

Environmental Assessment / Level of Clearance Finding - Windstream Project

The City of Rochester proposes to request funding from several federal agencies for the Windstream Project.

Project Description

The project involves the adaptive re-use of the former Seneca Building. The Pike Development Company will develop and own the approximately 120,000 square foot, four story structure; two floors will be occupied by the Windstream Corporation, and the third and fourth floors will be available for rent to another tenant. Construction will start in spring 2012. The Windstream Corporation will locate up to 335 employees at the site. The City of Rochester will be providing a \$5,000,000 loan from federal Community Development Block Grant (CDBG) funds; the Empire State Development Corporation (ESDC) will be providing \$1.2M in Upstate Regional Blueprint Program funds and \$1.7M in Upstate City by City Program funding.

Location

A portion of 245 East Main Street, Rochester, New York, 14604

1. Is project in compliance with applicable laws and regulations? () Yes () No
2. Is an Environmental Impact Statement (EIS) required? () Yes () No
 - a. The thresholds for the preparation of an ESI under 24 CFR 58 have not been met; and
 - b. The findings of this environmental assessment do not warrant the preparation of an EIS.
3. A Finding of No Significant Impact (FONSI) can be made. Project will not significantly affect the quality of the human environment.

Finding

No Significant Impact

Determination of Significance

It has been determined that the project will not significantly affect the quality of the human environment. This determination has been made following a review of the Project Environmental Review Record and the documents referenced therein.

By Preparer Signature:

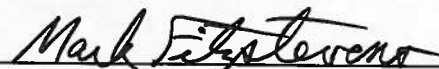


Anne DaSilva Tella, Sr. Community Housing Planner

12-21-11

Date

Concurring Project Manager:

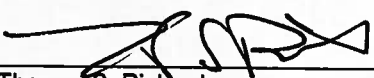


Mark Fitzstevens, Assoc. Admin. Analyst
City of Rochester

12-21-11

Date

By Certifying Officer:



Thomas S. Richards
Mayor, City of Rochester

12/21/2011

Date

**Environmental Assessment for Projects/Activities Subject to
24 C.F.R. Part 58.5 and Other Requirements found at 24 C.F.R. Part 58.6**

1 Project/Activity Information, Executive Summary, Determinations, and Certification:

Project Name:	Windstream Project (the "Project")
Project Site Address(es) with ZIP	A portion of 245 East Main Street, Rochester, New York, 14604
Project Developer Name and Address	Pike Development Company ("Pike")
Project Representative & Phone Number	Peter Cornell, President and CEO, Pike Development Company
Responsible Entity (RE): [24 C.F.R. Part 58.2(a)(7)]	City of Rochester
Project Funding Sources	CDBG: \$5,000,000 NYS Empire State Development Corp.: \$2,900,000 The City of Rochester anticipates that this will be a multi-year project ; it is anticipated that supplemental federal funds will be made available on a multi-year basis.
Total Development Cost	\$19,130,000
Certifying Official: [24 C.F.R. Part 58.2(a)(2)]	Thomas S. Richards Mayor, City of Rochester

Statement of Purpose and Need for the Proposed Action:

[40 C.F.R. Part 1508.9(b)]

This action concerns the redevelopment of one development parcel in downtown Rochester, NY on the site of the former Midtown Plaza (also referred to as "Midtown" or "the Plaza"). The action described herein has been proposed by the City of Rochester ("the City") as part of a public-private partnership intended to redevelop the former Seneca Building. A major key to the ongoing revitalization of downtown Rochester is the rehabilitation of existing vacant buildings with new commercial occupancies. The \$19.1 million renovation of 245 E. Main Street, formerly the Seneca Building, will advance this revitalization of the Center City and all of its associated impacts. A Draft Generic Environmental Impact Statement (DGEIS) and a Final Generic Environmental Impact Statement (FGEIS) were prepared by the entire Midtown Plaza site under SEQRA.

A Project Environmental Review Record was completed May 2, 2010 for the entire Midtown Redevelopment Project and a Finding of No Significant Impact (FONSI) was made on May 13, 2010 and is incorporated herein as part of the Environmental Review Record (ERR) for the proposed action (the Windstream Project). The May 2010 NEPA review covered the proposed PAETEC corporate headquarters project. PAETEC was originally planning on constructing a 224,000 square foot corporate headquarters office building at the northwest corner of the former Midtown Plaza site. In the meantime, the Windstream Corporation and PAETEC, both public-held corporations, entered into an agreement whereby Windstream agreed to purchase PAETEC with no stipulations for advancing the PAETEC

corporate headquarters on the Midtown site. Windstream subsequently agreed to locate up to 335 of its employees on a portion of the same site but in a smaller structure. Since the developer, funding, and size of the structure have changed, a new environmental review record is being prepared for the project, now known as the Windstream Project.

Description of the Proposed Action:

(Include all contemplated actions which logically are either geographically or functionally a composite part of the project, regardless of the source of funding. [24 C.F.R. Part 58.32, 40 C.F.R. Part 1508.25])

The project involves the adaptive re-use of the former Seneca Building. The Pike Development Company will develop and own the approximately 120,000 square foot, four story structure; two floors will be occupied by the Windstream Corporation, and the third and fourth floors will be available for rent to another tenant. Construction will start in spring 2012. The Windstream Corporation will locate up to 335 employees at the site. The City of Rochester will be providing a \$5,000,000 loan from federal Community Development Block Grant (CDBG) funds; the Empire State Development Corporation (ESDC) will be providing \$1.2M in Upstate Regional Blueprint Program funds and \$1.7M in Upstate City by City Program funding.

The proposed action is part of the overall redevelopment of the 8.5 acre former Midtown Plaza site by the City of Rochester and private developers. The shell of the former Seneca Building was preserved during the demolition of the Midtown Plaza structures in anticipation of the now-occurring redevelopment of this building. The next steps in the redevelopment process include the completion of the underground service truck and pedestrian tunnels, the rehabilitation of the 1,800-vehicle underground garage, utilities, and the development of a new street grid. This work will also begin in 2012.

Existing Conditions and Trends:

(Describe the existing conditions of the project area and its surroundings, and trends likely to continue in the absence of the project. [24 C.F.R. Part 58.40(a)])

As of May, 2010, the City had control of the entire former Midtown Plaza site. The ESDC has abated ACM's and REC's within the Project site and is nearing completion of this work on the other Plaza buildings. Partial demolition has been completed on the former Seneca Building and is complete on all but one the other Plaza buildings; the demolition of the Euclid Building will be complete by February 2012. An interior street grid and parcel configuration has been defined and the design of the necessary street, utility and associated improvements is nearly complete. Pike is preparing its plans and elevations for development of the Windstream project and plans are being progressed by the selected developers for the adaptive reuse of the Midtown Tower.

Alternatives to the Proposed Action

Alternatives and Project Modifications Considered

[24 C.F.R. Part 58.40(e), 40 C.F.R. Part 1508.9]

(Identify and discuss all reasonable alternative courses of action that were considered and were not selected, such as alternative sites, designs, or other uses of the subject site(s). Describe the benefits and adverse impacts to the human environment of each alternative, in terms of environmental, economic, and design contexts, and the reasons for rejecting each alternative. Also, finally discuss the merits of the alternative selected.)

Chapter 12 of the DGEIS (beginning on page 268) provides a listing and analysis of alternatives considered. In addition to the alternative identified as the Preferred Alternative (also referred to in this document as the action) and the No Action alternative, the DGEIS lists the following alternatives as they relate to the Project:

- Mixed use program alternatives;
- Assembly, Street Grid, Block Configuration and Parcel Subdivision Alternatives;
- Land Use, Open Space, and Concept Plan Alternatives;
- Historic Resource Alternatives Involving the Public Atrium;
- Parking Garage Alternatives;
- Parking Alternatives;

- Demolition of Skyway Bridges and Utilities Alternatives; and,
- Clearance and Demolition Phasing Alternatives;

The Final GEIS confirmed the selection of a Preferred Alternative (identified as the action in this assessment) and also provided additional information and clarification regarding the following alternatives:

- Historic Resources, the Plaza Atrium and Demolition of Midtown Buildings (beginning at page 19 of the Final GEIS) including further evaluation of the Preferred Alternative that would demolish the Atrium and associated buildings (excluding the Midtown Tower) as part of the immediate redevelopment effort, a Preservation Alternative, an Adaptive Reuse Alternative and an alternative that would delay the anticipated demolition until such time redevelopment commitments were secured from developers and redevelopment plans finalized;
- Alternative modifications to the proposed street grid (beginning at page 40 of the Final GEIS); and,
- Alternative modifications to the Underground Service Truck Tunnel (beginning at page 41 of the Final GEIS).

One alternative that was not recognized in the DGEIS, in the Final GEIS or in the March 2009 Findings Statement and that has since been considered is that to avoid complete demolition of the existing Seneca Office Building, the three (3) properties at the SE corner of Main Street and Clinton Avenue, and part of the B. Forman Building and for future development to include an adaptive reuse of all or a portion of those buildings. This alternative has since been identified and evaluated and was included in the May 2010 Project Environmental Review Record for the entire Midtown Plaza Project as a potential element of the redevelopment plan. In the meantime, four (4) stories of the steel frame and reinforced concrete floor of the Seneca Building were retained and all the three (3) properties at the SE corner of Main Street and Clinton Avenue and the B. Forman building have all been demolished.

No Action Alternative

[24 C.F.R. Part 58.40(e)]

(Discuss the benefits and adverse impacts to the human environment of not implementing the no action alternative.)

The No Action Alternative would avoid certain “Unavoidable Impacts” anticipated to result from the Preferred Alternative comprising the action considered in this review. Section 6 of the DGEIS (beginning page 254) identifies the following unavoidable impacts. These are also identified and described in the Findings Statement (beginning on page 16) and summarized with more detail below in this document on page 11:

- Impacts to utilities and infrastructure;
- Impacts to Historic Resources;
- Impacts to the Skyway system;
- Impacts to Traffic;
- Impacts to Parking; and,
- Impacts to the Underground Service Truck Tunnel.

Although the No Action alternative would avoid the foregoing unavoidable impacts, as was discussed in Section 12.2 of the DGEIS (beginning on page 268), the No Action alternative would also fail to accomplish the primary purposes of the action including the cessation of further deterioration at the site, the elimination of associated blighting influences upon surrounding properties, and the redevelopment of this pivotal, underutilized site in a manner which would restore property values, reconnect the site to other key downtown districts, catalyze downtown revitalization, and contribute to job growth and retention within

the Center City, including the retention of up to 335 jobs at the Windstream Project site. A tabulation of thirty more specific project objectives can be found in the DGEIS (Section XX, pages 273 -275). The table indicates that while the Preferred Alternative is anticipated to accomplish each of the thirty objectives, none would be accomplished by the No Action alternative. Notable among those thirty tabulated objectives are:

- The need for elimination of the superblock created in the 1960's and the associated blighting influences and the need for improved access within the site;
- The need for elimination of deteriorated structures, substandard conditions and other blighting influences and for the demolition/removal of non-contributing structures for which renovation is not an economically feasible option;
- The need to emphasize and strengthen downtown's role as the region's center for business, entertainment, cultural assets and urban living;
- The need to reduce vacancy rates;
- The need to enhance and activate the street environment and the public realm; and,
- The need for an alternative to exclusive reliance on the private sector for a response to the above (and a likely need for direct public intervention and investment to bring about the necessary change).

Summary of Findings & Conclusions

(Briefly summarize all important findings and conclusions, discussing direct impacts, indirect impacts, and cumulative impacts.)

Potential *temporary, de minimis* adverse impacts were identified to the following thirteen identified resources. These were mostly associated with construction processes and associated disruptions. A more complete description of each can be found on pages 13-16 of the attached Findings Statement:

- Water Resources
- Air and Dust
- Aesthetics/Visual Resources
- Traffic
- Parking
- Public Transit
- Pedestrian Resources
- Off-site Utilities
- On-site Utilities and Infrastructure
- Noise and Odor
- Public Health and Safety
- Demolition
- Temporary Off-site Activities

Regarding the positive effects and benefits of both the Windstream Project and the larger Midtown Redevelopment Project, it was found that:

- The proposed project would eliminate blighting influences and other key obstacles that have impeded economic development in and adjacent to the project site;
- Development of a new street network would provide greater access to the interior of the site from Main Street and East Avenue and generate active and inviting public spaces;
- Establishment of interior streets through the site would allow for additional street level retail opportunities to be accommodated;
- Reestablishing "historic" Cortland Street would provide a historic connection to the past as well as create an important street connection to Main Street;
- The proposed project would catalyze revitalization downtown and increase the potential for attracting additional private development within the area, (similar to the way Midtown Plaza did for Rochester in the 1960's);
- The proposed project would contribute to the downtown tax base and lead to increased property and sales tax revenues;

- The project would bring additional jobs to the downtown area and improve downtown job retention;
- Promoting visual and physical connections across the site (including new streets) would develop a sense of interconnectivity and physical connections that would help to engage adjacent land uses with spaces on the site;
- Creating a public space connection from Chase Plaza to the Theater District on East Avenue would create a strong pedestrian relationship between the employment centers in the west with the cultural center along East Avenue. Another connecting Liberty Pole Plaza to the new plaza at Broad and Clinton Streets would create a strong relationship between the office center along Broad Street with the more traditional center of the downtown;
- Locating active land uses such as retail, dining and hospitality at the ground level along major streets and open spaces would create an engaging public realm and encourage pedestrian movement across the city;
- Maintaining residential buildings in proximity to parks and open spaces would extend the life of the public realm into the night and weekends and develop a strong sense of ownership and stewardship that would ultimately add long term value to adjacent properties;
- Maintaining a consistent street wall along major roadways would help create a sense of an urban environment that is conducive to pedestrian traffic and would help to better define the public realm and avoid the sense of empty spaces along the sidewalk; and,
- Positioning both taller and lower buildings in a manner that maintains the pattern of lower buildings that is one of the defining features of Main Street and would reinforce the current development patterns along Broad Street and avoids blocked views from new and existing buildings.

Regarding potential permanent adverse impacts of significance, none were found regarding the following twenty-seven identified resources, their inclusion in the DGEIS scope notwithstanding:

- | | |
|---|--|
| • Geology, Soils and Topography | • Public Transit |
| • Groundwater and Surface Water | • Pedestrian Resources (Excluding the Skyway System) |
| • Storm Water Management | • Off-site Utilities |
| • Vegetation and Wildlife | • Energy |
| • Air | • Building Shadows |
| • Aesthetic and Visual Resources | • Noise and Odors |
| • Archaeological Resources | • Community Facilities and Services |
| • Effects to Neighboring Historical Buildings | • Community/Neighborhood Character and Growth |
| • Parks and Open Space | • Economic and Fiscal Resources |
| • Critical Environmental Areas | • Irreversible and Irretrievable Commitment of Resources |
| • Land Use and Zoning | • Growth Induction |
| • Site Development Density and Capacity | • Use and Conservation of Energy Resources |
| • The Midtown Garage | • Solid Waste Management |
| • Truck and Delivery Access to the Midtown Site | |

Unavoidable impacts were found with respect to the following six resource areas. These are described more fully in the Findings Statement on pages 16 through 20 and the "Summary of Recommended Mitigation Measures" in the Project Environmental Review Record dated May 2, 2010 for the entire Midtown Redevelopment Project. To the extent these impacts remained, it was found that they had been avoided or minimized to the maximum extent practicable:

- Utilities and Infrastructure

- S/NRHP-eligible Resources which include the buildings within the Midtown Block
- Skyway System
- Traffic
- Parking
- Underground Service Truck Tunnel

A number of alternatives, including the Preferred Alternative, the No Action Alternative and others, were reviewed during development of the formal Findings Statement. These are summarized on pages 21 through 24 of the Findings. It was found that none of the alternatives to the Preferred Alternative could accomplish the project objectives with fewer or less significant impacts.

Summary of Recommended Mitigation Measures

[24 C.F.R. Part 58.40(j), 40 C.F.R. Part 1508.20]

(Summarize the proposed mitigation measures identified and intended for implementation to eliminate or minimize adverse environmental impacts.)

There are no recommended mitigative measures or conditions required for the Windstream Project. There are no recommended mitigation measures or conditions required to eliminate or minimize potential environmental impacts for the entire Midtown Redevelopment Project other than those listed in the Project Environmental Review Record dated May 2, 2010.

Conditions for Approval

(List all mitigation measures adopted by the responsible entity to eliminate or minimize adverse environmental impacts. These conditions must be included in project contracts or other relevant documents as requirements. [24 C.F.R. Part 58.40(d), 40 C.F.R. Part 1505.2(c)])

There are no conditions for approval of the Project.

Additional Studies Performed

(Summarize and attach all special studies performed to support the environmental assessment analysis.)

Please refer to the Project Environmental Review Record dated May 2, 2010 for the entire Midtown Redevelopment Project.

Environmental Review Preparer's Information:

Environmental Preparer's name, title, and organization (printed or typed):

Anne DaSilva Tella

Environmental Preparer's signature: Anne DaSilva Tella

Date: 12-21-11

Project information provided by Project Manager, Mark Fitzstevens

Project Manager's signature: Mark Fitzstevens

Date: 12-21-11

2 Statutory Checklist (ref.: 24 C.F.R. Part 58.5 – Related Federal laws and authorities)

DIRECTIONS: Write “A” in the Status Column when the project, by its nature, does not affect the resources under consideration, OR write “B” if the project triggers formal compliance consultation procedures with the oversight agency, or requires mitigation (see the attached “Statutory Checklist Instructions”). Compliance documentation must contain verifiable source documents and relevant base data. Attach reviews, consultations, and special studies as needed.

Compliance Factors (Statutes, Executive Orders, and regulations listed at 24 C.F.R. Part 58.5)	Status (A or B)	Compliance Finding and Documentation
Historic Properties <ul style="list-style-type: none"> ▪ 36 CFR Part 800 regulations ▪ National Historic Preservation Act of 1966 ▪ Executive Order 11593, Protection and Enhancement of the Cultural Environment 	B	Consultation with the SHPO was initiated and concluded. Please see attached letter of no adverse effect dated December 20, 2011.
Floodplain Management <ul style="list-style-type: none"> ▪ Executive Order 11988 ▪ 24 CFR Part 55 regulations 	A	See SEQR DGEIS § 4.2.2, page 83; and, § 5.2.2, page 160.
Wetland Protection <ul style="list-style-type: none"> ▪ Executive Order 11990 	A	See SEQR DGEIS § 4.2.2, page 83; and, § 5.2.2, page 160.
Coastal Zone Management <ul style="list-style-type: none"> ▪ Coastal Zone Management Act of 1972 	A	See SEQR DGEIS § 4.2.2, page 83; § 4.8, page 94; and, § 5.2.2, page 160.
Sole Source Aquifers <ul style="list-style-type: none"> ▪ Safe Drinking Water Act of 1974 ▪ 40 CFR Part 149 regulations 	A	See SEQR DGEIS § 4.2.2, page 83; § 4.8, page 94; and, § 5.2.2, page 160.
Endangered Species <ul style="list-style-type: none"> ▪ Endangered Species Act of 1973 	A	See SEQR DGEIS § 4.3, page 83; and § 5.3, page 162.
Wild and Scenic Rivers <ul style="list-style-type: none"> ▪ Wild and Scenic Rivers Act of 1968 	A	See SEQR DGEIS § 4.2.2, page 83; and § 5.2.2, page 160.
Air Quality <ul style="list-style-type: none"> ▪ Clean Air Act of 1970 ▪ 40 CFR Parts 6, 51, & 93 regulations 	A	See SEQR DGEIS § 4.4, page 84; § 5.4, page 162; § 5.18.3, page 215; and § 5.26.2, page 240.
Farmland Protection Policy Act <ul style="list-style-type: none"> ▪ Farmland Protection Policy act of 1981 ▪ 7 CFR Part 658 regulations 	A	See SEQR DGEIS § 4.1.2, page 82; and, § 5.1.2, page 159.
Environmental Justice <ul style="list-style-type: none"> ▪ Executive Order 12898 	A	See SEQR DGEIS § 5.25, page 238.

<u>Compliance Factors</u> (Statutes, Executive Orders, and regulations listed at <u>24 C.F.R. Part 58.5</u>)	<u>Status</u> (A or B)	<u>Compliance Finding and Documentation</u>
<u>HUD ENVIRONMENTAL STANDARDS</u> Noise Abatement and Control ▪ 24 CFR Part 51B regulations	A	See SEQR DGEIS § 4.18.1, page 131; § 5.18.1, page 213; and § 5.26.8, page 241.
Explosive and Flammable Operations ▪ 24 CFR Part 51B regulations	A	Not applicable, see project description found in SEQR DGEIS § 2.2, page 32.
Toxic Chemicals / Gases, Hazardous Materials, Contamination, and Radioactive Substances ▪ 24 CFR Part 58.5(i)(2)(i) regulation	A	Not applicable, see project description found in SEQR DGEIS § 2.2, page 32.
Airport Clear Zones and Accident Potential Zones ▪ 24 CFR Part 51B regulations	A	Not applicable, see project description found in SEQR DGEIS § 2.2, page 32.

3 Environmental Assessment Checklist (ref.: Environmental Review Guide HUD CPD 782, 24 C.F.R. Part 58.40, 40 C.F.R. Parts 1508.8 & 1508.27)

(Evaluate the significance of the effects of the proposal on the character, features, and resources of the project area. Enter relevant base data and verifiable source documentation to support the finding. Then note the appropriate impact code from the following list to make a finding of impact. **Impact Codes:**

- No impact anticipated; - Potentially beneficial; - Potentially adverse;
- Requires mitigation; - Requires project modification.

Note names, dates of contact, telephone numbers, and page references. Attach additional materials as needed.)

IMPACT CATEGORIES	No Impact Anticipated	Potentially Beneficial	Potentially Adverse	Requires Mitigation	Requires Project Modification	SOURCE OF DOCUMENTATION (Note date of contact or page reference). Additional material may be attached.
Land Development						
Conformance with Comprehensive Plans & Zoning		X				See SEQR DGEIS § 3.3, page 26; § 4.9, page 95; and § 5.9, page 171.
Compatibility & Urban Impact		X				See SEQR DGEIS § 3.3, page 26; § 4.9, page 95; and § 5.9, page 171.
Slope	X					See SEQR DGEIS § 4.1.3, page 82; and § 5.1.3 page 160.
Soil Suitability	X					See SEQR DGEIS § 4.1.2, page 82; and § 5.1.2 page 159.
Hazards & Nuisances, Including Site Safety	X					See SEQR DGEIS § 4.19, page 132; and § 5.19 page 216.
Energy Consumption		X				See SEQR DGEIS § 4.16, page 127; § 5.16, page 206; and § 10, page 264.
Effects of Ambient Noise on Project & Contribution to Community Noise Levels			X			Temporary only (construction-related) – no permanent impacts. See SEQR DGEIS § 5.26, page 246.
Effects of Ambient Air Quality on Project & Contribution to Community Pollution	X					See SEQR DGEIS § 4.4, page 84; § 5.4, page 162; § 5.18.3, page 215; and § 5.26.2, page 240.
Visual Quality-Coherence, Diversity, Compatible Use, & Scale		X				See SEQR DGEIS § 4.5, page 85; § 4.9, page 95; § 4.10, page 98; 4.17, page 128; and § 4.21, page 140.
Historical, Cultural, & Archaeological Resources			X	X		Consultation with the SHPO was initiated and concluded. Please see attached letter of no adverse effect dated December 20, 2011.
Socioeconomic						

IMPACT CATEGORIES	No Impact Anticipated	Potentially Beneficial	Potentially Adverse	Requires Mitigation	Requires Project Modification	SOURCE OF DOCUMENTATION (Note date of contact or page reference). Additional material may be attached.
Demographic / Character Changes	X					See SEQR DGEIS § 4.21, page 140; SEQR DGEIS § 4.24, page 146; § 5.21, page 221; and § 5.24, page 236.
Displacement	X					See SEQR DGEIS § 4.21, page 140; SEQR DGEIS § 4.24, page 146; § 5.21, page 221; § 5.24, page 236; and § 5.25, page 238.
Employment & Income Patterns		X				See SEQR DGEIS § 3.2, page 71; SEQR DGEIS § 3.3, page 76; SEQR DGEIS § 4.21, page 140; and SEQR DGEIS § 5.21, page 221.
Community Facilities & Services						
Educational Facilities	X					See SEQR DGEIS § 4.20.4, page 137; and § 5.20.4, page 220.
Commercial Facilities		X				See SEQR DGEIS § 3.2, page 71; and § 3.3, page 76.
Health Care	X					See SEQR DGEIS § 4.20.3, page 137; and § 5.20.3, page 219.
Social Services	X					Not applicable, see project description found in SEQR DGEIS § 2.2, page 32.
Solid Waste	X					See SEQR DGEIS § 5.20.5, page 221; and § 11, page 266.
Waste Water	X					See SEQR DGEIS § 4.15.2.2, page 125; and § 5.15.2.2, page 199.
Storm Water	X					See SEQR DGEIS § 4.15.2.2, page 125; and § 5.15.2.2, page 199.
Water Supply	X					See SEQR DGEIS § 4.15.2.1, page 124; and § 5.15.2.1, page 197.
Water Resources	X					See SEQR DGEIS § 4.2, page 82; and § 5.2, page 160.
Surface Water	X					See SEQR DGEIS § 4.2.2, page 83; and § 5.2.2, page 160.
Public Safety - Emergency Medical	X					See SEQR DGEIS § 4.19, page 132; SEQR DGEIS § 4.20, page 134; SEQR DGEIS § 5.19, page 216; and SEQR DGEIS § 5.20, page 216.
Open Space		X				See SEQR DGEIS § 4.7, page 92; SEQR DGEIS § 4.10, page 98; SEQR DGEIS § 5.7, page 169; and SEQR DGEIS § 5.10, page 174.
Recreation		X				See SEQR DGEIS § 4.7, page 92; and SEQR DGEIS § 5.7, page 169.

IMPACT CATEGORIES	No Impact Anticipated	Potentially Beneficial	Potentially Adverse	Requires Mitigation	Requires Project Modification	SOURCE OF DOCUMENTATION (Note date of contact or page reference). Additional material may be attached.
Cultural Facilities		X				See SEQR DGEIS § 4.21, page 140; and SEQR DGEIS § 5.21, page 221.
Transportation			X			See SEQR DGEIS § 4.12, page 105; SEQR DGEIS § 4.13, page 114; SEQR DGEIS § 5.12, page 177; SEQR DGEIS § 5.13, page 186; SEQR DGEIS § 5.26.4, page 242; and SEQR Findings Statement, page 19, Item 44.
Unique Natural Features & Agricultural Lands	X					See SEQR DGEIS § 4.1, page 82; and SEQR DGEIS § 5.1, page 158.
Vegetation & Wildlife	X					See SEQR DGEIS § 4.3, page 83; and SEQR DGEIS § 5.3, page 162.
Other Factors			X			See SEQR DGEIS § 4.15, page 121; SEQR DGEIS § 5.15, page 189; and SEQR Findings Statement, page 16-17, Item 41.

(Note: The Responsible entity must additionally document compliance with 24 C.F.R. Part 58.6 in the Environmental Review Record, particularly with the Flood Insurance requirements of the Flood Disaster Protection Act and the Buyer Disclosure requirement of the HUD Airport Runway Clear Zone/Accident Potential Zone regulation @ 24 C.F.R. Part 51, Subpart D.)

4 Regulatory Checklist (ref.: 24 C.F.R. Part 58.6 – Other requirements):

X 24 C.F.R. Part 58.6(a): Flood Disaster Protection Act of 1973, as amended:

(NOTE: Applicable only when project/activity site is located in a community participating in the National Flood Insurance Program, administered by the Federal Emergency Management Agency.)

Is the project/activity located within a Special Flood Hazard Area (SFHA) as mapped by the Federal Emergency Management Agency (FEMA)?

Yes No FEMA Map Number: 36055C0211G

If the answer to this question is yes, the project/activity cannot proceed unless flood insurance is obtained through the National Flood Insurance Program.

Insurance Policy Number: _____

X 24 C.F.R. Part 58.6(b): National Flood Insurance Reform Act of 1994, Section 582, (42 U.S.C. 5154a):

(NOTE: Applicable only when the project site is located in an area where HUD disaster assistance is being made available.)

Is the project located within a Special Flood Hazard Area (SFHA) as mapped by the Federal Emergency Management Agency (FEMA)?

____ Yes X No FEMA Map Number: 36055C0211G

If "Yes", would the HUD disaster assistance be made to a person who had previously received Federal flood disaster assistance conditioned on obtaining and maintaining flood insurance and that person failed to obtain and maintain the flood insurance?

____ Yes ____ No

If "Yes", the HUD disaster assistance cannot be made to that person in the Special Flood Hazard Area to make a payment (including any loan assistance payment) for repair, replacement, or restoration for flood damage to any personal, residential, or commercial property.

Insurance Policy Number: _____

24 C.F.R. Part 58.6(c): Coastal Barrier Improvement Act of 1990, as amended:

Not Applicable.

X 24 C.F.R. Part 58.6(d): Civilian and/or Military Airport Runway Clear Zone:

(NOTE: Applicable only if the project/activity involves HUD assistance, subsidy, or insurance for the purchase or sale of an existing property in a Runway Clear Zone or Clear Zone pursuant to 24 CFR Part 51, Subpart D.)

Does the project involve HUD assistance, subsidy, or insurance for the purchase or sale of an existing property in a Runway Clear Zone or Clear Zone pursuant to 24 CFR Part 51, Subpart D?

____ Yes X No Source documentation: HUD funds will not be used for purchase or sale of such property. Any buildings constructed as part of this project will be developed within an existing urban downtown node in a neighborhood which already includes multiple office towers far exceeding the height of any proposed new buildings.

If yes, the responsible entity must advise the buyer that the property is in a runway clear zone or clear zone, what the implications of such a location are, and that there is a possibility that the property may, at a later date, be acquired by the airport operator. The buyer must sign a statement acknowledging receipt of this information.

5 Attachments:

List of Sources, Agencies, and Persons Consulted

[40 C.F.R. Part 1508.9(b)]

(List and attach all evidence of inquiries and responses received at all stages of consultation and analysis.)

1. Project Environmental Review Record dated May 2, 2010 for the entire Midtown Redevelopment Project.
2. Final SHPO Letter of Resolution (LOR) dated March 23, 2009.
3. SEQR Findings Statement, City of Rochester's Director Zoning, dated March 3, 2009.
4. SEQR Final GEIS and Final GEIS Appendices A – G.
5. SEQR DGEIS.
6. SEQR DGEIS Appendices A – M
7. SEQR DGEIS Appendices N – Z.

Appendices

(As required.)

1. SHPO no adverse effect letter dated December 20, 2011



**New York State Office of Parks,
Recreation and Historic Preservation**

Historic Preservation Field Services Bureau
Pebbles Island, PO Box 159, Waterford, New York 12188-0159
518-237-9843
www.nysparks.com

Andrew M. Cuomo
Governor

Rose Harvey
Commissioner

December 20, 2011

**Mark A. Fitzstevens
City of Rochester
City Hall
30 Church Street, Room 005-A
Rochester, New York 14614**

**Re: ESDC
Midtown Plaza Redevelopment
Block bounded by E Main, S Clinton, Broad,
and Chestnut
ROCHESTER, Monroe County
08PR01197**

Dear Mr. Fitzstevens:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP). OPRHP staff has reviewed the material that was submitted under Section 14.09 of New York State Parks, Recreation and Historic Preservation Law and the provisions of the Letter of Resolution previously executed for this undertaking.

Based on our review of this material we do not believe that the proposed redesign of the former Seneca Building site will have a direct or indirect impact on adjoining historic resources. As such, no further consultation will be required for the deconstruction of the existing Seneca Building or the new building construction at this site.

If I can be of any further assistance do not hesitate to contact me at (518) 237-8643, ext. 3263.

Sincerely,

**John A. Bonafide
Historic Preservation Services
Coordinator**