



**IN THE MATTER OF** an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article VII, Chapter 4 (Special Permits by the City Planning Commission).

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This application for a zoning text amendment (N 230240 ZRM) to modify Zoning Resolution (ZR) Section 74-41, was filed by the Department of City Planning on February 9, 2023. This application, along with the related action for a special permit application, would facilitate the continued use and operation of Madison Square Garden (MSG) located at 4 Penn Plaza in the Midtown neighborhood of Manhattan, Community District 5.

#### **RELATED ACTIONS**

In addition to this zoning text amendment (N 230240 ZRM) that is the subject of this report, the proposed project also requires action by the City Planning Commission on an application by MSG Arena, LLC, which is being considered concurrently with this application:

**C 230238 ZSM** Special permit pursuant to ZR Section 74-41

#### **BACKGROUND**

The City Planning Commission (CPC) has approved special permit applications pursuant to ZR Section 74-41 six times related to four sites: Madison Square Garden (1963 and in 2013), Piers 92 and 94, Kingsbridge National Ice Center, and the Staten Island Ballpark.

The original Madison Square Garden (MSG) special permit was approved by the CPC via a special permit on January 16, 1963 (CP-17682), and the Board of Estimate on January 24, 1963 (Cal. No. 215), for an arena with a capacity greater than 2,500 seats. The approval was for a maximum capacity of 22,000 seats and a term limit of 50 years. The MSG arena was constructed as part of a larger complex of facilities on the MSG site including a theater (the Felt Forum), a bowling alley, a skating rink, a midblock taxiway, and restaurants. The construction of the MSG

complex was accomplished by the demolition of the above-grade Pennsylvania Station and the reconfiguration of the station levels below, including the insertion of new support columns. The demolition of the station, which was designed by McKim, Mead & White and opened in 1910, is considered one of the key precipitating factors in New York City's adoption of a landmark preservation law shortly thereafter.

In order to allow the continued use of the arena beyond the 50-year term limit, MSG pursued a new special permit (C 130139 ZSM) that was approved by the CPC on May 22, 2013, and by the City Council July 24, 2013, for a 10-year term. The special permit was accompanied by related actions including a CPC Chairperson certification to eliminate non-bonused plaza areas on the site (N 130138 ZCM); a text amendment to approve design changes to plazas and open areas, and to modify sign regulations (N 130137 ZRM); and a special permit to modify the applicability of sign regulations (C 130140 ZSM).

The Kingsbridge National Ice Center in the Bronx (C 140035 ZSX and N 140034 ZRX) was approved by the CPC on November 6, 2013. The special permit was to facilitate the development of an indoor ice arena with a maximum seating capacity of 5,800 seats and allow the modifications of the sign provisions of ZR Sections 32-64 (Surface Area and Illumination Provisions) and 32-655 (Height of Signs in all other Commercial Districts), and the loading provisions of ZR Section 36-62 (Required Off-Street Loading Berths) in the Kingsbridge Heights neighborhood in Bronx Community District 7. The special permit also included a text amendment that facilitated the proposed arena to be located within 200 feet of a residential district if certain findings were met, a waiver of certain signage requirements, and a waiver or reduction of loading requirements.

The Pier 92 and Pier 94 (C 090221 ZSM) was approved on October 10, 2009 for a special permit pursuant to ZR Section 74-41 to allow a trade exposition facility with a rated capacity in excess of 2,500 persons, along with its related actions, to facilitate the renovation and enlargement of Piers 92 and 94 and their associated upland areas as a venue for trade shows and exhibitions, as well as the development of new public open space and public amenity space on the project site.

The site is located west of Route 9A (West Street) between West 51st and West 55th streets in an M2-3 district in Manhattan Community District 4.

The Pier 94 (C 040011 ZSM) application was approved by the CPC on December 3, 2002 to allow a trade exposition facility with a rated capacity in excess of 2,500 persons within an existing building on a zoning lot located at Pier 94, between West 53rd and West 54th Streets in an M2-3 district in Manhattan Community District 4.

The Staten Island Ballpark (C 000012 ZSR) application by the New York City Economic Development Corporation was approved by the CPC on October 20, 1999, in order to facilitate the construction of a baseball stadium with capacity in excess of 2,500 persons in an M1-1 zoning district in the St. George section of Staten Island Community District 1. The stadium was built on a 26-acre site located directly west of the St. George Ferry Terminal.

The project area is located in the Pennsylvania Station Subarea B4 of the Special Hudson Yards District (HY) in Manhattan Community District 5, which consists of the Madison Square Garden (MSG) arena and midblock taxiway (Block 781, Lot 9001). Subarea B4 is bounded by the centerline of Eighth Avenue, the centerline of West 33rd Street, the centerline of West 31st Street and a line 250 feet west of Seventh Avenue. The subarea is in a C6-4 commercial zoning district, which permits a maximum commercial floor area ratio (FAR) of 10.0.

The area surrounding Subarea B4 is mapped primarily with high density commercial zoning districts such as C6-4 and C6-6, and includes portions of two special districts: the HY and the Special Midtown (MiD). The Penn 2 commercial office building is located on the eastern side of the block (Block 781, Lot 9002), fronts Seventh Avenue, and is in the MiD. Penn 2 is linked to the MSG arena by a pedestrian overpass bridge that spans east-west over the taxiway.

Commercial zoning districts are mapped in the areas farther to the east, west, and north of Subarea B4 while to the south are M1-5, M1-6, and M1-6D zoning districts. In addition to commercial office uses, the surrounding area is a major destination for shopping, tourist, and entertainment uses. The arena is located on top of Pennsylvania Station, the busiest transit hub in the United States. The station links Long Island Rail Road, New Jersey Transit, Amtrak, and the

A, C, E, 1, 2 and 3 subway lines. One block to the east is the Herald Square transit hub which serves the N, Q, R, B, D, F, and M subway lines and the Port Authority Trans-Hudson (PATH) trains to New Jersey. The Port Authority Bus Terminal is located approximately one half-mile to the north. The bus routes include the M7 along Sixth and Seventh avenues, the M5 along Fifth and Sixth avenues, the M11 along Ninth and Tenth avenues, the M20 along Seventh and Eighth avenues, the Select Bus Service of the M34A, M55 and the Q32. There are 23 express bus routes providing service from outer boroughs to locations around the project area.

The special permit pursuant to ZR Section 74-41 is original to the 1961 Zoning Resolution. The permit allows arenas, auditoriums, stadiums or trade expositions to exceed the as-of-right capacities for these uses (generally 2,500 persons). The existing special permit findings are focused on the potential planning impacts of thousands of people moving in and around the arena and in the broader surrounding area. Thus, the required findings are exclusively focused on the use and parking of personal vehicles. Specifically, the findings relate to access arena parking, where the vehicles are driven, whether they cause traffic and congestion on local streets, if there is an arterial highway nearby, and if the arena has adequate reservoir space and access points for vehicles to enter into parking spaces in order to prevent on-street congestion.

The proposed text amendment would modify the existing ZR Section 74-41 text and expand the findings applicable in HY Subarea B4 to include the consideration of public spaces, arena loading operations, the importance of Penn Station as a gateway access point into New York City, and how the arena facilitates public use and movements above- and below-grade and access in and around the arena and transit hub.

The new proposed findings for the special permit stipulate that public spaces of appropriate proportions and quality design must be provided around the arena in a manner that is commensurate with the civic importance of the site. MSG is a world famous arena and provides approximately \$1.8 billion in economic benefits to the area and it sits on top of the busiest transit station in the nation that is a gateway into New York City. The public spaces around the arena must be appropriate and commensurate to the importance of this location and being in the heart of Manhattan's central business district. There are thousands of commuters, tourists, visitors,

arena attendees, and residents using Penn Station daily and the size and design quality of the public spaces must reflect the importance of the location.

Additionally, such public spaces will facilitate public use and pedestrian flow; provide suitable amenities for the users of the space; be integrated with the above- and below-grade pedestrian circulation network and transit facilities in the surrounding area; and entrances and exits to the arena and to the adjacent open areas are located and designed to facilitate public use and circulation on the zoning lot.

Public use and pedestrian circulation are critical to the success of these public spaces and open areas. Access points into Penn Station and MSG are located next to each other and should be designed to complement each and to be appropriately integrated. The public spaces must be designed to facilitate the movement of pedestrians, commuters and patrons of MSG and Penn Station while being integrated with the public transit facilities that bring thousands of people into the area. These spaces will provide amenities such as seating and landscaping.

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

Arena loading operations can have planning impacts on public space, pedestrian movements, the functioning of streets, and transit facilities. This is particularly true if an arena has outdated and inadequate loading facilities, only enough space on the lot for six trucks, and if MSG uses the public right-of-way to queue and stage trucks. The applicant will submit a loading operations

plan that outlines the parameters of their loading operations including the number, location, and arrangement of all loading berths and the location and management of any offsite parking and queuing. The plan will be reviewed by the New York City Department of Transportation and Department of City Planning and other affected rail agencies, such as Amtrak and the Metropolitan Transportation Authority (MTA), who can review the plan and submit a report and recommendations to the CPC for their consideration.

The text amendment also includes a new finding related to the arena and transit facilities. The arena shall be appropriately consistent and compatible with existing transit facilities on or adjacent to the zoning lot, and with proposed improvements to such transit facilities by the affected transit agencies. This finding is to acknowledge the importance of the Penn Station transit hub and to consider any impacts to the station in relation to arena operations. This finding for the arena is related to the existing facilities of both Penn Station and MSG, but it is also in reference to any proposed future improvements at Penn Station undertaken by a transit agency.

MTA, working on behalf of Amtrak, is currently designing potential public transportation improvements to transform Penn Station. The proposed text amendment would take into consideration any proposed future improvements by a transit agency that impacts Penn Station and MSG and find that the arena is consistent and compatible with proposed future Penn Station improvements.

The proposed text amendment would modify and update the existing ZR Section 74-41 special permit affecting the Pennsylvania Station Subarea B4 of the HY in Manhattan, Community District 5. This action is being made in conjunction with an application by MSG Arena, LLC who seeks a special permit pursuant to ZR Section 74-41, as modified by this proposed text amendment. The proposed text amendment action would have a new set of updated and expanded findings that are related to public spaces, arena loading, the importance of Penn Station as a Gateway access point into New York City, and how the arena facilitates public use and movements above- and below-grade and access in and around the arena and transit hub.

## **ENVIRONMENTAL REVIEW**

This application (N 230240 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 New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 23DCP100M. The lead is the City Planning Commission.

## **UNIFORM LAND USE REVIEW**

This application (N 230240 ZRM) was referred for information and review in accordance with the procedures for non-ULURP matters, in conjunction with the application for the related action for a special permit (C 230238 ZSM), which was certified as complete by the Department of City Planning on February 17, 2023, and duly referred to Manhattan Community Board 5 and the Manhattan Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

### **Community Board Public Hearing**

Community Board 5 held a public hearing on this application (N 230240 ZRM) and the related special permit application (C 230238 ZSM) on April 13, 2023, and, by a vote of 34 in favor, none opposed and none abstaining, adopted a resolution recommending approval of the text amendment application (N 230240 ZRM). A summary of the community board's recommendation for the text amendment appears in the report for the related special permit application (C 230238 ZSM).

### **Borough President Recommendation**

This application (N 230240 ZRM), and the application for the related action (C 230238 ZSM), were considered by the Manhattan Borough President, who issued a recommendation on May 22, 2023, to issue an approval of the text amendment application (N 230240 ZRM). A summary of the Borough President's recommendation for the text amendment appears in the report for the related special permit application (C 230238 ZSM).

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

On May 24, 2023 (Calendar No. 2), the City Planning Commission scheduled June 7, 2023, for a public hearing on this application (N 230240 ZRM), in conjunction with the application for the related action (C 230238 ZSM). The hearing was duly held on June 7, 2023 (Calendar No. 22). A full discussion and description of the public hearing appears in the report for the related special permit application (C 230238 ZSM).

### **CONSIDERATION**

The City Planning Commission believes that this application for a zoning text amendment (N 230240 ZRM), as modified by the Commission, and in conjunction with the related special permit (C 230238 ZSM) is appropriate. A full consideration and analysis of the issues and the reasons for approving the application appear in the report for the related special permit (C 230238 ZSM).

### **RESOLUTION**

**RESOLVED**, that having considered the Environmental Assessment Statement (EAS) for which a Negative Declaration was issued on February 13, 2023 with respect to this application (CEQR No. 23DCP100M), the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective December 15, 1961, and subsequently amended, 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 VII  
ADMINISTRATION**

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

\* \* \*

**74-40  
USE PERMITS**

\* \* \*

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

C4 C6 C7 C8 M1 M2 M3

- (a) The City Planning Commission may permit arenas, auditoriums or stadiums with a capacity in excess of 2,500 seats, or trade expositions with a rated capacity in excess of 2,500 persons, provided that the following findings are made:
- (1) that the principal vehicular access for such #use# is not located on a local #street# but is located on an arterial highway, a major #street# or a secondary #street# within one-quarter mile of an arterial highway or major #street#;
  - (2) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;
  - (3) that such #use# is not located within 200 feet of a #Residence District#;
  - (4) that adequate reservoir space at the vehicular entrance, and sufficient vehicular entrances and exits, are provided to prevent traffic congestion;
  - (5) that vehicular entrances and exits for such #use# are provided separately and are located not less than 100 feet apart; and
  - (6) that due consideration has been given to the proximity of bus and rapid transit facilities to serve such #use#.
- (b) In Community District 7 in the Borough of the Bronx, the Commission may permit an indoor arena with a maximum seating capacity of 6,000 within 200 feet of a #Residence District# and, in conjunction with such arena, permit modifications of the provisions of Sections 32-64 (Surface Area and Illumination Provisions), 32-655 (Height of signs in all other Commercial Districts), and 36-62 (Required Accessory Off-street Loading Berths), provided that:

- (1) the provisions of paragraphs (a)(1), (a)(2), (a)(4), (a)(5) and (a)(6) of this Section are met;
- (2) open space surrounding such arena will be located and arranged to provide adequate pedestrian gathering areas to minimize disruption to the surrounding areas;
- (3) the arena includes noise attenuation features and measures which serve to reduce arena-related noise in the surrounding area, including at nearby #residences#;
- (4) where Sections 32-64 and 32-655 are modified, a #signage# plan has been submitted showing the location, size, height and illumination of all #signs# on the #zoning lot#, and the Commission finds that all such #signs#, and any illumination from or directed upon such #signs#, are located and arranged so as to minimize any negative effects from the arena #use# on nearby #residences#; and
- (5) where Section 36-62 is modified, a loading plan has been submitted that addresses the operational needs of all servicers of the arena and shows the number, location and arrangement of all loading berths on the #zoning lot#, and the Commission finds that such loading plan is adequate to address the loading demand generated by the arena #use# and has received assurances that the arena operator will implement such plan in accordance with its terms

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

- (1) the provisions of paragraphs (a)(1) through (a)(6) of this Section are met;
- (2) public spaces of appropriate proportions and quality design are provided around the arena in a manner that is commensurate with the civic importance of the site;
- (3) such public spaces will: facilitate public use and pedestrian flow; provide suitable amenities for the users of the space; and be integrated with the above- and below-grade pedestrian circulation network and transit facilities in the surrounding area;
- (4) entrances and exits to the arena and to the adjacent open areas are located and designed to facilitate public use and circulation on the #zoning lot#;
- (5) the proposed loading for the arena will not unduly: interfere with the use of public spaces; interfere with transit facilities; interrupt the flow of pedestrian traffic in the pedestrian circulation network; or interfere with the efficient functioning of adjacent #streets# including for the staging or queuing of vehicles for loading or for security checks. An application for this special permit shall include a loading operations plan that describes the number, location and arrangement of all loading berths on the #zoning lot# as well as the location and management of off-site storage and staging of vehicles associated with the arena #use#. The plan shall be

referred to the Department of Transportation and affected transit agencies for a report or recommendations on the plan. The Commission shall, in its determination, give due consideration to these reports and recommendations; and

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

Design changes to existing #plazas# located within pedestrian-accessible open areas may be made without a certification by the Chairperson of the Commission pursuant to Section 37-625, and the design standards of Section 37-70, inclusive, shall not apply to such #plazas#.

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

- (aa) design drawings and any other supporting documents necessary to detail the design of the public spaces; and
- (bb) a transportation management plan, developed in consultation with the Department of City Planning and the Department of Transportation, to detail the loading operations plan.

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

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs#, requirements for soundproofing of arenas or auditoriums, shielding of floodlights, screening of open #uses or surfacing all access roads or driveways. The Commission may also prescribe requirements for pedestrian-accessible open areas surrounding the arena, auditorium or stadium, including #accessory# directional or building identification #signs# located therein. ~~In addition, within Pennsylvania Station Subarea B4 of the #Special Hudson Yards District#, design changes to existing #plazas# located within such pedestrian-accessible open areas may be made without a certification by the Chairperson of the Commission pursuant to Section 37-625, and the design standards of Section 37-70, inclusive, shall not apply to such #plazas#.~~

\* \* \*

The above resolution (N 230240 ZRM), duly adopted by the City Planning Commission on July 12, 2023 (Calendar No. 6), 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.

**DANIEL R. GARODNICK, Esq.,** *Chair*

**KENNETH J. KNUCKLES, Esq.,** *Vice Chairman*

**GAIL BENJAMIN, ALFRED C. CERULLO, III, ANTHONY W. CROWELL,**

**JOSEPH I. DOUEK, DAVID GOLD, Esq., RASMIA KIRMANI-FRYE,**

**RAJ RAMPERSHAD,** *Commissioners*

**ORLANDO MARÍN,** *Commissioner, Voting No*



# BOROUGH PRESIDENT RECOMMENDATION

|   |   |
|---|---|
| <b>Project Name:</b> Arena Text Amendment                 |   |
| <b>Applicant:</b> DCP - Department of City Planning (NYC) | <b>Applicant's Administrator:</b> DCP - Department of City Planning (NYC) |
| <b>Application #</b> N230240ZRM                           | <b>Borough:</b> Manhattan   |
| <b>CEQR Number:</b> 23DCP100M                             | <b>Validated Community Districts:</b> M05                                 |

**Docket Description:**

*Please use the above application number on all correspondence concerning this application*

**RECOMMENDATION:** Favorable

*Please attach any further explanation of the recommendation on additional sheets as necessary*

**CONSIDERATION:**

|                             |       |                          |
|-----------------------------|-------|--------------------------|
| Recommendation submitted by | MN BP | Date: 5/22/2023 12:03 PM |
|-----------------------------|-------|--------------------------|



OFFICE OF THE

# MANHATTAN BOROUGH PRESIDENT

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)  
**Mark Levine, Borough President**

May 22, 2023

## **Recommendation on Madison Square Garden Special Permit No. C230238ZSM by MSG Arena, LLC and Non-ULURP No. N 230240ZRM by NYC Department of City Planning**

### **PROPOSED ACTIONS**

MSG Arena, LLC (the “Applicant”) is seeking a special permit pursuant to Section 74-41 of the Zoning Resolution to facilitate the use and operations of the Madison Square Garden (MSG) Arena located at 3-10 Penn Plaza (Block 781, Lot 9001) in Community District 5 in Manhattan.

Section 74-71 of the Zoning Resolution (ZR 74-71) requires that any arena seeking this special permit:

1. Locate vehicular access on an arterial highway, a major street, or a secondary street within one-quarter mile of an arterial highway or major street;
2. Minimize vehicular traffic in local streets and residential areas;
3. Is not located within 200 feet of a residential zoning district;
4. Provide adequate space for entering and exiting vehicles to prevent traffic congestion;
5. Provide vehicular entrances and exits no less than 100 feet apart; and
6. Provide “due consideration” to the proximity of bus and rapid transit facilities.

Additionally, the Department of City Planning is seeking a zoning text amendment (Application No. N 230240 ZRM) to ZR 74-41 to require the Applicant to:

1. Meet findings 1 through 6 as already written in ZR 74-41;
2. Provide adequate public spaces that are “commensurate with the civic importance of the site”;
3. Ensure that the public spaces encourage pedestrian flow, provide suitable amenities, and are integrated with the above- and below-grade pedestrian circulation networks;
4. Provide entrances and exits next to open areas and encourage public use and circulation;
5. Ensure that loading operations do not “unduly” hinder the use of public spaces, transit facilities, pedestrian circulation, or the use of adjacent streets; and
6. Be compatible with existing transit facilities as well as with any proposed improvements to such transit facilities.

Although this text amendment application is moving through a public review process, these new findings, which have been written to apply to the part of Manhattan in which the MSG Arena is located<sup>1</sup>, will also have to be met by the Applicant. The Applicant will also enter into a restrictive declaration with the City, which will outline requirements and be recorded against the property.

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<sup>1</sup> The proposed text specifies Pennsylvania Station Subarea B4 of the Special Hudson Yards District.

## **BACKGROUND**

Since its inception in 1879, Madison Square Garden (MSG) has occupied four sites in Manhattan, including its current location which is above the New York Pennsylvania Railroad Station. MSG is a complex that includes an arena, a theater, operational space, and restaurants. The facility is the busiest arena in the United States. Its current iteration was developed in 1963, pursuant to a special permit, which was established with a maximum capacity of 22,000 seats. That special permit was granted with a 50-year term limit and was modified in 1989 (M 890725 ZSM) to facilitate upgrades to the MSG complex. These upgrades added new circulation at the east side of the Arena and included six new elevators, five new escalators, and a mezzanine within the MSG complex's pedestrian bridge. The facility also added entrances at West 31<sup>st</sup> and 33<sup>rd</sup> Streets. The complex was home to the Felt Forum, a bowling alley, and a skating rink, which were later converted into a new theater (the "Theater", formerly known as the "Hulu Theater").

When the 1963 special permit expired in 2013, a new special permit was approved with actions that included a City Planning Commission (CPC) Chairperson certification to eliminate non-bonused plaza area on the site (N 130138 ZCM), a zoning amendment to allow CPC to approve design changes to existing plazas and other pedestrian-accessible open space in connection with the special permit, and the creation of a new provision in the Zoning Resolution to authorize CPC to modify, by special permit, sign regulations applicable to an Arena use on the site as well as a CPC special permit to modify sign regulations. In its approval of the special permit, the CPC made a modification to reduce the term to 15 years; that limit was reduced to 10 years by the City Council.

Land use actions pertaining to open space and signage compliance, the elimination of non-bonused open spaces, and compliance of adjacent properties with special permit compliance, have been approved since the 2013 special permit. The Arena's existing special permit is due to expire on July 24, 2023. The Department of City Planning will issue a comfort letter to ensure that the Arena is able to continue its operations while the special permit and zoning text amendment applications undergo public review.

### **Area Context**

Madison Square Garden is on a zoning lot located between 7<sup>th</sup> and 8<sup>th</sup> Avenues and West 31<sup>st</sup> and West 33<sup>rd</sup> Streets, a bustling part of Midtown that serves as a major transportation hub and includes high- and mid-rise commercial buildings. MSG sits above New York Penn Station, the busiest transit facility in North America, which connects commuters and visitors to the Amtrak, Long Island Railroad, NJ Transit, and the A, C, E, 1, 2, and 3 Subway lines. In addition to rail and Subway lines, there are eight local bus routes that stop within a quarter mile of the Site. An additional 23 express bus routes and a free New York Waterways shuttle bus also serve commuters in the area.

Directly to the north of the MSG block is Plaza 33, a pedestrian plaza that opened in 2015 and includes an entrance to the Long Island Railroad (LIRR) concourse. The Moynihan Train Hall, a landmarked building that previously served as a post office, is to the west of the LIRR. While the

2021 opening of Moynihan provided a new train hall, the facility only serves Amtrak and LIRR commuters. Meanwhile, Penn Station continues to experience severe operational challenges. Parts of the station still see crowding during peak periods, while its public areas lack suitable amenities and accessibility. The station's main train has low ceiling heights in some areas, a lack of uniform wayfinding signage, and does not receive natural light, creating what many commuters describe as a subpar environment.

In 2020, Empire State Development, acting on behalf of New York State, announced a General Project Plan (GPP) to fund improvements to Penn Station and accommodate a potential expansion to the block to the south of the station. The plan was modified in 2022 and in July of that year the Public Authorities Control Review Board (PACB) voted to approve the funding agreement for the GPP. The GPP includes the construction of 10 new buildings with commercial office, retail, community facility, hotel and residential uses across eight development sites. This development will help fund improvements to Penn Station, including the expansion of below-grade public concourses, moving all public platforms and public-facing services to the lower level, increasing ceiling height, adding a new above-ground train hall (a portion of which would extend onto the MSG site). Property owners who develop properties as part of the GPP would have to provide improvements that include 18 new station entrances, sidewalk widenings, stairways, and other improved circulation measures. Plans also include a new public plaza, enhancements to existing open spaces, and the study of a shared street on West 31<sup>st</sup> Street between 7<sup>th</sup> and 8<sup>th</sup> Avenues.

Amtrak is undertaking a separate effort to plan for a potential expansion of Penn Station that would add seven new tracks directly to the south of the station. This project would help accommodate trains coming into Manhattan as part of the Gateway Program, which will repair and update the existing rail and tunnel infrastructure that connects New York and New Jersey while also providing new rail tunnels and increasing reliability.

Additionally, the Metropolitan Transit Agency (MTA) has begun construction on its Penn Access project, which will provide four new stations along the Metro-North Railroad's New Haven line, giving commuters direct access to Penn Station. The project is slated to be completed by 2027.

## **Site Description**

The MSG Complex includes the Arena, the Theater at the Garden, and accessory spaces including a 11,400 square foot expo center, retail vendors, eating and drinking establishments, suites, internal loading and circulation space and back-of-house and mechanical spaces—all in a 12-story cylindrical building. A pedestrian bridge connects the 2 Penn office building to the eastern side of the Arena. Four escalators in the Arena building provide access to the four “tower” corners of the site. The building on 8<sup>th</sup> Avenue, which extends from the cylindrical building, houses portions of the Arena and the Theater at MSG. The MSG Complex contains a total of 987,243 square feet of floor area.

There are several open areas on the site, portions of which were considered plazas under the 1961 Zoning Resolution. The site includes loading areas that facilitate the operations of the MSG



Complex. The Applicant owns the midblock driveway between the MSG Complex and 2 Penn. This area is also known as the taxiway because it served as taxi access for Penn Station but was closed after September 11, 2001. The taxiway is currently used for pedestrian access to both Penn Station and MSG and also serves as loading space for MSG, 2 Penn, and Penn Station. The pedestrian walkway connecting 2 Penn and MSG is located above the taxiway. There is an easement on the midblock driveway that benefits Amtrak, LIRR, NJ Transit, and Vornado, the owner of 2 Penn.

Open areas on the site have various signs and plaza identification plaques pursuant to the Area's 2013 special permit. Other large signs are also located on the site, including LED panels and static signs.

### **Proposed Improvements**

The Applicant proposes four enhancements to the public open spaces in the site in exchange for receiving the special permit in perpetuity. These enhancements include replacing the walking surface of the open areas to be consistent with surrounding open areas, installing 9 planter benches in the open areas at the West 33<sup>rd</sup> Street and West 31<sup>st</sup> Street Penn Station entrances on 8<sup>th</sup> Avenue. In an open area to the west of the taxiway, the Applicant proposes to install planters, new lighting, and 20 bike racks with a capacity for 40 bikes.

As part of their application, the Applicant has submitted a loading plan, which proposes continued usage of the taxiway for loading, with the Arena's loading entrance at West 33<sup>rd</sup> Street and Amtrak's loading entrance on West 31<sup>st</sup> Street. The applicant also proposes to keep the loading entrance for the Theater on the corner of West 31<sup>st</sup> Street and 8<sup>th</sup> Avenue. The plan notes that the State's proposed midblock train hall would significantly reduce the size of the driveway that is currently used by loading trucks and would not accommodate any additional staging space for trucks beyond what exists on the site today.

### **COMMUNITY BOARD RESOLUTION**

Manhattan Community Board 5 ("CB5") held two public hearings regarding these applications on February 22, and March 8, 2023. On April 11, 2023 the Board voted in support of DCP's proposed zoning text amendment, noting that the additional findings were comprehensive and addressed major concerns for the area. The Board recommended denial of the special permit unless certain conditions were met, including limiting the term of the special permit to three years. CB5 listed necessary interim improvements for the area, including a new public bathroom, wayfinding signage, additional bike storage, and a solution to keep trucks off the public rights-of-way. The Board also noted its support for the permanent relocation of the MSG complex.

## **BOROUGH PRESIDENT'S COMMENTS**

For decades, the future of Penn Station has been tangled up in the question of whether Madison Square Garden could be relocated.

When MSG's special permit was last extended in 2013, the hope was that a ten-year term would be sufficient to plan and complete the relocation of the arena. But today a plan for relocation is no closer to reality than it was a decade ago.

50 years since its construction, MSG is still on top of Penn. And while the MTA and Amtrak have made significant improvements to the station in recent years, the busiest rail station in North America is far from the top tier transportation hub that it could and should be.

MSG may yet move. But there's a problem with continuing to wait for this: There is not currently a viable alternative site with a willing property owner, community buy-in, and mass transit access comparable to that of the arena's current location. There is also no clear way to pay for the multibillion-dollar cost of relocation.

But that doesn't mean we can't create a world class Penn Station.

By using the leverage of the special permit approval process, I believe we have a chance to—finally—make the vision of a grand train hub a reality. This will require cooperation by all railroads on the site (Amtrak, NJ Transit, MTA), and it will require that MSG make significant accommodations and concessions to ensure that the arena is compatible with an improved Penn Station.

It is my view that key elements of such a plan should include:

- The creation of a new grand train hall on 8<sup>th</sup> Avenue (necessitating the demolition of the MSG Theater) as well as new station entrances at the midblock;
- A new perimeter building around MSG, which would allow station operations to be moved to the perimeter of the site, thus opening up room for a double height concourse throughout the station;
- Activation of the sidewalk via a new perimeter building which will include retail and other engaging uses on 8<sup>th</sup> Avenue;
- Clearance in the taxiway to allow through-traffic for loading trucks to enter on West 33<sup>rd</sup> Street and exit on West 31<sup>st</sup> Street; and
- A new truck loading area underneath the Arena, to avoid the current need for trucks to unload outside, which at present often causes disruptions in the surrounding streets.

I believe the case for demolishing the Theater at MSG and creating a grand train hall on 8<sup>th</sup> Avenue is particularly compelling. While the MTA estimates that only 30% of Penn passengers come from the west, that amount alone would make the 8<sup>th</sup> Avenue entrance the fourth busiest rail hub in America. The estimate of over 100,000 daily riders entering from the street on the west side of Penn dwarfs the 8,000 total riders currently using Moynihan daily. And the rapid growth of new housing and offices in Hudson Yards and nearby means the number of users entering Penn from this direction is certain to grow.

The presence of the Theater today means there is currently a blank wall on 8<sup>th</sup> Avenue, making for an extremely uninviting streetscape. Demolition of the Theater would open the façade for more active uses, allow a widening of the sidewalk, and eliminate the disruption of trucks unloading before shows on the corner of West 31<sup>st</sup> Street. A grand new entrance on 8th Avenue would pair nicely with the Moynihan Train Hall across the avenue and would help achieve the goal of unifying the whole two-block complex.

Implementing an ambitious redesign of Penn that is compatible with the Arena will require that MSG cooperate in significant ways. The special permit process should be used to ensure this outcome.

I support DCP's proposal for a zoning text amendment which would require MSG to provide adequate public spaces, amenities, and entrances compatible with the transit facilities and with above- and below-grade pedestrian circulation.

I also support DCP's assertion that MSG should enter into a restrictive declaration with the City, which will outline requirements and be recorded against the property. I believe that MSG should also amend the easements for the so-called taxiway to accommodate an enclosed loading facility for MSG and loading operations for Amtrak and 2 Penn. This part of the block should also include new entrances to provide commuters access to Penn Station.

MSG also needs to provide the easements necessary to facilitate the conversion of the Theater at MSG into a new train hall on 8<sup>th</sup> Avenue and work on plans for the creation of a new façade around the perimeter of the arena that would relocate operational equipment and activate the sidewalk.

MSG must also improve accessibility in the arena for patrons with disabilities.

I support extending the special permit for a period of five years to allow time for completion of designs for a new transit hub, ensure cooperation from MSG, and focus the attention of the three rail agencies on coming to an agreement on this complicated project.

Transformation of Penn will not be possible without substantial federal support. We currently have strong partners in the White House, at US DOT, and in leadership in congress. That may not be true in the future.

There is now enormous momentum on the site, with the opening of Moynihan Train Hall, widening of the LIRR passage, the new entrance to Penn from 7<sup>th</sup> Avenue, and upgrades to the public plazas and commercial spaces in the 1 and 2 Penn buildings. These on-site improvements are coupled with massive investments in our regional transportation system now underway, including Penn Access and the Gateway program.

We must build on this momentum to once and for all transform Penn station into a world-class facility worthy of our great city. With sufficient focus and will from all parties, we have a chance

in the coming five years to lock in a plan for such a bold transformation. That opportunity may not come again. The time to act is now.

## **BOROUGH PRESIDENT'S RECOMMENDATION**

Therefore, the Manhattan Borough President recommends **approval** of DCP's ULURP Application No. N 230240 ZRM to amend the Zoning Resolution to add findings to Section 74-71.

And the Manhattan Borough President recommends **conditional approval** of Application No. C230238ZSM for a special permit pursuant to ZR 74-71 on the condition that the following criteria are met:

1. The term of the special permit be limited to a term of 5 years, during which time the Applicant shall present updated plans at a hearing of the community board and obtain certification from CPC that these plans continue to meet the findings set forth in ZR 74-71 and that the arena is compatible with Penn Station and the surrounding area.
2. The Applicant, within the 5-year term, work in good faith with Amtrak, the MTA, NJ Transit, and the DOT to develop plans that include the following elements, which shall be facilitated via easements with the appropriate parties:
  - I. Repurpose the Theatre at MSG to serve as a new train hall with frontage, along with street level activation on 8<sup>th</sup> Avenue; and
  - II. Ensure that the taxiway serves as a loading area that minimizes truck traffic and queueing in the public rights of way while providing new station entrances.
3. The Applicant work with DCP, Community Board 5 and local stakeholders to achieve CB5's recommendation to create an "ambitious public realm scheme.... that include[s] positive activation of the plazas, high quality public realm design, and improved wayfinding"; increased bike storage, and a public bathroom.



Mark Levine  
Manhattan Borough President



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

|   |   |                                       |   |
|---|---|---------------------------------------|---|
| <b>Project Name:</b> Arena Text Amendment |   |                                       |   |
| <b>Applicant:</b>                         | DCP - Department of City Planning (NYC) | <b>Applicant's Primary Contact:</b>   | DCP - Department of City Planning (NYC) |
| <b>Application #</b>                      | N230240ZRM                              | <b>Borough:</b>                       |   |
| <b>CEQR Number:</b>                       | 23DCP100M                               | <b>Validated Community Districts:</b> | M05                                     |

**Docket Description:**

*Please use the above application number on all correspondence concerning this application*

|  |                     |                               |   |
|--|---------------------|-------------------------------|---|
| <b>RECOMMENDATION: Favorable</b>       |                     |                               |   |
| <b># In Favor:</b> 34                  | <b># Against:</b> 0 | <b># Abstaining:</b> 1        | <b>Total members appointed to the board:</b> 43 |
| <b>Date of Vote:</b> 4/13/2023 4:00 AM |                     | <b>Vote Location:</b> Virtual |   |

*Please attach any further explanation of the recommendation on additional sheets as necessary*

|   |  |
|---|--|
| <b>Date of Public Hearing:</b> 3/22/2023 10:00 PM |  |
| <b>Was a quorum present?</b> Yes                  | <i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i> |
| <b>Public Hearing Location:</b>                   | Virtual  |

**CONSIDERATION:** CB5 Resolution letter attached.

|                             |        |                         |
|-----------------------------|--------|-------------------------|
| Recommendation submitted by | MN CB5 | Date: 4/18/2023 2:33 PM |
|-----------------------------|--------|-------------------------|

# MANHATTAN COMMUNITY BOARD FIVE

Vikki Barbero, Chair

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

Marisa Maack, District Manager

April 14, 2023

Daniel Garodnick  
Chair of the City Planning Commission  
22 Reade Street  
New York, NY 10007

**Re: Department of City Planning Zoning Text Amendment 74-41 in relation to Madison Square Garden Special Permit**

Dear Chair Garodnick:

At the regularly scheduled monthly Community Board Five meeting on Thursday, April 13, 2023, the following resolution passed with a vote of 34 in favor; 0 opposed; 0 abstaining; 1 present not entitled to vote:

WHEREAS, The New York City Department of City Planning (DCP) (the “Applicant”), is proposing a zoning text amendment (the “Zoning Text Amendment”) to Section 74-41 (Arenas, Auditoriums, Stadiums, or Trade Expositions) of the New York City Zoning Resolution (the "Zoning Resolution" or "ZR") to incorporate additional required findings for a City Planning Commission (CPC) special permit to allow an arena with a capacity in excess of 2,500 seats (the “Arena Special Permit”); and

WHEREAS, In a separate application, MSG Arena, LLC is applying for the Arena Special Permit pursuant to the amended ZR Section 74-41 to facilitate the continued use and operation of the Madison Square Garden (MSG) arena (the “Arena”).

WHEREAS, The Affected Area, to which the Zoning Text Amendment applies, is located in a high density commercial C6-4 zoning district, within Subarea B4 of the Special Hudson Yards District and consists of Subarea B4 of the Special Hudson Yards District; and

WHEREAS, The Arena Site is occupied by the MSG Complex, which consists of a 12-story, precast concrete-clad cylindrical building containing the Arena, a theater (“the Theater at MSG” or “Theater”), a restaurant, and “Chase Square,” a pedestrian bridge located approximately midway between Seventh and Eighth Avenues over the former taxiway that connects West 31st and West 33rd Street that connects the Arena to the Two Penn Plaza building; and

WHEREAS, DCP is proposing a Zoning Text Amendment to Section 74-41 to incorporate additional required findings applicable to the Arena Special Permit, pertaining to the suitability of open areas on the Arena Site, public access to the Arena Site, and the proposed loading operations for the Arena.

WHEREAS, DCP's proposed Zoning Text Amendment to ZR Section 74- 41 (Arenas, Auditoriums, Stadiums, or Trade Expositions) incorporates the following additional required findings for the Arena Special Permit:

1. Public spaces of appropriate proportions and quality design are provided around the arena in a manner that is commensurate with the civic importance of the site;
2. Such public spaces will facilitate public use and pedestrian flow
3. Entrances and exits to the arena and to the adjacent open areas are located and designed to facilitate public use and circulation on the zoning lot
4. The proposed loading for the arena will not unduly interfere with the use of public spaces; interfere with transit facilities; interrupt the flow of pedestrian traffic in the pedestrian circulation network; or interfere with the efficient functioning of adjacent streets including for the staging or queuing of vehicles for loading or for security checks
5. The arena shall be appropriately consistent and compatible with existing transit facilities on or adjacent to the zoning lot, and with proposed improvements to such transit facilities by the affected transit agencies.

WHEREAS, The proposed Zoning Text amendment would create a relevant set of new criteria to evaluate MSG Arena's capacity appropriateness and mitigate MSG Arena's impact to Penn Station, the busiest transit hub in the western hemisphere with over 600,000 passengers daily as well as its surroundings; and

WHEREAS, While the original zoning text article focused largely on vehicular traffic concerns, the amendment rightfully prioritizes pedestrian experience, public realm, micro-mobility and Penn Station users; and

WHEREAS, It is deemed essential to prioritize the criteria of consistency and compatibility of the arena with the transit hub as the cornerstone of the amendment and ensure that it remains perennial; and

WHEREAS, As the heart of the North East Corridor and one of the most critical pieces of infrastructure in the nation, it cannot be overstated that Penn Station's operational and physical capacity, along with its need for major upgrades, must be given the highest priority; and

WHEREAS, The zoning text amendment must make sure that the arena's operations which it seeks to permit are compatible at the time of permit review but also remain perennially compliant with the zoning text; and

WHEREAS, The application by MSG for a special permit to continue operating the arena with a capacity exceeding 2500 people concurs with a plan to record a Restrictive Declaration wherein MSG or its parent company will commit to adhering to specific conditions, particularly in supporting the reconstruction of Penn Station; and

WHEREAS, A Restrictive Declaration must be a requirement of the Zoning Resolution and must be added to the language of the amendment; and

WHEREAS, The language of the Restrictive Declaration is not known at this time; and

WHEREAS, There is concern that the Restrictive Declaration will not be sufficient to permanently prioritize Penn Station and compel mitigation of negative impacts during the lifetime of the venue; therefore, be it

**RESOLVED**, That Community Board Five **recommends approval** of the proposed zoning text amendment and applauds the DCP for thoughtfully addressing a major land use and zoning issue of Midtown Manhattan, and prioritizing public realm, pedestrian usage and micro-mobility; and be it further

**RESOLVED**, That CB5 recommends that the amendment considers binding language compelling MSG Arena to committing to certain conditions and actions necessary to the upgrades and operations of Penn Station by current and future railroad operators, including transfer of ownership and easements.

Thank you for the opportunity to comment on this matter.

Sincerely,



Vikki Barbero  
Chair



Layla Law-Gisiko  
Chair, Land Use, Housing and Zoning Committee

Cc: Hon. Liz Krueger, New York State Senator  
Hon. Robert Jackson, New York State Senator  
Hon. Tony Simone, NYS Assembly Member  
Hon. Linda Rosenthal, NYS Assembly Member  
Hon. Eric Bottcher, NYC Councilmember  
Hon. Keith Powers, NYC Councilmember  
Hon. Carlina Rivera, NYC Councilmember  
Hon. Mark Levine, Manhattan Borough President