



CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

September 12, 2023

City Council
City Hall
New York, NY 10007

Re: Madison Square Garden Special Permit
Application No. C 230238 ZSM
Borough of Manhattan

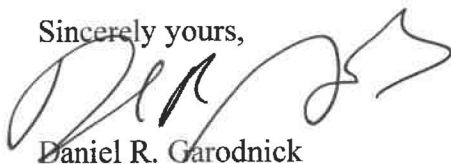
Arena Text Amendment
Application No. N 230240 ZRM
Borough of Manhattan

Honorable Members of the Council:

The City Planning Commission (the "Commission") has received the attached correspondence, dated August 30, 2023, from the City Council regarding the proposed modification to the above-referenced application submitted by MSG Arena, LLC for a zoning special permit pursuant to Zoning Resolution Section 74-41 (C 230238 ZSM) and to the above referenced application submitted by the New York City Department of City Planning for a zoning text amendment to Zoning Resolution Section 74-41 (N 230240 ZRM).

In accordance with Section 197-d(d) of the New York City Charter, the Commission, on September 11, 2023, determined that the City Council's proposed modifications do not require additional review of environmental issues or pursuant to Section 197-c of the Charter.

Sincerely yours,



Daniel R. Garodnick

c: E. Botsford D. DeCerbo S. Johnson
S. Amron R. Singer D. Answini

Daniel R. Garodnick, Chair
City Planning Commission
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August 30, 2023

Honorable Dan Garodnick, Chair
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

Re: Application No. C 230238 ZSM (L.U. No.246)

Madison Square Garden Special Permit

Dear Chair Garodnick:

On August 28, 2023, the Land Use Committee of the City Council, by a vote of 10-0-0 for Application **C 230238 ZSM** recommended modifications of the City Planning Commission's decision in the above-referenced matter.

Pursuant to Section 197-d(d) of the City Charter I hereby file the proposed modifications with the Commission:

Matter ~~double-struck-out~~ is old, deleted by the City Council;
Matter double-underlined is new, added by the City Council

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 Arena LLP. pursuant to 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 74-41 of the Zoning Resolution to allow an arena with a maximum capacity of 22,000 seats within an existing 10-story building on property located at 4 Penn Plaza (Blocks 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 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 230238 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 Gensler, and Matthews Nielsen Landscape Architects, PC filed with this application and incorporated in this resolution, as may be amended in accordance with the Chair certification process described below:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z.1	Zoning Computations	February 10, 2023
Z.2	Site Plan	February 10, 2023
Z.3	Level 1/Street Level Plan	February 10, 2023
Z.4	Level 2/MSG Lobby Level Plan	February 10, 2023
Z.5	Level 3/Mezzanine Level Plan	February 10, 2023
Z.6	Level 4/Technical Level Plan	February 10, 2023
Z.7	Level 5/Event Level Plan	February 10, 2023
Z.8	Level 6/Lower Concourse Plan	February 10, 2023
Z.9	Level 7/Lower Level Suite Plan	February 10, 2023
Z.10	Level 8/Upper Concourse Plan	February 10, 2023
Z.11	Level 9/Upper Suite Plan	February 10, 2023
Z.12	Level 10/Upper Bowl Plan	February 10, 2023
Z.13	Longitudinal Section	February 10, 2023
L.0	Open Area Circulation	February 10, 2023
L.1	Open Area Subject to Special Permit	February 10, 2023
L.2	Open Area Site Plan	February 10, 2023
L.3	Open Area Details	February 10, 2023
L.4	Open Area Details	February 10, 2023

~~2. FUTURE PENN STATION IMPROVEMENT MECHANISM~~

~~When the Rail Agencies complete 30 percent design development drawings (“Preliminary Drawings”) for future improvements to Penn Station that include use of property owned by MSG or require alterations to the MSG Complex, or require other modifications to the Special Permit (“Penn Station Project”) as evidenced by written notice, including a copy of the Preliminary Drawings, signed by all of the Rail Agencies to MSG and the Department, MSG shall, within ninety (90) days of its receipt of such notice file with the Department an application to modify~~

~~this Special Permit in order for the Arena to remain appropriately consistent and compatible with proposed improvements to Penn Station. The application shall contain, at a minimum, the following materials:~~

- ~~a) a written description of any alterations to the MSG Complex, any modifications to the approved drawings, and any other modifications to the arena use or the special permit that MSG may propose in order to continue to satisfy the finding pursuant to ZR Section 74-41(c)(6) that the Arena is appropriately consistent and compatible with proposed improvements to transit facilities on or adjacent to the zoning lot by the Rail Agencies, and an explanation of how any proposed modifications will enable the Arena to continue to meet all applicable findings;~~
- ~~b) a written description of the specific respects in which the proposed modifications to the special permit relate to the Penn Station Project, including, to the extent applicable, the pedestrian and/or transit-oriented goals thereof;~~
- ~~c) amended drawings reflecting any proposed modifications to the special permit;~~
- ~~d) a proposed schedule for implementation of any proposed modifications to the special permit; and~~
- ~~e) a statement as to whether each of the Rail Agencies has or has not accepted and has or has not agreed to the proposed modifications to the special permit or has requested additional modifications to which MSG has not agreed.~~

~~The Commission may also invite the Rail Agencies to submit comments, individually or jointly, on the MSG application, including whether the Rail Agencies have agreed to modifications proposed by MSG, whether the Rail Agencies have requested additional modifications or actions from MSG to which MSG has not agreed, and whether and to what extent MSG's agreement or failure to agree to the Rail Agencies' requests will assist or hinder the Rail Agencies' implementation of the Penn Station Project.~~

~~3.2. ADDITIONAL PUBLIC REALM REQUIREMENTS~~

~~MSG Arena, LLC has provided three letters, dated June 23, June 30, and July 7, 2023, detailing its commitments to improve the public realm and open areas in and around the Arena. MSG shall refine and implement those commitments, as described below:~~

- ~~● Seating. The open area on the southeast corner of the Arena will incorporate an additional third planter bench to the proposed two planter benches and will provide for more social seating. Additionally, new bench seating and/or plantings will be incorporated beneath~~

~~the existing soffits, subject to infrastructural constraints. Additional seating shall be conducive to public use in its dimensions and materiality. Public seating shall not interfere with pedestrian circulation around the site and into entrances to Penn Station and Madison Square Garden.~~

- ~~● Landscape. The existing soffits will incorporate new plantings and/or bench seating, subject to infrastructural constraints. Trees and other plantings shall be located within the public areas, especially in proximity to seating areas, to provide visual interest and enhance pedestrian comfort. The placement of such features shall not interfere with the circulation of pedestrians.~~
- ~~● Lighting. MSG will enhance the lighting around the entire street frontage of the MSG Complex and the midblock driveway. Lighting enhancements also be implemented in the areas beneath the existing soffits and at the Penn Station entrances. The lighting shall foster a safe, legible, and inviting environment and be coordinated with existing fixtures near and around the MSG Complex.~~
- ~~● Civic Identity. The existing Penn Station entrance structures on Eighth Avenue will be replaced with more modern, dramatic structures that could include large glass canopies that extend over portions of the corner open areas without disrupting pedestrian flow. New entrance structures will also incorporate lighting to illuminate the area below. The Penn Station signage on the new structures will require coordination and consultation with the Rail Agencies. Any replacement structures shall establish a stronger identity and inspire a sense of civic pride at the two plaza areas along Eighth Avenue and utilize vertical design elements which have proven successful not only in marking entry but establishing an identity of a place.~~
- ~~● Blank Walls. The Eighth Avenue façade will incorporate a graphic treatment that would enliven the existing blank wall. The graphic treatment will enhance the façade with artwork and/or wayfinding, not branding or advertisements. The sidewalk experience should be an enjoyable experience for everyone and significant portions of blank walls, such as that along Eighth Avenue, shall be mitigated through the integration of wayfinding, art, materiality, graphic design treatments, and/or enhanced lighting. Such an~~

~~approach shall be dynamic and respond to views from multiple locations and distances, including along the sidewalk, as well as across street from Moynihan Station.~~

- ~~• Wayfinding. A unified design language for the MSG complex signage will be implemented to establish a clearer hierarchy of entrances, reduce visual noise, distinguish commercial signage from transit signage, and employ consistent colors and typeface across all signage. Wayfinding will also be improved for pedestrians navigating the midblock driveway onsite.~~
- ~~• Obstructions. Existing canopy structures serving the arena entrances will be removed and others will be reduced in size. Obstructions at the midblock driveway entrances will be removed to the extent feasible to facilitate pedestrian circulation. Structures such as vestibules, tents, canopies, storage units, metal barricades, etc. shall not be placed in public open areas. Mechanical and security infrastructure should be integrated with open space and building design elements to the greatest extent feasible.~~

~~In order to provide greater detail to these commitments, MSG shall prepare revised design and public realm plans within six months after approval of the special permit and shall submit such revised plans to the CPC Chairperson. The revised plans shall be sufficient to enable the Chairperson to certify that the arena design has to the greatest extent feasible, been developed in accordance with the plans approved by the CPC and the relevant conditions of this Resolution.~~

4.2. TRANSPORTATION MANAGEMENT PLAN (TMP) REQUIREMENTS RELATED TO LOADING OPERATIONS

MSG Arena, LLC will complete a TMP developed in consultation with the Department of Transportation and the Department of City Planning in order to provide greater detail to the commitments made by MSG Arena, LLC in its letter of June 23, 2023 and the recommendations made by DOT, as follows:

- TMP will be consistent with DOT's freight policies and goals as established in reports such as Truck Smart, Delivering Green, and Off-Hour Deliveries.
- TMP shall include the following measures, but not limited to:
 - a. No parking or staging of trucks on West 33rd Street between Seventh Avenue and Eighth Avenue;

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- b. Flaggers or security personnel to walk all such vehicles along West 33rd Street between Seventh Avenue and Eighth Avenue when the access or leave the MSG off-street loading area;
- c. Off-site and off-street locations for commercial vehicle staging that do not impede pedestrian safety or circulation;
- d. Managed access and restricted hours for vehicular traffic on West 33rd Street;
- e. Consolidated commercial deliveries, including deliveries via electric vehicles and cargo bike;
- f. Designed locations for security checks and/or screening of trucks.

MSG Arena, LLC will submit the TMP to the CPC Chairperson within six months after approval of the special permit. The TMP shall be sufficient to enable the Chairperson to certify that the loading operations plan has to the greatest extent feasible, been developed in accordance with the plans approved by the CPC and the relevant conditions of this approval.

~~§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, sublessee or occupant.

~~§6.~~ Upon 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.

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~~9.7.~~ 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.

~~10.8.~~ This permit shall expire ~~10~~ 5 years following the effective date hereof (the "Expiration Date").

~~11.9.~~ MSG shall, except as otherwise set forth below, complete construction of the improvements that are shown on Drawings No. L. ~~10~~ through and L.4 in substantial conformity with the Plans ~~or in substantial conformity with the approved drawings of a subsequent certification pursuant ZR Section 74-41(c)(6)(aa) (each "Open Space Improvements") no later than two (2) years after such approval (each an "Open Space Improvement Completion Date").~~ In the event that the Chairperson reasonably determines that there is planned work in connection with certain facilities serving Penn Station (including, without limitation, replacement, repair, removal, and/or addition of waterproofing areas) that is reasonably expected to (i) be commenced within one (1) year after an Open Space Improvement Completion Date and (ii) interfere with MSG's ability to construct some or all of the Open Space Improvements or require the demolition, replacement or removal of a material portion of the Open Space Improvements, MSG may request the Chairperson extend an Open Space Improvement Completion Date, by written notice to the Chairperson. Such written notice shall include a description of the Penn Station work that is expected to interfere with construction of the Open Space Improvements, a description of the Open Space Improvements that will be interfered with by the Penn Station work, and a proposed revised schedule for completion of the Open Space Improvements. The Chairperson may thereafter extend the Completion Date for some or all of the Open Space Improvements by up to one (1) year after the date on which such Penn Station work is completed.

Please feel free to contact me at WVidal@council.nyc.gov if you or your staff have any questions in this regard.

Sincerely,



.....
William Vidal,
Deputy General Counsel

WV:SFN

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C: Members, City Planning Commission
Perris Straughter, Director, Land Use Division
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August 30, 2023

Honorable Dan Garodnick, Chair
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

Re: Application No. N 230240 ZRM (L.U. No.245)

Arena Text Amendment

Dear Chair Garodnick:

On August 28, 2023, the Land Use Committee of the City Council, by a vote of 10-0-0 for Application **N 230240 ZRM** recommended modifications of the City Planning Commission's decision in the above-referenced matter.

Pursuant to Section 197-d(d) of the City Charter I hereby file the proposed modifications with the Commission:

Matter underlined is new, to be added;

Matter struck out is to be deleted;

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

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

Matter double struck out is old, deleted by the City Council;

Matter double-underlined is new, added by the City Council

* * *

**ARTICLE VII
ADMINISTRATION**

**Chapter 4
Special Permits by the City Planning Commission**

* * *

**74-40
USE PERMITS**

* * *

**74-41
Arenas, Auditoriums, Stadiums or Trade Expositions**

C4 C6 C7 C8 M1 M2 M3

(a) 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:

- (1) that the principal vehicular access for such #use# is not located on a local #street# but is located on an arterial highway, a major #street# or a secondary #street# within one-quarter mile of an arterial highway or major #street#;
- (2) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;
- (3) that such #use# is not located within 200 feet of a #Residence District#;
- (4) that adequate reservoir space at the vehicular entrance, and sufficient vehicular entrances and exits, are provided to prevent traffic congestion;
- (5) that vehicular entrances and exits for such #use# are provided separately and are located not less than 100 feet apart; and
- (6) that due consideration has been given to the proximity of bus and rapid transit facilities to serve such #use#.

(b) In Community District 7 in the Borough of the Bronx, the Commission may permit an indoor arena with a maximum seating capacity of 6,000 within 200 feet of a #Residence District# and, in conjunction with such arena, permit modifications of the provisions of Sections 32-64 (Surface Area and Illumination Provisions), 32-655 (Height of signs in all other Commercial Districts), and 36-62 (Required Accessory Off-street Loading Berths), provided that:

- (1) the provisions of paragraphs (a)(1), (a)(2), (a)(4), (a)(5) and (a)(6) of this Section are met;
- (2) open space surrounding such arena will be located and arranged to provide adequate pedestrian gathering areas to minimize disruption to the surrounding areas;
- (3) the arena includes noise attenuation features and measures which serve to reduce arena-related noise in the surrounding area, including at nearby #residences#;

(4) where Sections 32-64 and 32-655 are modified, a #signage# plan has been submitted showing the location, size, height and illumination of all #signs# on the #zoning lot#, and the Commission finds that all such #signs#, and any illumination from or directed upon such #signs#, are located and arranged so as to minimize any negative effects from the arena #use# on nearby #residences#; and

(5) where Section 36-62 is modified, a loading plan has been submitted that addresses the operational needs of all servicers of the arena and shows the number, location and arrangement of all loading berths on the #zoning lot#, and the Commission finds that such loading plan is adequate to address the loading demand generated by the arena #use# and has received assurances that the arena operator will implement such plan in accordance with its terms

(c) In the Pennsylvania Station Subarea B4 of the Farley Corridor Subdistrict B of the #Special Hudson Yards District#, the Commission may permit arenas with seating in excess of 2,500 persons, provided that the following findings are made:

(1) the provisions of paragraphs (a)(1) through (a)(6) of this Section are met; and

~~(2) public spaces of appropriate proportions and quality design are provided around the arena in a manner that is commensurate with the civic importance of the site;~~

~~(3) such public spaces will facilitate public use and pedestrian flow; provide suitable amenities for the users of the space; and be integrated with the above and below grade pedestrian circulation network and transit facilities in the surrounding area;~~

~~(4) entrances and exits to the arena and to the adjacent open areas are located and designed to facilitate public use and circulation on the #zoning lot#;~~

(5) the proposed loading for the arena will not unduly: interfere with the use of public spaces; interfere with transit facilities; interrupt the flow of pedestrian traffic in the pedestrian circulation network; or interfere with the efficient functioning of adjacent #streets# including for the staging or queuing of vehicles for loading or for security checks. An application for this special permit shall include a loading operations plan that describes the number, location and arrangement of all loading berths on the #zoning lot# as well as the location and management of off-site storage and staging of vehicles associated with the arena #use#. The plan shall be referred to the Department of Transportation and affected transit agencies for a report or recommendations on the plan. The Commission shall, in its determination, give due consideration to these reports and recommendations; and

~~(6) the arena shall be appropriately consistent and compatible with existing transit facilities on or adjacent to the #zoning lot#, and with proposed improvements to such transit facilities by the affected transit agencies;~~

~~Design changes to existing #plazas# located within 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 Section 37-70, inclusive, shall not apply to such #plazas#.~~

~~In order to ensure that the continued design development of the proposed arena would enhance the character of the surrounding area in a manner commensurate with the civic importance of the site, †The Commission may require that, within six months of approval of the special permit, the applicant submit to the Chairperson of the City Planning Commission:~~

~~(aa) design drawings and any other supporting documents necessary to detail the design of the public spaces; and~~

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~~(b) — a transportation management plan, developed in consultation with the Department of City Planning and the Department of Transportation, to detail the loading operations plan.~~

~~The Chairperson shall certify that the arena design, inclusive of required public spaces, as shown in the design drawings, and the loading operations, as described in the transportation management plan, comply with the relevant conditions of the Commission’s resolution.~~

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs#, 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 Section 37-70, inclusive, shall not apply to such #plazas#. 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 Section 37-70, inclusive, shall not apply to such #plazas#.~~

* * *

Please feel free to contact me at WVidal@council.nyc.gov if you or your staff have any questions in this regard.

Sincerely,



.....
William Vidal,
Deputy General Counsel

WV:SFN

Honorable Dan Garodnick, Chair
Application No. N 230240 ZRM
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Page 5 of 5

C: Members, City Planning Commission
Perris Straughter, Director, Land Use Division
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