

UNIFORM LAND USE REVIEW PROCEDURE (ULURP)

The New York City Charter requires certain actions that are reviewed by the City Planning Commission to undergo a Uniform Land Use Review Procedure (ULURP).

ULURP is a standardized procedure whereby applications affecting the land use of the city would be publicly reviewed.

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.

ULURP Process: Filing of application, Certification, Community Board Review, Borough President Review, City Planning Commission Review, City Council Review, and Mayoral Review.

FILING OF APPLICATION

Upon filing, 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

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, 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 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 days of receipt of a Community Board recommendation, or if the Community Board fails to act, within thirty 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. 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 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.

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: Zoning map changes; zoning text changes; 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: 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.

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. 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.