Planning & Economic Development Committee Agenda

Date: Wednesday, November 15, 2023
Time: 7:00 P.M.
Location: City Hall, 108 E. Green Street 3rd Floor, Council Chambers Watch
Online: https://www.youtube.com/@CityofIthacaPublicMeetings

* PLEASE NOTE: This meeting will begin at 7:00 p.m. *

<table>
<thead>
<tr>
<th>ITEM</th>
<th>Voting Item?</th>
<th>Presenter(s)</th>
<th>Time Allotted</th>
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<tbody>
<tr>
<td>1. Call To Order</td>
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<tr>
<td>2. Petitions and Hearings of Persons Before Committee</td>
<td>No</td>
<td>Sign up for public comment here: <a href="https://tinyurl.com/7ts9zmku">https://tinyurl.com/7ts9zmku</a></td>
<td>15 Min</td>
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<td>2.1 Statements from the Public</td>
<td>No</td>
<td>*Submit written comments here: <a href="https://tinyurl.com/mr9kdhw8">https://tinyurl.com/mr9kdhw8</a></td>
<td>5 Min</td>
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<td>2.2 Committee Response</td>
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<td>3. Special Order of Business</td>
<td>No</td>
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<td>4. Announcements, Updates, Reports</td>
<td>No</td>
<td>Lisa Nicholas, Planning Director</td>
<td>10 Min</td>
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<td>4.1 Short-Term Rentals – Community Conversation with Additional Outreach – Update</td>
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<td>5. Action Items</td>
<td>Yes</td>
<td>Nikki Cerra, Environmental &amp; Landscape Planner</td>
<td>5 Min</td>
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<td>5.1 Annual Lead Agency Concurrence</td>
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<td>6. Discussion Items</td>
<td>No</td>
<td>Nels Bohn, IURA Director</td>
<td>20 Min</td>
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<td>6.1 Proposed Response Protocol for Unauthorized Encampments on City Property</td>
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<td>7. Review and Approval of Minutes</td>
<td>Yes</td>
<td>All</td>
<td>5 Min</td>
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<tr>
<td>7.1 August 2023</td>
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<td>7.2 October 2023 (sent under separate cover)</td>
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<td>8. Adjournment</td>
<td>Yes</td>
<td>All</td>
<td>5 Min</td>
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If you have a disability and require accommodations in order to fully participate, please contact the City Clerk at 607-274-6570 by 12:00 noon on Tuesday, November 14, 2023.
Hybrid Meetings
PEDC Meetings have resumed meeting in person; however, due to limited seating capacity in Common Council Chambers, City staff and members of the public are encouraged to participate remotely if they would like to.

How to Participate in Public Comment Virtually -

Email Common Council Through the Agenda Link
Written comments can be submitted to Common Council using this form: https://tinyurl.com/mr9kdhw8
To: Common Council

From: Nikki Cerra, Environmental & Landscape Planner

Date: November 8, 2023

Re: 2024 Annual Council Concurrence that the Planning Board be Lead Agency in Environmental Review for Site Plan Review Projects for which the Common Council is an Involved Agency

Annually, Common Council passes a resolution concurring that the Planning Board will be Lead Agency in environmental review for site plan review projects for which the Common Council is an involved agency. Examples of such projects include the Southworks District Project, Carpenter Circle and 320 W Buffalo (the Immaculate Conception Site), and in 2024, Development on Inlet Island. As per the previously adopted resolutions, this arrangement ends on December 31 of each year and must be renewed annually. Please find enclosed a proposed resolution which extends this arrangement to December 31, 2024.

The purpose of this arrangement is to make the environmental review process more efficient while, at the same time, keeping Council informed of its potential role in the environmental review of site plan projects. Environmental forms and project information would continue to be forwarded directly to Council members without the need to coordinate with a monthly meeting schedule. This prevents the difficulty of the 30-day deadline to establish Lead Agency but preserves Council ability to not concur should that be the preferred course of action for any future project. As an involved agency, Council could, if desired, provide input to the Lead Agency. All comments from involved agencies are addressed during the environmental review.

The Planning Board also has this arrangement with the Board of Zoning Appeals.

If you have any questions, please contact me at 274-6516
2024 Annual Common Council Concurrence that the City of Ithaca Planning and Development Board be Lead Agency in Environmental Review for Site Plan Review Projects for which the Common Council is an Involved Agency Resolution

WHEREAS: 6 NYCRR Part 617 of the State Environmental Quality Review Law and Chapter 176.6 of the City Code, Environmental Quality Review, require that a lead agency be established for conducting environmental review of projects in accordance with local and state environmental law, and

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

WHEREAS, State Law also specifies that when an agency proposes to directly undertake, fund or approve a Type I or Unlisted Action undergoing coordinated review with other involved agencies, it must notify them that a lead agency must be agreed upon within 30 calendar days of the date that the Environmental Assessment Form (EAF) or draft EIS was transmitted to them, and

WHEREAS, projects submitted to the Planning Board for Site Plan Review and Approval, at times involve approvals or funding from Common Council, making Council an involved agency in environmental review, and

WHEREAS, in accordance with the State Environmental Quality Review Law and the City of Ithaca Environmental Quality Review Ordinance, involved agencies are provided with project information and environmental forms for their review, as well as all environmental determinations, and

WHEREAS, Common Council did consent to the Planning & Development Board acting as Lead Agency in environmental review for site plan review projects for which Common Council has been identified as an Involved Agency since 2015, and

WHEREAS, in order to avoid delays in establishing a Lead Agency and to make the environmental review process more efficient, it is desirous to continue the agreement in which the Planning Board will assume Lead Agency status for such projects; therefore be it

RESOLVED, that Common Council does hereby consent to the Planning & Development Board acting as Lead Agency in environmental review for site plan review projects for which Common Council has been identified as an Involved Agency through December 31, 2024; and, be it further

RESOLVED, that for any future project Common Council may withhold or withdraw its consent should it so desire.
MEMORANDUM

To: Planning & Economic Development
From: Nels Bohn, IURA Director of Community Development
Subject: Response Protocol to Unsanctioned Encampments
Date: November 9, 2023

============================================================================

Please find attached for discussion proposed frameworks for responding to unsanctioned encampments on City lands.

Please note that this proposal provides different protocols for City Lands that are actively managed from City lands that lack defined public programming and are lightly managed. Stewart Park is an example of a site that is “actively managed” as it has dedicated staff on weekdays and weekends to maintain, patrol and keep the site clean. As such the presence of an encampment at Stewart Park will be detected within 24-72 hours of its establishment.

Other actively managed City lands include parks, natural areas with public access paths, parking garages, grounds at City-owned buildings, The Commons, the Cayuga Waterfront Trail, the golf course, street rights-of-ways, and water & sewer facilities.

Historically, the vast majority of encampments have occurred at lightly managed city lands, such as the former Southwest Park, 119 Brindley St (area between Brindley and Cecil A. Malone Drive), and public lands at the end of Cherry Street. These areas lack dedicated staff to patrol and manage these sites. Encampments at these locations may exist for weeks or months before they come to the City’s attention and require a different approach.

The proposed protocols de-emphasize reliance on the threat of interaction with law enforcement and citations issued by police officer to gain compliance. Rather, the proposed protocols focus on removing or relocating unauthorized tangible property on public property.

Gaining compliance after the fact requires far more effort than preventing a violation in the first place. In this case, minimizing the number of persons experiencing unsheltered homelessness is the most effective means to achieve compliance with the City policy prohibiting unsanctioned encampments. Following is a listing of several strategies that can minimize unsanctioned encampments:

- Erect clear signage on city lands - no camping, night time closure
- Actively advocate efforts to minimize barriers to the Emergency Shelter
- Support a housing surge to connect persons experiencing unsheltered homelessness to housing opportunities
- Invest in the “Green” Zone to make it an attractive alternative to camping elsewhere
• Maintain regular mowing & maintenance, erection of lighting, and open sight lines on public property
• Convert underutilized public lands to inclusive active public day use areas
• Clean up of abandoned encampments
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<th>Step</th>
<th>Action</th>
<th>Who</th>
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<tr>
<td>1</td>
<td><strong>Verbal Notification (if occupied)</strong>&lt;br&gt;- Verbally notify camper of camping prohibition and request compliance&lt;br&gt;- Notify camper of City Policy temporarily authorizing camping in the Green Zone where support amenities for camping are available&lt;br&gt;- Document site with photo</td>
<td>City staff responsible for management of site</td>
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<td>2</td>
<td><strong>Report Encampment</strong>&lt;br&gt;- Communicate presence of encampment to Continuum of Care, Outreach Workers &amp; City Manager (or designee) of encampment</td>
<td>City staff responsible for management of site</td>
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<td>3</td>
<td><strong>Post 24-hour Notice to Vacate</strong>&lt;br&gt;- Post Notice to Vacate within 24 hours at encampment site.&lt;br&gt;- Attach and/or distribute listing of shelter and housing resources&lt;br&gt;- Post and/or distribute map showing location of the Green Zone where camping is temporarily allowed and sanitary and hygienic amenities are provided&lt;br&gt;Sample notice language: “Overnight camping is not allowed at this site. This notice is to notify you that this encampment will be removed by City staff on XX/XX/XXXX” (insert date)</td>
<td>City staff responsible for management of site</td>
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<td>4</td>
<td><strong>Encampment Property Removal (if necessary)</strong>&lt;br&gt;- Remove tangible property for disposal&lt;br&gt;- The following personal items shall be temporarily stored: personal identification documents, wallet/purse, eyeglasses, prescription medicines, photographs, and similar small items</td>
<td>City staff responsible for management of site – supported by IPD unarmed officers if requested</td>
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<td>5</td>
<td><strong>Campsite remediation</strong>&lt;br&gt;- Remediate campsite to original condition</td>
<td>City staff responsible for management of site</td>
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**Note**<br>If City Dept. staff feel unsafe or are unable to undertake an action, they may request the City Manager to assign alternative and/or additional City staff or a contractor
### LIGHTLY MANAGED PUBLIC LANDS

**Response Protocol to Encampments on Unauthorized Encampment**

<table>
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<tr>
<th>Site Visit #</th>
<th>Actions</th>
<th>Who</th>
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| Pre-Site Visit | • Report Encampment to community partners, including Continuum of Care and Outreach Workers  
• Offer to coordinate relocation  
• Explore opportunities for shelter or housing leading to voluntary relocation | City Homeless Outreach Coordinator (or alternative staff/contractor assigned by City Manager) |
| 1st NOTIFICATION | • If camper present, notify camper of camping prohibition verbally and in writing and request compliance (if camper present). If camper not present, post a “no camping” sign specifying that overnight camping is prohibited at this site and the encampment is in violation of City policy  
• Notify camper in writing and/or verbally of location where camping is temporarily allowed with support amenities.  
• Attach and/or distribute listing of shelter and housing resources.  
• Offer voluntary relocation assistance services to shelter, housing or compliant location.  
• Document site with photo. | City Homeless Outreach Coordinator |
| 2nd 2nd NOTIFICATION | • If camper present, identify this as the second visit to provide notification that the encampment is prohibited at this site and notify camper verbally and in writing of the city policy and request a time line for compliance. Post “no camping – 2nd warning” sign.  
• Re-notify camper of Green Zone  
• Re-offer voluntary relocation services.  
• Notify camper of the next planned site visit and next steps in the City policy  
• Document site with photo. | City Homeless Outreach Coordinator |
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<th>3rd</th>
<th><strong>FINAL WARNING</strong></th>
<th>City Homeless Outreach Coordinator</th>
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|       | • If camper present, identify this as the third visit to seek relocation and notify camper that failure to comply will result in a final visit that may include outreach workers, first responders, law enforcement personnel, and DPW staff with trucks and equipment to facilitate removal of unauthorized property from City land. Post “notice to vacate” sign that this encampment will be removed by City staff on XX/XX/XXXX (insert date).  
  • Re-notify camper of Green Zone  
  • Re-offer voluntary relocation services.  
  • Document site with photo |                                                                                                               |
| Final | **ENCAMPMENT PROPERTY REMOVAL**                                                                            | City Homeless Outreach Coordinator & team to facilitate relocation |
|       | • If camper present, identify this as the fourth and final site visit to bring the site into compliance.  
  • Seek voluntary compliance with relocation  
  • Remove tangible property for disposal  
  • The following personal items shall be temporarily stored: personal identification documents, wallet/purse, eyeglasses, prescription medicines, photographs, and similar small items |                                                                                                               |
| Note  | City Homeless Outreach Worker expected to be accompanied by a community partner and/or City staff assigned by the City Manager for each site visit. |                                                                                                               |

**Response Protocol at Unprogrammed public lands without assigned City Dept. staff to Priorities for Responding to Unsanctioned Encampments**

Due to limited resources, the City will prioritize site visits based on impact of particular encampments, which is determined based on a combination of factors including but not limited to:

- Amount of uncontained debris
- Extent to which the encampment poses dangers
- Extent of uncontained debris
- Proximity to a private residence or entrance of a retail/hospitality business
- Proximity to public use trails
- Environmental impact on natural resources and/or presence of hazardous materials
- Evidence of conspicuous illegal drug use
- Obstruction of construction or maintenance activities
• Proximity to park boundaries
Committee Members Attending: Rob Gearhart, Chair; Alderpersons Phoebe Brown, Ducson Nguyen, and Tiffany Kumar

Committee Members Absent: Alderperson Cynthia Brock

Other Elected Officials Attending: Alderpersons George McGonigal and Jorge DeFendini

Staff Attending: Lisa Nicholas, Director, Planning and Development Department; Megan Wilson, Deputy Director, Planning and Development Department; Rebecca Evans, Director of Sustainability; Bryan McCracken, Historical and Neighborhood Planner; Nels Bohn, IURA Director; and Deborah Grunder, Executive Assistant

Others Attending: None

1) Call to Order/Agenda Review

Chair Gearhart read the emergency evacuation procedures and then called the meeting to order at 6:08 p.m.

No changes were made to the agenda

2) Public Comment

Theresa Alt, Eddy Street, take the police out of the unsanctioned encampments. Remove empty lots as parking lots. Remove CITTAP.

Alex Farrell, 252 Floral Avenue, don’t criminalize homelessness.

Trevor Cross, 2163 Mecklenburg Road, discourages the camping bans. Would like to see more available housing.

Isia Patie, 17 Leif’s Way, spoke on the encampments. This policy will cause a breech between Outreach workers and the homeless.
Veronica Pillar, 1108 N. Aurora Street, Apt. 3, agrees with others. She questioned whether those in the encampments can remain there and the future campers will follow this policy. Why were the zones picked like they are? Can we do something with the vacant buildings downtown?

Jade Brewer, 127 W. State Street, as an outreach worker doesn’t agree with the policy. It does criminalize homelessness. The people who wrote the policy were not interacted with the homeless.

Michael Fenner, Nates Floral Estates. It is unfortunate that this problem has existed for 6+ are many people here in this room, and in the administration that having even been in the Jungle.

Katie Sims, 104 Lake Avenue, and member of the tenant association. She provided a petition signed by many for Council not to approve this policy. Housing first.

Adam Hart, 522 W. Seneca Street. A homes first policy should be enacted rather than the encampments policy.

Natalya Cowilich, F&CS outreach worker, who works with the campers takes issue with comments that nothing is being done. It is recognized that there is a shelter option. That doesn’t work for all. There is also a lack of shelter availability. This is a land policy.

Wendy Tanner, Jungle II, This policy does criminalize homelessness. There are bad people everywhere. She has lived in many places. Ithaca is not good for the homeless.

Richard River, 910 West State Street, Graphic researcher in the encampments. He totally disagrees with this policy. Bringing police in the mix won’t work. The housing first policy should continue.

Angelo Baez, Jungle III, has lived in Jungle I, Jungle II, and now Jungle III. Everyone gets robbed. It doesn’t necessarily mean that it’s the Jungle. We are a family there. The outreach workers help us tremendously. The City needs to come down to the Jungle and talk to us. We are a community. We are not stealing. To move us from where we are is very wrong. Things have changed, and we are not being given a chance.

John Monkovic, 931 East State Street, Ward 3, Cornell needs to do their part. During the winter months, CU has many open dorm beds,

Genevieve Rand, 142 Giles Street, #2, this is cruel and inhumane. A vote for this policy is a to consider Trump homelessness policies. People will continue to be upset about it.

Esther Herkowitz, 94 Mary Street, was homeless before. Is in favor of land use policy for certain areas where emergency workers can access.

Margaret Slattery, 4 Jake Street, lives at Nates Floral Estates. I call the Jungle the Kingdom. Behind Lowes is owned by the City. We live in fear. Cameras pick up crime.

Deirdre Silverman, 418 N. Cayuga Street, Ward 2, was hired to create the first shelter in Ithaca. Friends at Nates. We are pitting people who do not have much with people who do. We know we need housing.

Sloan, 120 Irving Place, Stop considering homeless bands. I think it’s a disgrace to refer to some as residents and others as homeless.

Alderperson Brock joined remotely to voice her opinion on the proposed policy.

David Bulatek, 21 Jake Street, spoke regarding the amount of crime taking place at Nates Floral Estates. Suggested different paths around and away from the Nates Floral Estates.

Zach Winn, 229 South Geneva Street, First Ward, is glad that the police involvement is not being considered.

Response from Committee:

Alderperson Kumar provided her thoughts on the policy. She thanked everyone who came to speak tonight. The residents of Nate Floral Estates are also among the most vulnerable in this community. She agrees with the policy as it stands. It may however escalate the issues faced by our own Health Community without even effectively addressing the issues of Public Safety at hand here. It feels incomplete. How will it be enforced? What will constitute removal? At the very least we should take the time to include more of their voices in the process before even considering when we decide.

Alderperson Brown thanked all who came tonight and spoke. She asks herself, she’s been in the Jungle, I have been homeless, I have talked to the Jungle residents. No one is really alone here. There’s a lot of history here. This has been happening for a long time. We cannot just band aid this.

Alderperson McGonigal stated that it’s disheartening to hear we are not doing enough to fix this. We are not the County. We do not have a DSS department in the City.

Alderperson Jorge DeFendini thanked all who came tonight to express their concerns. He applauds the homeless individuals who came to speak and apologized for not reaching out more. We need to take a proactive approach.

3) Special Order of Business – None

4) Announcements, Updates, Reports – None

5) Action Items (to Council)

   a) Ithaca Gun Smokestack – Funding Request for Structural Evaluation

   ITHACA GUN COMPANY SMOKESTACK – FUNDING REQUEST FOR STRUCTURAL ANALYSIS

   Moved by Alderperson Nguyen; seconded by Alderperson Kumar. Passed 4-0.
WHEREAS, as stated in Plan Ithaca, the City’s comprehensive plan, it is the City’s goal that “all historic resources worthy of preservation will be protected, whether formally designated or not;” and

WHEREAS, the Ithaca Gun Company smokestack is the only remaining architectural artifact from the factory complex of the Ithaca Gun Company, an internationally recognized and respected manufacturer of handcrafted firearms that operated along Fall Creek near Ithaca Falls for over 100 years; and

WHEREAS, the smokestack was identified as having historic and architectural value in the 1990 Reconnaissance Level Survey of Historic Resources, City of Ithaca, New York, and is considered an undesignated historic resource; and

WHEREAS, Common Council approved the Amended and Restated Redevelopment Agreement for the former Ithaca Gun Company factory site (Agreement) at the regular January 4, 2023, Common Council meeting; and

WHEREAS, the Agreement outlines several options for the treatment and disposition of the smokestack, including a process through which the Developer and City partner to prepare an existing conditions assessment of the structure; and

WHEREAS, At the June 1, 2023, meeting, Common Council agreed to partner with Visum Development Group (developer) to commission an existing conditions assessment of the Ithaca Gun Company smokestack and authorized staff to work with the developer to identify a qualified consultant to complete this work; and

WHEREAS, Vertical Access was identified as the preferred consultant based on their professional qualifications, as required by the Agreement, and the proposed scope of their existing conditions assessment, which includes thorough documentation of the smokestack’s existing conditions, identification of deficiencies impacting its long-term stability, and cost estimates of any required repairs; and

WHEREAS, the existing conditions assessment will cost $33,137 or $35,480, as outlined in Vertical Access’s proposal; and

WHEREAS, the City may pay one-half of the cost of the existing conditions assessment pursuant to the terms of the Agreement; and now, therefore, be it

RESOLVED, the City commits to paying one-half of the cost of the existing conditions assessment of the Ithaca Gun Company smokestack; and be it further

RESOLVED, the City allocates an amount not to exceed $18,000 from existing funds in the Planning and Building Department’s 2023 authorized budget for this use.

If this is approved tonight, it will then go to the September Council meeting and the developer would begin later in the fall.
b) Distributed Energy Resources (DER) Plan

Resolution to Adopt the City of Ithaca Distributed Energy Resource Plan for Community Choice Aggregation

Moved by Alderperson Nguyen; seconded by Alderperson Kumar. Passed 4-0.

WHEREAS, the City of Ithaca has demonstrated its desire and commitment to be a leader in sustainability and social equity, as exemplified by the adoption of the Ithaca Green New Deal; and

Whereas, the City of Ithaca has further demonstrated its commitment to social and racial equity and sustainability, as exemplified in the City of Ithaca Comprehensive Plan, Plan Ithaca and the City’s 2017 Assessment of Fair Housing; and

Whereas, Common Council approved a contract between Local Power, LLC and the City of Ithaca to develop a Community Choice Aggregation plan in May 2022 and Local Power, LLC has submitted the City of Ithaca Distributed Energy Resource Plan for Community Choice Aggregation as a deliverable required in the contract; and

Whereas, the Department of Public Service released new guidelines for Community Choice Aggregation programs that require local municipalities to approve of all voluntary investment programs associated with said programs; and

Whereas, a Distributed Energy Resource Plan has the potential to reduce community-wide greenhouse gas emissions by 14% or more and reduce the financial costs associated with electricity procurement; and

Whereas, a robust Distributed Energy Resource program will increase the reliability and resiliency of energy supply in the City of Ithaca; and

Whereas, the Community Choice Aggregation Administrator is expected to manage the securing of loan providers, system procurement, and billing on behalf of the City of Ithaca; and

Whereas, the City of Ithaca will select a Community Choice Aggregation Administrator by the end of calendar year 2023; and

Therefore, be it:

RESOLVED, the City of Ithaca adopts the City of Ithaca Distributed Energy Resource Plan for Community Choice Aggregation to complement the forthcoming Tompkins Green Energy Network program.

6) Discussion Items and Request to Circulate

   a) Zoning Permit – A Proposal to Create a Permit

      Deputy Director Megan Wilson reported on this proposal. She stated that this
part of the zoning code can be difficult to understand.

What she is trying to accomplish is to streamline approvals of smaller projects that typically come before the BZA. By smaller projects she is referring to existing structures particularly homes in residential neighborhoods that do not meet the current requirements.

Requirements include yard setback, a building covering the lot more than is allowed, repairing or expanding a large rear deck, or need to replace front steps with a code compliant width tread. All of these projects trigger the need for an area variance from the BZA.

The process involves a building permit then an area variance. This process currently can take up to six weeks to receive their building permit alone.

The hope is to find a way to streamline some of these so that the property owners can make the needed repairs that they would like to make safety improvements meet code without potentially going through a six weeks process through the BZA.

As law dictates now, staff cannot approve a variance under New York State Law. Only a board of zoning appeals if the municipality has one that can do that. We can change what would require a variance so some of these things that come to the board often and are approved with an explanation from the property owner. These are things that we could look at, set thresholds and approve through a limited process similar to what we have for site-plan review. The City currently has a limited site plan review process or a staff level historic preservation approval. This would be in many ways an equivalent to those that exist with our other boards that we have.

We have talked at the BZA several times about things that come up often and are ones that they wish they didn't have to make the property owner wait to get approved. That is where this list on the subsequent page came from. Nearly all of the examples that I included on the subsequent page are examples of cases that have come to the BZA since Wilson started working with the board several years ago.

One of the most important things to know is new construction is going to still come to the board and would require a variance if they cannot meet the zoning ordinance. There are also certain things that will still continue to go to the BZA like off-street parking deficiencies which may need a little more evaluation as well as telecommunications setbacks.
Wilson stated an ordinance has not been drafted yet. She wants feedback on this. If this is something the committee would be interested in moving forward, she will go ahead and draft that and circulate it for further comments.

The Committee was in favor of Wilson drafting an ordinance to be brought back at a later date.

**b) Draft Unsanctioned Encampments Policy**

The draft policy was circulated for comment. Many comments were shared in addition to comments made during tonight’s meeting. The City Code currently dictates no camping is allowed on City property.

Alderperson Kumar would like the amber zone to be removed. It really relies on citizens’ complaints and individual perceptions.

Alderperson McGonigal stated we would be naïve to think that there are not criminals in the Jungle.

Next Steps: Jorge stated he would be happy to help with the drafting of a more condensed policy.

Chair Gearhart will try to pull together a subset of PEDC committee and the encampment working group to work on a revised policy from the discussion tonight.

Nels Bohn stated that there are two types of City land – parks and the lightly regulated City land.

Chair Gearhart moved to continue the meeting for another 15 minutes in order to have a complete direction going forward, .

7) Review and Approval of Minutes

a) June 2023

Moved by Alderperson Kumar; seconded by Alderperson Brown. Passed unanimously.

8) Adjournment

Alderperson Kumar moved to adjourn the meeting; seconded by Alderperson Nguyen. The meeting adjourned at 10:10 p.m.
Proposed Zoning Permit Applicability
ADDITIONAL INFORMATION AND EXAMPLES

Below are more detailed descriptions of how a zoning permit could apply to properties within the city. Again, the permit would apply to existing structures only; any nonconforming new construction would still need to obtain an area variance from the Board of Zoning Appeals (BZA). The noted examples are recent requests that have been presented to the BZA and/or staff.

1) **In-kind replacement of all or part of an existing nonconforming structure:** Currently, nonconforming structures may be replaced in-kind if destroyed by fire or other disaster or if demolished by order of the Director of Code Enforcement. If a property owner chooses to voluntarily replace part of an existing structure, the owner must obtain an area variance from the BZA.
   a) Example: Homeowner wishes to replace an existing deteriorated deck within the same footprint but the existing deck is located within the required rear and side yard.

2) **Lateral or vertical extension of existing yard deficiency:** A property has an existing yard deficiency and they would like to expand the structure in line with the existing home while meeting all other requirements of the Zoning Ordinance.
   a) Examples:
      i) A property has an existing front yard deficiency and would like to create a wider front porch, extending the deficiency laterally across the lot.
      ii) A home has an existing one-story addition that is located in the required side yard and would like to add a second story to the addition, extending the deficiency vertically.

3) **Existing frontage or lot area deficiencies that are not exacerbated by the proposed work:** The Zoning Ordinance requires a property that does not meet the minimum lot size requirements to obtain an area variance for all expansions or enlargements, regardless of size, change in occupancy, or location of work.
   a) Examples:
      i) A property owner would like to construct an addition on their home in the R-2b on a lot that is 2,800 SF (min. 3,000 SF required).
      ii) A property owner proposes to use an existing office as a code-compliant bedroom on a 38’ wide property in the R-3a where 40’ of frontage is required. No physical change is proposed but an additional occupant would be allowed in the apartment.

4) **Setback deficiencies for replacement accessory structures under 500 square feet:** Many existing garages in residential neighborhoods predate the City’s Zoning Ordinance and the requirements to locate the garage 3’6” from the property line. These structures have deteriorated over time and are often too small to accommodate a modern vehicle. If the property owner chooses to replace the existing garage with a modern structure, the owner must obtain an area variance from the BZA.
   a) Example: A property owner wants to replace the existing 7’ x 12’ garage with a structure large enough to accommodate their vehicle. Because of the existing garage location, conforming with the accessory structure location requirements would require them to relocate their deck and driveway.

5) **Yard setback and/or lot coverage by building deficiencies resulting from accessibility improvements on nonconforming structures or uses:** With many nonconforming properties in the city, the addition of a ramp, lift, or other improvement to facilitate access to a building often creates or worsens an existing yard or lot coverage deficiency.
   a) Examples:
      i) A nonconforming office use in a residential district would like to expand the building footprint to add a lift to the front porch.
      ii) An historic property with 80% lot coverage in the R-3a district needs to provide an area of
refuge for people with disabilities, which adds further to the lot coverage by buildings.

6) Yard setback deficiencies resulting from the replacement of steps only: One of the most common nonconforming conditions is existing yard deficiencies, particularly front yards, and it is not unusual in many residential districts to see minimal front yards in downtown residential neighborhoods. Replacement of entry steps with code-compliant stairs frequently creates or worsens a yard deficiency.

7) New or exacerbated side or rear yard deficiencies where 50% of the required yard is provided: With many nonconforming properties, particularly in residential neighborhoods, an expansion of a building footprint will often encroach into a required side or rear yard and currently requires an area variance. Minor yard encroachments could be subject to a permit while larger requests would remain subject to an area variance.
   a) Examples:
      i) A new addition on a home would encroach into the required 10’ side yard by 2’.
      ii) A property owner is would like to replace rear steps with a small landing and steps. The property does not meet the rear yard requirements and the addition of the landing would further reduce the depth of the rear yard.

8) Exacerbated lot coverage by buildings deficiencies where total lot coverage is increased by 5% or less over existing conditions: With many nonconforming properties, particularly in residential neighborhoods, any addition to the building footprint currently requires an area variance. Minor increases could be subject to a permit while larger requests would remain subject to an area variance.
   a) Examples:
      i) A property owner would like to enlarge a rear deck to make it 3’ deeper.
      ii) A property owner would like to construct a small addition to provide a second bathroom.

9) New lot coverage by buildings deficiencies on existing structures where total lot coverage does not exceed the district regulation by more than 5%: This situation is similar to the one described in #8 above, as there are many properties that are close to but do not exceed the maximum lot coverage by buildings. Any addition to the building footprint would require an area variance. Minor increases could be subject to a permit while larger requests would remain subject to an area variance. On a 3,000 SF lot, an increase in building footprint of up to 150 SF could be approved by a zoning permit; anything greater than 150 SF would need to obtain an area variance.