

MEMORANDUM

GCRA/City/UF Health

21-0295.05



To: Lauren Brogley- SJRWMD
Jennie Ford- City of Gainesville

From: Robert Walpole, PE
Jonathan Summerfield, PWS

Date: February 24, 2023

RE: Cornerstone Eastside Development
Wetland Avoidance, Minimization, Impacts/Mitigation Report

The Cornerstone Eastside Development is a partnership project between Alachua County, City of Gainesville: RTS & CRA and UF Health to create a campus that includes a medical clinic, a transit hub and public safety in the form of Ambulance and Fire Rescue services. In addition, the project will include open space, future medical offices, retail/grocery, and work force housing all initiated by the City or UF Health. The project will interlink with the GTEC campus to provide a truly mixed-use campus with opportunities to live, work and play. A master plan was prepared on behalf of the GCRA and presented for feedback and approval at a joint City-County Commission meeting on January 26, 2023, and received positive feedback from both Commissions.

CHW on behalf of UF Health and the City of Gainesville have submitted an application to the City for a minor subdivision along with improvement plans that will create the necessary roadways, stormwater and utility infrastructure to support the overall Cornerstone Master Plan.

As documented in the November 2022 Environmental Assessment by SES Environmental Resource Solutions LLC, the Cornerstone project contains approximately 1.22 acres of forested wetlands. A small portion of the wetlands and thus the buffer lies within a GRU maintained easement for high voltage overhead electric. The wetlands were surveyed by CHW, and the wetland delineation was field verified by members of FDEP and SJRWMD staff at a January 20, 2023, site meeting.

The relevant code sections that the project must comply with are related to the following:

- Chapter 62-330, F.A.C.
- City Code Article VIII Protection of Resources Division 4- Surface waters and wetlands, Section 30-8.17 to 30-8.21
- County Chapter 77- Water Quality Standards & Management Practices, Article II Countywide Wetland Protection Code, Sec 77.18 – 77.20.

The following memo illustrates how the project complies with various aspects of the above codes and is therefore in compliance and approvable. Its worth noting that the city attorney has opined that the project must comply with the requirements of the County Article II - Countywide Wetland Protection Code as it relates to setbacks, minimization, impacts and mitigation, etc. but is not required to comply with Sec 77.22 that is related to the County approval process. That is to say the opinion of the City attorney is that no application nor approval by Alachua County is required by a municipality as such the City is the interpreter, arbitrator and final approval of the project as it relates to the County ordinance.

The project proposes complete removal of the 1.22 acre wetland in order to accommodate the infrastructure and development of the project. Attached Figure 1 is the approved GCRA master plan for the Cornerstone Development illustrating the overall development and its relationship to the existing wetland. As previously noted, this project will involve the creation of several critical City facilities, road, and infrastructure to support several community goals for East Gainesville.

In particular the north south road is located at the location that it must be to align with other transportation related facilities and avoid high voltage power poles as well as the creation of the minimum lot size needed to support the

Transit Center Hub as well as the Gainesville Fire Rescue Services. Other than the road ROW, the rest of the wetland lies within the GRU power line or the newly proposed stormwater facility to serve Lot 4. The stormwater facility serves the roads, fire station and transit hub as well as the development of Lot 4 to serve as work force housing, retail, and medical uses. Lot 4 is a critical piece to the overall mixed use development and to the greater good of East Gainesville. Without the impact and mitigation of the entire wetland the project is not feasible as it will not support the required transit hub, fire rescue, medical and work force housing proposed for the master development as its not spatial or financially feasible for the City. In addition, the overall project will result in additional community safety improvements from the construction of a new fire station, medical facility, central public transportation facility, while providing needed services in an otherwise underserved community.

Chapter 62-330, F.A.C. Compliance

In order to comply with the state requirements, the City as the applicant, looks to the Applicant Handbook, Volume I, Section 10.2.1.2 which states the following:

10.2.1.2 The Agency will not require the applicant to implement practicable design modifications to reduce or eliminate impacts when:

- a. The ecological value of the functions provided by the area of wetland or other surface water to be adversely affected is low, based on a site-specific analysis using the factors in section 10.2.2.3, below, and the proposed mitigation will provide greater long term ecological value than the area of wetland or other surface water to be adversely affected,*

As noted in the environmental assessment as well as confirmed by the site assessment, the wetland function is indeed low. The mitigation at Mill Creek Mitigation Bank is of far greater long term ecological value and as such no avoidance and minimization efforts are required to be implemented to comply with 62-330, F.A.C.

City Compliance

As it relates to compliance with the City Code, the project is governed by Sec 30-8.21 (D) that states that "avoidance through practicable design modifications is not required when the ecological value of the function provided by the area of wetland is low and the proposed mitigation will provide greater long-term ecological value than the area of wetland to be affected."

As evidenced in the original Environmental Assessment the existing wetland is a portion of what likely was a larger system. With development in the 1940s and 1950s the drainage patterns and hydrologic conditions were greatly altered by surrounding development leaving the wetland in question isolated and altered and surrounded by residential land uses. The wetland has presence of exotics and has an overall UMAM score of minimal as such it meets the definition in city code of "low" as noted above.

The city code provides a hierarchy of preferred mitigation options as preservation, enhancement, restoration and creation with requirements in the following basins or sub-basins of Newnan's Lake, Payne's Prairie, Hogtown or Blues Creek with an order of magnitude preference as first in the same sub-basin, same basin, then another listed basin.

The proposed mitigation site is Mill Creek Mitigation Bank which provides State and Federal Forested Freshwater Mitigation Credits within the Northern Ocklawaha River Basin which Hogtown, Newnan's and Payne's Prairie all fall within the Northern Ocklawaha River Basin and staff/city manager has the authority to deem the proposed mitigation location as equivalent. The City used the same mitigation site for the recent SW 62nd Blvd extension with a finding that the mitigation bank met the equivalent hierarchy of location.

Mill Creek Mitigation Bank will preserves, enhances, and restores forested freshwater wetlands, but also hydrologically enhances wetlands throughout the property, improves/restores wildlife habitat; implemented a perpetual management and monitoring plan, and an exotic and nuisance species control program.

Evidenced on the above that the wetland is of a "low" quality and that the proposed mitigation will provide greater long-term ecological value than the area of wetland to be affected thus the avoidance and minimization does not have to be met and the project under the City code can impact the 1.22 acre wetland by providing mitigation credits from Mill Creek Mitigation Bank.

County Wide Wetland Protection Code

The city staff must also review to the County wide ordinance as it relates to the 1.22-acre wetlands extent to be impacted. The relevant code section is as follows:

Sec 77.20- Authorized Impacts

(a) Alteration activities shall not be authorized in wetlands or wetland buffers except when the following criteria are met:

- (1) The applicant has taken every reasonable step to avoid adverse impact to the wetland and buffer; and*
- (2) The applicant has taken every reasonable step to minimize adverse impact to the wetland and buffer; and*
- (3) The applicant has provided appropriate mitigation for adverse impacts to the wetland and buffer; and*
- (4) Mitigation may be permitted for new wetland loss only where the applicant demonstrates that the activity cannot practically be located on the upland portion of the parcel or contiguous parcels under common ownership or control. The applicant must demonstrate that one of the following applies:*
 - i. Minimal impact activity;*
 - ii. Overriding public interest; or*
 - iii. All economically viable use of the property is otherwise precluded.*

Our analysis and compliance of this code is as follows:

(1) The applicant has taken every reasonable step to avoid adverse impact to the wetland and buffer; and

The City of Gainesville as the applicant has evaluated numerous options for this property, looked for alternate sites in east Gainesville, reviewed options of re-use of other sites and no other location met the unique programmatic needs of the Cornerstone Development which includes a transit hub, medical offices, workforce housing and a Fire Rescue Station with adjacency to the existing GTEC campus, and as such the site is not developable without an impact to the wetland.

(2) The applicant has taken every reasonable step to minimize adverse impact to the wetland and buffer; and

Based on the selected site and the programmatic elements of the Master Plan that are required by the City of Gainesville to make the project feasible from a space allocation, meet the public's needs and financially feasible its impossible to minimize the impacts to the wetland and still have a viable project that meets the diverse needs of the East Gainesville residents.

- (3) The applicant has provided appropriate mitigation for adverse impacts to the wetland and buffer; and*
(4) Mitigation may be permitted for new wetland loss only where the applicant demonstrates that the activity cannot practically be located on the upland portion of the parcel or contiguous parcels under common ownership or control. The applicant must demonstrate that one of the following applies:
- i. Minimal impact activity;*
 - ii. Overriding public interest; or*
 - iii. All economically viable use of the property is otherwise precluded.*

The City is proposing mitigation from Mill Creek Mitigation Bank for the wetland impacts and a fee in lieu for the buffer removal. Please note buffer mitigation for the buffers in the GRU power Line ROW is NOT included in the fee in lieu calculations. Note that Mill Creek Mitigation Bank is not in located Alachua County but is in the watershed of the project and was previously approved for use on the SW 62nd project and thus a precedent established for the use of the mitigation bank provided its within the watershed despite it being in Marion County, not Alachua County.

Based on UMAM scores the required credits at Mill Creek Mitigation Bank are approximately 0.53 UMAM credits which will be purchased as a condition of the approval. Additionally, the County code requires a fee in lieu of for buffer impacts which is based on 1.88 acres of buffer at 38,600 dollars per acre based on the appraised value of the land for a total of \$72,568.00. Refer to Figure 2 for the area calculation. The fee in lieu of for buffer impacts shall be paid prior to the CO of the first phase to the City Parks department to make improvements to environmentally sensitive areas managed by the City.

Through the above analysis and attached master plan, the City has demonstrated that all of the required elements of the City's Cornerstone Development cannot be provided within the upland portions of the property alone that the City owns or even could purchase and thus the impact is necessary in the public interest. The overriding public interest is met by the need for the medical and dental clinic, transit hub, fire rescue facility as well as the work force housing facility all planned for the site and only possible with the impact and mitigation of the 1.22 acres of wetland on the site.

As such the project meets the County Wide Protection Code threshold for an authorized impact as an overriding public interest and the City should find that the project is in compliance with such and approve the impact and mitigation.



FIGURE 1



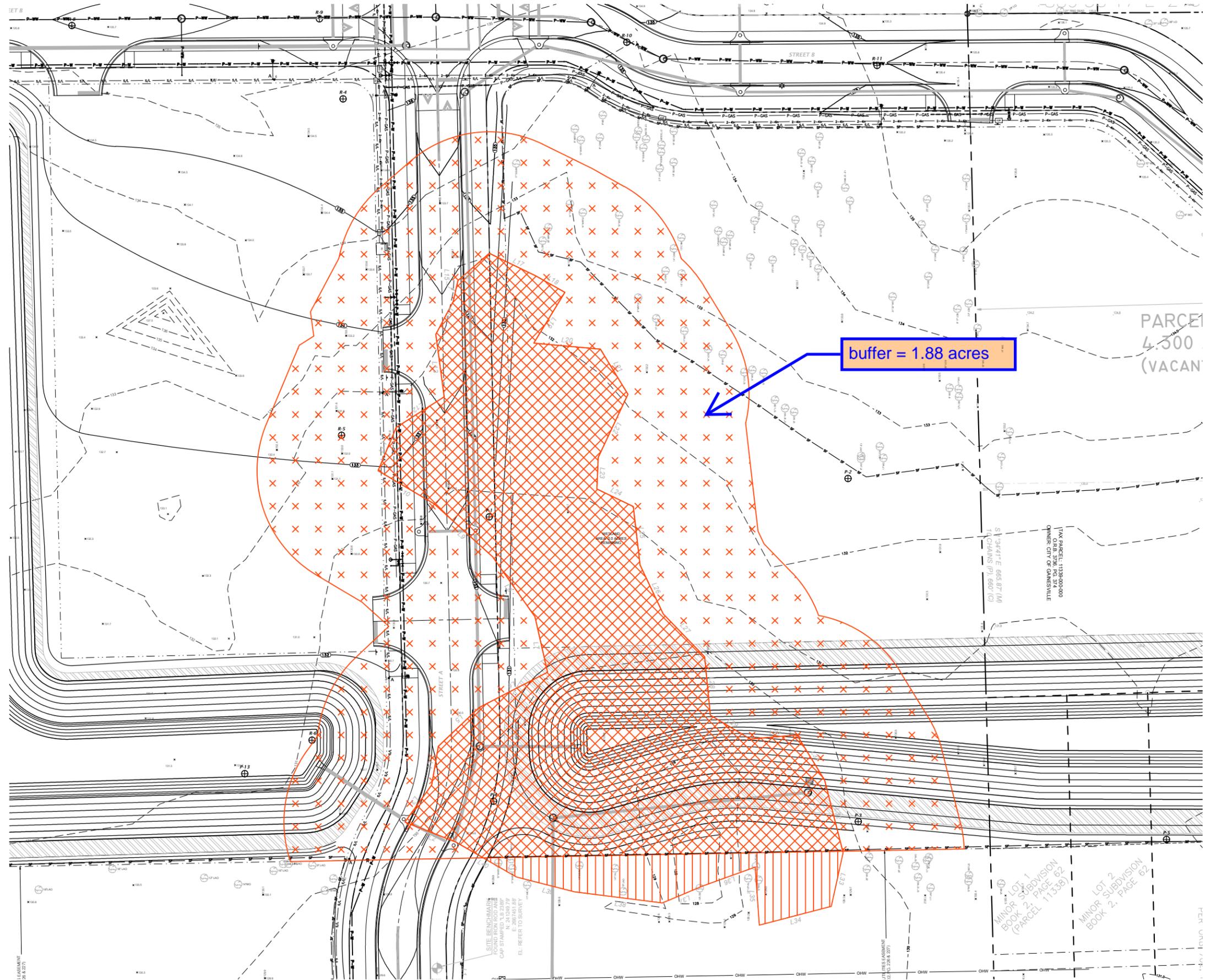


FIGURE 2