

CHURCH AVENUE / FLATBUSH AVENUE
BUSINESS IMPROVEMENT DISTRICT (BID)

On behalf of

THE CITY COUNCIL

NOTICE OF A PUBLIC HEARING

The City Council, by resolution adopted on April 11, 2023, set April 27, 2023 as the date, 10:00 a.m. as the time, and the City Council Committee Room, 2nd Floor, City Hall, New York, New York 10007, as the place for a public hearing (the “Public Hearing”) to hear all persons interested in the proposed legislation, which would 1) modify the boundaries of the Flatbush Avenue business improvement district in Brooklyn by extending the district, authorize an increase in the amount to be expended annually in the Flatbush Avenue business improvement district (to equal the sum of the current total assessments of Church Avenue BID and Flatbush Avenue BID), amend the district plan of the Flatbush Avenue business improvement district to change the method of assessment upon which the district charge is based, 2) dissolve the Church Avenue business improvement district and 3) change the name of the Flatbush Avenue business improvement district to Church Avenue/Flatbush Avenue business improvement district. The legislation shall be amended in accordance with the amended district plan (the “District Plan”) on file at the Office of the City Clerk. The City Council has authorized the NYC Department of Small Business Services to mail, on its behalf, this notice of the Public Hearing containing the information required by Section 25 406(c) of the Administrative Code of the City of New York and summarizing the resolution adopted.

Pursuant to Section 25-415(a) of the Administrative Code of the City of New York, a business improvement district may be dissolved by Local Law. The City Council must request and consider the recommendations of the district management association of the district proposed to be dissolved, provided that if the district management association does not provide comment within 60 days of such request, the City Council may adopt the proposed dissolution without considering such recommendations. On March 28, 2023, the Speaker of the City Council mailed notice of the dissolution of the Church Avenue business improvement district to the Church Avenue District Management Association board of directors for comment. Recommendations may be provided in writing or in person at the public hearing.

The District Plan was submitted to, and reviewed by, the City Planning Commission and Brooklyn Community Boards 9 and 14. The Community Boards recommended approval to the City Planning Commission, and the City Planning Commission approved the District Plan.

The existing Flatbush Avenue Business Improvement District includes properties along Flatbush Avenue, from the north side of Cortelyou Road to the south side of Parkside Avenue. The proposed expansion will extend the boundaries to include all properties currently in the Church Avenue business improvement district –properties along Church Avenue, from the east side of Coney Island Avenue to the west side of Flatbush Avenue. The proposed amendment of services to be provided in the district will include sanitation; security; marketing and promotions; holiday lighting; economic development; administration and advocacy; and additional services as may be required for the promotion and enhancement of the district (hereinafter “Services”). During the existence of the district, the maximum cost of the Improvements, if any, shall not exceed \$5,890,000. The district is managed by the Flatbush Avenue District Management Association Inc.

To defray the cost of Services and Improvements in the District, 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 determined by the DMA, that when totaled together with amounts for other properties in the district shall yield an amount sufficient to meet the district’s annual budget. The district wishes to authorize an increase in the maximum amount to be expended annually to \$589,000 as a result of the extended district boundaries and encompassing requirement for services to the extension area.

As a result of the expansion and a need to equitably assess a variety of property types and uses, the district wishes to change the method of assessment. All properties as classified in the most recent New York City tax rolls and as described in the District Plan will be assessed based on their respective property classes and the particular method of assessment or formula approved for each class. The following defines how each class’s method or formula is determined.

Class A: Commercial / Mixed-Use/Vacant - All properties in whole or in part devoted to commercial use, including parking facilities, commercial condominiums or vacant parcels, and development sites which are under construction, are defined as Class A property and shall be assessed at rates using linear front foot (FF) and commercial square footage (SF). Class A property shall be assessed in the following manner:

$$\text{Class A FF rate} = \frac{(60\% \times (\text{Total budget} - \text{Total Class C Assessment}))}{(\text{Total Class A FF} + (80\% \text{ of Class A.1 Total Class FF}))}$$

$$\text{Class A SF rate} = \frac{(40\% \times (\text{Total budget} - \text{Total Class C Assessment}))}{(\text{Total Class A SF} + (80\% \text{ of Total Class A.1 SF}))}$$

Individual Class A Assessment = (Class A FF Rate x Individual Property FF) + (Class A SF Rate x Individual Property SF)

*Commercial condominiums within the same building shall apportion the shared FF based on their square footage, proportionally.

*For corner tax lots, frontage facing Flatbush Avenue shall be used to calculate the FF assessment.

*For corner tax lots on the intersection of Church Avenue and Flatbush Avenue, the longest frontage shall be used to calculate the FF assessment

*For corner tax lots, frontage facing Church Avenue shall be used to calculate the FF assessment

*For vacant lots, development sites and/or parking lots, tax lot size shall be used in place of SF to calculate the assessment.

Class A.1: Church Avenue Commercial/Mixed-Use/Vacant - All properties in whole or in part devoted to commercial use, including parking facilities, commercial condominiums or vacant/development sites located on Church Avenue between Coney Island Avenue and East 16 Street are defined as Class A.1 property and shall be assessed 80% of Class A linear frontage (FF) rate and 80% of Class A commercial square footage (SF). Class A property shall be assessed in the following manner:

Individual Class A.1 Assessment = (Class A.1 FF Rate x Individual Property FF) + (Class A.1 SF Rate x Individual Property SF)

Class B: Government and Not-For-Profit - Government and not-for-profit owned property devoted in whole to public or not-for-profit use shall be exempt from District assessment. Government or not-for-profit owned property devoted in part to commercial/for-profit uses shall constitute Class A property and the proportion of the property devoted to commercial/for-profit uses shall be assessed in the same manner as those properties listed in Class A properties.

Class C: Residential - All properties devoted in whole to residential uses are defined as Class B and will be assessed at one dollar (\$1.00) per year.

The amount, exclusive of debt service, assessed and levied in any given year against benefited real property within the District may not exceed twenty percent (20%) of the total general City taxes levied in such year against such properties.

Copies of the resolution adopted by the City Council, which include a copy of the District Plan, are available for public inspection from 9:00 A.M. to 4:00 P.M. Monday through Friday at the Office of the City Clerk located at 141 Worth Street, New York, New York 10013. In addition, copies of the resolution are available free of charge to the public at the Office of the City Clerk.

Any owner of real property deemed benefited and therefore within the District, objecting to the District Plan, must file a BID Objection Form at the Office of the City Clerk within thirty (30) days of the close of the Public Hearing concerning the establishment of the proposed District. Forms are available at the City Clerk and online at nyc.gov/SBS. If owners of at least fifty-one percent (51%) of the assessed valuation of all benefited real property situated within the boundaries of the District proposed for establishment, as shown on the latest completed assessment roll of the City, or at least fifty-one percent (51%) of the owners of benefited real property within the area included in the District proposed for establishment file objections with the City Clerk, the District shall not be established.