COMMENTS BY NBN6 LEADERS ON ZAP DOUCUMENTS AND GEIS 10/31/23

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INTRODUCTION

The six South East Neighborhoods that comprise NBN6 (South Wedge, Azalea, Lilac, Highland Park, Swillburg and Upper Mt. Hope) appreciate the opportunity to address positive aspects of the new proposed Zoning Alignment Project and to cite issues that we do not support and the reasons in each case. These concerns are based on attending meetings and giving feedback for the 2034 Plan and also all public meetings for the ZAP versions released so far. We make these comments based on our good faith belief that the zoning redraft was driven by the Council-passed 2034 Comprehensive Plan that we supported and would follow its goals and priorities. We have done our best to formulate these comments in the interest of supporting our neighborhoods and city residents and small businesses. We are not zoning experts, but have long experience working to support neighborhoods and addressing various quality of life issues and advocating for and against various development proposals to improve the way they support the neighborhoods.

We expect that in a group of documents of almost 450 pages we have likely missed issues and details. We look forward to having our comments addressed in specific so that we may continue to evaluate the proposals and give informed feedback in the interests of our neighbors and the city. We also welcome the comments of other neighborhood leaders and small businesses. Each of our neighborhoods may differ in density, transit corridors and character, yet we have studied ZAP and have found common issues that we address in this document.

1. CRITICAL CONCERNS

Fundamentally, the heights proposed for neighborhoods outside the City Center are too tall and the uses too broad to be allowed as of right without local neighborhood in-put into proposed developments. It is conceivable that across the city such heights and uses might fit in some area of some neighborhoods, but because they are as of right standards and uses, dispensing with the balance of neighborhood consultation and input, risks the character and of, and decades of building-up of, some of our neighborhoods.

It is a general concern that the goal of streamlining the permitting process is not balanced with the health and livability of our neighborhoods. Such broad change of dimensions and uses, while withdrawing requirements for neighbor and neighborhood notice and opportunity for in-put, balances the interests of those with the capital — regardless of the best interests of the community, above those of city residents and current businesses. It appears that even if a development or business proposal was thought to be bad for the community, it would have to be granted a permit, because it is allowed as of right.

2. PRINCIPLE TO INCREASE HOME OWNERSHIP

The six South East Neighborhoods agree with Mayor Evans' focus on increasing home ownership, improving the quality of the housing in the City and the positive environmental impact of planting more trees throughout the City. The present Zoning Alignment Project (ZAP) has many positive aspects that we support, such as focusing building along the arterials to take advantage

of mass transit options when they exist. Yet it falls short of the Mayor's goal of increasing home ownership---and pointedly stresses decreasing it--and falls short of the 2034 Plan goal of supporting affordable housing. Thus, in the current rental market it effectively encourages conversion of owner-occupied homes to investor-owned rentals and redevelopment of prized building in our neighborhoods, at or above market and the demolition of homes and legacy commercial buildings to build overly tall rental buildings.

We do not support the manner in which increased density is encouraged by this proposed Zoning Code because it does not also support the 2034 Plan emphasis on equity and affordable housing to address our serious and worsening affordable housing crisis. Rather, the Code as proposed, with no corollary funding or community input and limitations on demolitions, encourages demolition of our neighborhoods by out-of area investors to build over-sized apartments like the Gold Street Lofts to maximize returns, rather than the affordable accessible housing for City residents we were led to believe the 2034 Plan envisioned.

3. PROTECTING THE CHARACTER OF A NEIGHBORHOOD

a. In the 2034 Placemaking Plan, protecting the character of a neighborhood is an important underlying principle that we support. One of the 2034 Plan Placemaking tenets cited under Historic Preservation is "Valuing historic properties and areas to safeguard and enhance the city's heritage." Rochester is a historically rich city, and our neighborhoods include homes owned by not just rich industrialists and colonists, but by Frederick Douglass, Cab and Blanche Calloway's family and other important historical figures — examples that should be honored. It is also full of notable 19th C. and early 20th irreplaceable architecture that has already been demolished in most of the County. The desirability of many southeast and city neighborhoods lays in part with the preservation of old buildings and homes, the character of which the residents and businesses have worked hard to maintain. The proposed Code has little to support historic preservation. Instead, almost all provisions weaken protections for historic buildings and districts, **further encouraging demolitions** and renovations that diminish the value of decades of neighborhood preservation. You'll also see proposed up-zoning from R1 to High Density Residential and Medium Density Residential and as of right conversions of single-family homes to up to four units, without sufficient neighborhood in-put and protections for neighborhood character.

b. Neighborhood Vibrancy

1) Residential neighborhoods rely on healthy retail, services like Laundromats and barbershops and restaurant businesses that enhance walkability, accessibility and vibrancy in the bordering and host residential neighborhoods. So what happens in areas like the South, South Clinton and Mt. Hope Avenue business districts is essential to the health of all of the surrounding neighborhoods, whether or not the business exist in one neighborhood or the next. However, the proposal to allow buildings to be built up to 6 stories tall along these areas, combined with insufficient protection of the historic pedestrian-scale 2-story buildings along these corridors, puts at risk the atmosphere and charm that attract retail and draw customers to these stores and the walkable neighborhoods.

2) In addition, although residents in this area walk and bike more than most areas of the city because it was designed in the 19 C. to be walkable, the businesses need to rely on a certain amount of parking to survive and thrive. The plan to drop any parking requirements for all but the largest developments can put all of these stores and restaurants at risk — particularly if story tall buildings are allowed to be built with only minimal parking requirements, inevitably causing spillover parking that will put the business and current residential parking at risk. We support more robust multi-modal transport, but the systems to fully support that do not yet exist, and removing parking requirements before that happens risks the quality of life for current businesses and residents who have invested in the neighborhoods.

3) In the 2000s, in support of a vibrant balance in commercial/residential buildings, we supported Zoning's proposal of the creation of a new C-1 category for certain arterial spaces when the current Code was in revision. That is because we were told it was intended to allow pedestrian-scale buildings similar to the South Avenue Business District. However, because the existing Code's C-1 provision had flaws, including the acknowledged erroneously-omitted height limit, we are already seeing "fails" of this model. We have seen overly-tall modern-style buildings of empty luxury apartments, bordering modest single-family homes over which they tower, and sidewalk- level-intended retail units that have been turned into to indoor parking lots. The prime example is Gold Street luxury apartments, with a first floor that is now a parking garage, adjacent to a single- family home.

The proposed Neighborhood Mixed Use (NMU) height and use standards magnify this problem by setting the height limits at a completely inappropriate 65 feet, overbearing the existing modest houses and buildings and use standards that allow too broad of category of uses without local community in-put. This risks destroying our neighborhood character.

4. PROCESS FOR PUBLIC IN-PUT

a. As residents and business owners, we know our neighborhoods and should have a strong voice in what happens in our community. Unlike the 2034 Plan process, throughout the ZAP process, the role of neighborhood in-put and feedback has been diminished, diluted by a process that allows people not socially invested in our neighborhoods, or even the city, to have equal input - despite the fact that it is city residents who vote and will live in the city. And our neighborhoods have for decades worked to bring up our city and support it with our taxes. We are concerned that in the resulting proposed code, too much voice of the citizens has been taken away, replaced by authority and discretion vested too heavily in the Manager of Zoning to make decisions with little public notice or in-put.

b. In the proposed plan, for the expanded as of right uses, regular notice of any change request will no longer be given to the neighbors nearby who are most impacted and involved in the history of the property. Neighbors and neighborhood leaders often know conditions that were placed on local properties as a condition of approval for what was allowed to be built or changed, yet that information may not be known to someone not living next door or in the community and seems to be consistently ignored. Perhaps this is because, as has been the recent case, the Manager of Zoning changes frequently. **A guiding principle in supporting the character**

of a neighborhood discussed above is to ensure the people living in that neighborhood have a say in what is changed or built in their community and can rely on decisions and compromises that were made as a condition of approval to be honored.

WHAT WE SUPPORT

1. **Designated Buildings or Districts of Historic Value** (DBHV) We support that Designated Buildings or Districts of Historic Value should not be demolished, altered or otherwise significantly affected without community notice, in-put and review such as SEQR review. Mere site plan review with little or no community notice or process is insufficient to protect historic buildings and districts.

   a. In a code intended as an update, the list of properties protected should not be limited to those from an outdated, more than two-decades-old survey, but should include any building now and going forward listed on the National and State Registry of Historic Places. An example of a historic building that would not be protected is the Odd Fellows Lodge that is a contributing building in a Historic District listed on the National Registry of Historic Places. To be listed on the National Registry is a very rigorous and diligent process that relies on the determination of historic significance by nationally recognized experts, justifying the expenditure of tax credits in low -income areas.

   b. Many city properties have been recognized nationally since the 1980 Mack survey update, but Rochester has not done the work to protect them by listing on the City's list used in the proposed code since *2000*. The Historic Districts of Linden/ South, Park Avenue, and Crossman Terrance are recent examples of Districts created after 2000. Rochester also has a variety of historic structures, many not already designated on the National and State Registry, yet whose importance to the community's richness and legacy will be recognized in the future and become eligible for Historic Designation — particularly those related to Black, ethnic and other minority Rochesterians. Many significant buildings have and will use the State and Federal tax credits they are eligible for as Historic Designation properties as discussed below.

2. **Density along major transit routes** We support an increase in density along major transit routes, as long as it does NOT significantly impact the existing modest mostly two and two and a half story residential homes and destabilize our neighborhoods. The heights proposed along the arterials are too high. Even 4 stories would be impressive in most residential neighborhoods in Rochester, but 65 ft. is unreasonably tall. We do not see in any healthy neighborhood in Rochester an example of where 6 story buildings have been successfully integrated into modest residential areas. Most of the 19th C. homes owned and lived in by the lowest income Rochester residents were built to use passive light, tree plantings and liberal air circulation to cool them in the summer. They lack air conditioning and are subject to high heat risks if a large building is built next to them that causes a loss of light and circulation, even with the proposed setbacks. This particularly impacts seniors on limited incomes, who are very vulnerable to the impacts of climate change.

3. **Setback requirement** A setback requirement is essential for any new building along a transportation corridor, any new building on a corner, or any new building next to a business or residence to avoid blocked line-of-sight from neighboring properties onto the major

transportation corridors, to avoid potentially hitting a pedestrian, scooter, or other sidewalk traffic. An example of what not to do is Gold Street Lofts that were built without a setback, next to a two-story home that has to back up blindly onto one of the busiest sections of Mt. Hope Avenue. The sightline exiting the home's driveway is blocked by the closeness of the building to the street with no relief.

4. **Height maximums** We support a height of no more than 40 ft in a Neighborhood Mixed Use District (NMU) that is already consistent with the Boutique Mixed Use (BMU) which largely abuts 1 to 2 1/2 story homes under 35 feet, to mitigate negative impact on residents in an LDR or MDR. This is what was expected when we supported the 2034 Plan map. The proposed code proposes a height standard of 60+ feet that would over- shadow most LDR or MDR properties in our neighborhoods with loss of light and air circulation and with intensity of mass and heat, even with a step back. It will impact the survival of our existing trees and other heat-mitigating plantings. Highland Hospital is 7 stories and towers over the residential LDR neighborhood even after the height limit negotiated with neighbors, just as Gold Street Lofts towers over a residential section of Mt. Hope Avenue bordering a Preservation District.

   Gold Street was allowed to be built in a C-1 district. As discussed above, neighbors had supported that C-1 designation being included in the existing code rewrite because we were told it would protect the neighborhood character and result in development like the two-story South Wedge 19th C. business district, at pedestrian scale with retail on the first floor and residential apartments above. But the zoning officials included no height or story limit and a 5-9 story building, wildly out of scale with the then-surrounding residential properties, was built. Now this zoning rewrite proposes to allow even the South Avenue business district to move from pedestrian scale to downtown scale buildings, losing the tree-softened village character and towering over the bordering homes.

   The South Wedge Planning Committee would never have supported the extension of the prior C-1 along Mt. Hope from Hickory St. to include Sanford St, next to a Preservations District and including a house that may well have been used on the Underground Railroad, had the plan been known to allow heights and uses that are not consistent with protection of that still largely residential section and may well encourage demolition.

5. Short-term Rentals

We support that short- term rentals not be allowed in or bordering the LDR and MDR streets.

In our six South East neighborhoods, we have lost dozens of single-family homes, the number increasing monthly, to short - term rentals. We have had family and friends unable to buy in our neighborhoods because out-of-town investors or people with discretionary income have bought single-family homes for investment, depriving city residents of the opportunity for a home. The investors have turned them into lucrative Airbnbs (short term rental) at the expense of residents who would like to live in them and support neighborhood stability. For example, in the last two years Swillburg has lost at least 7 single family homes to Airbnbs (1 Benton St, 2 Beaufort, 2 Caroline, 1 Nelson St, 1 on Fountain St.). Swillburg is not alone for there are 6 Airbnbs on 2 blocks of Averill, at least 10 in Highland Park Neighborhood, and a few in Azalea Neighborhood) thus taking home ownership away from new home owners. We know that this listing of more than 33 homes does not remotely reflect the number of former city resident homes now converted in

LDR/MDR to short term rentals in our 6 neighborhoods. **We question what will be done with the existing short term rentals in LDR or MDR with the adoption of ZAP? We strongly urge enforcement of the Code not to allow their continued existence in LDR and MDR.**

6. Registration of vacant buildings

We strongly support the **City Administration's new emphasis on registration and fees for Vacant Buildings.** Too many buildings in our neighborhoods that could productively support vibrant neighborhoods have remained vacant for long periods; it seems to be increasing recently as the new code is being developed. But overburdened Code Enforcement and Police Departments are a crucial impediment to making sure a vacant building does not remain a blighting influence and hazard in neighborhoods.

7. Adaptive reuse

We support protecting the neighborhood character by requiring adaptive reuse of mostly modest height legacy buildings around which the neighborhoods have been built, and on which existence those purchasing neighboring properties have relied. The Edge of the Wedge on South Clinton is a great example of adaptive reuse from industrial to first floor use as a restaurant called the Cub Room and above it market rate apartments. The character of the building was maintained while being readapted. The second example is the Abundance Co-op building on South Avenue, the original site of Sentry Color Labs. The exterior remains protected while its interior use changed.

Any demolition request should go through neighbor and neighborhood notification and SEQR review. The current zoning proposal does not support the 2034 Plan goals of protecting neighborhood character or adaptive reuse, particularly to the extent that it does not recognize properties listed on the State and National Registry of Historic Places, whose owners take advantage of tax credits and grants that have allowed many legacy properties to successfully be rehabilitated. Those historic tax credit benefits have returned many historic properties in the South East to uses supporting vibrant neighborhoods. They are currently being relied upon to address the blight at the corner of Clinton and Main Streets and the historic Calvary Saint Andrews Church building. The clear criteria that determine legacy buildings should be listing on the National Registry of Historic Places and not a separate City-adopted list.

As discussed above, the proposed zoning rewrite would not recognize or protect historic district properties and only encourages demolitions. These demolitions are incentivized because there are few limits on demolitions and it would allow investors to then more lucratively build up to the allowed 6 stories, rather than protect the legacy one and two story industrial buildings next to which modest houses exist that we were told would be preserved when we supported the 2034 Plan. There is nothing in the proposed Zoning code that would ensure that this sacrifice of the community would result in affordable homes for City residents rather than the more lucrative market and above rentals.

8. Tree cover

We support the City Administration's focus on increasing tree cover to encourage social health, walkability and mitigate the effects of climate change and the need for air conditioning. We believe the building dimensions allowed in this zoning rewrite will imperil our current tree-lawn and yard trees and prevent the survival of any new trees planted on sidewalks lacking trees. There appears to be no provision in the Code to require or support space for trees in the sidewalks bordering new developments and the heights allowed will exclude the light and rain that allows trees to grow and be healthy in yards and tight neighborhood spaces. We see that recent developments in this area have been built or renovated with no sidewalk space for tree planting, causing broad expanses of sidewalk with no shade.

9. Accessory Dwelling Units (ADU)

We support the reasonable standards listed in the Code for ADU's, including prohibiting in LDR, as ADUs are currently defined.

That prohibition needs to be extended to MDR due to the small lots and the more than doubled potential density changes already proposed, particularly in the already congested South Wedge and northern Highland Park and Upper Mt. Hope areas. The height increase from the common 15 ft. outbuildings to 25 ft and other effects are a problem because of the spatial and visual closeness to neighboring small-lot homes in this area. This would result in the unit being located effectively over another home's small formerly private back yard, potentially endangering children and pets, allowing invasions of night-time lighting, directly facing second-floor bedrooms and noise from competing music and even conversations.

10. Parking Standards

We support reasonable standards on parking for any new build, conversion or adaptive reuse of a building in or abutting a residential neighborhood. This area of the city already suffers the challenges of increased density due to previous conversions to apartments when many homes were built before driveways and increased parking demand due to the location of Highland and Strong Hospitals in our LDR neighborhoods. Although we already engage in multimodal transportation disproportionate to other areas of the city, realistic use of transit options is still limited for people who need to get across town in less than 2 hours, or for early morning and late-night shifts. Inadequate snow and ice removal continues to stymie safe use of sidewalks and bus-stops by seniors, those with disabilities and children, especially those carting groceries. Many people will need their cars until the location of schools and jobs, snow removal and the transit system cooperate.

11. Drive-through restaurants

We support exclusion of both drive-through restaurants and also drive-through windows, etc. in NMU areas that are supposed to be moving in the direction of encouraging more pedestrian scale, walkability and bike-ability. We have for decades supported the City's push to exclude uses that work against walking and biking, like more drive-through and car related shops, but have recently experienced the City Zoning already back-tracking on that direction. They have allowed Lin Gardens to reinvigorate a drive-through use that was forbidden as a condition of opening

when they purchased the property, at a time when the Ford Street/Mt. Hope/Gregory intersections was much less busy and dangerous than it is now. They have allowed a polluting car painting and repair shop to open in a non-conforming use property where the non-conforming "used auto sales" use had long been extinguished due to not being used in that manner.

12. Planned Development Districts (PDD)

We support defining a Planned Development District as an overlay of an existing district and incorporating the requirements of each PDD into the draft code. A PDD should be defined as an overlay of an existing district that is consistent with the surrounding neighborhoods and uses. In this way, a PDD that reverts, desires to change the uses beyond the existing approval or modifies the site plan would be subject to the regulations of the underlying district.

The draft code does not include the individual requirements of the PDD as are recited in the existing code as Attachments (ref: https://ecode360.com/34187497#34187497). We believe it is important to incorporate these into the proposed draft code. While PDDs' do contain their own requirements and restrictions, there are dozens of instances wherein the PDD approvals reference the existing code outside of the PDD approval that are applicable. Many of these requirements have changed in the draft code and/or are dependent upon the individual district requirements. The PDD documentation with the appropriate updated code references need to be incorporated into the draft code and able to be reviewed by the public prior to public hearings.
The draft Code recites the requirements of approval concerning Planned Development Districts. The proposed code in section **12.5 C (1)** states:

> "A development concept plan shall become null and void one year after the filing date with the City Clerk, and the zoning district shall revert to the prior zoning district if an incremental development plan is not submitted for approval."

With the draft zoning update there is not an underlying district assigned to each Planned Development (PDD). Many existing PDD's were previously IPD's in the 2002 code; that designation was abandoned in subsequent updates. Lacking the assignment of an underlying district, any changes to an existing PDD that are not addressed within the PDD approval would be unregulated / unaddressed. Recognizing a PDD as an overlay of an appropriate underlying district would address this.

WHAT WE DO NOT SUPPORT

1. Short-term Rentals in NMU and BMU districts

We do not support allowing short term rentals in the residence-abutting properties in NMU or BMU districts. All of the impacts to LDR and MDR homes and neighborhoods that caused Airbnbs to be prohibited in LDR and MDR continue to affect the homes when the short term rental is next to or behind them on the NMU streets like Mt. Hope, South Avenue, Clinton or Goodman - including over-flow parking on the residential street, noise, parties and the behavior

of transient over-night or short-term customers.

2. **Bed and Breakfasts in LDR or MDR**

   We do not support Bed and Breakfasts in LDR or MDR due to over-crowding, customers disproportionately taking up already-limited neighborhood parking and people not living in the area as a neighbor would, but often behaving like a transient hotel customer.

3. **Boarding Houses**

   We do not support Boarding Houses in LDR and MDR. For example, a 4-bedroom home, according to the new regulations can have up to 2 people per room - thus 8 unrelated people in a LDR or MDR, creating over-crowding, parking issues, noise and general quality of life issues. They are not in character with neighborhoods made up mostly of families in single homes, doubles and sometimes triples. We already have long first-hand experience with students housed in single-family homes turned into not-legal Boarding Houses. It impacts the quality of life on our streets, affecting the ability to sleep and live peaceably with increased noise, monopolizing limited parking and increasing late-night disturbances. The solution is not to throw in the towel and legalize them. Boarding Houses in any other areas should be regulated and enforced by a C of O and regular inspection to ensure that attics, porches and basements are not being used as sleeping spaces. A manager should be on site at all times. Sorority and Fraternity houses should not be allowed in LDR and MDR.

   We note that the City has re-designated some buildings that now contain service-related supportive housing in this area as inns, lodges, boarding or rooming houses (see East House and VOC). Given that prior use has been used as a precedence for allowing future uses - these not-for-profit institutional properties should be characterized as charitable developments, not characterized the same as a for-profit dormitory, boarding or rooming house.

4. Impermeable lot standards

W*e* do not support the impermeable lot standards in the residential yards to the extent that allowing non-green coverage will result in higher heat surrounding our neighborhoods and houses that do not have air conditioning, and will encourage more yards surrounding the homes to be used as parking to support the increased density encouraged in the MDR neighborhoods. Code Enforcement is already challenged to enforce the back yards paved over and illegal parking that exists due to their limit to being able to enforce only what they can see from the sidewalk and not working night and evening hours where the illegal parking is most apparent. **We do support not allowing gravel to be equivalent to permeable material.**

5. **Charitable institutional use**

   We do not support the change from charitable institutional use of the properties of the Al Sigl, St. Johns and Episcopal Senior Life campuses to high density residential (HDR), or the change of the ancillary Highland Hospital Garage from R1 to HDR *or* FMU. These properties all exist in single-family residential neighborhoods, some in Preservation Districts or surrounded by an Olmstead Park, and the development of the non-conforming campuses has been negotiated with bordering neighborhoods in which they are sighted over many decades to support the charitable

uses without unduly impacting the residential areas. This has already proved not entirely successful, but the proposed change worryingly dispenses with any neighborhood in-put, any real requirements to fit with the neighborhood and with the charitable character of the current longtime uses - potentially encouraging cash-strapped not-for-profits to sell to purely for-profit investors who can then cash-in by converting to or building dense residential housing in the middle of low density residential areas. All protection of the neighborhoods on which they relied when agreeing to the increased height and use of the properties will be dispensed with. This is not consistent with protection of neighborhood character, nor with recognition of previously imposed conditions of use or building.

6. Standards not supporting neighborhood character

We do not support the building standards proposed that are not protective of the character of our residential areas, with inappropriate heights and largely imposing design standard only on street fronts and allowing long expanses of unadorned virtually solid walls to border the sides and backyards of modest homes. This will be visually blighting and exacerbate our neighborhood excessive-heat problems. These problems are not mitigated by the minimal set-backs and screening required, which will barely improve the visual and other blighting of such massive buildings bordering small houses' yards where they previously enjoyed sky and trees and free air circulation.

7. Re-designation of the South Wedge

We do not support re-designating the South Wedge from R-1 and R-2 to Medium Density Residential; the residential area is predominately one and two family homes.
The South Wedge residential areas currently zoned R-1 and R2 should be designated as Low Density Residential in the new code based on a house to house survey by the South Wedge Planning Committee Inc. and verified by the City's property information website.
We do not support it being characterized as MDR because of the drastic change in definition in the proposed code from R2 (predominantly one and two family) to two to four unit residences. Currently, in Census Tract (CT) 32 (the "top" of the Wedge) 90 percent of the housing units are rental. Overall, the average for the South Wedge's three CTs is 76 percent, up nearly 10 percent in five years. Allowing conversions of single and two-family homes that meet requirements to up to four units and without notice to neighbors and a process will exacerbate already stressed space limitations. Many of the historic streets in the South Wedge are narrow, and houses are close together, many without driveways. Doubling or quadrupling units in these situations not only diminishes the character of the housing stock but deteriorates the quality of life for the residents.

8. Rezoning of 885 South Avenue

We do not support the rezoning of the UR owned Highland Hospital ancillary parking garage located at 885 South Avenue (ref: SBL 121.79-1-6) to HDR.

This property is currently zoned as R-1 Residential having been granted a variance as an ancillary parking garage with an understood height restriction when approved. Rezoning this as an HDR, thereby allowing a maximum height of up to 65 feet, is wholly inappropriate in relation to the

surrounding existing LDR property characteristics and Greek Orthodox Church and Linden South Historic District as well as the nearby existing two-story apartment buildings. We support rezoning this parcel as **MDR,** consistent with the facing residential properties**.**

9. Designation of South Wedge as Downtown Mixed Use (DMU)

We do not support designating part of the South Wedge as Downtown Mixed Use.
We support and appreciate the change in designation of Mount Hope Ave., South Ave. and parts of South Clinton Ave. to Neighborhood Mixed Use from Flexible Mixed Use during the 2034 Plan process. This designation makes sense for this area based on structure heights of the current properties and surrounding properties as long as appropriate heights of four stories, or up to 40 feet, are maintained moving forward.

a. However, what does not make sense and what we do not support is the exclusion of the northern section of this area where these three arteries stem south and its proposed designation of Downtown Mixed Use. The I-490 expressway and ramps and Frederick Douglass/Susan B. Anthony Bridge effectively physically cut the neighborhood off from Rochester's downtown. The skatepark is built under the bridge, and the Genesee River Trail hugs the Genesee River. There is no sense of being downtown exiting the South Ave. ramp to the three arteries. To the right, at 1 Mount Hope, is the Skalny Building, a historic mill site and one of the city's oldest buildings, built in 1820. Heading south, the mixed commercial and residential buildings are all at 19 C. neighborhood scale, mainly two to four stories, with the exception of two subsidized residential towers.

b. These arterials cross and encompass residential streets of mainly two-story Victorian-era homes. Downtown-scale development would not support the 2034 Plan's Initiative of Reinforcing Strong Neighborhoods, nor would it maintain historic character in any form, nor encourage walkability, nor enhance a neighborhood environment. **We support the designation of Neighborhood Mixed Use that protects the vista of the river.**

ADDITIONAL COMMENTS

1. **Owner-occupied Bed & Breakfast property use**

We do support Bed and Breakfasts when they are actually owner-occupied, with an updated C of O and frequent inspections, registered on a City-wide data base, and dedicated parking for clients. Again, Code Enforcement of the above-mentioned restrictions will be essential, but almost impossible to monitor as long as it relies only on what an officer can see from the sidewalk. How many bedrooms are really being used? Is the owner actually living on-site? Unfortunately, currently these requirements appear to be unenforceable. Uses should not be allowed when the departments primarily relied upon to make the code work as intended are not able to enforce to limitation.

2. **Legal Bed & Breakfast, Short-term Rental and Boarding Houses**

Any legal Bed and Breakfast, Short Term Rentals and Boarding Houses should follow the same rules as non-owner-occupied multifamily houses, including an updated C of O and frequent

onsite inspections, registered on a City-wide data base, business license, dedicated on-site parking for clients, lead testing, and subject to nuisance points. Where legal, Bed and Breakfast, Short Term Rental and Boarding Houses should be owner-occupied. Again, Code Enforcement of the above-mentioned restrictions will be essential, but almost impossible to monitor and enforce as long as it relies only on what an officer can see from the sidewalk. How many bedrooms are really being used? Is the owner actually living on-site? Is there an effective late-night local contact? As discussed above, currently these requirements appear to be unenforceable.

3. **Aging in Place**

Due to the volatile housing market SWPC and NBN6 have been brainstorming ways to help seniors stay in this highly-taxed neighborhood and continue to stabilize our streets. Programs involving duplexes for seniors or families to help them with property costs and/or build wealth for their futures seem like a far stretch as out-of-town, -state, and -country investors snap up properties that aren't even on the market. Our own city residents suffer and are priced out of their neighborhoods as these absentee landlords rent out individual rooms with no repercussions.

4. **Community Notifications**

In the proposed new code community notifications have been eliminated, except for what the Zoning Manager deems necessary which could have major impacts on neighborhood character and history, as well as quality of life issues. This can not be accomplished by a mere email to a neighborhood leader using the list of neighborhood leaders, maintenance of which has not managed to successfully notify them of zoning related issues for years. This is particularly the case when those leaders change often and are largely volunteers, with little or no support from the City for organization or technology, etc.

5. **Enforcement**

Ability to enforce the code

The zoning code rewrite is predicated throughout on reliance on Code Enforcement or police enforcement of uses and nuisances, yet there are not enough officers in either department, and those that we have are already too overburdened since COVID to adequately enforce serious health and safety issues. It is not rational to expect them to enforce important limitations related to newly-allowed uses that will result in nuisance problems like noise, partying, and sometimes violence or enforce other uses such as whether a Bed and Breakfast or ADU is actually owner-occupied, or the number of bedrooms and people being boarded in a Boarding House in a residential area. These latter examples cannot be enforced based on what an officer can view from the sidewalk - which is the current standard.

6. **Community Design Standards**

The current code allows a neighborhood to create design standards. The DGEIS States that this provision was never used and proposes to omit it from the proposed code. The South Wedge

Planning Committee went through a two-year process to design just such guidelines led by a Design professional Board member. The proposal was unexpectedly dropped after being submitted to the City. Neighborhoods should have the opportunity to develop design standards for their neighborhood.

7. **Maintaining Certified Local Government status** There are dozens of neighborhoods within the City that have received Historic District status from the New York State Historic Preservation Office (SHPO). These districts are recorded as such in the New York State and National Register of Historic Places. This provides eligibility for many grant and tax credit programs to assist in preserving the historic character of designated neighborhoods. The City of Rochester is currently deemed a Certified Local Government by SHPO by which City homeowners may utilize these credits. Our understanding from SHPO is that without the review of the proposed code by the State the City's Certified Local Government status may be lost and the eligibility to receive the benefits of these programs would end. We strongly support the review to be completed prior to the adoption of the new zoning code.