

Ordinance No. 2009-389
(Int. No. 437, As Amended)

Authorizing A Holiday Shopper And Special Events Free Parking Program At Municipal Parking Garages

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

Section 1. Notwithstanding the rates for parking in municipal parking garages as established in Section 111-119 of the Municipal Code, the Parking Director is hereby authorized to establish a Holiday Shopper and Special Events Free Parking Program in the Court Street, High Falls, Washington Square, Sister Cities and South Avenue Parking Garages. The free parking may be allowed on the [weekday] evenings of December 5 and 31, 2009, after 6:00 P.M. [and all day on Saturday and Sunday, from November 27, 2009 through January 1, 2010].

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-390 and
Ordinance No. 2009-391
Re: Adopting the Amended Midtown
Urban Renewal District Plan

Transmitted herewith for your approval is legislation adopting the amended Midtown Urban Renewal Plan and amending the Zoning Text to reflect the amended plan.

The Midtown Urban Renewal Plan was adopted on March 27, 2007, per Ordinance No. 2007-92. In 2008, the City undertook an extensive planning process relating to the redevelopment of the Midtown Urban Renewal District. The amended Midtown Urban Renewal Plan includes the creation of a new street grid, creation of 6-7 development parcels, retention of the former Midtown Parking Garage, potential retention of the Midtown Tower, creation of open space, and additional design requirements.

The Planning Commission held an informational meeting on March 16, 2009 and recommended approval by a vote of 4 to 0. On October 19, 2009, the Planning Commission will be considering recertification of the March 16, 2009 recommendation. Information pertaining to the October 19, 2009 Planning Commission Meeting is attached.

Pursuant to the requirements of Article 8 of the NYS Environmental Conservation Law and Chapter 48 of the Code of the City of Rochester, a Generic Environmental Impact Statement process was completed on March 3, 2009. City Council adopted a findings statement for the Midtown Redevelopment Project on March 18, 2009 per Ordinance 2009-56. The find-

ings statement is on file with the City Clerk.

Public hearings on the adoption of the amended plan and on the Zoning Text amendment are required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-128

Ordinance No. 2009-390
(Int. No. 425)

Approving The Amended Urban Renewal Plan For The Midtown Urban Renewal Project

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

Section 1. The Council hereby approves the following Amended Urban Renewal Plan for the Midtown Urban Renewal Project:

AMENDED MIDTOWN
URBAN RENEWAL PLAN

I. DESCRIPTION OF PROJECT

A. LOCATION BOUNDARY

The Midtown Urban Renewal Project is centrally located in downtown Rochester, New York. The district is bounded by East Main Street to the north, Clinton Avenue to the west, Broad Street to the south, and Chestnut and Euclid Streets to the east. Exhibit A includes the project District Boundary Map.

B. LEGAL DESCRIPTION

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 4, 2nd Division, Township 13, Range 7, and more particularly bounded and described as follows: Beginning at the intersection of the easterly ROW line of South Clinton Avenue (66' ROW) with the southerly ROW line of East Main Street (ROW Varies), said intersection being the Point or Place of Beginning; thence

- 1) N 73° 09' 16" E, along said southerly ROW line of East Main Street, a distance of 407.37 feet to the westerly ROW line of Euclid Street (66' ROW), thence
- 2) S 18° 13' 11" E, along said westerly ROW line of Euclid Street, a distance of 169.54 feet to an angle point in said ROW; thence
- 3) S 70° 58' 35" E, along the southwesterly ROW line of said Euclid Street, a distance of 506.1 feet, more or less, to the westerly ROW line of Chestnut Street (66' ROW); thence
- 4) S 18° 58' 11" W, along said westerly ROW line of Chestnut Street, a distance

of 459.0 feet, more or less, to the northerly ROW line of East Broad Street (80' ROW); thence

- 5) S 87° 31' 48" W, along said northerly ROW line of East Broad Street, a distance of 340.68 feet to an angle point; thence
- 6) S 88° 46' 17" W, continuing along said northerly ROW line, a distance of 221.44 feet to the said easterly ROW line of South Clinton Avenue; thence
- 7) N 17° 38' 37" W, along said easterly ROW line of South Clinton Avenue, a distance of 694.13 feet to the said southerly ROW line of East Main Street, said ROW intersection being the Point or Place of Beginning.

C. BACKGROUND

The project area is a 12.96 acre site and contains 16 parcels. Approximately 8 acres of the project area is occupied by Midtown Plaza: a 1.4 million square foot mixed-use, office and retail complex. The project area also includes a number of smaller underutilized and vacant buildings, primarily fronting on Chestnut Street. Midtown Plaza was constructed in 1962 as an enclosed shopping mall which was a destination for most city and county residents for years. The Plaza was anchored by two department stores, McCurdy's and B. Forman, and Wegmans Food Market. The complex also included a 17-story office building and a 1,800-car underground parking garage. The decline of Midtown Plaza began during the rise of suburban shopping malls in the Rochester region. By the mid 1990's, the Midtown retail anchors had closed, leaving a significant amount of vacant space.

The Midtown Urban Renewal District was adopted through Ordinance No. 2007-92 on March 27, 2007. At the time, Midtown was 60% vacant. This vacancy rate increased to over 86% in spring 2007 when the last major office tenant relocated to another property. The principal Plaza properties were subsequently acquired by the City in early 2008. At about that time, the telecommunications company PAETEC Holding Corp. (PAETEC) expressed an interest in constructing a new corporate headquarters and operations center at the site. Empire State Development Corp. ("ESDC") agreed to partner with the City to complete abatement and remediation of asbestos and other recognized environmental conditions within the Plaza properties to accommodate private development including a potential site for PAETEC's proposed headquarters. A consultant team was hired to develop a marketing strategy and plan for the redevelopment of the entire Urban Renewal Area.

The land use plan that resulted from the extensive planning process is conceptually depicted in Exhibit B. It consists of new streets, open

space, utilities, and suggested land uses that will reconnect the site to the Center City and neighboring areas such as the East End.

II. URBAN RENEWAL OBJECTIVES

The following are key objectives for the Midtown Urban Renewal District:

- A. To eliminate substandard and deteriorated structures and other blighting influences in the project area;
- B. To promote economic development in and around the project area;
- C. To acquire underutilized and vacant properties in the project area for economic development purposes;
- D. To sell city and agency acquired properties for private development;
- E. To generate additional jobs and municipal tax base within the project area; and
- F. To promote uses of underutilized land and buildings within the urban renewal area consistent with the Center City Master Plan, City Zoning Code, and the Urban Renewal Plan.

III. URBAN RENEWAL ACTIONS:

The Urban Renewal actions to be undertaken in the project area consist of the following:

- A. Acquire selected properties from private owners;
- B. Provide relocation assistance, when necessary, in accordance with applicable relocation guidelines;
- C. Undertake asbestos removal;
- D. Demolish and remove substandard and deteriorated structures in the project area that are not economically feasible to renovate;
- E. Develop a street grid and open space system that breaks down the block, improves public access, and reconnects the site to neighboring areas. (See Exhibit C)
- F. Dispose of project area development opportunities by sale to qualified developers for renovation or redevelopment.

IV. LAND USE PLAN

A. PURPOSE:

The Midtown Urban Renewal District is integral to the revitalization of the core Center City of Rochester. Implementation of the plan, guided by the Redevelopment Guidelines (see Exhibit D) and City Zoning Code, will emphasize and strengthen downtown as the region's center for business, entertainment,

cultural assets and urban living.

The following Comprehensive Plan campaign goals are supported by this plan:

CAMPAIGN SIX - ECONOMIC VITALITY

Goals:

- (B) Develop a business and financial environment that encourages business and individuals to build on our rich entrepreneurial spirit.
- (C) Develop strong, economically viable and diverse neighborhood commercial areas that help to provide entry-level jobs, high-quality goods and personal services to our citizens, offer entrepreneurial opportunities and help increase our city's economic development and growth.
- (G) Support and promote opportunities for shopping for residents and visitors at stores, businesses and personal shops within our city.

CAMPAIGN EIGHT - TOURISM DESTINATION

Goals:

- (B) Encourage and help create appropriate private, market-driven investments in the local tourism industry that result in additional revenue for businesses and the creation of new jobs for local residents.
- (F) Develop diverse, unique tourism attractions that balance economic issues and impacts with neighborhood preservation, enhancement and preservation.
- (G) Capitalize on our many recreational, historic, civic and business assets as well as our high quality of life to expand recognition of Rochester as a highly desirable tourism destination and attractive place to live.

CAMPAIGN TEN - CENTER CITY

Goals:

- (A) Reduce the office and commercial (retail) vacancy rate within our "Center City" through appropriate actions that include attraction of new tenants as well as the removal or conversion of unneeded space.
- (B) Develop unique festivals, events, celebrations and venues within our "Center City" that help create and enhance its identity, draw businesses, residents and visitors and provide a strong "sense of

place" and identity for our community.

- (C) Encourage the development of an economically viable "Center City" that functions as the region's 24-hour activity center and is a safe and attractive environment for the cultural, nightlife, business, arts and entertainment center of our region.
- (D) Increase the number of people living in our "Center City" through affordable as well as market-rate housing development.
- (E) Create a strong, competitive and marketable identity for our "Center City" that is locally, regionally and nationally recognized.
- (H) Create a strong visual and aesthetic image for our "Center City" through articulated urban design and unique and inspiring architectural form.

B. LAND USE REGULATIONS

1. Development within the Midtown Urban Renewal District will be regulated by the City of Rochester Center City District (CCD) Zoning. All of the requirements of the CCD contained in the Rochester Zoning Code shall apply, except proposed demolition is not subject to the requirements of Section 120-65B.
2. The current zoning allows for a mix of uses within the district, most of which are consistent with the revitalization of the project area. Uses allowed in the Center City District but prohibited in the Midtown Urban Renewal District shall include:
 - a. Warehousing and distribution, unless accessory to the principal use of the property;
 - b. Rooming houses;
 - c. Recycling Centers; and
 - d. Vehicle repair.
3. Development shall be guided by the design principles outlined in Exhibit D.

V. ACQUISITION AND DISPOSITION PLAN (see Exhibit E for Land Acquisition Map and Exhibit F for Land Disposition Map)

A. ACQUISITION PARCELS

233-247, 249-253, and 255-257 E. Main Street.

B. DISPOSITION PARCELS

The City or Agency may sell the following properties without public auction or sealed bid

to a qualified and eligible sponsor pursuant to Article 15, N.Y.S. Urban Renewal Law, S 507 2(c). Properties may be sold individually or collectively to a private developer or developers for uses consistent with the CCD Zoning District and the Urban Renewal Plan.

- 1. Midtown Parcels, including 18-26, 32-58, 80 S. Clinton Avenue and 285 E. Main Street.
- 2. 88-94 Elm Street.
- 3. 233-247, 249-253, and 255-257 E. Main Street.

VI. URBAN RENEWAL PROCEDURES AND PROPOSALS

REVIEW OF SITE AND DEVELOPMENT PLANS:

Site and development plans, including landscaping, shall be submitted to the Director of Zoning for review and approval subject to Site Plan Review. Prior to making a determination, the Director of Zoning shall transmit such plans to the Secretary of the Rochester Urban Renewal Agency for review and comment with respect to the conformance of such plans with the Urban Renewal Plan and its objectives.

VII. TERM OF URBAN RENEWAL PLAN

This Urban Renewal Plan shall continue in effect for a period of forty (40) years from the date of its adoption by the Rochester City Council.

VIII. OBLIGATION OF DEVELOPERS

When land or buildings within the project area are sold or leased by the City of Rochester or the Rochester Urban Renewal Agency, the purchaser(s) or lessee(s) and their successor(s) or assign(s) shall be obligated by the terms of the contract to devote such land to uses set forth in this urban renewal plan and to begin and complete construction of improvements within a reasonable time as established by the instrument of sale or lease.

IX. URBAN RENEWAL PLAN AMENDMENT

This Urban Renewal Plan may be amended at any time by the Rochester City Council in accordance with procedures then in effect for the amendment of an urban renewal plan.

X. RELATIONSHIP TO THE ROCHESTER ZONING CODE

Concurrent with the adoption of the Urban Renewal Plan, Section 120-120 of the Zoning Code of the City of Rochester shall be amended to include Section IV of the plan.

XI. SPECIAL PROVISIONS

ANTI-DISCRIMINATION:

There shall be appropriate covenants running with the land as required by State statutes, rules and regulations with respect to the prohibition of discrimination in the sale, lease, occupancy or use of any real property in the project area on the basis of race, color, creed or national origin.

XII. APPENDICES

- EXHIBIT A. District Boundary Map
- EXHIBIT B. Concept Land Use Map
- EXHIBIT C. Proposed Street Grid
- EXHIBIT D. Redevelopment Guidelines
- EXHIBIT E. Land Acquisition Map
- EXHIBIT F. Land Disposition Map

Section 2. The Council finds that:

- a. The Midtown Urban Renewal area is a substandard or unsanitary area, or is in danger of becoming a substandard or unsanitary area and tends to impair or arrest the sound growth and development of the municipality.
- b. The Amended Midtown Urban Renewal Plan affords maximum opportunity to private enterprise, consistent with the sound needs of the municipality as a whole, for the undertaking of an Urban Renewal Program.
- c. The Amended Urban Renewal Plan for the Midtown Urban Renewal District conforms to the comprehensive plan for the development of the municipality as a whole.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-391
(Int. No. 426)

Amending Chapter 120 Of The Municipal Code, Zoning Code, With Respect To Zoning Regulations For The Midtown Urban Renewal Project

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

Section 1. Section 120-120 of the Municipal Code, relating to Urban Renewal Development Districts, as amended, is hereby further amended by amending Subsection O thereof to read in its entirety as follows:

O. Midtown Urban Renewal District.

(1) Land Use Regulations.

- (a) Development within the Midtown Urban Renewal District will be regulated by the Center City District (CCD) Zoning. All of the requirements of the CCD contained in the Rochester Zoning Code shall apply, except proposed demolition is not subject to the requirements of Section

120-65B.

(b) The current zoning allows for a mix of uses within the district, most of which are consistent with the revitalization of the project area. Uses allowed in the Center City District but prohibited in the Midtown Urban Renewal District shall include:

[1] Warehousing and distribution, unless accessory to the principal use of the property;

[2] Rooming houses;

[3] Recycling Centers; and

[4] Vehicle repair.

(c) Development shall be guided by the design principles outlined in Exhibit D of the Amended Midtown Urban Renewal Plan.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember McFadden
November 9, 2009

To the Council:

The Public Safety & Recreation Committee recommends for adoption the following entitled legislation:

Int. No. 427 - Authorizing An Agreement For A Bomb Squad Initiative Grant And Amending The 2009-10 Budget

Int. No. 428 - Authorizing An Agreement For A Domestic Abuse Response Team Grant And Amending The 2009-10 Budget

Int. No. 429 - Establishing Maximum Compensation For A Professional Services Agreement For A Youth Violence Dispute And Gang Mapping System

Int. No. 430 - Authorizing An Agreement For Special Events Services For The School District And Amending The 2009-10 Budget

Int. No. 431 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Horticultural Services

Int. No. 432 - Authorizing An Agreement And Amending The 2009-10 Budget For A Credit Education Bureau Grant

Int. No. 436 - Establishing Maximum Compensation For A Professional Services Agreement For Telephone Notification System Services

Respectfully submitted,
Adam C. McFadden
Dana K. Miller

Elaine M. Spaul
Gladys Santiago
William F. Pritchard
PUBLIC SAFETY & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-392
Re: New York State Office of Homeland Security - Bomb Squad Initiative Grant

Transmitted herewith for your approval is legislation authorizing an application and agreement with NYS Office of Homeland Security (OHS) for the receipt and use of a \$110,000 Bomb Squad Initiative Program grant, and amending the 2009-10 Police Department Budget by \$10,000 and the 2009-10 Cash Capital allocation by \$100,000 to reflect the award.

The program provides direct funding to local government bomb squads to upgrade their equipment and improve their preparedness for homeland security issues. This award will be directed for the purchase of a new bomb squad vehicle and training. This is a new initiative, although similar funding has been provided in the past through the Law Enforcement Terrorism Prevention Program.

This grant covers the period September 1, 2008 through August 31, 2011.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-392
(Int. No. 427)

Authorizing An Agreement For A Bomb Squad Initiative Grant And Amending The 2009-10 Budget

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 Office of Homeland Security for a Bomb Squad Initiative Program Grant for the period from September 1, 2008 through August 31, 2011.

Section 2. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$10,000 and to the Cash Capital allocation by the sum of \$100,000, which amounts are hereby appropriated from funds to be received under the grant agreement authorized herein.

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

Section 4. This ordinance shall take effect imme-