

Appendix D:

**Transcript of DEIS Public Hearing and
Written Comments Received on the DEIS**



ANTHONY G. AMBROSIO
EXECUTIVE VICE PRESIDENT
HUMAN RESOURCES AND ADMINISTRATION

CBS CORPORATION
51 WEST 52 STREET
NEW YORK, NEW YORK 10019-6188
(212) 975-3243
FAX: (212) 975-1770
agambrosio@cbs.com

OFFICE OF THE
CHAIRPERSON

JUL 31 2009
20078

Chair Amanda Burden
City Planning Commission
22 Reade Street
New York, NY 10007-1216

Dear Ms. Burden:

July 31, 2009

I am writing to express my concern regarding the proposed MoMA/Hines building currently under review by the City Planning Commission. As you no doubt are aware the proposed building would be across the street from the CBS landmarked corporate headquarters on 53rd street. Given the close proximity, and our long-term commitment to this neighborhood, we are concerned about the impact a building of that size would have on the neighborhood.

My hope is that you and the planning commission will invite more careful discussion and dialogue on this issue before making a decision. Before a decision is made, I trust that you will have thoroughly considered all safety issues as well as the impact that a building of that scale would have on the well being of those of us who are visitors and patrons of this slice of New York City.

Sincerely,

cc: Leslie Moonves, President & CEO, CBS Corporation

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OFFICE OF THE
CHAIRPERSON

JUL 20 2009
2009



NEW YORK
BUILDING
CONGRESS

July 17, 2009

Ms. Amanda Burden, Chair
City Planning Commission
22 Reade Street
New York, NY 10007-1216

Dear Chair Burden and Members of the Commission:

On behalf of the New York Building Congress, please accept this letter in lieu of testimony at the July 22nd City Planning Commission public hearing on the ULURP application permitting the transfer of floor area and granting of special permits to the 53 West 53rd Street tower ("the Nouvel tower") proposed by the developer, Hines Interests.

As the City's largest and most diverse coalition of the design, construction and real estate industry, the Building Congress is committed to promoting well-planned development that improves the City's economic health and quality of life. The Nouvel tower more than meets these goals and we ask the Commission to approve this project.

The design of architect Jean Nouvel has been widely lauded as among the finest contributions to the City's skyline in recent memory. This building could become an iconic structure that reaffirms New York's identity as a leader in innovation and creativity. Because our membership takes pride in building high quality, enduring structures these ideals embody, we urge the Commission to recognize this project's architectural significance and facilitate its realization.

We also support the use of a portion of this building as an expanded home to the Museum of Modern Art (MoMA), allowing it to reconfigure its galleries for the benefit of the public. MoMA is one of our City's most important cultural institutions, drawing millions of visitors because of its one-of-a kind, world class collections. This expansion will give MoMA more exhibition room to further ensure its prominence and attract new visitors to the City.

This project comes at a critical period during which the City has shed tens of thousands of quality jobs, not just in the building industry, but in virtually all sectors of the economy. We now have the opportunity to propel a significant construction project forward that will generate thousands of construction and permanent jobs as well as significant secondary economic benefits. Particularly in this case, where the project will have such significant long term social benefits for our City, we have an

Chair Burden and Members of the City Planning Commission

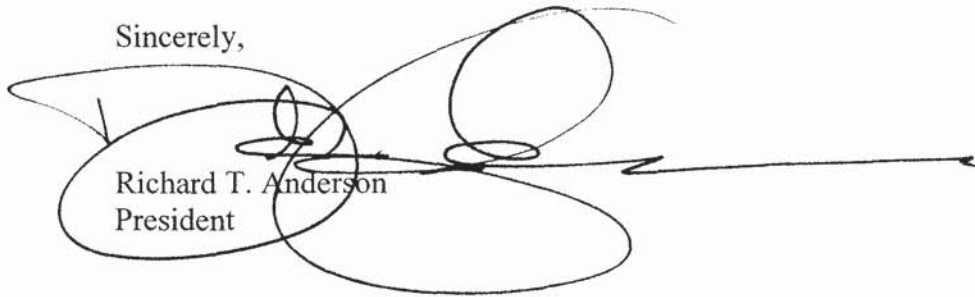
July 17, 2009

Page 2

obligation to encourage investment in new construction and the quality jobs it provides.

Clearly, the construction of the Nouvel tower will benefit New York in a variety of ways, both as an engine of economic opportunity and as a cultural landmark. The Building Congress supports this important ULURP application and we urge the Commission to approve it.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right. The signature is positioned above the printed name and title.

Richard T. Anderson
President

cc: The Honorable Christine C. Quinn, Speaker, New York City Council
The Honorable Daniel Garodnick, New York City Council
The Honorable Scott M. Stringer, Manhattan Borough President

45 West 54th Street Owners Corporation
45 West 54th Street
New York, NY 10019

Hugo Hoogenboom, President
Joe Sarno, Vice President
Diana Bahn, Vice President
Jennifer Robbins, Treasurer
Hallie Atkinson, Secretary

July 22, 2009

OFFICE OF THE
CHAIRPERSON

JUL 31 2009
20081

Hon. Amanda M. Burden
Chair
New York City Planning Commission
22 Reade Street
New York, NY 10007

Dear Mrs. Burden,

I am writing to urge the Planning Commission to deny the application by the Museum of Modern Art (MoMA) and the Hines Interests for the development of a 1250' tall behemoth the height of the Empire State Building on a mid-block site of less than half an acre at 53 West 53rd Street.

A powerful array of interests – including MoMA, Hines, St. Thomas Church, and the University Club – is behind this development. Hundreds of millions of dollars in gains are at stake for these interests, which have immensely more influence and financial strength than the citizens of the neighborhood that will be severely impacted by this development. The impacts would be four years of noise, dirt, and hazard involved in the construction and the long term deleterious effect of this enormous development on community facilities and services; historic resources; urban design/visual resources; neighborhood character; infrastructure; solid waste and sanitation services; energy; traffic and parking; transit and pedestrians; air quality; noise; public health. These impacts are in effect a tax imposed on the neighborhood for the benefit of the developers and the institutions that stand to profit from the development.

We depend on governmental bodies to protect us against the exploitation of §74-79 and §74-11 of the zoning resolution by this alliance of developers and nonprofit organizations. Unfortunately, regulatory bodies tend to become captives of the interests they are supposed to regulate. I hope that the City Planning Commission will act to protect us from a project that is designed to squeeze every last possible dollar out of a site, never mind the costs to others.

The grounds are clear: the project is grossly out of scale and character of the Preservation Subdistrict on which it is being imposed; it will adversely affect structures and open space by its scale, location, and its impact on light and air; it unduly increases the bulk of development, the density of population and the intensity of use to the detriment of the surrounding area.

Sincerely,

Hugo Hoogenboom
President

Testimony to the City Planning Commission
July 22, 2009
Development of MoMA/ Hines property

I would like to speak to the impact of the current MoMA facility on 54th Street and how this could be improved as part of the MoMA efforts to develop their vacant lot to the west of the existing museum.

In spite of what were certainly good intentions of the MoMA board and the esteemed architect Yoshio Taniguchi to develop an expanded home for MoMA on their property of west 53rd and 54th streets between 5th and 6th Avenues, the result has been to create a prison like wall on the south side of one of the most beautiful and historic blocks in midtown Manhattan.

This was not a necessary trade off for the excellence of the museum space but an unfortunate and I assume unintended consequence. The garden is separated from this



lovely street by a metal corrugated wall that is perhaps 18 feet high. The photo inserted above is from the website int.kateigaho.com and as you can see the pedestrian level in the foreground is light, translucent and inviting to the passer by. In describing the work of Mr. Taniguchi accompanying the photo is this sentence:

His goal for MoMA was "to create an ideal environment for art and people through the imaginative and disciplined use of light, materials, and space."

The website photo does not show the wall that was built on West 54th Street. Above we are shown a wall that offers a view of the inner space of the museum. Below we see the foreboding monster we live with today. This wall should be removed as courtesy to the community and to the City of New York.

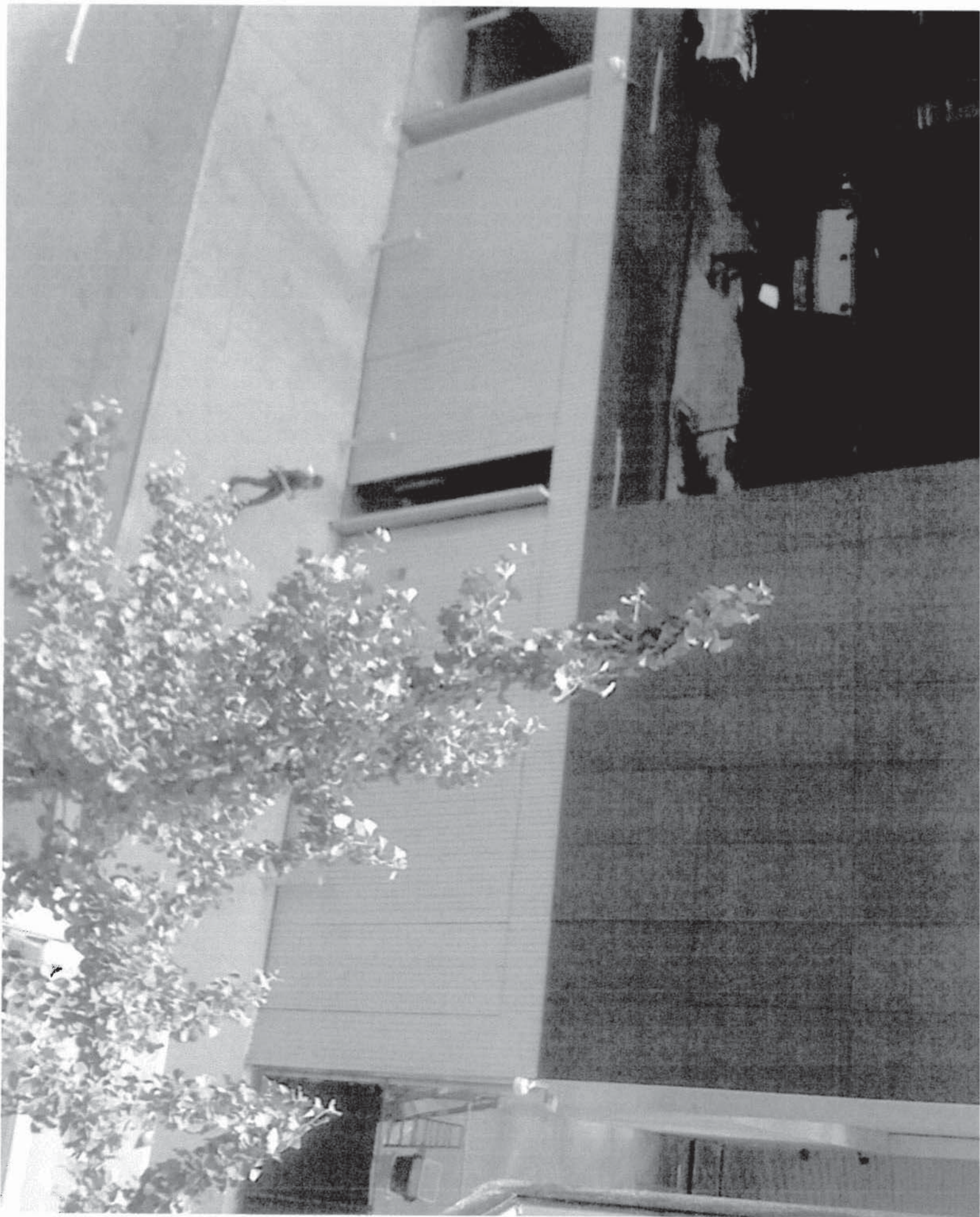


Behind this wall is the beautiful sculpture garden.

The next issue that I would like to address is the three existing truck loading bays for MoMA and The Museum Tower. These were designed as an integral part of the Taniguchi design. As explained in the presentation to the City Planning Commissioners on July 22, 2009 by a person who I believe is named Mr. Chin, the bays labeled 20 and 30 are designated for use by the Museum for general delivery and for art materials. The bay labeled 40 is for use by The Museum Tower, a condominium on west 53rd Street. This is an excellent example of the type of common facility that I recommend for the new development planned for the vacant lot to the west. The new building should be designed to take advantage of these existing loading bays and perhaps consider having the three buildings use only two bays with one bay newly reconfigured for a public, pedestrian, street friendly amenity.

Viewed from above, these three bays are made of the same distinctive metal corrugated material as the wall blocking the view of the garden. The eastern most bay (20) is in the lower photo below, the doors are open. As you can see there is no delivery being made. Bay 30 is to the right with only the pedestrian door ajar. And bay 40 has closed doors and can be seen in the upper photo. The friendly and thoughtfully scaled streetscape is seen reflected in the black glass above the corrugated wall. Though not seen in these photos, the northern side of the street is quite agreeable as an urban setting and this was not lost on Mr. Taniguchi. He framed the view of the lovely buildings on the north side of 54th Street and the outdoor tables at Il Gattopardo for the museum visitors looking out





55W55ST
NY, 10019

7/27/09.

Dear Sir:


Re: Hines building is too much of a problem for the entire area of 53-56th Streets.

The terrorist attack on a building of one mile high is a very real possibility. The Empire State Bldg was protected immediately after 911. This new Hines proposed building on W. 53rd St. would also cause a possibility of an attack by Al Queda and Osama Bin Laden who has not been found after almost almost 10 years of looking by the U.S. If attacked, the Hines building would destroy the entire neighborhood, that is what's left of it --there have already been developers buildings built. The attack could also destroy many of the surrounding buildings. The Hines building would be a possible hazard to the tenants office workers, tourists and innocent passerbys.

Also most of the hotels go from one street to the other street. For example the Hilton goes from 54-55th St on 6th Ave. There are several hotels in the area , we do not need another hotel. The Hilton, the London,, the Warwick, the St. Regis, the Shoreham, the Peninsula, the Blakely and the Wellington. These are just on 2 streets from 6-7th Ave. With maybe as many as 20,000+ guests this adds to the congestion of the area, plus the tenants in the buildings and the high rise buildings with corporations who have thousands of workers. If someone needed an ambulance in a hurry and their life depended on it, with all of the congestion, the ambulance or fire truck may not get through on time. Then there could be law suits against this new Hines building. Midtown cannot afford more congestion.

The building should not be built on such a small lot. The air rights should not be sold, this building cannot go that high it would create too much of a problem for everyone in the surrounding area. Also a building of this size could also take away the sun light from the surrounding buildings and everyone would have a dark apartment or office or hotel room. It could also lower the value of midtown because midtown would have to live in darkness or move away. *Build it elsewhere*

Sincerely
Helena Nguyen


H. Nguyen
Ms. ~~xxxxxx~~
55 W. 55Th St.
New York NY 10019-4949



West 54 – 55 Street Block Association

List of documentation enclosed:

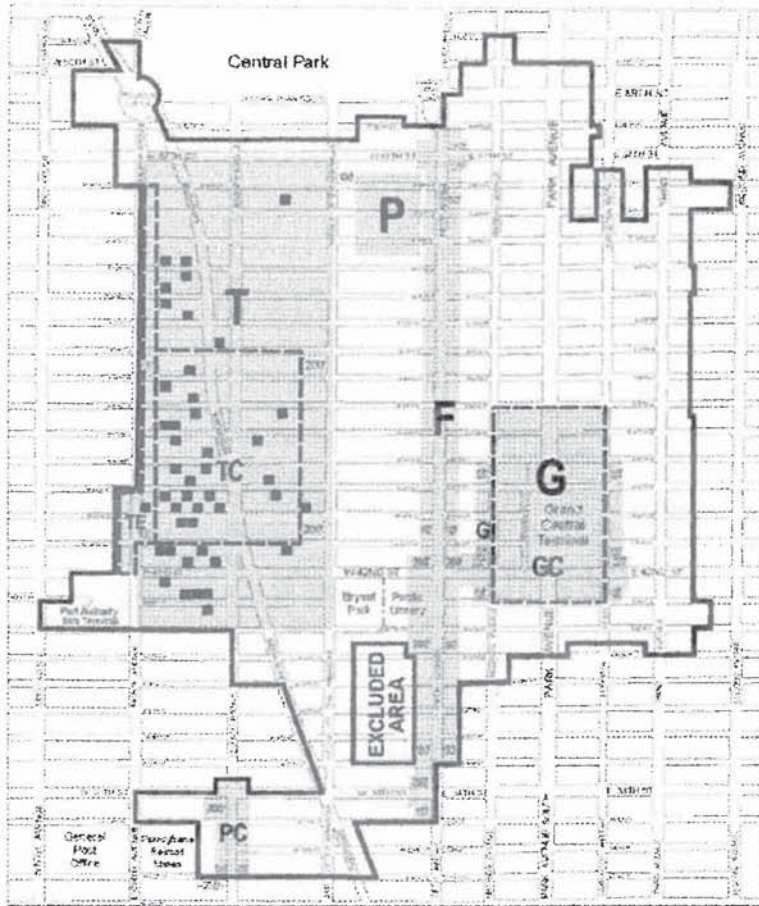
NYC Zoning Regulations - Midtown District Plan Map & ZR Section 81-00 General Purpose
Midtown West Survey 1979, LPC - Summary
Midtown Development June 1981 & Midtown Zoning 1982
Buildings demolished by MoMA, from Midtown West Survey
NYT June 22, 2003 Article about the City Athletic Club
NYT June 18, 2006 Article about W 54 Street
Photo, West 55 Street between Fifth & Sixth Avenues
Loading docks on West 54 Street
Drive through loading dock design
Advantages of drive Through Loading Docks
Testimony by Anne Morris, Baruch College – freight transportation
NYT article – An Ode Conceived in Traffic, March 7, 2001
Commercial Compactors - Benefits
State of the Air 2009 – New York – Particle Pollution
MoMA Corporate Entertaining
Europacenter – Problems with Jean Nouvel's Galeries Lafayette, 1998
St. Thomas Church, North Façade windows before & after MoMA Expansion – MoMA 2000 EIS
Eyes on Commercial Facilities, NYS Office of Homeland Security
4 photos showing traffic problems near MoMA
1 photo showing MoMA wall on West 54 Street

Cc: Council Member Dan Garodnick
Speaker Christine Quinn
NYS Assembly Member Dick Gottfried
NYS Senator Liz Krueger
Manhattan Borough President Scott Stringer

Appendix A
Midtown District Plan Maps

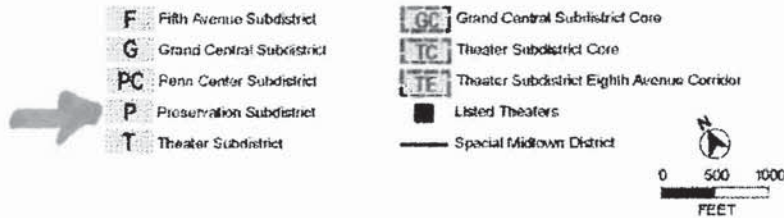
6/23/05

Map 1: Special Midtown District and Subdistricts



MIDTOWN DISTRICT PLAN

MAP 1 - Special Midtown District and Subdistricts



West 54 - 55 Street Block Association
 45 West 54 Street #7C New York NY 10019

*Submitted to City Planning
 Public Hearing about NoFLA/H...
 July 22, 2009*

10/31/01

81-00

GENERAL PURPOSES

The "Special Midtown District" established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) to strengthen the business core of Midtown Manhattan by improving the working and living environments;
- (b) to stabilize development in Midtown Manhattan and provide direction and incentives for further growth where appropriate;
- (c) to control the impact of buildings on the access of light and air to the streets and avenues of Midtown;
- (d) to link future Midtown growth and development to improved pedestrian circulation, improved pedestrian access to rapid transit facilities, and avoidance of conflicts with vehicular traffic;
- (e) to preserve the historic architectural character of development along certain streets and avenues and the pedestrian orientation of ground floor uses, and thus safeguard the quality that makes Midtown vital;
- (f) to continue the historic pattern of relatively low building bulk in midblock locations compared to avenue frontages;
- (g) to improve the quality of new development in Midtown by fostering the provision of specified public amenities in appropriate locations;
- (h) to preserve, protect and enhance the character of the Theater Subdistrict as the location of the world's foremost concentration of legitimate theaters and an area of diverse uses of a primarily entertainment and entertainment-related nature;
- (i) to strengthen and enhance the character of the Eighth Avenue Corridor and its relationship with the rest of the Theater Subdistrict and with the Special Clinton District;
- (j) to create and provide a transition between the Theater Subdistrict and the lower-scale Clinton community to the

west;

- (k) to preserve, protect and enhance the scale and character of Times Square, the heart of New York City's entertainment district, and the Core of the Theater Subdistrict, which are characterized by a unique combination of building scale, large illuminated signs and entertainment and entertainment-related uses;
- (l) to preserve, protect and enhance the character of Fifth Avenue as the showcase of New York and national retail shopping;
- ➔ (m) to preserve the midblock area north of the Museum of Modern Art for its special contribution to the historic continuity, function and ambience of Midtown;
- (n) to expand and enhance the pedestrian circulation network connecting Grand Central Terminal to surrounding development, to minimize pedestrian congestion and to protect the area's special character;
- (o) to expand the retail, entertainment and commercial character of the area around Pennsylvania Station and to enhance its role as a major transportation hub in the city;
- (p) to provide freedom of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms without the need for special development permissions or "negotiated zoning"; and
- (q) to promote the most desirable use of land and building development in accordance with the District Plan for Midtown and thus conserve the value of land and buildings and thereby protect the City's tax revenues.

8/6/98

81-01
Definitions

For purposes of this Chapter, matter in italics is defined in Sections 12-10 (DEFINITIONS), 81-261 (Definitions) or 81-271 (Definitions).

Special Clinton District



West 54 – 55 Street Block Association

Midtown West Survey NYC Landmarks Preservation Commission December 1979 Summary by V. Conant

The Midtown West Survey was done by Community Development staff for LPC's consideration and discusses in three zones different parts of Midtown, a total of 200 buildings in about 131+ blocks between the south side of West 59 Street and the south side of West 40 Street, and between the West side of Fifth Avenue and the East side of Twelfth Avenue. **Thirty-three of the buildings discussed are in our three blocks.**

Each part discusses already landmarked buildings (in 1979) and offers two sets of recommendations for other buildings according to priority of importance.

Zone 1. Fifth Avenue to Avenue of Americas.

Landmarked buildings: 1 (University Club, 1 W 54 St)

1) Group 1.

Architecturally significant buildings which they consider first priority for landmark designation: they listed **18** for us on the three blocks. Two of these (The City Athletic Club and 2 W 56 Street) have since been demolished, and **since 1979 ten have been landmarked. Seven buildings recommended but not yet landmarked are: Fifth Avenue Presbyterian Church, 31, 33, 35, 37, 39 W 56 St, & 30 W 56 St.**

2) Group 2.

These buildings are second priorities for landmark designation but still worthy of landmark designation - 16 are listed. Two of these have been demolished (Dorset Hotel on W 54 and 20 W 55 St). **The fourteen buildings recommended include 12, 14, 16, 18 W 55 St, 35, 41 and 65 W 54 St, and 3-9, 10, 17, 26, 28, 36, and 46 W 56 Street.** None have been landmarked.

**Clearly, 31, 33, 35, 37 & 39 W 56 St are among the best.
Also, 12, 14, 16 & 18 W 55 are there too, positively described.**

There is a good introduction and summary.

From: Midtown Development June 1981
DCP 81-8 City Planning Commission

Area Goals and Strategy

The planning framework proposed to help overcome the obstacles to implementing the development strategy is to divide Midtown into three basic types of areas—stabilization, growth and preservation.

The three-area planning framework has had widespread public acceptance not only in pointing a general direction but in providing an explicit basis for the policies required to meet the needs of the three types of areas.

The Stabilization Area

The stabilization area consists of the East Side office core, Third Avenue to Avenue of the Americas, 40th to 60th Streets. It is an area where public development incentives should no longer be given. They only fuel an overheated private market. Although available sites and development opportunities are becoming limited, the area will continue to attract corporate headquarters and prestigious, top-of-the-line office buildings. There is no intent to stop new development of this type. It remains in the City's interest. But the ground rules should respect the historically developed character that gives the area its great value and makes it so desirable. Buildings should be in scale and not further overburden crowded streets and congested subway stations. Public improvements and services should relieve congestion and improve circulation.

The Growth Areas

The major areas that can accommodate Midtown expansion are: the Theatre District including Broadway, Times Square and Seventh Avenue; Eighth Avenue between 42nd and 57th Streets; Fifth Avenue from 40th to 34th Streets; Sixth Avenue from 42nd to 34th Streets; the 34th Street corridor from Fifth to Eighth Avenue; and the Herald Square-Penn Station area.

Despite advantages of access, openness and availability of sites, development of the proposed growth areas is handicapped because developers believe they cannot produce space at rents sufficiently below East Side rents to attract a market under current conditions. The goal of public policy is to make these areas competitive with the East Side—by targeting available tax and zoning incentives, at least initially; and by concentrating public investment on projects that will directly improve the areas' environment and ability to command higher rents.

The Preservation Areas

In 1968, when the office building boom was peaking

and starting to move west, there was concern that it would wipe out the old theatres. The special theatre district, the first of the special districts, was created by the Planning Commission. It provided an additional floor-area bonus for new office buildings that would include new theatres. This seemed necessary to save the Broadway legitimate theatre, an invaluable economic as well as cultural asset of the City. Since then, the theatre industry has prospered and we have learned that in many ways the old theatres work better than the few new ones built under the theatre district provisions. Their preservation, not replacement, is key to maintaining a vital theatre industry. We think this can be accomplished by providing incentives for preservation and facilitating the transfer of theatre development rights to avenue development sites.

As we suggested in the draft report, the Museum of Modern Art midblock area is likewise worthy of preservation. It is characterized by landmark-quality buildings, well-kept townhouses, low and medium rise apartments and residential hotels, street level shops and restaurants including the 56th Street "restaurant row." Its relief of scale and variety of uses contribute to the well-being and sound functioning of the surrounding densely developed commercial core area. If lost, its unique combination of quality, scale and use is not likely to be replaced.

Since publication of the draft report, several buildings within the area on 54th Street have been given landmark status by the Landmarks Preservation Commission. The area is presently zoned lower, at FAR 10, than the rest of Midtown; and we propose to downzone it further, to FAR 8, to reflect more accurately its built character. But zoning cannot guarantee preservation. We therefore recommend that the Landmarks Preservation Commission consider designating the area an historic district, which would subject the area to preservation controls and permit imposition of a height limitation.

We examined the East Side stabilization area for other possible mid-block preservation areas, but concluded that additional designations were unnecessary as a result of mapping changes recommended for midblocks generally and for two small areas at the northern periphery of the study area specifically. These proposals are set forth in the Zoning Overview chapter of this report.



above FAR 15-16 is unlikely. In addition, the special design and retail use controls of the Fifth Avenue sub-district would apply. The real estate consultant to the Department has advised that such new development would strengthen the lower Fifth Avenue department stores, a judgment in which the Commission concurs. The Fifth Avenue Association agrees and supports the rezoning of this portion of the Avenue. Indeed it urges that we include Fifth Avenue down to 25th Street as well as Park Avenue South in the Growth Area. The Real Estate Board and the Park Avenue South Association concur. As indicated in the final report, we think a decision on these areas should not proceed before we have seen the effect of our policies on the area north of 34th Street.

8. **Penn Station Area.** We did not extend the Special Midtown District to Eighth Avenue here because of the high concentration of industrial jobs in the area. Any changes should protect existing industry and jobs, and reflect the needs arising out of the Special Convention Center Area Study now underway.

C. Density and Bulk Issues

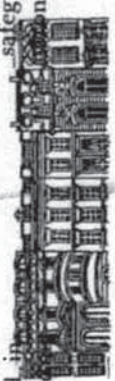
A number of points under this heading were made at the Public Hearing. These included arguments to increase density (FAR) limits in the Growth Area, to decrease them in the Stabilization Area, to retain or do away with the distinction between midblock and avenue zoning, to modify split lot regulations and their impact on zoning lot mergers, and whether to "grandfather."

1. **FAR Limits.** The Commission considered a number of alternatives in arriving at its recommendations contained in the proposed amendment. The alternatives were weighed in relation to their effectiveness in implementing the Commission's basic policy of stabilizing development in the East Midtown core and encouraging growth in the West and South Midtown areas. Alternatives were similarly considered in achieving the Commission's preservation objectives.

a. East Midtown

Alternatives ranged from continuing present FAR levels with stricter enforcement of height and setback regulations and public amenities to consideration of a moratorium on further development. The mid range of considered options included the reduction of the allowable as-of-right FAR in this area in different amounts; it also included variations between avenue and midblock development.

The Commission rejected both extremes. Continuance of the present FAR levels with strict enforcement of daylight and public amenity standards was rejected because of the inherent rigidity of the present bulk regulations. It was felt that on lots of less than 40,000 square feet, which represent the great majority of developable sites, developers would invariably seek special permit and variance relief from the rigid bulk



West 54 - 55 Street Block Association

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From ... Planning 1302 Dept. of City Planning

envelope regulations in order to take advantage of the full FAR still accorded by the ordinance under this alternative.

At the other end of the spectrum, a moratorium for any significant period of time would raise serious constitutional and other legal questions dealing with the rights of property owners in the affected area and was therefore rejected.

The Commission considered the economic impact of the recommended downzoning on property owners. The Commission concluded that, while potentially diminishing values in some areas, on balance property values would be protected. Significant factors in reaching this conclusion were the Commission's confidence in the increased flexibility of the new daylight recommendations, which remove rigidities imposed by the present ordinance, and the adverse impact of increased congestion on existing values.

b. Preservation Area

There were a number of options for preserving the scale, quality and function of the unique midblock area between Fifth Avenue and the Avenue of the Americas in the vicinity of the Museum of Modern Art.

Alternatives ranged from removing the basic bonus applicable in the area, thereby reducing allowable floor area, to designation as a historic district with a height limitation by the Landmarks Preservation Commission. The first alternative would still have permitted FAR 10 development where study revealed that the prevailing bulk within the area approximates FAR 8. The Historic District approach was suggested to the Landmarks Preservation Commission; it has not acted on the recommendation for the area.

Based on its analysis of the area's existing character, the Commission chose the middle ground: a zoning district with maximum FAR 8. The Commission considered the economic effect of downzoning to be balanced by the preservation of the area's unique character and the reduction of potential congestion, which would work to preserve or enhance property values.

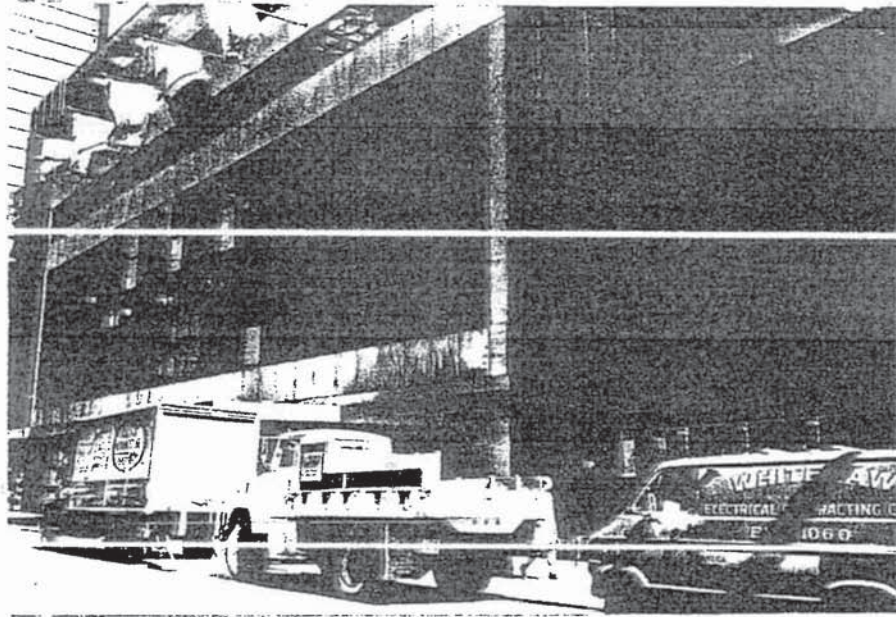
c. West Midtown

Here the Commission's policy was to encourage growth and relate zoning recommendations to this goal. While disposed to use zoning creatively in this regard, the Commission remained conscious of its responsibility to safeguard public standards of light and air, public amenities and environmental quality, including impacts on public infrastructure. The

Submitted to City Planning Public Hearing about
West 54-55 Street, July 22, 2009

from Midtown West Survey, 1979

buildings recommended for landmark designation
but demolished by NoMA



15. The Museum of Modern Art
11 West 53rd Street
Philip L. Goodwin and Edward Durell Stone, 1939

Since it was founded in 1929, the Museum of Modern Art has amassed one of the world's finest collections of 19th- and 20th-century art, comprising not only painting and sculpture, but prints and drawings, architecture, industrial design, graphics, photography, and film. Through the display of its permanent holdings, along with changing exhibitions, the MOMA has exercised an important influence on contemporary design and popular appreciation of the arts.

At the time of its completion in 1939, the museum building on West 53rd Street represented the American vanguard of International Style architecture, a European-based movement which the MOMA had eagerly espoused as early as 1932 in its first International Exhibition of Modern Architecture. The steel and concrete framed museum designed by Philip L. Goodwin and Edward Durell Stone replaced earlier quarters in a 19th-century brownstone. Fronted by sleek screen-like walls of metal, glass, and marble, the new MOMA was one of the first structures in this country to employ the lightweight technological imagery and austere geometrical aesthetic developed abroad by Le Corbusier, Walter Gropius, Mies van der Rohe, and other innovators.

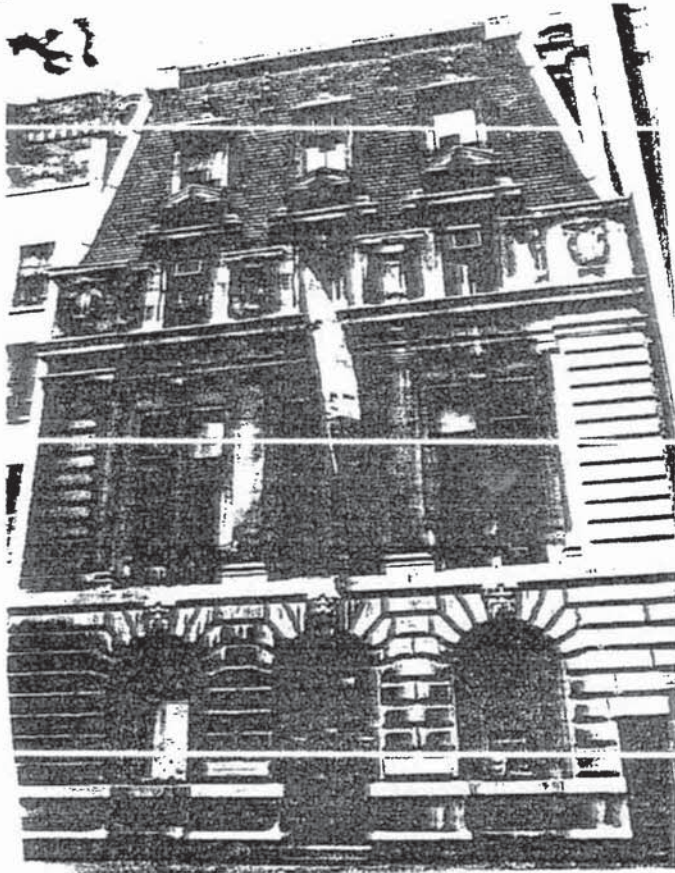
Philip Lippincott Goodwin (1885-1958) was a son of the New York banker and railroad magnate James J. Goodwin (see also 9-11 West 54th Street). Educated in the Beaux-Arts tradition at Columbia University and in Paris, he worked briefly in the prestigious New York office of Delano & Aldrich and was a partner in the firm of Goodwin, Bullard & Woolsey (from 1916-21) before starting his own practice. Besides the Museum of Modern Art, Goodwin's most notable building in New York is an Art Deco apartment house



at 400 East 57th Street, designed in collaboration with Roger H. Bullard and Kenneth Franzheim. Goodwin served as chairman of the MOMA's Department of Architecture and Industrial Design from 1935-40, donated major works of art to the museum, and served as a trustee for twenty-four years. His active involvement in museum affairs is commemorated by the Philip L. Goodwin Gallery, which houses the MOMA's permanent collection of architecture and design.

Edward Durell Stone (1902-1978), Goodwin's partner for the 1939 MOMA scheme, began his career in New York in the employ of the architects of Rockefeller Center (q.v.), for whom he designed the Art Deco interior of the Radio City Music Hall, a designated New York City Landmark. On the basis of his role in the Museum of Modern Art project, and residential designs for such prominent clients as Henry R. Luce, Stone became one of America's leading proponents of the International Style. He renounced this severe modernist aesthetic after the Second World War in favor of a romantically decorative, vaguely Classical manner exemplified by his American Embassy (1954) in New Delhi, the Gallery of Modern Art (1965), later the New York Cultural Center, on Columbus Circle, and the General Motors Building (1968), a marble-faced office tower on Fifth Avenue. The best known building of Stone's prolific later years is the Kennedy Center (1971) in Washington, D.C.

Goodwin and Stone composed the West 53rd Street facade of the Museum of Modern Art as a regular grid, articulated simply by broad bands of windows. Cantilevered above the recessed glass-enclosed entry level is a four-story wall of glass and white marble panels, punctuated by a single vast window with translucent panes that unites the second and third stories, and two clear strip windows above. The smooth vertical sweep of this facade is capped by a horizontal concrete canopy perforated by a series of circular openings that extends over a sixth-story penthouse terrace. A flat, irregularly curved marquee, which originally sheltered an off-center main entrance, has since been replaced by three rectangular projections. The entry has also been remodeled. Philip Johnson designed a seven-story office wing to the west in 1959, a six-story exhibition wing to the east in 1964--both variants on the mature style of Mies van der Rohe--and a new layout for the rear sculpture garden, which also dates from 1964. The MOMA's most drastic--and controversial--expansion program is now being realized. Designed by Cesar Pelli and Jaquelin Robertson, this scheme involves the demolition of a row of townhouses (including Nos. 23 and 35 West 53rd Street, q.v.) and Philip Johnson's 1959 annex, in order to extend the museum westward and construct a forty-four-story condominium tower above ten stories of new gallery space.



16. George Blumenthal Residence/later Theatre Guild/now Museum of Modern Art Bookstore and Offices
23 West 53rd Street
Hunt & Hunt, 1902-04

DEMOLISHED

This elegant limestone-front house in the Beaux-Arts style was designed by the firm of Hunt & Hunt and constructed in 1902-04 as the residence of George Blumenthal (1858-1941), a prominent banker, philanthropist, and art collector. Blumenthal emigrated from his native Germany to settle in New York while still a young man, and became a partner in the prestigious banking firm of Lazard Frères in 1893. He was for many years a major patron of Mount Sinai Hospital and the Metropolitan Museum of Art, and served as president of both institutions. A devoted Francophile, Blumenthal helped to form the American Foundation for French Art and Thought, contributed funds to the Sorbonne, and amassed an important collection of French books which he donated to the New York Public Library in 1937. During his later years Blumenthal maintained a chateau in France, near Cannes, and a New York residence at 50 East 70th Street. He bequeathed the latter house to the Metropolitan Museum of Art, along with a valuable collection of Renaissance sculpture and old master paintings.

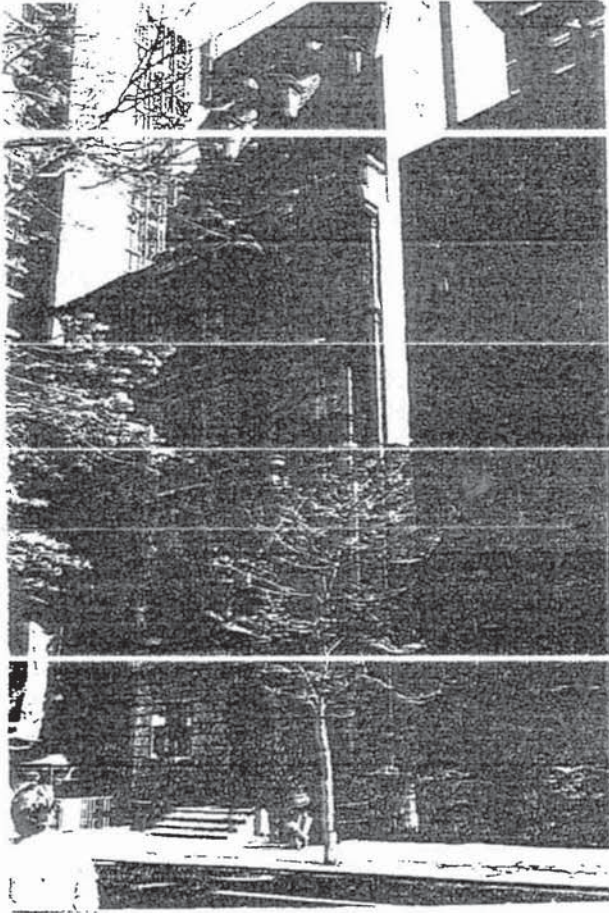
The Blumenthal residence at 23 West 53rd Street was modeled on late 17th- and early 18th-century French buildings, a source that was familiar to architect Richard Howland Hunt (1862-1931) and to his brother and partner Joseph (1870-1924) from their studies in Paris at the Ecole des Beaux Arts. Their father, Richard Morris Hunt (1827-1895), had been the first American to enroll at the Ecole and became one of this country's most eminent architects during the later 19th century. Among his best-known

works are a series of Fifth Avenue mansions in the French Renaissance style and lavish country houses for the Vanderbilt family. Hunt's last project was the neo-Classical central Fifth Avenue facade of the Metropolitan Museum of Art (1902), which was completed after his death by his elder son.

The successor firm of Hunt & Hunt was established in 1901 and enjoyed great esteem in the fields of residential and institutional design. Their many distinguished commissions included the Sixty-seventh Regiment Armory on Lexington Avenue, the Old Slip Police Station, country houses in Newport, Tuxedo Park, and on Long Island, and town houses for such wealthy New York families as the Goulds, Belmonts, and Goelets. The Beaux-Arts style residence at 647 Fifth Avenue, which the Hunt brothers designed for George W. Vanderbilt in 1902, is now a designated New York City Landmark.

The nearby Blumenthal house is no less monumental, rising four stories above its double-lot (50 feet) frontage on West 53rd Street. Three round-arched openings with keystones in the form of grotesque faces penetrate beveled rustication at the ground floor level, now inset with modern windows and doors. On the second story, rusticated piers frame three French windows placed between engaged Ionic columns, while pedimented dormers and a frieze with putti at either end surmount the crowning cornice. Another tier of dormers emerges from a steep mansard roof to culminate this richly sculptural facade.

After serving as the headquarters of the Theatre Guild, the building was acquired in 1956 by the neighboring Museum of Modern Art, which uses it for offices and a bookstore. It is unfortunate that the projected expansion of the museum calls for demolition of this exceptionally handsome structure, one of the best examples of turn-of-the-century domestic architecture still standing in the Midtown area.



17. Archibald Rogers residence
 35 West 53rd Street
 Robertson & Potter,
 1905; penthouse;
 Thomas Markoe Robert-
 son, 1914

DEMOLISHED

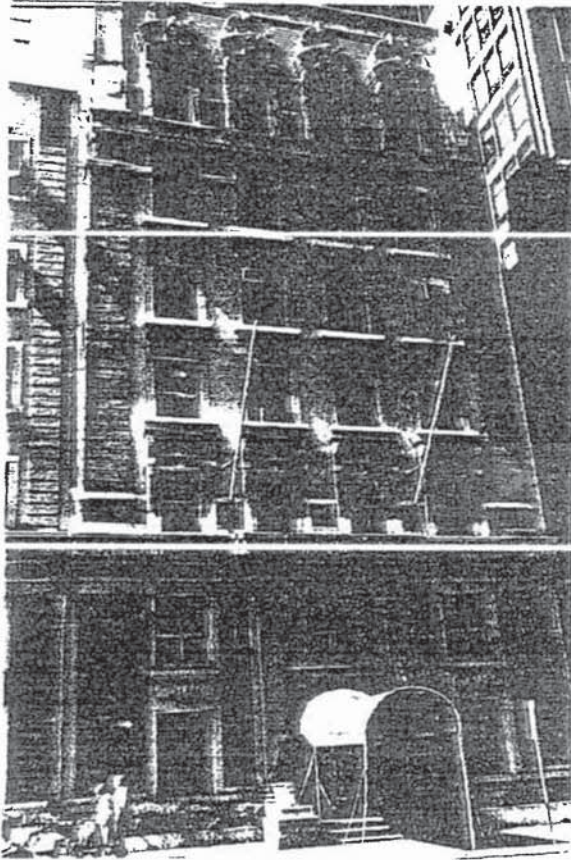
Comparison of this facade with the almost contemporary elevation of 23 West 53rd Street (q.v.) demonstrates the great variety possible within the Beaux-Arts style. Even though both buildings derive from French Classical sources, the robust sculptural composition of No. 23--based on late-17th- and early-18th-century models--contrasts markedly with the delicate linearity of No. 35, which recalls the later Louis XVI style.

This handsome residence was designed in 1905 for Archibald Rogers, a wealthy iron merchant, by the firm of Robertson & Potter. Robert Henderson Robertson (1849-1919) had long been one of New York's most distinguished architects (see 5 West 54th Street). His junior partner, Robert Burnside Potter (1869-1934), was the nephew of two prominent architects, Edward T. Potter (1831-1904) and William A. Potter (1842-1909), best known for churches and college buildings in the Gothic and Romanesque styles. Robert Potter studied in Paris at the Ecole des Beaux Arts and in 1902 entered into practice with Robertson, who had earlier shared a successful partnership with William A. Potter. The second firm of Robertson & Potter, which lasted barely five years, designed a number of town houses in New York, generally in the neo-Georgian style, several neo-Tudor country houses, and the neo-Greek Revival Skull and Bones clubhouse at Yale University.

The limestone-front house at 35 West 53rd Street, which originally stood

six stories high above a sunken basement, was enlarged in 1914 when Mrs. Archibald Rogers commissioned Thomas Markoe Robertson, the son and final partner of Robert H. Robertson, to design a penthouse atop the slate-covered mansard roof for use as a laundry. The facade has otherwise remained largely intact, except for the round-arched front door and a ground-floor window, which were altered to accommodate an art gallery. Smooth ashlar masonry faces the basement, forming a podium for the fine banded rustication of the upper stories, where garlands, consoles, keystones, and fretwork balcony railings enrich symmetrical ranges of French windows.

Along with 23 West 53rd Street, this house is one of the best surviving examples of Beaux-Arts residential architecture in Midtown. Unfortunately, Nos. 23 and 35 may both soon be demolished since these sites are within the area proposed for future expansion of the Museum of Modern Art (q.v.).



23. private school/now
City Athletic Club
50 West 54th Street
Robert T. Lyons, 1906

DEMOLISHED

Opulent ornament based on the decorative style of mid-18th-century France adorns the six-story facade and two-story mansard roof of this imposing Beaux-Arts structure. Designed as a private school in 1906 by Robert T. Lyons, the building has long been occupied by the City Athletic Club. Another example of Lyons' skillful adaptation of French elegance can be seen in the Carnegie Hill Historic District at 70 East 91st Street, the site of a limestone-front residence which he designed in the Louis XV manner in 1904.

For his larger commission at 50 West 54th Street, Lyons exploited the contrast of various tones of light-colored brickwork against richly carved limestone in order to achieve a complex range of textures. Particularly effective are the bands of brick rustication that face the entire first and second stories and compose two pilaster strips flanking the remainder of the facade. This elevation is further enriched by a prominent entrance framed by giant Ionic pilasters, and by Classical window surrounds, the composition of which varies from story to story. Ornate sculpture in high relief adorns the segmental pediments of four dormers, which are crowned in turn by a tier of round lucarnes. Lion-head masks carved above the dormer keystones and incorporated into the Ionic capitals of the entrance bay provide an engaging visual pun on the architect's name.

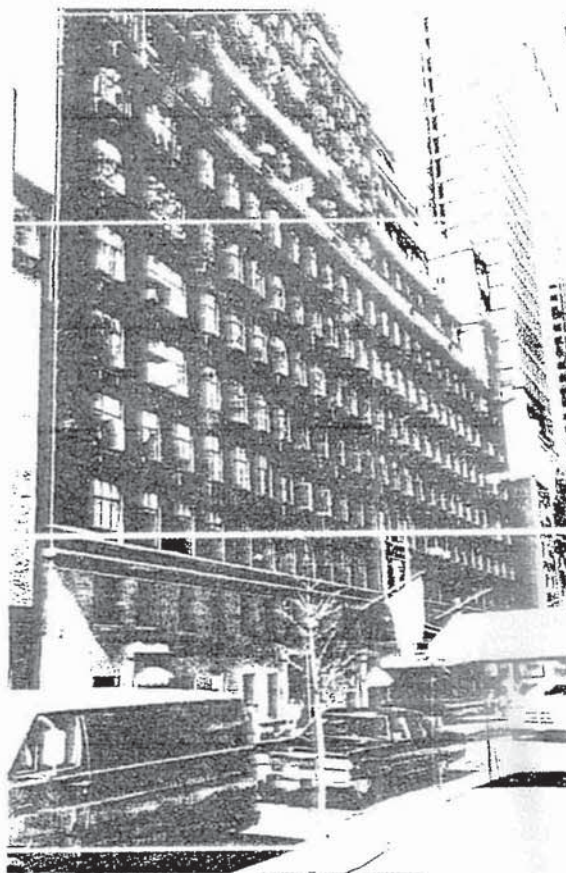
The penthouse above the mansard was added in 1927 by W.L. Rouse as an

enclosure for a golf school, solarium, and squash and handball courts. Another alteration of 1946 remodeled the doorway and introduced glass brick windows into the first two stories. Although the latter changes were unsympathetic to the spirit of Lyons' original scheme, they are nonetheless noteworthy, if only because they were designed by William Lescaze (1896-1969), a pioneer of International Style architecture in this country. Lescaze is best known for his design, with George Howe, of the Philadelphia Savings Fund Society (1929-32), and for his collaboration in the planning of the Williamsburg Houses, a model public housing project in Brooklyn (1937). Glass bricks are a major component of the architect's own International Style house (1934) at 211 East 48th Street, a designated New York City Landmark.

52. Dorset Hotel
30 West 54th Street
Emery Roth, 1925-26

Designed by one of 20th-century New York's most prolific architects, the Dorset exemplifies the vestigial historicism of the 1920s. Neo-Renaissance moldings and carouches provide decoration for the brick and limestone facade.

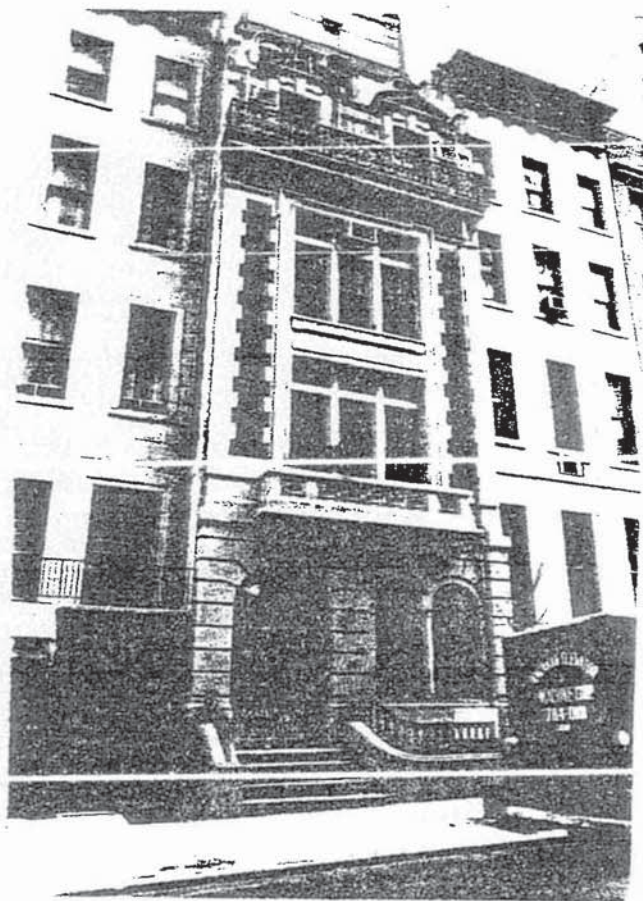
DEMOLISHED



53. 35 West 54th Street
James G. Lynd, 1878;
facade: Foster, Gade
& Graham, 1905

Originally one of a row of five five-story brownstones (35-43 West 54th Street) designed by owner-architect Lynd, this house had its original neo-Grec facade replaced by a new French Renaissance Revival front.

The variegated effect of brick wall surfaces and limestone quoins above a rusticated ground floor, along with vigorous Classical carving, balconies, and a mansard roof, furnish a picturesque contrast to the sober uniformity of the neighboring brownstones. The remodeling was commissioned by Mrs. Anne O'Neill Thomas (1869-1949), one of New York's best known actresses of the 1890s.



The New York Times



West 54 - 55 Street Block Association

45 West 54 Street #7C New York NY 10019

June 22, 2003

Streetscapes/50 West 54th Street, Former Home of the City Athletic Club; 1909 Jewish Response to Exclusion Based on Bias

By CHRISTOPHER GRAY

THE 1907 building at 50 West 54th Street was, from shortly after its beginnings, the City Athletic Club, a social organization created by Jews excluded from established city clubs. Last year, the club disbanded and sold the building to the Museum of Modern Art, which now owns what was at first to have been St. Margaret's School for Girls.

A quarter century ago, the building was flagged for landmarks consideration, but no action was taken, and the museum has filed plans to strip the original masonry and construct a new glass facade.

At the start of the 20th century, the West 50's off Fifth Avenue was a center for private schools, with Spence, Browning and others in residence. In 1906, George Dickson of Toronto bought two old brownstones at 48 and 50 West 54th Street and had his architect, Robert T. Lyons, design an eight-story school building. Lyons mixed limestone and white brick to produce a Beaux-Arts style building similar in detailing to his much more famous St. Urban apartments of 1906, at 89th Street and Central Park West.

An advertisement in The New York Times in August 1906 promised that St. Margaret's School for Girls, "a high class residential and day school," would open in October 1906 with classes in music, voice, art, physical culture and domestic science, along with traditional academics. Dickson was listed as director; little information can be found about him in New York area records, although the ad noted that he had a master's degree.

But the school never opened. In late 1907, with the building completed, Dickson sold the property to the mining investor Solomon R. Guggenheim, who in the 1930's would establish what became the Guggenheim Museum. Guggenheim leased the building to a new group, the City Athletic Club, which The Times described as "stepping toward the supremacy of the New York Athletic Club and Irish-Americans."

The New York Athletic Club was the king of athletics in New York, fielding champion amateur competitors in many sports. Its typical member, it was widely acknowledged, was Roman Catholic and of Irish extraction. As with many New York clubs, Jews were rarely admitted as members.

After interior alterations by Herts & Tallant and Albert S. Gottlieb, the City Athletic Club opened in December 1909, with two bowling alleys in the basement, a double-height dining room at the rear of the first floor, a 60,000-gallon swimming pool, Turkish baths, a barber shop, squash courts and a running track with 23 laps to the mile. An account in Architects' and Builders' magazine described the library as paneled in oak and the billiard room walls as covered in Japanese grass cloth.

The organizers were typically successful businessmen, including the copper mining operator Frederick

resubmitted for Public Hearing July 22 (MOMA / Hines development project) 2009

Lewisohn, who was the president; Jesse Straus, later president of Macy's; and Frank R. Slazenger, a sporting goods dealer whose cousin Albert established the company known for its racquets, cricket bats and other sports equipment.

The distinction between Jewish and Christian clubs slumbered pretty much undisturbed until the civil rights movement of the 1950's. In 1962, Mayor Robert F. Wagner quit the New York Athletic Club during a dispute on whether it discriminated based on race or religion. A 1963 article in The Times said that there was now "at least one Jewish member" in three of the top 10 "prestige clubs" -- the New York Yacht Club, the University Club and the Century, the club the article said had always had Jewish members. It noted that the City Athletic Club and the Harmonie Club, at 60th Street off Fifth Avenue, were Jewish organizations. (The ensuing decades have wrought further changes in club policies.)

IN the 1970's a survey of Midtown West by the Landmarks Preservation Commission identified 65 buildings described as "the highest priority for the commission's attention and review." They included Rockefeller Center; the Gotham Hotel, at 55th and Fifth; and the CBS Building at 52nd Street and the Avenue of the Americas. Most of the high-priority buildings have been designated, although a few were destroyed, including the palatial George Blumenthal mansion at 23 West 52nd, once home to the Museum of Modern Art bookstore but since demolished for the museum's expansion.

The survey included the City Athletic Club in this group, singling out its "opulent ornament based on the decorative style of mid-18th century France." But the commission has never acted on the building. And Robert B. Tierney, the commission's chairman, says that it has no plans to consider the structure.

In recent years, membership at the City Athletic Club declined to barely 200. A merger with the Harmonie Club did not work, and attempts to recruit members from the Downtown Athletic Club, which closed in 2001, were not sufficient. Jonathan Rosen, the club's final president, said that its trophies and paraphernalia had been given either to members who won them or to the Jewish Historical Society.

Early this month, Ruth Kaplan, a spokeswoman for the museum, said that **it had bought the building with no specific plan, but for possible future growth.** But the online permit database at the Department of Buildings shows that the architects Acheson Thornton Doyle filed an alteration application last Dec. 20th for \$750,000 worth of work.

The application reads: "Remove and discard all brick and stone facade cladding and windows. Construct new curtain wall glass mansard, new windows and entry doors." The museum received a permit for the work on Dec. 24, but no work has begun.

Ms. Kaplan, asked about the proposed stripping of the original masonry and the construction of a new glass facade, said that it was simply an option the museum is considering.



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North Side of West 54 Street between 5th & 6th Avenues

STREETSCAPES | WEST 54TH STREET

Interior Details Come Home Again to Millionaires' Row

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Cary Conover for The New York Times

JUST OFF THE AVENUE Midtown has only one real strip of mansions evoking its days as a neighborhood of millionaires, 5-15 West 54th Street.

By CHRISTOPHER GRAY
Published: June 18, 2006

THE restoration of the 1900 Lehman town house at 7 West 54th Street really does deserve the term "museum quality." Some of the interiors are coming back from the Metropolitan Museum of Art, which removed them more than three decades ago.

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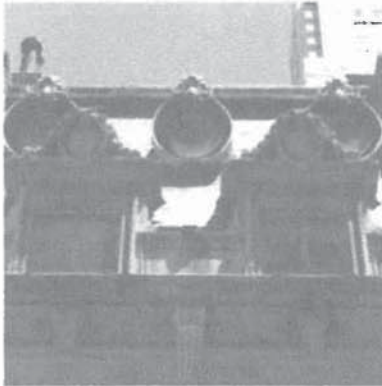
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of 5 West 54-55 Street Block Association Meeting 18 2008... July 22, 2009 ULURP, City Planning (MetMA/Hines project)

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Forum: Owning and Renting a
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Hiroko Masuike for The New York Times

Midtown has only one real strip of mansions evoking its days as a neighborhood of millionaires. The Beaux-Arts Lehman house at 7 West 54th is notable for its second-floor balcony and circular windows on the top floor.



Library of Congress

The Beaux-Arts Lehman house at 7 West 54th Street.

neighborhood of millionaires: 5 through 15

West 54th Street. These six houses all went up from 1896 to 1900 on land opposite the single brownstone at 4 West 54th occupied by John D. Rockefeller and its large, open plot, now the Museum of Modern Art's sculpture garden.

Among the original owners was Moses Allen Starr, a neurologist who had worked with Sigmund Freud. In 1897, Dr. Starr had Robert H. Robertson design a house for him at 5 West 54th in light brown brick and stone with crisp, even hard-edged, classical detailing.

At 7 West 54th, Philip Lehman, the head of Lehman Brothers, the family financial firm, had John H. Duncan design a rich Beaux-Arts-style house, completed in 1900. The deep recesses between the courses of limestone and details like the triple circular windows at the top floor — called oculi — set it apart from most Midtown mansions.

In 1898, James Junius Goodwin, a banker and a cousin of J. Pierpont Morgan, retained McKim, Mead & White for his double house at 9-11 West 54th. Although admirable, its brick and marble facade has a prim Bostonian reserve that does not rest easy on New York's jumbled streets. Mr. Goodwin needed only three-fifths of the 50-foot-lot, so he had the architects design what appears to be a single mansion five bays wide, but the eastern two bays are actually a separate house, which he rented out.

Mr. Goodwin died in 1915, with an estate estimated at \$30 million. His son Philip and Edward Durell Stone later designed the Museum of Modern Art on 53rd Street.

Last in the row are two rather clunky high-stoop limestone houses, built in 1897, designed by Henry Hardenbergh for William Murray, who appears to have been a developer who was building for sale or rental.

Russell Sturgis found the block interesting enough to make it the centerpiece for his 1900 article "The Art Gallery of the New York Streets," published in *The Architectural Record*. He described the Starr house as confused, without a clear conception. And although the Goodwin house struck him as handsome, he suggested that the camouflaged door to the

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The critic reserved his real praise for the Lehman house, calling it "simple and direct," even though it was by then common to deride the fad for highly styled Beaux-Arts work. He particularly appreciated the solidity of the facade — clearly and firmly centered by the entry door and the bowed-out stone balcony on the second floor.

The young John D. Rockefeller Jr. moved into 13 West 54th in 1901, at the time of his marriage to Abby Aldrich. The 1910 census records him, his wife and three children, including little Nelson, and six servants.

The Lehmans had the highest servant ratio: seven were listed in the census of 1920, serving Philip Lehman; his wife, Carrie; and one son. That was Robert Lehman, who succeeded his father as the head of Lehman Brothers and expanded his art collection, turning it into the reservoir of European masterpieces that now forms the Lehman Wing of the Metropolitan Museum of Art.

By the 1940's, big houses, particularly those in Midtown, were going begging — a New York Times article in 1941 described the Goodwin house as having "boarded up windows and a generally unoccupied appearance." It became the Rhodes School, and the neighboring buildings drifted into commercial occupancy. The Rockefellers retained No. 13 as an office; it was where Nelson Rockefeller died of a heart attack in 1979.

Robert Lehman held onto 7 West 54th Street — not to live in, but as a private gallery — until he died in 1969. In exchange for his collection, Mr. Lehman had dearly wanted the Metropolitan to dismantle and rebuild his entire house at the museum. The Met worked out a compromise in which the rooms were stripped of much of their paneling and other architectural elements, then taken apart and rebuilt in the Lehman Wing, which opened in 1975.

Since Mr. Lehman's death, the house has had a succession of owners and has received indifferent care. Now a hedge fund and real estate investment group, Zimmer Lucas Partners, is restoring it as an office building, and the Met has agreed to deaccession some of the original elements so that they can be reinstalled: stained-glass windows, fireplace surrounds, doors and other items that the museum never had any hopes of using.

The architect for the renovation, Belmont Freeman, said that technicians have been allowed to make molds and patterns for crown moldings, door frames and other details at the museum.

In most places, the interior of the Lehman house has been taken down to the bare brick. But some large elements remain, like a projecting Gothic-style window bay — a bank of leaded-glass casement windows in Gothic surrounds framed by small spiral-fluted columns.

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thus creating a small projecting balcony. The roof of the stair hall is pushed up two stories high into a theatrical dome, another novel touch.

Mr. Freeman says the work will be finished next year — a "museum quality" job, for a house that was once going to be part of a museum.

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**Editorial:
Expert or Shill?**

More needs to be done to crack down on conflicts of interest between psychiatrists and pharmaceutical companies.

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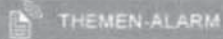
Europacenter: Scheibe stürzte auf die Straße

ac

13.5.2001 0:00 Uhr

Aus noch unbekannter Ursache ist gestern am frühen Nachmittag ein gläsernes Fassadenteil des Europacenters zerborsten und auf die Tauentzienstraße gestürzt. Das etwa 1,5 mal 1,5 Meter große Teil, das in halber Höhe des Hochhauses montiert war, zerschellte vor dem Eingang einer Bankfiliale, getroffen wurde niemand.

Trotz des geringen Schadens sammelten sich rasch Schaulustige und verfolgten die Sicherungsarbeiten von Feuerwehr und Polizei. Da am Straßenrand geparkte Autos von Glasteilen getroffen worden waren, wurden sie abgeschleppt, um weitere Schäden zu vermeiden. Der Verkehr Richtung Gedächtniskirche wurde einspurig an der Stelle vorbeigeführt. Das Europacenter war erst vor gut einem Jahr umfangreich saniert worden. Die Hochhausfassade wurde dabei komplett erneuert. Probleme mit herabstürzenden Glasscheiben hatte es 1998 und 1999 auch beim Kaufhaus Galeries Lafayette in der Friedrichstraße gegeben. Anfangs wurden dort Schutznetze angebracht, zuletzt entschied man sich, die 1800 Scheiben komplett auszutauschen.



THEMEN-ALARM

Sie interessieren sich für dieses Thema und wollen keinen Artikel im Tagesspiegel dazu verpassen? » **Dann klicken Sie hier.**

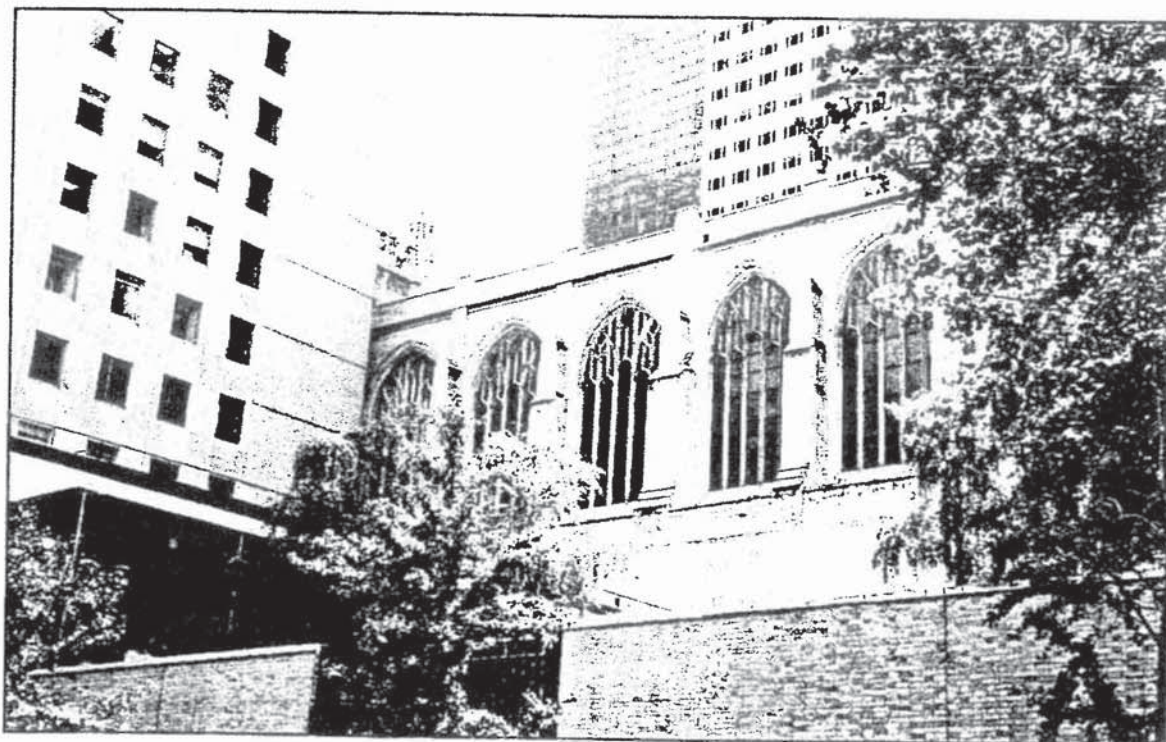
The department store Galeries Lafayette on Friedrichstrasse had problems with falling glass panels in 1998 and 1999. Safety nets were installed and finally it was decided to completely change all 1800 glass panels.

Architect: Jean Nouvel

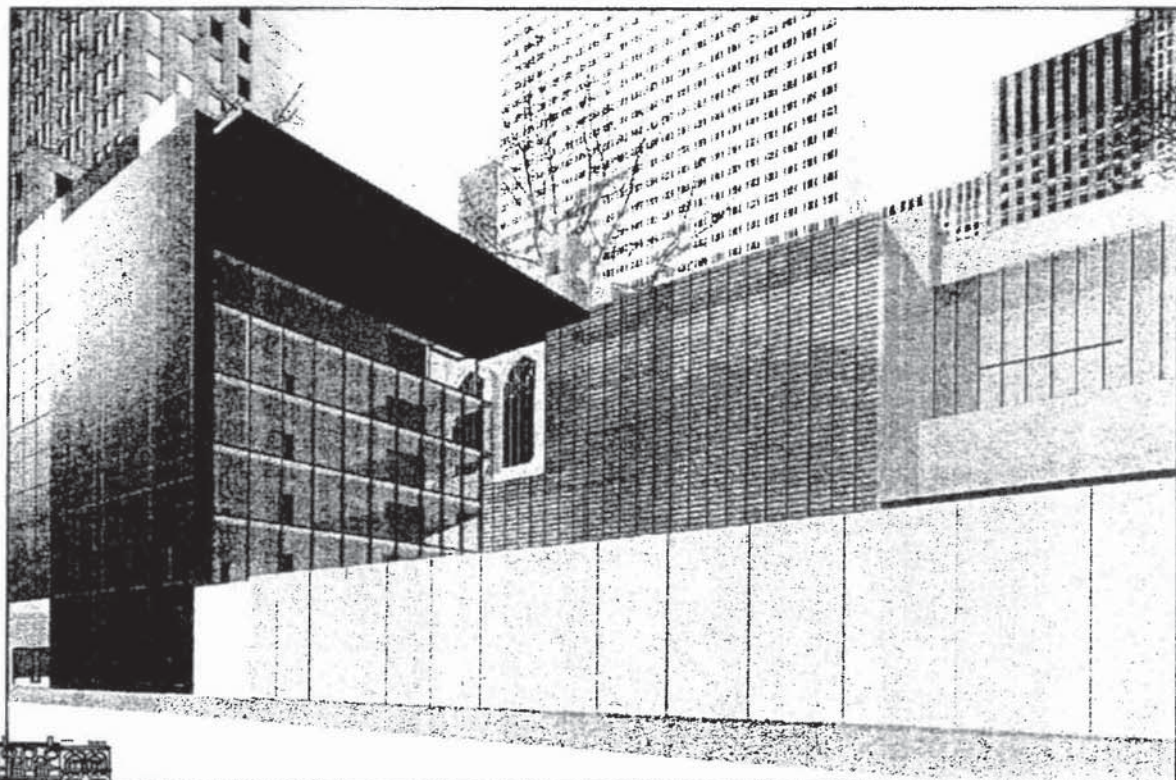


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View over Garden Wall in summer from sidewalk in front of 13 West 54th Street 18
Before MoMA expansion 2000



View toward St. Thomas North Facade with Proposed Expansion

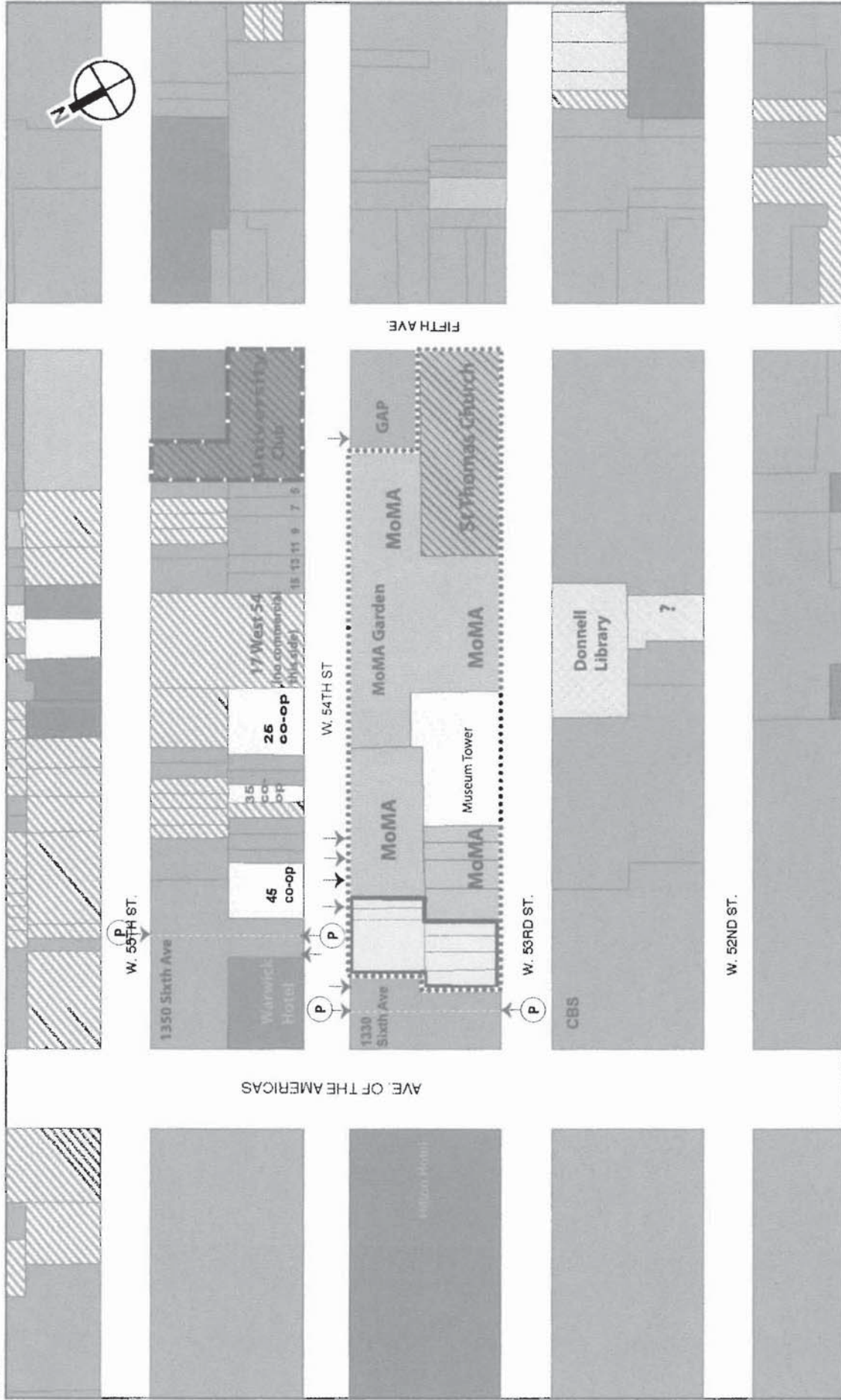


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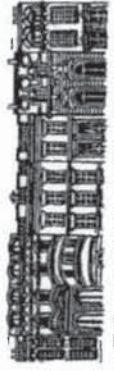
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 Public Hearing - City Planning after MoMA expansion
 53 West 53 Street*



West 58 Street between Fifth and Sixth Avenues - low scale buildings, two landmarks at 700 Fifth Avenue at 58 Street (The Peninsula Hotel) and 24 West 58 Street (The Rockefeller Apartments). Others are historic buildings, eligible for the State and National Register of Historic Places - in the Preservation Subdistrict of the Special Midtown District.



53 West 53rd Street



West 54 - 55 Street Block Association
 45 West 54 Street #7C New York NY 10019

Existing Land Use
 Figure 3

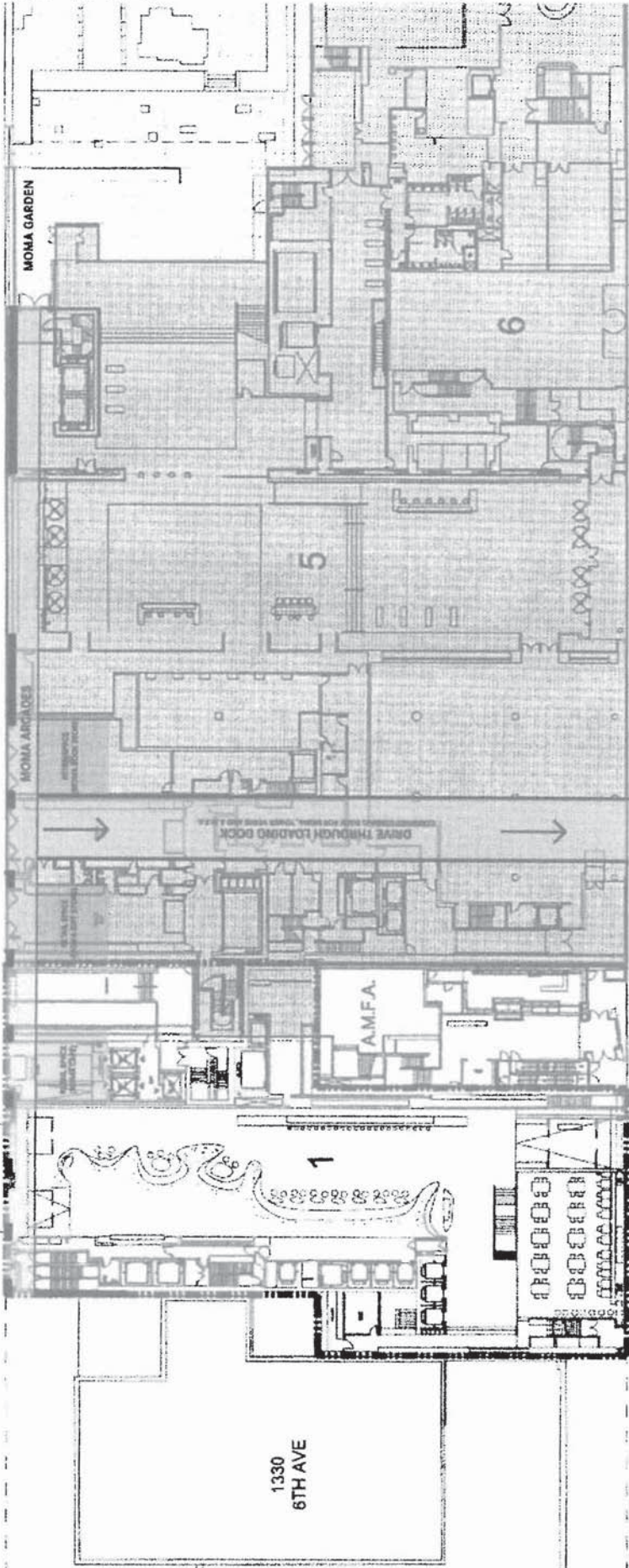
*Submitted to City Planning - Public Hearing
 about MoMA/HINES 53 W 53 Street
 July, 22, 2009*

MOMA / HINES

Working Address:
The Museum of Modern Art
11 West 54th Street
New York, NY 10019

54TH STREET

CLIENT:
West 54th Street Block Association
45 West 54th Street
New York, NY 10019
Tel: 212-561-1875



Architect:
Kohn Pedersen Fox
270 West 54th Street
New York, NY 10019
Tel: 212-265-3424
Fax: 212-265-3425
NYC Dept. of Buildings
DOB-100190000
K27-PL08

No. Issue / Revision Date
1 108 (4) URBAN 100 11/03/28

53RD STREET

Scale: 1/8" = 1'-0"
Date: 11/03/28
Rev: 11/03/28

Ground Level



West 54 - 55 Street Block Association
45 West 54 Street #7C New York NY 10019

Submitted to City Planning -
Public Hearing about Kohn/Hines
53 W 53 Street - July 22, 2009

A 100



West 54 - 55 Street Block Association

45 West 54 Street #7C New York NY 10019

ADVANTAGES OF DRIVE THROUGH LOADING DOCKS 2007

We recommend that the new MoMA/Hines building be built with a drive through loading area, shared by MoMA, the new Hines building and also the Financial Times, now Macklowe building at 1330 Sixth Avenue (which at present has a grossly inadequate, small, totally open loading dock area).

Such an arrangement would have many advantages for both the commercial buildings and for the residents on W 54 Street:

- They would ease traffic congestion and improve the traffic flow;
- They would improve pedestrian safety in the already high-traffic blocks;
- They would cut down environmental pollution from Diesel engines, particle pollutants and noise, major public health concerns;
- They would improve access to the buildings in case of emergencies;
- They would allow faster evacuation of the buildings in case of emergencies;
- Overall effect: they would make large buildings, the sidewalks and street crossings safer;
- Would save time and work for staff who move materials in the buildings;
- If at the planning stages adequate freight elevators and efficient delivery plans are integrated into the building design, there could be financial savings for the buildings in the long term;
- Would mean less work for the delivery staff;
- Would increase the quality of life for residential neighbors: more sleep, less stress;
- Would lower health risks of hearing disorders, cardiovascular diseases and cancer, and for children would increase their concentration and memory;
- Would ease parking in Midtown;
- Less oil consumption, conservation of energy.
- It would be good to incorporate into the drive through arrangement **standing compactors** which would allow compacting and storing of garbage, allowing the garbage trucks to simply load them and cart them away quickly, without noise and pollution.

A good example of this type of construction is Rockefeller Center, with terrific underground parking and drive-through functionality (see May 7, 2001 Clyde Haberman article from the New York Times, enclosed)

Drive through loading docks could be built in many other parts of the city where highrises are built on very large lots, especially in mixed residential-commercial areas, but really, in all areas of the city.

Submitted to City Planning - Public Hearing about MoMA/HINES
July 22, 2009

CONGESTION IN THE CITY
CTR. LOG and TRANS/BC/CUNY

Anne Flavin's, Director

- CARRIED OUT UGMS TO IDENTIFY THE FACTORS THAT INCREASE THE COST OF MOVING FREIGHT INTO AND THROUGH NYC STARTING WITH INDUSTRY SECTOR FOCUS GROUPS FOLLOWED BY SURVEYS FROM 1996/2008
- CONSISTENTLY FOUND THAT "THE LAST MILE" THE PICK-UP/DROP-OFF POINT AT COMMERCIAL PROPERTIES, IS AND HAS BEEN, A MAJOR CONTRIBUTOR TO CONGESTION AND GRIDLOCK IN COMMERCIAL CENTERS.
- BARRIERS TO TRAFFIC FLOW IN "THE LAST MILE" INCLUDE LIMITED CURB SPACE TO UNLOAD AND INADEQUATE OFF-LOADING FACILITIES SUCH AS INSUFFICIENT LOADING BAYS AND FREIGHT ELEVATORS AND A SINGLE EXIT AND ENTRANCE TO LOAD/UNLOAD THE TRUCK.
- SURVEY PARTICIPANTS, FREIGHT AND PROPERTY MANAGERS STRESSED THAT SUFFICIENT OFF-LOADING FACILITIES WITH A DRIVE THROUGH OPERATION AND A SEPARATE ENTRANCE AND EXIT KEEPS TRUCKS OFF THE CITY STREETS WHILE REDUCING TURNAROUND TIME, ENERGY USAGE, AIR POLLUTION, MAINTENANCE COSTS FOR BUILDING EXTERIORS AND ALSO DECREASES TIME AND COSTS FOR MOTOR CARRIERS, AT THE SAME TIME THESE FEATURES INCREASE SECURITY AND LOWER OPERATING EXPENSES, AN IMPORTANT FACTOR IN KEEPING BUSINESS IN THE CITY.
- POINT OF INFORMATION RE: INSUFFICIENT OFF-LOADING FACILITIES
 1. Also interfere with, and delay, scheduled deliveries and reduce the predictability of scheduled arrival times at commercial properties, thereby contributing to congestion.
 2. The lack of legal parking space is a serious problem for commercial vehicles that are subject to tickets and towing when parking space is not available.

June 3, 2009 Land Use Comm. Community Bd. 5

*July 29, 2009 City Planning - Public Hearing about MORRIS/HINES
53 W 53 Street*

ABSTRACT

“THE LAST MILE”

Developing Efficient Freight Operations For Manhattan’s Buildings

The advantages of New York City’s Central Business Districts (CBD) confirm the inextricable connection between commercial real estate and location that include an accessible regional public transportation system and a critical mass of commercial buildings that engender timely deliveries and pick-ups. Over the past 30 years, deliveries to the city have increased by about 300 percent due to deregulation, and new information technologies and distribution practices. In contrast, no changes have occurred in the city’s loading bay requirements since 1972 and none exist for freight elevators. Industry sector studies from 1996 to 2008 identified inaccessible curb space and truck zones, along with insufficient loading bays and freight elevators in “the last mile” as major obstacles to freight efficiency. Urban Freight operates in a built environment with a mature infrastructure that contributes to street congestion. Ensuring freight mobility and efficient goods movement requires adequate bays and a through flow/drive through operation which significantly reduces turnaround, energy usage, air pollution, maintenance costs for building exteriors and time and costs for the motor carriers while increasing security. The stakes are high and include lost revenue, increased operating expenses, and a waste of productivity. As we confront more difficult economic times the city’s businesses and its taxpayers cannot afford such wastefulness. Especially now, it is vital to move forward with a coordinated effort to improve the Urban Freight processes involved in goods movement in the city.

Anne G. Morris, Ph.D., Director, Center for Logistics and Transportation, Baruch College,
The City University of New York.

Word count including title: 241
June 2, 2009

CLYDE HABERMAN

NYC

An Ode Conceived In Traffic

"I don't know if you can appreciate this," Arthur LaMarche was saying, "but to me this is a beautiful loading dock."

We had to admit he had us there. The loading dock as a place loaded with sex appeal was not something that had crossed our minds. But then, what did we know? Not much, as it turned out.

"I've seen a lot of loading docks in my time," Mr. LaMarche said. "This one is clean and well organized. To me, it's like a subterranean city down here."

"Down here" was two levels below the street, in the bowels of Rockefeller Center, where Mr. LaMarche is the director of administration. The object of his pride was a sprawling space that accommodates the 400 to 500 trucks delivering freight to the 12-acre complex on a typical mid-week day.

That could lead to an awful lot of vehicles idling on the street, blocking traffic and filling the air with noxious fumes.

But it seems that the people who designed Rockefeller Center seven decades ago were clever rascals in several respects. One was their decision to create a winding driveway that leads from West 50th Street to a cavern below ground where as many as 65 trucks at a time can pull up to the dock.

"What makes it so good," Mr. LaMarche said, "is that it keeps trucks off the streets. That's the beauty of it." His point was well taken. As any sentient New Yorker knows, traffic in that part of Manhattan is miserable enough. Add to the mix a few hundred trucks, sitting double-parked for hours on the street, and an already difficult situation would become unendurable.

For its efforts, Rockefeller Center and the company that runs it, Tishman Speyer, received an award on Monday for having "the best receiving dock" in the heart of town. The honor was bestowed by the Center for Logistics and Transportation, a branch of Baruch College, and by a trade group called the National Small Shippers Conference.

Now, a confession is in order. When Anne Morris, the director of the logistics center, first called about the award, the reaction at this end was to look on it as a quirky New

York moment. "In Midtown, may we have the envelope, please. It turns out to be a serious, if generally overlooked, business.

One reason New York streets are so crowded, duh, is that too many trucks from the likes of Federal Express and United Parcel Service sit double-parked, seemingly forever. But a reason they double-park is that too many buildings lack adequate docking space. There is often no alternative for these trucks but to claim squatters' rights on the streets, even if it drives the rest of us crazy.

"It's one of the biggest obstacles in our day," said Onny Urena, a U.P.S. supervisor who took part in the awards ceremony, held at the Municipal Art Society, on Madison Avenue.

Freight elevators are another complication. "There just aren't enough of them," Mr. Urena said. "When you have one elevator for 40 floors, there's not much you can do." Except, of course, wait and wait for that elevator to come. In the meantime, the driver, his packages and his truck clog the streets and sidewalks.

All too many buildings, including new ones, pay little heed to a mundane matter like this. Nor are there city regulations requiring a 40-story building to have more elevators than a building that is half the size.

Ms. Morris herself was not aware of the issue a few years ago when she began to study what it cost trucking concerns to do business in New York. "The problem is absolutely off the radar screen," she said. But it's growing.

MANY companies now embrace a "just in time" system, by which supplies are delivered as they are needed. That spares them the need for considerable storage space. With Midtown office rents averaging \$60 a square foot or more, the savings are obvious. But an inevitable result of "just in time" is that ever more delivery trucks slog their way through jammed streets.

It is a given that New York's traffic congestion costs billions of dollars a year in reduced business productivity and wasted time for drivers. How much could be saved with better loading docks is hard to determine, Ms. Morris said. But clearly this is one element of the traffic equation that has long been ignored. The best-dock award was a way to draw some attention.

Not that Rockefeller Center's huge freight space can be replicated everywhere, acknowledged Geoffrey P. Wharton, a senior official at Tishman Speyer. Still, a loading dock as an object of desire! Who'd have thunk it?

Watch for colorful Part 2's of
The New York Times Magazine.



West 54 - 55 Street Block Association
45 West 54 Street #7C New York NY 10019



WasteCare Corporation

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Commercial Compactors (Commercial Stainless Steel Trash Compactors)

Benefits

Does your dumpster look like this?



Do you want your dumpster to look like this... neat, clean, & sanitary?

- Reduces dumpster pickups many times by 50%
- Can easily eliminate dumpster overflows

- Compacted trash is containerized and can reduce vermin & rodents around dumpsters and within the establishment

Owner/Operators benefit...

- Save up to 75% on labor
- Save up to 50% on Waste Hauling



- **Improve Labor Efficiency**
Increase Productivity
Improve Security

Indoor compactors are usually emptied one time for every 15 to 20 times required for conventional collection methods. Empty indoor compactors during off-peak times to improve employee efficiency.

- **Improve Sanitation and Enhance Image**

Compacted trash is neat and containerized and not easily recognizable as trash by close-by patrons. Trash is accumulated inside a solid container which is not usually associated with the "look of trash" as you are transporting it for removal from your facility. Containerized, compacted waste is clean and neat. Waste spills and overflows are reduced or eliminated inside the establishment and also around dumpsters. Keeping trash compacted and contained reduces vermin and rodents inside the facility and around dumpsters. Employees and customers experience a much cleaner and more sanitary environment.

- **Incredible Savings & Payback**

<http://www.wastecare.com/Products-Services/Compactors/Trash-Compactors/Stainless-Steel...> 4/9/2006

Submitted to City Planning - Public Hearing July 22, 2009 about MAMA/Hives
52nd St Street

- Frees up space in your establishment. Fits well in most utility rooms so the compactor can be conveniently located and easily accessible by employees.
- Save up to 30% on trash liners
- Reduces chance of employee theft
- Improves employee morale
- Creates a cleaner more sanitary environment for employees and customers

Waste Hauling Savings

Loose, non-compacted trash occupies up to 20 times more dumpster space than compacted waste. Waste hauling costs are reduced by fewer and/or smaller dumpsters, and many times dumpster pickups can be reduced by 50%.

Labor Savings

Time-consuming and distracting employee trips to the dumpster are dramatically reduced when trash is compacted. Compacting as close as possible to the source of generation produces incredible benefits. Trips to take out the trash are dramatically reduced! The capacity of up to 15 or 20 (according to the size of indoor compactor and the contents of your waste) of the 55-gallon size bags of trash can be deposited before the compactor is emptied. Labor requirements are substantially reduced and employees can tend to other important responsibilities versus trash removal!

Employees LOVE Compactors!...

- Employees tend to other important responsibilities other than trash tasks
- No longer have to touch unsanitary trash & leaking trash bags are usually eliminated
- Employees like the 'no-handling' system of trash removal via the use of a handcart for transporting.



Patrons benefit...

- No longer have to witness the trash being taken out constantly
- Usually eliminates leaks, spills and trash overflows in areas where customers may be exposed
- Employees focus on other responsibilities rather than trash
- Creates a cleaner, more presentable environment

Bag Usage Reduction

Replace the use of up to 20 trash liners with only one heavy duty poly bag used with compacted trash. Substantial savings can be realized.

Return on Investment

Considering labor and waste hauling savings alone, paybacks can be immediate. Other savings include 1) tax write-offs, 2) reduced pilferage, 3) cooling/heating savings, 4) labor wage increases and savings associated, 5) indirect labor cost savings including employee benefits, 6) inflation, 7) improved security, 8) increase in employee morale due to a better, cleaner work environment, 9) recycling capabilities, etc.

**Be prepared for surprise health inspections
(or other regulatory inspections)!**

No more trash piling up in the kitchen or in your utility rooms
waiting to be taken out!

Trash is kept containerized, clean, neat and much more sanitary!

Thank you for visiting WasteCare Corporation!

For additional information, complete the [INFORMATION REQUEST FORM](#)

Send E-mail to: info@wastecare.com or Tel: 888-200-4100 (United States)

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West 54 - 55 Street Block Association
45 West 54 Street #7C New York NY 10019

Key Findings

City Rankings

Our Fight

Health Risks

Donate

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State of the Air: 2009

Select Your State:
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New York

Comments FAQ Pollution Basics State Map

High Ozone Days Particle Pollution Groups At Risk

County	Grade	Wgt. Avg.	Orange Days	Red Days	Purple Days	Grade (Annual)	Design Value
Albany	D	2.3	7	0	0	Inc	-
Bronx	F	10.3	11	0	0	Fail	15.5
Chautauqua	C	1.0	7	0	0	Pass	9.7
Chemung	-	-	-	-	-	-	-
Dutchess	-	-	-	-	-	-	-
Erie	F	3.7	11	0	0	Pass	12.5
Essex	B	0.3	1	0	0	Pass	5.9
Franklin	-	-	-	-	-	-	-
Hamilton	-	-	-	-	-	-	-
Herkimer	-	-	-	-	-	-	-
Jefferson	-	-	-	-	-	-	-
Kings	D	2.7	8	0	0	Pass	14
Madison	-	-	-	-	-	-	-
Monroe	C	1.3	4	0	0	Pass	10.6
Nassau	C	1.7	5	0	0	Pass	11.4
New York	F	5.0	15	0	0	Fail	15.9
Niagara	D	2.7	8	0	0	Pass	11.8
Oneida	-	-	-	-	-	-	-
Onondaga	B	0.3	1	0	0	Pass	9.9
Orange	C	1.3	4	0	0	Pass	10.8
Oswego	-	-	-	-	-	-	-
Putnam	-	-	-	-	-	-	-
Queens	F	5.3	15	0	0	Pass	11.8
Rensselaer	-	-	-	-	-	-	-
Richmond	C	2.0	6	0	0	Pass	13.2
Saratoga	-	-	-	-	-	-	-
Schenectady	-	-	-	-	-	-	-
St. Lawrence	A	0.0	0	0	0	Pass	6.9
Steuben	C	1.0	7	0	0	Pass	8.7
Suffolk	C	1.0	7	0	0	Inc	-
Ulster	-	-	-	-	-	-	-
Wayne	-	-	-	-	-	-	-
Westchester	C	1.3	4	0	0	Pass	11.7

Comment on this state
Share
What do the colors mean?
How is my grade calculated?
Why are some counties not rated?
How can I improve my county's grade?

Take Action!

- Join Our Fight For Air!
- Donate
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- Protect Yourself From Air Pollution
- Test Your Knowledge
- Get Web Banners
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- Visit lungusa.org
- Download This Report
- Contact Us

NY fails →

Contribute to Cleaner Air: [Donate](#)

Notes:

(1) * indicates incomplete monitoring data for all three years. Therefore, those counties are excluded from the grade analysis.

(2) A dash (-) indicates that there is no monitor collecting data in the county.

More about [Methodology](#).

*Submitted to the Dept. of City Planning - Public Hearing about
HOTA/Hines 53 W 53 Street, July 22, 2009*

MoMA.org

The Museum of Modern Art



West 54 - 55 Street Block Association

45 West 54 Street #7C New York NY 10019

search

Advanced Search

Support MoMA | Corporate Membership

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Enrollment Form (Adobe Acrobat Reader required)
Executive Courtesy Card Benefits

Free Employee Admission
Corporate Shopping Events
Group Tours
Corporate Gift Service



Corporate Entertaining

The Museum of Modern Art is pleased to extend entertaining privileges to corporations that maintain an annual Corporate Membership at the Partner level and above, or that support the Museum through the sponsorship of exhibitions or programs. The Museum's professional and accomplished Special Events team offers complete planning for all of your corporation's events—ranging from celebratory dinners and receptions to exhibition previews—and can provide qualified guidance on the selection of caterer, decor, and entertainment. They can also arrange private tours of the collection and special exhibitions with a specially trained Museum lecturer, which many of MoMA's Corporate Members have found an ideal way to entertain clients.

The corporate entertaining brochure is available in PDF format (Adobe Acrobat Reader required).

If you are interested in hosting an event and would like further information, please fill out our Corporate Entertaining Inquiry Form.

Please note: All entertaining privileges are subject to additional fees and availability. The Museum does not permit the use of its facilities by third parties for press conferences, award ceremonies, benefits, fashion shows, or political, merchandising, fundraising, or promotional events. Personal events such as weddings, graduations, or birthdays are not permitted. No products, services, or tickets may be sold at the Museum in conjunction with an event, nor may any products be displayed.

The guidelines for entertaining are available in PDF format (Adobe Acrobat Reader required). You may also refer to the Frequently Asked Questions page. For more information about Corporate Entertaining, please contact:

Corporate Entertaining
The Museum of Modern Art
11 West 53 Street, New York, NY 10019
Phone: (212) 708-9840
Fax: (212) 333-1168
E-mail: corporate_entertaining@moma.org

To attend a MoMA benefit event, please contact Special Events.

For information on group visits and guided tours of the Museum, please contact Group Services.

Entertaining Spaces in the Museum

Architect Yoshio Taniguchi has designed an elegant Museum building that provides an

- Home Page
- Calendar
- Exhibitions
- The Collection
- Visiting the Museum
- About MoMA
- Education
- International Program
- Research Resources
- Publications
- Support MoMA
 - Membership
 - Affiliate Groups
 - Annual Fund
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 - Education Support
 - Exhibition Support
 - Planned Giving
 - P.S.1 Support
 - Special Events
- Online Store
- E. News, J. E. Cards

Submitted to City Planning - Public Hearing about MoMA/Hines 53 W 53 Street
July 22, 2009

ideal showcase for MoMA's world-renowned collection of modern and contemporary art. With soaring, light-filled spaces, intimate galleries, and public areas that reflect the vitality of midtown Manhattan, the Museum can accommodate from 50 to 3,500 guests in an extraordinary atmosphere that will impress the most discerning executives and clients.



[View photo gallery](#)

The Lobby

The spacious lobby is a flexible 12,400-square-foot space stretching between Fifty-third and Fifty-fourth Streets. With inviting views of The Abby Aldrich Rockefeller Sculpture Garden, it lends itself perfectly to cocktail receptions, seated dinners, and dancing.

Capacity for dinner: 700
Capacity for reception: 1000

The Donald B. and Catherine C. Marron Atrium

Approached from the ground floor via a grand staircase and dramatically situated beneath skylights 110 feet overhead, the Atrium stands at the center of more than 20,000 square feet of gallery space housing contemporary art.

Capacity for dinner: 400
Capacity for reception: 700

The Abby Aldrich Rockefeller Sculpture Garden

Designed by the renowned architect Philip Johnson for the display of outstanding examples of sculpture from the Museum's collection, the magnificent Sculpture Garden features beautiful landscaping, seasonal plantings, and reflecting pools.

Capacity for reception: 1500

The Sixth Floor Atrium

Located immediately outside of MoMA's Rene d'Harnoncourt Exhibition Galleries, this distinctive platform provides guests with an intimate space and convenient access to special exhibitions.

Capacity for dinner: 70
Capacity for reception: 250

Terrace 5 (The Carroll and Milton Petrie Café)

Located immediately outside the Painting and Sculpture Galleries, this café on the fifth floor offers a unique, intimate atmosphere and is perfect for smaller events.

Capacity for dinner: 50-60
Capacity for reception: 100

The Roy and Niuta Titus Theaters 1 and 2

We are also pleased to present two state-of-the-art theaters that have excellent film and video projection capabilities and are ideal for shareholders meetings or other business presentations.

Titus Theater 1 capacity: 400
Titus Theater 2 capacity: 200

The Lewis B. and Dorothy Cullman Education and Research Building

The opening of The Lewis B. and Dorothy Cullman Education and Research Building, in November 2006, marked the completion of The Museum of Modern Art's expansion and renovation project and the fulfillment of architect Yoshio Taniguchi's vision. The building is designed to mirror the gallery building across The Abby Aldrich Rockefeller Sculpture Garden, on the west side of MoMA's campus, with the dynamic interplay between the two serving as a visual reminder of the Museum's twin missions of art and education. The Cullman Education and Research Building provides warm, intimate spaces for corporate entertaining, including theaters and screening rooms.

The Edward John Noble Education Center Lobby and The Celeste Bartos Lobby

The Edward John Noble Education Center Lobby and The Celeste Bartos Lobby create an elegant bi-level space for a cocktail reception or dinner. Both lobby areas overlook The Abby Aldrich Rockefeller Sculpture Garden, while simultaneously providing for extraordinary views of Manhattan's midtown skyline.

Capacity for dinner: 100

Capacity for reception: 400

The Celeste Bartos and Time Warner Theaters

In addition to The Roy and Niuta Titus Theaters 1 and 2 in the main Museum building, we are now pleased to offer two smaller theaters with the same state-of-the-art film and video projection capabilities-perfect for smaller meetings or business presentations.

The Celeste Bartos Theater

Capacity: 120

Time Warner Theater

Capacity: 50

[top](#)

Pictured at top:

Installation view: Cy Twombly, *Untitled*. Oil-based house paint and crayon on canvas. The Museum of Modern Art. Acquired through the Lillie P. Bliss Bequest and The Sidney and Harriet Janis Collection (both by exchange). Photo © 2006 Stephanie Goralnick

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West 54 - 55 Street Block Association
45 West 54 Street #7C New York NY 10019

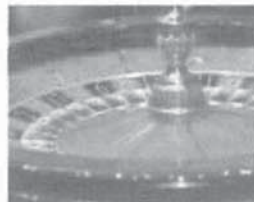
EYES ON COMMERCIAL FACILITIES:

Open Source Week in Review

1 July – 8 July



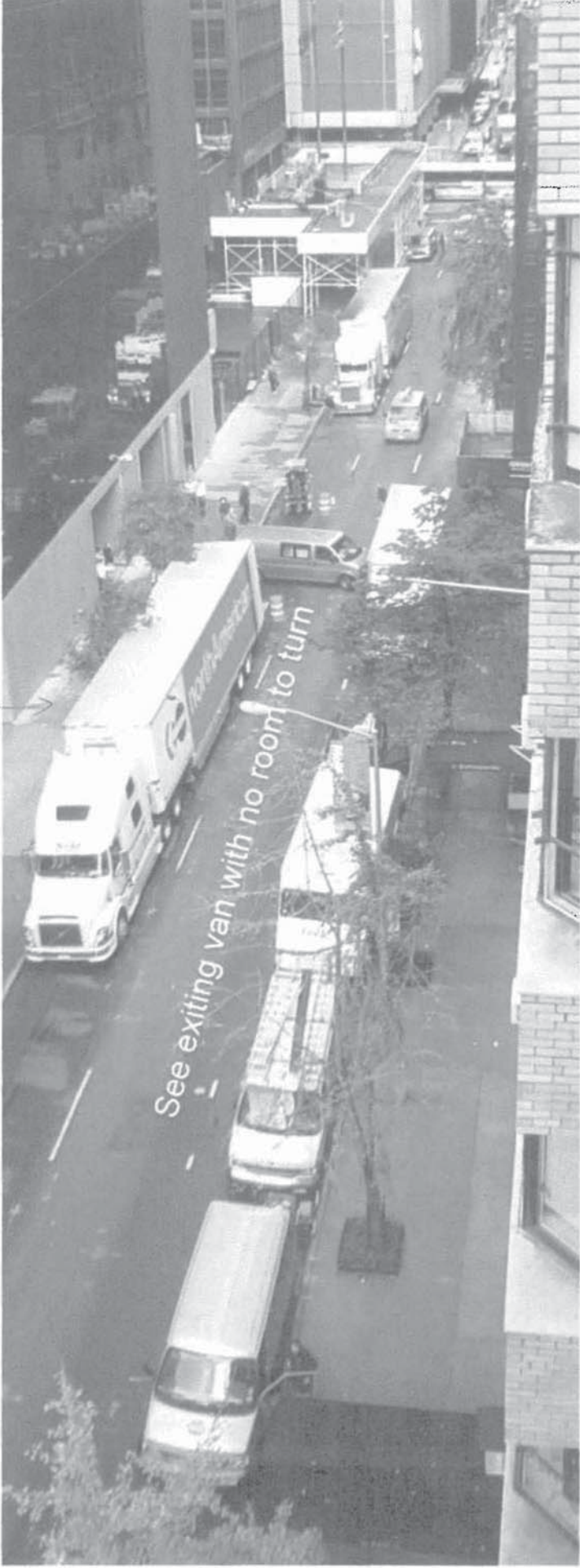
New York State Office of Homeland Security
Intelligence Division



Warwick Hotel

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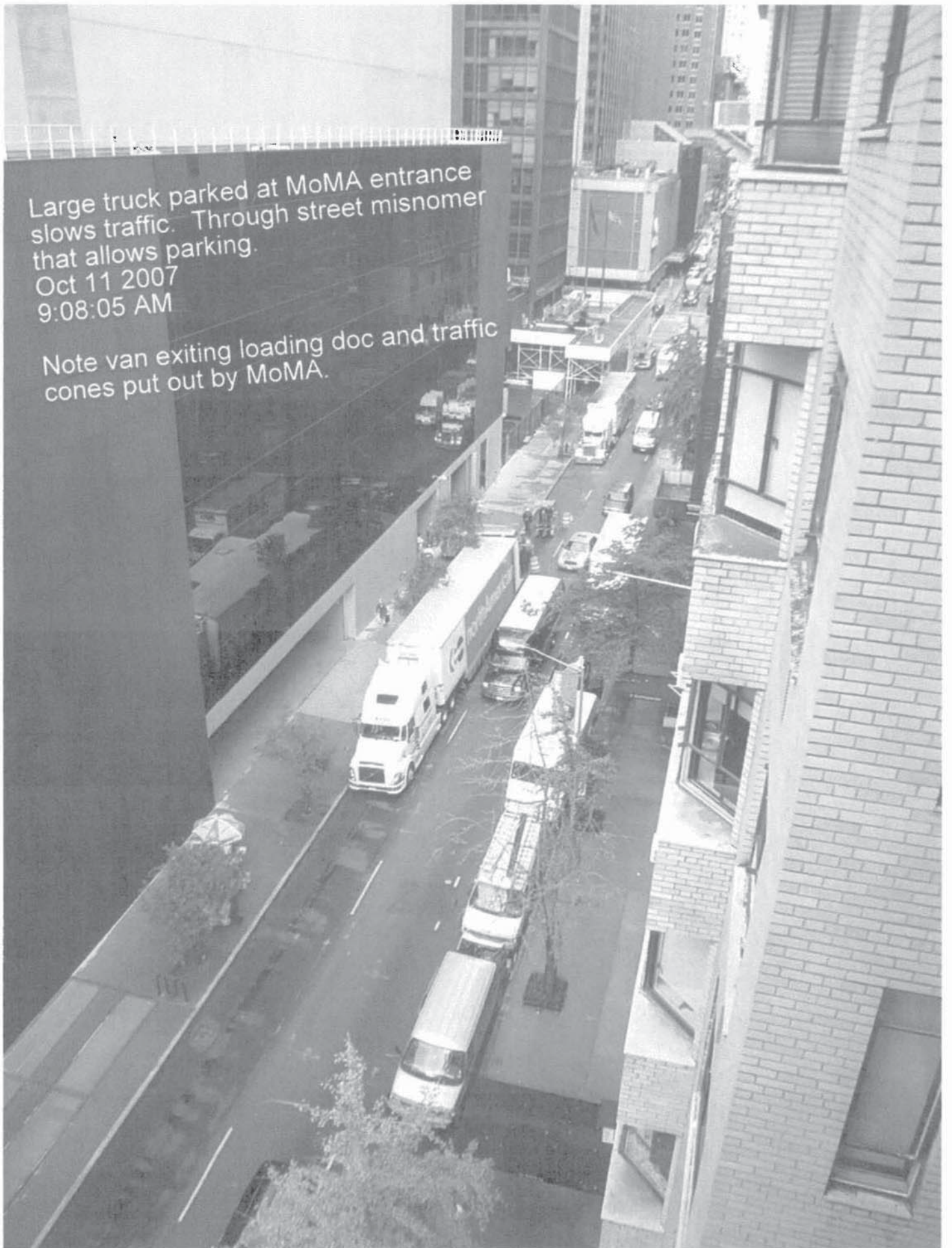
not truck
for NEMA

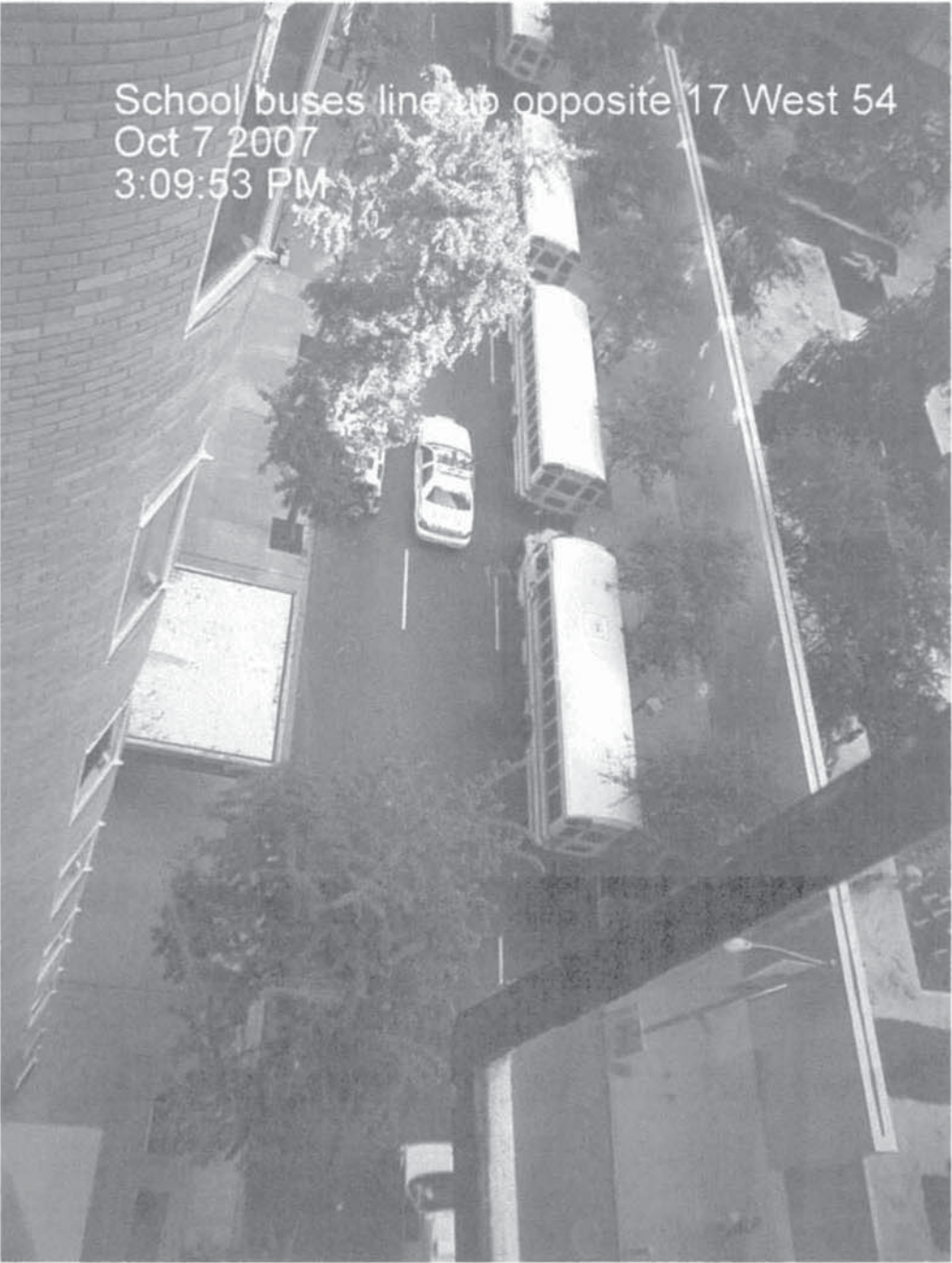


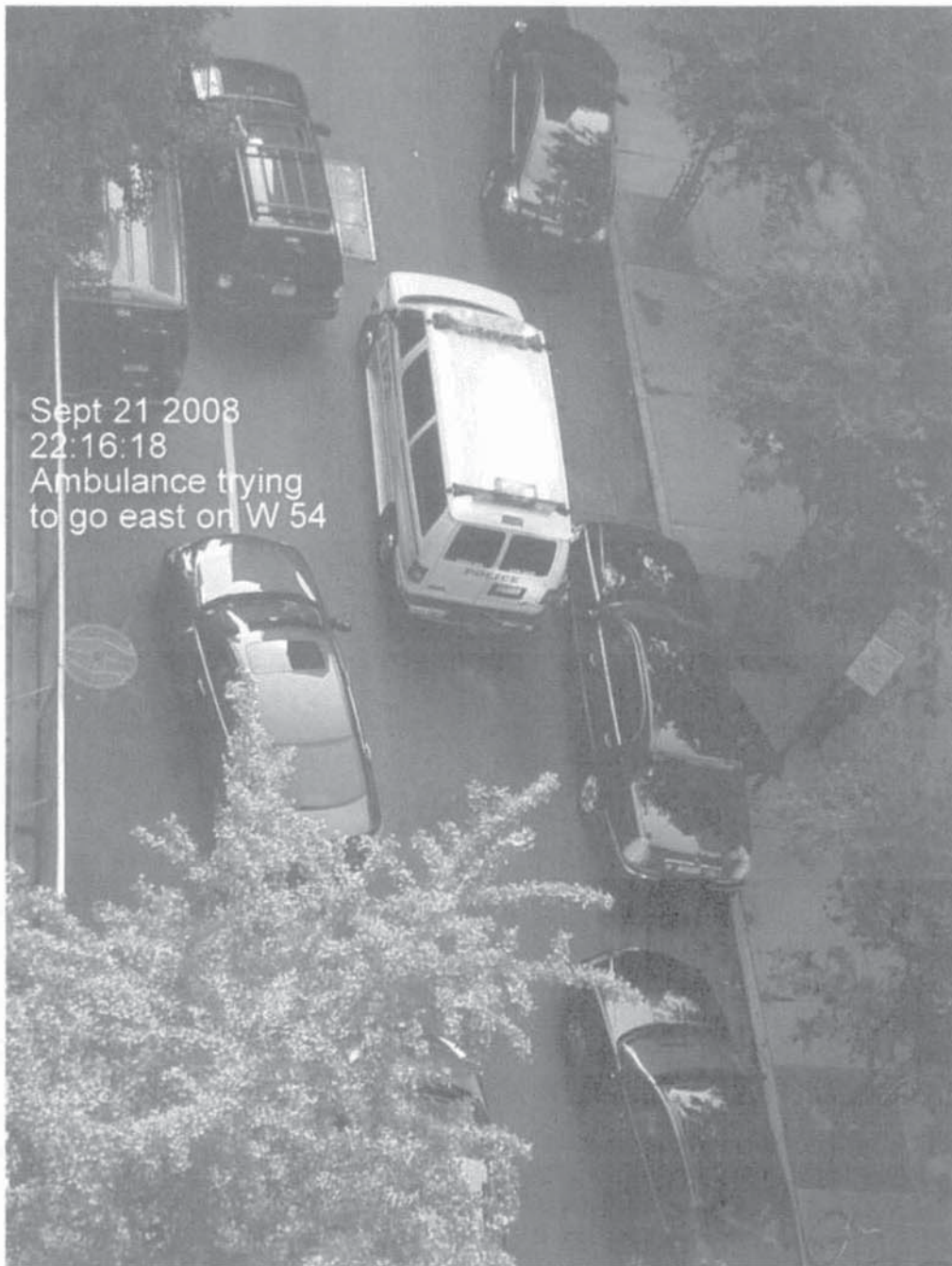
West 54 Street

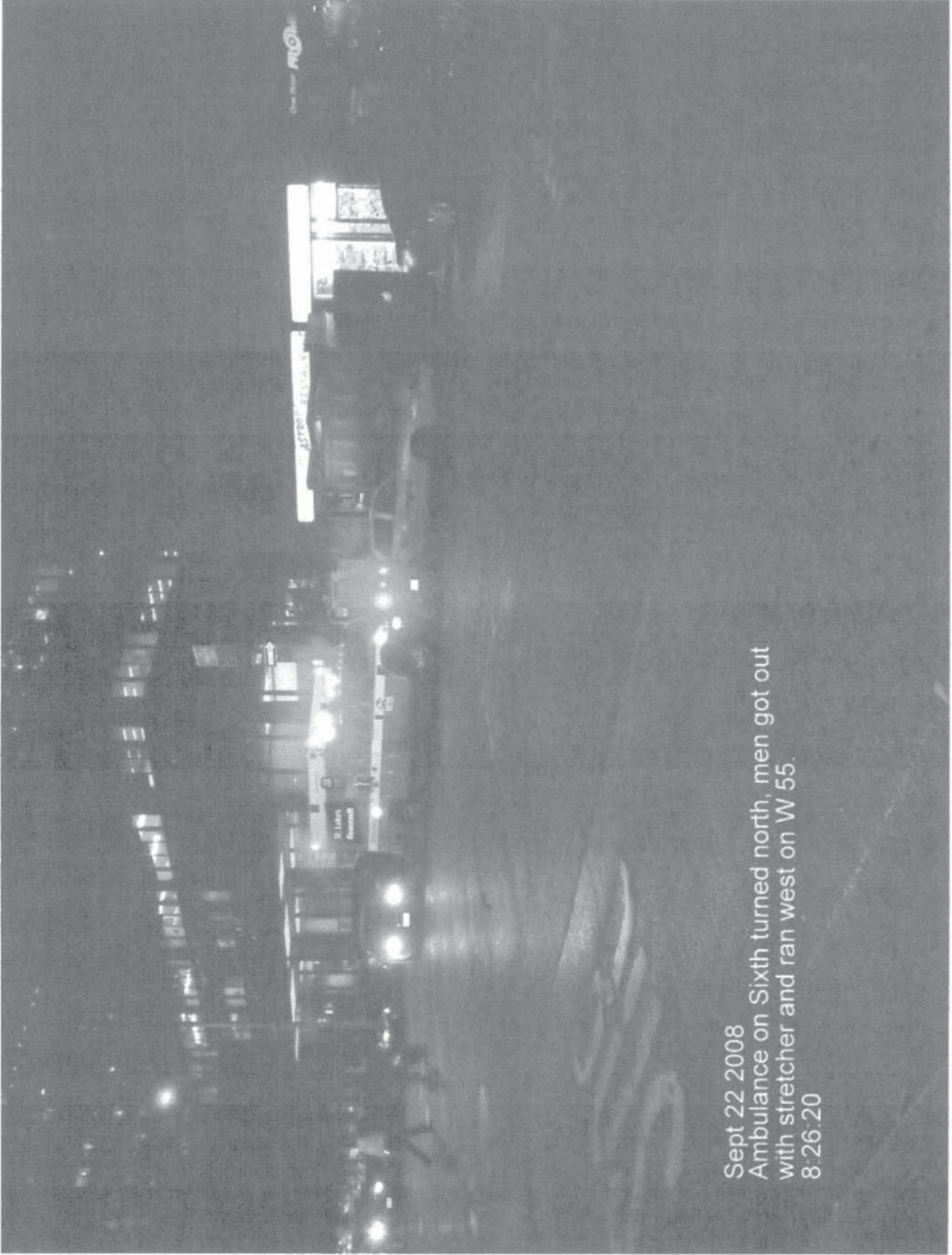
Large truck parked at MoMA entrance
slows traffic. Through street misnomer
Oct 11 2007
9:08:05 AM

Note van exiting loading doc and traffic
cones put out by MoMA.

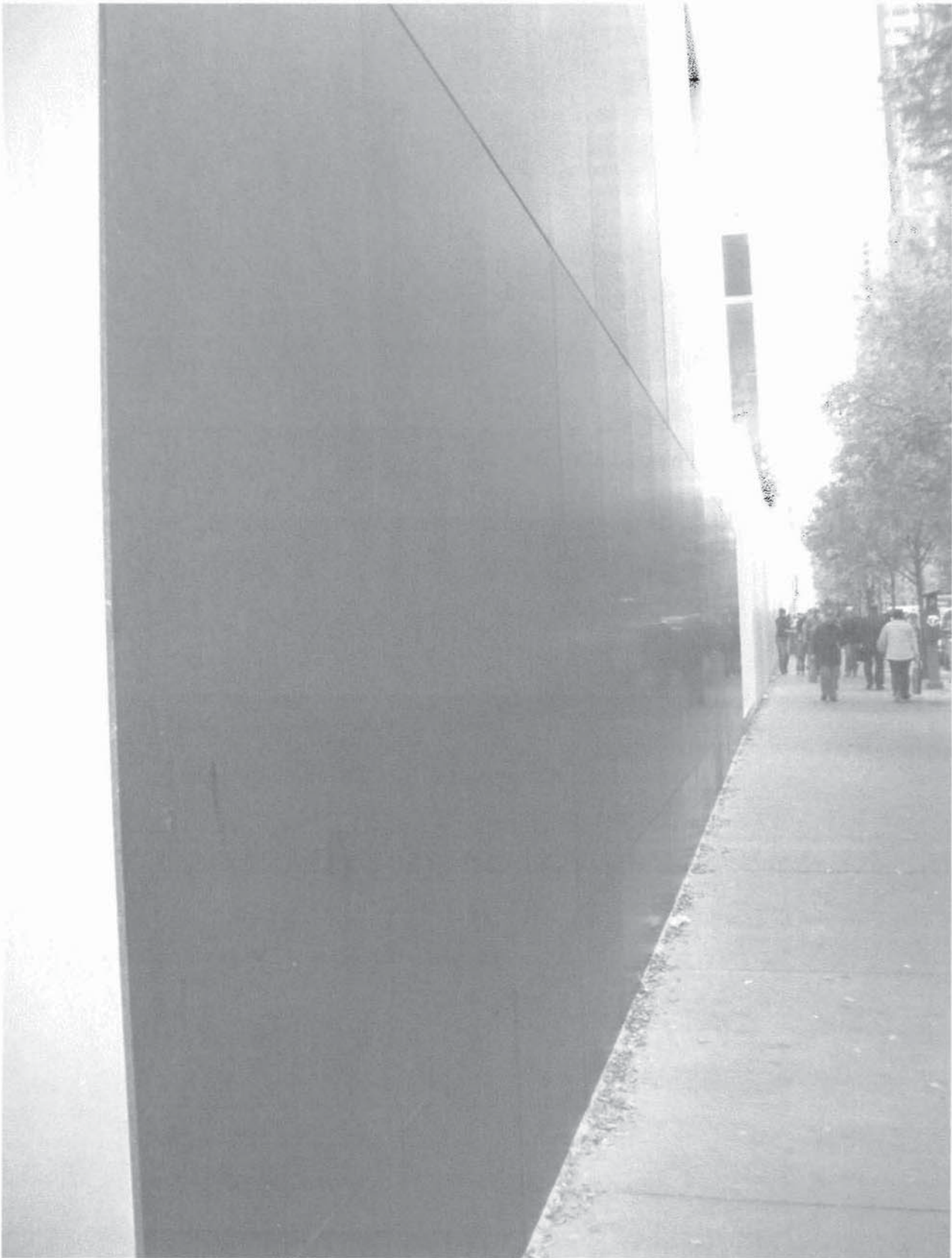








Sept 22 2008
Ambulance on Sixth turned north, men got out
with stretcher and ran west on W 55.
8:26:20



MoMA Wall - West 54 Street

53 W 53 Street

MoMA / Hines



West 54 – 55 Street Block Association

July 29, 2009

Hon Amanda Burden, Chair,
City Planning Commission
22 Reade Street
New York, NY 10007

Dear Chair Burden,

Enclosed for your consideration are the West 54 – 55 Street Block Association's recommendations for further analysis and modification of the Draft Environmental Impact Statement for the MoMA/Hines development plans at 53 West 53 Street.

There are several parts:

- 1) Land Use, Zoning and Public Policy, and MoMA Expansion – Comments for July 22 2009
- 2) Comments for the July 22, 2009 Public Hearing about MoMA/Hines at City Planning
- 3) Comments to Mr. Dobruskin after the Nov 2008 Scoping Hearing about MoMA/Hines

We also enclose documentation in support of our statements and concerns.

We would very much appreciate that these concerns be addressed and that the scale and design of the MoMA/Hines tower be reduced to mitigate them. We believe that the following five mitigations will successfully address the environmental concerns:

1. Reduce the tower's height. The new building should be closer to the previously approved 25 floors and not taller than the CBS building (38 floors).
2. Open MoMA's garden freely to the public and replace the garden wall with a see-through fence.
3. Eliminate the hotel loading dock from the project design. We already have six docks on the block and MoMA has three of them.
4. Create a thru-block arcade for pedestrians and possible vehicular drop-off to absorb MoMA traffic.
5. A lowered project height will reduce the construction time from 44 months to 24 months--- MoMA has already inflicted six years of construction noise, traffic and pollution on the neighborhood in this decade for the last expansion.

Sincerely,

Veronika Conant, President



West 54 – 55 Street Block Association

MoMA/Hines Project – 53 W 53 Street

Additional Comments July 29, 2009 for

The City Planning Commission's Public Hearing, Wed, July 22, 2009

The West 54 – 55 Street Block Association in the Preservation Subdistrict of the Special Midtown District, is asking the entire City Planning Commission to deny approval of the Special Permits to MoMA/Hines for their development plans for an 82-story, 1,250 feet tall Empire State-size building on a small midblock lot west of MoMA, using landmark laws ZR Section 74-79 and 74-711. The decision for denial by CB5 reflected the sentiment of the community on a major issue which is also a major issue for the city – to protect low scale midblock neighborhoods zoned for preservation from overdevelopment and protect their access to light and air.

The 500 pages long draft Environmental Impact Statement (DEIS), written by the developer, does not include any of our or Community Board Five's recommendations and is deeply flawed and deliberately misleading:

1. There is complete inconsistency in **the selection of areas for a variety of studies**. The general study area of ¼ mile is far too small for looking at the impact of this huge building on the neighborhood. The numerous lot mergers allowing transfer of 275,000 sq ft air rights from landmark St Thomas Church to the development site create an enormous lot almost the size of the exceptionally long block, yet the rich surrounding Historic Resources are only studied within 400 feet, while the harmoniousness condition between the two landmarks (University Club & St Thomas Church) and the new building is considered not applicable because the distance between them is over 400 feet. Clearly, the developer used whatever size fit its purpose. They used the entire merged lot, including Museum Garden, for calculating the Floor Area Ratio (FAR) of the new building and came up with around 11 FAR instead of the unprecedented true Floor Area Ratio (FAR) of 38.6 for the tiny development site. Yet, when discussing location for an additional loading dock, they did not look at the entire merged lot, only the small development site, and did not come up with appropriate recommendations for location and use.

The developer in the Land Use chapter lists other developments but fails to analyze the cumulative impact of all these developments on open space, community facilities, air quality, noise, infrastructure, energy, solid waste and sanitation, and other issues.

Recommend:

- ***Modify the DEIS, increase study area to ½ mile for land use, study of Historic Resources from 400 feet to 1,000 feet, use the proper FAR for the development site .***



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2. Traffic and Parking & Transit and Pedestrians

DEIS says the project does not need a detailed traffic study because it is below the threshold. Why if the gallery space will increase by 40,000 sq ft (30%) will there be no increase in attendance when in the previous museum expansion comparable gallery space added resulted in significantly increased annual museum attendance from 1.8 million to 2.5 million? (700,000 visitors a year, over 300 days open means 2,333 visitors per day, 300 visitors per hour) The DEIS states they need not address this and additional car and pedestrian traffic due to a new building with a hotel, condos plus a restaurant. Why?

The DEIS should study traffic on West 53 & West 54 Streets where traffic congestion is a major problem which has to be formally acknowledged and addressed. Traffic counts were undercounted for both streets, are two years old and did not consider the recent closing of Broadway to car traffic which has caused more cross-town traffic to avoid street closure.

MoMA holds numerous **corporate events**, often one a week, at times more. On those days there is already a substantial flow of party rental and deliveries made day and night on both sides of W 54 Street, many of which deliver from the street instead of the closed loading docks. To illustrate the extent of these, enclosed is a copy of **Corporate Entertaining at MoMA. There are ten entertaining spaces in the present museum space.** Will the new museum galleries have **additional** ones? The DEIS needs to analyze data for the baseline, the current year. The DEIS should study **street traffic**, deliveries and pickups for these events and a plan to regulate their frequency, and minimize negative impact on W 54 Street. (This can be part of a study of loading dock management).

Recommend:

- *Expand study area river to river on West 53 and West 54 St, two through streets, and include West 55 Street, a known traffic hot spot;*
- *Do a loading dock management study of the six loading docks on W 54 Street (three MoMA docks and three additional docks – see diagram of loading docks);*
- *Look at the entire merged lot and design an underground drive through loading dock between W 53 & W 54 Street, taking truck traffic off the street. This could replace the three existing loading docks which could be used as prime space on street level;*
- *Alternatively, look at the recommendation for a drive through loading, recommended by one of our architects (see diagram showing plan, also recommended by other architects such as John Beckman's 50-story Axis Mundi.*

2. **Air Quality.** As explained in 2. above (Traffic and Parking), the DEIS falsely claims less than 75 motor vehicles per peak hours for a new, unprecedented size skyscraper, with 40,000 sq ft new galleries, a hotel, condos and a restaurant, and did not do a proper study on W 53 & W 54 Street near the development site. Instead, ozone was measured at City College in Harlem, other pollutants, CO, NO2 particulate matter were measured on 100 feet wide E 57 Street near 2nd Ave in December 2007, under winter conditions,



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without HVAC. Even this way, PM 2.5 and ozone were found to be above allowed National Ambient Air Quality Standards (NAAQS).

NYC is one of the most polluted cities with Manhattan failing the particulate matter standards (see enclosed diagram from State of the Air 2009). Our blocks, with loading docks, large truck traffic and much idling need and deserve a proper environmental study. CO levels were already very high in 2000. This is a public health issue which is of much importance to residents, especially with families, small children and frail elderly.

Recommend:

- 1. Need a thorough air quality study on location, choosing carefully the day and time to establish representative base values.**
- 2. Make an inventory of emergency generators in the area, and their use patterns**
- 3. Make comparisons among the three options for the building and not only measure incremental values but the difference between the base value and each.**

- 4. Noise.** Noise and pollution go hand in hand. DEIS acknowledges that noise is at times intolerably high and they are sealing themselves from it. They do not address noise from garbage removal, idling trucks, school and tour buses. Although the DEIS ignores the true reality of the situation and picked winter days Jan 31 and Feb 1, 2007 for the study, without HVAC and with much less traffic, the sound levels were still intolerable. This study too was meaningless.

Recommend:

- Do a new study with carefully planned days and times, including day times with truck deliveries and much vehicular traffic, and night times when private carters collect and compact daily garbage on location. Measure sound level for HVAC and generators.**
- 5. Environmental effects** (air quality, noise, sanitation, congestion) are already at or above allowed levels without additional values by the new building, affecting public health. We request an E designation on the zoning map for MoMA's block. (If the environmental analysis indicates that an impact is possible due to noise or air quality, or potential hazardous material contamination, then an (E) designation is likely to result)

For loading functions the developers need to look at the entire merged lot and need to reconfigure existing loading docks to create an off-street, drive through loading to be shared by MoMA, Museum Tower and MoMA/Hines, easing traffic congestion.



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6. Urban Design/Visual Resources and Neighborhood Character. See our letter to Mr. Dobruskin in December, 2008 and testimony by Al Butzel, and by Daly Reville in July, 2009 about MoMA's corrugated wall on West 54 street and the need to improve the streetscape on that side of W 54 Street. The proposed development would be grossly out of scale with the other buildings in the area, including several landmarks.

7. Infrastructure. Impact on the already strained water supply system and the sewer system is not really put in perspective. The developer does not look at the impact of other planned developments such as a 40-story new hotel at the Donnell Library site across W 53 Street or the 22-story building planned for W 55 Street.

8. Energy . The problem with this chapter is that the developer talks about the energy needs (electricity, gas and steam) of the entire City and not our neighborhood. We regularly have problems with ConEd. This Summer ConEd has been working on the steam for weeks, shutting it off on several Sunday nights, with no hot water for the entire street (most recent date: Sunday, June 28, 2009).

MoMA leaves its light on in the office building all night as well as in parts of the museum.

Recommendation: The applicant should be required to be LEED certified

- 9. Solid Waste and Sanitation.** Since the proposed project will generate over 10,000 pounds solid waste per week (18,928 pounds, 9.5 tons per week), it is not insignificant as claimed. The developer failed to look beyond the development site to address the cumulative effect of the last MoMA expansion pursuant to a rezoning with this expansion.

Solid waste is collected by private carting companies for commercial properties, they usually grind and compact at location late at night, causing much pollution and noise.

According to the 2000 EIS, until 2000 MoMA produced 34.7 tons solid waste per week, after the 2000 expansion it was expected to grow by 12.3 tons, producing a total of 47 tons of solid waste per week, all collected and compacted on West 54 Street at MoMA's three loading docks.

The proposed project will generate 9.5 tons of solid waste, a 20 %, significant increase. Therefore, the **total solid waste generated will be 56.5 tons per week**, an enormous amount.

Recommend:

- ***There is a need for a drive through loading dock shared by MoMA, Museum Tower and the new MoMA/Hines building.***
- ***Require the developer to incorporate standing compactors into the restaurant kitchen and to the loading areas. (Enclosed is a publication about the advantages***



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of standing compactors). The combination of these would significantly cut not only pollution and noise but cost.

10. Shadows.

Even though the model of the proposed “Nouvel” building was transparent, the real 1,250 feet tall building between West 53 and West 54 Street will dwarf the buildings around it and block access to sunlight and air from the blocks around it which the zoning laws were enacted to preserve, casting a deep shadow north over the low scale buildings in the Preservation Subdistrict and beyond, including well into Central Park. Shadows will also fall on the public plazas in the area along the avenue, and the Central Park component is significant, at times almost four hours, deep into the park even when developers try to minimize it by saying that compared to the entire park area it is small and “there would continue to be sunlit areas of the park nearby available to users”. Claiming no impact is not credible.

Claiming only the stained glass windows of the Fifth Avenue Presbyterian Church are negatively impacted by the proposed building and ignoring not only Central Park but shadows on Museum Garden, the Rockefeller Apartment, its garden between the twin buildings on West 54 & 55 Street is incorrect. One hour 15 minutes of shadows is significant.

Even south of the site shadows will be experienced over a large area, including the landmark CBS plaza and building. There are diagrams showing shadows on all of these.

The solution recommended to the Church for the only negative impact listed in the DEIS for shadows cast on their stained glass windows, was to use artificial lighting.

Recommend: Limit height to a much shorter building such as the as-of-right, Previously Approved Project or even shorter.

11. Construction impacts.

The DEIS falsely claims no significant adverse effects.

This is the tallest building ever built on the smallest lot, with FAR 38.6.

There will be wind tunnel effect on the surrounding buildings.

There will be significant effects on :

a) Excavation and Foundations – blasting, hoe-ram hammers, ground borne construction vibrations, dewatering

For deep foundation digging DOB needs to provide a construction protection plan for Historic Resources within 90 feet of the construction site and get special permission from LPC. These include the landmark CBS building south, the historic Warwick Hotel north, several smaller townhouses nearby and also 45 W 54 Street, a 13 stories high co-op 60 feet from the site which is also eligible for listing on the National and State Register of Historic Places according to Prof. Andrew Dolkart.



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Problem: According to the developer, the Warwick Hotel is the only building within 90 feet of the construction site eligible for protection but not the landmark CBS building, falsely claiming "Although the plaza of the CBS building is located within 90 feet of the development

site, the tower itself is not. Therefore, construction of the Previously Approved Project, Expanded Development Scenario, or the proposed project is not anticipated to have any adverse physical impacts on this resource..."

However, the CBS building is clearly within 90 feet and therefore also eligible. Several other older buildings (not landmarks) are also ignored.

Recommend:

- **The developer pays for a survey of the foundations of buildings within 90 feet and protection is extended to all the older buildings;**
- **Care must be taken about the groundwater level;**
- **Use dumpsters to cart away debris rather than compact on location, causing additional pollution and noise, public health hazards.**

b) Traffic on the two through streets due to lane closures, truck deliveries and storage of construction materials - claiming detailed construction traffic analysis is not needed since there is no adverse effect is totally misleading

Additionally, there will be potential construction at the Donnell Library to demolish and replace it with a 40-story hotel over a much diminished library.

Does the DEIS consider the 6th Avenue Subway construction in its fifth year on 6th Avenue at 52 – 53 Streets?

c) Noise and Pollution The table showing Noise emission levels for Construction Equipment gives a range of 74 to 101 dBA. Exposure to levels above 85 dBA can cause hearing damage, a public health issue – will have adverse effect especially in an area that already has high noise pollution (See 4. Noise).

Recommend: noise barrier, use quiet products, noise mitigation plan and enforcement

d) Construction Safety – very important: cranes, glass, construction debris, the building will be built to the lot line, therefore there will be serious danger to pedestrian safety from fallen debris (enclosed article about problems with falling glass at Galerie Lafayette in Berlin, by architect Jean Nouvel)

e) Length of construction: As-of-right Previously Approved Project 26 months, not too deep below ground, vs proposed plan 44 months, three grades below ground. Length of construction is important, after we had six years of MoMA expansion from 2000 to 2006. It will also affect small businesses in the block as well as the Warwick Hotel.

f) After hour and weekend construction.

Recommendation – both should be banned.

12. Safety issues:

- **fire safety, response time to fire, ambulance, police, emergency vehicles.**
- **Terrorism** - one of the tallest building in the city could be a target of terrorists and a serious security hazard. The area is heavily protected by police when the UN (not anywhere near our neighborhood) is in session, with mailboxes vanishing for a couple of months or being locked (see cover for "Eyes on Commercial Facilities" by



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the NYS Office of Homeland Security, 1 July – 8 July, with the Warwick Hotel in the middle of the cover).

- **Construction safety** – see above
- **Earthquake**
- **Wind tunnel effect**

We need more meaningful studies to properly and fully evaluate the environmental impact of this potential environmental disaster which introduces a totally new scale into our Special Preservation Subdistrict which the West 54 Street side of MoMA is a part of. Safety and security, and impacts on nearby building foundations must be carefully evaluated.

Most of the above recommendations were made by Community Board Five and the Block Association during scoping but were not implemented by City Planning.

Please modify the DEIS, reduce the size of the MoMA/Hines building and deny the Special Permits.



West 54 – 55 Street Block Association

December 2, 2008

— submitted to CPC July 29, 2009

Robert Dobruskin, AICP, Director
Environmental Assessment and Review Division
Department of City Planning
22 Reade Street, Room 4E
New York, NY 10007-1216

Dear Mr. Dobruskin,

This letter sets out and amplifies points made by members of the West 54 – 55 Street Block Association at the November 18, 2008 public scoping meeting for the Environmental Impact Statement (EIS) Draft Scope of Work (CEQR No 09DCP004M) for the 53 West 53rd Street project.

The Environmental Impact Statement is of enormous importance in the whole ULURP process: it forms the record for the anticipated impact of the 53 West 53 Street project on New York City and on the neighborhood in which it is proposed to be constructed. We want the EIS to avoid the problems of the Environmental Impact Statement that was prepared for the 2000 MoMA expansion. The 2000 EIS compared as-of-right construction with expanded construction from zoning changes instead of comparing preconstruction and post construction impacts. More specifically, that EIS contained a number of errors of fact and of approach that understated the impact of that expansion. Mistakes included: measuring air quality at the wrong location; undercounting loading docks on West 54th Street; understating the amount of solid waste to be generated, failing to indicate that one-half of the 250-foot office building constructed would be used for commercial rental; failed to analyze the effect of the shadow of the expanded building. We request that the developer of 53 West 53 Street not be permitted to use the same EIS consultant that was used in 2000 because of the significant faults of the earlier report.

The proposed project is so immense and so out of scale with the neighborhood into which the developer plans to insert it that it will be particularly important to carefully measure the potential adverse impacts of the project by establishing accurate and realistic baselines for the various impacts to be measured and then projecting the additional burden that the project will create, wherever this burden is likely to fall. (*CEQR Chapter 2. Establishing the Analysis Framework*)

Environmental studies should compare multiple circumstances: existing conditions, conditions as they would be in 2013 without any development, as they would be in 2013 under each of the two alternative as-of-right options, and as they would be in 2013 with the proposed development in place.

The area of study proposed for the Environmental Impact Statement is too limited. Because the proposed development involves so much bulk and such a great height, we believe that the radius of the area within which impact is to be studied needs to be increased from one-quarter ($\frac{1}{4}$) mile proposed in the draft EIS scope to a minimum of one-half ($\frac{1}{2}$) mile; moreover, where circumstances warrant, it should be extended beyond that (for example, for shadow studies going into Central Park and for traffic studies river to river for 53rd and 54th Streets, designated as through streets by the Department of Transportation).



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Moreover, the EIS should explicitly take into account the cumulative impact of this project *and* other developments proposed for this area, especially for the following tasks: 4 - Community Facilities and Services; 7 - Historic Resources; 8 - Urban Design/Visual Resources; 9 - Neighborhood Character; 11 - Infrastructure; 12 - Solid Waste and Sanitation Services; 13 - Energy; 14 - Traffic and Parking; 15 – Transit and Pedestrians; 16 - Air Quality; 17 - Noise; 18 - Construction Impacts; 19 – Public Health.

The EIS task outline does not include assessment of risk and damage on the residential and commercial tenants in the buildings near the project including MoMA of an attack and the consequences of such an attack such as smoke and fire and falling debris. This assessment should be included in the EIS and such an assessment should be added to the EIS outline. We urge that the EIS include assessment of the risk of an attack from the creation of a high-profile target in midtown. The architect of the project at the hearing of the Landmarks Preservation Commission proclaimed in his presentation of the design that, “Now everyone will know where MoMA is.”

Following are our comments on each task listed in the Draft Scope of Work.

TASK 2 – LAND USE, ZONING, AND PUBLIC POLICY

To fully understand the context in which this project is being proposed, the EIS should fully document the development history of the site and the study area *since* the founding of MoMA. This should include: (1) the removal of parts of the area around MoMA from the Preservation Subdistrict; (2) other zoning changes and exceptions; (3) the construction of residential and office space not for MoMA’s use; and (4) the demolition of landmark-worthy buildings like the City Athletic Club on West 54th Street, and the town houses on West 53rd and West 54th Street, resulting in plans for a building mid-block on a small lot without height limits.

(Article VIII, Ch. 1 Special Midtown District. ZR Section 81-00 General Purposes ... f) to continue the historic pattern of relatively low building bulk in midblock locations compared to avenue frontages... m) to preserve the midblock area north of the Museum of Modern Art for its special contribution to the historic continuity, function and ambience of Midtown;)

(For an account of how land use, zoning, and public policy have changed over the course of MoMA’s expansion since the late 1970s, see the attached annex, “Land Use, Zoning, Public Policy and MoMA Expansion.”)

TASK 4 – COMMUNITY FACILITIES AND SERVICES

As already noted, the EIS should take into account the cumulative impact of the proposed project and other projects planned or underway in the area on community facilities and services. Development projects that in themselves have impacts smaller than the required triggers in the Environmental Impact Statement for Community Facilities may together cause such an impact. As urged by Community Board 5, the EIS should examine the following items in terms of the cumulative effect of planned development:



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The educational needs of the area, especially considering the new residential development that has occurred throughout Midtown. The building of one or more new schools should be required if it is found to be necessary in the Environmental Impact Statement. Community Board 5 has neither an elementary nor a middle school within its borders.

The library needs of the area, especially considering that the Donnell Library has been temporarily closed and is being torn down to develop a new hotel leaving only a much smaller branch at this location.

Public safety needs including ensuring there is adequate fire and police service for a 1,250 foot building, both from the point of view of the need for expanded service, and from the point of view of the impact of severe traffic congestion on the availability of police, fire, ambulance and other emergency services to the area.

TASK 5 – OPEN SPACE

We fully support the position of Community Board 5 on open space: “The impact of a 1,250 foot building on open space. The Mayor’s Plan NYC 2030 recommends 1.5 acres of open space for every 1,000 residents. Community Board 5 has substantially less open space than this standard especially in the midtown area.”

TASK 6 – SHADOWS

A 1,250-foot building between West 53 and 54 Streets will dwarf the buildings around it and it will take away access to sunlight and air from the blocks around it, which the zoning laws were enacted to preserve, casting a deep shadow north over the low scale buildings in the Preservation Subdistrict and beyond, including well into Central Park. The 1979 Midtown West Survey found 200 buildings that merited consideration for landmark designation. 33 of these buildings were on the three blocks of West 54, 55, and 56 Streets between Fifth Avenue and the Avenue of the Americas. West 54 Street has many of these buildings, some of which are now designated landmarks: 1 (the University Club), 5, 7 (the Lehman Mansion), 9-11, 13, 15, 17 (the Rockefeller Apartments), 35, and 41. 65 West 54 Street (The Warwick Hotel), while not a landmark, is on the national register of historic sites. Other landmarked or historic buildings in the area that would be affected include the Peninsula Hotel (700 Fifth Avenue at 55 Street), 12, 14, 16, 18, and 23 West 55 Street, 24 West 55 Street (the Rockefeller Apts.), 46 West 55 Street, the Fifth Avenue Presbyterian Church, 17, 10 (Frederick C & Birdsall Otis Edey Residence), 12-14, 26, 28, 30 West 56 Street (Henry Seligman Residence), 36, 39 and 46 West 56 Street. There are also several historic buildings on the West 57 Street block: 29 (Chickering Hall), 31 (Sohmer building), 33, 35 (Samuel W Bowne House), 57 West 57 Street, 109 -113 West 57 Street (Steinway Building) and many more.

The shadow study must include Central Park. *The CEQR section on shadows, 3E-200, says: “The longest shadow cast during the year (except within an hour and half of sunrise or sunset) is 4.3 x height”.* For height of 1,250 feet the longest shadow will be 5,375 feet long, for height of



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1,000 feet it will be 4,300 feet. Central Park is five blocks from the site, about 1,400 feet away. Shadows would impact on vegetation, sports areas and playgrounds.

TASK 7 – HISTORIC RESOURCES

Historic resources are scarce in Manhattan, especially in midtown, so it is important to save them and also, in this case, to preserve the context in which they exist.

To properly understand how this development will impinge on the neighborhood into which it is being squeezed, the defined study area should be increased from 400 feet to at least 1,000 feet from the site. This is because a 1,250-foot building between West 53 and 54 Streets will dwarf the buildings around it and it will take away access to sunlight and air from the blocks around it, which the zoning laws were enacted to preserve, casting a deep shadow north over the low scale buildings in the Preservation Subdistrict and beyond, including well into Central Park. The 1979 Midtown West Survey found 200 buildings that merited consideration for landmark designation. 33 of these buildings were on the three blocks of West 54, 55, and 56 Streets between Fifth Avenue and the Avenue of the Americas. West 54 Street has many of these buildings, some of which are now designated landmarks: 1 (the University Club), 5, 7 (the Lehman Mansion), 9-11, 13, 15, 17 (the Rockefeller Apartments), 35, and 41. 65 West 54 Street (The Warwick Hotel), while not a landmark, is on the national register of historic sites. Other landmarked or historic buildings in the area that would be affected include the Peninsula Hotel (700 Fifth Avenue at West 55 Street), 12, 14, 16, 18 and 23 West 55 Street, 24 West 55 Street (the Rockefeller Apts.), 46 West 55 Street, the Fifth Avenue Presbyterian Church, 17, 10 (Frederick C & Birdsall Otis Edey Residence), 12-14, 26, 28, 30 West 56 Street (Henry Seligman Residence), 36, 39 and 46 West 56 Street. There are also several historic buildings on the West 57 Street block: 29 (Chickering Hall), 31 (Sohmer building), 33, 35 (Samuel W Bowne House), 57 West 57 Street, 109 -113 West 57 Street (Steinway Building) and many more.

TASK 8 – URBAN DESIGN/VISUAL RESOURCES and TASK 9 – NEIGHBORHOOD CHARACTER

The EIS should carefully study the impact of this project on the environment of the street. West 54th Street between Fifth Avenue and the Avenue of the Americas is one of the few outstanding residential streets left in midtown Manhattan and is part of the Preservation Subdistrict. It is characterized by a mix of row houses (many already designated landmarks and others deemed landmark-worthy) and low-scale apartments and businesses. It is architecturally distinctive and intimate in scale. See the attached illustration comparing the scale of the 53 West 53 Street project with the rest of the neighborhood.

However, the south side of this block is dominated by one long wall resembling corrugated tin. This corrugated metal wall hides from view three loading bays and the sculpture garden of MoMA. Hiding the sculpture garden from public view is a rude affront to the neighborhood and to the city, which supports MoMA. With the introduction of a new 82-story building, in fact twice the height of the towering 40-story FT Building to its west, little West 54 Street will become further isolated and hemmed in. Pedestrian life is already sorely challenged by the loading



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docks for the avenue buildings to the north and south in addition to the loading bays of MoMA; all in all there are 6 loading docks and two drive-through parking garages on one single block. The proposed development would add a seventh. As noted under our comments at the beginning of this letter, the EIS for the year 2000 MoMA expansion miscounted the number of loading docks on the block.

The development would be grossly out of scale with the other buildings in the area, including several designated landmarks on West 54th Street, and the landmark CBS building on West 52nd Street, and would overwhelm the area's infrastructure and services. The proposed project is situated mid-block in an already densely populated area and could only be proposed as the result of a transfer of development rights from St. Thomas Church and the University Club. Without the transfer of development rights, any building constructed at the site could only be one-third the size of the proposed 53 West 53 Street project – 258,097 square feet rather than 786,562 square feet. Given the substantial additional density the developer would be able to transfer to 53 West 53 Street if granted the four discretionary Special Permits from the City, it is absolutely essential for the Department of City Planning to closely evaluate the negative impacts of such a large project on the surrounding community.

See the attached photographs of blocks of West 55th and 56th Streets between Fifth Avenue and the Avenue of the Americas, showing the low scale of these blocks. See also the attached article and photograph from the *New York Times* of June 18, 2006 by Christopher Grey, which also shows the low scale of the same block on West 54th Street.

TASK 11 – INFRASTRUCTURE

The water supply system and the sewer system already appear to be under strain in the area of the proposed development; the EIS should include a realistic analysis of the impact of the new development (taking into account the impact of other planned developments in the area) on these already strained systems. Additional considerations include cable, telephone lines steam (see energy), traffic, public transportation, roadways.

TASK 12 – SOLID WASTE AND SANITATION SERVICES

As in Task 11, the baseline for assessing the impact of the proposed development on solid waste and sanitation services should include other planned developments in the area.

TASK 13 – ENERGY

It is necessary to evaluate the adequacy and safety of the electric grid and access to steam.

TASK 14 – TRAFFIC AND PARKING

Because the Department of Transportation has designated West 53rd and West 54th Streets as through streets and because there is anecdotal and photographic evidence of intermittent substantial traffic congestion, the study of traffic on these streets should be from river to river, not the draft scope's proposed quarter mile. The study should also include response times for



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police and other emergency vehicles. The study should be done at random times during the day and at night, because blockage occurs at any time; for example, on the evening of November 5th, West 54th Street was totally blocked from Broadway eastbound so that fire trucks on call had to go South on Broadway and thence East on 52nd to get around the 54th street block. In another incident, on Sep 22, 2008, at 8:26 p.m. an ambulance on Sixth Avenue turned north to go onto West 55 Street. The street was congested, so two men got had to get out with a stretcher and to run north on Sixth and west onto 55th Street. Also, beginning in December and going into January, the traffic on West 54th Street slows down even more than usual because of Fifth Avenue holiday and Rockefeller Center Christmas tree slow-downs. Often, the street is completely immobilized for substantial periods. During this period, in partial recognition of the problem, the Department of Transportation prohibits all right turns onto Fifth Avenue.

The EIS should take into account the impact of loading, standing and parking practices on these streets. Delivery trucks have to back into loading bays or unload on the sidewalk, buses deliver students to MoMA, and then remain standing on the block for substantial periods. Private cars and limousines and car services arrive at MoMA for MoMA and corporate functions to discharge passengers and often stand for substantial periods. MoMA has at least one corporate event a week, frequently many more (see enclosed booklet, Corporate Entertaining at MoMA). On these days there is already a substantial flow of party rental trucks and deliveries made day and night on both sides of West 54 Street, many of which deliver from the street instead of behind closed docks. We are deeply concerned that the frequency will further increase after the addition of extra gallery space. We need to know the baseline for the current year. The hotel in the 53 West 53 Street project will doubtless also have social and corporate events that will add to truck deliveries, car and taxi drop-offs and pedestrian traffic. There is need for a plan to handle street traffic, deliveries and pickups for these events and a plan to regulate their frequency and minimize their negative impact on West 54 Street. Under Task 21, Mitigation, we suggest two approaches to minimize street garbage pick-up and compacting: onsite garbage compacting and drive-through loading. To illustrate this point, we have attached a plan for a drive-through loading dock, a statement, "Advantages of Drive Through Loading Docks," and a copy of the *New York Times* March 7, 2001 article by Clyde Haberman, "An Ode Conceived in Traffic."

It would also be useful to have a study of real time loading dock use on West 54th Street to accurately gauge the existing impact of loading docks on traffic and provide a baseline for the impact of the additional loading dock, deliveries and pick-ups on traffic.

Parking and regulation of standing cars also need to be studied: there will be additional pressure on parking availability resulting from this development to the east and west. The analysis should take into account the number of curb feet that will be needed for the hotel for all forms of delivery, idling and drop-off.

TASK 15 – TRANSIT AND PEDESTRIANS

It is evident that the sidewalks around MoMA are already extremely crowded. The 2000 expansion of MoMA added 40,000 square feet of gallery space and attendance increased (according to MoMA's figures) from 1.8 million to 2.5 million. The next expansion will add another 40,000 square feet, and it seems reasonable to assume (absent strong evidence to the



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contrary) that attendance would increase by the same amount. While adding another 700,000 or so visitors, the development would take away the vacant lot where visitors lined up, putting them onto the sidewalks around MoMA. Now, on Fridays (when admission is free), lines stretch around the block from West 53rd Street, along the Avenue of the Americas, and onto West 54th Street (see the attached panoramic view of MoMA visitor lines taken on August 8, 2008 at 4:26 pm).

Under the rules of CEQR, it is necessary for the applicant to project how many additional visitors the expanded museum could accommodate in the baseline projections for the as-of-right environmental impacts. With a more accurate baseline projection, the full extent of the environmental impacts of the proposed actions could be better understood. Though the proposed development site may currently be a vacant lot, it plays an important role as a queuing area for museum visitors. Therefore, the EIS should study how losing this space as the visitors' queue would affect pedestrian conditions and then develop a plan to adequately address any overflow. Rather than having no building recess, evaluate the need for increasing pedestrian circulation space and widening the sidewalk on both West 53 and West 54 Street. According to MoMA's estimates about 1/3 of MoMA's visitors use West 54 Street.

TASK 16 – AIR QUALITY

Traffic congestion, truck and bus idling already affect air quality in the area; establishing a baseline for this will require careful monitoring of air quality at multiple locations, especially midblock along West 54th and West 53rd Streets when they are heavily congested and when traffic is at a standstill. The EIS should add projections to this baseline estimating the pollution that will result from other planned developments in the area. Then it must make realistic projections of the impact of the MoMA expansion (based on an additional 700,000 visitors a year) and of the impact of the residential and hotel portions of the project. An inventory of emergency generators for the area is needed, since they contribute to pollution and noise. Will the new development have one and where? Preference: not on West 54 Street.

TASK 17 – NOISE

Noise has been a major problem on West 54 Street. The EIS should address noise in much the same fashion as for Task 16, Air Quality: with real time measurements made midblock at peak noise hours day and night to establish the baseline in the area around the proposed development to which should be added the projected impact of other planned development in the area. Then it must make realistic projections of the impact of the MoMA expansion (based on an additional 700,000 visitors a year) and of the impact of the residential and hotel portions of the project. See also emergency generators and noise from construction debris removal.

TASK 18 – CONSTRUCTION IMPACTS

Construction impacts include a number of subheads: traffic, noise and air quality, geo-technical and construction operations.



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1. Traffic: The EIS should carefully study the impact of construction on traffic congestion, fire and emergency vehicle response times, air pollution and noise. This analysis will have to take into account the reduction of traffic lanes on the affected blocks of West 53rd and 54th Streets, and the location of storage sites for construction materials, vehicles and project trailers, the availability of street side locations on the south side of West 53rd Street and the north side of West 54th Street for normal passenger discharge and normal household deliveries. Moreover, the EIS should study the impact of construction on traffic on West 53rd and West 54th Streets, which are through streets as noted in our comments under Task 14.
2. Noise and Pollution: The EIS should state what provisions will be made for controlling dust and dirt from trucks, excavation, etc., including off-site staging areas; also, the EIS should address whether and under what circumstances weekend and after-hours work would be undertaken. The community opposes any extension of construction hours. There is need for a noise and pollution mitigation plan. The EIS should also detail how and at what times construction debris will be removed.
3. Construction Safety: The EIS should state what provisions will be made for managing construction safety, including crane safety, in terms of placement and in terms of protection from falling debris. This is an even greater concern than normal because the building goes to the sidewalk on both sides of its lot, because of the extraordinary height of the building and because of heavy pedestrian and vehicular traffic in the area as well as because of the many landmarks.
4. The EIS should also state what provisions there will be to avoid damage to nearby buildings from vibration, de-watering, excavation and blasting and what provisions the developer will make to insure or otherwise make whole owners of buildings damaged by construction (these should be preceded by a survey, at the expense of the developer, of the state of nearby buildings.) In addition, the EIS should also include a geological survey of the area that includes underground streams and earthquake fault lines. An article on earthquake risk in New York City was included with my written statement handed in after the November 18, 2008 public scoping hearing at the Department of City Planning.
5. The EIS should include wind tunnel studies of the likely effect of wind during and after construction and plans to mitigate these effects. For example, the Nouvel Galeries Lafayette building in Berlin had to replace all its windows after they started falling to the ground.

TASK 19 – PUBLIC HEALTH

Effects of pollution, noise, especially night noise and loss of access to sunlight and air and open space all have effects on public health, causing stress, sleep deprivation causing problems with concentration, memory and cardiovascular diseases, pollution affecting lungs and heart, aggravating asthma, and causing Seasonal Affective Disorder (SAD).

TASK 21 – MITIGATION

The stated sale price of the lot together with the bulk and height of the proposed project indicate that the profit from this development will be hundreds of millions of dollars. For this gain, the Hines Interests and the Museum of Modern Art will place a heavy burden on the community and



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the city and are giving nothing back both during the four-year construction phase of the project and during the life of the building. The EIS should state what mitigation may be offered. This could include the following:

The construction of the 53 West 53 project offers an opportunity to right some of the mistakes of the past regarding truck traffic and street level amenities with respect to the loading and service areas of the proposed building. The proposed loading dock for the new structure should be integrated with the existing loading docks of MoMA as drive-through truck passageways from 53rd Street to 54th Street. Drive-through loading areas would allow off-street space for deliveries and pick-ups, service and emergency vehicles. Having service elevators nearby would cut time needed to perform these functions, and traffic congestion and pedestrian safety would be improved significantly. In addition, the proposed project also offers MoMA a unique opportunity to rethink the closing off of the sculpture garden from the life of the 54th Street pedestrian community, which will now include guests and residents of 53 West 53 Street as well as the increased number of visitors to MoMA. A sidewalk arcade, in effect a widening of the sidewalk, would offer pedestrians amenities and more space, which will likely be needed to accommodate increased pedestrian traffic. An architect and neighborhood resident, Andreas Benzing, has offered a suggested approach for your consideration, for drive-through loading and for an arcade for pedestrians along West 54 Street. (See the attached plan for drive-through loading and sidewalk arcade.)

Other amenities to mitigate the impact of the proposed project could include: a public swimming pool; integration of open public space into the new building; onsite garbage compactors for minimizing street garbage pick-up and compacting.

Sincerely yours,

Veronika Conant
President, West 54 – 55 Street Block Association

Attachments:

1. Proposed MoMA/Hines Development Plan, 53 West 53 Street
2. Photographs (two in all) of the blocks of West 55th and West 56th Streets between Fifth Avenue and the Avenue of the Americas
3. *New York Times* article dated June 18, 2006, showing the block of West 54th Street between Fifth Avenue and the Avenue of the Americas
4. Plan for a possible drive-through loading dock with a statement, "The Advantages of Drive Through Loading Docks, and a *New York Times* article dated March 7, 2007, "An Ode Conceived in Traffic," by Clyde Haberman
5. A panoramic view of MoMA lines taken on August 8, 2008, at 4:26 pm.
6. Booklet Corporate Entertaining at MoMA and Corporate Membership information.



West 54 – 55 Street Block Association

MoMA/Hines Project 53 W 53 Street Land Use, Zoning and Public Policy, and MoMA Expansion

Comment for the July 22, 2009 CPC Hearing.

The lot on which the Museum of Modern Art (MoMA) and the Hines Interests plan to construct the 53 West 53rd Street project is directly across from the mostly residential North side of West 54 Street. The West 54 – 55 Street Block Association is deeply concerned about the negative impact this gargantuan building would have on the mixed residential/commercial, low scale blocks of West 54, 55 and 56 Street, north of MoMA, in the Preservation Subdistrict of the Special Midtown District. Below is a summary of the history of the Preservation Subdistrict and MoMA expansion.

In 1979 the Landmarks Preservation Commission (LPC) completed the Midtown West Survey (see Summary attached). It identified 33 historic buildings in these blocks.

In the late 1970's, MoMA sold its unused development rights for \$17 million to a developer to build the 54-story, 588-foot high Museum Tower (MT) mid-block on West 53rd Street, with condominiums over six floors of MoMA's galleries. The architect was Cesar Pelli. Completed in 1984, Museum Tower blocked access to sunlight and air for the low scale blocks north of it and its loading dock was placed on residential West 54 Street. **Two landmark quality buildings, 23 and 35 West 53rd Street were demolished to permit this construction** (see p.32-35, Midtown West Survey, attached).

In 1982, the Midtown Development Review by the Department of City Planning recommended that LPC designate the Preservation Subdistrict a Historic District (see attached pages). LPC did not act on the request. The Review followed a three year Midtown Development Study, which also recommended stabilization of the area bounded by Third Ave, 40 Street, Sixth Ave and Central Park South, with areas South and West of it recommended for development.

Also in 1982, Midtown rezoning created a Special Midtown District and within it the Preservation Subdistrict, including (except for Museum Tower's footprint) the North side of West 53 Street and both sides of West 54, 55 and 56 Street between Fifth and Sixth Avenues. Zoning became C5-P (max FAR 8) (downzoned from max FAR 10) (See attached Midtown District Plan Map and ZR Section 81-00 General Purpose).

In 2000, MoMA's second expansion started and was completed in 2004, with the Education Wing completed in Nov 2006. The architect was Yoshio Taniguchi. As part of this expansion, MoMA successfully sought a rezoning, which removed the north side of West 53rd Street from the Preservation Subdistrict, and upzoned that area from C5-P (max. FAR 8) to C5-2.5 (max. FAR 12) (higher than the FAR 10 before the 1982 rezoning). The 250,000 sq ft expansion included: a 16-story, 245-foot midblock office tower west of the Museum Tower, with office space for commercial rental above six floors of new MoMA galleries (creating 40,000 sq ft new gallery space, 16% of the expansion) and three new loading docks on West 54 Street, one for the Museum Tower on W 53 Street. The new tower blocked additional access to sunlight and air for the historic blocks north of it.



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For this expansion, MoMA demolished the landmark quality Dorset Hotel at 30 W 54 Street (see p. 68, Midtown West Survey attached) and several smaller townhouses on the block.

In recent years, except for the American Folk Art Museum on W 53 Street, MoMA bought every small property west of the museum all the way to the Financial Times building at Sixth Ave, demolished landmark quality City Athletic Club at 40 W 54 Street (about 100 feet tall, see p.44-45, Midtown West Survey, and June 23, 2003 NYT article by Christopher Gray, both attached) as well as the last few original townhouses on the block, and created an empty lot of about 17,000 sq ft (about 0.4 acre), which it sold to the Hines Interests for \$125 million in 2007 to build a mixed use museum/condo/hotel.

The lot merger, which includes a small portion of a C6-6 zoning designation, makes the unlimited transfer of development rights and a building without height limitation possible. Since the MoMA/Hines building has no direct avenue access, it becomes part of the midblock and therefore destroys the special character of the Preservation Subdistrict.

Such mixed zoning would permit, as-of-right, a 25-26 story, 288 ft high building, much taller than the under 100 ft structures there before, blocking access to sunlight and air and open space (Previously Approved Project).

To create a still larger building, the developer intends to transfer development rights from two nearby landmarked buildings. Using ZR Section 74-711, by merging the landmarked St Thomas Church at W 53 St and Fifth Avenue with almost the entire block, the developer proposes to transfer 275,000 sq ft unused development rights (equal in bulk to ten St Thomas churches stacked on top of each other) together with additional development rights from the American Folk Arts Museum to the development site; this would then allow the developer to build a 1,089 feet high alternative as-of-right building (the Expanded Development Site).

To maximize building height and bulk (and, presumably, profits), the developer proposes to transfer an additional 136,000 sq ft of unused development rights from the landmarked University Club across the street at W 54 St & Fifth Avenue to the development site, using ZR Section 74-79. This would allow a 1,250 ft, 82-story high building on a small, midblock 0.4 acre lot. (The Proposed Project). (The 1,250 ft tall Empire State Building stands on 2 acres of land on an Avenue and also wide 34 Street). **Special permits are also requested to allow the building: disregard the existing mixed zoning of the lot, cut pedestrian circulation space and rear yard requirements, and ignore height and setback requirements. Such an action would further vitiate the Preservation Subdistrict .**

It would also further undermine the 1982 Zoning regulations which, in Section 81-00 – General Purpose, set as goals the continuation of “the historic pattern of relatively low building bulk in midblock location compared to the avenue frontages”, and the preservation of “the midblock area north of the Museum of Modern Art for its special contribution to the historic continuity, function and ambience of Midtown”(see attached Midtown District Plan Maps & General Purpose).



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For all three versions only floors 2, 4 and 5 will be part of the museum.

This history shows that over the years MoMA has systematically eroded the intent and purposes of the Preservation Subdistrict. In September 2005 the Block Association applied for Historic Designation for the blocks and, working with Prof. Andrew Dolkart and graduate students at the School of Architecture, Planning and Preservation at Columbia University, documented the architectural history of every building in the Subdistrict. The LPC turned down our first request. However, we are continuing our research, and have also applied for individual landmark designations for many buildings. Two were designated landmarks in 2007, increasing the total number of landmarks to thirteen (1, 5, 7, 9, 11, 13, 15, 17 West 54 Street, The Peninsula Hotel at 700 Fifth Ave & 55 Street, 24 West 55 Street, 10, 12-14 & 30 West 56 Street). Three at 46 West 55 St, and 17 & 26 West 56 Street, recently had Public Hearings by LPC. Many more received Resolutions of support from Community Board Five. The Preservation Subdistrict shows what Midtown used to look like: a vibrant, thriving, low scale, mixed commercial/residential neighborhood, filled with unique townhouses, smaller apartment buildings, small businesses and restaurants. It is a major tourist attraction, also favored by the film industry. It should be protected and preserved.

The Preservation Subdistrict was stable from 1982 to 2005, except for the MoMA expansion. Since MoMA's last expansion developers have been descending on it:

- **A developer bought four historic townhouses at the northern tip of the Preservation Subdistrict at 31, 33, 35, & 37 West 56 Street (listed in the Midtown West Survey), and despite the opposition of the Block Association, public officials and Community Board Five, the LPC allowed them to be demolished, and replaced by Centurion, a tall condo with a 76 car garage, listed on p.10 in the 53 West 53rd Street EIS Draft Scope of Work. The four buildings housed many small businesses and some had tenants. All these were lost and displaced;**
- **In 2005 a developer bought four historic buildings at 12, 14, 16 and 18 West 55 Street, wants to demolish them and, with unused development rights bought from landmark buildings on West 54 Street, replace them with a 22 story high condo hotel. This is also on p.10 of the draft EIS document, see above. Most of the then thriving small businesses and tenants have been displaced, a few long term tenants are still fighting eviction;**
- **Two rental apartment buildings at 15 & 19 West 55 Street were sold to a developer, and resold to the Shoreham Hotel, evicting tenants and killing off thriving small businesses there. A few of the long term tenants are still fighting eviction, however the businesses have closed or moved elsewhere;**
- **The American Cancer Society on the North side of West 56 Street was sold to another developer;**
- **On the South side of West 56 Street, 18 West 56 Street sold to the owner of other adjacent buildings and a landmark quality parking garage on W 55 St;**



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- On the South side of West 56 Street three other buildings were sold;
- On West 54 Street developers have been approaching owners of a small coop and several townhouses, offering to buy up the properties or their air rights.

The museum's expansions have involved relatively small increases in gallery space compared to the total bulk of the development. For the last expansion only 16% of the 250,000 sq ft total space added was used to add 40,000 sq ft new galleries. At that time MoMA chose to build an office tower over six floors of new galleries instead of adding more new gallery space, and rents these offices for income. In the development now under consideration, the proposed plans for 53 West 53rd Street would use only 8 - 9% of the space for MoMA's galleries (again 40,000 sq ft); the remaining space would be for the hotel and condominium.

On the whole, the advantages of this project are not balanced by the enormous negative impacts on the community around it mentioned above and in our comments.

Submitted by Veronika Conant, President, West 54 – 55 Street Block Association

JAMES RUSSELL

Ode to Zoning Abuse

Architect Jean Nouvel has designed an implausibly thin obelisk that would rise in crooked facets almost as high as the Empire State Building.

Thank New York zoning laws for this chic behemoth, which could cast some of Midtown's most prized and densely built blocks into darkness. Someday such abuse may become illegal.

The 75-story hotel and condo would be wedged between the Museum of Modern Art and 1330 Sixth Ave., a drab corporate tower typical of the 1960s. It's meant to rise to more than twice the height of nearby Museum Tower, which MoMA built in the 1980s, and will define a whole new scale in the neighborhood.

Its 1,200-foot (365-meter) height would cast MoMA's sculpture garden into almost perpetual shadow. Perhaps that's fitting, since MoMA sold the 17,000 square foot lot to developer Hines for \$125 million a year ago. The deal allows the museum to add 50,000 square feet spread over three levels of the new building.

The real art in this deal, however, is the zoning. When MoMA Director Glen Lowry started talking up the sale, he said the site would support a development of about 210,000 square feet. Although much about the mix and final size of the building is still being worked out, a size greater than 500,000 square feet is banded about.

How does Hines do it? Company officials wouldn't explain except to say that the buildable square footage already has been legally established. Exactly how it's done won't be publicly known until Houston-based Hines files for a required special permit, which it intends to do early this year.

The building's height is mainly accomplished by a zoning device called transfer of development rights. This allows unbuilt space to be moved from above nearby landmark structures to Hines's site.

That said, Mr. Nouvel, who designed the 40 Mercer condominium in SoHo with Hines and Andre Balazs, offers up a glittering image of Manhattan in the com-

Instead of opening onto a lobby, visitors cross a bridge suspended dramatically over sunken restaurants and bars. In what Hines calls a "seven star" 100-room hotel, a spa pool slips between the dark diagonals of the building supports.

The zoning protects some daylight at the street frontages by requiring setbacks as the tower rises. In stacking some 120 condos in 53 floors atop the hotel, Mr. Nouvel bends and facets the surfaces to keep within the ever-narrowing, legally buildable envelope.

At most, one unit will fit in each of the super-luxe top 20 floors. Some will be united as duplex or triplex units to deliver enough useful space to justify the staggering (though not yet determined) prices.

Perched above Midtown, Mr. Nouvel's aeries will offer endless panoramas on two or three sides of each room. Mr. Nouvel's defiant coup de grace is to carry a skeletal spire above the penthouse to the point at which the planes of the setback lines meet.

For me, the trouble with Mr. Nouvel's design is not so much its great height — those skinny high floors won't block many views or much light — but the thick, looming, lower floors. It's not even leavened by the wind-scoured piazzas that gather a few puddles of welcome sun along Sixth Avenue. It extends a worldwide trend toward thin, super-tall buildings that mix residential and commercial uses.

I'm drawn to Mr. Nouvel's imagery — the Hines tower could make an extraordinary impression on the skyline. Still, it's time to stop the abuse of this zoning device in the latest race for the sky.

Mr. Russell is the American architecture critic for Bloomberg News.



ATELIER JEAN NOUVEL

DIANE BORST MANNING/NORMAN E. BERG

40 West 55 St., 9D
New York, NY 10019

To: Community Board 5

Date: June 3, 2009

Although we were initially pleased with the MoMA plans for expansion as the Museum is an important asset to Manhattan, we rescind our yeas vote. Why?

Fifty fourth street is a quiet block – unusual in midtown Manhattan. There are only three restaurants on the block. It was always a great place to walk the dog (and pick up after him of course).

This proposed building with its increased number of visitors, pedestrian traffic and increased vehicular traffic will undeniably congest the area in the short run during the 8 year construction period and even further exacerbate the situation once opened in a multi-use building the size of the Empire State Building (on a main thoroughfare). The proposed building is an uncalled for imposition on the neighborhood on a small crosstown street.

Diane Borst Manning/Norman E. Berg

ALBERT K. BUTZEL LAW OFFICES

249 West 34th Street, Suite 400, New York, NY 10001

Tel: 212-643-0375 Email: albutzel@nyc.rr.com

Written Submission of Albert K. Butzel, Counsel for the
West 54 – 55 Street Block Association, to the City
Planning Commission on the Hines/MoMA Tower

Public Hearing, July 22, 2009

My name is Albert Butzel. I make this submission on behalf of the West 54 -55 Street Block Association.

My principle purpose in this document is to focus the Commissioners on *the legal standards* that apply in this case under both the Zoning Resolution and the State Environmental Quality Review Act (or SEQRA) and to explain why, in my opinion, the requested approvals and waivers do not meet those standards.

Applicable Standards under the Zoning Ordinance

These are largely defined by the approvals the applicant seeks under Sections 74-79 and 74-711 of the Zoning Resolution and the bulk and other waivers it requests under Sections 81-27, 81-90, 81-45 37-50 and 23-532.

These sections may not confer a broad degree of discretion on the Commission; but at least one of them – Section 74-79 – requires a balancing of any historic preservation advantages against the disadvantages to the surrounding area resulting from the increased bulk; and a similar criterion pertains under Section 74-711, which requires the Commission to find that any bulk modifications it approves “shall have minimal adverse effects on the structures or open space in the vicinity in terms of scale, location and access to light and air.”

Moreover, in this case, the standards must be read against the history of the area in which the Hines/MoMA Tower is proposed. I refer in particular to the Special Midtown Zoning adopted in 1982, which, among other things, attempted to protect the areas between Fifth and Sixth Avenues along 54th, 55th and 56th Streets by creating a special preservation subdistrict in the midblocks.¹ (Indeed, at the time, the Department of City Planning recommended that the area be protected as a historic district, but unfortunately, that did not happen). The zoning was later modified to allow the construction of a tower atop the Modern Museum of Art, permitting that institution to expand, but the special subdistrict was maintained on the north side of 54th Street (and the zoning on the south side was held to C5-P) in recognition of the significant residential population and historic buildings (including the Rockefeller Apartments) in the area.

¹ Article VIII, Ch. 1 Special Midtown District. ZR Section 81-00 General Purposes ... f) to continue the historic pattern of relatively low building bulk in midblock locations compared to avenue frontages... m) to preserve the midblock area north of the Museum of Modern Art for its special contribution to the historic continuity, function and ambience of Midtown;)

I recognize that the special preservation subdistrict no longer includes 53rd Street or the south side of 54th Street, where the Hines/MoMA Tower will be located. But it is important to understand that a significant portion of the bulk of the Tower will be on 54th Street, directly across from the subdistrict and in a zoning category that itself is C5-P (the "P" referencing 'preservation'). *Equally important, the height and bulk of the new building will not respect zoning boundaries.* It will tower over the preservation district and impact it just as severely as if it were located in the district itself.

That is where the issue of compatibility, *which is a critical legal factor under Sections 74-79 and 74-711*, arises – and breaks down. It is not possible to square the immense size of the Tower with the surrounding area, which, while it already includes some high-rise structures, has nothing that even begins to approach the 1,250 feet of the Hines/MoMA proposal. And this is only one of many negative impacts the proposed building will inflict on its neighbors.

The Negative Impacts

1. Excessive Height and Bulk. This is illustrated in the rendering presented by the Block Association at the public hearing, a reduced version of which is attached to this written submission. The immense height of the Hines/MoMA tower as compared to the tallest of the surrounding high-rise buildings, including the CBS Building, is clearly shown here. The Tower sticks up like a sore finger and is explicitly designed to draw attention to itself, without concern for context or its neighbors. It is a building that pays not the slightest attention to the residents who live in the area, including many who have lived there for years; and as massive structure *in the midblock* (rather than on an avenue), it represents the opposite of the planning policies the City has generally followed.

The proposed Hines/MoMA Tower is, in fact, an outlier, made possible only by the extraordinary generosity of a zoning resolution that freely allows zoning lot mergers and the transfer of full development rights from landmark structures. But that freedom is not absolute – and the Tower is not as-of-right. *To the contrary, this Commission cannot approve the requested transfers if the disadvantages that the building inflicts on the surrounding area offset the claimed advantages to historic preservation or if the Tower adversely affects structures or open space in the vicinity.* Whatever else may be claimed for the proposed structure, it cannot be said to be compatible, and it cannot be denied that for residential structure in the area, it will have a significant adverse effect. For the neighborhood's residents, this 1250-foot high behemoth is a nightmare that will overwhelm them. ²

² This conclusion follows without passing any judgment on the architecture. At the proposed height, the handsomest building in the world would be incompatible with the surrounding area in this case, much of which is both residential and historic. Thus, the Montparnasse Tower in Paris may be a handsome structure in its own right, but its great height bears no relationship to the surrounding area and it has not been repeated.

And what are the advantages for historic preservation – the other side of the balancing the Planning Commission is required to do?

In this case, they are minimal. The two institutions transferring their development rights are a prominent church and a prominent social club that are in no danger of falling into disrepair. The fund the developer will provide to maintain the landmarks is very small – and need not be otherwise – because of this reality. The benefits that the maintenance fund will provide are marginal at best and in no way an offset to the burdens that will fall on those who live in the area, as well as the thousands of New Yorkers who pass through it each day.

I believe that solely on the basis of the height and incompatibility of the proposed Tower, the Commission must find that (1) its disadvantages in terms of impacts on the neighborhood and neighbors outweigh any small benefits it might provide for historic preservation and (2) it adversely affects structures in the vicinity area in terms of scale, location and light and air. As a consequence, the applications should be denied.

2. Light and Air; Visual Impact. These burdens are corollaries that flow from the excessive height and bulk of the Hines/MoMA Tower. In terms of light and air, the heaviest impact will fall on the residents living on 54th, 55th and 56th Streets between Fifth and Sixth Avenues. For many of these residents, including those in the Rockefeller Apartments and Museum Tower, their views to the west and south will significantly be impaired by the 600 feet of the proposed structure that towers above the existing high-rise buildings on Sixth Avenue. They will also lose sunlight when the shadow of the building is cast across their windows, something that will be a frequent occurrence. Nonetheless, the more telling impact will be the continuous presence of an out-of-place, out-of-scale, immensely tall tower blocking their views and, in a sense, hemming them in.

Moreover, the impact would not be limited to the neighbors. The Hines/MoMA Tower, if it were built, would be widely visible from many of the surrounding Midtown streets. At 1,250 feet, it will rise far above the existing high-rise streetscape, change visual relationships and dwarfing other important buildings. Calling attention to itself, it will also stand in the way, interrupting both views and expectations. It is a burden that not just the residents, but many others will share.

3. Impact on the Landmark CBS Building. By general agreement, the landmarked CBS Building, which is located on Sixth Avenue and 53rd Street – almost directly across from the site of the proposed Hines/MoMA Tower – is “one of the country’s great works of modern architecture.” This was, in fact, the exact phrase that the Landmarks Preservation Commission applied to the Building in its resolution designating the structure an individual landmark in October 1997. Designed by Eero Saarinen³ under the careful and relatively continuous scrutiny of William Paley, whose

³ Among other structures designed by Saarinen were the TWA Terminal at Kennedy Airport, Dulles International Airport, the famous parabolic Jefferson National Expansion Memorial in St. Louis and the Kresge Auditorium and Chapel at MIT

idea it was to move CBS to the West Side, the Building was also recognized in the LPC's report as "one of New York's premier post-World-War-II-era skyscrapers." Speaking of Saarinen, Paley remarked that "not only was he one of this country's outstanding architects, he was also a creative artist in the deepest sense, and he won us over by the force of his personality, imagination and practicality." The result of Saarinen's work – that is, the Building itself, with its black granite and dark glass façade, its triangular, columnar piers and its relationship to the area around it – more than justified such confidence.

The LPC Designation Report adds to the story in revealing ways:

Both Saarinen and Paley wanted a skyscraper that would differ from the established International Style of the 1950s, represented by such New York towers as . . . Lever House and . . . the Seagram Building. 'After all,' said Saarinen's widow Aline, 'that's why they came to Eero and not to Skidmore.

Saarinen experimented with models showing various possible shapes for the tower . . . Saarinen eventually settled on a rectangular tower, as he wrote Paley in March of 1961.

'I think I now have a really good scheme for C.B.S. The design is the simplest conceivable rectangular free-standing tower. The verticality of the tower is emphasized by the relief made by the triangular piers between the windows. The piers start at the pavement and soar up 424 feet. Its beauty will be, I believe, that it will be the simplest skyscraper statement in New York.'

Paley later went to Saarinen's office in Detroit to see a model, which he at first didn't like. On a second visit, however, Paley changed his mind. 'I saw what I had first thought of as austerity really came through as strong, exquisite, ageless beauty.'

As noted, the Hines/MoMA Tower would rise 1,250 feet directly to the north of the 425-foot high CBS Building. Aside from its overwhelming height, which will make any other structure, including CBS, seem small, in terms of its design, the proposed Tower will also be the exact opposite of Saarinen's. It will be all about frills and sharp edges and jagged planes in total contrast to the quiet beauty of the CBS Building. If the two structures bore some equality in height, they might be an interesting contrast. But that is not the case. Three times higher than CBS, the Hines/MoMA tower will not only dwarf the Saarinen building, the 800-feet of glass and frills that rise above and behind it will distract from, and confuse and diminish, the qualities that make CBS a landmark and a "great work of modern architecture.

Up to now, no attention has been paid to this significant negative impact. The LPC did not comment on it, because its role under the Zoning Resolution did not

require it to do so. The draft EIS barely mentions the CBS Building and makes no effort to analyze the impact of proposed Tower on the landmark structure. Nor have any renderings been provided to illustrate the impact from any angle. It is as if Jean Nouvel and his Pritzker-winning credentials have foreclosed any discussion of visual impact, even on historic structures. Yet given that the negative effects derive from scale and location, it is an issue that must be weighed under the Zoning Resolution. Moreover, the adverse impacts in this case are not limited to neighborhood residents, but include a much broader audience even though the impact is a local one. Whoever walks up Sixth Avenue will be affected, to their detriment and the City's.

4. Impacts on the Landmarked Rockefeller Apartments. The Rockefeller Apartments, located back to back on 54th and 55th Streets between Fifth and Sixth Avenues, are also individually designated City landmarks. As the LPC found and included in its resolution designating these structures:

[A]mong its other important qualities, Rockefeller Apartments are a major example of the International Style³, which synthesized the new currents in Europe, the Functional and biological aesthetic, new building techniques, and the concern for public housing . . . In their use of industrial materials, smooth wall surfaces, and especially their fenestration, Rockefeller Apartments are undeniably characteristic of the International Style . . . [and] when completed in 1937 . . . changed the current standards in New York City apartment house planning, giving 15 percent more space to light and air than required by law . . . ; and that Rockefeller Apartments occupy a place in the continuity of significant urban work in this city, in this country and in this century.

The Apartments stand less than 300 feet from the site of the Hines/MoMA Tower and a number of them have views that face the site. While the sight lines are partially obscured by the Modern Museum, the proposed tower will rise at least 900 feet above the MoMA structures on 54th Street, overhanging the residences and casting shadows across many of them.

The existing Museum Tower has already had a negative effect on the historic quality of the Rockefeller Apartments, yet it is only half as high as high as the proposed Hines structure and nowhere near as garish or self-promoting. The new Tower, if built, will, with its great height and pinnacle-like shape, further impair the historic character of the Apartments. It will also work a significant change to the character of the area in which the Apartments are located by inserting into the neighborhood a non-contextual outlier of a building. As in the case of the CBS Building, these negative impacts of existing landmark structures must be weighed in the balance under Sections 74-79 and 74-711 of the Zoning Resolution. In my view, whatever small historic preservation benefits may accrue under the Hines/MoMA proposal, they are more than offset by the adverse impacts (disadvantages) of that Tower with regard to already landmarked structures in the area, including the CBS Building and the Rockefeller Apartments. Moreover, there can be no doubt that the Hines/MoMA project would adversely affect those historic structures in terms of scale, location and light and air – the applicable standard under Section 74-79.

5. Impacts on Other Historic Structures. The CBS Building and the Rockefeller Apartments are not the only designated individual landmarks that will be impacted by the Hines/MoMA Tower. On 54th Street between Fifth and Sixth Avenues, six other buildings – No. 5, 7 (Lehman Mansion), 9, 11, 13 and 15 – have been designated under the City's Landmarks Preservation Law, as is the case with the Peninsula Hotel on 55th Street. In addition, there are many other buildings in the area that are clearly eligible for listing on the National and State Registers of Historic Places. These include: On 54th Street, Nos. 1, 35, 41 and the Warwick Hotel at 65 West 54th Street; and on 56th Street, the First Presbyterian Church and No. 10, 12-14, 17, 26, 28, 30, 36 and 46. These structures – and particularly those on West 54th Street – will be adversely affected by the Hines/MoMA Tower in the same ways as the Rockefeller Apartments. Again, this is a factor that must be weighed in the balance by this Commission.

6. Summary. Taking account of the negative impacts described in this memorandum, it is my view – and that of my clients – that the disadvantages of the Hines/MoMA Tower clearly outweigh the advantages. Moreover, beyond any question, the Tower will adversely affect structures in the area – including the residential buildings in which many of our members live – in terms of scale, location and light and air. *Under the standards set forth in the Zoning Resolution, these conclusions require that the applications to transfer development rights, and also for bulk and other waivers, be denied.*

SEQRA Criteria and Comments

SEQRA is more than a procedural statute – it has substantive content that is incorporated in the findings required under the law. At the same time, it mandates that the adverse impacts of a proposal be fully and fairly disclosed so that the decision maker – in this case, the City Planning Commission – will clearly understand that magnitude of the impacts and can reach an informed decision on the proposal.

In my view, the Commission has not complied with the requirements of SEQRA, nor does past history suggest that it intends to do so. The DEIS itself is so lacking in its disclosure as to make it impossible for the Commission to act on an informed basis. In addition, the requisite analysis of alternatives is completely skewed, using a straw man to justify the proposed action and thereby standing the alternative requirements of SEQRA on its head, in violation of the law.

The following is a partial listing of the major failings in SEQRA compliance that the Block Association and I have identified.

1. Excessive Height; Impacts on Light and Air. I have described these negative impacts above in this submission. Yet one scours the DEIS in vain to find any mention of these impacts. Judgments are rife but serious analysis is totally lacking.

2. Impacts on the CBS Building and Other Historic Structures. These are also described in some detail above. Yet the DEIS limits its consideration of impacts on landmarks to St. Thomas Church and the University Club, asserting that there would be none because those landmarks are more than 400 feet from the Tower site. Impacts on the CBS Building are never addressed even though it lies within 150 feet of the site of the Tower, which will be three times higher than "Black Rock." Indeed, the only serious mention of the CBS Building is the statement that it is more than 90 feet from the site and thus construction impacts do not have to be addressed under the CEQR Technical Manual. The Rockefeller Apartments and other historic structures on 54th Street are not addressed at all.

3. Traffic and Pedestrian Impacts. While traffic and pedestrian impacts may not be as directly pertinent as land use impacts to the decisions that the City Planning Commission is called on to make under the Zoning Resolution, they are critical considerations under SEQRA and the City regulations implementing it.

Relying on criteria included in the CEQR Technical Manual that it claims vitiates the need for detailed analysis, the Hines/MoMA DEIS concludes that there will be no adverse traffic or pedestrian impacts as a result of the project. This, however, ignores the realities of existing traffic and pedestrian conditions in the neighborhood – conditions that will be made worse if the proposed Tower is built.

The existing conditions are notorious. They include nearly constant congestion on 53rd and 54th Streets. They include delivery trucks parking along the curb, blocking one and sometimes two lanes and generating excessive noise. They include buses delivering groups to the Museum parking in rows along the 54th Street block, often with their engines idling. They include early morning loading and unloading, disturbing neighboring residents. They include long lines of pedestrians lining 54th Street all the way to Fifth Avenue as they wait to enter the Museum, at the same time as they block the way for residents living in the area and create a hubbub that intrudes up their homes.

I have attached photographs identifying these conditions, which are almost totally ignored in the DEIS. All that document provides is the usual numerical exercise to "prove" that at the peak hour, traffic will not grind to a complete halt. Whether this is true or not, the analysis takes no account of the real situation in the area.

The Hines/MoMA Tower will add to the problem. To begin with, it will include 100 hotel rooms, which are notorious generators of taxis and other vehicles; and like any hotel, the congestion at the entrances will often block already overtaxed streets. More significantly, the Tower will include 40,000 square feet of expanded gallery space for the Modern Museum. This can only result in added trucks and buses lining the street, added taxis delivering visitors, and added pedestrian waiting lines.⁴

⁴ Until recently, pedestrians were able to line up on the empty lot that is the site of the proposed Tower. Now, that lot has been closed off and pedestrian lines can extend for more than 1,000 feet along the Sixth Avenue and 53rd and 54th Street sidewalks, making it difficult to walk on these blocks. The expanded gallery space may well make it impossible.

That this result will follow is proved by the most recent MoMA expansion, likewise about 40,000 square feet, which has resulted in attendance increasing from 1.8 million to 2.5 million a year. As the attached images show, the current situation is ridiculous in terms of adverse impacts on the residential fabric of the area. The proposed Tower will make matters much worse. Yet the DEIS projects no increase whatever and, as a result, does not include any analysis of the negative impacts. Given the expansion, moreover, the application to waive pedestrian circulation space is particularly ludicrous.

4. Noise. The DEIS acknowledges that noise in the area is already intolerably high at times, but disregards the increases that the proposed would create or contribute to. Among other things, there is no consideration or analysis of noise from garbage removal or idling trucks, school buses and tour buses. Moreover, since the noise measurements for existing conditions were taken on two winter days more than two years ago, the base case itself was atypical of the current environment, understating worst case conditions (which take place in the summer and on free Fridays) and then failing to take account of the additional traffic, vehicular and pedestrian, that will add to the noise levels.

5. Other Adverse Impacts. The Block Association is currently reviewing the DEIS in greater depth and may submit additional comments during the period subsequent to this hearing in which they are allowed.

6. The Misuse of Alternatives. The DEIS for the project presents as its principal basis for comparison with the proposed project what it describes as an "as-of-right" expanded development scenario. This is the building that could supposedly be built as-of-right on the Tower site assuming the transfer of development rights on the merged zoning lot and without waivers of any kind.

This may or may not be so; we are not sufficiently expert in zoning practice to analyze that issue. But even if it is true, that has no bearing on the issues that the City Planning Commission is required to address under the Zoning Resolution; and, equally importantly, it violates SEQRA.

In terms of the Zoning Resolution, the standards set forth in it do not ask or permit the Commission to compare the proposed project to a theoretical as-of-right scenario. *To the contrary, they require the Commission to address only the proposed project and to determine on that basis whether its disadvantages outweigh its advantages and whether it adversely affects other structures in the area.* As a consequence, the Expanded Development Scenario is irrelevant to the judgments that must be drawn under the Zoning Ordinance.

With respect to SEQRA, the analysis in the DEIS stands the statute – and its command to consider alternatives – on its head. Thus, Instead of identifying and evaluating reasonable alternatives that could *minimize environmental impacts*, the

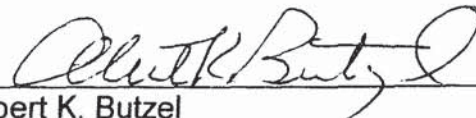
DEIS devotes most of its attention to the Expanded Development Scenario, which it seems to view as a "worst case" option, and uses it to justify the proposed Tower because the latter's impacts are no worse. This is completely contrary to SEQRA's mandate. Even more illegally, in assessing negative impacts, the DEIS uses the Expanded Development Scenario as the principal basis for comparison. As a result, it is able to dismiss the most significant adverse impacts, including the excessive height and bulk of the proposed Tower, because the differences are small.

If the DEIS were serious about alternatives and the possibility of minimizing adverse impacts, as SEQRA requires, it would have focused on the Previously Approved Project of 250,000 square feet or variations that include some transferred development rights, but less than the 400,000 square feet that makes the Tower possible. For example, a 40 story structure equivalent in height to the CBS or Financial Trust Buildings would sharply reduce the adverse impacts of excessive height, as well as the negative effects on historic properties, while also providing MoMA with the expansion space it requires and St. Thomas with a maintenance fund sufficient to ensure the long-term protection of the Church. This would have followed SEQRA's substantive requirements regarding alternatives. Instead, a strawman has been set up in an illegal effort to justify the proposed Tower.

In my view, the Expanded Development Scenario is a red herring as well as a strawman. This is because it is entirely theoretical. There is, for example, no engineering analysis that it is feasible to build. Similarly, there is no marketing study to demonstrate that the configuration would result in a financially feasible project. There is no analysis provided relative to the return that would flow from the already approved project, which does not involve the payment of millions of dollars for transferred development right, as compared to the Expanded Development Scenario, which depends on such payments. And, of course, there is no commitment from the developer that if the current 1,250 high tower is turned down, it will go forward with the Expanded Development Scenario or something like it. In short, there is nothing real about that Scenario. Consequently, illegalities aside, I do not believe that that Scenario should not be used as a basis for comparison by this Commission in reaching its decision.

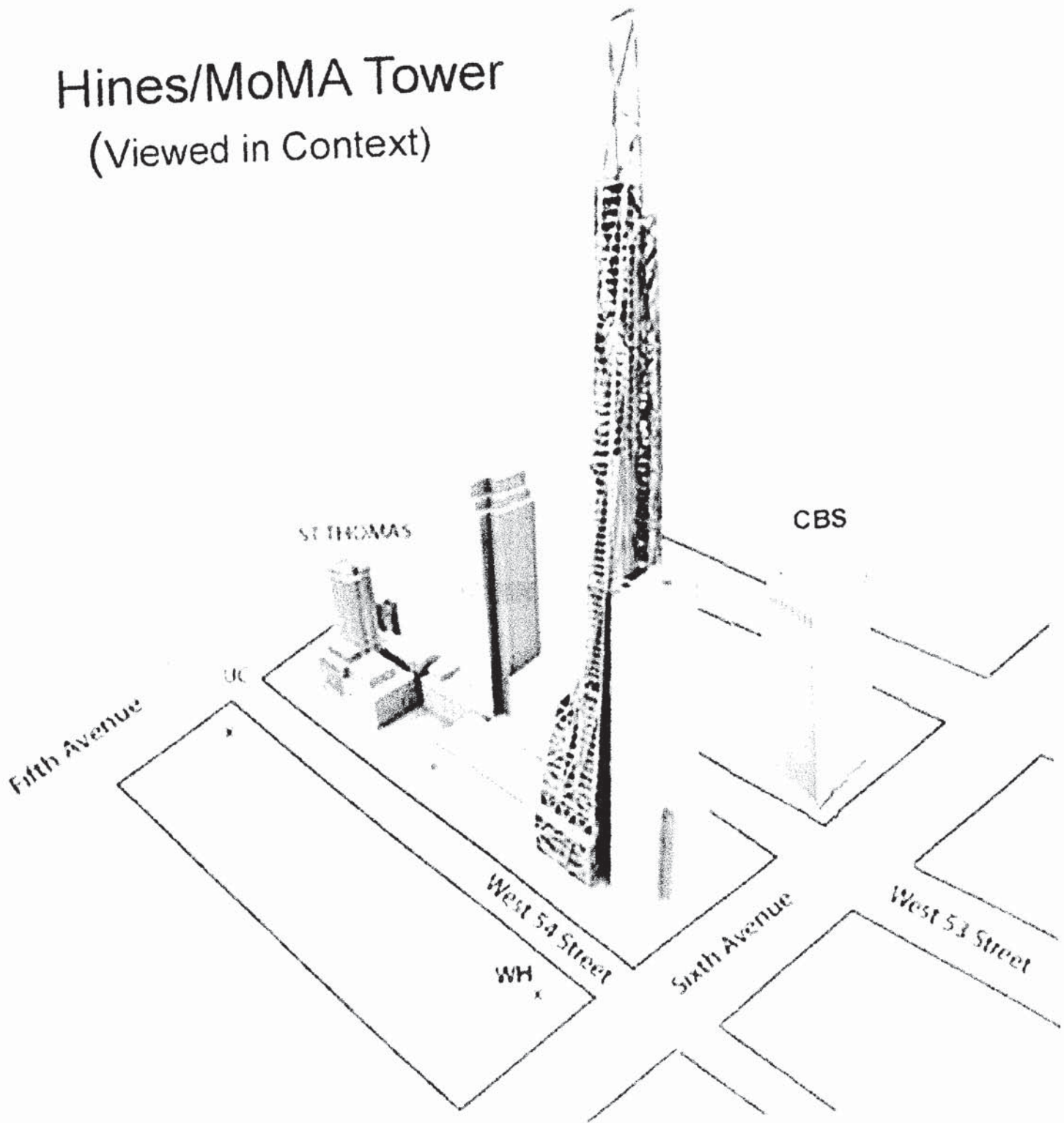
Conclusion

For the reasons set forth above, the applications to approve the transfer of development rights and for various waivers should be denied.

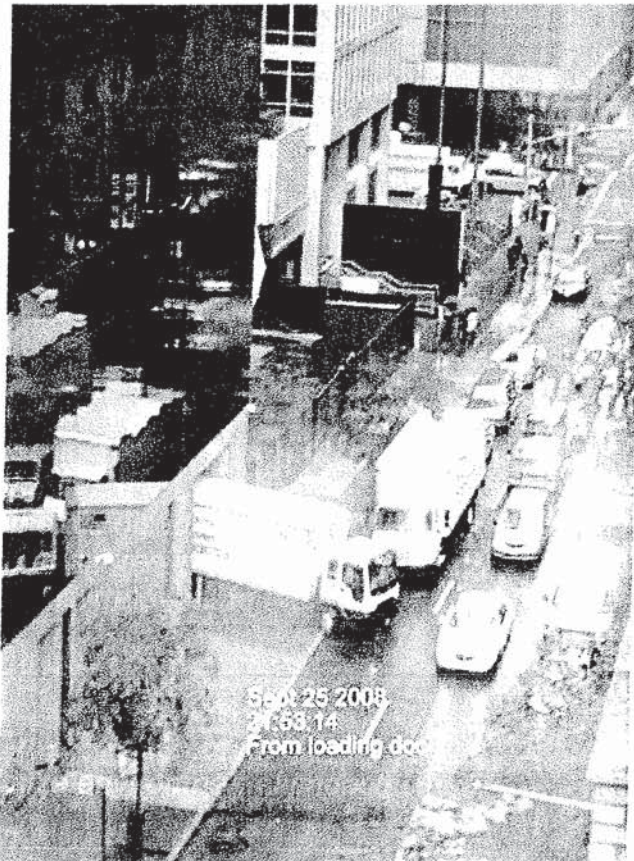


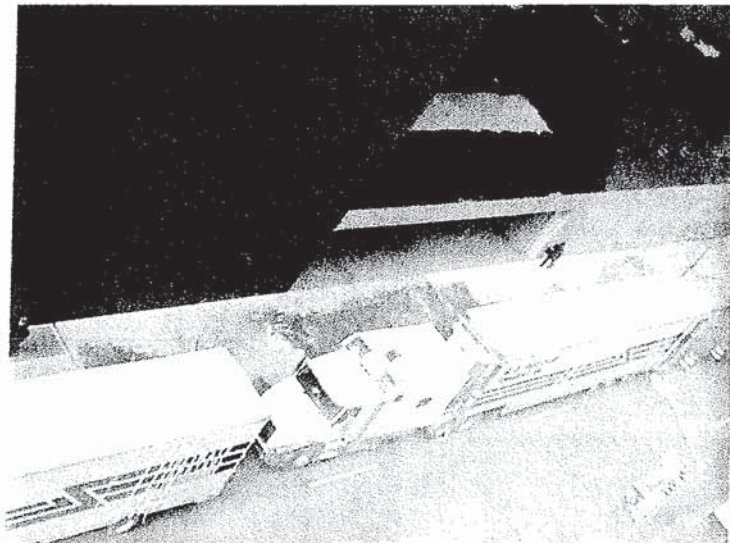
Albert K. Butzel
Albert K. Butzel Law Offices
Attorney for West 54-55 Block Association
249 West 34th St, Ste 400
New York, NY 10001
Tel: 212-643-0375
Email: albutzel@nyc.rr.com

Hines/MoMA Tower (Viewed in Context)



Traffic Congestion on 54th Street





53 W 53rd Street, W2005/Hines West Fifty-Third Realty, LLC, application for two special permits to facilitate the construction of an 82-story mixed-use building.

WHEREAS, The applicant proposes to construct a mid-block 82 story mixed-use building at 53 West 53rd Street which would contain a 100 room hotel, 150 residential units, a block-through lobby, a cellar restaurant and a loading dock on West 54th Street; and

WHEREAS, The proposed building would sit on the western end of a merged zoning lot which stretches from just east of 6th Avenue to Fifth Avenue and would require Special Permits for the transfer of 136,000 square feet of floor area from the University Club at Fifth Avenue at West 54th Street under section 74-79 of the Zoning Resolution and another 275,000 square feet from St. Thomas Church under Section 74-711 of the Zoning Resolution; and

WHEREAS, The applicant also seeks waivers under Section 74-711 to permit the distribution of floor area without regard to zoning district boundaries (the proposed building site sits on two different zoning districts), height and setback requirements, pedestrian circulation space and rear yard equivalent requirements; and

WHEREAS, The proposed building was designed by Jean Nouvel as a slender, glass-clad tower which would be a significant architectural addition to the city but would rise on its mid-block location to 1,250 feet in height and would be one of the tallest buildings in the city -- which will, on a winter day, cast a shadow in Central Park; and

WHEREAS, The proposed building would include nearly 52,000 square feet in new space for the Museum of Modern Art (MoMA), increasing its gallery space by approximately 39 percent; and

WHEREAS, This Board reviewed the landmark aspect of this application in March 2008 and determined that the proposed tower was not harmonious with the existing landmarks and recommended that the Landmarks Preservation Commission deny the transfer of air rights from the University Club and St. Thomas Church; and

WHEREAS, The Landmarks Preservation Commission voted to approve the air rights transfer in May of 2008; and

WHEREAS, This Board also recommended that the City Planning Commission review the environmental impacts of traffic congestion from the construction of this building using a river-to-river analysis and a cumulative look at the impacts of the new building on local schools and emergency services; and

WHEREAS, While the CPC expanded the scope of the reviewing area somewhat for limited purposes, a river-to-river analysis of congestion was not performed and the building was generally not found to have a significant environmental impact on the area except as to shadows during the summer months; and

WHEREAS, The north side of West 54th Street is residential and the neighborhood has recently been subject to a multi-year construction project associated with the Museum of Modern Art; and

WHEREAS, There are now over half a dozen loading docks on West 54th Street and the use, or lack of use, of loading docks by MoMA and others on the block has created significant traffic congestion in the area; and

WHEREAS, Although MoMA may have taken some steps to lessen the impact of loading activity on West 54th Street, it has generally developed very bad relations with its residential neighbors and is not perceived to treat residential concerns seriously; and

WHEREAS, While the applicant has agreed to provide a liaison to the community during construction who will work with the Board and the community in minimizing the impacts of construction, the construction of such a large building will undoubtedly cause major disruptions to mid-town traffic and numerous other noise and pollution problems in the immediate vicinity of the project; and

WHEREAS, Although the Board is not concerned with the various waivers as to district boundaries, height, setback, rear-yard and pedestrian circulation space because these waivers would help to enhance the beauty and the practicality of the proposed building, the Board is concerned that the proposed tower is simply too large for its site; and

WHEREAS, Although the benefits of new maintenance plans for the University Club and St. Thomas Church, an important new architectural addition to the City and more public gallery space at MoMA would not be insignificant, the Board finds that the transfer of development rights would unduly increase the bulk of the proposed building such that the benefits are outweighed by the burdens associated with such a tall new building on this midblock site; therefore be it

RESOLVED, That Community Board Five **denies** the 53 W 53rd Street, W2005/Hines West Fifty-Third Realty, LLC application for two Special Permits under Sections 74-79 and 74-711 of the Zoning Resolution.

The above resolution passed by a vote of 30 in favor, 9 opposed, 1 abstaining, 1 present not entitled to vote. ↑



Environmental and Planning Consultants

440 Park Avenue South
7th Floor
New York, NY 10016
tel: 212 696-0670
fax: 212 213-3191
www.akrf.com

Memorandum

To: 53 West 53rd Street Project File
From: Chi K. Chan
Date: July 21, 2009
Re: CPC Hearing Testimony
cc:

Good morning Commissioners, Madame Chair. I'm going to address some of the questions and issues raised regarding the traffic and loading activities on 53rd and 54th Streets.

First, 53rd and 54th Streets are both designated Thru Streets in Manhattan. The morning peak hour has the highest traffic volumes, with nearly 700 (675) vehicles on 53rd Street and just over 500 (540) vehicles on 54th Street.

Overall, traffic flows better on 54th than on 53rd Street. And in this area, traffic on 54th Street generally flows better than other nearby cross-town streets.

53rd Street – 5 driveways, including 3 to loading docks and 2 to garages.

54th Street – 8 driveways, including 6 to loading docks and 2 to garages.

On 54th Street, we've observed on a typical day 25 deliveries during the morning peak hour, over half of which are being made on-street.

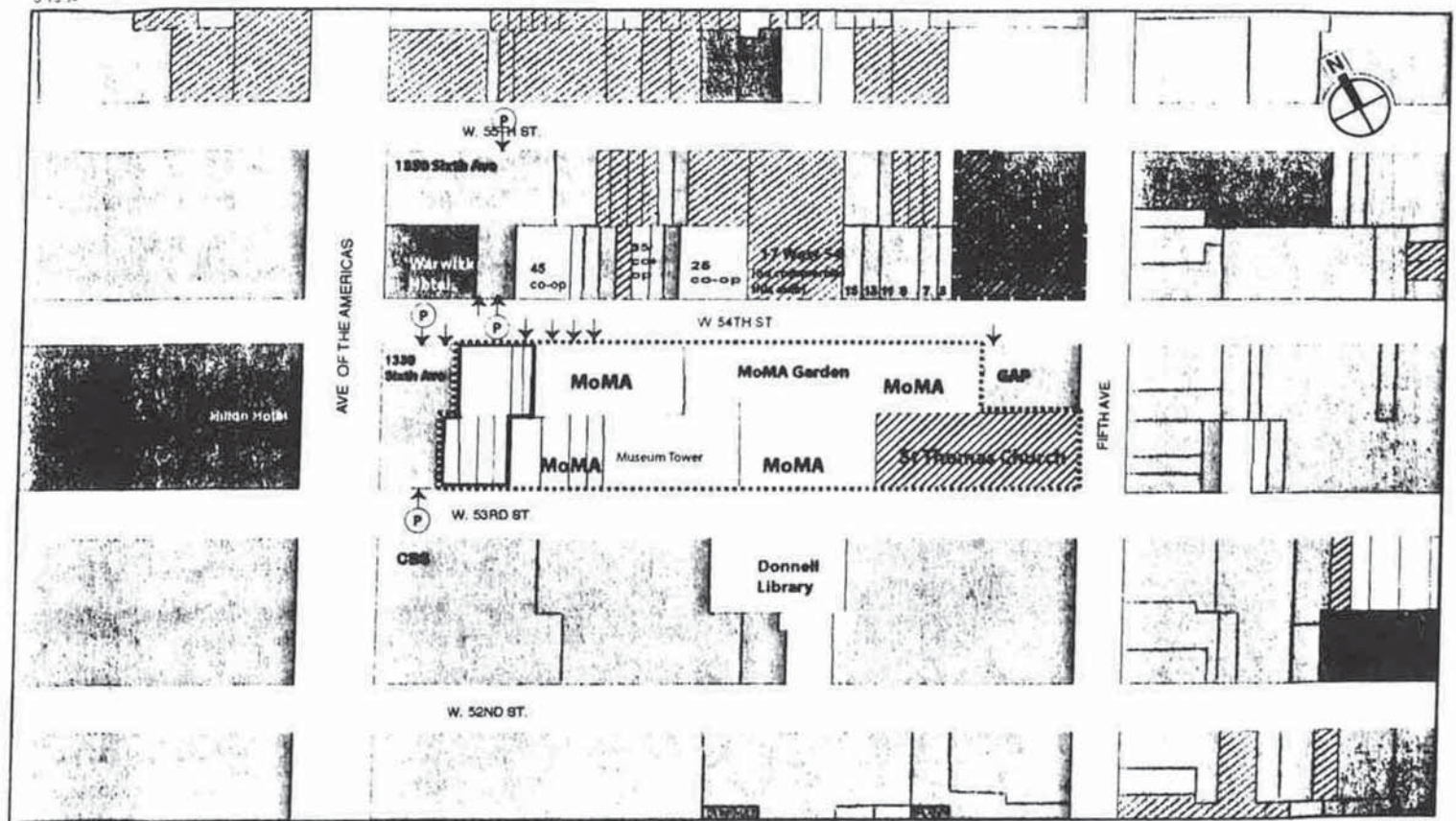
The EIS analyzed a worst-case development of 167 hotel rooms and 300 apartments, as compared to the intent to build fewer hotel rooms and fewer apartments.

So, the trip estimates, which are based on the larger program, is therefore conservative, yielded up to 29 total deliveries a day for the building with up to 3 deliveries during the morning peak hour or approximately one delivery every 20 minutes.

Our observations also show that the Warwick hotel across the street, which has 3 times as many hotel rooms, had only one delivery during the morning peak hour. So realistically, we're looking at only about 1 to 2 deliveries in a peak hour. And these deliveries would also occur with the AOR buildings.

To accommodate these deliveries, we're proposing a loading dock on 54th Street. This loading dock is required because our building will have over 100,000 square feet of hotel use. A single delivery truck backing into the loading dock generally takes 30 seconds to a minute. Because both sides of 54th Street at the project site have No Standing Anytime regulations, leaving more space for traffic to pass, the duration of traffic disruption could be even less.

We believe that having this loading dock on 54th Street would be the most sensible from both the land use and traffic perspectives, since per zoning, new loading docks on 53rd Street are prohibited and traffic flow and curbside regulations on 54th Street are more favorable than on 53rd Street.



Existing Land Use
Figure 3

53 West 53rd Street

↓ LOADING DOCKS

Ⓟ DRIVE THROUGH PARKING

ADAPTED FROM FIS



West 54 – 55 Street Block Association

MoMA/Hines Project – 53 W 53 Street

City Planning Commission's Public Hearing, Wed, July 22, 2009

Veronika Conant, West 54 – 55 Street Block Association

I am Veronika Conant, President of the West 54 – 55 Street Block Association in the Preservation Subdistrict of the Special Midtown District, asking the entire City Planning Commission to deny approval of the Special Permits to MoMA/Hines for their development plans for an 82-story, 1,250 feet tall Empire State-size building on a small midblock lot west of MoMA, using landmark laws ZR Section 74-79 and 74-711. The decision for denial by CB5 reflected the sentiment of the community on a major issue which is also a major issue for the city – to protect low scale midblock neighborhoods zoned for preservation from overdevelopment.

The 500 pages long draft Environmental Impact Statement (DEIS), does not include any of our or CB5's recommendations and is deeply flawed and misleading:

- The general study area of ¼ mile is too small, the numerous lot mergers allowing transfer of 275,000 sq ft air rights from St Thomas Church to the development site create an enormous lot almost the size of the block, yet the rich surrounding Historic Resources are only studied within 400 feet while the harmoniousness condition between the landmarks and the new building is considered not applicable because the distance between them is over 400 feet.
- Car and Pedestrian Traffic. DEIS says the project does not need a detailed traffic study because it is below the threshold. Why if the gallery space will increase by 40,000 sq ft (30%) will there be no increase in attendance when in the previous expansion comparable gallery space resulted in significantly increased annual attendance from 1.8 million to 2.5 million? (700,000 visitors a year, over 300 days open means 2,333 visitors per day, 300 visitors per hour) The DEIS states they need not address this. Why? This, in addition to car and pedestrian traffic due to a new building with a hotel, condos plus a restaurant.
- Need river to river traffic study of both through streets, W 53 & W 54 Streets where traffic congestion is a major problem which has to be formally acknowledged and addressed. On Friday July 10 around 1 p.m., not considered rush hour, I was driven home after my surgery and rehab. We got off the FDR at 53 Street to cross over to 6th Ave. Traffic was at a complete standstill, we had to take 2nd Ave to 49 Street, the next through street, to get to 6th Ave and finally to W 54 Street. We had the same experience four days later, after a doctor's visit to York Ave.
- Air Quality. The DEIS falsely claims less than 75 motor vehicles per peak hours for a new, unprecedented size skyscraper, with 40,000 sq ft new galleries, a hotel, condos and a restaurant, and did not do a proper study. Instead, ozone was measured at CCNY in Harlem, other pollutants, CO, NO2 particulate matter were measured on 100 feet wide E 57 Street near 2nd Ave in December 2007, under



West 54 – 55 Street Block Association

winter conditions, without HVAC. Even this way, PM 2.5 and ozone were above National Ambient Air Quality Standards (NAAQS).

- **Noise.** DEIS acknowledges that noise is at times intolerably high and they are sealing themselves from it. They do not address noise from garbage removal, idling trucks, school and tour buses. DEIS ignores the true reality of the situation and picked winter days Jan 31 and Feb 1, 2007 to show that values were intolerable, and did nothing more. This study too was meaningless.
- **Environmental effects** (air quality, noise, sanitation, congestion) are already at or above allowed levels without additional values by the new building, affecting public health. We request an E designation on the zoning map for MoMA's block. (If the environmental analysis indicates that an impact is possible due to noise or air quality, or potential hazardous material contamination, then an (E) designation is likely to result)
- NYC is one of the most polluted cities with Manhattan failing the particulate matter standards. Our blocks, with loading docks, large truck traffic and much idling need and deserve a proper environmental study. CO levels were already very high in 2000. This is a public health issue which is of much importance to residents, especially with families, small children and frail elderly.
- For loading functions they need to look at the entire merged lot and need to reconfigure existing loading docks to create an off-street, drive through loading to be shared by MoMA, Museum Tower and MoMA/Hines, easing traffic congestion.
- The unprecedented true Floor Area Ratio (FAR) for the development site is 38.6 FAR and not around 11 FAR as claimed for the huge merged lot, including Museum Garden. It was an exercise in cheating.
- **Shadows.** The only negative impact listed in the DEIS was shadows cast on stained glass windows of the Fifth Avenue Presbyterian Church. Loss of access to light and shadows on other important buildings including Rockefeller Apartments and vegetation, including Central Park, several plazas on 6th Ave, were ignored. But there were diagrams showing shadows on these.

We need more meaningful studies to fully evaluate the environmental impact of this potential environmental disaster which introduces a totally new scale into our Special Preservation Subdistrict which the W 54 Street side of MoMA is a part of. Safety and security, and impacts on nearby building foundations must be carefully evaluated.

Please modify the DEIS, reduce the size of the building and deny the Special Permits requested. Thank you.

Pete Davies
548 Broadway #5A
New York, NY 10012

Re: MoMA Tower, 53 West 53rd Street
Manhattan
CEQR No. 09DCP004M
ULURP Nos. 090431ZSM and 090432ZSM

Members of the Commission –

I would first like to thank the commission for the opportunity to speak regarding this great project from Hines Development and Jean Nouvel for the Tower Verre at MoMA. Today I urge you to offer your support by voting to approve the zoning changes needed to allow the additional space that is now being sought for the project.

This newly-designed MoMA tower is one of the most beautiful and distinctive plans to have been considered for our great city since the heyday of the iconic NYC skyscraper some 80 years ago. It honors the tradition of the classic NYC "wedding cake" tower style by incorporating the guides for setbacks outlined in the 1916 zoning regulations. When built it will rank right up there with Rockefeller Center, the Chrysler Building and the Empire State Building as one of the landmarks of midtown.

The Landmarks Preservation Commission has previously approved the transfers requested for this new tower. LPC also approved the initial Nouvel design. It should be duly noted that prior design, only eight stories shorter than the version now up for review, can be built as of right on the site.

The new plan currently seeking approval will not change in any great way the conditions considered when the first plan was approved, including any added traffic on nearby streets or visitors to the museum. But this new endeavor will offer an even greater opportunity for the restoration of one of the jewels of midtown, the magnificent stained glass windows of St. Thomas Church and also produce much needed revenue for the on-going maintenance of the University Club.

Once again, I urge the Commission to give this project your full support and approval.

24 WEST 55TH STREET, NEW YORK, NY. 10019

July 20, 2009

Ms. Amanda Burden
Chair, City Planning Commission
22 Reade Street
NY, NY

Re: 53 West 53rd Street, Manhattan

Dear Chair Burden,

I wish to record my opposition to the special permit application for the captioned project by MoMA/Hines.

Putting a skyscraper of this size and magnitude on a midblock is thoughtless planning. The height and scale of the 1250' tall tower is far too large for a narrow street in the midblock. It violates our zoning and will seriously impact "quality of life" for those of us who live in the neighborhood. Reduction of sunlight and garbage collection at night are two immediate concerns,

There is already far too much traffic on West 54th and West 53rd Streets and during the holiday season the traffic has already reached intolerable proportions. The draft environmental impact statement should have studied these streets river to river as the department of transportation views them and as our community board five requested. MoMa/Hines's traffic counts are two years old and just under threshold for mitigation. They fail to consider the closure of Broadway between 47th and 42nd Streets that is causing even more cross town traffic above 47th Streets onto our streets in the West 50's.

Having endured six years of MoMA construction in this decade for the last expansion from 2000 to 2006, another 44 months as described in the draft environmental statement is far too long versus the previously approved project which would take 24 months.

Please reject this application.

Sincerely,


Jane Garmey

24 WEST 55TH STREET, NEW YORK, NY. 10019

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Having endured six years of MoMA construction in this decade for the last expansion from 2000 to 2006, another 44 months as described in the draft environmental statement is far too long versus the previously approved project which would take 24 months.

Please reject this application.

Sincerely,


The Reverend Stephen Garney

DANIEL R. GARODNICK

DISTRICT OFFICE

110 WEST 53RD STREET
NEW YORK, NY 10019
PHONE: (212) 312-2200
FAX: (212) 312-2200

CITY HALL OFFICE

100 CITY HALL
NEW YORK, NY 10007
PHONE: (212) 312-2200
FAX: (212) 312-2200

garodnick@council.nyc.gov

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OF
THE CITY OF NEW YORK

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COMMITTEES

COMMITTEES

COMMITTEES

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COMMITTEES

**Testimony of Council Member Daniel R. Garodnick
Before the City Planning Commission
On the ULURP Actions for 53 West 53rd Street
Wednesday, July 22, 2009**

Good morning Chair Burden and Commissioners. Thank you for the opportunity to testify. Though I will go into some detail below about the many concerns I have with this project, ultimately I hope it is you who will be able to tell me how a project of this unprecedented size, without avenue access, is an example of sound planning.

The applicant has studied the impacts of its plans under three scenarios. It bears noting that the proposed configuration, at some 658,000 zoning square feet is more than 50 percent larger than the 424,843-square foot, so-called "Expanded Development Scenario," which itself is twice the size of the "Previously Approved Project." The size of this proposed building, which would be as tall as the Empire State Building, and its location—without direct access to an avenue or wide street—warrant caution about any action that could overwhelm this neighborhood or create a destructive planning precedent. I hope you will exercise such caution.

The proposed tower's design represents a shrewd accumulation of air rights and development waivers that by themselves do not seem to present grave impacts. However, the culmination of the developer's vision is to place the tallest building in New York City onto a plot that lies partially in the low-rise Special Midtown Preservation Subdistrict. We have heard from the developer why this is a desirable outcome, but I ask you as the City's planning body to justify this contradictory scenario. In that vein, while it is broader than today's discussion, I encourage you to study the appropriateness of vast air rights transfers made possible through zoning lot mergers, and whether they should be limited in any way to preserve contextual development.

Regarding the matter at hand, I recognize that the applications before you are complex in their detail and abstract in their relation to any final product that will rise at 53 West 53rd Street: air rights transfers, waivers for "rear yard equivalents" that begin at an elevation of 177 feet, the placement of bulk that is the result of merged super-lots that have not yet been merged, and so forth. Despite this complexity, or perhaps because of it, I and the constituents of the West 50s

whom I represent in the Council look to you for a clear explanation of this project's planning principles and for thoughtful solutions that will mitigate any negative effects.

In his recommendation, the Borough President did well to identify pedestrian traffic, truck deliveries, bus traffic, and the various noise and environmental issues that come with them, as key concerns, particularly on West 54th Street. While both 53rd and 54th Streets are designated "Thru Streets" by the Department of Transportation, 54th Street bears the vast majority of the deliveries and bus traffic that serves the Museum of Modern Art (MoMA), to the detriment of residents. Pedestrian flow on 54th Street is interrupted by activity at the six loading docks on the block between Fifth and Sixth Avenues. Currently only about half of MoMA's deliveries are handled through its loading bays—the rest are either done curbside, or outside the bays, blocking sidewalk access. Surely there is a better answer than a new curb cut and loading bay to accommodate deliveries to the proposed building.

My office continues to receive complaints about buses visiting MoMA that park or idle on 54th Street in defiance of City law and of the museum's earnest attempts to relocate them away from the area after dropping off their passengers. Yet it is reasonable to believe that bus trips to the museum, along with pedestrian traffic, will increase with MoMA's 51,949-square foot expansion into the lot at 53 West 53rd Street, much as the addition of 40,000 square feet of gallery space in 2005 was accompanied by an increase in yearly visitors from 1.8 million to 2.5 million—some 2,250 additional visitors per day.

The nature and cumulative effects of all this activity on the south side of 54th Street have created a perception among residents that it is a "back door" for 53rd Street. This perception is reinforced by not just the numerous curb cuts breaking up the walkway, but also by the imposing street wall—including the high, corrugated steel wall to protect the MoMA sculpture garden—with few points of interaction with pedestrians.

I strongly encourage you to explore ways to enliven 54th Street for pedestrians in the context of this development, but I also urge you to go even further. Examine this project "holistically." Use the range of your discretion to establish limits where necessary in order to ensure that whatever is built at this site does not unduly overwhelm its neighborhood. The developer estimates the construction time for the proposed project to be nearly four years—but this Commission should seek out design changes to minimize these impacts and to enhance this area for the long run.

Ultimately, through each step of the ULURP process, we must ensure that whatever is built at 53 West 53rd Street be consistent with the intent of City zoning regulations. I look forward to recommendations from you that appreciate this responsibility.

Thank you for the opportunity to testify today.

My name is Leah Gordon and I live on the fifth floor of 45 West 54th Street, directly across from the Moma/Hines lot and in the building that will be most affected by the proposed 75 story tower.

I moved to 54 Street in 1983, 26 years ago, when it was the last residential Street in midtown. It had elegant townhouses and 1950's style apartment buildings. The buildings were low, there was light and air and people used to shake their heads in envy when told my address. Now let me state in the beginning, I am not against development and change. Development is necessary and good for a vibrant, rich and unique city such as only New York is. And although I had hoped Moma would make a little vest pocket park out of the empty lot when the museum first acquired it, I realize that that is wishful, impractical thinking.

Change, however, in a city like New York, where every square inch is valuable, must be done in a thoughtful, considerate way, thoughtful of the environment, considerate of the aesthetics and most important safe for the neighborhood, the community and the city. The Moma/Hines proposed building, which may look good on blueprints, does not honestly consider the environment, the aesthetics of the neighborhood or the safety of the pedestrians, the residents or the emergency vehicles. Realistically, I know we will have something across the street. But to build a structure that is taller than the Empire State Building on a small midtown block, on a narrow crosstown street is a terrible mistake. The owners have manipulated the zoning laws, misrepresented the environmental affects and put the neighborhood into jeopardy by putting a behemoth building on a 60 foot wide street when it should be on a 90 foot avenue.

On a lighter but no less serious note, I would like to tell you about my 14 year old Calico cat named Zoey. Zoey spends most of her day looking out of the window at the Moma Hines lot. She enjoys the sunshine, is tantalized by the birds that fly around the buildings and watches the shifting shadows cast on the ground below. She will be very upset if that huge skyscraper takes away her sunshine, her birds and her light. The last thing she told me when I left this morning was, "Don't let them build that tower." For everybody's sake, I hope you will not.



NEW YORK STATE ASSEMBLY

822 LEGISLATIVE OFFICE BUILDING, ALBANY, NY 12248
TEL 518-455-4941 FAX: 518-455-5939

242 WEST 27TH STREET, NEW YORK, NY 10001
TEL 212-807-7900 FAX: 212-243-2035

E-MAIL: GOTTFRR@ASSEMBLY.STATE.NY.US

RICHARD N. GOTTFRIED
75TH ASSEMBLY DISTRICT

CHAIR
COMMITTEE ON HEALTH

COMMITTEES
RULES
HEALTH
HIGHER EDUCATION
MAJORITY STEERING

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MoMA/Hines Development: Deny Request for Special Permits

Assembly Member Richard N. Gottfried
Testimony before the New York City Department of City Planning
Spector Hall, 22 Reade Street
Wednesday, July 22, 2009

I am Assembly Member Richard N. Gottfried. I represent the 75th Assembly District in Manhattan, which includes Chelsea, Hell's Kitchen, Murray Hill, and parts of the Upper West Side and Midtown, including the area where the MoMA/Hines building at 53 West 53rd Street is proposed.

A building of this magnitude on a mid-block location violates the basic principles of New York City zoning and good urban planning. It should not be allowed.

In order to permit the transfer of development rights to 53 West 53rd Street from the two landmarks, the University Club and St. Thomas Church, the City Planning Commission must approve special permits under §74-711 and §74-79.

St. Thomas Church, an individual landmark in good condition, is applying for a special permit under §74-711 to sell all 275,000 square feet of its air rights, arguing that the preservation plan it is currently undertaking satisfies the findings required by the zoning code. If St. Thomas Church wants to upgrade the building, it should do what congregations do, and turn to its members.

The University Club is applying for a special permit under §74-79 to sell all 136,000 square feet of its air rights, presenting a preservation plan which also falls short of demonstrating financial need. Neither landmark is in danger of deterioration, or has a stated lack of resources. It is wrong for the church and the University Club to finance their operations by imposing the burden of the MoMA/Hines building on its neighbors.

Community Board 5 reports that both are currently in good condition with ongoing maintenance plans. There is no "burden" that needs to be relieved and no landmark preservation purpose to be served by the air rights sale.

However, there is substantial *public* burden resulting from the excessive height and density, shadows, traffic, and other impacts the proposed tower will impose on the community. While the Environmental Impact Study asserts no "significant adverse effect" of shadows from the MoMA/Hines tower, that is preposterous.

The building would be 1250 feet high, as tall as the Empire State Building, making it one of the tallest buildings in New York City. Unlike other skyscrapers, the MoMA/Hines site is not on a wide avenue or a wide cross-town street; it is mid-block on a narrow mixed-use side street with its back on a residential street.

A §74-711 permit also requires a finding that the building will relate harmoniously to the transferring landmark. Some might claim that because of the distance between the development site and the landmark, the harmoniousness standard would be met.

The harmful impact the tower will have on St. Thomas Church and the surrounding area is substantial despite the distance between the tower and the landmark. It is shocking to think that a building of this size can be put near this landmark church simply because, when standing next to the church, you cannot see the top of the tower without craning your neck.

With respect to the University Club, the zoning text is clear. There must be a preservation plan that benefits the landmark without adding burden on the community. Fifty-third Street is characterized by low-rise mixed-use development. The MoMA/Hines plan is inconsistent with and degrades this character.

Traffic and pedestrian impacts are important and relevant to the weighing of advantages and disadvantages under Section 74-711, and they should be taken into account under the State Environmental Quality Review Act and the City regulations implementing that statute.

A building of this magnitude will dramatically increase vehicular and pedestrian traffic. If the permits are approved, MoMA/Hines must present a substantial plan for significant mitigation for this increased traffic.

Currently, the MoMA foot patrol and line regulators cannot do enough to moderate the throng of pedestrians that clog the sidewalk, thus preventing residents from easily accessing their homes and others from using the street. With an increase in tourist traffic at MoMA, especially Friday evenings when the museum offers free admission, more queuing should take place inside the building.

Not-for-profit organizations and cultural institutions are increasingly trying to make use of their air rights to build residential or commercial towers that undermine landmark, historic district, and zoning regulations. This trend is detrimental to communities and should be resisted by community boards and City agencies, including the City Planning Commission.

I urge the Commission to reject the special permit applications.

Melvyn H. Halper
17 West 54th Street
New York, NY 10019

June 5, 2009

Via Federal Express

Community Board 5
Land Use Committee
450 Seventh Avenue, Suite 2109
New York, NY 10123

Re: MOMA/Hines Proposal

Gentlemen and Ladies:

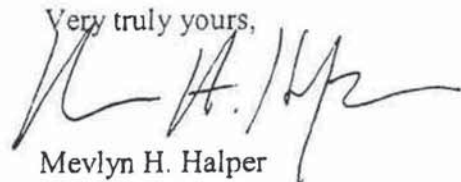
I am writing on behalf of myself and other residents of West 54th Street in regard to the MOMA/Hines Proposal to build on a side street, in mid-block, on a relatively small parcel of land, a building as tall as the Empire State Building. We respectfully request a resolution from the Committee opposing this project.

In the past, MOMA has been permitted to construct the Museum Tower and complete its most recent expansion in direct conflict with all previous community planning objectives and preservation efforts, which the City recognized as warranting special zoning as the special preservation district extending from West 53rd Street to West 56th Street between Fifth and Sixth Avenues. Now MOMA wishes to effect a coup de grace to the special preservation district by seeking a number of zoning changes which will allow a building of this size, mid-block, on a sixty foot wide street rather than a hundred foot wide avenue block where it belongs.

MOMA/Hines has submitted an Environmental Impact Statement which is highly flawed. Details of the problems with the environmental impact statement were more specifically raised at the hearing before the Land Use Committee on June 3, 2009. We request, at the very least, that MOMA/Hines to be required to revise the Environmental Impact Statement to reflect the concerns and comments of the community.

We urgently and sincerely request the assistance of the Land Use Committee in ensuring that the community is represented and protected from the unnecessary encroachment and negative impact on the special preservation district inherent in the current MOMA/Hines proposal.

Very truly yours,



Melvyn H. Halper

**Note for City Planning Commission
Re MoMA/Hines Special Permits
for Public Hearing Wednesday July 22 at 10AM**

from A. John Harrison, Board Member & Treasurer
55th Street Apartments Inc
27 West 55th Street, Apt 43, New York NY 10019-4906
Tel: 212-245-55139 Fax 212-265-7184
ajohn.harrison21@yberizon.net

I want to draw the Commission's attention to an aspect of the MoMA/Hines proposal that has received scant attention. The building is projected to rise 1,250 feet or 82 stories on a base of 100 ft of street frontage by 150 ft the width of the Avenue. This is not only mid-block but completely out of scale with neighboring buildings. Comparison with the height of the Empire State Building and the more recent Bank of America Building is invalid for two basic reasons--the Empire State is on 5th Avenue at 34th Street, a wide Avenue and wide cross-town street, and the footprint of the base runs for a good half to two-thirds of the way down the block and with extensive set-backs from the street line. The case of the Bank of America building is even more striking: Built on Sixth Avenue and extending way down 42nd Street but with sight lines for pedestrians at ground level extending from the back of the New York Public Library in Bryant Park for a good three-quarters of the distance between 5th and 6th Avenues. That building also has distinctive surfaces angled away from the street, permitting more light and air to the streets below.

While the MoMA/Hines tower is twisted like a salamander (or a jerrymandered political district, if you prefer) to accommodate varied zoning of the original buildings comprising the building site, it rises flush from the streets and so pedestrians at best may be able to take in the lower part of the building by craning their necks. The sightlines along the narrow cross-town 53rd and 54th streets will not afford any good views of the profile of the building, which was purported to add architectural distinction to MoMA. In fact this twisted spire of a building may well stand in as a symbol of the age of greed and collapse of the present economic system, second only to that of the Great Depression of the 1930's, and with loss of millions of jobs with concomitant impoverishment and loss of house and home by ordinary citizens. What a prospect! What a symbol!

We therefore suggest cutting back on the height and bulk of the proposed MoMA/Hines tower for less impact on the neighborhood.

aj h 7/21/09

My name is Lynne Harrison. I have been a volunteer at The Museum of Modern Art since 2003 and in my current assignment for about four years.

I volunteer with Gallery Talks, assisting the Museum lecturer with practical needs, distributing personal listening devices to visitors to augment the lecturer's voice, and keeping the group together throughout the tour. MoMA's lecturers hold advanced degrees in art history, and I feel fortunate to hear them speak on the Museum's collection and special exhibitions. The discussions that are initiated during tours are fantastic.

It is not only the art works on display that provoke discussion, but each individual's personal knowledge or lack of knowledge about a specific piece, that adds to

the human dynamic of a guided tour. While assembling and waiting for the lecturer to begin, we learn where the visitors are from. Australia! Canada! Oklahoma and Texas! Argentina! Germany! The far reaches of the globe! It is quite clear that visitors want contact and interaction with others while at MoMA. As we move through the galleries, it is a time to share. How many times have I been told at the end of a lecture that “this is the only way to visit the Museum”? I have to agree. Why not have an informed view of what is in front of you?

There is something else about strolling through MoMA. Gallery after gallery unfolds with more wonders. Sometimes the wonders are too well liked to be seen the way people prefer. What is to be done when everyone

wishes to gaze at Van Gogh's "Starry Night", or Monet's "Water Lilies", and desires the experience of standing in front of a work hugely famous work of art?

What about the many works currently in storage -- unable to be viewed because of limited space? How wonderful it would be to have 30% more space to exhibit MoMA's treasures! Consider Rosenquist's "F-111" painting, which is a reflection of American life, or Richard Serra's "Intersection II". These are important and physically sizable works of art. Space is required to place them on view for New Yorkers and out-of-towners, alike, to see.

The Museum of Modern Art was conceived in New York City to expose Americans to new directions in art

in European cultural centers. Since that time, New York has become the center of the art world. Now, the world is the arena. But, still visitors come to New York to view what new is happening. MoMA must make space to allow accessibility for every visitor to compare, contrast and experience these new ideas, whatever their scale – large or small.

In addition to the benefits to MoMA and its many visitors from near and far, the Nouvel building will benefit New York by being a work of art itself. I live in proximity to The Museum of Modern Art. I live 20 blocks North of the Museum. Walking South/West I can see the skyline, as it rises above the beautiful trees of Central Park. In winter, riding South along Fifth Avenue, the outline of the hotels and business buildings

of Central Park South, 57th Street and below carve a distinct and inimitable silhouette against the sky. How wonderful it would be to include the extraordinary spire of the Nouvel building and know the treasures within!

Good afternoon. Thank you, City Planning Commission, for the opportunity to speak to you today in support of an exciting addition to our city, 53 West 53rd Street.

My name is Myra Heller. I am speaking to you today as a former art teacher, an interior designer, a lover of architecture, and as a volunteer at the Museum of Modern Art, and most importantly as a neighbor (I live at 56th and 6th Avenue).

It is such a joy to live in Manhattan in the midst of all of this wonderful architecture. As my grandchildren were growing up, my husband and I took them on architecture tours. We showed them the Chrysler Building, the Seagram Building, and so many others.

I hope that when my great grandchildren are old enough, I will be able to show them this new tower, designed by Jean Nouvel, as a wonderful addition to the tour. It is a spectacular building, and I will be very proud to live just a few blocks away from it.

New York should be honored to embrace such an inspiring building by one of the world's greatest architects. It has gotten rave reviews by the architecture critics. It will also be wonderful for MOMA.

At the Museum of Modern Art, I volunteer as an Education Greeter. It is my job to welcome the thousands of school students who come to the museum. It is thrilling for me to watch these children discover modern art - to see their first Picasso or Cezanne.

This new building will give the museum nearly one third more gallery space! Just think of all of the new art that the museum can put on exhibition and the improved experience the Museum's current visitors will enjoy! I hope you will approve this building and give the public access to much more of MOMA's wonderful collection.

This building is a bold and ambitious project that will be a perfect addition to the world's greatest skyline. As an art and architecture lover and a neighbor I say hooray! I hope you will make this great project a part of our city.

Thank you again for the opportunity to speak to you. I leave you today looking forward to the possibility of someday seeing MOMA, West 53rd St, and my neighborhood enhanced by the beauty of the Nouvel building.

Thank you

*Marilyn Hemery
15 West 55th Street, Apt. 3B
New York, New York 10019
(212) 757-2220*

June 3, 2009

Community Board 5
Land use Committee

Dear Sir/Madam:

I am a senior citizen residing at 15 West 55th Street, and have been living in my apartment for almost 40 years. My apartment faces south, so I enjoy several hours of direct sunlight during the day, especially during daylight savings time. During the winter when days are shorter, it is somewhat depressing because of the lack of sunlight. When I go on the roof to catch sunlight and enjoy the fresh air, I can see quite a distance and enjoy the view. By allowing the construction of such a tall building mid-block will rob me of all the simple pleasures that I and my neighbors currently enjoy. Rezoning for this building will just be the beginning of the destruction of one of the few remaining (what I consider) "Old New York" streets and will be the end of the filming of TV shows and movies in our area, as well as end visits by tourists who I hear exclaiming over and over about the beauty and difference of our blocks, as soon as they turn the corner off Fifth Avenue.

I am also very concerned about the infrastructure, not to mention the additional stress such an enormous building will place on our water supply, electricity usage, telephone usage, air contamination, and sewers. Con Edison is constantly working on 55th Street and on Fifth Avenue around 54 and 55th Streets. Common sense will tell you that erection of such a high building poses a danger not only to the surrounding community, but to the inhabitants of the proposed building, regardless of what the biased Environmental Impact Statement prepared by MoMa/Hines states. This project poses a danger not only to the community, but to the City of New York. I am also concerned about street traffic, police access, fire department access and EMS and ambulance access.

I respectfully request that you carefully review this EIS, especially what it is **not** considering; the lives and safety of the people in this community rests in your hands.

Thank you.

Sincerely,

Marilyn Hemery

7 West 55th Street, New York, NY 10019-4995
Tel: 212.247.0490; Fax: 212.586.1387
www.fapc.org



20029

July 21, 2009

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

RE: Hines/Tour Verre – 53 West 53rd Street, Manhattan

Dear Chair Burden:

We are writing with regard to the proposed Hines/Tour Verre project on West 53rd Street, and in particular with respect to the incorporation of development rights from two important landmarks into that project. We understand that the Environmental Impact Statement prepared for the project showed that incremental shadow would fall across one or more stained-glass windows of the Fifth Avenue Presbyterian Church during the month of June for roughly one hour and 20 minutes each day.

We wish to state for the record that we do not view the incremental shadow to be a significant adverse effect on our Church or its stained glass windows. Indeed, we believe the impact will be quite minimal. This matter has been considered by the Property Administration Committee of our Board of Trustees, the senior staff and our Session, and this letter has been approved by the Session, which is our governing body.

The Fifth Avenue Presbyterian Church is located at the northwest corner of Fifth Avenue and 55th Street. The sanctuary, which has stained glass windows on the north, east and south sides, is on the east side of our structure, and our chapel is on the west side, with windows on the south side and artificially illuminated windows on the north. There are currently shadows cast on our building from many projects in the area, including the Peninsula Hotel across 55th Street, and 712 Fifth Avenue, next door to the north. We believe that the additional shadows that would be cast by the proposed 53 West 53rd Street building would not substantially change conditions. The incremental shadows would occur in the afternoon when there are seldom if ever services at the Church. Moreover, the chapel window that would experience additional shadow is at the rear of the seating area, not the direction in which the parishioners face. The incremental shadow on the sanctuary windows would be similar to the shadows caused by the hotel throughout the year, and there would still be ambient light on 55th Street that would make the patterns or scenes in

Page 2 of 2

Commissioner Amanda M. Burden,

Chair

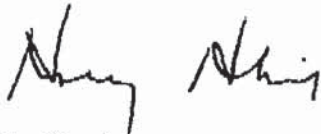
City Planning Commission of the City of New York

the south facing windows visible. Overall, the additional shadows are typical of our urban location in the center of Manhattan, and not something that we consider detrimental to the continued use and enjoyment of our facilities.

We understand that the 53 West 53rd Street building will include additional floor area because it will make use of development rights from the neighboring congregation of St. Thomas Church on West 53rd Street, a landmark building, and from the University Club on West 54th Street, another fine landmark, pursuant to special permits under the New York City Zoning Resolution. We believe these special permits are critically important mechanisms to allow owners of landmarked churches, not-for-profit institutions, and other owners to generate the financial resources to restore, maintain, and preserve their landmarks as well as to pursue their missions. We appreciate the significance of these special permit mechanisms because, as you may be aware, in 1986 our church was included in the zoning lot for the 712 Fifth Avenue building. Accordingly, we would not want to see what we consider to be a *minimal* effect on our Church used in any way to impede the approval of the 53rd Street project.

Thank you for your consideration and feel free to contact me if you need any further information.

Very truly yours,



Holly Hendrix
President, Board of Trustees
The Fifth Avenue Presbyterian Church

7 West 55th Street
New York, NY 10019
212-247-0490
212-586-1387
www.fapc.org

**Fifth Avenue
Presbyterian Church**

Fax

To: Commissioner Amanda M. Burden **From:** Rev. Dr. Scott Black Johnston

Fax: 212-720-3219 **Pages:** 3 (including this cover sheet)

Phone: 212-720-3300 **Date:** July 21, 2009

Re: HINES/TOUR VERRE - 53 West 53rd St.

Urgent **For Review** **Please Comment** **Please Reply** **Please Recycle**

● **Comments:**

Please see attached letter from Holly Hendrix, President, Board of Trustees, The Fifth Avenue Presbyterian Church. If you have any questions, please call April Chapman, Executive Assistant to the Senior Pastor or Paul Rock, Associate Pastor at 212-247-0490.

Thank you.

45 West 54th Street Owners Corporation
45 West 54th Street
New York, NY 10019

Hugo Hoogenboom, President
Joe Sarno, Vice President
Diana Bahn, Vice President
Jennifer Robbins, Treasurer
Hallie Atkinson, Secretary

July 22, 2009

Hon. Amanda M. Burden
Chair
New York City Planning Commission
22 Reade Street
New York, NY 10007

Dear Mrs. Burden,

I am writing to urge the Planning Commission to deny the application by the Museum of Modern Art (MoMA) and the Hines Interests for the development of a 1250' tall behemoth the height of the Empire State Building on a mid-block site of less than half an acre at 53 West 53rd Street.

A powerful array of interests – including MoMA, Hines, St. Thomas Church, and the University Club – is behind this development. Hundreds of millions of dollars in gains are at stake for these interests, which have immensely more influence and financial strength than the citizens of the neighborhood that will be severely impacted by this development. The impacts would be four years of noise, dirt, and hazard involved in the construction and the long term deleterious effect of this enormous development on community facilities and services; historic resources; urban design/visual resources; neighborhood character; infrastructure; solid waste and sanitation services; energy; traffic and parking; transit and pedestrians; air quality; noise; public health. These impacts are in effect a tax imposed on the neighborhood for the benefit of the developers and the institutions that stand to profit from the development.

We depend on governmental bodies to protect us against the exploitation of §74-79 and §74-11 of the zoning resolution by this alliance of developers and nonprofit organizations. Unfortunately, regulatory bodies tend to become captives of the interests they are supposed to regulate. I hope that the City Planning Commission will act to protect us from a project that is designed to squeeze every last possible dollar out of a site, never mind the costs to others.

The grounds are clear: the project is grossly out of scale and character of the Preservation Subdistrict on which it is being imposed; it will adversely affect structures and open space by its scale, location, and its impact on light and air; it unduly increases the bulk of development, the density of population and the intensity of use to the detriment of the surrounding area.

Sincerely,

Hugo Hoogenboom
President

July 21, 2009

Ms. Amanda Burden, Chair
City Planning Commission
22 Reade St.
New York NY

Dear Ms. Burden and Commissioners,

I write to oppose the current proposal for the MoMA/Hines tower project at 53 W. 53d St. As a full-time resident whose apartment faces onto 54th Street just across from the museum, I can attest that all residents and business in the surrounding blocks will be directly adversely affected.

Such a project is out of all proportion to the neighborhood and will cut off much air and light to the area. This is one of the most charming streets left in midtown, and the tower will overwhelm its scale. According to zoning regulations, one goal is "to continue the historic pattern of relatively low building bulk in midblock locations compared to avenue frontages."

To streets that are nearly constantly choked with traffic, it will add far more traffic than the bogus findings of the project's environmental statement suggests. Who is foolish enough to think that forty floors of high-end apartments, and the perhaps hundreds of hotel rooms, will not add measurably to traffic? Surely all those people will be going in and out, as will the increased number of museum visitors who will fill the new exhibition spaces. All of this will add to very crowded sidewalks and impact pedestrian safety. It will significantly impede access of emergency vehicles. Moreover, their traffic survey doesn't consider changes since the closing of Broadway.

The project makes no provision for on-site parking, and many of the visitors, guests and residents will certainly have cars. Again, their statement contradicts my experience of trying to find a space nearby in a parking garage.

The project must be made to include a drive-through loading dock, which will at least ease pressure on the streets. There is already a problem with the Museum's deliveries not using the loading dock they have, it being easier for trucks to park in the traffic lane. Often, for hours at a time, large trucks park on the street while artworks are loaded or unloaded. This also occurs regularly for the very numerous parties hosted by the museum or it's paying business clients, as party supplies are loaded from the street.

Their plan has no provision for taxi or limo waiting lanes, which will add to the congestion of the traffic lane. Certainly taxis and limousines will be making very regular stops at the project.

I am also concerned that tax abatements will be granted to the developer which will further penalize residents and business owners in the area by subsidizing luxury housing for the very wealthy at the expense of current residents.

There is good reason such enormous buildings are by law confined to avenues. I urge the Commission to enforce the letter and spirit of the law, and to assert that giant mid-block buildings are a danger to any neighborhood and will not be permitted. Please reject this proposal.

With thanks for your consideration,

Charles Isaacs
25 W. 54th St.
New York, NY 10019

**LIZ KRUEGER
SENATOR, 26TH DISTRICT**

ALBANY OFFICE
ROOM 609
LEGISLATIVE OFFICE BUILDING
ALBANY, NEW YORK 12247
(518) 455-2297
FAX (518) 426-6874

DISTRICT OFFICE
211 EAST 43RD STREET
SUITE 1300
NEW YORK, NEW YORK 10017
(212) 490-9535
FAX (212) 490-2151

E-MAIL
LKRUEGER@SENATE.STATE.NY.US

**NEW YORK
STATE
SENATE**

ALBANY, NEW YORK 12247



**OFFICE OF THE
CHAIRPERSON**

JUL 27 2009
20044

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JUL 27 2009

EXECUTIVE DIRECTOR

Testimony of State Senator Liz Krueger
Before the New York City Planning Commission on the
MoMA/Hines West Fifty-Third Realty, LLC Application
for Special Permits at 53 West 53rd Street
July 22, 2009

My name is Liz Krueger and I am the State Senator representing the 26th State Senate District, which includes the MoMA/Hines West Fifth-Third Realty property located at 53 West 53rd Street. I appreciate this opportunity to comment on the proposal for the property, a project known as Tower Verre, planned as an 85-story mixed use building.

On March 13, 2008, and more recently on June 11, 2009, Community Board 5 overwhelmingly passed a resolution urging both the Landmarks Preservation Commission and the Department of City Planning to deny the transfer of 275,000 square feet of development rights from St. Thomas Church, under section 74-711 of the zoning resolution, as well as the 136,000 square feet of development rights from the University Club, under section 74-79 of the zoning resolution, to the proposed Tower Verre.

I continue to support Community Board 5's resolutions. It is my belief that neither of the preservation plans for the landmarked properties, as described in the applications, alleviates the public burden of the proposed development.

Nor does the Draft Environmental Impact Statement ("DEIS") go far enough to measure the impacts of such a structure on the city. In the end, the restorations would do little to compensate the community or New York City for the strain on infrastructure, traffic flow, public safety, or restriction of light and air that an 85-story mid-block building would impose. Tower Verre would not relate harmoniously with the neighborhood, as required by the zoning regulations. Furthermore, the materials, design, scale and location of bulk in the proposed building would not relate to the adjacent landmark buildings.

Tower Verre, which has been described as an 85-story asymmetrical, twisting, glass, needle rising 1,250 feet in the air is to be situated mid-block in an already densely populated area. The proposed building would be taller than the Chrysler Building's 1,047 feet and just under the Empire State Building's 1,453 feet. Tower Verre would be grossly out of scale with

the other buildings in the area, including the landmarked Rockefeller Apartments on West 54th Street as well as the landmarked Eero Saarinen designed CBS building on 53rd Street. As currently designed, Tower Verre would also overwhelm the area's infrastructure and services.

I would like to reiterate comments I made regarding Tower Verre in testimony delivered to the Landmarks Preservation Commission on April 8, 2008. I am not opposed to well planned, functional, urban development and I appreciate the desire of MoMA and Hines Realty to proceed with *reasonable* plans for the development site. MoMA and Hines Realty together have an opportunity in Tower Verre to forge a partnership to design superb, well-planned urban development if they are willing to take into consideration the legitimate concerns of the surrounding community and the comments of Community Board 5. However, if not planned carefully, this project will overwhelm the scale and services of the surrounding neighborhood. While many people think of Midtown simply as a commercial Central Business District, the area also has numerous thriving residential communities that must be protected.

The Land Use and Landmarks committees as well as the full board of Community Board 5 have given this project considerable and thorough review. I have been very impressed with the careful consideration of the Board and its deliberative process during the hearings about this project. Both committees unanimously, and the full board overwhelmingly, recommended denial of application for two Special Permits under Sections 74-79 and 74-711 of the Zoning Resolution.

As neighbors of MoMA and the Tower Verre project, the West 54-55th Street Association has tirelessly researched and documented inconsistencies in the application for the two Special Permits and the Draft Environmental Impact Statement. Their dedication to protecting one of New York City's most historically significant blocks is to be applauded.

Following are comments on several aspects of the Tower Verre project that are of particular concern and importance to my constituents.

Traffic & Parking

53rd and 54th Streets, which encompass the Tower Verre project, are designated as Midtown THRU Streets due to their high traffic volumes by the New York City Department of Transportation. The capacity of both streets is already severely stretched by existing development and institutions.

Therefore, the evaluation of the likely traffic and parking impacts must be as conservative as possible. Since the DEIS was submitted, Mayor Bloomberg instituted a closure of streets around Times Square including the very busy Theater District. In addition, the traffic flow study assumes after hours deliveries of commercial linen and special delivery companies to the hotels in the area. These kinds of deliveries are known to occur only during daytime hours.

The designated entrance to Tower Verre for its residential, restaurant and hotel patrons is West 54th Street. West 54th Street already has six loading docks with a seventh anticipated to accommodate the new building. Although every proposed design alternative for the seventh loading dock has been met with reasons why they are not feasible, I am still concerned about another loading dock being added on a block already heavily taxed with delivery and through traffic.

Transit & Pedestrians

After MoMA's last expansion of 40,000 square feet, attendance grew from 1.8 million to 2.5 million visitors. The proposed expansion would be of a similar size. While I am a strong supporter of MoMA, and fully understand its desire to display more of its collection, I am concerned about the ability of the surrounding streets and to handle the increased pedestrian traffic. Tower Verre will have also a steady stream of hotel and restaurant patrons, residents and tourists coming and going.

The expected increase in pedestrian traffic, and its effects on pedestrian flow and the transit systems in close proximity to the new building, must be further evaluated. Considerations should be made to mitigate the increased pedestrian traffic by widening the sidewalks and removing any existing sidewalk barriers.

The Department of City Planning should consider these issues as well as the other concerns and proposals of my constituents, Community Board 5, affected neighborhood organizations and advocacy groups, and my fellow elected officials. I strongly encourage the Department of City Planning to ensure that any and all development at 53 West 53rd Street reflects the area's character and positively contributes to the community.

Thank you for your consideration of my views.

Carole Lazio
55 West 55th St.-#11 (PHS)
New York, NY 10019
(212) 581-2992

July 22, 2009

Commissioner Amanda Burden
City Planning Commission
22 Reade Street
New York, NY 10007-1216

Dear Commissioner Burden,

I hereby request that the City Planning Commission reject the transfers of air rights that are supposed to justify the dramatic change in the bulk of the project whose approval is being considered.

In December 1979, the Landmarks Preservation Commission issued a 235-page Midtown West Survey which defined the Special Midtown Preservation Subdistrict -- within which this project falls -- and outlined specific objectives concerning future development in the area.

In 2007 MoMA received approval for expansion permits that respect existing zoning stipulations. Its application for a 250,000 sq ft, 285 ft high, 25-story tower—an authentic as-of-right proposal--accomplished its stated need to expand the museum's galleries and storage without compromising the "general purposes" of the Special Midtown District and Preservation subdistrict.

Now the applicant's experts claim there is virtually no difference to area residents and businesses, *or to the environment*, between the 25-story as-of-right building and a 786,562 sq ft, 1,250 ft, 82-story skyscraper.

Indeed, the announcement MoMA has already posted in a ground floor corridor proclaims the Le Nouvel tower's "distinctive silhouette was inspired by the City's 1916 zoning setback requirements which provide for daylight at street level."

But even the applicant's experts agree that at a certain time of day a shadow will hit the Fifth Avenue Presbyterian Church. They also say that in summer shadows will also fall on the landmark Rockefeller Apartments so they will lose light on the façade and garden for approximately an hour in the late afternoon.

In fact, the area between West 53rd Street and Central Park South from 5th Avenue to 7th Avenue will often be in shadow.

Yet, in addition to the 1916 setback requirements, a goal explicitly stipulated in paragraph (c) of Section 81-00 of the 1979 Special Preservation Subdistrict survey is to control how buildings impact access to light and air on the streets and avenues.

Other goals set out in paragraphs (b), (e) and (f) of Section 81-00 are

- stabilizing development in Midtown
- continuing the historic pattern of relatively low building bulk in midblock locations compared to avenue frontages, and
- preserving the historic architectural character of development along streets and avenues.

Given these goals, how can the developer's DEIS justifiably claim or ask any of us to believe that the proposed project now 1,250 ft high would have no greater impact on the district and its purposes than a 256 foot as-of-right building?

The applicant's evaluation of the proposed building's impact is inadequate, short-sighted and inaccurate. A transfer of air rights that would result in such negative effects in relation to existing long-term goals for the subdistrict simply must not be permitted.

Sincerely,

Carole Lazio

TO THE CITY PLANNING COMMISSION:

On behalf of the residents of 35 West 54th Street I ask that you seriously look at the adverse effects the proposed MoMA/Hines project will have on West 54th Street and the neighborhood. This is not a wide street or major Avenue. The construction impact of traffic etc is, of course, a problem. However, more importantly, consider the long term impact such a tall building will have on the area. The proposal for a building HIGHER THAN THE EMPIRE STATE BUILDING on a narrow heavily traveled cross town street is city planning at its worst. Please protect our neighborhood from this kind of overdevelopment and destruction.

Francine E. Lembo
Director
35 West 54th St Realty Corp.

TO THE CITY PLANNING COMMISSION

RE: MOMA/HINES PROPOSED TOWER

I think the proposed tower is way out of scale and character for the neighborhood. The design is certainly "cutting edge," and in some ways exciting, but at the end of the day, though I often embrace the new and unfamiliar, in this case I am just disturbed. Back to the drawing board!

Elena

--

Elena Lesser Bruun, EdD, LMFT
Individual, Couple & Family Therapy
Manhattan & East Hampton
917-494-9600

City Planning Commission Public Hearing, Wednesday, July 22, 2009
Testimony of Glenn D. Lowry, Director, The Museum of Modern Art

Madame Chairperson, it's my pleasure to address you and the members of the City Planning Commission during your review of the project proposed for 53 West 53rd Street – and to share with you the Museum's support of the exhilarating steel and glass tower designed by Pritzker-prize winning architect Jean Nouvel to be developed on the site by an affiliate of Hines Interests.

MoMA selected Hines as the developer for the project site because we strongly believe in the integrity of the firm based upon their exemplary history of development. The way Hines carefully selects architects for their buildings and carries out their projects is impeccable. The Museum was very pleased that Hines selected as prestigious an architectural firm as Jean Nouvel who we think has created designs of the highest caliber around the world – strongly echoed here in the design of the striking building proposed for 53 West 53rd Street.

MoMA has always embraced world-class architects throughout its history and in 1932, created the first museum curatorial department devoted entirely to architecture and design. In its last 80 years, MoMA has organized dozens of groundbreaking exhibitions about the changing role of architecture and design and has truly been a showcase for the history of modern architecture. As part of Jean Nouvel's proposed new building, MoMA's gallery space will expand on the 2nd, 4th, and 5th floors by a total of 39,500 square feet, connecting seamlessly to our existing permanent collection galleries on these floors.

This gallery expansion will enable us to show even more of our magnificent collection to the public. Since the added space on the 2nd floor is a double-height space, this affords us an even greater opportunity to exhibit many of our major and sizable works of contemporary art, such as those by Richard Serra and Martin Puryear. In fact, the contemporary galleries on the Museum's 2nd floor will double in size with this addition.

More gallery space will address the crowding in our current galleries and will provide an improved experience for our current level of attendance as we do not foresee an increase in attendance as a result of expanding our existing collection galleries. With more room to show works of art, MoMA will continue to thrive and to garner the attention and support of future generations of the museum-going public, reinforcing the Museum's mission of being the foremost museum of modern art in the world.

I want to take this opportunity to express our commitment to working with our midtown neighbors and Community Board 5 on issues that affect us all. These issues include our managing the visitor entry process in the most effective and least disruptive manner possible as visitors sometimes use the neighborhood sidewalks as a place to line-up, our improving the efficiency and lessening the impact upon our neighbors of truck deliveries, and our improving the operation of buses dropping off and picking up students visiting the Museum.

We are very grateful to Borough President Stringer and his staff for their support of this project citing our commitment towards increased efforts in these and other operational areas. In this spirit, I am here to assure you that MoMA is dedicated to being a good neighbor and we stand ready to continue our dialogue with the community and to work together on reaching solutions.

In closing, let me state again how excited the Museum is to be associated with an architectural project of such significance to the City and to the world. Jean Nouvel's magnificent addition to the New York skyline and the streetscape of midtown Manhattan will be a vibrant addition among the rich architectural heritage of its neighbors.

I hope the Commission will join with me and The Museum of Modern Art in their support of this project. Thank you.

July 17, 2009

516 E. 5th Street, #2
New York, NY 10009

CITY PLANNING COMMISSION
Calendar Information Office - Room 2E
22 Reade Street, New York, N.Y. 10007

Re: 53 West 53rd Street - MOMA spire (Tower Verre)

CPC,

I am writing in to support the plans for the new tower at 53 West 53rd Street in Manhattan, also known as the Moma Spire or Tower Verre. I live in the East Village and was very thrilled to see such an innovative design be proposed for this block in Midtown.

It fits perfectly in with the commercial and tall buildings on this block in Midtown Manhattan. It is well located to take advantage of the many transit lines that surround it and the many services available to new tenants and guests.

As New York goes through another down-cycle, projects like this that create both temporary and permanent jobs are crucial.

Please approve this exciting and job-creating project.

Sincerely,

Anthony Ottaviano

A handwritten signature in black ink, appearing to read 'Anthony Ottaviano', written in a cursive style.

CREATIVETIME

July 20, 2009

The Honorable Amanda Burden
Chair, New York City Planning Commission
Director, Department of City Planning
22 Reade Street
New York, NY 10007

OFFICE OF THE
CHAIRPERSON

JUL 22 2009
20035

Dear Chair Burden,

The proposed Jean Nouvel tower at 53 West 53rd Street and the related expansion of The Museum of Modern Art would serve as a dynamic addition to the New York landscape and is worthy of your full support at this critical juncture in the City's history. If built, this iconic tower would make major contributions to Midtown's rich architectural heritage and our skyline, as well as to the region's economy and cultural assets.

Perhaps more important, the project also works exquisitely at ground level, where the vast majority of New Yorkers and visitors will experience it. Like Midtown itself, the tower seamlessly blends residential units, hotel rooms and a restaurant, as well as culture, to produce an even more vibrant streetscape that is quintessentially New York.

Furthermore, The Museum of Modern Art, an institution that has been a part of New York City history since 1929 – and a prime example of why more than 11 million people visit New York's cultural facilities each year – will gain almost 40,000 square feet of new exhibition space. This will allow MoMA to display even more of its renowned permanent collection and to better serve its 2.5 million visitors annually.

New York City itself will benefit enormously from this tower, which will serve not only as a bold statement about our confidence in the future, but also as a stimulus for the overall economy, creating thousands of jobs. This project comes at an important time and offers a great many benefits for the City and its residents.

After examining all aspects of the project, I hope you draw the same conclusion and approve the project.

Sincerely,


Anne Pasternak
President & Artistic Director
Creative Time

cc:
The Honorable Christine Quinn
Speaker of the New York City Council
City Hall
New York, NY 10007

AIA New York Chapter

The Founding Chapter of The American Institute of Architects

Testimony before the City Planning Commission regarding 53 West 53rd Street/MoMA, July 22, 2009



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Sherida Paulsen, FAIA

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FOR COMMUNICATIONS
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ASSISTANT DIRECTOR
FOR COMMUNICATIONS
Debra J. Gaudin, Assoc. AIA

ASSISTANT DIRECTOR
FOR COMMUNICATIONS
Debra J. Gaudin, Assoc. AIA

ASSISTANT DIRECTOR
FOR COMMUNICATIONS
Debra J. Gaudin, Assoc. AIA

On behalf of the New York Chapter of the American Institute of Architects and our 4,300 architect and public members, we are writing to express our support of the tower designed by Ateliers Jean Nouvel for the Museum of Modern Art on 53rd Street.

Through the maintenance agreement for the two landmark buildings in exchange for development rights, the developer and MoMA will enter a beneficial partnership unique in the city. The museum will gain a generous amount of new gallery space and generate revenue through the sale of the new residential units, while the landmark buildings will be assured funding for the continued restoration and repairs of their historic structures. New York gains architecturally in two ways: by more extensive landmark restoration than might have been undertaken in this challenging economic climate, and from having an example of Jean Nouvel's work so prominently displayed in the skyline.

The law allows transfer of development rights because every square foot of space in New York, including space above ground, is immensely valuable. The fact that the two buildings that are transferring rights are on the avenue is significant. If not landmarks, there would be pressure on them to be rebuilt much higher than their current form. The airspace not utilized by these buildings makes that part of the block relatively low-rise, and therefore the remainder of the block can theoretically sustain more mass.

Despite this fact, the tower is mid-block, and concerns have been expressed about the proposed height of the building. We feel that the design and materials are "light" enough that the height is not oppressive, and the tower culminates in an elegantly shaped spire and does "relate harmoniously" to the landmark buildings on the end of the block.

Since AIA New York last reviewed this project and asked for more information about how the building addresses the street, the design has been further developed. The ground floor now has more transparency, and the formerly blank facades of the lower floors are enlivened with faceted surfaces that will reflect back the activity of the street. In addition, the entry to residential tower has been moved to 54th Street, as a gesture to engage the street, provide more pedestrian activity, and give 54th a more comparable stature to that of 53rd Street.

We urge the Commission to approve these applications for the grant of special permits.

Sincerely yours,

Sherida Paulsen, FAIA
2009 Chapter President

Fredric Bell, FAIA
Executive Director

856 La Guardia Place
New York, New York 10012
212.693.0100
212.693.0101
212.693.0102
212.693.0103
212.693.0104

July 22, 2009

City Planning Commission

22 Reade Street

New York, NY

Re: 53 West 53rd Street, Manhattan—MoMA/Hines Tower (“the Project”)

Dear Commissioners:

Please deny the special permit applications for the captioned project.

At today’s hearing, you will hear from many residents and business people about the adverse impacts of the Project on our neighborhood. This neighbors and interested parties have formed the Coalition for Responsible Midtown Development (“the Coalition”).

The Coalition believes the Project is excessively tall and bulky for its mostly midblock location and will overwhelm other structures in the area, both landmark-- and non--landmark buildings. We sustain that the dozens of landmarks here deserve equal treatment in terms of harmonious relationship with the Project. The CBS building and the residential landmarks like Rockefeller Apartments and Mansion are completely overwhelmed by the Project. The only mitigation is reduction in height and scale. To prove this we will show an illustration of relative building sizes for Commissioner review.

We also challenge to Commission to reverse the baseless waiver granted by the Landmarks Preservation Commission to St Thomas Church and the University Club as to harmonious relationship.

With the Project , the Museum of Modern Art (“MoMA”) continues its habit of walling off the residents of this area with large midblock towers, opaque walls, garden enclosures and loading berths. MoMA treats West 54th Street like its private service alley.

You will hear today about the shortcomings of the draft environmental impact statement and ask that you revise it as to:

- Impact on visual resources
- Traffic counts are two years old, undercounted and do not incorporate Broadway traffic rerouting impacts on West 50’s crosstown traffic

- Increased pedestrian counts from any increase in museum gallery space in previously approved scenario and the Project.
- Air quality sampling from outside the Project Area without sampling during summer.

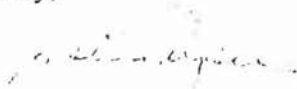
The Coalition asks the Commission to deny this application. CEQR law requires the study of real, robust alternatives. The Commission must use its discretion to find that the benefits of the transfers of development rights exceed the burdens on the surrounding structures and their residents.

We believe the previously approved project with modifications meets the requirements of zoning and fits the midblock, narrow street location. We ask that a building no bigger than the surrounding buildings like CBS at 38 stories be built. Such a building should include an open air, through-block pedestrian arcade or plaza to relieve the pedestrian overload from MoMA visitors. This plaza should be public until midnight and permit the neighborhood a relief from the service alley that has become West 54th Street. The Commission should also waive the requirement for a loading berth for the hotel, since MoMA already has three, underutilized loading berths and since this block already has six loading berths and curb cuts.

As visual proof of our position we are pleased to submit for consideration a video for each of the commissioners that documents our beautiful neighborhood and potential environmental impacts of the Project on it.

Please deny this special permit.

Sincerely,



Justin Peyser

For the Coalition for Responsible Midtown Development

45 West 54th Street

New York, NY 10019

**TESTIMONY OF THE REAL ESTATE BOARD OF NEW YORK, INC.
BEFORE THE CITY PLANNING COMMISSION IN SUPPORT OF AN
APPLICATION RELATING TO 53 WEST 53rd STREET**

July 22, 2009

The Real Estate Board of New York, Inc. is a broadly based trade association of over 11,000 owners, developers, brokers, managers, and other real estate professionals active throughout New York City. We support the 53 West 53rd Street project and zoning applications based on Sections 74-711 and 74-79 of the Zoning Resolution. This proposal would allow the construction of a new mixed use building in Midtown, expansion of important arts space and the continued restoration and maintenance of landmarked buildings, St. Thomas church and the University Club.

The project is a wonderful example of how historic preservation and new development can work together to the benefit of everyone. Landmarks designation brings practical limitations on making enlargements to an existing building, even if the City's zoning regulations allow additional floor area to be built. When such additions and enlargements are proposed, there are sometimes conflicts between the bulk requirements of zoning and preferences of the Landmarks Commission based on landmarks appropriateness. To address these types of matters and to fairly compensate property owners for the effective prohibition of using their development rights on their landmark property, the City enacted these two special permits back in 1960's.

We believe that this application represents a proper and appropriate use of these special permits because they allow two landmarked properties to have an expanded opportunity to utilize their development rights in an area of Midtown which is zoned for high density buildings.

Midtown is certainly a place where we should welcome new creatively designed skyscrapers such as this building by the renowned architect Jean Nouvel.

The 53 West 53rd Street building is harmonious and will be an exciting and stunning addition to the area. The requested waivers will have very minimal impacts as compared to as-of-right designs and the proposal has the added benefit of moving bulk away from the midtown preservation zone.

The project will benefit four not-for-profit institutions: MoMA, the American Folk Art Museum, the University Club and St. Thomas church. It will also benefit the city through construction-related and permanent employment and new tax revenue.

The project meets the findings of both zoning special permits and has been approved by the Landmarks Preservation Commission in terms of the maintenance plans and the fact that the proposed new tower will not negatively impact the landmarked buildings. We urge you to approve the project in light of the many benefits it will bring to Midtown Manhattan and to the city as a whole.

Anita Rubin
15 West 55th Street, New York, NY 10019

June 3, 2009

Community Board 5
Land Use Committee

Allowing the MOMA – Hines Development to continue, as per its current plans, represents a travesty for the Midtown Manhattan Community. The concept of permitting an 80 story building to be erected on the narrow double-side-street lots between West 53rd and West 54th Streets is in total contradiction to the concept of alleviating “congestion” in Midtown Manhattan. Doing so represents a total “sell-out” to moneyed interests as opposed to representing the interests and the quality of life of the many people who live and work in this neighborhood.

If allowed to proceed this project will:

- Elevate air pollution levels
- Cast a shadow, literally and figuratively well into the jewel of our city - Central Park
- Reduce the light to existing neighborhood buildings
- Increase river to river vehicular traffic congestion, including response time of emergency vehicles
- Overwhelm the public transit system of buses and subways
- Burden the existing infrastructure of sanitation, sewage, water supply and electricity
- Create additional noise pollution
- Add still another loading dock to West 54th bringing the number unbelievably to seven
- Generate additional parking problems

The design of this building is completely out of touch with the existing architecture of the area. At 80 stories, it is double the height of any of the other existing buildings and certainly discordant with the late 19th and early 20th century low story buildings on West 54th Street and others located on the surrounding blocks. Its oblique lines and asymmetrical outline are disturbing to the eye and will blight our neighborhood.

I have lived on West 55th Street for over 31 years and have witnessed many changes, but this proposed change is definitely out of place. This project should not be allowed to continue. It will have a negative impact on the environment and thus be destructive to the community and the city.

Although it is my recommendation that this project be null and voided, at the very least it should:

- Be cut back so that it is no taller than any other building in the area, approximately 40 stories.
- Have considerable, open to the public, park-like setbacks on both West 53rd and West 54th Streets
- Provide for indoor deliveries with internal drive-in and drive-out underground loading docks.
- Contain extensive indoor parking facilities.

The status of the MOMA- Hines Development should be reconsidered.
It is my hope that you will vote against the furtherance of this venture.
Certainly the scope of this development should be and must be modified.

Short-term gains for big time money never work.

Thank you for your thoughtful consideration

Sincerely,
Anita Rubin

Anita Rubin
15 West 55th Street, New York, NY 10019

July 22, 2009

Chairperson Amanda Burden
New York City Department of City Planning.

Please vote against the MOMA – Hines Development proposal to erect an 82 story building on the narrow double-side-street lots between West 53rd and West 54th Streets. If allowed, the MOMA- Hines project will have a negative impact on our Midtown Manhattan neighborhood. It is in total contradiction to the concept of alleviating "congestion" in 'Midtown Manhattan.' Allowing this project represents a "sell-out" to moneyed interests as opposed to representing the interests and the quality of life of the many people, like me, who live and work in this neighborhood.

If allowed to proceed this project will:

- Elevate air pollution levels
- Cast shadows, literally and figuratively well into the jewel of our city - Central Park
- Obliterate the light to existing neighborhood buildings
- Increase river to river vehicular traffic congestion, including response time of emergency vehicles
- Overwhelm the public transit system of buses and subways
- Burden the existing infrastructure of sanitation, sewage, water supply and electricity
- Create additional noise pollution
- Add still another loading dock to West 54th bringing the number unbelievably to seven
- Generate additional parking problems

The original MOMA proposal in March of 2007 presented a 25 story building. In its current design of 82 stories, it is more than 3 times the height of the original proposal and double the height of any of the other existing buildings in the neighborhood. Certainly it is discordant with the late 19th and early 20th century low story buildings on West 54th Street and others located on the surrounding blocks. Many of these buildings have been designated as land-marks.

Although it is my recommendation that this project be completely abandoned, at the very least it should:

- Be cut back so that it is no taller than any other building in the area, approximately 40 stories.
- Have considerable, open to the public, park-like setbacks on both West 53rd and West 54th Streets
- Provide for indoor deliveries with internal drive-in and drive-out underground loading docks.
- Contain extensive indoor parking facilities.

The status of the MOMA- Hines Development should be reconsidered.
It is my hope that you will vote against the furtherance of this venture.
Certainly the scope of this development should be and must be modified.

Short-term gains for big time money never work.

Thank you for your thoughtful consideration

Sincerely,

Anita Rubin

22 July 2009

City Planning Hearing

Re MoMA/Hines

I am RitaSue Siegel, vice president of the West 54-55 Street Block Association.

I have been doing a lot of thinking about this project and my conclusion is that it is very old fashioned. This is the Obama era. Do we really want to build a monument to greed and narcissism? The project reeks of pre-crash money and the cynicism of the Bush era. Our financial institutions resemble a collapsed house of cards. Many people we thought were successful have been revealed to be frauds and criminals. We have been to the brink of catastrophic meltdown and the loss of public and private funds for health care, education, pensions, infrastructure, the environment, security and social programs for children and the elderly.

New Yorkers are eager to participate in making the future better than the past. We are working on building a world that is safe for our children as well as polar bears. We know the value of sustainability, restoration, adaptive reuse, and environmental responsibility.

City Planning has to do its part in nudging the process of making the city more environmentally responsible and focused on the people who live in it. One way is to explain the obvious to MoMA/Hines. The Nouvel building is inappropriate to the site they want to fit it into. This is not an issue of aesthetics. It is an issue of doing the right thing. In Paris, most out of scale buildings have been relegated to an area just outside the city, called LaDefense. It is a beautiful place with elegant, interesting, and very tall buildings and most neighborhoods in Paris retain their low scale buildings which makes it such a charming and beautiful place to live or visit.

We want the same thing for our Special Preservation Subdistrict and we want MoMA/Hines to comply with the spirit of what that means. The Subdistrict may not be enforceable by strong zoning law, but it is enforceable by the law of public opinion. Please advise the architect to produce a design that adds to the visual and cultural landscape, provides enough space for additional MoMA galleries, a hotel and residences if that's what they still want, and is appropriate for the residential neighborhood on West 54 Street and the blocks adjacent to it. Don't let our quality of life be sacrificed to Hines' greed or Nouvel's ego.

We recommend that City Planning deny the special permits.

RitaSue Siegel
17 West 54 Street, 9B
New York, NY 10019
917 806 3947

MICHAEL T. SILLERMAN
PARTNER
PHONE 212-715-7838
FAX 212-715-7832
MSILLERMAN@KRAMERLEVIN.COM

July 30, 2009

VIA FEDERAL EXPRESS & EMAIL

Robert Dobruskin
Director
Environmental Assessment and Review Division
New York City Department of City Planning
22 Reade Street
New York, NY 10007

Re: 53 West 53rd Street
CEQR No. 09DCP004M
ULURP Nos. 090431ZSM & 090432ZSM

Dear Mr. Dobruskin:

I write to clarify a statement made during my oral testimony to the City Planning Commission at the July 22nd public hearing regarding the above-referenced project. In response to a question from Commissioner Knuckles regarding the height of the proposed building, I stated that "It's not a blocky, bulky building, it doesn't have shadow impacts." In fact, as discussed in the Draft Environmental Impact Statement for the project, dated May 2009, the building was deemed to have a significant shadow impact on one historic resource, the Fifth Avenue Presbyterian Church, during the June 21st analysis day. On that day, the proposed building would cast incremental shadow on the Church's south facing stained glass windows for approximately 1 hour and 20 minutes. My testimony was directed at the point that a tower casts a more narrow shadow, and of a shorter duration, than would a shorter, bulkier building, and for that reason towers were favored at one point as a preferred architectural form, for example in the 1961 Zoning Resolution.

Thank you for the opportunity to clarify my testimony.

Very truly yours,

Michael T. Sillerman

Robert Dobruskin
53 West 53rd Street
July 30, 2009
Page 2

cc: Edith Hsu-Chen, Manhattan Office
Adam Wolff, Manhattan Office
Raju Mann, Manhattan Office
David Penick, Hines
Patty Lipshutz, MoMA

I urge you to withhold permits on the Hines project

Tuesday, June 9, 2009 10:27 PM

From: "Adelsilver@aol.com" <Adelsilver@aol.com>

To: Finnegan@1199.org, Wally@CB5.org

Cc: ritasue@gmail.com, vaconant@yahoo.com

Kevin Finnegan
Chair, Land Use and Zoning Committee
And The Committee
Community Board 5
450 Seventh Avenue
New York 10123
Finnegan@1199.org

June 3, 2009

Re: Hines Tower & MoMA

Dear neighbors and friends:

You undoubtedly know that many residents of 53rd, 54th, and 55th Streets, and beyond, are deeply disturbed by the plan to construct such a tall building in the middle of Midtown.

We want to register our concerns about the cost, in money and quality of life, to every New York taxpayer as well as to those who live and work in the surrounding area. Can the money that is to be paid for the air rights and to pay MoMA for its further expansion ever possibly be enough to balance the cost of the environmental stress on Midtown? Is this the wisest use of the land over which you have authority and responsibility?

Neighbors are suggesting a cost-benefit analysis, to be submitted by the applicant, placing on the applicant the responsibility of demonstrating why the public purpose is not met by the previously approved building. I write to add my voice to all those who urge you to withhold permits on the Hines/MoMA project. We believe that the 250,000 s.f project which was previously approved is far more suitable than this monstrous proposal, in its impact on funds to maintain landmarks; on the museum's gallery expansion needs; on jobs; and on real estate and sales tax revenue. The earlier building preserves the intent of laws intended to protect landmarks, to maintain neighborhood character, to encourage economic growth, to enhance cultural institutions, and to respect all property rights.

If MOMA cannot answer all these questions, I urge you to decline the Hines/MoMA proposal.

Sincerely,

Adele Z Silver
17 West 54th Street #2C



SAINT THOMAS EPISCOPAL CHURCH STAINED GLASS RESTORATION PROJECT



Saint Thomas Episcopal Church was designed by Cram, Ferguson and Goodhue and built in 1911-1913 on the corner of Fifth Avenue and 53rd St.

The thirty-two windows were installed between 1927 and 1974. All but the first and the last were designed and fabricated in London by the firm of James Powell & Sons, Whitefriars. The first window was designed and made by Nicola D'Ascenzo of Philadelphia. The last window was made by Willet Studios, also of Philadelphia.

In February, 2008, nine windows in the north clerestory were removed for restoration. Translucent scrims with images of the windows were placed in front of the interior scaffoldings (*right*).

The windows were taken to ten different stained-glass restoration studios around the country, from Boston to San Francisco, where they were disassembled, cleaned, repaired, and releded.



The designer of most of the windows was James Hogan (1883-1948, *self portrait looking at a stained-glass panel in window C10, right*). Powell & Sons' signature is a small friar in a white cowl (*below*), for Whitefriars, the area of London in which the studio was located.



Saint Thomas Church
1 W. 53rd St.
New York, NY 10019

St. Thomas' Church
New York, NY

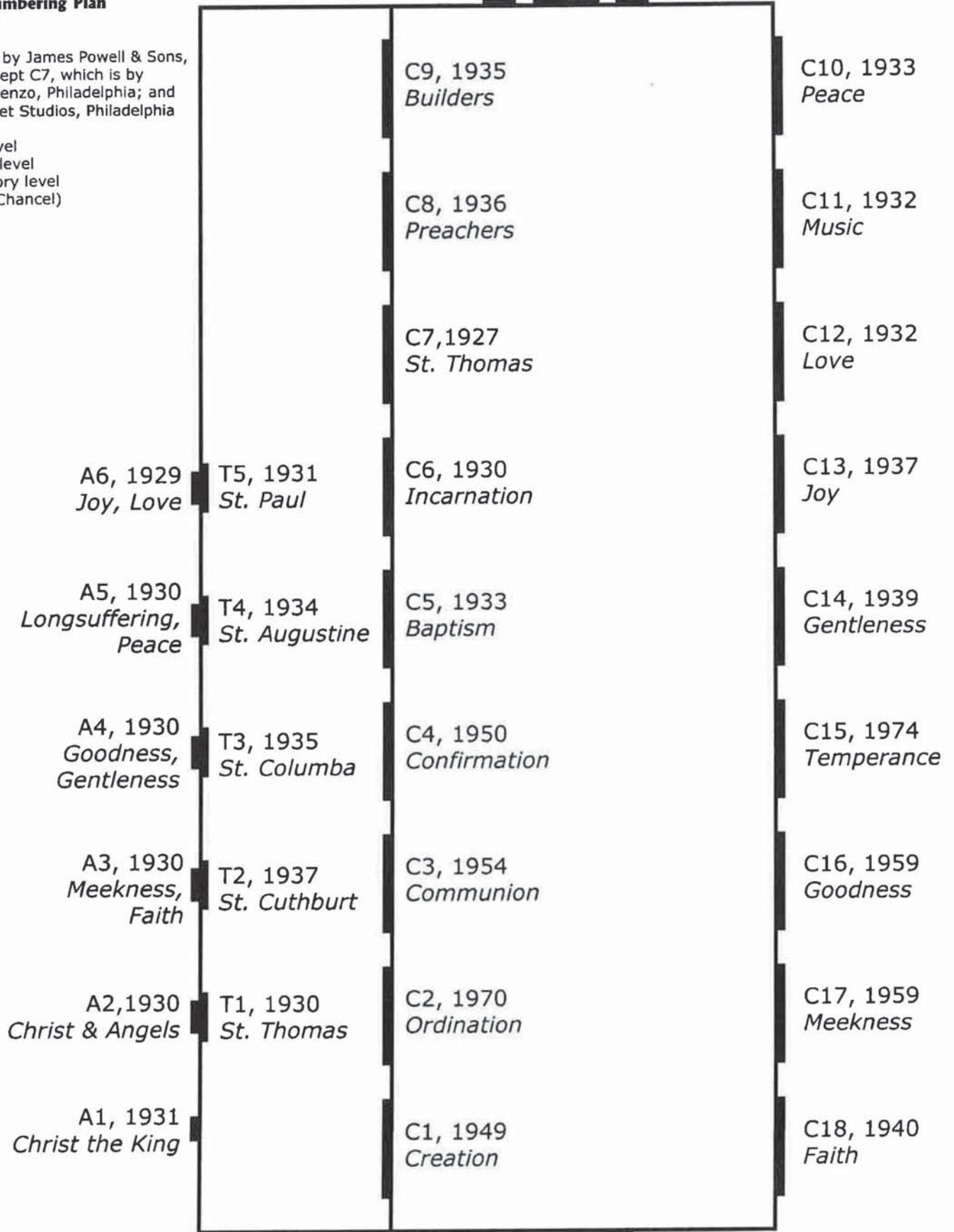
Chancel, 1931
W1 W2 W3

Window Numbering Plan
Not to scale

All windows by James Powell & Sons, London, except C7, which is by Nicola D'Ascenzo, Philadelphia; and C15, by Willet Studios, Philadelphia

A = Aisle level
T = Gallery level
C = Clerestory level
W = West (Chancel)

53rd Street



Rose, 1933



Fifth Avenue



SAINT THOMAS CHURCH FIFTH AVENUE
One West Fifty-third Street * New York, New York 10019-5496

Parish Office
Telephone (212) 757-7013
Fax (212) 977-6582
www.saintthomaschurch.org

Julie Sloan, Presentation for Saint Thomas Church to the NYC Planning Commission

I am Julie Sloan, stained glass consultant to Saint Thomas Church. As William Wright said, the restoration of the stained-glass windows in Saint Thomas Church is the largest such project in the country. We have 36 windows totaling over 9000 square feet, and hundreds of thousands of individual pieces of glass. The windows are set in complex, High-Gothic, stone frames. There are eighteen large windows in the clerestory that are each 32 feet tall and 20 feet wide, and a magnificent rose window that is 25 feet wide. The building, which was designed by the famous firm of Cram, Goodhue and Ferguson in 1911, is so beautifully proportioned that most people don't realize the size of the windows when they visit the church.

Although stained glass typically does not require restoration for about a century, these windows suffer from a group of problems. They are glazed with extraordinarily large lead came and thick glass, making them very heavy. They are pulling themselves out of alignment and bowing. Unvented plastic protective glazing was installed in the mid-1980s. This has turned yellow and opaque, blocking about 30% of the light. It's also contributing to the bowing of the windows by trapping heat inside, which causes the lead came to expand, bowing inward and outward. Expansion of the lead wears it out, and most of the lead requires replacement.

The most difficult problems of the windows relate to their setting in stone frames. Since they were installed, the windows have leaked, which was one of the reasons why the protective glazing was applied. Although they are beautiful works of art, it is critical that they perform in the same way that any windows do, keeping the weather out and letting light in.

An earlier attempt to stop the leaking involved recaulking the windows with a thick, goopy, white material that has since failed. Through testing, we found that this material contained asbestos. This greatly complicates site work during the removal of the windows, which is followed by an asbestos abatement project. Following abatement, the stone frames are cleaned, patched, and pointed.

Our initial plan was to complete the restoration of the windows in 3 phases by 2011, in time for the centennial of the laying of the cornerstone. We are presently nearing completion of Phase I with the reinstallation of the nine north clerestory windows. The chancel windows will be reinstalled in November. We had originally planned to move directly to Phase 2, the south side, on 53rd Street, when the north side was completed.

The scale and complexity of the project requires the involvement of many people. In addition to church staff, we are presently working with 10 stained-glass studios around the country, from Boston to San Francisco. The project team also includes construction managers, scaffolders, masons, industrial hygienists, asbestos abatement contractors, and stone conservators. When the north windows are unveiled in September, we expect that they will be magnificent in appearance and will last for another century. If the sale of the church's air rights goes through, Saint Thomas will be able to do the same urgently required restoration to the south side and the Rose.

July 21, 2009

Ms. Amanda Burden
Chair, City Planning Commission
22 Reade Street
NY, NY

Re: 53 West 53rd Street, Manhattan

Dear Chair Burden,

I am an architect and write in opposition to the special permit application for the captioned project by MoMA/Hines.

My reasons are as follows:

1. Putting skyscrapers on the midblock next to townhouses is poor planning. The height and scale of the 1250' tall tower is too large for the narrow street in the midblock of West 53 and West 54 Streets, and violates our zoning. There is no reason why the developers cannot commission a smaller scale building that will be architecturally as well as environmentally superior to the Nouvel proposal.
2. There is already too much traffic on West 54th and West 53rd Streets. The draft environmental impact statement should have studied these streets river to river as the department of transportation view them and as our community board five requested. MoMa/Hines's traffic counts are two years old and just under threshold for mitigation. They fail to consider the closure of Broadway between 47th and 42nd Streets that is causing even more cross town traffic above 47th Streets onto our streets in the West 50's.

Please reject this application.

Sincerely,
Jacqueline Thompson
150 West End Ave
New York, New York 10023
212-787-3245

**City Planning Commission Public Hearing
Wednesday, July 22, 2009**

Adam Weinberg, Alice Pratt Brown Director of The Whitney Museum of American Art

Madame Chairperson, it's my pleasure to address you and the members of the City Planning Commission during your review of the project proposed for 53 West 53rd Street, designed by Ateliers Jean Nouvel. The Whitney Museum of American Art supports this project and the related gallery expansion of The Museum of Modern Art in the proposed building's lower floors.

We appeared before the Commission in 2008 in connection with the city approvals for our new building designed by Renzo Piano, so we appreciate the essential role you play in facilitating the growth of the city's museums and other cultural institutions and your support for the best of architectural design. MoMA has been in the City's cultural vanguard by creating one of the finest and deepest international collections of modern and contemporary art and by being a patron and supporter of great architecture, in what it has built on its campus and in its pioneering architectural exhibitions. This project embodies both of those themes.

MoMA and its visitors will benefit by gaining almost 40,000 square feet of new gallery space for the display of its collection. As a museum director, I can appreciate the critical importance of providing additional exhibition space which greatly enhances the curatorial programming opportunities and enriches the visitor experience. Some of MoMA's current galleries get crowded as visitors wish to see old favorites and make new discoveries. More gallery space relieves the crowding and creates an improved experience for everyone. Ensuring that the visitor experience is memorable for all of the right reasons is so important in the long term health of a cultural institution. It is not simply the increased number of works that will be on view, however, but the access provided to visitors to enjoy them.

The City's art is also embodied in its built form and our museums have showcased some of the best and most innovative architecture. New York City itself will benefit greatly from this potential architectural masterpiece, designed by Jean Nouvel, one of the world's greatest architects. In addition to this cultural contribution, this building project has economic benefits in the construction jobs and permanent jobs it will create. And of course, the arts industry is a significant contributor to the City's economic health and a major factor in the City's international prominence.

Accordingly, I hope the Commission will join with me and The Whitney Museum of American Art in their support for the project. Thank you.

BRUCE WILLIAMS WHIPPLE

124 WEST 119TH STREET, PENTHOUSE 4, NEW YORK, NY 10026

(917)734-3493 / (860) 927-0057

bwhipple@northmarq.com

Hines MoMA Tower

My name is Bruce Whipple and I currently work as a commercial mortgage banker and broker for NorthMarq Capital. I previously worked for Merrill Lynch and Lehman Brothers in their commercial real estate capital markets groups. I have a Master of Science in Real Estate Development from Columbia University and also worked as the Director of Marketing for a mid-sized architecture firm in Virginia. I am on the Board of The New York Chapter for the Congress of the New Urbanism and Boards of two other real estate organizations. In short, I have a strong interest in real estate, design and planning.

While I personally think that the Jean Nouvell design for the proposed building is lovely, I think that it is horribly out of scale for the site and would be a disaster for the neighborhood if constructed. The proposal to build such a tall tower mid-block defies good urban planning models and practice. In addition, the timing from an economic perspective with regard to the intended use and current credit crisis is no longer appropriate. There is not sufficient demand for condominiums or hotel rooms. Room rates in Manhattan have declined to 50% of their levels in 2007. Office vacancy rates are soaring to the highest level in decades. There is not sufficient need for this scale of development.

Gerald Hines is a revered developer that has the credit of several successful developments. In this instance I feel that the Hines/MoMA joint venture is abusing their privilege. They are trying to foist something onto mid-town that will be immensely profitable for Hines and justify the exorbitant land cost that it paid the MoMA. Hines has astutely gone to Saint Thomas Church and the University Club and offered to purchase their air-rights to create the veiled appearance of a "win-win" situation and garner support for the project by appearing to help two selected landmark buildings. As a member of the University Club, I know that the Club is in good shape financially and doesn't need the benefits.

MoMA only recently completed their huge addition and in the process successfully destroyed and effectively came to control the majority of the south side of the block of West 54th Street. To embark on yet another huge expansion on the tail of the Taniguchi addition, acknowledges that the complex as posed challenges and has both strengths and weaknesses.

Some of the weaknesses include the unattractive and unpopular fence that hides the sculpture garden from the neighborhood. The bland banal face on the south side of the block destroyed some icons of the street: the Jewish Athletic Club, the Dorset Hotel and Connolly's. Part of the impact that the Modern had when it was first constructed was its contrast in style whereby simplistic modern form was juxtaposed against some of the best examples of Beaux Arts Townhouses in New York. That gave it impact. Today the south side of West 54th Street resembles a block that could be in the CBD of Omaha, Greensboro, or Des Moines. Thankfully the trees are finally growing tall enough to hide the fence and soften the hard edge of a woefully long expanse of concrete.

MoMA needs to start thinking of itself as a better neighbor to mid-town. Their trucks have not been using their loading docks, they have blocked the view of the garden to the street, they have huge lines for exhibits and they now want to create a new nuisance for the neighborhood to gain only 40,000 square feet of space (5%) of the total proposed space. I don't feel that their Board of Directors is thinking of the Community. Perhaps someone on the Board likens himself to be the Robert Moses of our time?

Lastly, I hate to imagine the negative impact that the dense development will have in the subway station at 53rd and Fifth Avenue. The subway station at East 53rd and Lexington Avenue is already overcrowded to the point of being dangerous today from the construction of towers on Lexington, Second and Third Avenues.

I still recall a time that I drove down from Westchester County to go to a lunch at the University Club three years ago during the Christmas holidays. Fifth Avenue was congested from holiday shoppers and the police blocked me from crossing over Fifth to get to the Club parking garage. I had to circle around the subject block past St. Thomas and the entrance to MoMA and back around to Fifth Avenue. It took me more than one solid hour to do that. Imagine the congestion that might occur if this tower was approved and built. In the wake of Bloomberg's failed congestion pricing plan, the traffic will be intense.

Please vote no to this abuse of privilege and think not only of the good of one self-serving development. I urge you to think of the context of the City as a whole and the precedent that it may set for other developers to push for approvals to construct mid-block high rise buildings in other parts of the City. Tall buildings belong on the Avenues, not mid-block.

NYC City Planning Commission Hearing, July 22, 2009

Testimony of Carol Willis in favor of the proposed tower at 53 W 53rd Street

Good afternoon. My name is Carol Willis, and I am an architectural historian and the founder and director of The Skyscraper Museum in lower Manhattan (although I should stress that I am here today as an individual expressing my own views, not making an official statement from the Museum).

I am here to speak in favor of the proposed tower at 53 W 53rd Street. I was asked to consider testifying by my colleague Barry Bergdoll of MoMA, and I replied that I would be delighted, because I think this is such an important project for New York. I am confident that this building will be an impressive, innovative, artistic and engineering accomplishment and an enduring landmark for the City.

Jean Nouvel, of course, is one of the world's most original and acclaimed architects. I have followed his work for at least twenty years. Recently, his brilliantly inventive work for cultural institutions has been matched by a series of designs for paradigm-busting towers, such as Barcelona's multi-colored Torre Agbar. That Nouvel now has several commissions in New York is to be celebrated.

The design for 53 W 53rd is a work worthy of New York's historical role as the premier city of towers. It is a scheme that makes reference to New York's tradition of form-shaping zoning laws, just as it cleverly operates within the current code. The design has a "Mies-gone-mad" quality in its illogical-looking diagrid of Seagrams dark metal and glass. This is not a polite tower: thank God.

Some testifying today, I suspect, will say that they admire the architect and his design, but that it should not be built on this particular site. I'd like to argue, though, that this is likely the *only* place in New York that this tower *could* be built. So, in the brief time that remains, let me focus on this point that I think others might not pursue.

Some time ago, I wrote a book entitled *Form Follows Finance* that showed how skyscrapers are products of complex equations of multiple factors of site, municipal regulations, aesthetics, and economics. The last, I emphasized—*economics*—is key in commercial real estate. In general in New York, within their eras, most high-rise buildings look very similar: they represent a "vernacular of capitalism." Stand-out buildings break the mold, usually by exceptional height—as with the Empire State Building, Chrysler, or the World Trade Center—or by formal contrariety, as with Raymond Hood's American Radiator Building or the stone slab of the RCA Building at Rockefeller Center. 53 W 53rd is a stand-out building of both types: height and form, and I think it is guaranteed to be a building that will rank with the aforementioned landmarks.

Exceptional buildings everywhere are also the marriage of talented architects and clients willing to *invest* a bit extra for great design and quality materials: think of the Seagram Building and 1 Chase Manhattan Plaza. You have this marriage in Nouvel and the

developer Hines, which has a distinguished record of working with leading architects on very high-quality projects. What I want to underscore, though, is that word “invest,” because—despite the great (arguably public) benefit the deal will have in providing new space for MoMA—this is a commercial project that will rise (or not rise) depending on the “form follows finance” equation. It takes a certain number of stories and square feet of space to make this deal work. And this is certain to be a very expensive building to realize.

Clearly, this tower gains cache from its connection to MoMA, and the art collectors and international elite who are likely to purchase the apartments there will be paying a considerable premium for its status. This premium will allow an exceptionally expensive skyscraper to build make economic sense. Indeed, I suspect that there is no other site in Manhattan that could balance the “form follows finance” equation of this design.

For its absolute uniqueness, then, I would urge the Commission to approve the proposal for the Jean Nouvel tower at 53 W 53rd Street.

NYC City Planning Commission Hearing, July 22, 2009

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For its absolute uniqueness, then, I would urge the Commission to approve the proposal for the Jean Nouvel tower at 53 W 53rd Street.

A handwritten signature in cursive script, appearing to read "Carol Kuller".

LANDMARK WEST!

LANDMARK WEST! PRESERVES THE UPPER WEST SIDE

July 21, 2009

Hon. Amanda Burden
Chair
New York City Planning Commission
22 Reade Street
New York, New York 10007

RE: 53 West 53rd Street – Hines/MoMA

Dear Chair Burden:

Christopher Hitchens captured the essence of why people who care about different neighborhoods all over the city stand up for each other when major developments threaten one of our communities. In a July 2008 *Vanity Fair* article about a massive project in Greenwich Village, Hitchens wrote:

“Those who don’t live in such threatened districts nonetheless have a stake in this quarrel and some skin in this game. **because on the day when everywhere looks like everywhere else we shall all be very much impoverished**, and not only that but—more impoverishingly still—we will be unable to express or even understand or depict what we have lost.”¹

The fact is, we *all* live in “such threatened districts”—any neighborhood where the unfettered right to develop property is valued above the integrity of the laws designed to protect the public welfare. LANDMARK WEST’s “skin in this game” is the fact that the proposed Hines MoMA development is the very antithesis of the kind of development that the zoning and preservation regulations for this site were intended to produce.² And if the City Planning Commission approves this project there, you will undermine your authority to prevent incompatible projects elsewhere.

Many of the most credible voices in city planning today have criticized this project. Ada Louise Huxtable said, “**I am so weary of these stupid alliances between developers and cultural institutions in which the cultural institution is given a block of space and the developers overbuild the rest...I can’t help but view [MoMA’s] new Nouvel tower as the last destructive nail.**”³ *Bloomberg News* architecture critic James S. Russell called

¹“Last Call, Bohemia,” by Christopher Hitchens, *Vanity Fair*, July 2008.

² On the Upper West Side, LW! and others have worked diligently to prevent the transfer of development rights from institutional sites along Central Park West to adjacent, low-rise midblocks, which would essentially defeat the purpose of contextual zoning and undermine the integrity of the Upper West Side Central Park West Historic District.

³“Her New York,” by Phillip Lopate, *New York Times*, November 7, 2008.

MoMA's use of 74-79 and 74-11 zoning provisions an "abuse".⁴ Tom Wolfe labeled the project "the MONSTER of 54th".⁵ Leading preservation organizations and elected officials object to such a grossly out-of-scale building in a zoning district created specifically to restrict overdevelopment on narrow side-street midblocks, with severely negative impacts on historic resources and minimal resulting preservation benefits.

Special permits are requested for a project that

- 1) does not "conform with the existing scale and character of the Preservation subdistrict"⁶
- 2) does not "continue the historic patterns of relatively low building bulk in midblock locations"⁷
- 3) does not "preserve the midblock area north of the Museum of Modern Art for its special contributions to the historic continuity, function and ambience of Midtown"⁸
- 4) does not "have minimal adverse effects on the structures or open space in the vicinity in terms of scale, location and access to light and air"⁹
- 5) does not meet the standard that special permits will not "unduly increase the bulk of any new development, density of population or intensity of use in any block to the detriment of the occupants of buildings on the block or nearby blocks, and that any disadvantages to the surrounding area caused by reduced access of light and air will be more than offset by the advantages of the landmark's preservation to the local community and the City as a whole"¹⁰

Approval of this project, which runs so strongly counter to the stated planning vision for this neighborhood, would send a clear message that zoning and other land-use regulations are groundless and that the standards for waivers from these laws are negotiable, a message with dire implications for neighborhoods throughout New York City.

For these reasons, LANDMARK WEST! urges the City Planning Commission to deny this application.

Sincerely,

Kate Wood
Executive Director

⁴"Nouvel's Super-Tall MoMA Tower Represents Ode to Zoning Abuse," by James S. Russell, *Bloomberg View*, January 9, 2008.

⁵Tom Wolfe, August 28, 2008 letter to the West 54-55th Street Block Association

⁶New York City Zoning Resolution, Section 81-90 "Special Regulations for Preservation Subdistrict" of Special Midtown District

⁷Ibid. Section 81-00(f)

⁸Ibid. Section 81-00(m)

⁹Ibid. Section 74-711(b)(1)

¹⁰Ibid. Section 74-792(e)(1).



SAINT THOMAS CHURCH FIFTH AVENUE

One West Fifty-third Street ☒ New York, New York 10019-5496
www.SaintThomasChurch.org

**Testimony of William H. A. Wright II,
Senior Warden, Saint Thomas Church,
To the New York City Planning Commission
22 July 2009**

Good morning, ladies and gentlemen, I am William Wright, the Senior Warden of Saint Thomas Church, which favors the Hines/Nouvel project for a number of reasons. Firstly, we believe that Tour Verre will be an elegant addition to our neighborhood.

Secondly, our century-old landmarked Church will receive desperately needed funds for essential maintenance and repair through the sale of approximately 275,000 square feet of development rights to Hines to build the Nouvel tower. Like all churches, pledges from our faith-based community of congregants are the core of our support. However, while our parishioners are generous, these pledges amount to less than a quarter of our annual budget.

As many of you know, Saint Thomas Church has embarked on a massive project to restore the seriously damaged and deteriorating stained glass windows for which the Church is famous. This \$22 million project is the largest stained glass window restoration in the country – 36 windows in all - and possibly the world.

Our consultant, Julie Sloan, will explain to you shortly why this project is vital to maintaining the integrity of the church fabric and not merely cosmetic in nature.

Unfortunately we have had to stop the project when it is less than half completed because our fundraising efforts and our endowment funds have been seriously impacted by the current economic climate. The sale of development rights will allow the Church to restart and complete the stained glass project.

In addition, and separate from special projects like the windows, the costs of routine maintenance of the Church building are enormous and unpredictable, ranging up to one million dollars in any given year. By rebuilding our endowment with the air rights proceeds, we will ensure our ability to maintain our landmark building in a first class condition for centuries to come.

Commissioners, please understand this: St. Thomas never before has had an offer like Hines' and it is highly unlikely — certainly, we dare not assume — that there ever will be another. The church's landmark status means that, apart from this sale of rights, we are precluded from realizing any of our property value to defray the very expensive costs of maintaining and preserving this Fifth Avenue icon.

Claims that because our building is well maintained now, we have no true concern for its future maintenance are belied, eloquently and sadly, by the number of churches in New York that once were vibrant and now are derelict or have disappeared. The conveyance of our development rights to the Nouvel tower will ensure that Saint Thomas does not join their ranks but, rather, remains one of the city's most significant landmarks.

We applaud Hines and Jean Nouvel for their vision and look forward to welcoming Tour Verre to the neighborhood.

I appreciate the opportunity to testify to the Commission and will be happy to answer any questions you may have. Thank you.

2 THE CITY OF NEW YORK

3 CITY PLANNING COMMISSION
-----X

4
5 ULURP Public Hearing

6 Re: 53 West 53rd Street/MoMA

7 Nos. 25 and 26

-----X

8 City Planning Commission
9 Spector Hall
10 22 Reade Street
11 New York, New York

12
13
14 July 22, 2009
15 12:20 p.m.

16

17

18

19 B E F O R E: Amanda M. Burden,

20

21 The Chair

22

23

24

25

26

27

ROY ALLEN & ASSOCIATES, INC., 212-840-1167

2 A P P E A R A N C E S:

3 COMMISSIONERS PRESENT:

4 Amanda M. Burden, FAICP, Chair

5 Kenneth J. Knuckles, Esq., Vice Chair

6 Angela M. Battaglia

7 Rayann Besser

8 Irwin G. Cantor, P.E.

9 Angela R. Cavaluzzi, AIA

10 Alfred C. Cerullo, III

11 Betty Y. Chen

12 Maria Del Toro

13 Richard W. Eaddy

14 Nathan Leventhal

15 Shirley A. McRae

16 Karen A. Phillips, Commissioners

17 Yvette V. Gruel, Calendar Officer

18

ALSO PRESENT:

19

The Public

20

The Press

21

22

Kari L. Reed,
the Reporter

23

* * *

24

25

ROY ALLEN & ASSOCIATES, INC., 212-840-1167

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2 PROCEEDINGS

3 STAFF MEMBER: Borough of
4 Manhattan, calendar numbers 25 and 26. District
5 five, calendar number 25, C 090431 ZSM.
6 Calendar number 26, C 090432 ZSM, granting
7 special permits concerning 53 West 53rd Street
8 and the Museum of Modern Art.

9 Madam Chair, we have read this
10 notice incorrectly. This is a Public Hearing
11 being held by the City Planning Commission
12 concerning the ULURP items to receive comments
13 related to the Draft Environmental Impact
14 Statement for this application.

15 THE CHAIR: Okay. Now, as is our
16 custom, we have a number of speakers in favor of
17 the application and a number of speakers who are
18 speaking against the application. We'll start
19 with a half an hour of speakers who are in
20 favor, then we'll go to speakers in opposition.
21 And we'll begin with speakers in favor with

22 Glenn Lowry.

23 Commissioner Cantor recused himself

24 from this item.

25 STAFF MEMBER: So noted.

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2 MR. LOWRY: Good morning. I'm
3 Glenn Lowry, the director of the Museum of
4 Modern Art. Madam Chairperson, Commissioners,
5 it's a real thrill for me to be here to talk to
6 you briefly as you review the project proposed
7 for 53 West 53rd Street, and to share with you
8 our enthusiastic support for the exhilarating
9 steel and glass tower designed by Pritzker prize
10 winning architect Jean Nouvel, to be developed
11 on the site by an affiliate of Hines interests.

12 The Museum of Modern Art selected
13 Hines as a developer for the project because we
14 strongly believe in the integrity of the firm
15 based upon their exemplary history of
16 development. The way Hines carefully selects
17 architects for their buildings and carries out
18 their projects is impeccable. We were
19 especially pleased that Hines chose the
20 prestigious architectural firm of Jean Nouvel,
21 who we think has created some of the most

22 interesting and important buildings anywhere in
23 the world. And that talent of his is strongly
24 echoed in the design of the striking building
25 proposed for the site.

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2 The Museum of Modern Art has always
3 embraced world class architects throughout its
4 history, and even in 1932 founded the first
5 architectural department of any museum in the
6 country. And over the last eighty years we have
7 consistently organized ground breaking exhibits
8 that examined the way architecture can affect
9 the building environment.

10 As part of Jean Nouvel's proposed
11 new building, the Museum of Modern Art gallery
12 space will be expanded on the second, fourth and
13 fifth floors by a total of 39,500 square feet,
14 connecting seamlessly to our existing permanent
15 collection galleries on these floors.

16 This gallery expansion will enable
17 us to show even more of our magnificent
18 collection to the public. Since the added space
19 on the second floor is double height space,
20 which is why there's no third floor, this
21 affords us even greater opportunity to exhibit

22 many of our major sizable works of contemporary
23 art, such as those by Richard Serra and Martin
24 Puryear. In fact, the contemporary galleries on
25 the museum's second floor will double in size

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2 with this addition.

3 More gallery space will also
4 address the crowding in our current galleries
5 and provide an improved experience for our
6 current level of attendance, since we do not
7 foresee an increase in attendance as a result of
8 expanding our existing galleries. With more
9 room to show more works of art, the museum will
10 continue to drive and to garner the attentions
11 and support of future generations of museum
12 going public, reinforcing our mission and
13 efforts to be one of the foremost museums of
14 modern art in the world.

15 I want to take this opportunity to
16 express our commitment to working with our
17 midtown neighbors and Community Board 5 on
18 issues that affect us all. These include our
19 managing the visitor entry process in the most
20 effective and least disruptive manner possible,
21 as visitors sometimes use the neighborhood

22 sidewalks as a place to line up.

23 (Bell rung)

24 MR. LOWRY: We would --

25 THE CHAIR: Could you, I'm sure

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2 there will be questions for you, if you could
3 conclude your remarks? We have a number of
4 speakers. I just remind everybody has three
5 minutes and we'll try to keep it that to that.
6 We always keep it to that. If you could sum up.

7 MR. LOWRY: Sure. We also are
8 committed to improving the efficiency and
9 lessening the impacts upon our neighbors of
10 truck deliveries, and improving the operation of
11 buses dropping off and picking up students at
12 the museum. And we are delighted that Borough
13 President Stringer and his staff have supported
14 this project, citing our commitment towards
15 increased efforts in working with our neighbors.
16 And I'm here to assure you that that is
17 absolutely our intention.

18 THE CHAIR: All right, thank you
19 very much. Let me see if there are questions
20 for you from the Commission.

21 I know there are concerns about how

22 you're going to be managing the success of the
23 museum in terms of the lines. Maybe you can
24 speak about that now, or are there subsequent
25 speakers who may be addressing that issue? I

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2 know that will be coming up, that will be a
3 subject.

4 MR. LOWRY: Well, I'm happy to
5 address it briefly for you.

6 THE CHAIR: Good.

7 MR. LOWRY: Because it's a
8 balancing act. We made a commitment to the city
9 in our last project to broaden and expand the
10 base of our audience, and to diversify it. And
11 we implemented free hours and a whole range of
12 programs that actually bring in something like
13 750,000 people a year to the museum who don't
14 pay admission. And thus on Friday nights when
15 we are free to the public, there is a
16 considerable number of people who come to the
17 museum.

18 We also recognize it has an impact
19 on the community. And there's a balancing act
20 that needs to be worked out. We have an
21 outstanding visitors services department that is

- 22 looking at ways of diminishing those crowds and
- 23 moving them into the museum more rapidly through
- 24 online ticketing and a range of other
- 25 initiatives that would accelerate the process.

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2 We also understood in the last
3 expansion that there would be an increase in our
4 attendance, and predicted that that would grow
5 our attendance from about 1.6 million people a
6 year to 2.5 million, which is exactly what
7 happened. And we have I think a high degree of
8 confidence that these expanded galleries that we
9 will get in this project, should it be approved
10 and go forward, would not have a meaningful
11 impact on attendance. So in a way the situation
12 I think can be managed as it is.

13 THE CHAIR: Thanks. Any other
14 questions, any questions from the Commission?

15 (No response)

16 THE CHAIR: Thanks very much,
17 always good to see you.

18 The next speaker is Michael
19 Sillerman. He'll be followed by Jean Nouvel.

20 MR. SILLERMAN: Good morning, Madam
21 Chair and Commissioners. My name is Michael

22 Sillerman of Kramer Levin, counsel for the
23 project. Which is a proposed 82 story mixed use
24 building designed by Jean Nouvel, the 2008
25 Pritzker prize winner. A mixed used building of

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2 680,000 square feet, two through five the
3 museum, up to eighteen is hotel, above that to
4 82 is residential.

5 The zoning shown to the right
6 includes the MoMA complex, St. Thomas Church,
7 the American Folk Art Museum and the Museum
8 Tower and Condominium in four midtown zoning
9 districts. It involves the utilization of floor
10 area from two designated landmarks, 136,000
11 square feet from the University Club, which
12 would be transferred by means of a 74-79 special
13 permit, and approximately 275,000 square feet
14 from St. Thomas Church, which would be utilized
15 through a 74-711 special permit to enable
16 certain zoning modifications to the project,
17 which also has 31,000 square feet of Folk Art
18 air rights purchased benefits, and provides
19 substantial benefits to four nearby non profit
20 institutions, MoMA, the Folk Art Museum and the
21 University Club and St. Thomas Church.

22 The Landmarks Commission approved a
23 restoration program and a continuing maintenance
24 program, and also found with respect to the
25 question of harmonious relationship that the

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2 proposed bulk waivers would have no effect on
3 the relationship between the proposed building
4 and the landmarks, due to the distance between
5 the proposed buildings and the landmarks shown
6 on the plan at the right, because it's 476 feet
7 from St. Thomas Church Rectory, and 538 feet
8 from the University Club, a length typical of
9 many city blocks.

10 In this land use phase with regard
11 to those impacts, 74-79 requires a determination
12 of whether the proposed transfer of floor area
13 unduly increases the bulk density or intensity
14 of use of the new project, and 74-711, whether
15 the bulk modifications have minimal adverse
16 effects in terms of scale, location and access
17 to light and air. We believe the project meets
18 these findings because the building largely
19 complies with a height and setback regulations
20 for the C6.6, C5-2.5 and the C5 zoning districts
21 in which it's located, with waivers necessary

22 only to establish a functional floor plate on
23 the upper floors, and distribute floor area away
24 from the landmarks and the Preservation
25 District. Moreover, the development site is not

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2 a typical mid block site. It's located very
3 close to Sixth Avenue, with approximately 43
4 percent of its lot area in the C6.6 and 15 FAR
5 zoning district.

6 (Bell rung)

7 THE CHAIR: I saw you submitted
8 nine pages here. I was wondering how you were
9 going to match your watch to the nine pages.

10 You have to conclude, but I don't know.

11 MR. SILLERMAN: I tried to do three
12 pages.

13 But the approach of this project
14 has been to respect the basic massing of
15 midtown. It's significantly underbuilt along
16 54th Street because you have the garden, you
17 have the demolition of the Dorset Hotel, which
18 was nineteen stories. In the last phase, where
19 we are transferring another 60,000 feet away
20 from the C5P. So the whole construct of this
21 and the whole development of the MoMA campus has

22 been to have a garden underbuilt and respect the
23 zoning on 54th Street and move into the midtown
24 zone along 53rd street. And, as Mr. Nouvel will
25 explain to you, the height and setback massing

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2 is the basic inspiration of this building. So
3 we think we meet the findings that way.

4 THE CHAIR: So but could you just
5 explain the line drawing that's in the center of
6 the white board, please?

7 MR. SILLERMAN: Yes. And the other
8 point is, this building is only 161 feet taller
9 than an as-of-right building that you could
10 build on the site. That's what's shown in the
11 middle drawing. So remember that this is a high
12 density midtown district. It's basically a
13 complying building, and it's underbuilding 54th
14 Street, and it's moving bulk away from the
15 landmarks and from the lower density zone.

16 THE CHAIR: Okay. So this comes to
17 another issue that is just bedeviling me
18 personally, maybe others, is that you have an
19 extraordinarily talented architect and a very
20 dynamic and for me personally a thrilling
21 design. However, what is to assure me and the

22 Commissioners and the City that this glorious

23 design isn't going to turn into the as-of-right

24 massing, which would be a calamity?

25 MR. SILLERMAN: Right. We are in

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2 discussions with staff to make sure that the
3 plans that are adopted reflect the requirements
4 of 74-711 and 74-79 and your design concerns.
5 These are different special permits than some
6 others that you've seen there. They are
7 directed toward design and toward massing. And
8 I think that the text gives you many explicit
9 ways of making sure that what you see is what
10 you get.

11 THE CHAIR: Well, it deals with the
12 setbacks and the rear yard equivalents, et
13 cetera. It does not deal with the top of the
14 building. And how this building meets the sky
15 is not only in the tradition of great New York
16 buildings, but it's absolutely essential that it
17 culminate in a very sophisticated and
18 distinguished apex. And there's nothing in the
19 design controls or text that assures that,
20 unless you can find out a way to give me that
21 comfort.

22 MR. SILLERMAN: 74-79 has language
23 that the Commission can give due consideration
24 to the building developed in terms of materials,
25 design, scale and location of bulk, number one.

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2 And number two, you're granting waivers based on
3 a very particular design. So I think that there
4 are the tools to address the kind of specificity
5 and the concerns that you have in the text as it
6 is.

7 THE CHAIR: Okay. We'll be looking
8 forward to having that assurance.

9 Nat Leventhal, I'm sorry, and then
10 Kenneth.

11 COMM. LEVENTHAL: Thank you.

12 Would this be the tallest building
13 in the city?

14 MR. SILLERMAN: It's 1,250 feet, is
15 that --

16 A VOICE: Yes.

17 MR. SILLERMAN: Is that the
18 tallest?

19 A VOICE: Yes.

20 A VOICE: No, no.

21 MR. SILLERMAN: We will give you

22 the data, we have that. It's certainly in the

23 range of the Empire State Building.

24 THE CHAIR: It's below the Empire

25 as I understand it, it's higher than the bulk of

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2 the Empire State Building, but not its tower.

3 Not its tower.

4 Ken?

5 COMM. KNUCKLES: Well, I guess my

6 question is an extension of Nat's question. And

7 I agree with the Chair with regard to the

8 aesthetic consequences of the alternatives, and

9 that this is a superlative design. But,

10 Michael, what do you say to the, what I think is

11 the essential concern of the Community Board

12 here that the building is just too tall?

13 MR. SILLERMAN: That's the concept

14 of tower, and with midtown zoning the floor area

15 here is not that great. It's 650,000 square

16 feet. And in terms of the environmental impact,

17 there's only 120 hotel units and 150 residential

18 units. And what you're doing is you're

19 extruding that bulk to a tall narrow tower.

20 It's not a blocky, bulky building, it doesn't

21 have shadow impacts. I mean, that's why at a

22 certain point towers were considered a very good
23 architectural design. They have actually less
24 impact than a broad, you know, Soviet slab,
25 chunky building.

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2 And also I should say in terms of
3 making sure that you get what you're looking
4 for, remember, this is the builder of 383
5 Madison Avenue, this is the builder of --
6 Taniguchi designed both of those, actually had
7 much more of an envelope to build in. And you
8 had the quality and the result I think very much
9 of what you were seeing.

10 THE CHAIR: Yes, Angela Cavaluzzi.

11 COMM. CAVALUZZI: Also I appreciate
12 the rendering that you have there, but we did
13 ask and I believe the Chair had asked for more
14 of a skyline view or a section to cover a little
15 bit more of the area than what you're showing.
16 So I don't know if that's coming up. But I
17 think, especially if this is, well, one of the
18 tallest buildings in the city, I think it's
19 important to understand it as part of the
20 skyline of at least of midtown. So I'm not sure
21 what you're going to be showing us later.

22 The other question is the
23 as-of-right in the middle, is that as-of-right
24 without allowing the special permit to transfer
25 the 136,000 square feet from the Landmark, or

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2 are you talking about --

3 MR. SILLERMAN: Yes. This is no
4 bulk way, so you lose St. Thomas and you
5 can't -- you lose all of the University Club air
6 rights. You can't transfer some of the C5P.
7 You can't transfer part of the St. Thomas air
8 rights. So you don't have any -- you have much
9 lower benefits to the landmark. But that's a
10 massing that you can do as-of-right under your
11 current midtown text.

12 COMM. CAVALUZZI: Okay, thank you.

13 THE CHAIR: Any other questions
14 from the Commission?

15 (No response)

16 THE CHAIR: Okay, great. Thank
17 you, Michael.

18 The next speaker is Jean Nouvel.
19 And don't start the clock until they get set up.

20 Okay.

21 MR. NOUVEL: Ladies and gentlemen,

22 to win a competition like this in Manhattan --

23 THE CHAIR: You have to pull the

24 microphone up a little bit.

25 MR. NOUVEL: Sorry, closer?

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2 THE CHAIR: Yes.

3 MR. NOUVEL: I will take it.

4 To win a competition like this in
5 Manhattan, and in a neighborhood like this is of
6 course a very important moment for an architect.
7 You can imagine that. And for a French
8 architect to arrive in New York City like this.

9 And every time when I arrive in an
10 historical city I try to find what I call the
11 missing piece of the puzzle. And what I -- that
12 was a special competition because Hines asked us
13 to propose two solutions, one at the end of what
14 we think, another one very reasonable or
15 something like this, or with a rectangular
16 block. And I think when we did this like size,
17 the uncertain became evident. And a lot of
18 people don't understand why is the building this
19 high or so high. A skyscraper is high. Also
20 here, all the rectangular blocks are already
21 here.

22 And of course before I designed
23 that, I look at the written story of the
24 skyscraper in New York City. And I was
25 particularly interested by the Luc Ferry

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2 (phonetic) drawing in 1922 I think, and this
3 contrast with needles. Because when we create
4 the shape like this, you have the sky coming
5 down in the street. And when you look at that,
6 you have the best picture in the street. I
7 don't know if we can show that. The building
8 with a slope open to the sky.

9 So the feeling when you are a
10 pedestrian is to have a lighter building than if
11 you build a block. And the shadow on the street
12 is not all the same because you have a rim of
13 light between the buildings. So that was a base
14 of that.

15 And after -- I research how to do
16 that. And when I look at the midtown setback, I
17 saw that with a special shape of this site would
18 arrive to a very interesting profile, and that
19 is what you can see here. And I try to be as
20 close as possible of this first, of this first
21 consequences of your roots. And --

22 (Bell rung)

23 MR. NOUVEL: What is that? I have

24 to stop? Bell rang.

25 (Laughter)

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2 MR. NOUVEL: Already?

3 (Laughter)

4 MR. NOUVEL: They said to me five
5 or ten minute talk.

6 THE CHAIR: All right, I'm sure
7 there are going to be questions for you. But
8 finish that thought that you just started.

9 MR. NOUVEL: Yeah, okay. It's a
10 very short exercise.

11 No, what I propose here is to have
12 a kind of stretcher, because a stretcher of the
13 building has to be a pyramidal. And I propose
14 to live in a kind of stretcher, and to be
15 totally in the sky.

16 Can you see the -- can you show
17 from the side? I think it's important. And the
18 images of the base of the building as well as
19 the roots of the stretcher.

20 And what is interesting with this
21 shape, we arrive very -- not only to a kind of

22 random system with a kind of net. And this net
23 is a greater stretcher (inaudible,) and if you
24 stand far back you are far away in the serenity
25 of the stretcher. And when you are inside, you

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2 have the feeling that you have no minions, you
3 are really in the sky.

4 And what is important also, from
5 the same point of view, if we build a skyscraper
6 like this with this on display and link it with
7 the MoMA, it's also the image of the city and
8 the image of the MoMA. And it's a kind of flag,
9 or link it to a sport. And when you see the
10 building, the skyscraper in the skyline, you can
11 just imagine the skyline, to understand that it
12 is within the rhythm of the city, something
13 belonging to the city. Of course I have the
14 ambition to create a new landmark for the city
15 because a live city has to go on. If it's not a
16 live city, we have also to create a landmark of
17 high epoque.

18 THE CHAIR: So I'm going to stop
19 you there and see if there are questions from
20 the rest of the Commissioners.

21 There are not. Oh, okay, Betty

22 Chen.

23 COMM. CHEN: Good afternoon,

24 Mr. Nouvel. It's wonderful to have you here

25 with us today.

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2 And just to follow up on a point
3 that several other Commissioners made, that
4 currently the tallest building in New York City
5 is the Empire State Building, which is beloved
6 by New Yorkers and people all around the world.
7 With the proposed waiver that's come before us,
8 this building would be 1,250 feet high. That's
9 the second tallest building in New York. Taller
10 than the Bank of America, the New York Times
11 building, the Chrysler Building, GE, and all of
12 these buildings that are really jewels on the
13 skyline. And in fact the highest occupied floor
14 of the Empire State Building is approximately a
15 thousand feet high, which is two hundred -- the
16 occupied floors, the highest occupied floors of
17 this proposed building would be two hundred feet
18 above that, above those occupied floors of the
19 Empire State Building.

20 So could you just, you touched on
21 this a little bit at the end of your last

22 response, but could you discuss a bit more about
23 that height and massing of the building on the
24 skyline during the daytime and also in the
25 evening? Sort of what contribution this

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2 particular building would make to the iconic
3 skyline of Manhattan.

4 MR. NOUVEL: You have to understand
5 that this building is not on the same scale,
6 because the height is not the only parameter of
7 the scale. The scale is also the dimension.
8 It's a small building, and it's 650,000 -- no,
9 650,000 square feet. It's not a huge building.
10 So it's for MoMA to have a building of this size
11 and this high.

12 But also the site is very
13 particular. And I think this rhythm, we see
14 that here, we see that also in the city is
15 really particular. But in the skyline of the
16 city has not the same importance than the other
17 one. You see that it is slimmer, it's modest in
18 one way because it's only a needle, to use a
19 word of Luc Ferry.

20 So this building, we do not have
21 all the drawings here, but you talk about the

22 sharp end of the building and it will -- with
23 holes inside because you will have an integral
24 system inside of the system or so and different
25 things, and lets the light through. And during

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2 the night of course we did a proposal of -- in
3 the spirit of the city also to have a light at
4 the top of the building, but also the light
5 coming on some ways from the roots of the
6 building. But not on all the stretcher, on
7 different points, on different lines.

8 So it is very important also of
9 course to have a good feeling of this building
10 during the night and during the day and
11 during -- and with every kind of weather. And I
12 think this skyline of this building is a very
13 strong identity.

14 And also when I talk about the
15 missing piece of the building is you arrive in a
16 rhythm, in music, you arrive musically here,
17 because it cannot be in another place, it is
18 designed to be here. It's not an independent
19 building. It's something really in relationship
20 with the skyline around.

21 THE CHAIR: Are there other

22 questions for Jean Nouvel? Yes, Karen Phillips.

23 COMM. PHILLIPS: Mr. Nouvel, thank

24 you very much for coming in and describing your

25 building.

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2 One of the things, as the fellow
3 Commissioners have mentioned, the height, but
4 the Empire State Building and even the World
5 Trade Center, the top of those buildings had a
6 public place where even though, I mean it was a
7 striking facilities in the skyline, but it was
8 something that the average, well, the citizen
9 could enjoy or be able to experience. This,
10 because of its shape and because of the uses of
11 the private residences as well as the hotel, do
12 you envision that the top or something near the
13 top of this building would have any kind of
14 public accessibility? Of course it all means
15 very different things now with our new security,
16 but do you foresee or even working, and it may
17 be something that your client talks about, but
18 this symbol, knowing that it is the, a MoMA in
19 the skyline, but is there any public use close
20 to the top of this?

21 MR. NOUVEL: For me it is very

22 important that it is a mixed use tower and not a
23 single use. And for the MoMA it's a particular
24 building on two, three and four. It's 50,000
25 square feet, it's a significant area, more in

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2 the -- for the exhibitions of the MoMA, and the
3 hotel.

4 But you can imagine that with that
5 profile you cannot see it because you are on the
6 side, but when you see the profile of the
7 building you can imagine that we cannot put one
8 lift, we cannot put one stair. This is very --
9 it's very important to have this needle at the
10 end. And this is immaterial at the end. So we
11 cannot go at the top of every tower.

12 And but I think this building will
13 be important in the skyline, will be important
14 in the meaning also because you know when you
15 see that that it is the MoMA and a very
16 important neighbor in the neighborhood. But you
17 cannot go at the top.

18 But it's also a dream. When the
19 skyscraper is the name, you are in the clouds.
20 So it's something completely, completely -- it's
21 again immaterial also. It's not a building at

22 the end, this sharp shape has to be -- has to
23 disappear into the sky.

24 COMM. PHILLIPS: Thank you.

25 THE CHAIR: Are there any other,

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2 Dan, are there any other? Betty?

3 COMM. CHEN: Could you please put
4 the board that's on the ground now with the two
5 horizontal panoramas, could you please just put
6 that up?

7 MR. NOUVEL: Yes.

8 THE CHAIR: A little bit to the
9 left because the Commissioners can't see it when
10 you put it there.

11 COMM. CHEN: I don't think we
12 received these in our briefing materials. It
13 might be useful to see these.

14 THE CHAIR: We did not. And it
15 would be helpful if the applicant could just
16 send us copies of these.

17 And I assume that you didn't bring
18 a model today?

19 MR. NOUVEL: I think we have a
20 small model. I think. I don't know where
21 but --

22 THE CHAIR: That would be also

23 useful. Oh.

24 COMM. CAVALUZZI: Just from the

25 renderings that are from the park it doesn't

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2 look as needle like, and I'm just wondering,
3 could you put the model to the view that you
4 would see from the park? I just want to
5 understand the massing, because on those
6 photographs it's very difficult. So I don't
7 know if you could turn it that way a little bit,
8 yeah.

9 THE CHAIR: And if you could just
10 explain which is the north-south side on the
11 model for the Commission.

12 A SPEAKER: Yeah. Well, this is
13 Sixth Avenue here. So this is the north
14 direction.

15 THE CHAIR: Okay.

16 COMM. CAVALUZZI: I'm sorry, so --

17 THE CHAIR: So we are looking from
18 Central Park.

19 Okay. Any other questions for Jean
20 Nouvel?

21 (No response)

22 THE CHAIR: Thank you so much.

23 MR. NOUVEL: Thank you.

24 THE CHAIR: We will now switch to
25 speakers in opposition. And you could leave the

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2 images unless if you want to take them down.

3 Is the Assembly Member here? Does
4 anybody know? Okay, because I know Assembly
5 Member Gottfried is coming, but he's not here
6 yet.

7 So the next speaker is John
8 Beckmann. I'll read a few names so you can get
9 ready. John Beckmann, to be followed by Marlene
10 Markoff, to be followed by Joan Stuart and
11 Charles Isaacs.

12 Mr. Beckmann? Is Mr. Beckmann
13 here? Okay, he's not. Marlene Markoff? And
14 Joan Stuart and then Charles Isaacs.

15 MS. MARKOFF: Good afternoon.

16 THE CHAIR: Good afternoon.

17 MS. MARKOFF: I'm a friend -- my
18 name is Marlene Markoff and I'm a friend of the
19 block association.

20 And yesterday I was sitting in a
21 terrace which would face this building. My

22 feeling is that by constructing this building in
23 this particular location, it would definitely
24 compromise the integrity and personality of this
25 neighborhood. This neighborhood has suffered

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2 recently by the loss of the Donnell Library,
3 which was a jewel and had a lot of cultural
4 impact. Certain things when they're lost just
5 can't be replaced. Putting a building like this
6 just doesn't fit.

7 I respect architecture greatly, I
8 respect the architect. My uncle that I'm very
9 proud of was an award winning architect that
10 worked with a major New York City firm. So the
11 architecture is gorgeous. It's the location
12 that we are questioning.

13 The block association from what I
14 heard is very reasonable. They were okay with
15 the 25 story building, and all of a sudden they
16 were faced with something like this. They
17 weren't really prepared for that.

18 The museum is only using a few
19 floors. If it was lower and smaller they'd
20 still have what they needed from it. There are
21 lots of impacts that will be felt by the people

22 that live here. When you're sitting here you
23 don't live there. But if you were facing it, if
24 you were in this place, you would understand
25 that it really feels very strange to have this

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2 kind of building at this height in such a
3 location. And it's on such a small parcel of
4 land that it's incongruous to me that this could
5 have ever started in the first place. It just
6 isn't what I would ever think something like
7 this could be put. It's kind of an intruder.

8 And my feeling about zoning, and
9 I'm very naive about this, but I think that this
10 is the kind of a thing that a zoning board was
11 created to prevent. Where I live I've suffered
12 from a lack of good zoning, it's really very
13 poorly done. I honestly think that you should
14 consider, not -- don't be awestruck by the
15 architecture, because it's magnificent. But
16 picture yourself sitting across from it. If
17 this is your home, if you lived here, just
18 picture yourself living with this kind of
19 building. You think of the Empire State
20 Building, it's not in the middle of somebody's
21 neighborhood. Other buildings, they're in a

22 commercial zoning. It's a whole different

23 kettle of fish.

24 So it's a great idea, and maybe it

25 could be placed someplace else. I think

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2 somebody got carried away.

3 And I'm just going to leave with
4 one word. Bigger isn't always better. It's
5 something to seriously consider. And I've heard
6 the board kind of pick at it, you're kind of
7 understanding some of it. There's a couple of
8 problems with it. The fact that it doesn't have
9 a public thing. It's a little bit too privately
10 orientated and not public orientated. And it's
11 not considering the impact on the neighborhood.

12 Thank you.

13 THE CHAIR: Thank you. Are there
14 any questions from the Commission? Karen?

15 COMM. PHILLIPS: Excuse me? Could
16 you just tell us where you live, please?

17 MS. MARKOFF: I'm sorry, what's
18 that?

19 COMM. PHILLIPS: Could you just
20 tell us where you live?

21 MS. MARKOFF: Yes. Actually I'm a

22 librarian. That's how got involved with this at
23 all. But I live in New Jersey. But my
24 connection to New York is very strong. And
25 here's my connection. My husband worked for the

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2 City of New York. We were both born here.

3 If you live in a suburb, you know,
4 this is my beloved block because I spent my
5 college years at the library on this block. So
6 it doesn't -- I don't live there, but I was
7 asked to help in my library capacity, especially
8 the other struggle.

9 So I know that it might sound very
10 alien to you, but my whole life has really
11 resolved around New York City. My husband gave
12 many years of service to this city, as did I.
13 So anything that happens to this city, it may
14 sound funny, but it really is personal, you
15 know, we feel deeply about it. I'm like about
16 twenty miles from here, so it's kind of close.

17 THE CHAIR: Thanks a lot.

18 And I discovered John Beckmann.
19 There's quite a crowd outside, I just didn't
20 realize, and he's fighting his way through the
21 crowd. He couldn't get here by the time I

22 called, so I'll now have John Beckmann as the

23 next speaker.

24 MR. BECKMANN: Hi. I'm John

25 Beckmann and I have a design firm here in

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2 Manhattan. And I've been in business for twenty
3 years and I personally have lived here my whole
4 life, and consider myself a keen advocate of
5 good design and the arts. And I've been
6 following the developments of the Hines project
7 with particular interest.

8 Excuse me for one second.

9 So I've been following the
10 developments of the Hines project with
11 particular interest since it was first announced
12 in November '07. What I'm more focused on is
13 the principal issue, which is the tower's
14 colossal height of 1,250 feet, which puts it in
15 the same category as the Chrysler Building. I
16 think the sliver of glass, the sliver of a tower
17 by Jean Nouvel is outrageously tall for a
18 midtown, mid block location, and would cast a
19 shadow to the edge of Central Park. In a
20 worldly context it would be 200 feet taller than
21 the Eiffel Tower and four times the size of Big

22 Ben. It is a glass spike driven into the heart

23 of New York City.

24 I think the design was created

25 during the period of what former Fed Chairman

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2 Alan Greenspan infamously called a period of
3 rational exuberance. What is even more
4 outrageous to me is that the developers have
5 requested an additional eight floors. For what?
6 The arguments for the hurried approval seem to
7 be taking place in this kind of alternative
8 reality.

9 I have a proposal with I think
10 implications that should be taken seriously. We
11 took the identical program and looked at various
12 ways in which it could be accommodated, and came
13 up with some interesting ideas. In terms of
14 scale, our design is about half the size of the
15 Hines tower, and it mirrors the height of the
16 MoMA tower designed by Cesar Pelli. We have
17 designed a public arcade that connects 53rd and
18 54th Street. And we would also provide entry
19 into a community center, possibly the Donnell
20 Library, as well as additional museum entrances,
21 as well as an entrance in the residential

22 library.

23 Programmatically the design is

24 mixed use, and the museum extension on three

25 floors, on three levels that forms an

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2 intertwining mobius strip within the arcade
3 itself. The mixed use residential tower, the
4 mixed use residential apartment, hotel begin
5 above this grand arcade. The grand arcade
6 mimics the scale of Taniguchi's elevation on the
7 west side of the MoMA garden, and continues
8 along the MoMA building line and setbacks along
9 54th Street. It also make a linkage to the
10 public passageway next to the Saran and CBS
11 building, and a parking lot and a loading dock
12 would be located below grade on the 54th Street
13 side, and would help alleviate some of the
14 congestion issues.

15 (Bell rung)

16 MR. BECKMANN: Can I just wrap it
17 up?

18 THE CHAIR: Wrap it up.

19 MR. BECKMANN: Sure.

20 THE CHAIR: But really wrap it up.

21 MR. BECKMANN: Okay. In addition,

22 our design proposes a wide range of green spaces
23 and wells in the cleavage or gap between the two
24 towers of our design. In these articulations
25 there would be small urban spaces interconnected

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2 to bridges, ramps and staircases, forming what
3 would be thought of as a vertical town or
4 neighborhood.

5 In closing, our proposal seeks to
6 engage in a much needed public dialogue about
7 the Hines/MoMA tower, and we think our proposal
8 reflects a broad range of cultural diversity and
9 influences, and begins to articulate an urbanism
10 with a difference, and that represents a
11 thoughtful meditation on a humanistic design for
12 New York.

13 Thank you.

14 THE CHAIR: Thank you very much.

15 There may be questions for you.

16 (No response)

17 THE CHAIR: There are not. Thanks
18 so much for coming.

19 MR. BECKMANN: Sure.

20 THE CHAIR: The next speaker is
21 Joan Stuart. Joan Stuart will be followed by

22 Charles Isaacs, and then Tony Martonk, Martonk.

23 MS. STUART: Yes. My name is Joan

24 Stuart. I'm a member of the 54th 55th Street

25 Block Association.

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2 I am not an expert, but I wanted to
3 talk about aesthetics. A blank, white canvas
4 hanging in a museum wall is not a great work of
5 art. And the current major installation at the
6 MoMA, entitled Waste Not, wherein the entire
7 contents of a woman's home are displayed,
8 including old blankets, pots and pans, broken
9 toys and other brickabrack is also not great
10 art. I advise you, I suggest that you all visit
11 that installation just to get your own opinion.
12 And an 82 story glass and steel tower is not
13 necessarily an architectural wonder but, with
14 all due respect, just an oversized phallus.

15 I want to talk about selling air
16 rights. Although legal, the whole concept of
17 selling air is surreal. But when a church
18 transfers air space to fund the renovation of
19 its stained glass windows without concern for
20 the ramifications of this sale, it is more than
21 surreal. It's immoral. And the church is

22 supposed to be in the business of morality.

23 Finally, the danger. A co-worker

24 of mine watched a construction worker fall to

25 his death during the building of the Trump Tower

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2 on Varick and Spring Street. A crane crashed
3 into the building in the spot where he was
4 working, sending him to his death. That
5 building was 40 floors high. The MoMA/Hines
6 building will be more than twice the size, and
7 machinery will be operated from way below, from
8 one of the most congested side streets in
9 Manhattan. One does not need much of an
10 imagination.

11 I urge you to put a halt to this
12 project as currently planned. Thanks.

13 THE CHAIR: Thank you. Any
14 questions?

15 (No response)

16 THE CHAIR: I understand that
17 Assembly Member Gottfried has arrived?

18 ASSEMBLY MEMBER GOTTFRIED: Yes.

19 Good afternoon. I am Assembly
20 Member Richard Gottfried. I represent the 75th
21 Assembly District in Manhattan, which includes

22 the site of the proposed MoMA/Hines building.

23 A building of this magnitude on a

24 mid block location violates the basic principles

25 of New York City zoning and good urban planning.

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2 It should not be allowed.

3 In order to permit the transfer of
4 development rights to 53 West 53rd Street from
5 the two landmarks, the Planning Commission must
6 approve special permits under Section 74-711 or
7 74-79. St. Thomas Church, a landmark in good
8 condition, is applying for a special permit to
9 sell all 275,000 square feet of its air rights.

10 If St. Thomas Church wants to upgrade its
11 building, it should do what congregations do,
12 and turn to its members.

13 The University Club is applying for
14 a special permit to sell all of its 136,000
15 square feet of air rights, presenting a
16 preservation plan which also falls short of
17 demonstrating any financial need.

18 Neither landmark is in danger of
19 deterioration, nor has a stated lack of
20 resources. It is wrong for the church and the
21 University Club to finance their operations by

22 imposing the burden of the MoMA/Hines building
23 on their neighbors. Both are currently in good
24 condition with ongoing maintenance plans. There
25 is no quote, unquote burden that needs to be

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2 relieved, and no Landmark Preservation purpose
3 to be served by the air rights sale.

4 However, there is substantial
5 public burden resulting from the excessive
6 height and density, shadows, traffic and other
7 impacts the proposed tower will impose on the
8 community. While the Environmental Impact Study
9 asserts no, quote, significant adverse effect,
10 unquote, of shadows from the MoMA/Hines tower,
11 that is preposterous. The building would be
12 1250 feet high, as tall as the Empire State
13 Building. Unlike other skyscrapers, the
14 MoMA/Hines site is not on a wide avenue or a
15 wide cross town street, it is mid block on a
16 narrow, mixed use side street, with its back on
17 a residential street.

18 A 74-711 permit requires a finding
19 that the building will relate harmoniously to
20 the transferring landmark. Some argue that
21 because of the distance between the development

22 site and the landmark, the harmoniousness
23 standard would be met. But the harmful impact
24 that the tower will have on St. Thomas Church
25 and the surrounding area is substantial, despite

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2 that distance.

3 It is shocking to think that a
4 building of this size can be put near this
5 landmark church simply because when -- pages
6 stuck together -- simply because when you are
7 standing next to the church you cannot see the
8 top of the tower without craning your neck.

9 (Bell rung)

10 ASSEMBLY MEMBER GOTTFRIED: With
11 respect to the University Club, the zoning text
12 is clear. There must be a preservation plan
13 that benefits the landmark without adding a
14 burden to the community.

15 The final point I would just
16 quickly state is that the traffic and pedestrian
17 impacts of adding a hundred story building to
18 this neighborhood would be massive. And
19 MoMA/Hines has an obligation to come forward
20 with a substantial mitigation plan, which of
21 course they have not.

22 Non profit organizations are

23 increasingly --

24 THE CHAIR: Assembly Member, if you

25 could conclude, please.

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2 ASSEMBLY MEMBER GOTTFRIED: Yes.
3 -- are increasingly imposing this kind of
4 structure on our communities, allegedly for
5 their non profit purposes. It is an abuse of
6 the community and of our laws that this
7 commission should not allow. Thank you.

8 THE CHAIR: Thank you. Let me see
9 if there are questions for you.

10 (No response)

11 THE CHAIR: There are not. Thanks
12 for coming.

13 ASSEMBLY MEMBER GOTTFRIED: Thank
14 you.

15 THE CHAIR: The next speaker is
16 Charles Isaacs, who will be followed by Tony
17 Martonk and then Carole Lazio.

18 MR. ISAACS: Hello, thank you.

19 I was gratified earlier to hear of
20 the Commission's concern for the real residents
21 of Coney Island, and I hope that that extends to

22 the real residents of midtown Manhattan who will
23 be effected by this project. I'm a resident of
24 25 West 54th Street, I should say a full time
25 resident, so I'm directly across from the museum

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2 from this seven floor black granite front.

3 I think that everyone in this
4 neighborhood will be seriously affected by this
5 project. It's out of all proportion to the
6 neighborhood. It will cut off air and light to
7 everyone. It's a very charming street if you've
8 been on it. It has townhouses and mixed uses of
9 things. But the museum is by far the greatest
10 resident of that south side of the street.

11 According to zoning regulations,
12 one of the goals is to continue the historic
13 pattern of relatively low building bulk in mid
14 block locations compared to patterns for
15 frontages. I think this building would be in
16 clear violation of that idea. The streets in
17 this area are already really choked with
18 traffic.

19 I think it's foolish to believe
20 their Environmental Impact Statement that says
21 the traffic would not be increased.

22 Particularly because the project has no
23 provision for a drive through loading dock,
24 which is already a considerable problem on the
25 block. Modern has a loading dock, which they

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2 rarely use. It's much easier for big trucks to
3 pull in in the traffic lane, which they block
4 off, and load artwork in and out of the trucks
5 from there. They also do this quite regularly
6 for the many parties that are catered there,
7 both for museum functions and for business
8 functions.

9 There's also no provision for taxi
10 or limo waiting lanes at this new giant
11 building, and obviously people will be coming
12 and going from that location very often. That
13 will also close down another traffic lane.

14 I'm also concerned that tax
15 abatements will be granted to the developer,
16 which will further penalize normal residents and
17 business owners in the area by subsidizing what
18 is obviously luxury housing and luxury hotel
19 space.

20 There's good reason these enormous
21 buildings are by law confined to avenues. I

22 would urge the Commission to enforce the letter
23 and spirit of the law, and to assert that giant
24 mid block buildings are a danger to any
25 neighborhood and should not be permitted. I ask

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2 that you reject the proposal as it's submitted.

3 I'm also disappointed to think an
4 institution as distinguished as the Modern can't
5 come up with a better idea for an interesting
6 tower in this location, and I certainly think
7 that Mr. Nouvel would be up to an interesting
8 lower, smaller building.

9 Thank you.

10 THE CHAIR: Thank you. Next
11 speaker, Tony Martonk, Martone possibly. Then
12 Carol Lazio and then David Achelis.

13 MR. MARTONE: Tony Martone,
14 representing the Warwick New York Hotel.

15 Madam Chairwoman, Committee
16 members. Along with a number of other issues
17 that the Warwick Hotel at 65 West 54th Street is
18 concerned with, one that hasn't been adequately
19 addressed by Hines or by anyone else that I can
20 see is a report by the New York State Department
21 of Homeland Security that was issued on July 2nd

22 that stated that the same qualities that make
23 the City's buildings recognized as icons of
24 design, culture and talent also make them
25 continuous targets of terrorism.

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2 This building, built on such a
3 small footprint, comes right to the building
4 line. There is no adequate space for anti-ram
5 devices or columns to protect a truck from
6 driving into this building. They cite the --
7 Commissioner Kelly, New York City Police
8 Department, cites the intelligence that since
9 September 11th, 2001 there have been ten actual
10 plots targeting tall city buildings that have
11 been thwarted by various government agencies.

12 This building would unfortunately I
13 think become a target and a danger to the entire
14 neighborhood and would endanger MoMA. When you
15 look at the fact that one of the World Trade
16 Center buildings was destroyed when a tower came
17 down.

18 No one has addressed this. This
19 building comes to the building line. The
20 sidewalk is far too narrow to put any kind of
21 anti-ram devices on it, and it's a very well

22 populated block along with the hotel. And I
23 haven't seen anything, any literature at all
24 that tells me how this building is going to be
25 protected in case of a terrorist attack.

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2 Thank you.

3 THE CHAIR: Thank you.

4 Carol Lazio?

5 MS. LAZIO: Hello. I live two

6 blocks from the proposed building site. And I'm

7 here to request that the Commission reject the

8 transfer of air rights that are supposed to

9 justify the dramatic change in the bulk of the

10 project whose approval is being considered.

11 In December 1979 the Landmarks

12 Preservation Commission issued a 235 page survey

13 which defined the Special Midtown Preservation

14 Subdistrict within which this project falls, and

15 outlined the specific objectives concerning

16 future development in the area. In 2007 MoMA

17 received approval for expansion permits that

18 respect existing zoning stipulations. Its

19 application for a 285 foot, 25 story, 250,000

20 square foot tower, an authentic as-of-right

21 proposal, accomplished its stated need to expand

22 the museum's galleries and storage without
23 compromising the general purposes of the Special
24 Preservation Subdistrict.
25 Now the applicant's experts claim

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2 that there is virtually no difference to area
3 residents and businesses or to the environment
4 between the 25 story as-of-right building and a
5 1250 foot, 82 story, Mr. Nouvel said 650,000
6 square feet but I've seen 786,562 square foot
7 skyscraper, I've seen that other size. They're
8 both practically three times the size of the
9 original proposal.

10 Indeed, the announcement MoMA has
11 already posted in a ground floor corridor
12 proclaims that Nouvel tower's distinctive
13 silhouette was inspired by the City's 1916
14 zoning setback requirements, which provide for
15 daylight at street level. But even the
16 applicant's own experts acknowledge that at a
17 certain time of day a shadow will affect the
18 Fifth Avenue Presbyterian Church, and that in
19 summer shadows will also fall on the landmark
20 Rockefeller apartments. So they will lose light
21 on the facade and garden for approximately a

22 half hour in the late afternoon.

23 Actually, studies that have been

24 done on behalf of local residents show the whole

25 area between West 53rd Street and Central Park

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2 South from Fifth Avenue to Seventh Avenue will
3 often be in shadow. Yet, in addition to the
4 1916 setback requirements, a goal explicitly
5 stipulated in paragraph C of Section 81-00 of
6 the 1979 Preservation Subdistrict survey is to
7 control how buildings impact access to light and
8 air on streets and avenues. Other goals set out
9 in paragraphs B, E and F of the same section are
10 stabilizing development in midtown, continuing
11 the historic pattern of relatively low building
12 bulk in mid block locations compared to avenues,
13 and preserving the historic architectural
14 character of development.

15 Given these --

16 (Bell rung)

17 MS. LAZIO: Two sentences. Given
18 these goals, how does the developer's DEIS
19 justify the claim or ask anybody to believe that
20 the proposed project, now 82 stories high, would
21 have no greater impact on the district and its

22 purposes than a 25 story as-of-right building?

23 The applicant's evaluation of the --

24 THE CHAIR: Would you please

25 conclude in two seconds?

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2 MS. LAZIO: The applicant's
3 evaluation of the proposed building impact is
4 inadequate, short-sighted and inaccurate, and a
5 transfer of air rights that would result in such
6 negative effects on the community --

7 THE CHAIR: Please conclude.

8 MS. LAZIO: -- should not be
9 permitted.

10 THE CHAIR: Okay, thanks very much.

11 The next speaker is David Achelis.

12 MR. ACHELIS: Achelis, yes.

13 THE CHAIR: Achelis, and then
14 Eileen Ensig-Brodsky.

15 MR. ACHELIS: Madam Chairman,
16 Commission, my name is David Achelis. I am a
17 member of the 54th-55th Street Block
18 Association. And I've lived on 56th Street for
19 over thirty years.

20 In light of some of the earlier
21 testimony we heard this morning from the

22 Vanderbilt Avenue project, the Green Haven
23 project, the Broadway project, it's exciting to
24 see that there is responsible, community driven
25 development projects in the works.

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2 And then we have MoMA/Hines. If
3 you really want to know what the excitement
4 about MoMA/Hines is all about, all you have to
5 do is go down to 54th Street and have a look at
6 this lot. They want to build a building as tall
7 as the Empire State Building on a lot that's
8 roughly the size of a McDonald's drive through.

9 I've got one or two thoughts I'll
10 share with you.

11 I'm wondering if the parishioners
12 from St. Thomas Church and members of the
13 University Club are aware of what is being done
14 in their name with their landmark air rights.
15 I'm wondering if the Museum of Modern Art has
16 reached out to their neighbors, neighbors like
17 CBS, the Financial Times, the Warwick Hotel and
18 the residents of 54th Street explaining exactly
19 what they're planning to do with this project.
20 I'm wondering why the most expensive museum in
21 New York is playing at real estate development.

22 And I'm wondering why the desires of a small
23 group of developers are being given more
24 consideration than the needs of an entire
25 community. Let's reject this arrogant proposal

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2 and bring this project back to earth.

3 Thank you very much.

4 THE CHAIR: Thank you.

5 Eileen Ensig-Brodsky, and then

6 Anita Rubin and then David Schneiderman.

7 MS. ENSIG-BRODSKY: Good morning,

8 Council. I'm Eileen Ensig-Brodsky. I live at

9 159 West 53rd Street.

10 And I can tell you that I am

11 frightened stiff. If an ambulance or a fire

12 truck or a police car had to come to my building

13 on Seventh Avenue across 53rd Street or turn

14 down 54th Street, at this point the traffic is

15 so stifling that you can barely move on those

16 streets. As it is been explained and said

17 before, if you're putting an 85 story building,

18 there's going to be more and more congestion on

19 that block. I don't care how gorgeously it's

20 designed, and it is.

21 I moved to 53rd Street because I

22 was going to be close to what is really my
23 second home, and that's MoMA. Since I was a
24 little kid, and that's a very long time ago, I
25 have been brought down to MoMA. It has

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2 literally shaped my life. I married a painter,
3 my daughter is in the arts. But I've seen the
4 transformation of what was once the cultural
5 seat of this city transform into a greed driven,
6 profit making piece of realty. And everything
7 that I loved about midtown, about MoMA, is being
8 lost.

9 We mustn't sacrifice all of the
10 careful planning that is guardian to this city
11 that you as a committee are here to preserve, to
12 allow this kind of self aggrandizement to take
13 over the middle of this city. I hope you will
14 give that consideration in your final vote.

15 THE CHAIR: Thank you.

16 Anita Rubin?

17 MS. RUBIN: Madam Chairman and
18 Commissioners, a group of us are here because we
19 really are outraged by the proposed building
20 that MoMA/Hines is going to, wants to erect. We
21 from the block association are urging you to

22 vote against the MoMA/Hines development project,
23 which is an 82 story building on a narrow,
24 double sided lot between 53rd and 54th Street.

25 I'm glad that I was sitting here

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2 from ten o'clock to hear other presenters. And,
3 like other people, I was very, very pleased to
4 see that there was great consideration
5 considered to the community in most of those
6 projects, including green space, community space
7 and so forth. Yet, that is totally lacking in
8 the MoMA/Hines project. In fact, the developer
9 is asking this commission to ignore all the
10 other zoning regulations that have been put in
11 place to protect the community, including the
12 height of the building, the lack of setbacks,
13 pedestrian circulation, and the ability to allow
14 greater floor space based on the sale of air
15 rights from two landmark buildings at the other
16 end of the block.

17 If allowed, the MoMA/Hines project
18 will have a negative impact on our midtown
19 neighborhood. It is in total -- and I reinforce
20 neighborhood. I'm a resident of that
21 neighborhood for 32 years. And it is a

22 neighborhood. It is not just commercial midtown
23 Manhattan. We are a vibrant community. It's in
24 total contradiction to the concept of
25 alleviating congestion in midtown Manhattan.

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2 Allowing this project represents a sell out to
3 moneyed interests as opposed to representing the
4 interests and quality of life of the many people
5 like me who live and work in this neighborhood.

6 And now I want to comment a little
7 bit about MoMA. I recently -- and it's a
8 concern about the community and protection. And
9 perhaps, I know that there are many
10 representatives of MoMA here, and I hope my
11 criticism now will be taken very seriously. I
12 recently went to MoMA as I'm a neighbor one or
13 two blocks away, and I took a friend from out of
14 town with me. She had a backpack. We walked
15 into MoMA, we went over and she checked her
16 backpack. There was not one guard at any point
17 in the building, including where we checked the
18 backpack, who looked inside the backpack, who
19 checked it. There's absolutely no regard for
20 anyone who might walk into that building and
21 blow the entire building up. She could have

22 left her backpack in the coat room and walked
23 out, and there could have been a bomb in there.
24 It could have destroyed the entire building.
25 So I'm saying this to all the MoMA

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2 representatives to please reconsider your
3 concern about the public and protecting the
4 building, the art and the public as well.

5 (Bell rung)

6 MS. RUBIN: I'd like to conclude by
7 saying that I would like this project to be null
8 and void. And there should be consideration for
9 public space, setbacks, underground parking, and
10 there should be more community interest, concern
11 from this museum towards the neighborhood.

12 Thank you very much.

13 THE CHAIR: Thank you.

14 I see that our time is, it is time
15 now to switch to speakers in favor. The first
16 will be Chi Chan, followed by William Wright and
17 followed by Julie Sloan.

18 MR. CHAN: Commissioners, Madam
19 Chair, I'm Chi Chan, the environmental
20 consultant on the EIS. I'm going to address
21 some of the questions and issues regarding

22 traffic and activities on the 53rd and 54th

23 Street that we heard.

24 53rd and 54th Street are both

25 designated through streets in Manhattan. The

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2 morning peak hour has the highest traffic
3 volumes, with nearly 700 vehicles on 53rd Street
4 and just over 500 vehicles on 54th Street. I'm
5 not sure if you can see the numbers there, but
6 the graph is shown on the board.

7 Overall, traffic flows on 54th
8 Street is better than on 53rd Street and other
9 cross town streets in this area.

10 Currently 53rd Street has five
11 driveways, including three loading docks and two
12 garages. On 54th Street there are eight
13 driveways and six loading docks and two garages.
14 On 54th Street we have observed on a typical day
15 there are 25 deliveries during the morning peak
16 hour, over half of which are being made on the
17 street.

18 The EIS had analyzed a worst case
19 development scenario of 167 hotel rooms and 300
20 apartments, as compared to the intent to build
21 much fewer hotel rooms and apartments. So the

22 trip estimates, which are based on the larger
23 development program, is therefore conservative,
24 and uses up to 29 total deliveries a day for the
25 buildings, with up to three deliveries during

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2 the morning peak hour, or approximately one
3 delivery every twenty minutes.

4 Our observations also show that the
5 Warwick Hotel across the street, which has about
6 three times as many hotel rooms, had only one
7 delivery during the morning peak hour. So
8 realistically we are looking at about only one
9 to two deliveries during the morning, and these
10 deliveries will even occur with the as-of-right
11 building.

12 To accommodate these deliveries, we
13 are proposing a loading dock on 54th Street.
14 This loading dock is required because our
15 building will have over a hundred thousand
16 square feet of hotel use. A single delivery
17 truck backing into the loading dock generally
18 takes about thirty seconds to a minute, because
19 both sides of 54th Street already have no
20 standing any time regulations, leaving more
21 space for traffic to pass. The duration of

22 traffic disruption would be even less.

23 We believe that having this loading

24 dock on 54th Street would be the most sensible

25 proposed venue from traffic perspectives, since

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2 for zoning the loading docks on 53rd Street are
3 not allowed. And traffic flow and the curbside
4 regulations are more favorable on 54th Street.

5 THE CHAIR: Will you be sure to
6 leave us your testimony so we can read it?

7 MR. CHAN: Sure.

8 THE CHAIR: And there may be
9 questions for you. Angela Cavaluzzi.

10 COMM. CAVALUZZI: I'm not sure,
11 will you just point out on the map where you're
12 talking about putting the loading dock, or I may
13 have missed this.

14 MR. CHAN: It would be right here
15 (indicating.)

16 COMM. CAVALUZZI: And what's your
17 response to the community that mentions that the
18 loading docks that exist now are not used and
19 most of the time they just drive up and load and
20 unload?

21 MR. CHAN: Well, currently MoMA has

22 three loading docks. Well, one is for the
23 museum tower and two for MoMA operations. One
24 is for general deliveries and one for museum
25 art. Right now about half of the deliveries,

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2 half of them are curbside. They only generally
3 last about five minutes. For the larger
4 deliveries that take much more time, they would
5 back into the loading dock.

6 COMM. CAVALUZZI: And is that your
7 observation when there were field studies, that
8 they were using the loading docks for the larger
9 deliveries?

10 MR. CHAN: Right. We were there at
11 that time for a whole day from seven a.m. to
12 seven p.m., and we see trucks backing in and
13 they usually take about a half minute to a
14 minute. And it's actually more efficient for
15 the quicker deliveries to happen on curbsides,
16 because backing in obviously would have some
17 disturbance as well.

18 COMM. CAVALUZZI: Thank you.

19 THE CHAIR: Any other questions?

20 (No response)

21 THE CHAIR: Okay, thank very much

22 for your testimony.

23 The next speaker is William Wright.

24 REV. WRIGHT: Good afternoon, Madam

25 Chairwoman and members of the Commission. I am

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2 William Wright, Senior Warden of St. Thomas

3 Church, which favors the Hines/Nouvel

4 development project for a number of reasons.

5 Firstly, we believe that the tower will be an

6 elegant addition to our neighborhood.

7 Secondly, our century old

8 landmarked church will receive desperately

9 needed funds for essential maintenance and

10 repair through the sale of approximately 275,000

11 square feet of development rights to Hines to

12 build the Nouvel tower. Like all churches,

13 pledges from our faith-based community of

14 congregants are the core of our support.

15 However, while our parishioners are generous,

16 these pledges amount to less than a quarter of

17 our annual budget of \$10 million.

18 As many of you know, St. Thomas

19 Church has embarked on a massive project to

20 restore the seriously damaged and deteriorating

21 stained glass windows for which the church is

22 famous. This \$22 million project is the largest
23 stained glass window restoration in the country.
24 Thirty-six windows in all, and it's possibly the
25 world's largest project. Our consultant, Julie

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2 Sloan, will explain shortly why this project is
3 vital to maintaining the integrity of the church
4 fabric and not merely cosmetic in nature.

5 Unfortunately, we have had to stop
6 the project when it is less than half completed
7 because our fundraising efforts and our
8 endowment funds have been seriously impacted by
9 the current economic environment. The sale of
10 development rights will allow the church to
11 restart and complete the stained glass project.

12 In addition, and separate from
13 special projects like the windows, the costs of
14 routine maintenance of the church building are
15 enormous and unpredictable, ranging up to one
16 million dollars in any given year. By
17 rebuilding our endowment with the air rights
18 proceeds, we will ensure our ability to maintain
19 our landmark building in a first class condition
20 for centuries to come.

21 Commissioners, please understand

22 this. St. Thomas never before has had an offer
23 like Hines, and it is highly unlikely, certainly
24 we dare not assume, that there ever will be
25 another. The church's landmark status means

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2 that apart from the sale of air rights, we are
3 precluded from realizing any of our property
4 value to defray the very expensive cost of
5 maintaining and preserving this Fifth Avenue
6 icon.

7 Claims that because our building is
8 well maintained now we have no true concern for
9 its future maintenance are belied, eloquently
10 and sadly, by the number of churches in New York
11 that once were vibrant and now are derelict or
12 have disappeared. The conveyance of our
13 development rights to the Nouvel tower will
14 ensure that St. Thomas does not join their
15 ranks, but rather remains one of the city's most
16 significant landmarks.

17 We applaud Hines and Jean Nouvel,
18 and I would be happy to answer any questions.

19 THE CHAIR: Thanks. Are there any
20 questions for William Wright?

21 (No response)

22 THE CHAIR: Thank you so much for

23 your testimony.

24 REV. WRIGHT: Thank you.

25 THE CHAIR: Julie Sloan?

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2 MS. SLOAN: Good afternoon. Madam
3 Chair and Commissioners. I'm Julie Sloan, the
4 stained glass consultant to the St. Thomas
5 Church.

6 As William Wright said, the
7 restoration of the stained glass windows in the
8 landmark church is the largest such project in
9 the country. We have 36 windows totaling over
10 9,000 square feet, and hundreds of thousands of
11 individual pieces of glass. The windows are set
12 in complex, High Gothic stone frames. There are
13 18 large windows in the clerestory, which is the
14 largest picture on the board, that are each 32
15 feet tall and 20 feet wide, and a magnificent
16 rose window that's 25 feet wide. The building,
17 which was designed by the famous firm of Cram,
18 Goodhue & Ferguson in 1911, is so beautifully
19 proportioned that most people don't realize the
20 size of the windows when they visit the church.

21 Although stained glass typically

22 does not require restoration for about a
23 century, these windows suffer from a group of
24 problems. They are glazed with extraordinarily
25 large lead came and thick glass, making them

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2 very heavy. They are pulling themselves out of
3 alignment and bowing. Unvented plastic
4 protective glazing was installed in the 1980s.
5 This has turned yellow and opaque, blocking
6 about thirty percent of the light. It's also
7 contributing to the bowing of the windows by
8 trapping heat inside, which causes the lead came
9 to expand, bowing inward and outward. The
10 expansion of the lead wears it out, and most of
11 the lead now requires replacement.

12 The most difficult problems of the
13 windows relate to their setting in stone frames.
14 Since they were installed, the windows have
15 leaked, which was one of the problems why the
16 protective glazing was installed. Although they
17 are beautiful works of art, it is critical that
18 they perform in the same way that any windows
19 do, keeping the weather out and letting the
20 light in.

21 An earlier attempt to stop leaking

22 involved recaulking the windows with a thick,
23 goopy white material that has since failed.
24 Through testing we found that this material
25 contained asbestos. This greatly complicates

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2 site work during the removal of the windows,
3 which must now be followed by an asbestos
4 abatement project. Following abatement, the
5 stone frames must be cleaned, patched and
6 pointed.

7 Our initial plan was to complete
8 the restoration of the windows in three phases,
9 which are the different colors on the line
10 drawings, by 2011, in time for the centennial
11 laying of the cornerstone. We are presently
12 nearing completion of phase one with the
13 reinstallation of the nine north clerestory
14 windows. The chancel windows will be installed
15 in November. We had originally planned to move
16 directly to phase two, the south side, on 53rd
17 Street, when the north side was completed.

18 The scale and complexity of the
19 project requires the involvement of many people.
20 In addition to church staff, we are presently
21 working with ten stained glass studios around

22 the country, from Boston to San Francisco. The
23 project team also includes construction
24 managers, scaffolders, masons, industrial
25 hygienists, asbestos abatement contractors, and

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2 stone conservators. When the north windows are
3 unveiled in September, we expect that they will
4 be magnificent in appearance and will last for
5 another century. If the sale of the church's
6 air rights goes through, St. Thomas will be able
7 to do the same urgently required restoration to
8 the south side and the rose on Fifth Avenue.

9 Thank you.

10 THE CHAIR: Thank you. Thank you
11 very much.

12 Are there questions?

13 (No response)

14 THE CHAIR: There are none. Thank
15 you for your testimony.

16 The next speaker will be Myrna
17 Ezersky, to be followed by, I'll call you in
18 advance, to be followed by Myra Heller and Ruth
19 Nordenbrook and Maria Ann Conelli.

20 MS. EZERSKY: I can't say good
21 morning anymore. Good afternoon, Madam Chair

22 and members of the Commission.

23 The French philosopher Henri

24 Bergson said to live is to grow, to grow is to

25 change, and to change is to create oneself

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2 endlessly. These prophetic words exemplify the
3 philosophy of the MoMA. An outstanding
4 collection of art is not enough to make a
5 museum. A devoted group of professionals is not
6 enough either. A vision for the present,
7 extending into the future, is of primary
8 importance. Accommodations for growth and
9 change are paramount.

10 These are the areas in which the
11 MoMA excels. Attuned to the here and now, they
12 have the foresight to anticipate the future.
13 MoMA recognizes and anticipates the need for not
14 accepting the status quo. It has the ability to
15 predict directions for the future, which serve
16 to enhance the present.

17 The Jean Nouvel tower represents
18 the link between today and tomorrow. Albeit the
19 last reconstruction of the museum was very
20 successful, MoMA has the foresight to recognize
21 that you cannot deny the future. This tower, in

22 addition to accommodating the many additional
23 needs of the museum, will serve as an exciting
24 addition to the city's skyline. British
25 architectural critic Edwin Heathcote says, it

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2 will arguably be the most radical skyscraper in
3 New York since the Chrysler building.

4 The Nouvel tower has so much to
5 offer to MoMA. There are a myriad of community
6 programs involving children and teachers,
7 children and families, under the aegis of MoMA.
8 The additional space will serve to enhance these
9 programs. There will be more room for
10 mechanical spaces and for non public museum
11 uses, including storage. The added gallery
12 space in the Nouvel tower will enable more of
13 the world renowned permanent collection to be on
14 view to the public. The construction and
15 operation of the new building promises hundreds
16 more permanent jobs. Jean Nouvel's tower
17 promises to be an exciting addition to the
18 cultural world of our city. How fortunate for
19 us to have this wonderful opportunity.

20 THE CHAIR: Thank you very much.

21 Myra Heller? And then Ruth

22 Nordenbrook, and then Maria Ann Conelli and then

23 Vivian Schwimmer.

24 MS. HELLER: Good afternoon. Thank

25 you, City Planning Commission, for the

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2 opportunity to speak to you today of an exciting
3 addition to our city, 53 West 53rd Street.

4 My name is Myra Heller. I am
5 speaking to you today as a former art teacher,
6 an interior designer, a lover of architecture,
7 and as a volunteer at the Museum of Modern Art,
8 and also most importantly as a neighbor. I live
9 on Sixth Avenue between 56th and 57th Street.

10 It is such a joy to live in
11 Manhattan in the midst of all this wonderful
12 architecture. As my grandchildren, number nine,
13 were growing up, my husband and I took them on
14 architecture tours. We showed them the Chrysler
15 Building, the Seagram Building and so many
16 others. I hope that when my great
17 grandchildren, we have two, one on the way, are
18 old enough, I will be able to show them this new
19 tower, designed by Jean Nouvel, as a wonderful
20 addition to the tower. It is a spectacular
21 building and I will be very proud to live just a

22 few blocks away from it.

23 When we moved to Manhattan we

24 wanted to be near the Museum of Modern Art. And

25 we are thrilled with this concept of this

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2 gorgeous new building. New York should be
3 honored to embrace such an inspiring building by
4 one of the world's greatest architects. It has
5 gotten rave reviews by the architectural
6 critics, and it will be wonderful for MoMA and
7 all of us in the City of New York and the world.

8 At the Museum of Modern Art I
9 volunteer as an education greeter. It is my job
10 to welcome the thousands of school children who
11 come to the museum. It is thrilling for me to
12 watch these children discover modern art, to see
13 their first Picasso, their first Cezanne. This
14 new building will give the museum nearly
15 one-third more gallery space. Just think of all
16 of the new art that the museum can put on
17 exhibition and the improved experience the
18 museum's current visitors will enjoy.

19 I hope you will approve this
20 building and give the public access to much more
21 of MoMA's wonderful collection. Thank you.

22 THE CHAIR: Thank you.

23 Ruth Nordenbrook?

24 MS. NORDENBROOK: Good afternoon.

25 I probably don't need this.

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2 AUDIENCE MEMBER: Yes.

3 MS. NORDENBROOK: Do I need it,
4 okay.

5 Madam Chair, the Commissioners, my
6 name is Ruth Nordenbrook. I'm a retired federal
7 prosecutor. I fill my time as an active
8 volunteer for the Museum of Modern art, Big
9 Apple Greeter, and Visual AIDS, an AIDS related
10 arts nonprofit organization.

11 My favorite city in the world, and
12 I've lived in and visited many, is my own, New
13 York. I don't own a car. As I walk the
14 streets, whether alone in my daily activities or
15 together with visitors from all over the world
16 as a part of Big Apple Greeter, I am energized
17 by the city and its people.

18 Having said this, I have to admit
19 that my true love has a flaw. In terms of
20 architecture, New York has left the cutting
21 edge. That's in my view. Its array of

22 buildings lack the vitality that one would

23 expect in a city of its history and

24 heterogeneous population and aspirations.

25 New York has always been a city of

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2 commerce. Architecturally this has not
3 necessarily been a bad thing. Many of the
4 buildings constructed or financed by
5 corporations headquartered here were
6 extraordinary. The Woolworth Building, the
7 Chrysler Building, Rockefeller Center, Lever
8 House, Goodwin & Stone's 1939 MoMA, Wright's
9 Guggenheim, the Seagram building, with that gem,
10 the Four Seasons Restaurant, tucked within it.
11 They were all an affirmation of New York and its
12 leadership position in the world.

13 Unfortunately, in the later years
14 of the last century the public aesthetic
15 changed, and not for the better. Putting aside
16 the spires, most of which were built in the
17 early 20th Century, we are a city of boxes.
18 Brick, aluminum, glass, steel, concrete and
19 stone boxes. Even our missing friends, the Twin
20 Towers, were boxes raised to an extraordinary
21 level. But at least they had the advantage in

22 their time of being the tallest buildings in the
23 world. Their successors will be conventional,
24 as Daniel Libeskind's fanciful and soaring
25 spires have undergone modifications. The

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2 Calatrava transit hub, although still beautiful,
3 will be a fairly low wattage addition since
4 being scaled back. In any case, both structures
5 are in lower Manhattan.

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2 Today, on 53rd Street in midtown,
3 we have an opportunity again to take a major
4 step forward toward architectural distinction in
5 the world. As I'm sure some of the speakers
6 will point out today, a building is going to be
7 built on that spot west of MoMA. Jean Nouvel
8 has designed a lyrical spire that will draw the
9 admiration of visitors from all over the world,
10 and remind them that New York in the 21st
11 Century may still be a merchant. But it is a
12 merchant with an eye for the modern and the
13 beautiful.

14 Thank you.

15 THE CHAIR: Thank you.

16 MS. NORDENBROOK: Are there any
17 questions?

18 May I just add a personal note? I
19 am the widow of a 40 year member of the New York
20 City Police Department. He was born and raised
21 in New York. His death devastated me four years

22 ago. MoMA has made itself my family, has
23 welcomed me as a part of the MoMA family, and
24 given me great solace in these four years that
25 have passed since his death.

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2 THE CHAIR: Thank you.

3 Maria Ann Conelli?

4 MS. CONELLI: I'm Maria Ann

5 Conelli, the executive director of the American

6 Folk Museum at 45 West 53rd Street, directly

7 west of the Museum of Modern Art.

8 And, in full disclosure, the museum

9 is currently in negotiation with Hines to sell

10 our air rights. As I am sure you are aware,

11 it's becoming increasingly challenging for

12 cultural institutions to remain financially

13 healthy so that they can carry out their

14 missions. We feel especially fortunate to have

15 this asset to use to assure our financial

16 health.

17 Our museum was designed by the

18 architectural firm of Tod Williams and Billie

19 Tsien. It has won several awards for

20 outstanding architecture, including an

21 international one.

22 It is our opinion that Hines cares
23 about the quality of what they're going to
24 build. They have selected a world renowned
25 architect to ensure the building they're

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2 constructing is architecturally significant. It
3 is our position that commitment to excellence
4 should be encouraged and supported for all
5 commercial construction in New York City.

6 As we planned our museum, we were
7 cognizant that whatever we built would be here
8 for generations. We believe that Hines has
9 similar motivation and commitment. We believe
10 it is important for the City Planning Commission
11 to ensure the future of the City so that what is
12 built on this site will be a landmark for future
13 use.

14 My statement is brief but
15 enthusiastic for this very significant building.
16 Thank you.

17 THE CHAIR: Thank you. Thank you
18 very much. No questions.

19 Vivian Schwimmer, then Gail
20 Cornell, and then Peter Davies.

21 MS. SCHWIMMER: Good afternoon. My

22 name is Vivian Schwimmer. And I'm a born and
23 bred New Yorker and I have lived here all my
24 life. I currently live in Council Member
25 Lappin's district, and I'm a long time volunteer

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2 at the MoMA.

3 I have seen the fortunes of New
4 York City rise and fall through the years. And
5 now that the city has risen so greatly and
6 become a premier city to visit, I strongly
7 believe that in order to continue the excitement
8 necessary to maintain this status, it's very
9 important to encourage worthwhile projects like
10 the Nouvel tower to be built.

11 The Nouvel tower is a
12 architecturally a spectacular work of art. It
13 will contribute to New York's wonderful skyline,
14 and create a continuation of all the other
15 esteemed architectural works along 53rd Street.
16 And these are tourist destinations also.

17 Another reason this project should
18 be approved is that MoMA needs more space.
19 Every visitor should be able to experience more
20 of their superb artwork. In addition, their
21 educational programs will be enhanced, reaching

22 children, families, teens, special needs,
23 communities and so on, because more works will
24 be on view. These programs contribute to our
25 city by making it a warmer, more livable and

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2 more welcoming space. Place, excuse me.

3 And not the least, job creation.

4 Surely a projected initial 6,000 jobs, \$600

5 million in wages and the resulting tax revenues

6 cannot be ignored. And this would be just the

7 beginning. New York will benefit greatly

8 through the increased activity brought about by

9 this beautiful work. Thank you.

10 THE CHAIR: Thank you, thanks very

11 much.

12 Gail Cornell, and then Peter

13 Davies, and then we'll probably be switching

14 back.

15 MS. CORNELL: Hello, and I thank

16 you for allowing me to speak, Madam Chair and

17 Commissioners.

18 My name is Gail Cornell. I'm a

19 resident of New York and I'm an independent

20 architectural historian. And I love New York.

21 I love its architecture. And, in fact, I just

22 finished guiding a tour of City Hall. I'm a
23 docent over there. And I love historic
24 architecture but I also love contemporary
25 architecture. And I do work for the Smithsonian

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2 Institution, the National Trust for Historic
3 Preservation and other organizations. And I'm
4 here today to speak in favor of the proposed
5 building on 53 West 53rd Street as designed by
6 Jean Nouvel, without alterations to the proposed
7 height or design.

8 I won't repeat many of the things
9 that have already been said, but let me just say
10 that when I first heard about the proposed
11 tower, I was certainly not convinced
12 automatically that a mixed use tower of this
13 size and design was a good fit for that spot,
14 although, like many have said, I knew something
15 was going to go there. Therefore, I reviewed
16 the plans online and I went to a presentation by
17 the architect's office that was held at MoMA a
18 few months ago. And from my critical eye my
19 concerns were put to rest, and I hope yours have
20 been too. I was impressed with the grace and
21 sophistication of the design, that I think is

22 really so right for midtown right now, and so
23 right for New York. The dramatic spire, you
24 know, it's just an iconic image that captures
25 what New York skyscrapers should be.

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2 But equally important and
3 compelling to me was I think the very careful
4 attention paid to the context of that block and
5 of that part of midtown where the building will
6 stand and function. And it's a block known for
7 its cultural institutions, as we just heard, and
8 its retail and religious and residential spaces.

9 I can't imagine a better block to be on
10 actually. Actually I walk that way a lot.

11 But the design of Nouvel also
12 provides an intelligent and especially ingenious
13 solution to MoMA's need for more gallery space.
14 And as an architectural historian I always
15 marvel at how Greeks and Romans and Renaissance
16 architects figured out how to do things and do
17 them beautifully. And I think that MoMa and
18 Jean Nouvel and Hines have figured this out
19 perfectly, figured out how to give more to
20 gallery space, while incorporating the museum
21 into a vibrant restaurant, hotel, apartment

22 complex, and a spectacular building.

23 No doubt about it, this tower will

24 be one of the most significant skyscrapers in

25 the Manhattan skyline. One that will really

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2 help and shape the midtown of the future, the
3 midtown for our children our grandchildren. And
4 I think that's really exciting. And I don't
5 think it's the time now to deprive New York City
6 of this great architecture.

7 Thank you.

8 THE CHAIR: Thank you very much.

9 Peter Davies, and then we'll switch
10 to speakers in opposition, beginning with David
11 Schneiderman, then Dolores Rosenthal, then
12 Justin Peyser. Hi.

13 MR. DAVIES: Madam Chair,
14 Commissioners. I first would like to thank the
15 Commission for the opportunity to speak
16 regarding this great project from Hines
17 Development and Jean Nouvel of the Tower Verre
18 at MoMA.

19 Today I urge you to offer your
20 support by voting to approve the zoning changes
21 needed to allow the additional space that is now

22 being sought for this project. The newly
23 designed MoMA tower is one of the most beautiful
24 and distinctive plans to have been considered
25 for our great city since the heyday of the

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2 iconic New York skyscrapers some eighty years
3 ago. It honors the tradition of the classic New
4 York City wedding cake tower style by
5 incorporating the guides set down in the 1916
6 zoning regulations. And when it is built, it
7 will rank right up there with Rockefeller
8 Center, the Chrysler Building and the Empire
9 State Building, one of the landmarks of midtown.

10 As you probably know, the Landmarks
11 Preservation Commission has previously approved
12 the transfers requested for this new tower.
13 Landmarks also approved the initial Nouvel
14 design for MoMA. And it should be duly noted
15 that the prior Nouvel design, only eight stories
16 shorter than the version now up for review, can
17 be built as-of-right on this site.

18 The new plan currently seeking
19 approval will not change in any great way the
20 conditions considered when the first plan was
21 approved, including any added traffic on nearby

22 streets or visitors to the museum. But this new
23 endeavor will offer an even greater opportunity
24 for the restoration of one of the jewels of
25 midtown, the magnificent stained glass windows

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2 of St. Thomas Church, and will also produce much
3 needed revenue for the ongoing maintenance of
4 the University Club.

5 Once again I urge the Commission to
6 give this project your full support and your
7 approval. Thank you very much.

8 THE CHAIR: Thank you.

9 MR. DAVIES: I have a --

10 THE CHAIR: If you could give it to
11 the secretary, we will make sure to distribute
12 it and we'll all read it.

13 Now we'll switch back to the
14 speakers in opposition. David Schneiderman,
15 then Dolores Rosenthal.

16 MR. SCHNEIDERMAN: Chairperson
17 Burden and Commissioners, my name is David
18 Schneiderman, and I'm a resident of West 55th
19 Street between Fifth and Sixth Avenues, which is
20 just north of the proposed 82 story MoMA/Hines
21 tower. I have lived in this neighborhood since

22 1975.

23 Historically the area has housed a

24 significant size residential community. In

25 fact, my wife and I raised our two sons in this

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2 locale. Though there has been commercial growth
3 over the years, there has never been a proposal
4 to erect a monster skyscraper which would dwarf
5 all existing nearby buildings.

6 I am particularly concerned that
7 the enormous size of this edifice will create
8 major safety and health problems and
9 consequences. This will occur when emergency
10 vehicles such as ambulance or fire trucks or New
11 York City Police vehicles will have difficulty
12 to transverse the West 53rd and 54th Street
13 corridor when required. The response time will
14 be greatly impeded and possibly completely
15 delayed for routine and crisis situations. Will
16 anyone in this room or the MoMA/Hines
17 organization be responsible for the loss of life
18 or destruction by fire that could occur on the
19 block or in the neighborhood due to the lack of
20 a timely response?

21 Moreover, the current sewer system

22 is not adequate for our neighborhood's
23 population. The arrival of a multistory
24 behemoth would further complicate and overtax
25 our infrastructure. We should expect stopped up

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2 sewers, overflows, and health and sanitation
3 hazards, the possibility of more roaches,
4 rodents and mosquitoes is also a very likely
5 byproduct.

6 Furthermore, the design of the
7 building is totally out of scale for this
8 midtown, mid block location. West 53rd Street
9 and 54th Street are cross town streets with
10 residential apartments and townhouses. They are
11 not major avenues such as Fifth Avenue or Sixth
12 Avenue with only commercial tenants, which might
13 be a better fit for a tower. The erecting of
14 the Hines tower would be overwhelming to the
15 area and would destroy the Old World quiet charm
16 that currently exists.

17 In addition, our already
18 overcrowded public transportation system will
19 suffer as well. Currently, the subways and
20 buses that serve the area are always crowded and
21 slow moving. We experienced that this morning

22 coming here. We couldn't even get onto the

23 train.

24 The population increase from this

25 immense structure will further impact,

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2 complicate and delay our transportation network.
3 No public transportation provisions are being
4 made for the influx of many thousands of office
5 workers, hotel guests, residents and visitors
6 who would inhabit or visit this gigantic
7 edifice.

8 The public will gain nothing
9 positive from this outrageous, misguided real
10 estate venture. In fact, I can only see
11 negative experiences for the neighborhood.

12 (Bell rung)

13 MR. SCHNEIDERMAN: I implore the
14 Planning Commission to carefully review the
15 environmental impact of this project on the
16 midtown area and reject the project. I also
17 welcome and highly recommend that the members of
18 this Planning Commission visit our neighborhood
19 and view it firsthand, the tiny lot where
20 MoMA/Hines plans on placing their gargantuan
21 tower.

22 Thank you.

23 THE CHAIR: Thank you.

24 Our next speaker is Dolores

25 Rosenthal, and then Justin Peyser, and then

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2 Albert Butzel.

3 MS. ROSENTHAL: Good afternoon,
4 Chair and Commissioners. My name is Dolores
5 Rosenthal. I live on 55th Street. And my views
6 and a gentleman named Bruce Whipple, who could
7 not be here, so I am going to read part of his
8 statement, and because his views -- because we
9 are active members of the 54th Street-55th
10 Street Block Association, are exactly the same.

11 The CV is very long, so I'm going
12 to -- in the interest of time I'm not going to
13 go into his CV or mine. And I'm just going to
14 say that we personally think that the Jean
15 Nouvel design and the proposed building is
16 lovely. We think that it is horribly out of
17 scale for the site and would be a disaster for
18 the neighborhood if it is constructed.

19 Gerald Hines is a revered developer
20 that has the credit of several successful
21 developments. In this instance we feel that the

22 Hines/MoMA joint venture is abusing their
23 privilege. They are trying to foist something
24 onto midtown that will be immensely profitable
25 for Hines, and justify the exorbitant land costs

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2 that Hines paid to MoMA.

3 Mr. Hines has astutely gone to St.
4 Thomas Church and University Club and offered to
5 purchase their air rights to create the veiled
6 appearance of a win-win situation, and garner
7 support for the project by appearing to help two
8 selected Landmark buildings. As a member of the
9 University Club, Mr. Whipple, my colleague, he's
10 a very active member, he said the following: I
11 know that the club is in good shape financially
12 and doesn't need the benefits.

13 MoMA needs to start thinking of
14 itself as a better neighbor to midtown. Their
15 trucks have not been using their loading dock.
16 They have blocked the view of the sculpture
17 garden in the street, they have huge lines for
18 exhibits, and they now want to create a new
19 nuisance for the neighborhood, to gain only
20 40,000 square feet of space, which is only five
21 percent of the total proposed space. I don't

22 think that their board of directors is thinking

23 of the community, not at all.

24 Lastly, I hate to imagine the

25 negative impact that the dense development will

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2 have on the subway station at 53rd and Fifth
3 Avenue. The station at East 53rd and Lex is
4 already overcrowded to the point of being
5 dangerous today due to the construction of
6 towers on Lexington, Second and Third Avenues.

7 I am going to tell you a short
8 story. Bruce said three years ago he drove down
9 from where he lives in Westchester to go to a
10 luncheon at the University Club during Christmas
11 holidays. Fifth Avenue was congested, and so
12 the police blocked him from crossing over Fifth
13 to get to the club parking lot.

14 (Bell rung)

15 MS. ROSENTHAL: Okay. Please vote
16 no to this abusive privilege and think not only
17 of the good of one self-serving development. I
18 urge you to think in the context of the city as
19 a whole, and the precedent that it may set for
20 other developers to push for approval to
21 construct mid block high-rise buildings in other

22 parts of the city. Thank you very much.

23 THE CHAIR: Thank you.

24 Justin Peyser, then Albert Butzel,

25 then Hall Powell.

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2 MR. PEYSER: Good afternoon,
3 Commissioners, Chair. Thank you for hearing us.
4 My name is Justin Peyser. I live on West 54th
5 Street across from the proposed development
6 site. And I'm raising, together with my wife,
7 two small children. I represent both the block
8 association and a newly forming coalition for
9 responsible midtown development who are in
10 opposition to the project.

11 And I, if I may, would like to say
12 that the burdens here far outweigh any of the
13 benefits. You've heard a lot of testimony
14 today, good testimony on both sides. I'd like
15 to emphasize a couple of points beyond what
16 you've already heard.

17 One is, nobody has talked about the
18 impacts on the landmark CBS Building. I think
19 there's a failure in the EIS to adequately
20 review all the other landmarks that are impacted
21 and overwhelmed by the sheer scale of this

22 project. So I would ask you to do that. I
23 daresay that you're going to be hearing from
24 some of these property owners in the next few
25 weeks.

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2 I would say that the museum has,
3 unfortunately they call themselves the hinge of
4 the commercial residential zone. I say it's a
5 hinge that's closing a door on us gradually.
6 And if you look at the mid block tower that they
7 have already done at Museum Tower, it's 600
8 feet. If you look at some of the further
9 enclosures by Taniguchi, the retaining walls
10 around the garden, if you look at the corrugated
11 wall to the garden, if you look at their three
12 loading docks, which add to six on our already
13 short block, you find that we are continually
14 being separated by this barrier of noise and
15 blankness. And so I would ask you to challenge
16 the developer to devise a scheme that opens the
17 street wall. Glass is not enough. I think the
18 pedestrian arcade idea is something that would
19 relieve the overloaded pedestrian visitation.

20 Director Lowry talked about no new
21 increases in visits, even though it's the same

22 size potential increase in space, in museum
23 gallery space. I find that incredible, since
24 their last expansion generated 700,000 more
25 visits per year.

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2 I live there. The transportation
3 consultant who spoke to you earlier today, he
4 spoke about five minute waiting times for the
5 half of the deliveries that are on the street
6 side. I would say that's an extreme
7 exaggeration. Living there, it's not five
8 minutes for those party rental trucks.

9 They have kind of turned our
10 neighborhood, 54th Street, into a service alley.
11 It's sort of their private service alley. And I
12 think the EIS grossly undercounts the traffic
13 counts. The counts are two years old. They
14 don't take into consideration the Broadway
15 reconfiguration that is sending cross town
16 traffic across to 47th Street. You need to keep
17 that in mind.

18 Air quality has been studied in the
19 wrong locations. You'll hear more about that.

20 In conclusion, I have prepared a
21 video documentary about our neighborhood in lieu

22 of you coming to see it, because I think people
23 when thinking about this part of midtown say
24 hey, what's another skyscraper, you live in
25 midtown. Well, there are thousands of residents

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2 here, and this is twice as large as anything on
3 that block, twice as large as museum tower. I
4 daresay, in all due respect to the architect,
5 that he should have chosen a reasonable scheme.
6 This is not immaterial. I find their
7 argumentation to be somewhat abstract. And so I
8 ask you to consider that.

9 (Bell rung)

10 MR. PEYSER: Consider the previous
11 scheme or something slightly larger which can
12 get a compromise and get some funding to the
13 church and get some funding to the club and get
14 the developer a return on investment and get the
15 museum its expansion space. We support those
16 goals.

17 Thank you.

18 THE CHAIR: Thank you.

19 MR. PEYSER: I have copies for each
20 of the commissioners of the DVD and our
21 testimony.

22 THE CHAIR: Albert Butzel?

23 MR. BUTZEL: I also have copies of

24 material which I'm going to hand up to the

25 secretary to begin with.

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2 That is really -- my name is Albert
3 Butzel. I'm also representing the block
4 association and the Coalition for Responsible
5 Midtown Development. And that in fact that I
6 just handed up is what I have to say. It is
7 addressed to the legal aspects of the decision
8 that you must make, the factors that you need to
9 take into account, and the reasons why I
10 conclude that you should reject this
11 application. Those standards arise under 74-79
12 and 74-711, as well as under CEQRA. And I just
13 won't go through them, I'll let you read. I
14 figure you guys are all very adequate readers,
15 and I'm a wonderful writer, so please read this
16 with relish.

17 I was going to summarize what I
18 have put in that document, but we had a
19 fundraiser last night on 54th Street, and I left
20 and I walked down 54th Street. And I really
21 hadn't paid a whole lot of attention to the

22 street. I guess I just spend so much time with
23 my head in the air that I never get to notice.
24 But this is a truly remarkable block on the
25 north side. I mean the Rockefeller apartments

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2 aside, there are eight landmarked townhouses and
3 other wonderful buildings. They were in many
4 ways the heart of those who had the money could
5 live, near to their work, near to their clubs
6 and the like. It's a really unique environment
7 and a unique gathering of urban architecture and
8 urban history. Indeed, at one point this
9 Commission had recommended including that area
10 and the areas of 55th and 56th Street in an
11 historic district. It didn't happen. So it's a
12 great block on the north side.

13 But what really shocked me was to
14 walk down the south side, which is what I did,
15 and literally from immediately from where this
16 new lot stands all the way down the block it is
17 simply a solid wall of corrugated metal, stone,
18 and glass. It's like a prison wall in many
19 ways. It keeps people out, clearly.

20 But more than that, it pretends
21 like this isn't part of a residential district.

22 There is no setback. There is no lawn or grass
23 of any kind. The MoMA garden, which used to be
24 at least you could look through to, is now
25 completely walled off. If it were to be opened,

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2 and it could be opened to the public, it might
3 make a difference. And there may be an
4 opportunity in this particular site to provide
5 some front yard of sorts that would at least
6 diminish some of the effects.

7 And it's into this area where the
8 south side of the street is totally ignored and
9 the north side of the street, which is really
10 wonderful, that the proposal for this building
11 is made. And whatever else you can say, I'm not
12 a great fan of Mr. Nouvel's architecture, it is
13 a very tall building that is designed --

14 (Bell rung)

15 MR. BUTZEL: -- to draw attention
16 to itself. And should you should contrast that
17 with the CBS building, which is right across the
18 way, I happened to Eero Saarinen before he died,
19 he built a building that was quiet but amazing.
20 And that's why it's been landmarked. The
21 contrast between --

22 THE CHAIR: Can you conclude?

23 MR. BUTZEL: I need to stop, right.

24 I'll just say the contrast between that building

25 and what is really a glass sort of Christmas

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2 tree of sorts, whatever you think of the design,
3 they're just at two ends of the spectrum. And
4 knowing Eero as I did, he was a very modest man,
5 if he hadn't been a modest man I'm sure he would
6 be turning over in his grave right now.

7 So I really hope you turn this
8 down. Thanks.

9 THE CHAIR: Thanks. Any questions?

10 (No response)

11 THE CHAIR: Hall Powell? Hall
12 Powell and Daly Reville.

13 A VOICE: Hall is not here but Daly
14 is here.

15 THE CHAIR: Okay, that's fine.
16 Daly Reville. Veronika Conant. I'm just
17 reading a few to you so you can get ready, and
18 then Michael Burns. So Daly Reville, then
19 Veronika Conant and then Michael Burns. Okay,
20 Daly Reville?

21 MS. REVILLE: Yes.

22 THE CHAIR: Hi.

23 MS. REVILLE: Hi, good afternoon.

24 Daly Reville. I live at 45 West 54th Street.

25 And I am here to say that I think

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2 that there have been many good efforts on our
3 street to do worthy efforts from the museum and
4 the architect involved. But I think that the
5 outcome is exactly what you just heard, which is
6 the south side of 54th Street is a blank and
7 hostile wall. And I would like to think that
8 this new project is an opportunity to address
9 that.

10 Three loading bays, two for the
11 museum, one for the museum tower, which is on
12 53rd, though the loading bay is on 54th, can
13 probably be consolidated into one, and also
14 serve whatever it is that MoMA/Hines does just
15 to its west. This would give an opportunity for
16 the museum to take some of this area, make it a
17 little more street friendly. And it's also a
18 wonderful opportunity, since the museum is
19 making some money on this project, to rethink
20 the wall in front of the garden. The garden is
21 a lovely amenity, and one that could be shared

22 with the pedestrian.

23 So that's my thought. Thank you

24 very much.

25 THE CHAIR: Thank you very much.

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2 Veronika Conant? Then Michael
3 Burns and Ian Dunford.
4 MS. CONANT: I am Veronika Conant,
5 president of the West 54-55 Street Block
6 Association in the Preservation Subdistrict of
7 the Special Midtown District, asking the
8 Commission to please deny approval of the
9 special permit to MoMA/Hines for this 1,250
10 Empire State sized building on a tiny lot. The
11 decision for denial by Community Board 5
12 reflected the sentiment of the community and a
13 major issue which is also a major issue for the
14 city, to protect low scale, mid block
15 neighborhoods zoned for preservation from
16 overdevelopment, and to protect them from
17 excessive light and air.

18 The 500 pages long Draft
19 Environmental Impact Statement, the DEIS,
20 prepared by the developer, does not include any
21 of Community Board 5's recommendations and is

22 deeply flawed and deliberately misleading. The
23 general study area of one quarter mile is too
24 small. The numerous lot mergers which allow the
25 transfer of the 275,000 square feet of air

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2 rights from St. Thomas Church to the development
3 site create an enormous lot, almost the size of
4 an entire block. Yet, the rich surrounding
5 historic resources are only studied using 400
6 feet, while the harmoniousness condition between
7 the landmarks and the new building is considered
8 not applicable because the distance between them
9 is over 400 feet. Major inconsistencies.

10 Car and pedestrian traffic. The
11 DEIS falsely says the project does not need a
12 detailed traffic study because it is below the
13 threshold. Why, if the gallery space will
14 increase 40,000 square feet, 30 percent
15 increase, will there be no increase in
16 attendance, when in the previous expansion
17 comparable increase in gallery space resulted in
18 an increase of attendance from 1.8 to 2.5
19 million? The DEIS states they need not address
20 this. Why? This is in addition to car and
21 pedestrian traffic due to a new building with a

22 hotel, condos, plus restaurant.

23 Air quality. The DEIS falsely

24 claims less than 75 motor vehicles per peak

25 hours for a new, unprecedented size skyscraper,

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2 with new galleries, a hotel, condos and a
3 restaurant. And they didn't do the proper study
4 at the site. Instead, ozone was measured at the
5 City College in Harlem, other pollutants were
6 measured. Particulate matter, for example, were
7 measured on 100 feet wide East 57th Street near
8 Second Avenue in December 2007, under winter
9 conditions without HVAC. Even this way, the
10 particulate and ozone were found to be above the
11 allowed national ambient air quality standards.

12 New York City is one of the most
13 polluted cities, with Manhattan failing the
14 particulate matter standards. Our blocks, with
15 loading docks, large truck traffic and much
16 idling, need and deserve a proper environmental
17 study.

18 (Bell rung)

19 MS. CONANT: They were already very
20 high in 2000. This is a public health issue
21 which is of much importance to residents,

22 especially with families, small children, and

23 the elderly.

24 I just have a -- I want to finish

25 the noise. The DEIS acknowledges that noise is

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2 at times intolerably high, yet again they do not

3 address this for the same reason as traffic.

4 And they do not address noise and I think

5 this --

6 THE CHAIR: Please conclude.

7 MS. CONANT: I will be very, very

8 quick.

9 And tour buses. But they still

10 found the noise levels and sound levels which

11 were done January 31st and February 1st

12 intolerably high.

13 THE CHAIR: Thank you.

14 MS. CONANT: We need more

15 meaningful studies to properly evaluate the

16 noise --

17 THE CHAIR: You have to stop.

18 MS. CONANT: -- and the impact of

19 this potential environmental disaster --

20 THE CHAIR: Please stop.

21 MS. CONANT: -- which introduces a

22 -- yeah, this is my last sentence -- a totally
23 new scale into our Special Preservation
24 Subdistrict, which the West 54 side of MoMA is a
25 part of.

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2 THE CHAIR: We'll read your
3 testimony. You have to stop.

4 MS. CONANT: Please modify the
5 DEIS, reduce the size of the building --

6 THE CHAIR: Please stop.

7 MS. CONANT: -- and deny the
8 permits. Thank you. And this is it and here
9 are my copies.

10 THE CHAIR: Thank you so much.

11 MS. CONANT: Thank you.

12 THE CHAIR: Michael Burns and Ian
13 Dunford.

14 MR. BURNS: Good afternoon, and
15 thank you for permitting me to speak before this
16 committee of commissioners. My name is Michael
17 Burns, and I'm a citizen and I'm a resident on
18 57th and Sixth Avenue. I face 56th and Sixth.
19 I'm here to speak on two features to this issue
20 that I feel very strongly about.

21 One is the idea of these public

22 institutions protected by a power base of tax
23 free status unassailable by the needs of the
24 community to use their revenues for public
25 purposes. They have the nerve to climb all over

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2 each other in a rush to sell their air rights
3 and their patrimony to the most avaricious, high
4 paying developers who will be given a few bucks
5 for a stained glass window or for a couple of
6 floors on a building. I think it's an outright
7 disgrace and an insult to the citizenry of this
8 community. And I resent it terribly. Perhaps
9 nothing will come of all of this. They will
10 remain in a tax free status, they will still
11 masquerade in their ecclesiastical vestments
12 while taking money and sticking it in their back
13 pocket. Perhaps nothing will change, but it
14 won't change the situation in the minds of many
15 of us citizens.

16 Second point, quickly, is that I
17 happened to hear a couple of the developer's
18 attorneys talking outside, and they were
19 chortling among each other that well, they
20 haven't touched the sub basement, they still
21 were at the height of the building. And I

22 thought, you're absolutely right, there's the
23 issue. This has been transformed from a modest
24 building into a giant sliver building, like a
25 hypodermic needle aimed at the spinal cord of

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2 thousands of citizens, to the north
3 particularly. It's an obscene, grotesque, ugly
4 piece of architecture stuck in the middle of a
5 block that's already overdeveloped. And I urge
6 the Commission to put themselves in the shoes of
7 the citizens who are trying to preserve and
8 enjoy living in New York City in a neighborhood
9 which is, relatively speaking, low-rise to the
10 north headed toward Central Park. But the north
11 is facing this horrible, grotesque sliver
12 building.

13 You know what, it reminds me a
14 little bit of these movies I keep seeing
15 advertised, Transformers. And I'm amazed how
16 successful they are. But the thing is pretty
17 simple. You come up with a grotesque behemoth
18 and you come up with opposition to it and it
19 changes to another form of grotesque behemoth.
20 Well, the first one that we were faced with was
21 a 25 story behemoth draped in the ecclesiastical

22 robes with little tokens of a talisman of

23 cultural contributions.

24 (Bell rung)

25 MR. BURNS: Thank you very much for

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2 letting me speak.

3 THE VICE CHAIR: Thank you. Any

4 questions?

5 (No response)

6 THE VICE CHAIR: Thank you.

7 Ian Dunford?

8 MR. DUNFORD: Good afternoon,

9 Commissioners. My name is Ian Dunford. I'm

10 here today on behalf of the New York Hotel

11 Trades Council, a union that represents over

12 30,000 of my co-workers in New York City. And

13 I'm here to say that we currently stand opposed

14 to the project.

15 In reviewing the application in

16 question by the Hotel Trades Council folks on

17 multiple land use impact, many of the impacts

18 were ably addressed. However, we believe that

19 issues of impact relative to economic

20 development have not been fully addressed by the

21 applicant. While a certain number of temporary

22 and permanent jobs will be created by the
23 proposed development, there has been little
24 effort made on the applicant's behalf to ensure
25 that these jobs will be quality jobs that will

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2 optimally benefit the overall economic benefit
3 of New York City.

4 In conversations between the Hotel
5 Trades Council and the applicant, it has become
6 clear that Hines has not fully realized the
7 plans to ensure good jobs with good wages and
8 benefits, jobs that give workers voice and
9 dignity in the workplace. Therefore, the Hotel
10 Trades Council cannot support this project. We
11 ask the Commissioners to take into account the
12 applicant's failure to properly address the
13 economic development impacts of this project
14 while making their decisions.

15 Thank you.

16 THE VICE CHAIR: Thank you. Any
17 questions?

18 (No response)

19 THE VICE CHAIR: Thank you.

20 Alexander Coxe? Alexander Coxe?

21 MR. COXE: Madam Chairman and

22 Commissioners, thank you very much. I am
23 Alexander Coxe. I'm a resident at 45 West 54th
24 Street, and I have a lot to say. Most of it has
25 already been said, probably more articulately,

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2 throughout the previous testimony you have
3 heard.

4 But in short I think that,
5 obviously you are all tasked with this to make
6 the proper judgment as to how to proceed,
7 whether to permit this project to go forward.

8 And I think the most important piece of the
9 puzzle was already said a few persons ago, the
10 fact that all of the parties here can win out.

11 But I don't know if we have the right formula
12 right now, because this is an awfully large
13 building for a very small space. And that seems
14 to not be in dispute. I happen to think the
15 building that I have seen is gorgeous, but it's
16 just a little too big for this lot. And if they
17 can scale it down a little bit, you'll probably
18 all be pretty happy.

19 And I wanted to echo something else
20 that I think someone said previously, that 54th
21 Street basically really is kind of the back door

22 service alley as far as MoMA is concerned. I
23 would venture to say that 60 to 70 percent of
24 the south side of the street. And, as other
25 people have said, it's a pretty clinical, prison

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2 like wall separating itself from what's on the
3 street.

4 I'm glad we have an entrance to
5 MoMA now, but at the same time it seems like
6 maybe certain aspects of the project going
7 forward, regardless of what form it is in, might
8 need to do a little reconsidering on that. I
9 don't know that everything has to be on 53rd
10 Street. It might integrate the community a
11 little more by having a new opening. I don't
12 know how they can make that work. But certainly
13 we are pretty overburdened right now with trucks
14 and loading docks.

15 And the superintendent of my
16 building I think is right after me, and you will
17 hear from him. He can give you anecdotal
18 evidence that the street is pretty overburdened
19 right now. And that's all I have to say.

20 THE CHAIR: Thanks a lot.

21 MR. COXE: Okay.

22 THE CHAIR: It's time now to switch
23 to speakers in favor. And the first will be
24 Lynne Harrison, to be followed by Rick Bell, and
25 then Anthony Borelli and Carol Van Guilder.

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2 Is Lynne Harrison here?

3 A VOICE: She stepped out for a

4 second.

5 THE CHAIR: Okay. Is Rick Bell

6 here?

7 MR. BELL: Thank you for the

8 opportunity to testify today on behalf of the

9 New York Chapter of the American Institute of

10 Architects and our 4,300 architect and public

11 members.

12 We are here to express support for

13 the tower as designed by Ateliers Jean Nouvel

14 for the MoMA on 53rd Street. A lot has been

15 said already, and I will truncate the text and

16 distribute it in writing because many of the

17 things I would have said have been said already.

18 But I'd like to emphasize a few things. And one

19 is about the transfer of development rights,

20 since that's been talked about by many speakers

21 on both sides of the issue.

22 Obviously every square foot of
23 space in New York is valuable, immensely
24 valuable. And that the two buildings are
25 transferring rights, and historic buildings on

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2 avenues, is significant. If these were not
3 landmarks, there would be incredible pressure to
4 have them rebuilt much higher than the current
5 form. The block is very different therefore
6 because of the nature of what is high and what
7 is low already. New air space cannot be
8 utilized by these buildings, and that makes part
9 of the block relatively low-rise, not including
10 the fact that the garden is a void. Therefore,
11 the remainder of the block theoretically can
12 sustain much more mass, in our opinion.

13 The tower is mid block. That's
14 been pointed out by many people already. And
15 many have expressed concerns about the proposed
16 height of the building. We feel that the design
17 and materials are light, are light enough that
18 the height is not oppressive, and that the tower
19 culminates in an elegantly shaped spire, as you,
20 Madam Chair, have already identified as being
21 important to the project. And thus does relate

22 harmoniously to the landmark buildings on the

23 end of the block.

24 Since the AIA last saw this project

25 some time back, we had asked for more

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2 information about how the building addresses the
3 street, how it addresses the block, and in fact
4 how it's both 53rd and 54th Streets. And the
5 design has been further developed. What we have
6 seen previously and now here today shows much
7 more transparency, and the formerly blank
8 facades of the lower floors are enlivened with
9 faceted surfaces that will reflect back the
10 activity of the street.

11 In addition, as was just said in
12 opposition, there is an entrance on 54th Street.
13 The residential tower seems -- the entrance has
14 moved to 54th Street, which is a gesture to
15 engage that street, providing more pedestrian
16 activity and getting 54th Street a more
17 comparable stature to that of 53rd Street,
18 anticipating in part some of the congestion that
19 members of the opposition have addressed.

20 We therefore urge the Commission to
21 approve this application and to grant the

22 special permits. And I'll cede the rest of my

23 time to the next speaker.

24 THE CHAIR: Thank you very much.

25 But I have questions, so if you want to go

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2 first, the vice chair, Dr. Knuckles, then Betty
3 Chen.

4 COMM. KNUCKLES: I'd just like you
5 to submit a copy of your remarks for our
6 consumption.

7 MR. BELL: Yes, sir. I have many
8 to share with the --

9 THE CHAIR: Betty, did you have a
10 question?

11 COMM. CHEN: Hi, Rick, good to see
12 you.

13 I think we have some sort of
14 document in our briefing materials from the
15 attorneys for the applicant where they had said
16 that they're willing to enter into a restrictive
17 declaration that the building would be
18 constructed substantially in accordance with the
19 schematic drawings that they are submitting as
20 part of the ULURP application. And you might
21 have heard earlier in some of the previous

- 22 discussions that there's concern about
- 23 protecting the integrity of the design
- 24 throughout the process it goes through, design
- 25 and whatever happens in the future.

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2 So I guess I would just ask in your
3 professional opinion as an architect as you're
4 representing the AIA, what do you think are some
5 of the critical issues? I mean we have talked
6 about height massing, tower top form, materials,
7 lighting. I mean, you know, there's probably
8 degree of interpretation about what is
9 substantial.

10 (Inaudible)

11 MR. BELL: But before coming into
12 the room to hear all the testimony in the
13 presentation, I had the opportunity to talk with
14 the authors of the building about what makes a
15 skyscraper significant. And even with an
16 architect as distinguished as Jean Nouvel at the
17 table, we were talking about the basis of
18 skyscraper design being the writings say of
19 Louis Sullivan. And maybe Carol Willis will
20 talk more eloquently about that. But a tower
21 has a base, it has a middle, and it has a top.

22 And I think what we have often forgotten since
23 the twenties in New York is the top. Shel
24 Silverstein says that the bottom ought to be
25 forgotten. But the quality as identified by the

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2 Commission, by its Chair earlier, is all
3 important. The materiality is certainly
4 important.

5 What a short three minute
6 presentation of the project doesn't do justice
7 to in my opinion is how it links to the complex
8 of buildings that have evolved over time at the
9 Museum of Modern Art campus, and how it's more
10 than just the connection of the floor levels,
11 which is important on the third, fourth and
12 fifth floor levels as identified, but also
13 volumetrically how buildings spiral around the
14 garden, how the garden as a collective gathering
15 spot is protected, not shadowed by this
16 building.

17 And, you know, we, as I said in my
18 testimony, were very much concerned that we
19 didn't see enough previously at the base.
20 There's more there now, there could still be
21 more. And I would say that that locking in, you

22 know, so there is a discrete point potential
23 that other developers and other buildings may
24 have had to do a switch where you're promised
25 one thing and something else happens. If that's

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2 the concern, I think what we have seen today
3 together and probably what you've probably seen
4 at staff level in more detail and what you've
5 seen in private review is what to lock in at
6 this height.

7 You know, we are in a very low
8 building in Greenwich Village but we go down
9 1,250 feet below ground with our geothermal
10 system, as you all know. And it's not that
11 great a height when it's slender; if you have an
12 eight inch pipe. The building, as was said,
13 it's slender. It's not as clunky and chunky as
14 it might have been. That has to be locked in.
15 The site locks it in. The slenderness ratio
16 makes it a very different proposition.

17 I'll stop there.

18 THE CHAIR: Thanks so much, really
19 good to see you.

20 Anthony Borelli, to be followed by
21 Carol Van Guilder and then Marion Pearce and

22 Michael Reichman.

23 MR. BORELLI: Good afternoon. My

24 name is Anthony Borelli. I'm the director of

25 land use planning and development for Manhattan

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2 Borough President Scott Stringer.

3 As you know, the site is currently
4 unbuilt. It's prime real estate, and the
5 borough president thinks it is an appropriate
6 site for new development. In reviewing the
7 application before you today, our office took a
8 technical approach, recognizing that a large
9 building could be built on that site and
10 probably would be sooner or later.

11 The site is located in the heart of
12 the Midtown Central Business District. It's
13 part of a very large zoning lot with very
14 complicated zoning regulations. In that
15 district, the zoning districts that apply to the
16 lot allow relatively high densities; eight FAR,
17 ten FAR, twelve FAR and fifteen FAR. These are
18 the highest densities in the city. And, as a
19 result, the proposed tower is quite tall. This
20 is a function of the underlying zoning
21 districts, but also it's also tall because the

22 project would tap special permits that allow
23 bulk waivers and transfer of development rights
24 from a landmark building if certain findings are
25 met.

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2 The waivers that are requested
3 would result in improved design over the
4 as-of-right envelope. They would have minimal
5 adverse impacts according to the EIS or the
6 Draft EIS, and I encourage the Commission and
7 City Planning staff to investigate the questions
8 regarding the draft EIS and how it was completed
9 before it is finalized. .

10 But also I also want to note to CB
11 5 the Borough President agrees with the
12 sentiment of CB 5 as they wrote in their
13 resolution the waivers would in fact enhance the
14 beauty and practicality of the building.

15 The project is a very large
16 project. It's tall. It will create and
17 contribute to problems at the street level,
18 which already suffers from a lot of vehicular
19 and pedestrian traffic. This is especially
20 important given that one of the waivers is for
21 the amount of pedestrian circulation space that

22 the project should provide. So the Borough
23 President would agree that the special permit
24 applications or the application meets the
25 requirements only if the developer and MoMA

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2 follow through on the commitments they have made
3 in writing to the Borough President.

4 Specifically they have committed to be part, an
5 active member of a construction task force that
6 would involve city agencies and the local
7 community board as well as block association
8 members to address construction related impacts.

9 The tower, they have committed to
10 active frontages on both 53rd Street and West
11 54th Street, allowing access from both streets.
12 They have committed to make meaningful efforts
13 to control and shorten lines, patron lines, and
14 to control bus loading and unloading activities
15 for both students and tourists.

16 (Bell rung)

17 MR. BORELLI: And, lastly, they
18 have agreed to restrict the development in
19 certain meaningful ways in order to minimize the
20 intense active use, namely, restrict the number
21 of residential units and the number of hotel

22 units far below what is allowed as-of-right.
23 They have committed to kind of shrink wrap the
24 design. So we can expect something that a final
25 project similar to what we have seen.

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2 Lastly, they have agreed to limit
3 the amount of total commercial space, again to
4 limit the overall activity. For all of those
5 reasons, the Borough President has issued a
6 recommendation of conditional support.

7 THE CHAIR: Thank you very much,
8 and thank you for speaking on behalf of the
9 Borough President as well for your thoughtful
10 response on the importance of the special
11 application.

12 MR. BORELLI: Thank you.

13 THE CHAIR: Carol Van Guilder,
14 followed by Michael Reichman.

15 MS. VAN GUILDER: My name is Carol
16 Van Guilder. I'm a member of the Real Estate
17 Board of New York. And we support the 53 West
18 53rd Street project and the zoning application
19 based on Sections 74-711 and 74-79 of the zoning
20 resolution.

21 As you know, this proposal would

- 22 allow the construction of a new mixed use
- 23 building in midtown, the expansion of important
- 24 art space, and the continued restoration and
- 25 maintenance of landmark buildings, the St.

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2 Thomas Church and University Club. This project
3 really is a wonderful example of how historic
4 preservation and new development can work
5 together to the benefit of everyone.

6 As you know, landmark designation
7 brings practical limitations to the owner to
8 making enlargements, especially in an area where
9 the zoning regulations allow high density
10 buildings. And to address these conflicts with
11 bulk requirements of zoning and what's
12 appropriate for landmark, back in the 1960s the
13 city enacted the special permits to facilitate
14 exactly this kind of creative use of space. And
15 we believe that this application is a proper use
16 of these special permits.

17 And this is located in midtown.
18 This is a place where we should welcome
19 creatively designed skyscrapers such as this
20 building designed by architect Jean Nouvel.
21 It's harmonious and will be an exciting and

22 stunning addition to the area, and I think it's
23 really exciting that the city is attracting this
24 kind of architecture and important design. And
25 I think that's been a goal of the City and this

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2 Commission to really attract wonderful design.

3 So we are excited about that.

4 And the waivers will have actually
5 very minimal impacts compared to the as-of-right
6 designs, and will have an added benefit of
7 moving away from the Midtown Preservation Zoning
8 District. It will benefit the four
9 not-for-profits, MoMA, the American Folk Art
10 Museum, University Club and St. Thomas. But it
11 will benefit the City as a whole through
12 construction related and permanent employment as
13 well as new tax revenue. It meets the findings
14 of the zoning special permits, and has already
15 been approved by the Landmarks Commission. They
16 have studied the maintenance plans and the
17 relation between the MoMA tower and the
18 landmarks, and they have found it harmonious and
19 that there's no negative impacts on the
20 landmarks. And, in fact, it's a high benefit to
21 the maintenance of the landmarks.

22 So we urge you to approve the
23 project. It will bring benefits to midtown,
24 it's appropriate to midtown and it will bring
25 benefits to the city as a whole. Thank you.

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2 THE CHAIR: Thank you. Thank you
3 for your testimony.

4 Marion Pearce?

5 (No response)

6 THE CHAIR: Michael Reichman? And
7 after Mr. Reichman Dan Pasquini, John Dorman, I
8 think, and Carol Willis.

9 MR. REICHMAN: Well, what can I
10 say, I mean it's twenty to three. I think it's
11 all been said. I should just take this page and
12 just throw it away.

13 I'm speaking on behalf of the
14 tower. I work for worked for many years as an
15 architectural photographer all over the world.
16 And I was born and raised here, and I hope to
17 spend the rest of my days here.

18 And to sort of paraphrase and to
19 add to what the tall lady in red with the gray
20 hair said about, you know, all this stuff and
21 growth, and this is New York City, people. I

22 mean this is midtown Manhattan. This is an
23 incredible building by an incredible architect.

24 And I'll just read one paragraph
25 about what I would have said if I had been

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2 first, but since everybody said everything
3 anyway, unfortunately -- the term, the
4 architectural term international style had its
5 origins from the catalog by Hitchcock and
6 Johnson written to record the exhibition of
7 modern architecture held at the Museum of Modern
8 Art, you ready for this, in 1932, a few years
9 after MoMA was formed. MoMA has always been the
10 guiding light in architecture and design and in
11 art in this city. And all over the world. And
12 in fact people come from all over the world to
13 see this stuff.

14 And unfortunately it was only a
15 matter of time for the pure and pristine look of
16 the early buildings by Mies Van Der Rohe, the
17 Seagram building and Eero Saarinen, the Black
18 Rock, the CBS building on Sixth Avenue, and they
19 were compromised and adulterated by the bottom
20 liners, who only saw the style of unornamented
21 simplicity as a way to save money. Ergo, we

22 have an array of cookie cutter cereal boxes.

23 And this is New York, people. This

24 is midtown Manhattan. We build skyscrapers

25 here. And the building is going to be built in

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2 any event. And whether it's going to taller or
3 shorter, it will be, the Jean Nouvel building
4 will be built and everyone in the city and in
5 fact everyone all over the world will benefit
6 from coming to this area to see this building
7 and to see the art and to have a good time.

8 Thank you.

9 THE CHAIR: Thank you.

10 Dan Pasquini. And then John
11 Dorman.

12 MR. PASQUINI: Hi. I just wanted
13 to clarify that I am speaking in opposition. I
14 don't know if I checked the wrong box.

15 THE CHAIR: No, you checked -- so
16 if you can just wait a minute.

17 MR. PASQUINI: Sure.

18 THE CHAIR: You were put in the
19 wrong pile, I am sorry.

20 John Dorman and then Kathleen
21 Murray.

22 MR. DORMAN: Madam Chair, Vice
23 Chair, Commissioners, thank you. My name is
24 John Dorman. And I'm the general manager of the
25 University Club of New York City.

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2 We are enthusiastic about the
3 transfer and happy that the money gained will
4 help us continue to preserve our building. The
5 Wade Steward (phonetic) is one of the finest
6 landmarks in the city. The University Club is a
7 McKim, Mead & White construction, and it is
8 really considered one of the finest landmarks in
9 New York. And we respect our responsibility to
10 maintain it. We worked hard to keep the
11 building in first class condition. As a matter
12 of fact, in just the past few years we have done
13 a full facade project which would ran the range
14 of seven million dollars. And actually every
15 year we spend between two and four million
16 dollars a year on the building. So we have done
17 a lot to keep the building in good order.

18 However, there's much more to do.
19 And in fact there's restrictive declaration
20 which requires us to do the work in the next few
21 years with Landmarks Commission, and our

22 restoration architect, Jonathan Rable
23 (phonetic), has identified several needs that
24 have come up. There's window repair, street
25 vault repair, there's roofing and flashing

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2 repair. Some significant work to the facade.

3 Additionally, there's support
4 systems in the club that will need to be
5 addressed in the next few years. Mechanical
6 systems and fire suppression systems, the
7 building management systems, as well as improved
8 energy systems. So all of these are projects
9 that we see coming up in just the next few
10 years.

11 So we have also developed a very
12 comprehensive building maintenance plan with the
13 Landmarks Preservation Commission and will be
14 required to fulfill that if this transfer goes
15 through. And it will help us maintain the
16 building for generations to come.

17 So being the manager of a building
18 that's more than 110 years old, we're very
19 excited about the opportunity to maintain the
20 building going forward. It is in constant need
21 of repair. It's a landmark, so it requires

22 different and more expensive scrutiny, and we

23 recognize that.

24 So with that I thank you for the

25 time.

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2 THE CHAIR: Thank you. Thank you
3 for coming to testify. Karen Phillips has a
4 question for you.

5 MR. DORMAN: Certainly.

6 COMM. PHILLIPS: I just, I guess
7 you haven't transferred any of your development
8 rights, I mean rights before in terms of museum
9 tower or any of the other projects?

10 MR. DORMAN: Not that I am aware
11 of.

12 COMM. PHILLIPS: Okay. And but
13 before this, if this transfer does not go
14 through, your club and your members will be
15 responsible for doing those repairs regardless?

16 MR. DORMAN: Yes. There are
17 several provisions within the declaration with
18 the Landmarks Preservation Commission which talk
19 to some of the repairs I have discussed as well
20 as a long term maintenance plan that we'll have
21 to revisit I think it's annually, three years

22 and five years. There's all different dates

23 within the plan.

24 COMM. PHILLIPS: And over a hundred

25 years of operations your operations have always

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2 been covered by the members without any outside
3 financial generally?

4 MR. DORMAN: We -- I don't know
5 that I can speak too much --

6 COMM. PHILLIPS: Oh, okay.

7 MR. DORMAN: -- prior to twelve
8 years. I've been the manager for twelve years.
9 But there's also a foundation that helps with
10 the facade.

11 COMM. PHILLIPS: Thank you.

12 MR. DORMAN: You're welcome.

13 THE CHAIR: Thanks again.

14 MR. DORMAN: Thank you very much.

15 Kathleen Murray, to be followed by
16 Carol Willis, then Adam Weinberg.

17 MS. MURRAY: So, Madam Chair,
18 members of the New York City Planning
19 Commission, I'm glad to be here. Thank you for
20 giving me this opportunity to speak in favor of
21 the project.

22 My husband Allan and I have a home
23 in Westchester, but we also have two apartments
24 for expansion and to live there in our
25 retirement at the Rockefeller Apartments located

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2 at 24 West 55th street. I spend most weekdays
3 in the city now due to my work. We are also
4 members of the Museum of Modern Art and Al is a
5 member of the University Club.

6 We believe the proposed tower at 53
7 West 53rd Street and the related expansion of
8 MoMA would serve as a dynamic addition to the
9 New York City landscape and is definitely worthy
10 of your full support at this critical juncture
11 in New York City's history. We believe that if
12 built this iconic tower will make major
13 contributions to the midtown rich architectural
14 heritage and our skyline, as well as to the
15 regents economy and culture assets.

16 MoMA has made good use of the
17 current vacant lot and maintained it well.
18 However, the building and the planned ground
19 level usage will be an added addition to the
20 neighborhood. Like midtown itself, I believe
21 the tower appears to seamlessly blend the

22 residential areas, the hotel rooms, the
23 restaurant and the MoMA. I think it will be a
24 very vivid streetscape thing.

25 For New York and our visitors the

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2 tower will serve as a bold statement about our
3 competence in the future and stimulus for the
4 overall economy by creating thousands of jobs.
5 I believe the project comes at an important time
6 and offers a great many benefits to the city and
7 its residents as well as to our neighborhood.

8 After examining the project I hope
9 you draw the same conclusions and I believe it
10 is just so much better than another box in
11 midtown. Thank you.

12 THE CHAIR: Thank you.

13 Carol Willis? I know you're not
14 Carol Willis.

15 AUDIENCE MEMBER: I'm not Carol
16 Willis. Carol had to go and asked me to read
17 her testimony. I don't know if that's --

18 THE CHAIR: You should probably
19 just give it to her.

20 AUDIENCE MEMBER: Fine.

21 THE CHAIR: And then we'll read it,

22 but thanks, I appreciate your bringing her

23 testimony with you.

24 Is Adam Weinberg here?

25 A VOICE: He had to leave.

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2 THE CHAIR: That's okay.

3 Alex Toplansky? And then Lynn

4 Harrison.

5 MR. TOPLANSKY: Good afternoon,

6 Chair and Commissioners.

7 We stand inside the greatest

8 monument to human resilience, genius and

9 inspiration ever constructed. E.B. White

10 famously said that if America were a village,

11 New York would be its church spire.

12 Our spire is beginning to show its

13 age. In this time of trials, this time of

14 trials has derailed our efforts to remain

15 unique, authentic and world class. Every day

16 another beautifully rendered pit in the ground

17 goes fallow, and one of our remaining wonders

18 becomes a caricature of itself. We have in our

19 hands a project that is authentic in every way,

20 which would stand as one of our city's greatest

21 achievements for generations to come. It would

22 bring much needed energy to our tourism market,
23 job market, civic pride, community vibrance and
24 architectural standing.

25 Tower Verre is particularly

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2 important as a building that can be built,
3 financed and fully occupied and realized during
4 this difficult time. How Mayor Bloomberg, Larry
5 Silverstein and the PA wish they could say the
6 same thing right now.

7 Would we really have a clear
8 conscience as a city if we crush one of our only
9 pending visionary developments that can be built
10 which provides us with such terrific public
11 benefits and desperately needed capital for
12 several institutions and the city itself. Do
13 not allow the myopic immediate paranoia of a few
14 to march this city towards a homogenous,
15 uninspired landscape of generic America that it
16 failed to create an identity in this
17 extraordinary city and extraordinary time. Make
18 no mistake that if Tower Verre is not
19 constructed, a suburbanized Carl Fisher box or a
20 shanty town and stick will be its substitute,
21 while a progressive developer from a place like

22 Chengdu or Riyadh will execute Mr. Nouvel's
23 visionary design and leave New York one step
24 closer to being a ruined acropolis and not a
25 thriving church spire. Thank you.

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2 THE CHAIR: Thank you.

3 Next is Lynn Harrison.

4 MS. HARRISON: Good afternoon. My
5 name is Lynn Harrison. I have been a volunteer
6 at the Museum of Modern Art since 2003, and in
7 my current assignment for about four years.

8 I volunteer with gallery talks,
9 assisting the museum lecturer with practical
10 needs, distributing personal listening devices
11 to visitors to augment the lecturer's voice, and
12 keeping the group together throughout the tour.

13 MoMA's lecturers hold advanced
14 degrees in art history, and I feel fortunate to
15 here them speak on the museum's collection and
16 special exhibitions. The discussions that are
17 initiated during the tours are fantastic.

18 It is not only the art works on
19 display that provoke discussions, but each
20 individual's personal knowledge or lack of
21 knowledge about each specific piece that adds to

22 the human dynamic of a guided tour. While
23 assembling and waiting for the lecturer to
24 begin, we learn where the visitors are from.
25 Australia, Canada, Oklahoma and Texas,

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2 Argentina, Germany, the far reaches of the
3 globe. It is quite clear that visitors want
4 contact and interaction with others while at
5 MoMA. As we move through the galleries, it is a
6 time to share. How many times have I been told
7 that at the end of a lecture that, quote, this
8 is the only way to see the museum, unquote. I
9 have to agree. Why not have an informed view of
10 what is in front of you.

11 There is something else about just
12 strolling through MoMA. Gallery after gallery
13 unfolds with more wonders. Sometimes the
14 wonders are too well liked to be seen the way
15 people prefer. What is to be done when everyone
16 wishes to gaze at Van Gogh's Starry Night or
17 Monet's Water Lilies, and desires the experience
18 of standing in front of a work hugely famous?
19 What about the many works currently in storage,
20 MoMA's many works currently in storage, unable
21 to be viewed because of limited space? How

22 wonderful it would be to have thirty percent
23 more space to exhibit MoMA's treasures.
24 Consider Rosenquist's F-111 painting, a whole
25 room, which is a reflection of American life, or

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2 Richard Serra's Intersection II? Again,
3 tremendous. These are important and physically
4 sizable works of art. Space is required to
5 place them on view for New Yorkers and
6 out-of-towners alike to see.

7 The Museum of Modern art was
8 conceived in New York City to expose Americans
9 to new directions in art taking place in
10 European culture centers. Since that time New
11 York has become the center of the art world.
12 Now, the world is the arena. But still visitors
13 come to New York to view what new is happening.
14 MoMA must make space to allow accessibility for
15 every visitor to compare, contrast and
16 experience these new ideas, whatever their
17 scale, large or small.

18 (Bell rung)

19 MS. HARRISON: Okay. Well, I just
20 wanted to mention that in addition to the
21 benefits of MoMA -- well, I wanted to mention

22 that I live twenty blocks north of the Museum of
23 Modern Art. And walking south along Central
24 Park or riding on the bus in the winter, the
25 outlines of the hotels and the business

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2 buildings of Central Park South, 57th Street and
3 below carve a distinct and inimitable silhouette
4 against the sky. And how wonderful it would be
5 to have the Nouvel building as part of that
6 skyline and to know the treasures within. Thank
7 you.

8 THE CHAIR: Thank you so much. If
9 you could leave your testimony it would be very
10 nice to read it.

11 MS. HARRISON: Okay, sure. Thanks.

12 THE CHAIR: Dan Pasquini. Then
13 Lawrence Geoghegan and Meile Rockefeller.

14 MR. PASQUINI: Thank you. I'm in
15 the right half now, right?

16 THE CHAIR: Yes.

17 MR. PASQUINI: Thank you.

18 THE CHAIR: I think there's not too
19 many left.

20 MR. PASQUINI: My name is Dan
21 Pasquini and I am here on behalf of City

22 Councilman Dan Garodnick, who represents the
23 area just north of the development site,
24 beginning on 54th Street. And I will be reading
25 his testimony.

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2 Thank you for the opportunity to
3 testify. Though I will go into some detail
4 below about the many concerns I have with this
5 project, ultimately I hope it is you who will be
6 able to tell me how this project is an example
7 of sound planning.

8 The size of this proposed building,
9 which will be as tall as the Empire State
10 Building, and its location, without direct
11 access to an avenue or wide street, warrant
12 caution about any action that could overwhelm
13 this neighborhood or create a destructive
14 planning precedent. I hope you will exercise
15 such caution.

16 The proposed tower's design
17 represents a shrewd accumulation of air rights
18 and development waivers that by themselves do
19 not seem to present grave impacts. However, the
20 culmination of the developer's vision is to
21 place the tallest building in New York City onto

22 a plot that lies partially in the low rise
23 Special Midtown Preservation Subdistrict. We
24 have heard from the developer why this is a
25 desirable outcome. But I ask you as the City's

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2 planning body to justify this contradictory
3 scenario. In that vein, while it is broader
4 than today's discussion, I encourage you to
5 study the appropriateness of vast air rights
6 transfers made possible through zoning lot
7 mergers, and whether they should be limited in
8 any way to preserve contextural development.

9 Regarding the matter at hand, I
10 recognize that the applications before you are
11 complex and abstract. Air rights transfers,
12 waivers for rear yard equivalents that begin at
13 an elevation of 177 feet, the placement of bulk
14 that is the result of merged super lots that
15 have not yet been merged, and so forth. Despite
16 this complexity, or perhaps because of it, I
17 look to you for a clear explanation of this
18 project's planning principles, and for
19 thoughtful solutions that will mitigate any
20 negative effects.

21 In his recommendation, the borough

22 president did well to identify pedestrian
23 traffic, truck deliveries, bus traffic and the
24 various noise and environmental issues that come
25 with them as key concerns, particularly on West

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2 54th Street. While both 53rd and 54th Streets
3 are designated through streets by the Department
4 of Transportation, 54th bears the vast majority
5 of the deliveries and bus traffic that serves
6 MoMA, to the detriment of residents. Pedestrian
7 flow on 54th Street is interrupted by activity
8 at the six loading docks on the block between
9 Fifth and Sixth Avenues. Currently only about
10 half of those deliveries are handled through its
11 loading bays. The rest are either done
12 curbside, or outside the bays, blocking sidewalk
13 access. Surely there is a better answer than a
14 new curb cut and loading bay to accommodate
15 deliveries to the proposed building.

16 My office continues to receive
17 complaints about buses visiting MoMA that park
18 or idle on 54th Street in defiance of city law
19 and of the museum's earnest attempts to relocate
20 them away from the area after dropping off their
21 passengers. Yet it is reasonable to believe

22 that bus trips to the museum, along with
23 pedestrian traffic, will increase with MoMA's
24 expansion, much as they did with the 2005
25 expansion that brought some 2,250 additional

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2 visitors per day.

3 (Bell rung)

4 MR. PASQUINI: The nature and
5 cumulative effects of all this activity on the
6 south side of 54th Street.

7 THE CHAIR: Do you want to
8 conclude, we'll read the testimony.

9 MR. PASQUINI: Thank you. In
10 conclusion, I do strongly encourage you to
11 enliven 54th Street for pedestrians, to consider
12 this project holistically, and we look forward
13 to the recommendations.

14 THE CHAIR: Thanks.

15 Lawrence Geoghegan and then Meile
16 Rockefeller.

17 MR. GEOGHEGAN: How you doing? I'm
18 a little nervous, so forgive me, all right?

19 My name is Lawrence Geoghegan. I'm
20 the superintendent of 45 West 54th Street. So
21 you can say I'm in the firing line of all the

22 trucks idling and all the people coming back and

23 forth.

24 I'm going to ask you to take into

25 consideration that the amount of traffic, we

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2 have a no standing zone in front of our building
3 which is constantly blocked off. We have a
4 loading dock to our left, a loading dock across
5 the street, which is Financial Times, the other
6 one is 1350, and we have three loading docks
7 from MoMA. That's without the traffic, people
8 coming in taxis, that's without all sorts of
9 people, you know, visiting on the streets with
10 school buses. Sometimes you just got to say
11 enough is enough with the traffic.

12 I'm not saying -- you know, it's
13 going to be a good development for the area, but
14 someone is going to get hurt there and then it's
15 going to be too late then. I have seen trucks
16 going into the parking lot driving up onto the
17 sidewalk, backing into the parking lot. So I
18 just ask you to, the noise and everything,
19 that's New York, but just for safety reasons
20 that look into the fact that there's a lot of
21 traffic and a lot of idling trucks and stuff

22 like that that goes on.

23 Thank you for your time.

24 THE CHAIR: Thank you for coming.

25 Meile Rockefeller and Rita Sue

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2 Siegel.

3 MS. ROCKEFELLER: Thank you, good
4 afternoon. My name is Meile Rockefeller. I'm a
5 member of Community Board 5. I am also a
6 resident of 53rd Street, but I am here in my
7 capacity as a Community Board 5 member to
8 present their resolution.

9 At our meeting in June of this year
10 Community Board 5 voted overwhelmingly to
11 recommend the denial of the special permits for
12 the transfer of air rights under Section 74-79
13 and 74-711. We specifically did not take a
14 position on, as I believe Dan mentioned earlier
15 or Anthony on the waivers related to the
16 application.

17 The primary reason for the
18 Community Board's concern is the scale of this
19 building. The proposal as it's constituted
20 today is for an iconic destination building of
21 great height. It's been compared to the

- 22 Chrysler Building, the Empire State Building, 30
23 Rockefeller Plaza, the Bank of America building.
24 All of those buildings are located
25 on avenues. Most of those buildings are also

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2 located on wide side streets. That is the
3 location that seems the most appropriate to the
4 Community Board for this kind of iconic
5 destination tower. A narrow mid block site
6 cannot exist in that kind of isolated splendor.
7 It's an integral part of the community that
8 surrounds it. This community is made up of
9 commercial towers, 40 and 50 stories, a
10 residential tower, and residential buildings
11 varying from townhouses to fifteen, sixteen
12 stories. It seems that the very scale of this
13 building in that fabric, which you cannot get
14 away from, means it really cannot meet the
15 standards required under the zoning resolution
16 for Section 79-71 and 79 -- 74-79, excuse me.

17 We do appreciate, however, the fact
18 that a number of elected officials, particularly
19 the borough president have worked very hard to
20 help build a relationship between MoMA and the
21 community. We are forward in the hopes that

22 this will be created to a relationship where the
23 applicant can help smooth the development
24 process of any building that goes up in this
25 location, and that MoMA on an ongoing and

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2 genuine basis can work with the community to
3 mitigate the number of patrons waiting on the
4 street taking up street space, numbers of buses
5 idling, the numbers of vendors, illegal vendors
6 selling goods on the street, and the disruption
7 of the loading docks that you've heard about
8 before.

9 Thank you.

10 THE CHAIR: Thank you.

11 Rita Sue Siegel? And Deborah Steel
12 and Mrs. Clyde Butler.

13 MS. SIEGEL: Hi. I'm the vice
14 president of the West 54-55th Street Block
15 Association.

16 In my thinking about this project
17 I've concluded that it's a very old fashioned
18 one. This is the Obama era. This is not the
19 time to build a monument to greed and narcissism.
20 The scale of the MoMA/Hines project reeks of
21 pre-crash money and the cynicism of the Bush

22 era. We have been to the brink of catastrophic
23 meltdown and the disastrous loss of public and
24 private funds.

25 New Yorkers have expressed their

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2 eagerness to participate in making the future
3 better than the past and making a more livable
4 city. People are bicycling to work, they're
5 learning about sustainability and environmental
6 responsibility, they continue to gentrify old
7 neighborhoods. The last election demonstrated
8 their willingness to invest in building a better
9 world.

10 City Planning has to do its part in
11 nudging along the process of making the city
12 more livable, environmentally responsible, and
13 focused on the people who live in it. One way
14 is to explain the obvious to MoMA/Hines. The
15 Nouvel building is inappropriate to the site
16 they want to fit it into. This is not an issue
17 of aesthetics. It's an issue of doing the right
18 thing. In Paris most of the out of scale
19 buildings are in an area just outside of the
20 city. It's a beautiful place with elegant
21 interesting tall buildings. Most other

22 neighborhoods in Paris retain their low scale
23 buildings, which makes it such a charming and
24 beautiful place to live, work or visit.

25 We want the same thing for our

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2 special preservation subdistrict, and we want
3 MoMA/Hines to comply with the spirit of what
4 that means. The subdistrict may not be
5 enforceable by strong zoning law, but it is
6 enforceable by the law of public opinion. Let
7 the architect design a smaller building that
8 adds to the visual and culture landscape,
9 provides enough space for additional MoMA
10 galleries, a small hotel, some residences, and
11 is appropriate for the residential neighborhood
12 on West 53rd and 54th Street and the adjacent
13 block.

14 Don't sacrifice our quality of life
15 to others' greed or ego. We recommend that the
16 City Planning Commission deny the special
17 permits.

18 THE CHAIR: Thank you very much.
19 Deborah Steel?

20 A VOICE: Deborah had to leave.

21 THE CHAIR: That's fine.

- 22 Mrs. Clyde Butler?
- 23 (No response)
- 24 THE CHAIR: Okay. Kate Wood?
- 25 Michelle Hobart?

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2 A VOICE: I have Kate Wood's
3 testimony.

4 THE CHAIR: Oh, fine. If you give
5 it to the secretary we'll be sure to read it.

6 A VOICE: Thank you.

7 THE CHAIR: Michelle Hobart?
8 Margaret A. Gillian? Florence Barnet?

9 A VOICE: Florence Barnet, we just
10 wanted it to be noted that she was here.

11 THE CHAIR: Okay, so noted.

12 Louis Giannuzzi?

13 A VOICE: He's not here.

14 THE CHAIR: Thank you.

15 Helen Chirivas?

16 MR. CHIRIVAS: Yes.

17 THE CHAIR: Yes.

18 MS. CHIRIVAS: Good afternoon. My
19 name is Helen Chirivas. And I'm a lifelong New
20 Yorker. I currently reside on Roosevelt Island.
21 And of course I've been preceded by so many

22 speakers, so learned and they have gone over the
23 issues very thoroughly. I don't know how much I
24 can really add. I'm just an ordinary person
25 with no particular expertise, although I did

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2 graduate from the Music and Art High School as a
3 fine art major many years ago.

4 Thank you for giving me this
5 opportunity to voice my alarm at the scale of
6 the MoMA/Hines tower planned for West 53rd
7 Street. If built as planned, the tower will
8 embody a nightmarish contortion of our rule of
9 law, including that which governs high-rise
10 development. The tower will telegraph the
11 message that the City of New York is for sale to
12 the highest bidder. That is, to the developer
13 with the means to retain the slickest lawyers
14 who intend to subvert our zoning laws and
15 regulations. As we know, zoning law exists to
16 ensure appropriate development. In the case of
17 MoMA/Hines building heights appropriate to side
18 streets. As with all law, we must not permit
19 zoning laws to be twisted and flaunted so as to
20 provide the greatest return on investment to the
21 developer to the detriment of our city.

22 France has given America many
23 wonderful cultural gifts such as the Statue of
24 Liberty in New York Harbor, which stands as a
25 beacon of hope to millions fleeing disorder and

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2 lawlessness worldwide. Millions who come here
3 in search of a better life under our rule of
4 law. Where they once lived in fear and
5 desperation, here they find security, fairness
6 and protection under our rule of law.

7 Although our laws are constantly
8 evolving, they do so with the aim of approaching
9 a more rational balance where the powerless and
10 their rights are protected, especially when
11 under attack by vested and powerful interests.
12 This is the message of liberty to the world.

13 But today, unless we act
14 decisively, a son of France, architect Jean
15 Nouvel, will instead give the U.S. a glass tower
16 symbolizing greed, the excessive height enabled
17 by the subversion of our laws. After all, would
18 the city of Paris ever permit a building as out
19 of scale as the MoMA/Hines to be built within
20 one of the graceful arrondissements? Of course
21 not. Then why should the City of New York

22 accept it?

23 Commissioner Burden, I call on you

24 and your commissioners to save our city and our

25 laws and decisively rule against MoMA/Hines as

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2 it is currently planned. Thank you.

3 THE CHAIR: Thank you very much.

4 The next speaker is Caroline Press.

5 (No response)

6 THE CHAIR: Teddy Jeffersons?

7 (No response)

8 THE CHAIR: Is there anyone who

9 would like to speak on this matter who has not

10 done so?

11 (No response)

12 THE CHAIR: The record will remain

13 open for ten days to receive written comments on

14 the Draft Environmental Impact Statement. And

15 the hearing is closed.

16 (Time noted: 3:10 p.m.)

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2 C E R T I F I C A T E

3

4 STATE OF NEW YORK)
) SS:
5 COUNTY OF NEW YORK)

6

7

 I, KARI L. REED, a Registered
8
9 Professional Reporter (Stenotype) and Notary
10 Public with and for the State of New York, do
11 hereby certify:

12

 I reported the proceedings in the
13 within-entitled matter and that the within
14 transcript is a true record of such proceedings.

15

 I further certify that I am not
16 related, by blood or marriage, to any of the
17 parties in this matter and that I am in no way
18 interested in the outcome of this matter.

19

 IN WITNESS WHEREOF, I have hereunto
20 set my hand this _____ day of July, 2009.

21

21

22

KARI L. REED, RPR

23

24

25

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