

Climate Mobilization Act Series: Applying for LL97 Adjustments

Applications are now open for adjustments to annual emissions limits under Local Law 97, with application deadlines of this June and July. Please join us for a discussion with policy and technical experts about how to prepare and submit successful LL97 adjustment applications.

Opening Remarks:

Donna de Coztanzo, Director, Eastern Region, Climate & Clean Energy Program, NRDC

Moderator:

Yetsuh Frank, Managing Director, Strategy & Programs, Building Energy Exchange

Speakers:

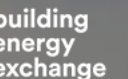
Alexis Saba, Associate, Sive, Paget & Riesel

Simon Mugo, Deputy Program Manager, NYC Accelerator

Gina Bocra, Chief Sustainability Officer, NYC Department of Buildings

Francisco Arias, Energy + Performance, AKF Group

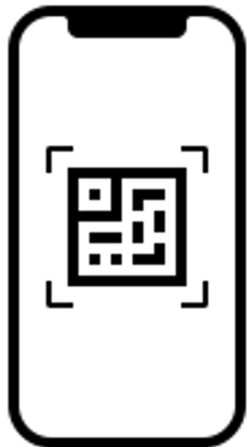
**May 11, 2021 | 9:00 to 10:30 am | 1.5 AIA CEUs
Building Energy Exchange | be-exchange.org**



LL97 Adjustment Application Audience Poll

Open **slido.com** and enter code **#beex**

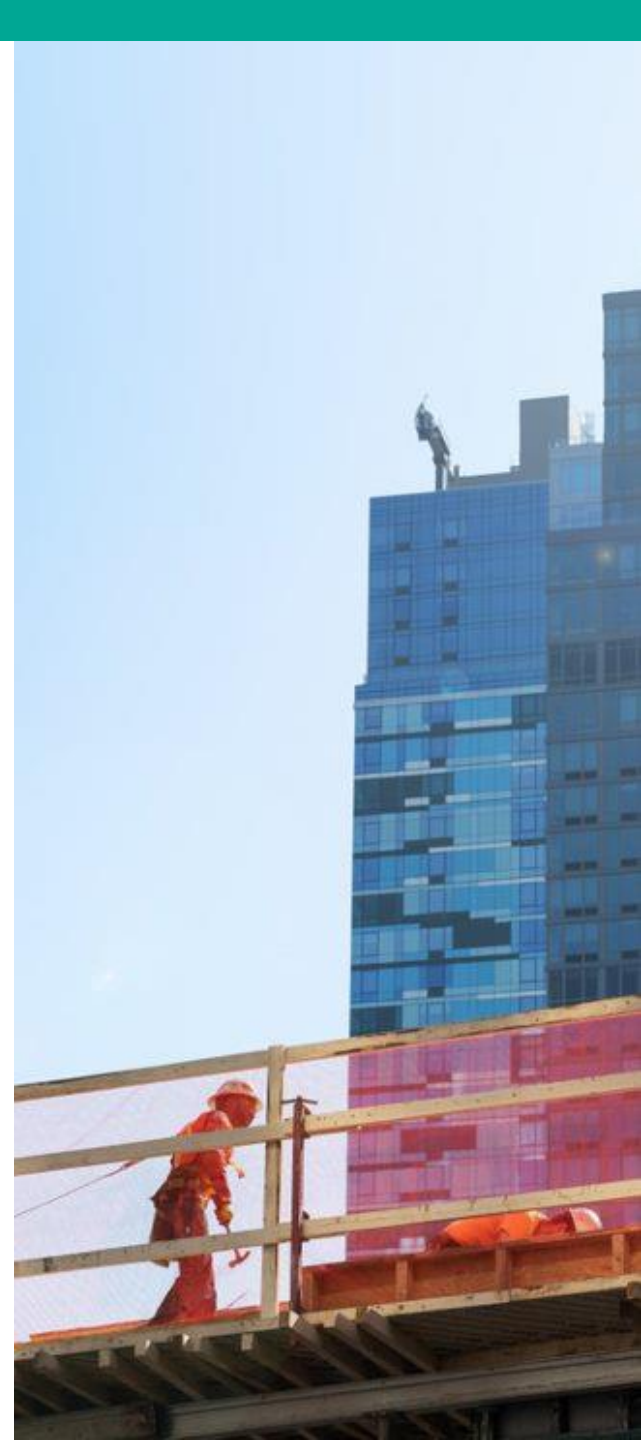
Or



Scan the QR code on the next slide
with your phone camera

How Can NYC Accelerator Help?

- + Receive connections to financial incentives
- + Access technical assistance for building upgrades
- + Meet local law compliance with expert advice
- + Find service providers in your area
- + Learn new skills with online training



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CMA Series: Applying for LL97 Adjustments

ALEXIS SABA

MAY 11, 2021

BUILDING ENERGY EXCHANGE

Adjustment Basics

- Adjustments temporarily raise building emissions limits
- Four adjustments in LL97
 - Special circumstances – June 30, 2021 deadline
 - Nonprofit hospitals – July 21, 2021 deadline
 - Legal and physical constraints (e.g., landmarks)
 - Financial hardship
- DOB released application guidance for the first two adjustments in April

Special Circumstances - Intro

- Adjusted emissions limit = 70% of the building's 2018 emissions, less the emissions reduction needed to meet the 2014 NYC Energy Conservation Code (NYCECC)
- Examples of qualifying special circumstances
 - 24-hour operations
 - Operations critical to human health and safety
 - High density occupancy
 - Energy-intensive industrial or communications operations
- Adjustment only for the 2024-2029 compliance period
- Application fee: \$2,450

Special Circumstances - Eligibility

- Special circumstance must result in over 40% of the building's 2024-2029 emissions limit
- Building's 2018 emissions must exceed the 2024 cap by more than 40%
- Building's energy performance must be equivalent to that of a similar building in compliance with the 2014 NYCECC
- Building must submit plan to comply with the 2030 cap

Special Circumstances - Application

Excessive Emissions due to Special Circumstance (320.8)	
Required Entry in DOB NOW	Required uploads to DOB NOW
Building Emissions Limit	Stacking Diagram
2018 Actual Building Emissions	EN97A Energy Analysis Workbook
	Energy Analysis Report
ECC Equivalency Summary (Only for buildings not currently 2014 NYCECC equivalent)	Emissions Reduction Plan Report
Emissions Reduction Plan Summary	
Future Energy Use Breakdown Summary	

Source: https://www1.nyc.gov/assets/sustainablebuildings/downloads/pdfs/adjustments_appl_filing_guide.pdf

Nonprofit Hospitals - Intro

- Adjusted emissions limit
 - 85% of 2018 emissions for the 2024-2029 compliance period
 - 70% of 2018 emissions for the 2030-2034 compliance period
- Applies to spaces owned or occupied by a nonprofit hospital, health center or HIP center
- Nonprofit classification must be in existence on November 15, 2019 and each year an adjustment is issued
- Application fee: \$335

Special Circumstances - Application

NOT-FOR-PROFIT HOSPITALS AND HEALTHCARE FACILITIES (320.9)	
Required Entry in DOB NOW	Required uploads to DOB NOW
Adjustment Application per 320.9	Not-For-Profit Status
Establishing Building Emissions Limit	Stacking Diagram
	EN97A Energy Analysis Workbook
2018 Actual Building Emissions	EN97A Energy Analysis Report (only for applications submitting an energy model)

Source: https://www1.nyc.gov/assets/sustainablebuildings/downloads/pdfs/adjustments_appl_filing_guide.pdf

DOB Objections

- DOB may issue objections to an application
- Responses to objections must be uploaded to DOB NOW by October 31, 2023 and resolved by December 31, 2023
- For the special circumstances adjustment, the application will have an open objection until the building achieves equivalency with the 2014 NYCECC
 - Applicant must submit documentation to DOB by February 15, 2025 to resolve the objection by April 1, 2025—otherwise the application may be denied

The image features a low-angle, upward-looking perspective of several skyscrapers against a bright blue sky with scattered white clouds. The buildings are primarily composed of glass and steel, with some showing construction cranes. In the top-left corner, there is a white rectangular box containing the letters 'AKF' in a bold, red, sans-serif font. The overall scene conveys a sense of modern architecture and urban development.

AKF

LL97 Adjustments: Process and Strategy

General Steps

- Determine the percentage of emissions over the 2024 limit. Use the [BE-Ex LL97 Carbon Emissions Calculator](#).
- Are you a qualifying group? See below:

Not-for-profit (NFP)
hospitals and
healthcare facilities.

Special circumstance(s) - most
common shown):

- 24/7 operations (not normally 24/7)
- High density occupancy.
- Energy intensive communications technology or operations (e.g. data centers).

NFP Healthcare vs Special Circumstance(s)

- Documentation required:

DOB NOW Uploads	Complexity	NFP Hospitals & Healthcare	Special Circumstance (s)
NFP Status	Low	X	
Stacking Diagram	Medium	X	X
EN97A Workbook	High	X	X
Energy Analysis Report	High	Maybe	X
Emissions Reduction Plan Report	High		X

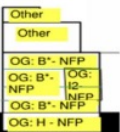
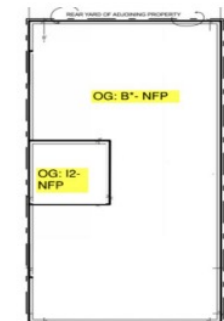
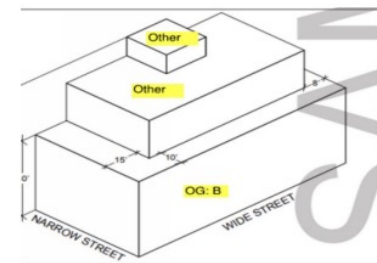
General Steps – NFP Hospitals/Healthcare

- Start DOB NOW LL97 adjustment application filing process. Items to prepare:
 - Not-for-profit status (DOF "Notice of Property Value").
 - Utility data for all services (2018).
 - Gather sub-meter data if you have a central plant.
 - Stacking diagram. Must identify gross floor area per occupancy per floor for the entire buildings(s).
 - Can supplement with floor area diagrams and diagrams.
 - Leased spaces not included in NFP portion can be identified as "other" and totaled.

Stacking Diagram Example:

Adjustment for Not-for-profit Hospitals and Healthcare Facilities (AC 28-320.9)

Location Info: Address; BBL; BIN; Application Number				
Not-for-Profit Occupancy Group Classifications (AC 320.3.1)				
Floor	B*	H	I-2	Other
Cel		5000		
001	5000			
002-003	8000		2000	
004	5000			
005-006				6000
007				500
Total	18000	5000	2000	6500
Total Not-For-Profit Gross Floor Area			25000	
Total Building Gross Floor Area			31500	



Source: [NYC Buildings LL97 Adjustments Application Filing Guide](#)

General Steps – NFP Hospitals/Healthcare

- Items to prepare - continued:
 - EN97A workbook:
 - Technical document. Must be signed by a registered design professional (RDP).
 - Provides values to be entered in DOB NOW system.
 - EN97A Energy analysis report (for applications with an energy model):
 - Provides supporting documentation, such as energy model details.
 - Coordinated with EN97A for ease of review.
 - Required to submit energy modeling software reports.

Considerations – NFP Hospitals/Healthcare

- Required sub-occupancy breakdown and emissions limit.
- Campus? Consider submitting multiple buildings under 1 application. Contact ghgemissions@buildings.nyc.gov for guidance.

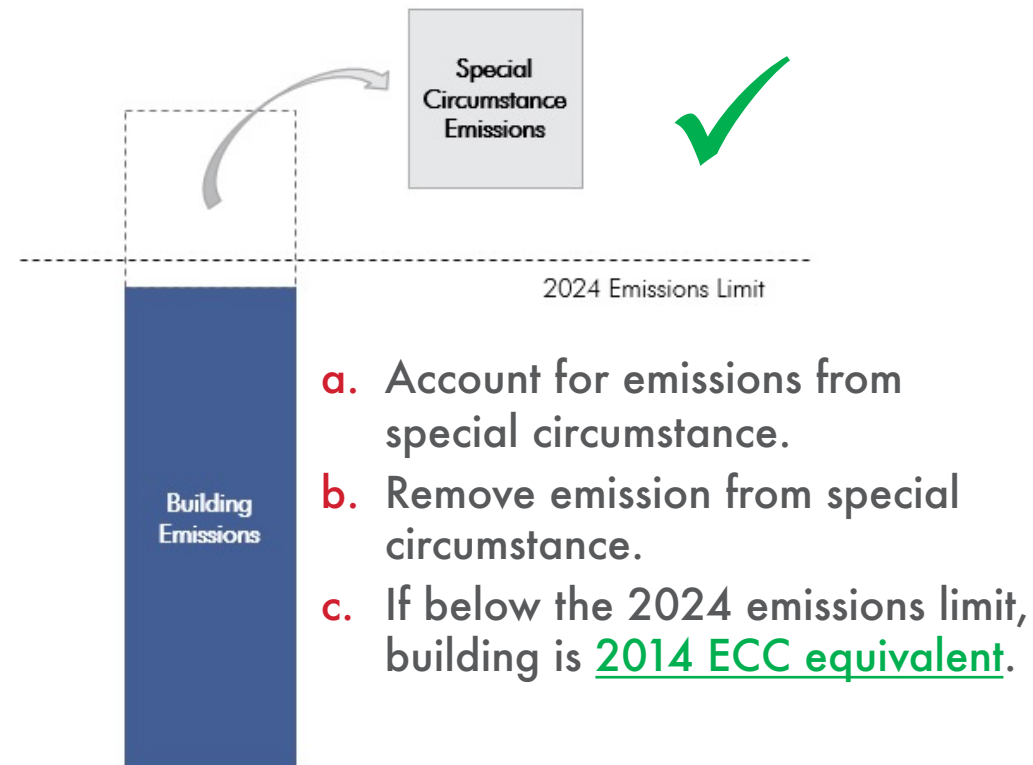
General Steps – Special Circumstance(s)

- Start DOB NOW LL97 adjustment application filing process. Items to prepare:
 - Utility data for all services (2018).
 - Utility data related to special circumstance (account or sub-meter data for a tenant, data center, etc.)
 - Stacking diagram, floor area per occupancy per floor.

General Steps – Special Circumstance(s)

Items to prepare - continued:

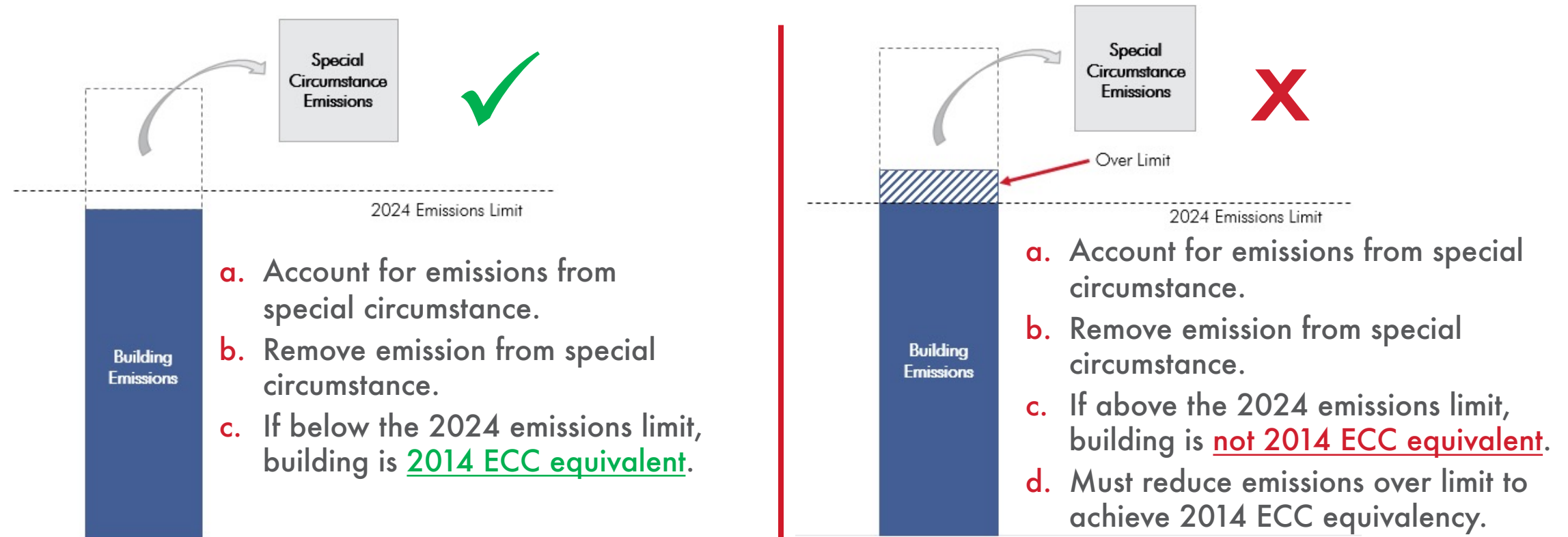
- Energy performance equivalent with the 2014 NYCECC.



General Steps – Special Circumstance(s)

Items to prepare - continued:

- Energy performance equivalent with the 2014 NYCECC.



General Steps – Special Circumstance(s)

Items to prepare - continued:

- EN97A workbook (technical).
- Energy analysis report (technical).
- Emissions reduction plan report (technical).
 - Illustrate how to achieve compliance with emissions limits for 2030 – 2034 period.
 - Outline strategies: ECMs, RCMs, OMMs, distributed energy resources (DERs), clean DERs, etc.
- Need a RDP to sign the application.

General Steps – Special Circumstance(s)

Items to prepare - continued:

2014 NYCECC - **Equivalent**

- Nothing! Go ahead and submit.

2014 NYCECC – **Not Equivalent**

- Emissions reduction plan report (technical).
 - Includes section that shows measure(s) to achieve 2014 ECC equivalency.

For both scenarios – expect comments from the DOB

Considerations – Special Circumstance(s)

- There will be a review process similar to LL87.
- Special circumstance – high-occupancy.
- Emissions reduction plan for 2030-2034 period.
- Buildings with energy intensive tenants (data centers, labs, etc.)



AKF



Thank you!

Francisco Arias - farias@akfgroup.com

Question & Answer

Please submit questions through the Zoom Q&A feature

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Thank you!