Rezoning Albany: A Pilot Assessment of the South End Neighborhood

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Executive Summary

Zoning can play a major role in creating a healthy, functional, and visionary City.

Historically, zoning has been the process of separating incompatible land uses and regulating development to protect public health, safety, and general welfare. Today, zoning has evolved significantly to include consideration of wider array of topics, such as environmental concerns, historic preservation, transportation, and urban design. While it maintains this primary purpose as a regulator of land use, zoning has become a tool to facilitate the implementation of community visions.

The City of Albany’s current zoning districts are incompatible with the existing built environment, fostering a cumbersome, time-consuming, and variance-heavy development process.

Albany’s current code was identified in Albany 2030 as “failing to adequately address design guidelines for new development or redevelopment.” It has evolved into a patchwork that defies a simple explanation. While current zoning reflects the remarkable diversity of the City’s neighborhoods and housing stock, it does not provide a sound regulatory context within which effective development and redevelopment can take place. Many properties do not conform to existing zoning, and in fact predate the code. This creates an unpredictable development environment where variances must be sought to build in a manner that preserves community character. Variances create undue hardship and risk for property owners and developers, and increase the time and costs associated with development. Continued approval of numerous variances contradicts existing zoning, emphasizing the need for systemic change.

The City has recognized the need for change.

In response to the Albany 2030, the City of Albany’s Department of Development and Planning (DDP) asked the University at Albany Fall 2012 Planning Studio (Studio) for assistance with a pilot assessment of how to comprehensively update the City’s zoning code. Rezoning Albany: A Pilot Assessment of the South End Neighborhood was a four-month project conducted by the Studio with the following goals:

1) Analyze benefits and challenges of adopting various zoning types in Albany;
2) Create a model rezoning assessment process that can be replicated throughout other city neighborhoods; and
3) Develop specific recommendations for a rezoning the South End.

1 Albany 2030 The City of Albany Comprehensive Plan
The South End neighborhood (South End) provides a useful context within which to consider both the problems inherent in the current zoning code as well as the potential solutions that a rezoning could offer to Albany as a whole. The neighborhood boasts diverse land uses, multiple historic structures, a walkable environment, abundant open space, and a number of community gardens.

**The City of Albany should consider Composite Zoning as a flexible, predictable tool for preserving and enhancing community character and sustainability.**

After researching and analyzing many types of zoning, meeting with community residents and stakeholders, and developing visualizations of build-outs under current zoning, we recommend that the City of Albany consider composite zoning. Under composite zoning, independent modules for regulating use, site, and architectural form are combined to create unique zones featuring both predictability and flexibility. With the ability to tailor zones to reflect existing and preferred neighborhood characteristics, composite zoning avoids an overreliance on special districts, overlays, and variances while eliminating nonconforming uses. Sustainability elements can be incorporated to encourage green building techniques and lot usage considerations.

**Composite zoning in the South End could preserve and enhance community character, while creating a predictable development environment for property owners and investors.**

To visualize what the South End might look like under existing zoning versus proposed composite zoning, four sites were selected to represent the diversity of land uses and property types throughout the neighborhood. Three of these sites are near Elizabeth Street, which can be seen as a center of the neighborhood.

**3rd Street & Elizabeth Street**

Completely encompassed by the South End/Groesbeckville Historic District, this site serves as a good representation of how the historic district guidelines are the primary factor governing built form under both the existing zoning and any proposed rezoning. Under existing zoning, we project new infill construction on currently vacant lots that mirrors the existing properties on the block. These properties are within the Historic District and must be compatible with existing architectural scale, massing, volume, and styles. Under the proposed composite zoning, the historic, residential character of the block would be preserved in accordance with Historic District standards, but a new program allowing the transfer of development rights to higher density “receiving” sites along South Pearl and Morton could help preserve existing community gardens.

**Delaware Street & Elizabeth Street**

As an area that lies outside of the historic district, this street allows for a full interpretation of the existing R-3B Multifamily Medium-Density Residential District that encompasses most of the
study area. Under existing zoning, we project continued low-density residential development featuring deep setbacks and wide side yards, which currently requires a variance to produce due to small lot sizes, among other impediments. The proposed composite zoning provides a more gradual transition for the Historic District guidelines, suggesting more moderate front and side yards and moderate design standards.

**Elizabeth Street & Osborne Street**

This area contains a high number of empty lots and vacant or neglected buildings, some of which were formerly mixed-use. Current zoning allows for residential use only, and development must conform to Historic District standards, where applicable. Given the cost associated with converting storefronts into residential space, plus the existing wide street and sidewalks, a composite zone could allow for commercial use on the ground floor targeting community needs.

**South Pearl Street & 4th Street**

This site represents a mixed-use commercial corridor, and falls under the C-1 Neighborhood Commercial district that currently regulates most of the development along South Pearl Street. In addition, one half of the street is inside the historic district, while the other half is not. This allows for a visualization of how South Pearl Street might be developed under the existing zoning both inside and outside the historic district. Under existing zoning, we foresee the development of low-density commercial structures with accompanying surface parking lots. A mixed-use module under composite zoning could encourage multifamily residential uses above commercial uses for increased density in this area. The street could also “receive” development rights transferred from interior neighborhood lots being used for community gardens or other community purposes.

**The City should pursue a comprehensive city-wide participatory rezoning process.**

The Studio has the following recommendations for the DDP in formulating its process:

1. Divide the City into roughly five to six geographic sections in order to obtain the most relevant public input about a particular neighborhood or area.
2. Host at least three rounds of public meetings / roundtable discussions for each section, in addition to one final citywide presentation of proposed rezoning.
3. Reach out to a diverse group of community stakeholders and ask them to identify other potentially important, but perhaps overlooked, parties.
4. Create a website to raise awareness of the rezoning initiative, and to update the public.
5. Conduct an iterative process with the public to ensure their input is accurately interpreted.

We estimate the process will take 26 months to complete, with 3 planning staff devoting most of their time to the effort. Using a base salary of $65,000, the rezoning effort is estimated to cost around $423,000.
Other issues affecting development and reinvestment should be explored simultaneously.

While rezoning will make considerable headway in easing this process by eliminating the need for variances, other aspects of the development process lay outside the purview of zoning. We recommend that the city explore several issues further before or in addition to taking actions on other proposed recommendations.

*Redesigning the development process to expedite partnerships and project approval.*

A number of participants in the Roundtable discussions provided suggestions about Albany’s development process. While rezoning will make considerable headway in easing this process, other aspects of the development lay outside the purview of zoning. These involve communication among City agencies, how the City communicates with developers, and finally the working relationship between the City and developers. Specific suggestions mentioned include:

1. Increase continuity amongst agencies in the City.
2. Develop a fast-track process to accommodate entities under the time constraints of grants.
3. Provide incentives for non-profits to collaborate with one another.
4. Create an easily accessible step-by-step overview of the planning process, as well as a schedule of fees to clarify the develop process.

*Integrating current overlay district design standards with composite zoning*

The City of Albany should conduct a more detailed study into how the current historic district would impact the site and architectural design modules of a composite zoning code. Integrating a historic district and a composite zoning code should be done carefully to limit unforeseen consequences that could undo the benefits gained by a comprehensive rezoning project.

*Understanding the role of the Historic Resources Commission in a new zoning process*

It is recommended that the City of Albany reexamine the role of the Historic Resources Commission and attempt to gain clarity on design guidelines and the approval process. This will make the requirements for development within affected areas of the city more predictable, resulting in higher levels of investment and development by private interests.

*Further investigate ways to address parking issues within proposed mixed use areas*

Although proposed mixed use developments will be centered along new public transportation hubs, whenever commercial development is proposed to increase, it is important to consider the provision of parking. The need for additional parking should be explored with a study by the city to see if such a demand may exist.
SECTION I: Zoning: Challenges and Opportunities for Albany
**1. Why Zoning?**

Zoning is a method by which the uses of private property can be regulated by local government. According to case law (Euclid v. Ambler)\(^1\), governments have the constitutional right to establish zoning as a means to promote public health, safety, morals and general welfare. Zoning can vary from how large the property (also known as parcels) can be to what kind of use is allowed (typically residential, commercial, industrial uses). Zoning is a critical tool for the City of Albany because it allows the City to regulate the type of development that takes place, by encouraging beneficial uses and discouraging noxious or undesirable uses.

Recognizing that aesthetics are an important aspect in that makes an area unique, zoning is now often used to regulate the aesthetics and design of an area. This means that zoning can be written to be very inclusive, or exclusive, depending on the demands of the neighborhood. Perhaps a neighborhood demands a wide variety of aesthetics where as another demands aesthetic conformity, an example of this would be the South End Groesbeckville Historic District (SEGHD). The SEGHD is situated within the study area but is governed by a different set of standards than the rest of the neighborhood. Generally this different set of standards is much more centered on conformity of aesthetics than what the rest of the neighborhood demands. Such complexity in the regulation can lead to difficulty.

Finally, at its most basic, zoning provides a set of standards. A good zoning code is clear about what is expected, and where it is expected. Uses are well defined and compatible. With this set of standard rules comes easier investment and development. When an investor or developer knows what the rules are they can be more confident in what they will be allowed to do with the property.

**2. Challenges and Opportunities for Albany**

Unfortunately the City of Albany’s zoning code lacks some of these benefits. While the code does separate the uses within the city it fails at the most basic tenant, creating a predictable development environment. This is particularly true in the South End where virtually the entire neighborhood does not fit the allowed zoning. This is most perplexing considering that much of the neighborhood predates the City’s zoning code. As a result current development does not conform to site requirements. However the City and the neighborhood have decided that the current uses and built environment are desirable. This conflict has resulted in the neighborhood attempting to develop in a manner that is contrary to the established rules set by the City, but is doing so with encouragement of the City. In short, the City has told the neighborhood not to

\(^1\)Village of Euclid v. Ambler Realty Co., 272 U.S. 365 (1926)
follow the rules, and has facilitated this process through the regular issuance of variances. Such a situation breeds confusion and deflates interest in development due to uncertainty.

The City’s current zoning has evolved into a patchwork that defies a simple explanation. While the variety and placement of these zoning districts reflects the remarkable diversity of the City’s neighborhoods and housing stock, it does not provide a sound regulatory context within which effective development and redevelopment can take place. Variances create undue hardship, and increase the time and costs associated with building. Variances are not meant to apply to entire neighborhoods, but rather to very specific cases.

Variances are associated with:

*Increased Risk*: A variance is subject to approval by the Board of Zoning Appeals (BZA), with the outcome being uncertain. This increases the risk for a potential investor. Additionally variances are often overturned if appealed. This adds uncertainty to an already risky investment climate.

*Time*: The BZA process takes at least 6 – 8 weeks. The applicant may assume liability for the vacant property without being able to do any work.

*Cost*: The easiest use is often the most recent use. Requiring a reconfiguration of the property is an added expense to an already costly endeavor.

*Effect on Long-Term planning objectives*: A variance “runs with the land” and does not expire as a nonconforming use inevitably does. By granting a variance, the City gives up control to regulate use of that land in the future.

*Exacerbating Existing Challenges*: Many of these properties are located in distressed areas where development is already difficult due to older structures and reduced availability of capital, variances only compound this issue.

Therefore, a rezoning of the City is an essential step in ensuring a viable future. This is particularly true in light of the City’s outdated zoning code, which was identified in *Albany 2030* as “failing to adequately address design guidelines for new development or redevelopment”\(^1\), while the “existing land development codes do not encourage adaptive reuse of existing structures.”\(^1\) Above and beyond urban form, the requirements laid out in the City’s current zoning districts are often not compatible with existing structural typologies, which fosters a cumbersome, time-consuming, and variance-heavy development process. This shortcoming must be addressed if the City wishes to incentivize development, while at the same time making sure that such development conforms to the historic fabric of many of its older neighborhoods.

\(^{1}\) City of Albany. 2011. *Albany 2030*, pg. 35
In addition, a comprehensive rezoning could support the City’s desire to become a more vibrant urban center, while simultaneously addressing sustainability by orienting new development around transit wherever possible. This goal does not come at the expense of existing neighborhood contexts, however, since a nuanced zoning code could strive to maintain what works for communities, and attempt to alter what does not.

As the Capital Region’s largest urban center, the City of Albany’s development carries important implications for the cities, towns, and villages that surround it. Not only is it a major economic engine, but the City also serves as a major institutional, cultural, and entertainment center. In addition, its many diverse neighborhoods create a unique urban fabric that boasts a variety of housing and lifestyle choices. When contemplating the future of the City and its neighborhoods, zoning can play a huge role in the success or failure of these goals. While it is by no means a panacea in addressing the City’s problems, a healthy, functional, and visionary zoning code is essential if the City wishes to promote development in a way that is consistent with Albany 2030.

For these reasons, it is important that the City pursues a comprehensive rezoning that not only provides overarching regulations, guidelines, and rationales that are consistent with preferences expressed in Albany 2030, but also contains a level of nuance that allows it to remain sensitive to the unique context of each neighborhood.

3. Albany’s South End

In considering a rezoning of the City of Albany, the South End provides a useful context within which to consider both the problems inherent to the current zoning code as well as the potential benefits that a comprehensive rezoning could confer upon the City. For the purposes of this study, the South End is defined by Morton Ave to the north, South Pearl Street to the east, 2nd Ave to the south, and Sloan St, 3rd Ave/ Hawk Street to the west.
Figure 1: Pilot Study Area
The South End contains a diverse mix of assets. The neighborhood boasts many historic structures, a walkable environment, abundant open space and community gardens, as well as local services that cater to its residents. Building off of these strengths, the South End has a strong tradition of community engagement as exemplified by organizations like the South End Improvement Corporation (SEIC), South End Neighborhood Association, Grand Street Community Arts, AVillage, and the South End Action Committee (SEAC). Significantly, the latter took the lead in developing the \textit{Capital South Plan: SEGway to the Future}, which was completed in 2007. In conjunction with \textit{Albany 2030}, this plan provides a relevant and up-to-date lens through which to evaluate rezoning possibilities.

For all of its strengths, the South End also has its share of challenges. The \textit{Capital South Plan: SEGway to the Future} sums up the neighborhood’s most prominent issues, stating that “a vast number of older vacant residential buildings and vacant lots, eroded commercial corridors, a declining population, and an increasing concentration of poverty have plagued the South End for years.”\textsuperscript{1} To provide guidance for addressing the issues in the South End, the SEGway plan contains a number of sections acknowledging considerable obstacles facing economic investment and homeownership and homesteading.

As stated in section 4.1.1 \textit{Spurring Homeownership and Homesteading of the plan}, “Homeowners and other investors need to be reassured that their investments will not be at risk due to inappropriate adjacent development.”\textsuperscript{2} Furthermore, numerous other sections of the SEGway plan acknowledge how the present inconsistencies and practicalities of zoning are failing to encourage appropriate land use decisions in the neighborhood and throughout the City. As such, it is recommended in the SEGway plan that the City’s “zoning and permitting guidelines should be adapted to encourage new investment not just in the South End, but throughout Albany.”\textsuperscript{3} While it cannot guarantee the future of the South End in and of itself, an effective rezoning could serve to regulate, promote, and incentivize types of development that will support the community as it attempts to overcome these hurdles.

\section*{4. Conducting a Pilot Assessment}

In response to the comprehensive plan, the City of Albany’s Department of Development and Planning (DDP) asked the University at Albany Fall 2012 Planning Studio (Studio) for assistance with a pilot assessment of a comprehensive update to the City’s zoning code.

The \textit{Albany 2030} plan, adopted in April 2011, lays out a vision for a balanced approach to both preservation and growth in the coming decades. The plan calls for a safe, livable, green

\begin{footnotesize}
\begin{enumerate}
\item City of Albany. 2007. Capital South Plan: SEGway to the Future.
\item Ibid.
\item Ibid.
\end{enumerate}
\end{footnotesize}
neighborhood, with a vibrant and prosperous urban core along accessible transportation hubs. *Albany 2030* helped guide the Studio in the development of a rezoning scenario that aims to:

1) Analyze the benefits and challenges to adoption of different zoning types for the City of Albany;
2) Create a model rezoning assessment process that can be replicated throughout other city neighborhoods; and
3) Develop specific recommendations to aid in rezoning the South End.

*Rezoning Albany: A Pilot Assessment of the South End Neighborhood* was a four-month project conducted by the Studio to evaluate the current zoning conditions present in a subsection of the South End; a case study examination of zoning types and rezoning processes; and the development of recommendations for rezoning the South End. The work of the Studio was informed by a variety of existing data and a series of public outreach initiatives, which influenced build-out scenarios and the zoning and process recommendations. Each of these generated valuable discussion and insights on possible futures for the South End and approaches the City could use to rezone the city. To implement this pilot assessment, the Studio utilized a two-pronged approach involving individual case study summaries and team-based work. These efforts are described as follows:

**Individual Case Study Summaries:** Members of the Studio, conducted case studies concerning: different zoning types and rezoning processes. For each case study type, there were unique aspects and characteristics examined. The Zoning Type case studies considered: existing literature; a community’s rational for rezoning; the structure of the zoning code (before and after); and examples of the zoning type as applied (physical development and/or ordinance language). The Rezoning Processes case studies examined: primary and secondary data of rezoning initiatives; the scope and avenues of public participation in the rezoning efforts; and cost and timeframe needed to undertake the rezoning process. See Appendix 1A & 1B for Case Studies.

**Team-Based Work:** The Studio’s team-based work involved three teams: Existing Conditions Team, Public Participation Team, and the Scenario Building Team.

**Existing Conditions Team** (ECT) was tasked with gathering, analyzing, and assembling quantitative data and parcel-level information from a variety of existing sources into a format that could be used to educate and inform all parties involved in the pilot assessment as well as be used to make informed-recommendations.

**Public Participation Team** (PPT) was the primary avenue and resource for engaging and gathering input from the public and key stakeholders to be considered by other teams working on the Studio. The qualitative information obtained by the PPT was acquired through initial interviews with stakeholders, roundtable discussion exercises and follow-up conversations.
Through those public outreach efforts, a wide array of stakeholders (agencies, organizations, and residents) were consulted and involved in the pilot assessment.

**Scenario Building Team** (SBT) used information generated from data analysis, public participation and case studies to visualize a potential build-out under the existing zoning, as well as a potential build-out under the recommended zoning type. The SBT selected four sites within the study area to depict these visualizations, each with the ability to represent the diverse characteristics of the neighborhood. Each build-out scenario contains 3-D modeling, discussion of land uses, dimensional standards for parcels, building design characteristics, and discussion of how the potential rezoning type would alter and/or facilitate reinvestment within the neighborhood. Together, these build-out scenarios represent possible futures for the neighborhood as seen through the lens of different zoning typologies and potential land uses.

Overall, the information and findings generated from the individual and team-based initiatives enabled the Studio to provided City and stakeholders with recommendations for an appropriate rezoning process and zoning type for the neighborhood and city. While this assessment has been student led, it is a product of extraordinary efforts by community members, businesses, organizations, City staff, and Studio members.

5. **Structure of the Report**

The structure of the report is designed to inform the reader as to how the Studio came to its recommendations. As discussed Section 1 Zoning: Challenges and Opportunities for Albany, provides a general overview of what zoning is, the opportunities and challenges facing Albany and the South End, and how the pilot assessment was conducted by the Studio. Section II: Zoning Types and Process provides a general overview of the case studies for zoning types, case studies for rezoning processes, and the Studio’s recommendations for the City of Albany. Section III: Pilot Assessment of the South End details the existing conditions in the South End, including demographic information, abandonment, and current zoning, etc. Section III also includes the public participation findings and the build-out scenarios that the Studio developed. Lastly Section IV: Recommendations for Rezoning Albany details the specific recommendations on composite zoning and the process by which to do it. Finally Section V: Appendices contains all of the relevant information that provides the basis for the recommendations.
SECTION II: Zoning Types and Processes
1. **Zoning Type Case Studies**

In determining a recommended zoning type and rezoning process for the South End, the Studio considered a wide variety of zoning case studies. What follows is a short summary of these case studies that were considered as the Studio developed its recommendations. Please see the Appendix 1A for a full range of descriptions and images.

**Overlay Zoning**

Overlay zoning is not a standalone zoning type, but rather an added layer of regulation for specialized districts within a neighborhood.

Although this type should not be used as a crutch to avoid updating the underlying code, it could be useful in targeting certain areas for redevelopment or promoting mixed-use via a ground-floor commercial overlay. One consequence of overlay zoning is that it can become burdensome, potentially creating excessive regulations that may become an impediment to development.

**Incentive Zoning**

Much like an overlay zone, incentive zoning is not a standalone zoning type, but is designed to work with other zoning types to promote certain types of development through various incentive structures, including the provision of tax abatements and density bonuses. Incentives are typically granted to developers who provide a valuable public service, which can include community space, affordable housing, or open space.
Incentive zoning is a useful approach in economically distressed neighborhoods due to its potential for breaking the cycle of disinvestment. It could achieve this by attempting to spur private development by granting developers incentives that may not be available elsewhere, while also requiring developer provision of amenities that over time could make the neighborhood more attractive to additional investment. This would create a more desirable outcome than would have been provided under unregulated market conditions.

**Green Codes**

What is it? A retrofit of the existing zoning code to actively incorporate and allow environmentally sustainable building and development (and accessory uses).

Elements of a green code could be adopted to reduce barriers to environmentally sustainable building practices. For example, there could be density or bulk exemptions when a developer or homeowner wishes to add solar panels, green roofs, greenhouses, or any other environmentally sensitive building component. Green codes can also help facilitate and encourage the development of such features as permeable pavement, tree plantings, and other green design elements.

**Transfer of Development Rights (TDR)**

TDR allows for development density from one parcel to be transferred to another parcel (between two consenting property owners). TDR may be used to pursue certain community goals such as historic preservation, the preservation of open spaces or a strategic reallocation of density that avoids legal challenges to zoning that might appear overly restrictive.

This image depicts an abstracted build-out of two parcels that are part of a TDR program. Note the ‘sending’ site on the left and the ‘receiving’ site on the right. The topmost scenario shows the baseline development without a TDR program. In the TDR scenario below it, however, the property owner of the sending site has chosen not to fully develop his or her parcel of land. The owner of the receiving parcel has chosen to purchase those development rights from the other property owner, allowing development at a higher density than would have otherwise been allowed. This practice may be adopted by neighborhoods that have strategically designated areas for both higher and lower
Composite Zoning

Composite zoning is a type of zoning that regulates through a series of discrete modules: \textit{1. Use, 2. Site 3. Architectural form}. These modules can be arranged in different combinations to create unique zoning districts. The ‘use’ module dictates land uses much like with traditional Euclidian zoning, the ‘architectural’ module contains many architectural standards found in form-based codes, and the ‘site’ module regulates concerns related to setbacks, density, parking, and height. Composite zoning also has the ability to utilize FAR to allow for more accurate calculations of density, as well as a more diverse range of site configurations. The use of FAR would also help facilitate a Transfer of Development Rights program. TDR can help encourage mixed-use and high density development, but at the same time encourage lower density development and community green spaces (specific areas are chosen as “sending” and “receiving” sites, depending on specific conditions determined by the municipality).

Form Based Codes

A form based code primarily regulates form, with \textit{use} being subordinate to site and architectural requirements. This type of code would make the aesthetics of new development predictable and could promote an environment that conforms to diverse architectural typologies and urban fabric. However, the requirements inherent in a form based code are often seen as too strict and inflexible to adequately promote investment and economic development. Form-based codes are typically best suited for central business districts, historic districts and high-income residential areas. The process for adopting form based codes is also very costly and time-consuming due to its intensely prescriptive nature.

Additionally, form based codes do not utilize floor area ratio (FAR), which makes it difficult for cities to target specific areas for investment based on density. Density bonuses, transfer of development rights (TDR) programs, or other programs that rely on density calculations are not consistent with form based codes.

2. Rezoning Process Case Studies

Neighborhoods of a similar character to Albany’s South End were considered in the development of a rezoning proposal. Neighborhoods were assessed primarily on the degree to which these Neighborhoods contained similar architectural elements, economic factors and land uses (both in terms of actual development and that which was prescribed in the zoning code before rezoning).

The following neighborhoods have been considered in the Studio’s assessment. Please see the Appendix 1B for a complete selection of these neighborhood rezoning case studies.

The following is a description of neighborhood rezoning processes that were considered and why:
Pittsburgh, PA – Polish Hill Neighborhood

This neighborhood was considered because it is a hilly residential area within a relatively lower income neighborhood of Pittsburgh. The zoning code that had existed prior to the rezoning had many of the same issues as the current Albany zoning code, specifically; the zoning regulations were not consistent with the existing built environment. Development was very difficult in this neighborhood due to the zoning code; therefore most development that did occur required zoning variances. While zoning is meant to be a tool for the implementation of the community’s vision, the city’s zoning code was highly inconsistent with the comprehensive plan (making it a barrier rather than a tool).

The outcome of the rezoning was a code that acknowledges the importance of mixed use with the neighborhood. The rezoning process also allowed for greater density along transit hubs, also known as transit-oriented development. The city’s planning department did not have an estimate for the cost of the project.

New York City- West Harlem

New York City’s West Harlem Rezoning was chosen as a case study because its housing stock, demographics, socioeconomics, transit accessibility, and rezoning goals.

West Harlem contains a very high proportion of 19th century architecture, in addition to scattered out-of-context development that is more auto-oriented than the rest of the neighborhood. The majority of West Harlem residents are non-Hispanic black, and the median income is low when compared to the rest of New York City. The neighborhood is also very transit-accessible thanks to several subway lines and a confluence of bus routes. While the South End obviously lacks a subway line, it is currently well-served by CDTA bus routes and will likely be the terminus of a future north-south BusPlus line.

The West Harlem Rezoning strove to bring the neighborhood’s outdated zoning into conformity with the existing built environment, provide transit-oriented density increases in selected locations, and foster economic development in subareas that have been stifled by density regulations that were out of context with the rest of the neighborhood. The final cost of the project is estimated at $357,000.

New York City – Bedford-Stuyvesant North

Bedford- Stuyvesant North was the second half of a comprehensive rezoning of the neighborhood of Bedford-Stuyvesant in Brooklyn, New York. The project was split into two parts because of the complexity of the project. Bed-Stuyvesant is a geographically large area and is demographically complex. The neighborhood was chosen because Bedford-Stuyvesant North is a predominately low-income, minority neighborhood. Aesthetically the neighborhood is dominated by brownstones. Commercially the neighborhood has two corridors that were
desirable for development along Flushing Ave and Broadway. Lastly Bedford-Stuyvesant North suffers from double digit abandonment rate and the residents were eager for a rezoning effort that could address this.

The Bedford-Stuyvesant North rezoning project sought to protect the current context of the neighborhood. Ironically the primary concern of residents was that too much new development was taking place. This new development was seen as an affront to the current context of the neighborhood. The new zoning for Bedford-Stuyvesant North targeted zoning types that were desirable within the context of the neighborhood and sought to protect the neighborhoods brownstones. The final cost of this project is hard to estimate because of it being only one half of a larger project, the best estimate puts it roughly around $600,000.

Lowell, MA – Acre Neighborhood

This neighborhood contains a mixture of light industrial uses scattered throughout the predominantly residential neighborhood, much like in the South End. It also contains a number of historical properties, and is of lower income than the surrounding area.

As will become evident, the setback requirements recommended within the proposed zoning build-out scenarios are consistent with those of Lowell, MA. Rather than proposing a move to no setbacks often used in urban settings, the alternative scenario represents a mitigated approach allowing variability in setbacks along a narrow range of depths. In the case of Lowell, it was based on a required consistency with setbacks of existing development. In order to simplify this definition, the alternative scenario provides a range of depths, making it more prescriptive and easy to interpret.

In terms of rezoning processes, the public participation process in Polish Hill, Bedford-Stuyvesant North, and West Harlem were quite similar to the approach taken by the PPT, relying both on the existing community plan and more recent feedback from residents and stakeholders. No estimate on the cost of the project is available from the city’s planning office.

3. Recommendations for the City of Albany

Modernization of the City’s zoning ordinance can be a catalyst for growth and development. Given the state of the South End and many of Albany’s older neighborhoods new zoning may be an indispensable tool in reversing the deterioration and abandonment of these communities. The Studio Teams have researched and analyzed many types of zoning, meet with community residents and stakeholders and developed visualizations of build-outs under current zoning. The Studio believes that a new zoning type may bring desired change, and decided that composite zoning is the most appropriate type for the South End and the City of Albany as a whole.

Composite zoning provides a consistent framework for regulating the use, form, architectural standards, and density, while maintaining flexibility. The three modules (Use, Site, and Form)
can be implemented in many different combinations, making it possible for the City to tailor districts to the unique needs of each community. With composite zoning it will be possible to avoid an overreliance on special districts, overlays, and variances. This updated zoning ordinance is expected to make the permitting process more predictable for development and to reflect the needs and values of residents and businesses while still preserving and enhancing the city’s diverse neighborhoods.

Through the incorporation of visual components, composite zoning is seen as user friendly and flexible. Aspirations and values of communities change and evolve over time. Composite zoning has the capacity to accommodate these changes. Zoning ordinances have inherent advantages and disadvantages that impact their acceptance and implementation.

Enlightened by a variety of existing data sources, public outreach initiatives and having chosen composite zoning, the following pilot assessment of the South End was developed.

Based on the already discussed case studies and following assessment of the South End we recommend the city of Albany adopt Composite zoning

Composite zoning is a type of code that applies discrete ‘modules’ of regulations in various combinations to achieve the optimal zoning framework for a given area. Usually, these modules would govern aspects such as use, density, parking, and architectural elements. An example of potential requirements are below, sorted by suggested module.

---

<table>
<thead>
<tr>
<th>Use</th>
<th>Designation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>UR</td>
<td>Urban Residential</td>
<td>One- and two-family residential and apartment buildings</td>
</tr>
<tr>
<td>MX</td>
<td>Mixed-Use</td>
<td>Multifamily residential with ground floor and second floor commercial uses permitted.</td>
</tr>
<tr>
<td>LX</td>
<td>Local Mixed-Use</td>
<td>Multifamily residential with small-scale shops and services permitted on ground floor.</td>
</tr>
</tbody>
</table>

*Table 1: Example of Potential 'Use' Module Designations*

<table>
<thead>
<tr>
<th>Site</th>
<th>Max Setback</th>
<th>Max FAR</th>
<th>Max Lot Coverage</th>
<th>Total Side Yard</th>
<th>Height Req’s</th>
<th>Parking Req’s</th>
<th>Curb Cuts</th>
</tr>
</thead>
<tbody>
<tr>
<td>4R</td>
<td>5’</td>
<td>2.0 Res</td>
<td>65%</td>
<td>Min 0’ Max 15’</td>
<td>20’ min base 30’ max base 40’ max total (10’ setback req’d above 30’)</td>
<td>-Waived for 2 units or less -Waived on small lots</td>
<td>Prohibited on frontage of less than 40’</td>
</tr>
<tr>
<td>4X</td>
<td>5’</td>
<td>2.0 Total of which: 1.8 Min Residential 0.2 Max Commercial</td>
<td>65%</td>
<td>Min 0’ Max 15’</td>
<td>25’ min base 30’ max base 40’ max total (10’ setback req’d above 30’)</td>
<td>-Waived for 2 units or less -Waived on small lots</td>
<td>Prohibited on frontage of less than 40’</td>
</tr>
<tr>
<td>6X</td>
<td>0’</td>
<td>3.0 Total of which: 2.8 Max Residential 0.2 Min Commercial</td>
<td>75%</td>
<td>Min 0’ Max 8’</td>
<td>30’ min base 40’ max base 50’ max total (10’ setback req’d above 40’)</td>
<td>-Waived for 2 units or less -Waived on small lots -Waived in presence of mass transit</td>
<td>Prohibited on frontage of less than 40’</td>
</tr>
</tbody>
</table>

*Table 2: Example of Potential ‘Site’ Module Designations*
<table>
<thead>
<tr>
<th>Architecture</th>
<th>Description</th>
<th>Example of Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Historic District or TND District or Neighborhood Commercial District</td>
<td>• Follow requirements laid out by the Historic Resources Commission or the Department of Development &amp; Planning</td>
</tr>
</tbody>
</table>
| C            | Standard                                                   | • 60% of exterior street-facing walls constructed with $X$ material(s)  
• Building fronts must have at least 3 design features  
• 15% of primary building façade must consist of window or door openings |

Table 3: Example of Potential 'Architecture' Module Designations

Modules can be selected and combined to form unique zoning districts that best reflect the desired characteristics of each community. An example of one way to combine the modules defined in Table 1, Table 2, and Table 3 can be found in Figure 2 below.

Figure 2: Assembling a Composite Zoning District
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SECTION III: Pilot Assessment of the South End Neighborhood
1. Existing Conditions

Demographic Information

The Existing Conditions Team (ECT) utilized demographic information from the South End to assist with the rezoning study. Demographics are a key source of information when approaching any study, including a potential rezoning effort. Utilizing demographic information allows the researcher to better understand the issues facing the neighborhood. In the case of the South End, the Studio gathered important demographic information so that a thorough understanding of the stakeholders, assets, and challenges in the neighborhood could be achieved.

The following demographic information was retrieved from the American Community Survey 5-year estimates, 2010 Census and covers the areas of education, age, ethnicity and income. As previously stated, census tracts 23 and 25 were used to represent the South End study area. Census tract data was utilized based on the lack of access and accuracy of block group data. Although census tract information still contained flaws; information regarding age and ethnicity lacked error terms, while the error terms of income and benefits were found to be wide ranging. In light of these flaws we urge the information be used as indicators rather than empirical data.

Education

Population 25 Years and greater

The City contains a higher percentage of residents with high school diplomas, bachelor degrees, graduate degrees and postgraduate degrees than both Census Tracts 23 and 25. Although a non-aggregated Census Tract 25 contains a higher percentage of high school graduates than both the City and Census Tract 23. There are a higher percentage of individuals with some college experience within Census Tract 23 in comparison to the City and Census Tract 25. On the whole, Census Tract 25 lacks in educational attainment in comparison to the City and Census Tract 23.
### Table 4: Education in the South End

<table>
<thead>
<tr>
<th>Educational Attainment</th>
<th>Census Tract 23*</th>
<th>Census Tract 25</th>
<th>Combined Census Tracts</th>
<th>City Of Albany</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total %</td>
<td>Error Terms</td>
<td>Total %</td>
<td>Error Terms</td>
</tr>
<tr>
<td>Population 25 years and over</td>
<td>1,165 100%</td>
<td>+/-229</td>
<td>1,372 100%</td>
<td>+/-229</td>
</tr>
<tr>
<td>Less than 9th grade</td>
<td>113 9.70%</td>
<td>+/-5.3</td>
<td>68 5.00%</td>
<td>+/-3.6</td>
</tr>
<tr>
<td>9th to 12th grade, no diploma</td>
<td>97 8.40%</td>
<td>+/-5.6</td>
<td>282 20.60%</td>
<td>+/-8.4</td>
</tr>
<tr>
<td>High school graduate (includes equivalency)</td>
<td>213 18.30%</td>
<td>+/-7.4</td>
<td>536 39.10%</td>
<td>+/-9.2</td>
</tr>
<tr>
<td>Some college, no degree</td>
<td>278 23.90%</td>
<td>+/-9.5</td>
<td>240 17.50%</td>
<td>+/-7.0</td>
</tr>
<tr>
<td>Associate's degree</td>
<td>121 10.40%</td>
<td>+/-4.0</td>
<td>93 6.80%</td>
<td>+/-4.4</td>
</tr>
<tr>
<td>Bachelor's degree</td>
<td>178 15.30%</td>
<td>+/-7.5</td>
<td>65 4.80%</td>
<td>+/-4.0</td>
</tr>
<tr>
<td>Graduate or professional degree</td>
<td>163 14.00%</td>
<td>+/-6.0</td>
<td>65 4.80%</td>
<td>+/-3.2</td>
</tr>
<tr>
<td>Percent high school graduate or higher</td>
<td>954 81.90%</td>
<td>+/-8.3</td>
<td>1,036 74.40%</td>
<td>+/-6.8</td>
</tr>
<tr>
<td>Percent bachelor's degree or higher</td>
<td>954 81.90%</td>
<td>+/-8.3</td>
<td>1,036 74.40%</td>
<td>+/-6.8</td>
</tr>
</tbody>
</table>

Source: U.S. Census Bureau- American Fact Finder 2 - 2010 American Community Survey

* Census Tract 23 encompasses the Mansion District, which is not representative of the study area and may be wrongly inflating the areas percentages.

** Indicate percentages with error terms greater than +/- 20% of the total number.
Age

The City of Albany’s largest age concentration is 20-24 year olds, consisting of 15,684 people or 16% of the city’s total population of 97,856; with 37,635 people or 33.90% of residents falling between 20-39 years of age. Census Tract 23 contains its largest age concentration between the age group of 25-29, consisting of 281 people or 15% of the census tracts 2,051 residents; with 762 people or 37.60% of residents falling between 20-39 years of age. Census Tract 25 contains its largest age concentration between the age group of 25-29, consisting of 282 people or 9.80% of the census tracts 2,872 residents; with 920 people or 32.00% of residents falling between 0-19 years of age.

<table>
<thead>
<tr>
<th>Age Groups</th>
<th>Census Tract 23</th>
<th>%</th>
<th>Census Tract 25</th>
<th>%</th>
<th>Combined Census Tracts</th>
<th>%</th>
<th>Albany</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-19</td>
<td>513</td>
<td>25.00%</td>
<td>920</td>
<td>32.00%</td>
<td>1,433.00</td>
<td>29.10%</td>
<td>22,910</td>
<td>23.40%</td>
</tr>
<tr>
<td>20-39</td>
<td>762</td>
<td>37.60%</td>
<td>909</td>
<td>32.00%</td>
<td>1,671.00</td>
<td>33.90%</td>
<td>37,635</td>
<td>38.40%</td>
</tr>
<tr>
<td>40-59</td>
<td>531</td>
<td>26.00%</td>
<td>774</td>
<td>27.00%</td>
<td>1,305.00</td>
<td>26.60%</td>
<td>22,034</td>
<td>22.50%</td>
</tr>
<tr>
<td>60-79</td>
<td>208</td>
<td>10.50%</td>
<td>241</td>
<td>8.40%</td>
<td>449.00</td>
<td>9.10%</td>
<td>11,363</td>
<td>11.60%</td>
</tr>
<tr>
<td>80 and over</td>
<td>37</td>
<td>1.80%</td>
<td>28</td>
<td>1.00%</td>
<td>45.00</td>
<td>1.30%</td>
<td>3,914</td>
<td>4.00%</td>
</tr>
<tr>
<td>Total</td>
<td>2051</td>
<td>100%</td>
<td>2872</td>
<td>100%</td>
<td><strong>4,923.00</strong></td>
<td>100%</td>
<td><strong>97,856</strong></td>
<td>100%</td>
</tr>
</tbody>
</table>

Table 5: Age in the South End
Ethnicity

The most prevalent ethnic group within the City is white, at 56.7% or approximately 56,471 of the City’s 97,951 residents. This is followed by Black or African American at 29.6% or 28,968 and Asian at 4.8 % or 4,662 of the city’s entire population.

Census Tracts 23 and 25 encompasses 5 percent or 4,923 of Albany’s 97,951 residents. Census Tract 23 and 25’s largest ethnic population is Black at 52.5% percent or 1,076 for Census Tract 23 and 65.2% or 1,872 for Census Tract 25. This is followed by White at 34.2 % or 701 for Census Tract 23 and 20.8 % or 597 for Census Tract 25. Lastly the third largest ethnic group within both Census Tract 23 and 25 is Asian, at 3.2 % or 62 for Census Tract 23 and 1.1 % or 33 for Census Tract 25.

<table>
<thead>
<tr>
<th>Largest Ethnic Groups</th>
<th>Total Population</th>
<th>White</th>
<th>Percentage</th>
<th>Black</th>
<th>Percentage</th>
<th>Asian</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Census Tract 23</td>
<td>2,051</td>
<td>701</td>
<td>34.20%</td>
<td>1,076</td>
<td>52.50%</td>
<td>62</td>
<td>3.02%</td>
</tr>
<tr>
<td>Census Tract 25</td>
<td>2,872</td>
<td>597</td>
<td>20.80%</td>
<td>1,872</td>
<td>65.20%</td>
<td>33</td>
<td>1.50%</td>
</tr>
<tr>
<td>Combined Census Tracts</td>
<td>4,923</td>
<td>1298</td>
<td>26.36%</td>
<td>2,948</td>
<td>59.88%</td>
<td>95</td>
<td>1.90%</td>
</tr>
<tr>
<td>City of Albany</td>
<td>97,951</td>
<td>56,471</td>
<td>56.70%</td>
<td>28,968</td>
<td>29.60%</td>
<td>4,662</td>
<td>4.80%</td>
</tr>
</tbody>
</table>

*Table 6: South End Ethnicity*
Figure 3: Census Tract Map

Study Area Census Tract Overlay

Rezoning Albany: A Pilot Assessment of the South End Neighborhood

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Produced by: University at Albany – Department of Geography and Planning - Planning Studio Fall 2012
Data Source: City of Albany
December 2012
Income and Benefits

Of the approximate 41,000 households located within the City, 16% or 6,586 households earn between $50,000-$74,999, with an estimated 13.5% or 5,557 of households earning incomes less than $10,000.

Census Tract 23 has approximately 1,083 households, with 20.4% or 220 households earning between $15,000-$24,000, with an estimated 7.9% or 86 households earning incomes less than $10,000.

Census Tract 25's has approximately 1,137 households, with 22% or 250 households earning between $15,000 - $24,000, with estimated 11.40% or 130 households earning incomes less than 10,000.

<table>
<thead>
<tr>
<th>Income and Benefits</th>
<th>City of Albany</th>
<th>Census Tract 23</th>
<th>Census Tract 25</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total households</td>
<td>41,168</td>
<td>1,083</td>
<td>1,137</td>
</tr>
<tr>
<td>Less than $10,000</td>
<td>13.50%</td>
<td>7.90%</td>
<td>11.40%</td>
</tr>
<tr>
<td>$10,000 to $14,999</td>
<td>7.80%</td>
<td>16.80%</td>
<td>10.70%</td>
</tr>
<tr>
<td>$15,000 to $24,999</td>
<td>12.20%</td>
<td>20.40%</td>
<td>21.60%</td>
</tr>
<tr>
<td>$25,000 to $34,999</td>
<td>12.20%</td>
<td>9.40%</td>
<td>16.60%</td>
</tr>
<tr>
<td>$35,000 to $49,999</td>
<td>14.20%</td>
<td>19.90%</td>
<td>15.90%</td>
</tr>
<tr>
<td>$50,000 to $74,999</td>
<td>16.00%</td>
<td>9.90%</td>
<td>7.70%</td>
</tr>
<tr>
<td>$75,000 to $99,999</td>
<td>10.20%</td>
<td>8.20%</td>
<td>2.80%</td>
</tr>
<tr>
<td>$100,000 to $149,999</td>
<td>9.00%</td>
<td>7.40%</td>
<td>3.80%</td>
</tr>
<tr>
<td>$150,000 or more</td>
<td>4.80%</td>
<td>0.00%</td>
<td>1.30%</td>
</tr>
<tr>
<td>Median household income (dollars)</td>
<td>39,158</td>
<td>26,823</td>
<td>22,412</td>
</tr>
</tbody>
</table>

Table 7: South End Income and Benefits

Source: U.S. Census Bureau- American Fact Finder 2- 2010 American Community Survey 5 year

In order to properly assess future alterations to the South End of Albany the ECT collected and analyzed demographic and housing stock data. This process will expedite urban redevelopment by indicating clustered vacancies, non-conformity, as well as providing information for future alterations to the city’s Zoning Ordinance. Analyzing the socioeconomic status of the South End will also help streamline concerns that can be mitigated by re-zoning efforts.
Current Zoning Districts

The South End study area contains 968 tax parcels and is comprised of four different zoning districts: Two-Family Residential (R-2A), Multifamily Medium-Density Residential (R-3B), Neighborhood Commercial(C-1) and Light Industrial(C-M). See Table 8.

As the existing zoning map indicates (Figure 4: Existing Zoning) the majority of parcels are located within the R-3B district, representing 91% of the areas tax parcels; meaning the highest concentration of tax parcels are zoned Multifamily Medium-Density Residential. This is followed by zoning Districts C-1 at 5%, R-2A at 3% and C-M at 1%. A majority of South Pearl Street and portions of Morton Avenue contain the bulk of the study area’s commercial buildings. Both corridors are known for their mixed-use development efforts, especially South Pearl Street. In recent years Morton Avenue has strengthened its presence as a commercial corridor; which should be taken into consideration during rezoning. C-1 properties are concentrated to the easterly section of the study area along Hawk, Osborn and Catherine Street. Parcels zoned R-2A are located along 2nd Ave, to the south of the study area.

The South End Groesbeckville Historic District (SEGHD) covers more than half of the study area’s tax parcels. The Historic Resource Commission (HRC) was created in 1988 “to preserve and protect places, structures, works of art, monuments, and other ornaments of historic or cultural significance to the City” (HRC, 2007). It does this primarily by ensuring that the design of any proposed rehabilitation or new construction on a property fits with the characteristics of other buildings in that district. In all, over 4,000 structures are contained within Albany’s fifteen historic districts. Each district has its own unique qualities which the HRC must consider. The Historic District Design Guidelines is a document which directs the HRC on what to consider when deciding what constitutes appropriate development.

Please refer to Appendix 2 for Zoning District Requirements.

<table>
<thead>
<tr>
<th>Existing Zoning</th>
<th>Number of Tax Parcels</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-3B</td>
<td>877</td>
<td>91%</td>
</tr>
<tr>
<td>C-1</td>
<td>50</td>
<td>5%</td>
</tr>
<tr>
<td>R-2A</td>
<td>32</td>
<td>3%</td>
</tr>
<tr>
<td>C-M</td>
<td>9</td>
<td>1%</td>
</tr>
<tr>
<td>Total</td>
<td>968</td>
<td>100%</td>
</tr>
</tbody>
</table>

*Table 8: South End Existing Zoning*  
*Source: City of Albany*
Figure 4: Existing Zoning
Zoning Variances

Between 2008 and 2012, 60 applications for variances were submitted within the South End. Of the applications submitted 59 of the 60 were approved, producing an approval percentage of 98%. (Refer to Figure) With such a high number of variances granted the City’s existing zoning is being rendered ineffective. This ineffectiveness presents a strong case for the City to undergo a rezoning. Variances show clustering along Morton Ave, and Alexander and Delaware Streets and can be contributed to the Albany Housing Authority and the non-profit efforts of Habitat for Humanity.

<table>
<thead>
<tr>
<th>#</th>
<th>Variance Types</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Area Variance (AV)</td>
<td>3</td>
<td>66*</td>
<td>6</td>
<td>52</td>
<td>38</td>
<td>165</td>
</tr>
<tr>
<td>2</td>
<td>Special Use Permit (SUP)</td>
<td>1</td>
<td>4</td>
<td>0</td>
<td>3</td>
<td>4</td>
<td>12</td>
</tr>
<tr>
<td>3</td>
<td>Use Variance (UV)</td>
<td>4</td>
<td>5</td>
<td>1</td>
<td>3</td>
<td>3</td>
<td>16</td>
</tr>
<tr>
<td>4</td>
<td>Parking Lot Permit (PLP)</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>5</td>
<td>Interpretation (INT)</td>
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<td>0</td>
<td>0</td>
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<td>0</td>
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<td>6</td>
<td>Administrative Appeal (APPEAL)</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Table 9: South End Variance Applications by Year

Source: City of Albany
Figure 5: Zoning Variance Applications by Year
Vacant Buildings
Vacancies have often been associated with disinvestment and deterioration of social morale. Rezoning can help mitigate the high number of vacancies plaguing the South End through the alteration of zoning districts and parcel size requirements. In return this will reduce costs and reservations about investment.

The Albany 2030 Comprehensive Plan indicates the use of vacant parcels as a means of boosting the construction of mixed-income housing through public-private partnerships. Also indicated is the desire to expand urban agriculture, urban landscaping and community gardens to reduce the number vacant properties. *Albany 2030* suggests using vacant parcels to boost development. This new development could be in the form of mixed-income housing and could be achieved through public-private partnerships. Furthermore encouraging the development of urban agriculture, landscaping, and community gardens could help reduce the number of vacant properties. These ideals have the potential of reducing the South End’s 138 vacant buildings, but achieving the full potential of these objectives rests on the reduction of nonconformity. (City of Albany, 2012)

Nonconforming Parcels
Parcel size requirements are unrealistic. Current parcel sizes do not meet the parameters requested within the current zoning ordinance, resulting in 764 of the areas 968 properties being classified as nonconforming. It would be in the city's best interest to alter the required parcel size requirements, with foreseen reductions in variance applications as a result.

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Vacant Buildings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clinton</td>
<td>18</td>
</tr>
<tr>
<td>Broad</td>
<td>17</td>
</tr>
<tr>
<td>Alexander</td>
<td>15</td>
</tr>
<tr>
<td>Third</td>
<td>15</td>
</tr>
<tr>
<td>S Pearl</td>
<td>12</td>
</tr>
<tr>
<td>Fourth</td>
<td>11</td>
</tr>
<tr>
<td>Delaware</td>
<td>8</td>
</tr>
<tr>
<td>Second</td>
<td>8</td>
</tr>
<tr>
<td>Elizabeth</td>
<td>7</td>
</tr>
<tr>
<td>Stephen</td>
<td>6</td>
</tr>
<tr>
<td>Morton</td>
<td>6</td>
</tr>
<tr>
<td>Catherine</td>
<td>4</td>
</tr>
<tr>
<td>Teunis</td>
<td>4</td>
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<tr>
<td>Osborne</td>
<td>2</td>
</tr>
<tr>
<td>Eagle</td>
<td>2</td>
</tr>
<tr>
<td>Schuyler</td>
<td>1</td>
</tr>
<tr>
<td>Sloan</td>
<td>1</td>
</tr>
<tr>
<td>Cuyler</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>138</strong></td>
</tr>
</tbody>
</table>

*Table 10: Vacant Buildings*

*Source: City of Albany*
Figure 6: Vacant Buildings in the South End
Figure 7: Nonconforming Uses in the South End by Tax Parcels

Nonconforming Use by Tax Parcel Size

Minimum Required Parcel Size

C-1 - (Min. Req. 3,200 Sq. Ft.)
C-M - (Min. Req. 10,000 Sq. Ft.)
R-2A - (Min. Req. 4,000 Sq. Ft.)
R-3B - (Min. Req. 2,400 Sq. Ft.)

Rezoning Albany: A Pilot Assessment of the South End Neighborhood

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Produced by: University at Albany – Department of Geography and Planning - Planning Studio Fall 2012
Data Source: City of Albany

December 2012
2. Public Participation

Public Input

Engaging in an active outreach program is a key component of a successful plan. The Studio therefore made it a top priority to dedicate a team exclusively to community outreach. This team, dubbed the Public Participation Team (PPT), was charged with two tasks:

1. Hosting focus groups (approx. 3-4) with community stakeholders to gather perceptions of what works and what does not work with existing zoning (aided by build-out visualizations), what land uses and development they do and do not want to see in the community, and any property-specific concerns.

2. Categorize, analyze, and incorporate results, as applicable into GIS database and scenarios.

Early on we determined that the original goal of 3-4 focus groups, known as Community Round Tables, would not be achievable in light of tight time restrictions for the project. Instead we settled on having two (2) focus group meetings in early November. To make up for lost time with the public, and to help inform the later stages of the project, the PPT members decided to host individual Initial Interviews starting in late September.

Initial Interviews

We opted to conduct a series of Initial Interviews that could double as research and as outreach to the community. We determined that it was very important that they establish a presence in the community early so that the Studio would have an open and exhaustive community outreach program.

Starting in late September we began outreach with community members and organizations. What started with the South End Neighborhood Association eventually grew to include a dozen entities, all of which are involved in the neighborhood, as shown in the table.

<table>
<thead>
<tr>
<th>City of Albany Dept. of Development and Planning</th>
<th>Elected Officials</th>
<th>South End Neighborhood Association</th>
</tr>
</thead>
<tbody>
<tr>
<td>Albany Community Development Agency</td>
<td>Empire State Futures</td>
<td>South End Improvement Corporation</td>
</tr>
<tr>
<td>Capital City Rescue Mission</td>
<td>Habitat for Humanity</td>
<td>Trinity Alliance</td>
</tr>
<tr>
<td>Columbia Development Company</td>
<td>Historic Albany Foundation</td>
<td>3T Architects</td>
</tr>
</tbody>
</table>

Table 11: South End Community Stakeholders
A series of questions were used to guide interviews with over a dozen stakeholders

1. How has the City’s zoning ordinance impacted development in the South End?
2. How does the South End see itself developing in the future?
3. What are some examples of “good” development in the neighborhood?

The main issues highlighted by interviewees were:

1. The zoning code is a barrier to development.
2. The Historic Resource Commission is a source of confusion for residents, and, at worst, a barrier to development.
3. Property Abandonment is a major source of concern for the neighborhood.

See Appendix 3A for Summary of Interview Notes

That the zoning code and abandonment were seen as barriers to development was not surprising, but the issues surrounding the Historic Resource Commission (HRC) were. From the very beginning there was a sense of confusion surrounding the HRC and its role in protecting Albany’s Historic Districts. This remained a theme throughout the remainder of the Initial Interviews, and was echoed in later interviews with both the Historic Albany Foundation and the City of Albany’s Department of Development and Planning. As the PPT concluded the Initial Interviews team members knew that this would be an important area to explore in the Community Round Tables.

**Community Roundtables**

Two Community Round Tables took place on November 7th. The decision was made to hold two events so that a more thorough conversation could occur (and also in consideration of the limited resources available to the PPT). The first meeting was held during the day and was designed to attract organizations that had been interviewed in the Initial Interview stage. The second meeting was designed more for residents of the neighborhood to come and discuss their positions on a potential rezoning. Both meetings were held at the Howe Library in the heart of the South End.

Both meetings followed a similar format. A PPT member began both meetings with a short PowerPoint presentation in order to update participants on the status of the Studio. The presentation described the mission (see Appendix 3B) for the Studio and the research that had been complied up to that point. Additionally the presentation made mention of some of the issues that had been raised in the Initial Interview process. The presentation concluded with a list of questions that would be used to guide the rest of the Community Round Table. See Appendix 3C for Community Roundtable questions.

The early meeting with the organizations consisted of representatives from an assortment of groups that have a presence in the neighborhood. Table 2 shows all of the organizations that were present at the first meeting.
With development being the primary concern for the neighborhood it was important for the PPT to get the impressions from such groups as Habitat for Humanity, AHA, Omni and SEIC because of their extensive background in development projects and familiarity with the South End. Habitat for Humanity has worked on housing projects throughout the neighborhood and is currently working on a large development on Delaware Street and Alexander Street. Omni Development is the primary developer for the City of Albany’s public housing projects in partnership with AHA. Because of the challenges facing development in the neighborhood, virtually all of the development that has taken place has been because of these partnerships between public, private and non-profit developers. The City’s planning department, Historic Albany Foundation, Common Councilman Cal Solaro, and Trinity Alliance were helpful in having a dialog about the HRC and its design guidelines. After development, the conversation turned to how to address the HRC and its design guidelines. Many of the participants agreed that the HRC was a source of confusion and that the guidelines were too vague. The dialog evolved to suggest that the HRC needs to be clearer with its design guidelines. Doing so will help spur development.

The second meeting with the residents took place later in the evening. This meeting was attended primarily by new/future residents of the Habitat for Humanity homes on Alexander Street. The residents received class credit from Habitat for attending the meeting. The rest of the participants were longtime residents of the neighborhood, many of whom belong to the South End Neighborhood Association. In total nine residents attended the meeting. All were eager to express their concerns for the neighborhood and discuss how zoning may be able to help. It is important to make note that there were not any residents of the neighborhood present at the meeting who rent. As such the opinions expressed at the second meeting were only from one subset of residents: homeowners.

Findings
Table 13 depicts the major findings for the two meetings. Participants in both meetings agreed on a number of issues. These issues included:

- The current zoning code as a barrier to development.
- General confusion regarding the Historic Resource Commission.
Abandoned properties as a significant barrier to development.

Mixed use zoning along Morton Ave and Pearl Street.

Participants were universal that the zoning code has created an undue barrier to development in the area. There was disagreement on how, specifically, to address the zoning issue but there was at least a consensus of where to start.

The issues with the Historic Resource Commission first appeared during the Initial Interviews. Many thought that the commission could help promote development in the neighborhood if it would clarify its design standards. It was discussed at length that many cities have successfully implemented design guidelines that explicitly set forth the standards for new construction inside a historic district through the use of a “picture book” that both shows and states the Commission guidelines clearly. Such a guideline was generally met with praise. The only negative that was expressed was that establishing such a guideline would be challenging since the City of Albany has multiple historic districts in diverse neighborhoods, each with its own neighborhood specific characteristics. Creating such a guideline would be a major project.

Both meetings targeted the high level of abandoned buildings in the neighborhood as a significant barrier to development. Vacant buildings and lots are plentiful in the neighborhood and have had a depressing effect on property values. While there was some disagreement about what to do with the abandoned buildings specifically, there was a strong consensus that something needs to be done. One of the main complaints is that a building will sit abandoned for many years and then is suddenly demolished without warning, leaving a vacant lot. Neither a vacant building nor a vacant lot is very desirable to the neighborhood.

Lastly, there was broad agreement on what to do along Morton Avenue and Pearl Street, considered to be the most important commercial nodes in the neighborhood. Participants in both meetings agreed that these areas were prime candidates for mixed used development. Participants seemed excited at the idea of having a vibrant corridor along Morton and Pearl where today there is a lack of development in these areas. Residents, in particular, targeted the Morton/Pearl Street corridors as the most desirable area (outside of the historic district) for more dense residential or mixed use development. They particularly liked the idea of improving access to mass transit, specifically the proposed BusPlus line (a rapid transit line) along Pearl Street.

There were some areas that participants from the two meetings had differing opinions. The organizations were big proponents of increasing density generally, promoting urban design and reducing bureaucratic barriers, while residents did not meet a consensus on this issue.

Increasing the density of the neighborhood is an important aspect to consider when exploring new zoning options. Currently the South End is zoned for low density, which is not in accordance with an urban setting. Much of the neighborhood is built to be very urban and dense despite a very suburban zoning code. This contradiction in the zoning with the existing built environment leads directly to the concerns expressed by organizations relating to bureaucratic
barriers. Since Albany’s zoning code is out of context with the built environment, it is difficult for developers to build within the context of the neighborhood. The city believes that maintaining the context of the neighborhood is desirable. In order for developers to carry out this desire they must first go through an elaborate series of bureaucratic steps, including the acquisition of variances. All of these extra steps add to the cost of development which, when combined with an already weak economy, makes it very difficult for a private developer to justify a project in the area. A rezoning would simplify the development process in the area and make it more attractive to private development.

### Table 13: Roundtable Findings

Residents were mostly concerned about density and what it would mean for parking, maintaining green spaces, and promoting a varied design style. They spoke at length about different ideas for how to address possible parking issues, including off-street parking. They envisioned a scenario where parking could be handled by a series of alleyways running between the blocks. However, the residents seemed to accept that density may increase in some areas in order to develop consistently with existing approved plans. With this in mind the residents suggested that the neighborhood did not need to have only one specific zoning style, rather they suggested that the densest part of the neighborhood be within, and adjacent to, the historic district. This would fit into the current context of the neighborhood and could include the style of rowhouses that are already common in the area. Furthermore, the residents described a neighborhood that could be zoned to allow for decreasing density as the distance from the historic district became greater. In the opinion of the residents there are areas within the neighborhood that are currently not densely developed; if the city wishes to maintain the context of the neighborhood it cannot force density into areas where this not pattern.

<table>
<thead>
<tr>
<th>Areas of Consensus</th>
<th>Residents</th>
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</thead>
<tbody>
<tr>
<td>Organization</td>
<td>Residents</td>
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<tr>
<td>Zoning is outdated</td>
<td></td>
</tr>
<tr>
<td>Lack of Design Guidelines is a barrier to development</td>
<td></td>
</tr>
<tr>
<td>Addressing abandoned properties</td>
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</tr>
<tr>
<td>Mixed use zoning along Morton Ave and Pearl St</td>
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</tr>
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</table>

<table>
<thead>
<tr>
<th>Additional Points</th>
<th>Residents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Organizations</td>
<td>Residents</td>
</tr>
<tr>
<td>Increase density</td>
<td>Maintain lower density for residential areas</td>
</tr>
<tr>
<td>Urban design</td>
<td>Wide variety of zoning types</td>
</tr>
<tr>
<td>Fast track permitting</td>
<td>Community gardens are an important asset</td>
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</table>
Figure 8: South End Parks and Recreation

South End Parks and Recreation
- **Private Ownership**
- **Public Ownership**

South End Study Area

Rezoning Albany: A Pilot Assessment of the South End Neighborhood

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Data Source: City of Albany

December 2012
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3. Scenarios

This section is an analysis of the development allowances and constraints of the existing zoning ordinance, as well as a visualization of the Studio’s recommended rezoning elements for the South End.

Site Selections

The Studio selected four sites that represent a diversity of South End settings that contain viable infill lots. The selected block types include a mixed-use thoroughfare, an interior residential block outside of the South End / Groesbeckville Historic District, a residential block within the historic district, and a residential block with a substantial number of vacant and underutilized structures.

With these sites providing the context, the SBT has used information gathered throughout the course of the Studio to provide two sets of block-level visualizations. The first set represents a potential build-out of each site under the South End’s existing zoning, and the second set shows a potential build-out of each site under the recommended rezoning.

3rd Avenue (Looking East from Elizabeth Street)

Completely encompassed by Groesbeckville Historic District, this site provides a good representation of how the historic district guidelines govern built form under both the existing zoning and the proposed rezoning elements. It also sheds light on how community gardens could fare in both scenarios.

Delaware Street (Looking East to Elizabeth Street)

As an area that lies outside of the historic district, this site allows for an interpretation of the prevailing R-3B Multifamily Medium-Density Residential District that is unrestricted by the requirements of the South End / Groesbeckville Historic District. This lack of historic district regulations means that the area allows for a similarly unrestricted visualization of the recommended rezoning elements. This site also provides valuable visualization of how the incoming Habitat for Humanity development may help provide a design framework for the proposed rezoning of the South End.
Figure 9: Selected Sites
Elizabeth Street (*Looking South from Delaware Street*)

This area contains a high number of empty lots and vacant or neglected buildings. As such, a visualization of this part of the neighborhood is effective in conveying how parts of the South End could look if the proposed rezoning promoted mixed-use in areas that have historically contained small-scale, ground-floor commercial uses.

**South Pearl Street (Looking North from 4th Avenue)**

This site serves as a model for a mixed-use commercial corridor that falls under the C-1 Neighborhood Commercial district that currently regulates most of the development along South Pearl Street. In addition, the parcels located on the western side of the street are encompassed by the South End / Groesbeckville Historic District. This dynamic allows for a visualization of how South Pearl Street might be developed under the existing zoning both inside and outside the historic district, while also presenting a similar picture of how such a split could affect a build-out under a rezoning.

**Why Elizabeth Street?**

Elizabeth Street is represented in three of the four sites that the SBT has selected, a variety of characteristics made it an attractive base for visualizations. Aside from South Pearl Street, it is the only two-way street in our study area that connects Morton Avenue and 2nd Avenue. In addition, the relative width of Elizabeth Street and the presence of buildings that once hosted commercial uses make it a prominent interior corridor for the neighborhood. Lastly, the intersection of 3rd Avenue and Elizabeth Street contains the largest urban garden in the study area, making it a useful node through which to consider how zoning could affect such valuable community-tended open space.

**Visualization Process, Assumptions, and Limitations**

The SBT chose to use Google SketchUp in crafting visualizations of potential buildouts. SketchUp was ideal for the SBT due to its ability to integrate actual block measurements into the buildouts, produce quality graphics, and easily recreate existing structures. In addition, untrained team members were able to quickly learn the program thanks to its intuitive format and relative ease of use.

As in any representation of potential buildouts under a given set of zoning regulations, the analyst must make assumptions that reflect only one of many possible futures. In particular, the following visualizations were created assuming ideal market conditions, meaning that each scenario displays what each given street could look like if demand for development were to increase over time. This helps give a picture of how each zoning scenario could affect the South End if demand and willingness to invest increased from its present levels. Beyond just visualizing potential futures, this assumption allows residents and the City to view the full effects...
of the existing and proposed zoning, rather than presenting an incomplete (or even misleading) development picture that is based on present economic conditions. Additional assumptions include:

1. Ability to consolidate parcels where appropriate
2. Reduce need for variances
3. General adherence to the requirements of the South End / Groesbeckville Historic District
4. Enforcement of the C-1 Neighborhood Commercial design standards
5. Predominantly private development

The City’s existing zoning brings with it a number of limiting factors. First, it is important to note that much of the South End could not be developed at all if the current R-3B regulations were strictly adhered to. Even taking into consideration the consolidation of parcels, it would often be impossible to follow the existing zoning regulations without a variance due to a combination of setback and lot coverage requirements that are incompatible with the neighborhood’s existing street layout. These inconsistencies have led to existing zoning build-out scenarios that are interpretations of the type of developments that the zoning at each site encourages, given optimal lot assemblage and site composition, rather than depicting a no-development scenario (as much of the current zoning would lead to without the provision of variances)

Sites within the historic district were far easier to develop into full build-out scenarios, as those guidelines also rely on interpretations of conformity to the existing built environment. This allows developers to more easily skirt the pure R-3B regulations, which are largely inconsistent with the South End’s historic pattern of development.
Site 1: 3rd Avenue and Elizabeth

This depiction of 3rd Avenue facing east from Elizabeth Street represents a potential build-out within Albany's South End / Groesbeckville Historic District. Due to the number of vacant lots on this portion of the street, most of the buildings seen here are new construction. According to historic district guidelines, new construction must be compatible with existing architectural scale, massing, volume, and styles. Building heights must not exceed the taller of the two abutting structures, nor be less than the lower of the abutting structures. The abundance of vacant land on this block lends itself to development similar to the Habitat for Humanity project on Alexander Street.

The urban garden on the corner of 3rd and Elizabeth has been paved over in the build-out depiction. Because current zoning guidelines make no mention of allowing such uses, their permanence is not guaranteed. One of DPD’s goals for the Studio is to investigate ways in which urban agriculture sites may be preserved in the city. One potential benefit of the current historic district guidelines, is that deal almost exclusively with the design of the built environment. The composition of urban gardens may be such that it falls outside of what the Historic Resources Commission may regulate, and thus a rezoning scenario allowing for urban gardens would not be in conflict with the historic overlay.

The build-out above represents how the UR-4R-A zoning could potentially look in the South End within a historic district overlay. This includes preserving the community garden with the suggested TDR program, with South Pearl Street as a receiving site for development. The buildings on the left are newly constructed and therefore adhere to the composite zoning regulations and the historic district requirements. The buildings on the right side of the street currently exist and conform to the UR-4R-A district’s requirements, which is an example of how composite zoning districts could be used to decrease nonconformities.

The first module tells which use is as-of-right in the zone. “UR” stands for Urban Residential, which allows one- and two-family residences and apartment buildings. This is consistent with current uses in the area, as well as with the desire of the community to limit density and commercial uses in the area.
Figure 10: Existing Conditions at 3rd & Elizabeth
Figure 11: Build-out of 3rd Ave and Elizabeth St. under existing zoning
Figure 12: Build-out of 3rd Ave and Elizabeth St. under rezoning
For lot dimensions, the “4R” site module designation gives a range of suitable setbacks, side yard totals, and height requirements to reduce the need for variances, as well as to allow greater freedom when constructing new units or building an addition. In conjunction with the historic district requirements, a FAR of 2.0 with a maximum 65% of lot coverage would result in development that is fairly uniform considering the size of the lots and other site module restrictions. In addition, parking requirements were eased to make them less of a hindrance to development, and parking requirements are waived altogether for buildings with two units or less. To ensure an adequate amount of on-street parking, curb cuts are prohibited for buildings with less than a 40’ frontage.

In this case, the “A” architecture module designation means that developments must follow Historic Resource Commission guidelines. This means facades should match the material and colors found in the neighborhood, and height continuity would be required despite the new underlying zoning regulations. New residences would have similar windows, doors, and stoops as the rest of the buildings in the area.
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Site 2: Delaware Street

This is a residential block in the R-3B Multifamily Residential district, with two parcels at the far edge of the block located in the historic district.

Due to a high number of currently undeveloped R-3B sites, Delaware street is well-suited for an infill scenario. Despite a forthcoming Habitat for Humanity construction, the site was chosen for its visual character and location outside of the historic district. The potential build-out depicted here serves to illustrate the deep setbacks and relatively low-density typology dictated by the existing zoning.

The block is host to a new Habitat for Humanity development (as seen in figure 8), which is occurring despite current zoning regulations through a series of variances. Currently, nearly all development occurs in spite of the current zoning. In fact, most existing housing on Delaware Street does not conform to the current zoning regulations and could not be developed under the existing zoning.

This build-out depicts Delaware Street under the proposed composite zoning ordinance. Note the range of building heights and widths, the presence of moderate front yards, and the presence of side yards. Each building contains elements of historic design that make it consistent with the surrounding neighborhood, as well as with the current Habitat for Humanity housing development currently under way.

This rezoning build-out contains all of the same zoning modules as described above, with the exception of the architecture module of “C.” This architecture module designation is less strict than the historical district standards, and would allow new development to occur as long as certain minimal design characteristics are met. These standards could include the following: 60% of exterior street facing walls must be constructed of particular material, building fronts must contain at least three design features (this is consistent with the Habitat for Humanity Developments), and 15% of the primary building facade must consist of windows or door openings (no monolithic structures).
Figure 13: Existing Conditions along Delaware Street
Figure 14: Build-out of Delaware Street under Existing Zoning
Figure 15: Build-out of Delaware St. under rezoning
Site 3: Elizabeth Street

Elizabeth Street runs south along the center of the study area. The highlight of this street is a pocket park, which boasts of a basketball court, and several play gyms for younger children. It is evident that several of these building were, at one time, mixed use. The sidewalks are very wide at approximately 10 – 12 feet. These street and sidewalk configurations are wide and could be inviting despite being scattered with a mix of occupied and vacant buildings. Current zoning allows for residential use only. Since most of the street is within the Historic District historic guidelines must be followed.

A best-case scenario under current zoning is a residential use build-out, as depicted above. However, this could be unlikely since it would be a costly renovation. More likely, under the current zoning these buildings will continue to deteriorate and would eventually be demolished.

Current zoning allows for residential use only and since most of the street is within the Historic District, those guidelines must be followed. This is a costly renovation for buildings that once contained ground-floor commercial uses and may not easily lend themselves to an entirely residential use format. Changing the zoning for this street to mixed use may increase the feasibility of renovation for these buildings. Increasing the proximity and diversity of commercial services also makes sense for this neighborhood. Residents of this neighborhood likely rely on public transportation, so providing walkable access to amenities is essential. Additionally, placing goods and services within walking distance is believed necessary to create local identity, increased community connectedness, a shared civic culture and better physical health.

Scale is critical to promoting healthy, vibrant neighborhoods. Walkable sub-districts are often seen as having a radius of between ¼ and ½ mile. With this in mind, providing small-scale commercial services via local mixed-use district for residents living within at least a ¼ mile radius would provide walkable access to goods and services. This would also serve to decrease the reliance on South Pearl Street as the sole commercial center for the neighborhood study area.

Therefore, it is recommended that the revised zoning allow for mixed-use along this section of Elizabeth Street. The zoning would be designated LX-4X-A on the east (left) side of the street, and LX-4X-C on the west side of the Street, with the sole difference being the architectural standards discussed previously. In keeping with the residential feel of the neighborhood, the use module designation of “LX” allows for multi-family residential with shops and services on the ground floor only.
Figure 16: Existing Conditions at Elizabeth and Osborne Streets
Figure 17: Build-out of Elizabeth St. under existing zoning
Figure 18: Build-out of Elizabeth Street and Osborne under re zoning
Site 4: South Pearl Street

This figure depicts what South Pearl Street between 4th Avenue and Alexander Street could look like if the entire block was developed pursuant to the street’s current C-1 Neighborhood Commercial zoning designation. It is important to note that the left side of the street falls under the South End / Groesbeckville Historic District, while the right side of the street is regulated by the design standards laid out for developments within C-1 zoning districts. The historic district generally places emphasis on maintaining continuity of the existing built environment, while the C-1 district design standards are somewhat more lenient. In the case of the C-1 standards, this can result in an out-of-context commercial structure as shown at the right of the image.

Particularly, the standards allow for low-rise commercial buildings with setbacks of up to 12 feet and relatively large parking lots. Even in the historic district, there are few regulations that limit the provision of large amounts of surface parking, which can break up the street wall, allow a multitude of curb cuts, and create an environment that is less hospitable to pedestrians.

It is worth noting that historic district standards generally apply to the opposite side of the block in places where the boundary bisects a street, as it does here. However, some recent development on South Pearl Street, even within the historic district itself, have been consistent with the low-density structure that appears at the front-right of the existing zoning build-out. With this in mind, it is reasonable to expect a similar development pattern to continue if the zoning remains unchanged.

This figure models the potential build-out of the block of South Pearl Street between 4th Street and Alexander Street under a MX-6X-A composite zoning district, which follows a use-site-architecture module format. The use module designation of “MX” denotes mixed-use, which allows for multifamily residential uses as well as commercial uses on the first and second floors. All residential uses must be situated above any commercial uses.

The site module of “6X” further supports the mixed-use orientation by requiring a minimum commercial FAR of 0.2, and a maximum residential FAR of 2.8, for a maximum total of 3.0. Maximum lot coverage is 75%. This site module designation also carries a minimum base height of 30 feet and a maximum base height of 40 feet, although buildings can go as high as 50 feet, provided that the final 10 feet is set back 10 feet from the building’s frontage. Requiring the setback provides extra floor area without creating an overly imposing building frontage when compared to existing historical structures on South Pearl Street. This combination of FAR, height, and lot coverage requirements would typically result in buildings between 3 and 4 stories. In order to attempt to provide a more pedestrian-oriented environment, parking requirements can be waived for buildings with fewer than 3 units, for buildings with small lots, and for subareas well-served by mass transit.
Figure 19: Existing Conditions at South Pearl & 4th
Figure 20: Build-out of South Pearl Street under Existing Zoning
Figure 21: South Pearl Street & 4th Street under the proposed zoning
In order to attempt to provide a more pedestrian-oriented environment, parking requirements under the proposed composite zoning districts could be waived for buildings with fewer than 3 units, for buildings with 40’ or less of street frontage, and for subareas well-served by mass transit. For larger developments over 40’ wide, a curb cut providing access to parking in the rear of the building could be permitted. A fee-in-lieu of parking system could be a viable option as well, since in this way the City could raise money to construct shared parking facilities or attempt to reduce parking demand by providing supplemental funding to mass transit.

This combination of reduced parking requirements, a prohibition of curb cuts on small lots, and the exploration of alternatives such as a fee-in-lieu system could retain a walkable, pedestrian-friendly environment while still ensuring the provision of adequate parking for South End residents and businesses.

The architecture module is designated “A,” which means that the architectural standards are governed by the South End / Groesbeckville Historic District, the Traditional Neighborhood Design (TND) overlay, or the Neighborhood Commercial design standards (formerly contained with the C-1 district). In this case, as in the existing zoning visualization, the left side of the street falls under the historic district while the right side of the street is beholden to the Neighborhood Commercial design standards.

Overall, the recommended MX-6X-A composite zoning district is supportive of the higher densities and pedestrian orientation that is preferable for an urban, historically walkable, and transit-accessible commercial corridor like South Pearl Street. Most notably, the higher density of the building at the front-right of the rendering shows how the TDR program could manifest itself on South Pearl, since the corridor is a recommended receiving site for community garden preservation. The bulk and height of that building would not be achievable under the standard MX-6X-A district, but is permitted a higher level of density since it is receiving unused FAR from one or more community garden sites.

Community input supports the higher density seen here, since many expressed a desire to allow higher densities around key corridors like South Pearl Street and Morton Street while preserving open space and lower densities elsewhere in the study area. These rezoning recommendations are also consistent the Capital South Plan: SEGway to the Future, in that it promotes commercial revitalization, suggests the adoption of lower parking requirements, and mandates pedestrian-oriented development that is suitable to a historic urban neighborhood like the South End. Finally, in using zoning to promote mixed-use, diversify the housing stock, and protect open space, these changes support the overall community and stakeholder vision laid out for corridors like South Pearl Street in the Albany 2030 plan.
SECTION IV: Recommendations for Rezoning Albany
1. Benefits of Composite Zoning

Overall, the Studio sees Composite zoning, as exemplified by the preceding explanations and proposed zoning buildouts, as a viable alternative to the City’s current zoning code, which has the potential to improve flexibility, predictability, sustainability and community character, in the following ways:

Flexibility
- Virtually eliminate the need for variances due to the flexibility of the code.
- Eliminate nonconforming uses and structures.
- Ensure that the form and aesthetics of new development generally conform to the South End’s existing built environment while still allowing for flexibility of interpretation, especially outside of the South End / Groesbeckville Historic District.

Predictability
- Use Floor Area Ratio (FAR) as a measure of density, allowing for a more predictable zoning code, enabling the use of density-based development calculations.

Community Character
- Incentivize the provision of community facility space, affordable housing, and fresh food outlets via density bonuses.
- Initiate a Transfer of Development Rights (TDR) program that could preserve community gardens and other open spaces, while allocating density in a way that conforms to preferences expressed by the community, the City, and South End stakeholders.
- Promote a walkable urban fabric that contains targeted areas of mixed-use.

Sustainability
- Support the City’s plans for future TOD zoning overlays by allocating extra density to South Pearl Street and Morton Street.
- Diversify the housing stock.
- Promote future and retroactive green design and sustainable building elements by allowing them as-of-right and omitting them from bulk, density, and height calculations.
Figure 22: Possible Sections for Rezoning Process
2. Rezoning Process Recommendations

For future re-zoning initiatives, the Studio has the following recommendations for the DDP in formulating its process:

*Divide the City into roughly five to six geographic sections in order to obtain the most relevant public input about a particular neighborhood or area*

With twenty-eight neighborhood associations and numerous other civic organizations, Albany contains a wealth of social capital. However, holding a rezoning process for the area within each neighborhood association would be very time consuming and expensive. Also, not every part of Albany is accounted for by a neighborhood association. In order to effectively ensure that the concerns of members of the community are adequately heard, outreach efforts should target specific geographic areas. This approach allows the vision of residents and community stakeholders a relatively stronger voice in shaping the future of their particular neighborhood than if an at-large zoning effort was conducted. While each meeting would be open to the entire city, outreach efforts would only target one particular section. Groups could be classified according to building type, age of the built structure, and/or geographic location, as these factors strongly contribute to shaping neighborhood concerns and priorities. Residents and the business community should be encouraged to attend the public meetings.

The Studio recommends at least three rounds of public meetings / roundtable discussions for each section, in addition to one final citywide presentation of proposed rezoning

Each public event would serve a particular purpose; the first event would introduce the problem (the outdated zoning code), outline the process, and obtain public input specific to that section regarding 1) what activities and uses are appropriate; 2) what should the area in question look like; and 3) the hurdles or obstacles in implementing that vision. Outreach efforts for each section should be pursued at the same time. This will decrease the total time necessary to complete the project. The initiation of the rezoning effort to the conclusion of the first round of meetings is estimated to take about ten months (details on how this figure is reached are provided below). The majority of this time will be spent on establishing the existing conditions of each section, as well as identifying and reaching out to community stakeholders. Once an initial outreach is completed, results would be brought back to the DDP for analysis and recommendations as to what type of zoning the City should adopt. The recommendations should then be presented to each section in the second round of meetings to understand if the DDP successful interpreted what was expressed by the public in the first round. The DDP would then analyze second round results to make revisions to the initial proposals. These results would be presented in a third round of meetings, from which final revisions would be made. The second and third meetings should each be spaced about *four months apart*. The majority of this time will be spent formulating and/or revising a rezoning proposal. Any more time between rounds may result in loss of momentum behind the project, or increased risk of public disengagement. A final
citywide presentation that synthesizes all the data into one final document should be completed eight months after the conclusion of the third round of meetings.

Reach out to a diverse group of community stakeholders and ask them to identify other potentially important, but perhaps overlooked, parties

The PPT utilized this tactic to quickly and effectively identify key community stakeholders in the South End. Additionally, particular effort should be focused on outreach efforts to renters, as they were underrepresented at the Roundtable sessions. Flyers and other outreach material could specifically include the word “renters,” and list issues which may be of particular concern to renters, such as accessibility to work, school, and food, or parking. Creating a large and diverse group is critical to ensuring the most well-informed public dialogue.

Create a website to raise awareness of the rezoning initiative, as well as a means to update the public

The PPT utilized personal interviews, posters, and a round table discussion in their public participation strategy. While this strategy was effective at gaining valuable public input from some segments of the population, it failed to attract others, such as renters. One tactic to more effectively reach out to renters and the public at-large would be to create a website for the rezoning initiative (similar to Albany 2030). The website could serve as a way to raise awareness of the rezoning effort, post meeting times and agendas, and to update the public on the progress of the DDP. Participants in the public meetings could sign up for a monthly newsletter to inform them of the progress of the process, as well as relevant information such as meeting times and locations.
Conduct an iterative process with the public to ensure their input is accurately interpreted

The public should be consulted as to how they would like zoning to shape their neighborhood. Consider holding discussions at the same venues preceding or following other well-attended neighborhood meetings in order to eliminate trips for participants. After collecting preliminary opinions from residents and community stakeholders, the DDP should routinely update the public as to their progress, as well as hold additional meetings to amend their proposals. Had time permitted, the Studio would have used opinions voiced at the final public presentation to amend or discard its proposals on composite zoning, TDR, and TOD. Following this, new or modified proposals would again be presented to the public.

3. Cost and Time Requirements

Estimates of the approximate staff time, cost, and length of process for the DDP to carry its rezoning initiative for the City are provided. The figures were extrapolated from the time and effort expended by the Studio in completing its final project, as well as case studies of rezoning initiatives in other cities.

It was difficult to obtain data for the case studies on specifically how much staff time was consumed in undertaking their respective rezoning effort. Despite this, the case studies inform the proposed process in their scope, as well as their public participation process. Every case study presented in this report occurred at the neighborhood level and involved an iterative public process. They also took years to complete, and had costs in the hundreds of thousands of dollars.

The Studio was comprised of nine individuals who had varying degrees of experience with such a project, and a professor. Therefore, the amount of time put in by the Studio to complete the final project should be taken with caution, as it may not accurately reflect the time needed by a well-experienced planner. In addition, a full-time professional planner may have easily accessible data on the existing conditions of neighborhoods, or possess an established network of stakeholders, for example, which would also result in comparatively less time necessary. Based on a survey of the students, it was estimated that each student spent approximately 200 total hours each (12.5 hours per week average) for the semester toward the project. This equates to a total of 1,800 total hours for the Studio as a whole (200 hours * 9 students). Dividing the 1,800 hour figure by an average work week (40 hours) would give the result of the total weeks one full-time professional planner would take to complete the project of 45 weeks (1,800 hours / 40 hours). However, taking into consideration the limitations of the Studio, as well as the resources of a professional planner, the Studio believes that 45 weeks should suffice to complete through the conclusion of the first round of meetings.

The Studio’s scope was confined to a portion of the South End. While the total Studio hours effectively reflects the process carried through to the conclusion of the second round of meetings (with equates to the Studio’s final presentation), more time is allotted for DDP to carry this out.
This difference is to account for a relatively larger scope in study area for different sections of the city.

Based on these calculations and assumptions, the Studio recommends the DDP commit at least three full-time staff toward project implementation, meaning that the first phase (rezoning implementation to the conclusion of the first round of meetings would) would take approximately ten months (each planner is in charge of two sections). Allocating three staff would limit the total time necessary to complete the project and enhance the creative process. Following each round of meetings, the staff would be in charge of analyzing the data and presenting their findings to the DDP, who together, devise a proposed rezoning.

- **Staff time** – Three full-time staff members who are each in charge of outreach efforts for two sections, as well as presenting findings to the DDP.

- **Length of Process** – From project initiation to the final citywide rezoning presentation is estimated to take approximately 26 months to complete. This is assuming designating three full-time staff, using ten months from project initiation to conclusion of the first round of meetings, four months for each of the second and third rounds, and eight months to compose a final document.

- **Cost** – Based on the case studies, cost for a city-wide rezoning initiative can range from about $100,000 to $400,000. Using the average salary of a planner of $65,000, three full-time staff, and a twenty-six month process, cost is estimated to be approximately $422,500.

4. Areas of Further Research

Some areas requiring further research were uncovered through this project. We recommend that the City explore these ideas further before or in addition to taking actions on other proposed recommendations.

**Redesigning the development process to expedite partnerships and project approval**

A number of participants in the Roundtable discussions provided additional suggestions about Albany’s development process. While rezoning will make considerable headway in easing this process by eliminating the need for variances, other aspects of the development process lay outside the purview of zoning. These aspects of the development process involve communication amongst City agencies, how the City communicates with developers, and finally the working relationship between the City and developers. Current market conditions in the South End results in a substantial amount of redevelopment being undertaken by the non-profit and public sectors. As such, many of these recommendations pertain to accommodating the non-profit sector in order to make their efforts, as well as the City’s efforts, as beneficial to people who live and work in the City as possible.
• **Increase continuity amongst agencies in the City** – Some developers felt that lack of communication amongst agencies resulted in “11th hour” changes to projects, which resulted in increased costs, longer construction time, and diminished enthusiasm for both current and future projects. Agencies with a hand in the development process could be located in the same building in order to ease communication and increase continuity. Also, agency heads or representatives could be present at meetings between the City and developer to ensure concerns or issues are raised as early as possible to developers in order that they can make necessary changes to save time and money.

• **Develop a fast-track process to accommodate entities under the time constraints of grants** – This is meant for those mostly non-profit institutions which may have to complete a project within a specified time or they risk losing grant money. The DDP could designate an employee with the specific task of accommodating non-profits under such circumstances.

• **Provide incentives for non-profits to collaborate with one another** – This may result in more ambitious projects, more efficient and effective use of limited resources, and contribute to a feeling of solidarity between the City and non-profit groups. Particularly in neighborhoods which struggle to attract private investment, creating stronger bonds between the City and non-profit developers is necessary to ensuring robust community development. Incentives could include fee-waivers or density bonuses. A fast-track process could focus limited resources on a prioritized street or block for redevelopment.

• **Create an easily accessible step-by-step overview of the planning process, as well as a schedule of fees to clarify the develop process** – The step-by-step overview of the planning process can inform developers about important information, such as office location and contact information, or when a site plan review may be necessary. The schedule of fees may include costs for services offered by the Zoning Board of Appeals, ranging from an area variance to a rezoning request. It can also include prices for a site plan review.

**Conduct further research into the historic district** -

The City of Albany would be advised to conduct a more detailed study into how the current historic district would impact the site, and architectural design modules of a composite zoning code. Integrating a historic district and a composite zoning code should be done carefully to limit unforeseen consequences that could undo the benefits gained by a comprehensive rezoning project.

**Conduct a study into the role of the Historic Resources Commission in this new zoning process** -
It is recommended that The City of Albany reexamine the role of the Historic Resources Commission. Throughout the Studio’s research the HRC was consistently an area of confusion and consternation. The HRC’s role in protecting the integrity of the Historic Districts is very important, but clarity on design guidelines is an area that needs to be addressed. By clarifying the design guidelines the City will make the requirements for development more predictable. This sense of predictability could result in higher levels of investment and development by private interests. It is acknowledged that clarifying the guidelines could be an extensive project its own right because of the potential for specific guidelines for each historic district. Regardless, such a project could be immensely beneficial to the city.

In addition to spurring development a clarified design guideline would help promote good will between residents, the HRC, and thus the City. Currently there is a high level of confusion, bordering on distrust, between the residents and the HRC. Such feelings will inevitably make any rezoning project more difficult if distrust is already souring perceptions. Simply allowing residents to have a better understand of what is, and is not, allowed within a historic district could go a long way to establishing good will between the residents, the HRC, and the City itself. Furthermore, the HRC needs to make a better effort in outreach and explaining its decisions on abandoned buildings within the historic districts. Residents expressed a significant level of frustration with the HRC’s decision making process.

Further investigate ways to address parking issues within proposed mixed use areas

Although proposed mixed use developments will be centered along new public transportation hubs, whenever commercial development is proposed to increase, it is important to consider the provision of parking. The need for additional parking should be explored with a study by the city to see if such a demand may exist.

5. Conclusion

Current zoning in the City of Albany limits development and redevelopment by fostering a cumbersome, time consuming, and variance heavy process. Zoning has evolved, over the years into a tool that municipalities use to steer the growth and development within and without their communities. As such, zoning can play a huge role in creating healthy, vibrant neighborhoods and cities. After in-depth research The Studio decided that composite zoning provides a consistent framework for regulating use, form, and, architectural standards, while maintaining flexibility. It has the additional advantage of allowing different zoning rules at the block or neighborhood level. This updated zoning ordinance is expected to make the permitting process more predictable for development which will promote growth, particularly in disenfranchised neighborhoods such as the south end. It also allows the reflection of the needs and values of residents and businesses while preserving and enhancing Albany’s diverse neighborhoods.
SECTION V: Appendices
Advantage:
According to SubRegional Planning consulting firm, Overlay Districts can accomplish the following beneficial elements:
- Provide design guidelines that create a particular look and feel of an area
- Protect valuable resources
- Help meet goals and objectives of the community
- Maintain certain current codes while addressing a special need of a particular area within a zone(s).

Overlay districts are superimposed on existing districts and supersedes, modifies or supplements regulations. Limited height districts and commercial overlay districts are two examples. (NYC Zoning Glossary, 2012).

Overlay district can share common boundaries or cut across base zone boundaries. Regulations or incentives are attached to overlay district to protect a specific resource or guide development within a special area (Land Use Education, 2005).

The zoning designation of property located within an overlay zoning district shall consist of the regular zone acronym and the overlay zoning district symbol as a suffix.

The designation of property as being within the overlay district places such property in a new zoning district classification and all procedures and requirements for zoning and rezoning must be followed (Freilich, et al., 2008).

Disadvantage:
However, Overlay Zoning may have been challenged few regulatory related aspects, that includes, but not limited to:

a. Uniformity Requirement – Overlay zoning can be weak on dealing with the uniformity of an existing zone

b. Cost Burden – some historic overlay districts could cause a cost burden for the living residents or for the developers as it adds more requirements onto the base zoning district.
What Are Other Cities Doing?

Los Angeles, California
Historic Preservation Overlay Zones
Recognizing the need to identify and protect neighborhoods with distinct architectural and cultural resources, the City has developed an expansive program of Historic Preservation Overlay Zones (HPOZs). The City Council adopted the ordinance enabling the creation of HPOZs in 1979; Angelino Heights became Los Angeles' first HPOZ in 1983. Today, the City of Los Angeles has 29 designated HPOZs.

Seattle, Washington
Historic District
The City adopted legislation to establish a transfer of Development Potential (TDP) program for the Pike/Pine neighborhood. The goal is to provide a further incentive to maintain the neighborhood's existing “character structures” (buildings that are at least 75 years old) while continuing to protect the area's special character. (City of Seattle, 2011)

Albany, New York
Traditional Neighborhood Design Overlay District
Many of Albany's neighborhoods built between the turn of the century and World War II have substantial concentrations of structures with architectural detailing, design features and craftsmanship rarely employed in more contemporary construction. An overlay district will serve to protect the character and special qualities of various neighborhoods by helping to maintain the design and architectural quality of individual properties within the context of these neighborhoods. (TND Guidelines, 2005)

Applicability
Overlay District zoning method is already used for City of Albany as mentioned above for Traditional Neighborhood Design (TND). The Common Council of the City has recognized the uniqueness of the architectural history and look of the certain neighborhoods of the city. The TND Overlay District covers partial South End Neighborhood. It shows that this zoning type is definitely applicable because it is already defined and regulated to keep the façade of the certain buildings. However, that does not mean that it works. Due to the characteristics of the South End Neighborhood, specifically average household income, in most cases the additional requirements of TND historic overlay district is becoming a burden for the residents. Because it is maybe costly to keep up and maintain the property. Moreover, for the Habitat for Humanity it creates a cost burden as they had to keep the façade and the look of Alexander Street.

References:
Incentive Zoning

What Is Incentive Zoning?

Incentive Zones are designated areas that provide incentives for individuals and developers in exchange for performing public benefits, such as affordable housing and economic development. Incentives are enticements for investors to develop within neglect agreements. Incentives include but are not limited to density bonuses, tax abatements, increased height and floor area allowances, reduced fees, expedited filing processes and reductions in parking space requirements.

Benefits and Challenges

Incentives differ based upon locational needs and provide otherwise unachievable social goals by a mutually beneficial process of offering rewards through programs found within each zone. There also exists inclusionary zoning, which is similar in context, but differs in its approach.

Inclusionary Zones - Zones that provide developers with perks, such as floor area ratio increases and density bonuses. Although similar to incentive zoning, providing affordable housing is usually mandated rather than optional. Developers in return then receive incentives for building within the inclusionary zone.

Advantage:
- Development of affordable housing
- Increased employment and job opportunities
- Allows investment in infrastructure that would otherwise go undeveloped
- Renewed social/fiscal commitment spurs private investment
- Helps restore blighted communities
- Attracts local and external revenue to specifically needed projects
- Promotes integration of income levels

Disadvantage:
- Possibility of unfavorably increasing density
- Strain of already limited resources
- Overcoming social stigma and perspective of committing funds to developers
- Creates un-taxable real property for extended periods of time
- Increased dependency and expectancy of government intervention
What Are Other Cities Doing?

New York

421-b- Partial Tax Exception

for new construction, conversions and reconstruction projects, which are specifically geared towards owner, occupied one and two family homes, with minimal exceptions for multifamily housing. The reconstruction cost must be at least 40% of the pre-reconstruction assessed valuation for the reconstruction of an existing private dwelling or an existing multiple dwelling. Projects are eligible for an eight year tax exemption—with two years of full exemption and a six year phase out period.

Seattle

Multifamily Property Tax Exemption (MFTE)

Program provides tax exemptions for residential improvements and construction. Exceptions can be applied up to 12 years. Projects are residential or mixed-use, with at least 50% of the GFA being residential, with a minimum of four housing units being constructed for new, rehabilitation or conversion projects. At least 20% of units must be rented to households with specified income statuses.

Boston

Inclusionary Development Policy

provides density bonuses, variances and faster permitting process in exchange for 13% of units in projects containing 10 units or more to be affordable to incomes between 60% of the Area Median Income, as well as 100% of the Area Median Income. The policy also allows monetary allotment in lieu of fulfilling affordable housing requirements. These “incentives” are mandatory for designated districts. Thus, if a developer is to construct housing they must either provide affordable housing or payments for apartments exceeding 10 units.

Denver

Inclusionary Housing Ordinance

projects containing 30 single family detached homes or more, or 30 multifamily units or more, to provide at least 10% of those units as affordable housing. Beneficiaries of the affordable housing must be households earning 50% of the Area Median Income, or exceed 80 or 95% of the Area Median Income which is determined by the household size. Large scale development is permitted within the program to those who have existing contractual agreements and produce a minimum of 200 units.

Chicago

Density Bonuses

given to downtown Chicago residential developers in exchange for onsite affordable housing or a monetary contribution to their affordable housing fund in lieu of onsite affordable housing.

Applicability

If applied properly incentive programs can bestow its beneficial qualities in areas in need of investment. As previously expressed a myriad of programs have been crafted to meet each city's specific socioeconomic needs. The extent of incentive districts and programs a city is willing to provide in exchange for affordable housing or economic development is based upon the extent of its social needs and the city's desire to implement and oversee the programs applied within the designated incentive districts.

The City of Albany—specifically it's economic and socially distressed areas—stand to benefit from adopting incentive overlay districts. Based on the rezoning process currently taking place, the implementation of incentive zoning would be appropriate. Incentive Zoning has the ability to entice developers to invest in affordable housing and economic development—which can spur renewed interest in distressed areas and provide primary and secondary jobs to the city's most in need areas.

References:

Chicago- Affordable Housing Zoning Bonus: http://www.cityofchicago.org
Boston- http://www.bostonredevelopmentauthority.org/affordhousing/Funding%20Guidelines%20for%20IDP.pdf
Denver- http://www.denvergov.org
http://charmeck.org/city/charlotte/planning/Pages/IncentiveBasedInclusionaryHousingInitiative.aspx
What are Green Codes?

Green codes, like any other zoning code type, are used by local governments to provide a series of rules and regulations in order to separate different sets of land uses from each other. Green codes, however, are designed to find the balance among the social, environmental and economic components of the region in order to achieve sustainability. Green codes can be applied to large scale projects, such as mixed-used development, Transit Oriented Development (TOD); as well as small scale or site specific projects, for instance, required bicycle parking, and exterior lighting requirements.

GOALS FOR GREEN ZONING CODES

A zoning code should allow for and encourage a variety of sustainable development techniques, improving energy efficiency and taking advantage of existing resources.

- From large-scale development concepts (TOD) to site-specific elements (solar PV panels, pervious paving, residential wind turbines, location of gardens)
- Traditional zoning does not address green building techniques but it can require new development lessen its negative impact
- Traditional zoning codes (older codes) do not address this because technology didn’t exist or different planning policy in place

Benefits and Challenges

Advantage:
Green codes incorporates at its core the use of new emerging technologies, also known as green technologies, in order to protect the environment and make places more sustainable.

Specific areas green codes focus on:
- Accessory structures
- Emerging principal uses
- Local food production
- Density
- Site development standards
- Environmental regulations
- Adaptive reuse
- Landscape
- Storm water management

Disadvantage:
Green codes are not perfect, and they can also have some disadvantages. For instance, since green codes are relatively new, some people are unaware of their benefits. In addition, places that have successfully adopted green zoning codes have discovered that some unintended consequences. For example, the tree vs. solar panel dilemma; a person decides to install solar panels on his roof, but then he discovers that his next door neighbor has plants and trees on the edge of her property providing shade most of the day over her neighbor’s solar panels.
What Are Other Cities Doing?

Some communities have adopted green codes on a large scale in the form of Unified Development Ordinance (UDO) normally applied to a city wide area. Some of the elements covered under a UDO are: land use policy, and environmental sensitivity. Green codes can also be applied as zoning ordinances to a middle range area, such as a small city.

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<td>Who Developed Ordinance</td>
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The city of Albany could apply the use of green codes during the restructuring of its zoning codes in the form of a Unified Development Ordinance (UDO). In addition, zoning ordinances could also be applied exclusively to the South End Neighborhood. Based on the information discussed above, green zoning codes and green zoning ordinance could work throughout the community if the “Green” zoning regulations focused on the following:

- Reduce barriers: promote local food production, renewable energy
- Set requirements: allow green accessory structures
- Create incentives: bonuses for incorporating sustainable development
- Enforce standards: environmental protection

References:
- Winnebago County, http://www.co.winnebago.il.us
What Is Composite Zoning?

A ‘composite’ zoning ordinance is a system-based approach to regulate land development. The composite zoning system is comprised of districts that incorporate differentiated zoning modules (components) such as Use (Activity), Site (Intensity), and Architecture (Form), instead regulating developing through zoning districts by just the use characteristic (White, 2010). The three-modules are defined as:

**Use Module:** Establishes the uses that are permissible in the district and the appropriate permit procedure; this module can also be used to assure compliance the community’s guiding plans.

**Architecture Module:** Defines the physical characteristics or parameters for the development, such as dimensional standards (setbacks, heights, vegetative cover, etc.) and building design features.

**Site Module:** Governs the allowable floor area ratios and density of the development (City of Boulder, CO, 2009).

Benefits and Challenges

This evolution of zoning is largely achieved through an expansion of the old height and area standards, and the incorporation of design standards and vegetation guidelines. Through the incorporation of visual components, as opposed to focusing on just one-dimensional (sites activities or uses), composite zoning is seen as more user friendly and flexible (Hutton, 2006).

Given the aspirations and values of the communities change or evolve overtime, composite zoning has a greater capacity to accommodate the changing community.

With every zoning ordinance there are inherent advantages and disadvantages, which can impact the acceptance and implementation of the ordinance in a community. To understand the issues involved, it is useful to examine the zoning type from the viewpoint of the community, neighborhood, developer, and policy maker. For composite zoning, this analysis is provided to the left Issue Diagnosis table:

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<th>Issue Diagnosis</th>
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<td><strong>Benefits</strong></td>
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</table>
What Are Other Cities Doing?

Throughout the country, communities use a variety of zoning ordinance types in an attempt to facilitate development, preserve the character and values of the community, streamline regulatory barriers, etc. Three communities were examined to better understand why communities have chosen modular zoning ordinances (see Community Comparison table):

<table>
<thead>
<tr>
<th>Community Comparison</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of Ordinance</td>
</tr>
<tr>
<td>2006</td>
</tr>
<tr>
<td>Previous Ordinance</td>
</tr>
<tr>
<td>Previous Ordinance Type</td>
</tr>
<tr>
<td>Population</td>
</tr>
<tr>
<td>CMTY Area</td>
</tr>
<tr>
<td>Population Density (per sq. mile)</td>
</tr>
<tr>
<td>Median Household Income</td>
</tr>
<tr>
<td>Reason for Change</td>
</tr>
<tr>
<td>Who Developed Ordinance</td>
</tr>
</tbody>
</table>

Sources: U.S.Census and ACS; City of Leander, TX; City of Bolder, CO; Euclid, OH.
* Euclid made changes to city zoning ordinance to accomidate modern development issues.

After reviewing the application of composite zoning in different communities, some adoption difficulties were identified including: a perception of complexity, it sets the bar too high, it will limit economic investment, and reaching structural consensus was often difficult (Pflugerville, 2006; Boulder, 2009).

Applicability

Based upon the aspirations, needs, and values identified by the City of Albany and the stakeholders of the South End Neighborhood, and the information discussed above, it was determined a composite zoning ordinance type would work for the following reasons:

- Allows greater flexibility to incorporate green building and sustainable development concepts.
- This type of zoning ordinance works to eliminate unnecessary permitting procedures (i.e. PUDs, Special Permits, Variances, etc.) and will allow for greater development flexibility.
- Through the application of the three-module regulation approach, character and urban landscape can be protected and enhanced.
- It streamlines the permitting procedures, which reduces ambiguities often found in conventional zoning ordinances and is more flexible then form-based ordinances.
- Depending upon how the three-modules are applied it could reduce and prevent non-conformities.

References:
Form Based Codes

What Are Form Based Codes?

Form based codes are a highly prescriptive type of zoning ordinance. FBCs have a Regulating Plan that generally comprises three or more elements. The most common elements are Administrative, Direct Regulation and Planning. The Administrative section sets boundaries for each set of development rules. These rules are frequently for very small spaces often only a block or two. Direct Regulation specifies development requirements, for example building type, frontages or use. Planning is an act of Urban Design defining the differences in form and character within zones.

Benefits and Challenges

Form-Based Codes (FBCs) have emerged as a powerful planning tool with the potential for transforming urban centers into vibrant, inviting places where people choose to live, work and play. FBCs are seen as a tool to re-congest cities just as zoning was used to de-congest cities during the Progressive Era (Talen, 2012).

Unlike traditional zoning, FBCs do more than just address land use and housing type. FBCs regulate development to achieve a specified built form, they are highly prescriptive and holistic steering the development of both public and private space creating walk-able, human scaled neighborhoods. This is achieved with FBCs that specify aspects of the urban environment defining public space and regulating an appropriate mix of compatible uses (Parolek et al, 2008).

Advantage:

FBCs produce predictable outcomes according to a communities’ vision for itself. They provide a regulatory framework that is easy to understand and administer. This promotes development in depressed areas by providing developers and builders with clear direction. Offering a less costly, more efficient, streamlined approval process.

Disadvantage:

FBCs involve a lengthy development process involving a great deal of planning staff time, many community meetings and an expertise in developing appropriate plans. They are costly and time consuming.
What Are Other Cities Doing?

Zoning practices over time have resulted in a move away from compact, mixed use, and interconnected communities. Communities across the country are becoming empowered to enable and require better development patterns through FBCs. Whether citywide or community specific, FBCs focus design standards for each section of a community resulting in expedited permitting and planning with a known build out.

<table>
<thead>
<tr>
<th></th>
<th>Albany, New York</th>
<th>Montgomery, Alabama</th>
<th>Peoria, Illinois</th>
<th>San Buenaventura, California</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of Ordinance</td>
<td>N/A</td>
<td>2007</td>
<td>2007</td>
<td>2005</td>
</tr>
<tr>
<td>Scale</td>
<td>Downtown Master Plan</td>
<td>4 Specific Districts</td>
<td>Downtown Specific</td>
<td></td>
</tr>
<tr>
<td>Previous Type</td>
<td>Land Use Euclidian</td>
<td>Traditional Ahwahnee Principals</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reason for Change</td>
<td>To establish sustainable development patterns</td>
<td>Conflict between regulations and development</td>
<td>Framework to allow systematically planned FBCs</td>
<td></td>
</tr>
<tr>
<td>Developed By</td>
<td>N/A Consultants</td>
<td>Consultants</td>
<td>Consultants</td>
<td></td>
</tr>
<tr>
<td>Land Area Sq. mile</td>
<td>21.4</td>
<td>155.4</td>
<td>44.4</td>
<td>21.1</td>
</tr>
<tr>
<td>Population</td>
<td>97,856</td>
<td>205,764</td>
<td>115,007</td>
<td>104,423</td>
</tr>
<tr>
<td>Population Change 10 yr.</td>
<td>2.3%</td>
<td>2.1%</td>
<td>1.8%</td>
<td>3.5%</td>
</tr>
<tr>
<td>Population Density (square mile)</td>
<td>4,577</td>
<td>1,324</td>
<td>2,590</td>
<td>4,957</td>
</tr>
<tr>
<td>Median Household Inc</td>
<td>$37,505</td>
<td>$40,568</td>
<td>$44,983</td>
<td>$62,410</td>
</tr>
<tr>
<td>Median Age</td>
<td>30.3</td>
<td>34</td>
<td>34</td>
<td>36.8</td>
</tr>
</tbody>
</table>

Applicability

- FBCs will improve zoning in Albany and the South End by giving clear directives for construction and redevelopment?
- Because the building approval process will be by right FBCs will streamline development saving the city and developers time and money?
- The process of implementing FBCs requiring public participation provides a better reflection of each community’s image of its landscape and uses throughout the built environment?
- Due to its highly prescriptive nature FBCs allow no ambiguity as to what is and is not allowed. This makes it easier to understand by all parties?

References:

www.City-data.com
Goals of Pittsburgh’s Zoning:
• Promote neighborhood revitalization
• Encourage mixed-use at old industrial sites
• Increased density at transit nodes to promote transit-oriented development.

Throughout the 1950s the US was experiencing a pattern of suburbanization, and as a result, many US cities adopted a suburban model of Euclidian zoning. Pittsburgh was among these cities, adapting its first zoning code in 1958. The city itself did not adopt this suburban pattern of development, unlike the surrounding region. In 1999, the city of Pittsburgh implemented a comprehensive rezoning effort intended to ameliorate this inconsistency.

Polish Hill Community Rezoning Goals:
• Discourage the expansion of public housing projects into 1-2 family residential areas
• Encourage single family home ownership
• Discourage development along hillsides and on hilltops
• Conform zoning code to existing land use patterns (including converting areas where commercial development currently exists into mixed use or commercial zones)

Rezoning Process

The new Pittsburgh zoning code addresses an issue similar to that which is being faced in the South End of Albany: zoning that is inconsistent with the current and intended development patterns of the community, resulting in an unusually high issuance of variances and thus a neighborhood dominated by non-conforming land uses. Today, having been determined based on existing land uses and community input, the new zoning reflects both the current land use of the neighborhood, and the aspirations of its residents.

Through a program called Map Pittsburgh, the city has been conducting neighborhood specific rezoning efforts based on the mapping of current land uses, guided by community feedback. This simultaneously creates a base of geographic data from which existing trends may be identified, but also codifies the neighborhood aspirations of Polish Hill residents.

The official rezoning study took place over five years, having been officially implemented in 1999. The Polish Hill neighborhood had its zoning approved in 2006, seven years after the rezoning effort had been complete. The neighborhood is dominated now by moderate to high density two family residential (R2-M and R-2H), hill zones (H) and commercial zones.

Additionally, the new zoning addressed the “special zoning district” issue, in which all hilltops, cemeteries and parks were zoned “S”. Now there are particular zoning overlays that address these different uses.

Polish Hill Community Rezoning Goals:
• Discourage the expansion of public housing projects into 1-2 family residential areas
• Encourage single family home ownership
• Discourage development along hillsides and on hilltops
• Conform zoning code to existing land use patterns (including converting areas where commercial development currently exists into mixed use or commercial zones)
Applicability

Polish Hill possesses some of the same issues and strengths as the South End, a low-income community, moderate to high-density buildings and some steeply graded hills.

Having utilized an approach that sought to adapt the current zoning code to reflect current land use patterns, the Polish Hill rezoning effort is a useful example that may be adopted for the South End.

The rezoning specifically acknowledges the importance of mixed uses within a neighborhood, a goal identified for the South End.

Pittsburgh’s overall rezoning allows for greater density along transit hubs (encouraging transit-oriented development), a goal specifically outlined for Pearl Street (and Albany generally).

### Primary Data
- Recent building permits
- Development trends
- Vacancies
- Community Preferences (including desired land use)

### Secondary Data
- Current Land use
- Housing characteristics
- Demographics
- Transportation data
- Population trends
- Homeownership
- Topographic data (used to designate hill zones)

### Participation Process
- Public Meetings
- Other stakeholder interaction

### Length of Process
- City-Wide Rezoning began in 1994, completed in 1999
- Polish Hill rezoning adopted in October 2007

### Cost of Process
- Completed using department of planning and zoning resources, specific data not yet available.

References:
- http://zoningmatters.org/facts/cities-pittsburgh
- Pittsburgh City Planning: http://www.city.pittsburgh.pa.us/cp/html/mapping.html
West Harlem in upper west Manhattan is about half the land area of Manhattan. With a population of 62,056, West Harlem is about two-thirds the size of Albany. The neighborhood is dense, with a floor area ratio (FAR) of 3.01 to 6.51 and above. This contrasts with the South End, where R3-B district regulations translate into a maximum FAR of around 1.25. West Harlem is a mix of historic townhouses and pre-war apartment buildings, and some newer one- or two-story structures built between 1960 and 1990. This is very similar to what exists in the South End.

Both neighborhoods are minority-dominated communities, with the non-Hispanic white population of 24% in West Harlem, and 34% in the South End. The non-Hispanic black population is high in both neighborhoods, about 37% in West Harlem and 56% in the South End. Historic district overlays cover a large portion of these communities and a stable contingent of homeowners supplements the renting majority. Median incomes are low in both neighborhoods.

Rezoning Process

Rezoning originated with the community’s ‘197a’ plan in 2007 which once submitted must by City charter be considered by the Department of City Planning (DCP). Secondary data used for West Harlem Rezoning was provided by the community in this way. The 197a plans primary rezoning goals were to preserve the neighborhood’s existing fabric while providing growth in jobs and housing choices. This meshes with the City of Albany’s desire for a more contextual code that reduces variances and promotes local economic development.

The official rezoning study and environmental review took approximately 4 1/2 years. During this time, the staff held 8 public meetings to incorporate community goals in the new code. The DCP worked with major landowners in the area to ensure rezoning that would facilitate development plans. Primary data was collected to supplement the 197a plan’s material, including assessing recent building permits and identifying soft sites.

DCP staff chose to contextualize West Harlem’s zoning by applying several districts contained in the City’s code. These districts require streetwalls and set height limits in keeping with the neighborhood, in contrast to residential towers allowed under districts adopted in 1961.

Local job growth was addressed by modifying the auto-centric district. In its place, DCP created a new mixed-use district that limits residential development and promotes commercial and manufacturing uses that includes height limits and a streetwall requirement. Lastly, DCP expanded commercial overlays throughout the entire neighborhood, supporting mixed-use by existing retail establishments, and allowing for additional businesses where appropriate. To support housing choices, DCP increased residential density at a busy commercial district oriented near major transit lines. A new zoning district was created to increase residential density while incorporating inclusionary zoning program, which grants density bonuses to developers that provide affordable housing.
Applicability

- DCP’s goals of conforming the zoning to the existing built environment, reducing development uncertainties, and promoting economic development are analogous to the intent of the City of Albany’s upcoming rezoning.
- Adherence to community-led plans and iterative outreach process.
- Working with developers to maximize economic development possibilities.
- Density and allowances for mixed-use around existing and planned transit.
- Collection of neighborhood-level primary and secondary data (see chart).

Primary Data

<table>
<thead>
<tr>
<th>Primary Data</th>
<th>Participation Process</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recent building permits (and types)</td>
<td>Use of 197a Plan</td>
</tr>
<tr>
<td>Development trends</td>
<td>8 public meetings with Community Board 9</td>
</tr>
<tr>
<td>Vacancies</td>
<td>Frequent interaction with Borough President &amp; staff</td>
</tr>
<tr>
<td>Soft site identification</td>
<td>Active engagement with the Landmarks Preservation Commission (LPC)</td>
</tr>
<tr>
<td>Structural typologies by zone</td>
<td>Involved developers in rezoning process</td>
</tr>
<tr>
<td>FAR conformity levels</td>
<td>Other stakeholder interaction</td>
</tr>
<tr>
<td>Inventory of existing commercial establishments in non-commercial overlay zones</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Primary Data</th>
<th>Participation Process</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land use</td>
<td>Use of 197a Plan</td>
</tr>
<tr>
<td>Housing characteristics</td>
<td>8 public meetings with Community Board 9</td>
</tr>
<tr>
<td>Demographics</td>
<td>Frequent interaction with Borough President &amp; staff</td>
</tr>
<tr>
<td>Transit ridership</td>
<td>Active engagement with the Landmarks Preservation Commission (LPC)</td>
</tr>
<tr>
<td>Auto ownership</td>
<td>Involved developers in rezoning process</td>
</tr>
<tr>
<td>Traffic levels</td>
<td>Other stakeholder interaction</td>
</tr>
<tr>
<td>Population growth</td>
<td></td>
</tr>
<tr>
<td>Homeownership</td>
<td></td>
</tr>
<tr>
<td>Market pressures</td>
<td></td>
</tr>
<tr>
<td>Parcel ownership</td>
<td></td>
</tr>
</tbody>
</table>

Outline of West Harlem Rezoning Components

Previoius Zoning

Length of Process

- Rezoning Study: 2007 to mid 2010
- Environmental Quality Review (CEQR): mid-2010 to May 2012

Approximate Cost of Process

- Approximately $357,000 of staff time
- Factors:
  - 3 Department of City Planning staff
  - Average salary of $65,000
  - 40% of time on rezoning project
  - Duration of 4 years and 7 months, including environmental review
  - Unincorporated benefits & incidentals

References:
NYC’s Department of City Planning
Bedford-Stuyvesant North

Experiencing Bedford-Stuyvesant North’s rezoning and its applicability to the City of Albany and the South End

New York’s Bedford-Stuyvesant North in Brooklyn is a useful case study for the city of Albany. The Bedford-Stuyvesant neighborhood can be found near the center of the borough. Bordered on its north by Flushing Ave, to its east by Broadway, on the south Quincy Street, and Classon Ave on the west, Bedford-Stuyvesant North is composed of 140 blocks.

Though much larger than the study area for the Studio, Bedford does share many similarities. It is a minority dominated neighborhood with over 10% vacant buildings. It is also a poor neighborhood. Aesthetically the neighborhood is dominated by old brownstones very similar to what would appear in the South End. The commercial district is centered on Broadway in much the same way that Pearl Street is the commercial center for the South End.

Rezoning Process

This rezoning project was begun after the 2007 rezoning of Bedford-Stuyvesant South. The project seeks to update the zoning code to ensure that new development fits into the character of the existing neighborhood. In the case of Bedford North this was because there was significant development taking place that wasn’t conforming to the current character of the neighborhood. While this isn’t quite the issue with the South End, Bedford-Stuyvesant North’s attempt to regulate development to fit the neighborhood is still a useful tool. Currently in Albany the zoning code does not allow for redevelopment that fits the character of the neighborhood. So, in an ironic twist of fate, these very opposite problems are addressed by a similar means - a new, updated, zoning code.

The public participation aspect of the project was extensive. From the very beginning this was a project that was near and dear to the residents of Bedford-Stuyvesant. Because of the need to divide the neighborhood up into North and South sections the planning team had to be very proactive to ensure that the residents of the North didn’t feel like their needs were being ignored. Constant communication via site visits, interviews, canvasses, and town hall meetings. Official outreach began in May 2012 involving residents, business owners, property owners, elected officials, and other major stakeholders in the community. These official meetings have been used to showcase what the city has developed for the future zoning. Like any other public dialog there has been extensive conversation about the new zoning. As issues have arisen the city has gone back and tweaked the plan to make it more amenable to the neighborhood.

R6B Zone

"R6B districts are proposed for 94 full and partial blocks of the rezoning area. This would protect the modestly-scaled rowhouse character of the east-west side streets. In the areas currently zoned R5, the R6B designation would allow for minor enlargements and new development in context with existing four-story rowhouses. In portions of the area currently zoned R6, the R6B designation would allow for modest enlargements of many existing homes while establishing a height limit that reflects the scale of existing development.

The R6B district is a rowhouse district that allows a maximum FAR of 2.0 and limits overall building height to 50 feet and street wall height to 40 feet. New development in the proposed R6B district would be required to line up with adjacent structures to maintain the existing street wall. The proposed R6B regulations would allow for limited expansion of existing homes and provide for opportunities for appropriately scaled new development on vacant sites."


To clarify this point, the R6B designation is one that had previously existed in the city’s zoning arsenal. It wasn’t, however, present in the old zoning for Bedford-Stuyvesant North.
The new zoning in Bedford-Stuyvesant North that is most applicable to Albany's South End is the “R6B” designation. This new district composes the majority of Bedford-Stuyvesant and is designed to “protect the modestly-scaled rowhouse character” of the neighborhood. This “rowhouse character” is very similar to what exists in much of the South End. The R6B would allow for minor enlargements to the existing buildings, and more importantly to the South End, new development that had to be in context with the surrounding rowhouses. Any new development would have to meet height, and setback, limits to ensure the conformity with the neighboring buildings.

The Bedford-Stuyvesant rezoning also seeks to address the need of affordable housing in the neighborhood. By incorporating inclusionary zoning into the denser residential zones (R7A, R7D, C4-4L) the rezoning plan addresses an issue facing the neighborhood without breaking the context of what already exists. For the

<table>
<thead>
<tr>
<th>Primary Data Collected</th>
<th>Secondary Data</th>
<th>Public Participation</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Canvassing operations</td>
<td>• Land use practices</td>
<td>• Built from a 197A process starting around 2001.</td>
</tr>
<tr>
<td>• Interviews with residents/Stakeholders</td>
<td>• Mode of transit</td>
<td>• Official public forums began in May 2012.</td>
</tr>
<tr>
<td>• Site visits</td>
<td>• Demographics</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Building Types</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• community characteristics</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Financial records</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Length of Process</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Process began as a neighborhood wide rezoning effort in 2001.</td>
<td>• Cost is hard to calculate, Bedford-Stuyvesant was divided up into North and South and worked on simultaneously.</td>
</tr>
<tr>
<td>• Focus shifted to Bedford North in 2007.</td>
<td>• Total cost of combined project is estimated at ~$600,000.</td>
</tr>
</tbody>
</table>

The Acre Neighborhood

Examining the Lowell, Mass. Acre Neighborhood, rezoning and its applicability to the City of Albany and the South End

Like Albany’s South End, the Acre Neighborhood’s historic properties define its character. Rooted in textile manufacturing, it features mixed land uses, and small or irregularly sized lots. Most homes required substantial investment to maintain. In fact, forty-percent of the buildings within a 113-acre area of the neighborhood were deemed deteriorated, in need of repair, or unfit for human habitation. Redevelopment efforts were hampered by numerous vacant buildings, a mixed land uses, and small or irregularly sized lots. Also, residents were some of the poorest in the city, with median household incomes just over $26,300. Forty-two percent of residents lived in poverty. Redevelopment efforts were further inhibited by outdated zoning resulting in many non-conforming uses. The code, which was passed in 1966, was written without the long-term vision of a comprehensive plan for guidance.

Rezoning Process

In the Spring of 2000, the city decided to undertake a comprehensive plan which would, “stimulate redevelopment in a manner consistent with planning goals, protect the existing neighborhood character, and encourage appropriate economic development in targeted areas” (Master Plan Existing Conditions, DPD 2002, pg 20). In order to achieve this, the Department of Development and Planning initiated a building-by-building inventory of every property to assess the built environment. The City also hired Davidson Peterson Associates to conduct a public outreach campaign to gather input from Lowell’s citizens. This included interviewing key city personnel and community leaders, holding focus groups, and conducting a telephone survey.

Prior to the completion of the Comprehensive Plan, the City of Lowell developed the Acre Urban Revitalization and Development Project Plan. This plan granted the city urban renewal powers and allowed it to concentrate industrial uses in the southern portion of Acre. Concentrating industrial uses in this area meant that those entities could expand more easily; they were no longer inhibited by small lot sizes, or local opposition. Additionally, other areas of the neighborhood could focus on residential and commercial redevelopment. When the Comprehensive Plan was completed in December of 2003, the zoning code (which was updated a year later) zoned these areas now free of industrial uses for “urban-neighborhood multi-family” (UMF) and “urban-mixed use district” (UMU). According to Craig Thomas of Lowell’s Department of Planning and Development, the city hoped to create through its mixed-use zoning “neighborhood village centers around which would be residential zones.” The UMU district allowed for residential, as well as
Applicability

Notably, there is no predetermined front-setback for the UMU or UMF districts; they need only be, “consistent with existing setbacks on the block” (Lowell’s Comprehensive Plan 2004, pg 30). Both districts allow for buildings to be constructed flush against a blank wall of an adjacent building, which is crucial for maintaining the neighborhood character. When examining Lowell’s current zoning map, one cannot but notice the irregularity of the zones. Perhaps this is necessary when dealing with such a diversity of housing types and uses.

Since the re-zoning, a community-development-corporation called the Coalition for a Better Acre has successfully redeveloped 475 low- and medium-priced housing units in the area. An additional $50 million has been invested within the boundaries of the Acre Plan by both public and private entities. These investments include a number of affordable housing developments, a middle school, and streetscape improvements. Lowell’s re-zoning has enabled the Acre Neighborhood to be transformed into a much more livable area for its residents.

Revised zoning map for the Acre Neighborhood:

---

### Primary Data
- Building-by-Building Inventory
- Telephone Interview

### Secondary Data
- Demographics
- Age of Housing Stock
- Labor and Employment
- City History

### Participation Process
- Consultant (Davidson Peterson Associates); Interviewed key city personnel and community leaders, held focus groups (Comprehensive Plan).
- 29-member Citizens Advisory Committee made up of representatives from a cross-section of residents, businesses, agencies, and DPD Staff (Acre Plan)

### Length of Process
- 4 years (from the initiation of the comprehensive plan to the final zoning changes being approved by the City Council) City

### Approximate Cost of Process
- TBD
### R-2A One- and Two-Family Residential District

<table>
<thead>
<tr>
<th>A. Principal permitted uses shall be as follows:</th>
<th>C. Special permit uses shall be as follows:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Single-family detached dwellings</td>
<td>(1) Conversions of single-family homes</td>
</tr>
<tr>
<td>(2) Two-family detached dwellings</td>
<td>(2) Private schools</td>
</tr>
<tr>
<td>(3) Houses of worship</td>
<td>(3) Colleges or universities, including dormitories</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B. Accessory uses shall be as follows:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Detached garages</td>
</tr>
<tr>
<td>(2) Home occupations</td>
</tr>
<tr>
<td>(3) Storage sheds</td>
</tr>
<tr>
<td>(4) Swimming pools</td>
</tr>
<tr>
<td>(5) Solar collection equipment</td>
</tr>
</tbody>
</table>

| (4) Nursing homes                              |
| (5) Day-care centers                           |
| (6) Charitable or religious institutions        |
| (7) Bed-and-breakfast                          |
| (8) Satellite dish antennas                    |

<table>
<thead>
<tr>
<th>D. Yard requirements shall be as follows:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Minimum total lot area, one-family: 4,000 square feet</td>
</tr>
<tr>
<td>(2) Minimum total lot area, two-family: 5,000 square feet</td>
</tr>
<tr>
<td>(3) Minimum lot width, one-family: 40 feet</td>
</tr>
<tr>
<td>(4) Minimum lot depth, one-family: 100 feet</td>
</tr>
<tr>
<td>(5) Minimum lot width, two-family: 50 feet</td>
</tr>
<tr>
<td>(6) Minimum lot depth, two-family: 100 feet</td>
</tr>
<tr>
<td>(7) Minimum front yard setback: 20 feet</td>
</tr>
<tr>
<td>(8) Minimum side yard: five feet for one side; 16 feet total</td>
</tr>
<tr>
<td>(9) Minimum rear yard: 25 feet</td>
</tr>
<tr>
<td>(10) Maximum building height: 2 1/2 stories or 35 feet, whichever is less</td>
</tr>
<tr>
<td>(11) Maximum lot coverage, including accessory buildings: 35%</td>
</tr>
</tbody>
</table>

Source: Chapter 375 of the City of Albany’s Zoning
<table>
<thead>
<tr>
<th>C-1 Neighborhood Commercial District</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Principal permitted uses shall be as follows:</strong></td>
</tr>
<tr>
<td>(1) Bakeries, not to exceed 5,000 square feet. (Note: In historic districts, the square-foot maximum is 2,500 square feet)</td>
</tr>
<tr>
<td>(2) Banks, not to exceed 5,000 square feet. (Note: In historic districts, the square-foot maximum is 2,500 square feet)</td>
</tr>
<tr>
<td>(3) Charitable or religious institutions.</td>
</tr>
<tr>
<td>(4) Drugstores, not to exceed 5,000 square feet. (Note: In historic districts, the square-foot maximum is 2,500 square feet)</td>
</tr>
<tr>
<td>(5) Fraternal organizations</td>
</tr>
<tr>
<td>(6) (Reserved) Groceries, was repealed 10-17-1994</td>
</tr>
<tr>
<td>(7) Houses of worship</td>
</tr>
<tr>
<td>(8) Ice cream and yogurt shops</td>
</tr>
<tr>
<td>(9) Personal service outlets</td>
</tr>
<tr>
<td>(10) Restaurants without alcoholic beverages</td>
</tr>
<tr>
<td>(11) Retail outlets, not to exceed 5,000 square feet. (In historic districts, the square foot maximum is 2,500 square feet)</td>
</tr>
<tr>
<td>(12) Residential uses; the minimum size of dwelling units shall be 600 square feet</td>
</tr>
<tr>
<td>(13) Art galleries</td>
</tr>
<tr>
<td>(14) Business services</td>
</tr>
<tr>
<td>(15) Restaurants serving alcohol</td>
</tr>
<tr>
<td>(16) Satellite dish antennas</td>
</tr>
<tr>
<td><strong>B. Accessory uses shall be as follows:</strong></td>
</tr>
<tr>
<td>(1) Home occupations</td>
</tr>
<tr>
<td>(2) Solar collection equipment</td>
</tr>
<tr>
<td><strong>D. Yard requirements shall be as follows:</strong></td>
</tr>
<tr>
<td>(1) Minimum lot area: 3,200 square feet</td>
</tr>
<tr>
<td>(2) Minimum lot width: 40 feet</td>
</tr>
<tr>
<td>(3) Minimum lot depth: 80 feet</td>
</tr>
<tr>
<td>(4) Maximum lot coverage: 50%</td>
</tr>
</tbody>
</table>

Source: Chapter 375 of the City of Albany’s Zoning
### R-3B Multifamily Medium-Density Residential District.

<table>
<thead>
<tr>
<th>A. Principal permitted uses shall be as follows:</th>
<th>C. Special permit uses shall be as follows:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) One- and two-family detached dwellings</td>
<td>(1) Private schools</td>
</tr>
<tr>
<td>(2) One- and two-family row dwellings</td>
<td>(2) Colleges or universities, including dormitories</td>
</tr>
<tr>
<td>(3) Houses of worship</td>
<td>(3) Hospitals</td>
</tr>
<tr>
<td>(4) Apartment buildings</td>
<td>(4) Nursing homes</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B. Accessory uses shall be as follows:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Home occupations</td>
<td>(5) Day-care centers</td>
</tr>
<tr>
<td>(2) Detached garages</td>
<td>(6) Charitable or religious institutions</td>
</tr>
<tr>
<td>(3) Storage sheds</td>
<td>(7) Bed-and-breakfasts</td>
</tr>
<tr>
<td>(4) Swimming pools</td>
<td>(8) Rooming houses/SRO</td>
</tr>
<tr>
<td>(5) Solar collection equipment</td>
<td>(9) Community residences</td>
</tr>
<tr>
<td>(6) Home occupations</td>
<td>(10) Satellite dish antennas</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>D. Yard requirements shall be as follows:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) One-family row housing</td>
<td>(3) One- or two-family detached</td>
</tr>
<tr>
<td></td>
<td>(a) Minimum total lot area: 1,400 square feet</td>
</tr>
<tr>
<td></td>
<td>(a) Minimum total lot area: 2,400 square feet</td>
</tr>
<tr>
<td></td>
<td>(b) Land area per dwelling unit: 1,400 square feet</td>
</tr>
<tr>
<td></td>
<td>(b) Land area per dwelling unit: 1,200 square feet</td>
</tr>
<tr>
<td></td>
<td>(c) Minimum lot width: 20 feet</td>
</tr>
<tr>
<td></td>
<td>(c) Minimum lot width: 30 feet</td>
</tr>
<tr>
<td></td>
<td>(d) Minimum lot depth: 70 feet</td>
</tr>
<tr>
<td></td>
<td>(d) Minimum lot depth: 80 feet</td>
</tr>
<tr>
<td></td>
<td>(e) Minimum front yard: See § 375-132</td>
</tr>
<tr>
<td></td>
<td>(e) Minimum front yard: See § 375-132</td>
</tr>
<tr>
<td></td>
<td>(f) Minimum side yard: zero feet</td>
</tr>
<tr>
<td></td>
<td>(f) Minimum side yard: four feet on one side; total of eight feet on both sides</td>
</tr>
<tr>
<td></td>
<td>(g) Minimum rear yard: 25 feet</td>
</tr>
<tr>
<td></td>
<td>(g) Minimum rear yard: 25 feet</td>
</tr>
<tr>
<td></td>
<td>(i) Maximum building height: 2 1/2 stories or 35 feet, whichever is less</td>
</tr>
<tr>
<td></td>
<td>(h) Maximum building height: 2 1/2 stories or 35 feet, whichever is less</td>
</tr>
<tr>
<td></td>
<td>(j) Maximum lot coverage, including accessory buildings: 50%</td>
</tr>
<tr>
<td></td>
<td>(i) Maximum lot coverage, including accessory buildings: 50%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(2) Two-family row housing</th>
<th>(4) Apartments</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Minimum lot area: 1,600 square feet</td>
<td>(a) Minimum total lot area: 6,000 square feet</td>
</tr>
<tr>
<td>(b) Land area per dwelling unit: 800 square feet</td>
<td>(b) Land area per dwelling unit: 1,000 square feet</td>
</tr>
<tr>
<td>(c) Minimum lot width: 20 feet</td>
<td>(c) Minimum lot width: 60 feet</td>
</tr>
<tr>
<td>(d) Minimum lot depth: 80 feet</td>
<td>(d) Minimum lot depth: 100 feet</td>
</tr>
<tr>
<td>(e) Minimum front yard: See § 375-132</td>
<td>(e) Minimum front yard: See § 375-132</td>
</tr>
<tr>
<td>(f) Minimum side yard: zero feet</td>
<td>(f) Minimum side yard: five feet on one side; 10 feet total</td>
</tr>
<tr>
<td>(g) Minimum rear yard: 25 feet</td>
<td>(g) Minimum rear yard: 25 feet</td>
</tr>
<tr>
<td>(h) Maximum building height: 2 1/2 stories or 35 feet, whichever is less</td>
<td>(h) Maximum building height: three stories or 40 feet, whichever is less</td>
</tr>
<tr>
<td>(i) Maximum lot coverage, including accessory buildings: 50%</td>
<td>(i) Maximum lot coverage, including accessory buildings: 50%</td>
</tr>
</tbody>
</table>

Source: Chapter 375 of the City of Albany’s Zoning
# C-M Light Industrial District

## A. Permitted uses shall be as follows:

<table>
<thead>
<tr>
<th>No.</th>
<th>Use Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Auctioneers</td>
</tr>
<tr>
<td>2</td>
<td>Bottling plants</td>
</tr>
<tr>
<td>3</td>
<td>Building materials supply</td>
</tr>
<tr>
<td>4</td>
<td>Business machine repair</td>
</tr>
<tr>
<td>5</td>
<td>Car, truck and trailer rentals</td>
</tr>
<tr>
<td>6</td>
<td>Carpet and rug cleaners</td>
</tr>
<tr>
<td>7</td>
<td>Caterers</td>
</tr>
<tr>
<td>8</td>
<td>Coal and fuel oil dealers</td>
</tr>
<tr>
<td>9</td>
<td>Commercial bakeries</td>
</tr>
<tr>
<td>10</td>
<td>Commercial laundries (including linen, towel and diapers)</td>
</tr>
<tr>
<td>11</td>
<td>Dairies and ice-cream manufacturers</td>
</tr>
<tr>
<td>12</td>
<td>Display, neon and sign services</td>
</tr>
<tr>
<td>13</td>
<td>Dry-cleaning plants</td>
</tr>
<tr>
<td>14</td>
<td>Electrical, heating, painting, air-conditioning, roofing and plumbing contractors,</td>
</tr>
<tr>
<td></td>
<td>including punching of material 1/8 inch or less in thickness, but not to include</td>
</tr>
<tr>
<td></td>
<td>punching presses over 20 tons' rated capacity, drop-forging and other such noise-</td>
</tr>
<tr>
<td></td>
<td>producing machine operated tools.</td>
</tr>
<tr>
<td>15</td>
<td>Electroplating and mirror silvering</td>
</tr>
<tr>
<td>16</td>
<td>Exterminators</td>
</tr>
<tr>
<td>17</td>
<td>File storage</td>
</tr>
<tr>
<td>18</td>
<td>Freight offices</td>
</tr>
<tr>
<td>19</td>
<td>Frozen food lockers</td>
</tr>
<tr>
<td>20</td>
<td>Gas stations</td>
</tr>
<tr>
<td>21</td>
<td>Glass cutting</td>
</tr>
<tr>
<td>22</td>
<td>Houses of worship</td>
</tr>
<tr>
<td>23</td>
<td>Laboratories (analytical, chemical and research), provided that all lab animals be</td>
</tr>
<tr>
<td></td>
<td>kept</td>
</tr>
<tr>
<td>24</td>
<td>Machinery rentals</td>
</tr>
<tr>
<td>25</td>
<td>Newspaper plants</td>
</tr>
<tr>
<td>26</td>
<td>Printing, blueprinting and photo stating.</td>
</tr>
<tr>
<td>27</td>
<td>Repair garages</td>
</tr>
<tr>
<td>28</td>
<td>Self-storage warehouses</td>
</tr>
<tr>
<td>29</td>
<td>Upholsterers</td>
</tr>
<tr>
<td>30</td>
<td>Utility storage</td>
</tr>
<tr>
<td>31</td>
<td>Vending machine services</td>
</tr>
<tr>
<td>32</td>
<td>Warehousing</td>
</tr>
<tr>
<td>33</td>
<td>Wholesaling</td>
</tr>
<tr>
<td>34</td>
<td>Business services</td>
</tr>
<tr>
<td>35</td>
<td>Light manufacturing</td>
</tr>
<tr>
<td>36</td>
<td>Parking lots</td>
</tr>
<tr>
<td>37</td>
<td>Used vehicle sales</td>
</tr>
</tbody>
</table>

## B. Accessory uses shall be as follows:

<table>
<thead>
<tr>
<th>No.</th>
<th>Use Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Caretaker's residence</td>
</tr>
<tr>
<td>2</td>
<td>Facilities and shops for employees; must have no openings to the street so as to</td>
</tr>
<tr>
<td></td>
<td>accommodate walk-in traffic</td>
</tr>
<tr>
<td>3</td>
<td>Gasoline pumps accessory to principal permitted uses</td>
</tr>
<tr>
<td>4</td>
<td>(Reserved) Parking, was repealed 3-15-1999 by Ord. No. 62.121.98</td>
</tr>
<tr>
<td>5</td>
<td>Refuse containers</td>
</tr>
<tr>
<td>6</td>
<td>Storage incidental to a permitted use</td>
</tr>
<tr>
<td>7</td>
<td>Solar collection equipment</td>
</tr>
<tr>
<td>8</td>
<td>Storage incidental to a permitted use</td>
</tr>
<tr>
<td>9</td>
<td></td>
</tr>
</tbody>
</table>

## C. Special permit uses shall be as follows:

<table>
<thead>
<tr>
<th>No.</th>
<th>Use Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>(Reserved) Adult entertainment establishments, was repealed 10-18-1999 by Ord. No.</td>
</tr>
<tr>
<td>2</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Stadiums, arenas and auditoriums.</td>
</tr>
</tbody>
</table>

---

*APPENDIX 2*  
*FALL 2012 PLANNING STUDIO*  

95
D. Yard requirements shall be as follows:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(2) Car washes</td>
<td>(4) Satellite dish antennas</td>
</tr>
<tr>
<td>(1) Minimum total lot area: 10,000 square feet</td>
<td>(5) Minimum side yard: 10 feet on one side; minimum of 30 feet on both sides</td>
</tr>
<tr>
<td>(2) Minimum lot width: 100 feet</td>
<td>(6) Minimum rear yard: 20 feet</td>
</tr>
<tr>
<td>(3) Minimum lot depth: 100 feet</td>
<td>(7) Maximum building height: 55 feet</td>
</tr>
<tr>
<td>(4) Minimum front yard: 20 feet</td>
<td>(8) Maximum lot coverage: 50%</td>
</tr>
</tbody>
</table>

Source: Chapter 375 of the City of Albany’s Zoning
PLN681- Planning Studio     Monday, October 8, 2012
South End Neighborhood Rezone Project

Initial Stakeholder Interview

Interviewer(s):  Dan Harp and Daniel Sexton
Interviewee(s):  JoAnn Morton, Director
Organization:  South End Neighborhood Association

Discussion:  Based upon the responses provided by Mrs. Morton during the interview, the highlights or key points of that conversation are provided below:

Barriers to Redevelopment:  From her experience, Mrs. Morton explained that the City’s Historic District requirements and the Historic Resources Commission posed many challenges for the redevelopment of the area. Often these requirements and the recommendations from the Commission appear to be too limiting. Mrs. Morton explained how there needed to be more of a balance.

Furthermore, the demand for on-street parking has generated challenges for the neighborhood, especially with recent redevelopment projects and street cleaning schedules. Mrs. Morton felt a re-examination of the parking requirements with the area would be an important element to analysis in concert with the zoning ordinance.

Neighborhood Needs:  According to Mrs. Morton, the neighborhood has a number of needs that are necessary to facilitate further reinvestment in the neighborhood, including:

(1) A better mix of residential and commercial development (There is no need for additional garages);
(2) More of a balance between historic district requirements and the application of modern development techniques and designs,
(3) A Mixture of incomes and persons with diverse ethnic/racial backgrounds; and
(4) Community space (an in-door community center and open space).

Good Development Examples (within neighborhood): Mrs. Morton suggested that the properties along Morton Ave. (recently redeveloped AHA) and Alexander St. were examples of existing developed areas that embodied the character and commitment of property owners in the neighborhood.

Potential Areas for Analysis: Mrs. Morton thought Alexander, Broad, and Delaware streets, west of Elizabeth St., could be good blocks to conduct a residential build-out analysis, and South Pearl St, from Morton Ave. to 3rd Ave, as possible area for a commercial or mixed-uses build-out analysis.
Additional Contacts:

- **Lawrence Eger** at 36 Alexander Street
- **Thomas and Sandra Williams** at 40 Alexander Street
- **Travis Col** (?) 70 3rd Avenues (property owners near community gardens)
- **Churches** (mainly the Pastor for the Church on Delaware Avenue)
- **Honorable Lester Freeman** (Albany Common Council – Ward 2)
- **Lucille McKnight** (Albany County Legislator – District 1)

During the meeting with Mrs. Morton, it was also mentioned that we should canvass the neighborhood a week or so before our meeting to notify people of the upcoming round table discussions. If this is implemented, a member from the neighborhood should accompany us around the neighborhood so we will be better received.
PLN681- Planning Studio
South End Neighborhood Rezone Project

Initial Stakeholder Interview

Interviewer(s): Dan Harp
Interviewee(s): Cara Macri
Organization: Historic Albany Foundation

Discussion: Based upon the responses provided by Ms. Marci during the interview, the highlights or key points of that conversation are provided below:

Barriers to Redevelopment: Ms. Marci had some interesting ideas about the Historic District. At its core it’s something that she deeply cares about and defends. At the very same time she admitted that the standards that are set can be a turn off to private development.

As a result Ms. Marci suggested that we examine the Interior Departments standards for Historic Districts. She mentioned that she believed that the city’s code was based on these standards but was significantly different. More interestingly she mentioned the possibility for “adjustable” levels in terms of the guidelines. Cara explained that many other cities use this system to protect some of the most historic parts in the Historic District while easing the regulations in other areas of the district. This idea is very intriguing in regards to the zoning recommendations that are made, especially on properties adjacent to the Historic District.

Neighborhood Needs: As with most people Ms. Marci pushed for the idea that the neighborhood must become more urban in nature. The new zoning code needs to address increasing the density while maintaining the character of the neighborhood. Also, vacant buildings keep popping up as an issue that must be addressed because they fall under so many different categories. Are they historic? Can they be salvaged? How quickly can they be salvaged? If it can’t be salvaged quickly is it an immediate impediment to development.

Good Development Examples (within neighborhood): Ms. Marci wasn’t thrilled with any of the more recent development projects in the neighborhood. She only gave the homes on Alexander Street a begrudging satisfactory because they were better than previous projects. Overall she liked AHA’s projects more because she felt that Habitat’s tended to be too close in style to the historic buildings in the neighborhood.

Additional Contacts/Notes
Rich Nicholson- Senior Planner
PLN681- Planning Studio                Monday, October 19, 2012
South End Neighborhood Rezone Project

Initial Stakeholder Interview

Interviewer(s):   Dan Harp and Daniel Sexton
Interviewee(s):   Harris Oberlander, Chief Executive Officer
Organization:     Trinity Alliance of the Capital Region, Inc.

Discussion: Based upon the conversation that transpired during the interview with Mr. Oberlander, the following are highlights and key points from that discussion:

Barriers to Redevelopment: According to Mr. Oberlander there are a number of issues or factors limiting development in the South End Neighborhood. These barriers range from a lack of neighborhood anchors (at the block level) to the failures of policy (socially). A more detailed discussion of these concepts is provided below:

Neighborhood Anchors: Oberlander explained that with any development initiative, recognition and the creation of anchoring businesses and institutions are pivotal for broadening conversation. He further explained how these sites in provide an avenue for residents to connect, understand, and visualize the context of different projects.

Existing History: Oberlander mentioned how previous development has failed to recognize the presence of neighborhood frameworks and history. He explained how this area of Albany, while downtrodden, embodies the character and direction of the earlier Settlement Housing Movement (a reference to Jane Addams was made). From this line of thought, Oberlander explained the area’s mix of residents and their different walks-of-life (i.e. college students, urban pioneers, families in poverty, and life-long residents). To prevent gentrification, Oberlander discussed how these dynamics must be acknowledged.

Failures of Policy: Oberlander explained how past and current policy has focused on the built environment and failed to consider the ‘family’ and ‘neighborhood’ structure of the area. Oberlander noted how the social needs of residents are key to redevelopment. An open discussion will help to reduce feelings of alienation.

Neighborhood Needs: According the Oberlander, there are a number of elements missing within the neighborhood and city, including:

1) More destinations and anchors at a block-by-block level to complete the fabric of neighborhoods;
2) Grocery store (neighborhood scale) and child care facilities; and
3) A means to cultivate a shared community.

Potential Areas for Analysis: Mr. Oberlander thought the build-out scenarios should be developed along road corridors radiating out from anchors in the South End Neighborhood like: the South End Improvement Corporation headquarters (38 Catherine Street), community gardens (corner of Elizabeth and 3rd Street), or John Howe Public Library (corner of Schuyler and Board).
Initial Stakeholder Interview

Interviewer(s): Dan Harp and Daniel Sexton
Interviewee(s): Duncan Barrett, Director
Tim O’Byrne, Housing Project Manager

Organization: Omni Development Company

Discussion: Based upon the conversation that transpired during the interview with Mr. Barrett and Mr. O’Byrne, the following are highlights and key points that were discussed during the interview:

**Barriers to Redevelopment:** According to Mr. Barrett, the greatest barrier to development, redevelopment, and economic investment within the South End is the City of Albany Historic Resource Commission and the suburban zoning structure.

**Commission:** Barrett explained, how the Commission frequently does not consider the economic constraints confronting development and reinvestment. For example, new construction is held to the same standard as existing historic structures. Mr. O’Byrne stated that there needed to be a balance between. According to O’Byrne, this high threshold for development has limited, and even prevent, reinvestment by individual property owners and outside developer.

Further, Barrett mentioned how there have been instances in which the Commission seems to be out of control or over regulating. Barrett did acknowledge that he wasn’t completely well versed on the Commission’s regulatory governance and flexibility.

**Suburban Zoning:** Barrett noted how the existing zoning, with its suburban standards, doesn’t reflect the existing character of the neighborhood. Further, according to Barrett, the Commission has never allowed development in areas of the South End that are located within the Historic Overlay District to not have zero foot setbacks.

**Neighborhood Needs:** According the Barrett and O’Byrne, the zoning ordinances and the design guidelines that apply to the South End Neighborhood need to have more flexibility, so investments made by property owners and developers on properties in and outside the Historic Overlay District are on a similar playing field.

Historic Overlay District Guidelines and Historic Resource Commission Charter: Barrett and O’Byrne both noted that an examination of the Historic Overlay District Guidelines and Historic Resource Commission Charter could prove useful in understand what hurdles are facing development and reinvestment efforts for the South End Neighborhood. While he isn’t a lawyer, Barrett expressed a willingness to review and give feedback to us on the Historic Resource Commission’s Charter.

**Additional Contacts:** 3T Architects – Scott Townsend, Founder & Principle Architect
CSArch – Ed Anchor
PLN681- Planning Studio     Monday, October 23, 2012
South End Neighborhood Rezone Project

Initial Stakeholder Interview

Interviewer(s):  Dan Harp
Interviewee(s):  Monique Wahba- Director
Organization:  South End Improvement Corporation

Discussion:  Based upon the responses provided by Ms. Wahba during the interview, the highlights or key points of that conversation are provided below:

*Barriers to Redevelopment:* Ms. Wahba identified abandonment as the primary barrier to development in the South End. A vast amount of the property in the South End is occupied by vacant buildings. Such a high number of abandoned buildings impedes both the ability to attract people to the neighborhood by deflating property values and quality of life. Neither residents nor businesses want to be in an area that looks abandoned.

Ms. Wahba is familiar with the plans for the city and the neighborhood and agrees that density is the name of the game. Her opinion is that the current zoning ordinance is inappropriate for the neighborhood and needs to be retooled to help spur development. Currently the zoning code requires too many variances in order to develop in context with the neighborhood.

*Neighborhood Needs:* Ms. Wahba was adamant about the inclusion of Inclusionary Zoning. In her eyes the South End needs to develop into a neighborhood that can attract more affluent residents without losing its affordability. She specifically called for incentives to increase the stock of affordable housing. Lastly she wishes for the View Sheds to be taken into account with the rezoning, specifically mentioning the views to the North over the park and east towards the river.

*Good Development Examples (within neighborhood):* She suggested that we take a look at the area across the road from Lincoln Square and upper Catherine as an area that would be perfect to model after. Upper Catherine Street is very historic and something that should be a good model.

*Potential Areas for Analysis:* Like most people she suggested that we look at Morton and Pearl as places for mixed use development. She also mentioned T.O.D. along both corridors.

Additional Contacts/Notes

Rich Nicholson- Senior Planner
PLN681- Planning Studio     Monday, October 23, 2012
South End Neighborhood Rezone Project

Initial Stakeholder Interview

Interviewer(s): Dan Harp
Interviewee(s): Rich Nicholson- Senior Planner
Organization: City of Albany: Department of Development and Planning
Discussion: Based upon the responses provided by Mr. Nicholson during the interview, the
highlights or key points of that conversation are provided below:

Barriers to Redevelopment: In Mr. Nicholson’s opinion the historic district does NOT
present a barrier to development. Unlike what we have heard in other interviews Mr.
Nicholson’s take on the situation in the South End is that blaming the historic district
would be akin to blaming a cough if you’re not feeling well. The problem isn’t that the
Historic District sets high standards but is, instead, that the South End is not
economically viable for developers.

An interesting point that Mr. Nicholson made was that while the Historic District is a
Federal entity the “teeth” of the protection comes from local zoning ordinances. That
means that the city has the ultimate authority on how to regulate the historic district. He
also spoke at length about the differences between new building construction and
renovations on older buildings. The main point was that the newer buildings do not
require the same historic standards as the older buildings.

Neighborhood Needs: Mr. Nicholson’s contends that the South End’s biggest need is
economic development. Any zoning effort must address the development of business,
namely locally owned business. Another good place to focus attention would be in
examining the presence of numerous vacant buildings. These vacant buildings depress the
neighborhood and make it unattractive to business.

Good Development Examples (within neighborhood): Mr. Nicholson was a big fan of the
development on Alexander St and the Albany Housing Authority’s new projects. These
are examples of good development that fits into the context of the neighborhood without
detracting from the historical integrity of the original buildings.

Potential Areas for Analysis: Places to analyze for our study would be the Morton Ave
and Pearl Street corridors. These two areas would be idea for commercial/mixed use
development. For residential needs Alexander Street would be a great place to start.

Additional Contacts/Notes
Is interested in participating in our roundtable.
Rezoning Albany: A Pilot Assessment of the South End Neighborhood

The Project

In collaboration with the City of Albany our Planning Studio is undertaking a study of the zoning conditions in the South End.
Goals:

1. Analyze the benefits and challenges to adoption of different zoning types for the City of Albany.
2. Create a model rezoning assessment process that can be replicated throughout other city neighborhoods.
3. Develop specific recommendations to aid in rezoning the South End neighborhood.

Project Tasks

- Existing Conditions
- Project Research
- Build-out Analysis
- Community Outreach
Baseline build-out

Delaware St

3rd and Elizabeth

Sloan Street

Pearl St

3rd and Elizabeth

APPENDIX 3B
FALL 2012 PLANNING STUDIO 11/07/12
Discussion Questions

1. What activities and uses are appropriate and/or needed in the South End Neighborhood? (10-15 minutes)

2. In considering the activities and uses just discussed, what should the South End Neighborhood look like? (15-20 minutes)

3. Considering the potential image and uses of the South End Neighborhood, what hurdles or obstacles do you foresee? (10 minutes)
Conclusion

Next Steps
• Continued Follow Up
• Further Development of our Scenarios
• Presentation of Final Report in December

Thank you for coming!!
Guiding Insights

To illustrate the path for this discussion, it is important to keep in mind the guiding visions of the Albany 2030 plan (Vision Statement and Vision Components) and Capital South Plan: SEGway to the Future (Three Steps Toward Revitalization). The visionary information from these plans that is applicable to this project are provided below:

**ALBANY 2030**

Albany in 2030 has built on its history and diverse natural, cultural, institutional, and human resources to become a global model for sustainable revitalization and urban livability. The city promotes a balanced approach to economic opportunity, social equity, and environmental quality that is locally driven, encourages citizen involvement and investment, and benefits all residents.

The Vision Components

1. **Safe, Livable Neighborhoods**: Every neighborhood in Albany is a desirable place to live because of its walkable streets, historic architecture, range of housing choices, mixed-use neighborhood centers, quality schools, parks and recreation facilities, and easy access to Downtown Albany and other job centers.

2. **Vibrant Urban Center**: As the capital of New York and a destination for work, play, and tourism, Albany is the region’s primary center of government, education, health care, employment, and the arts. Downtown Albany is a vibrant mix of business, residential, educational, cultural, and entertainment uses connected to the Hudson River waterfront.

3. **Multi-Modal Transportation Hub**: Albany’s neighborhoods and centers are connected to each other and to the rest of the region by an extensive, efficient, and safe network of complete streets, mass transit, bikeways, trails, and sidewalks.

4. **Green City**: Albany is a model of community health and sustainability in its planning, restorative development, and conservation of energy, water, and natural resources.

5. **Prosperous Economy**: The city is a pillar of the regional and global economies, providing good employment opportunities for all residents with a focus on green jobs and technology.

**CAPTIAL SOUTH PLAN: SEGway to the Future**

1. **Stabilize** the neighborhood, to provide the foundation for market renewal. The estimated timeline for these actions is within the first two years.

2. **Energize** the neighborhood, while ensuring resident participation and equity in market renewal. The estimated timeline for these actions is from year two to year five.

3. **Grow** the neighborhood, for the benefit of current and future residents, enhance South End’s links with the entire Capital South area and the City as a whole. The estimated timeline for these actions is between years four and ten, overlapping in part with the Energize phase.
Questions

Based upon these guiding perspectives, and keeping them in mind as your responses of formulated, we are now going to ask you a series of three questions (Visionary, Challenges, and Changes) related to zoning to help us generate a future for the South End Neighborhood that is appropriate and equitable.

Q1 Visionary: What activities and uses are appropriate and/or needed in the South End Neighborhood?

_________________________________________________________________________________________________________
_________________________________________________________________________________________________________
_________________________________________________________________________________________________________
_________________________________________________________________________________________________________
_________________________________________________________________________________________________________

Q2 Changes: In considering the activities and uses just discussed, what should the South End Neighborhood look like?

_________________________________________________________________________________________________________
_________________________________________________________________________________________________________
_________________________________________________________________________________________________________
_________________________________________________________________________________________________________
_________________________________________________________________________________________________________

Q3 Challenges: Considering the potential image and uses of the South End Neighborhood, what hurdles or obstacles do you foresee?

_________________________________________________________________________________________________________
_________________________________________________________________________________________________________
_________________________________________________________________________________________________________
_________________________________________________________________________________________________________
_________________________________________________________________________________________________________

To submit additional ideas or comments, contact Dan Sexton at dsexton@albany.edu. Additional comments should be submitted no later than Wednesday, November 14th.
Rezoning Albany: A Pilot Assessment of the South End Neighborhood

ROUND TABLE DISCUSSION EXERCISE - Zoning Ordinance Background

University at Albany — PLN 681: Planning Studio

Fall 2012

Zoning Ordinance Structure

As indicated on the map to the left, the South End is comprised of four conventional zoning districts (C-1, C-M, R-2A, and R-3B) and one overlay district (South End / Groesbeckville Historic District). These land use districts and their associated regulations have guided development and investment. Details on these regulations can be found in Chapter 42 General Provisions Part 4 Article XII and Chapter 375 Zoning of the Albany City Code.

Parcel Composition

<table>
<thead>
<tr>
<th>Existing Zoning Districts</th>
<th>Number of Tax Parcels</th>
</tr>
</thead>
<tbody>
<tr>
<td>C-1</td>
<td>50</td>
</tr>
<tr>
<td>C-M</td>
<td>9</td>
</tr>
<tr>
<td>R-2A</td>
<td>32</td>
</tr>
<tr>
<td>R-3B</td>
<td>877</td>
</tr>
</tbody>
</table>

Zoning in Practice

Between the period of 2008 and 2012, there have been 58 applications for Variances in the South End Study Area. Of those, 57 were approved and 1 denied.

Based on a review of these Variance applications, most have been for new construction and frequently are requests for a reduction of the front or side yard setbacks, or to reduce the lot coverage requirement as stipulated in parcel area requirements of Chapter 375.
Zoning Impacts

When the new City of Albany Zoning Ordinance was adopted in the 1970s, it reflected a suburban style of development pattern. Further complicating the issue, no exceptions or waivers were provided in the code to accommodate the existing design and density of the urban fabric.

As indicated on the map to the left, many of the parcels in the South End Study Area have lot sizes that don’t comply to the zoning requirements. This can make redevelopment cumbersome, because a Variance approval must be granted to allow certain types of infill.

Disinvestment

There are many reasons why residents and developers have chosen not to invest in the South End. The real or perceived complexities that are associated with the City of Albany’s Zoning Ordinance have certainly impacted perceptions.

In addition, the process in which abandoned or damaged structures are handled—often with their immediate demolition—has altered the urban fabric and stigmatized the perceptions of the neighborhood. This has led to disinvestment and a perceived lack of opportunity.
Rezoning Albany: A Pilot Assessment of the South End Neighborhood

ROUND TABLE DISCUSSION EXERCISE - Demographic and Socioeconomic Data

University at Albany — PLN 681: Planning Studio

Population by Age Cohort

<table>
<thead>
<tr>
<th>Age Groups</th>
<th>City of Albany</th>
<th>Census Tract 23</th>
<th>Census Tract 25</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>97,856</td>
<td>2051</td>
<td>2872</td>
</tr>
<tr>
<td>0-19</td>
<td>22,910</td>
<td>513</td>
<td>920</td>
</tr>
<tr>
<td>20-39</td>
<td>37,635</td>
<td>762</td>
<td>909</td>
</tr>
<tr>
<td>40-59</td>
<td>22,034</td>
<td>531</td>
<td>774</td>
</tr>
<tr>
<td>60-79</td>
<td>11,363</td>
<td>208</td>
<td>241</td>
</tr>
<tr>
<td>80 and over</td>
<td>3,914</td>
<td>37</td>
<td>28</td>
</tr>
</tbody>
</table>

City of Albany - The largest age group are those persons between 20 to 39 year of age (38.46% or 37,635 persons).

Census Tract 23 - The largest number of residents within the age groups are those persons between 20 to 39 years of age (37.15% or 762 persons).

Census Tract 25 - The age cohort of 0 to 19 (32.03% or 909 persons) is the largest age group. The second largest age cohort are those persons between 20 to 39 years of age with 909 persons (31.65%).

Racial Composition - Study Area

- White: 26.37%
- Black or African American: 5.75%
- American Indian and Alaska Native: 3.09%
- Asian: 0.65%
- Native Hawaiian and Other Pacific Islander: 0.04%
- Some Other Race: 1.93%
- Two or more races: 59.88%

Racial Composition - City of Albany

- White: 57.65%
- Black or African American: 4.76%
- American Indian and Alaska Native: 3.84%
- Asian: 0.50%
- Native Hawaiian and Other Pacific Islander: 0.12%
- Some Other Race: 3.55%
- Two or more races: 29.57%

Income and Benefits

<table>
<thead>
<tr>
<th>Income &amp; Benefits (2010 Dollars)</th>
<th>City of Albany</th>
<th>Census Tract 23</th>
<th>Census Tract 25</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total households</td>
<td>41,168</td>
<td>1,083</td>
<td>1,137</td>
</tr>
<tr>
<td>Less than $10,000</td>
<td>13.50%</td>
<td>7.90%</td>
<td>11.40%</td>
</tr>
<tr>
<td>$10,000 to $14,999</td>
<td>7.80%</td>
<td>16.80%</td>
<td>10.70%</td>
</tr>
<tr>
<td>$15,000 to $24,999</td>
<td>12.20%</td>
<td>20.40%</td>
<td>21.60%</td>
</tr>
<tr>
<td>$25,000 to $34,999</td>
<td>12.20%</td>
<td>9.40%</td>
<td>16.60%</td>
</tr>
<tr>
<td>$35,000 to $49,999</td>
<td>14.20%</td>
<td>19.90%</td>
<td>15.90%</td>
</tr>
<tr>
<td>$50,000 to $74,999</td>
<td>16.00%</td>
<td>9.90%</td>
<td>7.70%</td>
</tr>
<tr>
<td>$75,000 to $99,999</td>
<td>10.20%</td>
<td>8.20%</td>
<td>2.80%</td>
</tr>
<tr>
<td>$100,000 to $149,999</td>
<td>9.00%</td>
<td>7.40%</td>
<td>3.80%</td>
</tr>
<tr>
<td>$150,000 or More</td>
<td>4.80%</td>
<td>0.00%</td>
<td>1.30%</td>
</tr>
<tr>
<td>Median Household Income</td>
<td>$39,158</td>
<td>$26,823</td>
<td>$22,412</td>
</tr>
</tbody>
</table>

Of the approximate 41,000 households within the City of Albany, most households earn between $50,000 to $74,999. Over 50% of Albany’s households earn less than the median household income of $39,158.

In Census Tract 23, the highest household income bracket is $15,000 to $24,000 (20.4%). Approximately 137 households earn less than $10,000.

In Census Tract 25, the highest household income bracket is $15,000 to $24,000 (21.6%). An estimated 99 households earn less than 10,000.

Source: University at Albany, Department of Geography and Planning, PLN 681 Planning Studio - Fall 2012, Created by Daniel Sexton on 11/01/2012
Model of Potential Buildout

This depiction of 3rd Street facing east from Elizabeth Street represents a potential buildout within South End / Groesbeckville Historic District. Due to the number of vacant lots on this portion of the street, most of the buildings seen here would be new construction. According to the city’s Historic District Design Guidelines, new construction must be compatible with existing architectural scale, massing, volume, and styles on the same block.

As you may have noticed, the urban garden on the corner of 3rd and Elizabeth is missing. This is because the zoning guidelines make no mention of allowing such uses. Consequently, their permanence is not guaranteed.
Delaware street is located outside of the historic district and is zoned R-3B or Multifamily Medium-Density Residential District. This type of zoning is inconsistent with the existing layout of Delaware St, and could allow for a more suburban pattern of development.

In practice, many plots of land could not be built on at all, as they do not meet the minimum lot depth requirements. For example, if a house became vacant or in disrepair, the existing R-3B zoning would not allow for that house to be renovated or redeveloped, requiring the landowner to seek a variance.

Currently nearly all development occurs in spite of the current zoning. One example of this is the new Habitat For Humanity development, which required a zoning variance.

Most existing housing on Delaware Street, if built today, would be considered a non-conforming use.
Model of Potential Buildout

The image above depicts what South Pearl Street between 4th Avenue and Alexander Street could look like if the entire block was developed pursuant to the street’s current C-1 zoning designation. It is important to note that the left side of the street falls under the South End / Groesbeckville Historic District, while the right side of the street is regulated by the zoning district design guidelines laid out for developments within C-1 districts. The historic district generally places a high degree of emphasis on maintaining continuity of the existing built environment, while the C-1 district design guidelines are somewhat more lenient. In the case of the C-1 guidelines, this can result in an out-of-context building as shown at the right of the image.

Particularly, the guidelines allow for low-rise commercial structures with setbacks and relatively large parking lots. Even in the historic district, there are few regulations that limit the provision of large amounts of surface parking, which can break up the street wall and create an environment that is less hospitable to pedestrians.
Rehabilitation Model

In addition to buildable vacant lots, the South End has many existing buildings that are either vacant or in poor condition. As with many neighborhoods in Albany, these buildings can be renovated and put back to use. This depiction of Elizabeth Street shows buildings restored to mixed use.
11/07/12

Howe Library, South End, Albany – ROUNDTABLE MEETING

6:00 PM-

Participants

Richetta
Debbie Taylor
Ben Sturgess
Genesis

Presenters

Dan Harp
Adam Schnell
Chris Utzig

What activities and uses are appropriate and/or needed?

- Richetta
  o Focus on Homeownership
  o Discourage abandoned properties and vacant lots
- Debbie Taylor
  o Community Gardens
  o Walkable sidewalks
- Ben Sturgess
  o Local business
  o Grocery stores

What should the South End look like?

- Richetta
  o More parking if more people move in
  o Look at using alleyways as a solution
- Debbie Taylor
  o Green spaces and playgrounds
  o Community centers for youths
- Ben Sturgess
  o Fewer renters
  o Demo dilapidated buildings
- Genesis
What are the biggest hindrances to development?

- Richetta
  - A rundown neighborhood, bad tenants and bad landlords
  - Historic regulations are too strict
- Debbie Taylor
  - Not enough community centers/activities to keep people occupied.
- Ben Sturgess
  - Too many renters
  - Too much loitering
- Genesis
  - High unemployment
    - Too much crime
Notes on Roundtable Meeting
Dan Harp’s table
11/7/12

Participants:
Darren Scott – Albany Housing Authority
Monique Wahba – SEIC
Rich Nelson – City of Albany, Department of Planning & Development
Harris Oberlander – Trinity Alliance

What activities and uses are appropriate and/or needed?

- **Darren, Monique:**
  - Residential, mixed use along Pearl and Morton
  - Services should be closer to residential areas
- **Monique:**
  - Institutions not evenly distributed throughout community; mostly clustered in certain areas
- **Darren, Harris:**
  - Lack of ‘gathering places’ – community gardens fill this need to some extent, but more indoor spaces needed (perhaps on Morton, Pearl)
    - Smaller-scale community centers
    - Former teen center and bath house as an example
  - Could focus on underutilized properties – zoning code should allow for adaptive reuse and redevelopment without variances
- **Harris:**
  - ‘Laundry clubs’ – there could be nontraditional uses that would serve as community focal points
- **Monique:**
  - Are community gardens in the best locations? There should be other forms of green space
  - Should the focus be on small lots throughout the neighborhood, or larger nodes?
  - Viewsheds could be important in the future
  - Diversify income– how to attract higher income groups?

What should the South End look like?

- **Monique**
  - Zoning should reflect what has been there historically
  - On-street parking is sufficient; no extra accommodations for cars or off-street parking
    - Parks / open space in certain defined areas
- **Darren, Harris:**
  - How to encourage homeownership?
    - Tools other than zoning
Predictable zoning could create sense of stability that might foster investment

- **Harris**
  - Apartments oriented towards senior’s needs
    - Idlewild & Drake Manor

**What are the biggest hindrances to development?**

- **Harris**
  - Low property values
    - i.e., $250,000 to build a house but will appraise at $100,000 (no financing)

- **Monique, Rich:**
  - Promote the image of the City of Albany, market the South End’s assets
  - Be prepared for when investors come
    - Have zoning in place, incentives
    - BRT as an amenity

- **Darren:**
  - Historic district protects integrity of the neighborhood, but perhaps too strict and should allow for more modern building typologies

- **Darren, Monique, Harris:**
  - Perhaps develop a more exact guide for better understanding of allowable developments in historic district
    - Challenge: every neighborhood is different, so there might not be a one-size-fits-all example for every case

- **Monique**

- Retain existing scale of built environment in most cases