



Legislation Text

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Int. No. 1531

By Council Members Moya, Kallos, Levin and Barron

A Local Law to amend the New York city charter, in relation to studying and reporting on the education capacity and overcrowding impacts of decisions of the city planning commission in connection with certain land use actions

Be it enacted by the Council as follows:

Section 1. Chapter 8 of the New York city charter is amended by adding a new section 207 to read as follows

§ 207 Review of actual educational impacts. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Block. The term “block” has the meaning given to that term in section 12-10 of the zoning resolution.

Capacity. The term “capacity” has the same meaning as such term is used in chapter 6 of the CEQR technical manual in relation to public schools.

CEQR technical manual. The term “CEQR technical manual” means the city environmental quality review technical manual issued in 2014 by the mayor’s office of environmental coordination, together with any updates, supplements and revisions thereto.

Covered land use action. The term “covered land use action” means an application that:

(1) the city planning commission has approved or approved with modifications for a matter described in paragraph one, three, four, five, six, eight, ten, or eleven of subdivision a of section 197-c or a change in the text of the zoning resolution pursuant to section two hundred or two hundred one;

(2) the commission decision has been approved or approved with modifications by the council pursuant

to section one hundred ninety-seven-d and is not subject to further action pursuant to subdivision e or f of such section; and

(3) involves at least four adjacent blocks of real property.

EIS. The term “EIS” means a final environmental impact statement prepared pursuant to chapter 5 of title 62 of the rules of the city of New York in connection with an application subject to review of the city planning commission pursuant to section 197-c.

Lead agency. The term “lead agency” has the meaning given to that term in section 5-02 of title 62 of the rules and regulations of the city of New York.

Study area. The term “study area” means the geographic area or areas analyzed for potential public school capacity and overcrowding impacts as part of an EIS prepared in connection with a covered land use action.

Utilization rate. The term “utilization rate” has the same meaning as such term is used in chapter 6 of the CEQR technical manual in relation to public schools.

b. In connection with each covered land use action certified by the city planning commission on or after January 1, 2015, the department or, if the city planning commission is not the lead agency, the lead agency, in coordination with the department of education and the New York city school construction authority, shall conduct studies of public elementary, intermediate, and high school capacity and overcrowding in the relevant study area. Such studies shall analyze such impacts for the following periods:

1. from the date of final approval of such covered land use action to a date four years after such final approval; and

2. from the date of final approval of such covered land use action to a date 10 years after such final approval.

c. Each study conducted pursuant to subdivision b of this section shall:

1. Compare the number of dwelling units generated by the covered land use action since final approval

of such action to the number of dwelling units projected to be generated, as analyzed in the EIS for such action;

2. Compare the number of elementary, middle school, and high school students generated by the covered land use action to the number of such students projected to be generated in the EIS for such action;

3. Provide an analysis of the following information for each public school, subdistrict and district in the study area:

(a) current enrollment compared to the enrollment at the time of the covered land use action and the enrollment projected by the EIS prepared in connection with such action;

(b) current capacity compared to capacity at the time of final approval of the covered land use action and the capacity projected by the EIS prepared in connection with such action; and

(c) current utilization rate compared to the utilization rate at the time of final approval of the covered land use action and the utilization rate projected by the EIS prepared in connection with such action.

d. For each study conducted pursuant to this section, the department or, if the city planning commission is not the lead agency, the lead agency, shall report its findings to the mayor, the speaker of the council, the affected borough president, the affected community board, and the affected council member. Such findings shall discuss the reasons for any similarities and disparities between the actual utilization rates and the projected utilization rates described in the EIS prepared in connection with such covered land use action. If such findings reveal a disparity in any metric of more than five percent between the potential for such impacts identified in the EIS and the actual effects analyzed pursuant to subdivision c of this section, or if the study conducted pursuant to subdivision b reveals any impacts not discussed in an EIS prepared in connection with the application, such report shall make recommendations for amending the CEQR technical manual to more accurately capture and mitigate the potential elementary, intermediate, and high school capacity and overcrowding impacts of future land use actions. The department or the lead agency shall issue each report prepared pursuant to this subdivision no later than six months after the end of the applicable study period described in subdivision b of this section.

§ 2. This local law takes effect on January 1, 2020.

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