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Land Use, Housing & Zoning

March 2022, Land Use, Housing & Zoning Committee



835 6th Avenue, an application requesting Department of City Planning Chair Certifications to allow for design changes to an existing plaza and allow for an Open Air Café at 835 6th Avenue (between 30th/31st Sts.).

At the regularly scheduled monthly Community Board Five meeting on Thursday, March 10, 2022, the following resolution passed with a vote of 37 in favor; 0 opposed; 1 abstaining:

WHEREAS, 835 6th Avenue Master, L.P. % DLJ Real Estate Capital Partners (the "Applicant"), is requesting a certification pursuant to sections 37-624 and 37-73(c) of the Zoning Resolution to allow modifications of seating, planting, water features, and lighting throughout the plaza and relocation of the Open Air Café to the clustering of tables instead of a linear arrangement at 835 Sixth Avenue, Blocks 805, Lots 67, 71 and 1101-1106 and

WHEREAS, A certification for this urban plaza was initially submitted in 2006 and executed in 2007; and

WHEREAS, A subsequent notice of certification to modify the plaza was filed and the modified plaza was completed in 2011; and

WHEREAS, The current application, which has been submitted to DCP for approval was ready to file in 2020 but delayed until 2021 since the hotel that operates the POPS was shut down due to COVID; and

WHEREAS, The compliance report as of May 2021 noted that the plaza was non-compliant with seating, lighting, litter receptacles, bike racks and additional amenities; and

WHEREAS, Many homeless people began to gather in the plaza during the COVID pandemic; and

WHEREAS, Closure of the plaza was permitted by the DOB because the hotel, which is attached to the plaza closed in March 2020 due to COVID; and

WHEREAS, The plaza currently has a non-functioning water element leaking in to a parking garage below and is unable to maintain many of the original plantings along with non-operational lightning which has never been completed; and

WHEREAS, The water feature will be updated to gurglers, the lighting and the planters will be replaced, and the broken pavement will be repaired; and

WHEREAS, It is unclear whether signage will be placed to indicate to the public that the tables and chairs may be used without purchase by the public as required by CB5; and

WHEREAS, The hours of operation for the bathroom and other signage for the bathroom off the POPS in the plan were unable to be ascertained; and

WHEREAS, No additional table and chairs are being added but the layout for the existing sidewalk café will be reconfigured from a linear arrangement against the building to a more central location in the plaza to offer better views of a giant video screen installed as part of the plaza design against a wall westward, and to allow for socialization; and

WHEREAS, The video screen operated by the hotel was originally part of the initial POPS application and was intended to display art; and

WHEREAS, The Applicant has used the screen to project sports events, causing tremendous noise, unruly gatherings of patrons in the café, and overall nuisance to the surroundings; and

WHEREAS, The Applicant has not complied with restrictions on the use of the screen as originally approved; and

WHEREAS, No security plan was provided;

WHEREAS, The Applicant has appeared numerous times in front of the PSQL committee of CB5 to address noise and unruly conduct as part of a set of liquor licenses, and has been uncooperative to the greatest extent; therefore, be it

RESOLVED, Community Board Five recommends denial of the application for modifications of seating, planting, water features, and lighting throughout the plaza and relocation of the Open Air Café; and be it further

RESOLVED, Community Board Five urges the Applicant to:

- permanently remove the screen,
- provide and present to CB5 a detailed security plan in consultation with the NYPD,
- provide public accessibility signs for the bathroom,
- address security and hours of the bathroom, and
- include signage, which indicates that tables and chairs may be used by the public without a purchase; and be it further

RESOLVED, CB5 urges the Applicant to work diligently and collaboratively with the PSQL committee of CB5 and the immediate community on the issuance of liquor licenses for the café within the plaza as well as the sidewalk café.



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