

October 11, 2016

SUPPLEMENTAL MATERIAL FOR PLANNING BOARD:  
SPA HOUSING ORDINANCE

The following is a more detailed response to question #5 in Sustainable Saratoga's October 6, 2016 letter to the Saratoga Springs Planning Board. The added text is presented in red.

**5. Briefly describe how the approval process would work on an inclusionary zoning project that comes before the Planning Board.**

- By adopting the SPA Housing Ordinance, the City Council establishes the general rules and regulations for this inclusionary zoning program in Saratoga Springs. There are provisions for the City Council to annually monitor progress and to periodically make any needed adjustments or refinements in the ordinance. But the City Council would have no involvement in any of the development projects that are covered by this ordinance.
- It is the City Planning Board that has full control and responsibility in the implementation of the ordinance. The following is a brief “over-simplification” of how the process works.
  - During site plan review or the subdivision review process, the PB and the developer negotiate an “Inclusionary Housing Agreement” for any project that is to have 10 or more residential units.
    - The covered projects could be single family homes, apartments, condominiums, mixed-uses or any combination of any type of residential uses.
  - The developer first proposes a conceptual plan of what he/she would like to build that is in conformance with the zoning. The PB would then “accept” this conceptual plan.
    - In all zoning districts except the transect districts, the maximum number of units per site is set by the zoning density caps and by the site analysis of the property.
      - In the RR and SR-1 districts a conservation subdivision is required. So once the conservation analysis is completed and reviewed by the PB, the base density of 1 unit per 2 acres of developable land is determined. That base density is the starting point for the density bonus under the IZ ordinance.

- In all other single-family, two-family and multi-family residential zoning districts, the ordinance specifies the minimum lot size for each residential unit.
  - In the transect district the maximum number of units is set by the allowable building envelope and the site analysis.
    - Density in the T-4, T-5 and T-6 district is set by the allowable building envelope. Mixed types of land uses are encouraged in all transect zones and non-residential uses are required on the first floor in the T-6 district.
    - The developer first proposes what mix of residential or non-residential uses can fit into the allowable building envelope determined by the site analysis. For example, the developer and the PB may agree that a site can have a maximum development capacity of 30,000 sq ft of non-residential use and 20 residential units. Those 20 units become the base residential density or starting point for the density bonus under the IZ ordinance.
- The developer then proposes to the PB the target income category for the IZ units and that helps determine the number of IZ units that will be set aside as affordable. That figure can be up to 20% of the total units in the zoning correct conceptual plan. The number of units set aside as IZ units then determine the number of density bonus units that the developer will receive.
  - **RENTAL UNITS:** The IZ ordinance states that if the developer wants to target their IZ units to “low income household” (up to 50% of AMI), they only have to designate 10% of the total units as affordable. If the developer wants to target “moderate income households” (50%-80% of AMI), the developer has to provide 20% of the total units as affordable.
  - **FOR SALE UNITS:** The IZ ordinance says that if the developer wants to target their IZ units to “moderate income households” (up to 80% of AMI), they only have to provide 15% of the total units as affordable. If the developer wants to target “middle income households” (80%-100% of AMI), they have to provide 20% of the total units as affordable.
  - The number of units the developer decides to provide as IZ units determines the number of density bonus units. So on each development project the percentage of IZ units and the percentage of bonus units will be somewhere between 10% and 20%.
- The PB and the developer then negotiate or design a site development plan that best accommodates the density bonus units on the property and what relief (setbacks, heights, parking, etc.) the developer will be granted.



- The IHA includes all the enforcement requirements (restricted covenants, legal remedies, etc.) to implement the ordinance.
  - Final site plan or subdivision approval can then be granted by the PB.
- The City staff is responsible for finding and screening households that will occupy the IZ units.
  - Priority can be given to existing city residents or people who currently work in the city.
  - A lottery may be use to select eligible households to occupy the IZ units.
  - The selected households then negotiate a rental or sale price for the IZ units, utilizing the required guidelines of the ordinance.
  - The City is required to do annual monitoring of all IZ units and project to be sure the conditions of the Inclusionary Housing Agreement are being met.