

**Proposed Legislation for the
October 17, 2023 City Council Meeting -**

*** * Please Note * ***

For questions, call the City Clerk's Office at 585-428-7421



City of Rochester

City Hall Room 308A, 30 Church Street
Rochester, New York 14614-1290
www.cityofrochester.gov

**NEIGHBORHOOD &
BUSINESS DEVELOPMENT
INTRODUCTORY NO.**

Malik D. Evans
Mayor

380

September 26, 2023 NBD 04

TO THE COUNCIL

Ladies and Gentlemen:

Re: Sale of Real Estate

Council Priority: Rebuilding and Strengthening
Neighborhood Housing

Comprehensive Plan 2034 Initiative Area:
Strong Neighborhoods

Transmitted herewith for your approval is legislation approving the sale of three vacant lots being sold to the adjoining owners. City records have been checked to ensure that the purchasers (except those buying unbuildable vacant lots) do not own other properties with code violations or delinquent taxes, and have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

Three properties are listed on the attached spreadsheet under the heading, I. Negotiated Sale - Unbuildable Vacant Land. The parcel at 121 Northview Terrace will be sold to Teresa Fernandez, 127 Northview Terrace, Rochester, New York; 1658 Norton Street will be sold to Xavier Quintana, 1243 Jay Street, Rochester, New York; and 47 Rialto Street will be sold to 43 Rialto St Trust (Stacey Steele, Officer) 1121 Annapolis Road, #275, Odenton, Maryland. The parcels are each being sold for \$1.00 (as per City policy) and will be combined with the primary parcels owned by the identified adjoining owners.

The first year projected tax revenue for these properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$825.

All City taxes and other charges, except water charges against properties being sold by the City, will be canceled on the first day of the month following adoption of the ordinance because either the City has agreed to convey the property free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,

Malik D. Evans
Mayor



<u>I. Negotiated Sale - Unbuildable Vacant Land</u>							
<u>Address</u>	<u>SBL#</u>	<u>Lot Size</u>	<u>Sq.Ft.</u>	<u>Price</u>	<u>Purchaser</u>	<u>Address</u>	<u>Tax Impact</u>
121 Northview Ter	091.69-3-13	40 x 73.25	2,930	\$1	Teresa Fernandez	Rochester, NY 14621	\$ 302
1658 Norton St	092.53-3-33	30 x 103.61	3,045	\$1	Xavier Quintana	Rochester, NY 14611	\$ 363
47 Rialto St	091.78-2-57.001	18.5 x116.58	2,157	\$1	43 Rialto St Trust*	Odenton, MD 21113	\$ 160
	* Stacey Steele, Officer						
						Subtotal	\$ 825
						Total Tax Impact	\$ 825

121 Northview Ter



August 18, 2023

This map is intended for general reference only.
The City of Rochester makes no representation
as to the accuracy or fitness of the data presented.



City of Rochester, NY
Malik D. Evans, Mayor

City of Rochester, NY

RESIDENTIAL UNBUILDABLE LOT ANALYSIS

NBD 04
ATTACHMENT

Address of Lot: 121 Northview Terr

SBL#: 091.69-3-13

Date: 8/14/23 Initials: IV

Based on criteria below:

This is an Un-buildable Lot X

ITEM	YES	NO
Is the lot in an environmentally sensitive area where construction is prohibited?		X
Is the lot landlocked or less than 4,000 sq. ft.?	X	
Does the lot have severe topographical characteristics or irregular layout/shape that hinder development?		X
Are utilities inaccessible for future development?		X
Is the lot encumbered with major easements which prohibit development?		X
The property has been reviewed to ensure that it does not adjoin a City-owned parcel with which it could be combined to create a development site		X
Is residentially zoned and has a frontage of less than 40' or a depth of less than 100'	X	
TOTAL		

If the answer to any of the above questions is "Yes", the parcel is considered unbuildable.

12/23/2020

RESIDENTIAL UNBUILDABLE LOT ANALYSIS

NBD 04
ATTACHMENT

Address of Lot: 1658 Norton St
SBL#: 092.53-3-33

Date: 8/14/23 Initials: IV

Based on criteria below:

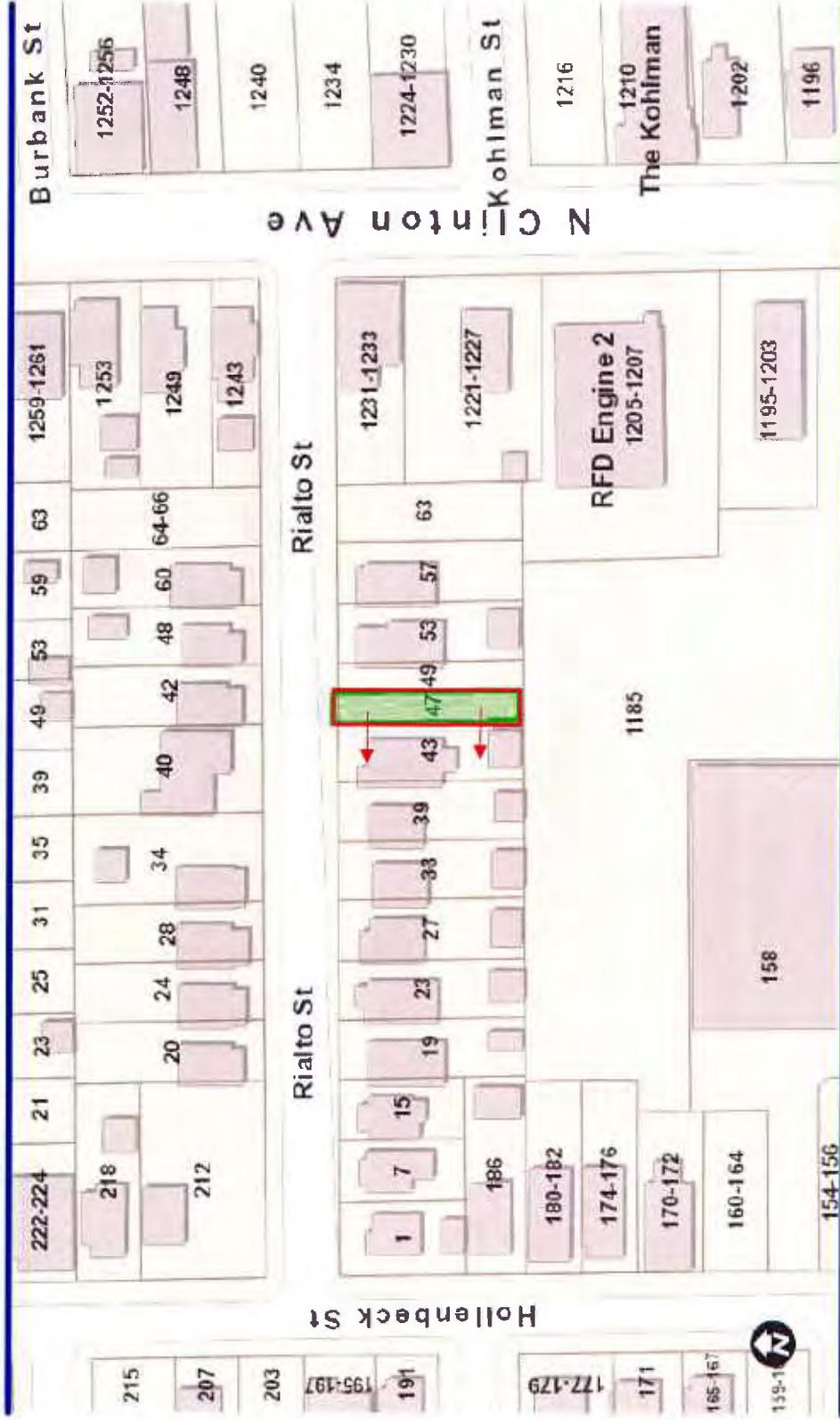
This is an Un-buildable Lot

ITEM	YES	NO
Is the lot in an environmentally sensitive area where construction is prohibited?		X
Is the lot landlocked or less than 4,000 sq. ft.?	X	
Does the lot have severe topographical characteristics or irregular layout/shape that hinder development?		X
Are utilities inaccessible for future development?		X
Is the lot encumbered with major easements which prohibit development?		X
The property has been reviewed to ensure that it does not adjoin a City-owned parcel with which it could be combined to create a development site		X
Is residentially zoned and has a frontage of less than 40' or a depth of less than 100'	X	
TOTAL		

If the answer to any of the above questions is "Yes", the parcel is considered unbuildable.

12/23/2020

47 Rialto St



August 18, 2023

This map is intended for general reference only.
The City of Rochester makes no representation
as to the accuracy or fitness of the data presented.

City of Rochester, NY



City of Rochester, NY
Malik D. Evans, Mayor

RESIDENTIAL UNBUILDABLE LOT ANALYSIS

NBD 04
ATTACHMENT

Address of Lot: 47 Rialto St
SBL#: 091.78-2-57.1

Date: 8/4/23 Initials: MG

Based on criteria below:

This is an Un-buildable Lot

ITEM	YES	NO
Is the lot in an environmentally sensitive area where construction is prohibited?		X
Is the lot landlocked or less than 4,000 sq. ft.?	X	
Does the lot have severe topographical characteristics or irregular layout/shape that hinder development?		X
Are utilities inaccessible for future development?		X
Is the lot encumbered with major easements which prohibit development?		X
The property has been reviewed to ensure that it does not adjoin a City-owned parcel with which it could be combined to create a development site		X
Is residentially zoned and has a frontage of less than 40' or a depth of less than 100'	X	
TOTAL		

If the answer to any of the above questions is "Yes", the parcel is considered unbuildable.

12/23/2020

INTRODUCTORY NO.

380

NBD #4

Ordinance No.

Authorizing the sale of real estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the negotiated sale of the following vacant unbuildable parcels of land for \$1 each:

Address	SBL#	Lot Size	Sq.Ft.	Purchaser
121 Northview Ter	091.69-3-13	40 x 73.25	2,930	Teresa Fernandez
1658 Norton St	092.53-3-33	30 x 103.61	3,045	Xavier Quintana
47 Rialto St	091.78-2-57.001	18.5 x116.58	2,157	43 Rialto St Trust

Section 2. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 3. This ordinance shall take effect immediately.



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**NEIGHBORHOOD &
BUSINESS DEVELOPMENT
INTRODUCTORY NO.**

381

Malik D. Evans
Mayor

September 26, 2023 NBD 05

TO THE COUNCIL

Ladies and Gentlemen:

Re: Amendatory Agreement - DEVELOPROC, LLC

Council Priorities: Rebuilding and Strengthening
Neighborhood Housing; Jobs and Economic
Development

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation extending the term of a professional services agreement with DEVELOPROC, LLC (Dennis E. Pemberton, Manager) headquartered at 425 W 53rd Street, APT 411 New York, New York 10019 (the Consultant). Under the agreement, which was authorized by Ordinance No. 2021-396, the Consultant is preparing preliminary development plan drawings, cost estimates and a phasing plan to effectuate the conceptual plan for the Bull's Head Revitalization Project (the Project).

The expiration date for the current agreement is September 12, 2023. Additional time is needed due to the complexities of the predevelopment phase in consideration and support of the pending proposed development plan to be presented to the community for review and comment. This legislation extends the term of the agreement for an additional four months to January 12, 2024, in order for the Consultant to complete the proposed development plan, present to the community, and complete final project invoice processing/closeout. No additional funding is required.

A State Environmental Quality Review Act (SEQRA) Review was completed, and the Project was determined to be a Type 2 activity.

Respectfully submitted,

Malik D. Evans
Mayor



INTRODUCTORY NO.

381

Ordinance No.

Authorizing an amendatory agreement for development services for the Bull's Head Revitalization Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with DEVELOPROC, LLC to continue the preparation of preliminary development plan drawings, cost estimates and a phasing plan to effectuate the conceptual plan for the Bull's Head Revitalization Project. The amendatory agreement shall extend for four additional months the term of the existing agreement authorized in Ordinance No. 2021-396.

Section 2. The amendatory agreement shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 3. This ordinance shall take effect immediately.



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**NEIGHBORHOOD &
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INTRODUCTORY NO.**

Malik D. Evans
Mayor

382

September 26, 2023

NBD 06

TO THE COUNCIL

Ladies and Gentlemen:

Re: Amending Ordinance No. 2022-203 - Grant Agreement - Dormitory Authority of the State of New York, Rochester Neighborhood Signage Project

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Comprehensive Plan 2034 Initiative Area: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation related to a grant agreement with the Dormitory Authority of the State of New York (DASNY) through the State and Municipal Facilities Grant ("SAM") program to provide funding to implement the Rochester Neighborhood Signage Project. This legislation will amend Ordinance No. 2022-203 to increase the maximum compensation of the grant agreement from \$50,000 to \$96,000.

DASNY recently increased the grant award after it was determined, prior to execution of the agreement, that the originally planned fabric banners would not meet the program requirement that installed fixtures have a useful life of 10 or more years. Instead, the City will now be purchasing and installing metal signs printed with weather resistant vinyl branding that look similar to a banner (see attached rendering). The metal signs cost significantly more per banner, and thus the grant budget needed to be increased. However, even with the increased budget, the project can now only be able to install 60 banners, as opposed to the originally planned 181.

This is a downtown revitalization and beautification initiative. Several downtown Rochester neighborhoods have lightpole banners that act as welcome signs along key commercial corridors. Many of the existing banners are aging and in need of replacement, while some of our most historic downtown communities do not currently have banners. The project will install and/or replace approximately 60 banners with the goals of strengthening neighborhood identities and attracting business and tourism to downtown Rochester. The DASNY grant and the recent increase were secured through sponsorship of New York State Senator, Jeremy A. Cooney.

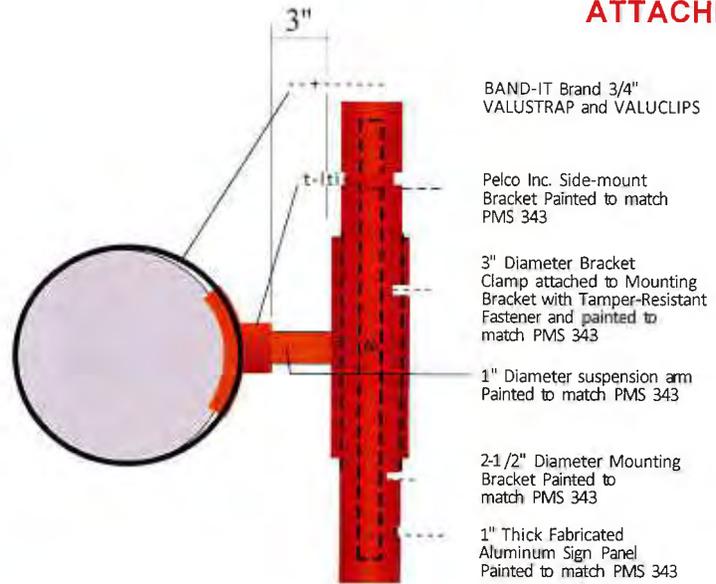
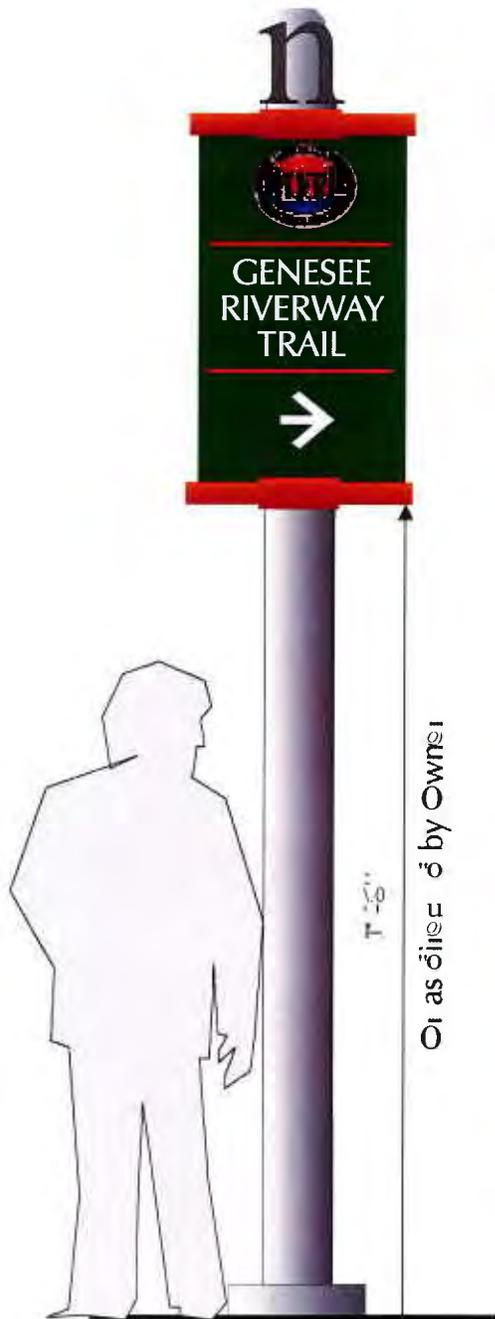
Specific project sites have not yet been determined and will be finalized after a comprehensive audit of the existing banners. However, the banners will be focused on notable neighborhoods within downtown Rochester (see attached map). The City's Neighborhood Service Centers (NSC) will facilitate the neighborhood engagement, design, and overall grant implementation. The Department of Environmental Services (DES) will oversee the installation of the banners by City staff and coordinate the permitting process. The banners should be installed by next summer, 2024.

Respectfully submitted,

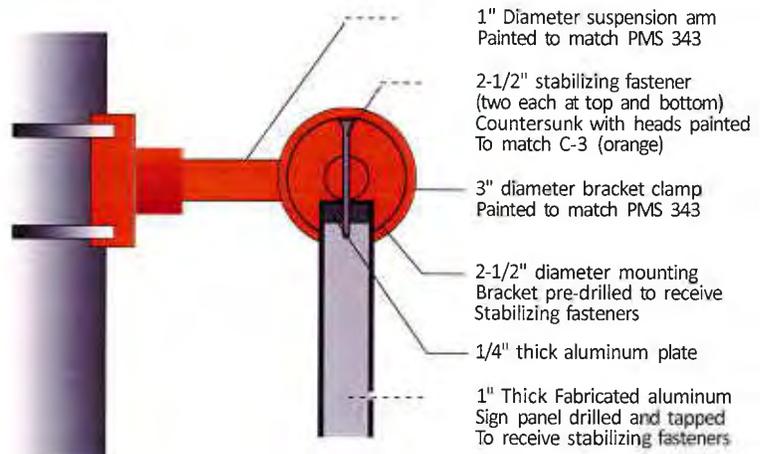
Malik D. Evans
Mayor



**NBD 06
ATTACHMENT**



Light Pole Mounting Detail



Panel/ Mounting Bracket Connection

NOTES:

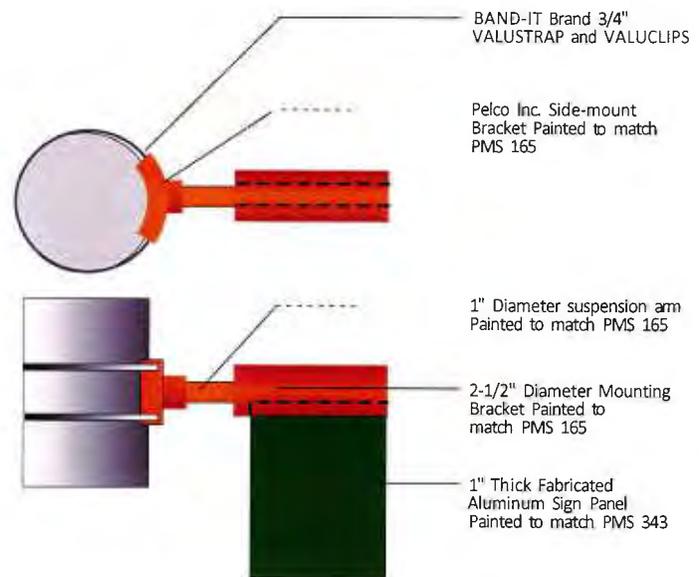
1. Sign Panel to be fabricated aluminum with applied reflective vinyl graphics.
2. Colors, GRT logo and typefaces same as Type A-1.
3. Logo art to be furnished by owner.

D-3 R.O.W. Directional (Vehicular)	
Genesee Riverway Trail Signage	D3-1

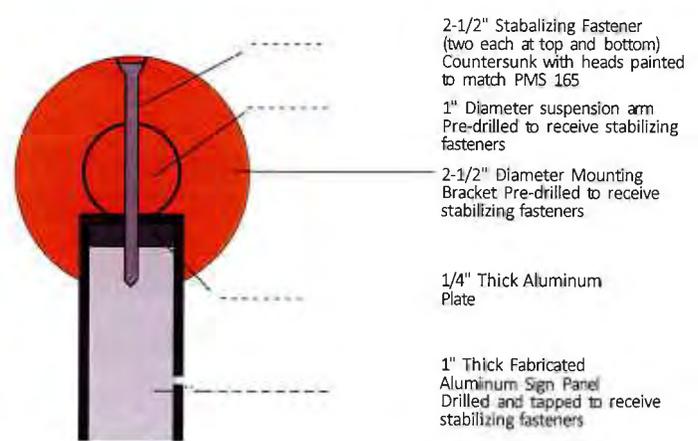


D-3 Layout	
Genesee Riverway Trail Signage	D3-2

NBD 06 ATTACHMENT



Light Pole Mounting Detail

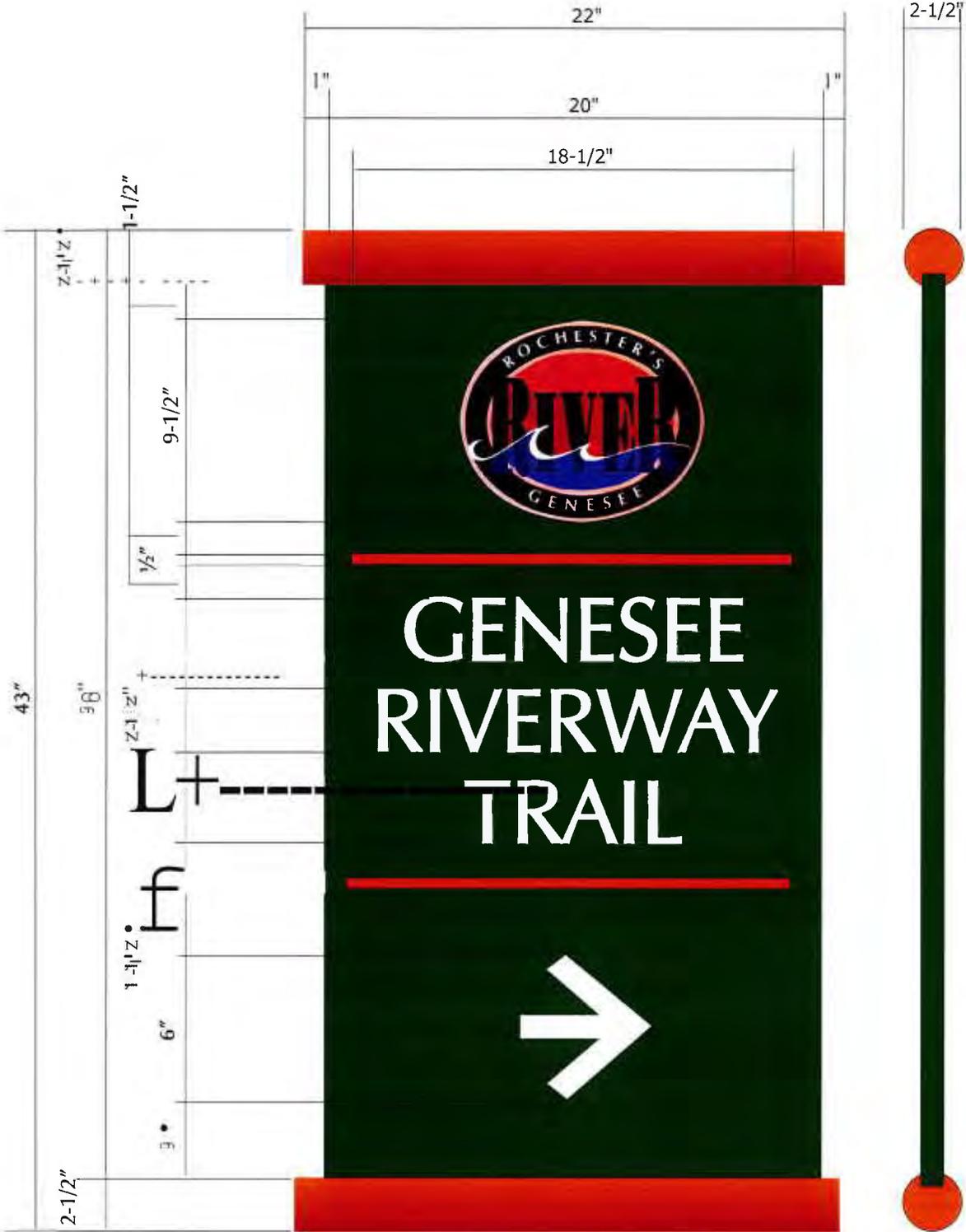


Panel/ Mounting Bracket Connection

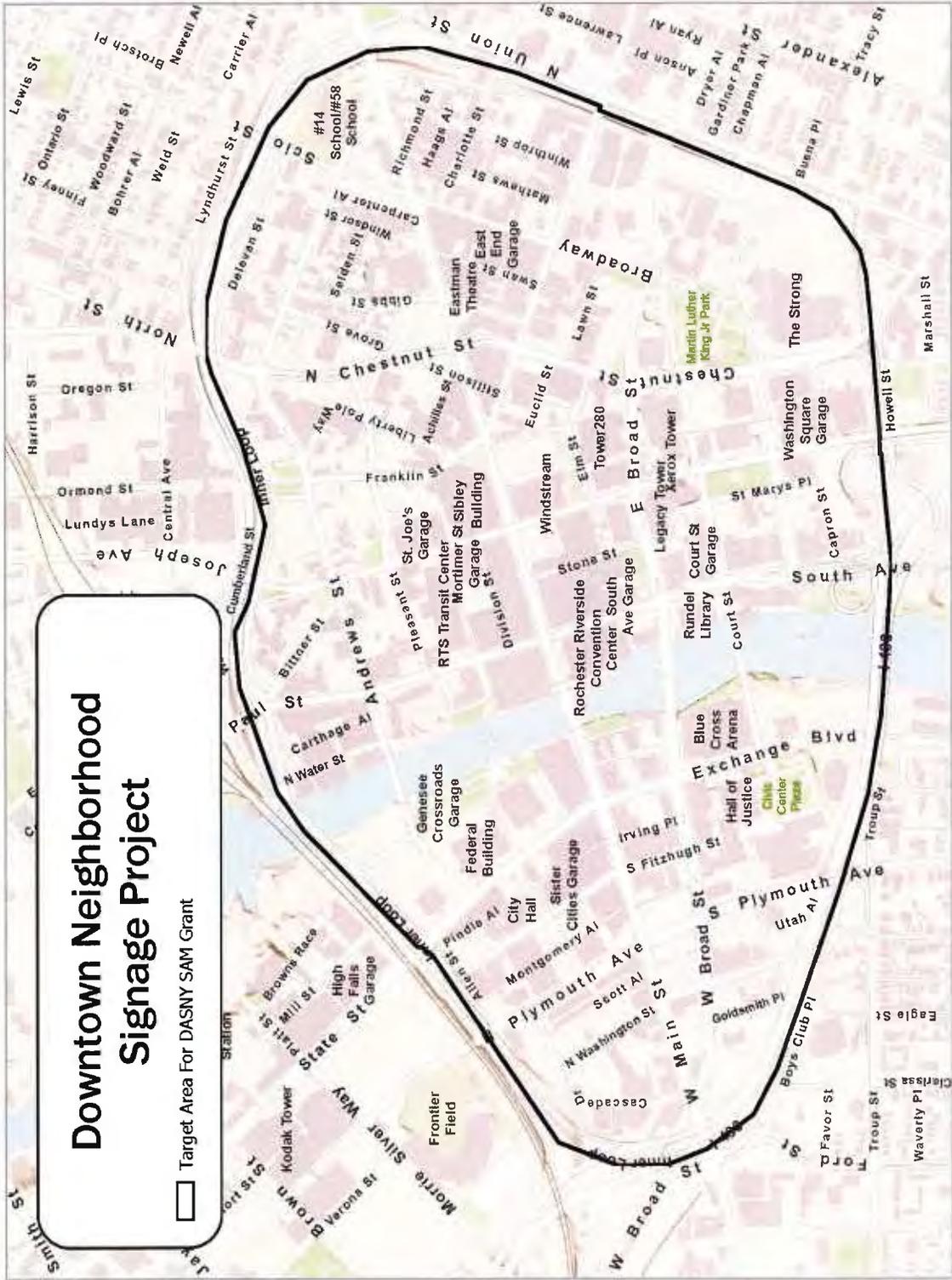
NOTES:

1. Sign Panel to be fabricated aluminum with applied reflective vinyl graphics.
2. Colors, GRT logo and typefaces same as Type A-1.
3. Logo art to be furnished by owner.

D-4 R.O.W. Directional (Pedestrian)	
Genesee Riverway Trail Signage	D4-1



D-4 Layout	
Genesee Riverway Trail Signage	D4-2



INTRODUCTORY NO.

382

Ordinance No.

Amending Ordinance No. 2022-203 relating to the Neighborhood Signage Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2022-203, authorizing a grant agreement with the Dormitory Authority of the State of New York for the Neighborhood Signage Project, is hereby amended as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Dormitory Authority of the State of New York (DASNY) for the receipt and use of ~~\$50,000~~ \$96,000 through the State and Municipal Facilities Grant program to implement the Neighborhood Signage Project (the Project). The term of the agreement shall be up to 3 years.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 3. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined



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**NEIGHBORHOOD &
BUSINESS DEVELOPMENT
INTRODUCTORY NO.**

Malik D. Evans
Mayor

383

September 26, 2023

NBD 07

TO THE COUNCIL

Ladies and Gentlemen:

Re: Agreements, HOME Rochester Program

Council Priority: Reducing and Strengthening
Neighborhood Housing

Rochester 2034 Initiative Area: Reinforcing
Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing agreements with the Rochester Housing Development Fund Corporation (RHDFC, President Theodora Finn) located at 16 E. Main Street, Rochester, NY, and JP Morgan Chase & Co. (CEO Jamie Dimon) 270 Park Avenue, New York, NY for continuation of the HOME Rochester/Asset Control Area Program. This legislation will:

- 1) Authorize a loan agreement with JPMorgan Chase for a maximum amount of \$1,338,000 for the City's participation in the RHDFC Loan X financing pool. The loan will be funded by the City's principal and earned interest currently held in the Loan IX financing pool and will be used to establish a trust account accessible for Loan X Home Rochester properties. The loan will earn the City 3% interest.
- 2) Authorize an agreement with the RHDFC to administer the trust account at JPMorgan Chase, which will describe the process by which RHDFC may draw the Loan IX revenues for Loan X properties. RHDFC will receive no payment for this agreement.
- 3) Authorize an agreement with the RHDFC to establish and manage a Loan Loss Reserve fund for the Loan X financing pool in the amount of \$238,000 to be financed from the existing Loan IX Loan Loss Reserve fund. RHDFC will receive no payment for this agreement.
- 4) Authorize an agreement with the RHDFC to establish and manage an interest reserve account for the Loan X financing pool not to exceed \$25,000 to be financed from the Loan IX revenues. The fund will be used to provide 1% annual interest to enable the working capital loan for the program. For Loan X, the working capital loan will be \$750,000, provided by the Greater Rochester Housing Partnership, Inc. (GRHP) through the Martin Luther King Jr. Housing Fund, and administered by RHDFC. RHDFC will receive no payment for this agreement.

RHDFC buys vacant single family homes and oversees their renovation for sale to first-time low-to-moderate income homebuyers through the HOME Rochester program. RHDFC has operated the HOME Rochester program for more than two decades in partnership with the City, GRHP, and neighborhood-based non-profit developers, and acts as a City-certified Community Housing Development Organization (CHDO) to allow for specific HUD funding to assist with the property development.

RHDFC has also facilitated City participation in the federal Asset Control Area Program (ACAP) since the City's original agreement with HUD in 2004. ACAP obligates the City to purchase FHA-



foreclosed, single-family properties in specified areas of the city and to sell those properties to income eligible buyers. RHDFC also acquires properties through donations, through tax foreclosure via the Rochester Land Bank Corporation, and makes purchases on the private market.

The loan pool is used to pay the costs of acquisition and rehabilitation of vacant, zombie homes in the HOME Rochester program. It is a revolving loan fund that provides temporary financing without having each individual property separately reviewed for acquisition and construction funding by an individual lender. The funds are drawn down to fund a loan for each individual property, and the loan fund is repaid when homes are sold. The pooled funds share risks and outcomes, as each lender's funds can assist many more households to become homeowners than their individual funding amounts would be able to lend on their own. In the past 5 years, 67 households have purchased a HOME Rochester property and several more are in the rehabilitation process.

The lead lender for Loan X is JP Morgan Chase. Participating lenders are anticipated to include the City of Rochester, GRHP, Enterprise Community Partners, Five Star Bank, Genesee Regional Bank, the Low Income Investment Fund, Partners for the Common Good, M&T Bank, and Tompkins Financial. The City will participate as a lender using a maximum of \$1,338,000 in revenues from its Loan IX contribution of Neighborhood Stabilization Program funds previously awarded by the New York State Housing Finance Agency. Participation in Loan IX, totaling approximately \$14,400,000, was authorized through City Council Ordinance No. 2020-256 and closed in October 2020. Loan X will have a total of approximately \$14,475,000, and is anticipated to close in November 2023.

The loss reserve is required to induce the participation of public and private lenders to provide the capital to fund Loan X, since the lenders forego a lien during construction as would otherwise be typical.

The working capital will be used to purchase vacant and foreclosed properties for HOME Rochester and make funds available between monthly draws on Loan X. The renovation of the properties will be funded by Loan X.

Respectfully submitted,



Malik D. Evans
Mayor

Agreements, HOME Rochester

Exhibit B: Background Information on HOME Rochester and the Participation Loan(s)

Process and Outcomes

The Participation Loan pool is used to pay the costs of acquisition and rehabilitation of vacant, zombie homes in the HOME Rochester program. It is a revolving loan fund that provides temporary financing without having each individual property separately reviewed for acquisition and construction funding by an individual lender. The funds are drawn down to fund a loan for each individual property, and the loan fund is repaid when homes are sold. The pooled funds share risks and outcomes, as each lender's funds can assist many more households to become homeowners than their individual funding amounts would be able to lend on their own.

To summarize the process of taking a vacant blighted property and getting it into the hands of a low-moderate income first-time homeowner:

- 1) A HOME Rochester candidate property is identified and reviewed for eligibility, including the scope of costs
- 2) The property is acquired and rehabilitated, using the Participation Loan mechanism to cover costs during construction and until sale to a first time homebuyer. Funds from each lender are used, according to their share of the total loan fund.
- 3) Property is sold to an eligible buyer (through City's Homebuyer Services Program)
- 4) The Participation Loan is repaid for that house's expenses by the RHDFC after the home is sold.

It is anticipated that the proposed loan pool will be used to finance approximately 30-50 homes over the loan's three-year term. This request is for the 9th lending facility for HOME Rochester. The facility began back in 2003. Over the life of the facility more than 800 houses have been rehabilitated. In the past 5 fiscal years, 56 low-moderate income households achieved homeownership through the HOME Rochester program.

Information on the Loan Loss Reserve

The loss reserve provides insurance to the Lenders against potential loss of funds by participating in the loan pool, and helps entice them to participate. The reserve account is available to be used in the unlikely event that there is not sufficient funding from the sale the property to repay the construction loan. To date, the loss reserve has never been used; however, it is a necessary component of the HOME Rochester funding facility framework.

More information on HOME Rochester

The program's website was updated in 2022 and has comprehensive info about the program including its community impact: <https://homerochester.org/community-impact>
HOME Rochester's activity is also reported annually in the City's Consolidated Annual Performance Evaluation Report (CAPER) which can be downloaded here: <https://www.cityofrochester.gov/article.aspx?id=8589937253>
HOME Rochester's activity is also reported annually in the Rochester Land Bank's Annual Report which can be downloaded here: https://www.cityofrochester.gov/Land_Bank_Reports/

INTRODUCTORY NO.**383**

Ordinance No.

Authorizing agreements for the HOME Rochester/Asset Control Area Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a loan agreement with JPMorgan Chase & Co. in an amount up to \$1,338,000 to facilitate the City's continued participation in the HOME Rochester/Asset Control Area Program (Program). The agreement shall establish a new Loan X financing pool for the Program to be funded by the principal and earned interest currently held in the Program's previous Loan IX fund authorized by Ordinance No.2020-256. The Loan X financing pool shall have an interest rate of 3%.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Rochester Housing Development Fund Corporation (RHDFC) to administer a trust account for Program funds to be deposited with JPMorgan Chase. The agreement shall set forth the process by which RHDFC may draw upon the Loan IX revenues to use as a Loan X financing pool to acquire vacant single-family properties or other Program activities. RHDFC shall receive no compensation for this agreement.

Section 3. The Mayor is hereby authorized to enter into an agreement with RHDFC to establish a Loan Loss Reserve fund for the Loan X financing pool. A Loan Loss Reserve amount of up to \$238,000 shall be funded from the Loan IX loss reserve account authorized in Ordinance No. 2020-256. RHDFC shall receive no compensation for this agreement.

Section 4. The Mayor is hereby authorized to enter into an agreement with RHDFC to establish and manage an Interest Reserve Account for the Loan X financing pool in an amount not to exceed \$25,000 to be funded from Loan IX revenues. The Interest Reserve Account shall be used to fund the payment of 1% annual interest to facilitate a Loan X Working Capital Loan of up to \$750,000. The loan amount shall be provided by the Greater Rochester Housing Partnership, Inc. through the Martin Luther King Jr. Housing Fund, and the loan shall be administered by RHDFC. RHDFC shall receive no compensation for this agreement.

Section 5. The Mayor is hereby authorized to execute any additional agreements or documents as may be necessary to effectuate the agreements authorized herein. The agreements authorized herein shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 6. This ordinance shall take effect immediately.



City of Rochester

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**NEIGHBORHOOD &
BUSINESS DEVELOPMENT
INTRODUCTORY NO.**

384, 385

Malik D. Evans
Mayor

September 26, 2023 NBD 08

TO THE COUNCIL

Ladies and Gentlemen:

Re: Zoning Map and Text Amendments – Planned
Development District #11 – CityGate

Comprehensive Plan 2034 Initiative Area:
Fostering Prosperity and Opportunity

Transmitted herewith for your approval is legislation amending the Development Concept Plan and text within Planned Development District #11 – CityGate. The CityGate development is located at 255, 275, 335-345, 395 Westfall Road, and 350, 390, 400, 422, 430, 450, 460 East Henrietta Road. Of note, the parcel at 430 East Henrietta Road, which is internal to the site, is owned by Monroe County. The Planned Development District for CityGate was original approved in 2010 but modified in 2013 to accommodate changes to make the development predominantly commercial. Included in the 2013 approval were three sub-areas: Central Commercial, Canal Front Mixed-Use, and Perimeter Commercial. These sub-areas remain today.

The applicant, Streamline Real Estate Partners (Principal: Matt Lester, Rochester, NY) has proposed modifications to the Planned Development District which primarily include a southward expansion of the Central Commercial sub-area to include the land area where a transit center was originally proposed but never came to fruition. The applicant is proposing to expand the number of uses in the Canal Front Mixed-Use sub-area to include a hotel use. Such a use would allow the reactivation of the canal front for public access. This would also allow more services to canal users. Drive-through uses are currently permitted as-of-right in this sub-area, and residential uses will remain a permitted use in the Canal Front Mixed-Use sub-area. It is important to note that any project or proposed development is considered incremental development requiring Site Plan Review to examine such factors as public access to the canal, building aesthetics along the waterfront, and ways to minimize stormwater runoff directly into the canal without pretreatment.

The City Planning Commission held an informational meeting on August 28, 2023. One person spoke in support of the rezoning, and no one spoke in opposition. However, the City did receive several written comments regarding the rezoning, and they are included in the attachments. By a vote of 6-0-0, the City Planning Commission recommended approval of the applicant's proposed amendments, provided that City Council understands that the southward expansion of the Center Commercial sub-area will increase the number of lots where drive-throughs are permitted and consider how that extension will impact vehicular traffic levels and flow as well as pedestrian access and walkability.

A public hearing is required for the proposed Zoning Map and Text Amendments.

Respectfully submitted,

Malik D. Evans
Mayor



CURRENT
SUB-ZONING DISTRICTS



① **CENTRAL
COMMERCIAL**

② **CANAL
MIXED USE**

③ **PERIMETER
COMMERCIAL**

File: Z:\Engineering\Job Files\1546-21\Drawings\1546-21_P00_Plan.dwg, Plot Date: 8/20/2023, By: ATRIMINSON

**PROPOSED CHANGES TO
SUB-ZONING DISTRICTS**



①
**CENTRAL
COMMERCIAL**

②
**CANAL
MIXED USE**

③
**PERIMETER
COMMERCIAL**

④
**MOVED FROM CANAL
TO CENTRAL**

File: Z:\Engineering\Job Files\1546-21\Drawings\1546-21_P00 Planning_Plot Date: 8/30/2023, by: WTKM\JNSON

AFTER REZONING

SUB-ZONING DISTRICTS



① **CENTRAL COMMERCIAL**

② **CANAL MIXED USE**

③ **PERIMETER COMMERCIAL**

MARATHON
ENGINEERING
39 CASCADE DRIVE
ROCHESTER, NY 14614
PHONE 583-458-7770
www.marathoneng.com

COSTELLO & SON
ANTHONY J.
DEVELOPMENT

JOB NO. C188-11
SCALE 1" = 250'
DRAWN MT
DESIGNED MUT
DATE 08/2023



TITLE

CITYGATE

2023 SUB-ZONING MAP

CITY OF ROCHESTER MONROE COUNTY NEW YORK

PDD #11- PROPOSED AMENDMENT COMPARISON TO EXISTING CODE BY SUBAREAS

CURRENT CODE- SECTION C- Subarea Descriptions.

Subsection (1) Central Commercial Subarea:

CURRENT CODE: The size of the subarea is 13.3 acres.

PROPOSED CODE: The size of the subarea is proposed to increase to 19.2 acres (needs to be corrected to 18.9 acres).

Subsection (2) Canal Front Mixed-Use Subarea:

CURRENT CODE: The size of the sub-area is 16.4 acres (actual size is 14.2 acres).

PROPOSED CODE: The size of the sub-area is proposed to decrease to 8.6 acres.

Subsection (3) Perimeter Commercial Subarea: There is no change proposed to the size of the subarea.

CURRENT CODE- SECTION D: provides a list of permitted uses in each subarea.

Subsection (1) Central Commercial Subarea:

CURRENT CODE: Subsection (a) currently includes outdoor seating and dining areas and outdoor retail sales display areas accessory to permitted uses.

PROPOSED CODE: The proposed Code keeps this language but relocates it to a new section that lists Accessory Uses permitted in all subareas.

Subsection (2) Canal Front Mixed-Use Subarea:

CURRENT CODE: Subsection (a) currently includes outdoor seating and dining areas and outdoor retail sales display areas accessory to permitted uses.

PROPOSED CODE: The proposed Code keeps this language but relocates it to a new section that lists Accessory Uses permitted in all subareas.

CURRENT CODE: Subsection (d) currently permits "Parking garage and transit center."

PROPOSED CODE: Removes "Parking garage and transit center" (as it was never built).

Subsection (3) Perimeter Commercial Area:

CURRENT CODE: Subsection (a) currently includes outdoor seating and dining areas and outdoor retail sales display areas accessory to permitted uses.

PROPOSED CODE: The proposed Code keeps this language but relocates it to a new section that lists Accessory Uses permitted in all subareas.

PROPOSED CODE: Proposed addition to Section D:

The proposed Code adds a Paragraph (4) to list accessory uses permitted in all subareas, which includes the following:

"(4) Accessory uses permitted in all Subareas:

(a) Outdoor seating and dining areas.

(b) Outdoor retail display areas.

(c) Outdoor accessory uses (such as swimming pools) customary for hotels."

CURRENT CODE- SECTION E: provides lists of prohibited uses in each of the three subareas. The following changes are proposed by subarea:

Subsection (1) - CENTRAL COMMERCIAL SUBAREA:

CURRENT CODE: Subsection (h). "Amusement centers" is a prohibited use.

PROPOSED CODE: The proposed Code eliminates "Amusement centers" from the list of prohibited uses and makes it a specially permitted use. (Recreational uses have become a desirable and common use in retail shopping and tourism destinations.)

CURRENT CODE: Subsection (m). "Vehicle repair" is a prohibited use.

PROPOSED CODE: The proposed Code modifies the language to read "(l) vehicle repair, except as accessory to a principal permitted or specially permitted use." (This additional language allows existing and potential new uses that exist in retail settings and may have accessory vehicular repair, such as Costco's existing auto service and tire center.)

CURRENT CODE: Subsection (n). "Vehicle sales area" is a prohibited use.

PROPOSED CODE: The proposed Code modifies the language to prohibit "Vehicle sales area except as permitted by special use permit." (This allows limited vehicle sales area typical of new types of vehicle sales operations which maintain little or no inventory by special use permit, such as certain electric car companies that sell only on line.)

Subsection (2) - CANAL FRONT MIXED-USE SUBAREA:

CURRENT CODE: Subsection (h) "Amusement centers" is a prohibited use.

PROPOSED CODE: The proposed Code eliminates "amusement centers" from the list of prohibited uses and makes it a specially permitted use. (Recreational uses have become a desirable and common use in retail shopping and tourism destinations.)

CURRENT CODE: Subsection (n) "Vehicle sales area" is a prohibited use.

PROPOSED CODE: The proposed Code modifies the language to prohibit "Vehicle sales area except as permitted by special use permit." (This allows limited vehicle sales area typical of new types of vehicle sales operations which maintain little or no inventory by special use permit, such as certain electric car companies that sell only on line.)

Subsection (3) - PERIMETER COMMERCIAL AREA:

CURRENT CODE: Subsection (h) "Amusement centers" is a prohibited use.

PROPOSED CODE: The proposed Code eliminates "Amusement centers" from the list of prohibited uses and makes it a specially permitted use. (Recreational uses have become a desirable and common use in retail shopping and tourism destinations.)

CURRENT CODE- SECTION F: Provides list of specially permitted uses.

CURRENT CODE: Lists specially permitted uses.

PROPOSED CODE: Nothing is proposed to be eliminated.

The following are proposed to be added as special permit uses:

"(8) Vehicle sales area for the new vehicles operation which sells new vehicles on-line, where on site activity consists primarily of showroom and/or on site delivery of pre-ordered vehicles and/or vehicle title to customers." (This allows limited vehicle sales typical for new types of vehicle sales operations which maintain limited or no inventory by special use permit, such as certain electric car companies that sell only on line.)

"(9) Amusement Centers." (Recreational uses have become a desirable and common use in retail shopping and tourism destinations.)

"(10) *Other uses which are deemed to be consistent with, and which advance the purpose of this PDD No. 11, as determined by the Manager of Zoning.*" (This provision is typical of many municipal Codes, to provide a process for review and approval of uses which are consistent with the Code but may not have been contemplated or existed at the time of adoption of the Code. This avoids need to go through a legislative amendment process, where variances are not an option in PDs.)

CURRENT CODE- SECTION G: Lot and coverage requirements.

Subsection (2)- Yard Requirements in the Central Commercial Subarea.

CURRENT CODE: Subsection (b). Minimum side yard setback: zero feet, with a minimum setback for parking lots of 10 feet.

PROPOSED CODE: Provides the same side yard setback of zero. Removes the minimum setback for parking lots of 10 feet.

Subsection (3)- Yard Requirements in the Perimeter Commercial Subarea. (Proposed Code outline format/lettering for Subsection 3 needs to be corrected in redline version in Word but corrected in pdf version of redline submitted.)

CURRENT CODE: Subsection (a). Build-to line along perimeter streets: 20 feet

PROPOSED CODE: Provides the same "...except Parcel 7A and 11A. (400 and 422 E. Henrietta Rd.)" (Most of the subarea is developed. Provides flexibility for future use and development of remaining Parcels 7A and 11A, given existing conditions and physical limitations of Parcels 7A and 11A including smokestack building, existing county utilities, and area available.)

CURRENT CODE: Subsection (b). Maximum setback on secondary entries: 20 feet.

PROPOSED CODE: Language eliminated. (see Subsection c below.)

CURRENT CODE: Subsection (c). Minimum side yard setback: zero feet with a minimum setback for parking lots of 10 feet.

PROPOSED CODE: Proposed to be new Subsection (b). Minimum side yard setback: zero feet to perimeter roads.

CURRENT CODE: Subsection (d). Minimum rear yard setback: zero feet, with a minimum setback for parking lots of 10 feet.

PROPOSED CODE: Proposed to be new Subsection (c). Minimum rear yard setback: zero feet.

Subsection (4)- Yard Requirement in the Canal Front Mixed-Use Subarea. No changes proposed.

CURRENT CODE-SECTION H: District Bulk Regulations.

Subsection (2). Floor Area.

CURRENT CODE: Subsection (a). The minimum floor area in the Perimeter Commercial Subarea shall be 5,000 square feet.

PROPOSED CODE: The minimum floor area is proposed to be 2,000 square feet. (Most of the Perimeter Commercial Subarea is developed or used for parking for Costco, with parcels 7A and 11A remaining for redevelopment. The proposed change provides flexibility for redevelopment of this area. Original plans contemplated demolition of a portion of smokestack building which did not occur.)

CURRENT CODE- SECTION I: District off-street parking and loading.

Subsection (1). Parking.

CURRENT CODE: Subsection (a) Supply. Current Code provides for a maximum of 2,100 spaces, with approximately 365 in the Central Commercial Subarea, 1,007 in the Canal Front Mixed-Use Subarea, and 738 in the Perimeter Commercial Subarea.

PROPOSED CODE: No change to the maximum amount of parking. Proposed Code provides for approximately 700 in the Central Commercial Subarea, 600 in the Canal Front Mixed-Use Subarea and 800 in the Perimeter Commercial Subarea. (The change in distribution reflects proposed change to DCP.)

CURRENT CODE- SECTION J: Design Regulations.

Subsection (1). Architecture.

PROPOSED CODE: There are updates proposed to architectural materials and details in the subareas. Please see redline for proposed changes. (The PRC was favorable to these upgrades.)

Subsection (5). Site and street design standards.

PROPOSED CODE: There are updates proposed to reflect changes to the DCP. Please see redline for proposed changes.

Grooms, Charles W.

From: Adrian Martin <adrian.r.martin@gmail.com>
Sent: Tuesday, July 25, 2023 12:51 PM
To: City of Rochester Site Plan Review
Subject: Re: site plan review, citygate

Adrian Martin, 354 Westminster Rd.
Thanks!

On Tue, Jul 25, 2023 at 12:43 PM City of Rochester Site Plan Review <SitePlanReview@cityofrochester.gov> wrote:

Good afternoon,

In addition to your name, your address must be provided if your comment is to be made part of the public record and presented to the members of the City Planning Commission for their consideration.

Thank you.

Wes Grooms, AICP
Associate Zoning Analyst & Site Plan Review Coordinator
Wes.Grooms@CityOfRochester.Gov
(585) 428-6637

-----Original Message-----

From: Adrian Martin <adrian.r.martin@gmail.com>
Sent: Tuesday, July 25, 2023 11:16 AM
To: City of Rochester Site Plan Review <SitePlanReview@CityofRochester.Gov>
Subject: site plan review, citygate

Warning: This email originated from an external source. Please do not open attachments, click on links, or provide your username or password if the source is suspicious.

Hello,

I saw the plans for the expansion of CityGate (SP-008-23-24) on the city's website and am really disappointed, for two reasons: lack of housing, and the suburban form of the proposal.

1) The original objective of CityGate was to create a mix of residential and commercial uses; the planned expansion would consume the rest of CityGate's land, leaving nothing left for adding any residences. The city needs to keep building new homes to prevent housing costs in southeast Rochester from rising too rapidly and getting unaffordable; the city also needs to keep building homes to add new residents to work at and shop at city businesses. In contrast, new drive-thru fast food restaurants will simply steal existing customers from existing restaurants - they won't create new customers.

The only building in the proposal potentially containing residences is a low-rise 17k sqft building surrounded by a surface parking lot.

Turning CityGate into a giant strip mall surrounding drive-thru fast food restaurants is inconsistent with its original objectives.

2) A strip mall/drive thru CityGate with huge parking lots is also a huge waste of some of the most valuable land in the Rochester region.

Any place can have strip malls and drive thrus, and the Rochester area has no shortage of them. Citygate is the

NBD 08 ATTACHMENT

only land available for commercial development located on the canal and canal path within the city. The city shouldn't waste this unique parcel by expanding suburban-style strip malls and parking lots. The city would likely get far more property tax revenue from condos (like in Fairport), or townhouses backing up to or fronting on the canal (like the Erie Harbor apartments on the river).

Even if the developer proposes solely commercial space, that space should take advantage of the canal rather than turn its back to it.

Half of the proposal does this well with what looks like a canal-side restaurant as part of the hotel; but it's adjacent to a canal-side parking lot and a low-rise strip mall building. Since this land is unique and valuable, the developer should maximize its value and maximize the number of people who can enjoy it by placing buildings the entirety of the frontage on the canal, minimizing the amount of parking, and building multiple (5 or 6) story buildings. Instead the developer has proposed building 6 acres of parking on a 9 acre site!

I will add that, despite the hotel (like every other building) having too much parking, the hotel does appear to nicely take advantage of the canal, and I have no objection to a hotel on the site. I'm sure it will be successful, with its location on the canal path, between UR, RIT, next to 390, etc.

I hope the city sends the developer back to the drawing board, and that the developer comes back with a proposal worthy of this unique site, that caters to people rather than automobiles. Thanks for your time.

- Adrian Martin, city resident

Grooms, Charles W.

From: Alex Turner <Alex.Turner@fcscharities.org>
Sent: Friday, July 28, 2023 9:22 AM
To: City of Rochester Site Plan Review
Subject: RE: Citygate Canal-side Plaza plan - Opportunity!

Thank you for your quick response! If it is possible to add a post script or additional comment, I wasn't aware that the developers were asking the city to consider making zoning changes to build this development when I wrote my original comment.

The city has the power to deny those zoning changes and send the developers back to the drawing board to build a development that follows our city zoning code and is a more appropriate urban entry point to our city. I hope they use that power.

Thanks again,

-Alex Turner
230 Elmdorf Ave
Rochester, NY 14619

From: City of Rochester Site Plan Review <SitePlanReview@CityofRochester.Gov>
Sent: Friday, July 28, 2023 9:15 AM
To: Alex Turner <Alex.Turner@fcscharities.org>
Subject: RE: Citygate Canal-side Plaza plan - Opportunity!

Thank you. Your comment will be included in the public record and forwarded to members of the city planning commission for their consideration.

Please also be aware that this case is being heard in August, not July. The notice post cards were sent out early inadvertently.

Wes Grooms, AICP

Associate Zoning Analyst & Site Plan Review Coordinator
Wes.Grooms@CityOfRochester.Gov
(585) 428-6637

From: Alex Turner <Alex.Turner@fcscharities.org>
Sent: Thursday, July 27, 2023 3:45 PM
To: City of Rochester Site Plan Review <SitePlanReview@CityofRochester.Gov>
Subject: RE: Citygate Canal-side Plaza plan - Opportunity!

Good Afternoon,

I live at 230 Elmdorf Ave Rochester NY 14619.

Thanks,
-Alex

From: City of Rochester Site Plan Review <SitePlanReview@CityofRochester.Gov>
Sent: Thursday, July 27, 2023 2:51 PM
To: Alex Turner <Alex.Turner@fcscharities.org>
Subject: RE: Citygate Canal-side Plaza plan - Opportunity!

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If you suspect the email is suspicious forward it to helpdesk@dor.org immediately

Thank you for your comment. We require that your address be provided in order for it to be included in the public record and forwarded to the members of the City Planning Commission. Please provide this information prior to 5pm on July 28, 2023 if you wish your input to be considered in this case.

Thank you.

Wes Grooms, AICP

Associate Zoning Analyst & Site Plan Review Coordinator
Wes.Grooms@CityOfRochester.Gov
(585) 428-6637

From: Alex Turner <Alex.Turner@fcscharities.org>
Sent: Thursday, July 27, 2023 1:44 PM
To: City of Rochester Site Plan Review <SitePlanReview@CityofRochester.Gov>
Subject: Citygate Canal-side Plaza plan - Opportunity!

Warning: This email originated from an external source. Please do not open attachments, click on links, or provide your username or password if the source is suspicious.

Good afternoon,

I'm hoping you can help us to turn the tide on a very car-centric plan for the Citygate plaza that has recently been released. The proposed site plan includes 3 new drive through restaurants in addition to significant amounts of new parking, and no new housing. This development is entirely suburban in character and goes against all of the goals laid out in our city & county climate & active transport plans.

This development is located directly on the Erie canal and NYS empire trail with easy connections to the Genesee river trail & Lehigh valley trail. Many of the county's largest schools and employers (MCC, RIT, UofR) in addition to the existing Costco for walkable shopping and job opportunities are within easy, low stress biking commutes of this location.

One of the city's original plans for this site included an entire neighborhood of mixed use and low-rise residential with hundreds of homes.

We have the opportunity to capitalize on the canal path and create a true place that could replicate the success of places like Fairport & Pittsford in terms of Canalside dining & Walkable retail connected to a dense mixed-use neighborhood with housing where it would be possible (and pleasant) to live without a car.

I'm writing to you as Catholic Charities Director Of Prosperity programs, over the last 2 years we have served over 5,000 people in crisis, and even during the pandemic the most common primary cause of working families falling into financial emergencies was either a car crash or an emergency car repair. Reducing car dependence in our city would put hundreds of dollars a month into the pockets of every family who could reduce their car usage or remove a car from their household, in addition as heat records are being set around the world, the climate imperative of removing cars from the road and reducing our transportation emissions has never been clearer.

Thank you for your consideration, and I hope you'll step in to help our city capitalize on this once in a generation opportunity to create a place worthy of our city along the Erie canal, and support our climate & active transport goals by creating housing for hundreds of households with the option to live car-free.

Alex Turner

Director Of Prosperity Programs

HSN Steering Committee - Homelessness Prevention

Catholic Charities Family & Community Services

Grooms, Charles W.

From: Alex Turner <Alex.Turner@fcscharities.org>
Sent: Thursday, July 27, 2023 3:45 PM
To: City of Rochester Site Plan Review
Subject: RE: Citygate Canal-side Plaza plan - Opportunity!

Good Afternoon,

I live at 230 Elmdorf Ave Rochester NY 14619.

Thanks,
-Alex

From: City of Rochester Site Plan Review <SitePlanReview@CityofRochester.Gov>
Sent: Thursday, July 27, 2023 2:51 PM
To: Alex Turner <Alex.Turner@fcscharities.org>
Subject: RE: Citygate Canal-side Plaza plan - Opportunity!

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Thank you.

Wes Grooms, AICP

Associate Zoning Analyst & Site Plan Review Coordinator
Wes.Grooms@CityOfRochester.Gov
(585) 428-6637

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Sent: Thursday, July 27, 2023 1:44 PM
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Costco for walkable shopping and job opportunities are within easy, low stress biking commutes of this location.

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I'm writing to you as Catholic Charities Director Of Prosperity programs, over the last 2 years we have served over 5,000 people in crisis, and even during the pandemic the most common primary cause of working families falling into financial emergencies was either a car crash or an emergency car repair. Reducing car dependence in our city would put hundreds of dollars a month into the pockets of every family who could reduce their car usage or remove a car from their household, in addition as heat records are being set around the world, the climate imperative of removing cars from the road and reducing our transportation emissions has never been clearer.

Thank you for your consideration, and I hope you'll step in to help our city capitalize on this once in a generation opportunity to create a place worthy of our city along the Erie canal, and support our climate & active transport goals by creating housing for hundreds of households with the option to live car-free.

Alex Turner

Director Of Prosperity Programs

HSN Steering Committee - Homelessness Prevention

Catholic Charities Family & Community Services

Grooms, Charles W.

From: Brent Liberati <brentliberati@gmail.com>
Sent: Friday, July 28, 2023 9:23 AM
To: City of Rochester Site Plan Review
Subject: Re: City Gate

2 Upton Park, Rochester, NY 14607

On Fri, Jul 28, 2023, 9:14 AM City of Rochester Site Plan Review <SitePlanReview@cityofrochester.gov> wrote:

Thank you for your comment. We require that your address be provided in order for it to be included in the public record and forwarded to the members of the City Planning Commission. Please provide this information if you wish your input to be considered in this case.

Please also be aware that this case is being heard in August, not July. The notice post cards were sent out early inadvertently.

Wes Grooms, AICP

Associate Zoning Analyst & Site Plan Review Coordinator

Wes.Grooms@CityOfRochester.Gov

(585) 428-6637

From: Brent Liberati <brentliberati@gmail.com>
Sent: Thursday, July 27, 2023 4:17 PM
To: City of Rochester Site Plan Review <SitePlanReview@CityofRochester.Gov>
Subject: City Gate

Warning: This email originated from an external source. Please do not open attachments, click on links, or provide your username or password if the source is suspicious.

Hello Rochester Site Plan Review Board!

My name is Brent, I am a city resident of 3+ years, and I am writing to you today about the proposed City Gate plan. It's all drive thrus and parking lots! What a disaster! More square footage dedicated to cars than to

people! There are several reasons why this is a terrible plan in my opinion and I will exhaustingly list them here.

#1. Environmental impact. Building more car infrastructure means getting more car traffic which means increased pollution from tail pipe emissions and tire particles (which even electric vehicles have!). We must break our addiction to the car if we ever hope to get global warming under control.

#2. Proximity to the Erie Canal Trail and local colleges/universities. This area is fairly bikeable for being in such close proximity to the largely unbikeable suburbs. This could be a great location to live car free and being able to commute by bike, bus, or walking to school or work. I'm very sad to see housing was dropped from this plan. Shops with Canal Trail facing entrances would be great for business! Think of Shoen Place in Pittsford!

#3. Property Values. Car infrastructure is an absolute vampire on public resources. Parking lots bring in very little in property taxes compared to a mixed use development with the same footprint. Check out "Strong Towns", they've discussed this at length. Parking lots and car infrastructure are bad for business!

<https://www.strongtowns.org/journal/2015/11/18/mapping-the-effects-of-parking-minimums>

#4. Traffic violence. The number of pedestrians getting hurt or killed by motorists is steadily increasing nationwide and Rochester has the highest rate out of any major city in New York State. More car centric infrastructure putting more and more cars on the street is only going to exacerbate this.

Because this area is zoned "Planned Development" I'm not sure what the parking minimums are, but I say eliminate parking minimums! We've done so in the Center City and we're seeing parking lots getting replaced with mixed use high density housing. It's great! We should be doing that throughout the city.

Please push back on City Gate's new owner's plans, this is not progress and is only holding us back from being a truly great, thriving city.

Regards,

Brent Liberati

Rochester Resident

Grooms, Charles W.

From: Lisa <lto62t@gmail.com>
Sent: Thursday, July 20, 2023 12:08 AM
To: Grooms, Charles W.
Subject: Planned Development Change

Warning: This email originated from an external source. Please do not open attachments, click on links, or provide your username or password if the source is suspicious.

Hi Wes,

I wanted to email you to voice my opposition to the change in focus of the planned district 11 at city gate. I think the abandonment of the original plan that already occurred (Costco) was a travesty and it's obviously abundantly clear that that was a poor decision which has not had a positive impact on the city. Rochester already has far too much suburban big box commercial development, which chokes the life out of the city. And there is boatloads of vacant commercial space already out there in the city, millions of square feet. Why let some mega corporation make a quick buck by building one more wasteful box that sucks even more money and life out of our community. Insist on the high density housing that is what Rochester actually needs. We're supposed to be a progressive city and it's time we start acting like one, instead of a generic 80s white bread suburbia. I really hope this isn't being seriously entertained.

Lisa Thomas-Owens
South avenue
Rochester 14620

Grooms, Charles W.

From: Steve Carter <steve@stevecarter.co>
Sent: Friday, July 28, 2023 10:51 AM
To: City of Rochester Site Plan Review
Subject: City Gate plan

Warning: This email originated from an external source. Please do not open attachments, click on links, or provide your username or password if the source is suspicious.

Hi there,

My name is Steve Carter and I'm a city resident at 55 Railroad St. in the Marketview Heights neighborhood.

Yesterday I was made aware of the developers new plans for the City Gate development. The new plans seem tremendously different from the original vision. I'm opposed to creating an even larger sea of parking on this site, especially when it has the opportunity to provide much needed housing and connect to a bike superhighway (the canal trail). As much as I love a Costco, the parking situation there makes it leave a bad taste. To me, currently, the only part that has remained somewhat in line with the original vision is the REI built along the canal.

Would love to see a site plan look more like

this: <https://twitter.com/stvcctr/status/1684935715602219008?s=46&t=2PXZ7IHzMSUFy2RxUhiv8g>

Instead of the sea of parking and drive thrus that is proposed.

Thank you for taking feedback on this project. Hope we can hold developers to higher standards within our community.

Thank you,
Steve



Date: August 28, 2023

To: **City of Rochester Planning Commission**

Subject:

Case#1

File No. T-001-23-24

Applicant: Matt Lester – Streamline Real Estate

For the property at:

Zoning District: PDD#11

Quadrant: Southwest

Application Type: Planned Development District Amendment

Purpose: Amend concept and text of PDD-11 City Gate to modify sub-area boundaries and change focus from residential to commercial uses, especially within the canal-front sub-area.

Dear Planning Commission,

The Upper Mt. Hope Neighborhood Association (UMHN) has met with representatives from Streamline Real Estate Partners (SREP) on two recent occasions. The first with the UMHN staff to get an overview of PD11 “Citygate” and plans to amend. The second was at a presentation meeting with the entire neighborhood where questions could be answered, and ideas presented. The outcome of both meetings was extremely positive. Some of the outcomes include:

This is a gateway not only to Rochester but many other area institutions and municipalities. It is the goal of UMHN to retain the parcel exclusively for commercial/retail/hospitality while allowing as much flexibility as possible to stimulate growth and stability in PD11 and adjoining entities.

We are grateful to see that life is being breathed back into Citygate and hope to have this area become a destination for all who travel in and through Rochester.

Thank you for your time,

Dan



Daniel J. Hurley

President

Upper Mount Hope Neighborhood Association

95 Southview Terrace

Rochester, New York 14620

(585)309-7394

Grooms, Charles W.

From: Mike Fisher <mfisher911@gmail.com>
Sent: Monday, August 28, 2023 2:09 PM
To: Grooms, Charles W.
Subject: Re: Citygate / PDD11

Sure thing!

Michael Fisher
182 Rossiter Rd.
Rochester, NY 14620

On 28 Aug 2023, at 8:36, Grooms, Charles W. wrote:

> Good morning, Mr. Fisher.

>

> Thank you for your comment.

>

> In order to include your comment in the public record and have it considered by the members of the City Planning Commission, we require your home address be provided by you. I need this information by 5pm today (Monday 8-28-23) if it is to be provided to the CPC prior to their hearing this evening.

>

> Thank you.

>

> Wes Grooms, AICP

> Associate Zoning Analyst & Site Plan Review Coordinator

> Wes.Grooms@CityOfRochester.Gov

> (585) 428-6637

>

> The City of Rochester is updating its Zoning Code and Zoning Map! To review draft documents and submit comments, please visit [https://urldefense.com/v3/__http://www.RochesterZAP.com__;!!Ky_EEBO7uzqqD3I!98ekiMI5fk-C7x6xu9--JggQHVRnxkfsYBjxueaO6AoZL4Q-nXu810CtxdaZec65qcSZ1IJBBeAQZ-1CHeDp6Ni869CaD4\\$](https://urldefense.com/v3/__http://www.RochesterZAP.com__;!!Ky_EEBO7uzqqD3I!98ekiMI5fk-C7x6xu9--JggQHVRnxkfsYBjxueaO6AoZL4Q-nXu810CtxdaZec65qcSZ1IJBBeAQZ-1CHeDp6Ni869CaD4$).

>

>

> -----Original Message-----

> From: Mike Fisher <mfisher911@gmail.com>

> Sent: Friday, August 25, 2023 9:58 AM

> To: Grooms, Charles W. <Wes.Grooms@cityofrochester.gov>

> Cc: mlester@caliberbrokerage.com

> Subject: Citygate / PDD11

>

> Warning: This email originated from an external source. Please do not open attachments, click on links, or provide your username or password if the source is suspicious.

>

> Good morning, Wes.

>

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> I appreciated Matt's presence at the Upper Mount Hope Neighborhood Association's meeting on 8/24, when the Streamline/Caliber team presented their vision for re-adjusting the sizes of the central commercial area and the mixed use region.

>

> Given the significant changes in community need (such as increased interest in drive through/carry-out restaurants since COVID) in the time since Mr. Costello's original vision was presented, as a UMHN resident, I support the PDD11 adjustment and wish for the team's success.

>

> Thank you!

Grooms, Charles W.

From: Judith Shaw <judith.w.shaw4@gmail.com>
Sent: Friday, August 25, 2023 8:05 AM
To: Grooms, Charles W.
Subject: Bureau of Planning, Rochester

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Bureau of Planning, Rochester

A second copy with a name added- August 25, 2023

Letter re CityGate. August 22, 2023

Wes.grooms@cityofrochester.gov

August 22, 2023

Dear Wes and the City Planning Board,

Last night, August 21, six members of the Upper Mount Hope Neighborhood met at St. Anne Church with four members of the planners for CityGate, Westfall Road, in our neighborhood. (Matt Lester, Anthony Gizzie, Matt Tomlinson and Jerry Goldman).

The purpose of our meeting was to learn about their plans for reactivating CityGate.

Our response was positive. They presented pertinent information, and each person from the neighborhood had a chance to ask aligning questions. We agree that the future of CityGate is in good hands.

On Thursday of this week, August 24, 7pm, the Upper Mt. Hope Neighborhood will have a second meeting at St. Anne's. All residents who are on our mailing list are invited. The four planning members will be there again to present information and listen to responses. If possible, you may receive more written responses to the City. For now, we the undersigned endorse the project at CityGate.

Dan Hurley, President

Judith Shaw, Secretary

Frank Scarcelli, Treasurer

Mary Tyndall, Block Chairperson

Nick Jones, new member of the UMHN

Bill and Peg Downen, Chairpersons of Mark's Park

Sent from my iPad

Judith W. Shaw

132 Elmerston Road

Rochester, NY 14620

585 473 3584

“Ancora imparo”

**CITY PLANNING COMMISSION INFORMATIONAL MEETING
MEETING MINUTES (08/28/2023)
ZONING MAP AMENDMENT**

TMA-001-23-24

Page 1

APPLICANT: Matt Lester, Owner Streamline Real Estate Partners

PURPOSE: Amend concept and text of PDD-11 City Gate to modify sub-area boundaries and change focus from residential to commercial uses, especially within the Canal-front subarea. For 255, 275, 335-345 Westfall Road and 0,350,390,400, 422, 450 and 460 East Henrietta Road.

APPLICANT AND/OR REPRESENTATIVE PRESENTATION:

Applicant's Representative:

Hi Good Evening my name is Betsy Brugg I am an Attorney with Woods Oviatt Gilman, thrilled to be here tonight. What you have in front of you is an application for an amendment to PDD#11 which is known as City Gate. It is a 44 Acre area in the City of Rochester and has been sitting idle for a while. PDD11 was created back in 2010 by Anthony Castello who originally acquired the property around 2008 from the county, it was the lola Campus. He started the development of the property and then after passing away the project stalled and not a whole lot has happened since. He did bring Costco to town, with me tonight are the developers, Matt Lester and Anthony Gizzy of Streamline Development Partners. They have acquired and taken control over the remainder of City Gate. That does not include Casco, who owns their own property, Five Star Bank or properties owned by Monroe County. You may see the gen facilities equipment coming in and out of an existing building owned by the County who also own an easement for all of the utilities and equipment located under the smoke stack building to go across the road to the community hospital. So, that is the property, Matt was involved with bringing Costco here in 2013. The code was last amended back in 2013 to accommodate the Costco development. With Costco came some other retailers, the corner was developed into REI. Certainly the uses and particular vision that Mr. Castello had at the time did not come to fruition and the property has really struggled for the last few years. Not a lot has gone on, some of the businesses have gone out of business. Costco has been wildly successful; it is a regional destination I think people come farther than Buffalo to get to the store it is the only Costco in our area. The neighborhood is right near I-590 via I-390 near the canal on the border of the Town of Brighton. Many people think the site is actually in Henrietta so we are right near Henrietta. So this is really a regional centrally located destination some will say it is suburban but we think it is unique because it is a regional destination and Costco has been a tremendously successful business both for the city, generating a lot of tax revenues, business into the city and serving the surrounding areas. What bring us here tonight is that it's been 8-10 years and we need to update the code, we do not have a particular project on the table or a particular user or site plan to submit but we are proposing some relatively minor types of amendments to the code. Basically, to address the changes to the market, changes in conditions of the site, new types of uses out there in the world and probably the most significant change is to the development concept plan; to take portion of the area. There are three sub areas, primitive, central commercial, and canal front area, so there's an area that is designated to the Canal front. In fact, there was a bus transit center and parking garage. That never came to be so we are really looking to make that area really viable and inviting for potential development. Costco draws a lot of interest from a lot of different users so we would like to make the site inviting so Matt and Anthony can move forward and get some good development for the City gate project. Our whole team is here Matt Tomlinson from Marathon Engineers who would go through the development concept plan. He's been involved for a number of years as well so he can give you a little background. I can tell you that we have some great idea's but we do not have a

particular plan or site plan. We are very much focused on maintaining the pedestrian accessibility, there are sidewalks there and we plan on continuing that. Our orientation on that canal is geared towards making that a publicly inviting space: activating that frontage, looking potentially for a user that will help develop the canal frontage, access to the canal putting some publicly welcomed uses like restaurants, activities maybe boat launch but we are not sure. Different types of uses that will make that a public space as opposed to originally I think it was contemplated to be more of a private area for residential. We are looking at it as an opportunity for making it publicly accessible. I will point out we went to the PRC they overwhelmingly voted to recommend approval they did ask her to remove potential drive-thru uses near the Canal area, we did remove that. The PRC wanted to make sure we had access to the canal the developers are very much committed to making sure there is public access to the canal. We recognize that is huge asset to this site. With that I will stop talking and turn it over to Matt here and we are very open to questions that you may have. And I should say we met with the Upper Mount Hope area and we have their support and we have someone here tonight.

Applicant's Representative:

Good evening Matt Tomlinson Marathon Engineers, as Betsy mentioned our firm has been involved with City Gates Project since Anthony started and appeared before this board in 2013 as well. As Betsy mentioned we are here to propose changes to the PDD we have worked with City staff, Matthew and Wes Grooms in their office quite extensively on this in order to get to this point before you today. There are really minor changes to the PDD, the most substantive changes as mentioned are the subareas, I placed graphics down front and they should be in the packages you have that shows the three original sub-areas. Green being commercial, orange is the central commercial and blue being the canal front. The same colors are used on the proposed changes to the left here found on the development concept plan you can see we are moving the center commercial line to comprise the area that buffers the Cogen facility that buffers the hospital. From a limits stand point that really is the primary change in expanding one sub-area slightly for that. And that's really to facilitate the potential users that are anticipated because that Cogen generator does generate a ton of noise. The generator is on the piece of the site that the whole City gate iterations had to be built around because generator because is to remain for the County Hospital and the parcel is in fact still owned by the county. As far as the other changes some updates with the architectural teams have been included, some building materials that maybe were not as prevalent 10-12 years ago when the proposed language was being developed. That's primarily to help facilitate differences in facades but all design of the buildings themselves will be reviewed as incremental Site Plan Approvals. I know that in the staff report there were several comments from the Landscape group with the City commenting on parking lot layouts, buffering, landscaping will all be incorporated into the incremental site plans that will be submitted when users are identified, of course those don't necessarily come before this board but I will go through the site plan review process as long as they are consistent with the revised zoning. So with that I didn't want to take up a lot of time with the iteration of the detail in the report but we can answer questions for anything specific.

Commissioner Watson: Any questions for the applicant?

QUESTIONS FROM COMMISSION MEMBERS AND APPLICANT'S RESPONSE:

Commissioner Watson: I can start off I guess the major concern not concern, but an area of interest for me in changing the language for PDD, in looking at residential aspects I know there are minor changes in the PDD. Some amended can you speak specifically about the residential aspect?

Applicant: I don't think we changed anything residential so we left it in the code, as you know we are trying to create a code that will last for some time allow to explore the market and see what the interest is. Currently there doesn't seem like there will be a whole lot of interest in residential I know there is public interest but it's not compatible with Costco and some of the commercial users do not want to but we haven't totally precluded it. We left that in we are waiting to see how the market plays out as well and what the interests are.

Commissioner Watson: okay thank you, other questions?

Commissioner: So you had addressed the drive-thru issue and mentioned you had removed that from your scope and intentions?

Applicant: Yes

Commissioner: But it is still in the application and shows on the map in fact your map with two drive-thru on there.

Applicant Matt: Betsy was speaking that originally included in the language that drive-thru' s would be permitted within the Canal front district. Drive-thru' s was always included in the original perimeter commercial and center commercial which still remains today.

Commissioner Watson: Any other questions?

Commissioner: Can we go back to the residential piece; you say it's not supposed to be taken out but the comparison suggests that it is, can you speak to that?

Applicant's Representative:

It is in the code but it is not shown in the placeholder on the Development concept plan, we have a mixed use building that we haven't really defined. The hope is to bring a hotel; the interests is more in the commercial area the market has changed a lot in terms of ...

Commissioner: I understand I'm just asking what your proposal is?

Applicant's Representative:

We haven't changed the code we still include residential as a potential use. But if residential was to come along the concept plan is not inconsistent.

Commissioner Watson: Any other questions

Applicant's Representative:

I will say this there has been a lot of interests in making sure the Canal front does not become residential instead have restaurants and shops for the public to utilize and enjoy the canal. So we specifically said it is important to make sure the canal is easily accessible for pedestrians. The path is super popular and another thing we added in the text was to ensure outdoor seating is allowed, I think there is a greater appreciation for outdoor activity now than there were some years ago, surprisingly.

Commissioner Watson: Additional questions bouncing off of that is, with the center line of the path is that county or state?

Applicant's Representative:

What's your question?

Commissioner Watson: With the center line of the path being not your property, how far does the property of the canal path. Where's the boundary I guess on the canal side? How wide is that path within the right of way?

Applicant's Representative: The path in the right of way falls under the Canal Authority jurisdiction.

Commissioner Watson: That's under NYS?

Applicant's Representative: Yes, NYS, that's correct. The existing South side is in blue so the path itself and the path to the bridge is all fully within their right of way. But there were initial discussions back in the original plan with the Canal Authority regarding pedestrian connections. And of course that is encouraged by them as part.

Commissioner Watson: Okay, that property abuts the canal path in.

Applicant's Representative: Yes, it does.

Commissioner Watson: Okay thank you any other questions for the applicant. *timer rings* Timing it is all about timing. We would like to ask if there is anyone who would like to speak in favor of this application, again give us your name and address on the record?

PUBLIC TESTIMONY:

Public Testimony Dan Hurley: I am Dan Hurley the President of the Upper Mt. Hope Associations it's a pleasure to be here this evening. I have been with this project since its invention in 2008. It's a wonderful project and something the neighborhood loves and the entire region. The neighborhood views it as a vital link between Rochester and the surrounding areas in terms of foot, vehicular, bicycle traffic. City gate is highly accessible because it's on the Canal, and if you never been there before I highly encourage you to walk throughout the perimeter to familiarize yourself with the area. This is something that I think with your help we can really turn this into a bigger destination place. There are always concerns for every development out there regarding housing and traffic components and I been through a number of projects, College town, Gold street lofts, and City gate including the rehab of I590 I-390 and I can tell you there's always been some apprehension however working with the developers and the city those concerns were alleviated and we always had projects that was worthwhile. The retail aspect has been somewhat hindered and our hopes have been turned over to streamline with greatest flexibility possible through your help to bring in world class retailers and help the area pop. I have a letter of support that I would like to give each one of you from our neighborhood. Can I do that now?

Commissioner Watson: Yes, just make sure staff gets a copy for their staff reports.

Public Testimony Dan Hurley: I will close by saying there has been talk early on about the housing components. The original 2008 plan includes housing however due to circumstances in that time period that was not able to be brought into fruition so since the project has changed slightly to where it is retail. And it seems the nature of Costco just given the traffic flows in and out, pretty much a dynamic parcel. It would be in our best interests we believe in retaining that of partnerships where it's just retail, hotels vehicular traffic so people are in and out these stores as quickly as possible. Not necessarily quick as possible there's not a lot of stagnant activity. So that would be our viewpoint on the housing component, we also believe there are plenty of places for housing with vacant land. This land has already been established as retail and we really want to do what we can to further enhance that.

Commissioner Watson: Anyone else in favor of this application? Is there anyone in opposition of this application please step forward?

Public testimony: My name is Lisa Reagan I live at 220 Linden Street in the South Wedge neighborhood. This isn't actually an opposition this is just in concern and so given that we are in process of revising the zoning process in addition to the map and code. A lot of the recommendations for the revisions take things out of public notice and comment process and to the extent that Dan recommended maximum flexibility. One of the challenges for the neighbors giving informed comments about something is when you got a blank slate now with no plan you're giving comments about what could be there in the future when there won't be an opportunity later in many cases about the impacts on the surrounding neighborhood is the challenge. And that's what I wanted to say.

Commissioner Watson: Anyone else? please step forward. Seeing none the applicant has an opportunity to rebut or comment if you wish to do so you have up to 10 minutes.

Applicant's Representative: We do not have anything else to add we've worked with the staff and will continue to work with the staff as much as possible.

Commissioner Watson: Again remember This is a recommendation from the City Planning Commission to City Council. Seeing none.

City of Rochester: The ability to comment on future development is based on that Projects in Planned development districts each individual project will have to go through incremental site plan review. So that is on the record minor site plan review the neighborhood association is notified and for major site plan reviews 600 feet worth of addresses are notified. People are welcomed to Ave an opinion whether it is sufficient or not but there is a notification.

Attorney Tom Warth: Unable to hear

HEARING ENDS



City of Rochester

Neighborhood and Business Development
City Hall Room 125B, 30 Church Street
Rochester, New York 14614-1290
www.cityofrochester.gov

City Planning
Commission

CITY PLANNING COMMISSION

RECOMMENDATION

**CITYGATE PLANNED DEVELOPMENT DIST. #11
CONCEPT PLAN AND CODE AMENDMENT**

RECEIVED
CITY OF ROCHESTER
CLERK/COUNCIL OFFICE
2023 SEP 12 P 2:32

Re: To amend the Planned Development District #11 - CityGate Development Concept Plan and Code text to include the expansion of the Central Commercial sub-area, an equal decrease in the size of the Canal-Front Mixed Use sub-area, and revisions to permitted uses and building materials.

Case No: T-001-23-24

Resolution:

RESOLVED, that the City Planning Commission (CPC) **RECOMMENDS** approval of a request to amend the Development Concept Plan and Code text of Planned Development District #11 – CityGate (CityGate PDD) to expand the central commercial sub-area, decrease in equal measure the canal-front sub-area, revise permitted uses in the CityGate PDD’s three sub-areas, revise permitted building materials, and other minor modifications and grammatical corrections, provided that City Council factor in that the southward expansion of Central Commercial sub-area will increase the number of lots where a drive-through is one of the permissible uses and consider how that expansion would impact: a) vehicular traffic levels and flow; and b) pedestrian access and walkability.

Vote: Motion Passes

Action: Recommend Approval

Meeting Date: August 28, 2023

Record of Vote: 6-0-0

- D. Watson Recommend Approval
- E. Marlin Recommend Approval
- J. Roby-Davison Recommend Approval
- N. Carleton Recommend Approval
- M. Pichardo NOT PRESENT
- B. Flower Recommend Approval
- K. Harding Recommend Approval



PDD Amendment Process

The applicant seeks City Council approval of proposed amendments to the Development Concept Plan and Zoning Code text for the CityGate PDD, which was adopted by Ordinance No. 2010-427 and amended by Ordinance No. 2013-235. Prior to presenting it to the City Council, the application must be presented to the CPC in a public information meeting. Zoning Code §§120-126A(5);120-190C(3)(c). At the conclusion of the meeting, the CPC is required to issue a recommendation to Council to either approve, approve subject to conditions, or deny the application based on the CPC's evaluation of the application for consistency with the criteria described in the Findings below.

Findings

Pursuant to Zoning Code §120-190C(3)(c)[2], the CPC's recommendations to the City Council regarding proposed amendments to the Zoning Code or Map shall consider and make findings regarding the following four factors:

A. Consistency with the City's Comprehensive Plan and any other adopted special area plans.

Planned Development District Objectives in General. The Zoning Code, which is part of the Comprehensive Plan, in §120-126A(5) by reference to §120-122, requires the adoption and amendment of PDDs to achieve the following five objectives:

1. An alternative development pattern in harmony with the objectives of various City and regional land use and development plans.
2. A creative use of land and related physical development allowing an orderly transition from one land use to another.
3. Diversification in the uses permitted and variation in the relationship of uses, structures, open spaces and height of structures in developments conceived as cohesive unified projects.
4. Unique standards for site and building design.
5. The preservation and enhancement of desirable site characteristics, such as open space, natural topography, vegetation and geologic features and the prevention of soil erosion.

The Placemaking Plan in the *Rochester 2034* Comprehensive Plan (pp. 65, 75 and 86) acknowledges and endorses the use of the northern and central portions of the CityGate PDD as a Regional Commercial character area where commercial, retail and service predominate due to the PDD's location on a major road corridor. Consistent with *Rochester 2034's* observation that "[m]ore intentional design standards are needed to mitigate the auto-oriented nature of land uses" in the Regional Commercial area, the proposed amendments keep the CityGate PDD's existing site and street design standards that require pedestrian-friendly amenities and design throughout the PDD. CityGate PDD at Paragraph J(5). Moreover, the proposed amendments retain at 2,100 spaces CityGate's existing cap on total parking spaces. A parking demand analysis is required to exceed that cap.

The amendments maintain the remaining approximately 8.6 acres of the Canal Mixed Use subarea as “a pedestrian-scaled urban setting” for uses (such as hotel, restaurant and smaller scale mixed retail) that are more compatible and conducive to the public enjoyment of the scenic and recreational assets of the adjacent Erie Canal corridor. Thus, the amendments would continue the maintenance and development of this subarea as an appropriate transition from the canalside recreation and scenery to the regional commercial character of the PDD’s interior.

The CityGate PDD provides for a diversification of uses by providing an extensive list of permitted uses for each of the three subareas. Although the proposed revised Development Concept Plan indicates the potential for developing two drive-through restaurants in the area proposed to be transferred from the Canal Front Mixed-Use to Central Commercial subarea, we also note that the Central Commercial subarea as amended would also allow several other permitted uses as follows: all uses in enclosed buildings except those listed as specially permitted or as specifically prohibited; retail vehicle fueling stations; utility stations; temporary uses provided for in Zoning Code §120-149; and limited entertainment provided either indoors or outdoors. CityGate PDD Paragraph D(1).

The CityGate PDD as amended would retain the district’s extensive set of unique site and design standards that address lot coverage, open space, setbacks, building bulk and height, building architecture, signage, screening of mechanical equipment, landscaping, and site and street design standards. CityGate PDD Paragraphs G, H and J.

The CityGate PDD with the proposed amendments provide for the preservation and enhancement of desirable site characteristics, such as the canalside area and green space generally. It requires the canal to be treated as an “edge” similar to a street, such that parking lots, garage doors, loading docks or doors, service entrances and dumpster enclosures will be discouraged from facing it. CityGate PDD Paragraphs G, H and J. The PDD retains the requirement to maintain a green space/landscape management plan that integrates green space and distinctive landscaping “into the site as a unifying factor to reinforce the cohesion of the district as a whole” while accommodating a diversity of uses, to beautify the district, and to “define... vehicular and pedestrian circulation elements.” CityGate PDD Paragraphs J(4) and J(5)(b)[9].

Purpose of CityGate PDD. The proposed amendments would not modify the purpose of the CityGate PDD currently in effect and stated in Paragraph A(1) as:

“The purpose and intent of Planned Development District No. 11 (PD No. 11), to be known as "CityGate," is to accommodate and facilitate the development of a range of diverse residential, nonresidential and recreational uses in a district setting, on 44 acres on the southeast quadrant of East Henrietta Road and Westfall Road, on the northern edge of the Erie Canal in accordance with the CityGate Development Concept Plan, incorporated herein, and to provide

the following design standards and guidance that also further the purpose and intent of the district:

To ensure a high-quality mixed-use-style development that promotes pedestrian access and connectivity, multimodal transportation opportunities, a variety of retail and commercial uses, both large and small, and enhanced access to the Erie Canal and waterfront;

To create a flexible regulatory environment that is adaptable to changing market conditions;

To promote strong unifying elements in the form of district-wide pedestrian and vehicular elements that will provide access to all users; integrated and extensive landscaping features, walkways, site amenities and lighting systems that provide for district cohesion and identification while helping to blend the district with its surrounding area.”

Given the pedestrian access and connectivity purposes of the CityGate PDD recited above, the CPC recommends that the City Council consider how the permissibility of drive-through uses as one of the numerous uses permissible within the approximately 5.9 acres of the Canal Front Mixed-Use subarea proposed to be transferred to the Central Commercial subarea (New Central Commercial Area) would impact CityGate's: a) vehicular traffic levels and flow; and b) pedestrian access and walkability. Notwithstanding this consideration, the CPC finds that the proposed amendments to the CityGate PDD Development Concept Plan and code adhere to the PDD's stated purposes.

B. Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood.

The proposed amendments to the CityGate PDD concept plan and code are generally minimal and, in those respects, are compatible with uses of nearby properties and the character of the neighborhood.

The one significant modification proposed is the above-described New Central Commercial area that would consist of transferring to the Central Commercial subarea approximately 5.9 acres of land that is presently assigned to the Canal Front Mixed-Use subarea. Because this proposed New Commercial Center Area does not adjoin the canalway, the only significant relevant change in permissible uses within this transferred area would be the addition of the drive-through use. And, indeed, the applicant's proposed modified Development Concept Plan indicates a drive-through restaurant use on each of two lots (Lots 12A and 12D) located within the proposed redesignated area.

Assessing whether this modification would be compatible with the present zoning and conforming uses of nearby properties and with the character of the neighborhood is informed by two factors particularly relevant to this application. The first is the development history of the City-Gate PDD since its Code and its Development Concept Plan were adopted in their current form in 2013. The applicant indicates that although approximately 30 acres of the PDD have been developed since then (including the Costco, its accompanying liquor store and gasoline sales operations, the REI sporting equipment store, and the Five Star Bank and various smaller scale retail and service stores located within the Perimeter Commercial subarea adjoining East Henrietta and Westfall roads),

approximately 14 acres of the PDD remain undeveloped, including the absence of a hotel planned as a featured part of the Canal Front Mixed Use subarea.

The undeveloped area is a product of anticipated developments and market demand that did not pan out. The applicant states that the demand for multi-family housing did not match expectations because of the development of market-rate and affordable housing projects elsewhere in the greater Rochester market. Moreover, back in 2013 it was anticipated that the public transportation authority might develop a satellite public transit center at the PDD due to its proximity to expressways, major arterial roads, and major institutions such as UofR academic and medical campuses, MCC, the Monroe Community Hospital, and Monroe County Social Services. That project never came to pass. The anticipated location of that transit center and parking garage makes up a part of the area proposed to be transferred from Canal Front Mixed-Use to the Central Commercial subarea.

The second important factor considered by the CPC is the present condition of the CityGate PDD. The CPC observed that the traffic associated with the Costco development and its accompanying liquor store and gasoline sales, tends to make the nearby New Central Commercial Area less suitable for the "pedestrian-scaled urban setting" of mixed recreational, hotel and other non-automobile centered uses intended for the Canal Front Mixed-Use subarea. See CityGate PDD Paragraph C(2). Instead, the New Central Commercial Area has become more suitable for the mix of commercial uses provided for in the Central Commercial subarea. It is not desirable to maintain in a PDD a subarea limited to uses that are not feasible to develop under the current developed configuration of the PDD. Under these circumstances, the proposed reclassification of the New Central Commercial Area would be compatible with the present zoning and conforming uses nearby, and in keeping with the character of the neighborhood.

C. Suitability of uses proposed by the zoning amendment for the property affected by the amendment.

As noted above, the New Central Commercial Area would be the property affected by the amendments. That area in its current condition and due to its proximity to the Costco development and its accompanying liquor store and gasoline sales reads generally as an auto-focused area that is often mistaken as suburban in nature. This reality indicates that the New Central Commercial Area is suitable for the more automobile-oriented uses that are provided for in the Central Commercial subarea.

D. Availability of public services and infrastructure generally suitable and adequate for uses allowed within the proposed district.

The available public facilities, services, and infrastructure are suitable and adequate for the uses allowed under the CityGate PDD with the proposed amendments..

Evidence

Staff Report and attachments
Notification Labels
List of correspondence not attached to Staff Report

Enc. Hearing Minutes

INTRODUCTORY NO.

384

Ordinance No.

Amending Chapter 120 of the Municipal Code, Zoning Code, by modifying the text and Development Concept Plan for Planned Development District No. 11 — CityGate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended to revoke the text and Development Concept Plan for Planned Development District No. 11 — CityGate, as adopted in Ordinance No. 2010-427 and amended in Ordinance 2013-325, and to approve and adopt in its place the following text and Development Concept Plan to read in its entirety as follows:

§ PDD-11. Planned Development District No. 11 - CityGate.**A. Purpose.**

- (1) The purpose and intent of Planned Development District No. 11 (PD No. 11), to be known as "CityGate," is to accommodate and facilitate the development of a range of diverse residential, nonresidential and recreational uses in a district setting, on 44 acres on the southeast quadrant of East Henrietta Road and Westfall Road, on the northern edge of the Erie Canal in accordance with the CityGate Development Concept Plan, incorporated herein, and to provide the following design standards and guidance that also further the purpose and intent of the district:
 - a. To ensure a high-quality mixed-use-style development that promotes pedestrian access and connectivity, multimodal transportation opportunities, a variety of retail and commercial uses, both large and small, and enhanced access to the Erie Canal and waterfront;
 - b. To create a flexible regulatory environment that is adaptable to changing market conditions;
 - c. To promote strong unifying elements in the form of district-wide pedestrian and vehicular elements that will provide access to all users; integrated and extensive landscaping features, walkways, site amenities and lighting systems that provide for district cohesion and identification while helping to blend the district with its surrounding area.

B. Objectives.

- (1) To offer a diverse mix of residential and nonresidential development opportunities, which may include housing, retail, restaurant, office, hotel, and recreational uses that reinforce the City of Rochester's position as the economic center of the county and region;
- (2) To capitalize on the project site's strategic location along I-390 at the southern edge of the City, providing easy access from the entire metropolitan area, and proximity to a number of large community service uses and employment centers, including Monroe Community Hospital, Monroe Community College, the University of Rochester and the Rochester Science Park;

- (3) To provide places to live, places to work, places to conduct business, places for lodging, places to eat, places to buy groceries, and places to shop for a wide range of everyday and specialty goods for employees, students, and visitors of the aforementioned institutions, employment centers, and businesses, as well as existing residents of the City and future residents of CityGate;
- (4) To create a community mixed-use center with regional appeal.

C. Subarea descriptions. The development concept plan divides the PD into three subareas and shows, in its entirety, the basic scope, character and nature of PD No. 11. The plan is conceptual in nature, except as further defined by the development concept plan regulations identified herein. It reflects the general location of residential and/or nonresidential structures, vehicular and pedestrian circulation elements and public and private open space. The three subareas are described below:

- (1) Central Commercial Subarea. This subarea is approximately 19.2 acres and accommodates retail, hospitality, auto services, parking, and commercial uses as well as utility facilities.
- (2) Canal Front Mixed-Use Subarea. This subarea is approximately 8.6 acres and promotes development of recreational, residential, office, retail, restaurant and hotel uses in addition to enhanced access to the Erie Canal, in a pedestrian-scaled urban setting.
- (3) Perimeter Commercial Subarea. This subarea is approximately 14.6 acres and accommodates and promotes development of commercial uses adjacent and proximate to the public rights-of-way along both East Henrietta Road and Westfall Road. Mixed-use development is allowed in this subarea. The corner of E. Henrietta Road and Westfall Road is the primary focal point and gateway into the district and will include a public open space amenity.

D. Permitted uses.

- (1) Central Commercial Subarea.
 - a. All uses are permitted in fully enclosed buildings unless specifically listed as prohibited or as special permit uses, except the retail dispensing or sales of automobile fuels, shall be permitted.
 - b. Utility stations.
 - c. Drive-through uses.
 - d. Temporary uses subject to the requirements listed in § 120-149.
 - e. Limited entertainment, not including sexually oriented uses.
 - f. (f) Limited entertainment conducted outdoors or in partially enclosed or screened facilities, not including sexually oriented uses.

(2) Canal Front Mixed-Use Subarea.

- a. All uses are permitted in fully enclosed buildings unless specifically listed as prohibited or special permit uses
- b. Pump stations for boats and watercraft.
- c. Fishing and boating docks.
- d. Public open spaces.
- e. Temporary uses subject to the requirements listed in § 120-149.
- f. Limited entertainment, not including sexually oriented uses.
- g. Limited entertainment, not including sexually oriented uses, conducted outdoors or in partially enclosed or screened facilities.

(3) Perimeter Commercial Subarea.

- a. All uses are permitted in fully enclosed buildings, unless specifically listed as prohibited or special permit uses.
- b. Ancillary parking lots with landscaping.
- c. Public open spaces.
- d. Temporary uses subject to the requirements listed in § 120-149.
- e. Limited entertainment, not including sexually oriented uses.
- f. Limited entertainment conducted outdoors or in partially enclosed or screened facilities, not including sexually oriented uses.

(4) Accessory uses permitted in all Subareas:

- a. Outdoor seating and dining areas.
- b. Outdoor retail display areas.
- c. Outdoor accessory uses (such as swimming pools) customary for hotels.

E. The following uses are prohibited in the:

(1) Central Commercial Subarea.

- a. Single-family detached structures.
- b. Sexually oriented uses.
- c. Waste centers.
- d. Junkyards.
- e. Homeless shelters.

- f. Residential care facilities.
 - g. Rooming houses/single-room occupancy facilities.
 - h. Warehouse and wholesale distribution facilities.
 - i. Industrial uses.
 - j. Research laboratories, including testing facilities.
 - k. Car washes.
 - l. Vehicle repair, except as accessory to a principal permitted or specially permitted use.
 - m. Vehicle sales areas, except as permitted by special use permit.
 - n. Vehicle wrecking.
 - o. Vehicle storage area, not including accessory parking lots and garages.
 - p. Truck centers.
 - q. Parking lots as a principal use.
 - r. Pawnbrokers.
 - s. Hospitals.
 - t. Funeral homes and mortuaries.
 - u. Self-storage facilities.
- (2) Canal Front Mixed-Use Subarea.
- a. Single-family detached structures.
 - b. Sexually oriented uses.
 - c. Waste centers.
 - d. Junkyards.
 - e. Homeless shelters.
 - f. Residential care facilities.
 - g. Rooming houses/single-room occupancy facilities.
 - h. Warehouse and wholesale distribution facilities.
 - i. Industrial uses.
 - j. Research laboratories, including testing facilities.
 - k. Car washes.

- l. Vehicle repair.
 - m. Vehicle sales areas, except as permitted by special use permit.
 - n. Vehicle wrecking.
 - o. Vehicle storage area, not including accessory parking lots and garages.
 - p. Truck centers.
 - q. Parking lots as a principal use.
 - r. Pawnbrokers.
 - s. Hospitals.
 - t. Funeral homes and mortuaries.
 - u. Self-storage facilities.
 - v. Drive-through uses.
- (3) Perimeter Commercial Subarea.
- a. Single-family detached structures.
 - b. Sexually oriented uses.
 - c. Waste centers.
 - d. Junkyards.
 - e. Homeless shelters.
 - f. Residential care facilities.
 - g. Rooming houses/single-room occupancy facilities.
 - h. Warehouse and wholesale distribution facilities.
 - i. Industrial uses.
 - j. Research laboratories, including testing facilities.
 - k. Car washes.
 - l. Vehicle repair.
 - m. Vehicle sales areas.
 - n. Vehicle wrecking.
 - o. Vehicle storage area, not including accessory parking lots and garages.
 - p. Truck centers.

- q. Parking lots as a principal use.
- r. Pawnbrokers.
- s. Hospitals.
- t. Funeral homes and mortuaries.
- u. Self-storage facilities.
- v. Drive-through facilities, when not accessory to a building.

F. The following uses, unless otherwise expressly permitted or prohibited in a subarea, are specially permitted in PD No. 11:

- (1) Any permitted or specially permitted use open to the public or requiring loading/unloading between the hours of 2:00 a.m. and 6:00 a.m.
- (2) Private clubs.
- (3) Public entertainment, not including sexually oriented uses, subject to the additional requirements for specified uses in § 120-137.
- (4) Public entertainment conducted outdoors or in partially enclosed or screened facilities, not including sexually oriented uses, subject to all but the enclosed space requirements for specified uses in § 120-137.
- (5) Outdoor markets.
- (6) Wind energy conversion systems.
- (7) Drive-through facilities in the Perimeter Commercial Subarea, and only when located in the rear yard of buildings that front on perimeter streets, except that the City Planning Commission may waive this location requirement in its consideration of any individual special permit application.
- (8) Vehicle sales areas for new vehicles sales operations which sell new vehicles on-line, where on site activity consists primarily of showroom and/or on site delivery of pre-ordered vehicles and/or vehicle title to customers.
- (9) Amusement Centers.
- (10) Other uses which are deemed to be consistent with, and which advance the purpose of, this PD No. 11, as determined by the Manager of Zoning.

G. Lot and coverage requirements:

- (1) The maximum district lot coverage permitted in PD No. 11, including all building structures, streets, parking areas, sidewalks and improved surfaces, is 80%. The minimum district green space required, including storm retention facilities and all landscaped areas, is 20%.
- (2) Yard requirements in the Central Commercial Subarea.

- (a) Minimum front yard setback: zero feet.
- (b) Minimum side yard setback: zero feet
- (c) Minimum rear yard setback: zero feet.

(3) Yard requirements in the Perimeter Commercial Subarea.

- (a) Build-to line along perimeter streets: 20 feet, except Parcels 7A and 11A (400 and 422 E. Henrietta Rd).
- (b) Minimum side yard setback: zero feet to perimeter roads.
- (c) Minimum rear yard setback: zero feet.

(4) Yard requirements in the Canal Front Mixed-Use Subarea.

- (a) Minimum canal side (front) setback: 10 feet, except for vehicular and pedestrian circulation elements.
- (b) Minimum front yard setback: zero feet.
- (c) Minimum side setback: zero feet.
- (d) Minimum rear yard setback: zero feet.

H. District bulk requirements.

(1) Building heights.

- (a) Canal Front Mixed-Use Subarea: maximum building height, five stories or 80 feet, whichever is greater.
- (b) All other subareas: no maximum restrictions on building height.
- (c) The minimum height requirement in the Perimeter Commercial Subarea shall be 20 feet.

(2) Floor area.

- (a) The minimum building floor area in the Perimeter Commercial Subarea shall be 2,000 square feet.
- (b) There shall be no minimum floor area required in other subareas.

I. District off-street parking and loading.

(1) Parking.

- (a) Supply. The parking supply for PD No. 11 shall be established at a maximum cap of 2,100 spaces, including approximately 700 spaces in the Central Commercial Subarea, 600 in the Canal Front Mixed-Use Subarea, and 800 in the Perimeter Commercial Subarea. Parking established beyond the 2100 space threshold requires a parking demand analysis in

accordance with § 120-173B of the Zoning Code.

(b) Design and maintenance.

- [1] Parking shall comply with the parking lot design and maintenance standards set forth in § 120-173F, with the exception that parking areas shall be permitted adjacent to residential uses.
- [2] Surface parking lots shall be located behind newly constructed buildings in the Perimeter Commercial Subarea and in no case between the front of a newly constructed building located in the Perimeter Commercial Subarea and the public rights-of-way. In the Perimeter Commercial Subarea, when properly set back and landscaped, existing parking lots in the front yards of existing buildings may be maintained.
- [3] Street parking shall be provided along the front of all mixed-use buildings in the Canal Front Mixed-Use Subarea.
- [4] Streets shall be hard surfaced with granite or concrete curbing.

- (2) Loading and service areas. Loading shall comply with the requirements set forth in § 120-172.

J. Design regulations.

(1) Architecture.

(a) Central Commercial Subarea.

- [1] All primary buildings shall be constructed or clad with materials that are durable and of a quality that will retain its appearance over time.
- [2] At least 50% of the exterior elevation building materials shall be a mix of brick, wood or faux wood, metal panels, dimensional natural stone, finished (tinted, textured) masonry units, or Exterior Insulated Finish System (insulated stucco). Predominant exterior building material should not include smooth-faced concrete block.
- [3] Buildings with a facade exceeding 100 feet in length shall have repeating wall recessions or projections to provide visual articulation.
- [4] Buildings should have architectural features and patterns that provide visual interest, at the scale of the pedestrian, and recognize local character.
- [5] Building facades must include a repeating pattern that should include color change, texture change or material module change.
- [6] Parapets or other architectural features shall be used to conceal rooftop mechanical equipment.
- [7] The following architectural elements shall be integrated into the design of

buildings:

- [a] Portico or canopy at entry.
- [b] Facade articulation
- [c] Covered entrance.
- [d] Facade subdivision into proportional bays.
- [e] Display windows.

(b) Canal Front Mixed-Use Subarea.

- [1] All primary buildings shall be constructed or clad with materials that are durable and of a quality that will retain its appearance over time.
- [2] Appropriate building materials include brick, natural or synthetic stone, integrally colored Exterior Insulated Finish System (insulated stucco) and hardboard siding. Exterior building material should not include smooth-faced concrete block
- [3] At least 50% of the exterior elevation building materials shall be a mix of brick, wood or faux wood, metal panels, dimensional natural stone, finished (tinted, textured) masonry units, or Exterior Insulated Finish System (insulated stucco). Predominant exterior building material should not include smooth-faced concrete block
- [4] The following architectural elements shall be integrated into the design of buildings:
 - [a] Rigid frame or fabric awnings, where there are awnings.
 - [b] Covered entrances and arcades.
 - [c] Clearly defined, visible entrances, which maintain the proportional scale of the building.
 - [d] Articulation of wall surface materials and colors.
 - [e] Large facades divided into modules to create smaller sections.
 - [f] Pop-outs and projections.
 - [g] Varying roof heights and wall planes.

(c) Perimeter Commercial Subarea.

- [1] All primary buildings shall be constructed or clad with materials that are durable and of a quality that will retain its appearance over time.
- [2] At least 50% of the exterior elevation building materials shall be a mix

of brick, wood or faux wood, metal panels, dimensional natural stone, finished (tinted, textured) masonry units, or Exterior Insulated Finish System (insulated stucco). Predominant exterior building material should not include smooth-faced concrete block

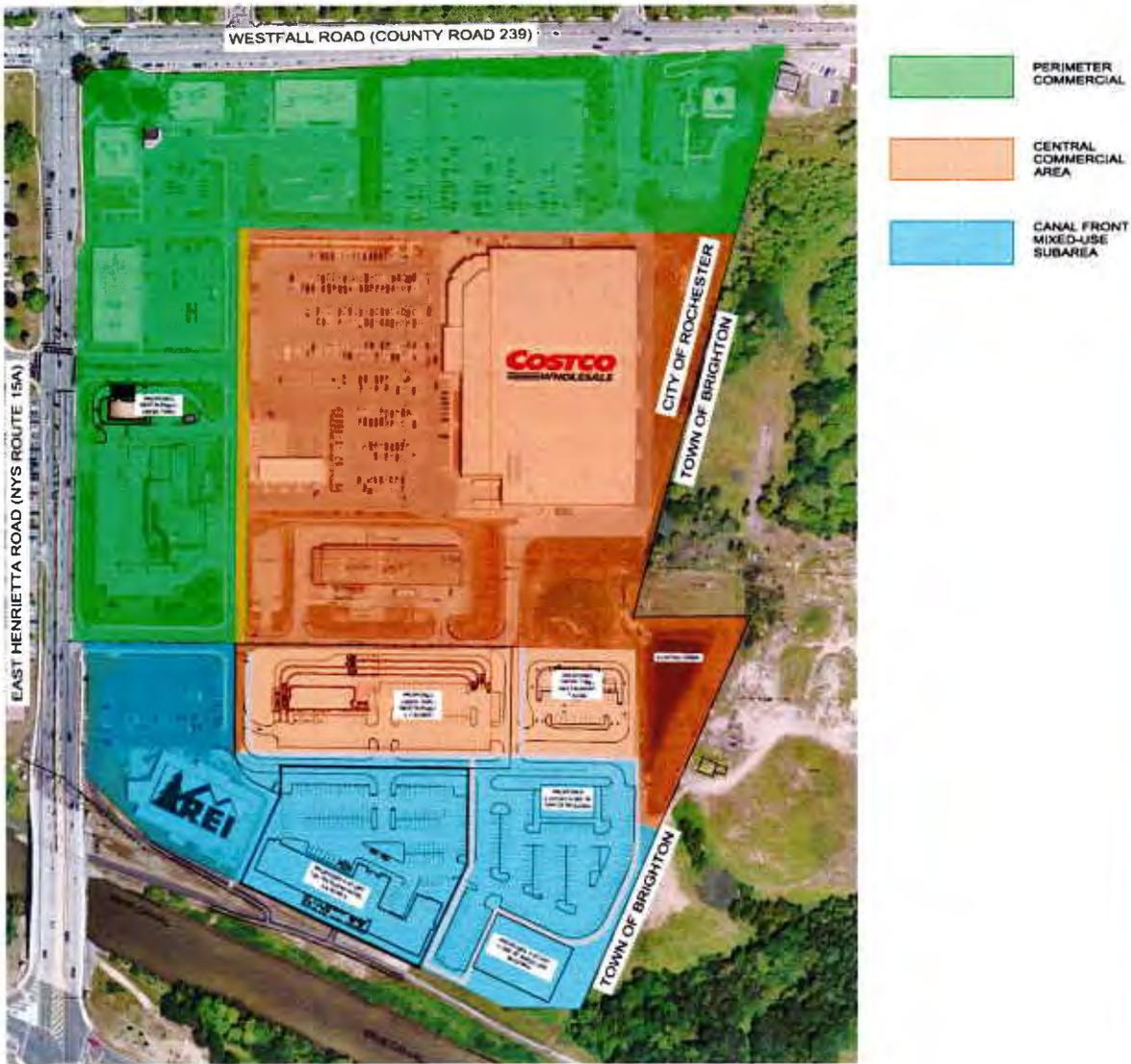
- [3] The following architectural elements shall be integrated into the design of buildings:
- [a] Rigid frame or fabric awnings, where there are awnings.
 - [b] Covered entrances.
 - [c] Facade articulation with vertical elements incorporating features that contribute to the creation of a pedestrian-friendly environment both along the public rights-of-way as well as within the district and its internal pedestrian circulation elements.
 - [d] Large glazed facade at the main entrance, making it visible from the street or main site access.
 - [e] Articulation of building materials
 - [f] Facade subdivision into proportional bays.
 - [g] Variations of rooflines.
 - [h] Decorative parapets or cornices.
- (2) Signage.
- (a) Signage shall be considered an important and integral element that gives the district recognition as a cohesive large scale development comprised of individual users with individual sign needs, such as corporate brand identification, and signs integral to a use. Directory style signage may be used for identification of the development and individual users. User specific signage shall also be permitted. Off-site signage may be used for identification of users of adjacent property accessible through the district, as well as for directional purposes.
 - (b) All signage within PD No. 11 shall be in accordance with a sign program, with initial consideration and subsequent amendment(s) subject only to minor site plan review and approval by the Manager of Zoning in accordance with § 120-191 of the Zoning Code.
- (3) Screening.
- (a) All mechanical equipment shall be designed to be an integral part of the building or structure. Mechanical equipment, including heating, electrical, and air conditioning, or other shall not be installed on the roof of any building if the roofline is visible from the ground level within this district or from the grade of the perimeter public streets. Mechanical equipment shall be screened to diminish its visibility from ground level.

- (4) Landscaping.
- (a) Landscaping shall be considered a major integral part of district design and as a unifying element that gives the district recognition, character and cohesion.
 - (b) Plant material will be used to define and help create a sense of entry into the district.
 - (c) A distinctive overall landscape plan shall be developed for the district that not only beautifies the district and defines vehicular and pedestrian circulation elements but also draws the district together as a single, definable place, while accommodating a diversity of uses.
- (5) Site and street design standards.
- (a) City Gate will be a development of high-quality buildings organized by a logical, coherent network of internal streets (public or private); perimeter streets (E. Henrietta Road and Westfall Road); and green spaces. A person entering the site will be able to easily navigate the network of streets from any perimeter location to the bank of the canal and canal trail. Street types shall be as follows: boulevard, secondary streets, canal front Westfall entrance
 - (b) All streets will emphasize pedestrian amenities, including:
 - [1] Sidewalk widths corresponding to expected pedestrian traffic, so that streets that are corridors through the site will have smaller sidewalk widths (no less than five feet in width) and streets that feature ground-level retail will have wider sidewalks (at least eight feet in width).
 - [2] Sidewalk paving material (exposed aggregate, colored concrete, bricks, and unit pavers). Stamped concrete or stamped asphalt will be avoided due to concerns over the longevity of a high- quality finish.
 - [3] Curbing, trees, street furniture, and pedestrian-scale lighting.
 - [4] Streets in the Canal Front Mixed-Use Subarea shall include on-street parking where appropriate and have vehicular travel lanes no wider than 13 feet.
 - [5] Streets in the Canal Front Mixed-Use Subarea shall be lined with, and framed by, buildings that present an active facade that engages pedestrians.
 - [6] Streets in the Central Commercial Subarea will be public or private vehicular ways, no wider than 26 feet, unless on-street parking is provided.
 - [7] Development along the perimeter streets, East Henrietta Road and Westfall Road, shall present an attractive and welcoming image of the new development to the adjacent public rights-of-way and surrounding neighborhood. The perimeter streets shall be treated in the following ways:

- [a] Retain or add landscaping, such as an allee of trees. Berms shall not be permitted.
 - [b] Perimeter streets shall have buildings that present an active facade to the perimeter streets as well as to secondary entries.
 - [c] In no case shall garage doors, loading docks or doors, or dumpster enclosures be located along perimeter streets.
 - [d] In no case shall parking lots, garage doors, loading docks or doors, service entrances, drive-through stacking lanes, or dumpster enclosures face secondary entries without the required screening.
 - [e] Overhead utilities along perimeter streets shall be placed underground in conjunction with this project's development.
 - [f] Gaps between buildings and along parking lots facing perimeter streets shall include walls of enclosure, no higher than three feet, integrated into perimeter landscape treatments.
 - [g] Parking lots and drive-through components located along secondary entries shall include walls of enclosure or landscape screening with a minimum height of three feet.
- [8] Streetlighting shall be at a pedestrian scale on all streets in the PD.
- [9] Green space shall be integrated into the site as a unifying factor to reinforce the cohesion of the district as a whole and shall be properly maintained. A green space/landscape management plan, subject to minor site plan review and approval by the Manager of Zoning in accordance with § 120-191 of the Zoning Code, shall be submitted upon approval of the development concept plan.
- [10] The canal shall be treated as an "edge" similar to a street. Parking lots, garage doors, loading docks or doors, service entrances, or dumpster enclosures are discouraged from facing the canal.
- [11] In the Perimeter Commercial Subarea, all new construction facing the perimeter streets and secondary entries shall provide active facades and areas of transparency equal to 50% of the wall area between the height of two feet and eight feet from the ground.
- [12] In the Canal Front Mixed-Use Subarea, all new nonresidential construction shall provide active facades and areas of transparency equal to 50% of the wall area between the height of two feet and eight feet from the ground.
- K. Modification. Modification of the design regulations contained in Sections G, H, J and M(1) and (2) is subject to administrative adjustment approval or minor site plan review approval by the Manager of Zoning in accordance with § 120-191 of the Zoning Code.

- L. Personal wireless telecommunications facilities (PWTF). Telecommunications facilities in PD No. 11 shall be regulated as outlined in § 120-143 of the Zoning Code as follows:
- (1) Antennas on buildings. Antennas are permitted on all buildings which are four stories or greater in height, provided that the antennas and related structures do not extend more than 20 feet above the roofline.
 - (2) Antennas on existing towers. Antennas on existing telecommunications towers or other structures are permitted unless otherwise restricted pursuant to the terms of a prior special permit.
 - (3) Telecommunications towers. New telecommunications towers shall not be permitted.
- M. Additional requirements.
- (1) Development and redevelopment in PD No. 11 is subject to the City-Wide Design Guidelines and Standards (Article XIX), except § 120-158C(1).
 - (2) Development and redevelopment in PD No. 11 is subject to Requirements Applying to All Districts (Article XX), except as herein modified.
 - (3) This planned development district is subject to requirements set forth in Article XVII of the City Zoning Code regarding planned development districts.
- N. Development concepts/graphics.

DEVELOPMENT CONCEPT PLAN SUBAREA MAP



DEVELOPMENT CONCEPT PLAN



Section 2. This ordinance shall take effect immediately.

385

Ordinance No.

Amending the Zoning Map to specify the current addresses and Section, Block, and Lot parcel numbers for the lots comprising the Planned Development District No. 11 — CityGate

WHEREAS, as part of the establishment of the Planned Development District No. 11 — CityGate (CityGate PDD) in 2010, the City of Rochester (City) in Ordinance No. 2010-426 amended the Zoning Map to change to the CityGate PDD zoning designation an area described by metes and bounds and as comprised of lots designated at that time as the following street addresses: 350, 422, 444 and 450 East Henrietta Road and 401 and 445 Westfall Road;

WHEREAS, by Ordinance No. 2013-236, the City amended the Zoning Map to remove the CityGate PDD designation from and reclassify the lot at 445 Westfall Road as R-3 High Density Residential/O-B Overlay Boutique;

WHEREAS, in 2014 the City authorized the subdivision of the CityGate PDD's 5 remaining lots into 12 lots, as specified on the CityGate Subdivision map by Marathon Engineering recorded in the Monroe County Clerk's Office on March 31, 2014 in Liber 347 of Maps page 81;

WHEREAS, in January 2016 the City authorized the resubdivision of the CityGate PDD to modify the internal lot boundaries without adding to or reducing the number of lots (12), as specified on the CityGate Subdivision – Amended map by Marathon Engineering recorded in the Monroe County Clerk's Office on February 12, 2016 in Liber 351 of Maps page 74;

WHEREAS, in October 2016 the City authorized the resubdivision of the southern portion of the CityGate PDD to modify internal boundaries and to combine two of the lots (formerly Lot 9a designated as 444 East Henrietta Road and Lot 10a designated as 460 East Henrietta Road) into one lot now designated as Lot 10a at 460 East Henrietta Road, as specified on the CityGate Resubdivision map by Marathon Engineering recorded in the Monroe County Clerk's Office on October 24, 2016 in Liber 353 of Maps page 34; and

WHEREAS, in tandem with a concurrent ordinance that modifies the zoning text and Development Concept Plan for the CityGate PDD, it is desirable to update the Zoning Map to specify the current street addresses and Section, Block, and Lot (SBL) parcel numbers of the lots comprising the CityGate PDD.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended in the Zoning Map to specify the current addresses and SBL parcel numbers of the lots comprising Planned Development District No. 11 — CityGate as follows:

Address	SBL No.
350 East Henrietta Road	136.78-3-3
390 East Henrietta Road	150.22-1-2.008
400 East Henrietta Road	150.22-1-2.009
422 East Henrietta Road	150.22-1-2.002
430 East Henrietta Road	150.22-1-2.001
450 East Henrietta Road	150.22-1-2.012
460 East Henrietta Road	150.31-1-1.001
255 Westfall Road	136.78-3-2
275 Westfall Road	136.78-3-1
335-345 Westfall Road	150.22-1-2.007
395 Westfall Road	136.79-1-6

and the area extending from each such lot to the center line of any adjoining public street, alley, and right-of-way.

Section 2. This ordinance shall take effect immediately.



City of Rochester

City Hall Room 308A, 30 Church Street
Rochester, New York 14614-1290
www.cityofrochester.gov

**PARKS & PUBLIC WORKS
INTRODUCTORY NO.**

Malik D. Evans
Mayor

375

DES 01

September 26, 2023

TO THE COUNCIL

Ladies and Gentlemen:

Re: Pueblo Nuevo Group Street Rehabilitation
Project (Sullivan Street/O'Brien Street/Hoeltzer
Street/Kappel Place)

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area:
Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation related to the Pueblo Nuevo Group Street Rehabilitation Project. This legislation will authorize changes in pavement width on O'Brien Street and Hoeltzer Street as listed below.

O'Brien Street

1. An increase in pavement width of 4 feet, from approximately 18 feet to 22 feet, beginning at the west end of O'Brien Street and continuing 530 feet eastward; and,
2. A variable tapered increase in pavement width of 4 feet, from approximately 18 feet to 22 feet, beginning 530 feet from the west end of O'Brien Street and continuing 80 feet eastward.

Hoeltzer Street

1. A tapered increase in pavement width of 0.5 feet, from approximately 19.5 feet to 20 feet, beginning approximately 61 feet east of North Clinton Avenue and continuing approximately 28 feet eastward; and,
2. An increase in pavement width of 0.5 feet, from approximately 19.5 feet to 20 feet, beginning approximately 89 feet east of North Clinton Avenue and continuing approximately 46 feet west of Joseph Avenue; and,
3. A tapered increase in pavement width of 0.5 feet, from approximately 19.5 feet to 20 feet, beginning approximately 46 feet west of Joseph Avenue and continuing 31 feet eastward.

No additional right-of-way is required to accommodate the pavement width changes.

The project will include, but is not limited to, pavement reconstruction, pavement milling and resurfacing, new curb, spot sidewalk replacement, curb ramp upgrades, new driveway aprons, signage, hydrant relocations, catch basins, and adjustment and/or repair of manholes and water valve castings. These improvements will enhance the surface drainage and riding quality of the roadway, improve accessibility, and expand the useful life of the pavement structure.

Construction is anticipated to begin in spring 2024 and be substantially complete in fall 2024.



A Public Meeting was held on June 8, 2023. A copy of the meeting minutes is attached. The pavement width changes were endorsed by the Traffic Control Board at the **September 6, 2023** meeting.

A public hearing on the pavement width changes is required.

Respectfully submitted,



Malik D. Evans
Mayor

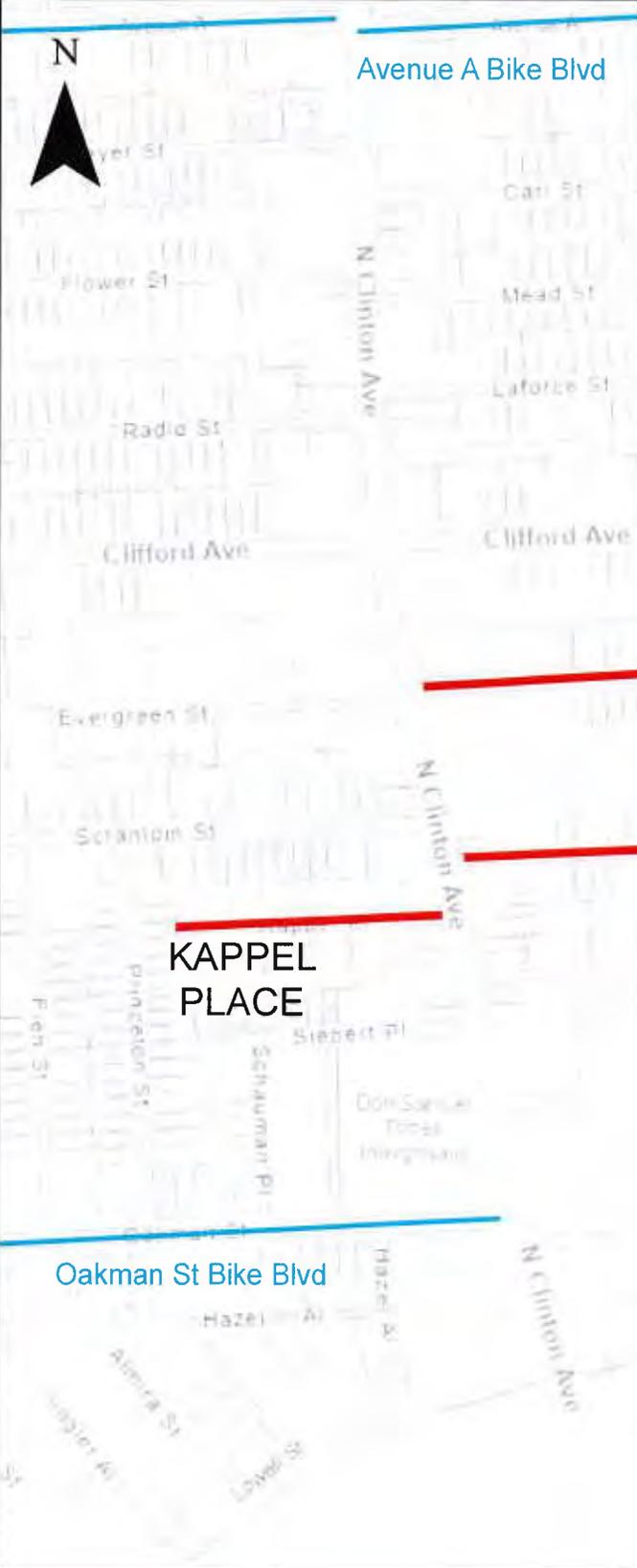
PUEBLO NUEVO IMPROVEMENT PROJECT

Hoeltzer Street - N Clinton Ave to Joseph Ave
Sullivan Street - N Clinton Ave to Joseph Ave
O'Brien Street - West end to Joseph Ave
Kappel Place - West End to N Clinton Ave

DES 01



City of Rochester, NY



Legend

-  Bicycle Blvd
-  Project Location

**PUEBLO NUEVO GROUP STREET REHABILITATION PROJECT
HYBRID PUBLIC INFORMATIONAL MEETING
IN-PERSON AND ZOOM WEBINAR**

MEETING MINUTES

DATE: Wednesday, June 8, 2023
TIME: 5:30 p.m. – 7:00 p.m.
LOCATION: Parish Hall, St. Michael's Church Campus
869 N. Clinton Ave, Rochester, NY 14605
ATTENDEES: See attached list

The purpose of the meeting was to present to the public the preliminary design plans (30%) of the proposed street improvements for the Pueblo Nuevo Group Street Rehabilitation project. The project includes the follow streets and pavement repair types:

- Sullivan Street (North Clinton Avenue to Joseph Avenue) – Reconstruction
- O'Brien Street (West End to Joseph Avenue) – Rehabilitation
- Hoeltzer Street (North Clinton Avenue to Joseph Avenue) – Reconstruction
- Kappel Place (West End to North Clinton Avenue) – Milling and Resurfacing

Introduction

Lisa Reyes (LR) began the meeting by introducing herself and Allison Faber (AF) as the Street Design Project Manager and Assistant Project Manager, respectively. The public were informed that the meeting was being held both in-person and online through Zoom and a recording of the meeting will be taking place. There were no objections. It was asked of the public to hold questions until the end of the PowerPoint presentation.

Existing Conditions:

- Sullivan Street
 - One-way east bound
 - Pavement width is 22'
 - Right-of-way is 40'
- O'Brien Street
 - Two-way dead end
 - Pavement width is ±18'
 - Right-of-way is 40'
- Hoeltzer Street
 - One-way west bound
 - Pavement width is ±19.5'
 - Right-of-way is 32'
- Kappel Place
 - Two-way dead end
 - Pavement width is 22'
 - Right-of-way is 35'

Private utility work (i.e. RG&E, Spectrum, Frontier, etc.) to take place ahead of the street construction project. The amount of private utility work will be determined during the City's utility/agency coordination meetings during preliminary and final design.

- Water Bureau:
 - Cleaning & Cement Mortar Lining Completed in 2022
 - Sullivan, O'Brien and Hoeltzer Streets
 - Kappel Place does not require rehabilitation
 - Lead & Galvanized Water Services Replaced in 2022
 - Sullivan, O'Brien and Hoeltzer Streets
 - Kappel Place does not have lead or galvanized services
- RG&E:
 - Gas: gas services may require to be lowered at proposed curb locations
 - Electric: Old wood poles to be removed. New poles in conflict will be relocated out of conflict
- Frontier/Spectrum & Other Fiber Utilities:
 - Projected work still to be determined
 - Transfer of overhead lines to new poles

General Street Improvements Include:

- Reconstruction (Sullivan Street and Hoeltzer Street)
- Rehabilitation - includes curb replacement and milling and resurfacing (O'Brien Street)
- Roadway milling and resurfacing (Kappel)
- New granite stone curb with underdrain system
- Driveway closures to vacant lots
- New concrete and asphalt driveway aprons (to match existing treatment type)
 - Property owners have the option to pay the difference in cost to upgrade their driveway apron (i.e. change from asphalt to concrete)
- Adjustment or replacement of utility appurtenance castings
- Water valve box adjustments or replacements
- Fire hydrant relocations
- Replacement of broken and hazardous concrete sidewalks
- Tree removals and plantings
 - There are approximately 7 trees within the ROW that will be evaluated to determine their condition and survival rate during construction. Additional tree planting sites will be evaluated through close coordination with City Forestry.
- Existing parking regulations will remain
- Restoration of disturbed lawn areas

Preliminary Design for each Street Segment (refer to the Public Meeting Displays):

- Sullivan Street
 - Full reconstruction that will maintain existing pavement width of 22 feet.
 - This reconstruction includes; spot sidewalk replacements, full curb installation, new driveway aprons in-kind, full pavement replacement, and proposed tree-lawn areas.
- O'Brien Street
 - Rehabilitation that will include pavement widening to 22 feet and include a taper back down to the existing width of approximately 18 feet at Joseph Ave.
 - Installation of three new curb ramps at the dead end. One will provide access to the playground parking lot.
 - Spot sidewalk replacement, full curb replacement and proposed tree lawn area.

- Hoeltzer Street
 - Full reconstruction that will widen the street approximately 6 inches to a consistent width of 20 feet. The centerline of the road will be shifted approximately 12 inches to the south to minimize utility impacts and provide ADA complaint sidewalks.
 - Proposed sidewalks
 - Due to ROW constraints (32 feet ROW), the proposed dimensions of sidewalks along Hoeltzer Street differ. The north side of Hoeltzer Street will be six (6) feet wide full-width sidewalk attached to the curb. The south side of Hoeltzer Street will be four (4) feet wide full-width sidewalk.
 - There will be no tree-lawn on either side.
- Kappel Place
 - Milling and resurfacing of the existing pavement.
 - High curb installation at driveway closures to vacant lots.
 - Connect sidewalks with a sidewalk section and high curb at the dead end of Kappel Place.
 - Maintain existing pavement width of 22 feet.
 - Maintain full-width sidewalks attached to the curb. No tree-lawn area.

Anticipated Schedule:

Preliminary Design	Summer 2023
Final Design	Fall/Winter 2023
Street Construction	Spring 2024
Complete Construction	Fall 2024

The meeting was opened up to the participants to ask questions. Rather than try to capture each individual speaker, these minutes will give a synopsis of the points made.

- Question was asked to review on street parking status on these streets. The intention for the parking on these streets is to maintain the existing parking regulations. If there is a desire to change parking regulations, please inform the project manager. The City can then coordinate with the Traffic Control Board. Send an email or call the project manager if there are any additional requests or information on parking.
- Question was asked about adding any storm sewer in the street (referenced the underdrain installation). No, the underdrain will be installed to drain any groundwater that might be collecting in the pavement. The underdrain will run along the edge of the curb on the street. The City showed and discussed a profile of the road to show the underdrain running in front on the curb along the road to collect groundwater that possibly seep up and drain to the catch basin. Underdrain is intended to get rid of the collecting water to help assist with the longevity of the road. The project will not be replacing manholes or sewer mains. The project will adjust and reframe the catch basins and manhole covers.
- Questions was asked if manholes would be replaced. The project at minimum will remove and reset catch basins and reframe manhole covers. The project manager will coordinate with Monroe County Pure Waters on possible relocations of catch basins.
- Questions was asked if fire hydrants on Hoeltzer Street would be relocated. On Hoeltzer Street, two hydrants need relocating due to widen the road and shifting the road south. The existing curbing will be shifting approximately twelve inches. Street Design is in coordination with City Water Bureau to develop a plan to relocate the two hydrants.
- Question was asked about the status on the tree lawn on Hoeltzer Street. The existing tree lawn will be removed and replaced with proposed sidewalk.
- Question was asked about the proposed sidewalk width on Hoeltzer Street. The curb will be shifting south. The south side sidewalk are proposed at four feet wide and the north side sidewalk is proposed at six feet wide. All proposed sidewalks on the north and south side are attached to the curb. The City's standard for attached curb and sidewalk is seven feet this project

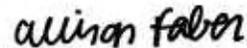
is proposing sub-standards attached curb and sidewalk widths. Due to the ROW constraints of the existing utility poles and pavement width, the slight shift away from the utility pole line is required which in result impacts the hydrant locations. The project manager will work with the City Water Bureau's plans for the hydrant relocations.

- Question was asked if there is any way to propose a five feet sidewalk on the north and south side of Hoeltzer Street and can you make it even somehow? The proposed four feet of sidewalk is ADA compliant. The right of way is restricting. The ROW on Hoeltzer Street is 32' feet wide, and limits the proposed features. The major conflict is the utility poles on the north and hydrants on the south. If five feet proposed sidewalk was installed on the south side, the existing utility poles will impede on the sidewalk, which prevents the sidewalk from being ADA compliant. It was confirmed that the existing sidewalks throughout the project are generally 4 feet wide.
- Concern was raised that narrowing O'Brien Street at Joseph Ave is hazardous. Very inefficient and creates a bottleneck. The City stated O'Brien Street will be widened but taper down to the existing width near Joseph Ave as it currently stands. The City follows Manual on Uniform Traffic Control Devices (MUTCD) for all design standards and taper lengths. The intended purpose of ending the project limits short of Joseph Ave was to avoid issues with the buildings being tight to the ROW at the corner and the proposed upgrades to the curb ramps on Joseph Avenue creates further conflicts. A future Joseph Ave project can investigate further the potential of widening at the intersection.
 - Comment was made about Sniderman Hardware - vehicles park close to the corner of O'Brien Street which makes it difficult and tight for drivers to make the turn onto O'Brien Street from Joseph Avenue. The City will look closer at the layout though the bigger issue is parking enforcement. The City will review the parking signage at the corner.
 - Comment was made about widening the road is not the major concern. The major problem is the parked vehicles from Sniderman Hardware. RPD is not involved with parking enforcement. Call 311 to report parking enforcement issues.
- Comment was made about impact and vibrations from construction. Question was asked if there are specifications or notes that can be added to the construction documents to prevent damage from impact and vibrations. The resident noted that the contractors for the Pueblo Nuevo Development project used their backhoe excavator buckets to smash the pavement in order to dig for utility connections. This caused the vibrations to his home and cracked the plaster on the interior walls. Pavement was not sawcut as should be for making utility cuts. City DES Permit Office is who monitors conditions in the field and should have been contacted by calling 311 for all issues with construction work. For the Pueblo Nuevo Group project, there will be a Construction Project Manager overseeing the work and full time construction inspectors to verify the work is being completed to specifications. Their contact information will be shared with the public prior to start of construction.
- Comment was made about Sullivan St is the only one way from N Clinton Ave to Joseph Avenue. Question to follow was with all the proposed features, is there a possibility to install speed humps? The request of speed humps was also brought to the City's attention at a Stakeholder's meeting by several people including Ibero (Pueblo Nuevo Development) and RPD in order to slow down traffic.
- Several years ago, a Sullivan St resident did send in a letter and someone did approach the same resident to notify him that the installation of speed humps is not warranted by the speed studies that were completed and will not be installed. The Sullivan St resident has lost two vehicles due to the speeding on Sullivan Street. There have been several fatal accidents. The City asked the Sullivan St resident to send the project manager an email to follow up on the speed hump inquiry. The City will look into the crash reports and discuss with the City Engineer.
- Commend was made that in the late 90s, there was a neighborhood association meeting. One of the concerns mention was speeding, and the association asked for speed humps. Question was asked if there is a law enforcement mechanism to enforce speed issues.

- Question was asked about if the sequence of the work will impact tree plantings. Can trees be installed before the construction work or will the planting be done after construction. Once sidewalk and curb are installed, the contractor will install the proposed plantings and then final topsoil will be placed; this is keeping in mind that tree plantings are usually done during certain times of the year.
- Question was asked about why there are proposed curb ramps the end of O'Brien Street. If someone in a wheelchair finds themselves at the end of the street and needs to cross the street, the City needs to provide access to the other side of the street. This falls in line with the City's Complete Streets Policy.
 - Follow-up comment was made about people parking illegally at the end of O'Brien St; the project can make it appealing and accessible but the concern is it will be more appealing for people to hang out and party. The vegetation at the end of O'Brien is very poorly maintained. Vacant lots are ruined with parked vehicles parking illegally. The wooden bollards that the City installed were removed and people continue to park. The City acknowledges the concern and will be installing high curb where cut-through issues occur and there are plans to address the vegetation overgrowth.

There were no further recordable questions or comments. The meeting was adjourned. The above represents my understanding of the topics discussed at this meeting.

Respectfully submitted,



Allison G. Faber
Engineer II/Street Design

Attachments: Meeting Agenda
Sign-in sheets of attendees

AGF:LR:agf

xc: file



Pueblo Nuevo Group Street Rehabilitation Project

City of Rochester Project ID# 22121

Name	Address	E-Mail	Phone Number
Eugenio Nurlin	41ST CLIFFORD AVE ROCHESTER NY 14621	emurlin@iberodevelopment.org	585 467 6915 x 322
ANDREW CERELSKY	25 HOELTZER ST.	acearch2000@aol.com	585-546-4263
GILARDA APONTE	123 Seranton St	gaponte@iberodevelopment.org	585 467 6915
Ida Pérez	123 Seranton St	ida.perez@iaal.org	286 - 0764
MR + MRS SMITH	45 Sullivan St.	ARindalozada@yahoo.com	509-098 369-0953

Pueblo Nuevo Group Street Rehabilitation Project Public Informational Meeting
Parish Hall, St. Michael's Church, 869 N. Clinton Ave, Rochester 14605

Attendee Report		7/19/2023 14:44		Actual Start Time		6/8/2023 17:19		Actual Duration (minutes)		103		Unique Viewers		4		Total Users Max Concu		Enable Registration		4		No			
Report Ger	Topic	Webinar ID	Webinar ID	Actual Start Time	Actual Start Time	Actual Duration (minutes)	Actual Duration (minutes)	Unique Viewers	Unique Viewers	Time in Ses	Time in Ses	Is Guest	Is Guest	Country/Region Name	Country/Region Name										
Pueblo Nur	833 6000 5858			6/8/2023 17:19	6/8/2023 17:19	103	103	4	4	6	6	4	4	United States	United States										
Host Details																									
Attended	User Name (Original Name)	Email		Join Time	Join Time	Leave Time	Leave Time	Time in Ses	Time in Ses	Is Guest	Is Guest	Country/Region Name	Country/Region Name												
Yes	Faber# Allison G.	allison.faber@cityofrochester.gov		6/8/2023 17:19	6/8/2023 17:19	6/8/2023 17:19	6/8/2023 17:19	103	103	4	4	United States	United States												
Panelist Details																									
Attended	User Name (Original Name)	Email		Join Time	Join Time	Leave Time	Leave Time	Time in Ses	Time in Ses	Is Guest	Is Guest	Country/Region Name	Country/Region Name												
Yes	Clements Donna	donna.clements@cityofrochester.gov		6/8/2023 17:38	6/8/2023 17:38	6/8/2023 17:38	6/8/2023 17:38	71	71	No	No	United States	United States												
Yes	Ruben			6/8/2023 17:32	6/8/2023 17:32	6/8/2023 17:32	6/8/2023 17:32	28	28	Yes	Yes	United States	United States												
Yes	McMahon# John H.	john.mcmahon@cityofrochester.gov		6/8/2023 17:27	6/8/2023 17:27	6/8/2023 17:27	6/8/2023 17:27	3	3	No	No	United States	United States												
Yes	McMahon# John H.	john.mcmahon@cityofrochester.gov		6/8/2023 17:29	6/8/2023 17:29	6/8/2023 17:29	6/8/2023 17:29	31	31	No	No	United States	United States												
Yes	Roberto Burgos	Burgosr359@gmail.com		6/8/2023 17:31	6/8/2023 17:31	6/8/2023 17:31	6/8/2023 17:31	64	64	Yes	Yes	United States	United States												

Authorizing the alteration of pavement widths for the Pueblo Nuevo Group Street Rehabilitation Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the following pavement width changes to be implemented as part of the Pueblo Nuevo Group Street Rehabilitation Project:

A. On O'Brien Street:

1. An increase of 4 feet, from approximately 18 feet to 22 feet, beginning at the west terminus of O'Brien Street and continuing 530 feet eastward; and
2. A variable tapered increase of 4 feet, from approximately 18 to 22 feet, beginning 530 feet east of the western terminus of O'Brien Street and continuing 80 feet eastward.

B. On Hoeltzer Street:

1. A tapered increase of 0.5 feet, from approximately 19.5 to 20 feet, beginning approximately 61 feet east of North Clinton Avenue and continuing approximately 28 feet eastward;
2. An increase of 0.5 feet, from approximately 19.5 to 20 feet, beginning approximately 89 feet east of North Clinton Avenue and continuing eastward to approximately 46 feet west of Joseph Avenue; and
3. A tapered increase of 0.5 feet, from approximately 19.5 to 20 feet, beginning approximately 46 feet west of Joseph Avenue and continuing 31 feet eastward.

The pavement width changes authorized herein shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications.

Section 2. This ordinance shall take effect immediately.



376

September 26, 2023

DES 02

TO THE COUNCIL

Ladies and Gentlemen:

Re: Agreement - New York Power Authority -
Energy Efficiency Services Program

Council Priority: Creating and Sustaining a Culture of
Vibrancy

Comprehensive Plan 2034 Initiative Area: Sustaining
Green and Active Systems

Transmitted herewith for your approval is legislation authorizing an agreement with the New York Power Authority (NYPA) for participation in the Energy Efficiency Services Program (EESP).

NYPA EESP is intended to assist governmental entities in the design, purchasing, installation and financing of projects that will reduce energy consumption and costs. Energy efficiency projects completed under the program can include any combination of the following services: project financing, facility energy audits and/or feasibility study reports, project design, construction management services, and equipment procurement and installation.

Article 5, Title 1 of the Public Authorities Law gives NYPA the authority to finance and design, develop, construct, implement, provide and administer energy-related projects, programs and services for any public entity within the state. Any public entity is authorized to enter into an energy services agreement with NYPA for energy-related projects, programs and services.

The City previously authorized an agreement with NYPA for the EESP under Ordinance 2015-398. It is anticipated that the projects implemented under the proposed EESP agreement with NYPA will be funded from the annual budgets of the departments using the services, from capital funds appropriated for specific energy efficiency projects, or from grant funding awarded to the City for energy efficiency improvement projects.

Implementation of projects under the NYPA EESP will help the City advance the goals and initiatives outlined in the Climate Action Plan (CAP). The NYPA EESP will allow the City to complete energy efficient improvement projects consistent with the CAP in a timely and cost-effective manner.

Respectfully submitted,

Malik D. Evans
Mayor



376

Ordinance No.

Authorizing an agreement with New York Power Authority for the Energy Efficiency Services Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York Power Authority (NYPA) to allow the City to participate in NYPA's Energy Efficiency Services Program in order to obtain assistance with the design, installation, purchase and funding of projects that will reduce the City's energy consumption and costs.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 3. This ordinance shall take effect immediately.



377

DES 03

September 26, 2023

TO THE COUNCIL

Ladies and Gentlemen:

Re: Agreement – Arcadis of New York, Inc. – Cobbs Hill Reservoir Dam Assessment

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area:
Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for a professional services agreement with Arcadis of New York, Inc. (John M. McCarthy, C.E.O., 100 Chestnut Street, Suite 1020, Rochester, New York) for engineering services for the Cobbs Hill Reservoir Dam Assessment. The cost of the agreement will be financed from 2020-21 Cash Capital.

Arcadis of New York, Inc. was selected for engineering assessment services through a request for proposal process, which is described in the attached summary.

The New York State Department of Environmental Conservation (DEC) has revised Part 6 CRR-NY 673 of the Dam Safety Regulations. These revised regulations require a full review and update to the previously submitted engineering assessment report (dated 2014) of our Large Class C, High Hazard Dams to be completed and submitted every 10 years. This engineering assessment review and update will include a complete safety inspection and an engineering review and analysis of the dam, including its function, structural stability and spillway capacity.

The term of the agreement shall extend for six (6) months after the City's submission of the engineering assessment report to the DEC.

Respectfully submitted,

Malik D. Evans
Mayor



Vendor / Consultant Selection Process Summary

Department: DES / Water Bureau

Project / Service Title: Engineering Assessment Cobbs Hill Reservoir Dams

Consultant Selected: ARCADIS

Method of selection: Request for Proposal [Complete 1-7]
 Request for Qualifications [Complete 1-7]
 From the NY State Department of Transportation list of pre-approved regional engineering firms [Complete 4-7]

1. Date RFP / RFQ issued (and posted on City web site): June 27, 2023

2. The RFP / RFQ was also sent directly to: ARCADIS, Colliers (Formerly Bergmann), Costich, CPL, EDR, Erdman Anthony, Fisher Associates, Hazen & Sawyer, Jacobs, LaBella Associates, Larsen Engineers, Lu Engineering, Marques & Associates, Meagher Engineering, MRB, Passero Associates, Pathfinder Engineering, Pinewood Engineering, Popli Architecture & Engineering, Prudent Engineering, Ramboll, Ravi Engineering & Land Surveying, Razak Associates, Stantec, TYLIN, and Vanguard Engineering.

3. Proposals were received from

<u>FIRM</u>	<u>City/ST</u>
Colliers	Rochester 14604
ARCADIS	Rochester 14604
LaBella Associates	Rochester 14614

4. Evaluation criteria

<u>Criteria</u>	<u>Weighting Points possible</u>	<u>Points received by FIRM (ARCADIS)</u>
<i>Firm Qualifications</i>	20	17.5
<i>Technical Proposal</i>	40	31.8
<i>Project Team Qualifications</i>	40	34
SUBTOTAL	TT	83.3
<u>Bonus Points</u>		
City business: 10% of total	.10 x 100	10
Prime is an MWBE: 10% of total	.10 x 100	0
Prime uses 10% - 20% MWBE subs	.05 x 100	5
Prime uses 20%+ MWBE subs	.10 x 100	0
Workforce goals for M & W met	.10 x 100	10
BONUS POINTS SUBTOTAL	BP	25

TOTAL POINTS RECEIVED by the Firm: TT + BP = 108.3

5. Review team included staff from: DES / Water Bureau – 4 Participants (3 from Engineering and 1 from Uplands)

6. Additional considerations/explanations:

ARCADIS was selected through a Request for Proposal (RFP) process, which is described below.

The City RFP process was followed during the creation and evaluation of this RFP. The RFP and evaluation criteria worksheet were developed with contribution opportunities for all the evaluators. The MWBE directory was queried for "Engineering" services. All vendors with this description of service were mailed or emailed the RFP and the draft Professional Services Agreement (PSA) contract. The RFP was mailed on June 27, 2023 to vendors and posted on the City's website on June 27, 2023. All proposals must have been received by Friday, August 4, 2023 by 4:00 pm. Selection committee gathered for discussion of vendors and evaluations on August 16, 2023. Results were compiled and vendor was chosen on August 18, 2023.

7. MWBE Officer has reviewed the recommended firm's proposal for MWBE and Workforce goals. MWBE Officer Initials: *S.M.D. for S.J.S* Date: **9/5/2023**

Form date 1/4/19

INTRODUCTORY NO.

377

Ordinance No.

Authorizing an agreement for a Cobbs Hill Reservoir Dam Assessment

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Arcadis of New York, Inc. to provide engineering services for the Cobbs Hill Reservoir Dam Assessment. The maximum compensation for the agreement shall be \$50,000, which shall be funded from 2020-21 Cash Capital. The term of the agreement shall extend to six months following the City's submission of the engineering assessment report to the New York State Department of Environmental Conservation.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 3. This ordinance shall take effect immediately.



City of Rochester

City Hall Room 308A, 30 Church Street
Rochester, New York 14614-1290
www.cityofrochester.gov

**PARKS & PUBLIC WORKS
INTRODUCTORY NO.**

378, 379

Malik D. Evans
Mayor

September 26, 2023

DES 09

TO THE COUNCIL

Ladies and Gentlemen:

Re: Authorization - New York State Department of
Transportation Utility Work Agreement Resolution

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area:
Sustaining Green & Active Systems

Transmitted herewith for your approval is legislation authorizing the New York State (NYS) Department of Transportation (DOT) to include water valve box adjustment as part of their project for Route 104 Pavement Resurfacing and Signal Replacements from Lake Ave to Culver Rd, Monroe County. This legislation will:

1. Authorize the Mayor to sign all documentation that may be necessary as a result of this project as it relates to the water system improvements.
2. Approve a resolution, in a form that is required by NYS DOT that will grant NYS DOT the authority to adjust elevations of approximately one (1) water valve box elevation that is located within the project area. In addition, the City agrees to maintain the water facilities that are adjusted or replaced as part of this project.

There is no cost to the City for this work.

Respectfully submitted,

Malik D. Evans
Mayor



Authorizing an agreement with the New York State Department of Transportation for water main valve box adjustment

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Transportation (NYSDOT) to incorporate water valve box adjustment into NYSDOT's Route 104 Pavement Resurfacing and Signal Replacements from Lake Avenue to Culver Road, Monroe County (Project).

Section 2. The Mayor is hereby authorized to execute such other documents as may be necessary to effectuate the agreement authorized herein and the City agrees to maintain the water facilities that are adjusted or replaced under the agreement.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 4. This ordinance shall take effect immediately.

379

Resolution No.

Resolution granting to the State of New York authority to perform the adjustment for the owner and agreeing to maintain facilities adjusted via a State-let contract

WHEREAS, the New York State Department of Transportation proposes the construction, reconstruction, or improvement of Route 104 from Lake Avenue to Culver Road, City of Rochester, Monroe County, P.I.N. 4104.90;

WHEREAS, the State will include as part of the construction, reconstruction, or improvement of the above mentioned project the adjust elevations of approximately one (1) water valve box elevation, pursuant to Section 10, Subdivision 24, of the State Highway Law, as shown on the contract plans and Utility Special Note relating to the project and meeting the requirements of the owner;

WHEREAS, the service life of the relocated and/or replaced utilities has not been extended; and

WHEREAS, the State will provide for the reconstruction of the above mentioned work, as shown on the contract plans and Utility Special Notes, relating to the above mentioned project.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester approves of the above mentioned work performed on the project and shown on the contract plans relating to the project and the City of Rochester will maintain or cause to be maintained the adjusted facilities performed as above stated and as shown on the contract plans.

Section 2. The Mayor has the authority to sign, with the concurrence of the Rochester City Council, any and all documentation that may become necessary as a result of this project as it relates to the City of Rochester.

Section 3. The City of Rochester is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation.

Section 4. This resolution shall take effect immediately.



City of Rochester

City Hall Room 308A, 30 Church Street
Rochester, New York 14614-1290
www.cityofrochester.gov

Malik D. Evans
Mayor

**PUBLIC SAFETY
COMMITTEE
INTRODUCTORY NO.
386**

September 26, 2023

FIRE10

TO THE COUNCIL

Ladies and Gentlemen:

Re: Hazard Mitigation Plan, 2023 City of Rochester Update

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation adopting the Monroe County Hazard Mitigation Plan, 2023 Update. The plan is required to be in place by all communities in order to be eligible for federal funds for hazard prevention. The plan was developed and initially adopted in 2004 through collaborative efforts from the City of Rochester, County of Monroe, 19 towns and ten villages within the County, their authorities, the Cornell Cooperative Extension, the American Red Cross and Rochester Gas and Electric. City Council approval and adoption is required by the Federal Emergency Management Agency. The plan is annexed to the City of Rochester Comprehensive Emergency Management Plan.

The Disaster Mitigation Act of 2000 established a requirement that all local governments have an All-Hazard Mitigation Plan to be eligible to receive Hazard Mitigation Grant Program Funding. The first plan was adopted on November 1, 2005. The plan must be reviewed and updated every five (5) years by Monroe County and all 30 participating jurisdictions who have agreed that a single, comprehensive, all-inclusive plan would best serve our communities.

The plan is designed to reduce or eliminate losses from natural, human or technological hazards. This is done through a comprehensive hazard and risk assessment process based on possibility, probability and actual experience.

The requirement for a public review was satisfied for all involved municipalities by two video conferencing meetings hosted by Monroe County Office of Emergency Management on October 6th, 2022. A copy of the plan is available for review in the Office of the City Clerk.

Respectfully submitted,

Malik D. Evans
Mayor





9.24 City of Rochester

This section presents the jurisdictional annex for the City of Rochester that provides resources and information to assist public and private sectors to reduce losses from future hazard events. This annex is not guidance of what to do when a disaster occurs. Rather, this annex concentrates on actions to reduce or eliminate damage to property and people that can be implemented prior to a disaster. Information presented includes a general overview of the municipality, who in the City participated in the planning process, an assessment of the City of Rochester’s risk and vulnerability, the different capabilities used in the City, and an action plan that will be implemented to achieve a more resilient community.

9.24.1 Hazard Mitigation Planning Team

The City of Rochester identified the hazard mitigation plan primary and alternate points of contact and developed this plan over the course of several months with input from many City departments, including the Fire Department, Permit Office, and the Bureau of Buildings and Zoning. The Rochester Fire Department represented the community on the Monroe County Hazard Mitigation Plan Planning Partnership and supported the local planning process requirements by securing input from persons with specific knowledge to enhance the plan. All departments were asked to contribute to the annex development through reviewing and contributing to the capability assessment, reporting on the status of previously identified actions, and participating in action identification and prioritization.

The following table summarizes municipal officials that participated in the development of the annex and in what capacity. Additional documentation on the municipality’s planning process through Planning Partnership meetings is included in Volume 1, Section 3 (Planning Process) and Appendix C (Meeting Documentation).

Table 9.24-1. Hazard Mitigation Planning Team

Primary Point of Contact	Alternate Point of Contact
Name/Title: Mark Hudson, Deputy Chief of Training Address: 1190 Scottsville Road, Ste. 214, Rochester NY 14624 Phone Number: (585)-753-3730 Email: mark.hudson@cityofrochester.gov	Name/Title: Captain Jamie Renner, Rochester Fire Department, Special Operations Unit Address: 1190 Scottsville Road, Ste. 214, Rochester NY 14624 Phone Number: (585) 753-3743 Email: Jamie.Renner@cityofrochester.gov
Alternate Point of Contact	NFIP Floodplain Administrator
Name/Title: Dan Arena, Code Compliance Coordinator, NBD Address: 30 Church Street Rochester, NY 14614-1290 Phone Number: 585-428-7122 Email: Daniel.Arena@CityofRochester.Gov	Name/Title: Suzanne McSain, Permit Office Manager Address: 30 Church Street Rochester, NY 14614-1290 Phone Number: (585) 428-7291 Email: Suzanne.mcsain@cityofrochester.gov
Additional Contributors	
Name/Title: Captain Jamie Renner, Rochester Fire Department, Special Operations Unit Method of Participation: Provided data and information	
Name/Title: Casmic J. Reid, Plans Examiner, Bureau of Buildings and Zoning Method of Participation: Provided data and information, contributed to mitigation strategy	
Name/Title: Karen St. Aubin, Bureau of Operations Method of Participation: Contributed to mitigation strategy	

9.24.2 Municipal Profile

The City of Rochester is north of the center of Monroe County, about 65 miles east-northeast of Buffalo and about 75 miles west of Syracuse. The City sits on Lake Ontario's southern shore, and is bisected by the Genesee River, which is the most significant local waterway along with Allen Creek, West Branch Red Creek, Irondequoit Bay, and Lake Ontario.



Rochester became the county seat of Monroe County in 1821, 2 years before the Erie Canal aqueduct over the Genesee River was completed in the City’s downtown, and the Erie Canal east to the Hudson River was opened. According to the 2010 U.S. Census, the City encompasses 35.8 square miles of land and 1.3 square miles of water.

Rochester has a number of neighborhoods and recognized communities with various neighborhood associations. Neighborhoods within the City include the following:

- 19th Ward
- 14621 Community
- Beechwood
- Browncroft
- Cascade District
- Cobbs Hill
- Charlotte
- Corn Hill
- Dewey
- Dutchtown
- Edgerton
- Ellwanger-Barry
- German Village
- Grove Place
- High Falls District
- Highland Park
- Dutchtown
- Maplewood (10th Ward)
- Marketview Heights
- Mt. Read
- North Winton Village
- Neighborhood of the Arts (NOTA)
- Otis-Lyell
- Park Avenue
- Plymouth-Exchange
- Southwest
- East End
- South Wedge
- Swillburg
- Susan B. Anthony
- University-Atlantic
- Upper Monroe

The City of Rochester is home to numerous cultural, academic, and religious institutions. The City is served by a robust transportation system, including numerous regional and interstate highways, freight and passenger railroads, and the Greater Rochester International Airport. The Port of Rochester on Lake Ontario offers marine freight service and is connected to the Atlantic Ocean via the Saint Lawrence Seaway.

According to the U.S. Census, the 2020 population for the City of Rochester was 211,328, a 0.4 percent increase from the 2010 Census (210,565). Data from the 2020 American Community Survey 5-year Estimates indicate that 6.2 percent of the population is 5 years of age or younger, 11.3 percent is 65 years of age or older, 17.9 percent have disabilities, and 28.4 percent are below the poverty threshold. 2.7 percent of households are non-English speaking. Communities must deploy a support system that enables all populations to safely reach shelters or to quickly evacuate a hazard area.

9.24.3 Jurisdictional Capability Assessment and Integration

The City of Rochester performed an inventory and analysis of existing capabilities, plans, programs, and policies that enhance its ability to implement mitigation strategies. Volume 1, Section 6 (Capability Assessment) describes the components included in the capability assessment and their significance for hazard mitigation planning. The jurisdictional assessment includes the following analyses:

- An assessment of legal and regulatory capabilities.
- Development and permitting capabilities.
- An assessment of administrative and technical capabilities.
- An assessment of fiscal capabilities.
- An assessment of education and outreach capabilities.
- Classification under various community mitigation programs.
- The community’s adaptive capacity to withstand hazard events.



For a community to succeed in reducing long-term risk, hazard mitigation must be integrated into the day-to-day local government operations. As part of the hazard mitigation analysis, planning/policy documents were reviewed, and each jurisdiction was surveyed to obtain a better understanding of their progress toward plan integration. The updated mitigation strategy provided an opportunity for the City of Rochester to identify opportunities for integration of mitigation concepts that can be incorporated into municipal procedures.

Planning, Legal, and Regulatory Capability and Integration

The table below summarizes the regulatory tools that are available to the City of Rochester. The comment field provides information as to how the capability integrates hazard mitigation and risk reduction.

Table 9.24-2. Planning, Legal, and Regulatory Capability and Integration

	Jurisdiction has this? (Yes/No)	Citation and Date (code chapter or name of plan, date of enactment or plan adoption)	Authority (local, county, state, federal)	Individual / Department / Agency Responsible
Codes, Ordinances, & Regulations				
Building Code	Yes	Chapter 39 Building Code	State and Local	Bureau of Buildings and Zoning
<i>How does this reduce risk?</i> Building codes are strictly enforced to prepare new and renovated buildings as well as possible for hazard-related incidents. The City complies with New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code).				
Zoning/Land Use Code	Yes	Chapter 120 Zoning	Local	Planning Commission
<i>How does this reduce risk?</i> This chapter establishes and implements regulatory powers to the ends that adequate light, pure air, convenient access and safety from fire, flood and other dangers may be secured; that the taxable value of land and buildings throughout the City may be conserved and enhanced; that congestion in the public streets may be lessened or avoided; that the hazards to persons and damage to property resulting from the accumulation or runoff of stormwater may be lessened or avoided; that sites, areas and structures of historical, architectural and aesthetic importance may be preserved; and that the public health, safety, comfort, morals and welfare may otherwise be promoted. The City of Rochester's zoning code includes districts and standards pertaining to mitigation of hazards. These include the open space district, citywide and neighborhood-specific design standards and guidelines, and review authorities.				
Subdivision Ordinance	Yes	Chapter 128 Land Subdivision Regulations	Local	Planning Commission
<i>How does this reduce risk?</i> The City's Planning Commission is tasked with site plan/subdivision review. The purpose of these regulations shall be to provide rules, regulations and standards to guide land subdivision within the City of Rochester in order to promote the public health, safety, convenience and general welfare of the City. They shall be administered to ensure the orderly growth and development, conservation, protection and proper use of land and adequate provision for circulation, utilities and services and to ensure that land utilized for building purposes shall be without danger to health or peril from fire, flood or other menace and that provision is made for adequate light and air, fire protection, recreation areas and other amenities.				
Site Plan Ordinance	Yes	Chapter 112 Waterfront Consistency Review Ordinance	Local and County	Site Plan Review Committee
<i>How does this reduce risk?</i> Site Plan Review assesses a projects elements of design and function, identifies necessary referrals to other public agencies, and often includes project recommendations. The Manager of Zoning, or their designee, is authorized under the City Code to approve all site plans. The Manager regularly relies on the recommendations of the Site Plan Review Committee, which consists of professional staff from various City agencies. No public hearing is required for approval. Larger or more complex proposals which meet one or more "Major Site Plan Review" triggers are referred to the City's Project Review Committee (PRC), consisting of urban design specialists and City staff. Final Site Plan Approval establishes that the project or proposal complies with all Zoning requirements, any conditions required, and final steps for completing the Building Permit. Updated drawings are often required to reflect all aspects of the approval.				
Stormwater Management Ordinance	Yes	Chapter 39 Building Code Article IV Site Preparation and Stormwater Pollution Prevention	Local	Commissioner of Neighborhood and Business Development



	Jurisdiction has this? (Yes/No)	Citation and Date (code chapter or name of plan, date of enactment or plan adoption)	Authority (local, county, state, federal)	Individual / Department / Agency Responsible
<p><i>How does this reduce risk?</i></p> <p>The purpose of this Part is to safeguard public health, protect property, prevent damage to the environment and promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity which disturbs or breaks the topsoil or results in the movement of earth on land in the City of Rochester. It seeks to meet those purposes by achieving the following objectives:</p> <ol style="list-style-type: none"> (1) Require land disturbance activities to conform to the substantive requirements of the New York State Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) general permit for construction activities or as amended or revised; (2) Meet the requirements of minimum measures 4 and 5 of the SPDES general permit for stormwater discharges from municipal separate stormwater sewer systems (MS4s), Permit No. GP-02-02 or as amended or revised; (3) Minimize increases in stormwater runoff from land disturbance activities in order to reduce flooding, siltation, increases in stream temperature, and stream bank erosion and maintain the integrity of stream channels; (4) Minimize increases in pollution caused by stormwater runoff from land disturbance activities which would otherwise degrade local water quality; (5) Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable; and (6) Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and to ensure that these management practices are properly maintained and eliminate threats to public safety. 				
Post-Disaster Recovery/ Reconstruction Ordinance	No	-	-	-
<p><i>How does this reduce risk?</i></p>				
Real Estate Disclosure	Yes	Property Condition Disclosure Act, NY Code - Article 14 §460-467	State	NYS Department of State, Real Estate Agent
<p><i>How does this reduce risk?</i></p> <p>In addition to facing potential liability for failing to disclose under the exceptions to "caveat emptor," a home seller must make certain disclosures under the law or pay a credit of \$500 to the buyer at closing. While the PCDA requires a seller to complete a standardized disclosure statement and deliver it to the buyer before the buyer signs the final purchase contract, in practice, most home sellers in New York opt not to complete the statement and instead pay the credit.</p>				
Growth Management	Yes	Chapter 130 Comprehensive Plan	Local	Planning Commission
<p><i>How does this reduce risk?</i></p> <p>The Comprehensive Plan, or any part thereof, shall be considered an official statement of the City of Rochester with respect to the existing and developing character of various areas of the City; the proper objectives, standards and direction for the future maintenance, growth and development of the City; the means to be employed to protect existing character or development and to encourage future development that will be in the best interest of the City; and the actions and programs to be undertaken by the City with respect to its future maintenance and development. The Comprehensive Plan shall serve as a guide and resource for City officials and agencies in the performance of their duties but, except as otherwise provided in this chapter and the codes and ordinances of the City, shall not be binding upon them.</p>				
Environmental Protection Ordinance	Yes	Chapter 48 Environmental Review	Local	Rochester Environmental Commission
<p><i>How does this reduce risk?</i></p> <p>The basic purpose of this chapter is to incorporate consideration of environmental factors into the existing decisionmaking processes of City government at the earliest possible time. It is the intent of this chapter that all agencies of City government conduct their affairs with an awareness that they are stewards of the air, water, land and living resources and that they have an obligation to protect the environment for the use and enjoyment of this and all future generations. No decision to carry out, approve or fund any action subject to review pursuant to this chapter shall be made by any unit of City government until there has been full compliance with all applicable requirements of this chapter.</p>				
Flood Damage Prevention Ordinance	Yes	Chapter 56 Flood Damage Prevention	Federal, State, County and Local	Commissioner of Neighborhood and Business Development
<p><i>How does this reduce risk?</i></p> <p>It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:</p> <ol style="list-style-type: none"> (1) Regulate uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities; (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction; 				



	Jurisdiction has this? (Yes/No)	Citation and Date (code chapter or name of plan, date of enactment or plan adoption)	Authority (local, county, state, federal)	Individual / Department / Agency Responsible
(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters; (4) Control filling, grading, dredging and other development which may increase erosion or flood damages; (5) Regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and (6) Qualify for and maintain participation in the National Flood Insurance Program. New construction is required to be elevated/protected to 2 feet above the base flood elevation.				
Wellhead Protection	No	-	-	-
<i>How does this reduce risk?</i>				
Emergency Management Ordinance	Yes	Chapter 7 Continuity of Government; Chapter 19 Public Safety; Chapter 93 Public Emergencies, Restricted Conduct in Time of	Local	Police and Fire Departments
<i>How does this reduce risk?</i>				
Chapter 7 establishes emergency interim successors in the event of a disaster event.				
Chapter 19 establishes agreements for fire department aid outside of the City and the sections of the Police department.				
Chapter 93 establishes emergency powers to the Mayor in the event of a public emergency.				
Climate Change Ordinance	No	-	-	-
<i>How does this reduce risk?</i>				
Other	Yes	Chapter 43A Coastal High Hazard Areas	Local	Coastal Erosion Hazard Board of Review
<i>How does this reduce risk?</i>				
The City of Rochester hereby assumes the responsibility to implement and administer a coastal erosion management program within its boundaries pursuant to Article 34 of New York State Environmental Conservation Law. To this end, this chapter is enacted to:				
A. Establish standards and procedures for minimizing and preventing damage to structures from coastal flooding and erosion and to protect natural protective features and other natural resources. B. Regulate in coastal areas subject to coastal flooding and erosion, land use and development activities so as to minimize or prevent damage or destruction to man-made property, natural protective features or other natural resources and to protect human life. C. Regulate new construction or placement of structures in order to place them a safe distance from areas of active erosion and the impacts of coastal storms to ensure that these structures are not prematurely destroyed or damaged due to improper siting, as well as to prevent damage to natural protective features and other natural resources. D. Restrict public investment in services, facilities or activities which are likely to encourage new permanent development in erosion hazard areas. E. Regulate the construction of erosion protection structures in coastal areas subject to serious erosion, to assure that when the construction of erosion protection structures is justified, their construction and operation will minimize or prevent damage or destruction to man-made property, private and public property, natural protective features and other natural resources.				
Planning Documents				
Comprehensive Plan	Yes	Rochester 2034 Moving Forward, 2019	Local	City Council
<i>How does this reduce risk?</i>				
Rochester 2034 is a 15-year comprehensive plan to improve our community leading up to our 200th birthday. The Plan covers a wide variety of topics, from housing and transportation to economic growth and historic preservation. Each topic includes Goals and Strategies that are aligned with an overarching community Vision and set of Guiding Principles. Overall, the Plan presents a blueprint for growth and development, with several main themes carried throughout:				
<ul style="list-style-type: none"> • Positioning Rochester for Growth • Connecting Land-Use and Transportation • Placemaking • Social and Economic Equity 				
Capital Improvement Plan	Yes	Capital Improvements Plan	Local	Office of Management & Budget
<i>How does this reduce risk?</i>				
The Capital Improvements Plan is updated annually on October 1.				





	Jurisdiction has this? (Yes/No)	Citation and Date (code chapter or name of plan, date of enactment or plan adoption)	Authority (local, county, state, federal)	Individual / Department / Agency Responsible
Disaster Debris Management Plan	No	-	-	-
<i>How does this reduce risk?</i>				
Floodplain Management or Watershed Plan	No	-	-	-
<i>How does this reduce risk?</i>				
Stormwater Management Plan	No	-	-	-
<i>How does this reduce risk?</i>				
Open Space Plan	No	-	-	-
<i>How does this reduce risk?</i>				
Urban Water Management Plan	No	-	-	-
<i>How does this reduce risk?</i>				
Habitat Conservation Plan	No	-	-	-
<i>How does this reduce risk?</i>				
Economic Development Plan	No	-	-	-
<i>How does this reduce risk?</i>				
Shoreline Management Plan	Yes	Article 34, Environmental Conservation Law, Coastal Erosion Hazard Areas 6 NYCRR Part 505, Coastal Erosion Management Regulations; Local Waterfront Revitalization Program, 2015	State, Local	Administration
<i>How does this reduce risk?</i>				
<p>This LWRP is an update to the City of Rochester's original LWRP from 1990. The plan references the Port of Rochester and Genesee River Harbor Management Plan and considers it an appendix to the plan. As with the Harbor Management Plan, the LWRP considers potential hazard areas and possible health impacts of local waterways on City residents. The major areas of focus for the program are the Lake Ontario waterfront, the Genesee River waterfront, and the Erie Canal waterfront. Relevant recommendations from the LWRP include:</p> <ol style="list-style-type: none"> 1. Improvement of Durand Beach Water Quality 2. Wave Surge Mitigation Project (Phase 2) 3. Site Remediation along River Gorge 4. Genesee Valley Park Bridge Improvements 5. Dredging 6. Stormwater Remediation 7. Genesee River Natural Resource Planning and Projects. 				
Community Wildfire Protection Plan	No	-	-	-
<i>How does this reduce risk?</i>				
Community Forest Management Plan	No	-	-	-
<i>How does this reduce risk?</i>				
Transportation Plan	Yes	Rochester 2034 Moving Forward, 2018 Transit-Supportive Corridors Study	Local	
<i>How does this reduce risk?</i>				
<p>The purpose of this project was to identify land use, development, and zoning strategies that can inform the City's Comprehensive Plan, Rochester 2034. Recommended strategies were designed to promote a future land use pattern and regulatory framework that encourages sustainable, transit-supportive development; denser, more pedestrian-scaled neighborhoods; improved access to jobs, parks and open space; and increased mobility options and transportation choices for residents and visitors.</p>				
Agriculture Plan	No	-	-	-
<i>How does this reduce risk?</i>				



	Jurisdiction has this? (Yes/No)	Citation and Date (code chapter or name of plan, date of enactment or plan adoption)	Authority (local, county, state, federal)	Individual / Department / Agency / Responsible
Climate Action/ Resiliency/Sustainability Plan	Yes	Rochester 2034 Moving Forward, Appendix I 2017 Rochester Climate Action Plan	Local	City Council
<i>How does this reduce risk?</i> The City of Rochester's Office of Energy and Sustainability has created a community-wide Climate Action Plan (CAP) to provide a framework for sustainable projects and actions that aligns with the Finger Lakes Regional Sustainability Plan. Endorsed by City Council in May 2017, the City of Rochester Climate Action Plan has a goal to reduce greenhouse gas emissions by 40% from 2010 levels by 2030. In order to achieve this goal, the Plan outlines 35 implementation actions divided into five focus areas. The five focus areas revolve around residential, commercial, and industrial sectors. These include: <ul style="list-style-type: none"> • Energy Use and Supply • Transportation • Waste and Materials Management • Clean water • Land use 				
Tourism Plan	No	-	-	-
<i>How does this reduce risk?</i>				
Business/ Downtown Development Plan	Yes	Rochester 2034 Moving Forward, Commercial Corridor Study	Local	Administration
<i>How does this reduce risk?</i> This study is intended to inform neighborhood revitalization and business development strategies in the City of Rochester. The information and analysis in this document will guide the City in adopting market-driven approaches that recognize trends, challenges, and opportunities within its CDBG-eligible commercial corridors and the city as a whole. through the adoption of Rochester 2034 - the comprehensive plan for the city of Rochester, the City will identify strategic approaches and new initiatives responding to these conditions, resulting in vibrant commercial corridors where businesses can thrive and the needs of area residents can be met.				
Other	Yes	Northeast Quadrant Strategic Plan, 2010-2011	Local	Department of Neighborhood and Business Development
<i>How does this reduce risk?</i> The City of Rochester Department of Neighborhood and Business Development (NBD) consists of four teams, one for each of the four City quadrants. The Northeast Quadrant Team developed this strategy to identify community assets, assess and analyze strengths and opportunities in the quadrant, and identify strategic actions. The plan describes current land use development in the quadrant, and identifies the most pressing goals for the quadrant as public safety, beautification, blight reduction, regulatory compliance, and capacity building.				
Other	Yes	Genesee Valley Park West Master Plan, 2015	Local	DES, Department of Recreation and Youth Services, and the Genesee Waterways Center, Inc.
<i>How does this reduce risk?</i> The City of Rochester Department of Environmental Services, the City of Rochester, Department of Recreation and Youth Services, and the Genesee Waterways Center, Inc. recently developed a master plan for the part of the Genesee Valley Park west of the Genesee River. The park is one of the three original parks in the Rochester Park System, and is designed primarily for recreational activities. The master plan inventories and analyzes the park's current condition, including equipment, infrastructure, and vegetation; conducts a historic landscape analysis; studies hydro-geologic conditions of the Genesee River shoreline in the target area; provides alternative schematic designs; and recommends historic landscape treatment and other projects to enhance the park's overall condition. The master plan includes land use and zoning recommendations for managing hazard risks and directing growth. Some recommendations include: <ol style="list-style-type: none"> 1. Establish a local benchmark of how park land should interface with the river, include green infrastructure, and enhance the ecological recreation experience. Assess and enhance the following: <ol style="list-style-type: none"> a. Stormwater and green infrastructure b. River bank ecology c. Vegetation d. Sedimentation and maintenance 2. Respond to the growing health care and fitness crisis by focusing on wellness and developing new public-private partnerships. 3. Plan facilities and programming to accommodate multi-generational, multi-purpose, and long-term recreation trends. 				
Other	Yes	Port of Rochester and Genesee River Harbor Management Plan, 2016	Local	City of Rochester, Town of Irondequoit
<i>How does this reduce risk?</i>				



	Jurisdiction has this? (Yes/No)	Citation and Date (code chapter or name of plan, date of enactment or plan adoption)	Authority (local, county, state, federal)	Individual / Department / Agency Responsible
<p>This plan was developed as a multi-jurisdictional strategy to guide and manage use of waters in the Port of Rochester-Genesee River Harbor. The City deemed the plan necessary because of the Harbor's location as a regional destination for recreation, its function to stimulate the local economy, and recent redevelopment of the Port of Rochester site. The Harbor Management Plan also complies with the federal Coastal Zone Management Act (CZMA) of 1972, and is a type of Local Waterfront Revitalization Program (LWRP). This plan primarily focuses on Harbor impacts on the City of Rochester, but also applies to a portion of the Town of Irondequoit. The plan considers potential hazard areas, such as floodplains and wetlands, and includes recommendations for managing hazard risks. Some identified issues and opportunities include:</p> <p>1. Issues</p> <ul style="list-style-type: none"> a. Storm surge continues to be an issue reported by Harbor Management Plan stakeholders. Specific impacts of storm surge on the Harbor Management Area (HMA) have not been fully evaluated since the stone revetment was installed along the piers for wave attenuation. Stakeholders have reported that removal of the Hojack Swing Bridge has altered how the surge affects the harbor, further necessitating evaluation of the surge. Storm surge can damage docked boats and render the Genesee River non-navigable. This occasionally limits the Harbor's ability to function as a Critical Harbor of Refuge during large Nor'easter storms. b. During maintenance activities, such as dredging, utilities that cross the river can be affected. c. Three known but unmarked navigation hazards are in the vicinity of the Harbor: the sunken tug Cheyenne, the west side of the turning basin in Reach G (between the federal navigation channel and the Genesee Riverway Trail footbridge), and the southern dolphin approximately 300 feet upstream of the U.S. Coast Guard Station. Several less prominent hazards are present along the shoreline. d. Evaluation of effectiveness and resiliency of current infrastructure under climate changes and potential lake level changes has not occurred. <p>2. Opportunities</p> <ul style="list-style-type: none"> a. A collaborative dredging strategy among property owners and agencies could reduce dredging mobilization costs and permit administration. b. Dredged material from the Genesee River is clean enough to be considered for beneficial uses, such as ecosystem restoration. c. Ensuring long-term protection of the River's riparian areas would contribute to improving water quality in the Harbor and eventual delisting of the Rochester Embayment Area of Concern. d. The U.S. Environmental Protection Agency (EPA) is reviewing the draft Work Plan for Resource Conservation and Recovery Act (RCRA) Facility Investigation and Corrective Measure Study for Operable Unit (OU)-5 Lower Genesee River Area of Concern—determination of contamination levels in the lower 4 miles of the Genesee River, and evaluation of potential effects of contamination on fish, wildlife, and human health. The results will provide additional information about contamination in the HMA, perhaps resulting in remedial efforts in the River. 				
Response/Recovery Planning				
Comprehensive Emergency Management Plan	Yes	City of Rochester Comprehensive Emergency Management Plan	Local	City of Rochester
<i>How does this reduce risk?</i>				
<p>A wide variety of natural, technological, and manmade emergencies can result in injury, loss of life, property damage and the disruption of essential public services. The scope of specific hazards and the type/kind of resources required to address significant impacts, often require detailed planning efforts, some of which are included in the appendices to this plan. However, the number of potential hazards and types of emergencies is so extensive that it is not always practical to prepare a plan for each situation or circumstance. The comprehensive emergency management process recognizes that the authorities, leadership, and resources a community uses to manage emergencies are essentially the same for any disaster, therefore, the best approach is to effectively organize the community's personnel and capabilities in a system designed to address all potential hazards. In an all-hazards approach, City leadership and organization, as well as the resources of all partnering jurisdictions and agencies, can be mobilized to address risk reduction, response and recovery for wide variety of hazards.</p> <p>In accordance with the New York State Comprehensive Emergency Management Plan (CEMP) ten (10) step process, the City of Rochester CEMP has been developed to serve as a framework for responding to any emergency that builds on actions that reduce or eliminate threats, while also strengthening local resources and capabilities. Furthermore, current guidance sets forth the expectation that communities and government leaders will take steps and implement proactive policies to prevent hazards and reduce risks.</p> <p>Aligned with the comprehensive emergency management process outlined in New York State Executive Law, Article 2-B, the City of Rochester CEMP addresses each of the following phases of comprehensive emergency management, each of which are interrelated phases, where each step interacts in an ongoing cycle, one leading naturally into another.</p> <p>The CEMP covers short-term response and long-term recovery to address communications, evacuation, and housing necessary for identified hazards through other sister plans with Monroe County and the Red Cross – Sheltering Plans.</p>				
Continuity of Operations Plan	Yes	City of Rochester Continuity of Operations Plan	Local	City of Rochester
<i>How does this reduce risk?</i>				



	Jurisdiction has this? (Yes/No)	Citation and Date (code chapter or name of plan, date of enactment or plan adoption)	Authority (local, county, state, federal)	Individual / Department / Agency Responsible
<p>The <i>City of Rochester COOP Plan (Volumes I and II)</i> outlines the City's continuity policies and activities in four key areas: preparedness, response, recovery, and mitigation. Each area is defined as follows:</p> <ul style="list-style-type: none"> • Preparedness efforts focus on identifying risks, mission-critical department business processes, and systems; recognizing potential continuity problems affecting the department; and taking steps to prevent or mitigate those problems. • Response involves recognizing and responding to an emergency, providing a warning system, identifying protective actions, and ensuring that mission-critical department activities are carried out. • Recovery efforts include conducting short-term and long-term strategies to restore department operations following an emergency, including identifying ways to prevent or mitigate a hazard's impact on the department. • Mitigation actions will include reviewing mission-critical processes, risks, and potential problems to identify preventive actions to reduce the impact to vital systems, records, and personnel safety. 				
Substantial Damage Response Plan	No	-	-	-
<i>How does this reduce risk?</i>				
Strategic Recovery Planning Report	No	-	-	-
<i>How does this reduce risk?</i>				
Threat & Hazard Identification & Risk Assessment (THIRA)	Yes	Monroe County	County	Monroe County
<i>How does this reduce risk?</i>				
Post-Disaster Recovery Plan	No	-	-	-
<i>How does this reduce risk?</i>				
Public Health Plan	Yes	Monroe County	County	Monroe County
<i>How does this reduce risk?</i>				
Other	Yes	Snow and Ice Master Plan	Local	DES
<i>How does this reduce risk?</i>				
The Snow and Ice Master Plan is updated annually on October 1.				

Development and Permitting Capability

The table below summarizes the capabilities of the City of Rochester to oversee and track development.

Table 9.24-3. Development and Permitting Capability

Indicate if your jurisdiction implements the following	Yes/No	Comment:
Do you issue development permits?	Yes	-
• If you issue development permits, what department is responsible?	N/A	Bureau of Buildings and Zoning
• If you do not issue development permits, what is your process for tracking new development?	N/A	-
Are permits tracked by hazard area? (For example, floodplain development permits.)	Yes	Floodplain development permits
Do you have a buildable land inventory?	Yes	
• If you have a buildable land inventory, please describe		City of Rochester GIS portal has both Development Ready Sites listed in a map viewer, along with a separate viewer for Vacant Structures and Vacant Land Inventories. This is accessible in the public facing part of the City of Rochester website.
Describe the level of build-out in your jurisdiction.	N/A	Near built out, urban



Administrative and Technical Capability

The table below summarizes potential staff and personnel resources available to the City of Rochester and their current responsibilities that contribute to hazard mitigation.

Table 9.24-4. Administrative and Technical Capabilities

Resources	Available? (Yes/No)	Comments (available staff, responsibilities, support of hazard mitigation)
<i>Administrative Capability</i>		
Planning Board	Yes	The City Planning Commission (CPC) is a seven member citizen commission has jurisdiction and authority in the issuance of Special Permits, subdivision approvals, and a wide range of other matters. The Planning Commission also makes recommendations to City Council regarding Zoning Text and Map amendments.
Zoning Board of Adjustment	Yes	The Zoning Board of Appeals is a seven member citizen board hears requests for Variances to the City's Zoning Code, and Administrative Appeals of decisions made by the Manager of Zoning.
Planning Department	Yes	The Office of City Planning plays a variety of roles within city government and the community related to policy development and place making.
Mitigation Planning Committee	No	-
Environmental Board/Commission	Yes	The Rochester Environmental Commission (REC) is a seven-member citizen advisory board reviews projects that are Type 1 Actions under the State Environmental Quality Review Act (SEQRA) and require City approval and/or funding. The REC provides recommendations on a project's potential impacts on the environment. It is important to note that SEQRA considers both the natural (land, water, air, wildlife, etc.) and human made (archeological and historic resources, community character, etc.) environment. The REC also acts as the hearing body when an environmental impact statement (EIS) is prepared for a project. At the conclusion of the environmental impact statement process, they make recommendations on whether the proposal should be approved, approved with modifications, or denied. Lastly, the REC is the appeals body for the Coastal Erosion Hazard Area permitting process.
Open Space Board/Committee	No	-
Economic Development Commission/Committee	Yes	The Department of Neighborhood and Business Development (NBD) provides a wide array of services designed to improve quality of life and create economic opportunities for residents and businesses within the city of Rochester. The Department's major units are Administration and Finance, Business and Housing Development, Planning and Zoning, Neighborhood Preservation and Inspection and Compliance.
Public Works/Highway Department	Yes	The mission of the Department of Environmental Services is to provide a safe, clean and attractive community through the delivery of services. The department consists of the Bureaus of Architecture and Engineering, Operations, Buildings and Parks, Equipment Services and Water.



Resources	Available? (Yes/No)	Comments (available staff, responsibilities, support of hazard mitigation)
Construction/Building/Code Enforcement Department	Yes	The City's renewable Certificate of Occupancy (C of O) program is designed to help stabilize and enhance our city neighborhoods by conducting regularly scheduled and ongoing property maintenance inspections. These visual inspections, based on local, state and federal code standards, ensure the <u>preservation of property and the protection of life.</u>
Emergency Management/Public Safety Department	Yes	<p>The Rochester Police Department (RPD) provides public safety services, crime data analysis and collaborates with other law enforcement agencies. The RPD consists of the Administration Bureau and the Operations Bureau.</p> <p>The Rochester Fire Department provides professional services for life preservation, incident stabilization and property conservation. The Department's mission is to protect life and property through fire suppression, emergency medical services, technical rescue, fire <u>prevention, disaster preparedness and public education.</u></p>
Warning Systems / Services (mass notification system, outdoor warning signals, etc.)	Yes	Police and Fire have a system to register mobile phones with 911 to allow for notification.
Maintenance programs to reduce risk (stormwater maintenance, tree trimming, etc.)	Yes	City Department of Environmental Services (DES) has programs for trail and road Maintenance which involves the City's special services and forestry departments. The Forestry Division of the Department of environmental Services. Staff members manage the care and maintenance of approximately 70,000 public trees located along City streets and in City parks and cemeteries.
Mutual aid agreements	Yes	Rochester FD is part of the Monroe County Fire Bureau Mutual Aid Program
Human Resources Manual - Do any job descriptions specifically include identifying or implementing mitigation projects or other efforts to reduce natural hazard risk?	No	-
Other	Yes	<p>The Office of Management and Budget (OMB) prepares and administers the City's operating and capital budgets and develops the City's long range fiscal plans.</p> <p>The Communications Bureau is responsible for providing information to the public about City programs, services and events utilizing multiple communications platforms. The Office of Special Events produces and supports a diverse array of cultural programming designed to enhance a strong sense of community, attract residents and visitors, promote economic development.</p> <p>The Finance Department is accountable for the delivery of financial services for the City of Rochester and the Rochester City School District inclusive of debt issuance, cash management and investments and resource collection; in addition to accounting, payroll, purchasing and assessment services for the City.</p>
Technical/Staffing Capability		



Resources	Available? (Yes/No)	Comments (available staff, responsibilities, support of hazard mitigation)
Planners or engineers with knowledge of land development and land management practices	Yes	NBD, Planning & Zoning
Engineers or professionals trained in building or infrastructure construction practices	Yes	NBD and DES
Planners or engineers with an understanding of natural hazards	Yes	Office of City Planning
Staff with expertise or training in benefit/cost analysis	Yes	Budget
Professionals trained in conducting damage assessments	Yes	NBD
Personnel skilled or trained in GIS and/or Hazards United States (HAZUS) – Multi-Hazards (MH) applications	Yes	The Platform Services team from the IT Department manages the City’s data center, the database environment, and Geographic Information Systems.
Environmental scientist familiar with natural hazards	No	-
Surveyor(s)	Yes	Office of Maps and Survey – The Department of Environmental Services
Emergency Manager	Yes	Emergency Preparedness Coordinator, Emergency Management is left at the County Level.
Grant writer(s)	Yes	Various City Departments have grant writers/managers. This varies department to department.
Resilience Officer	No	-
Other (this could include stormwater engineer, environmental specialist, etc.)	No	-

Fiscal Capability

The table below summarizes financial resources available to the City of Rochester.

Table 9.24-5. Fiscal Capabilities

Financial Resources	Accessible or Eligible to Use? (Yes/No)
Community development Block Grants (CDBG, CDBG-DR)	Yes
Capital improvements project funding	Yes
Authority to levy taxes for specific purposes	No
User fees for water, sewer, gas or electric service	Yes – Water Only
Impact fees for homebuyers or developers of new development/homes	No
Stormwater utility fee	No – Monroe County
Incur debt through general obligation bonds	Yes
Incur debt through special tax bonds	No
Incur debt through private activity bonds	No
Withhold public expenditures in hazard-prone areas	No
Other federal or state Funding Programs	Yes
Open Space Acquisition funding programs	No
Other (for example, Clean Water Act 319 Grants [Nonpoint Source Pollution])	No

Education and Outreach Capability

The table below summarizes the education and outreach resources available to the City of Rochester.





Table 9.24-6. Education and Outreach Capabilities

Outreach Resources	Available? (Yes/No)	Comment:
Public information officer or communications office	Yes	The Communications Bureau is responsible for providing information to the public about City programs, services and events utilizing multiple communications platforms. The Office of Special Events produces and supports a diverse array of cultural programming designed to enhance a strong sense of community, attract residents and visitors, promote economic development.
Personnel skilled or trained in website development	Yes	The Department of Information Technology (IT) is a key enabler of process efficiencies and technology for City government. The IT Department's mission is to drive innovation and implement change with new technologies, and to assist its customer departments with analyzing their IT needs as a whole.
Hazard mitigation information available on your website	Yes	The City of Rochester maintains a public safety webpage for posting educational materials to residents to reduce vulnerability to local hazards. The website includes emergency responder (RFD, RPD, and 9-1-1) information and contacts.
Social media for hazard mitigation education and outreach	Yes	Facebook, Twitter, YouTube, Instagram
Citizen boards or commissions that address issues related to hazard mitigation	No	-
Warning systems for hazard events	Yes	Police and Fire have a system to register mobile phones with 911 to allow for notification. The Emergency Communications Department serves as a vital link between the citizens of the city and county and their public safety agencies. The Department operates the 911 Call Center and the City's 311 "One Call to City Hall" Call Center.
Natural disaster/safety programs in place for schools	Unknown	RCSD is a separate entity.
Does the jurisdiction have any public outreach mechanisms / programs in place to inform citizens on natural hazards, risk, and ways to protect themselves during such events? <ul style="list-style-type: none"> If yes, please describe. 	Yes	Rochester Fire Department Community Outreach is designed to facilitate public education and fire prevention activities, including working with public and private organizations, community groups, schools, churches, businesses, festival organizers and citizens. Community outreach activities include giving presentations, sharing literature, interactive teaching (i.e. Fire Safety House) and other activities involving fire safety education. Rochester Fire Department also hosts Community Emergency Response Team (CERT) training for members of the City of Rochester and surrounding communities. The Department of Recreation and Human Services administers the City's recreational opportunities, camps and special programs, the City of Rochester Public Market, athletics and aquatics, and employment skills training and youth services.

Community Classifications

The table below summarizes classifications for community programs available to the City of Rochester.

Table 9.24-7. Community Classifications

Program	Participating? (Yes/No)	Classification (if applicable)	Date Classified (if applicable)
Community Rating System (CRS)	No	-	-



Program	Participating? (Yes/No)	Classification (if applicable)	Date Classified (if applicable)
Building Code Effectiveness Grading Schedule (BCEGS)	No	-	-
Public Protection (ISO Fire Protection Classes 1 to 10)	Yes	1	2020
New York State Department of Environmental Conservation (NYSDEC) Climate Smart Community	Yes	Bronze	June 8, 2017
Storm Ready Certification	No	(Monroe County is StormReady)	-
Firewise Communities classification	No	-	-
Other	No	-	-

Note:

N/A Not applicable

- Unavailable

Adaptive Capacity

Adaptive capacity is defined as “the ability of systems, institutions, humans and other organisms to adjust to potential damage, to take advantage of opportunities, or respond to consequences” (IPCC 2014). Each jurisdiction has a unique combination of capabilities to adjust to, protect from, and withstand a future hazard event, future conditions, and changing risk. The table below summarizes the adaptive capacity for each identified hazard of concern and the jurisdiction’s capability to address related actions using the following classifications:

- Strong: Capacity exists and is in use.
- Moderate: Capacity might exist; but is not used or could use some improvement.
- Weak: Capacity does not exist or could use substantial improvement.

Table 9.24-8. Adaptive Capacity

Hazard	Adaptive Capacity - Strong/Moderate/Weak
Disease Outbreak	Moderate
Drought	Moderate
Earthquake	Moderate
Extreme Temperature	Moderate
Flood	Moderate
Hazardous Materials	Moderate
Infestation and Invasive Species	Weak
Landslide	Moderate
Severe Storm	Strong
Severe Winter Storm	Strong
Wildfire	Moderate

9.24.4 National Flood Insurance Program (NFIP) Compliance

This section provides specific information on the management and regulation of the regulatory floodplain, including current and future compliance with the NFIP. The Floodplain Administrator is responsible for maintaining this information and is listed in the Hazard Mitigation Planning Team table at the beginning of this annex.

National Flood Insurance Program (NFIP) Summary

The following table summarizes the NFIP statistics for the City of Rochester.



Table 9.24-9. NFIP Summary

Municipality	# Policies (1)	# Claims (Losses) (1)	Total Loss Payments (1)	# Rep. Loss Prop. (2)	# Policies in the 1% Flood Boundary (1)
Rochester (C)	90	17	\$88,889	2	35

Source: FEMA Region 2 2022, 2015

Note (1): Policies, claims, provided by FEMA Region 2, and are current as of June 30, 2015.

Note (2): Repetitive loss count provided by FEMA Region 2, and current as of December 2022.

Note (3): Number of policies inside and outside of flood zones is based on latitude and longitude provided by FEMA Region 2 in the policy file as of June 30, 2015.

FEMA noted that for a property with more than one entry, more than one policy may have been in force or more than one Geographic Information System (GIS) specification was possible. Number of policies and claims, and claims total, exclude properties outside Monroe County boundary, based on provided latitude and longitude coordinates.

Flood Vulnerability Summary

The following table provides a summary of the NFIP program in the City of Rochester.

Table 9.24-10. NFIP Summary

NFIP Topic	Comments
Flood Vulnerability Summary	
Describe areas prone to flooding in your jurisdiction. <ul style="list-style-type: none"> Do you maintain a list of properties that have been damaged by flooding? 	Along the Lake Ontario shoreline and where the Genesee River and Lake Ontario meet (around the port of Rochester area).
Do you maintain a list of property owners interested in flood mitigation? <ul style="list-style-type: none"> How many homeowners and/or business owners are interested in mitigation (elevation or acquisition)? 	Not Currently. However in the 3-4 years the City has issued one permit for the property owner to elevate a portion of his property.
Are any RiskMAP projects currently underway in your jurisdiction? <ul style="list-style-type: none"> If so, state what projects are underway. 	No
How do you make Substantial Damage determinations? <ul style="list-style-type: none"> How many were declared for recent flood events in your jurisdiction? 	Follow NYS building code. None have been issued.
How many properties have been mitigated (elevation or acquisition) in your jurisdiction? <ul style="list-style-type: none"> If there are mitigation properties, how were the projects funded? 	1-The project is privately funded with clause for the State reimburse the property owner once the project is completed.
Do your flood hazard maps adequately address the flood risk within your jurisdiction? <ul style="list-style-type: none"> If not, state why. 	Yes.
NFIP Compliance	
What local department is responsible for floodplain management?	Neighborhood and Business Development (Bureau of Building and Zoning)
Are any certified floodplain managers on staff in your jurisdiction?	Not Currently (Staff is working on certification).
Do you have access to resources to determine possible future flooding conditions from climate change?	None that the Floodplain administrator is aware of.
Does your floodplain management staff need any assistance or training to support its floodplain management program? <ul style="list-style-type: none"> If so, what type of assistance/training is needed? 	Yes. Resources for certification. Training for staff so that they can properly and correctly provide information to the community.



NFIP Topic	Comments
Provide an explanation of NFIP administration services you provide (e.g., permit review, GIS, education/outreach, inspections, engineering capability)	Review and issuance of permit for properties that are susceptible to flooding.
How do you determine if proposed development on an existing structure would qualify as a substantial improvement?	The City has not had any proposed development that needed determination if it quality as a substantial improvement.
What are the barriers to running an effective NFIP program in the community, if any?	None.
Does your jurisdiction have any outstanding NFIP compliance violations that need to be addressed? <ul style="list-style-type: none"> If so, state the violations. 	No.
When was the most recent Community Assistance Visit (CAV) or Community Assistance Contact (CAC)?	The most recent Community Assistance Visit was November 9, 2020 and the most recent Community Assistance Contact was October 2, 2012.
What is the local law number or municipal code of your flood damage prevention ordinance? <ul style="list-style-type: none"> What is the date that your flood damage prevention ordinance was last amended? 	Chapter 56 of the City Charter "Flood Damage Prevention". Amended in its entirety 8-12-2008
Does your floodplain management program meet or exceed minimum requirements? <ul style="list-style-type: none"> If exceeds, in what ways? 	Yes.
Are there other local ordinances, plans or programs (e.g., site plan review) that support floodplain management and meeting the NFIP requirements? For instance, does the planning board or zoning board consider efforts to reduce flood risk when reviewing variances such as height restrictions?	Yes. Chapter 120 of the City Charter "Zoning" consider effects to reduce floor risk when reviewing and application.
Does your community plan to join the CRS program or is your community interested in improving your CRS classification?	Interest in participation is unknown at this time.

9.24.5 Evacuation, Sheltering, Temporary Housing, and Permanent Housing

Evacuation routes, sheltering measures, temporary housing, and permanent housing must be in place and available for public awareness to protect residents, mitigate risk, and relocate residents, if necessary, to maintain post-disaster social and economic stability.

Evacuation Routes and Procedures

The City of Rochester identified the following routes and procedures to evacuate residents prior to and during an event.

- No formal evacuation procedures are in place. Evacuation procedures are determined at the time of the incident based on real world conditions.
- No pre-established evacuation routes have been established, except for the Monroe County Radiological Emergency Preparedness Plan.
- Procedures for notifying public can be found in the Monroe County and City of Rochester Hazardous Materials Plans.



Sheltering

The City of Rochester has identified the following designated emergency shelters within the City. These shelters are managed by the American Red Cross. Not all information was available for each shelter at the time of this HMP update.

Table 9.24-11. Designated Emergency Shelters

Site Name	Address	Capacity (# of people)	Accommodates Pets?	ADA Compliant?	Backup Power?	Types of Medical Services Provided	Other Services Provided
First Unitarian Church	220 Winton Road South	190	Unknown	Unknown	No	None	Unknown
Reformation Lutheran Church	111 North Chestnut Street	25	Unknown	Unknown	No	None	Unknown
Adams Street Recreation Center	85 Adams Street	330	Unknown	Unknown	No	None	Unknown
Avenue D Recreation Center	200 Avenue D	200	Unknown	Unknown	No	None	Unknown
Campbell Street Community Center	524 Campbell Street	200	Unknown	Unknown	No	None	Unknown
Carter Street Recreation Center	500 Carter Street	200	Unknown	Unknown	No	None	Unknown
David F. Gantt Community Center	700 North Street	441	Unknown	Unknown	No	None	Unknown
Edgerton Recreation Center	41 Backus Street	300	Unknown	Unknown	No	None	Unknown
Flint Street Community Center	271 Flint Street	380	Unknown	Unknown	No	None	Unknown
South Avenue Community Center	999 South Avenue	264	Unknown	Unknown	No	None	Unknown
Thomas P. Ryan Community Center	530 Webster Avenue	210	Unknown	Unknown	No	None	Unknown

Temporary Housing

Each jurisdiction must identify sites for placement of temporary housing units to house residents displaced by a disaster. The City of Rochester has identified the following sites suitable for placing temporary housing units.



Table 9.24-12. Temporary Housing Locations

Site Name	Site Address	Capacity (number of sites)	Type	Infrastructure / Utilities Available (water, electric, septic, etc.)	Actions Required to Ensure Conformance with the NYS Uniform Fire Prevention and Building Code
None identified					

Permanent Housing

Structures located in the regulatory floodplain might need to be relocated due to high flood risk or new properties must be built once severely damaged properties are demolished. Jurisdictions must identify suitable sites currently owned by the jurisdiction and potential sites under private ownership that meet applicable local zoning requirements and floodplain laws. The City of Rochester has identified the following areas suitable for relocating homes outside of the floodplain.

Table 9.24-13. Permanent Housing Locations

Site Name	Site Address	Capacity (number of sites)	Type	Infrastructure / Utilities Available (water, electric, septic)	Actions Required to Ensure Conformance with the NYS Uniform Fire Prevention and Building Code
None identified					

9.24.6 Growth/Development Trends

Understanding how past, current, and projected development patterns have or are likely to increase or decrease risk in hazard areas is a key component to appreciating a jurisdiction’s overall risk to its hazards of concern. Table 9.24-14 summarizes recent and expected future development trends, including major residential/commercial development and major infrastructure development.

Table 9.24-14. Recent and Expected Future Development

Type of Development	2017		2018		2019		2020		2021		2022	
Number of Building Permits for New Construction Issued Since the Previous HMP* (within regulatory floodplain/ Outside regulatory floodplain)												
	Total	Within SFHA	Total	Within SFHA	Total	Within SFHA	Total	Within SFHA	Total	Within SFHA	Total	Within SFHA
Single Family	The Building Department did not have this data available for this HMP update.				8	0	53	0	35	0	Final statistics for 2022 were not available for this HMP update.	
Multi-Family					21	0	30	0	13	0		
Other (commercial, mixed-use, etc.)					24	0	70	2	248	1		
Total New Construction Permits Issued					53	0	153	2	296	1		
Property or Development Name	Type of Development	# of Units / Structures	Location (address and/or block and lot)		Known Hazard Zone(s)*		Description / Status of Development					
Recent Major Development and Infrastructure from 2017 to Present												
The City has completed numerous redevelopment projects in the last five years.												
Known or Anticipated Major Development and Infrastructure in the Next Five (5) Years												
The City anticipated numerous redevelopment projects in the next five years.												



*SFHA Special Flood Hazard Area (1% flood event)
* Only location-specific hazard zones or vulnerabilities identified.*

9.24.7 Jurisdictional Risk Assessment

The hazard profiles in Volume 1, Section 5 (Risk Assessment) provide detailed information regarding each plan participant's vulnerability to the identified hazards. Section 5.2 (Methodology and Tools) and Section 5.4 (Hazard Ranking) provide detailed summaries for the City of Rochester's risk assessment results and data used to determine the hazard ranking discussed later in this section.

Hazard area extent and location maps provided below illustrate the probable areas impacted within the jurisdiction based on the best available data at the time of the preparation of this plan and are adequate for planning purposes. Maps were generated only for those hazards that can be identified clearly using mapping techniques and technologies and for which the City of Rochester has significant exposure. The maps also show the location of potential new development, where available.



Figure 9.24-1. City of Rochester Hazard Area Extent and Location Map 1

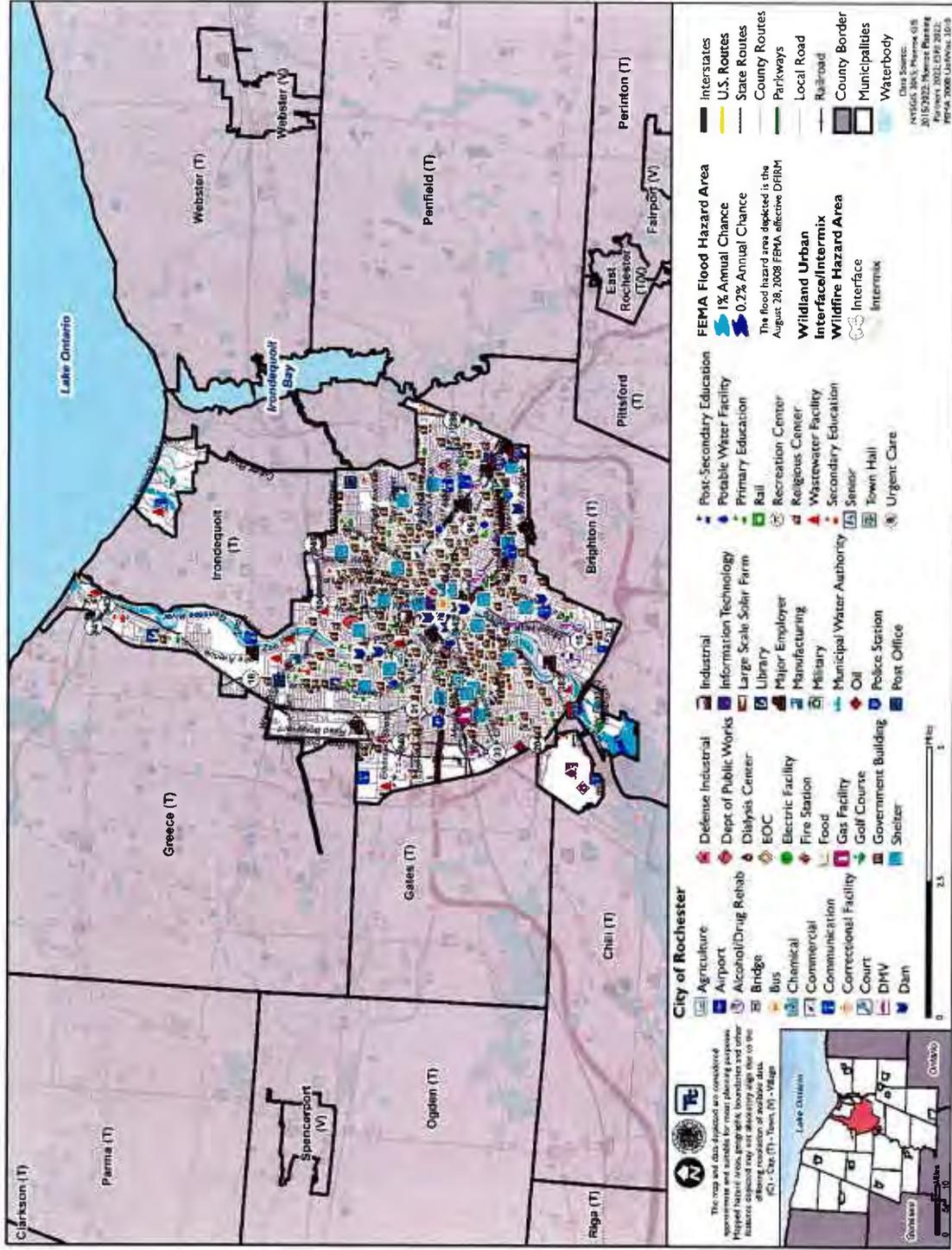
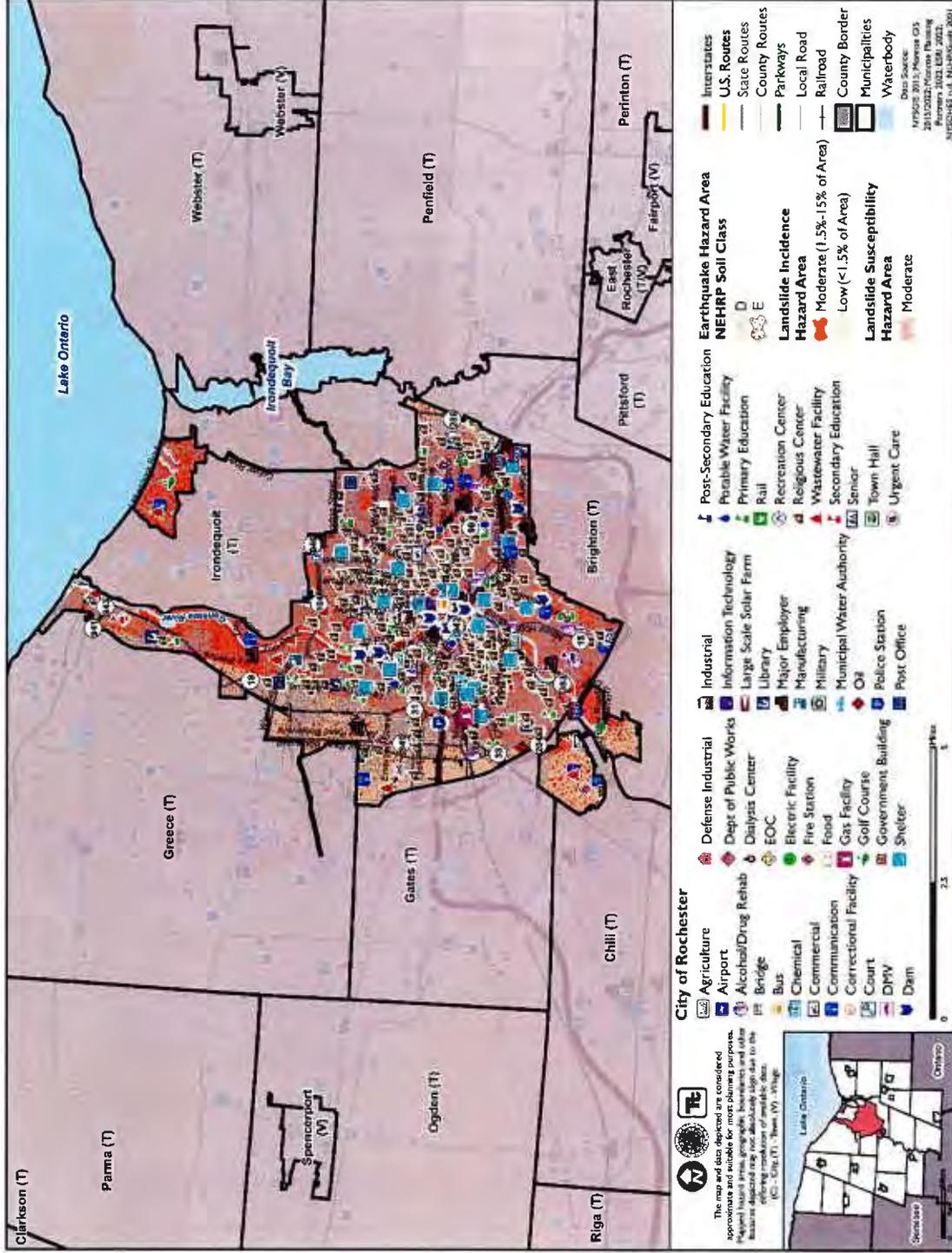




Figure 9.24-2. City of Rochester Hazard Area Extent and Location Map 2





Hazard Event History

Monroe County has a history of natural and non-natural hazard events, as detailed in Volume I, Section 5 (Risk Assessment). A summary of historical events is provided in each of the hazard profiles and includes a chronology of events that have affected the County and its municipalities.

The City of Rochester’s history of federally-declared (as presented by FEMA) and significant hazard events [as presented in NOAA-National Centers for Environmental Information (NCEI)] is consistent with that of the County. Table 9.24-15 provides details regarding municipal-specific loss and damages the City experienced during hazard events since the last hazard mitigation plan update. Information provided in the table below is based on reference material or local sources.

Table 9.24-15. Hazard Event History

Dates of Event	Event Type (Disaster Declaration if applicable)	County Designated?	Summary of Event	Municipal Summary of Damages and Losses
March 8, 2017	High Wind	No	Unusually deep low pressure moved from northwest Ontario across Hudson Bay. The low brought strong winds to the entire region with sustained winds up to 49 mph and wind gusts as high as 81 mph. A significant amount of damage resulted with 100,000 without power in Monroe County alone.	Although the County was impacted, the City of Rochester did not report any damages.
May 2- August 6, 2017	Flooding (DR-4348)	Yes	During the first six months of 2017, more than twice the normal amount of water accumulated on Lake Ontario. The lake reached a record level of 248.95 feet. Flooding began in early May and continued into early fall.	Although the County was impacted, the City of Rochester did not report any damages.
May-June 2019	Lakeshore Flood	No	Excessive runoff into the Ottawa River Basin in Canada restricted the outlet of Lake Ontario. This combined with above normal precipitation into the Lake Ontario Basin, record levels on the Great Lakes above Lake Ontario, and higher than normal flows into the lake from the Niagara River pushed the lake to well above normal levels.	Although the County was impacted, the City of Rochester did not report any damages.
October 31, 2019	High Wind and Flooding	No	A deepening area of consolidated low pressure tracked across the region. This system brought record breaking Halloween rains, damaging wind gusts, and a small Lake Ontario seiche	Although the County was impacted, the City of Rochester did not report any damages.
January 20, 2020 – Present	Covid-19 Pandemic (EM-3434) (DR-4480)	Yes	Between March 1, 2020 and July 20, 2022, Monroe County reported 171,851 confirmed cases of COVID-19, and 1,660 total fatalities.	The City was subject to closures and masking/social distancing requirements.

Notes:

- EM Emergency Declaration (FEMA)
- FEMA Federal Emergency Management Agency
- DR Major Disaster Declaration (FEMA)
- N/A Not applicable





Hazard Ranking and Vulnerabilities

The hazard profiles in Volume 1, Section 5 (Risk Assessment) have detailed information regarding each plan participant’s vulnerability to the identified hazards. The following summarizes the City of Rochester’s risk assessment results and data used to determine the hazard ranking.

Hazard Ranking

This section provides the community specific identification of the primary hazard concerns based on identified problems, impacts and the results of the risk assessment as presented in Volume 1, Section 5 (Risk Assessment). The ranking process involves an assessment of the likelihood of occurrence for each hazard; the potential impacts of the hazard on people, property, and the economy; and community capabilities to address the hazard and changing future climate conditions. Mitigation action development uses the inputs from the evaluation to target those hazards with highest level of concern.

As discussed in Volume 1, Section 5.3 (Hazard Ranking), each participating jurisdiction has differing degrees of risk exposure and vulnerability compared with the County as a whole. Therefore, each municipality ranked the degree of risk to each hazard as it pertains to their community. The table below summarizes the hazard risk/vulnerability rankings of potential natural hazards for the City of Rochester. The City of Rochester reviewed the County hazard risk/vulnerability risk ranking table and individual results to reflect the relative risk of the hazards of concern to the community.

During the review of the hazard/vulnerability risk ranking, the City indicated the following:

- The City changed the hazard ranking for hazardous materials from low to medium, noting the City has a large urban population with chemical manufacturing that takes place in the City.
- The City agreed with the remainder of the calculated hazard rankings.

Table 9.24-16. Hazard Ranking Input

Disease Outbreak	Drought	Earthquake	Extreme Temperature	Flood	Hazardous Materials
Low	Medium	Low	High	High	Medium
Infestation and Invasive Species	Landslide	Severe Storm	Severe Winter Storm	Wildfire	
Low	Low	High	High	Low	

Note: The scale is based on the hazard rankings established in Volume 1, Section 5.3 (Hazard Ranking) and modified as appropriate during review by the jurisdiction

Critical Facilities

NYSDEC Statute 6 CRR-NY 502.4 sets forth floodplain management criteria for State projects located in flood hazard areas. The law states that no such projects related to critical facilities shall be undertaken in a SFHA unless constructed according to specific mitigation specifications, including being raised 2’ above the Base Flood Elevation (BFE). This statute is outlined at <http://tinyurl.com/6-CRR-NY-502-4>. While all vulnerabilities should be assessed and documented, New York State places a high priority on exposure to flooding. Critical facilities located in an SFHA, or having ever sustained previous flooding, must be protected to the 0.2-percent annual chance flood event or worst damage scenario. For those that do not meet these criteria, the jurisdiction must identify an action to achieve this level of protection (NYS DHSES 2017).



The table below identifies critical facilities in the community located in the 1-percent and 0.2-percent floodplain and presents Hazus-MH estimates of the damage and loss of use to critical facilities as a result of a 1-percent annual chance flood event.

Table 9.24-17. Potential Flood Losses to Critical Facilities

Name	Type	Exposure		Addressed by Proposed Action	Already Protected to 0.2% Flood Level (describe protections)
		1% Event	0.2% Event		
Rochester Fire Department	Fire	X	X	2023-City of Rochester-003	-
Monroe County Sheriff Parks Unit	Police	X	X	2023-City of Rochester-003	-
Monroe County Sheriff Marine Unit	Police	X	X	2023-City of Rochester-003	-
US Coast Guard Station	Military	X	X	2023-City of Rochester-003	-
City Public Safety Building	Government Building	X	X	2023-City of Rochester-003	-
US Coast Guard Station	Government Building	X	X	2023-City of Rochester-003	-
Summerville Pump Station	Wastewater Pump Station	X	X	2023-City of Rochester-003	-
Rochester Gas & Electric Corp Dam	Dam	X	X	2023-City of Rochester-003	-
Central Avenue Dam (station # 2)	Dam	X	X	2023-City of Rochester-003	-
Court Street Dam	Dam	X	X	2023-City of Rochester-003	-

Source: FEMA 2008; Monroe County GIS 2022

In addition to critical facilities that are exposed to flooding, the following high hazard dams are located in or could impact the City of Rochester:

- Cobbs Hill Reservoir Dam
- Court Street Dam
- Highland Park Reservoir Dam

Identified Issues

After review of the City of Rochester’s hazard event history, hazard rankings, jurisdiction specific vulnerabilities, hazard area extent and location, and current capabilities, the City of Rochester identified the following vulnerabilities within their community:

- Frequent flooding events have resulted in damages to residential properties. The City has three repetitive loss properties, but other properties may be impacted by flooding as well. Flooding typically takes place along the Lake Ontario shoreline and where the Genesee River and Lake Ontario meet (around the port of Rochester area).
- The City has several dams including three high hazard dams. Failure of these dams can result in loss of life and damage to property. The high hazard dams are:
 - Cobbs Hill Reservoir Dam
 - Court Street Dam
 - Highland Park Reservoir Dam*



- Numerous critical facilities in the Town are located in the 1-percent floodplain. Exposure to flooding could result in loss of critical services. Identified critical facilities include:
 - Summerville Pump Station
 - Rochester Fire Department
 - Monroe County Sheriff Parks Unit
 - Monroe County Sheriff Marine Unit
 - US Coast Guard Station
 - City Public Safety Building
 - US Coast Guard Station
 - Rochester Gas & Electric Corp Dam
 - Central Avenue Dam (station # 2)
 - Court Street Dam
- The Covid-19 pandemic has demonstrated the level of impact that disease outbreak events can present. Staff need to be trained on how to respond to future events and supplies must be available to address disease outbreak.
- Vulnerable populations need to be protected from extreme temperatures.*
- The City can be impacted by hazards that are not as frequent or do not have the same severity of impact. Residents are not always aware of the risks these hazards present.
- Monroe County coastal municipalities are currently undergoing a FIRM update which may result in changes in building requirements.
- The Mt. Read Complex (building 100, 200, 300) and Colfax Street is in need of significant security upgrades including secure gates added to all entrances/exits and fencing around the Complex and Colfax Street. This complex houses support facilities for the City’s snow emergency operations and vehicle fleet service. It contains the main fueling station for gas/compressed natural gas/diesel-fueled vehicles in the City fleet, as well as a storage facility for various agency vehicles. It also supports salt storage, vehicle maintenance operations and DES dispatch services. The Colfax Street complex houses the City Recycling and Solid Waste functions, construction material staging and the “Material Give-Back” program.
- New invasive pests such as the spotted lanternfly could be a threat to plants in this area in the near future.
- The City’s floodplain administration staff require additional training.
- The generator coverage at the Public Safety Building does not meet the required electric supply to power the entire facility during outages.
- The City has not identified appropriate locations for the placement of temporary and permanent housing.
- While major events that result in substantial damage of structures are rare, municipalities need to have official procedures in place to inspect structures, make determinations, and provide for appeals.

**This issue was identified as a specific area of concern based on resident response to the Monroe Hazard Mitigation Citizen survey.*

9.24.8 Mitigation Strategy and Prioritization

This section discusses past mitigations actions and status, describes proposed hazard mitigation initiatives, and prioritizes actions to address over the next five years.

Past Mitigation Initiative Status

The following table indicates progress on the community’s mitigation strategy identified in the 2017 HMP. Actions that are in progress are carried forward and combined with new actions as part of this plan update and



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are included in the tables with prioritization. Previous actions that are now on-going programs and capabilities are indicated as such and previously presented in the 'Capability Assessment' earlier in this annex.



Table 9.24-18. Status of Previous Mitigation Actions

Project #	Project	Hazard(s) Addressed	Brief Summary of the Original Problem	Responsible Party	Status (In Progress, Ongoing, No Progress, Complete)	Evaluation of Success (if project status is complete)		1. Next Steps Project to be included in 2023 HMP or Discontinue 2. If including action in the 2023 HMP, revise/reword to be more specific (as appropriate). 3. If discontinue, explain why.
						Cost	Level of Protection	
CRC-1	Evaluate the flood vulnerability of the City Public Safety Building and identify feasible mitigation actions to reduce risk to the 0.2 percent annual chance flood.	Flood	Public Safety building located in FEMA Floodplain	FPA; Engineer	In Progress	Cost	Level of Protection	1. Include in 2023 HMP 2. West River Wall completed, awaiting revision to FEMA Floodplain Maps
CRC-2	Develop a strategy to reduce the time necessary to clear streets (rights-of-way) of debris (Ice-ES-1)	Flood, Severe Storm, Severe Winter Storm		DES; Highway Superintendent	Ongoing Capability	Cost	Level of Protection	1. Discontinue 2. Ongoing capability
CRC-3	Periodically review restoration priorities and route efficiencies (Ice-ES-2)	Flood, Severe Storm, Severe Winter Storm		DES	Ongoing Capability	Cost	Level of Protection	1. Discontinue 2. Ongoing capability
CRC-4	Expand generator coverage at the Public Safety Building based on results of consultant to study. City will be hiring a consultant to study expanding the generator coverage. (Ice-PP-1/Ice-SP-1)	All Hazards		RFD/DES	In Progress	Cost	Level of Protection	1. Include in 2023 HMP 2. City CIP Funds have been allocated for FY22/23 to fund study and engineering for replacement of PSB Generator
CRC-5	Follow up on funding sources to accomplish the security enhancement recommendations made to harden the facilities and improve site security plans. The committee will	All Hazards		RPD	In Progress	Cost	Level of Protection	1. Include in 2023 HMP 2. Mt. Read complex





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Project #	Project	Hazard(s) Addressed	Brief Summary of the Original Problem	Responsible Party	Status (In Progress, Ongoing, No Progress, Complete)	Evaluation of Success (if project status is complete)	1. Next Steps Project to be included in 2023 HMP or Discontinue 2. If including action in the 2023 HMP, revise/reword to be more specific (as appropriate). 3. If discontinue, explain why.
CRC-6	explore future funding sources (CIP and grants) to accomplish security enhancements. RPD Security Committee will explore funding sources (CIP and grants) to implement security enhancements based on threat assessments of City critical facilities and public facilities.	Civil Unrest, Terrorism, Utility Failure		Rochester Police Department, City of Rochester	In Progress	Cost Level of Protection Damages Avoided; Evidence of Success	1. Include in 2023 HMP 2. Mt. Read complex 3.
CRC-7	Conduct education and outreach to residents and business owners to inform them if their properties are in known hazard areas, and actions they can take to protect their properties.	Earthquake, Extreme Temperatures, Flood, Infestation, Landslide, Severe Storms, Severe Winter Storms, Wildfire, HazMat, Utility Failure		City Clerk/Administrator	In Progress	Cost Level of Protection Damages Avoided; Evidence of Success	1. Include in 2023 HMP 2. Expand to include outreach on less frequent hazard events 3.
CRC-8	Evaluate the flood vulnerability of the Rochester Fire Department Stations and identify feasible mitigation actions to reduce risk to the 0.2 percent annual chance flood. Contact the US Coast Guard to assist in evaluating the flood vulnerability of the USCG Station and identify feasible	Flood		FPA; Engineer	Complete	Cost Level of Protection Damages Avoided; Evidence of Success	1. Discontinue 2. 3. Completed during 2021 review, no current Rochester FD Firehouses are located in the 0.2% floodplain. Only building located in this region is the City PSB – covered under CRC-1.
CRC-9		Flood		FPA; Engineer	No Progress	Cost Level of Protection Damages Avoided;	1. Include in 2023 HMP 2. 3.





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Project #	Hazard(s) Addressed	Brief Summary of the Original Problem	Responsible Party	Status (In Progress, Ongoing, No Progress, Complete)	Evaluation of Success (If project status is complete) Evidence of Success	1. Next Steps Project to be included in 2023 HMP or Discontinue 2. If including action in the 2023 HMP, revise/reword to be more specific (as appropriate). 3. If discontinue, explain why.
	Project mitigation actions to reduce risk to the 0.2 percent annual chance flood.					





Additional Mitigation Efforts

In addition to the mitigation initiatives completed in Table 9.24-18, the City of Rochester identified the following mitigation efforts completed since the last HMP:

- City of Rochester – “Roc the Riverway” Project. - [City of Rochester | ROC the Riverway](#)

Since the adoption of the County’s first HMP, the City of Rochester has made significant mitigation progress in the following areas:

- The City of Rochester cleaned up five sites in last 10 years: Davidson (2010), Andrews St (2015), Photech (2014), Felix St (2012), Mt. Hope Ave (2009). Green remediation techniques were part of this effort.

Proposed Hazard Mitigation Initiatives for the HMP Update

The City of Rochester participated in a mitigation action workshop in October 2022 and was provided the following FEMA publications to use as a resource as part of their comprehensive review of all possible activities and mitigation measures to address their hazards: FEMA 551 ‘Selecting Appropriate Mitigation Measures for Floodprone Structures’ (March 2007) and FEMA ‘Mitigation Ideas – A Resource for Reducing Risk to Natural Hazards’ (January 2013).

The table below indicates the range of proposed mitigation action categories. Both the four FEMA mitigation action categories and the six CRS mitigation action categories are listed in the table to further demonstrate the wide-range of activities and mitigation measures selected.

Table 9.24-19. Analysis of Mitigation Actions by Hazard and Category

Hazard	FEMA						CRS				
	LPR	SIP	NSP	EAP	PR	PP	PI	NR	SP	ES	
Disease Outbreak	X	-	-	X	X	X	X	-	-	-	
Drought	X	-	-	X	X	X	X	-	-	-	
Earthquake	X	-	-	X	X	X	X	-	-	-	
Extreme Temperature	X	-	-	X	X	X	X	-	-	-	
Flood	X	X	-	X	X	X	X	-	-	X	
Hazardous Materials	X	-	-	X	X	X	X	-	-	-	
Infestation and Invasive Species	X	-	-	X	X	X	X	-	-	-	
Landslide	X	-	-	X	X	X	X	-	-	-	
Severe Storm	X	X	-	X	X	X	X	-	-	X	
Severe Winter Storm	X	X	-	X	X	X	X	-	-	-	
Wildfire	X	-	-	X	X	X	X	-	-	-	

Note: Mitigation categories are described below the Mitigation Initiatives Table (Table 9.24-20).

The table below summarizes the specific mitigation initiatives the City of Rochester would like to pursue in the future to reduce the effects of hazards. The initiatives are dependent upon available funding (grants and local match availability) and may be modified or omitted at any time based on the occurrence of new hazard events and changes in municipal priorities.



Table 9.24-20. Proposed Hazard Mitigation Initiatives

Project Number	Project Name	Goals Met	Hazard(s) to be Mitigated	Description of Problem and Solution	Critical Facility (Yes/No)	EHP Issues	Estimated Timeline	Lead Agency	Estimated Costs	Estimated Benefits	Potential Funding Sources	Priority	Mitigation Category	CRS Category
2023- City of Rochester -001	Repetitive Loss Mitigation	3	Flood, Severe Storm	<p>Problem: Frequent flooding events have resulted in damages to residential properties. The City has three repetitive loss properties, but other properties may be impacted by flooding as well. Flooding typically takes place along the Lake Ontario shoreline and where the Genesee River and Lake Ontario meet (around the port of Rochester area).</p> <p>Solution: Conduct outreach to 25 flood-prone property owners, including RL/SRL property owners and provide information on mitigation alternatives. After preferred mitigation measures are identified, collect required property-owner information and develop a FEMA grant application and BCA to obtain funding to implement acquisition/purchase/moving/evacuating residential homes in the flood prone areas that experience frequent flooding (high risk areas).</p>	No	None	3 years	NFIP Floodplain Administrator, supported by homeowners	High	Eliminates flood damage to homes and residents, creates open space for the municipality increasing flood storage.	FEMA HMGP and FMA, PDM, local cost share by residents	High	SIP	PP
2023- City of Rochester -002	Dam Mitigation	3	Flood	<p>Problem: The City has several dams including three high hazard dams. Failure of these dams can result in loss of life and damage to property. The high hazard dams are:</p> <ul style="list-style-type: none"> Cobbs Hill Reservoir Dam Court Street Dam (owned by NYS) 	Yes	May require permitting	Within 5 years	Engineer, FPA, New York State	Medium for engineering evaluation, potentially high for modifications or protections	Dam deficiencies identified and addressed.	BRIC, PDM, HMGP, FMA, High Hazard Potential Dams Grant Program	High	SIP	PP, ES





Table 9.24-20. Proposed Hazard Mitigation Initiatives

Project Number	Project Name	Goals Met	Hazard(s) to be Mitigated	Description of Problem and Solution	Critical Facility (Yes/No)	EHP Issues	Estimated Timeline	Lead Agency	Estimated Costs	Estimated Benefits	Potential Funding Sources	Priority	Mitigation Category	CRS Category
2023-City of Rochester-003	Critical Facility Flood Protection	3	Flood	<ul style="list-style-type: none"> Highland Park Reservoir Dam <p>Solution: The City Engineer will complete an engineering survey of each of the high hazard dams in the City to determine what retrofits are necessary to provide greater protections from potential failure. Cost-effective measures will be implemented. For the Court Street Dam, the City will work with New York State to determine if any retrofits are necessary and provide support to the state if necessary.</p> <p>Problem: Numerous critical facilities in the Town are located in the 1% floodplain. Exposure to flooding could result in loss of critical services. Identified critical facilities include:</p> <ul style="list-style-type: none"> Summersville Pump Station Rochester Fire Department Monroe County Sheriff Parks Unit Monroe County Sheriff Marine Unit US Coast Guard Station City Public Safety Building US Coast Guard Station Rochester Gas & Electric Corp Dam 	Yes	None	Within 5 years	FPA, Engineer	TBD by feasibility assessment	Reduction in flood risk, protection of critical services	FEMA HMGP, BRIC, FDM, USDA Community Facilities Grant Program, Emergency Management Performance Grants (EMPG) Program, City Budget	High	SIP, EAP	PP, PI





Table 9.24-20. Proposed Hazard Mitigation Initiatives

Project Number	Project Name	Goals Met	Hazard(s) to be Mitigated	Description of Problem and Solution	Critical Facility (Yes/No)	EHP Issues	Estimated Timeline	Lead Agency	Estimated Costs	Estimated Benefits	Potential Funding Sources	Priority	Mitigation Category	CRS Category
2023-City of Rochester-004	Disease Outbreak Training and Supplies	1, 4	Disease Outbreak	<ul style="list-style-type: none"> Central Avenue Dam (station # 2) Court Street Dam <p>Solution: The Town will complete feasibility studies for each of the exposed critical facilities to identify what flood protections currently exist, determine if additional measures are needed, evaluate potential protective actions, and implement selected strategies to protect the facilities to the 0.2% flood level. Potential mitigation actions will include:</p> <ul style="list-style-type: none"> Relocation Floodproofing Elevation <p>For facilities that are not owned by the City, the FPA will conduct outreach to the facility managers to discuss flood exposure and potential flood protection techniques.</p> <p>Problem: The Covid-19 pandemic has demonstrated the level of impact that disease outbreak events can present. Staff need to be trained on how to respond to future events and supplies must be available to address disease outbreak.</p> <p>Solution: The Town will stockpile necessary supplies to address disease outbreak events such as PPE. Town staff will undergo training for disease outbreak response.</p>	No	None	2 years	OEM, Department of Public Health	Staff time for training, Low expected cost for supplies	Increased capability to respond to disease outbreak events	City budget, BRIC, PDM	High	LPR, EAP	PR, PI





Table 9.24-20. Proposed Hazard Mitigation Initiatives

Project Number	Project Name	Goals Met	Hazard(s) to be Mitigated	Description of Problem and Solution	Critical Facility (Yes/No)	EHP Issues	Estimated Timeline	Lead Agency	Estimated Costs	Estimated Benefits	Potential Funding Sources	Priority	Mitigation Category	CRS Category
2023- City of Rochester -005	Urban Heat Mapping	1, 4	Extreme Temperature	<p>Problem: Vulnerable populations need to be protected from extreme temperatures.</p> <p>Solution: The City will complete urban heat map studies to identify the correlation between socioeconomic and heat vulnerability and increase public outreach surrounding personal preparations for extreme temperatures.</p>	No	None	1 year	OEM, Health Department	Low	Increased mapping of urban heat locations, increased public awareness and preparation	City budget, BRIC, PDM	High	LPR, EAP	PI
2023- City of Rochester -006	Hazard Outreach	1, 4	All Hazards	<p>Problem: The City can be impacted by hazards that are not as frequent or do not have the same severity of impact. Residents are not always aware of the risks these hazards present.</p> <p>Solution: The City will conduct education and outreach to residents and business owners to inform them if their properties are in known hazard areas, and actions they can take to protect their properties.</p>	No	None	1 year	Administration	Staff time	Increased public awareness	City budget	High	EAP	PI
2023- City of Rochester -007	FIRM updates	1, 2, 4	Flood	<p>Problem: Monroe County coastal municipalities are currently undergoing a FIRM update which may result in changes in building requirements.</p> <p>Solution: The City will review preliminary mapping from FEMA and provide input and feedback on the preliminary maps. Once the maps are finalized, the City will adopt the FIRM through an updated Flood Damage Prevention Ordinance.</p>	No	None	Within 2 years	FEMA, FPA	Staff time	Improve in best available data, increased public awareness	City budget	High	LPR, EAP	PR, PI





Table 9.24-20. Proposed Hazard Mitigation Initiatives

Project Number	Project Name	Goals Met	Hazard(s) to be Mitigated	Description of Problem and Solution	Critical Facility (Yes/No)	EHP Issues	Estimated Timeline	Lead Agency	Estimated Costs	Estimated Benefits	Potential Funding Sources	Priority	Mitigation Category	CRS Category
2023-City of Rochester-008	Mt. Read Complex	3	Severe Storm, Severe Winter Storm	<p>The municipality will assist FEMA in outreach concerning the new maps and conduct outreach on any potential changes to building/insurance requirements.</p> <p>Problem: The Mt. Read Complex (building 100, 200, 300) and Colfax Street is in need of significant security upgrades including secure gates added to all entrances/exits and fencing around the Complex and Colfax Street. This complex houses support facilities for the City's snow emergency operations and vehicle fleet service. It contains the main fueling station for gas/compressed natural gas/diesel-fueled vehicles in the City fleet, as well as a storage facility for various agency vehicles. It also supports salt storage, vehicle maintenance operations and DES dispatch services. The Colfax Street complex houses the City Recycling and Solid Waste functions, construction material staging and the "Material Give-Back" program.</p> <p>Solution: The City has identified cash capital funding to proceed with security enhancements at the Mt. Read Complex during FY23. DES will request capital funding for FY24 to proceed with</p>	Yes	None	Within 3 years	Public Works	Medium	Continuity of operations protected.	City Capital funding	High	SIP	PP





Table 9.24-20. Proposed Hazard Mitigation Initiatives

Project Number	Project Name	Goals Met	Hazard(s) to be Mitigated	Description of Problem and Solution	Critical Facility (Yes/No)	EHP Issues	Estimated Timeline	Lead Agency	Estimated Costs	Estimated Benefits	Potential Funding Sources	Priority	Mitigation Category	CRS Category
2023-009	City of Rochester Invasive Species Management Planning	1, 3	Infestation and Invasive Species	security upgrades at Colfax Street. Problem: New invasive pests such as the spotted lanternfly could be a threat to plants in this area in the near future. Solution: The City will develop management plans to identify and control the spread of invasive species.	No	None	Within 5 years	Administration	Low	Plans put in place to address invasive species	City budget	High	LPR	PR
2023-010	City of Rochester Floodplain Management Training	1	Flood	Problem: The City's floodplain administration staff require additional training. Solution: The City's floodplain management staff will complete trainings available from the state and FEMA and pursue certified floodplain manager certification.	No	None	2 years	Administration, FPA	Staff time	Increased floodplain management capabilities	City budget	High	LPR	PR
2023-011	City of Rochester Public Safety Building Backup Power	3	Extreme Temperature, Severe Storm, Severe Winter Storm	Problem: The generator coverage at the Public Safety Building does not meet the required electric supply to power the entire facility during outages. Solution: The City will fund a study to examine generator coverage at the Public Safety Building. Based on the study, engineering will implement the necessary replacement of the Public Safety Building generator.	Yes	None	2 years	Engineer, Public Safety	High	Protection of critical services of Public Safety Building	City CIP budget	High	SIP	ES
2023-012	City of Rochester Temporary and Permanent Housing	1, 3	All Hazards	Problem: The City has not identified appropriate locations for the placement of temporary and permanent housing. Solution: The City will work with the County and neighboring municipalities to identify	No	None	1 year	Administration, Monroe County, neighboring municipalities	Staff time	Locations for temporary and permanent housing identified	City budget	High	LPR	ES





Table 9.24-20. Proposed Hazard Mitigation Initiatives

Project Number	Project Name	Goals Met	Hazard(s) to be Mitigated	Description of Problem and Solution	Critical Facility (Yes/No)	EHP Issues	Estimated Timeline	Lead Agency	Estimated Costs	Estimated Benefits	Potential Funding Sources	Priority	Mitigation Category	CRS Category
2023-City of Rochester-013	Substantial Damage Procedures	1, 2, 3	All Hazards	<p>appropriate locations for the placement of temporary and permanent housing.</p> <p>Problem: While major events that result in substantial damage of structures are rare, municipalities need to have official procedures in place to inspect structures, make determinations, and provide for appeals.</p> <p>Solution: The municipality will develop official procedures for Substantial Damage and Substantial Improvement determinations.</p>	No	None	Within 5 years	FPA	Staff time	Meet NFIP requirements, improved floodplain administration	Municipal budget	High	LPR	PP, PR

Notes:

Not all acronyms and abbreviations defined below are included in the table.

Acronyms and Abbreviations:

- CAV Community Assistance Visit
- CRS Community Rating System
- DPW Department of Public Works
- EHP Environmental Planning and Historic Preservation
- FEMA Federal Emergency Management Agency
- FPA Floodplain Administrator
- HMA Hazard Mitigation Assistance
- N/A Not applicable
- NFIP National Flood Insurance Program
- OEM Office of Emergency Management

Potential FEMA HMA Funding Sources:

- FMA Flood Mitigation Assistance Grant Program
- HMGP Hazard Mitigation Grant Program
- BRIC Building Resilient Infrastructure and Communities Program

Timeline:

The time required for completion of the project upon implementation.

Cost:

The estimated cost for implementation.

Benefits:

A description of the estimated benefits, either quantitative and/or qualitative.

Critical Facility:

Yes Critical Facility located in 1% floodplain





Section 9.24: City of Rochester

Mitigation Category:

- **Local Plans and Regulations (LPR)**—These actions include government authorities, policies or codes that influence the way land and buildings are being developed and built.
- **Structure and Infrastructure Project (SIP)**—These actions involve modifying existing structures and infrastructure to protect them from a hazard or remove them from a hazard area. This could apply to public or private structures, as well as critical facilities and infrastructure. This type of action also involves projects to construct manmade structures to reduce the impact of hazards.
- **Natural Systems Protection (NSP)**—These are actions that minimize damage and losses, and also preserve or restore the functions of natural systems.
- **Education and Awareness Programs (EAP)**—These are actions to inform and educate citizens, elected officials, and property owners about hazards and potential ways to mitigate them. These actions may also include participation in national programs, such as StormReady and Firewise Communities.

CRS Category:

- **Preventative Measures (PR)**—Government, administrative or regulatory actions, or processes that influence the way land and buildings are developed and built. Examples include planning and zoning, floodplain local laws, capital improvement programs, open space preservation, and storm water management regulations.
- **Property Protection (PP)**—These actions include public activities to reduce hazard losses or actions that involve (1) modification of existing buildings or structures to protect them from a hazard or (2) removal of the structures from the hazard area. Examples include acquisition, elevation, relocation, structural retrofits, storm shutters, and shatter-resistant glass.
- **Public Information (PI)**—Actions to inform and educate citizens, elected officials, and property owners about hazards and potential ways to mitigate them. Such actions include outreach projects, real estate disclosure, hazard information centers, and educational programs for school-age children and adults.
- **Natural Resource Protection (NR)**—Actions that minimize hazard loss and also preserve or restore the functions of natural systems. These actions include sediment and erosion control, stream corridor restoration, watershed management, forest and vegetation management, and wetland restoration and preservation.
- **Structural Flood Control Projects (SP)**—Actions that involve the construction of structures to reduce the impact of a hazard. Such structures include dams, setback levees, floodwalls, retaining walls, and safe rooms.
- **Emergency Services (ES)**—Actions that protect people and property during and immediately following a disaster or hazard event. Services include warning systems, emergency response services, and the protection of essential facilities.





Section 9.24: City of Rochester

The prioritization criteria provided in Volume 1, Section 6 (Mitigation Strategy) identify 14 evaluation/prioritization criteria to complete the prioritization of mitigation initiatives. For each new mitigation action, a numeric rank is assigned (-1, 0, or 1) for each of the 14 evaluation criteria to assist with prioritizing actions as 'High', 'Medium', or 'Low.' The table below provides a summary of the prioritization of all proposed mitigation initiatives for the HMP update.

Table 9.24-21. Summary of Prioritization of Actions

Project Number	Project Name	Life Safety	Property Protection	Cost-Effectiveness	Technical	Political	Legal	Fiscal	Environmental	Social	Administrative	Multi-Hazard	Timeline	Agency Champion	Other Community Objectives	Total	High / Medium / Low
2023-City of Rochester-001	Repetitive Loss Mitigation	1	1	1	1	1	1	0	1	0	0	1	0	1	1	10	High
2023-City of Rochester-002	Dam Mitigation	1	1	0	0	1	1	0	1	1	1	0	0	1	1	9	High
2023-City of Rochester-003	Critical Facility Flood Protection	1	1	1	0	1	1	0	1	1	1	0	0	1	1	10	High
2023-City of Rochester-004	Disease Outbreak Training and Supplies	1	0	1	1	1	1	1	1	1	1	0	1	1	1	12	High
2023-City of Rochester-005	Urban Heat Mapping	1	0	1	1	1	1	0	1	1	1	0	1	1	1	11	High
2023-City of Rochester-006	Hazard Outreach	1	1	1	1	1	1	1	1	1	1	1	1	1	1	14	High
2023-City of Rochester-007	FIRM updates	0	1	1	1	1	1	1	1	1	1	0	1	1	1	12	High
2023-City of Rochester-008	Mt. Read Complex	1	1	1	1	1	1	1	1	1	1	1	1	1	1	14	High
2023-City of Rochester-009	Invasive Species Management Planning	0	1	1	1	1	1	1	1	1	1	0	0	1	1	11	High
2023-City of Rochester-010	Management Training Floodplain	1	1	1	1	1	1	1	1	1	1	0	1	1	1	13	High
2023-City of Rochester-011	Public Safety Building Backup Power	1	1	1	0	1	1	1	1	1	1	1	1	1	1	13	High
2023-City of Rochester-012	Temporary and Permanent Housing	1	1	1	1	1	1	1	1	1	1	1	1	1	1	14	High
2023-City of Rochester-013	Substantial Damage Procedures	0	1	1	1	1	1	1	1	1	1	1	0	1	1	12	High

Note: Volume 1, Section 6 (Mitigation Strategy) conveys guidance on prioritizing mitigation actions. Low (0-4), Medium (5-8), High (9-14).





9.24.9 Action Worksheets

The following action worksheets were developed by the City of Rochester to aid in the submittal of grant applications to support the funding of high priority proposed actions.



Action Worksheet			
Project Name:	Repetitive Loss Mitigation		
Project Number:	2023-City of Rochester-001		
Risk / Vulnerability			
Hazard(s) of Concern:	Severe Storm, Flood		
Description of the Problem:	Frequent flooding events have resulted in damages to residential properties. The City has three repetitive loss properties, but other properties may be impacted by flooding as well. Flooding typically takes place along the Lake Ontario shoreline and where the Genesee River and Lake Ontario meet (around the port of Rochester area).		
Action or Project Intended for Implementation			
Description of the Solution:	Conduct outreach to 25 flood-prone property owners, including RL/SRL property owners and provide information on mitigation alternatives. After preferred mitigation measures are identified, collect required property-owner information and develop a FEMA grant application and BCA to obtain funding to implement acquisition/purchase/moving/elevating residential homes in the flood prone areas that experience frequent flooding (high risk areas).		
Is this project related to a Critical Facility or Lifeline?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
Is this project related to a Critical Facility located within the 100-year floodplain?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
(If yes, this project must intend to protect the 500-year flood event or the actual worse case damage scenario, whichever is greater)			
Level of Protection:	1% annual chance flood event + freeboard (in accordance with flood ordinance)	Estimated Benefits (losses avoided):	Eliminates flood damage to homes and residents, creates open space for the municipality increasing flood storage.
Useful Life:	Acquisition: Lifetime Elevation: 30 years (residential)	Goals Met:	1, 3
Estimated Cost:	High	Mitigation Action Type:	Structure and Infrastructure Project
Plan for Implementation			
Prioritization:	High	Desired Timeframe for Implementation:	6-12 months
Estimated Time Required for Project Implementation:	Three years	Potential Funding Sources:	FEMA HMGP and FMA, local cost share by residents
Responsible Organization:	NFIP Floodplain Administrator, supported by homeowners	Local Planning Mechanisms to be Used in Implementation if any:	Hazard Mitigation
Three Alternatives Considered (including No Action)			
Alternatives:	Action	Estimated Cost	Evaluation
	No Action	\$0	Current problem continues
	Elevate homes	\$500,000	When this area floods, the entire area is impacted; elevating homes would not eliminate the problem and still lead to road closures and impassable roads
	Elevate roads	\$500,000	Elevated roadways would not protect the homes from flood damages
Progress Report (for plan maintenance)			
Date of Status Report:			
Report of Progress:			
Update Evaluation of the Problem and/or Solution:			





Action Worksheet		
Project Name:	Repetitive Loss Mitigation	
Project Number:	2023-City of Rochester-001	
Criteria	Numeric Rank (-1, 0, 1)	Provide brief rationale for numeric rank when appropriate
Life Safety	1	Families moved out of high-risk flood areas.
Property Protection	1	Properties removed from high-risk flood areas.
Cost-Effectiveness	1	Cost-effective project
Technical	1	Technically feasible project
Political	1	
Legal	1	The City has the legal authority to conduct the project.
Fiscal	0	Project will require grant funding.
Environmental	1	
Social	0	Project would remove families from the flood prone areas of the City.
Administrative	0	
Multi-Hazard	1	Severe Storm, Flood
Timeline	0	
Agency Champion	1	NFIP Floodplain Administrator, supported by homeowners
Other Community Objectives	1	
Total	10	
Priority (High/Med/Low)	High	



Action Worksheet			
Project Name:	Dam Mitigation		
Project Number:	2023-City of Rochester-002		
Risk / Vulnerability			
Hazard(s) of Concern:	Flood		
Description of the Problem:	<p>The City has several dams including three high hazard dams. Failure of these dams can result in loss of life and damage to property. The high hazard dams are:</p> <ul style="list-style-type: none"> ▪ Cobbs Hill Reservoir Dam • Court Street Dam ▪ Highland Park Reservoir Dam <p>The Court Street Dam is owned by New York State.</p>		
Action or Project Intended for Implementation			
Description of the Solution:	<p>The City Engineer will complete an engineering survey of each of the high hazard dams in the City to determine what retrofits are necessary to provide greater protections from potential failure. Cost-effective measures will be implemented.</p> <p>For the Court Street Dam, the City will work with New York State to determine if any retrofits are necessary and provide support to the state if necessary.</p>		
Is this project related to a Critical Facility or Lifeline?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
Is this project related to a Critical Facility located within the 100-year floodplain?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
(If yes, this project must intend to protect the 500-year flood event or the actual worse case damage scenario, whichever is greater)			
Level of Protection:	500-year flood	Estimated Benefits (losses avoided):	Dam deficiencies identified and addressed.
Useful Life:	50 years	Goals Met:	3
Estimated Cost:	Medium for engineering evaluation, potentially high for modifications or protections	Mitigation Action Type:	Structure and Infrastructure Project
Plan for Implementation			
Prioritization:	High	Desired Timeframe for Implementation:	Within 5 years
Estimated Time Required for Project Implementation:	5 years	Potential Funding Sources:	BRIC, HMGP, FMA, High Hazard Potential Dams Grant Program
Responsible Organization:	Engineer, New York State	Local Planning Mechanisms to be Used in Implementation if any:	Hazard Mitigation Planning
Three Alternatives Considered (including No Action)			
Alternatives:	Action	Estimated Cost	Evaluation
	No Action	\$0	Current problem continues
	Install dam failure warning systems	\$100,000	Risk remains
	Remove Dams	\$1.5 million	Dam cannot be removed for safety reason.
Progress Report (for plan maintenance)			
Date of Status Report:			
Report of Progress:			
Update Evaluation of the Problem and/or Solution:			



Action Worksheet		
Project Name:	Dam Mitigation	
Project Number:	2023-City of Rochester-002	
Criteria	Numeric Rank (-1, 0, 1)	Provide brief rationale for numeric rank when appropriate
Life Safety	1	Project protects life from dam failure
Property Protection	1	Project protects property from dam failure
Cost-Effectiveness	0	
Technical	0	
Political	1	There is public support for the project
Legal	0	Permitting may be necessary
Fiscal	0	The project requires funding support
Environmental	1	
Social	1	
Administrative	1	
Multi-Hazard	0	Flood
Timeline	0	Within 5 years
Agency Champion	1	Engineer
Other Community Objectives	1	
Total	10	
Priority (High/Med/Low)	High	

INTRODUCTORY NO.

386

Ordinance No.

Adopting the Monroe County Hazard Mitigation Plan, 2023 Update

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. In accordance with the Federal Disaster Mitigation Act of 2000 as amended (the Act), the Council hereby approves and adopts the Monroe County Hazard Mitigation Plan, 2023 Update (Updated Plan) and authorizes the County Executive, or a designee, to submit the Updated Plan to the New York State Division of Homeland Security and Emergency Services, the Federal Emergency Management Agency and any other agency the Act may require to qualify the City, County and other participating municipalities for funding through the Hazard Mitigation Grant Program.

Section 2. This ordinance shall take effect immediately.



City of Rochester

City Hall Room 308A, 30 Church Street
Rochester, New York 14614-1290
www.cityofrochester.gov

Malik D. Evans
Mayor

**PUBLIC SAFETY
COMMITTEE
INTRODUCTORY NO.**

387

September 26, 2023 POLICE12

TO THE COUNCIL

Ladies and Gentlemen:

Re: Agreement – Monroe County,
Tobacco/Vape Compliance Inspections Grant

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation related to a Monroe County grant. This legislation will:

1. Authorize an agreement with Monroe County for the receipt and use of \$45,500 for a Tobacco/Vape Compliance Inspections grant. The term of the agreement is April 1, 2023 through March 31, 2024;
2. Amend the 2023-24 Budget of the Police Department by \$3,700 to reflect a portion of these funds; and
3. Amend the 2023-24 Undistributed Budget by \$1,200 to reflect a portion of these funds.

Monroe County will reimburse costs of up to \$45,500 in overtime and fringe benefits (\$33,700 in overtime; \$11,800 in fringe) for compliance checks conducted during the contract term. This agreement continues the enforcement program begun in April 1998, under which the Police Department conducts inspections of licensed tobacco/vape outlets in the City. These inspections track compliance with the age restrictions on tobacco/vape sales by using underage "agents" who attempt to buy tobacco/vape products. Police Officers accompanying the purchasers will record and report any illegal underage sales, and will inspect sellers' premises for compliance with restrictions on product placement, and the possession of proper documents and certificates.

The balance of the grant was anticipated and included in the 2023-24 Budget of the Police Department (\$30,000) and the 2023-24 Undistributed Budget (\$10,600). RPD has received this grant for over 10 years.

Respectfully submitted,

Malik D. Evans
Mayor



INTRODUCTORY NO.

387

Ordinance No.

Authorizing an intermunicipal agreement and amending the 2023-24 Budget relating to the Tobacco/Vape Compliance Inspections Grant

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an intermunicipal agreement with the County of Monroe for the receipt and use of up to \$45,500 for reimbursement of the City's overtime and fringe benefits costs for police officers conducting tobacco and vaping sales compliance enforcement pursuant to the Tobacco/Vape Compliance Inspections Grant program. The term of the agreement shall be April 1, 2023 through March 31, 2024.

Section 2. The agreement shall have such additional terms and conditions as the Mayor deems appropriate.

Section 3. Ordinance No. 2023-228, the 2023-24 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Police Department by \$3,700 and to the Budget of Undistributed Expenses by \$1,200, which amounts are hereby appropriated from the Tobacco/Vape Compliance Inspections Grant authorized in Section 1 herein.

Section 4. This ordinance shall take effect immediately.



City of Rochester

City Hall Room 308A, 30 Church Street
Rochester, New York 14614-1290
www.cityofrochester.gov

Malik D. Evans
Mayor

PUBLIC SAFETY COMMITTEE INTRODUCTORY NO. 388

September 26, 2023 POLICE13

TO THE COUNCIL

Ladies and Gentlemen:

Re: Appropriation of Federal Forfeiture Funds

Council Priority: Public Safety

Transmitted herewith for your approval is legislation appropriating \$81,000 from federal forfeited funds generated by the Police Department, and amending the 2023-24 Cash Capital Budget of the Police Department by this amount.

These funds will be used to purchase a transit van for the Special Investigations Section. This vehicle will replace a minivan that is 13 years old, has over 140,000 miles, and is not mechanically reliable. It will be equipped with storage containers, a monitor, and shelving, thereby enabling it to be utilized as a rapid mobile command center for investigative operations.

The appropriations requested this month will result in a balance of approximately \$117,400 in the federal forfeiture treasury fund.

Respectfully submitted,

Malik D. Evans
Mayor



INTRODUCTORY NO.

388

Ordinance No.

Amending the 2023-24 Budget to appropriate federal forfeiture funds to acquire a transit van for the Police Department's on-site investigations

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2023-228, the 2023-24 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to Cash Capital by \$81,000, which amount is hereby appropriated from funds received from the Federal Government from seized and forfeited assets. The appropriation herein shall be used to acquire a transit van for on-site investigations conducted by the Police Department's Special Investigations Section.

Section 2. This ordinance shall take effect immediately.



City of Rochester

City Hall Room 308A, 30 Church Street
Rochester, New York 14614-1290
www.cityofrochester.gov

**FINANCE
INTRODUCTORY NO.**

389

Malik D. Evans
Mayor

September 12, 2023 FINANCE 11

TO THE COUNCIL

Ladies and Gentlemen:

Re: Cancellation or Refund of
Erroneous Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$8,392.02.

The property located at 281 Whitney Street was acquired by the Rochester Land Bank Corporation at the City's foreclosure auction in 2022. The Rehabilitation charge was erroneously added to the 2023-24 tax bill.

The City of Rochester took title to the property located at 395 Hudson Avenue on March 22, 2023. Due to timing of when the deed was processed, it could not be made exempt for the final 2023-24 tax roll.

The property located at 322 Central Avenue is owned by National Passenger Railroad Corporation/Amtrak. Title 49, United States Code 24301 (1) exempts the company from real property tax and special district charges. The Street Cleaning and Road Plowing charges were put on in error after an inspection by an Appraiser from Assessment.

If these cancellations are approved, total cancellations thus far for 2023-24 will be as follows:

	<u>Accounts</u>	
City Council	5	\$30,652.97
Administrative	<u>19</u>	<u>\$8,394.25</u>
Total	24	\$39,047.22

These cancellations represent 0.0148% of the tax receivables as of July 1, 2023.

Respectfully submitted,

Malik D. Evans
Mayor





X **Administrative**
 Council cancellation

For approval: _____

S-B-L: 105.74-2-3.002 CD: Phone: 585-428-6336
 Property address: 281 Whitney St
 Owner's name: Rochester Land Bank Corp
 Mailing address: c/o City of Rochester, 30 Church St, Rm. 125B, Rochester, NY 14614

<u>City / School tax</u>		Homestead					tax year	tax rate	amt cancelled
	orig asmt	corct asmt	asmt chg	orig exmt	corct exmt	exmt chg			
City							2024	0.006518	
School							2024	0.011323	
City							2023	0.006227	
School							2023	0.010818	
City							2022	0.006271	
School							2022	0.0108941	
								total	

Embellishments / Refuse

Year	orig units	corct units	2024		2023		2022		2021	
			billed	cancelled	billed	cancelled	billed	cancelled	billed	cancelled
SC400										
RP600										
SP700										
HSR										
Refuse										
City tax										
School tax										
Code violations										
Code enforcement	Rehabilitate		4,942.44	4,942.44						
Delinquent Water										
Grand total			4,942.44	4,942.44						

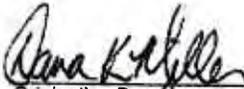
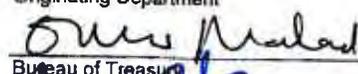
Rates	2024	2023	2022	2021
SC400	0.925	1.005	1.071	1.222
RP600	3.476	3.240	2.988	2.85
SP700	1.061	1.123	1.073	0.997
HSR	0.468	0.559	0.747	0.821

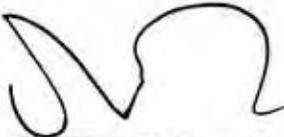
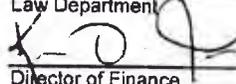
Total cancelled
all years: 4,942.44

Reason for cancellation

Property was acquired by the Rochester Land Bank, a tax exempt public authority, at the 2022 Tax Foreclosure Auction. Rochester Land Bank Corporation maintains a Shared Services Agreement with the City of Rochester whereby the City has assumed responsibility for maintenance of properties owned by the Land Bank. Accordingly the rehabilitation charge on the 2023-2024 tax bill should be cancelled.

Signatures required for approval

 7/28/2023
 Originating Department date
 8/7/23
 Bureau of Treasury date
 8/7/23
 Bureau of Assessment date

 8/4/23
 Law Department date
 8/30/23
 Director of Finance date
 Completed (Treasury) _____ date



CITY OF ROCHESTER, NEW YORK 2023-2024 TAX BILL

SBL 105.740-0002-003.002/0000 NX	HOMESTEAD	Bill No. 460019.9	
Property address 0281	WHITNEY ST	14606	Mortgage
Size AC- 0.22	Class 1 FAMILY RESR	Req. No. 0002602	

MAIL PAYMENTS TO:
CITY TREASURER
CITY HALL, ROOM 100A
30 CHURCH STREET
ROCHESTER, NEW YORK 14614

ROCHESTER LAND BANK CORP
% CITY OF ROCHESTER
30 CHURCH ST RM 125B
ROCHESTER NY 14614

MAKE CHECKS PAYABLE TO:
CITY TREASURER

SCHOOL DISTRICT CODE: 538

See Reverse Side For
Important Information.

2023-2024 Estimated New York
State Local Assistance:
\$828,427,924

	2023-2024	Change From
	Tax Levy	Prior Year
City	\$ 68,537,400	+0.00%
School	\$119,700,000	+0.00%
Total	\$187,637,400	+0.00%

If You Want A Receipt,
Check This Box:

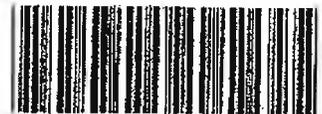
PLEASE BRING THIS ENTIRE BILL
WHEN PAYING IN PERSON.

INSTALLMENT AMOUNTS DUE

This space for cashier use only

I N S T A L L M E N T S	1st	Due July	2023	4,942.44
	2nd	Due Sept.	2023	.00
	3rd	Due Jan.	2024	.00
	4th	Due March	2024	.00

JURISDICTION	A S S E S S M E N T			RATE PER \$1,000	TAX AMOUNT W/O STAR	STAR SAVINGS	TAX AMOUNT
	TOTAL VALUE	EXEMPTIONS (see detail #)	TAXABLE VALUE W/O STAR				
CITY	24,700	24,700	0	6.518	.00	.00	.00
SCHOOL	24,700	24,700	0	11.323	.00	.00	.00
LAND VALUE		O T H E R C I T Y C H A R G E S					
CITY	5,500			DESCRIPTION		UNITS	RATE
SCHOOL	5,500			REHABILITATION			1.000
EXEMPTION DETAIL #							
TYPE	CITY	SCHOOL					
PUB AUTH	24,700	24,700					
TOTAL	24,700	24,700					
STAR savings generally may not exceed last year's amount by more than 2%.							.00
DELINQUENT CITY & SCHOOL TAXES AS OF 07/01/23							.00
TOTAL AMOUNT DUE							4,942.44



* 0 0 0 2 6 0 2 *

ARMSUM ASSESSMENT - SUMMARY DISPLAY - CURRENT YEAR DATE: 08/01/2023 *

105 740 0002 003 002 0000 00 1 NX P 00 CT/B-AD 0096.03 103 15
 0281 WHITNEY ST 14606 USE 210 30 SF 1,531 YR 1911
 - OWNER & MAILING INFORMATION - MISC. - - - - - ASSESSMENT DATA - - - - -
 ROCHESTER LAND BANK CORP RS - SS CURRENT F TAXABLES
 8 - 1 LAND 5,500 COUNTY 0
 % CITY OF ROCHESTER ACT HSC TOTAL 24,700 CITY 0
 30 CHURCH ST RM 125B A - H PRIOR SCHOOL 0
 NGBHD LAND 5,500 BANK CODE 0002602
 ROCHESTER NY 14614 86100 TOTAL 24,700 MORTGAGE
 INVESTOR 02602

- - - - - SALES INFORMATION - - - - - - - DIMENSIONS - - - - - COORDINATES - - -
 PRICE 1 DEED F DATE 021423 F 93.60 D 101.06 E 400770 N 153600
 BOOK 12781 PAGE 00095 CTL# 9999999 ACRES 0.22 SP/MRG 00000000 IR LT
 PR OWNER RUSH NINA M - - - - - SPECIAL DISTRICTS - - - - -

- - - - - EXEMPTIONS - - - RES% 00					SPC UNITS PCT TYPE VALUE				
CODE	AMOUNT	PCT	IY	TY HC	HSR00	UNITS	PCT	TYPE	VALUE
13890	000024700	0.00	23		RF210	0.00	.0000	U	1.00
00000	000000000	0.00	00		RP600	0.00	.0000	U	93.00
00000	000000000	0.00	00		SC400	0.00	.0000	U	93.00
					SP700	0.00	.0000	U	93.00
						0.00	.0000		0.00

PF10-APPRAISER TASK LOG
 PF12-RETURN TO ARMSUM

TRASMQY TXR - ASSESSMENTS AND TAX ADDITIONS DATE: 08/01/2023 *
TAX YEAR NOT FOUND - DISPLAYING MOST RECENT OPEN TAX YEAR FOR ACCOUNT
SBL NUMBER 105 740 0002 003 002 0000 NX TAX YEAR 2024
ADDRESS 0281 WHITNEY ST

TAX RATE TYPE: HOMESTEAD			CITY TAX	0.00
			SCHOOL TAX	0.00
ASSESSMENT	CITY	SCHOOL	REFUSE AMOUNT	0.00
LAND ONLY	5,500	5,500	TAX ADDITIONS	4,942.44
LAND&IMPRVMTS	24,700	24,700	TOTAL TAXES	4,942.44
EXEMPTIONS	24,700	24,700	-- TAX ADDITIONS --	
TAXABLE VALUE	0	0	REHABILITATION	4,942.44
-- EXEMPTIONS --				
PUB AUTH	24,700	24,700		

STAR SVNGS C: 0.00 S: 0.00 TOTAL: 0.00 TRUE AMT: 5,383.11
 PF13-NAME/ADDR PF15-ADJMNTS PF16-ACCT BAL PF17-PAYMNTS
 PF18-PAY RCPT PF19-PRIOR ADDN PF20-MORE ADDNS PF12-RETURN TO ARMSUM



X Administrative
Council cancellation

For approval: _____

S-B-L: 106.40-4-51 CD: Phone: 585-428-6336
 Property address: 395 Hudson Av
 Owner's name: City of Rochester
 Mailing address: 30 Church St, Rm. 125B, Rochester, NY 14614

City / School tax		Nonhomestead				tax year	tax rate	amt cancelled
	orig asmt	corct asmt	asmt chg	orig exmt	corct exmt	exmt chg		
City	53,300		-53,300				2024	0.012541 668.44
School	53,300		-53,300				2024	0.021793 1,161.57
City							2023	0.013176
School							2023	0.022897
City							2022	0.013334
School							2022	0.023170
								1,830.01 total

Embellishments / Refuse

Year	orig units	corct units	2024		2023		2022		2021	
			billed	cancelled	billed	cancelled	billed	cancelled	billed	cancelled
SC400										
RP600										
SP700										
HSR00										
Refuse										
City tax			668.44	668.44						
School tax			1,161.57	1,161.57						
Code violations										
Code enforcement										
Delinquent Water										
Grand total			1,830.01	1,830.01						

Rates	2024	2023	2022	2021	Total cancelled
SC400	0.925	1.005	1.071	1.222	all years: 1,830.01
RP600	3.476	3.240	2.988	2.85	
SP700	1.061	1.123	1.073	0.997	
HSR	0.468	0.559	0.747	0.821	

Reason for cancellation

Property was acquired by the City in March 2023. As the City has been in title since that time the 2023/2024 taxes should be cancelled.

Signatures required for approval

Dana K Miller 7/28/2023
 Originating Department date
Oliver McLeod 8/7/23
 Bureau of Treasury date
Michael J. [Signature] 8/7/23
 Bureau of Assessment date

[Signature] 8/4/23
 Law Department date
K. D. [Signature] 8/30/23
 Director of Finance date
 Completed (Treasury) _____ date



13350

CITY OF ROCHESTER, NEW YORK 2023-2024 TAX BILL

SBL 106.400-0004-051.000/0000 MY	NON-HOMESTEAD	Bill No. 457462.7
Property address 0395 HUDSON AV	14605	Mortgage
Size FT- 31.83 DP- 140.00	Class DET ROW BLDGC	Req. No. 0000129

MAIL PAYMENTS TO:
CITY TREASURER
CITY HALL, ROOM 100A
30 CHURCH STREET
ROCHESTER, NEW YORK 14614

CITY OF ROCHESTER
30 CHURCH ST RM 125B
ROCHESTER NY 14614

MAKE CHECKS PAYABLE TO:
CITY TREASURER

SCHOOL DISTRICT CODE: 538

See Reverse Side For Important Information.

2023-2024 Estimated New York State Local Assistance: \$828,427,924

	2023-2024	Change From
	Tax Levy	Prior Year
City	\$ 68,537,400	+0.00%
School	\$119,100,000	+0.00%
Total	\$187,637,400	+0.00%

INSTALLMENT AMOUNTS DUE			
I N S T A L L M E N T S	1st	Due July	2023
			459.01
	2nd	Due Sept.	2023
			457.00
3rd	Due Jan.	2024	
			457.00
4th	Due March	2024	
			457.00

This space for cashier use only

If You Want A Receipt,
Check This Box:

PLEASE BRING THIS ENTIRE BILL
WHEN PAYING IN PERSON.

JURISDICTION	ASSESSMENT			RATE PER \$1,000	TAX AMOUNT W/O STAR	STAR SAVINGS	TAX AMOUNT	
	TOTAL VALUE	EXEMPTIONS (see detail *)	TAXABLE VALUE W/O STAR					
CITY	53,300		53,300	12.541	668.44	.00	668.44	
SCHOOL	53,300		53,300	21.793	1,161.57	.00	1,161.57	
LAND VALUE				OTHER CITY CHARGES				
CITY	4,500			DESCRIPTION	UNITS	RATE		
SCHOOL	4,500							
EXEMPTION DETAIL *								
TYPE	CITY	SCHOOL						
STAR savings generally may not exceed last year's amount by more than 2%.							DELINQUENT CITY & SCHOOL TAXES AS OF 07/01/23	.00
TOTAL AMOUNT DUE							1,830.01	



* 0 0 0 0 1 2 9 *

RECORDED
Time: 12:00

MAR 22 2023

WARRANTY DEED WITH FULL COVENANTS

Monroe County Clerk's Office

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 22nd day of March, 2022 BETWEEN

ALI RASHED, with an address of 519 Hudson Avenue, Rochester, New York 14605, Grantor and

CITY OF ROCHESTER, a municipal corporation, created by and under the laws of the State of New York, having its principal office for the transaction of business at City Hall, 30 Church Street, Rochester, New York 14614, Grantee,

Box 36

WITNESSETH, that Grantor, in consideration of Sixty-Five Thousand and 00/100 Dollars (\$65,000) and other valuable consideration paid by Grantee, does hereby grant and release unto Grantee, the heirs or successors and assigns of Grantee,

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND situate in the City of Rochester, County of Monroe and State of New York, described as follows:

Commencing on the west line of Hudson Avenue at the northeast corner of premises conveyed by Hiram Brown and wife to Edward Jones by deed dated April 7, 1864 and recorded in Monroe County Clerk's Office in Liber 185 of Deeds, Page 252; and running thence in a westerly direction on the north line of said premises 140 feet to the northwest corner of said premises; thence running in a northerly direction on a line parallel with said Hudson Avenue 29.21 feet to the south line of the premises now occupied by T. Mildred Heilman, thence in an easterly direction along the said south line 139.90 feet to the west of Hudson Avenue, thence south on the west line of Hudson Avenue 31.83 feet to the place of beginning.

Together with a perpetual right-of-way in and over a certain strip of land adjoining said above described premises upon the north thereof for the Monroe County Savings Bank, its successors and assigns and the tenants and occupants from time to time of the premises above granted to freely pass and repass on foot, the said strip of land and right-of-way being 1.29 feet wide at Hudson Avenue and extending that width to the dining room and conservatory of the house upon the adjoining premises from which point on to the rear of said lot is (26) inches wide.

Being and hereby intending to convey the same premises conveyed to Grantor by a deed dated January 13, 2012 and recorded in the office of the Monroe County Clerk in Liber 11083 of Deeds, Page 472.

Property Address: 395 Hudson Avenue, Rochester, New York 14605

SBL #: 106.40-4-51

Tax Billing Address: 30 Church Street, Room 125B, Rochester, New York 14614

TOGETHER with all right, title and interest, if any, of Grantor in and to any streets and roads abutting the Premises to the center lines thereof; **TOGETHER** with the appurtenances and all the estate and rights of Grantor in and to the Premises; **TO HAVE AND TO HOLD** the Premises herein granted unto Grantee, the heirs or successors and assigns of Grantee forever.

AND Grantor, in compliance with Section 13 of the Lien Law, covenants that Grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

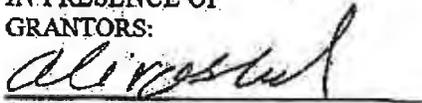
AND Grantor covenants as follows: that Grantor is seized of the Premises in fee simple, and has good right to convey the same; that Grantee shall quietly enjoy the Premises; that the Premises are free from encumbrances, except as aforesaid; that Grantor will execute or procure any further necessary assurance of the title the Premises; and that Grantor will forever warrant the title the Premises.

This conveyance is accepted pursuant to the provisions of Ordinance No. #2022-242 which was duly passed by the Council of the City of Rochester on August 16, 2022 and approved by the Mayor, and was deemed duly adopted in accordance with the applicable provisions of law, on August 17, 2022.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

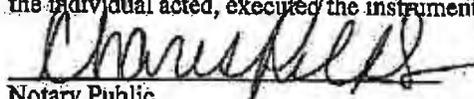
IN WITNESS WHEREOF, Grantor has duly executed this deed the day and year first above written.

IN PRESENCE OF
GRANTORS:


ALI RASHED

State of New York :
County of Monroe : ss.:

On the 22nd day of March in the year 2022 before me, the undersigned, personally appeared ALI RASHED, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity, and that by his/her/their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Notary Public

Charles P. Piro
Notary Public - Monroe County
New York State - Reg # 917116031183
Commission Expires 8/27/2025

ARMSUM ASSESSMENT - SUMMARY DISPLAY - CURRENT YEAR DATE: 08/01/2023 *

106 400 0004 051 000 0000 00 1 MY P 00 CT/B-AD 0014.00 106 08
 0395 HUDSON AV 14605 USE 482 99 SF 2,880 YR 1910

- OWNER & MAILING INFORMATION - MISC. - - - - - ASSESSMENT DATA - - - - -

CITY OF ROCHESTER RS - SS CURRENT TAXABLES
 1 - 7 LAND 4,500 COUNTY 53,300
 ACT HSC TOTAL 53,300 CITY 53,300
 30 CHURCH ST RM 125B A - N PRIOR SCHOOL 53,300
 ROCHESTER NY 14614 00001 NGBHD LAND 4,500 BANK CODE 0000129
 TOTAL 53,300 MORTGAGE
 INVESTOR 00129

- - - - - SALES INFORMATION - - - - - - - DIMENSIONS - - - - - COORDINATES - - -

PRICE 1 DEED W DATE 032223 F 31.83 D 140.00 E 410346 N 157044
 BOOK 12794 PAGE 00309 CTL# 9999999 ACRES 0.00 SP/MRG 00000000 IR LT

- - - - - EXEMPTIONS - - - RES% 00 - - - - - SPECIAL DISTRICTS - - - - -

CODE AMOUNT PCT IY TY EC SPC UNITS PCT TYPE VALUE
 HSR00 0.00 .0000 U 31.00
 RP600 0.00 .0000 U 31.00
 SC400 0.00 .0000 U 31.00
 SP700 0.00 .0000 U 31.00
 0.00 .0000 0.00
 0.00 .0000 0.00

* NO EXISTING EXEMPTIONS *

PF10-APPRAISER TASK LOG

13:55:05 Tuesday, August 01, 2023

TRASMOY TXR - ASSESSMENTS AND TAX ADDITIONS DATE: 08/01/2023 *
TAX YEAR NOT FOUND - DISPLAYING MOST RECENT OPEN TAX YEAR FOR ACCOUNT
SBL NUMBER 106 400 0004 051 000 0000 MY TAX YEAR 2024
ADDRESS 0395 HUDSON AV

TAX RATE TYPE: NON-HOMESTEAD			CITY TAX	668.44
ASSESSMENT	CITY	SCHOOL	SCHOOL TAX	1,161.57
LAND ONLY	4,500	4,500	REFUSE AMOUNT	0.00
LAND&IMPRVMTS	53,300	53,300	TAX ADDITIONS	0.00
EXEMPTIONS	0	0	TOTAL TAXES	1,830.01
TAXABLE VALUE	53,300	53,300	-- TAX ADDITIONS --	
-- EXEMPTIONS --				

STAR SVNGS C: 0.00 S: 0.00 TOTAL: 0.00 TRUE AMT: 1,830.01
PF13-NAME/ADDR PF15-ADJMNTS PF16-ACCT BAL PF17-PAYMNTS
PF18-PAY RCPT PF19-PRIOR ADDN PF20-MORE ADDNS PF12-RETURN TO ARMSUM

ARMSUM ASSESSMENT - SUMMARY DISPLAY - CURRENT YEAR DATE: 07/13/2023 +1R

106 630 0001 012 000 0000 00 1	LC P 00	CT/B-AD 0091.00	301 24
0322	CENTRAL AV	14605	USE 438 70 SF
- OWNER & MAILING INFORMATION -		- MISC. -	
NATIONAL RAILROAD		RS - SS	
PASSENGER CO		8 - 7	
% AIQ MS 1586		ACT HSC	
PO BOX 2440		A - N	
SPOKANE WA		NGBHD	
99210		00001	
		CURRENT	
		LAND 115,000	
		TOTAL 125,000	
		PRIOR	
		LAND 115,000	
		TOTAL 125,000	
		MORTGAGE	
		INVESTOR 00945	
		BANK CODE 0000945	
- - - - - SALES INFORMATION - - - - -		- - DIMENSIONS - -	
PRICE 2,096		F 0.00 D 0.00	
DEED Q DATE 060198		E 408587 N 154088	
BOOK 09014		ACRES 2.44	
PAGE 00455		SP/MRG 00000000	
CTL# 9999999		IR LT	
PR OWNER CITY OF ROCHESTER		- - - - - SPECIAL DISTRICTS - - - - -	
- - - - - EXEMPTIONS - - - - -		RES% 00	
CODE	AMOUNT	PCT	IY
27250	000125000	0.00	99
00000	000000000	0.00	00
00000	000000000	0.00	00
PF10-APPRAISER TASK LOG			

TRASMQY TXR - ASSESSMENTS AND TAX ADDITIONS DATE: 07/13/2023 *
NO MORE TAX YEARS FOR ACCOUNT REQUESTED - DISPLAYING LAST YEAR FOR ACCOUNT
SBL NUMBER 106 630 0001 012 000 0000 LC TAX YEAR 2024
ADDRESS 0322 CENTRAL AV

TAX RATE TYPE: NON-HOMESTEAD			CITY TAX	0.00
ASSESSMENT			SCHOOL TAX	0.00
	CITY	SCHOOL	REFUSE AMOUNT	0.00
LAND ONLY	115,000	115,000	TAX ADDITIONS	1,619.57
LAND&IMPRVMTS	125,000	125,000	TOTAL TAXES	1,619.57
EXEMPTIONS	125,000	125,000	-- TAX ADDITIONS --	
TAXABLE VALUE	0	0	ROADWAY SNOW PLOW	1,279.17
-- EXEMPTIONS --			STREET MAINT. FULL	340.40
AMTRAK	125,000	125,000		

STAR SVNGS C: 0.00 S: 0.00 TOTAL: 0.00 TRUE AMT: 5,911.33
 PF13-NAME/ADDR PF15-ADJMNTS PF16-ACCT BAL PF17-PAYMNTS
 PF18-PAY RCPT PF19-PRIOR ADDN PF20-MORE ADDNS PF12-RETURN TO ARMSUM



Corporate Tax & Licensing Department
(202) 908-3252 Fax (202) 908-2174

City of Rochester, New York
30 Church Street
Rochester, NY 14614

July 13, 2023

Re: Amtrak Tax Exempt Status

Dear Madam or Sir,

We are in receipt of your Tax Bill for National Railroad Passenger Corporation (Amtrak). Please be advised that federal law (cited below) exempts Amtrak from the payment of state and local taxes, including real estate taxes as shown on the bill. Please rescind the charge and update your records to reflect the tax-exempt status of this property.

Title 49, United States Code § 24301 (l):

Exemption from taxes levied after September 30, 1981.

(1) In general, Amtrak, a rail carrier subsidiary of Amtrak, and any passenger or other customer of Amtrak or such subsidiary, are exempt from a tax, fee, head charge, or other charge, imposed or levied by a State, political subdivision, or local taxing authority on Amtrak, a rail carrier subsidiary of Amtrak, or on persons traveling in intercity rail passenger transportation or on mail or express transportation provided by Amtrak or such a subsidiary, or on the carriage of such persons, mail, or express, or on the sale of any such transportation, or on the gross receipts derived therefrom after September 30, 1981. In the case of a tax or fee that Amtrak was required to pay as of September 10, 1982, Amtrak is not exempt from such tax or fee if it was assessed before April 1, 1997.

If your office requires additional information, please contact me at (202)906-3252.

Sincerely,

A handwritten signature in cursive script that reads "Joseph Donahue".

Joseph Donahue
Senior Director Taxes and Licenses
Amtrak
1 Massachusetts Avenue, NW
Washington, DC 20001



TO: Tom Huonker, Assessor
Mike Zazzara, Assessment

FROM: Scott C. Smith, Municipal Attorney

DATE: December 3, 2012

RE: Tax Bills Amtrak Properties

320 Central Ave 106.63-1-11.2
322 Central Ave 106.63-1-12

The City issued tax bills for 2012-2013 to Amtrak for the embellishments on the above properties. 49 USC Section 24301(1) exempts real property owned by the National Railroad Passenger Corporation (Amtrak) from taxation. Although the properties are tax exempt, the City bills each parcel for the embellishments portion of the tax bill: roadway snow plowing; street cleaning, sidewalk snow plowing; and hazardous sidewalk replacement. Amtrak returns these bills unpaid, citing 49 USC Section 24301(1), and citing a variety of Federal court decisions. This resembles the position taken by New York State with respect to tax bills for embellishments on its properties, as outlined in my memo of October 28, 2008.

As a practical matter, because of 49 USC Section 24301(1), the City has little choice but to acquiesce in Amtrak's position.

In my opinion the above properties should not be billed for embellishments, and the tax bills previously issued against these properties should be cancelled.

Let me know if you have any questions.

Scott C. Smith

SCS: Encl.

cc: Charles Benincasa, City Treasurer	#111A
Sandra Peck, Tax Accounting	#100A
Jeff Eichner, Law Department	#400A
Robert J. Bergin	#400A

1/26/2017

Corbally, Garland and Rappleyea, LLP Mail - Legal Guidance for Amtrak Exemption

Bardavon Building | 35 Market Street
Poughkeepsie, NY 12601
tel: 845 240 7320 | fax: 845 240 7321
keh@cgrlaw.com

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----- Forwarded message -----

From: "tax.sm.ORPTS.Legal" <orpts.legal@tax.ny.gov>
To: "tax.dl.notify-orpts.legal" <tax.dl.notify-orpts.legal@tax.ny.gov>
Cc:
Date: Fri, 2 Oct 2015 15:43:01 +0000
Subject: FW: Exemption for Amtrak-owned property pursuant to 49 U.S.C. § 24301(l)

From: tax.sm.ORPTS.Legal
Sent: Friday, October 2, 2015 11:42:58 AM (UTC-05:00) Eastern Time (US & Canada)
To: Edelman, Allegra
Cc: monfilsr@colonie.org; tax.sm.ORPTS.Legal
Subject: RE: Exemption for Amtrak-owned property pursuant to 49 U.S.C. § 24301(l)

Ms. Edelman – You may use the same exemption code as before, namely 27250. We will be updating the Amtrak exemption article in the Assessor's Manual to delete the reference to former 45 USC 546b and replacing it with a reference to 49 USC 24301(l), but we intend to leave the substance of that article and the exemption code unchanged for now.

If you meant to suggest that Amtrak property should now be considered exempt not just from taxes, but also from special assessments and special ad valorem levies, we have looked into the matter and are not prepared to go that far at this time. In so stating, I note:

1. The Amtrak exemption that was originally embodied in 45 USC 546b was first enacted in 1982.¹ It provided that Amtrak was exempt from "taxes or other fees."
2. We concluded in 1983 that despite this enactment, Amtrak remained liable for special assessments and special ad valorem levies, and we advised assessors and County Directors of RPT Services accordingly.²
3. The 1988 Pennsylvania special assessment case to which you allude concerned an attempt to make Amtrak pay to replace a vehicular bridge that crossed its tracks; that type of charge is not at all like special assessments in New York.
4. In 1994, 45 USC 546b was repealed but at the same time its text was reenacted without substantive change as 49 USC 24301(1).³
5. Though the wording of 49 USC 24301(l) was broadened in 1997,⁴ we believe the amendment was aimed at other issues and was not intended to effectuate a change on the special assessment/special ad valorem levy issue.⁵
6. To our knowledge, Amtrak has been paying special assessments and special ad valorem levies on its real property in New York State without protest since 1983.
7. Our 1983 opinion on the special assessment/special ad valorem issue has never been judicially or administratively overturned.

B. Longstanding administrative interpretations are entitled to deference.

In addition, we note that on the RP-5217 form provided to you, Amtrak's representative claims only to be exempt from "Property Tax", not from special assessments or special ad valorem levies.

We would be willing to revisit our 1983 opinion if presented with a substantive legal argument showing that it is no longer in harmony with the applicable law. As of today, however, we have received no such argument and in fact, to our knowledge Amtrak has expressed no disagreement with the *status quo*. Accordingly, we see no need to switch tracks at this time.

¹ The original Amtrak exemption statute, 45 USC 546b, as enacted in 1982 (Public Law 97-257, Title I, Chap XII; 96 Stat. 818, 852-853), stated in pertinent part:

Notwithstanding any other provision of law, [Amtrak] shall be exempt from any taxes or other fees imposed by any State, political subdivision of a State, or local taxing authority which are levied on [Amtrak], or any railroad subsidiary thereof, from and after October 1, 1981.

² We concluded, based on our reading of federal case law, that the phrase "taxes or other fees" as used in this statute did not encompass special ad valorem levies or special assessments imposed by special districts in New York State. A copy of that opinion, which was issued in February of 1983, is attached. Also attached is an internal memorandum prepared in March of 1983 that explains the basis for that conclusion in greater detail.

³ Pub. L. 103-272; 108 Stat. 1379.

⁴ In 1997, 45 USC 546b was repealed and replaced by 49 USC 24301(i) (Public Law 105-134; 111 Stat. 2570), which states in pertinent part:

Amtrak, a rail carrier subsidiary of Amtrak, and any passenger or other customer of Amtrak or such subsidiary, are exempt from a tax, fee, head charge, or other charge, imposed or levied by a State, political subdivision, or local taxing authority on Amtrak, a rail carrier subsidiary of Amtrak, or on persons traveling in intercity rail passenger transportation or on mail or express transportation provided by Amtrak or such a subsidiary, or on the carriage of such persons, mail, or express, or on the sale of any such transportation, or on the gross receipts derived therefrom after September 30, 1981.

⁵ According to the legislative history, the purpose of this change was to extend Amtrak's exemption to its passengers, customers and services. The House Report on the legislation (H. Rept. 105-251) offered the following explanation:

Section 506 would exempt Amtrak's passengers and customers from most state and local taxes, fees, or charges, whereas current law exempts only Amtrak and its subsidiaries. Under current law, it is possible that the 1995 Supreme Court ruling, *Oklahoma Tax Commission vs. Jefferson Lines*, could be used in the future to justify the imposition of state taxes on Amtrak's interstate passenger tickets and possibly on its interstate mail or freight transportation services. No state has attempted to impose such a tax and, therefore, CBO estimates that this mandate would result in no cost over the next five years. Nonetheless, by exempting Amtrak's passengers from most state and local taxes, enactment of this bill would foreclose a potential future source of state and local revenues. In fiscal year 1996, Amtrak collected about \$840 million from ticket sales and about \$61 million from mail and express services. [See also S. Rept. 105-85, which was to the same effect.]

Thus, the insertion of the phrase "head charge or other charge" may be seen as merely a part of an effort to bring Amtrak's passengers, customers and services within the scope of the exemption, rather than an effort to further reduce Amtrak's liabilities in relation to its real property.

Assessor's Manual, Volume 4, Exemption Administration

Exemption Administration Manual - Part 2
Industrial, Commercial, and Public Service

Section 4.06 - 49 U.S.C. § 24301(i)

Amtrak Railroad

Exemption Code(s): 27250 Year Originally Enacted: 1982

Related Statutes: None

SUMMARY: By federal law, real property owned by the National Railroad Passenger Corporation (Amtrak) or any of its subsidiaries is (1) wholly exempt from general municipal and school district taxes levied on or after October 1, 1981 for periods beginning on or after that date and (2) partially exempt from such taxes levied on or after October 1, 1981 for periods beginning prior to that date, the amount of exemption being proportionate to the portion of the period which had run prior to October 1, 1981. Such property is, however, liable for special ad valorem levies and special assessments.

1. ELIGIBILITY REQUIREMENTS:

- 1. **Ownership Requirements:** Property must be owned by Amtrak or one of its subsidiaries.
- 2. **Property Location Requirements:** None.
- 3. **Property Use Requirements:** None.
- 4. **Certification by State or Local Government:** None required.
- 5. **Required Construction Start Date or Other Time Requirement:** None.

2. LOCAL OPTION: No.

3. LIMITATION ON EXEMPTION:

General Municipal Taxes	School District Taxes	Special Ad Valorem Tax	Special Assessments

1. Amount	No limit	No limit	No exemption allowed	No exemption allowed
2. Duration	No limit	No limit	No exemption allowed	No exemption allowed
3. Taxing Jurisdiction	Ex	NA	Tax	Tax
a. County or County	Ex	NA	NA	Tax
b. City	Ex	NA	NA	Tax
c. Town or Town Special District	Ex	NA	Tax	Tax
d. Village	Ex	NA	NA	Tax
e. School District	NA	Ex	NA	NA
Ex-Exempt Tax-Taxable NA-Not Applicable				

4. **PAYMENTS IN LIEU OF TAXES:** None required.

5. **CALCULATION OF EXEMPTION:**

1. General Municipal and School District Taxes: 100% of assessed value.
2. Special Ad Valorem Levies and Special Assessments: No exemption allowed.

6. **CODING OF EXEMPTION ON ASSESSMENT ROLL:**

Code	Description of Alternative Codes Possible
27250	

Assessment Roll Section(s): Exempt (ARLM Section 8).

NOTE: This code should not be used to identify property that is exempt under any of the statutes listed under Similar Exemptions below. For coding of such property, see the Exemption Profile for the statute that applies.

7. **FILING REQUIREMENTS (Owner or Occupant of Property):** None.

8. **REPORTING REQUIREMENTS (Assessor):** None.

9. **SIMILAR EXEMPTIONS:**

Subject	Statute
Municipal railroads (all capital stock owned by municipal corporation)	RPTL §456
Railroad companies (interstate)	RPTL §489-d
Railroad companies (intrastate)	RPTL §489-dd
Railroad passenger stations in New York City	RPTL §476-a
Railroads and related property (NYC)	Rap Tran L §103

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Please send general questions or comments to [Orpts Solutions Center](#)

Updated: June 09, 2017

Zazzara, Michael S.

From: Smith, Scott C.
Sent: Wednesday, July 26, 2017 4:06 PM
To: Zazzara, Michael S.
Cc: Jones, Kim D.
Subject: RE: Amtrak/SBL 106.64-1-56/60 Central Av

C2C AOneService Unique ID:
65fe044a-c74e-4e48-bb10-c80ea543fa95

This message has been archived. To retrieve it in Outlook double click the email, for Outlook Web App and non-Outlook [Click here](#), or paste the link below into your browser.

[https://webmail.cityofrochester.gov/AOneSearch?ID=F9ACD10A-7A0D-4FA8-B133-7C4DAEA27C29_Year_2017-7yr\\$1\\$A1P171025053034_ARCHIVEONE_P000362=2\\$004a30_RE_Amtrak_SBL_106_64_1_56_60_Central_Av](https://webmail.cityofrochester.gov/AOneSearch?ID=F9ACD10A-7A0D-4FA8-B133-7C4DAEA27C29_Year_2017-7yr1A1P171025053034_ARCHIVEONE_P000362=2$004a30_RE_Amtrak_SBL_106_64_1_56_60_Central_Av)

Mike,

The same law applies to code violation charges and rehabilitation charges. 49 USC Section 24301(1) exempts real property owned by the National Railroad Passenger Corporation (Amtrak) from taxation. This means all taxation, and the law doesn't carve out an exemption for code enforcement charges added to taxes.

Scott

From: Zazzara, Michael S.
Sent: July 26, 2017 3:53 PM
To: Smith, Scott C. <Scott.Smith@CityofRochester.Gov>
Cc: Jones, Kim D. <Kim.Jones@CityofRochester.Gov>
Subject: RE: Amtrak/SBL 106.64-1-56/60 Centr

Cancellation of Taxes and Charges October 17, 2023 Approval

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City Treasurer is authorized to cancel the following taxes and charges.

<u>S.B.L. #</u>	<u>Class</u>	<u>Address</u>	<u>Tax Year</u>	<u>Amount Cancelled</u>	<u>Subtotal</u>
	(A)	The property located at 281 Whitney Street was acquired by the Rochester Land Bank Corporation at the City's foreclosure auction in 2022. The Rehabilitation charge was erroneously added to the 2023-24 tax bill.			
105.74-2-3.002	H	281 Whitney Street	2024	\$4,942.44	\$4,942.44
	(B)	The City of Rochester took title to the property located at 395 Hudson Avenue on March 22, 2023. Due to timing of when the deed was processed, it could not be made exempt for the final 2023-24 tax roll.			
106.40-4-51	N	395 Hudson Ave	2024	\$1,830.01	\$1,830.01
	(C)	The property located at 322 Central Avenue is owned by National Passenger Railroad Corporation/Amtrak. Title 49, United States Code 24301 (1) exempts the company from real property tax and special district charges. The Street Cleaning and Road Plowing charges were put on in error after an inspection by an Appraiser from Assessment.			
106.63-1-12	N	322 Central Ave	2024	\$1,619.57	\$1,619.57
GRAND TOTAL					\$8,392.02

Section 2. If full or partial payment of the aforesaid taxes and charges has been made and received, the City Treasurer is hereby authorized and directed to remit to the owner of the parcel the amount of said payment without interest.

Section 3. This ordinance shall take effect immediately.

INTRODUCTORY NO.

389

Ordinance No.

Authorizing the cancellation or refund of erroneous taxes and charges

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City Treasurer is authorized to cancel the following taxes and charges:

A) S.B.L. #	Class	Address	Tax Year	Cancelled
105.74-2-3.002	H	281 Whitney Street	2024	\$4,942.44

A. The property was acquired by the Rochester Land Bank Corporation at the City's foreclosure auction in 2022. A rehabilitation charge was erroneously added to the 2023-24 tax bill.

SUBTOTAL A **\$4,942.44**

B) S.B.L. #	Class	Address	Tax Year	Cancelled
106.40-4-51	N	395 Hudson Ave	2024	\$1,830.01

B. The City of Rochester took title to the property on March 22, 2023. Due to the time required to process and record the deed, the properties exemption could not be filed in time for the finalizing of the 2023-24 tax roll.

SUBTOTAL B **\$1,830.01**

C) S.B.L. #	Class	Address	Tax Year	Cancelled
106.63-1-12	N	322 Central Ave	2024	\$1,619.57

C. The property is owned by National Passenger Railroad Corporation/Amtrak. Title 49, United States Code 24301 (1) exempts the company's properties from real property tax and special district charges. The Street Cleaning and Road Plowing charges cancelled in were added to the 2023-24 tax roll in error after an inspection by an Appraiser from Assessment.

SUBTOTAL C **\$1,619.57**

TOTAL **\$8,392.02**

Section 2. If full or partial payment of the aforesaid taxes and charges has been made and received, the City Treasurer is hereby authorized and directed to remit to the owner of the parcel the amount of said payment without interest.

Section 3. This ordinance shall take effect immediately.



City of Rochester

City Hall Room 308A, 30 Church Street
Rochester, New York 14614-1290
www.cityofrochester.gov

FINANCE INTRODUCTORY NO.

390

Malik D. Evans
Mayor

September 26, 2023

MAYOR 14

TO THE COUNCIL

Ladies and Gentlemen:

Re: Grant Acceptance for the Office of
Financial Empowerment

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area:
Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation related to funding for the City's Office of Financial Empowerment. This legislation will:

- 1) Authorize a grant agreement with Cities for Financial Empowerment Fund, Inc. (Jonathan Mintz, Executive Director, 44 Wall St #1050, New York, NY 10005) and RochesterWorks Inc, (Dave Seeley, Executive Director, 100 College Avenue Ste 200, Rochester, NY 14607) for receipt and use of a \$10,000 grant for the purpose of participating in the FEC Supervitamin Study. The agreement will have a term of two years.
- 2) Amend the 2023-24 Budget of the Office of the Mayor by \$10,000 for the funding from Cities for Financial Empowerment Fund as outlined above.

This funding will be used to support the Rochester Financial Empowerment Center. The FEC Supervitamin Study will examine whether free 1-1 financial counseling creates better workforce development outcomes for job readiness initiatives that are already provided by RochesterWorks Inc. For the purpose of this study, we will be partnering with RochesterWorks Inc. to embed financial counseling into their workforce development programs.

Respectfully submitted,

Malik D. Evans
Mayor



Mayor's Office of Financial Empowerment
Subject: Rochester Financial Empowerment Center Supervitamin Study
August 31, 2023

Fact Sheet:

1. Term of agreement: August 2023 – June 2025
2. Grantor: Cities for Financial Empowerment Fund, Inc. (CFE)
3. Grantees:
 - a. City of Rochester (Municipal Grantee)
 - b. RochesterWorks, Inc. (Organizational Grantee)
 - c. Additional Parties:
 - i. MDRC: nonprofit, nonpartisan education and social policy research organization (compensated separately)
4. Program description:
 - a. The Rochester Financial Empowerment Center (FEC) is participating in the CFE Supervitamin study, in partnership with RochesterWorks, Inc., to measure the impact financial counseling has on workforce development program outcomes. Over the course of the study, the FEC will work with RochesterWorks, Inc. to identify ways to more fully integrate financial counseling into already existing workforce programs administered by RochesterWorks, Inc.
5. Implementation:
 - a. RochesterWorks Inc. and the FEC will continue to implement their existing programs, with added communication between both organizations and with targeted outreach by RochesterWorks Inc. staff, directing clients to the FEC.
6. Tracking program outcomes:
 - a. Program outcomes will be tracked by CFE and MDRC, with information provided by both the FEC and RochesterWorks Inc.

Authorizing an agreement and amending the 2023-24 Budget to implement a Financial Empowerment Center SuperVitamin Study

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Cities for Financial Empowerment Fund, Inc. (the Fund) and RochesterWorks, Inc. for the receipt and use of Fund grants in the amounts of \$10,000 to the City and \$50,000 to RochesterWorks to implement a Financial Empowerment Center SuperVitamin Study that will provide, and assess the effects of providing, free financial counseling to RochesterWorks' workforce development clients (the Project). The agreement shall have a term of two years.

Section 2. The agreement shall have such additional terms and conditions as the Mayor deems appropriate.

Section 3. Ordinance No. 2023-228, the 2023-24 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Office of the Mayor by \$10,000 to reflect the City's receipt of the grant funds authorized herein, which are hereby appropriated to implement the Program.

Section 4. This ordinance shall take effect immediately.



City of Rochester

City Hall Room 308A, 30 Church Street
Rochester, New York 14614-1290
www.cityofrochester.gov
TO THE COUNCIL

**FINANCE
INTRODUCTORY NO.**

391

Malik D. Evans
Mayor

September 27, 2023

COMMS 15

Ladies and Gentlemen:

Re: Agreement - Media Impressions Limited - Media Planning and Buying Agent

Council Priority: Creating and Sustaining a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:
Fostering Prosperity and Opportunity

Transmitted herewith for your approval is legislation authorizing an agreement with Media Impressions Limited., (Patty Carroll, owner), 45 Coach Side Lane, Pittsford, NY 14534, to serve as the City's media planning and buying agent. Media Impressions has served as the City's media buyer since 2017. The term of the agreement will be three years with an option to renew for an additional three-year term.

The Consultant will serve as the City's sole media buying agent, procuring paid media on behalf of the City upon request and under the direction of the Bureau of Communications, which is responsible for marketing and promoting the City's programs, events and services. In addition to conventional media, the Consultant will provide a digitally focused approach to leveraging the significant transformation occurring in the advertising landscape.

These services include:

- Media planning with City input to create media flight schedules, budgets, timelines, deadlines and contact information for creative deliverables;
- Media buying and ordering to include analyzing media data, negotiating for the City's best interests and outcomes, utilizing media software to create contracts and television or radio buys supported by data and ratings, and delivering traffic instructions for creative assets;
- Ongoing media monitoring to regularly review digital metrics and adjust the City's buys as needed;
- Invoice reconciliation by receiving and approving all invoices for payment, troubleshooting discrepancies, and reporting these to the City before payments are made on a monthly basis.

The Consultant will be compensated on a commission basis of 12% on gross media purchases it makes on behalf of the City. The City's average annual media expenditures over the last six years (removing the COVID years of FY19 and FY20) were approximately \$177,707. The 2 COVID years' average was \$335,501. The cost for year one of this agreement will be funded from the 2023-24 budgets of the departments using these services, which shall not exceed the funds available in the annual budget designated for this purpose. The cost for year two and three will be funded from the 2024-25 and 2025-26 budgets contingent upon their approval.

A Request for Proposals was issued for these services in July 2023; responses were received from three firms and Media Impressions was selected based on their high scores for experience, personalized principal staff attention, and cost response. The RFP Summary is attached.

Respectfully submitted,

Malik D. Evans
Mayor



Vendor / Consultant Selection Process Summary

Department: Administration/Communications

Project / Service Title: Media Planning and Buying Agent

Consultant Selected: Media Impressions Ltd.

Method of selection: Request for Proposal [*Complete 1-7*]
 Request for Qualifications [*Complete 1-7*]
 From the NY State Department of Transportation list of pre-approved regional engineering firms [*Complete 4-7*]

1. Date RFP issued (and posted on City web site): July 31, 2023

2. The RFP was also sent directly to:

Media Impressions, Ltd.

53 Foxbourne Rd.

Penfield, NY 14526

Game Plan Marketing

3 Mattock Place

Pittsford, NY 14534

On the Move Contracting Services, LLC

18 Green Pine Lane

Webster, NY 14580

Atlatl Media, LLC

262 Hillary Lane

Penfield, NY 14526

Media Connection, LLC

10 Cross Ridge Road

Pittsford, NY 14534

Wahl Media

580 Packets Landing

Fairport, NY 14450

Seven Outsource

100 Duffy Ave, Suite 510

Hicksville, NY 11801-3636

(upon request)

3. Proposals were received from

FIRM

City/Zip

Media Impressions, Ltd.

Penfield, 14526

Media Connection, LLC

Pittsford, 14534

Wahl Media

Fairport, 14450

4. Evaluation criteria

Criteria	Weighting	Points Possible	Points Received
Overall Proposal Quality	4	12	12
Experience	8	24	24
Cost Response	7	21	21
References	4	12	8
Commitment to key principles	8	24	24
MWBE Status	5	15	15
City of Rochester location	5	15	10
History with Buyer	5	15	15
Recent Related Projects	5	15	15
		153	144

5. Review team included staff from:

2 staff from Communications Bureau

1 staff from Department of Recreation and Human Services

6. Additional considerations/explanations

All bidders had an equal amount of media buying experience, but the selected vendor has the most government experience.

Chosen vendor has a very successful and satisfactory history of working with the City.

7. MWBE Officer has reviewed the recommended firm's proposal for MWBE and Workforce goals. MWBE Officer Initials: *ajm* Date: 9/25/23

Barbara Pierce
Barbara Pierce, Communications Director

9/25/23
Date

Constance Jefferson *to Con*
Constance Mitchell-Jefferson, Purchasing Director

9/25/23
Date

Authorizing an agreement to engage an advertising media planning and buying agent for the City

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an professional services agreement with Media Impressions Limited to act as the City's advertising media planning and buying agent for a term of three years, with the option to renew for one additional three-year term. The agent shall be compensated based upon a percentage of the media purchases that it makes on behalf of the City. The compensation for the first year of the term shall be funded from the 2023-24 Budgets of the City departments that use the Agent's services, which shall not exceed the funds available in the 2023-24 Budgets designated for that purpose. The compensation for years two and three shall be funded from the 2024-25 and 2025-26 Budgets contingent upon their approval. Similarly, the compensation for any optional fourth, fifth and sixth year shall be funded from the 2026-27 and subsequent years' Budgets, contingent upon approval of those budgets.

Section 2. This agreement shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 3. This ordinance shall take effect immediately.



City of Rochester

City Hall Room 308A, 30 Church Street
Rochester, New York 14614-1290
www.cityofrochester.gov

FINANCE
INTRODUCTORY NO.

Malik D. Evans
Mayor

392

September 26, 2023

BHRM 16

TO THE COUNCIL

Ladies and Gentlemen:

Re: Agreement – New Horizons at Logical
Operations, Inc., Computer Training Services

Council Priority: Jobs and Economic
Development

Comprehensive Plan 2034 Initiative Area:
Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation establishing \$63,000 as maximum compensation for an agreement with New Horizons at Logical Operations Inc., (Joe Mignano CEO) of Rochester, New York, to provide multi-level trainings for City employees on Microsoft Office applications, such as Word, Excel, PowerPoint, and Outlook, and Adobe Photoshop CC. The term of the agreement will be for three (3) years and will be funded from the 2023-24(\$21,000), 2024-25 (\$21,000), and 2025-26 (\$21,000) Budgets of Undistributed Expenses, contingent upon approval of future budgets.

Since 2010, the City has contracted with New Horizons at Logical Operations, Inc. to provide beginner, intermediate and advanced level Microsoft applications training for City employees to help improve their competency and utilization of systems to improve and enhance their day to day performance of their job functions. New Horizon at Logical Operations, Inc. is the only local vendor that provides instructor led, on-site customized training computer classes, and is therefore a local sole-source provider of these services. Training topics include those listed above and participants receive a training book with detailed lessons on the class and also have access to a variety of online training resources during and following completion of the classes. Participants are also allowed a second training class on the same topic free of charge within six months of their original training.

A justification for not issuing a request for proposals is attached.

Respectfully submitted,

Malik D. Evans
Mayor



NO RFP JUSTIFICATION STATEMENT

Awarding a Professional Services Agreement Without a Request for Proposals

The Procurement of Professional Services Policy (Ord. No. 2012-318) requires an RFP to be issued under most circumstances. If it is determined that an RFP will not be issued, this form must be completed, signed by the Department Head, and kept on file (electronically or hard copy). It must also be submitted:

1. To City Council as an attachment to the transmittal letter for any PSA that exceeds \$10,000, and
2. To the contract record when entered in Munis.

Department: DHRM / Training

Services(s): Computer Training Services

Vendor/Consultant selected: New Horizon at Logical Operations at Logical Operations, Inc.

How was the vendor selected?

New Horizons at Logical Operations, Inc. has been providing trainings for City employees since 2010 on computer programs such as Microsoft Office (Excel, Outlook, PowerPoint and Word) and Adobe Photoshop.

Why was no RFP issued for this service?

- A review of pricing from like providers showed that their costs were significantly higher than the City's current provider of this service. Also, we have an existing relationship with the current provider and employee feedback suggests a high level of satisfaction with the content and instructors alike.
- The benefit to continuing with this service provider is that employees who have participated in their trainings in the past will be able to progress to the next level of the trainings offered within the particular computer software.
- Following a search for other local organizations that provide this type of service, Logical Operations Inc. was found to be the only local vendor that provides regularly scheduled, instructor led, on-site customized computer training classes at a location convenient for all City employees to attend.

Compensation \$63,000 or \$21,000 for fifteen (15) classes per year for three (3) years.

The MWBE Officer has reviewed the proposed Agreement for MWBE and Workforce goals. MWBE Officer Initials: *SMD for SSS* Date: *9/8/2023*

Rose M. Nichols

September 7, 2023

Signature: Department Head

Date

INTRODUCTORY NO.

DHRM #16

392

Ordinance No.

Authorizing an agreement for computer training services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Logical Operations Inc. to provide training to City employees on the Microsoft Office suite and other computer applications. The agreement shall have a term of three years. The maximum total compensation for the agreement shall be \$63,000, which shall be funded in equal shares of \$21,000 from each of the 2023-24, 2024-25 and 2025-26 Budgets of Undistributed Expenses, contingent upon approval of the latter two budgets.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 3. This ordinance shall take effect immediately.



City of Rochester

City Hall Room 308A, 30 Church Street
Rochester, New York 14614-1290
www.cityofrochester.gov

**FINANCE
INTRODUCTORY NO.**

Malik D. Evans
Mayor

393

September 26, 2023 LIBRARY 17

TO THE COUNCIL

Ladies and Gentlemen:

Re: Library Construction Grants

Council Priority: Creating and Sustaining a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing the receipt and use of New York State Education Department, Division of Library Development (NYSED) construction grant funds in the amount of \$606,190 for the Charlotte Branch Library and Rundel Memorial Library Building.

The Charlotte branch library project will replace all existing roof systems (two main levels and two smaller entry roofs) which are approximately 27 years old. Roof drain replacement will be included at these locations with minor asbestos abatement required at the roof system. The new roof system will provide code minimum R-30 insulation, new flashings, and a 30-year warranty. The project also includes removal of wood infill panels at the main entry and replacement with a glass mullion pattern to mimic the window directly above the main door, restoring the original arch. The estimated cost for the project is \$342,380 and we are requesting 50% NYSED construction funding with \$171,190 in 2021-22 cash capital as match. Design is underway with MRB Group and construction is anticipated in spring 2024.

The Rundel building has two staff stairwells with three staff elevators. One elevator is a freight elevator in use by RPL and Monroe County Library System facilities, shipping and staff. The second main stairwell elevator will be removed from service for the Rundel ventilation upgrades project. The decommissioned elevator serves all floors needing ventilation for centralized ductwork connections that will be installed during the project. The remaining north stairwell elevator has been inoperable since May 2023; the original equipment is obsolete and the City's term contractor cannot source replacement parts. Replacement in-kind through consortia contract with KONE, Inc. is estimated at \$580,000 and we are requesting 75% NYSED construction funding with \$145,000 in 2021-22 cash capital as match. Construction will begin in early 2024.

The Monroe County Library System receives a formula portion of NYSED Aid for Library Construction projects, with over \$1.3million available for member libraries in 2023-24.

Respectfully submitted,

Malik D. Evans
Mayor



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Ordinance No.

Authorizing construction grant to fund improvements to Rochester Public Library facilities

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby authorizes the submittal of an application for and the receipt and use of \$606,190 from the New York State Education Department, Division of Library Development (NYSED) as a construction grant, which is hereby appropriated to fund the following improvements to Rochester Public Library facilities:

Charlotte Branch Roof Replacement and Entryway Restoration	\$ 171,190
Rundel Memorial Building Elevator Upgrades	\$ 435,000
TOTAL	\$ 606,190

Section 2. The Mayor is hereby authorized to enter into a grant agreement with NYSED or its designee if it is necessary to effectuate the City's receipt and use of this construction grant. If there is an agreement, it shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 3. This ordinance shall take effect immediately.