



Manhattan Community Board Five

Bradley Sherburne, Chair

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Marisa Maack, District Manager

February 24, 2025

Dan Garodnick
Director
Department of City Planning, 31st Floor
120 Broadway
New York, NY 10271

Re: 1114 6th Ave (Grace Plaza) POPS, renewal for an outdoor café (Block 01258, Lot 0009) in the Special Midtown District, Manhattan Community District 5

Dear Director Gardonick:

At the regularly scheduled monthly Community Board Five meeting on Thursday, February 13, 2025, the following resolution passed with a vote of 28 in favor; 6 opposed; 1 abstaining:

WHEREAS, This is an application by 1114 6th Avenue Owner LLC (the "Applicant"), an entity controlled by Brookfield Office Properties and the owner and operator of Grace Plaza, for an action described below to renew the location of the open air cafés within Grace Plaza (the "Development Site") in accordance with Sections 37-624 and 37-73(c) of the Zoning Resolution of the City of New York (the "Zoning Resolution") at property known by the address of 1114 Avenue of the Americas (Block 1258, Lot 9, a/k/a the "Project Area"), and within the Special Midtown District of Manhattan, Community District 5; and

WHEREAS, 1114 6th Avenue, (Between 42nd and 43rd Street) is located within a C6-4.5 and C6-6 commercial district, within CB5 with the cafés located in the northwest and southwest corners of the Development Site; and

WHEREAS, No additional changes are proposed to the Open Space and the application is for the maintenance of existing cafés; and

WHEREAS, The Commission granted a special permit to increase the permitted floor area ratio ("FAR") from 15.0 to 18.0 in exchange for the provision of Grace Plaza and two Arcades pursuant to former ZR Section 81-06 in connection with the development of the site with a 47-story commercial building with offices and retail space in 1971; and

WHEREAS, A special permit was approved in 1986 by the City Planning Commission, pursuant to ZR Sections 81-231; 81-232, to improve the existing plaza and close the midblock portion between certain hours and certification for waiter service café; and

WHEREAS, A special permit which was terminated in 1988 and had been submitted pursuant to Sections ZR 81-231; 81-232 to improve the existing plaza and close the midblock portion between certain hours and certification for waiter service café; and

WHEREAS, Certification was approved on February 5, 2010 by the Chairperson of the City Planning Commission, pursuant to Section ZR 37-625, that design changes of an existing plaza are in greater accordance with the provisions of Section 37-70; and

WHEREAS, Certification was approved on February 5, 2010 by the Chairperson of the City Planning Commission, pursuant to Sections ZR 37-624 and 37-73(c), to allow an open air café and kiosk as permitted obstructions within an existing plaza; and

WHEREAS, Certification was approved on June 13, 2013 by the Chairperson of the City Planning Commission, pursuant to Sections ZR 37-624 and 37-73(c), to allow an open air café and kiosk as permitted obstructions within an existing plaza; and

WHEREAS, Certification was approved on March 27, 2017 by the Chairperson of the City Planning Commission, pursuant to Sections ZR 37-624 and 37-73(c), to allow an open air café and kiosk as permitted obstructions within an existing plaza; and

WHEREAS, Certification was approved on September 23, 2019 by the Chairperson of the City Planning Commission, pursuant to Section 37-625, that design changes of an existing plaza are in greater accordance with the provisions of Section 37-70; and

WHEREAS, Certification was approved on September 7, 2020 by the Chairperson of the City Planning Commission, pursuant to Sections ZR 37-624 and 37-73(c), to allow an open air café and kiosk as permitted obstructions within an existing plaza; and

WHEREAS, Applicant is requesting to renew an allowance last approved in 202 for three open air café areas with a total area of 2,697 square feet in Grace Plaza and along the mid-block arcade along West 43 rd Street (out of a total area of 20,929 square feet) with the first café area allowing for 16 tables with 4 seats each and 4 tables with 2 seats each; the second café area allowing for 8 tables with 2 seats each; and the third café area allowing for 12 tables with 4 seats each for a total of 136 seats across the three café areas; and

WHEREAS, Space usage is in compliance with existing regulations which allow for cafés to use up to 4,185 square feet of space; and

WHEREAS, CB5 believes that much of the benefit to the public of open air café seating in a privately owned public space is derived from seating and tables that are open to public use without the need for purchase of food or beverage; and

WHEREAS, CB5 recommends that the applicant includes the text “Open to the Public No Purchase Necessary” on a stanchion sign located at the open air café entrance in font no smaller than 3 inches; and
WHEREAS, CB5 recommends that the applicant comply with the above referenced stipulations for the three-year term of the café; and

WHEREAS, Operation of the café will continue to operate in accordance with the requirements set forth in ZR 37-73; and

WHEREAS, CB5 believes that if the public is unable to use the seating without purchase of food or beverage, the public utility of the space associated with the café would be diminished; and

WHEREAS, If signage is not required to make clear to the public that they can use seating and tables without need for a purchase, CB5 does not believe the public would have any knowledge that such seating is available to them; and

WHEREAS, If seating currently used by the café is made available for the public to use both with and without purchase, the proposed open-air café would be a public benefit; and

WHEREAS, If the agreed upon signage is NOT part of the site plan approval for the open air café, CB5 would object to City Planning Commission approval of the open air café as such an approval would constitute the privatization of public space; and

WHEREAS, CB5 believes that public access to bathroom facilities should be a requirement for any approval of plazas exceeding 10,000 square feet, in alignment with the current zoning resolution, which mandates that public plazas of this size associated with a commercial building must include a food service as one of the three additional required amenities; and

WHEREAS, Given that food service is a required amenity, bathroom access should also be provided as a matter of public health; and

WHEREAS, Current regulations require that food service establishments with 20 or more seats, opened after 1977, must provide a restroom for their customers 2 ; therefore, be it,

RESOLVED, Community Board Five **recommends denial of the application** for the renewal of a permit to allow for three open-air cafés within Grace Plaza Restaurant Inc. located at 1633 Broadway for the next three years, **unless and until** the applicant agrees to open public seating, signage and bathroom availability.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bradley Sherburne".

Bradley Sherburne
Chair, CB5

Cc: Hon. Mark Levine, Manhattan Borough President