**Planning & Economic Development Committee Agenda**

Date: May 17, 2023  
Time: 6 pm  
Location: City Hall, 108 E Green Street, 3rd Floor, Council Chambers  
Watch Online: [City of Ithaca Public Meetings YouTube Channel](https://www.youtube.com)

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

<table>
<thead>
<tr>
<th>Item</th>
<th>Voting Item</th>
<th>Presenter</th>
<th>Time Start</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Call to Order/Agenda Review</td>
<td>No</td>
<td></td>
<td>6:00</td>
</tr>
<tr>
<td>2) Public Comment</td>
<td>No</td>
<td></td>
<td>6:05</td>
</tr>
<tr>
<td>3) Special Order of Business</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Public Hearing – Amendment to HUD Citizen Participation Plan</td>
<td>Yes</td>
<td>Nels Bohn, IURA Director</td>
<td>6:20</td>
</tr>
<tr>
<td>4) Announcements, Updates, Reports</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Plus One ADU Funding</td>
<td>No</td>
<td>Dela Yarrow, INHS</td>
<td>6:25</td>
</tr>
<tr>
<td>b) Working Group on Unsanctioned Encampments – Update</td>
<td>No</td>
<td>Lisa Nicholas, Planning Director</td>
<td>6:35</td>
</tr>
<tr>
<td>c) STR Update – Timeline Update</td>
<td>No</td>
<td>Lisa Nicholas, Planning Director</td>
<td>6:45</td>
</tr>
<tr>
<td>5) Voting Items (To Council)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) 2023 HUD Entitlement Action Plan</td>
<td>Yes</td>
<td>Anisa Mendizabal, IURA</td>
<td>6:55</td>
</tr>
<tr>
<td>b) Amendment to HUD Citizen Participation Plan</td>
<td>Yes</td>
<td>Nels Bohn, IURA Director</td>
<td>7:05</td>
</tr>
<tr>
<td>6) Vote to Circulate</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Private Tree Ordinance</td>
<td>Yes</td>
<td>Jeanne Grace, City Forester</td>
<td>7:15</td>
</tr>
<tr>
<td>b) Smokestack – Resolution to Approve Condition Assessment</td>
<td>Yes</td>
<td>Bryan McCracken, Historic and Neighborhood Planner</td>
<td>7:45</td>
</tr>
<tr>
<td>7) Review and Approval of Minutes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) April 2023 – Distributed Under Separate Cover</td>
<td>Yes</td>
<td>All</td>
<td>8:15</td>
</tr>
<tr>
<td>8) Adjournment</td>
<td>Yes</td>
<td>All</td>
<td>8:20</td>
</tr>
</tbody>
</table>

If you have a disability and require accommodations in order to fully participate, please contact the City Clerk at 274-6570 by 12:00 noon on Tuesday, May 16, 2023.
How to Participate in the meeting:

**Register to Speak at the Meeting Via Zoom**

At 9:00 am on the day of the PEDC meeting, a link will be opened on the Committee Webpage for people to register to speak at the beginning of the meeting. Registration will close at 3:00 pm the day of the meeting in order to allow staff to prepare and distribute an e-mail with the meeting link to the registered speakers. The first hour of the meeting will be dedicated to public speaking. Based on the total number of speakers, speaking times may be adjusted to fit within the public comment period. In person speakers will be called to speak first in order to decrease density in the room. Remote speakers will be called to speak in the order that they were registered. You must be present in the meeting, however you participate, when it is your turn to speak or you will forfeit your time. Remote speakers may use video or telephone to participate.

**Email Common Council Your Comments**

Written comments can be submitted to Common Council using this form: PEDC Public Comment Form. Comments should be submitted no later than 5:00 pm the day before the meeting in order to give Committee members time to review them. Comments received after 5:00 pm will be saved for consideration at the next meeting.

**Watch the meeting Live**

A live stream of the meeting is available on the City’s YouTube Channel: https://www.youtube.com/channel/UC7RtJN1P_RFaFW2lVCnTrDg

Meetings are also archived on this site for on-demand viewings. The agenda and written materials will be posted on the City’s Agenda Center prior to the meeting. Following the meeting, a recording of the proceedings will be posted on the City’s YouTube Channel and minutes will be made available here.
The City of Ithaca’s draft 2023 Action Plan is available for public comment from Tuesday, April 25, 2023 until 5:00 p.m., Wednesday, May 31, 2023, either digitally using this link or at IURA offices. To request a hardcopy, please contact IURA Community Development Planner at: (213) 220-3522. Written comments may be submitted via e-mail at: amendizabal@cityofithaca.org. The Planning and Economic Development Committee (PEDC) of Ithaca Common Council will hold a Public Hearing for the draft plan at 6:00 p.m., Wednesday, May 17, 2023. This hearing will be the second of two Public Hearings to gain public input on development of the 2023 Action Plan. The public is encouraged to participate. For instructions on how to give verbal comment at this hybrid meeting — whether remote or in-person — please view the PEDC agenda at: http://www.cityofithaca.org/agendacenter or call: (213) 220-3522. The Public Hearing can also be viewed non-interactively on the City of Ithaca’s YouTube Channel: https://www.youtube.com/channel/UC7RtJN1P_RFaFW2IVCnTrDg. Written comments on the draft plan may be submitted to IURA at: amendizabal@cityofithaca.org and must be received by 5:00 p.m., May 31, 2023. If you have a disability and require further accommodation to fully participate, or have any other questions, please contact amendizabal@cityofithaca.org or (213) 220-3522 at least 48 hours prior to the meeting.

Following is a summary list of proposed 2023 activities:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Sponsor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Beacon</td>
<td>INHS</td>
<td>$199,900 [HODAG]</td>
</tr>
<tr>
<td>Homeowner Rehab Program</td>
<td>INHS</td>
<td>$146,250</td>
</tr>
<tr>
<td>Minor Repair Program</td>
<td>INHS</td>
<td>$40,000</td>
</tr>
<tr>
<td>CHT Sears St. Development</td>
<td>INHS</td>
<td>$100,000</td>
</tr>
<tr>
<td>312 S. Plain St. Duplex</td>
<td>Habitat for Humanity of TCC</td>
<td>$95,061.60</td>
</tr>
<tr>
<td>Security Deposit Assistance Program</td>
<td>Catholic Charities of TT</td>
<td>$37,500</td>
</tr>
<tr>
<td>SJCS Sober Living Reintegration Services</td>
<td>St. John’s Community Services</td>
<td>$88,000</td>
</tr>
<tr>
<td>Building Quality Career Paths Through Reuse</td>
<td>Finger Lakes ReUse</td>
<td>$78,595</td>
</tr>
<tr>
<td>Work Preserve Job Training: Job Placements</td>
<td>Historic Ithaca</td>
<td>$67,500</td>
</tr>
<tr>
<td>Hospitality Employment Training Program</td>
<td>GIAC</td>
<td>$54,320</td>
</tr>
<tr>
<td>Shared Kitchen Ithaca (SKI): Microenterprise Dev.</td>
<td>Friends of IFM</td>
<td>$32,500</td>
</tr>
<tr>
<td>2-1-1 Info &amp; Referral w/ Housing Navigation</td>
<td>HSC</td>
<td>$32,000</td>
</tr>
<tr>
<td>Work Preserve Job Training: Job Readiness</td>
<td>Historic Ithaca</td>
<td>$13,657</td>
</tr>
<tr>
<td>Immigrant Services Program</td>
<td>Catholic Charities of TT</td>
<td>$40,000</td>
</tr>
<tr>
<td>A Place to Stay: Follow-Up Support</td>
<td>Catholic Charities of TT</td>
<td>$10,000</td>
</tr>
<tr>
<td>Economic Development Loan Fund</td>
<td>IURA</td>
<td>$141,182.40</td>
</tr>
<tr>
<td>CDBG Administration</td>
<td>IURA</td>
<td>$127,542.80</td>
</tr>
<tr>
<td>HOME Administration</td>
<td>IURA</td>
<td>$33,326.40</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>$1,137,435.20</td>
</tr>
</tbody>
</table>

This list assumes anticipated CDBG and HOME awards of $637,714 and $333,264, respectively, and $166,457.20 from anticipated repayments of prior-year economic development loans and other funds.
Proposed Resolution
Common Council
June 7, 2023

Draft 2023 Action Plan: City of Ithaca — 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 2023 Action Plan identifies a specific list of budgeted community development activities to be funded from the 2023 HUD Entitlement Program allocation and associated funds administered by the IURA, and

WHEREAS, the IURA employed an open and competitive project selection process for development of the 2023 Action Plan in accordance with the City’s Citizen Participation Plan, and

WHEREAS, a two-part Public Hearing to review 2023 Annual Action Plan proposals was held on February 23, 2023 and March 2, 2023, and

WHEREAS, on March 8, 2023, the U.S. Department of Housing and Urban Development (HUD) released the 2023 CDBG and HOME funding allocations for the City, and

WHEREAS, available funds to be allocated through the 2023 Action Plan funding process include the following:

<table>
<thead>
<tr>
<th>Amount</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>$637,714.00</td>
<td>CDBG 2023 Allocation</td>
</tr>
<tr>
<td>$140,000.00</td>
<td>CDBG 2023 Projected Program Income</td>
</tr>
<tr>
<td>$15,333.20</td>
<td>CDBG Recaptured/Unallocated Funds</td>
</tr>
<tr>
<td>$333,264.00</td>
<td>HOME 2023 Allocation</td>
</tr>
<tr>
<td>$11,124.00</td>
<td>HOME Recaptured/Unallocated Funds</td>
</tr>
<tr>
<td>$1,137,435.20</td>
<td><strong>Total</strong>, and</td>
</tr>
</tbody>
</table>

WHEREAS, the IURA used an open and competitive project selection process for development of the 2023 Action Plan in accordance with the City of Ithaca’s Citizen Participation Plan, and

WHEREAS, a Public Hearing on the draft Action Plan was held on May 17, 2023; now, therefore, be it

RESOLVED, that the Common Council hereby adopts the City’s 2023 HUD Entitlement Action Plan, including the attached summary table titled “IURA Recommended Draft 2023 Action Plan, City of Ithaca, NY,” dated March 23, 2023, for allocation of the 2023 HUD Entitlement Program award, along with associated funds listed above, and be it further
RESOLVED, that the Urban Renewal Plan shall be amended to include activities funded in the adopted 2023 Action Plan.
## FUNDED PROJECTS

### Draft 2023 HUD Entitlement Program (City of Ithaca, NY) Action Plan

Adopted: March 23rd, 2023

**FUNDED PROJECTS**

<table>
<thead>
<tr>
<th>#</th>
<th>Project Description</th>
<th>Sponsor</th>
<th>Funding Request</th>
<th>Matching Funds [Sec. &amp; Unsec.]</th>
<th>Total Project Cost</th>
<th>AVAILABLE FUNDING</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The Beacon</td>
<td>Ithaca Neighborhood Housing Services, Inc. (INHS)</td>
<td>$199,000.00</td>
<td>$22,746,683.00</td>
<td>$240,782.20</td>
<td>$199,000</td>
</tr>
<tr>
<td>2</td>
<td>Homeowner Rehab</td>
<td>Ithaca Neighborhood Housing Services, Inc. (INHS)</td>
<td>$195,000.00</td>
<td>$22,583.20</td>
<td>$217,583.20</td>
<td>$146,250.00</td>
</tr>
<tr>
<td>3</td>
<td>Minor Repair Program</td>
<td>Ithaca Neighborhood Housing Services, Inc. (INHS)</td>
<td>$40,000.00</td>
<td>$123,900.00</td>
<td>$163,900.00</td>
<td>$40,000.00</td>
</tr>
<tr>
<td>4</td>
<td>HCT Sears Street Development*</td>
<td>Ithaca Neighborhood Housing Services, Inc. (INHS)</td>
<td>$100,000.00</td>
<td>$1,738,744.00</td>
<td>$1,838,744.00</td>
<td>$9,500.00</td>
</tr>
<tr>
<td>5</td>
<td>312 S. Plain St. Duplex</td>
<td>Habitat for Humanity</td>
<td>$35,000.00</td>
<td>$287,900.00</td>
<td>$322,900.00</td>
<td>$95,061.60</td>
</tr>
<tr>
<td>6</td>
<td>Security Deposit Assistance for Vulnerable Households</td>
<td>Catholic Charities of Tompkins/Tioga Counties</td>
<td>$37,500.00</td>
<td>$20,304.00</td>
<td>$57,804.00</td>
<td>$37,500.00</td>
</tr>
<tr>
<td>7</td>
<td>SJCS Sober Living Reintegration Services</td>
<td>St. John's Community Services</td>
<td>$106,000.00</td>
<td>$282,900.00</td>
<td>$388,900.00</td>
<td>$88,000.00</td>
</tr>
<tr>
<td>8</td>
<td>Building Quality Career Paths Through ReUse</td>
<td>Finger Lakes ReUse, Inc.</td>
<td>$116,590.70</td>
<td>$149,285.00</td>
<td>$265,875.70</td>
<td>$78,595.00</td>
</tr>
<tr>
<td>9</td>
<td>Work Preserve Job Training Job Placements</td>
<td>Historical Inc.</td>
<td>$67,500.00</td>
<td>$149,966.00</td>
<td>$217,466.00</td>
<td>$67,500.00</td>
</tr>
<tr>
<td>10</td>
<td>Hospitality Employment Training Program (HETP)</td>
<td>Greater Rochester Activities Center, Inc. (GRAC)</td>
<td>$70,000.00</td>
<td>$1,024,940.00</td>
<td>$1,094,940.00</td>
<td>$54,320.00</td>
</tr>
<tr>
<td>11</td>
<td>Shared Kitchen Ithaca (SMK) Food Product Micro-Enterprise Development</td>
<td>Friends of Ithaca Farmers Market</td>
<td>$47,000.00</td>
<td>$32,930.00</td>
<td>$79,930.00</td>
<td>$32,500.00</td>
</tr>
<tr>
<td>12</td>
<td>Economic Development Loan Fund</td>
<td>Ithaca Area Planning Agency</td>
<td>$140,000.00</td>
<td>$140,000.00</td>
<td>$280,000.00</td>
<td>$141,182.40</td>
</tr>
<tr>
<td>13</td>
<td>Construction of 55 affordable housing units targeted to households between 30%-100% Area Median Income (AMI), including 9 households with maintenance needs.</td>
<td>Ithaca Neighborhood Housing Services, Inc. (INHS)</td>
<td>$199,000.00</td>
<td>$22,746,683.00</td>
<td>$240,782.20</td>
<td>$199,000</td>
</tr>
<tr>
<td>14</td>
<td>Construction of 2 new permanently affordable for-sale Community Housing Trust homes at 117 &amp; 119 Sears St., as part of a four- year development, targeted to first-time homebuyers earning less than 85% Area Median Income.</td>
<td>Housing Services, Inc.</td>
<td>$195,000.00</td>
<td>$22,583.20</td>
<td>$217,583.20</td>
<td>$146,250.00</td>
</tr>
<tr>
<td>15</td>
<td>Security deposit to fund 25 LMI households (incl. elderly, disabled, single parents) at risk of homelessness to access stable housing and assisted homes, including 3 deposits for homeless families/children in housing for School Success program.</td>
<td>Ithaca Neighborhood Housing Services, Inc. (INHS)</td>
<td>$40,000.00</td>
<td>$123,900.00</td>
<td>$163,900.00</td>
<td>$40,000.00</td>
</tr>
<tr>
<td>16</td>
<td>Construction of a Reintegration Services facility at 402 S. Albany St. to create 2 owner-occupied affordable for-sale Community Housing Trust homes at 117 &amp; 119 Sears St., as part of a four-year development, targeted to first-time homebuyers earning less than 85% Area Median Income.</td>
<td>Housing Services, Inc.</td>
<td>$100,000.00</td>
<td>$1,738,744.00</td>
<td>$1,838,744.00</td>
<td>$9,500.00</td>
</tr>
<tr>
<td>17</td>
<td>Construction of 2 new permanently affordable for-sale Community Housing Trust homes at 117 &amp; 119 Sears St., as part of a four-year development, targeted to first-time homebuyers earning less than 85% Area Median Income.</td>
<td>Housing Services, Inc.</td>
<td>$100,000.00</td>
<td>$1,738,744.00</td>
<td>$1,838,744.00</td>
<td>$9,5061.60</td>
</tr>
<tr>
<td>18</td>
<td>Construction of 2 new permanently affordable for-sale Community Housing Trust homes at 117 &amp; 119 Sears St., as part of a four-year development, targeted to first-time homebuyers earning less than 85% Area Median Income.</td>
<td>Ithaca Neighborhood Housing Services, Inc. (INHS)</td>
<td>$100,000.00</td>
<td>$1,738,744.00</td>
<td>$1,838,744.00</td>
<td>$9,5061.60</td>
</tr>
<tr>
<td>19</td>
<td>Construction of 2 new permanently affordable for-sale Community Housing Trust homes at 117 &amp; 119 Sears St., as part of a four-year development, targeted to first-time homebuyers earning less than 85% Area Median Income.</td>
<td>Habitat for Humanity</td>
<td>$35,000.00</td>
<td>$287,900.00</td>
<td>$322,900.00</td>
<td>$95,061.60</td>
</tr>
<tr>
<td>20</td>
<td>Construction of 2 new permanently affordable for-sale Community Housing Trust homes at 117 &amp; 119 Sears St., as part of a four-year development, targeted to first-time homebuyers earning less than 85% Area Median Income.</td>
<td>Catholic Charities of Tompkins/Tioga Counties</td>
<td>$37,500.00</td>
<td>$20,304.00</td>
<td>$57,804.00</td>
<td>$37,500.00</td>
</tr>
<tr>
<td>21</td>
<td>Construction of 2 new permanently affordable for-sale Community Housing Trust homes at 117 &amp; 119 Sears St., as part of a four-year development, targeted to first-time homebuyers earning less than 85% Area Median Income.</td>
<td>St. John's Community Services</td>
<td>$106,000.00</td>
<td>$282,900.00</td>
<td>$388,900.00</td>
<td>$88,000.00</td>
</tr>
<tr>
<td>22</td>
<td>Construction of 2 new permanently affordable for-sale Community Housing Trust homes at 117 &amp; 119 Sears St., as part of a four-year development, targeted to first-time homebuyers earning less than 85% Area Median Income.</td>
<td>Habitat for Humanity</td>
<td>$35,000.00</td>
<td>$287,900.00</td>
<td>$322,900.00</td>
<td>$95,061.60</td>
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<td>23</td>
<td>Construction of 2 new permanently affordable for-sale Community Housing Trust homes at 117 &amp; 119 Sears St., as part of a four-year development, targeted to first-time homebuyers earning less than 85% Area Median Income.</td>
<td>Catholic Charities of Tompkins/Tioga Counties</td>
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<td>$57,804.00</td>
<td>$37,500.00</td>
</tr>
<tr>
<td>24</td>
<td>Construction of 2 new permanently affordable for-sale Community Housing Trust homes at 117 &amp; 119 Sears St., as part of a four-year development, targeted to first-time homebuyers earning less than 85% Area Median Income.</td>
<td>St. John's Community Services</td>
<td>$106,000.00</td>
<td>$282,900.00</td>
<td>$388,900.00</td>
<td>$88,000.00</td>
</tr>
<tr>
<td>25</td>
<td>Construction of 2 new permanently affordable for-sale Community Housing Trust homes at 117 &amp; 119 Sears St., as part of a four-year development, targeted to first-time homebuyers earning less than 85% Area Median Income.</td>
<td>Habitat for Humanity</td>
<td>$35,000.00</td>
<td>$287,900.00</td>
<td>$322,900.00</td>
<td>$95,061.60</td>
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<td>26</td>
<td>Construction of 2 new permanently affordable for-sale Community Housing Trust homes at 117 &amp; 119 Sears St., as part of a four-year development, targeted to first-time homebuyers earning less than 85% Area Median Income.</td>
<td>Catholic Charities of Tompkins/Tioga Counties</td>
<td>$37,500.00</td>
<td>$20,304.00</td>
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<td>$37,500.00</td>
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<td>27</td>
<td>Construction of 2 new permanently affordable for-sale Community Housing Trust homes at 117 &amp; 119 Sears St., as part of a four-year development, targeted to first-time homebuyers earning less than 85% Area Median Income.</td>
<td>St. John's Community Services</td>
<td>$106,000.00</td>
<td>$282,900.00</td>
<td>$388,900.00</td>
<td>$88,000.00</td>
</tr>
</tbody>
</table>

### ECONOMIC DEVELOPMENT

**ECONOMIC DEVELOPMENT SUBTOTAL:** $441,899.75

### PUBLIC SERVICES

**PUBLIC SERVICES SUBTOTAL:** $1,014,591.26

### ADMINISTRATION

**ADMINISTRATION SUBTOTAL:** $160,869.20

**TOTALS:** $1,514,168.90

Remaining Balance: $0.00

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(last updated: 4/5/23, revised beneficiaries info: 4/5/23)

*CHDO Set-Aside Eligible Projects*
## 2023 HUD Entitlement Program (City of Ithaca, NY) — Funding Proposals Received

### HOUSING

<table>
<thead>
<tr>
<th>#</th>
<th>Project</th>
<th>Sponsor</th>
<th>Funding Request</th>
<th>Matching Funds (Sec. &amp; Unsec.)</th>
<th>Total Project Cost</th>
<th>AVAILABLE FUNDING</th>
</tr>
</thead>
<tbody>
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<td>$22,748.630.00</td>
<td>$22,948.583.00</td>
<td>$793,047.20</td>
</tr>
<tr>
<td>2</td>
<td>Homeowner Rehab</td>
<td>Ithaca Neighborhood Housing Services, Inc. (INHS)</td>
<td>$195,000.00</td>
<td>$92,583.75</td>
<td>$287,583.75</td>
<td>$344,388.00</td>
</tr>
<tr>
<td>3</td>
<td>Minor Repair Program</td>
<td>Ithaca Neighborhood Housing Services, Inc. (INHS)</td>
<td>$40,000.00</td>
<td>$126,900.00</td>
<td>$166,900.00</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>CHT Sears Street Development</td>
<td>Ithaca Neighborhood Housing Services, Inc. (INHS)</td>
<td>$100,000.00</td>
<td>$1,708,744.00</td>
<td>$1,808,744.00</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>312 S. Plain St. Duplex</td>
<td>Habitat for Humanity</td>
<td>$95,000.00</td>
<td>$287,500.00</td>
<td>$382,500.00</td>
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<td>6</td>
<td>Housing Scholarship Program</td>
<td>The Learning Web, Inc.</td>
<td>$91,800.00</td>
<td>$81,100.00</td>
<td>$172,900.00</td>
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<tr>
<td>7</td>
<td>Security Deposit Assistance for Vulnerable Households</td>
<td>Catholic Charities of Tompkins/Tioga Counties</td>
<td>$37,500.00</td>
<td>$20,304.00</td>
<td>$57,804.00</td>
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<tr>
<td>8</td>
<td>SJCS Sober Living Reintegration Services</td>
<td>St. John's Community Services</td>
<td>$106,000.00</td>
<td>$252,000.00</td>
<td>$871,800.00</td>
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<tr>
<td>9</td>
<td>Village at Ithaca Capital Project Expansion: Housing Component</td>
<td>Village at Ithaca</td>
<td>$199,000.00</td>
<td>$651,000.00</td>
<td>$850,000.00</td>
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**HOUSING SUBTOTAL:** $1,064,200.00 $ 25,968,814.75 $ 27,548,814.75

### ECONOMIC DEVELOPMENT

<table>
<thead>
<tr>
<th>#</th>
<th>Project</th>
<th>Sponsor</th>
<th>Funding Request</th>
<th>Matching Funds (Sec. &amp; Unsec.)</th>
<th>Total Project Cost</th>
<th>AVAILABLE FUNDING</th>
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</thead>
<tbody>
<tr>
<td>10</td>
<td>Building Quality Career Paths Through ReUse</td>
<td>Finger Lakes ReUse, Inc.</td>
<td>$116,599.70</td>
<td>$149,285.56</td>
<td>$265,885.26</td>
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<td>11</td>
<td>Work Preserve Job Training: Job Placements</td>
<td>Historic Ithaca, Inc.</td>
<td>$67,500.00</td>
<td>$144,966.00</td>
<td>$216,466.00</td>
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<td>12</td>
<td>Hospitality Employment Training Program (HETP)</td>
<td>Greater Ithaca Activities Center, Inc. (GIAC)</td>
<td>$70,000.00</td>
<td>$102,940.00</td>
<td>$172,940.00</td>
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<td>13</td>
<td>Shared Kitchen Ithaca (SKI): Food Product Micro-Enterprise Development</td>
<td>Friends of Ithaca Farmers Market</td>
<td>$47,800.00</td>
<td>$32,500.00</td>
<td>$80,300.00</td>
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<td>14</td>
<td>BHU Pre-Apprenticeship Program</td>
<td>Black Hands Universal</td>
<td>$70,000.00</td>
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<td>$120,000.00</td>
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<tr>
<td>15</td>
<td>Economic Development Loan Fund</td>
<td>IURA</td>
<td>$140,000.00</td>
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**ECONOMIC DEVELOPMENT SUBTOTAL:** $511,899.70 $ 619,691.56 $ 1,134,591.26

### PUBLIC FACILITIES/INFRASTRUCTURE

<table>
<thead>
<tr>
<th>#</th>
<th>Project</th>
<th>Sponsor</th>
<th>Funding Request</th>
<th>Matching Funds (Sec. &amp; Unsec.)</th>
<th>Total Project Cost</th>
<th>AVAILABLE FUNDING</th>
</tr>
</thead>
<tbody>
<tr>
<td>16</td>
<td>200 Cecil A. Malone Dr. Sidewalk Fill-In</td>
<td>City of Ithaca</td>
<td>$180,000.00</td>
<td>-</td>
<td>$180,000.00</td>
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**PUBLIC FACILITIES SUBTOTAL:** $180,000.00 $ - $ 180,000.00

### PUBLIC SERVICES

<table>
<thead>
<tr>
<th>#</th>
<th>Project</th>
<th>Sponsor</th>
<th>Funding Request</th>
<th>Matching Funds (Sec. &amp; Unsec.)</th>
<th>Total Project Cost</th>
<th>AVAILABLE FUNDING</th>
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</thead>
<tbody>
<tr>
<td>17</td>
<td>Work Preserve Job Training: Job Readiness</td>
<td>Historic Ithaca, Inc.</td>
<td>$23,000.00</td>
<td>(same as #11 above)</td>
<td>(same as #11 above)</td>
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### ADMINISTRATION

<table>
<thead>
<tr>
<th>#</th>
<th>Project</th>
<th>Sponsor</th>
<th>Funding Request</th>
<th>Matching Funds (Sec. &amp; Unsec.)</th>
<th>Total Project Cost</th>
<th>AVAILABLE FUNDING</th>
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<tbody>
<tr>
<td>18</td>
<td>Immigrant Services Program (ISP)</td>
<td>Catholic Charities of Tompkins/Tioga Counties</td>
<td>$40,000.00</td>
<td>$50,000.00</td>
<td>$90,000.00</td>
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<tr>
<td>19</td>
<td>A Place to Stay: Follow-Up Support for Women Gaining Stability</td>
<td>Catholic Charities of Tompkins/Tioga Counties</td>
<td>$20,000.00</td>
<td>$86,224.00</td>
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<tr>
<td>20</td>
<td>Women’s Empowerment Services &amp; Training WEST</td>
<td>OAR of Tompkins County</td>
<td>$44,000.00</td>
<td>$61,640.00</td>
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**PUBLIC SERVICES SUBTOTAL:** $182,000.00 $ 329,074.00 $ 722,595.00

**TOTALES:**

$2,098,968.90 $ 26,917,580.31 $ 29,704,870.21

Minimum Required Set-Aside of HOME Funds for CHDO Activities (15%): $49,989.60

CHDO Set-Aside Eligible Projects: 2
SUMMARY OF PUBLIC NOTICES
Related to Opportunities for Public Comment on the
2023 Draft Annual Action Plan (AAP)

- The schedule for the 2023 HUD Entitlement Annual Action Planning process has been posted on the IURA website www.ithacaura.org since December 2022. The schedule includes the 30+ day Public Comment Period on the Draft Plan and Public Hearing #2.

- Notice of the availability of the 2023 Draft Annual Action Plan, the 30+ day Public Comment Period, and Public Hearing #2 was published in The Ithaca Journal on April 21, 2023. A copy of the legal notice is included in the PEDC Agenda Packet.

- Additionally, a general Public Comment period is provided at all meetings of the IURA Board and Committees.

SUMMARY OF PUBLIC COMMENTS
2023 Draft Annual Action Plan (AAP)

- As of May 11, 2023, when this document was prepared for PEDC, no public comment had been received since the opening the of the 30+ day Public Comment Period on April 25, 2023.
May 8, 2023

Legal Advertising Department
Central New York Media (The Ithaca Journal)

LEGAL NOTICE
For publication once ASAP in The Ithaca Journal:

Public Hearing Notice
City of Ithaca
Amendment #5 to the Citizen Participation Plan
For the HUD Entitlement Program

The Planning and Economic Development Committee (PEDC) of the Ithaca Common Council will hold a Public Hearing at 6:00 p.m., Wednesday, May 17, 2023 on proposed amendment #5 to the Citizen Participation Plan for the HUD Entitlement Program.

The proposed amendment clarifies:
1. That Department of Housing & Urban Development (HUD) approval is required for any substantial amendments to the annual Action Plan, and
2. Treatment of anonymous public comments.

The proposed amendment can be found at www.IthacaURA.org. For instructions on how to make written or verbal comments, in-person or remote, view the PEDC agenda at: http://www.cityofithaca.org/agendacenter. Contact Nels Bohn at nbohn@cityofithaca.org with any questions.

Please verify receipt of this order upon receipt to: amendizabal@cityofithaca.org. Send invoice to the Ithaca Urban Renewal Agency (IURA), 108 E. Green St., Ithaca, NY 14850.

Account #: 203895
MEMORANDUM

To: Planning & Economic Development Committee members
Date: May 10, 2023
From: Nels Bohn, Director of Community Development
Subject: 5th Amendment to HUD Citizen Participation Plan

The HUD Citizen Participation Plan (CPP) establishes the City’s procedures for involving the public in development and implementation of the City’s U.S. Department of Housing and Urban Development (HUD) Entitlement grant program.

The IURA recommends amendments to the CPP to clarify:
1. The approval process for substantial amendments, and
2. Treatment of anonymous comments received.

Approval Process for Substantial Amendments
Common Council approval is required for any substantial amendment to the 1-year Action Plan or 5-year Consolidated Plan. The proposed amendment clarifies that a locally-approved substantial amendment must also be submitted to HUD for approval.

Anonymous Comment
The current CPP is silent on how to treat anonymous comments received. The amendment provides the following clarification:

“Anonymous comments will be accepted as public comments. Anonymous comments will be treated on a case-by-case basis regarding the specific circumstances involved. Though it will take anonymous comments into consideration in its deliberations, the IURA and City are under no obligation to research or respond to anonymous comments nor verify unsubstantiated claims against organizations or persons submitted anonymously.”

Please find included with this memo a proposed resolution and a redline version of the CPP. Please contact me at nbohn@cityofithaca.org with any questions about this matter.
5th Amendment to HUD Entitlement Citizen Participation Plan:

- HUD Approval for Substantial Amendments
- Anonymous Public Comments

WHEREAS, the Citizen Participation Plan (CPP) establishes the City of Ithaca’s procedures for involving the public in development and implementation of the U.S. Department of Housing and Urban Development (HUD) Entitlement Program, 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, the IURA considered two issues for clarification in the CPP:
1. HUD approval of substantial amendments to a 1-year Action Plan or 5-year Consolidated Plan, and
2. Treatment of anonymous comments received, and

WHEREAS, at their February 23, 2023 meeting the IURA recommended adoption of the proposed 5th Amendment to the CPP; now, therefore, be it

RESOLVED, that the Common Council for the City of Ithaca hereby adopts the 5th amendment to the City of Ithaca HUD Entitlement Citizen Participation Plan, dated January 27, 2023, to clarify:
1. that a proposed substantial amendment to a Consolidated Plan or Action Plan requires approval from the U.S. Department of Housing & Urban Renewal (HUD), and
2. that anonymous public comments received will be accepted and treated on a case-by-case basis regarding the specific circumstances involved.
Proposed 5th Amendment

- HUD approval for substantial program amendments
- Treatment of anonymous public comments received

CITIZEN PARTICIPATION PLAN (CPP)
CITY OF ITHACA
ITHACA URBAN RENEWAL AGENCY\(^1\)

Three important documents are described in this plan and for clarity, they will be identified here:

The **Citizen Participation Plan** describes the City of Ithaca’s procedures for involving the public in development and implementation of the Consolidated Plan and the annual Action Plan. This Plan also stipulates public notice of important communications between the City of Ithaca and the U.S. Department of Housing and Urban Development.

The **Consolidated Plan** identifies top priority community development needs for a five-year period and has a distinct set of requirements for its development. It describes the general over-arching community development needs of the City and describes strategies for addressing these needs.

The annual **Action Plan** contains a description and budget for individual activities to be undertaken in each program year with funding made available through the U.S. Department of Housing & Urban Development (“HUD”). The activities of the Action Plan will address the needs identified in the Consolidated Plan and must also meet the selection criteria listed below.

The **Assessment of Fair Housing (AFH)** is an analysis of fair housing issues in the City of Ithaca and surrounding region is designed to lead to meaningful actions to overcome historic patterns of segregation, promote fair housing choice, and foster inclusive communities that are free from discrimination. The AFH is undertaken in preparation for the Consolidated Plan.

The provisions included in this Citizen Participation Plan are intended to inform the citizens of Ithaca about funding programs available to address community development needs and their regulatory requirements, and identify opportunities to recommend program activities, express views, and comment on the City's

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\(^1\) Originally adopted by the IURA/CDA, March 22, 1983
amended, November 12, 1998
amended, March 8, 2000
comprehensive revisions adopted, February 4, 2004
fair housing revisions adopted 6-9-17
amended, April 23, 2020
amended, July 21, 2021
proposed activities to be undertaken. In addition, citizens will be given a reasonable opportunity to comment on the City’s past performance implementing program activities and any substantial amendments to the Citizen Participation Plan or the Consolidated Plan.

The Common Council shall have ultimate responsibility and authority for the development and execution of its Consolidated Plan. Common Council has selected the Ithaca Urban Renewal Agency (IURA) as the lead agency with primary responsibility for development and administration of the Consolidated Plan, including the implementation of the activities funded through HUD’s Entitlement program.

This Citizen Participation Plan shall become effective immediately upon adoption and shall remain in effect until all activities assisted by HUD funds pursuant to the Consolidated Plan are completed, or until it is superseded by a new or revised plan.

The plan shall provide a process for citizen participation at the community-wide level, at the neighborhood level, and in other areas where multi-component projects are proposed or ongoing. This plan is designed to especially encourage participation by residents of predominantly low and moderate-income neighborhoods and any residents of slum or blighted areas.

IURA Responsibilities

The IURA will be responsible for:

1. Overseeing the development and implementation of the five-year Consolidated Plan, including the following four components:
   - A housing and homeless needs assessment;
   - A housing market analysis;
   - A strategic plan, including identification of non-housing community development needs;
   - An annual one-year Action Plan containing a description and budget for activities to be undertaken in the current program year;
2. Amendments to the Consolidated Plan;
3. Development and implementation of the Citizen Participation Plan;
4. Administration of the Consolidated Plan, including preparation of an annual performance report; and
5. Assessment of Fair housing.

I. CONSOLIDATED PLAN

A. Organization Meetings

At the beginning of the cycle to develop or substantially amend the Consolidated Plan, the IURA will hold an organizational meeting describing the goals, regulatory requirements and process to be used in developing the Consolidated Plan. During this time, efforts will be made to solicit informal program suggestions from the general public through various media.

B. Neighborhood Public Input

IURA staff will hold a minimum of four (4) public input meetings at different neighborhood
locations. These meetings will acquaint residents with the provisions of the program and obtain citizens' views on community development needs and proposals to effectively address these needs. These meetings will present information to citizens on:

1. the total amount of CDBG funds, and other funds, anticipated to become available to the City on an annual basis;
2. eligible and ineligible activities and mandatory national objectives that each activity must meet;
3. process to be followed to develop the Consolidated Plan, including schedule of meetings and hearings;
4. the citizen participation plan;
5. a summary of other important program requirements, and;
6. presentation of the activities funded in previous years.

Public input meetings will be held at locations convenient to residents of predominantly low- and moderate-income neighborhoods. Meetings will generally take place in the evenings or on weekends. All meetings will be held in buildings that are accessible for persons with disabilities. Notice of these meetings will be published as display ads in The Ithaca Journal at least six (6) days prior to any meeting notifying the public of the date, time, location, purpose of the meeting and will include language regarding the availability of accommodations for persons needing special assistance to participate in the meetings.

In addition, notice of the public input meetings will be mailed or e-mailed to a distribution list developed and maintained by the IURA that includes neighborhood organizations, past beneficiary organizations, interested persons and elected officials. The IURA will expand the list to include any individual or organization upon request and will post notices of the meetings in public places as appropriate.

Development of the Consolidated Plan shall also be informed by the community development needs and recommendations to address those needs identified in recently completed neighborhood plans or available from an ongoing participatory neighborhood-based planning process.

C. Public Hearings

A minimum of two public hearings will be held to obtain citizens' views and to respond to proposals and questions. One hearing will be held during development of the Consolidated Plan. This first public hearing will be held by the IURA to obtain the views of citizens on the highest priority housing and non-housing community development needs, suggested activities to address these needs, and proposed strategies and actions for affirmatively furthering fair housing. The second public hearing will be held by the Common Council or a Committee of the Common Council after publication of the proposed Consolidated Plan to allow citizens to comment and suggest modifications prior to its adoption. All public hearings will be held in buildings that are accessible for persons with disabilities.

Notice of these public hearings will be published as legal notices in the Ithaca Journal at least ten (10) days prior to the public hearing. Notices will include the date, time, location, purpose of the hearing and will contain language regarding the availability of accommodations for persons needing special assistance to participate in the meetings. In
addition, the IURA will request that announcements regarding the public hearings be made at a meeting of the following groups prior to the hearing:

- City of Ithaca Common Council;
- Appropriate City of Ithaca Common Council committee(s);
- City of Ithaca Board of Public Works;
- City of Ithaca Planning & Development Board;
- Ithaca Urban Renewal Agency;
- Housing & Homeless Housing Task Force;
- other venues as appropriate.

Effective April 2, 2020, consistent with the Mega-waiver issued by HUD on March 31, 2020, and for the duration of the Mega-waiver and/or other HUD-issued waivers and policies for the following programs:

- CDBG-CV grant
- HOME American Rescue Plan grant
- FY19 and FY20 CDBG grants
- FY19 and FY20 HOME grants
- any other applicable allocation,

This section is modified to require a public comment period of at least five (5) days, to include a virtual public hearing with the opportunity for members of the public to comment in real time. Notice of the public comment period will be posted on a variety of platforms.

D. Consultations with Public and Private Organizations

In addition to neighborhood meetings and public hearings, a minimum of four topical focus group meetings will be convened with public agencies, non-profit organizations, private entities, and interested persons. The topics will include:

- Housing;
- Downtown Revitalization and Economic Development;
- Infrastructure and Public Facilities;
- Public Services.

The focus meetings will be advertised and agencies and interested individuals will be contacted directly to encourage their participation at these meetings. Notice of focus meetings will be mailed or e-mailed to a distribution list of organizations and individuals by focus topic, including organizations that have submitted funding applications in the past. The IURA will expand the list to include any individual or organization upon request.

E. Consultation with the Ithaca Housing Authority

The Ithaca Housing Authority and Housing Authority residents will be encouraged to participate in the development of the Consolidated Plan using two strategies. First, at least one of the neighborhood public input meetings will be held at a location convenient to Housing Authority residents. In addition, the Housing Authority staff, board and resident councils will be contacted directly and encouraged to participate in the housing focus meeting. Finally, a meeting will be held directly with Housing Authority staff to ensure coordination of the Consolidated Plan with the Housing Authority’s Comprehensive Grant program and
other project planning.

F. **Publication of the Proposed Consolidated Plan**

The IURA will publish copies of the proposed Consolidated Plan on behalf of the City of Ithaca at least 30 days prior to its submission to HUD. Copies will be made available at the following locations:

- the office of the IURA;
- the City Clerk’s Office
- the Tompkins County Public Library
- the Tompkins County Human Service Coalition office;
- other venues as appropriate.

An electronic version of the proposed plan will also be posted on the City of Ithaca web page (www.cityofithaca.org).

G. **Publication of the Notice of Availability of the Proposed Consolidated Plan**

Legal notice of the availability of the proposed Consolidated Plan, including a brief summary of the document, will be published in the *Ithaca Journal* during the 30-day public comment period. The summary will describe the contents and purpose of the Consolidated Plan and will include a list of the locations where copies of the entire proposed Consolidated Plan may be examined. In addition, the City Clerk will be requested to announce the availability of the proposed Consolidated Plan for public comment at a Common Council meeting during the 30-day public comment period.

Effective April 2, 2020, consistent with the Mega-waiver issued by HUD on March 31, 2020, and for the duration of the Mega-waiver and/or other HUD-issued waivers and policies for the following programs:

- CDBG-CV grant
- HOME American Rescue Plan grant
- FY19 and FY20 CDBG grants
- FY19 and FY20 HOME grants
- any other applicable allocation

This section is modified to provide a minimum 5-day public comment period, to include a virtual public hearing with opportunity for citizens to comment in real time. Notice of the public comment period will be posted on a variety of platforms.

H. **Citizen Review of Proposed Consolidated Plan**

A minimum thirty (30) day period, from the date of the legal notice of the availability of the proposed Consolidated Plan, will be provided to receive comments from citizens on the Consolidated Plan. All written comments received during this period will be addressed by the staff of the IURA, in writing, no later than 15 days after receipt. A summary of comments received in writing, or orally at the public hearings, and the IURA response to such comments will be attached to the final Consolidated Plan.

Following the second public hearing and close of the 30-day public comment period, the Common Council will vote to adopt a final Consolidated Plan.
Effective April 2, 2020, consistent with the Mega-waiver issued by HUD on March 31, 2020, and for the duration of the Mega-waiver and/or other HUD-issued waivers and policies for the following programs:

- CDBG-CV grant
- HOME American Rescue Plan grant
- FY19 and FY20 CDBG grants
- FY19 and FY20 HOME grants
- any other applicable allocation

This section is modified to provide a minimum 5-day public comment period for the proposed action plan, to include a virtual public hearing with opportunity for citizens to comment in real time. All written comments received during this period will be addressed by the staff of the IURA, in writing within five (5) days. Notice of the public comment period will be posted on a variety of platforms.

II. ANNUAL ACTION PLAN

A. Organizational Meeting

At the beginning of each annual action plan cycle, the IURA will hold an organization meeting so that staff can explain the program and the relation between the action plan and consolidated plan. During this time, efforts will be made to solicit informal program suggestions from the general public through various media.

B. Neighborhood Public Input

IURA staff will hold a minimum of two (2) neighborhood meetings during development of the annual proposed Action Plan. These informal meetings will acquaint residents with the provisions of the program and obtain citizens’ views on community development needs and proposals to effectively address these needs. These meetings will be held in locations convenient to residents of predominantly low- and moderate-income neighborhoods, especially those neighborhoods targeted for revitalization. These meetings will present information to citizens on:

1. the total amount of funds anticipated to become available to the City on an annual basis;
2. eligible and ineligible activities and mandatory national objectives that each activity must meet;
3. process to be followed for development of the proposed Action Plan, including schedule of meetings and hearings;
4. the citizen participation plan and opportunities for input;
5. a summary of other important program requirements; and
6. presentation of the activities funded in previous years.

Meetings will generally take place in the evenings or on weekends. All meetings will be held in buildings that are accessible for persons with disabilities. Notice of these meetings will be published as a display ad in The Ithaca Journal at least six (6) days prior to any meeting notifying the public of the date, time, location, purpose of the meeting and will include language regarding the availability of accommodations for persons needing special assistance to participate in the meetings. A summary of the input received will be presented to the Ithaca Urban Renewal Agency and will be used to inform funding
decisions.

Effective April 2, 2020, consistent with the intent of the Mega-waiver issued by HUD on March 31, 2020, and for the duration of the Mega-waiver and/or other HUD-issued waivers and policies for the following programs:

- CDBG-CV grant
- HOME American Rescue Plan grant
- FY19 and FY20 CDBG grants
- FY19 and FY20 HOME grants
- any other applicable allocation

This section is waived for plans to address the COVID-19 Pandemic, including but not limited to funds awarded through the Coronavirus Aid Relief and Economic Security Act (CARES) Act, HOME American Rescue Plan (ARP), and other applicable allocations.

C. Public Hearings

A minimum of two public hearings will be held to obtain citizens’ views and to respond to proposals and questions. One hearing will be held during development of the Action Plan. This first public hearing will be held by the IURA to obtain the views of citizens on the highest priority housing and non-housing community development needs, suggested activities to address these needs, and proposed strategies and actions for affirmatively furthering fair housing. The second public hearing will be held by the Common Council or a Committee of the Common Council after publication of the proposed Action Plan to allow citizens to comment and suggest modifications prior to its adoption.

All public hearings will be held in buildings that are accessible for persons with disabilities. Notice of these public hearings will be published as legal notices in the Ithaca Journal at least ten (10) days prior to the public hearing. Notices will provide the public of the date, time, location, purpose of the hearing and will include language regarding the availability of accommodations for persons needing special assistance to participate in the meetings.

In addition, the IURA will request that announcements regarding the schedule of public hearing be made at a meeting of the following groups prior to the hearing:

- City of Ithaca Common Council;
- Appropriate Common Council Committee(s);
- City of Ithaca Planning & Development Board;
- Ithaca Urban Renewal Agency;
- Housing & Homeless Housing Task Force; and
- other public meetings as appropriate.

Effective April 2, 2020, consistent with the Mega-waiver issued by HUD on March 31, 2020, for the duration of the Mega-waiver and/or other HUD-issued waivers and policies for the following programs:

- CDBG-CV grant
- HOME American Rescue Plan grant
- FY19 and FY20 CDBG grants
- FY19 and FY20 HOME grants
- any other applicable allocation
This section is modified to require a single public hearing with a minimum five (5) day public comment period. Notice of the public hearing and comment period will be posted on a variety of platforms at least two (2) days prior to the public hearing. The public hearing may be conducted virtually pursuant to NYS executive order number 202.15 as amended, updated, or re-issued, or pursuant to legislation enabling virtual public hearings. A virtual public hearing is authorized if:
1. National/local health authorities recommend social distancing and limiting public gatherings for public health reasons;
2. Virtual hearings provide reasonable notification and access for citizens to comment on proposed use of funds, activities to be undertaken, and raise issues; and
3. A record of comments received and responses shall be made available for public review within 5 days following the virtual public hearing.

D. Development of Proposed Action Plan

The IURA will select recommended activities through a limited application process that includes a public solicitation of funding proposals to address community development needs identified in the Consolidated Plan and implement community revitalization and neighborhood stabilization goals. The IURA will review the initial funding applications and narrow the number of applications under final consideration based on the projected amount of available funding for the upcoming program year and selection criteria, including, but not limited to the following:
- Eligibility;
- Need;
- Impact;
- Feasibility;
- Capacity of the sponsor organization to successfully implement the proposed activity in a timely manner, including past performance of the sponsor organization;
- Leveraging of other funding sources;
- Coordination with other initiatives, plans or other submitted proposed activities.

Sponsors of selected activities will be requested to submit additional detailed information as needed during the selection process. New proposed activities may be considered by the IURA at any time during the process.

Following analysis of the funding applications review of detailed information, the IURA will prepare a proposed Action Plan including the following:
- A description of the activities to be undertaken;
- Budgeted amounts for each activity;
- Number and type of persons and families that will benefit;
- Priority needs addressed;
- Program income anticipated; and
- Target completion dates.

E. Publication of the Notice of Availability of the Proposed Action Plan

Legal notice of the availability of the proposed Action Plan will be published in the Ithaca Journal, and will include a summary of the selected activities to be undertaken and budgeted amounts allocated to each activity as well as a list of the locations where copies of the entire
proposed Action Plan may be examined. In addition, the City Clerk will be requested to announce the availability of the proposed Action Plan for public comment at a Common Council meeting during the 30-day public comment period.

Effective April 2, 2020, consistent with the Mega-waiver issued by HUD on March 31, 2020, and for the duration of the Mega-waiver and/or other HUD-issued waivers and policies for the following programs:
- CDBG-CV grant
- HOME American Rescue Plan grant
- FY19 and FY20 CDBG grants
- FY19 and FY20 HOME grants
- any other applicable allocation

This section is modified to provide a minimum 5-day public comment period.

F. Citizen Review of Proposed Action Plan

A minimum thirty (30) day period, from the date of the legal notice of the availability of the proposed Action Plan, will be provided to receive comments from citizens on the proposed Action Plan. All written comments received during this period will be addressed by the staff of the IURA, in writing, within 15 days. A summary of comments received in writing, or orally at the public hearings, and the IURA response to such comments will be attached to the final Action Plan.

Following the second public hearing and close of the 30-day public comment period, the Common Council will vote to adopt a final Action Plan.

Effective April 2, 2020, consistent with the Mega-waiver issued by HUD on March 31, 2020, and for the duration of the Mega-waiver and/or other HUD-issued waivers and policies for the following programs:
- CDBG-CV grant
- HOME American Rescue Plan grant
- FY19 and FY20 CDBG grants
- FY19 and FY20 HOME grants
- any other applicable allocation

This section is modified to provide a minimum 5-day public comment period for the proposed action plan, to include a virtual public hearing with opportunity for citizens to comment in real time. All written comments received during this period will be addressed by the staff of the IURA, in writing within five (5) days.

G. Joint Development of Action Plan with Consolidated Plan

In program years when the Action Plan is being developed jointly with the Consolidated Plan, the citizen participation process for the Consolidated Plan shall serve to satisfy the Action Plan citizen participation requirements.
III. ASSESSMENT OF FAIR HOUSING (AFH)

The IURA will follow the process and procedures described below in the development of the Assessment of Fair Housing.

A. HUD-approved Data for Public Review

The IURA will make available to the general public the HUD-provided data and other supplemental information that the IURA plans to incorporate into the AFH. The IURA will make this data available no later than 60 days after the initiation of the AFH document.

B. Stakeholder Consultation and Citizen Outreach

In the development of the AFH, the IURA will consult with other public and private agencies including, but not limited to, the following:

- Local public housing authorities;
- Other assisted housing providers;
- Social service providers including those focusing on services to minorities, families with children, the elderly, persons with disabilities, persons with HIV/AIDS and their families, homeless persons, and other protected classes;
- Community-based and regionally-based organizations that represent protected class members and organizations that enforce fair housing laws;
- Regional government agencies involved in metropolitan-wide planning and transportation responsibilities; and,
- A variety of mechanisms may be utilized to solicit input from these entities. These include telephone or personal interviews, mail surveys, internet-based feedback and surveys, focus groups, and/or consultation workshops.

C. Public Hearing

To obtain the views of the general public on AFH-related data and affirmatively furthering fair housing in the City’s housing and community development programs, the City will conduct at least one public hearing before the draft AFH is published for comment.

The public hearing will be held in a building that is accessible for persons with disabilities. Notice of the public hearing will be published as legal notices in the Ithaca Journal at least ten (10) days prior to the public hearing. Notices will provide the public of the date, time, location, purpose of the hearing and will include language regarding the availability of accommodations for persons needing special assistance to participate in the meetings.

D. Publication and Notice of Availability of Draft Assessment of Fair Housing

Legal notice of the availability of the draft AFH will be published in The Ithaca Journal newspaper and the draft AFH shall be made available on the City of Ithaca official government Web site. The public notice shall include the purpose of the AFH, the dates of the public comment period, the locations where copies of the proposed document can be examined, and how to submit comments. In addition, the City will make available a reasonable number of free copies of the proposed
document to residents and groups that request them.

E. Comments Received on the Draft Assessment of Fair Housing

A minimum thirty (30) day period, from the date of the legal notice of the availability of the draft AFH, will be provided to receive comments from citizens and interested parties on the proposed AFH. All written comments received during this period will be addressed by the staff of the IURA, in writing, within 15 days. A summary of comments received in writing, or orally at the public hearing, and the IURA response to such comments will be attached to the final AFH.

F. Submission to HUD

The Assessment of Fair Housing will be submitted to HUD 270 days prior to the beginning of the Program Year in which a Consolidated Plan is due, unless HUD grants a waiver for an alternative submission deadline.

G. Revisions

An AFH previously accepted by HUD must be revised and submitted to HUD for review under the following circumstances:

1. A material change occurs. A material change is a change in circumstances in the City of Ithaca that affects the information on which the AFH is based to the extent that the analysis, the fair housing contributing factors, or the priorities and goals of AFH no longer reflect actual circumstances. Examples:
   ● Presidentially declared disasters within the City of Ithaca that significantly impact the steps the City may need to affirmatively further fair housing
   ● significant demographic changes
   ● new significant contributing factors within the City; and
   ● civil rights findings, determinations, settlements (including Voluntary Compliance Agreements) or court orders; or

2. Upon HUD's writing notification specifying a material change that requires the revision.

   In the event of a Revised AFH, a revision may not necessarily require the submission of an entirely new AFH. The revision need only focus on the material change and appropriate adjustments to the analyses, assessments, priorities and goals.

3. Timeframe for revision. Where revision is required due to a material change, such a revision shall be submitted within 12 months of the onset of the material change, or at such later date as HUD may provide.

4. Community Participation. Revisions to AFH, as described in this section are subject to community participation. The City must follow the notice and comment process applicable to consolidated plan substantial amendments under the City’s citizen participation plan.

5. Submission to HUD of the revised AFH. Upon completion, any revisions to the AFH must be made public and submitted to HUD at the time of the revision.
IV. PROGRAM AMENDMENTS

A. Amendments to the Consolidated Plan

A HUD-approved Consolidated Plan shall be amended whenever a decision is made to:

- To change the purpose, scope, location or beneficiaries of an activity;
- To carry out an activity, using funds from any program covered by the Consolidated Plan not previously described in the Action Plan; or
- Change its allocation priorities or a change in the method of distribution of funds.

B. Substantial Amendments

The following criteria will be used to determine what changes in planned or actual activities constitute a substantial amendment to the Consolidated Plan, that are subject to a citizen participation process. Substantial program amendments will require an amendment to the Consolidated Plan, Common Council approval, and submission to HUD.

- A substantial change in the use of Entitlement Grant funds from one eligible activity to another eligible activity is defined as any change in the allocation of funds for a specific activity that constitutes more than $25,000 or more than twenty percent (20%) of the total funds available or allocated to that actual activity, whichever amount is greater.
- A substantial change to use funds for an activity not previously described in the Action Plan shall be defined as an activity allocated more than $25,000 of federal funds.
- A substantial change in the location of an activity is defined as any relocation of an activity outside the Census designated neighborhood it was intended to serve, but not including the expansion of a target area after all qualified beneficiaries within the primary target neighborhood have been reasonably offered to be assisted.
- A substantial change to the method of distribution of funds is defined as any change to the original approved terms of assistance to beneficiaries that results in increased costs to the intended beneficiaries (e.g. changing a matching grant home owner rehabilitation program to repayable loan program), or any change to the original approved recapture terms of federal assistance in the event that beneficiaries do not comply with requirements of receiving assistance (e.g., waive recapture of portion of federal assistance in event landlord does not comply with the requirement to rent apartments to low-income persons at affordable rents for five years).
- A substantial change to the purpose, scope or beneficiaries of an activity shall be determined by the IURA based on an analysis of the individual characteristics of proposed change to determine whether the change significantly changes the objective, or category of beneficiaries, of the activity.

Amendments that fall below the threshold for a substantial amendment may be approved by the IURA with notice provided to the Common Council.
C. Citizen Review of Proposed Substantial Program Amendments

To assure citizen participation on proposed substantial program amendments, the IURA shall develop and make available to the public at no charge a summary of the proposed substantial program amendment in such manner as to afford affected and interested citizens an opportunity to submit informed comment on the proposal prior to the mandatory public hearing.

A minimum of one (1) public hearing will be held by the Common Council or a Common Council Committee with jurisdiction over the issue to obtain citizens' views on the proposed substantial program amendment. The public hearing will be held in a building that is accessible for persons with disabilities. Notice of these public hearings will be published as legal notices at least seven (7) days prior to the public hearing. The legal notice shall provide the public of the date, time, location, purpose of the hearing and will include language regarding the availability of accommodations for persons needing special assistance to participate in the meetings. Following the public hearing the Common Council may vote to approve the substantial program amendment pending HUD approval. Prior HUD approval is required for a substantial program amendment. HUD shall be notified of all substantial program amendments.

Effective April 2, 2020, consistent with the Mega-waiver issued by HUD on March 31, 2020, and for the duration of the Mega-waiver and/or other HUD-issued waivers and policies for the following programs:

- CDBG-CV grant
- HOME American Rescue Plan grant
- FY19 and FY20 CDBG grants
- FY19 and FY20 HOME grants
- any other applicable allocation

This section is modified to require a public comment period of a minimum of five (5) days, to include a virtual public hearing with opportunity for citizens to comment in real time. Notice of the public comment period will be posted on a variety of platforms at least two (2) days prior to the public hearing. All written comments received during the public comment period will be addressed by the staff of the IURA, in writing, within five (5) days.

IV. CITIZEN COMMENT ON THE CITIZEN PARTICIPATION PLAN AND AMENDMENTS

Citizens will be provided a reasonable opportunity to comment on the original Citizen Participation Plan and on substantial amendments to the plan. The Citizen Participation Plan will be made available to the public and will be made available in a format accessible to persons with disabilities, upon request.

A minimum of one (1) public hearing will be held by the Common Council or a Common Council Committee with jurisdiction over community development issues to obtain citizens' views on the proposed Citizen Participation Plan or any substantial amendments.

The public hearing will be held in a building that is accessible for persons with disabilities. Notice of these public hearings will be published as legal notices at least seven (7) days prior to the public hearing. The legal notice shall provide the public of the date, time, location, purpose of the hearing and will include language regarding the availability of accommodations for persons needing special assistance to
participate in the meetings.

Following the public hearing, the Common Council may vote to approve the Citizen Participation Plan or amendment.

Effective April 2, 2020, consistent with the Mega-waiver issued by HUD on March 31, 2020, and for the duration of the Mega-waiver and/or other HUD-issued waivers and policies for the following programs:

- CDBG-CV grant
- HOME American Rescue Plan grant
- FY19 and FY20 CDBG grants
- FY19 and FY20 HOME grants
- any other applicable allocation

This section is modified to require a minimum five (5) day public comment period, to include a virtual public hearing, to include opportunity for citizens to comment in real time. Notice of public hearing will be posted on a variety of platforms.

V. PERFORMANCE REPORTS AND OTHER IMPORTANT COMMUNICATIONS FROM HUD

IURA staff will report periodically at public meetings of the IURA on the implementation of the Consolidated Plan and prepare an annual performance report reviewing the performance of the city in meeting objectives of the Consolidated Plan, HUD goals and applicable regulations. Citizens will be provided with reasonable notice and an opportunity to comment on an annual performance report prepared by the IURA. Notice of the availability of the annual performance report for citizen review will be published in the *Ithaca Journal* including information on where to review the document. In addition, the IURA will request that an announcement of the availability of the performance report be made at a meeting of the Ithaca Common Council.

A minimum fifteen (15) day period, from the date of the legal notice of the availability of the performance report, will be provided to receive comments from citizens on the performance report. The IURA shall consider any comments or views of citizens received in writing, or orally at any public hearing in preparing the performance report. A summary of these comments or views shall be attached to the performance report.

Periodically HUD communicates important information to the City of Ithaca regarding the implementation and oversight of the Entitlement Program. Such communications will be made available for public inspection and the public will be notified of these communications through announcements made at Ithaca Urban Renewal Agency and Common Council meetings.

VI. DISPLACEMENT

The City of Ithaca seeks to minimize the displacement of persons as a result of activities assisted with programs covered by the Consolidated Plan.

For activities assisted with programs covered by the Consolidated Plan that displaces a person or persons, the City of Ithaca will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.
VII. MISCELLANEOUS

A. Availability to the Public

The Consolidated Plan as adopted, substantial amendments, performance reports and other important communications from HUD will be available to the public, including the availability of materials in a form accessible to person with disabilities.

All records, reports, applications and regulations related to the Consolidated Plan will be available to the public for use and review at the office of the IURA, 108 East Green Street, Ithaca, NY 14850, during normal working hours (8:30 a.m. - 4:30 p.m.). The City and the IURA reserve the right to require the public to abide by the process of the public's right of information under the Freedom of Information Act.

B. Access to Records

The IURA and City of Ithaca will provide citizens, public agencies, and other interested parties with reasonable and timely access to information and records relating to the City’s Consolidated Plan and the use of assistance under the programs covered by the Consolidated Plan during the preceding five years.

C. Complaints

Complaints regarding the Citizen Participation Plan, Comprehensive Plan, the Action Plan, or amendments or the performance report will be accepted by the IURA office at any time. A citizen who submits a written complaint to the IURA Office will receive a written substantive response as soon as possible and no later than 15 working days upon receipt of the complaint. The response will be handled by the lead IURA staff person assigned to the project and will include an explanation of the Citizen Complaint process and further appeals available to the complainant. Copies of all complaints will be provided to the IURA Executive Director and the Mayor and be filed in a Citizen Complaint file.

If the issue is not satisfactorily resolved, the complainant may appeal to first the Executive Director, then to the appropriate IURA subcommittee, and finally to the full Agency. Written complaints and disposition of these complaints are included in annual performance reports submitted to the funding agency.

The IURA staff will notify the IURA about the complaints and the resolution of the complaints at the first available opportunity.

D. Anonymous Public Comments

Anonymous comments will be accepted as public comments. Anonymous comments will be treated on a case-by-case basis regarding the specific circumstances involved. Though it will take anonymous comments into consideration in its deliberations, the IURA and City are under no obligation to research or respond to anonymous comments nor verify unsubstantiated claims against organizations or persons submitted anonymously.
D.E. Technical Assistance

The IURA staff will provide reasonable technical assistance to groups representing persons of low- and moderate-income that request such assistance in developing proposals for funding assistance under any programs covered by the Consolidated Plan. The assistance need not include the provision of funds to the groups.

END
To: Planning & Economic Development Committee  
From: Nikki Cerra, Environmental & Landscape Planner & Jeanne Grace, City Forester  
Date: May 12, 2023  
Subject: Proposed Amendment to Chapter 306 Trees and Shrubs to include Private Tree Removal Permitting and Regulations

Staff would like to propose that Common Council amend §306 to include private tree removal permitting process and regulations. Staff is seeking approval to circulate the attached draft private tree amendment for further comment, and should the Committee Members agree, staff will come back to the Committee for a public hearing in June.

At the April 19, 2023 PEDC meeting, staff provided background information on private tree ordinances and presented their research into private tree ordinances to seek the Committee Member’s input. Staff has incorporated your feedback and would now like to circulate a draft private tree amendment to our existing Tree & Shrub Ordinance.

As is evident in the existing tree ordinance, the City of Ithaca recognizes the inherent value of trees and the necessity of preserving and protecting trees, the urban forest, within our city. The urban trees and tree canopy provide numerous public and private benefits including mental & physical health, social well-being, economic, and ecological benefits.

Due to these communal benefits and community concern about removing trees from city parcels prior to development, City Staff created a draft amendment to the existing tree ordinance by conducting a thorough review of 27 city and town private tree ordinances, analyzing Ithaca’s urban forest information, and incorporating feedback from committee, commission, and staff reviews. This draft amendment requires a tree removal permit for removal of any Significant tree (8-23” diameter at breast height (DBH)) and any Heritage Tree (24” or greater DBH) within the City.

The purpose of this private tree amendment is to preserve urban tree canopy for the benefit of all in the Ithaca community; address tree removal related to in-fill development; create a City of Ithaca Tree Fund to address inequality of tree canopy distribution; promote a diversity of tree sizes and species which helps ensure urban forest ecosystem health; and prohibit property owners and developers from clear-cutting a property prior to submittal of a site plan review application.

This private tree amendment does not prevent private property owners from removing trees but affords a little time to look at feasible alternatives before removing a healthy tree.

Staff will attend the May 17, 2023 Planning and Economic Development Committee meeting to address any questions regarding this proposal and seek approval to circulate the private tree amendment for further comment. Please feel free to contact us at ncerrac@cityofithaca.org and/or jgrace@cityofithaca.org with any questions prior to the meeting.
306-1 Purpose & Intent

The city of Ithaca recognizes the inherent value of trees and the necessity of preserving and protecting trees, the urban forest, within our city. The urban trees and tree canopy provide public and private benefits including, but not limited to: reduced erosion particularly on steep slopes, reduced heating and cooling demands and costs, reduced overall heat island effect, reduced stormwater runoff, carbon dioxide sequestration, reduced air pollution, oxygen production, protected wetlands and drinking water, and habitat for wildlife. Viewing and spending time around trees has been shown to improve our immunity, improve our physical and mental health (i.e., lower blood pressure, reduce stress, and improve sleep and mood), and increase our ability to focus. Research has shown a strong relationship between higher levels of tree canopy and greenspace and lower levels of crime, regardless of socioeconomic factors. The trees in the City of Ithaca provide millions of dollars of benefits per year including increasing property values, enhancing economic vitality of businesses, and beautifying our communities.

This chapter preserves urban tree canopy for the benefit of all in the Ithaca community; addresses tree removal related to in-fill development; creates a City of Ithaca Tree Fund to address inequality of tree canopy distribution; promotes a diversity of tree sizes and species which helps ensure urban forest ecosystem health; and prohibits property owners and developers from clear-cutting a property prior to submittal of a site plan review application.

This chapter regulates the planting, maintenance, protection and removal of trees and shrubs on public streets, parks, and other City-owned property; regulates the removal of trees on private property within the city of Ithaca; and establishes the office of a City Forester in the Department of Public Works. This chapter also provides for the issuing of permits for the planting, maintenance, protection of trees and shrubs in City-owned places and private property within the city of Ithaca. (Bold in paragraph above- additions to original ordinance language)

306-3 Definitions

City of Ithaca Tree Fund
The city tree protection escrow fund, established to receive funds in lieu of replacement plantings and for damage or removal of a protected tree or heritage tree without a tree removal permit. These funds are to be used by the city to plant or replant trees at the discretion of the City Forester. Canopy coverage goals for the city are set at 15% for commercial and industrial and 40% for residential areas. These goals will be used as a guide as to where to offer tree incentive programs and to plant trees. Preference will be given to areas not meeting current tree canopy goals and neighborhoods experiencing higher development pressures.

Critical Root Zone (CRZ)
The minimum area surrounding a tree that is considered essential to support viability of tree and is equal to one-foot radius from the base of the tree’s trunk for each one inch of DBH. Will provide diagram

Heritage Tree
Individual tree with unique value due to age, size, species, historical or horticultural significance or aesthetic quality and at least 24” in DBH.
Removal
Intentional or negligent act or lack of protection that causes or may be reasonably expected to cause a tree to die, including but not limited to uprooting; severing, cutting, girdling or inflicting severe mechanical injury to the main trunk; damaging the critical root zone, including performing grade changes and application of toxic solvents; and pruning in excess of 20 percent of the live crown.

Significant tree
A tree with 8” DBH.

A. Tree Removal Permits.
Tree Removal Permit required for any property within the City of Ithaca for removal, destruction, or substantial alteration to:
1. Any Heritage tree.
2. Any Significant tree.
3. Any tree designated by the New York State Department of Environmental Conservation (NYSDEC) as a protected native plant (6 CRR-NY 193.3)
   https://govt.westlaw.com/nycrr/Document/l21efe775c22211d76b7c8fb397c5bd26b?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=%28sc.Default%29&bhcp=1
4. More than five trees over 4” DBH within a one-year period from any one property.

B. Exemptions. No tree removal permit shall be required where the following exists:
1. Removal of an undesirable tree species including Tree of Heaven (Ailanthus), boxelder (Acer negundo), and Black Locust (Robinia pseudoacacia). Written permission from the City Forester is required to make determination of undesirable tree species not listed within this chapter or on the Tree Removal Exempt Tree Species List. The updated Tree Removal Exempt Tree Species List can be found on the city website.
2. A tree that an approved ISA Certified Arborist submits a short report to confirm tree species, tree health, and structural condition which would exclude it from the significant tree status. The City Forester or designee could also confirm with a brief site visit that the tree is excluded from the significant tree category.
3. Removal of tree(s) by utility companies, federal, state, or local governments located in their respective easements or rights-of-way.
4. Dead or dying tree as determined by City Forester or designee, or ISA Certified Arborist.
5. Emergencies: the removal of hazardous trees to protect persons, wildlife or property from imminent danger as determined by the City Forester, an ISA Certified Arborist, or an emergency service worker.

C. Permit Application Fee
1. $25 administration fee for up to four tree removals on one property.
2. $150 per five trees to be removed from one property.

D. Tree Removal Permit Procedures
1. Any person wanting to remove a significant or heritage tree, must submit an application and corresponding application fee to the Parks & Forestry Division in City of Ithaca Department of Public Works.

2. If tree removal permit is not submitted from an ISA Certified Arborist, the City Forester or designee may conduct an inspection within 30 days of permit application if necessary.

3. Tree removal permit is reviewed by the City Forester or designee, and the City of Ithaca Planning & Economic Development Division.

4. The tree removal permit is either approved, approved with conditions, or not approved by the city.
   a. If the tree removal permit(s) is on a property that is not subject to site plan approval, the City Forrester or designee, will render the decision for the tree removal(s).
   b. If the tree removal permit(s) is submitted for a property subject to site plan review approval, the City of Ithaca’s Planning and Development Board, in consultation with the City Forester or designee, will render the decision for the tree removal(s) during the site plan approval process.

5. Organizations that manage a significant area of land of 5 acres or more and have an active tree management program can apply for an annual tree removal permit in lieu of permits for individual tree removal activities.

E. Approval Criteria
   1. The City of Ithaca will approve a significant tree(s) and heritage tree(s) removal if:
      a. Tree(s) prevents or restricts reasonable access or permitted use of property and no other alternative is feasible, or;
      b. Tree(s) prevents maintenance or construction of utility or drainage facilities, or;
      c. Tree(s) is diseased past sound condition, dead, or otherwise determined to be a hazardous tree as determined by the City Forester, their designee, or an ISA certified arborist, or;
      d. Removal of tree(s) results in healthier canopy.
   2. No permit required for significant or heritage tree if imminent hazard.
      a. Must submit application for permit within two weeks of removal with ISA certified arborist documenting imminent hazard, and;
      b. Include pictures of hazardous tree.

F. Mitigation
   Property owners removing healthy trees to enable construction on or reasonable use of property shall provide mitigation by:
   1. Planting one new replacement tree of at least 2” caliper for each healthy significant tree authorized to be removed and/or;
   2. Planting the number of replacement trees necessary to create a combined DBH equivalent to or greater than the DBH for each healthy Heritage Tree authorized to be removed or;
   3. In lieu of replanting, the property owner shall contribute $100 for each inch of the DBH replacement trees not replanted to the City of Ithaca Tree Fund or;
   4. A combination of planting replacement trees and contributing to the City of Ithaca Tree Fund.
   5. All trees which fail to survive for 24 months must be replaced within 6 months following written demand to replace.

G. Expiration of Permit
   The tree removal permit shall expire one year from the issue date.
H. Appeals
Should a dispute arise in the administering of this chapter, an appeal can be requested by petitioning, in writing, the City Forester. The City Forester will have five working days to reply in writing. Should this provide an unsatisfactory resolution, a second appeal can be requested by petitioning the Superintendent of Public Works. In such event, the Superintendent of Public Works shall consult with the City Forester. The Superintendent will have 10 working days from the filing of the second appeal to reply in writing. Should this also provide an unsatisfactory resolution, a third appeal can be requested by petitioning the Board of Public Works. The Board of Public Works will act upon the petition within 30 days from the date of receiving the petition.

I. Penalties for Violations
1. Any person who violates or fails to comply with any of the provisions of this chapter shall be guilty of a violation and upon conviction thereof, shall be required to pay the City:
   a. The civil penalties shall be $100 for each inch of DBH of significant tree(s) removed on property without obtaining permit plus all staff costs.
   b. The civil penalties shall be $300 for each inch of DBH of heritage tree(s) removed on property without obtaining permit plus all staff costs.
2. Any person who violates or fails to comply with any of the provisions of this chapter in anticipation of development or subdivision shall be guilty of a violation and upon conviction thereof, shall be required:
   a. To pay the City: the civil penalties shall be $300 for each inch of DBH of significant tree(s) and $500 for each inch of DBH of heritage tree(s) removed on property without obtaining permit plus all staff costs.
   b. If a site plan review application is submitted to the City of Ithaca Planning Department within 24 months of removal of tree(s) without obtaining a permit on that property, the current property owner must pay the civil penalties of $300 for each inch of DBH of significant tree(s) and $500 for each inch of DBH of heritage tree(s) removed.
Chapter 306 TREES AND SHRUBS

[HISTORY: Adopted by the Common Council of the City of Ithaca 12-5-1990 as part of Ord. No. 90-18 (Ch. 71 of the 1975 Municipal Code). Amendments noted where applicable.]

GENERAL REFERENCES
Site plan review — See Ch. 276.
Streets and sidewalks — See Chs. 285 and 342.
Subdivision of land — See Ch. 290.
Parks and recreation — See Ch. 336.


The city of Ithaca recognizes the inherent value of trees and the necessity of preserving and protecting trees, the urban forest, within our city. The urban trees and tree canopy provide public and private benefits including, but not limited to: reduced erosion particularly on steep slopes, reduced heating and cooling demands and costs, reduced overall heat island effect, reduced stormwater runoff, carbon dioxide sequestration, reduced air pollution, oxygen production, protected wetlands and drinking water, and habitat for wildlife. Viewing and spending time around trees has been shown to improve our immunity, improve our physical and mental health (i.e., lower blood pressure, reduce stress, and improve sleep and mood), and increase our ability to focus. Research has shown a strong relationship between higher levels of tree canopy and greenspace and lower levels of crime, regardless of socioeconomic factors. The trees in the City of Ithaca provide millions of dollars of benefits per year including increasing property values, enhancing economic vitality of businesses, and beautifying our communities.

This chapter preserves urban tree canopy for the benefit of all in the Ithaca community; addresses tree removal related to in-fill development; creates a City of Ithaca Tree Fund to address inequality of tree canopy distribution; promotes a diversity of tree sizes and species which helps ensure urban forest ecosystem health; and prohibits property owners and developers from clear-cutting a property prior to submittal of a site plan review application.

This chapter regulates the planting, maintenance, protection and removal of trees and shrubs on public streets, parks and other City-owned property; regulates the removal of trees on private property within the city of Ithaca; and establishes the office of a City Forester in the Department of Public Works. This chapter also provides for the issuing of permits for the planting, maintenance, protection and removal of trees and shrubs in City-owned places and private property within the city of Ithaca.

§ 306-2. Title.

This chapter shall be known and may be cited as the "City Tree Ordinance."

The following terms shall have the meanings provided in this section unlesstheir context requires otherwise:

CALIPER
The diameter in inches of the tree trunk 12 inches above the base of the tree.
Any department, board, commission, committee or other entity within the government of the City of Ithaca.

**CITY OF ITHACA TREE FUND**
The city tree protection escrow fund, established to receive funds in lieu of replacement plantings and for damage or removal of a protected tree or heritage tree without a tree removal permit. These funds are to be used by the city to plant or replant trees at the discretion of the City Forester. Canopy coverage goals for the city are set at 15% for commercial and industrial and 40% for residential areas. These goals will be used as a guide as to where to offer tree incentive programs and to plant trees. Preference will be given to areas not meeting current tree canopy goals and neighborhoods experiencing higher development pressures.

**CRITICAL ROOT ZONE (CRZ)**
The minimum area surrounding a tree that is considered essential to support viability of tree and is equal to one-foot radius from the base of the tree’s trunk for each one inch of DBH. Will provide diagram

DBH (diameter at breast height)
The diameter of tree trunks at a height of four feet six inches from the finished grade at the base of the tree.

**HERITAGE TREE**
Individual tree with unique value due to age, size, species, historical or horticultural significance or aesthetic quality and at least 24” in DBH.

**PERSON**
Any corporation, firm, partnership, association, trust, estate, one or more individuals and any unit of government or agency or subdivision thereof, except for a City agency.

**REMOVAL**
Intentional or negligent act or lack of protection that causes or may be reasonably expected to cause a tree to die, including but not limited to uprooting; severing, cutting, girdling or inflicting severe mechanical injury to the main trunk; damaging the critical root zone, including performing grade changes and application of toxic solvents; and pruning in excess of 20 percent of the live crown.

**SIGNIFICANT TREE**
A tree with 8” DBH.

**TREES AND SHRUBS**
Any woody plants which have self-supporting, aboveground parts which are viable year round.

§ 306-4. City Forester.

A. The office of the City Forester is hereby established in the Department of Public Works.

B. The City Forester, in consultation with the Parks, Recreation, and Natural Resources Commission and the Board of Public Works, shall have the
authority to implement and enforce the provisions of this chapter. [Amended 7-5-2017 by Ord. No. 2017-15]

C. In furtherance of the purposes of this chapter, the Board of Public Works, in consultation with the City Forester and the Parks, Recreation, and Natural Resources Commission, shall have the authority to adopt rules and regulations regarding arboricultural specifications and standards of practice and such additional rules and regulations as the Board determines are necessary. These regulations shall govern the planting, maintenance, removal, fertilization, pruning and protection of trees and shrubs on public streets, parks or other City property. [Amended 7-5-2017 by Ord. No. 2017-15]

D. In the absence of the City Forester, the duties of that office shall be the responsibility of the Supervisor of Parks and Forestry within the Department of Public Works.

§ 306-5. Planting, maintenance and removal regulations on Public Property.

A. No person or City agency shall plant, spray, fertilize, prune, remove, replace or otherwise disturb any tree or shrub on any public street, park or other City-owned property without first submitting a written request therefor and obtaining written permission from the City Forester. Requests for written permission shall be acted on within five business days of filing the written request with the City Forester. All work for which such permission is given shall be done in accordance with the Department of Public Works rules and regulations adopted pursuant to § 306-4 of this chapter.

B. Persons or City agencies conducting regular maintenance work on trees or shrubs may be granted general permits to cover their work on a yearly basis.

C. Except as provided in Subsection D, whenever a person or City agency obtains written permission pursuant to Subsection A of this section to remove a tree or shrub from any City-owned land for the purpose of construction or for any other reason, such person or agency shall subsequently replace the tree or shrub within one year of the issuance of the tree-removal permit in a location to be determined by the City Forester somewhere in the City or have the City replace such tree or shrub at the expense of the person who obtained such permission. Such replacement shall meet the standards of size, species and placement as provided for in the tree removal permit issued by the City Forester. Unless the City Forester, for good cause, determines otherwise, trees shall be replaced by the caliper inch, such that for every inch of diameter (DBH) removed, an equal number of caliper inches shall be replaced (e.g., the removal of one twelve-inch DBH tree shall necessitate the planting of six two-inch caliper trees or four three-inch caliper trees, etc.).
D. It is the responsibility of the City Forester to determine if trees or shrubs on City-owned property are hazardous and to remove dead or hazardous trees or shrubs from City-owned property. If replacement is recommended by the City Forester, the City shall replace the tree or shrub within one year of removal.

E. Wherever it is necessary to remove a tree or shrub from a public right-of-way in connection with the paving of a sidewalk or the paving or widening of a street, the City or responsible agency or person shall replant such tree or shrub or replace it. If conditions prevent planting in the right-of-way, this requirement may be satisfied by planting on the adjoining property if the property owner agrees.

F. Requests from private citizens that new street trees be planted near their property shall be accommodated in accordance with planting priorities set by the City Forester in consultation with the Parks, Recreation, and Natural Resources Commission and the Board of Public Works. [Amended 7-5-2017 by Ord. No. 2017-15]

G. Specifications governing tree species, size, spacing and method and location of planting shall be approved by the City Forester. Inspection of the trees by the City Forester shall be carried out, whenever possible, prior to planting in order to ensure tree health and quality. Whenever any person is required to replace a tree pursuant to this chapter, a one-year guaranty of the tree's health shall be provided for such replacement trees.

H. Excavation within the street right-of-way for the purpose of compliance with this section shall not be undertaken without a permit from the City Engineer.

§ 306-6. Damage prohibited.

Unless specifically authorized in writing by the City Forester, no person or City agency shall intentionally damage, cut, carve, transplant or remove any tree or shrub on City-owned property; attach any rope, wire, nails, advertising posters or other contrivance to any such tree or shrub; allow any gas, liquid or solid substance which is harmful to any such tree or shrub to come in contact with it; or set fire or permit any fire to burn when such fire or heat thereof will injure any portion of any tree or shrub on City property. Written authorization for any action governed by this section may be obtained in the same manner as provided in § 306-5 of this chapter.

§ 306-7. Protection.

A. Without written permission from the City Forester, no person or City agency shall:

(1) Undertake any construction or development activity (including but not limited to the excavation of any ditches, tunnels, or trenches or
§ 306-7

the laying of pavement) within the dripline of any City tree or shrub.

(2) Move or park vehicles associated with any construction or development activity which may affect any tree or shrub on City property.

B. Guarding during construction or excavation.

(1) Unless the City Forester, for good cause, determines otherwise, all trees or shrubs on any public street or other City-owned property directly impinging on any excavation or construction of any building, structure or street work shall be guarded as follows:

(a) For trees or shrubs with a crown spread of eight feet or less, a substantial fence, frame or box not less than four feet high and eight feet square shall surround the tree or shrub.

(b) For a tree or shrub with a crown spread over eight feet, a fence not less than four feet high shall be placed at least at the tree or shrub’s dripline or at a distance prescribed by the City Forester.

(2) All building material, soil or debris shall be kept outside these barriers.

C. No person or City agency shall deposit, place, store or maintain upon any public place of the City any stone, brick, sand, concrete or other materials which may impede the free passage of water, air and fertilizer to the roots on any tree or shrub growing thereon, except by written permit of the City Forester.

D. Any written permission required by this section may be obtained in the same manner as provided for in § 306-5.


A. It shall be the duty of any person owning real property bordering on a public street to ensure that trees and shrubs on that property are pruned in a manner that will not obstruct or shade streetlights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs or obstruct the view of any street or alley intersection. If trees are interfering with utility wires, it is the obligation of the appropriate utility company to correct the situation.

B. Should any person owning real property bordering on any public street fail to comply as hereinabove provided, the City Forester shall order the owner to take corrective action within 15 days after receipt of written notice. The order required herein shall be served by mailing a copy of it to the last known address of the property owner.

C. When a person to whom an order it directed shall fail to comply within the specified time, it shall be lawful for the City to prune such trees or
§ 306-9. Coordination of review.

When plantings are to be done on projects that also require site development plan review (Chapter 276), the City Forester and the site development plan review officer shall coordinate review of the proposed planting plan.

§ 306-10. Emergency work.

A. This chapter shall not govern any emergency activity immediately necessary to protect life, safety or property or to maintain access to any property. Any such activity shall incorporate reasonable efforts to protect trees and shrubs on City property from unnecessary damage.

B. Any person or City agency engaged in any action covered by Subsection A shall make a reasonable effort to notify the City Forester prior to commencing that action and shall, in any event, provide written notice of the emergency and the work done to the City Forester within three calendar days of commencing that work.


Should a dispute arise in the administering of this chapter, an appeal can be requested by petitioning, in writing, the City Forester. The City Forester will have five working days to reply in writing. Should this provide an unsatisfactory resolution, a second appeal can be requested by petitioning the Superintendent of Public Works. In such event, the Superintendent of Public Works shall consult with the City Forester. The Superintendent will have 10 working days from the filing of the second appeal to reply in writing. Should this also provide an unsatisfactory resolution, a third appeal can be requested by petitioning the Board of Public Works. The Board of Public Works will act upon the petition within 30 days from the date of receiving the petition.


Any person who violates or fails to comply with any of the provisions of this chapter shall be guilty of a violation and, upon conviction thereof, shall be fined a sum not more than $250 plus the cost of rectifying damage to any tree or shrub on City-owned property.


A. Tree Removal Permits.

Tree Removal Permit required for any property within the City of Ithaca for removal, destruction, or substantial alteration to:

1. Any Heritage tree.
2. Any Significant tree.
3. Any tree designated by the New York State Department of Environmental Conservation (NYSDEC) as a protected native plant (6 CRR-NY 193.3)
B. Exemptions. No tree removal permit shall be required where the following exists:

1. Removal of an undesirable tree species including Tree of Heaven (Ailanthus), boxelder (Acer negundo), and Black Locust (Robinia pseudoacacia). Written permission from the City Forester is required to make determination of undesirable tree species not listed within this chapter or on the Tree Removal Exempt Tree Species List. The updated Tree Removal Exempt Tree Species List can be found on the city website.

2. A tree that an approved ISA Certified Arborist submits a short report to confirm tree species, tree health, and structural condition which would exclude it from the significant tree status. The City Forester or designee could also confirm with a brief site visit that the tree is excluded from the significant tree category.

3. Removal of tree(s) by utility companies, federal, state, or local governments located in their respective easements or rights-of-way.

4. Dead or dying tree as determined by City Forester or designee, or ISA Certified Arborist.

5. Emergencies: the removal of hazardous trees to protect persons, wildlife or property from imminent danger as determined by the City Forester, an ISA Certified Arborist, or an emergency service worker.

C. Permit Application Fee.

1. $25 administration fee for up to four tree removals on one property.

2. $150 per five trees to be removed from one property.

D. Tree Removal Permit Procedures.

1. Any person wanting to remove a significant or heritage tree, must submit an application and corresponding application fee to the Parks & Forestry Division in City of Ithaca Department of Public Works.

2. If tree removal permit is not submitted from an ISA Certified Arborist, the City Forester or designee may conduct an inspection within 30 days of permit application if necessary.

3. Tree removal permit is reviewed by the City Forester or designee, and the City of Ithaca Planning & Economic Development Division.

4. The tree removal permit is either approved, approved with conditions, or not approved by the city.
   a. If the tree removal permit(s) is on a property that is not subject to site plan approval, the City Forester or designee, will render the decision for the tree removal(s).
   b. If the tree removal permit(s) is submitted for a property subject to site plan review approval, the City of Ithaca’s Planning and Development Board, in consultation with the City Forester or designee, will render the decision for the tree removal(s) during the site plan approval process.

5. Organizations that manage a significant area of land of 5 acres or more and have an active tree management program can apply for an annual tree removal permit in lieu of permits for individual tree removal activities.
E. Approval Criteria.
1. The City of Ithaca will approve a significant tree(s) and heritage tree(s) removal if:
   a. Tree(s) prevents or restricts reasonable access or permitted use of property and no other alternative is feasible, or;
   b. Tree(s) prevents maintenance or construction of utility or drainage facilities, or;
   c. Tree(s) is diseased past sound condition, dead, or otherwise determined to be a hazardous tree as determined by the City Forester, their designee, or an ISA certified arborist, or;
   d. Removal of tree(s) results in healthier canopy.
2. No permit required for significant or heritage tree if imminent hazard.
   a. Must submit application for permit within two weeks of removal with ISA certified arborist documenting imminent hazard, and;
   b. Include pictures of hazardous tree.

F. Mitigation.
Property owners removing healthy trees to enable construction on or reasonable use of property shall provide mitigation by:
1. Planting one new replacement tree of at least 2” caliper for each healthy significant tree authorized to be removed and/or;
2. Planting the number of replacement trees necessary to create a combined DBH equivalent to or greater than the DBH for each healthy Heritage Tree authorized to be removed or;
3. In lieu of replanting, the property owner shall contribute $100 for each inch of the DBH replacement trees not replanted to the City of Ithaca Tree Fund or;
4. A combination of planting replacement trees and contributing to the City of Ithaca Tree Fund.
5. All trees which fail to survive for 24 months must be replaced within 6 months following written demand to replace.

G. Expiration of Permit.
The tree removal permit shall expire one year from the issue date.

H. Appeals.
Should a dispute arise in the administering of this chapter, an appeal can be requested by petitioning, in writing, the City Forester. The City Forester will have five working days to reply in writing. Should this provide an unsatisfactory resolution, a second appeal can be requested by petitioning the Superintendent of Public Works. In such event, the Superintendent of Public Works shall consult with the City Forester. The Superintendent will have 10 working days from the filing of the second appeal to reply in writing. Should this also provide an unsatisfactory resolution, a third appeal can be requested by petitioning the Board of Public Works. The Board of Public Works will act upon the petition within 30 days from the date of receiving the petition.

I. Penalties for Violations
1. Any person who violates or fails to comply with any of the provisions of this chapter shall be guilty of a violation and upon conviction thereof, shall be required to pay the City:
   a. The civil penalties shall be $100 for each inch of DBH of significant tree(s) removed on property without obtaining permit plus all staff costs.
b. The civil penalties shall be $300 for each inch of DBH of heritage tree(s) removed on property without obtaining permit plus all staff costs.

2. Any person who violates or fails to comply with any of the provisions of this chapter in anticipation of development or subdivision shall be guilty of a violation and upon conviction thereof, shall be required:
   a. To pay the City: the civil penalties shall be $300 for each inch of DBH of significant tree(s) and $500 for each inch of DBH of heritage tree(s) removed on property without obtaining permit plus all staff costs.
   b. If a site plan review application is submitted to the City of Ithaca Planning Department within 24 months of removal of tree(s) without obtaining a permit on that property, the current property owner must pay the civil penalties of $300 for each inch of DBH of significant tree(s) and $500 for each inch of DBH of heritage tree(s) removed.
The purpose of this memo is to provide a brief overview of the Committee’s actions related to the former Ithaca Gun Company smokestack and additional information on the options available to the Committee and the implications of the Committee’s decision.

At the February PEDC meeting, the Committee reviewed a recommendation from the Ithaca Landmarks Preservation Commission (ILPC) to partner with the developer of the former Ithaca Gun Company Factory site to commission an existing conditions assessment of the smokestack pursuant to the provisions of the Development Agreement. In response to the Committee’s discussion of this recommendation, staff prepared a public outreach survey to garner feedback from the community on the city’s involvement with the preservation of the smokestack. The results of the survey were discussed at the April PEDC meeting. Both the ILPC recommendation and results of the survey are available upon request.

If the City partners with the developer to commissions the existing conditions assessment, the City has the following obligations, opportunities and limitations:

- The City retains the right to participate in determining the future of the smokestack.
- The City is responsible for half of the cost of the study. Preliminary quotes for this work range in price from $15,000 to $30,000 and vary widely in terms of scope, process, and deliverables. The selected proposal will provide cost estimates for the stabilization/repair of the smokestack as one of their deliverables. The resource’s ownership by a private, for-profit entity limits opportunities for grant funding to cover the City’s portion of the cost.
- Based on the findings of the assessment and other factors, the City or an identified third party has the option to acquire the smokestack for $1 and assume responsibility for it. This includes initial and future stabilization/repair costs and annual management and maintenance costs.
- Ownership of the smokestack by the City or a not-for-profit organization creates opportunities for public-private partnerships and increases opportunities for grant funding geared toward the preservation of historic resources.
- The City can choose not to execute their option to acquire the smokestack parcel based on the findings of the existing conditions assessment. In this scenario, the developer remains responsible for the stabilization/repair or demolition of the smokestack. Apart from the review and issuance of a Building Permit (repairs) or Demolition Permit, the City’s involvement in determining the future for the smokestack would end.

If the City does not partner with the developer to commission the existing conditions assessment, the City has the following:

- The City forfeits the right to participate in determining the future of the smokestack.
- The developer remains responsible for the stabilization/repair or demolition of the smokestack. The City’s involvement is limited to the review and issuance of a Building Permit or Demolition Permit.
Planning Committee members are now asked to consider authorizing City staff to work with the project developer to select a qualified professional to complete the existing conditions assessment. If this work is approved, the selected professional, final project budget and a funding proposal will be submitted to Council for consideration and approval. A draft resolution is attached for your consideration.

I will attend the May 17, 2023, PEDC meeting to address any questions, but please feel free to contact me at bmccracken@cityofithaca.org with any questions/comments prior to the meeting.
Ithaca Gun Company Smokestack Existing Conditions Assessment

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, in its capacity as an advisor to Common Council, the Ithaca Landmark Preservation Commission (ILPC) reviewed the agreement, specifically the provisions related to the treatment and disposition of the Ithaca Gun smokestack, at their regular December 20, 2023, meeting and prepared the following recommendation: The ILPC believes it is in the best interest of the community to conduct this analysis and recommends that the City partner with the Developer to commission an existing conditions assessment of the smokestack as outlined in Section 8 of the agreement; and

WHEREAS, a public input survey was distributed throughout the community to garner feedback on the value of the historic resource and the use of City funds to pay for a portion of the existing conditions assessment; and

WHEREAS, the results of the survey showed support for the preservation of this historic resource and the use of City funds to commission an existing conditions assessment; now, therefore, be it

RESOLVED, that the City [will/will not] partner with the Developer to commission an existing conditions assessment of the former Ithaca Gun Company smokestack, and be it further

RESOLVED, that Common Council [authorizes/does not authorize] City staff to work with the Developer to identify a professional meeting the qualifications specified in in Section 8 of the Amended and Restated Redevelopment Agreement for the former Ithaca Gun Company factory site to conduct said assessment, and be it further

RESOLVED, that the identified professional, final project budget and a funding proposal will be submitted to Council for consideration and approval.