

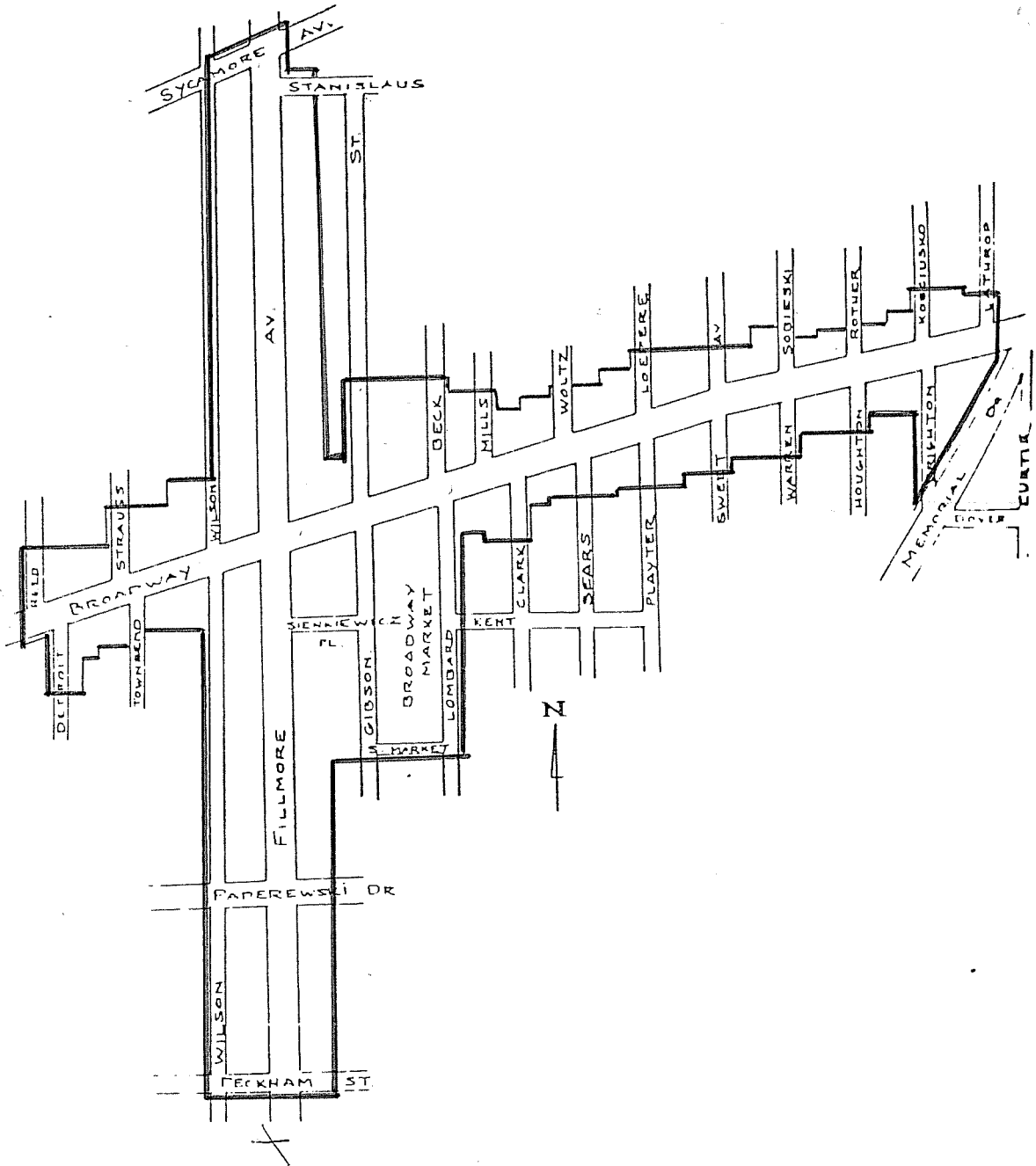
BI BROADWAY-FILLMORE COMMERCIAL DISTRICT
(URBAN RENEWAL AMENDMENT)

Site designated - April 4, 1972, C.C.P. No. 148.

City Planning Board held public hearing and approved Urban Renewal Plan
March 27, 1980.

Common Council held public hearing and approved Urban Renewal Plan
April 29, 1980, C.C.P. No. 118.

40 year duration
April 28, 2020



Note: The overall site designated is the same as in the original Urban Renewal Plan approved after public hearing held June 13, 1972, C.C.P. No. 108.

BROADWAY-FILLMORE URBAN RENEWAL PLAN
INCLUDING
CITY OF LOS ANGELES URBAN RENEWAL PLAN AMENDMENTS
FOR
BROADWAY-FILLMORE COMMERCIAL DISTRICT
NEIGHBORHOOD BUSINESS REVITALIZATION PROGRAM

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BROADWAY-FILLMORE URBAN RENEWAL PLAN AMENDMENTS AND ADDITIONS

The following sections have been added to the Broadway-Fillmore Urban Renewal Plan:

SECTION

- I.B. NBR Program Area
- IV.A.3 Rehabilitation; first paragraph
- IV.A.4.b. NBR Rehabilitation Standards
- IV.A.4.b.i. (a) Property Rehabilitation Standards
- IV.A.4.b.i. (b) Design Review Board
- IV.A.4.b.ii. (a)-
IV.A.b.ii. (mm) General Rehabilitation Standards
- IV.A.4.b.iii. (a)-
IV.A.4.b.iii. (e) NBR Maintenance Standards
- IV.A.4.b.iv. (a)-
IV.A.4.b.iv. (d) NBR Design Standards
- IV.B.5 -IV.B.7. Acquisition and Clearance; Specifics
- IV.C.3.f. Plan Amendment; the duration of control is extended to include
the entire plan.
- IV.C.4. Redeveloper's Obligations
- IV.C.4.a-IV.C.4.c. Redeveloper's Obligations; Specifics
- V.C. Legislation Necessary to Effectuate the Plan
- V.C.I.-V.C.5 Legislation Necessary to Effectuate the Plan; Specifics
- V.D. Provisions of Community Facilities and Utilities
- V.E. Review of Redevelopment Proposals
- V.E.1.-V.E.3.d. Redevelopment Proposal Requirements
- VII. NBR Proposals
- VII.A.1.-
VII.A.3. Land Acquisition, Rehabilitation and Conservation

BROADWAY-FILLMORE URBAN
RENEWAL PLAN

I. DESCRIPTION OF NDP URBAN RENEWAL AREA

A. NDP Program Area

The Broadway-Fillmore Urban Renewal Area is located in the City of Buffalo, Erie County, State of New York. It is one of four major areas in Buffalo designated for treatment under the Neighborhood Development Program. The Broadway-Fillmore area is bounded generally by Best Street on the north, the Penn-Central Railroad and Curtiss Street on the east, William Street on the south, and Smith Street and Herman Street on the west excluding the following:

- a. The Federally assisted Code Enforcement Project NYE-200 bounded by Paderewski Drive on the north, Fillmore Avenue on the west, and Memorial Drive on the south and east.

B. NBR Program Area

The City of Buffalo has designated the Broadway-Fillmore Business District as a target area of the Neighborhood Business Revitalization (NBR) Program. The NBR Program area contains the properties, fronting

onto Broadway Street from Memorial Drive to Reed Street and Coit Street and the properties fronting onto Fillmore Avenue from Sycamore Street to Peckham Street.

II. URBAN RENEWAL PLAN OBJECTIVES

A. Development Objectives

1. The development objectives of the Broadway-Fillmore Urban Renewal Plan are as follows:

The upgrading of deteriorating or deteriorated housing conditions predominantly through rehabilitation and code enforcement.

The development of new housing on sites involving a minimum amount of family displacement.

The focusing of housing rehabilitation or development on dwellings within the financial means of moderate and low-income households and individuals, including full use of available financial assistance from Federal and State programs.

The improvement of community and public facilities such as schools; neighborhood parks and playgrounds; streets, street lighting,

street trees and street landscaping; transportation, and sewer and water facilities.

The upgrading of existing areas of major retail concentration and the removal of deficient structures in such areas when rehabilitation is not feasible.

Where feasible, the provision of opportunities for neighborhood commercial and appropriate light industrial activities.

To expand the economic and employment base of the area through the preservation or upgrading of existing major commercial establishments and through new development of such facilities where appropriate.

B. Environmental Objectives

To eliminate blighting environmental influences within the area, including substandard existing structures where the economic feasibility of rehabilitation does not exist; to upgrade community and public facilities as set forth in paragraph 1, and to establish satisfactory controls over land uses to eliminate or protect against air and noise pollution.

C. Urban Design Objectives

To encourage sound urban design in the urban renewal area for predominantly residential and related uses or for planned light industrial and commercial uses, as the case may be. In order to accomplish the planning and design objectives of this urban renewal plan, development plans for all private and public development or major rehabilitation in the urban renewal area shall be submitted to the Buffalo Urban Renewal Agency for its review and approval prior to the issuance of building permits.

III. GENERAL LAND USE PLAN

A. Land Use Plan Map

Predominant land uses, major circulation routes, and public uses are shown on the Land Use Plan Map, Map ND-401-1.

B. Description of Predominant Land Uses

1. Residential: In the existing predominantly residential sections of the area, such uses shall be maintained through rehabilitation and code enforcement activities to the maximum extent feasible, any new residential development shall not exceed a density of 30 dwelling units per net acre, except that a density

not to exceed 40 dwellings units per net acre may be authorized by the Buffalo Urban Renewal Agency if in the judgment of the Agency such higher density would enhance the achievement of the objectives of this urban renewal plan. Only that portion of the project area designated for housing for the elderly will allow 70 dwelling units per net acre with parking for 44 cars, provided additional space be set aside by the developer, should the need arise.

2. Retail and Other Commercial Uses: Existing major retail and other commercial uses will be retained, subject to rehabilitation of deteriorating or deteriorated structures. Any new structure developed in predominantly commercial areas as designated by the Land Use Plan Map may not involve a floor ratio of more than 2.0 to 1 unless a higher ratio is specifically authorized by the Buffalo Urban Renewal Agency to meet special circumstances consistent with the objectives of this urban renewal plan.
3. Light Industrial Uses: Existing light industrial uses may be retained, subject to

specific approval by the Buffalo Urban Renewal Agency as to consistency with the objectives of this urban renewal plan and the absence of adverse influences on neighborhood residential uses. Any new light industrial development thus approved shall not involve a floor area ratio in excess of 1.5 to 1.

C. Planning Criteria, Standards, and Design Objectives to Determine:

1. Type, intensity and location of accessory and supporting uses permitted or required in predominant land use categories.

- a. In residential areas, the following supporting uses will be permitted or required: Public or private development of schools, neighborhood parks, playgrounds, and play lots.

Off-street parking facilities.

Neighborhood commercial and limited light industrial uses.

Mixed residential-commercial uses where consistent with the objectives of this urban renewal plan, as determined by the Buffalo Urban Renewal Agency.

b. In non-residential areas, the following supporting uses will be permitted or required:

Public development of cultural, civic and park facilities, off-street parking, pedestrian ways, and open space.

Off-street parking and loading required for commercial industrial uses.

2. Type, location, and other characteristics of the internal circulation system:

The existing arterial streets and other major streets are considered adequate to meet the internal circulation requirements of the area on a satisfactory basis.

3. Need, type location and other characteristics of public improvements and facilities not identified on the Land Use Plan Map:

In addition to the public supporting facilities identified in paragraph (a) above, this urban renewal plan contemplates improvements in water and sewer facilities, improvements in streets and street lighting, development of pedestrian ways and improvements in landscaping and tree planting for streets and pedestrian ways.

4. In any event, new construction and specific requirements thereof shall in all cases comply with the existing zoning ordinance of the City of Buffalo.

IV. URBAN RENEWAL TECHNIQUES TO BE USED TO ACHIEVE PLAN OBJECTIVES

The urban renewal techniques to be used in achieving the objectives of this urban renewal plan will include rehabilitation, acquisition and redevelopment, acquisition without clearance, and spot clearance.

The use of these various techniques with respect to specific properties and areas within the urban renewal area will be based on parcel surveys, economic and planning analyses, and land use determinations.

A. Rehabilitation

1. Determination of the feasibility of rehabilitation will be determined by parcel surveys and economic analyses, subject to over-all urban renewal plan considerations.
2. Owners of parcels judged to be feasible of rehabilitation will be offered the opportunity to carry out such rehabilitation in accordance with the established Property Rehabilitation Standards.
3. Rehabilitation of existing commercial properties in the NBR program area will be carried out in accordance with the objectives of this Plan, facilitated by the provision of technical expertise and financial assistance and/or incentives.

If owners are unable or unwilling to comply with such standards, their properties may be acquired by the Buffalo Urban Renewal Agency for the following actions, at its option:

- a. Resale to purchasers, with the obligation to carry out the rehabilitation in accordance with the Property Rehabilitation Standards, and to comply with the other pertinent provisions of this Plan.
- b. Rehabilitate the structures in accordance with these standards, for resale upon completion.
- c. Clear the parcels for redevelopment in accordance with this Plan.

4. Property Rehabilitation Standards will be developed in accordance with accepted professional practice.

a. Code Enforcement

Code enforcement activities within the over-all Broadway-Fillmore area will be carried out in accordance with the Housing and Property Codes and Ordinances of the City of Buffalo.

b. Rehabilitation Standards (N.B.R. Program Area)

Over and above the Codes of the City of Buffalo, the following additional standards shall be applied to all mixed use and commercial structures in the NBR Program Area.

i. Property Rehabilitation Standards

(a) All properties in the Broadway-Fillmore NBR Program Area, hereinafter referred to as the "NBR Program Area", which are not to be acquired, shall be rehabilitated by their owners. The rehabilitation of properties shall comply with the 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, Electrical Code, Fire Prevention Code, Flammable Liquid Ordinance and the Code for Erie County Air Pollution Control, Article 14. All such code requirements 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 General Rehabilitation Standards hereinafter outlined.

It is the intent of the City of Buffalo to preserve existing historically significant structures, where economically feasible, by encouraging improvements that will improve or maintain the original architectural character of the buildings.

(b) Design Review Board

The Broadway-Fillmore Development Coordination Board shall serve as the Design Review Board. The Board shall review and coordinate the exterior design proposals for all buildings and redevelopment projects in the NBR program area. All proposals in the NBR program area shall be subject to final approval by the Buffalo Urban Renewal Agency.

ii. General Rehabilitation Standards

The following standards shall apply to both mixed use and non-residential properties in the NBR Program Area.

- (a) An inspection by the City of Buffalo shall be made of the interior and exterior condition, appearance and layout of all structures in the NBR Program Area. Based on this inspection, the City of

Buffalo will provide the owner of the property with a list of required structural repairs and improvements and a list of suggested improvements for elements affecting appearance and the preservation of the character of the area.

(b) Yards shall be free of all debris. No subsidiary structures, fences, open incinerators or similar subsidiary items shall be permitted which:

- (1) significantly obstruct light or air from doors or windows;
- (2) obstruct a safe means of access to, or egress from the building;
- (3) create fire hazards; attract or harbor rodents, or create unhealthful conditions;
- (4) are structurally unsafe; or create objectionable odors, noises or views.

(c) An unenclosed rear yard may be used as a parking or loading area providing that it is properly paved, illuminated and maintained. A sign not exceeding six (6) square feet may be used to

identify and control parking and loading. Merchants shall be responsible for the maintenance of parking areas in a neat and clean manner. No storage of trash containers shall be allowed in this area except when housed in permanent structures of acceptable design.

The parking area may terminate at the rear of the building or at an enclosed rear yard.

- (d) Off-street parking, loading facilities and pedestrian access shall be separated to the maximum extent feasible so as not to create conflicting movements. All areas other than driveways, parking areas, walks and terraces shall be appropriately landscaped and provided with appropriate trees and shrubbery. Landscaping, exterior paving, parking arrangement and site layout shall be in keeping with established NBR Program design objectives.
- (e) All structural and decorative elements of building fronts and sides abutting streets shall be repaired or replaced in a workman-like manner to match as closely as possible the original materials and construction techniques.

- (f) All cornices shall be made structurally sound and rotten or weakened portions shall be removed and repaired or replaced to match as closely as possible the original patterns. All exposed wood shall be painted to present a clean and homogeneous surface.
- (g) All exterior front or side walls which have not been wholly or partially resurfaced or built over shall be repaired and cleaned or painted in an acceptable manner. Brick walls will be pointed where necessary. Painted masonry walls shall have loose material removed and be painted a single color except for trim which may be another color. Patched walls shall match the existing adjacent surfaces regarding materials, color, bond and joining.
- (h) Sheet metal gutters and downspouts shall be repaired or replaced as necessary and shall be neatly located and securely installed. Gutter and downspouts shall be painted to harmonize with the other building front colors.
- (i) Any mechanical equipment placed on a roof shall be so located as to be hidden from view from the shopping streets and to be as

inconspicuous as possible from other view points.

Equipment shall be screened with suitable elements of a permanent nature, finished so as to harmonize with the rest of the building; where such screening is impossible or impractical, equipment shall be painted in such a manner as to minimize its visibility.

- (j) Television and radio antennae shall be located so as to be as inconspicuous as possible.
- (k) Roofs shall be kept free of trash. Debris or any other element which is not a permanent part of the building or a functioning element of its mechanical or electrical system.
- (l) Structures at the rear of buildings attached or unattached to the principal commercial structure, which are found by the City of Buffalo to be structurally deficient, shall be properly repaired or demolished.
- (m) Every mixed use and commercial building shall have sufficient open space to permit convenient access for maintenance, fire protection, adequate light and ventilation of habitable rooms and reasonable indoor privacy.

- (n) Access to each living unit shall be provided without passing through any other living unit.
- (o) Complete bathing and sanitary facilities shall be provided within each living unit; they shall consist of a water closet, a tub or shower, and a lavatory. An adequate supply of hot water to the tub or shower stall and lavatory, and cold water to all fixtures shall be provided. Arrangements of fixtures shall provide for the comfortable use of each fixture and permit at least a 90° door swing. Wall space shall be available for a mirror or a medicine cabinet and for towel bars.
- (p) Natural ventilation of spaces such as attics and enclosed basementless spaces shall be provided by openings or sufficient size to overcome dampness and minimize the effect of conditions conducive to decay and deterioration of the structure, and to prevent excessive heat in attics. Exterior ventilation openings shall be effectively screened where needed.
- (q) Exterior doors shall have safe locks.
- (r) A door shall be provided for each opening to a bedroom, bathroom, or toilet compartment; together with a locking device on bath and toilet compartment doors.

- (s) Exterior appurtenances or accessory structures which are in a deteriorated condition which are not economically repairable, shall be removed. Such structures include porches, terraces, entrance platforms, garages, carports, walls, fences, miscellaneous sheds.
- (t) Every dwelling and multi-family building shall be supplied with a means of disposal or removal of trash and and garbage.
- (u) Where disposal will not take place promptly there shall be a convenient and appropriate temporary and sanitary storage for trash and garbage provided, which is inaccessible to rodents.
- (v) All materials and products used as replacements or additions in rehabilitation shall be of good quality conforming to generally accepted good practice. Second hand materials which meet the standards for new materials may be used when approved by the City. The suitability of special materials and products not conforming to a national standard shall be determined by the building inspector, after an evaluation of its properties and performance characteristics.

- (w) All structural components of the building shall be in sound condition and considered serviceable for the expected useful life of the rehabilitated building. Sagging or out of plumb floors, chimneys, fireplaces, partitions or stairs and building exterior walls shall be restored as near as practical to an acceptable level or plumb position; and supported or braced so as to prevent a recurrence of these conditions. Stair railings shall be rigid. Individual structural members in a seriously deteriorated condition shall be replaced. Loosely jointed structural members shall be restored to original rigidity.
- (x) Foundations and exterior walls shall provide safe and adequate support for all loads upon them, and prevent the entrance of water or excessive moisture. Serious defects shall be repaired and cracks effectively sealed.
- (y) Basement and foundation walls shall prevent the entrance of water or moisture into the basement or crawl space area. Cracks in the walls shall be effectively sealed,

and loose or defective mortar joints shall be replaced. Mortar shall match the existing color and texture. When necessary, the interior and exterior face of the walls shall be damp-proofed by bituminous coating and cement parging.

- (z) Any deficiencies in proper grading or paving adjacent to the building shall be corrected to assure surface drainage away from the basement walls.
- (aa) Partitions and other vertical supports which are to be continued in use shall be free of splits, excessive lean, buckling and other defects.
- (bb) An inspection shall be made of each building and accessory structure on each property for evidence of actual or potential infestation or access channels for infestation. Existing buildings that are found to have defects that will permit the entrance of rodents, termites or other vermin shall be corrected by appropriate preventive measures. Damaged or deteriorated structures shall be replaced.
- (cc) Where interior or exterior rot, rust, or

decay, damage or other hazards exist, or where structural damage is found to exist, correction shall be provided.

(dd) Each building shall have a controlled method of disposal of water from roofs where necessary to prevent damage to the property and to avoid unsightly staining of walls and windows where adequate roof overhangs are not provided.

(ee) Existing windows and doors, including their hardware, shall operate satisfactorily and give evidence of continuing acceptable service. Defective glass or locking mechanisms shall be replaced or repaired.

(ff) All interior walls and ceilings shall provide:

- (1) a finished surface without noticeable irregularities or cracking,
- (2) a waterproof and hard surface in spaces subject to moisture.
- (3) suitable base for painting or other decoration, and
- (4) reasonable durability and economy of maintenance.

(gg) Finished floors shall be appropriate to the use of the space, shall be in good condition and shall provide reasonable ease

of maintenance and an extended service life.

(hh) Protective and decorative finish coating or surfacing shall provide:

- (1) adequate resistance to weathering
- (2) protection of finished surfaces from moisture or corrosion
- (3) an attractive appearance, and
- (4) reasonable durability.

(ii) All alterations, repairs and other improvements shall harmonize with existing material as long as the architectural and design integrity of the building is maintained.

(jj) When a rear access is provided from a public parking lot or right-of-way, adequate lighting and entrance signs shall be provided; the design shall be in keeping with the design standards and objectives of this plan.

(kk) Entrance and exits shall be maintained in such a manner as to encourage customer safety.

(ll) All refuse shall be kept in rodent-proof and odor-proof containers placed behind the store in temporary sanitary storage..

(mm) Any worn or deteriorating display cabinets shall be refinished or new cabinets shall be installed.

iii. Maintenance Standards

The following standards will apply to all property owners and merchants in the Broadway-Fillmore NBR Program Area.

- (a) Any front yards and/or sidewalks shall be kept free of debris and litter and shall be maintained by the property owner. In winter, sidewalks shall be kept free of snow and ice.
- (b) It is the duty of each merchant and/or property owner to keep his display windows clean.
- (c) Window displays must be arranged in a neat, aesthetically appealing manner. Stacked items, messy displays or cluttered store windows are prohibited. Property owners and/or merchants using such displays will be required to redesign the display in accordance with the design objectives and spirit of this plan.
- (d) Broken windows will be replaced within 10 days.
- (e) Building facades that are defaced will be cleaned within 30 days.

iv. Broadway-Fillmore Design Standards

The creation of an aesthetically pleasing, visually stimulating retail environment in the Broadway-Fillmore Business District is a major objective of the City of Buffalo's Neighborhood Business Revitalization Program. In order to create an environment conducive to the revitalization of business and to continuing economic vitality, the following design standards shall be mandatory in the NBR program area.

The Design Review Board shall have final approval on all design elements of commercial and mixed use structures and redevelopment proposals in the NBR program area. The Design Review Board shall have the sole power to authorize any variances from the design standards established in this plan for the NBR program area.

(a) Signage

No visual advertising device shall be allowed except as defined below:

- (1) Signs may be used on each facade of the building.
- (2) Signs shall relate solely to the business

conducted on the premises. Product manufacturers' and suppliers' logos shall not be permitted unless they are part of the primary sign of the business.

- (3) All electrical devices ancillary to the signs shall be concealed from view as much as possible.
 - (4) Signs may be affixed to each facade of the main building. Permanent window signs shall be painted on glass or plexiglass. The area of each sign shall not exceed ten percent of the store-front area.
 - (5) Signs made of cardboard, paper, canvas, or similar impermanent material are restricted to commercial display windows and may cover no more than twenty-five percent of the surface area of the display window.
- (b) Building Facades
- (1) The design of reconstructed or rehabilitated commercial structures will match and preserve the original architectural character of the structure.

- (2) The use of simulated wood, stone, or brick is prohibited.
- (3) Solid or permanent storefront infill panels shall not be permitted unless designed to be consistent with the original architectural character of the structure.
- (4) All elements of the facade which are in a deteriorated condition shall be repaired or replaced.
- (5) Window replacement shall be made with insulating glass.
- (6) Facades that have been resurfaced with materials such as structural glass, masonry, metal panels, opaque glass veneer, or other materials not in harmony with the original architectural character of the structure shall be removed.
- (7) Material used in repairs, reconstruction, and rehabilitation of commercial and mixed used structures in the NBR program area will match and preserve the original architectural and design integrity of the structure.
- (8) Vacant buildings shall be cleaned and sealed consistent with acceptable materials and workmanship. Materials must be treated in a manner which complements the colors used on the remainder of the building.

(c) Awnings

Awnings will align with adjacent awnings in height and depth. Each awning shall have a minimum clearance of 7'0 feet at its lowest point.

(d) Exceptions

Signage or facade treatments that are prohibited in the above standards may be used if the design quality of the alternative is deemed to be superior to the design quality derived from those standards, or is especially appropriate to the building's use; e.g., a marquee for a theater. This judgement shall be made by the Design Review Board.

B. Acquisition and Clearance

Parcels will be acquired and cleared for redevelopment under the following conditions:

1. To remove substandard physical conditions, beyond the feasibility of rehabilitation, as determined by property surveys in compliance with local and Federal requirements.
2. To remove blighting influences, as determined by field surveys and planning analyses.

3. To provide land for public improvements and facilities in accordance with the objectives of this Urban Renewal Plan.
4. To complete land assembly for redevelopment, in accordance with the objectives of this Urban Renewal Plan.
5. Consistent with all applicable rules and regulations, the relocation of site occupants residing in structures which are scheduled for acquisition and clearance by the city.
6. Sale or lease of land owned or acquired by the City of Buffalo for uses consistent with the objectives of the Urban Renewal Plan.
7. The construction and modification of public improvements and facilities necessary to support and facilitate the orderly and cohesive development of the Broadway-Fillmore Business District.

C. Land Disposition Supplement I

In the following first year action areas, as amended, land use regulations shall be as set forth below:

Area I bounded by Sycamore Avenue on the north, the right-of-way of the Penn-Central Railroad on the east, Broadway on the south, Sobieski Street on the west.

Area II bounded by Stanislaus Street on the north,
BECW
Best Street on the east, Gibson Street on
the west and the northerly property line
of Sattler's on the south.

Area III bounded by Sycamore on the north, Sobieski
on the east, Broadway on the south and Loepere
on the west.

1. Permitted land use

Residential rehabilitation shall be the pre-
dominant use. Any land made available through
clearance of structures for which rehabilitation
is not possible shall be disposed of for new residential
development at a density of not to exceed 30
dwelling units per net acre or related community
facilities, provided that neighborhood commercial
facilities and mixed commercial-residential facili-
ties may be authorized by the Buffalo Urban Renewal
Agency if it considers such uses compatible with
urban renewal plan objectives.

2. Circulation system:

Broadway and Sycamore Avenues will provide major
east-west circulation in the action areas.

Sobieski Street and Lathrop Street will provide
north-south circulation in the Area I Action Area
and Best and Gibson Streets will provide north-
south circulation in the Area II Action Area and

Loepere Street and Sweet Avenue will provide north-south circulation in Area III Action Area. These major streets are considered adequate to accommodate anticipated traffic volumes.

3. Land Use-First Year Action Areas

The following land use regulations will apply to the first year action areas.

a. Statement of obligations to be imposed on redevelopers:

In the sale or lease of property in this area for redevelopment, the land disposal contract shall contain provisions obligating the developer to comply with the requirements of this plan and to commence and complete the construction of the improvements within a reasonable period of time as determined by the Buffalo Urban Renewal Agency.

b. Commitments on moderate and low-income housing:

Land disposed of for new housing will be limited to moderate and low-income housing under the disposition agreements.

c. Statement of urban design objectives:

Development plans for all new development will be subject to review and approval by the Buffalo Urban Renewal Agency for consistency with the design objectives of the Urban Renewal Plan.

d. Commitments on moderate and low-income housing:

Not applicable to this section.

e. Statement of urban design objectives or controls:

Set forth in paragraph 1 above.

f. Duration of Control:

Forty (40) years from the date of approval of the Urban Renewal Plan by the Buffalo Common Council.

4. Redevelopers Obligations

All land held by the City of Buffalo in the NBR program area will be disposed of subject to mutual agreement between the City and the Redeveloper. A redeveloper will be required by contractual agreement to observe the land use and rehabilitation standards of the Urban Renewal Plan. In addition, the following provisions will be included in the agreement: To prevent speculation in land holding in the NBR program area, all private redevelopers will be required to commence and complete all proposed improvements within a reasonable time following their acquisition of the land including the rehabilitation or restoration of any improved properties disposed of by the Buffalo Urban Renewal Agency.

- a. The Redeveloper will submit a financial capability statement and site plan for the proposed development for approval by the Commissioner of Community Development.
- b. A Redeveloper may not sell, without prior approval of the Buffalo Urban Renewal Agency any and/or all interest in the project area prior to the completion of redevelopment activities.
- c. 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, 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.

V. OTHER PROVISIONS NECESSARY TO MEET REQUIREMENTS OF STATE AND LOCAL LAW

A. Proposed time schedule for the effectuation of the plan:

All activities scheduled for the first action year of the Broadway-Fillmore Neighborhood Redevelopment Program are scheduled for completion within the action year. The activities required to effectuate the plan for the overall urban renewal area are scheduled to be completed within five to seven years.

B. Compliance with state and local law:

The various elements of this Urban Renewal Plan are in compliance with the requirements of state and local law and there are no additional requirements with respect to the Urban Renewal Plan which have not been complied with.

C. Legislation 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, and/or the Agency, as may be required in order to effectuate this Urban Renewal Plan.

1. Adoption of legislation that would enable the agency and the City to undertake and finance acquisition of land and construction of public facilities and to provide public improvements contemplated by the Plan.

2. Legislation authorizing the City to begin condemnation proceedings on behalf of the Agency, and when necessary, to acquire properties designated for acquisition outlined in this Plan in cases where the Agency is unable to acquire the desired property by means of negotiations with the owner(s).
3. Adoption of a relocation program to insure an adequate method of relocating families, individuals, commercial and other institutions being displaced by the Broadway-Fillmore NBR Program.
4. Adoption or enactment of such other legislation as may be required under State or Local Law in order to implement and effectuate this Plan.
5. An ordinance incorporating by reference the standards herein contained in the building codes and ordinances of the City of Buffalo.

D. Provision of Community Facilities and Utilities

Community facilities and public utility systems including sewers, water lines, street lights, street improvements (street signs, traffic lights, etc.) and public open space already exist or will be provided in the event of the necessity for expansion and/or replacement of existing facilities

that are either (1) inadequate due to age, condition, capacity, or (2) that must be relocated to accommodate the requirements of redevelopment.

E. Review of Redevelopment Proposals

The Buffalo Urban Renewal Agency will invite proposals in the event of purchase, lease or redevelopment, in accordance with this Urban Renewal Plan, of the various areas and sites in the NBR program 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 Program Area shall be directed to the Commissioner of Community Development 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 any other review required or otherwise appropriate. All findings and recommendations stemming from such reviews will be transmitted to the Redeveloper for further action and/or to the Agency who will be responsible for selection, designation and approval of all Redevelopers and redevelopment proposals at the interim agreement and final land disposition levels.

Once the Agency and Common Council approves the designation of a Redeveloper, a contract cannot be executed until review and approval by Agency and the City is given on all submission requirements. The Agency and 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.

1. Preliminary Proposal

This submission by the Redeveloper permits initial review and evaluation of the proposals in terms of appropriateness and conformity with 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. It should include:

- a. Site Plan at any appropriate scale. It should emphasize general use of the land, buildings, open spaces, walks, parking areas, driveways, and pedestrian and vehicular use.

- b. Building plans, elevations, and sections at any appropriate scale, showing organization of building functions and spaces.
 - c. Sketches, diagrams, study models and other material as may be required to clarify explain the design and other aspects of the proposal.
 - d. Written statement of the proposal including: floor area, number of units, type of buildings, size of units, number of parking spaces, principal building materials and other data which may assist in reviewing the proposal.
 - e. General information regarding the Redeveloper's experience and financial ability.
- 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 which may be required in the course of the review. Subject to general approval of the proposal by the Commissioner, on behalf of the Agency, the Redeveloper may proceed with the following submission, if required by the Commissioner.

2. Interim Proposal

This proposal, if required, is intended to permit further review or revision of the project proposed by the Redeveloper. It is used to secure a basic agreement on and approval of the proposal in terms of size, type, scope and character of building and site development and design concept, prior to final planning by the Redeveloper. The proposal will provide all information necessary for a thorough study of the proposal in terms of its conformity with this Plan.

- a. Complete Site Development Plan at 1" = 4' scale. The plan will show phasing possibilities, general site grading proposals and adjacent buildings and streets. All dimensions critical to the Agency shall be indicated.
- b. Site sections at 1" = 40' scale showing vertical relationships of all development.
- c. General building plans, elevations and sections, in connection with redevelopment, plans and elevations of each typical unit $\frac{1}{4}$ " - 1'0".
- d. Study model at 1" = 20' if proposal has changed significantly as determined by the Agency.

- e. Written statement of proposal including floor area, number or units, type of buildings, size of units, number of parking spaces, principal building materials, estimated costs, operating expenses and time schedule for completion.
- f. Perspective sketches of architectural character. Following review and approval of this Proposal, the Commissioner may, on behalf of the Agency and the City, authorize the Redeveloper to proceed with the Final Proposal.

3. Final Proposal

- a. Site Plan, conforming to the approved Interim Proposal, and including any changes that may have been required. It shall indicate all landscaping and site development details including walls, fences, plantings, 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 draining, and public easements to remain. Work to be done by others should be described and the

responsible party or parties identified.

- b. Building plans, elevations, and sections-developed in detail and large enough scale to show all materials and assemblies that comprise the buildings.
- c. Outline specifications for materials and methods of construction.
- d. Statement, including major building dimensions and gross area of buildings, size of each unit, floor area ratio, open space, proposed division of work between the Redeveloper and public agencies, proposed financial plan and time schedule for construction. The City will give final review and approval to the Proposal.

Following written approval of this proposal by the Commissioner, on behalf of the Agency and the City, the Agency and the Redeveloper may execute a Contract Land Disposition Agreement, subject to authorization by the Common Council, and in accordance with all applicable Federal, State and Local Laws and regulations and the goals and objectives of this Urban Renewal Plan.

VI. PROCEDURES FOR AMENDING THE URBAN RENEWAL PLAN

This Urban Renewal Plan may be amended at any time by the Buffalo Urban Renewal Agency and the Common Council of the City of Buffalo, provided that any major amendment shall be concurred in by the owner or lessee of the project land materially affected thereby. For the purpose of this plan, a major amendment shall be deemed to be a change in project boundaries or a change in the land uses and building regulations set forth in this plan.

VII. NBR PROGRAM PROPOSALS

A. Land Acquisition

1. Real Property to be Acquired

The real property to be acquired by the Agency within the boundaries of the Broadway-Fillmore Neighborhood Business Revitalization Program pursuant to this plan is:

31 Beck Street

(SEE MAP A)

2. Real Property Not Designated For Acquisition May Be Acquired

Upon further investigation, any properties in the NBR Program Area may be designated for acquisition:

- a. if such property does not conform with the Property Rehabilitation and Design

Standards contained in this Plan.

- b. to facilitate future Commercial Re-development in the NBR program area according to the goals and objectives of this Plan.

If any property is acquired by the Agency, the property may be offered for sale by the Agency to any party agreeing to rehabilitate the property in accordance with the Standards set within this Plan, or the property may be rehabilitated by the Agency and offered for sale for use according to this Plan, or the property may be cleared by the Agency and offered for sale for re-development 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 the established Standards and is unable to secure a buyer who will agree to rehabilitate the said property, and does not want to

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rehabilitate the property and therefore, proposes to clear and sell the property for redevelopment, such proposed action will be subject to authorization and approval of the Agency and the Common Council.

3. Rehabilitation and Conservation

All properties in the NBR project area not designated for acquisition in the Land Acquisition Map shall conform to the NBR Property Rehabilitation and Design Standards attached to and made a part of this Plan.

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