



### Planning Board Public Workshop and Meeting

**Date:** Tuesday, February 1, 2022

**Location:** Teleconference and Videoconference via Zoom

**Time:** 6:00 PM

### Public Workshop Agenda (No Action Taken)

#### PROJECT #00345

<b>Application</b>	<b>DPR #0145</b>
<b>Property Address</b>	244 State Street (AKA 90 South Swan Street)
<b>Applicant</b>	Man Realty LLC
<b>Zoning District</b>	MU-CU (Mixed-Use, Community Urban)
<b>Request</b>	Major Development Plan Review - §375-505(3)
<b>Proposal</b>	Conversion of a +/-44,916 square foot office building into 61 dwelling units and a +/-490 square foot café (restaurant).

**Prior Appearance:** None (A previous iteration of this project appeared on the June 22, 2020, August 25, 2020, and September 29, 2020 agendas of the Planning Board.)

#### Notes/Comments:

- The chart below provides a quick summary of changes from the project that was approved on September 29, 2020 to what is currently proposed (Items highlighted in red indicate increases and items highlighted in green indicate decreases):

Changes from September 29, 2020 Approved Site Plan to Current Proposal		
Site Element	September 29, 2020 Site Plan	Current Proposal
Dwelling Units	61	61
Required On-Site Parking	0	0
Size of Proposed Restaurant	+/-538 square feet	+/-490 square feet

- The Development Plan Review approval from September 29, 2020 expired on September 29, 2021. Since that approval expired, the Applicant was required to submit a new Development Plan Review application.
- The application is currently being reviewed by City departments to confirm compliance with City standards. A copy of the project will be sent to the Albany County Planning Board to determine if a second recommendation is required.

**Recommended Action – DPR #0145: None. This is a Workshop Session.**

## Public Meeting Agenda (Public Comment Taken)

### PROJECT #00442

<b>Application</b>	<b>DPR #0133</b>
<b>Property Address</b>	16,18,20 Morris Street; 353 Lark Street
<b>Applicant</b>	Ron Stein
<b>Zoning District</b>	R-M (Multifamily)
<b>Request</b>	Major Development Plan Review - §375-5(E)(14) Major Development Plan Review Waiver - §375-5(E)(14)
<b>Proposal</b>	Construction of a four-story, +/-37,260 square foot multi-family structure with 40 dwelling units and requested waiver to not provide on-site parking, when 32 on-site parking spaces are required.

**Prior Appearance: October 26, 2021**

### **Notes/Comments:**

- The Applicant has submitted a waiver request to provide 0 off-street automobile parking spaces when 32 spaces are required by §375-405(2)(a) of the USDO. Based on the January 11, 2022 workshop, comments from the Planning Board recommended that the Applicant pursue additional methods to reduce the waiver request.

At the January 11, 2022 workshop, Planning Staff identified the following five available options in the USDO to reduce the required number of off-street parking spaces. The following list includes the available options, along with updates from the previous meeting:

- **§375-401(4)(a)(iii) - Affordable Housing Incentive:** The Applicant has expressed interest in applying for the affordable housing incentive in the Development Plan Review application, but has not provided supporting documentation on how the required rent or deed restrictions would be implemented to meet the requirements of §375-401(4)(a)(iii) of the USDO.
- **§375-405(3)(b) - Shared parking:** Since there is only one proposed use at the site, this is not available for this project. While the Applicant could add an additional use to access this parking adjustment, the size of the requested waiver would increase as well and be counterintuitive.
- **§375-405(3)(c) - On-street parking:** Under the previous USDO, the on-street parking was not applicable to the project since it is located in a residential district.

Under the current USDO, the on-street parking adjustment would apply to the project. However, the proposed height of the building would conflict with Note 7 in Table 375.401.2, which limits the height of any principal structure within 25 of a side or rear lot line of an abutting R-2 zoning district to 3 stories or 35 feet. Since the project site is adjacent to an R-2 district, +/- 1,032 square of the proposed fourth floor would not comply with the maximum permitted height requirements. The Applicant could utilize the Affordable Housing Incentive to increase the maximum permitted height of the building by one story, but then would not be able to use the incentive towards reducing the off-street parking requirement by 20%.

The Applicant has sent correspondence to the Department of Planning and Development stating that they would prefer the application to be reviewed under the previous zoning code.

▪ **§375-405(3)(d): Off-site parking:** As mentioned during the January 11, 2022 workshop, there are only two potential sites within the permitted 300-foot buffer that could provide potential parking (City Right-of-Way behind Hackett Middle School and Market 32. As of January 28, 2022, the Applicant has not submitted evidence that this option has been sought with either the City/Albany School District or Market 32.

▪ **§375-405(3)(e): Parking demand study:** While the Applicant submitted a document called Parking Demand Study and Transportation Demand Management Plan, the submission of this document was to support the submitted waiver request, as opposed to submitting the Plan to the Chief Planning Official for a reduction. In the submitted plan, the Applicant identifies existing transportation systems & infrastructure and proposes Transportation Demand Management strategies to reduce the use of single-occupancy vehicles.

Under §375-405(3)(e)(iii), the submitted plan must demonstrate that the resulting traffic demand shall not result in traffic congestion in the surrounding area and that the resulting off-street parking provided shall not result in on-street parking congestion in the surrounding area.

The submitted plan does not provide evidence demonstrating that the TDM strategies and the amount of off-street parking provided (0 spaces) would not result in parking congestion in the surrounding area.

- The Application was referred to the Albany County Planning Board for their January 20, 2022 meeting and modified the local approval to provide the following comments:
  1. Review by the Albany County Department of Health for water supply, waste water discharge, and other required permits.
  2. The local fire department should be notified to evaluate for public safety, emergency services access, water availability and any sprinkler system that may be required by building code.
  3. The Albany County Planning Board recommends that the City of Albany deny the wavier request for parking requirements due to the lack of parking in downtown Albany.
  4. The Albany County Planning Board recommends that the applicant should meet the minimum requirement of 32 parking spaces which otherwise can potentially set a precedent for future developments.
- The Planning Board uses five review standards to determine whether a waiver should be granted. The following list includes the waiver standards along with Planning Staff's determination of each of the standards and requested waivers:
  - i. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting of the waiver.

***The omission of on-site parking would not produce an undesirable change in the character of the neighborhood. Since parking would not occupy the ground floor, the Applicant has been able to provide a design that is more consistent with the character of the existing neighborhood. While the proposed waiver may have environmental impacts on the surrounding area, there would not be a detriment to neighboring properties/buildings through the granting of the waiver.***

- ii. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than a waiver.

***Multi-unit buildings have a base parking requirement of one off-street parking space per unit for an initial parking requirement for the project of 40 spaces. Since the project site is within ¼ mile of a transit route with a peak frequency of 15 minutes or better (CDTA Route 13), §375-405(3)(a) of the USDO permits a 20% off-street parking reduction, reducing the number of required parking spaces from 40 to 32.***

***Other permitted parking alternatives and adjustments in the USDO include:***

- ***§375-405(3)(b): Shared parking***
- ***§375-405(3)(c): On-street parking***
- ***§375-405(3)(d): Off-site parking, and***
- ***§375-405(3)(e): Parking demand study (TDM).***

***The Applicant has referenced that there are eight on-street parking spaces in front of the project site and that they are seeking a universal access agreement with CDTA as part of a Transportation Demand Management Plan (TDM). A copy of the universal access agreement was requested on December 28<sup>th</sup> and has not been provided. For the eight on-street parking spaces count towards the parking requirement, the Applicant would have to request to have the application be reviewed under the new zoning code, since the previous code only allows a reduction in mixed-use and special purpose zoning districts. The option to have the application be reviewed under the new zoning code has not been sought by the Applicant.***

***For the off-site parking adjustment, the Applicant could submit evidence of at least a two-year lease agreement for a legal parking lot within 300 feet of the project site. The only larger parking areas within 300 feet of the project site are the Market 32 Parking Lot at 40 Delaware Avenue and the City Right-of-Way used as parking for Hackett Middle School. The Applicant has not provided evidence that they have attempted to seek parking agreements with either Market 32 or the City for these parking spaces.***

***In addition to the adjustments and incentives noted in the USDO, the Applicant could utilize a different building footprint/configuration to allow for surface or garage parking on the site that could reduce or fully eliminate the need for the waiver request. As of January 28, 2022, the Applicant has not provided a justification for why a modified building design/footprint was not or could not be used.***

***Based on these factors, there are still other methods available to the Applicant to reduce the size of the requested waiver and achieve the same benefit.***

- iii. Whether the requested waiver is substantial.

***The requested waiver is quantitatively substantial, being a 100% deviation from the current requirement. While the submitted Transportation Demand Management (TDM) Plan recommends strategies related to reducing automobile usage, the Plan does not provide data on existing parking demand and does not demonstrate that the proposed TDM practices will reduce single-occupant vehicle use, ease traffic congestion, or result in on-street parking congestion in the surrounding area. Based on the current information provided, the requested waiver is substantial.***

- iv. Whether the proposed waiver will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

***Without evidence demonstrating that the proposed TDM strategies would mitigate or prevent parking congestion related to the site, it unclear if the proposed waiver would create any negative impacts on the conditions of the surrounding area.***

- v. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Planning Board, but shall not necessarily preclude the granting of the waiver.

***The difficulty is self-created.***

**Recommended Action – SEQR: Negative Declaration**

**Recommended Action – DPR #0133 Waiver: Deny**

**Recommended Action – DPR #0133: Defer**

**PROJECT #00457**

Application	<b>CUP #0053; DPR #0147</b>
Property Address	1048 Central Avenue
Applicant	Ryan Blatt, 1048 Central Ave ALB LLC
Zoning District	MU-NC (Mixed-Use, Neighborhood Center)
Request	Conditional Use Permit Review - §375-505(6) Major Development Plan Review - §375-505(3)
Proposal	Change of use of the subject property from indoor recreation or entertainment to a restaurant.

**Prior Appearance: None.**

**Notes/Comments:**

- The proposed project would convert an existing pool hall into an establishment with fifteen food preparation stations that would support takeout/delivery businesses.
- Since the proposed change of use would not result in an increase of required parking by more than 50%, additional parking does not need to be created or established off-site.
- The project will require a public hearing for the Conditional Use Permit application, review by City departments, and referral to the Albany County Planning Board.

**Recommended Action – CUP #0053 & DPR #0147: No Action.**