



CITY PLANNING COMMISSION

May 25, 2005/Calendar No. 23

N 050297 ZRM

IN THE MATTER OF an application submitted by RCPI Landmark Properties, LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York relating to Article VIII Chapter 8 (Special Midtown District), concerning Section 81-14 (Modification of Sign and Frontage Regulations in the Fifth Avenue Subdistrict), Borough of Manhattan, Community District 5.

The application for an amendment of the Zoning Resolution was filed by RCPI Landmark Properties, LLC on February 8, 2005. The zoning text amendment would facilitate placing illuminated signs in Rockefeller Center.

RELATED ACTIONS

In addition to the amendment of the Zoning Resolution which is the subject of this report, implementation of the illuminated signs proposed for Rockefeller Center requires action by the Chair of the City Planning Commission (CPC) on the following application which is being considered concurrently with this application:

1. N 050298 ZCM Chair Certification that the proposed signs meet the required findings of the amended Section 81-14 of the Zoning Resolution.

BACKGROUND

The Fifth Avenue Subdistrict of the Special Midtown District establishes use and signage controls in order to preserve, protect and enhance the character of Fifth Avenue. In addition to

encouraging ground floor retail and supporting uses, the controls restrict the aggregate area and location of signs. The regulations of the Fifth Avenue Subdistrict and the underlying zoning district (C5-3) do not allow illuminated signs.

The amended zoning text would allow for illuminated signs on open areas of zoning lots occupied by a landmark which lies partially or fully within the Fifth Avenue Subdistrict provided the Chair of the City Planning Commission certifies that three requirements are met:

1. The signs must be a recreation of historic signs and receive a Certificate of Appropriateness from the Landmarks Preservation Commission.
2. The signs must not exceed 12 square feet in surface area per sign.
3. The signs must not project across a street line.

In addition to Rockefeller Center, the text amendment is applicable to three sites within the Fifth Avenue Subdistrict: the New York Public Library, St. Patrick's Cathedral and St. Thomas Church. These are the only other landmark sites within the Fifth Avenue Subdistrict that have zoning lots with open areas.

The amended text and related Chair Certification (N 050298 ZCM) would allow the applicant to place pairs of illuminated signs at four locations in Rockefeller Center: the Fifth Avenue entry to Channel Gardens (Block 1265, Lot 50); Atlas Court at the Fifth Avenue entry to the International Building (Block 1266, Lot 1); and two locations in Rockefeller Plaza – north of West 49th Street and south of West 50th Street (Block 1265, Lot 40). Each position is completely located on privately owned Rockefeller Center property.

The sign panels would contain information related to a soon-to-be reopened observation roof atop 30 Rockefeller Plaza (the GE Building) and Rockefeller Center events; retail advertisements

would not be permitted. The sign kiosks were designed to replicate kiosks that were located in Rockefeller Center until the early 1980s when the Observation Roof closed.

ENVIRONMENTAL REVIEW

This application (N 050297 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 City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 050DCP058M. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on March 14, 2005.

PUBLIC REVIEW

On March 14, 2005, this text amendment was duly referred to Community Board 5 and the Borough President for information and review in accordance with the procedure for referring non-ULURP matters.

Community Board Review

Community Board 5 issued a recommendation on March 10, 2005, approving the application.

Borough President's Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on April 15, 2005.

City Planning Commission Public Hearing

On April 13, 2005 (Calendar No. 9), the City Planning Commission scheduled April 27, 2005, for a public hearing to consider the zoning text amendment (N 050297 ZSM). The hearing was duly held on April 27, 2005 (Calendar No. 38). There were two speakers in favor of the application and none in opposition.

The applicant's representative described the nature of the project, the basis for the requested zoning text amendment, and the process for the subsequent Chair Certification pursuant to the amended text.

The project architect also testified in favor of the text amendment and discussed the proposed design of the signs. The architect explained that the proposed illuminated lettering would match the font used in the historic Rockefeller Center signs. The architect also stated that the sign kiosks would be constructed of bronze, the same material used in the original signs.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes the proposed text amendment to Section 81-14 (Modification of Sign and Frontage Regulations in the Fifth Avenue Subdistrict) is appropriate.

Although Fifth Avenue Subdistrict regulations tightly control signage along the Fifth Avenue corridor in Midtown, the Commission believes there may be individual cases where Fifth Avenue would benefit from greater zoning flexibility. The Commission notes that the Fifth Avenue Subdistrict contains a number of New York City landmarks that support and strengthen Fifth Avenue as a destination, including Rockefeller Center and the three additional sites affected by the text change. The Commission believes the proposed text amendment will allow greater flexibility to alert pedestrians to the location of landmark features at Rockefeller Center without compromising the character of the Fifth Avenue Subdistrict. By requiring that the signs be recreations of historic signs and that they receive a Certificate of Appropriateness from the Landmarks Preservation Commission, the Commission believes that the proposed text provides adequate safeguards to ensure that the flexibility is provided only where appropriate.

The Commission believes that the illuminated signs proposed for Rockefeller Center would not detract from the character of the Fifth Avenue Subdistrict. The Commission is pleased that the applicant will restrict the content of the proposed signs to information concerning the observation roof and Rockefeller Center events as indicated on the plans submitted as part of the Chair Certification (N 050298 ZCM). The Commission also feels that increasing the visibility of the observation roof and Rockefeller Center events would further support tourism and pedestrian activity in the Fifth Avenue Subdistrict.

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 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 to be deleted;

Matter within # # is defined in the Zoning Resolution;

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

Article VIII: Special Purpose Districts

Chapter 1: Special Midtown District

* * *

81-14 (5/25/05)

Modification of Sign and Frontage Regulations in the Fifth Avenue Subdistrict

81-141 (5/25/05)

Special sign regulations

- (a) For all existing and new #uses# in the Fifth Avenue Subdistrict, #signs# shall not be permitted on the exterior of any #building# below a level of ten feet above #curb level#. The aggregate #surface area# of all #signs# in ground floor windows is restricted to not more than one-third of the window area.

Any #sign# that does not comply with the provisions of this ~~Section~~ paragraph, (a), shall be terminated, except that a #sign# which the Chairperson of the City Planning Commission certifies is an integral part of the #building# shall not be required to terminate.

- (b) In a C5-3 District within the Fifth Avenue Subdistrict, the Chairperson of the City Planning Commission may, by certification, modify the requirements of Section 32-655 (Height of signs in all other Commercial Districts), to allow a single non-#illuminated sign# per #building#, other than an #advertising sign#, ~~per #building#~~ to be located at a

height between 25 and 50 feet above #curb level#, provided that the permitted #sign# shall:

- (1) be limited to one name and/or address of the #building# or the name of an establishment located therein, consisting only of individual letters and/or numbers not exceeding 18 inches in height;
- (2) not be within a frame, a border, or any kind of background other than the building facade;
- (3) not project more than three inches from the facade of the #building#; and
- (4) not exceed 25 square feet in aggregate #surface area#.

(c) On any #zoning lot# occupied by a landmark designated by the Landmarks Preservation Commission which lies partially or wholly within the Fifth Avenue Subdistrict, the Chairperson of the City Planning Commission may, by certification, modify the applicable #sign# regulations of Section 32-60 to permit #illuminated signs# on the open area of the #zoning lot#, provided that such #signs# shall:

- (1) be a recreation of historic #signs# and the Landmarks Preservation Commission has issued a Certificate of Appropriateness or other permit for such #signs#;
- (2) not exceed a #surface area# of 12 square feet per #sign#; and
- (3) not project across a #street line#.

* * *

The above resolution (N 050297 ZRM), duly adopted by the City Planning Commission on May 25, 2005 (Calendar No. 23), 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, AICP, Chair
KENNETH J. KNUCKLES, Esq., Vice Chairman
ANGELA M. BATTAGLIA, ANGELA R. CAVALUZZI, R.A., RICHARD W. EADDY,
JANE D. GOL, LISA GOMEZ, CHRISTOPHER KUI, JOHN MEROLO,
KAREN A. PHILLIPS, DOLLY WILLIAMS, Commissioners

IRWIN G. CANTOR, P.E., Commissioner, recused