

Council Member Kimbrough introduced the following:

ORDINANCE. 11.61.20 (As Amended 07/06/2021)

AN ORDINANCE AMENDING CHAPTER 375 (CITY OF ALBANY UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO PARKING LOTS IN MU-CU ZONE DISTRICTS

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

Section 1. Section 375-302 (Permitted Use Table) of Article III (Use Regulations) of Chapter 375 of the Code of the City of Albany is amended to read as follows:

Table 375-1: Permitted Use Table																			
P=Permitted Use C=Conditional Use A=Accessory Use T=Temporary Use V=Vacant Property Use																			
Proposed Zoning District	Residential						Mixed-Use								Special Purpose			Use-Specific Standard in Section 375-3	
	R-1L	R-1M	R-2	R-T	R-M	R-V	MU-NE	MU-NC	MU-CU	MU-CH	MU-DT	MU-CI	MU-FW	MU-FC	MU-FS	MU-FM	I-1		I-2
LAND USE CATEGORY																			
COMMERCIAL USES																			
Vehicles and Equipment																			
Parking Lot	A	A	A	A	A	A	A	A	A	A	C	A	A	A	A	P	P	A	(C)(4)(g)(5)

Section 2. Subparagraph (v) (Parking Lots) of subparagraph (g) (Vehicles and Equipment) of paragraph (4) (Commercial Uses) of section 375-303 (Specific Use Regulations) of Article III (Use Regulations) of Chapter 375 of the Code of the City of Albany is amended by adding new items (B) and (C) to read as follows:

B. In those districts where a Conditional Use Permit is required, it shall be only in those cases where the parking lot use is to be established as the principal use of the land. A Conditional Use Permit shall not be required where parking is to be established as an accessory use.

C. In the MU-CU zone district, no Conditional Use Permit shall be approved unless it is determined that the proposed parking lot:

1. Responds to a demonstrable parking need of the use or uses of a nearby property to be served, as evidenced by factors, including, but not limited to, recent or proposed investment in and improvements to the nearby property that will

result in or has resulted in increased tenancy or patronage, and whether the use has otherwise provided the minimum parking required pursuant to Section 375-405(2)(a) or is anticipated to be used by other nearby properties;

2. The closest lot line for the proposed parking lot is no more than 300 feet from a lot line of the property to be served;

3. The property or properties to be used for the parking lot have been vacant or underutilized for at least five years and have no other immediate prospects for development;

4. For properties with a depth of 100 feet or greater, is designed in such a way that it does not foreclose the possibility of liner buildings being constructed along any street frontages, to the greatest degree practicable; and

5.. Does not result in the demolition of buildings or structures having an economically viable use or reuse, as determined pursuant to the provisions of 375-505(17) (Demolition Review) or a 375-505(19) Major Certificate of Appropriateness, whichever applies.

Section 3. Paragraph (d) (Off-Site Parking) of subsection (3) (Parking Alternatives and Adjustments) of (Parking and Loading) of section 375-405 (Parking and Loading) of Article IV (Development Standards) of Chapter 375 of the Code of the City of Albany is amended to read as follows:

(i) ~~In the Mixed-Use zoning districts~~ Where allowed as a permitted or conditional use in Table 375-3-1 (Permitted Use Table), and as an alternative to providing required on-site parking, ~~required~~ parking spaces that are not required to be provided on-site by the Americans with Disabilities Act or state law may be provided at a location with the closest lot line being no more than 300 feet from a lot line of the property with the development or redevelopment it serves.

~~(ii) Off-site parking for a nonresidential use shall not be located in a Residential zoning district unless the use for which the parking is provided is a permitted or conditional use in that Residential district.~~

~~(iii)~~ (ii) The applicant for approval of off-site parking shall provide evidence, at the Chief Planning Official's request, that the proposed off-site parking location will remain available for the proposed parking use for a period of at least two years.

Section 4. This ordinance shall take effect immediately.

To: Danielle Gillespie, City Clerk
From: John-Raphael Pichardo, Esq., Research Counsel
Re: Request for Common Council Legislation Supporting Memorandum
Date: May 22, 2020

SPONSOR: Councilmember Kimbrough

ORDINANCE 11.61.20 (*As Amended 07/06/2021*)

TITLE: AN ORDINANCE AMENDING CHAPTER 375 (CITY OF ALBANY UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO PARKING LOTS IN MU-CU ZONE DISTRICTS

GENERAL PURPOSE OF LEGISLATION: To allow parking lots as a principal use of land in the MU-CU zone district, subject to a Conditional Use Permit review and use-specific design standards. The legislation also corrects inconsistencies between the current off-site parking allowances and the permitted use table.

NECESSITY FOR LEGISLATION AND CHANGES TO EXISTING LAW: The zoning amendment was initiated in response to the desired construction of ancillary parking by the Capital Reparatory Theatre at 329 North Pearl Street. The request seemed reasonable in response to the demonstrable parking need of the intended user and the predeveloped characteristics of the area, which inhibited the accommodation parking on-site. However, those predeveloped characteristics also exhibited a need to reinforce the walkable urban fabric extant in the area. In evaluating the particular request exhibited by Capital Reparatory Theatre it was evident that these same general circumstances may again present themselves on future occasions, and, indeed, a similar issue has arisen with regard to parking needs at the new location for the Northeastern Legal Aid offices. This lack of uniqueness bodes unfavorably for a variance and instead exhibits the need for a legislative change. Proposed changes are limited to the MU-CU district because the accompanying use-specific standards respond to characteristics unique to those areas, and also due to general compatibility of parking lot uses with the scale of other uses already extant and allowed within the MU-CU district. The proposed changes contain limitations to ensure the parking is only to serve properties in proximity to the proposed parking lots, meet a demonstrable need, and primarily improves vacant or underutilized property that has no other immediate prospects for development.

FISCAL IMPACTS: To be determined