

**Downtown Renewal Project
Urban Renewal Plan
Phase IV**

**Office of Strategic Planning
Division of Land Use
November 6, 2006**

Section I: Introduction and Background

The Common Council of the City of Buffalo approved the Downtown Renewal Project Phase I Urban Renewal Plan on June 29, 1965 (Item No. 190) and subsequently amended the Project Area with Phase II on December 17, 1968 (Item No. 70) and Phase III on April 6, 1976 (Item No. 170). The area is generally bounded by Court Street on the north Main and Washington Streets on the east South Division and Swan Streets on the south and Pearl and Franklin Streets on the west and is an irregular shape.

The Project area is considered part of the Central Business District and has suffered from blighting conditions. The Urban Renewal Plan has been instrumental for key improvements and economic opportunities in the Downtown area.

The Proposed Project Area for Phase IV is bounded by Washington Street on the west, Clinton Street on the north, Ellicott Street on the east and Eagle Street on the south and is seen as an integral part of the Downtown core revitalization that have also suffered from blighting conditions.

Census data for this area is available at the Census Tract 14.01, Block Group 2 level of geography. This data reveals that this area's inhabitants have predominantly low to moderate income. According to statistics from the 2000 U.S. Census provided by the federal Department of Housing and Urban Development to the City of Buffalo Office of Strategic Planning in 2003, 90.7% of the area's 54 residents have Low/Mod Income.

In addition, 2000 U.S. Census data shows that 100% of inhabitants live in non-family households where the householder lives alone. 91% are male. The population by age is between 35 and 74 years, with no persons under age 35. 42 persons, or 78%, are employed. 12 persons, or 22%, are not in the labor force. Of 83 housing units, 19, or 23%, are vacant and 64, or 77%, are occupied. 100% of occupied housing units are renter-occupied. 90.4% of housing units have no bedroom. Only 19.3% have kitchen facilities.

Building conditions range from standard to substandard. According to a review of inspections activity, of the 10 parcels in this area:

- one parcel was occupied by a building that was demolished in 2002,
- three additional parcels have had recent court cases involving complaints that have since been resolved:
 - parcel one had a court case closed in 2003,
 - parcels two and three had court cases closed in 2005,
- one parcel requires constant attention from inspectors to address frequent complaints.

Records of permit activity for building improvements, alterations and repairs for parcels on Eagle Street in the area go back to the year 1911, on Ellicott Street to 1912, and on Washington Street to 1923.

Relevant to this activity are recent changes in ownership of seven of the 10 parcels in the area. Sold by Main Seneca Corporation to 210 Ellicott Holding LLC in 2005 were 44, 48, 50 Eagle East and 206 Ellicott. Sold by Allright Realty Company to Peter F. Hunt in 2005 was 385 Washington. Sold by 1236 Group, LLC to 387 Washington, LLC in 2006 were 387 and 389 Washington.

A significant new permit application at 206 Ellicott consists of converting a 7-story warehouse and additional buildings to loft apartments. No permit has yet been issued and no work has been done.

Other recent permits at other parcel addresses relate to minor maintenance work or minor improvements, with the exception of one issued to owners of 389 Washington involving preparations for demolition, or, in the case of 391 Washington, the installation of telecommunications equipment, placement of a sidewalk café in front of the Lafayette Tap Room (2003), or replacement of an existing vault in kind (2004).

The Project Area contains approximately 2.22 acres of land, exclusive of street right-of-way. According to City of Buffalo Assessment data from 2005, the Project Area includes a total of 10 parcels of land. All of the parcels within the area are privately owned.

F. PROJECT ELIGIBILITY

New York State General Municipal Law describes areas that are appropriate for urban renewal treatment to be:

"residential, non-residential, commercial, industrial or vacant areas, and combinations thereof, which are slum or blighted, or which are becoming slum or blighted areas because of substandard, insanitary, 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." (*NYS General Municipal Law, Article 15, Section 501.*)

The Downtown Renewal Phase IV Project Area is situated at a very visible location, and the streets surrounding the block are major north/south and east/west routes into and out of the central business district. Blighting or substandard conditions in this location have a deleterious effect on downtown revitalization efforts in general, due to this prominence. The proposed Downtown Renewal Phase IV Urban Renewal Plan will result in the elimination of substandard, unsanitary and blighting conditions within the Project Area. The Plan will facilitate the redevelopment of the neighborhood and the stabilization of property values and uses. The Urban Renewal Plan will provide a rational basis for redevelopment, resulting in more attractive, vital, and viable land uses and activities. The result will be buildings with mixed-uses.

The Project Area is strategically located in relation to many elements of the downtown area and it is adjacent to several priority investment areas, as identified in the City's *Queen City Hub: A Regional Action Plan for Downtown Buffalo*. These investment areas include the Financial District and Government Center (the traditional "downtown"); the Theater District; and the emerging Buffalo-Niagara Medical Campus. The Plan will encourage new private investment in the area, and help guide public investments. It will assist in the preservation of existing historic resources, including historic streetscapes and block faces, where the value of an intact row of buildings exceeds the merit of the buildings individually. The plan will increase the attractiveness, vitality and activity of the area. It will promote increased employment and business opportunities, and strengthen the residential base of downtown.

SECTION III – URBAN RENEWAL PLAN PROVISIONS

A. URBAN RENEWAL PLAN OBJECTIVES

1. Authority

The New York State General Municipal Law, Article 15, Section 501 states that:

In order to protect and promote the safety, health, morals and welfare of the people of the state and to promote the sound growth and development of our municipalities, it is necessary to correct . . . substandard, insanitary, blighted, deteriorated or deteriorating conditions, factors and characteristics by the clearance, replanning, reconstruction, redevelopment, rehabilitation, restoration or conservation of such areas, the undertaking of public and private improvement programs related thereto and the encouragement of

- To improve the quality of life of local residents and increase the visual character of the area through improved streetscape, landscaping and other enhancements;
- To encourage private investment in the redevelopment area and to aid in promoting the general stabilization of the City of Buffalo and the local real property tax base.

3. Types of Proposed Urban Renewal Actions

The Buffalo Urban Renewal Agency, in cooperation with the City of Buffalo Office of Strategic Planning and with the authorization of the governing body, proposed certain urban renewal actions within the Downtown Renewal Phase IV Project Area, which may include:

- a. Site Assembly and Land acquisition
- b. Relocation
- c. The sale or lease of all land acquired by the City of Buffalo or the Buffalo Urban Renewal Agency for reuse in accordance with the goals and objectives established in the Urban Renewal Plan.
- d. The modification, development and construction of necessary public improvements and facilities that may be required to adequately support and service the existing and proposed land uses and activities in the Project Area, including streets, utilities, streetscaping, amenities, open space and pedestrian facilities.

B. LAND USE PLAN

5. Proposed Land Use

Existing land use in the Project Area is illustrated on the attached **Exhibit 3: Existing Land Use Map**. Several of these properties merit protection due to their historic or architectural character, or contribution to the ambience of the Project Area. There are also some parcels where parking is a prominent land use, and where redevelopment of these parcels for infill buildings would be preferred. Mixed uses are to be encouraged in the Project Area, particularly within structures. Adequate screening, buffers, landscaping and other amenities to mitigate any adverse impacts of incompatible adjacent land uses and to enhance the pedestrian atmosphere of the Project Area shall be required.

The **Proposed Land Use Map Plan, Exhibit 4**, attached herein and made a part of this Plan, identifies the permitted land use in the Downtown Renewal Phase IV Project Area.

Land Uses Permitted

Permitted uses in the Project Area shall be those restricted to those uses and incidental uses as are permitted within the DO Downtown Opportunity District, as specified in Chapter 511, Article XVII, Section 71 and 75 of the Zoning Ordinance of the City of Buffalo. Permitted uses include residential, office, retail, eating and drinking establishments, hotels and entertainment uses. "Representative" retail and service uses explicitly allowed under the zoning are summarized in **Exhibit 5: Representative Uses Table with a few exceptions**. Other uses may be allowed after consideration by the Buffalo City Planning Board, which must determine if the proposed use would fit appropriately in the district and with adjoining uses.

The intent of the Downtown Opportunity Zone is to promote downtown as an urban mixed use area, supporting entertainment, retail, office, residential and public uses. Design standards are intended to be pedestrian-friendly, and "engender a more vital, cohesive and attractive pedestrian, civic and commercial downtown streetscape and overall environment."

Site and development plans shall be subject to the review and approval of the City of Buffalo Planning Board. Despite the provisions of the DO district, all proposed development shall undergo design review. The City Planning Board may waive this requirement if the proposed development meets the standards

on lots less than 110 feet deep. On lots greater than 110 feet deep, a setback at least 15 feet deep is required.

- e. **Building Setback:** No front yards are permitted. Buildings shall be built to the front lot lines for at least two stories or 24 feet of building height, whichever is greater, in order to maintain a "street wall", or consistent line of buildings along the front of parcels. Where the existing build-to line does not conform to the front lot line, new buildings shall conform to the build-to line (alignment of facades). With approval from the City Planning Board, a building setback from the front lot line of no more than 10 feet shall be allowed in order to accommodate active uses, such as a sidewalk seating area, landscaping or other amenities. No setback from the build-to line shall be allowed. The standard for determining whether a setback is allowed is whether it is an enhancement to the vitality of the area and it promotes pedestrian activity. A maximum of 25% of the area of the building wall may be recessed to a maximum of three feet and still remain in conformance with the provisions of this regulation.
- f. **Building Side Yards:** No side yards shall be permitted. With approval from the City Planning Board, a building setback from the side lot line shall be allowed in order to accommodate pedestrian access.
- g. **Building Width:** new buildings should reflect the characteristic rhythm of facades along the street. Where the new construction shall exceed standard lot widths, articulation of the façade through openings, windows and architectural detailing shall maintain consistency with existing façade widths.
- h. **Building Articulation:** All walls visible from the street shall include windows and other architectural details in order to vary the façade and foster interest, and blank walls shall be prohibited. Character and scale shall be compatible with surrounding structures through the use of materials, detailing and window placement. A clear visual distinction between the street level and upper floors shall be maintained, through the use of a cornice frieze, horizontal elements, changes in building materials or texture or other architectural treatment.
- i. **Roofline:** All flat roofs must be surrounded by a parapet. All pitched roofs shall be harmonious with the established roof configurations on the street.
- j. **Screening:** All mechanical equipment, refuse and waste removal areas, or other utility hardware on the building or the grounds shall be screened from public view with materials which are harmonious with the buildings and they shall be located so as to not be visible from the public way. Decorative gates, fencing and landscaping are acceptable means of providing the required screening.
- k. **Parking Location and Screening:** Parking should be placed at the rear or interior to the site. It shall not be permitted between a building and the sidewalk or at the street edge. If this is not feasible, a buffer, including a 4 foot to 6 foot high decorative fence and/or a 5 foot landscaping bed consisting of low evergreen shrubs, 3 to 4 foot in height, shall be placed along the building line to maintain the street wall.
- l. **Corner Locations:** Buildings shall be built on corner parcels at the street line to reinforce the sense of street wall, enclosure, activity and safety. Building placement shall establish the street wall on both sides facing the street. Parking at the street line of corner lots shall be prohibited. Any parking on corner parcels must be placed at the rear or interior of the site and shall not be visible from the public way.
- m. **Encroachment on pedestrian way:** All development shall respect the pedestrian right-of-way. No parking, placement of dumpsters or other encroachments will be allowed upon the pedestrian right-of-way. Active uses that enhance the pedestrian environment, such as outdoor sales and displays, may be allowed with approval by the City Planning Board, upon submitting a site plan.
- n. **Historic Properties:** Every reasonable effort shall be made to preserve the architectural integrity of historic buildings within the Project Area. Architectural elements shall be retained wherever feasible,

sites in the Project Area, in accordance with all Federal, State and local laws, rules and regulations applicable to urban renewal projects.

The Coordinator of the Office of Strategic Planning, herein after referred to as the "Coordinator", or his or her designee, on behalf of the Agency, shall advise and guide prospective redevelopers regarding the requirements and procedures for the submission of proposals; shall receive and review all inquiries and proposals; may initiate discussions with prospective redevelopers; and may initiate and secure the review and approval of the City Planning Board and the Common Council, as appropriate, and any other reviews as may be required by law. All findings and recommendations stemming from such reviews will be transmitted to the Agency, which shall be responsible for the selection, designation and approval of all redevelopers and redevelopment proposals. Proposals for development shall generally be submitted and reviewed in two separate stages, as follows:

a. Preliminary Proposal

The Preliminary Proposal submission of the Redeveloper permits initial review and evaluation of the proposal in terms of appropriateness and conformity with the requirements and objectives of this Plan. It is also used to secure agreement on and approval of the general design and development concept before actual work by the Redeveloper occurs. The Preliminary Proposal will generally include the following type of submission materials:

- i. Site Plan, at an appropriate scale, describing the proposed use of the land and illustrating all buildings, walkways, parking areas, driveways, pedestrian and vehicular circulation, open spaces, exterior lighting, public art, and landscaping.
- ii. Conceptual plans, elevations and sections, at an appropriate scale, showing the organization of buildings, functions and spaces.
- iii. Sketches, diagrams, study model and other materials as may be required to clarify or explain the design or other aspects of the proposal.
- iv. A written statement of the proposal including the floor area, number of units, type of building and architecture, size of buildings, parking provisions, principal building materials, market date or studies and other data which may assist in the review of the proposal.
- v. Information regarding the Redeveloper's management capacity and financial ability to successfully implement the proposal.

Following the review of the Preliminary Proposal and the submission of the required documentation by the prospective Redeveloper, the Coordinator will present the proposal to the Agency for consideration of the concept, and its general acceptability, and for Redeveloper designation. Subject to the approval by the Agency, the Redeveloper may proceed with the final proposal submission and the negotiation of a Land Disposition Agreement.

b. Final Proposal

The Final Proposal will generally include the following type of submission materials:

- i. A detailed Site Plan, at an appropriate scale, conforming to the approved Preliminary Proposal, with any changes which may be necessary, illustrating all landscaping and site development details including location of all buildings, walls, fences, plantings, tree plantings, outdoor lighting, street furniture, signage, ground surface materials, points of vehicular and pedestrian access, parking provisions, utility lines and connections, existing and proposed grading and drainage, proposed street, sidewalk and curb improvements, public easements to remain and street right-of-way to be dedicated, details describing the proposed use of the land. Work to be undertaken by others should be described and the responsible parties identified.
- ii. Construction plans, elevations and sections, at an appropriate scale, showing the organization of buildings, functions and spaces and detailing all materials and assemblies that comprise the proposed buildings.
- iii. Details of materials and specifications, including construction cost estimates.
- iv. A written statement of the proposal, including major building dimensions and gross area of buildings, size of each unit, floor area ratio, open space, proposed division of work between the

In addition, the following provisions will be included in the Land Disposition Agreement:

- a. That the Redeveloper will submit evidence of equity capital and construction and mortgage financing and a site plan of the proposed development for review and approval by the City of Buffalo Planning Board.
- b. That the land will be developed in conformity with the provisions of the Urban Renewal Plan.
- c. That the Redeveloper may not sell, assign or otherwise transfer any or all interest in the Project Area prior to the completion of their required redevelopment activities without the expressed written prior approval of the Buffalo Urban Renewal Agency,
- d. That the Redevelopers, their successors or assigns agree that there will be no discrimination against any person or group of persons on account of age, gender, race, creed, color, national origin, ancestry, sexual orientation, cultural orientation, language, physical handicap and/or political affiliation, 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 Redevelopers themselves, or any other person, establish or permit any such practice of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, or vendors 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.

D. OTHER PROVISIONS NECESSARY TO MEET STATE AND LOCAL REQUIREMENTS

The following statements are made to conform with State and local law.

1. Community Facilities and Utilities

The following community facilities and utilities are existing or will be provided by the redeveloper, utility companies, or public agencies:

- a. Sewers
- b. Water lines
- c. Gas and electricity
- d. Cable/fiber optics, as required
- e. Street lights
- f. Street improvements, including street signs, traffic control improvements or lights, curbs, sidewalks, tree plantings, crosswalks, and public open space, as appropriate.

2. Local Codes or Ordinances

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

3. Schedule for the Effectuation of the Urban Renewal Plan

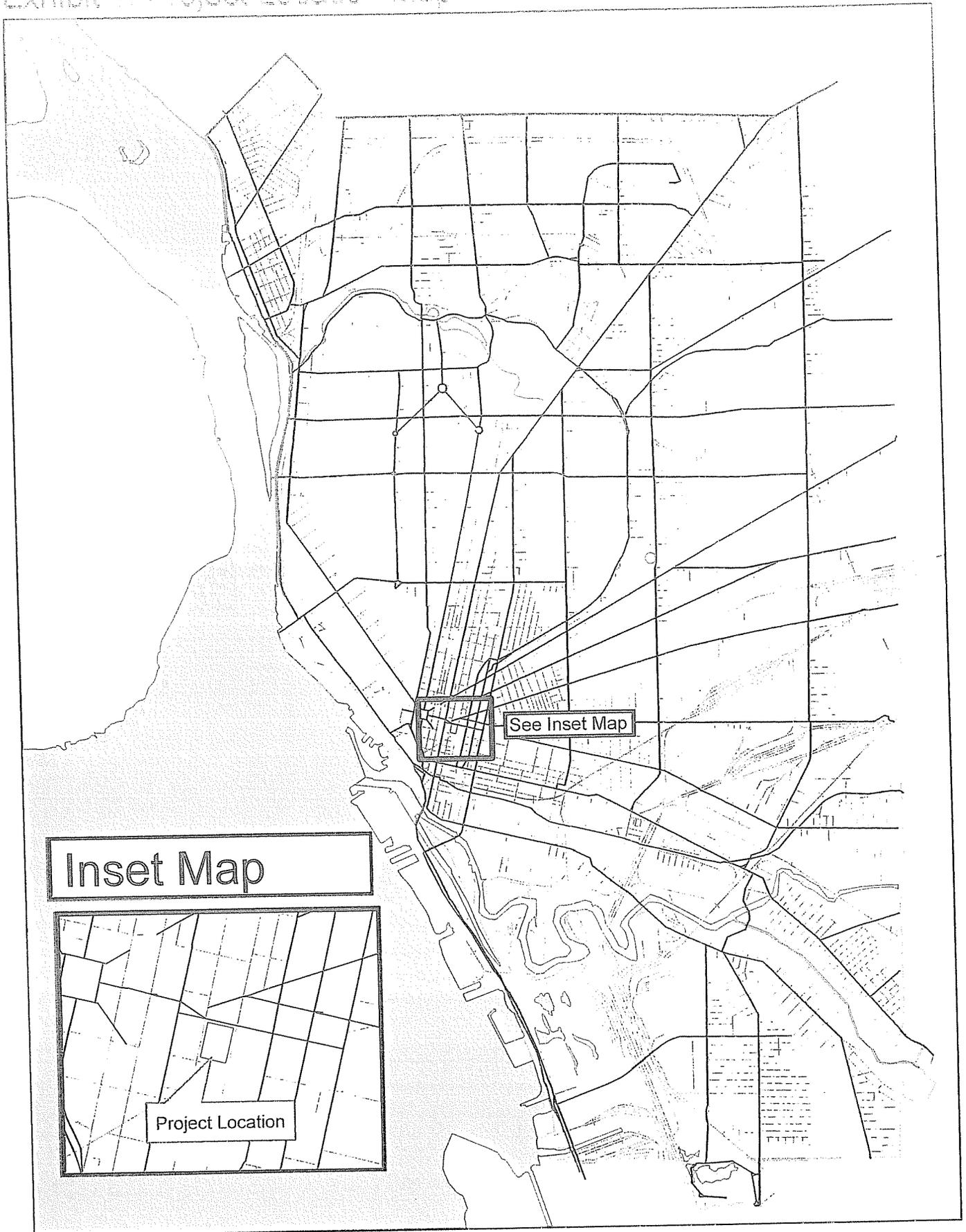
The schedule for the effectuation of the Urban Renewal Plan is contingent upon the submission of the development plans of the proposed redevelopers. Upon the authorization and adoption of this Urban Renewal Plan by the City Planning Board and the Common Council of the City of Buffalo, the Buffalo Urban Renewal Agency will immediately effectuate the Urban Renewal Plan, to the extent that funding is available.

- Exhibit 3: Existing Land Use Map
Exhibit 4: Land Use Map Plan
Exhibit 5: Representative Uses Table
Exhibit 6: Existing Property Ownership Table

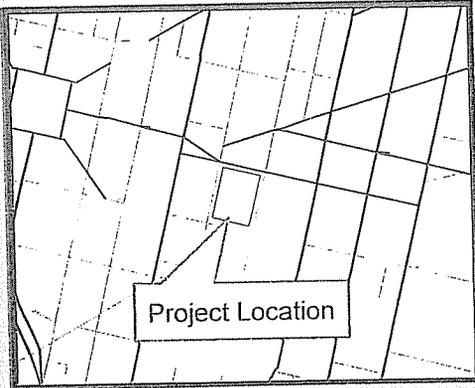
SECTION V: REFERENCE DOCUMENTS

- A. Site Designation Map and Authorizing Resolution, Common Council Proceedings (need date/reference number from City)
- B. The Queen City Hub: A Regional Action Plan for Downtown Buffalo, November 2003, City of Buffalo.
- C. Queen City in the 21st Century: Buffalo's Comprehensive Plan, October 2004, City of Buffalo Office of Strategic Planning.
- D. Zoning Ordinance of the City of Buffalo, Chapter 511. ;
- E. Sign Ordinance of the City of Buffalo, Chapter 387.
- F. Subdivision Control Ordinance of the City of Buffalo, Chapter 421.
- G. New York State General Municipal Law, Article 15, Urban Renewal.
- H. New York State Environmental Quality Review Act (SEQR) Regulations, 6 NYCRR 617.
- I. Article 8 of the New York Environmental Conservation Law.

Exhibit 1: Project Location Map



Inset Map



Project Location

For display purposes only

11/6/2006
Office of Strategic Planning
City of Buffalo

Legend

- Major Street
- - - Street

— Rail Road

Water

City Boundary

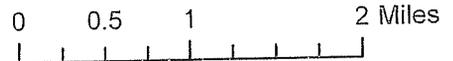


Exhibit 1A; Project Location Map

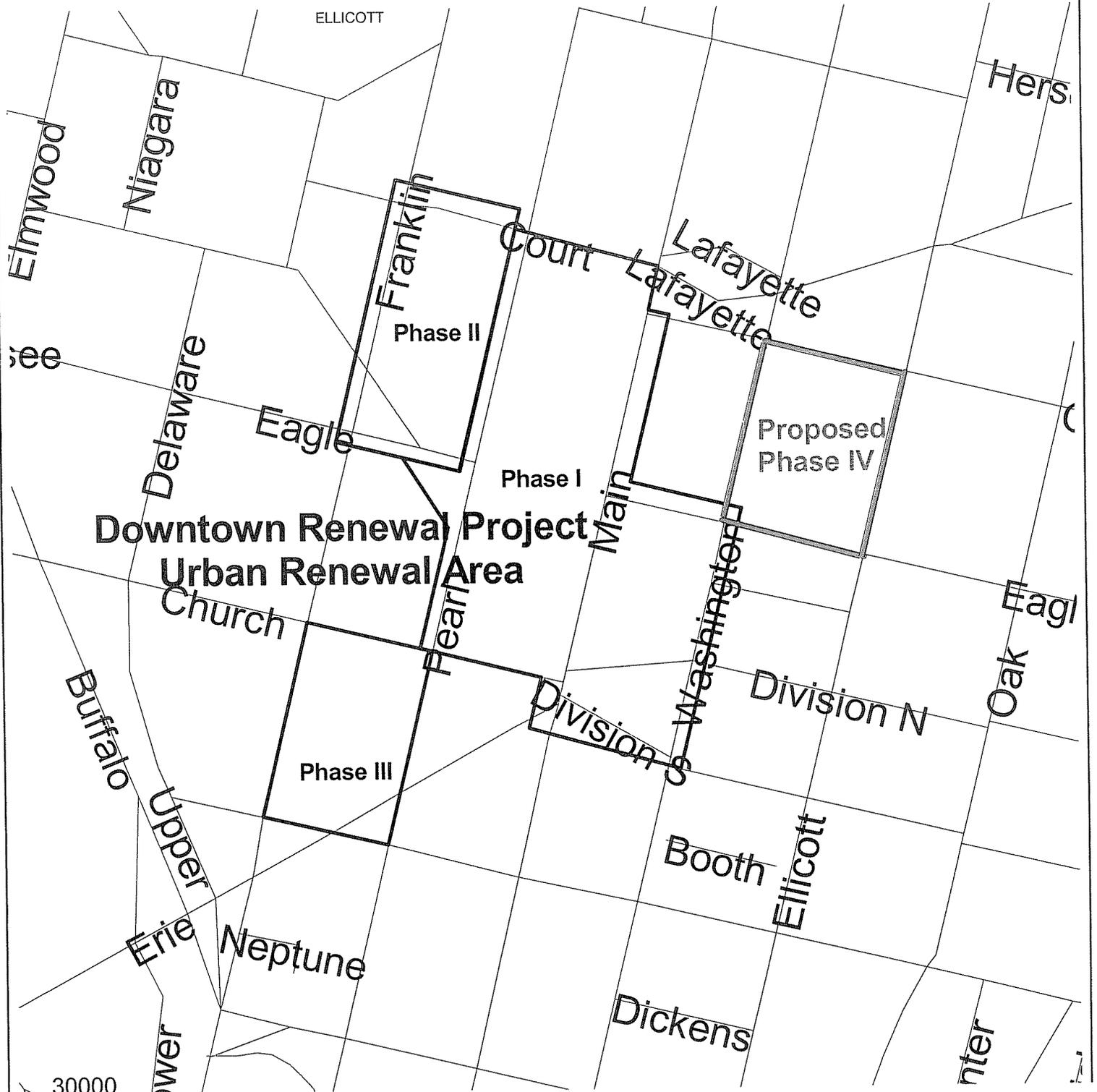
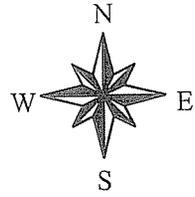


Exhibit 2: Project Boundary Map



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City of Buffalo

Legend

— Street



Project Location

0 62.5 125 250 Feet

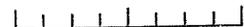
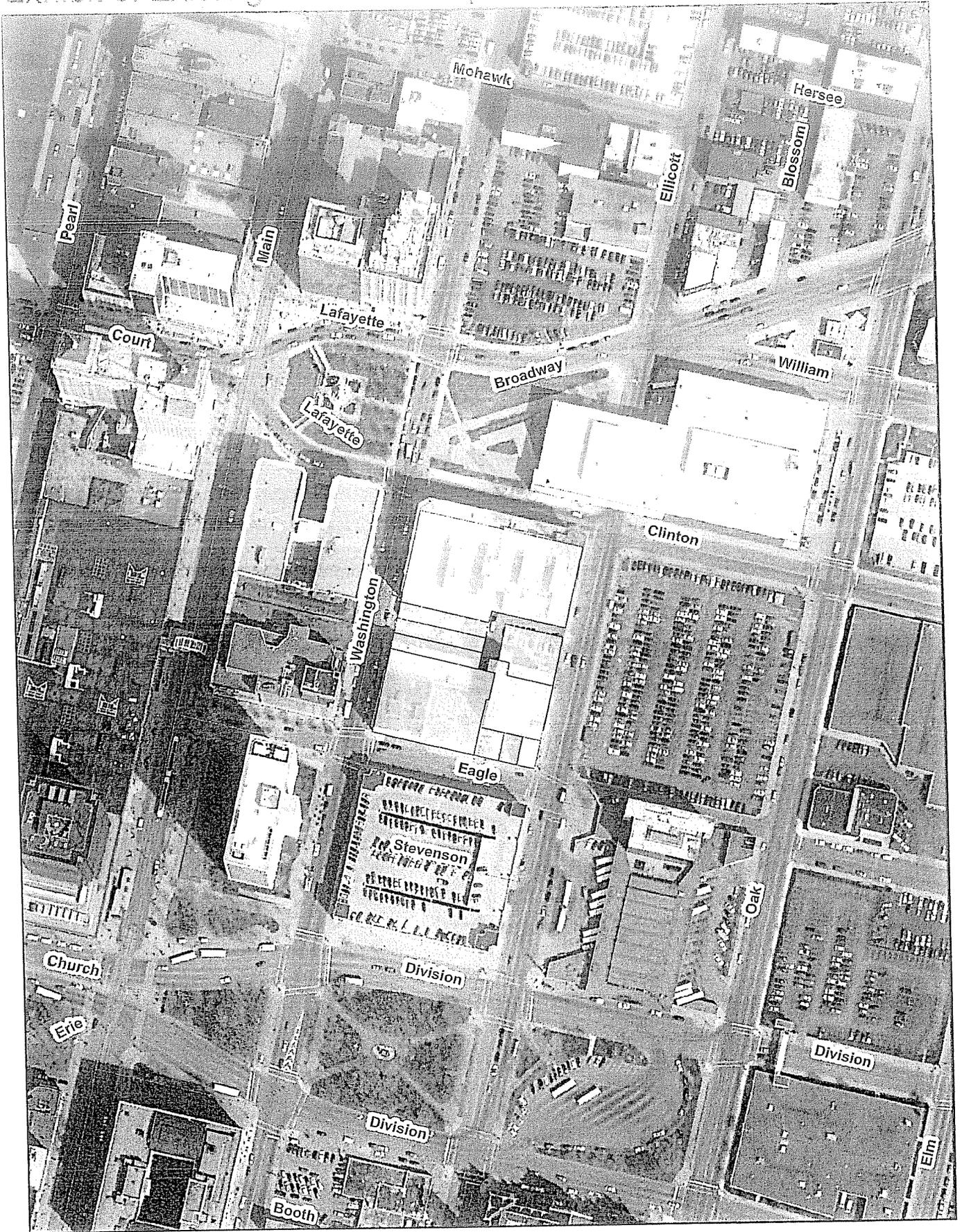


Exhibit 3: Existing Land Use Map



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Office of Strategic Planning
City of Buffalo

Legend

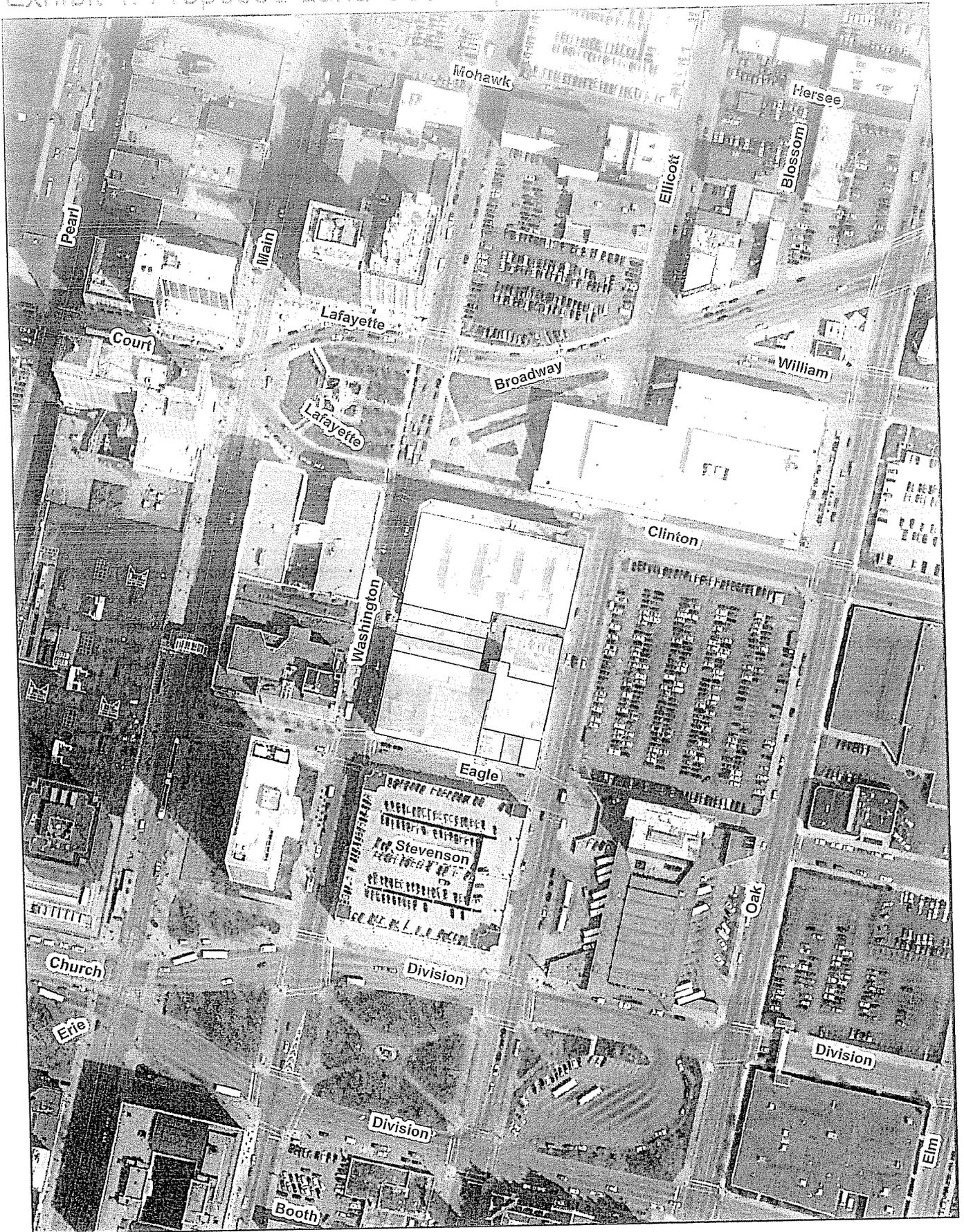
--- Street

□ Parcel Land Use: Commercial

0 62.5 125 250 Feet



Exhibit 4: Proposed Land Use Map



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Office of Strategic Planning
City of Buffalo

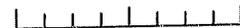
Legend

— Street



Parcel Land Use: Commercial

0 62.5 125 250 Feet



**EXHIBIT 5
Representative Uses Table**

Allowed Uses- "As of Right"		
Residential		Eating and drinking establishments
Office		Hotels
Retail		Entertainment uses
Representative Allowed Retail Uses		
Antique stores	Furrier shops	Photographic equipment stores
Art galleries, commercial	Gift shops	Photographic studios
Artist supply stores	Hardware stores	Picture framing shops
Bakeries	Interior decorating shops	Post office
Bicycle sales	Jewelry or art metal craft shops	Record stores
Bookstores	Leather goods or luggage shops	Sewing machine sales
Candy or ice cream stores	Locksmith shops ;	Shoe store
Carpet, rug or linoleum stores	Medical or orthopedic appliance sales	Sporting or athletic goods
Cigar or tobacco stores	Millinery shops	Stamp or coin stores
Clothing, clothing accessory stores	Music store	Stationery stores
Clothing rental shops	Newsstands	Television and other appliance stores
Copying shops	Optician or optometrist shops	Toy stores
Displays	Package liquor stores	Variety stores
Drugstores	Paint stores	Wallpaper stores
Dry goods or fabric shops	Pet shops	Watch and clock sales, repairs
Fishing tackle, equipment shops		
Florist shops		
Food stores (farmers' market)		
Furniture stores		
Representative Allowed Service Uses		
Automobile rental	Loan offices	Furniture repair and upholstering shops
Banks	Messenger offices	Printing or publishing establishments
Barbershops	Parking facilities	Storage and warehousing facilities as accessory for an off-site use permitted in the districts
Beauty parlors	Shoe or hat repair shops	Wholesale stores, offices and salesrooms in this article
Dry-cleaning pickup services	Tailor or dressmaking shops	
Eating & drinking establishments	Telegraph offices	
Electrolysis studios	Trade or professional schools	
Laundry establishments	Travel bureaus	
Allow Uses Subject to Design Review		
Radio and television transmitting stations		
Prohibited Uses		
Automobile repair services and storage (excluding daily parking)		
Billboards, pole signs and roof signs		
Gasoline service stations		
Contractor's yard, permanent storage of construction equipment		
Seed or garden supply stores		
Truck terminal, as a primary use		