



**Buffalo's Young Preservationists
FOUR-POINT PLAN FOR THE GREEN CODE**



Buffalo's Young Preservationists (BYP) is an energized group of dedicated historic preservationists actively sharing our knowledge and passion for our region's historic built environment. BYP engages, educates, and mobilizes young people through preservation advocacy and action.

An open letter to the Common Council

April 1, 2016

To the Buffalo Common Council,

The Buffalo's Young Preservationists wish to submit the following comments to the Buffalo Common Council in regard to adoption of the Buffalo Green Code.

If the Green Code were already adopted today, as is, cities across the country would look to Buffalo as a city planning leader for the 21st century. As is, the Green Code presents a progressive and forward-thinking vision for the Nickel City, informed by an unprecedented amount of public input.

Buffalo's Young Preservationists are in full support of the Buffalo Green Code, and we believe our recommendations will make it even better. BYP submits the following four-point plan for improving the Green Code:

- Pursue a smart approach to preservation
- Embrace Buffalo's historic character
- Support alternatives to the automobile
- Promote investment and entrepreneurship

We believe the Green Code should allow for our communities to grow, while protecting our historic fabric. We encourage you to take these comments into consideration, and to feel free to reach out to us if you have questions.

Thank you,

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BYP Green Code Working Group

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1. PURSUE A SMART APPROACH TO PRESERVATION

For decades, Buffalo's preservation movement has tackled demolition by neglect, and now, demolition by development is an emerging threat. As the Green Code nears adoption, citizens from many neighborhoods are calling for a greater focus on preservation as it relates to development in order to protect our historic fabric. These concerns are legitimate.

Buffalo's Young Preservationists supports walkable urbanism as consistent with the historic "DNA" of Buffalo's neighborhoods, and cautions against Green Code revisions aimed at restricting density, housing choice, or the mix of uses that make Buffalo strong. Instead, BYP asks the City to pursue a preservation plan, as called for in the 2006 Comprehensive Plan, that engages the community to identify smart, thoughtful, and proactive preservation solutions.

SUGGESTIONS

- Create an Elmwood Village local historic district
- Expressly allow the City Planning Board, as a condition of site plan approval for new projects, to require retention of buildings listed or deemed eligible for listing on the National Register of Historic Places (giving more weight and substance to approval criterion #6 under major site plan review)
- Require site plan approval prior to demolition of any structure in any neighborhood zone, allowing the Department of Permit and Inspection Services to waive this requirement only for demolitions necessary for public health and safety
- Authorize the Preservation Board to pause demolition permits to facilitate the local landmark nomination process
- Kick off the process to adopt a preservation plan and appoint a project advisory committee to guide the process
- Undertake a comprehensive rewrite and modernization of the preservation ordinance to ensure consistency with New York State best practice
- Incorporate a revised preservation ordinance into the Green Code after the Green Code is adopted, ensuring a truly "unified" development ordinance
- Fill the preservation planner position to assist and provide technical support to the Preservation Board



2. EMBRACE BUFFALO'S HISTORIC CHARACTER

The Green Code set out from the start to match Buffalo's development standards to its historic "DNA." Some adjustments are needed to ensure that this goal is met. Meanwhile, we recognize that a balance must be struck between historic conditions and contemporary needs.

While BYP would support the Green Code's proposed dimensional standards as is, BYP suggests—in the spirit of building consensus—revisions that will balance Buffalo's compact historic fabric and the need to preserve light, air, and open space between buildings.

SUGGESTIONS

Mixed-Use Zones

- Limit building height to 4 stories and 60' in the N-2C and N-2E zones, and 3 stories and 45' in the N-3C and N-3E zones
- Require a minimum of 2 stories for commercial buildings on Hertel and Broadway
- Limit building width to 100'
- Retain the 90% maximum building coverage
- Limit storefront size to 5,000 square feet on the ground floor, and 10,000 square feet overall, in the N-2C and N-2E zones (require an area variance to exceed these thresholds)
- Where adjacent to a residential zone, require a stepback at the rear setback line of 1' for each additional 1' in building height starting at the maximum allowed height of the adjacent zone (35' for N-2R, N-3R, N-4-30, and N-4-50 zones)
- Reduce maximum blank wall widths to 5' in the N-2C, N-2E, N-3C, and N-3E zones, and to 25' in the N-1S zone
- Prohibit Dryvit on all facades that face the public right-of-way

Residential Zones

- Extend the legacy commercial provisions to all corner lots in the N-2R and N-3R zones to encourage the creation of small scale neighborhood markets, cafés, and eateries similar to Tipico, Betty's, and E.M. Tea Coffee Cup
- Harmonize dimensional standards for detached houses and stacked units in the N-2R and N-3R zones, ensuring consistency in character along the block
- Limit building height to three stories and 35' (encouraging pitched roofs)
- Limit multi-family building width to 60' in the N-2R zone and 75' in the N-3R zone
- Limit multi-family density to 12 units per building in the N-2R zone and 6 units per building in the N-3R zone
- Reduce maximum building coverage to 70% and impervious coverage to 80% in the N-2R and N-3R zone, while retaining the proposed standards for the N-4-30 and N-4-50 zones
- Retain the front yard setback determined by the average front yard setbacks along the block
- Increase minimum side yards to 20% of total lot width, and no less than 5' from adjacent buildings, for detached houses and stacked units
- Increase minimum rear yards to 20% of lot depth
- Require an operable front door on all building types
- Limit upper-story balconies to front, corner side, and rear facades
- Eliminate single-family residential zoning in East Side neighborhoods where this does not reflect the historic or contemporary pattern
- Eliminate spot zoning for D-S Strip Retail in historic neighborhoods (Elmwood/Summer, Amherst St., Kenmore Ave., etc.), while requiring outbuildings in the D-S zone to be built close to the right-of-way



3. SUPPORT ALTERNATIVES TO THE AUTOMOBILE

Can we imagine preventing game-changer projects like the Lafayette Hotel, Phoenix Brewery, Tishman Building, or Richardson Complex because of an inability to provide sufficient off-street parking? BYP cannot. That's why suburban-style minimum parking requirements must be replaced.

The elimination of the minimum parking requirement is the most important and consequential action the Green Code can take to encourage the adaptive reuse of historic building stock. We applaud the City for listening the preservation and transportation advocates who have long pushed for this move, and embrace the Green Code's middle-ground solution of a Transportation Demand Management (TDM) requirement for new construction.

The 1953 zoning ordinance tipped the balance too much in favor of the automobile, at the expense of pedestrians, cyclists, and transit-riders. The Green Code shifts gears, but could go further. Restoring a balance of transportation alternatives will allow Buffalo to compete for growth, while encouraging development in harmony with Buffalo's historic neighborhoods.

SUGGESTIONS

- Support the elimination of the minimum parking requirement
- Reduce the threshold for the Transportation Demand Management (TDM) requirement for new construction from 10,000 square feet to 5,000 square feet, and eliminate the TDM requirement for adaptive reuse projects
- Require all surface parking in the neighborhood zones (including N-1S, N-1C, N-3C, and N-3E) to be located behind buildings, with no site plan review exception for the interior side yard (require an area variance for exceptions)
- Eliminate the special use permit exception for drive-through pharmacies and banks in the N-2C, N-2E, N-3C, and N-3E zones (require an area variance for exceptions)
- Require vehicle rental and sales in the N-1S zone to be conducted wholly indoors
- Allow only single-lane driveways in the N-2R, N-3R, N-4-30, and N-4-50 zones
- Require commercial tenant spaces in the ground floor of parking structures in the D-M and D-E zones
- Extend the N-1C zone along Main Street north to Delavan Station to encourage density along the Metro Rail



4. PROMOTE INVESTMENT AND ENTREPRENEURSHIP

The purpose of a zoning ordinance is to establish fair and objective standards for new development, which can increase predictability and help attract investment to Buffalo's historic neighborhoods. This is clearly a goal of the Green Code.

While the Green Code increases predictability with its detailed design standards, it also creates unpredictability by significantly expanding the number of uses that require Common Council approval. In Table 6A, Principal Uses, special use permits are required in 243 different instances. The overuse of the special use permit can create uncertainty and add to approval timeframes, making the hard work of restoring our neighborhoods even harder.

Likewise, the adaptive reuse permit—the most innovative preservation tool introduced by the Green Code—is hampered by a two-step process, with City Planning Board and Common Council approval, that will likely remove any advantage the adaptive reuse permit has over a use variance.

Meanwhile, site plan review—where the rubber hits the road on issues such as architecture and design—does not capture the scope of applications needed to ensure consistently high-quality development outcomes. This can only result in more ugliness in our neighborhoods.

To encourage investment and entrepreneurship, development approvals ought to be fair and consistent, approvals based on fixed standards, and politics minimized. With revisions, the Green Code can deliver on its promise to help revive our walkable, mixed-use neighborhoods.

SUGGESTIONS

- Subject approvals for special use permits and adaptive reuse permits to a one-step process before the City Planning Board
- Reevaluate Table 6A to identify uses (assembly, primary/secondary school, cultural facility, market garden, passenger terminal, etc.) that should not require a special use permit
- Reduce the threshold for major site plan approval from 10,000 square feet to 5,000 square feet for new construction
- Allow legacy commercial buildings in N-2R and N-3R zones to be adaptively reused for commercial purposes as-of-right, without a special use permit, while limiting reuse as taverns to only those commercial buildings for which a New York State liquor license had previously been issued
- Allow home-based businesses in accessory buildings, not only principal buildings
- Protect as-of-right zoning for multi-family, row houses, and carriage houses in the N-2R and N-3R zones, allowing neighborhoods to develop with a full set of housing choices for all ages, abilities, and incomes
- Continue to bring needed administration reforms to the City Planning Board, Zoning Board of Appeals, Preservation Board, and Department of Permit and Inspection Services to ensure the new code is implemented properly

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