

Climate Leadership and Community Protection Act

Land Use and Local Government Advisory Panel

Sarah Crowell, LULGAP Chair
New York State Department of State

February 22, 2021

1:00pm – 3:00pm EST

Meeting 7

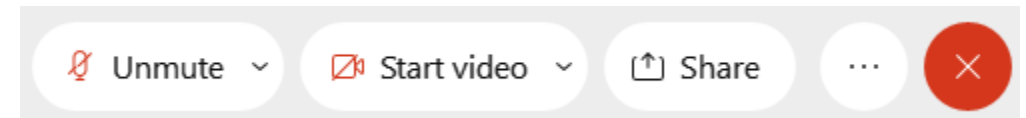


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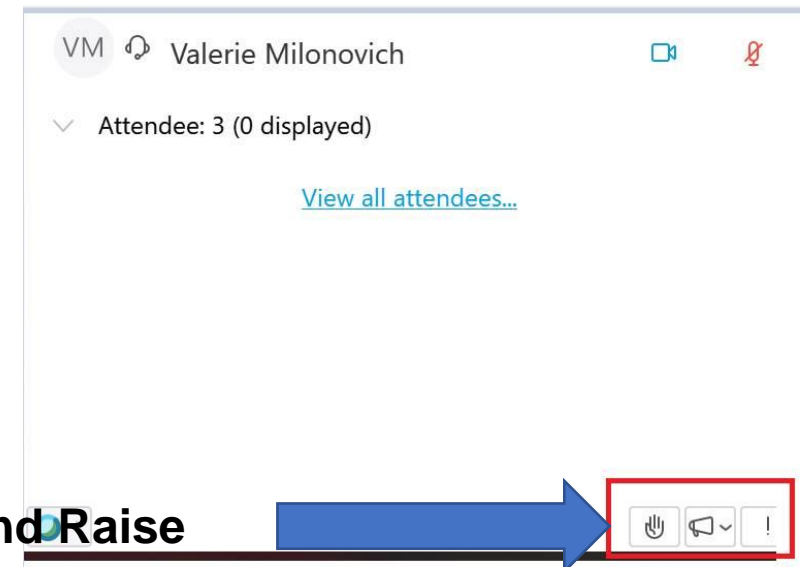
Meeting Procedures

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



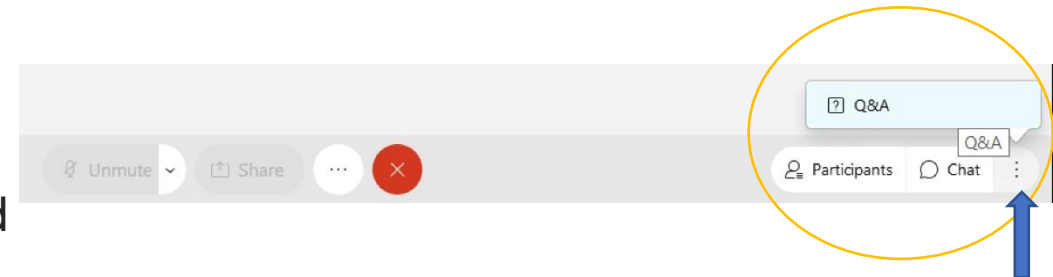
You'll see  when your microphone is muted



Procedure for Public Input

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

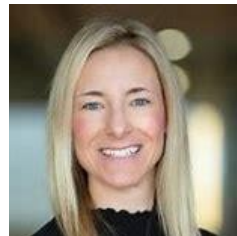
- > To submit feedback to Panel Members and agency staff during the meeting, members of the public can use the Webex Chat function located in the right bottom corner.
 - Comments and questions submitted through WebEx will be aggregated and submitted to panel members to be included in deliberations.
-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



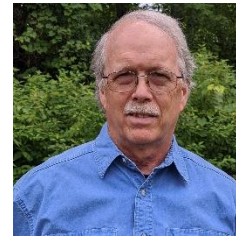
Land Use and Local Government Advisory Panel Members



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



**Jayme Breschard-
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Manager:
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Ed Marx
Former Commissioner
of Planning:
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Gita Nandan
Board Chair: RETI
(Resilience, Education,
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Mark Lowery
Assistant Director,
Office of Climate
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Kevin Law
President & CEO:
Long Island
Association



Kathy Moser
Senior Vice
President:
Open Space
Institute



Juan Camilo Osorio
Assistant Professor:
Pratt Institute School
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Jessica Bacher
Managing Director:
Pace University School
of Law Land Use
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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, Attendance, Agenda (5 min)
- > Public Comment Update (5 min)
- > JTWG Principles (15 min)
- > Proposed Recommendations Review and Discussion (60 min)
 - Adaptation and Resilience
 - Land Use Subgroup
 - Carbon Sequestration
 - Clean Energy Subgroup
- > Next Steps and Wrap-Up (10 min)

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 continues to be provided via the chat function during panel meetings.
- > Increasing engagement around carbon sequestration due to the Feb 5th learning session
- > Public comments continue to be compiled weekly and provided to the panel to advise recommendation development



Topic Area

● Land Use and Smart Growth	21
● Clean Energy	11
● Adaptation and Resilience	3
● Carbon Sequestration	13
● Other	15

Just Transition Principles

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Just Transition Principles: Background

- Aspirational tenets to guide Advisory Panel recommendations
- Developed to support a fair and equitable movement from fossil fuel-based economies toward the achievement of the carbon neutral future envisioned by the CLCPA
- Principles may have different applicability depending on Advisory Panel scope

Just Transition Principles

- Stakeholder-Engaged Transition Planning
- Collaborative Planning for a Measured Transition Toward Long-Term Goals
- Preservation of Culture and Tradition
- Realize Vibrant, Healthy Communities Through Repair of Structural Inequalities
- Equitable Access to High Quality, Family-Sustaining Jobs
- Redevelopment of Industrial Communities
- Development of Robust In- State Low-Carbon Energy and Manufacturing Supply Chain
- Climate Adaptation Planning and Investment for a Resilient Future
- Protection and Restoration of Natural and Working Lands Systems & Resources
- Mutually-Affirming Targets for State Industrialization & Decarbonization

Proposed Recommendations

Land Use and Local Government

Advisory Panel



Panel Goals

Land Use and Local Government Advisory Panel

Goals that are guiding recommendation development

1. Support local and regional initiatives to promote efficient land use/smart growth
2. Foster the expansion of low-/no-carbon, energy-efficient mobility options
3. Maximize carbon sequestration potential of both developed and undeveloped lands
4. Build capacity at the regional level and streamline/enhance support to municipalities
5. Increase energy efficiency in new development and promote energy efficiency retrofits
6. Accelerate development and adoption of clean energy sources
7. Reduce emissions associated with municipal operations, buildings, facilities, and fleets

Ongoing Recommendation Development

Land Use and Local Government Advisory Panel

Since our last panel meeting on February 1st

- **Feb 4: Adaptation and Resilience Subgroup Meeting (cross-panel)**
- **Feb 5: Cross-Panel Learning Session: Carbon Sequestration by Forests and Trees**
- **Feb 8: Carbon Sequestration Subgroup Meeting**
- **Feb 15: Land Use Subgroup Meeting**
- **Feb 17: Clean Energy Subgroup Meeting**
- **Several Staff Working Group meetings**
- **Public Comments Received**

Adaptation and Resilience Subgroup

Land Use and Local Government Advisory Panel



Adaptation and Resilience Strategy Summary (1 of 2)

Draft Material

Description	Action type	Climate risk addressed
Commit to comprehensive state climate change adaptation and resilience planning	Planning, funding	multi-hazard
Incorporate adaptation and risk-reduction considerations into all state funding and regulatory programs, projects and policies	Regulation, policy, guidance	multi-hazard
Provide planning and technical support for regional and local adaptation and resilience	Guidance, technical support, funding	multi-hazard
Evaluate opportunities to amend the State Environmental Quality Review Act and implementing regulations and procedures to ensure consideration of future climate conditions	Legislation, regulation, policy, information resources, guidance	multi-hazard

Adaptation and Resilience Strategy Summary (2 of 2)

Draft Material

Description	Action type	Climate risk addressed
Develop policies and programs to reduce risks associated with coastal and inland flooding	Guidance, mapping, analysis technical support, funding	sea-level rise, coastal storms and erosion, fluvial and pluvial flooding, stream erosion
Develop policies and programs to reduce risks associated with thermal extremes	Guidance, technical support, funding	extreme heat days, heat waves, extreme cold
Develop policies and programs to reduce risks threatening the disruption of ecosystems	Legislation, planning, acquisition	follow-on effect of climate change
Strengthen public education and capacity building	Program, funding	multi-hazard
Identify and evaluate options for supporting risk-reduction and adaptation projects and strengthen insurance provisions	Legislation, regulation, funding, revenue generation, analysis	multi-hazard

A/R Group Schedule

Date	Event	Agenda
2/23	Draft LULGAP recommendations available to A_R Group for review by COB	
2/25	Adaptation and Resilience Group Meeting	LULGAP recommendation review (based on completed slide templates)
2/26	Climate Action Council Meeting	
3/4	Adaptation and Resilience Group Meeting	Mitigation recommendation review (based on completed slide templates)
3/8	LULGAP Meeting/Public Meeting	Regular panel meeting, followed by public comment session
3/15	Adaptation and Resilience Group Meeting	Review integrated A/R recommendations
TBD	Focused A/R Stakeholder Consultation	Review and discuss integrated A/R recommendations
4/8	Public Stakeholder Consultation	Public comment on integrated A/R recommendations
4/21	Adaptation and Resilience Meeting	Final review of integrated A/R recommendations for consideration by LULGAP
5/4	LULGAP Meeting	Final review of integrated A/R recommendations for consideration by CAC
TBD	CAC Meeting	Presentation of integrated A/R recommendations

Carbon Sequestration Subgroup Land Use and Local Government Advisory Panel



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Carbon Sequestration Subgroup Update

Land Use and Local Government Advisory Panel

- The Carbon Sequestration Subgroup held a learning session on February 5 with Dr. Andrew Reinmann and Dr. Susan Cook-Patton
- The subgroup had a working meeting on February 8
- Staff are coordinating with Agriculture and Forestry Advisory Panel subgroups on recommendations related to trees and forests
- Preliminary recommendations are currently being drafted and reviewed with initial emphasis on wetlands

Carbon Sequestration Strategy Summary (in progress)

Draft Material

Description	Action type
Maintain and enhance the carbon sequestration potential of freshwater, non-tidal wetlands in New York State.	Mapping, analysis, regulatory, funding, technical support
Maintain and enhance the carbon sequestration potential of “blue carbon” in New York State, including coastal and estuarine tidal wetlands.	Mapping, analysis, regulatory, funding, technical support

Land Use Subgroup

Land Use and Local Government Advisory Panel



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Land Use Subgroup: Enabling Initiative #1

Draft Material

Summary:

Facilitate county-wide smart growth comprehensive planning that include Health Impact Assessments. Consider programs to provide technical and financial support for local designation of priority development areas and priority conservation areas at the regional and county level.

Action Type:

Programmatic

Case Studies/Models:

HRNERR/Cornell Climate Adaptive Design program; Tompkins County; Town of Amherst
“Retrofit Zone”

Land Use Subgroup: Components of Strategy #1

Draft Material

- Promote update and expansion of the 2013 Regional Sustainability Plans and more closely tie the plans to REDC functions and State funding selection criteria. Consider issuing grants to support the effort.
- Identify ways to increase coordination with REDCs and alignment of Strategic Plans with sustainability/smart growth/equity principles.
- Develop criteria and consider expanding DOS Countywide Resiliency Planning grants to incentivize -county-wide smart growth comprehensive plans that adhere to clear State goals and outcomes.
- Include Health Impact Assessments in plans and major projects where feasible, particularly in disadvantaged communities that have experienced health disparities.
- Extend eligibility for smart growth-related planning and implementation grants to regional planning entities and, where appropriate, qualified community-based organizations.

Land Use Subgroup: Components of Strategy #1

Draft Material

- Create an inter-agency group involved with land use, community development and open space conservation to develop criteria and incentives for regional entities and counties to identify priority development and priority conservation areas. In consultation with municipalities--priority development areas can include BOAs, downtowns, central businesses districts, municipal centers, hamlets, abandoned and underutilized manufacturing facilities, TODs, disadvantaged communities, dead/dying malls and vacant property clusters designated by land banks, among others; Priority Conservation Areas include areas that preserve and restore vital habitats, ecosystems, biodiversity, natural water movement and passive recreation, among others.
- Expand shared services plans and inter-municipal agreements to more fully incorporate and promote land use planning and zoning.

Land Use Subgroup: Components of Strategy #1

Draft Material

- Consider expanding HCR's State Housing Goal of TOD/Workforce Housing in the Unified Funding RFP beyond solely the 9% LIHTC Program; include it in all relevant HCR solicitations.
- Expand the "priority and preference" provision in the BOA statute to include other relevant grants beyond those already identified in statute; provide incentives for projects in pre-approved plans, such as BOAs.
- Consider the creation of a pilot inter-disciplinary mini-grant program for quick, targeted outcomes

Land Use Subgroup: Enabling Initiative #2

Draft Material

Summary:

Promote local adoption of smart growth principles in development through zoning ; consider developing a more streamlined “Plan-to-Zone” initiative/program that satisfies the preliminary work needed to allow municipalities to proceed to smart, sustainable, equitable zoning and projects more quickly and simply.

Action Type:

Programmatic and technical assistance tools

Case Studies/Models:

Tug Hill Commission’s Mini-Comp Plan Program, Allegany County's Comp Planning School,

Land Use Subgroup: Components of Strategy #2

Draft Material

- Consider creating or expanding smart growth grant programs to assist municipalities in the development of expedited or mini-comp plans, district/corridor plans and zoning ordinances that adhere to clear State goals and outcomes. Priority considerations for disadvantaged and rural communities with less capacity/staff.
- Define some base criteria for targeted mini-comprehensive plans, including extensive community outreach and engagement, that would comport with case law; ensure that plans adhere to clear State goals and outcomes.
- Provide necessary data for municipalities to access and use (see centralized repository for municipalities initiative).

Land Use Subgroup: Components of Strategy #3

Draft Material

Summary:

Evaluate opportunities to support and enable expedited review and approval of equitable Smart Growth projects at the State and local level. Review potential opportunities through the use of Generic Environmental Impact Statements, pre-development community outreach, and pre-conditioned SEQRA approval for sustainable, equitable development.

Action Type:

Programmatic and Regulatory

Case Studies/Models:

New Rochelle Downtown Overlay Zone, Westbury TOD Zone, Cambridge MA Affordable Housing Overlay, Massachusetts' 43D and 43E statutes, Genesee County's Smart Growth Plan/Ordinance

Land Use Subgroup: Components of Strategy #3

Draft Material

- Review and refine the 11 Smart Growth criteria in the State Infrastructure Act to more accurately identify smart growth- and sprawl-inducing infrastructure projects and to align those criteria more directly with the CLCPA, including an emphasis on equity and affordability. Include definitions of Priority Development Areas and Priority Conservation Areas in the State Infrastructure Act.
- Develop updated threshold criteria to be considered for use in scoring State infrastructure grant proposals.
- Evaluate options such as financial and technical incentives to support the development of GEISs for local smart growth overlay zoning (preferably in priority development areas and TODs) to jump-start the project scoping and review process and engage residents early. Consider a State established-revolving grant fund to support the GEISs, with a pay-back by the developer if they develop projects consistent with the zoning.

Land Use Subgroup: Components of Strategy #3

Draft Material

- Expand pre-development community outreach, engagement, and education for smart growth projects to generate community support, awareness and buy-in prior to a developer filing the project with the municipal board
- Explore use of SEQRA Type II listing and interagency priority permitting review for smart growth projects

Land Use Subgroup: Enabling Initiative #4

Draft Material

Summary:

Support municipal implementation of mitigation strategies through smart growth planning, zoning and project review/approval and quick expansion of local clean energy projects.

Action Type:

Programmatic

Case Studies/Models:

CNY Regional Planning and Development Board's Vision, Tug Hill Commission's Mini-Comp Plan Program, University of Buffalo's Regional Institute's One Region Forward Initiative

Land Use Subgroup: Components of Strategy #4

Draft Material

- Expand the roles and responsibilities of NYSERDA Clean Energy Communities (CEC) Regional Coordinators, DEC Climate Leadership Regional Coordinators, and DOS Planning and Smart Growth Offices, to provide smart growth planning and zoning technical assistance and capacity-building to municipalities, which would include the integration of land use, transportation and housing planning and projects. Expand coordination with a broader set of community-based stakeholders.
- Develop a Sustainable Development/Climate Act Resource Guidebook. This digital resource would assist regional entities, counties, municipalities, developers and CBOs and communities in navigating, accessing and integrating state programs relative to sustainable community development and clean energy development. Conduct a review of all relevant programs to improve accessibility and ease coordination across programs; develop tools to highlight and support local use of synergistic and complimentary State assistance.

Land Use Subgroup: Components of Strategy #4

Draft Material

- Create a centralized and user-friendly repository of data resources useful to regional/county/local planners in the development of land use plans, zoning codes and projects—including data on affordability and other equity matters.
- Support municipalities in addressing infill, displacement, gentrification and the concentration of poverty by providing assistance and resources for various shared/community-centered ownership models for businesses and shared equity models for home ownerships—under the banner of “Community Wealth Building”.
- Work with IDAs in each region to expand tax incentive policies in their Uniform Tax Exemption policies to incentivize infill and downtown redevelopment
- Evaluate opportunities through the use and potential expansion of General Municipal Law Section 239 County Review to investigate the benefits of greater inter-municipal perspectives and decision-making.

Clean Energy Subgroup

Land Use and Local Government Advisory Panel



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Clean Energy Subgroup: Enabling Initiative #1

Draft Material

Summary:

Develop a statewide dashboard of community greenhouse gas emissions inventories to promote local climate action planning, monitor equity considerations, measure progress, and ensure data consistency at the county/municipality level. Dashboard must be easy to use and provide good, actionable information that local government officials, municipal staff, and community stakeholders can use to inform decision-making at the local level.

Action Type:

Programmatic, Regulatory

Case Studies/Models:

Utility Energy Registry (UER); NREL State and Local Planning for Energy (SLOPE) Platform; ICLEI Clear Path

Clean Energy Subgroup: Components of Strategy #1

Draft Material

- Develop data reporting protocols, including considering establishing aggregated data reporting requirements for suppliers of fuels in a similar way to how the NYS Public Service Commission (PSC) requires electricity and natural gas consumption data reported by utilities (see PSC “Order Adopting the Utility Energy Registry” in CASE 17-M-0315).
- Develop statewide transportation models to estimate VMT at the county, city, town, and village level so that it can be integrated into the dashboard.
- Launch and maintain the dashboard, ensuring it is accessible to all communities.

Clean Energy Subgroup: Components of Strategy #2

Draft Material

Summary:

Encourage local governments to demonstrate leadership in energy efficiency by developing and promoting equitable model above-minimum policies such as enhanced code enforcement, streamlined permitting, third party inspections, and shared enforcement, and Property Assessed Clean Energy (PACE) financing. Provide support to local governments, especially small, resource-constrained communities, that struggle with tight budgets and limited staff capacity which limits their ability to take local climate actions.

Action Type:

Programmatic

Case Studies/Models:

Clean Energy Communities; Climate Smart Communities; NYStretch Energy Code

Clean Energy Subgroup: Components of Strategy #2

Draft Material

- Utilize and build on the Clean Energy Communities and Climate Smart Communities programs to encourage and guide local climate action.
- Continue and expand NYPA Clean Energy Services to reach more communities
- Expand the Regional Coordinator Network to enhance and strengthen the assistance offered to local governments and related entities across a range of climate actions and increase support to small, resource-constrained, and underserved communities.

Clean Energy Subgroup: Enabling Initiative #3

Draft Material

Summary:

Move toward consistent statewide policies and support local enforcement by aligning minimum energy codes with CLCPA goals, establishing energy benchmarking and performance standards for buildings, and creating innovative public benefit financing mechanisms.

Action Type:

Legislative, Programmatic, Regulatory

Case Studies/Models:

New Efficiency: New York report; NYC Local Law 97

Clean Energy Subgroup: Components of Strategy #3

Draft Material

- Establish energy benchmarking and performance standards for buildings through state legislation.
- Establish targets through legislation for the Energy Code to align with CLCPA goals.
- Revise the Energy Law relating to the Energy Code to extend the consideration of a 10-year cost effectiveness period to allow for assessment over a longer time horizon, potentially the equipment lifecycle or be based on secondary or societal effects, such as reductions in carbon emissions.
- Provide financial support for administrative costs of code updates incurred by local governments and state agencies, including enforcement, purchase of codes books, guidance documents, and training.
- Consider programs to offer municipal based financing for required decarbonization building improvements based on clean water financing model.

Clean Energy Subgroup: Enabling Initiative #4

Draft Material

Summary:

Facilitate and promote deployment of clean energy to expand equitable access, maximize local economic benefit and minimize environmental impacts through planning support, provision model local laws, streamlined permitting, and local development regulations that clearly identify appropriate 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.

Action Type:

Programmatic

Case Studies/Models:

Clean Energy Communities; SolSmart; Scenic Hudson's Solar Mapping Tool; LI Solar Roadmap

Clean Energy Subgroup: Components of Strategy #4

Draft Material

- Develop and promote model local laws and development regulations.
- Promote adoption of the NYS Solar Permit and other local actions to streamline the permitting process for clean energy technologies at a variety of scales.
- Develop tools and resources, including mapping, to help municipalities undertake a comprehensive evaluation of the potential for clean energy development in their communities and plan pro-actively for deployment that maximizes local benefit and minimizes impact on lands with high-quality soils and other competing uses.
- Provide technical and financial support to help local governments plan for and review solar projects.

Clean Energy Subgroup: Enabling Initiative #5

Draft Material

Summary:

Connect homes, businesses, and community institutions with clean energy products, services, and job opportunities through Community Choice Aggregation programs, microgrids, district systems, workforce development initiatives, and community-scale campaigns to encourage adoption of new, innovative technologies to generate value and savings for consumers in an equitable manner.

Action Type:

Programmatic

Case Studies/Models:

Sustainable Westchester; Solarize; Heatsmart Tompkins

Clean Energy Subgroup: Components of Strategy #5

Draft Material

- Continue to encourage development of Community Choices Aggregation (CCA) programs where communities choose 100% renewable energy as the default supply, and where participants are automatically enrolled in Community Distributed Generation (CDG)
- Enable county governments to authorize and form CCA programs with local opt-out.
- Promote community-scale campaigns to encourage adoption of new, innovative technologies to generate value and savings for consumers.
- Expand workforce development programs focused on training and job placement in clean energy and emerging technologies.
- Enable the development of microgrids (municipal, schools and private) and district clean energy systems.

Clean Energy Subgroup: Enabling Initiative #6

Draft Material

Summary:

Continue and expand state program opportunities, incentives, technical assistance, and centralized procurement services to motivate local governments and related public entities to improve assets they control with high-impact actions such as LED lighting, energy efficiency upgrades, heat pump projects, methane recovery for energy production from wastewater treatment and landfills, solar on municipal premises, and municipal and school district fleet electrification.

Action Type:

Programmatic

Case Studies/Models:

NYPA Clean Energy Solutions; Clean Energy Communities; Climate Smart Communities

Clean Energy Subgroup: Components of Strategy #6

Draft Material

- Provide technical support to help local governments and related public entities develop and implement clean energy projects.
- Evaluate options to reduce interconnection costs for municipal-owned priority sites.
- Prioritize funding for project that recover methane from wastewater treatment and landfills for energy production.
- Develop tools and resources to help municipalities procure energy and enable direct purchases of energy by municipalities from the wholesale market.
- Support electrification of municipal and school district fleets while increasing fleet-wide fuel economy.
- Encourage local governments to track and report the energy use of municipal buildings and facilities (benchmarking).
- Support local efforts to increase waste reduction and recycling rates in municipal operations and in the community.

Next Steps

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Wrap Up and Next Steps

Continue to review and develop recommendations in working sessions and forums

- > **Adaptation and Resilience recommendations remain on an extended timeline and will continue to be developed throughout March/April**
- > **Carbon Sequestration, Land Use, and Clean Energy recommendations will be the focus for public comment on March 8th**

Public Engagement

- > **The public is encouraged to provide comments on the draft recommendations via email to LULG@dos.ny.gov**
- > **The public is encouraged to provide comments in the chat during LULGAP panel meetings**

Thank You!

February/March Schedule

Subgroups:

- **Feb 25: Adaptation and Resilience subgroup meeting**
- **March 1: Carbon Sequestration subgroup meeting**
- **March 3: Cross-panel discussion with Power Gen and Ag & Forestry on clean energy deployment**
- **March 4: Adaptation and Resilience subgroup meeting**
- **Additional Adaptation and Resilience, Land Use, and Clean Energy subgroup meetings to be scheduled**

Full Panel Meetings:

- **March 2: Local Officials Roundtable #2**
- **March 8: LULG Panel Meeting #8 and Public Engagement Session**
- **Late March: LULG Advisory Panel Meeting #9**

Climate Action Council Meetings

- **Feb 26, 3pm: Next CAC Meeting**