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Subject: Comments on Current ZAP Proposed Recommendations

Good afternoon:

I would like to add these comments for consideration regarding the current Zoning Alignment Project (ZAP) proposal up for review. After finding out the public comments would be reviewed on April 25, I sent an email to the Zoning department on April 6 regarding a deadline for the comment period but have received no response to date, so I wanted to make sure these would be included in this round.

First, South Wedge Planning Committee appreciates the time and effort going into the zoning code revision process. It must be a monumental task to not only update and modernize the code but to also align it with the *Rochester 2034 Comprehensive Plan*.

We also appreciate your applying some of our comments on the 2034 Plan to our neighborhood for the Plan approval three years ago, most notably re-designating much of the arterial zoning to Neighborhood Mixed-Use from Flexible Mixed-Use. This designation will help maintain the character and scale in our historic neighborhood. Maintaining that character and scale is the basis for most of our comments on the current proposal.

Components/Code Changes

- **MDR and permitted conversions:** Redesignating the South Wedge from R-1 and R-2 to Medium Density Residential has been a concern. Currently, in Census Tract 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 without permitting and without notice to neighbors 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.** Recently 9 Hickory Street was allowed to convert a garage to an apartment unit, which **opens up an additional floodgate for every absentee landlord with an outbuilding** to add a fifth unit to the chaos.
- **Boarding houses and Bed & Breakfasts allowed in LDR and MDR without a process for regulation or licensing:** In the afore-mentioned 9 Hickory St. property the approval was granted on the condition that the main house remain single family. Since the property owner does not plan on living at the house now, it **presents several opportunities for renting rooms or for renting to one tenant who rents space to any number of others—something that has been an ongoing issue for South Wedge residents**—and now in addition to a garage unit available for the same tactics. While the code provides “standards” for these entities, **there is no way to legally regulate usage or enforce the standards under current**

enforcement procedures. In addition, there is **no mention of Air B&Bs at all.** As an aside, the landlord on Hickory has already moved a problem tenant into the main house, and neighbors are livid.

- **Homeownership and Quality Affordable Housing are Priorities for SWPC:** Due to the volatile housing market SWPC has 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 vultures rent out individual rooms with no repercussions.
- **Multi-story Mixed-Use Development on the Main Arteries:** Promotion of multi-story mixed use development along the main arteries is particularly relevant to the South Wedge because there are three running through our neighborhood. Without residential parking requirements **this will create additional stress on parking availability on overloaded side streets** because all three arterials cut through established residential neighborhoods. It is not realistic for the City to think that tenants moving into the apartments or condos will not bring cars with them, especially given the complicated and user-unfriendly public transportation system. Additionally, contextual design guidelines are particularly important for properties along these zoning district boundaries. New construction in districts that allow for higher density and taller buildings should consider the character of the adjacent buildings especially those in a lower density district, and we urge you to think of this as you work on height restrictions, setbacks, etc. **Contextual design requirements could mitigate unintended adverse effects by requiring things such as gradual building setbacks, creative building massing, or site design that lessens the potential for stark visual differences between the two districts,** such as a six-story block building adjacent to a 2.5-story Victorian house (see the Gold Street Lofts on Mount Hope Ave.)
- **Maintaining Neighborhood and Historic Character:** It's important that the new zoning code **include an easy-to-read, visually clear set of contextual design guidelines readable by both the layperson and the developer/professional to understand what is appropriate beyond permissible uses.** The South Wedge is not a preservation district but is a historic neighborhood listed in the National Register of Historic Places and includes the South Avenue/Gregory Street Preservation District. The residential streets have unmistakable character that deserves to be preserved and respected in new construction, especially in the mixed-use development areas noted above along main arterials. Currently there is a site plan review at **29 Averill Ave.** that the City SPR map lists as "in progress." The proposed house (on a vacant lot) is **the complete opposite of any property on the entirety of Averill Ave.** It is a 3-story box, industrial/modern, stark, with a glass-enclosed garage in the front of the ground level floor that is surrounded by Victorian-era homes. There is a mansard roof three houses away and Calvary St. Andrews church farther down. There are other areas of the city where this house would look perfectly comfortable, but not in the South Wedge. Design guidelines would **allow thoughtful construction and development to progress but with respect to the character that makes a neighborhood unique and special.**
- **Lack of Code Enforcement:** By permitting so many uses without neighbor notification as the latest ZAP recommendations propose, there will be less and less enforcement, and the quality of life will deteriorate accordingly. COVID19 rendered the enforcement system

completely useless. There **has to be some sort of accountability put into place again** for property owners running boarding houses, Air B&Bs, B&Bs, and other businesses based in residential properties on or off the radar.

The ZAP Process

- **Documents provided on the ZAP website take a lot of time to decipher:** Even with some knowledge of zoning the proposed charts, tables, standards, and definitions are **painstaking to navigate making it unlikely that residents and small business owners would take the time to pore back and forth through pages.** If someone does not have access to a computer or a printer, it is even less likely that he/she will pursue educating himself/herself. The accompanying maps were not available for print until after the public meetings, making the proposal more difficult to explain to committees or block clubs or neighbors. **There must be some way to simplify the material in a bulleted summary and offer the more detailed documents as backup.**
- **Components presented are incomplete:** The setbacks, height restrictions, property sizes, etc. have not been compiled by City Zoning yet, so when asking questions or commenting at the meetings, we've been told that those components will be in the next group of recommendations. It is **hard to comment constructively and effectively when the parameters have not been set and not all of the information is available.**
- **Public meetings and comments:** There were five public meetings, only one accessible by Zoom with limited seating. People from all over the city were welcome at any of the meetings. This was good, but it also **allowed certain groups to push their own agendas** by “stuffing” the comments “boxes” as **comments taken were anonymous and couldn't be attributed to residents or businesses** in the neighborhood—or in the city for that matter. Several neighbors expressed their concerns about this. It **reduces the integrity of the commenting process and the data received by the City.**

We, again, appreciate the opportunity to offer comments and appreciate the work that is going into this process. Thank you for your time.

Sincerely,
Glynis Valenti

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