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Dan Garodnick  
Director  
New York City Department of City Planning  
120 Broadway  
New York, NY 10271

Re: Green Fast Track for Housing

Dear Director Garodnick:

The Land Use Department of Kramer Levin Naftalis and Frankel, LLP writes to express support for the Green Fast Track for Housing initiative, which would amend Chapter 5 of the City Planning Commission's rules to exempt certain housing and related actions from review under SEQRA and CEQR procedures.

We applaud the proposal to streamline the process to develop small- and medium-sized housing projects, thereby helping to address the housing crisis in New York City. We also applaud the Department of City Planning's research and analysis of more than 1,000 environmental reviews over the last decade to support the determination that housing developments of this size have no potential for significant adverse environmental impacts. The proposed amendment would decrease the time and cost associated with approving these important housing projects, while remaining protective of the environment.

We do, however, ask that you consider the following comments and recommendations:

(1) It is critical that the interagency process for determining whether a proposed project meets the Type II residential redevelopment prerequisites be streamlined and efficient. Long waiting periods for agencies to confirm the Type II determination must be avoided, so that applicants are informed of their CEQR status in a timely fashion, particularly in instances where a Type II determination is not approved, thereby necessitating an environmental review. We would be happy to continue to work with the Department to improve efficiency of these reviews.



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(2) The proposed amendment, as currently drafted, may be too restrictive for proposed developments between 1 and 250 dwelling units in stand-alone commercial districts, even if the proposed residential development complies with all of the Type II conditions. As drafted, the rule could exclude a number of worthy projects that could be developed under the existing stand-alone commercial district – for example, a 74-711 special permit to waive bulk regulations for a residential development in an existing stand-alone commercial district could not be categorized as Type II even if it meets all other criteria of the proposed rule. This would be an unfortunate outcome, since such an application is not distinguishable from a 74-711 special permit application in a residential district that seeks comparable relief.

We recognize that the amendment has been drafted to prevent a proposed housing development, that receives a Type II categorization, to be changed, post-approval, to a non-residential development. We believe however that projects such as the above mentioned 74-711 special permit could be limited, at the time of the Commission's approval, to residential development, and that any future change from residential use would necessitate the Department's review and, if determined necessary, a requirement for an environmental analysis.

Sincerely,

Jeff Mulligan