



## CITY PLANNING COMMISSION

---

December 5, 2007/Calendar No. 22

N 080079 BDM

---

IN THE MATTER of an application submitted by the Department of Small Business Services on behalf of the Amended Bryant Park Business Improvement District pursuant to Section 25-405 of the Administrative Code of the City of New York, as amended, concerning the expansion of the Bryant Park Business Improvement District, Borough of Manhattan, Community District 5.

---

On August 29, 2007, the Mayor authorized the preparation of a district plan for the Amended Bryant Park Business Improvement District (BID). On September 4, 2007, on behalf of the Bryant Park District Management Association (DMA), the Department of Small Business Services (DSBS) submitted the amended district plan for the BID, located in Community District 5 in the Borough of Manhattan.

### **BACKGROUND**

The Bryant Park BID is located in the Borough of Manhattan. The existing BID boundaries are on the south side of 40<sup>th</sup> Street and the north side of 42<sup>nd</sup> Street between Fifth Avenue and Avenue of the Americas, and on the east side of Fifth Avenue and the west side of Avenue of the Americas, between 40<sup>th</sup> and 42<sup>nd</sup> Streets. The proposed BID extension is located at One Bryant Park, on Avenue of the Americas, between West 42<sup>nd</sup> and West 43<sup>rd</sup> streets.

The District represents 34 properties and 36 tax lots. There is one residential building and several public and private educational and cultural institutions that include the Central Research Branch of New York Public Library, the midtown campus of New York University and the School of Optometry (SUNY).

The services of the BID will primarily focus on security, sanitation, holiday lighting and marketing and horticulture. The BID employs a group of 15 to 30 professional sweepers. The

sanitation effort is spread out across its hours of operation, with the greatest amount of manpower concentrated at the hours of highest use of the park. It will continue to supplement the existing municipal sanitation program.

The amended budget for the BID is projected to be \$900,000. The budget will allocate \$300,000 to sanitation, \$300,000 to security; \$150,000 to capital improvements and \$150,000 to horticulture.

The BID assessment method is based square footage. Commercial properties will be assessed at \$0.10 per square foot. A new class of assessment was created to reflect that the added property will be jointly assessed, at different rates, by two distinct bids: Times Square and Bryant Park. Wholly commercial properties shall be assessed at \$0.10 per square foot. Commercial properties that exist on more than one tax lot, that has been combined and that now exists within the boundary of more than one BID shall be assessed at \$0.068 per square foot. Residential properties will be assessed at the same rate as commercial properties. Government and not-for-profit owned property devoted in whole to public or not-for-profit use shall be exempt from assessment.

Outreach to property owners, merchants and residents was done by the Bryant Park Management Corporation, Inc. The assessment of all properties currently in the BID will not be altered as a result of the addition of the single property. Both property owner and tenant of One Bryant Park issued letters expressing support of being included in the BID.

## **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 07SBS022M. 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 June 21, 2007.

## **LAND USE REVIEW**

On September 4, 2007 the Department of Small Business Services submitted the district plan for the Bryant Park 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 Manhattan Borough President, City Council Speaker, City Council Member of Council District 3 and Manhattan Community Board 5.

### **Community Board Public Hearing**

On September 6, 2007, Community Board 5 adopted a resolution recommending approval of this application (N 080079 BDM) unanimously, by a vote of 30 in favor, with 0 opposed and 3 abstentions.

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

On October 17, 2007, Calendar No. 5 the Commission scheduled October 31, 2007 for a public hearing on the district plan. On October 31, 2007 (Calendar No. 17), the hearing was duly held.

There were three speakers in favor of the proposal and none in opposition.

The president of the Bryant Park Corporation gave a history of the BID. A representative from the Durst Organization—owner of One Bryant Park—spoke about the uniqueness of one property participating in two distinct BIDs. He explained how the Times Square BID and the Bryant Park BID determined the assessment for One Bryant Park. He also explained how One Bryant Park became a participant in both BIDs.

A representative from Bank of America, primary tenant of One Bryant Park, expressed the enthusiasm of moving into a vibrant and thriving environment and support for being a participant in the Bryant Park BID.

There were no other speakers and the hearing was closed.

### Consideration

The Commission believes that the proposal to amend the Bryant Park Business Improvement District in Manhattan 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.

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 amended district plan for the Bryant Park Business Improvement District.

The above resolution duly adopted by the City Planning Commission on December 5, 2007 (Calendar No. 22) 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.

**AMANDA M. BURDEN, AICP, Chair**

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

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

**ANGELA R. CAVALUZZI, R.A., ALFRED C. CERULLO, III,**

**BETTY CHEN, RICHARD W. EADDY,**

**NATHAN LEVENTHAL, KAREN A. PHILLIPS,**

**DOLLY WILLIAMS, COMMISSIONERS**

**MARIA M. DEL TORO, Commissioner, ABSTAINING**