

Latent Urban Ventures LLC

Brooklyn, NY

September 8, 2026

New York City Department of City Planning
New York City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

Re: Proposed Rules Implementing the Expedited Land Use Review Procedure

Dear Chair Sherman, Executive Director Hsu-Chen, and Members of the City Planning Commission:

Latent Urban Ventures LLC (“Latent”) respectfully submits these comments on the proposed rules implementing the Expedited Land Use Review Procedure (“ELURP”). Latent is a New York City real estate advisory and investment platform focused on identifying sites and transactions where changes in zoning, public policy, infrastructure, ownership, and market conditions create new opportunities for housing and economic development. Our work includes the screening of properties that may benefit from ELURP.

We strongly support the objectives of these reforms. ELURP has the potential to make feasible a category of modest housing rezonings that historically could not justify the time, expense, and uncertainty of ULURP. The success of this reform, however, will depend on whether property owners can determine eligibility and affordability requirements in advance and move predictably from an initial proposal into formal public review.

As DCP and CPC finalize the implementing rules and guidance, we encourage particular focus on four issues.

1. Establish a predictable pre-certification process, including a deadline for determining completeness.

One of ELURP’s principal benefits is speed. That benefit could be substantially diminished if projects remain subject to an open-ended pre-certification process.

Under the proposed framework, DCP may take up to 60 days following receipt of an application to identify deficiencies, followed by additional review periods after supplemental materials are submitted. An applicant may not seek review of a failure to certify until 180 days after issuance of the Notice of Receipt. A requirement that DCP act within a specified period following a “complete” submission would not fully solve this problem if DCP itself controls when a submission is deemed complete.

The rules should therefore require DCP, within 30 days following receipt of an ELURP application, to determine either that (1) the submission is complete or (2) additional materials are required, in which case DCP should provide the applicant with a written and reasonably comprehensive identification of those materials. This receipt-based clock—or, at minimum, a firm deadline for making a completeness determination—is necessary to prevent the expedited review period from being delayed indefinitely before it begins. Subsequent requests should generally be limited to deficiencies in the applicant’s response or new issues that could not reasonably have been identified during the initial review.

DCP should also publish a standardized ELURP application checklist identifying the materials ordinarily required for certification and consider allowing an applicant to seek CPC review of certification delay after 90 days rather than 180 days.

Finally, clarity should be provided regarding what related actions can be included in the ELURP application. Actions such as a CPC Chairperson certification for waterfront zoning compliance or modification to parking/curbcut requirements can presumably travel with an ELURP application, but DCP should confirm.

2. Define precisely how the 30 percent residential-capacity test is calculated.

The Charter creates a very promising pathway for zoning changes that modestly increase residential capacity in medium- and higher-density districts. For that pathway to generate applications, owners and potential developers must be able to determine with reasonable certainty whether a proposed zoning change falls within the permitted 30 percent increase.

The rules or accompanying guidance should expressly resolve several questions.

First, what is the denominator? Is the 30 percent increase measured against the base residential FAR permitted by the existing zoning district, the maximum residential FAR available under existing zoning after accounting for UAP, MIH-related, or other optional or incentive-based floor area, or another measure of maximum residential development capacity?

In particular, DCP should expressly explain the treatment of the Universal Affordability Preference (“UAP”) adopted through City of Yes for Housing Opportunity. Where an existing zoning district permits a higher residential FAR through UAP, is that UAP-inclusive FAR considered part of the site’s existing “residential development capacity” for purposes of establishing the ELURP baseline? If so, is the permissible 30 percent increase measured from that higher UAP-inclusive FAR?

Second, DCP should clarify whether the test compares theoretical maximum residential FAR under the existing and proposed districts or attempts to account for practical constraints such as height, setbacks, yards, lot coverage, or other envelope controls. A theoretical FAR test would be substantially easier for applicants and the public to reproduce consistently.

Ideally, DCP should also publish eligible district-to-district transitions and relevant FAR assumptions in an easy-to-read format and update that resource as the Zoning Resolution changes.

Greater transparency regarding basic eligibility will expand the number of owners able to evaluate ELURP and allow applicants, communities, elected officials, and DCP staff to begin from a common understanding of which actions qualify, without reducing DCP discretion over the merits of individual applications.

3. Provide early written determinations and publish precedent, including MIH option determinations.

Because ELURP is new, the first applications will inevitably resolve interpretive questions that affect subsequent applicants. Modest rezonings are particularly sensitive to predevelopment cost, and owners should be able to obtain reasonable assurance about the applicable process and affordability framework before committing substantial resources.

We recommend that DCP provide an early written preliminary determination of ELURP eligibility at an appropriate point in the pre-application process, identifying the applicable Charter and rule provisions and the calculation supporting eligibility. That determination could remain subject to material project changes while providing a meaningful basis for proceeding.

Published guidance should also explain the affordability requirements of an ELURP action. The Charter Revision Commission contemplated that many ELURP zoning changes increasing residential capacity would be accompanied by the establishment or expansion of an MIH Area. The applicable MIH framework can materially affect the economics and physical program of a proposed development.

DCP should therefore clarify when an ELURP zoning map amendment will be expected to establish or expand an MIH Area; how the applicable MIH option or options will be determined; whether applicants can determine the expected MIH options during pre-application review; and whether particular ELURP district transitions will carry presumptive MIH options. DCP and CPC should publish written ELURP eligibility and MIH-option determinations, with sufficient explanation of the governing facts and reasoning to create a transparent and consistent body of precedent for subsequent applicants.

4. Clarify environmental-review requirements and the treatment of projects with existing DOB filings.

Recent changes to State environmental-review law and City CEQR procedures have the potential to make ELURP substantially more useful by eliminating the need for an Environmental Assessment Statement for many modest housing projects. DCP should establish a straightforward front-end process for determining whether CEQR applies to an ELURP

application and, where relevant, whether the application qualifies for an applicable SEQRA/CEQR housing exemption.

Where an application qualifies for an exemption, the process for demonstrating eligibility should be appropriately limited and should not recreate, through prerequisite studies or informal review, an EAS-like process. For applications that remain subject to environmental review, DCP should identify any standardized or streamlined treatment available so that CEQR requirements can be completed consistently with ELURP's accelerated timetable.

DCP should also provide guidance for properties with active or pending Department of Buildings applications, filings, or permits, including whether an applicant may pursue ELURP while those matters remain pending and how the ELURP application affects their continued processing, vesting, or amendment. Some of the projects most likely to benefit from ELURP may be sites where an owner has already designed and filed a new building or major alteration based on existing zoning but subsequently determines that a modest ELURP zoning change could support additional housing.

Conclusion

The Charter amendments create an opportunity to change the economics of housing production in NYC. Many potential housing sites do not require transformational rezonings, and instead can be unlocked by modest changes that could produce meaningful additional housing but have historically been too expensive, uncertain, or time-consuming to pursue.

An owner or applicant should be able to determine with reasonable confidence: Is my proposed zoning change eligible? What is the applicable FAR baseline? What affordability requirements will result? What environmental review is required? What happens to development work already underway? How long will it take to reach formal review?

If those questions can be answered early and consistently, ELURP can become a genuinely useful housing-production tool rather than simply a shorter public-review procedure.

We appreciate DCP and CPC's work to implement these significant Charter reforms and respectfully encourage the Commission to consider the recommendations above as it finalizes the rules. Latent would be pleased to discuss these comments or provide additional examples from our ongoing work of identifying sites that may benefit from ELURP.

Respectfully submitted,

Nate Bliss

Founder & Principal

Latent Urban Ventures LLC