URBAN RENEWAL PLAN

for the

OAK STREET REDEVELOPMENT
PROJECT

Project No. N.Y. R-197

CITY OF BUFFALO, NEW YORK

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OAK STREET REDEVELOPMENT PROJECT, BUFFALO, NEW YORK

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B. DESCRIPTION OF THE PROJECT

1. Boundaries of the Urban Renewal Area

The Boundaries of the Oak Street Redevelopment Area are indicated on the Project Boundary and Land Acquisition Map (Exhibit No. 1) attached to and made a part of this Plan. The Project Area is more particularly described as follows:

All that tract or parcel of land situated in the City of Buffalo, Erie County, State of New York, bounded as follows:

Beginning at a point of intersection of the north R.O.W. Line of Best Street and the east R.O.W. line of Masten Avenue; thence proceeding westerly along the north R.O.W. line of Best Street to its intersection with the west R.O.W. line of Ellicott Street; thence northeasterly along the west R.O.W. line of Ellicott Street, 90 feet to a point; thence northwesterly at right angles to the west R.O.W. line of Ellicott Street, 55 feet to a point; thence northeasterly at right angles and parallel to Ellicott Street, 47.8 feet to a point; thence westerly and parallel to Best Street 145 feet to a point; thence northeasterly and parallel to Ellicott Street, 50 feet to a point; thence westerly and parallel to Best Street, 30 feet to a point; thence northeasterly and parallel to Ellicott Street, 49 feet to a point; thence westerly and parallel to Best Street 400 feet more or less to the west R.O.W. line of Main Street; thence southwesterly along the west R.O.W. line of Main Street to its intersection with the south R.O.W. line of Goodell Street extended; thence southeasterly along the south R.O.W. line of Goodell Street to its intersection with the east R.O.W. line of Ellicott Street; thence southwesterly along the east R.O.W. line of Ellicott Street to its intersection with the north R.O.W. line of the New York State highway interchange area; thence easterly and northerly along the north New York State R.O.W. line to its intersection with the south R.O.W. line of Goodell Street; thence southeasterly along the south R.O.W. line of Goodell Street to its intersection with the east R.O.W. line of Michigan Avenue; thence northeasterly along the east R.O.W. line of Michigan Avenue to its intersection with the south R.O.W. line of E. North Street; thence easterly along the south R.O.W. line of E. North Street to its intersection with the east R.O.W. line of Masten Avenue extended; thence north along the east R.O.W. line of Masten Avenue to its intersection with the south R.O.W. line of Best Street; thence easterly along the south R.O.W. line of Best Street, 8 feet to a point, which is the east R.O.W. line of Masten Avenue extended; thence northerly along the east R.O.W. line of Masten Avenue to the north R.O.W. line of Best Street, the point of beginning.

OAK STREET REDEVELOPMENT
NYR-197 (MASTEN GNRP) NYSUR-136

Site designated - July 27, 1965, C.C.P. No. 78; also see October 13, 1965, C.C.P. No. 161 and January 11, 1966, C.C.P. 187.

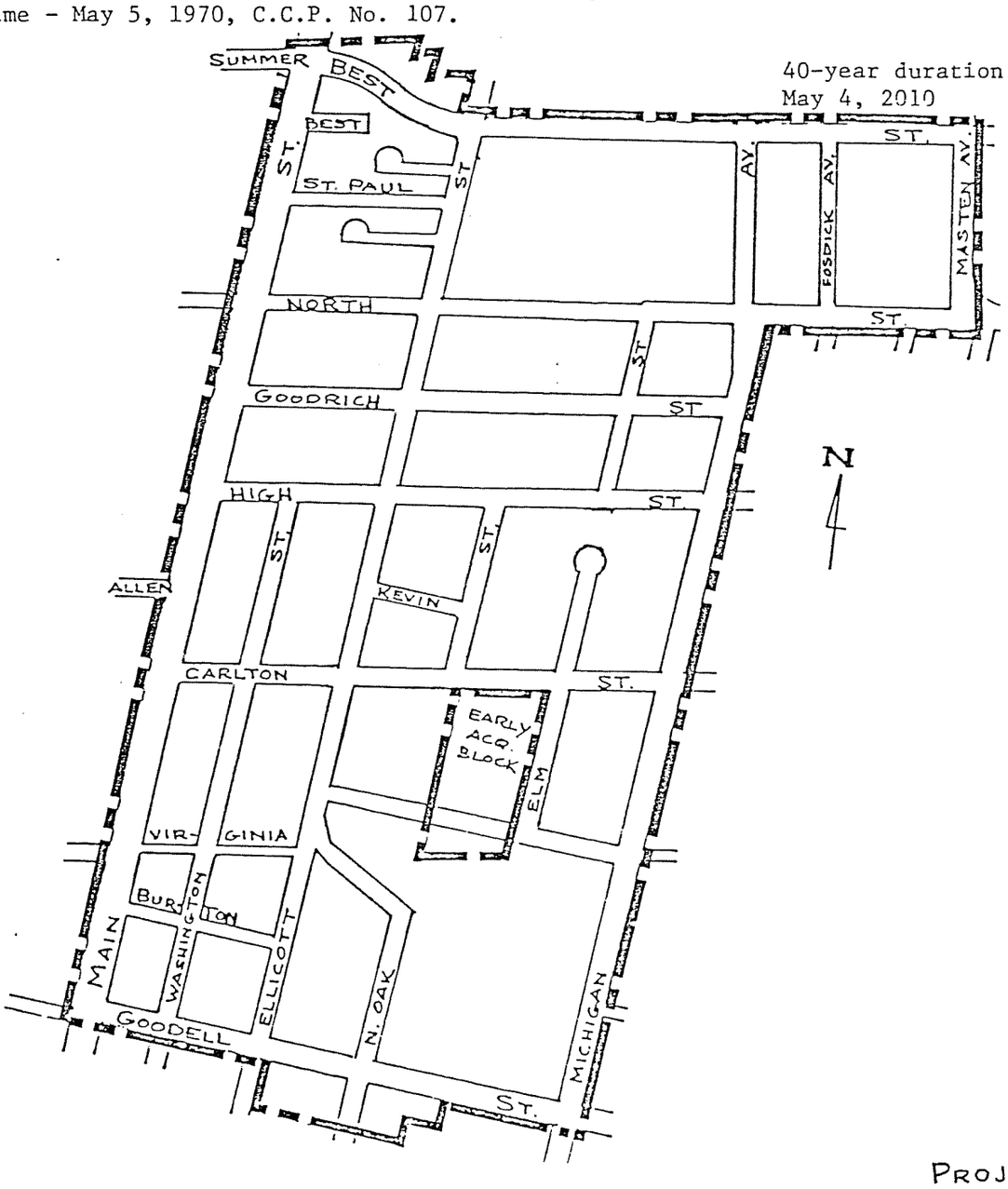
City Planning Board held public hearing on Research Study Center (early acquisition block) - May 26, 1966, see C.C.P. No. 22 of May 26, 1966 sent approving letter to Common Council (June 14, 1966, C.C.P. No. 85).

City Planning Board held additional public hearing on project overall and approved same - April 2, 1970.

Common Council hald public hearing - July 12, 1966, C.C.P. No. 86 and 86A on Research Study Center (early acquisition block) and approved same - October 11, 1966, C.C.P. No. 177.

Common Council held additional public hearing on project overall and approved same - May 5, 1970, C.C.P. No. 107.

40-year duration
May 4, 2010



PROJECT BOUNDARY
EXHIBIT 1

ACQUISITION MAPS
ON FILE IN OFFICE

2. Urban Renewal Plan Objectives

The primary objectives of this Urban Renewal Plan for the Oak Street Redevelopment Project, in accordance with objectives heretofore established by the Buffalo Master Plan, the Buffalo Community Renewal Program, and the Masten Park General Neighborhood Renewal Plan, are to foster the renewal and redevelopment of an area housing key hospital and related medical service, research, and educational resources of the community; and in the course of such action, to create new housing and other facilities which will support and serve not only the central medical complex, but contribute to strenghtening and upgrading of the general area as a continuing major element in the community's residential neighborhood structure.

Specific project renewal objectives - to be achieved through the actions and commitments of the Buffalo Urban Renewal Agency and the City of Buffalo embodied in this Plan, and with the cooperation of other public agencies, institutions, and private enterprise - are as follows:

a. The removal of structurally substandard buildings and the elimination of blighting influences, and the prevention of the recurrence of such conditions, particularly adverse relationships between institutional and housing areas and commercial activities, and overcrowding of buildings on the land coupled with a lack of adequate open space and related public facilities.

b. The provisions of safe, efficient and attractive vehicular access and circulation systems, with separation of conflicting traffic patterns and movements; of adequate off-street parking; and of convenient areas and conditions for pedestrian movement and activity. Action in provision of major parking facilities is of critical importance in alleviating vehicular congestion.

c. To protect and conserve the existing concentrations of major institutional facilities, and other sound existing uses and facilities which are compatible with such institutions and with related neighborhood functions and objectives.

d. To simultaneously protect and enhance the concentration of major industrial and commercial uses and employers in, and adjacent to the Project, and to eliminate traffic conflicts and improve visual relationships between these unrelated activities and other uses and activities; and at the same time to reduce smoke and other air pollutants emitted by such uses.

e. To achieve a change in land use in accordance with the Buffalo Master Plan, and establish patterns and relationships of land use and activity which are stable, effecient, and compatible, providing attractive and functional settings for the important social and economic role of the project in the community.

f. To improve cleared land, consistent with such desired patterns of land use, for: (1) Expansion and development of Roswell Park Memorial Institute and Buffalo General Hospital, their affiliated research and other non-profit organizations and activities, other health oriented institutions, and other offices and facilities related to medical care and treatment, and appropriately located in proximity to the hospital core. (2) Development of a neighborhood business and service center, which will provide convenience shopping and other services for employees, students, outpatients, and visitors of the medical complex, as well as Project and neighborhood residents.

g. To provide land for development of new housing and supporting "open space" and recreation areas, with particular emphasis upon a substantial number of housing units of low-to-moderate cost, providing a significant new housing resource for area employees, elderly persons, and others desiring close proximity to medical facilities, as well as for present area residents to whom the general neighborhood represents a continuing locational preference.

h. To promote the highest possible standards in building and environmental design, in terms of both individual and collective redevelopemt efforts.

i. To significantly emphasize pedestrian opportunities, with distinct continuity and linkage of pedestrian-corridors between uses, not only to safely accommodate current and anticipated intensive pedestrian activity, but to create environmental qualities consistent with hospital and medical service functions and related residential areas. Major existing public rights-of-way within the Project shall be closed to public vehicular use and shall be modified and improved for pedestrian and related leisure recreation use. Adjacent uses shall be encouraged to coordinate major building entry and other pedestrian movement areas into this public system, with separation of vehicular and pedestrian traffic to the extent feasible, and thereby extend and enhance such pedestrian opportunities.

j. To enhance the identity and exposure of the area as the location of major institutional facilities within the community.

3. Types of Proposed Urban Renewal Actions

The Buffalo Urban Renewal Agency, hereinafter referred to as the "Agency", with the cooperation of the City of Buffalo, hereinafter referred to as the "City", with the authorization of the governing body thereof proposes certain urban renewal actions within the Oak Street Redevelopment Project which include clearance and redevelopment, rehabilitation and conservation, and improvement and provision of public facilities, as follows:

a. Clearance and Redevelopment

(1) Acquisition of all real property identified for such action on Exhibit No. 1, "Project Boundary and Proposed Land Acquisition Map", of this Plan.

(2) Clearance of all structures and improvements located thereon, except as noted elsewhere in this Plan.

(3) Assembly or reassembly of portions of such cleared land into parcels whose size, shape, location, and relationship to other areas and facilities will (a) achieve and allow new private development meeting the objectives of this Plan and the projected market demands for such new development, (b) provide opportunities for the orderly expansion and improvement of existing public and institutional facilities, and enhance their setting within the community, and (c) permit public improvement and provision of street, utility, parking, open space, and other facilities which are required to support other activity, in accordance with established locational and design objectives and criteria for such facilities.

(4) Sale, lease, or dedication of such parcels for public or private use and development in accordance with this Plan.

b. Rehabilitation and Conservation

(1) Protection and conservation of all lands and properties not to be acquired.

(2) Rehabilitation of all properties not to be acquired to meet the Property Rehabilitation Standards of this Plan, as may be required.

c. Public Improvements and Facilities

(1) Modification, development, and construction by the Agency or the City of public improvements and facilities required to adequately support and service existing and proposed land uses and activities in the Oak Street Area, incuding streets, utilities, parking facilities, recreation areas, open spaces, and pedestrian features and facilities.

(2) Underground placement of all existing to remain and new utilities.

C. LAND USE PLAN

1. Proposed Land Use

The Land Use Map (Exhibit No. 2), attached hereto and made a part of this Plan, identifies the following general land use categories and areas which are established and permitted within the Oak Street Redevelopment Project:

a. Public Street Rights-of-Way, including rights-of-way within which vehicular use will be prohibited or curtailed, and underground utility easements.

b. Residential and Related Use, including neighborhood public and private schools, public recreation and open space areas, and churches.

c. Hospital and Medical Services

d. Neighborhood Business and Services

e. General Commercial

f. Public Parking Facilities

Types of use permitted within the above land use categories, other than Public Street Rights-of-Way, are outlined in the following section of this Plan.

2. Land Use Provisions and Building Requirements

The following requirements shall apply to the use and development of land within the Oak Street Redevelopment Project, and together with the Land Use Map, shall constitute the provisions of this Urban Renewal Plan that govern such use and development.

These requirements are established as basic guides and standards for new construction and development, reflecting the public renewal objectives and intent of the Agency and the City in undertaking the Oak Street Project. It is not intended, however, that such provisions unduly inhibit exploration of land use, design, economic, or other development concepts or objectives which, while varying from some aspect of these requirements, may nevertheless achieve the public objectives embodied herein.

Consistent with this policy, and as part of, and subject to, the comprehensive amendment of the Buffalo Zoning Ordinance, the Oak Street Redevelopment Project will be established and classified as a "Planned Mixed Use District" under Said Zoning Ordinance. Said "District" shall provide and permit, subject to special procedures for review and approval of development plans by the City, substantial flexibility in the planning, design, and development concepts of large-scale land areas, whereby the use, type, location, design, relationship, diversity, or density of buildings and other improvements may vary from specific standards and requirements heretofore generally employed, provided that such development ensures, in the opinion of the City, adequate standards for public health, safety, and general welfare, and is in accord with the Master Plan of the City of Buffalo. Notwithstanding any basic adherence to such standards, the proposed development of any such "District", or portion thereof, shall furthermore reflect sensitivity in the design of each and all facilities and improvements in terms of their function, setting, and architectural and spatial relationship within the "District" and adjoining areas, and shall contribute to visual integration and continuity within the entire "District".

The Commissioner of Urban Renewal, the City Planning Board, and any special Review Boards which may be appointed and authorized by the Agency and the City, shall be responsible for review of all redevelopment proposals, and for interpretations of the terminology and intent of this Plan, and shall determine the proposals in terms of their conformity with this Plan and with the requirements of the above said "Planned Mixed Use District". The Commissioner of Urban Renewal, shall, in all cases, act, on behalf of the Agency and the City, as the initial authority in review of proposals, and shall consult with the City Planning Board and any special Review Boards as required prior to any recommendations to the Agency and the City regarding such proposals.

An Illustrative Redevelopment Plan (Exhibit No.3) is also attached to, and made a part of this Plan. Although this Illustrative Redevelopment Plan shall not be applicable in governing or controlling the specific type, character, or pattern of redevelopment which may be permitted, it, and Section C3, Design and Development Objectives, of this Plan are intended to further illustrate and guide in the interpretation of the Land Use Provisions and Building Requirements, and public objectives of this Urban Renewal Plan.

a. Public Use and Development

In addition to Public Street Rights-of-Way, the following public facilities are to be developed by the Agency or the City in the locations identified on the Land Use Map. All such public use and development shall be subject to the procedures for review and approval of all new use and development within the Project, as cited in this Plan and otherwise to be established by the Agency and the City.

(1) Recreation and Open Space Area

An outdoor recreation and open space area will be developed to serve project residents. This open space shall be planned and located as a conveniently accessible and central focus for the surrounding housing redevelopment areas.

(2) Public Parking Facilities

(a) Because of a deficiency in the current level of off-street parking facilities within the Oak Street Project, and the expectation of substantial increases in parking demand as the major hospital and medical facilities expand; and recognizing that this parking problem cannot be corrected solely through institutional or other private action, despite substantial current or programmed efforts to this end, it shall be the general policy of the City, in cooperation with the Agency, and through the Parking Board of the City, to provide and construct two major central parking structures within the Oak Street Project.

The locations of these structures, each serving significant portions of the Project, are identified on the Land Use Map. The size of each of these structures, and the nature and capacity of parking facilities to be developed therein, are subject to future determinations as to the type, intensity,

and distribution of new development and existing currently programmed institutional and private off-street parking facilities. It is the intent of this Plan that these municipal facilities supplement such currently existing and programmed institutional and private facilities, and such other facilities as are required to be provided in connection with redevelopment under this Plan, to the extent that the aggregate parking needs within the Project, following redevelopment, are met through such joint public and private actions.

The City will therefore evaluate and determine such aggregate parking needs as Project renewal and redevelopment progresses, in accordance with the provisions of Section 2f. Accessory Off-Street Vehicular Facilities, of this Plan, and will program development of these parking facilities accordingly.

The Agency and the City may permit, within the southerly structure, an automobile service station or similar facilities engaged solely in the sale of automobile fuel, lubricants, and accessories and the performance of incidental services such as lubrication and washing, when such use is deemed to be of benefit to other Project uses as a convenience facility, and does not impair objectives of vehicular movement and parking within the General Commercial use area. If permitted, such facilities shall be located only in or along the portions of this structure fronting on Goodell or Ellicott Streets.

The Agency and the City may, at their discretion, elect to offer for sale or lease either or both parcels identified for Public Parking Facilities, to a private developer who will agree to construct parking facilities of adequate size and design, available to the general public, and otherwise meeting the objectives of this Plan.

(b) To support the proposed rehabilitation and conservation of residential properties on St. Paul Street, the Agency or City will develop and construct an adjacent public parking area, as identified on the Land Use Map. Such action will be

taken in conjunction with the modification of the St. Paul Street right-of-way for pedestrian and open-space use to relieve the overcrowding of these properties on the land and eliminate current traffic and on-street parking congestion.

In the event that the proposed rehabilitation of such properties by present owners or other parties does not occur, or is otherwise determined not to be feasible, the Agency and the City may modify or eliminate these proposed improvements, or portions thereof and use or sell such land and rights-of-way for other Residential and Related Use in accordance with this Plan.

The proposed new parking area cited above is also intended to provide new vehicular access to the Niagara Mohawk Power Corp. substation property as identified on the Land Use Map, in lieu of current access from Best Street which will be eliminated upon construction of the realigned Best Street Arterial under this Plan. Nothwithstanding any possible modification of this parking area in accordance with the above, such access to this property shall be maintained. The Niagara Mohawk Power Corp. may also elect to acquire such land from the Agency to develop and maintain private access facilities.

(3) Public Land Reservation

The Agency or the City shall reserve the cleared land within the Project north of the proposed right-of-way of the Best Street Arterial between Main and Ellicott Streets, for future use in connection with public or private renewal and redevelopment activities in the adjacent area outside of the Project. In event that the sale and use of such land by the Agency is opportune during the execution of the Oak Street Project, all or portion of such land may be sold, upon designation by the Agency for such use, subject to approval of such use by the Federal Department of Housing and Urban Development, and further subject to approval of the Common Council of the City of Buffalo. In event that such sale does not occur prior to the time that the Agency must dispose of such land pursuant to the Contract for Loan and Grant with the United States of America, all or portions of said land shall be acquired and held by the City for such future use. The land shall be temporarily landscaped by the Agency or the City as open space adjacent to the proposed Best Street Arterial.

b. RESIDENTIAL AND RELATED USE

(1) Uses Permitted

In addition to proposed public uses heretofore established and permitted, the following land uses are hereby permitted on lands designated for Residential and Related Use:

(a) Dwellings, including all building types commonly utilized for such purposes, except single-family detached houses, and including public housing, low-to-moderate cost housing and housing for the elderly.

(b) Churches and accessory facilities, and social or recreational buildings and facilities developed and operated either in conjunction with housing under (a) above, or by a church, non-profit institution, or other community service organization.

(c) Retail sales, primarily limited to sales of food staples and related items of daily need, developed and operated in conjunction with housing under (a) above, intended for the convenience of residents thereof, and located within a dwelling building or a social, recreational, or similar community building. The Agency expressly reserves the right to approve any such accessory use.

(d) On the portion of such lands to be acquired by the Agency bounded by Main, St. Paul, Ellicott, and East North Streets, housing for the convalescing, chronically ill, and disabled, and/or so-called homes for the aged, whether or not primarily domiciliary in character, including nursing and related medical care facilities accessory thereto, shall also be permitted.

(e) In event that the proposed rehabilitation of existing residences to remain on St. Paul Street does not occur, or is otherwise determined not to be feasible, and these properties are acquired and cleared by the Agency, such cleared land may be used for any purposes stated above, except that uses permitted under item (d) above shall be limited to the area south of St. Paul Street.

(f) In the event that the proposed rehabilitation of the existing Residential Use property to remain on High Street, known as the High Street Apartments, does not occur or is otherwise determined not to be feasible and this property is acquired and cleared by the Agency, such cleared land shall be used for Neighborhood Business and Services use in accordance with this Plan.

(2) Density of Development

The maximum permitted density of housing development under (1)(a) above shall not exceed ninety (90) and thirty (30) dwelling units per acre, within the respective areas so designated on the Land Use Map.

In event of a variety of building types which may be proposed by one or more redevelopers on any area or parcel of land, or adjoining areas or parcels of land, designated for 30 dwelling units per acre maximum density, the Agency may permit an increase in such density on any area or parcel, or portion thereof, devoted primarily to dwelling units for individuals and small families, provided the average dwelling unit density throughout the general area designated for housing does not exceed 30 dwelling units per acre.

In event of convalescent or related housing permitted under (1) (d) above, the maximum permitted density shall be based upon provision of 500 square feet of parcel area for each bed provided within such housing facilities.

(3) Maximum Building Height

No building without elevators shall exceed three stories in height.

(4) Land Coverage, Open Space, and Yard Requirements

A maximum of thirty (30) percent of the area of any parcel may be covered by buildings, exclusive of any balcony, open porch, entrance hood, connecting walk covering, or similar appurtenance anchored to buildings without posts, or any single-story parking garages, or any underground parking or other structure with its roof approximately at the adjacent ground levels or otherwise visually integrated into the site in the opinion of the Agency.

A minimum of thirty (30) percent of the area of any parcel shall be developed and maintained as open space, such space being defined in this Plan as outdoor area from which vehicles are excluded, and planted, paved, or otherwise improved and permanently maintained. Of the above aggregate area of required open space, at least fifty (50) square feet per dwelling unit shall be paved or otherwise properly surfaced, equipped, and treated as usable open space suitable for sitting, play and similar social and recreational activities for residents, including adequate children's play areas where a substantial number of dwelling units contain two or more bedrooms. The Agency shall also look favorably upon inclusion of sculpture or other works of art or decorative features within such open space areas.

Yards (the distance between any building line and any adjacent public right-of-way line) shall be a minimum of twenty (20) feet in width measured at right angles from the right-of-way line. Notwithstanding this minimum requirement, it is the further intent of this Plan that yard widths shall vary along all public rights-of-way within any multiple or group building development.

Minimum distances between buildings within a multiple or group building development are not established by this Plan, but shall conform, in the opinion of the Agency, to reasonable and prudent standards to ensure provision of light, air, and privacy to all residents.

(5) Off-Street Parking and Loading, and Other Requirements

All development shall furthermore be in accordance with the requirements of Section 2.f. of this Plan.

(6) Future Modification of Michigan Avenue

The Agency and the City hereby reserve the right to close and/or modify, temporarily or permanently, any portion of Michigan Avenue within the northerly Project areadesignated for Residential and Related Use, in order to eliminate public through traffic, and enhance the safety and convenience of internal vehicular and pedestrian movements within this housing area. Any such future modification shall be subject to construction and completion of the proposed Michigan-Masten Arterial Highway by New York State, which may divert a significant volume of traffic from Michigan Avenue. The City may then test the feasibility of, and elect to undertake such action. This reservation by the City will be incorporated into the Contract(s) between the Agency and the Redeveloper(s) of adjacent housing redevelopment areas. Any such street modification shall not impair any vehicular access areas or facilities previously constructed by any such Redeveloper(s).

(7) Underground Utility Easements

The City hereby reserves certain permanent underground utility easements, as shown on the Land Use Map, within the portions of the Best Street and Elm Street rights-of-way to be abandoned. Said easement areas shall be deemed to be part of the adjacent housing redevelopment areas, but construction therein shall be limited to such paving, curbing, planting, or similar improvements necessary to meet parking or open space requirements, and no building construction, including overhanging appurtenences, shall be permitted therein.

c. HOSPITAL AND MEDICAL SERVICES

(1) Uses Permitted

The following land uses are hereby permitted on lands designated for Hospital and Medical Service use:

(a) Hospital, including facilities for research, medical and para-medical education, supporting staff and student housing, outpatient and other clinics, and any other facilities normally accessory and incidental thereto.

(b) Other institutions or non-profit corporations engaged in medical research, education, and related services and activities.

(c) Office buildings for predominant use and tenancy by physicians, surgeons, dentists, medical clinics or laboratories, or other uses and activities clearly related to health and medical services.

(d) Facilities for the convalescing, chronically ill, disabled, or other persons requiring regular care, visitation, and treatment of a physician, and otherwise warranting proximity to major hospital and medical facilities, including so-called homes for the aged, whether or not primarily domiciliary in character, and nursing and related medical care facilities accessory thereto.

(2) Land Coverage, Open Space, and Yard Requirements

A maximum of sixty-five (65) percent of the area of any parcel may be covered by buildings, exclusive of appurtenancesanchored to buildings without posts, or any underground parking or other structure with its roof approximately at adjacent ground levels.

A minimum of fifteen (15) percent of the area of any parcel shall be developed and maintained as open space, as defined in other sections of this Plan.

Yards along any public rights-of-way shall be a minimum of twenty (20) feet in width. Notwithstanding this minimum requirement, it is the further intent of this Plan that yard widths shall vary along all public rights-of-way within any multiple or group building development.

(3) Off-Street Parking and Loading, and Other Requirements

All development shall furthermore be in accordance with the requirements of Section 2.f. of this Plan.

(4) Research Studies Center

The "Urban Renewal Plan for the Research Studies Center, a portion of the Oak Street Redevelopment Project No. N.Y. R-197", prepared in accordance with Article 15 of the General Municipal Law of the State of New York, and approved by the Common Council of the City of Buffalo by Ordinance dated October 11,1966 , is hereby superseded, and cancelled in its entirety by this Urban Renewal Plan for the Oak Street Redevelopment Project No. N.Y. R-197. Notwithstanding any provisions of said prior Urban Renewal Plan for the Research Studies Center, the provisions and requirements herein shall control and govern the use and development of the Research Studies Center portion of the Oak Street Redevelopment Project.

(5) Underground Utility Easement

The City hereby reserves a permanent underground utility easement, as shown on the Land Use Map, within the portion of Elm Street right-of-way to be abandoned. Said easement area shall be deemed to be part of the Hospital and Medical Services redevelopment areas, but contruction therein shall generally be limited to paving, curbing, planting, or similar non-building improvements. Building construction within or over such easement may be permitted only upon special approval by the Agency and City, and when the Redeveloper provides adequate assurance that such building construction shall not impair or endanger the structural condition or maintenance of such utility lines.

d. NEIGHBORHOOD BUSINESS AND SERVICES

(1) Uses Permitted:

Retail trade and service, office, and other uses and establishments which, by virtue of the type variety, quality, or nature of goods or services offered, will primarily serve the daily convenience shopping, service, and related needs of employees, visitors, and residents of the Project and other nearby residential areas, or may otherwise, in the opinion of the Agency, be appropriately located in this area due to its proximity to major hospital and similar institutions, are hereby permitted on lands designated for Neighborhood Business and Services.

Uses permitted include, but are not limited to:

(a) Retail trade and service establishments such as, supermarket, grocery, fruit and vegetable stores, meat market, delicatessen, restaurant, liquor store, travel bureau, bakery, confectionery store, drug store, shoe store or shoe repair shop, custom dressmaking or millinery shop, tailor shop, clothing store, clothes cleaning pick-up station, self-service launderette, florist or gift shop, book or stationery store, dry goods or notions store, hardware or household appliance store, jewelry store, barber shop or beauty parlor, photographer, and enterprises dealing in any goods, devices, or aids for corrective, therapeutic, convalescing or other health purposes such as hearing aids, eye glasses, artificial limbs, braces, or similar items, but not including any substantial manufacture or fabrication thereof.

(b) Theatre or bank, including drive-in banking facilities subject to special approval by the Agency.

(c) Out-Patient and Visitor Housing, i.e. so-called guest apartments or rooms or apartment-hotel facilities, arranged and intended for relatively temporary or short-term housing, but not primarily for transients. Such housing shall furthermore be intended for predominant occupancy by out-patients, and other visitors of the hospital and related medical facilities within the Project.

(d) Professional or business offices, with emphasis upon predominant tenancy by physicians, surgeons, dentists, health or medical research and testing laboratories and facilities, public health-oriented governmental or non-profit agencies, associations, or corporations, or offices of enterprises offering commodities or services directly related to, or involved in, health and medical care. The above and other types of offices may be permitted, provided that, in the opinion of the Agency, the extent of such office development does not impair or limit development of a variety of land uses cited under (a) through (c) above, which are deemed to be of primary importance in serving Project needs.

(e) Automobile service station, but not within any such lands south of High Street.

(2) Density of Development

The total floor area of all buildings and structures, excluding basements and other subsurface areas and facilities, which may be developed on any parcel of land shall not exceed the total area of said parcel, i.e. a floor area ratio of 1.0, provided that the Agency may permit an increase of such floor area ratio to a maximum of 2.0 within such land use area south of High Street, if, in the opinion of the Agency, parking, open space, pedestrian conveniences, and related requirements and objectives of this Plan can be satisfactorily met, and such density of use does not otherwise impair Project objectives.

(3) Land Coverage and Yard Requirements

A maximum of fifty (50) percent of the area of any parcel may be covered by buildings, provided that a limited increase in such land coverage on any parcel may be permitted by the Agency subject to a determination by the Agency regarding any such exception similar to that cited under item (2) above.

Specific yard depth requirements are not established under this plan, and buildings may be located directly on adjacent public street right-of-way lines. Notwithstanding this provision, some yard areas shall be provided along such street line, and such yards shall be expressly varied in the case of multiple or group building development. A paved court or plaza area or yard shall specifically be provided on Main Street opposite Allen Street, serving as a visual and pedestrian focus from Allen Street. Such yards and pedestrian connections shall also be provided along the Carlton Street pedestrian right-of-way to be developed by the Agency or the City, as shown on the Land Use Map.

(4) Off-Street Parking and Loading, and Other Requirements

All development shall furthermore be in accordance with the requirements of Section 2f of this Plan.

e. GENERAL COMMERCIAL

(1) Uses Permitted

Lands designated for General Commercial use may be used by existing adjacent enterprises within the Project which are designated as not to be acquired by the City, for activities and purposes related to such existing uses, and which were heretofore permitted as of right under the Zoning Ordinance of the City of Buffalo.

In event that such enterprises do not elect to acquire such lands acquired and cleared by the City, the City may permit any general retail, wholesale, warehousing or similar commercial uses which are considered appropriate within this area under the objectives of this Plan and the Buffalo Master Plan, provided that such uses shall be further restricted as follows:

(a) Such uses shall not be hazardous, noxious, or offensive by reason of dust, odor, smoke, gas, fumes, noise, vibration, refuse or any similar characteristics, and shall otherwise conform to all applicable smoke and air pollution abatement and other regulation and ordinances.

(b) Such uses shall not involve any manufacture, compounding, processing, treatment or repair of products unless clearly incidental to the primary use, and limited to minor building portions thereof.

(c) Such uses shall not generate significant volumes of vehicular traffic or parking requirements, either by the operation thereof, or by employees and customers.

(2) Density of Development

The total floor area of buildings, exclusive of basements, on any parcel shall not exceed twice the area of said parcel (a floor area ratio of 2.0).

(3) Maximum Building Height

Buildings shall not exceed two stories in height.

(4) Yard Requirements

A minimum yard of twenty-five (25) feet shall be provided along Virginia Street.

(5) Off-Street Parking and Loading, and Other Requirements

All development shall furthermore be in accordance with the requirements of Section 2.f. of this Plan.

(6) Future Modification of Oak Street

The Agency and the City hereby reserve the right to abandon and/or modify the portion of Oak Street south of Goodell Street within the Project Area, and to sell, lease, or otherwise convey any portion thereof for General Commercial use and redevelopment in accordance with this Plan. Such action may be considered

if the lands acquired and cleared by the Agency to the east of said portion of Oak Street are purchased by the existing use not to be acquired to the west of said portion of Oak Street, or if said public street is proposed to be properly utilized, developed, and maintained by such existing and/or new uses as a private vehicular drive. The Agency will review any such proposal in terms of its effect upon traffic flow on other adjacent public streets.

f. REQUIREMENTS APPLICABLE TO ALL LAND USE AND REDEVELOPMENT AREAS

(1) Off-Street Vehicular Facilities

The objectives and the requirements of this Plan regarding off-street areas and facilities for vehicular parking, service, access and related use within the Oak Street Area are as follows:

(a) Off-Street Parking

The policy of the City of Buffalo whereby the City, in cooperation with the Agency, intends to participate with existing and future uses and enterprises within the Oak Street Project in providing adequate facilities for off-street parking, has been cited elsewhere in this Plan.

In accordance with this policy, the City will construct, or cause to be constructed, two major facilities to assist in alleviating current deficiencies in off-street parking, and in meeting future aggregate increases in demand within the Project following redevelopment. In terms of location and relative parking demand generation, these facilities will primarily serve the hospital and other adjacent institutional facilities, and the general commercial uses, although such parking facilities will also serve other existing and future uses.

(i) Except where exceptions may be permitted, as hereafter specified, all new development within the Project shall provide a minimum number of off-street parking spaces in accordance with the following schedule:

Dwellings	1 space for each dwelling unit, except that housing intended for, and occupied solely for persons sixty years of age or over, shall provide not less than 1 space for each 2.5 dwelling units.

Out-Patient Housing	1 space for each 2 housing units
Retail Stores, and personal service shops or similar establishments, including banks	1 space for each 300 sq. ft. of floor area
Restaurants	1 space for each 100 sq. ft. of floor area
Offices, except medical and dental offices and clinics	1 space for each 500 sq. ft. of floor area
Medical and Dental offices and clinics	1 space for each 150 sq. ft. of floor area
Churches	1 space for each 10 seats
Theatre, Auditorium, of other places of assembly, not related to another primary use	1 space for each 4 seats
Schools	1 space for each 2 employees
Hospitals and Related Uses, Nursing or Convalescent Homes	1 space for each 3 employees at peak shift other than doctors, 1 space for each staff doctor, 1 space for each 4 beds
General Commercial Uses (Within areas so identified in this Plan)	1 space for each 3 employees at peak shift

(ii) As stated elsewhere in this plan, the Agency and the City will continue to evaluate, as Project renewal and redevelopment progresses, the aggregate supply and demand of parking being, or to be, generated through both public and private action, and will plan and program the municipal parking facilities in accordance with such evaluation. In the event that such aggregate supply and related locational factors permit a reduction in off-street parking supply required in connection with any new development, or where centralized parking facilities are available to two or more uses, and joint use thereof will not conflict, in the judgment of the Agency and City, such requirements may be reduced accordingly.

The primary objective of the Agency and the City in connection with such off-street parking requirements within the Oak Street Area is to insure that, through joint or individual public and private action, the type, distribution and capacity of parking facilities adequately meet the needs of all land uses and activities.

(iii) All uses and properties not to be acquired by the Agency shall be obligated under this Plan to preserve and maintain any existing off-street parking facilities, and insofar as feasible, to efficiently utilize any vacant portions of such property for off-street parking facilities, consistent with general environmental and other objectives of this Plan.

Buffalo General Hospital, which imposes the major existing and future parking demand for which the northerly municipal parking structure will be required, shall be expressly obligated under this Plan to efficiently develop and maintain off-street parking facilities on portions of the Hospital property not required for building and related purposes, and to otherwise cooperate with the Agency and the City in providing such facilities as are required to meet the parking demand generated by existing and new development of the Hospital.

Roswell Park Memorial Institute has stated its intent to develop and construct, in stages, a major parking structure providing between 1,500 and 2,000 parking spaces to fully meet the internal demand of the Institute and its related facilities. The Institute shall be obligated under this Plan to construct such a parking structure on lands now owned by the Institute or New York State for such parking purposes, and to initiate such construction adequately in advance of its future expansion program so that such parking shall be available for use at the time that the demand from existing and future facilities exceeds the capacity of the Institute's current off-street parking areas.

(iv) Open parking lots shall be surfaced with a dustless all-weather durable material capable of bearing all vehicular loads to which they may be subjected, and shall be properly graded and drained to collect and dispose of surface water. Unpaved portions of such areas shall be permanently planted and maintained with appropriate plant materials. Any parking lots

adjacent to housing areas shall be so designed, planted, and/or walled so that the parking areas are made less perceptible to view, and so that uninterrupted and severe linear parking patterns are minimized.

(v) Parking structures extending above grade shall be enclosed, ornamentally screened, or otherwise designed and planned so that parked vehicles are reasonably obscured or made less perceptible to view.

(vi) All parking facilities shall be located on the same parcel as the use for which they are intended, except where centralized or common facilities may serve two or more uses and are permitted by the Agency and the City as provided elsewhere herein.

(vii) All parking facilities shall be designed, arranged, and marked for orderly and safe movement of vehicles, and for safe entrance from, and exit to adjacent streets, and shall be adequately illuminated between dusk and dawn for safe movement of both vehicles and pedestrians.

(viii) A required off-street parking space shall contain at least 180 square feet, exclusive of access drives or aisles.

(ix) All parking facilities are expressly subject to review and approval of the Agency as to locational and design features, with specific emphasis upon the adequacy of entrances and exits in permitting safe and efficient vehicular movement and minimum interference with adjacent street traffic movements.

(b) Off-Street Loading

It is the intent of this Plan that all uses and activities within the Oak Street Area have off-street facilities or areas for receipt, loading, and distribution of material or merchandise, or other servicing by vehicle.

All existing uses and establishments not to be acquired by the Agency shall be obligated under this Plan to preserve and maintain any existing off-street loading facilities, and to improve such facilities as may be required under the Property Rehabilitation Standards of this Plan.

Adequate off-street loading facilities shall be provided and available within or adjacent to all new building development and shall furthermore be located entirely with the parcel of such buildings, except where exceptions may be permitted as cited herein. Loading spaces shall be provided for all new non-residential development, including convalescent and out-patient housing, in accordance with the following schedule:

Gross Floor Area of Redevelopment in Thousands of Square Feet, excluding basements	Required Number of Berths or Spaces
10 to 50	1
50 to 100	2
over 100	3

Each required space shall be not less than 10 feet by 50 feet with a vertical clearance of not less than 14 feet.

Notwithstanding any other provisions of this Plan, all separate uses or establishments contained within any redevelopment area shall have access to off-street loading and related service areas. Common use of loading facilities by a number of establishments, or grouping of such facilities to serve several uses or establishments, may be permitted. In any such permitted cases, or similar existing circumstances, the Agency, and the City may require and enforce such agreements as to limited hour and/or staged delivery schedules by the various uses and establishments, as may be required to effectively utilize such reduced or grouped facilities, and service vehicles will be denied any on-street parking or standing which may result from lack of adherance to such schedules.

Loading and other service areas shall be subject to requirements cited under section (a) Off-Street Parking, as to surfacing, screening, safety of access to and from public streets, and illumination.

(c) Related Provisions

(a) On-street parking or loading shall not be permitted on any public street within the Oak Street Area, except in those locations and areas which may be constructed by the Agency or the City for such purposes adjacent to the primary street pavement.

(b) All proposed vehicular access from, or egress onto, any public right-of-way shall be carefully reviewed by the Agency. Access to Main Street, High Street, Michigan Avenue, Goodell Street, and the Best Street Arterial shall be expressly limited to locations approved by the Agency.

(2) Sidewalk Coverings

Subject to approval of the Agency and the City, sidewalk coverings, canopies, marquees or similar structures may be extended a maximum of ten (10) feet into any public right-of-way but in no case closer than six (6) feet to the face of any street curb, except that shelters designed primarily for public bus patrons may extend to within one foot of the curb line. Vertical clearance from the sidewlak shall be not less than ten (10) feet. Supporting posts or columns, if permitted, shall be located so as to not impede general pedestrian movement.

(3) Signs

(a) A sign program, describing the location, nature, character and size of signs shall be presented to the Agency as part of any redevelopment proposal.

(b) All signs within the Oak Street Area shall be restricted to signs which identify buildings to which they are attached, or uses, businesses, services, or goods located or obtainable on the premises.

(c) One sign pertaining to, or identifying and located on each separate use or establishment may be permitted for each separate frontage of such use or establishment on a public street right-of-way. In addition, one sign may be permitted on each street frontage to identify the building or overall development area in which such uses or establishments are located. The area of each such sign may be not more than one half (.5) square foot for each lineal foot of frontage of each use or establishment on such right-of-way.

(d) In the case of sidewalk coverings or similar structures in connection with businesses, a second sign for each use or establishment may be permitted under the covering roof, provided that such second sign shall not be larger in area than four square feet. The second sign may be installed flat against,

or perpendicular to the building, or may be hung from the roof of the covered walkway, provided that the lowest projection of such sign shall be not less than eight (8) feet above the surface of the sidewalk.

(e) No moving, flashing, blinking or animated signs shall be permitted, except as may be required to adequately identify emergency entrances to hospital facilities. All signs shall be attached to or upon the building facade or canopy, parallel thereto, projecting not more than one foot from the facade, except signs used to identify parking structures, which may be perpendicular to the facade and may project eight feet from the building wall with the base of the sign to be at least fourteen feet above sidewalk level. No sign shall project above the roof line of any building.

Free standing signs, except so-called "A-frame" signs, may be permitted when required to properly identify or provide direction to an from uses and activities. Kiosks and other display facilities, sculpture, and similar structures which enhance pedestrian use and activity shall be encouraged.

(f) All signs to be installed and constructed in connection with any redevelopment area shall be subject to special review and approval by the Agency, which shall have the final approval of any such signs and appurtenances. The objectives of such review will be to insure that the size, location and design of signs and similar structures are harmonious with the architectural and environmental character of the site and surrounding areas, and do not obstruct or limit sight distance requirements of vehicular and pedestrian traffic, or otherwise constitute a hazard to traffic flow. No signs shall be permitted which have not clearly been designed as integral architectural elements of buildings and site, or which do not present a unified and consistent appearance throughout the total redevelopment area or parcel.

(4) Illumination

All illumination of buildings, grounds, signs, or other appurtenances within the Oak Street Area shall be so arranged and shielded that no direct ray shall cross any street or property line,

or otherwise create a nuisance to any adjacent use or activity, public or private. Such illumination shall be non-flashing or blinking, except as cited elsewhere in connection with hospital emergency entrances.

(5) Building Design and Materials

All buildings should be constructed of substantial and permanent materials, consistent with long-range economic use and competitive requirements. While a variety of architectural expressions shall be encouraged, building elements shall harmonize with each other and with surrounding areas, and discordant novelty designs shall not be permitted.

Building masses should preserve the spatial integrity of street and other defined open spaces, and sensitivity in the design, scale, and rhythm of wall-openings, roof-lines and roof-top structures, and external mechanical facilities, should be particularly considered.

Architectural values should be consistently established on all building facades, and so-called "back-door" treatment of any facade with inferior materials shall not be permitted.

3. Design and Development Objectives

The following objectives of the Agency and the City, supplementing the Illustrative Redevelopment Plan (Exhibit No. 3), are set forth as a further guide in interpreting the intent of the Land Use Map, and the Land Use Provisions and Building Requirements of this Plan, in the design and development of the Oak Street Redevelopment Project.

a. General

The basic objectives of this Plan have been stated under Section B2, Urban Renewal Plan Objectives. These public objectives are directed primarily at the functional or utilitarian restoration and strengthening of the Project Area as the current and continuing location of major hospital and medical facilities, housing and related uses, and other social and economic resources of the community.

The urgency of this goal shall not, however, dispel other more intangible concern with the long-range contributions of renewal efforts in restoring community values and attesting to the attraction of the center city as a dwelling place, in establishing a sub-community within the neighborhood where divergent uses and activities may be environmentally integrated and related, in encouraging the highest possible level of expression in architectural and related design efforts, and in creating a

focus of community pride and achievement.

b. Hospital and Medical Services Area

(1) This area, encompassing the major facilities of Roswell Park Memorial Institute and Buffalo General Hospital, is the focal point of the Project, not only in terms of the type, intensity, and significance of its activity, but also because of its high-density and multi-story architectural and visual prominence along the topographic crest of the neighborhood. Particular sensitivity in the location, relationship, and design of the extensive building expansion program is required to enhance the overall physical image and to also relate the expanding institutional perimeter to proposed adjacent housing and supporting business and service uses.

(2) The architectural character, massing, and materials of existing buildings, are perhaps severely constant and repetitious, and while future buildings should harmonize with these existing elements, continued adherance to a basically similar design concept or building materials may impart an increased institutionalized quality, adversely affecting adjacent uses, and establishing an unduly abrupt architectural demarcation. Sufficient diversity of design, consistent with functional building requirements, but recognizing the importance of relationships beyond the immediate site, will contribute to a more effective transition to other use areas and building types.

(3) The abandonment of several existing public streets within this area, coupled with other new street improvements, will facilitate functional consolidation of buildings and other activity areas, and contribute to more efficient operations. Parking facilities should occupy perimeter locations to permit direct and convenient access from public streets and reduce internal conflicts between vehicles and pedestrians. Points of access to parking and loading and service areas should also be consolidated to facilitate traffic flow and prevent excessive turning movement conflicts on public streets.

(4) Off-street open parking, loading, and service areas should be designed and treated to effectively prevent adverse environmental influences particularly where adjacent to dwelling areas and facilities. Design of the existing and future Buffalo General Hospital parking areas along East North Street should specifically recognize the extent and proximity of the proposed housing and public facilities to the north.

(5) High Street is considered to be the central corridor and focal point of visitor and pedestrian activity generated within this area, and although accommodating vehicular traffic, should be improved and emphasized for pedestrian movement. Such improvements will also effect a continuity of pedestrian character and convenience between the north-south pedestrian corridors traversing this area and connecting various major use areas within the Project.

(6) This pedestrian system is intended to substantially enhance the safety and attractiveness of daily walking and leisure routines of employees, students shoppers, and visitors, and also provide convenient passive recreation areas for area residents. Preservation of these public rights-of-way will furthermore insure a degree of openness and visual penetration into and through high-intensity building areas. Wherever appropriate, adjacent uses should provide private connections to effectively extend the system and the resulting pedestrian opportunities throughout the area.

(7) Future hospital and related facilities adjacent to the southerly Project housing area should recognize the proximity of such housing and, subject to contemplated massing, height, and other aspects of new buildings, should provide yards and open space penetrations, variations in building lines, significant tree planting or other measures to maintain a continuity of open space and to subdue and avoid any severe and continuous building "wall" which may tend to isolate such housing.

(8) Major building entry and visitor facilities should provide automobile passenger discharge areas, wherever feasible, in order to not impede traffic flow on adjacent streets. If off-street areas are not feasible, the City may cooperate in providing areas within the right-of-way adjacent to the primary street pavement.

c. Northerly Residential and Related Use Area

(1) The primary objective in this major area is to achieve a substantial density of housing, including existing rehabilitated housing and varied building types and heights insofar as feasible, in a site development pattern which creates identifiable groupings or clusters of dwellings, focusing internally upon relatively private community spaces while convenient to major central pedestrian corridors and public and institutional facilities and open spaces. Such clusters will improve on often severely repetitious and wasteful current design solutions in respect to such housing, and will create more significant urban architectural elements.

(2) The major development emphasis and land allocation should be directed to family units with two to five bedrooms, with the ultimate mix of unit sizes dependent upon more definitive studies of neighborhood and community low-to-moderate cost housing demands.

(3) Consideration should be given to possible inclusion of multi-story elevator apartments containing smaller dwelling units, also subject to housing market demand and related feasibility studies. Any such structures may be located on any portions of this housing redevelopment area, except that with the easterly block of this area, it has tentatively been determined that any such proposed structure should be located in the approximate section suggested on the Illustrative Redevelopment Plan (Exhibit No. 3). This perimeter location at major arterial approach routes and at the highest elevation of the site is considered appropriate in terms of area wide design factors, and furthermore will reserve the remainder of this block for larger family units.

(4) Because of the early availability of open land surrounding the Fosdick-Masten High School, which will be abandoned by the City, this easterly block is slated as the initial development phase of the overall housing area, and planning and design efforts should be directed to maximum density of development, consistent with open space and related objectives.

(5) Consideration should be given to inclusion of so-call town-house or rowhouse units, particularly for family units, offering relative advantages in the individuality and privacy of dwelling units.

(6) Development should be sensitively adapted to the natural terrain, with a minimum of disruption of existing grade, or loss of existing trees.

(7) Internal open space and pedestrian areas should be provided as a continuation of the Elm Street public pedestrian corridor and the open space recreation areas, and also leading to St. Paul Street to the west.

(8) The design of the public outdoor recreation and open space area should primarily take into consideration the daily convenience play and relaxation needs of varying age groups of residents, with other neighborhood recreation resources serving more active games and athletics. The open space and recreation area should be integrated into the overall open space development pattern of the housing.

(9) Parking areas should generally be limited to perimeter locations, with little internal vehicular penetration and conflict with other activities, but also avoiding unduly concentrated expanses of pavement. Parking should be reasonably convenient to all units.

(10) The redevelopment area north of Our Lady of Lourdes Church and the rehabilitation housing area shall have vehicular access from the existing portion of Best Street to remain as well as the new limited public right-of-way to extend from Ellicott Street. Imaginative design and siting of structures will be required in this area to present an attractive appearance along Main Street and the Best Street Arterial and provide internal open space for residents, while avoiding any so-called "back-door" relationship to the Church and rehabilitation housing.

(11) The Niagara-Mohawk Power Corporation and the Iroquois Gas Corporation should be encouraged to enhance and improve the visual relationship of their existing substation facilities to adjacent housing and streets. The Niagara-Mohawk Corporation may elect to purchase for such purposes and for limited building expansion, as may be required, the cleared land immediately west of their present property.

(12) Housing along Main Street directly south of St. Paul Street may be most appropriately developed for smaller units in multi-story structures, subject to market determinations, and/or for convalescent housing and facilities.

d. Southerly Residential and Related Use Area

(1) The primary objective is the creation of a relatively high-density housing corridor, encompassing a variety of housing unit types, sizes, and rent levels, and directed primarily to area employees, and the elderly and others desiring proximity to the hospitals or other nearby facilities.

(2) The portion east of Ellicott Street should be devoted primarily to low-to-moderate cost, two or more bedroom, family units, with consideration given to building types, internal orientation, adequate open space, privacy and other factors cited in connection with the northerly residential area of the Project.

(3) The narrow central portion of this area directly east of Ellicott Street should be devoted to open space use to supplement such needs of adjacent residents, to provide visual relief and definition of various use areas, to maintain separation between the easterly family housing and existing nearby commercial uses, and as a general open space activity and pedestrian movement area. It is the expectation

of the Agency that the housing area redeveloper(s) will agree to such use. In event that such agreement cannot be secured, the Agency and the City may elect to reserve all or a portion of this central area for public development and maintenance of open space.

(4) Development in this area should recognize the proximity to major commercial activities, and physical separation, visual screening elements, and related design measures should be employed to effect adequate relationships. This Plan provides for widening of the Virginia Street right-of-way, within which the Agency or the City will also install major tree plantings.

(5) The western multi-story development portion will become a prominent focal point and identifying element of the Project along Main Street, and the highest possible standards of architectural expression should be observed in the design of this area, with consideration given to the inter-relationship of structures on the site and within the overall area. Internal open space areas should provide relative outdoor privacy for the residents, but also be clearly connected to the open space and housing areas to the east, and also the Carlton Street pedestrian corridor and convenience shopping area to the north. The Carlton Street public pedestrian areas will provide a "front-door" which offers safe and convenient opportunity for supplemental leisure outdoor activity, and for movement to shopping and other destinations within the project.

Because of locational advantages, housing for the elderly should be considered as a particularly appropriate objective within a portion of this area.

e. <u>Neighborhood Business and Service Area</u>

(1) New retail, service, and other uses in the major redevelopment portion of this area south of High Street should be generally arranged and designed as a single architectural complex, related to all adjacent areas and streets, and improving on currently prevailing "strip" shopping center solutions. While parking should be clearly visible and accessible from adjacent street approaches, it should be located on the interior of the site and not be unduly exposed to any surrounding areas. Primary vehicular access should be from High and Ellicott Streets, although access from Main Street may be permitted. The perimeter building arrangements, relationships, and adjacent open space should permit divergent pedestrian approaches and entries from Main Street, Allen Street, Ellicott Street, and the Carlton Street pedestrian area.

(2) In event that the type and intensity of development requires or permits multi-level parking, consideration should be given to a similar internal location, and also the possible functional and cost advantages inherent in the topographic change within the area. In general, this topographic variation should be adapted to a series of building development and entry levels.

(3) Out-patient housing should be conveniently and prominently located with relation to the hospital facilities, perhaps along the High Street visitor focus of the area.

(4) No portions of this area should be committed to any limited initial development which may hamper or weaken the greatest potential use of the overall area, or which disregards functional or visual relationships to adjacent areas.

(5) New and existing development with this area should be integrated into a unified design with visual continuity in respective open space areas and treatment.

(6) Uses within this area should be encouraged to provide covered arcades, canopies, or other features to enhance and protect pedestrian movements. Sculpture and other art works and decorative features, kiosks and similar outdoor displays, and other types of open space attractions should be considered, not only as sound economic investments, but to enhance the functions of this area as a central community meeting place in daily routines and activities.

(7) Although a desirable functional activity of the area, the existing motel facility to remain on Main Street directly north of High Street is a relatively weak and unattractive building element at this prominent entry corridor into the area. Possible facade improvement and/or limited expansion, extension of building walls or other wall devices to create stronger architectural elements and to enclose and obscure parking, tree masses, or other visual improvements should be encouraged. In the event that an automobile service station is proposed for redevelopment of the adjacent southwesterly corner of this block, similar concern should be given to strengthening the architectural significance and attractiveness of such facilities. The Agency will not look with favor upon design concepts and standards commonly accepted for such use. All other existing to remain properties on Main Street should also be encouraged to improve the design and character of building facades, signs, and other appurtenances, and to introduce walls or other elements to obscure parking and strengthen the visual continuity of Main Street development.

f. General Commercial Area

(1) The primary objective in this area is to conserve and protect major existing private enterprises and employment concentrations, with new municipal parking facilities and street system improvements to enhance related vehicular functions and requirements, and to also improve the visual relationship of these enterprises to new development areas. A further objective is to reduce current levels of smoke and other air pollutants emitted by such enterprises, and to encourage any such enterprise to undertake immediate and long-range measures of abatement of any such pollutants, including utilization of Federal loan programs available to assist in such abatement measures.

(2) Existing vehicular connections between this area and the remainder of the Project will be eliminated to avoid mutually conflicting traffic movements and further separate unrelated activities within the Project.

(3) The limited redevelopment parcels within this area should primarily be offered to adjacent existing enterprises for building expansion and related proposes which will not introduce any adverse effects upon adjacent housing areas. All proposed new development should be expressly reviewed in terms of this factor, and building and site design considerations should emphasis this northerly exposure and relationship.

(4) The revised Virginia Street and related northerly street rights-of-way should have substantial tree plantings to further effect visual separation.

(5) The municipal parking structure, while also aiding in this separation, will introduce a strong building mass along a substantial portion of the housing area, and building design considerations and setbacks, and adjacent right-of-way treatment should reduce this visual impact and dominance.

4. Duration of Land Use Provisions and Building Requirements

This Urban Renewal Plan, and all provisions contained herein governing the use and redevelopment of lands in the Oak Street Area, including any modification thereof, shall be in full force and effect for a period of forty (40) years following the date of the Ordinance of the Common Council of the City of Buffalo approving and adopting this Urban Renewal Plan.

5. Applicability of the Land Use Provisions and Building Requirements to Real Property Not to be Acquired

The foregoing Land-Use Provisions and Building Requirements, including Exhibit No. 2, and any amendments thereto, shall apply to real property not to be acquired by the Agency under the following circumstances:

a. When the owner of such property acquires real property from the Agency within the Oak Street Redevelopment Area.

b. Except as otherwise specified, all uses of land or buildings on property not to be acquired by the City, in existence at the date of the adoption of this Plan, which were heretofore permitted as of right under the Zoning Ordinance of the City of Buffalo, will not be affected by the Land Use Provisions and Building Requirements herein. Such properties may be continued for such purposes as they are used as of the date of adoption of this Plan, or for any other purpose determined by the Agency as being not more objectionable than the purpose for which they are used as of said date of this Plan. In addition, any such buildings or structures may be altered, repaired or remodeled for the same purpose for which they are used as of the date of adoption of this Plan, or other purposes in accordance with the above, provided such changes shall not exceed thirty (30) percent of the assessed value of said buildings or structures as then shown on the City assessment rolls. In the event that the owner of property not to be acquired by the City (1) proposes to change the use thereof or demolish said building and commence new construction on the said property, or (2) proposes to commence new construction on land vacant as of the date of the adoption of this Plan, or (3) proposes to undertake alternations, repairs, or remodeling costing in excess of thirty (30) percent of the assessed value, or in the event of fire or accident to the property, costing in excess of fifty (50) percent of the assessed value, the Land Use Provisions and Building Requirements of this Plan shall apply to such land and property. The Land Use Provisions and Building Requirements contained herein shall also be applicable to proposed additions to buildings or structures not acquired by the Agency.

D. PROJECT PROPOSALS

1. Land Acquisition

a. Real Property to be Acquired

The real property to be acquired by the Agency in the Oak Street Redevelopment Area pursuant to this Plan is identified on the Project Boundary and Land Acquisition Plan (Exhibit No. 1), attached to and made a part of this Plan.

All properties to be acquired are to be cleared for:

(1) Streets, walks, and related public right-of-way improvements and other public facilities and improvements, including recreation, open space, and parking facilities.

(2) Redevelopment in accordance with the Land Use Provisions and Building Requirements of this Plan.

Property to be acquired includes the Research Studies Center Early Land Acquisition Area, identified on Exhibit No. 1, within which the City has commenced land acquisition. The acquisition by the City of said Area, as provided by the "Urban Renewal Plan for the Research Studies Center, a portion of the Oak Street Redevelopment Project N.Y. R-197", prepared in accordance with Article 15 of the General Municipal Law of the State of New York, has been authorized and approved by Ordinance of the Common Council of the City of Buffalo dated October 11, 1966. Said Urban Renewal Plan is hereby superseded and cancelled in its entirety by this Urban Renewal Plan for the Oak Street Redevelopment Project No. N.Y. R-197. Land heretofore acquired by the City within the Research Studies Center Area, which has not been disposed of by the City in accordance with the Urban Renewal Plan for the Research Studies Center prior to the adoption of this Urban Renewal Plan, shall be acquired by the Agency under appropriate agreements with the City.

b. Special Conditions under which Real Property not Designated for Acquisition may be Acquired.

(1) Any properties not designated for acquisition may be acquired by the Agency if such property is not made to substantially conform to, and maintained in accordance with the Property Rehabilitation Standards contained herein and to all other applicable local codes and ordinances. The Agency may furthermore acquire such properties if necessary in order to carry out rehabilitation because:

(a) Rehabilitation on a structure-by-structure basis is infeasible, and assembly of a group of properties is required to carry out the objectives of the Urban Renewal Plan, and

(b) It is necessary to make residential structures available for use of low- or moderate-income families

and the properties to be acquired for such purpose can be rehabilitated without the rehabilitation cost exceeding:

(a) The estimated marketable resale price less the estimated land reuse value if cleared, and

(b) 75% of the cost of constructing new buildings and facilities of comparable structure, type, size, and number of rooms on the land.

If any such property is acquired by the Agency, such property may be offered for sale by the Agency, at a sale price below the Agency's acquisition cost, if necessary, to any party agreeing to rehabilitate the property in accordance with such Standards and to use the property

in accordance with this Plan, or any such property may be rehabilitated by the Agency and offered for sale for use in accordance with this Plan, or any such property may be cleared by the Agency and offered for sale for redevelopment in accordance with this Plan.

In the event that the Agency elects to acquire any such property because of the failure of the owner to conform to such Standards, is unable to secure a purchaser who will agree to rehabilitate said property, and does not itself elect to rehabilitate said property, and therefore proposes to clear and sell the property for redevelopment, such proposed action shall be expressly subject to authorization and approval of the Agency and City Council and shall furthermore be subject to approval by the United States Department of Housing and Urban Development.

In event that Parcel 1 of Block D 2, 23 High Street, known as the High Street Apartments, is not made to substantially conform to such Standards and the Agency elects to acquire this property, the Agency will use all possible means to secure a purchaser who will agree to rehabilitate this property for continued residential use, including possible reductions in the sales price as may be required to secure such a purchaser. The Agency will not clear this property until all possible measures to achieve rehabilitation have been explored.

(2) Of said properties not designated for acquisition, the Agency furthermore reserves the right to acquire the following properties under the special conditions indicated:

Parcel 20, 760 Ellicott Street, and Parcel 21, 766 Ellicott Street, of Block D 1, owned and occupied by the Diocese of Buffalo (St. Jude Hospital Apostolate Center), and by the Buffalo and Erie County Tuberculosis and Health Association, respectively. It is the intent of this Plan that these properties shall not be acquired while owned, occupied, and maintained in accordance with this Plan by these or similar uses providing non-profit neighborhood or community health or related services during the duration of this Plan. If said properties are vacated or otherwise no longer used for such purposes, the Agency may elect to acquire and dispose of the property in accordance with any of the options granted the Agency under item (1) above. Norwithstanding continued use and occupancy by such organizations, the Agency may also elect to acquire and clear the property if, in the judgement of the Agency, the location, configuration, or any other aspect of these properties significantly impairs the use and redevelopment of the adjacent Neighborhood Business and Services area of the Project.

Parcel 9 of Block C 2, 1021 Main Street, contains a multi-story office building and two accessory garage and service buildings owned by the United States of America, and occupied by the

Veteran's Administration and other Federal offices. The General Services Administration has indicated that this property may be determined to be surplus, following completion of a new Federal office facility in Buffalo and further subject to review by other Federal agencies, and subsequently made available for other use. GSA has indicated that, at such time, the Agency and the City will be afforded an opportunity to participate in the development of plans for the future disposal of this property for local governmental or other appropriate uses, in accordance with this Urban Renewal Plan. Pending a determination of this property to be surplus, and such inter-governmental cooperation, the Agency anticipates that the property may be disposed of directly to a public or semi-public agency or private party for use in accordance with this Plan. If such direct acquisition by an appropriate third party under prescribed Federal procedures, does not occur or appear to be feasible, the Agency may elect to acquire the property from the Federal government. In such event, the property will be offered for sale by the Agency to any party agreeing to use the existing building and property in accordance with this Plan, or the property may be cleared by the Agency and offered for sale for redevelopment in accordance with this Plan. Under any of the above circumstances and procedures, it is the intent of this Plan that the two accessory garage and service buildings located on this property be cleared. These buildings are of marginal and obsolete construction, visually obtrusive, and would constitute a blighting influence upon adjacent Project areas following redevelopment.

Parcel 5 of Block C 3, 977 Main Street, owned and occupied by the Socony Vacuum Oil Company, Inc. as an automobile service station. Under the intent of this Plan, this use is appropriate on this property as part of the Neighborhood Business and Service Area. However, the building and facilities containing said use are deemed to be obsolete, deficient, and visually undesirable and unattractive, and should be replaced in order to meet the objectives of this Plan. The owner of the property has indicated an intent to clear and redevelop the property for continued use as an automobile service station, in accordance with this Plan. In event, however that the owner does not undertake such action, the Agency reserves the right to acquire and clear said property for sale and redevelopment as an automobile service station or other uses permitted under this Plan.

Parcel 8 of Block C 2, 1033 Main Street, owned and occupied by Henry's Drive-In, Inc. as a drive-in restaurant. Under the intent of this Plan, this use is appropriate on this property as part of the Neighborhood Business and Services Area. However, the building and facilities containing said use are deemed to be obsolete, deficient, and visually undesirable and unattractive, and should be replaced in order to meet the objectives of this Plan. The owner of the property has indicated an intent to clear and redevelop the property for continued use as a drive-in restaurant, in accordance with this Plan. In event, however, that the owner does not undertake such action, the Agency reserves the right to acquire and clear said property for sale and redevelopment for any use permitted under this Plan.

(3) The Agency also reserves the right to acquire from the City, with the cooperation thereof, limited portions of, or air rights or other limited interests in portions of, the Carlton Street, North Oak Street or Elm Street rights-of-way which are to be modified and improved under this Plan for pedestrian use; and to sell or lease such portions, or interests in such portions, to adjacent developers or redevelopers for use and development in accordance with this Plan, subject to determination by the Agency that any such use and development will enhance the architectural, economic and/or other aspects thereof, without impairing pedestrian movement or other objectives of this Plan.

c. Special Conditions Under Which Properties Identified to be Acquired may be Exempted from Acquisition

No properties designated to be acquired by the Agency may be exempted from acquisition.

2. Rehabilitation and Conservation

All properties not designated for acquisition on the Project Boundary and Proposed Land Acquisition Map (Exhibit No. 1) shall conform substantially to the Property Rehabilitation Standards, as set forth in Exhibit 4, attached to and made a part of this Urban Renewal Plan.

3. Proposals for New Housing

The provisions of this Urban Renewal Plan include acquisition, clearance, and disposition of land for development of new housing. It is the intent of this Plan that such housing be planned and developed so that a substantial number of housing units will be of low-to-moderate cost, and of a size and character meeting the housing needs of persons and families of low and moderate income within the community, including persons and families to be displaced by the urban renewal actions of this Plan.

4. Redevelopers Obligations

a. All Redevelopers shall be obligated to execute a Contract with the Agency for Disposition of Land for Private Redevelopment or Lease Agreement, in a form to be approved by the Common Council of the City of Buffalo.

The term, "Redeveloper", as contained herein, shall be construed to mean any party who acquires or leases real property, or an interest therein, from the Agency for the purposes of redevelopment or rehabilitation in accordance with the provisions of this Plan.

b. The Redeveloper, or any of his successors, assignees and grantees shall be obligated by the Contract, related instruments of conveyance executed pursuant thereto Lease Agreement, and by appropriate covenants running with the land, to devote the land to the uses specified in this Urban Renewal Plan, and to no other uses, until such time as the provisions imposed by this Plan shall terminate.

c. Prior to the lease or disposition of real property or any interest therein, the Redeveloper shall submit all proposals for the development of said property to the Agency for review and approval. No building permit shall be issued to a Redeveloper under Contract with the Agency prior to said written approval of the Agency.

d. The Redeveloper shall be further obligated to begin and complete the redevelopment or rehabilitation of the property in conformity with this Plan within a reasonable time, as set forth in the Contract or Lease Agreement.

e. All Redevelopers, their assignees, grantees or successors in interest, shall be further obligated, by the Contract or Lease, and Deed, to covenant, without limitation as to time, that they will not discriminate upon the basis of race, color, or national origin in the sale, lease or rental of use of occupancy of property acquired from the Agency or any of the improvements erected or to be erected thereon.

f. Redevelopers of land allocated under this Plan for new housing of low-to-moderate cost, and intended for use for such housing as shown on the Redevelopers plans and proposals and approved by the Agency, shall furthermore be obligated by the Contract or Lease Agreement to make available all or portions of said housing at sales prices or rentals which, insofar as feasible, are within the then prevailing ability of low and moderate income persons and families within the community.

5. Underground Utility Lines

Adjustments in private and public utility systems will be made as needed to adequately serve the redevelopment and rehabilitation undertaken in accordance with this Plan. Such adjustments will be coordinated with other private and public construction, and will include elimination of all above ground lines, and underground installation of all new lines and systems.

E. OTHER PROVISIONS NECESSARY TO MEET STATE AND LOCAL REQUIREMENTS

1. Proposed Schedule of Action

It is the intent of the Agency to commence the urban renewal actions specified herein immediately following the approval of this Plan by the Common Council of the City of Buffalo, and in accordance with all applicable Federal, State and Local Laws including requisite approvals of the Federal Department of Housing and Urban Development and the New York State Division of Housing and Community Renewal.

It is estimated that these proposed actions will generally be scheduled as follows:

Actions	Start	Complete
1. Land Acquisition	July, 1970	July, 1976
2. Relocation of Occupants	Oct., 1970	Aug., 1976
3. Clearance	Nov., 1970	Oct., 1976
4. Availability of Land for Disposition to Redevelopers	Jan., 1971	Nov., 1976
5. Rehabilitation of Property	May, 1971	June, 1976

Excepting the Research Studies Center Early Land Acquisition Area with respect to which the City of Buffalo has commenced land acquisition and related activities, priority in the above actions is hereby established within the areas allocated for new housing, in order to expedite the disposition and redevelopment of such land as a resource for relocation of persons and families to be displaced by Project actions. Within the general areas allocated for new housing, initial land acquisition action shall be specifically directed to (a) the block of the northerly housing area east of Michigan Avenue, including appropriate early actions by the City to make available all or portions of land occupied by the Fosdick-Masten High School, which is to be abandoned by the City, and (b) the northern and eastern sections of the portion of the southerly housing area between Main and Ellicott Streets designated for a maximum permitted density of ninety (90) dwelling units per acre.

The Agency shall continually review other redevelopment priorities in scheduling and determining the most appropriate sequence of such actions throughout the Project Area, and shall make every effort to expedite all actions as they may be required in connection with the expansion, development, or redevelopment of existing and new uses.

Street, utility, parking facility, pedestrian and other open space areas and other public improvements as outlined herein will be coordinated and undertaken by the Agency and the City in logical sequence throughout the course of project execution, and will generally be staged, as appropriate and feasible, to coincide with construction schedules of private Redevelopers. Wherever practical, any public improvements which will be of distinct benefit to existing uses and activities to remain will be expedited.

2. Statement of Proposed New Codes and Ordinances and Amendments to Existing Codes and Ordinances, or other Legislation, as are Required or Necessary to Effectuate the Plan.

The Agency proposes the following legislation for enactment by the Common Council of the City of Buffalo, the Planning Board thereof, and/or the Agency, as may be required, in order to effectuate this Urban Renewal Plan:

1. Authorization and approval of a Cooperation Agreement or Agreements, as may be required, wherein the City obligates itself to provide the necessary grants-in-aid to ensure that the Agency will be able to finance the local share of the Oak Street Redevelopment Project.

2. Authorization and approval of a Loan and Grant Contract with the United States of America and a Capital Grant Contract with the State of New York for financial assistance in undertaking the Project.

3. Enactment of Amendments to the existing Zoning Ordinance of the City of Buffalo with respect to the area within the Oak Street Redevelopment Project, in order to more effectively implement the Land Use Provisions and Building Requirements of this Plan, specifically including designation of the Project Area as a "Planned Mixed Use District".

4. Adoption of the legislation required to legally abandon or restrict the use of public streets, and to dedicate land for public improvements such as street rights-of-way, recreation and open space areas, and other public uses as proposed by the Plan.

5. Adoption of the legislation required to enable the Agency and the City to undertake and finance the acquisition of land and construction of the public facilities, and to provide public improvements contemplated by the Plan.

6. Enactment of legislation authorizing the City to institute condemnation proceedings on behalf of the Agency, whenever necessary, to acquire properties designated for acquisition under the provisions of this Plan in cases where the Agency is unable to acquire said properties by means of negotiations with the owner or owners thereof.

7. Adoption of an adequate Relocation Program to insure a feasible method of relocation of families, individuals, commercial and other institutions being displaced from the Oak Street Redevelopment Project.

8. Adoption or enactment of such other legislation as may be required under State or local law in order to implement and effectuate this Plan.

3. Review of Redevelopment Proposals

The Buffalo Urban Renewal Agency will invite proposals for the purchase or lease, and redevelopment, in accordance with this Urban Renewal Plan, of the various assembled and cleared areas and sites in the Project Area, in accordance with all applicable Federal, State, and local laws, rules, and regulations relating to urban renewal projects.

Inquiries and proposals for such purchase or lease of land within the Project shall be directed to the Commissioner of Urban Renewal of the City of Buffalo, hereinafter referred to as the "Commissioner". The Commissioner and his staff, on behalf of the Agency, shall advise and guide prospective Redevelopers as to the requirements and procedures for submission of proposals; shall receive and review all proposals, and initiate and secure review by the City Planning Board, and such other review as is required by local law or is otherwise appropriate; and shall subsequently transmit findings and recommendations stemming from such review to the Redeveloper for further action and/or to the Agency and the City Council, who shall be responsible for selection, designation, and approval of all Redevelopers and redevelopment proposals, for interim execution of such agreements with Redevelopers as may be required and permitted by Federal, State, and local law, and for final execution of a Contract for Disposition of Land with such Redevelopers. Execution of such a Contract between the Agency and the Redeveloper, following designation of a Redeveloper by the Agency, and subject to approval by the Common Council, shall not occur prior to review and approval by the Agency and the City of all following submission requirements. The Agency and the City shall furthermore retain the right to review and approve

all final construction drawings and specifications to determine whether they are in accordance with the prior approved proposal submissions. No building permit will be issued by the City without such final review and approval.

Proposals shall generally be submitted and reviewed in three stages, as follows:

a. Preliminary Proposal

Supplementing other preliminary information which the Redeveloper may have submitted to the Commissioner, this submission is intended to permit initial review and evaluation of the proposal in terms of its appropriateness and conformity with the requirements and objectives of this Urban Renewal Plan, and to secure agreement on and approval of the general design and development concept, prior to extensive work by the Redeveloper and his architect. Submission of the following type of information is required:

(1) Site plan at any appropriate scale (1' = 100' or 1" = 40' are preferred scales), emphasizing general use and relationships of proposed buildings, and open spaces. The general location of walks, driveways, parking, service areas, open space, and major landscape features in addition to the buildings should be shown. Pedestrian and vehicular use on the parcel shall be shown. Where relevant, site sections showing height relationships with proposed and adjacent buildings may be provided.

(2) Building plans, elevations, and sections at any appropriate scale, showing organization of building functions and spaces. These drawings need not be more detailed than sufficient to indicate general architectural character and materials.

(3) Sketches, diagrams, study model, and other materials as may be required to clarify or explain the design and other aspects of the proposal, including relationships to adjacent areas.

(4) Written statement of proposal including: Tentative floor area and/or number of dwelling units; type of building; size and distribution of units; number of parking spaces; accessory or supporting facilities provided; principal building materials; estimating rents, and other pertinent data which may assist in review and understanding of the proposal.

(5) General information regarding the Redeveloper's experience and financial ability to undertake the contemplated redevelopment.

Submission of more than the above is not encouraged. The Redeveloper may furthermore elect, prior to preparation of the above submission, to review this Plan and other aspects of the Project in detail with the Commissioner, in order to fully understand the requirements and objectives of the Agency and the City, and to determine whether the type of proposal which the Redeveloper contemplates is likely to be in accord with such requirements and objectives.

Following review of the proposal, the Commissioner will advise the Redeveloper as to the general acceptability of the proposal and will inform the Redeveloper of any additional information or clarification which may be required and/or any modifications which have been suggested in the course of the review. Subject to general approval of the proposal by the Commissioner, on behalf of the Agency, and agreement by the Redeveloper as to any above modifications which may be required, the Redeveloper may proceed with the following submission, if required by the Commissioner.

b. Interim Proposal

This proposal, or portions thereof, if required, is intended to permit further review, including any revisions based upon prior review or otherwise proposed by the Redeveloper, and to secure basic agreement on, and approval of the proposal in terms of the type, scope, size and character of building and site development, and of the related design and/or design concept, prior to final design and planning by the Redeveloper. The proposal shall, in all cases, provide all information which will permit thorough study of the proposal in terms of its conformity with this Plan. This submission, or portions thereof, may not be required if, in the opinion of the Commissioner, the Preliminary Proposal adequately establishes and meets such requirements, or if due to the nature of the development, such requirements are not entirely applicable.

(1) Complete Site Development Plan at 1" = 40' scale, or as mututally determined to be acceptable. Phasing possibilities, if any, shall be shown. General site grading proposals shall be shown. All dimensions which may become critical from the point of view of this Urban Renewal Plan shall be indicated. Adjacent buildings, streets, and buildings across streets must be indicated.

(2) Site sections at 1" = 40' scale, or as mutually determined to be acceptable showing vertical relationships of all development.

(3) General building plans, elevations, and sections and in addition, in connection with housing, redevelopment, plans and elevations of each typical living unit at 1/4" = 1'0".

(4) Study model, at 1" = 100' (minimum, if proposal has significantly changed.

(5) Written statement of proposal including identification of all uses; building floor area; number of living units; type of buildings; size and distribution of dwelling units by number of bedrooms; number of parking spaces; accessory or supporting facilities provided; structural system and principal building materials; estimated costs, rents, and operating expenses, time schedule for completion including staging.

(6) Perspective sketch or sketches showing general architectural character.

(7) In the case of proposed housing redevelopment under FHA or NYS housing programs, this submission may be adapted to correspond to, and serve as the required Application to such agencies under such programs.

Following review and approval of this proposal, including any further clarifications which may be required in the course of such review and approval, the Redeveloper may be authorized by the Commissioner, on behalf of the Agency and the City, to proceed with the Final Proposal, which, utilizing materials from the above submissions, and supplemented as may be required, shall conform to the following:

c. Final Proposal

(1) Site plan(s), conforming to the approved Interim Proposal, including any modifications which may have been required, developed in sufficient detail to describe the character and scope of the proposal completely. Without limiting the generality of this requirement, the site plan shall indicate all landscaping and site development details including walls, fences, planting, outdoor lighting and furniture, and ground surface materials; bounding streets; points of vehicular and pedestrian access; number and type of parking facilities; utility lines and connections; existing and proposed grading and drainage; and public easements to remain. Work to be done by others should be fully described and the responsible party properly identified.

(2) Building plans, elevations, and sections developed in sufficient detail and at large enough scale to show all materials and assemblies comprising the building.

(3) Outline specifications for materials and methods of construction.

(4) Statement, including the following: Major building dimensions and gross area of buildings, size of each unit or element in square feet, floor area ratio, open space, proposed division of work between Redeveloper and public agencies; proposed financial plan, staging and time schedule for the construction, and all related information helpful to the Agency and the City in final review and approval of the Proposal.

(5) In the case of proposed housing redevelopment under FHA or NYS housing programs, this submission shall correspond to the documentation as may be required to be submitted to such agencies for purposes of securing committments, agreements, and approvals in connection with the necessary financing of such housing.

Following written approval by the Commissioner, on behalf of the Agency and the City, of this Proposal, the Agency and the Redeveloper may execute a Contract for Disposition of Land, subject to authorization by the Common Council and in accordance with all applicable Federal, State and local law and regulations.

F. PROCEDURE FOR CHANGES IN APPROVED PLAN

All proposed changes in this Urban Renewal Plan will be submitted to the Federal Department of Housing and Urban Development for a determination as to whether such proposal constitutes a change in a basic element of this Plan. If the Department of Housing and Urban Development makes a finding that a proposed change is, in fact, a change in a basic element of this Plan, no such change may be made without the prior written consent of said Department of Housing and Urban Development. This Plan may then be modified or amended under the same procedure required for its initial approval and adoption, and in accordance with all applicable requirements of Federal, State and local laws, specifically including, but not limited to, provisions for a public hearing or hearings.

Changes deemed not to be changes in a basic element of this Plan, and approved by said Department of Housing and Urban Development, shall require approval by resolution of the City Planning Board, by ordinance of the Common Council of the City of Buffalo, and by resolution of the Agency.

In the event financial assistance is to be provided by the State of New York with respect to the Oak Street Redevelopment Project No. N.Y. R-197, all changes to this Urban Renewal Plan must receive prior approval from the Commissioner of the New York State Division of Housing and Community Renewal.

In the event any land has been disposed of for redevelopment within the Oak Street Project Area, affected Redevelopers shall be duly notified of such proposed change and written consent to said change must be obtained from said Redevelopers prior to approval thereof by the Buffalo Common Council and by resolution of the

Such actions leading to review, consideration, and approval of all proposed changes in this Plan shall be initiated by the Commissioner of Urban Renewal.

EXHIBIT 4 of the URBAN RENEWAL PLAN for the OAK STREET REDEVELOPMENT PROJECT NO. N.Y.R. -197.

PROPERTY REHABILITATION STANDARDS

All properties in the Oak Street Redevelopment Project No. N.Y.R-197 shall comply with the standards set forth in all applicable City of Buffalo or other statutes, codes, and ordinances, as amended from time to time, relating to the use, maintenance,facilities, and occupancy, including but not limited to the Housing and Property Code, Building Code, Plumbing Code, Electrical Code, Fire Prevention Code, Flammable Liquid Ordinance, and the code for Erie County Air Pollution Control, Article XIV.

All such code standards are hereby incorporated by reference and made a part of these Property Rehabilitation Standards.

In addition to compliance with such statutes, codes, and ordinances, properties shall furthermore comply with the applicable Other Requirements hereafter outlined.

It is also the intent of the Buffalo Urban Renewal Agency to promote and encourage other improvements in the architectural design and character of buildings and properties to remain within the Oak Street Project, so that such properties will contribute to the visual attractiveness and environmental quality of the Project Area. Design improvements of residential properties enhance the livability and social value of the property as a dwelling place, and also contribute to the long-range economic value and stability of the property. Such design improvements of commercial and other non-residential properties are also clearly of long-range economic benefit to owners and businesses. The Agency therefore urges each property owner to review the Design Objectives outlined below, and to voluntarily undertake such additional improvements as may be required to substantially achieve these objectives. The Agency and the City of Buffalo intend to provide substantial improvements of streets, pedestrian facilities, parking, recreation and open space, and other public facilities within the Project, in order to support such rehabilitation and improvement of properties to remain, as well as new development, and such private property improvement efforts will in turn increase the long-range benefit and value of the Project to each property and to the community.

(1) Residential Properties

Properties devoted in whole or in part to residential use are expressly subject to conformance with all standards and requirements of the above cited Buffalo Housing and Property Code, and in addition, each residential property specifically identified below shall also conform to the mandatory requirements furthermore established below for each such property.

(a) High Street Apartments: 23 High Street (Block D2, Parcel 1)

1. Other Requirements:

a. It is anticipated that the deteriorated one-story southerly portions of this building will be removed, in compliance with the above Code. In connection with such building removal, an off-street vehicular service area shall be provided along the southerly building line. The Agency shall cooperate with the owner in providing vehicular access to such service area in connection with redevelopment of adjacent areas.

b. All portions of the property not occupied by buildings shall be paved, or planted with suitable vegetation, and adequately maintained to present an attractive appearance.

2. Design Objectives

a. As cited under item 1.a. above, it is anticipated that the one-story rear portions of this building will be removed. Such action would also achieve a distinct design objective of enhancing the appearance of the southerly facade of this building and property, which will be prominently exposed to adjacent major redevelopment areas. Therefore, notwithstanding the prospect of removal of these building portions in compliance with Code requirements, such portions shall nevertheless be removed in order to achieve this design objective.

b. The appearance of the building would be significantly enhanced if the existing lower front and side, white cement plaster coated, portions, of the exterior walls were covered with brick of a size, type, and color harmonizing with the remaining brick walls of the building.

c. Other exterior walls should be sand blasted or steam cleaned. In lieu of such treatment of the lower 8-story portion of the building, this portion may be painted with an epoxy or other suitable masonry paint harmonizing with the brick color of the larger 13-story portion of the building. All walls should be pointed and repaired as required. Roof top building elements should be treated to harmonize with the general architectural character and color of the overall building.

d. As window frames require repainting, they should be painted a lighter color to emphasize the window elements and pattern of the building.

e. Design improvements of the High Street entrance area and canopy should be considered in connection with the above improvements.

(b) Two-family Dwellings at 30,32,38,42,46, and 48 St. Paul Street (Block B3, Parcels 9,10,12,13,14, and 15), and at 29,31,33,35, 39, 41,43,47, and 49 St. Paul Street (Block C1, Parcels 9,10, 12,13,14 and 15)

1. Other Requirements

a. All overhead utility lines on St. Paul Street are to be removed and underground lines are to be installed in the street by the local utility companies. Each property owner shall therefore be obligated to connect and install new underground services into the property. The Agency and the City shall cooperate in coordinating such work as efficiently and economically as possible in the course of reconstruction of St. Paul Street as a pedestrian and open space area.

b. When replacement of exterior siding materials is required, new materials should assure maintenance or improvement of the original architectural character of the building, and such new materials shall be limited to wood or painted metal clapboards, wood shakes or shingles, or brick. No asbestos or similar siding shall be used. Repair or replacement of existing siding should conform to current standards for new work.

c. All deteriorating porches or similar appurtenant structures, or portions thereof, shall be repaired reconstructed, or removed.

2. Design Objectives

a. Existing asbestos and similar siding on any building should be replaced or covered with the types of materials cited under 1.b. above.

b. Consideration should be given to substantial improvement of front porches and front yard open spaces as integrated functional and design elements of the overall plan for public improvement of St. Paul Street as a pedestrian and open space area. New entrance walks, paved areas, steps, planting areas, and other improvements should be constructed, and coordinated in terms of location, material, and design, with such plans prepared by the Agency and City, to mutually enhance the usability and appearance of the entire street area to all St. Paul Street properties.

Where existing porches are substantially deteriorated and must be removed, and the owner does not intend to replace the porch, consideration may be given to construction of an intermediate level deck or similar structure, or major paved area, as alternative private outdoor living areas related to the street. Upper floor dwelling units may also be enhanced by covered or uncovered porches, balconies, or reconstruction of an existing lower porch roof as an upper floor deck or balcony.

c. All portions of the property should be paved, or planted with suitable vegetation, and adequately maintained to present an attractive appearance.

d. Appropriate cleaning of all finish surfaces should be provided regardless of whether or not painting or other decoration work is done.

e. Screening of private outdoor yard areas by decorative fencing and planting should be considered.

f. Enclosed rear or side yard wood or other containers or coverings for storage of trash and garbage cans and receptacles should be provided. The City will make special arrangements for pick up of trash and garbage within this area where the closing of the street prohibits direct vehicular access, except for emergency vehicles, to every property.

g. When any exterior wall, roof, or other materials are to be replaced or repainted, the color of such materials or paint should conform to a general color plan or schedule developed by the Agency and City for the entire area, to assure general color harmony and attractiveness along the street.

(2) Non-Residential Properties

(a) Other Requirements

In addition to compliance with all applicable statutes, codes, ordinances, and regulations, all non-residential properties to remain in the Project shall furthermore conform to the following requirements:

1. Public Walks, Steps, Drives, and Parking Areas

Public walks, steps, drives, and parking areas shall be constructed so as to assure safety, reasonable durability, and economy of maintenance. Materials and methods of construction shall meet applicable City specifications. All such areas shall be restored to a proper state of repair.

2. Enclosure of Storage

No outdoor storage of material, equipment, or supplies shall

be permitted, and any such existing storage shall be relocated within a structure.

3. Building Surfaces

Facing or surfacing materials shall be durable and impervious to the weather and installed so as not to lessen impervious qualities; and they shall be capable of keeping the interior of the building dry and preventing exterior moisture from damaging or weakening the structural elements. All exposed surfaces shall be treated to retard deterioration and improve appearance. The fire resistance and weather resistance of all surfacing materials shall be as prescribed in the Buffalo Building Code.

4. Signs, Marquees, Awnings and Similar Appurtenances and Structures.

Such appurtenances and structures shall conform with the requirements of the Urban Renewal Plan, Section C.2.f., paragraphs (2) and (3).

5. Windows

All windows exposed to public view shall be kept clean and in a state of good repair. No storage of materials, stock, or inventory shall be permitted in window areas (other than show windows) ordinarily exposed to public view unless such areas are first screened or obscured from public view.

All show window glass shall be clear and not painted or otherwise obscured by mounting signs on the exterior of buildings below the tops of show windows.

All windows and other openings in exterior walls with a fire resistance rating of three-quarter (3/4) hour or more shall be protected with labeled fire windows, and shall not exceed the opening limitations and distance separation requirements specified in the Buffalo Building Code.

6. Air Conditioners and Heating Units - Outside Elements

All outside elements of air conditioning and heating units shall be so constructed, located, and maintained as not to constitute a safety, noise or vibration hazard to adjacent properties.

Such equipment which is installed and operated directly over a public sidewalk shall be equipped with proper devices for the prevention of condensation drainage upon the sidewalk, and any exhaust fumes from such equipment shall be expelled above a height of eight (8) feet.

7. Miscellaneous Site Improvements

Open space on property shall be so designed and located as to provide for the immediate diversion of water away from buildings and from the lot, and to prevent soil saturation detrimental to structure and lot use.

All portions of the property not occupied by buildings shall be paved, or planted with suitable vegetation, and adequately maintained to present an attractive appearance.

All fences and retaining walls shall be restored to good repair, removed, or replaced, and all fences shall be treated with chemicals or paint so as to retard deterioration and improve appearance.

8. Offstreet Parking

Open parking spaces shall be surfaced with a dustless all-weather material capable of bearing all vehicular loads to be imposed thereon.

Parking areas shall be effectively screened or obscured from general public view by a wall, fence, and tree and other plantings.

Lighting used to illuminate offstreet parking areas shall be directed away from other properties and public streets in such a way as not to create a nuisance.

9. Offstreet Loading

Insofar as feasible, loading berths or other vehicular service facilities shall be completely enclosed within a building or screened by a solid wall or fence. No new loading berths or facilities are to be located within 50 feet of the nearest point of intersection of any two streets.

Open loading berths or areas shall be surfaced with a dustless all-weather material capable of bearing all vehicular loads to be imposed on them.

Lighting used to illuminate offstreet loading areas shall be directed away from other properties and public streets in such a way as not to create a nuisance.

10. Air pollution control throughout the project area shall comply with the code for Erie County Air Pollution Control, Article XIV.

(b) Design Objectives

1. Building Features and Surfaces

Building surfaces, windows, and other visible features should be repaired to a sound, neat, and reasonably attractive condition. Exterior walls that are crudely finished or that have been defaced by adjacent demolition should be reasonably refinished.

2. Genuine Surfaces

To the extent possible, the original materials and surfaces of buildings should be preserved. The introduction of new materials should assure maintenance or improvement of the building's architectural character. The use of materials or finishes that are "veneered" should meet high standards of design, construction and durability. Materials or finishes that conceal hazardous conditions of deterioration and decay, or inferior structural materials beneath them, should be avoided.

3. Building Design

To the extent possible, features that maintain some unity with the appearance of adjacent or nearby buildings should be provided and maintained. Although variety is needed and desired, materials and other features should be carefully selected to avoid severe clashing contrast.

Unity in appearance should be obtained by maintaining compatibility in one or more of such features as:

a. Height of cornices, windows, floors, and other building features.

b. Spacing and proportions of columns, floors, and basic structural grids.

c. Color, texture, and general nature of surfacing materials.

4. Signs

Signs and other devices for the identification of businesses or buildings should be designed so that they are compatible with or, if possible, become an integral part of, building design. Signs that clash drastically with the materials, color, or basic forms of the building, or adjacent buildings, should be avoided or replaced.

5. Building Facades

Facades fronting on major pedestrian routes should be pedestrian oriented. So far as possible, no extensive sections of blank wall should abut a major pedestrian route; show window displays, interior views, variety and detail in landscape planting or other sidewalk features of small scale and of human interest should be provided.

CITY HALL

BUFFALO, May 8, 1970

To Whom It May Concern:

I Hereby Certify, That at a Session of the Common Council of the City of Buffalo, held in the City Hall, on the 5th day of May, 1970, a resolution was passed, of which the following is a true copy:

950

May 5, 1970

Buffalo

No. 107

Item. 75, C.C.P., March 24, 1970 —Re: Oak Street Redevelopment Project N. Y. R-197 Urban Renewal Plan.

Mr. Mitchell moved that Item No. 75, C.C.P., March 24, 1970—Re: Oak Street Redevelopment Project N. Y. R-197 Urban Renewal Plan, be taken from the table for consideration at this scheduled hearing.

Adopted.

Mr. Mitchell moved that the hearing be opened.

Appearances:

In Favor: Commissioner of Urban Renewal Richard L. Miller, William Godfrey, member of Model City Sub-Committee.

In Opposition: None.

Mr. Mitchell moved that the hearing be closed.

Carried.

Mr. Mitchell moved that

WHEREAS, under the provisions of Title I of the Housing Act of 1949, as amended, the Secretary of Housing and Urban Development is authorized to provide financial assistance to Local Public Agencies for undertaking and carrying out urban renewal projects; and

WHEREAS it is provided in such Act that contracts for financial aid thereunder shall require that the Urban Renewal Plan for the respective project area be approved by the Common Council of the City of Buffalo in which the project is situated and that such approval includes findings by the Common Council that: (1) the financial aid to be provided in the contract is necessary to enable the project to be undertaken in accordance with the Urban Renewal Plan; (2) the Urban Renewal Plan will afford maximum opportunity consistent with the sound needs of the City of Buffalo as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise; (3) the Urban Renewal Plan conforms to the general plan for the redevelopment of the City of Buffalo as a whole; and (4) the Urban Renewal Plan gives due consideration to the provision of adequate park and recreational areas and facilities, as may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of children residing in the general vicinity of the site covered by the Plan; and

WHEREAS the City of Buffalo-Urban Renewal Agency, herein called the "Local Public Agency", has entered into a planning contract for financial assistance under such Act with the United States of America, acting by and through the Secretary of Housing and Urban Development, pursuant to which Federal funds were provided for; and

WHEREAS it is desirable and in the public interest that the City of Buffalo-Urban Renewal Agency herein called the "Local Public Agency", undertake and carry out the urban renewal project (herein called the "Project") identified as "Oak Street Redevelopment Project N. Y. R-197" and encompassing the area bounded by Best Street on the north; Masten and Michigan Avenues on the east; the north right-of-way line of Oak-Elm Interchange and E. North Street on the south; and Main Street on the west in the City of Buffalo, State of New York (herein called the "Locality"); and

WHEREAS the Buffalo General Hospital, Roswell Park Memorial Institute and the Medical Foundation of Buffalo is located in the project area; and

WHEREAS the Local Public Agency has applied for financial assistance under such Act and proposed to enter into a contract or contracts under the Department of Housing and Urban Development for the undertaking of, and for making available financial assistance for, the Project; and

WHEREAS the Local Public Agency has made detailed studies of the location, physical condition of structures, land use, environmental influences, and social, cultural and economic conditions of the Project area and has determined that the area is an area appropriate for urban renewal and that it is detrimental and a menace to the safety, health, and welfare of the inhabitants and users thereof and of the Locality at large, because of the blighted and deteriorated condition of the majority of the structures and dwellings in this area, and the members of this Common Council have been fully apprised by the Local Public Agency and are aware of these facts and conditions; and

WHEREAS there has been prepared and referred to the Common Council of the City of Buffalo (herein called the "Governing Body") for review and approval an Urban Renewal Plan for the Project area, dated March 17, 1970, and consisting of 46 pages and 4 exhibits; and

WHEREAS the Urban Renewal Plan has been approved by the Governing Body of the Local Public Agency, as evidenced by the copy of said Governing Body's certified resolution approving the Urban Renewal Plan, which is attached thereto; and

WHEREAS a general plan has been prepared and is recognized and used as a guide for the general development of the Locality as a whole; and

WHEREAS the City Planning Board, which is the duly designated and acting official planning body for the Locality, has submitted to the Governing Body its report and recommendations respecting the Urban Renewal Plan for the Project area and has certified that the Urban Renewal Plan conforms to the general plan for the Locality as a whole, and the Governing Body has duly considered the report, recommendations, and certification of the planning body; and

WHEREAS the Urban Renewal Plan for the Project area prescribes certain land uses for the Project area and will require, among other things, changes in zoning, the vacating and removal of streets, alleys, and other public ways, the establishment of new street patterns, the location and relocation of sewer and water mains and other public facilities, and other public action; and

WHEREAS the Local Public Agency has prepared and submitted a program for the relocation of individuals and families that may be displaced as a result of carrying out the Project in accordance with the Urban Renewal Plan; and

WHEREAS there has also been presented to the Governing Body information and data respecting the relocation program which has been prepared by the Local Public Agency as a result of studies, surveys and inspections in the Project area and the assembling and analysis of the data and information obtained from such studies, surveys, and inspections; and

WHEREAS the members of the Governing Body have general knowledge of the conditions prevailing in the Project area and of the availability of proper housing in the Locality for the relocation of individuals and families that may be displaced from the Project area and, in the light of such knowledge of local

Project in such area will further promote the public welfare and the proper

patterns, the location and relocation of

I further certify that the above was signed by the Mayor on May 5, 1970 and returned to the City Clerk's office on May 5, 1970.

ATTEST. Daniel L. Dropsik

City Clerk