

**DISTRICT PLAN**

*for the*

**FLATBUSH AVENUE**

**BUSINESS IMPROVEMENT DISTRICT**

*in*

**THE CITY OF NEW YORK**

**BOROUGH OF BROOKLYN**

June 12, 2021

[As prepared pursuant to Title D of Chapter 3 of the Administrative Code of the City of New York upon request of Edward I. Koch, Mayor.]

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

[Dated \_\_\_\_\_, 19

(dated of recordation by City Clerk pursuant to D3-8.0(a))]

*Language added is underlined*

*[Language deleted is bracketed]*

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<b>Exhibit C</b>	LAND USE MAP
<b>Exhibit D</b>	ZONING MAP

## [I. MAP OF THE DISTRICT

The District will include the properties fronting on both sides of Flatbush Avenue between Parkside Avenue and Cortelyou Road in the Borough of Brooklyn as indicated on the map annexed hereto as Exhibit 1.

The Board of Estimate, by resolution dated August 19, 1982, Calendar No. 285, a copy of which is annexed hereto as Exhibit 2, has provided for the preparation of this Plan pursuant to authority granted by Local Law 2 of 1982 (the "Law") for the District.]

### **I. DISTRICT BOUNDARIES**

The Flatbush Avenue Business Improvement District (hereinafter the "District") is located in the Borough of Brooklyn's "Flatbush" neighborhood. The Flatbush area experienced significant growth during the second half of the 19th century as the Brooklyn, Flatbush, and Coney Island railroads made the area more accessible and made it easier for wealthy business owners to live in the neighborhood. After World War 2, there was an even bigger influx of people (mainly European immigrants) which increased the need for additional housing. As a result, developers began building walk-up and elevator buildings as opposed to the single-family homes that were found in nearby East Flatbush. Throughout most of the 20th century, Flatbush had a mainly Jewish, Irish, and Italian population. The 1960s to the 1980s saw an influx of African American and Caribbean immigrants. Flatbush today is an incredibly diverse neighborhood.

The district boundaries are as follows:

The properties fronting on both sides of Flatbush Avenue from Parkside Avenue to Cortelyou Road (.8 miles).

The precise boundaries and properties within the District are illustrated on the maps in Exhibit A and indicated in the table of benefited properties in Exhibit C, respectively.

## [II. PRESENT USES OF PROPERTY

### A. Area Profile

The District is predominantly a convenience shopping street for the surrounding residential community. The most prevalent building type is the four story walk-up, with residential units above

ground floor retail premises, but single story taxpayer buildings, larger bank structures and theaters are interspersed throughout the District. Most of the buildings in the District were built between 1910 and 1940, when Flatbush Avenue was one of the prime shopping areas in the City of New York (the “City”).

The Loew’s Kings Theatre, once a major entertainment center on Flatbush Avenue, closed in 1977. However, the current overall commercial vacancy rate in the District is only three percent (3%). Although proposals have been made for the redevelopment of the Loew’s Kings Theatre, there has been no recent new development in the District. Plans are in the advanced stage, however, for the development and operation of a consolidated municipal parking lot (the “Consolidate Lot”) in the rear of the Loew’s Kings Theatre connecting the area’s major three retailers (Macy’s, Sears and Loehmann’s).

The District lies primarily within Brooklyn Community Board 14, with one block within Brooklyn Community Board 9. The entire District is within City Council District 25, and is served by the 70th and 71st Police Precincts and Brooklyn Sanitation District 14. The District is zoned C1-3 between Church Avenue and Parkside Road, and C4-2 between Church Avenue and Cortelyou Road. The east side of Flatbush Avenue from Beverly Road to Albermarle Road is part of the Kings Community Development Area, which is targeted by the City for new commercial development. A land use map is annexed hereto as Exhibit 3.

#### B. Commercial Profile

The majority of the stores in the District are of the discount variety, selling sundries, electronics, clothing and household goods. Other than banks, there are few general business offices. Local business is restricted to insurance and other service offices. With the exception of two major institutional uses (Erasmus Hall High School and the Dutch Reformed Church), the shopping is primarily targeted to the neighborhood residents. Although the District once had a regional draw, the development of Kings Plaza has severely affected the District’s ability to attract non-resident shoppers. However, shoppers are still attracted to the area by Macy’s (within the District) and Sears and Loehmann’s immediately adjacent to Flatbush Avenue.

#### C. Residential Profile

The District is primarily composed of four story walk-ups with commercial uses on the ground floor and residential uses above. Since the District is zoned commercial and in the midst of predominantly residential area, there has been no residential development on this part of Flatbush Avenue.

#### D. Transportation Access

Flatbush Avenue is served by the B41 bus line which connects with a number of crosstown routes. The BMT, IND and IRT subway lines also serve the District. There is a 92-space municipal parking lot at the corner of Caton Avenue and Flatbush Avenue which was developed to increase the off-street parking available for shoppers. The construction of the Consolidated Lot will increase another 900 parking spaces for the District.]

## **II. DISTRICT PROFILE AND PRESENT USES OF THE DISTRICT PROPERTY**

### A. DISTRICT PROFILE

Originally a Dutch colony, the Town of Flatbush was annexed into the City of Brooklyn in 1894. The street is home to the Flatbush Dutch Reformed Church, founded in 1656 (the current structure dates from 1796), the Kings Theatre, many small and large commercial establishments, and a growing number of residential developments.

Most of the buildings in the District were built between 1910 and 1940, when Flatbush Avenue was one of the prime shopping areas in New York City (the “City”).

There are several key features which attract people to Flatbush:

Kings Theatre: One of the original “Loew’s Wonder Theatres,” the Kings Theatre opened its doors in 1929 as the Loew’s Kings Theatre. After years of lying dormant, the renovation of the Kings Theatre (located towards the southern end of the BID) was completed in 2015 and the Theatre now presents musical, comedy, dance, and community events, as well as continues its tradition of hosting school graduations.

Prospect Park: Prospect Park was built in the 1860s by landscape architects Frederick Law Olmstead and Calvert Vaux. The southeastern Parkside Avenue entrance is just one block west of the

District's border. The southernmost section of the park, known as the Parade Ground, was built as an area for military drills and exercises and is now one of Brooklyn's largest sports facilities.

Erasmus Hall High School: Erasmus Hall High School is the 3rd oldest high school in the state of New York. Founders include Alexander Hamilton, Aaron Burr, and John Jay.

## **B. PRESENT USES OF DISTRICT PROPERTY**

### **1. ZONING**

The District is zoned C2-4 between Parkside Avenue and Church Avenue and C4-4A between Church Avenue and Cortelyou Road on both sides of Flatbush Avenue (except Tilden Avenue to Duryea Road on the east side of Flatbush Avenue which is zoned C4-2). The east side of Flatbush Avenue from Beverley Road to Albemarle Road is part of the Kings Community Development Area, which is targeted by the City for new commercial development.

### **2. COMMERCIAL/RETAIL**

The District is a convenience shopping corridor comprised mostly of variety and discount shopping; health and beauty; apparel, shoes, and eyewear; banks; and fast food and take out eateries. These businesses are predominantly small in nature (1-10 employees) and family-owned. In many cases, both the business and property is managed by an owner-operator. There is some regional and national brand presence with the inclusion of several banks, pharmacies, cell phone stores, and retail apparel chains in the District.

In total, there are 306 properties and 353 businesses within the District. Most of the commercial space in the District is on the ground floor, but there are also a number of buildings with upper floor office space.

### **3. RESIDENTIAL**

Residences within the District consist of mostly three-story walk-ups, with residential units above ground floor retail premises, but single-story taxpayer buildings and larger commercial buildings are interspersed throughout the District. The adjacent residential housing stock consists of medium and large apartment buildings, as well as large Victorian homes in the adjacent neighborhood known as Ditmas Park.

The second decade of the 2000's signaled an increase in new developments in the District including several multi-unit residential developments, a hotel across the street from the Kings Theatre, and redevelopment of the former Flatbush Caton Market into Caton Flats, a mixed-use facility with more than 250 units of 100% affordable housing, a home for the Caribbean American Center of Commerce and Industry, and community space.

The adjacent neighborhoods include East Flatbush, Ditmas Park, and Prospect Lefferts Gardens.

#### **4. GOVERNMENT AND NOT-FOR-PROFIT**

The District lies primarily within Brooklyn's Community Board 14, the 70<sup>th</sup> Police Precinct, and Brooklyn's Sanitation District 14 except one block face (east side of Flatbush Avenue between Parkside Avenue and Clarkson Avenue) which lies within Brooklyn's Community Board 9, the 71<sup>st</sup> Police Precinct, and Brooklyn's Sanitation District 9. The entire District is within City Council District 40.

#### **5. TRANSPORTATION**

The District has a number of public transit modes making the District convenient for shoppers and visitors. Flatbush Avenue is served by the B41 and B35 bus lines which connect with a number of crosstown routes. The 2, 5, B, and Q subway lines also serve the District.

Despite high levels of ridership on these bus and train lines, passenger vans, ride-hailing vehicles, and personal automobiles are common, and parking remains a significant challenge in Flatbush.

### **[III. PROPOSED SERVICES**

#### **A. Supplemental Services**

The services to be funded by the special assessment (the "Services") will include, but not be limited to, security, holiday and seasonal decorations, promotion, sanitation and day-to-day administration. The Services will supplement municipal services which are provided by the City to the District.

##### **1. Security**

The security services proposed for the District will assist the present police force in the area and provide a security program which meets the needs of the merchants, property owners and residents of the District. The District Management Association will enter into a contract for security services

which will include manpower, equipment, uniforms and insurance. Security services will be provided six days a week for at least eight hours a day by a team of at least five security patrolmen.

2. Holiday and Seasonal Decorations

Holiday and seasonal decorations may include, but will not be limited to, the installation of decorative light fixtures during the Christmas holiday season and the payment of energy costs for the operation of such lights, if necessary.

3. Promotion

Promotional services will include the promotion of local retail opportunities and will be designed to increase the attraction of shoppers to the District. This may include, but will not be limited to, special publications and coordinated advertising in major and local newspapers. The District will also implement special community events.

4. Sanitation

It is anticipated that sidewalk sweeping will be performed Saturdays and during busy shopping time throughout the year. The District Management Association will retain a part time worker to perform such sanitation services and will pay for salary, fringe benefits, equipment, uniforms and insurance.

5. Administration

Administration of the District will be by salaried staff, which may include a Street Manager and an Administrative Assistant, with fringe benefits, expenses and insurance.

B. Additional Services

In subsequent years the District may provide additional security services, sanitation services and any other additional services permitted under the Law.]

**III. SERVICES**

A. DISTRICT 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 the members of the District. The Services shall be performed under the direction of the District Management Association (hereinafter, the "DMA") and will be subject to any approvals and controls that may be required by a New York City agency having jurisdiction thereof.

### **1. SANITATION**

The DMA is authorized to administer a sanitation program, which may include, but shall not be limited to, manual sweeping and cleaning of sidewalks, streets, curbs and gutters, and regular graffiti removal, as well as removal of snow and ice during inclement weather. Any sanitation program approved by the Board of Directors will be closely coordinated with the New York City Department of Sanitation and any other government City agency with relevant jurisdiction. The program will supplement, but will not replace, City sanitation services or cleaning by property owners/managers.

### **2. PUBLIC SAFETY**

The DMA is authorized to administer a public safety program, which may include, but shall not be limited to, surveillance equipment and public safety personnel who will be trained, uniformed, licensed, bonded, and experienced. Any public safety program shall operate in conjunction with the local police precinct to accomplish program objectives and maximize public safety.

### **3. MARKETING & PROMOTIONS**

The DMA is authorized to administer marketing and promotion services for the District, which may include, but shall not be limited to, advertising, special events, street pole banners, a district website, online business directory and social media presence, print mailings and flyers, and efforts that build on existing events such as the Annual Street Fair, Sidewalk Sales, Thanksgiving Luncheon, and holiday events.

### **4. HOLIDAY LIGHTING**

The DMA is authorized to commission holiday lighting for the District, which may include, but shall not be limited to, holiday lighting strands over the Avenue and two gateway lighting

arrangements at both ends of the BID to be in place and illuminated during the winter holiday season.

## **5. ECONOMIC DEVELOPMENT**

The DMA is authorized to administer economic development initiatives for the District, which may include, but shall not be limited to, operating business attraction and retention programs, providing business support services, and monitoring and liaising with stakeholders regarding economic development projects.

## **6. ADMINISTRATION AND ADVOCACY**

Administration of the District will be performed by a salaried staff (the “Staff”), either in-house or contracted, and may include an Executive Director and any staff deemed necessary by the Board of Directors of the DMA. The Staff will oversee long-and short-term projects in connection with the District Services and Improvements, as directed by the DMA’s Board of Directors for the benefit of the District constituents. The Staff may also serve as spokesperson for the BID’s business owners and merchants, collectively and individually, as authorized by the DMA’s Board of Directors and the individual business owner or merchant. Additional administrative expenses may include but not be limited to, office space rent, utilities, equipment, supplies, insurance, postage, fringe benefits, and back office support services.

The DMA may also act as an advocate on behalf of the stakeholders of the District. This includes working to ensure the Flatbush area is receiving appropriate levels and intensity of municipal services, as well as liaising with all City agencies to address issues relating to City service delivery and with utilities and other private concerns to coordinate interventions and activities that affect the quality of life in the District. Issues may include, but are not limited to, streetscape improvement, crime, traffic, and parking.

## **7. ADDITIONAL SERVICES**

Subject to any approvals and controls that may be required by a New York 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 necessary and are permitted by applicable 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 of New York on a citywide basis.
2. The staff and/or subcontractors of the DMA may render such administrative services as are needed to support performance of the Services.

All Services need not be performed in every Contract Year. In the event that in any given Contract Year the aggregate revenue of the DMA is not sufficient to equal the total operating budget of the DMA, then subject to any controlling provisions within the Contract between the City of New York and the DMA, the DMA may elect to forgo providing any services necessary in order to meet the organization's required minimum obligations as identified in the annual operating budget.

[IV. AMOUNT OF EXPENDITURES

The maximum annual amount and use of District funds to be expended will be determined annually by the District Management Association and authorized by the City's Board of Estimate, provided, however, that the maximum amount, exclusive of debt service, assessed and levied in any given year against real property in the District, shall not exceed twenty percent of the total general City taxes levied in that year against the taxable real property in the District. The proposed budget and use of funds during the first year of operation is as follows:

Security	\$107,000
Holiday and Seasonal Decorations	11,000
Promotion	5,000
Sanitation	4,000
<u>Administration</u>	<u>44,000</u>
	\$171,000

Contingency	\$ 9,000
Total first year budget	\$180,000]

**IV. PROPOSED IMPROVEMENTS**

A. IMPROVEMENTS

No Improvements are planned at this time.

[V. TIMING

It is anticipated that the District Management Association will commence the Services, upon availability of the special assessment funds, within the first year of operation of the District. Specific promotional activities, including the installation of street decorations, will be seasonal, depending upon the needs of the District’s merchants.]

**V. PROPOSED SOURCE 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 G (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 shall enter into a Contract (hereinafter defined) for the purpose of having the City of New York levy, collect and disburse to the DMA, assessments with respect to the Benefited Properties (hereinafter defined) in exchange for the rendering of Services and Improvements. 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 defined, 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. Each individual assessment shall be calculated based upon a formula (set forth below) applicable to the class of property (hereinafter defined).

The amounts, exclusive of debt service, 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, C, D, and E shall be assessed as follows:

### **CLASS A PROPERTY – COMMERCIAL, MIXED-USE OR VACANT PROPERTIES**

All properties in whole or in part devoted to commercial use, including parking facilities, commercial condominiums or vacant/development sites are defined as Class A property and shall be assessed 60% based on Flatbush-facing linear frontage (FF) and 40% based on commercial square footage (SF). Class A property shall be assessed in the following manner:

Class A FF rate = [60% x (Total budget – Total Class C Assessment)]/Total Class FF

Class A SF rate = [40% x (Total budget – Total Class C Assessment)]/Total Class 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 vacant lots, development sites and/or parking lots, tax lot size shall be used in place of SF to calculate the assessment.

### **CLASS B PROPERTY – GOVERNMENT & NOT-FOR-PROFIT**

Government- and not-for-profit-owned property classified as such by the City of New York and devoted in whole to public or not-for-profit use are defined as Class B and are exempt from an assessment. Government- or not-for-profit-owned property devoted in whole or in part to

commercial/for-profit use shall constitute Class A property and the proportion of the property devoted to commercial/for-profit uses shall be assessed according to the Class A rate. Proportions for commercial/for-profit uses of a property shall be calculated based on the percentage of a property's gross square footage devoted to commercial/for-profit use.

#### CLASS C PROPERTY – RESIDENTIAL

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

### **3. LIMITATIONS ON ASSESSMENT**

The amounts, exclusive of debt service, assessed and levied in any given year against the benefited properties, as assessments, shall not exceed 20 percent of the total general City real property tax levied in that year against benefited properties.

#### **C. SOURCE OF FUNDING: GRANTS AND DONATIONS**

The DMA may accept grants and donations from private institutions, the City, State or Federal government, other public and private entities and individuals, elected officials, universities, corporations, partnerships, not-for-profit organizations, and charitable foundations.

#### **D. SOURCE OF FUNDING: BORROWING**

1. Subject to subparagraphs 2 and 3 in this subsection V. D., and with the approval of its Board of Directors, the DMA may borrow money from private lending institution, the City, other public and private entities or individuals, firms, corporations or partnerships, and other not-for-profit organizations for the purposes of funding operations or financing the cost of Services 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 any Contract or otherwise) or by any other public entity, as the case may be.
3. Any loans, which the DMA may enter into as a 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 A, 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 V of this Plan.

[VI. BENEFITED PROPERTIES

The development of the District will benefit all properties devoted in whole or in part to commercial uses within the District. Annexed hereto as Exhibit 4 is a list of the individual whole tax lots (by block and lot and address) to be benefited in the District. Properties that are exempt by law from real property taxation and which are not devoted in whole or in part to commercial uses will not benefit from the establishment of the District and will not be assessed although they will fall within the boundaries of the District.]

**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 Contract Year 2020 is \$386,000 as more fully set forth in Subsection B of this Section VI. It is anticipated that this amount will be collected from the Assessments, as set forth in Section V, above.

The total, as proposed to be expended by the DMA for any subsequent Contract Year, shall not be greater than 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 \$3,860,000.

B. ANNUAL BUDGET

1. FIRST YEAR BUDGET

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

<b><u>PROGRAMS AND SERVICES</u></b>	
<u>Sanitation</u>	<u>\$116,729</u>
<u>Public Safety</u>	
<u>Marketing &amp; Promotions</u>	<u>\$73,218</u>
<u>Holiday Lighting</u>	<u>\$23,925</u>
<u>Economic Development</u>	
<b><u>ADVOCACY, GENERAL &amp; ADMINISTRATION</u></b>	<u>\$179,722</u>
<b><u>TOTAL FY20 BUDGET</u></b>	<b><u>\$386,000</u></b>

2. SUBSEQUENT BUDGETS

The DMA shall establish for each Contract Year after the First Contract Year, a proposed budget of expenditures that must be approved by the Board of Directors. Such proposed budgets shall with respect to the Contract Years to which they respectively apply: (i) reasonably itemize the purposes for which 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 amount proposed to be expended (the "Total Annual Budget Amount"). A proposed budget, whether for the First Contract Year or for a subsequent Contract Year, shall be referred to as a "Budget".

3. GENERAL PROVISIONS

1. The DMA shall make no expenditure other than in accordance with and pursuant to:



- a. a Budget for which a Total Annual Budget Amount has been approved by the City and the Directors of the DMA;
  - b. any provisions in the Contract providing for the satisfaction of outstanding obligations of the DMA; or
  - c. any provisions in the Contract providing for the expenditure of amounts provided in the Budget for, but unexpended in, a previous Contract Year.
2. The Total Annual Budget Amount shall not exceed the maximum total and annual amount that the DMA may expend for the Contract Year in question, pursuant to subsection 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 itemizations within any 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 with the appropriate review and approval of the Board of Directors and in accordance with the Contract.

## [VII. METHOD OF ASSESSMENT

### A. General

To defray the cost of the Services in the District, all real property in the District shall be assessed in proportion to the benefit such property receives from the Services. As the primary purpose of the District is to foster the economic development of the Flatbush Avenue shopping street, the Services are designed to benefit the commercial properties within the District. These properties will receive the most Services and will constitute Class A properties and be assessed at the highest rate.

Each property within the District devoted in whole or in part to commercial uses will be assessed at a rate determined by the District Management Association as yielding an amount sufficient to meet its annual budget pursuant to the formulae set forth below. The assessment will be authorized annually by the City's Board of Estimate. This rate will be multiplied by the total Flatbush Avenue front footage of each such commercial property within the District as indicated on the most recent City Block and Lot Maps to determine each property's assessment. Corner properties containing one storefront will be assessed at a rate multiplied by the total front footage of the side which contains the storefront's main entrance. Corner properties containing more than one storefront will be assessed at a rate multiplied by the total front footage of the sides of the property within the District. Properties that are exempt by law from real property taxation, and which are not devoted in whole or in part to commercial uses, will not benefit from the Services provided within the District and thus will not be assessed. These properties do not benefit from the economic development nature of the Services, but for the purposes of continuity will be included within the boundaries of the District.

**B. Specific Formulae**

All real property as classified in the most recent City tax rolls and as described in Classes A and B will be assessed as follows:

**Class A**

All properties devoted in whole or in part to commercial uses shall constitute Class A property and shall be assessed at a rate per linear foot which is equal to:

Total Budget

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Total Class A Front Footage of District +  
10% of Class B Front Footage of District

In the first year the annual assessment for Class A properties is anticipated to be no greater than \$27.51 per linear foot.

Class B: All vacant land shall constitute Class B property and shall be assessed at a normal rate of \$1.00 per year.]

## **VII. BENEFITED PROPERTIES**

The providing of Services and Improvements shall benefit all properties within the District (hereinafter the "Benefited Properties"). The Benefited Properties are illustrated by the District Map (Exhibit A) and tax block and lots indicated in Exhibit C.

## **[VIII. DISTRICT MANAGEMENT ASSOCIATION**

The District Management Association is a not-for-profit corporation incorporated under Section 402 of the New York State Not-for-Profit Corporation Law and is named the Flatbush Avenue District Management Association, Inc. The corporation is organized for the purpose of executing the responsibilities of a district management association as set forth in the Law. Furthermore, the District Management Association will carry out the activities prescribed in the Plan and promote and support the District. The District Management Association has 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, and (iv) public representatives. The non-voting class may include community board representatives, City Council representatives, and others with an interest in the welfare of the District. Each voting class elects members to the Board of Directors of the District Management Association in the manner prescribed by the by-laws of the District Management Association. The Board of Directors of the District Management Association includes 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 leasing space in 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 Brooklyn and the City Council member for the 25th District.]

## **VIII DISTRICT MANAGEMENT ASSOCIATION**

The DMA established for the Flatbush Avenue 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, as amended.

The DMA shall have four (4) 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 shall include 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 Brooklyn; and the City Council member who represents the District or, if more than one City Council member represents a portion of the District, by appointment of the Speaker of the City Council. The Community Board Chairperson or designated representative shall serve in a non-voting capacity.

## **[IX. APPLICABLE RULES AND REGULATIONS**

The contracts of the District Management Association will be subject to all applicable provisions of law relating to the letting of contract of the City. In satisfaction of the aforesaid, all contracts between the City and the District Management Association shall provide that any and all subcontracts and orders entered into or made by the District Management Association for purposes of fulfilling its

responsibilities under aforesaid contracts shall be awarded only after the District Management Association has (i) sought at least three responsible and competitive bidders, (ii) considered any other bidders who have submitted bids to it, and (iii) select the lowest, responsible bidder.]

## **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 (ii) licensed or granted to the DMA by the City pursuant to the Contract, and (iii) authorized by the appropriate City agency having jurisdiction thereof. Once so granted or licensed, the User Rights 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 Rights, 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 Rights 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 Rights by whomsoever undertaken.

Once so granted or licensed, the User Rights 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 the Plan or the aforesaid Local Law with respect to User Rights, and conform to the requirements authorized by the appropriate City agency having jurisdiction thereof. Such requirements may include but shall not be limited to:

- a. requirements as to what consideration the DMA shall pay to the City for the grant and/or license in question;
- b. requirements as to whether and how the DMA may permit others to undertake the User Rights in question pursuant to a sub-grant or sub-license;

- c. requirements as to what charges the DMA may impose upon other persons as consideration for such sub-grant or sub-license; and
- d. requirements as to the general regulation of the User Rights 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 in any Contract, the DMA may undertake or permit the following User Rights, subject to the requirements set forth in the Contract:

1. Any marketing or beautification program that makes use of the NYC Department of Transportation light poles or fixtures
2. Information Stands
3. News Racks
4. Promotion Signs or Kiosks
5. User rights not specifically granted may be authorized with prior written approval of the Deputy Commissioner of Neighborhood Development of the NYC Department of Small Business Services.

#### X. REGULATIONS

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

- A. 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.
- B. The DMA shall comply with all terms, conditions and requirements (i) that are elsewhere set forth in this Plan; (ii) that are 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.

- C. The DMA shall let any sub-contracts that it intends to enter into in connection with providing the Services and/or the Improvements.

### **GLOSSARY OF TERMS**

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

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Exhibit A	Block and Lot Map of the District
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Exhibit E	Zoning Map of District



Exhibit A – Map of District

Flatbush Avenue BID



Exhibit B: Tax Blocks and Lots of Benefited Properties

<b>Boro</b>	<b>Block</b>	<b>lot</b>	<b>Class</b>	<b>Address</b>
3	5054	30	A;	724 Flatbush Avenue
3	5054	32	A;	726 Flatbush Avenue
3	5054	35	A;	730 Flatbush Avenue
3	5055	1	A;	739 Flatbush Avenue
3	5055	2	A;	737 Flatbush Avenue
3	5055	3	A;	735 Flatbush Avenue
3	5055	4	A;	733 Flatbush Avenue
3	5055	5	A;	731 Flatbush Avenue
3	5055	6	A;	727 Flatbush Avenue
3	5055	7	A;	725 Flatbush Avenue
3	5055	8	A;	723 Flatbush Avenue
3	5055	9	A;	721 Flatbush Avenue
3	5055	10	A;	719 Flatbush Avenue
3	5055	11	A;	717 Flatbush Avenue
3	5055	12	A;	715 Flatbush Avenue
3	5063	35	A;	748 Flatbush Avenue
3	5063	39	A;	750 Flatbush Avenue
3	5063	40	A;	752 Flatbush Avenue
3	5063	41	A;	754 Flatbush Avenue
3	5063	42	A;	756 Flatbush Avenue
3	5063	43	A;	758 Flatbush Avenue
3	5063	44	A;	760 Flatbush Avenue
3	5063	45	A;	762 Flatbush Avenue
3	5063	46	A;	764 Flatbush Avenue
3	5063	47	A;	766 Flatbush Avenue
3	5063	48	A;	768 Flatbush Avenue
3	5063	49	A;	770 Flatbush Avenue
3	5063	50	A;	772 Flatbush Avenue

<b>Boro</b>	<b>Block</b>	<b>lot</b>	<b>Class</b>	<b>Address</b>
3	5063	51	A;	774 Flatbush Avenue
3	5063	52	A;	776 Flatbush Avenue
3	5063	53	A;	780 Flatbush Avenue
3	5063	56	A;	786 Flatbush Avenue
3	5063	58	B;	794 Flatbush Avenue
3	5064	1	A;	779 Flatbush Avenue
3	5064	3	A;	777 Flatbush Avenue
3	5064	4	A;	775 Flatbush Avenue
3	5064	5	A;	773 Flatbush Avenue
3	5064	6	A;	771 Flatbush Avenue
3	5064	7	A;	769 Flatbush Avenue
3	5064	8	A;	765 Flatbush Avenue
3	5064	10	A;	763 Flatbush Avenue
3	5064	11	A;	761 Flatbush Avenue
3	5064	12	A;	757 Flatbush Avenue
3	5064	14	A;	755 Flatbush Avenue
3	5064	15	A;	753 Flatbush Avenue
3	5064	17	A;	741 Flatbush Avenue
3	5082	9	A;	816 Flatbush Avenue
3	5082	12	A;	820 Flatbush Avenue
3	5082	17	A;	828 Flatbush Avenue
3	5082	18	A;	830 Flatbush Avenue
3	5082	20	A;	832 Flatbush Avenue
3	5082	21	A;	834 Flatbush Avenue
3	5082	22	A;	836 Flatbush Avenue
3	5082	23	A;	838 Flatbush Avenue
3	5082	24	A;	840 Flatbush Avenue
3	5082	26	A;	844 Flatbush Avenue
3	5082	28	A;	846 Flatbush Avenue
3	5082	32	A;	850 Flatbush Avenue

<b>Boro</b>	<b>Block</b>	<b>lot</b>	<b>Class</b>	<b>Address</b>
3	5082	33	A;	852 Flatbush Avenue
3	5082	34	A;	854 Flatbush Avenue
3	5082	35	A;	856 Flatbush Avenue
3	5082	36	A;	858 Flatbush Avenue
3	5082	37	A;	858 Flatbush Avenue
3	5082	38	A;	860 Flatbush Avenue
3	5082	39	A;	862 Flatbush Avenue
3	5082	40	A;	864 Flatbush Avenue
3	5082	41	A;	864 Flatbush Avenue
3	5082	42	A;	866 Flatbush Avenue
3	5082	43	A;	868 Flatbush Avenue
3	5082	44	A;	870 Flatbush Avenue
3	5082	45	A;	872 Flatbush Avenue
3	5082	46	A;	872 Flatbush Avenue
3	5082	47	A;	874 Flatbush Avenue
3	5083	1	A;	825 Flatbush Avenue
3	5083	3	A;	819 Flatbush Avenue
3	5083	12	A;	801 Flatbush Avenue
3	5083	13	A;	797 Flatbush Avenue
3	5083	14	A;	795 Flatbush Avenue
3	5083	15	A;	793 Flatbush Avenue
3	5083	16	A;	789 Flatbush Avenue
3	5083	17	A;	785 Flatbush Avenue
3	5086	1	A;	859 Flatbush Avenue
3	5086	2	A;	857 Flatbush Avenue
3	5086	3	A;	855 Flatbush Avenue
3	5086	4	A;	853 Flatbush Avenue
3	5086	5	A;	851 Flatbush Avenue
3	5086	6	A;	849 Flatbush Avenue
3	5086	7	A;	847 Flatbush Avenue

<b>Boro</b>	<b>Block</b>	<b>lot</b>	<b>Class</b>	<b>Address</b>
3	5086	8	A;	845 Flatbush Avenue
3	5089	1	A;	877 Flatbush Avenue
3	5089	7	A;	871 Flatbush Avenue
3	5089	8	A;	869 Flatbush Avenue
3	5089	9	A;	867 Flatbush Avenue
3	5089	10	A;	865 Flatbush Avenue
3	5089	11	A;	863 Flatbush Avenue
3	5089	105	A;	873 Flatbush Avenue
3	5102	20	A;	892 Flatbush Avenue
3	5102	25	A;	910 Flatbush Avenue
3	5102	26	A;	912 Flatbush Avenue
3	5102	28	A;	916 Flatbush Avenue
3	5102	33	A;	922 Flatbush Avenue
3	5102	35	A;	926 Flatbush Avenue
3	5102	36	A;	928 Flatbush Avenue
3	5102	37	A;	930 Flatbush Avenue
3	5102	38	A;	932 Flatbush Avenue
3	5102	39	A;	934 Flatbush Avenue
3	5102	41	A;	938 Flatbush Avenue
3	5102	43	A;	942 Flatbush Avenue
3	5102	44	A;	944 Flatbush Avenue
3	5102	45	A;	946 Flatbush Avenue
3	5102	46	A;	948 Flatbush Avenue
3	5102	47	A;	950 Flatbush Avenue
3	5102	48	A;	952 Flatbush Avenue
3	5102	49	A;	952 Flatbush Avenue
3	5102	50	A;	954 Flatbush Avenue
3	5102	51	A;	956 Flatbush Avenue
3	5102	52	A;	958 Flatbush Avenue
3	5102	53	A;	960 Flatbush Avenue

<b>Boro</b>	<b>Block</b>	<b>lot</b>	<b>Class</b>	<b>Address</b>
3	5102	56	A;	962 Flatbush Avenue
3	5102	57	A;	964 Flatbush Avenue
3	5102	59	A;	968 Flatbush Avenue
3	5102	60	A;	970 Flatbush Avenue
3	5102	61	A;	972 Flatbush Avenue
3	5103	1	A;	937 Flatbush Avenue
3	5103	6	A;	935 Flatbush Avenue
3	5103	8	A;	929 Flatbush Avenue
3	5103	23	A;	897 Flatbush Avenue
3	5103	26	A;	893 Flatbush Avenue
3	5103	28	A;	885 Flatbush Avenue
3	5109	1	A;	971 Flatbush Avenue
3	5109	2	A;	969 Flatbush Avenue
3	5109	3	A;	967 Flatbush Avenue
3	5109	4	A;	959 Flatbush Avenue
3	5109	7	A;	957 Flatbush Avenue
3	5109	8	A;	949 Flatbush Avenue
3	5125	11	A;	982 Flatbush Avenue
3	5125	14	A;	990 Flatbush Avenue
3	5125	15	A;	992 Flatbush Avenue
3	5125	16	A;	994 Flatbush Avenue
3	5125	17	A;	996 Flatbush Avenue
3	5125	18	A;	1000 Flatbush Avenue
3	5125	20	A;	1004 Flatbush Avenue
3	5125	23	A;	1010 Flatbush Avenue
3	5125	24	A;	1012 Flatbush Avenue
3	5125	25	A;	1014 Flatbush Avenue
3	5125	51	A;	1016 Flatbush Avenue
3	5125	56	A;	1024 Flatbush Avenue
3	5125	60	A;	1034 Flatbush Avenue

<b>Boro</b>	<b>Block</b>	<b>lot</b>	<b>Class</b>	<b>Address</b>
3	5125	64	A;	1042 Flatbush Avenue
3	5125	65	A;	1044 Flatbush Avenue
3	5125	66	A;	1046 Flatbush Avenue
3	5125	68	A;	1048 Flatbush Avenue
3	5125	69	A;	1050 Flatbush Avenue
3	5125	70	A;	1052 Flatbush Avenue
3	5125	71	A;	1054 Flatbush Avenue
3	5125	72	A;	1056 Flatbush Avenue
3	5126	1	A;	1007 Flatbush Avenue
3	5126	4	A;	1005 Flatbush Avenue
3	5126	5	A;	1003 Flatbush Avenue
3	5126	6	A;	1001 Flatbush Avenue
3	5126	7	A;	999 Flatbush Avenue
3	5126	9	A;	995 Flatbush Avenue
3	5126	10	A;	993 Flatbush Avenue
3	5126	11	A;	991 Flatbush Avenue
3	5126	12	A;	989 Flatbush Avenue
3	5126	13	A;	987 Flatbush Avenue
3	5126	14	A;	983 Flatbush Avenue
3	5132	1	A;	1013 Flatbush Avenue
3	5132	48	A;	1069 Flatbush Avenue
3	5132	49	A;	1067 Flatbush Avenue
3	5132	50	A;	1065 Flatbush Avenue
3	5132	51	A;	1063 Flatbush Avenue
3	5132	52	A;	1061 Flatbush Avenue
3	5132	53	A;	1059 Flatbush Avenue
3	5132	54	A;	1057 Flatbush Avenue
3	5132	55	A;	1055 Flatbush Avenue
3	5132	56	A;	1053 Flatbush Avenue
3	5132	57	A;	1051 Flatbush Avenue

<b>Boro</b>	<b>Block</b>	<b>lot</b>	<b>Class</b>	<b>Address</b>
3	5132	80	A;	1041 Flatbush Avenue
3	5152	7	A;	1060 Flatbush Avenue
3	5152	8	A;	1062 Flatbush Avenue
3	5152	10	A;	1066 Flatbush Avenue
3	5152	11	A;	1068 Flatbush Avenue
3	5152	12	A;	1072 Flatbush Avenue
3	5165	1	A;	2132 Flatbush Avenue
3	5165	82	A;	1083 Flatbush Avenue
3	5165	84	A;	1081 Flatbush Avenue
3	5165	85	A;	1077 Flatbush Avenue
3	5165	86	A;	1075 Flatbush Avenue
3	5165	87	A;	1073 Flatbush Avenue



# Exhibit C - Land Use Map



