

Uniform Land Use Review Procedure
(from <http://www.nyc.gov/html/dcp/html/luproc/ulpro.shtml>)

Prior to 1976, the City Planning Commission reviewed only applications related to zoning, the city map and urban renewal and housing. In 1976, the list of applications subject to Commission review was enlarged and now includes, pursuant to the City Charter enacted in 1989, those items described below. The Charter's intent in requiring ULURP was to establish a standardized procedure whereby applications affecting the land use of the city would be publicly reviewed. The Charter also established mandated time frames within which application review must take place. Key participants in the ULURP process are now the Department of City Planning (DCP) and the City Planning Commission (CPC), Community Boards, the Borough Presidents, the Borough Boards, the City Council and the Mayor.

The Evolution of ULURP

On November 4, 1975, the city's voters approved a new City Charter. Section 197-c of the new charter stated that "applications by any person or agency respecting the use, development, or improvement of real property subject to city regulation shall be reviewed pursuant to a uniform review procedure." That section further required the City Planning Commission to establish procedures for such review by June 1, 1976. On June 1, 1976, after a public review process, the Commission adopted these procedures, commonly known as ULURP. The procedures became applicable to applications filed with the City Planning Commission starting on July 1, 1976. Subsequent charter changes in 1989 (and consequent ULURP Rules changes) continued this process with changes to reflect the dissolution of the Board of Estimate and the assumption of land use powers by the City Council.

The establishment of ULURP reflected two trends underway in the 1950's and 1960's: the increasing involvement of the city's Community Boards in the development of the city and a substantial increase in community participation in many aspects of government. The boards originated in Manhattan in 1951, when Manhattan Borough President Robert F. Wagner established 12 Community Planning Councils, later known as Community Planning Boards. These boards were the city's first formal participatory vehicles for neighborhood groups. The planning councils were designed to advise the Borough President on local planning and budgetary matters. The other borough presidents created similar groups.

In the late 1960's, there was a significant upsurge in community participation, aided in part by a requirement of community participation in Federal programs such as Model Cities. In 1968, as required by the City Charter of 1963, the city was divided into 62 community districts and the role of community boards as advisors to the city government was statutorily established. Each board was given the responsibility for advising the City Planning Commission on "any matter relating to the development or welfare of its district." In 1968, Section 84 of the City Charter which established Community Planning Boards, was repealed and reenacted under Local Law 39. The law spelled out in greater detail the structure and power of the now renamed Community Boards. Local Law 39 required that city departments shall:

- refer to the community boards all matters requiring public hearings by furnishing their calendars or notices of meeting to the board chairman.
- note in their records the recommendations of community boards made at public hearings and the failure of community boards to make recommendations.
- notify the community boards of actions taken subsequent to public hearings.
- give the community boards such information necessary for their work which they shall require.

During the next decade, the boards gained stature as effective vehicles for the expression of local views on a wide variety of public issues, especially those related to land use.

The State Charter Revision Commission for New York City, established by legislation in 1972, viewed the boards as appropriate recipients of new responsibilities and duties in relation to land use and development and these were included in the new City Charter adopted by the voters on November 4, 1975. The city is now divided into 59 community districts, each represented by a Community Board with up to 50 members who live or work within the district. Board members, who serve without pay, are appointed by the Borough President, half on the recommendation of local City Council members.

Actions Requiring ULURP

Section 197-c, subsection a of the City Charter makes the following actions subject to ULURP:

Changes to the City Map. The City Map is the official adopted map of the city. It shows the location, dimension and grades of streets, parks, public places and certain public easements. The Director of City Planning is the custodian of the City Map.

Mapping of subdivisions or platting of land into streets, avenues or Public Places. This section has not been used since 1976.

Designation or change of zoning districts. The Zoning Resolution guides the development of the city and includes regulations dealing with use, bulk and parking. Zoning districts and boundaries are shown on the zoning maps and identify the permitted use, density, height, setback, yard and other bulk regulations and parking requirements for development on individual sites. Changes to the zoning maps, including district designations and boundaries are subject to ULURP. Amendments to the Zoning Resolution are not subject to ULURP but go through a similar public review process.

Special Permits within the Zoning Resolution requiring approval of the City Planning Commission (CPC). Special permits are discretionary approvals that can modify zoning controls such as use, bulk and parking. *(Note: CPC authorizations pursuant to the Zoning Resolution are not subject to ULURP. Variances and Special Permits reviewed by the Board of Standards and Appeals are also not subject to ULURP.)*

Site selection for capital projects. This includes the selection of sites for new city facilities such as sanitation garages, fire houses, libraries and sewage treatment plants. A capital project is the construction or acquisition of a public improvement classified as a capital asset of the City.

Revocable consents, requests for proposals and other solicitations or franchises, and major concessions. A *franchise* is a grant by an agency of a right to occupy or use the inalienable property of the city to provide a public service such as a private bus line or bus stop shelters. A *revocable consent* is a grant by the city, revocable at will, for private use on, over or under city property such as bridges over streets or street furniture. Revocable consents that the Department of City Planning has determined do not have land use impacts or implications are not subject to ULURP. *(Note: sidewalk cafes are revocable consents that are reviewed pursuant to a process established in the city's Administrative Code. The City Planning Commission does not review such applications).* A *major concession* is a grant

made by an agency for the private use of city-owned property, and which has significant land use impacts and implications or which requires the preparation of an environmental impact statement. The City Planning Commission has established rules for determining if a concession is major and requires ULURP review.

Improvements in real property the costs of which are payable other than by the City. Applications for such non-city improvements are rarely made.

Housing and urban renewal plans and project pursuant to city, state and federal laws. Urban Renewal Plans developed pursuant to the General Municipal Law (Article 15) are required to be reviewed by the Charter and State Law.

Sanitary or waterfront landfills.

Disposition of city owned property. This includes sale, lease or exchange of real property.

Acquisition of real property by the city. Office space acquisition is excluded and subject to a separate review pursuant to Section 195 of the City Charter.

ULURP Review Process

Filing of Application. An applicant must file a standardized Land Use Review Application and all required accompanying documentation with the Department of City Planning (DCP). Copies of all applications and accompanying material are sent to the affected Borough President, Community Board and the City Council within five business days of receipt. If the application involves land in more than one community district it is also sent to the appropriate borough board. The Borough Board is comprised of the Borough President, all Community Board chairs and City Council members within the affected borough.

Certification. DCP is responsible for certifying that the application is complete, and ready for public review through the ULURP process.

An application cannot be certified until DCP determines that the application includes all forms, plans and supporting documents that are necessary to address all issues related to the application. If the particular application is subject to environmental review, a negative declaration or a conditional negative declaration or a notice of completion of a Draft Environmental Impact Statement must be issued before an application can be certified. There is no mandated time by which this pre-certification review must be completed. The Charter permits applicants or the affected Borough President to appeal to CPC for certification after six months from the date of application submission.

Certified applications are sent within nine days to the affected Community Board, Borough President and the City Council and if appropriate, to the Borough Board.

Community Board Review. Within sixty (60) days of receiving the certified application, the Community Board is required to hold a public hearing and adopt and submit a written recommendation to CPC, the applicant, the Borough President and when appropriate, the Borough Board. The ULURP rules include provisions relating to the notice and conduct of a Community Board public hearing. ULURP provisions also govern the quorum, vote and content

for a Community Board recommendation. If a Community Board fails to act within its time limit or waives its right to act, the application proceeds to the next level of review.

Borough President Review. Within thirty (30) days of receipt of a Community Board recommendation, or if the Community Board fails to act, within thirty (30) days of the expiration of the Community Board's review period, the Borough President shall submit a written recommendation to the City Planning Commission. If an application involves land in more than one community district, the Borough Board may (within the Borough President's review period) also review and submit a recommendation to CPC. If the Borough President fails to act within the time limit, the application proceeds to CPC.

City Planning Commission Review. CPC must hold a public hearing and approve, approve with modifications or disapprove the application within 60 days of the expiration of the Borough President's review period. City Planning Commission hearings are generally held twice a month on Wednesdays in Spector Hall at 22 Reade Street. Adoption of a CPC report approving, modifying or disapproving an application requires an affirmative vote of seven commissioners. If the Borough President has recommended against an application for site selection, disposition of city owned property or acquisition and has recommended an alternative site pursuant to the fair share provisions of the Charter (section 204), then nine affirmative votes are required. CPC then files copies of its decision with the City Council. In most cases, disapproval of an application by CPC is final and terminates ULURP. Disapproved applications for urban renewal plans are subject to Council review. In addition, disapproved applications for special permits, zoning text changes and zoning map changes that the Mayor has certified as necessary are subject to review by the City Council. *(Note: No "certificate of necessity" has been issued by any mayor since ULURP went into effect).*

City Council Review. The City Council does not automatically review all ULURP actions that are approved by CPC. The Charter requires the Council to review certain actions, some only under special circumstances, and makes provision for the Council to elect to review other actions.

The City Council automatically reviews (Mandatory Review):

- zoning map changes;
- zoning text changes (not subject to ULURP but subject to Charter section 200 and 201);
- housing and urban renewal plans;
- disposition of residential buildings, except to non-profit companies for low-income housing

The Council may elect to review the following by voting to take jurisdiction within 20 days after CPC files its report (Council "call-up"):

- City Map changes;
- maps of subdivisions or plattings;
- zoning special permits;
- revocable consents, franchise RFP's, and major concessions;
- non-City public improvements;
- sanitary and waterfront landfills;
- disposition of commercial or vacant property;
- disposition of residential buildings to nonprofit companies for low-income housing;
- acquisition of real property; and

- site selection.

Applications disapproved by the Community Board and Borough President (Triple no):

An application which is subject to elective review by the Council, will be reviewed if that application was disapproved by the Community Board and Borough President, was approved or approved with modifications by the City Planning Commission, and the Borough President files an objection to CPC approval with the Council and CPC within 5 days of receipt of CPC's approval.

Within 50 days of receipt of the CPC report on an application that is either subject to mandatory review, is "called-up" by the Council, or is a "triple no" application, the Council must hold a public hearing, and approve, approve with modifications or disapprove the decision of the City Planning Commission.

If, during the course of its 50-day review period, the Council decides it wants to approve an application with a modification, it can do so only by referring the proposed modification back to CPC. CPC must then determine if the modification is of such significance that additional environmental review is necessary or that additional review pursuant to ULURP is required. If CPC determines that additional review is needed, the Council may not adopt the modification. If no additional review is needed, the Council can adopt the application with the modification. When the Council proposes a modification, CPC has 15 days to make its determination and during that period the City Council's 50-day clock is stopped.

A City Council action approving, approving with modifications or disapproving most CPC actions, requires a majority vote of the Council. Urban Renewal Plans that have been disapproved by CPC can only be approved by a 3/4 vote of the Council.

If the Council fails to act within its review period, the Council shall be deemed to have approved the decision of the City Planning Commission.

Mayoral Review. Mayoral approval is not required. A decision by the City Council to approve or disapprove a land use application is considered to be final unless the Mayor elects to veto a Council action within 5 days of the vote. The Council, by a 2/3 vote, can override a Mayor's veto of its decision within 10 days of the veto.

Applications approved by CPC that the Council did not assume jurisdiction or act on within its 50 day review can also be vetoed by the Mayor within 5 days of the expired Council time period. The Council, by a 2/3 vote, can override a Mayor's veto of the CPC decision within ten days of the veto.