

**Buffalo Consolidated Development Framework**

**Draft Scoping Document**

**For the New York State Environmental Quality Review Act**

**Draft Generic Environmental Impact Statement**

**City of Buffalo**

**Erie County, New York**

**Prepared on behalf of:**

**City of Buffalo  
Common Council**

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## **1.0 Introduction**

The City of Buffalo Common Council (Common Council), acting as Lead Agency pursuant to the State Environmental Quality Review Act (SEQRA), has determined that adoption of the Buffalo Consolidated Development Framework (BCDF or Action) may have a significant impact on the environment and that a Draft Generic Environmental Impact Statement (DGEIS) will be prepared. The BCDF will alter the development framework within the City including zoning and signage ordinances, defining policies for citywide land uses including the development of waterfront land and developing large brownfield areas in accordance with area-wide redevelopment plans, resulting in future development within the City.

This draft scoping document is intended to define the parameters of the information to be included in the DGEIS to be prepared in accordance with 6 NYCRR Part 617 of SEQRA.

### **1.1 Purpose of Scoping and SEQRA Process**

On May 29, 2012, Common Council received a Full Environmental Assessment Form prepared on its behalf by the City of Buffalo's Office of Strategic Planning (OSP) for the BCDF. The Common Council determined pursuant to 6 NYCRR § 617.4 (b) (1) that the adoption of the components of the BCDF, was a Type 1 Action under SEQRA. On May 30, 2012, the Common Council circulated a letter to other involved agencies and interested agencies stating its intent to act as Lead Agency. Since no objections were raised on July 10, 2012 the Common Council assumed the role of Lead Agency.

Pursuant to 6 NYCRR § 617.7, the Common Council determined that the adoption and implementation of the Action may have an adverse impact on the environment and that a DGEIS must be prepared. The Common Council also determined that scoping for the DGEIS would be appropriate. Scoping, as established in 6 NYCRR § 617.8, is a process by which the Lead Agency, with input from the public, involved and interested agencies, identifies potentially adverse impacts that should be evaluated in the DGEIS and eliminates consideration of those impacts that are irrelevant or non-significant.

The DGEIS will characterize the existing conditions in the study area or areas, identify and assess, compared to existing conditions, the potential environmental impacts that are likely to occur by the adoption and implementation of the BCDF, and identify possible mitigation measures to avoid or reduce the identified significant adverse environmental impacts. The DGEIS will also establish specific conditions or criteria under which future actions will be undertaken or approved, including requirements for future SEQRA reviews and compliance.

This scoping document was prepared by OSP on behalf of the Common Council as SEQRA Lead Agency and is being circulated for review and comment. Written comments on this draft scope will be accepted until the end of the day on August 13, 2012.

Comments on this draft scope should be sent to:  
City of Buffalo Clerk  
1308 City Hall  
Buffalo, NY 14202

Any comments received on the draft scope will be considered and, if substantive and appropriate, included in the Final Scoping Document which will outline what topics will be included in the DGEIS.

Following the issuance of the Final Scoping Document the Lead Agency will determine if the DGEIS is complete and adequate for public review. Once the Lead Agency makes this determination, a public comment period will begin. During the public comment period, the public, interested and involved agencies can submit comments regarding the evaluation and conclusions in the DGEIS. Following the comment period, the Common Council as Lead Agency, will assemble the comments and subsequently determine the appropriate procedural steps to complete the SEQRA review.

## 1.2 Project Description

The BCDF is the culmination of years of planning work that aims to support and encourage the redevelopment of the City of Buffalo (City). The BCDF consists of the following planning initiatives:

- Unified Development Ordinance (UDO) which encompasses a future land use plan that accommodates appropriate uses and forms and reinforces the existing character of the City, a form-based zoning code that will prioritize form over defined uses, and a revised subdivision and sign ordinances;
- A Local Waterfront Revitalization Program that will guide development along the City's coastal areas;
- Urban Renewal Plans Disposition to obtain recommendations on the removal, replacement or modification of these plans to better reflect the City's community and economic development needs; and
- South Buffalo, Buffalo River Corridor, Buffalo Harbor, and Tonawanda Street Corridor Brownfield Opportunity Areas Master Plans, including the River Bend Commerce Park Master Plan.

Figure 1 outlines the physical boundaries of each of the initiatives, excluding the UDO which physically encompasses the entire City.

The City of Buffalo Comprehensive Plan, *Queen City in the 21<sup>st</sup> Century*, was adopted in 2006. This plan reestablished goals for the City and prioritized investment that supports the assets that already exist in the City. One of the necessary implementation tools of the Comprehensive Plan is a new zoning code. To support the historic development patterns of the City, and place a greater emphasis on the relation of a building to the street rather than a list of permitted uses, a new citywide form-based code is being proposed.

A new land use plan was developed to add detail to the goals of the Comprehensive Plan. In order to implement the goals and intent of the land use plan, and thereby the Comprehensive Plan, the zoning code needed to be significantly updated. To make changes to the zoning code most effective the City determined that a new zoning code should be complemented with a citywide land use plan, and new

subdivision, and sign ordinances. In addition, standards for street design and reconstruction will be integrated in to the zoning code. Collectively, the revision of these land use regulations is referred to as the UDO.

A related planning effort placed renewed focus on vacant and underutilized land in commercial and industrial districts. Much of this land is considered brownfields, land that has perceived or actual environmental conditions that hamper redevelopment. Since 2006 the City of Buffalo has been evaluating the redevelopment potential of various locations that have a concentration of potentially contaminated lands. With financial and other support from the New York State Department of State and New York State Department of Environmental Conservation (NYSDEC), the City has been able to advance planning efforts for four discrete areas in the City, designated as Brownfield Opportunity Areas (BOA). The BOA Master Plans will identify redevelopment and reuse strategies for these areas, including future zoning. One specific plan for one portion of the South Buffalo BOA has been advanced. This involved preparation of a Master Plan for the RiverBend Commerce Park.

Although the City is preparing a new zoning code, many areas of the City an additional layer of regulations is found in Urban Renewal Plans. The plans associated with Urban Renewal Areas were intended to guide development in specific areas of the City. In practice, the Urban Renewal Plans (URP) acted as another layer of zoning which, at times, conflicted with the base zoning of an area. Removal, replacement or modification of these plans will eliminate zoning conflicts and are intended to give additional predictability to developers proposing projects in these areas.

The City has approximately 57.7 linear miles of waterfront land along Lake Erie, the Niagara River, the Buffalo River and the Scajaquada Creek. This waterfront land is a recreational, economic and ecological resource. Many of the areas along these waterways are located in a State-designated Coastal Management Program Boundary. In order to protect and enhance these areas the City is preparing a Local Waterfront Revitalization Program (LWRP) which will codify waterfront development and protection policies and when fully adopted will guide City, State and Federal agency actions in these areas.

The four components of the BCDF will dramatically alter the regulations governing development in the City.

## **2.0 Project Description**

Chapter One (1) of the DGEIS will include discussions of the proposed actions, project purpose, public need and benefit, and a summary of the SEQRA process in the context of the BCDF.

### **2.1 Actions**

The DGEIS will contain summaries of all of the projects that are part of the BCDF, the summaries will not be encyclopedic; rather they are intended to introduce the contents of each action to allow evaluation of the potential environmental impacts. For each action the following information will be presented:

- Descriptions of the physical boundaries for each project, including appropriate maps;
- Major policy recommendations; and
- Other relevant data required to develop an understanding of the Action.

### **2.2 Purpose and Need**

The BCDF is intended to simplify and insert predictability into the development process in Buffalo. This section of the DGEIS will document the public purpose and need, including social and economic considerations, of each and collectively all of the actions. At least one illustrative example may be cited to demonstrate the difficulty of development with the various codes in their current form.

### **2.3 Describe Public Outreach for Each Action**

The public outreach for each of these actions provided significant and robust opportunities for public input. The DGEIS will document the specific outreach activities that have occurred.

### **2.4 All Required Approvals**

The City of Buffalo Common Council is the agency that will adopt all of the actions associated with the BCDF; however, there are other involved and interested agencies. The DGEIS will document all agencies and their regulatory or advisory role in the Action. The sequencing of required approvals will be detailed for each aspect of the plans, including any time constraints.

### **3.0 Environmental Setting, Impact Analysis and Mitigation Measures**

This section of the DGEIS will present the environmental setting within the context of the BCDF, the potential impacts of implementation of the BCDF, and any mitigation measures identified for potential adverse impacts.

Outlined below are the environmental factors that will be evaluated in the DGEIS, the methods to analyze potential impacts and any currently identified potential mitigation measures.

#### **3.1 Land Use and Zoning**

##### **3.1.1 Planning Framework**

###### **Current Status**

In 2006, the City adopted a comprehensive plan *Queen City in the 21<sup>st</sup> Century*, which established the framework for the land use plan and BCDF. Other related plans that were reviewed to inform the development of the BCDF:

- Queen City in the 21<sup>st</sup> Century;
- Queen City Hub;
- Queen City Waterfront; and
- The Olmsted City.

There are also a number of other Master Plans that have been completed for major developments in the City, which include:

- Four Neighborhoods, One Community;
- UB 2020;
- Richardson Olmsted Complex Master Plan;
- Canal Side Project Plan; and
- Buffalo State Facilities Master Plan.

The DGEIS will concisely summarize these plans focusing on the priorities and goals of the plans. The DGEIS will also briefly summarize the various URPs that are currently in effect.

###### **Impacts**

The DGEIS will evaluate how the BCDF corresponds to the current planning framework and identify any potential adverse environmental impacts that may occur through implementation of BCDF's specified land use policies and zoning controls. Areas where the BCDF is in conflict with the existing planning framework will be detailed.

For the URPs which are being reevaluated for their applicability and current relevance, the DGEIS will evaluate if the intentions of the URPs have been reflected in the other elements of the BCDF. Any differences between the existing URPs and BCDF will be evaluated and explained.

###### **Mitigation**

Any appropriate mitigation measures will be identified.

### 3.1.2 Existing Land Use

#### **Current Status**

The DGEIS will generally document existing citywide land uses. Maps will be used as appropriate to document existing land uses.

Closely associated with land use is parking, the DGEIS will document the current parking requirements, as established in the current zoning and any other applicable regulations. The DGEIS will also identify areas that experience parking concerns as determined by qualitative reviews of neighborhoods and districts with particular focus on those residential areas that abut retail, educational campuses or commercial developments.

#### **Impact**

The DGEIS will compare the existing land uses within the City with specified uses by zone. Land use conflicts are likely to be minor because the UDO was developed with the current land use as the basis. Conflicts between the current land uses and UDO will be documented and any adverse impacts will be identified. Any adverse impact from or to land uses that will be non-conforming will be identified.

The DGEIS will analyze the proposed parking requirements in the UDO and other ordinances or plans, as applicable and determine the potential impacts on the areas identified as likely having parking constraints.

#### **Mitigation**

Any appropriate mitigation measures will be identified; these may include refinements to the proposed plans, review of parking restrictions, and the need for parking management plans for certain areas.

### 3.1.3 Existing Zoning

#### **Current Status**

The current Euclidian zoning and other overlays, including URPs will be documented and shown on a map as appropriate. The basic regulatory outline of each current zoning district, as well as zoning type regulations in the URPs, will be briefly described.

#### **Impact**

The implementation of the BCDF will supersede all of the zoning that is currently established in the City.

The UDO will eliminate the current zoning and associated overlays. The DGEIS will document the differences between the current and proposed zoning ordinances (lot sizes, as of right uses, etc.) including any overlay districts. Inconsistencies will be documented and any adverse impacts to the existing built environment will be identified.



**Mitigation**

Any appropriate mitigation measures will be identified; these may include refinements to the proposed zoning code.

**3.2 Socioeconomic Considerations (including Environmental Justice)**

3.2.1 Total Population

**Current Status**

The DGEIS will present the population of the City of Buffalo based on the most recent publicly available U.S. Census data. Total population trends over the last 20 years will be identified by census tract.

Racial/Ethnic profiles including Environmental Justice statistics based on NYSDEC-established criteria (an area having more than 51.1% minority population) will be shown for the entire City by census tract.

**Impact**

The DGEIS will present up to three potential growth scenarios which will map different population increase patterns. The growth scenarios will be used to analyze the potential impacts of increasing population in various neighborhoods, to a maximum City population of approximately 290,000, which was established by the City's Comprehensive Plan as the potential growth threshold over the next 20 years. Likely locations of commercial development will also be mapped. The growth scenarios will be used to determine the impact to the environment from the potential growth scenarios. This analysis will be used to analyze potential socioeconomic impacts; it will also be used to determine if population growth would have a negative impact on other environmental issues under review.

**Mitigation**

Any appropriate mitigation measures will be identified.

3.2.2 Poverty

**Current Status**

Areas that are considered low to moderate income will be identified in the DGEIS and mapped by census tract, with particular focus on areas that meet NYSDEC Environmental Justice criteria of more than 23.59% of the population below the poverty line.

**Impact**

The DGEIS will evaluate if adoption and implementation of the BCDF will have adverse impacts to low-income populations. In particular, the DGEIS will look at potential siting of incompatible land uses near Environmental Justice Populations.

**Mitigation**

Any appropriate mitigation measures will be identified.

### **3.3 Transportation and Circulation**

#### **3.3.1 Transportation**

##### **Current Status**

The transportation infrastructure of the City supports pedestrians, bicyclists, and motor vehicles. The DGEIS will identify the current transportation infrastructure in the City as available from public sources, specifically, miles of road and miles of dedicated bicycle routes, including off-street trails. Public transit routes will also be mapped.

The BOA areas will be specifically evaluated. Due to the convergence of the South Buffalo, Buffalo River Corridor and Buffalo Harbor BOAs (See Figure 1) the transportation information for these three areas will be presented together.

##### **Impact**

The UDO includes street design standards for new or reconstructed streets. The DGEIS will evaluate how that design will integrate into the existing street network. Also, the DGEIS will use the population build-out within specified neighborhoods, presented first in the Socioeconomic Section, to evaluate the potential impacts of additional population and development on the existing transportation network.

The traffic that would be generated by the proposed build-outs of the BOA Master Plans will also be evaluated. A traffic assessment will be prepared, one for the three BOAs along the waterfront areas and one for the Tonawanda Street Corridor BOA. Any adverse impacts on transportation infrastructure and circulation associated with the build-out of the BOAs will be identified.

The DGEIS will not analyze potential impacts from major infrastructure improvements or changes that have been proposed, which include but are not limited to a bridge to the Outer Harbor and downgrading Route 198.

##### **Mitigation**

Any appropriate mitigation measures will be identified.

### **3.4 Utilities**

##### **Current Status**

The City of Buffalo is well supplied by utility infrastructure including broadband internet, electric and gas distribution networks, as well as public water and sewers. The DGEIS will generally discuss the state of the utility infrastructure, in particular any deficiencies with particular focus on the BOAs.

##### **Impact**

The DGEIS will determine, through a qualitative review of service areas and locations of insufficient capacity, if the current networks would generally service proposed development areas or if additional infrastructure will be required.

The DGEIS will also identify measures in the BCDF that would reduce the demand for electricity by residents, commercial developments and the public sector, including renewable energy sources such as solar panels and geothermal installations, and any impacts from energy generation in the City.

Measures in the BCDF to decrease storm water runoff will be identified and potential impacts will be determined.

**Mitigation**

Any appropriate mitigation measures will be identified.

**3.5 Historic and Archeological Resources**

3.5.1 Historic Resources

**Current Status**

The City contains a number of National Register Historic Districts and properties. The City has also designated a number of individual properties as local landmarks which are governed by the Buffalo Preservation Standards. The DGEIS will include a brief narrative identifying these resources and map the location and designation of all historic buildings and districts.

**Impact**

The DGEIS will evaluate how adoption and implementation of the BCDF will interact with designated districts and historic properties. The DGEIS will evaluate if the BCDF is compatible with designated historic sites and places by comparing current or previous use with proposed land uses and proposed zoning.

**Mitigation**

The DGEIS will identify mitigations as appropriate.

3.5.2 Areas of archeological sensitivity

**Current Status**

The publicly available locations of archeological sensitivity will be shown on a map; these locations are shown as large generalized areas that have known or may contain archeological resources.

**Impacts**

The DGEIS will document any potential conflicts between the UDO and areas of archeological sensitivity.

**Mitigation**

The DGEIS will identify mitigations as appropriate.

### **3.6 Parks**

#### **Current Status**

The City of Buffalo has hundreds of acres of designated parkland, including the Olmsted Park and Parkway System, as well as a series of pathways which provide opportunities for both passive and active recreation for residents of the City and region. The DGEIS will map and identify the designated parks, parkways, and pathways.

#### **Impacts**

Some of the components of the BCDF will introduce new regulations on or adjacent to existing parks. Additionally, the BCDF may identify locations for additional parkland. The DGEIS will identify the impact of the regulatory framework on existing parks and pathways and the impact of the proposed addition of parkland identified in the BCDF.

#### **Mitigation**

Any appropriate mitigation measures will be identified.

### **3.7 Community and Visual Character**

#### **3.7.1 Community Character**

##### **Current Status**

There are a variety of City neighborhood types that are generally defined by housing styles and lot sizes, type and style of commercial developments, and other elements of the built environment. The DGEIS will generally summarize the types of neighborhoods that currently exist in the City.

##### **Impact**

A goal of the BCDF is to ensure any new development replaces or builds upon the fabric of existing neighborhoods within the City, and to allow complementary and appropriate future development. The DGEIS will evaluate the impact of the BCDF on the variety of neighborhoods. The DGEIS will compare the existing built environment with the potential future allowed developments focusing on building styles, lot sizes and general land uses.

##### **Mitigation**

Any appropriate mitigation will be identified, which may include changes to one or more aspects of the BCDF.

#### **3.7.2 Views**

##### **Current Status**

Unobstructed views of Lake Erie and the Niagara River from publicly accessible locations are of particular importance. In addition, parklands and historic resources are important visual and aesthetic resources that would be appropriate to consider. The DGEIS will identify these visual and aesthetic resources.

### **Impact**

The locations of important views will be compared to the proposed zoning to determine if portions of the BCDF may have a beneficial or negative impact.

### **Mitigation**

The DGEIS will identify mitigation measures as appropriate, which may include changes to the BOA plans or zoning.

#### **3.7.3 Signs**

##### **Current Status**

Particularly on commercial streets, signage is a significant component of the built environment and its aesthetics. Acceptable signage in the City is regulated by a sign ordinance with additional regulations possible in overlay zones. The DGEIS will generally summarize the existing ordinance.

### **Impact**

The DGEIS will present a generalized list of allowable sign types by district or neighborhood. Obvious inconsistencies between neighborhood type and allowable signage or potential adverse impacts to aesthetics will be identified.

### **Mitigation**

Any appropriate mitigation will be identified, which may include additional regulations or changes to the allowable signage.

## **3.8 Public Services**

### **Current Status**

The City of Buffalo has a separate school system, a professional paid fire department and a police department. The DGEIS will identify the location and service area of these public services.

### **Impact**

The DGEIS will analyze the potential impacts of the BCDF on public services.

### **Mitigation**

Any appropriate mitigation measures will be identified.

## **3.9 Hazardous and Contaminated Sites**

### **Current Status**

Properties with known contamination, as determined by publicly available information, will be mapped. Any known use restrictions will be determined. Specific focus will be on contaminated sites in the BOAs which will be mapped as appropriate.

### **Impact**

The DGEIS will delineate any known conflicts between contaminated sites and the BCDF, in particular the proposed land uses.

The DGEIS will identify the potential adverse impacts of the BCDF on brownfields. Because the BCDF is intended to encourage redevelopment it will likely reduce the number of brownfields.

### **Mitigation**

Any required mitigations will be determined, which may include changes to the land use plan or new regulations.

### **3.10 Air Quality**

Adoption and implementation of the BCDF is not expected to create any adverse impacts to air quality, therefore, the DGEIS will not discuss impacts to air quality.

### **3.11 Solid Waste**

The adoption and implementation of the BCDF may have a marginal impact on the volume of solid waste produced within the City. No new solid waste disposal facilities are proposed, therefore, the DGEIS will not discuss impacts to solid waste.

### **3.12 Topography, Geology and Soils**

Adoption or implementation of the BCDF is not anticipated to have an adverse impact on topography, geology or soil. The majority of the City is classified as Urban land with no sensitive lands, therefore, the DGEIS will not discuss impact to topography, geology, and soils.

## **4.0 Alternatives Analysis**

### **4.1 No Action**

The DGEIS will identify the impact of not adopting the BCDF and continuing with the current regulatory framework.

### **4.2 Partial Adoption**

The DGEIS will evaluate at least one scenario where at least one portion of the BCDF is not adopted. This will identify potential conflicts and administrative difficulties.

### **4.3 New Euclidian Zoning**

The DGEIS will evaluate the benefits of proposing new Euclidian zoning instead of the proposed form-based code.

## **5.0 Use and Conservation of Energy**

The DGEIS will discuss the BCDF's effect on the use and conservation of energy where applicable and significant. This will include evaluations of proposed energy sources, anticipated short-term and long-term energy consumption options and the indirect effect on energy consumption and energy conservation. The beneficial impacts of utilizing renewable energy sources will also be discussed.

## **6.0 Unavoidable Adverse Impacts**

The DGEIS will assess the potential adverse impacts that may result from the implementation of the BCDF. The impacts that cannot be avoided or adequately mitigated will be identified and described.

## **7.0 Irreversible and Irretrievable Commitment of Resources**

The DGEIS will identify the range of resources that would be irretrievably lost as a result of the adoption and implementation of the BCDF. These resources may include natural resources including wetlands and wildlife habitat.

## **8.0 Growth Inducing Aspects**

The DGEIS will summarize the potential for the BCDF to cause increases in local population or commercial development.

## **9.0 Cumulative Impacts**

No known further cumulative actions were identified. The analysis of the BCDF represents a cumulative analysis; therefore, the DGEIS will not discuss cumulative impacts.

## **10.0 Thresholds and Criteria for Further Evaluation**

The DGEIS will identify and establish thresholds and criteria under which future actions will be undertaken or approved, including requirements for any subsequent SEQR review. Future SEQR review of projects may be limited to topics that were not evaluated or are site specific that are not fully evaluated in this DGEIS.

## **11.0 Appendices**




The following are some of the appendices that will be included in the DGEIS:

- The Traffic Impact Assessments;
- The BOA Plans;
- Proposed Unified Development Ordinance;
- Proposed Land Use Plan;
- Proposed Draft Local Waterfront Revitalization Program; and
- Proposed Revisions to Urban Renewal Plan Areas.



# LWRP, BOAs, & Urban Renewal Area Boundaries

Figure 1

- Legend**
-  Brownfield Opportunities Area
  -  LWRP Boundary
  -  Urban Renewal Area

