

**STATE ENVIRONMENTAL QUALITY REVIEW
(SEQR)**

**FINAL
GENERIC ENVIRONMENTAL IMPACT STATEMENT
(FGEIS)**

**PROPOSED ACTION:
MIDTOWN REDEVELOPMENT PROJECT**

LOCATION:
Midtown Plaza, City of Rochester, Monroe County, NY
100 South Clinton Avenue, 285 East Main Street
(and associated properties)

LEAD AGENCY:
Arthur Ientilucci, AICP
Director of Zoning, City of Rochester
City Hall, Room 125B, 30 Church Street
Rochester, NY 14614-1290

February 20, 2009

Prepared for: The City of Rochester
Prepared by: LaBella Associates, P.C.

This Page Intentionally Left Blank

TABLE OF CONTENTS

1. Executive Summary.....	2
2. Introduction	6
3. Information Supplementary to the Draft GEIS.....	10
A. Traffic – Additional Intersections Analyzed	10
B. Temporary Off-site Activities	12
C. Economic/Fiscal Impacts.....	13
D. Midtown Tower – Adaptive Reuse or Demolition	15
E. Historic Resources, the Plaza Atrium and Demolition of Midtown Buildings	19
F. Demolition Prior to Final Plans/Redevelopment Commitments	36
G. Modifications to Street Grid	40
H. Modifications to the Underground Service Truck Tunnel	41
4. Formal Responses to SEQR Comments Received During the Public Comment Period.....	44
5. Responses to Comment Cards Received Outside the Formal Comment Process.....	92
6. Errata	108
7. Figures.....	110
8. List of Appendices (Full Appendices are found in Volume 2).....	111

1. Executive Summary

This Final Generic Environmental Impact Statement (FGEIS) concerns the proposed redevelopment of the Midtown Plaza site including building demolition to clear the site, reestablishment of an interior street grid, potential acquisition of properties remaining in private ownership, development of public improvements and the preparation (and subsequent conveyance) of various development parcels including a site for a new headquarters facility for the telecommunications company PAETEC Holding Corp. (PAETEC).

Midtown Plaza (“Midtown” or “the Plaza”) consists of an enclosed retail mall and associated buildings providing approximately 1.4 million square feet of floor space on a site of approximately 8.5 acres located in downtown Rochester, New York. The Plaza, completed in 1962, was developed according to a plan by prominent architect Victor Gruen. The Plaza occupies a large central downtown block located north of Broad Street, east of Clinton Avenue and south of Main Street. Euclid, Atlas, Elm and Chestnut streets form an irregular eastern boundary. The mall was constructed so as to connect the preexisting McCurdy and B. Forman buildings and is recognized as the first downtown enclosed mall in the country. The Euclid Building, the Midtown Tower, and an underground parking garage which provides 1,844 spaces, were all constructed as part of the complex and connected to the mall as well. The adjoining Seneca Office building was also constructed in the same period. As described in Section 5.6.2 of the DGEIS, the block comprising the Midtown Plaza was identified in 2008 as a resource eligible for listing on State and National Registers of Historic Places (S/NRHP). Consultation with the NYS Office of Parks Recreation and Historic Preservation (OPRHP) indicated that demolition would constitute an adverse impact to this historic resource. Section 5.6.2 of the Draft Generic Environmental Impact Statement (DGEIS) provides a more detailed discussion of this determination and its implications.

The Plaza properties have fallen into disrepair and come to be identified as a significant source of blighting influence which has persisted despite several (failed) revitalization plans proposed in the private sector. The properties contain significant asbestos containing materials (“ACMs”) and other recognized environmental conditions (“RECs”). The building systems that remain date from the original construction and require replacement. Recognizing a need for government intervention, the City of Rochester (“the City”) established an Urban Renewal District to encompass the site in 2007 and also proposed public acquisition of the Midtown

properties. The principal Plaza properties were finally acquired by the City in 2008 by which time the vacancy rate had climbed to more than 85 percent. PAETEC has expressed an interest in constructing a new corporate headquarters and operations center at the site. Empire State Development Corp. ("ESDC") has partnered with the City to complete abatement and remediation of ACMs and RECs within the Plaza properties and to undertake this proposed action which would redevelop Midtown and provide a site for PAETEC's proposed facility.

The action under review generally involves demolition and redevelopment of the Midtown Plaza site including the preparation (following abatement and remediation) of a suitable site for PAETEC and additional sites for other interested developers. A planning study has been completed to provide a necessary information base to enable development of a prudent plan that takes maximum advantage of the many opportunities offered by the site given existing conditions and anticipated market constraints.

This action calls for potential acquisition of additional parcels within the Urban Renewal District and for the demolition of most of the existing buildings within the Plaza block following their abatement and remediation. (This action does not include the earlier establishment of an Urban Renewal District including the Plaza, the acquisition of the four major properties comprising the Plaza by the City or the abatement and remediation of ACMs and other RECs at the site already undertaken by ESDC.) Given the identification of Midtown Block as an S/NRHP-eligible resource, any significant change and/or demolition of one or more buildings or portions of buildings within the block would constitute an adverse impact on these historic resources. The underground parking garage is slated to remain and would not be demolished. Proposals have been solicited and would be evaluated to determine whether the existing Midtown Tower might be excluded from the demolition activities and retained instead for adaptive reuse. A network of skyway pedestrian corridors which connects many downtown Rochester buildings would be affected as the segments connecting to the existing Midtown buildings would be severed and the remaining elements without structural support would be removed.

Following demolition, the action would establish an interior street grid within the block and properties would be assembled/re-subdivided to create suitable sites for PAETEC and other private sector developers according to an amended Urban Renewal Plan proposed for adoption. The action would also include disposition of properties, designation of open space parcels, provisions for parking and development of new infrastructure and utilities. Guidelines and principles adopted as part of the Urban Renewal Plan would guide future development. The

City zoning provisions are form based and provide significant flexibility to accommodate the range of future development opportunities now envisioned.

Construction would follow demolition and clearance in two phases. The first would generally include public improvements and PAETEC's construction of their planned headquarters facility. The second would include construction by other private sector developers on the remaining parcels. A transition plan and improvements would be implemented to maintain the vacant parcels in the interim in a manner that would be safe and would not continue to affect the area negatively.

The DGEIS has identified the following required approvals associated with the proposed action:

- Funding Approval, Modification of Urban Renewal Plan, Land Disposition, Official Map Amendment and potential Zoning Text and Map Amendments by the Mayor, City of Rochester;
- Funding Approval, Modification of Urban Renewal Plan, Land Disposition, Official Map Amendment and potential Zoning Text and Map Amendments by the Rochester City Council;
- Resubdivision Approval by the City of Rochester Planning Commission;
- Site Plan Approval by the City of Rochester Director of Zoning;
- Demolition and Site Preparation permits by the Commissioner of Community Development;
- ROW Approvals and Traffic Changes, City of Rochester Traffic Control Board;
- Inducement by COMIDA (County of Monroe Industrial Development Agency); and,
- Funding Approval, Demolition and Site Preparation by Empire State Development Corp.

With respect to public need, Section 3.2 of the DGEIS (pages 71- 72) identified the following public needs which had been cited earlier in official documents related to the establishment of the surrounding Urban Renewal District, the authorizations for City acquisition of the Midtown

properties and the approvals of ESDC funding relied upon to progress the planning and abatement efforts:

- The need to arrest further deterioration at the site;
- 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 and preserve downtown property values;
- The need to generate additional tax base and support for area job growth;
- The need to reconnect the site to other key districts including the East End;
- 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).

2. Introduction

This FGEIS concerns the proposed Midtown Redevelopment action summarized above. This FGEIS follows, incorporates in its entirety by reference, and is supplementary to the Draft GEIS (DGEIS) concerning the same action that was originally accepted by the Lead Agency in November of 2008. A summary of the DGEIS that was published in November and that is being incorporated herein by reference is provided in Appendix A which includes both the Introduction and Executive Summary from the November document.

The proposed action summarized in the preceding section above was designated as a Type I action in accordance with SEQRA and Chapter 48 of the City of Rochester Code. The City of Rochester Director of Zoning, as Lead Agency, subsequently initiated a coordinated review pursuant to SEQRA and issued a Positive Declaration on June 30, 2008 stating that the project was likely to create significant adverse impacts upon the environment and should be the subject of an Environmental Impact Statement (EIS).

A draft scope of the anticipated DGEIS was issued by the Lead Agency on July 3, 2008. A hearing on the draft scope to which the public, residents of the neighborhood, Involved Agencies, and other interested parties were invited was conducted by the Lead Agency on July 29, 2008. The period for receipt of written comments on the draft scope was held open through August 1, 2008. The final scope was issued by the Lead Agency on August 7, 2008.

The DGEIS was accepted by the Lead Agency on November 10, 2008 and a notice of completion of draft environmental impact statement and public hearing issued. The notice appeared in the Democrat and Chronicle on November 20, 2008 and the Environmental Notice Bulletin on November 19, 2008. The DGEIS was properly filed with all involved and interested agencies and made available for public review. A public hearing for the receipt of public comments on the DGEIS was held on December 2, 2008. The public comment period was held open until December 19, 2008.

As stated above, this FGEIS incorporates the preceding DGEIS in its entirety. This FGEIS and the incorporated DGEIS are both generic documents prepared pursuant to Section 617.10 of the SEQRA regulations (6 NYCRR Part 617). The purpose of a generic environmental impact statement (EIS) is, as was stated on page 2 of the DGEIS, "to deal in a broad or conceptual way with a number of related or similar actions, or with a single extended action, where there is such

uncertainty about specific impacts that a conventional EIS would be impractical". The purpose and uses of generic EIS's were described in more detail in the discussion found in Section 1.5 (pages 18 – 19) of the DGEIS (also included in Appendix A, page 8).

The environmental review encompassing this FGEIS and the preceding DGEIS is anticipated to conclude with the publication of this FGEIS and the subsequent adoption of SEQR Findings by Involved Agencies. At the same time, it is also anticipated that more specific site and other reviews, including those associated with the required approvals listed in the preceding section of this FGEIS, will follow the conclusion of this environmental review.

The need for additional or further environmental review as more specific site reviews and other approvals progress will be determined by compliance with the conditions and thresholds found in the DGEIS, this FGEIS and the Findings ultimately adopted at the conclusion of this SEQR process. No further SEQR compliance will be required where a subsequent proposed action under consideration would be carried out in conformance with the conditions and thresholds established in these generic EIS's or statement of findings. Should a subsequently proposed action be found to have not been adequately addressed in the generic EIS's or findings further review would be required. As stated on page 19 of the DGEIS, such further review would be expected to culminate in either a negative declaration regarding the absence of any significant environmental impacts or in preparation of a supplemental EIS should one or more significant environmental impacts be identified.

With respect to the comments to the DGEIS, the Rochester Environmental Commission (REC) has reviewed the DGEIS and the comments relative thereto received during the public comment period. The REC has subsequently made recommendations regarding responses to be included in this FGEIS and classified each comment according to the following criteria:

- No Response Required - not a substantive issue

Comment expresses opinion and/or does not raise a substantive issue or comment addresses an issue that is outside the purview of the DEIS.

- Correction Required

The comment points out an omission or inaccuracy in the DEIS that needs to be corrected.

- Explanation/Clarification Required

The comment raises an issue which was addressed in the environmental impact statement. The issue needs a simple explanation and reference to the section in the DEIS where it is discussed.

- Additional Analysis Required

The comment raises an issue which has not been thoroughly addressed. Further analysis is believed necessary to offer a proper response.

- Alternative Suggested

The comment suggests an alternative which merits evaluation.

The comments and the corresponding recommendations of the REC have been tabulated in Appendix B. The comments themselves can be found in Appendix C.

In addition to the comments received as part of the formal SEQR public comment process, a number of informal comments were also submitted at various presentations regarding the proposed project. In many instances these preceded publication or review of the DGEIS and were focused more on the project in general. While these are not being formally considered as comments under SEQR, they have nonetheless been reviewed, tabulated and then evaluated by the REC. A tabulation of these informal comments may be found in Appendix D.

Responses to all these comments are provided in the body of this FGEIS, according to the classification provided by the REC. Responses to the formal SEQR comments are provided in Section 4. Responses to the informal comments are found in Section 5.

With respect to the content found in the other sections of this FGEIS, the preceding Section 1 provides an Executive Summary including a summary of the proposed action under review. This Section 2 provides an Introduction including an overview of the steps in the SEQR review accomplished to date. The following Section 3 reviews seven topics suggested by the availability of new information, need for clarification and/or level of prominence within the received comments. These seven topics are as follows:

- Traffic - Additional Intersections Analyzed;

- Temporary Off-site Activities (Not Identified in the DGEIS);
- Economic/Fiscal Impacts (Clarified and a new report appended);
- Midtown Tower – Adaptive Use or Demolition (Clarification and New Information Not Included in the DGEIS);
- Historic Resources, the Plaza Atrium and Demolition of Midtown Buildings (Clarification and status updated);
- Demolition Prior to Final Plans/Redevelopment Commitments (Clarification);
- Modifications to Street Grid (Clarification); and,
- Modifications to the Underground Service Truck Tunnel (Not Identified in the DGEIS).

3. Information Supplementary to the Draft GEIS

A. Traffic – Additional Intersections Analyzed

This section presents and discusses information regarding six additional intersections analyzed in response to comments received from the Monroe County Department of Transportation (MCDOT). This section reviews below how the additional information regarding these six intersections modifies or otherwise affects the conclusions regarding traffic impacts found in the DGEIS. In addition to the foregoing six intersections, MCDOT also requested additional analysis of two intersections that had been analyzed in the DGEIS (the intersection of Broad and Chestnut Streets as well as the intersection of Main Street and Clinton Avenue). With respect to Broad and Chestnut Streets, no change has been proposed as a consequence of this updated analysis. With respect to Main Street and Clinton Avenue, this intersection had been identified in the DGEIS (Section 6.4 on page 256) as the site of an unavoidable adverse traffic impact. Additional analysis has revealed that the unavoidable impact reported in the DGEIS associated with this intersection is less than originally projected. A Level of Service “E” is now projected for this intersection for the morning peak hour in the most dense development alternative rather than the Level of Service “F” reported in the DGEIS.

Section 6.4 (page 256) of the DGEIS also identified an unavoidable adverse impact at a second intersection: Court Street and Clinton Avenue. The DGEIS indicated that this impact was a “consequence of this project [Midtown Redevelopment] and/or others included in the existing conditions”. The DGEIS indicated that these others included Renaissance Square, ESL Headquarters, closure of the Midtown garage and a general factor to accommodate future growth. Additional review has not changed this projection and the unavoidable impact is believed to remain as described in the DGEIS. However, additional review performed since the DGEIS has revealed that while the contribution to this anticipated impact associated with these other projects remains, it is less significant than had been thought. Traffic directly associated with the proposed Midtown redevelopment would be the predominant cause of this unavoidable impact at the Court Street and Clinton Avenue intersection. More detail regarding this anticipated impact is provided below in this section and in the response to Comment number 30.

Additional Intersections not Analyzed in the DGEIS. As referenced above, additional traffic analysis focused on six intersections has been completed in response to comments received from the MCDOT regarding the Midtown Redevelopment Traffic Assessment provided in the DGEIS. The comments were also discussed in a meeting with MCDOT staff on January 13, 2009. Following is a summary of the additional traffic analysis completed for the FGEIS.

At the January 13, 2009 meeting, intersections within the center city were reviewed with regard to the number of vehicle trips added and the potential for impacts from the Midtown redevelopment. Six intersections were identified for additional analysis, including: South Avenue / Court Street, South Avenue / Broad Street, South Avenue / Main Street, St Paul Street / Inner Loop Eastbound, St Paul Street / Inner Loop Westbound, and South Clinton Avenue / Woodbury Boulevard. Each intersection was analyzed under the High Density Scenario during the AM and PM peak hours (except for South Clinton Avenue / Woodbury Boulevard, which was analyzed during the AM peak hour only). Background traffic generated from Renaissance Square, ESL, the Midtown Garage re-distribution and a general growth factor were all included as in the original traffic analysis. The analysis indicates that the additional intersections studied will operate with acceptable Levels of Service (LOS) upon implementation of minor signal timing changes (as detailed below). The analysis is consistent with the findings of the DGEIS and does not indicate the need for major street improvements, such as additional travel lanes or dedicated turn lanes, at the additional studied intersections.

Intersections Analyzed in the DGEIS. The original traffic analysis was also revised at two intersections that had been analyzed in the DGEIS. These revisions were in response to the DGEIS comments and subsequent direction from the MCDOT.

At Main Street / Clinton Avenue, the northbound approach was modified to include two through lanes and a right turn lane, which is the proposed configuration once Renaissance Square is constructed. The revised analysis indicates that during the AM Peak Hour under the High Density scenario, the Main Street eastbound approach will experience a LOS "E" with a vehicle to capacity ratio (v/c ratio) of 1.04, which is just outside of MCDOT's acceptability criteria. Acceptable LOS and v/c ratios are projected to be experienced up through the PAETEC with Low Density scenario, as well as during the PM Peak Hour for all redevelopment scenarios.

At the Chestnut Street / Broad Street intersection (the second such intersection), the signal phasing was modified to provide a northbound left turn phase during the PM peak hour. The analysis indicates the modification will result in acceptable LOS at this intersection.

Remaining Unavoidable Traffic Impact at the Court Street and Clinton Avenue

Intersection. As is also described below in the response to comment number 30, the projected Level of Service “F” for the Court Street eastbound left turn onto Clinton Avenue is an unavoidable impact resulting primarily from the redeveloped Midtown site (see Section 6.4 of the DGEIS). No mitigation feasible for immediate implementation has been identified. An eastbound left turn lane or additional signal timing for the eastbound approach would be required to improve the LOS during the morning peak hour, but due to the proximity of the Bausch & Lomb Atrium to the north and historic Washington Square Park to the south, widening of this intersection is not feasible. An alternate that would provide additional signal timing to the eastbound approach would negatively affect the LOS for northbound traffic along Clinton Avenue and would also conflict with the coordinated signal system along Clinton Avenue.

The Court Street/Clinton Avenue intersection should be monitored as redevelopment of the Midtown site progresses. Intersection operations should also be analyzed as part of any future proposal to convert Court Street (east of Clinton Avenue) and/or Clinton Avenue to two-way traffic, as it may be possible to re-stripe this intersection or modify signal phasing as part of a two-way conversion project. It is important in this regard to note that it is likely that if the existing street alignments remain and the projected delays are realized, some drivers may choose alternate ways to access the site.

B. Temporary Off-site Activities

Following abatement, the demolition of structures at the Midtown site would be undertaken in order to establish an interior street grid and to provide sites or blocks suitable for development. Demolition would generate debris with cementitious, metallic, wooden and other miscellaneous content. Steel debris would be separated and recycled. Wood and other miscellaneous demolition debris would be transported to a landfill for disposal. As an alternative to landfill disposal, suitable cementitious debris would be crushed instead and then used for fill on site following demolition. This alternative would be preferable from both an economic and an environmental perspective.

The activity involved in the proposed crushing and processing of cementitious demolition debris has been evaluated. Crushing of such debris is accompanied by noise and the potential for air emissions. As a consequence of concerns regarding noise, the potential for air emissions, and the anticipated absence of sufficient on-site space for the staging of such an operation early in the demolition process, it has been decided to select an off-site location for the crushing of cementitious debris and storage of the crushed material prior to its use as fill. The use of an off-site location would also be advantageous should there prove to be an excess of crushed material in which case there would then be a need for stockpiling and storage of the excess prior to its use as fill on other sites. This impact statement assumes the subsequent identification of such a suitable off-site location for this activity. A site specific review will be required once a proposed site has been finally identified.

Although a number of candidate sites for the crushing and storage of Midtown demolition debris have been considered, there has been no final selection of a specific site. Among the sites under consideration is a privately owned site on Avion Drive near the Greater Rochester Airport that is now utilized in part for composting. A minimum area of two acres would be necessary to support the crushing, storage and truck access involved in this process. The City is coordinating with Monroe County in an effort to identify sites now available to either the City or to the County that could provide the necessary space for this operation as well as for any similar needs that might arise as part of the Renaissance Square project.

The operation itself would include loading of cementitious demolition debris at the Midtown site and transport by truck to the selected site followed by the crushing operation itself. Crushed material would then be stockpiled and would subsequently be loaded back onto trucks for transport to the Midtown site or to other sites at which fill was required. The crushing operations would be conducted in compliance with federal and other regulations governing air emissions which include requirements for air monitoring and forms of emission control such as misting. Limits upon the hours of operation could be imposed upon crushing operations were the setting and/or surrounding neighborhood to require such safeguards.

C. Economic/Fiscal Impacts

This section clarifies the review of economic and fiscal impacts presented in the DGEIS and references a new report included herein as Appendix E.

Section 5.22 of the Draft GEIS included estimates of the fiscal impacts on the City of Rochester and Monroe County that would result from redevelopment of the Midtown site. These estimates considered the following factors:

- Projected increases in municipal sales and property tax revenue (at an assumed assessed valuation of \$170 million) resulting from the redevelopment;
- Potential increases in municipal operating costs attributable to the project; and,
- Potential capital costs for infrastructure improvements specifically needed for the project were also included.

The results reported in Section 5.22 focused on two scenarios (high and medium density) based on the two of the three mixed-use program alternatives that were described in more detail in Section 2.5.1 of the DGEIS.

The estimates and review regarding potential economic or fiscal impacts provided in Section 5.22 of the DGEIS relied, in part, upon a preliminary analysis prepared by the EDAW Sustainable Economic Group. The preliminary analysis was not included in the appendix to the DGEIS. An updated analysis completed by EDAW in December, 2008 has now been included in the Appendix E to this Final GEIS.

The discussion included in Section 5.22 of the DGEIS also reviewed sources of uncertainty encountered in the development of such estimates including those associated with the need to determine an appropriate amount to deduct (in the case of the City) for increased operational costs given the likely existence of some residual capacity within the City service systems to provide services more extensively (i.e., to the redeveloped properties) without incurring additional costs. Section 5.22 presented a best and worst case scenario in this regard. In the best case scenario, no additional operational cost was included based upon an assumption that there would be sufficient residual capacity within the City systems to provide services to the redeveloped properties without incurring additional costs. In the worst case scenario, a full reduction was included to reflect the maximum anticipated increase in operational costs that would be projected by utilization of a traditional service population methodology. The traditional service population methodology employed would not take residual capacity into account in estimating potential increases in operational costs. The EDAW report appended to this Final GEIS provides more detail regarding the traditional service population methodology, its

applicability in this instance and the uncertainty regarding forecasts of future fiscal impacts. The report represents a best estimate of future fiscal impacts that is based on reasonable conclusions regarding the potential for future increases in both revenues and expenses.

D. Midtown Tower – Adaptive Reuse or Demolition

This section reviews the details and status of the RFP process and the related developments (including the schedule for responses) that have developed since issuance of the DGEIS. This section also reviews the rationale for conditioning retention of the building upon the identification of acceptable proposals for adaptive reuse and the plan to proceed with demolition of the building in the absence of any such proposal. The emerging possibility for PAETEC to rely on an adaptive reuse of the Midtown Tower rather than construction of a new building is also reviewed in this section. Considerations raised by the proposed demolition of the Midtown Tower directly related to its status as an eligible historic resource are addressed in the following section which discusses historic resources and plans for demolition of the Plaza atrium.

Section 2.5.6.2 of the DGEIS referenced the potential for adaptive reuse or demolition of the Midtown Tower. The following appeared on pages 56 and 57:

“As with other buildings on the site, vacancy within the Midtown Tower building has increased over the years, the original building systems have come to require replacement and extensive asbestos has remained unabated. With the exception of a single initiative that failed for lack of funding, the private sector has demonstrated little interest in redevelopment of the building as its decline has progressed. An original assumption that development of the PAETEC building would require the preceding removal of the Midtown Tower has proven to be false. Identification of an alternate preferred location for the PAETEC building more distant from the existing tower eliminated the absolute necessity for its demolition. On the other hand, the prospect for the existing building to conflict with the future development of other new buildings on the site remains nonetheless, and its presence constrains establishment of an interior street grid in some regards. Further, should adaptive reuse prove to not be economically feasible and should the building consequently remain on the site in a vacant and deteriorated state, the blighting influence could be significant and could discourage interest in the Plaza site and further impede efforts to promote its revitalization.

Suggestions for adaptive reuse of the Midtown Tower have usually included proposals to remove all building systems and replace the existing building exterior envelope following asbestos abatement in order to make use of the remaining structural building components. It has also

been suggested that a partial demolition of upper floors only to provide a smaller structure could follow abatement and the removal of building systems.

The City now proposes to solicit proposals and associated commitments from developers for an adaptive reuse of the building structure. Preserving and reusing this building rather than demolishing it and rebuilding another in its place could accelerate residential development on the site and would also represent a more ecological outcome. At the same time, the City of Rochester is under constraints regarding the schedule for clearance of the site and is concerned with the potential for the Midtown Tower building to impede successful redevelopment efforts should it remain in a deteriorated, incomplete and/or unoccupied condition. An opportunity of limited, but reasonable, duration will be provided for developers or others from the private sector to submit proposals for acquisition and redevelopment of the Midtown Tower following its abatement and remediation. If a submitted proposal is found to be economically feasible and to include both reliable funding commitments and acceptable implementation milestones, the City will look to partner with those putting forth such a proposal in order to retain the Midtown Tower and make it available for adaptive reuse. Should no such proposal be submitted the Midtown Tower will then be demolished and removed along with others rather than risk compromising the realization of a successfully redeveloped and revitalized site.”

Regarding the alternative to adaptively reuse the Midtown Tower rather than demolish the structure, Section 12.6 of the DGEIS went on to state on page 284 that:

“Retention and adaptive reuse of the Midtown Tower would make good use of the structural system, including the financial investment and embodied energy that would otherwise be sacrificed were the building to be demolished. Adaptive reuse of this building also has the potential to promote some important project objectives in that it could speed redevelopment of that site and potentially lead to an earlier residential presence on the site (an important consideration when looking to activate a new mixed use redevelopment such as is being proposed). At the same time, the prospect for a deteriorated, vacant and incomplete Midtown Tower remaining years into the future is a potential impediment. The blighting influence, were the building to remain in this manner, could be significant and could discourage interest in the Plaza site or otherwise impede efforts to promote its revitalization. The presence of a vacant and incomplete tower would also effectively limit options for redevelopment on the parcel or, at the very least, delay redevelopment proposals that would then require the prior demolition of the tower including closure and shoring of the portion of the underground garage below.

For the foregoing reasons there is general opposition to a “wait and see” approach regarding this adaptive reuse alternative and the ultimate fate of the Midtown Tower. Accordingly, the City has

proposed modifying the original plan which called for immediate demolition of the Midtown Tower by first soliciting proposals and associated commitments from developers for an adaptive reuse of the building structure. In deference to the City's schedule concerns and current availability of ESDC funding, an opportunity of limited, but reasonable, duration would be provided for developers or others from the private sector to submit proposals for acquisition and redevelopment of the Midtown Tower following its abatement and remediation. If a proposal is found to be economically feasible, to include both acceptable implementation milestones and reliable funding commitments, and to be consistent with the overall redevelopment goals and objectives described in this document, the City would then partner with those putting forth such a proposal to retain the Midtown Tower and make it available for adaptive reuse. Should no such proposal be submitted or should those submitted be found to be impractical, to involve an unacceptable delay or to rely on uncertain funding, the Midtown Tower would be demolished and removed along with others rather than risk compromising the realization of a successfully redeveloped and revitalized site."

The City of Rochester has since solicited proposals for adaptive reuse of the Midtown Tower. A deadline of March 2, 2009 has been set for submission of proposals pursuant to this RFP. The RFP is available online at the following URL:

http://www.midtownrochesterrising.com/mayor/midtownrising/PMV/docs/documents/TowerRFPfinal_000.pdf

The RFP identifies the following relevant constraints and considerations on page 13:

"In considering adaptive reuse proposals for the Tower, the City is constrained by the demolition schedule and is concerned about any redevelopment proposal that maintains the tower in a deteriorated, incomplete and/or substantially unoccupied condition. As such, the City will consider adaptive reuse proposals during a limited time period. All proposals will undergo a thorough review for economic and construction feasibility, schedule and ability of the developer to secure adequate financing to complete 100 percent of the project.

If a proposal is found to be economically feasible, to include both acceptable implementation milestones and reliable funding commitments, and to contribute to the overall redevelopment goals and objectives described in the DGEIS, the City will then partner with the selected developer to retain the Tower and make it available for adaptive reuse. Should no such proposal be submitted or should those submitted be found to be impractical, to involve a significant delay or to rely on uncertain funding, the Tower will be demolished and removed along with other buildings, rather than risk compromising the realization of a successfully redeveloped and

revitalized site.”

Page 17 of the RFP confirms the intent to proceed with demolition in the absence of an acceptable proposal for adaptive reuse:

“If a proposal is selected for sale and development of the Tower, the City will enter into an exclusive period of negotiation for the property governed by Memorandum of Understanding (MOU). During this period, the developer will undertake due diligence to secure financing commitments to undertake and complete the project. Also during this period, the City and developer will negotiate the sales and development terms for the property that will be memorialized in a Land Disposition Agreement.

The term of the MOU will terminate on October 1, 2009. If the conditions of the MOU are not satisfied by that date, negotiations will cease and plans for the full demolition of the Tower will proceed.”

The DGEIS identified only a single potential PAETEC site (the large block or parcel described at the northwest corner of the site at the intersection bounded by Main Street to the north and by Clinton Avenue to the west, identified as Block 1 in Figure 7.1). Having reviewed the information distributed with Midtown Tower Redevelopment RFP, representatives of PAETEC have since expressed an interest in the potential redevelopment of the Midtown Tower to provide the anticipated PAETEC headquarters facility. As PAETEC’s relocation to and investment in the site remains an important initial redevelopment step with the potential to support and catalyze further investment, the preferred alternative has now come to be one which is accompanied by two options: one in which PAETEC develops a corporate headquarters on the corner of Main Street and Clinton Avenue as originally envisioned and a second in which PAETEC develops their anticipated facility instead within the Midtown Tower and adjoining spaces.

Should the option involving redevelopment and adaptive reuse of the existing Midtown Tower as a PAETEC corporate headquarters be selected, the segment of Euclid Street shown in Figure 7.1 between Block numbers 4 and 5 would likely be extended westerly to an intersection with Clinton Avenue. This would serve to further divide the large block now shown at the corner of Main and Clinton (identified in Figure 7.1 as Block 1) to create two smaller blocks more comparable in extent to the others delineated by the proposed redevelopment plan.

The selection of an option in which the PAETEC headquarters is developed within the existing

Midtown Tower rather than on the parcel now identified as Block 1 would not have a significant effect on any of the unavoidable impacts identified in Section 6 of the DGEIS including those to Utilities and Infrastructure, to Historic Resources, to the Skyway system, or to Traffic or Parking. Neither would this option lead to other impacts not identified in the DGEIS. With the exception of the specific location of the PAETEC headquarters and the likely extension of Euclid Street westerly so as to subdivide Block 1, all other aspects of the proposed redevelopment plan and its effects would remain the same. In particular, the rationale underlying the need to clear the site, proceed with the removal of blighting influences, break down the Midtown superblock, install infrastructure, and provide development sites remain as described in the DGEIS and elsewhere within this document.

E. Historic Resources, the Plaza Atrium and Demolition of Midtown Buildings

This section will reference the review of the SHPO 14.09 process and related documents included in the DGEIS and provide updates relative to developments subsequent to issuance of the DGEIS. The absence of a significant number of public comments objecting directly to demolition of the atrium is described, and the comments that were received regarding potential impacts to historic resources are characterized. This section also confirms the selection of the preferred alternative as one which includes demolition of all Midtown buildings (including the atrium, but excepting the below ground parking garage and possibly excepting the Midtown Tower). The rationale for the decision to proceed with demolition of the Midtown buildings (including the Atrium) is reviewed below including references to the evaluation of alternatives to atrium demolition that were tabulated at the final consultation meeting. The selected alternative would not include an interpretation of the atrium space. However, this alternative does include the proposed development of an outdoor public open space within the Midtown block that could provide some of the public function once served by the atrium without encountering the same needs for coordination, structural work and other investments that were identified as obstacles during the Section 14.09 consultation process.

The pending outcome of the Section 14.09 process (i.e., an anticipated letter of resolution) is also set forth below as are a number of mitigating commitments being proposed by ESDC and the City. Finally, the history of failed redevelopment attempts summarized in the DGEIS will be referenced and reviewed once more, particularly in terms of what it reveals about the advisability of (or risks associated with) retaining the atrium in hopes that some feasible adaptive reuse of the structure might be identified in the future.

Comments Received. A number of comments were received regarding different aspects of the Midtown redevelopment plans including the prospects for demolition of some or all of the buildings now within the Midtown block. The central portion of the plaza which served as a gathering space and identified as the atrium has been of particular interest and the range of comments received includes those questioning whether the atrium might remain, others questioning what might take its place were it to be demolished and some suggesting that demolition be deferred until such time as redevelopment plans became more definite.

Proposed Demolition. The proposed action described in the November 10, 2008 Midtown Redevelopment DGEIS was focused on a preferred alternative which would demolish all buildings within the Midtown block with the exception of the underground garage and the possible exception of the Midtown Tower (see the preceding section of this FGEIS for a discussion of the potential for an adaptive reuse of the Midtown Tower). In addition to the preferred alternative, the DGEIS also reviewed a number of others focused on various aspects of the project such as the mixed use program and the street grid as well as others focused specifically upon the proposed demolition of the atrium and opportunities to preserve or demolish this space.

Section 2.5.6.4 (page 58) of the DGEIS described how the redevelopment plan, originally envisioned in 2007, anticipated the demolition of all Plaza buildings in order to eliminate blighting influences, clear the site, develop an interior street grid and provide redevelopment sites for PAETEC and other interested developers. This original vision was scrutinized more closely during the planning and environmental review process following a 2008 determination by the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) that the atrium (and other buildings within the block) were S/NRHP-eligible resources. Section 5.6.2 of the DGEIS (pages 166-169) reported:

- The June 2008 determination by OPRHP that the entire Midtown block was eligible for listing on the S/NRHP;
- ESDC's subsequent initiation of a consultation process with OPRHP pursuant to Section 14.09 of the Parks, Recreation and Historic Preservation Law;
- The recognition that all but the "no-action" alternative being considered would demolish some buildings within the block; and,

- ESDC's consequent issuance on November 3, 2008 of a preliminary "determination of adverse impact" with which OPRHP subsequently concurred.

Policies and Objectives Underlying Proposals to Demolish the Plaza Atrium. Regarding the underlying policies which had led to initial proposals for demolition of buildings within the Midtown block, Section 2.5.6 (pages 54-55) of the DGEIS pointed out that the City, in establishment of an Urban Renewal District to include the Midtown block, had identified:

" . . . the following important redevelopment and revitalization objectives:

- Arrest further deterioration of the site and its negative influence on surrounding area;
- Eliminate substandard conditions, deteriorated structures and other blighting influences;
- Demolish and remove of non-contributing structures in the project area that are not economically feasible to renovate; and,
- Eliminate urban design characteristics contributing to blight within the project area.

The following passage from Section 2.5.6.4 of the DGEIS (pages 58-60) added to the foregoing goals the related objectives regarding establishment of an interior street grid and the provision of development sites in the following passage:

"As originally conceived, this action included demolition and removal of the Plaza retail spaces and the associated atrium. Some of reasons underlying this approach include the apparent lack of interest in reuse of the buildings, the history of underutilization, the potential for a continued blighting influence so long as the buildings remain and the potential interference with the establishment of an interior street grid and provision of shovel ready development sites."

The Plaza atrium was found to have incorporated a segment of the Cortland Street right of way which was abandoned in order to establish the Midtown superblock. The atrium was found to occupy a central location within that block. Figure 7.1, which is appended to this FGEIS shows the preferred redevelopment plan together the approximate locations of the plaza atrium and the Midtown Tower within the block. The figure also illustrates the potential for the central atrium, in particular, to conflict with or complicate the establishment of an interior street grid and the delineation of suitable development parcels.

Significance of the Plaza Atrium and Alternatives to Demolition. In accordance with Section

14.09 requirements, alternatives intended to avoid or lessen the adverse impact to S/NRHP resources (i.e., in particular, demolition of the plaza atrium, given that it was identified as an important character-defining feature of the Midtown block) were identified and evaluated. Section 2.5.6.4 of the DGEIS (pages 50-60) referenced the OPRHP determination and the alternatives reviewed as part of the Section 14.09 consultation process:

“The determination found the site to qualify due to its exceptional significance and identified the atrium in particular as an important character defining element. The anticipated demolition and removal of this eligible resource would obviously constitute a negative impact. . . . OPRHP’s letter of determination can be found in Appendix F [of the DGEIS] and records of the consultation process are included in Appendix G [of the DGEIS].”

“ . . . three additional alternatives (in addition to the preferred alternative and the no action alternative already under consideration) are being explored in a consultation process. They include:

1. A “preservation” option which would modify the preferred alternative to include preservation of the Midtown Plaza atrium and use it, in conjunction with portions of the adjoining PAETEC building, as it was originally intended for gathering and for adjoining retail;
2. A “reuse” option which would modify the preferred alternative to include preservation of the Midtown Plaza atrium, but reuse it in a manner different from that originally intended, most likely in conjunction with the adjoining PAETEC building; and,
3. An “interpretation” option which would demolish the Plaza and associated atrium rather than preserve or reuse it and would seek to commemorate the resource through interpretation, either in its original location or in a nearby (but not identical) location.”

Public Participation and Comment. Members of relevant agencies, historic interest groups, and interested individuals were notified of the opportunity and invited to participate in the Section 14.09 consultation as part of the SEQR scoping process. Following the Section 14.09 evaluation of alternatives, the public was provided an additional opportunity to comment upon the evaluation. Section 5.6.2.1 (pages 168-169) of the DGEIS referenced the opportunity for public comment upon the proceedings of the Section 14.09 consultation that would be provided as part of the SEQR DGEIS public comment process (similar summary can be found in Section 12.5, pages 283-284 of the DGEIS):

“The Section 14.09 consultation process anticipates an opportunity for public comment prior to

conclusion. This requirement is being met by publication in this document of the proceedings of the consultation process, including a detailed evaluation matrix developed by the participants (see Appendix G [of the DGEIS]). Readers and reviewers of this DGEIS are invited to comment upon the significance of the resource, the potential impacts and their avoidability, the alternatives identified to minimize or mitigate the impacts, the evaluation of those alternatives and the consultation process itself. These comments will be taken into account in formulating a final plan of action given Midtown Plaza's identification as an eligible resource. The Final GEIS will respond to these comments and will describe both the selected alternative and the underlying rationale. The consultation process is expected to culminate in a programmatic agreement, between OPRHP, ESDC and the City commemorating the final outcome and underlying rationale. This document will also be included in the Final GEIS."

Comments Regarding Impacts to Historic Resources. In general, comments regarding the DGEIS and the Section 14.09 process received from the public are responded to in Sections 4 and 5 of this document. The comments received relevant to potential impacts to historic resources are reviewed and characterized here so as to provide a context for the following review and discussion.

Of the 16 comments received regarding the DGEIS, five included some reference to potential impacts to historic resources. Two of these five were relatively detailed and included multiple comments on the topic. Both of these were received from participants in the Section 14.09 consultation process described below.

Of the three additional comments received from non-participants that included references to potential historic impacts, the first questioned whether the mall might be preserved given its significance and suggested that it be redeveloped to house the anticipated PAETEC headquarters. (PAETEC has indicated a number of preferences including those for a multistory building, for a prominent building that is recognizable within the community and for a building suited to the efficient housing of a corporate headquarters. With the exception of the Midtown Tower and the possible exception of some immediately adjoining low-rise buildings that might conceivably house an operations center, floorplate configurations, floorplan constraints and restoration costs would likely arise as significant impediments in any effort to redevelop the plaza as whole to provide a suitable PAETEC facility. It should also be noted that the form and function of the atrium, in particular, would be unlikely to remain to any recognizable degree were the plaza, as a whole, to be redeveloped into a PAETEC corporate headquarters facility.)

The second of these three comments from non-participants referenced “tearing down our city’s history” and the significance of the Midtown mall. This comment suggested reuse of the mall as the site for the Renaissance Square now planned for a site across Main Street or as a casino. (It was unclear from the comment whether the author felt relocation of the Renaissance Square project to the Midtown block would avoid the need for demolition of Midtown buildings. It is worth noting that development of the Renaissance Square project is now anticipated to be preceded by demolition of buildings now on the site.)

The third such comment was submitted anonymously by email, referenced the destruction of Rochester’s history and suggested a number of potential reuses for the plaza including a recreational facility, a study center for youth and a casino. (The review of failed revitalization attempts recounted later in this section is relevant to these last two as one failed initiative included a proposed use as a casino.) No other comments were received bearing on the issue of impacts to historic resources.

Criteria for Evaluation of Alternatives. The criteria and evaluation of the foregoing three alternatives to demolition of the Mall atrium were reviewed in detail in Section 5.6 of the DGEIS and in the Section 12.0 review of alternatives. Section 6.0 of the DGEIS identified the demolition of buildings in the block as unavoidable adverse impacts. The evaluation criteria found in Appendix G of the DGEIS included:

1) Is the Alternative Reasonable and Prudent?

- a) Extent that Alternative is “constructible” – What architectural/engineering issues would be required to be addressed in order to realize the Alternative?
- b) Are there engineering or physical constraints on/around the site that would make the Alternative imprudent or not feasible?
- c) Are there any schedule and/or staging issues that would affect other key programmatic features of the Midtown Project?
- d) Would City, ESD, PAETEC, or other entities be required to take on and/or absorb any carrying, liability, and/or other costs/responsibilities associated with key preservation components of Alternative?
- e) Estimated costs of construction necessary to realize key preservation components.
- f) Assumed mechanisms/entities for funding construction of key preservation components. Are these funds readily available or are there reasonable mechanisms to obtain (e.g., net savings from avoidance of demolition costs used for rehab/reuse, incorporated into costs for PAETEC development costs, etc.).

- g) Estimated costs of maintenance and operations necessary for key preservation components to ensure their preservation into near/long-term future.
 - h) Assumed mechanisms/entities for funding maintenance and operations of key preservation components. Are these entities/mechanisms already in place or would be reasonable to establish?
 - i) Extent that Alternative responds to economic and market setting(s) documented at the Midtown Block/region. Would approach to addressing key preservation components result in a setting/ components that would be reasonable from a real estate perspective? Is the Alternative economically sustainable?
 - j) Are there any other factors – including but not limited to safety, efficiency, code requirements, etc. – that would impede the reasonable realization or continuation of the Alt.?
- 2) *Is the Alternative Consistent with Overall Midtown Redevelopment Project Objectives? (Qualitative)*
- a) Extent that Alternative could result in positive economic impacts (including increase in property values) and return on public investment.
 - b) Extent that Alternative could result in the removal of blight and blighting influences.
 - c) Extent that Alternative removes impediments to redevelopment and connectivity presented by existing superbloc characteristics.
 - d) Extent that Alternative could provide opportunities for economically-feasible redevelopment and attraction of private investment.
 - e) Extent that Alternative contributes to “Placemaking” – revitalization and catalyst throughout the area (onsite and relationship to adjacent areas), public realm, etc.
 - f) Extent that Alternative capitalizes on the unique opportunities presented by this key site and location.
 - g) How does the Alternative contribute to or conflict with PAETEC requirements, needs, and/or preferences and/or in any way enhance or impede their participation in the project?
- 3) *Is the Alternative Consistent with historic preservation policies? (Qualitative)*
- a) Extent that Alternative promotes the use, reuse and conservation of character-defining features/characteristics of the Midtown Block for the education, inspiration, welfare, recreation, prosperity and enrichment of the public.
 - b) Extent that Alternative promotes and encourages the protection, enhancement and perpetuation of character-defining features/characteristics of the Midtown Block, including any improvements, objects and sites which have or represent elements of historical, architectural, or cultural significance.
 - c) Extent that Alternative fosters civic pride in the beauty and accomplishments of the past, specifically related to the character-defining features/characteristics of the Midtown Block.

- d) Extent that Alternative preserves and enhances the State's attractions to tourists and visitors.
- e) Extent that the Alternative complies with State Article 14.00 of the Parks, Recreation and Historic Preservation Law.

Consultation Status. As the DGEIS was drafted, evaluation of the reuse and interpretation scenarios had concluded, but no final determination regarding a selected alternative had been made. Four alternatives remained in total: the no action alternative, the preferred alternative, the reuse alternative and the interpretation alternative. As indicated in Section 5.6.2.1 of the DGEIS, on November 3, 2008, ESDC issued a preliminary "determination of adverse impact" to OPRHP for their concurrence, citing that as a result of the consultation process thus far, there are no reasonable or prudent alternatives to avoid impacts to S/NRHP eligible resources and still achieve the project's objectives. On November 7, 2008 OPRHP concurred with this determination (see Appendix G and H of the DGEIS), noting that significant efforts to explore prudent and feasible options were being made and stating that consultation should continue to identify a preferred alternative.

Final Selection of a Preferred Alternative. The evaluation of alternatives undertaken as part of the Section 14.09 consultation process having now been completed and comments from the public and participating agencies having been received and subsequently reviewed, this document reports a final determination to continue with selection of a preferred alternative that neither preserves nor reuses the Plaza atrium. The central open space included in the plan describing the selected preferred alternative will provide an outdoor gathering space that may call to mind the gathering space once provided by the plaza atrium. However, the plan for this outdoor space is not intended to interpret the form and function once provided by the atrium in any formal way. The rationale supporting this determination, which relies heavily upon the tabulated evaluation included in Appendix G of the DGEIS, is reviewed and summarized below.

Mitigation and Letter of Resolution. ESDC, the City and OPRHP are in the process of preparing and executing a "letter of resolution" to outline roles and responsibilities for mitigating the action's impacts to S/NRHP-eligible resources within the Midtown block. A draft letter of resolution between ESDC, the City and OPRHP has been prepared and is included in Appendix G. The specific language and terms of this agreement are being refined and finalized. The City and ESDC intend nonetheless to undertake the following measures to mitigate such

unavoidable impacts:

- Recordation of Historic Structures, prior to demolition and in consultation with the OPRHP, ESDC and the City shall document the Property or cause the Property to be documented in a manner generally consistent with provisions of Historic American Building Survey (HABS) Level 2 photographic documentation and develop an accompanying narrative;
- Taking appropriate efforts to preserve artifacts/objects that were once features in the Midtown Plaza atrium (e.g., Clock of Nations, Totem Pole, Monorail, etc., (provided that such features are exhibited in public/quasi public spaces or are accessible at reasonable times by the public);
- Further consultation by ESDC with the OPRHP regarding the final design for removal of the Skyway pedestrian bridge connecting the Property to the Sibley Building (which is on the S/NRHP);
- That the City will entertain reuse proposals from the Midtown Tower as part of the Request for Proposal (RFP) processes and in consultation with ESDC will extend consideration of viable and qualified development proposals for the Midtown Tower up until 4 months prior to its scheduled demolition; and,
- As part of the process for the final design of the outdoor public plaza space in the Project, the City shall invite the participation of the stakeholders in historic preservation and downtown development. The objective of this process shall be to take steps in the design and programming of the public space in order best to facilitate the types of public functions once served by the Midtown atrium space and to develop an appreciation of the significance that the atrium once served to shape the Rochester community. This process may yield various techniques, including, but not limited to:
 - Specific design features (paving, vertical elements, focal points, etc.) intended to define the square as a “place”;
 - Arrangement of users/uses surrounding the public square, to ensure the highest levels of activity and visibility possible;

- Features (e.g., if determined to be desired) that commemorate the property/location that comprised the former Midtown Plaza atrium and/or are intended to educate visitors of the importance of the facility in the City's development history; and,
- Methods and/or techniques to program activities/events in the public square and facilities to support such activities.

Evaluation of the Preservation Alternative. Regarding preservation or adaptive reuse of the atrium, in particular, Section 2.5.6.4 of the DGEIS noted some of the obstacles to preservation of the atrium as well as the potential for interpretation in a nearby location:

"Preservation or adaptive reuse of the Plaza atrium would require changes to the proposed street grid as well as to the anticipated PAETEC footprint which conflicts with that of the atrium along its western boundary. Interpretation of the atrium in its original location would require similar changes. Given the anticipated use of the central open space (Block 4) and the adjacent building frontages for retail, it is possible that the preferred alternative could also qualify as an interpretive option which, while it would demolish the Plaza and associated atrium rather than preserve or reuse it, would seek nonetheless to commemorate the resource through interpretation in a nearby location (but not in the same location)."

Section 12.5 (pages 280-281) of the DGEIS indicated:

"The "preservation" option which would modify the preferred or baseline scenario to include use of the atrium (in conjunction with portions of the adjoining PAETEC building) as it was originally intended for a central gathering space in a setting which surrounded it by retail uses was found to not be feasible given the market's limited capacity to absorb new retail uses (see Appendix C [of the DGEIS]), the cost to retain and operate the atrium, the importance of retail to activate Main Street and other spaces and given PAETEC's concern regarding a potential involvement of their own building which would be immediately adjacent to the atrium."

And Section 2.5.6.4 (pages 59-60) of the DGEIS noted that:

"The evaluation conducted as part of the formal consultation rather quickly found that the "preservation" option which would modify the preferred alternative to include use of the Midtown Plaza atrium (in conjunction with portions of the adjoining PAETEC building) as it was originally intended for gathering and retail was impractical and not feasible given the market's limited capacity to absorb new retail uses (see Appendix C [of the DGEIS]), the cost to retain and

operate the atrium, the importance of retail to activate Main Street and other spaces, and the reluctance of PAETEC to entertain the possible use of a portion of their building in such a manner.”

Evaluation of the Adaptive Reuse Alternative. As stated in Section 12.5 (page 281) of the DGEIS:

“With respect to the reuse alternative, the cost to retain and operate the atrium remained an important consideration and source of concern. The cost to brace, enclose and provide systems to heat, condition and power the atrium exceeded \$5 million. This cost included only a very utilitarian enclosure and did not include the cost to provide a façade or entrance that would complement the other buildings anticipated to be developed on the site, that would interest visitors to the newly redeveloped block or that would be in keeping with the atrium's importance as a retained character defining feature of the Midtown Plaza block (see the record of the consultation process provided in Appendix G [of the DGEIS] for more details regarding these costs and considerations). Another significant concern that remained with the reuse alternative regarded the extent to which it would either preclude, or at least complicate, development of a new street grid along an ideal alignment and, in particular, along the historic right of way of Cortland Street which was abandoned when the Plaza was constructed. The central location of the atrium is partly astride what was once the Cortland Street right of way.”

More specifically, the evaluation process identified the following considerations and potential obstacles to an adaptive reuse of the atrium which were summarized in the evaluation table included in Appendix G of the DGEIS:

- Demolition of surrounding buildings and retention of the atrium would eliminate some, but possibly not all, of the blighting influences. Retention of the atrium structure would complicate development of an interior street grid. An impenetrable appearance could remain from certain vantage points. Connectivity would still be impeded to some degree;
- The atrium actually projects into a portion of the area anticipated to be occupied by the PAETEC building [*Editor's note: This remains the case should PAETEC select the site identified on Figure 7.1 as block number 1.*] The location, function and layouts of the atrium and the PAETEC building would need to be closely coordinated and, possibly, combined. PAETEC has not indicated interest in occupying, maintaining or supporting the atrium space and is anticipated to have some concerns

regarding the prospects for and economic impacts of a vacant or underutilized atrium structure remaining on the site immediately adjacent to their building;

- The reuse alternative precludes re-opening a segment of the historic Cortland Street which was abandoned during development of Midtown Plaza and would preclude and extension of another thoroughfare (New Elm Street) through the site from Chestnut Street to Clinton Avenue;
- The presence of the atrium could constrain (or, alternatively, could inform, development on adjacent parcels);
- Atrium MEP systems would need to be developed (the atrium now relies on outdated systems located elsewhere in the complex and could not be left without heating and etc.);
- The atrium would need to be braced preceding demolition of the adjacent buildings and enclosed following their removal;
- Protection of the atrium during demolition of the adjacent buildings and subsequent construction of new buildings would be difficult;
- Demolition of the site in general is more difficult (and, therefore, likely more expensive) if undertaken in phases or with the atrium remaining in place;
- A future function for the atrium would need to be identified early on. The overall program for the development proposed on the site has been shown to be economically viable and sustainable; however re-use of the atrium was not included in the program nor in the pro forma analyses focused on economic feasibility. The ten-year market capacity to absorb retail uses has been estimated to range between 60,000 and 70,000 square feet. The atrium represents approximately one-half that floor area. Development of retail spaces within the atrium would detract from the capability for street level retail development and development of retail on Main Street which have been identified as important revitalization priorities;
- A (private) sponsor and funding would need to be identified to undertake the renovation, maintenance, operation and insurance of the atrium space (which has

always been a private, not public, space). The City has no funds available for such a purpose and has acquired the property only as a means of facilitating redevelopment, with an intent to eventually dispose of the properties and with no intent or budget for long term ownership;

- The ongoing operating costs for this space of approximately 32,500 square feet have been estimated to be in the range of \$325,000 annually. There would also be related costs to maintain the space in the interim;
- The capital costs to stabilize, enclose and condition the atrium space has been estimated to be in the range of \$4.9 million (approximately \$150 per square foot). This would include only a very basic and functional enclosure, not one of the caliber that would necessarily suit this particular building and setting. Development of an attractive façade appropriate to this historic resource would likely cost significantly more. This estimated cost also does not include any additional costs that would be incurred during demolition and construction of adjoining buildings or the potential additional costs for fire separation and smoke exhaust separate from adjacent buildings. (However, some corresponding costs involved with development of the proposed central open space would likely be avoided were the atrium to be retained and reused); and,
- The reuse alternative would nonetheless entail a dramatic change to the character of the atrium space. The retail that currently defines the edges of the atrium space is no longer economically viable and would be removed. Although many character defining components of the original space would be preserved, the absence of the surrounding retail spaces would nonetheless alter the character defining elements of this space as a completely enclosed mall atrium.

Deferred Demolition and History of Failed Attempts at Revitalization. Commenters have also raised the issue of whether demolition ought to be postponed in order to provide additional time for identification of a feasible alternative for adaptive reuse of the atrium. In responding to these comments, this document cites the physical limitations imposed upon the street grid and parcel configuration by the present location of the atrium, the potential impediment a vacant and un-improved atrium could present to redevelopment of adjoining parcels and, in particular, the history of failed revitalization attempts which argues against the likelihood of such an outcome.

Section 3F of this FGEIS presents a more detailed discussion of considerations related to deferred or phased demolition.

In coming to their present conclusion regarding the futility of foregoing demolition of the mall in hopes that parties with the interest and funding to undertake its reuse might surface, the City and ESDC have been influenced by the history recounted below. This chronology of failed revitalization attempts reprinted here originally appeared in Section 2.1 (pages 24 through 30) of the DGEIS:

“First opened as an indoor downtown shopping mall and office complex, the Plaza was itself a response to suburbanization trends and a decline in the prospects for downtown retail establishments that began to surface in the 1950’s. Midtown was an initial success and flourished for a time. However, as the Plaza was designed and built to be supported by large destination retail stores that have generally not had success in downtown settings since the late 1970’s, a decline eventually ensued. Past attempts to redevelop or revitalize Midtown Plaza have failed. These are reviewed in more detail below.

The decline of Midtown Plaza began during the rise of suburban shopping malls in the Rochester region during the 1970s. Held back in part by a declining Rochester population and a stagnant downtown office market, the Plaza ultimately proved unable to compete with the continuing rise of the several suburban shopping malls in the area.

The closure of the Sibley Department Store located at an adjacent property contributed to the Plaza’s decline. With dated buildings and inefficient floor layouts, Midtown was unable to attract new major retailers and office tenants continued to leave. The central Plaza atrium area, originally envisioned as an indoor public square or gathering area, features a geometry that is at odds with modern approaches to retail mall layout (now more reminiscent of a linear “dumbbell” shape than the rectangular form of the Midtown atrium).

By the late 1980s, a very serious decline in Midtown conditions had become evident. By the mid 1990s, the Midtown retail anchors had closed leaving a significant amount of vacant space and Midtown had been unsuccessful in attracting new tenants. In early 2007, the City of Rochester reported the vacancy rate for the complex to be 49 percent and noted that the plan for a major tenant of the Seneca Building to relocate to the Chase Tower would increase the vacancy rate to almost 75 percent. The vacancy rate subsequently increased to at least 85 percent when the last major office tenant relocated to another property in Spring 2007.

Dated, inefficient floor layouts and buildings requiring extensive investments for hazardous material abatement and building system updates compounded the demographic and market challenges faced by Midtown. Reports completed in 2006 estimated the need for an investment of more than \$140 million to restore the Plaza buildings, of which \$45 million was required for abatement of asbestos containing materials (ACMs) and other recognized environmental conditions (RECs). This investment of nearly \$100 per square foot would not have included any significant changes to building exteriors or to interior configurations.

Despite having been envisioned as a means to encourage pedestrian activity, in the absence of functional vehicular cul-de-sacs and/or successful pedestrian malls, the superblock at Midtown which was formed when the Plaza was constructed came to isolate the interior spaces, discourage entry and activity, limit opportunities for traditional street side commerce and impede connections to adjoining neighborhoods. The negative influence of Midtown and the associated superblock is pronounced and has likely been exacerbated by an uninviting exterior and a complex, unattractive “back door” along its eastern boundary.

The City of Rochester took title to the Midtown Plaza properties in May of 2008. The vacancy rate for the complex remained above 85 percent at the time. The remaining plaza tenants have since been relocated (or have closed) in preparation for a joint City-State effort to abate ACMs and other hazardous building materials found throughout the buildings and site.

Other properties within the district have experienced comparable decline. The property 88 Elm Street is 100 percent vacant, owned by the City and an unlikely candidate for reuse given the significant asbestos presence within the building and the decline of neighboring properties. The Euclid Square building at 65 Chestnut Street is currently 100 percent vacant and has few redeeming architectural qualities. The Cadillac Hotel at 45 Chestnut Street is currently operated as a hotel with single-occupant rooms and the use presents a significant obstacle to revitalization of the Midtown Urban Renewal District.

The onset of the Plaza’s decline has been met by a variety of activities and proposals focused on the redevelopment and revitalization of the facility. A summary of that onset and the responses that followed appears below.

As described above, signs of the Plaza’s economic decline first surfaced in the early 1980’s and became progressively more obvious and prevalent in the 1990’s. These included a number of significant closures. In 1980, the hotel at the top of the Midtown Tower was closed and then subsequently converted to office and restaurant space. This was followed by the closure of the Sibley’s department store across Main Street from the Plaza which preceded similar closures at

Midtown. The Forman's and McCurdy's stores within the Plaza closed in 1994 following the sale of a majority of the McCurdy and Forman stores to May Department Stores. The Wegmans grocery closed shortly thereafter in 1995. Another grocer operated temporarily within the Wegmans space, but was unable to persist and ultimately failed. The Peebles store which was recently located at the Plaza reportedly relied on a rent-free agreement without which it would have not otherwise occupied the facility.

The closures and progressive decline of the Plaza were responsible, at least in part, for ensuing changes in ownership. Following the closures described above, including that of the McCurdy and Forman stores in 1994, the Plaza was sold by McCurdy's to Arnold Enterprises of California in 1997. In 1999 Blackacre Bridge Capital LLC filed for foreclosure against Arnold Enterprises which subsequently filed a Chapter 11 petition concerning the Plaza and other holdings. Following the bankruptcy of Arnold Enterprises in 2001, Blackacre Bridge Capital LLC assumed ownership of the Plaza for \$14.9 million. Blackacre Capital Management and Pembroke Companies Inc. subsequently formed Midtown Rochester Properties to own and operate the Plaza. The owners actively sought purchasers for the property in 2005 and 2006, but were unsuccessful. In 2006, the City of Rochester acquired an option to purchase Midtown Plaza which was allowed to expire in 2007. The property was later acquired by the City in a condemnation proceeding at which time the property had an increasing negative cash flow that had already surpassed \$600,000 annually.

Beginning in the mid-1990s and continuing until 2005/2006 ongoing attempts were made on a national scale to attract retail tenants. The City of Rochester assisted in many of these efforts. These included exploratory conversations with many developers and ongoing contacts intended to attract "big box" retailers. Little interest was shown and most replied that Rochester did not have sufficient population density to support their urban business model. Many also reported that the size and floor plates of the available buildings were inappropriate for their operations. These efforts failed and the facility continued to decline. In 2003, Midtown Rochester Properties contracted with Kravco to study options for Plaza retail space. Overall vacancy within the Plaza had increased to more than 50 percent by this time including a vacancy rate of 90 percent within Midtown Tower. Kravco subsequently reported that retail uses could succeed in the Plaza, but only if capital improvements were completed first.

With respect to alternate uses, in 1999 the City and the County commissioned a study to place a performing arts center in Midtown Plaza. The objectives of the study were to develop a performing arts center for the community and to place the center in Midtown Plaza to revitalize the plaza. The proposed plan contained three theaters, a Broadway theater, and midsize theater and a Black Box. The Broadway Theater and the Black Box were sited within midtown Plaza at

the north east corner which is currently occupied by the McCurdy Building. The midsize theater was sited adjacent to the east side of the Broadway Theater on the site currently occupied by the Bank of America Building. Renovation of the mall was also planned to provide more connectivity to the three theaters. The plan was to fund the project with public and private funding. The cost was greater than expected which hindered the committee's ability to attract both public and private funding. Several attempts were made to revive the project with no success.

In 2004, New York state began pursuing an agreement with the Cayuga Indian Nation that would support plans for the tribe to develop a casino in Sullivan County and that would also allow the Senecas to purchase and exercise sovereignty over additional lands. This was followed by reports that the governor was also negotiating with the Seneca-Cayugas of Oklahoma to resolve their claims in a manner that would allow development of Video Lottery Terminals within the Sibley Centre Complex and Midtown Plaza. While there was support from the local development community, the plan met significant opposition, some of which was raised by concerns over the presence of sovereign property within the city center and by the potential effect of a casino upon the character of the neighborhood. A variety of legal challenges also followed. Despite ongoing efforts by some to lobby in Albany in support of a downtown Rochester casino, it was announced late in 2004 that the Pataki administration had reached a settlement with the Seneca-Cayugas of Oklahoma which would include a NYS gaming compact for a casino in Sullivan County, but would not include a casino in Rochester.

In 2006, the incoming Mayor met with local developers to review the prospects for redevelopment of the Plaza. The consensus expressed by those in attendance was that the facility, in addition to its other challenges, was too large for a single developer to tackle and that city involvement to break the property up would likely be necessary. The property owners independently pursued scenarios in which the Midtown Tower would be redeveloped to provide Class A office space in the same time frame. The return on investment was found not to support the interest in such a scenario, due in part to the cost for asbestos and other abatement. It was concluded that such a redevelopment of the Tower would require significant investment of public funds to supplement funding within the private sector. Prospects for the prevalent ACMs to be encapsulated rather than removed in its entirety also proved to be unacceptable to potential Class A tenants. The view was expressed that prospective tenants looking for Class B space would likely have similar objections."

It is worth noting that the Mayor's discussions with developers referenced in the paragraph from the DGEIS reproduced immediately above also included recommendations regarding the need to demolish or remove Midtown structures as well as recommendations related only to the need

for more moderately sized parcels. The passage summarizing this history that is quoted here from the DGEIS concluded with the following two paragraphs:

“The City also announced a non-binding contract with the Vice President of Italy’s Parma province in 2006. The purpose was to explore the feasibility of creating an Italian-themed shopping and entertainment attraction that would absorb approximately one-third of the complex (the atrium and much of the department store spaces) and feature an Epcot Center-style array of up to 150 food and fashion vendors. The project failed to progress when it was unable to attract sufficient investors and the anticipated investments by the Italian government proved to not be forthcoming.

The next proposal of significance regarding Midtown Plaza was the announcement of multiple ESDC redevelopment initiatives which included one focused on Rochester and Midtown and the corresponding interest of PAETEC in developing a new headquarters facility at the downtown Plaza site. This has led to the action now under review and described in this document.”

F. Demolition Prior to Final Plans/Redevelopment Commitments

This section reviews the rationale for proceeding with demolition to clear the site in advance of firm commitments for redevelopment rather than a “wait and see” or “demolish as needed approach”. While much of the following can be found in the DGEIS, it is recounted here for the sake of clarity given the logical appeal of the “wait and see” approach and the intertwining of historic resource concerns with this issue of demolition timing and phasing.

Section 2.5.6 of the DGEIS (page 54) identified the following objectives associated with the establishment of the Midtown Urban Renewal District that are directly related to proposals to clear the site (with the exception of the garage and possible exception of the Midtown Tower):

- Arrest further deterioration of the site and its negative influence on surrounding area;
- Eliminate substandard conditions, deteriorated structures and other blighting influences;
- Demolish and remove of non-contributing structures in the project area that are not economically feasible to renovate; and,
- Eliminate urban design characteristics contributing to blight within the project area.

Alternatives in which demolition would be delayed, or undertaken in phases, would leave open

the possibility for some or all of the negative and blighting influences referenced and focused upon by the foregoing objectives to remain and continue their affliction of the surrounding properties. Eliminating these influences through removal of “non-contributing structures that are not economically feasible to renovate” remains a central goal of the proposed project. The foregoing (Section 3E) review of the evaluation of alternatives that would preserve or reuse the plaza atrium is relevant in this regard given the reference to “non-contributing” as is the history of failed revitalization attempts reviewed at the close of that section. In other words, the Section 14.09 evaluation argues against the existence of a future outcome in which the atrium, or any other portion of the plaza, might continue a positive contribution in the future. The history of failed attempts argues against the likelihood that circumstances will change so dramatically as to allow emergence of a scenario in which preservation or reuse of the atrium or other buildings within the block would become feasible.

In addition to the negative and blighting influences upon surrounding properties, the temporary retention of existing Midtown buildings may also impact the Midtown block negatively. PAETEC has expressed reservations about the continuation of vacant, deteriorated and underutilized buildings on the block and the prospects for that to compromise or detract from their use of the site or otherwise compromise the return on their anticipated investment. It is likely that other developers contemplating investment in the site could have similar concerns. In general, investors are looking to reduce risk by eliminating uncertainty. In a commercial setting, it is one thing for the blighting effects of deteriorated and vacant buildings to have been removed and quite another for them to remain accompanied only by a promise or commitment that they will be removed in the future. The potential chilling effect upon future development interest in the site that could emanate from the continued presence of deteriorated and vacant buildings is a major concern that could ultimately threaten the success of the current revitalization effort.

Proposals to demolish buildings on a deferred or phased basis could also reduce developer interest in the site given the additional schedule delay required for demolition. Developers and others considering investment in a site like Midtown are frequently evaluating corresponding opportunities to invest instead in suburban sites where construction can commence almost immediately. The need for a competing downtown site to first be cleared through demolition of remaining buildings could be a significant disadvantage in some circumstances that could tip the balance in favor of a suburban site not burdened by a requirement for the preceding completion of demolition activities.

The Midtown redevelopment plan described in the DGEIS features establishment of an extensive interior street grid and associated utilities and improvements to identified open spaces. Retention of most or all of the existing Midtown buildings would also delay the development of these improvements, or require that they also be developed in phases as different portions of the site became available. This would be logistically more complex (impossible in some regards, perhaps) and certainly significantly more expensive. The foregoing comments relating both to uncertainty as well as delays are also relevant in this regard. A site in which infrastructure is already present is likely more attractive to potential investors than one in which it has only been promised and the additional delay to construct infrastructure upon which a building would depend could put a Midtown site at a further competitive disadvantage when compared to a suburban site.

Finally, significant logistic and economic concerns arise when comparing a scenario in which clearance of the site is undertaken in a single effort to one in which demolition takes place instead in a number of phases separated by intervals during which portions of the site are redeveloped. With respect to the demolition process itself, these concerns include additional costs related to a loss of economies of scale, more complex and challenging staging requirements, multiple periods of mobilization, repeated and protracted disruptions to new tenants occupying the site and to neighboring properties, protracted and repeated traffic impacts, more complex and protracted site security requirements and the need for phasing of temporary site stabilization and treatment. Demolition of buildings above the underground parking garage will also require shoring and closure of affected areas within the garage, potentially eliminating access to parking by those already occupying the site in a phased scenario. From a practical standpoint, the mechanical systems of the buildings within the Midtown block are interconnected and interdependent which further complicates any plan that would demolish some buildings while others remain. For example, only the Seneca building has the capability of mechanically conditioning its interior spaces and this depends upon a backup involving the Midtown Tower. With respect to other buildings, although the Midtown Tower systems supply heat for this building, the boilers are not located with the pumps and controls within the Tower and are instead located on the first floor of the Mall near the Euclid building. The pumps and controls within the Tower also supply heat to the Mail and to the Euclid building. Cooling systems within the Tower also supply other buildings including the Mall, Euclid, McCurdy and Forman buildings. These examples illustrate the engineering and practical challenges and additional costs that would be encountered in a scenario in which the site were

only cleared progressively as the demand for a particular site arose.

The DGEIS was clear in stating that the prospects for phased or delayed demolition had been evaluated and then excluded as a feasible alternative. Much of the foregoing discussion was alluded to in Section 12.10 (pages 287-289) of the DGEIS where the following concerns regarding phased or delayed demolition were listed:

- The blighting influence of the vacant and unimproved buildings would continue to affect the downtown community as a whole so long as they are present on the site;
- The continued presence of vacant and unimproved buildings may serve to discourage developers that would otherwise consider submitting proposals for development of nearby parcels;
- In attracting future proposals from qualified developers interested in the Midtown site, timing and access to a developable site would likely be important considerations, especially when there is competition from suburban or green site alternatives where there is no need for a preceding demolition phase. It is likely that the need to first wait at Midtown while demolition is undertaken and completed would discourage some developers, make alternative sites appear more attractive in comparison or lead to a need for the City to make other concessions in negotiations;
- Anticipated costs for demolition have been significant impediments obstructing successful redevelopment and revitalization of the site. Construction and energy costs have increased significantly in recent years and a delay in demolition would likely lead to further increases in the cost of demolition;
- The loss of efficiencies of scale would result in higher costs for demolition were it to be carried out in multiple phases;
- Staging for demolition and for construction is significantly more easy to provide in a single phase and more difficult to provide in a multi-phase setting where some buildings have already been constructed; disruption and inconvenience to the occupants of buildings developed during early development phases (including potential loss of parking) would be greater were demolition of some structures to be deferred; and,

- The complex is situated within a complex urban setting and has itself come to consist of a number of interdependent buildings, structures and systems, Significant engineering and practical obstacles and higher costs would be encountered in any process which sought to demolish buildings in successive steps rather than in a single effort.

G. Modifications to Street Grid

A preferred street grid providing vehicular and pedestrian access into and through the block was described in Section 2.5.2 (page 43, Figure 2.10) of the DGEIS. The grid included two new or extended streets crossing the Midtown block along an east/west alignment and two more along a north/south alignment. The grid also proposed the extension of Atlas Street along the eastern perimeter. This general pattern was proposed, in part, because it reflected and continued the alignments of existing streets along the perimeter and because it provided interior blocks of a size consistent with the surrounding urban network. Taken to its logical geometric extreme, such a pattern of two new streets in each direction could divide an existing block into as many as nine subsidiary parcels or blocks. Because some streets within the proposed grid terminate before reaching the perimeter of the existing block in this instance, fewer than nine new development parcels would actually be created. In the preferred grid the more westerly of the two streets proposed on a north/south alignment (the reestablished Cortland Street) terminates prior to reaching an intersection with Broad Street due to a potential conflict with the Midtown Tower (were it to remain). This has reduced the number of blocks and led to delineation of a larger block in the southwest corner of the site. The DGEIS has indicated that extension of this newly proposed Cortland Street through to Broad remains a possibility. Within the preferred grid are other such examples (Plaza Drive and Euclid Street) of extended or newly proposed streets that terminate prior to reaching an intersection at the perimeter of the existing super block.

With respect to Euclid, this newly proposed street is shown terminated rather than extending further west to an intersection at the block perimeter with South Clinton Avenue. This enables delineation of the large block in the northwest corner of the site identified as a potential site for PAETEC's facility. As with Cortland Street, the termination of the proposed Euclid Street extension within the block (rather than at the perimeter) is an accommodation made necessary by an important aspect of the redevelopment plan (the provision of a large block for the PAETEC building). As with Cortland, were an alternate PAETEC site (such as the Midtown

Tower) to be selected thereby eliminating the need for such a large block, the proposed Euclid Street extension would likely be extended further through to an intersection on the perimeter with South Clinton Avenue. This possibility has been shown in the street grid illustration included in Figure 7.3.

Finally, since publication of the DGEIS the placement and relationship of the two streets intersecting Main Street between Clinton Avenue and East Avenue has received further consideration. A potential modification has been included in the plans that would broaden the newly proposed Cortland Avenue so as to emphasize its role as the primary street accessing the block interior along a north/south alignment. The street shown immediately to the east of Cortland, identified in Figure 7.1 as Historic Elm Street, intersects Main Street quite close to the intersection with East Avenue and would not play so prominent a role as the newly proposed Cortland Street. Plans to de-emphasize the role of Historic Elm Street are under consideration. Among the options being considered are restricting vehicular access to this street from East Main through the placement of removable barriers or bollards. An option that would terminate this street south of East Main and leave only a pedestrian access to Main in that location has also been discussed. Both approaches remain possibilities at this time. However, it is clear that in either case Cortland Street would be constructed to serve as the major entrance to the site from Main Street and that the potential role of Historic Elm Street in this regard would be diminished.

H. Modifications to the Underground Service Truck Tunnel

As noted in Section 4.11 (pages 99 – 100) of the DGEIS, the Midtown Plaza complex includes an underground service truck tunnel providing delivery access to various buildings within the Midtown Complex. This tunnel extends westward to also serve other city buildings including Chase Tower, Hyatt Regency, and the Rochester Riverside Convention Center. Access to the tunnel is from Atlas Street only. Section 5.11 (page 175) of the DGEIS stated that, while the truck service tunnel function would remain in either case, the preferred alternative could potentially demolish and rebuild the truck service tunnel rather than preserve it. Section 2.9 (pages 64 -66) of the DGEIS, indicated that Phase I development would be anticipated to include, among other demolition or construction activities, the “proposed realignment, abandonment or other changes proposed to existing roadways in the area or to key vehicular access points such as those serving the existing tunnel, . . .”

Although no final determination has been made, as this FGEIS is being prepared for publication it has become progressively more apparent that demolition and reconstruction of the truck service tunnel along a modified alignment that would nonetheless preserve its function would be the most economical and, therefore, most likely outcome. This approach also has some important engineering advantages in that it could eliminate and replace existing segments of the tunnel now located immediately beneath areas over which the newly proposed Cortland Street would be constructed.

Redevelopment of the service truck tunnel along a revised alignment would present an opportunity to relocate the service tunnel access as well. Off-site entrances (including one on South Avenue) are among those that have been suggested in planning discussions of this opportunity. Although several such options remain under consideration, no final determination is anticipated prior to publication of this FGEIS or adoption of Findings.

Should there be a subsequent decision to implement this alternative and relocate the current service truck tunnel from its current location on Atlas Street, it would be a reviewable action. However, it is assumed that the criteria listed below would be adhered to in such an instance and that any further environmental review would therefore be limited to a consideration of potential traffic impacts:

- The service tunnel entrance/exit shall be a minimum of 25 feet from a street intersection or pedestrian crosswalk;
- Construction and development shall not create a blank sheet wall adjacent to the street in areas intended for retail development;
- The service tunnel entrance/exit shall be no less than 13 feet in height;
- The service tunnel entrance/exit shall not exceed a maximum slope of 15 percent;
- The service tunnel entrance/exit shall provide adequate cueing for trucks awaiting access to the tunnel; and,
- The doors and related external elements visible to those within the district shall conform to the design guidelines for parking garages found in Chapter 120, Section 68 in Article IX of The Code of the City of Rochester (regarding the Main Street District) and Chapter

120, Section 71 in Article IX (regarding the Tower District). The relevant provisions may also be found in Appendix M of the DGEIS.

4. Formal Responses to SEQR Comments Received During the Public Comment Period

Comment 1

General Topic: Historic Resources
Commenter: Fillion, O'Sullivan
Classification: Explanation/Clarification Required

Comment:

Is there some way in which the Plaza could be preserved, especially since it was the first American shopping mall and provided a great glimpse back into the '60's? I live about a mile away from Greece Ridge Mall and GRM really cannot compare to Midtown in design, quality or scale. Why tear down a plaza that is in excellent condition? It will cost more to tear down and build a new building that is not even close to being built as good as this historic landmark. There is no mall that is close to our Midtown Plaza.

Response:

Please refer to Section 3E regarding the Atrium, plans for its demolition, and the evaluation of alternatives completed pursuant to the Section 14.09 of the State Historic Preservation Act.

Comment 2

General Topic: Historic Resources
Commenter: Arany, Comeau
Classification: Explanation/Clarification Required

Comment:

Due to the exceptional significance of Midtown and of the atrium in particular, it would be our preference to see the atrium retained and adaptively reused as part of a re-envisioned Midtown site. Although the original function it served in linking the major downtown department stores is no longer viable, we believe the space can continue to contribute constructively to downtown's

future if it is successfully integrated into a creative reconstruction of the site. Too often in this community, we have seen opportunities for the reuse of unique and historic buildings slip away under similar circumstances, only to be regretted later.

Response:

The commenter is referred to the foregoing Section 3E of this FGEIS which reviews the evaluations and determinations responding to this comment.

Comment 3

General Topic: Historic Resources
Commenter: Arany, Comeau
Classification: Alternative Suggested

One opportunity to minimize or mitigate the effect of demolition may be to salvage any remaining significant façade details from storefronts currently disguised by curtain walls. Some pre-demolition analysis could confirm whether such architectural details still remain on buildings that were reclad in the 1960s. If any such details exist, perhaps they could be salvaged and re-used within the new construction on the site.

Response:

The commenters are invited to submit to the City more detail regarding the precise locations in which such an opportunity would be beneficial. The City and ESDC are also interested in information the commenters may be able to share regarding the likelihood that any such facades remain.

Any remaining facades would currently be owned by the City, but would become the temporary property of the contractors once demolition has begun. Other scheduling constraints and logistic concerns could complicate efforts to investigate and/or salvage any remaining facades. The City and ESDC are unaware of any interest on the part of PAETEC to incorporate any remaining facades within their new building.

The foregoing concerns notwithstanding, the City and ESDC are open to further dialogue with

the commenters on this topic.

Comment 4

General Topic: Historic Resources

Commenter: Arany, Comeau

Classification: Explanation/Clarification Required

Comment:

If the ultimate decision is to demolish the atrium, we believe that loss can be mitigated only if it is replaced by an equally forward-thinking, high-quality design that functions as a true gathering place for the center city. It is too soon to tell if the open space now envisioned for the center of the Midtown block, the approximate site of the atrium, is an urban amenity of sufficient quality to mitigate the loss of the atrium, but if demolition is the ultimate result, we will strongly urge that this urban landscape not be an afterthought but a bold, innovative example of civic design.

Response:

As also described above in Section 3E, as part of the process for the final design of the outdoor public plaza space, the City intends to invite the participation of the stakeholders in historic preservation and downtown development. The objective of this process will be to take steps in the design and programming of the public space in order best to facilitate the types of public functions once served by the Midtown atrium space and to develop an appreciation for the significance that the atrium once served to shape the Rochester community. This process may yield various techniques, including, but not limited to:

- Specific design features (paving, vertical elements, focal points, etc.) intended to define the square as a “place”;
- Arrangement of users/uses surrounding the public square, to ensure the highest levels of activity and visibility possible;
- Features (e.g., if determined to be desired) that commemorate the property/location that comprised the former Midtown Plaza atrium and/or are intended to educate visitors of the importance of the facility in the City’s development history; and,

- Methods and/or techniques to program activities/events in the public square and facilities to support such activities.

Comment 5

General Topic: Historic Resources
Commenter: Arany, Comeau
Classification: Explanation/Clarification Required

Comment:

In identifying historic resources in the vicinity of the Midtown property, e.g., on pages 90-91, the DGEIS should not be limited to properties over 50 years old, for example, the building at 1 East Avenue, Xerox Tower, and Manhattan Square Park.

Response:

Significant historic resources for this project have been identified in the DGEIS (Table 4.1 on page 92) based on the New York State and National Registers Criteria for Evaluation. Ordinarily, properties that have achieved significance within the past 50 years shall not be considered eligible for the State and National Registers. The following table provides a list of ten additional buildings that are under 50 years old and are located on properties adjacent to or in close proximity to the Midtown Project Site.

Address	Owner	Building Name	Year Built
1-17 East Avenue.	First States Investors, TRS, LP	Bank of America Building	1963
45-47 East Avenue.	Riedman Agency, Inc.		1982
27-33 Chestnut Street.	Action For A Better Community		1970
100 Chestnut Street.	RAM Properties, LLC	One HSBC Plaza	1960
131 Chestnut Street.	Xerox Corporation		1968

100-140 S. Clinton Avenue.	Xerox Corporation	Xerox Tower	1968
125-141 S. Clinton Avenue.	RURA – COMIDA – Bausch & Lomb Corporation	Bausch & Lomb Place	1994
75 S. Clinton Avenue.	COMIDA – Clinton Square Association	Clinton Square	1991
195 E. Main Street.	EJD Co.	Chase Tower	1973
233-247 E. Main Street.	235 E Main Street., LLC		1960

Source: City of Rochester, NY Property Information Website

Table 4.1 (page 92) of the DGEIS listed buildings that are over 50 years old and located on properties adjacent to or in close proximity to the Midtown Project Site. The three listed below are over 50 years old and are located on such properties, but were inadvertently omitted from Table 4.1 (page 92 of the DGEIS) or identified in the aerial photograph shown as Figure A7 (appended at the end of the narrative in the DGEIS). A table similar to that provided in the DGEIS that has been updated to include these three now appears in this document in Section 6 (Errata).

Address	Owner	Year Built
181-187 East Main Street.	COMIDA – Conifer Alliance	1927
5-7 N. Clinton Avenue.	R. Cho Young	1910
9-17 N. Clinton Avenue.	Edwin H. Cohen	1940

Source: City of Rochester, NY Property Information Website

Comment 6

General Topic: Historic Resources
Commenter: Arany, Comeau
Classification: Explanation/Clarification Required

Comment:

We believe the conversations regarding historic issues and compliance with historic regulations have been productive. However, we believe that these discussions should not be relegated to an appendix but should be woven into the document more thoroughly. On the surface, it looks as if none of the 14.09 discussions have informed the development of any alternatives; the public should have the option to look at those alternatives in the primary document as well.

Response:

The comment is acknowledged. The DGEIS is not being edited and reprinted, but is incorporated here in it's entirety by reference. This FGEIS provides a review of the alternatives in Section 3E.

Comment 7

General Topic: Reuse Alternatives
Commenter: Fillion
Classification: Explanation/Clarification Required

Comment:

Would it be possible for the businesses which plan to move to the new site move into the current Plaza instead? Perhaps they could be given a tax break as an incentive.

Response:

It is important to note that neither the City of Rochester nor the State of New York will develop the site. Site development will be led by private parties who, in many instances, will likely lease to multiple tenants. Neither the City nor the State will retain any ownership in the properties or serve as a landlord. Presumably, there will be no legal barrier to businesses, whether previously located on the site or not, to negotiate and execute a lease for space on the site.

Section 5.25 (pages 238-239) of the DGEIS addresses the relocation and/or closing of businesses that were located at Midtown Plaza:

“Midtown Plaza was closed following acquisition by the City in order to proceed with the

abatement of prevalent ACMs and RECs. At the time of its closure and despite a vacancy rate of at least 85 percent, the Plaza was nonetheless home to a number of businesses which served a local low-income population. Although demolition of Midtown Plaza for redevelopment purposes would ensure the permanence of the recent closure, there is much evidence that the failing facility was likely to have closed in any event. Despite significant effort made by the City to facilitate relocation of the businesses serving the local community to other downtown locations and the availability of financial assistance for relocation, some businesses have closed rather than relocate. These permanent closures are believed to have been for commercial reasons rather than as a direct result of the need to relocate. The preferred redevelopment alternative described in Section 2.0 would include a significant component of retail space that would also be available to serve the local population.”

It was the goal of the City to relocate every business in Midtown Plaza, preferably within the city. To that end, in regards to relocation benefits, the City utilized Federal Uniform Relocation (URA) Guidelines. The City was not obligated to follow the URA guidelines, but did so because they offer the most generous benefits for tenants in Midtown Plaza. The City also created a new grant program specifically for the 19 Midtown tenants. The Midtown Business Retention Grant Program provides grants to Midtown tenants, for expenses not covered under the URA, for those businesses relocating within the City of Rochester.

The Fiscal and Economic Analysis (Appendix E) notes that because the Midtown Redevelopment site is located within an Empire Zone, new developments could also qualify for property tax abatement over a ten-year period (485-e property tax abatement), along with various tax incentives from New York State.

Market studies completed during the planning process recommended that many of the uses anticipated in this development be food related; food stores, restaurants and cafes, particularly around the perimeter of the Open Space. While it is important to note that much of the program has yet to be determined, the alternatives described in the DGEIS offer significant flexibility to accommodate a wide range of future development opportunities.

Comment 8

General Topic: Reuse Alternatives
Commenter: O’Sullivan, Anonymous (tedyunger@yahoo.com), Anonymous (lezleg@yahoo.com)

Classification: Explanation/Clarification Required

Comment:

Why can't they use this place for the proposed Renaissance Square or a Casino? A casino would draw money in, enough to convert the rest into a youth center & learning center. A casino would be a great way to "keep" Midtown alive. Also use it as a community center, by offering outreach programs to the less fortunate, who by bus could get there easily, also a free job service – temporary help job bank would contribute to the development & growth of the city's youth. Skating rink/restaurant, game room, a hockey court or basketball court, gymnastics, or cheer leading for the girls, after school help with homework, or training to get these kids motivated for graduation for a job.

Response:

The commenter's opinion is noted. It is important to note that much of the program has yet to be determined. On December 4, 2008, the City of Rochester issued a Request for Proposals for sale and adaptive reuse of the Midtown Tower and the City is accepting applications through March 2, 2009.

Section 3E of this FGEIS reviews the history of failed attempts at revitalization of this site beginning on page 29. The Plaza was originally built to be supported by large retail stores (who in general, have not had success in downtown settings since the late-1970s); the Plaza itself experienced a decline, in part due to the rise in the area's suburban shopping malls. Midtown Plaza found that it was unable to compete, partly because of the decline in the city population. There was difficulty not only in attracting new major retailers, because of dated and inefficient floor layouts, but also Midtown struggled to retain its existing office and retail tenants due in part to extensive investments for hazardous material abatement and extensive building system updates.

Section 2.1 (page 29) of the DGEIS addresses the casino and is reprinted here:

"In 2004, New York state began pursuing an agreement with the Cayuga Indian Nation that would support plans for the tribe to develop a casino in Sullivan County and that would also allow the Senecas to purchase and exercise sovereignty over additional lands. This was followed by reports that the governor was also negotiating with the

Seneca-Cayugas of Oklahoma to resolve their claims in a manner that would allow development of Video Lottery Terminals within the Sibley Centre Complex and Midtown Plaza. While there was support from the local development community, the plan met significant opposition, some of which was raised by concerns over the presence of sovereign property within the city center and by the potential effect of a casino upon the character of the neighborhood. A variety of legal challenges also followed. Despite ongoing efforts by some to lobby in Albany in support of a downtown Rochester casino, it was announced late in 2004 that the Pataki administration had reached a settlement with the Seneca-Cayugas of Oklahoma which would include a NYS gaming compact for a casino in Sullivan County, but would not include a casino in Rochester.”

Further, it is important to note that several of the objectives of establishing the Urban Renewal District were to generate municipal tax base and additional jobs and capitalize on site’s potential to spur private investment and job creation. In 2007, the City of Rochester recognized that revitalization or redevelopment of the property could not occur without intervention and they exercised an option to purchase the property. The intent was to pursue a partnership with the private sector to identify an economically feasible plan for the revitalization of the properties. A final observation relevant to this comment concerns casino gaming and the fact that it is not yet legal in NYS.

Comment 9

General Topic: Reuse Alternatives
Commenter: Conroy
Classification: Explanation/Clarification Required

Comment

Turn one long city block, on both sides, into a Little Italy type area. There is a 2-3 block area in Cleveland, with shops and restaurants and street seating. It doesn’t need to be huge, but it would be a destination.

Response:

The commenter’s opinion is noted. As described by EDAW, the introverted nature of the original Midtown design resulted in adjacent spaces that lack any significant street level retail

activity. We have chosen to locate new retail along particular streets in order to animate them and create an appearance of activity at key locations around and in the site. There is a limited amount of retail that can be absorbed within today's market, so it was concentrated to the north along Main Street, the north end of Clinton and Elm Streets, and as appropriate along the edges of parks and open spaces within the development. Should there be a demand, there is the potential to insert retail uses on adjacent properties.

Comment 10

General Topic: Reuse Alternatives
Commenter: Owens
Classification: Explanation/Clarification Required

Comment

We need music, streets that are easy to navigate in the winter, good police presence, lots of flowered walkways, fountains. People here don't have the money to support high end retail. Maybe a few good outlets. Something the suburban malls don't have!

Response:

The commenter's opinion is noted. It is important to note that much of the program and layout has yet to be determined; however as part of the planning process, the City of Rochester commissioned several studies analyzing the market and its ability to realistically absorb retail, residential, office and hotel uses within the Midtown Redevelopment site. Those studies concurred that the redevelopment should not duplicate the Midtown Plaza that it replaces, nor should the retail duplicate a suburban mall.

Some additional findings are listed below:

- The site should be "walkable" and offer multiple opportunities for program;
- The development should be mixed use to take advantage of its proximity to transportation, employment, entertainment, educational institutions, and include residential, hospitality and office uses frontloaded with retail;
- Retail food uses will be a driver in repopulating the area. The presence of local businesses will stimulate the daytime population and a resident population of

homeowners will stabilize the area during evenings and weekends, but multiple food-based venues will mesh the two and cause intensified use of the area and multiple uses per person per day throughout the site;

- Reconnecting the street grid will immediately enliven the site. The site should be accessible to both pedestrian and vehicular traffic. Broad sidewalks and open space planning will assist the area's transformation into a neighborhood, a place worth visiting; and,
- Mixed use structures will provide a sense of security and activity with multiple populations utilizing overlapping spaces.

Comment 11

General Topic: Demolition
Commenter: Arany, Comeau, Monroe
Classification: Explanation/Clarification Required

Comment:

We are very concerned about what appears to be a strong possibility that this block could be cleared before firm plans for redevelopment are in place; if some or all of the hoped-for development does not materialize, we would be left with a vast empty space in one of downtown Rochester's most critical locations. We strongly suggest that it would be prudent to have an alternate plan in case the PAETEC project does not come to be or is further altered.

Response:

The commenter's concern is acknowledged. Please refer to section 3F for a discussion of the rationale underlying the proposed demolition schedule.

Comment 12

General Topic: Demolition
Commenter: Arany, Comeau
Classification: Additional Analysis Required

Comment:

Our overarching concern, therefore, is not so much with the vision presented for the site, which has many commendable features in providing a cohesive urban design that can achieve many of the City's goals, but with the lack of a clear path from demolition to redevelopment. The DGEIS does not adequately describe how the City intends to seek, promote, and ensure the redevelopment of the site.

Response:

The properties will be developed in a manner consistent with the Midtown Urban Renewal Plan and Center City District Design Guidelines. In considering the sale of any property within the Midtown site, the City will evaluate proposals based on the following:

1. Consistency with the Midtown Urban Renewal Plan and Center City District Design Guidelines;
2. Market and economic feasibility; and,
3. Ability to secure funding sources to undertake and complete the proposed project.

The RFP's prepared for the Midtown development parcels will likely be required to include references to applicable market studies, including the Citywide Housing Market Study, and the adopted Housing Policy for the City of Rochester in an effort to require that the residential component of each proposal demonstrates compliance with the Housing Policy and acknowledges the housing market potential in downtown Rochester. The City's preference would be for a variety of housing types and prices are developed at the Midtown site.

Comment 13

General Topic: Demolition
Commenter: Arany, Comeau
Classification: Explanation/Clarification Required

Comment:

We strongly urge the City to reconsider its position on phased demolition and, in addition, to

forbid surface parking lots within the Midtown site.

Response:

With respect to phased demolition, please refer to the response to Comment 11 and section 3F of the FGEIS.

With respect to surface parking lots, the commenter's concern is both noted and shared. The DGEIS references the plan for all parking demand from the site to be met on-site. No formal decision regarding the potential for surface lots has been made. It is unlikely that surface lots would be relied upon in the long-term. However, temporary use of surface lots cannot be ruled out.

The Zoning Code places several restrictions on surface parking lots downtown. For instance, §120-68G.(1)(b)[1] states, "Parking lots shall not be located at Main Street intersections and at all intersecting city streets." Any deviation from the restrictions requires site plan approval from the Director of Zoning.

Comment 14

General Topic: Skyway Pedestrian Bridges
Commenter: Penwarden
Classification: Explanation/Clarification Required

Comment:

The existing skyway crossovers are placed at midblock locations. If removed, pedestrians will be forced to cross at grade and should not be doing so mid-block. How would the skyway system termination redirect them so that they cross at intersections? Will there need to be any additional crosswalks? How will this impact the operation of the traffic signals?

Response:

If the skyway system connecting to Midtown is removed, pedestrians will be directed to building entrances / exits at street level that may not be in the same mid-block locations. Methods for pedestrians to reach the sidewalks near the terminated segments of the skyways will be

developed and identified. It is assumed that most pedestrians will choose to cross at intersections where crosswalks and pedestrian signals are already in place.

Section 2.5.6.3 of the DGEIS entitled “Demolition of Skyway Bridges and Related Utilities and Infrastructure”, page 58 addresses pedestrian movement and indicates:

“The existing sidewalks around the perimeter of the Midtown site as well as the interior sidewalks to be developed as part of the newly established street grid would then take up the function as a system hub that has historically been provided by the interior Midtown spaces.”

Pedestrian accommodations will also be installed at new intersections created by the proposed internal street grid.

Comment 15

General Topic: Skyway Pedestrian Bridges
Commenter: Penwarden
Classification: Explanation/Clarification Required

Comment:

The demolition of the skyways will displace many pedestrians onto surface streets, however there seems to be no mention of the impacts, and data on the existing usage was not provided.

Response:

See response to Comment 16 below.

Comment 16

General Topic: Skyway Pedestrian Bridges
Commenter: Penwarden
Classification: Explanation/Clarification Required

Comment:

Is the demolition & removal of the skyways necessary? Is there a way to retain them or rehab them?

Response:

The absence of data quantifying use of skyways is acknowledged.

An alternative to removal of the skyways connecting Midtown Plaza to adjacent buildings has not been identified. In addition, once the redevelopment is completed, there may not be buildings at the same locations to connect to the existing skyway system. Furthermore, encouraging pedestrian traffic at street level is an important goal of the redevelopment. Page 62 of the DGEIS describes how bringing the current above and below-ground segments of the skyway system to grade will reconnect pedestrians into the new street grid and will help to activate the public realm.

Section 12.9 of the DGEIS, Demolition of Skyway Bridges and Utilities, identifies the following skyway system components connecting to Midtown buildings slated for demolition:

- An elevated walkway over Broad Street connecting Midtown Tower to the Xerox Tower;
- An elevated walkway over Clinton Avenue connecting the Seneca Building to the Chase Tower; and,
- An elevated walkway over Main Street connecting the McCurdy Building to the Sibley Centre.

Although plans describing how the segments will be terminated have not yet been finalized, it is anticipated that the three elevated walkways listed above will be eliminated as a consequence of the demolition of the Midtown buildings to which they connect.

Section 12.9 of the DGEIS entitled “Demolition of Skyway Bridges and Utilities” noted on page 287:

“While future opportunities to develop replacement segments connecting the remaining system to new buildings or surface locations on the redeveloped Midtown site cannot be precluded, they would depend heavily upon the development schedule and upon the preferences and consent of those developing the affected buildings and are therefore too uncertain and remote to include

now as meaningful alternatives.”

Regarding Impacts to the Skyway System, Section 5.14.2 of the DGEIS indicated on pages 188-189, acknowledges that:

“The following potential impacts on existing structures related to the demolition of the Skyways would be addressed in the current demolition study and would become part of the demolition contract:

- How skyways would be severed;
- What would be involved in the process;
- Analyses of a) removal of the structure across the road in conjunction with severing the connection to Midtown, or b) retain a temporary connection;
- Necessary temporary structural support; and,
- Requirements for either Midtown and/or other structures to secure, or otherwise mitigate, the point of severing.

Section 5.14.2 further states...

“The existing sidewalks at the west and north perimeter of the site are expected to be either retained or reconstructed in their current configurations. The widths of existing sidewalks along Main Street (approximately 20 feet) and Clinton Avenue (approximately 10 feet) are expected to be sufficient to accommodate the anticipated usage by employees, hotel guests, patrons of the retail establishments, residents and pedestrians who would otherwise use the Skyway system. The construction of the transit center at Renaissance Square would result in the elimination of the sidewalk congestion that currently occurs at the bus transfer sites.

As part of the overall site design, pedestrian accessways along the south and west sides of the site would be redesigned, along with the overall street grid, to facilitate circulation within the site and to connect to neighboring streets. The relocation of the existing intercity bus terminal to Renaissance Square would remove a significant impediment to pedestrian circulation along the south side of the site.”

“Existing mid-block pedestrian crossing locations are expected to be sufficient to accommodate the increase in pedestrian usage by employees, hotel guests, patrons of the retail establishments, residents and pedestrians who would otherwise use the Skyway system. Phasing of pedestrian

crossing signals would be adjusted as needed.”

Comment 17

General Topic: Parking & Traffic
Commenter: Zimmer-Meyer, O'Sullivan
Classification: Explanation/Clarification Required

Comment:

The city should concentrate on city-wide traffic changes, and on-street parking to affect a dramatic sense of change that enhances the usability of retail and bolsters all of the markets simultaneously. If done coherently, this gets us to critical mass. On-street parking should be liberally built in along Main Street and throughout the site wherever possible.

There is not enough parking in downtown Rochester. Most residents do not go downtown because there isn't free parking.

Response:

Figure 7.3 included in this FGEIS illustrates a concept street grid plan proposed for the Midtown block and associated on-street parking spaces that would be provided in such a scenario.

EDAW notes that the study did not examine city-wide traffic changes. As for on-street parking, along the tertiary streets within the site, there are accommodations for on-street parking.

Page 185 of the Draft Generic Environmental Impact Statement, Section 5.12.5, indicates that:

“Although the final interior street layout of the redeveloped Midtown site is unknown at the time, each of the development scenarios presented (Low, Medium, and High) proposes to construct new internal streets that would break up the existing Midtown site into smaller blocks. New streets are proposed to bisect the site north/south and east/west. The new streets and associated rights-of-way would provide enhanced circulation and mobility, additional opportunities for street-level retail and on-street parking, and space for pedestrian circulation, public spaces, landscaping, and utilities serving the redeveloped site.”

The comment regarding parking is noted. Parking is acknowledged to be an ongoing cause of

concern in the area. Regarding the quantity of available parking downtown, Walker Parking Consultants / Engineers, Inc. was retained by the City of Rochester to conduct parking studies for the downtown area. Section 4.12.4 of the DGEIS notes that the Comprehensive Downtown Parking Study, released in January 2008, addressed overall parking supply and demand within seventy blocks of downtown and considered all types of parking including on-street, public / private surface lot, and public / private parking structure. The analysis indicated that there is adequate parking within downtown Rochester as a whole; however there are localized areas where demand may exceed supply, such as within entertainment districts during evening peak hours.

Section 5.12.1 of the DGEIS further observed that any new parking demands that are generated as a result of the redevelopment would be accommodated on site. Depending on the density scenario chosen, and as a result of the redevelopment, Walker has estimated the parking demand between 918 – 2,688 shared spaces. A new above-ground parking structure would be considered if the demand were present at this site. On-street parking would also be created along the new interior street network to serve short-term parking needs (generally 15 minutes to 1 hour) of future commercial projects.

According to the City of Rochester's website (www.cityofrochester.gov), many of the downtown Municipal Parking Garages offer free parking.

Court Street Garage: Parking for the 1st hour is free;

East End Garage: Evenings after 5:30, and weekends, are free (*not during special events);

Genesee Crossroads Garage: Parking for the 1st hour, and weekends, are free (*not during special events);

High Falls Garage: Parking for the 1st hour is free;

Sister Cities Garage: Parking for the 1st hour, and weekends, are free (*not during special events);

South Avenue Garage: Parking for the 1st hour is free; and,

Washington Square Garage: Parking for the 1st hour, and weekends, are free (*not

during special events).

Comment 18

General Topic: Parking & Traffic
Commenter: Zimmer-Meyer
Classification: Explanation/Clarification Required

Comment:

N/S Axis street needs to have a strong connection to Main Street, be designed as a wider route of circulation with a center median, and designed as flexible space allowing an easy transition to programmed events and alternative uses during off-peak time. This should be deliberately designed as a grand connection to Main Street, with major visual terminus points in both north and south directions.

Response:

EDAW notes that the corridor extending south from Main Street into the heart of the site was modeled after well known successful retail streets. It is our belief that a successful retail street is a careful balance of visibility and intimacy. Rockefeller Center, for example, was cited as a model for how this space should be designed. The Channel Gardens, leading from 5th Avenue to Rockefeller Plaza, is both an intimate pedestrian environment and it provides an enormous degree of visibility to Rockefeller Plaza and the tower beyond. This is one of the more memorable spaces in New York City and works within a corridor that is only 60' wide from building to building. The type of roadway described in the comment above is designed for automobiles not people and would interrupt the type of pedestrian environment that is so badly needed to help reinvigorate Main Street. It was decided early on, and is reflected in the existing design guidelines for the Main Street corridor, that there be a consistent streetwall with at-grade retail frontage in the buildings fronting Main Street. A wide roadway into the Midtown site will simply further erode the existing retail street frontage along Main Street.

There have been some comments suggesting that Liberty Pole Plaza be the major focus of a connection between the center of the Midtown site and Main Street. Liberty Pole Plaza is an historic space whose shape and form are defined by the buildings that border it. To introduce a

wide opening along Main Street at Liberty Pole Plaza would alter its shape and its dominant orientation toward the Sibley building; which is the true monument at this corner. A more appropriate vista for the north south street leading into the Midtown Block should be the small clock tower above the Sibley building, which can be seen in the illustration of the central plaza.

Comment 19

General Topic: Parking & Traffic
Commenter: Penwarden
Classification: Explanation/Clarification Required

Comment:

How well would the traffic circulation patterns around the site work if the existing one way operation on Clinton & Broad were to be retained?

Response:

The Midtown traffic analysis assumed that the existing one-way operation of Clinton Avenue, St Paul Street / South Avenue, Broad Street and Court Street would be maintained through the buildout period. This assumption was confirmed with MCDOT staff prior to completing the analysis. Therefore, the study projects how the traffic circulation would work if the one-way operations were to be retained.

Comment 20

General Topic: Parking & Traffic
Commenter: Penwarden
Classification: Explanation/Clarification Required

Comment:

What traffic control is being considered for the proposed new intersection at Main & Cortland?

Response:

As discussed in Section 5.12.5 of the DGEIS, it is expected that the intersection of Main Street

and Cortland Street will be controlled by a traffic signal. This intersection is planned to be a “gateway” into the redeveloped Midtown site and will likely include a traffic signal and pedestrian accommodations. A signal at this location should work within the coordinated traffic signal system, as there is currently a signal controlling a pedestrian crossing between Midtown Plaza and the Sibley Building.

Comment 21

General Topic: Parking & Traffic
Commenter: Penwarden
Classification: Explanation/Clarification Required

Comment:

Clinton Avenue @ Main Street. The report should not assume that NB Right turns are allowed from Clinton Avenue onto Main Street. This turn will continue to be prohibited for pedestrian safety. However, WB RT turns from Main Street onto Clinton will be allowed when Renaissance Square is constructed.

Response:

After further discussion with MCDOT, it was determined that the Clinton Avenue northbound approach should be modeled with two through lanes and one right turn lane. The supplemental analysis appended to this document used this revised configuration at the Main Street / Clinton Avenue intersection.

Comment 22

General Topic: Parking & Traffic
Commenter: Penwarden
Classification: Explanation/Clarification Required

Comment:

Court Street was modeled as 1 Way East of Clinton Avenue. What if it were modified as 2 Way here?

Response:

The possible two-way conversion of Court Street and Broad Street is being analyzed as part of a separate City project and was not considered for the Midtown traffic analysis.

Comment 23

General Topic: Parking & Traffic
Commenter: Penwarden
Classification: Explanation/Clarification Required

Comment:

Midtown Parking Garage access – would there be any conflicts if Broad Street or Court Street. Became 2 Way? EB on Broad Street. is a difficult turn into the underground parking.

Response:

The possible two-way conversion of Broad Street and Court Street is being analyzed as part of a separate City project and was not considered for the Midtown traffic analysis. However, it is anticipated that the existing parking garage access points could remain, although modifications to curb cuts would be necessary to accommodate two-way traffic along Court Street or Broad Street.

Comment 24

General Topic: Parking & Traffic
Commenter: Zimmer-Meyer
Classification: Explanation/Clarification Required

Comment:

Are the widths of the proposed streets too narrow?

Response:

As indicated in Section 5.15.3 (page 204) of the DGEIS, the new street grid would be comprised

of the following:

- 36-foot wide street pavements (curb to curb) including two 10-foot travel lanes and two 8-foot wide parking lane (one each side);
- Stone curbs;
- Concrete sidewalks each side (12-foot in width);
- 60 foot rights-of-way width; and,
- Streetscape including light poles, trees, planters, benches etc.

The DGEIS also indicated the consideration of and an alternative to extend the width of the travel lanes to 11 feet and narrow the sidewalks to 11 feet wide instead. This alternative would not be expected to affect costs significantly when compared to the geometry describe immediately above.

The relatively narrow road widths described above were proposed due to their traffic calming properties and to lend to the intimate/informal setting envisioned for the central open space. Subsequent analysis by the City of Rochester has identified a third alternative which would widen Cortland Street to make it more pronounced and identify it as the primary entrance to the block.

Comment 25

General Topic: Parking & Traffic
Commenter: Penwarden
Classification: Explanation/Clarification Required

Comment:

The study area should be expanded to include Broad & South, Court & South, Woodbury & South Clinton, Woodbury & South Avenue & any other intersection where more than 100 VPH are added

Response:

Per a meeting with MCDOT on January 13, 2009, the study area was expanded to include the following intersections:

- South Avenue / Court Street;
- South Avenue / Broad Street;
- South Avenue / Main Street;
- South Clinton Avenue / Woodbury Boulevard (AM Peak Hour Only);
- St Paul Street / Inner Loop Eastbound; and,
- St Paul Street / Inner Loop Westbound.

The additional intersections were analyzed under the High Density Scenario only. Baseline traffic volumes, including background traffic from ESL, Renaissance Square, the Midtown Garage re-distribution, and a general growth factor, were used similar to the original traffic analysis.

The supplemental traffic analysis indicates that the additional studied intersections will operate at acceptable levels under the High Density Scenario with the following minor signal timing modifications:

AM Peak Hour

- St Paul Street / Inner Loop Eastbound

Improve the eastbound LOS by adding signal time to this approach, along with a slight decrease in signal time to the northbound and southbound approaches. The existing cycle length is maintained.

- St Paul Street / Inner Loop Westbound

Increase signal time for the northbound approach and decrease time for the westbound and southbound approaches (required to implement signal timing modifications at the St Paul

Street / Inner Loop Eastbound intersection, as the two intersections operate from the same signal controller). The existing cycle length is maintained.

PM Peak Hour

- St Paul Street / Inner Loop Eastbound

Improve the eastbound LOS by adding signal time to this approach, while decreasing signal time for the northbound and southbound approaches. The existing cycle length is maintained.

- St Paul Street / Inner Loop Westbound

Improve the westbound and northbound LOS by adding signal time to these approaches, along with a slight decrease in signal time to the southbound approach. The existing cycle length is maintained.

- South Avenue / Broad Street

Add signal time to the east and westbound through movements while slightly decreasing signal time for the westbound left phase. The existing cycle length is maintained.

- South Avenue / Court Street

Add signal time to the east and westbound through movements while slightly decreasing signal time for the westbound left and southbound phases. The existing cycle length is maintained.

A Level of Service summary, calculations and Synchro reports for intersections studied in the supplemental traffic analysis are included in Appendix F.

Comment 26

General Topic:	Parking & Traffic
Commenter:	Penwarden
Classification:	Explanation/Clarification Required

Comment:

The analyses mentioned additional pedestrians, but the pedestrian volumes did not increase as the phases are developed, and were not further increased to account for the skyway system demolition. Also note today's standard for pedestrian walking speed is 3.5 ft/sec.

Response:

It is expected that the existing sidewalks, crosswalks and pedestrian signals will accommodate pedestrian traffic from the redeveloped Midtown site. The pedestrian walking speed of 3.5 ft/sec is noted.

Comment 27

General Topic: Parking & Traffic
Commenter: Penwarden
Classification: Explanation/Clarification Required

Comment:

Pg 44 identifies the "preferred" Midtown street grid. We believe the area would operate better if "Historic Elm Street" were to be extended straight thru to Broad Street in conjunction with eliminating Plaza Drive and Atlas Street South of New Elm Street. Also, if Broad Street became two-way, the proposed southern terminus of Atlas Street would be too close to the Broad Street/Chestnut Street intersection.

Response:

Comment noted. The alignment of the internal street grid is still being finalized and will partly depend on the disposition of the Midtown Tower.

Comment 28

General Topic: Parking & Traffic
Commenter: Penwarden
Classification: Explanation/Clarification Required

Comment:

The report states that, per the Ren Square TIR, no modifications are being recommended at Clinton/Main. In fact, the TIR identifies that the exclusive bus lanes on Main Street will be converted into general travel lanes.

Response:

The analysis of the Main Street / Clinton Avenue intersection was modeled in accordance with the Renaissance Square traffic assessment. MCDOT has verified that the westbound approach will include a thru-right lane and a thru-lane, and the eastbound approach will include a thru-left lane and a thru-lane, as the exclusive bus lanes will be no longer needed.

Comment 29

General Topic: Parking & Traffic
Commenter: Penwarden
Classification: Explanation/Clarification Required

Comment:

Table 5.4 — Clinton @ Main — the report shows the EB Approach failing in the AM. However, the Ren Square TIR analysis had this working fine with the changes mentioned above. The analysis needs to be modified to mitigate for the failing condition and to be consistent with the Renaissance Square analysis.

Response:

Additional traffic analysis has been completed for the Main Street / Clinton Avenue intersection following a meeting on January 13, 2009 and subsequent discussions with MCDOT staff.

Similar to the original traffic assessment, the supplemental analysis was completed for four (4) scenarios: Base Conditions, PAETEC Only, PAETEC with Low Density redevelopment, and PAETEC with High Density redevelopment. The analysis indicates that during the AM peak hour under the High Density scenario, the Main Street eastbound approach will experience a LOS "E" with a vehicle to capacity ratio (v/c ratio) of 1.04. Because the v/c ratio is greater than 1.0, this result falls just outside of MCDOT's acceptability criteria. However, acceptable LOS

and v/c ratios are projected to be experienced up through the PAETEC with Low Density redevelopment scenario, as well as during the PM Peak Hour for all scenarios. In conclusion, it is the City's belief that this intersection will perform adequately for many years to come as development progresses within the Center City. It is acknowledged that delays may reach unacceptable levels in the AM Peak Hour should development reach maximum buildout.

Please refer to Appendix F for the supplemental traffic analysis at the Main Street/ Clinton Avenue intersection, including Level of Service table and Synchro reports.

Comment 30

General Topic: Parking & Traffic
Commenter: Penwarden
Classification: Explanation/Clarification Required

Comment:

Court Street @ Clinton Avenue – The report shows the EB Approach failing in the AM peak hour; LOS “F” is never acceptable, and any overflow would block other nearby intersections. Mitigation of this condition is required.

Response:

The projected Level of Service “F” for the Court Street eastbound left turn onto Clinton Avenue is an unavoidable impact resulting from the redeveloped Midtown site (see Section 6.4 of the DGEIS). No feasible mitigation efforts for immediate implementation have been identified. An eastbound left turn lane or additional signal timing for the eastbound approach would be required to improve the LOS during the morning peak hour, however due to the proximity of the Bausch & Lomb Atrium to the north and historic Washington Square Park to the south, widening this intersection is not feasible. An alternate that would provide additional signal timing to the eastbound approach would negatively affect the LOS for northbound traffic along Clinton Avenue and would also conflict with the coordinated signal system along Clinton Avenue.

The Court Street/Clinton Avenue intersection should be monitored as redevelopment of the Midtown site progresses. Intersection operations should also be analyzed as part of any future proposal to convert Court Street (east of Clinton Avenue) and/or Clinton Avenue to two-way

traffic, as it may be possible to re-stripe this intersection or modify signal phasing as part of a two-way conversion project. It is important to note that it is likely that if the existing street alignments remain and the projected delays are realized, some drivers may choose alternate ways to access the site.

Comment 31

General Topic: Parking & Traffic
Commenter: Penwarden
Classification: Explanation/Clarification Required

Comment:

Table 5.5- Broad Street & Chestnut Street – for the PM Peak Hour, model the intersection with the NB Left turn arrow phase operating in the PM peak in all scenarios to remove the LOS “F” condition from the analysis.

Response:

A revised analysis was conducted for the High Density buildout scenario to include a northbound left turn phase at the Chestnut Street / Broad Street intersection during the PM peak hour. The analysis indicates that the intersection will operate at LOS “B” overall and LOS “C” or better for individual turning movements.

Comment 32

General Topic: Site Design/Layout
Commenter: Monroe, Zimmer-Meyer
Classification: Explanation/Clarification Required

Comment:

From a technical standpoint, placing green space anywhere over the existing parking garage has its limitations. It may prove to be similar to the Civic Center Plaza, also built over an existing underground garage, where the planting of trees has been infeasible. As a result, the

wide expanse of asphalt has turned out to be an unpopular and forbidding public space, which has led to extremely low public usage.

Response:

According to EDAW, the development of streets and open spaces on top of the garage structure is dependent on the structural capacity of the garage. This capacity is currently adequate to support emergency vehicles. Stormwater drainage from new open spaces will need to be designed to avoid conflicts with the garage clearances below and connect to storm drains in adjacent streets.

Since publication of the DGEIS, it has been determined that the section of the existing service tunnel under the central open space will be demolished and filled in. A new alignment and reconstruction of the service tunnel will follow to retain the function of the service tunnel under the site. The final designs of the proposed central open space (Block 4) have not been completed. Should the final design include landscaping features (i.e.; shrubs, trees, etc.) this can be accommodated due to the fact that approximately the northern two-thirds (2/3) of this parcel will be situated over infill. Approximately, the southern one third (1/3) of the proposed central open space will be situated over a section of the underground garage. This section of the underground garage is structurally sufficient to accommodate raised planters, if necessary. In addition, due in part to technology advances in materials and design; there are case studies of other cities that have successfully placed landscaped areas on the rooftops of underground garages.

Comment 33

General Topic: Site Design/Layout
Commenter: Zimmer-Meyer
Classification: Explanation/Clarification Required

Comment:

Is it both possible and practical to build the proposed streets, parks and independent buildings on top of the existing garage? Can the issues of foundations, services, infrastructure,

landscaping, etc. be worked out without compromising the garage?

Response:

According to EDAW, because of the extent of the underground parking garage which extends beneath Broad Street and under much of the site, development of some sort above the garage is unavoidable. The development of streets and open spaces on top of the garage structure is dependent on the structural capacity of the garage and there will need to be modifications to some sections of the existing surface structure to accommodate them. The column structure for new buildings will need to be designed to work within the existing garage structure in as much as is feasible given modern building requirements. It is entirely feasible that the building structure penetrates through the garage and function independently of the existing structure as the garage structure is incompatible with modern building types, however this will reduce the efficiency of the garage.

In addition, existing means of egress and ventilation from the garage will need to be coordinated with new development. Stormwater drainage from new open spaces will need to be designed to avoid conflicts with the garage clearances below and connect to storm drains in adjacent streets.

The section of the existing service tunnel under the proposed “new” Cortland Street, which connects to Main Street and runs north-south, will be demolished and filled in. A new alignment and reconstruction of the service tunnel will be developed. This will eliminate any concerns of the proposed Cortland Street being constructed over the service tunnel. The garage, in general, is structurally sufficient to support any remaining new streets or sections of streets that are built over it. It is feasible and practical to reinforce the garage in certain sections, if necessary, to support streets or structures above it. Any new sections of the service tunnel that are reconstructed will be structurally capable of supporting buildings, streets or related infrastructure.

Also, see response to Comment 32.

Comment 34

General Topic: Site Design/Layout
Commenter: Monroe, Zimmer-Meyer
Classification: Explanation/Clarification Required

Comment:

Creating a large, out of scale, landscaped area on the corner of Broad Street and Clinton Avenue South does not effectively anchor or strengthen that important corner, nor does it give the community a needed civic space with the hierarchal integrity that it deserves or serve as a meaningful connection to its nearby neighbor, the Washington Square district. Should also have a larger or more open access to site from Main Street with a more pronounced connection to Main Street and Liberty Pole.

Response:

According to EDAW, the purpose of the open space located in the southwestern corner of the Midtown development block is threefold. It provides a strong centralizing focus for the tallest buildings in the Towers District, it effectively creates the connection between the Midtown block and the Washington Square District, and it creates a visible destination from the river for pedestrians, thereby increasing the potential of Broad Street to become a more attractive pedestrian corridor between the areas west of the river and the Midtown site.

A properly designed open space at this corner will help establish a single building ensemble with several of the city's tallest buildings at the Broad / Clinton intersection. The current pattern of individual towers surrounded by unused open spaces is a poor setting for these buildings and an uninspiring entrance to the downtown at this key intersection. A plaza at this point creates a stronger sense of arrival to the downtown, and a powerful visual entrance into the site. The benefit of a space at this location is that it provides an address for several buildings on and adjacent to the Midtown block thereby adding value to the real estate of the entire area.

Regarding the amount of open space, we studied several Midwestern city centers and calculated an average building coverage of about 63%. The preferred alternative for the Midtown site has a total building coverage of about 58%.which is comparable, and is certainly greater than the areas surrounding the site. It was decided however, that a 10 storey building could be accommodated on the eastern edge of the plaza in front of the Midtown tower, should

there be sufficient market demand to justify an additional building.

There have been comments suggesting that Liberty Pole Plaza be the major focus of a connection between the center of the Midtown site and Main Street. Liberty Pole Plaza is an historic space with a shape and form defined by the buildings that border it. To introduce a wide opening along Main Street at Liberty Pole Plaza would alter its shape and its dominant orientation toward the Sibley building - which is the true monument at this corner. A more appropriate vista for the north south street leading into the Midtown Block should be the small clock tower above the Sibley building, which can be seen in the illustration of the central plaza.

Comment 35

General Topic: Site Design/Layout
Commenter: Zimmer-Meyer
Classification: Explanation/Clarification Required

Comment:

Remaining new greenspace should be located in the center of the block, treated like a smaller European piazza, and handled in a very urban way (like Pioneer Square in Seattle). The four sides should be surrounded by streets and sidewalks featuring retail and active street front uses (mostly food, bars, coffee houses, etc.) on both sides of the street. One crowded vest pocket park works better than two large empty ones.

Response:

According to EDAW, the character of the public spaces at the center of the block will reflect the land uses that are located there. In this case, the center of the block is a combination of residential and commercial uses, with retail lining the perimeter. The plaza we indicate in the plans does in fact fit the description from the above comment as indicated in the rendering depicting this space (see Figure 7.2 appended to the end of this document).

Regarding one sided retail street, these conditions occur around an open space, which is a common retail condition in cities. Although this is not a retail street, it is very much plaza with visibility from the surrounding streets. Many of the uses that are anticipated in this development

are food related; food stores, restaurants and cafes. These types of uses are particularly well suited for commercial spaces that overlook parks and plazas.

Note that there are two-sided retail streets including Main Street and the north south street leading from it to the plaza. The future redevelopment of the blocks east of Elm Street and Atlas Street (within the enterprise zone) could supply additional retail spaces and complete the opposite sides of some of these adjacent streets.

As already described in a preceding response, the introverted nature of the original Midtown design resulted in adjacent spaces that lack any significant street level retail activity. We have chosen to locate new retail along particular streets in order to animate them and create an appearance of activity at key locations around and in the site. There is a limited amount of retail that can be absorbed within today's market, so this was concentrated to the north along Main Street, the north end of Clinton and Elm Streets, and as appropriate along the edges of parks and open spaces within the development. Should there be a demand, there is the potential to insert retail uses on adjacent properties.

The future redevelopment of the blocks east of Elm Street and Atlas Street (within the enterprise zone) will supply additional retail spaces and complete the opposite side of these internal streets.

Comment 36

General Topic: Site Design/Layout
Commenter: Zimmer-Meyer
Classification: Explanation/Clarification Required

Comment:

Break the large parcels into very small parcels around the square to accommodate smaller, local developers who engage in residential construction. The city sets design standards and common areas, but should let multiple, different, smaller-footprint buildings go up.

Response:

According to EDAW, smaller parcels were not included on the Midtown site as it was necessary

to integrate above grade parking garages on the individual development blocks in order to provide the amount of parking needed to support this development. This strategy is not possible using a smaller building module. In addition, the development density that this property can support is only achievable with larger building parcels.

With respect to design standards, the RFP for the Adaptive Reuse of the Midtown Tower released by the City of Rochester indicates:

“All proposers should review the DGEIS in detail. The document and key appendices include significant detail that will be useful for adaptive reuse proposals including base maps (garage, utility, etc.), market information (Cushman & Wakefield Market Feasibility Analysis, Citywide Housing Study, Rochester Downtown Development Corporation’s (RDDC) office and residential surveys for the downtown area), Midtown Urban Renewal Plan, relevant zoning, etc.”

Once again, as previously mentioned, it is the City of Rochester’s preference that a variety of housing types and prices are developed at the Midtown site.

The commenter is encouraged to refer to Section 2.5.2 in the DGEIS entitled “Assembly, Street Grid and Block Configuration”, and Appendix D in the DGEIS in which both further discuss the development guidelines which are anticipated to govern development in the remaining blocks.

Comment 37

General Topic: Site Design/Layout
Commenter: Zimmer-Meyer
Classification: Explanation/Clarification Required

Comment:

There should be careful thought given before Cadillac Hotel and associated buildings are proposed for demolition. These are examples of "fine grain" buildings that can sometimes make an important contribution to the character of an urban area.

Response:

The commenters opinion is noted. As indicated in Section 2.5.6 (pages 54 – 55) of the DGEIS:

“Acquisition of the Midtown Plaza properties was proposed and the associated environmental impacts reviewed at the time the Urban Renewal District was first established. Although demolition and clearance of the site was not specifically proposed along with establishment of the Urban Renewal District, that action did identify the following important redevelopment and revitalization objectives:

- Arrest further deterioration of the site and its negative influence on surrounding area;
- Eliminate substandard conditions, deteriorated structures and other blighting influences;
- Demolish and remove of non-contributing structures in the project area that are not economically feasible to renovate; and,
- Eliminate urban design characteristics contributing to blight within the project area.”

There are no immediate plans or proposals for demolition of the Cadillac Hotel or similar buildings within the district. As indicated by the above criteria such buildings could potentially be removed were they found to be non-contributing structures in the project area that are not economically feasible to renovate.

Comment 38

General Topic: Site Design/Layout
Commenter: Monroe
Classification: Explanation/Clarification Required

Comment:

Reintroducing streets that accommodate vehicular and pedestrian circulation and penetrate and connect through and to surrounding areas of this important downtown site is an important aspect to pay attention to in this site redevelopment. Newly created streets in the site plan should be located so that they have key axial relationships to existing urban fabric with attention to view sheds, configured as to hierarchy and type, sized and designed to function in different ways depending on location and importance.

Response:

The commenter’s opinion is noted. The proposed site plan (included as Figure A1 in the DGEIS

and also included herein as Figure 7.1) shows a preliminary design for introducing a new street grid along with pedestrian circulation which will accomplish the City of Rochester's goal of breaking up the Midtown "Super Block". As set forth in the City of Rochester's Center City Master Plan, the site plan supports a development objective which will reduce the "barrier effect" and negative impacts of both natural and man-made physical features. Section 5C of the Center City Master Plan states that a development objective of the Center City Plan is to "tie neighborhoods or districts together that have been separated by physical development, infrastructure, design elements or natural features, by improving circulation routes, changing land use or street patterns or developing new design elements". Overall, the proposed site plan encourages a more sustainable pedestrian use and effectively reconnects and reactivates the adjacent areas. To review Campaign Ten of the Center City Master Plan (Rochester 2010: The Renaissance Plan) see Appendix K in the DGEIS.

The proposed site plan with related land use is intended to be consistent with the goals and recommendations of the Center City Master Plan. In addition, the reintroduction of historic Cortland Street is a strategic means of accomplishing an important design element along with acknowledging a significant historical component of the site (See Figure 2.8 on page 41 of the DGEIS to review the historic street grid of the Midtown Site).

A Visual Impact Analysis was completed by EDAW and included in Appendix I of the DGEIS. This analysis helps to visualize the proposed build out of the site with views from the street level as well as from an aerial perspective. Information regarding the urban design principles and background which have been applied to creating the overall site plan for the Midtown project can be reviewed in the "Rochester Midtown Concept Alternatives Presentation" (see Appendix B in the DGEIS).

Comment 39

General Topic: Site Design/Layout
Commenter: Monroe
Classification: Explanation/Clarification Required

Comment:

There should be one key axial connection into the site from Main Street that is prominent and

strong in design, a gateway encouraging pedestrian traffic and featuring special design features worthy of its location and function. This street might have a multiplicity of features and uses depending on season and time of day.

Response:

The commenter's opinion is noted. Please see above response to Comment 24 and Figure 7.3 which illustrates a focus on Cortland Street as the key axial connection into the site.

Comment 40

General Topic: Site Design/Layout
Commenter: Arany, Comeau
Classification: Explanation/Clarification Required

Comment:

It would be helpful if the location of the atrium could be indicated, perhaps as a dotted line or shadow, in as many figures as possible, as this would more clearly illustrate how the atrium might fit into a reconfigured Midtown block, and/or where there may be an opportunity to deconstruct or interpret the atrium location.

Response:

Please see included Figure 7.1 which illustrates the spatial relationship between the proposed site plan and features the existing Midtown Tower and the Atrium.

Comment 41

General Topic: Site Design/Layout
Commenter: Zimmer-Meyer
Classification: Explanation/Clarification Required

Comment:

Importance of appropriate residential development to activate site; need for more moderate and

low-rise residential, less high-rise. Suggestion to create a European town square, where 3-4 story, residential and retail form a unique urban village. More people in one space, not fewer people in more spaces.

Response:

The commenter's perspective is noted.

EDAW noted that the choice of mid- and high-rise residential building typology is a product of the market study which determined that a market for these types of apartments does in fact exist. This building type is much more appropriate than a low-rise structure when used with above grade parking garages.

On page 35 of their City-Wide Housing Market Study Recommendations (Appendix Y of the DGEIS), the City of Rochester notes:

“...as the housing preferences continue to change and the desire for new units remains a guiding force to housing choice, Rochester must offer a much greater range of products to capture the market. The market assessment indicates that Rochester should further encourage the development of new housing types for new segments of the market including empty-nesters, young professionals and graduating students. These include mid-rise apartments and condominiums, lofts and attached townhomes. New units must be designed to accommodate a range of unit sizes recognizing that today's households are not of a one-size fits all generation.”

According to a study commissioned by the City of Rochester as part of the planning efforts, it was observed that current and projected rents are too low to support retail development as stand alone structures, therefore retail should be developed whenever possible as part of a stacked, mixed-use structure. Doing so allows the cost of the foundation and roof to be spread across the program and reduces the effective construction cost per square foot to a level supportable by rent derived income.

The RFP prepared for the Midtown development parcels include reference to applicable market studies, including the City-Wide Housing Market Study and the adopted Housing Policy for the City of Rochester in an effort to require that the residential component of each proposal demonstrates compliance with the Housing Policy and acknowledges the housing market potential in downtown Rochester. As stated previously, it is the City of Rochester's preference that a variety of housing types and prices are developed at the Midtown site.

The commenter is encouraged to refer to Section 2.5.2 in the DGEIS entitled “Assembly, Street Grid and Block Configuration”, and Appendix D in the DGEIS in which both further discuss the development guidelines which are anticipated to govern development in the remaining blocks.

Also refer to the response to Comment 36.

Comment 42

General Topic: Site Design/Layout
Commenter: Anonymous (tedyunger@yahoo.com), Wilkinson
Classification: Explanation/Clarification Required

Comment:

There has been a lot of development of downtown condos & apartments. It is only logical those residents will need a grocery store nearby for convenience. A Price Right market or drugstore would be nice in Midtown.

Response:

The commenter's observation is noted. Studies commissioned as part of the planning process recognized a considerable market shortage for Food and Beverage sales for the area within 1 mile of Main & Clinton. The shortage is estimated at \$16.6 million dollars for non-convenience grocery stores and \$537,000 for Specialty Food Stores (excluding sales potential from Downtown workers who come into the 1 mile area for work), which is positive reinforcement of the potential viability of a downtown grocery store.

These studies also recommend that retail in the redevelopment be almost entirely food based, anchored by a high-end urban market of about 20,000 to 25,000 square feet, and encouraged for the market to be built in the base of PAETEC's Operations Center. This would reduce the land basis to be carried by the market making it financially viable and following the mixed-use recommendations for the development of the site.

Page 234 of the DGEIS references a 2005 Urban Land Institute (ULI) Advisory Services Panel Report (Appendix A of the DGEIS) that recommended to demolish the Midtown Plaza site and :

“...replaced with a mixed-use development organized around a street and block system including a mix of street-level, sidewalk- oriented convenience and daily needs retail and service businesses such as a grocery, pharmacy, and dry cleaners, as well as unique restaurants, nightclubs, and shops that can be found in no other location in the area”.

Comment 43

General Topic: Site Design/Layout
Commenter: Wilkinson
Classification: Explanation/Clarification Required

Comment:

Design PAETEC building with maybe 4-5 businesses in the street level of it, Brueggers Bagels, Dunkin Donuts, Newspaper stand, Abbott’s ice cream and NY Pizza Place and Restaurant. The elevators to go only 1st floor of PAETEC unless you are an employee with a pass.

Response:

The commenter’s vision is acknowledged. It should be noted that much of the program and site layout has yet to be determined; however, as stated previously in the FGEIS, the City of Rochester has commissioned multiple studies to review the market and its ability to absorb uses within the Redevelopment area. It has been recommended that retail spaces be located within the bases of mixed-use structures to remove or greatly reduce the cost of land to the retail developments. This includes a recommendation for an Urban Market in the base of PAETEC’s Operations Center, as well as food-themed retail spaces surrounding the open center space.

It should be further noted that PAETEC will be determining independently many elements of their program and facilities.

Comment 44

General Topic: Site Design/Layout
Commenter: Gefell
Classification: Explanation/Clarification Required

Comment:

Has there been any thought of opening a multi-film theatre?

Response:

As part of the Redevelopment planning effort, several studies were commissioned by the City of Rochester. It was noted that a multiplex movie theater was considered, but rejected for two reasons – too space-consuming and the Rochester market is already “over screened” around the downtown area. In addition, the Little Theater a few blocks away in the East End is already a successful venue for art films that fit the urban profile.

Alternatives described in the DGEIS offer significant flexibility to accommodate a wide range of future development opportunities.

Comment 45

General Topic:	Site Design/Layout
Commenter:	Gefell
Classification:	Explanation/Clarification Required

Comment:

Would it be possible to preserve or create another Midtown Tower Restaurant?

Response:

As stated previously in the FGEIS, the City of Rochester has issued a Request for Proposals for redevelopment of the Midtown Tower, which could include a restaurant. As noted above in response to comment 44, alternatives described in the DGEIS offer significant flexibility to accommodate a wide range of future development opportunities.

According to a study commissioned by the City of Rochester, it recommended that a majority of the retail in the redevelopment area be food-based, including a “marquee” white-tablecloth restaurant appealing to business lunches, special “evenings out” and visitors to Rochester, a trendy “young professional’s” casual sit-down restaurant and bar with live music and dance

options as well as a variety of smaller ethnic and multi-cultural restaurants in a food court with dramatic seasonal “winter garden” or open air common seating.

Comment 46

General Topic: Site Design/Layout
Commenter: Zimmer-Meyer
Classification: Explanation/Clarification Required

Comment:

PAETEC building appears to be one which would have no "back' or rear and might need to be serviced (deliveries, etc) from multiple sides

Response:

The below grade service tunnel will be available to the proposed PAETEC facility located on proposed Block 1. A new alignment and reconstruction of part of the service tunnel will occur to stay consistent with the commitment to keep the function of the service tunnel under the site. It is likely that the section of the service tunnel between the existing service tunnel entrance/exit (located on Atlas Street) and just east of the PAETEC site (the existing Seneca Building) will be demolished and filled in. The service tunnel under the proposed PAETEC building (existing Seneca Building) will not be altered and will continue in its present east- west alignment (servicing Chase Tower and buildings to the west), although some structural reinforcing or repairs might be necessary. A new section of the service tunnel will be constructed on a diagonal alignment between the existing service tunnel entrance/exit and the tunnel section under the proposed PAETEC building.

According to EDAW, they found that the streets and neighborhoods adjacent to Midtown pose many challenges for thoughtful integration because the original Midtown design essentially focused inward and turned a backside to the east. Consequently, following the construction of Midtown Plaza, most new development on adjacent properties either turned away from the Midtown site, or ignored it entirely. This represents a significant hurdle in responding to immediate adjacencies. We have sought to develop urban spaces that encourage the future redevelopment of adjacent properties, which is reflected in the more open and extroverted

nature of the new Midtown site design. Ways through the site have been provided to connect areas on opposite sides of the Midtown block, thereby establishing a new relationship between what were disparate parts of the city. The masterplan also reestablishes Elm Street and portions of Cortland Street to encourage movement into and through the site from Main and Chestnut Streets and provide frontage that orients to the east.

The introverted nature of the original Midtown design resulted in adjacent spaces that lack any significant street level retail activity. We have chosen to locate new retail along particular streets in order to animate them and create an appearance of activity at key locations around and in the site. There is a limited amount of retail that can be absorbed within today's market, so it was concentrated to the north along Main Street, the north end of Clinton and Elm Streets, and as appropriate along the edges of parks and open spaces within the development. Should there be a demand, there is the potential to insert retail uses on adjacent properties.

Regarding one sided retail street, these conditions occur around an open space, which is a common retail condition in cities. Although this is not a retail street, it is very much plaza with visibility from the surrounding streets. Many of the uses that are anticipated in this development are food related; food stores, restaurants and cafes. These types of uses are particularly well suited for commercial spaces that overlook parks and plazas.

Note that there are two-sided retail streets including Main Street and the north south street leading from it to the plaza. The future redevelopment of the blocks east of Elm Street and Atlas Street (within the enterprise zone) could supply additional retail spaces and complete the opposite sides of some of these adjacent streets.

Comment 47

General Topic: Economic Impact / Cost
Commenter: Penwarden
Classification: Correction Required

Comment:

Pg 16 notes that no increased costs would be incurred by Monroe County as a result of this project. However, MCDOT will need to maintain any new signals, signs and pavement

markings. Also, MC Pure Waters will need to maintain the combined storm/sanitary sewer system.

Response:

It is acknowledged that MCDOT will, in fact, be responsible for maintaining any new traffic signals, signs and pavement markings. Monroe County Pure Waters will maintain the combined storm / sanitary sewer system.

Comment 48

General Topic: Miscellaneous
Commenter: Arany, Comeau
Classification: Explanation/Clarification Required

Comment:

Inconsistency between the alternatives analyzed beginning on page 271 and the alternatives as described in Appendix G of the DGEIS (the alternatives developed in the Section 14.09 consultation process).

Response:

The inconsistency is acknowledged. The authors apologize for the lack of clarity. The DGEIS reflected the evolving planning process which began prior to identification of the Midtown Block as an S/NRHP-eligible resource and the identification of alternatives related to the potential effects upon historic resources.

The DGEIS and the planning effort reflected therein considered a wide variety of alternatives. Of these, some were more prominent than others. Early in the process three distinct alternatives regarding development density and program were identified. These were described as the low, medium and high density alternatives. A subsequent decision merged the medium and high density alternatives into a single preferred alternative that could accommodate either of these programs and a range of densities. However, references to the three remained in some reports and discussions.

Following identification of the block as an S/NRHP-eligible resource, additional alternatives were identified related to the potential to preserve, reuse or interpret the atrium or other historic resources. These alternatives were all variations on the single density and program alternative described in the preceding paragraph.

Comment 49

General Topic: Miscellaneous
Commenter: Arany, Comeau
Classification: Explanation/Clarification Required

Comment:

The DEIS does not acknowledge how the transient, disabled, workers and residents of downtown used the limited retail opportunities still available during the resource's decline. These primarily marginalized populations will still need to access the types of retail that fill their needs. The language of this DGEIS does a disservice to this population and does not provide temporary mitigations to the challenge — how will this cross section of population be served with a totally cleared site? How can the city still provide services to this cohort in an aesthetically pleasing way that contributes to the overall site redevelopment, accepting them into the fabric of the community rather than shunting them aside?

Response:

The DGEIS acknowledges the loss of services referenced in the comment. However, the DGEIS took the position that the loss was somewhat inevitable given the decline and economic failure of this private facility. Section 5.25 of the DGEIS which addressed this topic is reprinted below in its entirety.

“Midtown Plaza was closed following acquisition by the City in order to proceed with the abatement of prevalent ACMs and RECs. At the time of its closure and despite a vacancy rate of at least 85 percent, the Plaza was nonetheless home to a number of businesses which served a local low-income population. Although demolition of Midtown Plaza for redevelopment purposes would ensure the permanence of the recent closure, there is much evidence that the failing facility was likely to have closed in any event. Despite significant effort made by the City to facilitate relocation of the businesses serving the local community to other downtown locations and the availability of financial assistance for relocation, some businesses have closed rather than

relocate. These permanent closures are believed to have been for commercial reasons rather than as a direct result of the need to relocate. The preferred redevelopment alternative described in Section 2.0 would include a significant component of retail space that would also be available to serve the local population.

Along with the rest of the Plaza, the area within the atrium has recently closed as a consequence of the need for abatement and remediation of ACMs and RECs. Although retail patrons and others from the local community have sometimes gathered within the atrium, the operation of the atrium has always been part of a commercial enterprise and the atrium has always relied upon revenue from adjoining retail spaces for its support and maintenance. Midtown Plaza and the associated atrium have always been private facilities subject to closure with no obligation to accommodate anyone. Even prior to its decline, the function of the atrium was tightly intertwined with that of the adjoining retail spaces upon which it relied for economic support and to which it was expected, in turn, to provide some economic benefit. As a commercial enterprise, the gathering space within the atrium was never truly “open to the public” and the history of the Plaza includes multiple examples in which the owners attempted to limit or manage atrium access and use for a variety of reasons, most frequently to address the concerns of the retail tenants.

At the time of its closure the adjoining retail uses upon which the atrium depended had proven incapable of sustaining the atrium economically. Although the timing has been affected by the schedule for remediation, the closure itself is more a direct consequence of the failure of Midtown Plaza as a viable commercial enterprise than it is of the effort to provide for revitalization within the area. The preferred alternative identified in Section 2.0 has the potential to provide an outdoor gathering space within the central open space. Similar to the atrium, the proposed open space is anticipated to be closely linked to the surrounding retail uses. The character of this open space would likely be different from that of the atrium as it existed just prior to its closure, but it could nonetheless serve the same purpose to some degree and would be less susceptible to closure for economic reasons.

Comment: 50

General Topic:	Miscellaneous
Commenter:	Penwarden
Classification:	Explanation/Clarification Required

Comment:

Under Table 2.2 involved agencies, MCDOT should be listed as the Traffic Engineers for the City as well as Owner/Operator of traffic signals, signs and pavement markings.

Response:

Pursuant to SEQR, the MCDOT is an “Interested Agency” and not an “Involved Agency.”

5. Responses to Comment Cards Received Outside the Formal Comment Process

Comments listed below are from comment cards received at the Midtown Rising Luncheon prior to the distribution of the DGEIS

As part of the public outreach and presentation process, representatives of various organizations and the public who attended the November 10, 2008 luncheon were offered an opportunity to complete and submit informal comments on 5 x 7 index cards. The comments were submitted without the benefit of reading the DGEIS. The following lists those comments that offered a suggestion or included a question or concern.

Comment CC-1

Classification: Alternative Suggested
Comment:

Consider blocks 4 & 6 for a commons area similar to the open space in Ithaca, NY; a wide boulevard with only pedestrian traffic w/retail space and restaurants. Nice gathering place especially with downtown college/MCC nearby.

Response:

The commenter's suggestion is noted. Please refer to the included figures, Figure 7.1 and 7.2 which illustrate a centrally located outdoor open space. Further information on Massing and Public Realm Guidelines can be found in Appendix D of the DGEIS; the central open space is referred to as "Block #4".

Comment CC-2

Classification: Explanation/Clarification Required
Comment:

Corner of Broad and Clinton should be a building

Response:

According to EDAW, the purpose of the open space located in the southwestern corner of the Midtown development block is to provide a strong centralizing focus for the tallest buildings in the Towers District. A properly designed open space at this corner combined with the fragments of left over space across the street will form a place that combines the surrounding buildings into a single ensemble. The current pattern of individual towers surrounded by bits of unused open spaces is an inappropriate setting for these important buildings. The position of a plaza at this important intersection creates a strong sense of arrival to the Midtown Block, and a powerful visual entrance into the site. The intent of providing a space at this location is to add lasting value not only to buildings on the Midtown block, but to numerous adjacent buildings.

In terms of the amount of open space, the site will ultimately have several spaces within it to offset the size of the buildings. The PAETEC headquarters is proposed to a significant structure and an open space in this position will provide much needed relief along Clinton Avenue.

Comment CC-3

Classification: Explanation/Clarification Required
Comment:

Have you considered Sr. Citizen residence possibilities?

Response:

It should be noted that much of the program and layout has yet to be determined; however section 5.24.4 of the DGEIS describes the Population and Housing Market for the Midtown Redevelopment site on page 237:

“According to Cushman & Wakefield, a primary challenge for the redevelopment of Midtown is to attract sufficient urban preference segments (such as young professionals and empty-nesters) by providing an environment which would match their tastes and consumer choices to live in and visit Downtown Rochester. They noted that the primary supporting target markets for urban

redevelopment come from segments that are attracted to urban environments by choice and by necessity (attracted to affordable rental housing often found in older downtowns).

Approximately 12 percent (or almost 45,000 of the approximately 399,000 households) fall into those segments, and represent a cross-section of age and income. The extent to which the Midtown Plaza redevelopment includes and attracts new residential development may impact on residential development elsewhere in the downtown area. Conversely, residential redevelopment elsewhere in downtown may limit the residential development potential for Midtown.

A Survey of Downtown Rental Housing units, conducted by the Rochester Downtown Development Corporation in 2007 (Appendix Z [of the DGEIS]), indicates strong demand for new or newly renovated housing units in the downtown area. This is evidenced by the rapid pre-leasing and leasing rates for new housing units, as well as the relatively low vacancy rates for two-bedroom and loft style units. Strong demand was also reported for one-bedroom and studio units. “

Also, as previously mentioned above in response to Comment 36 and 41, the RFP that was prepared for the Midtown development parcels includes reference to applicable market studies, including the City-Wide Housing Market Study, and the adopted Housing Policy for the City of Rochester in an effort to require that the residential component of each proposal demonstrates compliance with the Housing Policy and acknowledges the housing market potential in downtown Rochester. As stated previously, it is the City of Rochester's preference that a variety of housing types and prices are developed at the Midtown site.

Comment CC-4

Classification: Explanation/Clarification Required
Comment:

Do you anticipate the construction of underground retail galleries connecting the new downtown buildings (aka Montreal or Toronto)?

Response:

No such underground galleries are anticipated. Much of the underground portion of the site is occupied by the parking garage. The demand for spaces such as those proposed for redevelopment on the site are not sufficiently high as to justify development below ground. The

redevelopment plan has prioritized retail development, in particular, along streets so as to activate the adjoining public spaces.

Comment CC-5

Classification: Explanation/Clarification Required
Comment:

Would Target (Big Box retail) be a possible tenant?

Response:

According to studies conducted on behalf of the City of Rochester as part of the planning effort, retail, restaurant and entertainment establishments in Downtown Rochester are locally owned and operated – virtually no nationally branded companies, except for hotels, are present in the Downtown area. This is in stark contrast to the suburban area’s five regional malls. This void represents either a tremendous opportunity or a major challenge to convince these companies of the Downtown’s market potential.

It further goes on to recommend that the retail in the redevelopment will not attempt to duplicate a suburban mall. It will be almost entirely food based, anchored by:

- A high-end urban market of about 20,000 to 25,000 square feet, appealing to both the end of the workday employee heading home to the suburbs and evening and weekend traffic from new residents in the complex and existing residents in the close-in neighborhoods with the high concentrations of target households. Gourmet cooking demonstrations or classes could be part of this operation.
- A “marquee” white-tablecloth restaurant appealing to business lunches, special “evenings out” and visitors to Rochester – a place to “see and be seen”.
- A trendy “young professional’s” casual sit-down restaurant and bar with live music and dance options.
- A variety of smaller ethnic and multi-cultural restaurants in a food court with dramatic seasonal “winter garden” or open air common seating.

With the limited square footage for retail, there would be little room left for the lifestyle shops found in the larger model developments. Reinforcing the food related theme, kitchen and tableware stores, such as Williams-Sonoma or Crate & Barrel or a high-end wine shop with tasting room.

Comment CC-6

Classification: Explanation/Clarification Required
Comment:

Can Rochester support another hotel? Have other corporations expressed interest in consolidating and relocating downtown?

Response:

Regarding whether Rochester could support another hotel, Section 5.24.3 of the DGEIS describes the Hotel Market on page 236:

“The Market Feasibility Analysis (Appendix C of the DGEIS) forecasts modest growth in the number of overnight visitors to Monroe County, including primarily business and convention travelers. The projected new hotel room demand for the downtown area is 100 additional hotel rooms. The forecasts do not project the likelihood that this hotel development would occur at Midtown.

The development of additional hotel rooms, at or in proximity to Midtown Plaza, would benefit the new retail establishments, particularly food and drink establishments.”

According to the Market Feasibility Analysis (Appendix C of the DGEIS) on pages 46 – 47:

“Demand for new hotel rooms is predicated on the growth in overnight visitors to Rochester from three demand segments, corporate, meeting/convention and overnight leisure travelers. This is quantified in the following manner:

- The average growth rate of 1.1 percent in overall visitors to Rochester (page 31) was applied to overall room night demand resulting in an incremental room night demand of 136,411 between 2007 and 2017.

- This was divided by 365 days and a stabilized occupancy of 65 percent to obtain total hotel room demand of 575 rooms.
- Using Downtown's 17 percent share of overall hotel rooms this results in additional demand for approximately 100 rooms in Downtown.
- This demand corresponds to a small boutique type hotel or limited service hotel that would also contribute to fill a void in the Downtown market

Only one scenario is assumed since the number of overall visitors to Rochester, the main driver for hotel room demand is not expected to change significantly in the forecast. While a proposed expansion of the convention center would further augment this demand, the timing and extent of the expansion is unknown at this time and therefore is not incorporated into the analysis."

Comment CC-7

Classification: Explanation/Clarification Required
Comment:

Are there any ideas or proposals in place to draw in the college students in Monroe County and get them familiar with downtown Rochester? Big chains, like Ikea, could pull them in for their "college needs" and then keep them coming back after becoming more familiar with the area.

Response:

As noted above in response to Comment 5, according to studies conducted on behalf of the City of Rochester as part of the planning effort, retail, restaurant and entertainment establishments in Downtown Rochester are locally owned and operated – virtually no nationally branded companies, except for hotels, are present in the Downtown area. This is in stark contrast to the suburban area's five regional malls. This void represents either a tremendous opportunity or a major challenge to convince these companies of the Downtown's market potential.

Young professionals are a target population to live, work and patronize the redeveloped site; although the program has yet to be determined, uses such as trendy casual sit-down restaurants and bars with live music and dance options, and smaller ethnic and multi-cultural restaurants in a food court with dramatic seasonal "winter garden" or open air common seating are being recommended at the site.

Comment CC-8

Classification: Alternative Suggested

Comment:

Geva leases 16 one, two and three bedroom apartments year-round for actor housing (Manhattan Square). It would be useful to be involved in conversations re. low-cost housing options-guaranteeing annual income with Geva.

Response:

Discussions through existing planning, outreach and citizen participation efforts, such as Neighbors Building Neighborhoods (NBN) and efforts of the RDDC are on-going. Prior to properties becoming available for RFP, the City would have opportunities for input of community stakeholders to help provide input from the community on their thoughts, desires and opportunities. It is envisioned that there will be a range of housing options developed downtown that mirror the market potential, such as what was suggested in the Housing Market Study and the studies completed as part of the Midtown planning.

Comment CC-9

Classification: Explanation/Clarification Required

Comment:

Restore street parking to all downtown streets and reduce travel lanes

Response:

Section 5.12.1 of the DGEIS further observed that, as a result of the Midtown Redevelopment, and establishment of an interior street grid, on-street parking would also be created along the new interior street network to serve short-term parking needs (generally 15 minutes to 1 hour) of future commercial projects.

Section 2.5.5 of the DGEIS Infrastructure and Utilities describes the preferred street grid and width of travel lanes on pages 54:

“The preferred street grid considered for establishment has been reviewed in Section 2.5.2. These interior streets will consist of a base, pavement, curbs and associated sidewalks. A right of way width of sixty feet is anticipated, including two travel lanes of 10 or 11 feet each, street side parking along each curb and sidewalks on each side 11 or 12 feet in width. Beneath or accompanying the newly proposed streets will be water mains and appurtenances, sewers and other utilities. Section 5.15.3, reviews these needs, provides conceptual estimates of their extent and an anticipated cost for their development.”

Section 5.12.5 of the DGEIS further describes the new street Rights-of-Way on pages 185:

“Each of the development scenarios presented (Low, Medium, and High) proposes to construct new internal streets that would break up the existing Midtown site into smaller blocks. New streets are proposed to bisect the site north/south and east/west. The new streets and associated rights-of-way would provide enhanced circulation and mobility, additional opportunities for street-level retail and on-street parking, and space for pedestrian circulation, public spaces, landscaping, and utilities serving the redeveloped site.

The new street grid is described in detail on page 204, Section 5.15.3 of the DGEIS:

“The new street grid would be comprised of the following:

- 36-foot wide street pavements (curb to curb) including two 10-foot travel lanes and two 8-foot wide parking lane (one each side);
- Stone curbs;
- Concrete sidewalks each side (12-foot in width);
- 60 foot right-of-way width; and,
- Streetscape, including light poles, trees, planters, benches, etc.”

Comment CC-10

Classification: Explanation/Clarification Required
Comment:

How might we work in partnership with developers to assure the safety/preservation from damage/survival of buildings such as St. Mary’s Church that symbolically and actually represent

the spiritual dimension of our City?

Response:

Measures to mitigate potential construction risks and hazards to the public are described in Section 5.26.9 Public Health and Safety, on pages 249-250

- “Development, and adherence to, a demolition plan;
- Publication of advance notices to the public regarding construction, road closures, and abatement;
- Securing the site with perimeter fencing, installing protective scaffolding over pedestrian walkways, and appropriate signage (traffic detour and warning, sidewalk closings, etc);
- Cautious demolition procedures and use of appropriate equipment by qualified operators;
- Use and maintenance of backup buzzers or strobes on construction equipment;
- Maintenance of equipment in good, safe working order;
- Development and strict adherence to a blasting plan if explosives are to be used for any reason. This should include provisions addressing site security during blasting, public notification, clearing the site, acceleration monitoring/potential for flying debris, and other measures to protect the public;
- Maintenance of MSDS information for all hazardous materials on site during construction and adherence to the prescribed handling and storage requirements; and,
- Regular safety meeting requirements for contractors, and strict adherence to Occupational Safety and Health Administration (OSHA) regulations (such as wearing hardhats, visibility vests, and fall protection harnesses).”

Comment CC-11

Classification: Explanation/Clarification Required
Comment:

A major development project is exciting but it’s also a burden on neighboring organizations.

How can we work together to mitigate the inconvenience of dust, noise and traffic disruption for ourselves and our visitors?

Response:

With regards to Noise/Odor and Dust mitigation, Section 5.18 of the DGEIS, pages 214-215 describe the following mitigation measures:

“Operation noise can be mitigated with measures similar to those for construction:

- Use of alternative materials or construction methods to attenuate sound (for example, mounting equipment on dampeners);
- Equipment maintenance (for example, keeping equipment lubricated to prevent squeaking or shrill noises);
- Use of alternative equipment (quieter equipment);
- Erection and maintenance of physical barriers (install louder equipment within sound dampening rooms or screened areas);
- Consideration the locations of equipment, vehicle entry points, and service entrances to reduce noise impacts; and,
- Establishing specific hours for operation of some equipment or deliveries.

Operation odors can be minimized by the following measures:

- Maintaining equipment to minimize emissions;
- Providing adequate ventilation;
- Covering, and periodically cleaning, all dumpsters and the surrounding areas;
- Preventing blockages in storm and sewer lines;
- Scheduling sewer line interconnection work to minimize the time the line would be open;
- Scheduling regular emptying and cleaning of restrooms; and,

- As a minimum, adhering to code required spacing of building mechanical vents and intakes to mitigate the potential contamination of building intake air from nearby vents.

Dust and debris impacts produced by operation should be mitigated by;

- Keeping dumpsters covered;
- Following recommended or regulated procedures for identifying and abating hazardous materials;
- Instituting regular cleaning of buildings (interior and exterior), and regularly cleaning the site of debris and litter; and,
- Providing adequate ventilation with appropriate filtration systems.”

Measures to mitigate potential construction risks and hazards to the public are also listed in Section 5.26.9 Public Health and Safety, pages 249-250.

- “Development, and adherence to, a demolition plan;
- Publication of advance notices to the public regarding construction, road closures, and abatement;
- Securing the site with perimeter fencing, installing protective scaffolding over pedestrian walkways, and appropriate signage (traffic detour and warning, sidewalk closings, etc);
- Cautious demolition procedures and use of appropriate equipment by qualified operators;
- Use and maintenance of backup buzzers or strobes on construction equipment;
- Maintenance of equipment in good, safe working order;
- Development and strict adherence to a blasting plan if explosives are to be used for any reason. This should include provisions addressing site security during blasting, public notification, clearing the site, acceleration monitoring/potential for flying debris, and other measures to protect the public;
- Maintenance of MSDS information for all hazardous materials on site during construction and adherence to the prescribed handling and storage requirements; and,

- Regular safety meeting requirements for contractors, and strict adherence to Occupational Safety and Health Administration (OSHA) regulations (such as wearing hardhats, visibility vests, and fall protection harnesses)."

Temporary Construction Impacts Related to Demolition is further detailed in Section 5.26.10 in the DGEIS on pages 250-251:

"Limited areas of on-street parking may be affected by temporary lane or road closures. If the temporary closure of parking is necessary, the City would be notified, the proper procedure to "bag" parking meters would be implemented, and signage directing vehicles to other parking areas would be posted.

Once demolition of the site is complete and redevelopment begins, it is expected that construction of buildings on the site would occur from the inside out, similar to the demolition phase. The majority of construction staging would occur away from the road frontages and along new interior streets. Temporary lane and/or road closures would be necessary, but impacts to traffic and pedestrians would be minimal and can be mitigated.

Construction activities at the site, including demolition of the existing Midtown buildings and redevelopment of PAETEC and future buildings, would generate additional traffic on adjacent roadways, which is a result of construction workers traveling to and from the jobsite and construction trucks and other equipment needed for demolition and future redevelopment.

The demolition would be staged to minimize impacts to surrounding highways. The majority of truck trips related to the removal and disposal of materials from the site would occur during the asbestos abatement phase, which would take place prior to building demolition. Therefore, the majority of trucks traveling to and from the site to dispose of materials would not coincide with the truck and equipment traffic generated from the building demolition.

Once demolition begins, construction activity would be largely contained on the site. It is expected that the demolished concrete and masonry would be crushed and used as backfill, and glass and steel would be reused or recycled on the site. The majority of construction-related truck traffic would travel directly to and from I-490 or the Inner Loop, and would minimally affect traffic operations throughout the center city.

Many general measures would be implemented to mitigate impacts to traffic and transportation operations from construction activities. The most important measure would be the preparation of detailed plans for Maintenance and Protection of Traffic (MPT) for each stage of construction. The plans would be developed in close coordination with the City, MCDOT, contractor and

engineer, and would be reviewed and approved by the City and other affected agencies. Detours and lane closures would be reviewed by the City Traffic Control Board, and if possible, road closures would be limited to off-peak hours. Sidewalk closures would be clearly posted to direct pedestrians to the opposite side of the roadway. If lane closures conflict with RTS bus stops, the RGRTA would be notified and alternate bus routes would be planned. The entire demolition and future construction operations would be inspected by various engineers and reviewing agencies, and traffic along adjacent roadways would be closely monitored.

Also, see above response to Comment CC-10

Comment CC-12

Classification: Explanation/Clarification Required
Comment:

PAETEC-Total project cost? How much is PAETEC paying for and in what from (cash, loan, other)? Taxpayer input? State? Local? Allocation of states \$55M?

Response:

The comment is noted. As this FGEIS is being drafted, the final details of the development agreement that will join the City, ESDC and PAETEC are being negotiated. In addition to the uncertainty, some of the information requested may be proprietary. However, Section 5.22 of the DGEIS, Section 3C of this document and Appendix E in this FGEIS provide a useful review the anticipated economic and fiscal impacts.

Comment CC-13

Classification: Explanation/Clarification Required
Comment:

Would like more information pertaining to the financing and cost implications of the project in phases or as a whole.

Response:

See the immediately preceding response to Comment 12.

Comment CC-14

Classification: Explanation/Clarification Required
Comment:

If the process on filling out the site takes several years, have a plan that doesn't leave a big hole in the ground for several years, ala World Trade Center site. Paved plaza or park in the interim.

Response:

As part of the planning process, the City of Rochester commissioned multiple studies, and it was recommended that parcels within the site to be developed in later phases should be land-banked by the City of Rochester and State of New York. These parcels should be treated with minimal landscaping but in a manner that indicates that they are cared for and part of a revitalization, not a demolition-in-progress or in an ongoing state of decay.

Comment CC-15

Classification: Explanation/Clarification Required
Comment:

I heard very little about consideration of preserving (with updates) some/all of the atrium.

Response:

Please refer to Section 3E regarding the Atrium, plans for its demolition, and the evaluation of alternatives completed pursuant to the Section 14.09 of the State Historic Preservation Act.

Comment CC-16

Classification: Explanation/Clarification Required
Comment:

Preservation of Midtown Tower, even with substantial renovations, should be seriously considered. Tearing out an 18 story tower is unsustainable.

Response:

Please refer to Section 3D, Midtown Tower – Adaptive Reuse or Demolition above regarding opportunities to reuse the Midtown Tower that are currently under investigation

Comment CC-17

Classification: Explanation/Clarification Required
Comment:

There are plenty of skilled craftsmen in this area. Are there plans to keep local labor working on these projects and are plans to have responsible contractor clause to assure workers on the projects make fair wages and have health care coverage?

Response:

See the combined response to Comments CC-17, CC-18 and CC-19, below.

Comment CC-18

Classification: Explanation/Clarification Required
Comment:

To help the development of this project and many other development of downtown is having quality and safe developer to help keep the cost down. These projects should have a fair wages with healthcare provided for its workers.

Response:

See the combined response to Comments CC-17, CC-18 and CC-19, below.

Comment CC-19

Classification: Explanation/Clarification Required
Comment:

My concerns are with labor. I am concerned in 3 aspects; 1) local laborer and not like Comida projects where you can find out of state workers; 2) is healthcare all workers should receive paid

healthcare, not something they pay for; 3) apprenticeship language – we should train our younger generation in our skilled trades.

Response (Combined Response to Comments CC-17, CC-18 and CC-19):

As to the labor required for the abatement and demolition work, the contracts for this work will be awarded by ESDC which is funding and carrying out this work. ESDC's ability to require local labor is governed by NYS Finance Law, NYS Labor Law and other applicable regulations. The City of Rochester has a policy of encouraging local labor wherever possible and intends to continue promoting the use of local labor on this project to the extent such promotion is consistent with laws governing its conduct in matters such as this.

6. Errata

Involved Agencies - City Planning Commission

Since publication of the DGEIS, it has become clear that the City Planning Commission is an Involved Agency with authority for a discretionary approval of the subdivision (or resubdivision) of the Midtown property. In the DGEIS (see pages 68 and 69), the City Planning Commission's status as an Involved Agency was described as provisional. Regardless of the formal classification, the City Planning Commission has, in fact, received copies of all documents and has been invited to participate in scoping and in commenting on the DGEIS. The involvement of the City Planning Commission has not been compromised by this provisional identification in the DGEIS.

Nearby Buildings More Than 50 Years of Age

Table 4.1 (page 92) of the DGEIS listed buildings that are over 50 years old and located on properties adjacent to or in close proximity to the Midtown Project Site. Three such buildings were overlooked and not included in the DGEIS table. These included a property located at 181-187 East Main Street constructed in 1927, a second at 5-7 North Clinton Avenue constructed in 1910, and a third at 9-17 North Clinton Avenue constructed in 1940. A table comparable to that provided in the DGEIS that has been corrected to include these three properties and is included below.

Address	Owner	Year Built	National Register ID	Register Name
124 E Main Street.	Granite Building Associates	1895	90NR01512	Granite Building
210 E Main Street.	Geddes Associates	1940		
212 E Main Street	Geddes Associates	1940		
216-218 E Main Street.	Cho Kwan K & Young R	1910		
220-222 E Main Street.	Bauman Robert	1910		
224-226 E Main Street.	Bauman Eric M & Neil J	1910		
228-280 E Main Street.	COMIDA - ROCHWIL Associates	1940	00NR01608	Sibley, Lindsay & Curr Building
285 E Main Street.	Midtown Roch Properties LLC	1900		
249-253 E Main Street.	Charter One Bank NA	1920		
255-257 E Main Street.	Fox Richard C	1940		
316-350 E Main Street.	Chestnut Square LLC	1928		
10 Franklin Street.	The Salvation Army Roch Area	1920		
40-46 Franklin Street.	Historic Forty Franklin Street	1930	90NR01462	Rochester Savings Bank
38-52 Liberty Pole Way	COMIDA – Temple Building Assoc	1923	93NR00460	Baptist Temple Building (Eligible)
20-30 East Avenue.	Square JIB Associates LLC	1900	90NR01501	Sibley Triangle Building
49-57 East Avenue.	Farash Marian M Trustee	1950		
89 East Avenue.	Roch Gas & Electric Corp	UNK	90NR03277	Eastman Historic District
88-94 Elm Street.	City Of Rochester	1920		
45 Euclid Street.	Maximus Col LLC	1900		
6 Atlas Street.	Raldon Center City Properties	1939		
35 Chestnut Street.	35 Chestnut LLC	1920		
41 Chestnut Street.	Raldon Center City Properties	1900	04NR05339	Yawman & Erbe Building (Eligible)
40-52 Chestnut Street.	50 Chestnut Plaza LLC	1930	90NR03277	Eastman Historic District
45-51 Chestnut Street.	RAMJI Inc.	1923	90NR03277	Eastman Historic District
65-67 Chestnut Street.	Euclid Square Corp	1950		
32-58 S Clinton Avenue.	Midtown Roch Properties LLC	1919		
26-28 Short Street.	Scott Eddie	1915		
154 S Clinton Avenue.	1st Universalist Church	1920	90NR01470	First Universalist Church
181-187 E Main Street	COMIDA – Conifer Alliance	1927		
5-7 N. Clinton Avenue.	R. Cho Young	1910		
9-17 N. Clinton Avenue.	Edwin H. Cohen	1940		

7. Figures

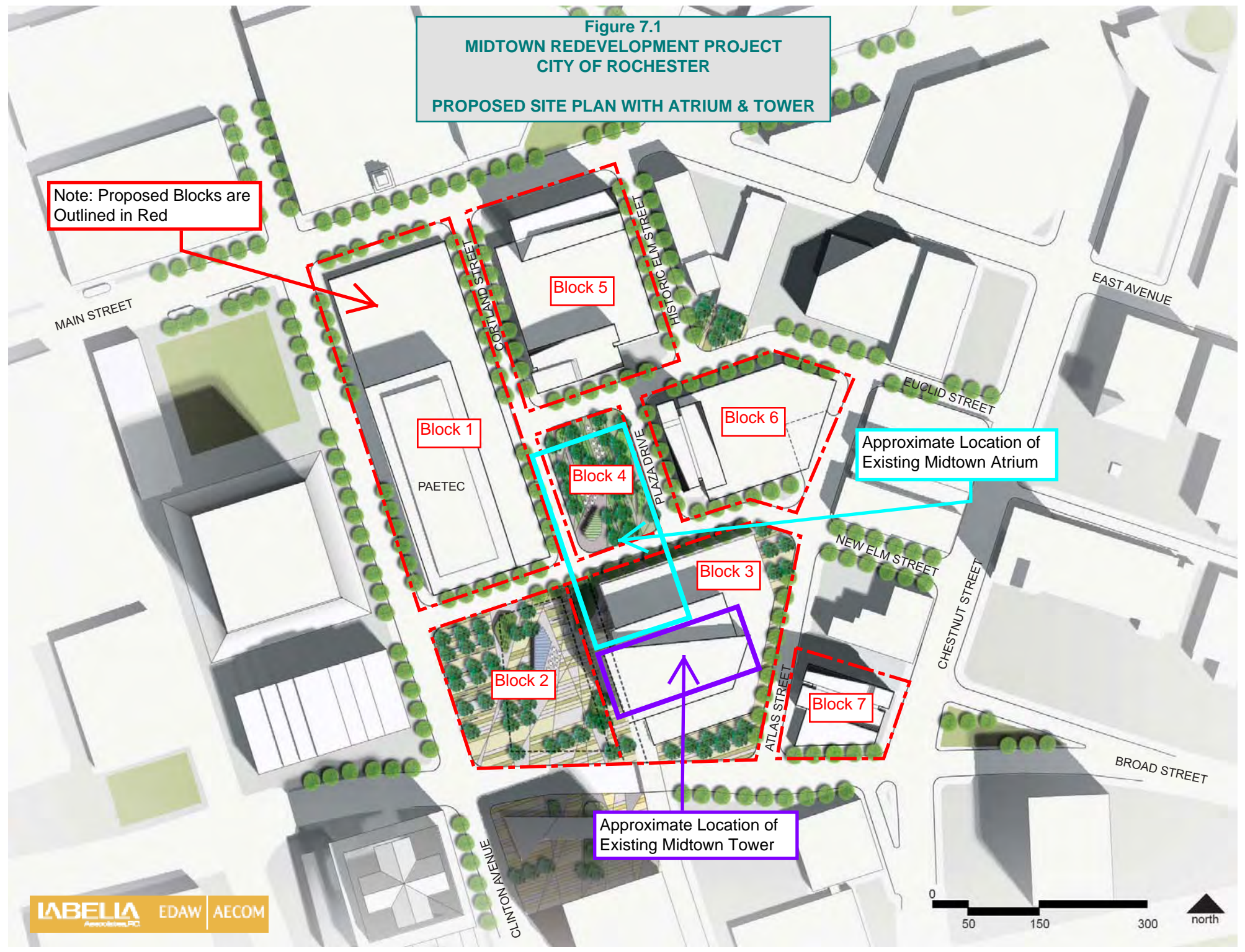
Figure 7.1 Proposed Site Plan with Tower, Atrium denoted

Figure 7.2 Rendering of Central Open Space

Figure 7.3 Midtown Redevelopment Concept Street Grid.

Figure 7.1
MIDTOWN REDEVELOPMENT PROJECT
CITY OF ROCHESTER
PROPOSED SITE PLAN WITH ATRIUM & TOWER

Note: Proposed Blocks are Outlined in Red



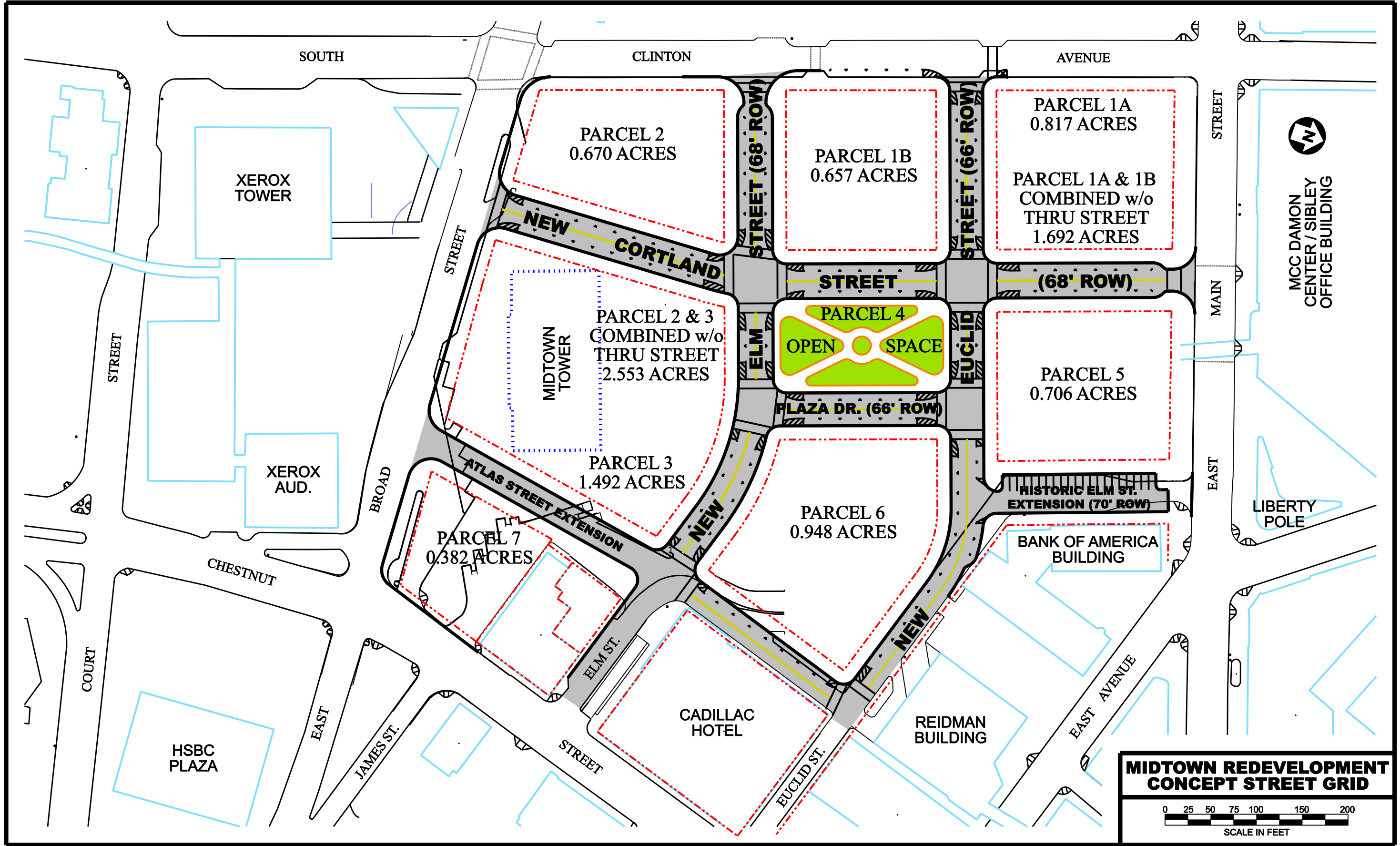


EDAW | AECOM

LABELLA
Associates, P.C.

Figure 7.2
MIDTOWN REDEVELOPMENT PROJECT
CITY OF ROCHESTER

RENDERING OF CENTRAL OPEN SPACE



8. List of Appendices (Full Appendices are found in Volume 2)

Appendix A:	DGEIS Midtown Redevelopment Project Introduction and Executive Summary City of Rochester, November 2008
Appendix B:	Comment Summary and Disposition Recommendations Report The Rochester Environmental Commission, January 2009
Appendix C:	Public Comments Summary November – December 2008
Appendix D:	Comment Summary: From the Midtown Rising Luncheon November 10, 2008
Appendix E:	Rochester Midtown Plaza Fiscal and Economic Analysis EDAW / AECOM, December 2008
Appendix F:	Traffic Summary: Level of Service, Calculations and Synchro Reports Fisher Associates, January 2009 Monroe County Department of Transportation, January 2009
Appendix G:	Draft Letter of Resolution Empire State Development Corporation, February 2009