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Land Use, Housing & Zoning

June 2022, Land Use, Housing & Zoning Committee



1221 6th Avenue, seeks renewal of a new three year term to continue operation of two open air cafés on the West 49th Street frontage of a public plaza located at 1221 Avenue of the Americas

WHEREAS, 1221 6th Avenue, 1221 Avenue Holdings LLC (the "Applicant"), seeks a new three year term to continue operation of two open air cafés on the West 49th Street frontage of a public plaza located at 1221 Avenue of the Americas (Manhattan Block 1001, Lot 29) (the "Project Area"); and

WHEREAS, In 2017, the Chairperson pursuant to Sections 37-624 and 37-73(c) of the Zoning Resolution approved a certification to allow these two open air cafes on the property for a three year term; and

WHEREAS, The Café Certification was approved effective September 5, 2017 for a term of three years expiring on September 5, 2020; and

WHEREAS, On June 7, 2021, the Chair of the City Planning Commission (a) granted a zoning certification for additional design changes that brought the Plaza into even greater accordance with current plaza standards (N 210383 ZCM) and (b) issued a determination of substantial compliance for changes to the original special permit to reflect the raising of a portion of the sunken plaza to grade level (N 210384 CSM); and

WHEREAS, When the building was built in the 1970s, a public plaza was developed on the Project Area with a total area of 28,613.17 square feet (the "Plaza"), which generated a bonus of 286,131.70 square feet of floor area for the building; and

WHEREAS, The Eastern Café would have an area of 836.31 square feet and the Western Café would have an area of 701.99 square feet; and

WHEREAS, The aggregate area of the two cafés would be 1,538.3 square feet, totaling 5.4% of the total plaza area; and

WHEREAS, This is below the maximum of 20% of the plaza area that is permitted to be occupied by outdoor café uses and would be in compliance with ZR 37-73(b); and

WHEREAS, Applicant refuses to place signage to indicate to the public that the tables and chairs may be used without purchase by the public as required by CB5; and

WHEREAS, No public bathroom access is provided for the 28,613 SF public plaza, and Applicant is not interested in providing access to public bathroom, which makes the public open space inaccessible to certain populations; and therefore, be it

RESOLVED, Community Board Five **recommends denial** of the application for a new three-year term to continue operation of two open-air cafés on the West 49th Street frontage of a public plaza; and be it further

RESOLVED, Community Board Five urges the Applicant to:

- Include signage, which indicates that tables and chairs may be used by the public without a purchase; and

- Provide access to public bathrooms for the public either inside the building or add a public bathroom as part of the renovations of the plaza.



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