



## CITY PLANNING COMMISSION

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May 22, 2013/Calendar No. 4

C 130140 ZSM

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**IN THE MATTER OF** an application submitted by MSG Holdings, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 93-171\* of the Zoning Resolution to modify the applicable provisions of Section 32-63 (Permitted Advertising Signs) to allow advertising signs, to modify the applicable provisions of Section 32-64 (Surface Area and Illumination Provisions) to allow an increase in surface area, and to modify the applicable provisions of Section 32-65 (Permitted Projection or Height of Signs) to allow signs above the maximum permitted height, for a proposed arena permitted pursuant to Section 74-41, on property located at 3-10 Penn Plaza (Block 781, Lots 1, 2 and 10), in C6-4 and C6-6 Districts, partially within the Special Hudson Yards District (Pennsylvania Station Subarea B4) and partially within the Special Midtown District, Borough of Manhattan, Community District 5.

\*197-d(b)2 eligible

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This application (C 130140 ZSM) for a special permit pursuant to Sections 93-171 of the Zoning Resolution, as proposed, of the Zoning Resolution to modify the sign regulations applicable in Subarea B4 of the Special Hudson Yards District was filed by MSG Holdings, L.P. (“MSG”) on December 12, 2012. The special permit, 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 (C 130140 ZSM), 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 130137 ZRM	Zoning Text Amendment to Sections 37-625 and 74-41 regarding pedestrian-accessible open areas; and Section 93-17 to create a special permit pursuant to new Section 93-171 by which sign regulations applicable within Pennsylvania Station Subarea B4 of the Special Hudson Yards District may be modified
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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

## **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 (C 130140 ZSM), along with the related application (N 130137 ZRM), 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.

## **UNIFORM LAND USE REVIEW**

This application (C 130140 ZSM), in conjunction with the application for the related action (C 130139 ZSM), was certified as complete by the Department of City Planning on December 17, 2012, and was duly referred to Community Board 5 and the Manhattan Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b) along with the

related action (N 130137 ZRM) which was referred for information and review in accordance with the procedures for non-ULURP matters.

### **Community Board Public Hearing**

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 Recommendation**

This application, in conjunction with the related actions, was considered by the Borough President, who issued a recommendation disapproving the application (C 130140 ZSM), 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. 2), the City Planning Commission scheduled April 10, 2013 for a public hearing on this application (C 130140 ZSM). The hearing was duly held on April 10, 2013 (Calendar No. 25), 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 grant of this special permit (C 130140 ZSM), as modified, is appropriate.

A full consideration and analysis of the issues, and reason for approving this application appear in the report on the related special permit application (C 130139 ZSM).

## **FINDINGS**

The City Planning Commission hereby makes the following findings pursuant to Section 93-171 of the Zoning Resolution:

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.

## **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 Sections 197-c and 200 of the New York City Charter, that based on the environmental determination, and the consideration and findings described in this report, the application submitted by MSG Holdings, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 93-171 of the Zoning Resolution to modify the applicable provisions of Section 32-64 (Surface Area and Illumination Provisions) to allow an increase in surface area, and to modify the applicable provisions Section 32-65 (Permitted Projection or Height of Signs) to allow signs above the maximum permitted height, for a proposed arena permitted pursuant to Sections 74-41 and 74-31(a), on property located at 3-10 Penn Plaza (Block 781, Lots 1, 2 and 10), in C6-4 and C6-6 Districts, partially within the Special Hudson Yards District (Pennsylvania Station Subarea B4) and partially within the Special Midtown District, Borough of Manhattan, Community

District 5, is approved, as modified by the City Planning Commission, subject to the following terms and conditions:

1. The property that is the subject of this application (C 130140 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Brisbin Brook Beynon, Architects, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
SG.1	8 <sup>th</sup> Avenue Façade Proposed Signage	May 22, 2013
SG.2	8 <sup>th</sup> Avenue Façade Proposed Signage	May 22, 2013

2. No sign permit may be granted for the MSG signs on Tower B and Tower C shown on Drawing SG.2, and such signs may not be installed, unless Penn Station / Railroad signage has been installed within the areas above the existing canopy which are both 58 feet wide by 11.5 feet high, beginning 15.5 feet above the curb line (the "Additional Penn Station Sign Areas"). Notwithstanding the foregoing, such MSG signs may be installed and the dimensions thereof increased to include the Additional Penn Station Sign Areas, provided that: (a) AMTRAK has consented thereto and, pursuant to an agreement between MSG and AMTRAK, all sign copy or display with the portions of the MSG signs located within the Additional Penn Station Sign Areas is for the purposes of Penn Station identification, AMTRAK, or the other Railroads operating at Penn Station; (b) a copy of such agreement is provided to the Chair; and (c) the Chair certifies to the Department of Buildings that such signs may be installed in accordance with this provision.

3. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.

4. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.

5. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.

6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

7. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 130140 ZSM), duly adopted by the City Planning Commission on May 22, 2013 (Calendar No. 4), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, 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**