

U R B A N R E N E W A L P L A N

DOWNTOWN ENTERTAINMENT DISTRICT

RENEWAL PROJECT

PHASE I

AMENDMENT - 1985

disposition documents and owner participation agreements.

i. Off-Site Improvements

The City of Buffalo shall, as a condition of sale or lease, require a redeveloper, at his own expense, 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 B2, Urban Renewal Plan Objectives. These objectives are directed primarily at the functional restoration and strengthening of the Project Area as the current and continuing location of Central Business 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 Development.

The Urban Renewal Plan for the City of Buffalo's Downtown Entertainment District Renewal Project consists of the following narrative plan and the attached maps as follows:

EXHIBIT

1. Project Boundary Map	4A
2. Land Use Plan Map/Phase I	7A
3. Design Plan Map/Phase I	9A
4. Land Acquisition Plan Map/Phase I	26A
5. Land Acquisition Plan Map/Phase I Amendment	26B

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B. DESCRIPTION OF THE PROJECT

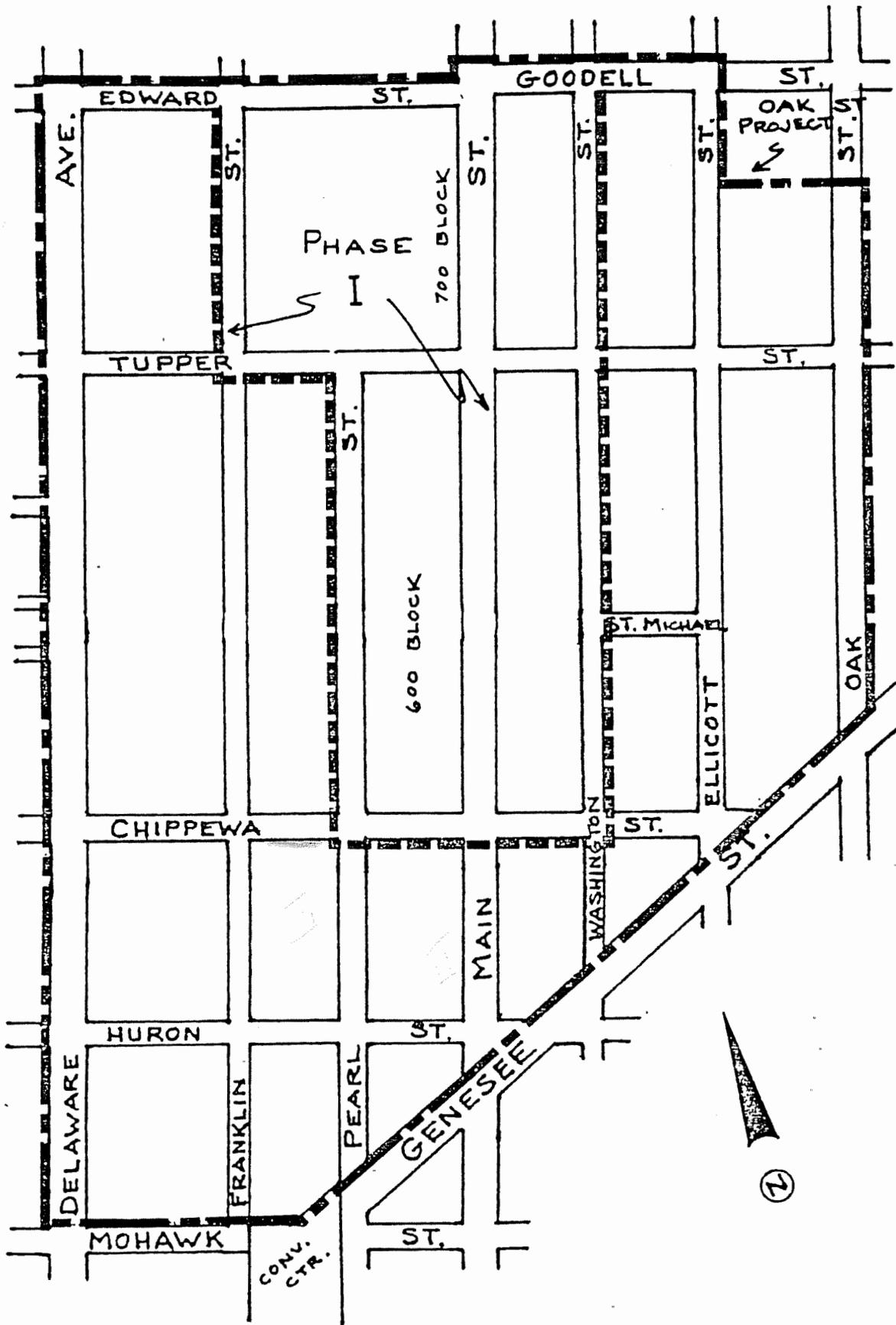
1. Boundaries of the Urban Renewal Area

The boundaries of the Downtown Entertainment District Renewal Project are indicated on the Project Boundary Map (SEE EXHIBIT 1, PAGE 4A) 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, County of Erie, State of New York, and described as follows:

BEGINNING at a point on the northwest right-of-way line of Edward Street at Delaware; thence easterly along said R. O. W. line and continuing on Goodell Street to the northeast R. O. W. line of Oak Street (excluding that portion within the Oak Street Redevelopment Project); thence southerly along the east R. O. W. line of Oak Street to Genesee; thence southwesterly along the north R. O. W. line of Genesee Street and continuing along the north R. O. W. line of Mohawk Street; thence northerly along the west R. O. W. line of Delaware Avenue to the place and point of beginning.

Phase I of the project is generally bounded by Edward and Goodell on the north, Washington on the east, Chippewa on the south, and Pearl and Franklin Streets on the west.



DOWNTOWN ENTERTAINMENT
DISTRICT SITE

PROJECT BOUNDARY
MAP

2. Urban Renewal Plan Objectives

The primary objective of this plan is to insure the orderly and expeditious development of Buffalo's Entertainment and Theater District. It is consistent with the goals of the Buffalo Master Plan, the Regional Center Plan, and the Entertainment District Report. The plan outlines project objectives, standards for development, procedures for acquisition and disposition as well as preferred courses of action.

Specific objectives embodied in this plan to be achieved through public and private action are as follows:

- a. the acquisition and/or demolition of structurally substandard buildings, including those incongruous to the overall development of the area.
- b. the elimination of blighting influences detrimental to the economic development of the area.
- c. the preservation and/or rehabilitation of designated historically significant buildings in the 600 and 700 blocks of Main Street.
- d. the creation of safe, efficient and functional vehicular and pedestrian circulation systems.
- e. the development of an attractive, visually exciting environment in the Downtown core.
- f. the disposition of appropriate public rights-of-way to accommodate pedestrian movement consistent with the Land Use Plan.

- g. the creation of residential opportunities to reinforce on-going commercial activities.
- h. the creation of opportunities for the construction of new commercial facilities that will support and enhance the Phase I target area.
- i. the establishment of a semi-autonomous non-profit corporation to guide development in accordance with adopted policies.

3. 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 which include:

a. Clearance and Redevelopment

- 1. Acquisition of all real property as identified for such action on the "Land Acquisition Plan Maps". (SEE EXHIBITS 4 & 5).
- 2. Rehabilitation and/or clearance of all structures and improvements where warranted.
- 3. Relocation of site occupants residing in structures which are considered substandard and scheduled to be cleared.
- 4. Assembly of such cleared land into parcels whose size, shape, and location will allow for economically feasible redevelopment in accordance with the objectives of this plan.

5. Sale or lease of all land acquired and/or vacated by the City for reuse in accordance with the goals and objectives as established in the Urban Renewal Plan.
6. Rehabilitation assistance to individual property owners by providing technical support and financial incentives.

b. Public Improvements and Facilities

1. 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 i. e. ; streets, utilities, Mall areas and pedestrian facilities.
2. The abandonment of portions of Main Street between Goodell and Genesee Streets for development in conformance with the overall objectives of the Entertainment District and Light Rail Transit Plans.
3. The underground placement of all new utilities, and of existing utilities where deemed necessary.

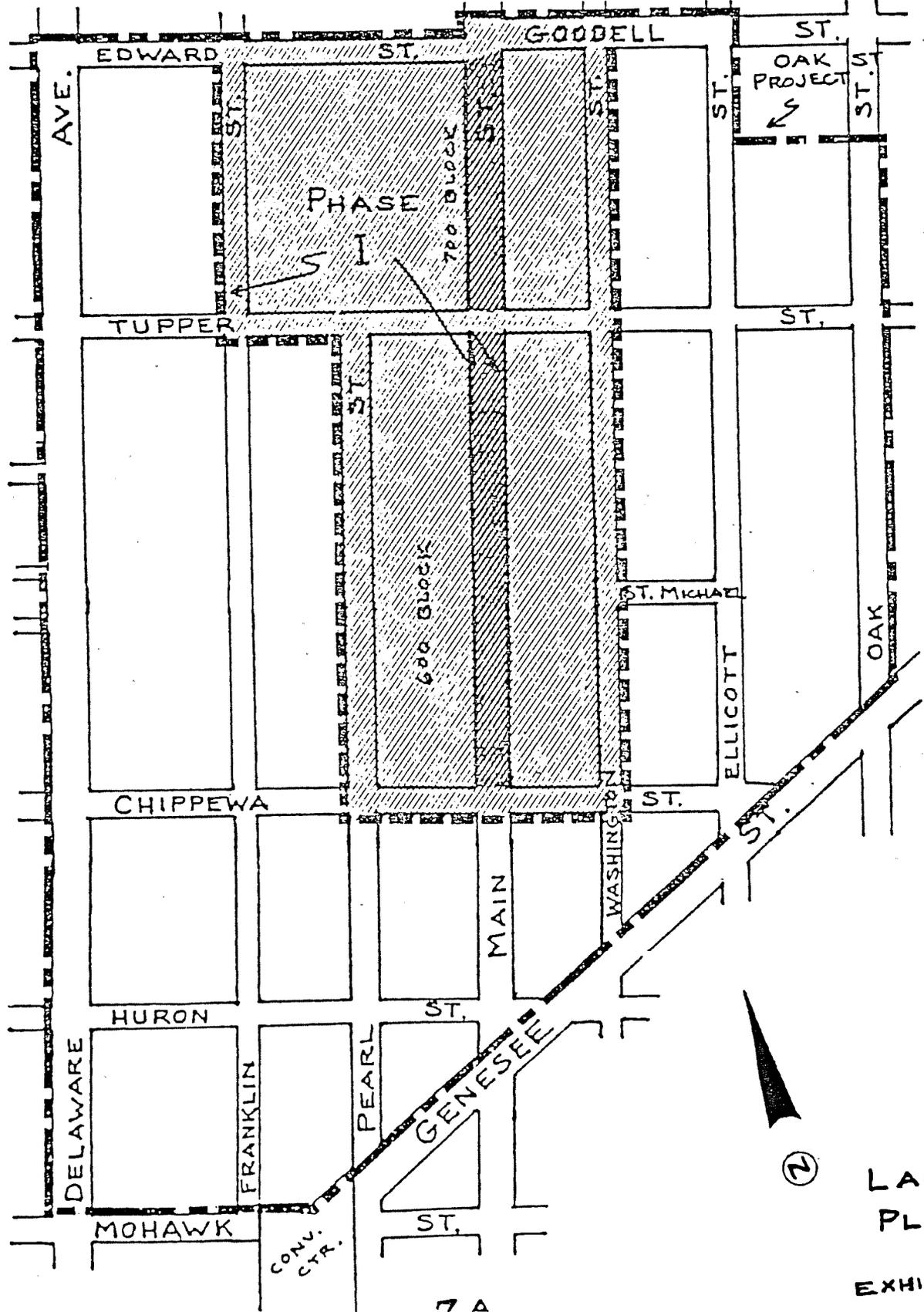
C. Land Use Plan

1. Proposed Land Use

The following Land Use Plan Map, attached hereto and made a part of this plan, identifies the general land use categories and areas which are established and permitted within the Entertainment District Project:

-  a. Public street rights-of-way, including rights-of-way within which public vehicular use will be restricted.
-  b. Commercial use (C3 - Central Business District).

Types of use permitted within the above land use categories, other than Public Street Rights-of-Way are outlined on Page 10 of this Plan.



LAND USE
PLAN MAP
EXHIBIT 2

2. Land Use Provisions and Building Requirements

The following requirements shall apply to the use and development of land within the Downtown Entertainment District Renewal Project, and together with the Land Use Plan 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 as well as rehabilitation, reflecting the public renewal objectives and intent of the City in undertaking the Downtown Entertainment District 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 the Urban Renewal Plan. The Commissioner of Community Development, and/or his designee, shall, in all cases, act

Handwritten note:
New Street
Front Park
Pavilion

Handwritten mark:
101

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 (See Exhibit 3), 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 Section C3, Design and Development Objectives of the Plan, is intended to generally illustrate and guide the interpretation of the Land Use Provisions, Building Requirements, and Public Objectives of the Urban Renewal Plan.

It should be noted that properties not to be acquired shall be subject to the Urban Renewal Plan including the Property Rehabilitation Section, and/or other applicable controls and enforced through Code Enforcement, Zoning Regulations and Restrictions, or any other appropriate means available to the City or Agency.

a. Public Use and Development

In addition to adjustments in the Public Street Rights-of-way, the City may provide additional public amenities such as covered walk-ways, pedestrian malls, landscaped plazas, etc.

b. Private Use and Development

1. In the area of the project designated for Commercial (Central Business District/C3), the following uses are encouraged;

Art Galleries, supplies and studios.

Professional offices and services.

Radio, television and Communication facilities.

Residential; permanent and transient.

Restaurants and Night Clubs.

Theaters - legitimate or motion picture.

Theatrical services and supplies.

Other uses generally comparable to the above may be authorized by the Commissioner of Community Development, or his designee. Site development and/or rehabilitation 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 the Entertainment Project 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.

- a.) 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 schedules.

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

b.) 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. 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, or equivalent.

*NOTE: It should be noted that parking for 10 vehicles or more must all the requirements under Chapter LXX, Section 17B (3) and Chapter V, Section 362. Also note Chapter LXX, Section 17B (4), 23 (32) and Chapter V, Section 363 of the City codes.

d. Sidewalk Coverings (Other than covered mall areas)

Subject to approval of 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 face any street curb.

Vertical clearance from the sidewalk 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.

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 Downtown Entertainment District Renewal Project 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 Downtown Entertainment District Renewal 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 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 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 buildings 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, and to ensure that the buildings will conform with the Urban design concepts on which the Urban Renewal 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, and to ensure that the landscaping will conform with the Urban design concepts on which the Urban Renewal Plan is based. In the disposition of land and in owner participation agreements, the Commissioner of Community Development may establish detailed design criteria with appropriate provisions in the

disposition documents and owner participation agreements.

i. Off-Site Improvements

The City of Buffalo shall, as a condition of sale or lease, require a redeveloper, at his own expense, 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 B2, Urban Renewal Plan Objectives. These objectives are directed primarily at the functional restoration and strengthening of the Project Area as the current and continuing location of Central Business 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 Development.

4. Duration of Land Use Provision and Building Requirements

This Urban Renewal Plan, and all provisions contained herein governing the use and redevelopment of lands in the Downtown Entertainment Renewal District Area, including any modification 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 Urban Renewal Plan.

D. PROJECT PROPOSALS

1. Land Acquisition

The real property to be acquired by the City in the Downtown Entertainment District Renewal Area, pursuant to this plan, is identified on the land acquisition plan maps (SEE EXHIBITS 4 & 5) attached to 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. Redevelopers Obligations

Land held by the City of Buffalo will be disposed of subject to a mutual agreement between the City and the Redeveloper. The Redeveloper will be required by the contractual agreement, to observe the Land Use and Building Requirement provisions of the Urban Renewal Plan. In addition, the following provisions will be included in the agreement:

- a) That the Redeveloper will submit a financial capability statement and site plan 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.
- c) That the land will be developed in conformity with the provision of the Urban Renewal Plan.

- d) That the building or improvements will be commenced and completed within a reasonable time.
- e) That the Redevelopers, their successors or assigns, 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, claiming 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.

4. Improvement of Main Street

A portion of Main Street shall be closed to public vehicular traffic and improved as per mutual agreement between the City of Buffalo, individual property owners, and any new Redevelopers wishing to locate in the area.

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

2. No additions or alterations to the local codes or ordinances are necessary to effectuate the Urban Renewal Plan.

3. The schedule for effectuation of the Urban Renewal Plan is contingent upon the development plans of the proposed developers, and rehabilitation by existing owners.

4. Underground Utility Lines

Relocation 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. The Buffalo Urban Renewal Agency in cooperation with the Department of Community Development has conducted a historic preservation review analysis of the plan and finds that the Urban Renewal Plan will have no adverse effect on the historical, architectural, or cultural resources within the Entertainment District or its adjacent area. No condition of this Urban Renewal Plan will cause any adverse change in the historical or architectural character which qualifies the Shea's Buffalo Theater under the National Register criteria. The Urban Renewal Plan will enhance structures of architectural and historic value by ensuring that adequate criteria, standards, and procedures are utilized in the renovation of those structures, and by encouraging contemporary adaptive uses which will extend the economic life of the historic resources within the Theater District. The Property Rehabilitation Standards of the Urban Renewal Plan ensure that rehabilitation of historic structures will be accomplished using materials which will preserve the integrity of the building's historic character.

F. PROCEDURE FOR CHANGES IN THE APPROVED URBAN RENEWAL 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.

G. PROPERTY REHABILITATION STANDARDS

All properties in the Downtown Entertainment District Renewal 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 hereafter outlined.

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, therefore, urges each property owner to review the Design Objectives and Requirements 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 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.

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 wood, brick, or other masonry materials. No asbestos or similar siding shall be used. 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.

- b. All deteriorating eaves or overhangs or similar appurtenant structures, or portions thereof, shall be repaired, reconstructed, or removed.
- c. Existing asbestos and similar siding on any building should be replaced or covered with the types of materials cited under l. a. above.
- d. Consideration should be given to substantial improvement of properties fronting along Main Street as integrated functional and design elements of the overall plan for public improvements. All new pedestrian facilities to be constructed, shall conform to the overall design concept of the Entertainment District project, 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 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 the Urban Renewal Plan, Section E, paragraphs (1) thru (4).

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.

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.

4. 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. Any exhaust fumes from such equipment shall be expelled above a height of eight (8) feet.

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 through the use of landscaping, a solid fence, or unpierced masonry wall, not less than four (4) feet or more than seven (7) feet high maintained in good condition.

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 to be imposed on 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: It should be noted that 5 & 6 above must meet the parking and off-street loading requirements under item 2 - B & C of the Urban Renewal Plan and other requirements under 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 throughout the project area shall comply with the code for Erie County Air Pollution Control, Article XIV.