

## Manhattan Community Board Five

Bradley Sherburne, Chair

450 Seventh Avenue, Suite 2109  
Manager  
New York, NY 10123-2199  
212.465.0907 f-212.465.1628

Marisa Maack, District

July 17, 2024

Daniel Garodnick  
Chair of the City Planning Commission  
22 Reade Street  
New York, NY 10007

**Re: 520 Madison Avenue, an application to allow design changes and an open air café within an existing plaza on 53rd Street between Madison Avenue and 5th Avenue**

Dear Chair Garodnick:

At the regularly scheduled monthly Community Board Five meeting on Thursday, July 11, 2024, the following resolution passed with a vote of 37 in favor; 0 opposed; 1 abstaining:

WHEREAS, 520 Madison Owners, LLC and 520 Madison Venture (collectively, the “Applicant”), seeks a certification by the Chairperson of the City Planning Commission (“CPC”) pursuant to Section 37-625 of the Zoning Resolution (“ZR”) to allow for design changes that would result in a plaza that is in greater accordance with the current standards for plazas, as set forth in ZR Section 37-70 (Public Plazas); and

WHEREAS, The Applicant seeks a certification by the Chairperson of the CPC pursuant to Sections 37-624 (Kiosks and open air cafes) and 37-73(c) (Certification) to allow for an open air cafe along the storefront at the rear portion of the existing urban plaza; and

WHEREAS, The Development Site is a single zoning lot including Lots 8, 14, 59, 65, and 107 and an air parcel Lot 9059; and

WHEREAS, Lots 8, 59, and 107 are improved with pre-1961 buildings, while Lots 14, 65, and the air parcel Lot 9059 are improved with the existing building (the “Building”) at 520 Madison Avenue; and

WHEREAS, The Building is a 43-story commercial office tower that was constructed in the early 1980s and currently serves as the headquarters for the investment bank Jefferies; and

WHEREAS, The Building includes a 2,610-sf urban plaza (the “Plaza”) that has 29 feet of frontage along East 53rd Street and extends to a depth of 90 feet; and

WHEREAS, The Plaza has existing amenities which include 6 trees, 25.5 linear feet of non-compliant fixed benches without backs, 40 movable chairs, paving that is durable hard surface pavers to all site perimeter curb lines, waterwall and planters, up and down lighting at trees and south wall, 46.75 sf canopy for the retail frontage at the rear of the Plaza, and litter receptacles with 2 cubic feet capacity; and

WHEREAS, The water feature system is encased in a granite wall structure extending along the entire western boundary of the Plaza, which structure adjoins the party wall; and

WHEREAS, The existing cobblestone pavement throughout the Plaza is not ADA-compliant; and

WHEREAS, The Plaza does not have an adequate drainage system; and

WHEREAS, The proposed design changes include a designated eight-foot-wide pedestrian circulation path within the boundaries of the Plaza in compliance with the plaza standards; and

WHEREAS, The proposed design changes include permitted obstructions within the sidewalk frontage zones which would cover less than 50% of the area of the sidewalk frontage zone and less than 50% of the linear feet of each sidewalk frontage; and

WHEREAS, The proposed design changes will provide ADA access to the Plaza and ADA accessibility throughout the Plaza; and

WHEREAS, The proposed design changes will increase the total amount of seating from 105.5 linear feet to 158.84 linear feet, while also reconstructing the entire granite curb bordering the water feature to make the current non-compliant fixed benches, compliant; and

WHEREAS, The proposed design changes include 6 new trees planted flush-to-grade with a proper drainage system built into them; and

WHEREAS, The proposed design changes include upgrading and installing new lighting fixtures throughout the Plaza for illumination of the Plaza and adjacent sidewalks; and

WHEREAS, The proposed design changes include one double-sided bike rack located on the sidewalk along East 53rd Street; and

WHEREAS, The proposed design changes include a new combined entry and information plaque provided within five feet of the East 53rd Street street line; and

WHEREAS, The Applicant is not offering public wifi as a part of this proposal but will consider the request; and

WHEREAS, The Open Air Cafe (the “Cafe”) would be located in front of the retail storefront at the rear boundary of the Plaza and comprise 333.82 sf in area (12.79% of the Plaza area) and include 24 movable chairs and 12 movable tables, as well as a litter receptacle (none of the movable chairs within the Cafe would count toward the minimum linear feet of seating required in the Plaza); and

WHEREAS, The Cafe would be an outdoor extension of a white tablecloth restaurant inside the Building; and

WHEREAS, The Cafe would be open to the sky except for umbrellas and heat lamps and would not encroach into any required circulation paths; and

WHEREAS, The Café will not be open to the public when the restaurant is open; and

WHEREAS, The Café will not allow public bathroom access; and

WHEREAS, the Applicant is not willing to concede on CB5’s request that the Cafe tables and chairs be accessible for all, with signage stating that, and for public restrooms; and therefore, be it

**RESOLVED**, Community Board Five recommends denial of the application for design changes and an open air café and requests that the Chair of the City Planning Commission demand that open air café seating at the Plaza be open to the public without need for purchase, and have access to the bathrooms inside the Building.

Sincerely,



Bradley Sherburne, Chair CB5



Aaron Ford, Land Use, Housing and Zoning Committee Chair

Cc: Hon. Mark Levine, Manhattan Borough President