

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

DOWNTOWN ENTERTAINMENT DISTRICT

RENEWAL PROJECT

PHASE IV AND IV-A

6/26/86

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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 .....
2. Land Use Plan Map/Phase .....
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## INTRODUCTION

A sizable residential population should be encouraged to live in and around the downtown to bring more life and activity to the City during non work hours. It is hard to think of any city with an active, attractive downtown that does not have a large resident population.

The disincentives to downtown residential development are multiple. The market in Buffalo for downtown living is largely untested, and few downtown buildings exist which appear easily adaptable for residential reuse and thus attractive for initial private sector investment. Moreover, available sites for infill housing construction are currently heavily used for parking, and the cost of acquiring these sites is often artificially inflated in anticipation of their theoretical office development potential. The amenities for downtown living are increasing, but are not yet extensive.

Recommended policies include the following:

- . Housing developed by private sector initiative should be allowed anywhere in the downtown. Housing is the only downtown use recommended for such latitude.
- . Priority downtown residential areas should be established. Concentrated within these, the City should aggressively stimulate new housing to create rapidly a self sustaining residential environment. This stimulation should include a comprehensive program of land assembly improvements, physical and residential amenity, and housing subsidization.
- . The City should regard the Pearl/Franklin/Delaware area between the Theater District and West Village as having the highest priority for new housing development and the Theater District as having the highest priority for residential reuse. These areas can best capitalize on existing adjacent strengths and will in turn have the greatest catalytic impact for the downtown after 5:00 p.m.
- . To achieve downtown housing in the priority areas while simultaneously redirecting potentially competitive office uses closer to the Mall, the City should rezone the northwestern area of downtown as a residential district.
- . Residential design guidelines protective of residential privacy and controlling the relationship of residential developments to downtown streets should be incorporated in the rezoning to promote the success of the new residential district.
- . For maximum impact, until at least 50% of the residential capacity of the first priority areas is committed, the City should not dissipate its financial support to residential development elsewhere in downtown.

- To promote rapid downtown residential growth, the City should establish a goal to develop 150 units a year beginning in the housing priority areas and should commit sufficient funds to subsidize such production. The performance of the City's housing development program should be measured annually against this target.
- The City should carefully evaluate any non-residential development proposed in the areas for subsequent residential growth identified by the Plan so that the residential/non residential tradeoffs can be assessed. The new housing construction capacities and the residential reuse potential of these housing policy areas should form the touchstone for this reassessment.

In total, the reuse and construction potential within the downtown core could yield 2855 - 3230 units. At the target rate of 150 units per annum, this capacity would provide an approximately 20 year supply of housing. Reducing this capacity through alternative development should be carefully considered.

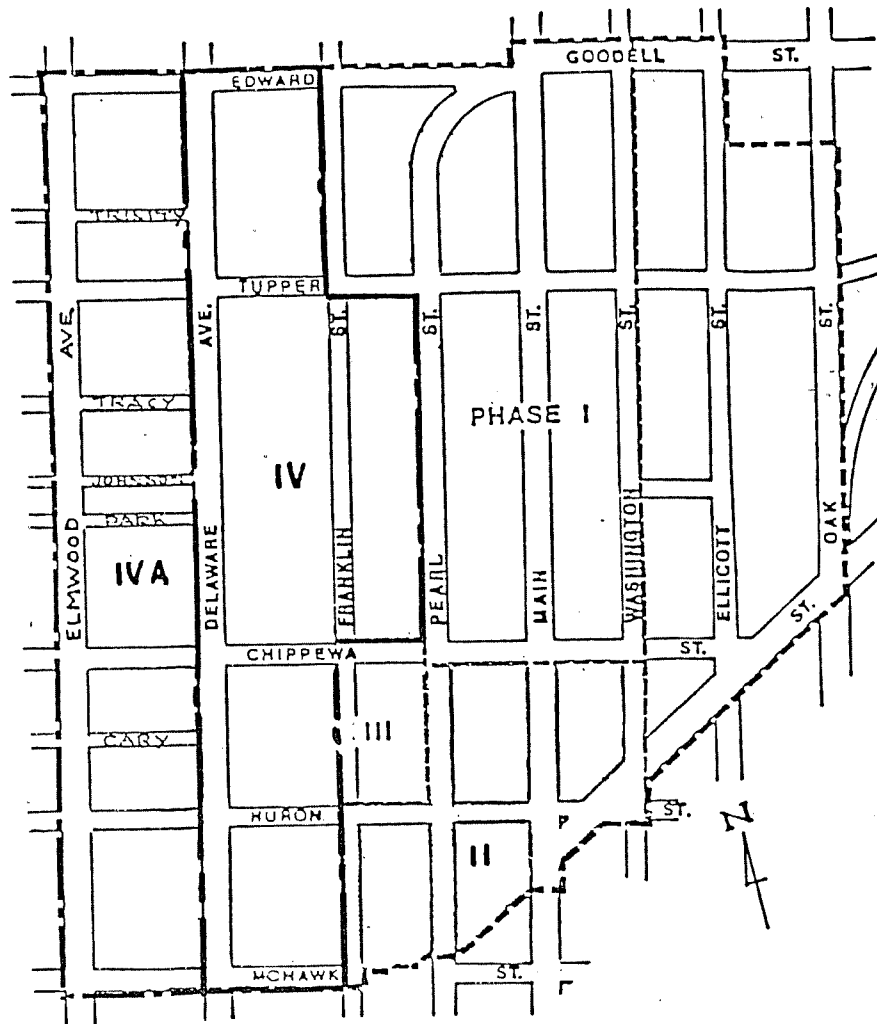
B. DESCRIPTION OF THE PROJECT

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 Elmwood Avenue; thence easterly along said R.O.W. line to the northeast R.O.W. line of Franklin Street; thence southerly along the east R.O.W. line of Franklin Street to West Tupper Street, thence east along the north R.O.W. line of West Tupper to Pearl Street; thence south along the east R.O.W. line of Pearl to Chippen Street; thence west along the north R.O.W. line of Chippen to Franklin Street; thence south along the east R.O.W. line of Franklin to Mohawk Street; thence west along the south R.O.W. line of Mohawk to Elmwood Avenue; thence northerly along the west R.O.W. line of Elmwood Avenue to the place and point of beginning.*



PROJECT BOUNDARY  
MAP  
EXHIBIT I

## 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 significant buildings for residential and limited commercial use.
- d. the creation of safe, efficient and functional vehicular and pedestrian circulation systems.
- e. the development of an attractive, visually exciting setting for residential uses in the Downtown area.
- 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 development activities.
- h. the creation of opportunities for the construction of new residential facilities that will support and enhance the Downtown area.

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 Map."
- 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 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:

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

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.

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 walk-ways, landscaped plazas, etc.

b. Private Use and Development

1. Specific regulations for development:

(a) Permitted Uses:

- (1) Residential
- (2) Ground Floor Office
- (3) Ground Floor Retail; provided that retail use

cannot exceed two thousand (2,000) square feet per lot.

- (4) Ground Floor Eating and Drinking
- (5) Apartment Hotel

(b) Building Area and Form Regulations

(1) Height Regulations. The minimum height, from curb level, for buildings is twenty-four (24) feet.

(2) Front Yards. On Chippewa Street and Pearl Street no front yards are permitted. On those streets as well as on any other streets where development is at the front lot line, buildings shall be built on the front lot lines for at least the first eight (8) feet of height.

(3) Side Yards. No side yards are required. Where one is provided, it must be at least three (3) feet in width.

(4) Rear Yards. Rear yards must be provided. Each must be a minimum of thirty (30) feet.

(5) Setbacks. On Chippewa Street, Pearl Street and on any other street where development is at the front lot line, the first building setback shall be allowed at the minimum height of eight (8) feet. Where development is at the front lot line, no residential use is permitted on the ground floor from the front lot line for at least fifteen (15) feet where retail, lobby, or professional office use is required.

Where development at the front lot line is not desired or required and an all residential ground floor use is desired, the building must be set back at least eight (8) feet from the front lot line.

(6) Windows. The minimum sill height for windows in a habitable room shall be at least six (6) feet, six (6) inches from grade.

2. 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.

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 Public Works.

It should be noted that parking for 5 vehicles or more must meet 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 Ordinances.

d. 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.

e. 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.

f. 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.



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 residential 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 map 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.

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.

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 Housing Urban 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 Fire Prevention and Building Code, Plumbing Code, Electrical Code, and Article XIV of the Erie County Air Pollution Control Code.

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 City of Buffalo codes.

- 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 1. a. above.
- d. All finish surfaces on building exteriors shall be appropriately cleaned and maintained.
- e. All portions of properties not built upon shall be landscaped and/or paved with suitable materials to achieve an attractive appearance.
- f. All exterior storage areas shall be properly screened.
- g. 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. Windows

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



3. 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.

4. 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.

5. Off-street Loading

Loading berths or other vehicular service facilities where required 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.

STRUCTURAL CONDITION CHART

POINT COUNT	BLOCK NUMBER	MAJOR COMPONENTS
	PARCEL NUMBER	
		10 FOUNDATION
		10 EXTERIOR WALLS
		10 ROOF STRUCTURE
		5 FLOOR JOISTS AND BEAMS
		5 INTERIOR WALLS
		40 SUB TOTAL A
		7 EXTERIOR WALL FINISH
		7 ROOFING
		4 CEILINGS
		4 STAIRWAYS
		4 BASEMENT CONSTRUCTION
		2 FLOORING MATERIAL
		2 CHIMNEYS
		5 DOORS AND WINDOWS
		5 CODE VIOLATIONS
		40 SUB TOTAL B
		5 PLUMBING SYSTEM
		10 HVAC SYSTEM
		5 ELECTRICAL SYSTEM
		20 SUB TOTAL C
		100 TOTAL - A, B, & C
		0 SOUND
		11 MINOR DEFICIENCIES
		26 MAJOR DEFICIENCIES
		36 CLEARANCE

MAJOR COMPONENTS

MINOR COMPONENTS

MECHANICAL

BUILDING STATUS

