

**IN THE MATTER OF** an application submitted by the Department of Transportation, pursuant to Section 197-c of the New York City Charter, for a major concession to Fordham Road Business Improvement District at Fordham Plaza bounded by East Fordham Road, Third Avenue, and East 189th Street in the Borough of the Bronx, Community District No. 6

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The City of New York Department of Transportation (“NYCDOT”) filed an application on March 17, 2015 seeking approval for a major concession to the Fordham Road Business Improvement District (BID). The proposed action will facilitate the management and maintenance of Fordham Plaza in The Bronx, Community District No. 6.

## **BACKGROUND**

The proposed concession agreement would cover the approximately 75,000 square feet area of Fordham Plaza which is located at East Fordham Road, Third Avenue, and East 189th Street. NYCDOT, through the New York City Department of Design and Construction, is reconstructing the Plaza and its surrounding streets, through which 41,000 daily bus users and 11,000 daily Metro North passengers access one of New York City’s busiest multi-modal transit facilities. The capital project has thus far reconfigured the roadways surrounding the Plaza, and enhanced bus circulation, operation, efficiency, and safety in and around the Plaza. In addition to its safety, pedestrian-circulation, and air-quality benefits; the Plaza, when completed, will boast significant quality-of-life enhancements: significantly more plantings and trees, much more public seating, and five sub-concession structures. Construction is expected to be completed in the fall, 2015.

Land uses surrounding Fordham Plaza include a variety of retail uses, Fordham University's Rose Hill Campus, and mid- to high-density office uses. Fordham Plaza is within the boundaries of the Fordham Road Business Improvement District ("BID"), which contains significant retail activity along Fordham Road between Third Avenue and University Avenue. Directly adjacent to the plaza are large national retailers, office uses, and a grocery store. The Fordham Metro North Station is located across Fordham Road to the north.

Zoning in the surrounding area is mapped primarily with high density commercial districts. A C4-4 district is mapped on the eastern and western boundary of the Plaza and a slightly higher density C4-5X district is mapped to the south. The Metro North Station and the Fordham University campus to the north are zoned R6.

NYCDOT intends to enter into a concession agreement with the BID. The BID's boundaries were recently expanded to include the streets encompassing the Plaza through Local Law 68 of 2014, making it an appropriate partner with DOT. The purpose of creating the major concession is so that the BID can use concession revenue to operate, maintain, and manage the Plaza.

The concession agreement that the BID and DOT intend to negotiate would permit the BID to engage in revenue-generating activities, such as entering into competitively procured subconcession agreements including food and public outdoor market subconcessions; accepting gifts and sponsorships; and coordinating special events at the Plaza (all of which must receive

NYCDOT approval and/or approval from the City's Street Activity Permit Office). The proposed major concession is intended to provide activities that will complement the existing uses of the Fordham Road Shopping district and the surrounding area. Funding from the proposed concession activities must be used solely for the provision of services within the Fordham Plaza Concession area.

The term of the concession agreement will be five years and include four one-year renewal options, which may be exercised at the City's sole discretion. Currently, there are similar concession agreements between NYCDOT and not-for-profit plaza partners for the maintenance, operation and management of ten pedestrian plazas throughout the city.

## **ENVIRONMENTAL REVIEW**

This application (C 150301 MCX) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.* and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 15DOT011X. The lead agency is the City of New York Department of Transportation.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on December 12, 2014.

## **UNIFORM LAND USE REVIEW**

This application (C 150301 MCX) was certified as complete by the Department of City Planning on April 20, 2015, and was duly referred to Community Board 6 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

### **Community Board Public Hearing**

Community Board 6 held a public hearing on this application on June 10, 2015 and by a vote of 21 to zero, adopted a resolution recommending approval with the following conditions:

1. That the promotion and participation of events should include Community Board 6 businesses, organizations, schools and constituents; and that activities be submitted to Community Board 6.
2. That all permits should be reviewed by Community Board 6 and must comply with the rules of the city's Street Activity Permit Office (SAPO).
3. The BID should create an Advisory Board which should include a Community Board Six Member.

### **Borough President Recommendation**

This application was considered by the Borough President, who held a public hearing on June 12<sup>th</sup> 2015 and issued a recommendation approving the application on July 10, 2015.

### **City Planning Commission Public Hearing**

On July 15, 2015, (Calendar No. 1), the City Planning Commission scheduled a public hearing for August 5, 2015 on this application (C 150301 MCX). The hearing was duly held on August 5, 2015 (Calendar No. 17). There were three speakers in favor of the application and none in opposition.

The two representatives from DOT, including the Plaza Program Director, described the concession area site plan and indicated their intention of entering into a concession agreement with the BID. The Plaza Program Director described the NYCDOT plaza program and addressed the proposed terms of the concession agreement. The speakers described the relationship DOT has with its concessionaires across the city, which includes strong oversight and the right to terminate subconcession agreements that are not meeting the standards of the program.

The representative from the BID provided an overview of the planned programming for the concession area and indicated their strong relationship with Community Board 6. The speaker provided an overview of the intended process to attract diverse subconcessions which meet the needs of the Fordham Road corridor.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that the application by the City of New York Department of Transportation for a major concession is appropriate.

The concession area encompasses Fordham Plaza which is approximately 75,000 square feet and is located at East Fordham Road, Third Avenue, and East 189th Street in The Bronx, Community District 6. The proposed action would grant a major concession to the Fordham Road BID to support the maintenance and management of this significant Plaza which, in addition to being a neighborhood open space resource, serves 41,000 bus users and 11,000 daily Metro North passengers daily in one of New York City's busiest multi-modal transit facilities.

The Commission acknowledges that DOT stated at its public hearing that with respect to the Community Board's concern regarding permitting within the concession area, all permits are required to be reviewed by the Street Activity Permit Office. The Fordham Road BID also indicated at the public hearing that the BID currently coordinates closely with Bronx Community Board 6 and a member of the Community Board sits on the BID board. The BID representative stated that they will continue to coordinate closely with Bronx Community Board 6 regarding programming and subconcessions for the plaza.

The term of the concession agreement is five years with four one-year renewals. The concession agreement is subject to review by the Franchise Concession Review Committee however, the subconcession agreements are not. DOT indicated that they have the right to terminate subconcession agreements at any time and will monitor the subconcession selection process going forward. DOT further stated at the Commission's public hearing that they will maintain oversight of any future subconcession agreements and will work closely with the BID to ensure

subconcession programming complements existing retail uses and meets community needs, which could include neighborhood cultural opportunities. DOT further stated that the BID would be responsible for maintenance of both BID sponsored and community sponsored events occurring within the Plaza, working closely with the BID and event sponsors to clean up after events.

DOT established its Plaza Program to provide for the maintenance, operation and management of plazas under its jurisdiction. Concession agreements with not-for-profit organizations help provide services such as programming and landscaping, sweeping/trash removal, cleaning, maintenance, and snow removal. Since the Plaza Program's funding does not include on-going funding for the management and maintenance of these plazas, the concession agreement allows their partners certain revenue generating opportunities that may only be used to offset annual expenses. Approval of this major concession will allow funding from the revenue-generating activities conducted in the concession area to be used by the Fordham Road BID for the maintenance, operation, and management of the Fordham Road Plaza.

## **RESOLUTION**

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c of the New York City Charter, that based on the environmental determination, and the consideration described in this

report, the application (C 150301 MCX) submitted by the Department of Transportation, pursuant to Section 197-c of the New York City Charter, for a major concession to Fordham Road Business Improvement District at Fordham Plaza bounded by East Fordham Road, Third Avenue, and East 189th Street in the Borough of the Bronx, Community District No. 6 is approved.

The above resolution (C 150301 MCX), duly adopted by the City Planning Commission on September 9, 2015 (Calendar No. 4), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

**CARL WEISBROD**, *Chairman*

**KENNETH J. KNUCKLES**, *Esq.*, *Vice Chairman*

**RAYANN BESSER, IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III,**

**MICHELLE DE LA UZ, JOSEPH I. DOUEK, RICHARD W. EADDY,**

**CHERYL COHEN EFFRON, ANNA HAYES LEVIN,**

**ORLANDO MARIN, LARISA ORTIZ** *Commissioners*



**BOROUGH PRESIDENT  
RECOMMENDATION**

**CITY PLANNING COMMISSION  
22 Reade Street, New York, NY 10007  
Fax # (212)720-3356**

**INSTRUCTIONS**

- 1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
- 2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

**APPLICATION # C 150301 MCX**

**DOCKET DESCRIPTION-PLEASE SEE ATTACHMENT FOR DOCKET DESCRIPTION**

**COMMUNITY BOARD NO. 6**

**BOROUGH: BRONX**

**RECOMMENDATION**

- APPROVE**
- APPROVE WITH MODIFICATIONS/CONDITIONS (List below)**
- DISAPPROVE**

**EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (Attach additional sheets if necessary): PLEASE SEE ATTACHMENT FOR THE BOROUGH PRESIDENT'S RECOMMENDATION**

*Robert D. J.*  
BOROUGH PRESIDENT

*7/9/15*  
DATE

**BRONX BOROUGH PRESIDENT'S RECOMMENDATION**  
**ULURP APPLICATION NO: C 150301 MCX**  
**Fordham Plaza Major Concession**  
**July 10, 2015**

**DOCKET DESCRIPTION**

**IN THE MATTER OF** an application submitted by the Department of Transportation, pursuant to Section 197-c of the New York City Charter, for a major concession to Fordham Road Business Improvement District (BID) at Fordham Plaza bounded by East Fordham Road, Third Avenue, and East 189<sup>th</sup> Street.

**BACKGROUND**

Approving this application will facilitate the establishment of a major concession agreement as pertaining to Fordham Plaza. This major concession agreement will be between the New York City Department of Transportation which has direct jurisdiction of Fordham Plaza and the Fordham Road Business Improvement District (BID) whose boundaries include Fordham Plaza. Pursuant to ULURP, this review is necessary given that the size of Fordham Plaza exceeds 42,000 feet and is in fact 75,000 square feet. Fordham Plaza is located on the south side of Fordham Road, bounded by Third Avenue on the east, Webster Avenue on the west and East 188<sup>th</sup> Street to the south.

Fordham Plaza is sustaining a complete and total reconstruction, the cost of which is anticipated to be \$25 million. Completion of construction will occur in the Fall 2015. Highlights of this construction project include:

- 1) Installation of standard Department of Transportation pavers and lighting to minimize ongoing maintenance costs
- 2) Extensive use of LED-street lighting and pedestrian lighting to improve security and enhance evening use of the plaza
- 3) Improved access to railroad and bus services as available at Fordham Plaza
- 4) Reconfiguration of roadbeds to improve traffic flow and expand pedestrian use of Fordham Plaza

Amenities to be included:

- 1) 68 trees
- 2) 548 shrubs
- 3) 734 perennial flowering plants
- 4) 30 moveable tables
- 5) 120 moveable chairs
- 6) 2 reduced pressure water valves for on-site maintenance and plant care

Metro North Commuter Railroad operates and maintains commuter railroad services below Fordham Plaza. Bus transportation operating on Fordham Road includes Transit Authority bus routes serving The Bronx, plus Bee-Line Bus Transit which connects Bronx commuters to destinations in Westchester County. Subway service is available on the Grand Concourse, approximately five blocks west of Fordham Plaza.

Facts pertaining to Fordham Plaza include:

- 1) 80,000 pedestrians pass through Fordham Plaza daily
- 2) Fordham Road is the busiest commercial district in The Bronx
- 3) 12 major bus routes converge at Fordham Plaza accommodating 41,000 passengers daily.
- 4) SBS-12 express bus service includes a stop at Fordham Plaza
- 5) Fordham Station of Metro North is the 4 busiest station in the system serving 11,000 passengers daily
- 6) Fordham University's main campus is one block north of Fordham Plaza.

Finalization of the major concession agreement between the DOT and Fordham Road BID will result in:

- 1) The BID will assume full responsibility for maintaining Fordham Plaza. This includes:
  - o Sanitation and routine cleaning of the plaza
  - o Snow removal
  - o Maintaining of all planted installations and landscaping
  - o Maintaining of all moveable furniture
- 2) The BID will assume full liability insurance costs
- 3) The BID will assume responsibility for issuing sub-concession agreements to vendors and in return realize income as paid to the BID by these concessionaires. Preliminary concessionaires include:
  - o 1 food concession
  - o 3 retail concessions
  - o A Farmers Market

In addition, the BID will be able to offer "limited sponsorship" rights to businesses. Examples include:

- o Provision of tables, umbrellas, benches which can be labeled "as provided by ..... This label cannot exceed 10 percent of the total space of the table, umbrella or bench
- o WI-FI services provided by Yahoo, etc.

Commercial events such as the showing of movies, a street fare, or concerts, can be sponsored at Fordham Plaza in return for which the BID will receive a permit fee.

- 4) The DOT will maintain infrastructure including roadbeds, pedestrian sidewalks, lighting and stairways.
- 5) Any income realized by the BID that exceeds the anticipated operating costs associated with maintaining and operating the major concession will be placed into an escrow account. These funds may only be used for expenses associated with maintaining and/or expanding the overall profile of Fordham Plaza.
- 6) The DOT will require quarterly reports as provided by the BID which will show all monetary activity.

Development of the surrounding community includes Fordham University to the north, Theodore Roosevelt High School and a "Class A" office building known as 1 Fordham Plaza to the east, commercial venues to the west. Residential development is typified by five- and six-story residences.

#### **ENVIRONMENTAL REVIEW AND ULURP CERTIFICATION**

This application was reviewed pursuant to CEQR and SEQR and received a Type II Declaration. The City Planning Commission certified this application as complete on April 20, 2015.

#### **BRONX COMMUNITY BOARD PUBLIC HEARING**

Bronx Community Board #6 held a public hearing on this application on June 10, 2015. A vote unanimous vote recommending approval of this application with modifications was 25 in favor, zero opposed, and zero abstaining. The modifications associated with this vote are attached to this document.

#### **BOROUGH PRESIDENT'S PUBLIC HEARING**

The Bronx Borough President convened a public hearing on this matter on June 12, 2015. No speakers were present and the hearing was closed.

#### **BRONX BOROUGH PRESIDENT'S RECOMMENDATION**

Fordham Plaza, Fordham Road and the Fordham Road Business Improvement District together represent one of the most important assets to The Bronx and indeed the City. Fordham Plaza serves as a junction for all forms of mass transit, including the most popular SBS bus service in New York City and the fourth busiest Metro North station in the entire service region, serving 11,000 commuters daily. Additionally, this plaza provides a pedestrian passage way for over 80,000 people per day, and a public space that caters to the thousands of residents and tourists alike. Fordham Road is one of New York City's busiest commercial hubs, offering essential east-west access across the borough. The Fordham Road Business Improvement District (BID) represents some of the most successful locally owned retail outlets and professional offices in Bronx County.

I believe that it is entirely appropriate that the Fordham Road BID and the City's Department of Transportation resolve and establish a major concession to be installed on Fordham Plaza. This binding agreement will allow the BID to realize income from the minor concessions that will be located on the plaza, while also maintaining the plaza in a manner most appropriate for such a central location.

I recommend approval of this application.





**THE CITY OF NEW YORK  
BRONX COMMUNITY BOARD 6**

**1932 Arthur Avenue, Room 709, Bronx, NY 10457**

**Telephone: (718) 579-6990 Fax: (718) 579-6875 Email: brxcb6@optonline.net**

*Honorable Ruben Diaz Jr., Bronx Borough President*

**MS. WENDY RODRIGUEZ**  
Board Chairperson

**MS. IVINE GALARZA**  
District Manager

**I. IN THE MATTER OF UNIFORM LAND USE REVIEW PROCEDURE  
APPLICATION 50301MCX.**

**Bronx Community Board #6 approved the application with the following  
Modifications/Conditions:**

- **That the promotion and participation of events should include Community Board 6 businesses, organizations, schools and constituents; and that activities be submitted to the Community Board District 6.**
- **That all permits should be reviewed by the Community Board 6 and must comply with the rules of the city's Street Activity Permit Office (SAPO).**
- **The BID should create an Advisory Board which should include a Community Board Six Member.**

*Honorable Ritchie Torres,  
City Council Member, 15<sup>th</sup> Council District*

*Honorable Maria del Carmen Arroyo,  
City Council Member, 17<sup>th</sup> Council District*