NATIONAL ENVIROMENTAL PROTECTION ACT
(NEPA)

PURSUANT TO 24 C.F.R. PART 58.5 AND 24 C.F.R. PART 58.6

VOLUME I of V

NEPA ENVIRONMENTAL ASSESSMENT / LEVEL OF CLEARANCE FINDING

NEPA PROJECT ENVIRONMENTAL REVIEW RECORD

FINAL LETTER OF RESOLUTION – NYSOPRHP, ESDC, City of ROCHESTER

NYS SEQRA FINDINGS STATEMENT

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)

RESPONSIBLE ENTITY:

City of Rochester

30 Church Street

Rochester, NY 14614-1290

May 10, 2009

Prepared for: The City of Rochester

Prepared by: LaBella Associates, P.C.

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Midtown Redevelopment Project, also referred to as "Midtown Rising"
Environmental Assessment / Level of Clearance Finding

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

Project Description

This action concerns the redevelopment of the downtown site of Midtown Plaza. This action is focused upon redevelopment of the 8.5 acre site to include:

- Establishment of an Urban Renewal District;
- Adoption of an Urban Renewal Plan;
- Acquisition of properties within the Midtown block comprising the site proposed for redevelopment by the City of Rochester ("the City");
- Closure of the facility;
- Abatement of asbestos and other Recognized Environmental Conditions ("RECs);
- Demolition of a number of existing buildings and of segments of the existing skyway pedestrian corridor;
- Preparation for adaptive re-use of remaining buildings;
- Development of an interior street grid, associated utilities and other public improvements necessary to enable conversion of the existing superblock to a neighborhood of multiple smaller parcels more suitable for urban redevelopment (see Figure 2.10 on page 44 of the DGEIS);
- Abandonment of segments of existing streets as necessary to accommodate the alignment of the newly developed street grid and development of multiple parcels in place of the existing superblock;
- Resubdivision of the assembled parcels to create a neighborhood of smaller parcels (see Figure 2.11 on page 47 of the DGEIS);
- Development of a central urban "park" or open space within the redeveloped block (see Figure 2.12 on page 50 of the DGEIS);
- Restoration of the existing 1,844 parking space garage located beneath the Plaza;
- Potential development of additional on-site parking to meet redevelopment needs;
- Execution of development agreements;
- Review and approval of site plans for private development of parcels delineated by the newly developed street grid;
- Conveyance of parcels to private parties for development and occupancy;
- Construction of buildings and other improvements upon individual parcels consistent with the Urban Renewal Plan (see Figure 2.13 on page 65 of the DGEIS, and Final GEIS Figures 7.1, 7.2 and 7.3);
- Recordation of historic structures, preservation of interior artifacts, a review process prior to razing of Skyway Bridges, public participation in the final design/planning of new public space, and extended consideration of proposals for adaptive reuse and redevelopment of the existing Midtown Tower (mitigating conditions required by the SHPO related to unavoidable impacts to S/NRHP-eligible resources (see Final GEIS Appendix G); and,
- Utilization of grants and other public funding sources to accomplish many aspects of the proposed redevelopment effort.

Location

A block of 8.5 acres within the Rochester City Center, bounded by Broad Street to the south, by Clinton Avenue to the west, by East Main Street to the north, and by an irregular eastern boundary comprised of Euclid, Atlas, Elm and Chestnut Streets. The zip code is 14604.

1. Is project in compliance with applicable laws and regulations? (X) Yes ( ) No

2. Is an Environmental Impact Statement (EIS) required? ( ) Yes (X) No

    a. The thresholds for the preparation of an ESI under 24 CFR 58 have not been met; and
    b. The findings of this environmental assessment do not warrant the preparation of an EIS.

3. A Finding of No Significant Impact (FONSI) can be made. Project will not significantly affect the quality of the human environment. (X) Yes ( ) No

Finding

No Significant Impact

Determination of Significance

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

By Preparer Signature:

Mark W. Tayrien, J.D., AICP
Director, Planning Division
LaBella Associates, P.C.

5/10/2010
Date

Concurring City Staff:

Mark Fitzstevens, Assoc. Admin. Analyst
City of Rochester

5/11/10
Date

By Certifying Officer:

Robert J. Duffy
Mayor, City of Rochester

5-12-10
Date

Revised: 5/7/10

NATIONAL ENVIROMENTAL PROTECTION ACT
(NEPA)

PURSUANT TO 24 C.F.R. PART 58.5 AND 24 C.F.R. PART 58.6

NEPA PROJECT ENVIRONMENTAL REVIEW RECORD

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)

RESPONSIBLE ENTITY:

City of Rochester

30 Church Street

Rochester, NY 14614-1290

May 10, 2009

Prepared for: The City of Rochester

Prepared by: LaBella Associates, P.C.

Project Environmental Review Record

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

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

Project Name:	Midtown Redevelopment, also referred to as "Midtown Rising"
Project Site Address(es) with ZIP	A block of 8.5 acres within the Rochester City Center, bounded by Broad Street to the south, by Clinton Avenue to the west, by East Main Street to the north, and by an irregular eastern boundary comprised of Euclid, Atlas, Elm and Chestnut Streets. The zip code is 14604.
Project Developer Name and Address	N/A – City of Rochester and New York Empire State Development Corp. are primary project sponsors.
Project Representative & Phone Number	Bret Garwood, Director of Business & Housing Development 585-428-6150
Responsible Entity (RE): [24 C.F.R. Part 58.2(a)(7)]	City of Rochester
Project Funding Sources	City CDBG: $TBD Brownfield Economic Development Initiative (BEDI): $TBD Section 108 Loan: $TBD Other Federal Sources: $TBD The City of Rochester anticipates that this will be a multi-year project and anticipates federal and NYS funds (and supplemental funds) to be made available on a multi-year basis
Total Development Cost	TBD
Certifying Official: [24 C.F.R. Part 58.2(a)(2)]	Robert J. Duffy, Mayor, City of Rochester

Statement of Purpose and Need for the Proposed Action:
[40 C.F.R. Part 1508.9(b)]

This action concerns the redevelopment of the downtown Rochester, NY site of Midtown Plaza (also referred to as "Midtown" or "the Plaza").

Purpose. The actions described herein have been proposed by the City of Rochester ("the City") and by New York Empire State Development Corporation ("ESDC") as part of a Public Private Partnership intended to:

- Arrest further deterioration at the Midtown Plaza site;
- Eliminate the associated blighting influences upon surrounding properties; and,
- Facilitate redevelopment of this pivotal, underutilized downtown location in a manner intended to:
  - Restore property values;
  - Reconnect the site to other key districts within the area;
  - Catalyze revitalization within the surrounding neighborhood; and,
  - Contribute to job retention and growth within the Center City.

Status. As of May 2010, this action has been under consideration for several years and, while much work remains to be completed, the action has now moved forward to commence some implementation activities pursuant to earlier environmental reviews completed in compliance with New York State's Environmental Quality Review Act ("SEQRA"). Specifically, properties have been acquired, abatement has commenced, a plan for redevelopment has been identified, proposals for adaptive reuse have been received, demolition plans have been completed and demolition, as well as the design and construction of public improvements, is about to begin.

Preceding Reviews. Prior to the identification of an involvement by any federal agency, two environmental reviews were completed pursuant to SEQRA. The earliest steps by the City to establish an Urban Renewal District which encompassed the site and to consider the potential acquisition and abatement of Midtown properties were considered in a narrowly-focused segmented review of that State Environmental Quality Review ("SEQR") unlisted action. A second SEQR was subsequently commenced early in 2008 to consider an expanded scope of activities. ESDC and a number of City entities were among those identified as Involved Agencies with whom this second review was coordinated. Arthur Iantiluoci, AICP, Director of Zoning for the City of Rochester, was established as the SEQR Lead Agency responsible for determining significance and for coordination with all Involved Agencies. This expanded review begun in 2008 included the development of a generic impact statement and culminated with the development of a formal SEQR Findings Statement which the City adopted in March of 2009 and which ESDC adopted a short time thereafter. The Draft Generic Impact Statement ("DGEIS"), the Final Generic Impact Statement ("Final GEIS") and the SEQR Findings Statement ("Findings") which comprise the record of that 2008 SEQR now accompany this NEPA Environmental Assessment and Environmental Review Record. It is intended for these attached SEQR documents, in their entirety, to be incorporated by reference into this present NEPA assessment and review.

The SEQR process commenced in 2008 led to a Positive Declaration by the Lead Agency requiring preparation of an environmental impact statement. The required content of the anticipated impact statement was then determined in a public scoping process. This scoping process entailed publication of a draft scope, the holding of a public hearing, and the receipt of written comments prior to the development and issuance of a final scope. A Draft Generic Environmental Impact Statement (DGEIS) conforming to the final scope was subsequently prepared and issued for comment on November 10, 2008. A public hearing on the DGEIS was held on December 2, 2008. Written comments on the DGEIS were also received from the date of its issuance through December 19, 2008. A Final GEIS which included responses to comments as well other new information and clarifications was issued on February 20, 2009. This was followed by adoption of a Finding Statement by the Lead Agency on March 3, 2009. The SEQR DGEIS, Final GEIS and Findings Statement are all appended to this National Environmental Protection Act (NEPA) assessment. Relevant information found within these SEQR documents and their appendices are referenced herein.

Focus. The focus of the action that is the subject of this NEPA Assessment has been the redevelopment of the downtown Rochester, NY site of Midtown Plaza (see Figure 2.1 on page 20 of the DGEIS and Figure 2.2 on page 21 of the DGEIS). The Plaza was completed in 1962 following a plan by prominent architect Victor Gruen (see Figure 2.4 on page 25 of the DGEIS) and has generally consisted of an enclosed retail mall and associated buildings which has provided approximately 1.4 million square feet of floor space (see Figure 2.5 on page 34 of the DGEIS). The Plaza has occupied a large central downtown block of approximately 8.5 acres located north of Broad Street, east of Clinton Avenue and south of East Main Street. Euclid, Atlas, Elm and Chestnut streets form an irregular eastern boundary (see Figure 2.3 on page 22 of the DGEIS). Several streets once present within the large Midtown block were abandoned during the development of the Plaza and none now remain that penetrate or cross the block (see Figure 2.8 on page 41 of the DGEIS). The 8.5 acre Midtown block has consequently come to be referred to as a superblock (see Figure 2.9 on page 42 of the DGEIS).

Background. The Plaza was constructed so as to connect preexisting buildings (the McCurdy and B. Forman buildings) and has been recognized as the first downtown enclosed mall in the country. An underground parking garage providing 1,844 spaces and two associated buildings (the Euclid Building and Midtown Tower) were constructed as part of the complex and were connected to the mall as well. The adjoining Seneca Office building constructed some years later has also come to be a connected element of the Plaza complex. As described in Section 5.6.2 of the DGEIS, the Midtown Plaza, including all of the buildings within the block forming the complex, was identified in 2008 as a resource eligible for listing on State and National Registers of Historic Places ("S/NRHP-eligible", see Section 5.6.2 of the DGEIS and Section 3E of the FGEIS which provide more detailed discussions).

Challenges. Midtown Plaza had originally been developed in response to suburbanization, the advent of suburban shopping malls and the consequent declining demand for downtown retail uses. Although the Plaza was relatively successful for a decade or two, serious decline was evident at Midtown by the late 1980's. Vacancy rates continued to increase and the properties continued to fall into disrepair throughout the 1990's. By the year 2000, and likely before, the Plaza properties had come to be identified as a significant source of blighting influence which had persisted despite several (failed) revitalization plans proposed in the private sector. The underutilized and declining properties were known to contain significant asbestos containing materials ("ACMs") and other recognized environmental conditions ("RECs"). Furthermore, the building systems that remained dated from the original construction and required replacement. The investment required to restore the facility was estimated in 2006 to approach or exceed $100 per gross square foot. These estimates excluded additional costs that would no doubt be required to reconfigure the outdated and undesirable floor layouts.

Public Need. The following public needs, having originally been identified in Section 3.2 of the DGEIS (pages 71- 72), were subsequently re-stated on page 5 of the Final GEIS. Most, if not all, had also been cited in earlier 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 utilized 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).

Public Intervention and Involvement. Recognizing a need for government intervention, the City established an Urban Renewal District to encompass the site in 2007 (see Figure 2.5 on page 35 of the DGEIS and DGEIS Appendix N) and also proposed public acquisition of the Midtown properties. By the time the principal Plaza properties were eventually acquired by the City in 2008, the Plaza vacancy rate had climbed to more than 85 percent. The telecommunications company PAETEC Holding Corp. ("PAETEC") had also expressed an interest in constructing a new corporate headquarters and operations center at the site were redevelopment to begin and a suitable "shovel ready" made available. ESDC then partnered with the City to complete abatement and remediation of ACMs and RECs within the Plaza properties and to undertake other proposed actions necessary for the redevelopment of the Plaza in a manner that would provide a suitable site for development by PAETEC as well as others from within the private sector.

Planning and Environmental Review. With financial support from ESDC, a 2008 planning study was undertaken by the City to enable development of a prudent and realistic redevelopment plan that would take maximum advantage of the many opportunities offered by the site in a manner that would also take into account the existing conditions and anticipated market constraints. The study included a market analysis and fiscal impact assessment as well as a number of others that were more directly related to potential impacts such as traffic (see the summary listing included herein on page 13). The study was coordinated with and progressed contemporaneous with the SEQR process. The SEQR DGEIS reported the findings of this study and the resulting plans for redevelopment as part of its description of the proposed action, consideration of potential impacts, and evaluation of alternatives.

Demolition and Adaptive Re-use. Although the plan for redevelopment, as originally conceptualized, would have cleared the entire site through demolition of all existing buildings (potentially preserving only the underground parking garage), this approach was reconsidered during the planning study and environmental review process. The basis and consequent focus of these deliberations was two-fold:

- The determination by the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) in its role as the State Historic Preservation Officer (SHPO) that the Midtown block was S/NRHP-eligible (a resource eligible for listing on the S/NRHP) and that, as a consequence, any demolition would constitute a negative effect so far as this resource was concerned (see SEQR DGEIS Appendix F); and,
- The desire for the redevelopment plan to not overlook opportunities for adaptive reuse of existing buildings that might offer economic, scheduling or logistical advantages irrespective of any value the structures might have as historic resources.

With respect to the demolition or adaptive reuse of existing buildings and structures, the action now proposes:

- Repair and continued use of the existing underground parking garage;
- Retention of the service tunnel function beneath the Midtown site which provides below-grade service entries to properties on the site as well as those beyond it to the west;
- Adaptive reuse of the existing Midtown Tower, primarily residential, as described in proposals submitted to the City in response to their RFP issued in 2009;
- Adaptive reuse, in connection with the development of the anticipated PAETEC headquarters, of: 1) all or a portion of the existing Seneca Office Building; 2) all or a portion of the B. Forman Building, and 3) all or a portion of the three (3) structures now located on the southeast corner of Main Street and Clinton Avenue - 233-247 E. Main Street, 249-253 E. Main Street, and 255-257 E. Main Street; and,
- Demolition of all other buildings and structures comprising the site, including the segments of the Skyway pedestrian bridges connecting to the Plaza.

Land Use. Guidelines and principles adopted as part of the Urban Renewal Plan will guide future development (see SEQR DGEIS Appendix D). The City zoning provisions are form-based and provide significant flexibility to accommodate the range of future development opportunities now envisioned (see SEQR DGEIS Appendix M).

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

This action, focused upon redevelopment of the 8.5 acre downtown Rochester Midtown Plaza site, includes:

- Establishment of an Urban Renewal District;
- Adoption of an Urban Renewal Plan;
- Acquisition of properties within the Midtown block comprising the site proposed for redevelopment by the City of Rochester ("the City");

- Closure of the facility and relocation of the tenants pursuant to the Uniform Relocation Act Guidelines;
- Abatement of asbestos and other Recognized Environmental Conditions ("RECs);
- Demolition of a number of existing buildings and of segments of the existing skyway pedestrian corridor;
- Preparation for adaptive re-use of remaining buildings;
- Development of an interior street grid, associated utilities and other public improvements necessary to enable conversion of the existing superblock to a neighborhood of multiple smaller parcels more suitable for urban redevelopment (see Figure 2.10 on page 44 of the DGEIS);
- Abandonment of segments of existing streets as necessary to accommodate the alignment of the newly developed street grid and development of multiple parcels in place of the existing superblock;
- Resubdivision of the assembled parcels to create a neighborhood of smaller parcels (see Figure 2.11 on page 47 of the DGEIS);
- Development of a central urban "park" or open space within the redeveloped block (see Figure 2.12 on page 50 of the DGEIS);
- Restoration of the existing 1,844 parking space garage located beneath the Plaza;
- Potential development of additional on-site parking to meet redevelopment needs;
- Execution of development agreements;
- Review and approval of site plans for private development of parcels delineated by the newly developed street grid;
- Conveyance of parcels to private parties for development and occupancy;
- Construction of buildings and other improvements upon individual parcels consistent with the Urban Renewal Plan (see Figure 2.13 on page 65 of the DGEIS, and Final GEIS Figures 7.1, 7.2 and 7.3);
- Recordation of historic structures, preservation of interior artifacts, a review process prior to razing of Skyway Bridges, public participation in the final design/planning of new public space, and extended consideration of proposals for adaptive reuse and redevelopment of the existing Midtown Tower (mitigating conditions required by the SHPO related to unavoidable impacts to S/NRHP-eligible resources (see Final GEIS Appendix G); and,
- Utilization of grants and other public funding sources to accomplish many aspects of the proposed redevelopment effort.

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

As was indicated above under the sub-topic "Challenges" (see page 3), a serious decline became evident at Midtown in the 1980's. Throughout the 1990's, vacancy rates continued to increase and the properties continued to fall into disrepair. The Plaza properties came to be identified as a significant source of blighting influence. In addition to outdated floor layouts, the presence of ACMs and other RECs and the significant investment that would be required to restore the site, the inward focus of the entire complex and the absence of ways through the superblock were also recognized as important factors that sustained the blighting influence. These characteristics and conditions have led to decline in the values of surrounding properties as well and to diminished interest in investment and redevelopment throughout the affected neighborhood. Prior to intervention by the City and ESDC, a number of redevelopment plans proposed in the private sector had failed and no prospects for these declining trends to be reversed could be identified.

As of May, 2010, the City has control of the site and ESDC's work to abate ACM's and REC's within all Plaza buildings is underway. Plans for demolition have been completed, public bids for this work have been advertised and contracts are about to be awarded. An interior street grid and parcel configuration has been defined and the design of the necessary street, utility and associated improvements is about to begin. PAETEC is finalizing its plans for development of a corporate headquarters facility and plans are being progressed by the selected developers for the adaptive reuse of the Midtown Tower. Included among the proposals submitted to by developers to the Rochester Broadway Theatre League for development of a new performing arts facility to replace the Auditorium Theatre is one which would construct such a facility at the Midtown site.

Alternatives to the Proposed Action

Alternatives and Project Modifications Considered
[24 C.F.R. Part 58.40(e), 40 C.F.R. Part 1508.9]
(Identify and discuss all reasonable alternative courses of action that were considered and were not selected, such as alternative sites, designs, or other uses of the subject site(s). Describe the benefits and adverse impacts to the human environment of each alternative, in terms of environmental, economic, and design contexts, and the reasons for rejecting each alternative. Also, finally discuss the merits of the alternative selected.)
Chapter 12 of the DGEIS (beginning on page 268) provides a listing and analysis of alternatives considered. In addition to the alternative identified as the Preferred Alternative (also referred to in this document as the action) and the No Action alternative, the DGEIS lists the following alternatives:

- Mixed use program alternatives;
- Assembly, Street Grid, Block Configuration and Parcel Subdivision Alternatives;
- Land Use, Open Space, and Concept Plan Alternatives;
- Historic Resource Alternatives Involving the Public Atrium;
- Alternative for Adaptive Reuse of the Midtown Tower;
- Parking Garage Alternatives;
- Parking Alternatives;
- Demolition of Skyway Bridges and Utilities Alternatives; and,
- Clearance and Demolition Phasing Alternatives;

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

- Adaptive Reuse or Demolition of the existing Midtown Tower (beginning at page 15 of the Final GEIS);
- Historic Resources, the Plaza Atrium and Demolition of Midtown Buildings (beginning at page 19 of the Final GEIS) including further evaluation of the Preferred Alternative that would demolish the Atrium and associated buildings (excluding the Midtown Tower) as part of the immediate redevelopment effort, a Preservation Alternative, an Adaptive Reuse Alternative and an alternative that would delay the anticipated demolition until such time redevelopment commitments were secured from developers and redevelopment plans finalized;
- Alternative modifications to the proposed street grid (beginning at page 40 of the Final GEIS); and,
- Alternative modifications to the Underground Service Truck Tunnel (beginning at page 41 of the Final GEIS).

One alternative that was not recognized in the DGEIS, in the Final GEIS or in the March, 2009 Findings Statement and that has since been considered is that to avoid complete demolition of the existing Seneca Office Building, the three (3) properties at the SE corner of Main Street and Clinton Avenue, and part of the B. Forman Building and for PAETEC to include an adaptive reuse of all or a portion of those buildings as part of their proposed headquarters facility. This alternative has since been identified and evaluated and is now (as of May, 2010) included as a potential element of the redevelopment plan as it may offer some significant cost and scheduling advantages without accompanying adverse environmental impacts.

No Action Alternative
[24 C.F.R. Part 58.40(e)]
(Discuss the benefits and adverse impacts to the human environment of not implementing the no action alternative.)

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

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

Although the No Action alternative would avoid the foregoing unavoidable impacts, as was discussed in Section 12.2 of the DGEIS (beginning on page 268), the No Action alternative would also fail to accomplish the primary purposes of the action including the cessation of further deterioration at the site, the elimination of associated blighting influences upon surrounding properties, and the redevelopment of this pivotal, underutilized site in a manner which would restore property values, reconnect the site to other key downtown districts, catalyze downtown revitalization, and contribute to job growth and retention within the Center City. A tabulation of thirty more specific project objectives can be found in the DGEIS (Section XX, pages 273 -275). The table indicates that while the Preferred Alternative is anticipated to accomplish each of the thirty objectives, none would be accomplished by the No Action alternative. Notable among those thirty tabulated objectives are:

- The need for elimination of the superblock created in the 1960's and the associated blighting influences and the need for improved access within the site;
- The need for elimination of deteriorated structures, substandard conditions and other blighting influences and for the demolition/removal of non-contributing structures for which renovation is not an economically feasible option;
- The need to emphasize and strengthen downtown's role as the region's center for business, entertainment, cultural assets and urban living;

- The need to reduce vacancy rates;
- The need to enhance and activate the street environment and the public realm; and,
- The need for an alternative to exclusive reliance on the private sector for a response to the above (and a likely need for direct public intervention and investment to bring about the necessary change).

Summary of Findings & Conclusions
(Briefly summarize all important findings and conclusions, discussing direct impacts, indirect impacts, and cumulative impacts.)

Regarding the positive effects and benefits of the project, it was found that:

- The proposed project would eliminate blighting influences and other key obstacles that have impeded economic development in and adjacent to the project site;
- Development of a new street network would provide greater access to the interior of the site from Main Street and East Avenue and generate active and inviting public spaces;
- Establishment of interior streets through the site would allow for additional street level retail opportunities to be accommodated;
- Reestablishing "historic" Cortland Street would provide a historic connection to the past as well as create an important street connection to Main Street;
- The proposed project would catalyze revitalization downtown and increase the potential for attracting additional private development within the area, (similar to the way Midtown Plaza did for Rochester in the 1960's);
- The proposed project would contribute to the downtown tax base and lead to increased property and sales tax revenues;
- The project would bring additional jobs to the downtown area and improve downtown job retention;
- Promoting visual and physical connections across the site (including new streets) would develop a sense of interconnectivity and physical connections that would help to engage adjacent land uses with spaces on the site;
- Creating a public space connection from Chase Plaza to the Theater District on East Avenue would create a strong pedestrian relationship between the employment centers in the west with the cultural center along East Avenue. Another connecting Liberty Pole Plaza to the new plaza at Broad and Clinton Streets would create a strong relationship between the office center along Broad Street with the more traditional center of the downtown;
- Locating active land uses such as retail, dining and hospitality at the ground level along major streets and open spaces would create an engaging public realm and encourage pedestrian movement across the city;
- Maintaining residential buildings in proximity to parks and open spaces would extend the life of the public realm into the night and weekends and develop a strong sense of ownership and stewardship that would ultimately add long term value to adjacent properties;
- Maintaining a consistent street wall along major roadways would help create a sense of an urban environment that is conducive to pedestrian traffic and would help to better define the public realm and avoid the sense of empty spaces along the sidewalk; and,
- Positioning both taller and lower buildings in a manner that maintains the pattern of lower buildings that is one of the defining features of Main Street and would reinforce the current development patterns along Broad Street and avoids blocked views from new and existing buildings.

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

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

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

- Water Resources
- Air and Dust
- Aesthetics/Visual Resources
- Traffic
- Parking
- Public Transit
- Pedestrian Resources
- Off-site Utilities
- On-site Utilities and infrastructure

- Noise and Odor
- Public Health and Safety
- Demolition
- Temporary Off-site Activities

Unavoidable impacts were found with respect to the following six resource areas. These are described more fully in the Findings Statement on pages 16 through 20 and the immediately following section of this document (entitled "Summary of Recommended Mitigation Measures"). To the extent these impacts remained, it was found that they had been avoided or minimized to the maximum extent practicable:

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

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

Summary of Recommended Mitigation Measures
[24 C.F.R. Part 58.40(d), 40 C.F.R. Part 1508.20]
(Summarize the proposed mitigation measures identified and intended for implementation to eliminate or minimize adverse environmental impacts.)

Several measures intended to mitigate negative effects upon the Midtown block (identified as a S/NRHP eligible resource) were identified in the course of the formal Section 14.09 Consultation process. These were set forth in detail in a draft Letter of Resolution developed for execution by the City, ESDC and OPRHP. The document (included in Appendix G of the Final GEIS) is summarized more fully below under the topic "Conditions for Approval".

There are no other recommended mitigative measures or conditions required to eliminate or minimize potential environmental impacts.

As indicated above, a number of unavoidable impacts described in Section 6 of the DGEIS (beginning page 254) remain and cannot be further minimized or mitigated. These are also identified and described in the Findings Statement (beginning on page 16):

- Impacts to utilities and infrastructure. A variety of utilities and public improvements (steam, cable, fiber, electrical, drainage, sanitary sewers, sidewalks and some street segments) would be abandoned, damaged, relocated, and/or replaced as part of redevelopment construction activities (see pages 16-17 of the SEQR Findings Statement);

- Impacts to Historic Resources (buildings within the Midtown block). Buildings and structures comprising the S/NRHP-eligible block would be demolished. A number of mitigating conditions required by the SHPO have been incorporated into the project (see SEQR Final GEIS Section 3.E, SEQR Final GEIS Appendix G, and pages 17-18 of the SEQR Findings Statement);
- Impacts to the Skyway system. Skyway connections to buildings within the Midtown block would be terminated in advance of their demolition (see pages 18-19 of the SEQR Findings Statement);
- Impacts to Traffic. As indicated above, new streets would be developed and some segments of existing streets would be abandoned to permit development of a new street grid. In addition, a projected Level of Service "F" has been forecast for the Court Street eastbound left turn lane at Clinton Avenue. Widening of this intersection to relieve the anticipated congestion is not feasible (see SEQR Final GEIS Section 3.A, SEQR Final GEIS Section 3.G, page 19 of the SEQR Findings Statement and the section immediately following, entitled "Conditions for Approval", in this document);
- Impacts to Parking. Although spaces within the Midtown parking garage were originally occupied primarily by patrons and visitors to the Midtown block, they have more recently been made available to employees, visitors and patrons of surrounding sites. The garage has been closed temporarily in order to permit the abatement of ACM's and other REC's. However, when reopened, it is anticipated that the garage parking spaces will once again be occupied by and restricted, in part, to utilization by occupants, employees, patrons and visitors to the redeveloped Midtown block. A recent study (see SEQR DGEIS Appendices T and U; and, pages 19-20 of the SEQR Findings Statement); and,
- Impacts to the Underground Service Truck Tunnel. Although the truck tunnel function would remain, portions of those structures defining the tunnel would be demolished and segments of the existing tunnel would be realigned (see SEQR Final GEIS Section 3.H and page 20 of the SEQR Findings Statement).

Conditions for Approval

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

Appendix G of the Final GEIS includes a draft Letter of Resolution to be executed by the City, ESDC and OPRHP to conclude the formal Section 14.09 Consultation process undertaken regarding the Midtown block (identified as a S/NRHP eligible resource) and the potential effects upon that resource that would result from implementation of the Preferred Alternative identified herein as the action being assessed. The document includes stipulations regarding a number of issues, including:

- Recordation of Historic Structures;
- Preservation of Interior Artifacts;
- Review process for razing of Skyway Bridges;
- Final Design/Planning of New Public Space; and,
- Midtown Tower Redevelopment.

A more specific description of the foregoing conditions may be found in Appendix G of the SEQR Final GEIS. As these conditions were originally articulated as part of the SEQR process and were identified in the SEQR Findings Statement, they have been incorporated in this document as obligatory elements of the action (see the foregoing Project Description found on pages 5 and 6 of this document).

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

The following studies were completed and may be found in the indicated section of the SEQR DGEIS:

• Location of Midtown Site and Use of Surrounding Parcels	Figure 2.2
• Scale and Relationship of the Site to the Built Environment	Figure 2.3
• Physical Development Capacity in Similar Urban Settings	Figure 2.7
• Historic Midtown Street Grid	Figure 2.8
• Preferred Midtown Street Grid	Figure 2.10
• Concept Land Use Plan	Figure 2.12
• Visual Simulations – Existing Conditions and After Redevelopment	Figure 4.1-4.5
• Areas Within Walking Distance from Midtown	Figure 4.6
• RTS Routes That Stop Near the Intersection	Table 4.2
• RTS Routes That Stop at Major Transfer Sites	Table 4.3
• City of Rochester Water Usage Statistics	Table 4.4
• City of Rochester Fire Stations and Fire Companies	Table 4.5
• Zone Elementary Schools within South Zone	Table 4.6
• City-wide Elementary Schools Available to All Students	Table 4-7
• City of Rochester Secondary Schools	Table 4-8
• Vacant Office Space by Neighborhood	Table 4-9
• Opinion of Probable Water and Wastewater Demands	Table 5-9
• Opinion of Probable Conceptual City Costs	Table 5-10
• Rochester Midtown Concept Alternatives Presentation	Appendix B
• Midtown Plaza Market Feasibility Analysis	Appendix C
• Block Land Use, Massing and Public Realm Guidelines	Appendix D
• Utility Report – Site	Appendix E
• Record of NYSOPRHP Section 14.09 Consultation	Appendix G
• Visual Impact Assessment and Building Shadow Study	Appendix I
• Cultural Resource Management Report – Phase IA	Appendix J
• Condition Appraisal – Midtown Parking Structure	Appendix Q
• Midtown Plaza Building Utility Inventory	Appendix R
• Midtown Parking Garage: Roof Slab Load Carrying Capacity	Appendix S
• Parking Planning Study	Appendix U
• Traffic Assessment	Appendix V

Some additional studies were subsequently completed and included within the appendices to the SEQR Final GEIS. They are:

• Traffic – Additional Intersections Analyzed	Section 3 A
• Comment Summary and Disposition Recommendations Report	Appendix B
• Public Comments Summary	Appendix C
• Comment Summary: From the Midtown Rising Luncheon	Appendix D
• Rochester Midtown Plaza Fiscal and Economic Analysis	Appendix E
• Traffic Summary: Level of Service, Calculations and Synchro Reports	Appendix F

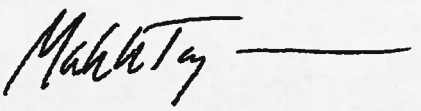
Project Environmental Review Record

Environmental Review Preparer's Information:

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

LaBella Associates, P.C.
Mark W. Tayrien, J.D., AICP
Director, Planning Division
300 State Street, Suite 201
Rochester, NY, 14614

Environmental Preparer's signature:



Date: May 2, 2010

Project Environmental Review Record

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

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

Compliance Factors (Statutes, Executive Orders, and regulations listed at **24 C.F.R. Part 58.5)**	**Status** (A or B)	**Compliance Finding and Documentation**
Historic Properties ▪ 36 CFR Part 800 regulations ▪ National Historic Preservation Act of 1966 ▪ Executive Order 11593, Protection and Enhancement of the Cultural Environment	B	An unavoidable impact will result. A formal consultation with the SHPO was conducted as part of the preceding SEQR. Mitigating conditions required by the SHPO have been incorporated into the action. See SEQR DGEIS § 5.6.2, page 166; SEQR Final GEIS § 3.E, page 19; SEQR Final GEIS Appendix G; SEQR Findings Statement, page 17, item 42; and, the Final SHPO LOR included in this volume.
Floodplain Management ▪ Executive Order 11988 ▪ 24 CFR Part 55 regulations	A	See SEQR DGEIS § 4.2.2, page 83; and, § 5.2.2, page 160.
Wetland Protection ▪ Executive Order 11990	A	See SEQR DGEIS § 4.2.2, page 83; and, § 5.2.2, page 160.
Coastal Zone Management ▪ Coastal Zone Management Act of 1972	A	See SEQR DGEIS § 4.2.2, page 83; § 4.8, page 94; and, § 5.2.2, page 160.
Sole Source Aquifers ▪ Safe Drinking Water Act of 1974 ▪ 40 CFR Part 149 regulations	A	See SEQR DGEIS § 4.2.2, page 83; § 4.8, page 94; and, § 5.2.2, page 160.
Endangered Species ▪ Endangered Species Act of 1973	A	See SEQR DGEIS § 4.3, page 83; and § 5.3, page 162.
Wild and Scenic Rivers ▪ Wild and Scenic Rivers Act of 1968	A	See SEQR DGEIS § 4.2.2, page 83; and § 5.2.2, page 160.
Air Quality ▪ Clean Air Act of 1970 ▪ 40 CFR Parts 6, 51, & 93 regulations	A	See SEQR DGEIS § 4.4, page 84; § 5.4, page 162; § 5.18.3, page 215; and § 5.26.2, page 240.
Farmland Protection Policy Act ▪ Farmland Protection Policy act of 1981 ▪ 7 CFR Part 658 regulations	A	See SEQR DGEIS § 4.1.2, page 82; and, § 5.1.2, page 159.
Environmental Justice ▪ Executive Order 12898	A	See SEQR DGEIS § 5.25, page 238.

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

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

(Evaluate the significance of the effects of the proposal on the character, features, and resources of the project area. Enter relevant base data and verifiable source documentation to support the finding. Then note the appropriate impact code from the following list to make a finding of impact. **Impact Codes:**
- No impact anticipated; - Potentially beneficial; - Potentially adverse;
- Requires mitigation; - Requires project modification.

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

IMPACT CATEGORIES	No Impact Anticipated	Potentially Beneficial	Potentially Adverse	Requires Mitigation	Requires Project Modification	SOURCE OF DOCUMENTATION (Note date of contact or page reference). Additional material may be attached.
Land Development						
Conformance with Comprehensive Plans & Zoning		X				See SEQR DGEIS § 3.3, page 26; § 4.9, page 95; and § 5.9, page 171.
Compatibility & Urban Impact		X				See SEQR DGEIS § 3.3, page 26; § 4.9, page 95; and § 5.9, page 171.

Project Environmental Review Record

IMPACT CATEGORIES	No Impact Anticipated	Potentially Beneficial	Potentially Adverse	Requires Mitigation	Requires Project Modification	SOURCE OF DOCUMENTATION (Note date of contact or page reference). Additional material may be attached.
Slope	X					See SEQR DGEIS § 4.1.3, page 82; and § 5.1.3 page 160.
Soil Suitability	X					See SEQR DGEIS § 4.1.2, page 82; and § 5.1.2 page 159.
Hazards & Nuisances, Including Site Safety	X					See SEQR DGEIS § 4.19, page 132; and § 5.19 page 216.
Energy Consumption		X				See SEQR DGEIS § 4.16, page 127; § 5.16, page 206; and § 10, page 264.
Effects of Ambient Noise on Project & Contribution to Community Noise Levels			X			Temporary only (construction-related) – no permanent impacts. See SEQR DGEIS § 5.26, page 246.
Effects of Ambient Air Quality on Project & Contribution to Community Pollution	X					See SEQR DGEIS § 4.4, page 84; § 5.4, page 162; § 5.18.3, page 215; and § 5.26.2, page 240.
Visual Quality-Coherence, Diversity, Compatible Use, & Scale		X				See SEQR DGEIS § 4.5, page 85; § 4.9, page 95; § 4.10, page 98; 4.17, page 128; and § 4.21, page 140.
Historical, Cultural, & Archaeological Resources			X	X		An unavoidable impact will result. A formal consultation with the SHPO was conducted as part of the preceding SEQR. Mitigating conditions required by the SHPO have been incorporated into the action. See SEQR DGEIS § 4.6.1, page 89; SEQR DGEIS § 5.6.1, page 166; SEQR DGEIS § 5.6.2, page 166; SEQR Final GEIS § 3.E, page 19; SEQR Final GEIS Appendix G: and, SEQR Findings Statement, page 17, item 42.
Socioeconomic						
Demographic / Character Changes	X					See SEQR DGEIS § 4.21, page 140; SEQR DGEIS § 4.24, page 146; § 5.21, page 221; and § 5.24, page 236.
Displacement	X					See SEQR DGEIS § 4.21, page 140; SEQR DGEIS § 4.24, page 146; § 5.21, page 221; § 5.24, page 236; and § 5.25, page 238.
Employment & Income Patterns		X				See SEQR DGEIS § 3.2, page 71; SEQR DGEIS § 3.3, page 76; SEQR DGEIS § 4.21, page 140; and SEQR DGEIS § 5.21, page 221.

Project Environmental Review Record

IMPACT CATEGORIES	No Impact Anticipated	Potentially Beneficial	Potentially Adverse	Requires Mitigation	Requires Project Modification	SOURCE OF DOCUMENTATION (Note date of contact or page reference). Additional material may be attached.
Community Facilities & Services						
Educational Facilities	X					See SEQR DGEIS § 4.20.4, page 137; and § 5.20.4, page 220.
Commercial Facilities		X				See SEQR DGEIS § 3.2, page 71; and § 3.3, page 76.
Health Care	X					See SEQR DGEIS § 4.20.3, page 137; and § 5.20.3, page 219.
Social Services	X					Not applicable, see project description found in SEQR DGEIS § 2.2, page 32.
Solid Waste	X					See SEQR DGEIS § 5.20.5, page 221; and § 11, page 266.
Waste Water	X					See SEQR DGEIS § 4.15.2.2, page 125; and § 5.15.2.2, page 199.
Storm Water	X					See SEQR DGEIS § 4.15.2.2, page 125; and § 5.15.2.2, page 199.
Water Supply	X					See SEQR DGEIS § 4.15.2.1, page 124; and § 5.15.2.1, page 197.
Water Resources	X					See SEQR DGEIS § 4.2, page 82; and § 5.2, page 160.
Surface Water	X					See SEQR DGEIS § 4.2.2, page 83; and § 5.2.2, page 160.
Public Safety - Emergency Medical	X					See SEQR DGEIS § 4.19, page 132; SEQR DGEIS § 4.20, page 134; SEQR DGEIS § 5.19, page 216; and SEQR DGEIS § 5.20, page 216.
Open Space		X				See SEQR DGEIS § 4.7, page 92; SEQR DGEIS § 4.10, page 98; SEQR DGEIS § 5.7, page 169; and SEQR DGEIS § 5.10, page 174.
Recreation		X				See SEQR DGEIS § 4.7, page 92; and SEQR DGEIS § 5.7, page 169.
Cultural Facilities		X				See SEQR DGEIS § 4.21, page 140; and SEQR DGEIS § 5.21, page 221.
Transportation			X			See SEQR DGEIS § 4.12, page 105; SEQR DGEIS § 4.13, page 114; SEQR DGEIS § 5.12, page 177; SEQR DGEIS § 5.13, page 186; SEQR DGEIS § 5.26.4, page 242; and SEQR Findings Statement, page 19, Item 44.

IMPACT CATEGORIES	No Impact Anticipated	Potentially Beneficial	Potentially Adverse	Requires Mitigation	Requires Project Modification	SOURCE OF DOCUMENTATION (Note date of contact or page reference). Additional material may be attached.
Unique Natural Features & Agricultural Lands	X					See SEQR DGEIS § 4.1, page 82; and SEQR DGEIS § 5.1, page 158.
Vegetation & Wildlife	X					See SEQR DGEIS § 4.3, page 83; and SEQR DGEIS § 5.3, page 162.
Other Factors			X			See SEQR DGEIS § 4.15, page 121; SEQR DGEIS § 5.15, page 189; and SEQR Findings Statement, page 16-17, Item 41.

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

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

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

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

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

☐ Yes No ☒ FEMA Map Number: 36055C0211G

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

Insurance Policy Number: _____

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

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

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

_____ Yes __X__ No FEMA Map Number: 36055C0211G

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

_____ Yes _____ No

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

Insurance Policy Number: _____

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

Not Applicable.

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

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

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

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

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

5 Attachments:

List of Sources, Agencies, and Persons Consulted
[40 C.F.R. Part 1508.9(b)]
(List and attach all evidence of inquiries and responses received at all stages of consultation and analysis.)

See SEQR DGEIS Appendix H and other appendices.

Appendices
(As required.)

Included in this Volume I:	Final SHPO LOR and SEQR Findings Statement
Appended as Volume II:	SEQR Final GEIS and Final GEIS Appendices A - G
Appended as Volume III:	SEQR DGEIS
Appended as Volume IV:	SEQR DGEIS Appendices A - M
Appended as Volume V:	SEQR DGEIS Appendices M - Z

NATIONAL ENVIROMENTAL PROTECTION ACT
(NEPA)

PURSUANT TO 24 C.F.R. PART 58.5 AND 24 C.F.R. PART 58.6

FINAL LETTER OF RESOLUTION – NYSOPRHP, ESDC, City of ROCHESTER

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)

RESPONSIBLE ENTITY:

City of Rochester

30 Church Street

Rochester, NY 14614-1290

May 10, 2009

Prepared for: The City of Rochester

Prepared by: LaBella Associates, P.C.

LETTER OF RESOLUTION
AMONG

EMPIRE STATE DEVELOPMENT CORPORATION,
THE CITY OF ROCHESTER
AND
THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION (OPRHP)

REGARDING
THE PROPOSED REDEVELOPMENT OF MIDTOWN PLAZA
(aka "Midtown" or "Midtown Mall")

WHEREAS, the Midtown Block (the "Property") is located in the downtown section of the City of Rochester (the "City"), Monroe County, New York, comprising 8.6 acres of land generally bounded by Main Street on the north, Euclid Street on the east, Broad Street on the south, and South Clinton Avenue on the west; and

WHEREAS, in 1957, through various urban renewal efforts by the City, the construction of a mixed-use retail/office complex known as the Midtown Plaza was completed in 1962, planned and designed by the renowned architect, Victor Gruen; and

WHEREAS, the design of the Midtown Plaza was premised on the demolition of selected blighted buildings on the Property and abandonment of a series of downtown street segments to create a "superblock" and infilling the land area created with selected new structures/buildings, interconnected to remaining buildings on the Property through a system of accessways and a large enclosed public "atrium" space to create a self-contained all-weather complex; and

WHEREAS, the Midtown Plaza complex contains approximately 1.5 million square feet of building area, including six main buildings: "Midtown Complex" at 100 South Clinton Avenue includes the "Midtown Tower", the "Euclid Building", and "Midtown Plaza" (a two-level retail shopping mall organized around a common atrium space); "McCurdy Building" at 285 East Main Street; "B. Forman Building" at 32-58 South Clinton Avenue; the "Seneca Office Building" at 18-26 South Clinton Avenue; "Midtown Plaza Underground Parking" at 110 South Clinton Avenue (an 1,820-space, 3-story underground parking garage); and a series of "Skyway" pedestrian bridges connecting the complex to adjacent buildings; and

WHEREAS, by the late 1990s, in response to significant decline/deterioration and extensive vacancy at the Midtown Plaza complex, the City concluded that it had begun to contribute to overall decline of downtown Rochester, and began to undertake efforts to revitalize the Property; and

WHEREAS, following almost a decade of changes in ownership, unsuccessful efforts to incorporate new uses, and other redevelopment measures, the City determined that the scale/characteristics of the "superblock", complexity of design, and other features of the Midtown Plaza complex impeded their ability to revitalize the Property, absent a major public investment and reconfiguration of the Property to break down its scale into more manageable portions by re-incorporation of portions of a traditional urban street grid; and

WHEREAS, the City acquired the Property through condemnation in May 2008 after adopting the Midtown Urban Renewal Plan in March 2007; and

WHEREAS, in 2007, the City embarked on the Midtown Redevelopment Project (the "Project") with the main objective to raze and redevelop the Property under a unified plan or scenario where the Property would become an urban activity node that accommodates and links uses already completed, under construction, or programmed for construction, while simultaneously spurring additional private sector development; and

WHEREAS, at the time of condemnation, Midtown Plaza was over 85 percent vacant, and currently, all but one tenant has either closed or been relocated from the Property; and

WHEREAS, on October 16, 2007, the New York State Urban Development Corporation, doing business as Empire State Development Corporation ("ESDC") and City of Rochester (the "City") entered into a Memorandum of Understanding to provide state funding for the Project, specifically for environmental remediation and demolition of the 1.5 million square feet of blighted space, to create a "shovel-ready" site, and to redevelop the Property for various corporate, office, residential, and other mixed-used development; and

WHEREAS, on June 30, 2008, the City, as lead agency, initiated a generic environmental impact statement ("GEIS") process in accordance with the New York State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, in accordance with their specific responsibilities under the New York State Parks, Recreation and Historic Preservation Law, ESDC consulted with the New York State Office of Parks Recreation and Historic Preservation ("OPRHP") on the Property's eligibility for inclusion in the State and National Registers of Historic Places ("S/NRHP") and the Project's potential impact upon properties on or eligible for inclusion on the S/NRHP; and

WHEREAS, the OPRHP, based on additional information and research, determined that Property (i.e., collectively, all structures comprising the Property) was eligible for

inclusion of the S/NRHP, in consideration that the 1957 design resulted in the first enclosed downtown shopping mall, and for its association with "the work of a master" (i.e., Victor Gruen); and

WHEREAS, in consulting on the determination of eligibility, the OPRHP indicated that while the entire Property was S/NRHP eligible, the main "character-defining" features included the Midtown Plaza shopping mall, the Midtown Tower (i.e., the major features representing the works by Victor Gruen) and particularly the atrium feature, given its historic functions as a "enclosed public square" and focal point in the City; and

WHEREAS, ESDC and the City, as part of the SEQRA GEIS process, solicited the participation of OPRHP and various other interested agencies, organizations, and individuals related to historic preservation and downtown development (hereinafter referred to as "stakeholders") to participate in a Section 14.09 review process with the intention to determine if there are reasonable and/or prudent alternatives that could avoid adverse impact to S/NRHP-eligible resources while still achieving the overall revitalization goals and objectives of the Project; and

WHEREAS, as part of the 14.09 review process, a series of three (3) review/charrette sessions was held with Project stakeholders and with the assistance of professional architecture, urban design, and engineering consultants, to identify key objectives of the process, review physical characteristics of the Property, and to develop and assess the reasonableness/feasibility of a variety of redevelopment scenarios intended to avoid impact to all or a portion of resources on the Property; and

WHEREAS, early on in the 14.09 review process, it was determined that the objectives of the Project could not be achieved with no impact to S/NRHP-eligible resources on the Property, given that only the "No Action" scenario (i.e., not undertaking the Project) or possibly an adaptive reuse scenario (i.e., for which unsuccessfully attempts had been previously made by the City) would result in no impacts; thus, scenarios involving key character-defining features, particularly the atrium, were developed and assessed; and

WHEREAS, the 14.09 process resulted in a review matrix outlining the implications of each alternative scenario, indicating that an alternative involving the retention of the atrium feature would complicate the implementation of the Project (given no user for the facility had been identified), would require additional engineering to secure and stabilize the structure; and result in higher overall Project costs. By comparison, alternatives involving an interpretation of former atrium space through a public plaza in a similar location, or the replacement of the public functions once served by the atrium through a new public space, would not require the same level of coordination, structural work, or effects to overall project costs; and

WHEREAS, as a result of the 14.09 review process, ESDC notified OPRHP on November 3, 2009 that is was not been able to identify a reasonable or prudent alterative that avoids any impacts to the Property, however, the process did yield several alternatives that attempted to mitigate such impacts; and

WHEREAS, the OPRHP reviewed materials related to the 14.09 process and concurred on November 7, 2008 that the proposed Project, would result in an Adverse Impact to S/NRHP-eligible resources on the Property; and

WHEREAS, on November 10, 2008 the City issued a Draft GEIS for public comment, which proposed a preferred land use approach which would involve razing of the Property and redevelopment in accordance with a mixed-use development strategy, and including the development of a public space design to incorporate the function once served by the Midtown Plaza's atrium space. The Draft GEIS fully documented all alternatives considered for the Project, including the scenarios formulated/assessed as part of the 14.09 review process; and

WHEREAS, after forty (40) days of public review and comment on the land use plan, and an evaluation of mitigation alternatives developed as part of the consultation process, the City selected the preferred land use plan, which proposes to demolish all of the buildings and structures, except in the case of the Midtown Tower Building, provided a viable redevelopment proposal is identified through a Request for Proposal ("RFP") process; and

WHEREAS, the purpose of this Letter of Resolution ("LOR") is to ensure that appropriate mitigation measures are undertaken to partially mitigate the Adverse Impact;

WHEREAS, OPRHP, in consultation with lead and involved agencies, has identified measures to mitigate the adverse effect on historic resources.

NOW, THEREFORE, in accordance with Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law, ESDC, OPRHP, the City agree to the Stipulations specified below:

STIPULATIONS

The ESDC will ensure that the City shall construct the Project in compliance with following stipulations:

I. RECORDATION OF HISTORIC STRUCTURES

Prior to demolition and in consultation with the OPRHP, ESDC and the City shall document the Property or cause to be document the Property in a manner generally consistent with provisions of Historic American Building Survey (HABS) Level 2 photographic documentation and develop an accompanying narrative.

a) Two sets of black and white photographs (4" x 5" prints on archival paper) and two sets of digital files that record the exterior appearance and major interior spaces. Digital color images will also be taken at the same time as the traditional black and

white photography. Digital images should be taken at a high resolution and stored on a CD in TIF uncompressed format. Two sets of CDs of the images will be provided, as well as two copies of the WXXI Public Broadcasting production of "Memories of Midtown."

b) Measured drawings are not required, but a good faith effort shall be made to locate exterior elevations and floor plans of each building from appropriate civic and historic repositories to be included in the documentation submission.

c) A historic narrative pertaining to the history of the structure to illustrate the historic and architectural significance of the complex. The narrative will provide an appropriate historic context for the structures.

d) Two copies of the photos/narrative are required: one copy of the report will be submitted to OPRHP for forwarding to the State Archives (which will include the CDs) and one copy of the report will be submitted to an appropriate local repository (library or historical society).

II. PRESERVATION OF INTERIOR ARTIFACTS

The City shall take all appropriate actions to ensure the preservation of the following artifacts/objects that were once features in the Midtown Plaza atrium:

a) The Clock of Nations
b) The Totem Pole
c) The Monorail

In preserving such artifacts, the City may donate such features to appropriate public, not-for-profit, or private repositories and/or entities, provided that such features are exhibited in public/quasi public spaces or are accessible at reasonable times by the public. By no means shall such artifacts be made available for sale to private entities for exclusively private purposes and/or for profit.

III. REVIEW PROCESS FOR RAZING OF SKYWAY BRIDGES

ESDC will consult with the OPRHP regarding the final design for the removal of the Skyway pedestrian bridge connecting the Property to the Sibley Building (which is on the S/NRHP). Such consultation shall involve OPRH Preview for the restoration of the Sibley Building façade in the location of the former Skyway connection, including providing the OPRHP with drawings and other appropriate materials.

a) Design plans shall be submitted to the OPRHP at the preliminary (40%) and pre-final (80%) completion states for OPRHP comment.

b) OPRHP will have 15 business days in which to comment on the proposed design.

IV. FINAL DESIGN/PLANNING OF NEW PUBLIC SPACE

The City has advanced a review process for the final design, planning and programming for the proposed new downtown public square as part of the Project. As part of this process, the City shall invite the participation of the aforementioned 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 commemorate or facilitate the types of public functions once served by the Midtown atrium space and to develop an appreciation of the significance of the atrium to the Rochester community. This process may yield various techniques, including, but not limited to:

a) Specific design features (paving, vertical elements, focal points, etc.) intended to define the square as a "place".

b) Arrangement of users/uses surrounding the public square, to ensure the highest levels of activity and visibility possible.

c) 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.

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

V. MIDTOWN TOWER REDEVELOPMENT

If the current RFP for adaptive reuse of the Midtown Tower does not yield a qualified development proposal, the City, in consultation with ESDC, will extend consideration to viable and qualified development proposals all the way up until October 1, 2009 or prior to the scheduled demolition of the tower.

VI. OTHER

Any party to this LOR may propose to ESDC that the LOR be amended, whereupon ESDC shall consult with the other parties to this LOR to consider such amendment. Any amendment must be agreed upon in writing by all parties to this agreement.

This LOR shall be dated for identification purposes as March 2, 2009, but shall take effect on the date it is signed by the last signatory and will remain in effect until the Stipulations have been met.

SIGNATORY PARTIES

Ruth Pierpont (date) 3/23/09
Ruth Pierpont, Deputy Commissioner
New York State Historic Preservation Office

Dennis M. Mullen (date) 3/16/09
Dennis Mullen, Upstate President
Empire State Development Corporation

(date) 3/2-09
Art Ientilucci, Director of Zoning
City of Rochester

NATIONAL ENVIROMENTAL PROTECTION ACT
(NEPA)

PURSUANT TO 24 C.F.R. PART 58.5 AND 24 C.F.R. PART 58.6

NYS SEQRA FINDINGS STATEMENT

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)

RESPONSIBLE ENTITY:

City of Rochester

30 Church Street

Rochester, NY 14614-1290

May 10, 2009

Prepared for: The City of Rochester

Prepared by: LaBella Associates, P.C.

STATE ENVIRONMENTAL QUALITY REVIEW

FINDINGS STATEMENT

MIDTOWN REDEVELOPMENT PROJECT

Pursuant to Article 8 (State Environmental Quality Review Act – SEQR) of the Environmental Conservation Law and 6 N.Y.C.R.R. Part 617, the City of Rochester Director of Zoning, as Lead Agency, makes the following Findings based on the Final Generic Environmental Impact Statement prepared by LaBella Associates P.C. on behalf of the Lead Agency and accepted on February 20, 2009.

NAME OF THE ACTION

Midtown Redevelopment Project

LOCATION

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

DESCRIPTION OF THE ACTION

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 in Rochester, New York. The Plaza was completed in 1962 following a plan by prominent architect Victor Gruen. The Plaza occupies a large central downtown block of approximately 8.5 acres 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. Several streets once found within the large Midtown block were abandoned during the development of the Plaza and none remain that penetrate or cross the block. The block is consequently referred to as a superblock. The mall was constructed so as to connect preexisting buildings (the McCurdy and B. Forman buildings) and is recognized as the first downtown enclosed mall in the country. An underground parking garage which provides 1,844 spaces and two associated buildings (the Euclid Building and Midtown Tower) were constructed as part of the complex and were connected to the mall as well. The adjoining Seneca Office building which was constructed some years later is also a connected element of the Plaza complex. As described in Section 5.6.2 of the DGEIS, the Midtown Plaza, including all of the buildings within the block forming the complex, was identified in 2008 as a resource eligible for listing on State and National Registers of Historic Places (S/NRHP-eligible: Section 5.6.2 of the DGEIS and Section 3E of the FGEIS provide a more detailed discussion).

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 inward focus of the complex and the absence of ways through the superblock have been identified as important factors that contribute to the blighting influence. The effects of this influence include declining values of surrounding properties and diminished interest in investment and redevelopment in neighboring parcels. The properties on the Midtown block contain significant asbestos containing materials ("ACMs") and other recognized

environmental conditions ("RECs"). The building systems that remain within the Midtown buildings date from the original construction and require replacement.

Recognizing a need for public involvement, 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 acquired by the City in 2008 by which time the vacancy rate had climbed to more than 85 percent. The telecommunications company PAETEC Holding Corp. ("PAETEC") has expressed an interest in constructing a new corporate headquarters and operations center at the site. PAETEC is now considering two potential locations: a large block in the northwest corner of the block at the intersection of Main Street and Clinton Avenue and an alternative location within the Midtown Tower following "reskinning" of the building and installation of new systems and finishes (an adaptive reuse of the structural framework). 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 "shovel-ready" site for PAETEC's proposed facility.

This action 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 and study process which includes a market analysis and fiscal impact assessment has been completed to provide an information base sufficient to enable development of a prudent plan that takes maximum advantage of the many opportunities offered by the site given the existing conditions and anticipated market constraints.

More specifically, 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 Plaza as an S/NRHP-eligible resource, the demolition of all or any portions of buildings within the block would constitute an adverse negative impact. The underground parking garage is slated to remain and would not be demolished. With respect to the Midtown Tower, proposals have been solicited and would be evaluated to determine whether the steel framework of the existing Midtown Tower might be preserved rather than demolished so as to be incorporated within an adaptive reuse of the structure. 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/resubdivided to create suitable sites for PAETEC and other private sector developers according to an amended Urban Renewal Plan proposed for adoption. The proposed plan identifies new streets to be established including some segments that would be extended in certain circumstances but not in others and some existing segments that could be abandoned. The action would also include disposition of properties, designation of open space parcels, provisions for parking and development of new infrastructure, utilities and open space improvements. Guidelines and principles adopted as part of the Urban Renewal Plan would guide future development. The City zoning provisions are form based and would provide

significant flexibility to accommodate the range of future development opportunities now envisioned.

Construction would follow demolition and clearance in two basic phases. The first would generally include infrastructure 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.

AGENCY JURISDICTION and REQUIRED APPROVALS

- 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;
- Sewer system modifications and extensions, Monroe County Pure Waters;
- Inducement by COMIDA (County of Monroe Industrial Development Agency); and,
- Funding Approval, Demolition and Site Preparation by Empire State Development Corp.

DATE FINAL GEIS FILED

February 20, 2009.

SEQRA PROCESS SUMMARY

In accordance with SEQR and Chapter 48 of the City Code, the proposal has been designated as a Type I action. As such, the City of Rochester Director of Zoning, as Lead Agency, conducted 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 Draft Generic EIS (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.

A Draft Generic Environmental Impact Statement (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 Draft GEIS 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 Draft GEIS was held on December 2, 2008. The public comment period was held open until December 19, 2008.

The Rochester Environmental Commission reviewed the DGEIS and the comments received relative to the DGEIS and made recommendations regarding responses to be included in the Final GEIS.

A Final GEIS was accepted by the Lead Agency on February 20, 2009, and a Notice of Completion issued. The notice is expected to appear in the Environmental Notice Bulletin on March 4, 2009. The Final GEIS has been properly filed with all involved and interested agencies and made available for public review.

The issuance of the Statement of Findings by each of the involved agencies completes the environmental review process required by SEQRA.

FACTS AND CONCLUSIONS RELIED UPON TO SUPPORT THE DECISION

PURPOSE, NEED AND BENEFITS

The proposed action is in response to the blighting effects of the outdated, underutilized and deteriorated Midtown Plaza complex, the failure of past efforts undertaken to revitalize the Midtown Plaza site and the apparent need for direct public participation and investment to lead a successful redevelopment effort. The action is intended to mount a productive and reasonable response to the ongoing deterioration and to eliminate the blighting influences as quickly as is practical. Elimination of the blighting influence of Midtown Plaza and facilitation of redevelopment is necessary in order to preserve property values in the area, attract private investment, contribute to the tax base, support job growth, and catalyze further downtown revitalization.

Twenty-seven specific objectives are described in Section 3.1 of the DGEIS. These include many related to the mitigation of blight and economic development referenced above and others objectives, including positioning of the site and the surrounding district as a regional center for business, entertainment, and urban living and as a premier site for high quality office, residential and retail development. Section 3.2 of the DGEIS reviewed the following topics in detail:

- The recent history of development in downtown Rochester and the underlying market dynamics and forces that have led to decline;
- The market factors that could support a successful Midtown redevelopment;
- The physical conditions at the Midtown site;
- The physical conditions within the Midtown buildings and the estimated costs to restore these;
- The need for revitalization of the existing complex and likely outcome in the absence of intervention;

- Obstacles associated with the superblock and the need for establishment of a functional street grid;
- The need for demolition and/or potential adaptive reuse of component buildings; and,
- The need for improved connectivity to the East End.

Regarding the positive effects and benefits of the project as it is currently being proposed, it has been found that:

- The proposed project would eliminate blighting influences and other key obstacles that have impeded economic development in and adjacent to the project site;
- Development of a new street network would provide greater access to the interior of the site from Main Street and East Avenue and generate active and inviting public spaces;
- Establishment of interior streets through the site would allow for additional street level retail opportunities to be accommodated;
- Reestablishing "historic" Cortland Street would provide a historic connection to the past as well as create an important street connection to Main Street;
- The proposed project would catalyze revitalization downtown and increase the potential for attracting additional private development within the area, (similar to the way Midtown Plaza did for Rochester in the 1960's);
- The proposed project would contribute to the downtown tax base and lead to increased property and sales tax revenues;
- The project would bring additional jobs to the downtown area and improve downtown job retention;
- Promoting visual and physical connections across the site (including new streets) would develop a sense of interconnectivity and physical connections that would help to engage adjacent land uses with spaces on the site;
- Creating a public space connection from Chase Plaza to the Theater District on East Avenue would create a strong pedestrian relationship between the employment centers in the west with the cultural center along East Avenue. Another connecting Liberty Pole Plaza to the new plaza at Broad and Clinton Streets would create a strong relationship between the office center along Broad Street with the more traditional center of the downtown;
- Locating active land uses such as retail, dining and hospitality at the ground level along major streets and open spaces would create an engaging public realm and encourage pedestrian movement across the city;
- Maintaining residential buildings in proximity to parks and open spaces would extend the life of the public realm into the night and weekends and develop a strong sense of ownership and stewardship that would ultimately add long term value to adjacent properties;

- Maintaining a consistent street wall along major roadways would help create a sense of an urban environment that is conducive to pedestrian traffic and would help to better define the public realm and avoid the sense of empty spaces along the sidewalk; and,

- Positioning both taller and lower buildings in a manner that maintains the pattern of lower buildings that is one of the defining features of Main Street and would reinforce the current development patterns along Broad Street and avoids blocked views from new and existing buildings.

RESOURCES REGARDING WHICH NO POTENTIAL PERMANENT ADVERSE IMPACTS OF SIGNIFICANCE WERE IDENTIFIED

The Lead Agency has found that the proposed action would result in no permanent significant adverse impacts related to the following resources or aspects of the setting:

1. Geology, Soils and Topography

   It has been determined that the proposed project would have no significant impacts on bedrock or soils. No blasting or removal of bedrock would occur as part of the redevelopment of the Midtown site. The underground parking garage for Midtown Plaza is built into bedrock and would remain. Structures proposed for construction over the parking garage would bear directly upon the garage itself and foundation elements for other buildings proposed in other portions of the site would likely be constructed to bedrock. There are no existing native soils on the project site and any soils moved or stockpiled as a consequence of construction related excavation would be managed through standard best practices and procedures. The project site is relatively flat and no significant changes in topography would occur. New structures are planned to be compatible with elevations of neighboring buildings and the existing street level (see DGEIS - Section 5.1).

2. Groundwater and Surface Water

   It has been determined that there are no significant groundwater resources in the immediate project area and that there would be no direct impacts to surface waters. The Genesee River is approximately one thousand feet to the west of the site and no other surface water resources (streams, wetlands, etc.) are located within the project area. The site is not located within the 100-year floodplain associated with the Genesee River, or within any other flood hazard area (see DGEIS - Section 5.2).

3. Storm Water Management

   It has been determined that stormwater runoff would be reduced under any of the redevelopment options and therefore would not present any adverse impact. It has been estimated that runoff volumes could decrease between 4 percent and 15 percent following redevelopment. It has also been verified that stormwater from the site, including that from roof and pavement areas, would be collected in a piped system and directed to the existing combined sanitary/storm sewer system which has adequate capacity to accept the flows. Due to the combined sewer discharge, the project would not be required to obtain a NYSDEC SPDES General Permit for Stormwater Discharges (see DGEIS - Section 5.2).

4. Vegetation and Wildlife

It has been determined that there would be no significant impacts to vegetation or wildlife. No vegetated area or open space currently exists within the boundaries of the project site. Moreover, no threatened or endangered species were identified in the vicinity by NYSDEC or by USFAWS (see DGEIS - Section 5.3).

5. Air

It has been determined that there is no potential for any permanent impacts of significance to air. The proposed action would not include uses such as industrial or manufacturing uses that would result in direct air emissions. In addition, any changes in air quality would only result from a relatively minor increase in commuter traffic entering and exiting the City of Rochester during peak commuter traffic periods in the morning and evening. These changes have been found to be insignificant (see DGEIS - Section 5.4). Potential temporary impacts to air are addressed below (see Finding 29).

6. Aesthetic and Visual Resources

No significant adverse impacts to aesthetic and visual resources have been identified (see DGEIS - Section 5.5). Instead, it has been demonstrated that the proposed project would have a positive visual impact within the visual study area through facilitating development of an urban environment consistent with the general neighborhood that would be enhanced by mixed use buildings, street cafes and streetscape amenities that would be attractive to pedestrians and to visitors. It has also been found that the project would reduce or eliminate the "barrier effect" and negative visual impact associated with the physical features of the super block by breaking the block down and by establishing vehicular and pedestrian ways through the block. Furthermore, the proposed development would create multiple view corridors through the site, which is now visually impenetrable. Establishment of a new street network would improve connectivity to the surrounding districts and would improve the appearance of the site by eliminating the unattractive eastern "back door" of the facility (a key location which also impedes connectivity to the East End). Therefore, no significant adverse impacts on aesthetic and visual resources have been identified (see DGEIS - Section 5.5).

7. Archaeological Resources

It has been determined that the proposed project would have no impact on archeological resources within or adjacent to the site. A Phase 1A Cultural Resource Reconnaissance Survey indicated the absence of any such resources that could be impacted and found that no additional Phase 1B testing was necessary (see DGEIS - Section 5.6).

8. Effects to Neighboring Historical Buildings

It has been determined that the proposed project would not have an adverse impact on surrounding historical properties. It has been found that there are no listed historic properties on the S/NRHP sharing a common boundary with the Midtown Site. Furthermore, it is anticipated that the proposed restoration of a traditional street grid and implementation of appropriate urban design guidelines would actually improve the context of these neighboring properties (see DGEIS – Section 5.6.2)

9. Parks and Open Space

It has been determined that the anticipated redevelopment would include new opportunities for creating open spaces or parks not currently present on the Midtown site. Therefore, no significant adverse impacts related to existing parks or open space are expected (see DGEIS - Section 5.7). It has also been recognized that designing and creating key open space areas would be important to the success of the proposed action.

10. Critical Environmental Areas

It has been determined that the project site is not located within a Critical Environmental Area designated by NYSDEC. Therefore, no impacts would occur and no mitigation is necessary (see DGEIS - Section 5.8).

11. Land Use and Zoning

It has been found that that the proposed project is consistent with and in compliance with existing land use and zoning requirements for the Center City District. Therefore, no significant impacts or conflicts related to land use and zoning are anticipated from the proposed action. Furthermore, the proposed program is in compliance with the Center City Master Plan and would promote its objectives. It has been determined that the Center City Master Plan specifically recommends redevelopment of the Midtown Plaza site with residential units and street level retail, increased employment in the Center City, and improved connectivity with Downtown Rochester's open spaces to create a more pedestrian oriented environment (see DGEIS - Section 5.9).

12. Site Development Density and Capacity

No adverse impacts have been identified related to site development density and capacity for the proposed project. Surrounding properties have been analyzed and compared to the proposed plans for redevelopment of the Midtown site. It has been determined that adjacent buildings and properties east of Midtown have a wide range of Floor Area Ratios (FAR's) consistent with that proposed for the Midtown site. It has also been found that the FARs of the proposed project would provide an appropriate transition between the Tower District and the East End District (see DGEIS - Section 5.10).

13. The Midtown Garage

It has been determined that the existing underground parking garage would remain and that no adverse impacts would occur to it as a result (see DGEIS – Section 5.12.6). Moreover, it has been determined that the existing underground parking garage:

- Is a valuable asset to the site and should not be demolished;
- Is in good condition although some repair and restoration work would be required;
- Is structurally sufficient to support development above the garage at most locations and that it is feasible and practical to reinforce other locations; and,

- Has existing pedestrian & vehicular entrances/exits, vent shafts and stairwells that would not necessarily be altered but could remain provided design and structural accommodations were incorporated in the overall site plan.

14. Truck and Delivery Access to the Midtown Site

Although the precise locations for new loading docks will remain uncertain until more definite plans for redevelopment of each parcel are developed, it has been recognized nonetheless that opportunities will remain for new buildings to connect to and rely upon the service truck tunnel. Moreover, it has been determined that additional loading docks and service areas could be constructed, if necessary. Consideration could also be given to accommodating truck access and loading areas from the new streets proposed for development within the Midtown block. It has therefore been determined that there would be no significant adverse impact to truck and delivery access (see DGEIS – Section 5.12.7).

15. Public Transit

It has been found that the redevelopment of Midtown Plaza would have no permanent effect upon bus routes or bus stops. Bus routes would continue to utilize Main Street, Broad Street and Clinton Avenue and would be redesigned to direct routes into the proposed transit center at Renaissance Square and points along these streets located one block or more from the transit center. It has also been recognized that major transfer sites located adjacent to the site would likely be relocated to Renaissance Square and that buses are not expected to travel through the interior streets proposed for development within the Midtown block. RGRTA has also indicated that they could accommodate any new and additional customers associated with the redevelopment of the Midtown block (see DGEIS - Section 5.13).

16. Pedestrian Resources (Excluding the Skyway System)

It has been determined that the proposed project would significantly enhance the street environment and the public realm, especially for pedestrians. As a result, no adverse environmental impacts have been identified related to pedestrian resources. The project would break down the current "superblock" into five or six smaller blocks which would improve pedestrian circulation and create more "walkable" blocks. Furthermore, since it is anticipated that most new employees for the project site would park in the underground garage, there would be little impact on the sidewalks surrounding the site during morning and evening peak times. Also, as part of the overall site design, pedestrian access ways along the south and west sides of the site would be redesigned, along with the overall street grid, so as to facilitate circulation within the site and improve connections to neighboring streets (see DGEIS - Section 5.14).

17. Off-site Utilities

With respect to the potential need to expand or improve utilities (both public and private), it has been determined that the capacities of the existing systems are adequate to accommodate the anticipated redevelopment. Therefore, the proposed action would not impact the existing off-site utility infrastructure negatively (see DGEIS - Section 5.15). Some utilities on site will require replacement or relocation. Potential temporary impacts

to off-site and on-site utilities are described in Findings 35 and 36, respectively. Unavoidable impacts to utilities are referenced below in Finding 41.

18. Energy

It has been found that removal of the Midtown Complex load from any of the energy provider networks would not result in any negative impacts such as reliability issues, network instability, or otherwise require significant modification of networks. Any potential impact on the supply of energy would be mitigated by careful design of new or renovated spaces in order to minimize the addition of new demand, development of shortages or other service related issues (see DGEIS - Section 5.16).

19. Building Shadows

It has been recognized that a very limited increase in the presence of shadows could result, as indicated in the shadow study included in Appendix I of the DGEIS. However, it has been found that these would not be detrimental to the character of the area or to any historical resource (see DGEIS - Section 5.17).

20. Noise and Odors

It has been found that no significant permanent adverse impacts related to noise would be anticipated as a consequence of the project. Potential temporary impacts to noise are addressed below (see Finding 37). In an urban environment, it is unlikely that operational sound from a commercial or office building(s) similar to those surrounding the site would significantly impact the area. Any new sounds or noise introduced by new operations on the Midtown site would likely be comparable to those from the existing complex. The ambient sound level or character within the area would therefore not be expected to increase or change significantly. Any operational noise associated with building systems would mitigated through implementation of standard practices regarding baffling, muffling and selection of appropriate locations for intakes and exhaust.

It has been found that no significant adverse impacts related to odor would result from the project. Potential temporary impacts to odors are addressed below (see Finding 37). Commercial office, retail, and residential buildings like those proposed for the site are typically not generators of significant odors (see DGEIS - Section 5.18).

21. Community Facilities and Services

It has been found to be unlikely, based upon the types of land uses and occupancies anticipated in the proposed project, that the proposed redevelopment would diminish or adversely impact the levels of service provided by the City Fire Department, Police Department and ambulance service providers. Furthermore, the redevelopment could potentially provide emergency service providers with better access throughout the site and would result in all buildings being built to higher safety code standards.

It has also been recognized that the number of additional students that could be expected to reside on the redeveloped site would not have a significant impact on the Rochester City School District. The Rochester City School District has been found to have excess capacity for additional students at this time and in the near future.

Redevelopment of the project site could result in the generation of more refuse and recyclable materials than has been recently generated at the site due to high vacancy rate. It has been recognized, nonetheless, that redevelopment would not over-burden existing disposal systems or create other disposal and/or recycling problems. The combined capacity of the City's Department of Environmental Services fleet and the fleet of the three private refuse collectors is sufficient to accommodate waste generated on the site. Furthermore, sufficient refuse disposal space remains in the Mill Seat Landfill and the High Acres Landfill (see DGEIS - Section 5.20).

22. Community/Neighborhood Character and Growth

It has been found that this action would not have any significant adverse impacts in regards to the community/neighborhood character and growth (see DGEIS - Section 5.21). The project site and the deteriorated structures and substandard conditions found on the site have been found to exert a blighting influence on adjoining properties and those within the area. The objective of the Midtown Redevelopment Project is to improve the current character of the Main and Clinton neighborhood and to promote growth in the Center City through demolition and removal of vacant, underutilized and blighted buildings at the Midtown Complex. In addition to eliminating the associated blighting influence, it has also been found that the proposed project would reduce the "barrier effect" and negative impact associated with the physical features of the super block.

23. Economic and Fiscal Resources

It has been determined that the proposed project would have a positive impact upon economic and fiscal resources. It has been found that the proposed project would serve to reduce the trend of declining property values, help to stabilize property values within the area and lead to private investment in the Midtown and neighboring sites thereby resulting in improvements to the tax base. The improved tax base and anticipated increases in retail activity are expected to lead to additional property and sales tax revenues. The benefit from these additional revenues would be offset by the need for investment in infrastructure and other improvements within the block and by the potential increase in City operational costs as a consequence of the need to service properties, tenants and residents on the redeveloped site. Section 5.22 of the DGEIS and Section 3C of the FGEIS have reviewed these potential impacts and found that the additional revenues would exceed the additional anticipated costs over time. The DGEIS has forecast an annual net benefit to the City in the long term ranging from $4.9 million to $5.9 million given a worst case scenario regarding additional operational costs and an annual net benefit to the City in the long term ranging from $9.4 million to $11.4 million given a best case scenario regarding additional operational costs. It has been determined that the anticipated range of benefits would be lower in the short term while property tax abatements remain in place. Increased job creation and retention are also anticipated as a consequence of the project.

24. Irreversible and Irretrievable Commitment of Resources

It is recognized that development activities associated with this action would include instances of the irreversible and irretrievable commitments of resources such as building materials and other similar natural or man-made resources that would be consumed,

converted or otherwise made unavailable for future use. However, it has been determined that none would be out of the ordinary or inconsistent with the levels of consumption that would be encountered in any redevelopment and construction process. Therefore, while there are always some adverse aspects of any irreversible and irretrievable commitment of resources, in this instance there are none that rise to the level of significance referenced in the Section 617.7 criteria found in the SEQR Regulations (see DGEIS – Section 7).

25. Growth Induction

It has been found that the City of Rochester has experienced a significant decline in population over recent decades and that this project seeks to mitigate that trend by inducing growth and development at the site and within surrounding areas. It has been determined that growth induced by this action would be a positive outcome rather than a potential adverse impact. More intense utilization of this key downtown site and of some surrounding properties is a major focus of the action. The project is intended to redevelop the site, attract investment, contribute to the tax base and catalyze further investment and revitalization in the area (see DGEIS - Section 9).

26. Use and Conservation of Energy Resources

The action has not been found to have a negative impact upon conservation and the use of energy resources. It has been determined that retention of the existing buildings on the Midtown site would conserve the embodied energy in the existing materials and the energy associated with demolition. On the other hand, while demolition of the existing buildings would result in loss of the embodied energy in the materials, new construction would incorporate modern materials that would improve energy efficiency over the long term.

Except for instances in which a remaining structure could be renovated to meet modern energy efficiency standards, the net result would be energy conservation in most cases. Furthermore, the loss of the embodied energy in the existing materials to be removed can be mitigated by recycling them to the maximum extent possible (see DGEIS - Section 10). It has also been recognized that energy losses from deteriorated, energy inefficient materials over the future lifetime of older structures may be significantly greater than any savings in embodied energy realized through their retention. The existing construction generally dates from the 1960's or earlier and the materials are outdated and very energy inefficient by modern standards. These are also typically in poor condition, resulting in energy efficiency even lower than when they were originally installed. Any new construction or renovation would use modern materials and would be expected to provide significant increases in energy efficiency and conservation.

Finally, new incentives and standards regarding "green construction" or environmentally and energy efficient construction would serve to reduce impacts on the environment and energy use. Recycling of construction materials would also reduce the net energy impact of the project.

27. Solid Waste Management

It has been determined that there are no potential impacts to solid waste management. In general, disposal of waste generated by building occupants would be consistent with

current practices and policies applicable throughout the area and the City. It has also been verified that there is plenty of refuse disposal space remaining in the Mill Seat Landfill and the High Acres Landfill to support this proposed action (see DGEIS – Section 11).

RESOURCES REGARDING WHICH TEMPORARY (RELATED TO DEMOLITION AND CONSTRUCTION) ADVERSE POTENTIAL IMPACTS WERE IDENTIFIED

Resources for which potential temporary adverse impacts related to demolition and/or construction activities were evaluated include the following (more detailed information is found in Section 5.26 of the DGEIS):

28. Water Resources – Potential Temporary Impacts

It has been determined that temporary erosion and sediment controls would be utilized during construction in accordance with New York State Standards for Erosion and Sediment Control. These measures would mitigate any potential impacts related to erosion and transport of soil particles during construction. Given the anticipated reliance on these temporary erosion and sediment control measures, the potential reduction in runoff, and the availability of stormwater utilities of adequate capacity, no significant adverse impacts related to stormwater runoff are anticipated (see DGEIS – Section 5.26.1).

29. Air and Dust– Potential Temporary Impacts

It has been found that implosion or the use of other explosive-type methods would not be required for this action. However, it has also been recognized that dust and other airborne particulates could be generated nonetheless within the immediate area by the demolition and construction process. It has been verified that the contractor would have dust reduction measures in place to minimize the amount and dispersal of dust and particulate matter from the site to the adjacent buildings and the pedestrian streetscape/sidewalk areas. The mitigation program would be particularly stringent given the location of the Midtown site in the heart of the downtown area. Emissions of exhaust from heavy equipment would occur during demolition and construction periods. These emissions would be temporary and would not significantly affect the ambient air quality of the downtown area (DGEIS – Section 5.26.2). As a consequence, it has been found that this project would not result in significant adverse impacts to air and dust during the demolition and construction process.

30. Aesthetics/Visual Resources– Potential Temporary Impacts

It has been determined that any temporary impacts to Aesthetics/Visual Resources as a result of demolition/construction would be those commonly associated with such activities in an urban environment. These could include highly visible warning signage, staging areas, barriers and fencing, visibility of on-site construction activities, equipment, etc. Moreover, areas of bare soil may be temporarily exposed or covered with erosion control fabric. In addition, stockpiled materials, including dirt, roadbed materials, landscaping materials, would likely be visible on the site. It is anticipated that construction would not occur at night, however in the event that it did, construction lighting could potentially cause glare to adjacent areas. All of these visual construction impacts would be consistent with development within an urban setting, would be

temporary, and would be eliminated upon completion of a given activity. (DGEIS – Section 5.26.3). It has therefore been determined that these potential impacts would not be significant provided they are mitigated in a manner consistent with prevailing industry standards for demolition and construction.

31. Traffic– Potential Temporary Impacts

It has been found that traffic impacts during demolition and construction would be limited to temporary closures and improvements to surrounding streets (i.e. widening, utility crossings). It has also been determined that 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 (see DGEIS – Section 5.26.4). It has therefore been found that the action would not result in significant adverse impacts to traffic so long as the measures referenced in this paragraph are relied upon.

32. Parking– Potential Temporary Impacts

It has been found that temporary impacts to parking due to construction would be limited to the increased demand for parking by construction workers. This increased demand could result in slightly further walking distances for some during the construction period. It has been determined that a survey and analysis of parking completed for the City in 2008 has indicated that surplus parking remains available and that it should be sufficient to accommodate this additional demand and that no significant impact would therefore be anticipated.

33. Public Transit– Potential Temporary Impacts

It has been determined that necessary 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. Moreover, 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, so that any impacts to public transit would be mitigated (see DGEIS – Section 5.26.5).

34. Pedestrian Resources– Potential Temporary Impacts

It has been determined that any full road closures during periods of demolition and/or construction would have a clearly posted detour route along Court, Chestnut, Broad and East Main Streets, and would be scheduled in advance. It is also anticipated that sidewalk closures would be clearly posted to direct pedestrians to the opposite side of the roadway to establish a safe pedestrian corridors. These impacts would not be significant.

35. Off-site Utilities– Potential Temporary Impacts

It has been determined that temporary construction related impacts to the various utility infrastructure components that would be encountered during demolition and redevelopment of the site would be limited to temporary shut-offs necessary for disconnection of elements being removed or for connection of new elements being constructed. These interruptions would be scheduled in advance and would be of limited duration. It has been found, therefore, that there are no temporary adverse impacts of significance to these utilities.

36. On-site Utilities and Infrastructure – Potential Temporary Impacts

As described above under Finding 23, it has been determined that investment would be required to develop new infrastructure and utilities within the proposed project site. Some damage to existing streets is also anticipated as a consequence of the project. The cost to repair this damage and reconstruct portions of existing streets to provide a uniform and consistent appearance has been included in the estimate of capital costs taken into account in the evaluation of fiscal and economic impacts. The cost for such repairs is small when compared to the corresponding investment required for development of new streets and utilities and it has not been found to be a significant impact.

37. Noise and Odor– Potential Temporary Impacts

It has been found that the project's most significant contribution of sounds and odors to the environment would be those resulting from construction and/or demolition activities. However, these would be of limited duration and of the type commonly associated with development within an urban environment and no significant adverse impacts are therefore anticipated (see DGEIS -Section 5.26.3).

38. Public Health and Safety– Potential Temporary Impacts

It has been found that the only identified potential impacts to public health and safety are those temporary impacts related to the demolition and construction process. It has been determined that these would be insignificant given the anticipated reliance on security fencing, other security measures and plans for the maintenance and protection of traffic that would be employed in this project.

39. Demolition– Potential Temporary Impacts

It has been found that the demolition process may be carried out without damage to surrounding buildings. As stated above in Finding 29, implosion of Midtown buildings slated for demolition is no longer being considered and conventional methods that would be relied upon to disassemble and remove buildings on the site would not threaten other properties or structures.

40. Temporary Off-site Activities

It has been found that demolition would generate debris with cementitious, metallic, wooden and other miscellaneous content. As reported in Section 3B of the FGEIS, steel debris would be separated and recycled. Wooden 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 would be required once a proposed site has been finally identified.

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. As a consequence, it has been determined that no adverse impact of significance is likely to be encountered so long as the foregoing measures are undertaken.

RESOURCES REGARDING WHICH OTHER POTENTIAL ADVERSE IMPACTS (NON-TEMPORARY) WERE IDENTIFIED

Potential adverse impacts of significance that were considered include those to the following resources:

41. Utilities and Infrastructure

It has been determined that unavoidable impacts to utilities and infrastructure would be encountered (see Section 6.1 of the DGEIS).

The following utilities would be abandoned, relocated or replaced as a consequence of the demolition and reconstruction process: steam, Verizon and Time Warner Cable (TWC) fibre within TWC conduits, Rochester Gas and Electric Circuit 569, Rochester Bureau of Water surface features and existing sewers impacted by the proposed realignment of Euclid Street, and portions of the Broad Street storm drainage system.

In addition, replacement of sidewalks adjacent to the project site along Main, South Clinton and Broad Streets would be required and existing pavement segments of Elm, Atlas & Euclid Streets would require full reconstruction due to the need for new utilities,

street realignments and the fact that Euclid, Atlas & Elm would likely receive significant damage during the demolition & construction efforts.

It has been determined that impacts to public utilities and infrastructure on-site would be mitigated by the inclusion of funds for replacement, relocation and repair in the project budget.

42. S/NRHP-eligible Resources which include the Buildings within the Midtown Block

With respect to potential impacts to S/NRHP-eligible resources, it has been found that the proposed demolition of buildings within the Midtown block is in response to significant decline/deterioration and extensive vacancy at the Midtown Plaza complex that has contributed to the overall decline of downtown Rochester. It has also been determined that the scale/characteristics of the "superblock", the complexity of design, and other features of the Midtown Plaza complex have impeded past attempts to revitalize the Midtown block and that a major reconfiguration of the block is necessary to break down its scale into more manageable portions by re-incorporation of portions of a traditional urban street grid.

The OPRHP has indicated that while the entire Midtown block was S/NRHP eligible, the main "character-defining" features of included the Midtown Plaza shopping mall and the Midtown Tower (i.e., the major features representing the works by Victor Gruen) and particularly the atrium feature, given its historic functions as an "enclosed public square" and focal point in the City.

ESDC and the City have conducted a Section 14.09 review process to determine if there would be reasonable and/or prudent alternatives that could avoid adverse impact to S/NRHP-eligible resources that would still achieve the overall revitalization goals and objectives of the project. It has been determined that the project objectives could not be achieved with no impact to S/NRHP-eligible resources within the block, given that only the "No Action" scenario (i.e., not undertaking the Project) or possibly an adaptive reuse scenario (i.e., for which unsuccessfully attempts had been previously made by the City) would result in no impacts. Scenarios involving key character-defining features, particularly the atrium, have been developed and assessed. It has been determined that an alternative involving the retention of the atrium feature would complicate the implementation of the project (given no user for the facility had been identified), would require additional engineering to secure and stabilize the structure; and would result in higher overall project costs. It was also found, by comparison, that alternatives involving an interpretation of former atrium space through a public plaza in a similar location, or the replacement of the public functions once served by the atrium through a new public space, would not require the same level of coordination, structural work, or effects to overall project costs. The OPRHP has been notified of the inability to identify a reasonable or prudent alternative that would avoid any impacts to the Midtown Plaza and has concurred that the proposed project would result in an Adverse Impact to S/NRHP-eligible resources within the block.

The Final GEIS issued February 20, 2009 included a draft Letter of Resolution ("LOR") under consideration by the City, ESDC and OPRHP identifying appropriate mitigation measures that could be undertaken to partially mitigate the Adverse Impact. It has been determined that the following measures (described in more detail in the LOR) would mitigate the adverse effect on historic resources:

- Recordation of Historic Structures;
- Preservation of Interior Artifacts;
- Participation in a Review Process for Razing of Skyway Bridges;
- Participation in the Final Design/Planning of New Public Space; and,
- Consideration of an extended deadline for acceptance of proposals for adaptive reuse of the Midtown Tower.

With respect to the final design and planning of new public space, in particular, it has been determined that the City would mitigate the impacts to historic resources by advancement of a review process as part of the final design, planning and programming for the proposed new downtown public square. The envisioned process would invite the participation of stakeholders in historic preservation and downtown development. The LOR describes this mitigating measure in more detail and includes a list of anticipated techniques. It has been found that inclusion of this participation in the design and programming of the public space would best commemorate or facilitate the types of public functions once served by the Midtown atrium space and would also develop an appreciation of the significance of the atrium to the Rochester community.

43. Skyway System

It has been determined that the project would demolish buildings on the Midtown Plaza site to which various components of the skyway system interconnect. As a consequence, these segments (now closed for abatement) would be closed permanently, portions removed and the remaining segments would be terminated (see Sections 2.5.6.3, 4.14.3 and 5.14.2 of the DGEIS). The segments affected by this unavoidable impact are:

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

It has also been recognized that removing the existing Skyway structures that connect to Midtown could have a potential positive impact in increasing street level activity within the area.

It has been determined that the potential negative impact to pedestrians would be mitigated by the availability of existing and proposed sidewalks and the utilization of these sidewalks to provide the connectivity now provided by the skyway bridge segments to be removed. Following removal of the skyway segments, pedestrians would be directed to building entrances / exits at street level (these would likely not be in the same mid-block locations as the skyways). Methods for pedestrians to reach the sidewalks near the terminated segments of the skyways would be developed and identified. Most pedestrians would choose to cross at intersections where crosswalks and pedestrian signals are already in place. Pedestrian accommodations would also be installed at new intersections created by the proposed internal street grid. As was

indicated in Section 2.5.6.3 of the DGEIS 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 take up the function as a system hub that has historically been provided by the interior Midtown spaces. Given the availability of new and proposed sidewalks, it has been determined that the unavoidable impact associated with the removal of segments of the skyway system is not significant.

44. Traffic

It has been determined that portions of Euclid Street would be abandoned as part of a realignment to the new interior street grid proposed for development on the site.

It has also been found that a projected Level of Service "F" for the Court Street eastbound left turn onto Clinton Avenue would be an unavoidable impact resulting primarily from the redeveloped Midtown site (see Section 6.4 of the DGEIS and Section 3A of the FGEIS). 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.

It has been concluded that the Court Street/Clinton Avenue intersection should be monitored as redevelopment of the Midtown site progresses. No need for preparation of a later Traffic Impact Study as a consequence related to this action alone has been established provided the Midtown development density and traffic patterns are consistent with those identified in the DGEIS and FGEIS and provided the Level of Service found at the Court Street/Clinton Avenue intersection is not significantly worse that the level forecast in the current study.

Intersection operations should 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 has also been recognized in this regard 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.

45. Parking

It has been found that the Midtown garage was available to a large number of monthly parkers working in nearby office buildings prior to its closure in 2008 for abatement. This use had developed progressively over the years as parking demand directly associated with the Plaza declined due to increased vacancy within the facility. As was described in Sections 4.12.4 and 6.5 of the DGEIS, these monthly parkers were displaced when the garage closed for abatement in September, 2008 and are now believed to have been accommodated by a variety of other city-owned parking facilities in the downtown area. The current project would likely allocate a large share of the spaces available within the garage when it reopens to PAETEC and would rely on the others (together with any newly developed parking spaces) to meet the parking demand of other uses developed

on the site. The project, therefore, would make this "temporary" displacement of monthly parkers from other sites permanent. It has been found, nonetheless, that the permanent displacement of these parkers would not, in fact, lead to a significant adverse parking impact. As was described in more detail in Section 4.12.4 of the DGEIS, there appear to be sufficient parking resources within a reasonable distance to accommodate those who once parked at Midtown while visiting or working within buildings beyond the Midtown block.

46. Underground Service Truck Tunnel

As was reported in Section 3H of the FGEIS, 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. It has been determined that redevelopment of the service truck tunnel along a modified 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. Although several such options remain under consideration, no final determination is anticipated prior to publication of this FGEIS or the adoption of Findings.

Should there be a subsequent decision to 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).

It has been determined that the plan to retain the service tunnel function and to adhere to the foregoing conditions will mitigate proposals to redevelop the tunnel along a modified alignment.

ALTERNATIVES TO THE PROPOSED ACTION EVALUATED IN THE REVIEW

A number of alternatives were reviewed and evaluated to determine whether one with fewer or less significant impacts might accomplish the project objectives.

48. No Action Alternatives

Two no action alternatives were evaluated in Section 12.2 of the DGEIS: a "basic" no action alternative in which the City and ESDC undertook no further action with respect to the redevelopment and revitalization of the Midtown Plaza and a related modification in which no demolition would be undertaken and in which public investment and involvement would be directed only to the abatement and restoration of the existing buildings. Although the basic no action alternative would avoid the impacts associated with the proposed action, it has been found that none of the project objectives would be accomplished were it to be selected. With respect to the modified alternative which would focus only upon restoration of the existing buildings, it has been determined that many of the blighting influences – including those associated with the super block – would remain despite the investment. The three were evaluated in a table found in Section 12.2 of the DGEIS which estimated the degree to which each of these alternatives would serve to realize numerous project objectives. It has been found that the alternative now being proposed remains the preferred alternative which would both realize the stated project objectives and minimize impacts to the maximum extent practicable.

49. Mixed Use Program Alternatives

The mixed use program alternative described in Section 12 of the DGEIS which combines the two higher density program alternatives has been found to be the preferred alternative which will further realization of the project's goals, minimize impacts to the maximum extent practicable and provide the City and to ESDC the most flexibility to respond to changing market conditions in the future.

50. Assembly, Street Grid, Block Configuration and Parcel Subdivision Alternatives

A number of alternatives regarding the anticipated street grid, block configuration and assembly/resubdivision of parcels were evaluated. A preferred street grid has now been identified. It has been determined that the preferred grid incorporates the most desirable components of the alternatives reviewed in terms of increased access to and through the block interior, improved connectivity to the East End and other neighborhoods and effective delineation of suitable blocks for development consistent with the market conditions described in the underlying studies. At the same time, it has also been found that the preferred street grid is also one which could accommodate a range of program alternatives and would therefore provide important flexibility going forward in adapting and responding to changing market conditions.

51. Land Use, Open Space and Concept Site Plan Alternatives

With respect to open space, it has been determined that the anticipated redevelopment would include new opportunities for creating open spaces or parks not currently present on the Midtown site. Therefore, no significant adverse impacts related to existing parks or open space are expected (see DGEIS - Section 5.7). It has also been recognized that

designing and creating key open space areas would be important to the success of the proposed action.

52. Preservation, Reuse and/or Interpretation of S/NRHP-eligible Resources slated for demolition and removal

Findings, related to evaluation and selection of these alternatives, are stated above in Finding 42.

53. Alternatives regarding Adaptive Reuse of the Midtown Tower

It has been determined that acceptance of a proposal for adaptive reuse of the existing Midtown Tower could preserve the economic value of the existing structural system, accelerate development on the site and conserve embodied energy. 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. Should a proposal be put forth that is economically feasible, that is acceptable from a scheduling standpoint, that is accompanied by reliable funding commitments, and that is consistent with the City's overall redevelopment goals and objectives, the City anticipates cooperating with the sponsors by retaining the Midtown Tower and making 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, it has been determined that it would be most prudent for the Midtown Tower to then be demolished and removed along with others rather than risk compromising the realization of a successfully redeveloped and revitalized site.

54. Alternatives Regarding the Midtown Garage

It has been found that the garage remains an important parking resource, is in reasonable condition given the need for some repairs and should remain rather than be demolished or reconstructed. It has also been determined that parking available within the garage should be dedicated to supporting the demands associated with uses to be redeveloped on the Midtown site.

55. Parking Alternatives

As stated in the immediately preceding finding, it has been determined that parking available within the garage should be dedicated to supporting the demands associated with uses to be redeveloped on the Midtown site. It has also been determined that additional demands for parking generated on-site should be met through development of additional parking resources on-site.

56. Alternatives to Demolition of Skyway Bridges and of on-site utilities

It has been found that some impacts to the skyway system and on-site utilities are unavoidable due to the need for demolition and removal of Midtown buildings and associated improvements. It has also been determined that these impacts are incidental and of minor significance when evaluated in the context of the overall project objectives

and potential project benefits. More findings relevant to these alternatives appear above in Findings numbers 17, 35, 36, 41 and 43.

57. Alternatives related to phasing and scheduling of demolition

It has been determined that demolition of Midtown buildings slated for removal should proceed in a single continuous process rather than in a manner that would phase or delay some of the intended removals. The reasons underlying this finding include the following:

- 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 could 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 could 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 would 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.

CERTIFICATION OF FINDINGS TO APPROVE/FUND/UNDERTAKE

Having considered the Draft and Final Generic Environmental Impact Statements, including the comments received, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617.11, the Director of Zoning finds and certifies in this Statement of Findings that:

1. The requirements of Article 8 of the New York State Conservation Law and the implementing regulations of the New York State Department of Environmental Conservation, 6 NYCRR Part 617, have been met;

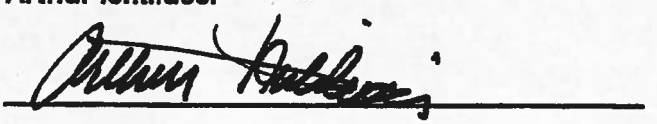
2. The requirements of the City Environmental Review Ordinance, Chapter 48 of the City Code, have been met;

3. Consistent with the social, economic and other essential considerations from among the reasonable alternatives thereto, the action is one which would avoid or minimize, to the maximum extent practicable, adverse environmental effects including the effects disclosed in the GEIS and set forth in this Findings Statement; and,

4. Consistent with the social, economic and other essential considerations described above, the incorporation of the mitigation measures described in the GEIS and in this Findings Statement, would minimize or avoid the action which were identified in the GEIS and in this Findings Statement;

Name of Agency: **City of Rochester Director of Zoning**

Name of Responsible Officer: **Arthur Ientilucci**

Signature of Responsible Officer: 

Date: 3-3-09