

CITY PLANNING COMMISSION

May 8, 1996 Calendar No. 29

N960367BDK

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IN THE MATTER of an application submitted by the Department of Business Services on behalf of the 86th Street - Bensonhurst District Management Association, pursuant to Section 25-405 of the Administrative Code of the City of New York, as amended, concerning the formation of the 86th Street - Bensonhurst Business Improvement District, Borough of Brooklyn, Community District 11.

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On November 29, 1994, Mayor Rudolph W. Giuliani authorized the preparation of a district plan for the 86th Street - Bensonhurst Business Improvement District (BID). On February 6, 1996 on behalf of the 86th Street - Bensonhurst District Management Association, the Department of Business Services (DBS) submitted the proposed district plan for the 86th Street - Bensonhurst BID located in Community District 11 in the Borough of Brooklyn.

Background

The proposed 86th Street - Bensonhurst BID will include all properties fronting on 86th Street between 19th Avenue and 24th Avenue.

86th Street is the major shopping area in Bensonhurst, Brooklyn. There are 210 properties (with 191 property owners) containing approximately 250 businesses. There are 179 buildings in the District that are mixed-use with ground floor commercial uses. The remaining properties are wholly commercial. The District has over one hundred different types of businesses and services being offered along its 15 blocks. The most common businesses are brokerage (auto, real estate, and travel),

clothing stores, grocery stores, restaurants and beauty salons. There are shoe stores, medical offices, gift shops, electrical appliance stores and variety stores. There are ten major bank branches along 86th Street. Less than five percent of the properties are vacant. There are no solely residential buildings located in the District. Of the 179 mixed-use buildings, there are 75 residential, rental units.

This BID, for purposes of assessment, will charge property owners based upon the front footage of the building. All properties devoted in whole or in part to commercial space uses will be assessed at \$33.00 per foot of ground floor linear frontage (ff). If residential properties are erected, they will be assessed at \$1.00 per annum. Not-For-Profit properties, religious and government institutions, shall not be assessed. These charges are expected to produce a budget for the 86th Street - Bensonhurst BID of approximately \$200,000 the first year. The first year's budget will be divided between sanitation (\$55,000)(27.5%), security (\$28,000)(14%) advertisements and promotions (\$50,000)(25%), holiday lighting (\$20,000)(10%), a contingency fund (\$12,000)(6%) and administration (\$35,000)(17.5%).

Capital improvements are not anticipated in the plan. The budget and scope of proposed services considered by the 86th Street-Bensonhurst BID are similar to the Kings Highway BID (annual budget of \$150,000 with an assessment of \$25.54/ff) and

Flatbush Avenue BID (annual budget of \$250,000 with an assessment of \$33.32/ff).

The BID plans to provide sanitation and security services as well as holiday decorations and promotion activities. The sanitation will include removal of litter from the sidewalk and gutters, emptying of litter receptacles in the area and graffiti removal. The sanitation crew will consist of a two workers, and will initially operate six days. The security program will include licensed contracted security patrols during the busy holiday seasons. Holiday lights will be installed and special publications (such as advertisements and sales circulars) will be prepared during the year.

The BID would be managed by an independent corporation, the 86th Street - Bensonhurst Business Improvement District. The BID's board would be composed of property owners, merchants, a residential tenant and representatives of the Mayor, Comptroller, Borough President and City Council. There will also be a non-voting class of membership on the Board which will include a Community Board 11 representative.

#### 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 96DBS002K. The lead agency is the Department of Business Services.

After study of the potential environmental impact of the proposed action, a negative declaration was issued on October 2, 1995.

#### Referral of the Proposal

On February 6, 1996 the Department of Business Services submitted the 86th Street - Bensonhurst Business Improvement District proposal to the City Planning Commission. The plan was then transmitted for review to the Office of the Mayor, the Office of the Speaker of the City Council, the Councilmember for District 44, Office of the Brooklyn Borough President, and Brooklyn Community District Number 11.

#### Community Board Public Hearing

On March 14, 1996, Community Board 11 adopted a favorable resolution regarding the formation of the 86th Street - Bensonhurst BID by a vote of 24 in favor and one abstention.

#### City Planning Commission Public Hearing

On March 13, 1996 (Calendar No. 3) the Commission scheduled March 27, 1996 for a public hearing on the district plan. On

March 27, 1996 (Calendar No. 15), the hearing was duly held. Two speakers spoke in favor of the proposal.

The president of the local merchants association, which is also the organizing group, outlined the goal and objectives of the proposed BID and the outreach program. A local merchant and property owner within the proposed BID expressed his support for the formation of the BID. At the request of the Commission, the Assistant Commissioner from the Department of Business Services answered questions about letters of support for the proposed BID.

There were no other speakers and the hearing was closed.

#### Consideration

The Commission believes that the proposed 86th Street - Bensonhurst BID, will be an important economic development instrument for the area. 86th Street, in Bensonhurst is an important shopping district and its appearance and success is important for the neighborhood and Brooklyn. There is considerable evidence that BIDs have proven to be effective economic tools and have provided many benefits for commercial neighborhoods.

The Commission also has a number of general concerns about the proliferation of BIDs in New York City. These include the adoption procedures necessary to establish the BID and the limited procedures which ensure community support for the BID.

The Commission has requested that the Department of Business Services require affirmative expressions of support for the formation of a BID rather than the current process which only allows for the filing of a negative "vote" to stop the establishment of a BID. The Assistant Commissioner for Community Development at DBS spoke of the difficulties of obtaining such letters of support. The Commission would like to see a standard letter of support for any proposed District which clearly identifies the services and costs associated for each property owner and merchant. Furthermore, the Commission is concerned about the possible disparity in the provision of city services in areas with and without BIDs. The Commission feels that the wealthier areas of a city, which can afford the extra assessments of a BID, will have significantly more services than those available in less wealthy neighborhoods. The Commission is also concerned that since BID assessments are, in effect, another form of taxation, the Commission has expressed concern that they not be used to replace a comprehensive citywide tax policy. The Commission has been examining the broader issues regarding BIDs and will submit a comprehensive report to the City Council in the near future.

#### Resolution

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

RESOLVED, that the City Planning Commission certifies its unqualified approval of the proposed district plan for the 86th Street - Bensonhurst BID.

RESOLVED, that the City Planning Commission certifies its unqualified approval,

The above resolution duly adopted by the City Planning Commission on May 8, 1996 (Calendar No. 29) 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.

Joseph B. Rose, Chairman  
Victor G. Alicea, Vice-Chairman

Irwin Cantor, P.E., Kathy Hirata Chin, Esq., Alexander Garvin, Anthony Giacobbe, Esq., William J. Grinker, Edward T. Rogowsky, Ronald Shiffman, A.I.C.P., Jacob B. Ward, Esq., Commissioners

Amanda M. Burden, A.I.C.P., Brenda Levin, Commissioners, voted no.