

Council Member Doesschate introduced the following:

ORDINANCE NUMBER XX.41.20

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 green (vegetated) roof 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 incentives detailed above shall be suspended and not available for new development or redevelopment applications submitted between June 30, 2019 and June 30, 20202021.

Section 2. This ordinance shall take effect immediately.

APPROVED AS TO FORM

March _____, 2020

**COMMON COUNCIL
SUPPORTING MEMORANDUM**

ORDINANCE NUMBER: XX.41.20 (As Amended)

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 continue the suspension of the application of the USDO incentive that allows developers to increase the height of the primary building on a site by one story or reduce set backs if the developer incorporates into design plans a 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 for applications submitted through June 30, 2021. The current suspension of this provision is for any development applications submitted from June 30, 2019 to June 30, 2020. It was anticipated that during the initial suspension, the administration would evaluate the viability of the affordable housing incentive that would provide similar benefits to developers and possibly propose clearer standards for the green roof incentive that would ensure significant benefits to the community and the environment. However, due to a number of challenges in the past year and currently, including the onset of COVID-19 pandemic, staff has not been able to undertake a more thorough analysis of this issue and has needed to focus on other issues. Consequently, it is advisable to continue the suspension of this incentive until staff has the time to devote to studying and making recommendations for the appropriate changes to the USDO.

NECESSITY FOR LEGISLATION AND CHANGES TO EXISTING LAW: The suspension of these incentives should be continued until such time as staff has the ability to study this issue and make recommendations.

TIME FRAME FOR PASSAGE: By June 1, 2020 to ensure there is no gap in the suspension of the incentive.

SPECIFICS OF BIDDING OR OTHER PROCUREMENT PROCESS: N/A

SPECIFICS OF REAL PROPERTY SALE OR ACQUISITION: N/A

FISCAL IMPACTS: None.