

## CITY PLANNING COMMISSION

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July 9, 2014/Calendar No. 5

N140359 BDX

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**IN THE MATTER OF** an application submitted by the Department of Small Business Services on behalf of the Fordham Road Business Improvement District pursuant to Section 25-405(a) of Chapter 4 of Title 25 of the Administrative Code of the City of New York, as amended, concerning the expansion of the Fordham Road Business Improvement District, Community District 6, The Bronx.

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On April 3, 2014 the Mayor authorized an amended district plan for the Fordham Road Business Improvement District (BID). On April 22, 2014, on behalf of the Fordham Road District Management Association (DMA), the Department of Small Business Services (DSBS) submitted the amended district plan for the BID, located in Community Districts 6 in the Borough of The Bronx.

### **BACKGROUND**

The Fordham Road BID was established in 2005 and is located in the northwest section of the Bronx. Spanning Community Districts 5, 6 and 7, the District is comprised of the regional commercial center for the West Bronx, a strip that runs from Jerome Avenue on the west to Third Avenue on the east, and also includes Fordham University. Fordham Road is the longest and largest retail corridor in the Bronx in terms of both sale volume and size, containing over 300 businesses in a 14 block area. Retail tenancy is characterized by a mixture of small independent shops as well as national and regional chain stores.

The proposed expansion to the Fordham BID will integrate two lots, located in Community District 6, into its security, sanitation and promotion services. The expansion area includes E. Fordham Road from Third Avenue to Washington Avenue; Washington Avenue from E. Fordham Road to 189<sup>th</sup> Street; and 189<sup>th</sup> Street from Washington Avenue to Park Avenue. One

Fordham Plaza, a 14-story office building opened in 1986, is located within the expansion area. At the time of its construction, it was the first new office building in the Bronx in 25 years and contributed to the economic rebirth of Fordham Road. Major retail tenants of One Fordham Plaza currently include Applebee's, TJ Maxx, Famous Footwear, Party City and Subway; office tenants consist of several State and City government agencies including City Planning's Bronx Borough Office, as well as Montefiore Hospital. Fordham Plaza is currently under renovation; there are plans for retail and vendor kiosks, a café building and public seating. It is the intention of the Fordham BID to enter into an agreement with the City to take over the management of the property.

The existing District contains just under 80 properties owned by 55 individuals or corporations. Currently, the retail vacancy rate in the district is less than 4%. The majority of the properties are wholly commercial, however, there is one mixed-use property in the BID containing just over 50 housing units and there are several not-for-profit and educational institutions, including Fordham University, Monroe College, CUNY on the Concourse, the health care workers union 1199, The Bronx Public Library and various healthcare facilities associated with Bronx medical facilities.

The BID proposes a budget of \$670,000 dollars, a modest increase from its present budget of \$625,000. The budget for the expanded BID projects \$245,000 for Maintenance and Sanitation services; \$75,000 for Marketing, Promotion and Holiday Lighting; \$8,000 for Economic Development/New Initiatives and \$20,000 for Security. General administration is budgeted by the BID at \$309,000, and \$13,000 is allotted for Contingency.

The individual assessment rate for each property owner is based on a complex formula comprised of three separate rates, each dependant on the total assessed value of the BID. All properties in whole or in part devoted to commercial uses, including those that are vacant, are assessed at not

more than \$23 per individual property linear front foot (FF) plus not more than 2.3 cents per one thousand dollars of assessed valuation (AV) plus not more than 5.2 cents per commercial square foot.

The BID proposes as part of its expansion that a cap be put on assessments so that the maximum amount that any individual commercial property shall pay should not exceed \$45,000 a year when the total BID assessment is \$670,000. Government and not-for-profit owned property devoted to public or not-for-profit use are exempt from district assessment.

There is a wide range of annual BID payments for the \$670,000 budget. The lowest assessment payment is projected to be just under \$700. The Amended District Plan caps the highest possible payment at \$45,000 per year. The average annual BID payment for the 71 properties that contribute to the budget is projected to be \$9,436.63 per year while the median payment is \$6,220.57. The proposed additional properties would pay a total of \$45,000 to the BID; City owned Fordham Plaza is exempt from financial contribution due to its public ownership, and One Fordham Plaza would pay the maximum amount of \$45,000 annually.

The BID conducted extensive community outreach for this expansion by hosting numerous public meetings and presentations with area stakeholders. Full support from the property owners, commercial /retail tenants, local elected officials, community boards, and other community partners within the expansion area was garnered.

## **ENVIRONMENTAL REVIEW**

The district plan 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 State Code of

Rules and Regulations, Section 617.00 et seq., and the New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 13SBS005M. The lead agency is the Department of Small Business Services.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on March 14, 2014.

### **LAND USE REVIEW**

On April 22, 2014 the Department of Small Business Services submitted an amended district plan for the Fordham Road Business Improvement District (BID) to the Department of City Planning. The plan was then transmitted for review to the Office of the Mayor, Office of the Bronx Borough President, City Council Speaker, City Council Member of Council Districts 14 and 15 and Bronx Community Boards 5, 6 and 7.

### **Community Board Public Hearing**

On May 14, 2014, Community Board 6 held a hearing and voted unanimously in favor of the expanded district plan with a comment that their continued support is contingent on the Fordham Road BID informing the Board of its plans to sponsor or authorize special events and activities within the expansion area, particularly if events are likely to require municipal resources.

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

On May 21, 2014 (Calendar No. 2), the Commission scheduled June 11, 2014 for a public hearing on the district plan. On June 11, 2014 (Calendar No. 15), the hearing was duly held.

There were two speakers in favor of the proposal and none in opposition. Those who testified in favor included the Executive Director of the BID, as well as a property owner who serves as the Chairperson of the BID. Both speakers summarized the current state of the BID and the projects it has undertaken. The Executive Director of the BID discussed the expansion area and detailed public outreach efforts and the support garnered for the amendment. The Chairperson and BID property owner discussed the positive impact of the BID on the commercial corridor.

There were no other speakers and the hearing was closed.

### **CONSIDERATION**

The Commission believes that the proposal to expand the Fordham Road Business Improvement District in The Bronx, is appropriate.

The Commission has carefully reviewed the documents that the BID sponsor submitted regarding notification of stakeholders about the proposed BID and believes that these outreach efforts for the BID were satisfactory.

BIDs are important to the City because they promote healthy economic development for the City and help retain and attract businesses to the District.

Fordham Road is a thriving commercial street that is integral to the vitality of the West Bronx. Over the past decade, the Fordham Road Business Improvement District has been successful in contributing to the growth and management of the area. The Commission is pleased to see the District expand to include a major office building which is now becoming a major retail destination, and is hopeful that the inclusion of Fordham Plaza will attract new shoppers and visitors as well as enhance the experience of current patrons.

The Commission urges the Fordham Road District Management Association to continue to collaborate with Community Board 6 on the planning and execution of special events once a plan for the management of Fordham Plaza has been adopted.

## **RESOLUTION**

The Commission supports the proposed BID plan and has adopted the following resolution:

**RESOLVED**, that the City Planning Commission certifies its unqualified approval of the amended district plan for the Fordham Road Business Improvement District.

The above resolution duly adopted by the City Planning Commission on July 9, 2014 (Calendar No. 5) is filed with the City Council and the City Clerk pursuant to Section 25-405 of the Administrative Code of the City of New York.

**CARL WEISBROD**, *Chairman*

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

**ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.**,

**ALFRED C. CERULLO III, MICHELLE DE LA UZ, MARIA M. DEL TORO, JOSEPH I. DOUEK,**

**RICHARD W. EADDY, ANNA HAYES LEVIN, ORLANDO MARIN**, *Commissioner*

**N140359BDX**

**AMENDED DISTRICT PLAN FOR THE FORDHAM ROAD**  
**BUSINESS IMPROVEMENT DISTRICT (BID)**

[DISTRICT PLAN  
FOR THE  
FORDHAM ROAD  
BUSINESS IMPROVEMENT DISTRICT]  
IN THE CITY OF NEW YORK  
BOROUGH OF THE BRONX

PREPARED PURSUANT TO SECTION 25-405(a) OF  
CHAPTER 4 OF TITLE 25 OF THE ADMINISTRATIVE  
CODE OF THE CITY OF NEW YORK

CITY PLANNING COMMISSION  
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I. BOUNDARIES OF THE DISTRICT

The Fordham Road Business Improvement District (the "District") is located in the northwest section of the Bronx. The District will include properties on Fordham Road between Jerome Avenue and [Third Avenue] Washington Avenue; both sides of the Grand Concourse, mid-block between Fordham Road and 192<sup>nd</sup> and mid-block between [189<sup>th</sup> Street] 188<sup>th</sup> Street and Fordham Road; Jerome Avenue, properties on the west side mid-block between [191<sup>st</sup> and] 190<sup>th</sup> Street and 192<sup>nd</sup> Street, and both sides [of Jerome Avenue] between 190<sup>th</sup> Street and Fordham Road; East Kingsbridge Road mid-block on the west side from Fordham Road and 192<sup>nd</sup> Street, and on the east side from Coles Lane to Fordham Road; Webster Avenue both sides from [mid-block on the west side between] East [188<sup>th</sup> Street] 189<sup>th</sup> Street and Fordham Road, mid-block both sides from 193<sup>rd</sup> Street to Fordham Road, and mid-block both sides from 189<sup>th</sup> Street and 188<sup>th</sup> street [and on the east side from Fordham Road to 189<sup>th</sup> Street; and 189<sup>th</sup> Street between Webster Avenue and Park Avenue] ; Park Avenue from 189<sup>th</sup> Street to Fordham Road; Third Avenue from 189<sup>th</sup> Street to Fordham Road; west side of Washington Avenue from 189<sup>th</sup> Street to Fordham Road; and north side of 189<sup>th</sup> Street between Webster Avenue and Washington Avenue as indicated on the map (the "District Map") annexed hereto as Exhibit I.

The Mayor of the City of New York, by written authorization dated April 3, 2014 (a copy of which will be annexed as Exhibit II), has provided for the preparation of this amended plan (the "Plan") pursuant to authority granted by Chapter 4 of Title 25 of the Administrative Code of the City of New York (the "Law").

## II. DISTRICT PROFILE: PRESENT USES OF DISTRICT PROPERTY

### A. DISTRICT PROFILE

The District is located in the Fordham section of the northwest Bronx. It is comprised of a major commercial strip that runs from Jerome Avenue on the west to [Third Avenue] Washington Avenue on the east. The commercial corridor targeted for the Business Improvement District consists of [approximately 260 stores] over 300 businesses stretching along a [thirteen-block] fourteen-block area and is the core commercial area of a much larger commercial retail center. The core area was selected for the proposed BID because of its continuity with respect to commercial properties and the support of the [affected] included property owners and merchants. There are no [wholly] entirely residential properties and one mixed-use property in the district.

While retail is the primary use in the District, there are several commercial buildings with offices above the ground floors, mainly at the [two] three major intersections, the Grand Concourse, Webster Avenue and Third Avenue. In addition, major institutional uses include several properties belonging to Monroe College, Fordham University and CUNY on the Concourse (a branch of Lehman College) [whose campuses front on Fordham Road]. Well-known New York City cultural landmarks, including the Bronx Zoo and the New York Botanical Gardens, are located less than a mile to the east of the District. [There are no residential buildings within the District boundaries.]

The commercial corridor attracts [tens of thousands of] over 80,000 shoppers daily as well as dozens of street [peddlers] vendors, which generates a large amount of garbage [daily] and creates unsanitary conditions. Despite these conditions, the

commercial corridor remains one of the most popular in the city and is the single largest retail center in the borough.

The District is located within Bronx Community Boards 5, 6 and 7; the 46<sup>th</sup>, 48<sup>th</sup>, and 52<sup>nd</sup> Police Precincts, and the Bronx East 5, 6 and 7 Sanitation Districts.

## B. PRESENT USES OF DISTRICT PROPERTY

### 1. ZONING

The District is primarily zoned C4-4 which allows retail and office use, except for the district's western and eastern boundaries: the west side of Jerome Avenue is zoned residential, R-6, with C1-4 and C2-4 overlays on the Fordham and Jerome frontages; and the northeast corner of Fordham and Webster, which is zoned C2-3/R-6 (Fordham University), and the southeast corner of the district, both sides of Webster Avenue from the C4-4 Fordham frontage to 188<sup>th</sup> Street, 189<sup>th</sup> Street from Webster to Park Avenues, and Park Avenue from 189 to 188<sup>th</sup> Streets, where the zoning is R7-1 with a C1-4 overlay on the west side of the street and a C2-4 overlay on the east side. (See attached map)

### 2. COMMERCIAL/RETAIL

The District contains a total of 74 properties, owned by 55 individuals or corporations. All of the properties are wholly commercial with ground-floor retail use. Currently, the retail vacancy rate in the district is less than [4%] 3.5%.

The Fordham Road commercial strip ranks as the Bronx's largest retail area, both in terms of sales volume and size. The District constitutes the core commercial area of the Fordham Road shopping area, consisting of [approximately] over 200 retail businesses.

There are over twenty national and regional retail chains stores concentrated in the District, including Sears, Best Buy, Walgreens, Marshall's, Children's Place, The Gap, Dr. Jay's, Duane Reade, and P.C. Richard & Son. Many banks either own/operate or have branches on the strip, including Bank of America, Capital One, Chase, Citibank, [Banco Popular, North Fork, Washington Mutual], HSBC, Popular Community Bank and Emigrant Savings Bank, among others. [The 250,000 square foot central anchor building located on Fordham Road at the Grand Concourse – long occupied by Alexander's, succeeded by Caldor and, more recently, a five-year period of vacancy – has recently been fully-renovated and tenanted with a strong mix of retail, office and nonprofit uses, including the above mentioned PC Richards and CUNY on the Concourse, along with an 1199 union training facility, a child care center, a Bally's Fitness gym, and clothing, wireless phone and other retail uses. It has brought new life to this focal point and has yielded many workers who are also consumers of the goods and services of the Fordham Road retail strip.]

The majority of properties in the district are one-story “taxpayers” and two-story buildings containing retail stores. There is a ten-story office tower set above the two-story Emigrant bank branch at 2530 Grand Concourse. [Emigrant occupies the former, grand Dollar Dry Dock Bank space and, with the office tower above it, is the district's only commercial condominium.] There is a five-story commercial elevator building at the center of the District (the Wagner Building located at 2488 Grand Concourse). [This property has eleven street-level stores and about three dozen tenants occupying offices above ground.] Additionally, there is Fordham Place, The Wagner Building, and 2 Fordham Square. Fordham Place is a LEED-certified 276,000 sq. ft. multilevel

retail/commercial office space building located at 400 East Fordham Road. The Wagner Building is a 4-story art deco building located at 2488 Grand Concourse. 2 Fordham Square is a 250,000 sq. ft. 4 and partial 5-story mixed use office/retail location on the intersection of East Fordham Road and Grand Concourse (2501 Grand Concourse).

The District is serviced by five indoor parking facilities [and one outdoor lot.] The only facility located within the District is the city-owned Municipal Garage at the District's western boundary. [The other five parking facilities are centrally located and immediately adjacent to the District.]

### 3. RESIDENTIAL

One mixed-use property in the proposed District contains residential tenants. However, the area surrounding the District is zoned C-4 and as such has many small to medium size multiple dwellings.

### 4. [NOT-FOR-PROFIT, INSTITUTIONS AND PUBLIC]

#### NOT-FOR-PROFIT, EDUCATIONAL, AND PUBLIC INSTITUTIONS

[The Bronx Council for Economic Development, the local development corporation serving the Fordham business community and sponsoring the BID's formation, is one of several nonprofits and institutions located within the District, including Fordham University, Monroe College, CUNY on the Concourse, 1199 and various health care facilities associated with Bronx medical facilities.] There are several nonprofit, educational, and public institutions located within the District, including: Fordham University, Monroe College, CUNY on the Concourse, 1199, The Bronx Public

Library, and various healthcare facilities associated with Bronx medical facilities. The Bronx Library Center is the largest public library in the Bronx. The \$50 million state of the art 78,000 sq. ft. facility is NYPL's first Green Building. Various City, State and Federal government agencies have branch offices located in the Fordham office buildings, particularly those providing social services. [The Fordham branch of the New York Public Library, presently located on Bainbridge Avenue just outside the District, will renovate and move into the former Con Edison facility on Kingsbridge Road.] The city-owned Municipal Garage located on Jerome Avenue just north of Fordham Road is in the District.

#### 5. TRANSPORTATION

The District is served by MTA/Metro-North (Fordham Road and Third Avenue), by the IRT #4 line (Fordham Road and Jerome Avenue), and the IND B and D lines (Fordham Road and Grand Concourse). In addition, the following bus lines run along Fordham Road: the Bx1, Bx2, Bx9, Bx17, Bx22, Bx 32, Bx41, Bx55, Bx12, Bx 24, and Bx 34, Beeline 60/61. Fordham Road (also known as U.S.1 east of Webster Avenue) is a major east-west arterial corridor, connecting the Bronx with the north/south Major Deegan Expressway/NYS Thruway and Manhattan, west of the District, and the north/south Southern Boulevard and Bronx River Parkway, east of the District.

#### 6. GENERAL COMMENTS

Fordham Road is the main shopping area for thousands of Bronx residents and workers. Its stores accommodate those who live and work in the Bronx.

For many years, property owners, business owners, commercial tenants, and residents have recognized the need to renew and maintain the vibrancy of Fordham Road and keep its competitive edge particularly with the development of new retail concentrations at Baychester, Westchester and 225<sup>th</sup> Street/Target, among others, by creating a cleaner, more attractive, and business-friendly environment.

The District falls within three community districts: Community Boards 5, 6 and 7, Bronx. (see attached map) CD 7 makes up the entire north side of Fordham Road from the Harlem River on the west to Webster Avenue on the east. The southern side of Fordham Road between Jerome and Webster Avenues falls within CD 5. The blocks east of Webster Avenue, including Fordham University, fall within CD 6.

### III. PROPOSED SERVICES

#### A. DESCRIPTION OF SERVICES

The services to be provided pursuant to this Plan (the “Services”) shall include any services required for the enjoyment, protection, and general welfare of the public, the promotion, and enhancement of the District, and to meet needs identified by members of the District. The Services shall not take the place of, but supplement those services provided by the City on a citywide basis. The Services shall be performed under the direction of the Executive Director of the Fordham District Management Association (hereinafter, “DMA”).

##### 1. STREET MAINTENANCE

The Maintenance Program may be carried out in-house or it may be contracted out. The Program may include, but shall not be limited to, manual sweeping and cleaning



of sidewalks, curbs and gutters, emptying of pedestrian trash receptacles, replacing of trash receptacle liners and preparing garbage for pickup by the City, cleaning of graffiti from street furniture including security gates, maintenance of street trees and tree pits, and snow removal at bus shelters and crosswalks. Special attention will be paid to problems of over-flowing trash receptacles, trash bags awaiting pickup being ripped open, and sanitation problems in the hours before shops open – all negatively impacting a vibrant shopping street. Posters will be removed; catch basins will receive special attention. Close coordination will be maintained with the New York City Sanitation Department, the local Community Boards, and with private carters.

It is anticipated that uniformed maintenance personnel will work seven days a week with 5-6 persons per shift. The Program will include such equipment, supplies, insurance and uniforms as are required to deliver the services. The Program may include such other maintenance services as are required from time to time to achieve a clean environment. The Program will complement but will not replace City Sanitation services.

## 2. MARKETING, PROMOTION AND HOLIDAY LIGHTING

A Marketing and Promotion Program for the District, including joint advertising, special events, festivals and publications (such as business directories, maps, etc.) may be carried out. The purpose of the Program is to increase business activity for all retailers and businesses within the District.

Holiday and seasonal decorations may include, but will not be limited to, the installation of ornaments and/or lighting in the District during holidays and the winter holiday season.

### 3. SECURITY

The Security Program may include, but shall not be limited to, unarmed patrol of the District, creation of a Neighborhood Watch and/or safety education programs. A licensed and bonded security company would work in conjunction with the local Police Precinct to provide services during weekends and holiday periods. It is not anticipated that security services will be undertaken in the first year of operation.

### 4. ECONOMIC DEVELOPMENT & NEW INITIATIVES

Economic development activities and new program initiatives may include, but shall not be limited to, operating business attraction and retention programs, operating a storefront improvement program, use of the Bronx Trolley along Fordham Road to link parking reservoirs, facilitating the creation of new parking available to Fordham visitors, creating heritage tourism links, and hiring a development consultant to identify and secure additional financial resources for Fordham Road BID program initiatives.

Additionally, The Fordham Plaza reconstruction project is anticipated to be completed sometime in the 2<sup>nd</sup> half of 2016. The Fordham Road BID is considering entering into an agreement whereby the BID would provide services, which might include but would not be limited to programming, sanitation, security, or other services as permitted by law, in the plaza.

## 5. ADMINISTRATION

Administration of the District shall be by a salaried staff (the “Staff”) which may include an Executive Director, clerical and bookkeeper support, other special staff and/or consultants that the Board of Directors may, from time to time, deem necessary. The Executive Director will oversee District Services and Improvements (hereinafter defined) as directed by the DMA Board of Directors for the benefit of the District constituency. In addition, the Executive Director will serve as ombudsman or spokesperson for the Fordham Road owners and tenants collectively and individually, as authorized by the BID’s Board of Directors and with permission of the individual owner or tenant. Administrative expenses also may include office rental, utility services, equipment, supplies and insurance, mailings to owners and tenants, and newsletters. Legal and accounting services will be contracted on an as-needed basis. When possible, in-kind services will be used.

## 6. ADDITIONAL SERVICES

Subject to any approvals and controls that may be required by a City agency having jurisdiction thereof, and in addition to the approval of the Board of Directors of the DMA, in subsequent years the District may provide such additional services as are permitted by law.

### B. IMPLEMENTATION

It is anticipated that the DMA will commence most Services during the first Contract Year (hereinafter defined).

### C. GENERAL PROVISIONS

1. All Services shall be in addition to (and not in substitution for) required and customary municipal services provided by the City on a citywide basis. Benchmarks for existing City services will be developed and monitored by the DMA.
2. All Services need not be performed in every Contract Year.
3. The staff and/or subcontractors of the DMA may render such administrative services as are needed to support performance of the Services.
4. In the event that in any given Contract Year the Sources of Funding as hereinafter described do not produce revenues equal to the Total Annual Budget Amount as hereinafter described for such Contract Year, the DMA may, subject to the Contract, as hereinafter defined, forego providing one or more or all Services in order to have revenues sufficient to pay debt service required in the budget as hereinafter defined for the Contract Year.

### IV. [III] PROPOSED IMPROVEMENTS

#### A. IMPROVEMENTS

The improvements (the “Improvements”) to be provided pursuant to this Plan may include, but are not limited to, the following, provided that any Improvements that require review and approval by an appropriate City Agency shall be submitted to that City Agency and to the affected community board(s) prior to undertaking any Improvement.

1. Sidewalk amenities to identify, enhance and beautify the District including the following proposals but not limited to:

- a. Sidewalk plantings, tree, shrubs and flowers in tubs, at grade or above ground level (i.e., on light standards)
  - b. Sidewalk logos, banners, medallions and/or plaques identifying the area of the BID as the Fordham BID.
2. Street and sidewalk amenities to improve pedestrian circulation and safety, which may include, but not limited to:
- a. Trash receptacles
  - b. Light poles
  - c. Street telephones
  - d. Signage
  - e. Key building identification
  - f. Banners and/or medallions
  - g. Gateways
  - h. Benches and/or street furniture
  - i. Parking facilities
  - j. Information boards and kiosks
  - k. New news boxes and newsstands
  - l. Street, subway and other transportation modes identification
  - m. Intersection repair

**B. IMPLEMENTATION SCHEDULE**

The Improvements may be implemented on an as-needed basis.

**C. GENERAL PROVISIONS**

1. All Improvements shall be in addition to and not in substitution for required and customary municipal improvements provided by the City on a citywide basis, benchmarks for which are presently being studied and recorded.

2. The staff and/or subcontractors of the DMA may render such administrative services as are needed to support installation of the Improvements.

## V [IV]. PROPOSED SOURCES OF FUNDING

### A. SOURCES OF FUNDING GENERAL

The proposed sources of funding for all (i) Services, (ii) Improvements, (iii) proceeds arising from indebtedness as permitted pursuant to paragraph D herein below, and (iv) administrative costs necessary to support the program contemplated under this Plan shall be the sources of funding described in paragraphs B through F (inclusive). Subject to requirements of the law, the DMA may apply all monies derived from the sources of funding permitted herein to fund any expenditure permitted under this Plan.

### B. SOURCES OF FUNDING: ASSESSMENTS

The DMA may enter into a Contract (hereinafter defined) for the purpose of having the City levy and collect and then disburse to the DMA, assessments with respect to the benefited properties. Such assessments, as described herein below, shall be defined as “Assessments.”

#### 1. GENERAL

To defray the cost of Services and Improvements in the District as herein before described all real property in the District shall be assessed in proportion to the benefit such property receives from the Services and Improvements. Each property shall be assessed an amount, that when totaled together with amounts for other properties in the District shall yield an amount sufficient to meet the District's annual budget as determined by the DMA.

The amounts assessed and levied in a given year against the benefited properties, as assessments may not exceed 20% of the total general city taxes levied in that year against the benefited properties.

## 2. SPECIFIC FORMULA

All properties as classified in the most recent New York City tax rolls and as described below as Classes A, B and C shall be assessed as follows:

### CLASS A PROPERTY – COMMERCIAL

All properties in whole or in part devoted to commercial uses including vacant land shall constitute Class A property and shall be assessed at a rate anticipated to be not more than \$23 per individual property linear front foot (FF) plus not more than \$0.0023 per dollar of individual property assessed valuation (AV) plus not more than \$0.052 per commercial square foot for the first Contract Year. Class A property shall be assessed in the following manner:

$$\text{Rate 1} = \frac{\text{40\% of the BUDGET}}{\text{TOTAL CLASS A LINEAR FF}}$$

$$\text{Rate 2} = \frac{\text{45\% of the BUDGET}}{\text{TOTAL CLASS A LINEAR FF}}$$

TOTAL CLASS A ASSESSED VALUATION

$$\text{Rate 3} = \frac{15\% \text{ of the BUDGET}}{\text{TOTAL CLASS A COMMERCIAL SQUARE FOOTAGE}}$$

$$\text{INDIVIDUAL ASSESSMENT} = \text{Rate 1 X INDIVIDUAL PROPERTY FF} + \\ \text{Rate 2 X INDIVIDUAL PROPERTY AV} + \\ \text{Rate 3 X INDIVIDUAL PROPERTY CSF}$$

[No individual property shall pay more than \$25,000 in the first year of the BID's operation.]

The maximum amount that an individual commercial property shall pay should not exceed \$45,000 a year when the total BID assessment is \$670,000. If the BID's assessment increases, the maximum amount that an individual commercial property shall pay should increase proportionally to the assessment increase and should be calculated in the following manner:

$$\underline{\$45,000 \times (\text{Total assessment of current year} / \$670,000)}$$

CLASS B PROPERTY – RESIDENTIAL

All properties, if any, devoted in whole to residential uses will be assessed at one dollar (\$1.00) per year.

CLASS C PROPERTY – GOVERNMENT & NOT-FOR-PROFIT

Government and not-for-profit owned property devoted to public or not-for-profit use shall be exempt from district assessment. They may however, choose to make voluntary annual contributions to the Fordham Road Business Improvement District's operating budget. Government or not-for-profit owned properties devoted in whole or in part to commercial or for-profit uses shall constitute Class A property and the portion devoted



to commercial/for-profit uses shall be assessed in the same manner as those properties listed as Class A properties.

C. SOURCE OF FUNDING: GRANTS AND DONATIONS

The DMA may accept grants and donations from private institutions, the City, other public and private entities and individuals, and other not-for-profit organizations.

D. SOURCE OF FUNDING: BORROWING

1. Subject to subparagraphs 2 and 3 immediately herein below, the DMA may borrow money from private lending institution, the City, other public and private entities or individuals and other not-for-profit organizations for the purpose of funding operations or Improvements.

2. The use of monies received by the DMA from the City or from any other public entity, whether in the form of a grant or as proceeds from a loan, shall be subject to (i) all statutory requirements applicable to the expenditure and use of such monies, and (ii) any contractual requirements imposed by the City (whether pursuant to contract or otherwise) or by any other public entity, as the case may be.

3. Any loans which the DMA may enter into as borrower shall be subject to Section VI of this Plan.

E. SOURCE OF FUNDING: CHARGES FOR USER RIGHTS

Subject to the approval and control of the appropriate City Agency, the DMA may, in accordance with Section IX of this Plan, impose charges as consideration for the sub-granting or sub-licensing of user rights (hereinafter defined) as such charges

and user rights are described in Section IX of the Plan.

F. SOURCE OF FUNDING: OTHER

The DMA may derive revenues from any other sources of funding not heretofore mentioned and which are permitted by law.

G. ASSIGNMENT OF FUNDING

The DMA may assign revenues from the sources of funding described in paragraphs B, C, D, E and F of this Section V for the purpose of securing loans which the DMA may enter in pursuant to paragraph D of this Section V, provided such assignments are subject to the requirements of Section VI of this Plan.

VI. PROPOSED EXPENDITURES: ANNUAL BUDGETS

A. TOTAL ANNUAL EXPENDITURES AND MAXIMUM COST OF IMPROVEMENTS

The total amount proposed to be expended by the DMA for Improvements, if any, Services and operations for the first Contract Year is \$500,000, as more fully set forth in Subsection B of this Section VI.

The total, as proposed to be expended by the DMA, for any subsequent Contract Year shall not be greater than the aggregate amount of all monies which the DMA may collect for the Contract Year in question from all funding sources permitted under Section V of this Plan. During the existence of this BID, the maximum cost of the Improvements, if any, will not exceed \$5,000,000.

B. ANNUAL BUDGET

1. [FIRST YEAR] AMENDED BUDGET

It is estimated that the annualized budget of proposed expenditures to be made during the first amended Contract Year shall be as follows:

a. SERVICES

i. Maintenance/Sanitation	\$ [235,000] <u>245,000</u>
ii. Marketing, Promotion and Holiday Lighting	\$ [75,000] <u>75,000</u>
iii. Economic Development/New Initiatives	\$ [30,000] <u>8,000</u>
i.v. Security	<u>\$20,000</u>

b. ADMINISTRATION \$ [125,000] 309,000

c. CONTINGENCY \$ [35,000] 13,000

TOTAL [FIRST YEAR] AMENDED BUDGET \$[500,000] 670,000

C. SUBSEQUENT BUDGETS

The DMA shall establish for each Contract Year after the first Contract Year, a proposed budget of Contract Year’s expenditures. Such proposed budgets shall (with respect to the Contract Years to which they respectively apply): (i) reasonably itemize the purposes for which assessment monies are proposed to be expended by the DMA; (ii) specify the amount, if any, proposed to be expended by the DMA for debt service; and (iii) set forth the total assessment amount to be expended (the “Total Annual Budget Amount”). A proposed assessment budget, whether for the First Contract Year or for a subsequent Contract Year shall be referred to as a “Budget.”

Any increase in the amount to be expended annually for improvements and services shall be adopted by local law.

D. GENERAL PROVISIONS

1. The DMA shall make no expenditure of assessment monies other than in accordance with and pursuant to: (i) a Budget for which a Total Annual Budget Amount has been approved with the City and the Directors of the DMA; (ii) any provisions in the Contract providing for the satisfaction of outstanding obligations of the DMA; or (iii) any provisions in the Contract provided in the Budget for, but expended in, a previous Contract Year.

2. The Total Annual Budget Amount shall not exceed the maximum total and annual amount which the DMA may expend for the Contract Year in question pursuant to paragraph A of this Section VI.

3. The Total Annual Budget Amount shall not be less than the amount needed to satisfy the DMA's debt service obligations for the Contract Year in question.

4. Subject to the DMA's need to satisfy its debt service obligations for the Contract Year in question, the DMA may revise the budget accordingly.

5. In the event that in any given Contract Year the sources of funding do not in the aggregate produce revenues equal to the Total Annual Budget Amount for such Contract Year, the DMA may, subject to the Contract, forego some or all of the non-debt service expenditures as are provided for in the Budget in question in order to have revenues sufficient to pay the debt service provided for in such Budget.

6. In the event the DMA needs to reallocate its non-debt service expenditures for the Contract Year in question, and provided further, that any debt service has been provided for, the DMA may revise the itemizations within any Budget to accomplish such goal.

#### VII. BENEFITED PROPERTIES

The providing of Services and Improvements shall benefit all properties within the District (the “Benefited Properties”). The Benefited Properties are described by the District Map (Exhibit I) and tax block and lots indicated in Exhibit 3 herein below.

#### VIII. DISTRICT MANAGEMENT ASSOCIATION

The DMA established for the Fordham Road Business Improvement District shall be incorporated under Section 402 of the New York State Not-for-Profit Corporation Law. The DMA shall be organized for the purpose of executing the responsibilities of a DMA as set forth in the law. Furthermore, the DMA shall carry out the activities prescribed in the Plan and shall promote and support the District.

The DMA shall be organized exclusively for charitable and education purposes as specified in Section 501 (c) of the Internal Revenue Code of 1954, as amended.

The DMA shall have four classes of voting membership and one class of non-voting membership. The voting classes are composed of: (i) owners of record of real property located within the District; (ii) commercial tenants leasing space within the District; (iii) residential tenants leasing space within the District, (iv) public

representatives. The non-voting class shall include community board representatives, and may include others with an interest in the welfare of the District.

Each voting class shall elect members to the Board of Directors in the manner prescribed by the by-laws of the Corporation. The Board of Directors includes the representatives of owners of record of real property located within the District (which shall constitute a majority of the board) representatives of both commercial and residential tenants (including proprietary leases) leasing space in the buildings within the District and one member appointed by each of the following public officials: the Mayor of the City; the Comptroller of the City; the Borough President of the Bronx; and the City Council member who represents the District or, if more than one City Council member represents apportion of the District; by appointment of the Speaker of the City Council. The Community Board Chairperson(s) or designated representative(s) shall serve in a non-voting capacity.

## IX. USER RIGHTS

### A. USER RIGHTS: GENERAL

The DMA may undertake or permit commercial activities or other private uses of the streets or other parts of the District in which the City has any real property interest (the “User Rights”), provided, however, that the User Rights to be so undertaken or permitted by the DMA shall have been: (i) set forth in this Plan or authorized for licensing or granting by the City Council, and / or (ii) licensed or granted to the DMA by the City, pursuant to the Contract and / or (iii) authorized by the appropriate City Agency having jurisdiction thereof. Once so granted or licensed, the User Right(s) in question

shall be undertaken or permitted by the DMA in such a manner as to conform to the requirements, if any, set forth in this Plan, or the aforesaid Local Law with respect to User Right(s), and conform to the requirements authorized by the appropriate City Agency having jurisdiction thereof. Such requirements may include but shall not be limited to: (i) requirements as to what consideration the DMA shall pay to the City for the grant and/or license in question; (ii) requirements as to whether and how the DMA may permit other persons to undertake the User Right(s) in question pursuant to a sub-grant or sub-license; (iii) requirements as to what charges the DMA may impose upon other persons as consideration for such sub-grant or sub-license; and (iv) requirements as the general regulation of the User Right(s) by whomsoever undertaken

B. USER RIGHTS: PROPOSED

Subject to the approval and control of the appropriate City Agency and/or subject to any requirements set forth by the City, the DMA may undertake or permit the following User Rights, subject to the requirements set forth in Section X, such as information and promotion kiosks, newsstands, news boxes.

X. REGULATIONS

The rules and regulations proposed governing the operation of the District and the provision of Services and Improvements by the DMA (“the Regulations”) are set forth herein below.

1. The DMA shall obligate itself to provide the Services and Improvements in a Contract or Contracts into which both the DMA and the City shall enter (collectively, the “Contract”) for a specified term (each year or the Contract term to be defined as a “Contract Year”). The City shall, pursuant to the terms, conditions and requirements of the Contract, levy, collect and disburse to the DMA the assessments. Such disbursements shall be made in accordance with general procedures for the payment of other City expenditures.
2. The DMA shall comply with all terms, conditions and requirements (i) elsewhere set forth in this Plan, and (ii) to be set forth in the Contract and in any other Contracts into which both the DMA and the City may enter, and (iii) shall comply with all terms, conditions and requirements set forth by the appropriate City Agency which is required to give its approval.
3. The DMA shall let any sub-contracts that it intends to enter into in connection with providing the Services and/or the Improvements.



## **XII. GLOSSARY OF TERMS**

<b><u>TERMS</u></b>	<b><u>DEFINITION BY LOCATION</u></b>
Assessments	V(B)
Benefited Properties	VII
Budget	VI (B) (1)
City	I
District	I
District Management Association	VIII
District Map	I
Improvements	IV(A)
Law	I
Plan	I
Services	III(A)
Total Annual Budget	VI (B) (1)
User Rights	IX

## **LIST OF EXHIBITS**

- |             |   |
|-------------|---|
| EXHIBIT I   | DISTRICT MAP                                |
| EXHIBIT II  | MAYORAL AUTHORIZATION                       |
| EXHIBIT III | TAX BLOCKS AND LOTS OF BENEFITED PROPERTIES |
| EXHIBIT IV  | ZONING MAP                                  |

# Exhibit I - District Map

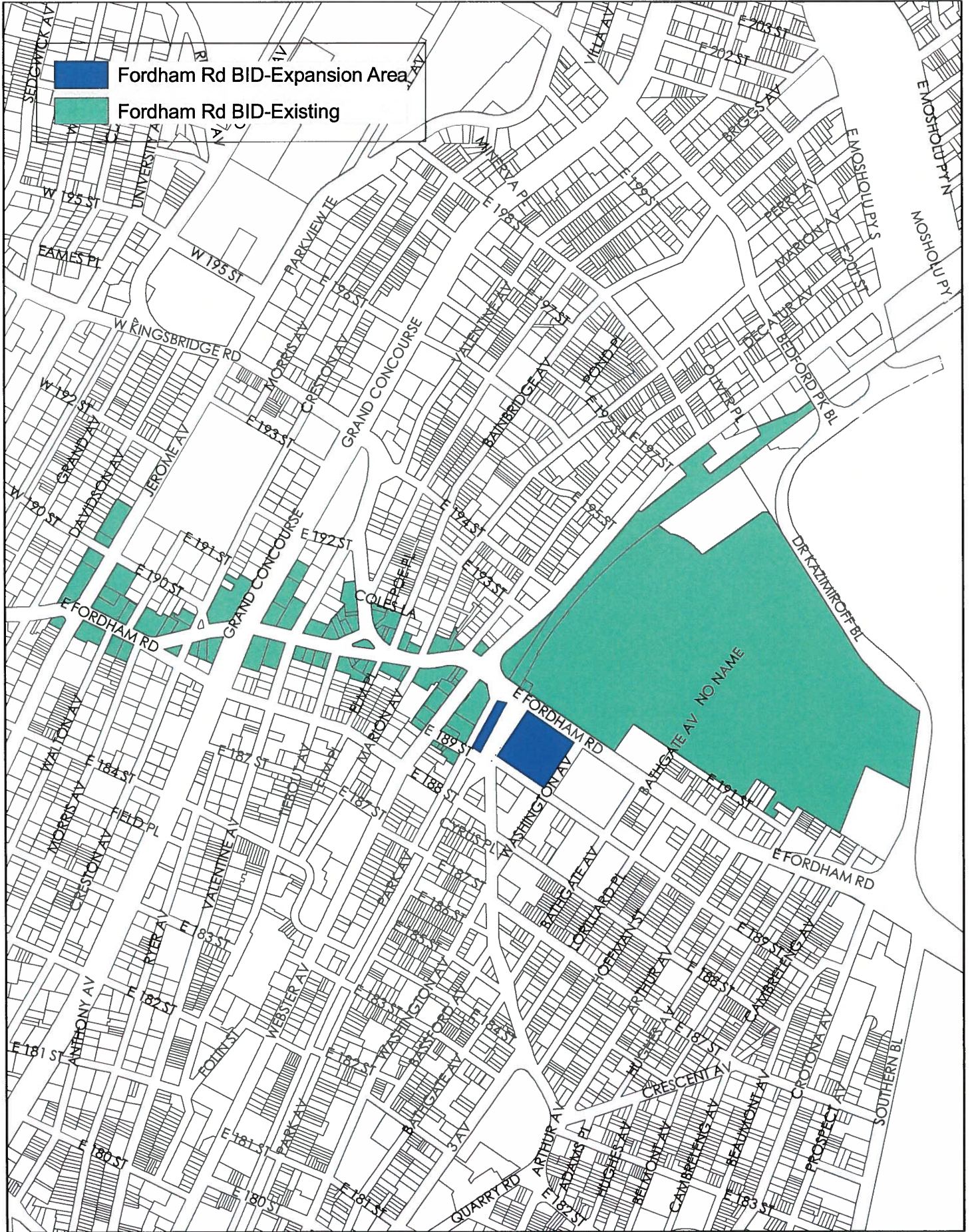


EXHIBIT II

MAYOR'S AUTHORIZATION LETTER TO PREPARE AN AMENDED  
DISTRICT PLAN



THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, N.Y. 10007

April 3, 2014

Maria Torres-Springer  
Commissioner  
Department of Small Business Services  
110 William Street, 7th Floor  
New York, NY 10038

Dear Commissioner Torres-Springer:

Pursuant to Section 25-405(a) of the Administrative Code of the City of New York, I hereby authorize the preparation of an amended district plan for the expansion of the Fordham Road Business Improvement District, located in the Borough of the Bronx.

**Current Boundaries:** Properties broadly bounded by E 192<sup>nd</sup> Street to the north, Jerome Avenue to the West, E 189<sup>th</sup> Street to the south, and Webster Avenue to the east.

**Proposed Expansion Area:** Current boundaries and adding four additional tax lots located at Fordham Market Plaza and 1 Fordham Plaza/440 East Fordham Road, which will extend east along E Fordham Rd to Washington Avenue.

**Sponsor Organization:** Fordham Road BID Expansion Steering Committee

The Department of Small Business Services shall prepare the District Plan pursuant to authority granted by Section 25-405(a) of this law.

The authorization shall take effect immediately.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bill de Blasio".

Bill de Blasio,  
MAYOR

c: Hon. Melissa Mark-Viverito, Speaker of the City Council

Hon. Julissa Ferreras, Chair of the City Council Finance Committee  
Hon. Ruben Diaz, Jr., Bronx Borough President  
Hon. Members of the New York City Council  
Alicia Glen, Deputy Mayor for Housing and Economic Development  
Andrew Schwartz, First Deputy Commissioner, Department of Small Business Services  
James Mettham, Assistant Commissioner, Department of Small Business Services  
Lydon Sleeper, Senior Advisor for Strategic Initiatives, Department of Small Business Services



EXHIBIT III  
TAX BLOCK AND LOTS  
OF BENEFITED PROPERTIES

Block	Lot	Street Address	Property Class
3023	15	300 East Fordham Rd.	Class A
3023	22	[302-]302 E. Fordham Rd.	Class A
3023	24	306 E. Fordham Rd.	Class A
3023	26	308-316 E. Fordham Rd.	Class A
3023	29	318-324 E. Fordham Rd.	Class A
3023	37	330-340 E. Fordham Rd.	Class A
3023	44	350 E. Fordham Rd.	Class A
3026	20	360-386 E. Fordham Rd.	Class A
3026	33	388 E. Fordham Rd.	Class A
3026	34	390 E. Fordham Rd.	Class A
3026	37	2515 Webster Avenue	Class A
3026	38	2511 Webster Avenue	Class A
3026	41	2489 Webster Avenue	Class A
3026	47	2477-2487 Webster Avenue	Class A
3026	50	2475 Webster Avenue	Class A
3032	29	2472 Webster Avenue	Class A
3032	30	408 E. 189th St.	Class A
3032	33	416 E. 189th Street	Class A
3032	129	406 E. 189th St.	Class A
3033	1	2488 Webster Avenue	Class A
3033	4	2490 Webster Ave.	Class A
[3033	8	2502 Webster Avenue	Class A]
[3033	9	2504 Webster Avenue	Class A]
[3033	12	400 E. Fordham Rd.	Class A]
3033	38	Fordham Market Plaza	Class C
3033	53	440-470 E. Fordham Rd.	Class A
3033	1001	400 E. Fordham Rd.	Class A
3033	1002	400 E. Fordham Rd.	Class A
3148	14	248 E. Fordham Rd.	Class A
3148	17	256 E. Fordham Rd.	Class A

3148	20	262 E. Fordham Rd.	Class A
3148	23	272 E. Fordham Rd.	Class A
3153	9	2488 Grand Concourse	Class A
3153	23	220-232 E. Fordham Rd.	Class A
3154	1	203 E. Fordham Rd.	Class A
3154	45	215-223 E. Fordham Rd.	Class A
3154	55	257-269 E. Fordham Rd.	Class A
3154	83	310 E. Kingsbridge Rd.	Class C
3154	93	314 E. Kingsbridge Rd.	Class A
3154	94	316-322 E. Kingsbridge Rd.	Class A
3154	98	305-307 E. Fordham Rd.	Class A
3154	100	301-303 E. Fordham Rd.	Class A
3154	102	271-287 E. Fordham Rd.	Class A
3154	1001	2526 Grand Concourse	Class A
3154	1002	2530 Grand Concourse	Class A
3166	69	120-124 E. Fordham Rd.	Class A
3166	74	128-132 E. Fordham Rd.	Class A
3166	77	2471-2495 Grand Concourse	Class A
3167	1	2501-2511 Grand Concourse	Class A
3174	1	114-118 E. Fordham Rd.	Class A
3174	5	2470 Morris Ave.	Class A
3174	30	2481-2485 Creston Ave.	Class A
3174	34	125-135 E. Fordham Rd.	Class A
3174	40	111-119 E. Fordham Rd.	Class A
3184	39	50-56 E. Fordham Rd.	Class A
3184	45	58-66 E. Fordham Rd.	Class A
3188	33	2-20 E. Fordham Rd.	Class A
3189	1	1-12 E. Fordham Rd.	Class A
3189	5	2468-2470 Jerome Ave.	Class A
3189	9	[2476] <u>2478</u> Jerome Ave.	Class C
3189	30	21 E. Fordham Rd.	Class A
3199	91	2 W. Fordham Road	Class A
3200	16	2483 Jerome Avenue	Class A
3200	20	1 W. Fordham Rd.	Class A
3201	46	2505 Jerome Ave.	Class A
3201	56	2501 Jerome Ave.	Class A
3273	1	441 E. Fordham Rd. (33' deep)	Class C
3273	101	<u>Metro-North Station</u>	Class C
3273	102	<u>Fordham University</u>	Class C
3273	800	<u>Rose Hill Park</u>	Class C



3275	1	2532 Marion Ave.	Class A
3275	65	375-385 E. Fordham Rd.	Class A
3275	95	2535-2541 Webster Ave.	Class A
3286	1	331-335 E. Fordham Rd.	Class A
3286	76	337-345 E. Fordham Rd.	Class A
3293	1	327 E. Fordham Rd.	Class A
3293	3	325 E. Kingsbridge Rd.	Class A
3293	5	319 E. Kingsbridge Rd.	Class A
3293	8	315 E. Kingsbridge Rd.	Class A
3293	9	305 E. Kingsbridge Rd.	Class A
3293	14	301 E. Kingsbridge Rd.	Class A

# Exhibit IV - Zoning Map

