



City of Rochester

Department of Community Development
City Hall Room 125B, 30 Church Street
Rochester, New York 14614-1290
www.cityofrochester.gov



Bureau of Buildings
and Zoning

October 5, 2010

Mr. Allen Handelman
Conifer Realty, LLC
183 E. Main Street
Rochester, NY 14604

Re: Eric Harbor Townhomes and Community Center, SP-065-08-09, 205-405 Mt. Hope Avenue

Dear Mr. Handelman:

Your application for Site Plan Approval, made in conjunction with your application for a Certificate of Zoning Compliance (CZC), for the **construction of eight multifamily structures, a community center, and associated parking lots** at 205-405 Mt. Hope Avenue is hereby **APPROVED**, subject to the conditions and additional approvals outlined herein.

It is your responsibility to read and thoroughly familiarize yourself with the approved plans, conditions and additional approvals required. **This approval will EXPIRE on April 6, 2011** unless, prior to that date, you obtain your Building Permit. If you are unable to obtain a building permit by then, please contact Dorraine Kirkmire at 428-6698 to request an extension.

Anyone wishing to dispute this decision may refer it to the City Planning Commission (CPC) within 30 days from the date of this decision. After conducting a hearing, the CPC will review the application in accordance with the denial criteria set forth in §120-191D(4) and shall render a decision within 30 days.

Your application for a building permit has been forwarded to Tim Raymond in the City Buildings Division. He can be reached at 428-7770, or you may bring this letter and your approved plans to the Permit Counter, City Hall, Rm 121-B to proceed with obtaining your building permit. If you have any questions, please contact Dorraine Kirkmire.

Sincerely,

Marcia Barry
Director of Planning and Zoning

MB:DK

xc: Dorraine Kirkmire, Bureau of Planning and Zoning
Tim Raymond, NBD, Bureau of Planning and Zoning
Bret Garwood, NBD, Bureau of Housing and Business Development
Mark Fitzstevens, NBD, Bureau of Housing and Business Development
JoAnn Beck, DES, Bureau of Architecture and Engineering
Jess Sudoll, Passero Associates



Project Description:

Erie Harbor is proposed as a mixed-income housing development at 205-405 Mt. Hope Avenue with approximately 130 units in eight structures. All of the units will be rental with 80% of the units being available to market rate renters, and 20% available to households earning less than 50% of the area median income. A community center is proposed in the center of the site aside a public plaza connecting Mt. Hope Avenue and the Genesee Riverway Trail/Genesee Gateway Park. The site is currently vacant with the prior buildings having been demolished in 2009.

Three public access easements through the site were approved (Ordinance # 2010-299) for the purposes of connecting the public sidewalk to the Genesee Riverway Trail and for allowing visibility of the River through the subject site. The City and Conifer are working together to design the public access areas and the Mt. Hope frontage with funding from an Environmental Protection Fund grant (#C006966) awarded to the City. The final designs of these areas will be reviewed and approved under separate cover.

Findings:

1. In accordance with the State Environmental Quality Review Act (SEQRA), Article 8 of the Environmental Conservation Law, and its implementing regulations (6 NYCRR Part 617), and Chapter 48 of the City Code, the proposal is designated as a Type I action. As such, the City of Rochester Director of Zoning, as Lead Agency, conducted a coordinated environmental review that included an Environmental Impact Statement (EIS). The review was concluded with a Statement of Findings issued by the Director of Zoning on January 5, 2009. Many of the findings included in that statement are reflected in these findings.
2. The Secretary of the Rochester Urban Renewal Agency issued a determination on December 15, 2008 that the Erie Harbor project is in conformance with the provisions of the Genesee Gateway Urban Renewal Plan.
3. The project is being designed and will be constructed in a manner that complies with NYSDEC Phase 2 stormwater management regulation by including and following the requisite (BMP) "Best Management Practices". The new storm system will be discharged to the existing Pure Waters combined sewer system on Mt. Hope Avenue. All stormwater runoff from the site will be directed to the City-owned municipal sewer as currently occurs. There will be no stormwater discharges to the Genesee River.
4. The proposed Erie Harbor project is located within Sub Area 4 (South Wedge Neighborhood) of the City's "Center City Master Plan". As recommended in the Master Plan, this proposal will develop "stronger, more formal pedestrian connections through the neighborhood to the Genesee River." The proposed public easements proposed are, therefore, consistent with the Master Plan.
5. The proposal is consistent with the following findings and recommendations of the *Rochester Housing Market Study*, completed in July 2007:
 - *Rochester's existing housing stock is limited in terms of type, density and design. There are many historic homes and neighborhoods that are valuable assets for the City. However, as market preferences have changed, Rochester lags behind other cities in terms of offering a wide range of housing types to choose from. This is particularly true for people with disabilities. In an older housing market, meeting "Universal Design" principles is difficult, and few funds are available to address accessibility issues.*
 - *An innovative City must be expressed in a wide range of housing types and designs that stand the test of time. As a "City of Design," Rochester would set an innovative example in*

promoting housing designs that blend with the context yet provide a contemporary and optimistic viewpoint of the City's future. Creativity will be expected and architectural experimentation should be encouraged and appreciated.

- *Promoting a strong design agenda for Rochester would serve multiple purposes. New homes would add value and interest to the City's fabric. Contemporary designs would help further promote the City as a creative and diverse environment for artists, young professionals and students.*
 - *Embracing mixed-income projects in the stronger market areas would support and sustain the current development momentum.*
6. The contemporary architectural style of the new development was chosen to bridge the connection between the modern feel of the city center and the more traditional urban neighborhood feel of the South Wedge community. While the architectural style of the neighborhood was not literally interpreted, the row-home like pattern created by the buildings' proposed fenestration and massing reflects the form of a traditional urban residential neighborhood.
 7. The design for the proposed project is in response to the site's relationship to the surrounding neighborhood, its proximity to the downtown area and the Genesee River. The proposed site design reconnects the neighborhood to the river by inserting view corridors and pedestrian links through the site and proposes to strengthen the connections across Mt. Hope Avenue (both visual and pedestrian).
 8. While the proposed development exploits the economic advantage of reusing the existing building foundations on a site where fill is in place from seven (7) to seventeen (17) feet thick and bedrock ranges from 22.0 to 25.0 feet below the surface, the design utilizes a number of smaller buildings to create view corridors. The clustering of these smaller buildings further enhances the sense of community by breaking down the institutional feel created by the previously existing structures. The connection to the neighborhood is strengthened with the additional view corridors and pedestrian access through the site.
 9. An effort was made to unify the visual patterns of the site by mirroring the high-rise Hamilton building that anchors the northern end with a new mid-rise apartment building at the southern end. This ensures a strong identity to the site by positively defining the limits of the development.
 10. High-quality building materials will be used and are reflected in the conditions listed below.
 11. The surface parking lots will contain interior landscaped islands and sufficient perimeter landscaping to improve the appearance of surface parking lots along Mt. Hope Avenue.
 12. The City of Rochester's Mt. Hope Avenue Enhancement Project is now complete and included the segment of Mt. Hope Avenue in front of the subject property. Conifer Realty worked with the City during the design of the Erie Harbor site plan with regard to curb cut locations on Mt. Hope Avenue. Project features included curbed bumpouts at selected intersections, enhanced crosswalks, pavement striping, and changes in street width.

Code Compliance:

1. The property is zoned Center City District - Riverfront (CCD-R). The proposed Erie Harbor is consistent with the intent of the zoning district.
2. The proposed site plan and building designs do not comply with all the provisions of CCD-R and require a waiver through site plan review. The analysis below indicates the provision for which a waiver is required followed by an explanation of the reason(s) the waiver is being granted:

- a. Buildings are required to exhibit a tall/narrow mass on the primary street frontage.
The proposed buildings exhibit a more horizontal mass. This is due to the configuration of the lot being long and narrow. Furthermore, the project sponsor is limited to using the existing foundations of the former buildings. The existing foundations dictate, to some degree, the building massing. Additionally, given that this is not a single family or town home project with individual buildings for each unit, but rather a multi-family project with multiple units per building, the consistent application of repetitive verticality could be contrived. Finally, the project's design does succeed in dispensing with the original project's monotony.
- b. Buildings on District Streets (Mt. Hope Avenue is a District Street) shall be a maximum of six stories in height and a minimum of three stories in height.
All the proposed buildings conform to this requirement, except for the proposed community center which is proposed to be two stories. The community center is a unique building that is oriented toward the public plaza rather than the street and is therefore better as a smaller-scale building.
- c. Buildings shall be parallel to the street frontage property line.
Building number four and the Community Center are not parallel to Mt. Hope Avenue. Instead, they are parallel to the proposed public plaza that is on the same orientation as Averill Avenue across the street. The intent is to frame the view toward the Genesee River from Mt. Hope Avenue and Averill Avenue.
- d. The front yard setback requirement for a district street is zero feet.
The linear nature of the lot, the project sponsor's need to use existing foundations and the 30' wide sewer easement along the front of the property force the buildings to be at the rear of the lot and the location of the parking lot in the front along Mt. Hope Avenue.
- e. The base shall be a minimum 50% to a maximum 65% window coverage. The midsection shall be a minimum 35% to a maximum 60% window coverage.
The proposed design does not meet the minimum required window coverage for the base or midsection. The required window coverage of 50% is indicative of an urban setting where the first floor use, such as a retail use would encourage the interaction with the public realm. Due to the reuse of existing foundations, the buildings are setback significantly from street and sidewalk, thereby decreasing the negative impact of the lack of transparency on the public realm.
- f. Windows shall be recessed three inches to six inches from the façade.
This requirement is indicative of a more traditional building style and is not appropriate for the transitional architectural style proposed. Where masonry has been specified as a material, the windows are indeed recessed. However, they are not recessed when the exterior material is fiber cement, as this is not a standard detail.
- g. Rooflines shall be delineated with decorative crown cornices a minimum of two feet wide.
The buildings show a clearly articulated cornice line. However, it is consistent with the overall styling of the project and may not be considered "decorative." The contemporary styling of the roof overhang provides a strong crown and shadowing that will give depth and interest to the buildings.
- h. Excluding windows, a maximum of two colors shall be permitted.
The color palette was selected by the architects during the design of the proposed buildings. The Final Environmental Impact Statement rationalizes the design, including the proposed color palette. The colors are meant to transition the site from the Center City into the more traditional neighborhood of the South Wedge. To be consistent with the existing Hamilton Tower and to achieve

the design intent as exhibited in the final EIS, there are likely to be more than two colors painted on the proposed buildings.

- i. The proposed parking lots are regulated in the Zoning Code as “building parking” in §120-67. According to the code [§120-67.G(1)(a)], building parking must be located in the rear yard of a building.

The linear nature of the lot, the project sponsor's need to use existing foundations and the existing sewer easement along the front of the property force the location of the buildings to the rear of the site and therefore push the parking lots to the front yard. The visual advantage of this approach to the design is that it minimizes the parking impact upon the river and park, as well as, the views of the River from within the community.

3. The proposal does not meet any of the site plan denial criteria outlined in Section 120-191 of the Zoning Code. The proposal does not:
 - Interfere with easements, roadways, rail lines, utilities, and public or private rights-of-way.
 - Destroy, damage, detrimentally modify or interfere with the enjoyment of significant natural, topographic or physical features of the site or the significant design features of the existing buildings and structures on the site.
 - Injure or diminish the use and enjoyment of surrounding property, including proposed lighting that would be intrusive to neighbors.
 - Fail to mitigate traffic impacts.
 - Fail to provide for adequate access for emergency vehicles.
 - Include circulation elements that create hazards to safety on or off the site, display inadequate connections to surrounding development, or create disjointed pedestrian or vehicular circulations paths on or off the site.
 - Fail to promote alternative modes of transportation, creating undue dependence on automobile travel or undue interference and inconvenience to pedestrian travel.
 - Propose structures or landscaping that are lacking amenity in relation to, or that are incompatible with, nearby structures and uses.
 - Provide inadequate provision for the creation or preservation of open space or for its continued maintenance.
 - Create drainage or erosion problems.
 - Propose structures or landscaping that bear a poor relationship to the existing physical development of the site or result in an overall development that compromises existing design, parking or landscaping elements through inappropriate location on the site.
 - Fail to comply with ADA requirements.
 - Include structures or landscaping that are incompatible with or lacking in amenity in relation to existing uses on the site or existing building materials, roof shapes and fenestration on the site.
 - Include building facades and appurtenances that fail to ensure visual compatibility with the buildings, public ways and places to which such elements are visually related.
 - Detrimentally impact the visual and public access to and along the waterfront.
 - Include inadequate infrastructure capacity to support the development.
 - Fail to meet the pertinent principles and objectives of the Center City Master Plan as enumerated in §120-58.

Conditions:

1. Work must be completed in accordance with the approved site plan drawings, dated September 19, 2010. Please note the items on the drawings that have been crossed out. Those items are not included in this approval. Any modifications to these drawings shall be submitted to Dorraine Kirkmire for review and approval.

2. All work must be completed in accordance with the requirements set forth in the June 2008 Site Management Plan and Institutional Control Plan, including providing the required notifications to the appropriate regulatory agencies.
3. The parking lot shall be constructed in such a manner so as to provide an all-weather, durable and dustless surface. Individual stalls shall be clearly identified by markings four to six inches in width.
4. Parking lots shall be concrete or granite curbed.
5. Parking surfaces shall be graded and drained to dispose of all surface water accumulation in the area without shedding additional water on the adjoining parkland or rights-of-way.
6. Light levels in the parking areas shall conform to Illumination Engineers Society of North America guidelines and shall be maintained from dusk to dawn.
7. Facade lighting shall conform to Illumination Engineers Society of North America guidelines. No floodlighting is permitted.
8. Primary building materials shall be limited to brick, fiber cement siding, stone veneer, and smooth finish concrete masonry units.
9. Rooftop mechanical equipment shall be concealed so as to not be visible from the street.
10. All refuse collection areas shall be effectively designed to contain all refuse generated on site. Refuse shall not be visible from outside the refuse enclosures. Screening shall be of sufficient height and density to completely hide the storage from public view. All screening shall be maintained in such manner as to present a neat and orderly appearance at all times.
11. Signs are not included in the application at this point in time. Any sign permit applications associated with this project should address the requirements of the Zoning Code.
12. The line of trees in Genesee Gateway Park along the southern perimeter of your site that have been damaged from the excavation and regrading of the subject site must be replaced in fall of 2010 with trees of 3" caliper planted. Please contact JoAnn Beck, City Landscape Architect, at 428-6601 to coordinate the locations for the replacement trees
13. The landscaping for the areas adjacent to the three (3) public easements shall be designed at a later date so that it can be coordinated with the landscape design in the easements. Those areas are indicated in red on the approved site plan package.
14. The exterior of the five turrets must be distinct to feature/highlight these elements as "special." This may include, but is not limited to, changing the cladding so that the turret is one material from ground to roof, bringing the existing first floor brick cladding higher on the façade of the turrets, accentuating the turrets with some roof feature such as a railing, flagpole, spire, weather-vane or some combination thereof. Revised elevations for the townhomes that show how the turrets will be featured shall be presented to Tim Raymond for approval by the City.
15. The at-grade entry doors into the townhomes shall be designed such that they provide a sense of appropriate transition from public space to private space. Along with making the door itself more residential in appearance, this may be done through the use of a decorative railing, low wall, landscaping features, pavement treatment, etc.

16. The final specifications on the proposed canopies over the stoops shall be presented to Tim Raymond for approval by the City.
17. Once identified, the method of attaching/fastening (i.e., color-coded nails, stainless steel screws, etc.) the fiber cement board shall be presented to Tim Raymond for approval by the City.
18. The construction drawings specify "metal grates" for the garage openings on the mid-rise building. These openings are a prominent feature on the first floor of the building and should be treated as such, especially the openings that are proximate to the entrance of the building. Final specifications for the grates shall be presented to Tim Raymond for approval by the City.
19. The coloring of the townhomes shall remain consistent with the coloring strategy presented at the meeting with the neighborhood stakeholders on September 28, 2010.
20. Revised color renderings of the midrise were presented at the meeting referenced above. These renderings showed a less bold palate and a simplified color scheme compared to the color design of the midrise dated September 1, 2010. Please submit an additional color proposal based on the input and discussion with the City and the community at the meeting to Tim Raymond for approval by the City.

Additional Approvals and Submissions:

1. As stated in the cover letter, the Building Permit application, along with a copy of the approved site plan, were forwarded to Tim Raymond (428-7770) in room 121-B. You will need a Building Permit and/or other approvals where required by city codes or other applicable public agencies.
2. A separate permit is required for any proposed signage or fencing. This can be done at the Permit Office in room 121-B.
3. Any work in the public right-of-way will require separate permits from the Engineering Bureau Permit Office in Room 121-B.