PEDC Meeting
Planning and Economic Development Committee
Ithaca Common Council

AMENDED MAY 8, 2019

DATE: May 8, 2019
TIME: 6:00 pm
LOCATION: 3rd floor City Hall Council Chambers

<table>
<thead>
<tr>
<th>Item</th>
<th>Voting Item?</th>
<th>Presenter(s)</th>
<th>Time Start</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Call to Order/Agenda Review</td>
<td>No</td>
<td>Seph Murtagh, Chair</td>
<td>6:00</td>
</tr>
<tr>
<td>2) Public Comment</td>
<td>No</td>
<td></td>
<td>6:05</td>
</tr>
<tr>
<td>3) Special Order of Business</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Public Hearing: E-scooters Pilot Program</td>
<td>Yes</td>
<td></td>
<td>6:15</td>
</tr>
<tr>
<td>b) Public Hearing: HUD Entitlement - City of Ithaca Consolidated Plan 2019-2023 (5-year strategy plan)</td>
<td>Yes</td>
<td></td>
<td>6:30</td>
</tr>
<tr>
<td>c) Public Hearing: HUD Entitlement - City of Ithaca 2019 Action Plan (1-year project funding allocations)</td>
<td>Yes</td>
<td></td>
<td>6:35</td>
</tr>
<tr>
<td>4) Action Items (Voting to Send on to Council)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) HUD Entitlement - City of Ithaca Consolidated Plan 2019-2023 (5-year Strategy Plan)</td>
<td>Yes</td>
<td>Nels Bohn, IURA Director</td>
<td>6:45</td>
</tr>
<tr>
<td>b) HUD Entitlement - City of Ithaca 2019 Action Plan (1-year Project Funding Allocations)</td>
<td>Yes</td>
<td>Nels Bohn, IURA Director</td>
<td>6:55</td>
</tr>
<tr>
<td>c) Carpenter Business Park Planned Unit Development – Conditional Approval</td>
<td>Yes</td>
<td>Jennifer Kusznir, Senior Planner</td>
<td>7:00</td>
</tr>
<tr>
<td>d) Resolution Authorizing E-Scooter Pilot Program</td>
<td>Yes</td>
<td>MATCom</td>
<td>7:30</td>
</tr>
<tr>
<td>e) Rent Stabilization Resolution</td>
<td>Yes</td>
<td>Cynthia Brock, PEDC Member</td>
<td>8:00</td>
</tr>
<tr>
<td>5) Action items (Approval to Circulate)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) West State Street Zoning Amendment</td>
<td>Yes</td>
<td>JoAnn Cornish, Planning Director</td>
<td>8:20</td>
</tr>
<tr>
<td>6) Discussion</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Ithaca Area Waste Water Treatment Facility – Disclosure Agreement</td>
<td>No</td>
<td>Cynthia Brock, PEDC Member</td>
<td>8:35</td>
</tr>
<tr>
<td>7) Review and Approval of Minutes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) March and April 2019</td>
<td>Yes</td>
<td></td>
<td>8:55</td>
</tr>
<tr>
<td>8) Adjournment</td>
<td>Yes</td>
<td></td>
<td>9:00</td>
</tr>
</tbody>
</table>

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, May 7th, 2018.

** Out of consideration for the health of other individuals, please try to refrain from using perfume/cologne and other scented personal care products at City of Ithaca meetings. Thank you for your cooperation and understanding. **
PUBLIC SERVICE ANNOUNCEMENT for immediate release
May 3, 2019

The City of Ithaca Planning and Economic Development Committee will hold a public hearing on the proposed launch of e-scooters in the City of Ithaca on Wednesday, May 8, 2019 at 6:00 PM in the City of Ithaca Common Council Chambers, 108 East Green Street, Ithaca, New York.

The City of Ithaca’s Mobility, Accessibility and Transportation Commission has prepared a draft recommendation for consideration by the Planning Committee and Common Council. The proposed pilot program duration is recommended for June 2019 through mid-November 2019. Additional recommendations include preparing a Memorandum of Understanding (MOU) between the City and the e-scooter provider following the guidelines outlined by the National Association of City Transportation Officials (NACTO) and should establish clear regulations regarding e-scooter usage as well as requiring the e-scooter provider to maintain a minimum fleet of bicycles, both pedal and e-bikes, along with the e-scooter program, to meet the needs of the entire community. It is suggested that Common Council support stipulations requiring e-scooter providers to ensure e-scooters are distributed among a variety of neighborhoods as equitable distribution and usage of e-scooters can potentially provide a new, affordable mode of transportation to the entire community.

The draft recommendation and related materials can be found online at www.cityofithaca.org. Hard copies are available in the Planning Department on the third floor of City Hall (607) 274-6550.
Executive Summary

ES-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

The City of Ithaca has a valuable resource that many communities do not. As a HUD entitlement community, Ithaca receives HUD dollars to dedicate to affordable housing and other community development projects, with a focus on increasing opportunity for people with low-to moderate-incomes (LMI). In the past five years, this funding has helped Ithaca leverage other resources for new construction of affordable housing, both rental and homebuyer, like 210 Hancock Street; filled the gaps on qualified projects, such as the renovation of our local domestic violence shelter; and, in relatively unusual cases, provided the bulk amount for an entire project.

Ithaca is a busy small city -- a strong, regional employment center with two thriving institutions of higher education. People from across the region and the globe come to Ithaca for work, study, or both. In turn, Ithaca has become a vital hub with access to employment; educational and enrichment opportunities for people of all ages; exquisite natural areas and well-maintained green spaces proximate to City neighborhoods; and robust public facilities and public services that strengthen the quality of life for City residents. These characteristics and economic opportunities also put pressure on Ithaca’s housing market, creating scarcity and unaffordability. Even as affordable rental and for-sale housing has been newly constructed or preserved through rehabilitation and repair (all prioritized activities in our previous Con Plans), housing at every level of affordability continues to be voiced as a major need.

Purpose: This plan’s purpose is to guide the next five years’ use of HUD entitlement funding in the City of Ithaca. It is the City’s fourth Consolidated Plan. Through the consolidated planning process, community members have given input about the housing and community development needs in Ithaca. Community leaders, committees, organizations, and subject-matter experts have been consulted. Quantitative data has been analyzed. Together, these sources of information create a comprehensive picture of the ways in which HUD funding could be deployed to help meet these needs. This plan discusses and prioritizes the needs that have been identified; evaluates past performance; surveys existing resources; and updates past goals. It outlines possibilities for future action and aligns these prospective actions with goals, to ensure we focus on meeting the community’s most pressing needs.

2. Summary of the objectives and outcomes identified in the Plan Needs Assessment Overview

The Consolidated Plan outlines goals that will be pursued over the next five years to address identified community needs. CDBG and HOME programs advance the following statutory objectives, for the principal benefit of low-and moderate-income households:
• Provide decent, safe, and affordable housing (CDBG)
• Create suitable living environments (CDBG)
• Expand economic opportunities (CDBG)
• Expand the supply of decent, safe, sanitary, and affordable housing (HOME)

The City has established the following local goals for this Consolidated Plan period, which reflect the needs identified by the community and support the above-named statutory objectives.

**Improve and Expand Affordable Housing Options**

There continues to be an acute shortage of affordable housing in the City of Ithaca. The City’s 2017 Assessment of Fair Housing found 53% of all City households were cost-burdened, with 36% severely so. (Source: American Community Survey 2010-2015). To address this need, the City will support projects that increase the total supply of affordable units of all types and the affordability of existing units, and will improve the condition of existing affordable units.

**Develop Economic and Employment Opportunities**

Ithaca is highly-educated community with a low unemployment rate. This creates a very difficult dynamic for low-and moderate-income community members who do not have specialized skills or advanced educational attainment. To address this need, the City will provide direct loans and support technical assistance to businesses to create jobs; support entrepreneurship training and technical assistance; and support initiatives that provide career-readiness training, job placement, skill development, and on-going post-placement support.

**Remove Barriers to Opportunity**

The opportunities of our community should be accessible to all its residents, regardless of residents’ particular physical or socio-economic characteristics. Where barriers exist, they should be removed. To address this need, the City will seek to increase transportation options; will support residential and public physical accessibility improvements; support early childhood, senior, and homeless programming; and services to immigrants.

**Strengthen Neighborhoods**

For our City to thrive as a whole, each of its constituent parts must have the adequate resources and infrastructure to meet the needs of its residents and support their aspirations. To address this need, the City will support physical improvements to streets, parks, recreational facilities, public buildings, and transportation systems for the benefit of low- and moderate-income neighborhoods; support redevelopment of abandoned properties; and support programs that facilitate homeownership.

**Meet Essential Needs for Food, Shelter, and Safety**

Ithaca’s most vulnerable, at-risk populations require public services and public facilities that will meet basic human needs for food, shelter, and safety. To address this need, the City will support
programs that prevent homelessness, improve access to health care, ensure safe living environments, and/or increase awareness and utilization of existing community resources in these areas.

Affirmatively Further Fair Housing

The City’s 2017 Assessment of Fair Housing (AFH) analyzed data in order to identify local factors that contribute to local fair housing issues and lack of access to opportunity. The AFH identifies seven fair housing goals, with associated timelines and milestones, to guide the City in promoting fair housing. The City will support projects which promote fair housing. These could include strategies to address displacement caused by gentrification, disparity in opportunity, housing problems (as defined by HUD), and/or enforcement.

Table 1 Priority Needs

<table>
<thead>
<tr>
<th>#</th>
<th>Code</th>
<th>Priority Need</th>
<th>Priority Level</th>
<th>Associated Goals</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>AH</td>
<td>Production of New Units</td>
<td>High</td>
<td>Improve &amp; Expand Affordable Housing Options</td>
</tr>
<tr>
<td>2</td>
<td>AH</td>
<td>Tenant-Based Rental Assistance (TBRA)</td>
<td>High</td>
<td>Improve &amp; Expand Affordable Housing Options</td>
</tr>
<tr>
<td>3</td>
<td>AH</td>
<td>Homeowner Rehab/Repairs</td>
<td>High</td>
<td>Improve &amp; Expand Affordable Housing Options</td>
</tr>
<tr>
<td>5</td>
<td>AH</td>
<td>Accessibility Improvements</td>
<td>High</td>
<td>Improve &amp; Expand Affordable Housing Options</td>
</tr>
<tr>
<td>6</td>
<td>AH</td>
<td>Transitional Housing</td>
<td>High</td>
<td>Improve &amp; Expand Affordable Housing Options</td>
</tr>
<tr>
<td>7</td>
<td>AH</td>
<td>Permanent Supportive Housing</td>
<td>High</td>
<td>Improve &amp; Expand Affordable Housing Options</td>
</tr>
<tr>
<td>8</td>
<td>AH</td>
<td>Emergency Shelter</td>
<td>High</td>
<td>Meet Essential Needs for Food, Shelter &amp; Safety</td>
</tr>
<tr>
<td>9</td>
<td>AH</td>
<td>Affordable Homeownership</td>
<td>High</td>
<td>Improve &amp; Expand Affordable Housing Options</td>
</tr>
<tr>
<td>10</td>
<td>AH</td>
<td>Rental Rehab/Energy Efficiency</td>
<td>Low</td>
<td>Improve &amp; Expand Affordable Housing Options</td>
</tr>
<tr>
<td>11</td>
<td>ED</td>
<td>Job Creation &amp; Entrepreneurship</td>
<td>High</td>
<td>Develop Economic &amp; Employment Opportunities; Remove Barriers to Opportunity</td>
</tr>
<tr>
<td>12</td>
<td>ED</td>
<td>Job Readiness &amp; Placement</td>
<td>High</td>
<td>Develop Economic &amp; Employment Opportunities</td>
</tr>
<tr>
<td>13</td>
<td>ED, AH</td>
<td>Childcare Centers</td>
<td>Low</td>
<td>Develop Economic &amp; Employment Opportunities</td>
</tr>
<tr>
<td>14</td>
<td>FH</td>
<td>2017 AFH-Identified Goals for City of Ithaca</td>
<td>High</td>
<td>Affirmatively Further Fair Housing</td>
</tr>
<tr>
<td>15</td>
<td>PF</td>
<td>Public Facilities</td>
<td>High</td>
<td>Strengthen Neighborhoods</td>
</tr>
<tr>
<td>16</td>
<td>PF</td>
<td>Domestic Violence Shelter</td>
<td>Low</td>
<td>Meet Essential Needs for Food, Shelter &amp; Safety</td>
</tr>
<tr>
<td>17</td>
<td>PF</td>
<td>Health Facilities</td>
<td>Low</td>
<td>Meet Essential Needs for Food, Shelter &amp; Safety</td>
</tr>
<tr>
<td>18</td>
<td>PI</td>
<td>Blight Removal</td>
<td>High</td>
<td>Strengthen Neighborhoods</td>
</tr>
<tr>
<td>19</td>
<td>PI</td>
<td>Public Infrastructure</td>
<td>High</td>
<td>Strengthen Neighborhoods</td>
</tr>
<tr>
<td>20</td>
<td>PS</td>
<td>Information &amp; Referral</td>
<td>High</td>
<td>Meet Essential Needs for Food, Shelter, and Safety</td>
</tr>
<tr>
<td>21</td>
<td>PS</td>
<td>Immigrant Services</td>
<td>High</td>
<td>Meet Essential Needs for Food, Shelter, and Safety</td>
</tr>
<tr>
<td>22</td>
<td>PS</td>
<td>Transportation Services</td>
<td>High</td>
<td>Remove Barriers to Opportunity</td>
</tr>
<tr>
<td>23</td>
<td>PS</td>
<td>Code Enforcement</td>
<td>High</td>
<td>Meet Essential Needs for Food, Shelter, &amp; Safety</td>
</tr>
<tr>
<td>24</td>
<td>PS</td>
<td>Landlord/Tenant Counseling</td>
<td>High</td>
<td>Meet Essential Needs for Food, Shelter, &amp; Safety</td>
</tr>
<tr>
<td>25</td>
<td>PS</td>
<td>Youth Services</td>
<td>Low</td>
<td>Meet Essential Needs for Food, Shelter, &amp; Safety; Develop Economic &amp; Employment Opportunities; Remove Barriers to Opportunity</td>
</tr>
<tr>
<td>26</td>
<td>PS</td>
<td>Homeless Services Day Programming</td>
<td>Low</td>
<td>Meet Essential Needs for Food, Shelter &amp; Safety</td>
</tr>
<tr>
<td>27</td>
<td>PS</td>
<td>Senior Services</td>
<td>Low</td>
<td>Meet Essential Needs for Food, Shelter &amp; Safety; Remove Barriers to Opportunity</td>
</tr>
<tr>
<td>28</td>
<td>PS</td>
<td>Mental Health &amp; Substance Abuse Services</td>
<td>Low</td>
<td>Meet Essential Needs for Food, Shelter, &amp; Safety</td>
</tr>
<tr>
<td>29</td>
<td>PS</td>
<td>Domestic Violence Services</td>
<td>Low</td>
<td>Meet Essential Needs for Food, Shelter, &amp; Safety</td>
</tr>
</tbody>
</table>

### 3. Evaluation of past performance

The 2014-2018 Con Plan included specific objectives intended to address community needs identified during the planning process. These objectives and their associated outcomes to date appear in Table 2, below. Since the 2014 Con Plan’s final program year (2018-2019) runs concurrently with the creation of the 2019 Con Plan, outcomes continue to develop as the 2019 plan is created. As required by HUD, IURA documents all outcomes on a yearly basis in the report known as the “CAPER” (Consolidated Annual Performance Evaluation Report). Final outcomes for the 2014-2018 Con Plan cycle will be available in the 2018-2019 CAPER. Moreover, CAPERs for the previous Con Plan may be accessed on the Ithaca Urban Renewal Agency’s website under the “Reports” link on the left-hand navigational bar. See [www.ithacaura.org](http://www.ithacaura.org).

Some projects anticipated in the last Con Plan did not materialize. Others had longer timelines than anticipated due to their scale, complexity, or unanticipated barriers. For example, the 2015 Spencer Road Sidewalks project is just wrapping up as the 2019 Con Plan is developed. IURA Staff monitors all projects, and records results achieved into HUD’s Integrated Disbursement and Information System (IDIS).

**Table 2, Past Performance of 2014 Con Plan Specific Objectives**

<table>
<thead>
<tr>
<th>Specific Objectives</th>
<th>Performance Measure</th>
<th>Expected Units</th>
<th>Actual Units (as of 7/31/18)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Affordable Housing Objectives</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New construction - Rental housing</td>
<td>Assisted units</td>
<td>35</td>
<td>21</td>
</tr>
<tr>
<td>New construction - Homeowner$^3$</td>
<td>Assisted units</td>
<td>10</td>
<td>9</td>
</tr>
<tr>
<td>Repair or rehabilitation - Homeowner$^4$</td>
<td>Assisted households</td>
<td>250</td>
<td>168</td>
</tr>
</tbody>
</table>

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1 This table (Table 1) ties to the objectives identified in the 2014 Con Plan’s Strategic Plan Overview (SP-05) on pp. 74-75. Additional goals created through the Annual Action Plans are fully reported on in CAPERs.

2 This column documents outcomes achieved by the end of the 2017 Program Year (and reported in the 2017 CAPER). The 2018-2019 Program Year is the fifth year of the 2014-2018 Consolidated Plan and concludes on 7/31/2019, at which time further outcomes will be available.

3 For-sale to homebuyers

4 Owner-occupied units
<table>
<thead>
<tr>
<th>First-time homebuyers(^5)</th>
<th>Assisted households</th>
<th>5</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tenant-based rental assistance (TBRA)</td>
<td>Assisted households</td>
<td>250</td>
<td>328</td>
</tr>
<tr>
<td>Transitional housing(^6)</td>
<td>Assisted beds</td>
<td>25</td>
<td>0</td>
</tr>
</tbody>
</table>

**Economic Development Objectives**

<table>
<thead>
<tr>
<th>Job creation or retention</th>
<th>Jobs</th>
<th>40</th>
<th>34(^7)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Job readiness(^8)</td>
<td>Persons assisted</td>
<td>250</td>
<td>168</td>
</tr>
<tr>
<td>Job training &amp; placement</td>
<td>Persons assisted</td>
<td>--</td>
<td>29(^9)</td>
</tr>
<tr>
<td>Micro-enterprise assistance</td>
<td>Businesses assisted</td>
<td>3</td>
<td>13</td>
</tr>
</tbody>
</table>

**Public Facilities & Infrastructure Objectives**

| Improvements to Public Facilities | Beneficiaries (Persons) | 5,026 | 30,720 |

**Public Services Objectives**

| Public Services that help meet essential needs for food, shelter, and safety | Persons assisted | 2,925 | 2,317 |

4. **Summary of citizen participation process and consultation process**

The IURA conducted significant outreach and consultation with citizens, neighborhood groups, non-profits, and government agencies to determine community needs and establish Plan priorities. In accordance with the City’s approved *Citizen Participation Plan*, outreach consisted of both meetings with neighborhood residents and consultations with professionals and practitioners in fields related to community development.

Criteria for selecting meeting places included convenience and accessibility to the neighborhoods served by the IURA. Meetings were advertised in accordance with the City’s *Citizen Participation Plan*. Neighborhood Public Input meetings were held as follows:

1/17/2019, 6:00 p.m., Tompkins County Public Library, 101 E. Green Street

1/23/2019, 5:30 p.m., Greater Ithaca Activities Center, 301 W. Court Street

1/24/2019, 12:00 noon, Common Council Chambers, City Hall, 108 E. Green Street

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\(^5\) Direct financial assistance, usually in the form of down payment assistance

\(^6\) Case management, a Public Service activity, was provided to individuals in transitional housing; however, no sponsor was identified for the creation of a new Public Facility to provide 25 beds of transitional housing.

\(^7\) Jobs created/retained under the “Expand Economic and Employment Opportunities” goal are outcomes of the CDBG Economic Development Loan Fund.

\(^8\) The objective “the provision of job readiness and/or job training with placement to 250 persons” has been divided into its component parts and outcomes are reported for “job readiness” and “job training and placement.”

\(^9\) Jobs created/retained under the “Increase Physical and Economic Mobility” goal are associated with the job training and placement programs.
Further opportunities for the public to identify needs for the Con Plan to address were afforded through a presentation and discussion at the Continuum of Care’s Homeless and Housing Task Force Meeting, a focus group with local affordable housing advocates; presentations and discussions at two meetings of the City of Ithaca’s Community Life Commission; and presentations with discussion at one meeting of the Tompkins County Legislature’s Housing Subcommittee.

In addition to the outreach specified in the City’s Citizen Participation Plan, postings were placed on the Human Services Coalition Listserv, which has a reach of over 3,000 subscribers, and the IURA website to encourage the public to attend input sessions and/or reach out directly to schedule individual comment sessions.

5. **Summary of public comments**

Comments received were grouped into the following categories.

**Accessibility**

- Remove architectural barriers in public places (Public Facilities)
- Remove architectural barriers in housing
- Promote increased use of universal design features in new construction for people with disabilities, for aging populations, and so people can age in place affordably
- Public restrooms needed, accessible to those with disabilities (Public Facilities)

**Aging in Place**

- Mini-Repair
- Homeowner Rehab
- Accessibility improvements/modifications (age-related disabilities)

**Affordable Housing**

- Increase availability at all income levels
- Affordable housing with supportive services needed for an array of special needs populations: recovery, reentry, exiting homelessness, and more.
- Increase availability/access to affordable housing through increased acceptance of Section 8 and other subsidies (landlord education/engagement)
- Housing “assistance cliff” (when a modest increase in income makes a household ineligible for financial assistance)
- Increase affordable homeownership opportunities
- Repair/rehab of Ithaca Housing Authority (IHA)-held properties
- Address housing conditions at housing sites to which people receiving Department of Social Services (DSS) housing shelter allowance are referred – poor conditions, no heat, vermin, unclean, etc.
- Examine process/remove barriers in home loan process that prevent otherwise qualified LMI individuals from being eligible for purchase
- See comment in Health re: service to eradicate bed bugs

Services and Coordination related to Housing

- Connect tenants with service providers to landlords willing to rent
- Support Rapid Rehousing goals
- Educate/outreach to landlords to accept tenants with any source of income (SOI)
- Service to help LMI people improve credit scores for better rental options and/or homeownership
- Eviction prevention
- Landlord/tenant counseling
- Safety net needed for individuals on Housing Choice Voucher list (housing burden issue)
- “Damages fund” available to Landlords who take a chance on tenant with high barriers
- “Landlord Liaison”-type service to help people access and retain housing

Childcare

- Increase opportunities for home-based childcare (Economic Development)
- Include compliant ground-floor units within affordable housing developments for seamless provision of home-based childcare (Affordable Housing, Economic Development)

Code Enforcement

- Understand how code enforcement relates to aiding access to affordable housing
- Promote ways to streamline, improve, etc., code enforcement, so it is systematic, timely, and promotes decent affordable housing
- See comment in Affordable Housing re: housing conditions

Displacement Due to Gentrification

- Preserve ability for LMI people to live in neighborhoods where they have long-standing connections
  - These neighborhoods provide access to Ithaca’s high opportunities (walkable access to education, employment, etc.) – fair housing issue
  - Preserve community and cultural fabric
- Increase homeownership opportunities for long-tenured residents
- Targeted economic development – by/for LMI residents
- Targeted Small Repair
• Targeted Homeowner Rehab
• Sponsor community conversation about displacement to find other solutions

Economic Development
• Microenterprise assistance
• Loans to businesses for job creation and other desired outcomes (local hiring, living wages)
• Loans, education, and training to LMI people wishing to start small businesses
• Help overcoming barriers to small business

Fair Housing
• Pursue City’s AFH-identified Fair Housing Goals (7)
  o Source of Income Protection
  o Strategies to prevent displacement due to gentrification
• Local enforcement is needed (funding for, designation of local entity)

Health
• Opioid Crisis
  o Access to treatment
  o Adequate treatment facilities/centers
  o Housing for those in treatment
  o Housing for those in recovery
  o Low-barrier shelter
• Service to eradicate bed bugs

Homelessness
• Low-barrier shelter for homeless people with multiple barriers preventing access to housing (Southwest Park)
• Services for homeless people with multiple barriers in encampments e.g. Southwest Park
• Increase funding for Homeless Outreach staff (current focus is supposed to be the Commons, but staff need to go to many locations)
• Pathway to permanent housing for homeless people with high barriers
• Low-barrier/high-tolerance shelter (for people who are using and/or may be ineligible for services from DSS)
• Youth shelter (specify ages)
  o Youth under 18 can’t be served by adult shelter
• See comment in Affordable Housing re: housing conditions

Job Training Programs
• Programs that reach people with barriers to employment are necessary.
• Programs that build in flexibility are beneficial, so participants can address other life issues that create employment barriers.
• Promote training programs to trades and other professions that provide sustainable living wage
• Employee-Assistance (EAP)-type program for people in job training programs to provided needed support during times of crisis, aid in retention, promote employability

Landlord/Tenant

• Landlord-tenant counseling, services, workshops
• Services directed to tenants in need of eviction-prevention or other assistance
• Landlord training and “licensing” class

Planning Process (Con Plan and Action Plan)

• Process is flawed. Some applicants are funded year after year, which dissuades others from applying.
• There is a lack of people of color or independent people receiving grants

Public Art

• Ithaca needs public art built by and reflective of the community that made it

Public Facilities

• Playground for lower West Hill neighborhood
• Basketball Court for lower West Hill neighborhood
• Public restrooms that are accessible (i.e., on the Commons)
• Low-barrier shelter
• Youth shelter
• Aid for eligible public facilities identified in Southside Plan (i.e., park lighting)
• Acoustics improvement at Southside Community Center’s gym

Public Housing

• Funding to assist Ithaca Housing Authority with needed repair and maintenance

Transportation

• More affordable transportation options needed to address housing affordability/transportation mismatch (i.e., much affordable housing is within the County, not the City, but there is inadequate transportation to get to jobs from these affordable locations).
• “B” and “C” shift options/emergency ride homes
• Employer-assisted or employer flexibility of start times needed to address limited transportation
• Promote ability for children to participate in after-school activities (i.e. West Hill/Cayuga Heights)
• Promote ability for parents to attend teacher conferences

6. Summary of comments or views not accepted and the reasons for not accepting them

All comments were accepted and considered in the preparation of this Consolidated Plan.

7. Summary

The 2019-2023 Consolidated Plan aims to address our community’s priority needs with the entitlement funds HUD makes available on a yearly basis. Members of the public, community organizations, practitioners in community development fields, and others were engaged and consulted in the making of this plan. Technical assistance is available throughout the year for individuals and organizations seeking to develop projects to address priority needs, in order to be ready to apply for Action Plan funding. Contact Anisa Mendizabal, Community Development Planner, Ithaca Urban Renewal Agency at amendizabal@cityofithaca.org or (607) 274-6553.
2019-2023 Consolidated Plan Adoption – HUD Entitlement Program

WHEREAS, in the Fall of 2003, the U.S. Department of Housing and Urban Development (HUD) notified the City that it qualified as an ‘Entitlement Community’ and it would be receiving an annual allocation of HUD funds through the Community Development Block Grant Program (CDBG) and HOME Investment Partnerships (HOME) Program, and

WHEREAS, in order to access these funds, the City is required to undertake a public input process and prepare a Consolidated Plan, which identifies priority community development needs for the City of Ithaca, every five years, and

WHEREAS, the City’s fourth Consolidated Plan is required to be submitted to HUD by June 16, 2019, and

WHEREAS, under the terms of the February 14, 2013 agreement between the City of Ithaca and the Ithaca Urban Renewal Agency (IURA), the City has designated the IURA as the Lead Agency to develop and administer the Consolidated Plan on behalf of the City, and

WHEREAS, the Consolidated Plan may only be adopted by the City of Ithaca after it has undergone a 30-day public comment period and been the subject of two Public Hearings, and

WHEREAS, the first Public Hearing was held before the IURA on March 28, 2019, and the second Public Hearing was held at the Planning and Economic Development Committee of Common Council on May 8, 2019, and

WHEREAS, the IURA adopted the draft Consolidated Plan at its April 18, 2019 meeting and recommended that Common Council approve it, and

WHEREAS, the 30-day public comment period for the Consolidated Plan ends on May 31, 2019, and

WHEREAS, any additional public comment received will be incorporated into a revised draft version of the Consolidated Plan, therefore be it

RESOLVED, that the Common Council of the City of Ithaca hereby adopts the draft Consolidated Plan, dated April 18, 2019, and be it further

RESOLVED, that the Common Council authorizes the Mayor, subject to review by the City Attorney, to execute certifications and any other documents necessary to submit the Consolidated Plan to HUD.
Draft 2019 City of Ithaca Action Plan — Summary
HUD Entitlement Program

Adopted by Ithaca Urban Renewal Agency: 4/18/19 (with scaled outcomes adjusted for actual funding amounts)

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Funding Request</th>
<th>Funding Request 01</th>
<th>Funding Request 02</th>
<th>Funding Request 03</th>
<th>Funding Request 04</th>
<th>zFUNDING AMOUNT</th>
<th>Summary Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>HOUSING</strong></td>
<td></td>
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</tr>
<tr>
<td>1 2019 Homeowner Rehab</td>
<td>$125,000.00</td>
<td>$201,779.00</td>
<td>$67,504.32</td>
<td>$42,151.10</td>
<td>$109,745.90</td>
<td>$1,229,492.77</td>
<td>Asst at least 5 low-income homeowners with projects that improve the condition and performance of their homes.</td>
</tr>
<tr>
<td>2 Small Repair Program</td>
<td>$52,500.00</td>
<td>$99,856.00</td>
<td>$12,500.00</td>
<td>$32,500.00</td>
<td>$122,956.00</td>
<td>$1,229,492.77</td>
<td>Provide 45 homeowners with maintenance and repairs focused on health/safety issues, accessibility, and providing links to other programs and services.</td>
</tr>
<tr>
<td>3 Invasive Conspicuous School Redevelopment*</td>
<td>$590,000.00</td>
<td>$213,293.42</td>
<td>$0.00</td>
<td>$200,000.00</td>
<td>$200,000.00</td>
<td>$1,229,492.77</td>
<td>Redevelop 2 acre property to provide approximately 71 affordable rental housing units and non-profit space, with a minimum 1% special needs set aside for a disabled population (7%).</td>
</tr>
<tr>
<td>4 Housing Scholarship Program</td>
<td>$70,560.00</td>
<td>$145,560.00</td>
<td>$70,560.00</td>
<td>$70,560.00</td>
<td>$70,560.00</td>
<td>$1,229,492.77</td>
<td>Provide 80 Ithaca youth transitioning to supported stable housing and increase their ability to live self-sufficiently.</td>
</tr>
<tr>
<td>5 Security Deposit Assistance for Vulnerable Households (2019-20)</td>
<td>$25,000.00</td>
<td>$25,000.00</td>
<td>$25,000.00</td>
<td>$25,000.00</td>
<td>$25,000.00</td>
<td>$1,229,492.77</td>
<td>Provide security deposits to 100 low-income households at risk for homelessness to access safe/stable housing and avoid/handle homelessness. Includes 5 security deposits reserved for homeless families with children in Housing for School Success program (Project #12). Includes $2,000 for 40 housing inspections.</td>
</tr>
<tr>
<td><strong>ECONOMIC DEVELOPMENT</strong></td>
<td></td>
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</tr>
<tr>
<td>6 Finger Lakes ReUse Job Skills Training</td>
<td>$108,029.00</td>
<td>$224,240.00</td>
<td>$95,250.00</td>
<td>$95,250.00</td>
<td>$95,250.00</td>
<td>$1,229,492.77</td>
<td>Provide job training opportunities for LMI populations and place at least 10 adults with employment barriers into permanent unsubsidized positions.</td>
</tr>
<tr>
<td>7 Work Presure Job Training: Job Placements</td>
<td>$25,000.00</td>
<td>$25,000.00</td>
<td>$25,000.00</td>
<td>$25,000.00</td>
<td>$25,000.00</td>
<td>$1,229,492.77</td>
<td>Staff salaries and participant stipends for job placements of LMI individuals, following job-readiness training.</td>
</tr>
<tr>
<td>8 Hospitality Employment Training Program (HETP)</td>
<td>$122,500.00</td>
<td>$187,850.00</td>
<td>$110,725.28</td>
<td>$110,725.28</td>
<td>$110,725.28</td>
<td>$1,229,492.77</td>
<td>SGF, supplies, stipends, and professional fees to train 18 and place 12 LMI adults with employment barriers (incl. people with disabilities, formerly incarcerated, homeless, recovering addicts, immigrants, and single parents) into hospitality and office/administrative positions.</td>
</tr>
<tr>
<td>9 ReUse Center Expansion</td>
<td>$50,000.00</td>
<td>$1,807,600.00</td>
<td>$100,000.00</td>
<td>$100,000.00</td>
<td>$100,000.00</td>
<td>$1,229,492.77</td>
<td>Forgivable loan for acquisition of 214 Elm St. property (Finger Lakes ReUse Center), retaining at least 3-75 jobs.</td>
</tr>
<tr>
<td>10 Economic Development Loan Fund</td>
<td>$507,000.00</td>
<td>$203,300.00</td>
<td>$107,396.99</td>
<td>$107,396.99</td>
<td>$107,396.99</td>
<td>$1,229,492.77</td>
<td>Capitalize loan fund for business loans resulting in job creation (including underwriting and delivery).</td>
</tr>
<tr>
<td><strong>ECONOMIC DEVELOPMENT SUBTOTALS</strong></td>
<td>$495,459.00</td>
<td>$2,601,550.00</td>
<td>$618,131.27</td>
<td>$618,131.27</td>
<td>$618,131.27</td>
<td>$1,229,492.77</td>
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<tr>
<td><strong>PUBLIC SERVICES NO PROPOSALS</strong></td>
<td></td>
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</tr>
<tr>
<td>11 Black Girl Alchemists Public Art Mosaic Project</td>
<td>$24,150.00</td>
<td>$24,150.00</td>
<td>$7,500.00</td>
<td>$1,850.00</td>
<td>$1,850.00</td>
<td>$1,229,492.77</td>
<td>Enroll 12-15 local youth to lead transformation visual arts neighborhood project to be installed at the Downtown Ithaca Child Care Center. NOTE: Funding is contingent on sponsor securing sufficient match funding to complete the project.</td>
</tr>
<tr>
<td>12 Housing for School Success</td>
<td>$15,700.00</td>
<td>$15,700.00</td>
<td>$15,700.00</td>
<td>$15,700.00</td>
<td>$15,700.00</td>
<td>$1,229,492.77</td>
<td>Fund school social worker as case manager to assist 26-30 homeless students.</td>
</tr>
<tr>
<td>13 3-1-1 Information &amp; Referral Operations</td>
<td>$30,000.00</td>
<td>$30,000.00</td>
<td>$15,000.00</td>
<td>$15,000.00</td>
<td>$15,000.00</td>
<td>$1,229,492.77</td>
<td>Support for 2-1-1 Call Center referrals to 2-1-1 LMRI persons.</td>
</tr>
<tr>
<td>14 Work Presure Job Training: Job Placements</td>
<td>$20,000.00</td>
<td>$20,000.00</td>
<td>$20,000.00</td>
<td>$20,000.00</td>
<td>$20,000.00</td>
<td>$1,229,492.77</td>
<td>Staff salaries to provide 20 LMRI youth and adults with job-readiness training, workplace evaluations, and support transition to other services or employment.</td>
</tr>
<tr>
<td>15 A Place to Stay: Night/Weekend Support for Women in Transition</td>
<td>$20,000.00</td>
<td>$83,391.00</td>
<td>$20,000.00</td>
<td>$20,000.00</td>
<td>$20,000.00</td>
<td>$1,229,492.77</td>
<td>Cost management support for 21 very low-income homeless (or facing homelessness) women, at least half of whom will be working through substance abuse recovery.</td>
</tr>
<tr>
<td>16 Immigrant Services Program (ISP)</td>
<td>$30,000.00</td>
<td>$78,795.00</td>
<td>$25,059.00</td>
<td>$25,059.00</td>
<td>$25,059.00</td>
<td>$1,229,492.77</td>
<td>Staffing to provide 75 refugees and immigrants with direct services and referrals so they can integrate into the community.</td>
</tr>
<tr>
<td><strong>PUBLIC SERVICES SUBTOTALS</strong></td>
<td>$131,950.00</td>
<td>$411,766.00</td>
<td>$183,104.27</td>
<td>$183,104.27</td>
<td>$183,104.27</td>
<td>$1,229,492.77</td>
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<tr>
<td><strong>ADMINISTRATION</strong></td>
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<tr>
<td>17 CDBG Administration (25%)</td>
<td>$137,679.40</td>
<td>$137,679.40</td>
<td>$137,679.40</td>
<td>$137,679.40</td>
<td>$137,679.40</td>
<td>$1,229,492.77</td>
<td>Planning, administration, and monitoring for CDBG program.</td>
</tr>
<tr>
<td>18 HOME Administration (10%)</td>
<td>$90,597.20</td>
<td>$90,597.20</td>
<td>$90,597.20</td>
<td>$90,597.20</td>
<td>$90,597.20</td>
<td>$1,229,492.77</td>
<td>Planning, administration, and monitoring for HOME program.</td>
</tr>
<tr>
<td><strong>ADMINISTRATION SUBTOTALS</strong></td>
<td>$228,276.60</td>
<td>$228,276.60</td>
<td>$228,276.60</td>
<td>$228,276.60</td>
<td>$228,276.60</td>
<td>$1,229,492.77</td>
<td></td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td>$1,444,033.60</td>
<td>$2,601,550.00</td>
<td>$822,133.99</td>
<td>$407,308.78</td>
<td>$1,229,492.77</td>
<td>$1,229,492.77</td>
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</tr>
</tbody>
</table>

* 2018 CHDO Set-Aside Eligible Project

Minimum Required 2019 HOME CHDO Set-Aside Funding (15%): $45,893.80
Public Services Funding Cap = 15% of 2019 CDBG Award: $103,259.15
2019 CDBG award: $688,071
2019 HOME Funding Awarded to CHDO Activities: $98,668.22
2019 CDBG Funding Awarded to Public Services Projects: $103,259.15
2019 HOME award: $530,372
To: Common Council

From: Jennifer Kusznir, Economic Development Planner

Date: May 2, 2019

RE: City of Ithaca Planned Unit Development (PUD) – Conditional Approval: Carpenter Circle

The purpose of this memo is to provide information regarding an application from Park Grove Realty and Cayuga Medical to create a Planned Unit Development District at Carpenter Circle, tax parcels 36.-1-3.3 and 36.-1-3.5.

The project team presented and overview of their proposal at the March Planning Committee Meeting. In accordance with the adopted City process for consideration of a PUD, the applicant has completed the enclosed application. Notice of the proposal was circulated to all properties within 500’ of the project site and a public information session was held on Monday, April 8th. The meeting was advertised in the Ithaca Journal, online, and the property was also posted with signs. The meeting was well attended and the applicant answered questions on their proposed project. Comments that were received at the meeting are enclosed.

The process for consideration of an application for a PUD requires that the applicant obtain an approval in concept from the Common Council prior to beginning the site plan review process. Enclosed for your consideration is a draft resolution to approve this project in concept.

If this project is granted the conditional approval to proceed, the applicant will be permitted to begin the site plan review process, despite any zoning-based deficiencies in the application. As a part of the environmental review process for the project and the PUD, the Planning Board will update the Common Council after each Planning Board meeting where the project is considered and will request ongoing written comments from the Common Council. When and if the project has completed the environmental review process and has received site plan approval, it (the applicant) will return to the Common Council for final consideration of the adoption of the PUD.

If you have questions or require additional information, please feel free to contact me at jenniferk@cityofithaca.org.
Carpenter Business Park PUD Comments

To: Jennifer Kusznir, Senior Planner
From: Cynthia Brock, First Ward
Date: 18 April 18 2019
Re: PUD Application for Park Grove Realty and Cayuga Medical Center at Carpenter Circle

Please accept my comments on the proposed PUD application dated 19 February 2019 circulated in the 13 March 2019 P&EDC Agenda.

The Carpenter Business Park parcel is located along one of the primary gateways into the City of Ithaca. All visitors and traffic moving north and south through the city on Route 13 -- approximately 8,000 cars per day -- will be both visually impacted by this property, as well as affected by any increases in vehicle and pedestrian activities conducted on-site or internal traffic diversions to and from the Farmer's Market.

**Visual Impact**

For those entering the city from the east, west or south, there is a demonstrated gradual transition in heights of buildings. From the east (E State) it goes from 1-2 story residential, to 3-4 story residential at Collegetown Terrace, to 6-8 stories at the tuning fork, to 12 stories in the downtown core. Less dramatic are the entries from the south along Rt 13 and the west at Rt 79 and 96, with a gradual growth in density and size as you enter the city. **The proposed PUD creates a dramatic visual increase in height and density of buildings at the north entry into the city.** The surrounding landscape are mainly 1-2 story buildings with low industrial/commercial on the west side and small-scale residential on the east.

- The proposed CMC building (Building A), at 78 ft high and 99 ft wide creates an imposing visual impact as it cantilevers out towards the road from approximately 30 ft off the ground and upwards for an additional 50 ft. This visual will be negatively exacerbated by the two large, 74 ft high hulking buildings immediately to the north of it.
- The maximum building height allowed by zoning for neighboring properties are 40 ft for B-1a, 40 ft for B-4 (across the street), 63 ft for Newman, and 60 ft for WE/WF, as such this project will be out of scale with surrounding development.
- Building B at 148 ft wide along Rt 13 and Building C at 288 ft wide are overwhelming in its massing. Their size and proximity to each other will appear to be one large continuous mass when viewed approaching from the north or south.
- The proposed CMC building (Building A), at 78 ft high and 99 ft wide creates an imposing visual impact as it cantilevers out towards the road from approximately 30 ft off the ground and upwards for an additional 50 ft. This visual will be negatively exacerbated by the two large, 74 ft high hulking buildings immediately to the north of it.
- Building C will be the first building visible when approaching from the north but no thought is given to its visual or aesthetic impact. Similarly Building A is first seen from the south but has a large blank wall in the upper stories, and hulks out towards the street.
- These enormous structures will block all views from Rt 13 of the hill to the west as well as the waterfront, and will dwarf all surrounding buildings.
- The viewshed from the Inlet, Waterfront Trail, Cass Park and West Hill will be significantly impacted by these multiple large buildings.
- Building A has a large flat surface facing the Rt 13/south for the upper 4 stories, which is unattractive.
- Building C has large blank walls on the 1st and 2nd floor facing Rt 13/north, which will be the first thing drivers see entering the city. Views from the Waterfront Trail of the 288 ft wide building's 1st and 2nd floors are primarily blank walls.

Not at Pedestrian Scale
Part of the "small-city character" highlighted in Plan Ithaca is the accessible and pedestrian scale of our community. The Commons, East State and West State are all capped at 50’ to support an environment which fosters positive social connections and a human (and humane) scale. The area is zoned at 63’ and 5 stories with appropriate setbacks. **The project's building heights, proximity to each other and Building A's proximity to Rt 13 are out of scale for the surrounding neighborhood made up of primarily 1-2 story commercial, industrial and residential.**

Interior Transportation Details
The drawing provided does not indicate continuous sidewalks throughout the interior connecting from Greenstar through to 3rd Street. Please provide more details of the infrastructure and landscaping. If these interior roads are to be considered a public benefit please provide certification that the interior roads will be deeded to the City or otherwise guaranteed to be permanently available for public use (may not be closed to the public without prior City approval). Please also certify that all sidewalks, roads, and trees in the tree lawn will be guaranteed to be built and maintained in accordance with City standards and regulations.

Please also outline the proposed TCAT access route as well as bus stops and amenities.

Open Green Spaces
I was not able to readily locate the "public open green space", and I would like to know more about the public plaza for events and/or outdoor dining. It appears that 99% of the area not occupied by the Community Gardens are hardscaped buildings or parking, or meant to serve adjacent commercial areas rather than for public use.

Building D Parking
The parking for Building D will be inaccessible from 3rd Street during Farmer's Market weekend. Residential parking would be better served by having access to the interior road.

Traffic Impacts
Route 13 is already considered a high-traffic corridor, with increased congestion during rush hour, in the summer months, and on the weekends. The project anticipates bringing a high volume of cars to the site with over 400 surface parking spaces as well as an additional 193 parking spaces with Buildings B and C. **Residents of the 200 units, approx 150 employees, patients and gardeners are expected to impact the existing traffic problems experienced in the area.**

Landlocked subdivision
The project proposes creating two subdivided lots for the Community Gardens. One parcel located along Rt 13 and the other parcel apparently landlocked without any street frontage, which is not allowed by zoning. The parcel with Building A (CMC) also appears to have no legal individual access to Rt 13 and it would be important to clarify the requirements of having legal access to the road prior to PUD approval and subdivision of property.

Industrial Impacts on Residential Use
It is inappropriate to have residential units in immediate proximity of high-volume above ground petroleum storage facility, DOT facility, railroad tracks, railroad crossing, and waste water treatment facility. While it is conceivable that the petroleum storage and DOT site may be relocated, the RR tracks, RR crossing, and IAWWTF will not be relocated, and comes with associated nuisances such as noise, vibrations, fumes, odors, dust, 24-hour use, lighting and
other inconveniences. The ability of IAWWTF to operate without constraint for the next 100 years is essential to the needs of the City of Ithaca, Town of Ithaca and Town of Dryden, as well as Cayuga Heights, Town of Lansing and Village of Lansing, and future actions of the IAWWTF must not be in any way restricted by residential quality of life expectations/conflicts.

<<Suggestions>>

I applaud the goals of the project, and its aim to create a dense mixed use community. I would support a redesigned project with the following features:

- No residential uses adjacent to the IAWWTF, RR tracks, and RR crossing,
- Reduced massing for CMC and residential buildings - within maximum heights allowed by existing zoning and at a pedestrian scale similar to that in other areas of the city with distances between buildings to provide a break in massing.
- Increased green space and fewer parking spaces/hard surfaces
- I would like to see a more thoughtful and detailed presentation on the "tone" of the gateway that the project projects for the city, at a smaller scale.
- Larger viewshed both towards the water from Rt 13 and to the city from West Hill.
Carpenter Circle-Park Grove Realty and Cayuga Medical Center Project
— PUBLIC INFORMATION SESSION —
Meeting Minutes
Monday, April 8, 2019 – 4:00 p.m.
2nd Floor Conference Room, City Hall, 108 E. Green St.

This meeting was advertised in the Ithaca Journal on 03/30/19 and again on 04/8/19. It was also posted online on the Ithaca Journal website. Below is a copy of the media release that was distributed.

— MEDIA RELEASE —

Proposed Planned Unit Development (PUD)
Public Information Session: Carpenter Circle-Park Grove Realty and Cayuga Medical Center Project Proposal
Day: April 8, 2019
Time: 4:00 PM
Place: Common Council Chambers, City Hall
108 E. Green St., Ithaca

On April 8, 2019, the City of Ithaca will hold a Public Information Session for a proposed PUD located at Carpenter Circle, tax parcels 36.-1-3.3 and 36.-1-3.5. The Public Information Session will begin at 4:00 PM, in the Common Council Chambers in City Hall, 108 E. Green Street, Ithaca. In accordance with the requirements of the City of Ithaca Planned Unit Development (PUD), the developer and project team will present information about the project and answer questions from the public.

The proposed project is 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 3 stories of apartments. The site will also be developed with neighborhood streets, pedestrian and transit connections, shared parking, and green space. The project includes a plan to reconfigure, improve, and establish a permanent site for the Ithaca Community Gardens. The total proposed development contains approximately 64,000 SF of medical office space, 200 new housing units, 40 of which will be designated as affordable units, and 400 parking spaces.

For questions regarding this project, or to see the completed PUD application, please contact Jennifer Kusznir at jkusznir@cityofithaca.org, or 274-6550.

Department of Planning, Building, Zoning, & Economic Development
108 E. Green St., Third Floor, City of Ithaca (City Hall)
Ithaca, New York 14850
Office Hours: 8:30 a.m. - 4:30 p.m., M-F
Attended by (Names taken from Sign in Sheet - additional attendees did not sign in):
Brian Noteboom     Charlene Temple     Dan Hoffman
Fred Swayze        Marc Messing       Sheryl Swink

Common Council Members
George McGonigal
Cynthia Brock
Ducson Nguyen
Laura Lewis

Project Team
Yamila Fournier
Scott Whitham

City Staff
JoAnn Cornish
Jennifer Kusznir
Lisa Nicholas
Alex Phillips

Questions & Answers
Applicable questions from attendees and developer responses are summarized below, but are not recorded verbatim.

<table>
<thead>
<tr>
<th>Public Comments/Questions</th>
<th>Applicant Responses</th>
</tr>
</thead>
</table>
| 1. If buildings were taller could the affordable housing be moved further into the site closer to the other residential structures? | There is limited buildable area on the site because of the NYSEG easements that restrict development on a large portion of the site.  
The financing also requires it to be a separate project that cannot be mixed with the rest of the project. This has allowed the developer to add 42 units of housing that would be priced to be affordable to those earning 50-60% of AMI.  
Also, adding any additional stories would change the construction type and increase the costs. |
<p>| 2. Has the project team spoken with NYSEG about relocating the power lines to increase developable area? | The City has asked NYSEG and have been told that this is not possible. |</p>
<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. How long will the units remain affordable?</td>
<td>It will likely be a 50 year regulatory period and might be extended if at some point during that period repairs/restoration is required and an additional financing agreement is needed.</td>
</tr>
<tr>
<td>4. What are the total number of parking spaces on site?</td>
<td>416 total parking spaces, including those that are inside of the building. 120 spaces are dedicated to CMC.</td>
</tr>
<tr>
<td>5. Will you have permeable surface?</td>
<td>Permeable surface is not possible in this location. Stormwater management will be addressed in a comprehensive way, but has not yet been determined.</td>
</tr>
<tr>
<td>6. Could the residential only building be switched with the CMC office building?</td>
<td>The CMC office building requires the most parking and there is not enough space for the building and the parking in the location where the residential only building is located. CMC also prefer to have visibility from Route 13 for their building so that it will be a gateway building.</td>
</tr>
<tr>
<td>7. The site was just rezoned. Did you try to adhere to the existing zoning?</td>
<td>Most of the places where the project will not conform with zoning are minor and include height and setbacks. The residential building doesn’t have the appropriate setback in order to move it further from the railroad and doesn’t have the minimum first floor height because no commercial is anticipated for this building. The mixed use buildings exceed the maximum height in order to accommodate a floor of parking into the building to reduce the amount of surface parking needed. The medical building exceeds the height in order to accommodate taller floors and deep foundations. The project could move forward in the existing zoning, but the project team feels that the given the complexity of the site, a PUD would allow for a better project.</td>
</tr>
<tr>
<td>8. Housing may not be an appropriate use everywhere. This site is between the Railroad and the WWTP. The WWTP will likely expand in the future. It has odors and noises that do not make it ideal for residential uses. Has the project considered eliminating the</td>
<td>The project team explored a lot of options and feels that this is the most viable way to plan the site. In order to get funding from the state to make this financially feasible the affordable portion has to be separate. The project didn’t originally have affordable units, but staff, the Mayor</td>
</tr>
</tbody>
</table>
affordable housing building and if that were eliminated could the project fit under the existing zoning. and the Common Council requested it. It is actually an asset to the project, it creates a more balanced neighborhood and includes more of the population that the medical facility serves.

9. The project has too much hardscape.

10. The location of the residential only building is actually quieter and more desirable then the rest of the site because it is adjacent to the gardens and the playground and set back further from route 13. It feels more family oriented.

11. Project Growing Hope is supportive of this proposal. The Board has met twice with the project team and they have been very responsive to the concerns raised.

12. How will the facility be powered and will it be energy efficient? These details are being worked out and we will look at various available energy systems that are available and will meet city green energy building standards.

13. What is the plan for stormwater management? We have not yet engineered the storm water management, but exploring options for possible shared grey water with gardens.

14. Could B and W be incorporated into this project? They are not interested in selling the property.

15. How does one access the medical building? The project is applying to NYSDOT for a break in access on Route 13 and is also working with TCAT to get service all the way through the project site. If DOT approves, there will be a direct crossing at 5th Street and there will be sidewalks throughout the site.

16. What is the vision for the retail space? Is there enough demand for new retail and will it detract from retail in other areas in the City? This project will have enough demand within the project to support small retail. In order for the project to be successful as a mixed use neighborhood, the project team feel that it is an essential aspect of the project. It will provide convenient neighborhood commercial uses.
<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crossings on Route 13 are difficult. How will you make this safe? Also, it is important to note that on the corner of fifth street is FLICC that serves disabled individuals so it is important that traffic be calm. There is also a high population of non-English speakers on fifth street.</td>
<td>Here it would be a perpendicular crossing that will feel more of a friendly crossing, and would be a pedestrian activated signal crossing.</td>
</tr>
<tr>
<td>17. There is not enough greenspace in this project, it is mostly hardscape.</td>
<td>We will continue to explore how we can incorporate more green, but we hope the community gardens is an opportunity for our residents.</td>
</tr>
<tr>
<td>18. Could vehicles drive through the site and go to Green Star</td>
<td>The project team is working with Organic waterfront to try and have a ped/bike and bus crossing into their site. However, this is still being evaluated.</td>
</tr>
<tr>
<td>19. Have you planned out traffic circulation and considered how best to make it a safe walkable neighborhood for families? Have you considered making a signalized at 3rd street intersection going into the sites.</td>
<td>We are working with SRF traffic engineers to look at all of the projects to try and come up with a plan. A light at third street might back up into Route 13, but SRF can explore it.</td>
</tr>
<tr>
<td>20. What is the timeline?</td>
<td>The project team is hoping to have approvals in the late fall/early winter.</td>
</tr>
<tr>
<td>21. When the WWTP was rebuilt neighbors complained. I am very concerned with adding residential uses in the vicinity of the plant that is likely to expand services. The Railroad is difficult to live near. The residents of Nates often complain about the noise and vibrations from the idling trains.</td>
<td>The project is adding special glass to mitigate any noise from the railroad.</td>
</tr>
<tr>
<td>22. Could the playground/greenspace be made larger?</td>
<td></td>
</tr>
<tr>
<td>23. IS the project team aware that the railroad plans to increase transport of liquid natural gas?</td>
<td></td>
</tr>
<tr>
<td>24. Can more middle income housing be included? Could there be for sale affordable units included?</td>
<td></td>
</tr>
<tr>
<td>25. Why is there so much parking?</td>
<td>The parking is to support all of the uses. However, it is not be used as much on the weekend and can be shared with the Farmer’s Market.</td>
</tr>
<tr>
<td>26.</td>
<td>When the Cayuga Medical Center opted to purchase this land it was considered a long term investment. The goals was to control the property and to add medical services to this part of the City that has been requested repeatedly for many years.</td>
</tr>
</tbody>
</table>
Draft Resolution
Planning & Economic Development Committee
May 2, 2019

Proposed Planned Unit Development Application—Park Grove Realty and Cayuga Medical Center—Common Council Conditional Approval—Resolution

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 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, 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 the neighborhood streets, pedestrian and transit connections, shared parking, and green space, and will reconfigure, improve, and establish a permanent site for the Ithaca Community Gardens, and

WHEREAS, the total proposed development contains approximately 64,000 SF of medical office space, 208 new housing units, 42 of which will be designated as affordable units, 414 surface parking spaces, and 193 garage spaces, and

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

1. Providing a permanent and improved space for the Community Gardens
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

WHEREAS, the process for consideration of an application for Planned Unit Development requires that the applicant obtain an approval in concept from the Common Council prior to beginning the site plan review process, and

RESOLVED, that the Common Council does hereby grant an approval in concept to Park Grove Realty and Cayuga Medical Center for their application for a Planned Unit Development district to be established on parcel numbers 36.-1-3.3 and 36-1-3.5, and be it further

RESOLVED, that by granting an approval in concept, the Common Council acknowledges that the applicant is able to begin the site plan review process, despite any zoning-based deficiencies in the application, and, be it further

RESOLVED, that the Common Council does hereby request that the City Planning Board update the Common Council after each Planning Board meeting where this project is considered and to request ongoing written comments from the Common Council, and be it further

RESOLVED, that if this project receives a negative declaration of environmental significance and contingent site plan approval, the applicant will return to the Common Council for final consideration of the adoption of the Planned Unit Development district.
Compilation of e-Scooter Research
Prepared for the Ithaca PEDC and Common Council

Sarah Barden and Megan Powers
Members, Mobility Accessibility, and Transportation Commission

Created 5 February 2019
Revised 8 April 2019

Sarah Barden and Megan Powers (SB/MP. “we”) have done this research on behalf of the Mobility, Accessibility, and Transportation Commission (MATCom) at the request of the Planning and Economic Development Committee (PEDC). We presented our draft report and findings to MATCom, which has reviewed and commented on the evolving report and has approved its moving forward to PEDC for review on its merits.
Revision Summary

February 26, 2019
Initial Release (MATCom February Meeting)

March 6, 2019
- Added page numbers and table of contents
- Added Methodology section
- Added Pros and Cons section
- Added Safety section
- Added Insurance and Liability section
- Added Equitable Ridership section
- Added Geography section
- Clarified and expanded feedback from Lime

March 20, 2019
- Clarified statistics from Portland about choosing scooters over cars
- Clarified that injury data from Austin, TX was using statistics collected for all bicycle injuries.

April 6, 2019
- Added Revision Summary
- Extended and organized Safety section
- Added additional information about Harrisonburg
- Added information about Nashville
- Re-formatted citations and added a bibliography
Executive Summary

The City of Ithaca Planning and Economic Development Committee (PEDC) asked the Mobility, Accessibility, and Transportation Commission (MATCom) to research several facets of e-scooter implementation to help the City of Ithaca determine whether and how to launch an e-scooter sharing pilot program. This research was undertaken by Sarah Barden and Megan Powers.

Given our research, we believe e-scooters represent an exciting opportunity for the City of Ithaca and that it is in Ithaca’s best interest to establish a Memorandum of Understanding (MOU) for an e-scooter pilot program beginning in Spring 2019. Creating a pilot program for e-scooter sharing allows Ithaca to observe how e-scooter sharing impacts Ithaca and to collect ridership data without tying the city to a permanent decision. Until e-scooter riding in Ithaca is well understood, we believe establishing an exclusive agreement with one e-scooter provider is reasonable.

The basics of a dockless e-scooter sharing program typically include:

- Access to e-scooters via a smartphone app, unless using the LimeAcess program (see Equitable Ridership for more details).
- In-app User Agreement, education, and safety instructions.
- A daily curfew (as determined by the municipality) after which all e-scooters are turned off and removed from city streets; during this time they are re-charged.
- A minimum age requirement of 18.

Any MOU regarding e-scooters should follow the guidelines outlined by the NACTO (2018) and should establish clear regulations regarding e-scooter usage, including points listed below.

- Inclusion of insurance and indemnification clauses
- Establishment of a maximum e-scooter speed of 15 mph
- Establishment of fees or payments made to Ithaca by the e-scooter provider

Ithaca should consider requiring Lime to maintain a minimum fleet of bicycles along with the e-scooter program to serve the youth and underprivileged population.

Even with a detailed MOU, Ithaca should expect challenges with an e-scooter program. Citizens and tourists will ride e-scooters illegally on the sidewalks, and residents will express concern about both improper ridership and lack of enforcement. Further, some e-scooters will be parked inappropriately, possibly impacting ADA or rescue access. Ithaca can address these concerns proactively by creating education initiatives, leveraging local interested NGOs, and formally documenting expectations with Lime.
All the cities we interviewed faced some challenges in implementing their e-scooter programs, but all have chosen to renew the programs for the next year.

Methodology

Sarah Barden and Megan Powers have spoken with representatives from several cities to learn how these municipalities have approached e-scooter sharing and what challenges they have faced. We have also researched best practices for e-scooter implementation. We have shared our initial findings with several city departments (City Clerk, Engineering, Planning and Economic Development, and Fire) and collected their feedback. Finally, we have spoken with Jeff Goodmark, local Operations Manager for Lime, to understand Lime’s hopes and expectations for an e-scooter program in Ithaca. Our findings are summarized in the following sections.

Pros and Cons of E-Scooter Sharing

E-scooters provide a new transportation option for residents and tourists, but they also have drawbacks. See also data from

- “The State of E-Scooter Sharing in United States Cities” (Kaufman and Buttenwieser, 2018)
- “E-Scooter Scenarios: Evaluating the Potential Mobility Benefits of Shared Dockless E-Scooters in Chicago” (Smith and Schweiterman, 2018)
- “2018 E-Scooter Findings Report” (Portland Bureau of Transportation [PBOT], 2018)

Pros of E-Scooter Sharing

- E-scooters help solve the “last-mile” problem, giving people an easy option to make a trip that is too long for a comfortable walk but too short for a car ride. In specific, Smith and Schweiterman (2018) study found e-scooters were a strong, cost-efficient, time-competitive alternative to cars for trips between 0.5 and 2 miles.
- E-scooters have a smaller parking footprint than bicycles or automobiles.
- E-scooters require little effort or skill to ride, especially compared to bicycles.
- E-scooters can provide a reliable means of transportation for those who cannot use or afford a car. This, in turn, can have a positive impact on job accessibility and business commuting.
- E-scooters have the potential to make jobs more accessible compared to public transit or walking alone. For example, Smith and Schweiterman (2018) found this to be true for 16% of jobs in their study area.
- E-scooters can replace cars, especially among tourists. In the Portland survey, 34% of residents and 48% of tourists reported that if e-scooters had not been available for their most recent scooter ride, they would have chosen to take a personal vehicle or taxi, Uber, or Lyft ride (PBOT, 2018).
Cons of E-Scooter Sharing

- E-scooters are a new technology. Cities and residents must learn how to integrate them into daily living while their risks are not yet understood.
- E-scooters are often used on sidewalks, increasing pedestrian discomfort and frustrating those who would like to see sidewalk riding regulations enforced.
- E-scooters that are parked improperly can cause accessibility concerns.
- E-scooters bring some people a perception of danger and risk. The studies needed to assess the risk have not yet been completed. A careful evaluation of bike-sharing and e-scooter-sharing statistics would reveal the relative risks, but this has not been done.
- E-scooters may be more sensitive to irregular pavement than bicycles. Because of their bigger wheels, bicycles tend to be more stable across bad pavement than e-scooters. Note: the diameter of the Lime-S Gen 3.0 e-scooter is 10 inches, while the diameter of a toddler’s balance bike is 12 inches.
- E-scooters are less visible than Lime bicycles. They can be less visible than general bicycles because of their smaller profile, but they also have front and rear lights.

Safety

Like bicycles and other small transportation devices, e-scooters are associated with safety risks. To date, few extensive studies have been completed regarding e-scooter safety, and results are mixed. Most evidence suggests that the injury risk associated with e-scooter usage is comparable to that of bicycle usage.

Fatalities

There have been two fatalities associated with e-scooter sharing programs in the United States. At the time these fatalities occurred, there had been approximately 21 million rides on e-scooters. Schmitt (Sept. 2018) used this statistic to suggest that e-scooter sharing was approximately six times more deadly than bike share programs, using two US bike share fatalities over the course of 123 million rides. With such a small number of incidents in each case, however, the statistical uncertainty in the actual fatality rate is larger than the difference between the two modes of transportation (2 ± 1.4 in each case). It is thus impossible to draw useful conclusions from this data. A later report by the same author, Schmitt (Dec. 2018) took a more nuanced approach.
Injuries

E-Scooter Injury Statistics

Comprehensive injury statistics for e-scooter use are not yet available, but the CDC launched its first study of e-scooter safety by evaluating data collected in Austin, TX, last fall (Solomon, 2018). Until those results are released, there are a few other sources of injury data collection available for review. Austin’s Mobility Committee of Council (2018) reported that between Sept. 29, 2018 and Oct. 31, 2018, there were nine scooter injuries, compared to 32 bicycle injuries (all bicycles), 44 pedestrian injuries, and 592 motor vehicle injuries in the same period.

A study done by the Journal of the American Medical Association (JAMA) studied injuries related to standing e-scooters by reviewing data from emergency department visits to the Ronald Reagan UCLA Medical Center and UCLA Medical Center–Santa Monica from September 1, 2017 through August 31, 2018 (Trivedi, Liu, and Antonio, 2019). The study identified 249 patients with injuries from e-scooters. Of these injuries, fifteen required admission to the hospital, with two patients requiring service from the intensive care unit.

The city of Portland, OR, found there were 176 e-scooter-related injuries reported to the emergency room between July 25 and Nov. 20, 2018. During the same period, there were 429 bicycle-related ER visits (PBOT, 2018).

Relative Safety of E-Scooters Compared to Bicycles

As explained in the Portland report (PBOT, 2018), it is difficult to compare e-scooter and bicycle injury rates because there is relatively little information about the number and length of bicycle trips. Evidence suggests that where e-scooters are available, they are a far more popular mode of transportation than bicycles. The City of Santa Monica, featured in Trivedi et al. (2019), licenses 2,000 e-scooters but only 1,000 e-bikes in dockless sharing programs (Walker, 2018). From July 1 to September 20, 2018, e-scooters outnumbered dockless bicycles in Houston 3,212 to 632 (5:1). Houston users traveled 595,437 miles on e-scooters compared to 41,973 miles on dockless bikes (14:1), with an average trip being 1.05 miles on an e-scooter compared to 0.65 miles on a dockless bicycle (Chiquillo, 2018).

Helmet Use

In the JAMA study, ten of the patients said they had been wearing a helmet when the injury occurred (Trivedi et al., 2019). The study included an observational study of the riding habits of 193 e-scooter users compiled from three different sessions. They observed only eleven riders using helmets. The observational study also found 51 riders using the sidewalk. When the study was conducted, both riding on the sidewalk and riding without a helmet were illegal in the study area. A post-hoc review found 195 visits for bicycle injuries and 181 visits for pedestrian injuries in the same time period.
Injuries among Case-Study Cities

Among the cities we contacted to discuss e-scooter programs, Memphis and Harrisonburg reported evidence of e-scooter injuries. According to McGowen (personal communication, 2019), there were a couple of serious head injuries in Memphis during the pilot period that were related to e-scooter use. The city responded by mandating the e-scooter apps include rider education, and they pushed for safety demonstrations and free helmet giveaways. Memphis also trained its downtown tourism representatives about e-scooter usage for tourists. These measures appeared to make a positive impact on rider safety.

Wesley Russ of Harrisonburg (personal communication, 2019) reported a James Madison University student fell while riding down a steep hill, breaking his arm.

Providence and St. Paul both commented that safety was a priority for them and that they wanted to provide education initiatives, but that they did not have injury statistics and had only limited injury anecdotes (Ellis, personal communication 2019, and Collins, personal communication, 2019).

Additional Comments about Safety

There is a learning curve associated with riding e-scooters that results in an initial elevated risk of crashes when riding an e-scooter. Further, because e-scooter tires are smaller in diameter than most bicycle tires, they can be comparatively more difficult to ride safely over cracks and uneven pavement.

Lime is replacing all their e-scooters with the new Lime-S Gen 3.0 (MATCom, Apr. 2019), which Wired reviewed in October of 2018 (Marshall, 2018). This model has notable safety improvements over previous models, including larger (10-inch) tires, dual suspension, an improved braking system (electrical and mechanical in front; step-based at the back), a maximum speed of 14.8 mph, and an active rear light and reflectors for increased visibility.

Educational outreach and demonstration programs, along with customized safety tips, could be used to help address e-scooter ridership risks. Eric Hathaway from Engineering has begun the process of working with Cayuga Medical Center to help collect injury statistics.

Lime requires all e-scooter riders to be at least 18 years old.

Insurance and Liability

It is common for cities to include insurance and indemnification clauses in their agreements with e-scooter providers, and NACTO guidelines recommend that cities require providers to hold insurance and to indemnify the city in the event of injury (NACTO, 2018).
The current MOU between Ithaca and Lime for bicycle sharing includes provisions for both indemnification and insurance:

6. Indemnification. LimeBike shall defend, pay, indemnify and hold harmless City, its officers, officials, employees, agents, invitees, and volunteers (collectively "City Parties") from all claims, suits, actions, damages, demands, costs or expenses of any kind or nature by or in favor of anyone whomsoever and from and against any and all costs and expenses, including without limitation court costs and reasonable attorneys’ fees, resulting from or in connection with loss of life, bodily or personal injury or property damage arising directly or indirectly out of or from or on account of:
   a. Any occurrence upon, at or from City Property or occasioned wholly or in part by the entry, use or presence upon City Property by LimeBike or by anyone making use of City Property at the invitation or sufferance of LimeBike, except such loss or damage which was caused by the sole negligence or willful misconduct of City.  
   b. Use of LimeBike's bikes by any individual, regardless of whether such use was with or without the permission of LimeBike, including claims by users of the bikes or third parties.

7. Insurance. LimeBike shall procure and maintain for the duration of this agreement insurance against claims for which LimeBike has indemnified the City pursuant to Section 5 of this Agreement. LimeBike shall maintain General Liability limits no less than One Million and no/100 Dollars ($1,000,000.00) per occurrence for bodily injury, personal injury and property damage, and in the sum of One Million and no/100 Dollars ($1,000,000.00) for injury to or death of more than one person for each occurrence, and Umbrella coverage no less than Five Million and no/100 Dollars ($5,000,000.00). Each insurance policy shall name the City as an additional insured and it shall be endorsed to state that: (i) coverage shall not be suspended, voided, or cancelled by either party, or reduced in coverage or in limits except after thirty (30) calendar days prior written notice by certified mail, return receipt requested, has been given to City; and (ii) for any covered claims, the LimeBike's insurance coverage shall be primary insurance as respects the City and any insurance or self-insurance maintained by the City shall be in excess of the LimeBike's insurance and shall not contribute with it. The insurance required to be provided herein, shall be procured by an insurance company approved by City, which approval shall not be unreasonably withheld.

Currently, insurance coverage for riders is handled through the e-scooter companies' usage agreements. There is no explicit coverage to protect riders in the event of an injury or malfunction.

Lime’s User Agreement can be found here: https://www.li.me/user-agreement
Equitable Ridership

Access to e-scooters can potentially provide a new, affordable mode of transportation to those who need it most. To help encourage equitable distribution and usage of e-scooters, several cities, including Providence, Portland, and St. Louis, have stipulations requiring e-scooter providers to ensure e-scooters are distributed among a variety of neighborhoods (Ellis, 2019; PBOT, 2018; St. Louis, 2014).

St. Louis (2014) did so by specifying Social Equity and Inclusion Target Neighborhoods “which mapped out areas with high concentrations of low income households, people of color, households with no access to a vehicle, and non-English speakers. The neighborhoods with high concentrations of those factors that were also within reasonable biking distance of MetroLink and the urban core of the city were chosen as places that could benefit the most from additional affordable transportation option.”

Lime has a program called Lime Access which provides access to their bicycles for people without smartphones, bank cards, or people who live in a low-income household. Lime Access users can text-to-unlock bikes, pay in cash, and receive a 95% discount on pedal bikes and 50% discount on Lime-E. Jeff Goodmark from Lime has confirmed that Lime Access will be active for e-scooters as well (MATCom, 2019).

Geography

Because of their relatively small motors, e-scooters struggle to climb steep hills such as those that surround the Ithaca Commons. Scooters can be staged along hills and at the tops of hills to provide users with downhill access.

Of the cities we questioned, both Providence and Harrisonburg have some significant hills.

Harrisonburg has a similar geography to Ithaca, with a flat downtown area surrounded by steep hills. Harrisonburg reported that Bird stages quite a few e-scooters to serve students living at the top of the hill. Ridership declines sharply in areas where the hills are steepest, but they did report one student broke his arm as a result of a fall while riding an e-scooter down a steep section of hill (Russ, personal communication, 2019).

Providence reported that e-scooters are not used as much on hills (Ellis, personal communication, 2019).

Lime does not recommend geofencing the hills, since geofencing reduces the speed of the e-scooter via motor throttling but does not initiate the braking system. Therefore, e-scooters may
be ‘free-ridden” down the hill even if it was geofenced, removing the value of geofencing that area (Goodmark, personal communication, 2019).

E-Scooter Sharing in Other Cities

Sarah Barden and Megan Powers have communicated firsthand with city employees about their e-scooter programs in four cities: Harrisonburg, VA, Memphis, TN, Providence, RI, and St. Paul, MN. Portland, OR, provides extensive information about its e-scooter program online. Reviewing conversations with these cities revealed several common themes.

- Cities use the NACTO Guidelines to model their MOUs and ordinances.
- Cities rely on their existing bike infrastructure for e-scooters (as opposed to building new infrastructure).
- Cities limit e-scooter speed to 15 mph, at least in some areas.
- Cities employ selective geofencing to prohibit e-scooters from particular areas. Geofencing uses GPS to establish a virtual perimeter around an area. The device’s software can respond to the geofence in a variety of ways. For example, a geofence can be set up so that an e-scooter cannot be ridden within a particular boundary (for example, on the Ithaca Commons).
- Cities are concerned about poorly parked e-scooters. Lime scooters have generally been parked well, and Lime staffing has been responsive.
- Cities are concerned about safety and want to launch education initiatives. Most have not done so because of the logistics and cost involved.
- Cities struggle with citizens riding e-scooters on sidewalks but do not have a good solution.

Harrisonburg, VA

Of all the cities MATCom investigated, Harrisonburg is closest in size to Ithaca. Like Ithaca, it is a college town with a centralized downtown area. Harrisonburg was the least prepared of the cities for the influx of e-scooters. Both Bird and Lime brought e-scooters to Harrisonburg before the city had prepared e-scooter guidelines or established an MOU. Harrisonburg found itself at the center of an escalating e-scooter competition between Bird and Lime and became overwhelmed with the number of e-scooters.

The city was able to rein in the e-scooter companies and now has a good relationship with Lime. It has worked with Lime to implement temporary geofencing for events. Harrisonburg is now looking to expand the Lime fleet to include bicycles.

More so than other cities we researched, Harrisonburg reported conflict between drivers and e-scooters.
After the first 32 days with Bird scooters, Bird told Harrisonburg that there had been 26,779 total rides, with an average ride length of 0.77 miles and duration of 8.9 minutes. During this period, Harrisonburg estimates the scooters received an average of close to 5 trips per day.

During January and February, the Lime scooters averaged only 1.6 rides per scooter per day, but this included two days of inclement weather where there were no rides recorded. Removing these days, the scooters average between 2 and 2.2 rides per day.

In early 2019, the city of Harrisonburg created an e-scooter regulation process and pilot program (Peterson, 2019). Since then, Bird has applied for a permit to continue operations in the city, which was approved. Bird is currently authorized to host up to 150 e-scooters in the city (Russ, personal communication, 2019). Lime is not pursuing further e-scooters in Harrisonburg at this time (Goodmark, personal communication, 2019).

Contact:
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Assistant City Attorney
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(540) 432-7110

Memphis, TN

Memphis studied how other cities responded to e-scooters and created an ordinance in advance of their arrival in the city. When Nashville ejected Bird e-scooters from the city, Memphis invited Bird there instead and quickly worked with Bird to create an interim operating agreement.

Lime introduced 250 e-scooters after being asked by the city to wait for the interim agreement with Bird, but Memphis responded by impounding the Lime e-scooters. Memphis negotiated a deal with Lime two months later.

Improper parking that blocked ADA access was initially a problem in Memphis, but Bird helped address the issue by firing some of the chargers who were not complying with regulations and by including staffers who ride around the city and reposition poorly parked devices.

Memphis added e-scooter specific parking. Its bike infrastructure was lightly used, so the introduction of e-scooters has not caused a strain.

Memphis manages volume by requiring e-scooters to average 3 rides per day.

A few citizens needed care at a trauma center following head injuries related to e-scooter use. Memphis has since required that the e-scooter apps include rider education. Memphis has also educated its downtown representatives about e-scooter usage for tourists.
Providence, RI

Providence is interesting because it allows both cycling and e-scooter riding on its sidewalks. The sidewalks in Providence are not particularly wide, and the increased ridership has caused increasing tension. So far, there isn’t enough data to determine whether crashes between e-scooter riders and pedestrians are more likely to occur in Providence than in other cities. Providence is investigating several options to limit e-scooter riding on sidewalks, including introducing a ban to riding e-scooters on downtown streets and explicitly linking allowed sidewalk use with the lack of a designated bike lane.


Citizens’ reception to the e-scooter program has been less enthusiastic than the reaction to the bike-sharing program. The on-the-ground team for the bike share component has generally been more responsive than a similar team for the e-scooter program.

Providence currently hosts two e-scooter companies. One of them pulled out for the winter, and the other has significantly reduced ridership, even though Providence has had relatively little snowfall to date.

Providence charges its scooter providers $1 per scooter per day, and its scooters have averaged 2.5 trips per day per scooter.

Contact:
Alex Ellis
Principal Planner
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aellis@providenceri.gov

St. Paul, MN

St. Paul currently has agreements with both Bird and Lime for e-scooter sharing. The city preemptively addressed concerns about poorly parked e-scooters by including a provision that
the e-scooter providers would pay the city whenever a city employee was called to reposition an
e-scooter. The agreement gives the e-scooter company a window before the city employee is
called. St. Paul has still struggled with illegally or poorly parked e-scooters, but the city has
found that the e-scooters are repositioned or re-rented before its staff can arrive on the scene.

St. Paul struggles with citizens riding e-scooters on the sidewalks (which is illegal) and in
various parks where bicycles and similar devices are banned. They hope to launch an education
initiative in the future.

Overall response to the e-scooter program has been positive. There have been complaints
about negative pedestrian-scooter interactions, but there has not been a noticeable uptick in
crashes.

St. Paul does not have an e-scooter program active for the winter but plans to renew
agreements for the spring.

The St. Paul MOU can be viewed here:
https://drive.google.com/file/d/0B3kAZ5t5YyDKem5LR3F3TDBoX1h5TUhxNHZpOU83YXVMTeTQ4/view?usp=sharing

Contact:
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Portland, OR

We have not spoken with anyone in Portland firsthand, but Portland has made a wealth of
information available online.

Portland commissioned an independent, scientific study of e-scooter ridership and perceptions
as part of its pilot program.

On the whole, the people of Portland approve of the e-scooter program. Citizens with positive
views of the program stressed the flexibility, convenience, and fun of the program. Those with
negative views were concerned about improper or illegal use of e-scooters. Top priorities
among all survey respondents were education about and enforcement of the current rules

During its first pilot program, Portland had 2,043 e-scooters that covered 801,887 miles in
700,369 trips. The pilot lasted 120 days, so, on average, there were 2.86 trips per scooter per
day, and the average scooter ride was 1.14 miles long.
See PBOT (2019) for more information and to read Portland’s reports.

Nashville, TN

We contacted Nashville, TN, in early April 2019 to learn more about why they had barred e-scooters from the city.

Nashville initially transmitted a cease-and-desist letter to Bird (Costonis, 2018), the first company to launch e-scooter sharing within Nashville, because the e-scooters were blocking the public right-of-way, and there was no legislature in place to govern e-scooter sharing.

Since the initial cease-and-desist letter, Nashville has adopted city ordinances, and e-scooter companies now operate within the city (following an application process) (Nashville, 2018).

Feedback from City Departments

Representatives from city departments we have interviewed have generally been positive about implementing an e-scooter program. Most are concerned about helping to ensure safety and/or to curtail improper parking.

City Clerk

Julie Holcomb is especially concerned about safety and is willing to collaborate with Lime and NGO’s like BikeWalk Tompkins to deploy education initiatives. In particular, she would like to see a proactive education campaign prior to the launch of any pilot program. She recommends a FAQ and timeline to be provided to City staff and downtown representatives. She prefers a curfew that aligns with sunset to prevent scooter use after dark.

Engineering

Tim Logue suggests Ithaca ask the Health Department to help collect e-scooter incident data. He also recommends we ask Lime to sponsor an independent study about e-scooter usage. He recommends we wait to see where the e-scooters are used before introducing new infrastructure requests. He is in favor of using a pilot program to learn more about how this alternate form of transportation would be utilized by residents and visitors.

Fire Department

Chief Tom Parsons has concerns about insurance and liability, but his top priority is safety. He would be in favor of e-scooters if Ithaca can implement requirements and education to make their use as safe as possible.
Planning and Economic Development

The Planning and Economic Development Division was particularly interested in ensuring the scooters and bikes are spread equitably throughout Ithaca. Scooter use is limited to people who are 16 or older, but Ithaca Youth can benefit strongly from enhanced mobility options. An agreement with Lime could also require Lime Bikes to be distributed so that they’re easy for middle- and high-school students to use for accessing after-school activities.

They saw an opportunity to make The Commons more accessible by allowing scooters on The Commons but limiting their speed to 5 mph. Unfortunately, the technology for scooters to achieve this is not quite ready, and Lime recommends enforcing having no scooters on the Commons.

JoAnn Cornish strongly endorses education initiatives and encourages training downtown tourism staff to promote safe scooter ridership.

To address concerns about parking, Planning recommended considering drop-off zones for bike and scooter share vehicles as seen in Seattle (Mah, 2018) to be designated with on-street/sidewalk paint or installation of physical corrals or barriers. Locations would be chosen not to detract from vehicle parking or interfere with accessibility.

The Planning Division appeared open to an interim scooter agreement with Lime and would appreciate a draft MOU that meets the NACTO Guidelines to serve as a basis moving forward. They believe Lime should pay an operating fee of some amount to the City of Ithaca.

City Attorney

Aaron Levine recommended that he be involved in drafting the MOU if the city indicated interest in pursuing a pilot program for e-scooters, but that he did not need to weigh in at this time.

Police Department

To date, we have not been able to schedule a meeting with the Ithaca Police Department.

Feedback from Lime

Jeff Goodmark from Lime says his company places emphasis on safety foremost and also concentrates on accessibility, affordability, and availability of shared transport devices (Goodmark, personal communication, 2019). Since its bicycle-sharing launch in April 2018, there have been approximately 90,000 rides, with 12,000 of these on e-bikes. Lime currently employs several people in Ithaca depending on the season. Currently, in the winter, Lime has
two full-time employees and six part-time employees. This will be increasing soon as
temperatures increase.

Lime attests it will not launch e-scooters without a formal agreement to do so with the city of
Ithaca (MATCom, 2019). The company is willing to conduct education and publicity events
leading up to a program launch. The maximum scooter speed will be set to 15 mph. The
company will target an average ridership of three rides per scooter per day. The Lime Access
program is still available with e-scooters.

While e-scooters are profitable to Lime, the bicycles are not. Consequently, Lime feels it is
important to introduce e-scooters to Ithaca (Goodmark, personal communication, 2019). Lime
would like to see e-scooters introduced in May and requests that Ithaca sign an exclusive
agreement with Lime for e-scooters.

New York State Law

Currently, e-scooters are illegal in New York State, but enforcement appears to be largely left to
individual municipalities. E-scooters are not clearly defined in New York State’s Vehicle Traffic
Law (Beltramo, 2018).

A proposal in Gov. Andrew Cuomo’s state budget would establish state traffic laws governing
electric bikes and scooters and authorize local governments to authorize them as they prefer
(FY2020 Executive State Budget, p102+).

NACTO Guidelines

NACTO, the National Association of City Transportation Officials, developed a set of policy
guidelines it believes all cities should follow when navigating “shared active transportation.” See
NACTO (2018 pp. 6-9)

Conclusion

Sarah Barden and Megan Powers have found that on the whole, e-scooters represent an
exciting opportunity for the City of Ithaca. We believe Ithaca should develop an exclusive
e-scooter agreement with Lime, separate from the bike-share MOU, to launch a pilot e-scooter
program for a predefined, renewable period of time.

Ithaca should expect citizens to ride e-scooters illegally on the sidewalks. Residents will express
concern about both improper ridership and lack of enforcement. The city can help alleviate
these concerns by working with Lime to ensure proper ridership is supported and to leverage
local interested NGOs and groups to better educate residents. We strongly support a proactive education campaign prior to the launch of the pilot program.

The parking of e-scooters will be a second area of concern. Ithaca should act proactively with Lime to ensure its employees are actively monitoring scooters for improper parking.

Any MOU regarding e-scooters should follow the guidelines outlined by NACTO. Ithaca should ensure the insurance and indemnification clauses are in place and that the maximum scooter speed is limited to 15 mph. Ithaca should establish fees associated with e-scooter operation in the city. Because e-scooters are more expensive to ride than bicycles, and because e-scooter ridership is limited to those 18 and older, Ithaca should consider requiring Lime to maintain a minimum fleet of bicycles along with the e-scooter program. Lime asked for an exclusivity agreement for e-scooters. Ithaca is small enough that it is reasonable to work exclusively with one provider until e-scooter riding is well understood.
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MATCom recommends that the City of Ithaca authorize Lime to conduct a pilot program, pending review by the City Attorney, to assess the functionality of e-scooters as it pertains to our city. The e-scooter pilot program should have the following qualities:

I. General:
   A. E-scooter sharing should not occur without a Memorandum of Understanding (MOU) from the City. The City should require that any dockless bike or scooter sharing vendor pay for a permit and have an MOU approved with the City.
   B. The e-scooter MOU should follow the same format as the bike share MOU.
      1. The MOU should reflect the best practices for shared active transportation as detailed by NACTO.
   C. Proposed pilot program duration is May 2019 through mid-November 2019.
   D. Require Lime to attend a monthly "check-in" with the City and relevant stakeholders. Plan for an early assessment of the pilot to be conducted in September.
      1. Include a provision allowing for the extension of the pilot or formalization of the MOU should the City determine the pilot to be beneficial. The pilot should not be extended until the Data Collection detailed in Section V is completed and reviewed.
      2. The arrangement should be exclusive with Lime for the duration of the initial pilot program. If the City determines they would like to continue to allow e-scooters to operate beyond the conclusion of the pilot program, the City should also reserve the right to sign conditional MOUs with other companies as well.
   E. The City of Ithaca reserves the right to terminate the pilot program with or without cause.
   F. Initial launch must consist of 50 or fewer e-scooters. Additional e-scooters may be introduced at a rate of 10 per day as long as the number of rides per scooter per day exceeds 3.
   G. Require Lime to honor the bicycle share MOU and require Lime to maintain a minimum bike fleet. Recommendation: a minimum bike fleet of 102 bikes (68 pedal, 34 e-bikes, following a 2:1 ratio), regardless of the number of e-scooters; beyond this, a minimum of 2 pedal bikes and 1 e-bike for every 10 e-scooters

II. Operations Oversight:
   A. E-scooters should be subject to a curfew period outlined in the MOU, such that they will all be removed from the public right-of-way at a given time each evening and will be returned at a given time each morning. Suggested ranges include:
      1. 6:00 am - 9:00 pm
         Or
      2. 7:00 am - 9:00 pm
         Or
      3. Propose a flexible curfew based on the time of year. Later in the summer and earlier in the winter.
   B. E-scooters should be banned from use in pedestrian-only areas such as The Commons and sidewalks.
      1. Geofencing will be used to establish "no ride" (motor reduces to 0 mph) and "reduced speed" (motor reduces to 12 mph) zones. The Commons should be designated as a "no ride" zone.
2. The City should be empowered to designate new zones.

C. The City should make a determination between the following options about the staging of e-scooters at the tops of or on the sides of hills during the pilot program. This determination should be subject to change should the MOU be extended beyond the pilot.
   1. Lime may stage e-scooters at the tops of and on hills to offer a new transportation option for traversing Ithaca’s challenging geography, or
   2. Lime may not stage e-scooters at the tops of and on hills to mitigate perceived risk associated with downhill riding, or
   3. Lime may stage e-scooters at uphill locations, but downhill rides on designated hills would be prohibited.

D. Lime is responsible for removing e-scooters which are damaged, abandoned, and improperly parked within 30 minutes of being reported to Lime via one of the communication channels listed on the device.

E. The MOU should outline acceptable parking guidelines, this being on sidewalks not blocking fire hydrants, ADA access, entrances, or pedestrian right-of-way.

III. Fees:
   A. City Administration should establish fees for certain aspects of the e-scooter share. Fees should be used as a moderating feature. Fees should be based on industry standards and should not be based on ad-hoc judgement of the company’s worth.
      1. A per ride fee should be assessed. Industry standard: $0.10 - $0.15 per ride.
      2. An initial permit fee should be set. Industry standard: $500.00 - $1000.00.
      3. A fine per e-scooter should be assessed to damaged, abandoned, and/or improperly parked e-scooters not addressed after 1 hour of reporting during in-use hours or by the start of the next access period during curfew hours. This fee should then increase per improperly parked e-scooter that remains in their location for 2 hours after the e-scooter has been reported. Suggested increments of $25.00 after 1 hour; $100.00 after 2 hours.
   B. These fees should be sent to a designated fund, the balance of which should be applied towards administrative overhead, active transportation improvements and supports, such as stenciled parking, bike corrals, bike lanes, community awareness and behavior campaigns, broad outreach, education and/or enforcement efforts for any and all road and sidewalk users, data gathering efforts, steps to improve transportation equity, etc.

IV. Insurance and Indemnification:
   A. The MOU must include insurance and indemnification sections as deemed appropriate by the City attorney.

V. Data Collection:
   A. Both the City of Ithaca and the Center for Community Transportation already have access to Lime’s Data Dashboard, which provides GPS-driven data on frequency and location of bicycle rides. This access will extend to e-scooter data as well.
B. Lime and the City of Ithaca shall make appropriate efforts to gather accident and injury data from relevant sources as it pertains to both bicycles and e-scooters. A report compiling injury data should be provided by the end of the proposed pilot period.

C. Lime, the City of Ithaca, and an appropriate Non-Government Organization (NGO) should collaborate to conduct a survey of e-scooter users and to the general population to determine whether e-scooters will contribute to the City’s mobility, equity, and climate action goals. A report compiling survey data should be provided by the end of the proposed pilot period.

D. IPD and Fire should collect data on the number of tickets they write and calls they respond to which involve bicycles and/or e-scooters.

VI. Privacy and Non-Discrimination:
   A. Lime will adhere to the City’s data privacy policies. App permissions for location sharing and camera use shall be clearly explained.
   B. Customers shall not be required to share personal information with third parties. Customers may be asked to opt in to sharing some personal information to aid in pilot program evaluation.
   C. Lime will adhere to the City’s non-discrimination policies.

VII. Safety:
   A. Consult the City Attorney regarding Ithaca City Code 157-13A (Commons – Bicycles and other wheeled devices) since it does not explicitly reference scooters and e-scooters.
   B. Update Ithaca City Code 137 (Bicycles) to one of the following:
      1. No person shall ride, drive or operate a bicycle, e-scooter, skateboards or skates along any public sidewalk or footpath intended for the use of pedestrians. Allow bicycles, e-scooters, skateboards and skates on multi-use paths, unless otherwise stated. This provision shall not apply to: children 10 years of age or under riding a bicycle or skating; nor to anyone who, because of a disability, warrants the use of a bicycle, e-scooter, or other similar small, quiet wheeled devices as a means of transportation or mobility. or
      No person shall ride, drive or operate a bicycle or scooter along any public sidewalk or footpath intended for the use of pedestrians. This provision shall not apply to children 10 years of age or under nor to anyone who, because of a disability, requires the use of a bicycle as a means of transportation or mobility. This provision shall not apply to multi-use paths and trails. Any violation of the provisions of this section constitutes a civil offense punishable in accordance with § 1-1 of the City of Ithaca Municipal Code.
2. Add a subsection stating that wherever bicycles and similar devices are ridden where pedestrians are present (except in bicycle lanes and other infrastructure designed for primary use by small, wheeled devices), the user must yield to pedestrians, maintain a speed at or below 12 mph, provide at least 1’ side clearance, and make an audible signal before passing.

C. Require robust education initiatives for e-scooter users as well as pedestrians and motorists.

VIII. Equity:
A. Shared e-scooter providers shall offer access to people without smartphones and bank cards. This program is facilitated by the Center for Community Transportation and includes features such as text-to-unlock, pay-in-cash, and a 95% discount on pedal bikes and a 50% discount on Lime-E. This program will apply to both bicycles and e-scooters.

B. Lime will ensure distribution not only along central hot spots but also throughout the entirety of the City. The City may designate particular neighborhood for distribution, or they may simply use Lime’s existing quadrant breakdown. The approach the City selects should be clearly stipulated in the MOU.

IX. Education:
A. Lime must collaborate with the City and any NGO they select to create and maintain a city-specific website which provides user instructions, safety education, and explains terms of service, privacy policies, fees, costs, penalties, and other charges. This service must be provided in English and in any other languages required by the City, as specified by the MOU. This website should have information pathways directed at e-scooter users, pedestrians, and motorists.

B. Prior to the pilot launch Lime must set up staffed booths at various public spaces throughout Downtown and provide one-on-one rider education. This education initiative should be repeated daily for a minimum of two weeks. After the pilot begins, Lime should arrange for similar in-person education to occur at community events, including Ithaca Festival and StreetsAlive.

C. In-app messaging must reflect that helmets are required for use per Lime’s Terms of Service; that it is illegal to ride on sidewalks; that e-scooters must be parked upright, in approved parking zones, and without impacting ADA or emergency access; that a city-specific website can be accessed for more information.

D. Lime, the City of Ithaca, and any NGO they select should promote the in-person education booths and city-specific website through as many channels as possible, including radio, print, TV, social media, and mailing lists.
Statement regarding e-scooters in Ithaca
Submitted by Traci Nathans-Kelly, 105 Cornell St., Ithaca NY 14850
Submitted May 8, 2019

E-scooters are billed as a “disruptive” business model, and disruptive they are. The rollout of these scooters in various cities in the US has caused many problems, ranging from traumatic personal injury and serious accidents to blocking the right of way for all citizens using sidewalks. The research that Ithaca provided is cherry-picked, and the statement of equity doesn’t address people with disabilities being able to have equal access to all passages.

The City of Ithaca has stars in its eyes about e-scooters, touting how it will make Ithaca more accessible and friendly. I expect the opposite will be true. Let me give an example. Just about 18 months ago, Nashville decided to end its e-scooter program because it was, quite precisely, disruptive to the city’s health and livelihood. Memphis swooped in and invited Bird to bring the scooters there. Memphis also had an MOU, with many of the same pieces that the drafted one for Ithaca has. Yet, daily, my friend Charles—who has severe mobility issues—has to navigate the scooters that litter the sidewalks and passages as he tries to get to his university job each day with his walker. In Memphis, the scooters are literally everywhere, and no law, regulation, warning, training, ticketing or other tactic has curbed the significant problems. The Ithaca MOU has language about the scooters being removed within 35 minutes to 2 hours, but that does nothing to solve the problem in the moment.

As well, scooters have a lower visual profile than any other mode of transport, and riders sense that vulnerability, so they take to the sidewalks. Ithaca does not have enough bike lanes, and now we want to increase the problem? We don’t have enough police to do regular work, let alone ticket scooter abuse. And I am terrified at what will happen to an out-of-control scooter rider down one of our hills. We all know it’s a catastrophe waiting to happen. The agenda put out by the board has language about bike, but not scooters, in many places, creating loopholes. While the MOU has information about collecting crash data, injury data, there is no information the trial period will be assessed and by what metrics or if public hearings will contribute to the assessment of the trial period.

I include recent photos from my friend Charles taken within one day of his trying to get to work in Memphis, shared with his permission.

Supporting the gig culture in favor of taking care of all of our citizens—especially those that already face mobility challenges every day— is a poor choice, in my view.
May 7, 2019

TO: City of Ithaca Common Council
FROM: Gary Ferguson, Downtown Ithaca Alliance

RE: A CASE FOR A SCOOTER PILOT PROGRAM

Scooters will be an important and welcome part of a broad based transportation system needed here in Ithaca.

For several years, the Downtown Ithaca Alliance has been working to implement a strategy to promote transportation demand management (TDM). The notion of TDM is that we work to shift people from single occupancy vehicles to alternative modes of transportation. We do this for multiple reasons: to reduce stress and demand on the crowded Downtown parking garages; to reduce our carbon footprint; and to relieve traffic congestion. We also believe TDM can be a cost effective tool for individuals and households, to reduce their personal parking and transportation costs.

We continually seek alternative modes for moving people from place to place: we currently can use TCAT buses, Gadabout shuttles, Lime bikes, and walking. But we would really like the opportunity to test and make use of scooters.

Personal mobility devices (scooters/bikes) have become a new form of transit in many cities across the country. While bikes and scooters have been with us for over a century, the personal mobility device movement is a relatively new occurrence. Packaged as affordable tools for short distance travel, today’s bikes and scooters fill a tremendous void in the transportation matrix. Transportation planners often talk about “first mile/last mile” connections—getting from your residence to a bus stop, for example. Scooters and bikes provide a great tool for making these connections. They will replace some automobile trips; they will give mobility to those unable to buy an automobile. In cities across America, scooters have already begun to change the way people travel short distances.

Walking and biking are not for everyone. Likewise, Scooters are not for everyone, although I’ve seen people of all ages riding them in other cities. But, in a world where we desperately want people to adopt and embrace other non-automobile modes of travel, scooters can be an important part of a holistic transportation package.

Larissa Ortiz, a NYC based Downtown planning and retail consultant, recently visited Ithaca to help us with our strategic planning. She remarked about the importance of scooters to a community and noted that resistance to the idea of introducing a new form of travel is not a new idea. It took several decades before people came to fully embrace the automobile. But our forefathers and foremothers didn’t ban this new-fangled form of transportation- they allowed it to grow and learned to regulate and govern it. In the same way, scooters and other personal mobility devices are the new transportation tools of this generation. While it might also take time for some of us to integrate them into our life, we should follow the same lead as those who went before us.
MAT Comm has done an excellent job researching other cities and reviewing the history and record scooter use and impact. Their recommendations are solid and sensible.

Make no mistake; scooters will undoubtedly provide us with challenges in the months and years to come. They are a different way of moving around, one that requires us to share our roads in ways we have not previously done. They require rules and regulation, just like any other form of travel.

It is time for Ithaca to join the hundreds of cities that are now using and living with scooters. If we are committed to combatting climate change, we want to embrace scooters. This proposed pilot is an excellent and appropriate way to introduce them to our community and to evaluate their impact and fit.

We look forward to including scooters into our TDM toolkit.
E- Scooter Pilot Program - resolution
May 9, 2019

WHEREAS: The City of Ithaca Planning and Economic Development Committee (PEDC) asked the Mobility, Accessibility, and Transportation Commission (MATCom) to research several facets of e-scooter implementation to help the City of Ithaca determine whether and how to launch an e-scooter sharing pilot program, and

WHEREAS: e-scooters represent an exciting opportunity for the City of Ithaca, and a pilot program for e-scooter sharing would allow the City to observe how e-scooter sharing impacts Ithaca and to collect ridership data without tying the City to a permanent decision, and

WHEREAS: MATCom recommended a pilot e-scooter sharing program be conducted from May 2019 through mid-November 2019, and that the pilot should be monitored on a weekly basis, and

WHEREAS: MATCom recommended establishing an exclusive agreement with one e-scooter provider, Lime, and

WHEREAS: an MOU regarding e-scooters should follow the guidelines outlined by NACTO and should establish clear regulations regarding e-scooter usage, and

WHEREAS: Ithaca should consider requiring Lime to maintain a minimum fleet of bicycles, both pedal and e-bikes, along with the e-scooter program, to meet the needs of the entire community, and

WHEREAS: Common Council supports stipulations requiring e-scooter providers to ensure e-scooters are distributed among a variety of neighborhoods, as equitable distribution and usage of e-scooters can potentially provide a new, affordable mode of transportation to those who need it most; now, therefore, be it

RESOLVED: that the Common Council of the City of Ithaca authorizes Lime to conduct a pilot program, beginning in the Spring of 2019, to assess the functionality of e-scooters as it pertains to the city of Ithaca, and be it further

RESOLVED: that authorization is contingent upon Lime’s maintenance of a minimum fleet of bicycles in the community and the equitable distribution of scooters across the City, and be it further

RESOLVED: that Common Council authorizes the Mayor, together with the City Attorney, to establish a Memorandum of Understanding (MOU) with Lime prior to implementation of the e-scooter pilot program.
Introduction

A number of communities in New York State have rent regulation programs known as rent control and rent stabilization. Rent regulation is intended to protect tenants in privately-owned buildings from illegal rent increases and allow owners to maintain their buildings and realize a reasonable profit.

Rent control is the older of the two systems of rent regulation. It dates back to the housing shortage immediately following World War II and generally applies to buildings constructed before 1947. Rent stabilization generally covers buildings built after 1947 and before 1974, and apartments removed from rent control. It also covers buildings that receive J-51 and 421-a tax benefits. Outside New York City, rent stabilization is also known as ETPA, short for the Emergency Tenant Protection Act and is applicable in some localities in Nassau, Westchester and Rockland counties.

RENT STABILIZATION

Rent stabilization provides protections to tenants besides limitations on the amount of rent. Tenants are entitled to receive required services, to have their leases renewed, and may not be evicted except on grounds allowed by law. Leases may be renewed for a term of one or two years, at the tenant's choice. Tenants can file relevant complaints on a variety of forms created by the Division of Housing and Community Renewal (DHCR). DHCR is required to serve the complaint on the owner, gather evidence and then can issue a written order which is subject to appeal.

If a tenant's rights are violated, DHCR can reduce rents and levy civil penalties against the owner. Rents may be reduced if services are not maintained. In cases of overcharge, DHCR may assess penalties of interest or treble damages payable to the tenant.

Rent Increases

The Rent Guidelines Boards (one in New York City and one each in Nassau, Westchester, and Rockland counties) each set rates for rent increases in stabilized apartments. These guidelines rates are set once a year and are effective for leases beginning on or after October 1st of each year. New York State Law sets vacancy lease increases for new tenants who sign vacancy leases.
Both in New York City and the ETPA counties, rents can be increased during the lease period in any one of three ways, so long as the lease provides for the collection of an increase during the lease term:

1. with the written consent of the tenant in occupancy, if the owner increases services or equipment, or makes improvements to an apartment;

2. with DHCR approval, if the owner installs a building-wide major capital improvement; or

3. in cases of hardship with DHCR approval.

Rent Overcharges

For rent stabilized apartments, owners may be ordered to refund excess rent collected based upon a finding of a rent overcharge. A finding by DHCR of a willful rent overcharge by the owner may result in the assessment of treble (triple) damages payable to the tenant. DHCR is generally prohibited from investigating issues concerning rent overcharges and registrations for years occurring more than four years before the filing of a rent overcharge complaint.

Rent Reductions for Decreases in Services

Rents may be reduced if the owner fails to provide required services, or fails to make necessary repairs for an individual apartment or on a building-wide basis. Examples of such conditions are lack of heat/hot water, unsanitary common areas (halls, lobby), and broken door locks. If a tenant receives a rent reduction from DHCR, the owner cannot collect any rent increases until services are restored and DHCR restores the rent.

Harassment

The law prohibits harassment of rent regulated tenants. Owners found guilty of intentional actions to force a tenant to vacate an apartment can be denied decontrol and lawful rent increases and may be subject to both civil and criminal penalties. Owners found guilty of tenant harassment are subject to fines of up to $5,000 for each violation.

Rent Registration

Within 90 days after an apartment first becomes subject to rent stabilization, an owner is required to file an initial registration. After the initial registration, owners must file an annual registration statement giving the April 1st rent for each unit and provide tenants with a copy of their respective apartment's registration form. Owners who do not file initial or annual statements will not be eligible for rent increases and are subject to additional penalties.
Rent Increases

In New York City, rent control operates under the Maximum Base Rent (MBR) system. A maximum base rent is established for each apartment and adjusted every two years to reflect changes in operating costs. Owners, who certify that they are providing essential services and have removed violations, are entitled to raise rents up to 7.5 percent each year until they reach the MBR. Tenants may challenge the proposed increase on the grounds that the building has violations or that the owner's expenses do not warrant an increase.

For New York City rent controlled apartments, rents can also be increased because of increases in fuel costs (passalongs) and in some cases, to cover higher labor costs. Outside New York City, the New York State Division of Housing and Community Renewal (DHCR) determines maximum allowable rates of rent increases under rent control. Owners may apply for these increases periodically.

Rents can also be increased in any one of three ways, both inside and outside of New York City:

1. with the written consent of the tenant in occupancy, if the owner increases services or equipment, or makes improvements to an apartment;

2. with DHCR approval, if the owner installs a building-wide major capital improvement; or

3. in cases of hardship with DHCR approval.

Rent InfoLine (718) 739-6400
Web Site: www.nyshcr.org
Email address: rentinfo@nyshcr.org

However, upon the service and filing of a late registration, an owner cannot be found to have collected an overcharge for the period of non-registration, provided the increases in the rent were lawful except for the failure to file a timely registration. The penalty of treble damages cannot be assessed against an owner based solely on that owner's failure to file a timely registration.

RENTER CONTROL

Rent control limits the rent an owner may charge for an apartment and restricts the right of any owner to evict tenants. Tenants are also entitled to receive essential services. Owners are not required to offer renewal leases, as tenants are considered "statutory" tenants. Tenants may file relevant complaints on a variety of forms created by DHCR. DHCR is required to serve the complaint on the owner, gather evidence and then can issue a written order which is subject to appeal.

If a tenant's rights are violated, DHCR can reduce rents and levy civil penalties against the owner. Rents may be reduced if services are not maintained. In cases of overcharge, DHCR may establish the lawful collectible rent.

Rent Increases

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Web Site: www.nyshcr.org
Email address: rentinfo@nyshcr.org
Rent Overcharges

For rent controlled apartments, complaints submitted by tenants will result in an order by DHCR that establishes the Maximum Collectible Rent and directs that any overcharge be refunded for a period of no greater than two years before the filing of the complaint. If the refund is not made, the tenant can proceed to court to calculate the overcharge and enforce the order.

Rent Reductions for Decreases in Services
Please refer to the section above under Rent Stabilization.

Harassment
Please refer to the section above under Rent Stabilization.

Rent Registration
Apartments subject to Rent Control are not required to be registered annually with DHCR.

HIGH-RENT VACANCY DEREGULATION AND HIGH-RENT HIGH-INCOME DEREGULATION

The rent laws provide for the deregulation of apartments based on rents and occupants’ incomes reaching certain levels.

The Deregulation Rent Threshold (DRT) can be adjusted on January 1st of each year based on the one year renewal lease guideline percentage issued the prior year by the local rent guidelines boards.

The Deregulation Rent Thresholds for 2019, for both kinds of deregulation are:

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<td>New York City</td>
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<tr>
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<td>Rockland</td>
<td>$2,733.75</td>
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<td>Westchester</td>
<td>$2,830.21</td>
<td>($2,803.86 if tenant pays for heat or hot water)</td>
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<td>Ossining</td>
<td>$2,774.72</td>
<td>($2,759.70 if tenant pays for heat or hot water)</td>
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The Deregulation Income Threshold, which is not adjusted annually, is $200,000. Deregulation of an apartment for High-Rent High-Income requires the issuance of a written order by DHCR.
For more information or assistance, call the DHCR Rent InfoLine, or visit your Borough Office or call or visit your County Rent Office.

<table>
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<tr>
<th>Borough</th>
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<td>92-31 Union Hall Street</td>
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<td>White Plains, NY 10601</td>
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RESOLUTION SUPPORTING
NYS Emergency Tenant Protection Act (ETPA) of 1974

WHEREAS, the City of Ithaca has documented and identified unmet need for affordable housing opportunities to serve low and moderate income residents; and

WHEREAS, as a result, in 2018, Common Council amended the Community Investment Incentive Tax Abatement Program (“CIITAP”) to expand its applicable boundaries and to require new residential developments participating in the program of 10 units or more to have a minimum of 20 percent of their housing units be affordable to households earning up to 75 percent of the Area Median Income (“AMI”) calculated using the average AMI of the 3 most recent years; and

WHEREAS, CIITAP is only one way to address housing affordability, and aside from the new construction that is required to be affordable according to this program, currently state law does not provide local authority to form a local board that would determine annual allowable rental increases in order to protect tenants from arbitrary rent increases; and

WHEREAS, according to recent data, 73% of the residents in the City of Ithaca are renters, and the average vacancy rate is the lowest in Tompkins County at approximately one percent; and further, over 50% of Tompkins County residents pay 30 percent or more of their income (a standard affordability metric) to pay their rent; and

WHEREAS, the New York State’s Emergency Tenant Protection Act (ETPA) of 1974 provides rental protections including rent stabilization whereby landlords are subject to regulated rent increases1 and tenants have the right to renewal leases2; and

WHEREAS, under the current ETPA law only municipalities in Nassau, Westchester, Rockland counties and New York City are eligible to adopt a form of rent stabilization, resulting in rent protections only applying to tenants in 8 of the state’s 62 counties; and

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1 [https://www1.nyc.gov/nyc-resources/service/2069/new-york-city-rent-increase](https://www1.nyc.gov/nyc-resources/service/2069/new-york-city-rent-increase)

Market rate apartment rental rates and lease terms are negotiated between the owner and tenant. The New York City Rent Guidelines Board (NYCRGB) determines rent increases for lease renewals of rent stabilized apartments, lofts, hotels and single room occupancies (SROs). It does not set the rent increase for vacancy leases, rent controlled apartments, unregulated apartments, or subsidized housing. Rent increase percentages for rent stabilized apartments and lofts are adjusted each year.

For renewal leases beginning between October 1, 2018, through September 30, 2019, the rent increase for rent stabilized apartment and loft renewals is:

- 1-year lease: 1.5%
- 2-year lease: 2.5%

WHEREAS, in 2019, New York State’s Emergency Tenant Protection Act (ETPA) of 1974 will be expiring, presenting an opportunity for our leadership in Albany to improve and extend the tenants’ rights moving forward; and therefore be it

RESOLVED, that the City of Ithaca Common Council supports and endorses A7046 (Cahill)\(^3\) in the Assembly, and S5040 (Breslin)\(^4\) in the Senate, which calls upon our leaders in Albany to strike the geographic restrictions from the ETPA so that local governments can take an active role addressing the cost of rental housing and provide critical rental rights to tenants in the City of Ithaca and across the state; and be it further

RESOLVED, that the Clerk is directed to send a copy of this resolution to U.S. Senator Kirsten Gillibrand, U.S. Senator Charles Schumer, Governor Andrew Cuomo, New York State Senator Thomas O’Mara, New York State Assemblywoman Barbara Lifton, Senate Assembly Chair Brian Kavanagh, and Assembly Housing Chair Steven Cymbrowitz.

\(^3\) [https://www.nysenate.gov/legislation/bills/2019/a7046](https://www.nysenate.gov/legislation/bills/2019/a7046)
May 2, 2019

Joanne Cornish  
Director of Planning and Development  
City of Ithaca  
108 E. Green St.  
Ithaca, NY 14850

Re: Universal Rent Stabilization and Control

I own and manage a number of multi-family apartment buildings which I rent primarily to students. I am commenting on the resolution entitled “Supporting Universal Rent Stabilization and Control”. Nels Bohn, in an email, suggests that if the regulation is adopted, landlords would be required to renew all residential leases unless the tenant violates the lease agreement and the maximum allowable rent increase in the renewal would be capped at 150% of the trailing annual CPI as of August.

As best as I can tell, this legislation is driven by tenant needs in New York City. It would relate to tenants being pushed out of long-term residential leases by unscrupulous landlords. I rent to many students. No lease is longer than 1 year and our renewal rate for student leases is high at 25-30% suggesting that we are renewing virtually all leases that are possible renewals. These numbers would be vastly different in New York City. We of course are thrilled to renew leases, but students tend to change their living situation frequently and, of course, they graduate and leave town.

There are sometimes good reasons not to renew a given lease. There are times when a tenant causes problems to ourselves and/or our tenants, and these problems are not lease related. Who from the City will perform lease review if a tenant complains to the City concerning our unwillingness to renew their lease? At times, when we learn that students have financial problems, problems with other landlords, are fire victims, or come from other untenable living situations, we will give these students either low or
free rent to help them through the semester or the year. If we are bound by this new law to continue to offer a free or lower than market lease, we would be unable to offer this good service.

Our lease terms are usually for 12 months, starting either June 1 or August 15th. New student tenants start signing leases the October of the prior year of occupancy. It would be impossible to apply a CPI increase starting in June or August for the new lease term when the August CPI of their lease term is not published until October or November after the time they occupy the apartment. In other words, basically with this law in place, we would need to apply a CPI increase to their lease almost a year before that CPI increase is published.

We, and developers in general, often purchase buildings which come with tenants and their current leases. Should we wish to take these buildings off line for demolition in order to create better housing in our community, how would we deal with the above proposal? I think that while there are real benefits to the proposed legislation, there is more benefit to the applicability of this proposal in New York City and that it will have many unintended consequences here in Ithaca.

More generally, I think Common Council would benefit by including business people to help study proposals so that rules or laws that Common Council pass can achieve the correct results without burdening given businesses with unintended consequences. Thank you.

John Novarr
TO: Planning & Economic Development Committee

FROM: JoAnn Cornish, Director of Planning and Development

DATE: April 4, 2019 (Revised May 2, 2019 and May 6, 2019)

RE: Concept Memo for Circulation – West State Street Rezoning

In June of 2013, the Common Council rezoned the West State Street/MLK corridor from B-2c to CBD-60. This was done to encourage and accommodate anticipated development. However, it was generally agreed upon at that time that there existed a desirable character along much of West State Street that the City would like to see remain intact.

Upon further consideration and analysis, and when comparing a sixty foot tall building to existing buildings, it has become clear that 60 feet at the street front on the 300, 400, and 500 block of West State Street (blocks between South Albany Street and North Meadow Street), is not appropriate and would result in a dramatic change to the existing character of the area. The pictures below compare the existing structures along West State/MLK Street with an image of a proposed building 60 feet in height.
It is also important to note that this area is now located in the City’s Planned Unit Development Overlay District, which allows for projects that provide significant community benefits to apply for alternate zoning. Given that this additional zoning flexibility exists, staff feels that it is appropriate to revisit the existing zoning.

Originally, staff recommended a 30 foot stepback at the 40 foot height. However, City of Ithaca Fire Chief, Tom Parsons felt that if this was adopted, it would have a significant impact on most development projects in the West State/MLK Street corridor, adding significant expense that would kill most projects. Aerial access for firefighting would be impossible with the proposed 30 foot stepback. Parsons added, “A 40’ building, with a 30’ set back to a step up to a 60’ portion of the building, won’t allow us to reach the 60 foot part of the building from the street, especially when the building is close to the street.” When asked what might work, Parsons replied “Based on the 510 W State St site, I think a 15’ foot set back would work. That would be 40 feet at the street face, then going to 60 feet with a 15’ setback from the face of the building.”

**Question:**
Should we restrict the overall height to 52 feet and 5 stories with an allowed 10 additional feet in height for a 6th story, if the developer includes 20% of the total unit count as affordable (50% to 80% of Area Median Income)?

**Question:**
If we require a 12 feet floor to floor height on the first story and 10 feet floor to floor on subsequent stories, it would come to 52 feet for a five story building and 62 feet for a six story building. Whether it be CBD 50 or CBD 60, a variance would be required in most cases if a developer were to maximize the building envelope.

In light of Chief Parson’s concerns and the fact that staff recognizes the importance of allowing increased density in appropriate downtown areas, we have accepted his recommendation. In order to maintain the existing character of West State/MLK Street, staff recommends all new construction located in the portion of the CBD-60 Zoning District, directly fronting on the 300, 400, and 500 blocks of West State Street, shall require that the front façade of any newly-constructed building contain a stepback of 15 feet after the first 40 feet in height.

This will help maintain the look of pedestrian scale buildings along the street while still allowing for increased density in the center of the block. This proposed change in the zoning would be for properties on West State/MLK Street that are currently zoned CBD-60.
In addition, staff recommends adding minimum story heights of 12 feet, floor to floor on the ground floor and 10 feet floor to floor on subsequent floors. The City has similar minimum story height regulations in various other districts, including in the West End, Waterfront, and Collegetown Zoning Districts. This language is intended to encourage ground floor commercial uses, as well as to establish minimum standards for housing development.

If the Committee is in agreement, staff will circulate this proposal and return next month with any comments that are received. Please feel free to contact me with any questions.
An Ordinance Amending the Municipal Code of The City Of Ithaca, Chapter 325, Entitled “Zoning” To Establish Minimum Story Height Requirements in the CBD Districts and Minimum Stepback Requirements for Properties Along West State Street

The ordinance to be considered shall be as follows:

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF ITHACA, CHAPTER 325, ENTITLED “ZONING” TO AMEND THE CBD-60 ZONING DISTRICT.

BE IT NOW ORDAINED AND ENACTED by the Common Council of the City of Ithaca that Chapter 325 (Zoning) of the Municipal Code of the City of Ithaca is hereby amended as follows:

Section 1. Chapter 325, Section 325-8A, District Regulations Chart, be amended to add minimum story heights in the CBD districts, to read as follows:

“All new construction in the CBD Zoning Districts are required to have a minimum height of 12 feet on the ground floor and a minimum 10 feet in height, measured floor to floor, for each subsequent story.”

Section 2. Chapter 325, Section 325-8D, Additional Restrictions in the CBD District, is hereby amended to add a subsection (4) to read as follows:

325-8D.
4. In order to maintain the existing character on West State Street and to preserve the pedestrian scale of buildings along the street front, all new construction located in the portion of the CBD-60 Zoning District, directly fronting on the 300, 400, and 500 blocks of West State Street, shall require that the front façade of any newly-constructed building must contain a stepback of 15 feet after the first 40’ in height, before the structure can build up to the maximum allowable height of this district.
Section 2. Effective date. This ordinance shall take affect immediately and in accordance with law upon publication of notices as provided in the Ithaca City Charter.
Proposed Area for 15' Steback Requirement Along West State Street


NY State Plane, Central GRS 80 Datum
Map Source: Tompkins County Digital Planimetric Map 1991-2016
To: Planning and Economic Development Committee

From: Jennifer Kusznir, Economic Development Planner

Date: May 2, 2019

Re: Proposal to Create a Requirement for Properties within 1200’ of the Waste Water Treatment Plant (WWTP) to Disclose Impacts

The purpose of this memo is to provide information regarding a proposal to create a requirement for all properties that are located to within 1200’ of the WWTP to disclose possible impacts of locating in the vicinity of the plant. Enclosed please find a draft ordinance prepared by Alder Person Cynthia Brock.

The proposed ordinance states that any sale of a property within 1200’ of the WWTP would be required to include a disclosure agreement. The disclosure would inform anyone purchasing a property in the vicinity of the plant of potential impacts associated with wastewater treatment operations, including noise, odors, fumes, dust, smoke, operation of machinery during any time of day or night, storage and disposal of waste.

After discussing this proposal internally, staff is unclear as to where it would be most appropriate for this legislation to be located within the City Code. Alder Person Brock proposes that the legislation be placed within Chapter 262, Intermunicipal Water and Sewer. However, staff is concerned that this would be hard to enforce because property owners selling a property are not likely to review this section of the code prior to the sale of property. Staff also questioned whether 1200’ was the correct distance for this type of requirement. This includes properties in the Fall Creek neighborhood, which are unlikely to be impacted by the WWTP operations. Staff is recommending that instead Route 13 be used as the eastern border of this requirement. Staff is forwarding this proposal to the Committee for discussion and direction on how to proceed.

If you have any concerns or questions regarding any of this information, feel free to contact me at 274-6410.
CHAPTER __. PRESERVATION OF ITHACA AREA WASTEWATER TREATMENT FACILITIES
ARTICLE 1. DEFINITIONS

DEFINITIONS:
Unless the context otherwise requires, the following definitions in this section shall govern the construction of this Chapter:

(a) “IAWWTF” shall be the Ithaca Area Waste Water Treatment Facility located at 525 Third Street, Ithaca.
(b) “IAWWTF Setback Zone” shall mean those land areas of the city of Ithaca within 1,200 feet of the property boundary of the Ithaca Area Waste Water Treatment Facility.
(c) “IAWWTF operations” shall mean and include, but not be limited to, the delivery and receiving of trucked waste and sanitary waste, aeration and treatment of waste water, biosolids management, processing of wastewater and biogas, and activities incident to or in conjunction with the treatment and handling of wastewater and residual materials.

ARTICLE ____ 3. PRESERVATION OF ITHACA AREA WASTEWATER TREATMENT FACILITIES
PURPOSES:
(a) Where non-industrial land uses, especially residential development, extend into the IAWWTF Setback Zone, or locate in the vicinity of the IAWWTF, waste water treatment operations may be the subject of nuisance complaints. Such complaints may request the curtailment of waste water treatment operations, and discourage investments, improvement and expansion for waste water treatment operations. Constraints on operations, management and possible expansion of the IAWWTF is detrimental to the health, safety, and economic viability of City and Town of Ithaca, Town of Dryden and surrounding areas for which it serves. It is the purpose and intent of this Chapter to protect the resources and services provided by the IAWWTF to the larger community.
(b) It is the declared policy of the City of Ithaca to conserve, enhance and encourage adequate and appropriate waste water treatment operations within the City, and to minimize potential conflict between IAWWTF operations and non-industrial land uses within the City.
(c) This policy can best be implemented by educating residents and businesses as to the laws protecting IAWWTF operations from conflicts with non-industrial uses, and by notifying owners and users of real property in the City of inherent potential problems associated with the ownership and/or use of real property located adjacent to or in the vicinity of waste water treatment operations, including, but not limited to, odors, trucks, lighting, construction, noise, dust, chemicals, discharge, smoke and extended hours of operation which may accompany such waste water treatment operations. It is intended that through the use of such
notice owners and users of real property within the City will better understand the impact of living near waste water treatment operations and be prepared to accept such problems as the natural result of living on or near the IAWWTF lands.

**NUISANCE:**
No operation, conducted or maintained for the purposes of serving the IAWWTF, and in a manner consistent with the proper and accepted customs and standards established and followed by similar waste water treatment operations, shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after the same has been in operation for more than three years if it was not a nuisance at the time it began.

**DISCLOSURE STATEMENT:**
(a) Upon any transfer by sale, exchange, installment land sale contract, as defined in section ______ of the __________ Code, lease with an option to purchase, any other option to purchase, or ground lease coupled with improvements, of real property, or residential stock cooperative, the transferor shall deliver to the prospective transferee the written statement required by subsection (b) of this section.
(b) The disclosure statement shall contain, and be in the form of, the following:

**LOCAL OPTION**

REAL ESTATE TRANSFER DISCLOSURE STATEMENT
THIS DISCLOSURE STATEMENT CONCERNS THE REAL PROPERTY SITUATED IN TOMPKINS COUNTY, CITY OF ITHACA,
DESCRIBED AS _____________. THIS STATEMENT IS A DISCLOSURE OF THE CONDITION OF THE ABOVE DESCRIBED PROPERTY IN COMPLIANCE WITH ORDINANCE NO__ OF THE ORDINANCE CODE OF THE CITY OF ITHACA AS OF ________. IT IS NOT A WARRANTY OF ANY KIND BY THE SELLER(S) OR ANY AGENT(S) REPRESENTING ANY PRINCIPAL(S) IN THIS TRANSACTION, AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR WARRANTIES THE PRINCIPAL(S) MAY WISH TO OBTAIN.

SELLER'S INFORMATION
The Seller discloses the following information with the knowledge that even though this is not a warranty, prospective Buyer(s) may rely on

**PRESERVATION OF ITHACA AREA WASTEWATER TREATMENT FACILITIES**
this information in deciding whether and on what terms to purchase the subject property. Seller hereby authorizes any agent(s) representing any principal(s) in this transaction to provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the property. THE FOLLOWING ARE THE REPRESENTATIONS MADE BY THE SELLER(S) AS REQUIRED BY THE CITY OF ITHACA.
AND ARE NOT THE REPRESENTATIONS OF THE AGENT(S), IF ANY. THIS INFORMATION IS A DIS-CLOSURE AND IS NOT INTENDED TO BE PART OF ANY CONTRACT BETWEEN THE BUYER AND SELLER. The City of Ithaca supports operation of properly conducted waste water treatment operations with the City. If the property in which you are taking an interest is located near the IAWWTF, or included within the IAWWTF Setback Zone, you may be subject to inconveniences or discomfort arising from such operations. Such may include, but may not necessarily be limited to: odors, trucks, lighting, construction, noise, fumes, dust, smoke, discharge, operation of machinery during any 24 hour period, storage and disposal of biosolids and trucked waste, and the application of chemicals, amendments. One or more of the inconveniences described may occur as a result of any operation which is in conformance with existing laws and regulations and accepted customs and standards. If you live near the IAWWTF, you should be prepared to accept such inconveniences and discomfort as a normal and necessary aspect of living in proximity to a waste water treatment facility.

Seller certifies that the information herein is true and correct to the best of Seller’s knowledge as of the date signed by the Seller.

Seller_____________Date_____________
Seller_____________Date_____________

BUYER(S) AND SELLER(S) MAY WISH TO OBTAIN PROFESSIONAL ADVICE AND/OR INSPECTIONS OF THE PROPERTY AND TO PROVIDE FOR APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN BUYER(S) AND SELLER(S) WITH RESPECT TO ANY ADVICE/INSPECTIONS/DEFECTS.

I/WE ACKNOWLEDGE RECEIPT OF A COPY OF THIS STATEMENT

Seller_____________Date_____________
Buyer_____________Date_____________
Seller_____________Date_____________
Buyer_____________Date_____________

Agent (Broker Representing Seller)_____________
By__________________
(Associate Licensee or Broker)
Date__________________
Agent (Broker Obtaining the Offer)_____________
By__________________
(Associate Licensee or Broker)
Date__________________

A REAL ESTATE BROKER IS QUALIFIED TO ADVISE ON REAL ESTATE. IF YOU DESIRE LEGAL ADVICE, CONSULT YOUR ATTORNEY.

INTENT:
Pursuant to section ____________of the City of Ithaca Code, it is intended by section ____ of this Chapter to require disclosures in addition to those disclosures required by section ______ of the City of Ithaca Code.
PRESERVATION OF ITHACA AREA WASTEWATER TREATMENT FACILITIES

NOTICE:

(a) All discretionary approvals by the City of Ithaca for parcel maps, subdivision maps or use permits relating to agricultural land, or real property located within the IAWWTF Setback Zone, shall include a condition that the owners of such real property record a "PRESERVATION OF ITHACA AREA WASTEWATER TREATMENT FACILITIES Notice" in substantially the form provided in subsection (d) of this section.

(b) All applicants for building permits for new residential or commercial construction to be issued by the City of Ithaca located within the IAWWTF Setback Zone shall be provided with a "PRESERVATION OF ITHACA AREA WASTEWATER TREATMENT FACILITIES Notice" in substantially the form provided in subsection (d) of this section.

(c) The Clerk/Recorder/Assessor of the County shall include a "PRESERVATION OF ITHACA AREA WASTEWATER TREATMENT FACILITIES Notice" in substantially the form provided in subsection (d) of this section with any grant deed, quitclaim deed or land sale contract returned to the grantee by the Clerk/Recorder/Assessor after recording.

(d) "City of Ithaca PRESERVATION OF ITHACA AREA WASTEWATER TREATMENT FACILITIES Notice". It is the declared policy of the City of Ithaca to conserve, enhance and encourage waste water treatment operations within the City of Ithaca. Residents of property within the IAWWTF Setback Zone land should be prepared to accept the inconveniences and discomfort associated with waste water treatment operations, including, but not necessarily limited to: odors, trucks, lighting, construction, noise, fumes, dust, smoke, discharge, operation of machinery during any 24 hour period, storage and disposal of biosolids and trucked waste, and the application of chemicals, amendments. Consistent with this policy, City of Ithaca Code section ________ provides that no operation, conducted or maintained for the purposes of serving the IAWWTF, and in a manner consistent with the proper and accepted customs and standards established and followed by similar waste water treatment operations, shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after the same has been in operation for more than three years if it was not a nuisance at the time it began.

NOTICE TO CORRECT:
After receiving a complaint from an occupant within the IAWWTF Setback Zone, the City of Ithaca Assistant Superintendent of Water and Sewer shall immediately notify the Special Joint Commission of the Ithaca Area Waste Water Treatment Facility of the complaint. If the City of Ithaca Assistant Superintendent of Water and Sewer determines that such use does not conform with the proper and accepted customs and standards established in similar waste water treatments facilities, he or she shall endeavor specify
any measures required to correct the situation, and the time within which the measures must be taken.
Draft Ordinance for Consideration at the May 8, 2019 Planning and Economic Development Committee

Notification Disclosure Requirement to all Property Users within the Ithaca Area Wastewater Treatment Facility Setback Zone

ORDINANCE 2019-

BE IT ORDAINED AND ENACTED by the Common Council of the City of Ithaca as follows:

Section 1. Legislative Intent and Purpose.
Common Council makes the following findings of fact:

A. It is the declared policy of the City of Ithaca to conserve, enhance and encourage adequate and appropriate waste water treatment operations within the City, and to minimize potential conflict between the Ithaca Area Wastewater Treatment Facility (IAWWTF) operations and non-industrial land uses within the City.
B. Where non-industrial land uses, especially residential development, extend into the IAWWTF Setback Zone, or locate in the vicinity of the IAWWTF, waste water treatment operations may be the subject of nuisance complaints. Such complaints may request the curtailment of waste water treatment operations, and discourage investments, improvement and expansion for waste water treatment operations. Constraints on operations, management and possible expansion of the IAWWTF is detrimental to the health, safety, and economic viability of City and Town of Ithaca, Town of Dryden and surrounding areas for which it serves. It is the purpose and intent of this Ordinance to protect the resources and services provided by the IAWWTF to the larger community.
C. This policy can best be implemented by educating residents and businesses as to the laws protecting IAWWTF operations from conflicts with non-industrial uses, and by notifying owners and users of real property in the City of inherent potential problems associated with the ownership and/or use of real property located adjacent to or in the vicinity of waste water treatment operations, including, but not limited to, odors, trucks, lighting, construction, noise, dust, chemicals, discharge, smoke and extended hours of operation which may accompany such waste water treatment operations. It is intended that through the use of such notice owners and users of real property within the City will better understand the impact of living near waste water treatment operations and be prepared to accept such problems as the natural result of living on or near the IAWWTF lands.
D. Therefore, the Common Council intends for this Ordinance this notice to implement the above-described education and notification disclosure requirement to all property users within the IAWWTF Setback Zone.
Section 2. Creation of Section 262-137, Preservation of Ithaca Area Waste Water Treatment Facility Disclosure Requirement.
The Ithaca Municipal Code shall be amended so as to create a new Section 262-137 as follows:

§262-137 Preservation of Ithaca Area Waste Water Treatment Facility Disclosure Requirement

A. Definitions. For the purposes of this section:
   (1) “IAWWTF” shall be the Ithaca Area Waste Water Treatment Facility located at 525 Third Street, Ithaca.
   (2) "IAWWTF Setback Zone" shall mean those land areas of the city of Ithaca within 1,200 feet of the property boundary of the Ithaca Area Waste Water Treatment Facility.
   (3) "IAWWTF operations" shall mean and include, but not be limited to, the delivery and receiving of trucked waste, and sanitary waste, aeration and treatment of waste water, bio solids management, processing of wastewater and biogas, and activities incident to or in conjunction with the treatment and handling of wastewater and residual materials.

B. NUISANCE. No operation, conducted or maintained for the purposes of serving the IAWWTF, and in a manner consistent with the proper and accepted customs and standards established and followed by similar waste water treatment operations, shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after the same has been in operation for more than three years if it was not a nuisance at the time it began.

C. PRESERVATION OF ITHACA AREA WASTE WATER TREATMENT FACILITY DISCLOSURE NOTICE REQUIREMENT.
   (1) Upon any transfer by sale, exchange, installment land sale contract, lease, lease with an option to purchase, any other option to purchase, or ground lease coupled with improvements, of real property, or residential stock cooperative, the transferor shall deliver to the prospective transferee the written statement required by subsection C(2) of this section.
   (2) The disclosure statement shall contain the following:

Preservation of Ithaca Area Waste Water Treatment Facility Disclosure Notice
THIS DISCLOSURE STATEMENT CONCERNS THE REAL PROPERTY SITUATED IN TOMPKINS COUNTY, CITY OF ITHACA.
DESCRIBED AS______________.
THIS STATEMENT IS A DISCLOSURE OF THE CONDITION OF THE ABOVE DESCRIBED PROPERTY IN COMPLIANCE WITH SECTION 262-137 OF THE ORDINANCE CODE OF THE CITY OF ITHACA AS OF __________.
THE FOLLOWING ARE THE REPRESENTATIONS MADE BY THE SELLER(S)/PROPERTY OWNERS AS REQUIRED BY THE CITY OF ITHACA. The City of Ithaca supports operation of properly conducted waste water treatment operations with the City. If the property in which you are taking an interest is located near the IAWWTF, or included within the IAWWTF Setback Zone, you may be subject to inconveniences or discomfort arising from such operations. Such may include, but may not necessarily be limited to: odors, trucks, lighting, construction, noise, fumes, dust, smoke, discharge, operation of machinery during any 24 hour period, storage and disposal of bio solids and trucked waste, and the application of chemicals, and amendments. One or more of the inconveniences described may occur as a result of any operation which is in conformance with existing laws and regulations and accepted customs and standards. If you live or operate near the IAWWTF, you should be prepared to accept such inconveniences and discomfort as a normal and necessary aspect of living and operating in proximity to a waste water treatment facility.

Owner/Seller: ___________________________ Date: ______________________

Owner/Seller: ___________________________ Date: ______________________

Buyer: _________________________________ Date: ______________________

Buyer: _________________________________ Date: ______________________

(3) All discretionary approvals by the City of Ithaca for parcel maps, subdivision maps or use permits relating to agricultural land, or real property located within the IAWWTF Setback Zone, shall include a condition that the owners of such real property record a "PRESERVATION OF ITHACA AREA WASTEWATER TREATMENT FACILITIES NOTICE " in substantially the form provided in subsection C (2) of this section.

(4) All applicants for building permits for new residential or commercial construction to be issued by the City of Ithaca located within the IAWWTF Setback Zone shall be provided with a "PRESERVATION OF ITHACA AREA WASTEWATER TREATMENT FACILITIES NOTICE" in substantially the form provided in subsection C (2) of this section.

(5) The Clerk/Recorder/Assessor of the County shall include a "PRESERVATION OF ITHACA AREA WASTEWATER TREATMENT FACILITIES NOTICE" in substantially the form provided in subsection C(2) of this section with any grant deed, quitclaim deed or land sale contract returned to the grantee by the Clerk/Recorder/Assessor after recording.

(6) "City of Ithaca PRESERVATION OF ITHACA AREA WASTEWATER TREATMENT FACILITIES NOTICE". It is the declared policy of the City of Ithaca to conserve, enhance and encourage waste water treatment operations
within the City of Ithaca. Residents, operators, and owners of property within the IAWWTF Setback Zone land should be prepared to accept the inconveniences and discomfort associated with waste water treatment operations, including, but not necessarily limited to: odors, trucks, lighting, construction, noise, fumes, dust, smoke, discharge, operation of machinery during any 24 hour period, storage and disposal of bio solids and trucked waste, and the application of chemicals, amendments. Consistent with this policy, City of Ithaca Code section ________ provides that no operation, conducted or maintained for the purposes of serving the IAWWTF, and in a manner consistent with the proper and accepted customs and standards established and followed by similar waste water treatment operations, shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after the same has been in operation for more than three years if it was not a nuisance at the time it began.

D. NOTICE TO CORRECT. After receiving a complaint from an occupant within the IAWWTF Setback Zone, the City of Ithaca Assistant Superintendent of Water and Sewer shall immediately notify the Chief Operator of the Ithaca Area Waste Water Treatment Facility of the complaint. If the City of Ithaca Assistant Superintendent of Water and Sewer determines that such activity does not conform to the proper and accepted customs and standards established in similar waste water treatments facilities, he or she shall endeavor specify any measures required to correct the situation, and the time within which the measures must be taken.
Chair Seph Murtagh called the meeting to order at 6:00 p.m.

1) Call to Order/Agenda Review

   No changes to the agenda were made.

2) Special Order of Business

   a) Public Hearing – Southside Plan

      Alderperson Lewis moved to open the public hearing; seconded by Alderperson Brock. Carried unanimously

      No one from the public spoke during this public hearing.

      Alderperson Lewis moved to close the public hearing; seconded by Alderperson Smith. Carried unanimously.
3) Public Comment and Response from Committee

Anne Kilgore, 216 Lake Avenue, spoke on zoning on the north side of the City. She asked if this project is even legal. Who approved it? Who will be fired because of it? It’s illegal.

Aryeal Jackson, 204 E. Yates Street, spoke on the LimeBikes. She know the owner and many other employees. They pay their staff very well. A lot has been said about this company. The City needs to some fact checking,

Theresa Alt, 206 Eddy Street, spoke regarding a letter written by Alderperson Ducson addressed to Chair Murtagh. In a nutshell, it mentioned that we should do away with CIITAP. Don’t let the perfect be the benefit of the good.

David Nutter, 243 Cliff Street, spoke on e-scooters. He has supported bike lanes in the City to get the bikes, scooters, etc. off the sidewalks. E-scooters are harder to control than the Limebikes. There are no health benefit in the use of E-scooters. They are not allowed on the Commons. They don’t want them banned from the hills where they are the most dangerous.

Sheryl Swink, 321 North Albany Street, from Project Growing Hope, spoke on the Carpenter Park PUD project. At a previous meetings, a MOU was discussed and agreed to. They haven’t seen this as of late. This MOU was to be done prior to the project start.

Mary White, 114 (NOT IN MY FRONT YARD) nimfy Sears Street. She is not at all in favor of the Sears/Tioga construction plan. As a taxpayer, she is against it. This little building is certainly not needed for a county office building or needed in the neighborhood. She would like to see the entire plot go back to a building lot.

Fay Gougakis, 171 E. State Street, voiced she is totally against the Limebikes here in Ithaca. They are left everywhere. The mayor said there would be a public hearing; there hasn’t been one. This company has repeatedly taken no responsibility. She further spoke on the Harold Square public meeting where she was kicked out and escorted out by the police. She cares about this community and no one listens.

Response from the Committee:

Alderperson Lewis thanked all who spoke tonight. There will be a presentation regarding the Tioga/Sears Properties as well as the launch of the e-scooters in Ithaca. These are discussion topics tonight. No approval will be taken place.

Alderperson Brock also thanked all who came to speak. She ask JoAnn Cornish, Director of Planning, for her clarification of this property mentioned earlier by Anne Kilgore. She also agrees with Ducson. She thinks CIITAP should go away. Chair Murtagh agreed.
4) **Announcements, Updates, and Reports**

Chair Murtagh read into the record the public hearings for the 2019 – 2023 Consolidated Plan and 2019 Action Plan Cycle which are: Thursday, March 28, 8:30 – 11:30 a.m.; Thursday, April 4, 8:30 – 11:30 a.m.; and May 8, 6:00 p.m. at the Planning and Economic Development Committee Meeting.

He also acknowledged JoAnn’s lifetime achievement award awarded by the DIA. It was very well deserved.

5) **Action Items (Voting to Circulate)**

   a) **Special Permits and Accessory Apartments**

Megan Wilson provided information on this topic which was provided in the agenda packet and is copied below.

In June 2018, Common Council voted to assign the responsibility for issuing special permits to the Planning and Development Board. This work was previously a responsibility of the Board of Zoning Appeals, and the legislative change that was adopted simply transferred the duties from one board to the other. As the Planning Board began to review applications for special permits, it became clear that the review process outlined under the City’s current special permits ordinance is not consistent with the Board’s other review processes. Planning staff began preparing a revision to the special permits section of the code to make the review process consistent with the Board’s processes for site plan and subdivision review.

As work progressed, staff noted a connection between §325-9, Standards for special conditions and special permits, and §325-10, Accessory Apartments. Both sections outlined a review procedure for special permits, and it seemed appropriate to consolidate all procedural steps for special permits in one new section. At the same time, the revision to the accessory apartments section provided an opportunity to review the City’s criteria for accessory apartments and to make some changes that would reflect the Planning Committee’s recent conversations related to infill housing. To implement a standardized special permit process and remove barriers related to accessory apartments, there are four separate ordinances for the Planning Committee’s consideration.

Alderperson Brock stated what she feels is necessary is a clear definition of infill development. She further asked where Airbnbs fit in with these permits.

Megan Wilson stated that we are working on the definition of infill development and will bring that back to this committee next month or after.
Any accessory apartments require the owner to live on the property. Alderperson Brock asked the question as to how do we know that this enforcement is done.

Chair Murtagh also asked about the use of accessory apartment laws. Alderperson Brock would like to see the neighbors be able to speak on the renewals of these accessory apartments which renew every three years.
An Ordinance Amending The Municipal Code Of The City Of Ithaca, Chapter 325, Entitled "Zoning" To Amend §325-40, Board of Appeals; Variances

The ordinance to be considered shall be as follows:

ORDINANCE NO.

BE IT ORDAINED AND ENACTED by the City of Ithaca Common Council as follows:

Section 1. Section 325-40B(2)(b) of Chapter 325, Zoning, of the Municipal Code of the City of Ithaca is hereby amended as follows:

(b) Required information. Every appeal or application for relief shall set forth the interpretation that is claimed or the use for which a special permit is sought or the details of the variance applied for and the grounds for which it is claimed that the variance should be granted, as the case may be. Appeals and applications shall be in writing, on forms prescribed by the Board of Appeals, and shall be filed with the Secretary of the Board. The applicant shall provide a site plan and such other drawings and/or additional information as is necessary for the Board of Appeals to properly consider the appeal or application for relief.

Section 2. Section 325-40B(2)(d) of Chapter 325, Zoning, of the Municipal Code of the City of Ithaca is hereby amended as follows:

(c) Special permit applications for accessory apartments, bed and breakfast homes, and home occupations: $100

(7) All other special permit applications (including bed-and-breakfast inns): $150

Section 3. Section 325-40B(2)(e) of Chapter 325, Zoning, of the Municipal Code of the City of Ithaca is hereby amended as follows:

(e) Notices to the public. If a variance, or interpretation or a special permit is requested, the appellant shall send notice of the same by mail to all property owners within 200 feet of the boundaries of the lot under consideration. Such notice shall state the relief sought, the type of use contemplated and such additional information as shall be required by the Zoning Administrator or the designee of the Director of Planning and Development and shall be mailed five days prior to the meeting of the Planning Board which next precedes the public hearing. Proof of such mailing shall be filed with the Board of Appeals prior to the holding of the public hearing.

Section 4. Section 325-40B(2)(f) of Chapter 325, Zoning, of the Municipal Code of the City of Ithaca is hereby amended as follows:
An Ordinance Amending The Municipal Code Of The City Of Ithaca, Chapter 325, Entitled “Zoning” To Article III, Special Conditions and Special Permits

The ordinance to be considered shall be as follows:

ORDINANCE NO.

BE IT ORDAINED AND ENACTED by the City of Ithaca Common Council as follows:

Section 1. The title of Article III of Chapter 325, Zoning, of the Municipal Code of the City of Ithaca is hereby amended to read “Special Permits and Related Special Conditions”.

Section 2. Section 9 of Chapter 325, Zoning, of the Municipal Code of the City of Ithaca is hereby repealed in its entirety.

Section 3. A new section 9, entitled “Special Permits”, of Chapter 325, Zoning, is hereby added to the Municipal Code of the City of Ithaca, to read as follows:

A. Intent. The intent of this section is to set forth regulations and conditions which shall apply to certain land uses and activities which are incongruous or sufficiently unique in terms of their nature, location and effect on the surrounding environment and the quality of the community to warrant special evaluation of each individual case.

B. Applicability.
   (1) The uses listed under the district regulations in §325-8, District Regulations, which require a special permit from the Planning and Development Board are as follows:
      (a) Accessory apartments in all R-1, R-2, CR-1, and CR-2 districts.
      (b) Cemeteries in all districts.
      (c) Public utility facilities in all districts.
      (d) Schools and related uses in all residential districts.
      (e) Nursery schools or child day-care centers in R-2, CR-2 and R-U districts.
      (f) Neighborhood retail or service commercial facilities in R-2, R-3, CR-2, CR-3, and CR-4 districts.
      (g) Hospitals or sanatoriums in R-3, CR-3, and CR-4 districts.
      (h) Any use other than public recreation, classrooms, or living accommodations in P-1 districts that are located within 200 feet of adjoining residential districts.
         (1) In such P-1 districts, living accommodations within 200 feet of an adjoining residential district shall conform to the use and area regulation applying to the strictest adjoining residential district.
      (i) Home occupations in all residential districts, unless the home occupation meets all of the following criteria:
         (1) The occupation does not carry a stock of merchandise or store materials for resale or use in the occupation, except for a reasonable quantity of office supplies incidental to a small office;
         (2) The occupation does not create traffic or need for parking beyond that which is incidental to the residential use of the
An Ordinance Amending The Municipal Code Of The City Of Ithaca, Chapter 325, Entitled “Zoning” To Amend §325-8, District Regulations, for the R-3 Zoning District

The ordinance to be considered shall be as follows:

ORDINANCE NO.

BE IT ORDAINED AND ENACTED by the City of Ithaca Common Council as follows:

Section 1. Section 8, District Regulations, of Chapter 325, Zoning, of the Municipal Code of the City of Ithaca is hereby amended to update a section reference in the district regulations for Permitted Accessory Uses in the R-1 Zoning District to read as follows (changes will appear on the District Regulations Chart, which is a part of Chapter 325):

Column 3: Permitted Accessory Uses
8. Home occupations: Special permits are required in certain situations. See §325-9B(1) §3259C(i).

Section 2. Section 8, District Regulations, of Chapter 325, Zoning, of the Municipal Code of the City of Ithaca is hereby amended to modify the district regulations for Permitted Accessory Uses in the R-3 Zoning District to read as follows (changes will appear on the District Regulations Chart, which is a part of Chapter 325):

Column 3: Permitted Accessory Uses
1. Required off-street parking.
2. Private garage for 4 or more cars.
3. Structures for construction purposes, not to remain over two years.
4. Sign in connection with permitted use (see Sign Ordinance, Ch. 272 of City of Ithaca Municipal Code).
5. By special permit: Tower or structures for receipt or transmission of electronic signals for commercial purposes or for the generation of electricity to be used on the premises where generated in any district (see §325-9). Except for personal wireless service facilities.
6. Adult Day Care Home.
7. Home occupations: special permits are required in certain situations (see §325-9B(1)).
8. By special permit: Neighborhood parking area subject to regulation of §325-20(B).

Section 3. Section 8, District Regulations, of Chapter 325, Zoning, of the Municipal Code of the City of Ithaca is hereby amended to modify the district regulations for Permitted Primary Uses in the I-1 District to read as follows (changes will appear on the District Regulations Chart, which is a part of Chapter 325):

Column 2: Permitted Primary Uses
An Ordinance Amending The Municipal Code Of The City Of Ithaca, Chapter 325, Entitled “Zoning” To Amend §325-19, Transition Regulations

The ordinance to be considered shall be as follows:

ORDINANCE NO.

BE IT ORDAINED AND ENACTED by the City of Ithaca Common Council as follows:

Section 1. Section 19, Transition Regulations, of Chapter 325, Zoning, of the Municipal Code of the City of Ithaca is hereby amended to add the following subsection:

E. Development in R-3 Districts which abut R-1 Districts. The development of any permitted use in the R-3a or R-3b Zoning Districts, except a one-family or two-family dwelling, shall be subject to the following special conditions if the land on which the development occurs directly abuts land in either the R-1a or R-1b Zoning District:

1. Minimum lot size (area in square feet): The required area in square feet needed to satisfy the minimum lot size requirement shall be 150% of the requirement shown on the District Regulations Chart for the R-3a or R-3b District.

2. Maximum building height: The maximum building height requirement shall be the same as the requirement for the abutting R-1a or R-1b District.

3. Maximum percent of lot coverage by buildings: The maximum percent of lot coverage by buildings shall be 75% of the requirement shown on the District Regulations Chart for the R-3a or R-3b District.

4. Yard dimensions, side or rear yards: The minimum required side or rear yard requirement shall be 150% of the requirement shown on the District Regulations Chart for the R-3a or R-3b District if the side or rear yard abuts land in the R-1a or R-1b District.

Section 2. Effective date. This ordinance shall take effect immediately and in accordance with law upon publication of notices as provided in the Ithaca City Charter.

Alderperson Smith moved to circulate; seconded by Alderperson Brock. Carried unanimously.
b) Carpenter Business Park Planned Unit Development (PUD)

Jennifer Kusznir explained the process of the PUD. She agreed to provide the process in an email.

The development team provided a presentation of the proposed plan.

RE: Planned Unit Development Application for Park Grove Realty and Cayuga Medical Center at Carpenter Circle

On February 19, 2019, the City of Ithaca received an application from Whitham Planning and Design, on behalf of Park Grove Realty and Cayuga Medical Center for a Planned Unit Development (PUD) project to be located at Carpenter Circle.

According to § 325-12 Planned Unit Developments (PUD), properties located within the City’s Planned Unit Development Overlay District (PUDOD), that contain a project proposal that offers community-wide benefits, may apply to the Common Council for consideration to establish a PUD in order to permit uses not explicitly allowed by the underlying zoning. The PUD legislation states that the Common Council will consider the application for any PUD on the following criteria, among others:

1. Does the project further the health and welfare of the community?
2. Is the project in accordance with the City Comprehensive Plan?
3. Does the project create at least one long-term significant community benefit?

The proposed Carpenter Circle project involves the redevelopment of an 8.9 acre parcel located adjacent to Route 13 and off of Third Street. The project includes a 5-story Cayuga Medical Center medical office building, two 6-story mixed use buildings with retail space on the ground floor and market rate residential units on the upper floors, and a 4-story residential building, containing 40 units of affordable housing for those earning between 50-60% of AMI. The project will also include approximately 400 parking spaces to support the development and will include a permanent Community Gardens site.

The applicant notes that this project will result in the following community benefits:

- There are +/-400 surface parking spots serving the site, utilizing a mix of dedicated and shared parking.
- The applicant will collaborate with the Community Gardens in order to provide an improved permanent location for the Community Gardens; CMC and Park Grove Realty will be offering substantial economic assistance and significant professional time towards the improvement of the gardens.
- Site access via Route 13 via a curb cut across from Fifth Street, which will require a Break in Access Agreement with NYSDOT;
- 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;
- An improved gateway into the City of Ithaca on Route 13;
- Generation of +/-150 job.
- Alignment with the City’s Comprehensive Plan and ongoing planning related to the Route 13 corridor and the Waterfront Zone.
The application has been reviewed by staff for completeness and has been found to be satisfactorily complete for distribution and review. Should the committee be in agreement, this application will be circulated for comments and a public information session will be held, in accordance with the PUD requirements. If the Committee is in agreement, staff will begin this process and return in May with any comments that are received.

If you have questions or require additional information, please feel free to contact me.

Alderperson Smith moved to circulate; seconded by Alderperson Lewis. Carried unanimously.

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

a) Southside Plan

Adoption of the Greater Southside Neighborhood Plan as Part of Phase II of the City of Ithaca Comprehensive Plan – Declaration of Lead Agency for Environmental Review
Moved by Alderperson Smith; seconded by Alderperson Lewis. 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 the local agency which has primary responsibility for approving and funding or carrying out the action, and
WHEREAS, the proposed adoption of an amendment to the comprehensive plan is a “Type I” Action under the City of Ithaca Environmental Quality Review Ordinance, and the State Environmental Quality Review Act and is subject to 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 adoption of the Greater Southside Neighborhood Plan as part of Phase II of the City of Ithaca Comprehensive Plan.

Adoption of the Greater Southside Neighborhood Plan as Part of Phase II of the City of Ithaca Comprehensive Plan – Determination of Environmental Significance
Moved by Alderperson Smith; seconded by Alderperson Lewis. Carried unanimously.
WHEREAS, the City of Ithaca is considering the adoption of the Greater Southside Neighborhood Plan as part of Phase II of the City’s Comprehensive Plan, and
WHEREAS, appropriate environmental review has been conducted including the preparation of a Full Environmental Assessment Form (FEAF), dated February 20, 2019, and
WHEREAS, the proposed plan has been reviewed by the Tompkins County Department of Planning and Sustainability pursuant to §239-l-m of New York State General Municipal Law, which requires that all actions within 500 feet of a County or State facility, including County and State highways, be reviewed by the County Planning Department, and has also been distributed for review by the City of Ithaca Parks, Recreation, and Natural Resources Commission and the City of Ithaca Planning and Development Board, and
WHEREAS, the proposed action is a “Type I” Action under the City Environmental Quality Review Ordinance and the State Environmental Quality Review Act, and
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
RESOLVED, that this Common Council, as lead agency in this matter, hereby adopts as its own the findings and conclusions more fully set forth in the Full Environmental Assessment Form, dated February 20, 2019, and be it further
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

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.

Adoption of the Greater Southside Neighborhood Plan as Part of Phase II of the City of Ithaca Comprehensive Plan – Resolution

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

WHEREAS, the Comprehensive Plan outlines a vision for the city’s future and serves as a guide for future decision-making, policies, and funding, and

WHEREAS, the City decided to pursue a two-phased approach to its new Comprehensive Plan, where Phase I entailed the preparation of an “umbrella” plan, Plan Ithaca, that sets forth broad goals and principles to guide future policies throughout the city and where Phase II includes the preparation of specific neighborhood and thematic plans, and

WHEREAS, the Common Council adopted Plan Ithaca in September 2015, and the planning process then began to focus on the Phase II plans, and

WHEREAS, the Phase II plans provide an opportunity to take a proactive look at specific areas throughout the city, particularly those with significant potential for change, and to implement policies and capital improvements to help implement a shared vision, and

WHEREAS, in accordance with the City of Ithaca Municipal Code and New York State General City Law, the Planning and Development Board is responsible for preparing and recommending a new Comprehensive Plan to the Common Council for adoption, and

WHEREAS, formed in September 2016, the Southside Neighborhood Plan Committee was composed of 15 area residents, including members of the Planning and Development Board and Common Council, and worked with City Planning staff to conduct public outreach and prepare the draft plan, and

WHEREAS, the complete draft Greater Southside Neighborhood Plan was made available for public review in September 2018, and the Committee hosted community events, neighborhood meetings, and an online survey to gather comments on the draft plan, and

WHEREAS, following its review of the comments, the Committee revised the draft plan to incorporate public input, and

WHEREAS, at its meeting on December 19, 2018, the Southside Neighborhood Plan Committee voted to recommend the draft Greater Southside Neighborhood Plan, dated December 19, 2018, for review and consideration by the Planning and Development Board as part of Phase II of the Comprehensive Plan, and

WHEREAS, the City of Ithaca Planning and Development Board reviewed the draft plan at its December 2018 and January 2019 meetings and voted unanimously on January 22, 2019 to recommend the draft Greater Southside Neighborhood Plan, dated December 19, 2018, for review and adoption by the Common Council as part of Phase II of the Comprehensive Plan, and

WHEREAS, the draft plan was presented to the Planning & Economic Development Committee on February 13, 2019, and following that meeting, was circulated for additional comment, and
WHEREAS, the draft Greater Southside Neighborhood Plan was submitted for review by the Tompkins County Department of Planning and Sustainability pursuant to §239-l-m of New York State General Municipal Law, which requires that all actions within 500 feet of a county or state facility, including county and state highways, be reviewed by the County Planning Department, and was also distributed for review by the City’s boards and commissions, and

WHEREAS, the adoption of the Greater Southside Neighborhood Plan as part of Phase II of the Comprehensive Plan is a Type I action, and the Common Council, as lead agency, has completed environmental review and determined that the action will not have a significant impact on the environment, and

WHEREAS, a public hearing for the adoption of the plan was held on March 13, 2019, and

WHEREAS, the Common Council has considered the draft Greater Southside Neighborhood Plan as recommended by the Southside Neighborhood Plan Committee and the Planning and Development Board; now, therefore, be it

RESOLVED, that the Common Council hereby adopts the Greater Southside Neighborhood Plan, dated December 19, 2018, as part of Phase II of the Comprehensive Plan, and be it further

RESOLVED, that this Comprehensive Plan shall serve as a guide for future decisions made by Common Council, City boards and commissions, and City staff, and be it further

RESOLVED, that Common Council shall establish regular reviews and updates of the Comprehensive Plan every five years.

b) Intercity Bus Resolution

DRAFT RESOLUTION - Renewal of Bus Operator Agreements to Continue Bus Operations on Green Street

Moved by Alderperson Smith; seconded by Alderperson Lewis, with amendments. Carried unanimously.

1. WHEREAS, Section 346-31 of the City Code states that no bus shall operate, stop on or stand on any City street, nor shall such bus pick up or discharge passengers on any such City street or curb, or any other public property, or within 200 feet of any City bus stop in the corporate limits of the City of Ithaca, unless a permit is obtained from the Common Council or its designee, and

2. WHEREAS, in September 2018, Common Council passed a resolution to allow the use of 100 East Green Street as an intercity bus stop, and

3. WHEREAS, staff prepared and executed agreements with the intercity operators for a 6 month trial period, and

4. WHEREAS, the intercity bus operator agreements will expire in on March 31, 2019, and

5. WHEREAS, staff from Planning and Public Works have been continually evaluating this program to determine whether this location is feasible as a long term solution for intercity bus use, and
6. WHEREAS, staff has determined that the inclusion of an intercity bus stop is convenient for bus patrons to be able to connect to points around the City or to alternate travel modes, that increased foot traffic helps to support local businesses, and that on most days during the trial period, there have not been significant issues, and all of the buses have been able to use the street, and

7. WHEREAS, staff also found that the inclusion of intercity buses to Downtown has created some challenges, including City crews not having the capacity to remove snow from the street and sidewalk early enough to allow for the bus stop to remain functional; intercity buses parking in the TCAT spaces; lack of rest areas for intercity passengers; drivers and passengers loading luggage on the street side of the buses; and too many on street buses during holidays and other large travel days; and

8. WHEREAS, staff recommends that the Common Council conditionally renew the agreement until August 31, 2019, in order to allow for a full year evaluation of this site, and

9. WHEREAS, staff recommends that the agreement include conditions in order to ensure that the on street traffic continue to flow safely and effectively; now, therefore be it,

1. RESOLVED, that the Common Council approves the continued use of East Green Street/NYS Route 79 for Shortline/Coach USA, Trailways of New York, and Greyhound to operate transit services for an additional 6 month period, to expire on August 31, 2019, with the following conditions:

   - City staff will convene a meeting with bus providers to discuss changes that need to be made in order to continue with Green Street intercity bus service. The bus companies will also be informed that there is no room for expansion of future service at this location so that they can make an informed decision of whether this space meets their needs now and in the future.

   - The City will paint the bus lanes on Green Street and will charge the intercity bus providers for this improvement. This will be an additional charge above the use agreement fee.

   - Buses will specify dates with additional buses (holidays, student arrival and departure dates) and will provide on street staff on these dates to direct customers to their buses and bus drivers to the appropriate pick-up locations. If the City determines that an additional CSO needs to be assigned to this area during heavy traffic times in order to issue tickets, the City will charge the bus operators for this service. This will be an additional charge above the agreement fee.

   - All of the bus companies will be required to provide accommodations for their passengers. This can be accomplished through an agreement with an existing
facility, but they must show proof that they have permission to use existing facilities.

- The bus permit agreement will continue to allow for revocation for failure to comply with requirements. There will be no tolerance of unloading luggage on the street side, encroaching on the bike lane, unloading from a travel lane, or any other behavior deemed unsafe by the City.

- If additional improvements are determined to be necessary to allow for safe, unimpeded traffic flow, the City will pass the costs onto the bus operators.

Be it further;

2. **RESOLVED**, that the Common Council will re-assess this agreement prior to August 31, 2019, in order to determine whether to continue to allow Green Street to be used for intercity buses.

7) **Discussion**

   a) **Presentation – Tompkins County Purchase of Tioga/Sears Properties**

   Jason Malino, Tompkins County Administrator, provided a presentation of what the County would like to do with the Tioga/Sears Streets Properties. He showed many scenarios to consider. This was strictly informational only.

   Alderperson Smith thanked Jason for the presentation.

   c) **Launch of E-scooters in Ithaca**

   A presentation was made regarding the use of E-scooters in Ithaca. Chair Murtagh stated he would like this to go to the Mobility, Accessibility, and Transportation Commission (MAT) and come back to this committee in April. He is concerned about safety and whether the City has the infrastructure to accommodate this.

   Alderperson Lewis shares the same concerns of Chair Murtagh. She is concerned that there isn’t that much data available on the use of e-scooters. She is concerned of the safety of the scooters as well as the use or not the use of helmets.

   Alderperson Smith also agreed with Alderperson Lewis about the lack of data. We need to compare apples to apples in order to know what we’re getting into.

   Alderperson Nguyen stated he would like to see some tracking of the condition of the City sidewalks.
Chair Murtagh stated he is not against the use of e-scooters. It’s the e-scooter share programs. It might be different if people own their own e-scooters and are educated with the proper use and maintenance of them.

Alderperson Lewis stated she would not like to see the e-scooters take the place of the LimeBikes.

The presenters asked for clarification as to who should compile an MOU. Should it be the City attorney? Alderperson Brock stated that it should be the City attorney but the presenters could certainly provide the necessary components of an MOU.

The presenters stated they will go back through their presentation and address the questions asked during this meeting and bring it the MATCom meeting asking for a recommendation to come back to this committee.

8) Review and Approval of Minutes
   a) February 2019

   Moved by Alderperson Smith as amended; seconded by Alderperson Brock. Passed unanimously.

9) Adjournment

   Moved by Alderperson Smith; seconded by Alderperson Lewis. Carried unanimously. The meeting was adjourned at 9:35 p.m.
Chair Seph Murtagh called the meeting to order at 6:00 p.m.

1) Call to Order/Agenda Review

There are no minutes to approve.

2) Public Comment

Ashley Miller, 126 Sears Street, spoke on infill housing. Public accessibility for these projects should be made available.

Theresa Alt, 206 Eddy Street, if the chemicals can be removed from the Chain works project, she would like to see affordable housing.

Dan Hoffman, 415 Elm Street, spoke on infill housing. Agrees with Miller as to the accessibility of infill projects. Immaculate Conception would like to see the availability of gardens.
Fay Gougakis, 171 E. State Street, spoke regarding dogs on the Commons. She would like the City to listen to people who live on the Commons. The tenants should have a say. She referred to the comment JoAnn Cornish made regarding the only problem with the dogs on the Commons is the poop. There is more to it. Thirteen complaints were made of dogs. Dogs are a serious issue.

Sheryl Swink, 321 N. Albany Street, she would like to see the West End remain as it is. She is encouraged by the change in height and set back. She supports the INHS PUD project. She likes their approach with the public. She agrees with Dan Hoffman’s comment on community gardens at the INHS site.

Anne Sullivan, 109 Irving Place, from the Belle Sherman neighborhood. Encourages a public meeting to discuss the infill housing. Changes to the infill housing may not work. This is a big change. We need to know more.

Tom Shelley, 118 East Court Street, supports the chicken ordinance 100% and thanks Monika Roth for her work on this ordinance. He also spoke on the reduction of fossil fuels. A constitutional amendment at the state level where all citizens have a right to clean air. The City needs to act on this as well.

Joe Wilson, 75 Hunt Hill Road, spoke in favor of the reduction in fossil fuels and gas emissions and the new Green Building policy.

Ann Kilgore, 216 Lake Avenue, spoke her displeasure of the City’s infill proposed changes. She spoke of the Barken Building which is not in compliance and not a legal structure.

Ken Jaffe, 218 Lake Avenue, reiterated Kilgore’s comments as to the infill proposed changes. We need more information.

Aldersperson Lewis thanked all who spoke tonight.

JoAnn Cornish spoke regarding the comments made by Fay Gougakis regarding dogs on the Commons. She was simply at that mentioned meeting as a history source.

Chair Murtagh stated to the group that no vote will be taken on infill housing. Tonight is discussion only. There are many diverse opinions on this topic.

3) Announcements, Updates, and Reports

   a) Harold Square Update – Jennifer Kusznir, Senior Planner

This project suffered a delay due to a change of contractors. It took time for new building permits, but construction is back in operation. We meet weekly with the project team. Spring 2020 is the projected completion date. The playground maybe open this summer.
Alderperson Brock asked the maximum height of the building. The answer is twelve stories, 140 feet.

Chair Murtagh stated there is a meeting set up for April 24 at the Library on infill development.

b) **Economic Development Update – Tom Knipe, Deputy Director of Economic Development**

Knipe provided a brief outline of what is happening now and what is coming in the near future.

Alderperson Brock thanked Knipe for his overview. Ithaca is a difficult City to manage and find the things that people need.

Alderperson Fleming asked what the City role is to find new tenants for vacant spaces.

The answer was yes it definitely is part of the City’s work plan. There is a process for that.

Alderperson Nguyen asked what the setbacks new businesses face starting up are.

Alderperson Brock stated she would like to see the retention of the ma and pa businesses. She would like to see Ithaca have a focus on an ethnically diverse businesses. She would also like to see hi-speed internet. How can we bring fiber optics to the City?

4) **Action Items (Voting to Circulate)**

a) **INHS Immaculate Conception Planned Unit Development (PUD)**

Moved by Alderperson Lewis; seconded by Alderperson Smith. Passed unanimously. It will be circulated, a public information session will be held, and broke back to this committee in May.

To: Planning and Economic Development Committee

From: Jennifer Kusznir, Senior Planner

Date: April 4, 2019

Re: Planned Unit Development Application for Ithaca Neighborhood Housing Services (INHS) located at 320-324 & 330 W. Buffalo St, and 309 N. Plain St.

On March 14, 2019, the City of Ithaca received the enclosed application from Ithaca Neighborhood Housing Services, for a Planned Unit Development (PUD) project to be located at 320-324 & 330 W. Buffalo St, and 309 N. Plain Street.

According to § 325-12 Planned unit developments (PUD), properties located within the City’s Planned Unit Development Overlay District (PUDOD), may apply to the Common Council for consideration to establish a PUD in
The proposal includes the following elements:

and will transfer the existing gymnasium to GIAC.

The applicant notes that this project will result in the following potential community benefits resulting from this project:

- Household sizes (from single people to large families). The project will also provide space for non-profit organizations and will transfer the existing gymnasium to GIAC.

The proposed INHS project involves the redevelopment of the former Immaculate Conception School into a vibrant mixed-use community, specifically designed to address high-priority local needs. The overarching goal of this project is to provide both rental and for-sale housing that is affordable at a range of household incomes (from less than 30% AMI up to 90% AMI for the rental units and 80% AMI or below for the for-sale units) and that is suitable for a range of household sizes (from single people to large families). The project will also provide space for non-profit organizations and will transfer the existing gymnasium to GIAC.

The proposal includes the following elements:

- Retention of the 1948 wing of the existing school building
- Demolition and replacement of the c. 1920s wing of the school with a new four-story wing
- Connecting to the 1948 wing to form an “L”
- Retention and rehabilitation of the Catholic Charities Building for their continued use
- Detachment of the gymnasium wing and sale to the City for GIAC’s use
- Construction of an as-yet undetermined number of rental row houses facing W. Buffalo Street between Catholic Charities and N. Plain Street
- Demolition of the existing building at 309 N. Plain Street and construction in that location of a group of rental row houses
- Construction of a group of four for-sale row houses facing N. Plain Street at W. Court Street
- The project will also include both the retention and conversion of the two houses at 330 West Buffalo Street into two rental units, or demolition to allow the construction of an additional group of row houses facing W. Buffalo.
- Adaptive re-use of a portion of the existing school building for non-profit service organizations.

The applicant notes that this project will result in the following potential community benefits resulting from this project:

- The property is currently wholly exempt. Upon completion, we are projecting the project will pay approximately $45,000 annually in property taxes via a PILOT.
- The project is expected to result in the creation of 1.5 FTE INHS jobs that will be paid living wages. It is also possible there could be new jobs created by the non-profit organizations that occupy the space, but at this time that is unknown.
- The project will provide affordable housing.
- The project will redevelop a vacant school building.
- The project is required to award at least 30% of the value of our State Housing Trust Fund loan to Certified MWBE contractors, subs, or suppliers.
- The project will adaptively re-use a largely vacant, centrally located site, supporting the City’s Comprehensive Plan goal of increasing residential density through appropriate infill
- The project will also provide space for a number of non-profit organizations that serve the local community at a reduced rent.
- The project will transfer the existing gymnasium to GIAC.
The application has been reviewed by staff for completeness and has been found to be satisfactorily complete for distribution and review. If the committee is in agreement, this application will be circulated for comments and a public information session will be held, in accordance with the PUD requirements.

If you have questions or require additional information, please feel free to contact me.

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

a) Adoption of Findings for Chainworks and Reaffirm Planned Unit Development (PUD)

Findings – Chainworks District Redevelopment Project
City of Ithaca
Tompkins County, New York

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

WHEREAS, on July 2, 2014, the Common Council adopted legislation allowing for the City to establish Planned Unit Development (PUD) districts on any property in the City currently zoned for industrial uses, and

WHEREAS: the City of Ithaca Common Council has one pending application for a Planned Unit Development (PUD) for the Chain Works District Redevelopment Project (CWD Project) to be located at 620 S. Aurora Street by Jamie Gensel of Fagan Engineers & Land Surveyors PC, for David Lubin, Project Sponsor, Unchained Properties (UP), and

WHEREAS: the proposed CWD Project seeks to redevelop and rehabilitate the +/-800,000-SF former Morse Chain/Emerson Power Transmission facility, located on a 95-acre parcel traversing the City and Town of Ithaca’s municipal boundary (Site). The PUD is for a mixed-use district, which includes residential, commercial, office, manufacturing and a natural area, and which consists of four primary phases: (1) the redevelopment of four existing buildings (21, 24, 33, & 34); (2) the repurposing of the remaining existing buildings; (3) potential future development within areas of the remainder of the site adjacent to the existing buildings/parking areas; and (4) future developments within remaining areas of the Site. The CWD Project also requires a subdivision approval and approvals from the Town of Ithaca for a Planned Development Zone and site plan approval, and

WHEREAS, in accordance with the adopted City process for consideration of a PUD, the application was circulated in July 2014 to City boards and committees, as well as, to the Town of Ithaca, and to the County Planning Department, and

WHEREAS, a required public information session, was held on August 5, 2014. In accordance with PUD regulations, 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

WHEREAS, a legal notice was posted to the Ithaca Journal, on July 29, 2014, in order to advertise a legal public hearing on August 13, 2014, and

WHEREAS, the process for consideration of an application for the PUD requires that the applicant obtain a preliminary approval in concept from the Common Council prior to beginning the site plan review process, and
WHEREAS, that the Common Council did, on September 3, 2014 grant a preliminary approval in concept to UP for their application for a PUD district to be established at the Site, and

WHEREAS, that by granting a preliminary approval in concept, the Common Council acknowledged that UP could begin the site plan review process, despite any zoning-based deficiencies in the application, and,

WHEREAS: UP did submit a site plan review application to the City of Ithaca Planning Board in September of 2014, and

WHEREAS: the CWD Project exceeded the thresholds defined for Type I projects in both the State and City Environmental Quality Review Law. Type I actions carry with them the presumption that it is likely to have a significant effect on the environment. Specifically, this CWD Project exceeds the Type I thresholds as defined in Chapter 176 of the City of Ithaca Code, Environmental Quality Review Ordinance, §174- 6 (B)(1)(i),(j),(k),(n), (2), (6), (7),(8)(a)and (b) and the State Environmental Quality Review Act §617.4 (b)(2),(3), (5)(iii), (6)(i), and (iv), and

WHEREAS: Common Council, the Town of Ithaca Town Board, the Town of Ithaca Planning Board, the Tompkins County Department of Health, the NYS Department of Health, the NYS Department of Transportation, and the NYS Department of Environmental Conservation all consented to the City of Ithaca Planning and Development Board’s being Lead Agency for this CWD Project, and

WHEREAS: the City of Ithaca Planning and Development Board, as Lead Agency, made a Positive Declaration of Environmental Significance on October 2, 2014, directing the Project Sponsor to prepare a Draft Generic Environmental Impact Statement (DGEIS) to evaluate potential impacts of the proposed CWD Project, and

WHEREAS: on October 18, 2014, the City of Ithaca Planning and Development Board held both an Agency Scoping Session and a Public Scoping Session to identify issues to be analyzed in the GEIS, and

WHEREAS: the City of Ithaca Planning and Development Board did, on January 13, 2015, approve a Scoping Document, and

WHEREAS: the City of Ithaca Planning and Development Board, as Lead Agency for the purpose of environmental review, did on March 8, 2016 review the DGEIS submitted by UP for completeness and adequacy for the purpose of public review and comment, and with the assistance of City Staff and the City’s consultants, Adam Walters of Phillips Lytle LLP, find the DGEIS to be satisfactory with respect to its scope, content, and adequacy, and

WHEREAS: on March 29, 2016, a public hearing was held by the Planning and Development Board to obtain comments from the public on potential environmental impacts of the proposed action as evaluated in the DGEIS, and written comments for the same purpose were accepted until May 25, 2016, and

WHEREAS: Concurrent with the Environmental Review and over the same four year period, Common Council, did, meet numerous times with the project team to review and provide feedback on the draft PUD and Design Guidelines, and

WHEREAS: Common Council did circulate the draft PUD and Design Guidelines for comments in December 2017 and again in December 2018 and all relevant comments have been incorporated, and

WHEREAS: the final draft PUD is comprised of four districts: the CW1 Natural Sub Area, containing 8.01 acres of predominately undeveloped land/open space and CW3A, CW3B & CW3C, containing 21.31 acres of mixed use development in both new and existing buildings. The Design Guidelines are intended to supplement the zoning and provide clear but flexible guidance during the site plan review process, and
**WHEREAS:** the Planning and Development Board as Lead Agency, did on February 26, 2019 accept the Final GEIS for the CWD Project as complete for filing, having duly considered the potential adverse environmental impacts and proposed mitigating measures as required under 6 NYCRR Part 617 (the SEQR regulations) and Chapter 176 of the City of Ithaca Code (the City of Ithaca Environmental Quality Review Ordinance, CEQRO), and

**WHEREAS:** the Planning and Development Board as Lead Agency, did on March 26, 2019, issue positive written findings (Findings Statement) determining, among other things:

(a) That consistent with social, economic and other essential considerations, from among the reasonable alternatives available, the action to be carried out minimizes or avoids, to the maximum extent practicable, adverse environmental impacts disclosed in the Draft and Final Generic Environmental Impact Statements; and

(b) The Findings Statement was prepared by the City of Ithaca Planning and Development Board, as Lead Agency relating to the Chainworks Redevelopment Project, pursuant to the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and the regulations promulgated thereto at 6 NYCRR Part 617 (collectively referred to as “SEQRA”) and Chapter 176 of the City of Ithaca Code, City Environmental Quality Review Ordinance (“CEQRO”). This Findings Statement draws upon the matters set forth in the SEQRA/CEQRO record, including the Generic Environmental Impact Statement (“GEIS”), consisting of the DGEIS and the FGEIS, as well as the public comments on the DGEIS received at a public hearing and during the public comment period; and

(c) A DGEIS and FGEIS have been prepared on behalf of the Lead Agency. The purpose of the DGEIS and FGEIS was to identify and evaluate the potential significant adverse environmental impacts of the proposed project and, where applicable, to identify reasonable alternatives or mitigation measures that would reduce the effect of those impacts to the maximum extent practicable.

(d) The Findings represents the conclusion of the environmental review of the proposed project by the Lead Agency. Under SEQRA and CEQRO, this Findings Statement must:

1. Consider the relevant environmental impacts, facts and conclusions disclosed in the GEIS;
2. Weigh and balance relevant environmental impacts with social, economic and other considerations;
3. Provide a rationale for the Planning Board’s pending decision (regarding site plan review for the Project);
4. Certify that the requirements of SEQRA have been met;
5. Certify whether, consistent with social, economic and other essential considerations, from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and whether any such adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to any site plan approval those mitigation measures that were identified, in the GEIS, as practicable.

(e) This is a “positive” findings statement, which means that the proposed Project is potentially “approvable” (a relevant term used in the State’s “SEQR Handbook”) by the Planning Board, as to its site plan. The Planning Board will use this Findings Statement to assist in its review of the proposed site plan, and in considering conditions that could be applied to any approval thereof.

(f) All involved agencies, as listed in the FGEIS, should prepare their own SEQRA findings before making their own decisions, and

**WHEREAS:** Common Council has carefully reviewed the Lead Agency’s findings and finds them thorough and comprehensive and consistent with SEQR, and therefore be it.

**RESOLVED:** that Common Council adopts the Lead Agency’s findings in their entirety including the following certifications:
I. The requirements of Article 8 of the New York State Conservation Law and the implementing regulations of NYSDEC, 6 NYCRR Part 617, and local regulations, have been met; and

II. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

b) Public Murals

 Resolution to Select Artwork for City Mural Program
Moved by Alderperson Lewis; seconded by Alderperson Smith. Passed unanimously.

WHEREAS, in 2010, the City created a mural and street art program to beautify blank walls within the city, while providing local artists from all sections of the community an opportunity to showcase their work, and

WHEREAS, the Board of Public Works approved several locations for future murals and street art, throughout the City, by resolution on May 19, 2010 and the City-owned parking garages and municipal electrical boxes are pre-approved mural locations, and

WHEREAS, Rusty Keller, Melody Often, and Annabelle Popa have submitted proposals to paint murals on an electrical box on S. Titus Ave, in the Dryden Road Parking Garage, and on the exterior of the Seneca Street Parking Garage, respectively, and

WHEREAS, the Community Life Commission formed a mural subcommittee to assess mural proposals, hold public comment and recommend proposals for consideration, and

WHEREAS, the Mural Subcommittee held a public comment period on the mural designs and locations at its meeting on March 12, 2019 to gather input on the proposed murals, and the responses to the proposals have been mixed, and

WHEREAS, the installation of the murals will be funded by the artists and will be budget-neutral to the City, and

WHEREAS, at its meeting on March 18, 2019, the Community Life Commission voted to recommend that the Common Council approve the three mural projects at their proposed locations; now, therefore, be it

RESOLVED, that the City of Ithaca Common Council selects the proposals by Rusty Keller, Melody Often, and Annabelle Popa as recommended by the Community Life Commission, for installation on an electrical box on S. Titus Avenue, in the Dryden Road Parking Garage, and on the exterior of the Seneca Street Parking Garage, and be it further

RESOLVED, that the selected artists may proceed with the installation of their murals upon the execution of an agreement with the City as reviewed by the City Attorney.
RESOLUTION NO. -- APPROVING JOINT SEWER AGREEMENT AMENDMENT TO ELIMINATE CHAIRPERSON TERM LIMIT
Moved by Alderperson Smith; seconded by Alderperson Lewis. Carried unanimously.
WHEREAS, the Ithaca Area Wastewater Treatment Facility (“IAWWTF”) is owned and operated by the City of Ithaca, Town of Ithaca, and Town of Dryden (“Municipal Owners”), with oversight provided through this Special Joint Committee (“SJC”) composed of representatives from the three Municipal Owners,

WHEREAS, the Municipal Owners entered into a December 31, 2003 Joint Sewer Agreement that governs IAWWTF administration and operations,

WHEREAS, Section 13.3 of the Joint Sewer Agreement provides as follows:

“13.3 The SJC will elect its own chairperson annually and shall establish scheduled monthly meeting dates to provide for timely referrals to the Parties’ respective boards or governing bodies. No chairperson shall serve for more than two consecutive one-year terms but may be re-elected after a minimum of a one-term period has elapsed since that person last served as chairperson.”

WHEREAS, at its meeting on February 20, 2019, the SJC adopted a resolution recommending elimination of the limit on a chairperson serving more than two consecutive terms, because it often takes an SJC chairperson more than a year to develop enough understanding of the IAWWTF and the chairperson role to function efficiently and effectively with the other SJC members and staff,

WHEREAS, Section 17.1 of the Joint Sewer Agreement provides that it may be amended as follows:

“17.1 This Agreement may be modified or amended by an instrument in writing, duly executed and acknowledged by the duly authorized representatives of each Party, upon approval by majority vote of the voting strength of the respective governing bodies of said Party.”

RESOLVED, the City of Ithaca/Town of Ithaca/Town of Dryden approves and authorizes the Mayor/Ithaca Town Supervisor/Dryden Town Board to execute an amendment to the Joint Sewer Agreement, subject to the approval of the City Attorney/Attorney for the Town, that eliminates the chairperson term limit by deleting the second sentence in Section 13.3, so that Section 13.3 reads as follows:

“13.3 The SJC will elect its own chairperson annually and shall establish scheduled monthly meeting dates to provide for timely referrals to the Parties’ respective boards or governing bodies.”
Article IV Backyard Chickens
[Added 6-1-2016 by Ord. No. 2016-13]
§ 164-30 Remedies not exclusive.
Chapter 164 Dogs and Other Animals Article IV Backyard Chickens
§ 164-26 Definitions.
§ 164-27 Pilot program.
§ 164-28 Requirements for keeping chickens.
§ 164-29 Pilot registration process and parameters.
§ 164-30 Remedies not exclusive.
§ 164-26 Definitions.
As used in this article, the following terms shall have the meanings indicated:
LOT As defined in § C-73C(1) of the City Charter.
LOT SQUARE FOOTAGE As defined in § C-73C(1) of the City Charter.
PROPERTY CLASS CODE As defined in § C-73C(1) of the City Charter.
REAR YARD As defined in § 325-3 of the City Code.

Moved by Alderperson Smith; seconded by Alderperson Fleming. Carried unanimously.
§ 164-28 Requirements for keeping chickens.
A. Up to 6 female chickens may only be kept on those lots with a property class code of 210, 215, 220, 240, 250, or substantially identical successor designations.
B. Chickens may only be kept on those lots possessing a lot square footage of more than 2,000 square feet. [or eliminate the lot square footage requirement as long as setback criteria are met and that the coop not cover more than 50% of the rear lot].
C. No chicken facility or any structure that houses chickens or any fenced pen area, either temporarily or permanently, shall be located within any of the following prohibited areas:
   (1) Within the setback requirements of the zone in which it is located;
   (2) Within twenty feet of any adjacent lot's residential principal structure or accessory structure that contains a residential unit [rationale for eliminating – it makes sense to locate a chicken coop against a garage for example to provide wind protection and perhaps winter housing]; and
(3) Within five feet from any abutting residential property line, unless the adjacent owner agrees, in writing, to a lesser setback.

D. Chickens may only be kept by a domiciliary of a dwelling unit located on the lot on which the chickens are kept.

E. Chickens must be kept in and confined in a properly designed and constructed coop or chicken house, or a fenced and covered enclosure that is at least four square feet per chicken in size, which additionally includes a run. Each covered coop and run combined shall be located in, and shall not cover more than 50% of, the rear yard of the lot.

F. It shall be unlawful for any person to allow hens to run at large upon the streets, alleys or other public places of the City, or upon the property of any other person.

G. During daylight hours, the adult chickens shall have access to the chicken coop and, weather permitting, shall have access to an outdoor enclosure on the subject property, adequately fenced to contain the chickens and to prevent access to the chickens by dogs and other predators.

H. Chicken feed must be in rodent-resistant and weather-proof containers.

I. A chicken coop, and the premises where the chicken coop is located, shall be maintained in a condition such that the facility or chickens do not produce noise or odor that creates a nuisance for adjoining lots and the responsible domiciliary and the owner shall remove any odorous or unsanitary condition. The lot owner shall be responsible for the repair on any adjoining lot of any damage caused by the chickens, including but not limited to damage to dwellings, structures and yards, and shall be responsible for repair of any unsafe condition.

J. The person keeping the chickens shall abide by all solid waste storage and collection standards of the City's Exterior Property Maintenance Code, § 331-7.

K. Roosters and guinea fowl are expressly prohibited, regardless of the age or maturity of the bird.

L. Registration pursuant to § 164-29 is required for the keeping of chickens.

M. Registrants must provide evidence of having completed a seminar regarding the care of chickens in an urban environment from the Cornell Cooperative Extension Office, or similarly qualified organization acceptable to the Clerk's Office.

§ 164-29 Registration process and parameters.

B. Registration shall take place at the City of Ithaca Clerk's office upon submission of a registration fee of $35 and verification of a completed chicken-keeping seminar.

The City Clerk and Police and/or Cooperative Extension shall report to a committee of Common Council annually about the numbers of city households registered to keep chickens and any complaints arising as a result.
C. As a courtesy, property owners shall notify the city clerk at such time when they are no longer keeping chickens.

D. The City Clerk may revoke registration for a specific site via written notice to the property owner when the City Clerk or designee finds, at his or her sole discretion, that any requirements of this article are not met, a rebuttable presumption of which shall be created by a record of three or more complaints to the Ithaca Police Department about a specific site's chickens, on the recommendation of Cornell Cooperative Extension, or on the recommendation of the Ithaca Police Department. Upon revocation, the City Clerk shall notify the owner, in writing, of the same, in compliance with § 164-30, and if the revocation stands, the owner must remove the hens from the property in coordination with such assistance as may be available from the Cornell Cooperative Extension Office, who may assist with rehoming them.

§ 164-30 Remedies not exclusive.
The remedies provided by this article are cumulative and not mutually exclusive and are in addition to any other rights, remedies, and penalties available to the City under any other provision of law.

A. Any chickens that are not kept as required in this article shall be deemed a public nuisance, and the owner or custodian shall be given 30 days to rectify the conditions creating the public nuisance. In any case in which the City intends to correct a violation of this chapter, including removing and confiscating any chickens present, and then bill the property owner for the correction of the violation, the City Clerk or his/her designee shall notify the registrant and the owner of the property and, where relevant, the registered agent who has assumed responsibility as outlined in § 178-5 of this Code, in writing, of any violation of this chapter.

B. Any notice required by this section shall be served in person or by mail to the address on the registration form and the address appearing on the City tax roll, requiring such person, within a time specified in such notice but in no event less than 30 days from the service or mailing thereof, to comply with this chapter and to abate the nuisance and, as appropriate, to remove the chickens. Such notice shall also state that the property owner may contest the finding of the City Clerk by making a written request to have a hearing on the matter held at the next regularly scheduled meeting of the Board of Public Works.

C. Any request for such a hearing must be mailed and postmarked or personally delivered to the City Clerk within 14 days of the service or mailing of notice, and any such written request for a hearing shall automatically stay further enforcement concerning the alleged violation pending such hearing. The decision of the Board of Public Works, by majority vote, shall be binding, subject to any further judicial review available to either the City or the property owner.
D. Upon the failure of a registrant or property owner to comply with the notice of violation of this chapter (or, alternatively, to request a hearing as aforesaid within the time limit stated in such notice, or upon a Board of Public Works' determination, after such a hearing, that a violation exists), the City Clerk shall refer the matter, by memorandum, to the Superintendent of Public Works, who shall cause such premises to be put in such condition as will comply and shall charge the cost thereof to the owner of said premises, including a charge of 50% for supervision and administration. The minimum charge to the property owner for such work shall be $50.

E. The City Chamberlain shall promptly present to the owner of any parcel so corrected a bill rendered for such services, as certified by the Superintendent of Public Works. If not paid within 30 days, the cost thereof shall be assessed against the property, added to its tax and become a lien thereon, collectible in the same manner as delinquent City taxes. Appeals from this section shall only be permitted if written notice of appeal is received by the Ithaca City Clerk within 45 days after the mailing of the bill from the Chamberlain, and such appeals shall be taken to the Board of Public Works.

6) Discussion

a) West State/West MLK Street Zoning

Alderman Brock asked for clarification of the CBD-60 from Albany to Meadow Streets.

Chair Murtagh stated it would be awful to lose some of these iconic buildings.

Alderman Brock stated that there are many in the community concerned with the increased heights in areas. Lowering the heights can bring positives.

Alderman McGonigal asked for more clarification – should we change it 50' or 60'?

Alderman Brock stated that there wasn’t enough time to react before this meeting. She would like to bring it back next month to allow enough time to digest it before making any changes.
b) Infill Guidelines

Director Cornish stated that this topic was brought to this committee in February and received direct recommendation to review this and bring it back.

She further stated that as of right, City code always two primary structures on one lot and accessory apartments are also allowed in zoning.

Accessory apartments legislation is not changing.

For rear yard, what we would like to propose is a secondary structure that is 60% of the primary structure. It also cannot be taller than the primary.

For street front infill, the structures should be similar, same pitch roofs, same direction (the front doors facing the street).

Foot print is defined as the foot print on the ground.

In R2, the lot sizes are generally smaller so there wouldn’t be enough room to have a secondary structure because it wouldn’t follow the required 60% size of the primary structure.

Alderperson Fleming does not support a change in the R1 zone.

Chair Murtagh would like to see an analysis between the different zones of what it looks like now and what it could look like.

It was decided that staff will do analysis and bring this back next month.

7) Review and Approval of Minutes

a) March 2019 – not available for circulation and a vote

8) Adjournment

Moved by Alderperson Lewis; seconded by Alderperson Smith. Carried unanimously. The meeting was adjourned at 9:18p.m.