

CITY COUNCIL
LAND USE DIVISION



NYC COUNCIL

2013 JUL 10 A 10:00 CITY PLANNING COMMISSION
CITY OF NEW YORK

2013 JUL 10 A 11:42

OFFICE OF THE CHAIR

SPEAKER'S OFFICE

July 9, 2013

City Council
City Hall
New York, NY 10007

**Re: Application Nos.: N 130137 ZRM, C 130139 ZSM, and C 130140 ZSM
(Madison Square Garden)**

Honorable Members of the Council:

The Commission has received the June 26, 2013 recommendations of the Council Land Use Committee in the above-referenced matters, relating to Madison Square Garden. The proposed modifications do not require additional review of environmental issues or additional review pursuant to Section 197-c. Attached are copies of a CEQR Technical Memorandum and Revised Negative Declaration in relation to the foregoing.

Pursuant to City Charter Section 197-d(d), the Commission hereby provides the following advisory recommendations concerning the proposed modifications :

The Arena Permit

The Commission recognizes that the MSG complex is an iconic sports and entertainment venue and important economic generator for the City. However, the unresolved relationship between the arena use and Penn Station, and its effect upon Penn Station as a transportation hub, represents one of the most critical planning problems of the City and its resolution is necessary to facilitate the long-term growth of Midtown and, therefore, the continued vitality of the City's overall economy.

The Commission, like the Council, believes that the preferred result would be for MSG to relocate to another site. Relocating the MSG Arena would allow for a fresh start on the Penn Station site that would permit substantial improvements to be made below grade at the track and concourse levels, provide generous means of access and egress from the ground level to the station below, and could also include a 'head house' structure to serve as a train hall in a manner befitting the busiest train station in the country.

Amanda M. Burden, FAICP, Chair
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In order to relocate MSG, the City, State and Federal governments must work jointly with MSG to develop a comprehensive relocation and funding plan for a new arena. However, even if the process moves quickly and a new site for MSG is identified and approved pursuant to the public review process, it is highly unlikely that a new arena will be built and opened by the time a special permit expires, whether the term of that permit is for ten or fifteen years. For that reason, the Commission included in its decision a provision allowing the relevant City, State and Federal agencies, as well as MSG, who have entered into agreements providing for the implementation of a plan for the relocation of MSG, to jointly seek and obtain an extension of the term in order to allow for MSG to continue in operation until the new arena commences operation. CPC Report C 130139 ZSM, Resolution Para. 7A, at pp. 66-67. Under the Land Use Committee modifications, this provision would be removed, and ULURP required simply in order for the Garden to remain in operation while construction of its new location is completed. This result is unnecessary and the Commission recommends that Paragraph 7A be retained.

The Commission also believes that planning for Penn Station should not proceed on the sole assumption that MSG will relocate, and must also account for the possibility that it will remain in place. If relocation does not move forward, and no efforts are made to improve current Penn Station access and egress through at-grade station improvements and other measures, the needs of commuters and other users of Penn Station will not have been addressed. For this reason, the Commission's decision includes several provisions designed to foster and incentivize improvements to Penn Station, in the event that MSG does not relocate. The Commission continues to believe that future planning efforts should reflect the potential need for major on-site transit infrastructure improvements to be made that would better integrate MSG and Penn Station.

The Signage Plan

In its ULURP applications, MSG requested permission to install large advertising signs along the Eighth Avenue, as well as at midblock locations on West 31st and West 33rd Streets. In its decision, the Commission allowed MSG to install larger signs than are currently permitted, in recognition that the size limitations under current regulations are designed for buildings with smaller frontages. However, the Commission required that all signs be 'accessory' and not advertising signs; in other words, that the sign displays must relate to events at the MSG complex, and not to display of consumer products or services unrelated to MSG. In addition, the Commission limited the size and configuration of signs on the Eighth Avenue theater façade, given its location across from the Farley building, a historic landmark building and the future home of Amtrak's Moynihan Station. Finally, the Commission decision allowed for the installation of digital signs above the Eighth Avenue entrances to Penn Station only if additional Penn Station signage is installed below, in order to create a relationship between MSG signage and station signage that would ensure that the building remain identifiable as the site of entrances to Penn Station.

The Land Use Committee's proposed modifications would allow the new MSG signs to bear advertising. These would include signs advertising the "businesses, brands, products, assets and services" of any of MSG, its corporate subsidiaries or affiliates, and the 'sponsors' of MSG or its corporate subsidiaries or affiliates. The term 'sponsor' would be defined as an entity that has any contractual relationship with

MSG, or with one of its subsidiaries or affiliates. The Land Use Committee's proposed modifications would also permit a large flat media sign on the Eighth Avenue façade facing the Farley building, which like all other signs could bear advertising. Finally, the Council modifications would eliminate the requirement that the new MSG signs above Penn Station entrances be installed only if additional Penn Station signage is installed below.

As set forth in its May 22, 2013 decision, the Commission believes that advertising signage is not appropriate at MSG's location and is not compatible with the character of the arena site. Under the signage provisions of the zoning resolution, advertising signs are only allowed in specified zoning districts, such as Times Square, where such signs are considered compatible with the character of the area; the MSG Arena is not located in such a district. The Commission further notes that sponsor signs of the type requested by MSG are wholly indistinguishable to the viewer from any other form of advertising sign, since the sponsor may display messages relating to its businesses, brands, products, assets or services. The Commission is also concerned that the advertising sign allowed on the Eighth Avenue façade may negatively affect the setting of the Farley building. Further, allowing for the installation of new, large digital signs at the Penn Station entrances without simultaneously requiring additional Penn Station signage will further erode the site's identity as the location of Penn Station.

For these reasons, the Commission believes that the signage plan for MSG should reflect the provisions adopted by the Commission in its May 22, 2013 decision.

This report was adopted by the Commission at its July 8 Review Session.

Sincerely,

A handwritten signature in black ink, appearing to read 'Amanda M. Burden', with a long, sweeping flourish extending to the right.

Amanda M. Burden, FAICP, Chair

Madison Square Garden Technical Memorandum

CEQR No. 13DCP053M
ULURP Nos. N 130137ZRM, N 130138ZCM, 130139ZSM, 130140ZSM
July 2, 2013

A. INTRODUCTION

Madison Square Garden (the “Garden”) is the subject of applications currently under consideration by the City Council and analyzed in an Environmental Assessment Statement (EAS) completed on December 12, 2012. The December 2012 EAS was modified and a technical memorandum was prepared on May 21, 2013, to assess whether modifications made at the request of the City Planning Commission (CPC) would result in any significant adverse environmental impacts. City Council has proposed additional modifications to the proposed signage program for the Garden and proposed open area improvements on the Garden site. This Technical Memorandum analyzes whether the City Council’s proposed modifications would result in any significant adverse environmental impacts.

The analysis, as discussed in detail below, concludes that the proposed modifications would not result in any significant adverse environmental impacts.

B. BACKGROUND

The applicant, MSG Holdings, L.P., is seeking a number of CPC discretionary approvals to facilitate the continued use and operation of the arena, including a special permit pursuant to Section 74-41 to allow the continued operation of the arena; a text amendment to the Zoning Resolution to create a new Section 93-171, which would allow, by CPC special permit, modifications to sign regulations applicable to arena uses in Subarea B4 of the Special Hudson Yards District (and which, as originally proposed, would have allowed CPC to expand permitted sign content); a special permit pursuant to such text amendment to allow proposed new signage for the Garden; and an amendment to the Zoning Resolution to allow CPC to approve, in connection with an arena special permit and without certification by the CPC Chair, design changes to existing pedestrian-accessible open areas on the Garden site. The signs, as originally proposed, included dynamic images, such as moving video images. The signs also were proposed to include advertising and sponsor messages. The special permit pursuant to Section 74-41 is not subject to CEQR pursuant to CEQR’s grandfathering provisions. The proposed Garden signs and the design changes to the existing open areas on the Garden site were analyzed in the EAS. On December 14, 2012, CPC issued a Negative Declaration stating that the project would not have any significant adverse impacts on the environment. As indicated above, a revised EAS and a technical memorandum were submitted to CPC on May 21, 2013. CPC subsequently issued a revised Negative Declaration on May 22, 2013, which included supporting statements for the finding that the proposed action would not have a significant effect.

C. DESCRIPTION OF THE CPC- AND CITY COUNCIL-PROPOSED MODIFICATIONS

ARENA SIGNS

The CPC-approved modifications to signage reduced the surface area and heights of most of the digital signs (including by eliminating certain signs completely), increased the projection of the sign on Eighth Avenue, restricted (but did not eliminate) dynamic signage, and imposed certain limitations on permitted sign content. The modifications to the surface area and heights of the digital signs are reflected in Table 1

(Original Signage Proposal) and Table 2 (CPC-Modified Signage Proposal). The Eighth Avenue Media Display, as modified by CPC, was smaller than originally proposed and did not include the originally proposed end panels, but it projected across the property line. A projection of more than 18 inches beyond the property line may require approval from the NYC Department of Transportation. The CPC-modified Eighth Avenue Media Display was permitted to project more than 18 inches, but would not have projected farther than the Garden's existing Eighth Avenue marquee.

Under the CPC modifications, all signs would be limited to static images (i.e. no video). For the Tower Panels, the CPC modifications required the image to be static for 90 seconds before transitioning to another image. For the Eighth Avenue Media Display, the CPC modifications required the image to be static for 15 seconds before transitioning to another image. In all cases, the transition period between images would be required to have a minimum duration of 1 second.

Further, under the CPC modifications, the proposed signage content was limited as compared to the original proposal (i.e. signage content was limited to accessory signage, without expansion of advertising and sponsor messages). This modification was implemented by a revision to the proposed text amendment to Section 93-171 to allow only accessory sign content. The CPC-approved text amendment to Section 93-171, incorporating this modification, is attached as Appendix I.

Table 1
Original Signage Proposal

Zoning Lot Frontage	Signage	Mounting Height (top)	Dimensions (w x h)	Square Footage (sq. ft.)	Total (sq. ft.)
W. 33rd Street	Tower D LED Panel	80'-0" *	44'-0" x 66'-0"	2,904	3,086 *
	Vitrines	6'-9"	2'-3" x 4'-6" (each)	182	
W. 33rd St. at Eighth Ave. (Corner)	Tower C LED Panel	80'-0" *	44'-0" x 66'-0"	2,904	2,904 *
Eighth Avenue	Media Display End Panel (north facing)	52'-2" *	26'-6" x 18'-8"	495	5,283 *
	Media Display	52'-2" *	230'-0" x 18'-8" (overall)	4,293 (overall) 2,986 (LED area)	
	Media Display End Panel (south facing)	52'-2" *	26'-6" x 18'-8"	495	
W. 31st St. at Eighth Ave. (Corner)	Tower B LED Panel	80'-0" *	44'-0" x 66'-0"	2,904	2,904 *

W. 31st Street	Tower A LED Panel	80'-0" *	44'-0" x 66'-0"	2,904	3,391 *
	Vitrines	6'-9"	2'-3" x 4'-6" (each)	487	
TOTAL					17,568

* Requires special permit pursuant to Section 93-171.

**Table 2
CPC-Modified Signage Proposal**

Zoning Lot Frontage	Signage	Mounting Height (top)	Dimensions (w x h)	Square Footage (sq. ft.)	Total (sq. ft.)
W. 33rd Street	Tower D LED Panel	76'-0" *	44'-0" x 44'-0"	1,936	2,118 *
	Vitrines	6'-9"	2'-3" x 4'-6" (each)	182	
W. 33rd St. at Eighth Ave. (Corner)	Tower C LED Panel	76'-0" *	44'-0" x 44'-0"	1,936	1,936 *
Eighth Avenue	Media Display Trapezoid	53'-0" *	37'-0" x 20'-9" (1) 18'-6" x 20'-9" (2)	1,536	1,536 *
W. 31st St. at Eighth Ave. (Corner)	Tower B LED Panel	76'-0" *	44'-0" x 44'-0"	1,936	1,936 *
W. 31st Street	Tower A LED Panel	76'-0" *	44'-0" x 44'-0"	1,936	2,423 *
	Vitrines	6'-9"	2'-3" x 4'-6" (each)	487	
TOTAL					9,949

* Requires special permit pursuant to Section 93-171.

The City Council has proposed modifications to the signs on the site's Eighth Avenue frontage. The Media Display Trapezoid on Eighth Avenue façade would be replaced with a flat media display, and, as in the original proposal, flat media displays would be installed on the façade's north- and south-facing returns. The dimensions of the Tower Panels would remain unchanged from the CPC-approved plan at 44' x 44'. It should be noted that the existing marquee would still be allowed to remain instead of the flat

media display, subject to DOT approval. The City Council proposal would allow for accessory content and advertising content limited to sponsor and owner messages, but would not permit third-party advertising or video. The specific limitations on advertising content, proposed to be included in the City Council resolution and the related drawings, are as follows:

Signs installed above a height of 12 feet above curb level may display advertising content, limited to the advertising of the businesses, brands, products, assets and services (collectively, "Business") of the arena owner or operator, its subsidiaries and affiliates (collectively, "Owner"), and the Business of any Sponsor. For purposes of the preceding sentence, a "Sponsor" is defined as an entity that has a contractual sponsorship relationship with the Owner. A Sponsor does not include unrelated third parties without such a relationship. No other advertising signs shall be permitted.

In advance of Owner utilizing any signs for the Business of Sponsors, Owner shall provide the "Designated Parties" (as defined below) with a list of all Sponsors that Owner anticipates may be promoted on the signs during the coming year (the "Sponsorship List"). Owner shall provide to the Designated Parties an updated Sponsorship List each January 15 thereafter. Owner, upon request of DOB, shall provide to DOB evidence of the contractual sponsorship relationship with Owner with respect to any Sponsor that is promoted on the signs and is not yet listed on the Sponsorship List.

The "Designated Parties" shall be the New York City Department of Buildings, the local NYC Councilmember, Community Board 5 and Community Board 4.

All signs would be limited to static images of minimum durations of either 90 seconds or 15 seconds, as in the CPC-approved plan. All of the changes to the signage are consistent with the proposal as certified by CPC, except that the aggregate size of all signs is less than the amount in the certified proposal, and the advertising content has been restricted as compared to the certified proposal.

The City Council-modified text amendment to Section 93-171 to allow advertising signs is attached as Appendix II.

**Table 3
City Council-Modified Signage Proposal**

Zoning Lot Frontage	Signage	Mounting Height (top)	Dimensions (w x h)	Square Footage (sq. ft.)	Total (sq. ft.)
W. 33rd Street	Tower D LED Panel	76'-0" *	44'-0" x 44'-0"	1,936	2,118 *
	Vitrines	6'-9"	2'-3" x 4'-6" (each)	182	
W. 33rd St. at Eighth Ave. (Corner)	Tower C LED Panel	76'-0" *	44'-0" x 44'-0"	1,936	1,936 *
Eighth Avenue	Media Display End Panel (north)	52'-2" *	26'-6" x 18'-8"	495	2,410 *

	facing)				
	Media Flat Displays (2)	51'-0" *	35'-6" x 20'-0" (each)	1,420	
	Media Display End Panel (north facing)	52'-2" *	26'-6" x 18'-8"	495	
W. 31st St. at Eighth Ave. (Corner)	Tower B LED Panel	76'-0" *	44'-0" x 44'-0"	1,936	1,936 *
W. 31st Street	Tower A LED Panel	76'-0" *	44'-0" x 44'-0"	1,936	2,423 *
	Vitrines	6'-9"	2'-3" x 4'-6" (each)	487	
TOTAL					10,823

As shown in Table 3 (City Council-Modified Signage Proposal), the currently proposed City Council modifications would result in an increase of the total arena signage square footage by 874 square feet as compared to the CPC-approved plan; however, the signage resulting from the current plan would be approximately 6,700 square feet less than the originally proposed signage. The incremental changes to the surface area of the signs from the CPC-approved plan are shown in Table 4 (Incremental Changes to Aggregate Surface Area).

**Table 4
Incremental Changes to Aggregate Surface Area**

	Original Signage Proposal	CPC-Approved Signage	City Council-Proposed Signage	Incremental Change from CPC-Approved Signage to City Council-Proposed Signage
Aggregate surface area of all signs (sq. ft.)	17,568	9,949	10,823	874
Aggregate surface area of signs with advertising content (sq. ft.)	16,899	9,280	10,154	874

Finally, the CPC resolution approving the sign special permit contained a condition which stated that the Eighth Avenue Tower Panels could not be installed until the Penn Station identification signage located above the Eighth Avenue entrances to Penn Station were installed. The City Council-proposed modifications would eliminate this condition.

OPEN AREAS

The CPC-approved modifications to the open area improvements included the elimination of proposed etched Madison Square Garden and team logos at the Eighth Avenue plazas; minor shifts in location and reduction in height of portions of the proposed loading screen at the midblock of West 33rd Street to increase the visibility of the adjacent existing ADA elevator to Penn Station; minor refinements to the design of proposed pedestrian wayfinding signage to improve identification of Penn Station; and the addition of new pedestrian wayfinding signage in the private driveway. The City Council-proposed modifications retain the CPC-proposed modifications to the originally proposed plan and would further eliminate all of the proposed benches in the two Eighth Avenue plazas. The elimination of the benches is reflected in Drawing L.2, revised June 24, 2013, attached as Appendix III.

D. POTENTIAL ENVIRONMENTAL EFFECTS OF THE PROPOSED MODIFICATIONS

With the modifications proposed by City Council, the signage would have less surface area than the originally proposed plan, but would have slightly more surface area than the CPC-approved plan. As in the CPC-approved plan, the City Council-modified signs would be mostly lower in height than those of the original proposal. Whereas the CPC-approved modifications restricted content to accessory signage, the City Council-proposed modifications would permit advertising content limited to sponsor- and owner-related messages in addition to accessory content. Both the CPC-approved plan and the City Council-proposed plan provide some restrictions on dynamic signage and do not allow video. The open areas as modified would remain largely as originally proposed, with minor design refinements and the elimination of bench seating. The City Council proposal, other than the elimination of benches, is consistent with the original proposal as certified by CPC, except that the aggregate size of signs has been reduced and the advertising content has been restricted as compared to the certified proposal. The elimination of the benches from the proposed open area design brings the proposal into greater conformance with existing conditions. These modifications would not result in any environmental impacts in any of the technical areas analyzed in the EAS.

As described below, in all of the technical areas analyzed in the EAS and in the subsequent Technical Memorandum prepared on May 21, 2013, in response to the CPC-proposed modifications—specifically, Land Use, Zoning and Public Policy, Urban Design and Visual Resources, and Historic and Cultural Resources—the project with the City Council-proposed modifications would continue to have no significant adverse impacts on the environment.

LAND USE, ZONING & PUBLIC POLICY

The project with the City Council-proposed modifications would not alter, accelerate, or eliminate existing land use trends in the study area identified in the EAS. Further, the modifications would continue to apply only to the existing arena use in Subarea B4 of the Special Hudson Yards District, and therefore would not affect the zoning regulations governing any other sites in the study area or result in structures that conflict with the existing and anticipated built form within the Special District. As with the originally proposed project described in the EAS, and the CPC-proposed modifications to the project described in the May 21, 2013, technical memorandum, the project with the City Council-proposed modifications does not require an assessment of any applicable public policies. The City Council proposal, other than the elimination of benches, is consistent with the original proposal as certified by CPC, except that the aggregate size of signs has been reduced and the advertising content has been restricted as compared to the certified proposal. The elimination of the benches from the proposed open area design brings the proposal into greater conformance with existing conditions. The project with the modifications would not have any adverse impact on land use, zoning, or public policy.

URBAN DESIGN AND VISUAL RESOURCES

The proposed signs with the City Council-proposed modifications would continue to provide enhanced, coordinated displays, consistent with a comprehensive signage plan. The proposed signage would have substantially less surface area than the originally proposed plan (but slightly more than the CPC-approved plan) and would be mostly lower in height than the originally proposed signage, but the digital signage would continue to enliven and enrich the public experience of Madison Square Garden in the neighborhood and activate the adjacent streetscapes for pedestrians. The proposed open area improvements with modifications would continue to introduce new streetscape elements on the Arena site, thus improving the aesthetic quality of the area for pedestrians, and provide improved wayfinding and informational signage for Madison Square Garden and Penn Station. The City Council proposal, other than the elimination of benches, is consistent with the original proposal as certified by CPC, except that the aggregate size of signs has been reduced and the advertising content has been restricted as compared to the certified proposal. The elimination of the benches from the proposed open area design brings the proposal into greater conformance with existing conditions. Therefore, the project with modifications would not adversely affect the urban design of the surrounding area.

The project with the proposed modifications would not change the visual prominence of any visual resource in the study area, would not eliminate or screen pedestrian views of any visual resource, and would not introduce an incompatible visual element to the Garden's setting that would diminish the qualities of a visual resource that make it significant. As such, there would be no significant adverse impacts to visual resources as a result of the proposed actions.

HISTORIC AND CULTURAL RESOURCES

The project with the proposed modifications would not have any significant adverse effects on historic and cultural resources. As noted above, the proposed modifications would result in signage that is smaller and mostly lower than originally proposed and only slightly larger than the CPC-approved signage, as well as small refinements to the design of the open areas. The media display panels on the Eighth Avenue façade and returns would be reduced in surface area from the signs originally proposed and would be approximately the same height as the originally proposed signage. The media display on the Eighth Avenue façade would have a smaller surface area than the existing marquee and would not project from the building façade; if the media display is not installed, the existing Eighth Avenue marquee would be permitted to remain in accordance with the CPC-approved plan. While there would be some change to the setting of the James A. Farley Building as a result of the flat media display on the Eighth Avenue façade, it is smaller in surface area than the existing marquee. Accordingly, the proposed modifications would not result in any increased effects on the setting and context of the James A. Farley Building.

The City Council proposal, other than the elimination of benches, is consistent with the original proposal as certified by CPC, except that the aggregate size of signs has been reduced and the advertising content has been restricted as compared to the certified proposal. The elimination of the benches from the proposed open area design brings the proposal into greater conformance with existing conditions. As such, there would be no significant adverse impacts to historical and cultural resources as a result of the proposed actions.

E. CONCLUSION

The proposed modifications would not have the potential for any significant adverse impacts on the environment.

APPENDIX I

CPC-APPROVED TEXT AMENDMENT

ARTICLE IX
SPECIAL PURPOSE DISTRICTS

* * *

Chapter 3
Special Hudson Yards District

* * *

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.

* * *

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.

* * *

END

APPENDIX II

CITY COUNCIL-PROPOSED TEXT AMENDMENT

ARTICLE IX
SPECIAL PURPOSE DISTRICTS

* * *

Chapter 3
Special Hudson Yards District

* * *

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.

* * *

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 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.

* * *

END

APPENDIX III
DRAWING L.2, REVISED JUNE 24, 2013



CITY PLANNING COMMISSION
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

MEMORANDUM

To: Members of the City Planning Commission

From: Robert Dobruskin RD

Date: July 3, 2013

Re: **Madison Square Garden**
CEQR No. 13DCP053M
ULURP Nos. C 130139ZSM; C 130140ZSM; N130138ZCM; N130137ZRM
Manhattan, Community District 5
SEQR Classification: Type 1

The Environmental Assessment and Review Division has reviewed the Revised Environmental Assessment Statement dated July 2, 2013 for the above referenced CEQR application. Based on our review, we have come to the conclusion that, pursuant to the City's Environmental Quality Review process and NYCRR 617, the proposed action will not have a significant effect on the quality of the environment. The Revised Negative Declaration has been revised in order to take into account modifications to the proposed action by the City Council. The Revised Negative Declaration supersedes a Revised Negative Declaration originally issued on May 22, 2013.

Attached is a copy of the Revised Negative Declaration. The Revised Environmental Assessment Statement is on the Land Use Review FTP site.

cc: Celeste Evans Edith Hsu-Chen Adam Wolf Frank Ruchala
Jonathan Keller Susan Wong Pat Bussey

Robert Dobruskin, AICP, *Director*
Celeste Evans, *Deputy Director*
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CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

REVISED NEGATIVE DECLARATION
(Supersedes Revised Negative Declaration issued on May 22, 2012)

Project Identification

CEQR No. 13DCP053M
ULURP Nos. C 130139ZSM; C 130140ZSM;
N 130138ZCM; N 130137ZRM
SEQRA Classification: Type 1

Lead Agency

City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Robert Dobruskin
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Name, Description and Location of Proposal:

Madison Square Garden

The Revised Negative Declaration originally issued on May 22, 2013, has been revised in order to take into account modifications to the proposed action by the City Council that are being considered by the City Planning Commission.

The applicant, MSG Holdings, L.P., is seeking a number of discretionary actions, which include a special permit pursuant to Section 74-41, as amended, to allow an arena in excess of 2,500 seats, a special permit, as amended by a proposed text amendment to modify Section 93-17 (Modifications of Sign Regulations), to modify sign regulations within the Pennsylvania Station Subarea B4 of the Special Hudson Yards District, a text amendment to Sections 37-625 and 74-41 to allow the City Planning Commission (CPC) to approve, in connection with an arena special permit without certification by the Chairperson of the CPC, design changes to existing plazas within Subarea B4 of the Special Hudson Yards District. The proposed action would facilitate the continued use and operation of the Madison Square Garden arena, a proposal by the applicant to install signage that is larger and higher than signage permitted under current zoning and includes third-party advertising and sponsor messaging and certain open space area improvements. The project site encompasses Subarea B4 of the Special Hudson Yards District, which is located on the western portion of the block bounded by West 31st Street, West 33rd Street, Seventh and Eighth Avenues, in the Midtown

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South neighborhood of Manhattan, Community District 5. The Project Site is currently developed with Madison Square Garden and Pennsylvania Station.

Additionally, the applicant is seeking a certification by the Chairperson of the CPC pursuant to Section 37-621 for the elimination of non-bonused plaza area, which is a ministerial action and is not subject to environmental review. The special permit pursuant to Section 74-41 is also not subject to environmental review pursuant to CEQR's grandfathering provisions.

Madison Square Garden is currently undergoing a major, three-year rehabilitation known as the Transformation, consisting of substantial as-of-right interior renovations to upgrade many components of the Arena's interior.

The text amendment to modify Section 93-17 (Modification of Sign Regulations) of the Zoning Resolution would create a special permit by which sign regulations applicable within Subarea B4 of the Special Hudson Yards District may be modified. Subsequently, the applicant seeks the grant of a special permit to Section 93-17, as amended, to modify the sign regulations applicable to the Project Site. The proposed text amendment to Section 93-17 of the Zoning Resolution would create a special permit by which Sections 32-63 (Permitted Advertising Signs), 32-64 (Surface Area and Illumination Provisions), and 32-65 (Permitted Projection or Height of Signs) could be modified within Subarea B4 for a use permitted by a CPC special permit pursuant to Section 74-41 of the Zoning Resolution. The proposed text amendment to Section 93-17 would maintain the basic zoning controls contained in the existing Subarea B4 of the Special Hudson Yards District, but would amend the zoning text to create a special permit that would allow greater signage flexibility in terms of size and content.

The Project Site would be the only site that would be affected by the text amendments. The proposed sign regulations would not have any implications for any part of the Special Hudson Yards District except Subarea B4. The proposed signs for the Arena exceed the maximum surface area and height limitations applicable within Subarea B4 of the Special Hudson Yards District and would contain third-party advertising and sponsorship messages, as well as content associated with the Garden. Therefore, a special permit pursuant to Section 93-17, as amended, is needed to modify the application of such sections to allow the proposed signs.

The proposed text amendment and associated special permit to Section 93-17 would facilitate a signage program with the following components:

1. Proposed Tower Signage ("Tower Media")—20 mm LED display panels with a square footage of up to 3,000 square feet would be installed on each of the escalator Towers A, B, C and D. The panels would have a maximum height of 77'-6" above curb level. The digital displays would include content permitted under current zoning as well as advertising signs.
2. Proposed Eighth Avenue Signage ("Eighth Avenue Media Wall")—The existing marquee-like sign on Eighth Avenue would be removed and replaced by a 20 mm LED media wall on the Eighth Avenue façade. The media wall have a height of 18'-8" and a width of 230'-0", and wrapping around the façade's northern and southern ends, with end panels of 18'-8" by 26'-6". The maximum height of all proposed media wall signage would be 50 feet above curb level.
3. Proposed Vitrines—Pedestrian-level vitrines would be incorporated into the lower façades along West 31st Street and portions of West 33rd Street on areas that are currently blank walls or doors. Vitrine signage would not be digital. Signage in the proposed vitrines would

help to enliven the pedestrian-level facades with images of defining moments in MSG's history and would promote upcoming events.

The text amendment to modify Sections 37-625 and 74-41 would allow the CPC to regulate the design of pedestrian-accessible open areas in connection with the grant of a CPC special permit pursuant to Section 74-41. Currently, under the existing Section 37-625, design changes to existing plazas require a certification by the Chairperson of CPC that such changes bring the plazas into greater accordance with the current standards for public plazas. The proposed text amendment would allow CPC to approve design changes to existing plazas without a certification by the Chairperson of CPC. The text amendment would facilitate the open space area modifications described below.

The open area improvements would consist of a number of modifications including proposed wayfinding signage, cladding an existing vent structure with bench seating, providing improved lighting and additional benches and cluster seating with LED underlighting. The two wayfinding signs would be located near the Penn Station entrances on Eighth Avenue. The signs would be free-standing pylons, approximately 8 feet tall by 2 feet wide, with identification for the Garden, and would contain text at eye level to direct the reader to the Arena's main entrance on Seventh Avenue. The building's exterior façade recesses and the compression ring at the top of the building would be illuminated. Decorative pavings, plaza identification plaques and other wayfinding signage would be placed by the Penn Station entrance areas at 31st and 33rd Streets.

Absent the proposed action, there would be signage that is compliant with the current zoning regulations. Additionally, absent the proposed action, the open space areas would be improved with new lighting, paving, seating, area wayfinding signage, and non-graphic screening at the loading area in accordance with the current Certification pursuant to Section 37-625. The build year is 2014.

On May 22, 2013 the City Planning Commissions (CPC) modified the proposed text amendment to Section 93-17 (Modifications of Sign Regulations) and the special permit under the new Section 93-17. The CPC modification prohibited advertising, or sponsor messages, modified the surface area, height, and projection of the proposed signs, and did not allow signs with moving (video) images. The modification to the open area improvements included the elimination of proposed etched Madison Square Garden and team logos at the Eighth Avenue plazas; shifts in location and reduction in height of portions of the proposed loading screen at the midblock of West 33rd Street to increase the visibility of the adjacent existing ADA elevator to Penn Station; minor refinements to the design of proposed pedestrian wayfinding signage to improve identification of Penn Station; and the addition of new pedestrian wayfinding signage in the private driveway.

On June 27, 2013 the City Council modified the proposed text amendment, as modified by the CPC on May 22, to Section 93-17 (Modifications of Sign Regulations) and to the special permit under the new Section 93-17 to allow advertising signs, which are limited to sponsor and owner messages but would not permit third party messages. Specifically, advertising would be limited to signs above a height of 12 feet above curb level. These signs would continue to be limited to static images as modified previously by the CPC. The City Council's modification also includes

signs along Eighth Avenue. The CPC modifications eliminated the originally proposed end flat panels along the Eighth Avenue façade. The City Council modification includes allowing these end flat panels along Eighth Avenue. The Media Display Trapezoid on the Eighth Avenue façade would be replaced with a flat media display, and, as in the original proposal, flat media displays would be installed on the façade's north- and south-facing returns. However, the City Council modification would allow the existing marquee to remain instead of the flat media display, subject to DOT approval. The dimensions of the Tower Panels would remain unchanged from the CPC-proposed plan at 44' x 44'. The original proposal would have allowed 17,568 square feet of signage and 16,899 square feet of advertising space. The CPC modifications decreased the amount of signage and signage with advertising to 9,949 and 9,280 square feet, respectively. The City Council modifications would result in an increase of the overall and advertising signage square footage by 874 square feet, to 10,823 and 10,154 square feet, and respectively. While the signage is an increase from the CPC modified plan, the signage resulting from the City Council modification would be approximately 6,700 square feet less than the signage originally proposed. The City Council proposed modifications retain the CPC-proposed modifications, as stated above, to the originally proposed plan but further eliminates the proposed benches in the two Eighth Avenue plazas.

Statement of No Significant Effect:

The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement (EAS), dated December 12, 2012, prepared in connection with the ULURP Application (No. 130139ZSM; 130140ZSM; N130138ZCM; N130137ZRM) and the Revised EAS dated May 20, 2013 prepared in connection with CPC modifications to the proposed action and the Revised EAS dated July 2, 2013 prepared in connection with City Council modifications. The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

Supporting Statement:


The above determination is based on an environmental assessment which finds:

1. A Technical Memorandum as appended in a Revised EAS, dated July 2, 2013, analyzed the modifications as proposed by the City Council currently being considered by the City Planning Commission. As detailed more fully in the Technical Memorandum, it was determined that the proposed modifications would not have the potential for significant adverse impacts on the environment.
1. No significant effects on the environment that would require an Environmental Impact Statement are foreseeable.

This Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

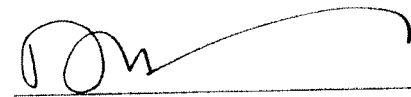
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CEQR No. 13DCP053M
Revised Negative Declaration

Should you have any questions pertaining to this Negative Declaration, you may contact Jonathan Keller at (212) 720-3419.



Robert Dobruskin, Director, AICP
Environmental Assessment & Review Division
Department of City Planning

Date: 7/3/2013



Amanda M. Burden, FAICP, Chair
City Planning Commission

Date: 7/8/2013