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Brad Hoylman-Sigal, Borough President

May 13, 2026

**Recommendation on ULURP Application No. C260123MCM
Flatiron NoMad Major Concessions
by NYC Department of Transportation**

PROPOSED ACTIONS

The NYC Department of Transportation (“DOT”) is seeking approval of a Major Concession¹ to facilitate the expansion of an existing concession area through an agreement with the Flatiron NoMad Partnership² in Manhattan, Community District 5.

The proposed concession area (“Project Area”) would expand from approximately 38,500 square feet (SF) to a total of approximately 162,000 SF to align with existing pedestrian plazas and shared streets in an area spanning 12 blocks from 19th to 31st Streets along Broadway and parts of Fifth Avenue. Approval of this application would allow DOT to enter into a new concession agreement in which the Flatiron NoMad Partnership could provide consistent operation and management of the Project Area, including public amenities and revenue-generating activities that fund ongoing maintenance of the Project Area.

BACKGROUND

In 2004, the Madison/23rd/ Flatiron/Chelsea Business Improvement District (BID) was approved to provide sanitation, security, holiday lighting, and marketing for the Flatiron neighborhood (the “District Plan”).³ In 2006, the Flatiron/23rd Street Partnership was established to implement the District Plan and oversee the activities of the BID, which are governed by a Board of Directors comprised of property owners, businesses, residents, elected officials, and community stakeholders, including representatives of Community Boards 4, 5, and 6. In 2022, the BID expanded, nearly doubling its size, rebranding as Flatiron NoMad Partnership (“the Partnership”), and

¹ Pursuant to [Chapter 7-02\(f\) of Title 62 of the Rules of the City of New York](#), a concession greater than 42,000 square feet is to be treated as a Major Concession and is subject to ULURP.

² Flatiron/23rd Street Partnership District Management Association, Inc., d/b/a the Flatiron NoMad Partnership

³ [Madison/23rd/Flatiron/Chelsea BID, business improvement district \(N 040200 BDM\)](#)

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updating its scope of services to include streetscape improvements, beautification, marketing, street maintenance, security, and homeless outreach.⁴

The early years of the Partnership coincided with commitments from DOT to create and enhance pedestrian plazas across the city to increase access to open space, enhance walkability, and support businesses.⁵ In 2008, a network of pedestrian plazas were established on Broadway in the Flatiron neighborhood as part of the Green Light for Midtown initiative,⁶ and in 2009 and 2018, DOT entered into the concession agreements with the Partnership to maintain those plazas.

In 2016, DOT launched the Broadway Vision to reimagine Broadway as a pedestrian- and cyclist-priority corridor from Union Square to Columbus Circle.⁷ Resulting interim improvements in the Project Area will ultimately be replaced by permanent capital projects along Broadway from 21st to 33rd Streets, for which DOT and the NYC Department of Design and Construction (DDC) will host public engagement sessions and seek feedback from Community Board 5 along with requisite public reviews by the NYC Public Design Commission (PDC) and NYC Landmarks Preservation Commission (LPC).

A portion of the Project Area along Broadway between 26th and 31st Streets was rezoned as part of the Midtown South Mixed-Use Plan (MSMX) in 2025, which is expected to result in substantial new housing development, particularly in the form of office-to-residential conversions. As part of the New York City Council approval of MSMX, the City committed to a series of comprehensive neighborhood investments to improve the quality of life of current and future residents and support retention and attraction of Midtown Businesses, including a commitment to complete implementation of the Broadway Vision from 21st to 33rd Streets.⁸

The initial and current concession agreements were approved by the Franchise and Concession Review Committee (FCRC) and did not require ULURP approval of a Major Concession because they cover an area less than 42,000 SF. The current concession agreement allows the Partnership to solicit sub-concession agreements via RFP with DOT approval, accept gifts and limited sponsorships, and charge fees for commercial events within an approximately 38,500 SF area, provided that the revenue generated by those activities is used to maintain only the existing concession area. In the years since the initial and current concession agreements were approved, the amount of pedestrian space maintained by the Partnership has expanded, but the concession area in which the Partnership can generate revenue to fund that maintenance has remained the same.

⁴ [Flatiron BID Expansion \(N 210199 BDM\)](#)

⁵ [PlaNYC: A Greener, Greater New York \(2007\)](#).

⁶ [Green Light for Midtown Evaluation Report \(2010\)](#)

⁷ [Broadway Vision Master Plan \(2025\)](#)

⁸ [MSMX Points of Agreement \(2025\)](#)

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The 2024 approval of the Times Square Major Concession serves as a precedent for this application.⁹ That application by DOT sought to expand a concession area in Times Square from 38,000 SF to 252,000 SF along Broadway from West 41st to 53rd Streets, and was unanimously approved by CB5 without conditions, unanimously approved by the City Planning Commission, and was not called up for a vote by City Council. The ULURP approval of the Times Square Major Concession led to the FCRC approval of a concession agreement with Times Square Alliance in 2025.¹⁰

Proposed Project

The proposed Major Concession would facilitate an expansion of the existing concession area by approximately 124,000 SF, resulting in a total proposed concession area (“Project Area”) of approximately 162,000 SF comprised of existing shared streets and pedestrian plazas along Broadway from 19th to 31st Streets as well as portions of Fifth Avenue from 21st to 26th Streets.

Expanding the concession area will allow the Partnership to generate revenue in spaces it already manages while requiring that revenue to go directly back into maintenance and public programming of the Project Area. Upon receiving ULURP approval for this action, DOT and the Partnership would seek a new concession agreement from the FCRC. All sub-concessions and events within the Project Area would continue to require approval from DOT and/or the Street Activity Permit Office (SAPO).

Area Context

The Project Area is located in the Flatiron and NoMad neighborhoods of Manhattan Community District 5 and City Council Districts 2 and 3. The surrounding area zoning allows for high-density mixed-use development (C5-2, C5-3, C6-4M, C6-4X, M1-8A/R11, M1-8A/R12 and M1-5M). The Project Area is partially located in the Midtown South Mixed-Use District, the Madison Square North Historic District, and the Ladies’ Mile Historic District.

The area is well-served by transit, with the R and W subway lines along Broadway, the F and M subway lines and PATH train along 6th Avenue, and numerous buses¹¹ providing service across Manhattan and to Queens. The area is recognized globally for innovative pedestrian-first street design, including public plazas, shared streets, a protected bike boulevard, open streets with outdoor dining, and public art installations, all of which are maintained by the Partnership. The area’s prominent public open spaces include Madison Square Park, Flatiron North and South Plazas, NoMad Piazza, and numerous Privately Owned Public Spaces, together exemplifying a range of public-private partnership models for open space operations and maintenance.

⁹ [Times Square Major Concession \(C 240088 MCM\)](#)

¹⁰ FCRC Public Meeting Disposition Sheet, Wednesday January 15th, 2025

¹¹ Buses include the M1, M2, M3, M55, M23 SBS, M7, M5, and Q32

COMMUNITY BOARD RESOLUTION

On February 18, 2026, the Land Use Committee of Manhattan Community Board 5 (“CB5”) voted to recommend approval of the project with conditions. At the March 12, 2026 full board meeting of CB5, the resolution was sent back to the Land Use committee.

On March 18, 2026, the CB5 Land Use Committee revisited their previously approved resolution in conversation with the Councilmember representing the 2nd District, and added additional conditions related to sustainability and events. On April 9, 2026, the Full Board of CB5 voted 31-1-1 to recommend approval of this application with the following conditions:

“Community Board Five emphasizes that the following priorities should be incorporated into both the design and operation of the expanded concession area:

1. Pedestrian Safety

- Permanent, clearly defined separation between pedestrian areas and planned two-way bike paths;
- Physical protection rather than flexible delineators;
- A 5 mile-per-hour speed limit on shared streets where applicable.

2. Circulation Improvements

- Relocation of the CitiBike station between 29th and 30th Streets to improve pedestrian flow and reduce conflicts.

3. Kid-First Public Realm Commitments

- Implementation of the MSMX “Kid-First Play District” concept between 22nd and 25th Streets, including family-friendly design elements such as water play, seating, fitness areas, and accessible restrooms.

4. Public Bathroom Access

- Incorporation of publicly accessible bathroom facilities within the concession area as part of the capital plan or operational framework;
- Evaluation of multiple delivery models, including standalone units, integration into adjacent buildings, or structured partnerships with nearby businesses;
- Commitment to ongoing maintenance, cleanliness, and accessibility standards;
- Use of concession revenues, where permissible, to support operations and maintenance of such facilities.
- Community Board Five considers public bathroom access integral to the safety, equity, and functionality of these public open spaces.

5. Guardrails Against Over-Commercialization

- Clear limits on sponsorships and marketing activations;

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- Preservation of the civic character of the public open spaces;
 - Continued adherence to sponsorship caps (currently 10%) and limited activation frequency.
- 6. Balanced Public Use of Space**
- Apply the 50% cap on concession seating to the high-density areas from 21st to 27th Streets and a 35% cap outside these areas;
 - Placement of concession seating adjacent to building frontages to minimize cross-traffic conflicts and preserve clear pedestrian pathways.
 - Provide notice delineating public and private seating areas.
 - The Partnership should include in its security program controls over noise in the concession area such as buskers and boom boxes.
- 7. Green Infrastructure & Utilities**
- Maximization of sustainable plantings, permeable materials and stormwater capture, within subsurface constraints;
 - Installation of permanent underground electric, water, and sewer connections to eliminate gas-powered generators and reduce tripping hazards.
 - Install publicly available bottle refill stations and water fountains at every kiosk and require concessionaires to maintain them
- 8. Transparency & Continued Engagement**
- Continued quarterly reporting and annual audits under the concession agreement;
 - Ongoing engagement with Manhattan Community Board Five regarding material operational changes and design refinements.
- 9. Sustainability**
- Prohibit concessionaires from offering single-use plastic items
 - Install recycling and composting receptacles in the area and maintain collection
 - Educate public on how to correctly dispose of waste including by providing information on what is compostable and recyclable
 - In coordination with the Street Activity Permit Office (SAPO), track the conformance with environmental obligations including noise by permittees for temporary activations in the concession area, Madison Square Park and surrounding streets.
- 10. Provide Opportunities for Non-profit Organizations in Public Space**
- Events held within the area should set aside up to 25% of the active space for non-profits and community-based organizations to provide tabling, programming and information..."

BOROUGH PRESIDENT'S COMMENTS

Streets play a critical role in Manhattanites' quality of life, and decades of innovations along Broadway from 14th Street to Columbus Circle have demonstrated that they are capable of much more than just moving and parking cars. Protected bike lanes, public art installations, outdoor cafés, lush plantings, and clean, comfortable places to rest are all amenities we've come to expect as part of the infrastructure of our streets from Broadway and beyond, and the city is better for it. There is more work to be done. Manhattan's lack of public restrooms and water fountains, increasingly severe weather, and overflowing litter baskets are just a few examples of challenges that could be addressed, in part, by better use of our streets.

Such challenges cannot be solved by capital investment alone - they require long-term maintenance. This application for a Major Concession serves as a reminder that innovative designs require innovative governance, and that public-private partnerships are behind some of Manhattan's most dynamic, accessible, and well-maintained public plazas. Since 2008, DOT has used concession agreements with plaza partners to manage public spaces throughout the city and give them the attention they need to be successful. Concession agreements outline the terms for operation and management of public spaces, including that any revenue raised through concessions must go directly back into their operation and management.

For nearly twenty years, the Flatiron NoMad Partnership has successfully managed concessions on a small portion of Broadway's plazas while serving as a maintenance partner for a growing number of public spaces within city streets. This application would align the Partnership's concession area with the full extent of existing public spaces they already maintain. For example, outdoor seating and dining exists today on Broadway from 25th to 27th Streets, an area that the Partnership maintains but is not permitted to manage, enforce rules, or collect revenue within. The expanded concession is also well-timed to align with DOT's Broadway Vision, which will solidify many of the successful interim improvements in the district as full-fledged Capital Projects in the coming years.

The scope of the Major Concession ULURP application is limited to the appropriateness of the size and location of the proposed concession agreement, which would subsequently be subject to FCRC approval. The FCRC, through a public hearing and public meeting, would review and consider the scope of the agreement, including the services provided by, and the requirements and responsibilities of, the plaza partner. Meanwhile, implementation of DOT's Broadway Vision and any other capital projects would continue to be subject to public review by the PDC and/or LPC, with opportunities for public feedback on streetscape design. Finally, all individual sub-concessions and events in the area would continue to require approvals from DOT and/or SAPO.

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I appreciate that in expressing support for this application, CB5 also acknowledged the importance of public accountability and guardrails to protect against over-commercialization. These conditions align with many borough-wide priorities, and I encourage DOT, the FCRC, SAPO, and other involved agencies to include them in subsequent approval processes. I join CB5 in calling for DOT to prioritize pedestrian safety, public restrooms, water fountains, and green infrastructure and utilities in upcoming Broadway Vision capital improvements. I also wholeheartedly support their proposals to ensure that concessions and events follow environmental sustainability practices that reflect the City’s climate goals, and I urge DOT and SAPO to incorporate sustainability requirements into their approval processes not just in the Project Area, but across the city.

The Flatiron NoMad Major Concession will help solidify Broadway as a premier public space by creating reasonable new revenue-generating opportunities to fund its long-term stewardship. I am eager to support this application and to work with DOT, FCRC, SAPO, BIDs, Community Boards, and Councilmembers to explore additional ways to enliven streetscapes and public spaces throughout the borough.

BOROUGH PRESIDENT’S RECOMMENDATION

Therefore, I recommend **approval** of ULURP Application No. C260123MCM **with the following conditions**:

- 1. Concession Agreement** – In collaboration with the FCRC, incorporate environmental sustainability measures in the concession agreement, including limitations on single-use items, and provisions to encourage composting and recycling;
- 2. Sub-Concessions and Events** – Ensure community participation and public accountability through the permitting and operations of sub-concessions and events by providing dedicated spaces for non-profit programming, remaining responsive to community concerns, and when conflicts arise, prioritizing accessibility and inclusivity of public space; and,
- 3. Broadway Vision Capital Plan** – In addition to pedestrian safety improvements, explore feasibility of incorporating public restrooms, water fountains, green infrastructure, and utility hookups for sub-concessionaires in upcoming Broadway Vision capital improvements.



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Manhattan Borough President