

City of Rochester Port Public Marina & Mixed Use Development Project

Site-Specific/Generic SEQR Environmental Impact Statement NEPA Environmental Assessment

Executive Summary

The Proposed Action is entitled the City of Rochester Port Public Marina & Mixed Use Development Project. The City of Rochester, as the project sponsor, is proposing this project to redevelop the Port of Rochester area in order to enhance public waterfront recreational facilities and to encourage and support economic development consistent with the goals of the City's Local Waterfront Revitalization Program (LWRP) and the City's Comprehensive Plan. In broad terms, the project includes:

- Comprehensive redevelopment of the Port of Rochester site, featuring the creation of a public marina basin and promenade;
- Private development of adjacent public lands for residential units and/or mixed-use commercial development;
- Relocation of existing public parkland facilities at the Port site to accommodate the redevelopment; and,
- Redevelopment at the transportation terminal formerly used for operation of a fast ferry service.

This document serves as the Site-Specific/Generic SEQR Environmental Impact Statement for the project, required by the New York State Environmental Quality Review Act (SEQR). Following coordination with the Involved Agencies, the Mayor of the City of Rochester was designated as the Lead Agency and issued a determination in May 2010 that the proposed project would be the subject of an Environmental Impact Statement (EIS). A final scope for the EIS was issued on June 10, 2010. In addition, this document will assist those Federal agencies which have jurisdiction by law with respect to any component or environmental impact involved in the proposal, and can serve as the federal Environmental Assessment (EA) for the project.

Project Location

The project site is located at the Port of Rochester where the Genesee River meets Lake Ontario in the community of Charlotte within the City of Rochester. This area, located adjacent to Ontario Beach Park, is currently the site of the former fast ferry terminal, parking lots, the Public Boat Launch, the Ontario Beach Labor Operations Center, and the Charlotte Genesee Lighthouse. The parcels and address locations within the project area are:

- The approximately 22-acre City-owned site known as the Port of Rochester (Port site) is generally bound by the Genesee River to the east, the Hojack railroad to the south, Lake Avenue to the west, and Ontario Beach Park to the north. The Port site encompasses the properties at 4590, 4600, 4630, 4650 and 4752 Lake Avenue, and 1000 North River Street; and

- South of the Port site, the Right-of-Way Improvements extend across parcels at 503, 527, and 565 River Street; and
- Also south of the Port site, the Lighthouse Trail project area includes two City-owned parcels at 4576 and 4580 Lake Avenue, and portions of the County-owned Charlotte Genesee Lighthouse property at 70 Lighthouse Street, and the privately owned parcel at 4554 Lake Avenue.

Project Description

The project will transform an under-developed public waterfront area into a year round recreationally-oriented resource that will complement other significant public resources in the area (e.g., Ontario Beach Park, Terminal Building, Charlotte Pier, the Charlotte Genesee Lighthouse, etc). In general, the action includes development of a marina basin, public promenade and new streets to replace both the existing surface parking area and access drives associated with the former ferry terminal. Pedestrian and bicycle access will be enhanced with new trails and sidewalks. The Ontario Beach Park Labor Operations Center and Public Boat Launch will be relocated, and public lands will be sold for conversion to private mixed use development.

As indicated above, the Proposed Action includes a combination of public improvements (marina, road re-alignments and extensions, trail construction, utilities/facility relocations, parkland alienation, etc.) and private development (mixed use commercial and residential structures). The action also includes creation of a new zoning district within the existing Harbor Village District to support the development of the proposed uses.

It is important to note that the first phase of the public improvements includes activities that can be undertaken by the City immediately upon project approval, as they occur on vacant lands owned by the City which are not designated parkland. The second phase of the improvements will require more lead time as they will require parkland alienation through a Home Rule message from City Council and the approval of the NYS Legislature. As is required when parkland is proposed to be alienated, the City will provide lands of equal usefulness, environmental value, and fair market value to replace the parkland.

The Proposed Action provides for the following:

- **Marina Zoning District**
A new zoning district, to be called the *Marina District*, will encompass the project site. The *Marina District*, a Form-Based Code, will ensure that future projects are developed in a manner that is consistent with the vision of the Proposed Action and that avoids significant adverse impacts on the surrounding neighborhood and larger community.
- **Phase 1 Public Improvements**
The Phase 1 Public Improvements include the Phase 1 Marina, Right-of-Way (ROW) Improvements, the Lighthouse Trail, and Lake Ontario Resource Center (LORC), as described below. With the exception of the LORC and the Lighthouse Trail, it is anticipated that these components will be coordinated as a single public improvement project.

Phase 1 Marina

A 4.7 acre marina basin with access to the Genesee River will be developed and will share the current river opening with the existing Public Boat Launch. The marina will feature approximately 85 boat slips (transient and seasonal), a public promenade around the perimeter of the basin, and a boater facility building and amenities.

Right-of-Way (ROW) Improvements

Streets in the site vicinity, primarily River Street, North River Street, and Corrigan Street, will be re-aligned and extended to accommodate creation of the marina basin, to smooth traffic flow, and to facilitate access. Street utilities and infrastructure will be relocated as needed, and access and parking serving the existing Public Boat Launch will be reconfigured. The Genesee Riverway Trail will be extended along the River Street Extension to connect to the proposed marina promenade.

Lighthouse Trail

A 700-foot trail between Lake Avenue and the Charlotte Genesee Lighthouse property will be constructed to improve public access to the Lighthouse site and its superior view corridor of the waterfront.

Lake Ontario Resource Center (LORC)

SUNY College at Brockport has expressed interest in developing the Lake Ontario Resource Center at the Port site, as a facility which will focus on water quality research and accumulation of data regarding Lake Ontario. The LORC may be constructed within the “link building” which is part of the former fast ferry terminal or in a permanent facility near the Terminal Building at 1000 North River Street.

- **Phase 2 Public Improvements**

The Phase 2 Public Improvements include Expansion of the Marina, Relocation of the Public Boat Launch, and Relocation of the Ontario Beach Park Labor Operations Center. The City’s investment in the Phase 2 Public Improvement is predicated upon private investment in the parcels available for development and demonstrated interest within the development community.

Phase 2 Marina Expansion

The Phase 2 Marina Expansion will involve expansion of the basin to the south, including the current location of the public boat launch. The acreage of the marina basin will increase from about 5 acres to 7 acres, and the capacity will increase from about 85 to about 157 slips, including broadside dockage.

Relocation of the Public Boat Launch

The Public Boat Launch, currently located at 4630 Lake Avenue and 1000 North River Street, will be relocated to elsewhere within the Rochester Harbor area (several alternative sites have been preliminarily identified), in order to accommodate expansion of the marina basin, as well as anticipated private development. Before the existing Boat Launch property can be redeveloped, parkland alienation and replacement legislation will be required.

Relocation of the Ontario Beach Park Labor Operations Center

The Ontario Beach Park Labor Operations Center will be relocated from its existing location on Lake Avenue to another location in or adjacent to Ontario Beach Park (several alternative sites have been preliminarily identified). The area occupied by the existing Labor Operations Center is proposed as part of the private development. Before these properties can be used for private development, parkland alienation and replacement legislation will be required.

- **Incremental Private Development**

The Proposed Action includes mixed-use private development on three parcels of publicly owned land: Parcel I (4752 Lake Avenue), Parcel II (4600, 4650, and part of 4630 Lake Avenue) and Parcel III (part of 4590 and 4630 Lake Avenue). The mixed use development is preliminarily identified as 280 to 430 residential units (apartments and condominiums) and 44,000 square feet of commercial/retail development, and will be undertaken incrementally subject to market conditions. The incorporation of mixed-use development at the Port is designed to increase the number of people living and staying in the area and to enhance economic development and business activity year round.

It should be noted that, based upon the analysis of impacts undertaken as part of the EIS preparation, the City modified the Proposed Action by eliminating a fourth private development parcel proposed in the Ontario Beach Park parking lot at the northern end of the project site. Parcel IV has been removed from the Proposed Action due to loss of parking, view-shed impacts and requirements for parkland alienation that became impossible to adequately mitigate. The density of development, however, has not changed and has been redistributed over the other development parcels on the site.

Project Timetable

The full build-out of all of the components proposed as part of the Port project will be realized over many years. The phasing and timing of this multi-year project has been designed so that the Port area and the surrounding Charlotte community has the necessary time to adjust to and accommodate the changes in development, traffic patterns, housing demand, commercial opportunities, population dynamics, views and other characteristics of the area. Many aspects of the proposed development, in particular, the private development and Phase 2 Public Improvements, are dependent upon market conditions and other factors, such that these components may not come to fruition for a decade or more.

The Phase 1 Public Improvements, including the Phase 1 Marina, the ROW Improvements and the Boat Launch Reconfiguration (parking), will be advanced in a single coordinated effort, anticipated to occur between September 2012 and May 2014. Special attention will be paid to maintaining access to the Public Boat Launch, the Terminal Building and other recreational resources of the area, particularly during the summer months. The Lighthouse Trail is expected to be constructed in the spring and summer of 2013. The construction of the LORC is dependent upon the negotiation of a lease-purchase option between the City of Rochester and SUNY College at Brockport.

Private development will likely begin with the development of Parcel I, or a portion thereof, in 2014. Development on Parcels II and III will follow based on the timing of the necessary parkland alienation, relocation of the Public Boat Launch and/or Ontario Beach Park Labor Operations Center, and developer interest.

Public Need and Benefits

The Port site is currently an underutilized area, consisting predominantly of parking lots and commercial land, located at the most significant waterfront space in the Greater Rochester area--the confluence of the Genesee River and Lake Ontario--and one of only two access points into Monroe County from Lake Ontario. While this waterfront site is open to the public, there are minimal amenities that provide for public enjoyment. Public green space is limited; bicycle and pedestrian access is informal from the south to Portside Drive; and there are no retail establishments and only a few eateries.

Rochester Harbor is one of only three deep draft harbors on the south shore of Lake Ontario. A boater market analysis performed in 2008 identified a potential demand for 200 to 500 additional boat slips in the Rochester/Monroe County area for boats 26 feet and larger, a need which is unmet by existing marinas. The report also documented the need for additional modern, quality boater services. Moreover, the Rochester Harbor does not provide accommodations to support regional boater-oriented events.

Significant public benefits are anticipated from implementation of the Proposed Action. The proposed marina, in combination with the natural and historic features of this area, would stimulate local and regional tourism opportunities and promote boat travel between Rochester and other Great Lakes ports. Residential and commercial development is expected to spur long term economic and financial growth in the area and to expand enjoyment of the waterfront, creating a more vibrant and active waterfront.

The marina would provide a safe public harbor serving local boaters and Great Lake travelers and make Rochester a first class venue for regional sailing regattas, modern in-water boat shows, and regional or national classic and antique boat shows. Public access and enjoyment of the area will be enhanced by the creation of additional waterfront area, increased green space, and public trails and pathways. The Terminal Building would continue to function as an important Port building, and development of the marina would not preclude the future operation of a small ferry service if parking options are identified.

The River Street Extension will serve as a secondary north-south public access from Latta Road to the Port site to facilitate traffic flow as well as emergency access. The Genesee Riverway Trail will extend to Ontario Beach Park, affording pedestrian and bicyclists with scenic off road access to the waterfront. Development of the Lighthouse Trail will provide public access to scenic views of Lake Ontario, the Genesee River, Ontario Beach Park, the Ontario Beach Carousel, and the newly created waterfront area within the Port site. The Lake Ontario Resource Center would facilitate research associated with the Great Lakes, promote community and business partnerships, and provide unique opportunities for students at all levels.

The operation of the marina alone is anticipated to contribute to an estimated \$1.85 million in annual direct economic benefits, and over \$2 million in annual economic benefits when indirect (secondary) effects are included, based upon anticipated revenues generated by boater purchases and other associated economic activity. For all phases of private development, the present value of increased property tax revenues over a period of twenty years was computed and found to range from \$6.1 million to \$18.5 million. The construction and operation of the marina along with the private development upon Parcels I, II and III is expected to contribute to the creation of approximately 2,500 construction jobs and 300 permanent jobs.

Impacts and Mitigation

Section IV of this EIS presents an analysis of the environmental impacts associated with the City of Rochester Port Public Marina & Mixed Use Development Project (Proposed Action). Section IV is organized into Sub-sections based upon the Final Scope, as indicated in the listing below. Each Sub-section provides a description of the Existing Setting, Impacts and Mitigation Measures for the affected issue or resource, and Section F Aesthetic and Visual Resources contains a Visual Preference Survey for readers to complete:

- A. Geology, Soils and Topography
- B. Water Resources
- C. Hydrologic Conditions and Coastal Management
- D. Vegetation and Wildlife
- E. Air and Odors
- F. Aesthetic/Visual Resources
- G. Historic, Cultural and Archeological Resources
- H. Parks, Recreation and Open Space
- I. Land Use, Zoning, and Conformance with Officially Adopted Plans
- J. Community Character/Quality of Life
- K. Transportation
- L. Utilities
- M. Growth-inducing Impacts
- N. Use and Conservation of Energy Resources
- O. Solid Waste Management
- P. Public Health and Safety
- Q. Economic/Fiscal
- R. Environmental Justice
- S. Temporary Impacts Related to Construction Activities
- T. Unavoidable Adverse Impacts
- U. Irreversible and Irrecoverable Commitment of Resources

Most of the Sub-sections within Section IV follow a similar format: an Introduction in Sub-section 1; a description of the Existing Setting in Sub-section 2; and an evaluation of Impacts and Mitigation Measures in Sub-section 3. The evaluation of impacts and mitigation measures within Sub-section 3 is further broken down by project component, typically following the outline below:

- 3.1 Marina
- 3.2 Right-of-Way (ROW) Improvements
- 3.3 Lighthouse Trail
- 3.4 Lake Ontario Resource Center (LORC)
- 3.5 Relocation of the Public Boat Launch
- 3.6 Relocation of the Ontario Beach Park Labor Operations Center
- 3.7 Incremental Private Development

For certain Sub-sections it is not feasible to follow the outline above, in particular for issues where impacts occur on a wider scale or are relevant to the overall Port area, such as Transportation or Aesthetic/Visual impacts.

Section IV makes up the bulk of the EIS document. Given the complexity of the Proposed Action and the number of issues and resources analyzed, it is not practicable to summarize the impacts and mitigation measures in a concise form in this Executive Summary. Rather, the reader is referred to the individual Sub-sections relevant to the specific area of interest. Page numbers are provided in the Table of Contents.

Alternatives to the Proposed Action

An analysis of alternatives to the Proposed Action is provided in Section V of the EIS document and summarized by Sub-section below:

A. No Action Alternative

The No Action Alternative explores the implications of the City doing nothing in the project area (i.e. not undertaking the Proposed Action). The loss of the benefits associated with the project as well as the avoidance of environmental impacts are reviewed. This alternative is not considered preferable to the Proposed Action.

B. Marina Location and Design Alternatives

Six options for marina design and location were identified in the 2009 Marina Engineering Report and Feasibility Study and a seventh “preferred alternative” was identified in early 2010 at the end of the public focus group sessions. These alternatives illustrate the evolution of the project design, which culminates in the Proposed Action presented in the EIS.

C. Marina Operation Alternatives

This section discusses the alternatives for operating the marina and funding the ongoing marina operations including: Municipal Operation, Contractor under agreement to the

City, Third Party Operator, or Licensee/Leasehold Operator. Assuming the City of Rochester maintains meaningful oversight of the marina operation, there are no significant differences in the potential environmental impacts of the various operational approaches, with the exception of economic and fiscal impacts to the City of Rochester. The “Municipal Operation” alternative is well within reasonable expectations of competent municipal employees and should be the most financially beneficial approach for the City.

D. Relocation of the Ontario Beach Park Labor Operations Center

The Proposed Action will require the eventual relocation of the Ontario Beach Park Labor Operations Center to another location in or adjacent 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 (CYAA). Four preliminary alternative sites are being reviewed. Once selected, the preferred site will be the subject of a site specific environmental review.

E. Right-of-Way (ROW) Alternatives

Alternatives affecting the location of River Street, North River Street, and intersections along these roads were considered and described in the 2009 Marina Engineering Report and Feasibility Study. Important site considerations include the CSX rail line which limits the potential alignments to the west, and existing structures along the Genesee River, which limit the potential alignments to the east. The preferred alternative was selected based on sound engineering practice and roadway design standards, impacts to properties crossed, efficiency of resulting parcel dimensions, pedestrian safety, and impacts on the alignment of Genesee Riverway Trail.

F. Public Boat Launch Relocation and Design/Operation Alternatives

The Proposed Action will require the eventual relocation of the existing Public Boat Launch (prior to the Phase 2 Marina Expansion). Three preliminary alternative sites are currently under consideration by the City, and no decision has been made. Once selected, the preferred site will be the subject of a site specific environmental review.

G. Development Density Alternatives

Over the course of the planning process, a series of potential development densities for the Port site were reviewed, ranging from a very high urban density of over 133 units per acre to a less intensive resort community density of under five units per acre. Based on input from the Charlotte community, projections of market demand, and urban design strategies intended to maximize the value of each unit while expanding public access, the 2009 Marina Engineering Report and Feasibility Study proposed the development of between 280 and 430 residential units on Parcels I, II, III, and IV for a density range of 11.3 to 17.3 units per acre. As a consequence of the elimination of the Parcel IV site, the density now being proposed ranges from 12.0 to 18.4 units per acre.

H. Private Development Site Alternatives – Parcel IV

At the onset of DEIS preparation, the preferred alternative called for private development upon four sites identified as Parcels I, II, III, and IV. As the evaluation of impacts progressed, the prospect for private development upon Parcel IV raised particular concerns with regard to parking, visual/aesthetic resources and parkland alienation. An evaluation of the Form-Based Code indicated that Parcels I, II and III could accommodate the entire private development program originally proposed upon all four parcels. As the elimination of Parcel IV did not compromise the project in any meaningful way and did not diminish the project's capacity to achieve the intended benefits, development upon Parcel IV was eliminated from the preferred alternative.

I. Slip Density Alternatives

The preferred alternative originally called for development of 75 to 80 boat slips in the Phase 1 Marina and an additional 38 to 43 slips in the Phase 2 Marina Expansion for a total of 118 slips. As preliminary plans for the marina basin evolved, the preferred alternative was modified to include the development of 85 slips in Phase 1 and a combined final total of 157 slips in Phase 2 (Full Build). The currently proposed total is well below the estimated market demand and the additional slips can be accommodated within the basin without any increase in the basin's extent and without compromising navigation. The number of slips is recognized as a key project component and an important catalyst for the anticipated private development and related economic benefits.

J. Phasing Alternatives

The proposed phasing of the project is based on establishment of the proposed marina and associated infrastructure as a catalyst to private mixed-use developments on adjacent Parcels I through III. It was determined that a significant portion of the project could be completed in a first phase, which would facilitate a measured approach to the entire project (Full Build). The Incremental Private Development would proceed in segments appropriately scaled to the anticipated rate of absorption by the market.