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Int. No. 742

By Council Members Fisher, Carrion, Miller, Malave-Dilan, Eisland, Freed, Henry, Linares, Marshall, Michels, Quinn and White; also Council Members Cruz, DiBrienza, Espada, Foster, Harrison, Koslowitz, Leffler and Perkins

A Local Law to amend the administrative code of the city of New York, in relation to the establishment and maintenance of greenthumb community gardens.

Be it enacted by the Council as follows:

Section one. Legislative declaration. The Council hereby finds and declares that Greenthumb Community Gardeners make a significant contribution to the civic and cultural life of cities all across America, are encouraged and supported by government entities and create gathering places that bring communities together across boundaries of age and ethnicity.

The City of New York (hereinafter referred to as the "City") has less than half the public parkland per capita of most American cities and most community gardens tend to be in neighborhoods with the least amount of public parkland.

The City has one of the lowest open space standards for its citizens of any metropolitan area in the country (only 2.5 acres per 1000 residents). Thirty-three, or 56%, of New York City's 59 Community Planning Districts do not meet even this meager open space standard, and 2% of the Districts have less than 1.5 acres of open space per 1000 residents and are communities of color where the non-white and Hispanic population exceeds 65%.

The Greenthumb Community Gardens add value to our City by providing low cost municipal services such as child-care opportunities for healthful physical activity, environmental education, cultural activities and increasing adjacent real estate values. In many of our City's communities it costs a family of five people \$15 in transportation fees just to get to and from a green public space.

The Greenthumb Community Gardeners support community policing efforts by putting eyes on the street, by enabling community improvement opportunities for people who feel alienated from civic life and by working with young people.

A survey of Greenthumb Community Gardeners by State Senator John Sampson's office in 1997 found that 78% of the respondents used the gardens for nature education for young and older citizens and 53% composted or recycled in the gardens. The City's Greenthumb Community Gardens provide healthful food for people at the bottom of the economic ladder while demonstrating to both young and old where food comes from.

The City has never created a comprehensive planning document that includes Greenthumb Community Gardens as part of a neighborhood or Citywide infrastructure yet affordable housing and accessible green open spaces like Greenthumb Community Gardens work together to improve the overall quality of life in a neighborhood. These verdant spaces provide oases of peace and calm for all in a City that is under-served in the areas of gardening, horticulture, recreational opportunities and natural areas.

Finally, the estimated \$53 million per year in sweat equity and contributions of their own funds to pay for Greenthumb Community Garden expenses made by garden volunteers should not be overlooked.

The City Council, therefore, seeks to set up a fair and equitable system for allowing communities to create new Greenthumb Community Gardens and to formally apply for the preservation of Greenthumb Community in their neighborhoods.

§2. Chapter one of title 18 of the administrative code of the city of New York is hereby amended by the addition of a new section 18-132 to read as follows:

§ 18-132 **Greenthumb community gardens.** a. Definitions. For the purposes of this section, the following terms shall have the following meanings:

1. a "greenthumb community garden" is space on city-owned land, which is designed, built and maintained by a garden group, with technical assistance provided by the department of parks and recreation, for the purpose of neighborhood beautification and the provision of community programming.

2. a "community garden group" is a group of gardeners and/or other concerned citizens which, pursuant to an agreement with the city, establishes and maintains a greenthumb community garden.

3. "greenthumb" shall mean such city agency or program, or its successors, that offers technical and material assistance to greenthumb community garden groups.

b. There shall be a moratorium on requests to the City Council for development or disposition of any greenthumb community

garden until the expiration of 90 days after the effective date of this local law.

c. All greenthumb community gardens created pursuant to this local law, shall be designated in city land use records, including but not being limited to the Integrated Property Information System (IPIS), but not including city zoning maps, as a “greenthumb community garden”.

d. Where a greenthumb community garden shall have been authorized prior to the effective date of this local law, a new two-year lease shall be signed between greenthumb and the community garden groups for all such greenthumb community gardens within ninety days of the effective date of this local law.

e. Within ninety days of the effective date of this local law, the commissioner shall establish a procedure through which community garden groups shall have the opportunity to apply to the city for permanent protection through either: (i) transfer of such property by the New York city department of parks and recreation to parkland status or (ii) conveyance of the title to such property to a newly formed or existing land trust as provided by title 3 of the state environmental conservation law. Where an application for conveyance of the property title to a land trust is approved, pursuant to a resolution adopted by the city council, the city will convey such title to such land trust for the sum of one dollar.

f. Should a greenthumb community garden not be approved for permanent protection and such property has not been requested for development by a city agency or private developer, the community garden group may continue to lease the land for successive two year terms and may reapply for permanent protection after a period of one year from the date of such denial.

g. Should the greenthumb community garden be approved for permanent protection under such procedure as the commissioner shall promulgate pursuant to subdivision e of this section, the property will be either: (i) transferred to the department of parks and recreation and designated as permanent parkland to be managed by the garden group in accordance with such rules as shall be established by the department of parks and recreation or (ii) conveyed to the land trust as provided by title 3 of the state environmental conservation law, to be managed by the garden group in accordance with rules of operation of the land trust. The City Council resolution approving such permanent protection shall be a recordable instrument that shall be recorded with the deed to such real property.

h. If any greenthumb community garden property is requested by any city agency or private developer for development for any use other than as a garden such action shall be considered a type 1 action under the state environmental quality review act (SEQRA) and a full environmental impact statement (EIS) will be required to be prepared. The property so requested for development must be identified as a greenthumb community garden in all plans, documents, meetings and hearings related to such development proposal.

i. If, after completion of the uniform land use review procedure and preparation of a final environmental impact statement, a

decision is made to convey the greenthumb community garden property for development, the city shall use its best efforts to identify a nearby alternative site of at least the same size for a replacement greenthumb community garden or shall seek to incorporate space for a replacement greenthumb community garden within the proposed development before the original greenthumb community garden site is cleared. The provisions of this section related to leases and the opportunity for permanent protection shall apply to such replacement greenthumb community garden.

j. A minimum of five neighborhood residents may apply to the city on such forms as the commissioner shall prescribe to temporarily lease a city-owned vacant lot, or several such adjacent lots, as a new greenthumb community garden for a term of two years, for the sum of one dollar, subject to the approval by the city council of a resolution authorizing such lease. Applicants must have a letter of support from the community board for the area in which the greenthumb community garden will be located. Leases for such new greenthumb community gardens may be cancelled for non-compliance with the garden rules of operation. After such initial two year lease term, the community garden group shall have the opportunity to propose the greenthumb community garden for permanent protection under the same mechanism as provided in this section for existing gardens. Should community garden groups not wish to apply for permanent protection, they may continue to renew their initial leases for additional two year terms. The city may cancel any greenthumb community garden lease upon 90 days notice should there be a development proposal for such greenthumb community garden property where such disposition has been reviewed and approved through the uniform land use review procedure and for which a final environmental impact statement has been approved.

k. A greenthumb community garden assistance fund is hereby created to receive such budget and discretionary funds as may be appropriated each fiscal year. This fund shall be established and maintained for the purpose of providing small grants to community garden groups for group development and training related to gardening techniques and skills, purchase of garden tools, supplies and appropriate educational materials, site development and maintenance, garden-related event programming and such other purposes as are reasonably related to the advancement of such greenthumb community garden. Grants from this fund shall be allocated, as nearly as possible, according to a formula reflecting the need to increase the relative percentage of open space in each council district. On or before september first of each successive fiscal year, each community garden group which receives funds from this assistance fund shall submit to the council a written report, on such form as the council shall provide, stating how funds allocated under this section were expended.

§3. Severability. If any provision of this local law or application thereof is adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, and the remainder of this local law and the application thereof to other persons or circumstances shall not be affected by such holding and shall remain in full force and effect.

§4. This local law shall take effect immediately.

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