

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON ZONING AND
FRANCHISES

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October 4, 2023
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HELD AT: COMMITTEE ROOM - CITY HALL

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Chairperson

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Erik D. Bottcher
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Kamillah Hanks
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Raul Rivera
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Vanessa L. Gibson
Bronx Borough President

Juton Hortsman
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Office of the Bronx Borough President

2 SERGEANT AT ARMS: Check one, two. Check one,
3 two. This is a prerecorded sound test for the
4 Committee on Zoning and Franchises. Today's data is
5 10/4. Copy that 2023. It's being recorded by
6 Michael Leonardo in the City Council Committee Room.

7 SERGEANT AT ARMS: Good afternoon everyone and
8 welcome to today's Subcommittee on Zoning and
9 Franchises. At this time, we ask that you silence
10 all cellphones and electronic devices to minimize
11 disruptions throughout the hearing. If you have
12 testimony you wish to submit for the record you may
13 do so via email at landusetestimony@council.nyc.gov.
14 Once again that is landusetestimony@council.nyc.gov.

15 At any time throughout the hearing, please do not
16 approach the dais. We thank you for your
17 cooperation. Chair, we are ready to begin.

18 CHAIRPERSON RILEY: [GAVEL] Good afternoon
19 everyone and welcome to the meeting of the
20 Subcommittee of Zoning and Franchises. I am Council
21 Member Kevin Riley, Chair of the Subcommittee. This
22 afternoon, I am joined by Council Member Schulman and
23 Council Member Carr.

24 Today, we are holding a hearing on a critical
25 initiative to make sure zoning does not slow down the

2 city's reduction in carbon emissions and ability to
3 achieve the goal of reducing carbon emissions by 80
4 percent by 2050. Achieving this goal is critical.
5 We are experiencing climate change right now with
6 recurrent floods and the hottest summer on record.
7 If we do not act now and quickly, it is only going to
8 get much worse.

9 As I have said with other applications, reducing
10 the city's carbon emission is a top priority and we
11 can only reduce the city's carbon emissions if
12 everyone and every single project contributes to this
13 effort. Today, we will now hear from the
14 Administration. Excuse me. Today we will hear how
15 the Administration is doing its part by updating the
16 Zoning Resolution to allow best practices that will
17 lead to reductions in carbon emissions and allow the
18 city to be more effectively transition to greener,
19 cleaner energy.

20 Before turning it over to Subcommittee Counsel to
21 review the hearing procedures, I would like to know
22 that today we are also doing the trial run at
23 reducing paper and I would like to thank both IT and
24 our legislative document division for assisting with
25 this transition. The agenda and presentation for

2 this hearing are available through the Council's
3 website. The timing of this initiative goes
4 perfectly with the subject of today's hearing.

5 I will now like to turn it over to Committee
6 Counsel.

7 COMMITTEE COUNSEL: Thank you Chair. I'm William
8 Vidal, Counsel this Subcommittee. This meeting is
9 being held in hybrid format and the public who wish
10 to testify may testify in person or via Zoom.
11 Members of the public wishing to testify remotely may
12 register by visiting the New York City Council
13 website at www.council.nyc.gov/landuse to sign up.
14 For those of you here in the Chambers, please see one
15 of the Sergeant at Arms to prepare and submit a
16 speaker card. Members of the public may also view
17 livestream broadcast of this meeting at the Council's
18 website. When you are called to testify before the
19 Subcommittee, if you are joining us remotely, you
20 will remain muted until recognized by the Chair or
21 myself to speak. When you are recognized, your
22 microphone will be unmuted. Please take a moment to
23 check your devices and confirm that your mic is on
24 before you begin speaking.

1 We will limit public testimony to two minutes per
2 witness. If you have additional testimony you would
3 like the Subcommittee to consider or if you have
4 written testimony you would like to submit, instead
5 of appearing before the Subcommittee, please email it
6 to landusetestimony@council.nyc.gov.
7

8 Please indicate the LU number and/or subject name
9 in the subject line of your email. We request that
10 witnesses joining us remotely remain in the meeting
11 until excused by the Chair as Council Members may
12 have questions.

13 Chair Riley will now continue with today's
14 hearing.

15 CHAIRPERSON RILEY: Thank you Counsel. I will
16 now open the public hearing on the Preconsiderers LU
17 relating to the City of Yes Zoning for Carbon
18 Neutrality. A proposal by the Administration which
19 involves a comprehensive update to the zoning
20 resolution to assist the pressing efforts to reduce
21 the city's carbon emission. I would like to note
22 that Dan Garodnick, the Chair of the City Planning
23 Commission and Director of Department of City
24 Planning is personally here to discuss this critical
25 proposal. Thank you Director Garodnick for taking

1 the time today to come present and discuss how the
2 city can reduce carbon footprint and transition to a
3 cleaner energy.
4

5 This is an issue of vital importance to every New
6 Yorker and generations to come. For anyone wishing
7 to testify on these items remotely, if you have not
8 already done so, you must register online and you may
9 do that now by visiting the Council's website at
10 council.nyc.gov/landuse. And once again for anyone
11 with us in person, please see one of the Sergeants to
12 prepare and submit a speakers card. If you would
13 prefer to submit written testimony, you can always do
14 that by emailing it to us at
15 landusetestimony@council.nyc.gov.

16 Counsel, please call the first panel for this
17 item.

18 COMMITTEE COUNSEL: The first panel will consist
19 of Dan Garodnick the Director of the Department of
20 City Planning and Nilus Klingel, a Senior Planner at
21 the Department of City Planning.

22 CHAIRPERSON RILEY: Counsel, please administer
23 the affirmation.

24 COMMITTEE COUNSEL: Please raise your right hand
25 and state your name for the record.

2 DAN GARODNICK: Dan Garodnick.

3 NILUS KLINGEL: Nilus Klingel.

4 COMMITTEE COUNSEL: Do you affirm to tell the
5 truth, the whole truth and nothing but the truth in
6 your testimony before this Subcommittee and in your
7 answers to all Council Member questions?

8 PANEL: I do.

9 CHAIRPERSON RILEY: Thank you. For the viewing
10 public, if you need an accessible version of this
11 presentation, please send an email request to
12 landusetestimony@council.nyc.gov. And now the
13 applicant team may begin. Panelists, as you begin,
14 I'll just ask you please restate your name and
15 organization for the record. You may begin.

16 DAN GARODNICK: Thank you very much Chair Riley.
17 My name is Dan Garodnick, Director of the Department
18 of City Planning. Thank you so much for the
19 opportunity to be with you today. Council Member
20 Schulman and Carr, good to see you both as always.

21 I am joined by Nilus Klingel of my team and we're
22 supported by a variety of city agencies today to talk
23 to you about City of Yes for Carbon Neutrality, which
24 you see on the screen here. This is an important
25 opportunity for us to update zoning regulations to

1 help all of us meet our city's climate goals. Let's
2 go to the next slide.

3
4 The City of Yes for Carbon Neutrality is the
5 first of three projects that the Department of City
6 Planning is developing as part of Mayor Adams broader
7 City of Yes initiative. Charging agencies to take a
8 hard look at outdated regulations, holding New
9 Yorkers back from investing in their homes,
10 businesses and our city overall. Two other
11 initiatives for economic opportunity and for housing
12 opportunity will begin more public engagement later
13 this summer. They are distinct and independent
14 proposals and to avoid inundating community members
15 and the City Council during the public review process
16 are being staggered the rest of this year and into
17 next year. We will be referring economic
18 opportunity, which is aimed at supporting small
19 businesses and our economic recovery later this fall.
20 So, we'll be going off to Community Boards and
21 Borough Presidents later this fall. And of course
22 Mayor Adams introduced our proposal for housing
23 opportunity about two weeks ago and it just began its
24 environmental review. We expect that will be on the
25

1 Council's desk come next fall and it will start
2 public review in the spring. Next slide.

3
4 City of Yes for Carbon Neutrality is a citywide
5 zoning text designed to – it's an amendment designed
6 to remove impediments to and to help support the
7 ongoing decarbonization of four key areas of our
8 city. First, the energy grid by broadly allowing
9 wind, solar and storage. Two, our buildings, by
10 getting out of the way of retrofitting projects to
11 make our city's buildings energy efficient and
12 electrified. Three, our vehicles, by supporting EV
13 adoption, biking, e-micro mobility and by broadly
14 allowing for the charging of these vehicles. Four,
15 our solid waste and storm water by supporting other
16 city efforts to grow composting and rain water
17 collection.

18 All of this is in order to reduce New York City's
19 operational carbon emissions. 80 percent by 2050 as
20 the Chairman noted in line with the Paris Agreements.
21 Next slide. I am going to now briefly cover some of
22 the history here. Ten years ago in 2012, the
23 Department issued zone green, which was the first
24 comprehensive overall of our zoning to support
25

1
2 emerging green technologies like rooftop wind and
3 solar.

4 In the intervening years, we've also passed
5 significant plans and set ambitious climate goals,
6 including at the federal, state and local level. I
7 know you all don't need a history lesson from me
8 about all of these but I will just say that City of
9 Yes for Carbon Neutrality is complimentary to these
10 efforts and certainly necessary to help us meet our
11 goals. Next slide.

12 Before we get into the specifics of this policy,
13 I do want to share for a moment how it was developed.
14 After Mayor Adams outlined his vision for a City of
15 Yes last March, we got to work talking to all variety
16 of experts, stakeholders and the public. Over the
17 course of more than a year, we gathered input,
18 answered public questions and improved this proposal.
19 This is part of how we are working to be a new and
20 more transparent agency at the Department of City
21 Planning. Next slide.

22 In addition to talking with experts and the
23 public, we've been working hand and hand with our
24 city agency partners, some of whom are here today and
25 I would just like to take a moment to thank them for

1 their efforts and their collaboration on this and so
2 many other matters.
3

4 So, with that quick overview, let's go into the
5 four key goals in the specific zoning changes that
6 we're proposing today in the next slide. The first
7 key goal is supporting the decarbonization of our
8 city's energy grid. To achieve a 100 percent
9 renewably based grid by 2040, the city and state are
10 developing large amounts of offshore wind and
11 bringing in more clean, hydroelectric power from
12 upstate and Canada. This transition will need an
13 all-hands-on deck approach. It's going to include
14 putting all of our rooftops to work generating energy
15 across the city. We are today less than half way to
16 our goal of having 1,000 megawatts of solar installed
17 by 2030. That gives us seven years to more than
18 double the amount of solar in New York City in order
19 to meet that goal. Seven years, we need to more than
20 double what we have now.

21 To utilize the energy from offshore wind and from
22 rooftop solar, our energy grid will have to become
23 smarter and more decentralized with resources spread
24 throughout the city instead of limited to utility
25 sites in outlined areas. To support this smarter,

1
2 more decentralized grid, we will need to rely on
3 energy storage. Essentially large batteries which
4 will act as the glue holding this grid of the future
5 together. Next slide.

6 To support the ongoing work of cleaning the grid,
7 New York City Zoning can help in five key ways.

8 First, we can take a fresh look at our rooftop zoning
9 allowances to ensure that there aren't any
10 limitations holding us back from our solar goals. In
11 many districts, for example, there are current limits
12 on how much of a rooftop can be covered by solar
13 canopies. This proposal will update those rules to
14 ensure that a roof can be completely covered by solar
15 panels.

16 Second, we need to take a similar approach for
17 our city's 8,000 plus acres of open parking areas,
18 ensuring that zoning is updated to always allow solar
19 canopies over parking lots.

20 Third, if you want to generate clean energy for
21 utility customers elsewhere in your neighborhood
22 through the Community Solar Program, zoning considers
23 that as a commercial use but we need to recognize
24 that there are large residential campuses, hospitals,
25 schools, colleges, etc., in residential districts

1 where community solar would be a great fit. And
2 zoning needs to be updated to allow for this.

3
4 Fourth, we're going to ensure that safe FDNY and
5 DOB reviewed storage facilities are located where
6 they are needed most. Energy storage is currently
7 not allowed in the residential districts where
8 customers need access to clean and renewable energy.
9 Zoning needs to be updated to add specific rules for
10 energy storage and help facilitate its rollout across
11 the city.

12 Finally, onshore wind faces strict limits in
13 today's zoning without a relief valve for sites where
14 greater heights may be appropriate. The zoning
15 proposal will create a new tool that can be used by
16 future applicants to submit onshore wind facilities
17 for a public review process with the City Planning
18 Commission. To be clear, this proposal does not
19 change current height restrictions on wind turbines.

20 Next, the second goal that we are seeking to
21 support here relates to eliminating fossil fuels from
22 our city's million plus existing buildings. Almost
23 all of which will be around in 2050 when we need to
24 have achieved carbon neutrality. These buildings are
25 by far our biggest sources of carbon dioxide

1 emissions and to improve, we'll need to retrofit
2 virtually every single building to retire oil or gas-
3 powered furnaces and boilers, replace them with new,
4 highly efficient electric systems and improve the
5 efficiency of exterior walls, windows and roofs to
6 keep the heat and the cool inside.
7

8 It's important to note that two laws adopted by
9 the City Council as recently as 2019 and 2021 that
10 are crucial here. For large buildings which are
11 defined as buildings 25,000 square feet and larger,
12 Local Law 97 will begin to impose fines on these
13 buildings if they do not cut their carbon emissions.
14 Fines will begin in 2024 and will increase through
15 2050.

16 Second, Local Law 154 requires that all newly
17 constructed buildings are electrified from the get
18 go. Fossil fuel-based equipment will no longer be
19 allowed in new construction. To be very clear, while
20 our zoning changes will help us meet these standards,
21 they are distinct laws and the implementation of
22 these laws are not part of the City of Yes
23 Initiative.

24 So, we've got these local laws that were passed
25 by the Council. We have our zoning proposals here,

2 which we believe are complimentary and will help to
3 achieve the goals that previously have been set.

4 Next slide please.

5 Within this context, zoning can help support the
6 decarbonization of buildings in three key ways here.
7 First, zoning can accommodate the increasing need for
8 outdoor equipment, such as heat pumps, which cannot
9 be located in building basements or cellars. To be
10 located above the zoning height limit on building
11 rooftops. By getting zoning out of the way will give
12 homeowners, architects, and engineers greater
13 flexibility to navigate their best path to
14 electrification. Recognizing that will be different
15 for different buildings.

16 Second, zoning needs to ensure that where someone
17 is trying to add thicker insulation or reclad the
18 building by removing an old façade and replacing it
19 with a new efficient one, that they don't run into
20 zoning obstacles that prevent them from undertaking
21 this project.

22 Third, we need to update an existing incentive
23 that came from the 2012 Zone Green Proposal. The
24 Zone Green Wall Thickness Deduction, which awards a
25 small amount of additional floor area for better than

1 code buildings and we need to update it to reflect
2 the latest energy code and best practices for the
3 future.

4
5 Finally, let's talk a moment about cost.

6 Undertaking this work will not be free but there are
7 billions of dollars at the federal, state and city
8 level available to support it. The New York City
9 Accelerator is a program run out of the Mayor's
10 Office of Climate and Environmental Justice that can
11 help New Yorkers connect with technical and financial
12 support and they of course are here today. Next
13 slide.

14 The third goal Zoning is seeking to support is
15 decarbonizing the private vehicles that New Yorkers
16 drive and own. While we know that vehicles are far
17 from the only way that New Yorkers get around. We
18 will need to transition to electric vehicles and the
19 lack of chargers is a major obstacle to EV adoption
20 in New York City. Addressing this need will be key
21 to helping New Yorker make that switch.

22 By 2035, all new vehicles sold in the state will
23 need to be zero emission. This will be a long-term
24 transition but we know that that future is electric

1 and more and more vehicles will be electric and will
2 need places to charge.

3
4 Finally, we also recognize that the future isn't
5 simply focused on vehicles. The more trips that can
6 be taken by bicycle, scooter, on foot or by transit,
7 the better for the health of our environment and our
8 city will note that animates so much of what we are
9 proposing in our City of Yes for Housing Opportunity
10 Proposal to allow for growth, density in a city
11 that's best advantages relate to mass transit in our
12 building to locate people in a densely populated
13 area.

14 Slide 12. Within this context, zoning can help
15 support this goal with five key changes on vehicles.
16 First, we want to allow commercial charging
17 facilities in all commercial and manufacturing
18 districts. They are currently prohibited in about
19 half of the city's commercial districts today.

20 Second, allow building owners to designate a
21 portion of their existing parking spaces to be
22 offered up as public EV charger sharing spaces. The
23 same rules that currently apply today for car sharing
24 vehicles in existing parking garages or lots. We
25

1 want to enable it. We want to make it a possibility.
2 Zoning today is in the way.
3

4 Third, allow for more flexible use of public
5 parking lots, public parking garages and commercial
6 accessory parking facilities by allowing car rental,
7 car sharing, commercial vehicle storage and public EV
8 charging within these facilities too.

9 Fourth, expand special rules that currently only
10 apply in Manhattan that allow for indoor automated
11 parking facilities to be available to everyone
12 citywide.

13 Fifth, update parking rules to acknowledge the
14 need of public bicycle parking and to allow bike
15 parking in facilities in commercial districts.

16 Finally, our last goal here relates to reducing
17 our city's stormwater and solid waste and helping
18 eliminate the carbon emissions associated with both
19 of those waste streams. Let's go to the next slide,
20 I'm sorry, I forgot to advance you. We're on 13 now.

21 First, we can reduce stormwater runoff by
22 promoting greater permeability on site. This means
23 less water flowing to energy intensive treatment
24 plants.
25

1 Second, we can reduce the energy associated with
2 hauling and processing garbage by reducing the
3 amount. Up to 45 percent of our way stream is
4 organic material that doesn't need to go to landfill
5 and can be reused within the city.

6
7 Third, we can reduce the carbon emissions
8 associated with our food by promoting more local food
9 production on our city's rooftops. Next slide.

10 Within this context, zoning can help contribute
11 to a better environment in four key ways. First,
12 clarifying zonings paving rules to ensure that
13 permeable paving, which allows water to infiltrate
14 the soil right where it falls is always allowed.

15 Second, update our zoning street tree
16 requirements to allow for new, high performance tree
17 bed types, such as connected tree beds and rain
18 gardens.

19 Third, our Zoning Resolution doesn't even mention
20 the words compost or recycling today. It's time to
21 add specific rules clarifying where these uses are
22 allowed to help these sectors have clarity and allow
23 them to grow.

24 Finally, rooftop greenhouses are allowed on top
25 of nonresidential buildings but to build one, current

1 rules require you to obtain a certification from the
2 Chair of the City Planning Commission. That's me.
3 By streamlining this requirement, we will allow the
4 Department of Buildings to review applications for
5 building permits and cut costs and simplify the
6 process for those looking to grow food on their
7 communities rooftops. Next slide.

9 The City Planning Commission referred this
10 proposal for public review on April the 24th for a
11 60-day concurrent review by all 59 community boards,
12 all five borough presidents and all five borough
13 boards which concluded on July 3rd. Despite formal
14 review ending on July 3rd, our team continued to work
15 with boards well into the summer to field questions,
16 offer presentations and accept resolutions on the
17 proposal.

18 We are really pleased to have received strong
19 support from Borough Presidents, with Borough
20 Presidents Levine, Richards, Reynoso, and Gibson
21 submitting recommendations of approval. In addition,
22 the Manhattan and Bronx Community Boards also
23 submitted Resolutions recommending approval. 25
24 Community Boards have submitted Resolutions

1 recommending approval with 8 recommending disapproval
2 and 2 waiving their review.

3
4 On July 26th, the City Planning Commission held a
5 public hearing, at which 32 speakers testified in
6 favor of the proposal and 4 against. Based on this
7 strong support, I'm very pleased to say that the City
8 Planning Commission voted overwhelmingly to approve
9 the proposal on September 11 by a vote of 10 to 1.

10 Next slide.

11 During the review, the Commission considered the
12 feedback that they, we heard, and made a few
13 modifications on the proposal, which I will quickly
14 review but we're happy to go into detail on any of
15 these if interested. You have more details on these
16 in the slides in front of you and the first one of
17 them is to enhance our proposal about energy
18 infrastructure equipment, both technical and
19 esthetic. Next slide.

20 Improving our proposal on ultra-low energy
21 buildings where we were fixing the 2012 zone green
22 wall thickness deduction, awarding a small amount of
23 additional floor area for better than code buildings.
24 We adjusted the standard in response to both
25 practitioner and advocates input. Next slide.

1 Third, a number of technical edits and
2 clarifications on accessory use, wall thickness,
3 floor area and permeable building.

4
5 Next and last slide, that's my testimony. So,
6 thank you very much for your opportunity to present
7 this to you. Really appreciate the opportunity.
8 Council Members Nurse and Abreu, good to see you and
9 I look forward to any questions that you may have.

10 CHAIRPERSON RILEY: Thank you Chair. I just want
11 to announce that we've been joined by Council Member
12 Nurse and Council Member Abreu and I will turn it
13 over to Committee Counsel to make an announcement.

14 COMMITTEE COUNSEL: Yes, thank you Chair. For
15 the members of the public here today, I just wanted
16 to clarify that the presentation that we just heard
17 and saw is available online with a QR Code located in
18 the poster in the back. So, all the materials
19 relevant to this hearing is now available online and
20 you can access it if you have a QR Code. Thank you
21 Chair.

22 CHAIRPERSON RILEY: Thank you Counsel. I have
23 several questions starting with carbon capture.
24 Before I turn it over to my colleagues who have
25 questions as well. The need to advance environmental

1 justice in historical marginalized neighborhoods.

2 So, environmental justice advocates have voiced
3 concerns about carbon capture equipment and the
4 safety surrounding the storing and transporting of
5 captured carbon. Especially in environmental justice
6 communities, who we know already experience higher
7 health risks due to environmental factors, such as
8 poor air quality.
9

10 So, with that being said, I have two questions.
11 Would this text amendment make it easier for the
12 large-scale use of carbon capture equipment and can
13 you talk about how DCP considered the environmental
14 risk of carbon capture equipment, specifically for
15 environmental justice communities?

16 DAN GARODNICK: Thank you Mr. Chairman. In
17 short, we did not focus on carbon capture equipment
18 in this proposal, so it did not fundamentally change
19 one way or the other the regulations for carbon
20 capture systems across the city. When it comes to
21 installing a carbon capture type equipment in your
22 building, you can do it today.

23 The proposal makes a clarification as to what
24 qualifies as accessory mechanical equipment. A wide
25 range of equipment serving the buildings mechanical,

1 electrical or plumbing systems are permitted to be
2 classified as accessory mechanical equipment. This
3 would include a building scale, carbon capture
4 system. I will note, this is new technology. It has
5 a very limited footprint in New York City. You can
6 put them in your building today. You could do it
7 with a proposal, we have not made any change and so,
8 as for environmental consequences because we have not
9 made any change, no new environmental review would
10 have been triggered here.

12 CHAIRPERSON RILEY: Thank you. How will this
13 initiative impact Mitchell Lama's and large
14 residential campuses ability to comply with Local Law
15 97? I really wanted to ask this question because I
16 represent the largest Mitchell Lama in the nation,
17 Co-op City. Currently right now, Local Law 97 is a
18 challenge for them, so I just wanted to know how this
19 plan will capture the ability to help those Mitchell
20 Lama's out.

21 DAN GARODNICK: So current zoning does not
22 provide clear guidance at all about how to calculate
23 accessory uses, accessory type equipment across a
24 campus like the one that you described, Co-op City or
25 others and so DOB recently clarified how to consider

1
2 accessory equipment across wide campuses. We have
3 taken DOB's approach and the need for clarification
4 here, which apply to a variety of different
5 accessories. It's not just decarbonization and we
6 have made this a change here to allow for accessory
7 uses across an entire campus. So that when a campus
8 is looking to move toward compliance with Local Law
9 97 or other rules, that they have the ability to do
10 it without zoning acting as a headache or an
11 impediment in the process.

12 So, fundamentally for us, we wanted to make sure
13 that zoning was out of the way properly allowed for
14 zoning across a campus, which defined for us is - you
15 know campus is an aggregation of multiple zoning lots
16 under a single ownership. We wanted to make sure
17 that it was clear that you could have a facility that
18 serves all of the zoning lots on a campus not just
19 the one that it is physically on. That's important
20 clarification broadly. It's also important for
21 decarbonization too.

22 CHAIRPERSON RILEY: Thank you Chair. The
23 Administration is proposing to change the definition
24 of accessory use and the definition adopted by the
25 CPC is very broad. What is the department rational

1 for not limiting the provision to specific uses like
2 energy infrastructure equipment and bike parking, as
3 an example that's getting us closer to achieving the
4 goal of carbon neutrality?
5

6 DAN GARODNICK: Mr. Chairman it really it is
7 fundamentally the same issue that you raised about
8 Co-op City and other large campuses. You know this
9 is about accessory uses on campuses more broadly and
10 the current zoning just does not provide guidance
11 here about how to calculate accessory uses across a
12 campus and since DOB recently adopted their approach
13 regarding trash compaction in NYCHA developments to
14 create clarity by allowing those facilities to serve
15 all of the zoning lots that were part of the campus
16 for NYCHA. You know, we wanted to clarify the zoning
17 to reflect DOB's smart approach and you know this is
18 an important question for carbon neutrality because
19 big campuses also have a significant role to play as
20 it relates to our carbon reduction initiatives and we
21 want to make it as easy for them as possible. So,
22 that's why we put these rules in line with what the
23 DOB is proposing for accessory uses.

24 CHAIRPERSON RILEY: Unless the definition is more
25 tailored, then what prevents larger campuses from

1 placing all the noxious use in one location on the
2 edge of the campus, creating a real nuisance for
3 neighborhood buildings?
4

5 DAN GARODNICK: Yeah, I think that's a fair
6 question. I will ask if Nilus has anything to add on
7 this but I will note that when you're talking about
8 large campuses, by giving the flexibility, we believe
9 that we're actually enabling more opportunities to
10 spread unpopular things around in a way that allows
11 for the better distribution across an entire campus.
12 We don't want people to be locked in to only one
13 choice here. And that's what zoning does today.
14 Zoning might require exactly what you are describing
15 because we don't have any level of flexibility. So,
16 what we want to do is to be able to enable flexible
17 uses, enable accessory uses to be defined as serving
18 an entire community and today, it just requires that
19 there be multiples, that they be everywhere and
20 frankly, it frequently creates headaches for campuses
21 and for residents of campuses in ways that we do not
22 want to create.

23 CHAIRPERSON RILEY: Okay, thank you. I'm going
24 to talk about parking a little bit. Other cities
25 around the country have a limited parking minimums in

1 an effort to decarbonize. Why was this not addressed
2 in this text amendment?
3

4 DAN GARODNICK: Thank you for that question and I
5 appreciate and we hope that the City Council will
6 embrace what the Mayor has recently proposed as it
7 relates to mandates that exist in New York City and
8 in other areas as you correctly pointed out have
9 started to do away with on parking mandates. We have
10 today a definition of how much parking you need to
11 provide. In every zoning district, in every
12 building, we define it within an inch of its life
13 from the 1961 Zoning Resolution in a way that you
14 know in some areas, you got to provide 25 percent of
15 the units with parking. Some cases it's 50 percent.
16 Some cases it's 100 percent. Some cases it's 150
17 percent and those rules are – those mandates are
18 antiquated and we think that we should do away with
19 them because we know that different neighborhoods are
20 different. In some areas, you absolutely must
21 provide parking in a new development or you're really
22 in trouble.

23 There are areas of the city that are not
24 accessible to transit. You better provide parking in
25 new developments there or else you're not going to

1 have the market for those units that you think that
2 you are going to have. But what we do know also is
3 that the mandates on parking are today conflicting
4 directly with our ability to create housing. We are
5 hearing from people putting up new buildings that are
6 in transit rich areas that are hitting their 10th
7 unit of housing and by the time they go to that 11th
8 unit, they are hitting a 50 percent parking
9 requirement, so they have to add six parking spaces.
10

11 And so, instead of adding that 11th unit of
12 housing, they are stopping and they're just not going
13 any further. So, I am giving you a much longer
14 answer to a very simple question that you asked but I
15 think it's an important one and we're going to be
16 talking about this for the next year, which is we are
17 proposing to eliminate those what are now arbitrary
18 mandates and in favor of allowing a more natural flow
19 between parking and housing in New York City. The
20 reason it was not included in this proposal in direct
21 answer to your question Mr. Chairman, was whenever
22 you touch parking as a concept in zoning, you need to
23 do a full environmental study. That would have added
24 you know an additional nine months to this proposal.
25 We are doing that environmental study as part of our

1 housing text. We included it there. It is as much a
2 parking proposal as it is a housing proposal, so we
3 think that that makes sense but really important and
4 we really hope that the Council will support it.
5

6 CHAIRPERSON RILEY: Thank you Chair. Just to add
7 to that, why didn't this text amendment require a
8 certain percentage of parking spaces be for electric
9 vehicles charging?

10 DAN GARODNICK: Right, so we understand that
11 there is an appetite to require electric vehicle
12 parking spaces and that is I think a really important
13 conversation for us to have. I think frankly it's
14 more of a conversation for the Council to be thinking
15 about through local law or for the Department of
16 Buildings to be thinking about through regulation as
17 opposed to through zoning. Why is that? Well, for
18 one, the building code can require retroactive
19 changes. Zoning code is prospective here, so that
20 could cover existing parking spaces.

21 And we also you know we know that there's
22 existing bills pending before the Council right now,
23 which might do some of this. Zoning is less
24 impactful here for imposing that sort of a change.
25 Local Laws are better to make these changes over

1 time. And I will also note that most importantly, it
2 would really just be a prospective act and when we're
3 talking about the existing buildings and existing
4 framework that we have in New York City, 90 percent
5 of our buildings that are built today will be present
6 in the year 2050. So, we have to make a lot of
7 changes to current spaces, current buildings and a
8 lot of that is best done through regulation and Local
9 Law.
10

11 CHAIRPERSON RILEY: Thank you Chair. I'm going
12 to ask one more question before I end my first round
13 to see if any of my colleagues have any questions.
14 We've also been joined by Chair Louis and Council
15 Member Hanks virtually. The next question is about
16 for area of definition, which kind of ties into what
17 you were kind of saying before.

18 Advocates have raised questions over the rule
19 changes around what does and does not count as zoning
20 for an area. Could you please clarify for us the
21 different treatment of Section K and L and the intent
22 of the Commissions modifications around the part of
23 the text?

24 DAN GARODNICK: Yes, it's a great question. We
25 heard about this from public testimony at the City

1
2 Planning Commission about the famous paragraph K. We
3 are not deleting paragraph K. We actually had its
4 more targeted language here to ensure that the
5 mechanical space is being relocated. That there are
6 not going to be problems getting permits. We heard
7 the concerns. We made certain changes to address
8 this. Uhm, Nilus, do you want to add anything else
9 here?

10 NILUS KLINGEL: In more detail I can explain.
11 This is Nilus Klingel, City Planning that the changes
12 to Paragraph K that the Commission adopted when
13 considering the application and voting on it, instead
14 of deleting Paragraph K, it focused on – the real
15 court issue here has been reapportionment of
16 mechanical space in buildings that are retrofitting
17 and electrifying. And so, the Commission adopted
18 more targeted language explaining that where
19 mechanical space has been exempt from the definition
20 of floor area it can continue to be exempt from the
21 definition of floor area. Paragraph K should not
22 cause that relocated mechanical space to now become a
23 floor area, which has been a real impediment in
24 electrification projects over the last several years.

1 CHAIRPERSON RILEY: Thank you. Counsel, is there
2
3 any Council Member with any questions?

4 COMMITTEE COUNSEL: Yes. Council Member Nurse.

5 CHAIRPERSON RILEY: Oh, Council Member Carr, go
6 ahead.

7 COUNCIL MEMBER CARR: Thank you Chair Riley.
8 Chair Garodnick, always a pleasure to see you back
9 her in the Council. I just have a few questions
10 regarding battery energy storage systems. I think
11 our Borough President had called for among other
12 things for a of buffer zone between these
13 installations and residential structures and store
14 fronts and actually the BP, Minority Leader Borelli,
15 Council Member Hanks and I called for a 200-foot
16 buffer a few months ago. In light of neighborhood
17 concerns over the proliferation of these
18 installations really anywhere. They appear to be
19 able to go anywhere as of right and they're just
20 subject to FDNY reg. So, I think we're collectively
21 a little disappointed that there's nothing that
22 speaks to residential concerns about the proximity of
23 these installations to their homes and to their
24 businesses. And could you speak to that a little
25 bit, especially in light of what happened in Warwick

1
2 earlier this year with the fire that you know took
3 weeks to go out.

4 DAN GARODNICK: Yes, thank you very much for that
5 question and we know that it is a concern to you and
6 also to your colleagues in Staten Island and also to
7 the Borough President. We appreciate your responses
8 and your advocacy on this point.

9 The two things I will say here are number one,
10 energy storage is critically important to all of
11 this. We can't achieve any of our goals without a
12 comprehensive approach toward energy storage in New
13 York City. We have dirty power plants that are
14 powering the city today. They are primarily in
15 certain neighborhoods which suffer the consequences
16 the most. We need to move toward more distributed
17 energy generation around the city. That means solar,
18 wind, all the other opportunities that we have here
19 and energy storage is really, really important for
20 that. We can't do it without it. So, we start from
21 that proposition and one of the reasons why we did
22 not make the change that was suggested was because we
23 thought it was too stringent for us to be able to
24 achieve the goals that we need to achieve.

1 The residential concerns that we heard and that
2 we certainly understand related primarily to safety
3 and also esthetics. And as it relates to the
4 esthetics, we did make some changes in response to
5 your advocacy and that of Community Boards and the
6 Borough President and your colleagues in the Council.
7 We added a full fencing requirement around the
8 structures all the way around. It was partially
9 around as initially proposed. We also added a
10 planting requirement, evergreen planting around all
11 these facilities.

13 You know our hope is that these are not an
14 unpleasant experience for residential neighborhoods.
15 We know that they're going to be present. They must
16 be present, so we do not want them to be unsightly,
17 so between fencing and evergreen planting, we believe
18 that they will actually have more requirements than
19 other structures that people find unsightly around
20 the city today as a result of this and your advocacy.

21 COUNCIL MEMBER CARR: Yeah, I think that you know
22 esthetics is important but I think that more it was
23 about the safety

24 DAN GARODNICK: Let's talk about safety, yeah.
25

1
2 COUNCIL MEMBER CARR: And I think that you know I
3 agree with you, these storage sites are an essential
4 part of our energy future, right and I think that
5 particularly as Staten Island seeks to become a hub
6 for wind, that's particularly important right. But
7 it's the proximity to these structures that I think
8 is most concerning to people and to not accommodate
9 that at all is kind of mystifying to me. So, there
10 has to be a balance and right now, you seem to be
11 seeking a balance on the esthetic component but not
12 on the proximity component.

13 DAN GARODNICK: I think it's an important point
14 that you raise about safety. The Fire Department is
15 here, if you have a specific question for them but I
16 will note that these energy storage systems have
17 never had an issue in New York City. They are
18 subject to a rigorous regulatory review before
19 installation. The Department of Buildings, Fire
20 Department needs to approve both the structure and at
21 this size the installation. These are not systems
22 that are put up haphazardly or in the dead of night.
23 They are professionally installed under the direct
24 supervision of New York City and if the Fire

1 Department were to consider anything to actually be
2 unsafe, they would not approve it.

3
4 I will note that what happened in Warwick New
5 York was a system which is not approved today in New
6 York City. And so, we believe that because of the
7 safety of these systems and also the need for these
8 systems and because of the extraordinarily
9 complicated regulatory oversight for the installation
10 of both the system and the installation that we will
11 be able to keep New Yorkers safe and also achieve our
12 energy goals. But I certainly understand our
13 concern. Their new, there are things that people
14 have not seen significantly in New York City but it's
15 also a really important thing for us to move forward
16 on.

17 COUNCIL MEMBER CARR: I appreciate it and I'm
18 happy to discuss this further later on. Thank you
19 Chair.

20 CHAIRPERSON RILEY: Thank you Council Member
21 Carr. Council Member Schulman followed by Council
22 Member Nurse.

23 COUNCIL MEMBER SCHULMAN: Hi. So, I wanted to
24 ask a question about the building stock in terms of
25 Local Law 97. So, I don't know if this happened when

1 SUBCOMMITTEE ON ZONING AND FRANCHISES 40
2 you were on the Council. My understanding was that
3 Co-ops and condo's originally were - there was
4 discussion about removing them from Local Law 97
5 because of special circumstances there and I have one
6 of the highest number of Co-ops and condos in my
7 district. I am supportive of Local Law 97 but you
8 and you know it says here about the steep fines. I
9 want to make sure that we're talking about helping,
10 there are a lot of older adults that live in my
11 district that own co-ops that this is going to be a
12 real burden for them and figuring out how we're going
13 to alleviate that. Because I don't think that was
14 the original intent to put that burden on them
15 specifically.

16 DAN GARODNICK: I think it's an important
17 question. Uhm and without getting into the debate
18 here about the particular contours of Local Law 97,
19 which this proposal does not effect, although it
20 enables the opportunities for people to be able to
21 comply. I will say that you know, we want to make
22 sure that people are making good faith efforts, not
23 overly burdening communities or homeowners and as our
24 Chief Climate Officer Rit Aggarwala frequently says,
25 it's the Climate Mobilization Act, not the Climate

1 Penalization Act. And so, I think that there is an
2 awareness of the challenges that people have and a
3 desire to make this work for people.
4

5 What we're trying to do here is if you are trying
6 to comply, we want to make it as easy as possible.
7 Let us get the city's own rules out of the way where
8 it's creating an impediment to you when you're trying
9 to do this in the most effective and least costly
10 way. Zoning today is actually a barrier between you
11 and that good result and so that's what this proposal
12 is intended to do.

13 CHAIRPERSON SCHULMAN: No, thank you. I
14 appreciate that and I also want to join my colleague
15 in terms of making sure that in terms of not just
16 safety but we you know prepared in terms of the
17 battery storage and all of that. So, thank you.

18 CHAIRPERSON RILEY: Thank you. Council Member
19 Nurse.

20 COUNCIL MEMBER NURSE: Thank you. Thanks for
21 this presentation. I just wasn't prepared to ask
22 about this but then when the Chair asked about Carbon
23 Capture, my brain went off. So, can you kind of talk
24 about a little bit more in detail why this proposal
25 doesn't just eliminate the installation of these

1 basically false solutions, even though it's not
2 specifically noting that in here and we're talking
3 about as of right for energy storage. I do want to
4 echo the concerns that I'm a little worried that this
5 could facilitate you know that kind of pathway. And
6 just wanting to know why we wouldn't just go ahead
7 and move forward with not allowing that to be a part
8 of the future that we know that we need to put
9 forward.
10

11 DAN GARODNICK: On the Carbon Capture?

12 COUNCIL MEMBER NURSE: Yeah.

13 DAN GARODNICK: Yeah.

14 NILUS KLINGEL: Sure. So, I think on Carbon
15 Capture, it's important to note there's sort of two
16 different flavors. There's large scale Carbon
17 Capture that's designed to pull carbon from the
18 atmosphere and I just want to emphasize this project
19 does not support that. There are no use regulations
20 to facilitate that in our city's manufacturing
21 districts or anywhere.

22 When it comes to smaller building scale systems
23 that we have seen some initial installations in the
24 city. Those are installations that generally go in
25 the mechanical room and siphon off the carbon

1 emissions going into the flu. This project didn't
2 delve into that question. It really sought to
3 clarify a wide range of mechanical systems, primarily
4 heat pumps really. By clarifying that equipment that
5 is serving the building heating and cooling is always
6 clarified to be accessory. That is of course a
7 definition that building scale carbon capture systems
8 also can utilize but it is not something that the
9 application is seeking to support and I would just
10 emphasize that at the larger scale. It's absolutely
11 not a solution that we're trying to promote.

13 COUNCIL MEMBER NURSE: Yeah, I would just say
14 that I think since we have such a roadway to get to
15 you know potentially voting on this, it would be
16 worth I think spending some more time making sure
17 that you know if there needs to be more hearings or
18 something or research done to try to find a way to
19 get to a consensus that actually even small and large
20 are not part of the future we need. And just write
21 it in there. Just a recommendation.

22 DAN GARODNICK: Okay, thank you for that. We
23 will take a look at that and by the way, on the
24 subject of the real solutions here because I think
25 that that is what we're really trying to focus on.

1 Uhm, you know one of the things that I find most
2 problematic about the way that we deal with energy
3 production in New York City is by turning on very,
4 very dirty Peaker Plants in New York City when we are
5 at our peak demand. And this proposal is going to
6 help us meaningfully support our efforts to
7 decommission the 18 Peaker Plants that we have in New
8 York City and you know if we don't move the needle
9 and if we don't enable more distributed energy
10 generation and storage, you know my fear here is that
11 we will not take that opportunity.
12

13 So, I think that you are correct to flag the real
14 solutions. We really want to get to that and that's
15 what with this broad proposal, what we're aiming to
16 do but we will take a look at your point about
17 carbon.

18 COUNCIL MEMBER NURSE: And I think this is the
19 right direction, I just that you know went off and I
20 think it would be a missed opportunity not to just
21 restrict that when we can.

22 DAN GARODNICK: Thank you.

23 COUNCIL MEMBER NURSE: Thank you. Thanks Chair.

24 CHAIRPERSON RILEY: Thanks Council Member Nurse.
25 Council Member Abreu.

1 COUNCIL MEMBER ABREU: Thank you Chair and nice
2 to see you Mr. Chairman. I have a question with
3 respect to the rooftop process for rooftop
4 greenhouses. What's the current process right now to
5 install one and how would this proposal help
6 alleviate that? And if you could also speak to the
7 demand right now of rooftop and rooftop greenhouse
8 proposals and how this would help alleviate that
9 process.
10

11 NILUS KLINGEL: Absolutely, so on rooftop
12 greenhouses, uhm as part of the Zone Green Text
13 Amendment ten years, eleven years ago, we created a
14 tool to add rooftop greenhouses to existing
15 nonresidential buildings. Over that time period,
16 only two buildings have actually approached the Chair
17 of the City Planning Commission to receive that
18 certification to actually build out greenhouses.
19 That's not the uptick that we were hoping for.

20 There are few, a series of very limited
21 guidelines that we are looking for in that
22 certification process, which can easily be
23 administered by the department buildings at the time
24 of building permitting. That process to get that
25 certification requires a building owner to hire a

1 land use attorney and add three to six months to come
2 to City Planning Commission. File all the paperwork
3 and get that certification.
4

5 So, we are taking that. It's really a common-
6 sense step to take that out of the process and make
7 it easier and more cost effective to add greenhouses.
8 We're hoping to see conservatively more than two over
9 the next ten years.

10 COUNCIL MEMBER ABREU: Do you have an estimate of
11 how many applications are before you on this?

12 NILUS KLINGEL: Currently there is, I'm aware of
13 one draft application to receive the certification
14 but under this proposal, it would be as of right.

15 COUNCIL MEMBER ABREU: Thank you and by the way,
16 I'm very encouraged by what you're proposing. Thank
17 you.

18 NILUS KLINGEL: Thank you.

19 CHAIRPERSON RILEY: Thank you. Chair Louis, do
20 you have a question?

21 COUNCIL MEMBER LOUIS: Thank you Chair. Really
22 quickly if you could just elaborate a little bit more
23 on rooftop solar. What would that process look like?
24 Are you going to work directly with a company? Does
25 that company have to work directly with the

1 institution or the homeowner? Can you break that
2 down a little bit?

3
4 DAN GARODNICK: Yes, first of all, let me note
5 that what we are trying to do here is to enable more
6 broad use of solar on rooftops. Today, we have
7 strict limitations on the amount of rooftop that you
8 can cover. We have a conflict between zoning and
9 what the Fire Department needs on rooftops to be able
10 to enable free access in the event of an emergency.
11 So, we want to clarify those rules to allow for more
12 coverage of rooftops and to do it above a certain
13 height, so as to allow for emergency access.

14 In terms of individual connection to a grid or
15 working with a private partner, those would be
16 determinations made by individual homeowners,
17 individual building owners and I will note that the
18 city has launched a free service called the NYC
19 Accelerator, which is designed to give advice to
20 people about how to navigate what are frequently
21 complicated questions about what you do, when, with
22 whom should you partner and how?

23 So, that is already live and available at -

24 NILUS KLINGEL: Accelerator. NYC.

1 DAN GARODNICK: Accelerator. NYC and so we want
2 to encourage people to have a look at that because it
3 is an important service and we recognize that this is
4 complicated stuff for a lot of people.

5 COUNCIL MEMBER LOUIS: Alright, I quickly
6 mentioned it and I spoke to your team about it, only
7 because the state implemented a program for solar
8 rooftops and one of the main companies that they were
9 working with went belly up. So, now the
10 responsibility fall on the homeowners. So, when DCP
11 came before the Community Board with this particular
12 proposal. This is one of the concerns that came up
13 because now homeowners are not responsible, so I
14 think that's a key factor you should try to think
15 about before moving forward in the process. How are
16 homeowners going to be impacted or what support do
17 they get through this proposal?

18 DAN GARODNICK: I think that's a really important
19 point. It is something that we are certainly
20 concerned about, although it is something that is
21 outside of the bounds of what we actually have the
22 ability to do within the text of zoning. But you are
23 absolutely correct. That we want to make sure that
24 New Yorkers are making good choices for themselves.
25

1 That they don't get left holding the bag if they
2 partner with the wrong entity. We want to make sure
3 that we have good, honest actors out there whose
4 services are amplified. That we have resources
5 available to people who need and want to be able to
6 take advantage of these sorts of initiatives. So,
7 everything that you are saying is completely correct.
8 It is outside of what we have the ability to do in
9 zoning but I think that it's a very important
10 question and one that we should be working across the
11 city and with you all at the Council to try to find
12 ways to prevent what you just described from
13 happening.

14
15 CHAIRPERSON RILEY: Thank you Chair Louis.
16 Council Member Carr.

17 COUNCIL MEMBER CARR: Thank you Chair Riley.
18 Chair Garodnick, I want to turn to this question of
19 permeability and I see in the presentation you gave
20 in respect to special natural area district and
21 hillsides which I know are subject of forthcoming
22 deliberations between the community and city planning
23 that even permeable paving will count as impervious
24 surfaces. Can you explain why that decision is the
25 case? Like why couldn't a person who paves a

1 driveway with permeable asphalt not get some kind of
2 credit for having a surface that is permeable?

3
4 NILUS KLINGEL: Thank you very much Council
5 Member. The Commission modification that clarified
6 how permeable paving is addressed in the natural
7 areas district and hillsides, made that change
8 precisely because the definition of area of no
9 disturbance in those special districts is intended to
10 talk about the areas of the property that are fully
11 permeable or fully natural. And while permeable
12 paving is a substantial improvement over typical
13 asphalt, it's no substitute for grassy area for
14 example, which is really what that definition is
15 trying to achieve. So, we wanted to ensure as we
16 move into a future where permeability is - permeable
17 paving is more frequently used and more frequently
18 referred to in the zoning text. That was really
19 clear that these areas of no disturbance, these areas
20 that we're hoping to keep natural can't be fully
21 paved over by permeable paving.

22 COUNCIL MEMBER CARR: I think we should revisit
23 that as we embark on the subsequent discussion with
24 those particular districts because I agree that it's
25 not quite no disturbance but to give it no credit

1
2 whatsoever, I think you're losing the opportunity to
3 incentivize that as opposed to doing a traditional
4 paving.

5 And in particular, could you address the
6 permeability issue as it relates to the city's MS 4
7 requirements for stormwater sewage drainage that came
8 into an effect at the beginning of last year. Was
9 there an awareness or an assessment of that as you
10 took this into account for this application?

11 NILUS KLINGEL: There was and I think the idea of
12 getting partial credit for permeable paving is
13 something that we're interested in and continuing to
14 explore. Ultimately, the installation of permeable
15 paving has to coincide with all of your MS 4
16 requirements.

17 So, it's something that could compliment. We're
18 hopeful that with continued work and coordination can
19 be something that can be a mitigation.

20 COUNCIL MEMBER CARR: Okay, I appreciate it.
21 Thank you. Thank you Chair.

22 CHAIRPERSON RILEY: Thank you Council Member
23 Carr. Thank you Council Members for your questions.
24 I just have a few more question then I believe we're
25 done.

2 So, several community boards speak in our
3 community boards across the city have requested that
4 the heights of the permitted obstruction of rooftops
5 be lowered. Can you explain how you settled on the
6 allowance of up to 55 feet in height? And what if
7 any challenges would be associated if the maximum
8 height is lowered?

9 DAN GARODNICK: Right, thank you very much. So,
10 starting from the proposition that we need to be able
11 to have solar on rooftops and we need the nine feet
12 for the Fire Department, we also think that having
13 more flexibility of what people are able to do for
14 rooftop solar will enable some of the concerns that
15 people have about the look and feel. Because if you
16 can cover the entire rooftop, you actually have the
17 ability to make decisions, which today you don't have
18 the ability to make because you have no flexibility.
19 It's actually very much related to your question
20 about Co-op city and campuses. By affording the
21 flexibility, we have the ability here to allow
22 property owners or campuses or whoever to make the
23 choices that they actually want to make and in those
24 situations to allow for mitigating these sorts of
25 concerns that we've heard from Community Boards.

1 As it relates to specific heights, on height
2 allowances, you know we uh we're looking at
3 mechanical equipment on top of buildings. Lots of
4 demand for that space today and that's only going to
5 increase as we move to a more electric future. A lot
6 of this stuff just can't go into a basement. It
7 needs to be breathe. It needs to be on the roof.
8 And so, we looked at how bulkhead spaces are used and
9 we have - it's just very clear that they need more
10 space. So, in high density districts, where
11 buildings are allowed to be 120 feet plus, the
12 proposal would increase the maximum height of those
13 facilities. Today, they are allowed 40 feet, we
14 would up that to 55. And that extra 15 feet allows a
15 lot of flexibility and in ways that address this core
16 issue where today, the rules make it very difficult
17 to place this type of equipment on the structures and
18 make it a lot harder to retrofit buildings. So,
19 that's just an example in a high-density area.

21 CHAIRPERSON RILEY: The percentage height
22 increase that would be allowed for smaller buildings
23 is much higher than the taller buildings. Should not
24 the increase height allowed be related to the height
25 of the actual building?

1 DAN GARODNICK: Right, the equipment here is you
2 know, the percentage can be bigger because of the
3 absolute size of the equipment relative to the
4 building that it's on and I think that's really what
5 is the reason why that ends up being but today, the
6 existing allowances for bulkheads in lower density
7 districts, they already represent a larger percentage
8 of the permitted building height in those districts.
9 I will note that is recognizing the physical needs
10 for this type of equipment in those districts. We
11 would increase it by ten feet. So, from 15 to 25, to
12 allow for mechanical equipment to be placed on top of
13 existing bulkheads in these areas to. So, this would
14 be a ten-foot addition for mechanical.

15 CHAIRPERSON RILEY: Thanks Chair. Just two more
16 questions. Can you confirm whether stacks to the
17 extend needed as part of any new equipment for
18 exhaust or venting would be covered by permitted
19 obstruction rules.

20 DAN GARODNICK: I'm going to turn Nilus on this
21 one.

22 NILUS KLINGEL: The proposal doesn't increase or
23 add any new rules related to chimneys or stacks.
24 They are already regulated as permitted obstructions
25

1 but behind setback in the existing zoning and we as
2 part of this proposal didn't make any changes there.

3
4 CHAIRPERSON RILEY: Thank you. Lastly, something
5 I'm very excited about this proposal, you spoke about
6 composting and I'm not sure if you did mention this.
7 If I'm wrong, please correct me and gardening as well
8 as community guards. Can you just go into more
9 detail on how this proposal is going to benefit
10 composting in communities and also benefit community
11 gardens as well?

12 DAN GARODNICK: Yes, well I will start and then I
13 will turn to Nilus to add more detail but most
14 importantly our 1961 Zoning Resolution does not even
15 mention the word composting. And as a result, it has
16 created a fair amount of confusion for communities,
17 commercial, residential, manufacturing - everybody
18 has a question mark about where it is allowed. And
19 that has stilted our ability to get more composting
20 going in New York City. We don't want that to be the
21 case. As an example, zoning just being in the way or
22 in the case here because of its silence creating so
23 much ambiguity that it actually gets in the way. So,
24 we are - our hope is by clarifying where and when it
25 is allowed that we will enable more opportunities and

1
2 it will be an invitation for more composting around
3 the city and I'll have Nilus add anything.

4 NILUS KLINGEL: Absolutely. Thank you very much
5 Chair for the question. The proposals when it comes
6 to composting does three key things and we've heard
7 really good things from the organic sector on these
8 changes. First, it clarifies that small scale
9 composting can be considered an accessory use and
10 that is a boon to community gardens and to community
11 centers that are seeking to do composting as a sort
12 of compliment to their existing program. That change
13 in particular also clarifies that you can accept leaf
14 litter or food scraps from your neighbors. At which
15 zoning actually prohibited prior this change.

16 Second is that neighborhood focused recycling
17 facilities will be able to locate in commercial
18 districts. That will help support the growth of an
19 ecosystem of neighborhood centric, neighborhood scale
20 facilities that can accept recyclables and organics
21 and aggregate them citywide.

22 And then the third is that we're finally adding
23 regulations to clarify how these uses are properly
24 located in manufacturing districts. That that
25 applies only to the largest and the most noxious

1 versions of these uses and that will be a real help
2 of that clarification.
3

4 CHAIRPERSON RILEY: Thank you. I did have one
5 more question. I'm sorry. Uhm, Community Solar
6 Initiative. So, this is going to allow somebody to
7 sell energy to somebody? Does that go for private
8 residential buildings or does that just go for like
9 the big buildings or Mitchell Lama buildings?

10 DAN GARODNICK: It will enable community solar
11 production and storage in ways that today it's just
12 not even a possibility and I'll let Nilus talk about
13 the details here but we want to be able to allow
14 groups of private interest to come together and to be
15 able to generate energy together and store it
16 together. It's really important for us to move away
17 from you know our dirty fossil fuel generating power
18 plants, relying power plants and so, it's opening the
19 door but Nilus will tell you a little more about the
20 detail.

21 NILUS KLINGEL: Absolutely and thank you again
22 Chair for the question. If there's any doubt that
23 homeowners can sell their unused energy back into the
24 grid, this proposal will absolutely clarify that.
25 But when it comes to community solar, which is a

1 specific program regulated by the State Public
2 Service Commission and instituted in New York City
3 through the utility Con Edison. These are facilities
4 that are developed by a co-op of buyers, so energy
5 customers who come together and say, "we want to
6 sponsor a clean energy project within our
7 neighborhood. And if the only available sites are
8 perhaps a hospital, a school, a community center in a
9 residential district, that site is off limits for
10 that clean energy project due to zoning currently and
11 that is precisely what this project and this proposal
12 will address for a lot of those facilities.

14 CHAIRPERSON RILEY: Thank you. Uhm, there being
15 no more questions for this applicant panel. Counsel,
16 this panel is excused. Counsel, are there any
17 members of the public who wish to testify on the
18 Zoning Carbon Neutrality Text Amendment Proposal
19 remotely or in person? Thank you.

20 PANEL: Thank you. Thanks for having us.

21 CHAIRPERSON RILEY: Thank you.

22 COMMITTEE COUNSEL: Thank you. Yes, Chair Riley
23 there are approximately ten people who signed up in
24 person and another ten people who signed up on line.
25 For members of the public here to testify in person,

1 please know that witnesses will be generally called
2 in panels of three. If you are a member of the
3 public signed up to testify on the proposal, please
4 stand when you hear your name being called and
5 prepare to speak when the Chair says that you may
6 begin.
7

8 Please also note that once all panelists in your
9 group have completed their testimony, if remotely,
10 you will be removed from the meeting as a group and
11 the next group of speakers will be introduced. Once
12 removed, participants may continue to view the
13 livestream broadcast of this hearing on the Council
14 website. One second, we'll take a brief pause.

15 [01:07:14-[01:07:28].

16 Okay, sorry for the interruption. We were just
17 informed that apparently the National Service Alert
18 System is testing its services and we can say based
19 on this room that it works as everybody signals -
20 everybody's phone went off. So, going back to how
21 we're going to testify today.

22 So, for the online panelists, I was saying, once
23 removed participants may continue to view the
24 livestream broadcast of this hearing on the Council
25 website. Okay, we're going to pause for 30 seconds

1 again. [01:07:58-[01:08:04]. Okay, hopefully the
2 testing is done.
3

4 Just one note of clarification about the
5 testimony, we will be alternating for - [01:08:14]-
6 [01:08:25]. Okay, hopefully this is truly the final
7 interruption. As I was saying that for the testimony
8 whether it be online or in person, we will be
9 alternating between testimony and opposition and
10 testimony in favor. We will now hear from the first
11 panel who is online participant [Omashe Buton]

12 CHAIRPERSON RILEY: Members of the public will be
13 given two minutes to speak. Please do not begin
14 until the Sergeant at Arms has started the clock.
15 You may begin.

16 COMMITTEE COUNSEL: Omashe Buton can you hear us?
17 Hmm, Mr. Omashe, if you are able to hear us, we see
18 that you're online ready to testify although you need
19 to accept the request to be a panelist in order to
20 testify.

21 Okay, well we are going to move to the next panel
22 and we will come back to Mr. Omashe. The next panel
23 consists of people who are here [01:10:23]-
24 [01:10:32]. So, we will come back to Mr. Omashe.
25

1 The next panel consists of Julia Casagrande, Cory
2 Horilla(SP?), and Howard Slatkin.
3

4 Okay, and is Cory Horilla still present? No,
5 okay, so we will just be hearing from Julia
6 Casagrande and Howard Slatkin. Mr. Slatkin why don't
7 you begin until Mrs. Casagrande appears.

8 HOWARD SLATKIN: Chair Riley, thank you for the
9 opportunity to testify today. My name is Howard
10 Slatkin, I am the Executive Director of Citizens
11 Housing and Planning Council. I'm pleased that 11
12 years ago, I was the – as the First Director of
13 Sustainability for DCP. I testified to the Council
14 about Zone Green the first time that the city made an
15 effort to implement citywide green zoning text and
16 I'm very pleased to be here to talk about this
17 project and testify in support of a project that
18 updates and builds on the experience that was built
19 through that prior project.

20 This proposal aligns the central goals of
21 environmental sustainability and sustaining
22 investment in our buildings, transportation and
23 energy systems. CHPC has long advocated for zoning
24 and regulatory reform that promotes necessary
25 investment in all segments of our building stock and

1
2 for eliminating bureaucratic barriers to meeting the
3 needs of New Yorkers.

4 In essence, zoning needs to make it easier to do
5 the right thing for our carbon neutral future and
6 this proposal does just that. There are four items
7 that I highlighted in my testimony. They are
8 particularly important for residential buildings.
9 The rooftop solar provision which will nearly
10 quadruple the solar wattage that a typical rooftop
11 generate. The creation of a simplified floor area
12 deduction for buildings that achieve the goal
13 standards of energy efficiency of passive house and
14 enables that standard to updated by rule as codes and
15 technology evolve. Changes that make it easier to
16 place low carbon, HVAC and other energy equipment on
17 roofs and in yards, which will allow existing and new
18 buildings to decarbonize and electrify accelerating
19 the electrification of our buildings and finally, the
20 removal of administrative barriers to the use of
21 permeable pavement, a really important servicing
22 option that helps reduce stormwater runoff.

23 CHPC advocates for policies that address issues
24 of critical importance to the city and that sweat the
25

1 details to get them right. We think this proposal
2 does both. Thank you.

3
4 CHAIRPERSON RILEY: Thank you so much. Is Julia
5 here? We could wait, we'll just add her into a next
6 group, okay? Alright.

7 COMMITTEE COUNSEL: Okay then we are going to go
8 back online. We're going to go back online to Omashe
9 Buton. Is Mr. Buton available to testify? Okay,
10 well Mr. Buton does not appear to be responding to
11 our invitation for him to testify online. We're
12 going to take a brief pause until the next panel that
13 will consist of Kevin Garcia, Alia Soomro and James
14 Lloyd. But before you come up, let just take a five
15 minutes pause. [01:14:56]- [01:19:58].

16 JULIA CASAGRANDE: Okay, we will now resume the
17 hearing. The next panel consists of - that is not
18 right, sorry one second. Julia, I'm sorry, I'm
19 forgetting your last name. Thank you. We also have
20 Kevin Garcia, Alia Soomro and James Lloyd. Yes, you
21 may begin.

22 Okay great. Hi, good afternoon and thank you for
23 the opportunity to testify today. My name is Julia
24 Casagrande and I am the Deputy Director for Clean
25

1 Energy at the Mayor's Office of Climate and
2 Environmental Justice or MOCEJ.

3
4 I'm here to testify today on behalf of MOCEJ in
5 support of the City of Yes for Carbon Neutrality
6 Zoning Resolution and highlight some of the policy
7 priorities the resolution will advance. The city is
8 committed to carbon neutrality by 2050 with more
9 immediate commitments including supporting a 70
10 percent renewable grid by 2030 and 100 percent by
11 2040. This aligns with the state Climate Leadership
12 and Community Protection Act CLCPA, which sets
13 ambitious renewable energy commitments and defines
14 disadvantaged communities and mandates at least 35
15 percent of these investments are funneled into these
16 communities.

17 To ensure that the city and state hit their
18 energy commitments in an equitable way, we must
19 accelerate the deployment of climate infrastructure
20 within the five boroughs. City of Yes will do that
21 by removing longstanding zoning barriers for renewal
22 energy, energy storage, electric vehicle charging,
23 and building energy efficiency deployment. This
24 package of amendments also aligns with city
25 commitments in Plan NYC. The first climate plan of

1 the Adams Administration release in April and in
2 Power Up NYC, the city's first long term energy plan
3 released last month. My teammates and I would like
4 to commend the New York City Department of Citywide
5 Planning on their thorough community engagement and
6 review process, which involve getting the word out,
7 taking input seriously and ensuring that climate
8 policy and strategy moves forward equitably.

9
10 On Climate Policy alignment, approximately 70
11 percent of greenhouse gas emissions in New York City
12 are from buildings and the city is mobilizing
13 buildings to comply with Local Law 97, which requires
14 most large buildings to meet energy efficiency and
15 greenhouse gas limits by 2024 and 2030 and beyond.
16 Mayor Adams released recently the mobilization plan
17 getting 97 done.

18 The changes proposed in City of Yes will make it
19 easier for buildings to reduce emissions by allowing
20 electrification equipment in more spaces. City
21 properties must also comply with Local Law 97 and
22 because of this, the package will help us hit our own
23 emissions target and lead by example by decarbonizing
24 our own building stock. City of Yes also advances
25

1 many of the initiatives in Plan NYC in the areas of
2 clean energy, flooding and transportation.

3
4 For solar, City of Yes will quadruple the amount
5 of space available in New York City. The city has
6 committed to reach 1,000 megawatts of solar
7 deployment citywide by 2030. Currently, over 470
8 megawatts office commitment -

9 CHAIRPERSON RILEY: You could start wrapping it
10 up Julia.

11 JULIA CASAGRANDE: I'm sorry.

12 CHAIRPERSON RILEY: You could start wrapping it
13 up.

14 JULIA CASAGRANDE: Okay, uhm we also of a
15 municipal commitment of 100 megawatts on city owned
16 land by 2025, of which 22 megawatts is deployed, with
17 approximately 50 megawatts in the pipeline.

18 This package will also promote greater
19 permeability and allow for additional types of tree
20 planting, which will reduce the amount of stormwater
21 impacting our streets and sidewalks.

22 To fully support a renewable energy grid, we must
23 accelerate battery storage deployment in this city
24 rapidly and this proposal will allow for storage
25

1 deployment in more spaces, which is highly regulated
2 by the FDNY for safety.

3
4 I'll just go to the in conclusion, the City of
5 Yes is core to the city and states climate change
6 commitments and New York City has been a global
7 leader on climate change but our infrastructure must
8 keep pace with the intensifying impacts of climate
9 change. I urge you to vote in favor of this historic
10 piece of legislation. Thank you.

11 COMMITTEE COUNSEL: And I will just add that you
12 can submit your full testimony online, so that it's
13 in the record. Next, we have Kevin Garcia.

14 KEVIN GARCIA: Good afternoon. My name is Kevin
15 Garcia, I am the Transportation Planner with the New
16 York City Environmental Justice Alliance. Thank you
17 to the Committee and the Council Members for the
18 opportunity to share my comments today.

19 Founded in 1991, the New York City Environmental
20 Justice Alliance is a nonprofit citywide membership
21 network linking grassroots organizations from low-
22 income communities of color and their struggle for
23 environmental justice. NYC-EJA is also a part of the
24 Last Mile Coalition, a citywide coalition working to
25 regulate the last mile warehouses in New York City.

1 While the intension of the City of Yes for Carbon
2 Neutrality is ambitious in removing zoning barriers
3 to address climate change, these amendments lack the
4 necessary requirements and incentives to address
5 environmental injustice and prioritize equity truly.
6

7 As it stands, this proposal threatens to widen
8 inequity gaps, allowing certain communities to thrive
9 while leaving others struggling. We understand the
10 city's goals to reduce greenhouse gas emissions and
11 achieve net zero emissions by 2050 but the New York
12 City Community Air Survey paints a grim picture. The
13 survey indicates that citywide annual average levels
14 of four key pollutants have decreased but certain
15 areas like Newtown Creek in Queens and Brooklyn, near
16 JFK Airport, Sunset Park in Brooklyn and the Hunts
17 Point in the Bronx are suffocating under the burden
18 of last mile warehouses.

19 These areas predominantly inhabited by people of
20 color are experiencing alarmingly high pollution
21 levels. Last mile warehouses though are not your
22 typical warehouses. They are demanding an
23 astonishing number of vehicles to meet next day and
24 same day delivery and involve a staggering volume of
25 product loading and unloading leading to a

1 significant increase in truck trips. However, last
2 mile warehouses are not distinguished from
3 traditional warehouses in the city's zoning
4 resolution and can be constructed as of right in all
5 manufacturing districts and CA commercial districts.
6 As a result, the city cannot plan for the placement
7 of these facilities but more importantly
8 environmental justice communities are directly
9 impacted by the clustering operation of these
10 facilities. Thank you for your time and
11 consideration.
12

13 COMMITTEE COUNSEL: Next, we will hear from Alia
14 Soomro.

15 ALIA SOOMRO: Thank you. Good afternoon, my name
16 is Alia Soomro and I'm the Deputy Director for New
17 York City Policy at the New York League of
18 Conservation Voters. Thank you Chair Riley and
19 members of the Zoning Subcommittee for the
20 opportunity to testify today in support of city
21 planning, City of Yes for Carbon Neutrality. I have
22 submitted longer written comments. New York has some
23 of the most ambitious climate laws in the country.
24 In 2016, the city introduced 80 by 50, setting an
25

1 ambitious target of 80 percent carbon emission
2 reductions by 2050.

3
4 In 2019, the state passed the Climate Leadership
5 and Community Protection Act, a sweeping plan that
6 set a goal of 40 percent reduction in greenhouse gas
7 emissions by 2030, an 85 percent reduction by 2050.
8 Additionally, in 2019, the city enacted Local Law 97.
9 Yet New York City Zoning regulations can be a barrier
10 to making necessary green investments that are
11 crucial to meet these greenhouse gas reduction goals,
12 fight climate change and reduce toxic air pollution.

13 Given the extreme temperatures our planet
14 experienced this summer and the recent flooding last
15 Friday, we believe that the City of Yes for Carbon
16 Neutrality is one necessary tool in our climate
17 mitigation toolbox. This will help our city and
18 state meet our emission reduction goals. It will
19 reduce air pollution, enable green façade retrofits,
20 green infrastructure and more.

21 Since the majority of our city's greenhouse gas
22 emissions come from our buildings, this will help us
23 move away from fossil fuels and ultimately improve
24 air quality, which is a longstanding environmental
25 justice issue that was just mention and we believe

1 that we hope that this will improve air quality
2 throughout the city.

3 We appreciate DCP's leadership engaging
4 stakeholders, DOB, FDNY, LPC, MOCJ and I know I am
5 limited on time but I do just want to emphasize that
6 this zoning proposal doesn't address funding but we
7 think that there a lot of funding opportunities at
8 the state and federal level including the Inflation
9 Reduction Act and the New York State Environmental
10 Bond Act.

11 Just concluding, we really appreciate it and hope
12 that the City Council will approve this proposal.

13 Thank you.

14 COMMITTEE COUNSEL: Thank you and next, we will
15 hear from James Lloyd.

16 JAMES LLOYD: Good afternoon. My name is James
17 Lloyd, Director of Policy for the New York State
18 Association for Affordable Housing. New York's
19 affordable housing industry trade association
20 statewide.

21 Having been previously in those seats as a member
22 of the Land Use division and in 2018, I urge you to
23 not give this proposal a haircut as it goes through
24 the Council's review, because some of these aspects
25

1 of this proposal were actually the minimum that we
2 consider necessary. So, for instance, on the
3 elevated solar panels, as you know, the proposal
4 would instead of 25 percent of roof coverage, it will
5 allow elevated solar over 100 percent but only to 15
6 feet high. We actually want it to be 20 feet high,
7 obviously that's out of scope but please do not cut
8 that down to less than 15 feet in height and please
9 stay over 100 percent of the roof coverage. Also, we
10 are very strongly in favor of the building retrofits,
11 using exterior insulating panels. Often our members
12 will purchase affordable housing that is in disrepair
13 and use city or state funding to preserve it and
14 bring it up to code. However, we really need that
15 change made so you can use this exterior insulation
16 to make that happen, right?

17
18 And then finally, I just want to say you know
19 other members, other Council Members and other folks
20 testifying have talked about you know these
21 emissions. Well, you know right now, if you don't
22 electrify your building, you're burning either
23 natural gas or you're burning number two fuel, which
24 is diesel fuel, right? So, you're burning diesel
25 fuel to heat your building.

1 And so, and when we talk about asthma rates
2
3 across the city in these EJ neighborhoods, you're
4 talking - you're causing asthma through what you're
5 burning to heat those buildings.

6 So, I just want us to keep in mind you know what
7 is the goal here? It's not just you know obviously
8 trying to prevent future eight and a half inch
9 storms, eight and a half inch of rainfall storms, it
10 would also work on the asthma rates in these
11 neighborhoods.

12 So, yes, we urge you to approve this and not give
13 it a haircut along the way. Thank you so much.

14 CHAIRPERSON RILEY: Thank you to the applicant
15 panel for testifying. There being no questions, you
16 guys are excused.

17 PANEL: Thank you.

18 COMMITTEE COUNSEL: The next panel will consist
19 of Maddie Decerbo, Jeff Perlman and John Wolfling.
20 Please excuse me if I'm mispronouncing,
21 mispronunciating your last name. Let's start with
22 Maddie Decerbo. Yes, you press on the button in
23 order to speak.

24 MADDIE DECERBO: Okay, uhm, okay, hi my name is
25 Maddie Decerbo and I am here on behalf of the Real

1 Estate Board of New York. REBNY members have
2 consistently led the way in developing and operating
3 high performing efficient buildings, which is why we
4 thank the City Council for the opportunity to testify
5 in support of zoning for carbon neutrality.
6

7 Zoning for Carbon Neutrality presents updates to
8 the zone green bonus to align it more closely with
9 Local Law 97 in recent energy code revisions,
10 providing a flat five percent exemption for ultra-low
11 energy buildings. However, a potential challenge
12 arises for ongoing development projects that might
13 not have their foundations laid by the time zoning
14 for carbon neutrality adoption. Requiring redesigns
15 to accommodate the new calculations.

16 City Planning has included a necessary vesting
17 provision to allow projects that filed an application
18 with the Department of Buildings by the time of text
19 adoption to continue to utilize the zone green bonus
20 and receive necessary permits for one year post
21 adoption. REBNY supports this change but strongly
22 recommends the addition of a grace period of six
23 months from the date of adoption for filing.

24 The additional grace period would allow projects
25 that have not yet filed but have significant work

1 completed under the old rules to move forward. This
2 grace period for filing is consistent with practice
3 seen in new building code adoptions by City Council.
4

5 City Planning also updated the definition of
6 ultra-low energy buildings to better align with new,
7 higher baseline for energy performance required under
8 the energy code. The City Council should adopt this
9 change and also clarify the text to include a
10 reference to the proper ASHRAE code section so as to
11 avoid confusion and misapplication of the wrong
12 standards in calculating energy efficiency.

13 REBNY will submit a written copy of this
14 testimony with suggested zoning text language to
15 address these two issues. It's essential to
16 recognize that meeting the aggressive decarbonization
17 targets set by New York City and state leaders
18 requires concrete policy changes, such as Zoning for
19 Carbon Neutrality. REBNY strongly supports Zoning
20 for Carbon Neutrality and encourages the City Council
21 to approve the text with the suggested modifications
22 outlined today. Thank you.

23 COMMITTEE COUNSEL: Thank you. Next, we will
24 hear from Jeff Pearlman.

25 JEFF PERLMAN: Hi, my name is Jeff Perlman.

1 COMMITTEE COUNSEL: Why don't we pause the clock.
2
3 Let's restart.

4 JEFF PERLMAN: Thank you. Hi, my is Jeff
5 Perlman, I am the Founder and Chief Strategy Officer
6 of Bright Power. Bright Power is an 18-year-old New
7 York City-based company with over 150 employees and
8 we're a leader in providing carbon emissions,
9 reducing services to New York City buildings. We
10 have a particular focus on apartment buildings and
11 affordable housing. We worked with over 10,000 and
12 over 500,000 apartment units in New York alone and we
13 are strongly in support of the City of Yes for Carbon
14 Neutrality.

15 Uhm, the City of Yes for Carbon Neutrality is a
16 vital step to fight climate change across all five
17 boroughs. Buildings account for over 70 percent of
18 our carbon emissions and the City of Yes is very
19 important for supporting our city's decarbonization
20 transition, including Local Law 97, which you heard
21 about earlier in this hearing.

22 Most of New York City's buildings were built in
23 another era, long before energy efficiency was a
24 priority and many affordable and public housing
25 developments are in low laying areas that are

1 particularly susceptible to the climate threats that
2 we're facing.

3
4 So, another thing to point out, New York City is
5 already behind in meeting our solar energy goals and
6 the proposal to allow 100 percent of roof area to
7 receive solar panels could increase our solar energy
8 generation three-fold, which is a massive step to
9 improving our clean power generation.

10 Uhm, it also, the City of Yes for Carbon
11 Neutrality also enables building retrofits with
12 exterior insulating panels, which will reduce the
13 amount of energy needed to heat and cool our
14 buildings and by putting it on the outside, we reduce
15 disturbances to the residents inside the apartments.
16 The City of Yes for Carbon Neutrality also expands
17 the quantity of new highly efficient HVAC equipment
18 that could be installed on the roofs and the yards of
19 buildings as we heard from the Commissioner and it
20 greatly reduces the asthma causing knocks and socks
21 that would be omitted from boilers in those
22 situations. And the heat pumps often need to be
23 located outside on roofs and yards, which this
24 proposal allows.

1 So, in conclusion, given the existential threat
2 of climate change, we urge City Council to approve
3 the Zoning Text Amendment with no modifications to
4 improve the city and also create more good, green
5 jobs in the city as well. So, thank you for your
6 consideration.
7

8 COMMITTEE COUNSEL: Thank you and finally, we'll
9 hear from John Wolfling(SP?).

10 JOHN WOLFLNG: Great, you pronounced it
11 correctly, thank you. So, my name is John Wolfling.
12 Thank you for the opportunity to speak today. I am a
13 30-year New York City resident. I am an Architect at
14 a midsize firm in New York City and we practice
15 primarily in the city, so I am invested in this city
16 and I am in support of this proposal.

17 It is the consensus that climate change is the
18 result of human activity. We burn fossil fuels,
19 which release carbon into the atmosphere, increase
20 carbon dioxide results in the greenhouse effect,
21 which warms the planet.

22 It's simple, this is problem of our making and
23 it's our responsibility to try to fix it. The
24 effects of climate change, wildfires, flooding,
25

1
2 intense storms, increase cooling demands, all require
3 modifications of public policy.

4 The City of Yes for Carbon Neutrality is exactly
5 that type of change needed for New York City to
6 continue to be a global leader in sustainable design
7 and environmental justice. The City of Yes for
8 Carbon Neutrality will help building owners,
9 architects and government agencies make both new
10 construction in existing buildings more resilient and
11 healthy for residents and communities.

12 As a practicing architect that works on
13 affordable housing projects that incorporate
14 sustainable design principles, I am in support of all
15 of the elements of the proposed design changes. To
16 illustrate the potential good that can come from
17 these changes, I'd like to share a real-world
18 example.

19 A project of mine that was recently completed in
20 East New York in Brooklyn, 161 units of affordable
21 apartments. We maximized the amount of permitted
22 solar panels that we could put on this project, the
23 25 percent cap. If we would have the City of Yes
24 proposal changes in place back then, we could have
25 almost doubled the amount of solar panels on this

1 project. And this is what environmental justice
2 looks like, being able to produce more power on site.
3 I recommend that this be approved in totality. Thank
4 you.
5

6 CHAIRPERSON RILEY: Thank you. I believe Council
7 Member Schulman has a question for this panel.

8 COUNCIL MEMBER SCHULMAN: So, uhm, Jeffrey
9 Perlman, okay hi. So, uhm, I'm Council Member
10 Schulman. I just have a question. So, do you offer
11 your services; I see that you help buildings to
12 comply. You know it's interesting because as a City
13 Council Member sometimes we don't know about the
14 services, so I'd love to get you with some of the
15 folks in my district. I have a lot of co-ops and
16 condos and big apartment buildings, so if - I'll have
17 my staff contact you and maybe we can work something
18 out because one of the things we want to do is to
19 make it easier for people to comply with carbon
20 neutrality.

21 JEFF PERLMAN: Thank you Council Member. I'd be
22 happy to and we do work with a lot of co-ops and
23 condos.

24 COUNCIL MEMBER SCHULMAN: Okay, thank you very
25 much.

2 CHAIRPERSON RILEY: Piggybacking off that
3 question. Do you work with any coalitions of co-ops
4 and condos because I, like I said, I represent the
5 largest co-operative in the nation and I feel like
6 they are having a hard time with organizing amongst
7 other cooperatives around New York City. So, I would
8 love to also get your information and possibly
9 connect you with them as well.

10 JEFF PERLMAN: Yeah, I'd be happy to talk with
11 you more about it. We have worked with a lot of
12 Mitchell Lama's including Masaryk Towers and others,
13 so we'd be happy to talk to you more about co-op
14 city.

15 CHAIRPERSON RILEY: Thank you. This panel is
16 excused. Thank you.

17 COMMITTEE COUNSEL: And the final in-person panel
18 will consist of Caroline Harris and Raul Rivera. And
19 just as an announcement for people online, after this
20 panel, we will switch to online testimony and that
21 online panel, first panel will consist of Danielle
22 Manley, George Janes, Tim Dumbleton and Kate Selden
23 but I will all you again once it's ready for you to
24 testify.

1 So, now I'm turning to our last in-person panel
2 starting with Caroline Harris.
3

4 CAROLINE HARRIS: Good afternoon. It's a
5 pleasure to be here today and my name is Caroline
6 Harris. I'm a partner of Goldman Harris, a land use
7 firm in New York City. I'm representing New Leaf,
8 which is an energy company. If they can, one of
9 their leaders will be testifying later. Time goes
10 quickly, I am going to make three, maybe four big
11 points. Right now, there is no as of right
12 installation of batteries in residential districts.
13 In order to install them now, there's a special
14 permit process that does not address safety. Safety
15 is strictly and well addressed by the Fire Department
16 of New York and the Department of Buildings, both in
17 terms of the quality of the machine, the battery
18 itself and the siting of the battery on the location.

19 So, a special permit process does not enhance
20 safety. All it addresses today is the esthetic
21 concerns that the Council Member from Staten Island
22 said it was not a major concern. Those esthetic
23 issues are now being incorporated into the zoning
24 text as requirements and yes, there could be either
25 voluntarily or through some additions at the Council

1
2 as to more robust esthetic considerations but the
3 amendments that the Chair of City Planning announced
4 today might well address those. The importance of
5 having this be out as of right is that it simplifies
6 the process for installation, which already is a very
7 long lead time. The Fire Department, Building
8 Department approval is several years and the BSA
9 process in addition to that would be at least another
10 year to two. This really will delay when battery
11 storage can be adopted throughout New York City to
12 meet our energy needs.

13 Finally, I want to say that the proposal or the
14 concept of having a buffer zone would mean in effect
15 that no residential district would have battery
16 storage and we will present a map that shows that
17 with the location of the grid and the residential
18 districts and how a 200-foot buffer would prevent
19 battery storage in most neighborhoods. Thank you
20 very much.

21 COMMITTEE COUNSEL: Thank you Ms. Harris. If you
22 have written testimony and that map that you
23 mentioned, it would be helpful to have it as part of
24 the record. Next, we will hear from Raul Rivera.

1 RAUL RIVERA: Good afternoon. I have a few
2 points that I want to read but before so, I don't
3 want to forget, I just want to say that we are
4 against congestion pricing and we say no to mandation
5 of electric vehicles and we also want to share a
6 quote. When we say, "humans first, technology
7 second, today, tomorrow, forever", now I just want to
8 read a few points.
9

10 Chair, do you know what Cobalt is? Do you know
11 what Cobalt is? Okay. 70 percent of the Cobalt is
12 mined in the Congo in the DRC/Africa. 15 of the 19
13 Cobalt mines are owned by China. It costs over
14 \$15,000 to replace a battery in an electric vehicle.
15 It's over \$15,000. Little Black boys and girls are
16 unable to go to school because these children are
17 being exploited in the name of a green New York City
18 and the climate.

19 New York City is trying to make personal vehicles
20 for all New Yorkers illegal but not for UBER, not for
21 the rideshare companies. I don't know if you know
22 that. This is about the fourth time we testified
23 about the children in the Cobalt in the Congo.
24 They're digging for that Cobalt so we could be all
25 electric here and I'm a Native New Yorker. I'm a TLC

1 Driver Advocate. I was born and raised in this city
2 but I don't live in a bubble. I know New York is not
3 going to save the planet. We're against congestion
4 pricing. We're against the exploitation of children.
5 So, New Yorkers say that we are a green city. That
6 has to be recognized. We told Chair Brooks-Powers
7 for the Transportation Committee and we tell this
8 Committee and everybody Committee, anybody that is
9 willing to listen, you got to remember the kids, the
10 children of the Congo. Thank you.

12 CHAIRPERSON RILEY: Uhm, quick question for Mr.
13 Rivera. You said, Hobo or Kobalt.

14 RAUL RIVERA: Kobalt.

15 CHAIRPERSON RILEY: Can you spell that for me
16 please?

17 RAUL RIVERA: C-o-b-a-l-t it's the main mineral
18 that's needed to make these batteries. I can suggest
19 a good book that came out. There's a documentary
20 coming out, it's called Cobalt Red. The book is
21 already out. The documentary is going to come out.
22 They've been digging for cobalt for over 30 years but
23 now there's a bigger emphasis on electric, all
24 electric, which I'm for. I love technology. I'm for
25

1 technology but we can't put technology ahead of
2 people and that's what we're doing.

3 We can't even put the climate ahead of people.
4 So, we have an excellent climate but no people? We
5 can't exploit the people of this planet just so that
6 we can say that we're green. There's many ways to
7 achieve a cleaner planet without the exploitation of
8 children. And I think elected officials throughout
9 this country, even the president of the United
10 States, should know about the cobalt. Again, I'll
11 say it again, there's 19 mines. There's 19 mines and
12 15 are owned by China. 15 are owned by China.

13 CHAIRPERSON RILEY: Well, thank you for that
14 information. I'll look into it myself. Thank you.

15 RAUL RIVERA: Thank you.

16 CHAIRPERSON RILEY: And thank you to this panel
17 for testifying today. You're excused.

18 RAUL RIVERA: Thank you.

19 COMMITTEE COUNSEL: We will now switch over to
20 the online testimony and the first panel as I
21 announced a little earlier is Danielle Manley, George
22 Janes, Time Dumbleton, Kate Selden and we will begin
23 with Danielle Manley.

24 DANIELLE MANLEY: Hi, can you hear me okay?
25

2 COMMITTEE COUNSEL: Yes, we can.

3 DANIELLE MANLEY: Okay. Uhm, my name is Danielle
4 Manley. I'm the Manager of Policy here at Urban
5 Green. I wish I could share my video but it's not
6 letting me do that. Uhm, I'm the manager of Policy
7 at Urban Green Council. We're a nonprofit based here
8 in New York City dedicated to decarbonizing
9 buildings. Thanks for the opportunity to testify
10 today and I'm excited to share Urban Greens
11 overwhelming support for the City of Yes for Carbon
12 Neutrality.

13 Urban Green has worked for over a decade to
14 recommend improvements to the zoning code, including
15 our Green Codes taskforce in 2008, Zone Green in 2012
16 and our Zone Greener report in 2018. Earlier this
17 year, Urban Green convened over 50 building
18 practitioners to provide guidance to DCP on the
19 proposed changes. And their input helped to shape
20 the proposal that's being considered today.

21 Our detailed support is in my written comments
22 but I'll highlight a few key reasons why Urban Green
23 is supportive of it. First, is that climate change
24 is an existential threat to the future of New York
25 City. we need to remove outdated areas in our zoning

1 code so that we can meet our climate renewable energy
2 goals. And City of Yes for Carbon Neutrality will do
3 that.
4

5 Second, is that City of Yes will make it easier
6 for buildings to comply with Local Law 97 by making
7 sure that zoning doesn't stand in the way of
8 performing energy efficiency retrofit, electrifying
9 buildings and installing solar and battery storage on
10 site.

11 Third and specifically, the zoning changes will
12 expand our ability to electrify buildings, which is
13 one of the most significant steps for building
14 decarbonization. The changes will increase the size
15 and capacity of heat pumps that are allowed on roofs
16 and in yards.

17 And fourth, as we've heard before, the changes
18 are going to dramatically expand distributed solar
19 across the city, which is incredibly important for
20 meeting our carbon and renewable energy goals and
21 plays a role in the [01:49:25] and compliance.

22 Fifth, the City of Yes is going to catalyze
23 energy storage across the city which is necessary to
24 managing grid demand alongside buildings
25 electrification. These systems are safe and as we

1
2 heard earlier, all installations must still the
3 rigorous approval of the Fire Department and the
4 Department of Buildings.

5 Six, the changes encourage energy deficient
6 building design -

7 SERGEANT AT ARMS: Time expired.

8 DANIELLE MANLEY: In two key ways. First, it
9 incentivizes a variety of envelope over cladding and
10 recladding projects to meet the latest energy code.

11 COMMITTEE COUNSEL: Ms. Manley, sorry for
12 interrupting you. I'm not sure if you heard your
13 clock but if you could please wrap up.

14 DANIELLE MANLEY: Oh, I didn't. Sorry, I'm
15 actually on my last point. Uhm, and second it
16 modernizes the zone green bonus that worked at the
17 time that it was created but it's complexed and now
18 based on outdated criteria and we support the
19 simplified bonus structure.

20 And last, we're really supportive of the many
21 other actions that City of Yes is going to
22 facilitate. Thank you for considering our comments
23 today and we hope that you approve these amendments
24 and we can keep up our collective moment and
25 forbidding the climate moment.

1 COMMITTEE COUNSEL: Thank you for your testimony.
2
3 Next, we will hear from George Janes.

4 GEORGE JANES: Yes, thank you. I'm George Janes,
5 I'm an Urban Planner. I'm not representing any
6 clients today. These are just my own views. First,
7 let me say that there's a lot of good in these
8 amendments. City Council passed Local Law's 97 and
9 154 and these zoning amendments are basically an
10 implementation of those Local Law's. This is
11 government working and that's awesome.

12 But around the edges, there are important items
13 that require modification. I hope that Council is
14 able to clean up some of this text before the changes
15 are finalized and I will be submitting detailed
16 written comments but I have a couple highlights.
17 First, we should not change parts K and L of the
18 definition of the floor area.

19 These items were added in 1979 to stop developers
20 from sealing of existing buildings and then reusing
21 that unused floor area in new buildings. To CPC's
22 credit, they heard comments on this item and made
23 some changes before they sent this text to Council.
24 The version you have is an improvement over what was
25

1 said to Community Boards, but it's a half measure.
2 Council can do better.

3
4 Number two, the change in accessory uses is way
5 too broad. I think everyone can support the idea of
6 permitting bike parking and energy infrastructure
7 equipment to span multiple lots like loading and
8 parking does now. And even though CPC changed this
9 text, the section still permits all accessory uses to
10 leave the lot and cross the street. We have a
11 Department of Buildings that in June gave a building
12 permit to a hotel with a 300-foot Coney Island style
13 thrill ride approved as an accessory use. Right now,
14 we don't really even know. My point is that broad
15 changes invite unintended consequences. Making this
16 enduro change addresses bike parking and energy
17 infrastructure equipment the way that it's intended
18 to do and keeps out unintended consequences.

19 Again, I will be submitting written comments with
20 more detail.

21 SERGEANT AT ARMS: Time expired.

22 GEORGE JANES: I appreciate your time and
23 attention. Thank you.

24 COMMITTEE COUNSEL: Thank you for your testimony.

25 Next, we will here from Tim Dumbleton.

1 TIM DUMBLETON: Hi everyone. I hope you can hear
2
3 me. My name is Tim Dumbleton, I'm the Chief
4 Operation Officer of Microgrid Networks. We're a
5 Brooklyn based developer owner and operator of
6 renewable energy facilities. We have two completed
7 energy storage facilities in New York, one in
8 Williamsburg and one in Masbeth Queens, both built
9 with union labor.

10 I'm zooming in from the Brooklyn facility today
11 here. Behind me you can see the energy storage
12 containers. By the way, there's no cobalt in any of
13 these batteries. The previous speaker was just
14 misinformed.

15 Our Masbeth facility is a few blocks away in
16 Queens. We have a large pipeline of the similar
17 project we're looking to build in New York City
18 before 2030. I'm here to speak in support of the
19 proposal and also to invite all City Council Members
20 to come and visit us and tour one of our facilities.
21 We're aware this is new technology. We're aware it
22 takes time to understand and appreciate why it's
23 important and we know your staff and constituents
24 likely have questions about why need to build these
25 projects and how they will benefit everybody. We're

2 glad to show you the facilities and provide the
3 interest the best we can.

4 We believe renewable energy can be built and
5 operated safely and equitably and that a future of
6 carbon free energy will benefit everyone. We support
7 this proposal because we want to remove zoning is an
8 impediment to that advancement and we look forward to
9 be part of this effort. Thank you.

10 COMMITTEE COUNSEL: Thank you and our final
11 online panelist for this panel is Kate Selden.

12 KATE SELDEN: Hi, my name is Kate Selden and I am
13 the Policy Manager at Solar One. We're a nonprofit
14 that expands access to solar by providing solar
15 technical assistance to co-ops and condos, affordable
16 housing, and community groups pursuing solar
17 projects. Thank you for the opportunity to testify
18 in strong support of the City of Yes for Carbon
19 Neutrality. Approving the full proposal played a
20 pivotal role in modernizing our zoning code and
21 reducing carbon emissions in New York City's
22 buildings, which currently account for over two-third
23 of our overall emissions.

24 These changes are essential to reaching our
25 city's decarbonization goals, mitigating the impacts

1 of the climate crisis and advancing climate justice
2 in New York.
3

4 Solar One especially endorses the changes that
5 would allow for solar canopies up to 15 feet in
6 height covering 100 percent of the roof area in all
7 districts. As we heard earlier, New York City has to
8 more than double its current solar capacity to meet
9 our targets by 2030. In our work with building
10 owners, we see that existing zoning restrictions
11 limit the size and height of solar canopies allowed
12 in many districts, often making it economically
13 infeasible or too logistically challenging to go
14 solar at all.

15 Building owners need more flexibility, which is
16 at a minimum 15-feet so that it is cost effective to
17 build tall solar rays that leave ample room
18 underneath for important Fire Department pathways,
19 HVAC and electrification equipment as well as tenant
20 space.

21 Additionally, the zoning proposal would allow
22 solar in storage systems in residential districts on
23 underutilized open spaces like parking and empty
24 lots.
25

1 Freeing up these spaces for solar and storage can
2 increase the availability of community solar, which
3 is a key strategy to make solar accessible to low-
4 income residents and renters across the city. An
5 increasing standalone storage capacity within the
6 city safely will also help reduce the strain on our
7 grid and reduce the need for Peaker Plants.

9 Solar is just one element of the broader
10 decarbonization puzzle and we also support aspects
11 that make it easier to retrofit buildings with
12 exterior insulation and the provisions that would
13 encourage more efficient electric heating and cooling
14 systems by allowing them to be placed on roofs and
15 yards.

16 Reducing barriers so that boilers are replaced
17 with clean alternatives like heat pumps despite -

18 SERGEANT AT ARMS: Time expired.

19 KATE SELDEN: I'm almost done.

20 COMMITTEE COUNSEL: Okay, please wrap up.

21 KATE SELDEN: Okay, the current assignment crisis
22 requires bold action and New York City must set a
23 national example by modernizing our zoning code for
24 decarbonization. And so, for the above reasons, we
25 urge the Council to approve the zoning text amendment

1
2 and we ask that the Council not modify the proposal
3 or diminish its impact. Thank you.

4 COMMITTEE COUNSEL: Thank you.

5 CHAIRPERSON RILEY: No questions for this panel.

6 COMMITTEE COUNSEL: Okay, before we call the next
7 online panel which will consist of Bria Donohue, Adam
8 Roberts, Corina Solis, and Isarael Escowitz (SP?). We
9 are joined here today by the Bronx Borough President
10 Gibson and who I believe would like to testify on
11 this exciting proposal.

12 BRONX BOROUGH PRESIDENT GIBSON: Good afternoon.
13 It feels good to be back visiting. Good afternoon
14 Chair Kevin Riley, Council Member Lynn Schulman and
15 certainly members of the Subcommittee on Zoning and
16 Franchises. I am Bronx Borough President Vanessa L.
17 Gibson and I'm honored to be here to submit official
18 testimony on behalf of our great borough for a City
19 of Yes Carbon Neutrality Citywide Text. I am joined
20 here by my A-team Juton Hortsman, who is our Director
21 of Planning and Development for the Office of the
22 Bronx Borough President and I said, since I'm in the
23 area, let me stop by and visit my friends and
24 colleagues here at City Hall.

1 So, I want to thank you again Chair Riley and the
2 members of the Subcommittee for hearing our testimony
3 this afternoon. I first want to start by
4 acknowledging our DCP Chair, former colleague Dan
5 Garodnick, the City Planning Commission and the
6 entire Carbon Neutrality team at City Planning for
7 looking to really improve and remove impediments in
8 the zoning text that limit our city's ability to use
9 renewable energy much more broadly.
10

11 The zoning for carbon neutrality proposal we
12 believe will help to promote renewable energy
13 infrastructure and reduce greenhouse gas emissions by
14 allowing for building retrofitting, creating options
15 for additional solar panels and electric vehicle
16 charging stations, allowing for wind energy and
17 providing additional energy storage systems, just to
18 name a few.

19 In our strategic policy statement that we
20 released last September, we identified rooftops as
21 one of the most underutilized spaces in our city.
22 I'm very pleased to see the expansion of rooftop uses
23 that will truly benefit clean energy production.
24 I've made my recommendations in recent ULURPs that
25 can't be achieved until these new regulations go into

1 effect. Such as recommending that several parking
2 spaces where spaces in the recent 521 East Tremont
3 Rezoning application, that's Council Member Oswald
4 Feliz and I am pleased that this proposal will allow
5 them the as of right.
6

7 Our city has also passed a number of local laws
8 in recent years, during my time in the City Council
9 as well, including laws that I've supported and
10 through these proposed zoning modifications it will
11 really remove existing restrictions that are
12 hindering the ability of New Yorkers to meet these
13 new local laws will help enable our city to achieve
14 clean energy goals and will also help ensure the
15 long-term health of many of our neighborhoods.

16 In my recommendation to the CPC, the City
17 Planning Commission, I did have two conditions that I
18 wanted to share with you today. The biggest concern
19 that we have is ensuring fire safety and that fire
20 prevention and education measures are taken. I am
21 aware that City Planning is working with the
22 Department of Buildings and the FDNY to ensure safe
23 guards are tied to these approvals but we have to get
24 it right to ensure that residents are protected, as
25 we know, we've seen an increase in lithium-ion

1 batteries that have been known to cause many fires
2 and this goes not just for vehicle charging stations
3 but any type of charging stations including for e-
4 bikes, e-scooters and any other electronic device.
5 After submitting my recommendation, I talked to some
6 practitioners who had concerns with the 10,000 square
7 foot threshold for energy storage systems.
8

9 While I recognize that this threshold makes
10 sense, for most normal sized lots, for the larger
11 lots this size thresholds have problems. I would
12 propose a modification as it is a 10,000 square foot
13 threshold or up to 50 percent of the lot coverage,
14 which ever is the greater number to ensure the
15 greatest amount of coverage is based on lot
16 threshold. This would result in several projects
17 that I am aware of, no longer being required to go to
18 the DCA that are planned on larger lots. It is noted
19 that adding this option for larger lots was out of
20 scope with the project but I do believe it is
21 something that should be considered in the future and
22 as you all know, with the implementation of Local Law
23 97 coming up, these new regulations are really
24 necessary to help buildings meet the city's climate
25 mandates.

1 So, I thank you for your time this afternoon and
2 overall, I commend this proposal and as the Borough
3 President, I look forward to working with our Speaker
4 Adrienne Adams as well as all of the members of the
5 City Council to seeing our building owners and
6 developers really utilizing these new regulations for
7 the benefit of all New Yorkers. Thank you so much
8 for your time today. It's good to be back.

9 CHAIRPERSON RILEY: We're glad to have you back
10 Madam Borough President. It's a great feeling to
11 know that the Bronx is being led by someone of your
12 caliber. We know that this proposal is going to have
13 a great impact on the Bronx, especially when it comes
14 to the quality-of-life issues that we are already
15 going against. So, I'm just, I'm just happy to hear
16 that you are here and you gave these wonderful
17 amendments and we'll definitely be looking into them
18 as well. And I know Council Member Schulman had a
19 question for you.

20 BRONX BOROUGH PRESIDENT GIBSON: Okay.

21 COUNCIL MEMBER SCHULMAN: Yes and I want to say
22 that I'll speak on behalf of Kevin too, that we're
23 two of your biggest fans. So, I'm just curious
24 because Council Member Riley spoke earlier about Co-
25

1
2 Op City. Is there anything that your office is doing
3 in particular to help certain big complexes meet the
4 goals of this program?

5 BRONX BOROUGH PRESIDENT GIBSON: I'll start and
6 then I'll turn it over to my Planning Director but
7 that's a great question and it's something that my
8 team and I are constantly looking at. We've been
9 able to meet with many of our co-op boards including
10 Co-Op City, Concord's Village, places like Jamie
11 Towers, Canon Towards, Amalgamated Houses, I can go
12 on and on. And what we found is that many of them
13 are not necessarily ready for Local Law 97 compliance
14 and there really is an urgent need to do more around
15 education.

16 Education and outreach and I think we, as a city,
17 since it is a mandate, we really have to look at some
18 level of financial assistance that we could
19 potentially provide for some of our larger scale
20 buildings. Obviously there will be some eligibility
21 and guidelines that we have to follow because
22 everyone may not be able to meet the demand. But the
23 importance for us is education and outreach and
24 really talking to the co-op boards on the ground
25 about what is happening. Because we're already

1 hearing some concerns and I've seen some of our
2 colleagues hosting events in partnership with city
3 agencies on Local Law 97 compliance. So, it's
4 something that is on our radar and I'll turn it over
5 to my planning director.

7 JUTON HORTSMAN: Thank you. So I mean I really
8 think the Borough President said it right and I echo
9 what she said, you know one, having the conversations
10 with the club or seeing what they need to meet these
11 local laws but then also making sure that there's the
12 support there from the city and everyone else. We
13 recognize that co-ops are a little bit different but
14 also, making sure that they still have the same
15 resources and support that they're going to need.

16 COUNCIL MEMBER SCHULMAN: No, I appreciate that
17 because I had particularly and I think it's the same
18 thing in the Bronx. As in Queens, they were older
19 adults that have co-ops or owned small you know
20 apartments or whatever so uhm, that's very important.
21 And the other thing I wanted to ask, if you have any
22 suggestions for legislation that would help with
23 this. I mean, we're very open to hearing that, so
24 please let us know.

1
2 BRONX BOROUGH PRESIDENT GIBSON: Definitely
3 working with my planning team. We also have a policy
4 unit as well, so we can have conversations offline
5 about potentially what legislation could be
6 introduced but I also think it's important for us as
7 a city to collaborate with our partners at the state
8 level because many of our co-ops are overseen by the
9 state. DHCR, now known as HCR, Homes and Community
10 Renewal and we've met with Commissioner Ruthanne
11 Visnauskas and her team around the Local Law
12 Compliance and what support the state can potentially
13 provide for us. So, it would be great if we're not
14 having those conversations, to begin now. The State
15 Commissioner Adolfo Carrion from HPD to make sure
16 that there is some synergy because what I don't want
17 to happen is when we get closer to compliance, that
18 city HPD developments are given attention and then we
19 forget about all the others and we're all in the same
20 communities and there should be no difference whether
21 you're overseen by the state or the city. So, I
22 would love to see that happen and I would love to
23 work with the City Council in building that out.

24 COUNCIL MEMBER SCHULMAN: Thank you very much.

25 BRONX BOROUGH PRESIDENT GIBSON: Hmm, hmm.

1
2 CHAIRPERSON RILEY: Thank you Madam BP for your
3 leadership and just for the record, Madam BP has been
4 a great partner especially in the northeast Bronx to
5 the co-op city section, so we're looking forward to
6 continuing that partnership and collaboration. So,
7 thank you so much.

8 BRONX BOROUGH PRESIDENT GIBSON: Absolutely.
9 Thank you so much. Thank you all for your
10 leadership. Thank you.

11 JUTON HORTSMAN: Thank you.

12 COMMITTEE COUNSEL: Thank you and we will return
13 now to the online testimonials. The last panel again
14 consists of Bria Donohue, Adam Roberts, Corina Solis,
15 and if you are present Israel Berkowitz and we will
16 start by hearing from Bria Donohue.

17 BRIA DONOHUE: Thank you Chair Riley and members
18 of the Subcommittee on Zoning and Franchise for
19 holding this hearing today. I am Bria Donohue,
20 Government Affairs Manager at AIA New York. We
21 represent architects and design professionals
22 committed to positively impacting the physically and
23 social qualities of our city.

24 AIA New York strongly supports Mayor Adams
25 proposed citywide zoning text amendment City of Yes

1 for Carbon Neutrality. The proposal makes critical
2 updates to the city's zoning regulations and helps us
3 me meet our emission reduction goals and remove
4 existing barriers and expand opportunities for
5 decarbonization projects.
6

7 While AIA New York strongly supports the Zoning
8 Text Amendment, we urge the Council to make
9 adjustments to the proposal to fix [02:07:36]. We
10 support the goals laid out to create more ultra-low
11 energy buildings in the city. However, the proposals
12 language has raised concerns regarding the
13 feasibility of the targets outlined. AIA New York
14 makes the following recommendations with the purpose
15 of adding more nuance so that the goals are
16 ambitious, achievable and specific to various
17 building typologies.

18 First, we recommend you reconsider a 50 percent
19 reduction from the ASHRAE 90.1. Instead consider
20 setting a very progressive yet potentially achievable
21 reduction factor or adopting a tiered approach for
22 energy reduction such as a 30 percent reduction for
23 three percent area exclusion and a 50 percent
24 reduction for a five percent area exclusion.
25

1
2 Second, amend UI language from 38 KBTU source UI
3 to 38KBTU site EUI. Consider EUI targets specific to
4 building use as energy will differ significantly
5 amongst different building uses. These targets could
6 be similar to goals and thresholds set by other local
7 laws.

8 Third, we recommend you establish an expert group
9 to review and refine ultra-low energy building
10 criteria. Without these changes, today's most
11 progressive design will not be able to achieve the
12 current performance standards in Proposal 8 for most
13 building typologies. These will result in a net
14 worsening of energy performance since Zone green
15 incentives will effectively disappear, leaving
16 practitioners with little motivation to strive
17 towards the outreach. -

18 SERGEANT AT ARMS: Time expired.

19 BRIA DONOHUE: Current definitions of ultra-low
20 buildings. The City of Yes for Carbon Neutrality
21 will be essential to meeting our climate targets,
22 decarbonizing building stock, deploying renewables
23 and enabling New Yorkers to access a wide variety of
24 low carbon transportation options. We urge the City
25

1 Council to pass the proposed text amendment with the
2 recommended changes to proposal 8. Thank you.

3
4 COMMITTEE COUNSEL: Thank you Ms. Donohue and it
5 would be helpful if we received your testimony in
6 writing in relation -

7 BRIA DONOHUE: Yes, I've submitted it for the
8 record. Thank you.

9 COMMITTEE COUNSEL: Thank you. Next, we will
10 hear from Adam Roberts.

11 ADAM ROBERTS: Thank you for holding this hearing
12 today. I am Adam Roberts, Policy Director for the
13 Community Housing Improvement Program, also known as
14 CHIP. We represent New York's housing providers
15 including apartment building owners and managers. We
16 are here to strongly support the zoning for carbon
17 neutrality text amendment. This text amendment is
18 critical to ensuring our city's apartment buildings
19 are more sustainable. Electrification, façade
20 replacement and other sustainable design measures are
21 often needed to comply with Local Law 97. Yet these
22 sustainability measures have many regulatory barriers
23 to implementation once this text amendment removes.

24 Crucially, the text amendment should ease
25 electrification of apartment buildings. It does so

1
2 by allowing for expanded installation of solar panels
3 on roofs, use of battery energy stored systems and
4 easier placement of heat pumps on roofs and in yards.

5 In the future, we hope the Council and Mayor work
6 together to expand eligibility of the installation of
7 battery and energy storage systems as they become
8 more fire resistant.

9 Regarding façade, the text amendment should allow
10 for the more effective recladding of apartment
11 buildings by removing penalties for adding
12 installation and expanding the size of a building
13 envelope. It allows for buildings to better retain
14 heat in the winter and cold air in the summer.

15 Widespread electrification and façade replacement for
16 the city's apartment buildings will have major
17 benefits. They will reduce maintenance costs,
18 mitigate the risk of gas fires and improve thermal
19 comfort. These changes will positively impact
20 building owners, building workers and tenants alike.

21 Again, thank you to the Mayor's Office for
22 drafting this text amendment and to the Council for
23 holding this hearing.

24 COMMITTEE COUNSEL: Thank you for your testimony.
25 And next, we will hear from Corina Solis.

CORINA SOLIS: Hi, can you hear me okay?

COMMITTEE COUNSEL: Yes.

CORINA SOLIS: Okay, great. Good afternoon.

Thank you for the opportunity to speak today. My name is Corina Solis and I'm a Project Developer at New Leaf Energy. New Leaf is a renewable energy development company and I personally have been developing utility scale battery energy storage projects in New York City for over six years.

The storage of energy is crucial to providing energy for multiple renewal energy sources including wind and solar. These systems connect to the utility grid storing access electricity during low use periods and releasing the energy to local residents and business during high peak periods to avoid power outages.

For residential neighborhoods to benefit from the resiliency that energy storage adds to the grid, those systems need to be located on a property that is on the same grid and nearby to that residential area. We support the proposed to DMVS for covering a tax that makes small scales systems in residential and in commercial districts as of right.

One, as of right battery energy storage system and a residential zone would serve approximately 4,000 surrounding homes.

We appreciate that the many concerns of opponents regarding neighborhood impacts and encourage the adoption of the screening requirements that are included in this zoning text amendment that would enable these sites to be compatible with adjacent residential and commercial uses. Under the current zoning framework that requires a special permit from the DSA, rigorous administrative review from FDNY and DOB and the discretionary review all takes about three to four years currently. That's too long to wait for battery energy storage to benefit your constituents. Such a delay hampers the city's ability to rapidly develop renewable energy, installations where energy storage is needed most.

SERGEANT AT ARMS: Time expired.

CORINA SOLIS: Is that time?

COMMITTEE COUNSEL: Yes, but you can wrap up if you have a couple more seconds.

CORINA SOLIS: Thank you. So, I was just going to say that FDNY is nationally respected and rigorous review of each model battery and each site can take

1
2 several years on its own and the zoning text will not
3 sure cut it. Unlike with e-bikes, these systems
4 contain monitoring, control equipment, safety
5 systems, that are all reviewed by multiple expert
6 teams prior to approval and we believe that City
7 Council and New York City residents an rely on this
8 as a rigorous review for every system in the
9 neighborhoods. Thank you for the consideration of my
10 testimony. I urge you to please adopt the City of
11 Yes for Carbon Neutrality Text with no modifications.

12 COMMITTEE COUNSEL: Thank you and finally, we
13 will hear from Israel Berkowitz.

14 Is Israel Berkowitz present?

15 ISRAEL BERKOWITZ: Hello?

16 COMMITTEE COUNSEL: Hello, yes, you may testify.

17 CHAIRPERSON RILEY: Israel, if you could hear us,
18 you may begin. Israel, if you can hear us, you may
19 begin.

20 ISRAEL BERKOWITZ: Hi, uhm, I did not ask to
21 testify and just listening but thank you very much.
22 I appreciate the attention.

23 CHAIRPERSON RILEY: Oh, thank you for listening.

24 ISRAEL BERKOWITZ: I am just a concerned citizen.
25

1 COMMITTEE COUNSEL: Thank you. If there are any
2 members of the public who wish to testify regarding
3 the City of Yes, the Zoning for Carbon Neutrality
4 proposal remotely, please press the raise hand button
5 now. Or in person, please identify yourself to one
6 of the Sergeant's at Arms. The meeting will stand at
7 ease while we check for any newly registered members
8 of the public.
9

10 CHAIRPERSON RILEY: I just want to excuse the
11 last panel because we didn't have any questions for
12 them. Thank you.

13 There being no other members of the public who
14 wish to testify on this preconsidered LU relating to
15 the City of Yes Zoning for Carbon Neutrality
16 Proposal, the public hearing is now closed and the
17 item is laid over. That concludes today's business.
18 I would like to thank the members of the public, my
19 colleagues, especially Council Member Schulman for
20 sticking by the Department of City Planning,
21 Subcommittee Counsel, Land Use and other Council
22 Staff and especially the Sergeant at Arms for your
23 hard work today and for participating in today's
24 meeting. The meeting is hereby adjourned. Thank you
25 everyone. [GAVEL]

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date OCTOBER 15, 2023