# CITY OF ROCHESTER PORT PUBLIC MARINA & MIXED USE DEVELOPMENT PROJECT

Site-Specific/Generic SEQR Environmental Impact Statement
NEPA Environmental Assessment
Final Scope
June 10, 2010

# I. INTRODUCTION

## A. Project/Site Evolution

### 1. LWRP

The Port site is included within the boundaries of the City of Rochester's *Local Waterfront Revitalization Program* (LWRP) adopted in 1990 with a pending amendment and is identified as Focus Area 1. The purpose of the LWRP is to establish strategies to enhance waterfront recreation and economic development uses for waterfront along the lower Genesee River and Lake Ontario. Current drafts of the LWRP expand the study area to include waterfronts along the entire lengths of the Genesee River and Erie Canal within the City's limits. The City is working on that project which will eventually be advanced to the NYS Department of State for processing.

### 2. Zoning and Land Use

In 1991 the City of Rochester adopted the River Harbor District into its Zoning Code to regulate land use in the Port area. This district was intended to preserve and enhance the recreational character of the harbor area at the mouth of the Genesee River; improve the visual quality of the harbor environment; preserve, retain, and promote public access, both physically and visually, to the shoreline; and encourage tourism in the area. In 2003, the harbor was rezoned to the Harbortown Village District with design requirements added to the zoning regulations. The intent of these regulations was to promote public access, encourage tourism and preserve the waterfront environment.

### 3. History of Ferry and Terminal and Current Terminal Use

A decade ago, the City planned the location of the North and South Warehouses at the Port of Rochester as the site for a new terminal for a fast ferry service as well as vendors to provide goods and services to the passengers of such a service and to other visitors to the Port of Rochester.

This section will discuss the ensuing history of the license, lease and management agreements with Canadian American Transportation Systems, LLC ("CATS") and Maplestar Development Company, LLC with the management and operations of the Fast Ferry and the terminal. The City's construction and facilities obligations related to the agreements will be discussed, as well as the City's take over of the Fast Ferry Service in 2005. Lastly, this section will report on the eventual discontinuance and sale of the ferry and the latest management terms of the terminal.

### 4. Sasaki Plan

A master plan for the Port of Rochester was completed in 2006 by Sasaki and ZHA, Inc. It was a mixed-use land use plan, similar to what is currently proposed but it proposed more development density and a concept of a marina was presented in a different location than what is currently proposed. Upon review of the Sasaki Plan, it became clear that the marina was such a critical feature to the overall implementation of the plan that it was necessary to start with the marina design and work a plan around it. The research and findings of the Sasaki Plan have been and will continue to feed into the subject plan and future plans.

**B. SEQR Process**

As described in the 6NYCRR Part 617 State Environmental Quality Review Act (SEQR) regulations promulgated by the NYS Department of Environmental Conservation, a review of environmental impacts and mitigation alternatives of an action is required for any State or local governmental agency that is undertaking, funding, or approving an action. In accordance with this regulation, the proposal is classified as a Type I action and will be subject to an Environmental Impact Statement.

An Environmental Impact Statement (EIS) is a useful tool intended to provide a means for agencies, project sponsors and the public to systematically consider significant adverse environmental impacts, mitigation measures and alternatives of a proposal. SEQR states that an EIS also facilitates the weighing of social, economic and environmental factors early in the planning and decision-making process. The environmental process where an EIS is being required begins with preparation of a draft EIS by the project sponsor for circulation to the public and involved agencies for review and comment. After public and agency review, a final EIS is released by the lead agency that addresses all substantive comments and discloses any project changes.

According to the regulations, an EIS may be a "generic" EIS. Section 617.10 states that a generic EIS may be used to assess the environmental impacts of:

- A number of separate actions in a given geographic area which, if considered singly, may have minor impacts, but if considered together may have significant impacts; or
- A sequence of actions, contemplated by a single agency or individual; or
- Separate actions having generic or common impacts; or
- An entire program or plan having wide application or restricting the range of future alternative policies or projects, including new or significant changes to existing land use plans, development plans, zoning regulations or agency comprehensive resource management plans.

In the case where a component of the project is handled generically in this document, subsequent site-specific development will be required to undergo an additional review process. If the subsequent proposed development was not addressed or was not adequately addressed in this EIS and will not result in any significant environmental impacts, a declaration will be issued that there are no impacts and approvals can proceed. Likewise, if subsequent development is proposed that was not addressed or was not adequately addressed in this EIS, then a supplemental EIS must be prepared and subjected to an additional public review process.

This document is both a generic and a site-specific EIS. The phases and components of the proposed action and whether they will be handled generically or site-specifically are described in Section II below.

The EIS will frequently reference sections of the 2001 *Port of Rochester Draft/Final Design Report/NEPA Environmental Assessment/SEQR Environmental Impact Statement.* Many characteristics/conditions of the existing setting have not changed since 2001 and this document will repeat or refer to sections where important information is reported in that document.

State and local agencies that have jurisdiction with regard to funding or approvals of an action/proposal are defined as "Involved Agencies" in SEQR. For projects involving more than one agency, the Involved Agencies must coordinate the environmental review and designate a "Lead Agency." For the subject proposal, the Mayor of the City of Rochester is designated as the Lead Agency. The Involved Agencies and their corresponding jurisdictions are outlined in the following table.

| **INVOLVED AGENCIES** | **ACTION(S)** |
|---|---|
| **City of Rochester** | |
| Mayor/City Council | Funding<br>Comprehensive Plan Amendment<br>Land Disposition/Acquisition<br>Amendment to City County Parks Agreement<br>Parkland Alienation/Dedication<br>Official Map Amendment<br>Operational Agreements |
| Commissioner of Neighborhood And Business Development | Site Preparation Permit<br>Flood Development Permit<br>Demolition Permit |
| Manager of Zoning | Site Plan Review |
| City Planning Commission | Special Permit<br>Subdivision |
| Traffic Control Board | Right-of-way parking/signalization approvals |
| **Monroe County** | |
| Executive/Legislature | Amendment to the City/County Parks Agreement<br>Land Acquisition/Disposition/Lease Agreements<br>Parkland Alienation<br>Operational Agreements |
| Pure Waters | Utility modification approvals |
| **New York State** | |
| Department of Env Conservation | Article 15 Excavation and Fill<br>Article 15 Docks, Moorings and Platforms<br>401 Water Quality Certification<br>Mined Land Reclamation permit<br>SPDES |
| Department of State | Funding |
| Dormitory Authority | Funding |
| Department of Transportation | Funding |
| College at Brockport, SUNY | Lease Execution, Land Transfer, Funding |

Interested Agencies are defined in SEQR as an agency that lacks State or local governmental jurisdiction over the project, but wishes to participate in the review process because of its specific expertise or concerns about the proposed action. Federal Agencies are not subject to the requirements of SEQR. If a federal agency has an interest or jurisdiction over the project, they can be included in the SEQR process as an Interested Agency. The following is a list of all interested agencies:

US Coast Guard
US Army Corps of Engineers
US Customs and Border Protection
New York State Legislature
New York State Office of Parks, Recreation and Historic Preservation
Monroe County Sheriff
Monroe County Planning and Development
Monroe County Department of Transportation
Monroe County Department of Health
Monroe County Parks Department
Rochester Police Department
Rochester Fire Department
Rochester City School District
Rochester Environmental Commission
Rochester Preservation Board
Town Board, Town of Greece
Town Board, Town of Irondequoit
Planning Board, Town of Irondequoit
Rochester-Genesee Regional Transportation Authority
Landmark Society
Charlotte Community Association
Charlotte-Genesee Lighthouse Historical Society
Harbortown Merchant's Association
Ontario Beach Park Program Committee
Fishery Advisory Board
Time Warner Cable
RG&E
Frontier

### C. NEPA

The National Environmental Policy Act (NEPA) requires federal agencies to integrate environmental values into their decision making processes by considering the environmental impacts of their proposed actions and reasonable alternatives to those actions. The information on a project is disclosed through an Environmental Assessment (EA) for use in the NEPA review. This document serves as the EA for use by federal agencies in their environmental review of the proposed project.

## II. PROPOSED ACTION

### A. Project Location

The project is located at the confluence of Lake Ontario and the Genesee River within the Harbortown Village Zoning District (H-V); City of Rochester; County of Monroe; New York State Department of Environmental Conservation (NYSDEC) Region 8; Ninth U. S. Coast Guard District, Eastern Region; and, U.S. Army Corps of Engineers/Buffalo District.

Specifically, project components are proposed at three locations:

- The 30± acre site known as the Port of Rochester, generally bound by the Genesee River to the east, Latta Road to the south, Lake Avenue to the west and Ontario Beach Park to the north;

- Two City-owned parcels at 4576 and 4580 Lake Avenue which total about 1 acre; and
- About 1.5 acres in or adjacent to Ontario Beach Park (alternative sites examined herein) for relocation of the Ontario Beach Labor Operations Center

**B. Project Description**

The project will enhance public waterfront recreational facilities and encourage and support economic development consistent with the goals of the City's Local Waterfront Revitalization Program (LWRP) and the 2010 Renaissance Plan.

In order to fully describe the complex port development project, it has been broken down into eight major components. Components 1 through 4 will be reviewed site-specifically in the EIS. The remaining components will be reviewed generically in the EIS.

**1. Marina**

A marina basin with access to the Genesee River Federal Navigation Channel will be constructed within the Port site that will provide transient and seasonal boat docking. Upon full build-out, the marina basin will be approximately 7 acres in area and is intended to provide for a variety of vessel types, accommodating approximately 120 boat slips ranging in size from 30' to 75' in length. This section will discuss the marketing and feasibility study that drives the marina size and design. The marina will feature a boater services building, comfort stations, a public promenade surrounding the basin with adjacent public areas, and a pump-out station.

<u>Phase I</u>

Phase I will involve:

a. Realignment of North River Street, from Ontario Beach Park to Portside Drive and designation of North River Street as a park road. Also, the Corrigan Street ROW will be extended and widened, and associated public utilities and infrastructure will be relocated. (Relocation of utilities will require City acquisition of property access rights from Monroe County.)
b. Subdivision of 1000 North River Street and other parcels (Official Map Amendment) within the Port site to accommodate creation of the marina. A portion of the existing paved parking and inspection areas associated with the defunct fast ferry service will be eliminated from the property, and redeveloped as marina.
c. Creation of a marina basin, approximately 4 acres proposed to be located adjacent to and west of the former fast ferry terminal and north of the existing public boat launch, which is owned and operated by Monroe County Parks Department. Creation of the marina will necessitate acquisition or control of all or a portion of the boat launch parcel from the County. The basin will contain up to 85 boat slips including about 900 linear feet of broadside dockage and will feature a perimeter promenade, adjacent open space, a boater facility building (rest rooms, etc), a pump-out station and appropriate boater utility connections.

Construction of the basin will include:

- Site excavation and the management of iron slag, of non slag fills and native soils as required;
- installation of sheet piling and stone revetment around the basin perimeter and at the entrance (Genesee River access point);
- construction of the promenade and open space and appropriate landscape amenities;
- Installation of docks, gangways, slip utilities and associated amenities; marina water quality improvements; and upon completion; opening the basin to the river. The opening is proposed to be located north of and immediately adjacent and through the boat launch. The City solicited and received a letter from the County in support of entrance at this location. An agreement will be executed between the City and the County for this purpose.
- Wave surge and wave attenuation installations.

<u>Phase II:</u>

Phase II of the marina involves expansion of the basin to the south, where the boat launch is currently located. Phase II will increase the acreage of the basin from about 4 acres to about 7 acres, capacity from about 85 to

about 120 slips including broadside dockage. The perimeter promenade will extend around the expanded marina.
The timing of the initiation of the second phase will be based on the occupancy of the first phase, demand for more slips, financing opportunities, and the City's purchase of the boat launch property from the County and relocation of the launch facility elsewhere.
Construction will include:

- site excavation and the management of iron slag, non slag fills and native soils as required;
- installation of sheet piling and stone revetment;
- installation of docks, gangways, slip utilities and associated amenities; and marina water quality improvements,
- Construction of the expanded promenade and supporting structures and the adjacent open space improvements.

**2. River Street Extension Improvements**

River Street will be extended north from its terminus to Portside Drive where it will connect to the relocated North River Street. Once River Street is extended and connects with North River Street, the entire roadway, from Pattonwood Drive to Ontario Beach Park will be designated as a park road and may be renamed. The Genesee Riverway Trail will be extended along the River Street Extension to link with the proposed promenade, which connects the trail to Corrigan Street, Ontario Beach Park, the existing river walk and the federal navigational pier. River Street Extension will feature on- street parking improvements; installation of sanitary and storm sewer improvements, sidewalks, street lighting; curbs; and "green" elements such as storm water management facilities. Construction of the project will require City acquisition of parcels owned by the U.S. Coast Guard, Monroe County and some minor privately owned parcels.

**3. Relocation of the Ontario Beach Park Labor Operations Center**

The City-owned, County-operated labor center will be relocated from its existing location at 4650 Lake Avenue to another location in or adjacent to the park. The relocated labor center may be built in conjunction with a Community Youth Athletic Association facility. Execution of an amendment to the City-County Parks Operation and Maintenance Agreement will be required. The cost of a new facility will be financed with City sources. Once the Labor Operations Center is relocated, the existing location at 4650 Lake Avenue will remain parkland until a private development proposal makes alienation necessary.

**4. The Lighthouse Trail**

An approximately 700LF multi-use trail and scenic overlook will be constructed to connect the Lake Avenue public sidewalk to the County-owned Charlotte Genesee Historic Lighthouse at 70 Lighthouse Street. The trail will be constructed along the perimeter of 4576 and 4580 Lake Avenue which are owned by the City, and will further extend along the perimeter of adjacent property owned by Rochester Gas & Electric Corporation (RG&E). The City plans to acquire an easement or title from RG&E to provide for the connection. Construction of the trail connection is funded from a combination of City capital and a NYS Environmental Protection Fund grant.

**5. Relocation of the Public Boat Launch at Ontario Beach Park**

The County-owned and operated public boat launch at 4630 Lake Avenue will be relocated from the Port site to location(s) within the Rochester Harbor area to accommodate expansion of the marina basin. It is anticipated that this will require acquisition of the existing boat launch parcel from Monroe County; purchase of lands for the relocated boat launch; and enactment of associated parkland alienation and replacement legislation and execution of an amendment to the City-County Parks Operation and Maintenance Agreement. The number of ramps, ramp length, parking requirements, access requirements, and water depth/dredging needs will be outlined. Abandonment of the existing boat launch will not occur until the replacement launch(es) are operational.

**6. Lake Ontario Research Center**

The City-owned former fast ferry terminal at 1000 North River Street will continue to be adapted for both commercial and public use including permanent development of a Lake Ontario Research Center (LORC). College at Brockport, SUNY, will undertake development of the Resource Center at such time as the College has secured the necessary funding, and the City has transferred property rights, and approved development plans. Besides City disposition of public property, the project will involve additional subdivision of the parcel known as 1000 North River Street. The College and the City are currently negotiating a temporary lease for a portion of the terminal to accommodate an interim/pilot resource center within the existing structure. Both the temporary lease and the sale of the property will reserve a 30' wide strip along the waterfront for public access. This section shall include a draft concept plan for the interim and permanent facilities.

**7. Private Mixed-Use Development**

Publicly-owned lands will be sold to accommodate residential condominium development containing 280 to 430/480 units; commercial/retail development containing up to about 44,000 square feet; potentially a 100±-unit hotel; and, integrated parking facilities. The mixed-use development is proposed to be undertaken in multiple phases with phase I anticipated to be initiated concurrently with Phase I of the marina construction project. Phase 1 of the private development would occur within the project site on publicly owned lands at 4752 Lake Avenue. This site will accommodate approximately 130 residential units and commercial/retail development containing approximately 30,000 square feet and a pedestrian connection through the site from Lake Avenue to the relocated North River Street. The timing of the initiation of later phases of private development will be based on the occupancy of the early phases, demand, financing opportunities, and the City's alienation of parkland.

**8. Parkland Alienation and Replacement to Accommodate Private Development**

Portions of the project site (i.e., the boat launch parcel, Labor Operations Center, Ontario Beach Park parking lots) are dedicated parkland. Plans for future private development on parcels that are currently dedicated parkland will require parkland alienation through a Home Rule message from City Council and the approval of the NYS Legislature. When parkland is proposed to be alienated, a municipality is required to provide lands of equal usefulness, environmental value, and fair market value to replace the parkland lost. The process requirements associated with alienation will be described.

# III. PURPOSE, PUBLIC NEEDS AND BENEFITS

This section of the EIS will also describe the purpose and public need for and benefits of the project, including an overview of the environmental, social and/or economic benefits anticipated due to the proposed action. Some such needs and benefits include:

- Building development and private investment is expected to generate tax revenues for the City.
- Construction jobs and permanent jobs will be created.
- On-site mixed-use residential development will improve the activity and viability of the Port site in the off-season.
- Business activity is anticipated to increase in the Charlotte area.
- Property values may increase in the Charlotte area.
- The marina will provide a safe harbor for additional public seasonal and transient boat docks in the Rochester port; increase the length of the waterfront for public access and enjoyment; provide more greenspace; generate lease revenue for the City of Rochester; and will improve the development potential of the project site.
- The proposed extension of the Genesee Riverway Trail and River Street will improve connections to the Port and Ontario Beach Park.
- The permanent location of the Lake Ontario Research Center proposed by the College at Brockport State University of New York in the Port will facilitate research associated with the Great Lakes, promote community and business partnerships, and provide unique opportunities for students at all levels in the Greater Rochester area.

- New facilities will be designed to be sustainable and energy efficient.
- Tourism will increase with the increase in attractions, boat docks, boater and tourism information center, commercial venues, and open space.
- Improved viewsheds and vistas including those of the new marina basin.
- Potentially, a new concessions/storage and restroom facility for the Charlotte Youth Athletic Association.
- Full utilization and improved financial viability of the Port terminal building.
- The proposed public marina facility will complement the existing capacity, services, and usage offered by other marinas in the area.
- There is a need for the proposed number of transient docks and docks for specified boat sizes.
- Transformation of underutilized brownfield site into vibrant recreation-oriented waterfront.
- The new marina basin will create more waterfront and increase shoreline fish habitat.

# IV. SETTING/IMPACTS/MITIGATION

## A. Geology, Soils and Topography

The EIS will review surface and subsurface soils and bedrock conditions from previous geotechnical investigations, topographic features and impacts within the project area as well as known conditions such as location and depth of clean fill and regulated solid waste materials, soil bearing capacity, depth to groundwater, depth to bedrock, erodabilty potential, and laboratory analytical results. These analyses shall apply to the entire site, including the areas of private development, for the purpose of determining potential restrictions for excavation, foundations and construction. Characterization, disposal and reclamation of materials to be excavated are is discussed in *P. Solid Waste Management* below.

## B. Water Resources

The EIS will describe surface and groundwater resources within the project area, including any known instances of groundwater contamination. The EIS will also describe and illustrate existing site drainage conditions in regards to storm water management, water quality and ground water.

### 1. Stormwater Management

The Stormwater Pollution Prevention Plan (SWPPP) shall be referenced and summarized. The SWPPP shall include both the marina basin and upland development of the site. Impacts on water resources caused by the proposed action and a range of reasonable sediment and erosion control mitigation measures will be discussed.

### 2. Water Quality

The current water quality issues will be explained and all water quality improvement efforts currently underway or planned will be described. This section will provide an explanation of how marina operations will impact water quality of the Genesee River and the Marina Basin and what measures will be implemented to protect long term water quality.

### 3. Groundwater

This section of the EIS will provide a summary and results of any groundwater sampling that has been conducted in the vicinity of the proposed marina basin. Details shall be provided of groundwater management and dewatering.

## C. Hydrologic Conditions and Coastal Management

This section will discuss the hydrologic conditions and flood control facilities at the port and how the construction of the marina will impact those facilities. The hydrologic conditions of the Genesee River and the circulation through the marina basin, including wave surge and wave attenuation will be discussed. Mitigation measures incorporated into the marina design will be described. Flood levels will be disclosed and an explanation provided of the flood protection designed into the proposed marina.

Impacts to the water table and subsurface water migration will be analyzed, especially with respect to the strip of land between the proposed marina and the River and how these will affect the proposed development of the Lake Ontario Research Center.

This section shall provide a description of existing dredging operations and proposed dredging required for marina operations. Bathymetry readings from previous dredging of the River will be analyzed and accounted for in the design of the Marina's inlet and basin depths. Impacts of the disposal of dredged spoils will be assessed.

This section will discuss the current position of the International Joint Commission on future water level management strategy for Lake Ontario and how water level fluctuations are addressed in the marina design.

The preparation of a Harbor Management Plan will be discussed as a means to mitigate impacts with regard to overall management and coordination of coastal and harbor operations.

**D. Vegetation and Wildlife**

The potential presence of threatened and endangered species as listed by U.S. Fish and Wildlife Service and NYSDEC will be reviewed in the EIS. Impacts on vegetation and wildlife, including fisheries, caused by the proposed project will be discussed. The range of mitigation measures to address any negative impacts will be identified.

Construction of the internal marina basin will create approximately 4 additional acres of open water within the City of Rochester. This open water area (deep water wetland) will provide for additional habitat for waterfowl, fish and wildlife. Additionally, fish will have significant additional habitat for spawning and fisheries habitat through the creation of additional shoreline consisting of stone revetment along the perimeter of the marina basin.

**E. Air and Odors**

EIS will review any air quality and odor issues existing in the project area. Potential impacts to air quality (e.g., boat traffic) and, if necessary, a range of reasonable mitigation measures will be presented. Potential odors (i.e., stagnant water, seaweed accumulation) caused by the proposed action and/or the impact of existing odors on new occupants will be analyzed and a range of reasonable mitigation measures will be presented.

**F. Aesthetic/Visual Resources**

The EIS will provide a description of the existing aesthetic/visual resources and urban design characteristics of the project site and surrounding community. Important viewsheds will be identified and other aesthetic resources including parks and historic resources will be identified. Site photos or other illustrative materials will be provided to assist in portraying general views to and from the sites. Impacts on identified aesthetic/visual resources caused by the proposed action and a range of reasonable mitigation measures, including the creation of and improvements to viewsheds, will be discussed for each project component.

**G. Historic, Cultural and Archeological Resources**

Because the project would involve funding administered by State and Federal agencies, it would be subject to review pursuant to Section 14.09 of the New York State Historic Preservation Act ("Section 14.09") and Section 106 of the National Historic Preservation Act ("Section 106"). Section 14.09 and Section 106 requires consultation with the New York State Office of Park, Recreation, & Historic Preservation (OPRHP) on potential effects on resources on or eligible for inclusion on the State and National Registers of Historic Places (S/NRHP).

Historic resources were discussed in detail in the 2001 Port of Rochester Draft/Final Design Report/NEPA Environmental Assessment/SEQR Environmental Impact Statement. That section will be repeated in this EIS and any updated information will be presented pertaining to all project components.

A phase I Cultural Resource Investigation was conducted by the Regional Heritage Preservation Program of the Rochester Museum and Science Center. This investigation included both Phase IA and Phase IB investigations. The results of that investigation were discussed in detail in the 2001 Port of Rochester Draft/Final Design Report/NEPA Environmental Assessment/SEQR Environmental Impact Statement. Those sections will be included in this EIS, along with any updated information pertaining to all project components.

**H. Parks, Recreation and Open Space**

The EIS will document and describe the current inventory of public parks, recreation facilities and open space areas within and adjacent to the proposed project area and the City of Rochester. Impacts on parkland, open space and recreational areas caused by the proposed action and a range of reasonable mitigation measures and potential for parkland alienation will be discussed. Specifically, this section will discuss the impacts of the construction and operation of the Marina on the public's ability to use the boat launch, terminal building, and Ontario Beach Park. This section will describe the existing boat traffic in the Genesee River, the projected increases and the potential for boating conflicts, particularly when the boat launch is still operational and the marina entrance is opened. The need to relocate the Ontario Beach Park Labor Operations Center shall be discussed as well as the impacts of the relocation on the park operations. The impacts of the installation of the Lake to Lighthouse trail will be assessed. Linkages of the proposed improvements to the existing Genesee Riverway Trail will be discussed.

Information regarding the range of proposed boat launch relocation sites and the impacts associated with the development of the new boat launches will be presented in Section V.F. of the EIS.

**I. Land Use, Zoning, Development Capacity and Conformance with Officially Adopted Plans**

This section of the EIS will describe the historic and existing land uses for the project site and its vicinity. The EIS will identify current property usage and occupancy along with the current parcel configuration. Land use policies, direction and regulations for the Port area, as reflected in the City of Rochester Zoning Code, Local Waterfront Revitalization Program (LWRP), and 2010 Renaissance Plan will be presented and conformance with such will be assessed. This section will also describe the site plan review and approval process as well as any other applicable approvals required by the City of Rochester prior to redevelopment. Any zoning map and text amendments that could be implemented for the purpose of ensuring mitigation of any potential development impacts will be presented and assessed.

The EIS will discuss the LWRP's coastal policies applicable to the proposed development and discuss the consistency of the proposed action with the policies.

This section will review a determination of the apparent maximum build out capacity of the site given its dimensions, location and other relevant parameters. It is envisioned that the project site will add townhouse/condominium and commercial development which will complement the existing single-family residences in the community. The method relied upon to arrive at the proposed site development capacity will be reviewed as will relevant examples of site development densities from comparable communities.

Lastly, this section will also include the future cumulative plans for the re-positioning (i.e. proposed marketing/leasing plans) and conceptual considerations of the Port Terminal Building to support the continued efforts to convert the facility in to a unique, mixed-use, multi-tenanted retail and office complex catering to eclectic and specialty shops and general office use requirements.

**J. Community/Neighborhood Character**

The EIS will describe the community character of the project area and its surrounding neighborhood. Socioeconomic conditions in the area will be described. The general characteristics of existing residential, institutional, commercial and mixed-use buildings will be identified. Recent patterns and trends in land uses will be described. The potential impacts to the community/neighborhood character will be discussed and mitigation measures analyzed.

## K. Transportation

### 1. Vehicular Traffic

The boundary of the proposed study area in the traffic impact study is from the Lake Ontario State Parkway (LOSP) north to Beach Avenue and from Lake Avenue east to the River. The following intersections are proposed to be included for analysis:

- Lake Avenue @ Corrigan Street
- Corrigan Street at North River Street
- Lake Avenue at Portside Drive
- Portside Drive at North River Street / River Street Extension
- Lake Avenue at Latta Road
- Latta Road at River Street
- Lake Avenue at the Lake Ontario State Parkway

Existing traffic volumes for 2007 will be used as base volumes. Background volumes are those projected to exist without the proposed development. A straight-line background growth rate will be developed based upon historic traffic counts as well as discussions with the Monroe County Department of Transportation to account for general development in the area. In addition, any specifically approved but not completed developments that would affect the background traffic volumes for this project will be considered. Conceptual mitigation measures will be developed as necessary, to accommodate the proposed addition of traffic at the intersections discussed above.

Alternatives for managing traffic before, during and after an event at the port will be presented. Large volumes of traffic are generated for port events and the "bottle neck" nature of the street network is a characteristic of the existing environment. The EIS will assess possible alternative for expediting the entering and exiting of traffic during events that take place during construction.

Institute Of Transportation Engineers Trip Generation, Parking Generation Manuals, City of Rochester Parking data and other resource materials will be used to review and generate traffic and parking demand.

The impacts of vehicular access at the proposed site of the Ontario Beach Parks Labor Operations Center will be evaluated.

### 2. Parking

The EIS will review existing parking conditions for the project and proposed parking resources. The availability of sufficient parking to meet the need associated with existing land uses as well as the potential development (including the Lake Ontario Research Center) will be assessed. The parking analysis will include the project sites as well existing surrounding public parking areas, including the overflow lot on Estes Street and the parking lot adjacent to Abbott's.

Parking demand at the site and for the adjacent park is extremely variable depending on the season, weather, and events. Parking alternatives such as a public garage, underground parking, shuttle/bus services and off-site parking, and charging for parking shall be analyzed and discussed.

### 3. Public Transit

Information will be provided in the EIS that identifies existing bus routes and stops in the Regional Transit System (RTS) network as it applies to the project area and analyzes the impacts on such. The port is a significant time point in the RTS system. This section will include an assessment of operational impacts to the RTS system, both during construction and when the project is complete, including projected changes in ridership.

**4. Pedestrian and Bicycle**

The EIS will describe existing (e.g., sidewalks, Genesee Riverway Trail) and proposed pedestrian and bicycle circulation systems (e.g., sidewalk along River Street extension, Marina promenade, pedestrian link at Hincher Street, Genesee Riverway Trail extensions, Lake to Lighthouse Trail) that are located within and adjacent to the project area and analyze impacts on such.

**L. Utilities**

The EIS will review the existing utilities including current capacities, function and condition for the proposed project area, including the terminal building and the site of the interim and permanent Lake Ontario Research Center. The following utilities will be reviewed: natural gas, electric, telephone, cable, fiber optics, domestic and fire water service, sanitary & storm sewers, lighting and traffic controls. Impacts to the utilities caused by relocations, new services, street realignments and marina basin excavation will be described and any capacity issues will be disclosed and analyzed. The discussion will include a summary of utility agency input into the proposed utility alignments. Any development parameters associated with utility limitations will be identified and potential utility extension requirements will be described.

**M. Community Facilities and Services**

The EIS will review and summarize existing community services that pertain to the proposed project. The review will include the following services: police, fire protection, emergency service, ambulance, and the local school district. Impacts on community services by the proposed action will be discussed and, if necessary, a range of reasonable mitigation measures analyzed. Community use of the proposed marina and other new waterfront facilities shall also be described.

**N. Growth-inducing Impacts**

This section will describe potentially significant growth-inducing aspects of the proposal, particularly the potential for additional development/redevelopment projects in the vicinity of the project area. The project will increase the potential for additional development/redevelopment not only in the immediate project area but throughout the surrounding neighborhood and the commercial development along Lake Avenue and River Street.

**O. Use and Conservation of Energy Resources (LEED)**

This section of the EIS will describe potentially significant adverse impacts of the proposed action on the use and conservation of energy resources. The proposed development will be located within an existing metropolitan area already serviced by utilities. The EIS will estimate the quantity of energy currently utilized by the project site and energy demands of the marina and maximum build out of the proposed development. Mitigation measures including the use of renewable energy technologies and energy efficient facility designs will evaluated.

**P. Solid Waste Management**

The EIS will review the impact of the proposed action on solid waste management and its consistency with the state or local solid waste management plan. The EIS will provide an explanation of how all the excavated and dredged material will be characterized and managed, including the iron slag considered for reuse under a Beneficial Use Determination being proposed by the City of Rochester to the DEC. Mitigation of the impacts through the updating of the City's existing Port Environmental Management Plan and its implementation during construction will be evaluated. In addition to the excavated soils, fill material and solid wastes generated as a result of the construction project, post construction phase solid waste impacts associated with the new marina and new development will be identified and analyzed.

**Q. Public Health and Safety**

The EIS will review whether the existing project sites include any threats to public health and safety such as the risk of explosion, construction related safety issues, maintenance of open excavations, release of hazardous substances, burial of any wastes, disturbance of previously buried wastes or excavation in proximity to any location previously used for solid or hazardous wastes. Potential public health and safety impacts associated

with the new public marina and promenade facilities will be evaluated and mitigating measures, including facility design options, will be discussed.

**R. Economic/Fiscal**

This section will review and summarize the current economic and fiscal conditions providing a context for the proposed projects. The review will include property values of the existing project sites and adjacent parcels, economic factors related to maintenance of public infrastructure, property assessments, property tax rates and sales tax generation. A cost-benefit analysis will be presented for the marina development, build out of the proposed mixed-use development, and relocating the Ontario Beach Parks Labor Operations Center and boat launch. Factors that will be evaluated include projected costs for new public facilities, projected private investment, property tax revenues, land sale and slip licensing revenues, marina operating revenue and expense cash flow and feasibility, and marina boating related economic impacts. This section will discuss the projection of permanent jobs as a result of the marina and surrounding private residential and commercial development. Indirect economic impacts, such as spending and jobs created by boaters, will also be discussed.

**S. Environmental Justice**

The EIS will discuss potentially significant issues of environmental justice (e.g., public access to the waterfront and waterfront activities). Any mitigation measures to offset or lessen potential impacts shall be identified.

**T. Temporary Impacts Related to Construction Activities**

This section of the EIS will describe and characterize temporary potentially significant adverse impacts anticipated as a consequence of construction activities. These will include:

- Contamination or siltation of water resources
- Air quality from idling construction vehicles or dust
- Blocking or otherwise interfering with experience of aesthetic/visual resources
- Traffic interference from construction vehicles
- Loss of parking opportunities due to construction staging or parking
- Interference with public transit stops or access
- Rerouting pedestrians around construction site or interference with pedestrian access to the waterfront
- Temporary loss of water, electricity or other utilities due to construction activities
- Noise and vibrations of construction activities
- Exposures to contaminated materials or explosives.
- Interim access to the terminal building, Lake Ontario Research Center, and boat launch for staff, customers, deliveries and boaters
- Interference with operation of the park, boat launch and festival events
- Disturbance to river wall and use of the Genesee River caused by the initial opening of Marina Basin
- Noise from and staging of construction of proposed Ontario Beach Park Labor Operations Center.

**U. Unavoidable Adverse Impacts**

This section of the EIS will identify potentially significant adverse impacts that are likely to occur despite mitigation measures, such as loss of parking.

**V. Irreversible and Irretrievable Commitment of Resources**

This section of the EIS will identify those natural and man-made resources consumed, converted or otherwise made unavailable for future use as a consequence of the proposed action, such as, future operation of port for vehicle ferry service, loss of street grid, oil and gas consumed during construction.

# V. ANALYSIS of ALTERNATIVES

The EIS will include a description and evaluation of the range of reasonable alternatives to the proposed project. Each alternative will be assessed for its effectiveness in promoting or attaining the goals and objectives of the proposed project.
At a minimum, the following alternatives to the proposed action will be presented in the EIS:

**A. No Action Alternative**

The EIS will present an evaluation of the potential adverse and beneficial impacts that would result in the foreseeable future were the proposed action not undertaken.

**B. Marina location and Design Alternatives**

Throughout the course of the Marina Feasibility Study, six development options were identified for discussion with public focus groups. These six options were reduced to a seventh desired option, which maximized the revenue-producing components of the project and minimized the negative impacts. The options will be described in this section along with a summary of public and agencies input that shaped the proposed project. In addition, design options were considered for the marina entrance location. These options will be revealed and the reasons for the selected option. Lastly, the alternative of not constructing the marina and, instead, building broadside docks alongside the terminal building within the River will be discussed.

**C. Marina Operation Alternatives**

This section will discuss the alternatives for operating the marina and funding the ongoing marina operations. Marina operations and maintenance may be performed by City of Rochester employees, a contractor under agreement to the City, or a marina operator under a license agreement with the City. Marina operations and maintenance activities are expected to be full time during the summer boating season with winter responsibilities being defined as needed. These operations and management activities will be part of a Marina Management Plan prepared by the marina operator. Lastly, off-season recreational opportunities and alternatives will be discussed.

**D. Ontario Beach Park Labor Operations Center**

The proposed development will require the relocation of the Ontario Beach Park Labor Operations Center which is currently located at 4650 Lake Avenue. This use must be located to an area so that it is still proximate to Ontario Beach Park. Certain locations may make it possible for the center to be combined with a facility for the Charlotte Youth Athletic Association. This section will discuss the alternative sites/configurations that were examined.

**E. River Street Alternatives**

**1. River Street Extension**

This section will disclose the alternate routes explored for the extension of River Street. It was determined by the City that the proposed route best serves the public while facilitating maximum development potential along this important street.

**2. North River Street Realignment**

This section will explain the alternate routes explored for North River Street between Portside Drive and Corrigan Street.

**F. Boat Launch Relocation and Design/Operation Alternatives**

The proposed build out will require the eventual relocation of the boat launch. The range of potential sites that have been or may be considered will be discussed. The process for reviewing and approving the future site(s) will be described.

**G. Development Density Alternatives**

Market studies conducted to evaluate the economic feasibility of Port redevelopment have identified various alternative programs responding to the potential demand and defining the density of redeveloped spaces. These programs will in turn determine the total anticipated lot coverage, floor area ratio and general building scale and massing. The EIS will review concept site plans and other aspects of redevelopment alternatives that will be distinguished from one another primarily with respect to the proposed density of development.

**H. Phasing Alternatives**

This section will identify phasing alternatives and evaluate the potential impacts associated with each alternative. It is currently anticipated that phasing will be as follows:

- The marina will be constructed in 2 phases; the first phase will begin with the landside/utility improvements subsequent to completing SEQR and required permit approvals.
- Marina, promenade, roadway, and infrastructure construction periods will generally be scheduled after Labor Day and before Memorial Day in order to minimize project impacts on the summer beach and festival season.
- Construction of proposed street improvements will be coordinated with construction of Phase I of the marina.
- Private development at 4752 Lake Avenue (Area A) of up to 176 residential & 30,000 sq ft commercial will be coordinated with the schedule for Phase I of the marina.
- Timing for subsequent private development will occur based on factors including the relocation of the boat launch and County Parks Operations Center, occupancy rates for the initial area of private development (area A), market demand and developer interest, and mitigation of impacted parkland and completion of required City and state parkland alienation procedures.

Alternate phasing options may include: Interim uses of potential future development sites that would be permissible give the ownership, parkland status and current uses and options for developing areas C and D if phase II of the marina is delayed or is removed from the overall plan at some point in the future.

# VI. INFORMATION SOURCES AND EXTENT AND QUALITY OF INFORMATION

- *City of Rochester Local Waterfront Revitalization Program*, City of Rochester Planning Bureau, Adopted by City Council September 1990, Approved by NYS Secretary of State November 1990, Concurred by the U.S. Office of Ocean and Coastal Resource Management January 1991.
- *Design Analysis Main Report on Proposed Navigation Improvements at Rochester Harbor, New York,* United States Army Corps of Engineers, Buffalo District, May, 1995
- *Rochester Harbor, New York, Design for Wave Protection ,Coastal Model Investigation*, Robert R. Bottin, Jr., Hugh F. Acuff, Army Corps of Engineers, Technical Report, July 1995
- *Phase I Environmental Assessment*, Galson, April 1999
- *Geotechnical Site Characterization Port of Rochester Harbor Improvement and Harbor Ferry Terminal, Rochester, New York,* Haley and Aldrich, September 2000
- *Phase II Environmental Assessment*, LaBella, May 2001
- *Draft and Final Design Report/NEPA Environmental Assessment/SEQR Generic Environmental Impact Statement, Public Redevelopment, Focus Site No. 1 – Local Waterfront Revitalization Plan and Specific Projects: PINS 4753.02, 4752.69, and 4752.62, City Code No. 99021,* Labella Associates, Erdman Anthony & Associates, Bourne Consulting Engineering, Cavendish Partnership, Haley & Aldrich, March 2001.

- *Scour Analysis for Genesee River Fast Ferry*, Bourne Consulting Engineering in association with Applied Coastal Research & Engineering, Inc., November 7, 2002
- *Preliminary Foundation Assessment*, Foundation Design, July 2005
- *Port of Rochester Environmental Management Plan*, LaBella, July 2005
- *Port of Rochester Master Plan*, Sasaki and ZHA, Inc., December 2006
- *Remedial Investigation Report, Proposed Port of Rochester Marina and Garage*, LaBella Associates, March 2007.
- *Predevelopment Subsurface Conditions Analysis Investigation Report*, LaBella Associates, January 2009
- *Economic Impact Analysis*, Edgewater/Abonmarche, February 2009
- *Predevelopment Subsurface Conditions Analysis Investigation Report, Location: Development Area # 1*, prepared for the City of Rochester, LaBella Associates, March 2009.
- *Marina Engineering Report and Feasibility Study*, Edgewater/Abonmarche & Passero Associates, May 2009
- *Feasibility Study Report & Design for Charlotte Youth Athletic Association/Monroe County Labor Center*, June 2009
- *Port Marina Predevelopment Site Conditions Gap Investigation Data Summary Package*, LaBella Associates, September 2009
- *Port of Rochester Traffic and Parking Analysis*, Bergmann Associates, November 2009
- *Wave Study Report for Rochester Harbor*, United Design Associates, 2009
- *Preliminary Subsurface Evaluation*, LaBella Associates, 2009
- The DEC's Article 15 program uses IGLD'85 so the documents will utilize the 247.3 foot mean high water line on the plans.
- The International Joint Commission (IJC) website and publications will be used with respect to the topic of water level management.
- 2 and 3-Dimensional exhibits will be used to depict and analyze the proposed build-out.