Village of Lansing
Planning Board Meeting
Tuesday, July 28, 2015

The meeting of the Village of Lansing Planning Board was called to order at 7:03PM by Chairman Mario Tomei.

Present at the meeting were Planning Board Members: Deborah Dawson, John Gillott, Lisa Schleelein, and Maria Stycos; Alternate Member, Mike Baker; Code Enforcement Officer, Marty Moseley; Village Trustee Liaison, John O'Neil; Village Attorney, David Dubow; Karl Schuler from Taylor Builds; Joe Jacobs from Passero Associates; and Roger Langer from NH Architecture.
Absent: None

Public Comment Period

Tomei opened the public comment period. With no one wishing to speak, Gillott moved to close the public comment period. Seconded by Dawson; Ayes by Tomei, Dawson, Gillott, Schleelein, and Stycos.

Continuation of Public Hearing to Consider:

Special Permit #2689, to construct a multi-story, approximately 87,515 square feet, Mixed Use building, on the West Side of Cinema Drive in between Homewood Suites LLC and CFCU Community Credit Union, in the Commercial High Traffic District, Tax Parcel No. 46.1-6-4.2. Because the proposed construction is located in the Commercial High Traffic District, special permit approval is required pursuant to Section145-43D(2)[c] of the Village of Lansing Code and is a requested and proposed amendment to a previously granted special permit that was granted prior to hereto.

Tomei indicated that the Board would now resume the public hearing for the C.U. Suites project.

Jacobs indicated that they have made corrective changes to the plans that were requested at the last meeting (pedestrian striping and connectivity, removal of some incorrectly placed plantings, rain garden area, etc.). Jacobs indicated that the number of parking spaces have been reduced to 100 on the application as well.

Tomei indicated that at the previous Planning Board meeting the Board reviewed the SEQRA (State Environmental Assessment Quality Review Act) short Environmental Assessment Form and accompanying documentation and determined that the short EAF would remain and that the project will not have any significant adverse environmental impacts.

Dawson expressed concern for the overflow parking area proposed to be utilized in the back area of the Triphammer Marketplace not being adequate for vehicles traversing in relation to the building. Dawson also asked about handicap-accessible units.

Jacobs indicated that although they have not measured the parking area officially, the spaces should be adequate for vehicles that need to traverse through that specific area.

Langer noted that 5% of the units will be handicap-accessible, but all of the units will be handicap-adaptable. Langer indicated that most individuals do not want to live in a handicap-accessible unit if they did not need to utilize those modifications. Langer added that all doors will be 3 feet wide and the electric panel boxes will be within a reachable height for accessible purposes. By having all the units adaptable, it allows people to utilize the unit longer as it does not require the tenants to move out in the event that they would require accessible elements in their daily life.

Tomei noted that the Board of Zoning Appeals has approved the height variance for the elevator shaft with two conditions, which are:

1. The aesthetics of the roof top elevator and stairwell shaft shall be of the same nature as the rest of the proposed project and shall be consistent in building materials as provided with the proposed project. The aesthetics of the roof top elevator and stairwell shaft shall be submitted to and approved by the Planning Board.
2. Shade areas shall be provided on the roof for the residents to utilize, and shall be approved by the Planning Board.

Tomei asked for verification that the applicant would have a roof-top garden.

Schuler indicated that they will have the roof-top gardens for the residents.

Schleelein asked about a property manager for the project, if bike racks are incorporated with the project, and if there will be balconies for the units. Schleelein noted that this is not a true green roof.

Schuler noted that there are bike racks proposed in the parking area under the building, and that there will be a property manager but they will only be on site during the day and not be on site 7 days per week, 24 hours per day. Schuler added that there will not really be any balconies, but rather a guard in front of a sliding door so residents can open them to enjoy fresh air if they so wish. Schuler noted that the roof top garden is a paver type system with raised moveable type gardens.

Langer indicated that they may provide sun shades for the roof top gardens, with a light fabric that would stay within the limits of the height variance.

Schleelein asked about the request from the last Planning Board meeting to designate some of the units as affordable housing units.
Schuler indicated that Manly Thaler did not commit to having any affordable housing units within this project. Schuler noted that the decision was up to Thaler.

Gillott noted that 10 years of senior housing has been committed to, but asked if more could be agreed to, like 30 years.

Dawson agreed with Gillott, that more years should be achieved to guarantee senior housing for this project.

Schuler stated that he was originally not sure that this community wanted senior housing as a project of his which also included affordable subsidized housing was turned down by Tompkins County.. Schuler noted that they could not commit to more than 10 years, but Schuler added that they are willing to commit to 10 years and make that work.

There were questions from the Board about what would happen at the expiration of the 10 years.

Dubow explained that the developer could open the project up to others wishing to rent in that building after the 10 year restriction expires.

Schuler noted that after the 10 years, most likely they would continue to have senior housing.

Langer added that he has never seen a project switch from senior housing to the general public. Senior housing is a strong market that he thinks will be maintained in the coming years. Langer noted that he has never seen a senior housing project fail, and he has built many thousands of units of senior housing.

Dubow asked if the developer would commit, after the 10 year commitment has expired for senior housing, to a percentage of units being senior housing for another additional period of time.

Schuler could not say if they would agree to a percentage of units being senior housing after the expiration of the 10 senior housing commitments. Schuler added that he was not trying to belittle any conditions or concerns from the Village Board.

Schleelein asked about the onsite amenities.

Schuler noted that there would be an exercise area, laundry area, and an office area in addition to the commercial components, and each unit will have their own washer and dryer. Schuler was hopeful that they would be able to attract a coffee shop, barber shop, deli, or like uses that would complement the project.

Dawson noted that 10 years of a senior housing commitment is not long enough for the project.

Gillott suggested maybe 15 years.

Tomei noted that he was thinking 20 years originally, but after thinking about the project he felt that 10 years minimum is a reasonable timeframe for a senior housing commitment.

Stycos was concerned with the 10 year commitment because it could force seniors out of the project after the commitment expires. Stycos noted that the population is aging and seniors need housing to be somewhat affordable.

Schuler noted that CU Suites, LLC wanted the project to be successful, and it would not make much sense to refinance in the middle of a 30 year mortgage to try and get the general public to rent from this project. Schuler noted that in order to attract non-seniors to rent, extensive remodeling would be required, which they would not want to do because of the mortgage. Schuler added that they are willing to make the project work for 10 years even if the senior population rents from them.

Schleelein noted that both senior housing and affordable housing is a need in the Village.

Dawson noted that the lack of affordable housing is a major concern, and that this project needs more parking.

Schleelein noted that the project would have about 1.7 spaces per unit without the commercial components being a factor.

Moseley noted that the parking issue is the reason for the last condition on the list of conditions proposed for approval.

Gillott noted that it may be difficult to determine if there is enough parking for the project because they do not know the demographics of the renters.

Stycos expressed concern with individuals that may have 3 cars to store in the parking area.

Tomei noted that the developer would most likely self-police the parking issues that come up because they need to have all of their tenants happy.

Langer noted that they would figure out a solution. Schuler noted a solution is typically one that may include partnering with a local storage unit facility for their tenants to utilize. That is fairly typical for these projects.

Tomei noted that this is a large project for the Village and there is nothing else like it in the Village, which is the reason for so much scrutiny.

There being no additional comments or concerns, Dawson moved to close the public hearing. Seconded by Stycos; Ayes by Tomei, Stycos, Gillott, Dawson, and Schleelein.

General Conditions 145-59E

Tomei read the general conditions for special permits, Section 145-59E. The Board evaluated the special permit application against the required general conditions.

Dawson noted that she felt that there was not adequate parking for the project and that the street system may have an issue with the additional traffic.

Gillott asked if there was natural gas to the site, as at the last meeting Moseley indicated that natural gas supply is in short supply right now for most of the Village and Town of Lansing.

Schuler noted that they would be able to get natural gas to the site, but it would cost them extra money.

After further discussion about parking, vehicle traffic, and parking area, Gillott Moved that 145-59 E (General Conditions) have been satisfied. Seconded by Schleelein; Ayes by Tomei, Schleelein, Gillott, and Stycos. Nays by Dawson.

Dawson noted that the project will not alleviate any of the housing issues in the Village.

Stycos indicated that the developer will most likely raise the rent and decrease the amenities after the 10 year commitment, which will force seniors out of this project.

Tomei noted that this project is a fairly nice amenity to the Village and noted that there are higher traffic generating uses that could be allowed to be built there instead.

Moseley conveyed that Chairman of the Board of Zoning Appeals, Lynn Leopold, had voted against the project's requested height variance request not because it was a bad project, but because the height was so great that she felt it would have an adverse effect on the Village and neighborhood. Moseley noted that Leopold asked him to convey that she felt that the project was a good project overall.

Gillott moved the following resolution.

VILLAGE OF LANSING PLANNING BOARD PROPOSED AMENDED APPROVAL RESOLUTION ADOPTED ON JULY 28, 2015 FOR SPECIAL PERMIT NO. 2689 PREVIOUSLY ADOPTED ON OCTOBER 23, 2012 AND REAFFIRMED ON JANUARY 14, 2013

Motion made by: ________________*John Gillott*________

Motion seconded by: _________*Lisa Schleelein*__________

WHEREAS*:*

A. This matter involves consideration of the following proposed action: Special Permit #2689, to construct a multi-story, approximately 87,515 square feet, Mixed Use building, on the West Side of Cinema Drive in between Homewood Suites LLC and CFCU Community Credit Union, in the Commercial High Traffic District, Tax Parcel No. 46.1-6-4.2. Because the proposed construction is located in the Commercial High Traffic District, special permit approval required pursuant to Section145-43D(2)[c] of the Village of Lansing Code, and is a requested and proposed amendment to the previously granted special permit that was granted prior hereto; and

B. On October 15, 2012, the Village of Lansing Planning Board, based upon the application materials presented for the proposed action, determined that the applicant would need to seek an area (height and buffer strip) variance from the Village of Lansing Board of Zoning Appeals, and thereupon recommended that such variance application be submitted to the Village of Lansing Board of Zoning Appeals for action concurrently with the pending special permit review by the Village of Lansing Planning Board; and

C. On October 15, 2012, the Village of Lansing Planning Board, (i) determined that the proposed action is an Unlisted Action for which the Village of Lansing Planning Board and the Village of Lansing Board of Zoning Appeals are involved agencies in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR") and 6 NYCRR Section 617.6; (ii) expressed it intention to perform the lead agency function for the coordinated SEQR environmental review with the Village of Lansing Board of Zoning Appeals; and (iii) provided notice thereof [including Part I of the SEQR Short Environmental Assessment Form (the "Short EAF")] to the Village of Lansing Board of Zoning Appeals; whereupon thereafter the Village of Lansing Board of Zoning Appeals concurred with the Village of Lansing Planning Board's designation as the lead agency for SEQR review of the proposed action; and

D. On October 23, 2012, the Village of Lansing Planning Board (i) thoroughly reviewed the Short EAF, Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), (iii) completed the Short EAF, Part II; and (iv) made a negative determination of environmental significance ("Negative Declaration") in accordance with SEQR for the above referenced proposed action and determined that an Environmental Impact Statement would not be required, whereupon the special permit application was determined to be complete; and

E. On October 23, 2012, the Village of Lansing Planning Board held a public hearing regarding this proposed action, and thereafter thoroughly reviewed and analyzed (i) the materials and information presented by and on behalf of the applicant in support of this proposed action, including information and materials related to the environmental issues, if any, which the Board deemed necessary or appropriate for its review, (ii) all other information and materials rightfully before the Board (including, if applicable, comments and recommendations, if any, provided by the Tompkins County Department of Planning in accordance with General Municipal Law Sections 239-l and –m), and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations; and

*F. On October 23, 2012, the Village of Lansing Planning Board determined that Special Permit No. 2689 was **GRANTED AND APPROVED**, subject to the following conditions and requirements:*

A. *Approvals for the height of the structure, buffering of the project to adjacent residential district, and parking for the project are subject to the Village of Lansing Board of Zoning Appeals granting the required area variances as applied for by the applicant.*
B. *There shall be no type of drive-thru or similar amenity allowed as part of any mixed use/commercial components of the project.*
C. *A final lighting plan shall be submitted to and approved by Village of Lansing Lighting Commission prior to installation.*
D. *Landscaping plan shall be submitted to and approved by the Planning Board prior to installation.*
E. *Approval by the Village of Lansing Engineer and Village of Lansing Storm Water Officer of, but not limited to, site work, storm water management and infrastructure plans, and implementation thereof. Drainage easements for potential impact from the stormwater management facilities on neighboring parcels shall be obtained, provided to the Village for approval by the Village Engineer, Stormwater Officer and Attorney, and thereafter recorded at the Tompkins County Clerk's Office.*
F. *Approval by the Superintendent of Public Works for the proposed curb-cut on Cinema Drive; and*

thereafter, such Special Permit No. 2689 was reaffirmed by the Village of Lansing Planning Board on January 15, 2013 following the completion of the required General Municipal Law 239 –l, -m, and nn review process; and

G. *The applicant having not yet commenced work on the previously approved and reaffirmed Special Permit, the applicant has requested of the Planning Board of the Village of Lansing certain proposed amendments to be made in accordance with Village of Lansing Code/Zoning Law Sections 145-57 and 145-59; and*

H. *On December 8, 2014, the Village of Lansing Planning Board determined that the proposed amendments are deemed to be "major" in further accordance with Village of Lansing Code/Zoning Law Sections 145-59; and*

I. *Thereafter, over the following recent months, additional review and preparation by the applicant and Village of Lansing Planning Board has been undertaken regarding the proposed amendments; and*

J. *On July 13, 2015, (i) additional review of the proposed Special Permit amendments was undertaken by the Village of Lansing Planning Board; (ii) updated and additional SEQR review was completed by the Village of Lansing Planning Board, whereupon it was determined that the proposed amendments would not result in any negative environment affects and the previous October 12, 2013 Negative Declaration would continue to be in effect; (iii) a further current public hearing was held, kept open for possible further public participation at the next regularly scheduled Village of Lansing Planning Board meeting on July 28, 2015, and then closed; and (iv) it was acknowledged that the proposed amendments were provided to the County Planning Department and neighboring municipalities for General Municipal Law Sections 239-l, m and nn and the Planning Department on July 10, 2015 issued its response letter determining that the proposed action will not have any negative inter-community or county-wide impacts; and*

K. *On July 28, 2015, in accordance with Section 725-b of the Village Law of the State of New York and Sections 145-59, 145-60, 145-60.1 and 145-61 of the Village of Lansing Code, the Village of Lansing Planning Board, in the course of its further deliberations, reviewed and took into* *consideration (i) the general conditions required for all special permits (Village of Lansing Code Section 145-59E), (ii) any applicable conditions required for certain special permit uses (Village of Lansing Code Section 145-60), and (iii) any applicable conditions required for uses within a Combining District (Village of Lansing Code Section 145-61);*

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. *The Village of Lansing Planning Board hereby reaffirms (i) its prior October 23, 2012 special permit approval of the proposed action and (ii) its prior reaffirmed January 25, 2013 special permit approval of the proposed action, subject to and together with the amendments approved hereby, and further finds (subject to the conditions and requirements set forth below) that the proposed action meets (i) all general conditions required for all special permits (Village of Lansing Code Section 145-59E), (ii) any applicable conditions required for certain special permit uses (Village of Lansing Code Section 145-60), and (iii) any applicable conditions required for uses within a Combining District (Village of Lansing Code Section 145-61); and*

2. *It is hereby determined by the Village of Lansing Planning Board that Special Permit No. 2689 is **REAFFIRMED, GRANTED AND APPROVED**, together with and subject to (i) the prior reaffirmations of Special Permit No. 2689, (ii) new and additional amendments approved hereby, (iii) the accompanying conditions and requirements previously set forth below, (iv) any additional conditions and requirements further determined hereby set forth below, and (v) any amended and/or required area variances as applied for by the applicant and/or the as required by the Village of Lansing Board of Zoning Appeals:*

    a. *Approvals for the height of the structure, buffering of the project to adjacent residential district, and parking for the project are subject to the Village of Lansing Board of Zoning Appeals granting the required area variances as applied for by the applicant.*

    b. *There shall be no type of drive-thru or similar amenity allowed as part of any mixed use/commercial components of the project.*

    c. *Prior to a building permit being issued, a final lighting plan shall be submitted to and approved by Village of Lansing Lighting Commission prior to installation.*

    d. *Landscaping plan shall be submitted to and approved by the Planning Board prior to installation.*

    e. *Prior to a building permit being issued, approval by the Village of Lansing Engineer and Village of Lansing Storm Water Officer of, but not limited to, site work, storm water management and infrastructure plans, and implementation thereof. Drainage easements for potential impact from the stormwater management facilities on neighboring parcels shall be obtained, provided to the Village for approval by the Village Engineer, Stormwater Officer and Attorney, and thereafter recorded at the Tompkins County Clerk's Office.*

f. Prior to a building permit being issued, approval by the Superintendent of Public Works for the proposed curb-cut and sidewalk connections on Cinema Drive.

g. Required permits, approvals, consents and other authorizations from all applicable Federal, State, County and local governmental and regulatory agencies shall be obtained, maintained and complied with for all permitted improvements, operations and activities as authorized by this special permit approval, and such improvements, operations and activities shall at all times comply with all applicable Federal, State, County and local laws, codes, rules and regulations.

h. Soil and Erosion control measures shall be implemented and coordinated as required, and approved by either the Village of Lansing Stormwater management Officer and/or the Village of Lansing Engineer.

i. Prior to a building permit being issued, a maintenance agreement shall be submitted to and approved by the Village Attorney, Village Engineer, and Village Stormwater Management Officer pertaining to the stormwater facilities

j. Prior to a building permit being issued, water consumption proposed for the occupancy of the new building shall be provided to the Village of Cayuga Heights and the Village of Lansing for the issuance of the required sewer permits prior to the issuance of the building permit.

k. Based upon documentation provided for proposed parking needs anticipated in conjunction with the new building, the applicant shall provide a minimum of 100 parking spaces for the new building site, with the appropriate set aside parking area for possible spaces on adjoining lots, all in accordance with section 145-55 of the Village of Lansing Code.

l. Prior to a building permit being issued, a joint use agreement shall be provided to and approved by the Village Attorney and Code Enforcement Officer for all adjoining properties that shall serve as shared parking. These shared parking spaces shall be required to be maintained and utilized by the C.U. Suites LLC project in so long as the proposed project is utilized as a mixed use type development in accordance with the approved 59 units of senior housing and two commercial components totaling no more than 2,680 square feet.

m. Prior to a building permit being issued, an agreement and all necessary documentation that is acceptable to and approved by the Planning Board, Code Enforcement Officer and Village Attorney shall be executed as required to confirm that that the property shall be encumbered such that it can only be utilized for senior housing for no less than ten (10) years from the issuance of the necessary and required Certificate of Compliance to be provided by the Village Code Enforcement Officer, and all necessary documentation shall be filed and recorded at the Tompkins County Clerk's Office; excepting, however, the permitted use for the proposed mixed commercial use totaling no more than 2,680 square feet on the first floor of the building. Such agreement shall further indicate that *the minimum senior housing age of 55 years is required in order to occupy the residential portion of the project.*

n. A Clean set of revised plans shall be submitted to and approved by the Planning Board and Code Enforcement Officer.

o. Prior to a building permit being issued for the use of the commercial components, a parking plan and commercial use shall be approved by the Planning Board, unless the applicant can provide proof that adequate parking is provided for the project and is approved by the Planning Board.

The vote on the foregoing motion was as follows:

AYES: Mario Tomei, Lisa Schleelein, John Gillott, and Maria Stycos

NAYS: Deborah Dawson

The motion was declared to be carried.

Approval of Minutes:
Dawson moved to accept the minutes of June 30, 2015, as amended; Seconded by Stycos; Ayes by Tomei, Stycos, Dawson, Gillott, and Schleelein.

Trustee Report:
Gillott reported on the Trustee meeting of July 20, 2015. For a complete report of the meeting please see the Trustee minutes.

Other Business
Dawson distributed a memo and report that she has written entitled *Housing-Cost Burden in the Village of Lansing*. Dawson indicated that she wrote the memo for the Planning Board members because she would like the Board to begin to formally discuss the topic of affordable housing in the Village. Dawson noted that the Village has a serious crisis with housing affordability and urged the Planning Board to review her report and the attached information. Dawson noted that there are mechanisms that can be set in place to require affordable housing to be built into projects. Dawson stated that there is only one affordable housing option in the Village, and it is the apartment complex at 134 Graham Road. Dawson further expressed concern with the appearance and maintenance of the apartments at 134 Graham Road. Dawson explained some of the statistics of the handout to the Board. Dawson added that all residents deserve to have fair affordable housing. Dawson's memo/report on affordable housing is attached to these minutes.

Tomei noted that there will be a joint Planning Board and Board of Trustees meeting on August 10th to discuss the draft Comprehensive Plan. He urged all to review and provide comments.

Adjournment
Dawson moved to adjourn at 9:13 PM. Seconded by Gillott; Ayes by Tomei, Dawson, Gillott, Schleelein, and Stycos.

July 28, 2015

TO: Mario Tomei
Michael Baker
John Gillott
Lisa Schleelein
Maria Stycos
David Dubow
Marty Moseley

FR: Deborah Dawson

RE: Housing-Cost Burden in the Village of Lansing

Purpose

As you all know, Lisa Schlelein, Jodi Dake, and I have been preparing a preliminary draft of the Village Comprehensive Plan for the past several months. We have been using the drafts prepared by the subcommittees that included Trustees, Planning Board members, and interested citizens. Many of the drafts contained tables of data gathered and evaluated by the US Census Bureau and HUD – tables which became a substantial Appendix to the Comprehensive Plan draft.

To digest and work with the information in the Appendix tables is to realize that an unacceptably large number of our Village residents struggle to put a roof over their heads every month. It was this realization that prompted me to ask the developer to consider charging "affordable" rent for the first-floor apartments in the proposed CU Suites project. However, my concerns about housing costs are not limited to one project. Like almost every urban/suburban community in Tompkins County, our Village has a housing cost problem. To facilitate the Planning Board's discussion and consideration of that problem, I am submitting this briefing memorandum to acquaint you with the data that have so disturbed me.

Data Sources

Attached for your convenience are:

- the Appendix of Tables from the draft Comprehensive Plan;
- a table of fair market rents in Tomkins county, compiled from on-line HUD data sets ("FMR Table");
- my compilation of rents charged by the apartment complexes in the Village of Lansing;
- a summary of Land-Use Tools to Promote Affordable Housing, provided to me by the Tompkins County Legislature; and
- two Model Zoning Ordinances (for Incentive Zoning and Inclusionary Zoning) also available from Tompkins County.

Other data sources that are available to you on line are:

- "Who Can Afford to Live in a Home?: A look at the data from the 2006 American Community Survey" ("2006 ACS Study") www.census.gov/hhes/www/housing/special-topics/files/who-can-afford.pdf ;
- "Who Could Afford to Buy a Home in 2009? Affordability of Buying a Home in the United States" ("2009 ACS Study") www.census.gov/prod/2013pubs/h121-13-02.pdf ;
- "Affordable Housing Needs Assessment Prepared for Tompkins County Planning Department" ("Housing Needs Assessment") www.tompkinscountyny.gov/files/planning/HNA/documents/HNA.pdf ; and
- "The case for more housing in Tompkins County" ("Ithaca Voice article") www.ithacavoice.com/2015/07/the-case-for-more-housing-in-tompkins-county/ .

Defining "housing-cost burden"

The conventional public policy indicator of housing affordability in the United States is the percentage of income spent on housing. This measure dates back to the National Housing Act of 1937, which measured eligibility for public housing based upon household income, and not the rent level. The rent threshold under amendments to the 1968 Housing and Urban Development Act has stood at 30% of household income since 1981. This standard has also been almost universally accepted by the home loan industry.

For public policy purposes, a household spending 30 percent of more of its gross income on housing costs is "housing-cost burdened." A household spending 30%-49.9% of its gross income on housing costs is carrying a "moderate" housing-cost burden. A household spending 50% or more of its gross income on housing costs is carrying a "severe" housing-cost burden.

Housing costs are different for renters and homeowners. For renters, "housing costs" comprise contract rent and utilities (electricity, gas, water and sewer, and "other"). For homeowners, "housing costs" include: mortgages and home equity loans; real estate taxes; Homeowner's insurance; condo fees; mobile home "rent"; and utilities (electricity, gas, water and sewer, and "other").

<u>Who is hit hardest by housing-cost burden?</u>

According to the 2006 ACS Study, mortgaged households comprised the highest percent of owner-occupied housing units, and mortgaged owners carried the highest overall share of housing-cost burden.[1] However, the study found that ***renters had the highest share of severe housing-cost burden.*** Moreover, the most burdened renter groups were the elderly and the poor.[2]

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[1] As noted in the 2006 ACS Study, a housing-cost burdened household at higher income levels will have sufficient income left over to meet its non-housing needs and wants. For families at these levels, the housing-cost burden is a lifestyle choice, and not truly a housing affordability "problem." The percentage of household income that is used for housing costs increases fairly dramatically as property values increase above $100,000, and levels off at about $500,000.

[2] This finding is hardly surprising. A "poor" household with one working member earning at or near minimum wage (*e.g.*, $9 an hour) for 40 hours per week grosses $18,720 per year, or $1560 per month, and can afford to spend only $468 per month on housing costs without exceeding the 30% limit.

A senior citizen receiving a monthly retiree benefit of $1354.82 (the median monthly benefit paid to retired workers in 2014, as reported by the Social Security Administration at www.ssa.gov/policy/docs/statecomps/supplement/2014/5c.pdf) can afford only $406.44 per month. Granted that many seniors have additional sources of income, the fact remains that, for 60% of of Social Security recipients, their Social Security benefits represent at least half of their income. For recipients in the lowest income quintile, Social Security comprises as much as 80% of their income. *See* www. pensionrights.org/publications/statistics/income-social-security.

As of 2006, over 50% of renters in New York State were housing-cost burdened. Among these burdened renters, the group most affected by housing-cost burden comprised individuals who were 65 and older.[3] Not surprisingly, well over 70% of renters who lived on Social Security alone were housing-cost burdened. Among seniors, the only group that was *not* housing-cost burdened was the employed senior group.

As of 2006, 55% of NYS renters in the bottom income quartile (earning $25,244 per year or less) were severely housing-cost burdened. Someone earning $25,000 per year and paying half of that amount for shelter had little more than $1,000 per month left to meet all of his/her other living expenses – food, clothing, medical care, and transportation - in 2006.

The data analyzed in the 2009 ACS Study established that the vast majority of renters are at the mercy of landlords and the rental market. Only 7% of households who rented in 2009 could have afforded to purchase a modestly priced home in 2009.[4] 74% of renters were or would be disqualified for mortgage financing for more than one reason (including insufficient cash to make even a minimal down payment and pay closing costs, poor credit history, insufficient income to make mortgage payments, and other debt payments that would reduce the amount of income available for mortgage payments).

According to the study, only about 50% of American households (including current owners and renters) could afford to purchase a modestly priced home in the state where they lived in 2009. (This finding represented a substantial decrease from prior years' reports, *e.g.*, 58% of American households could afford to purchase a modestly priced home in 2004.) In 2009, 94% of the households who could afford to purchase a home already owned their homes.

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[3] As early as 2003, the General Accounting Office reported to Congress that housing affordability as the single greatest financial problem facing elderly Americans. *See* "Elderly Housing: Project Funding and Other Factors Delay Assistance to Needy Households," GAO-03-512 (May 30, 2003).

[4] The 2009 ACS study defined a "modestly priced home" as a home that was among the 25% least expensive owner-occupied homes in the metropolitan area where a family resided. The study used the 30% rule to determine affordability.

The housing market in Tompkins County

The Housing Needs Assessment determined that there is a general shortage of housing, as well as a shortage of affordable housing, throughout Tompkins County – and particularly in the "urban" areas of the County.

The Housing Needs Assessment is seriously outdated, since the data it uses was collected in 2004, the needs projections relate to 2005, and needs beyond that are based on population projections for 2005-2014.[5] However, the document is valuable for a couple of reasons:

1. It uses local job and wage data – particularly median household income - to focus its analysis of Tompkins County's housing-cost burdened populations; and
2. It identifies trends (in terms of which populations are most affected by shortages of housing and affordable housing) and circumstances in the County which are highly unlikely to have changed much in the last ten years.

The pertinent trends identified in the Housing Needs Assessment include the following:

- From 1994 to 2004, home price increases outpaced household income growth by more than 20%. From 1998 to 2004, median housing costs rose by close to 50%, while median household income actually declined.
- In 2004, a household at median income level could not afford to buy a home at the median price level in Tompkins County without becoming housing-cost burdened.
- In 2004, only about 43% of single-family home sales transactions in Tompkins County were priced at levels affordable to households earning 100% of the median household income.
- Very few(a little over 5%) of the employment sectors available in Tompkins County paid enough so that a household with only one working member could afford to buy a home at the median price. Most households needed to have two or more working members in order to afford to buy a home.

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[5] On July 8, 2015, The Ithaca Voice article analyzed and updated the Housing Needs Assessment's 2005-2014 projections. The article noted that the population projections originally used did not take into account an increase of approximately 2200 in the combined Cornell and IC student populations. Meanwhile, Cornell, which accounts for over 2000 of these additional students, has not built any new student housing and is planning to close the Maplewood Park complex, which houses 480 people. Factoring in these changes in population and student housing increases the number of new housing units now needed in Tompkins County from the study's projection of 1860 to 2832!

- Just over half of the employment sectors available in Tompkins County paid enough so that a household with only one working member could afford to rent an apartment at the median price without becoming housing-cost burdened.
- In 2005, more than half of Cornell's employees, and more than 60% of people who worked in downtown Ithaca, commuted to work from outside Tompkins County, because the cost of living in the County was so high.

The Housing Needs Assessment concluded that Tompkins County would need 2127 new rental units, and 1767 new owner-occupied units, by 2014. It recommended that almost 73% of the new rental units and just over 57% of the new homes should be affordable for households earning median household income or less.

The housing market in the Village of Lansing

According to the Ithaca Voice article, only about 43% of the units and a little over 63% of the owner-occupied units recommended by the study had been built as of the end of 2014. Although the article gives no figures as to how many of the newly built units were/are "affordable," Census and HUD data indicate that very few units have been added to the available stock of affordable housing in Tompkins County.

Census and ACS Data (*see* Table 1. Housing Cost Data, 2000 to 2010) indicate that the median value of an owner-occupied housing unit in Tompkins County increased 63.3%, from $101,600 to 165,900, from 2000 to 2010. During the same period, the value of an owner-occupied housing unit in the Village of Lansing increased 34.3%,[6] from $188,400 to $258,000.[7] In 2010, median monthly housing costs for homeowners in the Village were $1648 (with mortgage) and $850 (without mortgage). These costs created housing cost burdens for 29% of Village homeowners with mortgages (88 families) and 23.7% of Village

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[6] At first glance, this percentage increase seems acceptable, given that median household income in the Village rose by 43.3%, from $38,185 to $54,721, during the same decade. However, the overall increase in median household income is somewhat misleading. The largest percentage increases by far were in the number of households (412) who advanced into income brackets above $50,000. 644 of the 1633 households 939%) in the Village earned less than $50,000 per year. (*See* Table 2. Detailed Household Income Data, 2000 to 2010.)

[7] From 2001 to 2010, the average construction cost of a new home in the Village rose from $194,500 to $467,818. (*See* Table 3. New Housing Starts and Average Costs of Building, 2001-2010).

homeowners without mortgages (50 families). A total of 102 of the 526 households (almost 20%) who owned homes in the Village were spending 35% or more of their gross income on housing costs as of 2010.

In 2010, over twice as many Village households (1114) lived in rental housing (and paid rent[8]) as compared to households living in owner-occupied housing (526). And, while median family income rose by 34.3% from 2000 to 2010, the median rent in the Village rose by 42.4%, from $722 to $1028 per month. 442 of Village households paying rent were housing-cost burdened; 382 of them (over 34%) were spending more than 35% of their gross income on rent.

Since the 2010 Census data were gathered, rental costs in the Village of Lansing have only become more expensive. According to HUD, fair market rents in Tompkins County have risen by 33% to 86%, depending on the size of the unit, between 2005 and 2010. (*See* FMR Table.) Fair market rent for a one-bedroom apartment increased 58.97%, from $602 to $957 per month, and a two-bedroom apartment increased 62.5%, from $705 to $1146 per month. (Rental increases for larger apartments were more drastic.) And it's worth noting that, of the nine local apartment complexes I surveyed,[9] only one is renting apartments priced at or below the fair market rates specified by HUD (and they assured me that rents would be going up for the next school year).

<u>How should we proceed?</u>

It is not my purpose here to propose solutions, although I have attached some information on regulatory and zoning tools that address affordable housing problems. I'm not sure how many and which of these might be practicable for our Village. Before we get to that question, however, I believe that the Planning Board ought to have a full and frank discussion about the scope of the problem and whether we want to take any steps to address it. I hope that the information I've provided here will be useful in that discussion.

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[8] Census data indicates that, although 1129 Village rental units were occupied in 2010, only 1114 were occupied by households or individuals who paid rent.

[9] The apartment complexes I checked were Chateau Claire, Gaslight Village, Lansing West, Northwoods, The Meadows, University Heights, University Park, and Uptown Village. I also checked Warrenwood, which is just outside the Village boundary. I obtained rental information by checking websites, calling rental offices/agents, or visiting the apartment complexes.

TABLES FROM APPENDIX TO COMPREHENSIVE PLAN

Table 1. Housing Cost Data, 2000 to 2010

Units in Structure	Tompkins County			Town of Lansing			Village of Lansing			Town of Lansing (outside Village)		
	2000	2010	% Change	2000	2010	% Change	2000	2010	% Change	2000	2010	% Change
Total housing units	38,625	41,258	6.8%	4,647	5,062	8.9%	1,666	1,776	6.6%	2,981	3,286	10.2%
1-unit detached	19,128	20,671	8.1%	2,494	2,844	14.0%	391	466	19.2%	2,103	2,378	13.1%
1-unit attached	1,254	1,270	1.3%	214	96	-55.1%	166	56	-66.3%	48	40	-16.7%
2 units	3,493	3,621	3.7%	195	284	45.6%	33	98	197.0%	162	186	14.8%
3 or 4 units	3,239	3,568	10.2%	290	287	-1.0%	146	103	-29.5%	144	184	27.8%
5 to 9 units	2,821	3,694	30.9%	411	549	33.6%	276	443	60.5%	135	106	-21.5%
10 to 19 units	1,753	1,657	-5.5%	508	407	-19.9%	480	388	-19.2%	28	19	-32.1%
20 or more units	3,255	3,254	0.0%	211	280	32.7%	174	222	27.6%	37	58	56.8%
Mobile home	3,671	3,793	3.3%	324	315	-2.8%	0	0	-	324	315	-2.8%

Value, Mortgage and Affordability	Tompkins County			Town of Lansing			Village of Lansing			Town of Lansing (outside Village)		
	2000	2010	% Change	2000	2010	% Change	2000	2010	% Change	2000	2010	% Change
Owner-occupied units	13,449	21,305	58.4%	1,903	2,724	43.1%	353	526	49.0%	1,550	2,198	41.8%
Median value	101,600	165,900	63.3%	127,800	196,600	53.8%	188,400	253,000	34.3%	-	-	-
Owner-occupied units with a mortgage	9,726	12,836	32.0%	1,361	1,674	23.0%	215	299	23.8%	1,146	1,375	20.0%
Median monthly owner costs for houses with	1,094	1,517	38.7%	1,354	1,731	27.8%	-	1,648	-	-	-	-
Median monthly owner costs for houses without	434	595	37.1%	443	651	47.0%	620	850	65.2%	-	-	-
Select monthly owner indicators - costs as percentage of household income:*												
30.0 to 34.9 %	692	-	-	74	-	-	9	-	-	65	-	-
35.0 % or more	1,881	-	-	287	-	-	82	-	-	205	-	-
Percentage owner-households with mortgage incurring more than affordable housing cost**	19.1%	-	-	19.0%	-	-	25.8%	-	-	17.4%	-	-
Select monthly owner (with mortgage) indicators - costs as percentage of household income:*												
30.0 to 34.9 %	-	1,012	-	-	91	-	-	25	-	-	-	-
35.0 % or more	-	2,695	-	-	385	-	-	63	-	-	-	-
Percentage owner-households with mortgage incurring more than affordable housing cost**	-	28.9%	-	-	28.4%	-	-	29.4%	-	-	-	-
Select monthly owner (without mortgage) indicators - costs as percentage of household						-	-		-			
30.0 to 34.9 %	-	315	-	-	61	-	-	11	-	-	-	-
35.0 % or more	-	996	-	-	90	-	-	39	-	-	-	-
Percentage owner-households (without mortgage) incurring more than affordable housing cost**	-	15.6%	-	-	14.6%	-	-	23.7%	-			
Renter-occupied units	16,607	17,226	3.7%	1,880	1,910	1.6%	1,135	1,129	-0.5%	745	781	4.8%
Units paying rent	16,200	16,938	4.6%	1,852	1,874	1.2%	1,135	1,114	-1.9%	717	760	6.0%
Median rent	611	888	45.3%	683	1,004	47.0%	722	1,028	42.4%	-	-	-
Select monthly renter indicators - costs as percentage of household income:*												
30.0 to 34.9 %	1,176	1,393	18.5%	171	164	-4.1%	86	60	-30.2%	85	104	22.4%
35.0 % or more	7,100	7,652	7.8%	534	576	7.9%	344	382	11.0%	190	194	2.1%
Percentage renter-households incurring more than affordable housing cost**	49.8%	52.5%	5.4%	37.5%	38.9%	3.7%	37.9%	39.1%	3.3%	36.9%	35.2%	-4.6%

Data Sources: Census 2000, 2010, 2007-2011 American Community Survey 5-Year Estimates

Table 2. Detailed Household Income Data, 2000 to 2010

	Village of Lansing						Tompkins County					
	2000		2010		Difference (2010-2000)	% Change	2000		2010		Difference (2010-2000)	% Change
Household Income	N Households	%	N Households	%	N(diff)	N(diff)/N(2000)	N Households	%	N Households	%	N(diff)	N(diff)/N(2000)
Less than $10,000	102	6.76%	79	4.84%	-23	-22.55%	4,534	12.43%	4,312	11.40%	-222	-4.90%
$10,000-$14,999	69	4.58%	88	5.39%	19	27.54%	2,921	8.01%	1,988	5.26%	-933	-31.94%
$15,000-$24,999	286	18.97%	94	5.76%	-192	-67.13%	5,307	14.55%	3,606	9.54%	-1701	-32.05%
$25,000-$34,999	223	14.79%	192	11.76%	-31	-13.90%	4,423	12.13%	3,439	9.09%	-984	-22.25%
$35,000-$49,999	251	16.64%	191	11.70%	-60	-23.90%	5,689	15.60%	4,888	12.93%	-801	-14.08%
$50,000-$74,999	270	17.90%	520	31.84%	250	92.59%	6,762	18.54%	7,074	18.71%	312	4.61%
$75,000-$99,999	77	5.11%	161	9.86%	84	109.09%	2,908	7.97%	4,262	11.27%	1354	46.56%
$100,000-$149,999	131	8.69%	130	7.96%	-1	-0.76%	2,559	7.02%	5,829	15.42%	3270	127.78%
$150,000-$199,999	31	2.06%	129	7.90%	98	316.13%	609	1.67%	1,654	4.37%	1045	171.59%
$200,000 or more	68	4.51%	49	3.00%	-19	-27.94%	752	2.06%	760	2.01%	8	1.06%
Median household income (dollars)	$ 38,185.00	-	$ 54,721.00		$ 16,536.00	43.30%	$ 37,272.00	-	$ 48,655.00	-	$ 11,383.00	30.54%
Mean household income (dollars)	$ 52,577.00	-	$ 70,072.00		$ 17,495.00	33.28%	$ 47,607.00	-	$ 66,115.00	-	$ 18,508.00	38.88%
TOTAL	1508	100%	1633	100%	125		36,464	100%	37,812	100%	1348	

Data Sources: Census 2000 Summary File 3 and American Community Survey 2006-2010

Table 3. New Housing Starts and Average Costs of Building, 2001-2010

Year	Number of Houses Built	Average Cost*
2001	6	$194,500
2002	8	$208,776
2003	12	$256,167
2004	10	$332,800
2005	9	$214,389
2006	10	$315,300
2007	9	$277,111
2008	9	$304,056
2009	4	$384,607
2010	11	$467,618
2001-2010	Annual Average: 8.8	Weighted Average: $298,118
1991-2000**	Annual Average: 7.7	Weighted Average: $165,278

*Average Cost is based on the Estimated Cost of Construction as stated on the Building Permit, and is, at best, a crude lagging indicator of market value or sale price, both of which include the cost/value of land and other factors.

** The data for 1991-2000 is contained in Table 3-6 on page 26 of *The Village of Lansing Comprehensive Plan* as Updated and Adopted on April 4, 2005.

Village of Lansing Planning Code Enforcement, 2015

Table 3. Detailed Age Distribution Data, 2000 to 2010

	Tompkins County			*Town of Lansing*			*Village of Lansing*			*Town of Lansing (Outside Village)*		
	2000	*2010*	*% Chg.*	*2000*	*2010*	*% Chg.*	*2000*	*2010*	*% Chg.*	*2000*	*2010*	*% Chg.*
Population	96,501	101,564	5.2%	10,521	11,033	4.9%	3,417	3,529	3.3%	7,104	7,504	5.6%
Under 5 years	4,285	4,322	0.9%	582	573	-1.5%	213	194	-8.9%	369	379	2.7%
5 to 9 years	5,076	4,410	-13.1%	685	614	-10.4%	162	167	3.1%	523	447	-14.5%
10 to 14 years	5,344	4,537	-15.1%	803	681	-15.2%	158	142	-10.1%	645	539	-16.4%
15 to 19 years	12,395	12,612	1.8%	852	768	-9.9%	166	148	-10.8%	686	620	-9.6%
20 to 24 years	16,250	17,402	7.1%	626	606	-3.2%	334	307	-8.1%	292	299	2.4%
25 to 34 years	12,915	13,684	6.0%	1,739	1,651	-5.1%	901	914	1.4%	838	737	-12.1%
35 to 44 years	12,335	10,382	-15.8%	1,702	1,497	-12.0%	504	507	0.6%	1,198	990	-17.4%
45 to 54 years	12,028	11,982	-0.4%	1,604	1,676	4.5%	424	373	-12.0%	1,180	1,303	10.4%
55 to 59	3,906	6,191	58.5%	533	877	64.5%	152	215	41.4%	381	662	73.8%
60 to 64 years	2,710	5,113	88.7%	337	688	104.2%	85	181	112.9%	252	507	101.2%
65 to 74 years	4,637	5,711	23.2%	629	771	22.6%	167	212	26.9%	462	559	21.0%
75 to 84 years	3,368	3,421	1.6%	349	469	34.4%	124	128	3.2%	225	341	51.6%
85 years and over	1,252	1,797	43.5%	80	162	102.5%	27	41	51.9%	53	121	128.3%

Data Sources: US Census 2000 and 2010

HUD FAIR MARKET RENT DATA COMPARISON FOR FY 2005-2015
SHOWING MEDIAN PERCENTAGE INCREASE OF 64.7%

	Efficiency	1BR	2BR	3BR	4BR
FY 2005	$585	$602	$705	$853	$885
FY2015	$780	$957	$1146	$1588	$1593
% Increase	33%	58.97%	62.5%	86%	80%

APARTMENTS (AND PRICES*) IN THE VILLAGE OF LANSING

Chateau Claire Apartments Cinema Drive	$1065 (1BR) -- $1200 (2BR) (incl utilities)
Gaslight Village Apartments** 37 Uptown Road	$1040 (1BR) -- $1255 (2BR)
Lansing West Apartments** 2250 N.Triphammer Road	$1040 (studio) -- $1740 (3BR)
Northwoods Apartments** 700 Warren Road	$965 (studio) -- $1760 (3BR)
The Meadows Town Homes 100 Graham Road	$975 (1BR) -- $1450 (3BR)
University Heights Apartments 134 Graham Road	$800 (1st FL 1BR) $975 (3rd FL 2BR) (incl gas and water)
University Park Apartments 87 Uptown Road	$1000 (1BR) -- $1400 (2BR)
Uptown Village Apartments 101 Uptown Road	$1295 (2BR) -- $1400 (3BR)
Warrenwood 600 Warren Road (*just outside the Village*)	$1000 (1BR) -- $1770 (3BR)

* Prices as of July 2015. I was assured by the folks I spoke with that rates go up every year.

** Owned and operated by the Solomon Organization.

Land-Use Tools to Promote Affordable Housing

INCLUSIONARY ZONING

Local governments can promote affordable housing by encouraging or requiring developers of new housing developments to contribute to the amount of affordable housing in the community. Inclusionary zoning can take many forms, with some programs being mandatory and others providing incentives to developers, such as density bonuses, zoning variances, or parking waivers. Some programs require cash contributions to an affordable housing fund, while others involve construction of affordable units within the development.

Requirements for Developers of Affordable Housing

- **Mandatory set-asides** - In exchange for development approval, developers must construct and set aside a certain percentage of homes to be rented or sold affordably. Some communities allow building the units off-site.

- **Rental-to-Owning Conversion Limits / Condominium Conversion Limits**– Requires a certain percentage of units remain in the rental market to prevent large reductions in a town's available rental stock. This requirement prevents conversions to condominiums that often increase the cost of housing and displace residents. Also, turnover of affordable units can be prevented through deed restrictions.

- **Housing Requirements for Office Development**– Requires the construction of affordable housing in return for a permit to build offices and industrial developments. This requirement "links" the construction of offices and/or industrial facilities to the construction of housing for new workers.

- **Cash contributions** to affordable housing funds (although research shows this is less effective).

Incentives for Affordable Housing

Incentive zoning is a system by which zoning incentives are provided to developers on the condition that the development includes a specified percentage of affordable housing units. Incentives include increases in the permissible number of residential units or gross square footage of development, or waivers of the height, setback, use, or area provisions of the zoning ordinance. Incentive zoning can provide an economic incentive to set aside a number of affordable housing units.

- **Density bonuses** - Density bonuses allow developers to build more units than otherwise permitted, in exchange for construction of a certain percentage of affordable units. Density bonuses allow developers to build additional market-rate units without having to acquire more land, thereby reducing land cost per unit, and providing an economic incentive to construct affordable housing units. Where water and sewer infrastructure can accommodate increased density, reducing lot sizes lessens the cost of construction, with savings that can be passed along to buyers.

  Both zoning and subdivision regulations can be modified to allow density bonuses for development of affordable housing as follows: (1) reduce minimum lot sizes, (2) reduce minimum unit sizes, (3) allow multiple units per lot.

  - **Reduce Minimum Lot Size** - Reducing frontage and lot-width requirements, reducing setbacks from the street or property lines, and waiving minimum lot size requirements will promote smaller and more affordable lots.

- **Reduce Minimum Unit Size** - Reducing unit size and lot coverage requirements allows developers to build smaller and more affordable units, relative to market rate units, by reducing construction and land costs. Many programs allow unit size reduction while establishing minimum sizes.
  For example, Burlington, Vermont, requires that inclusionary units be no smaller than 750 sqft. (1-bedroom), 1,000 sqft. (2-bedroom), 1,100 (3-bedroom) or 1,250 sqft. (4-bedroom).

- **Allow Multiple Units per Lot**– Allowing developers to build two or more units per lot, either attached or detached, allows units to be constructed at higher density without needing more land, thereby reducing land cost per unit.
  For example, Boston, Massachusetts, grants inclusionary housing projects greater allowances for floor area-to-land area ratio.
  Sacramento, California , permits modifications of road width, lot coverage, and minimum lot size in relation to design and infrastructure needs.

- **Parking waivers / Relaxed Parking Requirements** - Reducing the requirements for parking spaces per unit reduces overall costs and increases land efficiency and housing units per site. Measures to reduce parking burden include reducing the minimum number or size of spaces, and allowing underground, structured, or tandem parking. Parking requirements are easily controlled by linking to the number of bedrooms per unit (For example, 1.35 spaces for one-bedrooms, and 1.5 spaces for 2 bedrooms).
  For example, Denver, Colorado, waives 10 required parking spaces for each additional affordable unit, up to a total of 20 percent of the original parking requirement.

- **Street Right-of-Way Reduction** - Reducing minimum width of streets and drainage infrastructure reduces costs of development.

- **Fee Waivers, Reductions, or Deferrals** – Reducing costs by waiving the impact or permit fees that support infrastructure development and municipal services provides an economic incentive to provide affordable housing. A municipality must budget for this, since it will mean a loss of revenue. Alternatively, allowing delayed payment of impact or permit fees reduces the developer's carrying costs, while placing minimal burden on municipalities. One approach allows developers to pay fees upon receipt of certificate of occupancy, rather than upon application for a building permit.
  For example, Longmont, California, waives up to 14 fees if developers construct additional affordable units or units at deeper levels of affordability. Average fees waived are $3,250 per single family home and $2,283 per apartment unit.
  San Diego, California, allows deferral of Development Impact Fees and Facility Benefit Assessments.

- **Fast Track Permitting** - Streamlining the permitting process for development projects reduces developers' carrying costs, such as interest payments on predevelopment loans and property taxes. Fast track permitting is facilitated by quick design reviews, clear information on design requirements provided early in the design process, and prompt answers to inquiries.
  For example, Sacramento, California, expedites the permitting of affordable housing projects to 90 days from the usual time frame of 9-12 months. The City estimates an average savings of $250,000 per project.

LAND USE AND ZONING TOOLS

Overlay zones – Overlay zones build on the underlying zoning, and establish additional or stricter standards and criteria. The standards of the overlay zone apply in addition to those of the underlying zoning district. Overlay zones can be used to allow affordable housing in selected areas, regardless of the current zoning. Municipalities can also use overlay zones in existing low density, single use areas to encourage mixed-use or higher density development.

Floating zones – Floating zones are zoning districts that are described in a zoning ordinance, but unlike conventional zoning districts, are not designated on the zoning map. Once enacted into law they "float" over the community until, upon approval of an application, it is affixed to a particular parcel through an amendment to the zoning map. The floating zone is particularly useful in situations where a community wishes to permit a limited number of specific uses but does not wish to map their locations in advance. It also allows for locating use types which cannot be anticipated but which the plan would like to provide for. The floating zone allows this kind of control and flexibility.

Planned Unit Development – The Planned Unit Development (PUD) is a comprehensively planned land development project. By focusing on overall project design rather than traditional lot-by-lot zoning, PUD regulations give developers flexibility in use, setbacks and minimum lot sizes, while giving local governments valuable oversight in project design. PUDs may include provisions to encourage affordable housing, clustering of buildings, designation of common open space, and incorporation of a variety of building types and land uses that can help create a "community within a community".

PUD ordinances may be adopted as a part of a community's zoning code, subdivision code, or as a stand-alone ordinance. PUDs may be a separate zoning districts, or as conditional or special-use permitted in selected districts. Some municipalities also designate PUDs as "floating zones" which do not apply to a particular location until an application is received and approved.

Performance zoning – Performance zoning is a type of flexible zoning which determines land use locations and characteristics through a system of performance criteria that regulates the impact of development on surrounding areas. Unlike traditional, "euclidean" zoning, which separates land uses into discreet districts based on their presumed compatibility or incompatibility with predetermined lists of permitted and prohibited uses, performance-based zoning systems evaluate proposed land uses on a case-by-case basis according to the merits of each proposal. To obtain a development permit under a performance-based zoning system, a proposed land use must show it will meet the specified performance standards without negatively impacting the community.

Many communities implement performance zoning through a point system that ties development approval to the ability of a proposed project to qualify for a sufficient number of points. Points are awarded for meeting basic performance criteria. Such performance criteria may include provision of affordable housing, compliance with density standards, compatibility with neighborhood, proportion of open space, traffic generation given capacity of existing streets, and noise levels.

Small Area Plans - Small Area Plans (sometimes called Precise Plans) are comprehensive planning documents that can be used to encourage mixed-use and compact development for defined geographic areas, such as downtowns and individual neighborhoods. While municipal-wide comprehensive plans guides development policy for entire cities, towns, or villages, small area plans guide development policy for specific neighborhoods. Small Area Plans usually contain comprehensive zoning and design guidelines that replace an area's original zoning, and guide the provision affordable housing, clustering of buildings, designation of common open space, and promotion of small retail that can help create a "community within a community."

SPECIFIC ZONES / PERMITTED USES

Accessory Dwelling Units - Small dwelling units constructed within or added onto existing single-family houses. Accessory dwelling unit are additional living units, with separate kitchen, sleeping, and bathroom facilities, attached or detached from the primary residential unit, on a single-family lot. Attached "accessory apartments" often involve the renovation of a garage, basement family room, attached shed, or a similar space in a single-family home. These units increase the number of units within the footprint of an existing structure, and when rented, provide income for homeowners and relatively inexpensive space for renters. Detached "accessory cottages" are structurally independent from the primary residence. These units are typically placed in the rear or side yard, and often house elderly parents being cared for by their adult children living in the primary unit (see ECHO). Detached accessory cottages are generally more expensive to build than accessory apartments.

Cluster and Tandem Development - Cluster development allows more compact lot sizes and arrangements, more efficient use of infrastructure and greater densities than those allowed under traditional zoning, resulting in lower development costs. A 1978 HUD report notes that the cost of street pavement, clearing and storm sewers for cluster development is only 62 % of these costs for comparable traditionally zoned development. Permitting cluster developments "by-right" in certain zones can provide a relatively straightforward (and therefore, less costly) way of encouraging economical development without increasing overall density.

Tandem development, or the development of two single-family units on a single lot, also reduces development costs. Orlando Florida has pioneered its use by allowed tandem units as a conditional use in zones that also allow duplex development.

Elder Cottage Housing Opportunities (ECHO) – ECHO units are small, separate temporary manufactured homes that are installed in the side or back yards of single-family homes, and enable seniors to live very near their children without living in the same house. ECHO units allow older adults to get needed support while remaining independent in their own homes, and allow adult children the privacy and space. ECHO units are temporary and can be relocated. Locally, Better Housing for Tompkins County rents small modular homes to income-eligible seniors who wish to live in an Elder Cottage next to the family home of their adult children or other supportive relatives or friends. Municipalities can encourage ECHO units by permitting their use in residential areas.

Higher Density (upzoning) - Rezoning residential land to allow greater density (measured by the number of housing units allowed on a parcel). Higher density can include both multi-family and single-family housing. Municipalities that allow higher densities may also enact special design requirements to ensure that new higher density developments are compatible with existing housing in the community. Upzoning is one of the most basic and potentially effective techniques for promoting housing affordability.

Multifamily - Multifamily housing consists of separate units for more than one family, and includes a variety of types of apartments and condominiums. Due to reduced cost per unit compared with single-family homes, multifamily housing represents important opportunities for affordable housing. By housing more people on less land, multifamily housing developments make it possible to preserve more open space and natural features than do single-family housing developments, and require less public infrastructure, including roads, sewer and water pipes, and electricity and gas lines. Integration of affordable housing into market-rate multifamily developments is also easy.

Multifamily living often is the best or preferred housing solution for many people at different stages in their lives for a variety of reasons. It provides an important housing option for young people just starting out in a career or saving to buy a home, as well as for senior citizens who no longer care to maintain a single-family home yet want to remain near their children and grandchildren.

Mixed Use - Allows a variety of land uses, often including office, commercial, residential, and light manufacturing combined within a single development or district. Mixed-use zoning allows a balanced mix of office, commercial, and residential uses in close proximity to increase convenience for residents and to lessen the need for commuting and/or shopping trips needed. Mixed-use developments can range in size from single buildings, with apartments located over retail uses, to large-scale projects that include office and commercial parcels along with hotels, convention centers, theaters, and housing. Mixed-use development often allows diverse residential opportunities, and encourages more efficient land-use. For example, allowing second floor housing above retail space will lower cost of housing and improve the efficiency of public transit.

Mixed-use developments can be regulated in various ways. Some communities allow residential uses by-right or by special permit in certain identified commercial zones. Other communities allow mixed uses within a planned unit development or in special mixed-use districts which would allow this type of development by-right in designated areas.

Mobile and manufactured homes - Transportable dwelling units on permanent chasses, connected to plumbing, heating and electrical systems, often without permanent foundations. Mobile/manufactured homes have production costs substantially lower than conventional built housing, and represent a significant source of affordable housing for low- and moderate-income households. With improved construction quality in recent decades, manufactured housing provides a viable option for people seeking affordable homeownership. Towns can develop design standards for manufactured housing to ensure quality design and siting. Municipalities can increase the areas zoned to accommodate these new homes in order to enhance the location options for mobile/manufactured home buyers and contribute further to their affordability.

Senior Citizen Housing -Senior housing includes a variety of senior housing types, including:

- **Senior apartments** - multifamily residential properties for persons age 55 years or older. Senior apartments do not have central dining facilities and generally do not provide meals to residents, but many offer community rooms, social activities, and other amenities.
- **Independent living communities** - age-restricted multifamily properties with central dining facilities that provide residents as part of their monthly fee with access to meals and other services such as housekeeping, linen service, transportation, and social and recreational activities.
- **Assisted living residences** - state regulated properties that provide the same services as independent living communities, but also provide supportive care from trained employees to residents who are unable to live independently and require assistance with activities of daily living (ADLs) including management of medications, bathing, dressing, toileting, ambulating, and eating.
- **Alzheimer's/Dementia Care Facilities** - state licensed settings that specialize in caring for those afflicted with Alzheimer's disease and/or related dementias.
- **Continuing care retirement communities** - a combination of independent living, assisted living and skilled nursing services (or independent living and skilled nursing) available to residents all on one campus. Resident payment plans vary and include entrance fee, rental, and condo/coop programs.

Small lots / Small lots district – Allow reduced minimum lot sizes for single-family detached or attached housing in order to lower development costs and faciltate affordable housing development. Small lots, which may range from 2,500 to 6,000 sq. ft., and small lot districts permit: (1) reducing minimum lot size requirements to allow building on lots that are currently below the specified minimum size for their locales; and (2) dividing large lots that currently have excess space. Municipalities can designate special small lot zoning districts to permit development on small lots within an entire district and encourage the use of innovative site design techniques.

SUBDIVISION REGULATIONS

Cluster development / subdivisions - Cluster subdivisions have more compact lot sizes and arrangements, more efficient use of infrastructure and greater densities than those allowed under traditional subdivisions, resulting in lower development costs. A 1978 HUD report notes that the cost of street pavement, clearing and storm sewers for cluster development is only 62 % of these costs for comparable traditionally zoned development.

Cluster subdivisions are similar to planned unit developments (PUDs) to the extent that they both involve clustering of homes on smaller lots; however, a cluster subdivision is limited to residential uses, usually requiring less stringent review procedures, and which may or may not result in higher overall densities. Cluster subdivisions are more closely related to traditional subdivision development since they generally comply with existing zoning standards governing overall density and land use restrictions. As in PUDs, clustering decreases development and infrastructure maintenance costs by reducing street lengths, sidewalks, utility lines, and sewer infrastructure. Cluster developments can provide residents with an enhanced sense of community, protected open space, and increased affordability.

Permitting cluster subdivisions "by-right" in certain zones can provide a relatively straightforward (and therefore, less costly) way of encouraging economical development without increasing overall density. Cluster subdivision ordinances may include a statement of purpose, provisions permitting transfer of densities within the subdivision, review criteria, identification of districts where cluster subdivisions will be allowed, minimum size requirements, and open space requirements. Cluster subdivisions generally conform to a zoning districts "gross density" requirements (measured by the number of housing units per acre relative to the total area of the site), but may increase the site's "net density" (measured by the number of housing units per acre relative to the buildable area of the site), by reducing lot sizes and concentrating development on a smaller portion of the available site.

SITE PLAN REQUIREMENTS

Local governments can adopt site plan review regulations to govern the development of individual parcels of land. Site plan review requirements can be adopted in a stand-alone regulation, or can be incorporated into a zoning ordinance.

Since site plan review is concerned with how a parcel is developed, what a development will look like after it is completed, and how it will impact its neighbors, required site plan elements (that are defined by the municipality in the local law) may include: parking, site access (for vehicles, pedestrians, and bicycles), screening, signs, landscaping, architectural features, location and dimensions of buildings, adjacent land uses, and physical features meant to protect adjacent land uses and the community as a whole.

[Name of municipality], Tompkins County, New York
Incentive Zoning Ordinance [April 2009]

1. Title

This ordinance shall be known and may be cited as the "Incentive Zoning Ordinance of the [name of municipality]."

2. Purpose

The purpose of this ordinance is to promote public welfare by providing safe and affordable housing for all incomes; to ensure enough housing especially for low-income households; to mitigate housing shortage and balance the demand and supply of housing by constructing more housing units; to encourage developers to increase housing production under the inclusionary zoning ordinance by offering them incentives; and to integrate all residents of the County regardless of their income levels.

Note: This ordinance is offered separately from the inclusionary zoning ordinance, but may be combined together by requiring a mandatory set aside and giving incentives simultaneously.

3. Definitions

Affordable housing: A dwelling unit for which renters or homebuyers pay no more than 30% of their annual gross income on housing.

Area Median Income (AMI): The midpoint in distribution of gross annual income in a specific area, Tompkins County in this case. AMI is determined by the US Department of Housing and Urban Development and used to determine eligible households for affordable units.

Building-to-land ratio: The ratio of the first floor area of all buildings to the size of the land.

Developer: An individual or group including for-profit and non-profit organizations that construct housing units.

Dwelling unit: An independent living space comprised of one or more rooms with private bath and kitchen facilities.

Floor Area Ratio (FAR): The ratio of the total area on all floors of all buildings to the size of the land.

For-sale unit: A dwelling unit that is constructed to be sold to individuals or organizations.

Household, low-income: A household whose income is more than 50% but does not exceed 80% of the area median income.

Household, moderate-income: A household whose income is more than 80% but does not exceed 120% of the area median income.

Affordable unit: A dwelling unit that is constructed under this ordinance and rented or sold at affordable rents or affordable prices to low-income and moderate-income households.

Market rate unit: A dwelling unit that is rented or sold at rents or prices determined by the market.

Rental unit: A dwelling unit that is constructed for rental purposes.

Residential Development: Creation of one or more dwelling units for single-family, two-family, and multi-family residences.

4. Incentives

4.1. The following developments are eligible to receive incentives.

- New residential development, regardless of the type of dwelling units
- New Mixed-use development containing a residential component
- Renovation of an existing residential unit that increases the number of total residential units
- Conversion of an existing single-family residential unit to a two-family or multi-family unit

Choosing incentives is not a requirement. Developers voluntarily choose whether or not to receive incentives. However, developers who choose to receive incentives shall construct at least 10% of the project's total units as affordable housing to low-income households. The affordable units shall be constructed on site. (Refer to Section 5. Requirements for details.) Incentives shall include density bonus and fee reduction.

4.2. Density bonus: Developers shall be allowed increased density provisions in exchange for additional units of affordable housing.

- In order to preserve the character of community, higher density shall be first achieved by the reduction in the minimum lot size. The pre-existing height requirements are applied to the development.
- Density bonuses shall be granted based on the number of affordable units designated in the development. Developers shall be allowed to construct two additional market rate units per one affordable unit. The following table shall represent maximum density bonuses by the number of affordable units.

Number of affordable units (units)	Density bonus (units)
1	2
2	4
3	6
4	8
5	10
6	12
7	14
8	16
9	18
10	20

When a developer allocates more than 10% of the total units affordable, the following density bonus is applicable to the development. [Need to provide a cap.]

Number of affordable units (units)	Density bonus (units)
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9
10	10

Example:

- If 10 market rate units were developed with an additional 1 affordable unit then the developer would be eligible for 1 density bonus unit for a total of 12 units.
- If 10 market rate units were developed with an additional 10 affordable units then the developer would be eligible for 10 density bonus units for a total of 30 units.

- If higher-story development is unavailable due to site restrictions, the municipality may approve the density bonus by increasing building heights. Density bonuses shall be granted through the increase in building heights. Floor Area Ratio (FAR) requirements shall be waived in order to promote higher story development. However, the building-to-land ratio of the development with incentives shall remain the same as that of the development without incentives. This shall enable higher story development while preserving the present level of community character through green spaces, open spaces, and roads. Developers shall provide additional application materials for the increase in building height along with the general application process.

4.3. Fee reduction: A development with affordable units shall be eligible for fee reduction. All one-time fees including development proposal application fees and building permit fees shall be reduced in half. All annual fees shall be reduced in half for the first three years.

5. Requirements

5.1. Housing provision

- Any development included in Section 4.1 shall be eligible to apply for incentives, as long as the development provides at least 10% of the project's total units as affordable housing to low-income households. The required percentage shall increase to 15% five years after the adoption of the ordinance and 20% ten years after the adoption.

- If the formula results in any decimal fraction, all fractions shall be rounded up.

- The following table shall represent the minimum number of required affordable units by the total number of units, if developers choose to receive incentives.

Number of total units (units)	Number of affordable units (units)
1-10	1
11-20	2
21-30	3
31-40	4
41-50	5
51-60	6
61-70	7
71-80	8
81-90	9
90-100	10

- All design features are applied identically to for-sale units and rental units, except the period of affordability. (Refer to Section 7. Period of Affordability for details.) There is no requirement for the ratio of for-sale units to rental units.

5.2. Income targeting

All affordable units shall be rented or sold to low-income households whose incomes are between 50% and 80% of the area median income. Developers may allocate their affordable units to various income groups. No specific mix of income groups is required within the range of 50% to 80% of the area median income.

6. Affordable Units

6.1. Location of affordable units: All affordable units shall be constructed on site. All affordable units shall be dispersed throughout the project by being integrated with the market rate units.

6.2. Completion of construction: All affordable units shall be constructed concurrently with the market rate units. Progress rate of affordable units shall be the same as that of the market rate units.

6.3. Exterior appearance: Affordable units shall be constructed with the identical exterior design and materials that are used in the market rate units. Similar landscaping shall be applied to both affordable units and the market rate units.

6.4. Interior appearance: Interior materials and amenities in the affordable units may be different from those used in the market rate units, provided that:

- Number of bedrooms shall be proportional between affordable units and market rate units.

- Size of affordable units may be smaller than that of the market rate units, but shall be at least 80% of the size of the market rate units in the project or larger than minimum standards expressed in the following table, whichever is smaller.

Number of bedrooms	Unit size (square feet)
Studio	600
1	800
2	1000
3	1200
4 and more	1400

7. Period of Affordability

7.1. Rental affordable units: All rental affordable units shall remain affordable in perpetuity. Initial developers may sell the rental affordable units to individuals or organizations. However, the subsequent owners shall maintain the units as affordable rental units to low-income households. The new owners shall not sell the units as either market rate units or affordable for-sale units.

7.2. For-sale affordable units: All for-sale affordable units shall remain affordable in perpetuity. The Municipality balances long-term affordability and asset building of low-income households. Owners, except initial owners, may resell their units at anytime, but new buyers shall be limited to low-income households, moderate-income households, or organizations that will maintain the units as affordable. Initial owners shall not sell their affordable units within 10 years of the purchase, but may resell the units after 10 years to low-income households, moderate-income households, or organizations that keep the units affordable.

8. Approval Procedure

8.1. Developers shall provide documentation to receive an approval for the development. All application procedures shall be the same as the general application for a building permit. However, the developer shall submit additional documentation as follows:

- Site development plan including the number, sizes, types of all affordable units
- Site plan including allocation of the affordable units and the market rate units
- Timeline of construction for each of the affordable units and the market rate units
- Proof of funds to pay in-lieu fees, if applicable
- Location and characteristics for off-site construction of affordable units, if applicable
- Development plan and site plan for the off-site construction of affordable units, if applicable

8.2. Developers shall abide by all of the requirements under this ordinance, prior to the issuance of a building permit. The [name of municipality] and the developer shall sign the agreement in a legally binding form. The submission of the agreement shall be completed along with additional documentation.

9. Enforcement

9.1. A development plan shall not be approved, and therefore a building permit shall not be issued, unless the development plan satisfies the requirements under this ordinance. The [name of municipality] may deny, suspend, or revoke any development plan if the plan violates this ordinance.

9.2. The [name of municipality] may cancel any approved development plan or issued building permit if it fails to maintain the requirements for the required period of time; and may take legal action to stop or cancel the approval of the building permit.

10. Appeals

10.1. Any person aggrieved by any denial, suspension, or revocation of approval of the development plan under this ordinance may appeal to the appropriate municipal board to hear such appeal.

10.2. Any person aggrieved by a final determination under this ordinance may appeal to the New York State Court system for a review of such determination.

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Town of Beekman. 2001. Incentive Zoning Ordinance.

[Name of municipality], Tompkins County, New York
Inclusionary Zoning Ordinance [April 2009]

1. Title

This ordinance shall be known and may be cited as the "Inclusionary Zoning Ordinance of the [name of municipality]."

2. Purpose

The purpose of this ordinance is to promote public welfare by providing safe, decent, and affordable housing for all incomes; to ensure enough housing, especially for low-income households; to mitigate housing shortage and balance the demand and supply of housing by constructing more housing units; and to integrate all residents of the County regardless of their income levels.

3. Definitions

Affordable housing: A dwelling unit for which renters or homebuyers pay no more than 30% of their annual gross income on housing.

Affordable unit: A dwelling unit that is constructed under this ordinance and rented or sold at affordable rents or affordable prices to low-income and moderate-income households.

Area Median Income (AMI): The midpoint in distribution of gross annual income in a specific area, Tompkins County in this case. AMI is determined by the US Department of Housing and Urban Development and used to determine eligible households for affordable units.

Developer: An individual or group, including for-profit and non-profit organizations, that construct housing units.

Dwelling unit: An independent living space comprised of one or more rooms with private bath and kitchen facilities.

For-sale unit: A dwelling unit that is constructed to be sold to individuals or organizations.

Household, low-income: A household whose income is more than 50% but does not exceed 80% of the area median income.

Household, moderate-income: A household whose income is more than 80% but does not exceed 120% of the area median income.

In-lieu fee: A fee that a developer shall pay if the developer does not construct the required amount of affordable units. In order to foster an expansion of affordable units, the fees are allocated to the Tompkins County Housing Affordability Fund and the Tompkins County Housing Trust Fund.

Market rate unit: A dwelling unit that is rented or sold at rents or prices determined by the market.

Rental unit: A dwelling unit that is constructed for rental purposes.

Residential Development: Creation of one or more dwelling units for single-family, two-family, and multi-family residences.

4. Requirements

4.1. Housing provision

A. All new residential developments of 10 or more units are required to provide at least 10% of the project's total units as affordable housing to low-income households. The required percentage shall increase to 15% in five years after the adoption and 20% in ten years after the adoption of this ordinance.

B. If the formula results in any decimal fraction, all fractions shall be rounded up.

C. The following table shall represent the minimum number of required affordable units in relationship to the total number of units.

Number of total units (units)	Number of affordable units (units)
5-10	1
11-20	2
21-30	3
31-40	4
41-50	5
51-60	6
61-70	7
71-80	8
81-90	9
90-100	10

D. The number of total units shall be calculated on a 5-year basis. If 10 units are constructed as part of the same housing development within 5 years, the development shall be subject to the affordable housing requirement.

E. All requirements are applied identically to for-sale units and rental units. There is no requirement for the ratio of for-sale units to rental units.

4.2. Income targeting

- All affordable units shall be rented or sold to low-income households whose incomes are between 50% and 80% of the area median income. No specific mix of income groups is required within the range of 50% to 80% of the area median income. Developers may allocate their affordable units to various income groups.

4.3. Alternatives to construction of required affordable units: The [name of local government] highly encourages developers to construct affordable units within the project area, as required by this ordinance.

However, alternatives are offered in order to make developments more practical and to promote a variety of market mechanisms.

- In-lieu fees: In lieu of the construction of affordable units on site, developers may allocate funds to the Tompkins County Affordability Fund and the Tompkins County Housing Trust Fund. (Refer to "the Tompkins County Housing Affordability Fund and the Tompkins County Housing Trust Fund" in the front page for the description of the funds.) The In-lieu fee per one required affordable unit should be calculated based on the square feet of the required affordable units.[1] Developers shall make their in-lieu fee payment within 3 months after the issuance of building permits.

- Off-site construction: Developers may choose to construct affordable units in another site within the same municipality. The rate of the required affordable units to the total units is higher than the rate for on-site construction. Currently the rate for off-site construction is 20%. The rate shall increase to 25% five years after the adoption of the ordinance and 30% ten years after the adoption of this ordinance.

5. Affordable units

5.1. Location of affordable units: All affordable units shall be constructed on site, unless the developer chooses off-site construction. All affordable units shall be dispersed throughout the project by being integrated with the market rate units.

5.2. Completion of construction: All affordable units shall be constructed concurrently with the market rate units. Progress rates of affordable units shall be the same as that of the market rate units.

5.3. Exterior appearance: Affordable units shall be constructed with identical exterior design and materials that are used in the market rate units. Similar landscaping, garages and additional extras shall be applied to both affordable units and the market rate units.

5.4. Interior appearance: Interior materials and amenities in the affordable units may be different from those used in the market rate units, provided that:

- Number of bedrooms shall be proportional between affordable units and market rate units.

- Size of affordable units may be smaller than that of the market rate units, but shall be at least 80% of the size of the market rate units in the project or larger than minimum standards expressed in the following table, which ever is smaller.

Number of bedrooms	Unit size (square feet)
Studio	600
1	800
2	1000
3	1200
4 and more	1400

[1] The required square feet of the affordable units shall be calculated based on the table under Section 5.4 of this ordinance. $ per square foot of the affordable units with a maximum fee of $ per project shall be imposed. In case that the calculation results in any fraction, the amount of payment shall not be rounded up or down. In-lieu fees shall be tied to inflation and subject to change every year and may be found at [website address of the municipality].

6. Period of Affordability

6.1. Rental affordable units: All rental affordable units shall remain affordable in perpetuity. Initial developers may sell the rental affordable units to individuals or organizations. However, the subsequent owners shall maintain the units as affordable rental units to low-income households. The new owners shall not sell the units as either market rate units or affordable for-sale units. [Model language for deed restriction.]

6.2. For-sale affordable units: All for-sale affordable units shall remain affordable for at least five years from the initial sale. Owners, including initial owners, may sell their units at anytime, but new buyers shall be limited to low-income households for the first five years.

Note: However, the [name of municipality] fundamentally pursues perpetual affordability of all for-sale affordable units affordable in perpetuity. Therefore, if the [name of municipality] is able to assign proper number of staff for tracking, longer than 5-year limitation is desirable.

7. Approval Procedure

7.1. Developers shall provide documentation to receive an approval for the development. All application procedures shall be the same as the general application for a building permit. However, the developer shall submit additional documentation as follows:

- Site plan including the number, sizes, types of all affordable units.
- Site plan including allocation of the affordable units and the market rate units.
- Timeline of construction for each of the affordable units and the market rate units
- Proof of funds to pay in-lieu fees, if applicable.
- Proof of funds to construct off-site affordable units including land acquisition and construction costs, if applicable.
- Location and characteristics for off-site construction of affordable units, if applicable.
- Development plan and site plan for the off-site construction of affordable units, if applicable.
- Developers shall provide financial guarantees for in-lieu fees and off-site construction.

7.2. Developers shall abide by all of the requirements under this ordinance, prior to the issuance of a building permit. The [name of municipality] and the developer shall sign a legally binding agreement. The submission of the agreement shall be completed along with that of other documentation.

8. Enforcement

8.1. A development plan shall not be approved, and therefore a building permit shall not be issued, unless the development plan satisfies the requirements under this ordinance. The [name of municipality] may deny, suspend, or revoke any development plan if the plan violates this ordinance.

8.2. The [name of municipality] may cancel any approved development plan or issued building permit if it fails to maintain the requirements for the required period of time; and may take legal action to stop or cancel the approval of the building permit.

9. Appeals

9.1. Any person aggrieved by any denial, suspension, or revocation of approval of the development plan under this ordinance may appeal to the appropriate municipal board to hear such appeal.

9.2. Any person aggrieved by a final determination under this ordinance may appeal to the New York State Court system for a review of such determination.

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Appendix A: Inclusionary Housing Programs

Jurisdiction	Characteristic	Year	Population	Outcome	Trigger	Set Aside	Income	Length	Incentives
Davis, CA		1990	60,308		5 units	10%	<50% AMI *(2/7 units)* 50-80% AMI *(5/7 units)*	Permanent	25% Density Bonus
Sacramento, CA		2000	407,018	649 (2004)	9 units	15%	<50% AMI *(2/3 units)* 50-80% AMI *(1/3 units)*	30 yrs	25% Density Bonus Expedited review Reduced water/sewer fees Relaxed design guidelines Priority for subsidies
San Diego, CA		1992; 2003	1,233,341	1,200 $300,000 funds (2004)	10 units	10%	<65% AMI (rental) <100% AMI (own)	55 yrs	
San Francisco, CA		1992; 2002	776,733	578 (2004)	10 units	10%	< 80% AMI (rental) <120% AMI (Own)	50 yrs	Fee waivers
South San Francisco, CA		2001	60,552		5 units	20%	50-80% AMI *(2/5 units)* <80-120% AMI *(3/5 units)*		
Pleasanton, CA	Mandatory	1978	66482	300 units	15 units	15 (Multi-family) 20 (Single-family)			Fee waiver or deferral Design modification Second mortgages Priority processing
Morgan Hill, CA	Mandatory	1991	33559	302 units				30 years	Density bonus up to 25 percent
Roseville, CA	Incentive	1988	106266	2000 units		10			
Boulder, CO	Mandatory	1980; 1999	99,093	56 units (2003)	1 unit	20%	<80% AMI	Permanent	Density bonus: one additional unit per affordable unit
Denver, CO		2002	554,636	3,395 (2004)	30 units	10% *(for-sale)* 10% *(rental-voluntary)*	<80% AMI *(<3 stories)* <95% AMI *(4+ stories)* <65% AMI *(rentals)*	15 yrs	20% Density Bonus *(single family)* 10% Density Bonus *(multi-family)* $5000/for-sale unit *(up to ½ of all units)* $10,000/rental unit *(to <50% AMI)* $10,000/rental unit *(to <50% AMI)* Expedited review Reduced parking requirements
Boston, MA	Mandatory	2000	589,141	246 $1.8 million funds (2004)	10 units	10%	<80% AMI *(½ units)* 80-120% AMI *(½ units)*	Maximum legally allowed	None except - Increased height and FAR only in financial district

Cambridge, MA		1998	101,355	141 (2004)	10 units	15%	<65% AMI *(10-30% AMI using additional resources)*	Permanent	30% Density Bonus (½ market, ½ affordable)
Newton, MA	Mandatory	1977	80143	225 units	1 unit	10		99 years or permanency	Density bonus up to 25 percent
Montgomery County, MD	Mandatory	1973	717827	1210 units	50 units	12.5	< 65% AMI		Density bonus up to 22% Fee waivers Lower min. lot area Reduced property axes in high-rises
Santa Fe, NM		1998	62,203		1 unit	11-16%	Av.65%AMI	Resale restrictions	11-16% Density Bonus Simplified paperwork Fee waivers
East Fishkill, NY	Mandatory	2002							Density bonus up to 15 percent
Hastings-on-Hudson, NY	Mandatory	2001	7648		10 units	10			
New York City, NY	Mandatory	2005	8274527	2000 units		20	< 80% AMI	Permanency	1.25 square feet of bonus floor area per each square foot of affordable housing units
Southampton, NY	Incentive	2003	54712			20	30% - 80% AMI		
Southold, NY	Mandatory				5 units				Density bonus: one additional unit per affordable unit built in excess of 10%
Fairfax County, VA		1990	969,749	1/3 of the units go to <40% AMI	50 units	6.25-12.5%	<50% AMI *(1/3 rentals)* <70% AMI *(2/3 rentals)* <70% AMI *(own)* *(25-40% AMI using additional resources*	15 yrs (own) 20 yrs (rent) 50 yrs (prior to 1998)	20% Density Bonus
Loudon County, VA		1993; 2000	169,599	203 (1999)	50 units	6.50%	30-70% AMI (own) 30-50% AMI (rent)	15 yrs (own) 20 yrs (rent)	10% Density Bonus

Sources:

Mandatory Inclusionary Housing Programs
http://www.browardhousingpartnership.org/clientuploads/Reports/Inclusionary%20Zoning/IZComparison.doc

Saccardi and Schiff, Inc. 2005. Affordable Housing and Inclusionary Zoning Study for the C-2 District: Village of Green Neck Plaza, NY
http://www.greatneckplaza.net/PDF%20files%20and%20forms/Affordable%20Housing%20Study.%20July%202005.pdf
(Referred from Local zoning ordinances, proposed New York State legislation, "Practice Inclusionary Zoning Part Two," Zoning Practice, American Planning Association, October 2004 and "Zoning Affordability: the Challenges of Inclusionary Zoning," Zoning News, American Planning Association, August 2003)

Summary of the Tompkins County Housing Needs Assessment and Tompkins County Housing Strategy

The U.S. Department of Housing and Urban Development (HUD) defines housing as "affordable" if a household pays no more than 30% of income on housing. If a household pays more than 30% of income on housing, they are not able to spend their income on non-housing necessities such as food, health care, or transportation. Therefore, they are considered "cost-burdened".

The Tompkins County Affordable Housing Needs Assessment (August 2006) researched if housing in the County is "affordable". Based on 1999 Census data, 40% of households in the County spend more than a third of their income on housing and 20% of households spend more than half of their income on housing. It is anticipated that the County needs at least 3,900 new non-student housing units between 2005 and 2014. Specific needs by income levels are as follows:

- 38 % of 3,900 housing units need to be affordable to households with up to 50% of median income
- 16 % for households making between 50% and 80% of median income
- 21 % for households making between 80% and 120% of median income
- 25% market-rate housing

The demand growth per year is similar to the average supply rate over the 1990s (328 units per year). Therefore, the number of housing units itself is not a significant concern. However, the market-based provision of housing only offers housing for households who earn more than the area median income (approximately $50,000). Combined with the rapid growth in home prices and the low growth in income, the low- and moderate-income households are anticipated to face a housing shortage as well as a cost-burdened market.

Due to the shortage of affordable housing, workers in Tompkins County live outside the County where home prices are lower than those of Tompkins County. The mismatch of homes and workplaces results in heavy in-commuter traffic. In addition, the housing shortage can cause poor school performance by children in unstable housing and the large need for shelter for the homeless. In order to mitigate this problem, Tompkins County should implement policies and take action to promote affordable housing for households at the area median income or less.

Tompkins County suggests four strategies to solve current housing problems.

First, local municipalities should use inclusionary and incentive zoning to assign at least 20% of the total market rate units to households earning less than 80% of the area median income and at least 40% to households earning less than 120% of the area median income. In order to offset affordable housing development costs for developers, the municipalities may provide density bonuses and streamlined approval processes.

Secondly, with support from public and private sectors, the County should establish a Community Housing Trust to own land on which housing for households earning less than 80% of the area median income can be built.

Thirdly, the municipalities should encourage major employers to provide assistance to their employees who purchase houses near transportation nodes in terms of low-interest loans, down-payment subsidies, or closing-cost assistance.

Fourthly, with support from public and private sectors, the County should establish a Community Housing Affordability Fund to assist non-profit housing developers who provide housing for those who earn less than 80% of the area median income.

The Tompkins County Housing Affordability Fund and the Tompkins County Housing Trust Fund

A coalition of organizations, municipal leaders and others have established the Tompkins County Housing Development Action (TCHDA) Group. The group has developed two funds, the Tompkins County Housing Affordability Fund and the Tompkins County Housing Trust Fund, to be used to meet affordable housing needs of those who earn less than 80% of the area median income throughout the County. Tompkins County, Cornell University and the City of Ithaca have appropriated $2.4 million to be used for affordable housing funding awards to be made in 2008. For-profit and non-profit developers may apply for one or both funds.

The Tompkins County Housing Affordability Fund is a locally funded and administered fund that assists with the development costs associated with residential and mix-use real estate development projects. Funds are offered as a 0% interest loan. Funds can be used for the cost of options or purchase of land (with option for permanent ownership by the Community Housing Trust); environmental assessment; site design; building design; approvals; permits; financing; legal costs and other necessary and reasonable pre-development expenses.

The Tompkins County Housing Trust Fund is a locally funded and administered fund that promotes newly constructed or rehabilitated homes to remain affordable to future generations of buyers. Permanent affordability is retained by separating the ownership of the land from the ownership of the house, whereby only the house is purchased by the homebuyers, and by restricting the amount of equity that a homeowner can take from the house upon sale. Funds are offered as a grant that does not need to be repaid. Funds can be used for the cost of land if the housing unit remains permanently affordable through the Community Housing Trust or another acceptable mechanism. Applicants are encouraged to partner with Ithaca Neighborhood Housing Services (INHS) as the preferred agency that serves as a housing trust.

Despite the difference between the purposes of the two funds, the funds are collected and distributed through the same procedure as follows:

- Notice of Funding Availability (NOFA) is made available.
- An informative conference is held for clarifying the application process and answering questions from prospective applicants.
- Applicants submit their applications.
- A screening committee gives scores to each project based on the evaluation criteria, chooses top applications, and forwards them to the funding entity for final approval.
- The funding entity approves funding.

Specific information may be found at http://www.tompkins-co.org/planning.