

July 16, 2023

Mr. Kevin Riley
Chair
Subcommittee on Zoning and Franchises
New York City Council

Email Delivery

**RE: Public Hearing July 18, 2023
Madison Square Garden Special Permit and Arena Text Amendment**

Dear Chair Riley, and Subcommittee Members Bottcher, Abreu, Shulman, Moya, Louis, Hanks and Carr:

Thank you for this opportunity to provide testimony regarding Madison Square Garden's (MSG) special permit application. The MSG special permit application is our opportunity to answer critical, complicated questions: *What do we want for Penn Station, and can we get there with MSG in its current location and configuration?*

When the City was contemplating the renewal of MSG's operating permit in 2013, it anticipated that substantial planning for a new Penn Station would be underway. In fact, at the time, the City Planning Commission (CPC) recommended that the operating permit be extended fifteen years to create an opportunity for City, State, and federal government agencies to reach an agreement with MSG on a plan to relocate the facility and rebuild Penn Station. Unfortunately, that did not happen. However, there is ample evidence that a plan for improvements to the existing Penn Station is imminent and that the station may be expanded. Also, unlike 2013, there is applicable federal funding available through the Infrastructure Investment and Jobs Act. All told, this is an opportunity to transform a subpar train station, the nation's busiest, into a world-class one with a quality design of public space that facilitates public use and a better pedestrian circulation network, commensurate with the civic importance of the Penn district. This opportunity must not be squandered.

The City Council should grant an Arena Special Permit for a maximum of only five (5) years, not in perpetuity as requested by MSG or for ten years as recommended by the CPC. This will encourage our elected officials and MSG to act, and work with all stakeholders and the public to find a solution for the future of Penn Station that reflects its importance to the economy of New York City and the Northeast region, with its reconstruction being publicly funded and embracing many functions: a transit hub, critical neighborhood infrastructure, and a part of a commercial and residential district.

If we falter and do not build a Penn Station for the future, we will be burdened with a deficient, dangerous train station for at least a generation. Every decision we make now, about the future of Penn and MSG put New Yorkers either on a path to a substantially better Penn District, or one that will drag the hopes for a midtown recovery and renaissance into non-existence. By granting an operating permit to MSG in perpetuity, we will have lost a key lever to ensuring a better future for the Penn District.

There have been some who have argued that the MSG operating permit is a minor administrative matter. MAS begs to differ with this thinking. The role of stadiums in New York City life and culture is rightfully considered by many to be as important as the city's theaters, and art museums. They both provide vital stages for sports teams and musical performances and draw both city residents and out-of-town visitors.

However, their very stature and importance to New York City mean that they should play the role of respectful and responsible civic partners in the broad community needs of the city. The terms of this operating permit raise the question of whether MSG will be that respectful and responsible civic partner and recognizes the complex dynamics that drive the visioning for the redevelopment of Block 781.

MAS has long believed that MSG should move to allow for a thorough rethinking and ultimately rebuilding of Penn Station to take place. Over the few years, we have also come to believe that New York City also deserves a better MSG. The lack of deep civic dialogue about what is best for both Penn Station and MSG has left the civic community with little choice but to call repeatedly for a relocation. It is neither the civic community's job to envision a better stadium for MSG, nor to find it the right location. However, for decades that is what we have tried to do. It is also not the public sector's responsibility to pay for it.

The operating permit before you is an opportunity for the City to express its support for the transformation of both Penn Station and MSG. We hope that you will provide that strong direction with the appropriate balance of carrots and sticks.

In recent weeks, a new approach to Penn Station and Madison Square Garden has rekindled hope for achieving a grand train hall and gracious public space. At the moment, the proposal has no standing. However, it holds promise to resolve critical issues such as pedestrian circulation, establishing street presence, internal station coherence and wayfinding, placemaking, and freight access. This proposal should affect the current decision-making regarding the operating permit. It shows that we have vastly more expansive options than have been presented to the public for an improved train hall and area circulation. ***We must not shy away from exploring and selecting amongst the most innovative options, within the real practical constraints of the moment, including the availability of Federal funding.***

The CPC's proposed Zoning Text Amendment to Section 74-41 to incorporate additional required findings for the Arena Special Permit clearly signals that the ongoing development of Penn Station as a main transit hub with suitable public realm amenities above-ground for the movement of people must be the priority for Block 781. ***Indeed, the public use of Penn Station must be paramount to all the uses on the block, including Madison Square Garden and 2 Penn.***

MAS recommends the City Council approach the future of MSG in two phases. The first phase, assuming the special permit is granted for five years, should produce substantial improvements to Penn Station above- and below-ground with MSG remaining in its current location and configuration. Phase two would be executed as part of a subsequent permit, when MSG has moved to another site or is reconfigured on-site.

MAS's specific recommendations are outlined below.

- I. A revitalized public open space is essential for improvements to Penn Station. The addition of benches, planters, and decorative pavers are nice amenities, but are not sufficient. The City Council should prioritize pedestrians and commuters along all adjacent streets and avenues and the 33rd Street corridor (Plaza 33) should be expanded westward toward 8th Avenue to provide appropriate proportions and quality design of public space that facilitates public use and a better pedestrian circulation network.
- II. MSG's Loading and Staging must first and foremost be responsive to the changing configuration of Penn Station, including the development of a Transportation Management Plan consistent with DOT policies. In addition, the plan should be referred to the Chief Public Realm Officer for review, be consistent with the recommendations of the Public Realm Task Force, and finally be referred to the Public Design Commission for review of the overall public open space.
- III. MAS urges the City Council to compel MSG to be a responsible partner to city and regional infrastructure. MSG must produce a long-term plan for the creation of a vibrant pedestrian/commuter corridor between 31st -33rd streets, consistent in color and design with the open areas along Moynihan Train Hall's Eighth Avenue frontage.

- IV. The Special Use Permit should not be extended beyond 5 years unless there is objective evidence that the reconfiguration or re-siting of MSG has made significant planning progress at the time of an extension application. Significant progress will be evaluated on the basis of written agreement amongst the parties on Block 781 including MSG, and/or the existence of substantial plans for that reconfiguration or re-siting is submitted with the extension application.

Thank you for this opportunity to submit written testimony and welcome any opportunity to discuss these comments with your committee.

Yours truly,

A handwritten signature in blue ink, appearing to read 'Elizabeth Goldstein', with a long horizontal flourish extending to the right.

Elizabeth Goldstein
President