



Legislation Details (With Text)

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In control: Committee on Housing and Buildings

On agenda: 9/29/2010

Enactment date: 4/29/2011 **Enactment #:** 2011/020

Title: A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to allowing large solar rooftop installations.

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Attachments: 1. Int. No. 341 - 9/29/10, 2. Committee Report 10-20-10, 3. Hearing Testimony - Jerilyn Perine 10-20-10, 4. Hearing Testimony - Small Winds Concerns 10-20-10, 5. Hearing Testimony - Wendy Todd 10-20-10, 6. Hearing Testimony - Matt Levin 10-20-10, 7. Hearing Testimony - Michael Seilback 10-20-10, 8. Hearing Testimony 10-20-10, 9. Hearing Testimony - Benjamin Flanner 10-20-10, 10. Hearing Testimony - Anthony Pereira 10-20-10, 11. Hearing Transcript 10-20-10, 12. Committee Report 4/6/11, 13. Hearing Transcript 4/6/11, 14. Hearing Transcript - Stated Meeting 4-6-11, 15. Fiscal Impact Statement, 16. Mayor's Letter, 17. Local Law 20

Date	Ver.	Action By	Action	Result
9/29/2010	*	City Council	Introduced by Council	
9/29/2010	*	City Council	Referred to Comm by Council	
10/20/2010	*	Committee on Housing and Buildings	Hearing Held by Committee	
10/20/2010	*	Committee on Housing and Buildings	Laid Over by Committee	
4/6/2011	*	Committee on Housing and Buildings	Hearing Held by Committee	
4/6/2011	*	Committee on Housing and Buildings	Amendment Proposed by Comm	
4/6/2011	*	Committee on Housing and Buildings	Amended by Committee	
4/6/2011	A	Committee on Housing and Buildings	Approved by Committee	Pass
4/6/2011	A	City Council	Sent to Mayor by Council	
4/6/2011	A	City Council	Approved by Council	Pass
4/6/2011	A	City Council	Sent to Mayor by Council	
4/25/2011	A	Mayor	Hearing Held by Mayor	
4/29/2011	A	Mayor	Hearing Held by Mayor	
4/29/2011	A	Mayor	Signed Into Law by Mayor	

4/29/2011 A City Council

Recved from Mayor by Council

Int. No. 341-A

By Council Members Dilan, Barron, Brewer, Cabrera, Chin, Comrie, Fidler, Garodnick, Gentile, Gonzalez, James, Koppell, Koslowitz, Lander, Mark-Viverito, Nelson, Palma, Rose, Vann, Williams, Rodriguez, Van Bramer, Halloran, Levin, Lappin, Recchia, Vallone, Crowley, Gennaro, Jackson, Wills, Greenfield, Reyna, Koo and Ulrich

A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to allowing large solar rooftop installations.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that solar energy can meet some of New York City's energy needs, and that it is cleaner, cheaper, more sustainable and provides greater energy security. Growth in the solar power industry is also expected to create many jobs in New York City because the City has adequate solar resources to aggressively pursue increased solar power installations. Growth in the solar industry also has the potential to reduce energy costs over time. However existing Building Code provisions limit the percentage of the area of a roof that photovoltaic and solar thermal panels may cover without counting as additional height or stories making it more costly to install solar power collection and generation systems now. Therefore the Council finds that it is in the best interests of the City to remove these barriers and further incentivize installations of solar thermal and photovoltaic panels by permitting more than one third of the area of the roof to be covered by solar photovoltaic and solar thermal panels without counting as an additional floor.

§2. Section 27-306 of the administrative code of the city of New York is amended to read as follows:

§27-306 **Measurement.** In applying the provisions of this code governing height limits, the following appurtenant structures shall not be included in the height of the building unless the aggregate area of all such structures, exclusive of any solar thermal and solar electric (photovoltaic) collectors and/or panels and their supporting equipment, exceeds thirty-three and one-third percent of the area of the roof of the building upon which they are erected:

- (a) Roof tanks and their supports.
- (b) Ventilating, air conditioning, and similar building service equipment.
- (c) Roof structures, bulkheads, and penthouses.
- (d) Chimneys.
- (e) Parapet walls four feet or less in height.

§3. Article 7 of subchapter 4 of chapter 1 of title 27 of the administrative code of the city of New York is amended by adding a new section 27-306.1 to read as follows:

§27-306.1 Measurement; solar thermal and solar electric (photovoltaic) collectors and/or panels and their supporting equipment. Notwithstanding any inconsistent provision of section 27-306 of this code, solar thermal and solar electric (photovoltaic) collectors and/or panels and their supporting equipment that exceed 33 and one-third percent of the area of the roof of the building upon which they are erected shall not be included in the height of a building or considered an additional story.

§4. Section BC 504.3 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

504.3 Rooftop structures. Rooftop structures including but not limited to roof tanks and their supports, ventilating, air conditioning and similar building service equipment, bulkheads, penthouses, chimneys, and parapet walls 4 feet (1219 mm) or less in height shall not be included in the height of the building or considered an additional story unless the aggregate area of all such structures, exclusive of any solar thermal and solar electric (photovoltaic) collectors and/or panels and their supporting equipment, exceeds 33 and one-

third percent of the area of the roof of the building upon which they are erected. Rooftop structures shall be constructed in accordance with Section 1509.

Exception: Solar thermal and solar electric (photovoltaic) collectors and/or panels and their supporting equipment that exceed 33 and one-third percent of the area of the roof of the building upon which they are erected shall not be included in the height of a building or considered an additional story.

§5. This local law shall take effect immediately.

JH/BH
3-29-11 5:45 pm