



OFFICE OF THE

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**Mark Levine, Borough President**

June 30, 2023

## **Recommendation on Non- ULURP Application No. N 230112 ZRY – City of Yes for Carbon Neutrality Text Amendment By NYC Department of City Planning**

### **PROPOSED ACTIONS**

The Department of City Planning (DCP) proposes to make a series of amendments to the New York City Zoning Resolution (ZR) that would assist property owners, developers, and industry specialists in making building modifications and installations that further the City’s goals to reduce carbon emissions. The text amendments would facilitate 17 new proposals:

1. Remove coverage and setback requirements for rooftop solar, apply a maximum height limit of 15 feet to all flat-roof solar installations regardless of districts, and provide greater flexibility for rooftop solar on pitched roofs by expanding the 18-inch allowance to 60 inches to facilitate solar on flat and sloped building rooftops;
2. Facilitate solar canopies over parking areas by allowing solar awnings and canopies to cover parking areas by categorizing them as permitted obstructions;
3. Reclassify “non-accessory” solar generation as “renewable energy generation” and permit installations of more than 10,000 square feet in residential districts as-of-right to facilitate community solar and other renewable energy;
4. Allow the City Planning Commission to authorize height & setback modifications to facilitate the installation of on-shore wind equipment;
5. Allow energy storage with footprints smaller than 10,000 square feet to be categorized as Use Group 4 and allowed as-of-right in all residential districts, and equipment with footprints over 10,000 square feet to be classified as Use Group 6, allowable as-of-right in commercial and manufacturing districts and via a special permit from the Board of Standards and Appeals in residential districts;
6. Facilitate retrofitting buildings’ mechanical equipment for electrification by allowing greater flexibility for height, setback, and coverage requirements for electric equipment;
7. Create a new allowance for additional wall thickness for new façade walls that comply with the City’s Energy Code requirements, to allow envelope retrofits to meet code and ensure that a recladding is allowed;

8. Change the existing wall thickness floor area exemption to a flat 5% area exemption and allow existing buildings that retrofit to become fully electrified as well as new buildings that design to Passive House standards to be eligible for the exemption;
9. Reclassify open-to-the-public electric vehicle (EV) charging facilities from Use Group 7 to Use Group 6 uses which are permitted in all commercial districts;
10. Facilitate public EV charger sharing by expanding car share rules currently in place that would allow property owners to designate up to 20% of their spaces (or 5, whichever is greater) for flexible, public EV ‘charger-sharing’, or car sharing, or any combination thereof;
11. Allow up to 20% of accessory spaces to be occupied by car share, car rental, public EV charging, or commercial vehicle storage (where allowed) in most commercial and all manufacturing districts, and allow for 100% of spaces for EV charging in public parking lots and garages, with 50% of the spaces allowed for car sharing, car rental, and commercial vehicle storage;
12. Expand the special allowances currently granted to automated parking facilities in the Manhattan Core (Community Board 1 through 8) and associated lower maneuvering requirements citywide;
13. Allow bicycle and e-mobility storage and charging by creating new commercial uses and provide for secure outdoor bike storage lockers as permitted obstructions in yards & open spaces;
14. Update zoning language to make clear that permeable paving is always allowed;
15. Facilitate the installation of high-performance tree beds by creating flexibility in current street tree requirements, allowing connected tree beds and DEP-compliant raingardens to substitute one required street tree;
16. Include “composting” and “recycling” in zoning language to clarify that small-scale composting can be considered an accessory use, that neighborhood focused compost and recycling facilities can be located in commercial storefronts, and that large-scale facilities should remain in heavy manufacturing districts; and
17. Allow rooftop greenhouses on non-residential buildings, in excess of maximum FAR and height limits by removing rooftop certification for such buildings.

None of these amendments would impose requirements on property owners but would instead provide flexibility with regard to zoning regulations.

## **BACKGROUND**

Over the past decade, New York City has made significant commitments to reduce its greenhouse gas emissions, which are a main contributor to global warming. In 2012, the City approved the Zone Green text amendment, which was focused on facilitating the construction and retrofitting of greener buildings. In 2016, the United States signed onto the Paris Climate Agreement, which requires participating countries to reduce their greenhouse gas emissions. That same year, the City of New York released a roadmap to reduce its carbon emissions by 80% by the year 2050 and stated a goal of installing 1,000 megawatts of photovoltaic capacity by 2030. In 2019, Local Law 97 was passed by the City Council. This legislation places greenhouse gas emissions limits on most buildings that are over 25,000 square feet and requires them to pay penalties beginning in 2024 if they do not comply.

The Zoning Resolution, which was originally enacted in 1916, was overhauled in 1961 and is regularly amended for a wide range of purposes, including to reflect policy priorities and changes in technology and the built environment. However, many of the provisions in the Zoning Resolution remain outdated and could be amended to facilitate greener buildings, to accommodate alternative modes of transportation, bolster alternative energy sources, and create more efficient stormwater and waste streams.

## **COMMUNITY BOARD RESOLUTIONS**

Ten of Manhattan's 12 community boards held votes on the proposed text amendment. All ten boards voted to recommend approval of the proposal, with at least 6 boards setting forth conditions that included special review for exterior changes to buildings in historic and special zoning districts. Two boards also noted concerns about the shadow impacts that new development may have on newly-installed solar panels.

## **BOROUGH BOARD RESOLUTION**

On June 15, 2023, the Manhattan Borough Board voted to recommend approval of the proposed text amendment.

## **BOROUGH PRESIDENT'S COMMENTS**

The climate crisis is not a problem for future generations – it is one of the defining issues of this generation, and we must take bold action to address it immediately with every tool at our disposal. While New York has committed to an aggressive plan to reach carbon neutrality by the year 2050, our current zoning regulations severely impede our ability to meet these goals. This text amendment will allow property owners, developers, and industry specialists to take the necessary steps to reduce greenhouse gas emissions from buildings, which account for a staggering 68% of our total emissions. The amendment provides the needed flexibility and clarity to make this complex and expensive task feasible.

I applaud the Department of City Planning for taking this important step to reduce barriers for New Yorkers who want to take action to address climate change and improve the health of our neighborhoods.

**BOROUGH PRESIDENT'S RECOMMENDATION**

I therefore recommend **approval of Non-ULURP application No. N 230112 ZRY.**

Mark Levine

A handwritten signature in blue ink, appearing to read "Mark Levine". The signature is fluid and cursive, with the first name "Mark" and the last name "Levine" clearly distinguishable.

Manhattan Borough President