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Uniform Land Use Review Procedure (ULURP) Application

CITY OF YES FOR CARBON NEUTRALITY – N230113ZRY

An application submitted by the New York City Dept. of City Planning requesting a 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.

CITYWIDE ZONING TEXT AMENDMENT

RECOMMENDATION

APPROVE
 APPROVE WITH
MODIFICATIONS/CONDITIONS

DISAPPROVE
 DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

BROOKLYN BOROUGH PRESIDENT

July 21, 2023

DATE

RECOMMENDATION FOR: CITY OF YES FOR CARBON NEUTRALITY – N230113ZRY

City of Yes for Carbon Neutrality (COYCN) is a citywide zoning text amendment submitted by the Department of City Planning (DCP) that aims to remove impediments to, and expand opportunities for, decarbonization projects across the city. DCP categorizes the proposed changes into 17 proposals across four goals: energy, buildings, transportation, and waste & water.

The last substantial zoning text amendment regarding sustainability was “Zone Green” in 2012. Since then, the City and State have committed to new sustainability goals through the Climate Mobilization Act (Local Law 97) and the Climate Leadership and Community Protection Act (CLCPA) in 2019.

COYCN is one of three “City of Yes” text amendments proposed by the Department of City Planning. According to the Department, City of Yes for Economic Opportunity is slated to enter public review by the end of 2023, and City of Yes for Housing Opportunity is set to enter public review mid-2024.

COYCN was referred to all Community Boards and Borough Presidents for review. Brooklyn Borough President Antonio Reynoso held a public hearing on this Uniform Land Use Review Procedure (ULURP) application on July 11, 2023. There were no speakers on this item.

Community Board Position

Community Boards 1, 10, 14, and 18 voted to approve this application. Community Boards 9 and 15 voted to disapprove this application. Community Boards 2 and 8 held hearings on this application but did not record a vote.

Approval Rationale

The Brooklyn Borough President’s Office is encouraged to see the administration thinking proactively about how to remove barriers to green energy infrastructure as to enable the State’s ambitious decarbonization goals outlined in the Climate Leadership and Community Protection Act (CLCPA) and the City’s buildings emissions limits outlined in the Climate Mobilization Act. The building-specific changes allowing for easier electrification are especially important now, since thousands of NYC buildings will be required to comply with LL97 emissions limits starting next year.

Unlocking the potential for more solar power is critical. As we push to electrify more buildings, adding to the grid’s capacity will help avoid straining the system on particularly hot or cold days, while saving New Yorkers money on their electric bills. Battery storage is also important to support a green energy future. The Borough President understands that some residents have expressed concerns about safety. It is important to understand that the difference between lithium-ion e-bike batteries (which have tragically started many residential fires in the city in recent years and have been largely unregulated until recently) and on-site battery storage systems (which are highly regulated at the local, state, and federal level, as well as reviewed and inspected by FDNY and DOB). And while the economics of developing energy storage facilities does not currently outcompete other uses like community facilities or retail, the Borough President’s Office would support safeguards against tearing down existing community assets, such as community facilities or residential buildings, in favor of new energy storage systems with no other co-located uses.

Electric vehicles are another example of where regulations need to be updated quickly in order to comply with existing mandates, specifically the State rule that by 2035, only electric vehicles will be sold in the state. The infrastructure needs to expand rapidly to accommodate this. We are concerned that increasing use of surface parking lots for EV charging will mean continued demand for these lots, when, EV or not, surface parking is never the highest-and-best use of any site and the Borough President will continue to advocate for the reduction of private vehicles on our streets. Yet the Borough President does support the conversion to electric fleets—he will continue to advocate to the development and rideshare communities

that EV charging sites be co-located instead of standalone, and never at the expense of affordable housing.

Carshare is an important tool for providing an alternative to personal car ownership. The Borough President is supportive of changes to streamline regulations and provide more allowances for carshare parking spaces in both accessory and public parking lots. Carshare expansion should not result in the construction of new surface parking lots.

The Borough President is encouraged to see the Department note that a one-to-one transition from gas vehicles to electric vehicles is not the solution. A greener and healthier future for Brooklyn relies on increased and improved options for walking, biking, e-mobility, and mass transit. The Borough President is very supportive of the potential for new public bike parking facilities—other countries have far surpassed NYC on this, and it's time we caught up. The Borough President urges the Department of City Planning to pursue additional transit- and pedestrian-oriented development in the forthcoming City of Yes for Housing Opportunity text amendment by eliminating minimum parking requirements for residential zoning districts.

The Borough President appreciates the thoughtfulness in updating regulations related to composting and recycling, as we shift to universal residential curbside organics collection over the next year. Particularly since much of the organics collected curbside will be co-digested with wastewater, it is important to support traditional compost facilities in our communities. This includes small-scale sites such as community and school gardens, as well as larger “mini-material recovery facilities” such as BK Rot/Know Waste Lands in Bushwick. The updated regulations will provide assurance to these sites that they are legal under zoning.

Finally, the Borough President is reassured that the alternatives for street trees will only be an option when an on-site street tree is determined to not be viable by the Parks department. The Office welcomes the installation of additional rain gardens and permeable flood infrastructure across Brooklyn, but growing and protecting our tree canopy remains a priority, especially in communities with higher vulnerability to heat and poor air quality.

Recommendation

Be it resolved that the Brooklyn Borough President, pursuant to Section 197-c of the New York City Charter, recommends that the City Planning Commission and City Council approve this application.