



MEMO:
ULURP SHOULD APPLY TO THE ATLANTIC YARDS PROJECT
(June 18, 2004)

The New York Public Interest Research Group believes that a development as large as the proposed Brooklyn Atlantic Yards project should be the subject to the accountable public review mandated by New York City's Uniform Land Use Review Procedure (ULURP.)

The Atlantic Yards would be home to a \$2.5 billion mixed-use project in downtown Brooklyn, as proposed by the development company Forest City Enterprises. It would include an 800,000 square foot sports and entertainment arena; 2.1 million square feet of office space; 300,000 square feet of retail space; 4.4 million square feet of residential space comprised of 4,500 units of housing; and six acres of parks and open space. The project would be built in part over existing rail yards owned by the Metropolitan Transportation Authority and in part on surrounding blocks. (NYPIRG has not taken a position on the overall Atlantic Yards proposal.)

At the present time, it appears likely that something other than ULURP will govern the development of the site. If the Empire State Development Corporation oversees the project, NYPIRG does not believe its public participation process is adequate. That is because the final decision would rest with the ESDC board of directors, not city elected officials.

NYPIRG believes that responsible city planning requires that the project proceed with the kind of accountable community and local official review spelled out in ULURP. "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," as described on New York City government's website, www.nyc.gov. "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."

Under ULURP, developers file a standardized application with the City Department of City Planning (DCP) and affected community boards and officials. DCP certifies that the application is complete — including a draft environmental impact statement where required — and ready for public review. Following a detailed timetable, affected community boards are required to hold a public hearing and adopt and submit a written recommendation to the City Planning Commission. Then the Borough President submits a written recommendation to the City Planning Commission and the commission must hold a public hearing and approve, approve with modifications or disapprove. The City Council may and sometimes must review ULURP actions approved by CPC. Council action is subject to a mayoral veto, which in turn is subject to a Council override.

The ULURP process fosters community involvement and has, over time, resulted in major changes in proposals.

It is true that the ESDC planning process mimics the steps in ULURP. But it does not hold local city officials accountable as the final decision is made by the state-appointed ESDC.

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