Scenario building; in terms of massing, this would also make the proposed project somewhat more like the nearby buildings on the west side of Seventh Avenue.

Both scenarios would result in a more intensive use on the development site in comparison to the No Action scenario; however, the uses of the site would be the same as in the No Action scenario and, in addition, would be consistent with building uses that are prevalent in the surrounding area. Neither the Single-Tenant Office Scenario nor the Multi-Tenant Office Scenario would alter topography, street pattern and hierarchy, block shapes, or natural features on the development site or in the study area.

In both scenarios, the project would relocate and significantly upgrade the existing subway entrances on West 32nd and West 33rd Streets and would encompass significant mass transit improvements, including the re-opening and renovating of the pedestrian passageway under the south side of West 33rd Street. This project element—which is not included in the No Action scenario—would be expected to improve the streetscape, as well as pedestrian circulation within the study area. Both scenarios also would incorporate ground-floor retail and would have highly transparent cladding at the base level, thereby enlivening and enhancing the pedestrian experience.

The Single-Tenant Office Scenario building would be approximately 1,130 feet in height (to the top of the roof), or 550 feet taller than the No Action building, and the Multi-Tenant Office Scenario building would be approximately 1,156 feet in height (to the top of the roof), or 576 feet taller than the No Action building. In either scenario, the proposed building would become the tallest structure in the surrounding area. However, there are already a number of tower structures in the primary (400-foot radius) study area, including One Penn Plaza and Two Penn Plaza across Seventh Avenue (approximately 750 and 412 feet tall, respectively), the 59-story (626-foot-tall) Epic residential building directly south of the development site, and the Nelson Tower at the northeast corner of Seventh Avenue and West 34th Street (approximately 560 feet tall); within the secondary (1/4-mile radius) study area these include the Empire State Building (approximately 1,453 feet tall including its pinnacle and lightning rod) and the 43-story (541-foot-tall) Navarre Building. Additional large-scale towers are anticipated to be built by the project's Build year, including multiple towers approximately 400 to 600 feet in size on Sixth Avenue. Within this context, the height and size of the tower structure would not be readily apparent, particularly for the pedestrian experience at street level. In each scenario, the proposed building would be built within a context of both older and newer buildings that vary greatly in height, form, and materials. Buildings in the primary and secondary study areas already comprise a variety of taller and shorter older, masonry-faced buildings and taller, newer buildings with both steel and glass curtain walls and masonry cladding. In either scenario, the proposed project would result in the addition of a new tall building to the variety of taller and shorter buildings in the immediately surrounding primary study area and the larger context of the secondary study area and Midtown Manhattan.

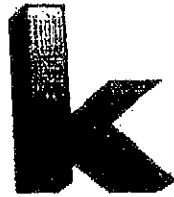
1/4-mile
Secondary
Study area

In either scenario, the proposed building would be similar in size to the Empire State Building, but would be distinguished from the Empire State Building in its design and massing. The Empire State Building is approximately 2.7 million gross square feet in size, and is centered on its site with setbacks above the 5th, 20th, 24th, 29th, and 80th floors. In comparison, the new

building in the Single-Tenant Office Scenario would be 2.8 million gross square feet in size and would be oriented toward Seventh Avenue, rising to its full height with no setbacks. In the Multi-Tenant Office Scenario the proposed building would be 2.6 million gross square feet in size and would be centered on its site, but would rise without setbacks above a 130-foot podium. In terms of design, the Empire State Building is an Art Deco-style, masonry structure, and its iconic stature is due in part to its unique tower top, which culminates in a 200 ft spire and antenna. In comparison, both the Single-Tenant Office Scenario and the Multi-Tenant Office Scenario would create a glass-clad, slender tower of very modern design, terminating in a simple, squared-off top.

In both scenarios, as well as in the No Action condition, the new building would be visible from more distant points outside of the study areas, including from some points in Brooklyn, Queens, and the Bronx; however, only the tower of the building would be visible in these locations, and it would be part of the overall skyline of high-rise buildings in Midtown Manhattan. In these distant views, the building—like the 1,245-foot-tall Bank of America Tower, the 1,046-foot-tall New York Times Tower, and (if developed) the 1,216-foot-tall and 935-foot-tall towers on Hudson Yards Site 32/33 (the development known as Manhattan West)—would be among the tallest in the Midtown Manhattan skyline, but shorter than the Empire State Building. The skyline and the prominence of the Empire State Building would not be significantly affected because the new building would be shorter than the Empire State Building (approximately 230 feet shorter if including the ESB's antenna, 30 feet if not), would have a very different, modern design and a simpler tower top, and the two buildings would be approximately 1,000 feet apart, which would further diminish the perceived height of the new building. In more distant views, The proposed building's anticipated cladding materials—glass and steel in all scenarios—would be consistent with other modern structures in the area.

Views in the study areas would be altered by the proposed project, as the height of the proposed building in either scenario would be more notable in surrounding views than that of the No Action building. Most notably, the proposed building would become a prominent feature of views east along West 33rd Street and some views east along West 34th Street toward the Empire State Building. These views already include other large-scale tower buildings; however, and the change in views between the No Action scenario and the proposed project would not be considerable. In either scenario the redevelopment of the project site with the proposed building would obscure or obstruct some eastward views to the Empire State Building; views to the Empire State Building from vantage points north, east, or south of the project site would not be obstructed or obscured. Views of the Empire State Building from vantage points north, east, and south of the project site are limited; views within the study areas are mostly limited to West 33rd and West 34th Streets and Sixth Avenue; however, these views would not be blocked by the proposed building to a significant degree. Furthermore, there are very few locations within the study areas where pedestrians can stop and enjoy at length notable views to the building; most views are experienced while in transit and thus are of short duration. Eastward views of the Empire State Building from directly west of the development site, from the pedestrian level and from public open spaces such as Hudson River Park are already obscured or obstructed by the existing project site building and other intervening tall buildings, and would also be obscured or obstructed by the proposed towers on Hudson Yards Site 32/33 located at the southwest corner of West 33rd Street and Ninth Avenue. There are no significant viewshed corridors that would be completely blocked. Most views to the Empire State Building would remain available, where those views would exist in the No Action scenario.



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August 19, 2010

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STUDIOS

Honorable Christine C. Quinn
Speaker of the City Council
Room 1856
250 Broadway
New York, N.Y. 10007
Re: 15 Penn Plaza.

Dear Speaker Quinn:

I am writing to express my strong opposition to the 15 Penn Plaza project. As you may know, I own several buildings within the area of this project, including The Nelson Tower at 450 Seventh Avenue. I also own the Kaufman Astoria Studios in Queens and am currently the Chair of the Fashion Center Business Improvement District.

The 15 Penn Plaza project, as proposed, would be an assault on the Empire State Building and the New York City skyline. Allowing this proposed monolithic building, with its proposed height and lack of setbacks, would fly in the face of rational planning and permanently take away a skyline that is world-renowned. As a nearby property owner, I cannot fathom why the City Planning Commission could have approved a speculative project such as 15 Penn Plaza at the proposed height by increasing the permissible floor area, and, without any discernible setbacks, knowing full well its impact on the City's skyline.

The City Council now has an opportunity to correct what was clearly an ill-conceived plan that lacked common sense. As the City Council Speaker, I urge you to take a leadership role in finding a solution that will reduce the height of and restore setbacks to this project and protect our City's landmark skyline from ruin.

Best regards.

Sincerely,

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NEW YORK, NY 10123
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REBNY
REAL ESTATE BOARD OF NEW YORK

Honorable Christine Quinn
Speaker of the City Council
Room 1856
250 Broadway
New York, NY, 10007

Dear President Quinn:

One of the glories of the Empire State Building - which symbolizes not just the city but the nation as well - is its iconic presence on the skyline. It is a landmark in both senses of the word. It is a landmark with a capital "L" as in a designated New York City landmark, and it is a landmark in that it marks the land. You can see the building from all over the city and beyond, from the A train as it traverses Jamaica Bay, from the George Washington Bridge, from the LIE, and you can see it from the ramp leading to the Holland Tunnel, a view of the skyline that a very wise judge deemed a landmark view, one that could not be blocked.

The proposed building at 15 Penn Plaza would fly in the face of that court's wisdom, because the building, as proposed, would do just that.

It would irreversibly block the view of New York's most famous building.

Anyone who knows me knows that I am not opposed to tall buildings in and of themselves - in fact I revel in them, because they represent my city, my home, this blessed isle. It is the site of the proposed building that is wrong, and it should be deemed wrong, just as the proposed wopper next door to MoMA on 53rd Street was deemed wrong.

I write to you as one who writes on New York's architectural history, as one who teaches the subject at NYU's School of Continuing & Professional Studies, and as a licensed New York City guide.

One of my books is "The Empire State Building: The Making of a Landmark," which was published by Scribner and is now a St. Martin's paperback.

My passion for the building is based on the facts of it. If the view of the building is compromised, we are the less.

Please act to preserve the view of New York City's most important building.

Sincerely yours,

John Tauranac
Historian
www.tauranac.com

G-H-G REALTY COMPANY, L.L.C.

21 PENN PLAZA • SUITE 1000

360 WEST 31st STREET

NEW YORK, NY 10001

(212) 244-4646

BY EMAIL

August 20, 2010

Honorable Christine C. Quinn
Speaker of the City Council
christinecquinn@gmail.com
quinn@council.nyc.gov

Honorable Leroy Comrie
Member of the City Council
lcomrie@council.nyc.gov

Honorable Mark Weprin
Member of the City Council
mweprin@council.nyc.gov

re: 15 Penn Plaza

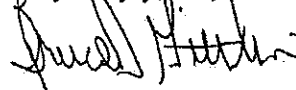
Dear Speaker Quinn and Council Members Comrie and Weprin:

As a concerned individual citizen, I am writing to raise a serious question with regards to the 15 Penn Plaza project. Specifically, why was the notice to raise questions only sent to property owners within 400 feet of the 15 Penn Plaza project?

I own a building within the area of this project. The proposed 15 Penn Plaza seems to negatively impact a skyline that is recognized as a significant part of New York City around the world. Granting special bonuses and waivers to allow this proposed building, with its proposed height and lack of setbacks, would not follow reasonable planning. As a nearby property owner, I cannot understand why the City Planning Commission could have approved a project such as 15 Penn Plaza at the proposed height and bulk, without greatly expanding the forum for questions and discussion.

The City Council now has an opportunity to correct this situation. I urge you, as the City Council members with key roles in this matter, to lead in finding a solution that will reduce the height and restore setbacks for this project and protect our city's landmark skyline.

Very truly yours,



Bruce Gittlin

PETER MALKIN - TESTIMONY

- I have had the privilege of lifetime involvement in New York City institutions. I am the longest serving Board member of Lincoln Center for the Performing Arts in its history, a founder of three Business Improvement Districts in midtown Manhattan, and for the last 50 years part of the ownership of the Empire State Building. Like you, I care about our City, and I appreciate the opportunity to speak with you today about why we need to reconsider the proposed height of 15 Penn Plaza.
- When you think of New York City, there are two internationally recognized symbols that come to mind: The Statue of Liberty and the Empire State Building. And only one of those is located on the skyline.
- Although we have had vigorous, even dramatic real estate development in New York for the last century, the crown of the City's skyline has only seen a handful of major changes in the 80 years since the Empire State Building was constructed. For instance, when new land was added to the tip of Manhattan and the World Trade Center was built, and now as One World Trade Center/ Freedom Tower is being undertaken.
- These have been multi-year efforts that brought together broad public participation, design and land use experts, and urban planners to ensure that we reached a tested consensus on how to maintain the integrity, history and iconography of the City.
- So I ask you: When and by whom was the decision made to change the New York skyline for 15 Penn Plaza? Certainly it was not made when Community Board 5 voted 36-1 against it. Do you believe New Yorkers collectively decided—or are even aware—that bonuses and waivers are proposed to allow 15 Penn Plaza to rise almost 50% higher than its entitlement as of right—allowing it to mount to the Empire State Building's height at a distance of less than 1,000 feet? These images tell a powerful story of the change in the day and night skyline of our City which would result from approving 15 Penn Plaza at its proposed height and girth. [POINT TO BLOW-UP IMAGES]
- As one privileged to be a custodian of a beloved New York icon, I consider it my personal responsibility to be present here today to ask you to reconsider.
- I respect the rights of property owners including our friends at Vornado, but I believe there has been a failure to expose this proposal and its consequences, thus a failure to reach a balance of public and private interests. I sincerely hope this Council, as the City's representative body, will now restore the balance by approving 15 Penn Plaza on the condition that its height be reduced and setbacks required to preserve our beloved skyline identity for all New Yorkers and the world.

ANTHONY MALKIN - TESTIMONY

- Thank you for the opportunity to speak today. Two of us will speak today on behalf of Empire State Building Company. I am Anthony Malkin, president of Malkin Holdings, responsible for the long term strategy and day-to-day operations of the Empire State Building, and an owner of the building. My father, Peter Malkin, is our chairman, general partner in the ownership of the Empire State Building, and the last surviving original member of the team of my grandfather Lawrence A. Wien, his great friend and partner Harry B. Helmsley, and my father who bought control of the building in 1961.
- I would like to start by complimenting Vornado for being a very well run company with outstanding leadership. We have long considered Steve Roth and Mike Fascitelli friends and great New Yorkers, and I have the greatest respect for David Greenbaum. I own VNO stock and recommend it to anyone listening.
- We would like to commend the City government for recognizing the value and importance for sustainable, Transit Oriented Planning. There is no better place for appropriate, enhanced development density than around major transit centers. We support the Transit Oriented Development including an appropriate 15 Penn Plaza. We will benefit economically from whatever is developed around the Penn Plaza area... it will not compete with us, we rent for 50% of new construction costs and appeal to an entirely different tenant mix. We see nothing but economic upside for ourselves and our investors... outside of the Empire State Building we have more than 3 million square feet of Pre-War Trophy office properties in the immediate area.
- I would like to dispel a popular notion that we came “late to the game” and “missed our opportunity” to speak up earlier. Before the City Planning Commission hearing on this project, I personally reached out to Mike Fascitelli. I have spoken personally with Steve Roth, Mike Fascitelli, and David Greenbaum on this subject. We submitted written comments into the record of the City Planning Commission, and I spoke personally to Amanda Burden... who at first said our letter was not to be included in the record; it was not late, became part of the record, and then was ignored. I spoke privately with members of the City Council. Only our speaking out in public came “late in the game,” and that is because we realized that it was necessary to air the issue publicly to raise public awareness.
- I was told that it would make a difference for me to bring people in support of our position to this hearing today. We are very grateful to those who have arranged at great inconvenience to be here on a Monday morning the fourth week of August... very appreciative of City Councilmembers taking this important matter in the waning days of summer. But we have been able to bring the voices of New York City to this hearing, and this is what they say.

- Community Board 5 voted 36-1 against this project.
- A poll on the Municipal Arts Society's website as of this morning was 71% to 29% (with 2,083 poll participants) against the construction of 15 Penn Plaza as presently proposed.
- A poll conducted professionally by the firm of Penn Schoen and Berland sampled more than 700 New Yorkers, distributed to the sub-committee today, has the following highlights:
 - New Yorkers treasure the City's skyline with 95% saying the skyline makes them proud to be a New Yorker.
 - More than two-thirds of New Yorkers (69%) said that it matters to them if 15 Penn Plaza detracts from the Empire State Building on the Manhattan skyline.
 - Nearly two-thirds (63%) believe the City Council should reject the 15 Penn Plaza project altogether or require that the 15 Penn Plaza proposal be amended to include setbacks and decrease the building's height.
 - New Yorkers say they find the New York City skyline beautiful (99%) and iconic (93%), and nearly all (97%) say the Empire State Building is the building that most defines the New York City skyline.
- After we did our local poll, we commissioned Penn Schoen and Berland to perform a national poll. Visitors are critically important to the economic well being of New York City. In a poll of 500 visitors which we will release shortly after this session, data which was only tabulated this morning, 92% say that seeing the Manhattan skyline makes them excited to visit New York City and nearly two-thirds (65%) said that it would matter to them if 15 Penn Plaza detracts from the Empire State Building's contribution to the character of the Manhattan skyline.
- The results are clear... when people learn about 15 Penn Plaza and the prospect it presents, they do not like it. The Empire State Building defines New York and its skyline. The more people hear, the less they like. This is not just a local phenomenon, this is a national phenomenon. I only regret we did not do an international poll.
- We are not here to make legal arguments against the process which has brought 15 Penn Plaza in its present form in front of this subcommittee. Rather, we are focused on the Moment (with a capital M) of the matter before the City Council subcommittee today:
 1. Has there been a decision to change permanently the iconic skyline of New York, to the detriment of its largest and most famous Landmark (with a capital L)?
 2. If there has been such a decision, does that decision include that 15 Penn Plaza is the building to do it?
 3. Is there not an argument that a better process exists for the end of the image of New York City which billions (with b) of people around the world have... of the Empire State Building at night or during the day?

- Allow me to use some other people's words in carrying this discussion further:
 - New York City Planning Commission in reducing the height of the Jean Nouvel/ Hines/ MOMA tower on 53rd Street... a full 20 city blocks, 1 mile away from the Empire State Building, raised the question of what a project needs to be before it "merits being in the zone of the Empire State Building's iconic spire."
 - City Council Speaker Chris Quinn in speaking about gardens in New York City on the protection of the city's community gardens used the Empire State Building's iconography to make a point in an op-ed piece published last week in the New York Times: "Gardens are as much a part of our city as the Empire State Building or Times Square."

- Before handing over to my dad and chairman, please allow me to conclude, The Empire State Building IS the iconic image of New York City's skyline. Daytime or nighttime, there is no other. This is the building, by which New York City is identified at home and around the world. As people learn about 15 Penn Plaza and its impact on the skyline, they do not like it. People want a shorter building with setbacks to respect their view. We need not stop economic growth and job creation to act as the people ask; slightly slim and shorten 15 Penn Plaza which is too much, too close to the signature of New York City. It is the City Council's decision to make.

- Thank you for your time.







THE COUNCIL
THE CITY OF NEW YORK

3

Appearance Card

I intend to appear and speak on Int. No. 15 Penn Res. No. _____

in favor in opposition

Date: _____

Name: Dan Biederman (PLEASE PRINT)

Address: _____

I represent: 34th St PARTNERSHIP

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

4

Appearance Card

I intend to appear and speak on Int. No. 15 Penn Res. No. _____

in favor in opposition

Date: _____

Name: Jordan Barowitz (PLEASE PRINT)

Address: _____

I represent: Durst Organization

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

5

Appearance Card

I intend to appear and speak on Int. No. 15 Penn Res. No. _____

in favor in opposition

Date: _____

Name: Felix Ciampa (PLEASE PRINT)

Address: MSG

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. Lu 200⁰¹⁶⁰ Res. No. _____

in favor, in opposition

Date: 8/23/2010

(PLEASE PRINT)

Name: LISA Ackerman
Address: 95 Madison Avenue NYC 10016
I represent: National Trust for Historic Preservation
Address: Washington DC

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Don Biederman
Address: 1065 Ave of the Americas
I represent: 34th St Partnership
Address: exposed

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1 Res. No. 191

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Bruce Regal
Address: 100 Church Street Room 6-155
I represent: NYC Law Dept
Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

191

I intend to appear and speak on Int. No. _____ Res. No. 191

in favor in opposition

Date: 8/23/10

(PLEASE PRINT)

Name: Brett Sikoff

Address: 75 PARK PLACE - NY NY 10007

I represent: NYC DOITT

Address: 75 PARK PLACE

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

159

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 8/23/10

(PLEASE PRINT)

Name: FAN DUNFORD

Address: 305 W 44th St 10036

I represent: New York Hotel Trades Council

Address: 305 W 44th

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

44-163

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: Aug 23, 2010

(PLEASE PRINT)

Name: Kate Ascher

Address: NY MTA

I represent: MTA

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

162

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 8/23/10

Name: (PLEASE PRINT) HENRY J. STERN

Address: 450 Park Ave So

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 191 Res. No. _____

in favor in opposition

Date: _____

Name: (PLEASE PRINT) Stanley Shor

Address: _____

I represent: Do ITT

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 159 Res. No. _____

in favor in opposition

Date: _____

Name: (PLEASE PRINT) WALLY KEBER

Address: 450 SPURTHIN AVE

I represent: COMMUNITY BOARD FIVE

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

LU 163

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 8/23/10

(PLEASE PRINT)
Name: HENRY KITA

Address: 1430 Broadway / Suite 1106

I represent: BUILDING TRADES EMPLOYERS' ASSOC.

Address: Same as above

**THE COUNCIL
THE CITY OF NEW YORK**

2

Appearance Card

I intend to appear and speak on Int. No. 15 Penn Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)
Name: Kyle Wiswall

Address: Contact 2011

I represent: Tri-State TRANSPORTATION

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

1

Appearance Card

I intend to appear and speak on Int. No. 15 Penn Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)
Name: Juliette Michaelson

Address: RPA

I represent: RPA

Address: _____

THE COUNCIL
THE CITY OF NEW YORK *Presenting Project*

Appearance Card

I intend to appear and speak on Int. No. 15 Penn Res. No. _____

in favor in opposition

Date: _____

Name: David T. Gordon Baum (PLEASE PRINT)

Address: 100 W 11th St

I represent: Vornado

Address: _____

THE COUNCIL
THE CITY OF NEW YORK 7

Appearance Card

I intend to appear and speak on Int. No. 15 Penn Res. No. _____

in favor in opposition

Date: _____

Name: Hank Ritz (PLEASE PRINT)

Address: _____

I represent: BTEA

Address: _____

THE COUNCIL
THE CITY OF NEW YORK 6

Appearance Card

I intend to appear and speak on Int. No. 15 Penn Res. No. _____

in favor in opposition

Date: _____

Name: Sarah Johnson (PLEASE PRINT)

Address: 115 G

I represent: 32 BT

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

11

Appearance Card

[]

I intend to appear and speak on Int. No. 15 P 200 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Rafael Pelli

Address: _____

I represent: Pelli, Clarke Pelli

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

10

Appearance Card

[]

I intend to appear and speak on Int. No. 15 P 200 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: GARY TERNOWITZ

Address: KEVIN LEVIN

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

9

Appearance Card

[]

I intend to appear and speak on Int. No. 15 P 200 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Rafael R. Pelli

Address: JOHN LA SALLE

I represent: Pelli, Clarke Pelli

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

8

Appearance Card

[]

I intend to appear and speak on Int. No. 15 PPM Res. No. _____

in favor in opposition

Date: _____

Name: Jason Celeajo (PLEASE PRINT)

Address: _____

I represent: Building Trades - Mason Tenders

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

LU 159

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 8-23-10

Name: Jerry Gold Belter (PLEASE PRINT)

Address: Stroock

I represent: Empire State Building

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

LU 159

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 8-23-10

Name: Peter Malkin (PLEASE PRINT)

Address: c/o Stroock

I represent: Empire State Building

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

LV 159

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: Aug 23, 2010

(PLEASE PRINT)

Name: Brendan Sullivan

Address: 660 10th Street Brooklyn, NY 11215

I represent: my self

Address: as above

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

MU 159

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 8-23-10

(PLEASE PRINT)

Name: Tony Malkin

Address: c/o Stwoock

I represent: Empire State Building

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

LV 159

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition Other

Date: 8.23.10

(PLEASE PRINT)

Name: Andrea Goldwyn

Address: 1 Whitehall St, NYC 10004

I represent: New York Landmarks Conservancy

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Jason Delgado

Address: 520 8th Ave Manhattan

I represent: Mason Tenders

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

LY161

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 8.23.2010

(PLEASE PRINT)

Name: Kyle Drosdick

Address: P.O. Box 801221 Seattle, WA

I represent: The Telephone Pioneers of America, Travelers

Address: USA.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

LU161

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 8/23/10

(PLEASE PRINT)

Name: ERIC CORLEY

Address: 323 E 87th STREET #4D
NEW YORK, NY 10009

I represent: _____

Address: _____

◆ Please complete this card and return to the Sergeant-at-Arms ◆

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

166/167

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 8/23/10

(PLEASE PRINT)

Name: Robert CALLAHAN

Address: 136 Waverly Rd SEASIDE NY 11583

I represent: Smolga of West Village LLC / GROUPE ENTREPRISES INC

Address: 283 West NY NY 10014 / 125 MADISON ST NY NY 10012

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. LV 159 Res. No. 159

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Robert Barbat

Address: 75 Woodhollow Lane 10804

I represent: _____

Address: _____

Please complete this card and return to the Sergeant-at-Arms