

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON ENVIRONMENTAL PROTECTION

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June 20, 2017  
Start: 1:30 p.m.  
Recess: 1:35 p.m.

HELD AT: 250 Broadway - Committee Rm,  
16th Fl.

B E F O R E:

COSTA G. CONSTANTINIDES  
Chairperson

COUNCIL MEMBERS:

Stephen T. Levin  
Rory I. Lancman  
Donovan J. Richards  
Eric A. Ulrich

A P P E A R A N C E S (CONTINUED)

2 [sound check]

3 [pause]

4 [gavel]

5 CHAIRPERSON CONSTANTINIDES: Good

6 afternoon. I am Costa Constantinides, chair of the  
7 Environmental Protection Committee and today the  
8 Committee will hear and vote on Intro 1503-B, a local  
9 law to amend the Administrative Code of the City of  
10 New York in relation to exemptions from air  
11 conditioning prohibition.

12 I want to recognize we're joined today by  
13 Council Members from Queens, both members of the  
14 Committee, Council Members Rory Lancman and Eric  
15 Ulrich.

16 In October of 2015, the City enacted  
17 Local Law 92 in relation to the use of air  
18 conditioning systems. The law expanded to small  
19 stores, retail and hotel establishments under 4,000  
20 sq. ft. the prohibition against propping open outside  
21 doors and windows while air conditioners or a central  
22 cooling system is operating. We also at that time  
23 exempted those restaurants with sidewalk cafés,  
24 because it was part and parcel to their business to  
25 be connected to the outside world. There is the

1 argument that the industry continues to have French  
2 doors, those that are ineligible for sidewalk cafés  
3 but do have fresco dining French doors that are also  
4 often built at substantial cost to restaurants who  
5 made this investment or it's employing men and women  
6 in our communities and that it's a significant  
7 selling point that allows them to continue to keep  
8 their doors open literally to continue to make money  
9 and employ those people in our communities.  
10

11 And furthermore, unlike the case of the  
12 store that props open its exterior windows or doors  
13 and run the air conditioner to blow cool air and  
14 attract customers in, the windows and doors at these  
15 restaurants are usually integral to the dining  
16 experience at hand. Intro 1503-B would clarify that  
17 the prohibition against keeping the doors of  
18 commercial **[inaudible]** open when the air conditioning  
19 is on would not apply to most restaurants. This  
20 local law would effectively create an exemption to  
21 the requirement that keeps stores' exterior windows  
22 and doors closed while air conditioning is operating.  
23 The exemption is for windows and doors that connect  
24 indoor seating areas where food and beverages are  
25 served to the outside. The bill would take effect

2 immediately upon enactment. This bill in no way  
3 weakens the requirement that retail stores keep their  
4 front doors closed while air conditioning is on, but  
5 supports our local restaurants that do not seek to  
6 flout the law, only to continue to exist in the  
7 communities in the way that they have already  
8 invested. This local law seeks to save fuel by  
9 preventing a waste of fuel that otherwise occur when  
10 air conditioning cannot possibly cool the entire  
11 outdoors while at the same time not unduly burdening  
12 restaurants that have invested significant resources  
13 to comply with the existing local law by creating  
14 French doors when sidewalk dining permits are  
15 unavailable. I am voting in favor of this law and  
16 recommend a yes vote to the Committee.

17 COMMITTEE CLERK: Good afternoon. This  
18 is the Committee on Environmental protection; today  
19 is June 20, 2017; we'll be voting on Intro 1503-B and  
20 a Preconsidered Resolution related to the New York  
21 State Environmental Quality Review Act. We'll begin  
22 with Chairman Constantinides.

23 CHAIRPERSON CONSTANTINIDES: I vote aye.

24 COMMITTEE CLERK: Council Member Lancman.

25 COUNCIL MEMBER LANCMAN: Aye.

1 COMMITTEE ON ENVIRONMENTAL PROTECTION 6

2 COMMITTEE CLERK: Council Member Ulrich.

3 COUNCIL MEMBER ULRICH: I vote aye.

4 COMMITTEE CLERK: By a vote of 3 in the  
5 affirmative, 0 in the negative and 0 abstentions, the  
6 items have passed. Thank you.

7 CHAIRPERSON CONSTANTINIDES: Seeing no  
8 more votes, thank you to the clerk, thank you Samara  
9 Swanston and Bill Murray, our attorney and policy  
10 analyst, we will gavel this meeting of the  
11 Environmental Protection Committee closed.

12 [gavel]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date July 12, 2017