

Final Scope for Draft Generic Environmental Impact Statement City of Rochester Zoning Alignment Project July 11, 2023

I. INTRODUCTION

A. Overview

As part of the City of Rochester’s Zoning Alignment Project (ZAP), the proposed Zoning Code and Map implement a land use planning and regulatory approach that aligns with the recently adopted City of Rochester Comprehensive Plan, *Rochester 2034*, and position the City to welcome and promote new residents and businesses, while preserving and improving quality of life and economic vitality for existing residents and businesses.

B. SEQR process

This section will briefly describe the SEQR process and the justification for preparing a generic Environmental Impact Statement (EIS). Pursuant to 6 NYCRR 617.10(a) “generic EISs may be broader, and more general than site or project specific EISs and should discuss the logic and rationale for the choices advanced.” The proposed action is legislative and generic in nature, not project-specific, and does not directly result in physical changes to the environment. The proposed adoption of the new Zoning Code may affect the size, type, and form of development permitted in the City. As such, the proposed action is “generic” in nature in that it is not a specific development, but rather it constitutes policy and regulatory changes that will alter the range of future development options.

C. Public engagement

Community engagement and input is critical to creating the proposed Zoning Code and Map. This section will describe the engagement efforts and the input opportunities that helped guide the proposal. It will also include the rationale for the City Planning Commission serving as the project steering committee.

II. EXISTING SETTING

A. Location

The City of Rochester is located in Monroe County, New York on the southern shore of Lake Ontario. The City encompasses approximately 36 square miles and is the fourth largest city in New York State. Rochester is the center of a larger metropolitan region that includes Monroe County and the counties of Wayne, Ontario, Livingston, Orleans, Yates, and Genesee. According to the 2020 Census, the City’s population is approximately 211,328, an increase of over 650 people since 2010. This section will further describe the location with details of relevant statistics.

B. Land Use

Rochester is seeing a resurgence of development and new residents. People are drawn to the benefits of city living. In response to this emerging revitalization and to update the prior 1999 Renaissance Plan, the City prepared *Rochester 2034*, a 15-year comprehensive plan, to promote and guide the City’s revival as it approaches its 200th birthday in 2034. The future land use component of *Rochester 2034* contains a land use map composed of “Character Areas” that are similar in nature to zoning districts.

The Character Area boundaries are meant to graphically reinforce the conceptual and visionary nature of a land use plan and are the foundation for creating a new Zoning Map.

C. Existing Zoning Code and Map

The existing Zoning Code and Map were adopted in 2003 and have been changed by many incremental amendments since that time. For its time, the existing Code was progressive in many ways, including the significant reduction in parking requirements, legalization of uses in nonconforming preexisting historic buildings, the elimination of allowing auto-oriented pylon-style signs, and design requirements. The existing Zoning Map generally reflects the public desire at the time of adoption to downzone many residential areas of the city to R-1 Low-Density Residential, (“R-1”). This desire was in response to the declining population, increase in vacant buildings, a decrease in home ownership, and concern about protecting properties in at-risk neighborhoods. More information on the existing Zoning Code and Map will be included in this section.

III. NEED FOR THE PROPOSED ACTION

A. Evolving the 2003 Zoning Code and Map

Following up on the prior section, this section will further discuss the last comprehensive zoning update and why an update is needed. The City has changed in many different ways in the last 20 years and these changes, documented in *Rochester 2034*, require changes to the existing Zoning Code and, most critically, to the existing Zoning Map.

B. Aligning with *Rochester 2034*

The *Rochester 2034* Comprehensive Plan is the result of intense community and stakeholder engagement, best practice research, and technical practitioner engagement. It was broadly endorsed and unanimously adopted by City Council in November 2019. This section, along with other sections, will provide more information on *Rochester 2034* as it relates to guiding the proposed Zoning Code and Map. Adopting a new Zoning Code and Map is needed in order to align with *Rochester 2034*. New York State’s zoning enabling statutes (the state statutes which give cities, towns, and villages the power to enact local zoning laws) require that zoning laws be adopted in accordance with a comprehensive plan. The need for that alignment will be further discussed in this section.

C. Formatting Needs

Zoning Codes across the country are always being upgraded and modernized based on land use trends, transportation trends, population distribution, environmental needs, etc. But the organization, usability, and presentation of codes is also an important element that needs updating to better serve practitioners, design professionals, developers, and the community. This section will list the key needs that guided the formatting of the new Code.

IV. DESCRIPTION, IMPACTS, AND MITIGATION OF PROPOSED ZONING MAP AND CODE

A. Proposed Zoning Map

The changes and redistribution of zoning districts, as depicted in the proposed Zoning Map, will be analyzed broadly and specifically in this section. Comparisons between the proposed Map and the

existing Map will be discussed to explain the evolution of the Map. For example, the number of R-1 parcels and acreage in the City that are proposed to be rezoned LDR, MDR, HDR, and Mixed Use will be discussed. New districts, such as Flexible Mixed-use, Overlay Commercial, Overlay Environment, and Overlay Vehicle, will be introduced and explained. Additionally, the draft Zoning Map assigns a street type designation to all streets in the City. These designations are drawn from the City's Comprehensive Access and Mobility Plan (CAMP), Street Design Guide, as reflected in *Rochester 2034*. Street types greatly impact land use (and vice versa) and guided the placement of Zoning District boundaries.

B. Proposed Zoning Code

Substantive changes proposed for each section of the Zoning Code will be discussed in this section, including, but not limited to, a description of all new terms being introduced, all changes to allowable uses in each district, new parking regulations, and procedural changes (e.g., discontinuance of the existing "Prohibited Variance," and revised triggers for Site Plan Approval). There are negative and positive impacts that result when changes are made to the Zoning Code. The impacts are particularly relevant when a property is "upzoned" (i.e., increased density, more intense uses allowable). Potential impacts include the attraction of more people, increase in potential for noise and traffic, increased height of buildings, and changes to the character of buildings and neighborhoods. These are impacts that primarily affect adjacent properties both within the district and in a neighboring district when a property is on a district boundary line. The GEIS will address how the proposed Code will in fact protect existing neighborhood character while increasing density. Mitigation for these impacts must be regulatory and built into either the Zoning Code or other chapters of the City Code. Zoning Code proposed changes, potential positive and negative impacts, along with mitigation measures will be described in this section.

New provisions of particular interest include:

- Permission for three and four-family dwellings in the Medium-Density Residential District (MDR)
- Exemption of some built-as and legally converted nonconforming uses from the destruction provisions for nonconformities in the Low-Density Residential District (LDR)
- As-of-right uses for legal nonconforming buildings in residential districts.
- Upzoning along commercial corridors
 - Adjacency to residential districts
 - Parking overflow
- New height regulations in non-residential districts
- Use Permissions and Standards, differences and forms of relief
- Regulations related to transportation alternatives, parking regulations, and the new Transportation Access Plan
- Permission for short-term rentals
- Revised sign regulations, specifically new provisions for digital signs
- Changes to regulations related to project design
- Permission for urban agriculture and other provisions related to sustainability goals

Lastly, any changes or improvements that will assist the enforcement of the Code, including conditions of approvals will be addressed. Enforcement is an issue raised many times by the public.

V. IMPLEMENTATION OF ROCHESTER 2034 RELEVANT GOALS

This section will explain how the proposed Zoning Code and Map meet *Rochester 2034's* Placemaking Principles as well as its relevant goals:

- *PMP-1. Create a comprehensive placemaking approach that goes beyond traditional land use planning, with a particular emphasis on aligning land use and transportation planning efforts.*
- *PMP-3. Employ a “zoning for jobs” approach whereby greater flexibility and efficiency of land use regulations fosters emerging business trends and creative re-use of buildings while not compromising the historic character and stability of neighborhoods.*
- *PMP-4. Protect the existing character of neighborhoods while allowing room for evolution into more vibrantly urban, inclusive, and resilient design and character.*
- *HSG-4. Pursue new housing development that grows the city’s population and fosters the creation of vibrant, equitable neighborhoods.*
- *HIS-4. Use local regulations and programs to supplement the State and federal government’s protection of historic resources.*
- *PHS-2. Incorporate preventative public safety and active design principles into the built environment through development projects and infrastructure.*
- *UAG-1. Support urban agriculture as a valid reuse option for vacant land and vacant buildings.*
- *TRN-1. Expand and strengthen Rochester’s multi-modal planning, policy, programming, and infrastructure maintenance.*
- *IMP-1. Implement Rochester 2034 through City Code and procedures.*

VI. ALTERNATIVES

A. No-Action: Development under Existing Zoning

Under the No Action Alternative, land use development would continue to be regulated by the existing Zoning regulations governing physical development in the City of Rochester. This section will describe the scenario of continuing with existing Zoning Code and Map, not in alignment with *Rochester 2034*.

B. Incremental Adoption – A Phased Approach

This section will look at the option of a phased approach to Code adoption.

VII. OTHER SEQR ISSUES

A. Unavoidable Adverse Impacts

As with most significant advancements, the proposed action may cause unavoidable adverse impacts. Those anticipated for the proposed Code and Map will be discussed in this section.

B. Irreversible and Irretrievable Commitment of Resources

The regulatory changes proposed will have no irreversible and irretrievable commitment of resources.

C. Growth Inducing Impacts

The adoption of a Zoning Code and Map will likely set the stage for future development, but full buildout of the City as impacted or encouraged by this proposed Code will take decades. Projects meeting a

SEQR or Rochester Chapter 48 threshold will undergo site-specific review, including any relevant cumulative impacts that may occur.

D. Effects on the Use and Conservation of Energy

The regulations allow the installation of solar and wind energy systems. In addition, allowing for more dense development further the efforts of energy conservation.

E. Effects on Solid Waste Management

Population growth will generate an increase in solid waste. The City is adequately prepared for any incremental increases in solid waste.

F. Regional Context Review Considerations

This section will discuss regional context for the proposed Zoning Code with respect to:

- Regional Transit
- Regional Sustainability Plans
- Pedestrian and Bicycle Linkages

G. Vulnerability from the effects of climate change

The primary climate change vulnerability for the City of Rochester is related to stormwater and the potential for flooding. This section will discuss how the proposed Zoning Code addresses this vulnerability.

APPENDICES OF THE DGEIS

- A. *Rochester 2034* (Under separate cover; attached by reference)
- B. CAMP Street Typology Map
- C. Proposed Zoning Code (Under separate cover)
- D. Proposed Zoning Map (Under separate cover)