



CITY PLANNING COMMISSION

May 22, 2013/Calendar No. 5

N 130137 ZRM

IN THE MATTER OF an application submitted by MSG Holding, L.P. pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article III, Chapter 7 (Urban Design Regulations), Article VII, Chapter 4 (Special Permits by the City Planning Commission), and Article IX, Chapter 3 (Special Hudson Yards District), Borough of Manhattan, Community District 5.

This application (N 130137 ZRM) for an amendment of the Zoning Resolution relating to Article III, Chapter 7 (Urban Design Regulations), Article VII, Chapter 4 (Special Permits by the City Planning Commission), and Article IX, Chapter 3 (Special Hudson Yards District) was filed by MSG Holdings, L.P. (“MSG”) on December 12, 2012. The zoning text amendment, along with the related actions, would facilitate the continued use and operation of Madison Square Garden in Manhattan’s Community District 5

RELATED ACTIONS

In addition to the special permit which is the subject of this report (N 130137 ZRM), MSG has filed the following applications related to the continued use and operation of the facility which are being considered concurrently with this application:

- | | |
|--------------|---|
| N 130138 ZCM | Chair certification pursuant to Section 37-621 for the elimination of non-bonused open area |
| C 130139 ZSM | Special Permit pursuant to Section 74-41 to allow an arena, auditorium, stadium or trade exposition facility with a capacity in excess of 2,500 seats |
| C 130140 ZSM | Special Permit pursuant to Section 93-171 as proposed, to modify the sign regulations applicable to the Arena |

BACKGROUND

A full background discussion and project description appears in the report on the related zoning special permit application (C 130139 ZSM).

ENVIRONMENTAL REVIEW

The application (N 130137 ZRM), along with the related application (C 130140 ZSM) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 13DCP053M. The lead agency is the City Planning Commission.

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on December 17, 2012. On May 22, 2013, a Revised Negative Declaration was issued which reflects the modifications by the City Planning Commission, as described below, and adopted herein.

PUBLIC REVIEW

On December 17, 2012, this application (N 130137 ZRM), was duly referred to Community Board 5 and the Borough President for information and review in accordance with the procedures for non-ULURP matters along with the related applications (C 130139 ZSM and C 130140 ZSM) which were certified as complete by the Department of City Planning on December 17, 2012, and were duly referred to Community Board 5 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Review

Community Board 5 held a public hearing on this application and related actions on February 14, 2013, and on that date, by a vote of 36 in favor to 0 opposed and 1 abstaining, adopted a resolution recommending disapproval of the application subject to conditions.

A summary of the recommendations of Community Board 5 appears in the report on the related zoning special permit application (C 130139 ZSM).

Borough President Review

This application, in conjunction with the related actions, was considered by the Borough President, who issued a recommendation approving the application for the amendment (N 130137 ZRM) with conditions on March 27, 2013.

A summary of the recommendations of the Borough President appears in the report on the related special permit application (C 130139 ZSM).

City Planning Commission Public Hearing

On March 20, 2013 (Calendar No. 3), the City Planning Commission scheduled April 10, 2013 for a public hearing on this application (N 130137 ZRM). The hearing was duly held on April 10, 2013 (Calendar No. 26), in conjunction with the public hearing on the applications for the related actions.

There were a number of speakers, as described in the report on the related special permit application (C 130139 ZSM), and the hearing was closed.

CONSIDERATION

The Commission believes that the zoning text amendment (N 130137 ZRM), as modified, is appropriate.

A full consideration and analysis of the issues appears in the report on the related special permit application (C 130139 ZSM).

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination, and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is old, to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

ARTICLE III COMMERCIAL DISTRICT REGULATIONS

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Chapter 7 Urban Design Regulations

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37-625 Design changes

Except as otherwise provided in Section 74-41, dDesign changes to existing #plazas#, #residential plazas# or #urban plazas# may be made only upon certification by the Chairperson of the City Planning Commission that such changes would result in a #plaza#, #residential plaza# or #urban plaza# that is in greater accordance with the standards set forth in Section 37-70 (PUBLIC PLAZAS), inclusive. The provisions of Section 37-78 (Compliance), other than paragraph (e) (Special regulations for an urban plaza in the Special Lower Manhattan District), shall be made applicable to such #plaza#, #residential plaza# or #urban plaza#.

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ARTICLE VII ADMINISTRATION

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Chapter 4 Special Permits by the City Planning Commission

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74-41

Arenas, Auditoriums, Stadiums or Trade Expositions

In C4, C6, C7 or C8 Districts or any #Manufacturing District#, the City Planning Commission may permit arenas, auditoriums or stadiums with a capacity in excess of 2,500 seats, or trade expositions with a rated capacity in excess of 2,500 persons, provided that the following findings are made:

* * *

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs#, ~~or~~ requirements for soundproofing of arenas or auditoriums, shielding of floodlights, screening of open #uses# or surfacing all access roads or driveways. The Commission may also prescribe requirements for pedestrian-accessible open areas surrounding the arena, auditorium, or stadium, including #accessory# directional or building identification #signs# located therein. In addition, within Pennsylvania Station Subarea B4 of the Special Hudson Yards District, design changes to existing #plazas# located within such pedestrian-accessible open areas may be made without a certification by the Chairperson of the Commission pursuant to Section 37-625, and the design standards of Sections 37-70, inclusive, shall not apply to such #plazas#.

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**ARTICLE IX
SPECIAL PURPOSE DISTRICTS**

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**Chapter 3
Special Hudson Yards District**

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**93-17
Modification of Sign Regulations**

(a) Subdistricts A, B, C, D, and E

Within Subdistricts A, B, C, D, and E, the underlying #sign# regulations shall apply, except that #flashing signs# shall not be allowed within 100 feet of Hudson Boulevard, its northerly prolongation to West 39th Street and its southerly prolongation to West 33rd Street. Furthermore, #flashing signs# shall not be allowed on any portion of a #building# fronting upon the outdoor plaza required in the Eastern Rail Yard Subarea A1, pursuant to Section 93-71. Within the Pennsylvania Station Subarea B4, the provisions of Section 93-171 (Special permit for signs within the Pennsylvania Station Subarea) shall apply.

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93-171

Special permit for signs within the Pennsylvania Station Subarea

For an arena permitted pursuant to Section 74-41 within Pennsylvania Station Subarea B4, the City Planning Commission may, by special permit, modify the applicable provisions of Sections 32-64 (Surface Area and Illumination Provisions) to allow increased #surface area# along specified #streets#; and 32-65 (Permitted Projection or Height of Signs), provided such #signs# comply with the conditions of paragraph (a) and the findings of paragraph (b) of this Section, as follows;

(a) Conditions

- (1) No #sign# shall extend to a height greater than 85 feet above #curb level#;
- (2) All #signs# located below a height of 12 feet above #curb level# shall be limited in location and aggregate #surface area# to 550 square feet on the West 31st Street frontage of Subarea B4, 250 square feet on the West 33rd Street frontage of Subarea B4, and 850 square feet on the Eighth Avenue frontage of Subarea B4;
- (3) All #signs# located above a height of 12 feet above #curb level# shall be limited in location and aggregate #surface area# to 5,500 square feet within the #through lot# fronting on Eighth Avenue, 3,000 square feet within each #corner lot# fronting on Eighth Avenue, 3,000 square feet within the #through lot# portion of the West 31st Street frontage of Subarea B4 and 3,000 square feet within the #through lot# portion of the West 33rd Street frontage of Subarea B4.

(b) The Commission shall find that the location and placement of such #signs# is appropriate in the relationship to #buildings# and #uses# on the #zoning lot# and to adjacent open areas, and would be compatible with the character of the arena site, including its use as an entryway to Pennsylvania Station, and of the surrounding area.

For purposes of calculating the height of any #sign# permitted pursuant to this section, #curb level# shall be defined as 30.755 feet above Manhattan datum.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on the number, size and location of arena #signs# permitted pursuant to the district regulations.

* * *

The above resolution (N 130137 ZRM), duly adopted by the City Planning Commission on May 22, 2013 (Calendar No. 5), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, FAICP Chair

ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.

BETTY Y. CHEN, MICHELLE DE LA UZ, MARIA M. DEL TORO, JOSEPH DOUEK,

RICHARD W. EADDY, ANNA HAYES LEVIN, ORLANDO MARÍN, Commissioners