

EXHIBIT TO FORM LR

APPLICATION FOR MINOR MODIFICATION OF THE PREVIOUSLY APPROVED SPECIAL PERMIT GRANTED IN CONNECTION WITH THE IMPROVEMENTS LOCATED AT 1211 AVENUE OF THE AMERICAS

INTRODUCTION

1211 Avenue of the Americas (the “Site”) anchors the southwest corner of Rockefeller Center. The Site occupies the entire westerly blockfront of the Avenue of the Americas between 47th and 48th Streets and contains 200 feet of frontage along Avenue of the Americas. The Site is level at street grade and contains a lot area of approximately 85,000 square feet. The construction of the 45-story, 1211 Building marked the completion of the westward expansion of Rockefeller Center that began with the Time & Life Building.

The 1211 Building was constructed pursuant to a special permit (“Special Permit”) granted by the Commission (CP-21345) for (i) a waiver of height and setback regulations and (ii) a floor area bonus for the provision of the through block arcade. The Commission’s resolution described the modifications of height and setback along West 47th Street and West 48th Street as “relatively minor.” The building also developed bonus floor area through provision of plaza space along Sixth Avenue and each of the sidestreets and through a small arcade. The Commission determined that the plans that were approved for the 1211 Building (“Approved Plans”) would result in a new structure that was of an “appropriate design in harmony with surrounding development.”

The Approved Plans permitted the Site to be improved with a building that contained up to 1,526,393 square feet of zoning floor area (“ZFA”). The 1211 Building, in its initial built configuration of 1,506,685 square feet of ZFA, was underbuilt by 19,707 square feet of ZFA.

The 1211 Building was purchased by an affiliate of Beacon Capital Partners (“Beacon”) in 2006. When Beacon acquired the 1211 Building, it re-measured the existing floor area and determined that, due to changes in the use of floor space undertaken since the building’s construction, approximately 29,799 square feet of space had been converted from ZFA to mechanical equipment space, reducing the 1211 Building’s actual ZFA to 1,476,886 square feet.

Beacon is proposing to use 18,466 square feet of this ZFA to accommodate the needs of FOX News in connection with its coverage of the 2008 Presidential Election. This expansion for Fox News includes the addition of three new studios within the building’s existing footprint. Two new studios would be located above the west end of the building and located around the center of the site and one new studio would be located above the Charles Schwab space on Sixth Avenue (See, South Elevation dated February 13, 2007).

The recapture for FOX News of ZFA what was eliminated by the introduction after completion of new mechanical equipment would increase the ZFA of the 1211 Building to 1,495,312 square feet, 11,333 square feet less than its formerly built non-complying ZFA of 1,506,685 square feet.

A detailed breakdown of the relevant floor area calculations for the 1211 Building is included on the Zoning Calculations and Summary sheet dated February 14, 2007, a copy of which is included with this application.

The proposed alteration and expansion of the 1211 Building will not result in any new non-compliance or increase the degree of an existing non-compliance. In fact, the proposed addition of the 3 studios would all be located within the approved height and setback waivers originally granted by the Commission pursuant to CP-21345. For these reasons, we believe that the proposed alteration and expansion of the 1211 Building is within the scope of the previous Commission approvals and that the change to the Approved Plans necessary to implement this proposal can be approved as a minor modification to the Special Permit.

CONCLUSION

Based on the foregoing, we respectfully request that the Commission approve the proposed minor modification to the Approved Plans for the 1211 Building.