

CITY OF RYE

The City has not adopted the model affordable housing zoning ordinance, and the City provides no mandates or incentives for affordable housing. The unadopted Affordable Housing Allocation Plan produced in 2005 by the County's planning department called for 167 affordable housing units in Rye, of which roughly one-sixth (27 units) have been built in the interim, leaving a balance of 140 units. This shows progress but leaves unanswered how to build the remaining 140 affordable units called for in the allocation plan, which translates into many hundreds of units in connection with mixed-income housing (e.g., 1,400 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). A wide variety of housing typologies are permitted as-of-right in some locations, including multifamily housing, mixed-use development, and accessory apartments; however, the districts that permit multifamily housing as-of-right are largely built out, so that the available development sites in these districts can accommodate only an estimated 38 housing units. Additional actions will probably be needed for the City to make much further progress towards meeting its affordable housing obligation under the Settlement. These might include, in some combination, adopting the County's model zoning ordinance, providing mandates and density incentives for affordable housing, mapping additional areas where multifamily housing is permitted as-of-right, permitting accessory housing units as-of-right in more areas (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 City has not adopted the model affordable housing zoning ordinance.
- The unadopted Affordable Housing Allocation Plan produced in 2005 by the County's planning department called for 167 affordable housing units in Rye, of which roughly one-sixth (27 units) have been built in the interim, leaving a balance of 140 units.

Zoning Ordinance

- Multifamily housing is permitted as-of-right in nine of the City's 29 zoning districts. This includes the RA-5 district, where multifamily housing must be dedicated to senior citizens and handicapped residents, and the LPD-A district, where multifamily housing is restricted to two historic properties and cannot contain more than nine multifamily dwelling units. Multifamily housing is allowed by special permit in two additional zoning districts.
- Mixed-use development (i.e., residences above stores) is permitted as-of-right in four zoning districts.
- Two-family dwellings are permitted as-of-right in eight zoning districts.
- Accessory apartments are permitted as-of-right in two zoning districts.
- *Moderate-income housing* is a defined term within the zoning ordinance. The term refers to housing in which at least 85 percent of the units are available at below-market rates and the purchasers of which shall have incomes of no more

than 80 percent of the Westchester County Area Median Income (AMI), adjusted for household size, as determined by the U.S. Department of Housing and Urban Development. The only mention of the term is as a permitted use on Cottage Street or Theodore Fremd Avenue in the RA-1 district. No mandates, incentives, requirements or restrictions apply to moderate-income housing.

Restrictive Practices

- In the districts that permit multifamily housing, the minimum floor area per dwelling is 1,000 square feet for a one-family house, 1,000 square feet for each dwelling in a two-family house, and an average of 750 square feet for each dwelling in buildings with three or more dwelling units. Smaller average floor areas per dwelling unit for multifamily developments encourage fewer bedrooms per dwelling unit.
- Multifamily buildings may contain no more than six dwelling units per floor and cannot exceed 120 feet in maximum horizontal dimension.

Incentives and Mandates

- No incentives or mandates for affordable housing development are provided.

Zoning Map, Development Pattern and Development Potential

- Twenty-one (21) areas are mapped as districts that allow multifamily housing as-of-right. The areas include 5 percent of the City's land area, but they are almost entirely built out.
- The areas contain 11 small potential development sites, averaging between a tenth and a fifth of an acre. In total the available development sites could accommodate an estimated 38 housing units.
- Most of the zoning districts that permit multifamily development have relatively high percentages of Black and Hispanic residents. The RA-2 district, which can accommodate half of the estimated 38 housing units, is 16 percent Black and Hispanic, whereas the City as a whole is 6 percent minority. The B-1 and B-2 districts, which can accommodate three-quarters of the remaining units, are 21 percent and 15 percent minority respectively. 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.
- Approximately 3.7 percent of the City's total land area is occupied by multifamily housing. An additional one percent is occupied by two- and three-family housing.
- With an estimated average price of \$600,000 per condo unit, housing values are high enough to make multifamily housing development attractive. If density incentives were provided, market-rate housing values are probably sufficient to spur mixed-income development, without the need for financial subsidies.

Master Plan

- The most recent comprehensive plan was adopted in 1985, completed by RPPW. The plan encourages the provision of a variety of housing typologies, including limited multifamily development and accessory apartments. However, the plan also recommends maintaining at least twice the number of ownership

units as rental units, and at least twice as many single-family units as multiple dwelling units.

Implications

- The unadopted Affordable Housing Allocation Plan produced in 2005 by the County's planning department called for 167 affordable housing units in Rye, of which roughly one-sixth (27 units) have been built in the interim, leaving a balance of 140 units.
- Under current conditions there appears to be limited opportunity to build the remaining 140 affordable units called for in the allocation plan, let alone the many hundreds of units in connection with mixed-income housing (e.g., 1,400 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).
- A wide variety of housing typologies are permitted as-of-right in some locations, including multifamily housing, mixed-use development, and accessory apartments; however, the districts that permit multifamily housing as-of-right are largely built out, so that the available development sites in these districts can accommodate only an estimated 38 housing units. Even if all of the sites were developed and all of the units were affordable, the total would represent only about a quarter of the remaining benchmark allocation.
- High nearby concentrations of people of color may disqualify some of the sites for FAH development.
- The absence of any mandates or incentives for affordable housing reduces the likelihood that new multifamily housing will be affordable.
- With an estimated average price of \$600,000 per condo unit, housing values are high enough to make multifamily housing development attractive. If density incentives were provided, market-rate housing values are probably sufficient to spur mixed-income development, without the need for financial subsidies. The very high value of apartments and condo units in the City should be sufficient to promote 80/20 mixed-income housing (which is more aggressive than the 90/10 mix that represents the maximum permitted ratio of market-rate to affordable units under the County's model zoning ordinance.) The 80/20 ratio would provide less development pressure than 90/10 mixed income housing, and unlike 90/10 developments would be eligible for federal tax incentives.
- Additional actions will probably be needed for the City to make much further progress towards meeting its affordable housing obligation under the Settlement. These might include, in some combination, adopting the County's model zoning ordinance, providing mandates and density incentives for affordable housing, mapping additional areas where multifamily housing is permitted as-of-right, permitting accessory housing units as-of-right in more areas (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 City actions, FAH housing will remain problematic without assistance from the County, in the form of financial subsidies for all-affordable

developments and marketing assistance (such as the maintenance of a Countywide registry of FAH units).

RYE FACT SHEET

a. Total acreage of the City	3,738 acres	100%
b. Total acreage in zoning districts where multifamily housing is permitted as-of-right	201.2 acres	5.4%
c. Undeveloped area in these zoning districts	2.3 acres	0.1%
d. Undeveloped area not subject to wetlands, floodplain and steep slopes	2.0 acres	0.1%
RA-2	1.13 acres	
B-1	0.2 acres	
B-2	0.18 acres	
RA-3	0.13 acres	
RA-1	0.33 acres	
e. Order of magnitude area available for development*	1.6 acres	0.04%
RA-2	0.91 acres	
B-1	0.16 acres	
B-2	0.14 acres	
RA-3	0.10 acres	
RA-1	0.26 acres	
f. Number of sites available for development	11 sites	
g. Average size of sites	0.14 acres	
h. Theoretical number of multifamily units that can be developed as-of-right	38 units	
RA-2	19 units	
B-1	5 units	
B-2	9 units	
RA-3	0 units	
RA-1	5 units	
i. Average selling price for multifamily (condo) units	\$600,000**	
j. Order of magnitude value for land, per condo unit	\$180,000	
k. Order of magnitude total cost of development, per condo unit	\$375,000	
l. Percent minority population (1.3% Black, 4.8% Hispanic)	6%	
m. Percent minority population in the zoning districts		

permitting multifamily housing as-of-right and containing available development sites

RA-2	2.7% Black, 12.9% Hispanic	16%
B-1	2.0% Black, 18.6% Hispanic	21%
B-2	3.2% Black, 12.0% Hispanic	15%
RA-1	0.5% Black, 2.9% Hispanic	3%

n. Number of units needed to meet the 2000-2015 Allocation Plan benchmark		140 units
2015 Allocation	167 units	
Number of units created since 2000	27 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.