File #: Res 0531-2023, **Version:** *

Res. No. 531

Resolution authorizing a change in the name of the Flatbush Avenue business improvement district, an increase in the amount to be expended annually in such district, an extension of the boundaries of such district, a change in the method of assessment upon which the district charge in such district is based, and an increase in the maximum total amount to be expended for improvements in such district

By Council Members Brannan and Louis

WHEREAS, pursuant to the authority granted by chapter 4 of title 25 of the Administrative Code of the City of New York (the "Law"), the Mayor, by authorization dated August 12, 2022, provided for the preparation of an amended district plan for the Flatbush Avenue Business Improvement District (to be renamed the Church Avenue/Flatbush Avenue Business Improvement District, or the "District") in the Borough of Brooklyn; and

WHEREAS, pursuant to Local Law No. 82 for the year 1990, the City Council assumed responsibility for adopting legislation relating to Business Improvement Districts; and

WHEREAS, pursuant to authority granted by the Law, the District was established by Local Law No. 63 for the year 1993; and

WHEREAS, pursuant to Section 25-410(b) of the Law, an amendment to the district plan that provides for additional improvements or services or any change in the method of assessment upon which the district charge is based, or an increase in the amount to be expended annually, may be adopted by local law, provided that the City Council determines, after a public hearing, that it is in the public interest to authorize such changes and that the tax and debt limits prescribed in Section 25-412 of the Law will not be exceeded by such changes; and

WHEREAS, pursuant to Section 25-410(c) of the Law, an amendment to the district plan that provides for an increase in the total maximum amount to be expended for improvements in the District may be adopted by local law, provided that the City Council determines, after a public hearing, that it is in the public interest to authorize such increase and that the tax and debt limits prescribed in Section 25-412 of the Law will not be exceeded by such increase; and

WHEREAS, the District wishes to increase the amount to be expended annually in the District to $589,000, to extend the District's boundaries and to amend the district plan in order to change the method of assessment upon which the district charge is based and to increase the maximum total amount to be expended for improvements in the District; and

WHEREAS, pursuant to section 25-405(c) of the Law, the New York City Department of Small Business Services ("SBS") submitted an amended district plan (the "Amended Plan") for the District to the City

Planning Commission (the "CPC") on December 14, 2022; and

WHEREAS, pursuant to section 25-405(c) of the Law, the CPC submitted the Amended Plan to the City Council on December 16, 2022; and

WHEREAS, pursuant to section 25-405(c) of the Law, the CPC submitted the Amended Plan to the Council Member representing the council district in which the District is located on December 16, 2022; and

WHEREAS, pursuant to section 25-405(c) of the Law, the CPC submitted the Amended Plan to Brooklyn Community Board 9 ("CB 9") and Brooklyn Community Board 14 ("CB 14") in which the proposed extended district is located, on December 16, 2022; and

WHEREAS, pursuant to section 25-405(c) of the Law, the CPC submitted the Amended Plan to the Brooklyn Borough President on December 16, 2022; and

WHEREAS, pursuant to section 25-405(c) of the Law, CB 9 and CB 14 notified the public of the Amended Plan in accordance with the requirements established by the CPC; and

WHEREAS, on January 14, 2023, CB 14 voted to approve the extension of the District; and

WHEREAS, on January 24, 2023, CB 9 voted to approve the extension of the District; and

WHEREAS, pursuant to section 25-405(c) of the Law, the CPC reviewed the Amended Plan, held a public hearing on January 18, 2023, and prepared a report certifying its unqualified approval of the Amended Plan; and

WHEREAS, pursuant to section 25-405(c) of the Law, the CPC submitted its report to the Mayor, to the Brooklyn Borough President, to the City Council and to the Council Member representing the council district in which the District is located; and

WHEREAS, pursuant to section 25-405(c) of the Law, a copy of the CPC's report, the original district plan and the Amended Plan were transmitted for filing with the City Clerk on February 17, 2023; and

WHEREAS, pursuant to section 25-406(a) of the Law, a copy of the Amended Plan and the CPC's report are annexed hereto and are made part of this Resolution; and

WHEREAS, pursuant to section 25-406(a) of the Law, the Amended Plan is on file for public inspection in the Office of the City Clerk, 141 Worth Street, New York, New York; and

WHEREAS, pursuant to Section 25--406(b) of the Law, any owner of real property, deemed benefited and therefore within the proposed extended district, objecting to the Amended Plan must file an objection at the Office of the City Clerk within thirty days of the conclusion of the hearing held by the City Council, notice of which is provided by this Resolution, on forms made available by the City Clerk; and

WHEREAS, pursuant to Section 25-406(b) of the Law, if owners of at least fifty-one percent of the assessed valuation of all the benefited real property situated within the boundaries of the District as proposed for extension, as shown upon the latest completed assessment roll of the City, or at least fifty-one

percent of the owners of benefited real property within the area included in the District as proposed for extension, file objections to the Amended Plan with the City Clerk within the thirty-day objection period, the District will not be extended; now, therefore, be it

RESOLVED, that the Council of the City of New York, pursuant to Section 25-406 of the Law, hereby directs that:

(i) April 27, 2023 is the date and 10:00 am is the time and the City Council Committee Meeting Room, 2nd Floor, City Hall is the place for a public hearing (the "Public Hearing") to hear all persons interested in the legislation that would authorize an increase in the amount to be expended annually in the District, an extension of the District's boundaries, a change in the method of assessment upon which the district charge in the District is based, an increase in the maximum total amount to be expended for improvements in the District, and a change in the name of the District;

(ii) the Flatbush Avenue District Management Association shall, not less than ten (10) nor more than thirty (30) days before the date of the Public Hearing, mail a copy of this Resolution or a summary thereof to each owner of real property within the proposed extended district at the address shown on the latest City assessment roll, to such other persons as are registered with the City to receive tax bills concerning real property within the proposed extended district, and to the tenants of each building within the proposed extended district;

(iii) SBS shall arrange for the publication of a copy of this Resolution or a summary thereof at least once in the City Record or a newspaper in general circulation in the City, the first publication to be not less than ten (10) nor more than thirty (30) days before the date of the Public Hearing;

(iv) in the event that the Flatbush Avenue District Management Association mails, or SBS arranges for the publication of, a summary of this Resolution, such summary shall include the information required by section 25-406(c) of the Law; and

(v) on behalf of the City Council and pursuant to Section 25-410(b) of the Law, the Flatbush Avenue District Management Association is hereby authorized to publish in a newspaper having general circulation in the District, not less than ten (10) days prior to the Public Hearing, a notice stating the time and place of the Public Hearing and stating the increase in the amount to be expended annually in the District.

powered by Legistar™