

The CUNY Smart DG Hub developed this chart to provide battery storage project developers with a quick reference guide to assess the potential for additional special permit obligations under zoning requirements. The information outlined in this chart represents the DG Hub's interpretation of information contained in the NYC Zoning Resolution and the NYC DOB Bulletin 2019-007. It is not intended to provide a full zoning analysis and review; a full zoning analysis and due diligence must be conducted by a registered professional.

Battery type/category	Use Cases	Zoning District	Use Group	Standard Permitting Requirements		Special Permits/Other Requirements	
				FDNY	DOB	BSA / CPC	Other (CEQR, Cert of Occ)
Accessory Use (Building/Site Support)*	<p>This use case includes projects that primarily supply power to the existing building on a site. They may or may not be physically connected to the electric grid, but do not function primarily as a grid-supporting asset.*</p> <p>Example Projects:</p> <ul style="list-style-type: none"> -ESS on roof of a 1-4 family home storing surplus solar generation -ESS on warehouse property providing demand response and peak management for the building 	R	N/A	Permits/requirements as outlined in FDNY RCNY 608.1, unless sited on property outside of NYC AHJ jurisdiction***	Permits/requirements as outlined in DOB Bulletin 2019-002, unless sited on property outside of NYC AHJ jurisdiction***	N/A	N/A
		C	N/A				
		M	N/A				
Non-Accessory (Grid Support) ≤ 10,000 sf**	<p>This use case would include projects that function primarily as grid-supporting assets, owned and operated by a utility or other third party in order to provide grid support/optimization services. Example Projects:</p> <ul style="list-style-type: none"> -Con-Ed owned and operated ESS that connects directly to the grid for peak load support -Generator-owned ESS providing ancillary services such as frequency regulation and spinning reserves 	R	6D	Permits/requirements as outlined in FDNY RCNY 608.1, unless sited on property outside of NYC AHJ jurisdiction***	Permits/requirements as outlined in DOB Bulletin 2019-002, unless sited on property outside of NYC AHJ jurisdiction***	BSA special permit	CEQR and new/amended Cert of Occupancy
		C	6D			N/A for zones C1, C2, C4, C5, C6 (except C6-1A), and C8.	N/A
		M	6D			For zones C3, C6-1A, and C7, use group 6D is not allowed as of right.	N/A
Non-Accessory (Grid Support) > 10,000 sf	<p>This use case would include large projects that provide grid support and/or peak power supply, owned and operated by a utility or other third party. Example Projects:</p> <ul style="list-style-type: none"> -Generator-owned ESS that replaces a closing fossil-powered peaker plant and connects directly to the grid 	R	17C or other	Permits/requirements as outlined in FDNY RCNY 608.1, unless sited on property outside of NYC AHJ jurisdiction***	Permits/requirements as outlined in DOB Bulletin 2019-002, unless sited on property outside of NYC AHJ jurisdiction***	CPC special permit (if 17/17C)	CEQR and new/amended Cert of Occupancy (if 17/17C)
		C	17C or other			BSA special permit (if 17/17C, 10,000-40,000sf)	CEQR and new/amended Cert of Occupancy (if 17/17C)
		M	17C or other			CPC special permit (if 17/17C, >40,000sf)	N/A

*Battery systems of any size that are sited on or adjacent to an existing building *but are not used strictly for support of the site's primary use* (for example as part of a Virtual Power Plant or other utility- or third-party-owned and operated program) may not technically meet the definition of "Accessory Use". As such, this definition is currently under clarification by the Authorities Having Jurisdiction (AHJs).

**As per the NYC Dept. of Buildings Bulletin 2019-007, the 10,000 sf limit "shall include any required yards, areas occupied by fuel cell or battery energy storage arrays, associated equipment including but not limited to utility transformers, water deionizers, telemetry cabinets, disconnect switches, utility cabinets, and any service walkways and access paths for maintenance, as bounded by an enclosed or fenced area."

***If sited on property outside of NYC AHJ jurisdiction, such as state agency or authority property, then modified FDNY/DOB reviews may apply.