



LAND USE

UNIFORM LAND USE REVIEW PROCEDURE

How It Is Now

- The Uniform Land Use Review Procedure (ULURP) is a process that sets standards and timelines for certain land use actions, like selling and buying city property or approving development projects that don't comply with existing zoning regulations.
- ULURP begins when the Department of City Planning (DCP) reviews and certifies a filed application.
- After DCP certifies an application, the affected Community Board holds public hearings and submits a nonbinding recommendation to the City Planning Commission (CPC) and a Borough President. The Borough President then submits an independent nonbinding recommendation.
- CPC holds a public hearing and votes to disapprove, approve, or approve the application with modifications. CPC files approvals with or without modifications with the City Council.
- The Council may (1) disapprove the application, ending the process, (2) modify the application, triggering CPC review of the modification, or (3) approve the application, ending the process unless the Mayor vetoes the Council approval.

UNIFORM LAND USE REVIEW PROCEDURE (ULURP) PROCESS



- Applicants may apply to make further modifications to a project after ULURP approvals are secured. DCP staff decide whether the modification has “substantial compliance” with the earlier approved application, if it’s a “minor modification,” or if it’s a “major modification.”
- If DCP staff determine that a modification is in substantial compliance with the original approval, no further CPC or City Council action is necessary. A “minor modification” is subject to a Community Board review period and a CPC vote. “Major modifications” must undergo a new ULURP process.

Why Should You Care?

- Some communities feel that they do not have much of a say in the developments or other land use actions in their neighborhoods through the ULURP process.
- Before DCP certifies an application, negotiations and other agreements for development begin. Some say that this “pre-certification” process is lengthy and lacks transparency.
- There is community sentiment that too many projects avoid ULURP entirely
- There is a lack of clear rules when post-approval modifications require additional ULURP review

What Experts and Advocates Are Proposing

- Notify and solicit feedback from Community Boards and Borough Presidents during the pre-certification process
- Streamline or limit the duration of the pre-certification process
- Expedite ULURP process for affordable housing
- Allow Borough Presidents to submit formal amended applications with their recommendations
- Expand the list of projects subject to ULURP. This may include the review of long-term licenses, the sale or lease of NYCHA property, or the sale or lease of City-owned development rights
- Describe the types of post-approval modifications that require a new ULURP process in the Charter or Administrative Code.
- Require additional ULURP review for any modifications that increase floor area or height
- Authorize the Council to determine whether or not its proposed modifications are within the scope of the studied project
- Require the Council to have a supermajority (2/3 vote) to approve applications that have been rejected by the Community Board, Borough President, and/or Borough Board

COMPREHENSIVE PLANNING

How It Is Now

- Urban planning professionals use the term “comprehensive plan” to describe a document that articulates long-term development goals related to transportation, utilities, land use, recreation, housing, and other types of infrastructure and services.
- In New York City, a “master plan” was required under the 1936 Charter; however, the requirement was repealed by referendum under the State’s 1975 Charter Revision Commission.
- Within comprehensive planning is the issue of whether communities are receiving their “fair share” of city facilities, as certain unwanted land uses tend to be disproportionately located in low-income communities of color.
- The 1989 Charter Revision Commission acknowledged this problem by adopting Charter Sections 203 (“Criteria for Location of City Facilities”) and 204 (“Citywide Statement of Needs”).
- Section 204 requires that the Mayor submit an annual statement of significant expansions or significant closures of City facilities based on information agencies provide. Each Community Board and Borough President then reviews this statement of needs.
- Section 204 also requires certain ULURP applications to be consistent with the statement of needs and satisfy the criteria of Section 203.

Why Should You Care?

- There is a perception that planning occurs through piecemeal amendments to the Zoning Resolution (often sponsored by interested parties).
- Some perceive that DCP chooses rezoning initiatives based on political viability rather than planning logic. This may lead to disproportionate upzoning of poor and Latino, black and Asian neighborhoods and downzoning of wealthier neighborhoods.
- There is a citywide need for additional development capacity, which may conflict with the type of developments communities want in some neighborhoods
- According to a City Council report, in the nearly 30 years since the Charter provisions went into effect, the distribution of municipal facilities has become less fair.