OC 6: STREAMLINE APPROVALS FOR GREEN TECHNOLOGIES & PROJECTS

Expedite green building projects and technologies
Proposal developed by the Steering Committee

Summary

Issue:
New products and technologies that address environmental concerns are rapidly being developed, and many building owners and developers are eager to implement them. However, there are often no rules governing the use of new products. There are also interagency regulatory issues, which can prohibit or delay projects that utilize new technologies.

Recommendation:
To facilitate the use of innovative technology that can have significant environmental benefits, the city will establish an Interagency Green Team to assist innovative projects in overcoming interagency regulatory hurdles. It will also establish an Innovation Review Board to evaluate technologies for pilot projects or recommend that rules be established for their use. Independent of the Task Force proposal, the New York City Department of Buildings has initiated a Building Sustainability Board to streamline approvals of new green technology.

Proposed Legislation, Rule or Study

Part I: Interagency Green Team

The City of New York should convene an Interagency Green Team, managed by the Mayor’s Office, to streamline city permitting of the most sustainable building projects.

The following agencies should have permanent seats:
- Department of Buildings
- Department of Environmental Protection
- Department of Health and Mental Hygiene
- Department of City Planning

The following agencies should designate a representative to the innovation review board, to participate as needed:
- Fire Department of New York
- Department of Transportation
- Department of Parks and Recreation
- Department of Consumer Affairs
- Office of Emergency Management
- Housing Preservation and Development
- Department of Sanitation
- Landmarks Preservation Committee

Part II: Innovation Review Board

The Department of Buildings should convene an Innovation Review Board to review new green technologies and determine under what circumstances they can be safely piloted in NYC or whether they could be used more broadly. If the board determines that a product is safe and effective, the board should designate oversight responsibilities to the appropriate city agency and authorize the agency to establish rules and regulations for the use of the product.

In addition to the Department of Buildings, the following agencies should have permanent seats:
- Department of Environmental Protection
- Department of Health and Mental Hygiene
- Department of City Planning
- Department of Design and Construction

The following agencies should designate a representative to the Innovation Review Board, to participate as needed:
- Fire Department of New York
Supporting Information

Issue - Expanded
Many innovative green building projects have difficulty obtaining permits because the technologies they utilize introduce interdisciplinary issues that are hard to regulate by separate agencies. Nonetheless, the city benefits from the experimental efforts of early adopters and should facilitate their work. To do so, this proposal recommends that the Office of the Mayor establish an interagency green team to assist advanced green building projects in the regulatory review process and resolve issues they may encounter during permitting.

There is also growing demand for green technologies, and new green products are being developed at a rapid pace. New York City building codes, however, are unable to keep up with the market and do not provide regulations for many new products—meaning new technologies and products are prohibited de facto. In order to encourage timely adoption of new technologies, this proposal recommends the Department of Buildings establish an innovation review board to review new products and expedite their implementation.

Since the Innovation Review Board was first proposed, the Department of Buildings has convened a Building Sustainability Board to review new technologies. This goes a long way toward addressing the issues noted above. In order to provide one forum to consider all new green technologies, this board could be broadened to include other city agencies.

Environmental & Health Benefits
Streamlining green buildings and technologies will speed up the adoption of sustainable building practices and technologies, providing the range of environmental and health benefits associated with green building.

For the purposes of the Executive Summary, this proposal was found to have no significant positive environmental impact.

This proposal was found to have no significant positive health impact.

Cost & Savings
This proposal is for an Interagency Green Team and an Innovation Review Board, both of which will have no direct impact on construction costs.

Precedents

The Task Force researched ways that four cities – Chicago, San Francisco, Portland and Seattle – streamline approvals for green technologies and projects. Only Portland has a dedicated bureau specific to green technologies, others process them as they do all products/procedures new to the code. To encourage sustainable buildings, some building departments accelerate the timeline to secure approvals.

Chicago building designs that include elements that are new to the code are presented to the Committee on Standards and Tests, which makes recommendations to the Commissioner of Buildings. There is no special consideration or path for new green technologies.

San Francisco approves the use of new materials and technologies based upon documentation from trustworthy US testing agencies. Preference is for demonstrated durability rather than “green.”

Portland’s Bureau of Development Services (BDS) has established the Alternative Technology Advisory Committee, made up of experts in sustainable technologies and emerging construction techniques, to help the bureau evaluate new technologies. Applications to the Alternative Technology Advisory Committee may be for either a technology that will be used in a specific project being reviewed by BDS, or for a particular technology (such as a new building product) that may be used in multiple future projects. Applications can be made in advance of a building permit application, or as part of the permit review process. The Committee review is an optional process that is intended to help applicants get innovative products approved into their projects. An applicant may proceed directly to a building code appeal, without a committee recommendation, if desired. With any application to the Committee the burden of proof is on the applicant to show that the proposed technology promotes a more positive impact to the earth’s natural systems, when compared to similar, approved technologies. BDS is not bound by the recommendations of the Committee. A favorable
recommendation of a technology by the Committee does not guarantee approval of a building code appeal by BDS for the use of the technology. The Alternative Technology Advisory Committee meets once a month; therefore it may take several weeks for an application to be reviewed by the Committee. Applicants interested in using this process are encouraged to submit their applications as early in their design process as possible.3

In San Francisco, projects committing to at least LEED Gold certification receive priority service from the Departments of Planning, Building Inspection, and Public Works.4

Seattle has a dedicated Priority Green Team to review buildings with a high level of sustainability. This hastens the approval process.5

LEED
The implementation of this proposal may encourage the use of new green technologies, which will may increase achievement of LEED Innovation in Design credits in all rating systems.

Implementation & Market Availability
There are no known implementation issues for this proposal.

ENDNOTES:

1 Interview with Elizabeth Scanlan, Director of Code Development, Dept. of Buildings, City of Chicago, IL. (Jan. 6, 2010); and Interview with Javier Ceballos, Mechanical Engineer, Energy and Sustainable Business, Dept. of the Environment, City of Chicago, IL. (Jan. 6, 2010).
2 Interview with Barry Hooper, Private Sector Green Building Program Specialist, Dept. of the Environment, City of San Francisco, CA. (Jan. 21, 2010).
3 Interview with Vinh Mason, Policy Analyst, Bureau of Planning and Sustainability, City of Portland, OR. (Jan. 7, 2010).
4 Interview with Barry Hooper, Private Sector Green Building Program Specialist, Dept. of the Environment, City of San Francisco, CA. (Jan. 21, 2010).
5 Interview with Jayson Antonoff, Policy Advisor, Sustainable Infrastructure & Energy/Climate Change, Department of Planning & Development, City of Seattle, WA. (Jan. 7, 2010).