

Appendix A:

**DGEIS Midtown Redevelopment Project Introduction and Executive Summary**



**STATE ENVIRONMENTAL QUALITY REVIEW  
(SEQR)**

**DRAFT  
GENERIC ENVIRONMENTAL IMPACT STATEMENT  
(DGEIS)**

**PROPOSED ACTION:  
MIDTOWN REDEVELOPMENT PROJECT**

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

**LEAD AGENCY:**  
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**DATE OF ACCEPTANCE:**  
**November 10, 2008**

**COMMENTS MUST BE SUBMITTED ON OR BEFORE:**  
**December 19, 2008**

**PUBLIC HEARING DATE:**  
**December 2, 2008, 6:30 pm**

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

## **INTRODUCTION**

**Background.** Midtown Plaza (“Midtown” or “the Plaza”) is an enclosed retail mall in Rochester, New York developed according to a plan by prominent architect Victor Gruen that was first conceived in 1956 and subsequently announced in 1958. Completed in 1962, the Plaza occupies a large central downtown block located north of Broad Street, east of Clinton Avenue and south of Main Street. Euclid, Atlas, Elm and Chestnut streets form an irregular eastern boundary. The mall was constructed so as to connect preexisting buildings (the McCurdy and B. Forman buildings) and is recognized as the first downtown enclosed mall in the country. Several existing streets were abandoned to enable development of the Plaza. An underground parking garage providing 1,844 spaces and two additional buildings (the Euclid Building and Midtown Tower) were also constructed as part of the complex and connected to the mall as well. The adjoining Seneca Office building was also constructed in the same period as the Plaza.

The Plaza properties have since fallen into disrepair and come to be identified as a significant source of blighting influence which has persisted despite several (failed) revitalization plans proposed in the private sector. The properties contain significant asbestos containing materials (“ACMs”) and other recognized environmental conditions (“RECs”). The building systems that remain date from the original construction and require replacement. Perceiving 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 Plaza vacancy rate had climbed to more than 85 percent when it was finally acquired by the City in 2008. The telecommunications company PAETEC Holding Corp. (“PAETEC”) has expressed an interest in constructing a new corporate headquarters and operations center at the site. Empire State Development Corp. (“ESDC”) has partnered with the City to complete abatement and remediation of ACMs and RECs within the Plaza properties and to undertake this proposed action which would redevelop Midtown and provide a shovel ready site for PAETEC’s proposed facility.

**This Action.** The action reviewed in this document generally involves the redevelopment of the Midtown Plaza site. In an effort to eliminate the blighting influence of Midtown Plaza and to facilitate redevelopment of this key location so as to attract

private investment, contribute to the tax base, support job growth, and catalyze further downtown revitalization, the City and ESDC have joined together, established a Public Private Partnership with PAETEC, and taken steps to provide the company a shovel ready Midtown site. As originally conceived, this action would follow the abatement and remediation efforts already underway with demolition of the existing Plaza buildings (except the garage), establishment of an interior street grid, and the assembly/resubdivision of Plaza properties to create a suitable site for PAETEC as well additional parcels attractive to private sector developers. A planning and study process which includes market and other analyses has been initiated in order to develop an information base necessary to development of a prudent plan that takes maximum advantage of the many opportunities offered by the site but also takes the existing conditions and market constraints into account as well. More details regarding this action can be found in the following Sections 1.0 (Executive Summary) and 2.0 (Description of the Proposed Action).

**This Document.** This document concerns the proposed Midtown Redevelopment Project and is an Environmental Impact Statement (“EIS”) prepared pursuant to Chapter 48 of the Rochester City Code and the Environmental Conservation Law of New York in compliance with the implementing State Environmental Quality Review (“SEQR”) regulations adopted and codified in 6NYCRR Part 617 (“the Regulations”). The City of Rochester Director of Zoning has been established as the lead agency in the review of this action. Chapter 48 of the Rochester City Code requires environmental reviews in which the City or a City official serves as lead agency to include a public hearing before the City of Rochester Environmental Commission.

The lead agency has made a determination to rely on a Generic Environmental Impact Statement (“GEIS”) in this instance pursuant to Section 617.10 of the Regulations. The purpose of a GEIS is to deal in a broad or conceptual way with a number of related or similar actions, or with a single extended action, where there is such uncertainty about specific impacts that a conventional EIS would be impractical. The Executive Summary which follows this Introduction concludes with a review of GEIS requirements and implications.

Finally, with respect to procedure, this document is a *draft* GEIS (“DGEIS”), published in compliance with the requirement that impact statements first be made available in draft

form for public review and comment prior to finalization. The purpose of this DGEIS is to provide a means for agencies, project sponsors and the public to systematically consider the significant adverse environmental impacts, alternatives and mitigation measures associated with the Midtown Redevelopment Project in a manner that complies with the foregoing and other SEQR requirements.

**Content and Organization.** Section 1.0 which immediately follows these introductory paragraphs is an Executive Summary which provides an overview of the proposed action, its purpose, the underlying public need and benefit, the setting, the potential environmental impacts, associated mitigation measures, and alternatives considered in defining the project. Each of these Executive Summary topics is also described in more detail in the sections that follow (as shown in the preceding Table of Contents). The final section of the Executive Summary provides a review of the purpose, use and consequences of reliance on a Generic Environmental Impact Statement.

This balance of this document is generally organized as follows. Section 2.0 which immediately follows the Executive Summary provides a detailed description of the project and Section 3.0 reviews the project's purpose, need and benefits. The next following two sections describe the environmental settings (Section 4.0) and the potential impacts and mitigating measures (Section 5.0). The organizational framework of the two sections mirror one another. In other words, just as subsection 4.1 describes the existing conditions and setting relevant to Geology, Soils and Topography, it is the corresponding subsection 5.1 that describes any associated impacts or mitigation related to Geology, Soils and Topography. Sections 6.0 through 11.0 review a number of general topics, including impacts that are unavoidable, the irreversible commitment of resources, cumulative impacts, growth inducement and others. Section 12.0, the final section, presents a detailed description and evaluation of alternatives to the proposed action. Section 12.0 is followed by an appendix which includes a number of relevant studies and other important information.

## **1. EXECUTIVE SUMMARY**

This Executive Summary provides an overview of important topics that are also described more fully in the sections that follow. These include a description of the action or project itself, the underlying purpose, need and public need and benefit, the setting, the potential environmental impacts, associated mitigation measures, and the alternatives considered in the project's formulation. This summary closes with a review regarding the reliance on a generic Environmental Impact Statement (EIS) in this instance, how it differs from the alternative "non-generic" form and the potential need for supplemental review in the future.

### ***1.1 Proposed Action***

Midtown Plaza ("Midtown" or the "Plaza") is an enclosed retail mall in Rochester, New York developed according to a plan by prominent architect Victor Gruen. The Plaza, which occupies 8.6 acres of a large central downtown block, was constructed to connect several preexisting buildings and is recognized as the first downtown enclosed mall in the country. An underground parking garage of 1,844 spaces and two additional buildings were also constructed as part of the complex. The complex includes approximately 1.4 million square feet of floor area. The Plaza properties have now fallen into disrepair and have come to be a significant source of blighting influence. The properties also contain significant asbestos containing materials (ACMs) and other recognized environmental conditions (RECs) and the building systems require replacement.

The East End Entertainment district just to the east of Chestnut Street and Midtown has attracted significant private sector investment that has not been experienced in the Midtown area to the west. Several plans for redevelopment and revitalization of the site put forth within the private sector have failed. These failed efforts are described in more detail in Section 2.1. In 2007 the City of Rochester (the City) established an Urban Renewal District to encompass the site and subsequently acquired the Midtown properties which were more than 85 percent vacant at the time. PAETEC Communications (PAETEC) has expressed an interest in constructing a new corporate headquarters and operations center at the site. Empire State Development Corp. (ESDC) has partnered with the City to complete abatement and remediation of the Plaza

properties and to undertake this action which would redevelop Midtown and provide a shovel ready site for PAETEC's proposed facility. PAETEC's plans call for a new Class A corporate headquarters and operations facility sufficient to accommodate from 1,000 to 1,500 employees.

This action is being undertaken to eliminate the blighting influence of Midtown Plaza and to facilitate redevelopment 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. A more detailed review of the project objectives can be found in Section 2.0.

As originally conceived, demolition of the existing buildings (except the garage), establishment of an interior street grid, and assembly/resubdivision of properties to create a suitable site for PAETEC as well additional parcels for other private sector developers would follow the abatement and remediation efforts already underway. A 2005 ULI report noted the importance of breaking down the Midtown Block with smaller scale streets and pedestrian ways and concluded that Plaza buildings (with some exceptions) should be demolished to make way for new development.

The scope of this action now under review does not include the earlier establishment of an Urban Renewal District which includes 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 undertaken by ESDC. The abatement and remediation efforts have also necessarily included closure of Plaza buildings and the garage as well as efforts to support relocation of the remaining tenants. These actions were reviewed as part of earlier environmental reviews by the City of Rochester.

With respect to the establishment of the Urban Renewal District and the potential for related property acquisitions, a environmental review was conducted which culminated in issuance of a Negative Declaration on January 10, 2007 prior to the proposals which led to the current action intended to redevelop Midtown Plaza.

With respect to the subsequent acquisition of the Midtown Properties, the City pursued a segmented review of these actions pursuant to Section 617.3(g) of the State Environmental Quality Review (SEQR) Regulations. Segmented reviews such as this are justified in the following circumstances:

- When information on future project phase(s) is too speculative;
- When future phase(s) may not occur; or,
- When future phase(s) are functionally independent of current phase(s)

The justification for a segmented review of those earlier actions is summarized as follows:

The City had previously indicated an ongoing intent and consideration of acquisition of the Midtown Plaza as evidenced in the Negative Declaration issued by the Mayor on January 10, 2007. Without government intervention (i.e., acquisition, asbestos abatement), the plaza would continue to be largely vacant and its blighting influence on downtown Rochester would only worsen. For that reason, the City's interest in and intent to pursue acquisition of the property will continue regardless of a specific development plan. Any future actions involving Midtown, other than renovation of the existing structures with no change in use, will be subject to full review under SEQR and, potentially, the preparation of an Environmental Impact Statement. Thus the segmentation of the acquisition is no less protective of the environment as required by SEQR. The Rochester Environmental Commission has supported segmentation, as indicated in correspondence dated December 21, 2006.

This action which proposes the redevelopment of Midtown Plaza and is now under review does include provisions for development of a PAETEC headquarters on the site, potential acquisition of additional properties within the Urban Renewal District and the adoption and implementation (or amendment) of an Urban Renewal Plan. Plan implementation would include: the assembly of parcels; demolition and clearance of the site; adaptive reuse of some existing buildings; establishment of an internal street grid; delineation of development parcels; reservations for open space; provisions for parking; subdivision and disposition of properties; and, development of new infrastructure and utilities. The underground parking garage is slated to remain and studies and consultations are underway to evaluate alternatives regarding adaptive reuse of the existing Midtown Tower and the Plaza atrium. A network of skyways and other pedestrian corridors which connects many downtown Rochester buildings will be affected as the segments connecting to the existing Midtown buildings will be severed

and remaining elements without structural support will be removed.

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

Market and other studies have been completed in order to facilitate development of a prudent plan that would take maximum advantage of opportunities offered by the site as well as take into account the existing conditions and market constraints. Based upon these studies, a mixed use floor space program and land use plan has been developed which calls for approximately one million square feet (sf) of mixed use space and a floor area ratio of between 2.4 and 3.0. The program calls for approximately 570,000 sf of office uses, 70,000 sf of hotel, 67,000 sf of retail and almost 370,000 sf of residential redevelopment. A preferred street grid and block configuration accommodating such a program have been identified (see Figures 2.10 and 2.11).

A concept plan for general land use illustrated in Figure 2.12 calls for development of the PAETEC facility within a large block extending up Clinton to Main Street, reservation of two open spaces (one being a large plaza south of PAETEC and the other being a central park or square), development of retail uses along a newly reestablished Cortland Street and surrounding the central green space, development of a hotel on Main Street within a block on the eastern boundary of the site and development of residential uses elsewhere on the site also in close proximity to the central green space.

Although the City intends to retain some flexibility to respond in the future to changing market and other conditions, the street and block configuration, the location for PAETEC, the general distribution of uses and the reservations for open space are not anticipated to change significantly. Guidelines and principles adopted as part of the Urban Renewal Plan will continue to guide future development. The City zoning provisions are form based and provide significant flexibility to accommodate the range of future development opportunities now envisioned. Based upon a review of the proposed development and applicable provisions, no revisions to the present zoning code will be

anticipated.

The City anticipates dedicating the majority of the spaces within the underground garage to PAETEC's use. The remaining spaces will likely be relied upon to provide parking for other uses to be developed on site and would not be available for monthly parking by occupants of neighboring office buildings as they have been in the past. The redevelopment plan does assume that additional parking demand associated with other uses developed on the Midtown site would be met on site via construction of additional parking.

The capacities of existing water mains, sanitary sewers and other improvements serving the site are sufficient and improvements will not be required to provide additional capacity. However, in several instances existing utilities and infrastructure will be affected by demolition or redevelopment activities and will require relocation or replacement. Furthermore, as a consequence of plans to establish an internal street grid on the site, there will be an associated need for investments in paving, curbing, sidewalks, water mains, hydrants, sewers and other associated infrastructure.

In addition to a number of related alternatives focused upon a variety of potential impacts or determinations, two primary alternatives have been identified for evaluation in this review:

1. A "no action" scenario in which the plaza and the existing buildings remain without demolition; and,
2. A "preferred alternative" intended to optimize the successful redevelopment through elimination of blighting influences and accommodation of a range of development densities.

As described in more detail in Section 12.0, the no action scenario itself consists of two subsidiary alternatives: one in which no direct action is taken by the project sponsors and another in which the existing buildings would remain following action by the project sponsors to complete their abatement and restoration (by replacement or updating of building systems). The preferred alternative includes the continued use of the Midtown garage and a subsidiary alternative regarding the possible adaptive reuse of the Midtown Tower, but would otherwise demolish all existing structures. These two and

others, including several alternatives that could be considered to minimize or mitigate potential impacts to historic resources through the preservation or more extensive adaptive reuse of existing buildings, are described more fully in [Section 12.0](#).

A number of approvals and funding commitments are anticipated by the City of Rochester and by Empire State Development Corporation as a part of this action. With respect to ESDC, these include remediation and abatement of ACMs and RECs (not formally a part of this action), funding of Urban Planning and SEQRA compliance through a grant to the City, demolition of existing buildings and provision of a shovel-ready site; and, approval of an agreement between ESDC, the City and PAETEC for development and related investments including approval of economic incentives to PAETEC. With respect to the City of Rochester, these include acquisition of Midtown properties and potential acquisition of additional properties within the district, amendments to the Urban Renewal District development plans and Zoning requirements, subdivision and Site Plan approvals, subsequent property conveyances, development of necessary infrastructure and utilities and dedication of rights of way, and approval of an agreement between ESDC, the City and PAETEC for development and investment including economic incentives to PAETEC.

### ***1.2 Purpose, Underlying Public Need and Benefit***

The action is a response to the blighting effects of the outdated, underutilized and deteriorated complex, the failed efforts in the past to revitalize the Midtown Plaza site and the apparent need for direct public participation and investment to lead a successful redevelopment effort. The proposed action would mount a productive and reasonable response to the ongoing deterioration and eliminate the blighting influences as quickly as is practical. Implementation of the proposed plan would build upon the prominence of the site as one of the most important downtown and maximize the potential for a redeveloped Midtown site to catalyze further revitalization and investment throughout the area. The project is intended to provide a reasonable return on public investments through preservation of property values, attraction of private investment, contributions to the tax base, support for job growth, and transformation of the negative market dynamic now afflicting the site and the surrounding district.

Twenty-seven specific objectives have been described in [Section 3.1](#). These include

many related to the blight mitigation and economic development purposes referenced above and others, 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.

Despite the complexity of the implementation and the multiplicity of specific objectives, the vision itself is simple: elimination of the negative effects to the community resulting from the deteriorated and blighted Midtown Plaza and redevelopment of the site in a manner which will instead make it a powerful revitalizing force and a valuable contributor to economic health within the downtown area.

The public need for direct public involvement and investment in the efforts to redevelop the Midtown site and revitalize downtown Rochester is real. In the [Section 3.2](#) description of this need, the following topics are reviewed in detail:

- The recent history of development in downtown Rochester;
- The underlying market dynamics and forces that have led to decline (and that are described in a market feasibility analysis described in Section 4.24));
- 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.

The discussion of benefits provided in Section 3.3 focuses upon three aspects. The first is the benefit to state and regional interests accruing from public involvement and investment in the redevelopment process and the benefits of the establishment of a Public Private Partnership to lead and sustain revitalization efforts. Second is the benefit to community and neighborhood interests and how the proposed project is consistent with major campaigns identified by the City in the comprehensive planning process. Finally, Section 3.2.3 describes fourteen principles of placemaking and urban design that will guide redevelopment efforts and summarizes how their application will create great urban spaces of benefit to the site and the community. Among these fourteen are the following:

- Locating active land uses such as retail, dining and hospitality at the ground level along major streets and open spaces to create an engaging public realm and encourage pedestrian movement across the city;
- Developing a new street network to provide greater access to the interior of the site from Main Street and East Avenue and generate active and inviting public spaces;
- Maintaining residential buildings in proximity to parks and open spaces so as to extend the life of the public realm into the night and weekends and develop a strong sense of ownership and stewardship which will ultimately add long term value to adjacent properties;
- Promoting visual and physical connections across the site (including new streets) to develop a sense of interconnectivity and physical connections that will 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 to create a strong pedestrian relationship between the employment centers in the west with the cultural center along East Avenue and another connecting Liberty Pole Plaza to the new plaza at Broad and Clinton Streets to create a strong relationship between the office center along Broad Street with the more traditional center of the downtown;

- Maintaining a consistent street wall along major roadways to help create a sense of an urban environment that is conducive to pedestrian traffic and to help 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, reinforces the current development patterns along Broad Street and avoids blocked views from new and existing buildings.

The reader is referred to the text of Section 3.3.3 for a more detailed review of the applicable placemaking and urban design principles and how they will benefit the site and the surrounding neighborhood.

### ***1.3 Setting, Potential Impacts and Mitigation***

A detailed review of the environmental setting, potential impacts and anticipated mitigation is provided in Section 4.0 which reviews the setting and in Section 5.0 which reviews, in the same sequence, the related potential impacts and mitigating factors or steps to be undertaken.

Of those settings and impacts reviewed in Sections 4.0 and 5.0, the most prominent include the following:

**Aesthetic/Visual Resources** (Section 5.5). While not expected to be negative, the action would have a fundamental effect upon the viewscape within the downtown area. As the project proposes to demolish all of the buildings comprising Midtown Plaza, establish a traditional street grid and develop new buildings (including the PAETEC headquarters) on the newly delineated blocks, every existing view of Midtown Plaza, without exception, would be modified in some way. As the exterior appearance of the Plaza has been subject to some criticism and has never been considered an important visual landmark, and as there will be guidelines and form based regulations in place to guide development and ensure that it is consistent with and complimentary to the existing built environment, this document takes the position that the visual impact will actually be positive. Contributing to this positive effect will be the creation of multiple view corridors through the site which is now visually impenetrable. Development of a

central open space will also provide opportunities for viewing facades of newly developed buildings from some distance. A second open space south of the proposed PAETEC facility has been included to ensure a prominent view of that facility when entering the downtown on Clinton Avenue. Resolution of the unattractive and complex eastern back door of the Plaza in the vicinity of Atlas Street (a key location impeding connectivity to the East End) will also improve the appearance of the site. [Section 5.5](#) includes references to photo simulations and other information relative to the topic of visual impacts.

**Historic Buildings** ([Section 5.6.2](#)). Midtown Plaza has been identified as a resource eligible for listing on national and state registers of historic places (see [Section 5.6.2](#) for a more detailed discussion). Demolition would constitute an adverse negative impact to this historic resource. [Section 6.0](#) of this document has therefore characterized the demolition of all or part of Midtown Plaza as an unavoidable impact. A no action alternative that would preserve the entire complex is evaluated in [Section 12.0](#) of the DGEIS. Other alternatives that would seek to minimize or mitigate the impact have also been described and evaluated as part of a formal consultation process undertaken by the City, ESDC, OPRHP and other interested parties. While the preferred alternative described in this document does not propose to either reuse or interpret the atrium, a final determination relative to alternatives that would do so has yet to be made. This document invites comments upon the demolition impacts to historic resources, the identification of alternatives that would potentially minimize or mitigate the impact and other issues related to the effect upon historic buildings. It is anticipated that the resolution of this matter will be arrived at in consultation with OPRHP and subsequently reported in the Final GEIS.

Although not a major focus of the effort to minimize or mitigate demolition impacts upon historic resources, commenter's have also recommended consideration of the adaptive reuse of the existing Midtown Tower. As described in [Section 2.5.6.2](#), the retention and adaptive reuse of the Midtown Tower has not been excluded as an alternative. Due to schedule and other constraints described in the referenced section, it is anticipated that this issue will be resolved by issuance of a Request for Proposals to developers or others with a potential interest in the investment in and reuse of the existing tower. If suitable proposals and accompanying commitments are not received, the tower would likely be demolished to make way for other redevelopment opportunities and to eliminate

the blighting influence associated with the continued presence of the vacant and deteriorated building.

**Parks, Recreation and Open Space** (Section 5.7). The action is anticipated to have a positive impact upon open space resources. Two open spaces have been proposed (see Section 2.5.3, Figure 2.11, Figure 2.12 and Figure A1. The first is a central open area delineated by a newly proposed street grid shown in Figure 2.10. The second is a corporate plaza proposed for a space immediately south of the anticipated PAETEC building at the intersection of Clinton Avenue and Broad Street. These additions are anticipated to augment, rather than detract from, the current complement of open spaces, parks and other recreational areas now present within the downtown area.

**Transportation: Traffic and Parking** (Section 5.12), The action would breakdown the existing superblock established during the development of Midtown Plaza and establish a more traditional street grid in its place to delineate development parcels and provide access to the site interior. These streets would provide improved access to uses developed on the site, would be local in nature and would be subject to temporary closure for festivals and similar events. The extension of the newly established Cortland Street all the way to Broad Street remains a possibility, the resolution of which would depend upon plans for use of the adjoining parcels and for reuse of the existing Tower with which the street would conflict. No adverse traffic impacts are anticipated as a result of the establishment of this traditional street grid.

A program for development on the site has been compiled based upon an assessment of market conditions (included in Table 2.1). An analysis of potential traffic impacts to surrounding streets and intersections which takes this program into account has been provided (see Section 5.12 for a discussion). The analysis included the anticipated impacts of the Renaissance Square project, the ESL headquarters project and a general allowance for other projects already suggested within the baseline condition. Among the eleven intersections studied, two movements were identified that would encounter a significant additional delay (Level of Service F). These two (the movement from Court Street eastbound turning left onto northbound Clinton Avenue and the movement from East Main Street eastbound turning left onto northbound Clinton Avenue) have been identified in Section 6.0 as unavoidable impacts.

With respect to parking, the Midtown garage was available to a large number of monthly parkers working in nearby office buildings prior to its closure for abatement. This use had developed progressively over the years as parking demand directly associated with the Plaza declined due to continued increases in vacancy within the facility. As described above in more detail in [Section 5.12.1](#), 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. As it 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 newly developed parking spaces) to meet the parking demand of other uses developed on the site, this action would make the current temporary displacement of monthly parkers permanent. Alternate parking resources have been sufficient to accommodate the displaced parkers.

**Skyway System Impacts** ([Section 5.14.2](#)). Several segments of the existing skyway system connect to Midtown buildings slated for demolition and will necessarily also be demolished and terminated at the adjoining building:

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

These impacts to the skyway system have been identified in [Section 6.0](#) as unavoidable impacts.

**Utilities and Infrastructure** ([Section 5.15](#)). Potential impacts to utilities and infrastructure are of three types. First, is the potential need to increase the capacity of existing utilities to accommodate the demands of the anticipated redevelopment. (This has proven to be unnecessary as the capacity of existing utilities has been found to be adequate.) Second is the need to abandon, relocate and/or replace utilities impacted by demolition or construction. The third consideration is the need to develop new utilities

and infrastructure to accompany the new streets that will be constructed to break down the superblock and establish a traditional street grid.

Section 5.15 includes a detailed review of the utilities that are expected to be directly impacted by demolition or redevelopment. These have also been characterized as unavoidable impacts in Section 6.0. With respect to the need to potentially increase the existing capacity of utilities now in place in order to accommodate the demands of the proposed redevelopment, the analysis reported in Section 5.15 has determined that the existing utilities can meet that demand and that no such need for expansion exists. Finally, regarding establishment of a new street grid, these improvements have been identified in the engineering analysis provided in Section 5.15.3. As reviewed in Section 5.22 the cost for these necessary improvements has been estimated at approximately \$18.5 million.

**Economic/Fiscal** (Section 5.22). The action is anticipated to have a positive fiscal impact upon the City of Rochester and Monroe County. The magnitude of the anticipated impact (reviewed in Section 5.22) would improve over time and would vary in dependence upon a number of factors or circumstances. The project is anticipated to generate increases in both sales and property tax revenues. The anticipated increase in property tax revenues would not commence in the initial years after development as a full exemption is available for seven years. The exemption would progressively abate over years eight through ten and the full increase in property tax revenue would be available in year eleven.

Increased revenues would be offset by increased capital and operational costs. No increases in such costs are anticipated in the case of Monroe County, but the City would likely encounter capital costs associated with the development of new streets, utilities and associated improvements and could also experience some increase in operational costs as a consequence of the need to serve the businesses and residents anticipated to occupy the redeveloped site. (A best scenario has been described in which the City would experience no increase in operational costs as a consequence of residual capacity to serve the redevelopment with no increased cost.)

**Temporary Impacts Related to Construction Activities** (Section 5.26). The proposed project would involve both demolition and construction. The temporary

potential impacts related to these activities are reviewed in Section 5.26. The Section 5.26 review of temporary construction-related impacts addresses the following resource areas: surface water and the potential for soil erosion and sedimentation; air and dust management measures; aesthetic and visual resources; transportation, traffic and parking; public transit; pedestrians; utilities; noise and odor; and, public health and safety. A separate discussion of similar impacts uniquely associated with demolition activities is included in Section 5.26.10. None of these impacts are expected to deviate from what would commonly be encountered in an urban redevelopment project of this scale. Given the available mitigating measures reviewed in Section 5.26, these impacts are not characterized in this statement as adverse impacts of significance.

#### ***1.4 Unavoidable Impacts***

The action is anticipated to result in unavoidable impacts. These include demolition impacts to the Midtown Plaza block which has been determined to be eligible for listing on the State / National Registers of Historic Places, demolition impacts to the Skyway pedestrian system, impacts to utilities within buildings or structures proposed for demolition, and traffic impacts. Some temporary impacts related to the demolition and construction process would also be unavoidable.

#### ***1.5 Alternatives***

Section 12 reviews a number of alternatives (in addition to the preferred alternative) that were identified as available to either minimize or mitigate potential impacts or that were considered as part of the planning process. These alternatives include a no action alternative in which Midtown Plaza remains as it is and none of the proposed activities take place and a closely-related no action alternative in which abatement and remediation of the facility takes place but in which no other demolition, improvement or demolition is undertaken. Also reviewed in Section 12 are alternatives that would retain and reuse the Midtown Mall atrium and another in which the existing Midtown Tower would be adaptively reused rather than demolished.

#### ***1.5 Generic Environmental Impact Statements and SEQR***

As described in the 6NYCRR Part 617 SEQR regulations (“the Regulations”) promulgated by the New York State Department of Environmental Conservation (“DEC”),

an Environmental Impact Statement (EIS) is intended to provide a means for agencies, sponsors and the public to systematically consider significant adverse environmental impacts, alternatives and mitigation. The Regulations state that an EIS also facilitates the weighing of social, economic and environmental factors early in the planning and decision-making process. Development of an EIS begins with preparation of a draft EIS (DEIS) by the project sponsor or lead agency that is then circulated for review and comment. According to the Regulations (Section 617.2), an EIS may be a 'generic' document. The Regulations (Section 617.10) give four examples in which a generic EIS may be used to assess environmental impacts:

- “a number of separate actions in a given geographic area which, if considered singly, may have minor impacts, but if considered together may have significant impacts”; or
- “a sequence of actions, contemplated by a single agency or individual”; or
- “separate actions having generic or common impacts”; or
- “an entire program or plan having wide application or restricting the range of future alternative policies or projects, including new or significant changes to existing land use plans, development plans, zoning regulations . . . “.

Regarding the content and specificity of generic EISs, the Regulations (Section 617.10) provide that generic EISs “may be broader, and more general than site or project specific EISs and should discuss the logic and rationale for the choices advanced” and that they “may be based on conceptual information in some cases”. The most important procedural distinction between a conventional and a generic EIS is the potential for a GEIS to be followed by one or more supplemental EISs. The need for further review of a subsequently proposed action following the conclusion of a generic review is determined by compliance with the conditions and thresholds found in the generic EIS. Where a subsequent proposed action will be carried out in conformance with the conditions and thresholds established in the generic EIS or its findings statement, no further SEQR compliance is required. Alternatively, where a subsequent proposed action is later found to have not been adequately addressed in the generic EIS, the SEQR regulations set forth two possibilities:

- A negative declaration must be prepared if the subsequent action will not result in any significant environmental impacts; or,
- A supplement to the final generic EIS must be prepared if the subsequent action may have one or more significant adverse environmental impacts.