



Legislation Text

File #: Int 1072-2009, **Version:** *

Int. No. 1072

By Council Members Yassky, Brewer, The Public Advocate (Ms. Gotbaum) and Council members Gentile, Gerson, Lappin and Nelson

A Local Law to amend the administrative code of the city of New York, in relation to requiring environmental mitigation reports on certain large-scale developments to be submitted to affected council members and community boards.

Be it enacted by the Council as follows:

Section 1. This bill shall be known and may be cited as the "Environmental Mitigation Report Law."

§2. Declarations of legislative findings and intent. The Council finds that New York City has undergone and will continue to undergo an extraordinary amount of construction and development, and that much of this development has proceeded without accompanying improvements in infrastructure and services. In order to create communities with adequate infrastructure and support, city agencies need to assess and report to the public through local community boards and the affected Council Member specific mitigations noted within an Environmental Impact Statement where one was prepared for a development project, and whether and how each relevant agency plans to implement such mitigation measures.

§3. Chapter one of title twenty-five of the administrative code of the city of New York is amended by adding a new section 25-114 to read as follows:

§25-114 Environmental mitigation report. a. Definitions. For purposes of this section the following terms and phrases shall have the following meanings:

1. "Covered agencies" shall mean the department of transportation, department of sanitation, department of environmental protection, department of education, department of parks and recreation, the police department and fire department.

2. “Covered development” shall mean any project resulting in the construction of a building or structure used for commercial, residential or mixed use occupancy where an environmental impact statement is required by law for an application subject to review pursuant to section 197-c of the New York city charter.

b. The department of city planning in coordination with the mayor’s office of environmental coordination shall work with each covered agency and submit a report to the council member(s), borough president and the community board(s) in the district(s) and borough in which a covered development is located within sixty days of issuance of a notice of completion of a draft environmental impact statement on the covered development. In preparing such report, each covered agency shall review the draft environmental impact statement and any other relevant information and provide to the mayor’s office of environmental coordination and the department of city planning an assessment of: (1) the current level of services (including infrastructure used to provide such services) in the impacted area identified by the environmental impact statement relating to the covered development and (2) a detailed description of each covered agency’s plans to address the differential between such current service levels and the minimum neighborhood service standards set forth for the respective covered agencies in subdivisions d through j of this section.

c. The departments of transportation, sanitation, environmental protection, education, parks and recreation and the police department and the fire department shall establish minimum neighborhood service standards as set forth in subdivisions d through j of this section. These minimum neighborhood service standards shall serve as a standard for measuring the impact of a covered development on neighborhood services.

d. The department of transportation shall establish minimum neighborhood service standards which shall include, but not be limited to, the acceptable average distance to the closest public transportation from a city resident’s home to a bus stop or subway station, and the acceptable frequency of each such mode of transportation during peak and off-peak hours, an acceptable flow of vehicular and pedestrian traffic based on an examination of vehicular and pedestrian traffic patterns in order to identify and alleviate vehicular and

pedestrian congestion and access to alternative transportation methods, such as, but not limited to, authorized bicycle lanes. The department of transportation shall periodically review and, as necessary, revise such minimum neighborhood service standards.

e. The department of sanitation shall establish minimum neighborhood service standards for the frequency of the collection of solid waste and designated recyclable materials and street cleaning. The department of sanitation shall periodically review, and as necessary, revise such minimum neighborhood service standards.

f. The department of environmental protection shall establish minimum neighborhood service standards for air quality, ambient noise levels, the provision of potable water and wastewater treatment. The department of environmental protection shall periodically review and, as necessary, revise such minimum neighborhood service standards.

g. The department of education shall establish minimum neighborhood service standards which shall include, but not be limited to, the number of school seats needed, for elementary level, middle school level and high school level students, respectively, in order to serve the current and expected future school populations. The department of education shall periodically review and revise, as necessary, such minimum neighborhood service standards.

h. The department of parks and recreation shall establish neighborhood service standards for access to parks and other open space. Such neighborhood service standards shall include, but not be limited to, the acceptable distance every resident is from a park or other open space and the minimum amount of parkland appropriate for a given residential and commercial population. The department shall periodically review and revise, as necessary, such minimum neighborhood service standards.

i. The police department shall establish minimum neighborhood service standards for protection of New York city residents. Such neighborhood service standards shall include, but not be limited to, the appropriate response times for different categories of complaints or requests for assistance received by the

police department, and precinct staffing levels and patrol schedules. The police department shall periodically review and revise, as necessary, such minimum neighborhood service standards.

j. The fire department shall establish minimum neighborhood service standards for fire protection, including, but not limited to, the response time necessary to achieve adequate protection against fire and other emergency response conditions within the jurisdiction of the fire department. The fire department shall periodically review and revise, as necessary, such minimum neighborhood service standards.

k. No later than February 28 of each year, the department of city planning shall submit to the city council a report describing for each project approved by the department of city planning any adverse environmental impacts of each such project that were identified in any environmental impact statement prepared in conjunction with such project, what measures are required to be taken to mitigate those impacts, when each such mitigation measure is required to be initiated and the duration of each such mitigation measure. Such report also shall include for each such project for the first five years for which each mitigation measures is required to be implemented, what is being done with respect to each such mitigation measure.

§4. This local law shall take effect sixty days after enactment.

6-4-09