

Council Member Doesschate introduced the following:

ORDINANCE NUMBER 10.51.19

AN ORDINANCE AMENDING CHAPTER 375 OF THE CODE OF THE CITY OF ALBANY (UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) IN RELATION TO INCENTIVES FOR DEVELOPERS TO USE ENERGY EFFICIENT AND LOW IMPACT DESIGNS

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. Paragraph (b) (LOW IMPACT DEVELOPMENT) of subdivision (4)(INCENTIVES) of subsection (A) (DIMENSIONAL STANDARDS) of section 375-4 of Chapter 375 (DEVELOPMENT STANDARDS) of the Code of the City of Albany (Unified Sustainable Development Ordinance) is hereby amended to read as follows

(b) LOW IMPACT DEVELOPMENT

New development or redevelopment of a site that incorporates a blue (water retaining) roof, or a green (vegetated) roof, or other building or site features that are designed so that off-site flow of the first one inch of rainfall during the first 24 hours after rainfall ends is reduced by at least 50 percent shall receive the following benefits:

- (i) The project may reduce any required building setback from any zoning district other than a residential zoning district by 20 percent (provided that the required reduction in off-site water flow is still achieved); and
- (ii) The project may increase the maximum height of any primary building (or part of a primary building) located more than 100 feet from a Residential zoning district other than the R-M Districts by one story.
- (iii) The Low-Impact Development incentive detailed above shall be suspended and not available for application through 06/30/20.

~~B. The project may increase the maximum height of any primary building (or part of a primary building) located more than 100 feet from a Residential zoning district other than the R-M districts by one story.~~

Section 2. This ordinance shall take effect immediately.

APPROVED AS TO FORM

April 25, 2019

**COMMON COUNCIL
SUPPORTING MEMORANDUM**

ORDINANCE NUMBER: 10.51.19

SPONSOR(S): Doesschate

TITLE: AN ORDINANCE AMENDING CHAPTER 375 OF THE CODE OF THE CITY OF ALBANY (UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) IN RELATION TO INCENTIVES FOR DEVELOPERS TO USE ENERGY EFFICIENT AND LOW IMPACT DESIGNS

GENERAL PURPOSE OF LEGISLATION: To suspend the application of the USDO incentive that allows developers to increase the height of the primary building on a site by one story if the developer incorporates into design plans a blue roof or green roof or other building or site features that are designed so that off-site flow of the first one inch of rainfall during the first 24 hours after rainfall ends is reduced by at least 50 percent shall receive the following benefits:

NECESSITY FOR LEGISLATION AND CHANGES TO EXISTING LAW: In the proposed 383 page draft changes to the USDO, the administration has recommended suspending the low impact incentive through December 31, 2019 because this has been far and away the most utilized incentive and the administration wants both to test the effectiveness of the other incentives contained in the USDO and make the low-impact incentive more robust. This legislation takes the administration's proposed language and increases the suspension time to June 30, 2020. By introducing it as a stand alone amendment, it will ensure this important measure is adopted as soon as possible to stem the permanent adverse impact and unintended consequences of this provision can have on the City.

The routine increase of many developments by a full story in predominantly residential areas has caused great consternation amongst residents since it is inconsistent with the overall design and utilization plan intended when the USDO was adopted in exchange for little to no benefit to the public and the sustainability of the City. The current USDO has certain protections for water retention for developments that duplicate the benefits intended by this provision while enabling developers to build much taller than expected buildings near residential properties.

The Sustainability Advisory Committee's initial report included recommendations that all new developments be required to employ energy efficient and sustainable technology. The inclusion of these types of features should be the norm and not entitle developers to increase the height of buildings beyond what the City determined to be appropriate building heights and setbacks in its overall zoning plan. We agree that this provision should be suspended as soon as possible and studied for its efficacy.

The current 6 month amendments proposed by the administration amount to a substantial re-write of this 383 page document and have taken almost 2 years just to be proposed. Considering the comprehensiveness of those changes and the renumbering (and changed citations) throughout the document, it is likely that the actual review and adoption by the various

individuals and bodies will (and should) take at least another four to six months. In the meantime, this incentive should be suspended immediately so as to not exacerbate the long term impact of this questionable provision that the administration agrees should be suspended and studied.

TIME FRAME FOR PASSAGE: As soon as possible.

SPECIFICS OF BIDDING OR OTHER PROCUREMENT PROCESS: N/A

SPECIFICS OF REAL PROPERTY SALE OR ACQUISITION: N/A

FISCAL IMPACTS: None.