

VILLAGE OF RYE BROOK

The County lists Rye Brook as among the municipalities that have adopted the model affordable housing zoning ordinance, but it is hard to understand the rationale for this conclusion. Under the existing zoning regime, the only affordability mandate is for senior housing units in one district, and there are no incentives for affordable housing. Aspects of the model ordinance apply to a floating zone, which has not been mapped anywhere in the Village. The floating zone, which may be applied by amendment to any development of two or more dwelling units in which at least 50 percent of the units are affordable, applies the definitions, locational and quality requirements and resale restrictions of the model ordinance and provides minimal incentives. The unadopted Affordable Housing Allocation Plan produced in 2005 by the County's planning department called for 171 affordable housing units in Rye Brook, of which close to 30 percent (48 units) have been built in the interim, leaving a balance of 123 units. This shows progress but leaves unanswered how to build the remaining 123 affordable units called for in the allocation plan, which translates into hundreds of units in connection with mixed-income housing (e.g., more than 1,200 units under a 90 percent market-rate / 10 percent affordable format, which represents the minimum affordable housing component under the County's model zoning ordinance, or almost 250 units in a 50/50 development, as contemplated for the Village's floating zone). Zoning districts that permit multifamily housing as-of-right are almost entirely built out, with available development sites that can accommodate only an estimated 38 housing units. The Village prohibits mixed-use development and accessory apartments. Additional actions will probably be needed for the Village to make much further progress towards meeting its affordable housing obligation under the Settlement. These might include, in some combination, mapping the FAH floating zone, providing broader mandates for affordable housing, providing more broadly available and more meaningful incentives for affordable housing, mapping additional areas where multifamily housing is permitted as-of-right, permitting mixed-use development (as recommended in the Vision Plan of 2000), permitting accessory housing units (especially if they were allowed in accessory buildings, such as existing or "faux" garages), and providing opportunities for additional types of development (such as quadraplexes or cottage-style housing).

Model Zoning and County Benchmark

- The County lists Rye Brook as among the municipalities that have adopted the model affordable housing zoning ordinance, but it is hard to understand the rationale for this conclusion. Under the existing zoning regime, the only affordability mandate is for senior housing units in one district, and there are no incentives for affordable housing. Aspects of the model ordinance apply to a floating zone, the Fair and Affordable Housing (FAH) district, which has not been mapped anywhere in the Village. The floating zone, which may be applied by amendment to any development of two or more dwelling units in which at least 50 percent of the units are affordable, applies the definitions, locational and quality requirements and resale restrictions of the model ordinance and provides minimal incentives.

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Zoning Ordinance

- Multifamily housing is permitted as-of-right in the Restricted Multifamily (RA-1) district, the Neighborhood Retail (C1) district, the Planned Neighborhood Retail (C1-P) district and the Planned Urban Development (PUD) floating district. Multifamily housing is actually permitted as-of-right in a fifth district, the Hotel (H-1) district, but only on existing parcels of 15 to 20 acres as part of a conservation subdivision. Multifamily housing is allowed by special permit in one additional district.
- Mixed-use development (i.e., residences above stores) is not permitted in any district.
- Two-family dwellings are permitted as-of-right in five zoning districts and by special permit in one zoning district.
- Accessory apartments are not permitted in any district.
- Senior housing developments are allowed by special permit in the PUD floating zone, either immediately adjacent to or south of Westchester Avenue only.

Restrictive Practices

- Accessory apartments and mixed-use development are prohibited throughout the Village.

Incentives and Mandates

- At least 25 percent of senior housing units in the PUD floating district must be affordable. As is noted above, senior housing developments are allowed only by special permit, and only either immediately adjacent to or south of Westchester Avenue.
- At least 50 percent of all units in developments of two or more dwelling units in the FAH floating district must be affordable; however, no FAH district has been mapped in the Village.
- Only minimal incentives, such as a streamlined permitting process and the potential to waive certain dimensional and bulk requirements, are offered to developers in exchange for affordable units.

Zoning Map, Development Pattern and Development Potential

- Four areas are mapped as districts in which multifamily housing is permitted as-of-right, containing 16 percent of the Village's land area. Three of the areas are fully built out, however. Only one area zoned C1 has available development sites.
- That area has two available development sites, which are adjacent to one another, and which together can accommodate an estimated total of 38 housing units.

- The two adjacent lots are in a location that is quite well-suited for multifamily housing. The site is adjacent to a commercial strip and across the street from Port Chester Middle School.
- In the C1 district, where the two available lots are located, nearly one-third of residents are Hispanic. In order to comply with the Settlement, a racial analysis must be conducted at the census block level. High concentrations of people of color will disqualify a site for FAH development.
- Only 0.25 percent of the Village's total land area is currently occupied by multifamily housing. An additional 0.93 percent of the total land area is currently occupied by two- and three-family housing.
- The estimated average price of a condo unit in Rye Brook (\$233,000) is well below the estimated cost of development of a condo unit (\$375,000), an adverse spread that reduces the likelihood of new multifamily housing development, particularly on small sites where economies of scale are not possible, and greatly reduces the likelihood that affordable multifamily units would be built without subsidies.

Master Plan

- The Village of Rye Brook suspended work on its first comprehensive plan in 2008 due to economic concerns.
- The Village did develop a Vision Plan in 2000 with consultants Frederick P. Clark Associates. The Vision Plan recommends encouraging mixed-use development to provide a variety of housing options for seniors and younger residents. This recommendation has not been implemented.

Implications

- Since 2000 the Village has created 48 new units of affordable housing, or 28 percent of the (unadopted) County affordable housing benchmark of 171 units, leaving an outstanding benchmark of 123 affordable units.
- There is no obvious way to provide the additional 123 affordable housing units, let alone the hundreds of units that would be required in connection with mixed-income housing (e.g., more than 1,200 units under a 90 percent market-rate / 10 percent affordable format, which represents the minimum affordable housing component under the County's model zoning ordinance, or almost 250 units in a 50/50 development, as contemplated for the Village's FAH floating zone).
- Multifamily housing is allowed as-of-right in a fairly high percentage of the Village's area, but the districts are almost entirely built out. The only identified development sites are two adjacent lots, which, though they are in a location that is well-suited for multifamily or affordable housing, can accommodate only an estimated 38 housing units. Even if all of the units were affordable, that would satisfy less than a third of the Village's outstanding benchmark obligation.
- A high nearby concentration of people of color may disqualify the sites for FAH development.
- No affordable housing mandates or incentives apply to the identified sites. Indeed, except for a requirement regarding senior housing in one district, no affordable housing mandates or incentives currently apply anywhere in the

Village. These facts reduce the likelihood that affordable housing will be developed.

- Accessory housing units and mixed-use development are prohibited throughout the Village.
- The estimated average price of a condo unit in Rye Brook is well below the estimated cost of development of a condo unit, an adverse spread that reduces the likelihood of new multifamily housing development, particularly on small sites where economies of scale are not possible, and greatly reduces the likelihood that affordable multifamily units would be built without subsidies.
- Additional actions will probably be needed for the Village to make much further progress towards meeting its affordable housing obligation under the Settlement. These might include, in some combination, mapping the FAH floating zone, providing broader mandates for affordable housing, providing more broadly available and more meaningful incentives for affordable housing, mapping additional areas where multifamily housing is permitted as-of-right, permitting mixed-use development (as recommended in the Vision Plan of 2000), permitting accessory housing units (especially if they were allowed in accessory buildings, such as existing or "faux" garages), and providing opportunities for additional types of development (such as quadraplexes or cottage-style housing).
- Even with additional Village actions, FAH housing will remain problematic without assistance from the County, in the form of financial subsidies and marketing assistance (such as the maintenance of a Countywide registry of FAH units).

RYE BROOK FACT SHEET

a. Total acreage of the Village	2,224 acres	100%
b. Total acreage in zoning districts where multifamily housing is permitted as-of-right	344.2 acres	15.5%
c. Undeveloped area in these zoning districts	3.7 acres	0.2%
d. Undeveloped area not subject to wetlands, floodplain and steep slopes	1.5 acres	0.1%
e. Order of magnitude area available for development*	1.2 acres	0.1%
f. Number of sites available for development	2 sites	
g. Average size of sites	0.6 acres	
h. Theoretical number of multifamily units that can be developed as-of-right	38 units	
i. Average selling price for multifamily (condo) units	\$233,000**	
j. Order of magnitude value for land, per condo unit	\$ 35,000	
k. Order of magnitude total cost of development, per condo unit	\$375,000	
l. Percent minority population (1.0% Black, 5.4% Hispanic)	6%	
m. Percent minority population in the zoning districts permitting multifamily housing as-of-right and containing available development sites (3.8% Black, 29.3% Hispanic)	33%	
n. Number of units needed to meet the 2000-2015 Allocation Plan benchmark	123 units	
2015 Allocation	171 units	
Number of units created since 2000	48 units	

* After applying a factor of 80 percent to account for irregular site configuration, setbacks, building form restrictions, and the like.

**** Regional value employed where data was not provided for the municipality, employing the County's definition of North, Central and South for what is meant as region. Weighted averages were calculated using available data for each region.**