



PEDC Meeting

Planning and Economic Development Committee
Ithaca Common Council

DATE: May 11, 2016
TIME: 6pm
LOCATION: 3rd floor
City Hall Council Chambers

AGENDA ITEMS

Item	Voting Item?	Presenter(s)	Time Start
1) Call to Order/Agenda Review	No	Seph Murtagh, Chair	6:00
2) Public Comment and Response from Committee Members	No		6:05
3) Special Order of Business			
a) Public Hearing – 2016 HUD Entitlement Action Plan	Yes		6:10
4) Announcements, Updates, and Reports			
a) Dredging Update	No	Lisa Nicholas, City Planner	6:15
5) Action Items (Voting to Send on to Council)			
a) 2016 HUD Entitlement Action Plan	Yes	Nels Bohn, IURA	6:30
b) Amendment to Collegetown Area Form Districts Street-Level Active Use	Yes	Megan Wilson, City Planner	6:40
c) Backyard Chickens	Yes	Various	6:50
6) Discussion			
a) Community Investment Incentive Tax Abatement Program (CIITAP)	No	Nels Bohn, IURA / Nick Goldsmith, Sustainability Coordinator	7:10
7) Review and Approval of Minutes			
a) April 2016	Yes		7:40
8) Adjournment	Yes		7:45

If you have a disability and require accommodations in order to fully participate, please contact the City Clerk at 274-6570 by 12:00 noon on Tuesday, May 10th, 2016.

Proposed Resolution
Planning & Economic Development Committee
May 11, 2016

2016 Action Plan – HUD Entitlement Program

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

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

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

WHEREAS, the 2016 Action Plan identifies a specific list of budgeted community development activities to be funded from the 2016 HUD Entitlement program allocation and associated funds administered by the IURA, and

WHEREAS, funding available to be allocated through the 2016 Action Plan funding process is anticipated to include the following:

\$661,371.00	CDBG 2016 allocation
\$21,749.57	CDBG 2014 de-obligated funds
\$130,000.00	CDBG 2016 projected program income
\$328,050.00	HOME 2016 allocation
\$41,115.40	HOME 2015 carryover and de-obligated funds
\$273,869.00	HOME 2014 de-obligated funds
<u>\$215,875.00</u>	<u>Neighborhood Housing Initiative bond funds</u>
\$1,671,829.97	Total, and

WHEREAS, the IURA utilized an open and competitive project selection process for development of the 2015 Action Plan in accordance with the City of Ithaca *Citizen Participation Plan*, and

WHEREAS, at their April 14, 2016 meeting, the IURA adopted a recommended 2016 Action Plan; now, therefore, be it

RESOLVED, that the Common Council for the City of Ithaca hereby adopts the IURA-recommended 2016 Action Plan, dated April 14, 2016 for allocation of the City’s 2016 HUD Entitlement Program award along with additional funds listed above totaling \$1,671,829.97, and be it further

RESOLVED, that the Urban Renewal Plan shall be amended to include activities funded in the adopted 2016 Action Plan.

**IURA Recommended Action Plan
2016 HUD Entitlement Program, City of Ithaca, NY**

4/14/2016

#	Project	Sponsor	Funding Request	Match	FUNDING AVAILABLE							Summary Description	
					2016 CDBG	2016 HOME	2016 CDBG PI	2014 HOME	2015 HOME	2014 CDBG	NHI Bonds		Total
					\$661,371	\$328,050.00	\$130,000.00	\$273,869.00	\$41,115.40	\$21,749.57	\$215,875.00		\$1,672,029.97
	Housing												
1	Housing for School Success TBRA	IURA	\$92,890	\$0		\$77,104.40						\$77,104.40	TBRA and case management for 3 homeless families with children at BJM
2	Security Deposits	Catholic Charities	\$40,000	\$7,823		\$40,000.00						\$40,000.00	security deposit assistance for 75 LMI households
2a	Security deposit inspections	contract	\$4,000	\$0		\$4,000.00						\$4,000.00	professional contract for HQS inspection of non-HCV units
3	LKNB Homeowner Rehab	Love Knows No Bounds	\$51,000	\$16,500	\$36,334.72							\$36,334.72	homeowner rehab for 3 households with incomes below 60% AMI
4	304 Hector St	INHS	\$100,000	\$269,294		\$100,000.00						\$100,000.00	new construction first time homebuyer CLT home affordable at 80% AMI
5	202 Hancock Townhomes	INHS	\$567,000	\$1,792,013		\$40,256.00	\$273,869.00			\$215,875.00		\$530,000.00	new construction 7 first-time homebuyer CLT townhomes affordable at 80% AMI
6	Mini Repair	INHS	\$35,000	\$38,128	\$30,000.00							\$30,000.00	maintenance and very minor repair for 70 homeowners below 80% AMI
7	Morris Ave Homes	Habitat for Humanity	\$75,000	\$230,500		\$33,884.60		\$41,115.40				\$75,000.00	new construction 2 for-sale homes affordable at 60% AMI
	Economic Development												
8	Work Preserve Job Training and Placement	Historic Ithaca (CBDO)	\$67,500	\$58,816	\$45,750.43					\$21,749.57		\$67,500.00	job training and placement for 4 LMI individuals with employment barriers
9	HETP	GIAC (CBDO)	\$112,961	\$22,400	\$100,000.00							\$100,000.00	job training and placement for 10 LMI individuals with employment barriers
10	ED Loan Fund	IURA	\$100,000	\$0		\$100,000.00						\$100,000.00	creation of 3 part-time positions for LMI individuals
	Public Facilities												
11	Heating System & Code Corrections	DICC	\$22,489	\$4,511	\$22,489.00							\$22,489.00	replace heating system and correct interior door code violations
12	Advocacy Center Garage Renovation	Advocacy Center	\$10,317	\$4,064	\$10,317.00							\$10,317.00	renovate garage to provide storage for donated materials to help equip households leaving the shelter
13	Wading Pool Renovations	GIAC	\$200,000	\$101,000	\$185,000.00							\$185,000.00	expand existing wading pool
	Public Services												
1a	Housing for School Success	IURA	\$11,580	\$0	\$11,580.00							\$11,580.00	case management related to project #1
14	A Place to Stay case management	Catholic Charities	\$27,118	\$0	\$17,625.65							\$17,625.65	case management for 5 homeless women in transitional housing
9a	Work Preserve Job Readiness	Historic Ithaca	\$20,000	\$17,569	\$20,000.00							\$20,000.00	job readiness training for 20 LMI individuals with employment barriers related to project #12
15	Immigrant Services	Catholic Charities	\$30,000	\$28,915	\$30,000.00							\$30,000.00	case management for 100 immigrants to access employment, services, etc
16	211 Info and Referral	HSC	\$20,000	\$216,980	\$20,000.00							\$20,000.00	support for 2-1-1 call center
	Administration												
17	CDBG Admin.	IURA	\$132,274.20		\$132,274.20							\$132,274.20	Planning, administration and monitoring for the CDBG program
18	HOME Admin.	IURA	\$32,805.00		\$32,805.00							\$32,805.00	Planning, administration and monitoring for the HOME program
	Totals:		\$1,615,044	\$2,800,690	\$661,371.00	\$328,050.00	\$100,000.00	\$273,869.00	\$41,115.40	\$21,749.57	\$215,875.00	\$1,642,029.97	

\$0.00
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\$0.00
unallocated

Minimum Required Set-aside of HOME funds for CHDO Activities: \$49,207.50
 CDHO Set-aside Funding (202 Hancock): \$530,000.00
 CHDO Setaside compliance: Y
 Public services cap: \$99,206
 (15% of 2016 CDBG award)

returned funds \$26,272.40
 2014 402 S. unallocated in
 Cayuga 2015 round unexpended 2014
 HETP award

plus \$14,843 in
 deobligated 2015
 Housing First



CITY OF ITHACA

108 E. Green Street — 3rd Floor Ithaca, NY 14850-5690

DEPARTMENT OF PLANNING, BUILDING, ZONING, & ECONOMIC DEVELOPMENT

Division of Planning & Economic Development

JOANN CORNISH, DIRECTOR OF PLANNING & DEVELOPMENT

Telephone: Planning & Development – 607-274-6550

Community Development/IURA – 607-274-6559

Email: dgrunder@cityofithaca.org

Email: iura@cityofithaca.org

TO: Planning & Economic Development Committee

FROM: Megan Wilson, Senior Planner

DATE: May 5, 2016

RE: Proposed Amendment to Collegetown Area Form Districts

Since it was adopted in 2014, the Collegetown Area Form Districts has included a requirement for active uses on the street-level of all buildings in portions of the MU-2 district. Allowed active uses are defined in a list of seven possible categories, such as retail, restaurant, or hotel. As plans for development in Collegetown have been presented, it has become clear that there are additional active uses that may be desirable but are not included in the adopted list. The proposed amendment would allow the Planning and Development Board to determine whether a use meets the intent of the active use requirement, and such uses would be granted special approval by the Board. This change would be consistent with the street-level active use requirement recently adopted for the primary Commons.

In addition to the new provision allowing special approval of uses by the Planning Board, staff is also recommending changes to the list of approved active uses. The proposed amendment would remove “library” and “fire station” from the list and would add light hand fabrication as an active use. These changes will make the list consistent with the list of active uses for the primary Commons.

The draft ordinance is attached for your review. Staff will attend the May 11th Planning & Economic Development Committee meeting to answer any questions. If you have any questions prior to the meeting, please contact me at mwilson@cityofithaca.org or 274-6560.

An Ordinance Amending The Municipal Code Of The City Of Ithaca, Chapter 325, Entitled "Zoning," To Amend the Street-Level Active Use Requirement in the Collegetown Area Form Districts

ORDINANCE NO. _____

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

Section 1. Chapter 325 ("Zoning"), Section 325-45.3 ("Street-Level Active Uses Required") of the Municipal Code of the City of Ithaca is hereby amended as follows:

325-45.3B Street-Level Active Uses Required

- (1) Within the MU-2 district, **street-level** active uses are required ~~on the entire street-level of~~ **for the street-facing portions of** all buildings fronting on those ~~portions~~ **sections** of College Avenue, Dryden Road, and Eddy Street designated on the map below.

- (2) Active street-level uses are one of the keys to vitality of the Collegetown core area **and are defined as uses that encourage high levels of pedestrian activity, enliven the streetscape, and create well-lit space with ample visibility into the storefront area.** Active uses ~~are defined as include, but are not limited to, the following:~~
 - (a) Retail store or service commercial facility
 - (b) Restaurant, fast food establishment, or tavern
 - (c) Theater, bowling alley, auditorium, or other similar places of public assembly
 - (d) Hotel
 - ~~(e) Library or fire station~~
 - ~~(e)~~ ~~(f)~~ Public park or playground
 - ~~(f)~~ ~~(g)~~ Bank or monetary institution
 - (g) Confectionary, millinery, dressmaking, and other activities involving light hand fabrication as well as sales.**

- (3) **Additional uses may be permitted if the Planning and Development Board determines them to be an active use and grants special approval for the use. The Planning Board may also grant a special approval of a non-active use if a property owner is able to show that the physical structure is**

not easily adaptable to be used as one of the above listed active uses.

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

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



CITY OF ITHACA

108 E. Green St. — Third Floor Ithaca, NY 14850-5690

DEPARTMENT OF PLANNING, BUILDING, ZONING, & ECONOMIC DEVELOPMENT

Division of Planning & Economic Development

JOANN CORNISH, DIRECTOR OF PLANNING & DEVELOPMENT

PHYLLISA DESARNO, DEPUTY DIRECTOR FOR ECONOMIC DEVELOPMENT

Telephone: Planning & Development – 607-274-6550

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Email: iura@cityofithaca.org

To: Svante Myrick, Mayor
Common Council
Julie Holcomb, City Clerk
Aaron Lavine, City Attorney
Michael Thorne, Superintendent of Public
Conservation Advisory Council (CAC)
Planning & Development Board
Phyllis Radke, Director of Zoning Admin.
Ithaca Landmarks Preservation Commission (ILPC)
Rental Housing Advisory Commission (RHAC)
JoAnn Cornish, Director of Planning & Development
Mike Niechwiadowicz, Director of Code Enforcement
Edward Marx, Tompkins County Commissioner of Planning

From: Megan Wilson, Senior Planner

Date: March 18, 2016

RE: Proposal to Establish Two-Year Pilot Program for Backyard Chickens

The City is considering a two-year pilot program that would allow backyard chickens to be kept at 20 residences within the city. From time to time, the City receives requests from residents to allow chickens in backyard coops. These requests are part of a nationwide trend to allow chickens in urban areas for the purpose of producing fresh eggs. People who keep chickens are typically concerned about the amount of time and energy it takes to get eggs to the end consumer; they want eggs free of certain farm chemicals and pesticides; or they simply enjoy the taste of fresh eggs, and keeping chickens as part of a more active lifestyle.

Keeping chickens is also part of a larger sustainability trend to allow citizens to grow their own foods – including fruits, vegetables, and honey production – by reducing barriers that restrict local food production. These sustainability trends are also consistent with the City's Comprehensive Plan goals, like providing support for our community gardens and active living initiatives. Also, conventional agricultural practices since World War II have generally relied on pesticides and fertilizers to produce food for the mass-consumer market; and they are typically petroleum-intensive operations. With rising fuel and food prices, allowing local food production may improve the resiliency of a particular city or region, allowing it to better adapt to current and future price swings, or food shortages.

The pilot program would be limited to 20 residences within the City of Ithaca. The Clerk's Office would process applications and select registrants who meet the specific

criteria of the program, as established by the Common Council. The following criteria are proposed:

- A maximum of four hens is permitted per 3,000 square foot lot.
- Roosters and guinea fowl are prohibited.
- Chickens must always be contained within a coop or enclosure.
- Chickens are not allowed to run at large.
- Chicken coops must be at least 20 feet from a primary structure on an adjacent lot and at least 5 feet from any abutting residential property line.
- Chicken coops must be kept in a clean sanitary manner, free of insects and rodents, offensive odors, excessive noise, or any other condition which could potentially cause a nuisance (i.e., the coop should be cleaned frequently). Chicken feed must be kept in rodent-resistant and weather-proof containers.
- Applicants must complete a seminar regarding the care of backyard chickens conducted by Cornell Cooperative Extension.

Applicants must pay a one-time \$35 fee to register for the pilot program. The Clerk's Office may revoke a permit for a specific site via written notice to the registrant and property owner, when the City finds any of the above criteria have not been met. If a permit is revoked or an owner is unable to care for his/her hens, Cornell Cooperative Extension will work with the owners to rehome the chickens. The Clerk's Office shall report to Common Council prior to the expiration of the pilot program. The Council will then have the opportunity to extend the pilot program, direct staff to codify the program into the City Code, or discontinue the program.

The draft ordinance to authorize the two-year pilot program is attached for your review. The Planning & Economic Development Committee will consider the proposed ordinance at its regularly scheduled meeting on April 13, 2016. Your comments are respectfully requested prior to this meeting. If you have any questions, please contact Josephine Martell at jmartell@cityofithaca.org or Megan Wilson at mwilson@cityofithaca.org or 274-6560.

Backyard Chickens

The city of Ithaca is considering a two-year pilot program that would allow 20 City of Ithaca residences to keep backyard chickens.

Regulation Summary

- Maximum of four hens per 3,000 square foot lot
- Roosters and Guinea Fowl are prohibited
- Chickens must always be contained within a coop or enclosure
- Chickens are not allowed to run at large
- Chicken coops must be at least 20 feet from the primary lot structure and at least 5 feet from any abutting residential property line
- Registrants must complete a seminar regarding the care of backyard chickens from the Cornell Cooperative Extension Office
- Registrants must sign an affidavit through the City Clerk's office as part of the registration
- If at any time a permit is revoked, or the owner is unable to care for their hens, the Cornell Cooperative Extension Office will work with the owners to rehome the hens.

Additional information for residences in the pilot program:

Registration Process:

- There is a one-time \$35 registration fee, paid to the Ithaca City Clerk's office
- It is recommended to work with Cornell Cooperative Extension Office staff for any questions or guidance related to coop construction and general chicken keeping.

ORDINANCE __-2015

An Ordinance Amending Chapter 164 of the City of Ithaca Municipal Code

WHEREAS, Chapter 164 of the City of Ithaca Municipal Code prohibits the keeping of chickens in the City, and;

WHEREAS, the City has received requests from citizens to allow chickens in backyard coops and there is an active backyard chicken movement within the City, and;

WHEREAS, chicken keeping is part of a larger sustainability trend to allow citizens to grow their own foods – including fruits, vegetables and honey production – by reducing barriers, which restrict local food production. These sustainability trends are congruent with the City’s Comprehensive Plan goals, such as support for our community gardens and active living initiatives, and;

WHEREAS, the Common Council desires to enable the keeping of backyard chickens in the City; now therefore,

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

Section 1. Findings of Fact. The Common Council finds that backyard chickens, if properly maintained, can prove a positive initiative for the City, promoting food sustainability, increasing animal welfare and providing fresh eggs free from pesticides and chemicals, without presenting a nuisance to neighboring residents or properties.

Section 2. Amendments to Section 164-2(B).

Section 164-2(B) shall be amended to read as follows:

Exception. This section shall not apply to **the keeping of chickens to the extent authorized by Article III of this Chapter, nor to** any educational, scientific or research institution maintaining, with adequate safeguards as to public health, safety, comfort and convenience, any animals or other creatures for scientific, medical or other research purposes.

Section 3. Amendments to Section 164-4

Section 164-4 shall be amended to read as follows:

Except as provided in the Agriculture and Markets Law, a violation of this article constitutes a civil offense punishable in accordance with § 1-1 of the City of Ithaca Municipal Code **except that the unlawful keeping of chickens in the City shall be punishable as follows:**

- (a) \$250 for the first violation:
- (b) \$500 for the second violation: and
- (c) \$750 for the third or subsequent violation.

These penalties shall be in addition to any other penalties provided by law.

Section 4. Creation of Article III to Chapter 164

An Article III of Chapter 164 is hereby created as follows:

Article III: Backyard Chickens

164-21: Definitions

Lot: As defined in section C-73(C)(1) of the City Charter.

Lot Square Footage: As defined in section C-73(C)(1) of the City Charter.

Property Class Code: As defined in section C-73(C)(1) of the City Charter.

Rear Yard: As defined in section 325-3 of the City Code.

Commented [AL1]: Using PCC's here will be very exact-which is good--but recognize that various PCC-classified single- and two-family homes do house 3+ families (and perfectly legally so).

164-22 Backyard Chickens

The prohibition against keeping chickens in this Chapter shall, during a two-year pilot program that shall expire on May 1, 2018, not apply to up to twenty pilot applicants approved for the keeping of up to four female chickens (hens) per 3,000 Square Foot Lot while the animals are kept in such a manner that all requirements of this Article are satisfied.

164-23: Requirements for Keeping Chickens

- A. Chickens may only be kept on those Lots with a Property Class Code of 210, 215, 220, 240, 250, or substantially identical successor designations.
- B. Chickens may only be kept on those Lots possessing a Lot Square Footage of not less than 3,000 square feet.
- C. No chicken facility or any structure that houses chickens or any fenced pen area, either temporarily or permanently, shall be located within any of the following prohibited areas:
 - 1. Within the setback requirements of the zone in which it is located;
 - 2. Within twenty feet of any adjacent Lot's residential principal structure or accessory structure that contains a residential unit, or within five feet of any principal structure on the Lot housing the chickens; and
 - 3. Within five feet from any abutting residential property line, unless the adjacent owner agrees in writing to a lesser setback.
- D. Chickens may only be kept by a domiciliary of a dwelling unit located on the Lot on which the chickens are kept.
- E. Chickens must be kept in and confined in a properly designed and constructed coop or chickenhouse, or a fenced and covered enclosure, that is at least 4 square feet per chicken in size, which additionally includes a run. Each covered coop

Commented [AL2]: Using PCC's here will be very exact-which is good--but recognize that note that various PCC-classified single- and two-family homes do house 3+ multiple families (and perfectly legally so).

Commented [AL3]: For definitions, see <http://www.tax.ny.gov/research/property/assess/manuals/prclas.htm#residential>.

Commented [AL4]: This means it must be their primary residence...

and run combined shall be located in, and shall not cover more than 50% of, the Rear Yard of the Lot.

- F. It shall be unlawful for any person to allow hens to run at large upon the streets, alleys or other public places of the City, or upon the property of any other person.
- G. During daylight hours the adult chickens shall have access to the chicken coop and, weather permitting, shall have access to an outdoor enclosure on the subject property, adequately fenced to contain the chickens and to prevent access to the chickens by dogs and other predators.
- H. Chicken feed must be in rodent resistant and weather proof containers.
- I. A chicken coop, and the premises where the chicken coop is located, shall be maintained in a condition such that the facility or chickens do not produce noise or odor that creates a nuisance for adjoining Lots and the responsible domiciliary and the owner shall remove any odorous or unsanitary condition. The Lot owner shall be responsible for the repair on any adjoining Lot of any damage caused by the chickens, including but not limited to damage to dwellings, structures and yards, and shall be responsible for any unsafe condition.
- J. The person keeping the chickens shall abide by all Solid Waste Storage and Collection standards of the City's Exterior Property Maintenance Code, §331-7.
- K. Roosters and Guinea Fowl are expressly prohibited, regardless of the age or maturity of the bird.
- L. Pilot registration pursuant to Section 164-24 is required for the keeping of chickens.
- M. Approved pilot registrants must complete a seminar regarding the care of chickens in an urban environment from the Cornell Cooperative Extension Office, or similarly qualified organization acceptable to the Clerks Office.

164-24: Pilot Registration Process and Parameters.

- A. No more than twenty pilot registrations for the keeping of chickens shall be approved under this Article III.
- B. Registratio
n shall take place at the City of Ithaca Clerk's Office upon submission of a \$35 registration fee, and verification of a completed chicken-keeping seminar.
- C. ~~The City Clerk may revoke registration for a specific site via written notice to the property owner when the City Clerk or designee finds, at his or her sole discretion, that any requirements of this Article are not met, a rebuttable presumption of which shall be created by (a) a record of three or more complaints to the Ithaca Police Department about a specific site's chickens, (b) on the recommendation of Cornell Cooperative Extension, or (c) on the recommendation of the Ithaca Police Department. Upon revocation, the City Clerk shall notify the owner in writing of the same, in compliance with sub-section 164-25, and if the revocation stands, the owner must remove the hens from the property in coordination with such assistance as may be available from the Cornell Cooperative Extension Office, who may assist with rehoming them.~~
- D. The City Clerk and Police Department shall, at least three months prior to the expiration of the pilot program, report to a Committee of the Common Council on the status of the pilot program.

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E. Should the pilot program not be extended after the two-year period, Cornell Cooperative Extension Office may help rehome the hens in the program.

~~E. The City Clerk may revoke registration for a specific site via written notice to the property owner when the City Clerk or designee finds, at his or her sole discretion, that any requirements of this Article are not met, a rebuttable presumption of which shall be created by (a) a record of three or more complaints to the Ithaca Police Department about a specific site's chickens, (b) on the recommendation of Cornell Cooperative Extension, or (c) on the recommendation of the Ithaca Police Department. Upon revocation, the City Clerk shall notify the owner in writing of the same, in compliance with sub-section 164-25, and if the revocation stands, the owner must remove the hens from the property in coordination with such assistance as may be available from the Cornell Cooperative Extension Office, who may assist with rehoming them.~~

F.

164-25: Remedies Not Exclusive.

The remedies provided by this Article are cumulative and not mutually exclusive and are in addition to any other rights, remedies, and penalties available to the City under any other provision of law.

- A. Any chickens that are not kept as required in this Article shall be deemed a public nuisance and the owner or custodian shall be given thirty days to rectify the conditions creating the public nuisance. In any case in which the City intends to correct a violation of this chapter, including removing and confiscating any chickens present, and then bill the property owner for the correction of the violation, the City Clerk or his/her designee shall notify the registrant and the owner of the property and, where relevant, the registered agent who has assumed responsibility as outlined in § 178-5 of this Code, in writing, of any violation of this chapter.
- B. Any notice required by this section shall be served in person or by mail to the address on the registration form and the address appearing on the City tax roll, requiring such person, within a time specified in such notice but in no event less than thirty days from the service or mailing thereof, to comply with this chapter and to abate the nuisance and, as appropriate, to remove the chickens. Such notice shall also state that the property owner may contest the finding of the City Clerk by making a written request to have a hearing on the matter held at the next regularly scheduled meeting of the Board of Public Works.
- C. Any request for such a hearing must be mailed and postmarked or personally delivered to the City Clerk within fourteen days of the service or mailing of notice, and any such written request for a hearing shall automatically stay further enforcement concerning the alleged violation pending such hearing. The decision of the Board of Public Works, by majority vote, shall be binding, subject to any further judicial review available to either the City or the property owner.

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- D. Upon the failure of a [registrant or](#) property owner to comply with the notice of violation of this chapter (or, alternatively, to request a hearing as aforesaid within the time limit stated in such notice, or upon a Board of Public Works' determination, after such a hearing, that a violation exists), the City Clerk shall refer the matter, by memorandum, to the Superintendent of Public Works, who shall cause such premises to be put in such condition as will comply and shall charge the cost thereof to the owner of said premises, including a charge of 50% for supervision and administration. The minimum charge to the property owner for such work shall be \$50.
- E. The City Chamberlain shall promptly present to the owner of any parcel so corrected a bill rendered for such services, as certified by the Superintendent of Public Works. If not paid within 30 days, the cost thereof shall be assessed against the property, added to its tax and become a lien thereon, collectible in the same manner as delinquent City taxes. Appeals from this section shall only be permitted if written notice of appeal is received by the Ithaca City Clerk within 45 days after the mailing of the bill from the Chamberlain, and such appeals shall be taken to the Board of Public Works.

Section 5. Severability. Severability is intended throughout and within the provisions of this Ordinance. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

Section 6. Effective Date. This ordinance shall take effect immediately upon publication as provided for in the City Charter.



CITY OF ITHACA
108 East Green Street Ithaca, New York 14850-5690
MAYOR'S OFFICE

NICK GOLDSMITH, SUSTAINABILITY COORDINATOR

Telephone: 607-274-6562
Email: ngoldsmith@cityofithaca.org
Fax: 607-274-6558

To: Planning and Economic Development Committee
From: Nick Goldsmith, Sustainability Coordinator
Date: May 5, 2016

RE: Energy standards for CIITAP program

Below are recommendations for the energy standards to be included in the CIITAP program. These recommendations are informed by the work done by the CIITAP working group, public comments received during and after the working group was active, and research performed since the working group finished.

The recommendations below are consistent with my comments to Jennifer Kuszniir submitted January 6, 2016, but are more stringent than those developed in the CIITAP working group, for a number of reasons:

- Additional evidence of the financial feasibility of building more efficiently
- Increased interest in 2030 District standards at the local, County, and national level
- Additional evidence of other states and local governments adopting goals and policies supporting net-zero construction by the year 2030 or earlier
- Recognition that the City's goal of 80% reduction in greenhouse gas emissions by the year 2050 will not be attainable without dramatic changes to the commercial building sector, which is responsible for 50% of City emissions

RECOMMENDATION

Basic Eligibility Criteria

In order to meet the energy requirement to be eligible for tax abatement under CIITAP, a project/developer must:

- **Conduct annual benchmarking of energy usage during the term of the abatement**
 - Benchmarking would be conducted using the free online software, EPA Energy Star Portfolio Manager. This tracking would show whether the building is using energy at the level designed.
 - Benchmarking report would be provided to the City and to the IDA.

- The information would also be made available to the public.
- **Be designed and constructed to use at least 10% less energy than required by the New York State Energy Code**
 - The New York State code used in this program will be the code that is planned to go into effect October 2016, which is based on the 2015 International Energy Conservation Code (IECC 2015).
 - Buildings would be required to be designed and constructed to meet a certain site Energy Use Index specific to the building type, as indicated in the table below.
 - The Energy Use Index (EUI) is a measure of annual energy use per square foot.
 - The designed EUI would be verified through the process of receiving a NYSERDA rebate for energy efficient new construction, or by an alternate compliance path.

Enhanced Eligibility Criteria

In order to meet the energy requirement to be eligible for an enhanced tax abatement under CIITAP, a project/developer must build to 30% better than code. Specifically, the project/developer must:

- **Conduct annual benchmarking of energy usage during the term of the abatement**
 - Benchmarking would be conducted using the free online software, EPA Energy Star Portfolio Manager. This tracking would show whether the building is using energy at the level designed.
 - Benchmarking report would be provided to the City and to the IDA.
 - The information would also be made available to the public.
- **Be designed and constructed to use at least 30% less energy than required by the New York State Energy Code**
 - The New York State code used in this program will be the code that is planned to go into effect October 2016, which is based on the 2015 International Energy Conservation Code (IECC 2015).
 - Buildings would be required to be designed and constructed to meet a certain site Energy Use Index specific to the building type, as indicated in the table below.
 - The Energy Use Index (EUI) is a measure of annual energy use per square foot.
 - The designed EUI would be verified through the process of receiving a NYSERDA rebate for energy efficient new construction, or by an alternate compliance path.

TO CONSIDER - OPTION B FOR ENHANCED ABATEMENT

In order to meet the energy requirement to be eligible for an enhanced tax abatement under CIITAP, a project/developer must build to 40% better than code. This is in line with the 2030 District Standards, which has the goal of decreasing energy use in new construction, with the ultimate goal of net zero energy construction by the year 2030.

DRAFT Energy Use Standard for CIITAP tax abatement 05-05-16				
Building Type	NYS CODE as of October 2016 (IECC 2015)	BASIC ELIGIBILITY 10% better than code	ENHANCED ELIGIBILITY 30% better than code	TO CONSIDER 40% better than code
	Energy Use Index (annual site energy use per square foot, measured in kBtu)			
Office				
Small Office	30	27	21	18
Large Office	72	65	50	43
Lodging				
Small Hotel	60	54	42	36
Large Hotel	88	79	62	53
Retail				
Standalone Retail	47	42	33	28
Apartment				
Mid-Rise Apartment	44	40	31	26
High-Rise Apartment	48	43	34	29

Source: Energy and Energy Cost Savings Analysis of the 2015 IECC for Commercial Buildings, U.S. DOE, August 2015

Please feel free to contact me with any questions at ngoldsmith@cityofithaca.org or on my cell at 917-270-1683.

City of Ithaca Common Council

Re: Proposed Amendments to the City of Ithaca Community Investment Incentive Tax Abatement Program

January 6, 2016

The Revised CIITAP Policy must be aligned with the more overarching city-wide policies. “Ithaca strives to become a CARBON – NEUTRAL community with the initial goal of reducing community-wide emissions to 80 percent below 2010 levels by 2050 (City of Ithaca Comprehensive Plan)”. The City of Ithaca Energy Action Plan 2012 – 2016 has identified several programs that were to be implemented in this period to assist with the accomplishment of this goal (see Appendix E – Implementation Guide). Tompkins County’s Comprehensive Plan recommended that our community “should be a place where the energy system meets community needs without contributing additional greenhouse gases to the atmosphere”. The County has prepared a Draft Energy Road Map that has identified various scenarios with a mix of energy efficiency, energy conservation, and renewable energy projects that will assist us in reducing our greenhouse gas emissions.

The Energy Road Map has identified as the most implementable and cost effective near-term action as Demand-side Management policies. DSM encourages end users to modify their level and pattern of energy use. The objective of DSM is to provide cost-effective energy and capacity resources to help defer or avoid altogether the need for new sources of power, including generating facilities, power purchases, and transmission and distribution capacity additions. Newly constructed buildings can incorporate energy efficiency directly in their design and construction. It is more technically feasible and economical to design and build an energy efficient building than to retrofit that building at a later point in time. Buildings can also be designed to be more suitable for renewable energy integration. For example, siting a building to have a south-facing roof that is wide, sturdy and gradually pitched, will allow for easier solar PV installation.

Much recent new construction in the City has been facilitated by the CIITAP policy. The City has missed many opportunities to encourage the construction of more highly energy efficient buildings. Such buildings could be constructed to be a very well-insulated, virtually air-tight building that is primarily heated by passive solar gain and by internal gains from occupants, lighting (compact fluorescent),

appliances, cooking, and other heat sources. Energy losses are minimized and extraordinary reductions in carbon emissions can be achieved.

The Revised CIITAP policy provides for an enhanced abatement for those applicants who meet the following criteria: “#5. Sustainable and Energy Requirement. Provide documentation that certifies that their construction will qualify for Base LEED Certification”. It may appear to be counter-intuitive but such a building may require a cost premium to construct that would exceed that of a much more energy efficient building. A commercial building that meets rigorous “passivhaus” standards for insulation and air sealing will reduce heat losses to an absolute minimum. By designing a tight envelope with thick insulation, Passivhaus designers work hard to whittle a building’s space heating load to a bare minimum. Many European designers strive to get the heating load so low that all space heat can be provided by raising the temperature of the ventilation air. The added cost for the air sealing and insulation will be offset by reductions in the size of the mechanical systems required.

Heat pump systems, including air-source heat pumps (ASHP) and ground-source heat pumps (GSHP), are considered energy-efficient alternatives to furnaces and electric heaters. Heat pumps keep buildings warm in winter and cool in summer by transferring heat between indoor and outdoor environments.

It has been argued that CIITAP is not the proper vehicle for instituting policies of general application. Yet almost nothing has been done to apply the policies of the Energy Action Plan and the Comprehensive Plan to the numerous proposals for new construction in the City. I have raised these policy concerns in comments on new construction proposals before the City’s Planning and Development Board. I have received no response to this recommendation from those charged with the decision-making on the projects. The CEQR Part 3 responses to the question of Impacts on Energy have been uniformly reported as “None”. This question has been interpreted as directed at the sufficiency of utility capacity to deliver the required natural gas and electricity. This provision should be revised to ascertain the proposed building’s energy performance and its consistency with elements of the City’s Energy Action Plan

On November 18, 2014 the New York State Fire Prevention and Building Code Council voted to adopt an update to commercial provisions of the Energy Conservation Construction Code of New York State (ECCCNYS). The ECCCNYS establishes *minimum* requirements for energy-efficient buildings using prescriptive and performance-related provisions, and makes possible the use of new materials and innovative techniques that conserve energy. The ECCCNYS

2014, which will primarily effect Commercial building construction and renovation, had an effective date of January 1, 2015. Unfortunately there is a long lag time from advances in building science and their adoption into the Energy Code.

For the past 2 years I have advocated that the City adopt advanced energy codes. This is permissible under New York State law. “Nor shall anything in this article be construed as abrogating or impairing the power of any municipality to promulgate a local energy conservation construction code more stringent than the code” (New York Energy Law, Chapter 17- A, Article 11, State Energy Conservation Construction Code, Section 11-109, Municipal Regulation). The Implementation Guide for the City’s Energy Action Plan indicated that the City would adopt green building ordinances by the end of 2016. Many other NYS municipalities have adopted such measures. It is unfortunate that most of the emphasis in the City has appeared to be on expediting approval of energy inefficient projects in anticipation that more rigorous standards might soon be adopted and thus reduce the likelihood of their construction.

The rationale for my above comments is to address the evidence of increasingly rapid climate change. Recently it was warmer at the North Pole than in parts of the United States. With temperatures in the Arctic rising 2-3 times faster than other locations on Earth the temperature differential with the tropics is decreasing and thus weakening the jet stream with a concomitant shift away from typical weather patterns.

Ice coverage of the Arctic Ocean has been decreasing annually with the possibility that it will be ice free by the end of the century. A third of the Earth’s soil carbon is found in the Arctic tundra soil, stored in frozen organic matter. If the high northern latitudes warm significantly, permafrost will thaw, allowing the organic matter in the permafrost to decompose. The decomposition will release massive amounts of carbon into the atmosphere. The affect this will have on the rate of atmospheric warming could be irreversible.

Also the Greenland glaciers are rapidly melting discharging large amounts of fresh water into the Atlantic Ocean. As a result the Atlantic Meridional Overturning Circulation (the Gulf Stream) is slowing down. This will have a critical impact on global weather patterns and result in increasing sea level rise along the Eastern Seaboard.

Rising surface temperatures in the central and eastern tropical Pacific Ocean, a naturally occurring event, has resulted in this years’ Godzilla El Nino.

Soon this phenomenon will be supplemented by the Madden-Julian Oscillation. Several studies of historical data suggest that the recent El Niño variation is linked to anthropogenic climate change in accordance with the larger consensus on climate change. It has had a massive impact on the economies of the southern United States. Fortunately our community has been spared the most severe human and financial impacts of climate change.

Of the measures required to reduce our greenhouse gas emissions, the above proposal in support of the adoption of Demand-side management policies is considered to be the “low hanging fruit”. If we are willing to stretch our intellectual capacities and work in coordination with developers, architects, engineers, and contractors, high performing energy efficient buildings may be constructed at a relatively similar cost to conventional code compliant buildings with a bonus of having substantially reduced operating costs over time. Unfortunately the City does not yet employ a trusted consultant qualified to provide advice on building science to assist in reducing the perceived barriers to such action.

I realize that this is not a comfortable discussion topic for Common Council members. The planet will soon, if it has not already, crossed critical thresholds. Climate change will not be a linear process but one with feedback loops greatly accelerating the pace of change. Our community needs to address these potential problems before they become more acute. You can not “kick the can down the road” to some yet unidentified future Common Council member. I urge everyone to acknowledge the immediacy of the need to take action and to accept their daunting responsibility to participate in the process of resolving this existential challenge. Thank you.

Brian Eden

Chair, Energy Committee

Tompkins County Environmental Management Council

From: Ed Marx [emarx@tompkins-co.org]

Sent: Monday, January 04, 2016 4:47 PM

To: Nick Goldsmith; Katie Borgella

Subject: Re: FW: Proposed Amendment: Community Investment Incentive Tax Abatement Program (CIITAP)

Nick,

This is what we suggest:

1. The Standard Abatement minimum requirement for Environmental Sustainability should require **both** Energy Benchmarking **and** a LEED certified design. A LEED certified design should be relatively easily achieved and cost effective in a downtown location.
2. The Environmental Sustainability Benefit requirements for standard and enhanced abatements should be reviewed and revised, as appropriate, after completion of the IDA Green Energy Incentive study. We expect to complete that in April or May and the purpose of that study is to identify what level of energy efficiency/renewable energy can be achieved at a reasonable ROI and what incentive may be warranted to achieve higher levels.

Hope these suggestions are helpful.

Ed

Ed Marx, AICP
Commissioner of Planning
Tompkins County
(607) 274-5560
emarx@tompkins-co.org

City of Ithaca
Planning & Economic Development Committee
Wednesday, April 13, 2016 – 6:00 p.m.
Common Council Chambers, City Hall, 108 East Green Street

Minutes

Committee Members Attending:	Joseph (Seph) Murtagh, Chair; Graham Kerslick, Ducson Nguyen, Cynthia Brock, and Josephine Martell
Committee Members Absent:	Aldersperson Graham Kerslick
Other Elected Officials Attending:	Aldersperson George McGonigal; Mayor Svante Myrick (arrived at 6:30 p.m.)
Staff Attending:	JoAnn Cornish, Director, Department of Planning, Building, Zoning, and Economic Development; Lisa Nicholas, Senior Planner; Lynn Truame, Ithaca Urban Renewal Agency (IURA); Nels Bohn, Director, Ithaca Urban Renewal Agency (IURA); Deborah Grunder, Executive Assistant

Others Attending:

Chair Seph Murtagh called the meeting to order at 6:04 p.m.

1) Call to Order/Agenda Review

There were no changes made to the agenda.

2) Public Comment and Response from Committee Members

David Nutter, 243 Cliff Street, spoke regarding the email he sent after the circulation of the geese ordinance. He has several questions of which are attached to these minutes. If the habitat remains the same, the geese will continue to be here. Most people are pretty tolerant. More people should be. Don't start a war.

Dan Hoffman, 415 Elm Street, spoke on the 401 Lake Street property. He's a member of the Natural Areas Commission. It's great to see the City acknowledging that this property is part of the natural areas.

Ann Sullivan, spoke on the lack of representation from anyone in the ward she lives in. She pointed out that both Council committees should have equal representation of all wards. It's not right, it's not democratic, and it's not fair.

Joanie Groome, 433 North Tioga, spoke on the backyard chickens. The language has changed in this ordinance. It will also allow residents to slaughter chickens in their back yards. She opposes the change in the wording permitting the slaughter of chickens. The killing of any healthy animal should not be allowed.

Aldersperson Brock thanked Ann Sullivan for coming forward. She supports her comments. She also thanked Joanie Groome stating that the current ordinance doesn't have any prohibition of slaughter.

Aldersperson Martell commented on David Nutter's comments. She hasn't had time to review the questions but will do so and will respond.

Chair Murtagh responded to Ann Sullivan's comments. The Mayor is responsible for making the appointments. Appointing certain council members on certain committees and not having an equal representation is not intentional, but were distributed based on Council's requests and expertise.

3) Special Order of Business

a) Public Hearing: Incentive Zoning for Affordable Housing

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

Ann Sullivan, 109 Irving Place, stated this is a very complex problem and is of concern to her. There is an item within the ordinance that would allow any single family home to add an apartment and rent it at an affordable rate. This may lead to neighborhoods being turned into student housing. The elimination of site-plan review is bad idea. Developers can wait a month for public comment before they start to build. Regarding the Collegetown Plan, she feels this might be detrimental in the long run.

Nathan Lyman, 1322 East State Street, Ithaca, pointed out that this is a Type I action and requires site-plan review. He submitted a document that further states his thoughts on this subject.

Aldersperson Brock moved to close the public hearing; Aldersperson Martell seconded it. Passed unanimously.

b) Public Hearing: (TM)PUD Application – Cherry Street Arts Space

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

No one from the public spoke on this topic.

Aldersperson Martell moved to close the public hearing; Aldersperson 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.

Aldersperson Brock stated the time a developer has to spend to get his project through is too long. We need to create a process that will accommodate everyone involved. We can keep the integrity of the program and still move it forward quicker. An affordable housing fee may be useful here in Ithaca. By contributing a fee, developers will help to encourage affordable housing. Current needs can be studied to determine the right fee to charge. It can be a predictable fee. 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.

Aldersperson 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.

Aldersperson 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 Aldersperson Brock; seconded by Aldersperson 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

WHEREAS, the Board of Public Works approved several locations for future murals and street art, including the Department of Public Works facilities on First Street, by resolution on May 19, 2010

WHEREAS, Danielle Hodgins has submit her proposal for a mural titled "Beyond the Dust" to be installed on the Route 13- facing façade of the Water & Sewer workshop on First Street, as part of the PAC's Mural and Street Art Program, and

WHEREAS, the PAC held a public comment period on the mural design and location at its meeting on March 23, 2016 to gather input on the proposed installation, and all of the responses to the proposal have been positive, and

WHEREAS, the mural will be funded through the Community Arts Partnership's Public Art Grant, and the installation will be budget-neutral to the City, and

WHEREAS, at its meeting on March 23, 2016, the Public Art Commission voted to recommend that the Common Council select Danielle Hodgins's mural to be installed on the Water & Sewer workshop; now, therefore, be it

RESOLVED, that the City of Ithaca Common Council selects Danielle Hodgins's mural "Beyond the Dust," as recommended by the Public Art Commission, to be installed on the Route 13-facing façade of the Water & Sewer workshop on First Street and to be added to the City of Ithaca's public art collection; and be it further

RESOLVED, that the selected artist may proceed with the installation of the mural upon the execution of an agreement with the City as reviewed by the City Attorney.

b) (TM)PUD Application: Cherry Street Arts Space

Aldersperson Martell moved the ordinance; seconded by Aldersperson Nguyen. Passed unanimously.

Aldersperson Brock had several concerns one being noise. The footprint may be small, but outdoor events may become much larger events; and become a possible breach of the noise ordinance.

JoAnn Cornish stated she would hate to see the development of the waterfront be deterred due to the possible noise.

c) Resolution to New York State Concerning Property Taxes on Resale Restricted Homes

Resolution Urging New York State to Amend the Real Property Tax Law to Allow Tompkins County the Option to Provide a Partial Exemption to Residential Properties Subject to Resale Restrictions

Moved by Aldersperson Martell; seconded by Aldersperson Nguyen. Passed Unanimously.

WHEREAS, there is a demonstrable and critical shortage of affordable housing within the City of Ithaca and Tompkins County; and

WHEREAS, this Common Council has attempted to address that shortage through a number of measures, including financial participation with Tompkins

County and Cornell University to create the Community Housing Development Fund that provides subsidies for creation of affordable housing; and

WHEREAS, Section 501(c)(3) of the Internal Revenue Code allows for the creation of nonprofit entities that have as one of their purposes the acquisition of land to be held for the primary purpose of providing affordable homeownership through the implementation of deed or ground lease restrictions; and

WHEREAS, the nonprofit agency is subject to an initial regulatory agreement restricting purchase of these properties in accordance with an income test; and

WHEREAS, such programs are known generically as community land trusts, and

WHEREAS, with the support and encouragement of the members of the Community Housing Development Fund, the community land trust model is being utilized in Tompkins County as a means to develop affordable housing that remains affordable throughout its existence by means of limitations on future resale prices; and

WHEREAS, while the limitation on resale prices promotes long-term affordability, New York State's Real Property Tax Law does not allow consideration of such limitations when determining the assessed valuation of property participating in a community land trust, resulting in assessed values that can far exceed the restricted resale value of the property and a property tax burden well in excess of that borne by properties that have similar resale values in the marketplace; and

WHEREAS, this adverse element of the Real Property Tax Law is deterring the development and purchase of homes through the community land trust program and is therefore exacerbating the shortage of affordable housing in Tompkins County; and

WHEREAS, it is in the interest of City of Ithaca to address that deterrent to the development of affordable housing; and

WHEREAS, the Ithaca Urban Renewal Agency recommends the Common Council adopt a resolution supporting a change in Real Property Tax law so owner-occupied, resale-restricted affordable residences incur a property tax bill similar to residential properties with similar resale values in the City; now, therefore, be it

RESOLVED, the Common Council for the City of Ithaca urges the New York State Legislature to amend the Real Property Tax Law by creating a new section of law that would allow Tompkins County, by local law, to grant a partial exemption equal to the difference between the full resale value absent any restriction and the maximum resale value of said property established by said

ground lease to residential properties located on land owned by a nonprofit entity and subject to a ground lease or deed restrictions which restrict the resale price of the property for at least 30 years, and be it further

RESOLVED, that this resolution be delivered to appropriate elected officials and the County Assessor.

d) 401 Lake Street: Consideration of NAC Recommendation

Consideration of Natural Areas Commission Recommendations Regarding 401 Lake Street - Declaration of Lead Agency

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

WHEREAS, the City of Ithaca Common Council has reviewed the Natural Area Commission's (NAC) recommendations regarding the city-owned 401 Lake Street property (tax parcel #12.-1-2), and

WHEREAS, the City is considering the following action:

1. Retain 401 Lake Street for public use and designate it for inclusion in the Ithaca Falls Natural Area;
2. Fund demolition and removal of the vacant house at 401 Lake Street;
3. Direct staff to circulate a concept memo to rezone 401 Lake Street and tax parcel #12.-1-1 from R-3b to P-1;
4. Authorize submission of a grant application to fund management plans, and

WHEREAS, items #1 and #2 above are Type I action under the City Environmental Quality Review Ordinance (CEQRO) due to the site's close proximity to Fall Creek and the Ithaca Falls Natural Area, which requires environmental review, and

WHEREAS, items #3 and #4 above are Type II actions that require no further environmental review at this time, and

WHEREAS, State Law and Section 176.6 of CEQRO require that a Lead Agency be established for conducting environmental review of proposed actions in accordance with local and state environmental law, and

WHEREAS, State Law specifies that the Lead Agency shall be that local agency which has primary responsibility for approving, funding or carrying out the action, and

WHEREAS, no other agency has jurisdiction to fund, approve or undertake the proposed action; now, therefore, be it

RESOLVED, that the City of Ithaca Common Council does hereby declare itself Lead Agency for the environmental review of the above listed action.

Consideration of Natural Areas Commission Recommendations Regarding 401 Lake Street – Environmental Determination

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

WHEREAS, the City of Ithaca Common Council has reviewed the Natural Area Commission's (NAC) recommendations regarding the city-owned 401 Lake Street property (tax parcel #12.-1-2), and

WHEREAS, the City is considering the following action:

1. Retain 401 Lake Street for public use and designate it for inclusion in the Ithaca Falls Natural Area;
2. Fund demolition and removal of the vacant house at 401 Lake Street;
3. Direct staff to circulate a concept memo to rezone 401 Lake Street and tax parcel #12.-1-1 from R-3b to P-1;
4. Authorize submission of a grant application to fund management plans, and

WHEREAS, the City of Ithaca Common Council declared itself Lead Agency for the environmental review of this proposed action, and

WHEREAS, the proposed action is categorized as a Type I action under the City Environmental Quality Review Ordinance (CEQRO), which requires environmental review, and

WHEREAS, the City of Ithaca Common Council, acting as Lead Agency for the environmental review, has reviewed and accepted as adequate a Full Environmental Assessment Form, Part 1, and Part 2, prepared by Ithaca Urban Renewal Agency staff; now, therefore, be it

RESOLVED, that the City of Ithaca Common Council hereby determines that the proposed action listed above generally regarding 401 Lake Street (tax parcel #12.-1-2) will result in no significant impact on the environment and that a Negative Declaration for purposes of Article 8 of the Environmental Conservation Law be filed in accordance with the provisions of Part 617 of the State Environmental Quality Review Act.

Consideration of the Natural Area Commission's Recommendations regarding 401 Lake Street – Action

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

WHEREAS, the City of Ithaca acquired property located at 401 Lake Street (tax parcel #12.-1-2) and vacant tax parcel #12.-1-1 through tax foreclosure proceedings in 2015, and

WHEREAS, the 401 Lake Street property contains a vacant, boarded-up 840 square foot single family dwelling located immediately adjacent to Fall Creek, and

WHEREAS, on June 3, 2015, the Common Council took action to:

- retain ownership of the 401 Lake Street and tax parcel #12.-1-1;
- direct staff to consider rezoning 401 Lake Street and tax parcel #12.-1-1 from R-3b to a P-1 zoning district designation
- designate tax parcel #12.-1-1 for inclusion in the Ithaca Falls Natural Area; and

WHEREAS, on June 3, 2015, a decision whether to retain 401 Lake Street for public use and designate it for inclusion in the Ithaca Falls Natural Area was postponed pending review by the Natural Areas Commission (NAC), and

WHEREAS, the NAC recommends the following actions:

1. Retain 401 Lake Street for public use and designate it for inclusion in the Ithaca Falls Natural Area;
2. Rezone 401 Lake Street and the adjacent tax parcel #12.-1-1 from R-3b to P-1;
3. Demolish and remove the vacant house at 401 Lake Street;
4. Undertake a management plan for the Ithaca Falls Natural Area; and

WHEREAS, the City of Ithaca comprehensive plan, *Plan Ithaca*, recommends that land use decisions be made in accordance with the Future Land Use Map, which designates both parcels in an Environmentally Sensitive land use category, and

WHEREAS, *Plan Ithaca* also includes a goal that “[g]orges throughout the city will be protected to ensure their continuation as critical natural assets for current and future use”, and

WHEREAS, the proposed P-1 zoning district allows public recreation and municipal uses and facilities, but prohibits residential uses, and

WHEREAS, the City Administration will consider NAC recommendations requiring funding, such as demolition of the structure at 401 Lake Street, and

WHEREAS, Under the City Environmental Quality Review Ordinance (CEQRO), the NAC recommendations are classified as follows:

- Type I (due to proximity to Fall Creek) - Designation of city-owned parcels into the Ithaca Falls Natural Area
- Type I - Rezoning to P-1
- Type I (due to proximity to Fall Creek) - Demolition of structure at 401 Lake Street
- Type II - Development of management plans, and

WHEREAS, the proposed action under consideration by the PEDC is designation of 401 Lake Street and tax parcel #12.-1-2 into the Ithaca Falls Natural Area and circulation of a concept memo to rezone the above properties, which are classified under the City Environmental Quality Review Ordinance (CEQRO) as a Type I action and an Exempt action, respectively, and

WHEREAS, the proposed action under consideration by the City Administration Committee to fund demolition of the vacant structure at 401 Lake Street is a Type I action, and

WHEREAS, environmental review has been completed for proposed actions; now, therefore, be it

RESOLVED, that the Planning and Economic Development Committee for the City of Ithaca hereby directs staff to prepare and circulate a concept memo to rezone property located at 401 Lake Street and the adjacent City-owned tax parcel #12.-1-1 from R-3b to P-1, and be it further,

RESOLVED, that the Common Council hereby designates the property located at 401 Lake Street for inclusion in the Ithaca Falls Natural Area, and be it further

- Alderperson Brock amended the resolution to add a third Resolved, seconded by Alderperson Martell. Passed Unanimously.

RESOLVED, the Planning and Economic Development Committee hereby directs the staff to prepare and circulate a standby proposed resolution and environmental review for an alternative action to sell 401 Lake Street for full market price in the event that the resolution to retain to demolish the structure at 401 Lake Street fails to be adopted.

e) Cell Tower Ordinance Changes

Adoption of Revisions to the City Zoning Ordinance, Chapter 325, Article VA, "Telecommunications Facilities and Services", § 325-29.9, Fall Zone and Setback Requirements for Tier Three PWSF's, to Lower the Required Fall Zone to 120% of the height of the tower.

The Declaration of Lead Agency for Environmental Review

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

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

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

WHEREAS, the proposed zoning amendment is an "Unlisted" Action pursuant to the City of Ithaca Environmental Quality Review Ordinance, (CEQR), §176-4 which requires review under CEQR; now, therefore, be it

RESOLVED, that Common Council of the City of Ithaca does hereby declare itself lead agency for the environmental review for the adoption of revisions to City Zoning Ordinance, Chapter 325, Article VA, "Telecommunications Facilities and Services", § 325-29.9, Fall Zone and Setback Requirements for Tier Three PWSF's, to Lower the Required Fall Zone to 120% of the height of the tower.

Adoption of Revisions to the City Zoning Ordinance, Chapter 325, Article VA, "Telecommunications Facilities and Services", § 325-29.9, Fall Zone and Setback Requirements for Tier Three PWSF's, to Lower the Required Fall Zone to 120% of the height of the tower.

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

WHEREAS, the City of Ithaca is considering a proposal to revise the City Zoning Ordinance, Chapter 325, Article VA, "Telecommunications Facilities and Services", § 325-29.9, Fall Zone and Setback Requirements for Tier Three PWSF's, to lower the required fall zone to 120% of the height of the tower, and

WHEREAS, the proposed action is an "Unlisted" Action pursuant to the City of Ithaca Environmental Quality Review Ordinance, (CEQR), §176-4 which requires review under CEQR, and

WHEREAS, the Common Council for the City of Ithaca did, on April 13, 2016, declare itself lead agency for this action, and

WHEREAS, upon direction from the Planning and Economic Development Committee of Common Council, the proposed revision was circulated to various boards and committees in a memo dated January 21, 2016, and

WHEREAS, the proposed revision has been reviewed by the Tompkins County Planning Department pursuant to §239-l-m of the New York State General Municipal

Law, which requires that all actions within 500 feet of a county or state facility, including county and state highways, be reviewed by the County Planning Department, and

WHEREAS, the proposed revision has also been reviewed by the City of Ithaca Conservation Advisory Council, and the City of Ithaca Planning and Development Board, and

WHEREAS, a public hearing for the proposed revision was held on February 10, 2016, at the meeting of the Planning and Economic Development Committee, and

WHEREAS, the Common Council of the City of Ithaca, acting as Lead Agency, has reviewed the Full Environmental Assessment Form Parts 1, 2, and 3, prepared by Planning Staff and has determined that the adoption of the proposed zoning revision will not have a significant effect on the environment; now, therefore, be it

RESOLVED, that this Common Council, as lead agency in this matter, hereby adopts as its own, the finding and conclusions more fully set forth on the Full Environmental Assessment Form, and be it further

RESOLVED, that this Common Council, as lead agency in this matter, hereby determines that the proposed action at issue; Adoption of Revisions to the City Zoning Ordinance, Chapter 325, Article VA, "Telecommunications Facilities and Services", §325-29.9, Fall Zone and Setback Requirements for Tier Three PWSF's, to Lower the Required Fall Zone to 120% of the height of the tower, will not have a significant effect on the environment, and that further environmental review is unnecessary, and be it further

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

An Ordinance to Amend the City of Ithaca Municipal Code, Chapter 325, Article VA, Entitled "Zoning," "Telecommunications Facilities and Services", § 325-29.9, Fall Zone and Setback Requirements for Tier Three PWSF's, to Lower the Required Fall Zone to 120% of the height of the tower.

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

ORDINANCE NO. 2016-_____

BE IT ORDAINED AND ENACTED by the Common Council of the City of Ithaca that Chapter 325, Article VA, Section 325-29.9, be amended as follows:

Section 1. Chapter 325 (“Zoning”), Article VA, Section 325-29.9 is hereby amended to change the approval process for a Planned Unit Development Zone to allow the Common Council to approve a PUD for a multi phased project based on the final site plan approval of the first phase of the project and preliminary site plan approval of subsequent phases of the project, and shall read as follows:

§ 325-29.9 Fall zone and setback requirements for Tier Three PWSF’s

Tier Three applications shall meet the following standards:

A. **Fall zone.**

- (1) No habitable structure or outdoor area where people congregate shall be within a **fall zone** of 120% of the height of the PWSF or its mount.

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

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

f) **Waterfowl Ordinance**

An Ordinance to Amend the Municipal Code of The City Of Ithaca, Chapter 164, Entitled “Dogs and Other Animals” To Prohibit the Feeding of Waterfowl on City Property

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

WHEREAS, the City has been struggling with considerable human-wildlife conflict resulting from a burgeoning geese population on habitable lands, and

WHEREAS, the conflict between people and waterfowl is particularly pronounced on the City’s playing fields and parklands where people like to recreate, and

WHEREAS, feeding of waterfowl contributes to the concentration of such birds in areas frequented by the public by encouraging birds to congregate for food, and

WHEREAS, feeding of waterfowl can be detrimental to their health as waterfowl can suffer from nutritional disorders, such as calcium deficiencies and bone disease, as a result of the poor quality of food like bread and corn that is typically fed to geese in public settings, and

WHEREAS, feeding of waterfowl causes behavioral changes in the geese by decreasing their fear of humans and encouraging to remain in locations where public feeding is taking place, and

WHEREAS, the concentration of waterfowl can be destructive to lawns and can interfere with the planned use of parklands, and the resultant quantities of feces can create public health concerns and reduce the aesthetic and recreational value of parks and other public property; now, therefore,

ORDINANCE NO. _____

BE IT ORDAINED AND ENACTED by the Common Council of the City of Ithaca that Chapter 164 of the Municipal Code of the City of Ithaca be amended as follows:

Section 1. Chapter 164 of the Municipal Code is hereby amended to add a new Article to be inserted as Article III, Waterfowl.

Section 2. Chapter 164, Article III is hereby created to read as follows:

Article III: Waterfowl

§164-21 Applicability.

This article shall apply to all areas of the City of Ithaca.

§164-22 Definitions.

As used in this article, the following words shall have the meanings indicated:

WATERFOWL

Members of any and all species of wild and domestic aquatic birds, including but not limited to ducks, geese, and swan.

§164-23 Feeding prohibited.

It shall be unlawful to provide feed, including, but not limited to, bread, corn, and other grains, to any waterfowl on public property. It shall be unlawful to provide feed, including, but not limited to, bread, corn, and other grains, to any waterfowl on private property without the prior approval of the owner of such property.

§164-24 Enforcement; appearance ticket.

All police officers in the City shall administer and enforce the provisions of this article and for such purpose shall have the authority to issue appearance tickets.

§164-25 Penalties for offenses.

Except as provided in the Agriculture and Markets Law, a violation of this article constitutes a civil offense punishable in accordance with §1-1 of the City of Ithaca Municipal Code. These penalties shall be in addition to any other penalties provided by law.

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

7) Review and Approval of Minutes

- a) March 2016 – Moved by Alderperson Brock; seconded by Alderperson Martell. Passed unanimously.

8) Adjournment

Moved by Alderperson Nguyen; seconded by Alderperson Martell. Passed unanimously. The meeting was adjourned at 9:15 p.m.