



COMMON COUNCIL MEETING
PLANNING, ECONOMIC DEVELOPMENT AND LAND USE
Alfredo Balarin, Chair

DATE: Wednesday, December 10th, 2025

TIME: 6:15PM

LOCATION: Council Chambers-2nd Floor, City Hall

LIVESTREAM: YouTube— <https://www.youtube.com/@albanycommoncouncil>
Facebook— <https://www.facebook.com/albany.commoncouncil>

TOPIC(S) OF DISCUSSION:

- **ORDINANCE 19.91.25 (CONTI)**
AN ORDINANCE AMENDING CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO MUSIC AT SIDEWALK OR OUTDOOR CAFES
- **ORDINANCE 24.101.25 (As Amended November 17, 2025) (CLARKE)**
AN ORDINANCE AMENDING CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO RETURNING THE AFFORDABLE HOUSING REQUIREMENT TO ITS ORIGINAL LEVEL

PUBLIC COMMENT PERIOD: YES

The Albany Common Council encourages members of the public to provide public comment in-person or online. To provide in-person commentary, one can show up before the meeting to sign up, or use the link that follows 30 minutes prior to the meeting. One can also email commoncouncil@albanyny.gov to provide written public comment, or use the same link that follows:

<https://albanyny.gov/FormCenter/Common-Council-15/Online-Public-Comment-SignUpSubmission-F-59>

Council Member Conti introduced the following:

ORDINANCE 19.91.25

AN ORDINANCE AMENDING CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO MUSIC AT SIDEWALK OR OUTDOOR CAFES

The City of Albany, in common Council convened, does hereby ordain and enact:

Section 1. Subsection iii of Subparagraph m (Sidewalk or outdoor cafe) of Paragraph 6 (Accessory Uses) of Section 303 (Use-specific standards) of Article III (Use Regulations) of Chapter 375 (Unified Sustainable Development Ordinance) of Part II (General Legislation) is hereby amended to read as follows:

(iii) Sidewalk or outdoor cafes shall not use music or noise amplification devices, ~~and no music or entertainment of any type is permitted outdoors at volumes above an ambient level~~ primarily intended to enhance the atmosphere, mood, or setting, rather than to serve as the central attraction or principal focus of the establishment's business activities. Such music or sound produced shall be at a volume that permits normal conversation among patrons and does not dominate or interrupt other primary uses of the premises.

Section 2. This ordinance shall take effect immediately.

**APPROVED AS TO FORM THIS
21ST DAY OF AUGUST, 2025**

Corporation Counsel

To: Shaniqua Jackson, City Clerk

From: Richard Conti, Council Member, 6th Ward

Re: Common Council Legislation
Supporting Memorandum

Date: August 21, 2025

Sponsor: Council Member Conti

ORDINANCE 19.91.25

TITLE:

AN ORDINANCE AMENDING CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO MUSIC AT SIDEWALK OR OUTDOOR CAFES

GENERAL PURPOSE OF LEGISLATION

To allow background music at sidewalk or outdoor patio cafes not to exceed ambient level volumes.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISITING LAW

To enhance the use sidewalk or outdoor cafes.

FISCAL IMPACT

Negligible.

Council Member Clarke introduced the following:

ORDINANCE 24.101.25 (As Amended November 17, 2025)

AN ORDINANCE AMENDING CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO RETURNING THE AFFORDABLE HOUSING REQUIREMENT TO ITS ORIGINAL LEVEL

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. Subsection 5 (Incentives and affordable housing requirements) of section 375-401 (Dimensional Standard) of Article IV (Development Standards) of Chapter 375 (Unified Sustainable Development Ordinance) of Part II (General Legislation) is hereby amended to read as follows:

- (c) Affordable housing requirement. Each new residential or mixed-use development or redevelopment containing 20 or more new dwelling units shall be required to sell or rent a portion of its new dwelling units at sales or prices affordable to persons earning no more than ~~60%~~ 100% of the area median household income, as determined by affordability methods used by the United States Department of Housing and Urban Development. The minimum portion of affordable dwellings for each development or redevelopment shall be determined by the following standard.
 - (i) 7% of new dwelling units shall be affordable for developments or redevelopments with 20 or more but no more than 49 new dwelling units;
 - (ii) 10% of new dwelling units shall be affordable for developments or redevelopments with 50 or more but no more than 60 new dwelling units;
 - (iii) 12% of new dwelling units shall be affordable for developments or redevelopments with more than 60 but no more than 75 new dwelling units;
 - (iv) 13% of new dwelling units shall be affordable for developments or redevelopments with 76 or more new dwelling units.
- (d) Exceptions to the Affordable Housing Requirement.
 - (i) An applicant for development or redevelopment with more than 20 units may reduce the number of units that shall be affordable to 5% by paying, within two (2) years from the date of issuance of a Certificate of Occupancy,

\$5,000 per unit that would otherwise be required to be affordable pursuant to paragraph (c) of this subsection excluding the 5% of units that shall be made affordable pursuant to this paragraph.

- (ii) An applicant for a development or redevelopment with more than 20 units may reduce the number of units that shall be affordable to 0% by paying, within two (2) years from the date of issuance of a Certificate of Occupancy, \$10,000 per unit that would otherwise be required to be affordable pursuant to paragraph (c) of this subsection.
- (iii) Payments required pursuant to subparagraphs (i) or (ii) of this paragraph shall be payable to the Albany Community Development Agency, which Agency shall put such funds toward homeownership down payment assistance programs, homeownership emergency repair programs, or other housing grant programs administered by the Albany Community Development Agency as determined by the Commissioner of the Department of Neighborhood and Community Services.
- (iv) The failure of the applicant to submit the payment required pursuant to this paragraph within two (2) years of the date of issuance of a Certificate of Occupancy shall render the Certificate of Occupancy void until payment is submitted.
- (v) Subsection (c) shall not apply to the creation of new residential or mixed-use development or redevelopment containing 20 or more new dwelling units that are wholly senior living facilities, including:
 - a. Independent living
 - b. Assisted living
 - c. Nursing homes or skilled nursing facilities
 - d. Continuing care retirement communities; or
 - e. Active adult communities (limited to residents 55 years and older)

Section 2. This ordinance shall take effect immediately.

**APPROVED AS TO FORM
THIS 15TH DAY OF
NOVEMBER**

Corporation Counsel