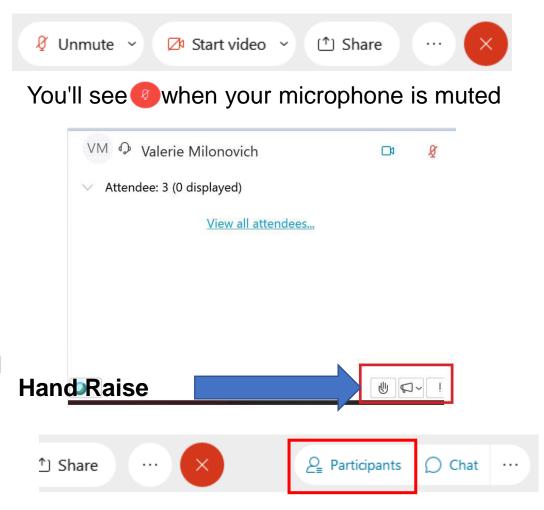
Meeting Procedures

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 518-473-3373 or LULG@dos.ny.gov



Climate Leadership and Community Protection Act Land Use and Local Government Advisory Panel

Sarah Crowell, LULGAP Chair New York State Department of State

December 17, 2020 2:00pm – 4:00pm EST Meeting 6



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 Chat 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.





Land Use and Local Government Advisory Panel Members



Sarah Crowell, Chair
Director, Office of
Planning, Devt, &
Community
Infrastructure: DOS



Jayme Breschard-Thomann Senior Project Manager: Bergmann PC



Ed MarxFormer Commissioner
of Planning:
Tompkins County



Gita Nandan
Board Chair: RETI
(Resilience, Education,
Training and
Innovation) Center



Mark Lowery
Assistant Director,
Office of Climate
Change: DEC



Kevin LawPresident & CEO:
Long Island
Association



Kathy Moser Senior Vice President: Open Space Institute



Juan Camilo Osorio
Assistant Professor:
Pratt Institute School
of Architecture



Jessica Bacher
Managing Director:
Pace University School
of Law Land Use
Law Center



Katie Malinowski Executive Director: NYS Tug Hill Commission



Priya Mulgaonkar
Project Manager:
Hester Street
Collaborative



Eric Walker Climate and Clean Energy Strategist

Meeting Agenda

- >Welcome, Roll Call, Agenda
- >External Engagement Updates
- >Review of California's Sustainable Communities Program
- >Strategies Discussion
- >Next Steps

Engagement and Collaboration Updates Land Use and Local Government Advisory Panel



Climate Action Council Feedback Land Use and Local Government Advisory Panel

- > The LULGAP Chair presented progress and current focus to the CAC on November 24, 2020
- > Feedback included:
 - Importance of addressing solar siting, from roof-top to larger-scale solar farms, to accelerate adoption of solar at all scales.
 - School districts have substantial heating, cooling and transportation needs; consideration should be given to their needs and opportunities to support school districts in reducing overall carbon emissions.
 - Emphasis of the importance of providing local government with the tools needed to address equity considerations of the CLCPA.

Local Officials Engagement Land Use and Local Government Advisory Panel

Local Government Representatives

- > DOS Office of Local Government Services (led by Ann Thane) held six small group discussion sessions with local officials and state staff to gather preliminary feedback
- > A Local Officials Roundtable with 21 representatives from across the state was held on December 3rd, feedback is being compiled and will advise panel recommendations.
- > Roundtable participants received a follow-up survey. 100% of respondents wanted to continue to be involved as the panel develops recommendations, primarily via surveys and focus groups.

"Thank you for the opportunity to participate in the Roundtable. It was a very valuable discussion. We are doing everything we can to accelerate the clean energy transition here and would love to coordinate more closely with the state and the CLCPA implementation process."

Local Officials Roundtable Participants

Dan Barusch

Director of Planning and Zoning Town of Lake George

Tuona Batchelor

Director of Economic Development Erie County

Lisa Broughton

Energy Director/Climate Action Coordinator Suffolk County

Casandra Buell

Director of Planning, Lewis County and Town Council, Town of New Bremen

Michael Cashman

Supervisor, Town of Plattsburgh

Sage Gerling

City Manager, City of Geneva

Brian Kulpa

Supervisor, Town of Amherst

Hal McCabe

Mayor, Village of Homer

Edward Michalenko

Supervisor, Town of Dewitt

Steve Noble

Mayor, City of Kingston

Matthew Ossenfort

County Executive, Montgomery County

Andre Rainey

Mayor, City of Peekskill

Martha Robertson

County Legislator, Tompkins County

Tim Rogers

Mayor, Village of New Paltz

James Ryan

Mayor, Village of Montour Falls

Pat Ryan

County Executive, Ulster County

Sean Sallie

Deputy Planning Commissioner, Nassau County

Erik Scrivener

Director, Planning and Solid Waste Otsego County

Kathy Sheehan

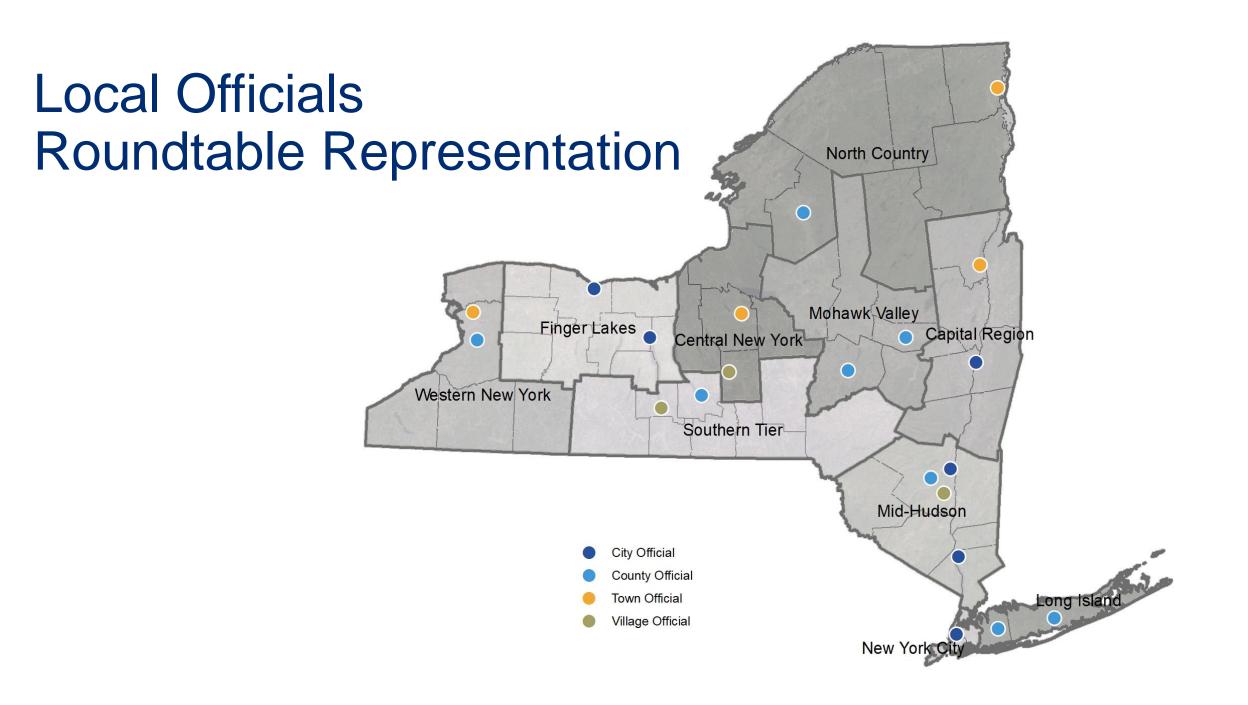
Mayor, City of Albany

Anne Spaulding

Energy and Sustainability Coordinator City of Rochester

Eric Wilson

Deputy Dir for Land Use and Buildings, Mayor's Office of Resiliency New York City



Local Officials Roundtable Discussion

Accelerating the Development of Renewable Energy

- > Successes/models
 - Solar carports in municipal and private parking areas
 - IDA incentives to direct solar to locations preferred by community
 - Solar on brownfields, landfills and municipal facilities
 - Community solar allows municipalities with limited land to achieve their carbon mitigation goals.

> Challenges

- Need to balance land use needs of solar power and agriculture
- Siting limitations due to existing infrastructure
- Model solar siting laws help municipalities
- Need for education and outreach to municipalities and developers
- Barriers to municipal adoption of rooftop solar such as building lifespan and A/R concerns, existing roof condition, limitations to capital budgets, and overcoming negative public perception despite long-term financial benefits.

Local Officials Roundtable Discussion

Reducing the carbon footprint of local government operations and facilities

- > Municipalities need support to plan for and implement sustainability initiatives
 - Critical role played by CEC coordinators in building local capacity and providing technical assistance,
 call for expanded planning role, especially for small communities with limited staff resources
 - Importance of intermunicipal collaboration to share carbon mitigation strategies and solutions
 - Potential for local academic institutions to assist with benchmarking, inventories, and assessments
- > Funding and financing needed to transition municipal wastewater facilities to resource recovery and revenue generators
- > Successes and savings from streetlight conversions to LED, as a standalone project or with support from existing state laws and resources.
- > Potential for setting up local energy savings funds and financing mechanisms for carbon mitigation actions

Local Officials Roundtable Discussion

Promoting Smart Growth and reducing Vehicle Miles Travelled (VMT)

- > Need for regional coordination and cooperation for local governments to achieve the CLCPA goals.
- > Importance of articulating a vision for denser development. Tompkins County development focus areas have directed development to traditional villages resulting in more efficient use or resources and infrastructure
- > Changing land use patterns take a long time, and incentivizing denser development is important to ensure that the right decisions are made now for the future
- > Opportunity to reimagine dying big box and malls for compact mixed uses.
- > Education for all sectors involved is important. Plattsburgh provided workshops for Realtors to educate them on smart growth and get them on board.
- > Importance of streetscape and multi-modal transportation improvements and investments for smart growth, but difficulties quantifying GHG impacts at the local level
- > Benefits of partnering with utilities on EV charging, and greater assistance needed for municipal fleet conversion for larger municipalities.

Themes from Preliminary Local Officials Discussions

- > Important role of counties and regional organizations as leaders and conveners for issues addressing carbon mitigation. Growing role of local governments in providing education and training, outreach, and technical assistance
- > Cost savings with reducing carbon footprint of municipal operations and facilities; local governments are also facing challenges with aging infrastructure and housing stock.
- > Importance of existing state technical assistance, incentives, and resources provided to local governments for carbon mitigation actions
- Need for uniformly applied state mandates in accelerating change at the local level and reducing competition between regions/governments
- > Need for regional approach to achieving CLCPA goals, one that acknowledges the different needs of municipalities based on geographic location, populations size, and density.
- > High demand for EV fast charging and solar carport infrastructure; successful public-private partnerships are key.
- > Numerous local success stories that can be replicated across the state

Stakeholder Survey Land Use and Local Government Advisory Panel

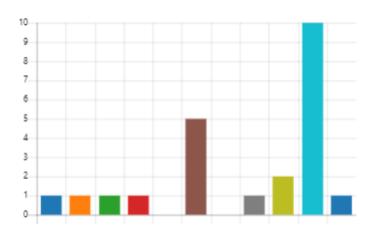
Local Government Representatives

- > The panel has invited stakeholders and local officials to provide input on challenges and opportunities, and to propose recommendations for the panel to consider.
- Over 21 responses have been received so far with detailed and thoughtful ideas
- > The survey closes December 31st and feedback will help to guide recommendation development
- > More feedback is needed from Long Island, NYC and Mohawk Valley regions
- > More feedback is needed from local board members/volunteers and the private sector

Region(s) where you work (If you are unsure of your region, a map is available here: https://esd.ny.gov/regions)

More Details

More Details	
Statewide	1
Capital Region	1
Central New York	1
Finger Lakes	1
Long Island	0
Mid-Hudson	5
Mohawk Valley	0
New York City	1
North Country	2
Southern Tier	10

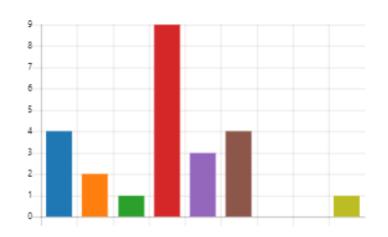


Which of the following best describes the organization/entity you represent?

More Details

Western New York



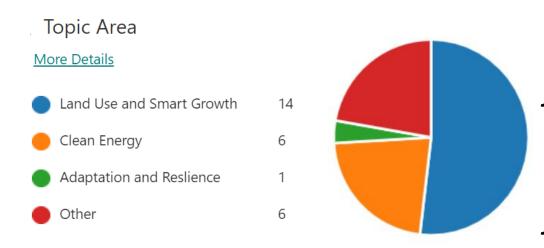


Public Comments Land Use and Local Government Advisory Panel

Public Emails and Chat Comments

- > The panel inbox (LULG@dos.ny.gov) remains open for public comment.
- > Substantial public comment has been provided via the chat function during panel meetings

> Public comments from these sources will be compiled weekly and provided to the panel to advise recommendation development



"A successful mall transformation project would meet the goals of reducing VMT, increasing the availability of solar energy, and increased green space available for planting trees..."

"The Advisory Panel should also include IDAs as local entities that can take action, with considerable flexibility and resources to deploy."

Climate Justice Working Group Land Use and Local Government Advisory Panel

- ➤ LULG panel members attended the CJWG meeting on December 3rd to share initial direction and initiate collaboration.
- > CJWG members shared suggestions and comments:
 - ➤ Recommendation that the panel consider the role that community-focused programs like the local waterfront revitalization and the brownfield opportunity areas may play in CLCPA implementation to ensure that benefits accrue to EJ communities and that the communities have a voice in their own futures.
 - > The transition to a green economy will include redevelopment of industrial areas. This should be done in a way that benefits the community, revitalizes local economies, and increases resiliency.
 - ➤ Planning is required to ensure that, as fossil fuel based industries close, stranded assets are redeveloped and infrastructure repurposed, in a way that puts community priorities first.
 - ➤ An inventory of industrial areas would be beneficial to EJ communities for planning purposes. Suggested that industrially zoned areas should be mapped if not currently.

Transportation Panel Roundtables Land Use and Local Government Advisory Panel

- > The Transportation Advisory Panel held two expert roundtables focusing on Smart Growth/Public Transportation and Electrification/Fuels.
- > LULG AP member Kevin Law participated on the Smart Growth panel
- > LULG AP members were invited to attend
- Input from these panels will help to advise development of the applicable LULGAP recommendations
- Collaboration with the Transportation Panel will continue to be a top priority as the process moves forward

California's Sustainable Communities Program

Jessica A. Bacher

Executive Director, Land Use Law Center

Pace University



SB375: An Overview on California's Attempt to Regionally Reduce Greenhouse Gas **Emissions**

Connor Hilbie

SB375 - What is its purpose, generally?

- General goal is to cut greenhouse gas emissions, through the use of federally-mandated Regional Transportation Planning Agencies
- Certain regions have developed regional "blueprint" processes that prepare land use allocations at a higher level than the typical local municipalities
- ► SB375 was passed to build upon this process
- ► Thus, it requires Metropolitan Planning Organizations (MPOs) to develop and incorporate a sustainable communities strategy which will be the land use allocation in the regional transportation plans

Three Major Components

- 1) using the regional transportation planning process to achieve reductions in greenhouse gas emissions consistent with AB 32s goals
- 2) offering California Environmental Quality Act (CEQA) incentives to encourage projects that are consistent with a regional plan that achieves greenhouse gas emission reductions
- 3) coordinating the regional housing needs allocation process with the regional transportation process while maintaining local authority over land use decisions

- Overall, most important piece of information regarding the framework of SB375:
 - Requires the Regional Transportation Plan (RTP) for regions of the state with a MPO to adopt a sustainable communities strategy
 - ► This will then be incorporated into the RTP itself
 - And CEQA credits/incentives are offered to streamline the process, if the projects are consistent with the RTP and reduces GHGs

What are the relevant portions of a Sustainable Communities Strategy for our purposes?

Regional Transportation Plan

- Directed at achieving a coordinated and balanced regional transportation system
- Shall consider and incorporate plans of cities, counties, districts, private orgs., and state and federal agencies
- Shall include a Sustainable Communities Strategy prepared by each Metropolitan Planning Org.(MPO)

Sustainable Communities Strategy

- Goal is to align transportation, housing, and land use decisions toward achieving GHG emissions reduction targets set by the CARB
- Designed to reduce per capita GHG emissions
 - ► Through reductions in Vehicle Miles Traveled (VMT)
- Implementation requires cooperation between the various players (cities, counties, local transportation agencies, etc.)

Applicability of SB375 SCS to New York, generally

New York has only 14 MPOs, as compared to California's 18



https://www.dot.ny.gov/programs/stip/files/STIP_2020_Narrative.pdf

California's 18 MPOs represent 84% of the population, and New York's is significantly less



https://www.ca-ilg.org/sites/main/files/imagecache/lightbox/main-images/mpos__rtpas_2012_small_2.png

Applicability of CEQA Incentive Program for Transit Priority Projects

CEQA Incentives

- ➤ SB375 exempts transit priority projects from CEQA, as long as certain requirements are met, to effectuate a quicker process to meet said GHG reduction targets
- ► The Transit Priority Projects must be determined to meet a list of requirements, by the legislative body (after a public hearing), and if so found, the TPP is declared a Sustainable Communities Strategy and is exempt from CEQA
- Even if a TPP does not qualify for the exemption exactly, SB375 provides for a limited CEQA review as well for other TPPs

SEQRA Applicability

- SEQRA has a similar framework to CEQA
- ► Therefore, this incentive/requirements program could be implemented into New York's GHG reductions plan in a similar fashion
- Streamlining the SEQRA review process and providing exemptions

Effectiveness of SB375 and Potential Issues in Practice

Issues in Implementation

- Only incentives are offered, there is a lack of enforcement or penalties to provide the power for change to occur
- ▶ While the regional transportation method is theoretically a good one, SB375 does not change the general dichotomy (cities and counties keep land use authority and MPOs keep transportation authority)
 - ▶ MPOs do not have enough authority in and of themselves to effectuate change
- Market Force Barriers sprawl is much cheaper to build, and in certain regions of California, people may not be willing to live in centrally-located housing developments, and need more incentive to switch the mindset from singlefamily vehicle to public transit
- Lacks guidance in helping local areas reach goals lack of funding, support in staffing, and smart growth implementation were all sore spots in the effectiveness of the bill

Scientific/Transportation Emission Forecasting Issues

► Some studies have identified flaws in the emissions forecasting models

Helpful Sources providing Supplemental Information on SB375

- Athwal, Navjot. "SB 375: Smart Growth Savior or Just the Beginning?." *Environmental Claims Journal* 22.2 (2010): 112-143.
- Barbour, Elisa, and Elizabeth A. Deakin. "Smart growth planning for climate protection: Evaluating California's Senate Bill 375." Journal of the American Planning Association 78.1 (2012): 70-86.
- Bullis, Cory Alexander. How well is SB 375 working in the Sacramento region?. MS thesis. 2017.
- Lacey, Louinda Vosloo. SB 375: Greenhouse gas emissions reduction champion, or doomed to irrelevance?. Diss. 2011.
- Mattiuzzi, Elizabeth. "Progress on Implementing SB 375: Combating Climate Change and Sprawl through Coordinated Planning." (2016).
- Matute, Juan. "Measuring progress toward transportation GHG goals." *UCLA Luskin Center Climate Change Initiative* 58 (2011).
- Mawhorter, Sarah, Amy Martin, and Carol Galante. "California's SB 375 and the pursuit of sustainable and affordable development." Transportation, Land Use, and Environmental Planning. Elsevier, 2020. 497-521.
- The Basics of SB375. https://www.ca-ilg.org/post/basics-sb-375
- Sustainable Communities. https://ww2.arb.ca.gov/our-work/topics/sustainable-communities
 - SB 375 Resource Center. https://www.ca-ilg.org/sb-375-resource-center

Questions?



https://images.radio.com/aiu-media/gettyimages-963351926.jpg?width=800

Strategies Land Use and Local Government Advisory Panel



Support local and regional initiatives to promote efficient land use/smart growth

Smart growth reduces VMT and car dependence by reducing travel distance and car trips through land use location efficiencies and promotes efficient delivery of services and efficient use of infrastructure. Strengthening support for smart growth will reduce energy usage in the long-term.

- Support county and regional planning to inform and coordinate growth patterns
- Promote integrated regional planning for transportation, housing and land use
- Facilitate/simplify path from comprehensive planning to zoning
- Designate priority growth areas at the local, county and/or regional level, including municipal overlay zones.
- Incentivize infill redevelopment (including brownfields)
- Promote Transportation-Oriented Development (TOD)
- Identify funding/financing mechanisms to support smart growth, such as IDA tax incentives
- Amend Smart Growth Public Infrastructure Policy Act to expand and strengthen municipal centers and sustainability criteria
- Address the jobs/housing mismatch for low-income households in particular
- Streamline and incentivize Smart Growth project review
- Adjust metrics for desired outcome: de-emphasize LOS as a key metric in capital planning and SEQR review
- Equity issues related to smart growth such as potential for displacement

Foster the expansion of low-/no-carbon, energy-efficient mobility options

Transportation is the largest contributor to GHG emissions in New York State. Promoting alternatives to single-occupancy vehicle trips and use of gas-powered cars has the potential to reduce overall GHG emissions from the transportation sector.

- Increase trail connections (bike/pedestrian infrastructure)
- Promote complete streets policies and projects
- Promote development, use and expansion of public transit systems
- Public transit fleet electrification and EV chargers
- Use congestion pricing to dis-incentivize driving, especially during peak times
- Traffic signal synchronization and congestion mitigation
- Implement "first mile/last mile" options to expand access to public transit, including on-demand shuttles/micro-transit, bike shares, ridesharing, and etc.
- Need to consider potential for public transit in rural areas
- Prioritization of access to existing transit routes in land use planning

Maximize carbon sequestration potential of both developed and undeveloped lands

Sequestration is a critical component of getting to net zero. Land use decisions and local government actions can promote carbon sequestration by protecting natural and working lands, increasing tree cover, and pursuing other opportunities to maximize natural carbon capture.

- Promote/encourage green infrastructure
- Zoning, TDR, property and/or real estate tax programs, and other techniques to preserve and protect natural and working lands (including Forest Tax Law 480a reforms)
- Strengthen freshwater and coastal wetlands protections (buffers, mapping, etc)
- Promote, identify and incentivize priority conservation areas (as a complement to priority growth areas, above)
- Coastal protections and support for enhancing blue carbon sequestration
- Urban forestry/tree planting (including urban garden and pocket park programs)

Build capacity at the regional level and streamline/enhance support to municipalities

Current local and regional government initiatives, planning approaches and land use policies must be accelerated to meet the ambitious CLCPA goals. Local governments need support to understand and implement policies and programs that will support goals. 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.

- Coordinate and expand the scope of state's local governments climate programs to focus on greatest opportunities for GHG reduction, while building long-term community capacity for local climate action.
- Create a consortium of agencies/programs that support climate action, smart growth planning and/or zoning—incl. NYSERDA, DEC, DOS and ESD—that can cross-reference model communities and projects.
- Build capacity at county and regional planning council level to assist localities in smart growth planning and zoning (e.g., expanded funding eligibility for regional planning councils for planning/zoning).
- Identify/address redundancies and conflicts between state planning programs.
- Expand state-wide Regional Coordinator network (NYSERDA/DEC) to serve as regional points of contract/reference to available state grants, financing, and other programs.
- Create peer-to-peer networks so that local officials and others can share experiences and learn best practices from each other (e.g., Tug Hill circuit riders and Councils of Governments; Adirondack North Country Association; Hudson River Estuary Land Use Program)

Increase energy efficiency in new development and promote energy efficiency retrofits

Local governments have control over energy codes, building performance standards, etc. and often administer funding programs. Local governments often have limited capacity to adopt and enforce regulations and are often 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.

- Aggregate data and develop a statewide dashboard of community GHG emissions inventories
- Establish statewide higher energy codes, benchmarking, building performance standards, and PACE financing to avoid a patchwork of policies.
- Develop financing mechanisms for residential and commercial 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.
- Consider statewide energy benchmarking requirements for large private buildings.
- Options for supporting local governments to adopt and enforce enhanced codes etc. education, allowing third party inspections, shared services, etc.

Accelerate development and adoption of clean energy sources (Slide 1 of 2)

Land use regulations, local policies and programs 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.

- Encourage communities to adopt development regulations that clearly identify as-of-right installation opportunities for different clean energy technology types, and clear requirements and reasonable processes for installations that are not as-of-right (consider model local laws)
- Streamline the permitting process for clean energy technologies (i.e. NYS Unified Solar Permit)
- Encourage development of Community Choices Aggregation (CCA) programs where communities choose 100% renewable energy as the default supply, and where participants are enrolled in community solar
- Consider empowering counties to sponsor CCA programs
- Enable the development of microgrids (municipal, schools and private) and district clean energy systems
- Promote community-scale campaigns to encourage adoption of new, innovative technologies to generate value and savings for consumers while advancing CLCPA goals.

More on next slide

Accelerate development and adoption of clean energy sources (Slide 2 of 2)

- Workforce development for renewables and emerging technologies
- Incorporate roof-top solar in projects that redevelop former industrial/manufacturing and greyfield sites (e.g., brownfields, parking lots/carports)
- Prime agricultural land is often targeted for solar need to address competing uses
- Need to address interconnection costs
- Municipalities often need technical support to plan for and review solar projects
- Address restrictions that limit installation of solar in public parking lots

Reduce emissions associated with municipal operations, buildings, facilities, and fleets

Local governments, school districts, authorities, and other related entities 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.

- Increase participation in state programs including CEC, CSC, and NYPA
- Track and report the energy use of municipal buildings and facilities (benchmarking)
- Adopt green purchasing guidelines including requirements to purchase only Energy Star equipment and appliances for municipal use; and purchase of NY Renewable Energy Certificates (RECs)
- Increase waste reduction and recycling rates in municipal operations and in the community
- Recover methane from wastewater treatment and landfills for energy production
- Electrify municipal and school district fleets while increasing fleet-wide fuel economy
- Identify and prioritize high impact actions and those that are easy to implement, such as LED lights, energy efficiency upgrades, heat pump projects, and solar on municipal premises.

Next Steps Land Use and Local Government Advisory Panel



Recommendation Development Land Use and Local Government Advisory Panel

- > Recommendations will be developed in working sessions to be convened in January and February
- > Each session will focus on one or two of the strategies, and may include outside experts as appropriate to bring specialized knowledge
- > Cross-panel meetings may be scheduled on topics of mutual interest to inform recommendations and ensure that panels are working in concert

Wrap Up and Next Steps

- > Schedule working sessions to refine strategies and develop recommendations
- > Share opportunities for cross-panel collaboration
- > Ongoing stakeholder feedback via dedicated email address <u>LULG@dos.ny.gov</u> and stakeholder survey: https://tinyurl.com/LULGSurvey
- > Encourage your networks to join the climate.ny.gov email list to keep informed of CLCPA progress and upcoming meetings. Go to https://climate.ny.gov/Email-List to sign up.

Thank You!