



# **CITY OF ROCHESTER DOWNTOWN DENSITY UPDATE**

**Acknowledgements**

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## Section 1.01 Introduction

Many long-time Rochester locals have vivid memories of Rochester's robust downtown, the hubbub of activity that once was. There's significant pride in Rochester's history and sincere aspirations for a downtown resurgence.

Unfortunately, a long period of stagnation has occurred in the downtown. Regulatory obstacles combined with serious deferred building maintenance has re-routed investment to other areas. Downtown has languished. The good news is that this trend is reversible and there's desire and momentum for a u-turn. It will take continued focus, leadership and old-fashioned hard work to get there. But, a resurgent downtown is entirely within reach.

Rochester's downtown can again be a vibrant commercial center with unique local and regional-serving retail and service businesses intermixed with great restaurants, a lively arts scene, a robust residential population, and can once again serve as a destination. The grand historic buildings are the means to pivot Rochester back to this reality. They are the backbone of the community and the backdrop for this vision.

The City of Rochester commissioned this analysis to better understand the zoning and regulatory barriers to private-sector downtown investment with the intent of lessening those barriers. This report identifies regulatory barriers and provides recommendations on how best to lessen or eliminate them. This report also attempts to highlight other obstacles that may be affecting the flow of investment monies into the downtown.

## Section 1.02 Background, Purpose, Method

BendonAdams is a land use consulting firm based in Aspen, Colorado. Founded and staffed by long-time municipal planners who now help both public and private clients bring development projects to fruition, BendonAdams brings a unique perspective to development policies and the endless work of elected officials and their professional staff in achieving community goals.

The City of Rochester received a Municipal Technical Assistance Grant from Plan NH and Community Block Grant funds through the U.S. Department of Housing and Urban Development. The effort intends a set of zoning revisions to encourage a variety of housing types in a walkable and commercially successful downtown.

BendonAdams has been retained to review Chapter 42 – Rochester's Zoning Ordinance – with specific focus on the Downtown Commercial Zone District. Based on findings from a series of one-on-one and small-group interviews with key community members, elected and appointed officials, and professional staff, this analysis is intended to inform a series of adjustments to the Zoning Ordinance to remove investment obstacles and

## Section 1.03 Relationship with Design Guidelines and Historic Overlay District

bolster downtown Rochester.

The City of Rochester has also retained BendonAdams to update the Design Guidelines and Historic Overlay District Ordinance. These efforts are occurring simultaneously and are intended to work in tandem. For both efforts to be most effective, strong cohesion between zoning regulations, the design guidelines, and the process by which downtown development is re-

## Section 1.04 How to Use this Report

viewed and approved is paramount.

This draft report contains an analysis of zoning barriers to downtown development in Chapter 2 and a review of potential process barriers in Chapter 3. Draft recommendations for lessening or removing these barriers are contained in the analysis and are highlighted in the Summary Section below. These recommendations will inform an amendment to the Zoning Ordinance. This analysis is intended to spur conversation regarding the recommendations – to modify, add, delete, and fine-tune them at a policy level before finalizing the analysis and engaging in code writing.

If there is one overall theme that emerges from this study, it is that while regulatory barriers exist there are multiple obstacles to downtown investment and a comprehensive approach is needed to reverse this situation. Just amending the zoning code may not result in the desired investment. Chapter 4 contains a review of "non-regulatory" barriers to downtown development that surfaced during community outreach. While these are arguably outside of the scope of this zoning analysis, discussion of these barriers may be important to the long-term trajectory of downtown Rochester.

## Section 1.05 Summary of Recommendations

- Section 2.03** *We suggest lowering minimum parking ratios.*
- Section 2.03** *We recommend basing parking ratios on net leasable square footage. Alternatively, Rochester could stay with a gross square footage requirement accounting for common areas with a slight lowering of the ratios.*
- Section 2.03** *We recommend a consistent parking ratio for all commercial uses or an outright waiver for commercial uses in the immediate downtown.*
- Section 2.03** *We recommend lowering the parking ratios for smaller units.*
- Section 2.03** *We recommend Rochester review its downtown residential parking regulations and make adjustments as needed. We recommend pairing this with an overall downtown parking strategy.*
- Section 2.03** *We recommend Rochester narrow perceived ambiguity by codifying objective parking reductions.*
- Section 2.04** *To promote projects with moderate residential density, we recommend a significant reduction in the residential parking requirement. Rochester will need to cope with off-property parking and synchronizing this step with enhancements to the downtown residential parking regulations is recommended. To the extent that Rochester wishes to enable four and five-story mixed-use development in its downtown, we also recommend eliminating the density limit.*
- Section 2.05** *We recommend eliminating single-family and duplex uses from the DC Zone. We recommend allowing multi-family buildings as a permitted use for DC properties that do not front a major commercial street.*
- Section 2.05** *To encourage a new hotel in the downtown, we suggest lessening or eliminating the minimum lot size requirement and relaxing the parking standards, if applicable.*
- Section 3.02** *We recommend separating the standards within the Site Plan Regulations into four categories - conceptual review, final review, documents review, and operational requirements.*
- Section 3.02** *We recommend clearer process boundaries and greater reliance on Rochester's professional planning staff to make decisions.*
- Section 3.03** *We recommend the Historic Districts Commission (HDC) be granted the same set of authorities as the Planning Board for projects within the Downtown Commercial District.*
- Section 3.04** *We recommend the Site Plan Regulations be screened for this term "appropriate", minimizing its use to situations where no better guidance can be provided.*
- Section 4.02** *We recommend a group be officially tasked with improving the economic health of downtown and encouraging investment in downtown development and building rehabilitation.*
- Section 4.02** *Rochester should also explore a redevelopment authority.*
- Section 4.03** *We recommend Rochester strengthen regulations and be more forceful regarding dilapidated buildings.*
- Section 4.05** *We suggest a lower "natural speed" downtown be a goal of this traffic and wayfinding effort.*
- Section 4.06** *We suggest Rochester explore parking management strategies to heighten accessibility to downtown and better deal with special events.*

## Section 2.01 General

The purpose of this section of the report is to identify some of the key provisions of Rochester's Zoning Code and Site Plan Regulations that present regulatory obstacles to upgrading, redeveloping, or building new buildings in downtown Rochester. The findings in this section are based on the comments provided by the persons whom we interviewed in one-on-one and small group sessions along with a review of the Zoning Ordinance (Chapter 42) and the Site Plan Regulations.

## Section 2.02 Heights and Setbacks

Rochester's Downtown Commercial (DC) Zone District allows for substantial buildings. A maximum height of five stories (with no dimensional limit) enables significant commercial, lodging, and mixed-use buildings. Zero-foot setbacks are permitted on all sides of a parcel, except for a 15-foot setback requirement along rear lot lines. These areas allow for trash and utility needs. Rochester requires commercial buildings adjoining residential uses to reflect similar setbacks and either a lower height or increased setback. This provision achieves a physical transition between uses. A minimum height of 20 feet and a maximum front yard setback of 10 feet ensure that new commercial buildings in the DC reflect the urban nature of downtown and do not erode the traditional compact fabric. In our opinion, the permitted heights and setbacks are not an obstacle to downtown development.

## Section 2.03 Parking Requirements

High parking ratios are typically a barrier to infill development and the repurposing of historic buildings. Older buildings tend to pre-date parking requirements and many pre-date zoning regulations all together. In many communities, this is a major obstacle to repurposing older buildings. Rochester has some regulatory sympathy for historic buildings. The Zoning Ordinance exempts existing buildings and existing uses from the parking requirement. We feel this philosophy needs to be expanded.

Rochester maintains a set of minimum parking requirements. This is typical of the vast majority of towns across the country. Some municipalities are steering away from minimum parking requirements – either abolishing the requirement or going further and creating maximum parking caps. These strategies tend to be used in dense, pedestrian-oriented downtowns with a significant draw, a high level of transit, and traffic congestion issues.

Rochester's minimum parking requirements are on the high side compared to other municipalities. Most com-

mercial uses require 3.5 to 5 parking spaces per 1,000 gross square foot. These ratios are usually found in suburban areas, where little to no street parking exists and a developer plans parking for the once per year 'Black Friday' scenario. *We suggest lowering these ratios.*

Basing the requirement on gross square footage provides a hidden increase in the parking requirements. Most commercial leases are based on the net leasable area, exempting circulation corridors, elevators, lobbies, and similar common areas. Buildings with common areas and circulation, usually those with multiple tenants, have a parking ratio that is artificially high. *We recommend basing parking ratios on net leasable square footage. Alternatively, Rochester could stay with a gross square footage requirement accounting for common areas with a slight lowering of the ratios.*

Rochester's parking ratios are different for each specific type of commercial enterprise. A professional office needs slightly more parking than a general office and slightly less parking than a medical office. This can make routine changes in commercial tenancy very difficult. For example, a dentist moving into a space formerly occupied by a CPA may encounter a parking obstacle. Parking requirements for restaurants are by the number of seats, making the conversion from gross square footage to seat a difficult mathematical equation. With this type of parking approach, routine tenancy changes can become complicated and require City involvement. Unwinding a parking ratio discrepancy can divert commercial investment to less-complicated locations.

Businesses come and go. A downtown will experience routine tenancy changes, including changes between use categories. Retail will replace a restaurant. A restaurant will expand into an adjacent space formerly occupied by an office tenant. A new tenant will go into a space that was vacant and nobody can remember what was there before. The current use-by-use parking requirements present a barrier to this natural evolution.

*We recommend a consistent parking ratio for all commercial uses or an outright waiver for commercial uses in the immediate downtown.* This will eliminate an obstacle to tenancy changes and allow downtown commercial spaces to better compete with spaces in surrounding areas. This will also relieve staff of some administrative burden. The indecipherable parking impacts of a medical office taking space formerly oc-

cupied by a professional office are not worth staff resources.

A per-unit parking ratio is tougher to meet for smaller units. We expect the target market for downtown residential development to be one and two-bedroom units with a focus on young professionals. The parking requirement for a studio or one-bedroom unit is the same as for a 3 or 4-bedroom unit. *We recommend lowering the parking ratios for smaller units.*

Lowering parking ratios to encourage downtown residential development will not eliminate the need for residents to park. While the target occupant may, on average, have fewer cars and/or have less everyday need for a car, off-site parking demand will increase with more people living downtown. Lowering or eliminating the parking requirements for residential development will place more pressure on Rochester's overall parking strategy. *We recommend Rochester review its downtown residential parking regulations and make adjustments as needed.*

Some developers may still choose to provide parking along with downtown residential projects. Site attributes will dictate a developer's decision to provide

### **Example:**

A typical parking lot requires roughly 350 square feet per car. This number accounts for the actual parking spaces and driving lanes for access and circulation. Residential development requires 2 parking spaces per dwelling unit. A new multi-family building of 24 units will require 48 parking spaces consuming almost 17,000 square feet of land.

Adding five of these projects in the downtown area will require roughly 2 acres of parking. Even if this type of footprint could be found, the amount of surface parking would break up the streetscape and dilute the commercial atmosphere downtown. Required parking is a barrier to residential development downtown and we recommend lowering or possibly eliminating parking requirements for downtown residential development. We recommend pairing this with an overall downtown parking strategy.

parking. Some sites have no or very limited ability to provide parking. The Hartigan Block building, for example, has no opportunity to add parking while the upper floors could be converted to residential use. Other sites provide simple parking opportunities and a developer may choose to provide parking to address market demands. The One Wakefield property appears to include resident parking.

We do not expect the near-term market to support on-site structured parking for residential development. Adding a parking garage to a project can represent \$XX,000 per space. A subgrade garage can increase this to \$XX,000 per space. We do not expect renters will see the value of a \$2-300 monthly rent increase and instead will be satisfied with surface parking. As Rochester's downtown gains strength, this dynamic will change.

The discretionary review process to adjust parking ratios may not lessen the barrier in the eyes of an entrepreneur. The review standards appear very loose, very discretionary, and do not provide a solid picture of success. The Planning Board "may" reduce parking requirements "on a case-by-case basis" by using its "reasonable discretion" and if the proposal is "appropriate." A series of considerations are listed, which are helpful. Some applicants may anticipate a public hearing regarding parking as an opportunity for "topic creep." An applicant may worry that while the agenda says "parking," the discussion will focus on the business type or type of resident. A vape store may be treated differently than a bank or a medical clinic. Housing for at-risk residents may be treated differently than market-rate housing. Whether these concerns are justified or not, discretionary public hearing processes with loose criteria increases the perceived risk for a developer which in turn can have a chilling effect on downtown investment.

Even if not concerned about topic creep, a developer must hedge against a negative outcome. We picture a developer of a downtown property having a public hearing regarding fundamental site planning and project programming after buying the property and after investing in engineering and architectural services. Uncertain of an outcome, a developer will assign significant risk to this review, possibly enough risk to avoid engaging in the project. Public review processes with ambiguous criteria represent obstacles to investment downtown. *We recommend Rochester narrow this perceived risk by codifying objective parking reductions.*

### ***Do we have a parking problem?***

Highly desirable areas, attractive destinations, are typically associated with “parking problems.” Places without “parking problems” are also typically places where people just don’t want to go. While having a parking problem is obviously not a goal of Rochester’s downtown effort, a side effect of a more successful and commercially vibrant downtown will be the need to manage parking.

Rochester’s existing inventory of public parking appears to be more than sufficient for the foreseeable future. Strategic parking management will improve the accessibility of downtown businesses. Long-term, Rochester may need to invest in a public parking garage. To the extent Rochester starts experiencing the need for a public parking garage, it is cause for celebration – it is a sign that downtown is thriving.

## Section 2.04 Density Limitations

The City of Rochester recently amended the Zoning Ordinance removing a significant barrier to residential development downtown. The previous lot area per residence requirement limiting properties to one residence per 5,000 square feet of lot area represented a

virtual ban on any mixed-use or multi-family residential development in the downtown area. This standard limited a typical downtown building to one or two residences total. Many developers would see this as a complete non-starter and look elsewhere to develop.



Photo Caption

### ***Case Study: 73/77 North Main Street***

To illustrate density limits, the 73/77 North Main “Hartigan Block” building is used in the following example. [picture] The site is approximately 3,920 square feet with a 100+ year old building built lot line to lot line. There are no opportunities to add parking to the site. Public parking is readily available along the street and within a City lot north of the building. The ground floor is occupied with a commercial venture; the basement is assumed to be unfinished.

The upper two floors of this building could be developed into apartments.

The building has three exterior walls with a window pattern allowing multiple interior layout options. This re-use, rehabilitation of an historic building in downtown providing market-rate housing aligns with Rochester’s aspiration to reinvigorate downtown. The one unit per 500sf of lot area density limit allows a total of 7 residential units ( $3,920 / 500 = 7.84$ ) on this property.

The two upper floors are approximately 3,450sf each. Reducing this gross number by roughly 20% for hallways, stairs, walls between units, and possibly an elevator leaves 2,750sf of net livable area available on each floor.

Four three-bedroom units, two on each floor averaging 1,375sf each could be developed. The square footage and exterior windows would allow for design flexibility for a full kitchen, living, dining, two or three bathrooms and three private bedrooms. These units would be attractive to young professionals and young families. This development program is allowed under the City’s revised density standards.

Six two-bedroom units, three on each floor averaging 915sf each is a reasonable development program for this property. The units would be attractive to young professionals looking for small town/urban living and with little concern for remote/unsecured parking. The units would be moderately sized, allowing a full-size eat-in kitchen, living room, one or two bathrooms, and two private bedrooms. This development program is allowed under the City’s revised density standards.

Ten one-bedroom units, five on each floor averaging 550sf, is also a reasonable development program for this property. These would be small to moderately sized for one-bedroom apartments. A small kitchen, living room, one bathroom, and a private bedroom. This development program is not allowed under the City’s revised density standards – the project is too dense.

We expect a developer would avoid the larger three-bedroom units. Minimizing the number of kitchens is a wise move, but young families may have higher expectations for on-site amenities and secure parking. The market for single professionals may be stronger for this location, leading a developer to a combination of one- and two-bedroom units. The one per 500 density limit presents a slight interference, causing an adjustment to a developer’s ideal program. However, the program adjustment is limited to one unit.

### **Case Study: 13 Hanson Street**

The second example looks at a vacant lot, 13 Hanson Street. This parcel is approximately 10,450 square feet. Neighboring buildings support street-level commercial and this site could support professional offices or retail/restaurant use on the ground floor. The one per 500sf of lot area density allowance provides for a maximum density of just under 21 units ( $10,450 / 500 = 20.9$ ). A mixed-use building built to the maximum five stories would hit the density limit. Parking is also a major factor on this property.



Photo Caption

#### Assuming development of 13 Hanson is allowed without parking.

From the 10,450sf site, a 9,000sf gross floor plate could be created. Reducing this gross number by roughly 20% for hallways, stairs, walls between units, and an elevator leaves 7,200sf of net livable area available on each of the upper floors. A building with three sides open for windows is possible, allowing for maximum design flexibility. Six to eight residences per floor, averaging 900sf to 1,200sf apiece is a reasonable development program for this property. These would be primarily two-bedroom units, with a possible one-bedroom and three-bedroom unit per floor.

A development program with four full floors above a commercial level, six units per floor represents 24 units total – four units over the density allowance. An eight-unit-per-floor program represents 32 units – twelve units over the density allowance.

For this property, the newly adopted 1/500 density limit may still present an obstacle. Limited to 20 units, a developer of the 13 Hanson Street property is unlikely to build to property's full potential. A building with ground floor commercial, two levels of residential above, with maybe a partial third level of residential is the likely scenario. Building units with more bedrooms – 3 and 4-bedroom units – avoids the density limits but may miss the target market. Building larger units – 1,500sf two-bedroom units – likely increases expenses without a corresponding return.

#### Assuming development of 13 Hanson must provide some parking.

The 13 Hanson Street property appears to share frontage with a common parcel along the side providing access to the rear of the property. If this can be used to access parking, 10 head-in spaces along the rear could be developed. Without cantilevering (i.e. creating a carport with living space above), the building footprint would shrink to approximately 7,500 square feet. Reducing this gross number by roughly 20% for hallways, stairs, walls between units, and an elevator leaves 6,000sf of net livable area available on each of the upper floors.

Six to eight residences per floor, averaging 750sf to 900sf apiece is a reasonable development program for this property. These would be a mix of one- and two-bedroom units.

A development program with four full floors above a commercial level, six units per floor represents 24 units total – four units over the density allowance with a parking space for only 40% of the units. An eight-unit-per-floor program represents 32 units – twelve units over the density allowance and with a parking space for only 30% of the units.

Development of 13 Hanson with one parking space per unit would limit the residential program to 10 units. Two levels of residential above one level of commercial would be the optimal program. Each unit would average 1,200sf with five units on each floor. These would be mostly two-bedroom units with one three-bedroom unit per floor.

Development of 13 Hanson with two parking spaces per unit limits the development to just 5 residential units. This would be just one level of residential development above the commercial ground floor. The program would include four two-bedroom units averaging 1,100sf and one three-bedroom unit of 1,600sf.

## Case Study Findings

These examples demonstrate that moderate density projects are not hampered by the 1/500 density standard. But, parking standards are a limiting factor. Mixed-use projects of up to three stories are enabled by the 1/500 density standard, but prohibited by the parking requirements. Two-story mixed-use projects are allowed under the 1/500 density provision and may be able to meet the current parking requirements with the right site.

Projects attempting to develop a fourth and fifth floor will experience both parking and density limits as obstacles. We do not expect a developer to pursue structured parking in order to meet the on-site parking requirements. The development costs are too high to justify. If parking standards are eliminated or significantly relaxed, the 1/500 density standard will only present an obstacle to higher density projects attempting to utilize a fourth and fifth floor.

*To promote projects with moderate residential density, we recommend a significant reduction in the residential parking requirement. Rochester will need to cope with off-property parking and synchronizing this step with enhancements to the downtown residential parking regulations is recommended. To the extent that Rochester wishes to enable four and five-story mixed-use development in its downtown, we also recommend eliminating the density limit.*

Alternatively, Rochester could consider eliminating the density limitations just for historic buildings within the Historic Overlay District. This would focus investment interest towards these resources and function as a benefit to these properties that are subject to higher scrutiny and in need of costly repair.

## Section 2.05 Mixed-Use Potential

Permitted and Conditional use lists provide a good indicator of a community's desired growth pattern.

In Rochester's Downtown Commercial (DC) District, development of a single-family home is a permitted use. This appears to run counter to Rochester's goal of bolstering the downtown commercial vitality and we recommend eliminating single-family and duplex uses from the DC Zone. To avoid creating non-conformities, pre-existing single-family and duplex units can be recognized as conforming with the same rights they currently enjoy.

Development of a mixed-use building (residential over commercial) is permitted while a multi-family building (as a single use) requires a conditional use review. Ground-floor commercial presence is important for maintaining a walkable commercial center.

Many areas of the DC District would be perfectly appropriate for a multi-family building. Properties not fronting Wakefield or Main Streets, for example, could be developed with 100% residential multi-family buildings without negatively impacting commercial vitality. *We recommend allowing multi-family buildings as a permitted use for DC properties that do not front a major commercial street.*

Development of a hotel is permitted. However, minimum lot size requirements effectively prohibit this use in the downtown. A hotel with 60 keys, for example, requires a two-acre site. This is appropriate for a suburban area on the fringe of downtown, not on a downtown property. It is not clear if a new hotel would qualify for the DC parking waiver.

*To encourage a new hotel in the downtown, we suggest lessening or eliminating the minimum lot size require-*



Photo Caption



Photo Caption



Photo Caption

### ***A Special Note on Natural Market Limitations to High Density***

*It is important to note that market factors will drive a developer's density decision-making. Residential units of 400sf or 300sf apiece are physically possible. However, these units may not be financially optimal in Rochester's marketplace. Plus, a developer will need to provide many more bathrooms and kitchens – expensive items in a development program.*

*We expect a market-based developer to pitch towards a young, single professional audience with high expectations for a location downtown, high expectations for downtown vibrancy (bars, restaurants, coffee shops), moderate to high expectations for quality finishes (exposed brick, high ceilings, gas range, etc.), low to moderate expectations for one-site amenities (fitness room, common areas), and low expectations for on-site secure parking.*

*We expect demand for units in the 600-800sf range for a one-bedroom unit; 800-1,200sf for a two-bedroom unit and 1,000-1,400sf for a three-bedroom unit. We expect the sweet spot to be a 900sf two-bedroom unit with a developer having 50% or more of their program dedicated to this type of unit – minimizing the number of kitchens and bathrooms while staying comfortably within the target audience.*

## Section 3.01 General

The purpose of this section of the report is to identify process obstacles that may re-route investment away from downtown Rochester. The findings in this section are based on the comments provided by the persons whom we interviewed in one-on-one and small group sessions along with a review of the Zoning Ordinance (Chapter 42) and the Site Plan Regulations.

## Section 3.02 Site Plan Regulations

Rochester's Site Plan Regulations apply to virtually all development other than a single-family or duplex home. All multi-family, mixed use, commercial, and lodging projects are subject to Site Plan Review. The regulations cover a wide range of development issues from high-level site planning and architectural character to construction hours and where to pile tree stumps. Actual practice may differ, but it appears that the Planning Board's review of a site plan application covers all aspects – big conceptual issues, and parking lot striping, in one comprehensive review. An applicant heading to a public hearing must be prepared to discuss overarching project goals, density, layout, and very detailed discrete items such as landscape species.

*We recommend separating the standards within the Site Plan Regulations into four categories - conceptual review, final review, documents review, and operational requirements.* The Planning Board should focus on the basic parameters of a project first – uses, layout, and massing. A conceptual approval on these items will provide a developer with confidence to spend money preparing architectural plans, civil engineering specifications, etc. Appeal procedures and any call-up or notice of approval to City Council should occur at the conclusion of this conceptual phase.

A final review with the Planning Board to review detailed designs is the last public hearing step. Items in the Site Plan Regulations oriented to the legal coordination of documenting an approval – development agreements, sureties, platting or filing official approved plans – should be handled by staff. This is also an opportunity for technical detailed plans - grading plans, street profiles, utility sizing - to be reviewed by Rochester staff. This can occur prior to or as a component of building permit review. Finally, operational standards and technical design standards that require codification should become a reference section.

Public safety and responsible development practices should never be short-cut in the name of “removing

development obstacles” or “being development friendly.” Our site review of a development project under construction, while brief, revealed significant drainage issues. Active construction sites had no storm water management, no soil stabilization, and no erosion control. The sites appeared to have no best management practices in place. Rough grading showed signs of significant offsite impacts, slope failure, mud flowing down the street with no obvious attempt to mitigate impacts on adjoining, completed and occupied sites.

In one instance sheet flow from the street was directed onto a single-family home site. The development included a drainage basin which, after being overwhelmed due to being under-sized, was rebuilt but not up-sized to accommodate reasonable event flows. The City of Rochester should do a better job of requiring and enforcing Civil engineering plans, storm water management plans with drainage profiles and flow calculations, best management practices for construction sites, certified post-construction as-built drawings, and multi-year warrantee periods.

In talking with various community members, drainage plans and landscape plans are reported to be less important during Site Plan Review. Routine applicants have learned they can “skimp” on these details. This may be an opportunity to utilize a “documents review” step in the process. Applicants are right to be reluctant to invest in technical plans during an entitlement stage of a project. And, the Planning Board's review time is probably not well spent reviewing drainage plans. These details are best left for Rochester's technical staff, post-approval in either a technical documents review or as part of the building permitting process.

The Site Plan Review processes would be more effective with better definition. A full Planning Board review is needed if a proposed use is “intensive.” This does not provide much certainty regarding a project's review trajectory. Projects that remain at an administrative review level can still be “called-up” by an individual member of the Planning Board and subjected to a full review. This can be for substantive reasons or because the project is interesting. Process ambiguity, while seemingly subtle, can manifest into an obstacle to downtown development – most of which will be intensive and/or interesting. Developers are sensitive to entitlement process risk and may shy away from downtown fearing a sticky process. *We recommend clearer process boundaries and greater reliance on Rochester's professional planning staff to make decisions.*

### Section 3.03 Downtown Projects Review

Multiple groups appear to have review authority over downtown development. When little development is occurring, this may not surface as an issue. When a big redevelopment comes in, however, a jumbled set of responsibilities can be problematic.

Individual review boards can have different positions, different approaches, different philosophies, and can find themselves at odds. This is a natural occurrence in all communities. If some review items of a project are with one board and other items are with another review board, an applicant can be in the impossible situation of trying to resolve the disparate philosophies of the two boards. Projects can end up “ping-ponging” between boards.

*We recommend the Historic Districts Commission (HDC) be granted the same set of authorities as the Planning Board for projects within the Downtown Commercial District. Some topics may require additional training for HDC members. But, allowing an applicant to deal with just one board avoids the ping-pong scenario and simplifies the project review conversation and speeds-up review process timing.*

### Section 3.04 Review Discretion

The review of downtown projects, especially large projects that redirect the trajectory of the downtown, can be a hand-wringing experience. There’s a higher feeling of ownership and responsibility for guiding downtown development as opposed to a project with a limited context.

There appears to be a high reliance on the word “appropriate” throughout the Site Plan review criteria. Granted, success for some planning topics is not easy to define and must be left as “we know when we see it.” But overuse of the “appropriate” criterion can leave an applicant with a “pin the tail on the donkey” feeling – a sense that nothing is concrete, nothing is reliable. This can be equally problematic for board members, many of whom are citizen volunteers with a passion for the community.

*We recommend the Site Plan Regulations be screened for this term “appropriate”, minimizing its use to situations where no better guidance can be provided. Providing a clear standard with “alternative compliance” options can be very effective.*



## Section 4.01 General

While the focus of this study is the zoning and process barriers to downtown development, there are multiple obstacles to downtown investment. Many of the conversations conducted for this report included commentary on these “non-regulatory” barriers. These barriers are just as much of a threat to aspirations for a downtown resurgence as a mis-guided zoning standard. This chapter attempts to relay these “non-regulatory” barriers for ongoing community discussion. While these are arguably outside of the scope of this zoning analysis, Rochester’s discussion of these barriers may be instrumental to the long-term trajectory of the downtown.

## Section 4.02 Focus on Downtown

Rochester has a lot going on, and lots of topics that remove attention from the downtown. Many people we spoke with noted the City Council’s desire to focus on downtown commercial health but also mentioned the multitude of other topics pulling at Council’s energy. Economic development efforts over the past several years have been focused elsewhere, not geared to downtown investment. The Rochester Fair property has consumed a lot of community airtime. The Riverwalk concept competes for attention. All these efforts are worthwhile ... and also reduce Council’s bandwidth.

*We recommend a group be officially tasked with improving the economic health of downtown and encouraging investment in downtown development and building rehabilitation.* This could be a combination of members from the HDC, the Planning Board, the Economic Development Commission as well as downtown business owners. Staff from the Planning and the Economic Development Departments should staff the effort, provide professional guidance, and maintain momentum. This committee could provide important “ownership” of downtown, continuity to the efforts, and a sounding board for business owners with concerns or ideas about improving downtown vitality.

*Rochester should also explore a redevelopment authority.* An entity with taxing powers and the ability to acquire and either directly develop or reposition properties for private investment can move the ball forward. Provision of market-rate workforce housing and viable commercial space downtown is a natural fit for a redevelopment authority. Low-interest and preferred financing, leveraging of “79e” opportunities, and partnerships with private developers are best suited for a redevelopment authority. This could also relieve City Council from functioning as real estate acquisition and disposition specialists.

## Section 4.03 Focus on Downtown

Many of Rochester’s grand buildings downtown are in significant disrepair. Talking with community members, we gather some property owners are “waiting it out” – purposely not investing in their asset as a means of saving money or as a means of eventually applying pressure to the City. This has apparently been happening for decades.

Adding insult is the sense that many of these building owners live outside the area, leaving some with the feeling that properties in Rochester are forgotten assets buried deep in remote balance sheet somewhere. Reasons and suspicions aside, Rochester does have an issue with neglected buildings. Eventually, buildings are in such a state of disrepair that the costs to upgrade the building outweigh the income the building could generate. This is a point of departure for a property owner and can lead to “walking away” from the building to avoid paying taxes. Buildings in this state, in many communities, experience a higher rate of arson.

*We recommend Rochester strengthen regulations and be more forceful regarding dilapidated buildings.* Get into the game, push back, stop making it easy to neglect downtown buildings. Allowing buildings to fall into this level of disrepair should not be allowed in any community. Decrepit buildings can draw-down an entire commercial district, lowering patron’s sense of safety, decreasing commercial activity, pushing down lease rates, damaging the image of the community. The detrimental effects of multiple dilapidated buildings in a downtown can be disastrous on an entire community’s economic enterprise.

Allowing occupancy in portions of a dilapidated building is a potential life/safety risk to the public. Instituting an annual inspection whereby an entire building must pass a building code inspection will prohibit a property owner from continuing to neglect the building. This may be perceived as an “aggressive move” and Rochester should be prepared for some “political heat” in taking this route. Revoking occupancy of a building due to upper floor or structural envelope issues could impact a business occupying the ground floor. The building’s owner shouldn’t be expected to be content with such a move and Rochester would be well advised to fully understand this pathway. Long-term, we believe increasing the pressure on building neglect is in the best interests of the community.

Rochester may also brace for a property owner simply “walking away” from a building. If the needed repairs are too impactful to the bottom line, too troublesome to withstand, combined with a revoked Certificate of Occu-

pancy and an inability to rent any portion of the building, a property may have a value less than the property taxes.

Rochester should also explore any and all property tax mechanisms that discourage buildings from sitting fallow. Downtown buildings should generate jobs, sponsor opportunity, multiply investment, and contribute to that hum and buzz of a vital commercial district. The economic multiplier of a successful commercial building should not be downplayed. Multiple successful mixed-use commercial buildings in a historic district can generate a wave of prosperity. Dormant, neglected buildings function as memorials, reminding all of the great vitality that used to be while providing the community with very little current benefit. Vacant buildings take more from the community than they contribute, and Rochester should account for this imbalance.

#### Section 4.04 Perception of Safety

The negative perception of safety downtown was a common theme in discussions with citizens. Several people noted downtown having a high level of vagrancy and suspected drug use. People noted a general feeling of anxiety about what they might see or experience when going downtown. By way of example, one business person we talked with likes eating at the Revolution restaurant. He goes there a few times a week. His wife, however, has never been to Revolution as she is anxious about going downtown.

Perceptions are very relative. Two people can have very different perceptions of the same experience. Perceptions are also very difficult to quantify and not reflected in police reports or official statistics.

These safety perceptions can have a profound effect on investment in a downtown. Successful developers have large “radar” and are inherently timid around any question of safety – even if they themselves don’t personally experience an issue. They will see this as hampering their ability to attract and retain bankable commercial tenants.

The commercial environment downtown is already weakened by peripheral commercial developments and internet retailing. So, the impacts of safety perceptions can be magnified for an already skittish investor. To the extent safety perceptions linger within the downtown, investment in downtown buildings will continue to be challenged.

Safety perceptions are less of a barrier for residential development downtown. The strong regional market assists a developer’s confidence in the product. The skew towards young, single professionals also helps in this scenario. Safety issues are much more impactful on family-oriented residential. A wait-list for units at One Wakefield is a confidence-building data point.

A few community members we interviewed suggested Rochester is taking on a larger at-risk community than it should – that other communities transport their at-risk community members to Rochester. The words “regional center” and “magnet” were used by a few during outreach sessions.

Safety issues and larger regional at-risk population issues are not the focus of this zoning analysis. However, investment in downtown buildings is affected by more than just zoning parameters. We recognize a need for Rochester to consider the “safety factor” that we heard

#### Section 4.05 Traffic Speeds

One of the first things we noticed about downtown is the traffic speeds. Many people we spoke with also noted traffic speeds as an issue downtown. The downtown “triangle” has a race course feel and is possibly a hidden barrier to downtown investment. Slower traffic can be a significant benefit to commercial establishments. Drivers are better able to look around, see in a store window, see people enjoying themselves at a coffee shop. Pedestrians also feel a little safer, crossing the street is easier, and traffic noise goes down dramatically.

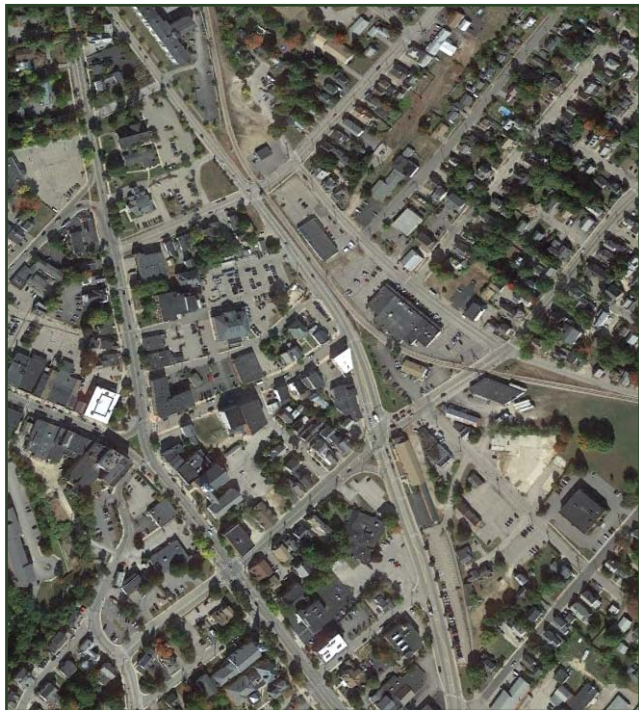
We understand Rochester is exploring traffic, parking, and wayfinding. *We suggest a lower “natural speed” downtown be a goal of this traffic and wayfinding effort.* The natural speed is the speed at which a driver feels safe considering physical surroundings – the narrowness of the drive lanes, the potential for a car door to open, someone to suddenly back out of a parking space. Lower speeds downtown will help the commercial atmosphere and we recommend pursuing traffic calming measures:

- Reverting back to two-way streets
- Creating areas of head-in parking
- Create pedestrian bulb-outs
- Bring back street trees and the tree canopy

## Section 4.06 Downtown Parking Management

Lack of parking or availability of parking was raised as a concern by several of the interviewees. Our cursory review of downtown indicates an adequate supply of parking. On-Street parking is free and appeared to be readily available. Parking in City-owned lots is also free and the lots were never at capacity.

A lack of parking during large events was reported. Scarcity of parking during a sold-out event at the Op-



*Aerial of surface parking downtown*

era House was mentioned several times.

The availability of public parking does not appear as a barrier to downtown investment. There appears to be some ambiguity regarding access and wayfinding for public parking and little to no overall downtown parking strategy.

Enforcement of the “two-hour rule” is managed by one part-time employee. Special events with a known, ticketed number of attendees are not required to address parking. Our quick take suggests a parking supply problem does not exist, but that a parking management problem may. *We suggest Rochester explore parking management strategies to heighten accessibility to downtown and better deal with special events.*

## Section 4.07 City Project Process

The “clarity” and “transparency” of City land use decisions came up several times from several sources. People we spoke with reported a concern that decisions regarding important topics are made “in a back room.” We are cognizant that municipalities need to make tough decisions and how disappointment over the decision can be voiced as a “process problem.” If only the process were different, their idea would have prevailed.

However, if a tune-up is in order now is a perfect time. When interest in downtown picks-up, Rochester will routinely be in the position of deciding what to do with significant downtown parcels, buildings with legacy, and institutional followers holding strong opinions about the trajectory of downtown. Having a public that understands and trusts the process, knowing what steps are taken, when input is taken, what happens with the input, and feeling part of the decision making will be beneficial to all concerned.

Rochester is likely exempt and possibly prevented from applying as an applicant through its own review process. This does not prohibit Rochester from codifying a process and structure for public projects. We have worked in communities that have instituted such a system, and process animosity has subsided. Folks still may not agree with a decision, but believing the process was fair and measured creates a basis of informed consent, a helpful antiseptic for any civic discord.



