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**IN THE MATTER OF** an application submitted by Times Square Hotel Owner, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying the Special Times square signage requirements and the Special street wall and setback regulations of the Theater Subdistrict in Article VIII, Chapter 1 (Special Midtown District), Borough of Manhattan, Community District 5.

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This application for an amendment to the Zoning Resolution (ZR) was filed by the Times Square Hotel Owner, LLC on December 15, 2017. The proposed text amendment to ZR Sections 81-732 (Special Times Square signage requirements) and 81-751 (Special street wall and setback regulations within the Theater Subdistrict Core) would, by certification from the Chairperson of the City Planning Commission (CPC), allow a modification of the number of required signs on buildings containing listed theaters within 100 feet of Broadway or Seventh Avenue on a zoning lot with 15,000 square feet or more of lot area, and allow signs, similarly located on a buildings containing listed theaters within 100 feet of Broadway or Seventh Avenue on a zoning lot with 15,000 square feet or more, to project 10 feet over the street line up to a height of 120 feet above curb level, and allow balconies or terraces to be located behind such signs to be used for entertainment-related or accessory uses, under the circumstances prescribed below.

**BACKGROUND**

The project site is located at 1568 Broadway, on the northwest corner of Seventh Avenue and West 47th Street, within the Theater Subdistrict Core of the Special Midtown District, Manhattan Community District 5. The Theater Subdistrict Core of the Special Midtown District is mapped over the area bounded by West 50th Street, a line 200 feet west of Avenue of the Americas, West 43rd Street and a line 100 feet east of Eighth Avenue. The site is located within a C6-7T zoning district that is mapped along the Broadway and Seventh Avenue frontages between West 43rd Street and West 50th Street, including over the majority of the project site. The C6-7T base maximum floor area ratio (FAR) is 14.0. To the east of the C6-7T district, a C6-5.5 district is mapped over the midblocks, including the remainder of the site, with a base maximum FAR of 12.0

Times Square and the Theater Subdistrict Core is a unique commercial and entertainment district with a large concentration of theaters and other entertainment uses, retail and service uses, and

large hotels and commercial office buildings. Buildings in the area range in height, with some towers rising more than 40 stories. Within the Theater Subdistrict Core, zoning generally limits ground floor uses on wide streets, such as Broadway and Seventh Avenue, and sites within 100 feet of such streets are generally limited to retail, service and entertainment uses within Use Group T (ZR Section 81-722) lobbies and subway station entrances. Times Square is a central tourist destination famous for its wide variety of large non-illuminated, illuminated and digital signs, including both accessory and advertising signage. Portions of Broadway within Times Square, including the portion across Duffy Square from the project site, have recently been closed to vehicle traffic and now comprise a large pedestrian mall. In addition to historic theaters such as the Palace Theater, the Embassy Theater, the Lyceum Theater, the Lunt-Fontanne Theater, and other theaters listed in ZR Section 81-742, there are numerous landmarks and cultural institutions near the project site, including the I. Miller Building, the Free Church of St. Mary the Virgin, and the Jacqueline Kennedy Onassis High School.

The project site is improved with an existing 42-story building developed in the late 1980s, primarily for hotel use. It was constructed pursuant to a 1988 certification by the CPC Chairperson (N 880334 ZCM) allowing the allocation of floor area across the district boundary between the C6-7 and C6-7.5 districts then mapped over the project site. The existing building incorporated a preexisting volume containing the Palace Theater, which was constructed in the early 1900s and was designated by the Landmarks Preservation Commission (LPC) as an interior landmark in 1987.

The landmarked Palace Theater is a “listed theater” under the Theater Subdistrict regulations (ZR Section 81-742). Its entrance is currently located on Seventh Avenue, between retail uses, and an entrance to the 49th Street station of the N/R/W subway line is located at the northwest corner of the site. In keeping with the requirements of the Theater Subdistrict Core, several large, illuminated advertising and accessory signs are provided fronting on Seventh Avenue and West 47th Street. These signs are currently configured as multiple sign structures on three levels: the first level consists of hotel signage, the theater marquee and retail signage immediately above

the ground floor, including a digital sign wrapping the corner of the existing building at the intersection; the second level consists of several multi-story static screens, which also wrap the corner of the existing building at the intersection; and the third level consists of two multi-story static screens, one of which faces Duffy Square and one of which faces north along Seventh Avenue. The nine existing signs have a total surface area of approximately 16,663 square feet.

The project site is subject to a restrictive declaration, executed as a condition of the 1988 Chairperson's certification, which requires the continued operation of the Palace Theater as a theater venue, with a limitation on the amount of time that the theater may be closed during any 365-day period. On January 11, 2016, pursuant to a process prescribed in Section 2(b) of the restrictive declaration, the CPC Chairperson issued a letter approving the closure of the Palace Theater for a period of up to 36 months to allow the applicant to undertake significant renovations of the existing building and restoration of the historic theater. A copy of a Certificate of Appropriateness with respect to work affecting the theater, which was approved by the LPC on November 24, 2015 and issued on February 17, 2017 (COFA 19-8915).

The applicant is planning a full renovation of the existing building, which at the lower levels would include alterations to restore the interior of the Palace Theater, elevate the theater by approximately 30 feet within the existing building, expand and relocate theater back-of-house space, provide a new theater lobby and marquee on West 47th Street, provide a stronger retail presence on the site's Seventh Avenue frontage, improve the pedestrian experience along 47th Street, and replace the existing static signage with a new sign structure. This new structure would provide dynamic digital signage on a single large screen wrapping the corner of the existing building. All of the proposed work except the new sign structure is permitted as-of-right under current zoning regulations.

The proposed new sign structure would be a single, custom LED video screen using state-of-the-art technology to provide 18,195 square feet of digital signage facing Times Square, approximately 9,500 square feet more than is required under the Theater Subdistrict Core's

signage regulations. The new sign structure would project up to 10 feet across the street lines of Seventh Avenue and West 47th Street up to a height of 120 feet, and unenclosed balconies and terraces would be located on the 3rd through 9th floors behind the sign. These areas would be accessible to users of the commercial uses within the existing building, but not to the general public free of cost. The proposed screen would be capable of displaying either a single image or a variety of images at various sizes at a single time, and would be programmed to operate in multiple modes over the course of any 24-hour period. A two-story portion of the screen, located above a marquee fronting on Seventh Avenue, would be capable of being moved on tracks into the new sign structure to provide an opening between the terrace areas behind the screen and Times Square, allowing the marquee to serve a stage for events.

The applicant seeks to amend the ZR provisions governing the number of signs required under the Theater Subdistrict Core regulations and the permitted height of signage that projects across the street lines of a zoning lot within the Theater Subdistrict Core.

Pursuant to the current requirements, the existing building on the project site must provide a minimum aggregate total of approximately 8,706 square feet of signage on eight individual signs. The proposed sign structure would comprise approximately 18,195 square feet of total sign area. However, the proposed configuration as a single sign capable of displaying multiple images, rather than eight separate screens, does not comply with current regulations.

The special street wall and setback regulations (ZR Section 81-751) within the Theater Subdistrict text provides that within the Theater Subdistrict Core, buildings with frontage on Seventh Avenue or Broadway have a maximum permitted base height of 60 feet, except that signs or parapet walls are permitted obstructions above the base height, provided that signs are set back at least six feet from the street line. Below the maximum base height, signs may project up to 10 feet across the street line. The proposed sign structure would project up to 10 feet across the street lines of Seventh Avenue and West 47<sup>th</sup> Street, up to a height of 120 feet, and unenclosed balconies and terraces would be located behind the proposed sign structure.

The applicant requests an amendment to ZR Section 81-732 (Special Times Square signage

requirements) to allow the signage area and number requirements to be modified or waived upon certification by the Chairperson of the City Planning Commission that the subject sign would be affixed to a building containing a listed theater, found in ZR Section 81-742, that is within 100 feet of the street line of Seventh Avenue or Broadway, on a zoning lot of more than 15,000 square feet, and that the signage would provide visual interest that furthers the purposes of the illuminated signage requirements described in ZR Section 81-73 (Special Sign and Frontage Regulations) in a manner that is at least equal to what is achieved under the existing requirements.

The applicant also requests an amendment to ZR Section 81-751 (Special street wall and setback regulations within the Theater Subdistrict Core) to allow a building containing a listed theater, found in ZR Section 81-742, that is within 100 feet of the street line of Seventh Avenue or Broadway on a zoning lot of more than 15,000 square feet, to have one or more signs that project up to 10 feet across the street line up to a height of 120 feet above the curb level, and to allow balconies and terraces to be located behind such signs to be used for entertainment-related uses listed in ZR Section 81-725 or accessory uses.

In connection with the proposed text amendments, the applicant is seeking revocable consent from the Department of Transportation (DOT) to construct the sign structure and balconies 10 feet over the street line.

## **ENVIRONMENTAL REVIEW**

This application (N 180184 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 18DCP100M. The lead agency is the City Planning Commission.

After a study of the potential environmental impacts of the proposed action, as described in the Environmental Assessment Statement, a Negative Declaration was issued on February 12, 2018.

## **PUBLIC REVIEW**

This application (N 180184 ZRM) was referred to Manhattan Community Board 5 and the Manhattan Borough President for information and review on February 12, 2018, in accordance with the procedures for non-ULURP matters.

### **Community Board Public Hearing**

Community Board 5 held a public hearing on the application (N 180184 ZRM) on March 8, 2018 and on that date, by a vote of 33 in favor, one opposed, and with one abstention, adopted a resolution recommending approval.

### **Borough President Recommendation**

This application (N 180184 ZRM) was considered by the Manhattan Borough President, who issued a recommendation approving the application provided that the City receives reasonable remuneration pursuant to the revocable consent rules for revenue generating uses on March 26, 2018.

### **City Planning Commission Public Hearing**

On March 28, 2018 (Calendar No. 3), the City Planning Commission scheduled April 11, 2018 for a public hearing on this application (N 180184 ZRM). The hearing was duly held on April 11, 2018 (Calendar No. 9). Four speakers testified in support of the project.

Two members of the applicant team, including representatives of the land use attorney and the developer, spoke in favor of the project. The land use attorney discussed the proposed text amendments and the revocable consent being sought from DOT in connection with the proposed project, noting that all fees for revenue generating uses in areas subject to revocable consents are based on a set formula. The developer described the renovation and noted that the intention of the proposed sign structure is to respond to the history of Times Square and promote new sign technology that enhances visual interest, and that the sign furthers the purposes of the Theater

Subdistrict regulations, which are intended to preserve and protect the character of the area as a hub for culture, theater and entertainment.

A representative of the International Alliance of Theatrical Stage Employees (IATSE) Local 1, a labor union, spoke in favor of the project. The speaker stated that the IATSE is the oldest entertainment union and that the union is sustained by the purposes of the Theater Subdistrict regulations, which the proposed project embodies.

A representative speaking on behalf of the President of the Times Square Alliance testified in favor of the project, stating that signs and advertisements are distinctive elements of Times Square and that the proposed project would create new innovative signage and support the arts and culture, jobs, and the legacy of Times Square.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that the proposed zoning text amendment is appropriate.

The Commission believes that a large, uniform, high-resolution sign to project 10 feet over the street line up to 120 feet, with balconies and terraces for entertainment-related and accessory uses on zoning lots in excess of 15,000 square feet, and containing a listed theater within 100 feet of Broadway or Seventh Avenue within the Theater Subdistrict Core, is appropriate. Modifying existing signage requirements to allow a singular sign will enable new, innovative signage technology, capable of displaying multiple high-resolution images at various sizes and programmed to operate in multiple modes over the course of a 24-hour period, which will further the visual interest of signage in the Theater Subdistrict Core. The applicability of the modified text is limited to the project site.

A two-story portion, approximately 800 square feet, of the proposed sign, located above the marquee fronting on Seventh Avenue, would be capable of being opened straight back or sliding side to side, allowing the marquee to serve as a stage. As this opening would be located over the street line, within the public realm, the Commission believes the viewing public in Times Square

must receive the full benefit from any event on the marquee while the two-story portion of the sign is open. Further, the Commission rejects the applicant's proposal of having some events where the viewing public from Times Square would experience some events from a “back of house” perspective, believing that in order for the viewing public in Times Square to receive the full benefit, all events on the marquee must be oriented exclusively towards Times Square and must not be obstructed by the private users on the terraces and balconies behind the sign.

The Commission received a letter from the applicant dated April 19, 2018, stating that the proposed opening is expected to operate in two ways. The first would be the typical condition, where the two-story portion of the sign opens and closes on a regular basis when the marquee is empty, adding to the animation and visual interest of the sign as viewed from Times Square. The Commission believes that this mode of operation would enliven the sign and benefit the public in Times Square. The second would be open to allow for access to the marquee for events that would engage audiences “in the round.” In the second scenario, the events would rely on Times Square as part of the audience. Users of the balconies and terraces behind the sign would be able to view the event from “side stage” or “backstage”. The Commission believes that events on the marquee must be oriented exclusively toward Times Square to the public to receive the full benefit from the addition of the two-story movable portion of the sign.

The Commission received a follow-up letter from the applicant dated May 4, 2018, affirming that all events on the marquee would be would be oriented exclusively towards the viewing public in Times Square so that the public in Times Square is the target audience. Further, the letter states that the applicant would commit to adding binding, enforceable language to the drawings in connection with the Chairperson Certification required to modify the Special Times Square signage requirements. The applicant shall submit quarterly reports to the Department of City Planning, providing the date and nature of events held on the marquee space.

**RESOLVED**, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environment determination, and the consideration described in this report, the Zoning Resolution of the City of New York, effective as December 15, 1961, and as subsequently modified, is further amended as follows:

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.

## **ARTICLE VIII SPECIAL PURPOSE DISTRICTS**

### **Chapter 1 Special Midtown District**

#### **81-00 GENERAL PURPOSES**

\* \* \*

#### **81-10 USE REGULATIONS**

#### **81-11 Modifications of Use Regulations in Subdistricts**

The #use# regulations of the underlying districts are modified in:

- (a) the East Midtown Subdistrict in accordance with the provisions of Section 81-62 (Special Use Provisions), inclusive;
- (b) the Theater Subdistrict in accordance with the provisions of Sections 81-72 (Use Regulations Modified) and 81-73 (Special Sign and Frontage Regulations); and
- (c) the Fifth Avenue Subdistrict in accordance with the provisions of Section 81-82 (Special Regulations on Permitted and Required Uses).

\* \* \*

**81-70  
SPECIAL REGULATIONS FOR THEATER SUBDISTRICT**

\* \* \*

**81-73  
Special Sign and Frontage Regulations**

\* \* \*

**81-732  
Special Times Square signage requirements**

The provisions of this Section shall apply to all #developments# and #enlargements# on #zoning lots# between 43rd and 50th Streets with #street# frontage on Seventh Avenue and/or Broadway in the Theater Subdistrict.

\* \* \*

- (a) All #developments# located on #zoning lots# between 43rd and 50th Streets with #street# frontage on Seventh Avenue and/or Broadway shall provide #signs# meeting all of the following requirements:

\* \* \*

- (2) In addition, #illuminated signs# shall be provided with a minimum aggregate #surface area# of 12 square feet for each linear foot of #street# frontage of the #zoning lot# on Seventh Avenue, Broadway and intersecting #narrow streets# up to the first 40 linear feet of #street# frontage from either Seventh Avenue or Broadway.

No portion of any #illuminated sign# required under this paragraph (a)(2) shall be located:

- (i) further than 40 feet from the Broadway or Seventh Avenue #street line#;
- (ii) below a height of 10 feet above #curb level# or above the top of the #street wall# of the #building# before setback as defined in Section 81-75 (Special Street Wall and Setback Requirements).

There shall be a minimum of one #sign# with a #surface area# of not less than 100 square feet for each 25 linear feet, or part thereof, of #zoning lot street# frontage on Seventh Avenue or Broadway.

- (3) In addition, #illuminated signs# shall be provided with a minimum aggregate #surface area# of 50 square feet for each linear foot of #street# frontage of the #zoning lot# on Seventh Avenue, Broadway and intersecting #narrow streets# up to the first 40 linear feet of #street# frontage from either Broadway or Seventh Avenue, except that for any one #zoning lot#, the required minimum aggregate #surface area# shall not exceed 12,000 square feet.

No portion of any #illuminated sign# required under this paragraph (a)(3) shall be located:

- (i) further than 40 feet from the Seventh Avenue or Broadway #street line# except that, for a #zoning lot# with #street# frontage on Seventh Avenue, Broadway and at least one #narrow street#, the areas of required #signs# specified in paragraph (a)(3)(ii) of this Section may be located without distance limit from the Seventh Avenue or Broadway #street line#;
- (ii) below a height of 10 feet or above a height of 120 feet above #curb level#, except that for a #zoning lot# with #street# frontage on Seventh Avenue, Broadway and 47th Street, a minimum of 25 percent of the minimum aggregate #surface area# required under this Section or 7,500 square feet, whichever is greater, shall comprise #signs# no portion of which shall exceed 250 feet in height above #curb level#, and each of which shall face the intersection of the center lines of 45th Street and Broadway and shall have its #surface area# measured by projecting its edges onto a plane perpendicular to a line drawn between the center of the #sign# and the above intersection at ground level and measuring the resultant #surface area# on that plane; and, for other #zoning lots# with #street# frontage on Seventh Avenue, Broadway and a #narrow street# a maximum of 25 percent of the minimum aggregate #surface area# required under this Section may comprise #signs# located without height limit provided that each such #sign# faces the intersection of the center lines of 45th Street and Broadway and its #surface area# is measured by projecting its edges onto a plane perpendicular to a line drawn between the center of the #sign# and the above intersection at ground level and measuring the resultant #surface area# on that plane.

\* \* \*

There shall be a minimum of one #illuminated sign# with a #surface area# of not less than 1,000 square feet for each 50 linear feet, or part thereof, of #street# frontage on Seventh Avenue or Broadway, except that for any one #zoning lot# no more than five #signs# shall be required.

\* \* \*

- (v) The provisions of paragraphs (a)(3)(iii) and (iv) of this Section may be modified or waived upon certification by the Chairperson of the City Planning Commission that the dynamic character and attractiveness of the #sign# or #signs# for which the modification or waiver is granted are assured by the proposed design and operation and that the signage on the #zoning lot# will produce an effect at least equal to that achieved through the application of paragraphs (a)(3)(iii) and (iv).

Except for an individual #sign# meeting the illumination requirements of paragraphs (a)(3)(iii) and (iv) for at least 50 percent of its #surface area#, for all of the #signs# required under this paragraph (a)(3), all #surface area# not complying with paragraphs (a)(3)(iii) and (iv) shall be lighted with an average level of illuminance across the entirety of that #surface area# of 75 foot candles and with an average to minimum illuminance ratio of not greater than 3.0 to 1.0.

- (vi) For #zoning lots# that contain 15,000 square feet or more of #lot area#, the provisions of paragraphs (a)(2) and (a)(3)(ii) of this Section may be modified or waived, upon certification by the Chairperson that:

(a) the #sign# or #signs# for which the modification or waiver is granted are affixed to a #building# that contains a “listed theater” as designated in Section 81-742 (Listed theaters), and a portion of such theater is located within 100 feet of the #street line# of Seventh Avenue or Broadway; and

(b) such #sign# or #signs# provide visual interest that furthers the purposes of the #illuminated sign# requirements set forth in Section 81-73 (Special Sign and Frontage Regulations), inclusive, in a manner that is at least equal to that achieved through the application of paragraphs (a)(2) and (a)(3)(ii).

- (4) One illuminated marquee and one additional #illuminated# projecting identification #sign# are required for each theater on a #zoning lot#. A group of motion picture theaters under single ownership and operation shall be treated as one theater for the purposes of this requirement.

\* \* \*

**81-75  
Special Street Wall and Setback Requirements**

#Buildings# located on #zoning lots#, or portions of #zoning lots# within the Theater Subdistrict Core or the Eighth Avenue Corridor, shall comply with the regulations of this Section. The height of all #buildings or other structures# shall be measured from #curb level#.

**81-751  
Special street wall and setback regulations within the Theater Subdistrict Core**

#Buildings# located on #zoning lots# between 43rd and 50th Streets with #street# frontage on Seventh Avenue and/or Broadway, or located partially within the Theater Subdistrict Core and partially within the Eighth Avenue Corridor shall comply with the requirements of this Section and, in all other respects related to height and setback, with the provisions of Section 81-25 (General Provisions Relating to Height and Setback of Buildings), and either Section 81-26 (Height and Setback Regulations - Daylight Compensation) or 81-27 (Alternate Height and Setback Regulations - Daylight Evaluation). The #street wall# location rules of Section 81-43 shall also apply, except as modified in this Section.

\* \* \*

For the purposes of this Section, #signs# are permitted as exceptions to the special #street wall# and setback requirements contained herein, except that above the top of a #street wall# before setback required under this Section, no #sign# may be located closer than six feet to the Seventh Avenue or Broadway #street wall# before setback. #Signs# located below the top of a required #street wall# before setback, as defined in this Section, may project across a #street line# up to 10 feet. Marquees are not subject to the requirements of this Section.

- (a) With the exception of #buildings# located on #zoning lots# between Seventh Avenue and Broadway, #buildings# located on #zoning lots# between 43rd and 50th Streets with #street# frontage on Seventh Avenue or Broadway shall meet the following requirements:

\* \* \*

- (3) For #zoning lots# greater than 15,000 square feet in area:

\* \* \*

- (iii) Alternatively, if the ~~#zoning lot#~~ ~~#building#~~ contains a “listed theater” designated pursuant to theater listed in the table in Section 81-742 and if any portion of the theater is within 100 feet of the ~~#street line#~~ of Seventh Avenue or Broadway, above the required ~~#street wall#~~ height before setback, the ~~#street wall#~~ shall be set back at least 60 feet along the Seventh Avenue or Broadway ~~#street#~~ frontage of the ~~#zoning lot#~~, except that a portion of the ~~#building#~~ with aggregate area per floor not exceeding the lesser of 4,500 square feet or 30 square feet for each linear foot of ~~#zoning lot street#~~ frontage on Seventh Avenue or Broadway, may extend forward of the 60 foot ~~#setback line#~~, provided that no portion is closer than 20 feet to the Seventh Avenue or Broadway ~~#street line#~~, 15 feet to the ~~#street line#~~ of the ~~#narrow street#~~ on which the theater has frontage and 50 feet to any other ~~#narrow street street line#~~.

In addition, one or more #signs# affixed to any such #building# may project up to 10 feet across the #street line# and rise to a height of 120 feet above #curb level#. Balconies and terraces, including railings or parapets, may be located within the required setback area behind such #signs#. For the purposes of applying the definition of #floor area# in Section 12-10, #signs# projecting across the #street line# shall not constitute an enclosure, and the requirements of Section 32-41 (Enclosure Within Buildings) shall not apply to such balconies or terraces, provided that a portion of any such balcony or terrace is used for an entertainment-related #use# listed in Section 81-725 (Entertainment-related uses) or an accessory #use#.

\* \* \*

The above resolution (N 180184 ZRM), duly adopted by the City Planning Commission on May 9, 2018 (Calendar No. 13), 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.

**MARISA LAGO**, *Chair*  
**KENNETH J. KNUCKLES, ESQ.**, *Vice Chairman*  
**ALFRED C. CERULLO, III, MICHELLE R. DE LA UZ,**  
**JOSEPH DOUEK, RICHARD W. EADDY,**  
**CHERYL COHEN EFFRON, HOPE KNIGHT, ANNA HAYES LEVIN,**  
**ORLANDO MARIN, LARISA ORTIZ** *Commissioners*

# MANHATTAN COMMUNITY BOARD FIVE

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Vikki Barbero, Chair

450 Seventh Avenue, Suite 2109  
New York, NY 10123-2199  
212.465.0907 f-212.465.1628

Wally Rubin, District Manager

March 09, 2018

Hon. Marisa Lago  
Chair of the City Planning Commission  
22 Reade Street  
New York, NY 10007

**Re: 1568 Broadway-The Palace Theater, seeks an amendment and a certification to construct a large New Sign Structure with terraces and balconies behind it, a portion of which will be occupied by an entertainment-related use.**

Dear Chair Lago:

At the regularly scheduled monthly Community Board Five meeting on Thursday, March 08, 2018, the following resolution passed with a vote of 33 in favor; 1 opposed; 1 abstaining:

WHEREAS, Applicant is seeking to amend zoning text ZR81-732(a)(3)(vi) and ZR81-75I(a)(3)(iii) which would allow for a uniform, 18,195 square foot sign profile and permit a variety of sign images and allow for six floors of balconies and terraces behind the sign for uses including revenue-generating entertainment purposes; and

WHEREAS, Both amendments seeks to alter zoning text applicable to lots in excess of 15,000 square feet and containing a listed theater having a portion within 100 feet of Broadway and Seventh Avenue; and

WHEREAS, Current zoning text requires a 100-foot setback of marquee signs in Times Square; and

WHEREAS, The proposed sign would be a singular, wraparound sign that could display multiple entertainment or commercial advertisements simultaneously, replacing the need for multiple signs as required by zoning code; and

WHEREAS, The proposed sign will be high-resolution, elevated above-sidewalk entrance (moved to 47th Street); and

WHEREAS, The proposed sign will include a centrally (facing Times Square) located opening mechanism that will allow for a stage to appear from the internal balcony structure that will make public access of internal (non-mainstage) performances visible and will make Times Square visible to those on the balconies; and

WHEREAS, The stage within the sign will be designed to open and close throughout the day; and

WHEREAS, The proposed design relies on the construction of internal balconies to deliver this component of the sign design; and

WHEREAS, Community Board Five supports the complete redesign of the Palace Theater and believes that in so doing, an enormous service to the public is rendered including: 1) additional sidewalk space on 47th Street, 2) the restoration of an historic theater, 3) continued development of the theater district and 4) a new theater entrance that will eliminate pedestrian bottlenecks on 7th Avenue; and

WHEREAS, Amending the zoning text to allow for an exemption at 1568 Broadway of the required signage setback and the construction of balconies does not constitute a precedent for such approvals in the future by Community Board Five; and

WHEREAS, Community Board Five is committed to reviewing applications for future projects with similar zoning text amendments singularly and recognizes the unique nature of this project as it is part of a complete redesign of the theater; therefore be it

**RESOLVED**, Community Board Five **recommends approval** of the zoning text amendments requested by the applicant who is seeking to amend zoning text ZR81-732(a)(3)(vi) and ZR81-75I(a)(3)(iii) which would allow for a uniform, 18,195 square foot sign profile and permit a variety of sign images and allow for six floors of balconies and terraces behind the sign for uses including revenue-generating entertainment purposes.

Thank you for the opportunity to comment on this matter.

Sincerely,



Vikki Barbero  
Chair

Charles Jordan  
Chair, Land Use, Housing & Zoning Committee



OFFICE OF THE PRESIDENT  
BOROUGH OF MANHATTAN  
THE CITY OF NEW YORK

1 Centre Street, 19th floor, New York, NY 10007  
(212) 669-8300 p (212) 669-4306 f  
431 West 125th Street, New York, NY 10027  
(212) 531-1609 p (212) 531-4615 f  
[www.manhattanbp.nyc.gov](http://www.manhattanbp.nyc.gov)

**Gale A. Brewer, Borough President**

March 26, 2018

Marissa Lago, Chair  
City Planning Commission  
120 Broadway, 31<sup>st</sup> Floor  
New York, NY 10271

**Re: 1568 Broadway**

Dear Chair Lago:

I write in regard to the application by Times Square Hotel Owner LLC for a zoning text amendment and a certification to construct a large New Sign Structure with terraces and balconies at 1568 Broadway, the Palace Theater.

The amendment would modify Sections 81-732(a)(3)(vi) and 81-75(a)(3)(iii) to allow for a uniform sign profile and permit a variety of sign images, and to allow for balconies and terraces behind the sign for uses including revenue-generating entertainment purposes. The changes would be limited to zoning lots in excess of 15,000 square feet and containing a listed theater having a portion within 100 feet of Broadway and Seventh Avenue.

I believe that upgrading the existing signage to a singular, high-resolution sign that allows for more flexibility is a sensible proposal, and it would not have undue adverse effects on the surroundings. I also find the redesign of Palace Theater as a whole to be an impressive and creative project that will restore a historic theater, significantly improve the streetscape experience along 47<sup>th</sup> Street and 7<sup>th</sup> Avenue, and ameliorate pedestrian congestion.

There is a potential side issue that has been raised by my office about the revocable consent rules as it applies to this project. We are working with the Department of Transportation and the Law Department to ensure that the rules cover the proposed uses and structures behind the sign.

All considered, I recommend approval of Land Use Application N 180184 ZRM provided that the City receives reasonable remuneration pursuant to the revocable consent rules for revenue-generating uses.

Sincerely,

A handwritten signature in black ink that reads "Gale A. Brewer".

Gale A. Brewer