



# BROOKLYN COMMUNITY BOARD 9

**Antonio Reynoso**  
*Borough President*

**Dante B. Arnwine**  
*District Manager*

**Fred P. Baptiste**  
*Chair*

**Warren Berke**  
*1<sup>st</sup> Vice Chair*

**Francisca Leopold**  
*2<sup>nd</sup> Vice Chair*

**Linda Watson-Lorde**  
*Executive Secretary*

**Myna Legoute**  
*Treasurer*

**Nicolas Almonor**  
*Member-at-Large*

**Khyrie Alleyne**  
*Member-at-Large*

## **Brooklyn Community Board 9 Recommendations Resolution on the “City of Yes for Carbon Neutrality” Citywide Zoning Text Amendments**

**Whereas**, the Zoning For Zero Carbon Text Amendments have entered the public review process and City Planning will accept comments from community boards until July 3; and

**Whereas**, the city of Yes zoning subcommittee of CB9’s Land use committee has met each month from January – June to discuss the proposed amendments and vote on their recommendations, and has held a public meeting with the Department of City Planning staff on June 6 to field community questions about the zoning text amendments; and

**Whereas**, CB9 is concerned about preserving the historic and residential character and scale of our neighborhoods and our public sunlight sensitive resources like the Botanic Gardens and Prospect Park; and

**Whereas**, the vast majority of buildings in CB9 are pre-war brick or stone and low scale (< 5 stories), and most apartment buildings are 6 story pre-wars; and

**Whereas**, CB9 is concerned about preserving our significant affordable housing stock including the 68% of housing units located in rent stabilized buildings, as well as middle class co-ops in pre-war buildings; and

**Whereas**, CB9 is concerned about resident health and safety given that we suffer from elevated rates of asthma and respiratory illnesses, from the urban heat island effect, from excessive environmental noise, from serious building code violations in many rental apartment buildings, an alarming trend of destructive fires in older buildings, street litter and rats; and

**Whereas**, CB9 is concerned about the limited ability of city agencies to enforce all types of existing city codes related to health, safety and nuisance; and

**Whereas**, CB9 wants to preserve and create car and bike parking spaces for individual non-commercial use because parking is extremely tight in this very dense district, and a significant proportion of residents own cars; and

**Therefore it is resolved**, CB9 has the following recommendations and concerns regarding the Zoning For Zero Carbon Text Amendments:

Adopted: 6/26/2023



# BROOKLYN COMMUNITY BOARD 9

## Renewable Energy Generation

**Solar Panels** – Proposed: Increase rooftop coverage at maximum allowed heights from 25% to 100% and eliminate required 6 foot setback. Max allowed height in R1-R5 districts is 6 ft, max height in R6-R10 district is 15 ft.

### CB9 Recommendation

- **R1-R5 districts No change to Rules.** concerned about shadows on neighboring green roofs which also contribute to climate change mitigation by absorbing storm water, providing rooftop insulation, visual impact of 1 story high solar panels on 2 story homes. With most efficient solar panels, 100% coverage not needed to generate enough electricity for fully electrified home.
- R6-R10 districts – Solar panel max height  $\leq$  10% of building height, with 6 ft setback Concerned about visual impact of 2 story solar panel on 2-6 story building in R6, R7 zone, shadows on green roofs.

**Solar canopies** (p.92) – Proposed: In all zoning districts, increase max height of solar canopies in rear or side yards from 10ft – 15ft, if located over an accessory off street parking space. No solar canopies over front yard parking spaces.

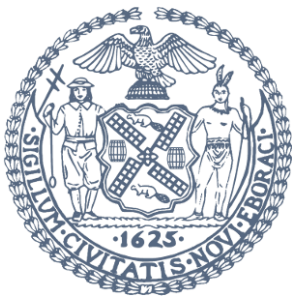
### CB9 Recommendation

- **All Residential districts – max height 8 ft.** Concerned about visual impact, shadows on neighboring properties. At 15 ft would be higher than fences which are max 10 ft. Not needed to accommodate residential vehicles.
- **Commercial districts – max height 15 ft, 15 ft setback from any residential property line.** Greater height needed to accommodate commercial vehicles like trucks and vans.

**Grid Scale Solar, Battery Storage and Wind Turbines** – allow non-accessory solar systems up to 10,000 sf in area in all residential districts without special permit, wind turbines of unlimited size in waterfront areas with special permit.

**CB9 Recommendation – do not permit grid scale solar, battery or any wind turbines in any district within 500 feet of residential housing.**

- Concerned about fire and resulting air pollution risks from large lithium ion battery storage installations.
- Concerned about visual impact of “solar fields” and large wind turbines, even if screened would appear as construction or “hazard” site.
- No requirement that “community” solar arrays provide affordable electricity to surrounding community.
- Concerned about noise, safety hazards of wind turbines such as vibrations, tree branches and birds falling into blades.



# BROOKLYN COMMUNITY BOARD 9

## **Buildings**

**Wall insulation and façade coverings – Proposal** increases permitted obstruction for wall thickness from 8 in to 12 in

**CB9 Recommendation**

- Permitted obstruction should be reduced from 8 inches to 4 inches since newer insulation like Aerogel is one third as thick for same insulation value.
- Concerned about alteration of historic building facades as many are not yet landmarked. They can insulate inside the building.

**Passive house or fully electrified building – Proposal for 5% FAR bonus to accommodate accessory mechanical equipment and wall insulation.**

**CB9 Recommendation – No FAR bonus permitted.**

- Double counts FAR exclusion for accessory mechanicals which is already allowed under current code. Double counts permitted obstruction for wall thickness.
- Double counted FAR will increase height and scale beyond what is needed for mechanicals and insulation – upzoning without community review.
- Concerned about incentivizing extensive renovations on older buildings that would increase monthly costs for tenants or trigger rent destabilization.
- Concerned about incentivizing alteration of unlandmarked historic building facades

**Rooftop mechanical obstructions – Proposal** to increase rooftop coverage of mechanicals at the maximum heights from 20% of rooftop area to 30% of rooftop area and to increase the maximum heights from 25 feet to 35 feet on buildings < 120 feet tall, and from 35 feet to 55 feet on buildings > 120 ft tall.

**CB9 Recommendation – There should be no increase.**

- Concerned about visual impact and shadows from additional height and coverage.
- The existing 20% of rooftop area at the maximum heights is sufficient to accommodate elevated water towers and chimneys which are the tallest obstructions.
- Other rooftop obstructions should be limited to 10% of building height, subject to a cap of 20 feet. HVAC compressors for electrified buildings are 4-8 ft high, the lower/denser the building the less mechanicals it needs.
- Concerned that vertical stacking of HVAC will be used to create private rooftop terraces – upzoning without community review for non public outdoor space.



# BROOKLYN COMMUNITY BOARD 9

## **Transportation**

**Proposal to eliminate distinctions between C1, C2 and C8 districts** – No we prefer to maintain walkable retail frontage in C1 districts and direct non accessory auto uses to C8

**EV Charge Sharing in residential garages** – Yes. However, we still want public curbside charging.

**100% Commercial vehicle parking in C4 – C8 accessory garages and parking lots** – No. Prefer to preserve parking for residents. Does not advance environmental goals.

**Bicycle & micromobility storage** – Yes, structures subject to usual permitted obstruction rules

**FAR relief for Automated parking facilities** – No.

- Automation allows much greater density of vehicles compared with regular garages.
- When all cars are EV's with lithium ion batteries, the garage becomes a giant battery storage facility with increased fire risk.
- **What additional fire and building regulations are required?**
- Does not advance climate goals.

## **Sustainability, sewers and solid waste**

**Permeable Paving** – Yes

- not on any E designated or adjacent site as it may increase polluted runoff.
- No to gravel (dust, neighborhood character) and must meet all building code requirements for structural soundness and underlying soil integrity depending on use.

**Street Trees** – Yes – but trees should be trimmed regularly by the city and connected tree pits or extra long/wide tree beds that obstruct curb access or sidewalks should be avoided.

**Retail Storefront composting and recycling** – No – concerns about rats, flies, odors, dirt, vehicle traffic and noise. Enforcement of existing city environmental codes is limited. Conflicts with current city policies for DSNY compost pickup and processing.

**Greenhouse permitted obstruction on commercial buildings – proposed 25 ft full rooftop coverage, no special permit** – No .

- **Permitted obstruction should be limited to 15 ft and 25% rooftop coverage** to avoid significant de facto upzoning of up to 2 FAR.
- Does not advance sustainability goals without requirements that plants grown be food and be sold in the immediate area.