



June 27, 2023

Chair Dan Garodnick
New York City Planning Commission
120 Broadway
New York, NY 10271

Re: City of Yes for Carbon Neutrality

Dear Chair Garodnick,

I am writing on behalf of the New York Solar Energy Industries Association (NYSEIA) to voice the New York solar industry's strong support for Mayor Eric Adams' proposed zoning text amendment, City of Yes for Carbon Neutrality (COYCN).

Founded in 1994, NYSEIA is New York's only statewide trade association dedicated to expanding the adoption of distributed-scale solar and storage in New York State. Our 244 member companies employ thousands of workers in the clean energy industry and include dozens of solar and energy storage providers that are based in NYC and serve New York City residents and businesses.

COYCN will support progress toward New York City's ambitious climate goals while increasing the addressable market for solar and energy storage in New York City. COYCN will accelerate New York's clean energy transition, support thousands of additional good jobs in the solar and storage industry, and enable NYC buildings to comply with Local Law 97 and reduce their electricity bills. NYSEIA is particularly supportive of the following elements of the zoning proposal:

Removing Zoning Impediments to Rooftop Solar Canopies

Rooftop solar canopies are an important tool to deploy solar on flat roofs in New York City, where open space is limited. For buildings that are at or exceed the maximum allowable height in a zoning district, NYC's zoning only allows rooftop solar as a permitted obstruction for up to 4 feet above the roof. Beyond 4-feet, solar is only permitted for up to 25% of the available area. These rules constrain rooftop solar deployment on flat roofs, particularly because New York City's Fire Code requires 6-foot-wide access pathways. COYCN would allow solar trellises/canopies to cover 100% of the roof area on flat roofs, with an elevation of up to 15 feet above the roof surface, significantly increasing the amount of solar that could be installed on a typical flat roof in the city, and increasing the total addressable market for solar in the city.

Removing Zoning Impediments to Solar above Parking Lots

Installing solar on vacant land or above parking spaces is a great way to increase New York City's total solar potential while making better use of underutilized space. However, NYC's zoning does not currently allow standalone solar as-of-right in residential districts and doesn't allow solar canopies above accessory off-street parking spaces. The zoning proposal would reclassify solar as "Energy infrastructure equipment", enabling standalone solar deployment in more areas of the city. The addition of section (g)(2) to Section 23-12 Permitted Obstructions would specifically allow solar canopies located over any accessory off-street parking space, provided that the height does not exceed 15 feet above the level of the adjoining grade. This change could enable solar canopies to be installed over an estimated 8,500 acres of parking lots across the city.

Removing Zoning Impediments to Standalone Energy Storage

NYC's zoning currently considers standalone energy storage systems (ESS) as "electrical utility substations", an outdated classification that limits siting options and restricts as-of-right development in various zoning districts. Additionally, NYC's zoning allows ESS as an accessory use, but only if the system is quite small relative to the energy use of the existing facility on a property. NYC's zoning proposal would reclassify non-accessory ESS as "Energy infrastructure equipment", allow ESS to be installed as-of-right in more locations by allowing ESS as a primary use on small lots (<10,000 square feet) in residential districts, and increase the allowable size of ESS for accessory use. These changes will ease the siting of ESS in the City, helping reduce the City's reliance on high-emissions "peaker" plants during the summer months while enabling greater reliance on clean energy, improving air quality and public health for New Yorkers. The proposal would also align with the Department of Buildings' regulations regarding Local Law 97, which allow buildings to reduce fines with on- or -off-site energy storage systems.

We appreciate the city's leadership amending the zoning to accelerate decarbonization, and urge the city to implement the City of Yes for Carbon Neutrality proposal without delay.

Thank you,

A handwritten signature in black ink, appearing to read "Noah Ginsburg". The signature is fluid and cursive, written in a professional style.

Noah Ginsburg
Executive Director
New York Solar Energy Industries Association