

**A PRIMER ON NEW YORK CITY'S
UNIFORM LAND USE PROCEDURE
(ULURP)**

April, 2009

INTRODUCTION

The overall intent of New York City's Uniform Land Use Procedure (ULURP) is to provide citizens and elected officials an opportunity to comment on pending land use matters. In 1975 and again in 1989, the City Charter was amended and Section 197-c established ULURP. It is administered by the Department of City Planning (DCP) and the City Planning Commission (CPC). ULURP is also one of the specifically noted Charter mandated responsibilities of the Borough President, who under the City Charter must maintain a Bureau of Planning.

In the context of ULURP the Borough President (BP) offers *recommendations* and *commentary* pursuant to the specific application only after the Community Board in which the matter is located has taken action on the proposal. The BP may recommend approving the application, approve it with modifications or disapprove the application. Like the Community Board, the Borough President tenders a recommendation to the City Planning Commission which may concur with the Community Board or may not. Likewise, the Planning Commission may concur or not with either the Community Board or Borough President.

In the context of the BP's function pursuant to ULURP Planning and Development staff:

- Schedules public hearings on all pending ULURP applications
- Advertises the date, time and location of the hearing
- Posts hearing notices in the "City Record"
- Telephones applicant affected community board and city agencies about the hearing
- Creates an agenda to be followed at the hearing
- Conducts site visits of all locations impacted by a pending ULURP matter
- If necessary, drafts public testimony and may offer said testimony at CPC hearings
- Drafts recommendations for BP review and approval on all ULURP applications
- Monitors time clock on all Bronx ULURPs
- Maintains files on all ULURPs for a period of 7 years

Borough President public hearings are not a mandated requirement.

MATTERS SUBJECT TO ULURP

Among matters that are most often reviewed pursuant to ULURP and the lettered suffix identifying each action include:

- Disposition of City Owned Property Pursuant to Zoning (PPX)
- Amendment to the Zoning Map (ZMX)
- Amendment to the City Map (mapping or demapping actions) (MMX)
- Amendment to an Urban Renewal Plan (HUX)
- Minor Amendment to an Urban Renewal Plan (HCX)
- Disposition of Property by the Department of Housing Preservation & Development (HAX)
- Property acquisition from the private sector and/or lease agreements (PCX)
- Issuance of a Special Permit (ZSX)

When a matter subject to ULURP is initially considered by the Department of City Planning, a ULURP application number and land-use suffix is assigned by the Department to identify the specific application, the action being considered and the borough. For example, if city owned property in the Bronx is being disposed of pursuant to zoning in calendar year 2009 the number assigned will commence with "09" followed by the number unique to the application "0124" and the suffix PP followed by the letter X which establishes the borough as the Bronx. This yields the number 090124 PPX.

CERTIFICATION, TIME DEADLINES AND REVIEW

At a formal public hearing the City Planning Commission (CPC) will establish that the pending ULURP application includes all the required documentation necessary to be considered "complete." Among this required material an environmental review undertaken by the applicant is essential. Once the City Planning Commission determines the necessary material is included, it certifies the application as complete and the prefix "C" is assigned to the application's identification number, (C 090124 PPX). On the date this certification occurs the Charter mandated ULURP time clock commences.

Timing is Everything

Upon being certified, the Department of City Planning has 9 days to distribute the certified ULURP application to the Community Board and Borough President's office.

Community Board: 60 days from date of certification to consider the matter and submit rec.
Borough President: 30 days from date the CB submits recommendation to City Planning

If this time deadline is missed by either the Community Board or Borough President, the recommendation offered by the late submitter is recorded as non-complying. This means that if the Planning Commission so decides, the late submitter's recommendation can be overlooked and/or ignored.

City Planning Commission: 60 days from the date the BP submits recommendation to CPC
City Council: 50 days from the date the CPC formally votes on the application

The City Council is not required to consider all matters subject to ULURP. Those actions which do require City Council review include:

- Zoning Map Changes
- Zoning Text Changes
- Housing and Urban Renewal Plans
- Disposition of residential buildings owned by the city except to non-profit companies for low income housing

If however a member of the City Council wishes to consider a pending ULURP matter, that official may "call up" the action by a City Council majority vote within 20 days of CPC approval.

THE TRIPLE NO

The “triple no” defines an application which both the Community Board and Borough President recommends be *disapproved*, but which is subsequently approved or modified by the City Planning Commission. In this instance the Borough President has five days commencing on the date the CPC formally voted, to file an objection (completing the “triple no”) with the City Council. The City Council then has 50 days from the date the CPC approved the matter to hold a formal public hearing on the application.

CITY COUNCIL ACTIONS

The City Council can approve the application, approve it with modifications or disapprove the decision of the City Planning Commission. If the City Council votes by simple majority to approve the application with modifications, within the 50 day review period it can do so only by referring the proposed modification back to the City Planning Commission. The Planning Commission has 15 days to make its determination as to whether it will adopt or reject the Council’s modification during which time the 50 day time clock is suspended. If the CPC agrees with the modification it need not take any action. If it objects to the modification the Council may not adopt the modification until the CPC formally considers whether additional review is required. If so, the Commission may determine that the proposed modification requires an additional ULURP filing or environmental review.

THE MAYOR’S VOICE

Formal involvement by the Mayor in the ULURP process is extremely rare. Nonetheless, the Charter does provide a formal role for the Chief Executive. Following a formal vote taken by the City Council, the Mayor has 5 days to veto a Council action. Within 10 days by a 2/3rd majority the Council can override the Mayor’s veto. Applications approved by the City Planning Commission which were not reviewed by the City Council can also be vetoed by the Mayor within 5 days from the date of the City Planning Commission’s vote. If this occurs the City Council has 10 days following the Mayor’s veto to consider an override, again by a 2/3rd majority.

THE BRONX BOROUGH BOARD

The only formal role assigned to the Borough Board pursuant to ULURP is if the proposed matter involves more than one community board. For example, if an amendment to the Zoning Map crosses into two community districts, the matter must be calendared and heard by the Bronx Borough Board before the 30 day time clock assigned to the Borough President expires. While any Borough Board member may question the applicant, only those members in whose community districts the proposed action will occur are permitted to vote. This outcome of this hearing and subsequent vote are made part of the Borough President’s ULURP submission to the City Planning Commission.

CONCLUSION

The ULURP process is one critical role assigned to the Borough President by the City Charter. As such, all ULURP applications submitted by the Borough President are maintained in the Planning and Development office for a period of seven years. In addition, when the City Planning Commission drafts its position, all information provided by the Borough President is made part of the Commission’s document. Of comparable importance is that modifications made by the Borough President may be formally adopted by the Planning Commission.