

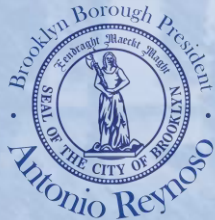
ULURP Training for Community Boards

Fall 2022



WELCOME!

The purpose of this training is to familiarize board members with the ins and outs of the **ULURP** process, which can be confusing for community boards and the public.



WHAT IS ULURP?

Uniform Land Use Review Procedure

A legal process for public review and approval of certain land use actions (public and/or private), mandated by Section 197-c of the New York City Charter.

- What actions are subject to ULURP?
- Who participates in ULURP?
- What is the ULURP clock?
- What is the role of community boards?
- What is the Borough President's role?
- What is the role of the City Planning Commission?
- What is the Council Member's role?



THE ULURP PROCESS



Credit: Charter Revision Commission

ACTIONS SUBJECT TO ULURP

ULURP actions are **discretionary**, which means they may or may not be approved (as opposed to *ministerial* actions such as building permits, which the City cannot deny).

- Zoning map and text changes; requests for special permits within the Zoning Resolution
- Site selection for capital projects; acquisition and disposition of City-owned property
- Housing and urban renewal plans; projects pursuant to city, state, and federal laws
- Revocable consents, requests for proposals (RFPs), franchises, and major concessions

...and other, less common applications



WHO PARTICIPATES IN ULURP?

The ULURP process involves participants whose role is advisory and others who have decisionmaking authority.

Advisory Role	Decision-making Role
Community Boards	City Planning Commission
Borough Boards	City Council (and Members)
Borough Presidents	The Mayor



WHO PARTICIPATES IN ULURP?

The ULURP process is initiated by private (developers) and public (city agencies) actors, who submit applications to the **Department of City Planning (DCP)**. Once DCP deems an application complete, it is certified into ULURP by the City Planning Commission (CPC).

Actor	Department of City Planning (DCP)
Phase	Pre-Certification (before the ULURP clock starts)
Role	<ul style="list-style-type: none">• Receives application and related documents• Forwards application and documents to Community Board, the Borough President and the Borough Board (if more than one affected CB)• Certifies application as complete



WHO PARTICIPATES IN ULURP?

The certified application is forwarded to the affected **Community Board** (sometimes more than one, depending on the project) which gets 60-75 days (based on the time of year) to review and submit its recommendation.

Actor	Community Board
Phase	Community Board review [60-75 days]
Role	<ul style="list-style-type: none">• Schedules hearing on application and notifies the public• Holds public hearing and votes on application [approve, approve with conditions, disapprove with conditions, or disapprove]• Submits recommendation to CPC and the Borough President



WHO PARTICIPATES IN ULURP?

The **Borough President's** review period begins when the Community Board submits its recommendation, and must be completed within 30 days.

Actor	Borough President
Phase	Borough President review [30 days]
Role	<ul style="list-style-type: none">• Schedules hearing on application and notifies the public• Holds public hearing on application• Submits recommendation [approve, approve with conditions, disapprove with conditions, or disapprove] to CPC



WHO PARTICIPATES IN ULURP?

The **City Planning Commission (CPC)** receives recommendations from the Community Board and the Borough President. It has 60 days to hold its hearing and vote on the application.

Actor	City Planning Commission (CPC)
Phase	City Planning Commission review [60 days]
Role	<ul style="list-style-type: none">• Schedules and holds public hearing• Approves, modifies, or disapproves application• Files approvals and modifications with the City Council



WHO PARTICIPATES IN ULURP?

The **Mayor** can veto a decision by City Council or the CPC, but must do so within 5 days. The City Council can override a mayoral veto by a 2/3 vote, but must do so within 10 days.



WHO PARTICIPATES IN ULURP?

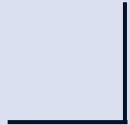
After the CPC approves the application, it moves to the City Council for a 50-day review period. The City Council must vote on zoning map and text changes; it can choose to review other types of ULURP applications.

Actor	The City Council
Phase	City Council review [50 days]
Role	<ul style="list-style-type: none">• Reviews application, holds public hearing, and votes to approve, approve with modifications, or disapprove.• Refers any proposed modifications to CPC for additional review [15 days]



ULURP CAN BE CHALLENGING...

- The Department of City Planning controls the ULURP pipeline – multiple applications of varying complexity can be certified at once [though DCP is required to give 30 days' notice of impending certifications]
- Zoning matters are complex; and large applications can involve multiple actions, including map changes, special permits, and parking waivers; most Community Boards lack a full-time planner to provide technical assistance on ULURP applications
- Though their role is advisory, Community Boards can influence ULURP outcomes through their recommendations; the final project takes shape during negotiations between the applicant and the Council Member, who ultimately holds the developer accountable



THE BOROUGH PRESIDENT'S OFFICE

What can we do?

- Provide regular trainings and answer questions about ULURP
- Discuss specific applications and explain the implications of different zoning actions
- Offer technical assistance with hearing procedure and the Open Meetings Law (OML)

What can't we do?

- Pause or stop the ULURP clock
- Modify a certified application
- Influence a board's vote on an application
- Secure exactments from an applicant



THE BOROUGH BOARD

The **Borough Board** is constituted by:

- the **Borough President**, who serves as chair
- **Council Members** representing the borough
- chairpersons of the borough's **Community Boards**

The Borough Board reviews and votes on land use applications affecting multiple CBs (e.g. Citywide text amendments.) It also has the power to initiate and review comprehensive or special purpose plans for the borough.

* may vote only on matters directly affecting their districts



UNDERSTANDING ULURP APPLICATIONS

The ULURP application packet includes the Notice of Certification (NOC), zoning, land use, and tax maps, and a long-form description of the proposed actions. An Environmental Assessment Statement (EAS) is provided prior to certification.

Public documents for an application filed with DCP (including those not yet certified) can be found on the Zoning Application Portal:

zap.planning.nyc.gov



GLOSSARY OF TERMS

Terms that frequently appear in ULURP applications

ULURP

ZONING ENVELOPE

SPECIAL PERMIT

ZONING

CONTEXTUAL ZONING

ACQUISITION/DISPOSITION

ZONING DISTRICT

REZONING

MANDATORY INCLUSIONARY
HOUSING

USE GROUP

MAP AMENDMENT

LARGE-SCALE DEVELOPMENT

LAND USE

TEXT AMENDMENT

FLOOR AREA RATIO

PROJECT AREA



NOTICE OF CERTIFICATION (NOC)

Provides key information, including:

- ULURP and CEQR #s
- Project name
- Docket description
- Related applications
- Applicant and contact
- Public review timeline



NYC PLANNING		NOTICE OF CERTIFICATION	
Pursuant to the Uniform Land Use Procedure			
Application #: C 210332 ZMK	Project Name: 446-448 Park Avenue Rezoning		
CEQR Number: 21DCP094K	Borough(s): Brooklyn		
	Community District Number(s): 3		
Please use the above application number on all correspondence concerning this application			
Docket Description:			
IN THE MATTER OF an application submitted by 446-448 Park Realty Corp. pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 12d:			
<ol style="list-style-type: none">changing from an M1-1 District to an M1-4/RA District property bounded by Park Avenue, a line midway between Franklin Avenue and Skillman Street, a line 80 feet southerly of Park Avenue, and a line 105 feet westerly of Franklin Avenue; andestablishing a Special Mixed Use District (MX-4) bounded by Park Avenue, a line midway between Franklin Avenue and Skillman Street, a line 80 feet southerly of Park Avenue, and a line 105 feet westerly of Franklin Avenue;			
Borough of Brooklyn, Community District 3, as shown on a diagram (for illustrative purposes only) dated July 11, 2022, and subject to the conditions of CEQR Declaration E-681.			
Related Applications:	N 210333 ZRK		
Applicant(s): 446-448 Park Realty Corp. 545 Bedford Avenue, Suite 256 Brooklyn, NY 11211	Applicant Contact: Richard Lubel Sheldon Lubel, P.C. 18 East 41st Street, 5th Floor New York, NY 10017		
Contact: Address questions about this application to the following DCP Office: DEPARTMENT OF CITY PLANNING Brooklyn Office Address: 18 Court Street, 7th Fl. Brooklyn, NY 11241-0103 Tel.: 718-780-8280 A: BR_DL@planning.nyc.gov			
Public Review Timeline: On 07/11/2022 the above listed application was certified as complete by the Department of City Planning. The period for community board review begins on 07/20/2022 and must be completed by 10/03/2022			

Application #:
C 210332 ZMK

This is the reference number for the ULURP action (in this case, a zoning map amendment, "ZMK")

CEQR Number:
21DCP094K

This is the reference number for the associated Environmental Review Statement, which the project must complete prior to ULURP certification



NOTICE OF CERTIFICATION

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IN THE MATTER OF an application submitted by 446-448 Park Realty Corp. pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 12d:

1. changing from an M1-1 District to an M1-4/R6A District property bounded by Park Avenue, a line midway between Franklin Avenue and Skillman Street, a line 80 feet southerly of Park Avenue, and a line 105 feet westerly of Franklin Avenue; and
2. establishing a Special Mixed Use District (MX-4) bounded by Park Avenue, a line midway between Franklin Avenue and Skillman Street, a line 80 feet southerly of Park Avenue, and a line 105 feet westerly of Franklin Avenue;

Borough of Brooklyn, Community District 3, as shown on a diagram (for illustrative purposes only) dated July 11, 2022, and subject to the conditions of CEQR Declaration E-681.

Project Name:

The project name typically includes an address and signifies the type of action, in this case a rezoning

Docket Description:

The docket description is a detailed summary of the requested actions that also outlines the boundaries of the affected project area.

In this case, the applicant is seeking to rezone a property to allow residential development, and to establish a special mixed-use district.

An accompanying diagram showing the proposed change on the City Zoning Map is provided in the packet.



Related Applications:

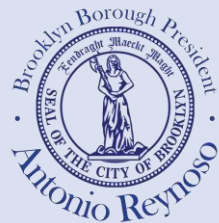
N 210333 ZRK

Related applications are other actions requested by the applicant, in this case a zoning text amendment, "ZRK"

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Public Review Timeline:

This section provides important information about the application's "ULURP clock" including: the date of certification, and the start and end date of the Community Board's review period.



SCHEDULING A ULURP HEARING

When scheduling a ULURP hearing, CBs typically:

- Hold the hearing as part of the board's regular land use committee meeting

OR

- If the land use committee meets only as needed, schedule a meeting specifically to hear a ULURP application

The New York City Charter requires CB offices to provide advance notification of ULURP hearings. Public notices must appear in **The City Record Online (CROL)** at least 5 days before the hearing date.



CB REVIEW OF ULURP: BEST PRACTICES

- Meet with applicant prior to certification (if possible)
 - ✓ Chance for CB to provide preliminary feedback and request modifications early on; can result in better project overall
- Hold hearing, vote, and submit resolution within review period
 - ✓ Ensures that CB comments are received and considered by BP and CPC; important to follow procedure including quorum, and resolution phrasing
- Submit resolution with comments and/or conditions
 - ✓ Helps BP, CPC, and Council Member understand the CB's position; opportunity to make asks and/or reiterate concerns



Thank you



@BKBPREYNOSO

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