



Manhattan Community Board Five

Bradley Sherburne, Chair

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Marisa Maack, District Manager

December 12, 2025

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

Re: 1221 Avenue of the Americas renewal application for an Open-Air Cafe

Dear Director Garodnick:

At the regularly scheduled monthly Community Board Five meeting on Thursday, December 11, 2025, the following resolution passed with a vote of 26 in favor; 2 opposed; and 1 abstaining;

WHEREAS, 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; and

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 and again in 2022, 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 terms; and

WHEREAS, The 2017 Café Certification was approved effective September 5, 2017 for a term of three years expiring on September 5, 2020, and this was after the two open air cafés had been operating illegally for at least the prior 12 months before September 5, 2017; 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 these design changes completed construction in 2023; and

WHEREAS, The 2022 Café Certification was approved effective July 12, 2022 for a term of three years, which expired on July 12, 2025; and

WHEREAS, Applicant submitted an application for a Café Certification renewal in May 2025; 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 has

- an area of 836.31 square feet
- 9 tables, 36 chairs, and 4 umbrellas, and the Western Café has
- an area of 701.99 square feet
- 11 tables, 44 chairs, and 3 umbrellas; 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 supported by the language of ZR 37-73(c)(4) and ZR 37-73(c)(6); and

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

WHEREAS, Both CB5’s July 2017 and its June 2022 resolutions regarding these same two cafés at 1221 Avenue of the Americas were recommendations for Denial because the Applicant on both occasions:

- refused to allow signage stating that the public are able to use the café tables and chairs in the public plaza without purchase and
- refused to allow public access to a bathroom at 1221 Avenue of the Americas, and these were the same requests that were again asked by CB5 in 2025 and the Applicant again refused both requests; and

WHEREAS, CB5 has been asking all applicants for these same two requests for many years, including repeatedly asking this Applicant; 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 **unless** the Applicant:

- Includes signage, which indicates that tables and chairs may be used by the public without a purchase; and
- Provides access to public bathrooms for the public either inside the building or add a public bathroom as part of any further renovations of the plaza.

Sincerely,



Bradley Sherburne
Chair, CB5



Nancy Aber Goshow
Chair, CB5 Land Use, Housing and Zoning Committee