Buffalo Consolidated Development Framework

Also known as the Buffalo Green Code

Draft Generic Environmental Impact Statement

For the New York State Environmental Quality Review Act

City of Buffalo

Erie County, New York

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EXECUTIVE SUMMARY

Project Description

This Draft Generic Environmental Impact Statement ("DGEIS") is intended to analyze the impacts that may be associated with adoption of the Buffalo Consolidated Development Framework ("BCDF") which is the culmination of years of planning work that aims to support and encourage sustainable and sensitive redevelopment of the City of Buffalo ("City"). The BCDF consists of the following components:

- A Land Use Plan that translates the City's Comprehensive Plan into a framework for future growth. The Land Use Plan provides specific direction on land use, transportation and urban design based upon public input and market trends;

- A Local Waterfront Revitalization Plan ("LWRP") that tailors state and federal coastal policies to the unique character of the City's waterfront, identifies key waterfront investment areas and establishes coastal review procedures;

- A Homestead Plan which will allow homesteading (purchase of properties for below market value) of vacant structures throughout the city; vacant lots for new construction in residential zones identified in the Unified Development Ordinance; and adjacent lots within HUD-eligible block groups;

- Buffalo River Corridor, Buffalo Harbor, and Tonawanda Street Corridor Brownfield Opportunity Areas ("BOA") Nomination Documents and South Buffalo BOA Implementation Strategy Document, as applicable, which provide analysis and direction for the reuse of areas with impediments due to historic industrial use and vacancy; and

- A Unified Development Ordinance ("UDO") that consolidates development regulations into a simple, illustrative and user friendly document for buildings, public spaces and thoroughfares, providing fair and transparent rules and procedures based on public consensus.

In addition, several laws, specifically those that are incorporated or overridden by the BCDF, including 24 existing Urban Renewal Plans will be repealed upon the effective date of the UDO to eliminate redundancy and conflict. Project Location is shown on Figure 1.

Purpose and Need

The Comprehensive Plan is a 20-year plan prepared by the Office of Strategic Planning and adopted by the City of Buffalo Common Council (Common Council) in 2006. Its aim was to use Smart Growth strategies to reinvigorate the city as a place and regional hub. The plan recommended an investment program that synthesizes large scale economic development initiatives with fine-grained revitalization of

housing and neighborhoods. The components of the BCDF implement the vision of the Comprehensive Plan into charter and code.

Environmental Setting

The environmental setting for the following topics are addressed in the DGEIS for the BCDF:

- LAND USE AND ZONING
    - Planning Framework
    - Existing Land Use
    - Existing Zoning
- SOCIOECONOMIC CONSIDERATIONS
    - Population
    - Poverty
- TRANSPORTATION
- UTILITIES
- HISTORIC AND ARCHEOLOGICAL RESOURCES
    - Historic Resources
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- PARKS AND OPEN SPACE
- COMMUNITY CHARACTER AND VISUAL QUALITY
    - Community Character
    - Views
    - Signs
- PUBLIC SERVICES
- HAZARDOUS AND CONTAMINATED SITES
- NATURAL RESOURCES

Impact Assessment and Mitigation

Potential impacts from the adoption of the BCDF were identified, most of which would be mitigated by the adoption of the entire BCDF. A brief summary is below:

- LAND USE AND ZONING
    - Planning Framework: No impacts to the existing Planning Framework were identified from the adoption of the BCDF.
    - Existing Land Use: No adverse impacts to Land Use were identified.
    - Existing Zoning: A very small portion of the City would allow more intense land uses than currently exist, approximately 0.5% of the parcel land area. Due to changes in zoning

some uses may become non-conforming. However, these will be allowed to continue until they are abandoned for one year, therefore this is not an adverse impact. .

- SOCIOECONOMIC CONSIDERATIONS
    - Population: No adverse impacts were identified and no mitigation is required.
    - Poverty: No adverse impacts were identified and no mitigation is required.
- TRANSPORTATION: Under the BCDF the population and employment within the city would increase over current levels, thereby increasing travel demand. The following mitigation measures were identified:
    - The zoning of mixed use areas within many neighborhoods is partially intended to reduce travel demand for daily goods;
    - Most uses will be required to provide short and/or long term bicycle parking;
    - The design standards for new streets which are included in the UDO include standards for bicycle facilities based on traffic volume and road width;
    - Sidewalks are required with all new developments;
    - Parking lots must contain adequate pedestrian facilities;
    - Parking lots have new design and siting requirements to protect walkability and vitality, thereby reducing auto demand;
    - All projects subject to SEQR must evaluate and, if necessary, mitigate potential impacts to transportation; and
    - Transportation Demand Management Plans are required in all neighborhood districts, hospital campuses, and educational campuses for new construction in excess of 10,000 sf, new restaurants in excess of 5,000 sf, and substantial renovations larger than 50,000 sf that include a change of use. TDM plans must demonstrate how developments will not unreasonably burden the transportation infrastructure of the area, and provide parking and transportation arrangements to meet the projected demand. TDM Plans will be submitted to the Planning Board and if found to be inadequate can be rejected, which would prevent the project from being approved as presented. This will allow projects to approach transportation and parking in a more flexible way than currently required and protect neighborhoods from negative impacts associated with unmet transportation demand.
- UTILITIES: No adverse impacts were identified from the adoption and implementation of the BCDF; however the following mitigation measures were identified:
    - The Buffalo Sewer Authority Use Regulations and the proposed UDO require that new development manage storm water on-site in accordance with the New York State Stormwater Management Design Manual and specifically requires preparation and implementation of a SWPPP for any land development activity that involves over 0.25 acres of soil disturbance. Projects under this threshold must manage construction and post-construction stormwater runoff.
    - Projects that require Major and Minor Site Plan Approval under the BCDF must be adequately served by utilities as an approval criteria.
- HISTORIC AND ARCHEOLOGICAL RESOURCES

- Historic Resources: Potential impacts may occur from actions that impact the historic integrity of historic landmarks or districts. However, the BCDF and the UDO in particular, considers historic importance as part of the project approval process. The following mitigation measures were identified:
  - Additionally, as per SEQRA, "any Unlisted action (unless the action is designed for the preservation of the facility or site) occurring wholly or partially within, or substantially contiguous to, any historic building, structure, facility, site or district or prehistoric site that is listed on the National Register of Historic Places (NRHP), or that has been proposed by the New York State Board on Historic Preservation for a recommendation to the State Historic Preservation Officer for nomination for inclusion in the National Register, or that is listed on the State Register of Historic Places" is considered a Type 1 action and a Full Environmental Assessment form and coordinated review is required. This allows for additional review and input on proposed changes to historic resources.
  - To ensure that historic properties are rehabilitated and remain economically viable, the UDO includes an Adaptive Reuse Permit, which applies to historic landmarks including locally designated landmarks or any site that is listed on, or declared by the SHPO to be eligible for, the NRHP.
  - For NRHP districts, in particular those in residential neighborhoods, the UDO developed form standards based on predominate existing urban character, including fenestration, setbacks and heights. This will ensure new infill development is consistent with the existing development in historic districts even if state and federal review is not required for a project.
  - The UDO prohibits the demolition of a principal structure in the neighborhood center zones without an approved site plan for the construction a new structure. Emergency demolitions are exempt from this procedure. This prohibition may be waived by the Planning Board on a case by case basis.
- Archeological Resources: No adverse impacts were identified from the adoption of BCDF; however to ensure no impacts occur during implementation for land disturbance locations in areas of known archeological sensitivity, in instances where prior significant ground disturbance cannot be documented, the SHPO may require, at a minimum, a Phase 1 archeological investigation to determine the presence or absence of historic resources and potential additional work to document and protect those sites..

- PARKS AND OPEN SPACE: No potential adverse impacts have been identified; therefore, mitigation is not required.
- COMMUNITY CHARACTER AND VISUAL QUALITY
  - Community Character: The BCDF will not radically change the community character in most areas of the City, therefore no mitigation is required.
  - Views: Potential impacts of from development was identified. However, the BCDF mitigates concerns regarding impacts on viewsheds by zoning parks as Open Space Districts which should protect views to and within parks from inappropriate development.

The LWRP also has specific policies to prevent inappropriate development that would substantially impair the public's access to the waterfront physically and visually. Any development within the LWRA will be required to demonstrate compliance with the policies of the LWRP (i.e., coastal consistency), also reducing the potential for visual impairment of important water views.

- Signs: The UDO would give predictability to the types of signs allowed and size in neighborhoods and districts throughout the City. In general, less signage is allowed in most zones and the signage that is allowed is more compatible for the zone. Therefore no additional mitigation is required.

- PUBLIC SERVICES: No adverse impacts are anticipated from the adoption of the BCDF, however, individual projects requiring major site plan approval under the UDO will be reviewed to ensure adequate public services are available for those sites.
- HAZARDOUS AND CONTAMINATED SITES: Adoption and implementation of the BCDF is not anticipated to have an adverse impact on the environment and therefore no mitigation is proposed.
- NATURAL RESOURCES: Several measures have been integrated into the BCDF to ensure that redevelopment is protective of the city's natural resources. In particular, the LWRP Policies are particularly protective of water quality, fish populations and the natural areas critical to their health. In addition:
    - City owned vacant land along waterways, as well as a substantial portion of the NFTA/ECHDC Outer Harbor Lands have been designated as open space under the UDO which limits the amount of impervious land allowed at these sites;
    - New development in the City will be required to manage its stormwater onsite to minimize stormwater runoff to the BSA combined sewer system, as discussed in Section 2.4 above;
    - Outside of specific waterfront redevelopment areas, waterfront uses must be set back at least 100' from the water with a 50' vegetative buffer along the shore;
    - The UDO includes provisions to discourage the use of invasive species and minimize lighting impacts on the Niagara River Globally Significant Bird Area; and
    - The LWRP specifically supports Buffalo and Niagara River Great Lakes Area of Concern recovery efforts, including habitat restoration and protection.
    - In addition, federal and/or state permits will be required for proposed development in wetlands and waterbodies under the jurisdiction of the NYSDEC and USACE. Development within waters of the City of Buffalo will require a Right-of-Way work permit as well.

Thresholds

To ensure there are no adverse impacts from projects that could not be adequately analyzed in this document the following thresholds for future SEQR evaluation were identified. Analysis of potential impacts of the BCDF have identified the following thresholds for further evaluation:

Land Use

As public and privately sponsored projects are implemented under the BCDF any project that proposes a more intense land use than what is allowed by the BCDF, either through a use variance or a remapping, will require additional SEQR Review.

Zoning

Proposals for the expansion of non-conforming uses through variance or rezoning will require additional SEQR review to ensure any potential adverse impacts are adequately mitigated.

Poverty

The introduction of new residential uses within 500 feet of a heavy industrial zone (D-IH) would require a special use permit per the Industrial/Non-Industrial Land Use Compatibility requirement of the UDO and would require addition SEQR review to ensure the residents will not be exposed to environmental hazards.

The introduction of new heavy industrial uses in an environmental justice area will require additional SEQR review.

Employment projects under the BCDF which propose not to accommodate multi-modal access either as of right or through variance applications would require additional SEQR review to ensure adequate access to employment by employees without vehicles.

Transportation

Projects anticipated to create 100 cars at peak hour which are located adjacent to a road currently identified as a volume to capacity of 0.8 will require additional SEQR review.

Projects that create transportation demand but do not provide adequate pedestrian amenities will require additional SEQR review.

Utilities

Projects that do not have adequate utility service; in particular, those identified in BOAs and portions of the Outer Harbor and require extensions of new utilities - excluding minor new connections - will require additional SEQR evaluation.

Historic Resources

As per SEQRA regulations actions that would be considered unlisted will require coordinated review if adjacent to a National Register historic property or district or within the boundaries of a Nation Register

historic district. During this review SHPO will be coordinated with either as an interested or involved agency for input on impacts to historic resources.

Parks and Parklands

If any proposals in parks propose to exceed the allowed impervious surface allowances additional SEQRA review will be required. Additionally, any use variances in areas zoned for parks or rezoning of parks will also require additional SEQRA review.

Views

Any project that is not water-dependent or providing public access to the water or waterfront proposed to be located in the required waterfront setback in the C-W will require additional SEQR review.

As stated in Historic Resources, per SEQRA regulations actions that would be considered unlisted will require coordinated review in adjacent to a National Register historic property or district or within the boundaries of a Nation Register historic district. During this review SHPO will be coordinated with either as an interested or involved agency.

Public Services

Any project that could strain local public services will require additional SEQRA review.

Hazardous and Contaminated Sites

Any application under the UDO for a site listed as Class 2, 3 or 4, as well as any sites with Certificates of Completion with land use, or zoning restrictions will be reviewed to ensure future work on these sites is consistent with their environmental restrictions.

Natural Resources

Further SEQR review will also be required for the following:

- Projects that are proposed to directly discharge stormwater to any waterbody in the City of Buffalo;
- Locating new heavy industrial uses of light industrial uses with outdoor storage within 250 feet of a waterbody;
- New construction within 100 feet of identified natural habitat areas, that may disturb the habitat.

Alternatives Analysis

The following alternatives are reviewed in the DGEIS and were determined to not be preferred:

- No Action
- Partial Adoption
- New Euclidian Zoning

As required by SEQR, the following topics are also addressed in the DGEIS:

- **Effects on the Use and Conservation of Energy** - The BCDF is anticipated to have a positive impact on the use and conservation of energy from the compact neighborhood development and specific regulation of alternative energy generation systems.
- **Unavoidable Adverse Impacts –** Unavoidable impacts are generally related to construction activities that will be undertaken under the BCDF but these are temporary impacts and not significant.
- **Irreversible and Irretrievable Commitment of Resources –** All construction leads to the irreversible and irretrievable commitment of some resources. Construction under the UDO will not be more significant than those that would occur absent this action.
- **Growth Inducing, Cumulative and Secondary Impacts** - An increase in city population, with a projected goal of 30,000 new residents over a 20-year period, could be accommodated within areas of the City already served by existing infrastructure which has excess capacity and was designed for a much larger population (the city's population in 1950 was approximately 580,000; it is now below 260,000). Therefore potential growth inducement is consistent with the goals of the Comprehensive Plan and the BCDF.
- **No cumulative or Secondary Impacts were identified.**

1.0 OVERVIEW

This Draft Generic Environmental Impact Statement ("DGEIS") is intended to analyze the impacts that may be associated with adoption of the Buffalo Consolidated Development Framework ("BCDF") which is the culmination of years of planning work that aims to support and encourage sustainable and sensitive redevelopment of the City of Buffalo ("City"). The BCDF consists of the following components:

- A Land Use Plan that translates the City of Buffalo Comprehensive Plan, Queen City in the 21st Century, into a framework for future growth. The Land Use Plan provides specific direction on land use, transportation and urban design based upon public input and market trends (Appendix A);

- A Local Waterfront Revitalization Plan ("LWRP") that tailors state and federal coastal policies to the unique character of the City of Buffalo waterfront, identifies key waterfront investment areas and establishes coastal review procedures (Appendix B);

- A Homestead Plan which will allow homesteading (purchase of properties for below market value) of vacant structures throughout the city; vacant lots for new construction in residential zones identified in the Unified Development Ordinance; and adjacent lots within HUD-eligible block groups. (Appendix C);

- Buffalo River Corridor, Buffalo Harbor, and Tonawanda Street Corridor Brownfield Opportunity Areas ("BOA") Nomination Documents and South Buffalo BOA Implementation Strategy Documents, as applicable (Appendix D); and

- Unified Development Ordinance ("UDO") that consolidates development regulations into a simple, illustrative and user friendly document, providing fair and transparent rules and procedures based on public consensus (Appendix E).

In addition, several laws, specifically those that are incorporated or overridden by the BCDF, will be repealed upon the effective date of the UDO to eliminate redundancy and conflict. A full list of these provisions is included in section 1.1.6 below.

While each of the BCDF actions could have been adopted individually, considering each project within the context of a consolidated development framework offers several benefits. First, the coordination of the Land Use Plan, BOAs, LWRP and Homestead Plan ensure that the policies recommended in the Queen City in the 21st Century Comprehensive Plan were considered in totality. In addition, as those policies evolved to reflect current conditions, stakeholder input and site specific project proposals, the updates were consistent among all plans completed. This was particularly important because of overlapping physical jurisdiction. Finally, one consolidated process allows for coordinated public review rather than multiple overlapping review timeframes and procedures.

In addition, the integration of the BCDF plans with the adoption of the UDO also has several benefits. First, any land use and building form recommendations contained within each plan have been considered in the UDO, ensuring consistency with the plans. Next, the UDO can be reviewed and adopted at one time, instead of requiring subsequent amendments shortly after its adoption to implement the LWRP or BOAs. Finally, the formalization of plan recommendations into the UDO sets the stage for further project development by creating a predictable development pattern within the Local Waterfront Revitalization Area ("LWRA") and BOAs.

As the UDO implements the land use recommendations contained in each BOA and the LWRP, one combined environmental review for the full BCDF incorporates the environmental analyses that framed those recommendations.

1.1 ACTIONS

1.1.1 Land Use Plan

The Land Use Plan was developed to serve as a bridge between Buffalo's Comprehensive Plan and the new UDO. The Comprehensive Plan outlined a number of general strategies—fix the basics, build on assets, invest strategically, and embrace smart growth and sustainability, while identifying that an updated zoning ordinance would specify the prescribed development pattern for every individual parcel of land in the city.

The Land Use Plan takes the strategies identified in the Comprehensive Plan and translates them into specific, integrated, and consensus-shaped objectives that were used to prepare the UDO.

The Land Use Plan established the following goals and values:

1. Use a participatory process to establish clear and simple rules that are fairly and consistently applied, respect community diversity, incorporate existing community plans, and are revised democratically.

2. Encourage investment by making development rules predictable, setting aside land for job creation in key districts and corridors supported by cost-effective infrastructure, and allowing for the productive and timely reuse of vacant land.

3. Promote land use patterns that encourage compact development and transportation choices to conserve energy; protect air, water, and soil quality; preserve and expand green infrastructure; and support access to wholesome food to promote healthy living.

4. Respect traditional development patterns, repair existing neighborhood fabric, help residents reinvent neighborhoods where the fabric is beyond repair, and preserve the city's architectural heritage and the physical context that supports it.

5. Create the conditions for growth by making the city attractive to newcomers, meeting the aspirations of current residents, and sharing the benefits of city life equitably with this generation and those to come.

The following objectives were derived from public input, built on the Comprehensive Plan's vision, and offer more detailed guidance on Buffalo's physical development:

- Grow the Economy
- Strengthen Neighborhoods
- Repair the Environment

The Land Use Plan is built around three place types: neighborhoods, districts, and corridors. Every parcel in the city has been assigned a place type that corresponds to a specific set of rules and regulations that will govern its use, form, and character. Based on these place types, the UDO specifies in detail what type of development is appropriate at which location.

1.1.2 Local Waterfront Revitalization Plan ("LWRP")

The State of New York coastal management program provides for the administration of the State's waterfronts according to a generic set of 44 policies aimed at enhancing the character of waterfront communities, promoting appropriate economic development, protecting and restoring natural resources, protecting and improving environmental quality, promoting use of waterfronts and protecting cultural resources.

The Buffalo LWRP proposes the expansion of the State's coastal review boundary to include:

- The full reach of Scajaquada Creek (above ground only), Hoyt Lake, the Buffalo River, Cazenovia Creek and South Park Lake within the City of Buffalo;
- The full reach of the Great Lakes Seaway Trail National Scenic Byway in Buffalo;
- The City's five waterfront Olmsted Parks; and
- The Canalside and Cobblestone District areas.

This area is mapped in the LWRP and identified as the LWRA.

The LWRP tailors and augments the state's coastal policies to achieve the following ten goals:

- Holistically protect the state's coastal economic, social and environmental interests;
- Safeguard the City's access to clean, Great Lakes fresh water for generations to come;
- Promote water-based industry and enterprise;
- Support commercial and recreational boating;
- Build great water-enhanced places that enliven the waterfront and attract the public;
- Provide for public water access in support of the public trust;
- Rebuild the Lake Erie-Niagara River food web – recognizing local fish as an important food source;
- Minimize environmental degradation from solid waste and hazardous substances; and

- Maximize coastal resilience.

Based upon these goals and policies, the Buffalo LWRP also includes a waterfront action strategy that includes:

- waterfront land uses (consistent with the Future Land Use Plan and BOAs described above), zoning (consistent with the UDO), and water uses;
- a list of public projects designed to encourage private waterfront investment; and
- a list of public and private actions required to implement the strategy.

Following approval of the LWRP by the NYS Secretary of State, State agencies' actions, including funding and permitting must be consistent with the approved LWRP to the maximum extent practicable. Following federal government concurrence of incorporation of a LWRP into the State's Coastal Management Program, federal agencies' actions must be consistent with the LWRP.

An adopted LWRP also increases a community's chances to obtain public and private funding for projects.

1.1.3 Updated Homestead Plan

The existing Homestead Plan allows for properties to be purchased from the City's inventory at a below fair market value, for use as side lots, new construction or for rehabilitation in HUD-eligible block groups. The City currently has approximately 7,500 vacant lots in its inventory, and the maintenance of these properties combined with the lost tax revenue from keeping them in public ownership is a burden on the City's financial resources.

The revised Homestead Plan will allow homesteading, below fair market value purchase, of vacant structures throughout the city; permit new construction in residential zones of the UDO; and enable homeowners to purchase an adjacent lot within HUD-eligible Low- and Moderate-Income (LMI) block groups. This is similar to the existing plan with expanded boundaries and an identified evaluation criteria.

The goal of the updated Homesteading Plan is to reduce the amount of land in the City's inventory and transfer it to productive use under private ownership by expanding the boundaries of where this activity is allowed.

1.1.4 Brownfield Opportunity Area (BOA) Nomination Packages

The Comprehensive Plan identified three Strategic Investment Corridors where most new economic activity should be directed through zoning, land reclamation, and infrastructure investment. The Strategic Investment Corridors are:

- The Waterfront/ Tonawanda Street Corridor;
- The Main Street/ Downtown Corridor; and,
- The South Park/ East Side Rail Corridor.

These three corridors contain a significant proportion of the city's economic enterprises and they are well-connected to all modes of transportation. Unfortunately, lower environmental standards during the first half of the 20th century left many sites within these corridors contaminated and in need of remediation.

New York State's Brownfield Opportunity Areas Program enables communities to put strategies in place to return dormant brownfield sites back to productive use while simultaneously restoring environmental quality. Under the BOA program, the New York State Department of State ("NYSDOS") and New York State Department of Environmental Conservation ("NYSDEC") have provided financial and technical assistance to the City to advance planning efforts in the following four BOAs located within the Comprehensive Plan Strategic Investment Corridors:

- The Tonawanda Street Corridor;
- The Buffalo Harbor;
- Buffalo River Corridor; and
- South Buffalo.

An area that is an officially designated BOA receives priority and preference from the state's Environmental Protection Fund and Environmental Restoration Programs. Additionally, development projects that are proposed consistent with the BOA Plan may receive a two percent tax credit bonus if the site has been accepted in the Brownfield Cleanup Program.

The BCDF includes four BOA nomination packages, one each for the Tonawanda Street Corridor, Buffalo Harbor, Buffalo River Corridor and South Buffalo BOA. The BOA nomination documentation examines existing site conditions within each BOA area including, community and regional setting, existing land use and zoning, brownfield sites, land ownership, parks and open space, existing structures, historic or archeologically significant areas, transportation systems, infrastructure, and natural resources and environmental features. An economic and market trends analysis was also conducted and is included in each BOA. The South Buffalo BOA also included an Implementation Strategy.

This information was used to develop proposed future land use and zoning, recommendations.

The following provides a brief overview of each BOA:

Buffalo Harbor BOA

The 1,045-acre Buffalo Harbor BOA includes the Inner and Outer Harbors and a portion of the city's Central Business District. It contains a large concentration of brownfields, vacant, and abandoned parcels, a legacy from the many industrial users that were formerly located on the waterfront.

The continuing redevelopment of the BOA will provide opportunities for additional water-dependent and water-enhanced attractions, utilizing assets such as highway and rail access, a bi-national bridge, and an environmentally rich setting including Lake Erie and the Buffalo River.

Buffalo River BOA

The Buffalo River Corridor BOA covers 1,052 acres to the southeast of downtown. It contains a large number of brownfields and abandoned parcels, a legacy from the industries that were once located along the Buffalo River. Redevelopment of this area will be based on its strategic location, which includes highways and rail lines that connect to destinations in both the US and Canada, as well as access to the Buffalo River and Lake Erie. Ongoing efforts to restore waterfront lands and improve public amenities will bolster interest in the area and create opportunities for land uses that match the needs of the community. The Buffalo River Corridor BOA builds on the adjacent South Buffalo BOA, and represents a natural progression from this effort by taking into account the impact of industries located along the Buffalo River. As brownfield sites are remediated in South Buffalo, additional shovel-ready land will be needed to continue attracting development.

Tonawanda Street Corridor BOA

The Tonawanda Street Corridor BOA encompasses 650 acres in the northwest section of the city. It contains a large number of brownfields and underutilized parcels, a legacy from the industries that were once located along the Belt Line rail corridor that serves as the geographic basis for the BOA. Redevelopment of this area will be based on its strategic location. Highways and rail lines connect to destinations in both the US and Canada. The Niagara River and Scajaquada Creek offer sought-after access to natural settings. Ongoing efforts to restore waterfront lands, improve public amenities, and leverage nearby neighborhood attractions will bolster interest in the area and create opportunities for land uses that match the needs of the community. The BOA builds on the work of the Tonawanda Street Corridor Plan, which recognized the potential for brownfield redevelopment, while simultaneously integrating neighborhood, commercial, and institutional assets that attract large constituencies on a regional basis. Few areas in the city offer such a mix of activity and well-positioned assets.

South Buffalo BOA

The South Buffalo BOA encompasses approximately 2,000 acres of land directly contiguous to or close to the waterfront. The majority of properties within the South Buffalo BOA are brownfield, underutilized or vacant sites, many of which were previously characterized. A major development is underway within the BOA, the Buffalo High-Tech Manufacturing Innovation Hub at Riverbend which will be home to SolarCity, a producer of solar panels, on approximately 70 acres. The BOA Plan also includes a Feasibility Assessment for the development of a 9-hole golf course located on a closed landfill. Other plans developed in coordination with the South Buffalo BOA effort evaluated recreation needs in the area, improvements to Tifft Nature Preserve and reviewed development proposals by private interests. These were all then synthesized into a proposal for land use and zoning which was coordinated with the Land Use Plan and UDO.

1.1.5 Unified Development Ordinance (UDO)

Zoning is one of the principal legal tools a community utilizes to implement the land use visions contained in its comprehensive and land use plans, brownfield opportunity areas, and local waterfront revitalization plans. Zoning governs what can and cannot be built on a given piece of land, it sets standards to ensure that adjacent buildings and land uses complement rather than conflict with each other.

The current City zoning code was adopted in 1953, over 60 years ago. Since that time the code has been amended numerous times, and numerous overlay districts have been added. This often makes the current zoning code difficult to use, interpret, and enforce.

The current zoning is Euclidian-based, the primary purpose of which is to segregate uses that are perceived to be incompatible. The current code regulates hundreds of individual uses including many uses that are no longer applicable, such as asbestos manufacturing. The traditional land use pattern of the City, with mixed use neighborhoods that include residential and retail or commercial uses surrounded by housing allowing employees to walk to work, was discouraged or prohibited under the current zoning.

The current zoning code also developed new lot sizes and setbacks, which often were in conflict with the existing neighborhood types and lot sizes. This created a situation where the reuse of existing buildings was discouraged, new buildings were markedly incompatible with existing housing stock, and the traditional mixed use nature of areas was discouraged. Minimum front side and rear setbacks decreased the percentage of lots that could be covered by a building and encouraged separations between buildings more often associated with suburban developments, decreased population density, and discouraged walkable developments and neighborhoods. This created a number of conflicts between the existing built environment and what was allowed by zoning.

The UDO combines zoning, subdivision, sign, bicycle parking, street design and approval standards into a single document. The UDO:

- Updates the land use designations based upon the Comprehensive and Land Use Plan, BOAs and LWRP;
- Encourages the implementation of development best management practices and consistent, high quality development;
- Consolidates approval procedures; and
- Eliminates conflicts among related codes.

The proposed UDO is form-based which emphasizes neighborhood character, as its basic organizing principle, while still recognizing use as an important criteria or issue. This approach was chosen because of its unique capacity to help the city adapt to an evolving economy and realize the community's vision for walkable, green neighborhoods. The proposed UDO aims to:

- Support walkable, mixed-use development;
- Strengthen the city's economic centers;
- Protect and enhance Buffalo's traditional development character;

- Remove barriers to the reuse of vacant land and structures;
- Encourage investment;
- Protect important natural resources; and
- Reduce energy consumption.

The UDO is organized into 13 sections that govern how development in the City can occur. The zoning map is also incorporated into the UDO and includes all parcels in the City, each of which is assigned a zoning classification. The zoning classifications were informed by the Land Use Plan and other plans included in the BCDF.

The zoning districts included in the UDO are different from the current zoning code district classifications but are meant to group like uses and forms.

The zoning districts identified in the UDO are:

- N-1D Downtown/Regional Hub
- N-1C Mixed Use Core
- N-1S Secondary Employment Center
- N-2C Mixed Use Center
- N-2E Mixed Use Edge
- N-2R Residential
- N-3C Mixed Use Center
- N-3E Mixed Use Edge
- N-3R Residential
- N-4-30 Single Family
- N-4-50 Single Family
- D-R Residential Campus
- D-M Medical Campus
- D-E Educational Campus
- D-S Strip Retail
- D-C Flex Commercial
- D-IL Light Industrial
- D-IH Heavy Industry
- D-OS Square
- D-OG Green
- D-ON Natural
- C-M Metro Rail
- C-R Rail
- C-W Waterfront

Zoning districts that start with the letter “N” represent neighborhoods, those that start with “D” represent districts, and those that start with “C” represent corridors. Neighborhoods have connected street grids and are highly walkable; districts are less integrated, but are within walking distance of neighborhoods, although they may not have a traditional grid to enhance walkability; corridors are important linear connections across neighborhoods and districts.

Within the neighborhood categories, the number reflects the intensity of the use; those with “1” are most intense and those with a “4” are the least intense. The final letter in the district relates to the mix of uses:

- “D” is the regional center and appropriate for high density offices and buildings;
- “C” denotes center areas where first floor residential uses are inappropriate. These are walkable areas with a mix of commercial uses that support the surrounding community;
- “E” denotes edges where mixed commercial and residential uses are both appropriate; and
- “R” denotes residential areas where commercial activities should be limited to existing commercial structures only.

To ensure future development supports the existing area, the UDO identifies not only appropriate uses by zone but also by building types. In each neighborhood zone, specific building types that are consistent with the existing and desired built environmental are identified. Building heights, setbacks, fenestration and materials are prescribed.

Districts are also identified in the UDO; these are generally single or limited use areas. The UDO is less restrictive in these areas regarding building types, materials and layouts, while still limiting uses. In each district, only the uses that would support the principal use of the zone is allowed. For example, in the D-IH Heavy Industry district, residential uses are generally prohibited as are many neighborhood type retail and assembly uses. This is intended to reduce land use conflicts.

Corridor zones are linear areas that connect parts of the City. The C-R zone protects existing rail infrastructure for either continued use as rail or future use as a transportation right-of-way, including trails. The C-M recognizes the potential of the Light Rail Rapid Transit System and its ability to support transit-oriented development. The UDO allows additional density in this area and limits auto-dependent uses. The C-W zone translates the LWRA as an overlay and includes a setback from the water's edge to protect water quality and habitat. The zone also limits some incompatible uses.

UDO includes application instructions and approval standards for work in the public right-of-way and on private land including the following:

- Amendments to the zoning code or map;
- Special Use Permits, discretionary review and approval of certain uses which may have off-site impacts;
- Adaptive Reuse Permits, discretionary approval of some expanded uses for historic structures;
- Minor Site Plan Review, review of certain building and renovation plans;
- Major Site Plan Review, review of projects to allow review of discretionary items including design;
- Planned Unit Developments, review of redevelopment of larger tracts of land;
- Sign Permits, review of signage to ensure consistency with standards;
- Temporary Use Permits, review of uses that are temporary;
- Encroachment Permits, review of proposals to use the public right-of-way;
- Curb Cut Permits, review of new or widened driveways;
- Right-of-Way Work Permit, review of proposals to do work on or under the public right-of-way;
- Tree Work Permit, review of proposals to plant new or impact City trees;
- Thoroughfare Plan, review of proposed changes to existing or new streets; and
- Subdivisions, review of the combination or division of land.

Each of the approvals is intended to ensure that the standards detailed in the UDO are implemented while allowing for discretionary review of certain items which may have additional impacts.

1.1.6 Urban Renewal Plans (URP) and Local Laws

Repeal of Urban Renewal Plans

Twenty-five (25) of the City's 46 approved Urban Renewal Plans (URP) are still in effect. The goal of URPs is to address blighted conditions through development of a plan and coordinated governmental action. NYS General Municipal Law ("GML"), Article 15, Section 501 states:

> *"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 such 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 participation in these programs by private enterprise.*
>
> *It is necessary for the accomplishment of such purposes to grant municipalities of this state the rights and powers provided in this article. The use of such rights and powers to correct such conditions, factors and characteristics and to eliminate or prevent the development and spread of deterioration and blight through the clearance, re-planning, reconstruction, rehabilitation, conservation or renewal of such areas, for residential, commercial, industrial, community, public and other uses is a public use and public purpose essential to the public interest, and for which public funds may be expended."*

The GML authorizes the City to undertake activities to improve existing conditions in the designated urban renewal areas, in order to forward the public interest and promote redevelopment and conservation of the area. Any redevelopment activities must be consistent with the URP for the area.

However, the number of plans and their age (dated from 1957 to 2007) made them unwieldy and difficult to apply in the context of the underlying zoning. The URPs have essentially acted as zoning overlay districts regulating land uses, building forms and proposal requirements. At times, the stated goals of the URP were not consistent with the underlying zoning regulations. The addition of another level of regulation added to the unpredictability of development in these locations.

Each of the 25 active URPs has been analyzed to ensure that the land use regulations contained therein have been integrated into the UDO (Appendix F). Based upon that analysis, the BCDF proposes the complete repeal of the following 24 URP's:

Broadway-Fillmore

Cold Spring

Connecticut and Amendment

Downtown Entertainment Phase I and Amendment

Downtown Entertainment Phase II

Downtown Entertainment Phase III

Downtown Entertainment Phase IV	New Buffalo Industrial Park
Downtown Entertainment Phase IV-A	Oak Michigan Phase I
Downtown Renewal Phase III	Oak Michigan Phase IIA
Downtown Renewal Phase IV	Pratt Willert and Amendments
Genesee Village	Seneca Babcock
Grant-Ferry	Seneca Cazenovia
Lower West Side (Georgia Prospect)	Thruway Industrial Park Pilot
Main LaSalle Phase II	Thruway Industrial Park William Street
Michigan Street	Union Ship Canal and Amendment A

The Homestead Plan, which is a URP, would be replaced as stated in section 1.1.3 above.

Repeal of Local Laws

Local Laws have been analyzed to determine whether they should be repealed due to their outdated nature or if the provisions of such laws are addressed in the UDO. Based upon that analysis, the BCDF proposes the repeal of the following Local Laws or portions of Local Laws:

- § 168 Environmental Review, conflicts with state law and is no more protective of the environment. Repealing this section will not eliminate the need to perform environmental reviews but will align the city with state law requiring such reviews.
- § 307-15.2, Bicycle Parking is more specific in Article 9 of the UDO.
- § 387 Signs, is replaced by Article 9 of UDO.
- § 413-22, the right-of-way work permit to cut curbing would be approved administratively by the Commissioner of Public Works, Parks, and Streets is replaced by a revised curb cut permit in Article 11 of the UDO. The provision in § 413-22 requires separate approval in some circumstances by a nonexistent Commissioner of Transportation (in addition to the Commissioner of Public Works).
- § 413-55, Exhibition of sales and goods. This provision conflicts with Section 6.2.2.U, Outdoor Display in the UDO. It is proposed that the UDO be the only section of the City Code where outdoor display and sidewalk sales are addressed, and that § 413-55 be repealed.
- § 413-56 to § 413-59.1. These provisions are replaced by sections of the UDO addressing signs (Article 9), minor encroachments, and major encroachments (Article 11).
- § 413-67, Encroachments. This provision is replaced by the encroachment permit in Article 11 of the UDO, Administration & Approvals.
- § 421, Subdivision of Land. This chapter is replaced by Section 11.5, Subdivision Approvals in the UDO. The UDO includes this chapter in the repealer in Section 1.1.9, Repeal of Prior Provisions.
- § 467-8, Trees and development. The provision conflicts with standards in Article 7 of the UDO.

- § 475, Sale of Vehicles. This chapter addresses nighttime illumination of vehicle sales lots, which is addressed in greater detail by Section 7.4, Outdoor Lighting, in the UDO. It is proposed that § 475 be repealed.
- § 511, Zoning. The UDO replaces this chapter in full.

1.2 PURPOSE AND NEED - BUILDING ON THE QUEEN CITY COMPREHENSIVE PLAN

The Queen City in the 21s Century ("Comprehensive Plan") is a twenty-year comprehensive plan prepared by the Office of Strategic Planning and adopted by the City of Buffalo Common Council (Common Council) in 2006. Its aim was to use Smart Growth strategies to reinvigorate the city as a place and regional hub within the greater "Golden Horseshoe" mega region extending from Toronto to Rochester. The plan recommended an investment program that synthesizes large scale economic development initiatives with fine-grained revitalization of housing and neighborhoods.

The Comprehensive Plan set the agenda for the city's future by outlining four fundamental principles: fix the basics; build on assets; implement smart growth; and embrace sustainability.

The multifaceted plan recommended the implementation of many specific tools, but broadly, the plan focused on the economy, the community, the environment, infrastructure, financial capacity and control, and planning and zoning, across the following themes:

1. Delivering quality public services;
2. Maintaining public infrastructure;
3. Transforming Buffalo's economy;
4. Reconstructing the schools;
5. Rebuilding neighborhoods;
6. Restoring the Olmsted, Ellicott, and waterfront systems; and
7. Protecting and restoring the urban fabric.

The plan stressed the importance of adopting a form-based land use and zoning code that would encourage reinvestment and reinforce the city's traditional mixed-use, walkable neighborhoods. The plan also recommended three critical investment corridors:

- Tonawanda-Waterfront Corridor;
- South Buffalo-East Side Rail Corridor; and
- Main Street-Downtown Corridor.

The intent of the BCDF is to implement the core principles of the Comprehensive Plan by allowing existing neighborhoods to develop according to historic and traditional land use patterns. It is also intended to

strengthen neighborhoods by allowing for retail amenities to be accessible within walking distance of most residents and providing employment opportunities near residents as well. Approximately 30% of households in the City do not have a car, and ensuring convenient access to goods, services and employment allows these households to operate more efficiently.

The last update of the zoning code was in 1953, which was adopted without significant public input or consideration of the diverse stakeholders in the community. Moreover, a number of overlay district regulations and URPs were subsequently adopted and made part of the zoning code, resulting in a regulatory framework that is confusing, convoluted and often contradictory. The BCDF, and in particular the UDO, has been developed with significant input from all stakeholders. One goal was to allow stakeholders to guide the future development of their neighborhoods while creating a predictable development environment.

1.3 PUBLIC OUTREACH AND STAKEHOLDER ENGAGEMENT

1.3.1 Community Input

The BCDF was developed based upon an extensive community engagement process over several years. Building upon the outreach activities associated with the Queen City Comprehensive Plan, the BCDF employed numerous tools to engage the full community, reaching out to residents, businesses, community organizations, institutional partners and government agencies. Information and invitations to participate were circulated through mailings, postings, newspapers and local access cable announcements and advertisements, phone calls, and digital media efforts including website, social media sites, crowdsourcing, email notifications/listserve and e-blasts. Outreach efforts included project Steering Committees, Citizen Advisory Committees, Technical Advisory Committees, large scale community presentations, including the Mayor's Citizen Waterfront Forums, Green Code Planning Day, neighborhood focused discussions, special interest group meetings, interviews, surveys, design charettes, and scenario planning. For optimal results and feedback, outreach activities were held in each affected neighborhood in an effort to hear a range of feedback and address the concerns of those most likely to be affected by the proposed changes. Mayor Byron Brown also hosted special meetings to engage the City's senior citizen, youth and disabled residents and service providers. Translation services were provided at several public meetings, targeting specific neighborhoods and populations where a need was anticipated. Comments and input were shared among the Green Code, BOA and LWRP teams to maximize responsiveness.

A summary of BCDF outreach activities is provided in Appendix G. Also included is a summary of some of the revisions to the UDO based on the public meetings held in 2014 on the public review draft of the document.

1.4 SEQRA PROCESS AND LWRP REVIEW

1.4.1 SEQR Process

The NYS Environmental Quality Review Act (SEQRA) defines a "Type I Action" as "an action or class of actions that is more likely to have a significant adverse impact on the environment that other actions or classes of action." These activities must be further reviewed under SEQRA to determine the potential for significant adverse environmental impacts.

The Common Council ("Common Council"), acting as Lead Agency pursuant to the State Environmental Quality Review Act (SEQRA), has determined that adoption of the BCDF may have a significant impact on the environment. The BCDF will alter the development framework within the City, define policies for citywide land use, including waterfront land and brownfield areas, and replace existing zoning, subdivision, sign and related regulations with a new form-based UDO.

On May 29, 2012, Common Council received a Full Environmental Assessment Form prepared on its behalf by the City of Buffalo's Office of Strategic Planning (OSP) for the BCDF. The Common Council determined, pursuant to 6 NYCRR § 617.4 (b) (1), that the adoption of the components of the BCDF was a Type 1 Action under SEQRA. On May 30, 2012, the Common Council circulated a letter to other involved agencies and interested agencies, stating its intent to act as Lead Agency. Since no objections were raised by July 10, 2012, the Common Council assumed the role of Lead Agency.

Pursuant to 6 NYCCR § 617.7, the Common Council determined that the adoption and implementation of the Action may have an adverse impact on the environment and that a Draft Generic Environmental Impact Statement (DGEIS) must be prepared. The Common Council also determined that scoping for the DGEIS would be appropriate. A draft scoping document, outlining the topics to be included in the DGEIS, was prepared in July 2012 and circulated for agency and stakeholder comment. No final scoping document was adopted by the Common Council and per 6 NYCRR § 617.8(i) this DGEIS was prepared consistent with the draft scope.

This DGEIS:

- characterizes the existing conditions in the City of Buffalo;
- identifies and assesses the potential environmental impacts that are likely to occur by the adoption and implementation of the BCDF;
- identifies mitigation measures that have been utilized to minimize potential adverse environmental impacts; and
- establishes specific conditions or criteria under which future actions will be undertaken or approved, including requirements for future SEQRA reviews and compliance.

Once the Common Council accepts this DGEIS as complete, there will be a public review period. During that time, the Common Council may host a public hearing(s) on the DGEIS. Following the close of the

public review period, the Lead Agency must prepare or cause to be prepared, a Final Generic Environmental Impact Statement (FGEIS) which responds to comments from the public, interested and involved agencies. The FGEIS will include substantive comments received and responses to those comments, revisions to the DGEIS and the reason for revisions.

At least ten days after the completion of the FGEIS, the Common Council can issue a Findings Statement, in accordance with 6 NYCCR § 617.11, which identifies whether the proposed action, adoption of the BCDF, minimizes or avoids potential adverse environmental impacts to the maximum extent practicable, and the that mitigation measures identified through the SEQR process were incorporated. The determinations in the Findings Statement must be based on facts and conclusions that are derived from the SEQR process.

1.4.2 LWRP Agency Review

The NYSDOS coordinates agency review of the draft LWRP.

The Common Council will adopt a resolution formally accepting the Draft LWRP as complete and ready for public review and submit the LWRP to the NYSDOS for its review by state, federal and regional agencies pursuant to the provisions of Article 42 of the NYS Executive Law.

NYSDOS will publish a public notice in the State Register, announcing the 60-day review period and post the LWRP on the NYSDOS website. NYSDOS will send letters to all interested/affected local, state, and federal agencies.

NYSDOS will collect public comments and after the 60-day review period ends, work with the City to address all comments received.

1.5 Approval and Adoption

Following issuance of the Findings Statement, and a ten-day waiting period, the BCDF is then ready for formal Council adoption, at once or separately.

At this time the Common Council can also repeal the local laws and Urban Renewal Plans listed in Section 1.1.6 above, accept the BOAS as complete, adopt the Land Use Plan, Homestead Plan, LWRP, and the UDO.

Upon Common Council adoption, the City will formally submit the LWRP to the Department of State. The formally submitted LWRP will be reviewed for consistency with State and Federal Coastal law to the Secretary of State for approval. Once approved, the Secretary of State issues notification to State agencies requiring consistency with the LWRP. Once state consistency has been determined, the Secretary sends notification to the federal Office of Coastal Management requesting concurrence. Once concurrence is received, the NY Secretary of State publishes notice of concurrence, at which point federal consistency takes effect.

2.0 ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION

This section is intended to provide information and present the state of the current environmental setting of the City of Buffalo within the context of the BCDF, along with the potential impacts of implementation and associated mitigation measures.

The environmental factors discussed in this section are listed below:

- Land Use and Zoning
- Socioeconomic Considerations
- Transportation
- Utilities
- Historic and Archeological Resources
- Parks and Open Space
- Community Character and Visual Quality
- Public Services
- Hazardous and Contaminated Sites
- Natural Resources

2.1 LAND USE AND ZONING

2.1.1 Planning Framework

Setting

The following is a summary of the land use and zoning related elements found in previous planning documents that cover development in the City of Buffalo. The following plans were reviewed as part of this analysis:

- Queen City in the 21st Century: Buffalo's Comprehensive Plan;
- The Queen City Hub. A Regional Action Plan for Downtown Buffalo;
- Queen City Waterfront. Buffalo Waterfront Corridor Initiative: A Strategic Plan for Transportation Improvements; and
- The Olmsted City. The Buffalo Olmsted Park System: Plan for the 21st Century;

There are also a number of Master Plans, area-wide plans and regional initiatives, which were considered in this analysis and include:

- Four Neighborhoods, One Community;
- UB 2020;
- Richardson Olmsted Complex Master Plan;
- Canal Side Project Plan;
- Buffalo State Facilities Master Plan
- Niagara River Greenway Commission Plan;
- Erie County Agricultural and Farmland Protection Plan; and
- Framework for Regional Growth: Erie and Niagara Counties, New York

Queen City in the 21st Century: Buffalo's Comprehensive Plan

The Comprehensive Plan is a physical land use plan which aims to develop a vision for the future of the City of Buffalo through 2030. The plan outlines policies for guiding investment and development with a focus on maintaining existing infrastructure, while protecting and restoring assets such as the Frederick Law Olmsted-designed Parks and Parkways system, the Ellicott radial and grid street plan and the waterfront.

The Comprehensive Plan outlines principles to strengthen centers, revitalize corridors and promote sustainable mixed-use neighborhoods throughout the City of Buffalo, which are identified as the three types of land uses along which the City developed. There are residential, commercial and mixed use neighborhoods; corridors that connect various areas of the City; and, districts which have developed around one main use such as an educational campus.

The Comprehensive Plan identifies the following strategic investment corridors:

- The Waterfront/Tonawanda Corridor
- The Main Street/Downtown Corridor
- The South Park/East Side Rail Corridor

These corridors are important because they provide links to downtown Buffalo and the waterfront. The plan sets forth goals focused on the redevelopment of vacant and underutilized land with infill and other appropriate uses, as a significant number of brownfields are located within these corridors.

A major focus of the plan is coordinating transportation initiatives with land use policies to promote smart growth, as well as linking housing to economic development. This is especially important in downtown Buffalo, and in developing areas such as the Buffalo Niagara Medical Campus (BNMC).

The Comprehensive Plan recommends a strategy with a balanced program of investments in economic development and repair of the urban fabric. Including efforts to improve housing and reinvest in neighborhood infrastructure, and revitalize the larger infrastructure of city life, including parks, schools, utilities and transportation. But it would also make critical investments in major economic development initiatives – to reclaim brownfields for redevelopment, invest in strategic growth industries such as health care and tourism, support Downtown redevelopment, and more. This scenario would estimate a City population of 295,000 to 305,000 by 2030.

The Queen City Hub: A Regional Action Plan for Downtown Buffalo

Based on the *Strategic Plan for Downtown Buffalo* (1999), the *Queen City Hub* outlines a work plan for both the physical and economic revitalization of downtown into a regional activity center.

The plan outlines five major Strategic Investment Areas*:*
1. Erie Canal Harbor & Waterfront;
2. Downtown Education & Public Safety Campus;
3. Government Center & Financial/Business District;
4. Theatre District; and
5. Buffalo-Niagara Medical Campus.

The plan builds on the existing Ellicott radial plan and the Olmsted-designed Park and parkway system, and promotes connectivity to the waterfront via key streets such as Genesee, Church, Erie and Main Street.

Many projects outlined in the Queen City Hub have been implemented, specifically along the waterfront and Erie Canal Harbor. These include the demolition of the Memorial Auditorium, new infrastructure and development of adjacent parcels for the CanalSide Project, and the reestablishment of the historic Erie Canal terminus as a visitor destination. The plan for downtown seeks to promote mixed-use development, increase public access to the waterfront, and supports a variety of modes of transportation including pedestrian and bicycles.

Portions of the Erie Canal Harbor and Waterfront strategic investment areas are within the LWRA boundaries as well as the Buffalo Harbor BOA area.

The Queen City Waterfront

The Queen City Waterfront is a strategic plan focused on projects occurring along the City of Buffalo's waterfront. The main goal of this plan is to maintain the waterfront as a productive asset and promote water-dependent and water-enhanced activities which provide public access. A guiding policy for future development is the support of transportation connections and access to the waterfront for vehicles, bicycles and pedestrians. The plan provides an extensive inventory of projects which are categorized by status and geographic focus:

- Transportation Connections
- Inner Harbor/Downtown
- Outer Harbor/South Buffalo
- Buffalo River
- Gateway/West Side
- Riverside/Black Rock/Scajaquada

The plan seeks to strengthen waterfront neighborhoods, provide direct access to the waterfront, maintain the waterfront ecosystem and support waterfront transportation initiatives.

The Olmsted City: Olmsted Parks Restoration and Management Plan

The Olmsted City is the Master Plan for Buffalo Olmsted Parks Conservancy's park and parkway restoration and management program. The plan outlines a restoration plan and recommendations for the City's network of Olmsted-designed parks, parkways and open spaces, which include Delaware Park, South Park, Cazenovia Park, Martin Luther King Jr. Park, Riverside Park and Front Park. The plan anticipates how the park and parkway system will take shape in the future outlines a restoration plan and recommendations for each park.

South Park and Cazenovia Park fall within the boundaries of the South Buffalo BOA.

The plan outlines the following key initiatives for each park, parkway and open space in the Olmsted system:

Delaware Park-

- Proposals to upgrade Scajaquada Expressway to a parkway; and
- Connect the park to the Niagara River Greenway by linking Jesse Kregal Pathway.

Front Park-

- Restore connections between the park system, via Porter Avenue to Lasalle Park and Cotter Point; and
- Establish bike trails to connect surrounding trail systems that are a part of the Niagara River Greenway.

South Park-

- Develop a direct link from South Park to the Our Lady of Victory Basilica

Cazenovia Park-

- Establish connections to surrounding areas

The goals for the parkways and traffic circles seek to improve safety, access and circulation for vehicles, bicycles and pedestrians, while restoring their historic integrity.

A primary goal of the plan is to provide direct access to surrounding neighborhoods, while building on the parks unique assets as a mechanism for community and economic development. The plan seeks to promote access and circulation within the parks and parkway system, improve pedestrian access, improve access to water systems within and adjacent to the parks, and develop regional and city-wide connections to other parks and the waterfront through links to greenways and other trail systems.

Other key plans and initiatives considered as part of this analysis are summarized below.

Four Neighborhoods, One Community Master Plan Summary

Four Neighborhoods, One Community is a planning process and engagement strategy that strives to achieve aspirations of a shared community. Together, the Allentown Neighborhood, the Fruit Belt Neighborhood, the BNMC, and the City of Buffalo are working together to realize their goal of a unified community. The BNMC is located between Allentown and the Fruit Belt, and is therefore an important link between these neighborhoods.

A major component of the planning process is the BNMC Master Plan. This plan lays out what is necessary for it to become a center for biomedical research, education, business and clinical organizations. The neighborhood communities and campus need to develop a collaborative for both to flourish.

The 2010 BNMC Master Plan anticipates how the campus will grow in the next 5 to 20 years. This growth will include: North End Projects (Maple St., High St., Main St., and E. North St.) including the Gates Vascular Institute/UB Clinical Translational Research Center; a Skilled Nursing Facility (east of Michigan Ave.); Conventus, the medical office building (between Main, Ellicott, High and Goodrich Streets); and relocation of the Children's Hospital (from Bryant St. to the BNMC). All these and future projects will allow the campus to reach its 120-acre capacity to accommodate the majority of growth that would occur. Key to the campus development is density, without significant land acquisition, which emphasizes development on underutilized sites. The only expansion of the BNMC beyond its original boundaries is the Skilled Nursing Facility which is on the east side of Michigan Avenue.

UB 2020 (South and Downtown Campuses) Master Plan Summary

Building UB is the physical plan which will implement the goals outlined in the UB 2020 strategic plan. The plan focuses on three campuses, two of which are in the City of Buffalo: South Campus and a new Downtown Campus.

South Campus, located along Main Street at the northern edge of the City, needs significant investment to accommodate the 21st Century needs of students and faculty. The 2020 plan prioritizes renovation and reutilization of the campus for new modern teaching and learning centers. Several capital projects will drastically improve this campus and include: Farber Hall renovations, Harriman Quad restoration, Hayes Hall Renovation, Kapoor Hall renovation, Kimball Tower renovation, UB Child Care Center and Wende Hall renovation. No expansion of the campus footprint is proposed.

The Downtown Campus identifies the following planned Capital Projects: School of Medicine and Biomedical Sciences Phase 1; Educational Opportunity Center; UB Downtown Gateway; Clinical and Translational Research Center; and UB Biosciences Incubator. All of the projects are within the footprint of the current BNMC with the exception of the Educational Opportunity Center and UB Downtown Gateway. These are just south of BNMC across Goodell Street in the traditional downtown area. These two adjacent properties act as a link between downtown and the BNMC.

Both the South and Downtown Campuses will develop public spaces with a goal to foster stronger university and regional communities that will be more functional and aesthetically pleasing.

Richardson Olmsted Complex Master Plan Summary

The Richardson Olmsted Complex Master Plan's overall goal was to ensure the conservation/rehabilitation, revitalization/reuse and economic viability of the former Buffalo Insane Asylum (later Buffalo Psychiatric Center) property located at Forest and Elmwood Avenues in the City. H.H. Richardson, the architect, Frederick Law Olmstead and Calvert Vaux, the landscape architects, and Dr. Thomas Story Kirkbride designed the original significant and historic 19th century buildings and landscape that has enriched American culture for more than 140 years. The Master Plan seeks to re-use this National Historic Landmark in order to honor historic significance and Richardson's design character and rehabilitate the surrounding landscape consistent with Olmsted's design and vision.

To achieve this goal, a new vision for the campus was developed. The site is undergoing preservation, rehabilitation, and transformation in order to encourage new uses that would complement the spirit of the original site plan. The Master Plan aims to support local suitability while fostering economic sustainability, without compromising the site's character and landscape as "sanctuary" and as a truly unique "place."

The site's overall development will be flexible to allow for market condition changes via public and private funding. The Master Plan is organized with short-term, specific goals and objectives, based on the future vision of the site. The plan starts with rehabilitating the iconic Administration Tower, then progresses into four additional programs: the Architecture Center, the Visitor Center, the Boutique Hotel and the Conference Center. Work has started on the redevelopment of the property which includes building rehabilitation and adaptive reuse and restoration of the historic landscape. Implementation of the Master Plan would include rehabilitation of the grounds and repair and stabilization of the buildings without impacting the continued use of the site for the current Psychiatric Center operations in newer campus buildings or expansion into any of the surrounding neighborhoods.

Canalside Project Plan

The Canalside Project Plan is a development plan by the Erie Canal Harbor Development Corporation for a mixed-use development that seeks to reconnect Downtown Buffalo with the waterfront, through infrastructure improvements and investment, such as the cobblestone streets, canals, and public spaces. The Canalside project area is defined as the 20 acres along the Buffalo riverfront centered on the terminus of the Erie Canal, bounded to the north by Upper Terrace and Exchange Streets and Perry Boulevard; on the east by Washington Street; on the south by Perry Street and the Buffalo River; and to the west by Erie Street, Marine Drive, and Pearl and Commercial Streets.

The plan is comprised of the following six areas , each having its own physical design and proposals:

- Aud Block (site of the former Buffalo Memorial Auditorium);
- Donovan Block
- Webster Block;
- Commercial Slip Block;
- Under Thruway Block; and
- Erie Canal Harbor Parcels.

The Canalside project seeks to transform underutilized land within downtown as well as maintain and enhance the historic waterfront's assets while creating a vibrant mixed use area that supports entertainment and employment opportunities. The plan has prescriptive design guidelines which aim to ensure ground level design that does not interfere with the visual assets of the waterfront. Much of the area is slated for development with high-quality public spaces linking the various location. The area from Perry Street to the Commercial Slip from Prime Street to the water will be retained as public space.

Buffalo State Facilities Master Plan Summary

Buffalo State Facilities Master Plan lays out the future of the campus for 2013-2023. The plan is part of a New York State Construction Fund (SUCF), State University of New York (SUNY) system-wide planning initiative.

The plan envisions how the campus will develop and respond to current and projected needs. Specific goals have been set in order to achieve target capital investments to advance its strategic academic mission. These objectives include: renewing campus facilities; strengthening the quality of the campus experience; further engaging surrounding communities around the campus in order to become more welcoming; and to service its commitments to nearby neighborhoods, the city and the region.

Specific projects identified include: renovation and upgrade of 14 campus buildings; construction of additional campus life space; a new athletic stadium; campus operations center; and infrastructure, circulation and landscape improvements. The plan does not anticipate an expansion of the current campus footprint.

The Niagara River Greenway Plan and Final Environmental Impact Statement

The Niagara River Greenway Plan was prepared by the Niagara River Greenway Commission for the New York State Office of Parks, Recreation and Historic Preservation (OPRHP).The Niagara Greenway is defined as "a linear system of state and local parks and conservation areas linked by a network of multi-use trails." The plan provides a framework for implementation and outlines specific principles which range from sustainability, accessibility, ecological integrity and restoration. The Greenway plan seeks to improve access to the Greenway and waterfront, establish connections between surrounding neighborhoods, particularly to the Olmsted Parks and parkway system, and other systems such as the Seaway Trail and Erie Canalway Trail.

The plan designates the boundaries of the Greenway, which spans 36 miles from Lake Erie to Lake Ontario and is comprised of thirteen municipalities located along the Niagara River, from the City of Buffalo to the Village of Youngstown. In the City of Buffalo, the Greenway is comprised of numerous waterfront parks, natural features and cultural and heritage sites running along the length of the Niagara River and Lake Erie

Portions of the LWRA, Buffalo Harbor, Buffalo River and a small portion of the Tonawanda BOAs intersect with the Greenway.

The **Erie County Agricultural and Farmland Protection Plan** is an update to the *Erie County Farms for the Future plan*, published in 1996. It outlines the strategies, goals and actions necessary over the next 10-year planning horizon from 2012-2022. The overall goals of the Protection Plan are as follows:

- Identify and protect agricultural land with development pressure;
- Support new farms and attract new farmers to Erie County;
- Identify strategies to increase the financial viability of agriculture in Erie County;
- Connect rural and urban farmers with consumers and new markets; and
- Increase accessibility of healthy, local food for consumers.

The plan identifies agricultural districts, parcels and soils within Erie County and promotes food systems policies to outline goals for food production and access within the city specifically.

The primary goals of the Protection Plan as it relates to the City of Buffalo are to promote urban farming, improve food access and offset the loss of farmland due to urbanization. The protection plan suggests that vacant land and urban areas such as rooftops and factories be used for small scale urban farming and garden initiatives. The Protection Plan explicitly states that urban agriculture initiatives should support Buffalo's Green Code zoning update, improve availability of contiguous parcels, assist residents with soil preparation, promote shovel ready sites, and coincide with economic development initiatives to make urban agriculture more viable within the city and along its urban edges.

The Framework for Regional Growth

The Framework for Regional Growth is a plan developed for both Erie and Niagara Counties, providing policy direction to support decision-making processes and actions relating to conservation, development and investment in the region.

The plan outlines actions based on primary policy areas, which are categorized as developed, developing and rural areas. The City of Buffalo is defined as developed. The plan also identifies policy sub-areas to which investment should be directed, including centers and corridors. Four specific investment areas were identified: City of Buffalo's downtown as a regional center; the Niagara River Corridor (South); the Main Street/UB Corridor; and Erie Lakefront/Route 5 Corridor.

Portions of the Niagara River investment corridor (South) overlap with the Tonawanda Street Corridor BOA boundaries, and a northern portion of the Erie Lakefront/Route 5 Corridor includes the South Buffalo BOA.

The framework defines two types of Conservation Overlays: the Natural Systems Overlay for environmental resources such as wetlands and floodplains, and the Heritage Assets Overlay for areas with a number of recreational, scenic and cultural resources.

The Natural Systems Overlay intersects with the Buffalo Harbor and Buffalo River Corridor BOA's. The Heritage Assets Overlay includes portions of the Seaway Trail, the Waterfront and Erie Canal Corridors, which are within the LWRA and the Buffalo Harbor BOA.

Potential Adverse Impacts

The recommendations and work of each of the plans and initiatives discussed above have been addressed and/or incorporated into the Land Use Plan, BOAs, LWRP, and UDO, as appropriate.

Queen City in the 21st Century: Buffalo's Comprehensive Plan

The Land Use Plan directly incorporates the recommendations and guidance of the Comprehensive Plan and translates it into place-based recommendations for the City. In turn, the UDO translates the goals and polices of the Land Use Plan into regulations while being consistent with the Comprehensive Plan.

Specifically, the Land Use Plan and UDO identify neighborhoods, corridors and districts and include design of specific regulations tailored to each type of area to create a range of uses within the City.

Additionally, the BOAs intersect with most of the strategic investment areas identified in the Comprehensive Plan. The BOAs reinforce the Comprehensive Plan by identifying specific proposals for the underutilized sites that could be converted to productive use.

The Queen City Hub. A Regional Action Plan for Downtown Buffalo

The BCDF is consistent with the Queen City Hub Plan. The UDO includes zoning downtown as an area for appropriate dense infill development with a range of allowable uses that prioritize intense land uses (N-1D). This zoning also allows for mixed use developments, which then decrease in intensity moving away

from the center. The UDO also specifically zones the Buffalo Niagara Campus as a District- Medical (D-M) to allow the medical campus to continue to develop but prevent expansion into the adjacent neighborhoods.

The Buffalo Harbor BOA and LWRP support the waterfront as a major center of downtown by preparing an economic analysis, in the BOA, and prioritizing water dependent and water enhanced uses thought the LWRP.

Queen City Waterfront

The BCDF is consistent with the goals of The Queen City Waterfront Plan in that it supports concentrated development and redevelopment of vacant and underutilized sites within the city, particularly in the Buffalo Harbor, Buffalo River and Tonawanda Street Corridor BOAs. A majority of the projects outlined in this plan are also within the LWRA, and implementation of the plan will maintain the waterfront as a productive asset and promoting water dependent and water enhanced uses, consistent with the policies of the LWRP.

The Olmsted City. The Buffalo Olmsted Park System: Plan for the 21st Century

The BCDF is consistent with the goals of the Olmsted City Plan. For the first time, all parks in the City of Buffalo will be zoned as parkland under the UDO, affording them equal recognition within the overall zoning for the City. Also, a criterion for requiring major site plan review under the UDO is proximity to an Olmsted Park or Parkway for new construction. This will allow for an additional layer of review regarding physical development projects near the parks and parkways and ensure that development under the BCDF is consistent with the goals of the Olmsted Plan. Additionally, Delaware, South and Cazenovia Parks will be within the LWRA which will further protect these parks from inappropriate encroachments.

Four Neighborhoods, One Community

The BCDF is consistent with the Four Neighborhoods, One Community Plan. The BCDF allows for development on the BNMC to proceed with some flexibility, while reinforcing the historic development patterns of the adjacent residential communities, zoning for commercial spin-off on mixed use streets and limiting the encroachment of the BNMC to adjacent areas.

One specific protection for the adjacent neighborhoods established in the UDO is limiting the potential locations of hospitals and colleges, which would be restricted to areas zoned as D-E or D-M. Colleges would also be allowed in N-1D, N-1C and N-1S zones. Under the current zoning code, these uses are allowed in all zones of the City except R1 single-family residential zones.

UB 2020 (South and Downtown Campus) Master Plan Summary

UB has begun implementing its plan for the Downtown Campus, completing the EOC building and with new Medical School Building under construction. The UDO is consistent with the UB 2020 plan; it zones UB South Campus as D-E, Education District, which allows a wide range of uses associated with educational institutions. The Medical School Building is zoned D-M, Medical District, which like the other districts,

allows a range of compatible uses and has flexible design standards to allow for the primary function of the district while respecting the existing built form. Both zones require greenspace to be integrated into new large sites to act as unifying focal points.

Richardson Olmsted Complex Master Plan

The Richardson Olmsted Complex is located within a larger parcel, but the UDO proposes zoning this portion of the parcel as D-OG, Open Space Green. This will allow the redevelopment of the Richardson Olmsted Site while protecting the landscape from future development. Additionally, the site is a National Historic Landmark and is listed on the National Register of Historic Places; therefore, it is eligible to apply for an Adaptive Reuse Permit, established in the UDO which, after a public review process, would allow for some additional reuse options not currently allowed in the D-OG zone. This would protect the historic site while allowing appropriate, sensitive redevelopment to occur.

Canalside Project Plan

The BCDF is consistent with the Canalside Project Plan.The UDO zones in the Canalside footprint are N1-C and N-2C, allowing for a mix of uses which will facilitate creating a mixed use, water enhanced area, commercial opportunities, and public access to the waterfront while ensuring smaller scale building closer to the waters edge. The design standards in the UDO will not create a conflict with those prescribed in the Project Plan. Additionally, the site is within the LWRA which will prioritize water enhanced uses.

Niagara River Greenway Plan

The portion of the Niagara River Greenway that is within the City of Buffalo is within the LWRA. The LWRP, which guides development within the LWRA, prioritizes public access and encourages new parks and public spaces, as appropriate. The UDO also established a setback from the water's edge to ensure appropriate development that protects water quality while supporting a fully connected greenway. This is consistent with the Greenway Plan.

Buffalo State Facilities Master Plan

The BCDF is consistent with the Buffalo State Facilities Master Plan. The UDO zones the campus as D-E, Educational District, which as described above would allow the uses associated with educational campuses without unnecessary restrictions on materials or site design. The UDO also zones the streets adjacent to the campus, Grant Street and Elmwood Avenue, as mixed use areas which would support the growth and enhancement of the Buffalo State Campus. This campus is adjacent to the Tonawanda Street BOA and the LWRP but is not within either. Those plans would support the continued enhancement of an urban educational campus by prioritizing environmental quality and allowing appropriate economic development adjacent and proximate to the campus.

Erie County Agricultural and Farmland Protection Plan

The BCDF is supportive of the goals of the Agricultural and Farmland Protection Plan, allowing for appropriate infill development and reuse of brownfields to relieve development pressures associated with

farmlands and other greenfields outside the City. The BCDF also recognizes the importance of healthy food in creating healthy communities and supports local agriculture within the City by allowing Community and Market Gardens in most districts, consistent with this Protection Plan.

Framework for Regional Growth: Erie and Niagara Counties, New York

The BCDF is consistent with the Framework for Regional Growth. The growth areas identified in the Framework, Niagara River Corridor and Main Street, have been zoned to facilitate appropriate development, which would include a mix of uses and enough density to support transit, including the C-M (MetroRail overlay) which further prioritizes transit oriented development and limits auto oriented uses. The Lakefront is zoned to both protect existing greenspace and allow development where existing infrastructure exists to support it. Additionally, the BCDF provides additional protection for waterfront land which is within the C-W overlay of the UDO.

Mitigation

No adverse impacts, or inconsistencies among planning efforts, were identified and therefore no mitigation is required.

Thresholds

No thresholds are required for the evaluation of potential future impacts.

2.1.2 Existing Land Use

Setting

Existing Land Use classifications are assigned to each parcel in the City of Buffalo (Figure 2) based on data used to assess properties for tax purposes. For the analysis presented below and to simplify the classifications, vacant land was allocated to its former use. For example, vacant residential land was reclassified as residential. Institutional land uses include parks, schools, hospitals, churches and other civic uses.

Figure 2, Existing Land Use, shows that residential is the largest land classification in the City. There are also large amounts of open space and institutional uses. Commercial uses are generally located along major roads. Some of the areas shown as commercial are mixed use, with both commercial and residential components. There are several clusters of industrial land, generally along rail lines, with the greatest concentration in South Buffalo.

A more generalized land use map using data collected by the City is provided in Figure 3. The uses shown in this figure were determined based on an evaluation of the land uses (shown in Figure 2) and generalized to a block level. The uses and descriptions are:

- Urban Core – high intensity area in terms of a mix of uses, building heights, and scale
- Neighborhood Center – mixed use commercial areas at a neighborhood scale

- General Residential – residential areas with a mix of housing types and existing commercial uses, typically located on corner lots
- Single family – residential areas that are composed primarily of single-family detached housing
- Open Space – parks and other open spaces, both public and private
- Institutional – educational and medical campuses
- Employment - employment areas including retail, commercial and manufacturing areas which generally exclude residential uses
- Rail corridor – active rail line and yards

Potential Adverse Impacts

Future land use types identified in the Land Use Plan are mapped throughout the City and are depicted in Figure 4. The proposed place types were reviewed through a series of community meetings, as part of the Land Use Plan and the BOA planning processes, which allowed residents and community members to identify appropriate future land uses in the City. This community input was supplemented by a review of on-going development trends to ensure future mapping matched current trends.

In general, the proposed land use mapping identifies commercial uses along major corridors, industrial in areas generally isolated from residential areas, open spaces dispersed throughout the City, and residential in most other areas of the City. Most residential neighborhoods are in close proximity to a commercial corridor, which is intended to provide a variety of services within walking distance of residences.

Overall, there is more consistency between the proposed and existing land uses than differences. Some notable changes shown in the Land Use Plan transition analysis are:

- An increase in urban core land uses within the Cobblestone District and Elm-Oak Corridor, a portion of the Outer Harbor and some clusters along the Belt Line rail corridor, all from employment type uses. Other locations were designated for urban core which had large vacant or underutilized parcels which could become new core areas.
- A decrease in neighborhood center zones along Main Street to allow for more intense urban core uses and a decrease in some traditional mixed uses streets that have transitioned to residential or have lost most of their commercial fabric.
- A decrease in general residential land uses and an increase in single family residential uses.
- An increase in open space, particularly along the Outer Harbor and abandoned rail rights-of-way.
- A decrease in employment areas to allow for more mixed use areas.

The primary goal of the Buffalo Comprehensive Plan, adopted in 2006, was to reverse the long term decline of the city's population, employment and physical environment. This included the recommendation to develop a new framework for revision of the city's zoning ordinance to support the Plan's implementation and the smart growth principles on which it is based. The BCDF, upon adoption and implementation, represents this new framework that is consistent with the Comprehensive Plan and its goals of a revised land use plan, zoning ordinance, brownfields redevelopment, and waterfront

revitalization. The BCDF further represents the city's desired future character and aesthetic quality that is compatible with its historic land use patterns and natural waterfront areas.

Mitigation

Adoption and implementation of the BCDF is not anticipated to have an adverse impact on land use and therefore, no mitigation is proposed.

Thresholds

As public and privately sponsored projects are implemented under the BCDF any project that proposes a more intense land use than what is allowed by the BCDF, either through a use variance or a remapping, will require additional SEQR Review.

2.1.3 Existing Zoning

Setting

The City of Buffalo's existing Zoning Ordinance, adopted in 1953, is a Euclidian zoning code, which primarily distinguishes districts by permitted uses. In the City of Buffalo, zoning designations can be categorized by three land use types: Residential (R), Commercial (C), and Industrial (M). Within each of these three zoning categories are three or more district subsets (i.e., five residential, four commercial, and three industrial districts).

In addition to the standard zoning designations, there are 23 special districts. The majority of these special zoning districts are overlay zones, which place additional regulations over the base zoning district regulations. Therefore, an area with an overlay is governed by both a base zoning district and any associated overlay district. These districts are often used to preserve, promote or restrict certain development patterns in neighborhoods or areas with multiple zoning designations (See Figure 5).

The City's zoning ordinance regulates site layout and use by zoning designation. Specifically, each zoning designation sets forth standards for permitted uses and lot, area and yard requirements (including yard setbacks and building heights). In limited cases, the zoning ordinance also seeks to regulate building design to ensure future development maintains and enhances neighborhoods noted for their unique character and scale. Specifically, the Elmwood Village Design Standards are incorporated into Article XXVIII Citywide Design and Site Plan, and are intended to ensure the commercial district maintains its pedestrian oriented development while enhancing the streetscape appearance by regulating the size and height of buildings, parking lot locations, building materials, and by encouraging design creativity and eclecticism.

Permitted Uses

The existing zoning ordinance is a cumulative zoning ordinance, in which a use allowed in a more restrictive zone is also permitted in a less restrictive zone. The intensity of permitted uses increases as the zoning designation becomes less restrictive. The R1 One-Family District is the most restrictive zoning district, only allowing single family houses, churches, schools and home businesses. The R2 Dwelling District is the next most restrictive district, which allows R1 uses and additionally permits colleges, multi-

family housing and hospitals. R3 permits R1 and R2 uses and additional uses, such as fraternal lodges. Similarly, as the zoning designations progress to commercial and industrial zones, any use permitted in lower intensity districts is permitted in addition to higher intensity uses. Although the zoning was intended to segregate uses, the structure of the zoning regulations does not prevent incompatible uses from being located within a district. The M3 Heavy Industrial District, for example, permits petroleum production, junkyards, truck terminals, warehouses, as well as any use (excluding housing) permitted in more restrictive districts (e.g., restaurants, and banks).

In addition to the core zoning districts, the 23 Special Zoning Districts, enforced as overlay zoning districts have additional provisions for specific uses within those geographic areas. Most of these districts encompass anchor commercial corridors (e.g., Elmwood Avenue Business District).

Bulk and Use Requirements

Lot area, yard setbacks, and height requirements within the existing zoning ordinance determine how a proposed project relates to the street and other parcels. In application, these regulations have required building separation, resulting in lower density development patterns than traditional patterns in many areas. In many cases, the minimum required lot width is larger than the width of many traditional parcels, particularly in older residential neighborhoods. As a result, infill development in these instances requires administrative approvals in the form of variances, and results in non-conforming lots.

Many of the existing zoning districts also regulate height, establishing a maximum height not to exceed 1.75 times the width of the adjoining street in any district, with the exception of downtown. The intent of this regulation was to ensure adequate light exposure and minimize visual impact on nearby parcels. However, the regulation does not take into consideration areas where vertical development is more characteristic (e.g., portions of Delaware Avenue).

For residential structures, per the existing zoning code, a required minimum setback from the edge of the right-of-way is often 15% of lot depth. In existing neighborhoods, such as portions of the west side, Fruit Belt and Cold Springs neighborhoods, this requires new infill houses to be set back farther than the existing structures or to get variances to match the established setbacks.

The current zoning map, Figure 5, represents more than 50 years of zoning amendments and additional overlay districts. The complexity of the map demonstrates the confusing nature of the current zoning and its application. There are instances where smaller areas of land are zoned for higher intensity uses (e.g., M1 Light Industrial) in the context of larger areas zoned for lower intensity uses (e.g., R2 Dwelling District). This zoning pattern increases the likelihood of incompatible uses locating in proximity of each other, which could impact quality-of-life.

Urban Renewal Plans

In the late 1950s, the City began designating urban renewal areas, intended to address the presence of slums and blight. These plans evolved from slum clearance plans to overlays on the city's zoning code,

establishing performance standards and other zoning regulations for these designated areas. There are 25 active URPs.

Often these plans allowed less density than what was previously at the site and/or would be allowed by the zoning for the site. These areas therefore often developed in a very different physical design than the surrounding areas.

Potential Adverse Impacts

The proposed zoning map, included in the UDO takes the land use map and applies the new zoning designations to the entire city. As discussed in Section 1.1.1 the UDO includes neighborhood, districts and corridor type zones (shown on Figure 6).

The UDO significantly changes the zoning code criteria from the existing zones; therefore, assumptions were made based on the allowable uses of the existing and proposed zoning codes within those zones. The proposed zoning map was then analyzed to determine what parts of the City had been upzoned and which had been downzoned.

Upzoning occurs where the zoning designation for a parcel or parcels of land are changed to allow for more intense uses. Concerns from upzoning are the introduction of incompatible uses that may have adverse impacts, this relates solely to use and does not relate to form or size of buildings. Downzoning occurs where the zoning designation for a parcel or parcels of land changes and are zoned for more restrictive land uses than previously permitted and does not relate to form or size of buildings. Downzoning can create non-conforming uses, which may or may not be the intended outcome of the change.

Upzoning

Within the City of Buffalo, approximately 0.55% of the City's land area is proposed to be upzoned under the UDO. The primary proposed zoning designations that include existing zones to be upzoned include:

- **D-C Flex Commercial** Approximately 12.5% of the land within the D-C district is proposed to be upzoned. Zoning designations within the D-C zone that are proposed to be upzoned include the R2 Dwelling District and the R3 Dwelling District. Permitted uses within these districts generally include single and multi-family housing, public and private institutions, offices, recreational areas, public services (e.g., houses), and select businesses. Additional uses that may be permitted as part of the D-C district include group homes, residential care facilities, transient lodging, auto-oriented establishments, and entertainment facilities among others. It is unlikely that the proposed D-C district will have a significant impact on existing uses. The D-C areas are generally less integrated into the street grid and are physically separated from adjacent properties. If some higher intensity uses are established as allowed, it is unlikely to be a significant adverse impact on adjacent properties.
- **N-2E Mixed Use Edge** The N-2E district proposes to upzone portions of the R2, R3, R4 and R5 Dwelling Districts which amounts to 25% of the land area and 13.4% of parcels located within the

N-2E district. In addition to the uses permitted as part of the R2 Dwelling District, the N-2E would allow both residential and some neighborhood commercial uses. Many of the additional uses proposed are uses that support traditional neighborhood edge development styles, and will encourage a mix of uses that complement these areas. These areas are generally zoned along major roads and where there is already a mix of building types and uses. Therefore, no significant adverse impact is anticipated.

- **N-3E Mixed Use Edge** The proposed N-3E district includes existing zoning designations of the R2, R3, R4 and R5 Dwelling Districts. Similar to the N-2E zoning designation, the N-3E district includes a mix of uses that are intended to support adjacent residential neighborhoods. Upzoning within the N-3E district is approximately 18% of land area. Although a wider variety of uses will be permitted, particularly in the R2 zone, they generally support the uses already permitted within these districts and are unlikely to create an incompatible mix of uses.

Upzoning as a result of the UDO is anticipated to be minimal throughout the city of Buffalo, accounting for 0.55% of the City's land area. Areas that are upzoned will generally permit a larger range of uses. However, the areas that will be most impacted by upzoning are expected to primarily include uses that better support residential zoning designations and are generally limited to areas where these proposed uses already exist or are compatible. In general, upzoning city-wide is not anticipated to support the creation of incompatible uses that may impact quality-of-life.

Downzoning

Areas that are downzoned are zoned for more restrictive land uses than previously permitted. The general issue with downzoning throughout the city is the potential to create non-conforming uses, which are uses that are not allowed by the existing zoning code but were already operating prior to the code's adoption. Non-conforming uses would not be permitted to expand in area or increase in intensity under the UDO. In addition, such uses would be required to become conforming after the use has been discontinued for a period of one year.

D-OG, D-OS and D-ON Open Space Zones The City has never specifically protected open space and parks in its existing zoning mapping and ordinance. The UDO specifically outlines three different types of open space districts and limits the uses on these parcels; therefore, all Open Space District lands are a downzone from the previous zoning. Most parcels that are downzoned to Open Space are publicly owned and currently undeveloped or used as open space. There are state and federal regulations that limit the transfer of parkland without legislative approval and protect most of these parks; therefore, this new UDO designation is not considered a downzoning, but the UDO does offer protection to more than 3,000 acres of greenspace in the City.

Approximately 17.9% of land area, approximately 3,861 acres, excluding parks is proposed to be downzoned throughout the City of Buffalo. The zoning designations with the largest portion of parcels proposed to be downzoned are described further as follows:

- **D-C Flex Commercial** The Flex Commercial district is intended to accommodate commercial and mixed-use areas that are located in close proximity to residential neighborhoods but not

integrated into the street network. This proposed district includes portions of the existing M1 Light Industrial District, M2 General Industrial District, and M3 Heavy Industrial District, and CM General Commercial District, all which accommodate higher intensity industrial uses than permitted in the proposed D-C district. Approximately 84% of land area within the district is proposed to be downzoned, approximately 519 acres. However, this district would allow light industrial activities with a special use permit and therefore, only approximately 129 acres of heavy industrial land is being downzoned.

- **N-1S Secondary Employment Center** The Secondary Employment Center district is intended to facilitate mixed commercial, residential and industrial uses located along the New York Central Belt Line and other formerly industrial sites within the City, which has been an emerging development trend. The proposed district consists of portions of the M2 General Industrial (78 acres), M3 Heavy Industry (20 acres) districts, which permit a range of higher intensity uses than proposed for the N-1S district. The N-1S district will not permit heavy industrial land uses, indicating some non-conforming uses may be generated as a result of the zoning change where such uses currently exist. Light industrial operations are permitted as-of-right within the proposed district.
- **D-IL** The Light Industrial District is often located adjacent to or within neighborhoods and is intended to provide a buffer between heavy industrial areas and less intensive uses. The recent trend in the City of Buffalo and region has been towards more light industrial uses, where few to no impacts are created off of the property, and less demand has been seen for Heavy Industrial uses. Approximately 870 acres of M2 General Industrial and 576 acres of M3 Heavy Industry districts have been designated as D-IL.
- **N-4-30 Single-Family** Approximately 68% of the acres in N-4-30 district are downzoned, the remaining 32% are zoned R-1 in the current zoning code. Of the acres downzoned (611 acres), all but 55 are currently zoned for residential use but allow multi-family structures. The areas that are downzoned are either currently predominately single family residential such as near downtown on William Street, or are planned for single family. Some additional areas have been zoned single family on the East Side; these are areas which have little remaining building fabric and where the development trends have been favoring construction of single family homes. Thirty (30) acres of the N-4-30 was previously zoned as M1 or M2 along Seneca Street and rail corridors, which have already been constructed as single family homes and some portions of the near East Side.
- **N-1C Mixed Use Core** The proposed N-1C district is designed to encourage mid-rise development and a range of land uses. The existing zoning designations proposed to be downzoned within this district include portions of the CM, General Commercial and M1 Light Industrial, indicating less emphasis on manufacturing type uses. These sites were generally along the eastern edges of downtown where midrise uses are appropriate to buffer residential uses from higher buildings in the downtown core and industrial uses would be less appropriate.
- **D-R Residential Campus** The D-R zone is intended to accommodate larger scale planned residential development campuses. This proposed district includes portions of the C1 Neighborhood Business District, C2 Community Business District, CM Central Commercial

District, M1 Light Industrial and M2 General Industrial districts. These districts permit a wider range of higher intensity uses than proposed for the D-R Residential campus. Generally, the D-R was only zoned where existing residential developments are located, with Central Park Plaza and the proposed residential development at LaSalle Avenue being the only new areas zoned for residential not currently in use as residential land or as vacant residential land. Most significantly, the Waterfront Village Area is currently zoned as M1 and has no manufacturing; zoning this as residential more accurately reflects the existing land use.

One goal of the BCDF is to address and update antiquated zoning regulations that are less relevant due to the shifting economic structure of the city. Formerly noted for its heavy industry, especially in proximity to major transportation access points, including the water, the City of Buffalo's economic drivers are increasingly focused on high-tech manufacturing, healthcare, and employment centers, which represent less intensive land uses. The City is additionally proactively reclaiming its waterfront, and the proposed zoning reflects this shift by encouraging open space and recreational uses in proximity to these sensitive and valuable natural resources.

The overarching goal of the BCDF is to improve the quality-of-life throughout the city to retain businesses and residents, encourage establishment of new businesses, and attract additional residents. The BCDF recognizes that contemporary development patterns within the city requires less emphasis on separation of uses, which was the historic practice to prevent incompatible uses from diminishing the quality-of-life of residents or hindering industrial operations. The proposed code focuses more on regulating the built form, while also regulating use types appropriate for each distinct zoning designation. The net benefit of the proposed code is that there is more control over incompatible uses (e.g., single family residential) that would be permitted in higher intensity districts in the old zoning structure.

The BCDF's focus on the built form acknowledges that workers, employers, and residents are drawn to places with vibrant and distinctive downtowns, plentiful amenities, a thriving job market, and rich culture. There are tangible economic benefits associated with higher density development patterns. Concentrations of firms and a labor force increase the economic competitiveness of the city, which has been linked to higher rates of innovation. Cities and metros with a highly skilled workforce generally exhibit higher income growth over the long term.

Dense development patterns are also associated with lower energy consumption and infrastructure costs. High density development contributes to more sustainable transportation systems by encouraging walkability, use of public transportation, and by increasing opportunities for residents and workers to locate closer to employment centers and places of leisure. This type of development additionally capitalizes on the existing availability of utilities and road infrastructure, permitting it to be offered more cost-effectively per capita, and lessens the burden on public services, such as police, ambulance or fire services.

Higher density development additionally permits the city to identify larger areas to be preserved as open space or for recreational amenities. This allows the city to reclaim large areas of land previously utilized

for high-impact industrial uses that resulted in large amounts of brownfields and underutilized properties, and contamination of sensitive natural resources, such as the Buffalo River. Rezoning some of these land areas for D-OG Green and D-ON Natural encourages ecological restoration and preserves these areas from high-impact development patterns that could potentially have adverse environmental impacts.

Overall, the proposed zoning is intended to address the shift in land use patterns throughout the city, moving away from industrial and towards mixed-use, residential, open space, and light industrial uses that are collectively defining the city's current economic base. The proposed zones capture the dominant uses emerging in areas throughout the city, thereby limiting the creation of nonconforming uses. The code's structure additionally places greater limitations on the land lost to development by promoting high density development patterns. The code's requirements will provide net economic, environmental and social benefits to the businesses and residents of the city of Buffalo.

Urban Renewal Plans

The proposed UDO establishes updated performance standards and zoning regulations, which render the requirements set forth in the Urban Renewal Plans obsolete. Because these development controls are no longer needed, the city is proposing to repeal 24 active plans, joining the 27 that have already expired.

Specific reasons to delete each plan is in Appendix F. Many of the URPs have been implemented and are no longer needed. Several others advocate for a transformation of the exiting or remaining urban environment and are inconsistent with the zoning proposed in the UDO. Any specific zoning regulations that were still valid were incorporated into the UDO, including prohibiting heavy industrial uses adjacent to residential areas in the Seneca-Babcock area.

Only one URP is proposed to remain active: the Homestead Plan, which would allow for the construction of new residential units where it is allowed by the zoning code and therefore no adverse impacts are anticipated from the adoption of this plan.

Mitigation

The new zoning code will create some non-conforming uses throughout the City. The UDO allows non-conforming uses to continue regardless of a change in zoning, until such a time as the use has been discontinued for a period of one year. Non-conforming uses cannot be expanded in area or intensity without a variance. This will ensure existing legal uses can continue to operate regardless of changes to the zoning code but are unlikely to expand. Adoption and implementation of the UDO and repeal of the URPs are not anticipated to have an adverse impact on existing properties or create incompatible uses in the City. Therefore, no mitigation is proposed.

Thresholds

Proposals for the expansion of non-conforming uses through variance or rezoning will require additional SEQR review to ensure any potential adverse impacts are adequately mitigated.

2.2 SOCIOECONOMIC CONSIDERATIONS

2.2.1 Population

Setting

In the 1950s, the City of Buffalo was the 15th largest city in the United States, with just under 600,000 residents. However, the population has declined precipitously since that decade, particularly during the late 1970s and early 1980s, when the city lost nearly one-third of its population.

According to the most recent 2010 census, the City of Buffalo continues to lose population, but at a much slower rate compared to the 1970s and 1980s (*see Table 1*). From 1990 to 2010, the population of the City of Buffalo decreased by 66,813 residents, to a total population of 261,310, a decrease of approximately 20%. Recent population projection from the U. S. Census Bureau estimates a 1% decrease in population during the period from 2010 to 2014, declining to a total population of 258,700[1].

Over this twenty-year period (1990-2010), five census tracts citywide showed an increase in population greater than 1%. These include census tracts 165, 53, 55, 72.02, and 14.02, concentrated in the downtown area, waterfront, Parkside neighborhood, a portion of Black Rock and a portion of the East Side adjacent to downtown. Table 1 provides a summary of population by census tract between 1990 and 2010.

Table 1: City of Buffalo Total Population by Census Tract (1990-2010)

City of Buffalo Total Population by Census Tract				
Census Tract # 2010	**Census Tract #1990/2000**	**1990 Population**	**2000 Population**	**2010 Population**
1.1	1 & 3	3,405	3,102	2,761
2	2	4,912	4,411	4,076
163	4, 18 & 20	3,504	3,147	2,466
5	5	2,782	2,478	1,961
6	6	5,633	5,039	4,752
7	7	4,364	3,924	3,766
8	8	5,881	5,579	4,704
9	9	2,715	2,550	2,373
10	10	6,600	5,930	5,730
11	11	3,836	3,366	3,154
164	12 & 13.02	4,143	3,399	3,035
165	13.01, 14.01, 25.01 & 72.01	1,518	1,943	1,798

[1] Quickfact.census.gov/qfd/states/36/3611000.html. Last accessed 8/31/2015

City of Buffalo Total Population by Census Tract				
Census Tract # 2010	**Census Tract #1990/2000**	**1990 Population**	**2000 Population**	**2010 Population**
14.02	14.02	3,122	3,617	3,253
15	15	2,826	2,188	1,485
16	16	5,674	4,316	2,283
17	17	2,626	2,226	1,777
19	19	3,449	3,224	3,089
167	21 & 22	2,928	2,707	2,460
23	23	3,670	3,347	3,336
24	24	6,005	5,153	4,257
25.02	25.02	2,419	1,906	2,187
166	26 & 27.01	5,006	3,610	2,451
27.02	27.02	5,988	3,761	2,425
28	28	5,837	3,986	2,346
29	29	5,127	3,512	1,997
30	30	2,972	2,962	2,654
31	31	3,837	3,274	2,294
168	32.01 & 32.02	5,689	4,604	3,718
33.01	33.01	4,380	3,999	3,565
33.02	33.02	5,016	4,144	3,119
34	34	4,606	3,771	2,757
35	35	6,285	4,466	3,311
36	36	5,256	3,915	2,608
37	37	5,332	4,952	4,468
38	38	3,127	3,005	3,108
39.01	39.01	1,355	1,232	1,150
170	39.02 & 40.02	3,985	3,594	3,072
40.01	40.01	6,195	5,226	4,013
41	41	5,512	5,031	4,497
42	42	4,296	3,966	3,520
43	43	6,570	6,313	5,975
44.01	44.01	4,835	4,563	4,165
44.02	44.02	2,998	2,850	2,682

City of Buffalo Total Population by Census Tract				
Census Tract # 2010	**Census Tract #1990/2000**	**1990 Population**	**2000 Population**	**2010 Population**
45	45	6,175	6,003	5,469
46.01	46.01	3,482	3,503	3,514
46.02	46.02	1,431	1,305	1,374
47	47	6,934	6,895	6,709
48	48	4,367	4,200	3,819
49	49	6,966	6,480	5,983
50	50	2,679	2,485	2,409
51	51	4,770	4,559	4,416
52.01	52.01	3,501	3,196	3,027
52.02	52.02	3,285	3,156	2,917
53	53	983	1,358	1,458
54	54	4,229	4,031	3,850
55	55	3,943	3,954	4,054
56	56	4,219	4,266	4,182
57	57	2,998	2,912	2,923
NA	58	8,190	7,776	
58.01	NA			3,366
58.02	NA			4,881
59	59	4,195	3,784	3,957
171	60 & 60.02	6,008	5,155	4,577
61	61	5,553	4,988	4,986
62.01	62.01	1,918	1,481	1,549
63.01	63.01	5,228	4,847	4,709
63.02	63.02	2,857	2,739	2,589
169	64 & 65.02	3,999	3,803	3,634
65.01	65.01	3,285	3,030	2,883
66.01	66.01	2,881	2,756	2,441
66.02	66.02	2,500	2,395	2,262
67.01	67.01	3,805	3,667	3,354
67.02	67.02	3,252	3,059	3,224
68	68	3,812	3,745	3,380

City of Buffalo Total Population by Census Tract				
Census Tract # 2010	**Census Tract #1990/2000**	**1990 Population**	**2000 Population**	**2010 Population**
NA	69	10,254	8,230	
69.01	NA			3,773
69.02	NA			3,948
70	70	4,158	3,671	3,133
71.01	71.01	5,871	4,389	3,642
71.02	71.02	3,017	3,275	2,681
72.02	72.02	1,162	1,267	1,639
	Totals	**328,123**	**292,648**	261,310

Source: US Census Bureau http://factfinder.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t last accessed 8/31/2015

During this same period, the number of households and household size decreased. According to the U.S. Census Bureau, the number of households declined from 136,436 in 1990 to 113,359 in 2010. Additionally, the 2013 estimate shows that the number of households continued to decrease, declining by 1,322 to a total number of 112,037 households. From 1990 to 2013, the persons per household also declined from 2.40 to 2.24. Table 2 summarizes the changes in households and household size during this period.

Table 2: City of Buffalo Demographic and Household Shift (1990-2010)

Demographic	1990	2000	2010	2014 (Estimate)
Residents	328,123	292,648	261,310	258,700
Households	136,436	122,720	113,359	111,100
Persons per household	2.33	2.4	2.2	2.2

Source: US Census Bureau http://factfinder.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t Last accessed 8/31/2015

The Build-Out Analysis, Appendix H, evaluated existing vacant land to determine the maximum build-out potential for new construction and corresponding population that could be accommodated under the current and proposed zoning ordinances. It illustrates how the community could look if all the remaining developable properties are developed to their maximum potential, as permitted by right. This analysis did not evaluate existing developed land (i.e., parcels with buildings or other improvements) because it is uncertain which developed properties may be available for new uses. Moreover, the analysis did not consider rezoning or variances but was limited to as-of-right developments.

To conduct the build-out analysis several assumptions were made. First, the build-out only considered lands available for development. These properties (i.e., vacant properties and surface lots within the downtown core) were identified using New York State Office of Real Property Services (NYSORPS) class

codes from parcel data obtained from Erie County (2015). Furthermore, the build-out only considered as-of-right uses, or uses permitted in each zone without the need to obtain a variance. In addition, the analysis does not reconcile or consider non-conforming or grandfathered uses. Such uses are assumed to be existing and therefore the properties not eligible for immediate redevelopment.

Finally, the build-out does not attempt to determine when redevelopment of available lands might occur. As a result, the build-out represents the maximum possible growth permissible within the city, which is considered the worst case scenario for environmental analysis.

The build-out considered building-types permitted in each district, prioritizing those that constituted the highest and most intense use permitted in the district, also taking into account the purpose of each district. The specific bulk and use standards for each building type, as established in the existing code by district, were used to calculate potential build-out on individual parcels throughout the city.

Based on the current zoning, 15,397 residential units, with an average of 2.2 persons per household could be built which would allow up to 33,873 new residents in the City. As shown on Figure 3 of Appendix H, the parcels available for development are scattered across the City without consideration for existing trends or the potential for infilling neighborhoods to create more desirable and sustainable neighborhoods. Therefore, this scenario is extremely unlikely. In particular, only 522 lots were identified as available for single-family detached homes, which has been one of the most common new residential construction types in the City. The current zoning ordinance not support an increase of population to the projected target of 295,000 residents as described in the Comprehensive Plan, additionally the scattered site development would not meet the goals and objectives of the land use plan, of enhancing existing neighborhoods and supporting transit oriented development and would not be consistent with the goals of the Comprehensive Plan.

Potential Adverse Impacts

The BCDF seeks to stabilize and reverse the City's long standing population decline by facilitating redevelopment and creating new employment opportunities for city residents. The same methodology used to determine the build-out potential of the existing zoning was applied to the proposed zoning code, including allowable uses, available land and bulk requirements.

In a partial or full build-out scenario under implementation of the UDO, the population within the city limits could increase over current levels, with a projected target of 295,000 residents. While this represents a population increase of approximately fourteen percent over current levels, this increase is comparable to the city's 2000 census population.

The Build-out analysis determined that the UDO would significantly increase the amount of land available for as-of-right redevelopment. In particular, the number of residential units that could be constructed if full build-out were to be realized would be 156,979. This assumes that each potential lot is individually constructed upon without any lot combinations; that each property listed as vacant is available for construction and not part of another use; that downtown new construction includes a residential component in all structures; and, that each lot is built to its maximum allowable density under the UDO.

Based on these factors, the build out assumes a worst-case scenario. Most significantly, the UDO would make 2,222 land parcels available in single family districts for construction.

The Build-out analysis also evaluated a sub-area which focused on those areas currently seeing new redevelopment and known investment, including the Metrorail corridor along Main Street, downtown, Hamlin Park, and the Larkin District. This area could accommodate up to approximately 60,000 new residential units upon maximum, full build-out, which would accommodate more than the desired population growth in likely growth areas without requiring redevelopment of existing neighborhoods.

Implementation of projects under the BCDF may allow for an increase of population to the projected population of 295,000 in likely development areas, which is an approximately 14% increase over the current population but still well below the peak population of the City. This population growth can be accommodated without requiring land clearing and redevelopment of existing neighborhoods. Therefore, although the implementation of projects under the BCDF may have an impact on population, significant adverse impacts are not anticipated.

Mitigation

Since the adoption and implementation of the BCDF will not result in any adverse social or economic impacts to population, no mitigation measures are necessary.

Thresholds

No thresholds for further evaluation are required.

2.2.2 Poverty

Setting

According to the American Community Survey, the median household income increased significantly between 2000 and 2011 for the City of Buffalo, increasing from $24,536 to $30,230. The 2013 estimates for median household income is $30,942 continuing this upward trend. However, while income levels increased during this period, poverty levels also increased from 26.7% to 29.9% (persons living below the poverty level), and the 2013 estimates for this category show poverty trending higher at 30.70%. Table 4 summarizes the change in median household income, per capita income and persons living below the poverty line for the City of Buffalo, the Buffalo-Niagara Metropolitan Statistical Area (MSA), and New York State.

Table 3: City of Buffalo Resident's Change in Income (2000-2011)

	Buffalo 2000 (Census)	**Buffalo 2011 (ACS)**	**Buffalo 2013 Estimate (ACS)**	**MSA 2011 (ACS)**	**NY 2011 (ACS)**
Median Household Income	$24,536	$30,230	$30,942	$47,081	$55,246

Per Capita Income	$14,991	$20,230	$20,392	$26,444	$30,679
Persons Below the Poverty Line	26.70%	29.9%	30.70%	8%	14.5%

US Census Bureau http://factfinder.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t last accessed 8/31/2015

Environmental Justice Populations

The NYSDEC defines Environmental Justice as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people, including a racial, ethnic, or socioeconomic group, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies.

As established in NYS *DEC Commissioner Policy 29 on Environmental Justice and Permitting* (CP-29), Potential Environmental Justice Areas are U.S. Census block groups of 250 to 500 households each that have populations that meet or exceed at least one of the following statistical thresholds:

- At least 51.1% of the population in an urban area reported themselves to be members of minority groups; or
- At least 23.59% of the population in an urban or rural area had household incomes below the federal poverty level.[2]

As illustrated in Figure 7, a large proportion of the City is a Potential Environmental Justice Area.

Potential Adverse Impacts

The BCDF is not anticipated to have significant adverse impacts on Environmental Justice populations. The implementation of projects under the BCDF may have a beneficial impact on City residents, and performance standards including buffering, siting and additional regulations, particularly with respect to proposed industrial projects, will mitigate any development-related impacts that could occur near environmental justice populations. Furthermore, implementation of the NYSDEC's CP-29 is designed to incorporate environmental justice concerns into the environmental permit review process and thus further protect vulnerable populations that may be affected by a proposed project. Conversely, the BCDF has the potential to facilitate the reactivation of commercial and industrial properties and new employment opportunities, reducing the poverty rate in the process.

[2] These numbers differ from low to moderate income census tracts as determined by HUD methodology. HUD defines low to moderate income census tracts as tracts where 51% or more of the population has an income less than 80% of the median family income. hud.gov

The BOAs have focused on identifying locations to reactivate former industrial lands and repositioning them as recreational, neighborhood commercial and general commercial uses. The adoption of the BOAs will allow strategic sites to receive priority funding through the State and entice developers to fully utilize the Brownfield Cleanup Program tax credits. These types of investments within and near established neighborhoods have the potential to provide jobs to nearby residents which could help reduce the poverty rate.

Throughout the City, the BCDF, and the UDO in particular, will promote pedestrian-oriented development and a more compact land use pattern. Implementation of the BCDF is expected to have positive economic impacts including direct, indirect and induced economic impacts arising from:

- Increased market certainty associated with a modern, predictable zoning code;
- More efficient development patterns that promote infill development and minimize new infrastructure costs;
- Mixed use, walkable and affordable neighborhoods that allow residents access to a variety of housing and transportation options; and
- Increased economic opportunities in the BOAs, downtown, neighborhood centers, repurposed industrial areas, and the waterfront.

Mitigation Measures

Since the adoption and implementation of the BCDF will not result in any adverse impacts to poverty, no mitigation measures are necessary. However, the following measures were incorporated into the BCDF to enhance and improve the city's most challenged neighborhoods by:

- Directing new mixed use development to areas with multi-modal transportation resources and existing infrastructure, including allowing an additional story of residential density in mixed uses areas with frequent transit service to promote transit orientated development
- Providing opportunities for new employment and retail opportunities within pedestrian-oriented communities or in areas served by reliable public transit by zoning these sites to allow a variety of neighborhood retail, restaurant, and employment uses with a focus on walkable streets;
- Promoting land uses that accommodate mass transit and development that reduces the need for automobile travel, supporting the nearly 30% of residents of the City without a car by allowing mixed uses corridors within or adjacent to residential areas throughout the city ;
- Requiring incorporation of pedestrian and bicycle amenities to promote pedestrian and transit trips at sites throughout the City regardless of proposed district and the incorporation of public infrastructure standards into the UDO;
- Protecting and enhancing public access to the city's waterfront and fishing resources through the proposals in the LWRP; and
- Facilitating infill development of compatible land uses and adoption of context sensitive regulations which will enhance existing neighborhoods and sites.

Additionally, the NYSDEC's existing CP-29 policy provides guidance for incorporating environmental justice concerns into the environmental permit review process and the NYSDEC's application of the State Environmental Quality Review Act. The policy also incorporates environmental justice concerns into some aspects of the NYSDEC's enforcement program, grants program and public participation provisions.

Thresholds

The introduction of new residential uses within 500 feet of a heavy industrial zone (D-IH) would require a special use permit per the Industrial/Non-Industrial Land Use Compatibility requirement of the UDO and would require addition SEQR review to ensure the residents will not be exposed to environmental hazards.

The introduction of new heavy industrial uses in an environmental justice area will require additional SEQR review.

Employment projects under the BCDF which propose not to accommodate multi-modal access either as of right or through variance applications would require additional SEQR review to ensure adequate access to employment by employees without vehicles.

2.3 TRANSPORTATION

Setting

Land use depends upon access, and transportation systems have had an enormous impact on the structure of the built environment. Canals and rail lines fueled Buffalo's initial expansion, streetcars later facilitated and focused growth outside of the central core, and highways have more recently encouraged a more dispersed regional development pattern.

Although the city was not initially designed for cars, it has adapted to this reality. In 1960, there were just 75 vehicles for every 100 households; by 2010 this figure had risen to over 100 vehicles per 100 households. The share of commuters who drove or carpooled to work also increased from 60 to 80 % during that 50-year period.

Today, the City is served by an extensive multi-modal transportation network comprised of sidewalks and trails, bicycle facilities, bus and light rail transit, regional highways, local roadways, emergency routes, truck routes, rail freight and passenger routes, water taxis and waterborne freight infrastructure.

Walkability

Chapter 413 of the City Code requires that sidewalks be provided along both sides of all public rights-of way. Based upon the total miles of roadways, the City's Department of Public Works estimates that there are approximately 3,000 miles of sidewalks in the City. The City's pedestrian infrastructure also includes benches, lighting, street trees and landscaping, American with Disabilities Act compliant street crossing ramps, high visibility pedestrian cross walks at intersections, and 3 mile per hour street crossing signals.

Detailed data on the exact location and condition of Buffalo's sidewalks are limited to a small percentage of sidewalks along New York State Department of Transportation (NYSDOT) highways[2]. NYSDOT has an inventory of 5.6 miles of sidewalks in Buffalo, with 1.9 miles (34%) classified as fully accessible by the 2004 Americans with Disabilities Act (ADA) Accessibility Guidelines; 1.3 miles (23%) classified as having minor maintenance problems; 2.0 miles (36%) classified as partially accessible; and 0.4 miles (7%) requiring full replacement because they are classified as inaccessible[3]. Additionally, NYSDOT has an inventory of 595 curb ramps. Of these curb ramps, 106 (18%) are classified as ADA compliant. To make the remaining 82% ADA compliant, 147 (25%) require Detectable Warning fields—walking surfaces with tactile cues for the visually impaired—and 342 (57%) need to be completely replaced. Condition ratings are not available for marked crosswalks along NYSDOT highways. NYSDOT typically replaces most pavement markings on a three-year cycle unless conditions warrant otherwise[4].

The private company, Walk Score, has rated Buffalo a score of 65 out of 100 for walkability[5]. According to the site's creators, "The Walk Score algorithm awards points based on the distance to the closest amenity in each category. If the closest amenity in a category is within 0.25 miles (0.4 km), it assigns the maximum number of points. The number of points declines as the distance approaches 1 mile (1.6 km), and no points are awarded for amenities further than 1 mile. Each category is weighted equally and the points are summed and normalized to yield a score from 0–100. The number of nearby amenities is the leading predictor of whether people walk. Relevant amenities include "businesses, parks, theaters, schools and other common destinations."

Bicycling

The League of American Bicyclists rates Buffalo as a "bronze" city in terms of bike-friendliness, with an estimated 4,180 bicycle commuters.

The City has partnered with Erie County and the Greater Buffalo Niagara Regional Transportation Council (GBNRTC) for many years to identify and develop a system of on and off road bicycle routes within the City. Buffalo has a bicycle network comprised of multi-use trails, signed lanes, sharrows, and non-signed streets. Within the City, there are 22 miles of multi-use trails, 14 miles of on-street signed bicycle lanes, and approximately 1.5 miles of sharrows. Sharrows, or shared roadway bicycle markings, are painted markings on the street depicting a bicycle and two arrows and are used to alert motorists to expect bicycles to occupy the travel lane.

[3]Healthy Kids Healthy Communities, Do Kids Want to Play in the Queen City? Policy Brief, 2012. New York State Department of Transportation, GIS Shapefile: Sidewalks. 2010: Buffalo.

[4] Ibid. New York State Department of Transportation, HKHC - Buffalo Sidewalk and Curb Ramp Data Request. 2011, Email to Kailee Neuner and Jessica Hall.

[5] https://www.walkscore.com/NY/Buffalo. Last accessed March 12, 2015.

The bicycle network, however, is composed predominantly of non-signed streets (126 miles) which have been safety rated by the GBNRTC. Only 8% (10 miles) are rated "suitable" for biking, while 114 miles are rated "caution advised" and 2 miles are rated "extreme caution advised"[6].

The City of Buffalo Department of Public Works is finalizing a bicycle master plan with goals to improve bicycle facilities throughout the City.

In addition to bicycle travel facilities, support infrastructure such as bicycle racks, bicycle lockers and on-bus bicycle racks are being installed throughout the City. New bicycle parking facilities are also required for new development projects under Chapter 307 of the City Code.

Bicycle/Pedestrian Advisory Board

Chapter 6, Section 58 of the Buffalo Code established a Bicycle/Pedestrian Advisory Board "to help the City of Buffalo find cooperative solutions for various problems experienced by cyclists, pedestrians and persons with disabilities.[7]"

The Board reviews ongoing and future projects that affect cyclists, pedestrians and persons with disabilities to ensure that all City of Buffalo projects accommodate and encourage safe and legal travel by these user groups.

The Board has the power to advise various City departments, including the Department of Public Works, the Office of Strategic Planning, the Buffalo Police Department and the Buffalo Common Council,.

Complete Streets

A complete street provides for the safe, convenient and comfortable travel by foot, bicycle, transit, vehicle, car and truck. In 2011, the Common Council adopted a Complete Streets Ordinance that supports the development of a system of bikeways, pedestrian facilities and shared use paths, bicycle parking and safe crossings connecting residences, businesses and public places. The ordinance promotes bicycling and walking for health, environmental sustainability, exercise, transportation and recreation.

Buffalo's current Complete Streets ordinance requires that bicycle and pedestrian facilities be provided in all new construction, reconstruction and maintenance projects unless one of the following conditions is met:

- Bicyclists and pedestrians are prohibited by law from using the roadway. In this instance, bicyclists and pedestrians will be accommodated elsewhere within the right-of-way or within the same transportation corridor;

[6] Ibid. Greater Buffalo Niagara Regional Transportation Center, GIS Shapefile: Bicycle Level of Service. 2011: Buffalo.

[7] City of Buffalo Charter and Code. http://ecode360.com/13570681. Last accessed March 12, 2015.

- The cost of establishing bikeways or walkways would be excessively disproportionate to the need or probable use. Disproportionate is defined as exceeding 20% of the cost of the larger project; or
- In cases where the existing right-of-way does not allow for sidewalks, bike lanes, paths or other improvements, potential alternatives will include the appropriate use of paved shoulders, signage, traffic calming and/or enhanced education and enforcement.

The ordinance requires that bicycle and pedestrian facilities be provided and maintained in accordance with guidelines adopted by the United States Department of Transportation (USDOT), New York State Department of Transportation and the American Association of State Highway & Transportation Officials. On county and state maintained roadways within the City, bicycle and pedestrian facilities will be provided in accordance with this policy.

Local Bus and Light Rail Transit

The Niagara Frontier Transportation Authority (NFTA) recorded about 30 million passengers in 2011 and 2012, the highest ever ridership since the Metro transit system was established in 1974. 80% of those passenger trips originated in the City (out of a two-county area served). At the regional level, the percentage of individuals using public transit to commute to work has fallen from 10% in 1970 to 4% in 2010.

NFTA public bus transit service operates along many local roadways. This bus system uses downtown Buffalo as the major hub where riders can transfer from one bus line to another. Riders may also transfer from local bus service to access the NFTA light rail line, which runs along Main Street. Service is provided seven days a week, with reduced service on non-business days. The NFTA Bus Terminal in downtown Buffalo serves Greyhound and other regional bus carriers and acts as a transfer station for the local bus system.

Vehicular Travel

Despite numerous multi-modal options, automobiles remain the predominant mode of travel, to, from and within the limits of the city of Buffalo. The percentage of individuals commuting to work alone in cars has steadily risen from 67% in 1970 to 82% in 2010. 71% of Buffalo residents own at least one car. Further, the regional vehicle miles travelled per capita has more than doubled from 8 miles per person in 1970 to 18 miles per person in 2010.

<u>Federally Funded Highways and Expressways</u>

210 of the 675 miles of public roadways in the City of Buffalo are federal aid eligible. That public roadway system includes four major limited access highways:

- Interstate-190 travels north-south along the City's western waterfront turning east to join the NYS Thruway and link the City to other major metropolitan areas. I-190 is owned and operated by the New York State Thruway Authority;

- NYS Route 33 travels east to west from the NYS Thruway (I-90) to downtown Buffalo. It is owned and operated by the New York State Department of Transportation.
- NYS Route 198 (Scajaquada Expressway) travels through the City's Cultural Corridor, linking NYS Route 33 to the I-190 owned by New York State and operated by the New York State Department of Transportation; and
- NYS Route 5 along the Lake Erie waterfront south of the Buffalo River, a limited access component of the Great Lakes Seaway Trail National Scenic Byway. NYS Route 5 is owned by New York State and operated by the New York State Department of Transportation.

In addition, Elm and Oak Street corridors within the City of Buffalo downtown serve as links between the Route 190 and Route 33.

A travel demand model output for base conditions (2010) provided by GBNRTC, and provided in Appendix I Transportation Analysis, indicates that a large portion of the transportation network includes volume-to-capacity ratios of less than 0.8, indicating reserve capacity. Volume to capacity ratios exceeding 0.8 tend to represent conditions when congestion and delays become noticeable, travel speeds may be impeded and roadway capacity becomes limited. This analysis indicated that during morning commutes, portions of Route 33 east of Route 198, Route 198 where Route 33 and Parkside merge, and I-190 experience some congestion. During evening commutes, these same areas experience congestion as well as most of I-190 within the City.

Local Roadways

A description of the City's local road network is presented in the Transportation Analysis, included as Appendix I. The City owns 465 of the 675 miles of streets within its borders.

A travel demand model output (Appendix I for base conditions 2010) provided by GBNRTC indicates that a large portion of the local transportation network includes volume-to-capacity ratios of less than 0.8, indicating reserve capacity. Volume to capacity ratios exceeding 0.8 tend to represent conditions when congestion and delays become noticeable, travel speeds may be impeded and roadway capacity becomes limited.

Roadway segments where this may be occurring currently, based on GBNRTC's travel demand model outputs, is highlighted, for both morning and evening commuter periods on Figures T-2 and T-3, respectively. Specifically:

- Parkside Avenue from Starin Avenue to Route-198;
- The intersection of Ontario and Tonawanda Streets;
- Route-198 at Main;
- Kensington Avenue;
- Route 33;
- Portions of Abbott Road and Seneca Streets in south Buffalo;
- South Park Ave from Smith Street to Bailey Avenue; and

- I-190.

The analysis above is not a measure of actual delay on any streets but rather an assessment of potential delay based on road capacity and traffic volumes.

Local roadways with existing limited capacity are presented on Figures T-2 and T-3 of the Transportation Analysis (Appendix I).

Rail

Regional Passenger Rail

The VIA Rail/Amtrak Maple Leaf line travels from New York City through Buffalo and Niagara Falls to Toronto, Ontario. The Amtrak line in Buffalo runs parallel to Interstate 190 and is the only line to use this rail line road. The Exchange Street rail station is located two blocks east of Main Street, near the Inner Harbor.

In 2013, 38,397 passengers "boarded or alighted" Amtrak at the Buffalo Exchange Street station with another 123,067 passengers using the Buffalo-Depew station[8].

Rail Freight Routes

There are several freight rail corridors within the City of Buffalo. Major railroads that own and operate facilities include Norfolk Southern, Canadian National Railroad, CSX and Buffalo Southern.

The largest presence of railroads is in South Buffalo, where several major lines meet at large switching yards, and several local businesses still utilize the railroads for moving freight. The major railroad corridor extending from Buffalo to Erie, Pennsylvania and destinations in the western United States is located directly east of the Tifft Nature Preserve. There are major rail spurs that run off of this corridor that serve industrial sites. There are two major crossings over the Buffalo River located near the South Park Avenue Lift Bridge.

The other major freight corridor is the Belt Line which encircles the City and serves a number of current and former industrial sites.

Freight trains crossing the Black Rock Canal and the Niagara River into Canada use the International Railroad Bridge. There are no customs facilities located in Buffalo for train inspections.

[8] ESPA Express October 2014, Empire State Passengers Association.

Parking

Parking in the city is provided in a number of ways; on-street parking on public rights-of-way, in private driveways or garages associated with households, in paid or unpaid surface parking lots and parking garages.

On-street parking is allowed on most city streets with the exception of small, narrow streets and sensitive security locations. Within the downtown as well as some of the neighborhood commercial areas, many street locations are metered which requires payment of a fee. Metering is done to encourage turnover and make sure parking is available for transient visitors. Within residential areas, most streets have some type of alternate parking regulations, allowing parking on certain sides of the street on certain days, to accommodate parking while allowing access for public services including fire protection, garbage and recycling pickup and snow plowing.

Associated with many but not all areas of the city, many residential structures have driveways and garages. These are more often associated with the neighborhoods that developed later when cars became more widely available. Therefore, in many of the oldest and most dense neighborhoods, the residential structures do not have on-site parking. These are the locations more likely to rely on parking on city streets to meet the parking demand.

Surface parking lots are generally associated with commercial or institutional uses. Often larger commercial uses have dedicated surface parking lots to allow customers to easily access goods and services. While this makes it convenient for customers, parking lots can be detrimental to the walkability of an area and, in particular, in neighborhood commercial districts, negatively impacting the vitality of the street. Within the downtown and BNMC, there are surface parking lots open to employees and customers, which generally require a fee.

Structured parking is often constructed in locations with a high demand for visitors and employees with high land values or in constrained sites (such as college campuses). Structured parking is, however, very expensive to build (approximately 2.5 times more than a surface parking space). Structures fit many more cars per acre than a surface parking lot and can include commercial storefronts or other commercial activities to enhance the street-level walkability and vitality of commercial areas. Often these parking locations charge a fee directly to the user for parking.

There are several neighborhoods in the City that experience parking congestion. These residential neighborhoods are generally dense residential areas adjacent to mixed use commercial strips such as Elmwood or Hertel Avenues or near large institutions such as the Buffalo Niagara Medical Campus and Canisius College.

Residents adjacent to institutions experience parking concerns during the day; these are often related to limited structured parking and the desire of some employees and visitors to avoid parking fees. In neighborhoods adjacent to commercial areas, parking concerns are often in the evening and are associated with a lack of parking supply on the commercial strip.

Section 511-96 has minimum parking requirements for new uses in the city:

Parking space for dwellings. In all districts, except as hereinafter modified, there shall be at least one permanently maintained parking space for each dwelling unit, and one such parking space for each two guests or members residing on the premises of a lodging, rooming or boarding house, student dormitory, fraternity or sorority house or private club, provided that in any C or CM District and in any public housing project under the jurisdiction of the Buffalo Municipal Housing Authority without regard as to district zoning, there need be only one such parking space for each two dwelling units. In all districts except C3, hotel or apartment-hotel accommodations other than dwelling units shall have one such parking space for each three guest rooms or suites. Parking space as required above shall be provided on the same lot with the main building to which it is accessory or on a site within 500 feet of such building.

Parking space for buildings other than dwellings.

In all districts except C3 permanently maintained off-street parking space is required according to the following:

Table 4: Current Parking Requirement

Use	**Number of Parking Spaces**
Theaters	1 for each 10 seats
Hospital, convalescent or nursing home	1 for each 5 beds
Bowling alley	5 for each alley
Dance hall or skating rink	1 for each 100 square feet of gross floor area
Eating and drinking places, restaurant or bar	1 for each 150 square feet of gross floor area
Medical or dental office or clinic building in any R, C1 or C2 District; funeral home	1 for each 250 square feet of gross floor area
In the C1 or C2 District, individual retail store, or group of stores in a shopping center designed as a unified building or development having a ground floor area of more than 5,000 square feet	1 for each 300 square feet of gross floor area

Use	Number of Parking Spaces
Individual retail store, more than 10,000 square feet gross floor area in any CM or M1 District	1 for each 500 square feet of gross floor area
Other commercial or industrial building having a gross floor area of more than 10,000 square feet	1 for each 1,000 square feet of gross floor area, but need not exceed 1 for each 5 persons working on the premises

As shown above there are a number of notable exceptions to the required parking minimums:

- Retail buildings of less than 5,000 sq ft in a C1 or C2 or 10,000 in a CM or M1 are not required to provide parking;
- Commercial buildings of less than 10,000 sq ft are not required to provide parking;
- Parking may be provided within 1,000 feet of a use and is not always on-site; and
- Variances from parking minimums are considered as area variances which have a lower threshold of approval.

Potential Adverse Impacts

The BCDF is intended to encourage and support infill development in areas served by existing transportation infrastructure. The BCDF actively supports mixed use, walkable, and transit oriented development while minimizing any adverse impacts associated with increased automobile vehicle miles traveled and associated parking.

However, some developments in the future consistent with the BCDF could impact transportation.

A Transportation Analysis, included as Appendix I, was prepared to assess existing traffic issues/congestion and the potential implications the proposed zoning may have on the transportation network. Given the overall redevelopment potential city-wide, no specific arterial, expressway or interstate is exempt from potential impacts from new development. However, based on concentrations of development potential on current vacant sites identified in the full build-out, potential adverse impacts may occur in the following areas:

- Abbott Road/Seneca Street corridors to the immediate north and south of the I-190 near the Seneca street off ramp;
- Clinton Street, Fillmore Avenue and the Best Street intersection north of I-190;
- Bailey Avenue from William to Genesee Streets and the Walden Avenue intersection;
- South Park Avenue from McKinley Parkway to Smith Street; and
- I-190.

South Buffalo BOA

The primary roadways in the South Buffalo BOA include South Park Avenue on the north, Tifft Street and Route 5, which forms the western boundary of the study area. The build-out analysis suggests that the most prominent future build-out potential will be in the district zones. According to the travel demand model output, South Park Avenue is currently experiencing potential capacity deficiencies in both the morning and the evening on the portion of the route that extends through the study area. No other roadway within the study area is experiencing significant capacity issues.

Buffalo River Corridor BOA

The primary roadways within the Buffalo River Corridor study area include Ohio Street, South Park Avenue, Seneca Street, Bailey Avenue and Elk Street. According to the travel demand model output, portions of Seneca Street, Bailey Avenue and South Park Avenue located within the study area are currently at or approaching capacity during both the morning and afternoon peak hours.

Industrial build-out within the BOA has the potential to increase congestion on South Park, Seneca Street, Bailey Avenue, Michigan Avenue and Ganson Street. Mixed use development along the Buffalo River and the City Ship Canal has the potential to increase congestion on Ohio Street, Louisiana Street, Michigan Avenue, and Fuhrmann Boulevard.

Buffalo Harbor BOA

Many vacant areas within the Buffalo Harbor BOA have been identified as appropriate waterfront redevelopment areas including Niagara Street, Erie Street, Canalside, Cobblestone, Freezer Queen and the City Ship Canal Village. Improvements to Niagara Street, the Virginia/Carolina I-190 interchange, Erie Street Extension, Main Street and Perry Street have been proposed in support of these efforts.

The primary routes within the Buffalo Harbor BOA include Route 5, Fuhrmann Boulevard, South Park Avenue, Niagara Street, and Interstate I-190. Within the BOA, portions of I-190 and Route 5 are at or nearing capacity. Roadways providing access to these areas are not at capacity and should be sufficient to support future development.

Tonawanda Street Corridor BOA

The primary transportation corridors within the Tonawanda Street Corridor BOA include Niagara Street, Tonawanda Street, I-190 and the Scajaquada Expressway (Route 198). Build-out potential is clustered around the Scajaquada Expressway, west of the Buffalo State College Campus, along Chandler Street, and in the southern portion of the study area along Niagara Street. Portions of the I-190 are at or near capacity during peak travel hours. Outside of the study area, portions of Tonawanda Street and Ontario Street experience congestion. Development potential within the BOA may impact portions of Niagara and Tonawanda Streets, and will need to be evaluated on a case-by-case basis.

Local Waterfront Revitalization Area

The LWRA encompasses the city's primary waterways, and includes portions of the Tonawanda Street Corridor, Buffalo River Corridor, Buffalo Harbor, and South Buffalo BOAs. Interstate 190 and Route 5 are the primary interstate routes through the LWRA, while Niagara Street and Ohio Streets serve as the primary local routes. Interstate 190 is at or approaching capacity during peak hours along large segments of the highway. Portions of South Park Avenue are also noted to be at or approaching capacity.

The LWRP Policies and Action Plan support waterfront redevelopment areas identified in the BOA plans discussed above as well as at Black Rock Harbor. Build-out potential within the study area exists along portions of Niagara Street, Canalside, the Cobblestone District, Ohio Street, Fuhrmann Boulevard, the Elk Street Corridor and in proximity to the Scajaquada Expressway. In addition, the LWRP Policies and Action Plan identify specific transportation projects to further encourage private investment in the proposed redevelopment areas.

Parking

The UDO eliminates parking minimums associated with development in the entire city. If new developments do not provide parking, such developments could place a localized burden on the transportation infrastructure of adjacent neighborhoods, in particular in areas that already experience parking problems. However, the goal of the BCDF to increase walkability and support transit options within the City should reduce overall demand for parking. Additionally, it is unlikely that new developments would not provide adequate parking, since many projects in the past have provided more parking than what was required by code and is an important aspect of marketability for many uses including retail and residential.

Mitigation

In a partial or full build-out scenario, the population and employment within the city would increase over current levels, thereby increasing travel demand. However, this trend would occur over many decades and full build out is not anticipated or likely. Therefore, the impacts identified above are a worst case scenario.

To mitigate potential adverse impacts to the transportation network, as well as to support mass transit, pedestrians, and bicycles, the UDO includes the following mitigation measures:

- The zoning of mixed use areas within many neighborhoods is partially intended to reduce travel demand for daily goods;
- Most uses will be required to provide short and/or long term bicycle parking;
- The design standards for new streets which are included in the UDO include standards for bicycle facilities based on traffic volume and road width;
- Sidewalks are required with all new developments;
- Parking lots must contain adequate pedestrian facilities;

- Parking lots have new design and siting requirements to protect walkability and vitality, thereby reducing auto demand;
- All projects subject to SEQR must evaluate and, if necessary, mitigate potential impacts to transportation; and
- Transportation Demand Management Plans are required for all new construction in excess of 10,000 sq. ft., new restaurants in excess of 5,000 sq. ft., and all substantial renovations larger than 50,000 sq. ft. which include a change of use in all neighborhood districts as well as hospital and educational campuses. These plans must demonstrate how developments will not unreasonably burden the transportation infrastructure of the area. Each project will be required to demonstrate parking and transportation arrangements for the demand determined by professionals. These TDM Plans will be submitted to the Planning Board and if found to be inadequate can be rejected, which would prevent the project from being approved as presented. This will allow projects to approach transportation and parking in a more flexible way than currently required and protect neighborhoods from negative impacts associated with unmet transportation demand.

Thresholds

All new construction in excess of 10,000 sq. ft., new restaurants in excess of 5,000 sq. ft., and all substantial renovations larger than 50,000 sq. ft. which include a change of use in all neighborhood districts as well as hospital and educational campuses. will be required to prepare Transportation Demand Management Plans and must demonstrate how developments will not unreasonably burden the transportation infrastructure of the area.

Projects anticipated to create 100 cars at peak hour which is located adjacent to a road currently identified as a volume to capacity of 0.8 will require additional SEQR review.

Projects that create transportation demand but do not provide adequate pedestrian amenities will require additional SEQR review.

2.4 UTILITIES

Setting

The City is well served by utilities, water, sewer, electric and gas.

Water Service

The Buffalo Municipal Water Finance Authority (known as the Buffalo Water Board) operates the city's public water supply system, treating approximately 23.1 billion gallons of water in 2013 with an average of 63 million gallons per day[9]. The water system is managed by a private utility firm, Veolia Water. In 2013, the City's total per capita water use was approximately 89,000 gallons per person per year.

[9] Annual Drinking Water Quality Report for Calendar Year 2013, Buffalo Water Board, 2014

The city draws its water from Lake Erie through an intake located in the "Emerald Channel," known for the sparkling clarity of the water, at the northeastern end of the Lake where the Lake meets the Niagara River. The area is north of the seasonal Ice Boom installation, at least 6,000 feet from shore[10] and has swift moving water. This location is advantageous because it inhibits the development of toxic algae associated with shallower, slower moving water bodies.

Lake Erie provides all of the potable water needs for users within the City of Buffalo. Water flows from the lake through a large conduit to the Colonel Ward Water Treatment Plant. The plant has a design capacity of 160 million gallons per day (mgd). From the plant, treated water is transported throughout the 46 square mile distribution area. With the exception of a large parcel bordered by South Park, Abby Street, Fuhrmann Boulevard and Tifft Street, the system supplies water to all residents and businesses in the city. The water then travels through 809 miles of pipes and 23,860 valves to approximately 80,000 service connections and 7,970 fire hydrants[11].

Marginal to fair water pressure currently exists in the northwest section of the City, and good water pressure is available within the remainder of the City.

Buffalo River Improvement Corporation

The Buffalo River Improvement Corporation (BRIC) was created in 1967 to provide water for cooling and processing to industrial users along the Buffalo River. The BRIC pumps water from Lake Erie to augment flows in the Buffalo River. The BRIC has a design capacity of 120 million gallons per day. At its peak operation, BRIC served several industrial customers including Buffalo Color Corporation, PVS Chemical Corporation, Republic Steel and Allied Chemical Corporation. Today, PVS Chemical is the only active user of the system[12].

Sewer System

The Buffalo Sewer Authority (BSA) operates and maintains the city's public sewage collection and waste water treatment system. The collection system consists of 850 miles of separate sanitary sewers, separate storm sewers and combined sewers, with 10 outlying pump stations[13].

The collection system conveys an average daily flow of 150 million gallons per day to the treatment plant, which includes more than 30 mgd from outlying municipalities that are tributary to the BSA system. The Bird Island Wastewater Treatment Plant (WWTP), the second largest wastewater treatment plant in New York State, can provide full secondary wastewater treatment for up to 320 mgd[14].

During rain and snow melt events, the actual amount of wastewater (both stormwater and sewage) collected within the combined system at times exceeds WWTP capacity. To protect the treatment plant

[10] ibid

[11] ibid

[12] Buffalo River Remedial Action Plan, 2008 Draft Report, Buffalo Niagara Riverkeeper,

[13] http://www.city-buffalo.com/Home/City_Departments/BSA/cso. Last accessed February 6, 2015

[14] Buffalo Sewer Authority Final Long Term Control Plan, Malcom Pirnie, 2014

and private property from flooding (including basements), excess flow is discharged to local waterways through combined sewer overflow (CSO) points, with 52 permitted outfalls[15].

The BSA's Long Term Control Plan (LTCP) to abate CSO discharges from its sewer system was approved by the New York State Department of Environmental Conservation and U.S. Environmental Protection Agency in March 2014. The plan is comprised of system optimization, green infrastructure, plant improvements and new storage facilities to abate CSO discharges from its sewer system. The plan contains a balance of traditional "gray" infrastructure, as well as innovative "green" solutions. The LTCP was developed in consultation with the community stakeholder panel and benefited from formal and informal stakeholder input over a decade. The LTCP expects a 2034 completion timeframe.

Telecommunications Network

Telecommunications services are provided in the City of Buffalo under franchise agreements. Telecommunications are the responsibility of the Director of Telecommunications, Utilities and Franchises within the Department of Public Works. The Charter also establishes a Telecommunications, Utilities and Franchise Advisory Board.

The city has a well-established telecommunications infrastructure system and holds a competitive edge in certain areas such as fiber optics. According to the city's Comprehensive Plan, the Buffalo region has more than 80,000 miles of fiber optic line managed by private companies, making it one of the top best-equipped regions in the world. Fiber optic technology enables individuals to network with each other at high speeds – regionally, nationally, and globally – providing a useful tool for those whose business activities require such connections. Although, there has been residential demand for FIOS (high speed fiber optic service at residences) this network is not available in most the City.

Electric and Natural Gas Infrastructure

The city's energy utilities, electricity and natural gas, are provided by regulated private corporations, which generally provide adequate service to users. National Grid (formerly Niagara Mohawk Power Corporation), and National Fuel are the primary providers of electricity and natural gas in the city, respectively.

The electric and gas distribution network serves most sections of the city and is generally adequate to meet the needs of customers, although the systems in some areas require periodic maintenance and upgrades to better serve customers and address system failures.

Potential Adverse Impacts

The BCDF aims to encourage compact reinvestment and redevelopment within the City of Buffalo where existing infrastructure, including water, sewer and telecommunications service, are readily available

[15] ibid

In a partial or full build-out scenario, the population within the City would increase over current levels, thereby resulting in an increased demand on utility infrastructure. Overall, the city's utility infrastructure is adequate to serve existing and future users. While regular maintenance and upgrades are needed to both the water supply distribution and wastewater collection systems, excess capacity exists throughout the city.

Some portions of the Outer Harbor are underserved by all utility infrastructure. Small portions of other Brownfield Opportunity Areas and former industrial areas may be underserved by one or more utilities for proposed future development depending on the end use. This would require minor installation or extension of utilities which is not a significant impact on the overall utility service in the city.

The BSA collection and wastewater treatment plant generally have excess capacity for sanitary and industrial waste discharges and treatment during dry weather and can accommodate a partial or full build-out scenario. The addition of impervious surfaces could have an impact during wet weather events and increase CSOs.

Telecommunications infrastructure is largely adequate to accommodate future growth, although extensions to future growth areas where no infrastructure exists may be warranted.

Mitigation Measures

Mitigation measures built into the BCDF will ensure that no adverse impacts occur from development following the BCDF.

The Buffalo Sewer Authority Use Regulations and the proposed UDO require that new development manage storm water on-site in accordance with the New York State Stormwater Management Design Manual and specifically requires preparation and implementation of a SWPPP for any land development activity that involves over 0.25 acres of soil disturbance. Projects under this threshold must manage construction and post-construction stormwater runoff. Where stormwater from a project is directed to a combined sewer, the project is required to demonstrate that post-development peak flows during a 25-year storm will be less than pre-development peak flow during a 2-year storm. The UDO also prioritizes green infrastructure to meet these requirements. These provisions, along with other upgrades to the sewer system, will help ensure that stormwater runoff from new development does not counteract the Buffalo Sewer Authority's long term CSO control efforts.

Projects that require Major and Minor Site Plan Approval under the BCDF must be adequately served by utilities as an approval criteria.

Thresholds

Projects that do not have adequate utility service; in particular, those identified in BOAs and portions of the Outer Harbor and require extensions of new utilities, however excluding minor new connections will require additional SEQR evaluation.

2.5 HISTORIC AND ARCHEOLOGICAL RESOURCES

2.5.1 Historic Resources

Setting

Buffalo has numerous local, state and/or nationally designated historic properties and historic districts. The National Historic Preservation Act of 1966 established the National Register of Historic Places (NRHP), an official list of historic properties that have been recognized as significant in American history, architecture, archaeology, engineering, or culture. (http://www.nps.gov/history/local-law/nhpa1966.htm). The Division for Historic Preservation in the Office of Parks, Recreation and Historic Preservation (OPRHP or SHPO) coordinates the NRHP program in New York State, as well as the State Register program. The City, due to its status of as a Certified Local Government, also has the authority to designate properties and districts as historic, affording these resources certain protections.

Properties listed on the NRHP or determined eligible for listing, receive protection and consideration in projects that involve state or federal funding, permits or licenses. SEQRA provides additional protection to listed properties. In addition, if state or federal funding is used or a state or federal permit is required, a project sponsor must consult with SHPO to obtain an opinion regarding the project's potential impact on cultural resources. In addition to those currently on the NRHP, additional properties within the City of Buffalo are known to be or are potentially eligible for the NRHP; however, properties cannot be listed over the objection of a private property owner.

Local Historic Districts and Landmarks are designated by the Common Council after a recommendation from the Preservation Board. Properties designated by the city are required to obtain approval from the Preservation Board prior to making changes to the exterior of the building to ensure alterations do not affect the historic integrity of the property or district.

The following tables summarize the NRHP-listed sites, NRHP-eligible sites, NRHP Districts, Locally-Designated Historic Districts and Locally-Designated Landmarks in the City of Buffalo. Figure 8 maps NHRP and Locally-Designated historic resources in the City of Buffalo.

Table 5: City of Buffalo National Register of Historic Places Sites (Including Maritime Resources)

HISTORIC SITE	ADDRESS	YEAR LISTED	LWRA*	BOA**
20th Century Club	595 Delaware Ave	2011		
218 Dearborn Street	218 Dearborn Street	2011		
33--61 Emerson Place Row	33—61 Emerson Pl	1986		
Albright-Knox Art Gallery	1285 Elmwood Avenue	1971	Y	
Alling & Cory Buffalo Warehouse	136 North Division Street	2010		
American Grain Complex	87 Childs St	2012		
Annunciation School	257 Lafayette Avenue	2008		

HISTORIC SITE	ADDRESS	YEAR LISTED	LWRA*	BOA**
Berkeley Apartments	24 Johnson Park	1987		
Birge-Horton House	477 Delaware Avenue	2004		
Blessed Trinity Roman Catholic Church Buildings	317 Leroy Avenue	1979		
Buffalo and Erie County Botanical Gardens	2655 South Park			SB
Buffalo History Museum (formerly the Buffalo and Erie County Historical Society)	25 Nottingham Court	1980	Y	
Buffalo City Hall	65 Niagara Square	1999		
Buffalo Electric Vehicle Company Building	1219-1247 Main Street	2005		
Buffalo Gas Light Company Works (1859)	249 W. Genesee Street	1976	Y	H
Buffalo Main Light	Buffalo River	1984	Y	H
Buffalo Meter Company	2917 Main Street	2012		
Buffalo North Breakwater South End Light	Buffalo Harbor	1983	Y	H
Buffalo Seminary	205 Bidwell Parkway	2011		
Buffalo Smelting Works	23 Austin Street	2011		
Buffalo State Asylum for the Insane	400 Forest Avenue	1973		
Buffalo Tennis & Squash Club	314 Elmwood Avenue	2008		
Buffalo Trunk Manufacturing Company	125 Cherry Street	2010		
Buffalo Zoo Entrance Court	Parkside Ave and Amherst	2013		
The Calumet	46-58 W Chippewa St / 233 Franklin St	2010		
C.W. Miller Livery Stable	75 West Huron Street	2007		
Colonel William Kelly House	36 Tudor Place	1997		
Concordia Cemetery	438 Walden Avenue	2008		
Concrete Central Grain Elevator	175 Buffalo River	2003	Y	SB
Connecticut Street Armory	184 Connecticut Street	1995		
Corpus Christi Roman Catholic Church Complex	199 Clark Street	2007		
County and City Hall	95 Franklin Street	1976		
Darwin D. Martin House	125 Jewett Parkway	1986		
Darwin D. Martin House Complex	123 Jewett Parkway	1975		
Dayton House	243 Dearborn Street	2011		
Delaware Avenue Methodist Episcopal Church	339 Delaware Avenue	2003		
Durham Memorial A.M.E. Zion Church	174 E. Eagle Street	1983		
E & B Holmes Machinery Company Building	59 Chicago Street	2009	Y	BR
Eberz House	285 Dearborn Street	2011		

HISTORIC SITE	ADDRESS	YEAR LISTED	LWRA*	BOA**
Edgar W. Howell House	52 Lexington Avenue	2007		
Edward A. Diebolt House	62 Niagara Falls Boulevard	2006		
Edward M. Cotter	Buffalo River	1996	Y	H
Edwin M. and Emily S. Johnston House	24 Tudor Place	1997		
E.M & Sons Hager Building	141 Elm St	2013		
Engine House #2 and Hook & Ladder #9	310 Jersey Street	2011		
Engine House No. 28	1170 Lovejoy Street	2001		
F.N. Company Factory	500 Seneca St	2013		
Forest Lawn Cemetery	1411 Delaware Avenue	1990		
Fosdick-Masten Park High School	Masten Ave. and E. North	1983		
Garret Club	91 Cleveland Avenue	2007		
General Electric Tower	535 Washington Street	2008		
Harlow C. Curtiss Building	204-210 Franklin Street	2008		
Hellenic Orthodox Church of the Annunciation	1000 Delaware Avenue	2002		
H.J. Meldrum Company Building	265-267 Pearl St.	2013		
Hotel Lafayette	391 Washington Street	2010		
Houk Manufacturing Company	300-320 Grote St, 1686-1700 Elmwood Ave	2014		
Huyler Building	374 Delaware Avenue	2012		
James and Fanny How House	41 St. Catherine's Court	1997		
The Kamman Building	755 Seneca St	2010		
Kleinhans Music Hall	Symphony Circle	1989		
Kensington Gardens Apartment Complex	1,2,3 W Cleveland Dr	2010		
Lafayette Avenue Presbyterian Church	875 Elmwood Ave	2009		
Lafayette High School	370 Lafayette Ave.	1980		
Laurel and Michigan Avenues Row Houses	1335--1345 Michigan Ave.	1986		
Macedonia Baptist Church	511 Michigan Ave.	1974		
NASH	1776 Niagara St	1991		
New York Central Terminal	495 Paderewski Dr.	1984		
Packard Motor Car Showroom and Storage Facility	1325 Main St.	2006		
Parke Apartments	33 Gates Circle	2007		
Pierce Arrow Factory Complex	Elmwood and Great Arrow	1974		
Prudential Building	Church and Pearl Sts.	1973		

HISTORIC SITE	ADDRESS	YEAR LISTED	LWRA*	BOA**
Public School No. 60	238 Ontario St.	2014		
Rev. J Edward Nash, Sr House	36 Nash St	2007	Y	SB
Richmond Avenue Methodist-Episcopal Church	525 W. Ferry St.	2008		
Robertson--Cataract Electric Building	100, 126 S. Elmwood	2012		
Saturn Club	977 Delaware Ave.	2005		
School 13	266-268 Oak St.	2005		
Shea's Buffalo Theatre	646 Main St	1975		
Sibley and Holmwood Candy Factory and Witkop and Holmes Headquarters	149 & 145 Swan St.	2014		
South Buffalo North Side Light	Buffalo Harbor	1983	Y	SB
St. Andrew's Episcopal Church	3105 Main St	2010		
St. Andrew's Evangelical Lutheran Church Complex	Sherman and Peckham Sts.	1983		
St. Francis Xavier Roman Catholic Parish Complex	157 East St	2009		
St. Paul's Episcopal Cathedral	125 Pearl St.	1973		
Stone Farmhouse	60 Hedley Pl.	1999		
Taylor Signal Company--General Railway Signal Company	1738 Elmwood Ave.	2014		
Theodore Roosevelt Inaugural National Site	641 Delaware Ave.	1966		
Tishman Building	447 Main St., 10 Lafayette Sq.	2012		
Trico Plant No. 1	817 Washington St	2001		
Trinity Episcopal Church	371 Delaware Ave.	2008		
Turner Brothers' Building--American Household Storage Company	295 Niagara St.	2013		
U.S. Post Office	121 Ellicott St.	1972		
USS Croaker	1 Naval Park Cove	2008	Y	SB
USS The Sullivans	1 Naval Cove Pk	1986	Y	SB
William Dorsheimer House	434 Delaware Ave	1980		
Wile, M., and Company Factory Building	77 Goodell St.	2000		
Wollenberg Grain and Seed Elevator	131 Goodyear Ave.	2003		
Woodlawn Avenue Row	75--81 Woodlawn Ave.	1986		
Young Men's Christian Association Central Building	45 W. Mohawk St.	1983		
The Zinc Block	346 Connecticut St	2010		

Source: National Park Service, National Register of Historic Places last accessed 8/3/2015

*LWRA=Local Waterfront Revitalization Area

**SB=South Buffalo
H=Buffalo Harbor
BR=Buffalo River
T=Tonawanda Street Corridor

Table 6: City of Buffalo National Register of Historic Places Districts

HISTORIC DISTRICT	Year Listed
Allentown Historic District	1980
Delaware Avenue Historic District	1974
Delaware Park – Front Park System	1982
Elmwood Avenue Historic District (West)	2012
Hamlin Park Historic District	2013
J. N. Adams-AM&A Historic District	2009
Market Square Historic District	2011
Parkside East Historic District	1986
Parkside West Historic District	1986
University Park Historic District	2011
West Village Historic District	1980
Olmsted Park System	1982

Source: National Park Service, National Register of Historic Places

Table 7: City of Buffalo Locally-Designated Historic Districts and Landmarks

Locally Designated Historic Districts in the City of Buffalo					
Allentown	Linwood	Ellicott	500 Block	Cobblestone	Larkin
Hamlin Park	West Village	Delaware	Genesee	Theatre	

Table 8: City of Buffalo Locally-Designated Historic Properties

(Outside the Boundaries of a Locally-Designated Historic District)

Locally-Designated Historic Properties				
28 Barker	184 Connecticut	95 Jewett	511 Michigan	118 Summit
32 Barker	891 Delaware	96 Jewett	1335 Michigan	929 Sycamore
68 Barker	965 Delaware	125 Jewett	45 Mohawk	86 Vermont
75 Barker	977 Delaware	135 Jewett	2243 Mulberry	2 Wallace
216 Beard	2182 Delaware	348 Lafayette	36 Nash	379 Washington
40 Benzinger	29 Emerson	370 Lafayette	1 Niagara Square	391 Washington

Locally-Designated Historic Properties				
44 Breckenridge	66 Erie	598 Lafayette	3 Niagara Square	630 Washington
145 Broadway	1 Fuhrman	771 Lafayette	25 Nottingham	710 Washington
215 Broadway	250 Ganson	317 Leroy	495 Paderewski	71 Woodlawn
217 Broadway	235 Genesee	323 Leroy	11 Plymouth	73 Woodlawn
1036 Broadway	938 Genesee	101 Linden	55 Plymouth	75 Woodlawn
1170 Broadway	210 Glenwood	1170 Lovejoy	81 Plymouth	77 Woodlawn
175 Buffalo	214 Glenwood	1313 Main	24 Rhode	79 Woodlawn
825 Busti	77 Goodell	1325 Main	5 Seneca	81 Woodlawn
771 Busti	60 Hertel	2059 Main	17 Seneca	147 Woodlawn
160 Cable	215 High	2073 Main	140 Seneca	285 Woodward
8 City Ship	19 Hodge	2183 Main	2319 Seneca	
91 Cleveland	310 Jersey	2211 Main	620 Sherman	
51 Colonial	320 Jersey	494 Michigan	182 Sobieski	

Potential Adverse Impacts

Potential impacts may occur from actions that impact the historic integrity of historic landmarks or districts. However, the BCDF and the UDO in particular, considers historic importance as part of the project approval process.

In addition, the City of Buffalo Preservation Code Standards will continue to remain in effect upon adoption of the BCDF. The Preservation Standards created the Buffalo Preservation Board which designates historic properties and districts, and reviews all exterior changes to landmark properties or properties located within City of Buffalo Preservation Districts as per Chapter 337 of City of Buffalo Code (http://www.ecode360.com/11767343). The Preservation Board uses the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings by the National Park Service as its guidelines (http://www.nps.gov/tps/standards/rehabilitation/sustainability-guidelines.pdf).

Mitigation

When state or federal funding is used or a state or federal permit is required for a proposed project, the project's sponsor must consult with SHPO to obtain an opinion regarding potential impacts on cultural resources. This consultation is required for properties containing historic resources listed on, or eligible for inclusion in, the NRHP. Consultation may result in a letter of "No Effect" or "No Impact" or SHPO may require a cultural resources investigation involving a historic resources/standing structures analysis and/or Phase 1 archaeological investigation depending on the potential resources affected. Additionally, as per SEQRA, "any Unlisted action (unless the action is designed for the preservation of the facility or site) occurring wholly or partially within, or substantially contiguous to, any historic building, structure, facility, site or district or prehistoric site that is listed on the National Register of Historic Places, or that has been proposed by the New York State Board on Historic Preservation for a recommendation to the

State Historic Preservation Officer for nomination for inclusion in the National Register, or that is listed on the State Register of Historic Places" is considered a Type 1 action and a Full Environmental Assessment form and coordinated review is required. This allows for additional review and input on proposed changes to historic resources.

To ensure that historic properties are rehabilitated and remain economically viable, the UDO includes an Adaptive Reuse Permit, which applies to historic landmarks including locally designated landmarks or any site that is listed on, or declared by the SHPO to be eligible for, the NRHP. The UDO allows for adaptation of these buildings per the Adaptive Reuse Permit for some additional uses that may not otherwise be allowed in a particular zone. This permit requires Common Council approval after receiving a recommendation from the Planning Board. Public notice, compliance with specific approval standards and conditions apply that will prevent the destruction, loss or damage of these historic resources in an adaptive reuse context, while ensuring a public process that allows for public input and limiting reuses to those least likely to have offsite impacts. This will allow for the continued investment in historic resources while still protecting the character of the surrounding neighborhood.

For NRHP districts, in particular those in residential neighborhoods, the UDO developed form standards based on predominate existing urban character, including fenestration, setbacks and heights. This will ensure new infill development is consistent with the existing development in historic districts even if state and federal review is not required for a project.

The UDO prohibits the demolition of a principal structure in the neighborhood center zones (N-1D, N-1C, N-1S, N-2C, and N-3C) without an approved site plan for the construction a new structure. Emergency demolitions are exempt from this procedure. This prohibition may be waived by the Planning Board on a case by case basis.

Finally, the adoption of the UDO, a form-based code that builds off the historic design and layout of the city, will generally ensure compatible development adjacent to historic resources, in particular those within neighborhood zones.

Thresholds

As per SEQRA regulations actions that would be considered unlisted will require coordinated review if adjacent to a National Register historic property or district or within the boundaries of a Nation Register historic district. During this review SHPO will be coordinated with either as an interested or involved agency for input on impacts to historic resources.

2.5.2 Archeological Resources

Setting

The City includes a number of areas of potential archaeological sensitivity that may contain archaeological resources of significance. These areas have been identified through the OPRHP's GIS-Public Access Database. The OPRHP, through Section 14.09 of the New York State Historic Preservation Act and/or

Section 106 of the Historic Preservation Act, reviews projects which may have an adverse impact on archaeological resources.

Areas within the city considered to be archeologically sensitive by the SHPO include areas along the City's waterways (i.e., Lake Erie, Niagara River and Black Rock Channel, Scajaquada Creek and the Buffalo River), in nineteenth-century neighborhoods, and in former industrial areas, particularly within the southern portion of the city. Sites may be prehistoric, connected to historic events including the War of 1812, Erie Canal Underground Railroad, and Buffalo's industrial past. Due to sensitivity, exact boundaries of historic resources are not mapped.

Figure 9 depicts general areas of archeologically sensitivity in the City.

Potential Adverse Impacts

Archeologically sensitive areas could be impacted by proposed development projects carried out consistent with the BCDF. However, many of these areas of sensitivity have had prior significant ground disturbance and, therefore, do not contain significant archeological resources.

Mitigation

For land disturbance locations in areas of known archeological sensitivity, in instances where prior significant ground disturbance cannot be documented, the SHPO may require, at a minimum, a Phase 1 archeological investigation to determine the presence or absence of historic resources and potential additional work to document and protect those sites.

Thresholds

No additional thresholds are required for the evaluation of potential future impacts to archeological resources.

2.6 PARKS AND OPEN SPACE

Setting

The City of Buffalo manages approximately 1,826 acres of parks and parkways (see Figure 10). Included in the 1,826 acres is land that may not be considered or actively used as parks: 22.2 acres of circles, 24.4 acres of medians, and 10 acres of "triangles." Pathways along the Outer Harbor and portions of the Olmsted Parks and Parkways systems represent an additional 88 acres.

The majority of the parkland acreage is represented by major parks (totaling 1,340 acres) and include the Olmsted-designed parks (i.e., Delaware, Front, Martin Luther King, Jr., Cazenovia, South, and Riverside) and Tifft Nature Preserve - 233 acres. The remainder of the city's parkland is represented by neighborhood mid-size, small and pocket parks.

In addition to the city's parks and parkways, open space, including vacant parcels, community gardens, and other undeveloped space, is dispersed throughout the city but is not included in the calculation of

total parkland acreage. Some of these open space areas may be used as informal public space but are not counted as parkland. The following table summarizes the parks and parkways in the City of Buffalo. Figure 10 depicts the parks and parkways and their locations.

Table 9: City of Buffalo Parks and Parkways

Park Name	Address	Class	Acres	LWRA*	BOA**
Fr. Conway	122 Louisiana St	Large	14.9		
Franczyk	564 New Babcock St	Large	15.6		
Glenny	1823 Fillmore Ave	Large	9.5		
Jesse Kregal Trail	1548 Elmwood Ave	Large	13.5	Y	
Manhattan (Gleasner)	137 Manhattan Ave	Large	9.2		
Masten	224 Best St	Large	9.6		
Mungovan	609 & 611 New Bailey	Large	11.9		
Roosevelt	430 Edison	Large	9.6		
Shoshone	1978 Hertel Ave	Large	15.7		
Tifft Playfields (G. Hartman)	1200 Fuhrmann Blvd	Large	20.1	Y	SB
Union Ship Canal Commons	1744 & 1788 Fuhrmann Blvd	Large	22.3	Y	SB
Waterfront/Emerson Young	95 Fourth St	Large	9.5		H
Cazenovia	161 Cazenovia St	Major	194.0	Y	
Delaware	414 Parkside Ave	Major	337.3	Y	
Front	952 Busti Ave	Major	26.6	Y	
Houghton (Stachowski)	1677 Clinton St	Major	58.6	Y	
John F. Kennedy	285, 399 & 401 Clinton St	Major	21.5		
LaSalle	5 Porter Ave	Major	91.7	Y	
Martin Luther King, Jr.	175 North Parade	Major	55.5		
McCarthy	274 E. Amherst	Major	36.6		
Riverside	2505 Niagara St	Major	40.4	Y	
Schiller	2057 Genesee St	Major	36.7		
South Park	2441 South Park Ave	Major	146.3		
Squaw Island	13 Black Rock Harbor	Major	40.8	Y	
Tifft Farm Nature Preserve	1200 Fuhrmann Blvd	Major	233.3	Y	SB

Park Name	Address	Class	Acres	LWRA*	BOA**
Walden	25 Bakos Blvd	Major	20.8		
4th St	10 Hudson St	Midsize	7.7		
Broderick	3 Bird Island Pier	Midsize	5.7	Y	
Columbus/Prospect	730 & 779 Niagara St	Midsize	9.0		
Dewey	494 Kensington Ave	Midsize	4.2		
Emerson (Koons)	193 Koons	Midsize	6.9		
George Washington	2302 Niagara St	Midsize	3.5	Y	
H. D. Taylor (Boone)	353 Germania St	Midsize	3.3		
Hank Nowak	1177 Sycamore St	Midsize	3.8		
Heacock	225 Abbott Rd	Midsize	4.8		
Hennepin	1207 Bailey Ave	Midsize	6.8		
Hillery	106 Mineral Springs Rd	Midsize	8.2		
J.H. Williams	89 Albemarle St	Midsize	6.5		
Lanigan	146 Fulton	Midsize	3.4		
Minnesota Linear	111 & 113 Custer St	Midsize	5.0		
Mulroy	890 Tifft St	Midsize	7.5		
Okell	92 Okell St	Midsize	6.4		
Redmond	87 Leddy St	Midsize	8.6		
Sperry	77 Paderewski Dr	Midsize	3.0		
Trinidad	237 Kensington Ave	Midsize	3.9		
Bidwell Parkway	Bidwell Pkwy	Parkway	4.6		
Chapin Parkway	Chapin Pkwy	Parkway	4.0		
Humboldt Pkwy Medians	Humboldt Pkwy	Parkway	0.4		
Lincoln Parkway	Lincoln Pkwy	Parkway	3.4		
Memorial Drive	Memorial Dr	Parkway	0.8		
Outer Harbor Parkway	Fuhrmann Blvd	Parkway	75.0	Y	H
Allison	40 Rees St	Small	2.1		
Arlington	9 Arlington Park	Small	0.6		

Park Name	Address	Class	Acres	LWRA*	BOA**
Bailey-Moreland	1351 Bailey Ave	Small	1.9		
Barrett	75 Race St	Small	0.7		
Bird Island Pier	3 Bird Island Pier	Small	1.7	Y	
Bristol Emslie Playground	185, 189, 235 Emslie St	Small	0.3		
Brookdale (Morgan)	293 McKinley Pkwy	Small	2.2		
Butler	95 Roanoke Pkwy	Small	2.9		
Cathedral	Cathedral Park	Small	0.5		
Five Flags Park	N & S Division	Small	1.1		
Collins	317 Smith St	Small	1.4		
Davey Street	244 North Ogden St	Small	0.6		
Days	86 Days Park	Small	1.5		
Durant	50 Durant & Osage St	Small	3.0		
Eddie Dawson	23 Roetzer St	Small	1.9		
Elmwood Village	762 Elmwood Ave	Small	0.1		
Erie Hills Pedestrian Mall	80 Erie St	Small	1.8		H
Fireman's Park	325 Washington St	Small	1.1		
Florida Northland (Horrace)	25 & 26 Hager St	Small	1.9		
Glenwood (New Box)	46 Box Ave	Small	0.4		
Johnson Park	250 South Elmwood Ave	Small	1.1		
Kensington Pool Grounds	665 Kensington Ave	Small	2.9		
Kingsley	52 Kingsley St	Small	2.2		
Lafayette Square	415 Main St	Small	0.8		
Lang Weber	38 Weber Ave	Small	2.2		
Lincoln	69 Peck St	Small	2.7		
Maritime Memorial	47 Erie St	Small	0.4		
Massachusetts	378 Massachusetts Ave	Small	1.6		
Moselle Street	638 Moselle St	Small	0.8		
Mullen	112 & 118 Harrison St	Small	1.5		

Park Name	Address	Class	Acres	LWRA*	BOA**
Naval and Veteran's Park	1 Marine Dr	Small	2.5	Y	H
Niagara Square	5 Niagara Square	Small	1.9		
Nottingham & Elmwood	0 Nottingham	Small	0.9		
Paderewski & Sears	358 Paderewski Dr	Small	0.3		
Perkins (Woodlawn)	325 East Ferry St	Small	2.5		
Ramsdell (Gay)	322 Ramsdell Ave	Small	2.1		
Rev. James Eckridge	181 Johnson St	Small	1.7		
Rotary	10 & 20 Porter Ave.	Small	0.8	Y	
Scajaquada Pathway	1590 Fillmore Ave	Small	3.8	Y	
Seneca Indian	129 Buffum St	Small	1.6		
Sheldon Park	193 Tuscarora Rd	Small	1.1		
Sisti	42 North St	Small	0.3		
Sole Park	888 Columbus Pkwy	Small	1.3	Y	
Tyler Likos Park	828 South Division St	Small	0.7		
Taylor	1668 South Park Ave	Small	2.1		
Tim Russert Children's Garden	2002 & 2006 South Park Ave	Small	0.3		
Wende (Spring St)	450 Broadway	Small	0.8		
Willert	375 Spring St	Small	2.3		

*LWRA=Local Waterfront Revitalization Area

**SB=South Buffalo
H=Buffalo Harbor
BR=Buffalo River
T=Tonawanda Street Corridor

In addition to the city parks and parkways listed above, other parks, open space and recreational areas are dispersed throughout the city, including the following:

- New York State and State agencies have developed and operate public waterfront access facilities at the Canalside Central Wharf, Outer Harbor, Wilkeson Point, the Small Boat Harbor/Gallagher Beach and the Mutual Park as described in the LWRP inventory.
- There are also several County Parks within the City specifically Bailey Woods, Black Rock Canal, Red Jacket, Seneca Bluffs and Times Beach, all of which are in the LWRA.
- There are numerous small playgrounds and recreation areas associated with public, private and not-for-profit educational and housing facilities;

- There are private recreational playing fields such as the Aurubis Baseball Fields; and
- There are some publicly accessible not-for-profit park facilities such as Buffalo Riverfest Park located on the Buffalo River.

Potential Adverse Impacts

Under the existing zoning ordinance, parkland and open space does not have a specific zoning designation and is typically zoned residential. The UDO, however, creates new zoning designations for parks, specifically, D-OS Square, D-OG Green and D-ON Natural and additionally, parks and parkways in the LWRA will be in the C-W Waterfront zone. These new zoning designations, in the UDO, are designed to establish standards for parks and open space as well as protect and enhance parkland and recreational resources through form-based standards (e.g., lot dimensions and parameters, building disposition, height, and transparency, pedestrian access) and specific area standards which will encourage the creation of quality outdoor spaces. Moreover, these park-related zoning designations will increase the protection of parks and open spaces by limiting allowable development to uses that are complementary or support the existing open space.

Goal 8 of the LWRP and the associated policies advocates for an increase in physical access and recreation throughout the waterfront while maintaining and protecting the existing public access and recreation activities. This policy, combined with other policies that seek to protect and enhance waterfront and coastal resources, are anticipated to have a positive impact on parkland.

As part of the South Buffalo BOA, new recreational facilities and enhanced pedestrian trails are proposed which will enhance recreational opportunities in the area, specifically a connection between Tifft Nature Preserve and the adjacent G. Hartman Playfields. An evaluation of the land and opportunity for a golf course was also completed. The study determined a 9-hole golf course could be developed which would potentially allow the removal of the golf course from South Park thereby returning more park space to the general public and allowing restoration of the park's original design.

Within the Buffalo Harbor BOA, the first State park within the City of Buffalo was established at the Small Boat Harbor, which had been operated by the NFTA, a state agency. A significant amount of land in the Outer Harbor is zoned as D-OG which limits the amount of impervious surfaces and prohibits residential uses. These two efforts will significantly increase the amount of protected open space along the Outer Harbor.

Within the Buffalo River BOA, no new parks are currently proposed or in development, although the BOA plan calls for the enhancement of existing park spaces.

In the Tonawanda Corridor BOA, the proposed zoning of the inactive rail right-of-way is D-OG, which is a reflection of the lack of access to the site, development challenges and the opportunities to make this a recreational trail. As a new greenspace amenity, it would also maintain stormwater infiltration.

Collectively, the proposals for additional greenspaces and parks as well as the additional protections afforded through the UDO and LWRP will have positive impacts on parks, parkways, and other open space in the city.

Mitigation

No potential adverse impacts have been identified; therefore, mitigation is not required.

It is noted, however, that in waterfront areas, the LWRP introduces policies to protect public access and recreation and provides a process for consistency review regarding proposed actions within the LWRA. This process will include the requirement that applicants complete and submit a Waterfront Assessment Form along with other required documentation. The form and application materials will be used by the City Planning Board to determine whether the action is consistent with the policies and provisions of the LWRP, a process that will further protect parks and open space resources.

Thresholds

If any proposals in parks propose to exceed the allowed impervious surface allowances additional SEQRA review will be required. Additionally, any use variances in areas zoned for parks or rezoning of parks will also require additional SEQRA review.

2.7 COMMUNITY CHARACTER AND VISUAL QUALITY

2.7.1 Community Character

Setting

The City of Buffalo is characterized by a number of neighborhoods, districts and waterfront areas, many of which exhibit a unique historic, aesthetic, visual and natural quality. The city's radial and grid street system, planned and designed by Joseph Ellicott in 1804, provided the original framework for development of the city's cultural and natural resources. As the city grew to prominence in the late 19th and early 20th centuries, these resources were enhanced through design by renowned national architects such as Frank Lloyd Wright, Louis Sullivan and H.H. Richardson and local architects such as E.B Green, to create an historic built environment and visual quality that was unsurpassed for a city its size. Frederick Law Olmsted and Calvert Vaux concurrently refined the natural landscape through design of a citywide parks and parkways system that is largely intact today.

Neighborhoods in the city vary but are generally comprised of single and multi-family detached homes and a mix of predominantly commercial uses. Apartment buildings also provide housing opportunities throughout a variety of neighborhoods. Many of these neighborhoods are served by commercial districts that accommodate various neighborhood retail and commercial establishments while some also include industrial areas (i.e., concentrated on parts of the East Side, Black Rock-Riverside and South Buffalo). Residential lot sizes are typically small and narrow and resulted in higher population densities that promoted walkability and transit use in an age when the automobile was less prevalent. As the city developed farther from downtown, lot sizes typically became larger and wider than lots closer to downtown. Combined with the vernacular architecture and landscapes that provided the basis for development and growth of Buffalo's middle and working class, mixed use neighborhoods, a high quality aesthetic environment developed, giving the city its unique character.

While the city's community and neighborhood character represents a unique aesthetic quality, considerable insensitive development coupled with large scale disinvestment and demolitions in certain sections of the city has occurred over the last several decades, significantly eroding community and neighborhood character. This has resulted in auto-centric commercial development, single use buildings incompatible with surrounding mixed uses, vacant lots and numerous surface parking areas. This development pattern has created inconsistencies with the predominant architectural scale and character of the city and/or the character of the existing natural landscape.

NEIGHBORHOOD ZONES

Neighborhoods are the largest organizing type of the City. Neighborhoods are generally residential and/or mixed used, with a street grid, and a variety of property owners.

Neighborhood zones are functionally integrated places where people live, developed at a range of intensities. Traditional neighborhoods tend to share similar attributes:

- They are compact and walkable, typically encompassing no more than a quarter-mile from center to edge.
- Streets are designed to account for pedestrians, bicycles, and motor vehicles.
- There is a mix of activities—work, education, recreation, shopping—and a range of housing types.
- Priority is given to creating public space and locating civic buildings

Near downtown neighborhoods were the first neighborhoods to develop, starting in the 1800s and mostly adjacent to downtown and the waterfront. The lack of transportation allowed these neighborhoods to develop densely with commercial areas integrated to serve their respective populations. The lots are small – typically 25 to 35 feet wide. Homes are close together and setbacks from the street are minimal, and many properties do not have driveways. Mixed-use, walkable centers are dense and have an array of uses in smaller buildings. The Lower West Side, Historic Black Rock, Fruit Belt, and the Old First Ward are examples of these neighborhoods.

Neighborhoods that developed along the Belt Line Railroad or the historic street car lines were less dense than existing neighborhoods but also maintained commercial districts. These neighborhoods tend to have larger lots, more space between houses, and deeper setbacks. Hamlin Park, Kaisertown, University Heights, North Park, Riverside, and South Buffalo are examples of these neighborhoods.

Single Family Neighborhoods were also developed as transportation options increased. These are characterized by large lot sizes, spacious front yards, and single-family homes. They are often developed around parks and parkways and lack significant commercial activity. Central Park and William Price Parkway are examples of these neighborhoods.

DISTRICT ZONES

Districts:

Districts are places that serve a specialized function and are generally single use areas often with one owner, which are identifiably separated from the surrounding neighborhood by street pattern, building size, and use.

These districts generally are less walkable than neighborhoods, but serve important functions to support a livable and diverse City. Although districts are typically separate from the prevailing street grid, their structure often parallels the adjacent neighborhoods, with an identifiable focus that provides orientation, identity, and clear boundaries.

Districts are generally organized around various uses, specifically:

- Medical Services
- Educational Campuses
- Residential Uses
- Retail
- Commercial Areas
- Industrial
- Parks

Specific Educational Districts include Canisius College, the University at Buffalo and Buffalo State College. These educational institutions are adjacent to residential neighborhoods but are not well integrated into the existing street grid.

Some residential areas are districts such as Waterfront Village and the Lakeview Homes area. These districts were developed at one time or in a similar fashion. and is often under control of one owner but may have multiple owners.

CORRIDOR ZONES

Corridors are linear systems that form the borders of and connect neighborhoods and districts. Corridors are composed of natural and man-made components, including waterfronts and rail lines.

Development around creeks and rivers was one of the earliest patterns in Buffalo. The construction of the Buffalo harbor and later construction of the Erie Canal established Buffalo as a trade center and set the stage for population growth. Later proximity to water would become important for industrial development, which is still evident today.

The development of railroads, which created another prominent corridor, added to the economic growth of Buffalo. The Belt Line, the rail corridor that encircles the inner portion of the City, was also developed as a passenger rail service, which allowed the geographic expansion of the City's population and allowed for a less dense development pattern.

Main Street was first established through Joseph Elliott's survey of New Amsterdam, now Buffalo, in 1803 to facilitate transport of supply wagons. This was established as and remained a major organizing principal. The opening of the Metro-Rail system in 1985 further reinforced the importance of Main Street.

(*The discussion of parking is in the Transportation Section 3.3)

Potential Adverse Impacts

In general, the BCDF and in particular the UDO is more consistent with the historic development patterns of the city than the 1953 zoning ordinance and will be more protective of existing community character.

However, development after the adoption of the BCDF could impact community character if the form of the new development is inconsistent with that established neighborhood character. Specifically, the introduction of new district zones in existing residential areas could have adverse impacts.

Impacts to community character could also occur if the proposed use is in conflict with the predominant uses established. Examples include new large residential lots within older, compact neighborhoods, the introduction of district type uses such as college campuses with its associated parking in a neighborhood, or new commercial retail complexes within the existing street grid.

Mitigation

The land use maps and zoning analysis discussed in Section 2.1 above, demonstrate that the BCDF will not radically change the community character in most areas of the City. The BCDF, and in particular the Land Use Plan identified locations of neighborhoods, districts and corridors currently established in the city and respected that general pattern as much as practicable. Additionally, the form standards included in the UDO try to ensure that setbacks, lot widths, building heights and uses are generally similar. Specifically, in N-2R, N-3R, N-4-30 and N-4-50, maximum lot sizes have been established to ensure new development is not inconsistent with the general pattern of the community.

The subdivision reviews and approvals were tailored to ensure that proposed combinations, divisions, and alterations to lot lines reinforce the existing community character by categorizing the type of reviews for these actions by acreage rather than number of lots.

Thresholds

No thresholds for further evaluation are required.

2.7.2 Views

Setting

The City offers a number of natural viewsheds located within or adjacent to the waterfront, as well as iconic vistas located along the Ellicott radial street grids and within the Olmsted parks and parkways system. These public views form Buffalo's scenic character and increase livability by offering visually pleasing landscapes. Other visually interesting sites are part of designated trailway systems such as the Seaway Trail (a National Scenic Byway) and the Niagara River Greenway which is an integrated park and

trail system that connects the Niagara River ecosystem to cultural, natural, and historic resources. These features exploit the aesthetic values of the natural environment and offer visual resources reminiscent of Buffalo's rich history.

Natural Views

Natural beauty supports a variety of community elements, including the natural environment, quality of life, community character and the local economy. Viewsheds consist of natural areas ranging in size that are visible from various vantage points.

The City of Buffalo offers natural scenic beauty and viewsheds that enhance quality of life for the community. The natural landscape provides views of Lake Erie, the Buffalo River, and tributaries. Networks of parkland, such as the Olmsted park system, particularly Riverside Park and Front Park, also provide public views of Lake Erie and the River. The Buffalo River and several parcels along the river bank, offer a natural viewshed. The parkland and open spaces along Lake Erie and the River enhance the waterfront.

Historic Resources

Many man-made features add significant aesthetic value to the City of Buffalo, particularly remnants of Buffalo's industrial past. The Grain Elevators located along the Buffalo River characterize the landscape and can be viewed from multiple vantage points. Key visual elements of Downtown Buffalo include the Buffalo Skyline which is anchored by the Art Deco-inspired City Hall. The Michigan Street Corridor and safe houses such as the Michigan Street Baptist Church and Nash House provide a gateway to the Underground Railroad. The Buffalo Colored Musicians Club located at 145 Broadway is historically significant for its position at the forefront of jazz music and its success during times of segregation. The city of Buffalo is dotted with iconic architecture that provides visually pleasing places such as Frank Lloyd Wright's Darwin Martin House Complex and H.H. Richardson's Buffalo State Hospital, among others.

The northern shoreline of Buffalo is located along the Niagara River which offers scenic viewing and other activities. The Olmsted-designed Riverside Park is directly across from the Riverwalk (a waterfront pedestrian/bicycle path) which also provides direct viewing access to the River. Moving inland, portions of Delaware Park, the Buffalo and Erie County Historical Society and the Albright Knox Art Museum are located along Scajaquada Creek and provide views of Hoyt Lake, Mirror Lake and the Japanese Gardens. Delaware Park offers 360° views of rolling green hills and landscapes. Unity Island and Broderick Park (a historic crossing point used during the Underground Railroad) located at the southern part of Unity Island provide direct views of the Lake and eastern portions of Fort Erie, Ontario, Canada. At the southernmost tip of Unity Island lies the entry point to the Bird Island Pier which continues south to provide panoramic views of the Lake and LaSalle Park.

The Buffalo Skyline is an iconic vista, with its Art Deco architectural style City Hall, centrally located on the historic Ellicott radial and grid street layout and dense downtown. LaSalle Park and the Riverwalk are enhanced by the views of Lake Erie and various waterside features. To the south of LaSalle and Front

Parks, lies Buffalo's Inner Harbor and the Erie Basin Marina which offers landscaped walkways lined with lush gardens and seating areas which provide unobstructed views of Lake Erie, and is particularly iconic at sunset. Further south, the public can view the Buffalo and Erie County Naval and Military Park which offers close-up views of formerly used military vessels and equipment.

The Erie Canal Harbor development also adds to the aesthetic of the waterfront by providing access to the restored Commercial Slip which provides greenspace and benches facing the slip, and the Central Wharf which provides the public with seating areas, providing views of areas of the Outer Harbor. Further south from the Erie Canal Harbor, the public can access the Cobblestone Historic Preservation District which is a network of old cobblestone streets, providing a glimpse into Downtown Buffalo's past reminiscent of early 19th century.

A dominant visual feature, east of Main Street is Martin Luther King Jr. Park and within the park, the Buffalo Science Museum, which are part of the Olmsted Park and Parkways system. The park is lined with large homes which are also distinctive.

The Outer Harbor provides public view access to the Lake Erie waterfront. It also provides views of Kelly Island which includes a number of commercial facilities, including General Mills. The Buffalo River shoreline along Ohio Street is enhanced by views of RiverFest Park, Kelly Island and the CIty Ship Canal. The Buffalo Outer Harbor is enhanced by the Greenway Nature Trail which provides direct viewing access to the River.

The Buffalo River area encompasses many unique scenic qualities, which include but are not limited to, several water-enhanced public parks including Red Jacket Riverfront Park, Mutual Riverfront Park, Smith Street Park, the Bailey Avenue peninsula site, Old Bailey Woods, Hillery Park, portions of Houghton Park, and Cazenovia Creek which extends east to Cazenovia Park. These parks provide places on the Buffalo River for wildlife viewing and other activities.

From the overlooks of Smith Street Park, the views reflect the natural and industrial character of the Buffalo River Corridor. The character of the corridor changes from a largely natural setting to industrial. Benches in Smith Street Park offer scenic viewing opportunities of the Buffalo River in a natural setting as well as one of Buffalo's largest grain elevators, the Concrete Central Elevator and Tifft Nature Preserve. Views between the Buffalo River and Ohio Street, and along Childs Street, offer a view of a number of industrial sites, including a complex of grain elevators locally known as Silo City (where the former American, Perot, Lake and Rail and Marine A grain elevators exist).

Most of the views of the City that are iconic are from upland areas to the water or views of important historic structures such as City Hall and the Albright Knox Art Gallery.

Potential Adverse Impacts

Development following the adoption of BCDF could have adverse impacts if such development substantially impair views of significance.

Specific impacts could occur from blocking views of the water from existing open spaces, allowing development directly on the shoreline altering the view of shore and limiting access to water views, and development which blocks view of historic resources.

Mitigation

The BCDF mitigates concerns regarding impacts on viewsheds by zoning parks as Open Space Districts which should protect views to and within parks from inappropriate development.

Additionally, the LWRP has specific policies to prevent inappropriate development that would substantially impair the public's access to the waterfront physically and visually. Any development within the LWRA will be required to demonstrate compliance with the policies of the LWRP (i.e., coastal consistency), also reducing the potential for visual impairment of important water views.

The C-W zone includes a required setback from the waterline for any use that does not require direct access to the water, this will also protect views of and from the water.

Sites listed on the National Register of Historic Places are afforded additional protection from inappropriate development through SEQR and in some instances, through the state and federal permit review process, which requires a higher level of review for projects adjacent to these resources. This should limit visual encroachment onto these important sites.

Thresholds

Any project that is not water-dependent or providing public access to the water or waterfront proposed to be located in the required waterfront setback in the C-W will require additional SEQR review.

As stated in Historic Resources, per SEQRA regulations actions that would be considered unlisted will require coordinated review in adjacent to a National Register historic property or district or within the boundaries of a Nation Register historic district. During this review SHPO will be coordinated with either as an interested or involved agency.

2.7.3 Signs

Setting

One of the most common components of the visual background of a built environment is signage. Well designed, contextually appropriate signage can add to the visual quality of an area while effectively advertising a business. However, signs that are too large, poorly maintained, too bright or out of context with the surrounding area can have an adverse impact on the visual quality of an area. There are also public safety concerns related to driver distraction of certain types and locations of signage, including electronic messages, near driveways or encroaching on sidewalks.

The City has regulated the placement, size and types of signs by zoning district. However, the regulations are confusing, unclear and require a significant amount of interpretation by the permits department.

Table 10 below shows a simplified version of the existing signage-related regulations. Due to the lack of clarity in the zoning code, the table is based on interpretation.

Table 10: City of Buffalo Signage Summary

City of Buffalo Signage Summary (§ 511-various)				
ZONING DISTRICTS	**PERMITTED SIGN TYPES PER LOT**	**MAXIMUM NUMBER**	**MAXIMUM AREA PER SIGN (sq. ft.)**	**MAXIMUM HEIGHT (ft.)**
R1 One-Family	nameplate identification sign or bulletin board real estate sign	1 1 1	1 12 8	n/a n/a
R2 Dwelling	office or home occupation sign	1	1.5	n/a
R3 Dwelling	identification sign	1	6	n/a
R4 Apartment	nameplate (per dwelling unit) identification sign (per multifamily)	1 1	2 12	n/a n/a
R5 Apartment-Hotel	nameplate (per dwelling unit) building nameplate (per story) identification sign (per story)	1 2	2 1 5	n/a n/an /a
C1 Neighborhood Business	freestanding sign pole service station sign freestanding service station sign	1 1 1	35 100 20	18 20 20
C2 Community Business	accessory sign	1	35 or 1 per Linear foot of front lot line whichever is greater	n/a
C3 Central Business	accessory sign	1	175 or 2 per Linear foot of front lot line whichever is greater	n/a
CM General Commercial	accessory sign	1	200 or 3 per Linear foot of front lot line whichever is greater	n/a
C2, C3, CM Commercial	Non-accessory sign	1	675	40
M1, M2, M3 Industrial	accessory sign double faced nonaccessory sign single faced nonaccessory sign	1 1 1	350 300 675	n/a 40 40
SD Elmwood Avenue	Existing signs may be maintained in compliance with the standards in place when such signs were originally authorized. New signs must pertain to a permitted use on the lot, be attached flat against a building, not project above the roofline, not face the side of any adjoining lot in any residential use, and not increase light intensity by more than 1 footcandle as measured from a distance of 25 feet. Signs must also comply with additional regulations found in the Elmwood Village Design Standards.			
SD Allen Street	Signs must pertain to a permitted use on the lot, be attached flat against a building, not project above the roofline, not exceed 35 square feet in area, and not contain any flashing, intermittent, rotating or movable element. Temporary or portable signs are not permitted.			

City of Buffalo Signage Summary (§ 511-various)				
ZONING DISTRICTS	**PERMITTED SIGN TYPES PER LOT**	**MAXIMUM NUMBER**	**MAXIMUM AREA PER SIGN (sq. ft.)**	**MAXIMUM HEIGHT (ft.)**
SD Special Delaware Review	same as SD Allen Street			
SD Porter-Busti	Signs must pertain to a permitted use on the lot, be attached flat against a building, not project above theroofline, not exceed 35 square feet in area, not contain any flashing, intermittent, rotating or movable element, not face the side of any adjoining lot in any residential use, and not increase light intensity by more than 1 footcandle as measured from a distance of 25 feet. Temporary or portable signs are not permitted.			
SD Sign Overlay	**Oak-Michigan Corridor:** Signs must pertain to a permitted use on the lot, be attached flat against a building, not project above the roofline, not exceed 35 square feet in area, and not contain any flashing, intermittent, rotating or movable element. Nonaccessory signs are not permitted.			
	Downtown Zoning Area: Projecting, neon, lighted, blinking or flashing signs are permitted on Main Street between Chippewa and Edward/Goodell and on Chippewa between Washington and Franklin. Only steadily lit signs, flush against a building, are permitted on Main Street between Chippewa and South Division. On Delaware Avenue from Edward Street to Niagara Square, signs must pertain to a permitted use on the lot, be attached flat against a building, not project above the roofline, not exceed 35 square feet in area, and not contain any flashing, intermittent, rotating or movable element.			
SD Kensington-Bailey	Existing signs may be maintained in compliance with the standards in place when such signs were originally authorized. New signs must pertain to a permitted use on the lot for the purpose of business identification only, be surface-mounted and attached flat against a building, be below second-story windows on multi- floor buildings and below the roofline of one-story buildings, be stationary and parallel to the building face, and not exceed 2 square feet in area per linear foot of frontage. Billboards, movable sidewalk signs, flashing signs or beacons are not permitted.			
TD Transit Station Area	Existing signs may be maintained in compliance with the standards in place when such signs were originally authorized. New signs must pertain to a permitted use on the lot for the purpose of business identification only, be surface-mounted and attached flat against a building, be below second-story windows on multi- floor buildings, not project above the roofline, and not exceed 2 square feet in area per linear foot of frontage. Non-accessory signs, pole signs, movable sidewalk signs, flashing signs or beacons are not permitted.			

City of Buffalo Signage Summary (§ 511-various)				
ZONING DISTRICTS	**PERMITTED SIGN TYPES PER LOT**	**MAXIMUM NUMBER**	**MAXIMUM AREA PER SIGN (sq. ft.)**	**MAXIMUM HEIGHT (ft.)**
Elmwood Village Design Guidelines	1) For a single business or service there shall be no more than 2 signs totaling no more than 35 square feet on each side of a building adjacent to a street. (2) Signs, except for allowed temporary signs and accessory signs, may only identify the name of the permitted use on the premises. (3) Perpendicular signs are allowed between 8 and 15 feet above the ground plane, extending no more than 5 feet from the building face, and with a total area of no more than 16 square feet. (4) Wall signs attached flush to the buildfaçadecade are allowed, so long as they do not extend above the roofline and are placed in a location that minimizes any impact on architectural details or features, including windows, transoms and clerestories. (5) Signs for ground-floor establishments shall not extend above the grofaçadeoor facade, unless the establishment itself extends to the upper stories. (6) Freestanding signs are not allowed; except where a commercial use is being developed in a building that has already been developed with a substantial setback from the property line. Under these circumstances, freestanding signs shall not project past the property line, obscure the building, be more than 5 feet in total height or have a total area exceeding 16 square feet, nor should these signs extend all the way to the ground. (7) Under no circumstances may signs or awnings be attached to a building in such a way that obscures or damages significant architectural elements of a building. (8) Awnings that are functional for shade and shelter purposes are encouraged. These awnings shall be made of canvas or a canvas-like material, shall fit the shape and scale of the window or door they are sheltering, and shall be designed to be compatible with and complementary to building signage and design. (9) Under no circumstances may plastic-formed or vacuum-formed awnings, or any other style of awning whose primary purpose is to act as signage, be permitted. (10) Under no circumstances may awnings or signs be backlit or internally lit regardless of the light source, except for halo signs. (11) Signs and accents made with exposed neon tubing are allowed so long as they are carefully designed with shapes and colors that complement the architecture of the building and the district. Accessory neon signs shall be limited to no more than two individual signs per storefront. (12) Each temporary sign shall be allowed for only 30 days and not be reinstalled for 90 days. (13) Total area of all signs and posters on windows may not obstruct more than 25% of the view from the sidewalk to the interior. (14) Electronic message board signs shall not be allowed.			
TERMS	**DEFINITIONS**			
Accessory Sign	An identification sign for the lot on which it is located or which advertises a product or service available at that lot.			
Non-accessory Sign	A sign which does not identify the lot on which it is located or advertises a product or service which is not available at that lot. Such signs include billboards, ground signs and pole signs.			

City of Buffalo Signage Summary (§ 511-various)				
ZONING DISTRICTS	**PERMITTED SIGN TYPES PER LOT**	**MAXIMUM NUMBER**	**MAXIMUM AREA PER SIGN (sq. ft.)**	**MAXIMUM HEIGHT (ft.)**
Exempt Signs	**Signs that are permitted in any zoning district include:** flags or emblems of a government agency; signs of a government agency including traffic, legal notices, warnings at railroad crossings and other instructional or regulatory signs; memorial plaques; address numerals; and decorations in association with local or national festivals or holidays			

Another shortfall of the existing standards are the lack of design rules which do not expressly prohibit things like hand drawn signs, limits to lighting of signs, or consideration of a variety of sign types. The lack of clarity also creates some confusion regarding whether pole signs are allowed in certain zones.

Potential Adverse Impacts

Adverse Impacts could occur if new signage is out of character with the neighborhood, is overly bright, or is significantly larger than existing signage. Specific potential concerns are:

- Specifically, signage in mixed use neighborhoods that are oriented to auto-traffic because of the size or type, including pole signs, would have an adverse impact on the pedestrian nature of the area.
- Large signage in residential areas for commercial business, including home business, could give the appearance of a change in neighborhood character and could be an adverse impact.
- Bright signs can be a traffic hazard, in particular at night.

Mitigation

Signage is addressed in the UDO. The UDO identifies appropriate signage types for each district, design standards for each type of sign, and the aggregate size of signs allowed in each district. Some specific regulations include:

- Signage regulation is related to type of district or context;
- LED Signs are required to reduce nits (a measure of light intensity) at night;
- Pole signs which are generally thought of as auto-oriented signs are limited to the District zones;
- The maximum allowable square footage is 350 sq. ft. in Districts and 35 sq. ft. per establishment in most mixed use zones for on-premise signs; and
- Signage in residential zones are limited to home occupations with a maximum of 2 sq. ft. and civic uses.

The UDO would give predictability to the types of signs allowed and size in neighborhoods and districts throughout the City. In general, less signage is allowed in most zones and the signage that is allowed is more compatible for the zone.

Thresholds

Any proposal for a type of signage that proposes a type of signage not allowed in the district will require additional SEQR review.

2.8 PUBLIC SERVICES

Setting

Public services are considered those to be essential to life and are universally provided to all residents, regardless of income. Primary public services include Fire Service, Law Enforcement, and Education. The City of Buffalo has paid fire and police departments. In addition, the City has both public and private educational institutions. Each of these public services, provided by the City, is discussed further in the following sections.

Fire Service

The Buffalo Fire Department (BFD) originated from a number of volunteer fire companies in the early to mid-1800s. In 1880, as the demand for fire protection increased with the city's increase of population, the volunteer companies were converted to a paid department. Today, the BFD has more than 700 paid professional staff with headquarters at 195 Court Street in Downtown Buffalo. The BFD currently operates 20 Fire Stations throughout the city, and operates a fire apparatus fleet of 19 Engine Companies, 9 Ladder Companies, and several other special, support, and reserve units (e.g., Rescue Company, Haz-Mat Unit) and a Fireboat (the Edward M. Cotter). The BFD's fire suppression units are organized into four Battalions, each commanded by a Battalion Chief per shift.

The 20 Fire Stations are located throughout the City, as summarized in Table 11.

Table 11: Fire Station Locations within the City of Buffalo

Fire House	Address	Date of Construction
Buffalo Fire Headquarters	195 Court Street	1932
Engine 1/Ladder 2 Quarters	132 Ellicott & South Division	1952
Engine 2/Division Chief Quarters	376 Virginia & Elmwood	1997
Engine 3/3rd Battalion Quarters	601 Broadway & Monroe	1981
Engine 4 Quarters	939 Abbott Rd. & Hollywood	1966
Engine 21/Ladder 6/Rescue 1 Quarters	1229 Jefferson Ave. & Kingsley	1990
Engine 22 Quarters	1528 Broadway & Wick	1891
Engine 23 Quarters	3226 Bailey Avenue	2010

Fire House	Address	Date of Construction
Engine 25/Ladder 10/6th Battalion Quarters	517 Southside & Seneca	1960
Engine 26 Quarters	703 Tonawanda & Progressive	1894
Engine 19 Quarters	209 Forest Ave. & Hawley	1888
Engine 28 Quarters	1170 Lovejoy & Gold	1897
Engine 31/Ladder 14 Quarters	2044 Bailey	2009
Engine 32/Ladder 5 Quarters	700 Seneca & Swan	1955
Engine 33 Quarters	1720 Fillmore & Buehl	2006
Engine 34/Ladder 7 Quarters	2837 Main St. & Mercer	1912
Engine 35/Ladder 15 Quarters	1512 Clinton St. & Bailey	1913
Engine 36/Ladder 13 Quarters	860 Hertel Avenue	2005
Engine 37/Ladder 4/4th Battalion Quarters	500 Rhode Island & Chenango	1967
Engine 38/7th Battalion Quarters	398 Linden & Colvin	1926

Fire Protection is an important service provided by municipalities and directly contributes to the safety and welfare of the community. To improve fire related services, the City of Buffalo commissioned a private consultant to develop a robust mobile GIS tool which is used by the fire department for navigational purposes and facilitates firefighter response.

Law Enforcement

The City of Buffalo Police Department (BPD) is responsible for maintaining public safety and improving the quality of life for residents throughout the city. The BPD was established when the City of Buffalo was incorporated in 1832. As the population of the city grew, there was increased demand for additional police protection. Today, the BPD has more than 850 staff with headquarters at 74 Franklin Street in Downtown Buffalo. The city's police force is divided into five districts.

Table 12: Law Enforcement Districts and Locations in the City of Buffalo

District	Address
Headquarters	74 Franklin Street
A-District	1847 South Park Avenue

District	Address
B-District	695 Main Street
C-District	693 East Ferry Street
D-District	669 Hertel Avenue
E-District	2767 Bailey Avenue

Public School System

The Buffalo School District serves 34,000 students in nearly 60 facilities. The Buffalo School District includes 45 elementary schools, 11 high schools, and two adult education facilities and is governed by the Buffalo Board of Education, separately from the general City government. The district is divided into six districts; Central, East, Ferry, North, Park and West. Board of Education members are elected by popular vote to represent each district in addition to three Member-at-Large positions.

Beginning in 2003, the Buffalo School District, through the Joint Schools Construction Board (JSCB), embarked on a 10-year, $1.5 billion school facility reconstruction project. Conducted in five phases, the majority of the district's school facilities were renovated into state-of-the-art learning facilities. In total, 48 school buildings and athletic facilities were upgraded across the entire City.

Potential Adverse Impacts

The adoption and implementation of the BCDF will have no adverse impacts on public services. The current public services cover the entire City and no locations are unserved.

If the desired population growth occurs as a result of the new developments under the BCDF framework, an evaluation of resources and needs will need to occur which is currently performed regularly as part of the operation of these services.

Mitigation

Although no adverse impacts are anticipated from the adoption of the BCDF, individual projects requiring major site plan approval under the UDO will be reviewed to ensure adequate public services are available for those sites.

Thresholds

Any project that could strain local public services will require additional SEQRA review.

2.9 HAZARDOUS AND CONTAMINATED SITES

Setting

Hazardous and contaminated sites are present throughout the city, primarily due to past heavy industrial uses and ongoing commercial and industrial activities. There are a number of NYS programs that are used to identify, remediate, and monitor sites with contamination, including:

- State Superfund Sites
- Environmental Restoration Program
- Voluntary Cleanup Program
- Brownfield Clean Up Program

Inactive Hazardous Waste Sites

The Inactive Hazardous Waste Disposal Site (IHWDS) Progam is the State's program for identifying, investigating and cleaning up sites where consequential amounts of hazardous waste may exist (shown on Figure 11). Once the presence of a consequential amount of hazardous waste is confirmed at a site, the site is added to the State's Registry of Inactive Hazardous Waste Sites and is given a classification code. Classifications are used to rank sites and convey information regarding potential health or environmental impacts. The Statutory Classifications outlined by the NYSDEC, apply to inactive hazardous waste sites and sites with known or potential contamination as specified in the New York State Environmental Conservation Law (http://www.dec.ny.gov/chemical/8654.html).

Sites that receive a classification of 2, representing a significant threat to public health and/or the environment and requiring action, usually undergo a detailed environmental investigation, called a remedial investigation. When the parties responsible for the contamination are known, the responsible parties often pay for and perform the investigation and evaluation of cleanup options. At sites where responsible parties cannot be found or are unable or unwilling to fund an investigation, the State pays for the investigation using funds from the 1986 Environmental Quality Bond Act, also known as the "State Superfund." The State may try to recover costs from a responsible party after the investigation and cleanup are complete.

There are seven sites within the city (see Table 13) that have been recognized as Class 2 sites, representing a significant threat to public health or the environment, requiring action.

Four of these sites are located within the city's Local Waterfront Revitalization Area. One site is located in the South Buffalo BOA and two sites are located in the Buffalo River Corridor BOA.

Table 13: Class 2 Inactive Hazardous Waste Sites within the City of Buffalo

Class	Site Code	Site Name	Address	LWRA	BOA
2	915004	PVS Chemicals, Inc.	55 Lee Street	Y	BR
2	915012	Buffalo Color Area "D"	1337 South Park Avenue	Y	BR
2	915193A	Buffalo Lakeside Commerce Park - Parcel 4	1714 Fuhrmann Blvd	Y	SB
2	915176	ChemCore	1382 Niagara St	Y	
2	915196	American Axle Plant	1001 East Delavan Avenue		
2	915115	Bengart & Memel, Inc.	1079 Clinton St		
2	915219	Bestway Cleaners	2075 Seneca Street		

Source: Compiled from New York State Department of Environmental Conservation http://www.dec.ny.gov/cfmx/extapps/derexternal/haz/results.cfm?pageid=3

There are three (3) sites in the city (see Table 14) that have been identified as hazardous waste disposal sites with significant amounts of hazardous waste contamination but may have action deferred because the sites do not present a significant threat to the environment or public health (Class 3).

Table 14: Class 3 Inactive Hazardous Waste Sites within the City of Buffalo

Class	Site Code	Site Name	Address	LWRA	BOA
3	915024	Fedders Auto Components	57 Tonawanda Street	Y	T
3	915040	Mobil Oil Corporation	625 Elk Street	Y	BR
3	915150	ENRX, Inc. (formerly Voelker Analysis)	766 New Babcock Street		

Source: Compiled from New York State Department of Environmental Conservation http://www.dec.ny.gov/cfmx/extapps/derexternal/haz/results.cfm?pageid=3

There is one (1) site in the city that is being actively remediated under the federal Resource Conservation and Recovery Act: Allied Chemical, located at 20 Peabody Street within the Buffalo River BOA.

Twelve (12) sites are identified as Class 4 Sites, requiring continued management, consisting of operation, maintenance and/or monitoring. Class 4 is appropriate for a site where remedial construction actions have been completed for all operable units, but the site has not necessarily been brought into compliance with standards, criteria, or guidance (e.g., a groundwater extraction and treatment system has been installed and is operating properly but groundwater standards have not been achieved yet). The Record of Decision should define the remedial action objectives that need to be achieved during site management. If a

Certificate of Completion (CoC) is to be issued for a site, the CoC is issued concurrently with the reclassification.

Class 5 sites are identified as having been properly closed and require no further action. This may include a site where continued operation, maintenance, or monitoring is not needed to achieve/maintain protectiveness, but the site is not suitable for delisting from the Registry (e.g., NYSDEC is unable to obtain an institutional control).

Finally, there are several Class C State Superfund sites in the city that have been properly closed. The Class C Classification is used for sites where the NYSDEC has determined that remediation has been satisfactorily completed under a remedial program (e.g., State Superfund, BCP, ERP, VCP) in accordance with the applicable oversight document, (e.g., consent order). Registry sites must have satisfactorily completed any site management requirements and have been issued a CoC (if applicable pursuant to subparagraph 375-2.7(e) (4) (ii)) before they can be "delisted" and made Class C). Non-registry sites are made Class C after issuance of a CoC and/or successful completion of all required remedial actions except site management, or after a no action or no further action determination has been selected by the NYSDEC.

Table 15: Class 4 and C Inactive Hazardous Waste Sites within the City of Buffalo

Class	Site Code	Name	Address	LWRA	BOA
4	915026	Buffalo Outer Harbor-Radio Tower Area	901 Fuhrmann Boulevard	Y	H
4	915047	Republic Steel (LTV) (Marilla St. LF)	230 Marilla Street	Y	SB
4	915054	Alltift Landfill	302 Abby Street	Y	SB
4	915124	Diarsenol Co., Kingsley Park	52 Kingsley Street		
4	915135	Bern Metal Corp.	22 Bender Street		
4	915141A	Iroquois Gas/Westwood Pharm. Terrestrial	100 Forest Avenue	Y	T
4	915143	Osmose Wood Preserving	980 ELLICOTT STREET		
4	915151	318 Urban Street	318 Urban Street		
4	915152	Saginaw - Buffalo	1001 EAST DELAVAN AVENUE		
4	915165	Vibratech Inc.	537 East Delavan		
C/5	915072	Tifft Nature Preserve/Shenango Steel Mold	1200 Fuhrmann Blvd.	Y	SB
C	915007	Aurubis (aka Anaconda /American Brass)	Military Road and Sayre Street		T
C	915017	Donner Hanna Coke	100 Rittling Blvd.		

Class	Site Code	Name	Address	LWRA	BOA
C	915046B	Ramco Steel	193 Abby Street		
C		Ameron	113 and 119 Colgate Ave		
C	915071	Lehigh Valley Railroad	110 Furhmann Blvd.	Y	
C	915121	Hertel Avenue Site	Hertel Avenue		T
C	915134	C&D Power Systems	45 Scoville Avenue		
C	915155	Behringer Property (Imson Street)	181 Imson Street		
C	915170	Bristol Street	204 & 208 Bristol Street		
C	915172	Shenango Steel Mold	1750 Fuhrmann Boulevard	Y	
C	915173	MarCon Erectors	1 Howell Street	Y	
C	915175	858 East Ferry Street	858 East Ferry Street		

Source: Compiled from New York State Department of Environmental Conservation http://www.dec.ny.gov/cfmx/extapps/derexternal/haz/results.cfm?pageid=3

Brownfield Sites

The NYSDEC defines brownfield sites as any real property, the redevelopment or reuse of which may be complicated by the presence or potential presence of contamination.

Brownfields are abandoned, idled or underused industrial and commercial properties where expansion or redevelopment is complicated by real or perceived contamination. Since much of Western New York's and Buffalo's waterfront land was historically used for industrial purposes, brownfields are very common and prominent.

Public and private landowners in the city have been actively working to address brownfield sites for more than twenty years. New York State has offered voluntary brownfield clean up incentive programs during that time, including:

- The Environmental Restoration Program (ERP) provides municipalities with financial assistance for site investigation and remediation at eligible brownfield sites under the Clean Water/Clean Air Bond Act of 1996. Funding under the Environmental Restoration Program has been exhausted.
- The Voluntary Cleanup Program (VCP) and its successor, the Brownfield Cleanup Program (BCP), created incentives to private land owners to voluntarily perform remedial activities on the property and fund oversight activities in an effort to return the property to economic viability.

According to 2015 NYSDEC records, the following sites have participated in one of the programs described above and have satisfactorily met all agency clean up requirements or have obtained a "no further action remedy" from the NYSDEC. These sites have been issued a CoC, but may still require ongoing maintenance

and periodic certification.

Table 16: NYSDEC's "No Further Action Remedy" Sites within the City of Buffalo

	Site Code	Site Name	Address	LWRA	BOA
BCP	C915185	Buffalo Lakeside Commerce Park	231 Ship Canal	Y	SB
BCP	C915194	Former Buffalo Service Station	249 West Genesee	Y	H
BCP	C915195	Buffalo Urban Renewal Agency West Property	257 West Genesee	Y	H
BCP	C915202	Cobey-Buffalo Lakeside Commerce Park-Parcels 1&2	1 Ship Canal	Y	
BCP	C915203	4 New Seventh Street Site	4 New Seventh	Y	H
BCP	C915204	Steelfields Area IV	100 Rittling		
BCP	C915209	Former Buffalo China Site	51 Hayes		
BCP	C915211	NOCO #S41	1055 Genesee		
BCP	C915223	Niagara Street and Pennsylvania Avenue Site	517 Niagara		
BCP	C915228	1132-1146 Seneca St.	1122-1146 Seneca		
BCP	C915231	Buffalo Color Corporation Site Area C	229 Elk	Y	BR
BCP	C915232	Buffalo Color Corporation Area E Site	100 Lee	Y	BR
BCP	C915235	111 Hydraulic Street Project	111 Hydraulic		
BCP	C915235	285-295 Niagara St Site	285-295 Niagara St		
BCP	C915260	Former Mobil Service Station 99-MST	979 Main Street		
BCP	C915262	125 Main Street Site	125 Main St		
BCP	C915268	154 South Ogden Street Site	154 South Ogden		
BCP	C915270	Webster Block	75 Main Street		
BCP	C915271	250 Delaware Avenue Site	250 Delaware Avenue		
ERP	B00006	Liberty Avenue	1 Liberty Avenue		
ERP	B00008	Kensington Avenue	887/889 Kensington Avenue		
ERP	B00083	Trinidad Park	237 Kensington Avenue		

	Site Code	Site Name	Address	LWRA	BOA
ERP	B00149	NFTA Outer Harbor Greenbelt	Outer Lots 44-50 and Ogden Gore Tracts 1-2	Y	H
ERP	B00196	Boone Park	353 Germania Street		
ERP	E915182	Sycamore Village	Southwest Corner of Jefferson & Sycamore		
VCP	V00084	601 Amherst Street	601 Amherst Street	Y	
VCP	V00215	Sovereign Specialty Chemicals, Inc.	710 Ohio Street	Y	BR
VCP	V00314	Aurubis Buffalo, Inc.	Military Road and Sayre Street		T
VCP	V00056	Buffalo Beverage Co	Williams Street		
VCP	V00663	Buffalo Business Park	1800 Broadway		
VCP	V00370	Former Pizza Hut	2137 Seneca Street		
VCP	V00619	Steelfields (aka Riverbend, LLC)	304 Abby Street		

Source: Compiled from New York State Department of Environmental Conservation http://www.dec.ny.gov/cfmx/extapps/derexternal/haz/results.cfm?pageid=3

In addition, the following sites are currently enrolled in one of the NYSDEC brownfields remedial programs listed above and where work is underway, this list can change daily and is current as of September 2015.

Table 17: City of Buffalo Sites Enrolled in NYSDEC Brownfields Remedial Program

	Site Code	Name	Address	LWRA	BOA
BCP	C915150	ENRX, Inc. - Voelker Analysis	766 New Babcock		
BCP	C915194A	Former Buffalo Service Station - OFF-SITE	249 West Genesee		
BCP	C915201	ExxonMobil Oil Former Buffalo Terminal	625 ELK	Y	BR
BCP	C915208	275 Franklin Street	275 Franklin		

	Site Code	Name	Address	LWRA	BOA
BCP	C915208A	275 Franklin Street - OFF-SITE	275 Franklin		
BCP	C915230A	Buffalo Color Corporation Site Areas A & B Offsite	1337 South Park	Y	BR
BCP	C915237	432 Pearl Street	432 Pearl		
BCP	C915240	193 Ship Canal Parkway	193 Ship Canal	Y	
BCP	C915241	Former American Linen Supply Company Facility	822 Seneca		
BCP	C915242	295 Maryland Street	295 Maryland		
BCP	C915257	300 Ohio Street Site	300 Ohio		
BCP	C915261	129 Holden Street Redevelopment	129 Holden		
BCP	C915263	132 Dingens St. Site	132-136 Dingens		
BCP	C915272	3 Gates Circle Site	3 Gates Circle		
BCP	C915273	500 Seneca Street Site	500 Seneca Street		
BCP	C915277	1050-1088 Niagara Street	1050-1088 Niagara St	Y	
BCP	C915275	20 Wilkeson Way	20 Wilkeson Way	Y	H
BCP	C915276	15 La Riviere Dr	15 La Riviere Dr	Y	H
BCP	C915280	Former Buffalo Forge Property	490 Broadway Street		
BCP	C915281	Former Trico Plant	791 Washington St		
BCP	C915282	73-79 W. Huron St	73-79 W. Huron St		
BCP	C915283	89 LaSalle Avenue Site	89 LaSalle Avenue		
BCP	C915284	1130 Niagara Street Site	1130 Niagara St		
BCP	C915285	441 Ohio Street Site	441 Ohio St		
BCP	C915287	399 Ohio Street Site	399 Ohio St		
BCP	C915288	905 Elmwood Avenue Site	905 Elmwood Ave		

	Site Code	Name	Address	LWRA	BOA
BCP	C915290	Hurwitz Company Site	267 Marilla St		
BCP	C915273	500 Seneca Street Site	500 Seneca Street		BCP
BCP	C915277	1050-1088 Niagara Street Site	1050-1088 Niagara Street	Y	
BCP	C915279	Kensington Heights Towers	1827 Fillmore Avenue		
BCP	C915294	Pilgrim Village Redevelopment/ Campus Square	903 Ellicott Street		
BCP	C915295	240 Kensington Avenue BCP Site	240 Kensington Avenue		
BCP	C915297	Rite Aid, 350 Niagara Street	350 Niagara Street	Y	
ERP	B00164	Hanna Furnace (Subparcel 3)(aka Union Sh	2 & 4 Fuhrmann Boulevard	Y	
ERP	B00174	Franczyk Park Investigation	Fleming and Lewis		
ERP	E915181	90 Hopkins Street	90 Hopkins Street		
ERP	E915193	Buffalo Lakeside Commerce Park - Parcel 4	1714 Fuhrmann Blvd.	Y	
ERP	E915213	1318 Niagara Street	1318 Niagara Street	Y	
VCP	V00362	NFG - Buffalo Service Center	249 West Genesee Street	Y	H

Source: Compiled from New York State Department of Environmental Conservation http://www.dec.ny.gov/cfmx/extapps/derexternal/haz/results.cfm?pageid=3

Contaminated River and Tributary Sediments

Dredging is necessary in the Buffalo Harbor and the Black Rock Canal for the purpose of commercial navigation. Open lake disposal of this sediment is not possible due to the high levels of metals and cyanide present.

Buffalo River

The Buffalo River Restoration Partnership is a public-private collaborative effort to clean up sediment in the Buffalo River. The river bottom is contaminated with PCBs, PAHs (polynuclear aromatic hydrocarbons), and metals. The Buffalo River Restoration Partnership includes the U.S. Environmental Protection Agency (USEPA) Great Lakes National Program Office, the USEPA Region 2, the U.S. Army Corps of Engineers, the New York State Department of Environmental Conservation, Erie County, the City of Buffalo, Honeywell, and Buffalo Niagara RIVERKEEPER. In the first phase of the project, the USACE

removed 452,000 cubic yards of sediment along the navigation channel of the Buffalo River. The second phase of the project will dredge and dispose of 500,000 cubic yards of contaminated sediments and the in situ subaqueous capping of approximately 50,000 cubic yards of contaminated sediments at the head of the City Ship Canal.

Scajaquada Creek

Within the lowest mile of Scajaquada Creek in the City of Buffalo, the Iroquois Gas/Westwood Pharmaceutical Riparian Superfund Clean Up project #91514B involved the removal and offsite disposal of contaminated sediments, installation of the stream bed cap, aquatic habitat restoration and (non-aqueous phase liquid) recovery under the long term Site Management Plan.

In January 2012, the Niagara River Area of Concern State 2 Report indicated that the NYSDEC is requesting federal Great Lakes Legacy Act assistance to address other Niagara River and tributary areas, beginning with the Black Rock Canal, Little Niagara River, and Scajaquada Creek, up to Mirror Lake.

Confined Disposal Areas

On average, approximately 4 million cubic yards of sediment is dredged annually from the Great Lakes. About half of the material removed each year is considered polluted or otherwise not suitable for open water disposal and placed in confined disposal facilities (CDFs). There is one active and two inactive CDAs in the City of Buffalo. These include:

Times Beach

The Times Beach site is located within the City of Buffalo, approximately one mile southwest of downtown. The site is a partially filled, diked, dredge spoil disposal site on the shore of Lake Erie and was used to contain sediments unsuitable for open-lake disposal. The USACE constructed the Times Beach diked disposal site in 1971 to contain dredged sediment from the Buffalo River, Buffalo Harbor, Black Rock Canal and Tonawanda Harbor. Dredged sediments were deposited in the Times Beach site over a 4-year period, from 1972-1976. The sediments contain varying concentrations of organic and inorganic pollutants, originating from industries located along the Buffalo River and Harbor.

The area was originally planned to be filled to 8 feet above mean low water. However, since disposal operations ceased in the late 1970s, Times Beach has been transformed into a unique natural resource appreciated by the local and regional community for its ecological, scientific and recreational value in an otherwise urban industrial setting.

Small Boat Harbor

An estimated 1.1 million cubic yards of contaminated dredge spoils were disposed of in the 27.8-acre containment enclosure, now used as a parking lot for the Small Boat Harbor. These spoils are contaminated with volatile organic compounds, semi-volatile compounds and metals. The containment area is not lined and is permeable to water and non-aqueous phase liquids, potentially allowing migration of contaminants into Lake Erie and the Small Boat Harbor.

The former containment area contains contaminants detected in the on-site soil and

groundwater. This includes arsenic, lead, mercury and chromium, in some cases exceeding EP Toxicity concentrations. The Niagara Frontier Transportation Authority (NFTA) undertook additional filling of the containment area in the late 1980's. Fill material included construction and demolition debris consisting of bricks, stone, asphalt, and other non-soil material. The NYSDEC has indicated that the material in the CDF is a continuing concern relative to its impact on possible remediation, water quality and public health.

USACE Confined Disposal Area

The USACE Confined Disposal Area, located adjacent to the south entrance channel of the Buffalo Harbor, was constructed in 1972. Upgrades to the perimeter of this CDF were completed in 2010, prior to implementation of the Buffalo River Environmental dredging and attendant disposal operations. The CDF is specifically designed to isolate contaminated sediment from adjacent land and water, while allowing for the safe release of excess water (effluent).

Potential Adverse Impacts

Redevelopment of the BOAs could result in remediation of Hazardous and Contaminated Sites and therefore, have a positive environmental impact.

Four Brownfield Opportunity Areas are located within the city of Buffalo and include South Buffalo, Buffalo Harbor, Buffalo River and Tonawanda Street Corridor. As part of the draft Nomination Documents for each of the BOA areas, site evaluations were completed that identified priority brownfield sites. Once the BOAs are officially adopted, funding priority will be given to these sites and may be eligible for enhanced tax incentives under the BCP. The adoption of the BOAs may lead to new investment including the remediation and redevelopment of potentially contaminated sites which would therefore have a positive impact on the environment.

The UDO reflects the analysis of the existing character of the BOA areas and potential redevelopment opportunities for each. Therefore, the adoption of the UDO may encourage redevelopment of lands within the BOAS which would be a positive impact on brownfields and the surrounding community.

Mitigation

The redevelopment of contaminated properties in Buffalo will be subject to state and federal program requirements. Adoption and implementation of the BCDF is not anticipated to have an adverse impact on the environment and therefore no mitigation is proposed.

Thresholds

Any application under the UDO for a site listed as Class 2, 3 or 4, as well as any sites with CoC's with land use, or zoning restrictions will be reviewed to ensure future work on these sites is consistent with their environmental restrictions.

2.10 NATURAL RESOURCES

Setting

Buffalo's Waterbodies

Lake Erie

Lake Erie is the shallowest and smallest by volume of the Great Lakes, and as a result, the lake warms relatively quickly in the spring and summer and cools quickly in the fall. During winter, a large percentage of the lake is covered with ice, and occasionally freezes over completely.

The lake is naturally divided into three basins. The eastern basin is the deepest, with an average depth of 82 feet and a maximum depth of 210 feet. The eastern basin thermally stratifies every year impacting the internal dynamics of the lake physically, biochemically, and chemically.

The Niagara River

The Niagara River watershed includes the entire City of Buffalo. The Niagara River begins at the terminus to Lake Erie and flows 37 miles north to Lake Ontario. The entire drainage of the upstream Great Lakes system, an area of 263,700 square miles, drains into the Niagara River at Buffalo. The local watershed on the U.S. side of the Niagara River has a drainage area of approximately 1,225 square miles. The river carries an average flow of about 200,000 cubic feet per second ("cfs") from Lake Erie to Lake Ontario.

There are several tributaries to the Niagara River from the watershed on the U.S. side near the city of Buffalo[16]: Scajaquada Creek, Two Mile Creek, Tonawanda Creek, Cayuga Creek, and Gill Creek. Of these, only the Buffalo River and Scajaquada Creek are located in the City. Due to the gentle slope and small drainage areas of the river's local tributaries, their flows are not large except during times of heavy rainfall.

Scajaquada Creek/Jubilee Springs/Hoyt and Mirror Lakes

Scajaquada Creek flows into the Black Rock Canal approximately one-half mile south of the northern end of the canal. The Scajaquada Creek watershed drains an area of 29, fully urbanized, square miles, of which 16 square miles are outside the city limits. The creek is 15 miles long and has an average daily flow volume of 3 2cfs and a 10-year peak flow of 2,900 cfs. Scajaquada Creek originates in the town of Lancaster and flows west through the town of Cheektowaga and the city of Buffalo to its outfall at the Black Rock Canal. From Pine Ridge Road, 800 ft. east of the city line in Cheektowaga, the creek runs through a 19,000 ft. long, 14.75-ft. by 29.5-ft. rectangular arch called the Scajaquada Drain. A diversion and trash rack structure was built at the downstream end of the Drain at Main Street to direct wet weather flows up to

[16] Historically, Cornelius Creek was also a tributary to the Niagara River. It flowed through North Buffalo, along a path roughly following Hertel Avenue. As development began to occur in North Buffalo, Cornelius Creek was replaced by the first Hertel Avenue trunk sewer in the late 1880's and by the second Hertel Avenue trunk sewer in the late 1920's. With the construction of the North Interceptor in the 1930's, the Hertel trunk sewers were connected to the interceptor system to allow conveyance of flows to the WWTRP. Consequently, what remains of Cornelius Creek is its discharge into the Niagara River at the Ontario Street Boat Launch at the foot of Ontario Street, as CSO Outfall 055.

455 MGD into the Delevan Avenue trunk sewer to protect Hoyt Lake from pollution and to maintain base flow in Scajaquada Creek.

Scajaquada Creek daylights within Forest Lawn Cemetery to form the only natural waterfall within the city's boundary. There are over thirty springs underneath the cemetery, and they recharge Scajaquada Creek as it flows downstream. The city's original water supply, called Jubilee Springs, originates at this location.

To protect water quality, the creek was separated from Hoyt Lake and directed into a concrete viaduct shortly after flowing beneath Delaware Avenue, flowing below ground and reemerging near the eastern end of Hoyt Lake. This viaduct is designed to convey up to 455 MGD of flow. When Scajaquada Drain flows in excess of 910 MGD the Scajaquada Creek basin may overflow into Hoyt Lake.

The southern bank of Mirror Lake, which is located behind the Buffalo and Erie County Historical Society, is physically divided from the waters flowing through Scajaquada Creek by a concrete barrier.

Buffalo River

The Buffalo River flows into Lake Erie at the head of the Niagara River. The Buffalo River and its three major tributaries drain approximately 446 square miles in Erie, Genesee and Wyoming Counties, 4.4% of which is located within the city limits. The river has an average daily flow volume of 365 cfs and a 10-year peak flow of 29,500 cfs. The gradient of the river is slight, less than one foot per mile. During periods of mean or low flows, the downstream end of the river is influenced by lake level variations and has an estuarine character. During the summer months, the river water is warm relative to lake water, and therefore less dense, resulting in the river water flowing on top of the cooler, denser lake water. This results in stratification in the water at the confluence of the river to the lake. In the fall, the situation can be reversed, with the river water being cooler and denser and flowing below the lake water. Although the Buffalo River discharges into the Niagara River at Lake Erie, its plume tends to stay on the eastern shore due to strong currents and a prevailing southwesterly wind, with little cross mixing.

The Buffalo River is a navigable waterway and is maintained by the USACE for lake vessel access by dredging from its mouth to a point just downstream of the confluence between the Buffalo River and Cazenovia Creek. The Buffalo River is dredged to a depth of 22 feet below low lake level datum.

The Buffalo River is fed by three tributaries: Cayuga Creek, Cazenovia Creek, and Buffalo Creek. Two of the tributaries, Buffalo Creek and Cazenovia Creek, flow through the City of Buffalo. Cazenovia Creek joins the Buffalo River approximately 6 miles upstream of Lake Erie, just west of the Bailey Avenue Bridge. The creek drains 138 sq mi (0.8% of the watershed lies within the City of Buffalo limits) and runs through woodlands, small residential communities and recreational areas. Approximately 2.25 miles of the creek are within the City limits.

Great Lakes Areas of Concern

The Buffalo and Niagara Rivers have been identified as two of 43 toxic hot spots on the Great Lakes that have been designated by EPA and the International Joint Commission ("IJC") as "areas of concern" (AOC). An AOC is a place that is so heavily polluted by raw sewage, contaminated sediments, invasive species, and habitat and wetland destruction that the damage threatens the ecosystem, the economy, water quality and the health of the community. The Buffalo and Niagara Rivers, their sediments and nearshore areas have been impaired by over a century of industrial activities and municipal waste discharges. Contamination of the river channels continues today from upstream non-point sources, CSO discharges, and historic contaminants contained in river sediments and riverfront brownfields.

To address these problems, NYSDEC, in conjunction with the Buffalo Niagara Riverkeeper and citizen advisory committees, prepared Remedial Action Plans ("RAPs") for the Buffalo River in 1989 and the Niagara River in 1994. The RAPs, and subsequent updates, identified use impairments for each river based on fourteen possible BUIs, set forth by the IJC, as well as plans to remediate the impairments. The goal of the Buffalo River RAP is to delist the Buffalo River as an Area of Concern by 2016, thereafter monitoring the River as an Area of Recovery.

NYS Waterbody Designations

Article 15 of the Environmental Conservation Law requires that all waters of the State be provided a class and standard designation based on a determination of their existing or expected best use for each waterway or waterway segment. This classification is based upon the characteristics of bordering lands, stream flow, water quality, present and past uses and potential future uses. Waterbodies that are designated as C(T) or higher (i.e., C(TS), B or A) are collectively referred to as "protected streams" and are subject to the stream protection provisions of the Protection of Waters regulations. The New York State DEC Waterway Classifications for the City of Buffalo are provided in the following table.

Table 18: NYSDEC Water Classifications for the City of Buffalo

Use Class		Water Body	Description
A (special)	(a) The best usages of Class A-S waters are: a source of water supply for drinking, culinary or food processing purposes; primary and secondary contact recreation; and fishing. The waters shall be suitable for fish, shellfish, and wildlife propagation and survival.(b) This classification may be given to those international boundary waters	Niagara River (American side)	Waters from international boundary to the American shore above line due west from south end of Bird Island Pier.
		Lake Erie	Main Lake/ North and northeast shoreline
A [1]	The best usages of Class A waters are: a source of water supply for drinking, culinary or food processing purposes; primary and secondary contact recreation; and fishing.	Scajaquada Creek	Reach 2 - From the crossing on Main Street in the City of Buffalo downstream to mouth of Scajaquada Creek at the Niagara River.

	The waters shall be suitable for fish, shellfish, and wildlife propagation and survival.		
B	The best usages of Class B waters are primary and secondary contact recreation and fishing. These waters shall be suitable for fish, shellfish, and wildlife propagation and survival.	Lake Erie/ Outer Harbor	Waters easterly of old or middle breakwater and south breakwater between line from northern end of old or middle breakwater to south pier light at US Coast Guard station and line represented by extension of Tifft Street to south end of south breakwater.
		Cazenovia Creek	Reach 1 - From the Cazenovia Street Bridge upstream to the junction of the East and West Branches of Cazenovia Creek.
		Hoyt Lake	Entire waterbody
C	The best usage of Class C waters is fishing. These waters shall be suitable for fish, shellfish, and wildlife propagation and survival. The water quality shall be suitable for primary and secondary contact recreation, although other factors may limit the use for these purposes.	Buffalo River[17]	Downstream of confluence with Cayuga Creek to the mouth.
		Cazenovia Creek	Reach 2 - From the Cazenovia Street Bridge downstream to the confluence with Buffalo River.
		Scajaquada Creek	Reach 1 - From the crossing on Main Street in the City of Buffalo upstream to "tributary 4", which is in line with continuation of Frederick Drive, Town of Cheektowaga (underground portion).
		Black Rock Canal	Waters east of Squaw Island and Bird Island Pier between canal locks and a

[17] According to Buffalo River Remedial Action Plan (RAP) documentation, it is noted that because local citizens use the river for primary contact recreation, the river should be classified as a NYSDEC Class B waterbody. This sentiment was echoed at spring 2002 community meetings to discuss revision of the NYSDEC Stream Classifications for Erie County. The group recommended that all Erie County waterbodies be managed for both swimming and fishing, as per the 1972 Clean Water Act.

			line from the south end of Bird Island Pier to Buffalo Harbor Light #6.
		Erie Basin Marina	Waters southerly of line from Buffalo Harbor Light #6 to south end of Bird Island Pier; easterly of line from south end of Bird Island Pier to north end of north breakwater; easterly of north breakwater; easterly of line from south end or north breakwater to north end of old or middle breakwater and northerly end of line from north end of old or middle breakwater to south pier light at US Coast Guard Station.

Surface Water Quality

The NYSDEC Division of Water periodically publishes a list of surface waters that cannot be fully used as a resource or have problems that can damage their environmental integrity. The "Priority Waterbodies List" is used as a base resource for the NYSDEC Division of Water program management. The Niagara River and its tributaries within the city of Buffalo have been included on the 2013 Priority Waterbodies List.

Table 19: 2013 Priority Waterbodies List within the City of Buffalo

Water Body	Impaired Use	Severity	Type of Pollutant	Source
Black Rock Canal	Fish Consumption	Impaired	Priority Organics (PCBs) Non-priority Organics (PAHs)	Contaminated Sediments Habitat Modification CSO Runoff Urban Runoff Landfills
	Aquatic Life	Stressed		
	Habitat/ Hydrology	Impaired		

Water Body	Impaired Use	Severity	Type of Pollutant	Source
Buffalo River	Fish Consumption	Impaired	Priority Organics Oxygen Demand Metals Pathogens Silt/Sediment	Contaminated Sediments Urban Runoff Land Disposal Industrial Municipal Storm Sewers CSOs Hydromodification
	Fishing	Impaired		
	Fish Propagation	Stressed		
Cazenovia Creek	Fishing	Stressed	Silt (sediment) Oxygen Demand Pathogens Hydromodification	Streambank Erosion Construction Urban Runoff On-site Systems Roadbank Erosion
	Fish Propagation	Stressed		
	Fish Survival	Stressed		
Niagara River	Fish Consumption	Impaired	Priority Organics (PCBs, PAHs) Pesticides Water Level/Flow Non-priority Organics	Land Disposal Contam. Sediments Urban Runoff CSOs Hydrologic/Habitat Modification
	Water Supply	Threatened		
	Aquatic Life Habitat/ Hydrology	Stressed Impaired		
Scajaquada Creek	Bathing	Precluded	Aesthetics Priority Organics Nutrients Silt/Sediment Oxygen Demand	CSOs Urban/Stormwater Runoff Contaminated Sediments Land Disposal Chemical Leaks/ Spills
	Aquatic Life	Precluded		
	Habitat/ Hydrology	Stressed		

Water Body	Impaired Use	Severity	Type of Pollutant	Source
	Recreation	Impaired	Salts Pathogens	Hydromodification Habitat Modification
	Aesthetics	Stressed		
Delaware Park (Hoyt) Lake	Bathing	Impaired	Nutrients Algae/Weed Growth Priority Organics (PCBs) Oxygen Demand	Urban/Stormwater Runoff Contaminated Sediments
	Fish Consumption	Impaired		
	Recreation	Impaired		

Source: Compiled from New York State Department of Environmental Conservation http://www.dec.ny.gov/lands/98943.html

Wetlands and Floodplains

Federal Wetlands

The federal government, through the USACE, regulates wetlands regardless of size, in accordance with the Clean Water Act. These areas, some of which have been preliminarily mapped by the U.S. Fish and Wildlife Service, are designated using three criteria: hydric soils, wetland vegetation and specific hydrologic conditions.

A permit must be issued by the USACE if there is disturbance from fill or another defined discharge, or development proposed within identified wetland areas. A Water Quality Certification could also be required from the NYSDEC based upon the amount of federal wetland to be filled or otherwise disturbed.

The U.S. Fish and Wildlife Service's National Wetland Inventory maps the Niagara River corridor, Scajaquada Creek, North Buffalo Harbor, Buffalo Ship Canal, Buffalo River, and Cazenovia Creek as potential federal waters. The areas in and around Times Beach Nature Preserve, Tifft Nature Preserve, the southern portion of Gallagher Beach and certain lands in the Buffalo Lakeside Commerce Park area, are also identified as potential wetland habitats.

State Freshwater Wetlands

Pursuant to the New York Freshwater Wetlands Act, the NYSDEC regulates activity within State-designated freshwater wetland areas and the area immediately adjacent to wetlands (within 100 feet).

The New York Freshwater Wetlands Act assigns classifications to State wetlands ranging from Class 1 (Highest) to Class IV (lowest). According to the act:

- Class I wetlands are the most significant, providing the most critical benefits and habitat value, a reduction of which is acceptable only in the most unusual of circumstances. A permit will

be issued only if it is determined that the proposed activity satisfies a compelling economic or social need that clearly and substantially outweighs the loss of or detriment to the benefit(s) of the Class I wetland.

- Class II wetlands provide important wetland benefits, the loss of which are acceptable only in very limited circumstances. A permit will be issued only if it is determined that the proposed activity satisfies a pressing economic or social need that clearly outweighs the loss of or detriment to the benefit(s) of the Class II wetland.

Class I and II wetlands have been designated within the city of Buffalo. NYSDEC controls a small number of freshwater wetlands south of the Buffalo River. They include:

- the Times Beach Class I wetland, which is also underlain by an unconfined aquifer;
- Several Class I wetlands in the South Buffalo BOA located in Tifft Nature Preserve and Buffalo Lakeside Commerce Park, and wetlands located along the rail corridors; and
- A Class II wetland area located in the South Buffalo BOA, south of Tifft Street, within the Buffalo Lakeside Commerce Park

Floodplains

The City of Buffalo contains flood zones that have been designated by the Federal Emergency Management Agency (FEMA) as areas subject to potential flood hazards. These areas or flood zones are depicted on the FEMA Flood Insurance Rate Maps (FIRMs) developed for the city. The flood zones are established based upon the degree to which an area is susceptible to flood damage. The two general flood zones that exist within the city include:

- "AE" Zone – (also called the area of special flood hazard), which is the area of land that would primarily experience still water flooding, without significant wave activity, during a 100-year storm; and
- "C" Zone – which are areas of minimal flooding.

These natural flood zones or plains are flat areas that surround streams and are periodically inundated with water due to overbank flow.

In addition, Chapter 189 of the City Code regulates land use and development that occurs within in the 100-year flood plain and floodway, which is a hydrologically determined area with a one percent chance of flooding in any given year.

Habitat Resources

The City is also home to upland and in-water habitats that support a variety of species. The City's natural systems host large native deer and turkey communities, several rare, threatened or endangered species; and a globally significant important bird corridor.

New York State Designated Significant Coastal Fish and Wildlife Habitats

State-designated Significant Coastal Fish and Wildlife Habitats in the City of Buffalo include the Times Beach diked disposal site, North Buffalo Harbor, the Small Boat Harbor and Tifft Nature Preserve. This habitat designation by the NYSDOS was based on the area's fish and wildlife population levels, species vulnerability, ecosystem rarity, human use and replaceability.

- Times Beach

The site lies on the eastern end of Lake Erie, a critical geographical feature for bird migration north in the spring and south in the fall. More than 220 species of birds have been observed on the site including pied-billed grebe, (state threatened), Peregrine Falcons, Bald Eagles (state endangered), Cooper's hawk (state threatened), Common Tern (state threatened), and Osprey (state threatened).

Times Beach features public walkways and bird viewing blinds as well as educational and interpretive features.

- North Buffalo Harbor

The North Buffalo Harbor is located in the northeast corner of Lake Erie, at the head of the Niagara River. This harbor consists of approximately 800 acres of open water within the lake and upper river channel, extending roughly from the mouth of the Buffalo River to the Peace Bridge. Water depths vary from less than six feet over several small reefs to over 20 feet below mean low water. The harbor is home to several important wildlife communities

- Small Boat Harbor

The Small Boat Harbor is located on the Outer Harbor and is approximately 165 acres in size.

The Small Boat Harbor is the only sizable shallow water embayment on Lake Erie in Erie County (generally less than 12 feet deep below mean low water). Sheltered from prevailing winds and wave action by a two-mile long rock breakwall, the harbor itself is armored on three sides with rip-rap, concrete bulkheads, and gravel-cobble beach; the fourth side (westerly) is open to the Outer Harbor, with an approximate 30-foot deep dredged navigation channel. This protected location has resulted in enhanced sediment deposition and growth of submerged aquatic macrophytes, such as water milfoil, wild celery, and pondweeds. Substrates vary from a mixture of sand, gravel, and cobble, in some nearshore areas, to a dark brown gelatinous type sediment (gyttja).

The harbor supports a highly productive and diverse littoral community, with concentrations of many fish and wildlife species occurring in the area. In addition, the harbor provides high quality recreational fishing opportunities throughout the year. Anglers from throughout the Buffalo metropolitan area are attracted to the diverse warmwater fisheries, and ice fishing is especially popular. The concentrations of birds which utilize the harbor, and the availability of good public access and vantage points, makes this a popular birdwatching site in Erie County during waterfowl migration periods and in early winter.

- Tifft Nature Preserve

Tifft Nature Preserve is the largest contiguous fish and wildlife habitat area within the City of Buffalo. The 264-acre former landfill property was designated a preserve in 1976 and is owned by the City of

Buffalo and operated by the Buffalo Museum of Science.

Of special importance is the relatively undisturbed wetland area, which is the largest of its kind along the Lake Erie coastline. The site includes an approximately 75-acre cattail marsh, small freshwater ponds and old canal remnants, old fields (partly covering a former solid waste transfer site), forested wetland, and shrub-sapling stages of succession. In addition, birds of 264 species and subspecies have been recorded within and immediately adjacent to its boundary.

Niagara River Globally Significant Important Bird Area

The Niagara River has been designated as a Globally Significant Important Bird Area, a rare designation given by National Audubon to only 71 other sites in the world. The eastern end of Lake Erie provides two geographic features that assist in the lake crossing. According to the Audubon Society of New York, the Niagara River GSIBA annually supports one of the world's most spectacular concentrations of gulls, with 19 species recorded and one-day counts of over 100,000 individuals. The site is particularly noteworthy as a migratory stopover and overwintering site for Bonaparte's Gulls, with one-day counts of 10,000 to 50,000 individuals (2 to10 % of the world population). Herring Gull one-day counts vary from 10,000 to 50,000 and Ring-billed Gull one-day counts vary from 10,000 to 20,000 individuals. The river also hosts a remarkable diversity and abundance of waterfowl. Winter surveys taken by NYSDEC have shown a 22-year average of 2,808 Canvasbacks (31.5 % of state overwintering population), 7,527 Common Mergansers (31 % of state overwintering population), 2,015 Common Goldeneyes (29 % of state overwintering population), and 2,369 scaup (6 % of state overwintering population). Annual peak numbers for Canvasbacks range from 2,000 to 15,000, for Common Goldeneyes from 2,300 to 3,000, for Common Mergansers from 2,500 to 12,000, and for Greater Scaup from 2,500 to 15,000 individuals. The river also supports breeding colonies of Common Terns, Herring Gulls, Ring-billed Gulls, Black-crowned Night Herons (50 to 60 pairs), Great Blue Herons, Great Egrets, and Double-crested Cormorants. The habitats along the river edge support an exceptional diversity of migratory songbirds during spring and fall migrations. Many of the migrating species find habitat and refuge at the various open areas and nature preserves that exist in the vicinity of the river, including Times Beach Preserve and Tifft Nature Preserve (which is also designated by the Audubon Society as an IBA).

Fish Resources

There is an abundance of fishery resources in the City of Buffalo, including both native and non-native species. Native species found in Lake Erie and the Upper Niagara River include: largemouth and smallmouth bass, yellow perch, walleye, northern pike, muskellunge, rock bass, sheepshead, smelt, emerald shiners and lake sturgeon. In general, the potential for overfishing is not considered to be a problem; however, catches of certain highly-sought species, such as muskellunge, walleye or steelhead, under certain conditions, may pose concerns for anglers and fisheries managers.

While no commercial fisheries are known to exist on Lake Erie in New York, Lake Erie remains the largest freshwater commercial fishery in Canada, and one of the most valuable freshwater commercial fisheries in the world. In 2011, the Lake Erie commercial fishing industry caught nearly 22 million pounds of fish worth $28 million.

Within the City of Buffalo, Lake Erie and the Niagara River are home to several sport fishing charter businesses, bait shops, numerous shoreline fishing sites with large numbers of residents, including the City's growing immigrant population, relying upon locally caught fish as a source of protein.

Rare or Endangered Species Habitat

The New York State Natural Heritage Program had identified rare or endangered species throughout New York State. According to their records, the City of Buffalo includes occurrences of ninebark, a rare vascular plant; gull and common tern nesting areas; two rare fishes, mooneye (Hiodon tergisus) and lake sturgeon (Acipenser fulvescens), both New York State threatened species; and peregrine falcons.

Lake sturgeon has been caught at the north gap of the Buffalo Harbor. Lake sturgeon is listed as a threatened species in New York, therefore, there is no open season for the fish and possession is prohibited. Anglers are more likely to encounter sturgeon in May and June when the fish gather to spawn on clean gravel or cobble shoals and in stream rapids.

In 2010, a nesting pair of peregrine falcons, a state endangered species, was discovered on the Cargill Pool grain elevators at the foot of Tifft Street, along Furhmann Boulevard.

A New York State threatened species, the common tern, makes its home on the breakwalls in the Buffalo Harbor.

Potential Adverse Impacts

Future actions may occur that could have impacts on the natural environment. Specific types of projects with potential impacts to natural resources include:

- Land development adjacent to waterways which could increase runoff and negatively impact water quality and fish habitat;
- Land development within or adjacent to wetlands and floodplains, which could reduce the value of wetlands as water collectors and filters;
- Land development within or adjacent to within habitat resources which may disturb important, rare, threatened or endangered species; and
- An increase in impervious area without appropriate stormwater maintenance, which could increase CSO discharge volumes.

Mitigation

Several measures have been integrated into the BCDF to ensure that redevelopment is protective of the city's natural resources. In particular, the LWRP Policies are particularly protective of water quality, fish populations and the natural areas critical to their health. In addition,

- City owned vacant land along waterways, as well as a substantial portion of the NFTA/ECHDC Outer Harbor Lands have been designated as open space under the UDO which limits the amount of impervious land allowed at these sites;

- New development in the City will be required to manage its stormwater onsite to minimize stormwater runoff to the BSA combined sewer system, as discussed in Section 2.4 above;
- Outside of specific waterfront redevelopment areas, waterfront uses must be set back at least 100' from the water with a 50' vegetative buffer along the shore;
- The UDO includes provisions to discourage the use of invasive species and minimize lighting impacts on the Niagara River Globally Significant Bird Area; and
- The LWRP specifically supports Buffalo and Niagara River Great Lakes Area of Concern recovery efforts, including habitat restoration and protection.

In addition, federal and/or state permits will be required for proposed development in wetlands and waterbodies under the jurisdiction of the NYSDEC and USACE. Development within waters of the City of Buffalo will require a Right-of-Way work permit as well.

Threshold

As specific projects are proposed under the BCDF, potential adverse impacts to habitat and fish and wildlife populations will be evaluated on a project-specific basis. Projects that do not comply with the criteria presented above will require additional evaluation of impacts to natural resources. In addition, federal and/or state permits will continue to be required for proposed development in wetlands and waterbodies under the jurisdiction of the NYSDEC and USACE.

Further SEQR review will also be required for the following:

- projects that are proposed to directly discharge stormwater to any waterbody in the City of Buffalo;
- locating new heavy industrial uses of light industrial uses with outdoor storage within 250 feet of a waterbody;
- new construction within 100 feet of identified natural habitat areas, that may disturb the habitat.

3.0 ALTERNATIVES ANALYSIS

3.1 No Action

If the BCSF is not adopted, development within the City of Buffalo will continue to be guided by the city's existing zoning ordinance, urban renewal plans and the New York State Coastal Management Program,.

The city's existing zoning code was adopted in 1953 and has been amended many times since, as the city, its neighborhoods, economy, and planning values have evolved. However, the current zoning code is still rooted in the basic regulatory framework and conventional zoning approach of the 1953 code. There are a number of problems with the current code that have inhibited quality development in the city, including its emphasis on separation of land uses and de-densification of traditional city neighborhoods; lack of detailed design standards, resulting in unpredictable and often poorly designed development that often conflicts with adjacent traditional urban development; and a complicated and antiquated regulatory system that is not aligned with today's economy or the community's vision, discouraging investment.

The current code does not support Buffalo's traditional neighborhood development pattern. At the time it was adopted, over 60 years ago, many of Buffalo's neighborhoods were impacted by high density and proximity to incompatible uses. In contrast, today many of the same neighborhoods suffer from low density that is unable to support a desirable mix of compatible uses. Under the current zoning new residential building lots are required to be larger than what is currently common in most areas. . Where residential development has taken place, the difference between the older and newer development patterns is often stark and presents an awkward juxtaposition, detracting from neighborhood cohesiveness and quality.

The results of the current code's emphasis on separating land uses and lower density development has contributed to neighborhood decline. As many neighborhoods have lost population over time, their mixed use centers have also diminished, as neighborhood retail cannot be supported without sufficient residential density. Furthermore, Buffalo's mixed use centers align with its transit network, which also depends on a critical mass of neighborhood activities to help sustain operations. As neighborhood density has declined, transit service has become less frequent. This is a major issue in Buffalo where 30 % of households lack access to a single automobile and are largely dependent on public transportation to access employment, retail, services, and other basic needs.

The lack of emphasis that the current code places on the design of development has also significantly impacted the viability and quality-of-life of neighborhoods. In addition to affecting the aesthetics of development, this deficiency of design controls has impacted the functionality of city neighborhoods. Buffalo's traditional neighborhood development pattern is devised to support pedestrian activity, transit use, neighborhood retail and services, and a variety of housing types. However, the current code is not equipped to maintain this traditional pattern. Regulations are needed to reinforce the various aspects of traditional neighborhood design, such as bringing development up to the sidewalk; positioning entrances,

and ensuring a generous amount of window transparency, along building frontages; and locating parking behind buildings. These all contribute to the functionality of a vibrant urban neighborhood.

Rather than prescriptive design standards, the current code largely leaves building design to be determined through a negotiation between the developer, the city planning board, and interested community members. This process has yielded inconsistent and unpredictable results over the years, often to the detriment of city neighborhoods. Without regulations in place that reinforce the city's traditional development pattern, the appearance, vibrancy, and functionality of neighborhoods will continue to be undermined.

Since the current code was adopted in 1953, Buffalo's economy has evolved from being heavily industrialized to its current economic mix, for which industry still plays a key role, but which is much more closely aligned with national trends. Despite its current zoning, the city has seen significant investment in certain areas. For example, the Larkin District, which is zoned for industry, has seen significant redevelopment in many of its historic industrial buildings, which have been adaptively renovated to accommodate a number of new uses including office, residential, retail, and service. For such redevelopment to be possible, developers must apply for a number of approvals, including an array of variances, due to the antiquated nature of the current code. This unpredictable and lengthy process often discourages developers from investing in the city.

The complicated nature of the current zoning code and related land use regulations does not provide for a user-friendly, streamlined development process. For example, over 500 specific uses are accounted for throughout the code, in a cumulative fashion, with each zone referencing the previous zone's allowed uses, making it very cumbersome to simply understand what uses are allowed where. There are no graphics or tables to help explain or summarize the legalistic and confusing content of the code. In addition, the code is augmented by 30, mostly obsolete, Urban Renewal Plans (URPs) that overlay the existing zoning, providing additional regulations in the specific areas. Altogether, the regulations of the zoning code and URPs present an unnecessarily arduous set of development regulations.

Finally, the current code does not reflect the future vision of the community. In 2006, the city adopted its comprehensive plan, Queen City in the 21st Century. The comprehensive plan calls for four key principles to guide the redevelopment of the city including smart growth, sustainability, fix the basics, and build on assets. The chief implementation strategy for realizing the vision set forth in the comprehensive plan is to adopt a zoning code that is aligned with the plan. The comprehensive plan recognizes that the current code is based on a 1950s ideal for the city and needs to be recalibrated to align with the vison and values as expressed by thousands of citizens and stakeholders through the comprehensive plan and the various BCDF planning initiatives.

Buffalo's existing zoning code and related development regulations do not support the city's current economic trends and opportunities or the vision embraced by its citizens and stakeholders. The code is not aligned with the city's comprehensive plan, particularly its principles of smart growth and sustainability. Accordingly, the code has eroded the city's compact traditional development pattern of walkable, transit supportive, and mixed use neighborhoods. The complicated nature of these regulations

is difficult to understand and navigate and poses an impediment to development. Therefore, the No Action Alternative would allow the existing development regulatory framework, including its many deficiencies and obsolete nature, to persist and is not the preferred alternative.

3.2 Partial Adoption

In the event that the Land Use Plan, Local Waterfront Revitalization Plan (LWRP), and the Brownfield Opportunity Area components of the BCDF are adopted, but the Unified Development Ordinance (UDO) is not, development within the City of Buffalo will continue to be regulated by the city's existing zoning ordinance and urban renewal plans.

Adoption of the Land Use Plan and the Brownfield Opportunity Area plans, together with the city's comprehensive plan (adopted in 2006), will provide the City with a significant and thorough planning basis for the city's future development. However, without the adoption of a coordinated land use regulatory framework, through the adoption of the UDO, these plans will be largely un-implementable.

As described in the No Action Alternative, there are a number of deficiencies with the current code that have inhibited quality development in the city, including its emphasis on separation of land uses and de-densification of traditional city neighborhoods; lack of design standards, resulting in unpredictable and often poorly designed development, often conflicting with adjacent traditional neighborhood development; and the complicated and antiquated nature of the current regulatory system that is not aligned with today's economy or the community's vision, and discourages investment.

The current code is based on the economic trends and planning principles of the 1950s and does not align with Buffalo's 21st century economy or reflect the future vision of the community as expressed in the comprehensive plan and the Green Code Land Use Plan, LWRP, and BOA plans. In addition, the existing development regulations do not support the sustainable/smart growth development model outlined in the comprehensive plan, and more thoroughly detailed in the Green Code planning initiatives. The current zoning code often conflicts with Buffalo's traditional neighborhood development pattern, which has been embraced by the community through the comprehensive plan and Green Code planning processes as having inherent value to residents' quality of life and livability by providing a multitude of transportation options, and walkable proximity to a mix of uses including neighborhood retail, services, entertainment and employment opportunities.

In summary, Buffalo's existing zoning code and related development regulations do not support the city's current economic trends and opportunities or the vision embraced by its citizens and stakeholders. The current code is not aligned with the city's comprehensive plan, particularly its principles of smart growth and sustainability, and does not support the city's traditional development pattern of walkable, transit supportive, and mixed use neighborhoods. The complicated nature of the current regulations is difficult to understand and navigate and poses an impediment to development. Therefore, the Partial Adoption Alternative would allow the existing development regulatory framework, including its many deficiencies and obsolete nature, to persist and is not the preferred alternative.

3.3 New Euclidian Zoning

In the event that the City adopted a new Euclidean zoning code, the new code would replace the existing zoning code and land use regulatory system.

Replacement of the existing zoning with a new Euclidean code would provide the opportunity for significant improvements including replacing the existing code's confusing and antiquated language, streamlining the administrative processes, updating the use provisions and zoning map to better align with today's economy, and providing an overall more user-friendly approach to land use regulations.

While comprehensively rewriting the city's existing zoning code would make for a major improvement, a new Euclidean code would not adequately address several of the city's key goals including preserving neighborhood character, encouraging multi-modal transportation options, and promoting smart growth and sustainability. Euclidean zoning codes do not support compact mixed use neighborhoods that are integral to smart growth and are representative of Buffalo's traditional development pattern.

Euclidean codes do a very good job of regulating where specific uses are allowed and not allowed, thereby, ensuring uses are separated and do not conflict with other uses. However, by focusing on the separation of land uses, Euclidean codes generally fail to encourage a healthy mix of complementary land uses found in vibrant urban neighborhoods. In addition, Euclidean codes do little to address urban design and neighborhood character, and do not encourage walkability or other transportation options such as public transit or biking.

A Euclidean code would not align with the citizens' shared vision as expressed in the city's comprehensive plan and Green Code planning initiatives, which call for smart growth and sustainability, and preserving Buffalo's traditional urban neighborhoods. By emphasizing the separation of land uses, rather than a healthy mix of complementary uses, and failing to require appropriate urban design that preserves neighborhood character, supports walkability, and encourages multiple transportation options, a new Euclidean code would not implement the vision for future development shared by the community.

In summary, a new Euclidean zoning code would provide a number of benefits including a more clearly written and user-friendly code, with streamlined processes, and a regulatory system that is better aligned with Buffalo's current economic trends. However, a new Euclidean zoning code would not embrace traditional neighborhood development, a healthy mix of land uses, or encourage an array of transportation alternatives, integral to vibrant urban communities. In addition, a new Euclidean code would not be consistent with the community's vision of smart growth and sustainability, and preserving Buffalo's traditional urban neighborhoods. Therefore, the Euclidean zoning alternative would only partially address the city's goals for a new development regulatory system and is not the preferred alternative.

4.0 EFFECTS ON THE USE AND CONSERVATION OF ENERGY

In 2014, the City of Buffalo prepared Energy Master Plan through the New York Power Authority Five Cities project. According to Plan, the City of Buffalo, as a whole, is projected to pay $767.7 million on building and transportation energy costs in 2014

According to the Buffalo Energy Plan, buildings account for 61 percent of the City of Buffalo's total energy use and almost 1. 9 million metric tons of carbon dioxide emission each year. Residential buildings account for 35 percent of energy use, followed by commercial structures at 18%. Transportation fuel comprises the other 39 percent of total city energy demand but its carbon footprint is only a third of that for buildings. According to the Western New York Sustainability Plan, average per capita energy consumption in the region was 181 MMBtu which was lower than the New York State (192 MMBtu) and national (317 MMBtu) averages.

While adoption of the BCDF will have no direct effect on the use and conservation of energy, the implementation of projects (including the construction and operation of those projects) consistent with the BDCF has the potential to result in a corresponding increase in energy demand and use. The City energy plan estimates that Buffalo's energy consumption will grow from 39.5 million Btu's to over 42 million Btus by 2030 if baseline conditions continue

In a partial build-out scenario, the population within the city limits would increase over current levels, in theory, resulting in an increase in energy consumption over current levels (primarily from non-renewable sources used during project construction and operation, absent energy conservation practices). The per capita energy use would not increase in this scenario (it could decrease due to a more compact development pattern encouraged under the UDO)

Land use policies contained in the BCDF will help to support the City Energy Plan's goals of reducing overall energy consumption by 20% by the year 2030. The BCDF promotes energy conservation and efficiency in buildings; energy efficient transportation choices; district energy; and distributed, renewable energy generation.

Zoning policy has a significant impact on revitalization efforts and build-out potential for development, with direct influence on transportation efficiencies.

Compact development can reduce Vehicle Miles Traveled ("VMT") by as much as 5 percent for passenger vehicles. Through the adoption of the UDO, Buffalo will promote compact development and facilitate mixed-use project development. This will have a significant impact on reducing the length of commuter trips within the city. Consistent with the code, the City will encourage a mix of land uses to support establishment of services within walking distance of residences.

The Land Use Plan and UDO will promote transit-oriented development (TOD), which includes mixed-use development located in close proximity to public transportation to facilitate transit use. Studies have shown TOD will reduce projected increases in VMT by 28 percent, and based on expected growth patterns

in the city, Buffalo estimates that TOD will save residents, commuters, and visitors almost $800,000 a year in reduced fuel consumption.

Transportation demand management (TDM) is the application of strategies and policies to reduce travel demand, specifically for single-occupancy private vehicles, at times of peak demand in specific congested areas. TDM strategies promote the use of transit, cycling, and walking through access to car and van pooling, park and ride facilities, bike sharing infrastructure, and other convenient amenities. Managing transportation demand can be a cost-effective alternative to increasing capacity, while also improving environmental and public health and fostering more livable cities. The UDO will require TDM strategies to be employed for large development projects.

In addition to allowing and encouraging a more compact, energy-efficient, mixed land use pattern, the UDO provides standards for:

- District energy systems that encourage and allow shared community-based energy systems for solar, wind, and geothermal energy generation;
- Residential-scale solar or wind energy systems (less than 500 kW) as accessory uses;
- Commercial grade systems (more than 500 kW) in employment areas; and
- Automobile electric charging stations to encourage electric vehicle use and reduction in greenhouse gas emissions.

Cumulative, the policies contained in the BCDF will help to support the City Energy Plan's goals of reducing overall energy consumption by 20% by the year 2030.

5.0 UNAVOIDABLE ADVERSE ENVIRONMENTAL IMPACTS

As described in the DGEIS sections addressing mitigation, potential adverse impacts associated with adoption and implementation of the BSDF were either not identified or could be adequately mitigated. However, as described below, certain impacts cannot be mitigated and typically include those associated with construction. While these impacts cannot be mitigated, they are short term and temporary in nature and will not have a long term adverse impact on the environment.

Future construction activities will create additional noise during construction hours for the duration of the project. This is generally mitigated with limited hours of work with existing noise regulations for work before 7am, however, some impact is unavoidable.

Additionally, during construction some additional traffic is anticipated which may include parking impacts. However, this is temporary and impacts to the public right-of-way will be managed by the Department of Public Works to ensure the minimum impact practicable.

Any construction will have a visual impact on its setting. During construction this may be disturbed soils, piles of construction materials, and a partially constructed site or building. However, once construction is complete there will still be a change in the visual setting. Due to the standards included in the BCDF including those specifically within the UDO, this is not likely to be an adverse impact due to the requirements of form to be consistent with surrounding buildings. However, some residents may perceive any change in the area as an adverse impact.

Generally, the unavoidable adverse impacts are limited to those associated with construction and are not significant.

6.0 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

This section identifies the unavoidable environmental impacts of the BCDF that will irreversibly curtail the range of potential uses of the environment or result in the commitment of resources that are neither renewable nor recoverable. An irreversible commitment results in environmental changes that cannot, at a future date, be altered to restore the environment to its preconstruction state. Resources include not only the commitment of labor, fiscal resources and materials, but also natural and cultural resources committed as a result of project construction, operation and maintenance.

Any development that is induced by the adoption of the BCDF will commit resources. Most land development projects require a commitment of natural resources for construction. Construction of future developments will result in the short- and long-term commitment of natural resources. Some of the resources include structural steel, gravel, wood and concrete to be used in physical development projects. The long-term commitment of these materials will limit their availability for future projects. However, the actual amount of materials used to build any structure or for site work will comprise a very small percentage of the U.S. and world production of these materials. Some materials, at the end of the project life, such as steel and stone, will be available for reclamation and recycling. Therefore, the proposed projects that will be constructed will not have a significant impact on the availability of these materials.

Future developments will require the commitment of previously developed, yet currently underutilized urban land for the life span of the project. This land use is considered an irreversible commitment, but only during the expected lifetime of the development. Once the land is no longer needed for buildings and ancillary facilities, they can be removed and the land can be converted to a different purpose. Therefore, in the long-term, this is neither an irreversible, nor irretrievable commitment of resources.

Construction, operation and maintenance of individual developments will require irreversible and irretrievable commitments of human and fiscal resources to design, build, operate and maintain the facilities. Human and financial resources will also be expended by the local, state and federal governments for the planning, environmental reviews, permitting and monitoring of any future developments. No significant impacts on human and fiscal resources of local governmental services (fire, police, etc.) are expected.

Project construction and maintenance work will irretrievably commit energy resources derived from petroleum products and electricity. Fuels and electrical energy will be consumed during the manufacturing and transport of materials and workers to be used for future developments. Additional fuel will be expended by construction equipment used to construct the facilities. Some fuels will also be used by maintenance and emergency vehicles and equipment during the lifetime of the developments. Fuels and electrical energy will be consumed for heating and cooling of the facilities during the life of the developments. These commitments will be minor and will not affect the local energy supply. The BCDF explicitly encourages the use and production of renewable energy and sustainable neighborhood design.

Generally, while the adoption of the BCDF will not adversely impact the supply of human, fiscal or other resources, development following adoption may have minor impacts. The construction of the specific projects identified in the BCDF, in particular those associated with the BOAs, would only require minor commitments of resources and would not significantly deplete national or local supplies of any resource.

7.0 GROWTH-INDUCING, CUMULATIVE AND SECONDARY IMPACTS

Through a well-organized and disciplined approach to implementation, the primary goal of the Buffalo Comprehensive Plan, adopted in 2006, was to reverse the long term decline of the city's population, employment and physical environment. This included the recommendation to develop a new framework for a revision of the city's zoning ordinance to support the Plan's implementation and the smart growth principles on which it is based. The BCDF, upon adoption and implementation, would be consistent with the Comprehensive Plan and its goals of a revised zoning ordinance, brownfields redevelopment, and waterfront revitalization. And with the BCDF is the inherent assumption that the population within the city will stabilize and grow at a reasonable rate over the next 20 years which represents a positive impact. This population growth could be accommodated through a more efficient land use pattern supported in part by the form-based approach of the UDO. That is, the increase in city population, with a projected goal of approximately 30,000 new residents over a 20-year period, could be accommodated within areas of the city already served by existing infrastructure which has excess capacity and was designed for a much larger population (i.e., the city's population in 1950 was approximately 580,000; it is now below 260,000).

The BCDF is not designed nor will it likely result in the increase of regional population growth overall. The likely outcome of the implementation of the BCDF is a more balanced distribution of the regional population and employment centers, whereby the city becomes a viable choice for residents and employers alike. In a "no build scenario," potential residents and employers would have avoided the city altogether and focused on a suburban or exurban location.

8.0 THRESHOLDS FOR FURTHER EVALUATION

As stated in 6NYCCR 617.10 (C) "Generic EIS's and their findings should set forth specific conditions or criteria under which future actions will be undertaken or approved, including requirements for any subsequent SEQR compliance. This may include thresholds and criteria for supplemental EISs to reflect specific impacts such as site specific impacts, that were not adequately addressed or analyzed in the generic EIS." Thresholds are used to ensure that projects which were not adequately analyzed by the GEIS will be adequately reviewed prior to approval.

Analysis of potential impacts of the BCDF have identified the following thresholds for further evaluation:

Land Use

As public and privately sponsored projects are implemented under the BCDF any project that proposes a more intense land use than what is allowed by the BCDF, either through a use variance or a remapping, will require additional SEQR Review.

Zoning

Proposals for the expansion of non-conforming uses through variance or rezoning will require additional SEQR review to ensure any potential adverse impacts are adequately mitigated.

Poverty

The introduction of new residential uses within 500 feet of a heavy industrial zone (D-IH) would require a special use permit per the Industrial/Non-Industrial Land Use Compatibility requirement of the UDO and would require addition SEQR review to ensure the residents will not be exposed to environmental hazards.

The introduction of new heavy industrial uses in an environmental justice area will require additional SEQR review.

Employment projects under the BCDF which propose not to accommodate multi-modal access either as of right or through variance applications would require additional SEQR review to ensure adequate access to employment by employees without vehicles.

Transportation

Projects anticipated to create 100 cars at peak hour which is located adjacent to a road currently identified as a volume to capacity of 0.8 will require additional SEQR review.

Projects that create transportation demand but do not provide adequate pedestrian amenities will require additional SEQR review.

Utilities

Projects that do not have adequate utility service; in particular, those identified in BOAs and portions of the Outer Harbor and require extensions of new utilities, however excluding minor new connections will require additional SEQR evaluation.

Historic Resources

As per SEQRA regulations actions that would be considered unlisted will require coordinated review if adjacent to a National Register historic property or district or within the boundaries of a Nation Register historic district. During this review SHPO will be coordinated with either as an interested or involved agency for input on impacts to historic resources.

Parks and Parklands

If any proposals in parks propose to exceed the allowed impervious surface allowances additional SEQRA review will be required. Additionally, any use variances in areas zoned for parks or rezoning of parks will also require additional SEQRA review.

Views

Any project that is not water-dependent or providing public access to the water or waterfront proposed to be located in the required waterfront setback in the C-W will require additional SEQR review.

As stated in Historic Resources, per SEQRA regulations actions that would be considered unlisted will require coordinated review in adjacent to a National Register historic property or district or within the boundaries of a Nation Register historic district. During this review SHPO will be coordinated with either as an interested or involved agency.

Public Services

Any project that could strain local public services will require additional SEQRA review.

Hazardous and Contaminated Sites

Any application under the UDO for a site listed as Class 2, 3 or 4, as well as any sites with CoC's with land use, or zoning restrictions will be reviewed to ensure future work on these sites is consistent with their environmental restrictions.

Natural Resources

Further SEQR review will also be required for the following:

- projects that are proposed to directly discharge stormwater to any waterbody in the City of Buffalo;
- locating new heavy industrial uses of light industrial uses with outdoor storage within 250 feet of a waterbody;
- new construction within 100 feet of identified natural habitat areas, that may disturb the habitat.