

## **Description:**

Section 1 of the ordinance preserves Planning's ability to grant waivers or modifications of any development plan review standards, but after this amendment will now require more specificity and justification for the waiver, in writing, from the applicant. This section also 1) limits the development standards from which the Planning Board may grant waivers, 2) lays out criteria the Planning Board must consider in making its determination to grant waivers, and 3) stipulates that such waivers are to be granted to the minimum extent possible.

Under the USDO as currently enacted, building permits may only be issued if the Chief Building Officer has determined that a given project is in compliance with the Building Code, City Code, and USDO. Section 2 of this ordinance adds the Uniform Fire Code to that list of mandatory considerations.

Sections 3 and 4, which concern conditions placed on, respectively, development and demolition approval, add two sections to each provision:

The first new paragraph requires that the Planning Board shall now establish the point in the development or demolition process by which each condition must be satisfied, e.g. "prior to clear cutting," or "prior to demolition."

The second new paragraph establishes a circuit breaker to ensure that the Chief Planning Official takes into consideration and properly imposes conditions recommended by other departments. Under the new legislation, all conditions imposed on all projects shall be posted for review on the Planning Department's website for a period of ten days, and will also be referred back to the departments for review, comment, or correction. The Chief Planning Official may then refer conditions back to the Planning Board for modification or addition, where necessary. If the Chief Planning Official does not refer such corrections back to the Planning Board, any party aggrieved by the Chief Planning Official's decision not to do so may appeal such decision to the BZA.

## **NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW**

The USDO was enacted, in part, to make development in Albany an easier, more attractive prospect for potential developers. The USDO's flexibility – reflected, for example, in the Planning Board's ability to grant waivers and the Chief Planning Official's authority to impose conditions – is a significant factor in accomplishing this goal.

However, this flexibility must not come at the expense of the safety of the people who build these new developments, nor of those who live and work in the City. This ordinance retains the USDO's flexibility while ensuring that due consideration is given to safety whenever a developer asks Planning to deviate from the standards of the USDO.

Not Environmental resources will be impacted.