

Int. No. 206

By Council Members Serrano, Sanders, Addabbo, Rivera Jackson and Davis

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 1. Legislative declaration. The Council hereby finds and declares that 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 of New York City's 59 Community Planning Districts, or 56%, do not meet even this meager open space standard, and 49% 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 (hereinafter "GreenThumb Gardens") add value to our City by providing 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 Gardens 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 Gardeners by State Senator John Sampson's office in 1997 found that 57% 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 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 Gardens as part of a neighborhood or citywide infrastructure yet affordable housing and accessible green open spaces like GreenThumb 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 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 Gardens and to formally apply for the preservation of GreenThumb Gardens 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. "GreenThumb Community Garden" or "GreenThumb Garden" is a plot or plots of City-owned land, registered with GreenThumb and designed, built and maintained by a Garden Group with technical assistance from GreenThumb, to provide open space, community programming and/or food, and to beautify neighborhoods.

2. "Community Garden Group" or "Garden Group" is a volunteer 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 Garden Trust" or "GreenThumb" shall be a non-profit corporation or local development corporation that offers technical and material assistance to Community Garden Groups that enter management agreements with it, and holds title in perpetuity to those GreenThumb Gardens that qualify for permanent garden status, expressly for the protection of such spaces for public use.

4. "Management Agreement" shall be a two-year, renewable and revocable agreement between GreenThumb and a Garden Group outlining the maintenance and management responsibilities that the Garden Group must fulfill to operate a GreenThumb Garden, and the material assistance GreenThumb will provide to the Garden Group in return.

5. "Department of Parks and Recreation" or "Parks" shall be the New York City Department of Parks and Recreation.

b. Designation. Any GreenThumb Garden created pursuant to this local law, shall be designated and labeled as a "GreenThumb Community Garden" in City land use records, including but not limited to the Integrated Property Information System (IPIS) and City tax maps, but not including the City Zoning Resolution.

c. Management Agreements. All GreenThumb Gardens shall be transferred to the Department of Parks and Recreation, to be administered by the GreenThumb Garden Trust. The GreenThumb Garden Trust shall enter a management agreement with the Department of Parks and Recreation ("Parks") for the management of all GreenThumb Gardens, and shall establish sub-management agreements ("Management Agreements") with each GreenThumb Garden. Where a GreenThumb Garden shall have been registered prior to the effective date of this local law, a Management Agreement shall be signed between GreenThumb and the Garden Group within ninety (90) days of the effective date of this local law.

d. Permanent Garden Status.

1. GreenThumb shall establish, with the approval of the City Planning

Commission, a procedure through which registered Garden Groups shall have the opportunity to apply via the Uniform Land Use Review Procedure (ULURP), Section 197-c of the New York City Charter, for permanent garden status through transfer of title of such property to the GreenThumb Garden Trust, under the jurisdiction of the City Department of Parks and Recreation. Where an application for conveyance of the property title to the GreenThumb Garden Trust is approved pursuant to a resolution adopted by the City Council, the City shall convey such title to the GreenThumb Garden Trust for the sum of one dollar (\$1.00).

2. Should a GreenThumb Garden not be approved for permanent garden status and such property has not been requested for development by a City agency or private developer, the Garden Group may continue to manage the land for successive two-year terms and may reapply for permanent garden status after a period of two (2) years from the date of such denial.

3. Should a GreenThumb Garden be approved for permanent garden status the property shall be transferred to the GreenThumb Garden Trust to be managed by the Garden Group in accordance with such rules as shall be established by the GreenThumb Garden Trust. The City Council resolution approving such permanent garden status shall be a recordable instrument that shall be recorded with the deed to such real property. The Department of Parks and Recreation shall retain a right of reverter so that if at any time Parks and the GreenThumb Garden Trust determine that the Garden Group is not managing the GreenThumb Garden in accordance with the established management rules, the property shall revert to Parks.

e. Development of GreenThumb Garden. If any City-owned property containing a registered GreenThumb Garden is requested by any City agency or private developer for development or for any use other than as a GreenThumb Garden, such action must be approved through a full review in accordance with the Uniform Land Use Review Procedure (ULURP), Section 197-c of the New York

City Charter. The property so requested for development must be identified as a GreenThumb Garden in all plans, documents, meetings and hearings related to such development proposal.

f. Alternative GreenThumb Garden Site. If, after completion of ULURP, the GreenThumb Garden property is approved for development or some use other than as a GreenThumb Garden, the Department of City Planning shall work with the Garden Group to identify a nearby alternative site of at least the same size for a replacement GreenThumb Garden or shall seek to incorporate space for a replacement GreenThumb Garden within the proposed development before the original GreenThumb Garden property is altered in any way or title for such property is conveyed. The provisions of this local law relating to Management Agreements and the opportunity for permanent garden status shall apply to such replacement GreenThumb Garden.

g. New GreenThumb Gardens. A minimum of five neighborhood residents may apply to the City on such forms as GreenThumb shall proscribe, to manage a City-owned vacant lot, or several such adjacent lots, as a new GreenThumb Garden for a term of two years, subject to review of any existing development plans for the property. Applicants must have a letter of support from the local Community Board for the area in which the GreenThumb Garden will be located. Management Agreements for new GreenThumb Gardens may be cancelled for non-compliance with the GreenThumb rules of operation. After such initial two-year management term, the Garden Group shall have the opportunity to propose the GreenThumb Garden for permanent garden status under the same mechanism as provided for existing gardens in Section (d). Should a Garden Group not wish to apply for permanent status, it may continue to renew its Management Agreement for additional two-year terms. The City may cancel any GreenThumb Garden Management Agreement upon ninety (90) days' notice should there be a development or other proposal for such GreenThumb Garden property where such disposition has been reviewed and approved through ULURP.

§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.