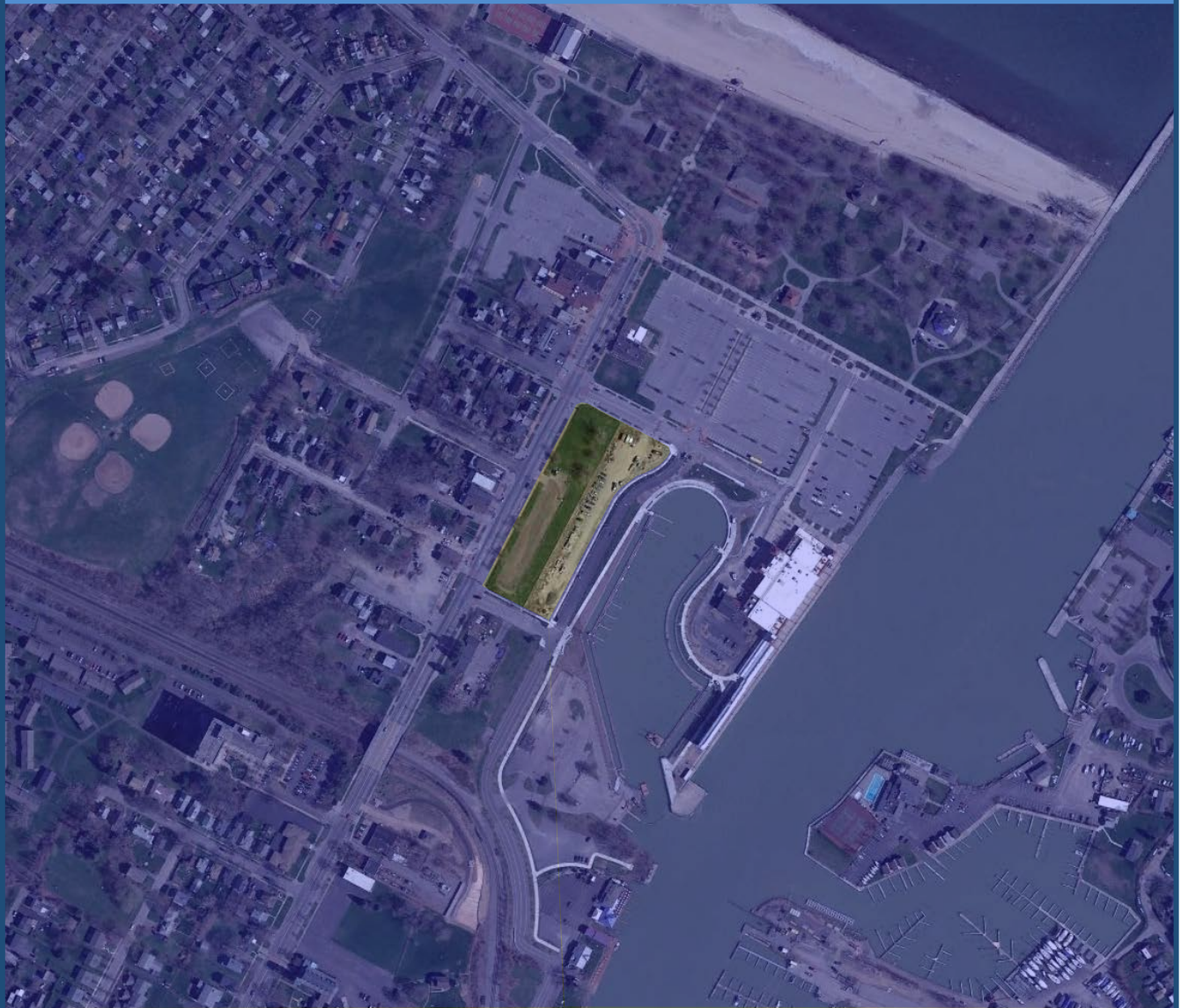


Request for Proposals
4752 Lake Avenue
Available for Sale & Development
Issued October 24, 2023



City of Rochester, New York
Department of Neighborhood & Business Development
City Hall, 30 Church Street, Rm. 005-A, Rochester, NY

CITY OF ROCHESTER

REQUEST FOR PROPOSALS

4752 Lake Avenue

Rochester, New York

ISSUED: October 24, 2023

ISSUED FOR: 4752 Lake Avenue

ISSUED BY: City of Rochester
Department of Neighborhood &
Business Development
City Hall, Room 005A
30 Church Street
Rochester, New York 14614

SUBMISSION
DEADLINE: 4:00PM, Monday, January 29, 2024

DEVELOPER
INFORMATIONAL
WEBINAR: 2:00PM, Tuesday, November 14, 2023 (via Zoom)
Zoom Link: <https://cityofrochester.zoom.us/j/87378591118>

CONTACT: Erik Frisch,
Deputy Commissioner
Neighborhood and Business Development Department

Email: Erik.Frisch@cityofrochester.gov

Phone: 585-428-6709

CITY OF ROCHESTER
REQUEST FOR PROPOSALS
4752 LAKE AVENUE
October 24, 2023

TABLE OF CONTENTS:

Section 1.	SCHEDULE AND PROPOSAL SUBMISSION INSTRUCTIONS.....	4
Section 2.	PURPOSE.....	4
Section 3.	SITE LOCATION.....	6
Section 4.	SITE FACTORS AND CONSIDERATIONS.....	9
Section 5.	REVIEWS, APPROVALS & CIVIC SQUARE REQUIREMENTS.....	16
Section 6.	PURCHASE PRICE AND SALE TERMS.....	18
Section 7.	PROPOSAL SUBMISSION REQUIREMENTS.....	18
Section 8.	EVALUATION & SELECTION CRITERIA.....	25
Section 9.	OFFER TO NEGOTIATE AND REQUEST REFINED PROPOSALS.....	26
Section 10.	GENERAL INFORMATION.....	26
Section 11.	INFORMATIONAL RESOURCES.....	27

Exhibits (posted separately)

Property Boundary Map.....	A
Port of Rochester & Charlotte Community Design Charrette Report.....	B
Charlotte Community Vision Plan.....	C
Existing Environmental and Subsurface Conditions Reports.....	D
Property Utility Location Map.....	E
Port Development SEQR Documents.....	F
Marina District Zoning Code.....	G
Eligibility Requirements.....	H
Proposal Submission Cover Sheet.....	I
Sources and Uses Form.....	J

Section 1. SCHEDULE AND PROPOSAL SUBMISSION INSTRUCTIONS

Proposed Schedule and Deadlines

October 24, 2023-----	RFP Release
November 14, 2023-----	Developer Informational Webinar
January 29, 2024-----	Proposals Submission Deadline
February 2024 -----	Proposal Review

Proposal Submission Instructions

Proposals must be received by the City of Rochester no later than 4:00PM, Monday, January 29, 2024. Submit proposals on a USB jump drive, or via Dropbox (<https://www.dropbox.com/>) or other file sharing website. Please only submit your proposal one time, using one method.

Proposals submitted via USB jump drive may be submitted to:

City of Rochester - Department of Neighborhood and Business Development
Bureau of Business and Housing Development
Attn: Erik Frisch, Deputy Commissioner / NBD
30 Church Street - Room 005A
Rochester, New York 14614

Proposals submitted via file sharing site should be sent to Erik Frisch, Deputy Commissioner, at Erik.Frisch@CityofRochester.Gov

Section 2. PURPOSE

With nearly \$30 million in recent public investment at and around the Port of Rochester, unparalleled opportunities exist for private sector waterfront development. Notable public investments undertaken include an 84-slip marina facility, construction of riverfront promenades and overlooks, reconstruction of North River Street, major improvements to the Port Terminal Building and Ontario Beach Park, and enhanced pedestrian amenities.

The enhanced development of the port area is a high priority for the City of Rochester. The development is being guided by over two decades of planning as reflected in the City's Local Waterfront Revitalization Program (LWRP) www.cityofrochester.gov/LWRP. The plan includes recommendations to transform the area's extensive and unique waterfront resources, historic and cultural assets into a regional tourism destination that maximizes economic, environmental and recreational benefits for the entire community. It is the City of Rochester's desire to further develop the Port of Rochester into a premier Great Lakes regional destination by achieving the following goals:

- Maximizing housing, business, and waterfront tourism-related opportunities
- Increasing the number of enhanced quality waterfront amenities
- Providing premier waterfront hotel accommodations, as well as entertainment and dining venues
- Developing an efficient and effective infrastructure system that supports waterfront-related activity and increases public access
- Maintaining a port area that supports the highest quality of life standards for residents, visitors, as well as the local community
- Encouraging environmentally sensitive and sustainable development

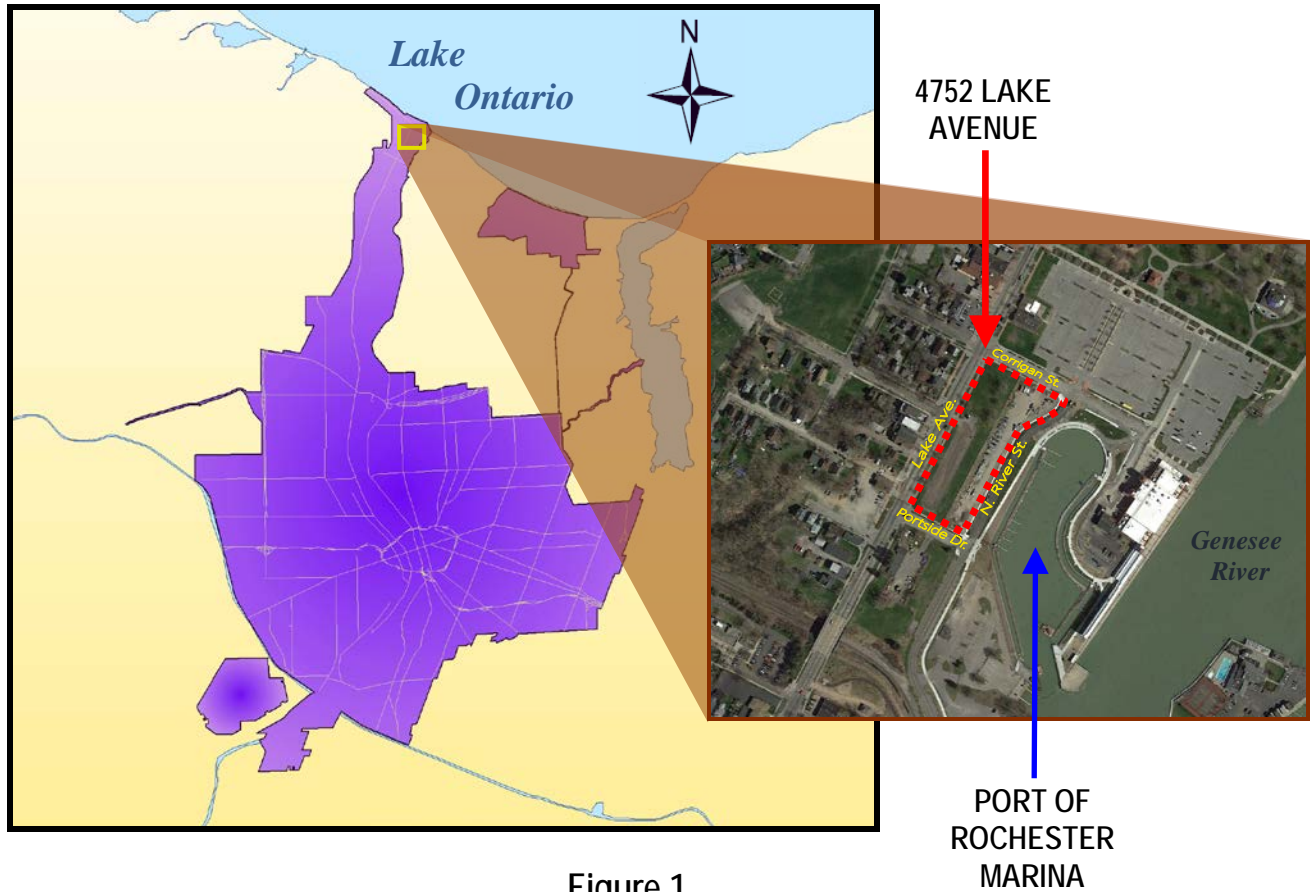


Building on the recent public investments and consistent with the above-mentioned goals, the City is seeking a qualified Developer to undertake the private development of City-owned property at 4752 Lake Avenue (the Property). Through this RFP process, the City intends to select a development plan that will:

- Present the highest and best use for the site as well as the surrounding area
- Return the site to the tax roll and increase the City's tax base
- Feature high quality design and visually enhance the adjacent streetscapes
- Provide uses that relate to and activate the adjacent waterfront
- Create permanent job opportunities for city residents
- Encourage development in one of the City's Opportunity Zones

Section 3. SITE LOCATION

The Property consists of an approximately 2.8 acre site located in the heart of the Port of Rochester. The property is adjacent to the recently constructed Port of Rochester Marina facility and North River Street. It is bounded on the west by Lake Avenue, on the north by Corrigan Street, on the east by North River Street, and on the south by Portside Drive (see Figure 1 below and **Exhibit A – Property Boundary Map**).

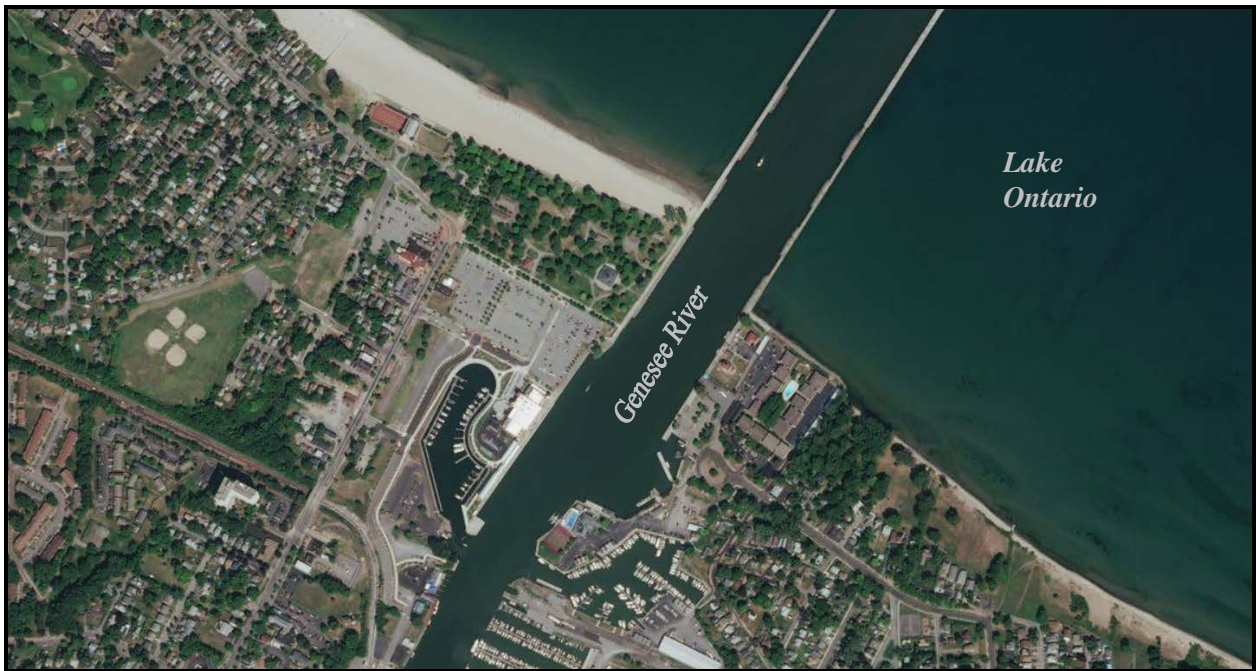
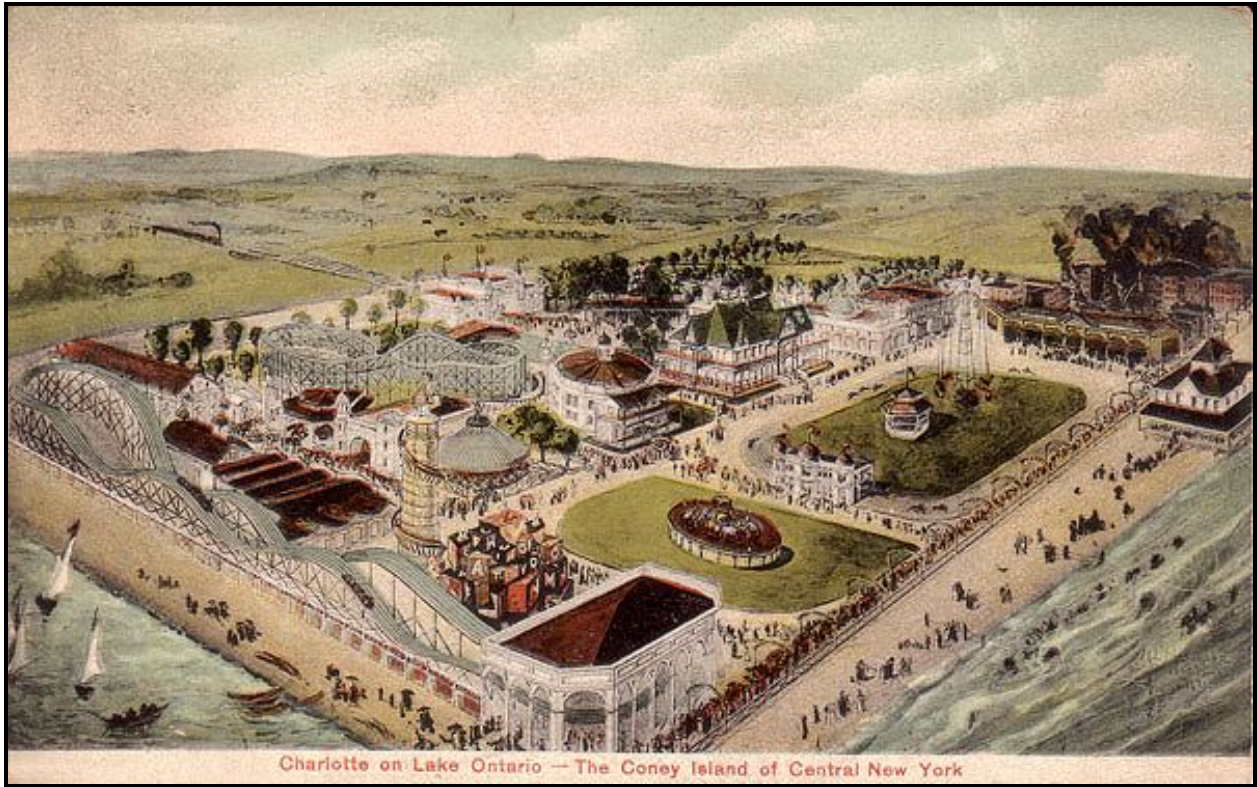


Port of Rochester

The Port of Rochester is located in the Charlotte neighborhood of the City of Rochester where the Genesee River flows into Lake Ontario. The Charlotte neighborhood is bordered on the west by the Town of Greece and on the east by the Genesee River and the Town of Irondequoit.

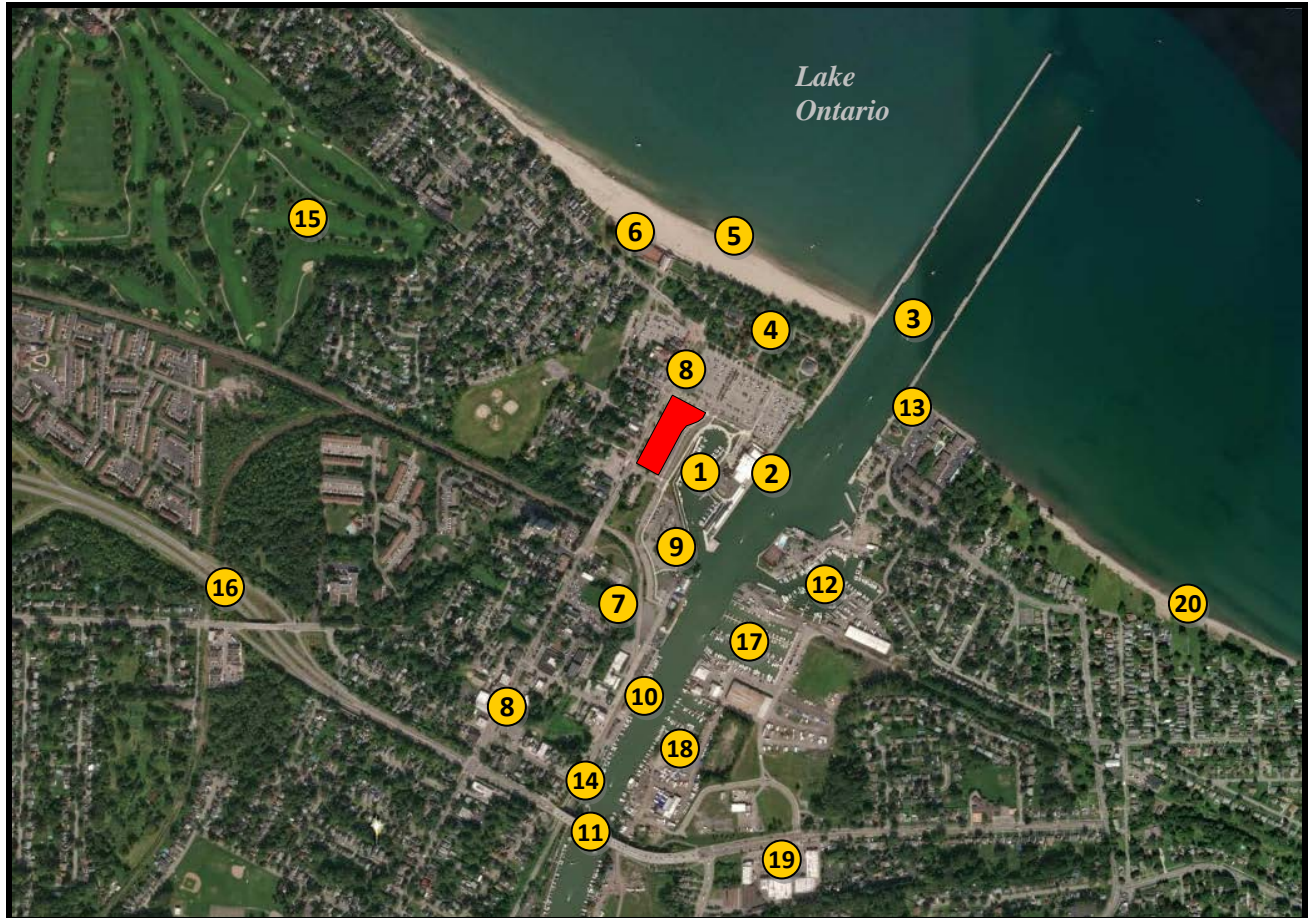
The port area is a much different place than it was 100 years ago when it was known as the “Coney Island of Central New York.” During that time, “Charlotte” beach attracted visitors from all over western New York and as far away as Detroit, New York City, Boston, Chicago and St. Louis. Today, Charlotte is enjoyed by local residents and visitors alike. The Rochester region has always understood that significant historic, recreational and economic resources exist where the Genesee River meets Lake

Ontario. It is the goal of the City to make the Port of Rochester a unique destination that will attract local residents and visitors from the northeast United States and Canada.



Port Area Assets

4752 Lake Avenue is well-positioned both within the Port of Rochester and the surrounding area. Waterfront recreational amenities, historic resources, and modern transportation infrastructure work well together towards positioning the port area as a Great Lakes destination (see Figure 2 below).



- | | |
|---|--|
| 1. Port of Rochester Marina | 11. Colonel Patrick O'Rorke Bascule Bridge |
| 2. Port of Rochester Terminal Building | 12. Rochester Yacht Club |
| 3. Genesee River & Channel | 13. U.S. Coast Guard |
| 4. Ontario Beach Park / Carousel & Pavilions | 14. Genesee Riverway Trail (paved bike path) |
| 5. Ontario Beach Park / Beach & Boardwalk | 15. Lake Shore Country Club |
| 6. Roger Robach Community Center | 16. Lake Ontario State Parkway |
| 7. Charlotte Genesee Lighthouse | 17. Shumway Marine |
| 8. Lake Avenue Retail and Services | 18. Genesee Yacht Club |
| 9. Charlotte Boat Launch | 19. Herrema's Food Market / Shopping Plaza |
| 10. River Street Marine & Historic Railroad Station | 20. Bateau Terrace Beach |

Figure 2

Section 4. SITE FACTORS AND CONSIDERATIONS

Site History

Over 200 years ago, after early settlements and the purchase of land from the Seneca Indians of the Iroquois League, the Port of Rochester, then the “Port of Genesee” served as a regional port for international trade. The port maintained its status as an active and vital Great Lakes port for decades to come. Competition from the Erie Canal and subsequent railroad lines from Rochester, however, would eventually diminish the port’s role as a prominent lake trade hub. By the late 1800’s, the port area took on new identities of leisure, travel, and industry including a lakeside summer resort destination and the development of nearby steel mills, warehouses, ferry docks and shipbuilding facilities.



Major industrial operations were terminated by the 1920's and the buildings were subsequently demolished. The port's identity as a regional waterfront destination eventually transitioned to a local waterfront community with elements of its rich and dynamic history preserved amidst the modern day commercial and residential uses.

Underground Railroad:

In the mid-1800s, travelers departing from the port included fugitive slaves who left the U.S. aided by Underground Railroad conductors who would get them to the Genesee River on the west shore where they hid until they were able to board the steamers bound for settlements in Canada. It was said that the number of enslaved persons who escaped to Canada through Rochester averaged 130 per year. There were several homes in Charlotte where enslaved persons were hidden including the George C. Latta House, which was located at Lake Avenue and Latta Road.

Port of Rochester Marina

The Port of Rochester Marina is a state-of-the-art Great Lakes destination-oriented recreational boater's facility. Situated directly off of the Genesee River just south of Lake Ontario, the City-owned 84-slip marina and associated boater amenities offer modern conveniences and critical services highly sought after by the recreational and excursion boating communities.



The marina is operated and managed by F3 Marina, an international leader in professional marina management and marina consulting services. Since its debut season in 2016, the marina quickly became noted as the premier marina on the south shores of Lake Ontario. The 7th (current) season of the marina is at full capacity with a waiting list of over 40 boaters. The marina has recently seen an increase of transient boaters visiting from all over the Great Lakes, Florida, and even transatlantic visitors. Word has quickly spread that it is the perfect St. Lawrence Seaway stopover between Oswego, NY and the Welland Canal in Ontario, Canada.

Notable features of the Port of Rochester Marina include the following:

- State-of-the-art dock system
- Recently built marina-dedicated parking lot
- Gangway for secure boater access

- Utilities (Electric/Water/Pump-out station/Wi-fi)
- Showers/Restrooms/Laundry
- Boaters' lounge
- Many area restaurants and shops
- Adjacent to Ontario Beach Park
- On the Genesee Riverway Trail System
- Adjacent 4-lane public boat-launch ramp
- Boaters' store
- On-site marina staff



With the addition of The Breezeway Ship Store, the beautiful landscaping and full public access, the walkway around the marina and terminal building has created a popular biking, walking, jogging route for boaters and residents. With events such as Tall Ship Visits, Annual Boat Parade, Pedal Boat Tours, beach volleyball tournaments, and Wednesday Concerts by the Shore Series, the marina and the Port of Rochester are a centerpiece to this transformed waterfront community.

Port of Rochester Terminal Building

The Port of Rochester Terminal is a 70,000 square foot structure located at 1000 North River Street at the mouth of the Genesee River. It was constructed in 2004 to accommodate a ferry, cruise ships and other lake-going vessels. After a span of moderate vacancy and over \$300,000 in recent public investment and over \$2 million in private investment, the Terminal Building is now close to full occupancy and home to a mix of year-round restaurants, an ice cream shop, office space and a full service event planning company for events up to 250+ attendees. There is an additional 2nd floor conference room that seats up to 40+ people. (see Figure 3 below)



Figure 3

Community visioning for the Port of Rochester

Port of Rochester Buildout Vision and Analysis:

A comprehensive and in-depth public planning process was completed for the Port of Rochester in 2012 for a public marina & mixed-use development project. The planning process spanned over four years and included a wide range of community input from local neighborhood citizens to Great Lakes/regional and international stakeholders who have collectively shaped the trajectory for what was once an expansive area of surface parking. The planning process sought to identify the highest and best use of underutilized vacant land within the Port of Rochester, thereby creating a new and enhanced identity within the Great Lakes network of successful waterfront destinations.

During the public planning process and associated State Environmental Quality Review (SEQR) Final Site Specific/Generic Environmental Impact Statement (FEIS) for the project, maximum buildout under the proposed zoning code was envisioned to assess impacts and develop mitigation for project advancement. Emphasis for new development near and around the new marina includes waterfront destination uses such as hotel, condominium, commercial retail, and public gathering space such as the Civic Square which is further described in Section 5. of this RFP. (see **Exhibit F** – Port Development SEQR Documents)

Charlotte Community Visioning:

In response to the Charlotte Community Association's (CCA) desire for a community wide design charrette, the Community Design Center of Rochester (CDCR) hosted the Port of Rochester & Charlotte Community Design Charrette on November 4, 2017. Over 70 participants attended the charrette which received funding and technical support from the City. See **Exhibit B** – Port of Rochester & Charlotte Community Design Charrette Report. Following the Charlotte Community Charrette, the CCA formed a Community Development Committee (CDC) to further explore revitalization opportunities for the neighborhood. The CDC incorporated ideas generated at the charrette into a new community vision plan. The resulting vision plan was originally completed and issued in early October 2018. Since then, the CDCR on behalf of the CCA, completed a new community vision plan in March 2023. See **Exhibit C** – Port of Rochester and Charlotte Vision Plan.

Existing Environmental and Subsurface Conditions

Existing site Information and Environmental Reports include (see **Exhibit D** – Existing Environmental and Subsurface Conditions Reports):

- a) Phase I Environmental Site Assessment (ESA), LaBella Associates, 2018
- b) Predevelopment Subsurface Conditions Report, Development Area #1, LaBella Associates, 2017 Location Development Area # 1,
- c) Draft Environmental Impact Statement for the City of Rochester Proposed Action: City of Rochester Port Public Marina and Mixed Use Development Project, October, 7, 2011. (see **Exhibit F** – Port Development SEQR Documents)
- d) Final Site Specific/Generic Environmental Impact Statement FEIS, Proposed Action: City of Rochester Port Public Marina and Mixed Use Development Project, March 2, 2012. (see **Exhibit F** – Port Development SEQR Documents)

The 2017 Predevelopment Subsurface Conditions Report for the Property is an update of the similar previous report titled "Predevelopment Subsurface Conditions Analysis Investigation Report, LaBella Associates, P.C. dated May 2009." The LaBella 2018 Phase I ESA report is an update of a previous Phase I ESA report dated 2013, and includes copies of other relevant environmental and geotechnical reports regarding the Property or nearby portions of the Port of Rochester, including but not limited to:

- Phase I ESA prepared by LaBella, May 20, 2013
- Predevelopment Subsurface Conditions Analysis Investigation Report, LaBella Associates, P.C., May 2009
- Geotechnical Site Characterization, Port of Rochester Harbor Improvement and Harbor Ferry Terminal, Rochester, New York, Haley & Aldrich, Inc., September 2000
- Phase II Environmental Site Assessment (ESA): Preliminary Site Characterization Report, LaBella Associates, P.C., Bourne Consulting Engineering, BTA Architects, Inc., Cavendish Partnership, Erdman Anthony & Associates, Haley & Aldrich, Inc., May 31, 2001
- Remedial Investigation Report, LaBella Associates, P.C., March 2007
- Geothermal Test Bores and Formation Thermal Conductivity Report, Stantec Consulting Services, Inc., December 4, 2007
- Port of Rochester Environmental Management Plan, LaBella Associates, P.C., July 2005 and May 2013

According to the 2018 LaBella Phase I ESA report, a Controlled Recognized Environmental Condition (CREC) has been identified associated with the Property.

In the mid to late 1800s, a steel mill was constructed at the Port of Rochester. A portion of the former footprint of the steel mill falls within the boundaries of the Site. The blast furnaces associated with the steel production appear to have been mainly located on the southern area of the Site and a possible coal storage area may have been located on the southeastern area of the Site. In addition, several rail spurs extended onto the Site. The steel mill operations were terminated in the mid-1920s and the buildings were subsequently demolished. Based on previous subsurface investigations conducted at the Port of Rochester, it has been documented that slag, cinders, foundry waste, re-worked soil, construction and demolitions debris (C&D), and other man-made fill has been placed as backfill within the Site boundaries.

The environmental and geotechnical reports document that subsurface environmental and geotechnical conditions at the Property are affected by the historical use of a portion of the Property as a steel mill with iron blast furnaces as well as supporting infrastructure such as former railroad tracks and raw material storage. The environmental and geotechnical reports also document the presence and potential presence of various fill materials. Some of the fill materials are presumed to be a byproduct of the steel manufacturing processes and may be considered a regulated solid waste, including but not limited to foundry sand, cinders, slag, along with construction and demolition debris (C&D) also associated with the former steel mill and iron blast furnace operations. If disturbed during development, proper management and disposal of fill materials, regulated solid waste, and C&D will be required. The environmental and geotechnical reports also identify various geotechnical conditions associated with the Property which will impact future development and building construction (e.g., foundations, floor slabs, etc.) including but not limited to the presence of manmade fill materials, naturally occurring peat deposits, and a variable depth to bedrock across the Property. According to the 2018 LaBella Phase I ESA report, if buildings and structures are constructed in areas of the Property where slag would remain in the subsurface, the installation of a sub-slab vapor intrusion mitigation system is recommended. LaBella also recommended the development of a site-specific EMP to assist with managing subsurface materials disturbed during development and to guide the on-site re-use or off-site reuse and/or off-site disposal of regulated solid waste during development. A site-specific EMP would also provide guidance regarding the management and disposal of groundwater, if encountered during development activities, and specify the recommended environmental monitoring and documentation requirements to be conducted during redevelopment activities.

While the City is providing the reports listed above for informational purposes, the City does not make any representations or warranties regarding any aspect of any report or other documents relating to the geotechnical, physical or environmental conditions of the Property. The City will not make any representations or warranty as to the accuracy or completeness of any reports or documents, its preparation, or any information upon which it is based. Any interpretation or reliance on any report or document or any information contained therein shall be at Developer's sole risk. The Developer should conduct its own environmental or geotechnical evaluations and studies as deem necessary in order to respond to this RFP.

Parking

As a waterfront destination, the Port area experiences high parking demand, especially during events in the warmer months. There are multiple public parking lots/areas in the Port area providing parking for approximately 900 vehicles. Additional traffic and parking information can be found in the Draft Environmental Impact Statement in **Exhibit F – Port Development SEQR Documents**.

The Property currently includes a semi-improved linear parking area for approximately 65 vehicles along Lake Avenue across from a number of commercial businesses (see Figure 5 below). At peak times, this parking area is at capacity. A key component of the proposal will be to demonstrate how, if at all, redevelopment of the Property will address the displaced parking and also address new parking demand created by the proposed development.



Figure 5

Energy Utilities

Rochester Gas & Electric (RG&E) is the utility provider for electricity and natural gas to serve the Port of Rochester. As of the time of release of this RFP, RG&E can provide up to 40 MCFH of natural gas at standard delivery pressure. The existing electric and natural gas systems are dynamic and subject to change. Therefore, it is expected that as part of the RFP respondents' due diligence, they work closely with RG&E to understand the loads that would result from their proposal. In order for RG&E to effectively evaluate the existing electric and natural gas infrastructure sufficiency, respondents should provide as soon as possible to RG&E for their review, projected peak electric and natural gas loads/delivery pressure information. Please contact RG&E to discuss the development proposal, including load requirements and anticipated in-service dates at RG&E (contact information below).

Tim Heckman, Key Account Manager - Marketing & Sales
Phone: 585-771-2290
Email: tim_heckman@rge.com

Note: The City encourages respondents to pursue development proposals that reduce or eliminate the usage of natural gas by switching to energy efficient electric systems, such as air or ground source heat pumps. Utilization of sustainable building standards, such as LEED, Energy Star, Passive Design, Enterprise Green Communities or net-zero energy buildings is also encouraged. Respondents shall demonstrate their familiarity with New York State regulations concerning fossil fuels in new construction.

Other Site Utilities

The Property has new sanitary, storm, water, electric, cable and fiber optic utility lines brought to the site from the adjacent right-of-way. (see **Exhibit E** – Property Utility Location Map).

Section 5. REVIEWS, APPROVALS & CIVIC SQUARE REQUIREMENTS

Sale of City-owned Property

The sale of City-owned property requires a public hearing and authorization by Rochester City Council.

Zoning, SEQR and Regulatory Approvals

Prior to receiving required permits and approvals from the U.S. Army Corps of Engineers (USACOE) and New York State Department of Environmental Conservation (NYS DEC) to construct the new Port of Rochester Marina, the City completed the State Environmental Quality Review (SEQR) process, including the preparation of an Environmental Impact Statement, for the marina and an adjacent conceptual mixed-use development. SEQR Findings were adopted by City Council on May 23, 2012. (see **Exhibit F** – Port Development SEQR Documents).

The City Zoning Code was amended in 2013 to include a new Marina District zoning code. (see **Exhibit G** – Marina District Zoning Code, or at this link: <https://www.ecode360.com/16129485>)

The Marina District zoning utilizes a form-based code rather than a conventional zoning code. Form-based codes foster predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. Form-based codes address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The regulations and standards in form-based codes, presented in both diagrams and words, are keyed to a regulating plan that designates the appropriate form and scale (and therefore, character) of development rather than only distinctions in land-use types.

It is intended that the Marina District will become a compact and walkable mixed-use district within the Charlotte community. It is intended that the Marina District be a memorable and distinctive place for residents and visitors alike. In the Marina District, the primary emphasis is placed upon the physical form of buildings, civic spaces and place making. While land uses are regulated, they are a secondary

focus within this district. The regulations encourage a pedestrian-oriented and human-scaled right-of-way, public realm and streetscape and promote safe pedestrian movements, access and circulation.

CIVIC SQUARE:

Within the Marina District, the Property will be composed of two subparts, North and South, generally separated by public gathering/access area or “Civic Square” which is defined generally by the extension of the centerline of Hincer Street. This public gathering/access area shall be incorporated into the site design of the Property to provide the public with both physical and visual access to the new Marina and Port development from Lake Avenue. It is required to function as an active outdoor space with associated amenities such as landscaping, hardscaping, benches, etc.

Section **120-77.2D** of the City Zoning Code - Marina District provides standards governing the required Civic Square on the Property. According to this section of the Zoning Code, the square will be the principal pedestrian connection between Lake Avenue and River Street and the marina. It will be an active pedestrian center and a major focal point within the Marina District. In order to facilitate pedestrian activity, most of the square will have paved surfaces. The use of pervious paving materials to allow oxygen for tree roots and to absorb storm water runoff is encouraged. See City Zoning Code – Marina District here: <https://www.ecode360.com/16129485>

The proposal shall describe the proposed sequencing of the construction of the required Civic Square, its function and contribution to the site and how it will be incorporated into the proposed development plan.

Receipt of final City approvals and permits will be the responsibility of the Developer. The awarding of the RFP does not confer nor imply zoning and building code approval.

Construction of any new building or addition within the Marina District that fully complies with the requirements of the Zoning Code will be approved administratively. Construction of any new building or addition that does not comply with the requirements shall be subjected to the review requirements for a Major Site Plan. The Manager of Zoning may waive the requirements of the Marina District through the site plan approval process upon a determination that a project is in substantial compliance with the overall intent and purpose of the Marina District, except for the circumstances listed in **§120--77.2G.(1)** of the Zoning Code. In those cases, an application for an area variance may be submitted to the Zoning Board of Appeals.

Any development proposal that will cause the total number of dwelling units in the Marina District to exceed 430 and/or cause the total amount of commercial space in the district, not including existing commercial space in the Port Terminal Building, to exceed 44,000 square feet shall require a supplemental environmental impact statement pursuant to the requirements of the SEQOR and Chapter 48 of the City Code.

Section 6. PURCHASE PRICE AND SALE TERMS

The Property will be sold at market value as determined by an independent appraisal. An independent appraisal for the Property was completed on June 1, 2023, with an appraised value of \$975,000 for the parcel.

Sale and conveyance of the Property for a specified type of development will result from the award of this RFP and an executed land disposition agreement. The Property will be sold to the Developer that provides the best proposal for the development that will return it to the tax rolls, enhance the surrounding area, and rely least on public funding.

The land disposition agreement will carry requirements to fulfill certain Minority and Women-owned Enterprise (MWBE) and Minority and Women Workforce goals during construction, as follows:

MWBE Goal: 30% of any City subsidy/financial assistance, with the following breakdown:

- Minority-owned Businesses (MBE): 20%
- Women-owned Businesses (WBE): 10%

Workforce Goals (counted by worker hours on the project):

- City Residents: 25%
- Minority: 20%
- Women: 6.9%

There will also be requirements for the inclusion of affordable housing units to be incorporated in all projects that include residential uses. At least twenty percent (20%) of any proposed residential units will be required to be affordable to households earning at or below 60% of the area median income (AMI). The affordability period will be at least fifteen (15) years.

Section 7. PROPOSAL SUBMISSION REQUIREMENTS

PURCHASER ELIGIBILITY:

All purchasers must meet the eligibility requirements, as defined in Chapter 21 of the City of Rochester Municipal Code (see **Exhibit H** - Eligibility Requirements).

The proposals being submitted must demonstrate a well-planned and detailed development program, high quality and appropriate design concept, and financial strength to undertake the project. The minimum items that must be submitted for consideration for the purchase and renovation of the property are listed below. The City reserves the right to reject any proposal submissions without the minimum items indicated below.

A. PROPOSAL SUBMISSION COVER SHEET

Please complete the standardized Proposal Submission Cover Sheet. (see **Exhibit I** – Proposal Submission Cover Sheet)

B. SUMMARY OF OVERALL PROPOSAL

1. Narrative summarizing the overall project/proposal including the need/demand for the proposed use, key benefits (public and private) of the proposal and project development costs
2. Description of the development's relationship to the nearby waterfront, new public marina, and nearby businesses
3. Vision statement describing the general development program, unique high design architectural style, exterior materials, etc.
4. Statement as to how/why the proposed development is the highest and best use of the Property

C. PROJECT DEVELOPMENT PLAN

1. Design concept/rendered drawings and elevations to include:
 - Renderings and elevations illustrating the exceptionally high design and creative aesthetic elements that set it apart from other recent development within the city of Rochester
 - Site plan including how the proposed development will be oriented on the site, and showing landscaping, parking and access (vehicular and pedestrian)
 - Description of land use types, styles and number of bedrooms/square footage proposed for each land use type
 - Infrastructure requirements

Note: Detailed perspectives, renderings, 3D modeling and electronic presentations are not required; however, they may enhance understanding of the proposal.

2. A project narrative describing the proposal to include:
 - An explanation of the exceptionally high design and creative aesthetic elements of the project that set it apart from other recent development within the city of Rochester
 - Number of buildings to be developed, specifically the types of use for each building and number of residential units, commercial units...etc. as applicable
 - If proposing residential units, number of market rate and number of affordable units

- Square footage by proposed uses, number and, if applicable, size of housing units broken down by floor
- Description of your understanding of “The Placemaking Plan” located within *Rochester 2034*, the City of Rochester’s Comprehensive Plan, and how your design aligns with these guidelines <https://www.cityofrochester.gov/Rochester2034/>
- Key development components with an explanation of relevance for each component
- Any anticipated demand for boat slips resulting from/for the proposed development and how that demand would be met given current boat slip demand in the area
- How the project responds to the environmental and geotechnical conditions of the Property
- Any unique and/or highlighted features and how these features will be beneficial

3. Access and parking demand:

Provide a preliminary analysis of the access and parking demand associated with the proposed development and how the demand will be met. Developers are encouraged to consider multiple solutions related to site access such as walking, bicycling, ride-hailing, transit, car share, and private automobile (parking).

4. Project schedule (proposed) including:

- Development phasing (if applicable)
- Closing on property sale
- Design
- Site utility agreements
- Anticipated permit approvals
- Funding commitments based on the proposed funding sources
- Construction start/completion
- Occupancy

D. PROJECT COSTS AND FUNDING

1. Cost estimates detailing all acquisition costs, hard costs and soft costs. Include all assumptions.
2. Use the attached standardized *Sources and Uses Form* for summarizing the sources of funds (including bank participation, owner equity, and any other sources that may be pursued) for both construction and permanent financing, and uses of the funds. The standardized form will assist the selection committee in comparing proposals during the evaluation process (see **Exhibit J – Sources and Uses Form**).
3. The proposed construction and permanent financing arrangements must be verified and accompanied by a letter from the financial source/institution indicating that the project has been

reviewed and the source/institution is willing to favorably consider a loan application to finance the project.

4. Expected terms for the project financing by source, including loan amounts, interest rates, term length, and any special loan covenants/requirements.
5. 13-year project pro-forma including all capital costs, operating expenses, income/revenues, debt service, rate of return, detailed assumptions (vacancy, rents by bedroom size or per sq. ft. for commercial/retail and if the latter is triple net, etc.)
6. Projects requiring subsidies should identify the other resources that may be sought, specifically noting the entity names and specific program (such as Monroe County Economic Development, State of New York, the Federal Home Loan Bank, etc.)

Note: Developers expecting to apply for Monroe County Economic Development assistance by way of a Payment In Lieu of Tax (PILOT) should note that the City expects respondents to apply for the JobsPlus Program (an existing Monroe County tax abatement program). If residential use is proposed, and since JobsPlus does not accommodate residential uses, the City will consider supporting an application to Monroe County Economic Development with the same abatement schedule as the JobsPlus (subject to the approval of the City's PILOT Review Committee). More information on Monroe County Economic Development PILOT Incentive Programs can be found by following this link <https://monroecountybusiness.org/incentives-and-programs/pilot-incentive-programs/> If an affordable housing development is proposed, the Developer may apply for a Shelter Rent PILOT as appropriate.

E. SUSTAINABLE AND ENVIRONMENTALLY SENSITIVE CONSTRUCTION METHODS, MATERIALS, AND LIFE OF PROJECT

The City of Rochester is committed to encourage efforts to increase and enhance building methods that promote sustainability, increase energy efficiency and reduce adverse impacts on the environment including the consumption of fossil fuels and the production of greenhouse gasses. Therefore, the City encourages proposals to include designs that incorporate sustainable and environmentally sensitive design, construction methods, materials and systems.

The City of Rochester is committed to reducing greenhouse gas emissions in the community by 40 percent from the baseline year of 2010 by the year 2030. Strategies developed to achieve this target greenhouse gas emission reduction target are included in the Rochester Climate Action Plan www.cityofrochester.gov/climateactionplan, which was completed in 2016 and endorsed by Rochester City Council on May 23, 2017. The Climate Action Plan recognizes the importance of energy efficiency and sustainable development in the city to contribute to mitigation of climate change, and, to that end, encourages the incorporation of green building aspects into new development, such as the following:

- Air or ground source heat pump systems
- LED lighting

- Energy efficient building envelope (e.g. insulation, windows)
- Renewable energy, including on-site solar photovoltaic or wind
- Building energy management systems
- Heat pump hot water heaters or on-demand hot water heaters
- High efficiency electric appliances
- Water-efficient fixtures
- Electric vehicle charging stations
- Green infrastructure (e.g. permeable pavement, green roofs, rain gardens, bio-retention areas)

Natural gas usage contributes 51% of the greenhouse gas emissions in the city of Rochester. Reducing or eliminating the usage of natural gas by switching to energy efficient electric systems, such as air or ground source heat pumps, is encouraged. Utilization of sustainable building standards, such as LEED, Energy Star, Passive Design, Enterprise Green Communities or net-zero energy buildings is also encouraged. **Respondents shall demonstrate their familiarity with New York State regulations concerning fossil fuels in new construction.**

Proposal submissions should indicate how the project will utilize green building methods to address the aspects of development listed below:

Integrated Design: An integrated design process incorporates sustainability up-front, uses a holistic and total-systems approach to the development process, and promotes good health and livability through the building's life cycle. Examples include utilizing a developer, an architect, an engineer, a landscape architect and a contractor who are all experienced with green building. The team must be committed to environmentally responsive, resource conserving and healthy building principles and practices.

Site, Location and Neighborhood Fabric: The site provides unique opportunities to create a more walkable, livable community, while helping restore, invigorate and sustain livable development patterns. Examples include making the site safer and more inviting for walkers and bicyclists and making connections to surrounding amenities.

Site Improvements: Sustainable design and site planning integrate design and construction strategies to: minimize environmental site impacts; enhance human health; reduce construction costs; maximize energy, water, and natural resource conservation; improve operational efficiencies, and promote environmentally sensitive transportation. Examples include appropriate surface water (run-off) management and use of vegetation to reduce energy use.

Water Conservation: Water efficiency conserves finite fresh water resources and reduces utility bills. Examples include specifying and installing water-efficient appliances and plumbing fixtures, implementing low-water landscape and irrigation strategies, and taking advantage of rainwater catchment.

Energy Efficiency: Energy efficiency helps to maximize resident comfort and health, and reduces utility bills. Examples include the installation of high efficiency mechanical and electrical systems.

Materials Beneficial to the Environment: Reducing, reusing and recycling building materials conserve natural resources and reduce emissions associated with manufacturing and transporting raw materials. Examples include the use of recycled building materials and recycling and reuse of construction debris.

Healthy Living Environment: Creating a healthy living environment involves the use of materials that do not cause negative health impacts for residents or workers, especially for more sensitive groups such as children, seniors and individuals with existing respiratory problems and compromised immune systems. Examples include limiting the use of hazardous materials on the job site and reducing the use of volatile organic compounds (VOC) paints and primers.

The criteria above were inspired by the work of Enterprise Community Partners through the Green Communities Initiative. Additional information on this initiative is available at www.enterprisecommunity.org/solutions-and-innovation/green-communities. This RFP does not establish green community standards for the development. However, the proposals will be evaluated according to the extent that the projects will address the above criteria. This will be included as a consideration during proposal review.

F. DEVELOPMENT TEAM

1. Provide a list of, and an organization chart for the development team members, including the developer, project manager, construction manager, architects/engineers and marketing personnel.
2. Provide resumes of the principal participants involved in the project.
3. The proposals should include a summary of the experience of the project team, similar projects that the development team has been involved with and how that experience will be useful in undertaking the proposed project.

G. DEVELOPER EXPERIENCE

1. Provide a list of all current projects and development commitments for the next 24 months.
2. Submit a detailed history of all projects that have been completed in the last five (5) years with an emphasis on projects similar to that of the proposed project.

H. MARKET RESEARCH & MARKETING PLAN

Please include market research and a marketing plan that includes, at a minimum, the following items:

- Documented market demand for all proposed uses
- Rent/lease marketing plan for all proposed uses
- Promotion schedule/phasing
- Identification of targeted market sector/population that the project is intended to serve

- A narrative describing how the project will be successfully marketed to reach the intended targeted market sector/population
- Any applicable pre-sale marketing strategies
- Marketing team

I. ISSUES AND CONCERNS

The proposal should identify any issues or concerns in relation to the project. Any financial assistance requested from the public sector should be presented in detail with supporting justification demonstrated in the development project pro-forma.

J. ENTERPRISE AND WORKFORCE GOALS

As noted in Section 6, the land disposition agreement will carry requirements to fulfill MWBE and workforce goals during the development project. The proposal must include a narrative describing any prior experience the developer has with the enterprise and workforce goals. The proposal must also include a plan for how the enterprise and workforce goals will be met as per the following goals:

MWBE Goal: 30% of any City subsidy/financial assistance, with the following breakdown:

- Minority-owned Businesses (MBE): 20%
- Women-owned Businesses (WBE): 10%

Workforce Goals (counted by worker hours on the project):

- City Residents: 25%
- Minority: 20%
- Women: 6.9%

Reporting for City MWBE and Workforce Participation occurs monthly. All Workforce Participation Goals are based on percentage of total worker hours. Developer must show capacity for collection and reporting participation data as well as capacity for recruiting and educating contractors, subcontractors, and other project participants on the City's reporting requirements. The City's MWBE and Workforce forms are available upon request.

At the City's discretion and depending on the development team's capacity, Developer may be required to utilize the services of a MWBE/Workforce consultant to fulfill and report on the above goals.

Note: The City reserves the right to reject any proposal submitted without the minimum items indicated above.

Section 8. EVALUATION & SELECTION CRITERIA

Each proposal will be evaluated based on the information submitted. A committee will be formed with members appointed from various City departments. Proposals received within the stated deadline and containing all required information will be evaluated using the following criteria:

A. QUALITY OF THE DEVELOPMENT PLAN

1. Consistency with and support of the City's Port of Rochester goals described in Section II of this RFP and the objectives and design strategies set forth in the *City of Rochester's Comprehensive Plan – Roc 2034* (www.cityofrochester.gov/Rochester2034)
2. Exceptionally high design and uniquely creative elements/materials and key features of the proposal
3. Proposed use(s) for the property relating to the Port of Rochester's Great Lakes waterfront location
4. Provisions to address parking demand as a result of the proposed development
5. Use of sustainable and/or environmentally sensitive construction methods and materials with clear strategies for reducing greenhouse gases

B. UNDERSTANDING OF SITE CONDITIONS

1. Demonstrated knowledge of subsurface conditions and appropriate mitigating measures
2. Description of site development which demonstrates an understanding of the environmental and geotechnical issues and how the project design will address these items
3. Placement and massing of new development in response to unique site characteristics

C. PROJECT FINANCING

1. Economic feasibility/financial soundness of project budget/proforma with funding sources and uses
2. Ability to secure project funding/financing (i.e. commitment of funds already in place)
3. Level of Developer cash equity in the project
4. Impact on the tax base

Please note: Preference will be given to proposals showing the highest economic benefit to the public.

D. EXPERIENCE

1. Developer must demonstrate proof of having completed projects similar in scope and size
2. Developer must demonstrate ability to complete proposed project
3. Experience working with public/private partnership

E. PROJECT SCHEDULE

The Developer's ability to complete the project in a timely manner

Note: Upon initial review of the submitted proposals, the evaluation team may choose to establish a short-list for subsequent interviews and may require the submission of more detailed information related to the financial condition of the development company (company financial statements, personal financial statements, global real estate report, etc.). Any additional financial information provided will be confidential and not subject to the Freedom of Information Law. All RFP respondents will be notified if and when a short-list is established. The City reserves the right to accept or reject any and all submissions.

Section 9. OFFER TO NEGOTIATE AND REQUEST REFINED PROPOSALS

The Developer selected for consideration under this RFP will enter into a period of exclusive negotiations with the City of Rochester for up to 90 days. If the City and the Developer are able to reach an agreement on the development terms (purchase price, development programs, financing plan, and development schedule), the City will move forward with the public and legal processes to sell each parcel for which agreement is reached. If the City and the Developer are unable to reach an agreement, either party may withdraw from the project with no liabilities. The City may open discussion with other Developers at that time.

The City may request any additional information as it determines appropriate to select a Developer whose Proposal is best suited to this project. All Developers are responsible for the cost of preparing all information in response to this RFP and any additional information as requested by the City.

Section 10. GENERAL INFORMATION

Restriction on Communication

News releases pertaining to this RFP or the services to which it is related will not be issued by an offeror/bidder/proposer or the selected offeror/bidder/proposer without the prior written approval of the City. In the event an offeror/bidder/proposer issues a news release pertaining to this RFP or the purposes to which it relates without the prior approval of the City, the offeror/bidder/proposer may be excluded from consideration.

Rights Reserved

- A. Only submissions that comply with all the objectives, provisions and requirements of this Request for Proposals (RFP) will be considered for review by the City of Rochester (City).
- B. The City reserves the right to independently investigate or request clarification of the contents of any proposal, including requesting that any prospective purchaser provide additional information, or make a presentation before the final selection is made.
- C. All materials submitted in response to this RFP become the property of the City, without obligation of the City to return such materials.
- D. All determinations of completeness of any submission and compliance with the objectives, provisions and requirements of this RFP, and the eligibility or qualification of any developer, shall be at the sole and absolute discretion of the City.
- E. Subsequent to the submission of the proposal, the City, in its sole and absolute discretion, may enter into parallel negotiations with two or more developers, may designate two or more developers for "short list" consideration, may request best and final offers and/or may conduct competitive proceedings with respect to the potential disposition of the property described in this RFP. This is not a competitive process; the City will assess proposals and select a developer in its sole and absolute discretion.
- F. The City of Rochester may waive any of the provisions, requirements, terms and conditions of this RFP.
- G. The City reserves the right to cancel or reissue the RFP at its sole discretion and that the City shall have no liability for any costs incurred in preparing a proposal.

- H. The City reserves the right to issue an addendum should it become necessary to revise any section of this RFP, provide additional information necessary to adequately interpret provisions and requirements of this RFP, or respond to written inquiries concerning the RFP.
- I. The City reserves the right at its sole discretion to accept or reject any and all proposals received as a result of this RFP, to waive minor irregularities, to withdraw from the sale of the property, to elect not to proceed with the process set forth in this RFP, and to conduct discussions with all responsible respondents, in any manner necessary, to serve the best interest of the City of Rochester.
- J. The City has no obligation to discuss its reasons for selecting, accepting or rejecting any proposals with any proposers or representatives of said proposers.
- K. The City shall not be liable for any costs or expenses (including but not limited to the foregoing costs and expenses of legal counsel) incurred by any proposer in responding to this Request.
- L. All costs and expenses incurred by each proposer in connection with this RFP will be borne by the proposer, including without limiting the foregoing, all costs and expenses in connection with: surveys, reports, plans, designs, schematics, studies, research and any other due diligence work; preparation of each proposal; advice and representation of legal counsel responding to this RFP.
- M. The City reserves the right to withdraw from, or lease any or all of the properties for which the City has made a public request for Proposals at any time prior to approval by Rochester City Council.
- N. Proposals shall be accepted from principals only. No brokerage fees, finder's fees, commissions or other compensation will be payable by the City in connection with selection of a developer.
- O. Should it become necessary to review any part of this RFP, provide additional information necessary to adequately interpret provisions and requirements of this RFP, or respond to written inquiries concerning this RFP, the City reserves the right to issue Addenda to the RFP and post it to the City website (<http://www.cityofrochester.gov>) – it is the responsibility of all interested parties to regularly check the City website for any Addenda. The City reserves the right to extend the Submission Deadline by a reasonable time.
- P. The City of Rochester has the right in its sole and absolute discretion to reject any and all proposals, to accept any proposal and to elect not to proceed with the process set forth in this Request for Proposals.

Section 11. INFORMATIONAL RESOURCES

City of Rochester

www.cityofrochester.gov

www.cityofrochester.gov/Rochester2034

www.cityofrochester.gov/portofrochester

www.cityofrochester.gov/LWRP

www.cityofrochester.gov/climateactionplan

Enterprise Community Partners - Green Communities Initiative
www.enterprisecommunity.org/solutions-and-innovation/green-communities

County of Monroe
www.monroecountybusiness.org/incentives-and-programs/pilot-incentive-programs

Port of Rochester Marina
www.portofrochestermarina.com

Charlotte Community Association
<https://www.charlottecca.org/community-development/port-development>

Charlotte-Genesee Lighthouse
www.geneseelighthouse.org

Ontario Beach Park
www.cityofrochester.gov/ontariobeachpark

Gibbs Marine – River Street
www.gibbsmarine.com/riverstreetmarine

END OF RFP
(EXHIBITS posted separately)