

**Land Use and Local Government Advisory Panel Meeting**  
**Meeting #4**  
**Teleconference - WebEx**  
**Thursday, November 19, 2020**  
**1:00pm-3:30pm**

**At a Glance**

- Dazzle Ekblad provided the panel with a review of the Climate Smart Communities program
- Draft Strategies and corresponding potential implementation actions were presented to the panel with an opportunity for open discussion, review, and comment after each strategy was presented
- Draft strategies were categorized under three subgroups: Land Use, Clean Energy, and Adaptation and Resilience
- Sarah Crowell, LULGAP Chair, discussed the timeline and next steps, which include presenting the draft strategies presented during this meeting to the CAC on November 24<sup>th</sup>.

**Present**

**Advisory Panel:** Sarah Crowell, LULGA Chair, Mark Lowery, Jessica Bacher, Jayme Breschard-Thomann, Juan Camilo Osorio, Kevin Law, Katie Malinowski, Kathy Moser, Gita Nandan, Ed Marx, Eric Walker

**Agency Staff:** Paul Beyer (SWG lead)-DOS, Dazzle Ekblad (Guest Speaker), Josh Hunn-DOS

**WebEx Hosts:** Andrea Linton, Maria Katchmar

**Public Attendees:** Over 40 public attendees

**Welcome, Agenda Review, and Roll Call**

**Sarah Crowell, LULG AP Chair:** Welcomed the Advisory Panel members and members of the public. Indicated that public attendees can use chat function and their comments will be used in the panel's deliberations. Sarah reviewed the agenda.

**Mark Lowery:** Roll Call

**Climate Smart Communities Program, Guest Speaker Dazzle Ekblad**

**Mark Lowery:** Introduced Dazzle Ekblad, DEC Climate Policy Analyst in the Office of Climate Change and leader of the Community Engagement Section

**Sarah Crowell:** Noted that the presentation will help everyone to understand some of the work that the state is doing with local governments and the framework that can be used to deliver programming, technical advice, and funding to local governments as we develop our recommendation.

**Dazzle Ekblad:** Appreciates the opportunity to present and encouraged the panel members to engage in a dialog during the presentation. Thanked the panel members for their valuable service, time and expertise in facing the challenges of climate change and systemic racism in our country. Noted that CSC

was included in our first panel meeting in September, but wanted to provide additional perspective and lessons learned from the program that may help inform panel recommendations. Will be available for questions or additional information both during the presentation and after via email, on this program or related programs.

### **Climate Smart Communities Program Presentation – Dazzle Ekblad**

#### 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.

**Dazzle Ekblad:** I'm going to move quite quickly through this presentation, with the understanding that I will leave a little time for questions after I'm done today and with the understanding that I am available to all of you for any follow-up questions after today's meeting. Program is flexible so can meet local priorities and be relevant to wide range of types and sizes of communities across the state. Focus on capacity bldg. at the local level so communities can thrive in the new green economy.

#### 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/>

**Dazzle Ekblad:** This shows the longevity of the program. Communities know the name and seem to appreciate this consistency. This also shows how the program has evolved over time to be an umbrella for a number of different initiatives.

#### How are CSC and 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 action

- Do both!

**Dazzle Ekblad:** This slide was shared with you all at the Sept. 24 LULG AP mtg.

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

**Dazzle Ekblad:** Remember these funding programs are managed solely by DEC; this portion of Climate Smart is not an interagency initiative.

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

**Dazzle Ekblad:** CSC is an example of collaboration and fostering alignment across state agency silos.

CSC Certification Actions offer detailed guidance on implementing over 100 actions

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

<Image: PE6 Action: Comprehensive Plan with Sustainability Elements>

**Dazzle Ekblad:** I chose this comp plan as an example. PE = pledge element; PE6 is focused on land use. Many of the strategies recommended by the LULG AP are complicated for local governments and the CSC program provides guidance on how to approach actions. Certification provides a framework and resources for advancing several of the priorities set by the LULG AP. Communities can use it as a reference even if they are not seeking certification

**Juan Camilo Osorio:** Thanked Dazzle for the presentation and found it interesting and really enlightening as far as existing presence that this committee and others can build on. You highlighted opportunities to increase collaboration and discussion between the state and local governments. Are there other precedents you can point out as far as actually engaging local communities themselves? For example, community-based planners, community organizations, and other types of advocates in the planning process, and the decision-making process. In our conversations we brought up the DOS Brownfield Opportunity Area program a couple times in terms of its value in building that planning capacity. Can you share a couple examples we could also include?

**Dazzle Ekblad:** For clarification are you referring to non-municipal planning support? People who don't work for municipalities such as partners?

**Juan Camilo Osorio:** Yes, exactly. Programs for which folks outside of local government can apply for resources, and/or in terms of governance structures that include them more directly

**Dazzle Ekblad:** Great question. A couple things come to mind 1) We have examples of CSC grant projects where yes the municipality is the eligible applicant, and they are ultimately responsible for the management of the project, but they subcontract to various partners whether that's a private consulting firm, or a regional planning council, or other non-profit entities, or academic entities. We've seen some municipalities already have existing partnerships with their local SUNY schools for example, and they work with professors, research centers, to actually implement the project, so they become partners in that respect. And this is great. I'll speak to a couple examples of partnerships with academic institutions that I think have been extraordinarily productive. One is the Town and the Village of Hamilton and Colgate University, they have a website that I can share. It was basically a set of Colgate staff and a sustainability coordinator that got together to start a local committee in effect, that included representatives from the Town gov't, Village gov't, local business development non-profit, and they started meeting on a regular basis and eventually achieved bronze level climate smart certification. In my opinion, the more important thing they achieved was having a local set of people that sat down at a table, engaged with each other, looked for collaborative projects, and focused their energies on building partnerships. And also taking advantage of a whole set of student at Colgate who were really excited to complete projects and get credit for them, and do research. They did a lot of the initial research and scoping to help the Town and Village of Hamilton get certified. And I've seen somewhat similar partnerships between the Town and the Village of Potsdam. They've had partnerships with Clarkson and other university in their area. In general, it is a discussion we've had within the Office of Climate Change and DEC, about our funding programs and what are the limitations of only having the eligible entities be the four types of local governments, that's been an ongoing discussion and we would be open to more input on whether we would like to expand that. I understand there are some DOS programs that have other quasi-governmental agencies that are eligible for funding. So it's something that isn't necessarily set in stone and it's something that we could evolve over time. In general, a really important perspective and I'll credit Rob Breen in our office who is often talking about: Given that communities are all so diverse, the local government may not actually be a strong player in a given community under some circumstances. Need to recognize, is there a really strong watershed group, is there really strong community advocacy that is stepping up and filling that gap and providing leadership and education and that those groups need to be built on. We shouldn't barrel in and assume we already have the answers, but rather we should recognize who's already there, assess the existing entities and form partnerships. I think it's very important to recognize that the formal local or state government may not be the strongest resource in a community and I do think it's important to design programs that build on what's already there and try to build bridges between entities that are already strong players and find ways for them to contribute.

**Juan Camilo Osorio:** Thank you so much. I would very much appreciate any additional information you might have on case studies that you can share later on successful opportunities to help build grassroots community capacity for planning.

**Mark Lowery:** Dazzle mentioned that the eligible entities aren't set in stone, but they are set in regulation at this point. So to expand the requirement for this funding that the eligible entities are municipalities is set in the statute and we have the ability to define municipality but extending it beyond

the four local government types would require a regulatory changes, which we can do. On the other hand, the program's almost always oversubscribed, so one might argue, why expand the scope of eligible applicants if you don't have enough money to go around for the entities that are already in, especially if they can work through municipalities. So there is that kind of tension. I would invite people to think about ways the pot could be split differently to make it more effective.

**Dazzle Ekblad:** Would also add one thought, in general we may need to rethink how we provide support to these municipalities. In my opinion, with the transformation of our culture and our economy that needs to take place in order to make a just transition and meet these greenhouse gas limits, more of the same, more competitive 50/50 grant matching programs for example, is not enough. Would encourage this panel to get creative, and Juan invite you to say what could that look like to recognize that it's not always local governments and what other partners that we can build their capacity to make an ongoing contribution to the wellbeing of their communities and bring down emissions and adapt to climate change. I think we do need some new solutions, and the competitive model is really difficult to navigate, and I do think the investments in regional coordinators is one way to do that because it's people, on the ground, working with communities and educating them, developing their capacity, rather than asking an already under-resourced municipality to fill out a lengthy application and go through a bureaucratic process to get a grant. I think those grants have their place but if we're looking for widespread impact there are limits to that model.

**Mark Lowery:** Asked if Dazzle could put the Colgate link and the link to the Wild Center video in the chat as a community capacity building example.

**Ed Marx:** You've already alluded to the fact that we need to get a lot broader, a lot faster to be reaching our goals. I'm wondering about your thoughts related to the CEV vehicle program, it was quite simple when we applied for it in Tompkins County and it addressed a specific point and the funding was available and it wasn't that complicated to do. I wonder if it would be worth trying to model that where there are high profile effective and high impact actions that could be directly targeted to get broad participation by a simplified program that offers something of substance. Because I do think that for most municipalities, even for Tompkins County where we spent most of our time thinking about this stuff, it was very difficult and complicated to navigate. I think for other municipalities (you've got 62 out of 600 certified in the state) so we're not reaching most people with this type of program unfortunately and I think we need to think of things that be simplified, direct, and effective and have some impact.

**Dazzle Ekblad:** I agree, thank you. I think that's really accurate. It's important to keep in mind that these incentive-based, voluntary, programs where we're rewarding the high performers is great. They can be guinea pigs to try out new stuff for the others to mimic. But there is this broad base, even when we look at the number of registered climate smart communities in the state, I think we're at about 314, but when you compare that to the fact there's about 1600 local governments in the state, that's a small fraction. Even if you acknowledge that the participation by population is getting close to about half of the population of NYS, that's good, but if there were more programs that were streamlined, simple to apply for, and targeted, that could be really valuable. I think the DEC's rebates for electric vehicles are fairly straightforward. They are offered on a rolling basis and you need to meet some basic qualifications, but it's not truly competitive in the way that other programs are. I also think that NYSERDA's no longer available program for a unified solar permit incentive was good, where you basically just needed to show that you passed this unified solar permit and you got a couple thousand dollars from NYSERDA and there were no strings attached to how the municipality could use that money. I actually there can be an advantage, especially for smaller local governments, offering what

may not be huge incentives, but just enough financial incentive to get them to do something and give them some guidance on how to do it. It can make a big difference and have a broader appeal and not be so complicated and put it in the hands of the technical experts in the state to wade through the different options and the technical specifications to provide something that's fairly streamlined. And I also think that NYSERDA's Clean Energy Communities program is aiming to do just that and in contrast to Climate Smart Communities program which is over 100 actions, that's a lot even though you only need about 20 actions to get certified that's still a lot of actions to comprehend and decide which one's you're going to do. The CEC program has been focusing on a much shorter list. The first round had 10 high impact actions, much more accessible for a community trying to decide which four of these 10 are going to get me to a Clean Energy designation and get me some grants. As that program evolved my impression is that they will continue to offer different kinds of incentives that will hopefully be more streamlined and more flexible. But I think the impact of small grants, and small incentives, may be underutilized, so I appreciate you bringing that forward Ed that's great.

**Jessica Bacher:** Thanks Dazzle, I'm so glad you had a chance to present more detail on this program. I want to highlight that everything takes capacity. There's this spectrum of capacity building that if can get communities past the point of understanding what programs/resources/best practices exist, there's a platform that exists for that within the CSC programs that at least starts a conversation and a process. Even if you're a volunteer or staff of a community you have a starting place, and then the spectrum of how much guidance and resources are needed from that point on builds to these low hanging fruit incentive-based programs, to full land use planning initiatives that require consults and much bigger budgets. I think we can always go back to the capacity issue, but I do think that the CSC program has so much value in having all the resources and information coordinated across multiple agencies in one place is extremely helpful for a community. Otherwise, you're out there trying to figure out what to do next, it's just a good resources that can be built upon at least starting at that low level, capacity building, level if we're looking at the whole spectrum.

**Dazzle Ekblad:** Thanks Jessica. The other thought that occurs to me is to share with you all one trend that we saw in communities that participated in both the CEC and CSC programs. In the first round (CEC was launch in 2016) and there was this push to get those grants and compete within a certain region to access the funding. And once those CEC grants were already awarded, some of the communities were really eager to keep going in some way. They turned to the CSC model as something that was broader and ongoing and had an emphasis on capacity building and building local teams and some guidance for structuring those relationships. Some of the coordinators in the first year of the CEC program, they might have been focusing on what are the quickest, clearest actions that we can complete and get access to that money. But after that they started thinking beyond their own operations, and beyond that list of 10 actions highlighted by the CEC program, and started thinking about how we can more fully engage with our community and build those partnerships and recognize that it's not just about getting a grant or getting one project done, it's ultimately about transforming our thinking and our relationship to the atmosphere and to the earth and to each other. How do we move toward a better life in our community and found that the broader scope, although more complex and multifaceted, of the CSC program can offer a model for moving in that direct which is a good thing and I hope the program can continue to build in that direction and have a wider variety of communities getting engaged.

**Sarah Crowell:** Great conversation that leads into our strategies, thank you Dazzle. Dazzle in on our Staff Working Group and will continue to be engaged.

### **Draft Strategies**

### Recommendation Development Process Slide

**Sarah Crowell:** We've review some of this before but we're now at the point where we're starting to gather our strategies as a framework that will lead to our more specific recommendations that we will deliver to the Climate Action Council. As a reminder that we're in this strategy development stage.

### Strategies Under Consideration: Overview Slide

**Sarah Crowell:** The assignment in front of us right now is to develop a series of land use and local government strategies that will achieve the CLCPA goals. The strategies are listed here and on the following slides and represent where we are today. Consider this a progress report because we are developing strategies now and this is not meant to be an exhaustive or final list of strategies, and not meant to represent our panel's final list of recommendations. This is a working list of strategies. Our goal today is to spend some time discussing each of these preliminary strategies to ensure they are an accurate depiction of where our panel is now, to determine if there is anything significant missing, and to begin to outline what work we need to do, what information we need to gather, to continue to develop our recommendations for the CAC. In the following month or so we'll continue to refine and build out these strategies, we may eliminate some we may add some, we'll do this in our subgroup meetings, we're going to integrate input we receive from local officials participating in the roundtable and that's going to be really important on December 3<sup>rd</sup>, also from the network survey and from stakeholder outreach and public input, as well as from input from other panels as we continue to share information and recommendations with those groups. The strategies here were pulled together by our staff working group. This is their effort to encapsulate and summarize, in a few high-level strategies, the work that you've all done thus far. The notes under each of the strategies on the following slides are intended to capture the thinking thus far, explain each strategy and include a rationale and justification, equity considerations, challenges that may affect the implementation and other issues to explore as we further develop these. In order to better understand these strategies, we've compiled some preliminary recommendations and actions that have arisen to date, and that our panel may consider for inclusion in our final recommendations. The recommendation actions slides are just a working list, something to start with for our review. As we review these strategies one by one, I invite panel members to suggest revisions and additions to the strategies and suggest where additional analysis may be needed. What other information do we need to assess and develop the strategy? Think about equity considerations and feel free to discuss what's presented here so we can have the best possible snapshot of where we are and what we need to do next. Paul Beyer will lead off and lead the discussion for the land use strategies.

### Land Use Subgroup Slide

**Sarah Crowell:** At this point we have 5 preliminary land use strategies, so will hand over to Paul to review one by one.

### Land Use Strategy 1 of 5: Promote and facilitate county and inter-municipal smart growth planning efforts, including focusing development in priority growth centers

**Paul Beyer:** Thank you and thanks to Dazzle, that was a great intro to both the land use and clean energy subgroups. CSC program does so much to promote many of the goals here, particularly in the area of planning and development.

You'll see on this slide and subsequent slides 'strategy under consideration' and these are still entirely under consideration subject to your additions, subtractions, commentary. This is a slightly more mature analysis from the last meeting where we only had broad strategies and goals. We attempted to refine them and there's a lot of overlap between them.

There is a predominant theme around the role of regional governance, that would include counties because they are multi-municipal, in the role of planning. This may sound incongruous with home rule but it isn't, the regions and the counties can play a tremendous role in fostering not just regional plans, providing a regional lens, but also helping municipalities to achieve our goals: smart growth, planning, zoning, and development and ultimately the reduction of VMT.

With this strategy, there is an emphasis on two steps in the smart growth process that have emerged as being very important: 1) Identifying priority growth centers, and 2) identifying priority conservation areas that will help us focus growth away from areas that we want to preserve and conserve. The priority growth center exercise is becoming prominent, proliferating in certain parts of the state: Tompkins, Dutchess, Orange, Genesee County. Have gone through that exercise and it has helped them build policies that support, incentivize, and prioritize where we want to grow and densify. Important to emphasize the equity considerations, we should be targeting environmental justice communities as priority growth areas, what will become to be known as distressed communities, and particularly brownfield areas and BOA. These are communities and areas that were once vibrant, now they're not, if we pull those areas into our definition of priority growth areas, not just our traditional downtown or main street, I think we can get to more the affordability and equity. We can deconcentrate poverty, allow for more mixed-income projects. An example of how that's unfolding in the field is the Suffolk County Land Bank, has built its entire vacant property program around priority brownfield and BOA sites. Erie County, to some degree, has done that too. There's a real chance through a multi-municipal and regional lens to get to equity, but also more broadly, the proliferation of smart growth on the local level.

#### Potential Implementation Actions (LU Strategy 1) Slide

**Paul Beyer:** The are **DRAFT** actions that can be turned into what we ultimately produce which are specific recommendations and the few that we have here are focusing planning efforts on these growth and conservation areas. Conservation areas also serve as sequestration, carbon absorption role  
-Possible amendment to the Smart Growth Infrastructure Policy Act which ties infrastructure investments to smart growth outcomes. It's a relatively weak statute but could accelerate what we're trying to do.

- Expanding eligibility for the EPF grants and programs, regional planning councils are not eligible for a lot of these grants. We also rely on them, they do a great job and many are regional coordinators. So that's strategy #1, regionalism and regional governance. Comments?

<No Comments>

#### Land Use Strategy 2 of 5: Build capacity at the regional level and provide support to municipalities to promote smart growth, facilitate clean energy siting, and reduce VMT

**Paul Beyer:** Consistent theme along the lines of regional and county governance. How do we provide support, technical assistance to municipalities, from a regional perspective and through a regional mechanisms. There are several counties and regions that are already doing these. At the last meeting we discussed the Tug Hill Commission's approach to hand holding, their circuit rider approach, where they help communities do their comp plan and pass ordinances like complete streets policies. In the past, NYSERDA has funded county and regional planning grants that actually produce multiple comp plans and zoning ordinances at the local level. The county/region provides technical assistance. An example is the cleaner greener NYSERDA grant that went to very rural Allegheny county, with many municipalities who don't have the capacity to do comp planning. A \$64,000 grant to Allegheny county to develop a comprehensive planning school, built around sustainability and smart growth, resulted in a number of municipalities completing the school with four actually completing comprehensive plans. With this investment we got 4 comp plans and possible more in the future and built capacity at the



county level for further technical assistance. Wise use of funds, and to Dazzles earlier point, the current one community at a time approach, this may provide a way to get to where we want to be in the end here in a very efficient way.

#### Penitential Implementation Actions (LU Strategy 2) slide

**Paul Beyer:** Expand coordinators circuit-riders program, why not put more consultants or staff into that program so that it works. Build staffing at the county level to institutionalize that in some way and find regional entities that can be empowered to provide that support. They run the gambit (Tug Hill Commission, Regional Councils, individual counties) there are many entities and no one-size-fits-all approach. This concept of regional hand holding and technical assistance keeps coming up. Comments?

**Ed Marx:** Would suggest we fund as close to local municipalities as possible. Counties where counties can do it, where they can't then look to regional agencies. So that we keep the assistance with an entity that can continue it hopefully. We've talked about this for years at the county level, formerly president of the planners group in the state for a long time. One of the most effective things that NYS could do would be to fund, perhaps on a cost sharing basis, but to continually fund a local assistance planner. At least one and then based on population in every county in the state. That would allow more technical assistance on a more consistent basis to reach towns and probably more important than anything else we could really do.

**Paul Beyer:** Agrees that counties have long-term relationships to build on.

**Juan Camilo Osorio:** Highlighting something from the chat: Recognizing the value of having a category for equity concerns. I think that in both this strategy and the previous one there's a need to call out and specifically prevent green and climate gentrification. Something that you've hinted at, but it would be useful for us all to think about how we can clearly come up with mechanisms to prevent that. Also, as both strategies reflect the spirit of thinking regionally, we should consider the inter-neighborhood and the more local aspects of the impact. Building on the conversation we just had, I'm wondering if there's room to explicitly call out the value of building grassroots, nongovernmental, community capacity to plan, maybe in the form of strategic partnerships. We should really make sure that grassroots groups can engage and participate, and we can honor and recognize existing plans that may already be in place coming from grassroots organizations.

**Paul Beyer:** Excellent theme, we see it piecemeal out there. The BOA program brings CBO's in more than others. A case study on homegrown, community-based, planning. The City of Fulton in CNY pulled together a group of concerned citizens to put their LWRP application together, then they did the plan without a consultant, they implemented it with a consultant, and then they used that to build their Downtown Revitalization Initiative application, which they did on their own. There are examples out there where nongovernmental community leaders have come together and played a greater role.

#### Land Use Strategy 3 of 5: Promote coordinated regional approaches to meeting climate goals while integrating transportation, housing, and land conservation needs

**Paul Beyer:** Coordinated regional approach to meet these climate goals. Drilling in on a subset: coordinated and integrated regional planning that integrates transportation, housing, and land conservation needs. Drilling in on housing, housing planning can be best done on the regional level. Individual municipalities run into issues such as NIMBYism and misperceptions about affordability. At the county and regional level we can plan and incentivize and emphasize affordability and equity. This

strategy is built around the model that California has set with SB 375. They bring housing and land use and transportation together, they set regional goals, and then your plans and development must meet those goals. There are pluses and minuses to California's approach, and it's certainly not one-size-fits-all. We have asked Jessica (Bacher) and Pace to do a research paper on the downside and upside of SB 375 and how that might be applied to New York and incorporated into our recommendations. This strategy in particular will involve significant collaboration with the Transportation panel, Energy Efficiency and Housing panel, Agriculture and Forestry panel, and certainly the Climate Justice Working Group and the Just Transition Working Group. Mark Lowery would you like to add anything?

**Mark Lowery:** I was asked to look into this and this is very much a proposal for us to dig into, I'm not championing it by any means. I'm not sure it's applicable in NYS, so glad that experts at Pace Land Use Law Center, under Jessica Bacher's direction, are going to look into this for us and provide us with a summary. Would like to correct one thing that Paul said - home rule in California continues to apply. So the way this works in California: The California Air Resources Board, for which there is no equivalent in NY other than DEC, set for each of the MPO's (which cover 98% of the CA population) a GHG emission reduction goal. Each of the MPO's is responsible for creating a Sustainable Communities Plan that describes how it will reach that emissions reduction goal. The local comprehensive plans (municipal plans) are actually not required to be consistent with that [Sustainable Community] plan. Paul, I may have misrepresented this before. However, for projects that do occur within the municipalities that are consistent with the [Sustainable Communities] plans, under the California Environmental Quality Review Act (CEQRA), they can get certain exemptions and waivers that are intended to promote infill. So it doesn't remove home rule, but gives permitting approval and streamlining for projects that are consistent with the MPO's plan.

**Paul Beyer:** Yes, thank you Mark.

#### Potential Implementation Actions (LU Strategy 3)

**Paul Beyer:** Building off what Mark said, can we build some type of SEQRA streamline, or SEQRA incentive, into communities that are acting consistently with these regional targets/plans. I think the first bullet sums this up, a suite of policies that promotes this regional lens, this regional approach, proliferation of smart growth and climate-friendly planning.

**Mark Lowery:** This is probably the strategy under which this group would fulfill its directive to also consider mitigation of carbon, under the land use title, particularly wetlands. Although the Agriculture and Forestry panel is considering sequestration for AgFor lands, we have been asked to consider that in wetlands and in particular tidal wetlands, so called blue carbon. So this would be strategy under which we might consider that as well.

**Paul Beyer:** OK will do.

**Kathy Mosher:** Good point Mark, a lot of my comments have been focused on the freshwater wetlands but coastal wetlands and marshes sequester so much more carbon, and often the wetlands, marshes, and lowland areas are where a lot of development happens, such as railroads and that type of transportation. It's important to think about both of those types of wetlands and how they can mitigate some of the carbon being put in the atmosphere.

**Ed Marx:** It might be a little early for this question, wondered if some of the framework would be the state, would someone score the plans or determine if they meet the carbon reduction goals? This can be complicated – to take a plan and determine whether it meets a set goal

**Mark Lowery:** I believe in California CARB reviews and certifies the plans. I also know that CARB has more staff than the entire DEC, so it sounds like a big administrative program.

**Sarah Crowell:** Mark I believe that is what they do in California. They certify the plans, and then from there they get the benefits.

**Panel Member[?]:** I would need some time to actually think through this more, it sounds interesting but it might be [difficult] to actually do. I know these are not final, but the whole idea of trying to set regional emissions reduction targets and then follow through with that would be difficult.

**Mark Lowery:** Yes. Jessica and students will be provided more information and we are going to propose a joint meeting among the three other advisory panels that might have a piece of this. While I'm not a champion of this, we have to consider whether or not we can actually achieve our emission mandate, while at the same time ensuring equity in housing and conserving natural and working lands without something like this. This may be a matter of 'go big or go home' at this point in time, because from my perception, and I'm not a planner, I don't think our current approaches are covering it.

**Andrea Linton:** Kevin [Law] was muted due to audio issues, Kevin are you able to speak now? May try reconnecting or typing in the chat box. Still not able to hear Kevin.

**Sarah Crowell:** Sorry. We can use chat or email or we can talk afterward, and if you're able to get connected later we can go back to this slide.

Noted we have only 45 minutes to get through remaining slides

#### Land Use Strategy 4 of 5: Streamline and incentivize Smart Growth project review

**Paul Beyer:** Here's a tricky one that keeps coming up. How do we streamline and incentivize smart growth project review on the local level. Going right to the equity consideration because a few years ago, as part of the SEQRA reforms, we were talking about a way to list certain green smart growth projects as type II, wouldn't need to go through the full SEQRA review. This did not make it in the final product and for good reason, many community-based organizations and environmental groups felt that would take away their voice, and it would take away the SEQRA public input process, with some projects. We were thinking if they were very green and equitable, and met all those guidelines then perhaps there could be a streamlining effect. We removed it and I certainly understood why, but the issue is still there. Is there a way to streamline without disrupting community input, and outreach and engagement, especially within distressed communities. This may be the group that could put their heads together [to solve this problem], we have everyone represented here or on other panels, likely a multi-panel discussion. I started this work on a planning board in Western NY and the SEQRA review process is difficult for smart growth. Partly because you're doing infill in communities with a lot of people around the project, which brings out a lot of micro-local backyard and neighborhood opposition. And the four things that were almost always red flags [creating community pushback] were density, mixed-use, mixed-income, and the big one was affordable housing which scares people at the local level. So in some ways the SEQRA process opens us up to a broader array of community stakeholders, in other cases, anecdotally, it makes it very hard to do smart, equitable, green, dense projects. With that in

mind, I think we have a diverse group of people here, is there a way to get to some type of streamlining. There are communities out there that will move the SEQRA process along quicker if you meet certain community benefits guidelines. So there are examples on the local level, this is not just a request for a SEQRA amendment. But if there's some way we can move these projects along quicker, and not drag them down through opposition and lawsuits, often aimed at simply wearing down the developer to the point where they give up or change the project significantly, then we should have that discussion. Something short of streamlining was actually suggested by Pace, they did a paper on a program that would allow us to develop DEISs for certain smart growth projects. So we're basically laying the groundwork for the community to do smart growth, and maybe that's a way to speed the project up, because there will be community engagement there of course.

#### Potential Implementation Actions (LU Strategy 4)

**Paul Beyer:** This was one of the suggestions – without disrupting or wading into the area of SEQRA or SEQRA review, perhaps we can just help move the process along in some way. Maybe we can focus a streamline approach on equity. Green affordable housing, green infrastructure, mixed income, the de-concentration of poverty. Maybe as Juan mentioned earlier, if you have built in protection against displacement and gentrification. Maybe if you put a package together of the ideal smart equitable project, then maybe the constituencies and the stakeholders around this table and other might be more amenable.

**Ed Marx:** Paul I think this is a great idea. A lot time there are people on the other side of that argument, against the NIMBY's, people that are affordable housing proponents, local officials that understand the need. Having some [leverage] in terms of – these characteristics meet some type of standard as a project that should not be denied approval because they have met reasonable standards or have done reasonable designs for those things.

**Mark Lowery:** Question for Paul. How do we define smart growth project?

**Paul Beyer:** In law there are the eleven criteria that we use, it starts with the where and the how. Where- are you focusing on a concentrated area of development? A town center, a BOA....How- is simply the planning principles we all know, such as walkability, mixed-use, public space, affordability, diversity of housing choices.

**Mark Lowery:** But that only applies to public infrastructure projects, one could imagine expanding the applicability to private projects. Even at that, I've never seen an objective set of criteria by which any one of those eleven criteria would be judged. I wonder if some part of this is to develop some set of metrics by which we do a (never purely) objective review of a smart growth project, whatever that means, would help somewhat.

**Paul Beyer:** We got close with the draft sustainable development piece of the SEQRA reforms of 2016-17. They were boxes that you had to check, and if you check all of them you get by SEQRA review, become a type II project. We could probably build off that, but that there were shortcomings to that as I mentioned earlier. It's a problem out there, there are barriers. The challenge is that you're often trying to streamline projects that are controversial. But they're controversial because they're meeting many of the goals that we [in this group] are trying to promote – equity, density, mixed-use, and de-concentration of poverty, higher buildings. Frustrating lesson for me to see that up close and that's what motivated me to get into the smart growth movement. If you're goal is to integrate equity,

economy, and the environment (and now the fourth e...energy) the system has got to change. Projects have to move quicker if they meet a certain threshold I think.

**Ed Marx:** We got a comment from a county legislator recently about looking at struggling commercial property, largely malls and shopping centers, as focal points for smart growth. Those are the areas that are less likely to get the kind of pushback that happen when somebody buys up property in a neighborhood and tries to propose a mixed-use project there. So it could be a consideration. I suspect across the state there are a number of these properties that a program could be designed to take advantage of. They are often served by transit. Take advantage of those locations and offer streamlined SEQRA review of defunct commercial properties or struggling commercial properties for mixed-use.

**Paul Beyer:** Thank you Ed. I think it might have been one of your colleagues in Tompkins that bought that up in our local government conversations, so I included that in the bucket of what we're calling 'priority growth areas' - dead and dying malls and abandoned/underperforming industrial sites.

**Sarah Crowell:** Asked Paul to check the chat, Kevin Law indicated some chat messages were sent.

**Paul Beyer (on behalf of Kevin Law):** Kevin was pointing out that equity considerations use different terms - distressed communities, disadvantaged, low capacity, and we should either define them or make them uniform. And he requested that we add 'downtown' before those terms because they've been [exacerbated] by COVID, and not every locality has a disadvantaged community.

**Paul Beyer:** Thank You Kevin, and I will let you know that there's another panel in the Climate Act that is trying to come up with one single definition called disadvantaged communities. I give them a lot of credit for taking on that task. So as soon as we have that uniform definition, we'll circulate that.

**Mark Lowery:** Paul, there will be at least six public hearings on that definition.

Land Use Strategy 5 of 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

**Paul Beyer:** This strategy relates to something Dazzle brought up earlier, the opportunity to coordinate across programs, entities, and plans and projects, that have been funded through agency programs – more like inter-agency coordination. There are at least four agencies that do smart growth planning right now – DEC, Climate Smart NYSEDA, ESD their strategic planning feasibility studies, and DOS. There are scores of good, sustainable, smart growth, equitable plans out there that we can build off and move to the next step which is zoning and projects. There's a great deal of coordination between Clean Energy Communities and Climate Smart Communities, but as Dazzle and other mentioned – is there a way to present to those communities a clearer picture of how those programs integrate? How they are the same and how they are different? I believe Ed brought this up at the last meeting.

Potential Implementation Actions (LU Strategy 5)

**Paul Beyer:** Something I put out there in 2016, the Governor developed a Sustainable & Collaborative Governance Handbook. It coincided with his regional sustainability conferences. It was a first step toward integrating programs and was broken down by sector – developers, community-based

organizations, municipalities. And it was a guide to help you navigate the state system, and bundle programs. It's what we do in the Downtown Revitalization Initiative at the local and regional level. We were talking about doing an expanded version and update of that handbook, a more iterative and interactive online version, because it was very well received but is a little out of date now. At least it gets to that point of how we can coordinate better on the State-level so that communities see these programs a little more interactively and accessibly. Are there conflicts, repetitions, amongst state programs, that's one of the things you can get to with this cross-walking exercise. Possibly a handbook or a guide. Can we expand the role of the Clean Energy Communities coordinators to incorporate more planning, development, and zoning activities? Those are the things we were talking about as potential implementation actions. That's the last strategy under land use.

**Sarah Crowell:** Any comments on these? There will be time to provide written comment later. Are there strategies that seem to be missing, that anyone feels we may need to add?

**Gita Nandan:** Andrea unmuted, had a comment on the previous strategy but will think about any for this one

**Sarah Crowell:** Moving onto Clean Energy Subgroup strategies. Brad Tito, the staff lead for the clean energy subgroup, is unable to join so Sarah will try to cover these. We have 3 strategies that encapsulate a lot of work and a lot of ideas that the subgroup has been talking about and pulling together. They are basically organized around statewide policies, local government action, and municipal facilities.

Clean Energy Strategy 1 of 3: Establish statewide higher energy codes, benchmarking, building performance mandates, and PACE Financing to avoid a patchwork of policies.

**Sarah Crowell:** I think one of the issues that has come up and has been discussed is that the stretch energy code is wonderful for the local governments that are willing to take it on, but it does create this inconsistency between municipalities and some local governments may be leery of taking on these initiatives or don't have the ability to streamline and simplify codes and regulations so that communities can more easily implement. Are there any comments, concerns, or questions about this strategy? Does this reflect what the panel has been thinking about so far?

<No comments>

Potential Implementation Actions (CE Strategy 1)

**Sarah Crowell:** These are some of the implementation action that the subgroup talked about, including developing funding mechanisms for building efficiency upgrades, and allowing municipalities to recover the benefits upfront, statewide energy benchmarking for private buildings. Is there anything else anyone would like to add here? We'll have plenty of time to build these out, these are just preliminary ideas

<No comments>

Clean Energy Strategy 2 of 3: Encourage local governments to initiate CCA programs and community campaigns to increase local access to clean energy products and services

**Sarah Crowell:** This one focuses more on helping local governments implement programs and engage their community in giving them access to clean energy products and services and encouraging them to

increase the use of clean energy. Does this look like what the group wants to put forward? Is there anything that you want to add or change or include in this strategy?

**Panel Member [?]:** There's a lot of interest in the North Country in looking at Community Choice Aggregation so that's a good thing.

#### Potential Implementation Actions (CE Strategy 2)

**Sarah Crowell:** We don't have any implementation actions here yet, maybe we want to start to think about particularly smaller communities and how this may be applicable there. Anyone else have comments on this one?

**Gita Nandan:** Comment on Clean Energy Strategy 1. With higher energy codes, existing buildings versus new construction is quite different. I'm just wondering if that needs to be outlined within the considerations.

**Sarah Crowell:** We certainly can address that as this gets developed. We want to discuss that with energy efficiency and housing group as well. They're considering all the building code and the energy code, including when and how these higher energy policies can be implemented.

**Gita Nandan:** I find the process and strategy of working with a developer, or a homeowner, within an existing building is really quite different than one that is doing new construction.

**Sarah Crowell:** It is and there's a whole different set of requirements.

**Gita Nandan:** Yes and I think there would be a whole different set of funding strategies, especially when you're dealing with older buildings. They're really two different tabs, and it seems we would have to acknowledge that.

**Ed Marx:** One of the things we were looking at in Tompkins County was giving buildings energy ratings, especially for rental buildings. It was kind of an informational idea. For people renting apartments or houses they have no idea, often, how well they are insulated or how efficient they are. Making it a mandatory for rental properties to have an evaluation that could be provided to prospective renters is one way to bring this into the marketplace. People can pay more for better insulated and more energy efficient units.

**Sarah Crowell:** Right so they can recognize that increase in savings in their utility bills.

**Gita Nandan:** In NYC the energy rating has been going up on large commercial buildings. And it's actually quite amazing to walk by the building and see them getting an A/B/C/D/F, right when you walk-in through the lobby. And that's not a statewide mandate. It's a useful tool for consumers that could go into one of these recommendations.

**Sarah Crowell:** Interesting, so they put it right on the building?

**Gita Nandan:** Yes, right on the lobby. It just makes the awareness then push the private sector

**Sarah Crowell:** One other aspect of this that we might want to continue to think about is the implementation. Whether it's new buildings or renovations within existing buildings, what the burden on what the local municipality is and what do local governments need in order to be able to implement/enforce/streamline these higher energy codes. Is there more education needed? Do they need the ability for third party inspections? How do we ensure that local government is able to implement and that the burden isn't unduly placed on them.

**Mark Lowery:** Make sure to emphasize Gita's point about there being this difference. Not only the requirement, but in the types of programs that are applicable. I think we should go back and rename this strategy in some way, because it looks really code-focused, which implies new buildings, and that's probably not going to be the most important part of what we do over the next decade. My suggestion is that we make ourselves a note to go back and think about how to name this to make sure that it encompasses both new and renovations.

**Sarah Crowell:** I'm not sure what the language would be but we can work on that. And if anyone has any suggestions feel free to share in the chat, or email.

#### Clean Energy Strategy 3 of 3: Overcome legal, financial, regulatory, and technical barriers to greening of municipal building, facilities, and fleets

**Sarah Crowell:** Also how do we incentivize and how do we encourage this to happen. Of course, municipal buildings and fleets are not the majority of the energy usage in our state, but it's valuable to have municipalities go green, both for the direct energy savings, the fiscal savings, and as a model for residents. I think we've talked about this in a number of ways and we don't have any specific actions here yet. Any thoughts on this strategy, the equity considerations, any other issues we need to explore?  
<No comments>

#### Potential Implementation Actions (CE Strategy 3 of 3)

**Sarah Crowell:** Just would like to point out that these potential implementation actions are really for the panel to just start coming up with a list of things to be thinking about. A snapshot in time. Anything missing?  
<No comments>

#### Adaptation and Resilience Subgroup Draft Strategies List

**Mark Lowery:** The Adaptation and Resilience (A/R) group met on November 4. What folks are seeing today is a summary of a lot of detail that was presented at that meeting. We've been asked to fit our recommendations into a certain format for presentation to the CAC. That format doesn't show the A/R work to its best advantage. For one thing, we have been thinking about A/R for about 12 years in NYS, going back to the state sea-level rise task force, organized in 2008, and we've been going through a lot of exercise to formulate recommendations, but we haven't been able to put many of them to actions. But we know to a large extent what we have to do, and it's really been a matter of having the resources and particularly the staff available to put those recommendations into action. So what you'll see in the next slides does not include all the detail that folks who were on the Nov 4<sup>th</sup> call actually saw. We've not lost that information and we'll continue to develop that. We also don't know how the Climate Action Council will choose to include the A/R recommendations in the scoping plan. The climate law doesn't require that the scoping plan include A/R. The council has asked us to develop recommendations but



we're not sure how it will be included, it is my intent that we can use this process to develop a blueprint with regard to state action on A/R that the agencies can follow regardless of how it's incorporated in the scoping plan.

#### Adaptation and Resilience Strategy 1 of 3: Develop policies, programs and resources to reduce risks associated with acute climate hazards

**Mark Lowery:** This is a summary, we know what the acute hazards are. NYSERDA has done a good integrated assessment of our climate hazards, ClimAid, that work is being redone, but it informs our thinking about what we can do for individual hazards like sea-level rise, but also thermal extremes, drought, ecosystem disruption. There was presented on Nov 4<sup>th</sup> a long laundry list of things we think we should be doing. The people who continue to participate in the A/R workgroup will continue to see that, although it won't be presented in that much detail to the Council. Any comments on this? This is pretty generic because these are specific hazards that will require some specific actions, so to summarize in one slide is difficult. We do know that we need to prioritize support for our most vulnerable communities, official classified as disadvantaged communities. We know that there are communities and populations that are particularly vulnerable due to their socioeconomic characteristics and their exposure to specific climate hazards. So we take particular [focus] to identify and support them, particularly those that have low planning capacity and socioeconomic disadvantage. We have a long laundry list of things that we need to do, and it may be that we need to turn to using available funding for outside support to help us get some of that work done. It should be recognized that the more we suffer from climatic hazards, the more we pay to rebuild from extreme weather, storms, drought, the less money we will have as a society in mitigating the GHG emissions that are contributing to that. There are a lot of analyses that show that every \$ invested in A/R pays off, and many of these have a multitude of co-benefits, but we need to begin to implement them.

#### Potential Implementation Actions (A/R Strategy 1)

**Mark Lowery:** I'm anticipating that the recommendations can be that in the short-term, we develop policies, programs, information sources, support tools, to address these particular individual hazards. Next slide and I'll entertain comment on both.

#### Adaptation and Resilience Strategy 2 of 3: Develop a comprehensive state climate change adaptation and resilience plan

**Mark Lowery:** We also in NYS do not have a comprehensive adaptation and resilience plan. We can't, in the next couple months, develop a plan that's going to address cascading effects, interacting effects, of several climatic hazards. The effects of hazards that might occur outside the boundaries of NYS that could affect us through supply chain interruptions. So the strategy is to develop an implementation process that would result in a statewide comprehensive A/R plan, in particular to address those issues that need more analysis than we've been able to put into them so far. Pause for comments on Strategy 1 and 2, wanted to show that the way it's coming together we have recommendations for short-term actions (strategy 1) and long-term planning effort (strategy 2)

#### Potential Implementation Actions (A/R Strategy 2)

**Kathy Mosher:** Wanted to tell the panel that there's been lobbying by the environmental community of over 50 legislators. One of the things I talked about with all the legislators was how all of these advisory

panels are coming up with these recommendations that will be rolled up into the CAC. Unless there's funding, and human and financial resources, they're going to be unfunded mandates for the local municipalities. A lot of us were working on the statewide bond act and there's a lot of money in the bond act, hundreds of millions of dollars, for some of the adaptation and resilience work. Hopefully we can push the bond act for either 2021 or 2022. I think it will take a while for this to all roll up into a plan, first with a draft plan and public hearings, but I'm hopeful that all the good work we're doing here on some of these issues will get funding in the future through a bond act or growth in programs. I just wanted to say that we have been talking to the legislators about the work that this panel is doing and how they need to hold steady on environmental funding so that this plan can be implemented.

**Ed Marx:** I think we are going to come up with some targeted, specific, things that we could do that will tweak existing state law and programs or ways of targeting or directing funding that exists toward these areas. I hope we capture those specific things even though I know there's a need to look at it more holistically in the future.

**Mark Lowery:** Absolutely, it's my intent to capture those targeted things because those are the things that we might actually be able to implement in the short term. Each of the other advisory panels has now appointed at least one, and in some cases two, liaisons to this group for A/R. We will be meeting with them and their responsibility is to identify adaptation and resilience concerns as they develop their mitigation strategies. Those individual recommendations will be woven in some way into this overall, into these three strategies as well.

#### Adaptation and Resilience Strategy 3 of 3: Amend the project review process to ensure consideration of climate change

**Mark Lowery:** This one recognizes the importance of our environmental and project review process as well as the process for making public investment decisions and assessing the effects of climate change on public investment, whether that's infrastructure investment or other types of investment. Also recognizes that we need to continue developing guidance (this is actually part of the implementation of the CRRRA, as amended by the Climate Law) to ensure that permit review, the SEQRA process, and so forth, that the staff and regulatory community have the resources necessary to adequately consider future physical risks due to climate change. We've done some of that work releasing four guidance documents a week ago relating to flood risk, but we need to continue doing that work. It's important short-term and long-term work that it's designated as a standalone strategy.

#### Potential Implementation Actions (A/R Strategy 3)

**Mark Lowery:** One of the more short-term things we can do now – NYC has developed guidelines for public investment, capital investments, that take into consideration sea-level rise, enhanced stormwater runoff and heat I believe. These apply to buildings that NYC funds. This seems to be a good first step and we could develop similar guidelines for NYS buildings if we had the right people and resources to put that together.

<No comments>

**Sarah Crowell:** Thank you Mark.

#### Timeline and Next Steps

**Sarah Crowell:** We'll be reviewing all the strategies, we'll internally take in all the comments and anything you choose to share by email. We'll revise the strategies based on this input as we continue to develop those. As I mentioned, the CAC has requested a report out from all the Advisory Panels and we're on the calendar for next week, the 24<sup>th</sup>. I'll be using the strategies slides to do that report out but only have 15 minutes, so will be a high-level progress report. Excited to share all the work the panel is doing but will be sure to make it clear that these are preliminary draft ideas and there is more work to do, this is snapshot in time. One of the things we don't have yet is the input from the Local Officials Roundtable, that's on the 3<sup>rd</sup> of December and I hope that the panel will be able to participate, we will have a written report out. It would be great if you're able to participate.

This panel has also been invited to the CJWG meeting where they will be providing guidance related to how we should be considering disadvantaged communities when developing recommendations. The full panel does not need to attend but everyone is welcome, let me know if you plan to attend. WebEx invites will be sorted out and our next full panel meeting is December 17, 2020.

Next Steps: Continue to identify information gaps and research needs. Subgroup will continue to meet and to incorporate local officials input and other input. We'll take opportunities to engage with other outside groups. Mark an I were invited to the NYSAC sustainability committee meeting and we'll be getting feedback from them, also I'll be speaking with the County planners association. As those opportunities arise, we will take advantage of them so continue to make suggestions. Panel members will continue to reach out to their own networks.

**Gita Nandan:** Sent out an email to everyone so everyone has access to the survey document, so you can go in and send it to your own contacts. If you want to do interviews you can do it that way. We're thinking that we're trying to get all this done before Dec 1<sup>st</sup> but might want to extend. There's also a spreadsheet where you can track who you've sent to. Everyone has that email and if you have issues let me know and I'll address them.

**Sarah Crowell:** Thank you Gita for taking the lead on that outreach. As we continue receiving feedback from a diverse and broad sector of interest that's really important. We also have opportunities to work with other panels and bring the local government interest to those panels. Anything else? Thanks for your time and commitment, thanks to attendees, and look forward to hearing from everyone.

### **Adjournment**