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August 30th, 2023

Dan Garodnick
Chair
City Planning Commission
120 Broadway
NY, NY 10007

Hon. Erik Bottcher
City Council
224 West 30th St, Suite 1206
New York, NY 10001

Re: City of Yes Carbon Neutrality

Dear Chair Garodnick and Council Member Bottcher,

Manhattan Community Board 4 (MCB4), on the recommendation of its joint Chelsea Land Use and Hell Kitchen Clinton Land Use Committee, at its July 26th Full Board meeting voted, by a vote of 35 in favor, 1 opposed, 0 present not eligible, and 2 abstaining, to approve the zoning text amendment with conditions.

Background

NYC plans to modernize and update our city's zoning regulations to support small businesses, create affordable housing, and promote sustainability – part of Mayor Eric Adams' vision for a more inclusive, equitable "City of Yes." There are three City of Yes proposals, the first of which, [Carbon Neutrality \(COYCN\)](#), is focused on modernizing zoning to support climate goals of reducing the reliance on fossil fuels.

To achieve this goal, the NYC Department of City Planning, in close consultation with the Mayor's Office of Climate and Environmental Justice (MOCEJ), is proposing a city-wide zoning text amendment to implement changes to the City's Zoning Resolution to remove impediments to, and expand opportunities for, decarbonization projects within all zoning districts, and across all 59 of the City's Community Districts.

According to the City, "the Proposed Action would increase flexibility for homeowners, business owners, and practitioners to design and retrofit buildings to transition from fossil

fuel energy to renewable energy, expand the allowance of electric vehicle charging, and clarify rules regarding energy storage, automated parking, composting and recycling facilities, and rooftop greenhouses. Specifically, the Proposed Action includes amendments to the ZR's use regulations, permitted obstruction regulations, floor area regulations, parking regulations, and urban design requirements. The Proposed Action would also create two new discretionary actions; a CPC Authorization and a Board of Standards and Appeals (BSA) Special Permit.”

Reception

On May 15, 2023, at a special meeting of the joint Chelsea Land Use and Hell Kitchen Clinton Land Use Committee, representatives from DCP presented on City of Yes Carbon Neutrality (COYCN) and its proposed changes which are aligned with the following four areas: a) energy, b) buildings, c) transportation, and d) waste and water.

As the entire world is subject to the rapidly growing impact of climate change, we welcome the commitment by the mayor and the city to reduce reliance on fossil fuels and make New York City healthier, more sustainable, and more resilient in the long term. It is essential that collective action be taken and we applaud the city's efforts.

As with anything though, the details matter and application must be considerate of the context and variability that makes our city unique. To be clear, a commitment to carbon neutrality is welcomed; however, more discussion and detail is required before the zoning updates can be considered, and even then, a wholesale, generic or one-size-fits all approach will not work.

As MCB4, we represent numerous special and historic districts which have the potential to be irrevocably impacted by the changes proposed within COYCN. Our concern is further exacerbated due to the proposed amendments to the Landmarks Preservation Commission Rules which seek to further limit the avenues for community review and input and invite the potential for unchecked erosion of neighborhood character. Additionally, MCB4 is home to many historic, albeit not landmarked buildings, and we have a responsibility to consider the elements which make our district, and therefore our city, unique, and to maintain the character of our district.

We do recognize that the COYCN amendments are not intended to create new mandates or requirements but rather to facilitate the implementation of laws set out elsewhere. However, as they are written, these amendments have the potential to generate activity that, without more detailed review, could dramatically alter our city in ways not intended. As such, we want to ask your consideration of the following strategies which may have the potential to advance the goals of COYCN and curb some of the perhaps unintended consequences of the proposal as it is currently designed.

Proposal 1: Solar on building rooftops

- As currently outlined, maximum 15 feet has the potential to dramatically alter the visual composition of a neighborhood and doesn't appear to address a concern that cannot be addressed otherwise.

- The proposed maximum height also has the potential to raise building heights by a story and a half, impacting shadows, and access to light and air, which also has the potential to impact the ability to obtain LEED certification and the credits that can be conferred.
- Recommend that setbacks conform with existing setback requirements. This should be considered as both building on the façade is not necessary and to not maintain current setback requirements would likely result in dramatically altering the street scape.
- 25-100% coverage for rooftops is a suitable range but should be based on consideration of the impact of livability, noise, shadows, airflow, etc., and be decided through a process of community input and review when being considered in historic and special districts.
- Equipment regulations should be tailored to specific building districts.
- No cabling should be allowed outside of a building, including when accommodating ESS or arrays.
- Guidelines for the recladding of buildings should consider that we want to avoid scaffolding for prolonged periods of time.

Proposal 2: Solar canopies over parking areas

- Solar parking canopies are a very good idea, however, progress should not be made at the expense of the majority of the population who walk. Fixed solar parking canopies have the potential to harden the use of the space, and, as we all know, encouraging walking and biking is the most effective way to decarbonize.

Specifically:

- o we object to “changing the commercial parking landscaping requirements to allow solar panels”. To encourage practical planting growth, designs would not have to include planted material below solar panels or trees within ten feet of a panel”. We request instead that the area where solar panels are permitted be recessed from the lot frontage by 10 ft and the requirement for planting and trees be not only maintained but reinforced.
- o Landscaping which separates parking lots from the sidewalk should be retained for providing shadow and comfort to people who walk. Reducing heat for pedestrians along parking lots which are a very harsh environment is a high priority; it is well documented that in New York City the higher temperatures are inversely corrected with income.

Proposal 3: Community solar + other renewable energy

- We encourage the city to expand its investigation of alternative energy sources like geothermal and wind, which have the potential to further reduce our carbon footprint.

Proposal 4: Energy storage systems

- Details about the Energy Storage Systems were unclear and more information is needed, e.g. what are the noise attenuation and safety codes/plans for the ESS units, etc.

Proposal 8: Promoting envelopes that perform better-than-code

- We encourage further exploration on the use of energy efficient materials and the interplay with zoning.

Proposal 9: Open-to-the-public EV charging facilities

- Public Electric Vehicle Charging Facilities: In our district "all accessory residential off-street parking spaces may be made available for public use."(Zoning 13-21). In addition, a great many public parking lots are permitted in residential zones by a BSA Special permit process. Based on those definitions it would be beneficial that "open to the public charging facilities" be permitted in residential districts as well as commercial. We also recommend that any off-street spaces that can be made available for public use in accessory residential or commercial facilities be considered a public space for the purpose of electric charging.

Proposal 10: Expanding car sharing: public EV charger sharing

- In order to encourage the use of shared vehicles and electric vehicles, the percent of space devoted to shared vehicles should be increased to 50% of the parking capacity. Additionally, those spaces should include charging stations for e-bicycles.
- The use of Level 3 chargers in parking facilities is a prerequisite to delivering charging capacity to the public. Such a requirement should be part of the DCA licensing or the BSA special permit. Without a requirement or incentive to install Level 3 charging stations, the concept of "public charger sharing" will not deliver more charging capacity to the public. Today in parking garages and lots, Level 2 chargers can be shared, but operators require the consumer to first pay 8 hours of parking which makes charging uneconomical.

Proposal 13: Bicycle and e-mobility: storage & charging uses

- The proposed new use for bicycle parking should be applicable to all accessory residential off-street parking spaces that are available for public use.
- A percentage of spaces should provide battery charging. This would go a long way to resolve the safety issues that have emerged recently.

Proposal 14: Expand the use of permeable paving

- Many jurisdictions require porous pavement; we ask that it be required or incentivized.

Proposal 15: Allow for high-performance street beds

- Tree beds should be required and alignment with storm drainage prioritized.

Request for More Information and Conclusion

- We greatly appreciated DCP’s time in presenting to our joint meeting. During that presentation, they committed to provide additional information on the following:
 - the costs of compliance brought to residents, developers and owners;
 - the size and scope of a FAR exemption or allowance connected to an ESS; and
 - anticipated impact by intervention and any relevant details that could be shared that would identify how these zoning changes would bring us closer to achieving the city’s goals of reducing our reliance on carbon.

Aligning our zoning practices to support our climate and energy goals is essential, and we applaud the city for advancing these goals.

It cannot be overstated that the lack of community review, and the proposed push for staff level approvals, particularly in historic and special districts, is incredibly concerning. However, we also believe it is possible to achieve our carbon neutrality goals while maintaining the unique characteristics of our neighborhoods and of our city.

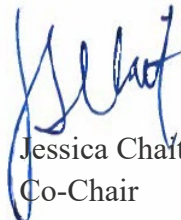
Sincerely,



Jeffrey LeFranois
Chair
Manhattan Community Board 4



Kerry Kleenan
Co-Chair
Chelsea Land Use Committee



Jessica Chaff
Co-Chair
Chelsea Land Use Committee



Jean-Daniel Noland
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