

**MSG ARENA, LLC
Two Pennsylvania Plaza
New York, NY 10121**

June 23, 2023

Hon. Daniel R. Garodnick
Chair
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

Re: Madison Square Garden Special Permit
ULURP No. C230238ZSM

Dear Chair and Commissioners,

I am submitting this letter, at the request of the staff of the Department of City Planning, on behalf of MSG Arena, LLC (“MSG”), to address certain questions raised by the Commission at the public hearing on the referenced application regarding MSG’s commitment to cooperate with the MTA, Amtrak, and NJ Transit (collectively, the “Rail Agencies”) in their implementation of a reconstruction of Penn Station.

MSG is committed to cooperating with the Rail Agencies and to collaborating on long-term improvements to Penn Station, including certain at-grade transit improvements on MSG’s property that are described in this letter. That said, as we have discussed with Department of City Planning staff, MSG’s commitment to partner with the Rail Agencies does not, in any way, mean that MSG must offer easements on our private property, or offer to transfer ownership of our private property, at less than fair market value or that MSG will assume responsibility for the costs of constructing, operating or maintaining any transit improvements at Penn Station.

There are currently two visions for a reconstruction of Penn Station that, while still in the early planning and design phases, include recognizable concepts for significant at-grade transit improvements on MSG’s property. These concepts include, under both visions: (i) a new above-grade train hall, with reconfigured arena loading access to accommodate this potential improvement, within the MSG site’s existing midblock driveway (the “Midblock Train Hall”) and (ii) one or more new, prominent above-grade entrance structures serving Penn Station within the existing open areas on 8th Avenue (collectively, the “8th Avenue Entrance”). Consistent with the Borough President’s recommendation, one of the visions also includes a second, grand train hall on 8th Avenue that would occupy a volume of space currently containing the Theater at MSG and adjacent facilities on the MSG site (the “8th Avenue Train Hall”).

MSG’s commitment to collaborate with the Rail Agencies extends to the design development of the concepts of a Midblock Train Hall and an 8th Avenue Entrance. However, the details matter.

As discussed in detail at the public hearing and as previously conveyed directly to the Rail Agencies, the Rail Agencies’ current conceptual plans for the Penn Station reconstruction do not work. MSG’s structural and mechanical engineers identified significant issues with these conceptual plans and renderings which,

if not addressed, will have unmitigable operational impacts on MSG. Among other things, the Rail Agencies' design for the Midblock Train Hall: (i) does not provide sufficient room for trucks to turn into the proposed modified loading berths for the MSG arena and (ii) would displace HVAC equipment that includes components critical to the cooling system needed for Rangers hockey games, without providing a workable alternative location for that equipment. We note that the Rail Agencies' plan also does not remove any trucks from the street, which is a goal that has been consistently expressed by Department of City Planning staff.

The alternative vision for the Penn Station reconstruction, which is consistent with the Borough President's recommendation and was developed with input from MSG's engineers, avoids these issues by incorporating an 8th Avenue Train Hall and a modified design for the Midblock Train Hall. This alternative vision, like the Rail Agencies' vision, must undergo further design development before MSG can fully assess its feasibility and operational impacts—but we note that it is largely because of the early promise of the alternative vision that MSG is willing to make the commitments described in this letter.

MSG has not accepted the Rail Agencies' "conceptual framework" for implementation of the Penn Station reconstruction, which includes undefined commitments for the conveyance of property interests and a vague allocation of project costs. As we can all agree, the City's land use review process is not the appropriate forum to mandate or discuss business terms between a private landowner and governmental agencies. And it is far too premature for MSG to discuss business terms given the amount of additional planning, design, and costing that is required to advance any vision for the Penn Station reconstruction. Once the Rail Agencies' plan is sufficiently advanced, MSG looks forward to analyzing and discussing these critical issues in more detail.

Finally, we wish to address the report submitted to the Commission by the Rail Agencies, which concludes that the MSG arena is not currently compatible with Penn Station because MSG has not agreed to the Rail Agencies' proposed business terms for their conceptual plan, including proposed terms relating to consideration, or the lack thereof, for the conveyance of property interests. The basis for that conclusion is unrelated to the arena use and is clearly outside the permissible scope of the land use review process. It is also, in any event, an assessment related to future improvements to Penn Station, and not the existing Penn Station facilities.

MSG looks forward to continuing our discussions with the Rail Agencies to advance a vision for Penn Reconstruction. Please do not hesitate to contact me if you have any additional questions about that process.

Very truly yours,



Richard Constable
Executive Vice President
Global Head of Government Affairs & Social Impact
Madison Square Garden Entertainment

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ULURP No. C230238ZSM

Dear Chair and Commissioners,

I am submitting this letter on behalf of MSG Arena, LLC (“MSG”), at the request of staff of the Department of City Planning, to update the Commission on our study of potential modifications to the public realm proposal under the referenced application (the “Application”). After consultation with our landscape architect, Signe Nielsen of MNLA, MSG is prepared to make additional improvements outlined below to ensure that the public spaces are “commensurate with the civic importance of the site” and “facilitate public use and pedestrian flow [and] provide suitable amenities for the users of the space.”

1. The Existing Proposal

As discussed in the Project Description for the Application, MSG has proposed a number of enhancements to the public spaces on the Site to ensure that the quality of these spaces is commensurate with the civic importance of the Site.¹ These enhancements, which were developed during the pre-application process in response to input provided by Department of City Planning staff and other stakeholders, include the following:

- Replacement of the open areas’ walking surface with high-quality decorative pavers and pigmented concrete;
- High-quality planter benches that provide social seating and that beautify and facilitate public use of the Site’s open areas without impeding pedestrian traffic. The proposed planter benches consist of (i) five planter benches within the open area at the northeast corner of the Site, near the Penn Station entrance at West 33rd Street and Eighth Avenue,

¹ Capitalized terms used in this letter and not defined herein shall have the meaning given to them in the Project Description.

(ii) two planter benches within the open area at the southwest corner of the Site, near the Penn Station entrance at West 31st Street and Eighth Avenue, and (iii) two planter benches within the open area at the southeast corner of the Site, to the west of the Midblock Driveway.

- New planter boxes along portions of the MSG Complex’s exterior walls;
- Enhancements to the lighting at the building’s west-facing exterior wall along Eighth Avenue, including to increase light output and coverage and to incorporate color effects; and
- A new, weather-protected bicycle parking area with 20 bicycle racks (sufficient to accommodate up to 40 bicycles).

The materials included in the Application and/or presented to the Commission at the public hearing may not adequately depict the quality of material and design of some of these improvements or, for that matter, the substantial financial investment that will be required of MSG to implement them. We are therefore submitting with this letter supplemental illustrations of the proposed paver plan and the proposed planter benches (incorporating modifications described below) for the Commission’s consideration.

2. The Additional Proposed Modifications

Following the Commission’s public hearing on the Application, MSG met with Department of City Planning staff. Based on staff feedback, MSG is prepared to incorporate the following modifications into the open space proposal:

- An updated signage scheme for the Penn Station entrances and Arena entrances on Eighth Avenue. This updated scheme will establish a clear hierarchy of signage to achieve appropriate wayfinding on the site. More specifically:
 - MSG will agree to allocate to Amtrak additional space for identification signage above the existing Penn Station entrance canopies at West 31st and 33rd Streets and Eighth Avenue. (See attached illustrative rendering of West 33rd Street entrance.) This allocation will allow for signage that is (i) substantially larger than the existing Penn Station signage at these canopies and (ii) located higher than the adjacent signage that is used to direct Arena patrons to the Arena entrances on Eighth Avenue.
 - MSG will establish and implement a unified design language for the MSG Complex’s wayfinding and identification signage. The design language may include, by way of example, a consistent typeface and color scheme across all of the MSG Complex’s entrance signs.
- A design proposal for the building’s west-facing façade on Eighth Avenue, to provide visual interest and wayfinding for pedestrians who are walking on both the east and west sides of Eighth Avenue. This design will consist of a “supergraphics” sign, comprised of

pinned letters and illuminated by the enhanced lighting proposed in the application, to direct pedestrians to the two Penn Station entrances on the western portion of the Site. (See attached illustrations.)

- A modified design for the open area at the southeast corner of the Site, which will incorporate a total of three planter benches in a new arrangement. (See attached illustration.) This modified design will provide more open space amenities and greater opportunity for social seating to visitors of Penn Station and the MSG Complex.
- Enhancement of the lighting around the perimeter of the entire street frontage of the MSG Complex, beneath the existing soffits, to increase light output and coverage of these areas.
- MSG will assess of the use of metal barricades so that they are used when necessary for security or safety.

MSG will continue to work with Department of City Planning staff to ensure that these proposed enhancements are reflected in the Application materials, to the extent applicable.

3. Vertical Elements

There is one category of potential enhancements to the public realm proposal that was suggested by Department of City Planning staff—vertical elements within the open areas on Eighth Avenue—that MSG has determined to be infeasible as part of its public realm proposal.

As discussed briefly in the Project Description, the open spaces on the Site are unique compared to other open spaces in the City because of the limited depth to structure between the finished grade of the open spaces and the roof of Penn Station below. In most areas this depth is limited to approximately 5 inches. Because of this limited depth, the measures that are typically taken to anchor and structurally support vertical elements are not feasible on the Site. Bolting a support structure to the Penn Station structure would require new penetrations that could result in leaks or other issues.

MSG’s design team has investigated the existing vertical elements on the Site, including Grand Central light poles maintained by the City and separate light poles maintained by MSG, to determine how they are structurally supported. These existing vertical elements are either located outside the property line and within the public right of way, where the subsurface depth may be greater than 5 inches, or are anchored by a wide footing that extends above grade. Above-grade footings are not an effective design solution for the types of dramatic vertical elements that staff of the Department of City Planning has suggested. This is because very tall vertical elements—including those that incorporate a canopy or other lateral structural element—must withstand significantly greater wind loads than standard light poles. The only way to support these wind loads is by constructing especially wide footings which, if located above grade, are certain to impede the high volumes of pedestrian traffic that the Site’s open spaces are intended to accommodate.

Notwithstanding the foregoing, MSG will continue to work with City Planning and other stakeholders to seek opportunities to develop plans in the future as site conditions evolve.

4. Coordination with DOT

We understand that the New York City Department of Transportation (“DOT”) may, in the near future, seek to implement improvements within the streets and sidewalks adjoining the Site, along portions of Eighth Avenue and West 31st and 33rd Streets. While these areas are outside of MSG’s property, we will coordinate with DOT to ensure that the design language established by the proposed decorative pavers and pigmented concrete on the Site is carried over to these reconfigured areas.

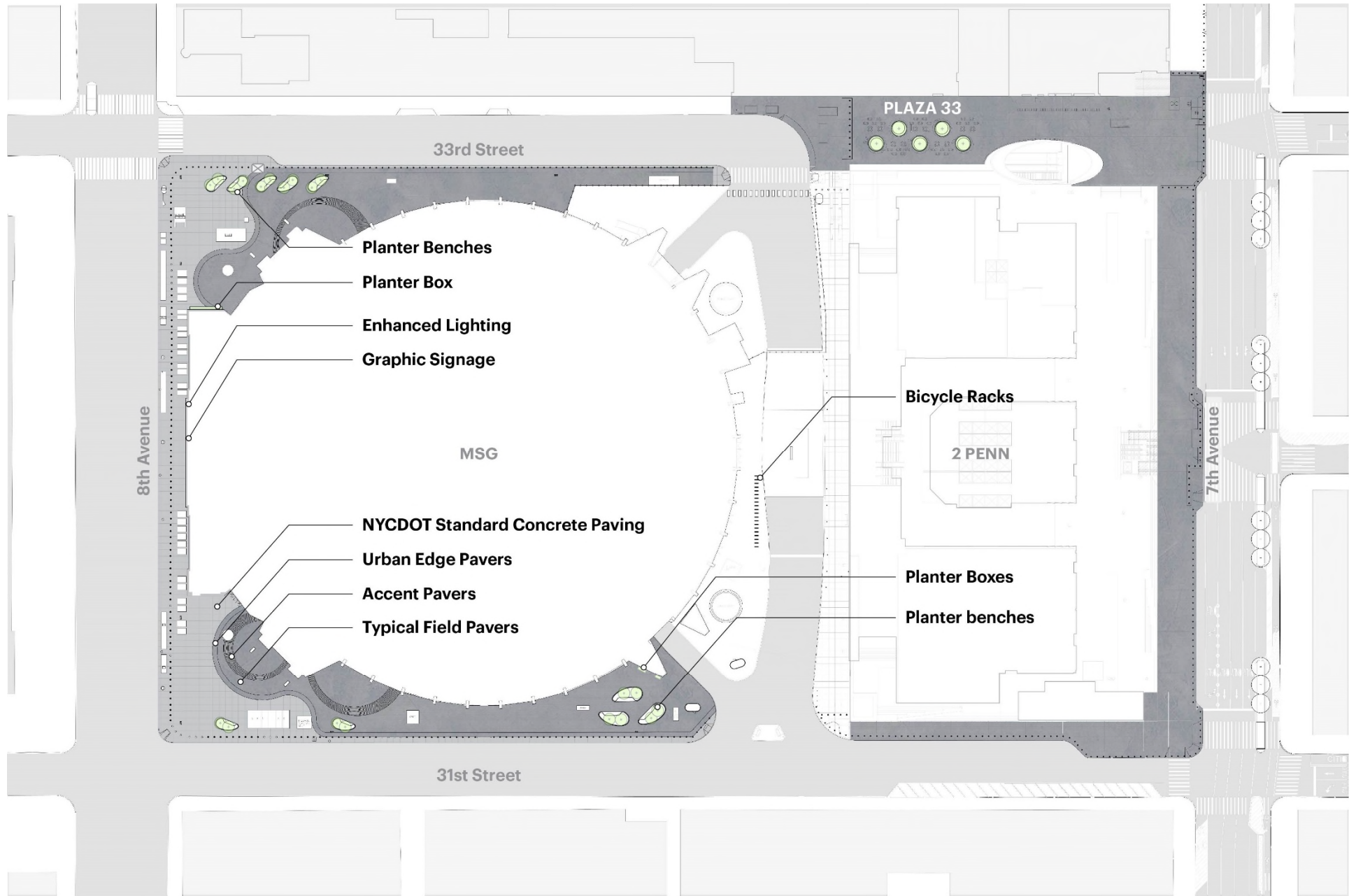
We look forward to receiving the Commission’s feedback on the public realm proposals described in this letter. Please do not hesitate to contact me if you have any further questions.

Very truly yours,

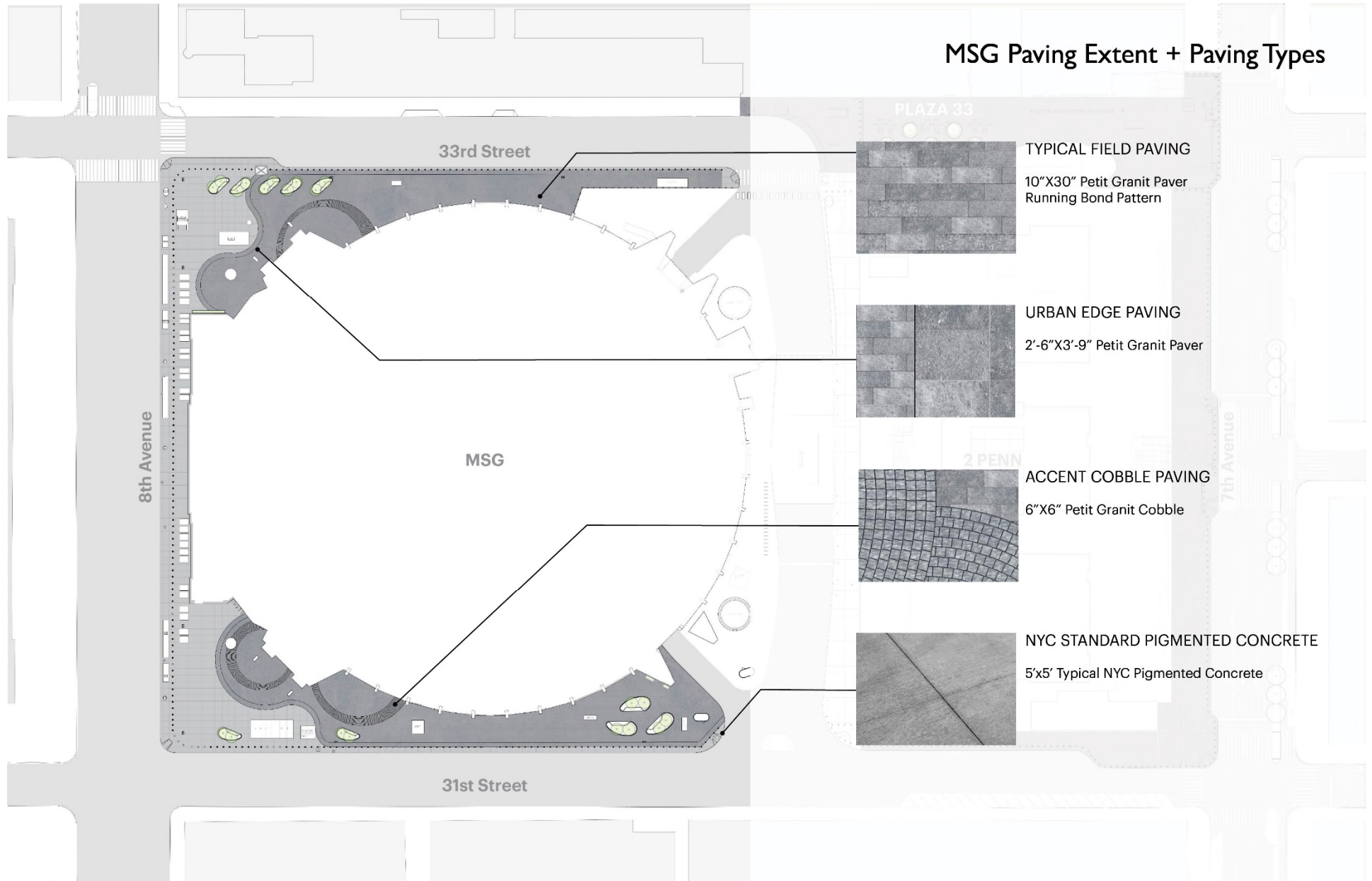
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Richard Constable
Executive Vice President
Global Head of Government Affairs & Social Impact
Madison Square Garden Entertainment

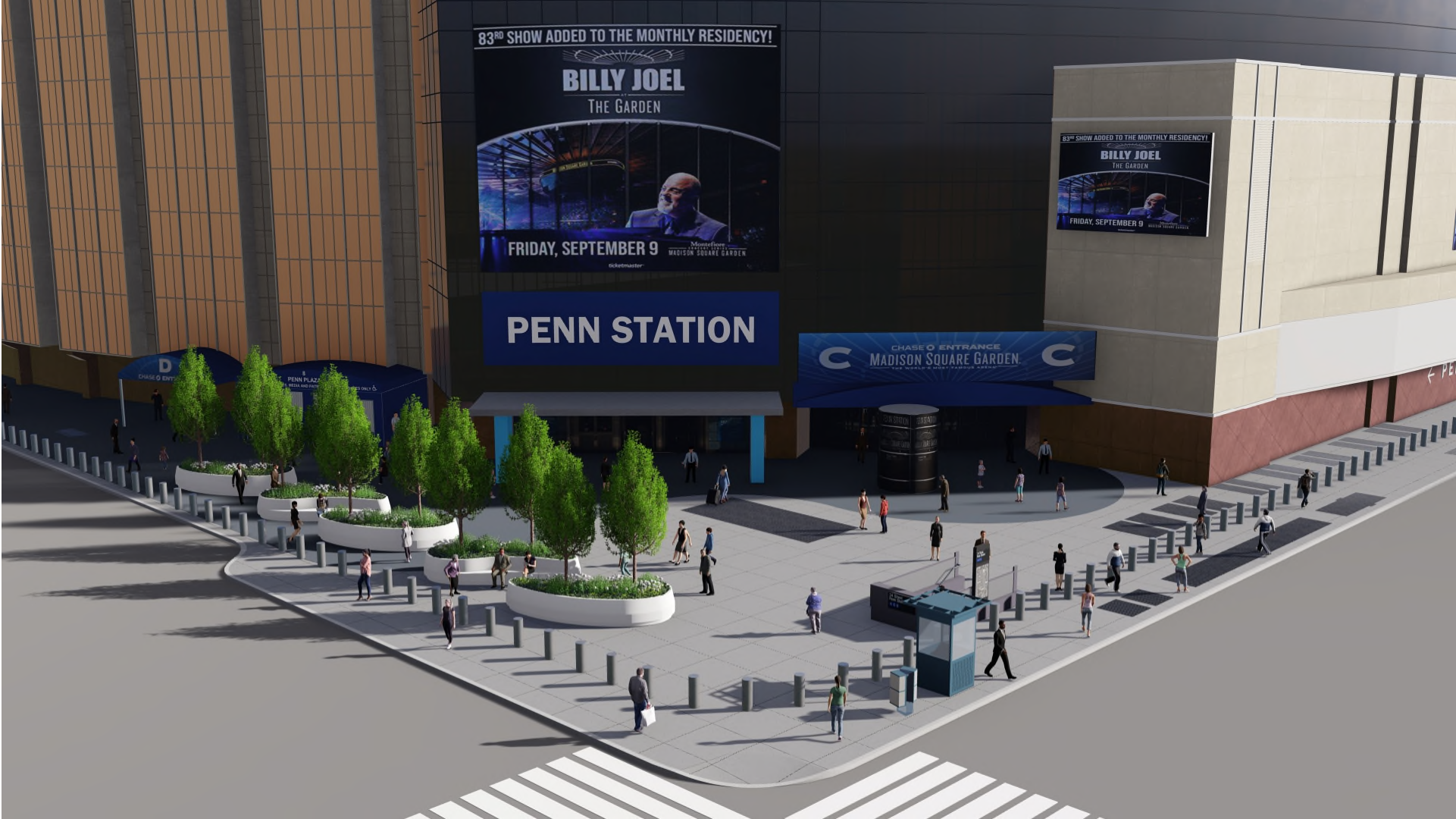
MSG Open Space Proposal | Site Plan Diagram



MSG Open Space Proposal | Paving Diagram



MSG Open Space Proposal | Penn Station Signage Allocation



MSG Open Space Proposal | 8th Ave Signage

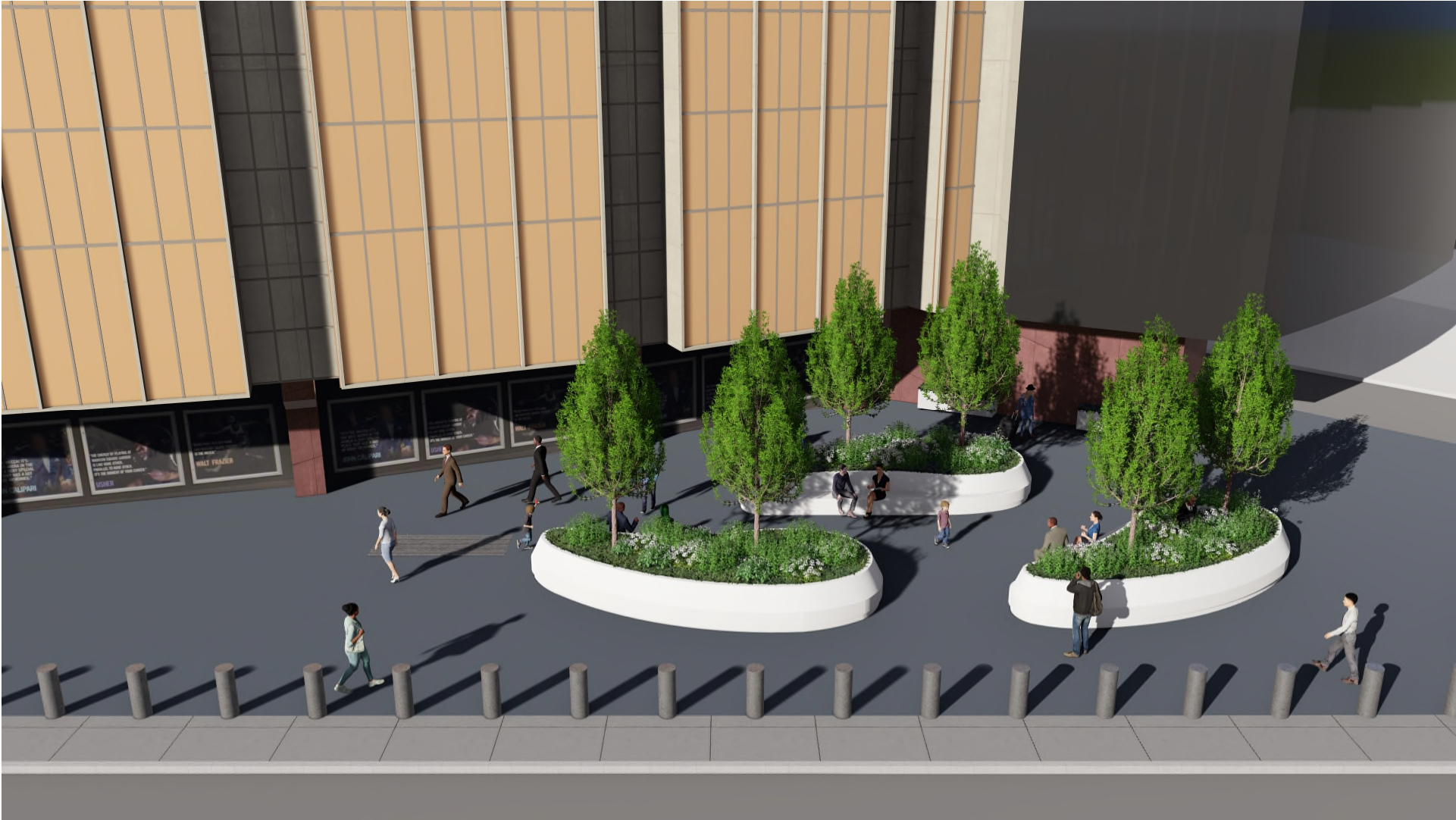


Graphic for illustrative purposes only

MSG Open Space Proposal | 8th Avenue Signage
(Pinned Lettering Precedent)



MSG Open Space Proposal | Planter Benches at SE Corner



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Dear Chair and Commissioners,

I am submitting this letter on behalf of MSG Arena, LLC (“MSG”), to address certain questions raised by the Commission and staff of the Department of City Planning regarding MSG’s loading operations.

The materials submitted by MSG in support of the referenced application include a Loading Plan describing MSG’s loading facilities and operations. The loading operations, which are highly choreographed and reflect decades of fine-tuning, allow MSG to operate one of the busiest sports and entertainment venues in the country, within a constrained physical environment, and with minimal impact on vehicular and pedestrian traffic. The Loading Plan describes in detail why the Arena’s loading operations will not unduly interfere with the use of open areas on the Site; 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 security checks.

At the request of Department staff, MSG has agreed to make the following additional commitments with respect to our arena loading operations in connection with the special permit:

- MSG will not park or stage trucks for arena events on 33rd Street between Seventh and Eighth Avenues.
- MSG will use flaggers or security personnel to walk all such vehicles along this portion of 33rd Street when they access or leave MSG’s on-site loading area.
- MSG will coordinate with the New York City Department of Transportation (“DOT”) to prepare and obtain approval of a Traffic Management Plan (“TMP”) for the arena’s loading operations. The specific measures included in the TMP will be based on DOT’s freight management policies and policy goals as well as MSG’s operational needs and may include, as appropriate: off-site locations for commercial vehicle staging; designed

locations for security checks and/or screening of trucks; managed access and restricted hours for vehicular traffic; and consolidation of commercial deliveries, including deliveries via cargo bike and electric vehicles.

We trust that these additional commitments provide additional assurance that MSG's loading operations satisfy the applicable findings for the requested special permit. Please do not hesitate to contact me if you would like to discuss these commitments further.

Very truly yours,

A handwritten signature in blue ink, consisting of a stylized 'R' followed by a large loop and a horizontal line extending to the right.

Richard Constable
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Dear Chair and Commissioners,

I am submitting this letter on behalf of MSG Arena, LLC (“MSG”), with regard to the restrictive declaration that MSG has been asked to execute and record against its property in connection with the referenced application for a special permit.

As described in MSG’s application materials and in other contexts, MSG and Department of City Planning staff have contemplated that MSG would enter into a restrictive declaration in order to, among other things, establish a process whereby MSG may, in the future, propose, for the Commission’s review, modifications to the arena use to ensure that it remains “appropriately consistent and compatible” with proposed improvements to transit facilities on the zoning lot. MSG has worked in good faith with Department staff to prepare a form of this restrictive declaration, and we sincerely appreciate the time and effort that Department staff have put into that process.

Unfortunately, MSG cannot in good conscience execute the restrictive declaration in its current form. The document is missing critical, yet uncontroversial, language to establish that the future review process may not be used to obligate MSG to convey property interests or user rights to the Rail Agencies for less than fair market value, or to assume responsibility for any costs of constructing, operating or maintaining any transit improvements. This language is entirely consistent with established law, is virtually identical to language that the Commission included in its report and resolution for the 2013 arena special permit, and merely reinforces the scope of the City’s land use review process.

The inclusion of the language would not modify the scope of the Commission’s review, but it would guard the Commission’s review process against efforts by other participants to inject non-land use issues into the conversation.

MSG’s position is informed by recent statements by the MTA that the restrictive declaration presents an opportunity to “force” MSG to convey substantial property interests for less than fair

market value and to assume significant costs associated with the Penn Station Project. These statements are a plain attempt to leverage the Commission's review process to further the Rail Agencies' negotiating position in discussions with MSG. We fear that the previous inclusion of the language in the Commission's 2013 resolution, and the possible omission of the language from the restrictive declaration now, is a stark contrast that could be misconstrued by third parties.

We therefore respectfully request that the Commission and Department include MSG's requested language.

Very truly yours,

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