

Tinti, Elisa

From: Starodaj, Bartek
Sent: Wednesday, May 24, 2023 11:08 AM
To: Shaut, Andrea; Alderman; Tinti, Elisa; Smith, Summer
Cc: Graves-Poller, Barbara; Amy Groves
Subject: RE: Special Laws & Rules meeting
Attachments: Zoning Referral Comments.xlsx; Resolution x of 2023 - Form-Based Code Adoption.docx; Resolution X of 2023 - FGEIS Rezoning.docx

Dear Common Council,

Please see below for materials related to this special Laws & Rules Meeting:

- I am attaching a rundown of the comments received from the City of Kingston Planning Board, the Ulster County Planning Board, and the Historic Landmarks Preservation Commission along with a formal response and a description if the comment was accepted, partially accepted, or rejected. I had previously presented these responses during the Laws & Rules meeting held on April 19.
- The final draft of the zoning code can be found [here](#). This includes the changes made as a result of the referral comments and the official public comment period that closed on February 18. All changes from the 3.0 draft are highlighted in orange.
- The Final Generic Environmental Impact Statement ("FGEIS") can be found [here](#). This includes the comments and responses received during the public comment and public hearing period for the Draft Generic Environmental Impact Statement.
- Proposed resolutions for the adoption of the zoning code and the FGEIS.

I look forward to discussing these items with the Committee next Wednesday. I will be posting these items on Engage Kingston shortly.

Finally, several of you have sent me a few recent articles that relate to our zoning effort. I thought I would share them here:

- "'Granny flats' play surprising role in easing California's housing woes" <https://www.washingtonpost.com/business/2023/05/21/adu-granny-flat-california-housing-crisis/> (about how accessory dwelling units in California are helping the state to meet affordable housing goals)
- "Tiny Homes for the Formerly Homeless" <https://www.nytimes.com/2023/05/03/style/seattle-homeless-tiny-homes.html> (about a program in Seattle that builds accessory dwelling units for unhoused residents)
- "This little-known rule shapes parking in America. Cities are reversing it" <https://www.cnn.com/2023/05/20/business/parking-minimums-cars-transportation-urban-planning/index.html> (about recent cities that have removed their mandatory parking requirements and a new federal bill that would eliminate parking requirements for certain projects)
- "More flexible zoning helps contain rising rents" <https://www.pewtrusts.org/en/research-and-analysis/articles/2023/04/17/more-flexible-zoning-helps-contain-rising-rents> (describing research on how zoning reform has slowed rent growth)

Thank you, and I look forward to our meeting. I'd be happy to answer any and all questions beforehand.

Bartek Starodaj

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From: Shaut, Andrea <ashaut@kingston-ny.gov>
Sent: Monday, May 22, 2023 7:58 AM
To: Alderman <Alderman@kingston-ny.gov>; Starodaj, Bartek <bstarodaj@kingston-ny.gov>; Tinti, Elisa <emtinti@kingston-ny.gov>; Smith, Summer <ssmith@kingston-ny.gov>
Cc: Graves-Poller, Barbara <BGraves@kingston-ny.gov>
Subject: Special Laws & Rules meeting

Good morning,

I am hereby calling a Special Laws & Rules meeting for **Wednesday May 31st at 7pm**. This meeting is to discuss the Kingston Forward zoning. This meeting is crucial for all members of the council (including non-Laws & Rules members) to be aware of the project, to ask any outstanding questions, and to help you cast an informed vote. This project will impact the entire city for years to come. Please attend prepared.

Elisa - can you please add this email as the agenda item, along with anything Bartek sends out?

Summer - can you please create a Facebook event?

Thank you!

Kindly yours,

Andrea Shaut

Council President, City of Kingston

Agency **Category**

Ulster County Lighting

Ulster County Telecommunication Facilities

Ulster County Administrative (referrals)

Ulster County Building Types (Auto-oriented uses)

Ulster County Parking

Ulster County Required Submissions

Ulster County Housing

Ulster County Accessory Dwelling Units

Ulster County Waterfront Overlay Standards

Recommendation

The UCPB recommends all fixtures be fully shielded as a requirement and that the City considers becoming an International Dark Sky Community to reduce the light pollution created in the County's most urbanized area,

At a minimum, the Code should require consideration of visual impacts associated with wireless facilities and their placement as freestanding vs. on-building. A focus on utilizing existing structures and/or buildings to host such facilities is recommended. As a policy, the County Planning Board has favored multiple facilities at lower heights or just above the tree line rather than larger facilities that create a greater visual impact.

The verbatim language of the existing Referral Exception agreement between the City Planning and Zoning Board should be removed and replaced with a reference to the most recent agreement allowing it to be changed without amending the Code.

The UCPB continues to recommend the addition of a building type that is context-sensitive to the transects that allow "auto-oriented" uses and examples of designs for these uses be included within the statute. In other words, requirements of placement of parking, fueling stations, and drive-thru lanes where they are allowed should be clearly defined via an image(s). The standard should strongly provide that additional curb cuts for drive-thrus and/or other multi-curb cut proposals be discouraged.

The UCPB recommends, however, that a developer should be responsible to meet the basic parking needs of the intended use, utilizing the flexibility methods mentioned above. Where basic needs cannot be met options are available to the developer such as a payment in lieu whereby the City moves to expand municipal parking or has shared use agreements with landowners whose parking exceeds their needs. Finally, certain classes of uses can be given a pass on parking such as reusing existing buildings, affordable housing, and/or transit-oriented development. To establish basic needs the City could use the ITE Parking Generation manual or developer/city parking studies for similar uses.

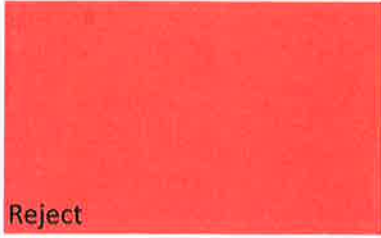
The City should take a hard look at the submittal requirements to ensure that the issues discussed above can be visualized in submittals. The Town of Rochester offers an example (below) that includes the use of high-resolution aerials combined with site plans. Other additions could be required drone flights, and photo simulations, particularly in historic districts or when a height bonus is being considered. Having these upfront ensures a more comprehensive understanding of the context of the submission which is critical when utilizing a form-based code. Other considerations would be a requirement to provide a written narrative of the proposal with highlights as to how it meets the design guidelines and other portions of the code.

The Board recommends that the standard for affordable set-asides be expanded to require new developments slated for sales (non-rental) such as condominiums or townhouses. The threshold for for-sale units should be designed so that the mortgage plus insurance payments are no more than thirty percent of the purchaser's gross annual income.

The original language in the Code that provided a prohibition for their use as STRs on all newly constructed ADUs going forward should be reinstated to allow ADUs to meet their intended purpose consistent with the goals found in 405.18.A.

The two waterfronts are recommended to be included in the waterfront overlay district with D.4 and D.6 only applicable to the Rondout Creek area. The Board would note that the City's Open Space Plan identifies this area as one that should be conserved as open space and includes recommendations for trail locations all along it. The proposed code should not ignore the recommendations in this adopted plan.

Change

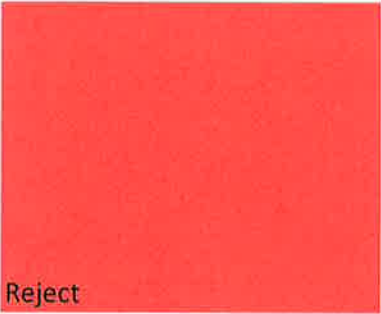


Reject

Accept

Accept

Accept



Reject

Accept



Reject

Accept

Accept

Justification

Planning Board and Planning Department should retain discretion over which standard to apply based on the context, and this kind of discretion would be appropriate in the context of a site plan approval process. In other words, there might be scenarios in which partially shielded fixtures would be appropriate and so it would be overly restrictive to only give the fully shielded option in the zoning code. The City could consider becoming an International Dark Sky Community, but this would happen as part of a separate approval process because it should be up to the Common Council.

We have made changes to the Telecommunication Facilities section that incorporate these minimum requirements.

We have made the appropriate changes.

Auto-oriented uses are regulated by supplemental use standards, rather than building type. To address this comment, a new diagram has been included in Sec 405.20.1.

This change would unnecessarily complicate the form based code. The removal of minimum parking requirements is consistent with the goals of the form-based code to encourage housing affordability, walkability, and small business development. It is also consistent with the City of Kingston's Comprehensive Plan to envision "a new multi-modal transportation paradigm that encourages healthy, active living, promotes transportation options and independent mobility, increases community safety and access to community destinations, businesses, and healthy food, reduces environmental impact, mitigates climate change, and supports greater social interaction and community identity."

We have taken another look at our required submittals, we agree with the inclusion of an aerial map with site plan overlay.

After receiving legal advice on administrative obstacles and legal risks associated with the recommendation, the City decided not to implement that recommendation at this time.

This original language prohibiting short-term rentals in accessory dwelling units has been reinstated.

The Esopus and Rondout Creek areas are fundamentally different areas, given that the Rondout is a working waterfront. Nonetheless, we have taken another look at the waterfront overlay standards applicable to the Rondout Creek area and applied some of these requirements to the Esopus Creek area.

RESOLUTION ___ of 2023

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, ACCEPTING A FINAL GENERIC ENVIRONMENTAL STATEMENT FOR THE KINGSTON FORWARD CITYWIDE REZONING

Sponsored by: Laws & Rules Committee Aldermen: Alderman Worthington, Hill, Frankel, Scott-Childress, Davis, Olivieri

WHEREAS, the City of Kingston Common Council is undertaking a project to rewrite the City’s zoning code, as form-based zoning, to describe the desired form and character for future improvements and preservation throughout the City called Kingston Forward (the “Project”); and

WHEREAS, by Resolution 58 of 2022, the Common Council declared themselves Lead Agency in the environmental review of the Project and determined that the Project is a Type I Action under SEQRA; and

WHEREAS, by Resolution 59 of 2022, the Common Council has determined that the proposed Project may result in a potential significant adverse impact and therefore requires a Positive Declaration; and

WHEREAS, by Resolution 116 of 2022, the Common Council adopted a Final Scoping Document as outlined under Part 617.8 of SEQRA and directed the City’s Consultant to create a Draft Generic Environmental Impact Statement (“DGEIS”); and

WHEREAS, by Resolution 50 of 2023, the Common Council accepted as completed a DGEIS as complete and set a public hearing session and public input schedule; and

WHEREAS, on March 23, 2023, the Common Council held the DGEIS public hearing; and

WHEREAS, the Final Generic Environmental Statement (“FGEIS”) includes replies to all substantive comments received on the DGEIS from the public hearing and public input window.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AS FOLLOWS:

SECTION 1: That the Common Council accepts the Final Generic Environmental Impact Statement for the Kingston Forward Citywide Rezoning Project.

SECTION 2: That the Common Council authorizes the distribution of the Final Generic Environmental Impact Statement to all interested and involved agencies.

SECTION 3: That this resolution shall take effect immediately.

Submitted to the Mayor this ____ day
of _____ 2023

Approved by the Mayor this ____ day
of _____ 2023

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Adopted by Council on _____, 2023

RESOLUTION X of 2023

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, ADOPTING THE KINGSTON FORWARD FORM-BASED CODE

Sponsored by: Laws & Rules Committee Aldermen: Alderman Worthington, Hill, Frankel, Scott-Childress, Davis, Olivieri

WHEREAS, the City of Kingston Common Council has undertaken a project to rewrite the City's zoning code, as form-based zoning, to describe the desired form and character for future improvements and preservation throughout the City called Kingston Forward ("the form-based code"); and

WHEREAS, the Kingston Common Council approved Resolution 67 of 2021 authorizing the Mayor to execute an agreement with Dover Kohl ("the city's Consultants") to create the form-based code for the City of Kingston and ensure that robust citizen involvement is part of the code creation process; and

WHEREAS, the City's Consultants held dozens of public input and visioning session and invited public input on two drafts of the form-based code; and

WHEREAS, the City's Consultants have prepared a final draft of the form-based code for consideration by the Common Council; and

WHEREAS, the final draft of the form-based code is the product of a thoughtful multi-year effort, integrates public comments received, and is based on the goals and guiding principles outlined in the City of Kingston's 2025 Comprehensive Plan furthering the City's commitment to balance economic, social, and environmental interests and to "concentrate density and retail commercial uses in three core areas"; and

WHEREAS, the form-based code supports the goal of the City's adopted Open Space Plan to create an "interconnected network of parks, paths, and preserves that add to the quality of life in the City"; and

WHEREAS, the form-based code supports the goals of the City's Climate Action Plan to increase walkability and bikeability and to update zoning regulations to support smart growth and increase housing density; and

WHEREAS, the form-based code supports the goals of the Local Waterfront Revitalization Program to promote economic development of the City's waterfront revitalization area while assuring the protection and beneficial use of coastal resources; and

WHEREAS, the form-based code will aid Citywide goals for mixed-uses, affordable housing, walkable streets, preservation and enhancement of community character, economic growth, compatible infrastructure and long-term sustainability; and

WHEREAS, the form-based code will prescribe details of new development by addressing factors like: relationships of buildings to streets and open space, height and massing of buildings, and architecture and street design details and guide the physical form of all future development; and

WHEREAS, the City of Kingston Common Council acknowledges the need to permit additional housing throughout the City, as additional multifamily housing will improve housing affordability and accessibility, increase housing choice to support a range of income levels, age groups, and income levels, reduce racial segregation, improve walkability, and increase the City's tax base; and

WHEREAS, allowing additional housing and multifamily development will not cause material harm in the City and will expand existing owners' property rights; and

WHEREAS, the City of Kingston Common Council finds that it is important to improve the predictability of development in the City and reduce the administrative barriers for small, incremental development project; and

WHEREAS, Article X § 405-73 of the Kingston City Code requires zoning amendments to be referred to the Planning Board, the Historic Landmarks Preservation Commission ("HLPC"), and the Ulster County Planning Board and requires the Laws & Rules Committee to set a public hearing prior to the final action of adoption; and

WHEREAS, the City of Kingston Common Council passed Resolution 23 of 2023 to fulfill the requirements of Article X § 405-73; and

WHEREAS, the City of Kingston Common Council held a hybrid public hearing on March 13, 2023, received comments from the City of Kingston Planning Board on April 19, 2023, received comments from the Historic Landmarks Preservation Commission on April 11, 2023, and received comments from the Ulster County Planning Board on February 24, 2023; and

WHEREAS, the City of Kingston Common Council has carefully considered the comments and feedback received from the public and the referral agencies on the form-based code; and

WHEREAS, the City of Kingston Common Council has taken a "hard" look at the potential adverse environmental impacts of the form-based code adoption by adopting a Final Generic Environmental Impact Statement in Resolution **X** of 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AS FOLLOWS:

SECTION 1. That the Kingston Common Council repeals the entirety of the existing Chapter 405.

SECTION 2: That the Kingston Common Council adopts the Kingston Forward Form-Based Code as the new Chapter 405 Zoning.

SECTION 3: That the Kingston Common Council directs the Office of Housing Initiatives and Planning Department to form a task force to track the implementation and impacts of the Kingston Forward Form-Based Code and to periodically suggest any changes to ensure the Code supports the City’s Comprehensive Plan. The task force shall make its first report to the Common Council no later than six months after the effective date of this Resolution and then annually thereafter.

SECTION 4. That this resolution shall take effect immediately.

Submitted to the Mayor this _____ day
of _____ 2023

Approved by the Mayor this _____ day
of _____ 2023

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Adopted by Council on _____, 2023

