

NEW ROCHELLE, NY
PUBLIC HEARING NOTICE
RE: PROPOSED AMENDMENT TO CHAPTER 331,
ZONING CODE, ARTICLE XIX
RE: REQUIREMENTS FOR AFFORDABLE HOUSING

NOTICE is hereby given that the Council of the City of New Rochelle, New York, will hold a Public Hearing pursuant to Chapter 331 of the Code of the City of New Rochelle, Section 239-m of the General Municipal Law of the State of New York, and Sections 277.61 and 277.71 of the County Administrative Code, on Tuesday, September 10, 2019, at 7:00 P. M., in the Council Chamber, City Hall, 515 North Avenue, New Rochelle, New York, on the proposed amendment, as follows:

ORDINANCE AMENDING SECTION 331-152, REQUIREMENTS FOR AFFORDABLE HOUSING, OF CHAPTER 331, ZONING, OF THE CODE OF THE CITY OF NEW ROCHELLE.

WHEREAS in December 2015 the City Council unanimously adopted the Downtown Overlay Zone (“DOZ”) Amendments, Official Map Amendments, and associated Finding Statement (“Findings”) pursuant to the New York State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, this action set the stage for a transformation of New Rochelle, ushering in a multitude of new development projects and investment across approximately 300 acres of downtown; and

WHEREAS, when the City adopted the Findings for the DOZ, it identified that all projects opting into the DOZ will be required to provide 10% of residential square footage at 80% of area median income (“AMI”); and

WHEREAS, the Findings identified that affordable units created in projects opting into the DOZ will be allocated based on the following order of priority:

- (a) Existing eligible residents living on sites that have opted in to the DOZ;
- (b) Existing eligible residents of DOZ;
- (c) Eligible members of the workforce of New Rochelle (e.g., uniformed City workers, etc.);
- (d) Eligible New Rochelle residents; and
- (e) Other Eligible Individuals;

and

WHEREAS, the preference list above is meant specifically for projects within the DOZ, and is different than the preference list for projects outside of the DOZ, which are required to meet the criteria of New Rochelle Zoning Code Section 331-152; and

WHEREAS, the Proposed Action is to add language to the Zoning Code Section 133-152 that projects opting into the DOZ shall utilize the preference list from the Adopted Findings, as above; now, therefore

BE IT ORDAINED by the City of New Rochelle:

Section 1. Section 331-152, Requirements for Affordable Housing, of Chapter 331, Zoning, of the Code of the City of New Rochelle is hereby amended as follows:

§ 331-152. Requirements for Affordable Housing.

C. Inclusion of Affordable Dwelling Units in Rental Housing.

(1) Each Residential Development Application which proposes the construction of more than two dwelling units of Rental Housing shall provide floor area in such Residential Development set aside for Moderate-Income Housing Units. (NOTE: Residential Development Applications proposed within the Downtown Overlay Zone may satisfy this requirement on-site or off-site on property located within the Downtown Overlay Zone. Such affordable units, whether on-site or off-site, shall be commensurate in size, unit type, and finishings to the market-rate units of the associated project.) The floor area devoted to Moderate-Income Housing Units shall comprise at least 10% of the floor area devoted to Rental Housing in the Residential Development. The floor area square footage of any Replacement Housing Units or Partial Replacement Housing Units proposed under Subsection E(1)(a) and (b) below shall be credited against this requirement.

(2) Moderate-Income Housing Units shall be generally distributed throughout the Rental Housing; shall not be distinguished as a class from the Market-Rate Rental Housing; shall be distributed among one-, two-, and three-bedroom units in the same proportion as the dwelling units in the Market-Rate Rental Housing; and shall each have a floor area of not less than 90% of the average floor area of the dwelling units in the Market-Rate Rental Housing.

(3) Moderate-Income Housing Units shall only be re-rented to individuals or families who are of Moderate Income at the time of such re-rental, and the rent for such re-rental shall not exceed the then rent for a Moderate-Income Housing Unit.

(4) Each Residential Development Application for Rental Housing containing Moderate-Income Housing Units shall include a draft Declaration of Restrictive Covenants, which Declaration shall set forth and particularize the requirements set forth in Subsection C(1) through (3) above, and which shall be recorded against the property containing the Moderate-Income Housing Units prior to issuance of the first temporary or permanent certificate of occupancy for the Residential Development. Such Restrictive Covenants shall run for a term to be determined by the Commissioner of Development but at no time for a term limit to be less than 30 years. The Declaration shall include rules and regulations for insuring compliance with the Restrictive Covenants. The City's Department of Development and/or one or more nonprofit entities to be designated by the City Council shall administer and enforce such compliance program. The form and substance of such Declaration shall be subject to approval of the City's Corporation Counsel and Commissioner of Development.

(5) In lieu of providing all or a part of such Moderate-Income Housing Units in the Rental Housing, the Residential Development Application shall provide for payment to the City's Affordable Housing Fund, in accordance with the payment schedule set forth in Chapter 133, Fees, of the New Rochelle City Code. Such payment shall be made prior to issuance of the first building permit for

construction of the Rental Housing. Any Partial Replacement Housing Units Demolition Payments or Residential Development Demolition Payments paid in connection with Subsection E(1)(b) or (c) below shall be credited against the payment due hereunder.

(6) Local Preference. Affordable units created in projects outside of the Downtown Overlay Zone (“DOZ”) in New Rochelle shall be allocated in the following order of priority:

- (a) Eligible members of the workforce of New Rochelle (e.g., uniformed City workers, teachers, etc.), who are existing residents of New Rochelle;
- (b) Eligible New Rochelle residents;
- (c) Other eligible members of the workforce of New Rochelle; and
- (d) Other eligible individuals.

(7) Local Preference for Downtown Overlay Zone (“DOZ”) projects. New development projects utilizing the Downtown Overlay Zone in New Rochelle shall be allocated in the following order of priority:

- (a) Existing eligible residents living on sites that have opted into the DOZ;
- (b) Existing eligible residents of the DOZ;
- (c) Eligible members of the workforce of New Rochelle (e.g., uniformed City workers, teachers, etc.)
- (d) Eligible New Rochelle residents
- (e) Other eligible individuals

Matter underlined added.

All persons interested are invited to attend said Public Hearing or submit written communications to the City Clerk at or before the Public Hearing.

By order of the City Council dated July 9, 2019, pursuant to Resolution duly adopted.

Michelle Oliveros, City Clerk