PLANNING & DEVELOPMENT BOARD

NOTICE OF SPECIAL MEETING & SPECIAL JOINT MEETING
WITH COMMON COUNCIL

A Special Meeting of the PLANNING & DEVELOPMENT BOARD will be held at 6 p.m. on Tuesday, **SEPTEMBER 17, 2019** in THE SECOND FLOOR CONFERENCE ROOM, City Hall, 108 E. Green Street, Ithaca, NY.

**AGENDA ITEM**

<table>
<thead>
<tr>
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<th>Start Time</th>
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<tbody>
<tr>
<td>1.</td>
<td>Agenda Review</td>
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<td>2.</td>
<td>Joint Meeting with Common Council – Site Plan Review</td>
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A. **Project:** Carpenter Circle Project  
   **Location:** Carpenter Park Road  
   **Applicant:** Andrew Bodewes for Park Grove Realty LLC  
   **Actions:** No Action - Presentation & Discussion RE: Architecture, Aesthetics & Sustainability  
   **Project Description:** The project seeks to develop the existing 8.7-acre vacant parcel located adjacent to Route 13 and off of Third Street. The proposal includes a 64,000 SF medical office; two mixed-use buildings, which will include ground-level retail/restaurant/commercial uses of 23,810 SF, interior parking, 166 market-rate apartment units, and 4,652 SF of amenity space; and a residential building offering +/-42 residential units for residents earning 50-60% AMI. Site amenities will include public spaces for residents and visitors, bike parking, transit access for TCAT, open green space, a playground, and access to the Ithaca Community Gardens. The project includes 349 surface parking spaces and an internal road network with sidewalks and street trees. The project sponsor is seeking a Break in Access from NYS DOT to install an access road off of Route 13. The property is located in the Market District; however, the applicant has applied to Common Council for a Planned Unit Development (PUD). The project will require subdivision to separate each program element. This has been determined to be a Type 1 Action under the City of Ithaca Environmental Quality Review Ordinance §176-4(B)(1)(d), (i), (k), and (B)(6) and (8)(a) and the State Environmental Quality Review Act (“SEQRA”) §617.4(b)(11).  
   **Project materials are available for download from the City website and are updated regularly:**  
   [https://www.cityofithaca.org/DocumentCenter/Index/1014](https://www.cityofithaca.org/DocumentCenter/Index/1014)

3. | Other Business – Planning Board Meeting | 7:00 |

A. | Discussion – Inclusionary Zoning – Previous and Future Initiatives in Ithaca |

4. | Adjournment | 8:00 |

If you have a disability & would like specific accommodations to participate, please contact the City Clerk at 274-6570 by 12:00 p.m., the day before the meeting.

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.

"An Equal Opportunity Employer with a commitment to workforce diversification."
September 12, 2019

Lisa Nicholas
Division of Planning and Economic Development, City of Ithaca
108 E. Green Street, 3rd Floor
Ithaca, N.Y. 14850

Re: Carpenter Park September 17 Special Meeting

Dear Lisa:

Attached please find materials for the Special Meeting for Carpenter Park, as discussed at the previous Planning Board meeting on August 27.

• Description of Green Infrastructure
  o Summary of the SWPPP
• Views specified by the City looking into the site
• Summary of Architecture for all buildings onsite

Please let us know if there is anything else the City requires ahead of the September 17th Planning Board Special Meeting.

Sincerely,

Yamila Fournier
Green Infrastructure Practices Implemented Onsite

**Bio-Retention areas**

Bio-retention areas are proposed throughout the site to treat stormwater runoff from impervious areas. Bio-Retention areas are shallow landscaped basin’s with engineered soils and vegetation to capture and treat stormwater runoff. The proposed areas are designed in accordance with the NYSDEC stormwater design manual to treat Water Quality Volume (WQv) and Runoff Reduction Volume (RRv) below is a summary of the required and provided WQv and RRv treated onsite in the engineered basins.

Total RRv required: 0.11 cf  
Total RRv reduced/treated by Bio-Retention Areas: 0.12 cf  

Total WQv required: 0.562  
Total WQv reduced/treated by Bio-Retention Areas: 0.562

**Examples of Bio-Retention Areas**

Rendering of Carpenter Park Bio-Retention Plaza
**Cistern**

A cistern or “rain barrel is proposed adjacent to building B, the purpose of the cistern is to capture and store stormwater runoff from the roof of building B and reuse it for a portion of the Irrigation system for the new gardens, adjacent to building B.

Cistern’s provide many stormwater management benefits, including

1) Reduced stormwater runoff entering the drainage system, not only reduced volumes, but also delayed and/or reduced peak runoff flow rates during the water quality storm event.

2) Reduced transport of pollutants associated with atmospheric deposition on rooftops into receiving waters, especially heavy metals and other airborne pollutants

3) Reduced water consumption for non-potable uses, which ultimately reduces the demand on municipal water systems. Water from rain barrels and cisterns, if managed correctly, may be used to water lawns

Rain Barrels and Cisterns allow for an area reduction, which means the impervious area draining to them, can be reduced as part of a Runoff Reduction Technique.

Total area reduced by the Cistern: 35,500 sf

**Examples of Rain Barrel systems**

![Above Ground Rain Barrel](image1.png) ![Below Ground Rain Barrel](image2.png)
Other Practices

Other Green infrastructure practices that are considered as part of site design are:

- Tree plantings, along the streets/sidewalks that reduce the runoff from the adjacent sidewalk/impervious area

- Locating development in less sensitive areas: Avoid sensitive resource areas such as floodplains, steep slopes, erodible soils, wetlands, mature forests and critical habitats by locating development to fit the terrain in areas that will create the least impact.

- Soil restorations- Restore the original properties and porosity of the soil by deep till and amendment with compost to reduce the generation of runoff and enhance the runoff reduction performance of practices such as grass channels, filter strips, and tree clusters

- Impervious area reduction - Minimize roadway widths and lengths to reduce site impervious area by providing less impervious area.

- Parking Reduction: Reduce imperviousness on parking lots by eliminating unneeded spaces, providing compact car spaces and efficient parking lanes, minimizing stall dimensions, using porous pavement surfaces in overflow parking areas, and using multistoried parking decks where appropriate.

Standard Stormwater Management Practices

Standard SMPs are structural practices that are acceptable for water quality treatment and meet the performance standards defined in the NYSSWDM. These practices are designed to capture and treat the water quality volume (the portion infeasible to retain onsite using runoff reduction techniques) through one or more pollutant removal pathway(s) and their performances are documented by removal efficiency of specific pollutants. The standard SMPs are often sited as “end-of-the-pipe” treatment systems and designed to function as storage or flow-through systems.

The Standard stormwater management practices proposed for Carpenter Park is a underground storm system, that conveys stormwater to and underground stormwater management facility located under the large parking area at the western edge of the site. The goal of the system is to reduce the overall runoff rate under its developed condition to less than it currently is today. Below is a hydraulic comparison of Carpenter Park as it is today, compared to the proposed development.

<table>
<thead>
<tr>
<th>Storm Event</th>
<th>1 year</th>
<th>10 year</th>
<th>100 year</th>
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<tbody>
<tr>
<td>Existing Condition</td>
<td>9.3 cfs</td>
<td>25.0 cfs</td>
<td>55.7 cfs</td>
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<tr>
<td>Develop Condition</td>
<td>6.3 cfs</td>
<td>15.0 cfs</td>
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<tr>
<td>Reduction (%)</td>
<td>32%</td>
<td>40%</td>
<td>38%</td>
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</tbody>
</table>

The post development condition includes dramatically reduced stormwater runoff rates from the current condition as a result of the Green infrastructure practices and standard stormwater management practices proposed.
Residential Building A:

- 42 Affordable Residential Units for a total of 4 stories
- Building is contemporary style using Mangenese Ironspor Smooth Brick and fiber cement panels in Night Gray, Arctic White, Delightful Blue, and Skyfall Blue.
- At this point in schematic design no changes to the elevations have been made since previous Planning Board Presentation
Mixed-Use Buildings B & C:

- Mixed-use buildings with retail and supportive services predominantly covering ground flood of both buildings, garage level on the second floor and four levels of residential above, for a total of 6 floors
  
  - Building B is appx 36,000 sf on the 1st and 2nd levels, with 28,000 sf at each residential floor; Building C is appx 25,000 sf on the 1st & 2nd levels, with 17,000sf at each residential floor above
  
  - Amenities in both buildings mostly situated on the first residential level they include outdoor amenities at that level as well
  
  - Building is contemporary style using gray brick, fiber cement panels, and corrugated metal paneling to create varied massing along each of the elevations
  
  - Retail level has extensive storefront glazing planned, while parking level is exploring louvered screen options
  
  - At this point in schematic design no changes to the elevations have been made since previous Planning Board Presentation
Medical Office Building D:

• The primary function of the building will be Outpatient clinical functions and related support spaces. Ancillary functions include staff support areas and community education spaces.

• The proposed building will be five (5) stories tall, approximately 64,280 gross square feet overall.

• The two story base is dark grey masonry with warm wood accents, a three story reflective box above, and wrapped with a metal panel system.

• The exterior envelope will consist of the following wall systems on 6” cold-formed metal-framed partitions:
  1. Exterior Wall System (EWS-1): Brick masonry
  2. Exterior Wall System (EWS-2): Metal wall panel system
  3. Exterior Wall System (EWS-3): Continuous concealed, aluminum-framed glass curtain wall system
  4. Exterior Wall System (ESF-1): Aluminum-framed thermal storefront system for storefront, entrances and windows
  5. Exterior Storefront System (ECW): Aluminum-framed thermal curtain wall system for storefront, entrances

• The exterior envelope will consist of the following wall systems on 8” ground-face CMU:
  1. Exterior Wall System (EWS-1A): Brick Veneer
  2. Exterior Wall System (EWS-2A): Metal wall panels
To: Planning & Development Board  
From: Lisa Nicholas, Deputy Director of Planning  
RE: Inclusionary Zoning – Background Material  
Date: September 11, 2019

Please find attached the following materials to inform your discussion on inclusionary zoning:

1. Proposed Inclusionary Zoning Ordinance Circulated For Comment – March 2016  
2. Comments from the Planning Board & the County regarding the proposal  
3. Minutes from the April 2016 Planning Committee Meeting
To: Svante Myrick, Mayor  
Common Council  
Julie Holcomb, City Clerk  
Aaron Lavine, City Attorney  
Board of Public Works (BPW)  
JoAnn Cornish, Director of Planning & Economic Development  
Edward Marx, Tompkins County Commissioner of Planning  
Phyllis Radke, Director of Zoning

From: Lynn C. Truame, Community Development Planner

Date: March 17, 2016

RE: Proposal to Amend City of Ithaca Zoning Ordinance to Establish Incentives to Encourage the Development of Affordable Housing

The purpose of this memo is to provide information regarding a proposal to amend the City of Ithaca Zoning Ordinance to create incentives to encourage the development of affordable housing. The proposed amendment will establish a new section in the zoning code entitled Affordable Housing. The purpose of the proposal is to address the increasing shortage of lower-income workforce housing in the city by providing incentives to induce the inclusion of affordable housing units in new residential and mixed-use developments within the city. Incentive zoning is authorized under GCL §81-d.

The proposed new section will:

- Be available citywide, to all developments that include the required minimum number of affordable units* and result in 1 or more residential units, including:
  - New residential construction, regardless of the type of dwelling unit
  - New mixed-use development with a residential component
  - Renovation of a multiple-family residential structure that increases the number of residential units from the number of units in the original structure
  - Conversion of an existing single-family residential structure to a multiple-family residential structure
  - Change of use of an existing building from nonresidential to residential
  - Change of use of a rental residential property to a condominium property.

- Offer a variety of ways in which the incentive may be accessed, including:
  - The inclusion of affordable units on-site in a new development
  - Providing affordable units off-site (within a limited radius of the new units)
  - Converting existing off-site market rate units to affordable units
  - Paying a cash-in-lieu fee
  - Any combination of the above

- Offer the following incentives:
  - Elimination of minimum parking requirements
Density bonus of one additional floor in height in those areas identified in the Comprehensive Plan as Waterfront Mixed Use, Urban Mixed Use, and Enterprise

- Exemption from Site Plan Review for projects in any zone for which Design Standards have been published and the Director of Planning & Development, or her designee, determines that the project is in compliance with those Design Standards.

*To be eligible for the incentive, a development must include the following minimum number of affordable units:

1. for for-sale units, the greater of one unit or 15% of the total number of proposed units in the development

2. for for-rent units, either:
   a. the greater of one unit or 15% of the total number of proposed units in the development, with rents set at levels that do not exceed rent levels that are affordable to families earning 60% of the family median income, or
   b. the greater of one unit or 10% of the total number of proposed units in the development, with rents set at levels that do not exceed rent levels that are affordable to families earning 50% of the family median income

**Current 50% and 60% income and rent limits:**

<table>
<thead>
<tr>
<th>Unit size:</th>
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<th>1-bd</th>
<th>2-bd</th>
<th>3-bd</th>
<th>4-bd</th>
<th>5-bd</th>
<th>6-bd</th>
</tr>
</thead>
<tbody>
<tr>
<td>50% RENT LIMIT</td>
<td>690</td>
<td>739</td>
<td>887</td>
<td>1025</td>
<td>1143</td>
<td>1261</td>
<td>1379</td>
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<tr>
<td>60% RENT LIMIT</td>
<td>780</td>
<td>957</td>
<td>1146</td>
<td>1375</td>
<td>1515</td>
<td>1653</td>
<td>1791</td>
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</table>

<table>
<thead>
<tr>
<th>Household size:</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
</tr>
</thead>
<tbody>
<tr>
<td>50% INCOME LIMITS</td>
<td>27050</td>
<td>30900</td>
<td>34750</td>
<td>38600</td>
<td>41700</td>
<td>44800</td>
<td>47900</td>
<td>51000</td>
</tr>
<tr>
<td>60% INCOME LIMITS</td>
<td>32460</td>
<td>37080</td>
<td>41700</td>
<td>46320</td>
<td>50040</td>
<td>53760</td>
<td>57480</td>
<td>61200</td>
</tr>
</tbody>
</table>

Funds derived from payment of the cash-in-lieu fee would be deposited to the City’s Affordable Housing Fund, to be used solely to stimulate and support the development of affordable housing in the city.

An environmental review for this action has been prepared and a Short Environmental Assessment Form (SEAF) is enclosed.

The Planning and Economic Development Committee will hold a public hearing on this proposal at its regularly scheduled meeting on **April 13, 2016**. Your comments are respectfully requested prior to this meeting. If you have any questions, please feel free to contact me at 274-6553 or [ltruame@cityofithaca.org](mailto:ltruame@cityofithaca.org).
DRAFT City of Ithaca Incentive Zoning for Affordable Housing Ordinance

Section 1. Intent

The intent of this ordinance is to encourage the construction of affordable housing, or payment of fees-in-lieu to support such construction, as a portion of new residential development within the community for the purpose of:

A. Implementing the affordable housing goals, policies, and objectives contained in the City of Ithaca’s Comprehensive Plan and the Tompkins County Comprehensive Plan;

B. Ensuring the opportunity of affordable housing for employees of businesses that are located in or will be located in the community;

C. Maintaining a balanced community that provides housing for people of all income levels.

Section 2. Definitions

A. Definitions of specific terms or words as used in this ordinance shall conform to the definitions of the same terms in the Zoning Ordinance, Chapter 325, Section 325-3.

B. In addition to the definitions in Chapter 325, the following words and terms, when used in this ordinance, shall have the following meanings:

**Affordable Housing**: In the case of dwelling units for sale, housing in which the principal, interest, taxes, insurance, and condominium or association fees, if any, constitute no more than 37 percent of gross annual family income for a household of the size that may occupy the unit in question, assuming a down-payment of no more than 5%. In the case of dwelling units for rent, housing for which combined rent and utility costs do not exceed the maximum amount allowed under the U.S. Department of Housing and Urban Development’s HOME program.

**Affordable Housing Development Agreement**: a written agreement between an applicant to develop an Affordable Housing Development, as defined in this ordinance, and the City of Ithaca, containing specific requirements to ensure the continuing affordability of housing included in the development.

**Affordable Housing Unit**: any dwelling unit subject to covenants or restrictions requiring such unit to be sold at prices preserving them as Affordable Housing for a period of at least 15 years, or rented at prices preserving them as Affordable Housing for a period of at least 50 years.
**Affordable Housing Development**: any housing subsidized by the federal or state government, including Low Income Housing Tax Credit projects; or any housing or mixed-use development in which Affordable Housing Units are included pursuant to this ordinance.

**Affordable Housing Development Plan**: a plan prepared and submitted by an applicant who proposes to develop an Affordable Housing Development, outlining and specifying the proposed project’s compliance with the applicable requirements of this ordinance.

**Affordable Housing Trust Fund**: the fund created by the City of Ithaca pursuant to Chapter 62 of the Municipal Code and referenced in Section 10 of this ordinance.

**Certificate of Affordable Housing Compliance**: the certificate issued by the Department of Planning, Building, Zoning, and Economic Development that provides legal assurance that a developer’s obligations under this ordinance are being satisfied.

**High HOME Rent**: as calculated and published annually by the U.S. Department of Housing and Urban Development, the maximum cost of combined rent and utilities that is affordable to a household earning 60% of the area median family income.

**Low HOME Rent**: as calculated and published annually by the U.S. Department of Housing and Urban Development, the maximum cost of combined rent and utilities that is affordable to a household earning 50% of the area median family income.

**Median Family Income**: the median family income level for the Ithaca Metropolitan Statistical Area, as established and defined in the annual schedule published by the Secretary of the U.S. Department of Housing and Urban Development, adjusted for household size.

**Renovation**: physical improvement that adds to the value of real property, but that excludes painting, ordinary repairs, and normal maintenance.

Section 3. Scope of Application; Density Bonus

A. Any of the following types of development that result in, or contain, one or more Residential Dwelling Units and include sufficient numbers of Affordable Housing Units to constitute an Affordable Housing Development as determined by the calculation in paragraph 3.B. of this ordinance may elect to pursue designation as an Affordable Housing Development:
(1) New residential construction, regardless of the type of dwelling unit

(2) New mixed-use development with a residential component

(3) Renovation of a multiple-family residential structure that increases the number of residential units from the number of units in the original structure

(4) Conversion of an existing single-family residential structure to a multiple-family residential structure

(5) Change of use of an existing building from nonresidential to residential

(6) Change of use of a rental residential property to a condominium property.

B. The minimum number of Affordable Housing Units that must be included for any development listed in Section 3.A. of this ordinance to qualify as an Affordable Housing Development shall be calculated as follows:

(1) for for-sale units, the greater of one unit or 15% of the total number of proposed Residential Dwelling Units. If this calculation results in a fraction, a fraction of 0.5 or more shall be rounded up to the next higher whole number, and a fraction of less than 0.5 shall be rounded down to the next lower whole number.

(2) for for-rent units, either:
   (a) the greater of one unit or 15% of the total number of proposed Residential Dwelling Units, rounded as indicated above, with rents set at levels that do not exceed the High HOME Rent for the appropriate unit size, as published annually by the U.S. Department of Housing and Urban Development, or
   (b) the greater of one unit or 10% of the total number of proposed Residential Dwelling Units, rounded as indicated above, with rents set at levels that do not exceed the Low HOME Rent for the appropriate unit size, as published annually by the U.S. Department of Housing and Urban Development.

C. Any Affordable Housing Development as defined in this ordinance shall be entitled to receive the following incentives:

(1) Elimination of minimum parking requirements.

(2) For projects within the Waterfront Mixed Use, Urban Mixed Use, or Enterprise zones,
as identified on the Comprehensive Plan’s Future Land Use Map, a density bonus of one full story in height. Any such increase will be granted as of right and will not require review by the Board of Zoning Appeals of the Ithaca Landmarks Preservation Commission.

(3) Any Affordable Housing Development, as defined in this ordinance, that is located in a zone for which Design Standards have been published by the City of Ithaca and that has been determined by the Director of Planning and Development to be in compliance with those Design Standards, shall be exempt from site plan review. Environmental review requirements continue to apply.

Except as noted above, all aspects of any Affordable Housing Development remain subject to the normal review and approval requirements of the BZA, the Ithaca Landmarks Preservation Commission, the Planning Board, and of all other applicable City Boards, Commissions, and Departments.

Section 4. Cash Payment in Lieu of Housing Units

A. The applicant may elect to make a cash payment in lieu of constructing some or all of the Affordable Housing Units required for the project to constitute an Affordable Housing Development.

B. The City of Ithaca Common Council shall establish the in-lieu per-unit cash payment on written recommendation by the Director of Planning and Development and adopt it as part of the City of Ithaca’s schedule of fees. The per-unit amount shall be based on an estimate of the amount of local government subsidy required to create one new Affordable Housing Unit when other public funding and/or Low Income Housing Tax Credits are leveraged. The initial amount of this fee is $100,000 per unit. At least once every three years, the Common Council shall, with the written recommendation of the Director of Planning and Development, review the per-unit payment and amend the schedule of fees as needed to reflect changes in the cost of construction within the City of Ithaca.

C. For the purposes of determining the total in-lieu payment, the per-unit amount established by the Common Council pursuant to paragraph (1) above shall be multiplied by the greater of one or 20 percent of the number of units proposed in the development. For the purposes of such calculation, if 20 percent of the number of proposed units results in a fraction, the fraction shall not be rounded up or down. If the cash payment is in lieu of providing less than the full number of required Affordable Housing Units, the calculation shall be prorated.

D. The full in-lieu cash payment must be received by the City prior to issuance of a building permit for the project.
E. All in-lieu cash payments received pursuant to this ordinance shall be deposited directly into the Affordable Housing Trust Fund established pursuant to Section 10 below, and will be used to support the construction of Affordable Housing Units within the City.

Section 5. Provision of Affordable Units Off-Site

A. Applicants may elect to provide all, or a portion of, the required number of Affordable Housing Units off-site, provided the proposed location of the off-site units is within one half mile of the Affordable Housing Development.

B. The provision of off-site units may be accomplished by the construction of new units, or by the conversion of existing market-rate rental units to Affordable Housing Units. In either case, the off-site units must be, or must be renovated to be, comparable in size, type, and quality to the market-rate units in the Affordable Housing Development.

C. If the applicant elects to provide the required Affordable Housing Units by the conversion of existing market-rate rental units, the applicant will be required to provide a third party Capital Needs Assessment, and to capitalize, and make annual contributions to, an appropriate replacement reserve to ensure the long-term availability and quality of the existing units.

D. No Certificate of Occupancy will be issued for the Affordable Housing Development until the construction or renovation of all off-site units has been completed and a Certificate of Affordable Housing Compliance has been issued.

Section 6. Criteria for Integration and Character of Affordable Housing Units

A. An Affordable Housing Development shall comply with the following criteria:

1. In the case of on-site development of Affordable Housing Units in an Affordable Housing Development, those units shall be mixed with, and not clustered together or segregated in any way from, market-rate units.

2. If the Affordable Housing Development Plan, described in Section 7 below, contains a phasing plan, the phasing plan shall provide for the development of Affordable Housing Units concurrently with the market-rate units. No phasing plan shall provide that the Affordable Housing Units are the last units built in an Affordable Housing Development.

3. The exterior appearance of Affordable Housing Units in an Affordable Housing Development shall
Development shall be made similar to market-rate units by the provision of building materials and finishes substantially the same in type and quality.

(4) The floor area of a typical Affordable Housing Unit in an Affordable Housing Development must be no less than 80% of the floor area of a typical market-rate unit of the same type. The bedroom mix for Affordable Housing Units must be comparable to the bedroom mix of market-rate units within the Affordable Housing Development.

Section 7. Application and Affordable Housing Development Plan

A. Applicants to develop an Affordable Housing Development pursuant to this ordinance shall complete and file an application on the prescribed form with the Department of Planning, Building, Zoning, and Economic Development. The application shall require such information on the nature and the scope of the development as the City of Ithaca may determine is necessary to properly evaluate the proposal.

B. As part of the application required above, the applicant shall provide to the City of Ithaca an Affordable Housing Development Plan. This plan shall be subject to approval by the City of Ithaca and shall be incorporated into the Affordable Housing Development Agreement pursuant to Section 8 below. An Affordable Housing Development Plan is not required for developments in which the affordable housing obligation is satisfied by a cash payment in lieu of construction of Affordable Housing Units. The Affordable Housing Development Plan shall contain, at a minimum, the following information concerning the development:

(1) A general description of the development, including whether the development will contain units for rent or for sale

(2) The total number of market-rate units and Affordable Housing Units

(3) The number of bedrooms in each market-rate unit and each Affordable Housing Unit

(4) The square footage of each market-rate unit and of each Affordable Housing Unit measured from the interior walls of the unit and including heated and unheated areas

(5) The location in the development of each market-rate and Affordable Housing Unit, or the proposed off-site location of the Affordable Housing Units if the off-site option is selected

(6) If construction of dwelling units is to be phased, a phasing plan stating the number of market-rate and Affordable Housing Units in each phase
(7) The estimated monthly rent of each market-rate unit and each Affordable Housing Unit

(8) Documentation and plans regarding the exterior appearance, materials, and finishes of the Affordable Housing Development and each of its individual units, including a third party Capital Needs Assessment for any off-site market-rate rental units proposed for conversion to Affordable Housing Units

(9) The marketing plan that the applicant proposes to implement to promote the sale or rental of the Affordable Housing Units to eligible households

(10) If the applicant intends to partner with another agency or organization for the management of the Affordable Housing Units, a letter of intent from this partnering organization must be attached

Section 8. Affordable Housing Development Agreement

A. Prior to the issuance of a building permit for any units in an Affordable Housing Development, the applicant shall enter into an Affordable Housing Development Agreement with the City of Ithaca. The development agreement shall set forth the commitments and obligations of the City and the applicant, including, as necessary, cash in-lieu payments and replacement reserve requirements for any off-site conversion units, and shall incorporate, among other things, the approved Affordable Housing Plan.

B. The applicant shall execute any and all documents deemed necessary by the City in a form to be established by the City Attorney, including, without limitation, restrictive covenants, deed restrictions, and related instruments (including income qualification requirements for tenants of for-rent units) to ensure the continued affordability of the Affordable Housing Units in accordance with this ordinance.

C. Restrictive covenants or deed restrictions required for Affordable Housing Units shall specify that the title to the subject property may be transferred only with the written approval of the Director of Planning and Development, which approval may not be withheld unless the proposed transfer would result in a violation of the affordability requirements of this ordinance.

Section 9. Enforcement of Affordable Housing Development Agreement; Affordability Controls

A. The Director of Planning and Development shall promulgate rules as necessary to
implement this ordinance.

B. No Certificate of Occupancy or Certificate of Compliance for any unit in an Affordable Housing Development shall be granted unless and until a Certificate of Affordable Housing Compliance has been issued by the Department of Planning, Building, Zoning, and Economic Development.

C. On an annual basis, the Director of Planning and Development shall publish or make available copies of the U.S. Department of Housing and Urban Development family income limits and HOME rental limits applicable to affordable housing within the local government’s jurisdiction.

D. For all sales of for-sale Affordable Housing Units, the parties to the transaction shall execute and record such documentation as required by the Affordable Housing Development Agreement. Such documentation shall include the provisions of this ordinance and shall provide, at a minimum, each of the following:

1. That the affordable housing unit be sold to and occupied by eligible households for a period of 15 years from the date of conveyance of the property. Eligible households must have gross incomes that do not exceed 80 percent of the Median Family Income for households of the same size within the Ithaca Metropolitan Statistical Area.

2. That the Affordable Housing Unit must be conveyed subject to restrictions that shall maintain the affordability of such Affordable Housing Units for eligible households.

3. That should the property be sold prior to completion of the 15-year affordability period, the affordability period shall re-set and a new 15-year term, also subject to this same re-set provision, shall commence.

4. That during the period of affordability, the maximum resale price of any for-sale affordable unit shall be calculated using the worksheet below. The unit must be sold to an income-qualified household.

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<table>
<thead>
<tr>
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<tbody>
<tr>
<td>1.</td>
<td>Homeowner's Purchase Price</td>
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<tr>
<td>2.</td>
<td>Initial Appraised Value</td>
</tr>
<tr>
<td>3.</td>
<td>Percentage of Homeowner's Purchase Price to initial Appraised Value (Divide line 1 by line 2)</td>
</tr>
<tr>
<td>4.</td>
<td>Homebuyer's Initial Ownership Interest: (multiply line 2 by line 3)</td>
</tr>
</tbody>
</table>
5. Appraised Value at time of resale $  
6. Homeowner’s Ownership Interest at Resale: (multiply line 5 by line 3) $  
7. Preliminary increase in homeowner’s ownership interest: (subtract line 4 from line 6) $  
8. Capital Improvement Credit (see below) $  
9. Final increase in homeowner’s ownership interest: (subtract line 8 from line 7; if negative, enter 0) $  
10. Maximum annual amount of homeowner’s ownership interest: (multiply line 4 by .02 or 2%) $  
11. Homeowner’s Maximum Share of Increase in Ownership Interest: (Multiply line 10 by the number of years that the homeowner owned the home, using the decimal .08 to represent each full month of an incomplete year) $  
12. Maximum Resale Price: (add lines 1, 8, and the lesser of lines 9 and 11) $  
13. Homeowner’s Share of Appreciation at Sale: (subtract line 4 from line 12) $  

(a) The Capital Improvement Credit shall be capped at the lesser of the difference between the pre-construction appraised value and the post-construction appraised value of the dwelling, and the maximum amount that can be added to the chart above while allowing the resale to remain affordable to an eligible purchaser, in compliance with the affordability requirements of this ordinance.

E. In the case of for-rent Affordable Housing Units, the owner of the Affordable Housing Development shall execute and record such documents as required by the Affordable Housing Development Agreement. Such documents shall include the provisions of this ordinance and shall provide, at a minimum, each of the following:

(1) The Affordable Housing Units shall be leased to and occupied by eligible households. Eligible households must have gross incomes that do not exceed either 60 percent or 50 percent (as specified in the Affordable Housing Development Agreement) of the Median Family Income for households of the same size within the Ithaca Metropolitan Statistical Area.

(2) Households comprised solely of full-time students do not qualify as eligible households with the following exceptions: at least one member of the household receives assistance under Title IV of the Social Security Act; or at least one member is enrolled in a job training program receiving assistance under the Work Force Investment Act or another similar
federal, state, or local program; or the household includes at least one single parent with minor children; or all adult members of the household are married and can file joint tax returns; or at least one member of the household has exited the foster care system.

(3) The Affordable Housing Units shall be leased at a rate such that the combined cost of rent and utilities does not exceed either the High HOME Rent or the Low HOME Rent (as specified in the Affordable Housing Development Agreement) for a period of 50 years from the date of the initial Certificate of Occupancy.

(4) Subleasing of Affordable Housing Units shall be prohibited without the express written consent of the Director of Planning and Development, which consent may not be withheld unless the proposed sub-lease would result in a violation of the affordability requirements of this ordinance.

F. The applicant or his or her agent shall manage and operate the Affordable Housing Development and shall submit an annual report to the City of Ithaca identifying which units in the Affordable Housing Development are Affordable Housing Units, the combined monthly rent and utilities cost, or sales cost, for each unit in the development, vacancy information for the prior year, monthly income for tenants of each for-rent Affordable Housing Unit, and other information as may be required by the City of Ithaca while ensuring the privacy of the tenants. The annual report shall contain information sufficient to determine whether tenants of for-rent units qualify as eligible households and whether for-sale units are affordable to, have been sold to, and are occupied by, eligible households.

Section 10. Penalties for Non-compliance

A. The City of Ithaca or its designee will audit each Affordable Housing Development annually for compliance with the approved Affordable Housing Development Agreement.

B. Should the annual audit reveal non-compliance with the approved Affordable Housing Development Agreement, the applicant will immediately remedy the non-compliance as follows:

(1) In the case of for-rent housing units, the property owner shall convert to an Affordable Housing Unit the first market-rate unit in the Affordable Housing Development that becomes vacant after discovery of the non-compliance. Should the property owner repeatedly be found in non-compliance, the City of Ithaca may require, at its sole option, that the property owner pay the applicable cash in-lieu payment that would have been required for the project, plus interest at the current federal short term interest rate plus 3%, accruing from the date of initial non-compliance.
(2) In the case of for-sale housing that is initially sold to an ineligible buyer, the applicant will pay the applicable cash in-lieu payment that would have been required for the project, plus interest at a rate of the current federal short term interest rate plus 3%, accruing from the date of approval of the Affordable Housing Development Plan.

(3) In the case of for-sale housing that is sold by an income eligible owner to an ineligible buyer, the seller will pay to the City of Ithaca the difference between the net proceeds of the sale, as evidenced by the closing statement, and the Maximum Resale Price calculated using the worksheet in Section 9.D.(4) above. These funds will be deposited into the Affordable Housing Trust Fund created pursuant to Section 10 of this ordinance.

(4) In the case of for-sale housing that is leased to another household in the absence of an approved Hardship Exemption pursuant to Section 10.C. below, or is otherwise utilized in a manner not consistent with the requirements of this ordinance, the violation shall be deemed an offense and shall be punishable as provided in Chapter 1 of the Municipal Code, General Provisions, Article 1. Each day’s continued breach shall constitute a separate additional violation. In addition, the City shall have such other remedies as are provided by law to enforce the provisions of this ordinance.

C. Hardship Exemption for For-sale Units
The income-eligible purchaser of an affordable for-sale unit must occupy the property as their principal residence. A one-time per owner exemption to this requirement, allowing the unit to be leased, under certain circumstances, to another household whose income does not exceed 80% of the Area Median Family Income, and at a rate such that combined rent and utility costs will not exceed 30% of the gross family income. These circumstances include:

   (1) Job or military transfer more than sixty (60) miles outside Ithaca city limits
   (2) Divorce resulting in an inability to pay the mortgage
   (3) Job loss as a result of firing or layoff
   (4) Major illness within the household resulting in financial hardship
   (5) Relocation to obtain medical care outside the Ithaca area
   (6) Inability to sell after good faith marketing effort

All hardship exemption requests must be supported by appropriate documentation and will be granted solely at the discretion of the Director of Planning and Development.

Section 10. Affordable Housing Trust Fund
All funds generated as a result of activities under this ordinance will be deposited into the Affordable Housing Trust Fund created pursuant to Chapter 62 of the Municipal Code and will be used to stimulate and support the development of affordable housing in the City of Ithaca.
Relevant Underlying Zoning Provisions in Zones Proposed for Affordable Housing Incentive Zoning

<table>
<thead>
<tr>
<th>Zone</th>
<th>Permitted Height</th>
<th>Existing Minimum Parking Requirements?</th>
</tr>
</thead>
<tbody>
<tr>
<td>I-1</td>
<td>40</td>
<td>yes</td>
</tr>
<tr>
<td>SW-1</td>
<td>60</td>
<td>yes</td>
</tr>
<tr>
<td>SW-2</td>
<td>60</td>
<td>yes</td>
</tr>
<tr>
<td>SW-3</td>
<td>40</td>
<td>yes</td>
</tr>
<tr>
<td>WEDZ-1a</td>
<td>65</td>
<td>no</td>
</tr>
<tr>
<td>WEDZ-1b</td>
<td>29</td>
<td>yes</td>
</tr>
<tr>
<td>B-1a</td>
<td>40</td>
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</tr>
<tr>
<td>B-2a</td>
<td>40</td>
<td>yes</td>
</tr>
<tr>
<td>B-2b</td>
<td>60</td>
<td>yes</td>
</tr>
<tr>
<td>B-4</td>
<td>40</td>
<td>yes</td>
</tr>
<tr>
<td>B-5</td>
<td>40</td>
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</tr>
<tr>
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<tr>
<td>MU-1</td>
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<tr>
<td>MU-2</td>
<td>80</td>
<td>no</td>
</tr>
<tr>
<td>CR-4</td>
<td>45</td>
<td>None for new construction code compliant</td>
</tr>
</tbody>
</table>
violation and seek to charge the property owner or other responsible party for the costs of correction. [Amended 6-5-2013 by L.L. No. 7-2013[1]]

[1] Editor’s Note: This local law passed at referendum on 11-5-2013.

D. Violations of any provisions of this Code for which the penalty is designated as a civil offense under § 1-1 shall be punishable by a fine not to exceed $250 or 50 hours of community service.
April 13, 2016

Lynn Truame, Community Development Planner
Department of Planning, Building and Economic Development
City of Ithaca
108 East Green Street, 3rd Floor
Ithaca, NY 14850

Re: Review Pursuant to §239 -l and -m of the New York State General Municipal Law
Action: City of Ithaca Proposal to Amend City of Ithaca Zoning Ordinance to Establish Incentives to Encourage the Development of Affordable Housing

Dear Ms. Truame:

This letter acknowledges your referral of the proposal identified above for review and comment by the Tompkins County Planning Department pursuant to §239 -l, -m and -n of the New York State General Municipal Law. The Department has reviewed the proposal, as submitted, and has determined that it may have negative inter-community or county-wide impacts as described below. We support and commend the City’s efforts in drafting incentives to help address affordable housing in the City of Ithaca. However, we believe that some aspects need to be modified to clarify the amendment and avoid unintended consequences and therefore recommend modification of the proposal. If the Board does not incorporate these recommendations into its approval, such approval will require a vote of a supermajority (meaning a majority plus one) of all members of the decision-making body.

Recommended Modifications

- One of the proposed incentives for achieving the stated affordable housing goals is exemption from site plan review if the project is located in an area where Design Standards have been published. Given that these standards have yet to be developed we recommend that this provision be removed until the standards are finalized. We further suggest that these design standards, when developed, should address each aspect of site plan review criteria currently required by code (§276-7) and be formally adopted by Common Council.
- In addition, New York State General Municipal Law §239 -m outlines the requirements for referral of certain proposed zoning actions to the county planning agency. That law requires referral of action by a “referring body” which is defined as “the city, town or village body responsible for final action on proposed action.” We believe that exempting site plan review by the City Planning and Development Board would eliminate referral for County review under GML. This would in effect eliminate the County’s ability to assess projects for inter-municipal impacts as well as any potential impact of downtown buildings on County operations and properties. We therefore also recommend elimination of the site plan exemption provision until the impact on the County GML review process can be further explored and alternatives considered.

Inclusion through Diversity
To ensure the desired result of increased affordable housing units is achieved, we recommend either excluding the “change of use of a rental residential property to a condominium property” (Section 3.B (6)) as an eligible development type for receiving a density bonus or including language that clarifies that this change must result in a total net increase in affordable units. Without this clarification the result could be a reduction in units available to lower income renters in return for a smaller number of units available to somewhat higher income buyers.

Please inform us of your decision so that we can make it a part of the record.

Sincerely,

[Signature]

Edward C. Marx, AICP
Commissioner of Planning

Inclusion through Diversity
MEMORANDUM

To: Planning and Economic Development Committee
From: Planning and Development Board
Date: March 31, 2016
RE: Planning Board Comments to the Planning and Economic Development Committee Regarding the Proposal to Amend City of Ithaca Zoning Ordinance to Establish Incentives to Encourage the Development of Affordable Housing

At its March 22, 2016 meeting, the Planning Board reviewed the above-referenced proposal. In general, Planning Board members support the concept of incentive zoning to promote affordable housing; however, the Board has the following comments and questions about this specific proposal:

- How does the incentive translate into dollars per unit?

- The additional story should have a maximum floor-to-floor height. If a maximum height is not specified, developers may use this to their advantage. If zoning allows 60 feet, how tall could an additional story be?

- There are major concerns about eliminating Site Plan Review — particularly regarding silencing the public. Site Plan Review public hearings, as well as privilege of the floor at the beginning of each Planning Board meeting, provide an opportunity for members of the public to be heard. The City’s new Comprehensive Plan advocates for more, not less, public involvement. Planning Board members would like staff to explore other ways to expedite the approval process for developers. The Board does not support entirely bypassing Site Plan Review.

- The Board has similar concerns about bypassing the Board of Zoning Appeals.

- Who would be responsible for carrying out environmental review for projects that do not require Site Plan Review? How would the public be able to review or comment upon draft environmental review documents?

- How does the proposed incentive structure ensure that affordable units are comparable to a project’s market rate units? There are a lot of options here: Square footage minimums for affordable units, minimum affordable square footage percentages, mandating unit mix to be comparable to market rate units, comparable finish quality requirements, etc.
b) Public Hearing: (TM)PUD Application – Cherry Street Arts Space

Alderperson Martell moved to open the public hearing; Alderperson Nguyen seconded it. Passed unanimously.

No one from the public spoke on this topic.

Alderperson Martell moved to close the public hearing; Alderperson Nguyen seconded it. Passed unanimously.

4) Announcements, Updates, and Reports

a) CIITAP – This will come back to this committee in May.

b) Backyard Chickens – This will come back to this committee in May.

c) Joint Committee Meeting on Chain Works – Lisa Nicholas stated there is no meeting date set. There is still work to be done on the environmental review.

Mayor Myrick joined the group at 6:30 p.m.

5) Discussion

a) Incentive Zoning for Affordable Housing

Lynn Truame stated that a number of people responded to this. Everyone agrees that this is flawed, but this is an attempt to do something. The intent is there.

Alderperson Brock stated the time a developer has to spend to get through the City registration and review process is too long. The first step the City can take to promote housing and development is to examine the existing processes to see what steps can be revised or shortened while also maintaining site plan review. A shorter development can accommodate the needs of everyone involved. We can keep the integrity of the program and still move it forward quicker. An affordable housing fee, otherwise known as an Impact Fee, may be useful here in Ithaca. By contributing a fee, developers will help to encourage affordable housing. By conducting a Nexus Study, current needs can be studied, and an appropriate impact fee can be determined, to determine the right fee to charge. It can be a predictable fee. Impact Fees from commercial and multi-unit development will fund affordable housing, creates a predictable structure, and has less demands on City Staff, compared to the oversight and monitoring requirements associated with Incentive Zoning. This will relieve some of the burden on City staff.
Nels Bohn stated he spoke with the City attorney, and he advised not to go that route. A lot of legal research would need to be done. It's not clearly authorized in State law.

Alderperson Brock stated she would like to see how other municipalities in the New York State handle such a process as this.

Mayor Myrick stated that many young people want to live in the City areas not in the suburbs.

A number of questions came up:

What happens to houses on the same block where one house adds an apartment? Does it make those homes worth more or less?

Does it make sense to try to increase housing in the City? Do we consolidate with another municipality?

Chair Murtagh stated that property taxes are also a big issue too.

Alderperson Brock pointed out that the biggest portion of property taxes are school taxes.

The Committee agreed that they are interested in continuing review of the incentive zoning. It was further decided that the City will meet with the Ithaca Developer's Roundtable as suggested by Nathan Lyman.

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

a) Public Art Commission Mural

Resolution to Select Artwork for a Mural Installation on the Water & Sewer Workshop

Moved by Alderperson Brock; seconded by Alderperson Nguyen. Passed unanimously.

WHEREAS, the City of Ithaca Public Art Commission (PAC) was established to, among other duties, review and advise the Common Council on proposals for the exhibition and display of public art in the City's public spaces, and

WHEREAS, Plan Ithaca, the City's comprehensive plan, identifies public art as an important cultural resource that contributes to quality of life and economic vitality and calls for the City's continued support of public art (see Cultural Resources), and

WHEREAS, in 2010, the PAC 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