

DOWNTOWN ENTERTAINMENT DISTRICT
URBAN RENEWAL PLAN

PHASE III

BUFFALO, NEW YORK

James D. Griffin, Mayor
Prepared by:
Department of Community
Development

5-26-81 CCP.#67

THE URBAN RENEWAL PLAN FOR PHASE III
OF THE
DOWNTOWN ENTERTAINMENT DISTRICT CONSISTS OF THE FOLLOWING:

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A. INTRODUCTION

The Downtown Entertainment District Urban Renewal Plan - Phase III represents a continuation of the Downtown Entertainment District redevelopment as previously approved by the Common Council on February 20, 1979 (C.C.P. No. 171), May 1, 1979 (C.C.P. No. 86), and January 22, 1980 (C.C.P. No. 230).

The proposed renewal actions stated herein are in furtherance of the overall objectives of the Downtown Entertainment District Urban Renewal Plan and complements the redevelopment actions undertaken in previous phases of said plan.

More specifically, this plan proposes to assemble land for the construction of a parking ramp and/or such other public, retail, and commercial space as further study and inspection may indicate is necessary or desirable in order to further the objectives of the overall plan.

B. PROJECT BOUNDARY

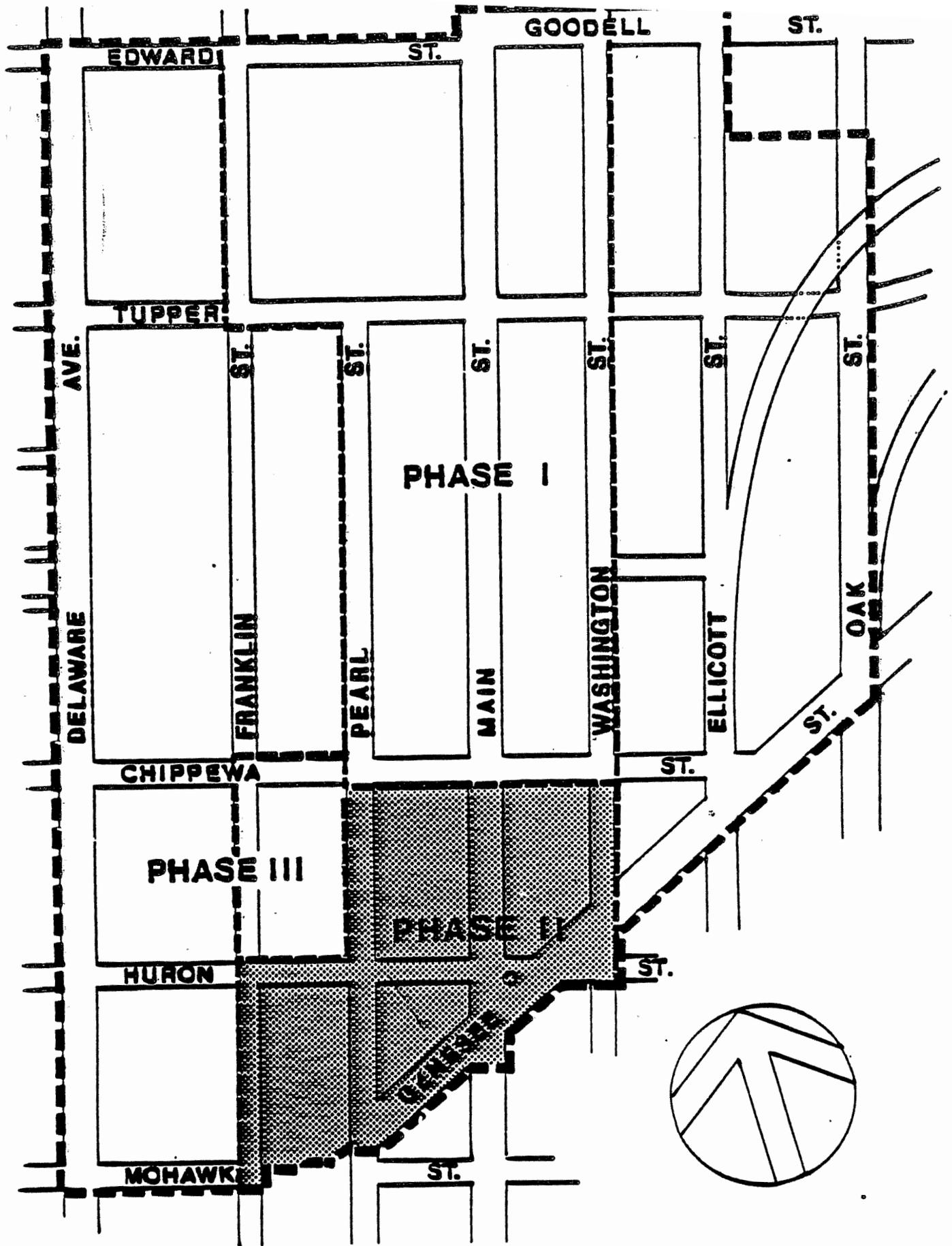
1. Boundary Description

The area is bounded by West Huron, Pearl, Chippewa, and Franklin Streets in the City of Buffalo, County of Erie, State of New York, and is described as follows:

Beginning at the northwest right-of-way line of Franklin at West Huron Streets, thence northerly to the northwest right-of-way line of Chippewa Street, thence easterly to the northwest right-of-way line at Pearl Street, thence southerly to the northwest right-of-way line at West Huron Street, thence westerly to the point of beginning.

2. Project Boundary Map

The perimeter boundary of the project area, described in narrative form in the preceding section B1, is clearly illustrated and firmly established on the Project Boundary Map which is bound herein and made a part of this urban renewal plan.



Entertainment District

Project Boundary Map

3. Project Eligibility

The State General Municipal Law defines areas which are eligible for Urban Renewal to be residential, commercial, industrial or vacant areas "which are slum or blighted, or which are becoming slum or blighted areas because of substandard, unsanitary, deteriorated or deteriorating conditions, factors, and characteristics, with or without tangible physical blight. The existence of such areas constitutes a serious and growing menace, is injurious to the public safety, health, morals and welfare, contributes increasingly to the spread of crime, juvenile delinquency and disease, necessitates excessive and disproportionate expenditures of public funds for all forms of public service and constitutes a negative influence on adjacent properties impairing their economic soundness and stability, thereby threatening the source of public revenues".

This plan establishes that the area is eligible for Urban Renewal by demonstrating that blight and conditions of blight exist in this area. (The finding of blight and its various conditions has already been found to exist in the City's designation and approval of the overall Urban Renewal Plan, of which this area is a part, on Feb. 20, 1979, C.C.P. No. 171 and May 1, 1979, C.C.P. No. 86), and January 22, 1980 (C.C.P. No. 230).

4. Plan Objectives

The primary objective of this plan is to insure the continuing orderly and expeditious development of Buffalo's Downtown Entertainment District. It is consistent with the goals of the Buffalo Master Plan, the Regional Center Plan, and the Downtown Entertainment District Report.

This plan seeks to accomplish the general goals and objectives set forth in the State General Municipal Law and the overall Downtown Entertainment District Redevelopment. This plan also seeks to accomplish the following specific objectives to be achieved through public and private actions, as follows:

1. The acquisition and/or demolition of structurally substandard buildings, including those incompatible with the overall development of the Downtown Entertainment District Area.
2. The elimination of blighting influences including vacant and under utilized uses detrimental to the economic development of the area.
3. Creation of major land sites for new retail, public, and commercial construction and development.
4. The creation of safe, efficient and functional vehicular and pedestrian circulation systems.
5. The creation of an attractive, visually exciting, economically sound, functional structure in the Downtown Entertainment District.

6. The disposition of appropriate public right-of-ways to accomodate redevelopment objectives consistent with the Land Use Plan.
7. The creation of marketable air rights and/or easements for new construction and multi-level connections between various new buildings and developments.
8. The creation of recreational and/or open space to reinforce new and on-going activities.
9. The creation of opportunities for the construction of new facilities that will support and enhance the Downtown Entertainment District and the established Central Business District.

5. Types of Proposed Urban Renewal Actions

The City of Buffalo, in concert with the Urban Renewal Agency, with the authorization of the governing body thereof, proposes certain urban renewal actions within the Downtown Entertainment District Renewal Project - Phase III which include:

1. Clearance and Redevelopment

- a) Acquisition of all real property, as identified for such action on the "Land Acquisition Plan Map", bound herein.
- b) Clearance of all structures and improvements thereon.
- c) Relocation of site occupants residing in structures which are considered substandard and scheduled to be cleared.
- d) Assembly of such cleared land for new parcels whose size, shape and location will allow for economically feasible redevelopment in accordance with the objectives of this plan, and the projected market demands for such new development.

- e) Sale or lease of all land acquired by the City for reuse in accordance with the goals and objectives as established in the Downtown Entertainment District Plans.
- f) Rehabilitation assistance to individual property owners by providing technical support and financial incentives.

2. Public Improvements and Facilities

- a) The modification, development and construction of necessary public improvements and facilities required to adequately support and service the existing and proposed land uses and activities in the Downtown Entertainment District Project, including streets, utilities, open spaces and pedestrian facilities.
- b) The spanning of portions of certain streets, where applicable, for development in conformance with the overall objectives of the Downtown Entertainment District Plan.
- c) The underground placement of all new utilities, and of existing utilities where deemed necessary.

C Land Use Plan

1. Proposed Land Use

The Land Use Plan Map, bound herein and made a part of this plan, identifies the general land use categories and areas which are established and permitted within this project area.

2. Land Use Provisions and Building Requirements.

The following requirements shall apply to the use and development of land within this Downtown Entertainment District project area, and together with the Land Use Plan Map, shall constitute the provisions of this plan that govern such use and development.

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

The Commissioner of Community Development and/or his designee, and the City Planning Board, shall be responsible for review of all redevelopment proposals, and for interpretations of the terminology and intent

of this plan, and shall determine the appropriateness and acceptability of all redevelopment and rehabilitation proposals in terms of their conformity with this plan. The Commissioner of Community Development, and/or his designee, shall, in all cases, act on behalf of the City, as the initial authority in the review of proposals, and shall consult with the City Planning Board, as required, prior to any recommendations to the Common Council regarding such proposals.

A Design Plan is also attached, but, shall not be construed as applicable in governing or controlling the specific type, character, or pattern of redevelopment which may be permitted. The Design Plan and the Design and Development Objectives of this plan are intended to generally illustrate and guide the interpretation of the land use provisions, building requirements, and objectives of this plan.

It should be noted that properties not to be acquired shall be subject to this plan, including the property Rehabilitation Section, and/or other applicable controls enforced through code enforcement, zoning regulations and restrictions, or any other appropriate means available to the City of Buffalo and the Buffalo Urban Renewal Agency.

a) Public Use and Development

In addition to adjustments in the public street rights-of-way, the City may provide additional public amenities.

b) Private Use and Development

1) In the area of this project the following uses are encouraged:

Parking structures

Art galleries, supplies and studios

Hotel

Office Building

Professional office and services

Radio, television and communication facilities, excluding transmission towers

Recreational usage

Residential, permanent and transient

Restaurants and night clubs

Retail stores

Theaters - legitimate or motion picture

Theatrical services and supplies

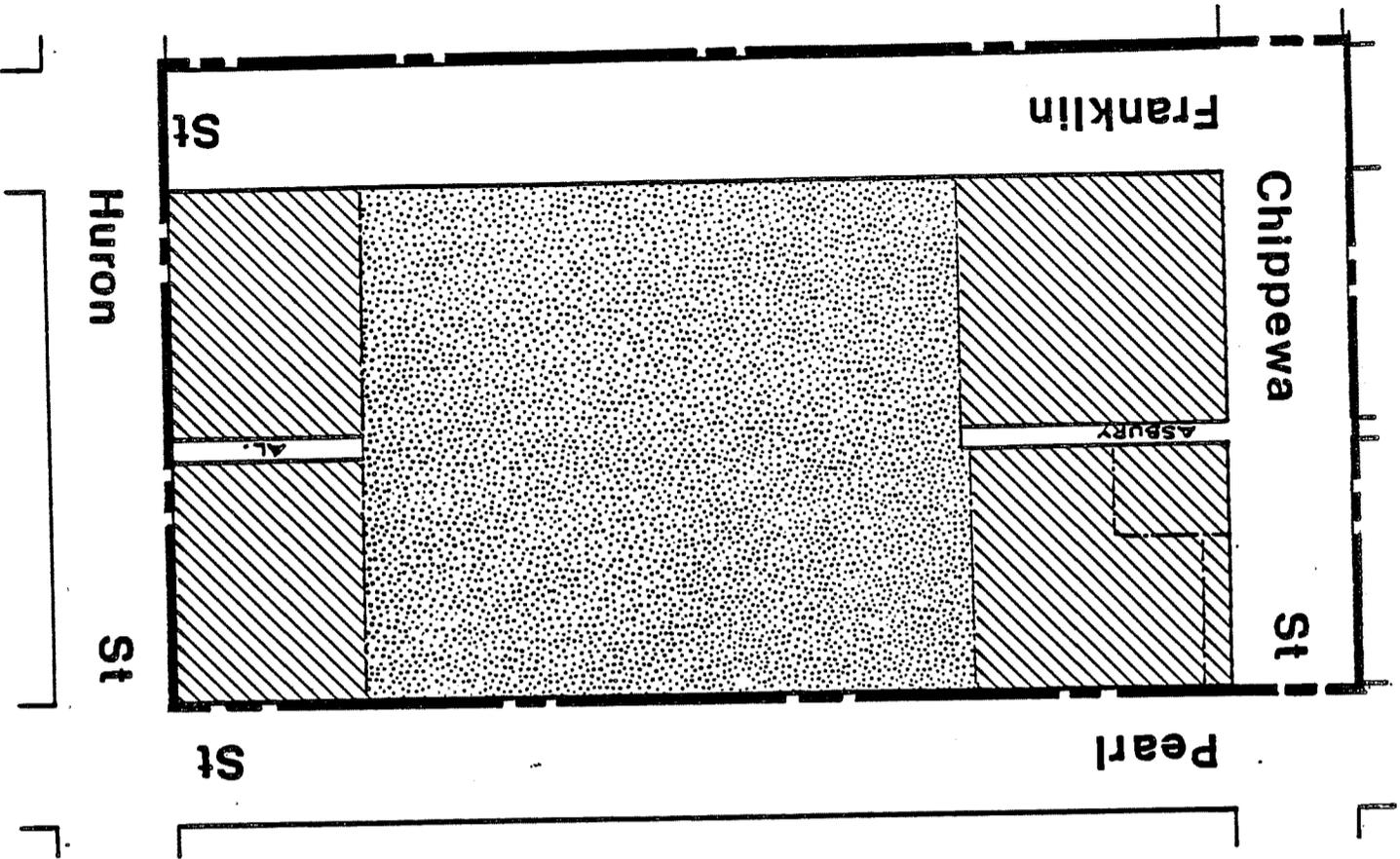
Other uses generally comparable and compatible to the above may be authorized by the Commissioner of Community Development, or his designee. Site development plans shall be submitted to the commissioner of Community Development for approval.

Noxious or nuisance uses will not be permitted, and any such existing uses will be encouraged to relocate outside the project area.

2) Off- Street Parking and/or Loading

It is the intent of this plan that all uses and activities within this project area have off-street facilities or areas for parking and receiving, loading and distribution of material or merchandise, or other servicing by vehicle. Adequate off-street parking or loading facilities shall be provided and available within or adjacent to all new building development and shall furthermore be located entirely within the parcel of such buildings.

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 permitted case, 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 adherence to such schedule.



DOWNTOWN ENTERTAINMENT DISTRICT
 PHASE III

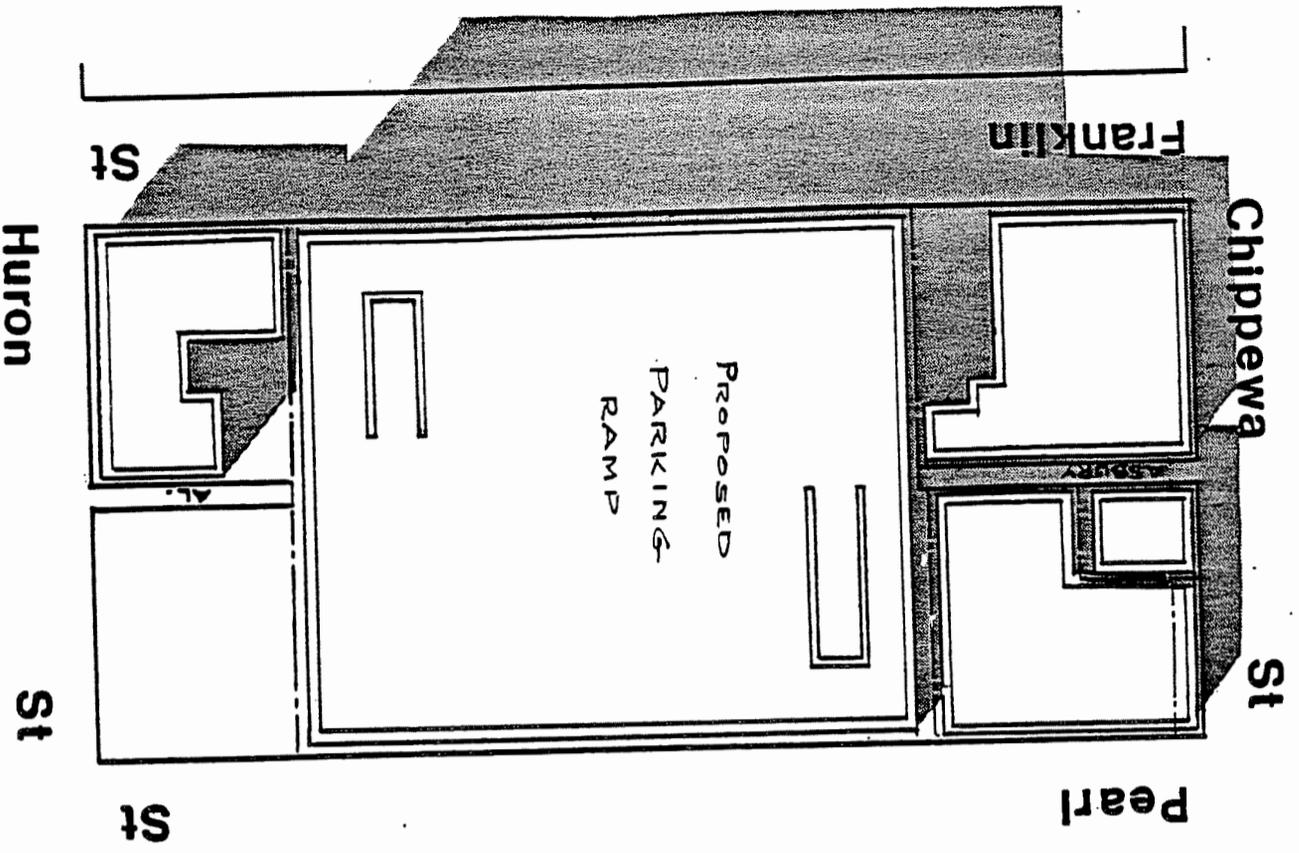
LAND USE PLAN

LEGEND

--- PHASE III BOUNDARY

▨ COMMERCIAL AND/OR RELATED

▤ PARKING PUBLIC/SEMI



DOWNTOWN ENTERTAINMENT DISTRICT
 PHASE III
 DESIGN PLAN

Prepared by Department of Community Development

Loading and other service areas shall be subject to the following requirements:

Loading areas 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, and

Proper lighting shall also be considered a necessity.

c) Related Provisions

All vehicular access from or egress onto any public right-of-way shall be carefully reviewed by the Commissioner of Community Development and the Commissioner of Transportation.

NOTE: It should be noted that parking for 10 vehicles or more must meet all the requirements under Chapter LXX, Section 17B (4), 23 (32) and Chapter V, Section 363 of the City Codes.

d) Sidewalk Coverings

Subject to approval by the City, sidewalk coverings, canopies, marquees or similar structures in the project area may be extended a maximum of ten feet (10') into any public right-of-way, but, in no case

closer than six feet (6') to the face of any street curb.

Vertical clearance from the sidewalk shall be not less than ten feet (10'). Supporting posts or columns, if permitted, shall be located so as to not impede general pedestrian movement.

e) Signs

- 1) A sign program, describing the location, nature, character and size of signs shall be presented to the Commissioner of Community Development as part of any redevelopment proposal.
- 2) All signs within the project 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.
- 3) No flashing electrical signs may be used, except in keeping with a specific theme as approved by the Commissioner of Community Development.
- 4) Exceptions for special heraldic devices and symbols, hanging signs, or mechanical signs may be approved on an individual basis by the Commissioner of Community Development, if these can be shown to relate to the entity

which the building represents. Fixed signs and advertising and heraldic devices, shall be approved on the basis of a general plan for each portion of the property separately conveyed in relation to facade structures, rather than on an individual basis.

f) Illumination

All illumination of buildings, grounds, signs or other appurtenances within the project area shall be arranged and shielded so 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 and non-blinking.

g) Building Design and Materials

All buildings shall 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 the surrounding area, and discordant novelty designs shall not be permitted.

h) Architectural and Landscape Plans

The Commissioner of Community Development shall evaluate architectural plans for all new construction to ensure that each building will be a distinguished architectural expression which may have a distinctive character and yet be harmonious with adjacent buildings in the project area and to ensure that the buildings will conform with the design concepts on which this plan is based. Portions of building sites not containing structures shall be appropriately landscaped. The Commissioner of Community Development shall evaluate landscape plans to ensure that the landscaping will complement the building or buildings on the site and adjacent buildings in the project area and to ensure that the landscaping will conform with the design concepts on which this plan is based. In the land disposition and/or owner participation agreements, the Commissioner of Community Development may establish design criteria with appropriate provisions in the land disposition and owner participation documents.

i) Off-Site Improvements

The City of Buffalo shall, as a condition of sale or lease, require a redeveloper to install street trees, landscaping, paving, benches, screening, waste receptacles, and other improvements considered necessary toward the overall revitalization of the area.

3. Design and Development Objectives

The basic objectives of this plan have been stated under Plan Objectives. These objectives are directed primarily at the functional restoration and strengthening of the project area as the current and continuing location of Downtown Entertainment District facilities and other social and economic resources of the community.

Exception: The Commissioner of Community Development, the City Planning Board, and the Common Council may approve variations from and exceptions to any of the above requirements on the basis of development program and site plans submitted by redevelopers for disposal parcels considered to best serve the objectives of the urban renewal plan for the Downtown Entertainment District.

4. Duration of Land Use Provisions and Building Requirements

This plan and all provisions contained herein governing the use and redevelopment of lands in the Downtown Entertainment District, including any modifications thereof, shall be in full force and effect for a period of forty (40) years following the date of the resolution of the Common Council of the City of Buffalo approving and adopting this plan.

D. Project Proposals

1. Land Acquisition

The real property to be acquired by the City pursuant to this plan is identified on the Land Acquisition Plan Map bound herein and made a part of this plan.

2. Land Disposition

Real property will be disposed of subject to the provisions as set forth in No. 3 below.

3. Redeveloper Obligations

Land held by the City will be disposed of subject to a mutual agreement between the City and the redeveloper. The redeveloper will be required by the land disposition agreement to observe the land use and building requirement provisions of this plan. In addition, the following provisions will be included in the agreement:

- a) That the redeveloper will submit a financial capabilities statement and site plan including landscaping for the proposed development for approval by the Commissioner of Community Development.
- b) That the purchase of the land is for the purposes of redevelopment and not for speculation.

DOWNTOWN ENTERTAINMENT DISTRICT PHASE III

Project Area Map

Legend

Phase III Boundary

Commercial

P Parking

Block Number

Parcel Number

Street Address

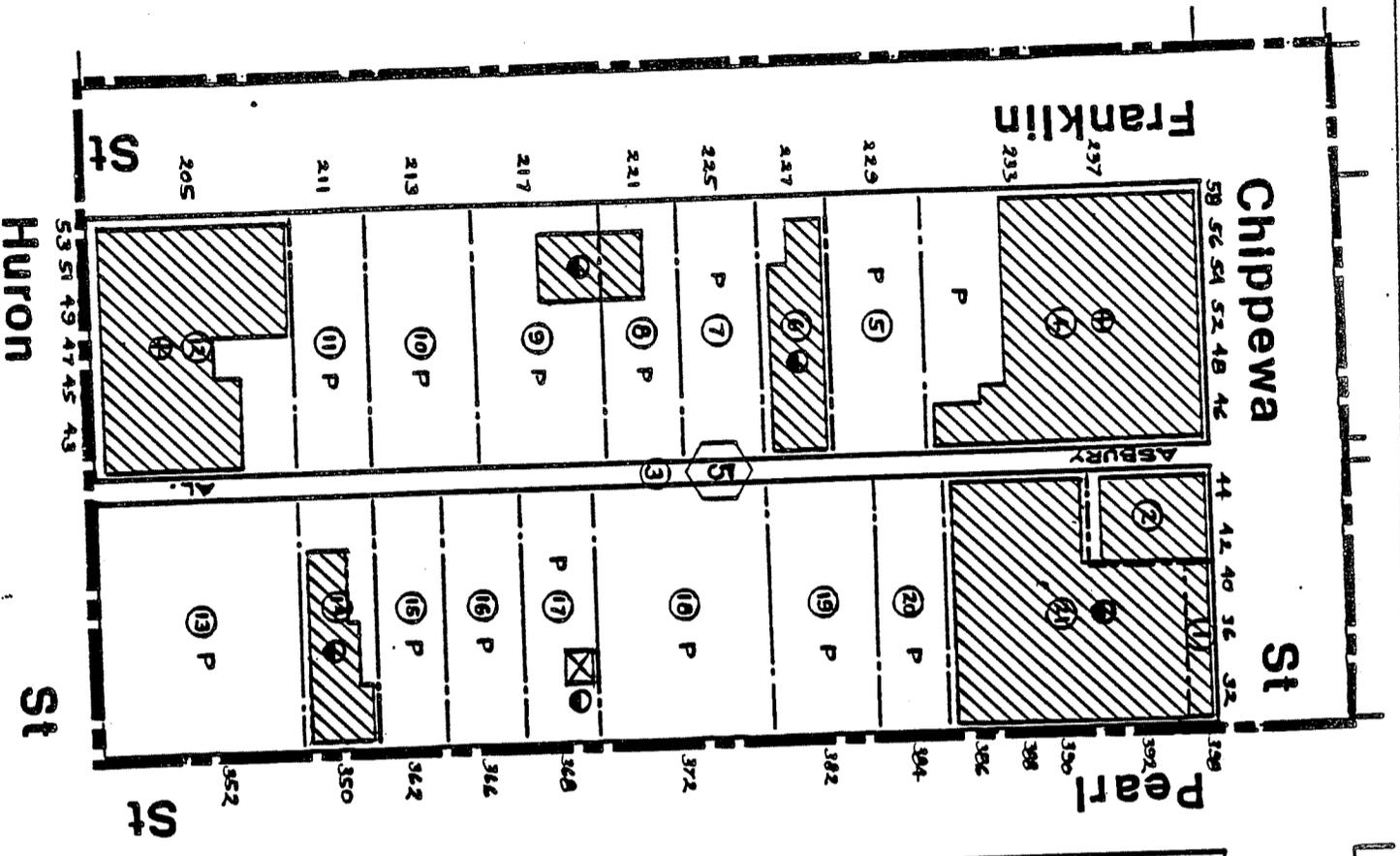
Structural Conditions

Structure - Sound

Structure - Minor deficiencies

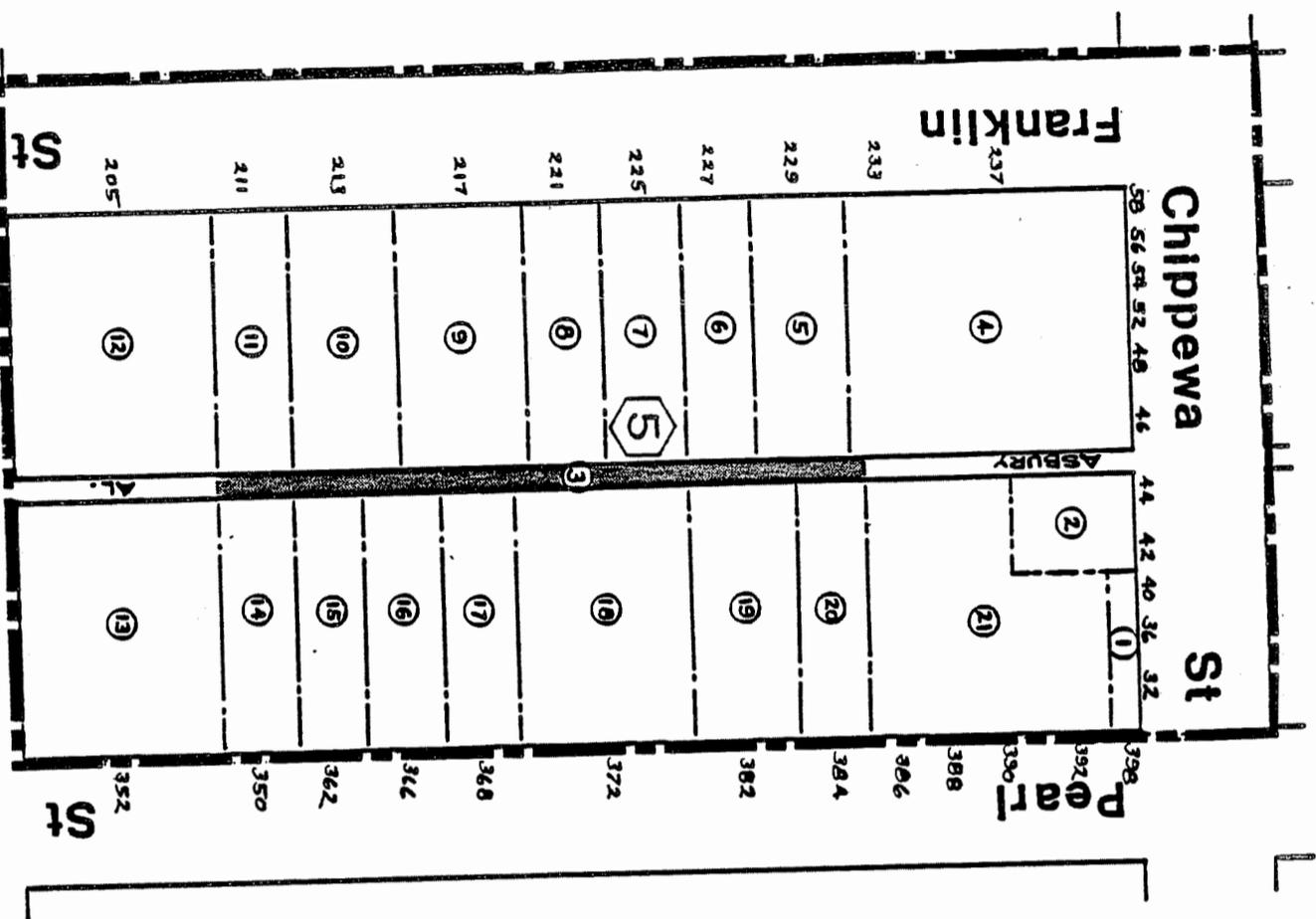
Structure - Major deficiencies

Structure substandard to a degree warranting clearance



DOWNTOWN ENTERTAINMENT DISTRICT
 PHASE III
 LAND ACQUISITION PLAN MAP

Project Boundary



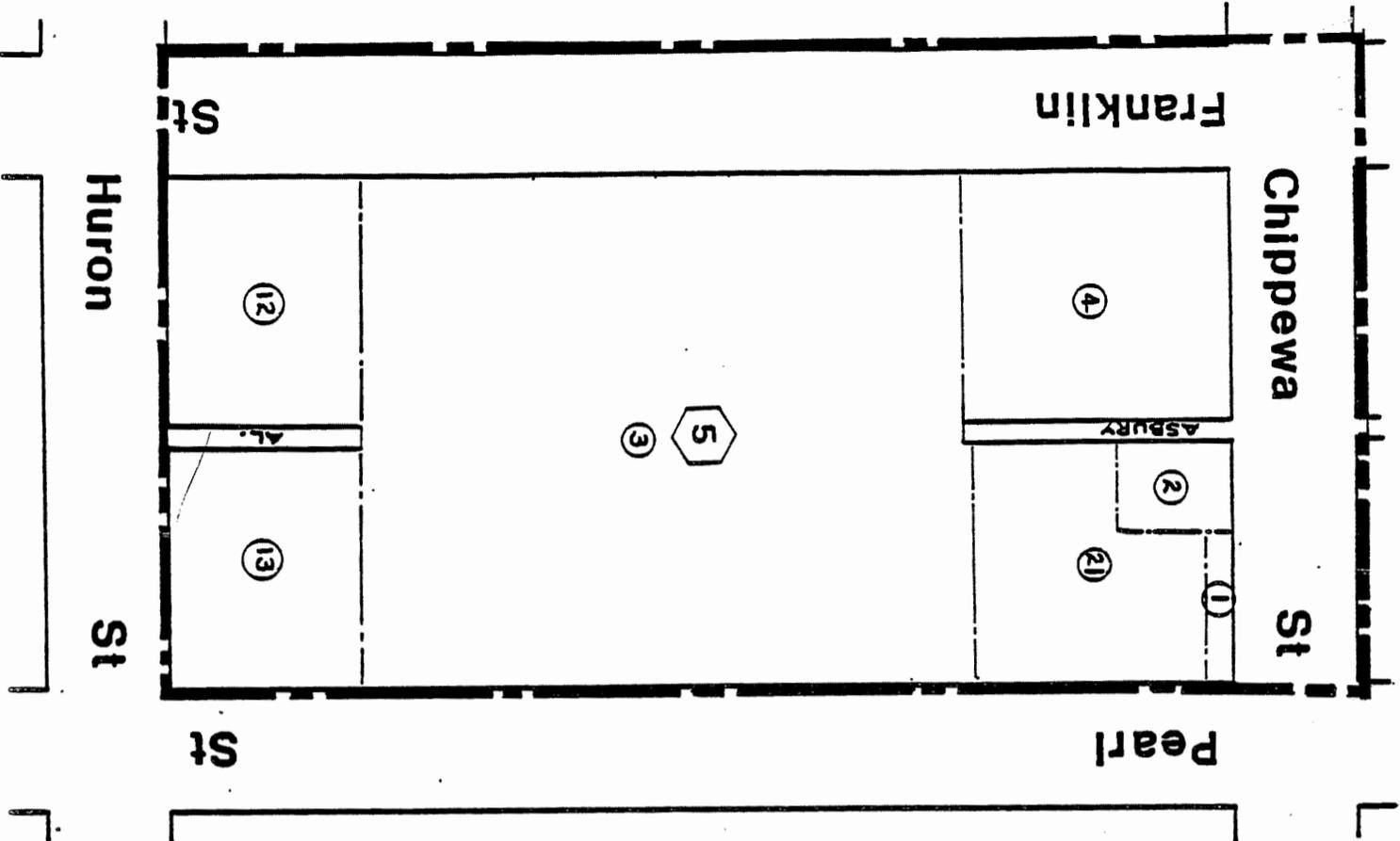
PARCEL	OWNER	ADDRESS TBA
* 1	R. Scarafia & 1	396 Pearl
* 2	Wm. Damian I	42 Chippewa
3	City of Buffalo (Portion to be vacant)	Asbury Al. (Street R.O.W.)
* 4	Vincent Larussa	223 Franklin
5	Lorenzo Clothier Inc.	229 Franklin
6	227 Franklin Inc.	227 Franklin
7	Marvin Morris	225 Franklin
8	"	"
9	"	221
10	"	217
11	"	213
*12	Church of Scientology	211
*13	Valley Tours Inc.	43 W. Huron
14	Lawrence J. Mattar & 1	352 Pearl
15	"	350 Pearl
16	Marvin Morris	362
17	"	366 Pearl
18	Buffalo Parking Serv. Inc.	368
19	Marvin Morris	372 Pearl
20	"	382 Pearl
*21	386 Pearl Inc.	384
*	Acquisition depends on meeting Rehab. Standards	388 Pearl

⑤ BLOCK NUMBER

③ PARCEL NUMBER

427 STREET ADDRESS

STREET R.O.W. TO BE VACATED



DOWNTOWN ENTERTAINMENT DISTRICT PHASE III
Land Disposition Plan

--- PHASE III BOUNDARY

⑤ BLOCK NUMBER

③ DISPOSITION PARCEL NUMBER

Note: Remaining parcels subject to rehabilitation standards
* Approx. - depending on Survey

EXHIBIT
19 B

Parcel No.	Proposed Land Use	Area to Be Disposed *	Area Subj. to Rehab.
1	Commercial and/or Related		480
2	" " " "		1140
3	Parking Public/Semi	89,375	6960
4	Commercial and/or Related		5949
12	" " " "		4914
13	" " " "		4980
21	" " " "		
TOTAL BLOCK 112, 809 SQ. FT. *		89,375	23,514

- c) That the land will be developed in conformity with the provisions of this plan.
- d) That the building or improvements will be commenced and completed within a reasonable time.
- e) That the redevelopers, their successors or assignees, agree that there will be no discrimination against any person or group of persons on account of race, creed, color, national origin, or ancestry in the sale, lease, transfer, use, occupancy, tenure or enjoyment of the premises therein conveyed or any improvements erected or to be erected thereon, nor will the redeveloper himself, or any other person, acting under or through him, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use, or occupancy of tenants, leasees, or vendees in the premises therein conveyed or any improvements erected or to be erected thereon. The above provisions will be perpetual and will run with the land.
- f) That the redevelopers or the general contractors will be responsible for obtaining all necessary building permits, etc., as may be required.

E. Other Provisions Necessary to Meet State and Local Requirements

The following statements are made to conform with state and local laws.

1. Provision of Community Facilities and Utilities

The following community facilities and utilities are existing or will be provided:

- a) Sewers
- b) Water lines
- c) Street lights
- d) Street improvements, including street signs, traffic lights, etc.
- e) Public open space where appropriate

2. Local Codes or Ordinances

No additions or alterations to the local codes or ordinances are considered necessary at this time to effectuate this plan. However, additions or alterations may be adopted in the future in the event that further study indicates the necessity or desirability for such action.

3. Schedule for Effectuation of the Plan

The schedule for effectuation of this plan is contingent upon the development plans of the proposed developers, and rehabilitation by existing owners.

4. Underground Utility Lines

Relocation of and provisions for private and public utility systems will be made as needed to adequately serve the redevelopment undertaken in accordance with this plan. Such relocation, as required, will be coordinated with other private and public construction, and will include elimination of all overhead utility lines, and the underground installations of any new lines and systems. The cost of relocating the underground utility lines will be borne by the utility companies, pursuant to the appropriate laws and ordinances concerned with the redevelopment of the area.

5. Historic Preservation Review Analysis

The Buffalo Urban Renewal Agency, in cooperation with the Department of Community Development, has conducted a historic preservation review analysis of this plan and finds that this plan will have no adverse effect on the properties which are listed on the National Register of Historic Places within the Downtown Entertainment District or adjacent area. It is further found that new commercial development and construction in the project area will greatly enhance those properties which have been deemed eligible for the National Register.

F. Procedure for Changes in the Approved Plan

The provisions of this Urban Renewal Plan may be modified or amended or additions made thereto, at any time, by the Common Council of the City of Buffalo, provided that any such changes, amendments, or additions made subsequent to the sale or lease of land in the project area by the City of Buffalo shall be concurred in by the owners or leasees of the project area abutting such land.

Information obtained during the execution stage may indicate the need for minor revisions in property lines, etc. thus making unnecessary the acquisition of property that is currently designated to be acquired. Conversely, information obtained during the execution stage may indicate the necessity or desirability of acquiring additional property in order to further the objectives of the overall plan.

G. Property Rehabilitation Standards

All properties designated to remain in the project area shall comply with standards set forth in applicable City of Buffalo statutes, codes, and ordinances, as amended, relative to the use, maintenance and occupancy of such facilities, 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** hereinafter outlined. The Buffalo Theater District Design Criteria (January 1980) is incorporated by reference and made a part of this section.

It is the intent of the City of Buffalo to preserve existing historic and aesthetic landmarks, where economically feasible, by encouraging improvements that will improve or maintain the original architectural character of the building.

The City of Buffalo urges each property owner to review the Design and Development Objectives of this plan and to voluntarily undertake additional improvements deemed necessary to achieve said objectives. In turn, the City will provide substantial improvements to the street and pedestrian network in order to encourage rehabilitation and improvement by private property owners. All new development and private property improvements will in turn increase the long-range benefit and value of the project to each property and to the community as a whole.

H. Other Requirements

1. Exterior

- a. When replacement of exterior materials is required, new materials should assure ease of maintenance or improvement of the original architectural character of the building, and such new materials shall be masonry or other appropriate materials.

The fire resistance and weather resistance of all surfacing materials shall be as prescribed in the Buffalo Building Code.

- b. All deteriorating eaves or overhangs or similar appurtenant structures, or portions thereof, shall be repaired or reconstructed.
- c. Existing inappropriate materials on any building shall be replaced or covered with the types of materials cited under 1. a., above.
- d. Consideration should be given to substantial improvement of properties fronting along Chippewa Street as well as side or rear yards along Asbury Alley as integrated functional elements of the overall plan for public improvements. All new pedestrian facilities to be constructed, shall conform to the overall design concept of this plan and shall meet with approval by the City.

- e. All finish surfaces on building exteriors shall be appropriately cleaned and maintained.
- f. All portions of properties not built upon shall be landscaped and/or paved with suitable materials and maintained to achieve an attractive appearance.
- g. All exterior storage areas shall be properly screened. The City will make special arrangements for the pick-up of trash and garbage within this area, where the closing of a street prohibits direct vehicular access.
- h. Any proposed color alterations of exterior surface finishes shall be submitted to the City for prior review and approval. Such review and approval shall also apply to the continuance of existing colors and surface finishes.

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

Such appurtenances and structures shall conform with the requirements of Sections C and G of this plan, as well as any other restrictions, codes, ordinances, etc.

3. Windows

All window areas exposed to public view shall be kept clean and in a state of good repair. Except for

display purposes, storage of materials, stock, or inventory shall not be permitted in window areas unless such areas are first screened or obscured from public view, thereby creating and maintaining and attractive appearance.

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

4. Air Conditioners and Heating Units or Other Outside Elements

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

No equipment shall be installed and operated directly over a public sidewalk nor shall there be permitted condensation drainage upon any sidewalk. Any exhaust fumes shall be expelled above a height of eight feet (8').

5. Off-Street Parking

Surface parking areas shall be paved with a dustless all-weather material capable of bearing all vehicular

loads to be imposed thereon. Surface off-street parking areas shall be effectively screened from public view in a manner approved by the City of Buffalo.

6. Off-Street Loading

Loading berths or other vehicular service facilities, where feasible, shall be completely enclosed within a building or screened in a like manner as surface off-street parking areas.

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

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

NOTE: Off street parking and off streets loading must also comply with the provisions of Chapter LXX, Section 17B (3) and Chapter V, Section 362, as well as Chapter LXX, Section 17B (4), 23 (32) and Chapter V, Section 363 of the City Codes.

7. Air Pollution Control

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