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September 6, 2016

Mr. Mark Torpey, Chair
Saratoga Springs Planning Board
City Hall
474 Broadway
Saratoga Springs, NY 12866

Dear Mr. Torpey:

RE: SPA HOUSING ORDINANCE – ADVISORY OPINION TO THE CITY COUNCIL

We would like to offer some supportive information as the Planning Board undertakes its advisory opinion to the City Council on Sustainable Saratoga's application to amend the Zoning Ordinance to include language that requires that development projects of 10 or more units include units deemed affordable under current HUD income guidelines.

We understand that, at a minimum, your task is to determine 1) whether the proposed revision is consistent with the Comprehensive Plan; and 2) whether the proposed revision is not contrary to the general purpose and intent of the Zoning Ordinance.

We offer the following comments on these two tasks.

CONSISTENT WITH COMPREHENSIVE PLAN:

We believe the propose SPA Housing Ordinance is completely consistent with the 2015 Comprehensive Plan.

Specifically, we believe the proposed zoning amendment is consistent with the following recommended housing actions presented within the Comprehensive Plan.

3.4-50 Encourage a range of residential opportunities that will be available to all residents to promote the social and economic diversity vital to a balanced community.

3.4-51 Actively promote affordable housing of all types and tenure throughout the City, and avoid overconcentration in any one area to reduce the potential for isolation of income groups.

- a. Promote diversity of housing types in close proximity to employment centers such as Downtown, the hospital, Skidmore College, the racetracks, etc.
- b. Encourage the development of higher density residential alternatives within the urban core including the conversion to residential use of upper floors in commercial districts.
- c. Make greater use of City-owned properties for affordable housing and consider acquiring additional properties for this purpose.

3.4-54 Rehabilitate and develop affordable housing via a "whole-site approach" with attention to site location and layout, façade design, pedestrian movement and accessibility, adequate infrastructure provision, and sensitivity to historic preservation and neighborhood context. This will also assist to revitalize and/or preserve existing neighborhoods.

- 3.4-56 Promote more effective development incentives.
 - a. Consider incentives, such as density bonuses, temporary property tax relief from building setback, and parking requirements, to encourage affordability.
 - b. Consider providing infrastructure incentives for developments with affordable units.

- 3.4-57 Address procedural items related to housing Citywide.
 - a. Review zoning, subdivision, building codes, and develop policies to actively encourage affordable housing construction or redevelopment.
 - b. Investigate appropriate opportunities for the conversion, building, and permanent residential use of building code compliant accessory buildings such as carriage houses and garages.
 - c. Promote more aggressive enforcement of housing codes and zoning regulations.

We don't believe the proposed zoning amendment is inconsistent with any of the housing policies of the 2015 Comprehensive Plan.

We also note that the proposed density bonus in the proposed zoning amendment is totally consistent with the following policy statement on page 62 of the Comprehensive Plan:

Incentive Zoning Supporting Public Purpose:

Section 81-D of the NYS General City Law sets forth the conditions under which cities can enact incentive zoning. Saratoga Springs already has density bonuses for affordable housing and publicly accessible open space in several zoning districts. This legislation requires the density incentives to be consistent with the municipality's Comprehensive Plan. Therefore, public purpose density bonuses permitted by Section 81-D would be able to exceed the residential density caps in each of the land use categories.

CONSISTENT WITH GENERAL PURPOSE AND INTENT OF ZONING ORDINANCE:

The purpose and intent of the Zoning Ordinance is set forth in Article 1.3 of the ordinance and presented below. We believe the SPA Housing Ordinance zoning amendment is consistent with, and not contrary to, the intent and purposes described below.

1.3 INTENT AND PURPOSES

A. The intent of this Chapter is to encourage appropriate and orderly physical development; promote public health, safety, and general welfare; classify, designate and regulate the location and use of buildings, structures and land for agricultural, residential, commercial, industrial or other uses in appropriate places; and to divide the City of Saratoga Springs into districts of such number, shape and areas as may be deemed best suited to carry out these regulations and provide for their enforcement.

B. The regulations and district boundaries identified in this Chapter and upon the Zoning Map are made with the following additional purposes:

1. Facilitation of efficient, economical, and adequate provision of public utilities and services;
2. Assurance of adequate sites for residential, agricultural, industrial, commercial and other appropriate uses;
3. Provision of privacy for families and the maximum protection of residential areas;
4. Prevention and reduction of traffic congestion so as to promote efficient and safe circulation of vehicles and pedestrians;

5. Gradual elimination of nonconforming uses;
6. Conservation of the taxable value of land and buildings while enhancing the appearance of the City of Saratoga Springs as a whole;
7. Encouragement of flexibility in the design and development of land;
8. Protection of the general environment in compliance with the objectives of applicable Federal and State statutory and regulatory programs;
9. Protection of the natural resources of the community including but not limited to the protection of the water resources of the City;
10. Safeguarding the heritage of the City of Saratoga Springs by preserving districts and landmarks in the City which reflect elements of its cultural, social, economic, political, artistic and architectural history;
11. Promoting the use of historic districts and landmarks for the education, pleasure and welfare of the citizens of the City.

In addition, we note that the structure of our proposed amendment is identical in substance to the draft created in 2006 by the Inclusionary Zoning Ordinance Development (IZOD) Committee. Due to the zoning ordinance reorganization that was undertaken in 2012, we have made some numbering changes to the amendment. In 2006 the inclusionary zoning amendment was proposed as Article 240-11A. With the new ordinance organization we propose this amendment as Article 240-4.4.

We appreciate the opportunity to provide these comments on this important zoning amendment.

Respectfully,

Harry Moran, Chair

cc: Mayor Joanne Yepsen
Commissioner John Franck
Commissioner Michele Madigan
Commissioner Chris Mathiesen
Commissioner Skip Scirocco