

Exhibit A – Canalside Design Guidelines

Final Design Guidelines, dated March 2010 (51 pages)

MGPP Exhibit C – Design Guidelines

Canal Side Design Guidelines

Issued by:

Erie Canal Harbor Development Corporation

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Empire State Development Corporation

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1. Introduction

Canal Side (the “Project”) is a new mixed-use neighborhood that will reconnect Downtown Buffalo to the Lake Erie waterfront through a network of streets, canals, and public spaces, evoking the City’s history, while creating a timeless neighborhood that will help define its future. With approximately 1.1 million square feet of development, including retail, restaurant, hotel, office, cultural, and residential uses, Canal Side is made up of 23 development parcels within approximately 20 acres on the Buffalo Riverfront (“Project Area”). Anchored by a destination retailer, the Project offers urban amenities and year-round offerings and experiences, including restaurants, entertainment venues, retail outlets, cultural attractions, public spaces, and increased access to the Buffalo River.

The proposed Canal Side Site Plan (“Site Plan”, see Exhibit 1) identifies the conceptual design for the mixed-use project. These Canal Side Design Guidelines (“Guidelines”) apply to all development parcels within Canal Side. Unless otherwise noted, the Guidelines apply to all blocks within the Canal Side project area (see Exhibit 2 for the boundaries of those blocks). These Guidelines take as their foundation, both in terms of intent and detail, the guidelines approved as part of the 2005 Erie Canal Harbor Amendment to the Urban Renewal Plan for the Waterfront Redevelopment Project. The guidelines established in that document are preserved to the maximum extent possible, especially where concerning the Erie Canal Harbor Parcels (see Section 9). As the scope, program, and type of the proposed project has evolved and expanded since the 2004 Erie Canal Harbor Project Master Plan, some elements of that project’s associated guidelines have been revised.

The emphasis of the Guidelines is on the public spaces. The goals of the Guidelines are to provide high quality, attractive and active spaces that employ contemporary techniques but connect to the unique history of the site and Buffalo as a whole. To this end, the Guidelines are focused on the impact of buildings on the public environment. These Guidelines seek to create spaces, not projects. The goal is to create an ever-changing, lively atmosphere and visual appeal throughout (this is not a traditional business or residential district). The focus is on the pedestrian - to provide a human scale, good wayfinding, and a comfortable walking environment. The automobile is considered and sought to be convenient, but not dominate the view.

The Guidelines are also intended to create visual interest from near and far. Up close, ground level design standards produce comfortable, inviting, and stimulating environments. From afar a variable skyline of roof edges, vertical shafts, and signage create interest.

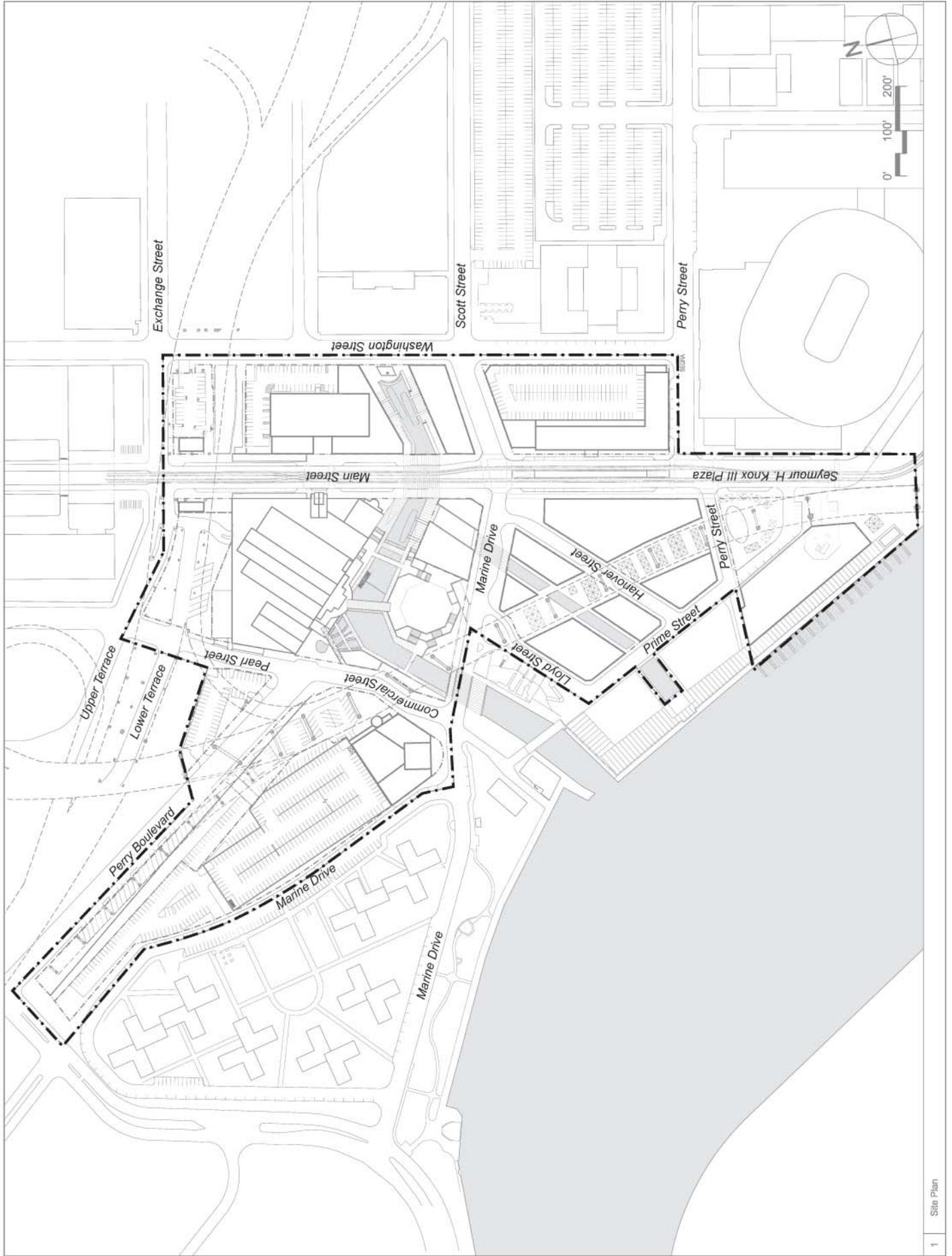
These objectives are achieved through a general consistency of design intent, communicated through standards concerning such features as fenestration, materials, color, scale, lighting, and signage. The guidelines also encourage visual interest throughout the Project Area, achieved through a variety of forms and materials. At full build-out, the project will have the appearance of a variety of buildings and spaces that have been built over time, by different owners and designers.

The Guidelines are mostly concerned with visual content relating to any and all parts of buildings (seen up close as well as from afar). These are guidelines and not rules. The purpose of the Guidelines is to give direction and help provide a very quick review and response to proposed development actions.



The Guidelines take as their inspiration a mix of the contemporary with the materials, profiles, and scale of the historic Erie Canal Waterfront.

Exhibit 1: Site Plan



2. Use

The parcels in the Site Plan have been subdivided into blocks as per the designations below (see Exhibit 2 for the boundaries of the blocks). Each is subject to the Guidelines, which identify physical design constraints such as height restrictions, service access, and set-back lines; as well as use regulations such as ground-level use guidelines.

- AUD Block;
- Commercial Slip Block;
- Thruway Block;
- Donovan Block;
- Webster Block; and
- Erie Canal Harbor Parcels.

The Project as a whole is envisioned as mixed use. In order to create a vibrant, 24-hour pedestrian friendly environment, all areas allow a mix of uses, including Residential, Office, Commercial (retail, restaurant, and service), Hotel, and Cultural. Detailed descriptions of the program and design character of the blocks can be found in Chapter 3 of the State Environmental Quality Review: Draft Generic Environmental Impact Statement for the Canal Side Project.

2.1 Active Ground Floor Uses

Active uses that engage pedestrians shall be located along street frontages as indicated in Exhibit 3. Ground level land uses shall be established and designed to animate public sidewalks and canal paths, and to provide visual appeal. In required active ground floor areas, the following uses are acceptable:

- Commercial uses, such as retail stores, retail service establishments, food and beverage establishments; and/or entertainment facilities, and
- Institutional uses, such as museums and similar facilities of an educational or heritage nature.



Active ground floor uses and pedestrian-oriented fixtures create a lively and commodious pedestrian environment

Exhibit 2: Canal Side Districts

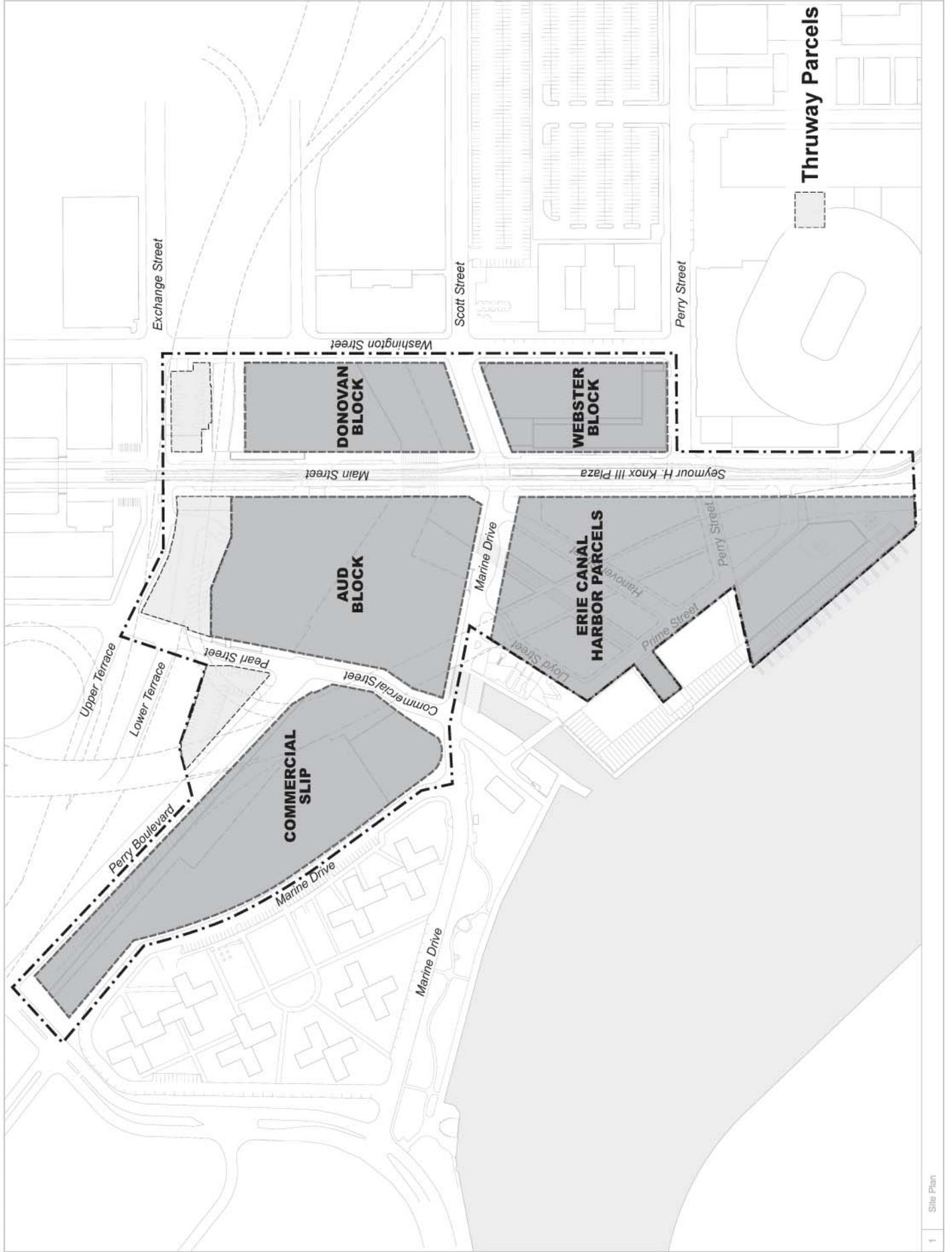
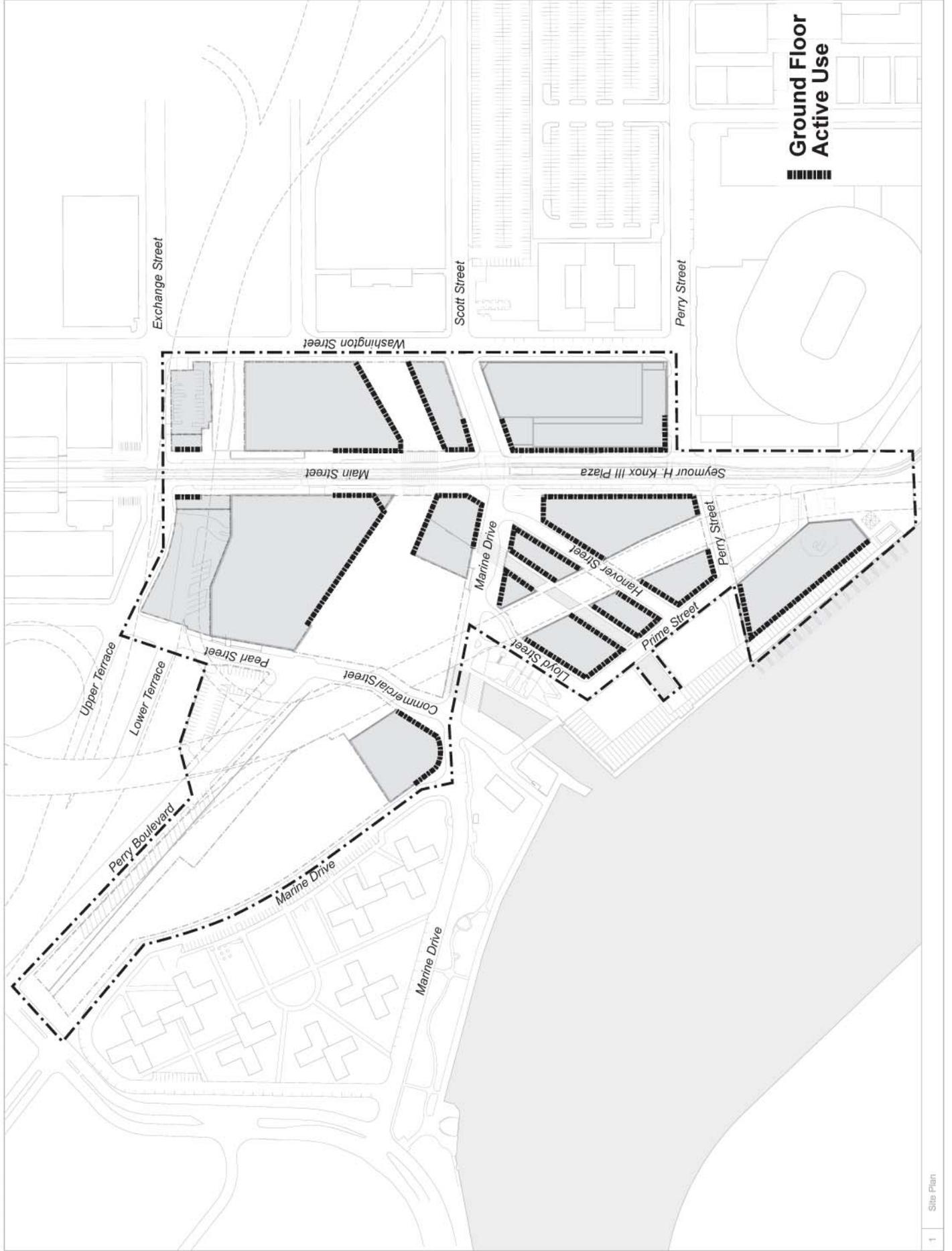


Exhibit 3: Active Ground Floor Use



3. Massing

The Guidelines describe the overarching design principles for all future private construction in the Project Area. The Guidelines define the intended quality, characteristics and coherence of the urban elements, which regulate how the site shall be used for civic and commercial purposes. The Guidelines define building mass, street wall heights, and façade articulation necessary to create a lively urban waterfront environment.

The building bulk controls are intended to create scale relationships between new buildings and surrounding areas and that will help define urban spaces for anticipated activities in the area. The Guidelines are also intended to integrate the Project with urban scale of downtown Buffalo and the HSBC Arena at its urban periphery and to step down in scale as it approaches the waterfront. The historic building fabric of Buffalo's waterfront has served as a precedent in the development of these Guidelines. Review of historic photographs indicate that the Erie Canal Harbor and surrounding districts was once occupied by a combination of 3-5-story masonry buildings devoted to residential, commercial, transportation, and industrial purposes, as well as wooden grain elevators that soared to heights as tall as the existing Buffalo Skyway Bridge.

In turn, these Guidelines have been shaped by the constraints and opportunities of present Project Area conditions and contemporary building regulations/practices, and are intended to respond to the market conditions associated with mixed-use real estate development. Special care has been taken to avoid creating an inauthentic facsimile of the historic urban form or specific buildings, but rather to realize a dense and urbanized setting that gives modern expression to the development characteristics of historic precedents at Canal Side.

3.1 Build-to Lines

Street walls on public rights-of-way are encouraged to vary in height and be expressed in distinguishable facade types to evoke multiple buildings/uses. Mandatory building frontages for each block are indicated in Exhibit 4. A minimum of 75% of the lineal length of the mandatory building frontage shall be set at the streetline or within 10 feet therefrom. The first two stories of a building are required to be set at this mandatory front property line. Variation in street wall facades is encouraged along upper levels and roof lines. In areas where active ground floor uses are required, building entrances should be located at least every 75 feet (preferably every 30-35 feet). Recesses are welcome to give more space to outdoor dining as well as highlight key entrances to stores and uses above grade

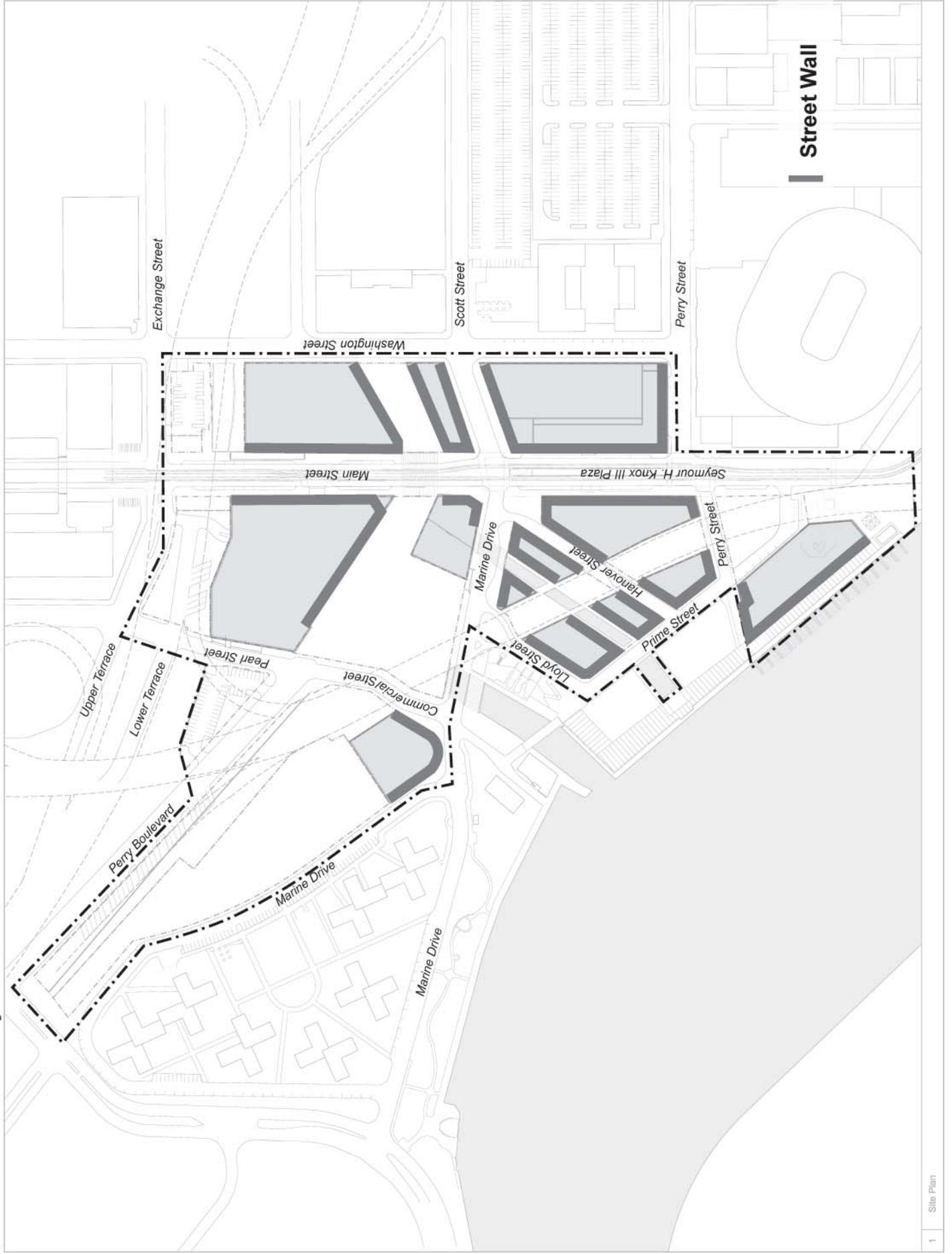
The character and scale of facades forming the street wall may involve the combined use of traditional and innovative materials to express a transition from a Canal-era to a more modern-era design vernacular. The character, height and massing of Canal Side street walls should:

- Define a continuous street and highly articulated building by building wall mass along all build-to lines (i.e., zero front yard setbacks along public rights of way)
- Encourage projections, canopies, signage, lighting, and variation of building size



Streetwall evokes multiple buildings.

Exhibit 4: Mandatory Build-to Lines



3.2 Height Limits

Canal Side is intended to have a varied skyline, as per historic precedent, with buildings of different heights. Bulk controls for buildings provide continuity at the scale of the block and respond to the heights of existing site conditions such as the heights of the HSBC Arena, Marine Drive Apartments, and the Skyway. Street wall height is measured at build-to lines, which define the mandatory primary facade position on all blocks.

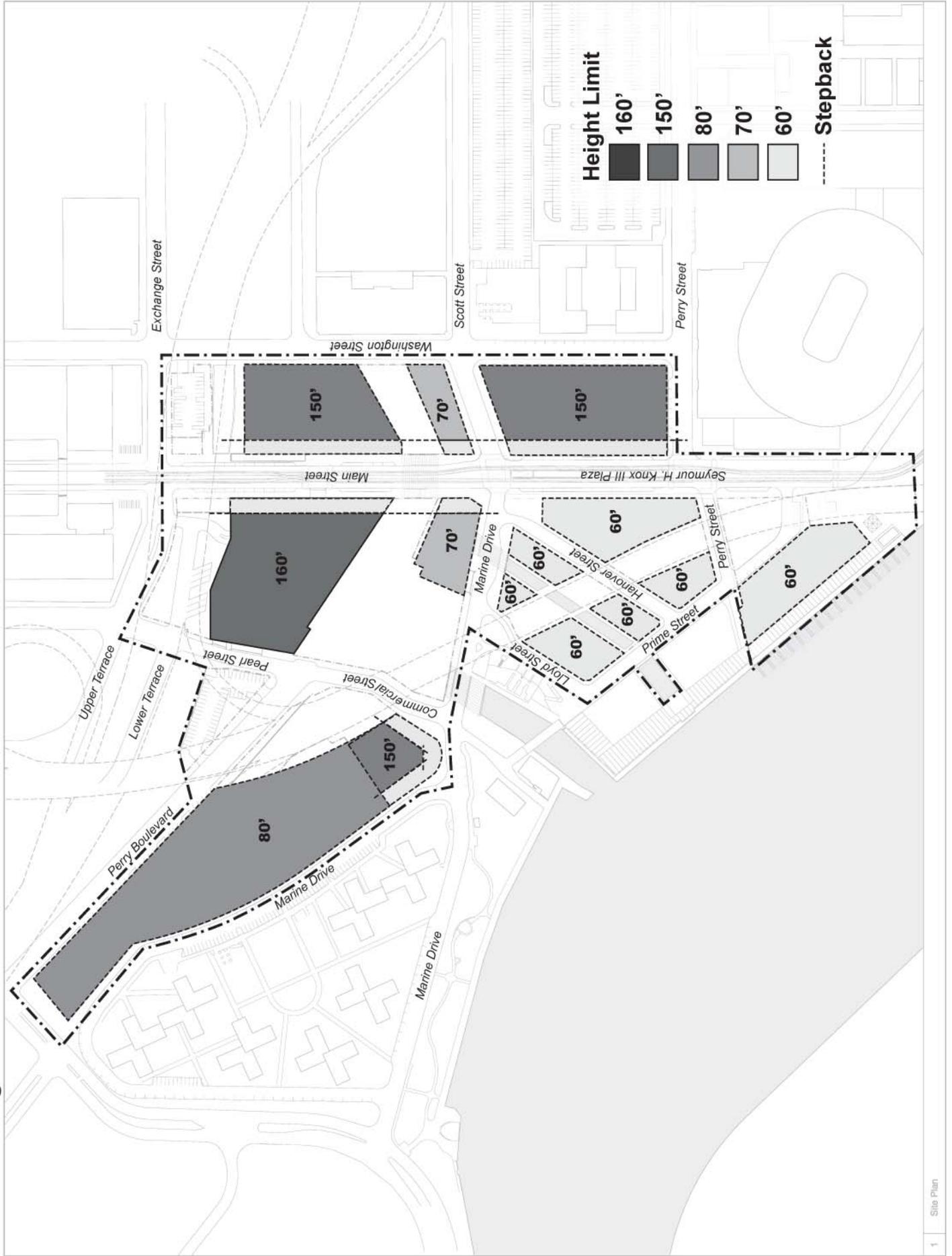
The calculation of building heights does not include architectural features such as cornices, parapets or corner towers; or functional elements such as elevator overruns, HVAC equipment or roof bulkheads. Building height limits vary by block (see Exhibit 5) with the highest buildings permitted along Main Street. Buildings should be a minimum of 2-stories and 30 feet in height, with the exception of the parcels subject to NYSDOT regulations.

Building setbacks are employed to help limit massing and to insure that buildings maintain a human scale and a consistent street wall throughout. Setbacks are required along Main Street, as indicated in Exhibit 5. Along the frontages where setbacks are required, buildings must set-back 15 feet horizontally from the street at 60 feet in height.



Lower scale street wall with tower setback maintains an appropriate district scale.

Exhibit 5: Height Limits



4. Circulation

Streetscapes in the Project Area are meant to be pedestrian friendly environments, featuring a consistent pallet of signage, lighting, paving, and furniture. Streets should be well lit, active, human scaled, and feel safe day and night.

All streets in the Project Area will handle both vehicular and pedestrian traffic. Main Street will be the central spine of the Project Area, combining multiple modes of transit including pedestrians, vehicles, and light rail. Main Street and Pearl Street are important vehicular streets, as they connect the Project directly to downtown. Scott Street/Marine Drive is an important avenue for through traffic and will have a bus stop within the Project Area. The canals running through the Project Area will have continuous pedestrian paths on both sides.

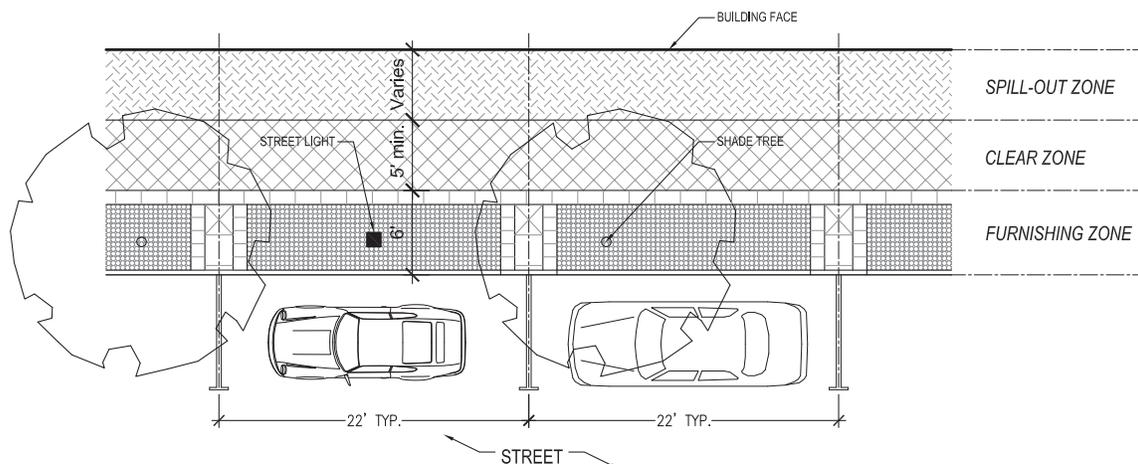
4.1 Streetscape

Street paving materials shall be finished with City approved materials. Where possible at significant locations, materials will be used that evoke the historic character of the Project Area, including rehabilitated medina sandstone pavers (or stone pavers of equivalent/similar materials in the event that the amount of recovered medina pavers is not sufficient to fully achieve reconstruction), cut stone sidewalks and ramps, and sandstone or granite curbs.

Standards for the design treatment of streets is established to ties the entire Project Area together while permitting individual expression to highlight the unique character of important places. Sidewalks shall be designed in accordance with the illustration below. Sidewalks may be a combination of concrete, patterned concrete, brick, and concrete pavers. Within the sidewalk, space must be provided for a clear zone (5 feet minimum) to allow for the unimpeded flow of pedestrian traffic, and a furnishing zone for the placement of vegetation, lighting, signage, equipment, benches, waste baskets, bike racks, and other furnishings. The furnishing zone will continue as a strip of consistent width along the linear distance of the sidewalk, broken into regular modules to allow for crossing paths.

Streetscape vegetation will include a combination of designated street trees accompanied by street tree grates, shrubs and planters. A tree planting plan shall be prepared according to the City of Buffalo Tree Ordinance. Street tree planting within sidewalk areas shall be placed in continuous trenches that have a minimum depth of 4 feet. A prepared planting medium shall be utilized that is capable of permitting the percolation of water and air, while also supporting the sidewalk above. Aeration and drainage measures should be included.

Streetscape furniture such as benches, waste baskets, and bike racks shall be consistent in design and character in areas throughout the site.



4.2 Parking

Throughout Canal Side, parking is intended to be convenient, but not dominate the view. Parking, where located, will be set back or otherwise screened to not be visible from key locations (especially from Main Street and the Riverfront). Liner buildings are suggested for the Webster Block.

There are no minimum requirements for the provision of off-street parking within the Project Area. Non-enclosed surface parking areas shall be screened, where practical, from rights-of way by means of landscaping or solid walls consistent with the architectural guidelines. Intended sites for structured parking can be found in Exhibit 6.

4.2.1 Structured Parking

Structured parking areas are intended to be shared and to be hidden from major rights-of-way, such as Main Street, or key view corridors. Above-ground structured parking within a development parcel should be either completely encapsulated (i.e. clad in such a manner that it is indistinguishable from the building elements around it), or visually screened by means of other uses, by substantial perimeter planters, or by architectural elements which effectively shield vehicles within the structure from view at grade level. Where parking is visible, the exteriors fronting on public thoroughfares are to be designed as street oriented architecture with the same rules found in these guidelines for traditional occupied buildings, except for mandatory ground floor use. The design of these exteriors should be treated with special sensitivity to the public environment where they are opposite existing building entrances. Elevator towers should be designed as a prominent feature, to help introduce visual interest and wayfinding.

Ceiling-mounted lighting within structures should be screened from grade-level view. Where parking exists on top floors, elements such as trellises or plantings shall screen views from above. At street level, other uses, preferably active uses, shall screen above-grade parking from predominant public views where possible.

Designated locations for access to structured parking can be found in Exhibit 6.

4.3 Access and Entrances

Vehicle access to all parking and service areas are restricted to zones allowing curb cuts as shown in Exhibit 7. Within these zones, curb cuts should not be located within 50 feet of the end of any block or intersection. The maximum width of a singular curb cut shall be 25 feet. All parking or service entries are to be designed with attractive doors. Signage and lighting are to be integrated into the building design. Washington Street shall maintain an overall pedestrian friendly environment, while accommodating service and parking access. A maximum of 2 curb cuts are allowed within each block of Washington Street.

4.4 Refuse Collection

Refuse collection areas and dumpster locations shall be fully enclosed within portions of principal buildings for which they proposed to serve and shall be screened from view so as not to affect other views from around the site.



Parking at key locations should be screened or wrapped by other uses.



Where parking is visible, it should maintain the scale, materials, and architectural expression of the district

Exhibit 6: Structured Parking Locations

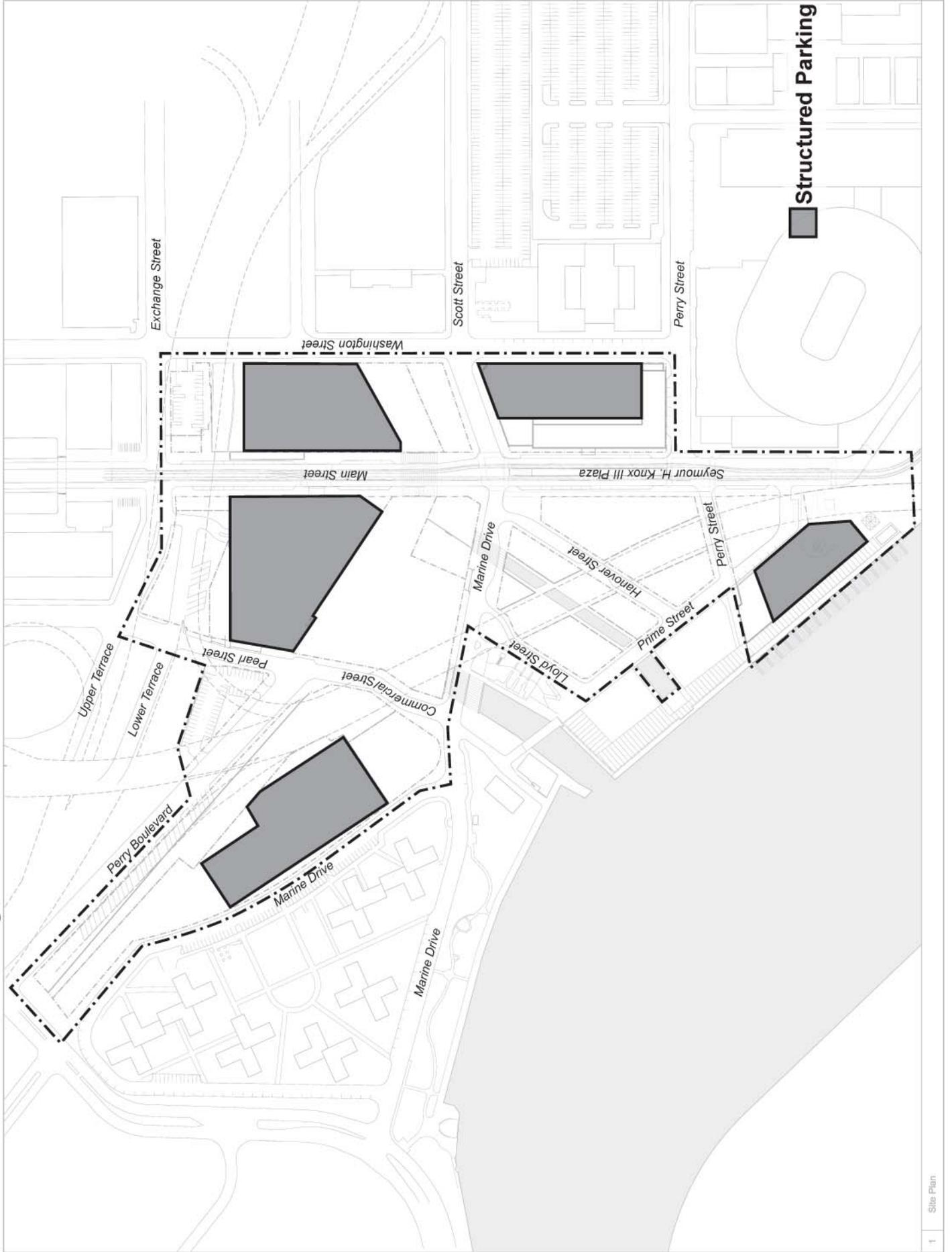
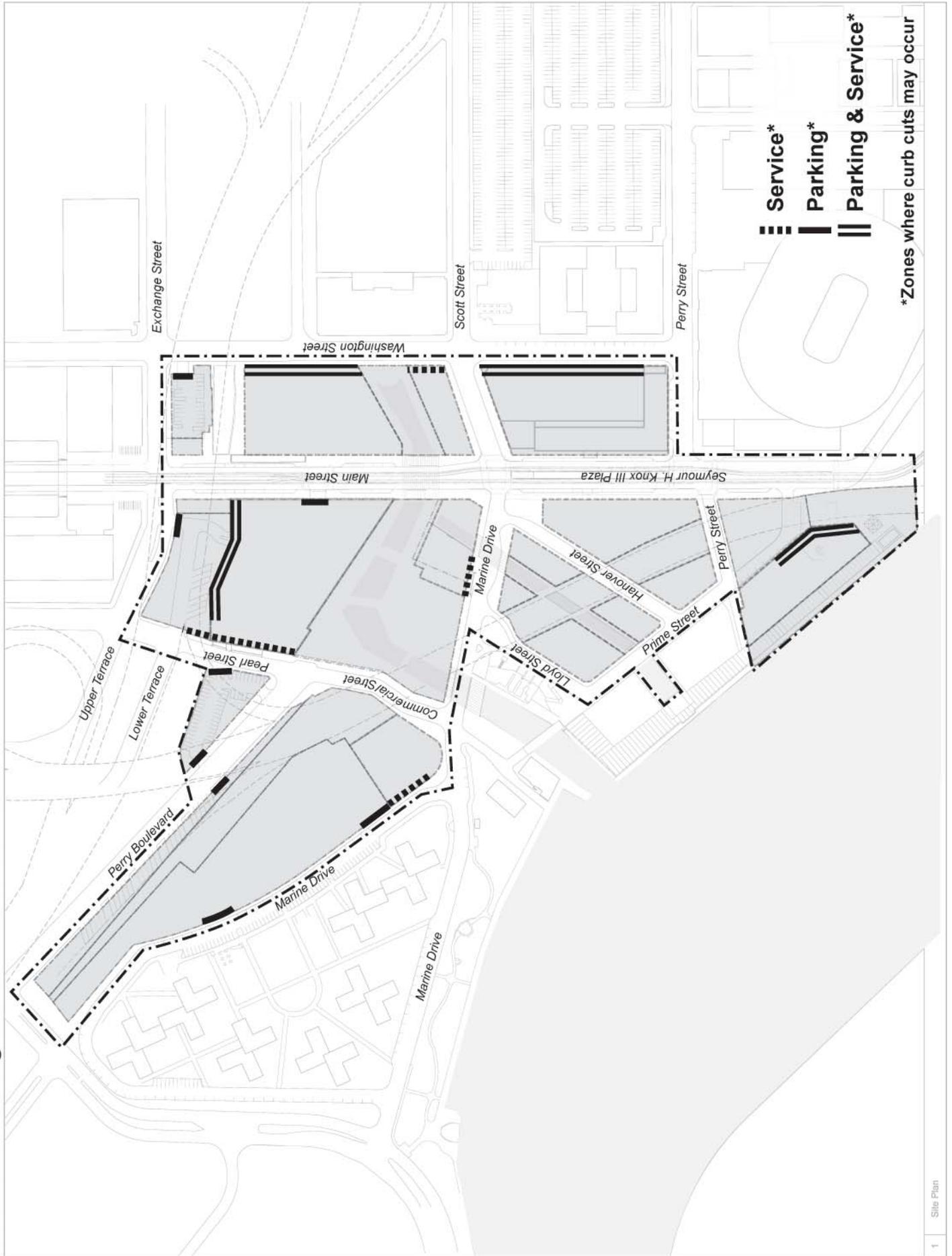


Exhibit 7: Parking and Service Access



5. Architectural Features

New buildings shall be constructed with finish materials that give modern expression to the materials commonly used throughout Buffalo's rich architectural history. Typical waterfront buildings were often constructed with brick and included wood and steel elements that articulated facades and profiles for overhangs, cornices and hoisting mechanisms.

Design references to Buffalo's industrial waterfront heritage are encouraged. The waterfront environment was one of industry and purpose and it was rich in technical innovation. The structures built here were the most innovative and advanced of their kind (particularly grain elevators), and they were admired as such around the world. The design of new buildings and structures should be timeless and enduring, seeking inspiration from the rich industrial and architectural precedents of Buffalo and its waterfront and should seek to uphold its strong history of technical innovation.

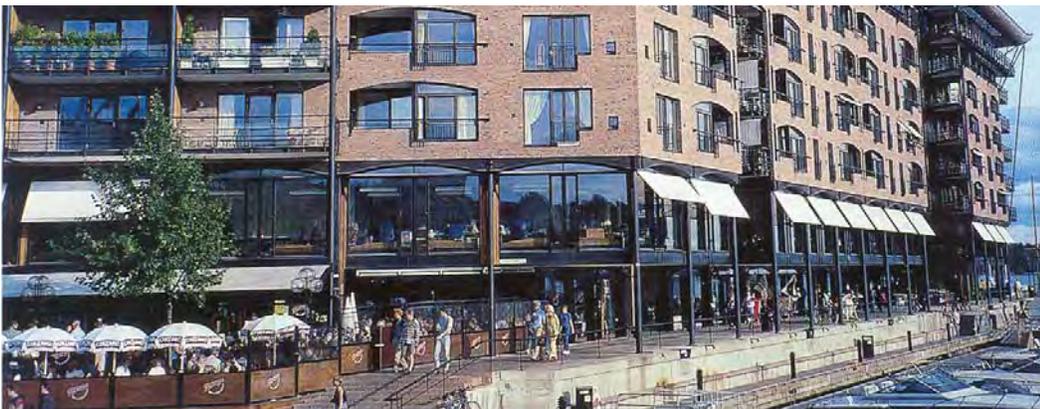
Architectural features (shapes, colors, clocks, towers, corners, etc.) should be used to create variety and offer visual relief and visual interest. Key locations for Architectural Emphasis can be found in Exhibit 8. The intent of these features is to emphasize major view corridors and significant places throughout the Project; and also to attract views from the elevated highways.

5.1 Edges

Special care and design attention along with more decorative treatment and materials are desired for all edges of buildings. These are the most visible part of the urban scene. Edges include roof lines, canopies, cornices, and more prominent window openings and entrances.

5.2 Bases

Buildings should be articulated to respond to individual users. The diversity of storefront articulation on one parcel will break down the scale of the overall parcel and street wall. The first level of buildings should be articulated by material change to express a building base and use other elements such as color, design detail, smaller scale, and higher quality materials to provide visual interest. The base should be 2-stories, to emphasize the ground floor activity and provide the highest quality of pedestrian environment.



Articulation of bases and edges provides visual interest and a high quality pedestrian environment

5.3 Storefront and Retail Facades

The design of storefronts, entranceways and awnings should promote a sense of openness; making sites visually accessible creating an active and vibrant atmosphere with displays that encourage active street life and window shopping.

- Storefronts should be integrated into the design and materials of the entire building. The storefront's bulkhead/kneewall should be constructed of a durable and evocative material
- The design of the doors should contribute to the character of Canal Side and be compatible with the storefront design and material.
- Interior display lighting should be installed to include adjustable incandescent light fixtures. No fluorescent lighting shall be utilized for signage purposes.
- Any storefront with a ground level restaurant use may have a hardscape front yard that extends to the sidewalk area as exterior cafe space or terrace area. The use of temporary railings may be permitted to separate cafe dining from sidewalk areas, provided railings utilized complement building materials and reference the heritage of the area. Railing parts and fittings shall be removable and designed so as not to damage any street maintenance equipment.



Storefronts and cafes create an active and vibrant pedestrian atmosphere.

5.4 Corners

Corners are particularly visible and are suggested to be made more noticeable. Changes in orientation, shapes, additional materials, colors, and projections are all favored means of adding special visual appeal to interesting streets, canals, and public spaces. Exhibit 8 illustrates those locations that are particularly visible due to the arrangement of public spaces. These are the building parts that terminate longer and more dramatic views.



Building corners provide an opportunity for establishing architectural emphasis.

5.5 Cornices

A crowning projection, or cornice, shall be encouraged at the top of a building along the street wall (top of the building for those under 60', and at the stepback for those over). These elements can be very modest in detail. Cornices on Main Street parcels should be more pronounced, following the precedents of the 19th century downtown office buildings.

5.6 Canopies

Another feature for architectural emphasis are canopies and awnings. Canopies and awnings are permitted and encouraged as they provide weather protection and provide visual interest and delight to the streetscape environment. These elements are to be decorative and light weight. Variety and non-repetitive design are desired. Canopies can be constructed of a variety of materials including both fabric and metal. Fabric awnings can be retractable.

Lettering and logos are permitted on the valence flap of the awning but lettering is generally discouraged on the main body of the awning. It is desirable for these projecting elements to incorporate outdoor heating systems to lengthen the comfortable use of outdoor spaces.



Canopies provide visual interest, weather protection, and a human scale to the pedestrian environment

5.7 Skyline

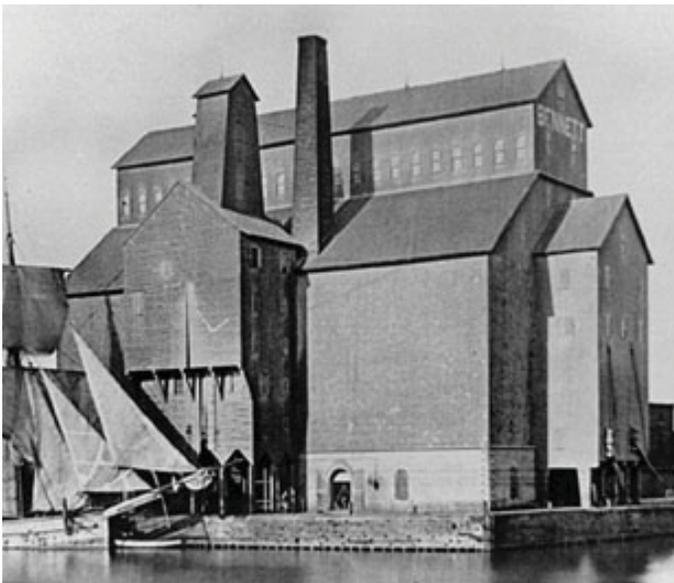
Looking to historical precedent for the area, a goal for the project is to create a varied and highly decorative skyline as seen from afar (adjacent highways, streets, and riverfront open spaces). The varied rooflines are achieved by changing heights, also by varying roof types, roof angles, and the addition of vertical elements to contrast with the roofs.

Rooftop Terraces

Rooftop terrace structures shall not be enclosed and are not considered an additional building level. Rooftop terraces are encouraged along the Prime Street buildings to take advantage of waterfront views.

Mechanical and HVAC

All exposed mechanical equipment and bulkheads shall be mounted on roofs. Equipment should be integrated into the roof design and screened in a method that is integral to the architectural design of the building and adds visual interest to the skyline. All venting of HVAC equipment shall occur on the interior of development parcels. All venting runs for cooking fans shall be fully enclosed and incorporated into the interior of proposed buildings and vented to the roof where possible.

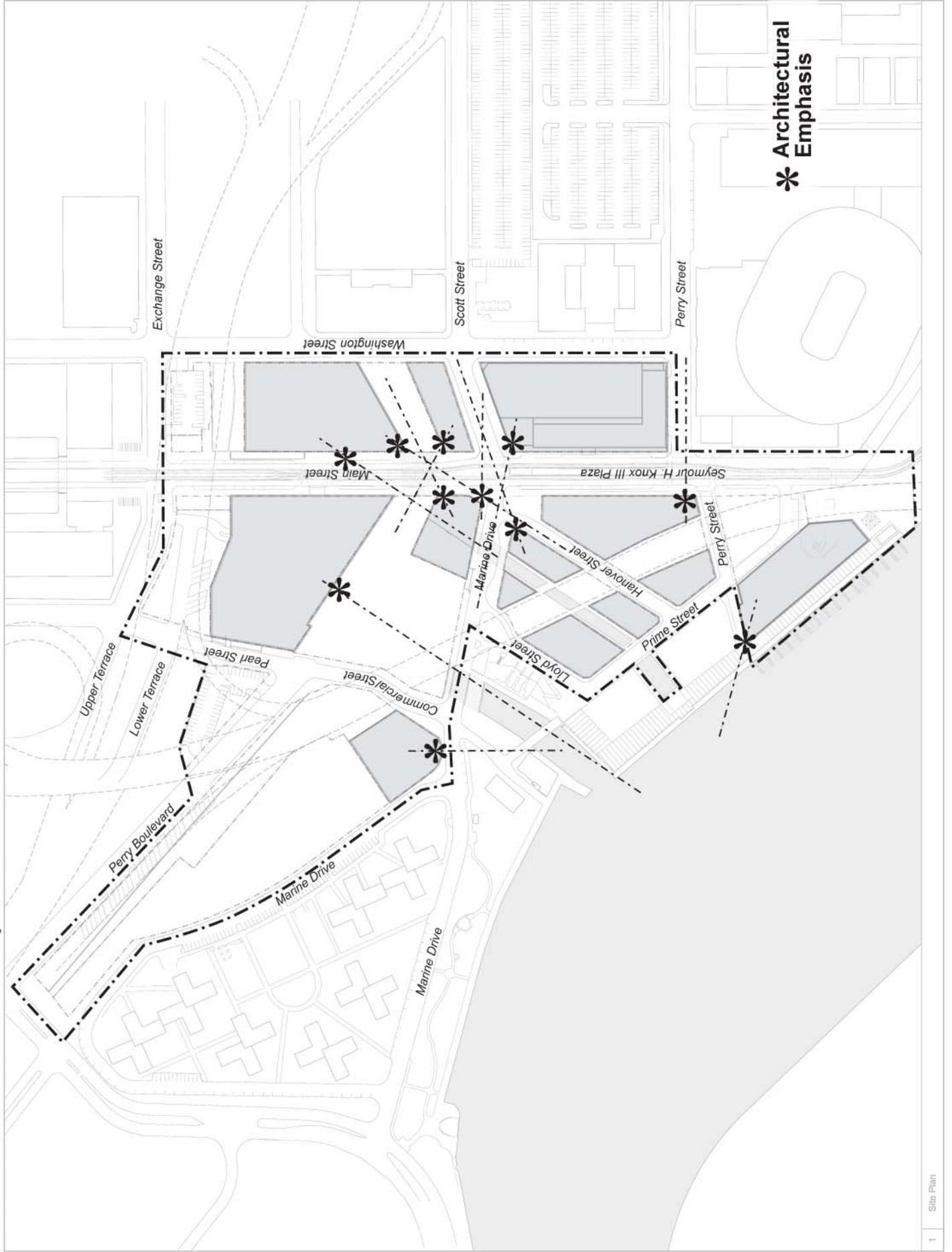


Varied roof forms of the traditional Buffalo Waterfront



Setbacks above the street wall can provide space for rooftop terraces that take advantage of views to the waterfront

Exhibit 8: Architectural Emphasis



*** Architectural Emphasis**

6. Materials

New buildings shall be constructed with finish materials that give modern expression to the materials commonly used throughout Buffalo's rich architectural history. Typical waterfront buildings were often constructed with brick and included wood and steel elements that articulated facades and profiles for overhangs, cornices and hoisting mechanisms.

6.1 Building Materials and Color

- *Traditional building materials should be combined with new building technologies.*

Use of innovative building technologies is encouraged throughout the Canal Side Area and should be contrasted with traditional building materials that reference the Erie Canal Harbor's history.

Recent innovations in building materials can showcase advancements in environmentally conscious design and provide a sense of excitement for Canal Side visitors. Examples include cladding systems utilizing terra cotta and glazing systems that combine traditional sun shading elements with innovative structural applications.

- *Use building materials compatible with the heritage of the Canal Side waterfront.*

New buildings shall be constructed with materials common throughout the Buffalo waterfront's rich architectural history. Use of materials such as brick, stone, steel and wood is required for the first 60 vertical feet of a building's base, especially on pedestrian-oriented street wall facades. The use of these high-quality materials is intended to convey a solid, lasting look. Buildings should employ industrial materials as a way of visually and conceptually evoking the industrial heritage of the Buffalo waterfront. These include timber, forged and cast metals as well as rough hewn stone and metal cables.

The use of asbestos shingles, imitation stone, imitation brick, stucco, exterior insulation finish systems or vinyl aluminum siding is discouraged on any building façade visible from pedestrian streetscape areas, including pedestrian/service easements and visible upper stories.

- *Create a rich and diverse palate of colors and materials in building facades.*

Facade coloration shall be achieved by use of the inherent color of building materials rather than the application of color to the surface of materials. Paint should be reserved for trims and accents on metal, wood, cornices, frames and the like. Use of material's inherent color sets a standard of authenticity associated with industrial structures. Examples of this type of façade coloration are present in the Cobblestone District, where a variety of earth tones are achieved through the use of unglazed brick, wood, concrete and steel.

- *Use regionally produced masonry and regionally quarried stone.*

Masonry facades shall include the use of stone as architectural accents for lintels, sills, copings and keystones. Foundation bases, sills and lintels shall to the greatest extent possible use local sandstone or limestone. Masonry finishes are encouraged to be natural rather than highly finished or polished;



Mixing of traditional building materials such as brick, stone, and steel in a contemporary composition.

6.2 Glass and Fenestration

- *Ground level fenestration should be designed for retail activities*

The base of buildings should feature the use of glass for the first two stories to exaggerate the importance of the ground level active use (only one level of active use is required). Glazing and openings shall promote a flexibility of ground floor uses and the potential for change over time. Proportion of glazing to overall wall area shall be a minimum of 75% on ground level street wall frontages facing public rights-of-way. Window openings shall express sills and headers of metal or stone. Transoms are encouraged for larger window units. In all building facades windows must be set back from the wall surface a minimum of six inches from the surface of masonry to the glazing. Tinted or reflective glass shall not be utilized.

- *Fenestration should encourage building accessibility.*

Window proportions, groupings and rhythms shall be integral elements of the design of each building facade and urban street-wall. Punched windows are desired above the 2nd floor. Glazing systems shall be designed to promote area-wide visibility, accessibility and safety during evening hours and during the winter season. Well designed fenestration patterns that evoke historic fenestration are preferred over attempts to replicate historic patterns

- *Window materials and character*

Windows should be constructed using wood or aluminum clad wood with historically accurate profiles on the upper levels and wood or metal on ground floor storefronts common throughout the Buffalo waterfront's rich architectural history. Use of wood or metal is required especially along pedestrian oriented street facades. The use of vinyl windows is not permitted.



Fenestration pattern is on a small scale - 10-15 feet.

7. Signage

The vision for Canal Side imagines is a wide variety of signage types and locations including rooftops, canopies and vertical marquees. Signage should be integral with building design, not tacked on. They should be pedestrian-oriented in size, placement, material and color as well as auto oriented to be seen from afar. In designated areas, iconic signage is permitted to attract long distance views from the elevated highways. Highway oriented signage should be located within 100 feet of the Thruway and 50 feet of the Skyway. Signs should demonstrate invention and visual delight, but must be cut-out letters.

Lighting should come from direct shielded light sources and be carefully integrated into the overall design of the building so as to provide visibility and safety but avoid creating glare or light distribution that adversely affects motorists or pedestrians.

Neon signs may be allowed so long as they are carefully designed in size, shape and color that complement the architecture of the building and the district.



Canopy



Vertical Marquee



Rooftop

8. Lighting

The vision for Canal Side seeks a maximum amount of light, to create a variety of environments and experiences. Lighting should be used for artistic purposes and carefully integrated with the architecture and buildings, such as to accent edges.

The commercial buildings are intended to be inviting to the public, to encourage visitors to enter the site from the city streets, to shop at the retail stores and eat at the restaurants, and to generally stay longer and take full advantage of the Canal Side Area. Balanced against an appropriate level of street illumination is the need to limit light that is cast up and into upper floors of buildings. Lighting fixtures should be scaled to the pedestrian and have a distinctive industrial character. In particular, the diagonal pedestrian right-of-ways should be lighted to enhance and encourage pedestrian movement. Techniques such as light on catenary sways suspended between buildings, terrace lights, festoons, post lanterns and wall mounted fixtures are encouraged, with the waterfront viewed as the final destination, but with compelling stopping points along the way. Architectural accent lighting should highlight corners and roof edges.

The Developer is responsible for providing adequate quantity and distribution of lighting across the full width of all sidewalks and pedestrian alleys. Floodlighting from the top of buildings may only be used sparingly, and should have effective glare control.

Storefront lighting is one of the best sources of sidewalk lighting in urban areas. It is warm and welcoming, and contributes to a sense of activity and watchfulness. It also generally provides a greater amount of light directly onto the sidewalk than do street-level luminaries. Retail storefronts are an effective way to provide lighting from the buildings. The first four feet inside any retail or restaurant establishment shall have decorative lighting, preferably with visible point sources. Occupancies on the first floor that do not have active, bright window displays shall be designed to provide visual articulation from lighting at no greater than 25 feet intervals. This can be accomplished in a variety of ways, such as:

- Decorative luminaries mounted to walls, posts, brackets, catenary wires, etc.
- Lighting surfaces, textures and objects such as pilasters, wall features, banners, sculptures, graphics, etc.
- Internally lighted glowing architectural or graphic elements such as glass block, display cases, signage panels, canopies, transparencies, etc.
- Lighting entryways (especially if they are recessed).
- Lighting property addresses.

Developers are also responsible for security lighting for all pedestrian and service alleys from 10 PM until dawn. This shall be from metal halide sources, with a time cut off to prevent glare into adjacent upper level windows. These fixtures shall create minimal glare and shadows, and be reasonably attractive. Luminaries used for decorative purposes may be used for this function, or separate lighting fixtures may be employed.



Lighting should be used to accentuate architectural features and provide excitement and visual interest.

9. Erie Canal Harbor Parcels

For the Erie Canal Harbor Parcels, the guidelines approved as part of the 2005 Erie Canal Harbor Amendment to the Urban Renewal Plan for the Waterfront Redevelopment Project (included as an appendix to this document) still apply.

With the exception of:

- The area formerly identified as the South Basin will become a hotel development site with required frontages, areas of active ground floor use, and service/parking access as shown in the accompanying exhibits
- The frontages along the skyway right-of-way are intended to be active building frontages and not service entrances

10. Sustainability Guidelines

The benefits of applying sustainable design principles in the early stages of planning can significantly improve a building's efficiency and the quality of the environment it provides for its occupants. The application of sustainable principles in site engineering and landscape design can reduce costs associated with infrastructure construction, reduce costs for landscape maintenance, reduce building operation costs, reduce impacts on natural systems, and provide enhanced outdoor spaces for recreation and leisure uses. Sustainable design practices must be applied at the earliest phases of design, at all levels of development and continuously from planning through occupancy. The implementation of sustainable principles must be undertaken in a coordinated manner between the design team and Canal Side developers.

The primary purpose of the following sustainability principles and suggested strategies is to establish key performance areas for a sustainable approach to development at Canal Side. These guidelines outline five general sustainability categories:

- Energy
- Indoor Environmental Quality
- Water Management
- Outdoor Environment and Site Construction
- Material Resources and Waste Reduction/Recycling

Within each category, suggested strategies to meet the standards have also been outlined to provide ideas on how environmental initiatives could be integrated into the design of Canal Side.

Energy

Energy consumption can be reduced through the implementation of efficient heating and cooling systems, building orientation, façade materials, roofing materials, shading from trees, use of natural daylight and natural ventilation. The use of renewable energy technologies can reduce operating costs and environmental impacts. To ensure that Canal Side achieves frugal and responsible energy use, the development should focus on three primary energy areas: energy efficiency, passive conditioning, and energy management.

To maximize energy efficiency, Project buildings could be designed to take advantage of the local climate and reduce external loads by optimizing the building orientation and passive heating and cooling of the building, where possible. The overall average temperature throughout the year falls under the comfort zone. Thus, there is a higher heating demand than cooling demand with the exception of the aquarium. In winter, outdoor areas could be zoned with temporary outdoor structures to enhance the usage of these areas. These zones can then be conditioned to comfort with a lower temperature range than indoor areas, thus reducing the overall heating energy usage.

The development could also utilize high efficiency building systems to reduce heating and cooling needs. Heat recovery and air side economizers, which use cool outside air to cool an indoor space, should be included where applicable to ensure overall energy efficiency and visitors' comfort. Employing building control systems for both the lighting and building systems could further reduce the loads for conditioning. Also, outdoor and parking structure lighting systems are important elements that can provide further energy savings by being designed to meet Project lighting and safety goals, while simultaneously minimizing the overall lighting power density for all buildings.

Suggested Strategies:

- Design buildings to take advantage of prevailing winds and solar orientation to reduce cooling and heating needs.
- Utilize integrated building envelope and HVAC systems that achieve thermal comfort based on radiant temperature, local air velocity, relative humidity, and air temperature. See American

Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) 90.1-2007.

- Utilize tree plantings to shade buildings and reduce cooling loads.
- Design for daylight access and view.
- Exterior building materials shall be selected to prevent glare.
- Zone outdoor condition spaces (temporary during winter).
- Ensure efficient end use of energy and reduce peak demand and load shaving.
- Right-size mechanical equipment.
- Specify high performance building system/heat recovery/air side economizers.
- Install building controls and metering to encourage conservation and comfort.
- Install efficient appliances (i.e. Energy Star Rating) and equipment.
- Optimize site lighting design by installing energy efficient interior light fixtures and exterior lighting which minimizes glare and is controlled by automatic timers.
- Purchase electricity power from renewable sources.

Indoor Environmental Quality

Indoor environmental quality is an important component of sustainability because it contributes to the wellness and comfort of building occupants. Studies have shown that improved air quality through use of strategies such as low-emitting materials, personal control systems such as operable windows and programmable thermostats, and exposure to natural light can benefit the health and productivity of building occupants. Indoor environmental quality concerns are addressed in the building design and in the selection of materials. For example, ventilation should be designed to best practice standards to ensure adequate circulation of fresh air. Also, incorporating carbon dioxide monitoring in densely occupied spaces would ensure improved air quality while minimizing energy use.

At Canal Side, building characteristics and indoor environments could be designed to reduce occupant exposure to potentially harmful chemical and biological agents such as carbon dioxide, volatile organic compounds (VOCs), molds, allergens and infectious agents. These improvements may result in health benefits as well as monetary savings due to increased productivity. Office, residential and retail spaces at Canal Side could be designed to maximize exposure to natural daylight. Use of natural light requires less electric light energy, contributes less to internal heat loads requiring cooling and produces the most desirable quality of light, creating an inviting atmosphere.

Suggested Strategies:

- Adopt natural daylighting strategies.
- Design for view access from regularly occupied spaces.
- Provide occupants with local control of temperature and air movement as well as lighting.
- Provide operable windows where possible on the building perimeter away from possible sources of contamination such as loading and service areas and building exhaust fans.
- Use natural ventilation strategies where possible. See ASHRAE 62.1-2007.
- Develop and implement an Indoor Air Quality (IAQ) plan. See Sheet Metal and Air Conditioning Contractors' National Association (SMACNA) IAQ Guidelines for Occupied Buildings Under Construction.
- Provide air quality testing or building flush-out prior to occupancy.
- Provide indoor pollutant and source control and MERV 13 (a measure of filter efficiency) filtration.
- Institute a development-wide green-cleaning program using 100% non-toxic cleaning products.
- Use adhesives and sealants consistent with Green Seal standard GS-36.
- Use paints and coatings with VOC levels specified in Green Seal Standard GS-11.
- Use carpets and pads consistent with American National Standards Institute (ANSI) NSF 140-2007 and the Carpets and Rug Institute (CRI)'s Green Label Plus Program.
- Use composite wood and agrifiber products with no added urea-formaldehyde or adhesives.

Water Management

A sustainable water infrastructure conserves potable water, reuses non-potable water whenever possible, directs and captures stormwater and allows solid settling before discharge to a water body or sewer system. By managing water on-site, the Project can relieve stress on the City's aging water infrastructure.

Water is a significant design feature of the Project, linking activities on-site to those on the Buffalo River. It is important to employ best practice management for the conservation, reuse and quality of water on-site. All buildings at Canal Side should aim to decrease the demand for potable water through efficient plumbing equipment and policies that encourage conservation. For example, reducing impervious surfaces would help stormwater infiltration within the Project Area. Also, metering could be used to help motivate tenants to reduce their potable water demand.

The variety of water-related components within Canal Side, such as the aquarium, boating activities, and canals require special attention to stormwater collection and runoff. It is suggested that Canal Side incorporate stormwater harvesting on-site to collect the water before it mixes with the water used for recreation. The collected rainwater could be treated and stored under the canal or in stormwater tanks throughout the development to be reused for non-potable uses such as irrigation or toilet flushing.

Suggested Strategies:

- Reduce potable water consumption through plumbing fixtures that conserve water for laundry, dishwashing, and restrooms and activated controls on lavatories and sinks. See Energy Policy Act of 1992.
- Reuse grey water, storm water, and condensate water for appropriate non-potable uses such as refilled canal water, toilet flushing, and irrigation.
- Enhance storm water management through the reduction and slowing of runoff water.
- Mitigate storm water runoff from the development.
- Employ drip irrigation where appropriate and utilize highly efficiency irrigation systems.
- Minimize the use of chlorine-based chemicals in all water treatment.
- Meter tenant water use.

Outdoor Environment and Site Construction

Integrating aesthetics with functional responsive design of outdoor areas at Canal Side would offer both environmental and economic benefits, while addressing potential adverse environmental impacts such as stormwater runoff, urban heat island effect, localized air pollution, light trespass, and noise. Also, the development of the landscape by providing ample access to outdoor amenities would enable Canal Side to act as a hub for outdoor and waterfront recreation in Buffalo.

While the summer can be mild and pleasant in Buffalo, the winter can be cold and windy, particularly at the waterfront due to the winds coming from the southwest off of Lake Erie. A variety of strategies can be implemented to create an environmentally responsive environment throughout the seasonal changes in Buffalo weather. In creating a usable outdoor space on the waterfront, it is important to develop strategies that provide comfortable microclimates for Canal Side visitors. Priority should be given to utilizing daylight in the winter months and diverting strong cold, winds from outdoor occupants, while providing strategic shading in the summer and promoting a diverse landscape. The public plaza opposite the destination retailer provides a prime opportunity to create a pleasant outdoor open space as well as create visually appealing landscape berms to protect the canal area from wind. Trees should be planted along the streets where applicable, as they can provide shade for pedestrians walking through the Project. Furthermore, trees can act as a traffic noise buffer and reduce pollution generated by cars.

Exterior lighting plays a key role in enhancing both the daytime and nighttime visitor's experience and safety throughout the Project. In order to highlight the architecture, a lantern effect may be achieved with interior lighting on ceilings and walls in retail stores. This can in turn help to illuminate part of the outdoor walkway. The overall development should specify either full cut off fixtures or set the exterior light poles not

to exceed 15 feet from the ground floor. This will ensure that there is adequate illumination for pedestrians without creating a shadow effect, especially along the canal area. Ideally, light from the exterior fixtures should be diffuse to reduce contrast and potential glare issues.

In regards to snow management, because salt can adversely affect water supply and watersheds by infiltrating surface runoff, best practice management would be to prevent chemicals used from entering watersheds and supplies. Storage of chemicals should be tightly contained and monitored. There should be receptors and drains to mitigate contaminated snow melt runoff, especially into canals or bodies of water and major landscape areas. Another strategy to consider includes installing snow fencing to reduce snow drift to areas that have already been cleaned.

Sustainable concepts for site construction and landscape planting should be implemented in an integrated manner by the engineering and design teams. Site construction operations such as grading and site clearance can have negative impacts on the natural environment. Balancing soil cut and fill on-site eliminates the need to move soil in motorized vehicles off-site. This can reduce negative impacts to air quality and natural storm water drainage patterns. Also, on-site balancing would eliminate the need for fill sites and maintaining topsoil resources.

The construction of paved areas with permeable surfaces or groundwater recharge systems would reduce the need for stormwater drainage infrastructure. Low water use plantings typically reduce the need for irrigation, which could be provided through re-claimed water facilities. Plant material waste could be reduced through the selection of lower maintenance varieties of plants in their natural form and size. Green waste could be composted on site and used for mulching to further reduce maintenance and water needs.

Suggested Strategies:

- Develop and implement an erosion and sedimentation control plan.
- Balance cut and fill on site.
- Utilize daylight access and outdoor shading.
- Reduce shadows on open space.
- Include tree canopies to provide shading.
- Improve outdoor amenities within current open space.
- Use permeable paving or groundwater recharge systems where applicable to increase infiltration and reduce storm water runoff.
- Incorporate vegetated buffers along roadways to help mitigate noise and air pollution and infiltrate storm water runoff.
- Select appropriate plant materials and use other methods to minimize the amount of landscaping waste.
- Group plant materials in hydro zones to reduce irrigation needs.
- Utilize permeable paving materials to increase rain water infiltration and reduce storm water infrastructure needs.
- Reduce or eliminate fertilization of landscape. Use compost as fertilizer rather than synthetic compounds or the least chemically based fertilizers.
- Implement best snow management.
- Minimize skyward lighting that contributes to night sky light pollution. See environmental criteria established by the Illuminating Engineering Society (IES).
- Minimize the concentration of contaminants.

Material Resources and Waste Reduction/Recycling

In general, the construction process can have short-term adverse environmental impacts as equipment, infrastructure and people are introduced to the Project Area. Construction practices and materials should be focused on minimizing the impact of building materials and recycling construction waste. The efficient use of materials and the use of recycled materials, protects the natural environment, reduces the need for

manufacturing and reduces landfill demand. While it is important to choose materials that are consistent with the historic design aesthetic, certain materials could be selected that are manufactured locally or regionally, enhance overall building performance and have the least environmental impact. The emerging standard for a regional material is anything extracted and manufactured within 500 miles of the Project Area. This area includes the Northeast region, part of the Midwest region, and Canada. The use of materials that minimize environmental impact is a key part of an overall green building strategy.

Construction waste could be reduced by developing a waste reduction plan to divert construction waste from landfills. A comprehensive recycling guideline could be developed for the entire Project Area. Also, convenient locations for the collection and storage of recyclable materials should be included in the program of all buildings and facilities in the Project Area. Storage for materials separated per local requirements could be provided. Additionally, given the windy conditions, the project could have a cleaning program in place to mitigate the potential of trash blowing onto the canals.

Suggested Strategies:

- Promote recycling program among developments.
- Develop a comprehensive construction waste management plan.
- Divert construction waste from landfills by reusing waste on-site and recycling remaining waste.
- Utilize ultra-low sulfur diesel for construction equipment.
- Include recycled and local/regional material requirements in all material specifications. See U.S. Environmental Protection Agency's Comprehensive Procurement Guidelines (CPG).
- Use adhesives and sealants consistent with Green Seal standard GS-36.
- Use paints and coatings with VOC levels specified in Green Seal Standard GS-11.
- Use carpets and pads consistent with American National Standards Institute (ANSI) NSF 140-2007 and the Carpets and Rug Institute (CRI)'s Green Label Plus Program.
- Use composite wood and agrifiber products with no added urea-formaldehyde or adhesives.
- Specify wood used for construction to be Forest Stewardship Council (FSC) certified.
- Specify non-mercury, non-asbestos containing materials and equipment.

11. Development Review Procedure

11.1 Canal Side Design Committee

Purpose

The Purpose of the Canal Side Design Committee (“Committee”) is to assist the Erie Canal Harbor Development Corporation Board of Directors (“Board”) with the development, adoption and implementation of these Guidelines. The Committee’s role is to help ensure that the Guidelines and all development at Canal Side promote a cohesive atmosphere that is inspired by the architecture of Buffalo’s historic canal district.

Composition, Selection, and Qualifications

1. The Committee shall be comprised of three members. The Committee members shall be appointed by, and will serve at the discretion of the Board with input from the Mayor of the City of Buffalo. The members shall serve until their resignation, retirement, removal by the Board, or until their successors shall be appointed. When the Committee has completed review of all proposed permanent structures within Canal Side, the Committee shall be dissolved and have no further duties.
2. Committee members shall be prohibited from being an employee or an immediate family member of an employee of ECHDC, ESDC or any developer or tenant of a proposed permanent structure within Canal Side. In addition, neither Committee members nor their immediate family members shall engage in any private business transactions with ECHDC, ESDC or any developer or tenant of a proposed permanent structure within Canal Side or receive compensation from any private entity that has material business relationships with same.
3. The Design Committee members shall be knowledgeable in matters pertaining to architectural design and historical context as it relates to Canal Side.

Guideline Consistency Review

1. For each proposed development within Canal Side, the Board shall require the preparation of a site plan and related drawings and information prepared to the specifications set forth below and containing necessary elements as set forth in the Guidelines (hereinafter referred to as “Plans”). Prior to accepting the Plans as complete and authorizing construction, the Board shall refer the Plans to the Committee for review and recommendation. The Committee’s evaluation of all Plans shall be limited to consistency with the Guidelines. The following documents are required to be included as part of the Plans:
 - A Site Plan at an appropriate scale describing the proposed use of the land, buildings, walks, parking areas, driveways, and pedestrian and vehicular use, open spaces including landscaping, with square feet calculations noted.
 - Conceptual building plans, elevations, and sections showing organization of building functions/spaces, window fenestration, detailing, and façade materials, and other items to show compliance with the purpose and intent of the Guidelines. These building plans shall include:
 - Plans indicating building mechanical, electrical, and plumbing systems and connections.

Minimum scale: 1/16"=1'-0".

- Plans indicating building perimeter, landscaping, grading, and paving. Minimum scale: 1/16"=1'-0".
 - Ground Floor, Roof, and Typical Floor plans. Minimum scale: 1/16"=1'-0".
 - Building Elevations indicating planar elevation changes, bulkhead, and roof elevations. Minimum scale: 1/8"=1'-0".
 - Building sections indicating building heights. Minimum scale: 1/8"=1'-0".
 - Front-wall Elevation indicating material treatment, location of marquees and cornice details. Minimum scale: 1/4"=1'-0".
 - Outline Specifications for basic mechanical systems, exterior materials, and colors.
- An analysis of pertinent land use and building requirements in tabular form, showing how the proposed development meets each provision.
 - A written statement of the proposal including floor area, type of building construction, number of parking spaces, preliminary cost estimates, phasing when appropriate, and other data that may assist in reviewing the proposal.
 - Any other information deemed by the Committee to be necessary to evaluate the proposed development's consistency with the Guidelines.
2. The Committee shall provide a written recommendation to the Board within twenty one (21) days of receiving Plans for review. The Committee shall recommend (i) approval; (ii) approval with modifications; or (iii) disapproval, of the Plans to the Board. The Committee shall include in its written recommendation its reasoning therefore and suggested Plan modifications, if any.

Other Powers of the Canal Side Design Committee

1. Subsequent to the adoption of the Guidelines by the Board, any proposed modification to the Guidelines shall be referred to the Committee for review and recommendation.
2. Upon request of the Board, the Committee shall provide guidance to the Board on issues relating to any design or planning matter associated with Canal Side, including landscaping, lighting and/or signage.
3. The Committee shall have such powers as are necessary to carry out its duties under this Charter including but not limited to the power to meet with and obtain information it may require from ECHDC, ESDC or any developer or tenant of a proposed permanent structure within Canal Side.
4. All recommendations of the Committee shall be determined by majority vote. If any member of the Committee disagrees with a majority recommendation, that member may submit a report to the Board detailing his or her views. Such a report shall accompany the majority's written

recommendation.

11.2 City at Buffalo Planning Board Review

Following the referral of the Plans to the Committee, the Site Plans and Related Drawings shall also be referred to the City of Buffalo Planning Board (“Planning Board”) for public hearing and consideration prior to the Board accepting the Plans as complete and authorizing construction. The Planning Board’s evaluation of all Plans shall be limited to consistency with the Guidelines. Such referral shall be according to the following rules and procedures:

1. Upon receipt of a complete package of Plans, the Planning Board shall schedule and hold a public hearing following the same rules and procedures used for Citywide Design and Site Plan review.
2. An ECHDC representative and/or representatives of the developer proposing a development project within Canal Side shall appear before the Planning Board to present the project and answer questions that the Planning Board may have.
3. Following the public hearing, the Planning Board shall recommend: (i) approval, (ii) approval with modifications or (iii) disapproval, of the Plans based on consistency with the Guidelines. The Board shall include in its recommendations its reasons therefore and suggested Plan modifications, if any.
4. In addition, the Planning Board shall be provided with the Committee’s recommendation prior to the Planning Board making its recommendation on the Plans to the Board.
5. Notwithstanding anything to the contrary herein, the Planning Board must make a recommendation to the Board within 62 days of receiving a referral of Plans and the Board may accept the Plans as complete and authorize construction without a Planning Board recommendation if this period has elapsed.
6. The developer or entity proposing a Project within Canal Side, or, if there is no proposer, ECHDC, shall pay an application fee to the Planning Board in connection with any referral of Plans made to the Planning Board. The application fee shall be calculated in the same manner that Site Plan application fees are calculated for Citywide Design and Site Plan review.
7. Following a recommendation from the Planning Board to the Board, a representative of the Planning Board may appear at the next following Board meeting to present the Planning Board’s recommendation and its views thereon.

Appendix:

Sections 3.3 & 3.5 of the

2005 Erie Canal Harbor Amendment to the

Urban Renewal Plan for the Waterfront Redevelopment Project

3.3 Site Design Guidelines

3.3.1 Intent

The Erie Canal Harbor Design Guidelines describe the overarching design principles for all future construction in the Erie Canal Harbor area. The guidelines define the intended quality, characteristics and coherence of the urban elements, which regulate how the site shall be used for civic and commercial purposes. The guidelines define building mass, street wall heights, façade articulation and the location of land uses necessary to create a lively urban waterfront environment.

The building bulk controls are intended to create scale relationships between new buildings and surrounding areas and that will help define urban spaces for anticipated activities in the area. The design guidelines are also intended to distinguish the urban scale of Downtown Buffalo and the HSBC Arena to the historic urban/pedestrian scale of the Erie Canal Harbor Area. The historic building fabric of Buffalo's waterfront has served as the inspiration for these design guidelines. Review of historic photographs indicate that the Erie Canal Harbor Area and surrounding districts was once occupied by a combination of 3-5-story masonry buildings devoted to residential, commercial, transportation, and industrial purposes, as well as wooden grain elevators that soared to heights as tall as the existing Buffalo Skyway Bridge.

In turn, these design guidelines have been shaped by the constraints and opportunities of present site conditions and contemporary building regulations/practices, and are intended to respond to the market conditions associated with mixed-use real estate development. Special care has been taken to avoid creating an inauthentic facsimile of the historic urban form or specific buildings (as insufficient records exist to produce reconstructed buildings at a high level of excellence), but rather to realize a dense and urbanized setting that evokes the development characteristics of historic precedents in the Erie Canal Harbor Area.

3.3.2 Parcelization Plan

The seven development parcels indicated on the Land Use Plan (see **Exhibit 3**) represent potential building sites. Three transitional parcels are located under the Buffalo Skyway and are described below. Each is subject to design guidelines, which identify physical design constraints such as height restrictions, potential building entrances, service access, and façade build-to lines; as well as use regulations such as permissible uses, parking restrictions, and ground-level use guidelines.

The orientation of each development parcel is indicated by a building frontage line, called a build-to line, in order to create a continuous street wall, which defines the overall Erie Canal Harbor block. The street wall of Parcel Nos. 1, 2, 3, 4, 5, and 6 are coordinated in order to form the “core” Erie Canal Harbor block, whereas Parcel No. 7 is a free standing development parcel forming an independent block.

The design guidelines allow for flexibility particularly with regards to the area under the Skyway which is considered to be transitional space and includes three parcels: S-1, S-2 and S-3. The following requirements shall be met:

- The mandatory provision of pedestrian/service easements to create service circulation under the Skyway piers.
- The mandatory provision of Skyway pier access for NYSDOT maintenance activities.
- Approval/permitting by NYSDOT regarding permitted uses, building design, clearances, and other requirements upon NYSDOT-owned land and upon City-owned land having a permanent easement for the Skyway right-of-way.

3.3.3 Density and Bulk Regulations for Development Parcels

Requirements for construction on each development parcel are summarized in terms of:

- Parcel size;
- Build-to lines to encourage a continuous street wall along public rights-of way;
- Minimum and maximum allowable building heights;
- Maximum development density (floor area ratio); and
- Required open space area.

A summary of bulk regulations for each parcel is presented in **Table 1**.

Table 1
Density and Bulk Requirements by Development Parcel

Parcel ¹	Parcel Size (sq. feet)	<u>Build-To Line²/ Max. Front Yard (feet)²</u>	<u>Min. Building Height (stories)³</u>	<u>Min. Building Height (feet)³</u>	<u>Max. Building Height (stories)</u>	<u>Max. Building Height (feet)</u>	<u>Max. FAR ⁴</u>	<u>Min. Open Space (sq. feet)</u>
Main Development Parcels								
1	3,880	<u>0</u>	2	<u>30</u>	4	60	<u>3.60</u>	400
2	15,365	<u>0</u>	2	<u>30</u>	4	60	<u>3.60</u>	1,540
3	9,408	<u>0</u>	2	<u>30</u>	4	60	<u>3.60</u>	1,000
4	7,630	<u>0</u>	2	<u>30</u>	4	60	<u>3.60</u>	760
5	29,045	<u>0</u>	2	<u>30</u>	4	60	<u>3.60</u>	2,900
6	11,026	<u>0</u>	2	<u>30</u>	4	60	<u>3.60</u>	1,100
7	5,653	<u>0</u>	2	<u>30</u>	4	60	<u>3.60</u>	570
Parcels Under Buffalo Skyway								
S-1	7,210	<u>0</u>	=	=	<u>As permitted by NYSDOT ⁵</u>	<u>As permitted by NYSDOT ⁵</u>	<u>3.60</u>	720
S-2	4,238	<u>0</u>	=	=	<u>As permitted by NYSDOT ⁵</u>	<u>As permitted by NYSDOT ⁵</u>	<u>3.60</u>	420
S-3	12,383	<u>0</u>	=	=	<u>As permitted by NYSDOT ⁵</u>	<u>As permitted by NYSDOT ⁵</u>	<u>3.60</u>	1,240

Notes:

¹ Parcel locations depicted on **Exhibit 3**.

² The build-to line for each parcel shall be the front lot line(s) abutting designated public rights-of-way; the maximum front yard setback shall be no more than 0 feet for the first three stories of buildings on any development parcel.

³ Intent for new buildings on each of the parcels is to reflect the scale and mass of historic development that was once present in the Erie Canal Harbor Area (3-story buildings or taller). This minimum may be employed if Redeveloper demonstrates that proposed use and/or market conditions for a particular development would prevent the feasibility of multi-level building(s), and provided that the floor-to-floor height for the base story is at least 18 feet and the upper story height is at least 12 feet.

⁴ Floor Area Ratio.

⁵ Development shall be regulated by NYSDOT requirements to ensure safety and clearance around the Buffalo Skyway Bridge (NYS Rte 5); in no case shall the height of buildings exceed 4 stories or 60 feet.

3.3.4 Build-to Lines, Street Walls and Heights

Bulk controls for buildings provide continuity at the scale of the neighborhood and respond to the heights of existing site conditions such as the heights of the HSBC Arena and the Skyway. Street wall height is measured at build-to lines, which define the mandatory primary façade position on all development parcels. The character, height and massing of Erie Canal Harbor street walls should:

- Define a continuous street and highly articulated building by building wall mass along all build-to lines (i.e., zero front yard setbacks along public rights of way);
- Encourage variation of building size and cornice level heights along Prime Street;
- Encourage a similarity of cornice level heights along Main Street and Scott Street



Prime Street – 1912

(Source: *Vogel et. al, America's Crossroads, Buffalo's Canal Street/Dante Place the Making of a City*)

3.3.5 Building Heights

The calculation of building heights does not include architectural features such as cornices, parapets or corner towers; or functional elements such as elevator overruns, HVAC equipment or roof bulkheads. Building heights assume a maximum ground level floor-to-floor height of 18 feet and a minimum upper-level floor-to-floor height of 12 feet.

3.3.6 Street Wall Definition

Street walls on public rights-of-way are encouraged to vary in height and be expressed in distinguishable façade types to evoke multiple buildings/uses. Variation in street wall façades is encouraged along upper levels and roof lines, while a maintaining relationship to the group along the buildings' base levels.

The character and scale of façades on Prime, Lloyd, Hanover, Dayton, and Main Street should relate to the concept of the commercial and industrial working waterfront of the 19th century as elaborated in the architectural design guidelines (Section 3.5). The character and scale of facades forming the street wall along Scott Street and Main Street may involve the combined use of traditional and innovative materials to express a transition from a Canal-era to a more modern-era design vernacular.

3.3.7 Ground Level Uses

Active uses that engage pedestrians shall be located along all street frontages with multiple storefront entrances required. Ground level land uses shall be established and designed to create an active urban streetscape. The following uses are required in ground floor areas:

- Commercial uses, such as retail stores, retail service establishments, food and beverage establishments; and/or entertainment facilities, and
- Institutional uses, such as museums and similar facilities of an educational or heritage nature.

Commercial Uses

Commercial uses, such as retail shops, shall front upon public right-of-ways (i.e. pedestrian or vehicular). Small, individually-managed retail shops and food and beverage establishments are encouraged to locate at waterfront areas and expand to upper floors from the ground-level in order to take advantage of waterfront views. Ground floor uses should be oriented towards side streets to create an active street edge.

Larger shops and commercial and professional offices are encouraged to locate on Main Street and Scott Streets. The design of large-scale commercial uses that combine a variety of diverse program elements with substantial internal building circulation, such as urban entertainment complexes, should creatively address these design guidelines. Large single-use program areas such as multiplex cinemas or large-scale big box retail spaces that discourage street level activity and interaction with the larger Erie Canal Harbor site are prohibited.

Institutional Uses

Parcels 1, 2, and S-1 have been designated the preferred site for a large cultural institution, such as an Erie Canalway Visitor Center. By grouping these sites together under the Skyway – while maintaining pedestrian and service circulation easements – a combined building area of approximately 65,000 gross square feet can be achieved.

Housing/Office/Hotel-Lodging Uses

In keeping with the intent to create a diverse urban setting, the incorporation of residential uses (as well as office, and hotel-lodging uses) are strongly encouraged on each of the development parcels as part of mixed-use buildings. However, in keeping with the objective of encouraging a vibrant mixed of pedestrian-oriented, street-level activities, such uses shall be permitted only on the upper floors of mixed-use structures with the exception of ground-level lobby and reception areas.

3.3.8 Skyway Pedestrian/Service Easements

The pedestrian/service easements extending from Lloyd to Perry Streets under the Skyway provide public and service access to the development parcels. The placement of these easements

in the plan responds to NYSDOT requirements to preserve access to Skyway piers for maintenance vehicles (15 feet minimum clearance around the piers as well as 15 feet access ways to the piers).

These pedestrian/service easements may be held in private ownership, but shall remain publicly accessible. Conspicuous signage shall designate areas as publicly accessible spaces. Pedestrian easements are to remain open to the public during extended business hours. If a single owner controls two adjacent development parcels, easements may be bridged over or may become interior spaces within a building, as long as public access and circulation and open space requirements are preserved.

3.3.9 Parcel Assembly or Subdivision

The development parcels have been designed to encourage a variety of alternative building configurations, ensuring flexibility in the development process. In certain development scenarios, some parcels may be joined together into one building. The opportunity for parcel assembly and subdivision has been inspired by examples of publicly accessible private space in Downtown Buffalo. A precedent such as the Ellicott Square Building demonstrates how urban design can enhance the comfort of pedestrians during winter months, while also providing exterior access to ground level uses. A variety of façade and cornice treatments is encouraged when joining parcels.

Assembly or joining of the following parcels may be permitted, provided that NYSDOT use/permitting requirements are met and the provision of improved open space on a minimum of 10% of the development parcel is provided:

- Parcel 1 to Parcel 2;
- Parcel 3 to Parcel 4; and
- Parcel 5 to Parcel 6.

No more than two adjacent parcels shall be assembled and parcel assembly across a public right-of-way shall not be permitted.

Parcels may also be subdivided into smaller developable parcels of a minimum of 1,000 square feet in area. Subdivided parcels must be oriented upon a public right-of-way and have a minimum 30 feet frontage on such right-of-way.

3.3.10 Frontage Improvements

Redevelopers shall improve all front and side yard areas along street frontages and pedestrian easements, so as to provide a continuous, pedestrian-oriented, streetscape environment. Components of such improvements shall be consistent with the design characteristics of adjoining public improvements. Required frontage improvements may include, but not be limited to hardscape paving, landscaping, and Americans with Disabilities Act (ADA) access

ramps to building entrances, as defined in urban design streetscape guidelines and architectural design guidelines.

3.3.11 Building Access and Entrances

Primary building entrances shall be oriented to right-of-ways, including Lloyd, Perry, Prime, Main, Scott, and Hanover Streets or the Prime Slip accessway. Primary building entrances shall not be located in pedestrian/service easements under the Skyway.

3.3.12 Parking, Loading, Drop-Off, Service and Dumpster Locations

3.3.12.1 Parking Uses

There are no minimum requirements for the provision of off-street parking on any of the development parcels in the Erie Canal Harbor Area. Accessory surface parking areas may be constructed as part of a proposed development, provided that such areas be accessible only from the Skyway/service easement area, and have a minimum 5-foot setback from any public right-of-way. Non-enclosed surface parking areas shall be fully screened from rights-of way by means of landscaping or solid walls consistent with the architectural guidelines. On Parcels 1-7, non-enclosed surface parking areas shall not cover more than 15% of a parcel's total area. On Parcels S-1, S-2, and S-3, non-enclosed surface parking areas shall not cover more than 50% of a parcel's total area.

Enclosed parking areas as part of an overall building design are encouraged provided they too are only accessible from the Skyway/service easement area. Below-grade enclosed parking as part of an overall building design may also be permitted, provided measures have been taken to address archeological deposits that potentially may be found on a particular parcel (see Section 3.6). In either case, doors or portals to such enclosed parking areas shall not open or front upon any public right-of-way.

3.3.12.2 Service Access

Loading and service access areas for building shall be accessed from the Skyway/service easement area for parcels 1 through 6 and from of Perry Street for Parcel 7. Skyway piers are to remain fully accessible by maintenance vehicles with 15 feet clearance provided on all sides.

3.3.12.3 Loading and Drop-Off

Passenger drop-off lanes are provided within right-of-way of all cobblestone access roads. Curbside commercial loading shall be permitted for storefronts during specially designated times only.

3.3.12.4 Refuse Collection

Refuse collection areas and dumpster locations shall be fully enclosed within portions of principal buildings for which they proposed to serve and shall be screened from view so as not to affect other views from around the site.

3.5 Architectural Design Guidelines

3.5.1 Intent

New buildings shall be constructed with finish materials common throughout Buffalo's rich 19th century architectural history. Typical waterfront buildings were often constructed with brick and included wood and steel elements that articulated façades and profiles for overhangs, cornices and hoisting mechanisms.



Aerial Photograph of Erie Canal Harbor Area – ca. 1870s
(Source: Buffalo and Erie County Public Library)

Design references to Buffalo's industrial waterfront heritage should be made in conceptual as well as visual terms. The waterfront environment was one of industry and purpose and it was rich in technical innovation. The structures built here were the most innovative and advanced of their kind (particularly grain elevators), and they were admired as such around the world. The design of new buildings and structures should seek inspiration from the rich industrial and architectural history of the Buffalo waterfront and should seek to uphold its strong history of technical innovation.

3.5.2 Building Materials and Color

Use building materials compatible with the heritage of the Erie Canal Harbor waterfront.

New buildings shall be constructed with materials common throughout the Buffalo waterfront's rich architectural history. Use of materials such as brick, stone, steel and wood is required, especially on pedestrian-oriented street wall façades. The use of asbestos shingles, imitation stone, imitation brick, stucco, exterior insulation finish systems or vinyl aluminum siding is not permitted at any building façade visible from pedestrian streetscape areas, including pedestrian/service easements and visible upper stories. Use of roof traditional materials such as metal and slate shingles is recommended.

Traditional building materials should be combined with new building technologies.

Use of innovative building technologies is encouraged throughout the Erie Canal Harbor and should be contrasted with traditional building materials that reference Erie Canal Harbor history. Innovative façade technologies may be used along non-historic street façades (e.g., Scott Street).

Recent innovations in building materials can showcase advancements in environmentally conscious design and provide a sense of excitement for Erie Canal Harbor visitors. Examples include cladding systems utilizing terra cotta and glazing systems that combine traditional sun shading elements with innovative structural applications.

Create a rich and diverse palate of colors and materials in building façades.

Façade coloration shall be achieved by use of the inherent color of building materials rather than the application of color to the surface of materials. Paint should be reserved for trims and accents on metal, wood, cornices, frames and the like. Use of material's inherent color sets a standard of authenticity associated with industrial structures. Examples of this type of façade coloration are present in the Cobblestone District, where a variety of earth tones are achieved through the use of unglazed brick, wood, concrete and steel.

Use regionally produced masonry and regionally quarried stone.

Masonry façades shall include the use of stone as architectural accents for lintels, sills, copings and keystones. Foundation bases, sills and lintels shall to the greatest extent possible use local sandstone or limestone. Masonry finishes are encouraged to be natural rather than highly finished or polished; use of polished stone is not permitted on any finished surfaces.

Building Materials used on Prime Street frontage should relate to Industrial Working Waterfront

Buildings along the waterfront should employ industrial materials as a way of visually and conceptually evoking the industrial heritage of the Buffalo waterfront. These include timber, forged and cast metals as well as rough hewn stone and metal cables.

3.5.3 Glass and Fenestration

Fenestration should encourage building accessibility.

Window proportions, groupings and rhythms shall be integral elements of the design of each building façade and urban street-wall. Glazing systems shall be designed to promote area-wide visibility, accessibility and safety during evening hours and during the winter season. Well-designed fenestration patterns that evoke historic fenestration are preferred over attempts to replicate historic patterns.

Ground level fenestration should be designed for retail activities.

Glazing and openings shall promote a flexibility of ground floor uses and the potential for change over time. Proportion of glazing to overall wall area shall be a minimum of 75% on street wall frontages facing public rights-of-way. Window openings shall express sills and headers of metal or stone. Transoms are encouraged for larger window units. In all building façades windows must be set back from the wall surface a minimum of six inches from the surface of masonry to the glazing. Tinted or reflective glass shall not be utilized.

Upper-level fenestration should evoke historical commercial and industrial precedents.

Typical window proportions shall be vertically oriented and a minimum ratio of 1:1.5 in width to height. Window units of this proportion may be grouped together to create openings of varied proportions. Architects are encouraged to refer to the upper-level window arrangements of 19th century warehouse and loft buildings as models appropriate for Erie Canal Harbor elevations.

Window materials and character

Windows should be constructed using wood or aluminum clad wood with historically accurate profiles on the upper levels and wood or metal on ground floor storefronts common throughout the Buffalo waterfront's rich architectural history. Use of wood or metal is required especially along pedestrian oriented street façades. The use of vinyl windows is not permitted. The profile of the windows should invoke the character of the 19th century buildings in this district especially along the pedestrian oriented historic street façades. Big, bulky metal profiles are strongly discouraged. It is most important to maintain relationship to historic profiles and proportions.



Balconies and Storefronts on Central Wharf – ca. 1870s.
(Photo courtesy of Harvey Holzworth)

3.5.4 Storefront and Retail Façades

The design of storefronts, entranceways and awnings should promote a sense of openness; making sites visually accessible creating an active and vibrant atmosphere with displays that encourage active street life and window shopping.

- Storefronts should be integrated into the design and materials of the entire building. The storefront's bulkhead/kneewall should be constructed of a durable and evocative material.
- The design of the doors should contribute to the character of Erie Canal Harbor and be compatible with the storefront design and material.
- Interior display lighting should be installed to include adjustable incandescent light fixtures. No fluorescent lighting shall be utilized for signage purposes.
- Security grills and similar systems are discouraged; however, if the Redeveloper can demonstrate a need for such equipment, they shall be installed in the most unobtrusive manner possible. The only acceptable security grill system shall be installed internal to the building, behind display windows using open mesh grills, plexi-glass, or similarly designed

semi-transparent material to provide visibility into the establishment and for maintaining streetscape interest. Permanent bars on windows, roll-type exterior doors, and/or any other systems that would obscure building features are prohibited.

- First floor awnings are permitted and encouraged as they provide weather protection and accentuate the color, pattern, and graphics of the streetscape environment. Retractable fabric awnings are preferable over fixed metal awnings. Awnings should complement the color scheme of a building and should not project more than 10 feet over an adjacent public right-of-way or ¾ of the sidewalk width of such right-of-way, whichever the lesser.³ Every part of the framework of awnings shall be at least nine feet above the sidewalk. Lettering and logos are permitted on the valence flap of the awning but lettering is generally discouraged on the main body of the awning. Awnings shall not under any circumstances be internally or backlit, or include Day-Glo and reflective plastic finishes. In addition, the primary purpose of awnings shall not be signage.
- Permanent structures on each building shall serve as infrastructure for store signage, pedestrian easement lighting or as shading devices. Steel bar or perforated overhangs can also serve as structure for signage³. The purpose is to create a common element across the frontage, which varies in geometry, materials, color and height. The structures should retain from building to building and the height shall vary anywhere between the ground level and second level glazing.
- Any storefront with a ground level restaurant use may have a hardscape front yard that extends to the sidewalk area as exterior café space or terrace area³. The use of temporary railings may be permitted to separate café dining from sidewalk areas, provided railings utilized complement building materials and reference the heritage of the area. Railing parts and fittings shall be removable and designed so as not to damage any street maintenance equipment.

3.5.5 Terraces

Rooftop terraces are encouraged along the Prime Street buildings to take advantage of waterfront views. Articulation of rooftop structures should contribute to a lively building identity when seen from a distance. Rooftop terrace structures shall not be enclosed and are not considered an additional building level.

3.5.6 Façade Profiles and Articulation

The waterfront building parcels shall be articulated to respond to individual retail uses.

Storefront design and definition of width shall be expressed in façade articulation. The diversity of storefront articulation on one parcel will break down the scale of the overall parcel and street

³ All structures/uses that are proposed to extend over a public right-of-way shall comply with City public street encroachment regulations under Chapter 413 of the City of Buffalo Charter and Code.

wall. The first level of buildings should be articulated by material change to express a building base. The maximum width of one storefront articulation is 40 feet.

Cornice lines shall be expressed as unique building elements.

A crowning projection, or cornice, shall be encouraged at the top of all building walls facing a street. These elements can be very modest in detail. Cornices on Main Street parcels should be more pronounced, following the precedents of the 19th century downtown office buildings.

Rooftops and Bulkheads.

In the case of Parcels 2, 4 and 6, rooftop terraces are encouraged for restaurant use, as long as they are set back at least 10 feet and are covered by a rigid structure. Such rigid structures are intended protect users from any potential fallout from the Buffalo Skyway. All rooftop equipment should be finished or painted to complement building materials.

Mechanical and HVAC.

All exposed mechanical equipment and bulkheads shall be mounted on roofs. Equipment that is visible from afar should be screened from view and enclosed on four sides and the roof. When enclosing rooftop equipment consideration should be given to minimizing the impact on views from parcels on the site and adjacent blocks. All venting of HVAC equipment shall occur on the interior of development parcels. All venting runs for cooking fans shall be fully enclosed and incorporated into the interior of proposed buildings and vented to the roof.

3.5.7 Signage and Graphics

Accessory signs as defined in Section 3.1 shall be permitted upon development parcels or lots in the project area. Non-accessory signs shall be prohibited anywhere in the project area.

Where permitted, signage and graphics should be pedestrian-oriented in size, placement, material and color.

Perpendicular signs placed approximately 8-12 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 sq. ft., are strongly encouraged. No more than one horizontal sign per establishment should generally be permitted, except in those instances where an establishment has more than one customer entrance or faces onto more than one public right-of way.

Wall signs attached flush to the building façade are also encouraged, so long as they do not extend above the roofline and do not obscure architectural details or features, including windows, transoms, or cornices. Signs for ground floor establishments should not extend past the ground floor.

Freestanding pole signs shall not be used under any circumstances. Under no circumstances should signs be back-lit or internally lit. Instead, lighting should come from direct shielded light sources and be carefully integrated into the overall design of the building so as to provide visibility and safety but avoid creating glare or light distribution that adversely affects motorists or pedestrians.

Neon signs may be allowed so long as they are carefully designed in size, shape and color that complement the architecture of the building and the district. Temporary signs of any type are prohibited.

3.5.8 Lighting

The commercial buildings are intended to be inviting to the public, to encourage visitors to enter the site from the city streets, to shop at the retail stores and eat at the restaurants, and to generally stay longer and take full advantage of the Erie Canal Harbor. Balanced against an appropriate level of street illumination is the need to limit light that is cast up and into upper floors of buildings. Lighting fixtures should be scaled to the pedestrian and have a distinctive industrial character. In particular, the diagonal pedestrian right-of-ways should be lighted to enhance and encourage pedestrian movement. Techniques such as light on catenary sways suspended between buildings, terrace lights, festoons, post lanterns and wall mounted fixtures should strive to create an atmosphere of European street fairs, with the waterfront viewed as the final destination, but with compelling stopping points along the way.

To create a well-lit, welcoming pedestrian environment, luminaries should be mounted at a height of 10-15 feet high, no more than 25-35 feet apart.

The redeveloper is responsible for providing adequate quantity and distribution of lighting across the full width of all sidewalks and pedestrian alleys. Floodlighting from the top of buildings may only be used sparingly, and should have effective glare control. The redeveloper shall regularly maintain the lighting, and replace burned out lamps within 48 hours.

Storefront lighting is one of the best sources of sidewalk lighting in urban areas. It is warm and welcoming, and contributes to a sense of activity and watchfulness. It also generally provides a greater amount of light directly onto the sidewalk than do street-level luminaries. Retail storefronts are an effective way to provide lighting from the buildings. The first four feet inside any retail or restaurant establishment shall have decorative lighting, preferably with visible point sources, that is controlled to remain on until at least 11:00 PM. Occupancies on the first floor that do not have active, bright window displays shall be designed to provide visual articulation from lighting at no greater than 25 feet intervals. This can be accomplished in a variety of ways, such as:

- Decorative luminaries mounted to walls, posts, brackets, catenary wires, etc.
- Lighting surfaces, textures and objects such as pilasters, wall features, banners, sculptures, graphics, etc.

- Internally lighted glowing architectural or graphic elements such as glass block, display cases, signage panels, canopies, transparencies, etc.
- Lighting entryways (especially if they are recessed).
- Lighting property addresses.

Redevelopers are also responsible for security lighting for all pedestrian and service alleys from 10 PM until dawn. This shall be from metal halide sources, with a time cut off to prevent glare into adjacent upper level windows. These fixtures shall create minimal glare and shadows, and be reasonably attractive. Luminaries used for decorative purposes may be used for this function, or separate lighting fixtures may be employed.

Although vehicular access is required to Skyway piers, service access to the interior of Erie Canal Harbor Block should not be treated as a back-alley with wall packs and security lights. These areas should be designed to function as pleasant pedestrian areas as well. Care should be taken to minimize both glare and shadows, to avoid creating dark places, i.e., avoid spacing light fixtures too widely or selecting fixtures that distribute light too narrowly.

3.5.9 Temporary Structures

Temporary structures will be permitted throughout the Erie Canal Harbor site, subject to approval by the Division of Licenses or its designee. Examples will include temporary ticketing stations, interim festival structures, etc. The site location and design of all temporary structures, that remain more than 72 hours, shall follow the same approval process as permanent structures.

The structures must be designed to be easily demolished or removed without leaving a permanent impact on the site. The appearance of temporary commercial structures should be playful and artistic and the primary building material shall be metal or wood.