

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Prepared Date: 11/14/05
Agenda Date: 11/21/05
Reviewed By: _____

SUBJECT: Amendments to the Zoning Ordinance (Housing):
Second Reading of Ordinance #05-06

FROM: Ann Chaney, Community Development Director
Ed Phillips, Interim Planning Manager

RECOMMENDATION

Adopt Ordinance #05-06 amending Chapter XX, Planning and Zoning, of the Albany Municipal Code: Second Reading, Pass to Print.

BACKGROUND

On November 7, 2005, by Resolution #05-48, the City Council adopted a Mitigated Negative Declaration on proposed amendments to the Zoning Ordinance to add provisions for housing, and introduced Ordinance #05-06 for First Reading.

In introducing the ordinance, the Council stipulated certain changes to be made prior to the Second Reading. The attached version of the ordinance includes those changes, which are reviewed in detail in the discussion below.

DISCUSSION

The changes discussed below have been incorporated in the attached Ordinance #05-06, dated November 21, 2005. The texts of the affected passages are quoted in the discussion. Page and line number references are to Ordinance #05-06, as presented for second reading.

1. 20.40.030. A.1.

Council accepted a suggestion that, where a five- or six-unit project results in an inclusionary requirement for a fraction of a unit, a developer should have the option meeting the requirement by providing a full unit.

The following is added at the end of paragraph 1. (page 3, line 21.)

If the project sponsor elects to provide one inclusionary housing unit to meet the requirement, the in-lieu fee shall not be applicable.

2. 20.40.030.E.

Council accepted a suggestion that projects involving existing multi-family housing within R-1 Single-family Districts should not be excluded from possible incentives for affordable housing.

The following change is made to the second sentence of paragraph E. (page 6, line 15.)

Incentives shall not be applicable to Secondary Residential Units or ~~other housing~~ single-family dwellings in R-1 Single-family Districts.

3. 20.40.040.

Council accepted a suggestion to delete the third paragraph of the introduction to the Density Bonus section, because it is an unnecessary cross-reference to Subsection 20.40.050, and it could be interpreted to suggest the City would encourage requests for exceptions to the development criteria.

The following text is deleted (page 9, line 9.)

~~Housing development projects that incorporate a density bonus shall be required to meet the development standards listed in Subsection 20.40.050 below, unless the applicant requests, and the City approves specific exceptions as concessions or waivers, as provided in paragraphs D. and E. of this subsection.~~

4. 20.40.050.

Council accepted a suggestion to change the title of this subsection from “Development Standards” to “Development Criteria”, in order to avoid any confusion with the definition of, and usage of, the term elsewhere in the Zoning Ordinance, and as used in the State statute.

“Development Standards” is changed to “Development Criteria” at page 17, lines 11, 13, 30, and also at page 3, line 40, which refers to Subsection 20.40.050.

(The use of the term “Development Standards” elsewhere in the ordinance is appropriate to its usage in the State statute, and is not changed.)

Attachment:

Ordinance #05-06