

City of Ithaca Common Council Findings Statement

Southwest Area Land Use Plan Generic Environmental Impact Statement

Adopted - August 24, 2000

1. Purpose and Intent

This is the City of Ithaca Common Council's (The Council) Findings Statement for the adoption of the Southwest Area Land Use Plan ("the Southwest Plan"). The Council is the Lead Agency for the action, the adoption of the Southwest Plan.

A Findings Statement sets forth the basis for an Agency's decision on an action, in this case the adoption of the Southwest Plan. This Findings Statement sets forth the Council's decision with respect to adoption of the Southwest Plan, the basis for that decision, and the conditions thereto.

The State Environmental Quality Review Act (SEQRA) requires that the Lead Agency and each involved agency make Findings on an action, however in the case of this action there are no involved agencies and the Council is therefore the only agency making Findings.

The Findings Statement contains a brief description of the action, a description of the SEQRA process for the action, a discussion of how the SEQRA documents for the action will be used, a certification required by the SEQRA regulations, a discussion of significant impacts and mitigation measures, and a discussion of the basis and rationale for the Council's decision.

The discussion of the basis and rationale for the Council's decision makes up the bulk of these Findings. This discussion is organized by topic or area of the environment, as were the GEIS documents. In making Findings it is important to state that the Lead Agency need not Find that the action will result in no environmental impacts. Rather, SEQRA requires that agencies engage in a balancing process whereby environmental concerns are weighed against social, economic and other essential considerations (see the certification in Part 5 below). The basis and rationale section generally sets forth the salient facts considered by the Lead Agency in making its decision,

referencing the GEIS where appropriate. It further sets forth the Lead Agency's assessment of information that it received from the public in reaching its own conclusions. In addition, it puts forward conclusions that differ from some conclusions set forth in the FGEIS. Finally, it sets forth specific conditions that become a part of its decision.

2. Description of the Action

The action that is the subject of this GEIS is the adoption of a land use plan for an approximately 381-acre area referred to as the Southwest Area. The Southwest Area is bounded by Clinton Street to the north, Cayuga Inlet to the west, and Meadow Street and Elmira Road to the east and south. The study area consists of approximately 160 acres of potentially developable land and approximately 60 acres designated as substitute parkland in conjunction with the alienation of the Southwest Park parcel. The study area consists of 13 undeveloped parcels (See DGEIS page 1-1; table 1-1; figure 1.), as well as developed parcels along Elmira Road, Cecil A. Malone Drive (formerly West Clinton Street), Cherry Street, Commercial Avenue and Nates Floral Estates. It is currently zoned I-1 Industrial, MH-1 Mobile Home, B-5 Service Business, P-1 Public and Institutional, and FW-1 Floodway Zone. Current land uses are a mobile home park, vacant land, industrial uses associated with the Tompkins County Recycling and Solid Waste Center, and business/commercial uses.

The purpose of the Southwest Plan is to develop a coordinated plan for land use in this area. The Lead Agency recognized that under the existing zoning there was the potential for significant development in the Southwest Area, and that if such development was not properly coordinated, potentially significant adverse impacts could occur. Examples of such impacts are offsite traffic impacts caused by the incremental addition of traffic to surrounding roadways, and flooding and drainage impacts caused by uncoordinated development in which drainage systems do not work together. The Lead Agency further determined that it would be desirable to coordinate the aesthetic and design principles guiding development in the Southwest Area, and that the GEIS should explore ways in which public costs associated with new development could be fairly apportioned among development projects benefiting from public expenditures.

In achieving a coordinated development pattern that minimizes adverse environmental impacts to the maximum extent practicable, the City also sought to further other objectives, including:

- a. Increase in City (and County/School District) property tax revenues.
- b. Increase in City (and County) sales tax revenues.

- c. Development of a multi-modal transportation link between West Hill and the Route 13 commercial corridor and Buttermilk Falls State Park.
- d. An opportunity for the City to maintain or enhance its competitiveness within the region as a desirable location to live, work, shop and recreate.
- e. Job creation.
- f. Creation of substitute parkland.
- g. Adoption of Design Guidelines for existing development along Elmira Road, as well as new development in the Southwest Area.

3. How the GEIS Will Be Used

The purpose of a Generic EIS is to “discuss in general terms the constraints and consequences of any narrowing of future options and to present and analyze in general terms hypothetical scenarios that could and are likely to occur” (6 NYCRR 617.10 (a)) as a result of the action. The Southwest Plan recommendations are to be implemented by the adoption of new zoning and design guidelines applicable to the area. The actual intensity and form (i.e. layout) of new development will be dependent on private market decisions operating within the constraints of the new zoning, the design guidelines and these Findings.

The DGEIS examined six hypothetical scenarios and discussed generally the impacts of large-scale development in the Southwest Area. The purpose of this analysis was to determine the thresholds or limits of development that could, consistent with other objectives, occur without significant, unmitigatable adverse impacts.

Following the adoption of these Findings and the adoption of zoning and design guidelines implementing the Southwest Plan, individual applicants who wish to develop portions of the Southwest Area covered by the Southwest Plan must come before the Planning and Development Board (and other agencies) for site plan approval and must complete SEQRA processes of their own. Therefore, each individual project will be reviewed for the specific potential environmental impacts that may arise due to project specific actions and disturbances. The GEIS would be used as a starting point, or baseline document, in this review.

Should the Planning and Development Board (or other involved agency) find that there are site-specific issues that have not been addressed in the GEIS, or if the project is not in some way in substantial compliance with these Findings, then supplemental study may be required. Such study may take the form of attachments to an Environmental Assessment Form, a more in depth Environmental Site Assessment (ESA), or a project specific

supplemental EIS. The costs of any such study would be borne by an individual project applicant. If a project is in substantial compliance with the Findings of the GEIS and no site specific issues are raised, then the project can be issued a Negative Declaration and proceed to site plan review.

4. Procedure

The DGEIS was accepted as complete by the Lead Agency, the City of Ithaca Common Council, on December 20, 1999. Following this acceptance, a public hearing was duly noticed and held on January 24 and 25, 2000, and a 59 day public comment period, (30 day minimum required by SEQRA), ran until February 17, 2000. At the end of the public comment period, the written comments and public hearing transcripts were analyzed and a FGEIS prepared, per the requirements of SEQRA 6 NYCRR Parts 617.9 and 617.10. The Common Council accepted the Final GEIS as complete on May 25, 2000. The public and interested agencies were afforded 20 calendar days to comment on the adequacy of the FGEIS. An additional public hearing on the FGEIS, although not required by the SEQRA regulations, was held on June 7, 2000. The Lead Agency, City staff, and City consultants comprehensively reviewed all written, emailed, and public hearing comments.

5. Certification

Based on the foregoing procedure and considerations, the Lead Agency certifies that:

- a. It has considered the relevant environmental impacts, facts and conclusions disclosed in the final GEIS;
- b. It has weighed and balanced relevant environmental impacts with social, economic and other considerations;
- c. It has provided a rationale for its decision;
- d. It has met the requirements of 6 NYCRR Part 617; and
- e. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigation measures that were identified as practicable.

6. Findings, Basis and Rationale for Decision

The following discussion sets forth the Findings, basis and rationale for the Lead Agency's decision, including required mitigation measures.

a. Land Use and Density

(i). The study area generally consists of vacant or underutilized land. Although a variety of land uses are allowed by existing zoning, lack of infrastructure and access considerations inhibit future development. The Lead Agency Finds that the adoption of the Southwest Plan will have positive impacts by: 1) Encouraging coordinated development and by limiting the amount of development that can occur to a specified maximum; 2) Tying the costs of mitigation to certain intensities of development; and 3) Providing a mechanism for developers to pay their fair share of public improvement costs.

(ii). The GEIS analyzed six hypothetical development scenarios in order to determine the level of development at which significant, unmitigatable adverse impacts would occur. The range of densities analyzed was from a low of 500,000 square feet of retail development to a high of 1,250,000 square feet of mixed retail and office development. The GEIS determined that a maximum development of approximately 1,000,000 square feet, (of which approximately 800,000 square feet was retail development and 200,000 square feet was office development) was the maximum amount of development that could be sustained without significant, unmitigatable traffic impacts. The Lead Agency therefore Finds that the ultimate density within the study area shall not exceed that which would result in 2,152 vehicle trips during the peak weekday hour, which has been calculated to be between 4:30 and 5:30 p.m. Trips shall be as calculated by the Institute of Transportation Engineers standard reference *Trip Generation*, taking into account appropriate credits for pass-by traffic, internal capture and non-automobile travel. Local data may be used to supplement *Trip Generation* where appropriate.

(iii). The GEIS considered general land use alternatives of retail, office, and light industrial and found that such uses could be reasonably accommodated on the project site without significant, unmitigatable adverse impacts. The Lead Agency Finds that it is desirable to limit certain uses in order to achieve consistency with the design guidelines, discussed in section 5.b. below. Consequently, the Lead Agency Finds that it is desirable to adopt new zoning districts to implement the intent of the Southwest Plan and these Findings. The new districts will consist of the main mixed use district and a sub-district for the developed areas along

South Meadow and Elmira Road. Both districts will allow for a mix of land uses such as residential uses of all density, recreation, retail, office, entertainment, light industrial and manufacturing. Gasoline filling stations will be prohibited from the main mixed use district. Automobile repair/maintenance services as a primary use in the main mixed use district is also prohibited; it may however be an accessory use. Mobile homes, adult entertainment and heavy industry will be prohibited in both districts.

(iv). The Lead Agency Finds that the No-Action Alternative would result in the failure to adopt the Southwest Area Land Use Plan. Failure to adopt the Southwest Plan could result in greater negative impacts due to uncoordinated review of future projects, failure to consider cumulative impacts, no fair share cost distribution, failure to construct a coordinated drainage system, uncoordinated infrastructure improvements, adverse off-site traffic impacts and failure to adopt a policy for concurrency of traffic improvements. See page 4-1 of the DGEIS for discussion on the No-Action Alternative.

b. Design Guidelines

(i). The GEIS presented a number of design concepts and recommended that such concepts be applied to the Southwest Area in the form of Design Guidelines. The concepts are generally intended to create a more bicycle and pedestrian friendly environment consistent with the urban character of the City. Concurrent with the GEIS process, the City has caused to be prepared Draft Design Guidelines for the Southwest Area and Elmira Road-Meadow Street Corridor. The guidelines address areas such as: 1) Street design; 2) Parking design; 3) Lighting design; 4) Bicycle systems design; 5) Pedestrian facilities design; 6) Signage; 7) Vegetation selection for landscape areas, buffers and drainage easements; 8) Wetlands; 9) Drainage easements; 10) Buffers; and 11) Architectural treatment of buildings. The Design Guidelines are independent of the Southwest Plan in that they will be adopted as an amendment to the City's Comprehensive Plan and will apply to an area larger than the Southwest Area, and thus they will undergo their own SEQRA review and adoption process that is independent of and parallel with that for the Southwest Plan. However, the Lead Agency views the adoption of the guidelines as a critical mitigation measure in the adoption of the Southwest Area Plan. The Lead Agency therefore Finds that the Planning and Development Board shall apply the spirit and intent of the design guidelines when conducting site plan reviews.

c. Soils and Geology

(i). The study area is characterized by alluvial plain soils that generally have shallow groundwater depths. These soils are typically 40 or more feet thick before bedrock is reached. Construction on such soils may entail the use of specially engineered foundations; however the GEIS has identified no significant impacts associated with such construction. Costs associated with construction on difficult soils will be borne by private developers.

(ii). The Lead Agency Finds that topsoil should be stockpiled on-site and used in appropriate landscape development. Appropriate erosion control measures, as specified by the Planning and Development Board during the site plan review process should be employed to minimize impacts.

d. Wetlands

(i). The GEIS reports on several wetland delineations conducted within the Study Area. A total of 25 individual areas meeting the definition of Federal wetlands regulated by the U.S. Army Corps of Engineers (ACOE) were identified. The total area of wetlands so identified is 10.98 acres.

(ii). The GEIS presented evidence that the wetlands in the Study Area were not regulated by the New York State Department of Environmental Conservation (DEC). During the GEIS review period several commentors suggested otherwise. The Lead Agency obtained a letter from the New York State DEC confirming that the wetlands in the Study Area are not regulated by the DEC (See FGEIS Appendix 2).

(iii). Certain wetlands in the study area were delineated and received confirmation of their delineation by the U.S. Army Corps of Engineers (ACOE) in 1995. Delineation determinations by the ACOE are valid for a period of five years. Thus, any development where such wetlands are located may require that the wetlands be re-delineated. Such delineation, if required, will be the responsibility of a private developer proposing to undertake regulated activities in a wetland.

(iv). As a matter of law, regulation of the wetlands in the Study Area is under the jurisdiction of the ACOE. Any developer proposing regulated activities such as filling of wetlands will be required to comply with the ACOE's regulations, which generally require mitigation if impacts cannot be avoided and/or minimized. The Lead Agency Finds that the GEIS has adequately determined the location and regulatory status of wetlands in the Study Area, and therefore fulfills one of its purposes as an information

gathering document for both private developers who might consider an activity in a regulated wetland, as well as for agencies responsible for reviewing such activities.

(v). The Lead Agency Finds that the creation of the substitute parkland proposed for the project will permanently preserve and protect certain wetland areas, and that this is a positive impact of the project.

(vi). The Lead Agency Finds that when and where practicable, wetlands within the study area should be retained and incorporated as part of site development.

(vii). The Lead Agency Finds that the most appropriate area for wetland mitigation, as determined during field surveys and reviews of mapping resources, is in the southwestern portion of the study area (Parcels F6 and the northern portions of Parcels F3 and F2 as delineated in DGEIS Figure 1). The parcels have the appropriate hydric soils (Wayland and Sloan silt loam), hydrology, and distance from proposed development to support compensatory wetland mitigation areas. The ACOE would make the final determination of the location, type and extent of compensatory wetland mitigation areas.

(viii). The Lead Agency Finds that wetland areas may be created in association with drainage swales used to manage stormwater, and that this is a positive impact of the project.

e. Water Resources

(i). The study area is located within the alluvial plain of the Cayuga Inlet, approximately 1.5 miles south of Cayuga Lake. As a result, this area has been historically prone to flooding. The Study Area contains the Flood Control Channel and the Relief Channel and associated levees. The purpose of these channels and levees is to allow floodwaters to flow into these channels instead of adjacent lands. While most of the Study Area is not within the 100-year floodplain, that part of the Study Area south and west of the levee parcels is within the 100-year flood zone as mapped and regulated by the Federal Emergency Management Agency (FEMA). The GEIS reported on prior studies for this area (see DGEIS page 2-13) that concluded that although this area is within the 100-year flood zone, filling would not significantly impact the flood level or velocity, thus allowing for potential development.

(ii). The drainage characteristics of the Study Area are generally poor due to flat slopes. New development in the Study Area will result in increases

in stormwater runoff volumes. The GEIS contained a detailed analysis of drainage conditions and presented a plan for managing stormwater runoff from new development. While there were numerous comments regarding development in an area of generally poor drainage and prone to flooding, no evidence such as calculations or expert opinion was submitted that would rebut the Findings of the GEIS drainage analysis and recommendations, which concluded that a drainage system could be constructed to manage development from a 25-year storm without increasing post-development runoff in the Study Area. It is the City of Ithaca's policy that new development be designed to manage runoff from the 25-year storm event so that post-development runoff volumes are equal to or less than pre-development volumes, and the plan for the Southwest Area meets this objective. Post-development runoff volumes will be higher than pre-development volumes for storm events in excess of 25-years, and there will therefore be an increase in flood water levels during such events. Such increase is considered an acceptable consequence when weighed against the economic benefits of the project.

(iii). The Lead Agency Finds that implementing the drainage plan recommended by the DGEIS is of utmost importance in managing overall runoff from the Study Area, and that it is likely that successful implementation of this plan will require the cooperation of multiple parties. The Lead Agency therefore Finds that the drainage configuration recommended by the DGEIS, or one of equal or better design, be implemented within the study area. Specifically, the Lead Agency Finds that stormwater management system components be designed to have capacity to manage rainfall from a 25-year event. Because the study area is located at the downstream end of a much larger surface drainage system, it is determined that storm water detention would not be an appropriate measure to control peak runoff rates from the area. (See dGEIS page 2-15.) The recommended drainage system further consists of two drainage systems, the conceptual locations of which are illustrated in DGEIS Figure 17. These systems, consisting of an extension of the relief channel and a swale discharging to the relief channel, are described and discussed in the DGEIS at pages 2-15 through 2-17. These systems will accommodate stormwater runoff such that only development in excess of the 25-year storm will result in backwater effects in the drainage swales. The Lead Agency Finds that construction of all or a part of these systems may be required to manage stormwater from multiple developments. The Lead Agency therefore Finds that it may be desirable for the City to require that developers construct all or a portion of the overall drainage systems in excess of that required to serve their individual projects. The Lead Agency thus Finds that the City may negotiate the creation of cost sharing formulas among private developers, should such construction be required.

(iv). The Lead Agency Finds that maintenance of stormwater management systems is important to their proper functioning. The Lead Agency therefore Finds that the maintenance procedures outlined at DGEIS pages 2-16 and 2-17 shall be required by the Planning and Development Board as a condition of any site plan approval. The Lead Agency further Finds that the stormwater management measures discussed in the FGEIS, pages 471-474, shall be considered by the Planning and Development Board in the review of any project.

(v). The Lead Agency Finds that impacts from stormwater quality could adversely affect aquatic resources. The Lead Agency therefore Finds that the stormwater quality mitigation measures identified at DGEIS pages 2-17 and 2-18 shall be required by the Planning and Development Board as a condition of any site plan approval. The Lead Agency further Finds that the stormwater quality mitigation measures discussed at FGEIS pages 464-466 shall be considered by the Planning and Development Board during site plan review, and these additional measures may be imposed if warranted by the circumstances of individual site plans.

(vi). The Lead Agency Finds that all stormwater improvements shall be privately constructed, operated and maintained, and that the Planning and Development Board may impose maintenance conditions consistent with the recommendations of the GEIS.

(vii). The Lead Agency Finds that where practicable, landscaped areas, including planted islands, may be designed so as to act as infiltration areas for stormwater runoff.

(viii). The Lead Agency Finds that the City of Ithaca shall begin discussions with the Town of Ithaca regarding stormwater quality and sedimentation control for stormwater runoff from South Hill.

(ix). Development is likely to occur in some portion of the 100-year floodplain. As discussed in Finding e.(i) above, previous studies have demonstrated that such development can occur without causing adverse impacts. Any such development will be required to comply with the FEMA requirement that floodplain encroachment not cause an increase in flood heights by more than 1.0 feet, and that hazardous velocities not be produced. The Lead Agency Finds that any development that proposes filling in the floodplain be required to demonstrate such compliance by the use of appropriate calculations.

f. Former Dump Site

(i). A portion of the study area consisting of three parcels totaling 59.11 acres was formerly used as a dump site by the City of Ithaca. The DGEIS contained the results of a Phase 1 Environmental Site Assessment (ESA), and the FGEIS contained additional data relevant to the ESA. These investigations concluded that contaminants are not presently migrating from the dump and the dump does not present a threat to public health. Although numerous comments were received suggesting that the investigations conducted were inadequate, no evidence in the form of sampling or other tests or measurements that would contradict the Findings of the GEIS were submitted into the record.

(ii). The former dump site is not considered a hazardous waste site by the DEC or the EPA, the regulatory agencies with the jurisdiction to make such determinations. The Lead Agency notes that regulatory agencies had the opportunity to review the information in the GEIS and have made no change in the former dump site's legal status.

(iii). Once a specific development proposal involving the former dump site is made, the DEC and the Tompkins County Public Health Department (DOH) will subject the proposal to review and may require supplementary investigation, including additional SEQRA or Environmental Site Assessment review.

(iv). The data in the GEIS indicate that, in the absence of new Findings to the contrary, the former dump site is developable. Positive impacts associated with such redevelopment include the return of the land to productive use, as well as potential remediation in the form of capping and minimization of infiltration and exposure to contaminated soil. Negative impacts associated with such redevelopment include the potential migration of contaminated soil and water (both surface and ground) if improperly controlled and the seeping of and exposure to methane gas. Any development proposed for the former dump site will be subject to the review and approval of the DEC and the Tompkins County Department of Health. The Lead Agency Finds that these agencies have the expertise to determine the adequacy of construction and remediation plans, and the Lead Agency therefore Finds that the comments of these agencies shall be considered by the Planning and Development Board in its review of any site plan involving development or disturbance of the former dump site. The Lead Agency further Finds that the mitigation measures listed at DGEIS page 2-26 and FGEIS page 191 shall be required by the Planning and Development Board as part of its review of

any site plan involving development or disturbance of the former dump site.

g. Air Resources

(i). Construction activity has the potential to result in airborne dust and in mud being carried off the site by construction vehicles. The Lead Agency therefore Finds that the Planning and Development Board shall require standard dust and mud control measures as part of the site plan review process.

(ii). Additional traffic in the study area will result in locally increased levels of automobile generated pollution. However, the Ithaca area is in compliance with all standards, as demonstrated by recent NYSDOT monitoring of the Route 96 corridor. The Lead Agency's expert consultants have indicated that the levels of increased airborne pollution associated with increased traffic levels would be unlikely to breach air quality standards or otherwise cause adverse impacts (see DGEIS page 2-27).

(iii). The Lead Agency Finds that the Design Guidelines for the plan, will generally encourage pedestrian and bicycle transportation, accommodate public transit, and help to mitigate air quality impacts by reducing the number of vehicle trips that would otherwise result.

(iv). The Lead Agency further Finds that by requiring transportation improvements both on and off-site, including improvements that will help alleviate existing traffic congestion, delays and idling time will be reduced, thus mitigating impacts to air quality.

h. Visual Resources

(i). The GEIS contained a detailed visual impact analysis (see DGEIS Appendix E). The analysis simulated views of the study area from ten locations that offer representative samples of major views of the Study Area. An accepted methodology following the guidelines established by the Federal Highway Administration as defined in *Visual Impact Assessment for Highway Projects* was applied to assess the impact from each location. Minor errors in the methodology were corrected in the FGEIS.

(ii). A number of comments were received questioning the accuracy of the visual assessment with respect to the appearance of the buildings being simulated and the visibility of the Study Area from Buttermilk Falls State Park. No alternate simulations or photographs were submitted into the

record, nor was any type of alternate, accepted methodology applied to dispute the conclusions of the analysis in the DGEIS.

(iii). With respect to the accuracy of the buildings being depicted in the visual simulations, the Lead Agency agrees with certain comments to the effect that the simulations did not accurately depict the appearance of rooftop HVAC equipment. However, the Lead Agency Finds that the simulations were sufficiently accurate and detailed to allow it to make an informed decision as to the visibility of development in the study area from the viewsheds analyzed.

(iv). With respect to the visibility from Buttermilk Falls State Park, members of the Lead Agency, its consultants, City staff and Park representatives physically walked the trails in the Park to determine the accuracy of the analysis in the DGEIS. This field work concluded that the DGEIS had accurately portrayed the area of visibility from within the Park, which is limited to approximately 100 feet of trail along the Falls. Reports of an additional area of visibility from the vicinity of Pulpit Falls received at the FGEIS public hearing do not change the substance of the Lead Agency's conclusions or Findings.

(v). The Lead Agency Finds that the project will have adverse visual impacts in that it will change a currently natural viewshed, including the areas of Buttermilk Falls discussed at DGEIS pages 2-28 through 2-32 and Appendix E and FGEIS pages 100 to 102, and in Finding h. iv. above into one that is developed. However, the Lead Agency Finds that this impact can be mitigated to the maximum extent practicable, consistent with other objectives. Such mitigation shall take the forms discussed at DGEIS pages 2-32 and 2-33, as implemented by the Design Guidelines to be adopted for the Southwest Area.

(vi). The Lead Agency Finds that the primary mitigation for visual impacts shall be the imposition of the Design Guidelines discussed in Finding b. The Design Guidelines specify the use of non-reflective building materials, the use of natural building colors, the type and amount of landscaping, especially in parking areas, the scale and type of signage, and the type, height and brightness of lighting.

(vii). The Lead Agency Finds that buffers are a valuable tool in minimizing visual impact and enhancing overall site appearance. Buffers should be utilized to separate and screen commercial uses from recreational and residential uses. When possible, areas of existing vegetation should be utilized and incorporated as part of major buffers. The Design Guidelines make recommendations on buffer design.

(viii). The Lead Agency Finds that the Planning and Development Board shall designate areas on the substitute parkland for heavily vegetated screening between the levee parcels and the substitute parkland. The Planning and Development Board, during site plan review, will consider the placement of all buffers and vegetative screening so that the views of developed areas from nearby parks, trails, green spaces and residences will have as little impact as possible. Such buffers may be on an adjacent property under different ownership as negotiated and approved by the City of Ithaca during site plan review. The Lead Agency further finds that the buffer shall be designed to have a natural-looking appearance in order to be aesthetically integrated into existing vegetation in the substitute parkland. Fast-growing, non-invasive native species shall be used in the buffer, which shall be a variety of types and sizes (large and small trees and shrubs). Trees such as sycamore, cottonwood, silver maple and box elder are examples of such trees. Buffer or vegetative screening that will be paid for, constructed and maintained by developers:

- i. Between the new development and Nates Floral Estates. There will be a buffer of one hundred (100) feet separating any development and the nearest existing mobile home in Nates Floral Estates.
- j. Vegetative screening will be located on the substitute parkland adjoining the levee parcel.
- k. Vegetative screening will separate development and the north and east boundaries of the substitute parkland.
- l. Vegetative screening will separate development and trails.

(ix). The Lead Agency Finds that the trails which traverse through and by the study area are urban trails which guide the trail users through a series of changing landscapes and terrain. The Lead Agency therefore recognizes that landscaping widths/depth for trails may vary depending on the width of the trail ROW and the surrounding/abutting uses. Such trail landscaping may be in the trail ROW on an adjacent property under different ownership as negotiated and approved by the City of Ithaca and New York State Parks.

(x). The Lead Agency Finds that building height on the levee parcel shall be limited to 2 stories (40 feet) to minimize the visual impact from the Buttermilk Falls State Park Gorge Trail. Elsewhere in the study area the building height shall not exceed 5 stories (70 feet).

(xi). The Lead Agency Finds that a minimum of 12% of gross site area shall be required to be landscaped. A minimum of 10% of the gross site area, excluding buffers and drainage ways, must be greenscape; the other 2% may be hardscape/pedestrian amenities.

m. Transportation

(i). The DGEIS contained the results of a detailed traffic analysis. Additional analyses were provided in the FGEIS incorporating additional intersections and several changes to the proposed access scheme were considered. The entire analysis considered impacts to 36 intersections; impacts on residential neighborhoods within the City; and impacts to adjacent properties.

(ii). The GEIS traffic analyses concluded that the intersections analyzed would operate at acceptable Levels of Service (LOS) with the construction of certain improvements (see DGEIS pages 2-39 and 2-40 and FGEIS page 264).

(iii). The Lead Agency Finds that transportation improvements internal to the site shall be constructed by private developers at their expense. All roads shall be constructed to appropriate City standards and may be at the City's discretion turned over to the City for ownership and maintenance. The Lead Agency further finds that offsite traffic improvements that result in improvements to existing conditions and that mitigate the impact of development shall be paid for on a "Fair Share" basis. The Lead Agency Finds that the "Fair Share" cost of off-site traffic improvements shall be apportioned. Such apportionment is further discussed in Finding t (ii) below.

(iv). The Lead Agency Finds that concurrency between development and mitigation shall be maintained to the extent practicable. A policy of concurrency will be established whereby planning and funding for infrastructure and transportation improvements keep pace with anticipated levels of development. Conversely, the pace of project approvals and actions to implement land use recommendations will be limited to reflect reasonable expectations for infrastructure and highway improvements.

(v). The GEIS investigated the impacts of traffic on residential neighborhoods, including livability and quality of life issues. The Lead Agency Finds that additional through or connector streets, improvements to the existing streets and traffic calming measures will mitigate potential impacts of the action on neighborhoods where there may already be existing issues with respect to the amount of traffic using residential streets as through or connector streets. The Lead Agency has passed a resolution stating that traffic calming is a policy of the City of Ithaca, and the City is now engaged in a traffic calming study which will result in recommendations for installation of traffic calming devices in some city

neighborhoods. The City has already begun to implement traffic calming measures on several neighborhood streets, and intends to continue to aggressively seek funding for such improvements.

(vi). The Lead Agency recognizes that because the Southwest Area is flat and close to the population centers in the City, it presents an ideal opportunity to promote bicycle, pedestrian and transit use. The combination of on-site facilities as outlined in the Design Guidelines, and off-site improvements including bicycle-friendly traffic calming, implementation of the Ithaca Bicycle Plan, and improved transit service will allow safe and convenient access to the area. Given these improvements and the potential for increased automobile travel times, bicycling, walking and transit will become more attractive alternatives. The Lead Agency additionally Finds that it intends to revisit the routing of the proposed bicycle trail along Elmira Road as provided for in the Ithaca Bicycle Plan. The proposed trail may be able to be re-routed off of Elmira Road onto internal roads anticipated to be constructed in the Study Area.

(vii). The Lead Agency Finds that promoting development in the undeveloped Southwest Area of the City will allow shorter travel distances for those in the densely populated areas of the City. The location of the Southwest Area, as well as not designing intersections and roadways for excessively high automobile levels of service, will minimize the effects of sprawl in the Ithaca area. The Lead Agency further Finds that it is acceptable to allow Levels of Service of E at certain intersections in order to avoid roadway improvements that ease travel and lead directly to sprawl.

(viii). While numerous comments were received questioning the accuracy or conclusions of the traffic study, no commentor submitted calculations or analyses that would contradict the Findings of the GEIS traffic analyses. The FGEIS contained further data to substantiate the accuracy and conclusions contained in the traffic study.

(ix). Based on the Lead Agency's analysis of existing and future traffic in the Study Area and in response to concern expressed during the public comment period about potential traffic impact, the Lead Agency Finds that it will additionally develop and implement a Traffic Monitoring and Management Plan (M & M Plan) for the Southside/South-of-the-Creek Area concurrently with development in the Southwest Area. The goals of the Plan are to protect the Southside and South-of-the-Creek neighborhoods from the negative impacts of increased traffic, to improve the accessibility of the project area for people who live east and south of downtown Ithaca, and to provide a direct route which strongly links the

Southwest Area to the downtown and to the West End/Inlet Island corridor. The M & M Plan will be developed and implemented to be consistent with the City's Comprehensive Plan.

(x). The Lead Agency, as part of the M&M Plan will study and implement a set of mitigations that will help to minimize the impacts of traffic in the City, especially in the South Side and South of the Creek neighborhoods. These mitigations will address both existing traffic and that generated by new development. The mitigations consist of converting Spencer Street to two-way traffic, constructing a new road behind Ithaca Plaza entering the new southwest development area, rebuilding the Plain Street pedestrian bridge over Six Mile Creek as a traffic bridge, widening Route 13 to five lanes, constructing the new Taughannock Road extension, and developing and implementing a City-wide traffic plan which promotes an open traffic grid in all areas of the City, including the possible removal of the diverters on Wood and South Streets.

n. Noise

(i). The DGEIS discussed the results of noise measurements taken in portions of the study area. As a result of comments concerning the potential impact of development related noise on Buttermilk Falls State Park, the Lead Agency caused additional measurements to be taken in and near the Park (see FGEIS pages 106-107). The measurements demonstrated that the Park is not presently significantly affected by road noise, and is unlikely to be so affected in the future because of distance attenuation, and because the additional volumes of traffic resulting from the project are unlikely to result in a three or more decibel increase in noise levels, which is the minimum level considered to be noticeable.

(ii). The most likely source of additional noise that could impact Buttermilk Falls State Park is associated with idling trucks involved in loading and unloading at a commercial use on the levee parcel. The Lead Agency therefore Finds that provisions shall be made to minimize the impact of noise on surrounding recreation areas, such as minimizing truck idling times and other noises associated with commercial development to the maximum extent practicable.

(iii). The Lead Agency Finds that short term noise associated with construction activities may cause temporary, unavoidable adverse impacts. The Lead Agency Finds that the Planning Board may limit construction hours to mitigate this impact, if necessary. The Lead Agency further notes that the City has a noise ordinance in effect.

o. Water Service

(i). The DGEIS contained a detailed analysis of water service capacity and determined that the City had sufficient supply to service new development associated with the project. The DGEIS identified a need to provide “looped” connections in order to provide adequate fire flow protection. The DGEIS also identified the need for private buildings to have sprinkler systems and fire pumps, and the Lead Agency Finds that this shall be required when necessary to provide sufficient fire flow pressure.

(ii). The Lead Agency Finds that extension of infrastructure to the study area in the form of a water line connecting existing lines in South Street with existing lines in Commercial Avenue behind the existing Tops and Wegmans parcels is necessary to allow safe and orderly development with adequate supply and fire protection pressures. This connection will benefit all future development in the Southwest Area, with the exception of the parcel across from Buttermilk Falls State Park, which already has water supply. The Lead Agency therefore Finds that it is desirable for the City to construct this water line and charge the cost back to developers who will benefit from it in the form of a mitigation fee. This line will be owned and maintained by the City. Private developers will be responsible for tapping into the City’s lines at their own expense, and will further be responsible for the ownership and maintenance of such lines between the City’s trunk line and their building(s).

p. Sewer Service

(i). The DGEIS contained a detailed analysis of sewer service capacity and determined that the City had sufficient capacity to convey and treat sewage from development in the Study Area.

(ii). The Lead Agency Finds that extension of sewer infrastructure to the study area is desirable and necessary to allow safe and orderly development. The Lead Agency Finds that it is desirable for the City to construct the first phase of this extension, because it will benefit multiple landowners and will achieve orderly and desirable development. The first phase of this extension will consist of a force main, gravity sewer and lift station connecting from an existing line in South Fulton Street across the rear of the Tops and Wegmans parcels to a point north of Commercial Avenue. The Lead Agency further Finds that it is desirable to charge the cost for such extension back to developers who will benefit from it in the form of a mitigation fee. This extension will be owned and maintained by

the City. Private developers will be responsible for tapping into the City's sewer lines at their own expense, and will further be responsible for the ownership and maintenance of such lines between the City's sewer lines and their building(s).

q. Solid Waste

(i). The GEIS examined solid waste management resources and determined that there are sufficient resources for both disposal and recycling to manage the volumes projected by development in the Study Area.

r. Plants and Animals

(i). The DGEIS contained the results of a field survey for rare, endangered or threatened plants and animals. The survey was conducted during the month of November 1999. No rare, threatened or endangered plants or animals were identified in the Study Area.

(ii). Correspondence with the NYSDEC Natural Heritage Program, the State Agency which keeps records of rare, threatened and endangered species reported no such occurrence in the study area.

(iii). Many commentors expressed concern over the timing of the field survey because no surveys were taken during the spring and summer growing season, and consequently the survey could have missed species not apparent during the month of November. The Lead Agency Finds that additional surveys of the study area should be conducted.

(iv). The first survey was conducted during May 2000. The survey initially identified the potential presence of a plant, Spike Rush (*Eleocharis engelmanni*) which is an endangered species, and the presence of a tree, Shellbark Hickory (*Carya laciniosa*), which is proposed to be listed as a threatened species, on the project site. An additional field investigation was subsequently conducted in June 2000 to confirm whether such species were present, and if so, to what extent. The subsequent investigation determined that both the plant and tree had been incorrectly identified. The Spikerush was found to have been misidentified at the species level; the species noted above is not found in this part of New York State. The Hickory was also found to have been incorrectly identified at the species level. The correct identification is Shagbark Hickory, (*Carya ovata*).

(v). The Lead Agency Finds that it shall cause two additional surveys to occur during the 2000 growing season, one in the period during late

July/early August and one in the period at the end of August/beginning of September, and that construction in any of the sensitive habitats in the study area may not occur until these surveys are completed.

(vi). The Study Area contains a unique natural area, the Negundo Woods. This area is proposed to be preserved as part of the substitute parkland. The Lead Agency Finds that this is a positive impact of the project. The Lead Agency is also currently involved in developing a natural area management plan for this area. The Lead Agency Finds that the creation of the natural area and the management plan are positive impacts of the plan.

(vii). The study area contains a unique, large Burr Oak, believed to be the biggest in Tompkins County. The Burr Oak is located in a hedgerow in the southwest part of the study area. The Lead Agency Finds that the Burr Oak and as much surrounding vegetation as practicable shall be preserved. The Lead Agency further Finds that, where practical, areas of existing vegetation shall be preserved and incorporated into site development. .

s. Cultural Resources

(i). Phase 1A and 1B Cultural Resources Surveys have been conducted for the study area. The surveys did not identify any significant findings with regard to prehistoric or historic resources in the study area.

t. Economic Character

(i). The DGEIS contained an extensive study by a qualified expert examining the potential economic impacts of retail development in the study area. The study concluded that market demand supports new retail development and that it would attract substantial new volumes of retail sales to Ithaca. Retail sales of this type would also “recapture” substantial portions of retail purchases made by local residents outside of the City and County. The analysis further concluded that there would be a loss of 3 to 5% of sales in the Downtown area, which would translate to 10,800 to 17,900 square feet impacted. The analysis concluded that this was not a significant impact and that it would not have a blighting effect on Downtown.

(ii). Although many persons questioned the conclusions of the economic study during the comment period, there was no analysis placed into the record that would dispute the findings or conclusions of the study.

(iii). The DGEIS identified potential mitigation measures for Downtown impacts at pages 2-73 and 2-74. The Lead Agency Finds that it is desirable for the public and private sector to pursue some or all of these measures and that it intends to study them further with the intent to implement those measures appropriate for the City. See Finding q (vi) below.

u. Fiscal Impacts

(i). The DGEIS contained information, including interviews with department heads charged with providing services in the City, to determine their potential service demands associated with the project. These interviews resulted in an estimated fiscal cost for service demand that is far less than projected revenues.

(ii). The FGEIS contained a formal Fiscal Impact Analysis which used a widely accepted methodology to estimate the municipal costs associated with development, and to compare such costs with projected property tax revenues. The analysis concluded that the development of Alternative 5, consisting of approximately 800,000 square feet of retail space and 200,000 square feet of office space, would have a net annual property tax benefit to the City of over \$400,000.

(iii). Sales tax revenues would provide an additional net benefit to the City. The DGEIS estimated that Alternative 5 would result in a net annual increase in sales in the market area served by development in the Southwest Area of \$47,424,000 (DGEIS page 2-72). This translates into approximately \$1,471,956 in additional annual sales tax revenues to the City (DGEIS page 2-76).

(iv). Development in the Study Area will also have positive impacts to Tompkins County and the Ithaca City School District. New annual net sales tax revenues to Tompkins County from Alternative 5 are estimated at \$947,264 (DGEIS page 2-76). New annual property tax revenues to the Ithaca City School District from Alternative 5 are estimated at \$1,618,330.

(v). Development in the Study Area will generate employment, estimated at 2,400 jobs for Alternative 5.

(vi). The DGEIS concluded that development in the Southwest Area could result in a loss of 3 to 5 percent of sales in Downtown. With an estimated 358,800 square feet in downtown, this would translate into a loss of 10,800 to 17,900 square feet. The DGEIS identified several measures to

mitigate this impact at pages 2-73 to 2-74. Such measures within the power of the Lead Agency to implement include, but are not limited to, continued funding of the Downtown Business Improvement District, funding capital projects to improve the downtown area and financially assisting signage projects directing visitors to Downtown. The Lead Agency Finds that it will implement these measures.

v. Community Services

(i). Development in the Study Area is unlikely to have significant impacts on community services such as fire protection, emergency services and social services. Development will likely result in an increased demand for some police protection, particularly associated with retail development. However, as noted in Finding q. (ii) above, the revenues from the project will be in excess of the cost of providing this or other services.

w. Substitute Parkland

(i). As part of the project the City has nearly completed the alienation of Southwest Park. The City intends to designate 60 acres of substitute parkland on the southwest side of the Study Area, thus protecting the environmentally sensitive Negundo Woods. The Lead Agency Finds that this is a positive impact of the project, substituting environmentally valuable and accessible parkland for land that is less environmentally significant. See Finding n. (vi) above. The City further finds that the proceeds from the sale of the alienated Southwest Park land will be used for improvements in city parks. The Lead Agency finds this to be a positive impact.

(ii). The Lead Agency Finds that it is desirable that public access to the substitute parkland be provided from the levee parcel which adjoins it, and thus the provision of a public access easement should be required as a condition of approval of any development on this parcel.

x. Mitigation Fees

(i). As discussed in the FGEIS, the Lead Agency will collect mitigation fees in four areas: 1) Transportation improvements; 2) Water improvements; 3) Sewer improvements; and 4) GEIS costs. These fees are intended to recoup the fair share of the City's costs from developers for improvements constructed by the City and benefiting developers. The formulas for and amounts to be collected for water, sewer and GEIS preparation are presented in the FGEIS at pages x-xii and are summarized as follows.

Water Fee	\$9.89/gallon/day
Sewer Fee	\$14.68/gallon/day
GEIS Preparation Fee	\$0.40/SF

(ii). FGEIS Appendix 5.2, Table 1 contained a formula for apportionment of transportation mitigation fees. The Lead Agency has further considered the formula presented in this Table and determined that certain improvements can and should be funded by sources such as grants and consequently should not be funded by mitigation fees in the same proportion presented in the Table. The Lead Agency will therefore apportion the collection of traffic mitigation fees according to the table attached to and made a part of these Findings

Based on this table, the Lead Agency will collect a traffic mitigation fee of \$1,460 per adjusted trip. The Planning and Development Board may adjust trip generation for pass-by reduction, internal capture, non-automobile travel, transportation demand management, or other factors as determined applicable and appropriate.

(iii) In calculating transportation mitigation fees, developers may receive appropriate credit for off-site and on-site improvements which are required as a result of site plan review, to be constructed by the developer, as required by their approved site plan. Site improvements to be considered are only those that become part of city owned transportation infrastructure. The credit for costs incurred by the developer will not necessarily be based on cash disbursement. The credit may be awarded by the Planning and Development Board at its sole discretion, and upon advice of a qualified professional traffic consultant and/or licensed professional engineer, as the reasonable cost for such improvements. When calculating the total mitigation fee, based on the final approved site plan, the Planning and Development Board shall consider the total adjusted trips plus the shared costs for water, sewer and the Draft GEIS (as shown on the above table).

(vi). The Lead Agency Finds that it will seek other funding sources for the public portion of improvements in the Table presented in Finding t (ii) above. Such sources may include State and Federal grants. The Lead Agency further Finds that it is its intent to investigate alternative sources of funding such as a Transportation Improvement District (TID) or Benefit Assessment District (BAD) for the Southwest Area.

(v) Not all fees will apply to all parcels. The following table allocates which fees shall apply to specific parcels in the study area. The location of parcels is referenced to DEIS Figure 1, which is attached to and made a part of these Findings.

Parcel name and Letter Designation	Transportation Fee	Water Fee	Sewer Fee	GEIS Preparation Fee
A Southwest Park	Yes	Yes	Yes	Yes
B Other City Land	Yes	Yes	Yes	Yes
C Cherry Street Extension	No	No	No	No
D4 Railroad Adjacent Undeveloped Land	Yes	Yes	Yes	Yes
E1 Former Dump	Yes	Yes	Yes	Yes
E2 Former Dump	Yes	Yes	Yes	Yes
E3 Former Dump	Yes	Yes	Yes	Yes
F1 Levee parcel	Yes	No	No	Yes
F2 Levee parcel	Yes	No	No	Yes
F3 Levee parcel	Yes	No	No	Yes
F4 Levee parcel	Yes	No	No	Yes
F5 Levee parcel	Yes	No	No	Yes
F6 Levee parcel	Yes	No	No	Yes
All Other GEIS Study Area Parcels	Yes	No	No	Yes

(v). The Lead Agency recognizes that it cannot exact a mitigation fee without using the money for the purpose for which it was intended. Therefore, if the money collected is not expended within 10-years from the time of exaction, it will be returned to the payee with interest at the City's cost of borrowing.

Table 1- Ithaca SWFEIS Transportation Mitigation Fair Share Contributions

Location	Recommended Mitigation	Funding Source	Cost*	Peak Hour Trips through Intersection				Total Site Gen / Total Growth	Funding		
				Existing	Full Dev	Levee Parcel Gen	Alt 5 Site Gen		Total Growth	Private Contribution*	Public Contribution*
Area-wide	Travel Demand Management Strategies - Resulting in Reduced Peak Hour Trips	Private; City	To Be Determined						To Be Determined	To Be Determined	
Area-wide	Comprehensive Neighborhood Traffic Calming	City	To Be Determined						To Be Determined	Operational Cost to be Determined	
Area-wide	Modify TCAT Route 15; Paratransit geared at improving entry-level and retail employment access.	TCAT	Operational Cost to be Determined						To Be Determined	Operational Cost to be Determined	
1. Route 79 / Floral Ave.	Add EB lane to separate left and right turns.	Private; City	\$64,000	1413	1933	37	93	520	0.25	\$16,000	\$48,000
2. N. Fulton / W. Buffalo Toughannock / W. Buffalo	24. New Court Street bridge, including accommodations for Cayuga Inlet Trail Construct new/NB approach for Toughannock Blvd. Extension w/ Signal Modifications	Private; City; State; Federal	\$1,164,000	5472	7776	287	469	2304	0.00	\$0	\$1,164,000
6. Toughannock Blvd. / W. State St. Toughannock Blvd. Bridge	Bridge for Toughannock Blvd. Extension	Private; City Federal; State; City	\$153,000 \$800,000	923	1873	24	564	950	0.62	\$94,699	\$58,301 \$800,000
9. N. Meadow / W. Fulton	Alt B: add 2 NB lanes on bridge	Federal; State; City; Private	\$324,000	3094	5216	378	689	2132	0.50	\$162,152	\$161,848
10. Albany / W. Clinton	Add EB and WB left turn lanes on W. Clinton	Private; City	\$64,500	1226	2170	93	314	944	0.43	\$27,809	\$36,691
11. Turner Pl. / E. Clinton	Add NB lane to separate left and right turns.	Private; City	\$53,000	1422	1962	31	123	540	0.29	\$15,115	\$37,885
12. N. Meadow / Cecilia Malone Blvd.	Prohibit NB and SB left turns.	Private; City	\$300	2432	4488	378	689	2056	0.52	\$156	\$144
17. S. Albany / Spencer St.	Signalize: Convert Park St. to one-way WB; Median treatment on Spencer St. Gateway treatment on Albany St. Add NB right-turn lane; restripe WB for left and shared left/right lanes.	City	\$300,000								\$300,000
18. S. Meadow / Elmira	Add an EB lane to separate left and right turns.	Private; City	\$68,000	1792	3854	483	401	2062	0.43	\$29,152	\$38,848
26. Route 13/34 / Route 327	Signalize intersection.	Private; City	\$64,000	1826	2665	92	231	839	0.38	\$24,639	\$39,361
27. Route 13 exit ramp / Lakeshore	New traffic signal, bike/ped link to Spencer Rd.	Private; City	\$50,000	1027	1395	16	70	368	0.23	\$11,685	\$38,315
28. Route 13/34 / Levee Parcel Drive	New traffic signal, bike/ped link to Spencer Rd., right-turn lane.	Private	\$82,500						1.00	\$82,500	
29. Route 13/34 / Access Drive	Site drive extension.	Private	\$102,500						1.00	\$102,500	
30. S. Meadow / K-Mart Drive	New Traffic Signal, Site drive extension	Private	\$369,000						1.00	\$369,000	
31. S. Meadow / Access Drive (Adjacent to Tops)	Toughannock Blvd Extension	Private	\$82,500						1.00	\$82,500	
On-site	Boulevard Section	Private; City	\$1,037,000						0.50	\$518,500	\$518,500
On-site	E/W Internal Collector	Private; City	\$525,000						0.50	\$262,500	\$262,500
On-site	N/S Internal Collector	Private	\$540,000						1.00	\$540,000	
On-site	Bicycle trails and links to bike network.	Private	\$770,000						1.00	\$770,000	
On-site		Private	\$34,000						1.00	\$34,000	
Total			\$6,647,300							\$3,142,906	\$3,504,394

* All costs are in year 2000 dollars, and based on NYS DOT Average Weighted Bid Prices. Prices MUST be adjusted for construction cost increases in future years.