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February 29, 2012

Mr. Jason Haremza, AICP
Senior Planner/Urban Design Specialist
Neighborhood and Business Development
City of Rochester
30 Church Street, Room 125B
Rochester, NY 14614

**Re: Proposed Mixed Use Development – The Flats Student Housing
Brooks Landing, Rochester, NY
Responses to Various City Review Reports**

Dear Mr. Haremza:

The following descriptions are our responses to the review comments from nine various City, County and State review reports. These have been provided to us regarding the review of the EAF provided to you for the proposed mixed-use development at the Brooks Landing site.

For convenience, I have attached copies of each of those nine reports to this letter. I will simply list each report and then follow with our responses to each respective item of each report in the order they appear.

A. Code Analysis by Jason Haremza and Agency Comments by Marcia Barry of Feb 7, 2012

Jason's initial portion of this letter describes the basic scope of the project and lists the variances or other items required as part of the review process. These items have already been addressed by the Developer and BKV group in separate submittals on or about Feb 13. We do not believe any further response is required but we will provide additional information if required.

Regarding the Agency Comments by Marcia Barry, we offer the following:

1. Environmental Review

Project classification. No comment required.

2. Permitted Use

Identified uses. No comment required.

3. Mixed Use Building Design

Items 3a through 3d, please refer to various responses in Group C below which are directed to the PRC comments that appear the same or very similar to those listed by Marcia Barry.

4. Credit Union Building Design

Please refer to Group C.2 below which are directed to the PRC comments that appear the same or very similar to those listed by Marcia Barry.

5. Site Design

a. Park Access Drive.

Regarding the request for a one-way only southbound road from the south property line of the existing hotel and the roadway loop within the park; the developer of this proposed mixed use project and the existing hotel is opposed to one way traffic on this road and strongly supports the current two way traffic flow. It is our understanding that this is also the general consensus of the neighborhood residents.

b. Landscaping

New plantings are being proposed long the top of the retaining wall on the east side of the parking lot in place of the existing 'volunteer' vegetation that has mixed with the existing plantings. On the west side of the hotel there are new plantings being added in addition to what currently exists, new plantings in these area combine deciduous tree and shrub massings. Groupings of staggered shade trees with intermixed shrubs are being proposed along the south end of the property to provide buffering from the Genesee Valley Park. On the south side of Plymouth Avenue we have reconfigured the parking and created a larger space for landscaping in this area. A combination of deciduous trees and shrubs are proposed in this area.

c. Vehicular and Bicycle Parking Design

An alternative layout for the parking in the area in question is provided in the attached revised site plan that provides greater landscaping area between the sidewalk ramp up to the restaurant entrance and the South Plymouth Avenue sidewalk. Please see attached sketch.

Regarding the bicycle parking, the Developer has proposed to offer providing an additional basement level room, potentially 16' wide x 30' deep that would be solely for student bicycle parking area which would be accessed off the river walk through the exposed lower level of the east façade. This new bike storage area would be located immediately north of the boat house. We likely would remove the bicycle parking racks now shown outside of the building on the main level under the student housing overhang on the west side of the restaurant.

d. Parking Approval

A traffic study has been prepared for the overall project. It has recently been updated as of Feb 21, 2012. No further response is required at this time.

e. Site Circulation

The concerns of the Fire Department for truck access in combination with the New York OPRHP requirements for a "limited use park access drive" are deferred to resolution by the City.

f. Drive Through Queuing

Refer to our responses to Monroe County report listed in Group G below.

6. SEQRA/Site Plan Referral Comments

The comment is for the applicant to respond to eight (8) various other reports by City, County or State departments listed as items a through h.

This master response letter provides our responses to each of these reports in Groups B through I below but not in the same order.

B. Memo of Sept. 30, 2011 from Albert Giglio, DES / Managing Engineer / Street Design

Mr. Giglio indicated that at this time he had no concerns or comments other than the development will need to comply with any and all current City specifications and details as the project proceeds. We will comply with this request at the appropriate times.

C. Project Review Committee Recommendations Draft of Nov. 2, 2011 including six sketches.

Note that we respectfully request that while we will provide our responses as best we can below, we have always intended to address these issues and others when we are able to move the project into the next phase or level of design. The graphics submitted are only schematic design level and express the basic design concept of the overall project. Further development will be required in many areas beyond those cited in the report. We are asking to be allowed to proceed without actually making any changes at this time. Many responses below will close with "Reserve for future discussion".

Recommendations:

1. Site

- a. We propose to leave the current two-lane credit union drive through drive as is rather than reducing to one lane. We understand this has been reviewed again by our Traffic Engineer, see letter dated 2/21/2012, and we believe that the two-lane design will provide more queuing area on site and less chance of back up into the hotel access road from Genesee Street. Also see G.1 below.
- b. Regarding removing 4 parking stalls near the front entrance to the restaurant, we are proposing an alternative solution to that provided in the City's sketch no. 1. Please see attached revised site plan.
- c. The symbol for the bike racks is correct and it is an outside location as shown. The Developer has proposed to provide an additional basement level room, potentially 16' wide x 30' deep that would be solely for student bicycle parking area which could only be accessed off the river walk through the exposed lower level of the east façade. This new bike storage area would be located immediately north of the boat house. We likely would remove the bicycle parking racks now shown outside of the building on the main level under the student housing overhang on the west side of the restaurant.

2. Credit Union

- a. The layout of the building is consistent with the desires of the credit union requirements. The raised center section, with clearstory windows around the perimeter of this element, will rise to approximately 22' above street

level. Massing as described in sketch no. 6 would not be appropriate for this user.

- b. We will be able to provide screening along Genesee Street covering the drive-through component. We can explore various options with staff in the future. Reserve for future discussion.
- c. We are intending to provide significant additional glazing to both the Genesee Street and the South Plymouth Avenue sides of the building.

3. Mixed Use Building, east façade alignment

- a. The statement indicates disjointed alignment and a column that hits the boathouse opening. Although we believe our design is appropriate, we can re-evaluate the design in the next design development phase and address this issue. Reserve for future discussion.
- b. Similar to above, the reference is to carry down the vertical elements to the river walk level. This can be evaluated later to accommodate however the boathouse openings are in a fixed location given the space that is provided for the storage and access of the long scull boats. Reserve for future discussion.
- c. Columns at the river walk level are asked to be wider. The final arrangement of the structure and the size of the columns/piers are still being evaluated. Reserve for future discussion.

4. Mixed Use Building, east façade ground floor

- a. We will articulate the northern portion of the riverwalk, lowest level wall with recessed panels and / or by dropping down the building structural columns to the river walk level per items 3c above.
- b. The brick type/colors to be used on the building will match the two brick types that are on the adjacent hotel and the business center which is on the north side of South Plymouth Road. Any other stone material used can be a more formal pattern with formed edges as desired. Final selection of all materials to be reserved for future discussion.

5. Mixed Use Building, west façade

- a. We will likely not add windows to the two bathrooms that stack up the west elevation. However, we can add stacking windows which would be in the stairway near the center of this wall and at the west end of the hallway that is adjacent to the stair. This will achieve your goal.

6. Mixed Use Building, façade general

- a. The request is to reconfigure the areas of the cladding materials. While we are satisfied with the general use and proportion of the all of the exterior materials as we are planning on using most or all of the adjacent hotel materials. As further design progresses, we will be able to better address this issue with staff. Reserve for future discussion.

7. Mixed Used Building, roof cornice

- a. The only roof top mechanical equipment would be any exhaust fans and make up air units for the restaurant. These items would be located in the middle of the roof near the elevator shafts which will also extend up past the normal roof level. We do not believe any equipment will be seen from anywhere around the immediate perimeter of the site. Regardless, these are low profile pieces of equipment and will also be partially covered by very modest parapet walls. Reserve for future discussion and review.
- b. We are satisfied with the current proposed use and proportion of the materials on the building as currently represented. We will do further study of these elevations and proportions of the materials selected or changing the color which could be implemented in the next design phase. Reserve for future discussion.
- c. The request is to alter the flat roof plane. This is possible by increasing, for example, the height of the projecting bays on the east, north and south sides of the building. However, this obviously increases the overall height of the building beyond the variance request. Reserve for future discussion.

8. Height mitigation by use of materials

As stated in item 6a above, in the next phase of design, we can look at altering the proportion of the use of the proposed materials for the project, but we feel what is proposed is appropriate. Reserve for future discussion

9. Look at taller but smaller footprint building shape.

This option is not a viable likely option. Going to a taller building with the same, smaller or larger footprint, will change the basic structural design of this building by moving it to an all-concrete frame structure vs. the current proposed design which is structural metal studs and structural C channel floor framing. The overall cost of the concrete structure will make the project cost prohibitive.

D. NY State Department of Environmental Conservation of Dec 6, 2011

In general, this report describes the permits, storm water management plan, soil and ground water management plan and review of the cultural resources report that will be required for this project.

The developer has every intention of securing and providing all of this information with the assistance of our Civil Engineering firm, Costich Engineering of Rochester, and any other consultants that need to be engaged in these efforts.

1. The plans have been revised to show no construction activities on the banks of the Genesee River or stormwater outfall. We do not anticipate the need for an Article 15 ECC, Protection of Waters Permit. Future, more detailed plans can be forwarded to NYSDEC for review to confirm a permit is not required.
2. The proposed modifications to the Brooks Landing Development will result in disturbance of 1 or more acres of land. The project will be covered under the

existing SPDES permit for stormwater discharges. The site plan has been modified from the original plan, however, the impervious area has been slightly decreased and the stormwater quality systems have remained the same.

3. It is the intent of the developer to continue development in accordance with the Soil and Ground Water Management Plan, dated August 2003.
4. As stated in part 1 & 2 above we anticipate no new NYDEC permit applications.

E. Report from Rochester Fire Department, Mr. Stephen Ersteniuk, of Dec 19, 2011.

We are not quite clear on the question asked about continuing to provide the fire department access road that exists on the site now. The north-south road exists today that connects into South Plymouth Avenue will remain in that location at the completion of the project which will still allow a right in-right out maneuver from the lot to South Plymouth Avenue.

In an email from Jason Haremza of this date, Jason and others are reviewing this concern directly with Mr. Ersteniuk for clarification.

F. Memo from the Department of Environmental Services, Mr. Bill VanDame of Jan 4, 2012.

Applicant must maintain access to all properties at all times for emergency services or notifications must be provided if this is to be temporary altered. The developer will comply with this request.

Applicant must obtain permits prior to undertaking any work within the street ROW from the DES Engineering Permit Office. The developer will comply with this request.

G. Monroe County DOT review report, Mr. Brent Penwarden III, of Jan 4, 2012

1. The concern is the location of the drive-through banking and the possible queuing that could back up on to Genesee Street. We have reviewed this issue in the past and are confident this will not be a problem in that we are providing two full access lanes to feed the two ATM locations. There is room to stack at least five cars behind each station so a total of ten spaces. With today's motorist's low patience levels, rarely do you see more than two cars in a queue at any given time. Further, there will not be a human teller for service but rather ATM's so the length of transaction would be short in that lengthy discussions or transactions are handled inside. The location is preferred as the user does not want to use remote machines where the flow direction could be reversed.
2. The question is referencing the concern about the queuing length of north bound Genesee Street, presumably at the intersection of South Plymouth Avenue. We cannot comment on this other than to confirm that the access to Genesee Street from this development will remain in the same location as currently exists.
3. The question or comment is related to whether or not the City is allowing a two-way access to and from the site via Elmwood Avenue. This writer cannot respond to this item.

4. The question or comment is related to providing a proposed turn around loop of Old Plymouth Avenue being identified as one way traffic. This writer cannot respond to this item.
 5. Will the Old Plymouth Avenue access be a private drive or a dedicated City Street? This writer cannot respond to this item.
 6. This comment requests that a graphic representation of the "Rainbow Lot" be provided. This is the lot which is north of South Plymouth Avenue and east of new Brooks Landing Business Center and north of the Plymouth Gardens building. This graphic plan has been provided to staff as sheet CA110 by Costich Engineering dated 9-28-11 and was recently updated in Jan 2012.
 7. The Brooks Landing Business Center's location is not understood. This is a two story 30,000 square foot office/retail building immediately at the NE corner of the intersection of Genesee Street and South Plymouth Avenue. It is a linear building with its long side running parallel with Genesee Street.
- H. Memo from City of Rochester Water Bureau, Mr. Frederick Hodge, of Jan 17, 2012.**
1. The bank / credit union building will have a separate water service line and will not be connected to the restaurant's line.
 2. The comment states that an existing 4" water line already exists and extends into the property south from South Plymouth Avenue. No response required.
 3. The aforementioned 4" water service, if abandoned due to the construction of the bank's parking lot, the Water Bureau is to be reimbursed for the abandonment costs. No response required.
- I. Letter from NY State Office of Parks, Recreation and Historic Preservation, Ms. Melinda Scott of Feb 2, 2012**

The entire letter is descriptive of numerous requests that are to be implemented in the development of the Genesee Valley Park which is immediately south of the proposed Brooks Landing development along with the currently proposed new mixed-use development. Some of these are items which are not in the control of the proposed Mixed Use Development at Brooks Landing and are listed as "defer to City".

There are fourteen (14) separate unnumbered bullet items listed in this report. Our specific responses are as follows;

1. Please refer to item 5a above regarding one way vs two way traffic.
2. Defer to City of Rochester regarding meeting industry standards for limited use.
3. Defer to City of Rochester regarding speed limit signs.
4. Defer to City of Rochester regarding height restriction bar
5. Defer to City of Rochester regarding "no through traffic" signs
6. See revised Landscape plan L100 for increased landscape along S. Plymouth Ave
7. Defer to City of Rochester regarding increased vegetation at existing City plaza.

8. See revised hotel property landscaping plan
9. Landscaping Plan L100 shows significant landscaping around the credit union.
10. Landscaping Plan L100 shows significant landscaping around the credit union.
11. Landscaping at south end of hotel site will be added when final road configuration is approved.
12. Defer to City of Rochester for any roadway lighting.
13. Defer to City of Rochester for any gateway features.
14. Defer to City of Rochester for any limitations on pole lighting, scoreboards, etc. at playing fields.

For the OPRHP to formally approve the private development north of the park, the City must submit to SHPO several items related to the park but also SHPO will need to review and approve the proposed design, materials and colors of the structure(s) proposed on the alienation / conversion parcel. This information has already been provided to the City as part of the EAF submittal.

This concludes our responses to the various reports. Please feel free to contact any of the following should you have any questions or require further information.

Ron Christenson, Christenson Corporation, Developer / Owner, 612-338-7173,
ron@christensoncorporation.com

Leonard Preston, Costich Engineering, Civil Engineer, 585-458-3020,
lpreston@costich.com

Gary Vogel, BKV Group, BKV Group Architects, 612-373-9121, gvogel@bkvgroup.com

Sincerely,



Gary Vogel, AIA
Partner, BKV Group

C: Ron Christenson, Christenson Corp
Ted Zontelli, Christenson Corp
Leonard Preston, Costich Engineering

Attachments:

Nine separate reports from various agencies in order as described above.
Landscape Plan L100
Hotel Landscape plan
SRF Associates traffic study updated 2/21/12

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