



IN THE MATTER OF an application submitted by the Department of Small Business Services on behalf of the Throggs Neck BID Steering Committee pursuant to Section 25-405(a) of Chapter 4 of Title 25 of the Administrative Code of the City of New York, as amended, concerning the establishment of the Throggs Neck Business Improvement District, Borough of Bronx, Community District 10.

On June 6, 2018, on behalf of the Throggs Neck Business Improvement District (BID) Steering Committee, the Department of Small Business Services (SBS) submitted a district plan for the Throggs Neck Business Improvement District, Borough of Bronx, Community District 10 and City Council District 13.

BACKGROUND

SBS, on behalf of the Throggs Neck BID Steering Committee, submitted an application to establish the Throggs Neck BID along both sides of East Tremont Avenue from Bruckner Boulevard to Miles Avenue.

The BID is being established to serve all constituents in the district. Its organizers plan to work with stakeholders to focus on the needs and concerns of the diverse group of residents and businesses in the district.

Throggs Neck is located in the southeast section of the Bronx. In the 19th century, Throggs Neck was the site of large farms and estates. Later, it became a fashionable summer resort. In 1898, transit lines were extended to the neighborhood, bringing in more farmers and tradesfolk. Eventually, the large estates were converted into smaller row homes. Currently, Throggs Neck is an active neighborhood with diverse businesses and housing stock including small homes and the Throggs Neck Houses public housing complex. The proposed BID area is a low-density, pedestrian-friendly commercial corridor providing neighborhood-scale retail, services and entertainment.

The BID is within a low-density residential area zoned R3A and R4-1 with C1 and C2 commercial overlays. The commercial overlays permit the following commercial uses: restaurants, boutiques and other specialized retail; health, legal, real estate and financial institutions; and beauty, hair and nail salons. There are also several houses of worship, some cleaners/laundromats, government offices and a public library within the BID. Most of the commercial uses are on the ground floor, with some buildings containing office and community facilities on the second floor. Some buildings on the Avenue are mixed-use with commercial uses on the bottom and residential units above. Of the BID's 180 properties, 141 are partially or wholly commercial properties. There are four government- and not-for-profit owned properties, and about 35 residential properties. The vacancy rate for commercial tenancy is below 10 percent.

The proposal to establish a BID along East Tremont Avenue began in August 2012, with the creation of the Throggs Neck BID Steering Committee. Initial funding for organization efforts was provided by a local City Councilmember. The members of the steering committee are property owners, commercial tenants and residents, and other governmental and community representatives. A total of 23 meetings were held to determine the boundaries, key services, budget and assessment formula. Outreach efforts included 30 area mailings and email blasts; 14 newsletters; 2,500 one-on-one meetings, phone calls or emails with business owners, residents and commercial tenants; and two public meetings.

The BID sponsor sent a survey soliciting support for the formation of the BID to property owners, businesses, and residents in the area. About 60 percent of the property owners responded to the survey. Among property owners who responded to the survey, 45 percent (by total assessed value) and 58 percent (by assessed value of commercial property) expressed support for the proposed BID. Among commercial tenants, 52 percent expressed support.

The BID sponsor projects a first-year budget of \$340,000, funded by an assessment on the benefited properties. The assessed contribution is based on linear lot front footage. According to

the BID sponsor, in the first year of BID operation commercial and mixed-use lots would be assessed at an approximate rate of \$36 per front foot per year, plus an additional \$300 if the parcel occupies a corner and an additional \$300 for each floor of commercial usage above the first floor. Residential lots would be assessed a flat fee of \$1.00 per lot. Vacant parcels zoned for commercial or mixed-use would be assessed \$300 per lot. Vacant corner parcels zoned for commercial or mixed-use would be assessed an additional \$300, or a total of \$600. Government- and not-for-profit-owned property devoted solely to public or not-for-profit use would be exempt.

According to steering committee estimates, the highest assessment amount would be about \$11,912.43; the minimum about \$37.10; and the average assessment about \$2,411.10.

In its first year of operation, the BID proposes to provide services such as:

- maintenance and sanitation services supplementary to municipal sanitation services (33 percent of the budget), including graffiti removal, street and sidewalk cleaning and emptying of pedestrian trash receptacles;
- beautification (included in the maintenance and sanitation budget) including landscaping; seasonal plant purchasing, installation and maintenance; and maintenance of tree pits, planters and hanging baskets;
- marketing and special events services (30 percent of the budget) including joint advertising, website design and promotion, special events, festivals, holiday lighting and seasonal decorations, and publications; and
- administration and advocacy (37 percent of the budget) including a salaried staff comprising an executive director, a community liaison, clerical and bookkeeping support, and other special staff or consultants.

In the future, the BID could propose improvements such as plaques identifying the district.

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 18SBS002X. 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 May 24, 2018.

PUBLIC REVIEW

On June 6, 2018, SBS submitted a district plan for Throggs Neck BID to the Department of City Planning. The plan was then transmitted for review to the Office of the Mayor, Office of the Bronx Borough President, the City Council Speaker, the City Council Member for Council District 13, and Bronx Community Board 10.

Community Board Public Hearing

Bronx Community Board 10 held a public hearing on June 27, 2018 and on that date, by a vote of 19 in favor, one opposed, one abstention and one recusal adopted a resolution in support of the establishment of the BID.

City Planning Commission Public Hearing

On July 11, 2018 (Calendar No. 2), the Commission scheduled July 25, 2018 for a public hearing on the BID district plan. On July 25, 2018 (Calendar No. 26), the hearing was duly held.

Three speakers testified in favor of the proposal. Those who testified included the Deputy

Commissioner for Neighborhood Development at SBS, the former Throggs Neck Merchant Association president, and the steering committee's current president.

The Deputy Commissioner for Neighborhood Development at SBS said that the agency had provided technical support for the BID organizing effort. He stated that the steering committee met the agency's standards for outreach efforts and that the level of support garnered for the BID was in line with other recently approved BIDs.

The former Throggs Neck Merchant Association president described the formation of the steering committee and its efforts to gain the support of property owners within the proposed BID's boundaries. He stated that the committee's survey of needs demonstrated a clear need for the services that the BID would provide. He further stated that the BID would provide funds for at least one full-time staff person, which he said was key for a successful operation. He described the budget and funding formula and the potential to seek additional grants to supplement the budget and services. Finally, he discussed the details of the outreach effort.

The steering committee's current president stated that the BID was necessary to ensure the commercial viability of the businesses that remain on East Tremont Avenue in the face of increased competition from big box stores and malls that opened in the surrounding area within the last few years. He said that he expected that the proposed BID would increase business activity on East Tremont Avenue.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the proposal to establish the Throggs Neck Business Improvement District (N 180398 BDX) is appropriate.

The Throggs Neck BID area is a unique Bronx and New York City neighborhood with historical character that would benefit from additional economic development initiatives. According to the BID plan, the area proposed for the Throggs Neck BID has about 141 commercial and mixed-use properties. The neighborhood has few commercial vacancies. Once established, the BID would promote beautification, establish a better neighborhood brand, and advance a long-term plan for the area.

The proposed BID would provide important services that support the quality of life in the Throggs Neck neighborhood, as well as in the entire Borough. Throggs Neck businesses are an important source of jobs and entrepreneurship. The commercial activity of the area enhances the Bronx and New York City as a place to live, work and run a business. The proposed BID will be an advocate for the Throggs Neck community, which may result in more City resources and public attention for this pedestrian-oriented commercial shopping and service area.

The Commission has carefully reviewed the documents that the BID sponsor submitted regarding notification of stakeholders on the proposed BID and believes that these outreach efforts were satisfactory. The Commission believes that the BID sponsors made a reasonable outreach effort and contacted as many property owners, residents and businesses as reasonably possible. The Commission is satisfied that the proposed budget is adequate to fund the necessary staff.

BIDs are important to the City because they promote healthy economic development for the communities they serve and help retain and attract businesses to the district. The proposed Throggs Neck BID will help manage this existing business area and provide guidance for growth in the future.

RESOLUTION

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

RESOLVED, that the City Planning Commission certifies its unqualified approval of the district plan for the Throggs Neck Business Improvement District.

The above resolution duly adopted by the City Planning Commission on August 22, 2018 (Calendar No. 13) 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.

MARISA LAGO, *Chair*

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

ALLEN P. CAPPELLI, ESQ., ALFRED C. CERULLO, III,

MICHELLE DE LA UZ, JOSEPH DOUEK, RICHARD W. EADDY,

CHERYL COHEN EFFRON,

HOPE KNIGHT, ANNA HAYES LEVIN, ORLANDO MARIN,

LARISA ORTIZ, *Commissioners*

DISTRICT PLAN
for the
THROGGS NECK
BUSINESS IMPROVEMENT DISTRICT
in
THE CITY OF NEW YORK
BOROUGH OF THE BRONX

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

PLANNING COMMISSION
2018 JUN -6 PM 4:31
CITY OF NEW YORK

April 2018

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I. DESCRIPTION OF THE DISTRICT

The Throggs Neck Business Improvement District (hereinafter the “District”) is located in the South East portion of the Bronx in the neighborhood of Throggs Neck. The District generally includes properties along both sides of East Tremont Avenue from Bruckner Boulevard to Miles Avenue. Additional properties are included South of East Tremont Avenue along Bruckner Boulevard, North along Otis Avenue and South along Randall Avenue.

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.

The Mayor of the City of New York, by written authorization, dated May 16, 2018, a copy of which is annexed hereto as Exhibit B has provided for the preparation of this plan (the “Plan”) pursuant to authority granted by Local law 96 of 1989 (the “Law”).

II. DISTRICT PROFILE & PRESENT USES OF DISTRICT PROPERTY

A. DISTRICT PROFILE

Throggs Neck (also known by its alternate spelling, Throgs Neck) is a neighborhood on a narrow spit of land in the southeastern portion of the Bronx.

In the 19th century, Throggs Neck became the site of large farms and estates. From 1833 to 1856, the construction of Fort Schuyler brought in laborers and craftsmen, many of whom were immigrants from Ireland, to settle in the area with their families. By the late 19th century, the area had developed into a fashionable summer resort and in 1898 transit lines were extended to the neighborhood, bringing in many Italian farmers and tradesmen. Ultimately, the large estates were converted into smaller row homes. Throggs Neck is a vibrant neighborhood with a diversity of businesses and housing stock, including middle-class homes, and the Throggs Neck Houses, one of the first low-income

public housing projects in New York City. The vibrant commercial corridor along East Tremont Avenue consists primarily of mom and pops establishment as well as few national chains. The neighborhood has also become famous for their Annual St. Patrick's Day parade. Each year, huge crowds line East Tremont Avenue to watch the parade.

B. PRESENT USES OF DISTRICT PROPERTY

1. ZONING

Properties within the proposed District are largely low density residential with variations of commercial overlay and generally fall within the following zoning designations:

C1-2/R3A, C1-2/R4-1, C1-3/R3A, C2-1/R4-1, C2-2/R3A and C2-2/R4-1

2. COMMERCIAL/RETAIL

Today, Throggs Neck contains a wide range of food service establishments, health care facilities and beauty/cosmetic services. Other businesses in the District include medical offices, insurance businesses, law services, supermarkets, laundromats, apparel establishments, florist and entertainment. There are approximately 14 national and retail chain stores located in the District, including McDonald's, Radio Shack, Carvel, 7-Eleven, Rite-Aid Pharmacy, Domino's Pizza, Subway, Dunkin' Donuts, CVS Pharmacy, and Rainbow. Eight banks/financial services in the District include J.P. Morgan Chase, Citibank, TD Bank, NY Community Bank, Amalgamated Bank, and CapitalOne.

Of the District's 180 properties, 141 are partially, or wholly commercial. Most of the commercial space in the District is on the ground floor, but there are also a number of buildings with second floor office space. The current vacancy rate of the District is less than 10%.

3. RESIDENTIAL

There are 35 properties in the District that are wholly residential. Twenty-one properties in the District are mixed-use and include commercial or retail, as well as residential.

4. GOVERNMENT AND NOT-FOR-PROFIT

Within the District's boundaries are the 45th Police Precinct, the US Post Office, Con Edison lots (2), the NYC Fire Department, the NY Public Library, the Throggs Neck Volunteer Ambulance Corps and one Church. Other not-for-profit organizations include are tenants within the District boundaries and include four churches.

5. TRANSPORTATION

The area is served by 4 bus lines (the BX8, BX40, BX42 and BXM9), which have stops within the District.

III. PROPOSED SERVICES

A. DESCRIPTION OF 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 the representation of the District for needs identified by its members. The Services shall not take the place of, but will supplement those services provided by the City of New York on a citywide basis. The Services shall be performed under the direction of the Throggs Neck BID District Management Association (hereinafter "DMA").

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, curbs and gutters, catch

basins, emptying of pedestrian trash receptacles¹, graffiti removal, snow removal, and maintenance of street trees, tree pits, and bus shelters. The sanitation program may be carried out in-house or it may be contracted out. The program will include such equipment, supplies, insurance and uniforms as are required to deliver the services. Any sanitation program approved by the Board of Directors of the DMA will be closely coordinated with the New York City Department of Sanitation and any other government City agency with relevant jurisdiction, as well as the local Community Board and private carters. The program will supplement, but will not replace, City sanitation services or cleaning by property owners/managers.

2. MARKETING & PROMOTIONS

The DMA is authorized to administer marketing and promotion services for the District, which may include, but shall not be limited to, joint advertising, web site design and promotion, special events, festivals, holiday lighting and seasonal decorations, and publications (such as business directories, maps, etc.). The purpose of the program is to increase business activity for all retailers and businesses within the District. Holiday and seasonal decorations may include, but will not be limited to, the installation of ornaments and/or lighting in the District during holidays and the winter holiday season.

3. PUBLIC SAFETY

The DMA is authorized to administer a public safety program, which may include, but shall not be limited to, unarmed patrol of the District, closed circuit surveillance of the District, creation and/or support of a Neighborhood Watch, and/or safety education programs. Any public safety programs shall operate in conjunction with the local police precinct to accomplish program objectives and maximize public safety.

4. 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

¹ Lining pedestrian litter baskets and/or public space recycling bins and placing the full liner next to the basket/bin or at a location approved by Department of Sanitation (DSNY) for collection by DSNY.

programs, operating a façade/storefront improvement program, creating tourism links, encouraging the development of cultural entities, hiring a development consultant to identify and secure additional financial resources, hiring a transportation consultant to identify potential transportation improvements, and development of a space bank for the enhancement of appropriate retail mix solutions for the District. Hard costs associated with any façade/storefront improvement program undertaken by the DMA shall not be funded by assessment dollars

5. BEAUTIFICATION

The DMA is authorized to administer beautification services for the District, which may include, but shall not be limited to, landscaping, seasonal plant purchasing, installation and maintenance, and maintenance of tree pits, planters and hanging baskets.

6. ADMINISTRATION AND ADVOCACY

Administration of the District shall 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, including, but not limited to, a community liaison, clerical and bookkeeping support, and other special staff and/or consultants. Staff will oversee District Services and Improvements (hereinafter defined) as directed by the DMA Board of Directors for the benefit of the District constituency.

The Executive Director will serve as spokesperson for the District’s owners and tenants collectively and individually, as authorized by the Business Improvement District’s Board of Directors and with the permission of the individual owner or tenant.

Administration expenses may also include office rental, utility expense, equipment, supplies, insurance, postage and newsletters. Legal and accounting services will be contracted on an as-needed basis. When possible, in-kind services will be used.

7. ADDITIONAL SERVICES

Subject to any approvals and controls that may be required by a 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 permitted by 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 on a citywide basis.

Benchmarks for existing City services will be developed and monitored by the DMA.

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 to 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. PROPOSED IMPROVEMENTS

A. IMPROVEMENTS

The improvements (the "Improvements") to be provided pursuant to this Plan, may include, but are not limited to, the following, provided that any Improvements that require review and approval by an appropriate City or State agency shall be submitted to that City or State agency, and to the affected Community Board prior to undertaking any Improvement:

1. Sidewalk amenities to identify, enhance and beautify the District include the following proposals:

- a. Sidewalk plantings, trees, shrubs and flowers in tubs, at grade or above ground level.
- b. Sidewalk logos, banners, medallions and/or plaques identifying the area as the “Throggs Neck Business Improvement District.”

2. Street and sidewalk amenities to improve pedestrian circulation and safety, which may include but not be limited to:

- a. Surveillance cameras and monitoring equipment
- b. Trash receptacles
- c. Light poles
- d. Street telephones and/or WIFI hot spots
- e. Signage and key building identification
- f. Banners and/or medallions
- g. Benches and/or street furniture
- h. Parking facilities
- i. Shelters, information boards and kiosks
- j. Street, bus and subway modes identification
- k. Stages and/or facilities for special events

If necessary, the DMA will select and hire experienced, insured/bonded contractors to create, install, and maintain any signs, banners, or other streetscape furniture throughout the District, and obtain any required permits and licenses for all DMA programs.

B. IMPLEMENTATION SCHEDULE

It is anticipated that the Improvements, as identified by the DMA, may be implemented on an as-needed basis, under supervision of the DMA.

C. GENERAL PROVISIONS

1. All Improvements shall be in addition to, and not in substitution for, required and customary municipal improvements provided by the City on a citywide basis.
2. The staff and/or subcontractors of the DMA may render such administrative services as are needed to support installation of the Improvements.

V. PROPOSED SOURCES OF FUNDING

A. SOURCES OF FUNDING IN 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 costs 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).

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, and D shall be assessed as follows:

Class A: Commercial/Mixed-use

All properties within the District devoted in whole or in part to retail, commercial use are defined as Class A and shall be assessed at a rate reflective of the linear front footage (FF) within the District for a specific property.

All parking lots, stand-alone lots or lots attached to Class A properties to accommodate customers, shall be assessed in the same manner as those properties listed as Class A properties. Properties in development shall be assessed in the same manner as those properties listed as Class A properties. For buildings containing multiple commercial condominiums on the ground floor, the front footage for each commercial condominium will be calculated based on its proportional share of ground floor commercial square feet.

Class A property shall be assessed in the following manner:

Class A FF Rate

$$\frac{[(\text{Total District Assessment}) - (\text{Total } \underline{\text{Class A}} \text{ Corner Fee} + \text{Total } \underline{\text{Class A}} \text{ Floor(s) Fee} + \text{Total } \underline{\text{Class C}} \text{ Fee} + \text{Total } \underline{\text{Class C}} \text{ Corner Fee}) - (\text{Total } \underline{\text{Class B}} \text{ Assessment})]}{[\text{Total } \underline{\text{Class A}} \text{ FF}]}$$

The “Class A FF Rate” from above will be inserted into the following formula to determine the unique assessment for an individual Class A property:

$$\text{Individual } \underline{\text{Class A}} \text{ assessment} = [(\underline{\text{Class A FF Rate}}) \times (\text{Individual Property FF})]^*$$

* Properties located on corner lots shall be assessed an additional \$300.00 per corner occupied. Properties with commercial uses above the ground floor, including commercial condos, shall be assessed an additional \$300.00 per floor of commercial use.

Class B: Residential

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

Class C: Vacant Parcel

All vacant parcels zoned for commercial or mixed-use shall be assessed at \$300. All vacant corner parcels zoned for commercial or mixed-use shall be assessed an additional \$300, or a total of \$600. Vacant parcels shall be designated and assessed as Class A properties once a Temporary Certificate of Occupancy is secured from the NYC Department of Buildings for the vacant parcel.

Class D: Not-for-Profit and Government

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 D 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.

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 the 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 institutions, the City, other public and private entities, individuals, firms, corporations or partnerships and other not-for-profit organizations for the purposes of funding operations or financing the costs of Services and 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 the Contract or otherwise) or by any other public entity, as the case may be.
3. Any loans which the DMA may enter into as 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 sublicensing of user rights (hereinafter defined) as such charges and user rights are described in Section IX of the Plan.

F. SOURCE OF FUNDING: OTHER

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 sublicensing of user rights (hereinafter defined) as such charges and user rights are described in Section IX of the Plan.

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 into pursuant to paragraph D of this Section V, such assignments are subject to the requirements of Section V of this Plan.

VI. PROPOSED EXPENDITURES: ANNUAL BUDGETS

A. TOTAL ANNUAL EXPENDITURES AND COST OF IMPROVEMENTS

The total amount proposed to be expended by the DMA for Improvements, if any, Services and Operations for the First Contract Year is \$340,000, as more fully set forth in Subsection B of this Section VI. This is the maximum amount that can be collected from the Assessments for the First Contract Year and any subsequent Contract Year, as set forth in section V, above. Changes to the maximum amount to be collected from Assessments shall be subject to the requirements set forth in the Law.

The total, as proposed to be expended by the DMA, for any subsequent Contract Year, shall not be greater than the 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 \$3,400,000.

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:

a. Programs and Services	\$ 215,500
i) Maintenance/Sanitation	\$ 112,500
ii) Marketing/Retail Attraction	\$ 103,000
b. General & Administrative	\$ 124,500
	=====
TOTAL FIRST YEAR BUDGET	\$ 340,000

In the event additional sources of funding are made available during the First Contract Year, the DMA may revise the budget with the appropriate review and approval of the Board of Directors and in accordance with the Contract.

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 budget 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 provided in the Budget for, but expended 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. 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 (attached).

VIII. DISTRICT MANAGEMENT ASSOCIATION

The DMA established for the Throggs Neck 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 purposes as specified in Section 501 (c) of the Internal Revenue Code of 1986, as amended.

The DMA shall have (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, and (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 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 the Bronx; 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. 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) consideration the DMA shall pay to the City for the grant and/or license in question;
- ii) 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) what charges the DMA may impose upon other persons as consideration for such sub-grant or sub-license; and
- iv) 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 User Rights, subject to the requirements of this District Plan and the Contract with the City of New York:

- 1. Information and promotion kiosks
- 2. Newsstands
- 3. News boxes

X. REGULATIONS

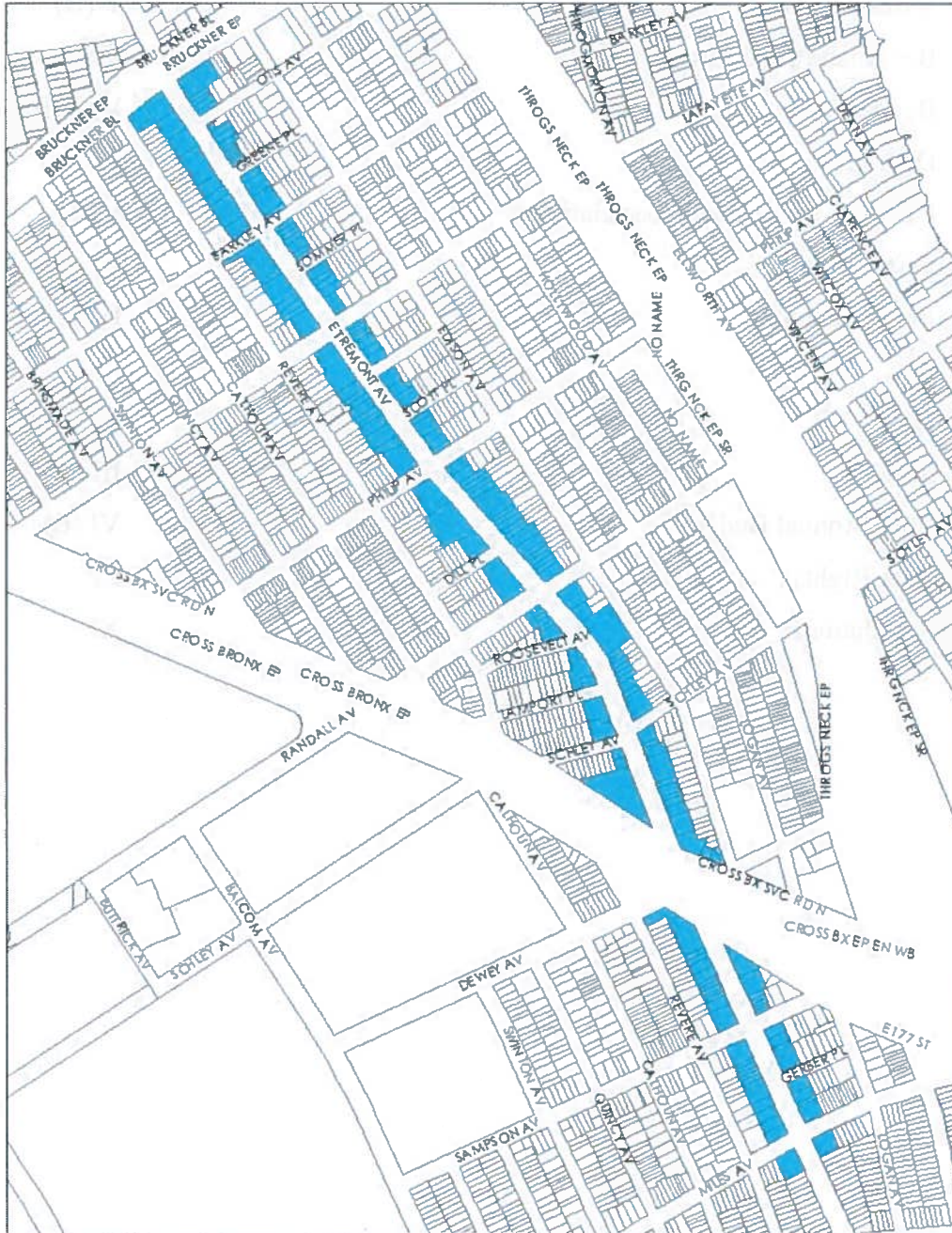
The rules and regulations proposed for governing the operation of the District and the provision of Services and Improvements by the DMA ("the Regulations") are set forth herein below.

- 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.

XI. GLOSSARY OF TERMS

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

Throggs Neck BID District Map





THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N. Y. 10007

May 16, 2018

Mr. Gregg Bishop
Commissioner
Department of Small Business Services
7th Floor
110 William Street
New York, NY 10038

Dear Commissioner Bishop:

Pursuant to Section 25-405(a) of the Administrative Code of the City of New York, I hereby authorize the preparation of a district plan for the establishment of the Throggs Neck Business Improvement District (BID), located in the Borough of the Bronx.

Proposed Boundaries: Properties along East Tremont Avenue bounded by Bruckner Boulevard on the west and Miles Avenue on the east.

Sponsor Organization: Throggs Neck BID Steering Committee

The Department of Small Business Services shall prepare the District Plan pursuant to authority granted by Section 25-405(a) of this law.

The authorization shall take effect immediately.

Sincerely,

Bill de Blasio
Mayor

cc: Corey Johnson, Speaker of the City Council
Daniel Dromm, Chair of the City Council Finance Committee
Ruben Diaz Jr., Bronx Borough President
Members of the New York City Council
Alicia Glen, Deputy Mayor for Housing and Economic Development
Jackie Mallon, First Deputy Commissioner, Department of Small Business Services
Michael Blaise Backer, Deputy Commissioner, Department of Small Business Services
Kris Goddard, Assistant Commissioner, Department of Small Business Services
Warren Gardiner, Director of Intergovernmental Affairs, Department of Small Business Services
Roxanne Earley, BID Program Director, Department of Small Business Services
LeMel Lindsey, Senior Program Manager, Department of Small Business Services

Exhibit C: TAX BLOCKS AND LOTS OF BENEFITED PROPERTIES

BLOCK	LOT	CLASS
5419	1	A
5419	2	A
5419	6	A
5419	9	A
5419	55	A
5419	56	A
5419	57	A
5419	58	A
5419	62	A
5419	63	A
5419	110	A
5419	111	A
5419	113	A
5419	162	A
5419	114	A
5419	155	A
5419	156	A
5419	157	A
5419	187	A
5423	1	A
5423	6	A
5423	8	A
5423	9	A
5423	56	A
5423	57	A
5423	59	A
5423	60	A
5423	61	A
5423	62	A
5427	1	A
5427	2	A
5427	3	A
5427	5	A
5427	8	A
5427	45	A
5427	47	A
5427	48	A
5427	50	A
5427	90	A
5427	92	A
5427	94	A
5427	95	A
5427	96	A
5427	97	A

5427	98	A
5427	153	A
5431	1	A
5431	2	A
5431	5	A
5431	7	A
5431	9	A
5431	13	A
5431	19	A
5431	21	A
5431	27	A
5435	1	A
5435	5	A
5435	6	A
5435	10	A
5435	11	A
5435	12	A
5435	13	A
5435	14	A
5435	22	A
5435	33	A
5435	107	A
5435	108	A
5439	3	A
5439	7	A
5439	9	A
5439	11	A
5439	14	A
5439	21	A
5439	22	A
5439	51	A
5439	77	A
5439	78	A
5439	108	A
5445	1	A
5445	4	A
5445	5	A
5445	7	A
5445	28	A
5445	33	A
5445	35	A
5448	47	A
5531	1	A
5531	6	A
5531	13	A
5531	17	A
5531	21	A
5531	28	A

5531	30	A
5531	32	A
5531	37	A
5531	93	A
5531	100	A
5531	101	A
5531	104	A
5531	106	A
5531	113	A
5543	6	A
5543	20	A
5543	23	A
5543	24	A
5543	27	A
5543	28	A
5543	30	A
5543	33	A
5543	86	A
5543	105	A
5543	106	A
5543	156	A
5561	164	A
5561	167	A
5561	170	A
5562	13	A
5562	14	A
5562	15	A
5562	16	A
5562	17	A
5562	18	A
5562	21	A
5562	64	A
5562	72	A
5562	148	A
5562	153	A
5576	1	A
5576	22	A
5576	23	A
5576	25	A
5576	28	A
5576	34	A
5576	40	A
5576	86	A
5576	97	A
5576	102	A
5576	105	A
5576	107	A
5576	110	A

5589	5	A
5419	59	B
5419	60	B
5423	5	B
5423	55	B
5431	3	B
5431	4	B
5431	6	B
5431	11	B
5431	12	B
5431	14	B
5431	15	B
5431	22	B
5431	23	B
5431	24	B
5431	25	B
5439	13	B
5439	19	B
5443	63	B
5443	64	B
5443	65	B
5443	66	B
5443	166	B
5531	103	B
5543	22	B
5543	26	B
5576	30	B
5576	31	B
5576	33	B
5576	35	B
5576	36	B
5576	92	B
5576	93	B
5576	94	B
5576	95	B
5576	96	B
5439	1	D
5443	67	D
5443	170	D
5543	39	D

Exhibit D: *LAND USE MAP*

Throggs Neck BID Land Use Map

