

October 4, 2023

AIA New York Testimony to the City Council Subcommittee on Zoning and Franchises on City of Yes for Carbon Neutrality Zoning Text Proposal

Thank you, Chair Riley and members of the Subcommittee on Zoning and Franchises, for holding this hearing today. I am Bria Donohue, Government Affairs Manager at AIA New York. We represent architects and design professionals committed to positively impacting the physical and social qualities of our city.

AIA New York strongly supports Mayor Adams' proposed citywide zoning text amendment, *City of Yes for Carbon Neutrality*. The proposal makes critical updates to NYC's zoning regulations to help us meet our emission reduction goals and remove existing barriers and expand opportunities for decarbonization projects. We are particularly supportive of the elements of the proposal that enable and reward: energy efficient design and retrofits; building electrification and associated equipment; rooftop and other elevated solar; battery storage; electric vehicle charging; and infrastructure to support bicycles and other micromobility options.

While AIANY strongly supports the zoning text amendment, we urge the council to make adjustments to proposal 8 to "Fix Zone Green". We support the goals laid out to create more ultra-low energy buildings in the city; however, the proposal's language has raised concerns regarding the feasibility of the targets outlined.

AIANY makes the following recommendations with the purpose of adding more nuance so that the goals are ambitious, achievable, and specific to various building typologies.

Recommendation #1: Reconsider a 50 percent reduction from the ASHRAE 90.1. Instead, consider setting a very progressive yet potentially achievable reduction factor or adopting a tiered approach for energy reduction, such as 30 percent reduction for 3 percent area exclusion and 50 percent reduction for 5 percent area exclusion.

Recommendation #2: Amend EUI language from 38kbtu source EUI to 38kbtu site EUI. Consider EUI targets specific to building use, as energy use will differ significantly amongst different building uses. These targets could be similar to goals and thresholds set by other local laws.

Recommendation #3: Establish an expert group to review and refine the Ultra-Low Energy Building criteria.

Without these changes, today's most progressive design will not be able to achieve the current performance standard in proposal 8 for most building typologies. This will result in a net worsening of energy performance since Zone Green incentives will effectively disappear, leaving practitioners with little motivation to strive towards the out of reach current definitions of ultra-low-energy buildings.

City of Yes for Carbon Neutrality will be essential to meeting our climate targets, decarbonizing building stock, deploying renewables, and enabling New Yorkers to access a wide variety of low-carbon transportation options. We urge the City Council to pass the proposed zoning text amendment with the recommended changes to proposal 8.



The Community Preservation Corporation
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New York City Council Subcommittee on Zoning and Franchises Hearing City of Yes for Carbon Neutrality | October 4, 2023

Testimony submitted on behalf of The Community Preservation Corporation

This testimony is submitted on behalf of The Community Preservation Corporation (CPC), a nonprofit affordable housing and community revitalization company that was formed in the early 1970s to help New York City and State restore and rebuild communities that had been devastated by deterioration and abandonment.

Today, CPC uses its unique expertise in housing finance and public policy to expand access to housing and drive down the costs of affordable housing production, advance diversity and equity within the affordable housing development industry, and address the effects of climate change in our communities through the financing of sustainable housing. Since our founding, CPC has invested over \$14 billion to finance the creation and preservation of more than 225,000 units of housing through our lending and investing platforms. CPC is a permanent lending partner to the New York City Retirement Systems and we are also an equity partner in the PACT Renaissance Collaborative, the team selected by NYCHA to renovate and preserve 16 NYCHA properties located in Manhattan. We were involved in the recovery from Hurricane Sandy, and have centered the transition to the green economy across everything we do since launching our Green Financing Initiative in 2008. Currently, we are administering NY State's Climate Friendly Homes Fund, a \$250M commitment to decarbonize 10,000 units of housing statewide in the next 5 years.

Our 50 years of experience working in New York City tells us that many affordable housing developments across the city were built in another era, long before energy efficiency became a priority – and long before modern tools were conceptualized and brought to market. This is especially true for affordable and public housing developments, many of which were built in low-lying areas that are particularly vulnerable to climate threats like storm surges and rising sea levels and using technology that is extremely outdated and inefficient.

City of Yes for Carbon Neutrality (COYCN) is a vital step to green our buildings and fight climate change across the five boroughs. Currently, buildings account for over 70% of New York City's overall emissions. COYCN will help address this by providing building owners, architects, and government agencies the desperately needed flexibility to undergo green retrofits and add solar energy to rooftops. City of Yes would address burdensome restrictions on wall thickness, height, and other regulations that limit building electrification and retrofitting. Buildings could get energy efficient upgrades they need while maintaining the look and feel of their neighborhoods.

COYCN, which would allow elevated solar panels to cover over 100 percent of a roof area, could increase potential solar energy generation by 290 percent. COYCN would also enable building retrofits using exterior insulating panels, which will help prevent energy waste. Additionally, COYCN would expand the ability to place efficient HVAC equipment, like heat pumps, on roofs and in yards, opening up options for building owners to electrify and replace gas and oil boilers with clean, green technology. For these reasons, we urge the Council to approve this zoning text amendment. Furthermore, we request that the City Council not modify the proposal to reduce its impact.

Thank you for the opportunity to submit testimony on this important topic.

**Carnegie Hill Neighbors Statement to the NY City Council,
Subcommittee on Zoning and Franchises (Hon. Kevin C. Riley, Chair)**

RE: Zoning for Carbon Neutrality, Text Amendments (Hearing of 10-04-2023)

By Lo van der Valk, President

Dear Chair Riley,

Following are the views of Carnegie Hill Neighbors, a community organization founded in 1970 to protect the historic character and human scale—as well as to foster programs that address quality of life issues—in Carnegie Hill. Our catchment area extends from 86th to 98th Streets between Fifth and (but not including) Third Avenues.

In spite of some of the views expressed here, we applaud the Department of City Planning in issuing zoning changes to advance the goal of carbon neutrality. But for the sake of brevity we must necessarily focus on our differences with what is being proposed.

We have always considered the powerful impact zoning has on our environment, but also recognize its complexity. Therefore we offer the following points as suggestions:

1. The changes in the definition of Floor Area as proposed in ZFCN should not be allowed, and paragraphs (k) and (l) should not be eliminated: The genesis for this was text developed by DCP and adopted by CPC. It originated to allow the owner of a landmarked building at 2 East 82nd Street, to declare a portion of the building as unused and applying that “freed” floor area to increase the height of the owner’s adjacent Fifth Avenue building. Codifying such exceptional treatment, we think, is a bad idea.

2. Broadening the definition of Accessory Use should not be allowed: An accessory use should be conducted on the same zoning lot as the principal use to which it is related (whether located within the same or an accessory building, other structure, or land). Exceptions, such as for bicycle parking or energy infrastructure equipment, should only be allowed where provided for in separate district regulations or elsewhere in the Zoning Resolution.

3. The proposed permitted rooftop obstructions appear too large and should be scaled back:

- Given that solar panels will need at least a 9-foot clearance to allow for firemen passage, and given that advances in technology may well lead to reductions in equipment size, increased allowances for bulkheads should be limited.
- Concerning bulkhead locations near the street wall: Currently, allowances for bulkheads for stairs and elevators, when set back 10 feet from the street wall seem reasonable. When they penetrate that 10-foot setback, “penalties” on allowed size are imposed. However, the proposed change allows such bulkheads to be flush with the street wall as long as they extend no more than 30% of the width of street frontage. These changes could result in much taller street walls (and their adverse visual impact as seen from the street) than originally intended by the zoning resolution.

4. Roof thickness and wall thickness might be less regulated to achieve energy efficiency: We think a better motivator would be to provide incentives to achieve minimal energy efficiency targets. For example, if such targets are judged achievable, an FAR bonus of up to 5% could be awarded.

5. We would favor incentives to encourage solar panels over rooftop greenhouses for non-residential buildings: To help achieve this result, the City should maintain the requirement for certification for greenhouses, rather than drop it.

6. While not a part of the proposed ZFCN text amendments, we think the City should seek other ways to achieve carbon neutrality—solar farms in the NYC watershed are one obvious example: Currently, as the memorandum points out, the opportunity to utilize the publicly owned land in the watershed of the NYC water supply for generating solar energy is being missed. The City needs to find ways to change this and build solar farms in this area to generate solar energy for public use.