



## Legislation Text

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**File #:** Res 1887-2013, **Version:** \*

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### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1887

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 130137 ZRM (L.U. No. 847), 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).

By Council Members Comrie and Weprin

WHEREAS, the City Planning Commission filed with the Council on May 28, 2013 its decision dated May 22, 2013 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by MSG Holdings, L.P. ("MSG"), for an amendment of the text 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), which along with the related actions would facilitate the continued use and operation of Madison Square Garden (the "Arena") (Application No. N 130137 ZRM), Community District 5, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to applications C 130139 ZSM (L.U. No. 848), a 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; and C 130140 ZSM (L.U. No. 849), a special permit pursuant to Section 93-171, as proposed, to modify the sign regulations applicable to the Arena;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on June 19, 2013;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues including the revised negative declaration (CEQR No. 13DCP053M) dated May 22, 2013 and further revised as of July 3, 2013 (the "Revised Negative Declaration") and the CEQR Technical Memorandum dated July 2, 2013 (the "CEQR Technical Memorandum");

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Revised Negative Declaration and CEQR Technical Memorandum.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 130137 ZRM, and incorporated by reference herein, the Council approves the Decision with modifications.

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;

Matter in **bolded double underline** is new, added by the City Council;

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

### ARTICLE III COMMERCIAL DISTRICT REGULATIONS

\* \* \*

#### Chapter 7 Urban Design Regulations

\* \* \*

#### 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 39<sup>th</sup> Street and its southerly prolongation to West 33<sup>rd</sup> 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 32-63 (Permitted Advertising Signs) to allow advertising #signs#; 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 31<sup>st</sup> Street frontage of Subarea B4, 250 square feet on the West 33<sup>rd</sup> 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 31<sup>st</sup> Street frontage of Subarea B4 and 3,000 square feet within the #through lot# portion of the West 33<sup>rd</sup> 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.

\* \* \*

Adopted.

Office of the City Clerk, }  
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on July 24, 2013, on file in this office.

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City Clerk, Clerk of The Council