



CITY PLANNING COMMISSION

May 20, 2009/Calendar No. 14

N 090346 BDM

IN THE MATTER of an application submitted by the Department of Small Business Services on behalf of the Amended Times Square 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 Times Square Business Improvement District, Borough of Manhattan, Community Districts 4 and 5.

On February 25, 2008, the Mayor authorized the preparation of a district plan for the Amended Times Square Business Improvement District (BID). On March 3, 2009, on behalf of the Times Square District Management Association (DMA), the Department of Small Business Services (DSBS) submitted the amended district plan for the BID, located in Community Districts 4 and 5 in the Borough of Manhattan.

BACKGROUND

The Times Square BID is located in the Borough of Manhattan. The existing BID boundaries are generally West 53rd Street on the north; Avenue of the Americas on the east; West 41st Street on the south and Eighth Avenue on the west. The BID also includes an area known as Restaurant Row located on West 46th Street, between Eighth and Ninth Avenues. The proposed BID extension is located at One Bryant Park, on Avenue of the Americas, between West 42nd and West 43rd streets.

The proposed amended BID will integrate One Bryant Park into its security, sanitation, promotion, and streetscape improvement services. Both the Times Square and Bryant Park BID will incorporate the added property into their marketing and promotional plans.

The amended budget for the BID is projected to be \$10,400,000. The budget will allocate

\$2,560,000 to sanitation, \$3,862,000 to security, \$100,000 to community development, \$1,400,000 to promotion, \$1,114,000 to tourism, \$670,000 to physical improvements and \$694,000 to administration.

The BID assessment method is based on assessed value. 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. 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 \$150,000.

A notice of the extension of the BID and the Amended District Plan was included in the BID's e-mail blast, distributed to owners and tenants in the district, and to city officials. In addition, a postcard was sent to property owners.

The assessment of all properties currently in the BID will not be altered as a result of the addition of the single property. A resolution to amend the District Plan and extend the BID to include One Bryant Park was presented to the Board of Directors of the Times Square District Management Association, Inc., at its meeting on May 7, 2007, and was unanimously approved. In addition, the Bank of America and the Durst Organization provided letters in support of the BID extension to include One Bryant Park.

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 08SBS006M. 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 March 6, 2008.

LAND USE REVIEW

On March 3, 2009 the Department of Small Business Services submitted the district plan for the Amended Times Square 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 Boards 4 and 5.

Community Board Public Hearing

On April 1, 2009, Community Board 4 adopted a resolution recommending approval of this application (N 090346 BDM) unanimously, by a vote of 42 in favor, with 0 opposed and 0 abstentions.

City Planning Commission Public Hearing

On April 1, 2009, Calendar No. 1 the Commission scheduled April 22, 2009 for a public hearing on the district plan. On April 22, 2009 (Calendar No. 27), the hearing was duly held. There were two speakers in favor of the proposal and none in opposition.

A BID consultant made a brief statement about the addition of One Bryant Park to the BID. The president of the Times Square Alliance explained how One Bryant Park became a participant in both the Bryant Park and Times Square BIDs.

There were no other speakers and the hearing was closed.

Consideration

The Commission believes that the proposal to amend the Times Square 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 Times Square Business Improvement District.

The above resolution duly adopted by the City Planning Commission on May 20, 2009 (Calendar No. 14) 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

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

ANGELA R. CAVALUZZI, R.A., MARIA M. DEL TORO,

NATHAN LEVENTHAL, SHIRLEY A. MCRAE,

JOHN MEROLO, KAREN A. PHILLIPS, COMMISSIONERS