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The New York City Council

Committee on Environmental Protection
Council Member James F. Gennaro, Chairman

Briefing Paper of the Infrastructure Division

Robert Newman, Legislative Director

December 8, 2009

Preconsidered Res. No. ²²⁸⁹ :

By Council Member Gennaro

Title:

Resolution pursuant to the New York State Environmental Quality Review Act setting forth findings of the Council concerning the environmental review conducted for Proposed Int. No. 476-A, Proposed Int. No. 564-A, Proposed Int. No. 967-A, and Proposed Int. No. 973-A.

Preconsidered Res. No. _____ is a determination that the Environmental Assessment Statement prepared by the Economic Development Corporation on behalf of the Office of the Mayor with respect to Proposed Int. No. 476-A, Proposed Int. No. 564-A, Proposed Int. No. 967-A, and Proposed Int. No. 973-A, dated December 7, 2009,

satisfies the requirements of the State Environmental Quality Review Act. (Preconsidered Res. No. ____ and the environmental analysis are annexed.)

Pursuant to the Rules of Procedure for City Environmental Quality Review §5-03(d), the Council, as a co-lead agency, has considered the relevant environmental issues attendant to such enactment and in making its findings and determinations under the State Environmental Quality Review Act (Environmental Conservation Law Article 8), the Council has relied on that Environmental Assessment Statement.

Preconsidered Res. No. 2289

Resolution pursuant to the New York State Environmental Quality Review Act setting forth findings of the Council concerning the environmental review conducted for Proposed Int. No. 476-A, Proposed Int. No. 564-A, Proposed Int. No. 967-A and Proposed Int. No. 973-A.

By Council Members Gennaro, Arroyo and Palma

Whereas, The enactment of Proposed Int. No. 476-A, Proposed Int. No. 564-A, Proposed Int. No. 967-A and Proposed Int. No. 973-A is each an "action" as defined in section 617.2(b) of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York; and

Whereas, The Mayor's Office of Environmental Coordination has prepared on behalf of the Office of the Mayor, a co-lead agency pursuant to section 5-03(d) of the Rules of Procedure for City Environmental Quality Review, an Environmental Assessment Statement, pursuant to Article 8 of the New York State Environmental Conservation Law, section 617.7 of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York, and the Rules of Procedure for City Environmental Quality Review an Environmental Assessment Statement for these bills; and

Whereas, The Council, as a co-lead agency pursuant to section 5-03(d) of the Rules of Procedure for City Environmental Quality Review, has considered the relevant environmental issues as documented in the Environmental Assessment Statement attendant to such enactment and in making its findings and determinations under the Rules of Procedure for City Environmental Quality Review and the State Environmental Quality Review Act, the Council has relied on that Environmental Assessment Statement; and

Whereas, After such consideration and examination, the Council has determined that a Negative Declaration should be issued: and

Whereas, The Council has examined, considered and endorsed the Negative Declaration that was prepared; now, therefore, be it

Resolved, That the Council of the City of New York, having considered the Negative Declaration, hereby finds that:

- (1) the requirements of The State Environmental Quality Review Act, Part 617 of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York, and the Rules of Procedure for City Environmental Quality Review have been met; and
- (2) as documented in the annexed Environmental Assessment Statement, the proposed action is one which will not result in any significant adverse environmental impacts; and
- (3) the annexed Negative Declaration constitutes the written statement of facts and conclusions that form the basis of this determination.

JH

H:/Energy/Preconsidered Res - SEQRA - All Green Building Bills.doc

12-8-09



NEGATIVE DECLARATION

CEQR No. 0900M001Y

Date Issued: December 8, 2009

NAME:

“Greener, Greater Buildings” - Local laws to amend the Administrative Code if the city of New York, in relation to establishing a New York City energy code; benchmarking the energy and water efficiency of buildings; upgrading lighting systems and require sub-metering in large existing commercial buildings; and requiring energy audits and retro-commissioning of base building systems of certain buildings and retro-fitting of certain city-owned buildings.

LOCATION:

Citywide

SEQR CLASSIFICATION: The project is classified as an Unlisted action pursuant to 6 NYCRR Part 617.2(ak)

DESCRIPTION:

The actions consist of the passage of the following 4 local laws, cumulatively entitled the “Greener, Greater Buildings” legislation that relate to the promotion of green buildings in New York City:

1. A local law to amend Title 28 of the administrative code of the city of New York by adding a new chapter 10 to establish a New York City Energy Code (hereinafter the “NYC Energy Code bill”).
2. A local law to amend Chapter 3 of Title 28 of the administrative code of the city of New York by adding a new article 309 to require the benchmarking the energy and water efficiency of certain buildings (hereinafter the “Benchmarking bill”).
3. A local law to amend Chapter 3 of Title 28 of the administrative code of the city of New York by adding new articles 310 and 311 to upgrade lighting systems and install sub-meters in existing single commercial buildings greater than 50,000 gross square feet or two or more buildings on a tax lot more than 100,000 gross square feet of built area (hereinafter the “Lighting Upgrade and Sub-metering bill”).
4. A local law to amend both Chapter 3 of Title 28 of the administrative code of the city of New York by adding a new article 308 and the New York City Charter by adding a

new section 224.2 in order to require energy audits and retro-commissioning of base building systems of certain buildings and retro-fitting of certain city-owned buildings (hereinafter the "Audits and Retro-Commissioning bill").

Statement of No Significant Effect

Pursuant to Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York, the Office of the Mayor and the New York City Council assumed the role of co-lead agencies for the purpose of conducting the environmental review pursuant to 62 RCNY §5-03(d). Based on an examination of information about the project contained in an Environmental Assessment Statement dated December 8, 2009 pursuant to Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617.7, the Office of the Mayor and the New York City Council have determined that the proposed action will not have a significant adverse effect on the environment.

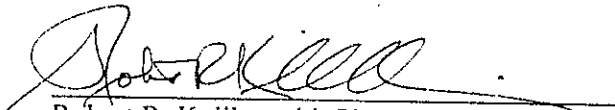
Reasons Supporting this Determination

The above determination is based on an Environmental Assessment Statement (EAS) dated December 8, 2009 and incorporated by reference herein. The EAS finds that:

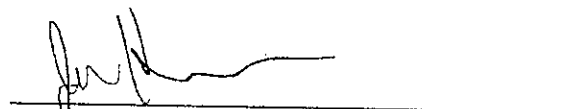
1. The proposed action is the passage of local laws to amend the Administrative Code of the city of New York, in relation to establishing a New York City energy code; benchmarking the energy and water efficiency of buildings; upgrading lighting systems and require sub-metering in large existing commercial buildings; and requiring energy audits and retro-commissioning of base building systems of certain buildings and retro-fitting of certain city-owned buildings.. As such, the proposed action is generic in nature and would not be expected to result in site-specific changes that would affect the following technical areas:
 - Community Facilities and Services
 - Open Space
 - Shadows
 - Historic Resources
 - Urban Design/Visual Resources
 - Neighborhood Character
 - Natural Resources
 - Hazardous Materials
 - Infrastructure
 - Solid Waste and Sanitation Services
 - Traffic and Parking
 - Transit and Pedestrians
 - Noise
 - Construction Impacts.
2. Because the action is generic in nature, there would be no site-specific effects. The Greener, Greater Buildings legislation that encourages green building practices would be applicable to many existing buildings throughout the City. Two areas of analysis, Land Use, Zoning and Public Policy and Neighborhood Character, do not assess site-specific

effects, and instead, characterize the uses and development trends in the area or and define the characteristics of neighborhood character that may be affected by a proposed action. Because the Greener, Greater Buildings local laws do not involve a change in land use or zoning and focus upon improving the energy efficiency of existing buildings, no impact (positive or negative) to either land use, zoning and public policy or neighborhood character could result from the passage of this suite of four local laws.

3. The proposed Greener, Greater Buildings legislation would not cause new construction and affects existing buildings. In fact, the goal of this proposed legislation seeks to greatly reduce existing building energy consumption, as it is predicted that 85% of the City's current building stock will continue to operate in 2030. Therefore, the effect of the proposed legislation would positively affect the level of energy consumption citywide.
4. Because reductions in energy consumption directly correlate to reductions in stationary air emissions from power plants as well as the existing buildings covered under the proposed legislation, the proposed actions would reduce air emissions (criteria pollutants with established National Ambient Air Quality Standards as well as Greenhouse Gas Emissions), and therefore, would have a positive effect on the City's air quality.
5. No other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable.
6. This Negative Declaration was prepared in accordance with Article 8 of the New York State Environmental Conservation Law.


Robert R. Kulikowski, Ph.D.
Assistant to the Mayor

December 8, 2009
Date


Jeffrey Haberman
Deputy Director, Infrastructure Division

December 8, 2009
Date



City Environmental Quality Review
ENVIRONMENTAL ASSESSMENT STATEMENT
 PART I, GENERAL INFORMATION

Reference Numbers

1. 0900M001Y
 CEQR REFERENCE NUMBER (TO BE ASSIGNED BY LEAD AGENCY) BSA REFERENCE NO. IF APPLICABLE

ULURP REFERENCE NO. IF APPLICABLE OTHER REFERENCE NO. (S) IF APPLICABLE
 (e.g. Legislative Intro, CAPA, etc)

Lead Agency & Applicant Information
 PROVIDE APPLICABLE INFORMATION

2a. **Co-lead Agencies**
Office of the Mayor and City Council
 NAME OF LEAD AGENCY
Robert Kulikowski/Jeffrey Haberman
 NAME OF LEAD AGENCY CONTACT PERSON
253 Broadway/250 Broadway
 ADDRESS
New York NY 10007
 CITY STATE ZIP
212.788.2937/9122
 TELEPHONE FAX
rkulikowski@cityhall.nyc.gov
jhaberman@council.nyc.gov
 EMAIL ADDRESS

2b. **Applicant Information**
 NAME OF APPLICANT
 NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON
 ADDRESS
 CITY STATE ZIP
 TELEPHONE FAX
 EMAIL ADDRESS

Action Description
 SEE CEQR MANUAL SECTIONS 2A & 2B

3a. NAME OF PROPOSAL Proposed Greener, Greater Buildings legislation. See Attachment A.
 3b. DESCRIBE THE ACTION(S) AND APPROVAL(S) BEING SOUGHT FROM OR UNDERTAKEN BY CITY (AND IF APPLICABLE, STATE AND FEDERAL AGENCIES) AND, BRIEFLY, DESCRIBE THE DEVELOPMENT OR PROJECT THAT WOULD RESULT FROM THE PROPOSED ACTION(S) AND APPROVAL(S):
See Attachment A.

3c. DESCRIBE THE PURPOSE OF AND NEED FOR THE ACTION(S) AND APPROVAL(S):
See Attachment A.

Required Action or Approvals

4. CITY PLANNING COMMISSION Yes No
 Change in City Map Zoning Certification Site Selection - Public Facility
 Zoning Map Amendment Zoning Authorization Disposition - Real Property Franchise
 Zoning Text Amendment Housing Plan & Project UDAAP Revocable Consent Concession
 Charter 197-a Plan
 Zoning Special Permit, specify type: _____
 Modification of _____
 Renewal of _____
 Other _____
5. UNIFORM LAND USE PROCEDURE (ULURP) Yes No

PLEASE NOTE THAT MANY ACTIONS ARE NOT SUBJECT TO CEQR. SEE SECTION 110 OF TECHNICAL MANUAL

6. BOARD OF STANDARDS AND APPEALS Yes No
 Special Permit New Renewal Expiration Date
 Variance Use Bulk
 Specify affected section(s) of Zoning Resolution
7. DEPARTMENT OF ENVIRONMENTAL PROTECTION Yes No
 Title V Facility Power Generation Facility Medical Waste Treatment Facility
8. OTHER CITY APPROVALS Yes No
 Legislation Rulemaking; specify agency:
 Construction of Public Facilities Funding of Construction, Specify Funding of Programs, Specify
 Policy or plan Permits, Specify:
 Other; explain: _____

9. STATE ACTIONS/APPROVALS/FUNDING Yes No
 If "Yes," identify _____

10. FEDERAL ACTIONS/APPROVALS/FUNDING Yes No
 If "Yes," identify _____

Action Type

11a. Unlisted; or Type I; specify category (sec 6 NYCRR 617.4 and NYC Executive Order 91 OF 1977, as amended):

11b. Localized action, site specific Localized action, change in regulatory control for small area Generic action

Analysis Year

12. Identify the analysis year (or build year) for the proposed action: Enactment of the bills occur in 2009.
 Would the proposal be implemented in a single phase? Yes No NA.
 Anticipated period of construction: N/A
 Anticipated completion date: N/A
 Would the proposal be implemented in multiple phases? Yes No NA.
 Number of phases: _____
 Describe phases and construction schedule: N/A - action is enactment of a local law

Directly Affected Area

INDICATE LOCATION OF PROJECT SITE FOR ACTIONS INVOLVING A SINGLE SITE ONLY (PROVIDE ATTACHMENTS AS NECESSARY FOR MULTIPLE SITES)

13a. LOCATION OF PROJECT SITE
City-wide
 STREET ADDRESS _____
 DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS _____
 EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION IF ANY _____ ZONING SECTIONAL MAP NO _____

TAX BLOCK AND LOT NUMBERS _____ BOROUGH _____ COMMUNITY DISTRICT NO _____

13b. PHYSICAL DIMENSIONS AND SCALE OF PROJECT
 TOTAL CONTIGUOUS SQUARE FEET OWNED OR CONTROLLED BY PROJECT SPONSOR: N/A SQ FT
 PROJECT SQUARE FEET TO BE DEVELOPED _____ SQ FT
 GROSS FLOOR AREA OF PROJECT _____ SQ FT
 IF THE ACTION IS AN EXPANSION, INDICATE PERCENT OF EXPANSION PROPOSED _____ % OF
 DIMENSIONS (IN FEET) OF LARGEST PROPOSED STRUCTURE _____ HEIGHT _____ WIDTH _____ LENGTH _____
 LINEAR FEET OF FRONTAGE ALONG A PUBLIC THOROUGHFARE _____

13c. IF THE ACTION WOULD APPLY TO THE ENTIRE CITY OR TO AREAS THAT ARE SO EXTENSIVE THAT A SITE-SPECIFIC DESCRIPTION IS NOT APPROPRIATE OR PRACTICABLE, DESCRIBE THE AREA LIKELY TO BE AFFECTED BY THE ACTION:
Action would apply City-wide

13d. DOES THE PROPOSED ACTION INVOLVE CHANGES IN REGULATORY CONTROLS THAT WOULD AFFECT ONE OR MORE SITES NOT ASSOCIATED WITH A SPECIFIC DEVELOPMENT? Yes No
 IF "YES", IDENTIFY THE LOCATION OF THE SITES PROVIDING THE INFORMATION REQUESTED IN 13a & 13b ABOVE. Certain existing buildings within the five boroughs of the City.

PART II, SITE AND ACTION DESCRIPTION

Site Description

EXCEPT WHERE OTHERWISE INDICATED, ANSWER THE FOLLOWING QUESTIONS WITH REGARD TO THE DIRECTLY AFFECTED AREA, THE DIRECTLY AFFECTED AREA CONSISTS OF THE PROJECT SITE AND THE AREA SUBJECT TO ANY CHANGE IN REGULATORY CONTROLS.

1. **GRAPHICS** Please attach: (1) a Sanborn or other land use map; (2) a zoning map; and (3) a tax map. On each map, clearly show the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site. The maps should not exceed 8½ x 14 inches in size. **N/A**

2. **PHYSICAL SETTING** (both developed and undeveloped areas) **N/A**

Total directly affected area (sq. ft.): _____ Water surface area (sq. ft.): _____
 Roads, building and other paved surfaces (sq. ft.): _____ Other, describe (sq. ft.): _____

3. **PRESENT LAND USE** **N/A**

Residential

Total no. of dwelling units _____ No. of low-to-moderate income units _____
 No. of stories _____ Gross floor area (sq. ft.) _____
 Describe type of residential structures: _____

Commercial

Retail: No. of bldgs _____ Gross floor area of each building (sq. ft.): _____
 Office: No. of bldgs _____ Gross floor area of each building (sq. ft.): _____
 Other: No. of bldgs _____ Gross floor area of each building (sq. ft.): _____
 Specify type(s): _____ No. of stories and height of each building: _____

Manufacturing/Industrial

No. of bldgs _____ Gross floor area of each building (sq. ft.): _____
 No. of stories and height of each building: _____
 Type of use(s): _____ Open storage area (sq. ft.) _____
 If any unenclosed activities, specify: _____

Community facility

Type of community facility: _____
 No. of bldgs _____ Gross floor area of each building (sq. ft.): _____
 No. of stories and height of each building: _____

Vacant land

Is there any vacant land in the directly affected area? Yes No
 If yes, describe briefly: **N/A**

Publicly accessible open space

Is there any existing publicly accessible open space in the directly affected area? Yes No
 If yes, describe briefly: _____

Does the directly affected area include any mapped City, State or Federal parkland? Yes No
 If yes, describe briefly: _____

Does the directly affected area include any mapped or otherwise known wetland? Yes No
 If yes, describe briefly: _____

Other land use

No. of stories _____ Gross floor area (sq. ft.) _____
 Type of use: _____

4. **EXISTING PARKING** **N/A**

Garages

No. of public spaces: _____ No. of accessory spaces: _____
 Operating hours: _____ Attended or non-attended? _____

Lots

No. of public spaces: _____ No. of accessory spaces: _____
 Operating hours: _____ Attended or non-attended? _____

Other (including street parking) - please specify and provide same data as for lots and garages, as appropriate.

5. **EXISTING STORAGE TANKS** **N/A**

Gas or service stations? Yes No Oil storage facility? Yes No Other? Yes No

If yes, specify: _____
 Number and size of tanks: _____ Last NYFD inspection date: _____
 Location and depth of tanks: _____

No. of residents: _____ No. and type of businesses: _____
 No. and type of workers by businesses: _____ No. and type of non-residents who are not workers: _____

SEE CEQR
 TECHNICAL MANUAL
 CHAPTER III F.,
 HISTORIC RESOURCES

7. HISTORIC RESOURCES (ARCHITECTURAL AND ARCHAEOLOGICAL RESOURCES) N/A

Answer the following two questions with regard to the directly affected area, lots abutting that area, lots along the same blockfront or directly across the street from the same blockfront, and, where the directly affected area includes a corner lot, lots which front on the same street intersection.

Do any of the areas listed above contain any improvement, interior landscape feature, aggregate of landscape features, or archaeological resource that:

- (a) has been designated (or is calendared for consideration as) a New York City Landmark, Interior Landmark or Scenic Landmark;
 - (b) is within a designated New York City Historic District;
 - (c) has been listed on, or determined eligible for, the New York State or National Register of Historic Places;
 - (d) is within a New York State or National Register Historic District; or
 - (e) has been recommended by the New York State Board for listing on the New York State or National Register of Historic Places?
- Identify any resource:

Do any of the areas listed in the introductory paragraph above contain any historic or archaeological resource, other than those listed in response to the previous question? Identify any resource.

SEE CEQR
 TECHNICAL MANUAL
 CHAPTER III K.,
 WATERFRONT
 REVITALIZATION
 PROGRAM

8. WATERFRONT REVITALIZATION PROGRAM

Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries? Yes No
 (A map of the boundaries can be obtained at the Department of City Planning bookstore.)

If yes, append a map showing the directly affected area as it relates to such boundaries. A map requested in other parts of this form may be used. **The Waterfront Consistency Form is not applicable. Please see Attachment A for discussion.**

**Project
 Description**

THIS SUBPART SHOULD
 GENERALLY BE
 COMPLETED ONLY IF
 YOUR ACTION
 INCLUDES A SPECIFIC
 OR KNOWN
 DEVELOPMENT
 AT PARTICULAR
 LOCATIONS

9. CONSTRUCTION N/A

Will the action result in demolition of or significant physical alteration to any improvement? Yes No
 If yes, describe briefly:

Will the action involve either above-ground construction resulting in any ground disturbance or in-ground construction?
 Yes No If yes, describe briefly:

10. PROPOSED LAND USE N/A

Residential

Total no. of dwelling units _____ No. of low-to-moderate income units _____ Gross floor area (sq. ft.) _____
 No. of stories _____ Describe type of residential structures: _____

Commercial

Retail: No. of bldgs _____ Gross floor area of each building (sq. ft.): _____

Office: No. of bldgs _____ Gross floor area of each building (sq. ft.): _____

Other: No. of bldgs _____ Gross floor area of each building (sq. ft.): _____
 Specify type(s): _____

No. of stories and height of each building: _____

Manufacturing/Industrial

No. of bldgs _____ Gross floor area of each building (sq. ft.): _____

No. of stories and height of each building: _____

Type of use(s): _____ Open storage area (sq. ft.) _____ If any unenclosed activities, specify: _____

Community facility

Type of community facility: _____

No. of bldgs _____ Gross floor area of each building (sq. ft.): _____

No. of stories and height of each building: _____

Vacant land

Is there any vacant land in the directly affected area? Yes No

If yes, describe briefly:

Publicly accessible open space

Is there any existing publicly accessible open space to be removed or altered? Yes No
If yes, describe briefly:

Is there any existing publicly accessible open space to be added? Yes No
If yes, describe briefly:

Other land use

Gross floor area (sq. ft.) _____ No. of stories _____ Type of use: _____

11. PROPOSED PARKING N/A

Garages

No. of public spaces: _____ No. of accessory spaces: _____
Operating hours: _____ Attended or non-attended? _____

Lots

No. of public spaces: _____ No. of accessory spaces: _____
Operating hours: _____ Attended or non-attended? _____

Other (including street parking) - please specify and provide same data as for lots and garages, as appropriate.
No. and location of proposed curb cuts: _____

12. PROPOSED STORAGE TANKS N/A

Gas or service stations? Yes No Oil storage facility? Yes No Other? Yes No
If yes, specify: _____
Size of tanks: _____ Location and depth of tanks: _____

13. PROPOSED USERS N/A

No. of residents: _____ No. and type of businesses: _____
No. and type of workers by businesses: _____ No. and type of non-residents who are not workers: _____

14. HISTORIC RESOURCES (ARCHITECTURAL AND ARCHAEOLOGICAL RESOURCES) N/A

Will the action affect any architectural or archaeological resource identified in response to either of the two questions at number 7
in the Site Description section of the form? Yes No
If yes, describe briefly:

15. DIRECT DISPLACEMENT

Will the action directly displace specific business or affordable and/or low income residential units? Yes No
If yes, describe briefly:

16. COMMUNITY FACILITIES

Will the action directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities,
libraries, hospitals and other health care facilities, day care centers, police stations, or fire stations? Yes No
If yes, describe briefly:

17. What is the zoning classification(s) of the directly affected area? N/A

18. What is the maximum amount of floor area that can be developed in the directly affected area under the present zoning? Describe
in terms of bulk for each use.
N/A

19. What is the proposed zoning of the directly affected area?
N/A

20. What is the maximum amount of floor area that could be developed in the directly affected area under the proposed zoning?
Describe in terms of bulk for each use.
N/A

21. What are the predominant land uses and zoning classifications within a 1/4 mile radius of the proposed action?
N/A

SEE CEQR
TECHNICAL MANUAL
CHAPTER III B.
SOCIO-ECONOMIC
CONDITIONS

SEE CEQR
TECHNICAL MANUAL
CHAPTER III C.
COMMUNITY FACILI-
TIES & SERVICES

**Zoning
Information**

Additional Information

22. Attach any additional information as may be needed to describe the action. If your action involves changes in regulatory controls that affect one or more sites not associated with a specific development, it is generally appropriate to include here one or more reasonable development scenarios for such sites and, to the extent possible, to provide information about such scenario(s) similar to that requested in the Project Description questions 9 through 16.

Analyses

23. Attach analyses for each of the impact categories listed below (or indicate where an impact category is not applicable):
- a. LAND USE, ZONING, AND PUBLIC POLICY See CEQR Technical Manual Chapter III.A.
 - b. SOCIOECONOMIC CONDITIONS See CEQR Technical Manual Chapter III.B.
 - c. COMMUNITY FACILITIES AND SERVICES See CEQR Technical Manual Chapter III.C.
 - d. OPEN SPACE See CEQR Technical Manual Chapter III.D.
 - e. SHADOWS See CEQR Technical Manual Chapter III.E.
 - f. HISTORIC RESOURCES See CEQR Technical Manual Chapter III.F.
 - g. URBAN DESIGN/VISUAL RESOURCES See CEQR Technical Manual Chapter III.G.
 - h. NEIGHBORHOOD CHARACTER See CEQR Technical Manual Chapter III.H.
 - i. NATURAL RESOURCES See CEQR Technical Manual Chapter III.I.
 - j. HAZARDOUS MATERIALS See CEQR Technical Manual Chapter III.J.
 - k. WATERFRONT REVITALIZATION PROGRAM See CEQR Technical Manual Chapter III.K.
 - l. INFRASTRUCTURE See CEQR Technical Manual Chapter III.L.
 - m. SOLID WASTE AND SANITATION SERVICES See CEQR Technical Manual Chapter III.M.
 - n. ENERGY See CEQR Technical Manual Chapter III.N.
 - o. TRAFFIC AND PARKING See CEQR Technical Manual Chapter III.O.
 - p. TRANSIT AND PEDESTRIANS See CEQR Technical Manual Chapter III.P.
 - q. AIR QUALITY See CEQR Technical Manual Chapter III.Q.
 - r. NOISE See CEQR Technical Manual Chapter III.R.
 - s. CONSTRUCTION IMPACTS See CEQR Technical Manual Chapter III.S.
 - t. PUBLIC HEALTH See CEQR Technical Manual Chapter III.T.

The CEQR Technical Manual sets forth methodologies developed by the City to be used in analyses prepared for the above-listed categories. Other methodologies developed or approved by the lead agency may also be utilized. If a different methodology is contemplated, it may be advisable to consult with the Mayor's Office of Environmental Coordination. You should also attach any other necessary analyses or information relevant to the determination whether the action may have a significant impact on the environment, including, where appropriate, information on combined or cumulative impacts, as might occur, for example, where actions are interdependent or occur within a discrete geographical area or time frame.

Applicant Certification

24. Katie Kendall

Robert R. Kulikowski, PhD/Jeffrey Haberman

PREPARER NAME

PRINCIPAL

General Counsel, MOEC



PREPARER TITLE

NAME OF PRINCIPAL REPRESENTATIVE

Katie Kendall

Assistant to the Mayor/Deputy Director

PREPARER SIGNATURE

TITLE OF PRINCIPAL REPRESENTATIVE

December 08, 2009

SIGNATURE OF PRINCIPAL REPRESENTATIVE

DATE

December 08, 2009

DATE

NOTE: Any person who knowingly makes a false statement or who knowingly falsifies any statement on this form or allows any such statement to be falsified shall be guilty of an offense punishable by fine or imprisonment or both, pursuant to Section 10-154 of the New York City Administrative Code, and may be liable under applicable laws.

**Impact
Significance**

PART III, ENVIRONMENTAL ASSESSMENT AND DETERMINATION

TO BE COMPLETED BY THE LEAD AGENCY

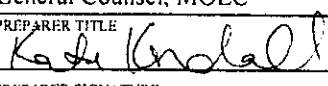
The lead agency should complete this Part after Parts I and II have been completed. In completing this Part, the lead agency should consult 6 NYCRR 617.7, which contains the State Department of Environmental Conservation's criteria for determining significance. The lead agency should ensure the creation of a record sufficient to support the determination in this Part. The record may be based upon analyses submitted by the applicant (if any) with Part II of the EAS. The CEQR Technical Manual sets forth methodologies developed by the City to be used in analyses prepared for the listed categories. Alternative or additional methodologies may be utilized by the lead agency.

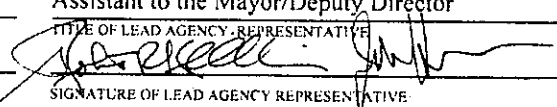
1. For each of the impact categories listed below, consider whether the action may have a significant adverse effect on the environment with respect to the impact category. If it may, answer yes.

LAND USE, ZONING, AND PUBLIC POLICY	No
SOCIOECONOMIC CONDITIONS	No
COMMUNITY FACILITIES AND SERVICES	No
OPEN SPACE	No
SHADOWS	No
HISTORIC RESOURCES	No
URBAN DESIGN/VISUAL RESOURCES	No
NEIGHBORHOOD CHARACTER	No
NATURAL RESOURCES	No
HAZARDOUS MATERIALS	No
WATERFRONT REVITALIZATION PROGRAM	No
INFRASTRUCTURE	No
SOLID WASTE AND SANITATION SERVICES	No
ENERGY	No
TRAFFIC AND PARKING	No
TRANSIT AND PEDESTRIANS	No
AIR QUALITY	No
NOISE	No
CONSTRUCTION IMPACTS	No
PUBLIC HEALTH	No

2. Are there any aspects of the action relevant to the determination whether the action may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials? If there are such impacts, explain them and state where, as a result of them, the action may have a significant impact on the environment.
3. If the lead agency has determined in its answers to questions 1 and 2 of this Part that the action will have no significant impact on the environment, a negative declaration is appropriate. The lead agency may, in its discretion, further elaborate here upon the reasons for issuance of a negative declaration.
4. If the lead agency has determined in its answers to questions 1 and 2 of this part that the action may have a significant impact on the environment, a conditional negative declaration (CND) may be appropriate if there is a private applicant for the action and the action is not Type I. A CND is only appropriate when conditions imposed by the lead agency will modify the proposed action so that no significant adverse environmental impacts will result. If a CND is appropriate, the lead agency should describe here the conditions to the action that will be undertaken and how they will mitigate potential significant impacts.
5. If the lead agency has determined that the action may have a significant impact on the environment, and if a conditional negative declaration is not appropriate, then the lead agency should issue a positive declaration. Where appropriate, the lead agency may, in its discretion, further elaborate here upon the reasons for issuance of a positive declaration. In particular, if supporting materials do not make clear the basis for a positive declaration, the lead agency should describe briefly the impact(s) it has identified that may constitute a significant impact on the environment.

**Lead Agency
Certification**

Katie Kendall
 PREPARER NAME
 General Counsel, MOEC
 PREPARER TITLE

 PREPARER SIGNATURE
 December 08, 2009
 DATE

Robert R. Kulikowski, PhD/Jeffrey Haberman
 NAME OF LEAD AGENCY REPRESENTATIVE
 Assistant to the Mayor/Deputy Director
 TITLE OF LEAD AGENCY REPRESENTATIVE

 SIGNATURE OF LEAD AGENCY REPRESENTATIVE
 December 08, 2009
 DATE

**ATTACHMENT A
ENVIRONMENTAL ASSESSMENT STATEMENT**

Re: Local laws to amend the Administrative Code of the city of New York, in relation to establishing a New York City energy code; benchmarking the energy and water efficiency of buildings; upgrading lighting systems and require sub-metering in large existing commercial buildings; and requiring energy audits and retro-commissioning of base building systems of certain buildings and retro-fitting of certain city-owned buildings.

CEQR Number **09OOM001Y**

Location: **Citywide**

Type of Action: **Unlisted**

3b. PROJECT DESCRIPTION:

The actions consist of the passage of the following 4 local laws, cumulatively entitled the "Greener, Greater Buildings" legislation that relate to the promotion of green buildings in New York City:

1. A local law to amend Title 28 of the administrative code of the city of New York by adding a new chapter 10 to establish a New York City Energy Code (hereinafter the "NYC Energy Code bill").
2. A local law to amend Chapter 3 of Title 28 of the administrative code of the city of New York by adding a new article 309 to require the benchmarking the energy and water efficiency of certain buildings (hereinafter the "Benchmarking bill").
3. A local law to amend Chapter 3 of Title 28 of the administrative code of the city of New York by adding new articles 310 and 311 to upgrade lighting systems and install sub-meters in existing single commercial buildings greater than 50,000 gross square feet or two or more buildings on a tax lot more than 100,000 gross square feet of built area (hereinafter the "Lighting Upgrade and Sub-metering bill").
4. A local law to amend both Chapter 3 of Title 28 of the administrative code of the city of New York by adding a new article 308 and the New York City Charter by adding a new section 224.2 in order to require energy audits and retro-commissioning of base building systems of certain buildings and retro-fitting of certain city-owned buildings (hereinafter the "Audits and Retro-Commissioning bill").

Discretionary actions that require environmental review include passage of each law by the City Council and approval of the law by the Mayor of the City of New York, or in the case of a mayoral veto, an override of such veto by the Council.

Each piece of proposed legislation will be discussed in turn.

NYC Energy Code Bill

The proposed legislation would create the New York City Energy Conservation Code (NYCECC) by adopting the New York State Energy Conservation Construction Code without the 50% exclusion rule, which exempts renovations impacting less than 50% of a building system or subsystem from complying with the Energy Code. New York State Energy Law allows municipalities to adopt their own energy code as long as it is more stringent than the State's code. By closing this loophole in the existing code, new construction, additions, and renovations in New York City would be required to comply with the Energy Code.

Only those elements being renovated or altered would be affected by this change, and unaltered portions will not need to be upgraded. The Department of Buildings would develop rules with examples outlining how the code would be applied to different types of renovations. In general, if a discrete component, such as a window or a hot water heater, is being replaced the new unit must be code-compliant. For replacements of continuous systems, such as insulated roofs or walls or curtain walls, the Department of Buildings will develop rules based on scale, practicality, and technical feasibility.

In addition, renovations for any building or structure that is listed in, or determined to be eligible for, the State or National Register of Historic Places; designated as an historic property under state designation law or survey; certified as a contributing resource within a National Register listed historic district; or designated or calendared individual New York City landmark (interior, exterior, or a building within a historic district) would be exempt from the NYCECC, or provisions thereof.

The proposed legislation would take effect on July 1, 2010 and would apply to work for which applications for construction document approval are submitted to the department of buildings on and after that date.

Benchmarking bill

Under this proposed legislation, buildings on tax lots with more than 50,000 gross square feet of built area, two or more buildings on tax lots of more than 100,000 gross square feet of built area, and City-owned buildings on tax lots with more than 10,000 gross square feet of built area would be required to annually document energy and water use. Building owners would input data—including metered energy use, building square footage, water use per square foot, and hours of use—into a free online benchmarking portal. Commercial buildings would need to submit tenant information as well, while residential buildings do not. Building owners would be responsible for maintaining all

documentation related to benchmarking, including, but not limited to, energy bills and reports from tenants.

The Department of Finance would annually post the benchmarking information on their Assessment Roll, which is publicly accessible, beginning in:

- September 1, 2011 for City buildings,
- September 1, 2012 for private non-residential buildings, and
- September 1, 2013 for multi-family residential buildings.

Information displayed would include:

- An energy utilization index (EUI: energy use per square foot)
- Water use per square foot
- Where available, a rating that indicates comparative energy use, measured against similar buildings
- And, when available, may include a comparison of data across calendar years

Lighting Upgrade and Sub-metering bill

The proposed legislation would require that lighting systems in large buildings—those with single buildings on tax lots with more than 50,000 gross square feet of built area or two or more buildings on tax lots of more than 100,000 gross square feet—meet the requirements of the New York City Energy Conservation Code by January 1, 2025. Lighting systems include lighting controls (interior lighting controls, light reduction controls and automatic lighting shutoff), tandem wiring, exit signs, interior lighting power requirements and exterior lighting.

If a building meets the energy code or has upgraded its lighting system since July 1, 2010, then the lighting requirements would not apply. In addition, the proposed legislation would require installation of electrical sub-meters for each non-residential tenant space larger than 10,000 square feet or a floor larger than 10,000 gross square feet consisting of one or more tenant spaces let or sublet to one or more persons. Sub-metering is required for tenant spaces and must be installed by January 1, 2025. If new tenant spaces are created within the building, then sub-meters would need to be installed. If the electricity in a tenant space is currently measured by a meter, the owner would not be required to also install a sub-meter. Multi-family residential units would be excluded from both the lighting and sub-metering requirements.

Each tenant or subtenant that has a sub-meter would be provided with a monthly statement showing the amount of electricity consumed by such tenant or subtenant during the month and any amount charged to the tenant for electricity.

Audits and Retro-Commissioning bill

This proposed legislation would require owners of large existing buildings—those with single buildings on tax lots with more than 50,000 gross square feet of built area or two or more buildings on tax lots of more than 100,000 gross square feet of built area, --in

New York City to ensure that their buildings undergo an energy audit and the appropriate retro-commissioning once every decade. This bill would apply to all classes of buildings, both private and City-owned. For City buildings, any building that participates in the tenant interim lease apartment purchase program or a program administered by the Department of Housing Preservation and Development; any building managed by the NYC Health and Hospitals Corporation; any senior college in the City University of New York System; and any cultural institution that is in the Cultural Institutions Group as determined by the Department of Cultural Affairs would not be subject to the requirements of the proposed legislation.

Under the proposed legislation, building owners must ensure that their buildings undergo an energy audit and the appropriate retro-commissioning measures once every ten years. The energy audit would be conducted for central systems only -- building systems (ie., HVAC, exterior envelope, etc.) that use energy or impact the energy consumption in the common spaces or systems that supply or distribute heat, cooling, etc. to other spaces where energy bills are paid by the owner of the building.

The audit process must be equivalent to a Level II Energy Survey and Engineering Analysis of the 2004 edition of Procedures for Commercial Building Energy Audits published by the American Society of Heating, Refrigerating and Air-conditioning Engineers Inc. (ASHRAE). The audit would identify all reasonable measures, including capital improvements, that would, if implemented, reduce energy use and/or the cost of operating the building; estimate the cost and energy savings associated with these measures; and may also identify retro-commissioning and retrofit measures that, when combined, equal or exceed the overall reduction in energy consumption as determined for the group of identified "reasonable measures" described above. This alternative gives building owners the leeway to select energy improvement measures that fit within their other goals. In addition, City buildings over 50,000 gross square feet will perform bundled retrofits that have a simple payback (pay for themselves) within 7 years.

Retro-commissioning shall be performed on the base building systems of a covered building prior to filing an energy efficiency report to ensure efficient operation regarding the following overall criteria:

1. Operating protocols, calibration, and sequencing;
2. Cleaning and repair; and
3. Training and documentation.

A retro-commissioning report shall be prepared that includes information relating to the retro-commissioning. Both the energy audit and retro-commissioning must be performed within four years of the submission date of a building's energy efficiency report. The audit and retro-commissioning can be done as a combined process.

Early compliance has been outlined in the legislation allowing buildings to comply in 2013 regardless of their due date in the first ten year cycle, so long as this early audit is equivalent to an ASHRAE Level II audit and provides a detailed check-list for the necessary retro-commissioning measures.

Buildings that have received 1) LEED EB within the previous four years, 2) have two years as an EPA EnergyStar rated building, or 3) have two years of EPA EnergyStar benchmarking data that would make it equivalent to an EnergyStar rated building may submit proof of such status to be exempted from that year's energy audit. Buildings that have received certification under LEED EB and received the two points for Existing Building Commissioning investigation and Existing Building Commissioning implementation may submit proof of such status to be exempted from that year's retro-commissioning.

In order to demonstrate compliance, a building owner must submit an energy efficiency report to New York City Department of Buildings (DOB). Buildings will come due the calendar year with a final digit that is the same as the last digit of the building's tax block number and repeat on the same ten year cycle. For example, those buildings on a tax block ending in the number 1 would be required to submit its first energy efficiency to DOB within the building's due year—here, 2021. The energy efficiency report will include the following:

1. The energy audit report or documentation substantiating that an exception applies;
2. The retro-commissioning report or documentation substantiating that an exception applies, and
3. Other information relating to energy consumption required by DOB.

Certain buildings may receive an extension to comply with some of the requirements of the proposed legislation. Building owners who cannot complete the retro-commissioning by the due date, despite good faith efforts, can receive a maximum of two extensions of up to one year each. Owners who can document that their buildings are financially distressed may apply to DOB for extensions of one year. A financially distressed building is defined as any building that meets a list of quantitative thresholds (such as arrears on property taxes or water charges) or that participates in a city-managed financial assistance program. In addition, a building that is less than ten years old may defer submission of energy efficiency report for 10 years from the date of its first assigned due date.

3c. STATEMENT OF PURPOSE AND NEED

There is a consensus that current levels of energy use are problematic. Burning fossil fuel for power harms the environment by contributing to global warming and polluting the air. Additionally there are economic reasons to reduce consumption: given the current economic climate and the high cost of energy, reducing energy consumption is imperative if New York City is to maintain its competitive edge. For these reasons, and the specific reasons stated below, the Greener, Greater Buildings legislation is proposed for passage.

NYC Energy Code Bill

New York State is one of 42 states that utilize the International Energy Conservation Code (IECC). The Energy Conservation Construction Code of New York State (State

Energy Code), authorized by article eleven of the State Energy Law, sets standards for the energy performance of buildings throughout New York. However, New York is the only state that amends the IECC with a 50% exclusion rule, which exempts renovations impacting less than 50% of a building system or subsystem from complying with the energy code. Since renovations in New York City's large buildings typically occur on individual floors or tenant spaces, this exemption means that the city is not accruing energy efficiency improvements as our buildings are renovated. The State Energy Law expressly permits a municipality to promulgate a local energy conservation construction code that is more stringent than the State Energy Code. Removing this exemption will reduce carbon emissions and decrease emissions of criteria pollutants from boilers, furnaces, and power plants.

Benchmarking bill

Benchmarking energy and water consumption—by documenting and publicly posting annual building data—will allow building owners and operators to better understand how their building functions. By using this tool, building owners can track the efficiency of their building and compare their performance to other similar buildings. Benchmarking is also useful for prospective buyers and renters to assess the relative efficiency of multiple buildings. This type of transparency will create market demand for efficient buildings and incentivize owners to improve their energy performance.

Lighting Upgrade and Sub-metering bill

Lighting is responsible for almost 20% of the energy used in New York City's buildings and roughly 20% of a building's carbon emissions. Consequently, tenant electrical use can account for the majority of the electricity consumed in many large commercial buildings, and the patterns of electrical consumption in tenant spaces are often not known by tenants. Rapid improvements in lighting technology in the past decades have made it feasible to dramatically reduce energy consumption by installing more efficient lighting systems, and any investments made to install such systems will typically be realized through operational savings. Furthermore, most large buildings have one master meter for electricity that measures building-wide usage, as opposed to separate meters that provide such information on a per tenant basis. The consumption of energy for lighting and other electrical equipment can be reduced if code-compliant lighting and electrical measuring equipment is installed and data on electrical energy use is provided to commercial tenants. Investments in lighting are some of the most cost-effective ways to reduce energy consumption; lighting upgrades generally pay for themselves within 18 to 24 months.

Audits and Retro-Commissioning bill

While the New York State Energy Conservation Code addresses efficiency in new buildings, 85% of the buildings that will be in New York City in 2030 already exist today. These buildings are often inefficient and waste energy and money, but building owners are reluctant to invest in efficiency measures because of “split incentives” where a building owner can own equipment but the tenant pays the energy bill. Here, the owner

will not reap the benefits that result from his investments. However not all building systems are subject to this complication. The central systems of the building, including such equipment as hallway lights and boilers, are owned, operated, and paid for by the building owner. Consequently this legislation will require building owners to perform energy audits and retro-commissioning. Additionally, City buildings will be required to implement bundled retrofits that are good investments, namely those that have a simple payback (pay for themselves) within 7 years.

23. ANALYSES

The proposed actions consist of the passage of 4 local laws as part of the Greener, Greater Buildings Plan. As such, the proposed action is generic in nature and would not be expected to result in site-specific changes that would affect the following technical areas:

- Community Facilities and Services
- Shadows
- Open Space
- Urban Design/Visual Resources
- Neighborhood Character
- Natural Resources
- Hazardous Materials
- Solid Waste and Sanitation Services
- Traffic and Parking
- Transit and Pedestrians
- Noise
- Construction Impacts

Given the generic nature of the proposed action, there would be no site-specific effects. The Greener, Greater Buildings legislation that encourages green building practices would be applicable to many existing buildings throughout the City. Two areas of analysis, Land Use, Zoning and Public Policy and Neighborhood Character, do not assess site-specific effects, and instead, characterize the uses and development trends in the area or and define the characteristics of neighborhood character that may be affected by a proposed action. Because the Greener, Greater Buildings local laws do not involve a change in land use or zoning and focus upon improving the energy efficiency of existing buildings, no impact (positive or negative) to either land use, zoning and public policy or neighborhood character could result from the passage of this suite of four local laws, and therefore, further analysis in these technical areas is inappropriate for this generic action.

However, the passage of the suite of Greener, Greater Buildings local laws may have the potential to affect the following technical areas: Energy, Air Quality, Public Health Historic Resources, Socioeconomic Conditions, the Waterfront Revitalization Program (WRP), and Infrastructure. As discussed below, the actions would not result in significant adverse impacts to any technical area of analysis, and, in general, the effects in these areas would be expected to be positive.

23.a Energy

CEQR requires the assessment of energy consumption during environmental review. In general, actions that would result in new construction or substantial renovation in buildings would not create adverse energy impacts because all new structures must comply with the New York State Energy Conservation Code. As stated above, the proposed Greener, Greater Buildings legislation would not cause new construction and affects existing buildings. In fact, the goal of this proposed legislation seeks to greatly

reduce existing building energy consumption, as it is predicted that 85% of the City's current building stock will continue to operate in 2030. Therefore, the effect of the proposed legislation would positively affect the level of energy consumption citywide. The energy savings of each specific proposed local law are discussed in turn below.

NYC Energy Code Bill

Space in New York City is constantly being renovated and improved. In fact, it is estimated that most construction projects in the city are renovations rather than new construction. Accordingly, removing the 50% exemption in the New York State Energy Conservation Code and instead adopting a New York City Energy Conservation Code means that a larger percentage of properties in the city would be made more energy efficient. Since 85% of New York City's buildings in 2030 will be buildings that exist today, ensuring that renovations comply with the energy code is essential to reducing our energy use. Based upon estimates calculated by the Mayor's Office of Long Term Planning and Sustainability (MOLTPS), the proposed legislation is expected to reduce citywide carbon emissions by 1% to 1.5% over the next 20 years.

Benchmarking bill

Benchmarking is expected to move the market toward greater efficiency by making energy consumption patterns more transparent to building owners and prospective purchasers or renters. Unlike the other legislative proposals which have direct energy impacts, benchmarking has not been explicitly credited with energy use reductions. Nonetheless, making building energy consumption more visible is expected to have an impact similar to the way that comparative energy use tags increase the purchase of energy efficient appliances.

Lighting Upgrade and Sub-metering bill

Lighting is responsible for almost 20% of the energy used in New York City's buildings and roughly 20% of a building's carbon emissions. Furthermore, most large buildings have one master meter for electricity that measures building-wide usage, as opposed to separate meters that provide such information on a per tenant basis. The consumption of energy for lighting and other electrical equipment could be reduced if code-compliant lighting and electrical measuring equipment is installed and data on electrical energy use is provided to commercial tenants. Therefore, the proposed legislation, by requiring lighting upgrades by 2025 and electrical sub-metering by 2025, would greatly reduce energy consumption in existing buildings.

Audits and Retro-Commissioning bill

As stated previously, 85% of the buildings that will be in New York City in 2030 already exist today. These buildings are often inefficient and waste energy and money, but building owners are reluctant to invest in efficiency measures because of "split incentives" where building owners can own equipment but the tenant pays the energy bill. Consequently, the audit and retro-commissioning requirement would require an

assessment of the energy efficiency of the central systems of the building, including such equipment as hallway lights and boilers, that are owned; operated, and paid for by the building owner so that the owner may realize the energy savings from his or her investment and the overall energy consumption would be reduced.

23.b Air Quality and Greenhouse Gas Emissions

For air quality, the goal of CEQR is to determine a proposed action's effects on ambient air quality. As stated above in section 2.4, "Energy," the proposed Greener, Greater Buildings legislation would not result in new construction or increase energy consumption. In fact, the proposed legislation would have positive energy effects and energy reductions over the next 20 years and beyond. Each proposed local law, the NYC Energy Code Bill, Benchmarking bill, Lighting Upgrade bill, and Audits and Retro-Commissioning bill seek to reduce energy consumption (outlined specifically above in Section 2.4). Consequently, because reductions in energy consumption directly correlate to reductions in stationary air emissions from power plants as well as the existing buildings covered under the proposed legislation, the proposed actions would reduce air emissions (criteria pollutants with established National Ambient Air Quality Standards as well as Greenhouse Gas Emissions), and therefore, would have a positive effect on the City's air quality.

Based upon estimates calculated by the MOLTPS, investing in lighting upgrades could reduce citywide carbon emissions by at least 2.5% and the proposed Audit and Retrocommissioning legislation is expected to reduce citywide carbon emissions by approximately 1.3% over the next 20 years. Consequently, both proposed bills would also reduce the criteria pollutants emitted from creating electricity by reducing buildings' energy consumption.

23.c Public Health

A CEQR assessment of public health examines potential impacts on public health citywide, and is often needed only when a significant impact is found on specific technical areas, such as air quality, traffic, or water quality. As stated above, there is no potential for significant impact in any technical area, and in fact, the proposed actions would have a positive effect on energy and air quality. For similar reasons, these proposed local laws, by reducing energy usage and resultant criteria pollutants through energy efficiency, would have a beneficial impact on air quality, and consequently, have the potential for a positive effect on public health.

23.d Historic Resources

The proposed actions would affect existing buildings, which include historic resources. For the purposes of CEQR, historic resources are defined as:

- Designated New York City Landmarks, Interior Landmarks, Scenic Landmarks, and properties within designated New York City Historic Districts.
- Resources calendared for consideration as one of the above by the New York City Landmarks Preservation Commission (LPC).

- Resources listed on or formally determined eligible for inclusion on the State and/or National Register of Historic Places, or contained within a district listed on or formally determined eligible for the State and/or National Register of Historic Places.
- Resources recommended by the New York State Board for listing on the State and/or National Registers of Historic Places.
- National Historic Landmarks.
- Resources not identified by one of the programs listed above, but that meet their eligibility requirements.

Because of the additional restrictions on renovating historic structures, many of the requirements of the proposed actions would not apply. Furthermore, the proposed actions do not preclude, and in fact state, that all regulations and laws protecting such historic resources must also be followed. Described below are descriptions as to when a proposed local law would apply to a historic resource. If the local law applies to historic resources, the effect of such applicability is discussed.

NYC Energy Code Bill

Renovations for any building or structure that is listed as a historic resource, as defined in the *CEQR Technical Manual*, would be exempt from the NYCECC, or provisions thereof. For example, a building designated, or calendared for consideration, as a New York City Landmark, would be exempt from the envelope and exterior lighting requirements of the proposed New York City Energy Conservation Code because the New York City Landmarks Preservation Commission regulates only the exterior. For all other historic resources listed above, including interiors designated, or calendared for consideration, as New York City Landmarks, are exempted from all provisions of the proposed code.

Benchmarking bill

Under this proposed legislation, single buildings on tax lots with more than 50,000 gross square feet of built area, two or more buildings on tax lots of more than 100,000 gross square feet of built area, and City buildings on tax lots with more than 10,000 gross square feet of built area would be required to annually document energy and water use. Therefore, all historic resources of this size would be required to benchmark its energy and water use. This would only require benchmarking, and would not physically affect any structure, and therefore, no impact to the historic resources in the City would result.

Lighting Upgrade and Sub-metering bill

Under this proposed legislation, single buildings on tax lots with more than 50,000 gross square feet of built area and two or more buildings on tax lots of more than 100,000 gross square feet of built area would be required to upgrade lighting systems by 2025 and install sub-metering in tenant spaces and floors of 10,000 gross square feet by 2025. This would include buildings of this size that are considered historic resources. For those designated a New York City Landmark (by virtue of its exterior or its location within a

historic district), the proposed legislation would have no impact whatsoever, as all required upgrades and sub-meters would be located in the interior. Similarly, the installation of a sub-meter would not be anticipated to affect the aesthetics of a historic resource due to the fact that this would be a mechanical installation and not an aesthetic change. With regard to those historic structures where the interior is of significance, the requirement of this proposed legislation to upgrade the lighting system to the proposed New York City Energy Conservation Code does not apply, as such buildings are exempt from that code. Therefore, no significant impacts to historic resources would result from the proposed legislation.

Audits and Retro-Commissioning bill

This proposed legislation would require owners of large existing buildings—those with single buildings on tax lots with more than 50,000 gross square feet of built area or two or more buildings on tax lots of more than 100,000 gross square feet of built area --in New York City to ensure that their buildings undergo an energy audit and the appropriate retro-commissioning once every decade. This bill would apply to all classes of buildings, both private and City-owned. This would include historic buildings.

A covered historic resource would be required to perform an energy audit that, similar to the Benchmarking bill, requires documentation of energy use and highlights energy efficiency improvement opportunities. However, the proposed legislation states that compliance with the laws regulating and governing the protection of historic resources must not only be followed, but their costs should be factored into the recommendations for energy efficiency improvements. Consequently, historic resources would continue to be protected and the proposed legislation would not adversely affect historic resources.

23.e Socioeconomic Conditions

Socioeconomic changes may occur when an action would directly or indirectly change population, housing stock, or economic activities in an area. The objective of the CEQR analysis is to disclose changes that would be created by the action and assess whether such changes would significantly affect the socioeconomic character of an area, defined in terms of its *population and housing* and its *economic activities*. Actions can affect socioeconomic character in the following ways: they may directly displace residents or businesses; or they may alter one or more of the underlying forces that shape socioeconomic conditions in an area and thus indirectly displace residents or businesses. As such, the proposed actions do not fit the profile of a typical socioeconomic conditions assessment under CEQR. The proposed actions would not directly displace any residents or businesses, and further assessment of these areas is unnecessary. However, the energy efficiency requirements of the proposed actions would require a building owner to invest money into his or her building, and therefore, it is appropriate to assess the potential indirect effect to residents or businesses (both positive and negative) in the area as a result of these actions. Based upon the following assessment, no significant adverse impacts to the socioeconomic character of the City would result from the passage of the proposed Greener, Greater Buildings legislation.

The proposed local laws are discussed below.

NYC Energy Code Bill and Benchmarking bill

This proposed legislation creating a New York City Energy Conservation Code would only represent small incremental costs because it would apply to work that was already going to take place and equipment would likely be replaced. It simply requires that the work be done to code standards. While costs would slightly increase for complying with the Energy Code, code compliant equipment is widely available at competitive prices because the 42 other states using the same international energy code already have this in place.

The benchmarking legislation utilizes a free online tool provided for and maintained by the U. S. Environmental Protection Agency. Existing building staff are capable of the benchmarking process, and therefore the hiring of additional employees to do this work would not be required. Consequently, cost of compliance with both proposed bill is not expected to be passed onto tenants and subsequently create a socioeconomic impact.

Audits and Retro-Commissioning bill and Lighting Upgrade and Sub-metering bill

Costs

Generally, the costs of implementation of the requirements for audits and retro-commissioning and lighting upgrades and sub-metering would represent a small cost to the building owner.

Cost estimates for implementation were compiled by the MOLTPS. The cost estimates were arrived at in the following manner. The costs of the Audits are based on 29 sample NYC residential multi-family residential (MFR) projects completed by NYSERDA prior to August 2008. The same cost was assumed regardless of building type. The costs of retro-commissioning are based on a Lawrence Berkeley Lab study from 2005. The cost estimates of the lighting upgrades were developed by the MOLTPS in consultation with lighting experts. Similarly, the cost estimates of the installation of sub-meters were developed by the MOLTPS in consultation with developers within New York City.

Table 1. Cost of Energy Efficiency Measures

	\$/sq ft or Unit
Audit	\$0.15
Retrocommissioning	\$0.20
Lighting Upgrades	\$2.50
Sub-Metering	\$5000.00

Please note that cost estimates may vary depending on individual building designs, conditions, and configurations.

As shown above, the costs for the audit and retro-commissioning are generally low, and should not adversely affect a building owner. In addition, the New York State Energy Research and Development Authority (NYSERDA) offers funding for conducting audits.

Therefore, many building owners' cost may be offset by this funding or many other types of state, federal, and utility-based incentives and subsidies targeted at improving existing buildings' energy efficiency. Consequently, the costs of these measures should not be passed on to tenants in any meaningful way to risk indirectly displacing tenants or businesses due to increased rents.

With regard to the lighting upgrades and sub-metering, the cost is greater, but can still be considered low. In addition, the lighting upgrade and sub-metering requirement affects only commercial buildings, so no indirect residential displacement is possible as a result of this requirement. Further, because a building's energy consumption would be reduced as a result of the proposed legislation, a building owner's electrical bills are expected to be reduced. Therefore, the investment in the audit and retro-commissioning, and especially the lighting upgrades, should be somewhat offset by the energy cost savings resulting from the reduction in building energy consumption paid for by the building owner. Consequently, the net cost to the owner, if any, would likely not be passed onto a tenant in any meaningful way so as to result in any indirect residential or business displacement. Even if the possibility of indirect displacement were to occur, not only would be in a rare instance, but it would not rise to a level of altering the socioeconomic character of a neighborhood as a result.

In addition to the above requirements, City buildings would be required to retrofit their buildings with energy efficiency measures so long as the simple payback for implementation of these measures is 7 years or less. As a result, the requirements on City buildings would not cause financial stress to the City.

Financial Benefits

Because a building's energy consumption would be reduced as a result of the proposed legislation, a building owner's electrical bills are expected to be reduced. Therefore, the investment in the audit and retro-commissioning, and especially the lighting upgrades, should be somewhat offset by the energy cost savings resulting from the reduction in building energy consumption paid for by the building owner.

With regard to the sub-metering requirement, tenants will have the opportunity to assess their energy use and seek to reduce such use through efficiency measures or altered behavior with regard to energy consumption. As a direct result of the installation of the sub-meter, a tenant may reduce its energy consumption, and consequently, its energy costs.

Furthermore, according to the MOLTPS, the audit and retro-commissioning and the lighting upgrade and sub-metering requirements would directly result in the creation jobs. The table below outlines the job estimates that could result from passage of the proposed legislation.

Table 2. Job Estimates resulting from implementation of Energy Efficiency Measures

	# of Direct Jobs (in Person-Years)
--	------------------------------------

Audit	1,739
Retrocommissioning	2,778
Lighting Upgrades	12,400
Sub-Metering	963
Total over 10 years	17,880
Total per year	1,788

Consequently, it is estimated that the proposed legislation would have a positive effect on job creation, which has some potential to positively affect the socioeconomic character of a neighborhood.

Overall, the Greener, Greater Buildings legislation is estimated to save \$700 million citywide.

23.f Infrastructure

The Benchmarking bill requires building owners to benchmark energy and water consumption. Benchmarking is expected to move the market toward greater efficiency by making energy and water consumption patterns more transparent to building owners and prospective purchasers or renters. Unlike the other legislative proposals which have direct energy impacts, benchmarking has not been explicitly credited with energy or water reductions. Nonetheless, making building consumption more visible is expected to have an impact similar to the way that comparative energy use tags or water usage information increase the purchase of energy efficient appliances or low flow fixtures.

23.g Waterfront Revitalization Program

The local law would create energy efficiency building requirements that would be applicable citywide, including in the Coastal Zone. Because this action is not a site-specific action, much of the WRP Consistency Form is not applicable because it addresses specific site issues. For the remainder of the WRP, the proposed Greener Greater Buildings legislation affects existing buildings and would not cause nor prevent new construction. Therefore, the remainder of the WRP Consistency Form is also not applicable. Consequently, the proposed actions would not be inconsistent with Waterfront Revitalization Program.

