



## Manhattan Community Board Five

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Bradley Sherburne, Chair

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Marisa Maack, District Manager

April 11, 2025

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

***Re: 1211 Avenue of the Americas, Non-ULURP Modification – Through Block Arcade Special Permit***

Dear Director Gardonick:

At the regularly scheduled monthly Community Board Five meeting on Thursday, April 10, 2025, the following resolution passed with a vote of 32 in favor; 2 opposed; 1 abstaining:

WHEREAS, This is an application by 1211 6th Avenue Property Owner LLC (the “Applicant”) for minor changes of a previously-approved City Planning Commission (“CPC”) special permit (CP-21345) to authorize a floor area bonus in respect of a through block arcade (the “TBA”) from 47th-48th St pursuant to Section 74-82 of the Zoning Resolution (the “ZR”) (“Non-ULURP Modification”); and

WHEREAS, The TBA is at 1211 Avenue of the Americas (Block 1000, Lot 29), which is located in C6-6 and C6-5.5 zoning districts within the Special Midtown District, Manhattan, Community Board 5; and

WHEREAS, The TBA is one of four passageways that provide mid-block connections for pedestrians between West 46th and West 50th Streets with three retail spaces, two of which are restaurants front on the TBA, and two television studios also front on the TBA, with no other amenities; and

WHEREAS, The Building was constructed pursuant to two special permits granted by the CPC that allowed for (i) modification of the then-applicable height and setback regulations (ZR Section 74-72) and (ii) a floor area bonus for the provision of the TBA at a rate of size square feet of floor area for each square foot of TBA (ZR Section 74-82); and

WHEREAS, The Building also utilized as-of-right bonus floor area through provision of two plazas (the “Plazas”) fronting on the Avenue of the Americas; and

WHEREAS, The Applicant has requested a non-ULURP modification of the Special Permit (CP-21345) to reflect minor changes to the TBA, as the CPC report states on the approval, “the premises shall be developed in size and arrangement as stated in the application and as indicated on the plans filed with this application;” and

WHEREAS, The modification to the TBA would provide public seating in the form of moveable tables and chairs, stepped, platform seating, overhead, decorative lighting, granite pavers will be added to the flooring, new signage will be located at the end of the TBA announcing public access; and

WHEREAS, New, transparent facades will be added to both sides of the TBA and retail storefronts will be concentrated within the center of the TBA, with one store on the west side and two stores on the east side. The television studios located at the northeast and southwest corners of the TBA will remain, with transparency for passersby to observe the filming activities; and

WHEREAS, Applicant has assured the Community Board that once renovated the TBA will remain accessible to the general public at all times; and

WHEREAS, Applicant does not plan to provide restroom access to the general public; and

WHEREAS, Applicant has assured the Community Board that the TBA will be kept ADA compliant; and  
WHEREAS, Even though the Community Board has concerns regarding potential crowding outside the studio fronts within the TBA, the applicant has assured the Board that no events will be planned within the TBA that may restrict through access; and

WHEREAS, CB5 welcomes new seating for the general public within the TBA; and

WHEREAS, While the TBA itself is only 5,469 sq feet in size, together with the 2 Plazas, the POPS covers 27,196 sq feet; 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; When food is available, the need for bathrooms becomes even more critical – especially for seniors, families with younger children, and people with medical conditions. Without proper bathroom facilities, these public spaces risk becoming exclusionary and unsanitary, undermining their purpose as inclusive, welcoming environments; therefore be it,

**RESOLVED**, Community Board Five recommends denial of the application unless and until the applicant agrees to provide restroom availability to the general public with proper signage announcing public access.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in dark ink, appearing to read "Bradley Sherburne". The signature is fluid and cursive, with the first name "Bradley" written in a larger, more prominent script than the last name "Sherburne".

Bradley Sherburne  
Chair, CB5

Cc: Hon. Mark Levine, Manhattan Borough President  
Jeff Mulligan, Kramer Levin Naftalis & Frankel LLP