

LAND USE COMMITTEE

February 1, 2012

**RESOLUTION : SUPPORTING ZONE GREEN TEXT AMENDMENT PROPOSED BY
NYC DEPARTMENT OF CITY PLANNING**

- Whereas:** the Department of City Planning (“DCP”) is proposing a City-wide Zone Green Text Amendment (the “Text Amendment”) to revise the New York City Zoning Resolution in order to remove zoning-related barriers to green building features in the City; and
- Whereas:** the Text Amendment would facilitate retrofitting of existing buildings and construction of new buildings with features that help reduce energy consumption and carbon emissions, generate clean and renewable energy, manage storm water on site, reduce urban heat island effect through vegetation on roofs, and otherwise promote a healthy and green city; and
- Whereas:** the Text Amendment would allow external insulation of existing buildings within the property line while exempting it from floor area and yard calculations, and encouraging new high-performance buildings by exempting thicker, more efficient walls from floor area calculations; and
- Whereas:** the Text Amendment would permit sun control devices, which can help reduce energy consumption for air conditioning through shading and also reduce energy consumption for lighting by providing glare free natural light, which are sometimes prohibited because of projection over required open areas; and
- Whereas:** the Text Amendment would allow solar panels, skylights, green roofs and other rooftop features to project above the maximum building height limit and would allow greater volume above the maximum building height to accommodate modern bulkheads, subject to setback requirements and screening of equipment; and
- Whereas:** the Text Amendment would allow waivers of floor area and height limits for rooftop greenhouses used for educational and agricultural purposes, by Certification of the Chair of the City Planning Commission, on buildings that do not contain residences or sleeping accommodations;
- Whereas:** the Text Amendment would allow wind turbines of no taller than 55 feet on buildings taller than 100 feet and no more than half the height of the building upon which they are mounted on buildings less than 100 feet tall; and ;
- Whereas:** Community Board 12-Manhattan generally supports DCP’s effort to modernize the New York City Zoning Resolution to remove impediments to the construction and retrofitting of greener buildings, but has concerns regarding the installation of wind turbines on residential buildings, in particular the old building stock that predominates Washington Heights and Inwood, the Certification approval process

proposed which does not provide an opportunity for public review and comment of applications to install more intensive rooftop uses such as greenhouses or wind turbines, and the possibility that installation facilitated by the Text Amendment might unduly trigger major capital improvement (MCI) rent increases. Now, therefore be it

Resolved: Community Board 12-Manhattan supports the Zone Green Text Amendment proposed by the Department of City Planning subject to the following conditions.

- a) Residential buildings be excluded from provisions of the Text Amendment that pertain to wind turbines until such time as the Department of Buildings has further studied and established engineering standards, requirements and limitations for installation of wind turbines on residential buildings and in particular older residential structures.
- b) Change the approval process for the installation of significant green rooftop structures (e.g. taller solar installations, rooftop greenhouses, and wind turbines) from the proposed Certification by only the Chair of the City Planning Commission to the City Planning Commission Authorization process that provides Community Boards 45 days to issue its recommendations.
- c) Coordination between City Planning and the New York State Housing and Community Renewal (which includes the former New York State Department of Housing and Community Renewal) to ensure that guidelines are established to prevent landlords from unduly implementing MCI rent increases as a result of undertaking building improvements facilitated by the Text Amendment and to prohibit MCI rent increases if public subsidies are used to fund the building improvements.

The resolution was approved by the following votes:

Land Use Members:	6-0-2
Other Board Members:	1-0-4
Members of the Public:	5-0-8