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Mark Levine, Borough President

March 13, 2024

Recommendation on ULURP Application No. 240088MCM – Times Square Major Concession By NYC Department of Transportation

PROPOSED ACTIONS

NYC Department of Transportation (DOT) (the “Applicant”) is seeking a major concession in an area spanning West 41st Street to West 53rd Street along Broadway and 7th Avenue in Manhattan Community District 5. The Applicant proposes expanding the boundary of the existing 38,063-square-foot concession area along Broadway to add 214,293 square feet of additional concession area, for a total proposed major concession area of 252,356 square feet.

The new concession area would align with the existing pedestrian plaza areas in Times Square and streamline their operation and management, increase public space amenities to activate and revitalize the proposed concession area, and increase revenue - generating opportunities to fund maintenance in those areas.

BACKGROUND

DOT has multiple programs and initiatives in and around the proposed concession area. In 2007, PlaNYC called for the development or enhancement of a public plaza in every community. DOT then created its Plaza Program with the aim of having all New Yorkers living within a 10-minute walk of an open space. Starting in 2016, DOT began its Broadway Vision plan, working with five Business Improvement Districts (BIDs) to envision a plan for Broadway from Union Square to Columbus Circle that includes public space, bike infrastructure, and pedestrian enhancements.

DOT is responsible for the design and construction of new pedestrian plazas to be managed by a local pedestrian plaza partner, with the Times Square Alliance as the partner for the plazas in the Times Square area. As part of the Broadway Vision, DOT implemented slow/shared streets at West 48th to 50th Streets in 2021. DOT is currently planning plaza and amenity spaces from 41st to 42nd Streets, 47th to 48th Streets, and 50th to 53rd Streets.

In 2009, DOT and the Times Square Alliance entered into a concession agreement for a 38,063-square-foot area on Broadway and 7th Avenue between West 41st and 47th Streets. There are 10 public pedestrian plazas in the existing concession area, which the Times Square Alliance manages currently. The Alliance has also been in charge of operations and maintenance of the remaining 214,293 square feet that comprise the remainder of the concession area. Since 2009, the Alliance has spent about \$44 million on operation and maintenance of public plazas and generated about \$22 million in revenue.

Proposal

No. 240088MCM – Times Square Major Concession

The proposed action would facilitate the expansion of the existing concession area by 214,293 square feet to span from West 41st Street to West 53rd Street along Broadway and 7th Avenue, for a total concession area of 252,356 square feet. This expanded area includes six pedestrian areas along Broadway between West 47th and West 53rd Streets, expanded pedestrian space on Broadway between 41st and 42nd Streets, and sidewalks along 7th Avenue adjacent to the plazas in the existing concession area. Because this action would facilitate a concession of an area greater than 42,000 square feet, it is known as a major concession and must obtain approval through the Uniform Land Use Review Procedure (ULURP).

The existing concession agreement permits the Times Square Alliance to solicit subconcession agreements via RFP, accept gifts and sponsorships, and collect a plaza concession fee from events held within the concession area. This revenue can only be used for services provided within the plaza and amenities for the community. The expanded major concession also is required to use any subconcession revenue to support the public realm and activate the proposed concession area.

In 2017, the Franchise and Concession Review Committee (FCRC) voted to allow DOT to negotiate a new concession agreement with the Times Square Alliance. Upon receiving ULURP approval for this action, DOT will seek approval from the FCRC and the NYC Comptroller.

The Times Square Alliance has represented that they already operate and maintain the areas that would be added to the concession area. The Alliance currently has no plans for new concessions – the expanded area gives the organization the opportunity to collect revenue for events that already occur in areas they manage today.

Area Context

The concession area is located in Manhattan Community Board 5 in Midtown. The surrounding area is mainly zoned commercial, including C6-7 and C6-7T in the concession area, with commercial districts of similar density in the adjacent areas.

The area is located within the Special Midtown District, the Special Midtown Theater Subdistrict, and the Times Square Business Improvement District.

According to the Applicant, the Times Square area has 133 office buildings out of 359 total buildings, 31.5 million square feet of commercial office space, 600 retail storefronts, 39 of the city's 41 Broadway theaters, and 19,500 hotel rooms. More than half a million daily commuters use the Times Square subway stations, bus lines, and Port Authority Bus Terminal.

The concession area is well served by transit, including the N, Q, R, W, 1, 2, 3, 7, S, A, C, E subway lines, multiple bus lines, and is close to the Port Authority Bus Terminal on West 41st Street and 8th Avenue.

COMMUNITY BOARD RESOLUTION

No. 240088MCM – Times Square Major Concession

The Land Use, Housing and Zoning Committee of Manhattan Community Board 5 (CB 5) heard a presentation from the Applicant on January 24, 2024. Members of the Board expressed concerns regarding the interaction between bikes and pedestrians, the desire for siting of public bathrooms, and desire by some members to require that any proposed subconcessions be brought to CB 5 for review. DOT and the Times Square Alliance expressed that they were working to address these concerns and would continue to be engaged with CB 5.

On February 8, 2024, Community Board 5 voted to recommend approval of this major concession. The Board noted that it was pleased that the Applicant did not have plans to expand the number of concessions and thanked the Times Square Alliance for its willingness to work on accessibility concerns. The resolution noted the Board's request for DOT and the Times Square Alliance to work on enforcing pedestrian safety, maximizing accessibility in its plazas – including for the visually impaired – and that the Alliance provide CB 5 with a list of any future concessions.

BOROUGH PRESIDENT'S COMMENTS

Times Square is an iconic center of activity in Manhattan for New Yorkers and visitors alike. This major concession application will facilitate a continued partnership between DOT and the Times Square Alliance.

The Times Square Alliance has demonstrated effective management of those public spaces, working tirelessly to maintain a clean, safe, and active Times Square. I am pleased that any revenue collected from the expanded concession area will continue to be invested into the maintenance and operations of Times Square. There are events that happen outside the existing concession area that the Alliance can't collect revenue from today, and I look forward to them being able to do so in the future. Furthermore, I appreciate that while the Alliance does not currently have plans for concessions, they have committed to selecting partnerships that do not compete with existing cafes and businesses, but rather partnerships that help enhance and promote the area.

The myriad users of Times Square, which include offices, theaters, residents, commuters, tourists, pedestrians, and cyclists, create both opportunities and unique challenges. I applaud that DOT's vision for Broadway prioritizes both bike and pedestrian infrastructure, and I urge the agency to continue to consider feedback on how the public realm can best suit public needs and safety. I thank DOT and the Times Square Alliance for considering Community Board 5's concerns regarding pedestrian safety in areas where they share space with cyclists, going beyond existing accessibility requirements to ensure plazas are navigable for those with visual impairments, and potential future plans for public restrooms. The future of Times Square is bright with continued collaboration between DOT, the Times Square Alliance, and Community Board 5.

BOROUGH PRESIDENT'S RECOMMENDATION

Therefore, I recommend **approval** of ULURP Application No. 240088MCM.

A handwritten signature in blue ink, appearing to read "Mark Levine". The signature is fluid and cursive, with the first name "Mark" and the last name "Levine" clearly distinguishable.

Mark Levine
Manhattan Borough President