

What NYC's Green Fast Track Means For Affordable Housing

By **Vivien Krieger and Rachel Scall** (July 2, 2024)

New York City Mayor Eric Adams' Green Fast Track for Housing initiative was approved by the City Planning Commission on March 20 and went into effect June 3, with the aim of shortening the lengthy environmental review process for certain discretionary actions to allow modest residential developments.

This article discusses the Green Fast Track and its implications for affordable housing in New York City and beyond.

Background

At the beginning of his administration in January 2022, Adams made tackling the affordable housing crisis in New York City a top priority.

In June of the same year, he announced his City of Yes plan to amend the city's zoning tools to promote sustainability, support small businesses and create affordable housing. His plan included three major citywide amendments to the NYC Zoning Resolution: zoning for carbon neutrality, zoning for economic opportunity and zoning for housing opportunity.

The first two zoning amendments have already been approved and are in effect. The third is currently in public review and expected to be completed by the end of the year.

The mayor's plan also called for the creation of a task force, the Building and Land Use Approval Streamlining Taskforce, or BLAST, to streamline environmental reviews, building and land use approvals, and continued investments in emerging job hubs.

The Green Fast Track for Housing initiative was a recommendation from the Get Stuff Built plan, a report released by BLAST on Dec. 8, 2022. BLAST found that while most housing developments subject to discretionary land use approvals or public financing must conduct an environmental assessment statement that takes six to eight months to complete and can cost hundreds of thousands of dollars, most smaller projects are found to have no significant impacts on the environment.

Therefore, they recommended that these types of modest residential developments, which do not otherwise result in adverse environmental impacts, should be exempted from environmental review.

Which Housing Development Projects Qualify

Green Fast Track for Housing creates new criteria under which a residential development project can be classified as a Type II action under the city environmental quality review process, meaning that neither an environmental assessment statement, or EAS, nor an environmental impact statement is needed.

To qualify, a project cannot exceed a height of 250 feet, must be limited to 175 or fewer



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dwelling units in low-density residential zoning districts, and can be no more than 250 dwelling units in medium- and high-density residential zoning districts and other similar circumstances.

To confirm Type II eligibility, applicants will need to provide information about their projects, including details related to zoning and density, air quality, noise, hazardous materials, natural resources, historic resources, industrial emissions, ambient noise, archaeological sensitivities, and sunlight sensitivity, but to a lesser extent than would be needed for an EAS or environmental impact statement.

In addition, to be eligible, projects will need to use all-electric heating and demonstrate that they are located outside of vulnerable coastal areas or areas with industrial emissions, and away from major roads or highways.

If the development site is adjacent to open space, natural resources or historically sensitive areas, the building height required to qualify under Green Fast Track would be limited to 50 feet. If any of the criteria cannot be met, the project cannot be determined to be a Type II action and an EAS would need to be prepared.

Two other city agencies that either approve or fund housing projects — the New York City Board of Standards and Appeals and the New York City Department of Housing Preservation and Development — have also adopted this rule in furtherance of the mayor's goal to cut red tape.

Although Green Fast Track would decrease the level of environmental review required for eligible projects, it does not eliminate other processes related to discretionary city approvals.

For example, discretionary housing projects that qualify for Green Fast Track, but still require a rezoning, or other enumerated City Planning Commission actions, must still go through the city's existing uniform land use review procedure. Similarly, housing projects within historic districts or related to individual landmarks will still be subject to review from the New York City Landmarks Preservation Commission.

Process

To help applicants determine whether their residential project falls within the new Type II category, the [NYC Department of City Planning](#) has issued process guidance and has launched a new online tool, Fast Tracker.

The DCP is encouraging applicants to use Fast Tracker early in the application process — as soon as City Planning Commission actions necessary for the project have been identified. While they acknowledge that not all the eligibility criteria will be identified at this early stage, this preliminary work will benefit both DCP staff and applicant teams in moving applications forward.

Once the City Planning Commission actions for a given application are finalized, the applicant submits a memorandum setting forth the "reasonable worst case development scenario," which outlines the development scenario that is reasonably likely to occur — both with the proposed discretionary actions and without the proposed discretionary actions — given conditions at the proposed project site.

From the range of possible scenarios that are considered reasonable and likely, the scenario

with the worst environmental consequences is the scenario that is usually analyzed in an EAS.

In order for a project to qualify as a Type II action, including those qualified under Green Fast Track, the project cannot exceed certain limits. Those limits are measured as the increment between the development possible with the proposed discretionary actions, compared with a scenario in which no discretionary actions are proposed.

When the DCP is satisfied that a project meets Green Fast Track eligibility criteria, the agency will generate a Type II housing memorandum indicating as such.

What's Next

As the DCP, as well as the Board of Standards and Appeals and the Department of Housing Preservation and Development, incorporate Green Fast Track into their workflow, the agencies hope to not only speed up the environmental review process for eligible housing developments, but to free up more resources to dedicate to noneligible projects. This means all applications should be subject to shorter environmental review periods, even where an EAS or environmental impact statement is required.

DCP staff also hope the Green Fast Track process, including Fast Tracker, will have more widespread application in the future.

For example, the agency may be able to use Green Fast Track eligibility criteria to identify areas early in the application process so a proposed project, though not Type II eligible, can identify environmental impacts narrow enough to submit a targeted or scaled down EAS. This could save an applicant significant time and costs usually associated with the drafting and agency review of a full EAS.

A Potential Model for the Nation

The Adams administration has been working to make development in New York City affordable, sustainable and a "City of Yes." By overhauling outdated zoning regulations, and cutting red tape by removing unnecessary review processes, such as with Green Fast Track, the mayor hopes to tackle the housing crisis and allow local businesses to flourish for generations to come.

As each initiative is approved and implemented, we will see what works and what needs to be modified. If New York City's efforts are successful, these initiatives could be replicated in jurisdictions across the country.

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