

Meeting Procedures

Before beginning, a few reminders to ensure a smooth discussion:

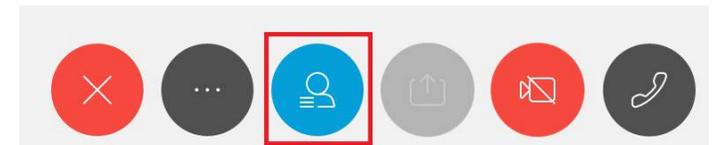
- > Panel members should be on mute if not speaking.
 - > If using phone for audio, please tap the phone mute button.
 - > If using computer for audio, please click the mute button on the computer screen (1st visual).
- > Video is encouraged for Panel members, in particular when speaking.
- > In the event of a question or comment, please use the hand raise function (2nd visual). You can get to the hand raise button by clicking the participant panel button (3rd visual). The chair will call on members individually, at which time please unmute.
- > If technical problems arise, please contact 518-402-9710



You'll see  when your microphone is muted



Hand Raise



Climate Leadership and Community Protection Act

Land Use and Local Government Advisory Panel

Sarah Crowell, LULGAP Chair
New York State Department of State

November 19, 2020

1:00pm – 3:00pm EST

Meeting 4

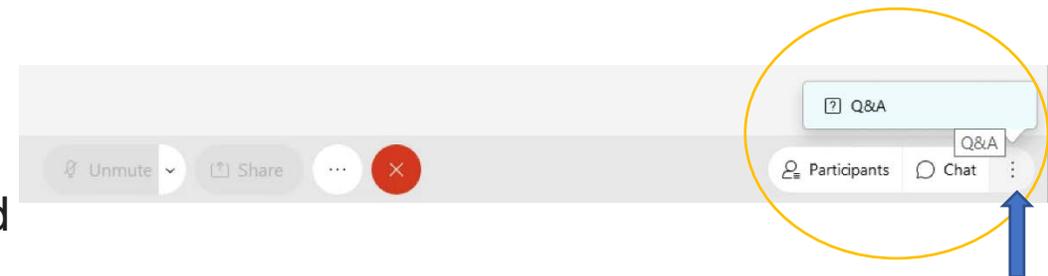


**Climate Action
Council**

Procedure for Public Input

The Advisory Panel welcomes public comments and questions both during and in between its meetings

- > To submit feedback to Panel Members and agency staff during the meeting, members of the public can use the WebEx Q&A function located in the right bottom corner.
 - Comments and questions submitted through WebEx will be aggregated and submitted to panel members to be included in deliberations.
- > To submit feedback between Advisory Panel meetings, please email LULG@dos.ny.gov



Meeting Agenda

- > **Welcome, Agenda Review, and Roll Call**
- > **Climate Smart Communities Program - Guest Speaker**
- > **Draft Strategies**
 - **Land Use**
 - **Clean Energy**
 - **Adaptation and Resilience**
- > **Timeline and Next Steps**
- > **Adjournment**

Guest Speaker: Dazzle Ekblad

Land Use and Local Government Panel





Climate Smart Communities

State Support for Local Climate Action



Assistance to local gov't leaders to:

- Reduce greenhouse emissions
- Build adaptive capacity

Voluntary. No fees. Sponsored by 7 NYS state agencies.

Comprehensive. Flexible.



Department of
Environmental
Conservation

CSC Milestones

- 2009 – Launch of the CSC program: focus on passing **10-point CSC pledge**
- 2012-2015 – CSC **regional coordinators** pilot
- 2014 – Launch of CSC **certification program**
 - Framework to guide action: over 100 detailed action descriptions
 - Leadership recognition: bronze, silver, gold
- 2016 – 1st year of **DEC CSC grants and ZEV rebates/grants**
- 2016 – NYSERDA Clean Energy Communities: **financial incentive** for achieving CSC certification
- 2017 – Reinvigorated **governance structure** w/ interagency committees
- 2018 – Launch of <https://climatesmart.ny.gov/>

How are CSC & CEC related?

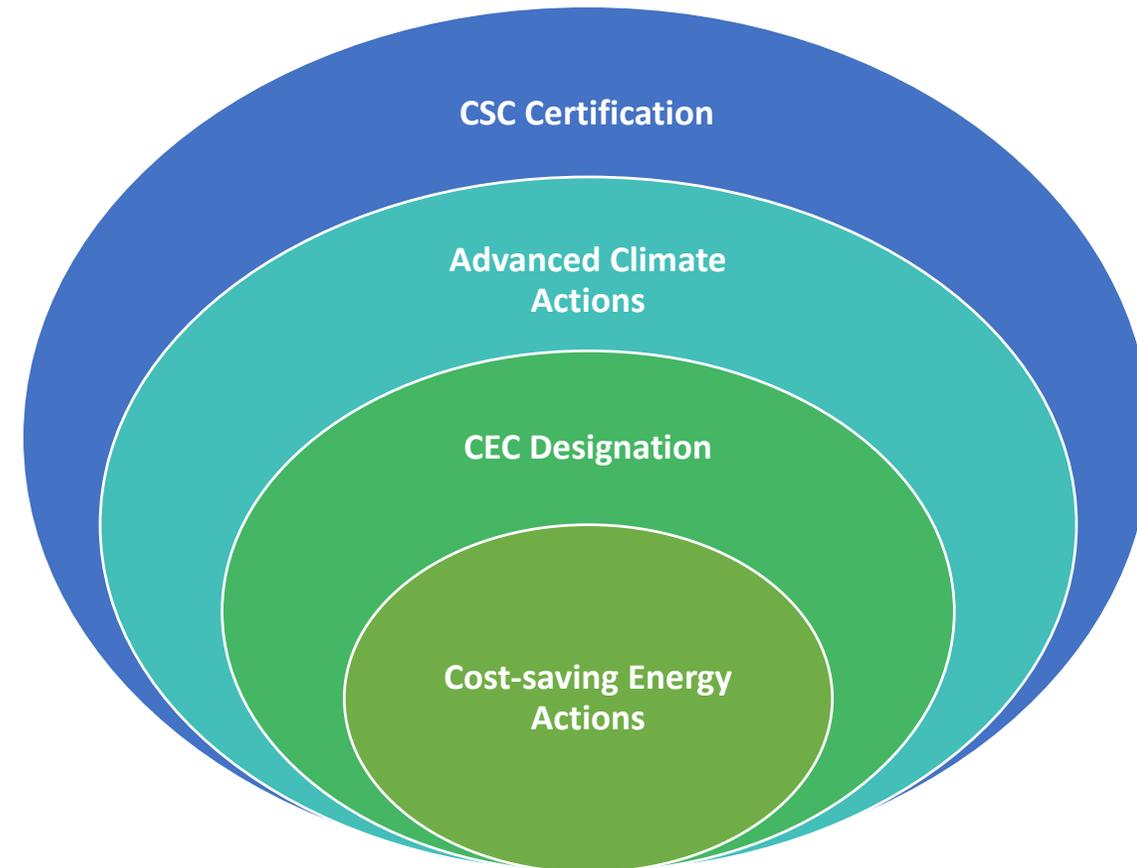
Climate Smart Communities Certification

- Comprehensive climate action program
- 100+ unique actions
- Improve score on CSC grant applications

Clean Energy Communities (NYSERDA)

- Focused on energy use
- Short list of high-impact actions
 - One of which is becoming a certified CSC
- Complete actions to access CEC grants

- **Earn points toward CSC certification by doing CEC actions**
 - **Do both!**



Climate Smart Communities Funding

DEC Municipal Zero-emission Vehicle (ZEV) Program

- Rebates for electric vehicles for municipal fleets
- Grants for electric charging stations
- 250 awards totaling ~\$4.8 million since 2016

DEC CSC Grants

- Competitive, 50/50 match, for planning and implementation
- GHG mitigation outside power sector and climate adaptation
- \$39 million for 132 projects since 2016



CSC Governance Structure

CSC Interagency Committee

- 7 state agencies/authorities (NYSERDA, NYPA, DOS, DOH, DOT, DPS, w/ DEC as lead)
 - Set strategic direction for entire program

Certification Standards Committee

- 7 state agencies, municipal representatives, CEC regional coordinators, technical partners
 - Review new/revised certification actions, calibrate point system, etc.

Topic Area Work Groups

Adaptation
Work Group

Energy
Work
Group

Equity
Work
Group

Public
Health Work
Group

Transportation
Work Group



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PE6 Action: Comprehensive Plan with Sustainability Elements

3 – 21 Points



BRONZE PRIORITY



SILVER PRIORITY

PRINT

GET PDF

A. <u>Why is this action important?</u>		POSSIBLE POINTS
B. <u>How to implement this action</u>	Support alternative modes of transportation (including strategies for bicycles, pedestrians, public transit, and electric vehicles)	Required
C. <u>Timeframe, project costs, and resource needs</u>	Promote smart growth principles in land-use policies	Required
D. <u>Which local governments implement this action? Which departments within the local government are most likely to have responsibility for this?</u>	Conserve natural areas (including strategies to designate open space and protect it from development)	Required
E. <u>How to obtain points for this action</u>	Promote a healthy and safe community	Required
F. <u>What to submit</u>	Foster equity (including strategies for housing, schools, transportation, recreation, food, and environmental exposures)	Required
G. <u>Links to additional resources or best practices</u>	Foster green economic development	3
H. <u>Recertification requirements</u>	Decrease dependence on fossil fuels and support energy efficiency and renewable energy production	3
	Foster the efficient use of natural resources (e.g., water conservation)	3
	Promote the development of (or the conservation of) local food systems	3

CSC Certification actions offer detailed guidance on implementing over 100 actions

- Recommended steps
- Estimates of the time & resources needed
- Examples to follow



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Draft Strategies

Land Use and Local Government Panel



Recommendation Development Process

Land Use and Local Government Advisory Panel

> Themes and Priorities

Identification and consolidation of themes and priorities for each subgroup.

> Strategy Development

Translating themes into simple and actionable strategies for further review. Simple feasibility assessment, evaluation and feedback, and cross-panel communication.

> Recommendation Development

Translating Strategies into achievable recommendations for detailed review. Detailed feasibility and mitigation assessment, research, and cross-panel review.

> Recommendation Feedback and Integration Analysis

Recommendations undergo further review and evaluation by LULGAP, receive cross-panel feedback and are readied for integration analysis by the CAC.

Strategies Under Consideration: Overview

Land Use and Local Government Advisory Panel

Land Use

- > Strategy 1: Promote and facilitate county and inter-municipal smart growth planning efforts, including focusing development in priority growth centers
- > Strategy 2: Build capacity at the regional level and provide support to municipalities to promote smart growth, facilitate clean energy siting and reduce VMT
- > Strategy 3: Promote coordinated regional approaches to meet climate goals while integrating transportation, housing and land conservation needs
- > Strategy 4: Streamline and incentivize Smart Growth project review
- > Strategy 5: Coordinate State planning funds/activities/entities to ensure that transportation, housing, and conservation actions are not in conflict and achieve VMT, clean energy, and equity goals

Clean Energy

- > Strategy 1: Establish statewide higher energy codes, benchmarking, building performance mandates, and PACE Financing to avoid a patchwork of policies.
- > Strategy 2: Encourage local governments to initiate CCA programs and community campaigns to increase local access to clean energy products and services.
- > Strategy 3: Overcome legal, financial, regulatory, and technical barriers to greening of municipal building, facilities, and fleets

Adaptation and Resilience

- > Strategy 1: Develop policies, programs and resources to reduce risks associated with acute climate hazards
- > Strategy 2: Develop a comprehensive state climate change adaptation and resilience plan
- > Strategy 3: Amend the project review process to ensure consideration of climate change

Land Use Subgroup

Draft Strategies List

Strategy 1: Promote and facilitate county and inter-municipal smart growth planning efforts, including focusing development in priority growth centers

Strategy 2: Build capacity at the regional level and provide support to municipalities to promote smart growth, facilitate clean energy siting and reduce VMT

Strategy 3: Promote coordinated regional approaches to meet climate goals while integrating transportation, housing and land conservation needs

Strategy 4: Streamline and incentivize Smart Growth project review

Strategy 5: Coordinate State planning funds/activities/entities to ensure that transportation, housing, and conservation actions are not in conflict and achieve VMT, clean energy, and equity goals

Land Use Strategy 1 of 5

Subgroup: Land Use

Strategy under consideration

Promote and facilitate county and inter-municipal smart growth planning efforts, including focusing development in priority growth centers

Rationale	Supporting the development of priority growth center plans and open space conservation areas is the first step toward communicating and implementing smart growth at the local level.
Equity considerations	Ensure that disadvantaged communities are the priority for future growth and investment, including brownfield areas, and ensure that policies do not lead to displacement.
Potential implementation challenges	If planning is conducted on the county level, municipalities would need to buy-in and cater their zoning and other policies to comport with the growth areas. Aligning State/local policies and incentives to achieved desired outcomes. Stable and reliable funding sources for local and regional planning.
Issues to explore	Feasibility and/or capacity to develop priority growth plans on the local and county levels, particularly in rural areas; determining the appropriate entity to conduct the analyses.
Additional thoughts	Some have suggested that this type of analysis can/should be conducted statewide and incorporated into municipal comp plans.

Promote and facilitate county and inter-municipal smart growth planning efforts, including focusing development in priority growth centers (LU Strategy 1)

Potential Implementation Actions

- > State and local incentives—particularly for infrastructure planning and implementation—for priority growth areas and open space conservation areas for sequestration; possible amendments to the Smart Growth Public Infrastructure Policy Act to expand and strengthen the “municipal centers” and “sustainability” criteria.
- > Planning grants for priority growth areas and open space conservation areas—existing and possibly new programs.
- > Allow counties and regional planning councils to access state planning resources (e.g., EPF program funding).

Land Use Strategy 2 of 5

Subgroup: Land Use

Strategy under consideration

Build capacity at the regional level and provide support to municipalities to promote smart growth, facilitate clean energy siting, and reduce VMT

Rationale	Several counties and regions are providing this technical assistance in different ways with measurable results.
Equity considerations	Countywide/regional approach can strategically target EJ/distressed communities with less land use staff and capacity.
Potential implementation challenges	Home Rule; adequate funding to expand such support to an adequate level; long-term nature of changing land use patterns.
Issues to explore	Counties/entities/programs that are willing and able to play this broader role; municipalities willing to work with counties/regional entities; regional differences.
Additional thoughts	Existing regional entities/plans—e.g., REDC and Regional Sustainability Consortiums.

Build capacity at the regional level and provide support to municipalities to promote smart growth, facilitate clean energy siting and reduce VMT (LU Strategy 2)

Potential Implementation Actions

- > Expand coordinators circuit-riders program.
- > Build staffing at the county level to support municipal energy planning.
- > Identify (or create) regional entities that can be empowered to provide technical support for municipalities in all regions of the state.

Land Use Strategy 3 of 5

Subgroup: Land Use

Strategy under consideration

Promote coordinated regional approaches to meet climate goals while integrating transportation, housing, and land conservation needs

Rationale	Current planning approaches and land use policies are unlikely to result in development patterns that reduce VMT, ensure equitable housing, and conserve natural and working lands. A new approach is needed for promoting compact, mixed use development, while conserving open space and investing in disadvantaged communities.
Equity considerations	Approach must ensure equitable access to affordable housing, mass transit and economic opportunities. Planning support for low-capacity communities necessary.
Potential implementation challenges	Potential limitations may be related to home rule and local government capacity. Incentive programs may be insufficient to drive necessary change; could require mandates and the development or enhancement of a regional support structure.
Issues to explore	Approach may be modeled on California SB-375. Pace LULC researching NYS applicability.
Additional thoughts	Suggest joint conference with Transportation, Energy Efficiency and Housing, and Agriculture and Forestry advisory panels, and Climate Justice Working Group.

Promote coordinated regional approaches to meet climate goals while integrating transportation, housing and land conservation needs (LU Strategy 3)

Potential Implementation Actions

- > Establish a suite of policies and programs to promote regional and corridor planning that integrates transportation, land use and housing plans with the overall goal of promoting compact, mixed use development, while conserving open space and investing in disadvantaged communities.
- > Set emissions reduction targets to each region of the state – regions develop region-specific plan that includes land-use strategies and transportation investment plans to meet the regional emission-reduction targets.
- > Municipalities and MPOs adopt comprehensive plans and zoning consistent with the regional plan, as would MPOs developing regional transportation plans.
- > Prioritize funding for municipalities that adopt land-use and transportation policies consistent with the regional plan.
- > Consider SEQRA incentives and exemptions for developers of projects consistent with the regional plan.

Land Use Strategy 4 of 5

Subgroup: Land Use

Strategy under consideration

Streamline and incentivize Smart Growth project review

Rationale	Smart Growth projects are often subject to expensive and lengthy review, even when affordable housing is included.
Equity considerations	Streamlining should not quell opportunities for community input and engagement, especially in EJ/distressed communities whose voices have been quelled or ignored on land use issues in the past.
Potential implementation challenges	Ensuring that streamlining does not negatively impact community input or soften environmental/social protections.
Issues to explore	Community input and participation; incentives as an alternative to streamlining; methods to streamline development that exceeds standards or goals.
Additional thoughts	LULG Panel and overall Climate Action Council structure and members may provide a suitable forum for finding a solution that streamlines appropriate projects in appropriate locations while not limiting community input.

Streamline and Incentivize Smart Growth Project Review (LU Strategy 4)

Potential Implementation Actions

- > Support development of GEISs for smart growth projects.
- > Permit presumptive negative declaration in SEQRA review for projects that accelerate the achievement of mitigation, climate justice, and adaptation goals.
- > Enable streamlined reviews and permitting for projects that meet a high threshold for equity—e.g., green affordable housing units; access to transit for lower-income households; equitable TODs; non-displacement mechanisms and guarantees.

Land Use Strategy 5 of 5

Subgroup: Land Use

Strategy under consideration

Coordinate State planning funds/activities/entities to ensure that transportation, housing, and conservation actions are not in conflict and achieve VMT, clean energy, and equity goals

Rationale	Several agencies support planning and zoning related to smart growth, clean energy, housing, and transportation. Collective and coordinated action at the State level can maximize impact, avoid duplication of services, and help localities, developers and CBOs more effectively access and navigate state programs and assistance.
Equity considerations	Coordination can help implement a uniform and consistent approach to supporting/funding projects and planning in EJ/distressed communities.
Potential implementation challenges	Breaking down agency/programmatic silos and territorialism, and can lead to consistent and dependable State programs for municipalities.
Issues to explore	Analyze and discuss the different funding and eligibility requirements across planning programs/activities/entities to identify points of conflict and repetition.
Additional thoughts	

Coordinate State planning funds/activities/entities to ensure that transportation, housing, and conservation actions are not in conflict and achieve VMT, clean energy, and equity goals (LU Strategy 5)

Potential Implementation Actions

- > Develop an interactive, iterative on-line Smart Growth/Clean Energy/Sustainability Guidebook for localities, developers and CBOs (not just another compendium, but an integrative and holistic guide,” expanding on the Governor’s 2016 Sustainable Development & Collaborative Governance Handbook for NY).
- > Create a consortium of agencies/programs that support smart growth planning and/or zoning—including NYSERDA, DEC, DOS and ESD—that can cross-reference model communities and projects.
- > Identify and address redundancies and conflicts between state planning programs.
- > Expand role of CEC coordinators to serve as a central point of contact/reference to available state grants, financing, and other program.

Clean Energy Subgroup

Draft Strategies List

- > Strategy 1: Establish statewide policies including higher energy codes, benchmarking, building performance mandates, and PACE Financing to avoid a patchwork of policies.
- > Strategy 2: Encourage local governments to initiate CCA programs and community campaigns to increase local access to clean energy products and services.
- > Strategy 3: Overcome legal, financial, regulatory, and technical barriers to greening of municipal building, facilities, and fleets.

Clean Energy Strategy 1 of 3

Subgroup: Clean Energy

Strategy under consideration

Establish statewide higher energy codes, benchmarking, building performance mandates, and PACE Financing to avoid a patchwork of policies.

Rationale

Local governments are generally leery of taking on initiatives that may place them at what they perceive to be a competitive disadvantage to other communities in their region. Rather than a patchwork of different rules and opportunities in different communities, consider statewide approaches.

Equity considerations

Uniform and consistent policies across communities can ensure that all New Yorkers have access to the benefits of clean energy policies. Avoid placing costs and administrative burden on resource-constrained municipalities.

Potential implementation challenges

Likely to require state legislation.

Issues to explore

Different funding and eligibility requirements across programs to find possible points of conflict and repetition.

Additional thoughts

Establish statewide policies including higher energy codes, benchmarking, building performance mandates, and PACE Financing to avoid a patchwork of policies.

Potential Implementation Actions

- > Develop a financing mechanism for building efficiency upgrades and explore how costs can be recouped through benefit assessments.
- > Establish targets for the Energy Code to align with CLCPA goals.
- > Consider statewide building performance standards modeled on NYC local law 97.
- > Consider statewide energy benchmarking requirements for large private buildings.

Clean Energy Strategy 2 of 3

Subgroup: Clean Energy

Strategy under consideration

Encourage local governments to initiate CCA programs and community campaigns to increase local access to clean energy products and services.

Rationale

Local initiatives like CCA and community campaigns can make significant contributions to CLCPA goals and help spur the widespread deployment of Distributed Energy Resources. Local governments need a clear path forward to implement actions that have the greatest potential for impact. Increased access can be achieved with state programs that provide grants, free technical assistance, and recognition for local leadership.

Equity considerations

Local policies can be tailored to maximize benefits to disadvantaged communities.

Potential implementation challenges

Likely to require funding for state program to support local government climate action.

Issues to explore

Different funding and eligibility requirements across programs to find possible points of conflict and repetition and opportunities for alignment.

Additional thoughts

Encourage local governments to initiate CCA programs and community campaigns to increase local access to clean energy products and services.

Potential Implementation Actions

> To be determined in collaboration with Transportation, Power Generation, and Energy Efficiency and Housing Panels

Clean Energy Strategy 3 of 3

Subgroup: Clean Energy

Strategy under consideration

Overcome legal, financial, regulatory, and technical barriers to greening of municipal building, facilities, and fleets

Rationale

Local governments control significant energy consuming assets like street-light systems, wastewater treatment plants, landfills, and public transit systems and are well positioned to advance district systems and microgrids. Strategies can help lower operating costs and generate financial benefits over time.

Equity considerations

Investments in local infrastructure can be targeted to maximize benefits to disadvantaged communities.

Potential implementation challenges

Resources and staff capacity at the local level is limited. Likely to require funding and alignment for state program to support local government climate action.

Issues to explore

Leadership by example is important, but we must implement better strategies that affect energy use for the community as a whole, like walkable communities, above-minimum energy codes, community clean energy campaigns, and Community Choice Aggregation.

Additional thoughts

Overcome legal, financial, regulatory, and technical barriers to greening of municipal building, facilities, and fleets

Potential Implementation Actions

- > To be determined in collaboration with Transportation, Power Generation, and Energy Efficiency and Housing Panels

Adaptation and Resilience Subgroup

Draft Strategies List

- >Strategy 1: Develop policies, programs and resources to reduce risks associated with acute climate hazards
- >Strategy 2: Develop a comprehensive state climate change adaptation and resilience plan
- >Strategy 3: Amend the project review process to ensure consideration of climate change

Adaptation and Resilience Strategy 1 of 3

Scope topic/Subgroup: Adaptation and Resilience

Strategy under consideration	Develop policies, programs and resources to reduce risks associated with acute climate hazards
Rationale	NYS can take numerous steps in the near term to support regional and local adaptation, and reduce risks associated with sea-level rise, flooding, extreme weather, thermal extremes, drought and ecosystem disruption.
Equity considerations	Program development must identify and prioritize support for most vulnerable communities.
Potential implementation challenges	Regions and municipalities lack the technical, staff and financial resources necessary to implement effective A/R programs and projects. Lack of state staff precludes use of available financial resources for program and resource development.
Issues to explore	Greater use of implementation contractors to assist with RFP development and contract management.
Additional thoughts	Failure to invest in A/R will result in fewer resources to support mitigation.

Develop policies, programs and resources to reduce risks associated with acute climate hazards

Potential Implementation Actions

- Provide planning and technical support for regional and local adaptation and resilience.
- Develop policies and programs to reduce risks associated with coastal and inland flooding.
- Develop policies and programs to reduce risks associated with thermal extremes.
- Develop policies and programs to reduce risks associated with extreme weather.
- Develop policies and programs to reduce risks associated with water shortages.
- Develop policies and programs to reduce risks associated with ecosystem disruption.

Adaptation and Resilience Strategy 2 of 3

Scope topic/Subgroup: Adaptation and Resilience

Strategy under consideration	Develop a comprehensive state climate change adaptation and resilience plan
Rationale	Lack of a comprehensive A/R plan hinders deliberative efforts to identify and address greatest climate vulnerabilities in the most cost-effective manner possible.
Equity considerations	Current ad-hoc approach to A/R programming makes assessment of equity impacts difficult. Single-hazard focus generally ignores social and economic effects.
Potential implementation challenges	ICARWG has developed planning framework but lacks resources and authority to proceed with public planning process.
Issues to explore	Use of facilitation and planning consultants.
Additional thoughts	Difficult to conduct A/R planning concurrent with scoping plan development due to limited staff.

Develop a comprehensive state climate change adaptation and resilience plan

Potential Implementation Actions

- Convene an adaptation and resilience sub-cabinet to oversee development of a comprehensive state climate change adaptation and resilience plan (CCARP).
- Allocate resources for necessary facilitation and technical support for development of a CCARP.
- Define scope, framework and stakeholder outreach plan for development of a CCARP.
- Implement planning process.

Adaptation and Resilience Strategy 3 of 3

Scope topic/Subgroup: Adaptation and Resilience

Strategy under consideration	Amend the project review process to ensure consideration of climate change
Rationale	Effective stewardship of public funds and resources requires consideration of climate change in decisions regarding public investments and environmental reviews.
Equity considerations	Must ensure ability to participate in project review is not reduced by attempts to streamline or favor specific types of projects.
Potential implementation challenges	Staff resources limiting. Opposition from development community.
Issues to explore	May require additional authority under SEQRA.
Additional thoughts	Could include development of review guidance, decision-support tools, public investment guidelines.

Amend the project review process to ensure consideration of climate change

Potential Implementation Actions

- Amend the regulatory project review process to ensure consideration of climate change.
- Develop guidance on consideration and mitigation of climate change risks in permit and SEQRA reviews.
- Amend the project review process to facilitate approval of adaptive projects.
- Amend the SEQRA process to better evaluate the cumulative effects of climate change and attempts to address it.
- Develop guidance on consideration of climate change in public investments.

Timeline and Next Steps

Land Use and Local Government Panel



Timeline (through 1/31/2021)

Land Use and Local Government Advisory Panel

Activity	Date	Notes
CAC Meeting 4	11/24/2020	LULGAP Chair to Report on Progress
CJWG Meeting	12/2/2020	LULGAP Invited to Participate
Local Officials Roundtable	12/3/2020	LULGAP Invited to Participate
A/R Work Session 2	12/10/2020	LULGAP Invited to Participate
Land Use/Clean Energy subgroup mtgs	Week of 12/7	LULGAP Invited to Participate
CAC Meeting 5	12/15/2020	LULGAP Invited to Attend
LULGAP Meeting 5	12/17/2020	LULGAP Required
Public Stakeholder Meeting	tbd	LULGAP Invited to Attend
A/R Work Session 3	1/14/2021	LULGAP Invited to Participate
CAC Meeting 6	1/19/2021	LULGAP Invited to Attend
LULGAP Meeting 6	1/26/2021	LULGAP Required

Next Steps: For Discussion and Homework

- > LULGAP Chair to report draft strategies and panel progress at Climate Action Council meeting on November 24th, 2pm
- > Continue to identify information gaps and research needs
- > Sub-groups continue to develop, review and refine strategies and recommendations, and review and incorporate input from local officials
- > Continue to pursue opportunities for cross-sector collaboration
- > Other discussion/questions?