



Zoning Alignment Project Comments/Observations on Batch #2 Proposed Code

USES

**Air B&Bs-Short-Term Rentals and Rooming Houses*

SWPC agrees with the recent change to not allow short-term rentals in Low Density Residential and Medium Density Residential. We do suggest that STRs in High Density Residential and Mixed-Use designations be regulated and/or licensed to ensure integrity and that a parking permit program should be required, as in Toronto, ON, that utilizes nearby parking lots for STR guests rather than filling residential on-street parking.

On January 25, 2023, a WXXI 1370 broadcast covered this topic on a show called “1A.” Professionals from the industry and municipalities discussed the impacts of STRs. Steamboat Springs, Colorado discovered through researching online advertising that 3000 of their 10,000 housing units were listed as Air B&Bs or listed on other short-term rental websites—30 percent of their housing. As Steamboat Springs is a tourist destination, this had a major effect on housing for their residents who worked in the hospitality and restaurant industry. Their long-time residents and employees left for more affordable markets. This discovery led to restricting the number of short-term rentals in the town and not allowing them at all in certain neighborhoods that they wanted to preserve.

SWPC supports prohibiting rooming houses in LDR/MDR. The southeast and parts of southwest are inundated with an over-flow of students due to lack of on-campus housing for UR and other students. Hence, many single-family homes have been turned into de facto rooming houses. For example, a 4-bedroom home, according to the new regulations can have up to two (2) people per room, thus eight (8) unrelated people in a LDR or MDR, creating over-crowding, parking issues, noise and general quality of life issues. A city standard should be no more than three (3) unrelated people.

SWPC does not support permitting up to eight (8) bedrooms in hospices in MDR. As essential as these residences are, allowing so many patients per facility will affect surrounding MDR residences, as mentioned above. The number of vehicles necessary such as ambulances, medical transport, nurse visits, medical device delivery, and family member visits can overload a residential street if limits are not implemented and managed.

**Accessory Dwelling Units (SWPC received no response to these questions from August 2022)*
SWPC would like to know if the City will be proposing a dedicated Section to the Code on ADUs.
Article 15 of the proposed Zoning Code Draft **notes garages but not accessory dwelling units.**

SWPC would like to know if the City will still allow garages to be converted to ADUs after the adoption of the new Code or if Special Permitting be required.

In **provision #15-1-I**, the Code **prohibits cooking facilities and a full bath** and does not allow **plumbing fixtures above the first floor**. Recently the **City allowed a new property owner to convert a garage to**, what neighbors were led to believe was, an **“in-law apartment”** for his own family moving into the main house at 8 Hickory St. After he was granted the permit, **he moved a bad tenant into the main house and began working on the second unit in the garage. Under the new Code he may be able to also convert the main, single-family house into up to four units.** This **does not promote homeownership and stabilization of neighborhoods** but, instead, encourages the worst-case investor scenarios, especially since these properties and **changes could be as-of-right with no public notice, hearing, or opportunity for neighbors who will be affected to provide input and insight.**

SWPC recommends that any accessory structures (or their conversions) and ADUs need to comply with additional requirements in Preservation Districts or if they are adjacent to a Preservation District.

**Vacant Ground Floor Commercial Space*

SWPC is disturbed by the trend of **using unleased, ground-floor retail space for parking**. While the City and developers have been pushing and building **mixed-use buildings with ground-floor retail space on main transportation corridors**, this concept is failing. Residents who live in these buildings say the tenancy rate is far from full. Worse, retail space that has remained vacant since opening in the past three years is now being converted into parking, as one can see through the dirty plate glass windows at 270 East Ave. (facing N. Union St.) and at Gold St. Lofts, 1188 Mount Hope Ave. **If this is an allowable use of ground floor retail space, SWPC opposes this.**

STANDARDS

Design Standards

**Emphasis on Street-facing Facades*

Design standards appear to be focused solely on the street-facing façade and allow solid walls in the rear and sides of NMU buildings adjacent to modest homes. This standard does not take into account serious considerations of potentially blocking sunlight, air circulation, and significantly raising the temperature for neighboring 19th century homes. Additionally, solid walls are unattractive and diminish the aesthetics of a residential street.

**Home/Work Units*

SWPC is concerned that with the permitting of so many non-conforming uses as of right and the requirement that no inventory be visible at home/work units, it may encourage diminishing front window sizes to the minimum and eliminating historic 19th century large windows, affecting the character and integrity of the home and street.

ZAP proposed code versus other guideline documents

**Permeable Areas on Properties*

SWPC supports measures to diminish negative effects on the environment, including reduced emissions, stormwater/runoff controls, recycling, and alternative sources of energy. The *Climate Action Plan* addressed mainly emissions and water protection, with a mention of efforts to plant and maintain a healthy number of trees each year but noted that planning and zoning initiatives could be instrumental in creating a healthier environment.

The South Wedge has many streets lined with 19th century homes built to use passive solar and use plantings and liberal air circulation to cool the houses during the summer. **When talking about impervious materials, the ZAP proposal notes area limits of 50 to 65 percent for parcels but not the materials allowed in the permeable areas. City Zoning staff relayed in discussions that acceptable materials would include stone and gravel, which hold heat, rather than vegetation, which reduces heat.** It appears to merely allow a cost-effective option for developers that **addresses drainage issues but ignores the effects of global warming.**

Rochester Climate Action Plan, page 82: NYSERDA, Planning Initiatives, “Comprehensive planning, zoning amendments, predevelopment technical assistance for projects, or other innovative planning-related initiatives ...will prepare a community, region, or project for a more sustainable and resilient future.”

**Neighborhood Mixed-Use*

SWPC supported the Neighborhood Mixed Use (NMU) designation along the South Wedge arterials because it is adjacent to residential streets where homes are, at tallest, approximately 30 feet, or two and a half to three stories. **The approved 2034 Plan recommended a four-story limit for this designation (approx. 40-50 ft) and several discussions with City Zoning staff at that time confirmed this height standard. The current ZAP proposal describes the NMU height limit as 55 to 65 ft (5 to 6 stories.)**

An example of the impact of this change in height can be seen by the construction of the Gold Street Loft next to a single-family home. The increased height and density have major implications for Mount Hope Ave., S. Clinton Ave., and South Ave. areas that are approved for NMU and the residential streets behind them. **A 65 ft structure built with an additional two floors of units would certainly overshadow bordering houses and create overflow parking on residential streets that already lack sufficient on-street resident parking.**

Rochester 2034 Comprehensive Plan Future Land Use page 35: Building Heights “limit of four stories recommended.”

Convertunits.com: **average building story height** equals 10.82677165354335 feet. This figure was confirmed by a local architect.

**High Density Residential*

SWPC does not support properties in sensitive areas such as Preservation Districts being rezoned as HDR. This is being proposed for two properties designated “Institutional Planned Development”— St. John’s Home and Episcopal Senior Living. These are two historic charitable uses allowed to expand because of their important community service and have peacefully coexisted with surrounding homes for a century. As ESL is in a Preservation District, the change to HDR is unjustifiable and could have major implications for adjacent residential properties given the vast range of uses allowed under HDR that are inappropriate for these areas.

SWPC does not support the rezoning of current R1 properties on Manor Parkway to HDR. The noted properties are wooded and green space areas that border a Preservation District and R1 single-family homes. HDR would allow 20+ units and up to 11 stories with the lot frontage next to single-family homes and protected uses such as children’s nurseries, recreation fields and historic Rochester properties.

Rochester 2034 Comprehensive Plan Placemaking/Future Land Use page 33: “In many areas, the desired character is consistent with the existing character. The Placemaking Plan then serves as a guide for preserving and strengthening that character.”

Rochester 2034 Comprehensive Plan Historic Preservation page 199: “Historic properties safeguard the city’s heritage, stabilize and improve property values, foster civic pride, enhance the city’s attraction of tourists and visitors, and strengthen the economy.”