



DATE: October 21, 2020
 TIME: 6:00 pm
 LOCATION: City of Ithaca Public Meetings YouTube Channel

REVISED PEDC Meeting

Planning and Economic Development Committee
 Ithaca Common Council

City Hall Remains Closed to the Public

This meeting will be conducted remotely via the online platform Zoom, pursuant to the Governor's Executive Order 202.1. A live stream is available at https://www.youtube.com/channel/UC7RtJN1P_RFaFW2IVCnTrDg

**** Please refer to the second page of this agenda to learn how to participate either by written comment or joining the meeting to speak ****

Agenda Items

Item	Voting Item	Presenter	Time Start
1) Call to Order/Agenda Review	No	Seph Murtagh, Chair	6:00
2) Public Comment *	No		6:05
3) Special Order of Business a) Discussion – IDA Labor Reporting Data	No	Heather McDaniel, TCAD	6:15
4) Announcements, Updates, Reports	No		6:45
5) Action Items (Voting to send on to Council) a) Carpenter Circle Planned Unit Development (PUD)	Yes	Lisa Nicholas and Jennifer Kuszniir, Planning	6:50
6) Action Items (Voting to Circulate) a) Allowing Dogs on the Commons	Yes	Jennifer Kuszniir, Planning	7:20
7) Review and Approval of Minutes a) May 2020	Yes		7:50
8) Adjournment	Yes		7:55

If you have a disability and require accommodations in order to fully participate, please contact the City Clerk at 274-6570 by 12:00 noon on Tuesday, October 20, 2020.

***General Public Comments**

Send written comments here: <http://www.cityofithaca.org/FormCenter/Planning-Economic-Development-Committee-18/Planning-Economic-Development-Committee--98> by **4:00 p.m. the day BEFORE the meeting**. All comments received will be forwarded to the Common Council for their consideration. Written comments received in advance of the meeting give the Committee members time to fully consider them. If you want your comment read aloud, please state so in your email and limit the comment to three minutes. A minimum of 15 minutes will be allotted at the beginning to read comments, if needed. The Chair will make an effort to accommodate as many read comments as time permits.

***Register to Speak via Zoom**

At 9:00 a.m. on the day of the meeting a link will be open to register for speaking at the beginning of the meeting via Zoom. The first hour of the meeting will be used for public comment. Registration will close at 3:00 p.m. in order for us to calculate how much time each person will be allotted. If you register, you will be emailed the Zoom link later that day. Use that link to sign in and enter the Zoom waiting room. You will be moved into the meeting for your allotted time in the order that you registered to speak. You must be present in the waiting room when your turn is called or you will forfeit your time. You can use video or telephone to participate.

All comments and questions can be emailed to Deborah Grunder at dgrunder@cityofithaca.org or call (607) 274-6551.



CITY OF ITHACA
108 E. Green St. — Third Floor Ithaca, NY 14850-5690
DEPARTMENT OF PLANNING AND DEVELOPMENT

JoAnn Cornish, Director

Planning & Development – 607-274-6550

E-Mail: dgrunder@cityofithaca.org

Community Development/IURA – 607-274-6565

To: Planning and Economic Development Committee
From: Jennifer Kuszniir, Senior Planner
Date: October 20, 2020
RE: Carpenter Circle Planned Unit Development (PUD) – Updated Ordinance

Enclosed please find an updated version of the Carpenter Circle PUD ordinance. The version that was included in the packet was a prior version that did not include some changes that were made and voted on at the December 2019 Planning Committee meeting.

In addition, enclosed for your consideration are comments from Marty Hiller of the Community Gardens and comments from Whitham Design, the Project Manager for the Carpenter Circle Project. Please let me know if you have any questions about any of these materials.

Suggested additions to the Carpenter Circle PUD Ordinance from Marty Hiller – Received October 20, 2020

WHEREAS, the applicant will further develop neighborhood streets, pedestrian and transit connections, shared parking, and green space, and will work with the not-for-profit sponsor of the Ithaca Community Gardens to reconfigure and improve it, and support its establishment as a permanent site, and

WHEREAS, the applicant has executed a non-binding Memorandum of Understanding with the not-for-profit sponsor of the Ithaca Community Gardens, dated October 22, 2019, which outlines among other things how costs associated with the reconfiguration of the Community Gardens will be covered, and how gardeners will be moved from their current plots to the new configuration, and

Section 2. Conditions...

- A legally-binding agreement is executed between the Project Sponsor and the not-for-profit sponsor of the Ithaca Community Gardens, based on the Memorandum of Understanding with Project Growing Hope, Inc., which includes among other things finalized details as to how the costs associated with the reconfiguration of the Community Gardens will be covered and how gardeners will be moved from their current plots to the new configuration.

Comments received from Whitham Design, Project Manager for the Carpenter Circle project- Received October 20, 2020

Dear All,

In response to Marty's request for changes to the PUD, regarding her first proposed change to the fourth whereas we have no objection to the naming structure change, and are comfortable with that naming structure change throughout the document as needed. She provided to us proposed conditions two weeks ago to review and approve. We approved that language. We are happy to accept the language proposed a couple weeks ago with the naming change. That language is below:

The other changes are unnecessary and lack a reference to the MOU which all sides spent significant time negotiating. As such, we feel it is important that we stick with the original conditions proposed by the Gardens.

The additional proposed language should be what the Gardens previously requested to have changed, included below, with the one addition in red as proposed by our construction manager.

- New WHEREAS clauses, to be added after "WHEREAS: Preliminary Approval for this project was subject to the following conditions....xxi..."
- WHEREAS, the terms of the PUD state that the project is intended to provide, as a community benefit, a permanent and improved space for community gardens open to the public, and that the applicant will work with Project Growing Hope, Inc., to reconfigure and improve the Ithaca Community Gardens, and support its establishment as a permanent site, and
- WHEREAS, the applicant has executed a non-binding Memorandum of Understanding with Project Growing Hope, Inc., dated October 22, 2019, which outlines among other things how costs associated with the reconfiguration of the Community Gardens will be covered, and how gardeners will be moved from their current plots to the new configuration, and
- New condition to be added to the Phase I conditions, after "xi. This site plan approval..."
- [new] xii. Submission and approval of a Letter of Commitment to provide continuous access to the Community Gardens during the garden season, and protection of its current infrastructure, so that the gardens can continue to operate in its current manner. **Any interruptions that may be necessary must be coordinated with Gardens representatives and the construction manager and will be minimized to the maximum extent practicable and only in the interest of safety as it relates to the construction work in the vicinity of the gardens.**
- New condition, to be added to the Phase II conditions, after "xx. Execution of Community Gardens Lease..."
- [new] xxi. Execution of a Binding Agreement, based on the Memorandum of Understanding with Project Growing Hope, Inc., which includes among other things finalized details as to how the costs associated with the reconfiguration of the Community Gardens will be covered and how gardeners will be moved from their current plots to the new configuration

Draft Resolution

Planning & Economic Development Committee

November 12, 2019-Amended October 20, 2020

**An Ordinance to Establish the Carpenter Circle Planned Unit
Development District**

ORDINANCE NO. _____

BE IT NOW ORDAINED AND ENACTED by the Common Council of the City of Ithaca that Chapter 325-13 of the City Code be amended as follows:

WHEREAS, on April 4, 2018, the Common Council adopted legislation creating a Planned Unit Development Overlay District (PUDOD), and

WHEREAS, on February 19, 2019, Whitham Planning and Design submitted an application on behalf of Park Grove Realty and Cayuga Medical Center for consideration to establish a Planned Unit Development district at Carpenter Circle, parcel numbers 36.-1-3.3 and 36-1-3.5, and

WHEREAS, the applicant is proposing the development of a new urban neighborhood, comprised of a medical facility, one 4-story residential building, and two 6-story buildings containing ground floor commercial space, parking, and 4 stories of apartments, and

WHEREAS, the applicant will further develop neighborhood streets, pedestrian and transit connections, shared parking, and green space, and will work with Project Growing Hope, Inc. reconfigure and improve the Ithaca Community Gardens, and support its establishment as a permanent site, and

WHEREAS, the total proposed development contains approximately 64,000 SF of medical office space, 215 new housing units, 42 of which will be designated as affordable units, 349 surface parking spaces, and 183 garage spaces, and

WHEREAS, the project is intended to provide the following benefits to the community

1. A permanent and improved space for community gardens open to the public;
2. Generation of approximately 150 jobs;
3. Construction of approximately 40 units of housing that would be priced to be affordable to those earning 50-60% of AMI;
4. High-quality public amenities, including improved pedestrian, transit, and bicycle access throughout the site, and public spaces including open green space, plazas for events and/or outdoor dining, a playground, and storm water management gardens featuring native plantings;
5. An improved gateway into the City of Ithaca on Route 13;
6. Alignment with the City's Comprehensive Plan and ongoing planning related to the Route 13 corridor and the Waterfront Zone; and

WHEREAS, the applicant has stated that the project could not proceed under the existing zoning due to setback and height requirements, and

WHEREAS, a public information session, hosted by the applicant, was held on April 8, 2019 and the meeting was advertised in the Ithaca Journal, the property was posted with signs and property owners within 500 feet of the property were notified by mail of the meeting, and **now therefore**

BE IT NOW ORDAINED AND ENACTED by the Common Council of the City of Ithaca that the City of Ithaca Establish the Carpenter Circle Planned Unit Development District as follows:

Section 1. Carpenter Circle Planned Unit Development District is hereby established as follows:

Carpenter Circle District

Table of Contents

- A. Legislative Intent
- B. Community Benefits
- C. Sub Areas
- D. Permitted Uses
 - 1. Primary
 - 2. Accessory
- E. Parking/Loading Requirements
- F. Area Requirements
 - 1. Minimum Lot Size (SF)
 - 2. Minimum Width in Feet at Street Line
 - 3. Maximum Building Height
 - 4. Maximum Percentage of Lot Coverage by Buildings
 - 5. Yard Dimensions.
 - a. Required Minimum Front Yard
 - b. Required Minimum Side Yard
 - c. Required Minimum Other Side Yard
 - d. Required Minimum Rear Yard.
 - 6. Minimum Building Height

ARTICLE IVB
Carpenter Business Circle Planned Unit Development

Part 1
Zoning Code

A. Legislative Intent

1. On February 19, 2019, Whitham Planning and Design submitted a an application on behalf of Park Grove Realty and Cayuga Medical Center for consideration to establish a Planned Unit Development district at Carpenter Circle, parcel numbers 36.-1-3.3 and 36-1-3.5. The applicant is proposing the development of a new urban neighborhood, comprised of a medical facility, one 4-story residential building, and two 6-story buildings containing ground floor commercial space, parking, and 4 stories of apartments. The completed project is intended to provide the following benefits to the community:
 - a. A permanent and improved space for community gardens.
 - b. Generation of approximately 150 jobs;
 - c. Construction of approximately 40 units of housing that would be priced to be affordable to those earning 50-60% of AMI;
 - d. High-quality public amenities, including improved pedestrian, transit, and bicycle access throughout the site, and public spaces including open green space, plazas for events and/or outdoor dining, a playground, and storm water management gardens featuring native plantings;
 - e. An improved gateway into the City of Ithaca on Route 13;and
 - f. Alignment with the City's Comprehensive Plan and ongoing planning related to the Route 13 corridor and the Waterfront Zone.

B. Community Benefits

1. Benefits. The project is intended to provide the following benefits to the community:

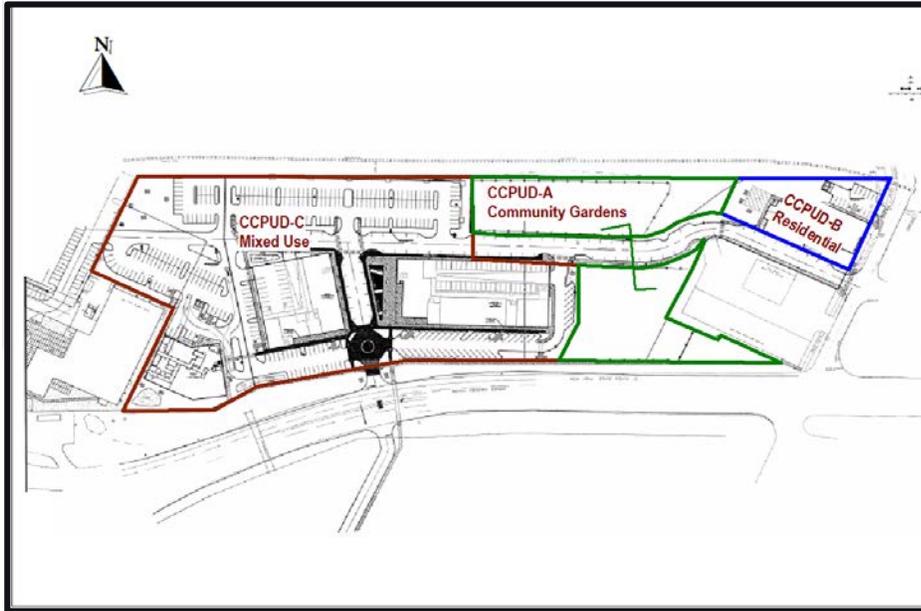
- a. A permanent and improved space for community gardens open to the public
- b. Generation of approximately 150 jobs;
- c. Construction of approximately 40 units of housing that would be priced to be affordable to those earning 50-60% of AMI;
- d. High-quality public amenities, including improved pedestrian, transit, and bicycle access throughout the site, and public spaces including open green space, plazas for events and/or outdoor dining, a playground, and storm water management gardens featuring native plantings;
- e. An improved gateway into the City of Ithaca on Route 13;and
- f. Alignment with the City's Comprehensive Plan and ongoing planning related to the Route 13 corridor and the Waterfront Zone.

2. In the event that the applicant is not able to provide all of the listed community benefits, the applicant will be required to return to the Common Council to renegotiate the terms of the Planned Unit Development.

C. Sub Areas. The Carpenter Circle Planned Unit Development District shall consist of 3 PUD-Sub Areas

- 1. CCPUD-A-This sub area is intended to be predominantly used for community gardens and may contain structures and parking areas that support the gardens.
- 2. CCPUD-B-This is a residential sub area.

3. CCPUD-C-This sub area is a mixed used district allowing for medical office, residential and small scale commercial uses.



- D. Permitted Uses.
 1. Primary Uses
 - a. CCPUD-a

- 1) Community Gardens
- b. CCPUD-b
 - 1) Multiple Family dwelling (See § 325-3).
- c. CCPUD-c
 - 1) Multiple Family dwelling (See § 325-3).
 - 2) Mixed-Use building.
 - 3) Medical Facility.
 - 4) Nursery school, child day care center, group Adult Day Care.
 - 5) Nursing, convalescent or rest home.
 - 6) Public park or playground.
 - 7) Library.
 - 8) Business or professional Office.
 - 9) Bank or Monetary Institution.
 - 10) Office of Government.
 - 11) Public, private or parochial school.
 - 12) Neighborhood commercial facility.
 - 13) Retail store or Service Commercial Facility.
 - 14) Restaurants, Fast Food Establishment, Tavern, with the exception of establishments where food or drink is intended to be served to or consumed by persons in automobiles.
 - 15) Club, Lodge or Private Social Center.
 - 16) Theater, Bowling Alley, Auditorium or Other Similar Place of Public Assembly.
 - 17) Hotel/Motel.
 - 18) Recreational or Cultural Facilities such as a Park, Playground, Art Museum.
 - 19) Community gardens.

2. Permitted Accessory Uses

- a. CCPUD-a
 - 1) Structure to support garden use
- b. CCPUD-b and CCPUD-c
 - 1) Any accessory use permitted in the ND Zone
 - 2) Drive-Thru Banking Services
 - 3) Parking Garages
 - 4) Dock

E. Parking/Loading Requirements

- 1. Parking Requirement-None
- 2. Off Street Loading Requirement-None

F. Area Requirements

1. Minimum Lot Size (SF)
2. Minimum Width in Feet at Street Line
3. Maximum Building Height
 - a. CCPUD-a
 - 1) Maximum building height of 2 stories and 30'
 - b. CCPUD-b
 - 1) Maximum building height of 4 stories and 60'
 - c. CCPUD-c
 - 1) Maximum building height of 6 stories and 80'
4. Maximum Percentage of Lot Coverage by Buildings-100%, Except for Required Setbacks
5. **Yard Dimensions.** CCPUD-a is exempt from all lot area requirements.
 - a. **Required Minimum Front Yard for CCPUD-b and CCPUD-c-**. No front yard setback is required, except as necessary to provide a minimum 5' sidewalk and an 8' tree lawn
 - b. **Required Minimum Side Yard for CCPUD-b and CCPUD-c.** If the side yard faces a street, no side yard setback is required, except as necessary to provide a sidewalk and tree lawn. No other setback required.
 - c. **Required Minimum Other Side Yard for CCPUD-b and CCPUD-c.** If the side yard faces a street, no side yard setback is required, except as necessary to provide a sidewalk and tree lawn. No other setback required.
 - d. **Required Minimum Rear Yard for CCPUD-b and CCPUD-c.** If the rear yard faces a street, no side yard setback is required, except as necessary to provide a sidewalk and tree lawn. No other setback required.
6. **Minimum Building Height. There is no minimum building height in the CCPUD-a district. For CCPUD-b and CCPUD-c,** New construction must be a minimum of 25' in height and 2 stories. Accessory structures of less than 250 SF may be 1 story.

Section 2. Conditions. All zoning changes describes in this PUD are contingent on the following:

- **The Project Sponsor obtains and records title in fee simple to all land proposed for inclusion on this PUD.**
- **An agreement is executed between the Project Sponsor and the Community Gardens, which outlines the improvements**

and/or funding that will be provided to the gardens by the project sponsor.

Section 3. The City Planning and Development Board, the City Clerk and the Planning Department shall amend the district regulations chart in accordance with the amendments made herewith.

Section 4. Severability. Severability is intended throughout and within the provisions of this local law. If any section, subsection, sentence, clause, phrase or portion of this local law is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portion.

Section 5. Effective date. This ordinance shall take effect after satisfaction of the contingency required in Section 2, above, and in accordance with law upon publication of notices as provided in the Ithaca City Charter.

Deleted: This ordinance shall take effect immediately and in accordance with law upon publication of notices as provided in the Ithaca City Charter.



CITY OF ITHACA
108 E. Green St. — Third Floor Ithaca, NY 14850-5690
DEPARTMENT OF PLANNING AND DEVELOPMENT

JoAnn Cornish, Director

Planning & Development – 607-274-6550

E-Mail: dgrunder@cityofithaca.org

Community Development/IURA – 607-274-6565

To: Planning and Economic Development Committee
FROM: Jennifer Kuszniir, Economic Development Planner
DATE: October 13, 2020
RE: **Proposal to Allow Leashed Dogs on the Commons**

Last month, the Downtown Ithaca Alliance passed a resolution requesting that the City amend the Commons Ordinance to allow leashed dogs on the Commons, which mirrors the existing rules in all other parts of the City. A copy of their resolution is enclosed.

Chapter 164 of the City of Ithaca Code, “Dogs and Other Animals”, outlines the rules for owning dogs in the City. The Code states that in all areas of the City it is illegal for dogs not to be restrained by an adequate collar and leash when they are on public property. This applies everywhere but on the Commons. Chapter 157, “Commons”, states that on the primary Commons no animals are permitted without a special permit, with the exception of service animals providing assistance to people with special needs and police working dogs.

Staff from the Downtown Ithaca Alliance, City Planning, Ithaca Police, and the Common’s Outreach Worker meet weekly to discuss Common’s related concerns. Issues surrounding dogs on the Commons have been an ongoing topic of conversation. There are currently many dogs on the Commons, both leashed and unleashed, and staff receives complaints regularly about unleashed dogs. Since the primary Commons is the only place in the City of Ithaca where dogs are not permitted, many people are unaware of this rule. This disconnect creates confusion among dog owners visiting the downtown area and makes it difficult to enforce any rules regarding dogs.

Staff recommends amending the City Code to permit leashed dogs on the Commons. In order to support the City in this change the Downtown Ithaca Alliance has agreed to purchase dog waste bag stations for the Commons entrances.

Enclosed for your consideration is a draft ordinance that would amend the City Code and allow dogs on leash to be on the Commons. If the Committee would like additional input, staff will circulate the draft resolution and return next month with any comments that are received.

If you have any concerns or questions regarding this information, please feel free to contact me at 274-6410.

06/04/19

Planning and Economic Development Committee
October 21, 2020

An Ordinance Amending The Municipal Code Of The City Of Ithaca,
Chapter 157, Entitled "Commons" To Allow for Leashed Dogs on the
Primary Commons

The ordinance to be considered shall be as follows:

ORDINANCE NO.

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF ITHACA,
CHAPTER 157, ENTITLED "COMMONS" TO ALLOW FOR LEASHED DOGS ON THE
PRIMARY COMMONS**

WHEREAS, Chapter 164-Article II of the City of Ithaca Code, "Dogs and Other Animals", states that in all areas of the City it is illegal for dogs to not be restrained by an adequate collar and leash when not on private property, AND

WHEREAS, Chapter 157, "Commons", further states that on the primary Commons no animals are permitted without a special permit, with the exception of service animals providing assistance to people with special needs and police working dogs, and

WHEREAS, because the primary Commons is the only place in the City of Ithaca where dogs are not permitted, many people are not aware of this rule and bring their dogs onto the Commons, and

WHEREAS, this disconnect with the rest of the City creates confusion among dog owners visiting the downtown area and makes it difficult to enforce any rules regarding dogs; now therefore,

BE IT NOW ORDAINED AND ENACTED by the Common Council of the City of Ithaca that Chapter 157 of the Municipal Code of the City of Ithaca, entitled "Commons", is hereby amended as follows:

Section 1. Chapter 157, Section 157-15A, be amended to read as follows:

§ 157-15. Dogs and other animals.

A. No animals are allowed on the Primary Commons except by special permit. This provision does not apply to leashed dogs, as allowed by Chapter 164-Article II-“Dogs”, and any service animals providing assistance to people with special needs and police working dogs.

Section 2. Severability. Severability is intended throughout and within the provisions of this local law. If any section, subsection, sentence, clause, phrase or portion of this local law is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portion.

Section 3. Effective date. This ordinance shall take effect immediately and in accordance with law upon publication of notices as provided in the Ithaca City Charter.

City of Ithaca
Planning & Economic Development Committee
Wednesday, May 11, 2020 – 6:00 p.m.
Common Council Chambers, City Hall, 108 East Green Street

Minutes

Committee Members Attending:	Joseph (Seph) Murtagh, Chair; Cynthia Brock, Stephen Smith, Donna Fleming, and Laura Lewis
Committee Members Absent:	Alderspersons McGonigal and Nguyen
Other Elected Officials Attending:	None
Staff Attending:	JoAnn Cornish, Director, Planning and Development Department; Anisa Mendizabal, IURA; Nels Bohn, IURA; Jennifer Kuszniir, Senior Planner; and Deborah Grunder, Executive Assistant
Others Attending:	Johanna Anderson, INHS Executive Director

Chair Seph Murtagh called the meeting to order at 6:00 p.m.

1) Call to Order/Agenda Review

No minutes were available for voting.

2) Public Comment

Theresa Alt, 206 Eddy Street, Personally I want to cheer on the work around CDBG funds, both the ongoing work plan and the temporary rental assistance. All good things. No comments just mean no corrections needed. Cheers.

Speaking for Ithaca Democratic Socialists of America as well as for myself, we commend Seph Murtagh's commitment to introducing at the June Common Council meeting a member resolution that will call for the City to urge our US Senators as well as representative to back HR 6515 and especially its Senate companion bill. This bill would cancel rents during the crisis for any renters who have somehow not received other aid, and it would compensate needy landlords who can apply for Federal funds.

Response from Council:

Chair Murtagh stated that he has been in contact with her.

3) Special Order of Business

a) Public Hearing: 2020 HUD Entitlement Action Plan

Aldersperson Brock moved to open the public hearing; seconded by Aldersperson Smith. Carried unanimously.

No one spoke on this topic

Aldersperson Brock moved to close the public hearing; seconded by Aldersperson Smith. Carried unanimously.

b) Public Hearing: Waterfront Zoning Amendments

Aldersperson Fleming moved to open the public hearing; seconded by Aldersperson Smith. Carried unanimously.

Todd Fox, asked that we slow down the process and allow his group to put forward with their plan to show everyone what we are proposing. He thinks that the design and function of the buildings are in line with what the City is looking for. Our biggest concern as to the length of the building and the change in the zoning will make this proposal not viable. With the amount of green space, the push and pull of the buildings, etc., we have been very responsive to and very considerate in the planning of this project and what the neighborhood is. We're asking for consideration and more time to work with the City on this project.

Aldersperson Lewis moved to close the public hearing; seconded by Aldersperson Brock. Carried unanimously.

4) Announcements, Updates, Reports

Anisa Mendizabal, IURA, announced that IURA released a call for proposals for CBDG funding \$100,000 for other urgent needs. Tuesday, May 26th is the deadline at noon. The application is on the IURA website. Anisa is available anytime for any questions.

Aldersperson Brock asked what would be considered urgent needs.

Anisa stated emergency rental assistance, homelessness, assistance to non-profits (anchor non-profits) that provide a unique audience. The RFP (request for proposals) will be used by other needs other than the three mentioned.

5) Action Items (Voting to Send on to Council)

a) 2020 HUD Entitlement Action Plan

Proposed Resolution

Planning & Economic Development Committee of Common Council

May 13, 2020

Draft 2020 Action Plan: City of Ithaca HUD Entitlement Program

Moved by Alderperson Lewis; seconded by Alderperson Smith. Carried unanimously.

WHEREAS, the City of Ithaca (City) is eligible to receive an annual formula allocation of funds to address community development needs through the U.S. Department of Housing & Urban Development (HUD) Entitlement Program from the Community Development Block Grant (CDBG) Program and the HOME Investment Partnerships (HOME) Program funding sources, and

WHEREAS, the City has contracted with the Ithaca Urban Renewal Agency (IURA) to administer, implement and monitor the City's HUD Entitlement program in compliance with all applicable regulations, and

WHEREAS, on an annual basis, an Action Plan must be submitted to HUD to access HUD Entitlement Program funding allocated to the City, and

WHEREAS, the 2020 Action Plan identifies a specific list of budgeted community development activities to be funded from the 2020 HUD Entitlement Program allocation and associated funds administered by the IURA, and

WHEREAS, funding available to be allocated through the 2020 Action Plan funding process is anticipated to include the following:

\$682,732.00	CDBG 2020 HUD Entitlement Program Allocation
\$120,000.00	CDBG 2020 Program Income (projected)
\$2,607.85	CDBG Recaptured/Unallocated (R/U) Funds
\$335,173.00	HOME 2020 HUD Entitlement Program Allocation
<u>\$38,082.88</u>	<u>HOME Recaptured/Unallocated (R/U) Funds</u>

\$1,178,595.73 Total, and

WHEREAS, the IURA utilized an open and competitive project selection process for development of the 2020 Action Plan, in accordance with the City of Ithaca Citizen Participation Plan, and

WHEREAS, due to the COVID-19 pandemic and emergency measures in place, the U.S. Department of Housing and Urban Development (HUD) has provided certain specific waivers and modifications to the Action Planning process that IURA will implement as necessary and appropriate, now, therefore, be it

RESOLVED, that the IURA hereby adopts the attached summary table titled "IURA Recommended Draft 2020 Action Plan (City of Ithaca, NY)," originally dated April 16, 2020, as amended at the April 23, 2020 meeting; and forwards it to the City of Ithaca Common Council for review and recommends its approval for allocating the 2020 HUD Entitlement Program award, along with associated funds listed above, and be it further

RESOLVED, that should the Ithaca Community Gardens project be unable to demonstrate compliance with the 51% low/mod-income benefit test, \$25,150 shall be reallocated to the Economic Development Loan Fund activity, and be it further

RESOLVED, that the Urban Renewal Plan shall be amended to include activities funded in the adopted 2020 Action Plan.

Aldersperson Fleming asked for more information regarding the 2nd Resolved.

Anisa provided that information. Generally most low/mod-income receive this benefit. Due to the COVID-19 pandemic, the Community Gardens project is eligible for this funding.

Aldersperson McGonigal stated that Anisa should turn around since the northern lights are behind her.

Aldersperson Brock shared her gratitude for everyone who worked on this.

b) Emergency Rental Assisting Program

2020 CDBG-CV: EMERGENCY RENTAL ASSISTANCE

Moved by Aldersperson Brock; seconded by Aldersperson Lewis. Carried unanimously.

WHEREAS, the City of Ithaca (City) has received an initial supplemental funding allocation of Community Development Block Grant (CDBG) funds from *The Coronavirus Aid, Relief, & Economic Security* (CARES Act), which funding is hereafter referred to as CDBG-CV, and

WHEREAS, additional supplemental CDBG-CV funding may be forthcoming, and

WHEREAS, HUD is providing administrative flexibility and waivers to speed approval and delivery of funds for activities responding to the COVID-19 Pandemic, and

WHEREAS, the 15% cap on public service activities is waived for CDBG-CV funds, and

WHEREAS, the initial CDBG-CV allocation to the City provides \$321,299 to invest in CDBG-eligible activities, and

WHEREAS, the City contracts with the Ithaca Urban Renewal Agency (IURA) to administer, implement and monitor the City's HUD Entitlement program in compliance with all applicable regulations, and

WHEREAS, in order to expedite delivery of funding to the community, IURA has gathered information from stakeholders and solicited proposals for disaster response/recovery/prevention projects, and

WHEREAS, the IURA is following a two-prong approach to develop recommended uses of CDBG-CV funding:

- Directed activities to address priority needs where a capable sponsor is pre-identified, and
- Activities selected through an open competitive process, and

WHEREAS, the IURA has preliminarily identified the following priority community needs:

1. Renter households whose ability to pay rent has been reduced by COVID-19 impacts
2. Persons experience homelessness and homeless prevention
3. Small businesses adversely impacted by public health mandates and guidelines
4. Anchor non-profits entities with at least 51% earned income adversely impacted by public health mandates and guidelines, and

WHEREAS, according to the City's 2019-2023 Consolidated Plan for HUD Entitlement Funding 74% of the City's residents are renters, of which 56% are cost-burdened, and 41% of these are severely so, and

WHEREAS, at least 30 million Americans have filed jobless claims since the beginning of the coronavirus pandemic in March 2020, including many renters in the City of Ithaca, and

WHEREAS, emergency grant payment for a household's rent for up to three consecutive months is an eligible CDBG public service activity authorized at 24 CFR §570.201(e), and

WHEREAS, Ithaca Neighborhood Housing Services, Inc. (INHS) proposes to implement an emergency rental assistance activity in partnership with Tompkins County and other funders with the following preliminary parameters subject to finalization with funders:

- rent/current income ratio > 31%
- proof of adverse COVID-19 impact/client statement
- landlord signs a form agreeing to accept rent, waive late fees, not pursue eviction for non-payment, no code violations
- household AMI < 80%
- asset cap of \$5,000 liquid assets (netting out stimulus payment)
- must have a current lease or landlord willing to sign for current rent amount, waive late fees, accept payments
- building must pass environmental requirements for CDBG
- tenant NOT to pay any portion of the rent, because it is only three months of relief and this will hopefully allow clients to build savings,
- the projected average total assistance per renter household is \$3,700, and

WHEREAS, Tompkins County CDBG funding of approximately \$590,000 for the activity can only be used to assist renter households located outside of a HUD Entitlement community, such as the City, and

WHEREAS, INHS possesses the knowledge and administrative capacity necessary to effectively administer such a program, and

WHEREAS, supporting housing stability in the form of three consecutive months rental assistance for people in vulnerable groups with extremely low- and/or very-low-income (0-60%) AMI can prevent widespread eviction, homelessness and economic hardship for tenants and landlords, and

WHEREAS, emergency rental assistance furthers disaster recovery goals by stabilizing neighborhoods and communities, and

WHEREAS, the IURA recommends allocation of CDBG-CV funds for an emergency rental assistance program to assist renters financially impacted by the COVID-19 pandemic, and

WHEREAS, the proposed activity is not subject to SEQR as it does not affect the environment by changing the use, appearance or condition of any natural resource or structure, and

WHEREAS, a public hearing on this matter was held on May 5, 2020 and a 5-day public comment period has expired; now, therefore be it

RESOLVED, that the City of Ithaca Common Council hereby allocates \$190,000 from the CDBG-CV funding award to the City to the Emergency Rental Assistance Program activity to be implemented by Ithaca Neighborhood Housing Services, Inc., and be it further

RESOLVED, CDBG-CV funds shall be used first to assist renter households earning 0-60% of AMI with less than \$5,000 in liquid assets, before assisting other CDBG-eligible renter households, and be it further

RESOLVED, that the calculation of current household income for eligible households to be assisted with CDBG-CV funds shall include unemployment benefits, but exclude any one-time CARES Act stimulus payment, and be it further

RESOLVED, that the City requests INHS to conduct affirmative marketing to underserved persons, such as persons who speak English as a Second Language (ESL), to provide them with an equitable opportunity to take advantage of the program, and be it further

RESOLVED, that the Urban Renewal Plan shall be amended to include activities funded in the adopted 2020 HUD Entitlement Program Action Plan.

Aldersperson Brock stated her gratitude again for the work on this topic. She noted her concerns about INHS and asked if any other organization could be enrolled to administer the emergency rental assistance.

Anisa Mendizabal responded that the county was already reprogramming money to INHS. The City did give other organizations initial consideration and did meet with other providers. They opted to work with the county in order make the application process as seamless as possible. They didn't want people running around to different organizations based on location.

Aldersperson Brock further stated that IURA should make sure INHS treats its tenants and other tenants equally.

INHS Executive Director Johanna Anderson who was invited to participate in the meeting assured the group they would not favor their own residents and would work to provide online and non-online options.

Aldersperson Brock had further questions on specifics of the program, i.e., waiving late fees, etc. The obligation should not be extended past the funding period. Is there a cap to the amount of assistance per household?

Mendizabal stated Nels Bohn has research on that. The waiving of late fees, etc. is limited to the three-month period. The cap on assistance per household is 150% of the applicant's HUD-defined fair market rent.

Aldersperson Lewis appreciates all involved in pulling together this three-month relief. Those with lower incomes will benefit significantly.

Aldersperson Fleming asked whether students will be eligible for this.

Mendizabal stated that all people would have to be on the lease. Some landlords create a separate lease for each student living together.

Chair Murtagh shared Alderperson Lewis' comments.

Alderperson Brock asked whether there will be another three-month funding period. Will there future funding available?

Mendizabal stated that this type of grant is limited to the three-month period. Nels Bohn stated that Anisa summarized it correctly.

c) Waterfront Zoning Amendments

5/8/20

An Ordinance Amending the Municipal Code of the City Of Ithaca, Chapter 325, Entitled "Zoning" in Order to Make Changes to the Waterfront Zoning Districts, including the Cherry Street District, the Market District, the Newman District, and the West End/Waterfront District, in order to meet the Established Goals of the Waterfront Plan – Declaration of Lead Agency

Moved by Alderperson Lewis; seconded by Alderperson Brock.
Carried unanimously.

WHEREAS, State Law and Section 176-6 of the City Code require that a lead agency be established for conducting environmental review of projects in accordance with local and state environmental law, and

WHEREAS, State Law specifies that, for actions governed by local environmental review, the lead agency shall be that local agency which has primary responsibility for approving and funding or carrying out the action, and

WHEREAS, the proposed zoning amendment is a "TYPE I" Action pursuant to the City Environmental Quality Review (CEQR) Ordinance, which requires environmental review; now, therefore, be it

RESOLVED, that the Common Council of the City of Ithaca does hereby declare itself lead agency for the environmental review of the proposed amendments to the Cherry Street District, the Market District, the Newman District, and the West End/Waterfront District.

Draft Resolution
5/8/20

An Ordinance Amending the Municipal Code of the City Of Ithaca, Chapter 325, Entitled "Zoning" for revisions to the Waterfront Zoning Districts, including the Cherry Street District, the Market District, the Newman District, and the West End/Waterfront District, in order to meet the Established Goals of the Waterfront Plan — Declaration of Environmental Significance

Moved by Alderperson Smith; seconded by Alderperson Lewis. Carried unanimously.

1. **WHEREAS**, on August 2, 2017, the Common Council established four new zoning districts for the Waterfront Study Area, the Newman, the Market, The West End/Waterfront, and the Cherry Street Districts, and,
 2. **WHEREAS**, when the new Waterfront Zoning Districts were established it was recognized that the City was in the process of completing a plan for the waterfront area and that once completed, the zoning would need to be revisited to ensure that it fulfilled the goals of the plan, and
 3. **WHEREAS**, in 2019, the City completed and adopted the Waterfront Area Plan, and
 4. **WHEREAS**, after reviewing the existing waterfront zoning, the City is recommending changes to the zoning that would allow for development that meets the goals of the Waterfront Area Plan, and
 5. **WHEREAS**, the appropriate environmental review has been conducted, including the preparation of a Full Environmental Assessment Form (FEAF), dated April 15, 2020, and
 6. **WHEREAS**, the proposed action is a "TYPE I" Action under the City Environmental Quality Review Ordinance, and
 7. **WHEREAS**, the Common Council of the City of Ithaca, acting as lead agency, has reviewed the FEAF prepared by planning staff; **now, therefore, be it**
1. **RESOLVED**, that this Common Council, as lead agency in this matter, hereby adopts as its own the findings and conclusions more fully set forth on the Full Environmental Assessment Form, dated April 15, 2020, **and be it further**
 2. **RESOLVED**, that this Common Council, as lead agency in this matter, hereby determines that the proposed action at issue will not have a significant effect on the environment, and that further environmental review is unnecessary, **and be it further**

3. **RESOLVED**, that this resolution constitutes notice of this negative declaration and that the City Clerk is hereby directed to file a copy of the same, together with any attachments, in the City Clerk's Office, and forward the same to any other parties as required by law.

DRAFT

PLANNING COMMITTEE:

An Ordinance Amending the Municipal Code of the City Of Ithaca, Chapter §325, Entitled "Zoning" To Establish New Zoning for the Waterfront Area Zoning Districts

Moved by Alderperson Lewis; seconded by Alderperson Fleming.

Alderperson Brock stated she respects Todd Foxx's comments, but she doesn't think that zoning should be created for a particular project. That's spot zoning.

Alderperson Smith stated that he understands the concern of spot zoning, but he thinks it works both ways. Spot zoning could also defeat a project already in the process.

Director Cornish stated that what is be recommended is not considered 'spot zoning'. She explained what spot zoning is. Spot zoning is taking a parcel among a number of other parcels and zoning it differently.

Alderperson Fleming stated that Alderperson McGonigal recommended she review the waterfront plan and the use of light manufacturing. She also stated that the plan states that the public is entitled to adequate views of the water. We also need to consider storm water management—she thinks a 25 ft. easement along the flood control channel, but the design guidelines states a 20 ft. setback along the water.

Jennifer Kuszniir stated that along the waterfront anywhere there has to be at least a 20 ft. setback. Cherry Street has a 25 ft. setback because there is an easement there.

Alderperson Smith stated that 25 ft. is an adequate amount of space. People will have visual access to the water since there is space between the building and the water. He provided a photo of this area which shows that there is no visual access to the waterfront. 100 ft. building length is an issue.

Alderperson Brock stated that although it doesn't currently exist, down the road, there will be a waterfront trail that would be utilized by many.

Alderperson McGonigal thanked Alderperson Fleming and Jennifer Kuszniir for clarifying the set back is 25 ft., not 20. What he proposes is adding 10 ft. from the back on the buildings. This will free up space near the waterfront trail.

Nguyen had a question regarding the building length. Is this length solely for this area?

Director Cornish stated that it is currently just for this area. It could be in other parts of the city as well if that is voted in.

Aldersperson Smith stated that geometrically one is very far from the water. The space between the buildings now.

Jennifer Kuszniir stated that visual access was the main goal of the plan. It was a pretty extensive process to come up with the plan. It wasn't just staff who came up with the language of the plan.

Aldersperson Brock thanked Kuszniir.

Aldersperson Brock asked for clarification whether we are talking about only Cherry Street and the West End Waterfront.

The answer is both.

Chair Murtagh stated that it is and will probably be a more popular spot in the future when the Black Diamond Trail runs through there.

Aldersperson Fleming stated that the design guidelines and the waterfront plan does not encourage housing. We should restrict people from moving into this area. We might have to rethink the Cherry Street section and the area south of Cecil B. Malone Drive when thinking about the zoning.

Aldersperson Lewis agreed with Murtagh that it is a growing area of interest and has great visual access to the water. Cherry Street Artspace is visited often.

Aldersperson Smith stated that people are not going to find themselves on Cherry Street because of what is there not because what may be there.

Chair Murtagh stated that when Collegetown Terrace was built there wasn't a limit to the length of that project. Was it a zoning change?

Director Cornish responded that the design guidelines legislation was not in affect at that time.

Aldersperson Brock switched topics to address the changes requested by Aldersperson McGonigal. Changing the maximum lot coverage length from 75 ft. to 70 ft. Will light industrial manufacturing be exempt from it? A change in the required green space. She moved to amend the ordinance from 75 ft. to 70 ft. and the change in green space from 15% to 10%.

Director Cornish stated that the environmental considerations along the waterfront will have to be considered. We wouldn't want to see a larger coverage of the lot.

Aldersperson Smith stated that he and Aldersperson McGonigal have talked about this. He is not sure of the reason for reducing the maximum lot coverage.

Aldersperson Murtagh asked whether the amendment on the floor is the change from 75 % to 70% lot coverage and change in the green space.

Aldersperson Lewis asked for clarification that requests could be made to include light industrial.

Aldersperson Smith asked for clarification whether we are offering this change except for light industrial uses.

Chair Murtagh stated he supports this amendment.

Amendment carried 4-1. (Smith)

Aldersperson Smith stated that a 100 ft. blanket limit should be removed or reworded. He doesn't think this limit will work for all areas in the Waterfront area. No one seconded. Fails.

Aldersperson Fleming moved to add 10 ft. It fails due to lack of a second.

Aldersperson McGonigal stated to add an additional 10 ft. on the waterfront size, and increase of 5 ft. on each side of a building.

Aldersperson Brock moved the amendments for discussion.

Carried 3-2.

The side yard setback change from 10 to 15 ft. There will be 30 ft. between structures

Moved by Aldersperson Brock; seconded by Aldersperson Fleming.

Chair Murtagh had reservations increasing the space between structures.

Aldersperson Lewis cannot support the increase in the space between the buildings failed 4-1.

Vote on overall resolution carried 4 - 1.

Chair Murtagh thanked Aldersperson McGonigal.

ORDINANCE NO. _____

BE IT NOW ORDAINED AND ENACTED by the Common Council of the City of Ithaca that Chapter 325 of the City Code be amended as follows:

Section 1. Chapter 325-3B of the Municipal Code of the City of Ithaca, entitled "Definitions and Word Usage", is hereby amended to add the following new definition:

ROW HOUSE

A residential structure composed of three or more attached modules with shared sidewalls, the facade of each module measuring no more than 25 feet in length. Modules within a row house may consist of a single dwelling unit or may contain multiple vertically stacked dwelling units. Each module must have one street-facing entry.

Section 2. Chapter 325-45.2B, Definitions for Collegetown Districts, is hereby amended to remove the definition of "Row House".

Section 3. Section 325-8, District Regulations, is hereby amended to change the permitted primary uses in the Cherry, West End/Waterfront, Market, and Newman Districts in order to replace the definition of townhouses with row houses in each of these districts.

Section 4. Section 325-8, District Regulations, is hereby amended to change the minimum front yard setback in the Cherry Street, West End/Waterfront, Market, and Newman Districts to require a 5' minimum required front yard setback measured from the inside edge of the sidewalk.

Section 5. Section 325-8, District Regulations, is hereby amended to change the maximum lot coverage from 100% in the Cherry Street District to 75%, with a 10% green space requirement.

Section 6. Section 325-8C. Additional Restrictions in the West End/Waterfront, Cherry Street District, Market District, and the Newman Districts, is hereby amended to add new subsections (5) and (6), to read as follows:

(5) Sidewalk and Tree Lawn Requirements. All new construction located in the Cherry Street, the West End/Waterfront, Market, and Newman Districts must provide a 8' tree lawn and 5' sidewalk along the street frontage of the property. The Planning Board may amend this requirement based on site conditions.

(6) Maximum Building Length. All new structures located within the Cherry Street District and the West End/Waterfront District shall be

constructed to be no more than 100' in length. In addition, there needs to be a minimum of a 20' break between buildings. Exceptions may be made to allow for a physical break in the building with a minimum 24' in height measured from floor to ceiling, allowing for public access to the waterfront. Exceptions to maximum building length may be granted by the Planning Board.

Section 7. Section 325-8C.(3), "Stepback Requirements" is hereby amended to remove the stepback requirements in the Newman and Market Districts.

Section 8. The City Planning and Development Board, the City Clerk and the Planning Department shall amend the district regulations chart in accordance with the amendments made herewith.

Section 9. Severability. Severability is intended throughout and within the provisions of this local law. If any section, subsection, sentence, clause, phrase or portion of this local law is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portion.

Section 10. Effective date. This ordinance shall take effect immediately and in accordance with law upon publication of notices as provided in the Ithaca City Charter.

6) Review and Approval of Minutes

a) January 2020

Moved by Alderperson Brock; seconded by Alderperson Fleming. Carried unanimously.

7) Adjournment

Moved by Alderperson Fleming; seconded by Alderperson Lewis. Carried unanimously. The meeting was adjourned at 8:00 p.m.