

# Queens Borough President Recommendation

**APPLICATION:** City of Yes: Zoning for Carbon Neutrality  
**COMMUNITY BOARD:** Citywide

## **DOCKET DESCRIPTION**

**ULURP #N230113 ZRY – IN THE MATTER OF** an application submitted by the Department of City Planning, pursuant to Sections 197-d and 201 of the New York City Charter, for 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.

## **PUBLIC HEARING**

A Public Hearing was held by the Queens Borough President via Zoom webinar and livestreamed on [www.queensbp.org](http://www.queensbp.org) on Monday, June 5, 2023 at 5:30 P.M pursuant to Section 82(5) of the New York City Charter and was duly advertised in the manner specified in Section 197-c (i) of the New York City Charter. The applicant made a presentation. There were no other speakers. The hearing was closed.

## **CONSIDERATION**

Subsequent to a review of the application and consideration of testimony received at the public hearing, the following issues and impacts have been identified:

- The Department of City Planning (DCP) is proposing a zoning text amendment to overall ease the process of energy conversion and/or use of alternative energy for residents across New York City;
- The proposed amendment is a direct result of the Climate Mobilization Act, passed in 2019 which included rigorous local laws requiring extensive building retrofits to reduce emissions, among other measures. The State also passed the Community Leadership and Climate Protection Act (CLCPA) that same year, with goals to reduce greenhouse gas emissions by 40% by 2030 and 85% by 2050. Responding to this context of ambitious climate legislation at the City and State level, DCP has developed its proposal for zoning changes to recognize, adapt to, and support these overarching efforts to achieve a cleaner, healthier, and more equitable community;
- The proposal consists of five types of decarbonization: energy, buildings, transportation, waste and water. Energy decarbonization efforts mainly tackle the zoning impediments to add solar energy onto certain properties. Building policies include the expansion of rooftop/yard allowances to accommodate more electric equipment. Transportation efforts encourage the addition of electric vehicle charging stations, automated parking, and bike parking spaces. Finally, waste and water policies include porous pavement, more street tree planting, and the allowance of rooftop greenhouses;

- The Department of City Planning made presentations to Queens Community Boards on various dates from April to June 2023. Queens Community Boards have mostly accepted the efforts made by the city to modernize its energy grid, but still have had questions and concerns, mostly concerning the cost and timelines of these mandates. DCP has made it clear that the proposed text amendment complements other legislation, such as Local Law 97, and the text amendment does not mandate any changes. In regards to Local Law 97, Community Boards have noted how expensive the conversions would be for affordable co-op/condo owners in a short time span. They also needed clarification on certain initiatives, such as solar power allowances and selling energy to utility companies;
- The Department of City Planning gave a presentation at a joint Queens Borough Board Meeting and Land Use Public Hearing on June 5, 2023. At the hearing, the Borough President asked if there was interagency coordination with the text amendment; if FDNY was notified of this text amendment; if DOB was the enforcement agency for the text amendment; and lastly, the Borough President called on the Chief Climate Officer to consider the burdens affordable co-op owners have in relation to Local Law 97. DCP responded that the Mayor's Office of Environmental and Climate Justice (MOECJ) has become the head agency overseeing all sustainable policy and agency coordination in New York City; FDNY had been notified and are overall in support of the text amendment; DOB is and will continue to be the enforcement agency for zoning; and lastly, that the Borough President's comments on Local Law 97 would be noted and passed on to the appropriate agencies. Community Board Chairs 3, 10, 11 and 14, and Vice Chairs for Boards 7 and 8 gave comments and asked questions in relation to the proposal. There were no public speakers, and the hearing was closed. The Borough Board did not vote on this item at this meeting;
- On June 26, 2023, the Queens Borough Board waived their recommendation to the zoning text amendment during a Special Meeting due to a lack of quorum. Chairs and representation from Boards 2, 3, 4, 6, 7, 9, 10, 12 and 13 were present at the meeting and gave comments in support of or against the text amendment. The Community Board 3 Chair said he was not in support of the text amendment because he is wary of any associated costs involved with installing alternative energy sources or storage, whereas the remaining boards were overall in favor of the text amendment. The Borough President responded that any reservations should not be associated with the zoning text amendment, which is optional. The Borough President acknowledged that Local Law 97 is often conflated with this text amendment because of its similar language.

## **RECOMMENDATION**

Queens residents know firsthand that climate change affects everyone in the borough, no matter the region we live in. The proposed text amendment would give property and business owners, city agencies and power companies the flexibility to make meaningful investments in their homes, sidewalks and the overall energy grid. By loosening outdated restrictions that were written decades before our current climate crisis, DCP is ensuring they will not stand in the way of much-needed progress.

Based on the above consideration, I hereby recommend approval of this application with the following conditions:

- To expedite Local Law 97's mandate, the City (in partnership with MOECJ, DOB, NYC Accelerator and other relevant agencies) should establish grants and/or gap funding for existing co-op shareholders who would still have extensive financial burdens using PACE loans or financing;
- The Department of City Planning should consider creating a popular education campaign to promote alternative energy improvements, building retrofits and electric vehicle charging stations throughout Queens and New York City, should this application be approved by the City Council;

- The Department of City Planning, in partnership with the New York State Department of Environmental Conservation, MOECJ and DOB, should work together to create a clearinghouse of other grant opportunities outside the funding offered by NYC Accelerator; and
- The City must fully fund and officially establish the Office of Alternative Energy (required by Local Law 233-2017) to streamline interagency communication, permanently support constituents with alternative energy questions and concerns, and act as a watchdog for all sustainability-related Local Laws, zoning text amendments, or policy in New York City to ensure we are making our long-term goals.



**PRESIDENT, BOROUGH OF QUEENS**

06/28/2023

**DATE**