



# Comprehensive Transit-Oriented Development **STRATEGIC IMPLEMENTATION PLAN**

Planning Program – Phase II

SEPTEMBER 2023



<https://www.gbnrtc.org/>



# TABLE OF CONTENTS

<b>1</b>	<b>Introduction .....</b>	<b>1</b>
	1.1 Project Background .....	2
	1.2 Project Purpose .....	4
<b>2</b>	<b>eTOD Overview .....</b>	<b>5</b>
	2.1 eTOD Framework .....	5
	2.2 Conformance With Regional Equity Goals .....	6
	• 2.2.1 Equitable TOD in the Buffalo-Niagara Region .....	6
	2.3 Transferability To Other High-Capacity Transit Corridors .....	6
<b>3</b>	<b>Equitable Community and Stakeholder Engagement .....</b>	<b>7</b>
	3.1 Equitable Community and Stakeholder Engagement Framework .....	7
	3.2 Hub and Spoke Community-Driven Outreach and Engagement Approach.....	8
	• 3.2.1 TOD Coordinating Committee .....	8
	• 3.2.2 eTOD Coalition.....	8
	• 3.2.3 Community Network (Grasstops) .....	9
	3.3 Developing Our Transit Future .....	10
	• 3.3.1 DOTF 2022 Series.....	10
	• 3.3.2 DOTF 2023 Sessions.....	17
	3.4 Developing Our Transit Future Focus Areas.....	18
<b>4</b>	<b>TOD Coordinating Committee .....</b>	<b>19</b>
	4.1 Purpose and Goals of TOD Coordinating Committee.....	19
	4.2 TOD Coordinating Committee Structure.....	19
	4.3 TOD Coordinating Committee Work Plan.....	21



4.4 Continuing eTOD Planning Activities.....	22
• 4.4.1 TOD Housing Strategy .....	23
• 4.4.2 Host Agencies.....	23
4.5 Sources of Funding for eTOD Staffing .....	23
<b>5 Regulatory and Policy Recommendations.....</b>	<b>25</b>
5.1 Comprehensive Plan Strategies.....	25
• 5.1.1 Town of Amherst Bicentennial Plan.....	25
• 5.1.2 Town of Tonawanda Comprehensive Plan .....	28
5.2 Zoning Strategies.....	31
• 5.2.1 Summary of Zoning Code and Policy Gap Analysis.....	31
• 5.2.2 City of Buffalo Zoning.....	35
• 5.2.3 Town of Amherst Zoning .....	35
• 5.2.4 Town of Tonawanda Zoning .....	46
5.3 TOD Public Realm Placemaking Guidance .....	51
5.4 TOD Public Realm Placemaking Guidance .....	52
• 5.4.1 Station Typologies.....	52
• 5.4.2 TOD Public Realm Elements .....	53
5.5 Pre-Approved Infill Housing Programs.....	61
• 5.5.1 Pre-Approved Infill Housing Program Examples.....	62
5.6 Municipal Action Plan/Checklist.....	62
<b>6 Station Area Infrastructure Improvements .....</b>	<b>63</b>
6.1 Community Input.....	64
6.2 LaSalle Station.....	65
6.3 Utica Station.....	67

6.4 Summer-Best Station.....	70
6.5 DL&W Station Area .....	72
6.6 Boulevard Mall Station Area .....	74
6.7 Audubon Station Area .....	76
<b>7 eTOD Housing Needs &amp; Opportunities Assessment .....</b>	<b>78</b>
7.1 Background.....	78
7.2 Transit and Housing Affordability .....	79
7.3 Historic Housing Issues and The Metro Rail Corridor .....	80
7.4 Stakeholder Outreach and Review of Existing Studies .....	81
• 7.4.1 Stakeholder Outreach.....	81
• 7.4.2 Review of Existing Local & Regional Housing Studies .....	82
7.5 Summary of Existing Local and National Place-Based Investment Funds .....	83
• 7.5.1 Findings From Existing Context for an Investment Fund.....	85
7.6 Changing Household Dynamics in the Metro Rail Corridor.....	86
• 7.6.1 Transit Alignment Area Demographic Context.....	87
7.7 Transit Alignment Area Neighborhood Demographic Analysis.....	90
• 7.7.1 Neighborhood Geography.....	90
• 7.7.2 Establishing a Neighborhood Typology.....	91
• 7.7.3 Key Demographic Findings by Neighborhood Type .....	95
7.8 Existing Housing Inventory and Development Opportunity Sites.....	96
• 7.8.1 Existing Housing Inventory .....	96
• 7.8.2 Change in Housing Inventory .....	99
• 7.8.3 Housing Stock Age and Condition.....	100
• 7.8.4 Residential Real Estate Market Activity.....	102
7.9 Site Opportunities Analysis .....	104

7.10 Summary of Existing Housing Conditions and Opportunity Site Availability by Neighborhood Type.....	106
7.11 Key Findings and Recommended Next Steps .....	107
• 7.11.1 Key Findings – Why Create a Metro Rail TOD Investment Fund .....	107
• 7.11.2 Metro Rail TOD Investment Fund Next Steps.....	108
<b>8 eTOD Housing Action Plan.....</b>	<b>111</b>
8.1 Introduction.....	111
8.2 Making the Case for an Equitable TOD Housing Action Plan.....	112
• 8.2.1 Metro Rail Corridor Existing Housing Market Conditions .....	112
• 8.2.2 Regional Context and Support for Equitable TOD .....	113
8.3 Vision and Goals for Metro Rail Equitable TOD.....	117
• 8.3.1 Metro Rail Equitable TOD Vision .....	117
• 8.3.2 Equitable TOD Goals.....	117
8.4 Equitable TOD Housing Action Plan.....	121
• 8.4.1 Goal 1: Produce 3,274 new units of affordable housing within ½ mile of Metro Rail stations by 2050.....	122
• 8.4.2 Goal 2: Stabilize current households by preserving affordable units and providing affordable ownership opportunities.....	127
• 8.4.3 Goal 3: Use equitable TOD projects to support local minority developers and small local businesses.....	129
<b>9 Performance Measures.....</b>	<b>132</b>
9.1 Performance Criteria.....	132
9.2 Additional Criteria / Performance Measures .....	133
9.3 New Starts Supplemental Documentation .....	145
<b>10 Evaluation of Funding, Laws, and Legislation Related to eTOD .....</b>	<b>157</b>
10.1 Overview.....	157
10.2 Funding and Financing TOD Infrastructure and Projects .....	157



• 10.2.1 Empire State Development .....	158
• 10.2.2 Industrial Development Agencies.....	158
• 10.2.3 City of Buffalo and Buffalo Urban Development Corporation .....	158
• 10.3 Current Development Tools.....	158
• 10.3.1 Tax Incentives.....	159
• 10.3.2 Public Financing .....	160
• 10.3.3 Implementation Example .....	161
10.4 Funding and Financing Programs .....	161
10.5 Potential New and Emerging Funding and Financing Options for TOD.....	167
• 10.5.1 Joint Development.....	168
10.6 Value Capture Regional Structures .....	169
• 10.6.1 Option 1: Empire State Development Subsidiary Management .....	169
• 10.6.2 Option 2: Erie County IDA Management .....	170
• 10.6.3 Option 2a: Hybrid of ECIDA and Local Development Entities .....	170
• 10.6.4 Option 3: Continue Individual Development Entity Management.....	170
10.7 Considerations for Further Investigation.....	173
• 10.7.1 IDA Policy Changes .....	173
• 10.7.2 PIF District Development .....	173
• 10.7.3 Expanding Use of ECIDA Land Development .....	173
10.8 New York Housing Compact.....	173
• 10.8.1 Components.....	174
• 10.8.2 Program Possibilities.....	175
• 10.8.3 Adaptability In Western New York .....	175

# 1 INTRODUCTION



This document represents the final report of the Comprehensive Transit-Oriented Development Planning Program- Phase II, TOD Strategic Implementation Plan. This Plan is the second phase of the Comprehensive Transit-Oriented Development Planning effort undertaken through funds provided through the **Federal Transit Administration's Pilot Program for Transit-Oriented Development Planning**

This report documents the actions undertaken over the past several years to implement strategies that support equitable Transit-Oriented Development (eTOD) in the Buffalo-Niagara Region and sets the framework for continued coordination and implementation of strategies. Specifically, this Plan summarizes the following accomplishments:

- ✔ Establishment of a Transit-Oriented Development (TOD) Coordinating Committee to ensure ongoing coordination of TOD and investment in infrastructure, accessibility, and mobility along the Metro Rail corridor.
- ✔ Development of performance criteria and evaluation measures that will be used to measure success in reaching the goals of the planning work, including methods for data collection.
- ✔ Adoption of Comprehensive Plan, land use, and zoning policies that will make station areas along the Metro Rail corridor more transit-supportive and help to minimize public-sector regulatory and policy barriers to eTOD in the Buffalo-Niagara Region.
- ✔ Capacity building within the neighborhoods along the Metro Rail corridor to build support and continue advocating for the project and equitable TOD in the Buffalo-Niagara Region. This includes preparation of a Meeting-in-a-Box that can be used by community leaders to continue building capacity within their communities and networks.

- ✓ A proposed eTOD Housing Strategy to support mixed-income housing around existing and proposed Metro Rail stations.
- ✓ Identification of preferred station area infrastructure investments for six existing and future Metro Rail stations that would enhance accessibility, comfortability, and equitable mobility.
- ✓ Evaluation of existing eTOD funding/ financing and other regulatory tools along with recommendations of legislative amendments that can be lobbied for to support eTOD in the Buffalo-Niagara Region.

## 1.1 Project Background

The Comprehensive Transit-Oriented Development Plan prepared under Phase I, which predates and informs the TOD Strategic Implementation Plan, presents substantive evidence that the proposed transit investment offers a dual potential. It can enhance community mobility options while concurrently advancing broader social and economic goals through the facilitation of eTOD. The study underscores how the Metro Rail expansion not only amplifies regional mobility but also aligns seamlessly with an expansive regional investment strategy, strategically harnessing transit investment to unlock a spectrum of economic and community development opportunities within the region.

The Phase I Plan is a strategic framework intended to guide the future of the Buffalo-Niagara Region. This initiative emphasizes the integration of transit and urban development to establish well-connected and sustainable communities. The plan's central goal is to create neighborhoods that seamlessly include transit options, offering accessibility and convenience for both residents and visitors.

This Phase II Strategic Implementation Plan is intricately intertwined with the Buffalo-Amherst -Tonawanda Transit Expansion, a proposal aiming to extend Metro Rail by 7 miles from its current terminus at University Station in Buffalo to the Muir Woods community, providing future connections to Tonawanda and Amherst, as well as the University at Buffalo North Campus.

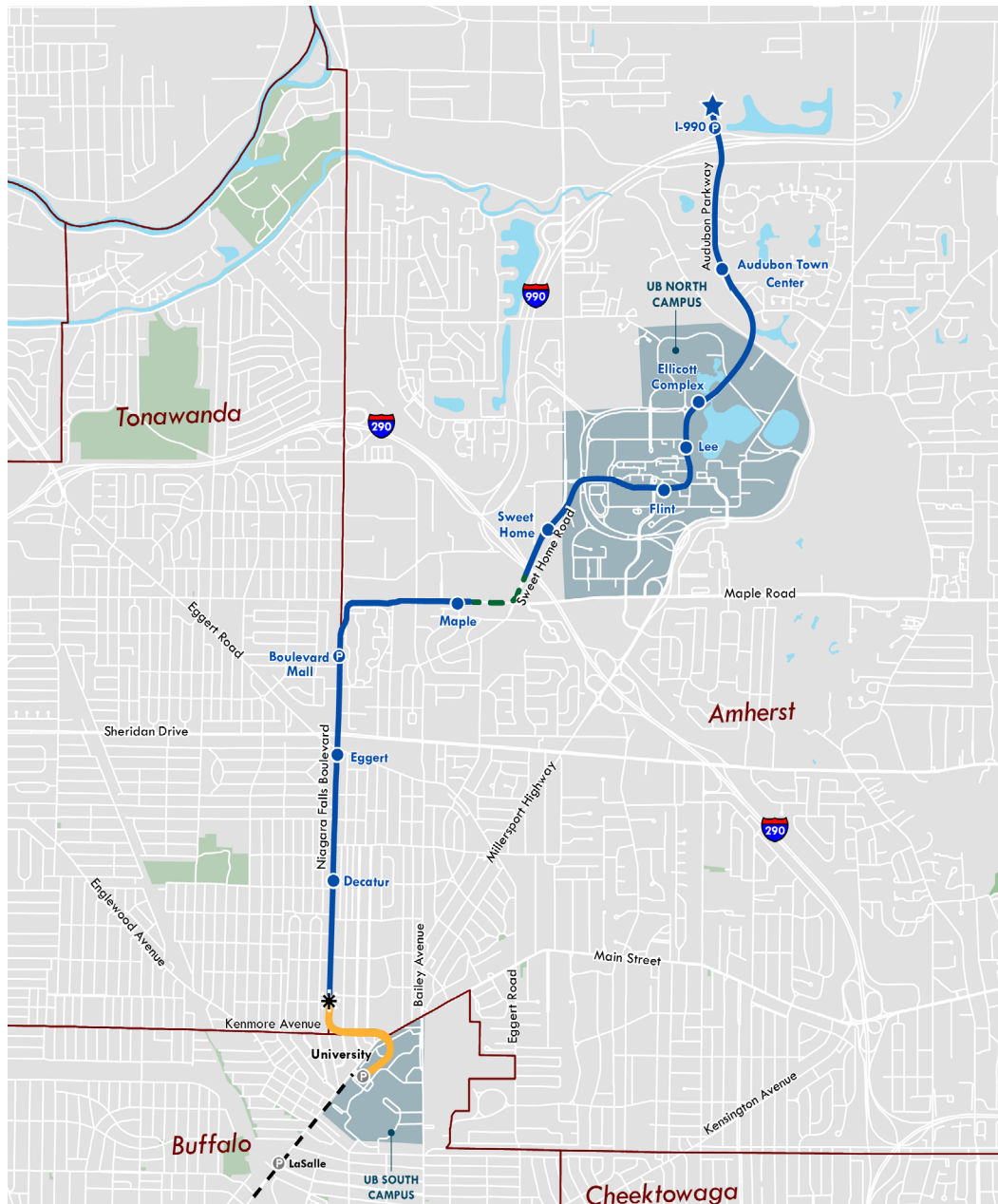
The Buffalo-Amherst-Tonawanda Transit Expansion project is in the midst of the National Environmental Protection Act (NEPA) Environmental Impact Statement (EIS) process, with the FTA acting as Lead Agency. Through the EIS process, a preferred alignment is being evaluated that follows the previously approved Locally Preferred Alignment (LPA), as shown in Figure 1-1. Additionally, the DEIS is evaluating both a light rail alternative and a bus rapid transit alternative along the same alignment.

The Town of Amherst has been working on a master plan for the Boulevard Mall site that would redevelop the site into a mixed-use town center with a number of smaller blocks and align a Metro Rail expansion through the center of the site, with a station somewhat centrally located. In order to achieve this vision, the Town of Amherst, in 2023, initiated eminent domain proceedings in order to take control of the Boulevard Mall site and facilitate its redevelopment.



This Phase II Strategic Implementation Plan is intricately intertwined with the **Buffalo-Amherst -Tonawanda Transit Expansion**, a proposal aiming to extend **Metro Rail by 7 miles from its current terminus** at University Station in Buffalo to the Northtowns.





## Buffalo-Amherst-Tonawanda Corridor Transit Expansion

- Dedicated Transitway
- - - Boulevard Mall Alignment Option
- Tunnel
- - - Light-rail Grade Separated
- Proposed Station
- P Proposed Station with Park & Ride
- ★ Proposed Storage/Light Maintenance Facility
- ✱ Dedicated Transitway
- - - Boulevard Mall Alignment Option
- P Tunnel
- Light-rail Grade Separated

0 0.5 1 1.5 Miles



Figure 1-1 Buffalo-Amherst-Tonawanda Transit Expansion Alignment (Metro Rail expansion LPA)

## 1.2 Project Purpose

This Strategic Implementation Plan aims to comprehensively document the collective efforts of the Comprehensive Transit-Oriented Development Plan process, tracing the evolution of recommendations from their initial planning stages to the present implementation phase. As the project transitioned from planning to implementation, the pivotal role of equity in shaping our community engagement, station area development, infrastructure priorities, and mobility enhancements was emphasized. Through careful analysis and strategic foresight, this report outlines an action-oriented strategic implementation plan that articulates the immediate steps, but also lays a robust foundation for lasting eTOD to come.

eTOD aligns the region's investment in transit with the region's vision for smart, sustainable, and equitable growth and economic development, most notably identified in One Region Forward. Emphasis areas of TOD in the Buffalo-Niagara Region include:



**Equitable, Affordable Living** – TOD prioritizes investments that help bridge socio-economic gaps in underinvested communities; promote equitable investment without displacement; create and retain diverse, affordable, and quality housing; and reduce the amount of money households spend on housing and transportation.



**Regional Mobility** – TOD improves mobility across the region by connecting people with more jobs, education, health care, retail and services, and regional destinations without needing an automobile.



**Healthy & Active Lifestyle** – TOD encourages a more active and healthier lifestyle, decreasing the number of automobile trips and helping to improve air quality.



**Placemaking & Community** – TOD promotes walkable, vibrant, and active places that strengthen the connection between people and their neighborhood.



**Regional Competitiveness** – TOD will enhance the Buffalo-Niagara Region's ability to compete for Federal Transit Administration (FTA) funding as well as compete with other regions for population, employment, and tourism growth.

Drawing insights from the collaborative work with the TOD Coordinating Committee, the Strategic Implementation Plan approach is grounded in a commitment to equity and provides a foundation for eTOD throughout the Metro Rail corridor. The focus on equity-centered community outreach ensures that diverse perspectives are not only acknowledged but also integrated into strategies. Navigating the complex landscape of regulatory and policy requirements at both regional and municipal levels, strategies aim to harmonize our efforts with a broader vision of inclusivity.

The document outlines the eTOD strategy for the Metro Rail corridor, identifies performance measures to evaluate the success of eTOD, and outlines implementation actions related to housing, land use and zoning, and financing/ value capture. This document will also outline the robust outreach efforts to educate and engage stakeholders and next steps for the TOD Coordinating Committee.

Equitable Transit Oriented Development, or eTOD, is a development approach that enables all people regardless of income, race, ethnicity, age, gender, immigration status, or ability to experience the benefits of affordable, mixed-use, pedestrian-oriented development near transit. eTOD elevates and prioritizes investments and policies that close the socio-economic gaps between neighborhoods that were traditionally under-invested and are predominately people of color and communities that are majority white and have experienced economic investment.

eTOD projects and processes elevate community voice in decision making processes and in realizing community-focused benefits such as affordable and mixed-income housing, public health, strong local businesses, and environmental sustainability. When centered on racial inclusion and community wealth building, eTOD can be a driver of positive transformation for more vibrant, prosperous, and resilient neighborhoods connected to opportunities throughout the city and region.<sup>1</sup>

## 2.1 eTOD Framework

Equity and eTOD are fundamental elements of the Strategic Implementation Plan and are guided by the following equity framework:



### Equitable Housing & Reinvestment

Prioritize investments that bridge socio-economic gaps in underinvested communities; promote equitable investment without displacement; and create and retain diverse, affordable, and quality housing.



### Regional Mobility

Improve mobility across the region to connect people with jobs, education, health care, and regional destinations.



### Healthy & Active Lifestyles

Encourage a more active and healthier lifestyle; decrease the number of automobile trips; and reduce the amount of money households spend on transportation costs.



### Placemaking & Community

Strengthen the connection between people and their neighborhood.

<sup>1</sup>City of Chicago Equitable Transit-Oriented Development, City of Chicago, [https://www.chicago.gov/city/en/sites/equitable-transit-oriented-development/home.html#:~:text=Equitable%20TOD%20\(eTOD\)%20is%20development,oriented%20development%20near%20transit%20hubs](https://www.chicago.gov/city/en/sites/equitable-transit-oriented-development/home.html#:~:text=Equitable%20TOD%20(eTOD)%20is%20development,oriented%20development%20near%20transit%20hubs).



This eTOD framework emphasizes collaboration as a means to achieve eTOD, allowing various residents and stakeholders to contribute their expertise and resources. The framework recognizes the importance of public support and aims to bolster the capacity of community-based organizations (CBOs) to build community awareness and support for eTOD in order to facilitate the development of eTOD projects that align with local needs and aspirations. The eTOD framework is positioned as a tool to foster inclusivity and accessibility while accommodating the region's evolving urban landscape and are woven into the overall TOD goals of the region.

## 2.2 Conformance with Regional Equity Goals

### • 2.2.1 Equitable TOD in the Buffalo-Niagara Region



Equitable Transit-Oriented Development aligns the region's investment in transit with the region's vision for smart, sustainable, and equitable growth and economic development, most notably identified in One Region Forward, the Moving Forward 2050 Metropolitan Transportation Plan, and Equitable Climate Action for a Healthy and Resilient Erie County, NY.

## 2.3 Transferability To Other High-Capacity Transit Corridors

The ability to establish a community capacity-building process and eTOD strategies under this plan allows for each to be transferable and replicated along other high-capacity transit corridors or in neighborhoods centered on transit. The Meeting-in-a-Box tool, discussed further in Chapter 3, can be used by any community member to build capacity and support for eTOD in their community and become an advocate for eTOD and transit across the region. Many of the land use and zoning policy strategies identified in

this plan have community-wide benefits and would help to create equitable transit-oriented communities around existing high-capacity transit and foster transit-supportive communities where high-capacity transit does not yet exist.



# 3 EQUITABLE COMMUNITY AND STAKEHOLDER ENGAGEMENT

## 3.1 Equitable Community and Stakeholder Engagement Framework

The Steering Committee established under the Comprehensive TOD Plan Phase I effort was transitioned into this Phase II effort and expanded to become the TOD Coordinating Committee. The progress of the TOD Coordinating Committee is outlined in Chapter 4. Throughout the course of the project, the TOD Coordinating Committee determined that a more inclusive, diverse, equitable, and community-advocated approach to community outreach, education, and engagement would be necessary in order to build the community capacity to continue advocating for eTOD across the region. This approach is further outlined in this section.

Many of the same stakeholders that were engaged throughout the Phase I process were continuously engaged through this phase, providing input on the plan, and building advocacy for eTOD. These include the local municipalities and government entities, community-based organizations, affordable housing agencies, the development and business interests, and business owners and residents from across the corridor community.

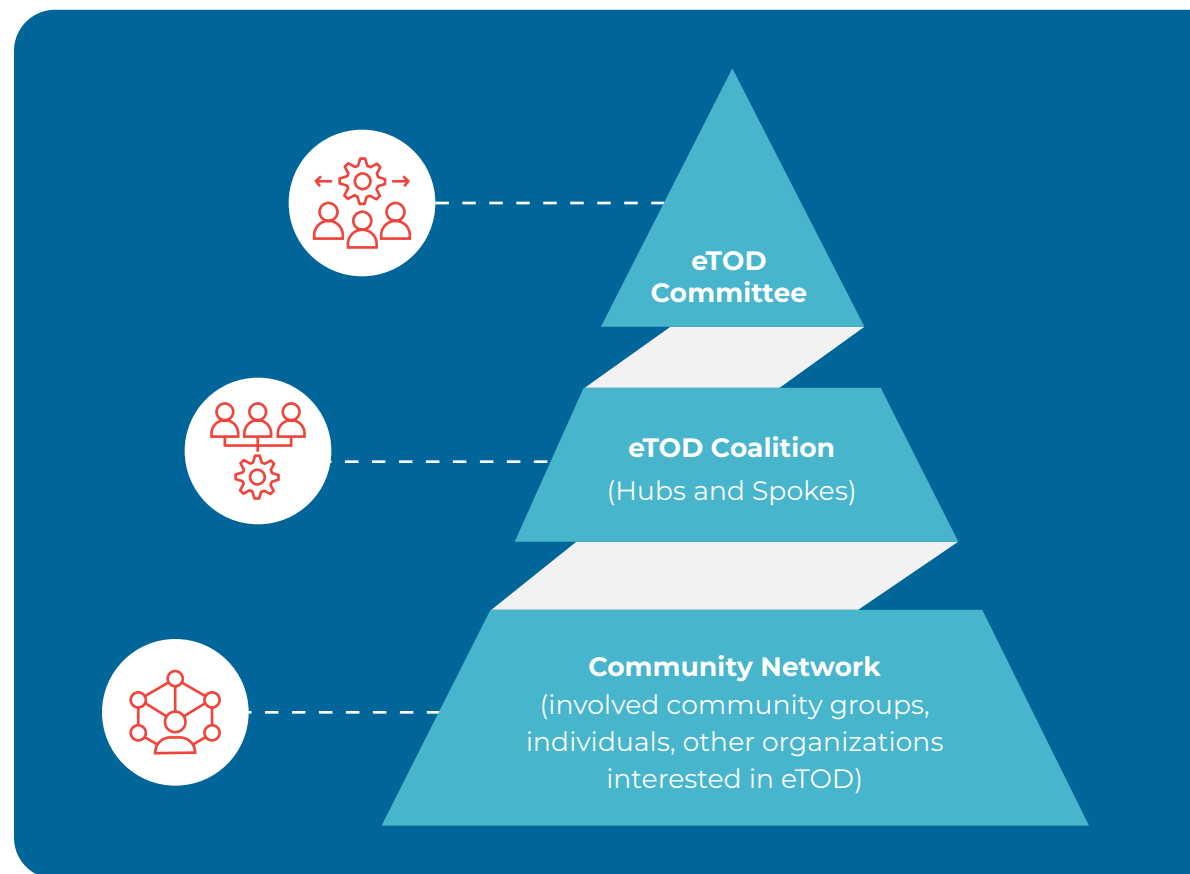


Figure 3-1 eTOD Community-Led Grassroots Engagement Approach

## 3.2 Hub and Spoke Community-Driven Outreach and Engagement Approach

The equitable community and stakeholder engagement approach utilized a Hub and Spoke concept. This concept is a two-way campaign on eTOD for neighborhoods along the Metro Rail corridor and consists of three levels of mobilization:

- 1 TOD Coordinating Committee,
- 2 TOD Coalition, and
- 3 Community Network of Grasstops community members.

This approach is shown on Figure 3-1, located on the previous page

### • 3.2.1 TOD Coordinating Committee



The TOD Coordinating Committee provides guidance, direction, and oversight of the Comprehensive TOD Planning process and was advanced from the Phase I effort as a Steering Committee into the Phase II effort as the TOD Coordinating Committee. This committee consists of staff representatives from NFTA, GBNRTC, the towns of Amherst and Tonawanda, the City of Buffalo, Erie County, and Buffalo-Niagara Partnership. The TOD Coordinating Committee approved of using this Hub and Spoke approach, described in this section.

### • 3.2.2 eTOD Coalition

The eTOD Coalition is made up of **“Hubs”** and **“Spokes”** responsible for informing the community and building capacity for continued advocacy of eTOD. In this approach, the **“Hubs”** are trusted community-based organizations or advocacy groups (usually not-for-profits) that act as the main coordinator for outreach and engagement efforts and a focal point for information dissemination, collaboration, and resource allocation. Hubs are responsible for identifying **“Spokes”** such as Grasstops community groups, local business owners, and members of the public that are informed and trained through targeted outreach activities so that those Spokes can facilitate engagement within their own communities as a way to build community trust and capacity for continued advocacy of eTOD. The Hub and Spoke community outreach model is designed to streamline communication, maximize outreach impact, and ensure consistent messaging across different communities.

The central Hub often houses resources, expertise, and tools that can be shared with the Spokes to support their outreach efforts. This model recognizes the unique needs and characteristics of each community while promoting a unified approach to engagement and collaboration.

GObike and LISC NY were identified as the **“Hubs”** to lead eTOD Coalition efforts and train **“Spoke”** members to hold their own engagement within their communities to communicate and understand eTOD, expand recruitment and capacity building, and continue to advocate for eTOD. Highland Planning was responsible for preparing educational materials, outreach, and engagement activities, and a **“Meeting-in-a-Box”** that can be used by Spokes to continuously engage their communities. The following graphic portrays the Hub and Spoke approach.



### • 3.2.3 Community Network (Grasstops)



Consists of a network of **involved community groups, individuals, and other organizations that are interested in eTOD**. They meet less regularly and are less engaged than the eTOD Coalition but sought to focus on advocating for equity and transit in their communities. Community Network members that wanted to become more engaged can participate in training sessions provided by Hubs or other Spokes and be elevated to Spoke status and use the Meeting-in-the-Box tool to structure and administer targeted outreach and engagement to other community groups and members as a way to further build capacity.

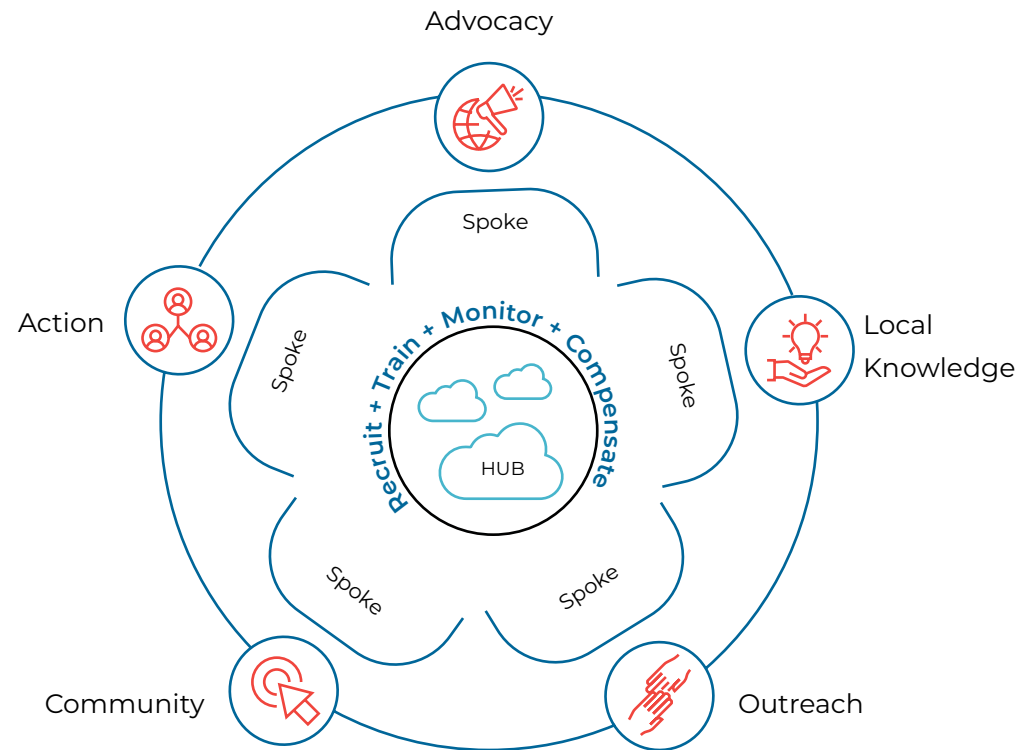


Figure 3-2 eTOD Hub and Spoke

### 3.3 Developing Our Transit Future

GObike and LISC NY partnered, as Hubs, to develop a coalition of committed citizens. This network of active community members is needed to support equitable transit-oriented development efforts throughout the region. This coalition came to be known as Developing Our Transit Future (DOTF). Constant updates on the DOTF sessions and progress were provided online at: [Developing Our Transit Future](#)

#### • 3.3.1 DOTF 2022 Series

With knowledge, trust, and skills-building at the forefront, **GObike and LISC NY** formulated a ten session educational workshop series hosted over the summer months in 2022. The series was designed with a variety of in-person and virtual meeting formats to provide flexibility to cohort members. Workshop participants were solicited through GObike and LISC NY's distribution to additional community-based organizations, as well as to their won respective networks. Participants were required to submit applications. Once approved, participants were notified and required to sign pledges committing to attendance at all planned sessions. Scholarship stipends were offered to participants with demonstrated need and who were not supported by their employer to attend. A summary of the 2022 summer workshop series is provided in the Appendix.

**The 2022 educational workshop series involved ten sessions, including:**

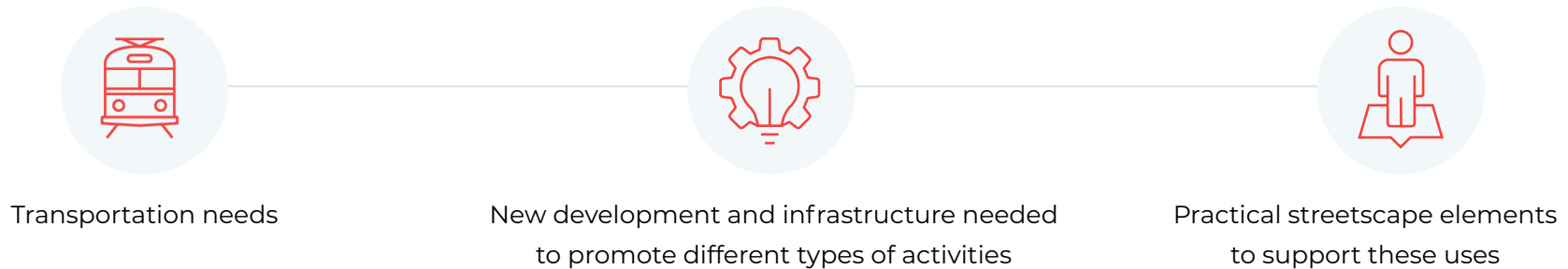
- ✓ An in-person orientation and tour of the Main Street corridor and selected Metro Rail station areas.
- ✓ Topical sessions offering presentations on TOD definitions, transportation, housing, and economic development planning terms followed by robust discussion.
- ✓ Panel discussion introducing specialized staff working in and across topics of equitable development, mobility justice, and housing.
- ✓ An immersive design workshop.
- ✓ A celebratory review session with the TOD Coordinating Committee members.

##### • 3.3.1.1 eTOD Design Workshop

To get a better sense of the community's vision for eTOD, the project team hosted a design workshop for DOTF group members. The purpose of this workshop was to develop community supported design recommendations for the LaSalle Station, Utica Station, and Summer-Best Station areas. This was accomplished through an interactive activity that sought to better understand the vision for transportation modes and new development in each station area as well as the streetscape elements needed to support each vision.

The workshop took place on July 27, 2022, from 5pm to 7pm. It began with a short presentation, which included the meeting goals, a brief overview of eTOD, and review of the advisory group-generated values. Participants then began an interactive design activity in small groups.

**This activity allowed each group to create a vision for a single station area by identifying:**



Participants answered questions related to transportation modes and activities in the station area. They then drew designs on a transparent overlay on top of the station area map. They were also able to write any other notes on the side of the map. At the end of the meeting, the project team reviewed next steps in the process which included creating station area concepts that were revealed at the close of the series. A full summary of this workshop is provided in the Appendix.

#### • **3.3.1.2 eTOD Celebration and Solidarity Event**

On November 30, 2022, the Developing Our Transit Future team organized an event from 5-7pm at the Health Sciences Charter School (1140 Ellicott Street, Buffalo, NY14209) to celebrate the close of the inaugural Developing Our Transit Future workshop cohort. The event convened workshop participants, city staff and regional partners to:

- ✓ Celebrate growing solidarity in the stewardship of eTOD in the Buffalo-Niagara Region.
- ✓ Facilitate a thoughtful exchange about the workshop cohort's vision for eTOD at the LaSalle, Utica, and Summer-Best station areas, and beyond.
- ✓ Strengthen community/agency collaboration and communication channels to ensure that investments are informed by and advanced with community voices at the table.

# Please join us!

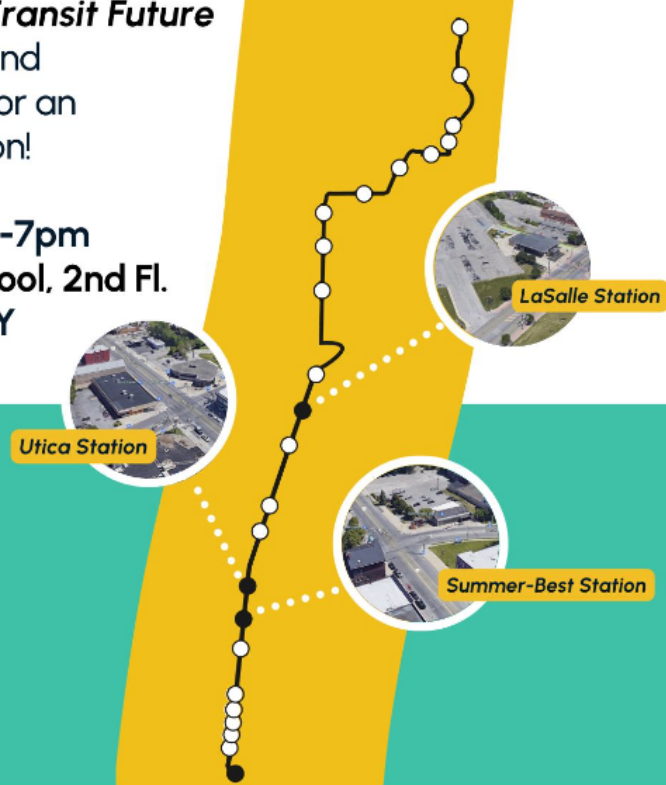
Celebrating growing solidarity with the equitable transit-oriented development community in the Buffalo-Niagara region

At the close of our first ***Developing our Transit Future*** workshop cohort, we invite participants and city/regional partners to come together for an evening of eTOD solidarity and celebration!



**Wednesday, November 30 5-7pm**  
**Health Sciences Charter School, 2nd Fl.**  
**1140 Ellicott Street, Buffalo NY**

- Explore the cohort's eTOD vision for the LaSalle, Utica and Summer-Best stations
- Network and engage around what comes next
- Eat, drink and be merry!



Utica Station

LaSalle Station

Summer-Best Station



GBNRTC

LSC NY



wsp





The following graphics depict the conceptual visions of the **LaSalle, Utica, and Summer-Best station areas envisioned by the DOTF cohort**. These were made into display boards and presented at the November 30, 2022, celebration. A summary of the event is provided in the Appendix.

## Developing Our Transit Future

Co-creating a coalition of informed and committed citizens to ensure that future investments surrounding transit stations serve the community.



### What is Equitable Transit Oriented Development (eTOD)?

Equitable TOD (eTOD) is development that enables **all people** regardless of income, race, ethnicity, age, gender, immigration status or ability to **experience the benefits of dense, mixed-use, pedestrian-oriented development near transit hubs**.

eTOD elevates and prioritizes investments and policies that **close the socioeconomic gaps** between neighborhoods that are predominately people of color and those that are majority white.

eTOD projects and processes **elevate community voice in decision making processes** and in realizing **community-focused benefits** such as affordable housing, public health, strong local businesses, and environmental sustainability, to name a few.

When centered on **racial inclusion and community wealth building**, eTOD can be a driver of positive transformation for more vibrant, prosperous, and resilient neighborhoods connected to opportunities throughout the city and region.

-City of Chicago

Utica Station

LaSalle Station

Summer-Best Station

### eTOD Values

- Bicyclist and pedestrian safety
- Affordable housing for all household sizes
- Anti-displacement
- Greenspaces and sustainability features
- Cultural and historical preservation; authenticity
- As beneficial to the community as to developers
- Benefits for people who live locally
- Developed with the input of the local community and using a scoring process to ensure equity
- Accessible and human-centered

### Goals of the Developing Our Transit Future Coalition

Increased number of organizers and advocates around equitable transportation / TOD

Increased number of community members who are networked through organizers and advocates to eTOD and placemaking goals

Advocates are equipped with shared language, priorities, network, strategies, and real opportunities to sustain involvement



A special thank you to the  
**Developing Our Transit Future Coalition Members!**

Your generous contribution of time and energy to participate and work with fellow members in developing recommendations that serve the current community has made this all possible!

We look forward to your ongoing support in the productive and thoughtful exchange of ideas and solutions to aid the success of future transit investments.

To learn more check out, [www.developingourtransitfuture.org](http://www.developingourtransitfuture.org)

# Developing Our Transit Future

## Utica Station East-West Core

Representation of Developing Our Transit Future Cohort Station Visioning Exercise

### Bike & Pedestrian Improvements

- Protected mobility lanes including those for wheelchairs and bikes
- Higher quality crosswalks and sidewalks
- Bike parking
- Enhanced lighting

### Infrastructure Improvements

- Repaving of Main St.
- Sidewalk accessibility that complies with ADA requirements
- Improved sidewalk connectivity around fast food chains and include trash cans
- Could include a place for water or donations
- Temporary belonging storage lockers

### Traffic Calming Measures

- Traffic calming at Main St and East/West Utica St intersection
- Improved crossings from bus station

### Greenspaces

- Better signage for local businesses at pedestrian scale
- Community gathering areas
- Built-in chessboards
- Trees – both for shade and for barrier between traffic and pedestrians
- Benches in greenspaces and along Main St

### Cultural Elements and Activities

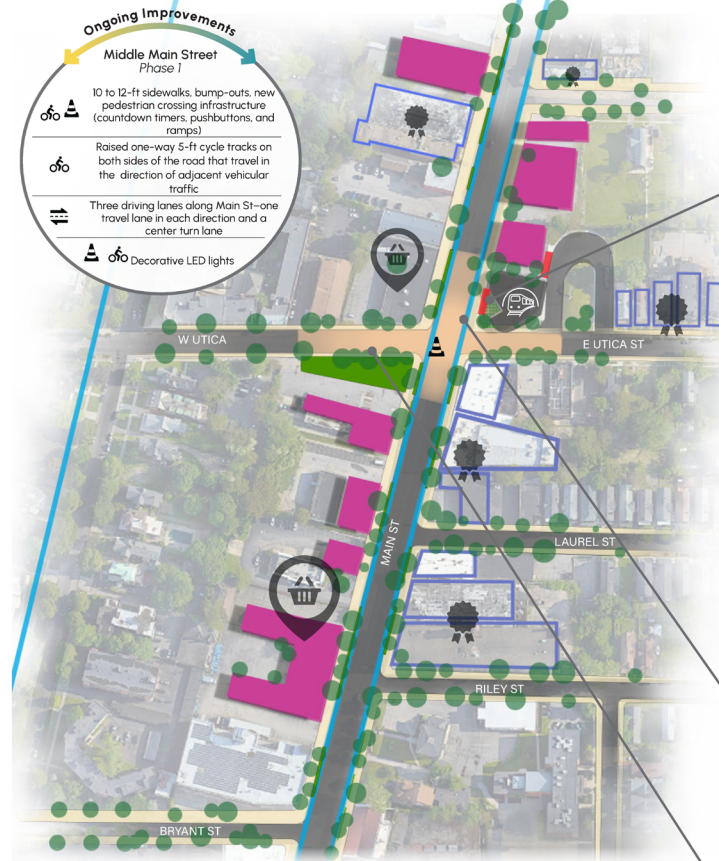
- Chess boards built into the community and/or greenspaces
- Dispensary and dedicated spot for cannabis use

### New Development

- Incentives for businesses to move into vacant buildings along Main St
- Healthy food options
- Dentist
- Dispensary
- Health center/Urgent care

### Preserve

- The Oak Room
- Older homes on Utica St.
- The Lutheran church
- Building at 1404 Main St (currently serves as the NFTA police building)
- Bike racks and storage



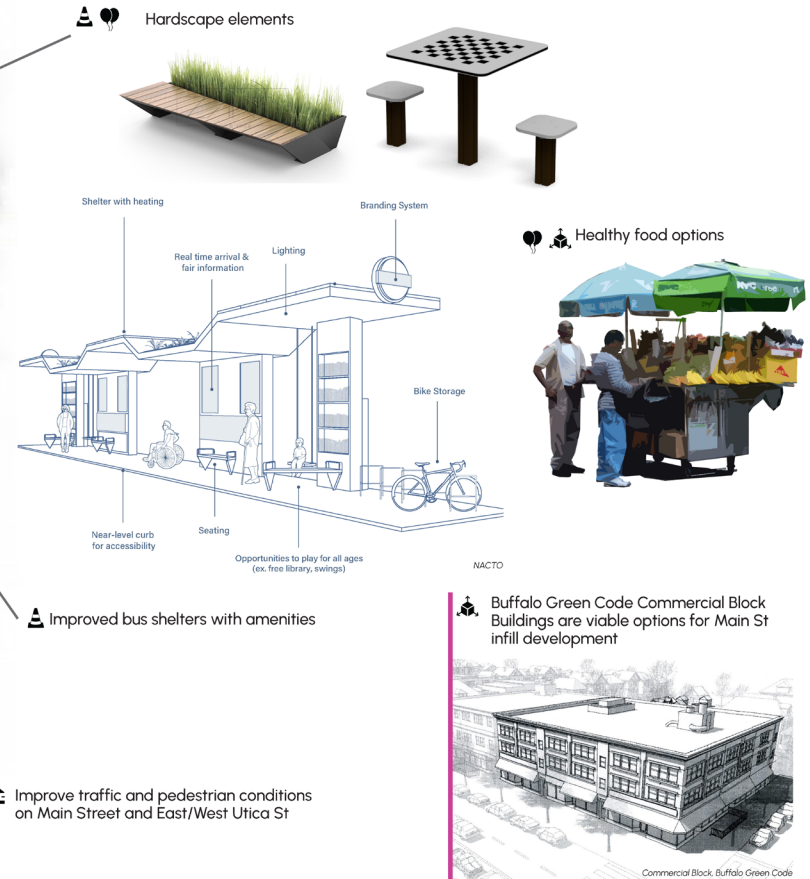
### Infill Development to Activate Streetscape

West of Main St the development around the station is primarily car-centric, out of character with much of the streetscape along the majority of the Main St corridor. The large parking lots and vacant buildings can be redeveloped in line with community needs into mixed use buildings. These areas are zoned for the following building types under the Buffalo Green Code; Civic Buildings, Commercial Block, Stacked Units and Towers.

This is a good place to connect East and West sides into the midtown area. "A community living-room".

-Participant

Utica Station is a highly active place for transit transfers as well as for the community to gather. People also drive in and out of the Utica Station area when they pick up fast food. In the future, participants would like to see improvements and activities to make people feel welcome and wanted.





# Developing Our Transit Future

## Summer-Best Station Neighborhood Hub

Representation of Developing Our Transit Future Cohort Station Visioning Exercise

### Bike & Pedestrian Improvements

- Improved sidewalks
- Pedestrian signals and crosswalks
- Safer crosswalk from the station to the bus stop (on Best St) and a bus shelter
- Protected bike lanes that may include future plans or an elevated cycle path
- Bike path leading to bike overpass
- More biking and scooter parking and charging stations

### Infrastructure Improvements

- Partner with the sewer authority on green infrastructure, such as rain swales and gardens
- Some kind of integration between the bus stop and the station
- Resurfacing of the pavement on Main St

### Traffic Calming Measures

- Traffic signals, speed bumps, or other traffic calming on Main St, Summer St, and Best St

### Greenspaces

- Shade(trees) along Main St
- A small-scale park

### Cultural Elements & Activities

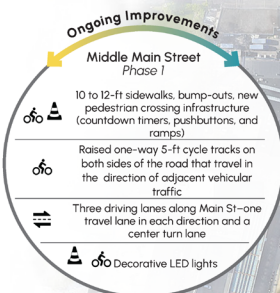
- Entertainment venues
- Street art and murals
- Neighborhood branding
- Better signage and wayfinding for businesses and organizations
- A directory at the station for community businesses, services, greenspaces, and more

### New Development

- Prioritize supporting existing businesses in the area
- Expanded services at Main Street Mart corner store
- Mixed Use desired near Summer Best Station

### Preserve

- Existing affordable housing
- Historical buildings
- Metal sculptures
- Wendy's Restaurant
- The Teacher's Desk, store that supplies free school supplies, books and teaching material to teachers for in need students



Summer-Best is a commuter station that is surrounded by medical service buildings, fast food restaurants, and several smaller retail stores. The area could benefit from investing in wayfinding to better support existing businesses as well as encourage new essential and service businesses in the neighborhood.

Improved signage and wayfinding for local businesses and organizations

### Protected Bike Lane



### Unique Opportunities

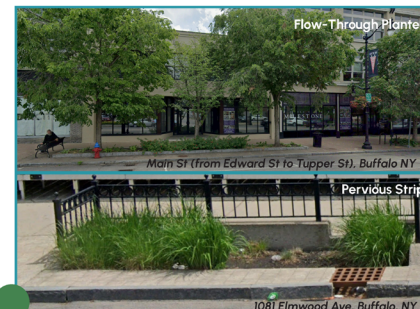
- Smaller lots rather than bigger lots to help make property affordable
- Re-purposing of vacant buildings

Pervious pavement

Mixed hardscape area with seating and landscaping features



Rain Swales/Bio-retention area



Improvements needed to provide safer connection between bus stop and Metro Rail Station

### What is a Bioswale?

A Bioswale is a shallow, depressed, landscaped area designed to capture, treat, and infiltrate stormwater runoff. Additionally they help recharge the groundwater table.

They can be integrated with other public space or traffic calming strategies, including:

- Medians
- Bulb outs
- Street tree planters

# Developing Our Transit Future

## LaSalle Station Parkway Connection

Representation of Developing Our Transit Future Cohort Station Visioning Exercise

### Bike & Pedestrian Improvements

- Wider sidewalks in good condition
- Extend Rail Trail to east side close to the Aldi and LaSalle Station
- Develop a spur connection to Rachel Vincent Way
- Better pedestrian connections between Aldi and LaSalle Station
- Enhance and develop East Side Trails to allow for more bicycle use
- Pedestrian-only street through the existing park and ride parking lot

### Infrastructure Improvements

- More streets/paths to and from Main St
- Construct Woonerf
- Extend Beard Ave to Main St

### Traffic Calming Measures

- Woonerf or Dutch living street with traffic calming design elements
- Raised intersection

### Greenspaces

- Connect west and east side parks to unite parks

Supports the City of Buffalo Parks Master Plan, objective to Activate and Connect Parks to Residents followed by strategies:

- Safe routes to parks
- Increase public transportation to parks

### Cultural Elements & Activities

- Activate and support businesses to fill vacant storefronts in the Main Street Corridor
- Form University Business District

### New Development

- Senior residential living community
- Affordable residential development
- Medium to high density mixed-use development behind the station and along Main St

### Preserve

- Aldi Grocery Store
- Rails to Trails
- Some of the park & ride

"How do we integrate the east west crossing at Main Street and make that smoother, easier, safer?"  
- Participant

**LaSalle Station** has a diverse range of visitors and users. There are unique opportunities to connect regional multi-modal paths and provide greater access to Main Street retail to create a cohesive and more enjoyable experience for users.

Additional park activities



Mixed Income housing  
Co-op structure preferred

Woonerf with pedestrian, car, and bike access



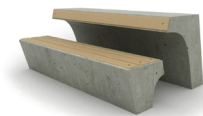
Preserved parking for park and ride

Activated ground level retail at Main Street

Improved Bus stop

Connect Shoshone Park and McCarthy park through infrastructure improvements on LaSalle Ave

Enhanced park amenities



Raised intersection

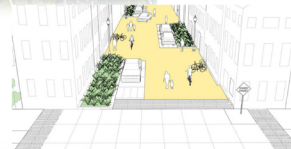


### What is a Woonerf or Dutch Living Street?

A woonerf is a street designed for both vehicular and non-vehicular traffic. The street can be used as a social gathering place as well. Pedestrians and cyclists and recreational activity take priority on these streets. The goal of woonerf is to encourage more human interaction and active use.

The design elements in a woonerf can include:

- No grade separation between users
- Landscaping
- Seating furniture
- Distinct paving materials
- Physical barriers such as curves or bollards to slow car traffic



Shared Street, NACTO



### • 3.3.2 DOTF 2023 Sessions

The 2023 DOTF session program was held at the Northland Workforce Training Center on the East Side of Buffalo on June 15, 2023, and focused on creating inclusive and equitable communities that support various modes of transportation. This program aimed to facilitate the development of a three-part series comprising two workshops followed by a panel discussion. Earlier in May 2023, GObike held a free bike repair as a way to promote community engagement and capacity building. The following is the flyer used to advertise the event.

Discussion at this session identified a number of eTOD solutions and values, as follows:

- 1 Develop neighborhood leadership at local block clubs.
- 2 Promote pedestrian-friendly neighborhoods and mixed-use services (commercial, residential) to cater to the needs of the East Side.
- 3 Have a unified goal and contingency plans for unexpected obstacles.
- 4 Redevelopment focus:
  - a. From wide streets to narrower streets with wider sidewalks.
  - b. Transform vacant/abandoned areas into infill mixed-use commercial/residential spaces.
- 5 Develop lush and abundant tree canopies.
- 6 Improve safety with eyes on the streets and enhanced situational awareness.
- 7 Shift from low-income commercial to wealth-building commercial establishments.

A summary of the 2023 sessions is provided in the Appendix.

The flyer is for an event titled "EQUITABLE TRANSIT DEVELOPMENT". It features a background image of a person on a bicycle. The text is arranged in several sections: a top section with the title in large, bold, orange letters; a section below it with the event details in white text on a dark blue background; a section for panelists in white text on a dark blue background; a section for sponsors in white text on a dark blue background; and a bottom section for community organizations in white text on a dark blue background. There is also a QR code and a call to action to apply for the series.

**EQUITABLE TRANSIT DEVELOPMENT**

PLEASE JOIN US FOR OUR

**ETOD PANEL FINAL DISCUSSION & DINNER THURSDAY JUNE 15TH 2023 6PM TO 8PM**

**PANELISTS**

Asantewa Holley • Brandi Barrett • Brittany Perez • Darren Kempner • Brendan Seney • Max Anderson • Zeneta Everhart

**SERIES BY: SOLUTIONIST CONSULTING LLC**

**SUPPORTED BY: GOBIKE**

**COMMUNITY ORGANIZATIONS**

**OPEN BUFFALO**

NORTHLAND WORKFORCE TRAINING CENTER  
NFTA NIAGARA FRONTIER TRANSPORTATION AUTHORITY

**WHAT DOES ETOD LOOK LIKE IN BUFFALO?**

**APPLY HERE**

Scan the QR code to apply for the series!

SCAN ME

## 3.4 Developing Our Transit Future Focus Areas

The following focus areas were discussed early on in the 2022 summer workshop sessions and then prioritized by the DOTF cohort. These focus areas guided the development of the Meeting-in-a-Box and also led to additional performance criteria based on these focus areas. These focus areas align with the overall eTOD outlined in Chapter 2.



### Equitable Housing & Reinvestment

Prioritize investments that bridge socio-economic gaps in underinvested communities and identify opportunities to create and retain mixed-income housing.



### First & Last Mile/ Connectivity

Improve mobility across the region and enhance the pedestrian experience within the Metro Rail corridor.



### Placemaking & Community

Identify approaches to maintain and invest in the social and culturally significant elements of a neighborhood.



### Healthy & Active Lifestyles

Encourage a more active and healthier lifestyle and reduce the amount households spend on transportation costs.



The TOD Coordinating Committee is a standing committee of regional stakeholders from the public sector that have a common interest in promoting, planning, and implementing TOD across the Metro Rail corridor. Establishing a TOD Coordinating Committee was identified as a need through the Comprehensive TOD Plan that was completed in 2019 and is an element of FTA funding criteria that can improve a region's overall rating.

## • 4.1.1 Purpose and Goals of TOD Coordinating Committee

Implementing the recommendations from the Comprehensive TOD Plan involves decisions that directly influence land use policy and regulation, economic development and housing, financing and value capture, public realm and community facilities, transportation, parking, and community engagement. Much of this is done at the municipal level, allowed under the NYS Home Rule law. However, regional collaboration is essential to ensuring that the benefits of TOD are shared across jurisdiction boundaries and that regional goals for smart, sustainable, and equitable growth and economic development are met.

### **Goals of the TOD Coordinating Committee:**

- ✓ Provide focused region-wide advocacy for eTOD.
- ✓ Establish and leverage a collaborative process to support meeting the region's vision for smart, sustainable, and equitable growth and economic development.
- ✓ Enhance and capture the value of transit investment.
- ✓ Leverage successful eTOD implementation policies and transaction structures.
- ✓ Enhance and expand regional mobility.
- ✓ Collaborate on regional eTOD policy and strategy development and implementation.
- ✓ Strengthen the region's ability to attract and retain population, employment, and tourism.
- ✓ Strengthen the region's position in applying for Federal transit funding.

## 4.2 TOD Coordinating Committee Structure

The TOD Coordinating Committee is comprised of municipal and agency staff. The Erie County Department of Environment and Planning is a potential source to support the TOD Coordinating Committee on various coordination, administrative, and technical tasks. This concept will need to be vetted with the TOD Coordinating Committee before finalizing structure and staffing needs.



### Lead Coordination

Throughout the project, under the direction of NFTA, the Consultant - WSP acted as Lead Coordinator. The TOD Coordinating Committee will be tasked with identifying a permanent Lead Coordinator and transitioning to a self-sustaining body.



### TOD Coordinating Committee

- ✓ Niagara Frontier Transportation Authority (NFTA)
- ✓ Greater Buffalo-Niagara Regional Transportation Council (GBNRTC)
- ✓ Erie County Department of Environment and Planning
- ✓ Erie County Industrial Development Authority (ECIDA)
- ✓ City of Buffalo Office of Strategic Planning

**Membership could be extended to the following, or participation could be requested on an as needed basis for:**

- ✓ Empire State Development (ESD)
- ✓ New York State Department of Transportation (NYSDOT)
- ✓ Erie County Department of Public Works
- ✓ City of Buffalo Department of Public Works
- ✓ Buffalo Urban Development Corporation (BUDC)
- ✓ Town of Amherst Engineering Department



### Support Team

NFTA, GBNRTC, and Erie County Department of Environment and Planning staff will support the TOD Coordinating Committee on various administrative and technical tasks. Support can also be provided by GObike staff through various grant programs.

- ✓ Town of Amherst Planning Department
- ✓ Town of Amherst Industrial Development Authority
- ✓ Town of Tonawanda Department of Planning & Development
- ✓ Town of Tonawanda Engineering Department

- ✓ Town of Tonawanda Engineering Department
- ✓ LISC NY
- ✓ University at Buffalo
- ✓ Community Development Financial Institutions (CDFI) and banks
- ✓ Foundations and philanthropic organizations
- ✓ Equity, transportation, and community development not-for-profits



## 4.3 TOD Coordinating Committee Work Plan

Throughout the 2022 calendar year, the TOD Coordinating Committee accomplished the following:

- ✓ Began holding routine meetings as a formal TOD Coordinating Committee (Held 4 in total).
- ✓ Collaboration on regional planning activities (discussions around Boulevard Mall and LaSalle Station).
- ✓ Reviewed and accepted an equitable TOD engagement process that equips community partners (Known as Developing Our Transit Future) with the knowledge and information to continue building capacity for eTOD in their communities.
- ✓ Committee members incorporated input from Developing Our Transit Future into the community input process for LaSalle Station.
- ✓ Committee members participated in an event for celebrating the success of the Developing Our Transit Future cohort.
- ✓ Members were provided updates on the TOD Housing Fund and agreed on Fund goals.
- ✓ Committee members were provided recommendations and strategies to reference in updating their plans and policies to become more TOD supportive. Municipalities are equipped with a checklist to measure their accomplishments.

A Work Plan was prepared for the 2023 calendar year to identify actions for the TOD Coordinating Committee to accomplish. The 2023 Work Plan consists of:

2023 Work Plan Actions	Status
Holding at least five additional TOD Coordinating Committee meetings on a regular basis.	Four meetings were held in 2023
Committing to TOD Coordinating Committee mission and work plan.	Completed
Agreeing to continue Developing Our Transit Future next steps.	Completed
Agreement on Preferred Station Area priorities and infrastructure investments.	Completed
Agreement on station area equity values for LaSalle Station, Utica Station, and Summer-Best Station derived from Developing Our Transit Future workshops that will be provided to potential developers for guidance in understanding eTOD values at each station area.	Completed
Agreement on equitable TOD performance measures that will measure success of TOD in the region.	Completed
Agreement on structure of an eTOD Housing Strategy.	Ongoing

2023 Work Plan Actions	Status
Agreement to collaborate on advancing TOD policy and plan recommendations.	Completed
Reviewing and acceptance of a final eTOD Implementation Plan to be delivered to FTA.	Ongoing
Sharing updates on implementation of TOD supportive strategies by continuously updating the TOD Action Plan Checklist.	Ongoing
Agreement on a transition plan to a self-sufficient body, including documenting a process for agenda setting, summarizing meetings, and annual goal and objective setting.	Pending Coordination

## 4.4 Continuing eTOD Planning Activities

In order to assist the TOD Coordinating Committee in its ongoing efforts to accomplish annual work plan actions and to continue to administer continued eTOD implementation, staffing resources will be needed. These resource needs are identified below and can be administered by government agencies, not-for-profit agencies, or a combination thereof.

### The staffing and resource needs to administer daily eTOD planning activities, include:

- ✓ Continuation of the TOD Coordination Committee.
- ✓ Progressing TOD Coordinating Committee work plan items.
- ✓ Coordinate and advance the eTOD Housing Strategy.
- ✓ Routine TOD planning and coordination items.
- ✓ Undertaking performance measure evaluation.

### Assumptions used in the development of an annual cost of staffing resources to administer ETOD planning:

- ✓ Prevailing labor rate for a planner with approximately 5 years of experience.
- ✓ Rate includes overhead to cover office space, benefits, and other non-labor expenses. This rate is higher for consultant employees than for not-for-profit or government employees.
- ✓ For consultant employees, labor rate includes a 10% fee.
- ✓ Based on staffing needs over the last few years on this project, the assumption is that an employee would spend 30 weeks working 10 hours on eTOD efforts, and 20 weeks working 20 hours on eTOD efforts. This does not include efforts for administering the TOD Housing Strategy, which is outlined later.

Annual Cost (not-for-profit or government employee) **\$105,000**

Annual Cost (consultant) **\$122,500**

### • 4.4.1 TOD Housing Strategy

As the TOD Housing Strategy framework is developed and advanced into a fund, the staffing resource needs for managing the fund will become clearer and will be identified once understood.

### • 4.4.2 Host Agencies

Throughout the course of this Phase II effort, the need to identify at least a part-time staff member that can assist with administering the TOD Coordinating Committee's Work Plan and several other regional eTOD initiatives became evident. Several agencies have been identified as potentially hosting or sharing potential staffing resources. These include:

- ✓ Erie County Department of Environment and Planning for daily eTOD planning activities.
- ✓ LISC NY for some eTOD planning activities and TOD Housing Strategy administration.
- ✓ GObike for some eTOD planning and continued Developing Our Transit Future capacity building activities.
- ✓ NFTA for daily eTOD administration and coordination of eTOD activities.
- ✓ GBNRTC for TOD Coordinating Committee collaboration.
- ✓ Buffalo Erie Niagara Land Improvement Corporation (BENLIC)/ Erie County Land Bank for TOD land acquisition, assembly, and deposition related to administering the TOD Housing Strategy.
- ✓ Local governments for regulatory and policy adoption

## 4.5 Sources of Funding for ETOD Staffing



Within the host agencies identified above, there will be a need to identify dedicated funds to assist with paying for one or more staff persons contributing to administering eTOD initiatives in the region. Below are some examples of funding opportunities for staff resources, based on a peer review of other regions currently funding TOD staff.

- ✓ **NYSDERDA Climate Justice Fellow (CJF)** – GObike was awarded a CJF grant in 2023. GObike intends to use the funding to hire a staff position to coordinate with GO Buffalo-Niagara, the Developing Our Transit Future cohort, NFTA's Move Roundtable, TOD Coordinating Committee, and the Buffalo NY based Clean Transportation Prize team led by LISC NY to recognize community values, build consensus, and elevate community leadership to collaboratively advance climate justice and sustainability initiatives.
- ✓ **FHWA Section 104(f) Metropolitan Planning (PL) Funds** – These funds are dedicated to a Metropolitan Planning Organization, which is GBNRTC in this region, to carry out transportation planning activities. These funds can be used to
- ✓ **FTA Section 5303 Metropolitan Planning Program (MPP) Funds** – These funds are provided to urbanize areas to provide planning and technical studies in support of public transportation.

- ✔ **TOD Development Fees** – In some regions, established TOD departments have instituted an application fee structure that allows a portion of the revenue received from applicants for TOD along a transit line to help fund a TOD position. The benefit in having a TOD support staff is that they help a developer navigate various funding and financing mechanisms, assist in development review process, and can assist with administering any funds to support affordable housing.
- ✔ **Partnerships with Philanthropic Foundations** – Several regions have received funds from philanthropic organizations to help fund TOD efforts, especially when they help support the goals of said philanthropic organization such as affordable housing, mobility justice, and environmental sustainability. As an example, in Charlotte, NC, the Knight Foundation has committed \$58 million in Charlotte, including investing in LISC community development strategies and supported community-based organizations focused on economic growth to underinvested communities.

There are some 800 foundations across the Buffalo-Niagara Region, many of which identify values that support eTOD.

- ✔ **Partnerships with Not-for-Profit Organizations** – There are several not-for-profit organizations, such as those that promote affordable housing, social justice, mobility, and environmental sustainability, that are either managing or coordinating with government agencies to support managing TOD staff. As an example, the Massachusetts Housing Partnership is currently administering a new \$40 million TOD fund and will hire a TOD Program Manager to manage the TOD fund. An example of a local organization that as supported eTOD and his involved with administering a number of TOD supportive initiatives is LISC NY.

There is the potential to use other Federal and state funds, however, most of these funds are intended to facilitate actual construction of TOD and the infrastructure needed to support TOD. These funds are outlined in Chapter 10.



The Comprehensive Transit-Oriented Development Plan Phase I effort reviewed about 1,000 pages worth of Zoning Codes, Land Use Policies, and Comprehensive Plans for the City of Buffalo, Town of Amherst, and Town of Tonawanda. In order to understand each municipality's zoning, each zoning district was scored based on requirements that are industry-wide accepted to be supportive of Transit-Oriented Development. In the second phase of the project modifications were identified to existing policies and regulations to facilitate a more transit supportive environment. The Phase II effort also explored Comprehensive Plan language that should be incorporated by municipalities to set the stage for transit-supportive zoning and land use policy updates.

## 5.1 Comprehensive Plan Strategies

A municipality's Comprehensive Plan guides land use policy and decision-making in that community, providing the framework for development and growth. A Comprehensive Plan also supports zoning and land use decisions in a community. In reviewing the Comprehensive Plans from the City of Buffalo and Towns of Amherst and Tonawanda, there were several Plan revision and updates that were identified that should be adopted in order to promote a transit-supportive environment and set the stage to support transit-supportive zoning and land use policy. In general, the City of Buffalo's Green Code consists of a Unified Development Code that was recently updated based on extensive community input. There is already a strong transit-supportive framework in the Green Code, so Comprehensive Plan strategies are only identified for the Towns of Amherst and Tonawanda.

### • 5.1.1 Town of Amherst Bi-Centennial Comprehensive Plan

The Town of Amherst amended the Bi-Centennial Comprehensive Plan in September 2019 to implement and progress existing provisions included in the 2007 Plan. Findings from the "2014 Comprehensive Plan Review" and the "2016 Town of Amherst Economic Study" suggested that shifting demographic and economic trends were altering consumer behavior and related forms of commercial land use.

#### **Most notable were conclusions indicating that:**

- ✓ Suburban retail corridors and business parks that comprise much of Amherst's employment and commercial base are losing favor among residents and workers who expressed preferences for "downtown" or mixed-use locations with a strong base of restaurants, retailers, salons, and recreational activities.

- ✔ Commercial areas with traditional form and a strong mix of uses could provide the critical mass of amenities desired by companies, workers, and residents; and,
- ✔ To encourage contemporary mixed-use forms of development that promote energy and resource efficiency, the Town could adopt form-based regulations at appropriate locations that focused on building form and context, rather than strict land use and site design.

The Town of Amherst 2019 Comprehensive Plan amendments activate priority action programs, policies and vision for land use and development in the plan, including to comprehensively revise the Town's development regulations, standards and review and approval processes; establish provisions for mixed-use development patterns; and provide expanded incentives for investment/revitalization of neighborhoods and commercial areas. The amendments further the primary goal in the Land Use and Development section of the Bi-Centennial Comprehensive Plan (Section 3), which specified "An interconnected mix of land uses that includes revitalized older neighborhoods and commercial center and corridors, quality new development, vibrant activity centers, agriculture, and green spaces through the community".

Narrative provisions were added to the Comprehensive Plan to support land use changes and revitalization of traditional commercial areas, and suburban centers and corridors in the Town. More specifically, Section 3.3.2 – Commercial and Mixed Use, was added in recognition that a strong commercial base is necessary to support quality of life and provide community amenities in Amherst.

Provisions in this section recognize that commercial and mixed-use centers in the Town have historically been built in two forms: traditional, where infill development is more likely to occur; and suburban areas where retrofitting to allow inclusion of new aspects of development and the creation of a sense of place could occur. The amendments address the form and scale of development in these areas, advocating for improved design characteristics and elements that would influence how sites and buildings relate to one another.

The Comprehensive Plan amendments also included policy direction to advance the redevelopment and revitalization of underutilized, obsolete, and vacant properties for economically viable uses. These policy changes build off the designation of Census Tract 92 as a Federal Opportunity Zone, which includes the Boulevard Mall and area proposed for the expansion of public transit and supports the Town's vision to transform this area as a vibrant corridor of mixed-use activity.

### **Specific Bicentennial Comprehensive Plan Action Items**

Specific Bicentennial Comprehensive Plan recommendations and actions items for the Town of Amherst to use in updating the Bicentennial Comprehensive Plan to reflect Metro Rail expansion and TOD are reflected below.



- 1 Page 6-3, under “Overview – studies relevant to the Town of Amherst that should be consulted include”, add new bullet:
  - Comprehensive Transit-Oriented Development Plan
- 2 Page 6-14, under “6-5 Undertake a capital program to maintain or improve the efficiency of the existing road system”, add a bullet as follows:
  - To further enhance the multi-modal transportation system, mobility hubs should be developed around major proposed Metro Rail stations. Mobility hubs are places that bring together public, shared, and active mobility modes with some public realm improvement that creates both a comfortable and vibrant area as well as provides enhanced mobility options.
- 3 Page 6-17, under “Transit Service”, add a paragraph to the narrative under 6-9 Work with NFTA to improve transit service and provide connections to activity centers (e.g., UB and Eggertsville) and provide a map portraying the Metro Rail expansion LPA, as follows:
  - In 2017, NFTA recommended the Niagara Falls Boulevard LRT Alternative as the strongest alternative to advance as the Locally Preferred Alternative (LPA) and entered into the necessary NEPA compliant Environmental Impact Statement to assess the potential environmental impacts of the project and to engage agency review. NFTA is proposing to expand Metro Rail light rail transit from the current terminus at University Station on the University at Buffalo South Campus, to the area near Audubon Parkway and I-990, ultimately connecting regional destinations in Buffalo, Amherst, and Tonawanda with high quality transit. The Metro Rail expansion would travel from University Station underground along Kenmore Avenue and onto Niagara Falls Boulevard where it would surface through a portal just north of Kenilworth Avenue. The alignment would then continue down the median of Niagara Falls Boulevard, where it would turn east along Maple Road. As alignment approaches the intersection of Maple Road and Sweet Home Road, Metro Rail would make a transition underground in front of Sweet Home Middle School through the intersection of Maple Road and Sweet Home Road and emerge from a portal on the east side of Sweet Home prior to the I-290 bridge and continue along the east side of Sweet Home Road and turn into the University at Buffalo North Campus at Rensch Road. Metro Rail would run through the campus and exit along Lee Road, where it would transition north along Audubon Parkway, utilizing the northbound lanes to its proposed terminus north of I-990 at Muir Woods. The trackway would be configured with two tracks – one for northbound service and one for southbound service. There are ten stations proposed, including stations along Niagara Falls Boulevard at Decatur Road, Eggert Road, and Boulevard Mall (which includes a park-and-ride facility) , stations on Maple Road, Sweet Home Road, three stations on the UB North Campus, and stations on Audubon at the Town Complex and at I-990. As of 2021, NFTA was preparing an Environmental Impact Statement with FTA acting as co-lead agency to advance the Metro Rail expansion project.
  - Add language similar to the following: “The Town of Amherst acknowledges the LPA and by way of the map and description, formally accepts the LPA as part of the Bi-Centennial Comprehensive Plan.”

## • 5.1.2 Town of Tonawanda Comprehensive Plan

The Town of Tonawanda's 2015 Comprehensive Plan offers moderate support for Transit-Oriented Development (TOD). The plan addresses transportation needs, placing emphasis on bicycle trails and amenities and bus service. Currently though there is insufficient language encouraging density, active storefronts, and streets, as well as parking minimums that cater to auto-centric development. As the Metro Rail expansion has progressed since 2015 there is opportunity for an update to the Comprehensive Plan to improve transit support within Tonawanda, especially along Niagara Falls Boulevard. The proposed Metro Rail expansion along Niagara Falls Boulevard is an excellent opportunity to encourage more transit-supportive development, allow a greater mix of uses, and design development and streetscapes to enhance pedestrian connectivity, all while progressing local and regional equity and sustainability goals.

Transit-Oriented Development furthers the goals defined by Tonawanda's previous plan as well as goals for the entire Buffalo-Niagara Region. GBNRTC defined principles of TOD success as; Medium to Higher Density Development, Mix of Land Uses, High Compact/Quality Pedestrian Environment, Active & Vibrant Center, Multi-Modal Connectivity, and Limited/Managed Parking (Comprehensive Transit-Oriented Development Plan, 2018).

These principles are fundamental in creating a more robust economy, expanding transportation options, improving housing access, creating sustainable environments, and equitable development. Equity as the primary framework for Transit-Oriented Development maintains that all citizens have equal access to the benefits associated with Transit-Oriented Development and prioritizes access and investment to marginalized groups. In its very nature, Transit-Oriented Development creates safe and healthy neighborhoods, increased access to employment, and development of mixed-income housing.

Changes to Tonawanda's Comprehensive Plan can help the town create successful Transit-Oriented Development. The addition of equity as a central theme and recommendation to amend the Zoning Code to support TOD. Clear language is necessary within the Zoning Code to support and promote transit-supportive development. This extends to minimize auto-centric development and parking requirements. These recommendations are outlined in a separate Zoning Recommendations memo. Updates to the Tonawanda Comprehensive Plan would set the stage for a corridor-wide update to zoning along Niagara Falls Boulevard that would bring land uses into conformance with a transit-supportive vision.

### Specific Comprehensive Plan Action Items

Specific Comprehensive Plan recommendations and actions items for the Town of Tonawanda to use in updating the Comprehensive Plan to reflect Metro Rail expansion and TOD are reflected below.

1 Page ix, under "How We Move – Transportation (including Connecting and Complete Streets)", add new bullet:

- Coordinate with NFTA on Metro Rail expansion and Transit-Oriented Development along Niagara Falls Boulevard.

2 Page 12, under “Traffic, Transportation and Connectivity”, modify existing bullet:

- Creating/ improving multi-modal opportunities, connections, and access to services and amenities.

3 Page 79, on “Map 6 Transportation Alternatives and Connectivity Plan”, update map to show the Metro Rail expansion project.

4 Page 94, under “Public Transportation”, replace 2nd paragraph to reflect recent Metro Rail expansion project:

- In 2017, NFTA recommended the Niagara Falls Boulevard LRT Alternative as the strongest alternative to advance as the LPA and entered into the necessary NEPA compliant Environmental Impact Statement to assess the potential environmental impacts of the project and to engage agency review. NFTA is proposing to expand Metro Rail light rail transit from the current terminus at University Station on the University at Buffalo South Campus, to the area near Audubon Parkway and I-990, ultimately connecting regional destinations in Buffalo, Amherst, and Tonawanda with high quality transit. The Metro Rail extension would travel from University Station underground along Kenmore Avenue and onto Niagara Falls Boulevard where it would surface through a portal just north of Kenilworth Avenue. The alignment would then continue down the median of Niagara Falls Boulevard, where it would turn east along Maple Road. As alignment approaches the intersection of Maple Road and Sweet Home Road, Metro Rail would make a transition underground in front of Sweet Home Middle School through the intersection of Maple Road and Sweet Home Road and emerge from a portal on the east side of Sweet Home prior to the I-290 bridge and continue along the east side of Sweet Home Road and turn into the University at Buffalo North Campus at Rensch Road. Metro Rail would run through the campus and exit along Lee

Road, where it would transition north along Audubon Parking, utilizing the northbound lanes to its proposed terminus north of I-990 at Muir Woods. The trackway would be configured with two tracks – one for northbound service and one for southbound service. There are ten stations proposed, including stations along Niagara Falls Boulevard at Decatur Road, Eggert Road, and Boulevard Mall (which includes a park-and-ride facility) that would serve neighborhoods in Tonawanda.

NFTA also undertook the development of a Comprehensive

- Transit-Oriented Development Plan to demonstrate that the proposed investment in Metro Rail expansion will not only have the ability to enhance regional mobility but also serve to support broader social and economic goals by promoting equitable Transit-Oriented Development (TOD).

- 5 Page 98, under “Strategic Planning – Long-Range Planning”, replace 2nd paragraph to reflect GBNRTC Moving Forward 2050 Plan:
- In 2018, GBNRTC adopted Moving Forward 2050, a vision of the future of regional transportation that highlights innovative ways of “building, planning and financing our transportation system.” The plan mentions the need for SEMAs (Smartly Enhanced Multi-modal Arterials) that offer multimodal transportation options that communicate real-time information by implementing V2I and V2V technologies. The idea is a marriage between Smart Streets and complete streets, as it emphasizes a shared street between pedestrians, bicyclists, transit, connected vehicles and autonomous vehicles. Further, Moving Forward 2050 identifies Metro Rail expansion as a regionally significant project.
- 6 Page 120, under “Zoning”, add a bullet to show support for Transit-Oriented Development along Niagara Falls Boulevard and to offer conformance to any future zoning revisions. Suggested language includes:
- The Zoning Law (Chapter 215 of the Town Code) currently provides for limited transit-supportive development opportunities along Niagara Falls Boulevard, allowing for limited mixed-uses as well as requiring predominately automobile-oriented layout.
  - The Zoning Law (Chapter 215 of the Town Code) should be revised and updated to reflect support for amending zoning along Niagara Falls Boulevard to be more transit-supportive and transit-oriented, especially within 1/8 mile of a proposed Metro Rail station.
- 7 Page 138, under “Public Transportation”, replace the 3rd and 4th bullet with the following:
- In 2017, NFTA recommended the Niagara Falls Boulevard LRT Alternative as the strongest alternative to advance as the LPA and entered into the necessary NEPA compliant Environmental Impact Statement to assess the potential environmental impacts of the project and to engage agency review.
  - As of 2021, NFTA was preparing an Environmental Impact Statement with FTA acting as co-lead agency.
  - NFTA also undertook the development of a Comprehensive Transit-Oriented Development Plan to demonstrate that the proposed investment in Metro Rail expansion will not only have the ability to enhance regional mobility but also serve to support broader social and economic goals by promoting eTOD.
- 8 Page 147, under “Public Policies and Cooperation”, replace the 4th bullet with the following:
- Niagara Falls Boulevard is one of the major commercial centers in the Buffalo-Niagara Region, anchored by the Boulevard Mall in the Town of Amherst, at Niagara Falls Boulevard and Maple Road. Recently, the Town of Amherst has adopted new Mixed-Use Zoning that will allow the Boulevard Mall to redevelop into a mixed-use town center and begin to reshape portions of Niagara Falls Boulevard into a mixed-use, multi-modal transit-supportive corridor rather than an automobile-oriented corridor. The Town of Tonawanda should coordinate with NFTA and the Town of Amherst in creating a mixed-use, multi-modal, transit-supportive corridor that reflects the goals of the Comprehensive Transit-Oriented Development Plan.

- 9 Page 149, on “Projects Map”, add Transit-Oriented Development focus along Niagara Falls Boulevard as an identified Recommendation.
- 10 Page 150, under “Land Use and Zoning Recommendations”, add an additional open bullet “o” to read:
  - Zoning regulations along Niagara Falls Boulevard should be amended to reflect support for mixed use, transit-supportive development, especially within 1/8 mile of a proposed Metro Rail station.
- 11 Page 163, under “How We Move – Transportation and Traffic”, add an additional bullet to read:
  - Coordinate with NFTA on Metro Rail expansion and Transit -Oriented Development along Niagara Falls Boulevard.
- 12 Page 174, under “Implementation Actions by Topic Area – Sense of Community, Land Use and Zoning”, add a row for action, as follows:
  - Zoning regulations along Niagara Falls Boulevard should be amended to reflect support for mixed use, transit-supportive development, especially within 1/8 mile of a proposed Metro Rail station.
- 13 Page 182, under “Implementation Actions by Topic Area – Workforce, Business Environment and Economic Base”, add a row for action, as follows:
  - Support the development of mixed-use, equitable Transit-Oriented Development along Niagara Falls Boulevard near proposed Metro Rail stations.
- 14 Page 185, under “Implementation Actions by Topic Area – How We Move – Transportation”, add a row for action as follows:
  - Coordinate with NFTA and other agencies on development and implementation of Metro Rail expansion, multi-modal opportunities, and Transit-Oriented Development along Niagara Falls Boulevard.

## 5.2 Zoning Strategies

A municipality's Zoning is a local law that determines the type, scale, and layout of land uses in that community. In reviewing the Zoning Codes from the City of Buffalo and Towns of Amherst and Tonawanda, there were several revision and updates that were identified that should be adopted in order to promote a more transit-supportive environment.

### • 5.2.1 Summary of Zoning Code and Policy Gap Analysis

The following offers a summary of the findings from the review of zoning codes and policies for each the City of Buffalo and Towns of Amherst and Tonawanda. These findings include identification of key gaps and needs of transit-supportive elements along with potential tools and incentives that could be utilized to fill the gaps/needs and create more transit-supportive zoning codes and policies. This summary acted as a framework for which zoning amendment language was drafted and provided later in this section.

## City of Buffalo

The following are key findings and guidance from the City of Buffalo Zoning Code and Policy Gap Analysis:



### TOD Elements

#### Buffalo

##### Need:

Require additional TOD features near station areas

##### Tools and Incentives:

- Allow additional density bonus for larger non-residential areas at Metro Rail stations that incorporate TOD features (mixed-income housing, retail services, public realm activation)
- Incentives for parcel assembly to allow for TOD near station areas
- Promote smaller block sizes (many set at 1,200 max), especially in TOD



### Placemaking

#### Buffalo

##### Need:

Better relationship between development and public realm / station areas

##### Tools and Incentives:

- Provide streetscape guidelines to direct the overall character and configuration of the public rights-of-way and focus on improving the aesthetic qualities of a street, enhancing multi-modal accessibility
- Requirements for mobility, wayfinding, public art, lighting, etc. near Metro Rail stations



### Parking

#### Buffalo

##### Need:

Better parking management

##### Tools and Incentives:

- Set parking maximums (especially along Metro Rail corridor)
- Allow on-street parking (within TOD areas) to count towards the parking requirements
- Allow a project to satisfy some or all its parking requirement through a shared parking agreement off site



## Towns of Amherst and Tonawanda

The following are key findings and guidance from the Town of Amherst and Town of Tonawanda Zoning Code and Policy Gap Analysis. The two municipalities offered similar findings, thus they are grouped.



### TOD Elements

#### Amherst / Tonawanda

##### Need:

Require and promote additional TOD features near station areas (mixed-use, increased density, building orientation)

##### Tools and Incentives:

- Increased density and required mixed-uses and mixed housing
- Offer entitlement increases (bonus) for incorporating TOD features
- Offer “Employment Bonus” that allow developers to build greater density in exchange for job-generating uses and needed neighborhood services
- Offer “Affordability Bonus” that allows developers to build greater density in exchange for affordable housing
- Prioritize vacant and underutilized land for contextually-sensitive infill development (ease regulations)



### Building/ Site Design

#### Amherst / Tonawanda

##### Need:

Require and promote building and site design that is TOD-supportive

### Tools and Incentives:

- Require certain TOD elements as part of zoning and site plan
- Less auto-centric zoning (more walkability, increased density, mixed uses, mixed housing)
- Require and promote building design and interface features that support TOD (building orientation, active ground floor, etc.)
- Incentivize parcel assembly to allow for TOD along Niagara Falls Boulevard (horizontal density rather than vertical density near single family neighborhoods)



### Placemaking

#### Amherst / Tonawanda

##### Need:

Better relationship between development and public realm / station areas

##### Tools and Incentives:

- Requirements for how buildings interface with public realm station area
- Requirements for mobility, wayfinding, public art, lighting, etc. near station areas
- Revisions to existing zoning (New Mixed-Use District could have additional requirements for how development interacts with public realm/station areas)



## Parking

### Amherst / Tonawanda

#### Need:

Parking management

#### Tools and Incentives:

- Eliminate minimum parking requirements along corridor and establish parking maximums
- Parking design and orientation requirements
- Allow for shared parking
- Allow on-street parking in TOD areas
- Offer new developments the option of paying “In Lieu Fees” instead of parking that will be used to fund public parking facilities



## Zoning Tools

### Amherst / Tonawanda

#### Need:

Zoning/Land Use Tools

#### Tools and Incentives:

- TOD Overlay along corridor (could have 2-tier with additional features at station areas)
- TOD performance criteria to apply for “bonus”
- Revisions to existing zoning (New Community District could include additional transit-supportive requirements)
- Consider “floating” TOD zone or apply more transit-supportive base zoning along corridor (acts like a PUD that is applied on a project-by-project basis)

## Corridor-Wide

The following are key findings for a corridor-wide assessment. These needs and tools and incentives relate to the entire corridor, rather than a single municipality. These tools and incentives could be implemented for a future TOD Regional Committee.

**Corridor-wide Transportation Management Association (TMA)** – A corridor-wide TMA could help implement Transportation Demand Management strategies aimed at reducing single occupant vehicle use and encourage transit as well as facilitate multimodal “first-mile” and “last-mile” connections. Given the TMAs in the area (BNMC and UB), as well as plans for other ‘Go District’ TMAs in the region a Go Metro Rail TMA could be created to provide TOD incentives along the existing and future Metro Rail corridor.

Potential organizational structures for a corridor-wide TMA include:

- Partner with existing GO Districts within the region to create joint GO District
- Incorporate a corridor-wide TMA within an existing TMA<sup>2</sup>
- Incorporate a corridor-wide TMA within an existing or agency /organization
- Create new 501(c)(3) or private corridor-wide Transit Management Association<sup>3</sup>

<sup>2</sup>Clifton Corridor Transportation Management Association, <http://cctma.org/>

<sup>3</sup>uGo, Cleveland, <https://www.ugointhecircle.com/files/assets/mgucphase3implementationfinalreport.pdf>

**Streamline TOD Applications** – Each municipality has the capability to streamline applications for TOD by offering expedited reviews of TOD applications and reducing applications and/or permit fees for TOD applications that meet the requirements of the TOD zone/overlay, or applicable zoning district, particularly in the instances of Joint Development.

**Growth Management and Land Conservation Policies** – Application of region-wide growth management policies would be beneficial to creating planned concentrations of transit supportive development around existing and proposed transit locations.

### • 5.2.2 City of Buffalo Zoning

After lengthy conversations with the City of Buffalo, staff felt that since recent updates to the Green Code integrated abundant community input, that the zoning along the Metro Rail corridor was set up to reflect what the community desires and felt the Green Code did not require any additional amendments in the short term and was developed to be transit-supportive, including provisions for a Metro Rail Corridor Overlay. As staff is able to see how the Green Code is administered and development begins to take shape, they will revisit certain sections on place type, building form, and/or policies for approving development.

### • 5.2.3 Town of Amherst Zoning

A targeted analysis of the Town of Amherst's existing Zoning districts and recently adopted Zoning Code revisions was undertaken as they relate to TOD. The analysis focuses on areas abutting the proposed Metro Rail expansion corridor (a) north of Eggert Road along Niagara Falls Boulevard and east through the Boulevard Central District area on the Maple Road alignment (referred to in this memo as the Downtown Area), and (b) through the University at Buffalo (UB) North Campus and along Audubon Parkway to its terminus near Interstate 990 (referred to in this memo as the North Area). Figure 5-1, on the following page outlines the areas of focus.

**Explore incentives and requirements for electric vehicle charging infrastructure** –The integration of electric vehicle charging stations can play a pivotal role in enhancing the attractiveness and efficiency of transit-oriented communities. By strategically locating charging stations near transit hubs, residents and commuters can confidently rely on public transit options while still having access to electric vehicle charging for occasional use. This investment into electric vehicle infrastructure could benefit all municipalities in efforts to support the growth of privately operated electric vehicles and promote region-wide sustainability efforts.

**The Zoning districts included in the analysis that are found along the Metro Rail expansion corridor include:**



Recently adopted Mixed Use Districts (Chapter 203, Section 5A. of the Zoning Code), including CTR 5 and CTR 8 located around Boulevard Mall and along Niagara Falls Boulevard and Maple Road.



New Communities Overlay district (NCD) in the North Area, generally located between I-290 and I-990

Also included is an analysis of making the other Mixed-Use Districts that are not necessarily focused around the Metro Rail expansion corridor but are intended to enhance infill development throughout the Town, more transit-supportive in general, including Infill Districts TI-2.5 and TI-4, and Retrofit Districts SC-3, DC-3, DC-5, and CTR-2.5.

### Mixed Use Districts

In September 2019, the Town of Amherst adopted Section 5A of its Zoning Code, which establishes a broad array of new Mixed-Use Districts intended to implement traditional development centers identified in the Town's 2019 Comprehensive Plan. The Town rezoned certain commercial areas to one of the new mixed-use districts. The new districts are generally supportive of TOD and consider various types of new development and re-development constraints (e.g., different types of districts for shallow versus deep lots). These districts, particularly CTR-5 and CTR-8, are being applied to several key parcels in the Downtown Area. Other Mixed-Use Districts, such as TI-2.5, TI-4, SC-3, DC-3, DC-5, and CTR-2.5 are being applied to other commercially zoned areas throughout the Town. While the new Mixed-Use Districts provide a strong framework for TOD, minor modifications could be made to the CTR-5 and -8 districts, and to the design standards, parking requirements, and signage requirements for all Mixed-Use Districts, in order to further promote TOD.

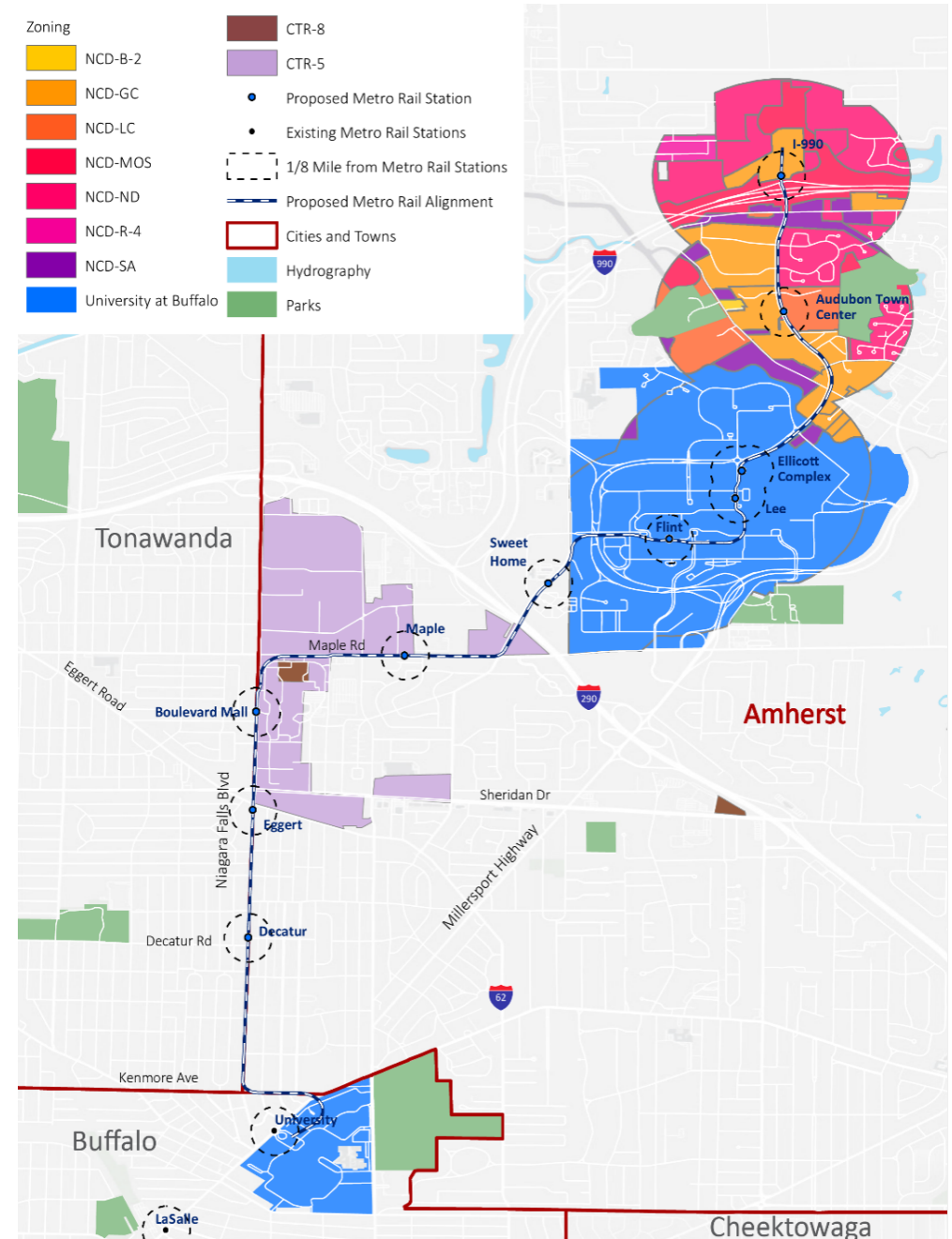


Figure 5-1 Geographic Applicability of Zoning Recommendations for the Town of Amherst

Initially, Amherst is focusing the application of the new mixed-use regulations on properties within/near the town's federal opportunity zone – the Boulevard Central District. The Boulevard Central District is generally bordered on the west by Niagara Falls Boulevard, on the north and east by Interstate 290 and on the south by Sheridan Drive. The new Boulevard Central District regulations allows for a mixture of uses, and introduce new uses, including: single family homes, multifamily homes, assisted group living, and senior citizen housing.

The entire rezoning action for this area affects 196 parcels, totaling 504 acres of land. The majority of the affected parcels currently fall within the GB (General Business) District, the SC (Shopping Center) District and some within the RD (Research and Development) District. The OB (Office Building) and MS (Motor Service) zoned parcels will not be included at this time. Due to its size, the rezoning action is separated into two sectors (phases). Sector 1, which includes those parcels south of Maple Road and Sector 2, which includes parcels north of Maple Road. Sector 1 was approved by the Town Board in September 2020 and Sector 2 was approved in December 2020. Figure 5-2 shows the Boulevard Central District Sector 1 and Sector 2 zoning that is now in place.

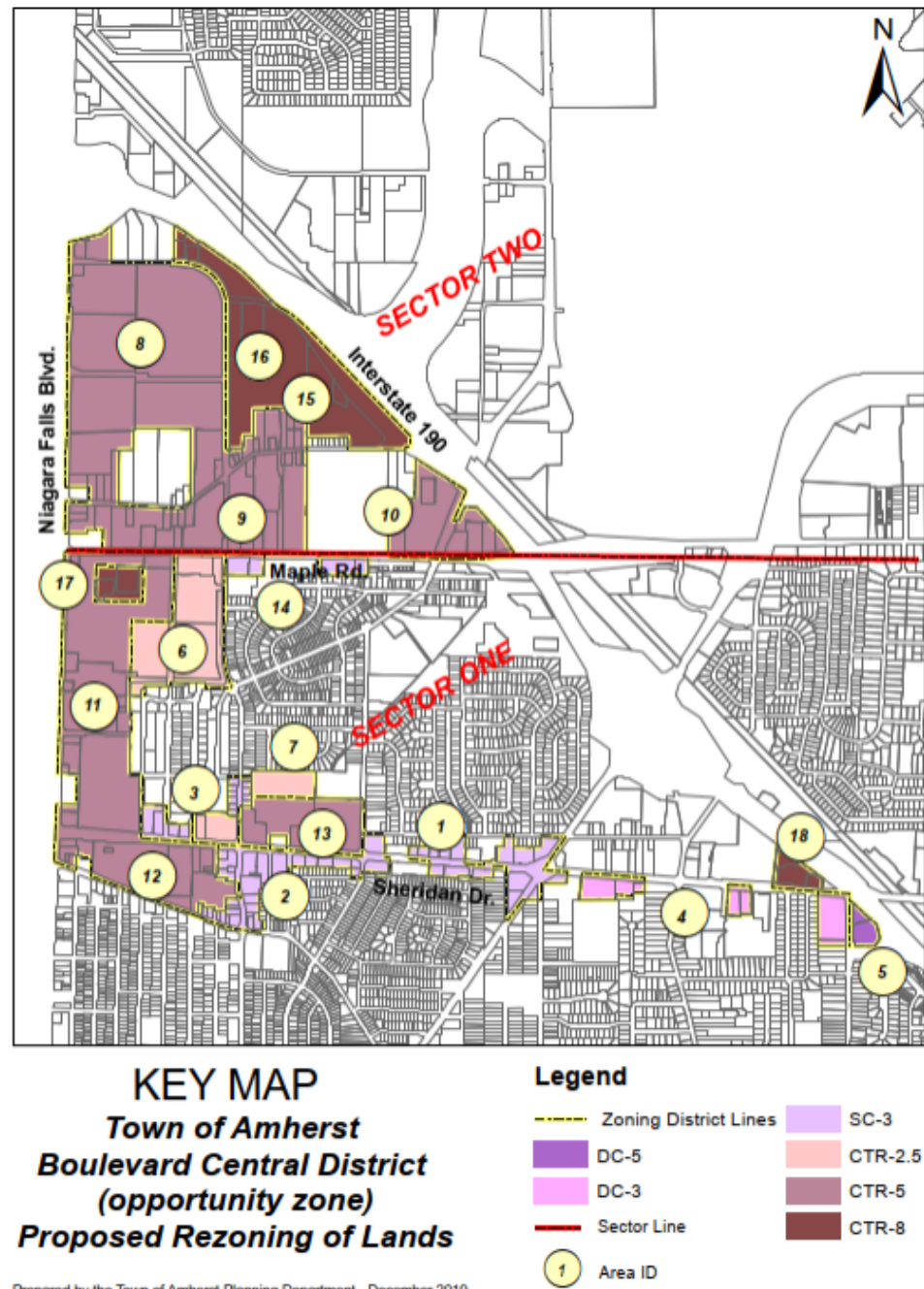


Figure 5-2 Boulevard Central District and Proposed Rezoning of Lands



## **CTR-5 and CTR-8**

The Center 5 District (CTR-5) is intended to create new walkable mixed-use places with pedestrian-scale internal streets. The district allows for up to five stories of height with a minimum of two stories, along with a broad array of retail, office, service, commercial, and multi-family uses.<sup>4</sup>

Similarly, the Center 8 District (CTR-8) is intended to create new walkable mixed-use places with pedestrian-scale internal streets in locations that are near I-290 or other areas that are deemed appropriate for the Town's tallest new buildings (such as central to the Boulevard Mall site). The district allows for up to eight stories of height with a minimum of two stories, along with a broad array of retail, office, service, commercial, and multi-family uses.

Though these districts could currently accommodate different development intensities supportive of TOD, the permitted uses for both could be modified to help ensure that new development promotes walkability and increased density. More specifically, the following revisions are recommended:

- In Section 5A-8-2 Mixed Use District Use Table, remove Single-Family Detached Residential uses as a permitted use unless it was established prior to the effective date of the amendment in both CTR-5 and CTR-8.
- In Section 5A-8-2 Mixed Use District Use Table, remove the Drive-Through Facility use as a permitted use in the CTR-8 district unless it was established prior to the effective date of the amendment.
- In Section 5A-8-2 Mixed Use District Use Table, remove the Drive-Through Facility as a permitted use within 1/8 mile (660 feet) of a Metro Rail station in the CTR-5, unless it was established prior to the effective date of the amendment.

Together, these changes will avoid low-density residential and auto-oriented drive-through development in those areas most important for promoting TOD in the Downtown Area.

## **CTR-2.5 and DC-3**

Following the delivery of a draft version of this memo, the Town of Amherst requested that the consulting team evaluate potential zoning strategies for commercially zoned parcels along the south side of Maple Road near the proposed Maple Road Metro Rail expansion station (between Bailey Avenue and Sweet Home Road). Specifically, the Town wanted to understand the potential applicability of implementing one of the Boulevard Central Districts along Maple Road.

The parcels along the southside of Maple Road in this stretch are in close proximity to single-family residential neighborhoods to the south. As part of planning for future application of the Boulevard Central Districts, a few of the parcels along this stretch were identified for application of the SC-3 (Shallow Corridor 3-story) district, a designation that was driven by the modest depth of these parcels and proximity to residential neighborhoods. Other parcels along the south side of Maple Road between Bailey Avenue and Sweet Home Road have greater lot depths but were not identified for application of any of the Boulevard Central Districts; however, as part of earlier studies about the potential application of the new Boulevard Central Districts, the properties southwest of the Maple Road/ Bailey Avenue intersection (the current Wegmans/ Ashley Furniture site) was identified as a potential site for application of CTR-2.5 zoning.

<sup>4</sup>Note that the current intent statement for the CTR-5 district says that one story buildings are also appropriate.

In that location, the proposed CTR-2.5 zoning would be applied immediately west across North Bailey Avenue from the same single-family neighborhood. In light of the potential location of the Metro Rail extension stop along Maple Road, it is recommended that the remaining parcels along the south side of Maple Road between Bailey Avenue and Sweet Home Road be identified for application of one of the Boulevard Central District zones as follows:

- If there is a strong reason not to allow buildings taller than two stories in these locations, the remaining lands could be zoned CTR-2.5 district to match the Wegmans/ Ashley Furniture site. The two-story building height permitted by the CTR-2.5 district is the same as the two-story limit applicable in the R-3 zoned single-family parcels to the south.
- If there is not a strong reason to limit redevelopment in this area to two stories, it is recommended that the remaining areas along the south side of Maple Road between Bailey Avenue and Sweet Home Road not currently developed with single-family neighborhoods be re-designated as appropriate for the more intense DC-3 district. The three-story maximum height allowed in this district is also compatible with the two-story maximum permitted in the R-3 zoned single-family parcels to the south, and differences in maximum heights between TOD and adjacent single-family neighborhoods are common in many newer zoning ordinances.



### **Sweet Home Road**

Following the delivery of a draft version of this memo, the Town of Amherst requested that the consulting team evaluate potential zoning strategies for an additional site north of I-290 along Sweet Home Road. More specifically, the focus of this inquiry was the area surrounding the proposed Sweet Home Metro Rail expansion station, covering both sides of Sweet Home Road west of the New Communities District and currently zoned GB (General Business). The current GB zoning allows maximum building heights of 65 feet, although the areas within 20 feet of streets are limited to 35 feet.

- Finally, if the CTR-2.5 district was identified as appropriate for the lands southwest of the Maple Road/ Bailey Avenue intersection before the Metro Rail expansion was identified, the Town may want to consider revising that recommendation to apply the more intense CTR-5 district to lands within 1/8 mile both southwest of the intersection of Maple Road and Bailey Avenue as well as along the south side of Maple Road between Bailey Avenue and Sweet Home Road in order to significantly increase the potential employment and housing in these areas within walking distance to the Metro Rail expansion station. Although a five-story height limit in these areas would be significantly higher than the two-story residential zoning to the south, the visual impact on residential areas could be mitigated by revising the CTR-5 district to include a requirement that any portion of a new structure located within 50 feet of a R-1, R-2, and R-3 zone district “step down” to a maximum height of three stories or 42 feet (the maximum height permitted in the DC-3 district) at the boundary of the residential district, thus focusing the more intense density up to Maple Road and closest to a Metro Rail station.



Importantly, a significant portion of the GB land located west of Sweet Home Road and east of Rensch Road has already been developed with four-to-six story hotel or residential mixed-use structures that are unlikely to be redeveloped in the near future regardless of what zoning may be applied to this site. A portion of the GB site east of Sweet Home Road appears to be under redevelopment for similar purposes. Fortunately, the intensity of these recently developed structures around the potential station site are appropriate to create significant ridership for the Metro Rail expansion, and the ground floor commercial spaces constructed in two of the buildings provide significant opportunities for transit-supportive active uses to further support activation around transit stop. However, the GB zoning district (unlike the newer CTR zoning districts) does not require new buildings to be located close to the street or to contain significant pedestrian entrances of pedestrian amenities to encourage street-oriented activity to and from the transit stop. Indeed, the current structures on the GB parcel are generally oriented to surface parking lots located in or around these structures, rather than to the Sweet Home Road frontage where the transit station will be located.

Although there is some hesitancy in recommending the application of the new CTR districts in an area of Amherst that was not evaluated as part of the previous development of those zoning districts by Dover Kohl Partners and Nelson/Nygaard, it does appear that the CTR-5 zoning district could be applied to the remaining undeveloped lands (and/or to the current surface parking lot areas that are large enough to accommodate new buildings) within 1/8 mile of the proposed station to promote more street-oriented and walkable development. As an alternative, the DC-5 district could be applied to these parcels in order to allow a similar level of building height and intensity while reserving the use of the new CTR districts for use in the heart of Amherst's redeveloping Boulevard Mall area.

In either case, the consulting team cautions that the recent construction and long anticipated useful life of the four-to-six story buildings within walkable distance of the proposed Sweet Home station make it unlikely that they will be redeveloped or replaced with more street-oriented buildings in the near future. Before applying any new zoning district to these parcels, the Town may want to confirm that it will not create significant non-conformities among the current buildings, which could make it difficult for those buildings to obtain financing need for upkeep and modernization of those structures in the future.

On the other hand, this analysis of potential zoning changes to promote transit-supportive development could be extended to adjacent parcels currently zoned RD (Research and Development) north and south of the GB parcel and located within 1/8 mile of the proposed Sweet Home station. Although the RD zoning also allows maximum building heights of 65 feet (with a 35 foot limit on areas nearest the street frontage), these RD-zoned lands appear to have a few vacant parcels capable of supporting relatively intense new development, as well as several lower-scale research and office-style developments that, while relatively new, are likely significantly less valuable than recent construction on the GB-zoned land, and therefore perhaps more likely to be redeveloped with higher intensity, street-oriented structures possible under the CTR-5 or DC-5 zoning districts.

If either the CTR-5 or DC-5 districts are applied to any of these lands, the revised parking regulations discussed below should also apply.



## Mixed Use District Design Standards

The Mixed-Use Zoning Districts design standards are made up of frontage standards for the Mixed Use-Districts introduced in Section 5A-2 of Amherst's Zoning Code. The code details two types of districts, Infill District and Retrofit Districts. The Retrofit Districts currently anchor major corridors within Amherst. The Infill Districts support redevelopment and infill that support the surrounding areas and enhance the pedestrian experience. Both of these district types are generally supportive to transit development but can be improved through changes to frontage, street standards, and open/amenity space.



### Frontage

In Section 5A-3 Retrofit Districts and Section 5A-4 Retrofit Frontages, Active Street Design is cited as desirable for all the Retrofit Districts, but the code does not explicitly state features that contribute to active ground floor design. This section could be made more transit-supportive by:

- Defining ground floor activation as when commercial and/or public and civic uses generally open to the public are located on the ground floor and are visually and physically accessible to pedestrians. This definition could be added to the Intent language.
- Revise Retrofit Districts, § 5A-3 to include – Within 1/8 mile (660 feet) of a Metro Rail station in Mixed Use Districts, active uses are required on at least 50% of ground floor frontage.

Further, the visual accessibility of the ground floor can be enhanced through revision of Infill Frontage § 5A-2 and Retrofit Frontage § 5A-4 as follows:

- Section 5A-2-3 General Frontage – increase minimum ground story transparency for non-residential to 50% (up from 30%) when located within 1/8 mile (660 feet) of a Metro Rail station unless it was established prior to the effective date of the amendment.
- Section 5A-4-7 Local Frontage – increase minimum ground story transparency for non-residential to 50% (up from 30%) when located within 1/8 mile (660 feet) of a Metro Rail station unless it was established prior to the effective date of the amendment.



### Open Space/Amenity Space

All districts within the Mixed-Use Districts section require either minimum Open Space (5%) or Outdoor Amenity Space (10%). Plazas and open space in relation to transit stations are not mentioned or alluded to. The Zoning Code could enhance transit-supportiveness by requiring additional activated outdoor areas or public realm areas near Metro Rail stations. Where feasible, this activated public realm space should adjoin any neighboring areas of activated public realm space and transit stations.<sup>5</sup> The Amenity Space is generally more transit supportive than the Open Space Requirements but could be strengthened by requiring that the space is accessible and open to the public as well as by increasing required seating as public seating encourages pedestrians to elongate their visit to an area, thereby making it feel safer, more walkable, and pedestrian friendly. Similarly, the following changes to the Open Space requirements are recommended to increase the space and pedestrian quality.

<sup>5</sup>Unified Development Ordinance, City of Raleigh, North Carolina. "J:\182882 - TOD Phase II\Reference\Land Use and Zoning\Raleigh\_UDO.pdf"

- Section 5A-7-1 B. Outdoor Amenity Space, (2) Standards: recommend editing (g) to the following: “Seating must be provided at the rate of 1 seat for every 500 square feet or fraction of 500 square feet. Seats may be permanent or movable. Two linear feet of bench or seat wall equals one seat. For areas within 1/8 mile (660 feet) of a Metro Rail station, seating must be provided at the rate of 1 seat for every 250 square feet or fraction of 250 square feet. Seats may be permanent or movable. Two linear feet of bench or seat wall equals one seat.”
- Section 5A-7-1 B. Outdoor Amenity Space, (2) Standards: recommend adding new standard (h) which states that “Outdoor Amenity Space is required to have general public access if within 1/8 mile (660 feet) of a Metro Rail station in Mixed Use Districts, unless it was established prior to the effective date of the amendment.”
- Section 5A-7-1 B. Outdoor Amenity Space, (2) Standards: recommend adding new standard (i) which states that “Outdoor Amenity Space must be oriented toward the Metro Rail Alignment if within 1/8 mile (660 feet) of a Metro Rail station in Mixed Use Districts, unless it was established prior to the effective date of the amendment.”
- Section 5A-7-2 B. Retrofit Districts, (2) Standards: recommend editing (8) to the following which states that “Seating must be provided at the rate of 1 seat for every 1,000 square feet or fraction of 1,000 square feet. Seats may be permanent or movable. Two linear feet of bench or seat wall equals one seat. Except in areas within 1/8 mile (660 feet) of a Metro Rail station Seating must be provided at the rate of 1 seat for every 500 square feet or fraction of 500 square feet. Seats may be permanent or movable. Two linear feet of bench or seat wall equals one seat.”

- Section 5A-7-2 B. Retrofit Districts, (2) Standards: recommend adding new standard (9) which states that “Open Space must be oriented toward the Metro Rail Alignment if within 1/8 mile (660 feet) of a Metro Rail station in Mixed Use Districts, unless it was established prior to the effective date of the amendment.”



## Parking

To promote a more vibrant and lively transit-supportive environment that encourages pedestrian mobility, modifications to the parking requirements in Section 5A-9-1 (which apply to all of the new Mixed-Use Districts) are recommended. Currently, the parking requirements for Multi-Family Dwellings are based on the number of bedrooms in each dwelling unit with 0.75 spaces required per efficiency unit, 1.0 spaces required per one or two-bedroom unit, and 1.5 spaces per three- or more bedroom unit. Recommendations to these requirements include the following:

- Keep the 0.75 spaces for efficiency units.
- Modify the standard for one or more-bedroom units to 1.0 spaces per dwelling unit for Multi-Family Dwellings and Upper -Story Dwellings.
- Modify the minimum parking requirements for Assisted Group Living and Senior Citizen Housing to 0.5 spaces per dwelling unit (at least when located within 1/8 mile or 660 feet of a Metro Rail station).

Additionally, the following revisions are recommended:

- Remove the minimum parking requirements for all non-residential uses located on parcels within 1/8 mile (660 feet) of a Metro Rail station.
- Reduce the minimum parking requirements for all other non-residential uses located on parcels with frontage on the Metro Rail alignment by 25 percent, with flexibility to allow the Planning Board to waive parking requirements further depending on the development application, which might have a greater chance of facilitating infill redevelopment on smaller parcels along the corridor.
- Section 5A-9-1 D. Electric Vehicle Charging Stations: for the new mixed-use districts align with best practices for TOD areas. The current requirement states that 10% of all parking spaces must be “EV ready,” with a minimum of two EV-ready spaces for all parking lots containing over 20 spaces. This standard could be strengthened by requiring the installation of a standard EV charging station, rather than requiring that the electrical infrastructure be installed.



### **North Area, New Community District**

The lands along the Metro Rail expansion alignment north of Interstate 290 are designated with a variety of base zoning districts, but virtually all are also subject to the New Community District (NCD) overlay. The NCD overlay is extraordinarily flexible – in fact, it allows the property owner (or the Town on its own initiative) to apply for land uses, in any combination, densities, subject to conditions (or lack of conditions), after following detailed procedures for application submittal and Planning Board review and due process. As written, the NCD regulations allow the Town to approve applications that are supportive of TOD around each of the five proposed stations located in Amherst.

The NCD regulations also allow property owners to apply for, and the Town to approve applications for, very low density, auto-oriented development that is inconsistent with best practices for TOD.

The town has initiated a planning study to look at zoning in the Audubon community that contains NCD zoning to see where revisions to zoning make sense.



### **Revising NCD Overlay Zoning**

As noted above, although the NCD overlay is flexible, it may be too flexible to effectively encourage or require TOD development. There are several modifications to the current NCD regulations that could, individually or in combination, address this weakness. Revised text is noted with a single underline.

- 5-2-2 (objectives) could be revised by adding a new item O. reading “Promotion of relatively dense and street-oriented residential and/or non-residential development in areas located within 1/8 mile of a Metro Rail station.”
- 5-2-2.A (use classifications) could be modified by adding a new classification (6) reading “Transit-Oriented Development. Combinations of uses listed in subsections (2), (3), and (4) for areas located within 1/8 mile of a Metro Rail station at a minimum development density of at least 25 du/acre or a minimum non-residential development intensity of 1.0 FAR, or a combination of the two.”

- 5-2-5.B.(1) (residential dwelling unit distribution) could be modified by revising the second sentence to read “Except in areas located within 1/8 mile of Metro Rail stations, single-family detached dwelling units, or single-family attached dwelling units connected by non-habitable structures, contemplated by the development plan shall comprise a minimum of 25 percent of the total dwelling units contemplated by the development plan.”
- 5-2-5.B.(2) (commercial use) could be revised by modifying the second sentence to read “Except in areas located within 1/8 mile of a Metro Rail station, the floor area of such commercial facilities will be generally guided by a standard of not less than 25 square feet of organized shopping and convenience retail per dwelling unit and an additional 15 square feet of convenience service retail per dwelling unit, measured according to the area served by such facilities, whether inside or outside the NCD.”
- 5-2-5.B.(3) (open space use) could be revised by modifying the first sentence to read “Except in the case of a development plan located entirely or partially within 1/8 mile of a Metro Rail station, in any NCD, considered in its entirety, a minimum of 25 percent of the total land area to be developed by the new community developer or designee, in accordance with the development plan, shall be in open space. The section could also be modified to provide activated public realm space rather than just open space; thus, the area is not used for development but rather some percentage of the required “open space” could be devoted to activating the public spaces and streetscapes that make using transit more comfortable.
- 5-2-6.A. (new community area density) could be modified by revising the clause of the first sentence to read “Except in areas located within 1/8 mile of a Metro Rail station, the overall residential density of an NCD shall not exceed five dwelling units per gross acre;”
- 5-2-6. C. (minimum area) could be revised by modifying the first sentence to read “Except in areas located within 1/8 mile of a Metro Rail station, the minimum area required to qualify for an NCD shall be 1,000 contiguous acres of land.”
- 5-2-6.D. (building arrangements) could be revised to better support TOD by adding a new item (8) “The achievement of required minimum development densities and/or intensities for land located within 1/8 mile of a Metro Rail station, and convenient bicycle and pedestrian access through such areas to and from the station.”
- 5-2-7.A. (7) (off-street parking, loading, and stacking) could be modified by revising the first sentence to read “Except in areas located within 1/8 mile of a Metro Rail station, off-street parking, loading, and stacking spaces shall be provided for new buildings at the time of erection and for all enlargements of existing buildings.”
- 5-2-7.B. (8) (trees) could be revised by modifying the first sentence to read “Trees shall be planted adjacent to all residential units at the frequency of no less than one tree per residential unit unless trees previously existing on the site are preserved, except in areas located within 1/8 mile of a Metro Rail station, where street frontages are anticipated to be activated with placemaking and pedestrian amenities.”
- 5-2-7.D (landscaping, buffering and screening) could be modified by revising the initial text to read “Vehicular, bicycle, and pedestrian access shall be provided to each dwelling, school, recreation, area, commercial area, and Metro Rail station.”
- 5-2-7.E. (1) (open space) could be revised by adding a new item (d) reading “The achievement of minimum development densities and/or intensities within 1/8 mile of a Metro Rail station may require the siting of some or all of the open spaces to serve the residents, occupants, and users of those areas in locations that are more than 1/8 mile from the station.”



- 5-2-7.K (dormitories) could be modified by revising item 1 to read “The dormitory is located either on the campus, within 1/8 mile of a Metro Rail station, or within two (2) miles of the institution it will serve” and by modifying item 3 to read “Except in areas located within 1/8 mile a Metro Rail station, off-street parking consistent with such requirements outside the New Community District are available.



## Administration and Enforcement

- 8-15-1.B(3) (application for development plan approval) could be modified to require the submittal of a map showing the location of a Metro Rail station and the areas of land located within 1/4 and 1/8 mile of that station identifying the land that would fall under the different provisions outlined for areas within 1/8 miles of a Metro Rail station.
- 8-15-2.A (referral of application) could be modified to require referral of the application to the TOD Coordinating Committee for evaluation of the impacts of proposed land uses, development densities, and pedestrian and vehicle connection networks on Metro Rail ridership.
- 8-15-2.C(1)(e) (findings for a favorable Planning Board Report on a development plan application) could be modified to read “The development plan is consistent with the Town Master Plan and the Comprehensive Transit-Oriented Development Plan regarding development near a Metro Rail station.
- 8-15-4 (zoning for district) could be revised to remove the provision that allows prior zoning to continue to apply to property owned by individuals who have not committed to the NCD development, which could significantly undermine surrounding TOD development, if permitted by state law. As an alternative, this provision could be modified to allow the prior zoning to remain in place except as necessary to ensure that all lands located within 1/8 mile of a Metro Rail station include a minimum development density of at least 25 du/acre or a minimum non-residential development intensity of 1.0 FAR, or a combination of the two.
- 8-15-5.B (factors for consideration on a site plan) could be revised to add a new item (17) reading “The extent to which areas of the site plan located within 1/8 mile of a Metro Rail station are consistent with the Town Comprehensive Plan, Comprehensive Transit-Oriented Development Plan, and other plans adopted by the Town regarding development uses, minimum and maximum intensities, street-orientation, and pedestrian, bicycle, and automobile connectivity.”



## • 5.2.4 Town of Tonawanda Zoning

A targeted analysis of the Town of Tonawanda's Zoning Code as it relates to Transit-Oriented Development (TOD) was undertaken. It focuses on areas abutting the proposed Metro Rail expansion proposed to be built along portions Niagara Falls Boulevard. The Town of Tonawanda is currently updating its Zoning Code; the consulting team has reviewed a summary of the Zoning Workshop conducted in December 2020 and a draft Assessment of the Code prepared and presented to the public, as part of that process. Some of these recommendations have been incorporated as part of that larger update process. Because of the recent zoning update, this analysis focused on the substance of the change, so that the specific wording can be aligned with the style and terminology used in other Code updates.

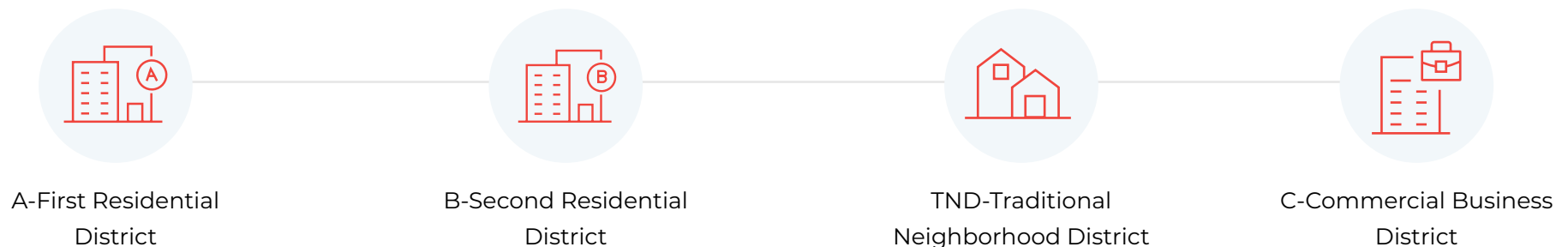
There are numerous references in the Town's adopted Comprehensive Plan and the preferences expressed during the Zoning Workshop to protect the quality, character, and scale of Tonawanda's residential neighborhoods. Therefore, careful consideration was given to crafting the zoning recommendations herein so that they reflect the Town's desire to protect nearby residential neighborhoods.

The analysis focused on the zoning districts located along Niagara Falls Boulevard. However, because the "pyramid" structure of the current Zoning Code cross-references certain elements of the Commercial C District to regulations in the C-1 (Restricted Business) and M-F (Multi-Family Dwelling) districts for example, we have reviewed relevant portions of those chapters as well.



### Geographic Applicability

The area considered for TOD zoning recommendations in the Town of Tonawanda is focused on all parcels fronting Niagara Falls Boulevard along the Metro Rail corridor, which extends from Kenmore Avenue to Brighton Road. There are three zoning districts located along Niagara Falls Boulevard that front the Metro Rail corridor:





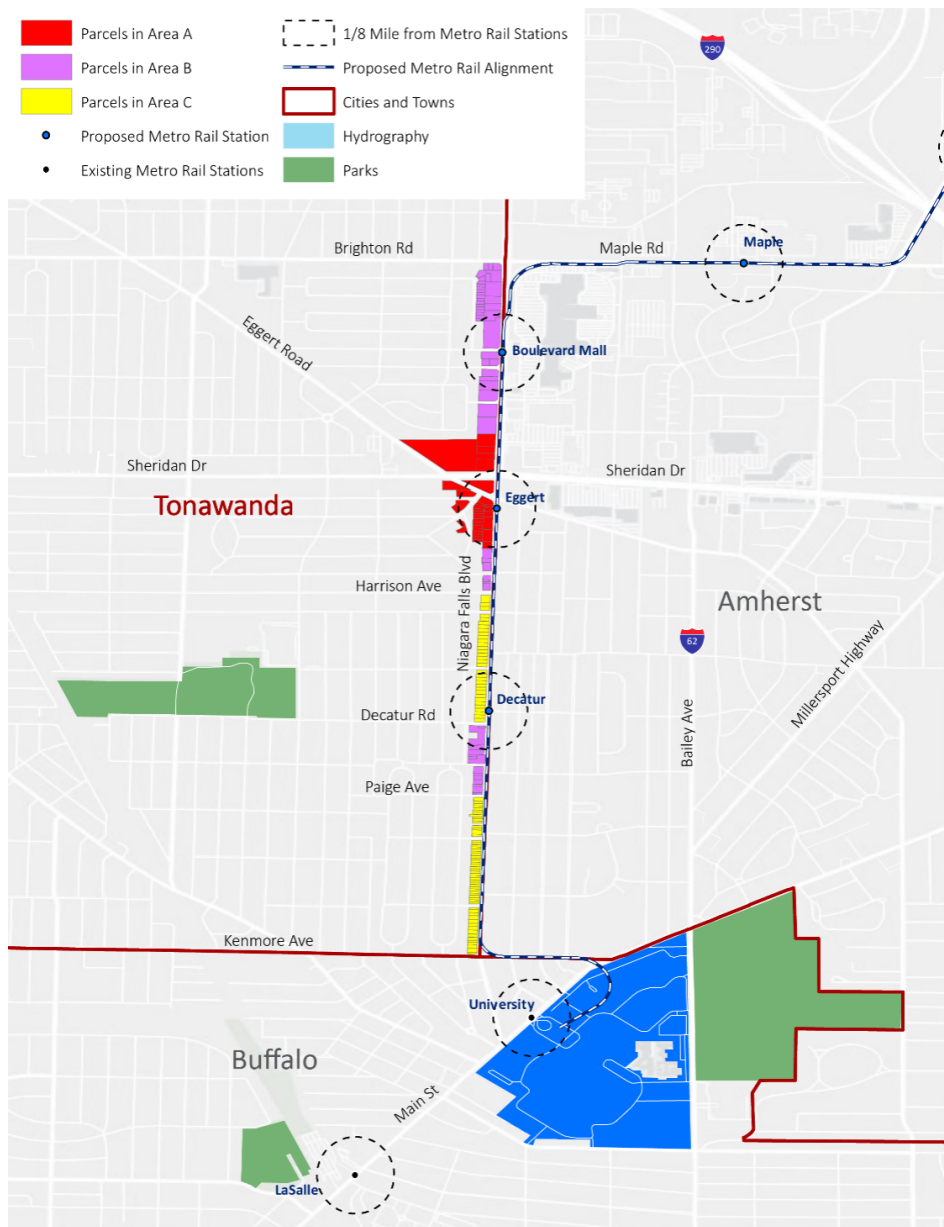
We suggest that the changes outlined below be tailored to apply in three discrete areas:

- Area A includes those parcels in the vicinity of the Sheridan Drive/ Niagara Falls Boulevard intersection that are currently zoned C General Business. This is the site with the greatest potential to generate transit ridership through increased TOD. Although some TOD regulations in other cities propose zoning enhancements within 1,320 feet (1/4 mile) of key transit stops, we believe that would be inconsistent with Tonawanda's expressed desire to protect nearby residential neighborhoods from the impacts of more intense development, and the vastly greater area of land that would be included in that area would likely lead to more haphazard patterns of redevelopment that would significantly undermine the Town's ability to maximize the impacts of more sustainable and walkable development related to the transit stop.
- Area B includes the remainder of the parcels fronting Niagara Falls Boulevard between Area A and the Brighton Road/Niagara Falls Boulevard intersection that are currently zoned C General Business, the parcels fronting Niagara Falls Boulevard between Eggert Road and Harrison Avenue that are currently zoned C General Business, and the parcels fronting Niagara Falls Boulevard between Decatur Road and Paige Avenue that are currently zoned TND Traditional Neighborhood Development.

The shallow and narrow nature of these parcels makes future redevelopment more challenging, and its proximity to residential neighborhoods to the west will require careful attention to mitigating the potential impacts of more intense development.

- Area C includes the parcels fronting Niagara Falls Boulevard between Kenmore Avenue and Paige Avenue that are currently zoned B Second Residential District and the parcels fronting Niagara Falls Boulevard between Decatur Road and Harrison Avenue that are currently zoned A First Residential District. The shallow and narrow nature of these parcels makes future redevelopment more challenging, and its proximity to residential neighborhoods to the west will require careful attention to mitigating the potential impacts of more intense development.

Figure 5-3 outlines the areas of consideration for TOD zoning recommendations.



**Figure 5-3: Geographic Applicability of Zoning Recommendations for the Town of Tonawanda**



### New Standard Applicability

In order to limit non-conformities, new standards should only apply when a new non-single-family or two-family primary structure is erected or when an addition is added to the front of a primary structure in all areas but should not apply to other types of modifications to existing primary structures or to permitted changes of use in the existing primary structures.



### Bulk and Dimensional Requirements

To accommodate development that promotes walkability, street activity, transit ridership, and increased density while protecting adjacent residential neighborhoods, the following bulk and dimensional standards are recommended.

- In Area A, buildings should be required to have a two-story minimum with an active upper floor, up to a maximum height of 50 feet. One story buildings may be permitted if deemed appropriate through a waiver issued by the Planning Board during site plan review.
- In Areas B and C, there should be no minimum building height, but maximum building height should not exceed 35 feet when within 50 feet of a lot line zoned Residential that does not front Niagara Falls Boulevard.

- In all Areas:

- Front setbacks should be somewhere between zero and 10 feet for buildings with primary non-residential uses and zero to 20 feet for buildings with primary residential uses.
- The side setbacks should be no more than five feet.
- The rear setbacks should be 15 feet for buildings under 35 feet in height and 25 feet for portions of a building above 35 feet in height.
- No maximum lot coverage should apply.



### **Permitted Uses**

Unless explicitly stated below, the C, C-1, and M-F Permitted and Special Permit Uses are not proposed to be modified in order to accommodate TOD, because the remainder of the permitted use regulations are not a barrier to TOD.

Nonetheless, in Areas A and B the following modifications to the permitted uses are recommended to ensure the pedestrian character of new development while promoting more density along the Metro Rail line.

- Multi-family uses should not be subject to the C-1 lot-area-per-dwelling-unit standards, but should instead allow market flexibility within defined building envelopes.
- One Family and Two-Family Dwellings should not be permitted as either Permitted or Special Permit uses in Area A.
- New construction and changes of use to auto-oriented uses (including Automobile Repair Shops, Gasoline Stations, Automobile Detail Shops, Automobile Dealers, and uses involving storage of gasoline) should not be permitted as either Permitted or special permit uses.

In Area C, Multi-family uses should be permitted and should not be subject to the C-1 lot-area-per-dwelling-unit standards but should instead allow market flexibility within defined building envelopes.



### **Site and Building Design**

To promote a vibrant and lively urban environment that encourages pedestrian mobility and transit ridership, the following site and building design standards are recommended.

- In Area A, no new curb cuts should be allowed for access from Sheridan Drive or Niagara Falls Boulevard unless no alternative vehicle access points exist.
- In all areas, standards should be added for windows and doors facing Sheridan Drive and Niagara Falls Boulevard that aim to improve the building interaction of ground floor development. Potential requirements include:

- Window glazing on the bottom floor on street facing façades of a primary building shall not include reflective glass.
- Window glazing on the bottom floor on street facing façades of a primary building that do not provide visibility into residential dwelling units shall achieve a visible transmittance ration (VT) of at least 0.60.
- Glazed windows and doors shall occupy at least 50 percent of each street facing façade area between three and eight feet above grade.
- In all areas, building façade articulation standards should be added for façades facing Sheridan Drive and Niagara Falls Boulevard. Potential requirements for each street-facing façade include the integration of:
  - Projections, recessions, or reveals such as, but not limited to, columns, pilasters, cornices, and bays, and having a change of wall plane that is a minimum of six inches in depth.
  - Changes in texture and/or masonry patterns; and
  - Awnings or canopies extending at least four feet beyond the building face with a minimum vertical clearance of nine feet above the sidewalk.
- Require buildings built to street corners at intersections located near existing and/or proposed stations – Niagara Falls Boulevard and Decatur Road, Niagara Falls Boulevard and Eggert Road, and Niagara Falls Boulevard and Sheridan Drive – to treat each visible side as a primary façade and incorporate the above features.
- In all areas, walkway connections should be required to sidewalks along Sheridan Drive, Niagara Falls Boulevard, and all cross-streets intersecting them, and between all primary structures on a lot or on contiguous lots in common ownership or control.

- Consider allowing the Planning Board to offer flexibility in design through the use of waivers to setback and site layout rather than requiring Zoning variances. This will allow flexibility in developing small lots and will allow the Planning Board the ability to review cases on a site by site basis. This is similar to how Planning Board waivers are written for the TND District.



## Parking

To further the goals and recommendations listed in the Site and Building Design section above, the following parking modifications are recommended.

- No new parking areas should be allowed between building frontages and Sheridan Drive or Niagara Falls Boulevard in Area A or between building frontages and Niagara Falls Boulevard in Areas B and C.
- In all areas, parking minimums should be removed for non-residential uses, and should be reduced to one space per dwelling unit for residential uses.
- In all areas, bicycle parking should be required at a rate of 10 percent of the amount of vehicle parking spaces provided by the developer (not the minimum parking required by the Code).



## TOD Incentives

This section outlines some zoning-based incentives that could be considered in future zoning revisions by the Town of Tonawanda to further promote and facilitate TOD along the Metro Rail corridor.

- For areas adjacent to a transit station (Decatur, Eggert, or Boulevard Mall), incentives could be included to allow for additional density, reduced setbacks, lot coverage, and/or elimination of parking requirements if certain criteria are met for “bonuses”, such as inclusion of affordable housing, multiple housing types, parcel assembly, ground floor activation, or other desirable uses.
- For development occurring adjacent to a transit station (Decatur, Eggert, or Boulevard Mall), require the applicant to upgrade or install amenities and infrastructure that will enhance accessibility to/from and comfortability of using the transit station. This would be similar to how the Town currently requires applicants to improve or install sidewalks along the frontage of their property.
- Require development occurring along the Metro Rail corridor to install bicycle and pedestrian amenities and infrastructure that will enhance multi-modal transportation along the corridor.



## Zoning Amendment Updates

As of summer 2023, the Town of Tonawanda has posted draft zoning code amendments to its website for public review. These zoning amendments include a number of town-wide updates, however, specifically along Niagara Falls Boulevard, the proposed zoning amendments will allow a mix of uses along the west side of Niagara Falls Boulevard between Kenmore Avenue and Sheridan Drive, removing the low-density residential zoning currently in place. Along Niagara Falls Boulevard, the proposed amendments remove minimum parking requirements, ease setbacks, and creates a TOD overlay to be applied in the future. This change will aid in making the corridor more transit-supportive.

## 5.3 TOD Public Realm Placemaking Guidance

Planners in the region asked for recommendations on TOD public realm placemaking guidance that could potentially be incorporated into design guidelines for the C-M Corridor Zone in the City of Buffalo or into the Mixed-Use zoning design guidelines in the Town of Amherst. TOD public realm placemaking around Metro Rail stations can be supported through development of context-appropriate design guidelines that can support public infrastructure investment as well as adjacent private development of areas near stations. Station area typologies and placemaking for mobility guidelines are<sup>6</sup> the basis for the following recommendations. The station area typologies were identified in the Comprehensive Transit-Oriented Development Plan<sup>7</sup> and are based on the surrounding neighborhood’s current character, physical form, and market potential, as well as the station’s function.

<sup>6</sup>[https://www.abettercity.org/assets/images/Guide\\_To\\_Placemaking\\_For\\_Mobility.pdf](https://www.abettercity.org/assets/images/Guide_To_Placemaking_For_Mobility.pdf)


<sup>7</sup><https://www.gbntc.org/todresources>



## 5.4 TOD Public Realm Placemaking Guidance

Each Metro Rail station area should contain a set of public realm elements that can be implemented to support station functionality, comfortability, and attractiveness, which in turn helps to increase transit ridership and enhance overall quality of life. Not all features are appropriate for every station area; thus, contextually appropriate public realm elements are outlined by station typology as a guide to begin implementing TOD public realm elements. This guidance provides high-level recommendations for which public realm element may be suitable for each station typology.

### • 5.4.1 Station Typologies

 There are seven station typologies taken from the Transit-Oriented Development Plan used in the creation of the Public Realm Placemaking Guidance. The following gives a brief description of each typology and which Metro stations fall within these typologies.

#### ✓ Sports and Entertainment District

Stations: DL&W Terminal, Canalside

This typology supports events and attractions that draw large crowds. The surrounding areas contain vast amounts of vacant or underutilized land that is used for event parking. As build-out increases, there will be a more diverse makeup of land uses that will reactivate street frontages and generate activity in the area even when events are not occurring. This typology should welcome riders who may not be as familiar with the transit system and help guide pedestrian movement towards major event destinations.

#### ✓ Urban Core

Stations: Seneca, Church, Lafayette Square, Fountain Plaza

This typology is the region's center for employment and government and therefore must support high flows of people and connections/transfers to different transit types throughout the region. A large portion of transit users are commuters who will be traveling at peak times. There are numerous public plazas and parks that offer a chance for the stations to be integrated into the public gathering space and create a more cohesive, transit friendly space.

#### ✓ Urban Campus

Stations: Allen/Medical Campus, Summer-Best, Delavan / Canisius College

This typology supports a heavy flow of people at peak travel hours, and predictable movements to key locations. Continued commercial and residential development offer a growing mix of uses. Urban Campus locations should have a strong sense of place and offer opportunities for streetscape branding of sponsoring from universities or medical institutions.

#### ✓ University Campus

Stations: University, UB North Campus

This typology is an attraction location and supports connections to different transit types. The surrounding area is a campus setting with various educational buildings nearby and offers a comfortable walking and biking environment, with good connections between campus destinations. The University Campus location has a strong sense of place and acts as a transit hub for the region.

### ✓ Urban Neighborhood

Stations: Utica, Humboldt/Hospital, Amherst Street, LaSalle

This typology supports the surrounding neighborhoods and generally are not locations that contain attractions regionally. At these locations, there is limited public spaces and plazas. Urban Neighborhood locations should have a strong sense of place and community opportunities for programming that the community can relate to.

### ✓ Suburban Neighborhood

Stations: Decatur

This typology supports the medium-density residential neighborhoods with intermixed small-lot commercial and retail uses fronting major roadways. At these locations, there is limited public spaces and plazas. Suburban Neighborhood locations should have a strong sense of place and comfortability that can expand the catchment area of transit into the surrounding neighborhoods.

## • 5.4.2 TOD Public Realm Elements

- ✓ **Real Time Information** provides information for transit, Mobility as a Service/ micro-mobility providers, community-wide information, important service announcements, and can also include a map of the surrounding area that shows which routes and buses are nearby.

### ✓ Mixed Use Center

Stations: Eggert, Boulevard Mall, Maple Ridge, Sweet Home, Audubon, I-990

This typology supports transformation of the auto-oriented suburban commercial type development consisting of large lot, single-use properties into more transit-supportive, mixed-use centers. At these locations, there is a good amount of public space, although little of it is currently usable or comfortable for public use. Mixed Use Center locations should consist of large public spaces focused on enhancing not only mobility but vibrancy near transit stations.



**Figure 5-4: Real Time Arrival Board and Map, NYC**

[www.medium.com/sidewalktalk](https://www.medium.com/sidewalktalk)

✔ **Technology Enhancements** help make the user experience more comfortable in the public realm and could offer amenities such as Small Cell technology, Wi-Fi, phone charging stations, interactive location maps or automated bus arrival announcement systems. Small Cell technology is being deployed in urban areas where cellular traffic causes the network to become congested and in turn, causes slower data speeds. Small cell technology is part of the growing 5G network that places small cellular receiver in areas such as public squares, college campuses, large employment centers, and transit stations to help increase network capacity. For the cells to not cause aesthetic concerns in the public realm, municipalities need clear guidelines on how to incorporate these cells into the landscape. The cells can be inconspicuously placed on top of existing electrical and traffic poles, transit shelters, mounted on tops of buildings, incorporated into public art, or even placed below the sidewalk. In Figure 5-5, small cell technology has been placed on top of a bus shelter and



**Figure 5-5: Small Cell technology incorporated into a bus stop shelter** [www.ict.illinois.edu](http://www.ict.illinois.edu)

✔ **Pedestrian-Level Lighting** should be included around the public realm area to make the space more comfortable after dark. Pedestrian lighting can be specifically designed and branded for each station area or be consistent for ease of installation and maintenance. Pedestrian lighting can also share poles with existing streetlights to minimize streetscape clutter and reduce costs.

✔ **Wayfinding Signage** should consist of signage to major destinations around a station, directions to major mobility centers, and inclusion of public art or landmark feature. Wayfinding not only provides directions to major attractions and destinations but acts to visually enhance an area as well.

- ✔ **High visibility crosswalks** facilitate accessible pedestrian crossings from station areas to desired areas and are correctly sized for the predicted pedestrian flows and demand.



**Figure 5-6: High Visibility Crosswalks, Illinois**

**Source:** [www.bikepedimages.org](http://www.bikepedimages.org)

- ✔ **Outdoor Seating** should be situated around the public realm areas to be functional for seating purposes as well as visually attractive to enhance the comfort and appeal of a space. Seating incorporated into building forms can be used as an alternative to free-standing benches. Some seating should include sunscreens to make the space more tolerable in hotter weather.



**Figure 5-7: City Benches Project, City of London,**

**Source:** [www.architecturetoday.co.uk](http://www.architecturetoday.co.uk)

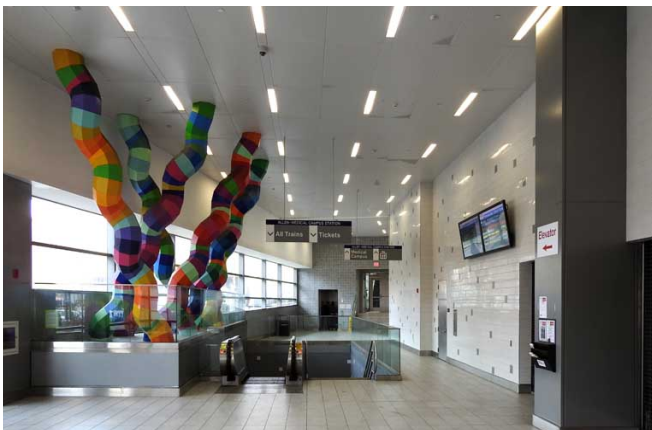


- ✔ **Parklets and Enhanced Social Spaces** provide opportunity to expand public space by reclaiming a portion of a roadway, parking lot, or on-street parking space, helping to create a more active, accessible, and vibrant urban environment. Often, parklets are associated with pop-up programming and can be seasonal, allowing for easy removal when necessary. Parklets provide comfortable social spaces that offer seating, bicycle parking, and vegetation to provide green space that otherwise is lacking in the station area.



**Figure 5-8: Moveable Parklet, Open Newbury, Boston**

- ✔ **Public Art (Static and Interactive)** helps humanize transit stations by bringing interest and intrigue, helping to make them more than places to just “sit and wait”. The experience of riding transit can be a standalone attraction through providing a new experience at each station. Public art can be specific to each station area and draw upon the talents of the community, potentially telling a story or educating the public on the history of a neighborhood. Public art can be a permanent display or temporary or traveling display with seasonal or topical focus. Interactive art can take on the form of musical installations, digital screens, fountains, etc.



**Figure 5-9: Allen/Medical Campus Station, Buffalo**  
**Source:** Buffalo Rising



**Figure 5-10: Interactive Public Art at Dilworth Fountain around SEPTA Transit Hub, Philadelphia, PA**  
**Source:** [www.worldlandscapearchitecture.com](http://www.worldlandscapearchitecture.com)



✔ **Open Programming** allows opportunities for the community to come together around a transit station for reasons other than to ride transit, creating a greater sense of place. Programming can include community events (festivals, concerts), farmers or artisan markets, group fitness events, school, library, or art mobiles, or outdoor games/ activities.

✔ **Pop-up Public Space/ Retail & Food Vendors** is a space that creates opportunities for vendors, organizations, and the city to set up and interact with the community. This also enhances the sense of place at the transit station. By allowing these pop-ups to occur, people do not have to travel far to access information, events, and local vendors. Pop-up types can include food vendors, retail shops, health services, neighborhood organization groups, and local government information booths.



**Figure 5-11: Fresh MARTA Markets, Atlanta, GA,**  
**Source:** [www.cfmati.org](http://www.cfmati.org)

✔ **Community Boards/Educational Boards** allow community members, government, and businesses to post informational flyers about community events or public service announcements and can create a local hub for where to go for information regarding local events and services. In addition, if there is a new municipal or community program, information to educate the public can be posted in order to reach more citizens (e.g., Creating a compost program, revising the recycling program).

- ✔ **Enhanced Surface Infrastructure** This enhancement can take two different approaches depending on constraints and budget. The first approach is to repurpose existing infrastructure and create it into a space that creates a more welcoming public realm. For example, taking parking spaces or extra pavement and creating a place to sit or dine. This takes existing pavement and turns an otherwise underutilized space into something that is beneficial to the area. The pavement is already there and just requires adding a few things such as a bench or paint to complete the area. The second approach involves redesigning some of the area to enhance surface infrastructure. For example, constructing a curb bump out to create more usable public space or an improved transit stop or replacing on-street parking with parklets, landscaping or bicycle racks.



**Figure 5-12: Pavement to Parks, Seattle, WA**

- ✔ **Native Landscaping** beautifies the transit space and makes the destination more enjoyable. Planted areas can consist of trees located to provide maximum shade for benches and waiting areas, seasonal planters to help define spaces and add visual appeal, and native low maintenance and drought resistant landscaping. Native landscaping can also attract pollinators to spaces that would otherwise not be utilized and create a healthier ecosystem for the surrounding area and can provide stormwater management areas.



**Figure 5-13: Barclays Center Landscaping and Green Roof,**

- ✔ **Community Garden/Urban Agriculture Spaces** provide an opportunity to utilize empty space surrounding transit areas and reimagine it as a place where members of the community can come together and grow local food. Growing food around transit stations allows the area to become more of a destination in the community while also filling the area with pollinator friendly species that can be enjoyed by the entire community. Figure 5-14 shows a small community garden located near a bus stop that utilizes planters and spaces that



**Figure 5-14: Bus Stop in London**

**Source:** [www.theediblebusstop.org](http://www.theediblebusstop.org)

- ✔ **Parcel Lockers** in the public realm provide another point of drop off and pickup for mailings and packages. By placing these lockers at transit stations, people can arrange to have their packages delivered on their way to or from their destination. This adds another element of destination to the transit station and reduces delivery times and logistical planning for the U.S. Postal Service and shipping companies.



**Figure 5-15: Last Mile Parcel Pickup, Seattle**

**Source** <http://www.smartcitiesworld.net>

- ✔ **Mobility Hubs** that further enhance the multi-modal transportation system, should be developed around major proposed Metro Rail stations. Mobility hubs are places that bring together public, shared, and active mobility modes with some public realm improvement that creates both a comfortable and vibrant area as well as provides enhanced mobility options. GBNRTC has developed a typical Mobility Hub that would fit an urban village type setting, shown below.



## Potential Mobility Hub Features

- Branding to market mobility options and educate users
- Bus layover area
- Bus shelters
- Eventually on-route charging infrastructure for buses
- E-bike and/or bike share hub
- Bicycle parking
- Pedestrian connections throughout the Mobility Hub and connecting the Mobility Hub to the transit station and surrounding neighborhood
- Rideshare pick-up/ drop-off spaces
- Electric vehicle charging stations
- Parking that can be utilized for park-and-ride
- Pedestrian and vehicle specific wayfinding signage to direct users
- Information kiosk that displays information that helps users navigate and pay for the various mobility options

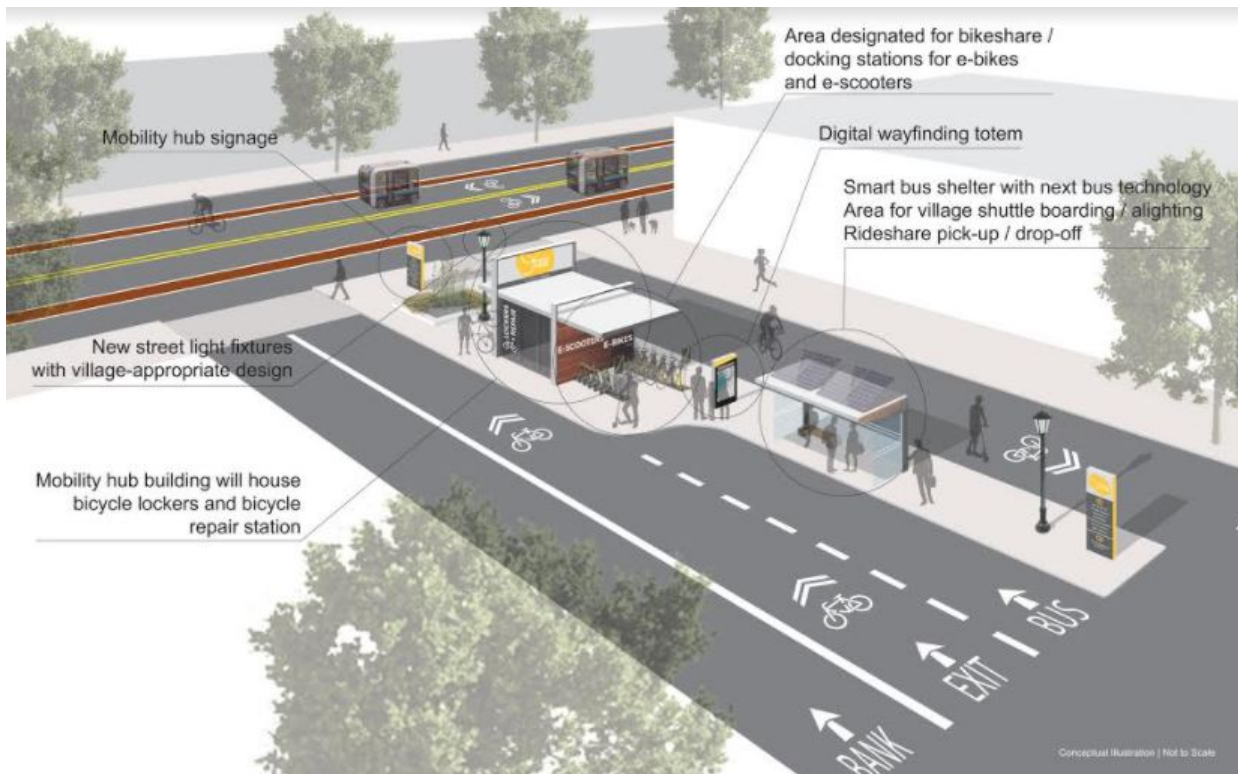


Figure 5-16: Village Mobility Hub, GBNRTC

Source: GBNRTC

## 5.5 Pre-Approved Infill Housing Programs

Throughout the DOTF sessions, community members routinely brought up the need to eliminate or minimize barriers to constructing affordable housing. One of the programs that was looked into as a way to minimize barriers to constructing affordable housing is pre-approved infill housing programs. Pre-approved infill housing programs are meant to shorten the construction approval process and expedite development approval for certain predetermined building types, such as infill affordable housing. It can target development in certain areas and typically involves infill development where existing infrastructure could support new development. In order to qualify for a pre-approved infill housing program, an applicant would need to either prepare a design that fully complies with the code or select one of the pre-approved designs from a design book that ensures the structure will comply with the existing community character and building codes.

Implementing these programs can be achieved in a couple of ways:

- Creation of specific geographic zones where pre-approved designs can be applied.
- Determining zoning districts where pre-approved designs can be applied.

All pre-approved building programs can accomplish the following objectives depending on implementation including:

- Reduce or eliminate the need for full permitting and planning reviews.

- Reduce administrative burden for local government in implementation.
- Spur infill development in older, disinvested neighborhoods.
- Reduce development costs, increasing chances of financing development on lots with depressed value.
- Increase predictability for redevelopment areas.
- Honor existing development patterns through analysis of existing built fabric.
- Involve the community in the design and approval process for the programs, ensuring that the designs align with local preferences and needs and reducing potential future conflicts.
- Predetermine scale and predictability in resulting built environment.
- Increase success of infill development.
- Support revitalization efforts in disinvested communities.
- Allow communities to densify incrementally and at a pace that is less disruptive to existing neighborhoods.
- Increase cost effectiveness for development, which can benefit small, local developers and provide affordable units without subsidy.



## • 5.5.1 Pre-Approved Infill Housing Program Examples

### South Bend, IN

- Supports small to medium scale housing development.
- Presents affordable methods for local developers, community members, or others to obtain building and site development approval.
- Minor variations permitted.
- Eligible sites are determined by zoning district rather than being confined to a geographic area.
- Proposed Building Types: Standard house, Narrow house, Carriage house, Stacked Duplex, Six-plex apartment.
- The city, through the Engagement & Economic Empowerment team provides support for neighborhood developers through workshops and trainings that cover financing, permitting, construction management and other relevant subjects.

<https://southbendin.gov/bsb/preapprovedplans/>

### Seattle, WA

- Infill strategy incorporates Accessory Dwelling Units (ADUs) as a method of reinvestment and densifying neighborhoods.
- Provides preapproved plans for ADUs, also referred to as “backyard cottages”.
- Allows up to two ADUs per lot.
- Offers financing support through a home equity loan or home equity line of credit

<https://aduniverse-seattlecitygis.hub.arcgis.com/pages/guide>

### Roanoke, VA

- Pre-approved residential plans are pre-approved by the city for compliance with Neighborhood Design Districts and Virginia Uniform and Statewide Building Code, expediting the review process.
- Reduce permitting fees.
- Implemented in many residential zoning districts.
- Focused on single-family and two-family housing types

<https://www.roanokeva.gov/1297/Residential-Plans-Library>

## 5.6 Municipal Action Plan/Checklist

To assist municipal partners in managing the Comprehensive Plan and Zoning updates, checklists were developed that outline specific actions to be taken. These checklists are provided in the Appendix for reference. A series of slides from various presentations made throughout the course of this Phase II effort have been consolidated and provided to municipalities to assist them with conveying Comprehensive Plan, Zoning, and other eTOD elements to the public, stakeholders, and elected officials. These slides can be customized by municipal staff for various meetings in support of eTOD policies and actions. This slide deck is provided in the Appendix for reference.



Demonstrating a strong commitment to community engagement, station area improvements have been meticulously planned based on valuable feedback from local residents and stakeholders. The goal behind these enhancements is to improve accessibility, safety, comfortability, and functionality, while seamlessly integrating TOD with the surrounding community. As a result, the station area plans have been shaped with a profound understanding of the community's needs and aspirations, ensuring that the proposed improvements resonate with the unique character and requirements of the area. Additionally, to ensure the effectiveness of these improvements, a robust framework of performance measures has been established to diligently track the outcomes of the plan. This unwavering dedication to continuous assessment guarantees that the path remains aligned with set objectives, guiding the region toward a future characterized by sustainable and equitable progress.

#### Assumptions:

- Infrastructure costs are presumed to be planning-level costs and are estimated by using per unit cost taken from NYSDOT recent bid documents or other industry resources and applied to a generic infrastructure improvement.
- Through input received throughout the Equitable Comprehensive Transit-Oriented Development Planning process, enhanced accessibility and comfortability between transit stations and adjacent neighborhoods was identified as the most important improvement that was needed along the Metro Rail corridor. This would allow transit to become a more viable option for those not able to or wanting to use an automobile. Enhanced accessibility and comfortability are generally attained through public right-of-way improvements to streetscape and intersections, creating a more accessible and inviting environment for transit users.

#### eTOD Values

- Bicyclist and pedestrian safety
- Affordable housing for all household sizes
- Anti-displacement
- Greenspaces and sustainability features
- Cultural and historical preservation; authenticity
- As beneficial to the community as to developers
- Benefits for people who live locally
- Developed with the input of the local community and using a scoring process to ensure equity

- Improvements to Main Street are not outlined herein as it is assumed that improvements identified as part of the Middle Main project will cover needed improvements to Main Street. Instead, station areas along Main Street have their focus on cross-streets that improve access and comfort west and east into adjacent neighborhoods.
- Streetscape improvements are assumed to entail:
  - Reconstruction to a more complete street with curbing, street trees, occasional stormwater bioswales, sidewalks, bike facilities, streetscape amenities, and lighting.
- Intersection improvements are assumed to entail:
  - Curb bump outs, enhanced crosswalks, street trees, streetscape amenities, improved transit stops, ADA accessibility, and lighting.
- All cost estimates include contingency and annual escalation.

### Cost estimate references



NYSDOT Preliminary Cost  
Estimating Tool (PCET)



Town of Amherst Capital  
Improvement Program  
2021-2026



“Costs for Pedestrian and Bicyclist  
Infrastructure Improvements,” UNC  
Highway Safety Research Center,  
October 2013



NYSDOT Quick  
Estimator Reference

## 6.1 Community Input

The Developing our Transit Future series supported an exchange of ideas and solutions to aid in the success of future transit corridor investments for our communities. The series covered the background and context of eTOD in our region, engaged with speakers from mobility, transit, housing, and development sectors, and expanded community outreach efforts through experiential learning opportunities.

The project team hosted an interactive design workshop that sought to better understand the community vision for transportation, development, and the streetscape elements needed to support each vision. The activity resulted in a set of community supported design recommendations for the LaSalle Station, Utica Station, and Summer-Best Station areas.

## 6.2 LaSalle Station

LaSalle Station is located on the west side of Main Street between Minnesota and LaSalle Avenues. The station sits within a large park-and-ride lot and is adjacent to Shoshone Park.

LaSalle Station has a diverse range of visitors and users. There are unique opportunities to connect regional multi-modal paths/parks and provide greater access to Main Street retail to create a cohesive and more enjoyable experience for users.



### Supported Uses

- Senior residential living community
- Affordable residential development
- Medium to high density mixed-use development



### Cultural Elements & Activities

- Activate and support businesses to fill vacant storefronts in the Main Street Corridor



### Green Space

- Connect west and east side parks to unite parks
- Connecting Shoshone park and McCarthy Park
- Enhanced the park amenities at Shoshone park

The station has unique opportunity as a city owned and NFTA owned parcel. The cohort members acknowledged this opportunity and expressed a desire for medium to high density mixed-use development with priority on affordable housing and senior living communities. Additionally, the cohort members are in support of cooperative structures to further the community's investment into future development.

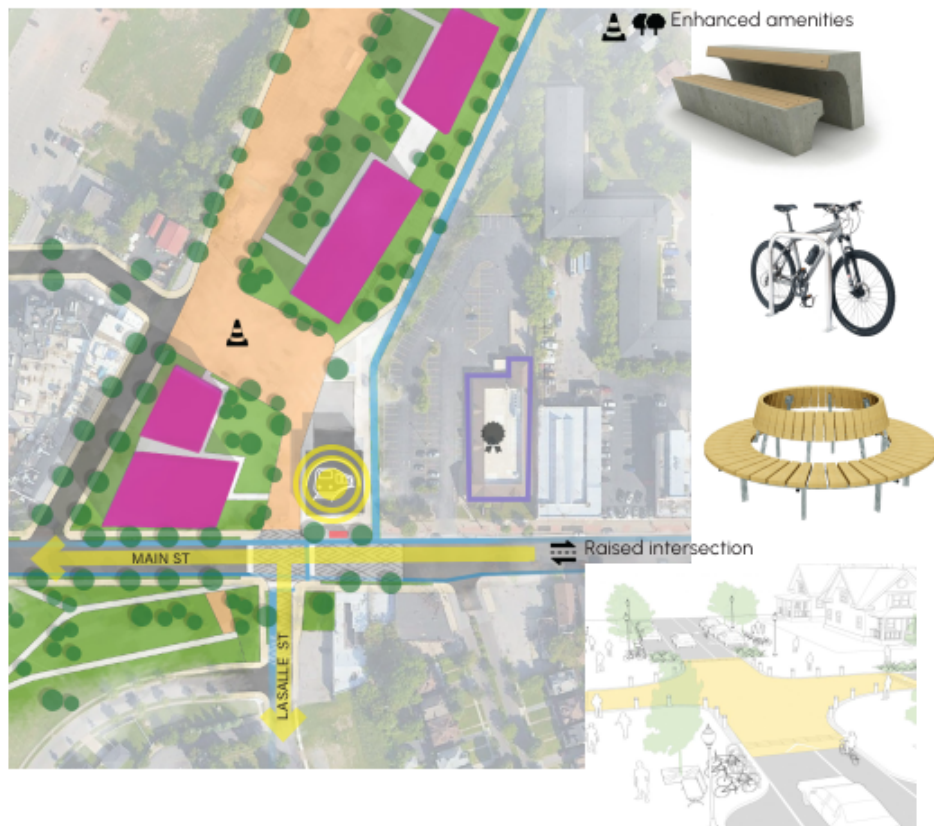


### Infrastructure Improvements

- More streets/paths to and from Main St
- Construct Woonerf (street designed for both vehicular and non-vehicular traffic)
- Extend Beard Ave to Main St
- Wider sidewalks in good condition
- Extend Rail Trail to east side close to the Aldi and LaSalle Station
- Develop a spur connection to Rachel Vincent Way
- Better pedestrian connections between Aldi and LaSalle Station
- Enhance and develop East Side Trails to allow for more bicycle use
- Pedestrian-only Street through the existing park and ride parking lot

## LASALLE

### Building Upon the Rail Trail Connection



LaSalle Station has a diverse range of visitors and users. There are unique opportunities to connect regional multi-modal paths and provide greater access to Main Street retail to create a cohesive and more enjoyable experience for users. LaSalle Station also offers an opportunity to pilot a Transit-Oriented Development on the park-and-ride lots through an RFP process that is respectful of input from the community.

## LaSalle Infrastructure Project Prioritization

Level of Priority	Priority Infrastructure Project	Description	Estimated Planning Level Cost
1	Improvements to Intersection of Main Street and LaSalle Avenue	The majority of input received was geared towards improving the access to/from LaSalle Station and nearby Rail to Trail and the east side of Main Street. Improvements should be made to the intersection to make it more accessible and comfortable to cross, including curb bump outs, streetscape enhancements, and incorporation of traffic calming features such as a raised or textured intersection.	<b>\$390,000</b>
2	LaSalle Station Public Realm Enhancements	The public realm area in front of the LaSalle station and nearby Metro Bus stations should be upgraded to make the area more inviting and incorporate amenities such as shading, seating, and lighting.	<b>\$180,000</b>



## 6.3 Utica Station

Utica Station is located at the northeast corner of Main and East Utica Streets. The area surrounding the station is a mix of medium density residential, commercial, and restaurant uses. Metro Bus Route #12 operates east-west along Utica Street, providing connectivity to the station.

Utica Station is a highly active place for transit transfers as well as for the community to gather. Coalition members would like to see infrastructure improvements, public amenities, and activities to make

people feel welcome and wanted.

Further they hope to see Utica Station transform to a community and transportation hub. There is an abundance of developable parcels and buildings with adaptive reuse potential within the immediate area. During the design workshop coalition members expressed desire healthier food options, service businesses, health services, and preserving historical and culturally significant buildings.



### Supported Uses

- Incentives for businesses to move into vacant buildings along Main St
- Healthy food options
- Dentist
- Cannabis Dispensary
- Health center/Urgent care



### Cultural Elements & Activities

- Built-in chessboards
- Dedicated area for cannabis use



### Green Space

- Community gathering areas
- Trees – both for shade and for barrier between traffic and pedestrians
- Seating in greenspaces and along Main St
- Better signage for local businesses at pedestrian scale



### Infrastructure Improvements

- Sidewalk accessibility that complies with ADA requirements
- Improved sidewalk connectivity around fast food chains and include trash cans
- Temporary belonging storage lockers

## UTICA

### Enhancing the East-West Core



Utica Station is a highly active place for transit transfers as well as for community to gather. People also drive in and out of the area when they pick up food. Focus should be on improvements and activities that make people feel welcome and wanted.

## Utica Infrastructure Project Prioritization

Ranking of Priority	Priority Infrastructure Project	Description	Estimated Planning Level Cost
1	Utica Street Traffic Calming	In addition to overall Utica Street improvements, community input focused on slowing traffic down on Utica Street in front of the Utica Station because it is an area of high pedestrian activity. As part of Utica Street improvements, raised crosswalk or other traffic calming features should be incorporated between Main Street and the eastern leg of the Utica Station bus loop.	<b>\$230,000</b>
2	Utica Street Streetscape Improvements	Streetscape improvements to Utica Street are needed east and west of Main Street to improve accessibility and comfortability of the street. Improvements to Utica Street should include improved sidewalks, street trees, streetscape amenities, and improved crosswalks.	<b>\$1,400,000/ quarter mile</b>
3	Utica Station Public Realm Enhancements	The public realm area in front of the Utica station and nearby Metro Bus stations should be upgraded to make the area more inviting and incorporate amenities such as shading, seating, and lighting. This includes the area fronting Main Street and Utica Street as well as the area fronting the bus loop.	<b>\$55,000</b>
4	Wayfinding	Wayfinding signage was identified as a need in the neighborhood to better support existing businesses as well as encourage new essential and service businesses in the neighborhood (3-5 wayfinding signs).	<b>\$10,000</b>

## 6.4 Summer-Best Station

Summer-Best Station is situated at the northeast corner of Main and Best Street. The station is supported by neighborhood residents and trips to the near medical campus. Metro Bus Route #22 operates east-west along Summer and Best Streets, providing connectivity to the station.

The station area could benefit from investing in wayfinding to better support existing businesses as well as encourage new essential and service businesses in the neighborhood. There is an abundance developable parcels and buildings available for adaptive reuse, additionally new developments should be considered on existing parking lots.



### Supported Uses

- Prioritize supporting existing businesses in the area
- Expanded services at Main Street Mart corner store
- Mixed Use desired near Summer Best Station



### Cultural Elements & Activities

- Entertainment venues
- Street art and murals
- Neighborhood branding
- Better signage and wayfinding for businesses and organizations
- A directory at the station for community businesses, services, greenspaces, and more

When considering new development, the participants desired mixed use near the Summer Best Station such as ground floor storefronts and residential units above. Desired uses include service oriented, and pedestrian scaled businesses surrounding the station. Developers should be required to follow a Community Benefit Agreement (CBA) for bigger lots to ensure their development is benefiting the community.

Participants expressed a desire for existing business support rather than new businesses. This included investing in businesses already in the area, like the daycare and corner store.



### Green Space

- Shade(trees) along Main St
- A small-scale public park



### Infrastructure Improvements

- Partner with the sewer authority on green infrastructure, such as rain swales and gardens

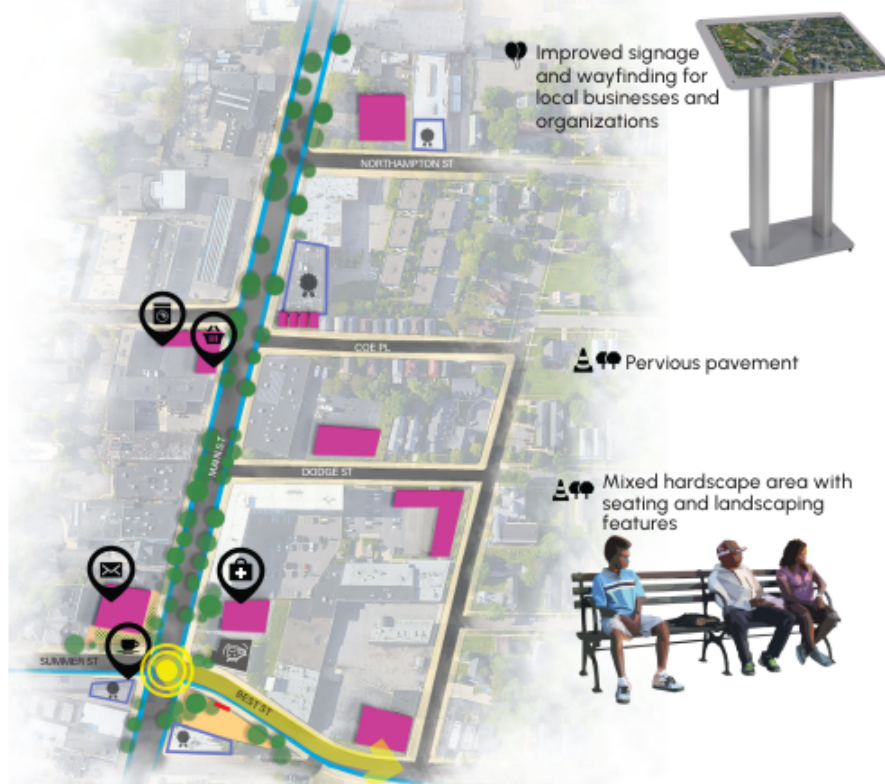


### Preserve

- Existing affordable housing
- Historical buildings
- Art including metal sculptures

## SUMMER-BEST

Creating a Neighborhood Hub while transitioning from the Buffalo Niagara Medical Campus



Summer-Best Station was one of the station areas that underwent additional planning through a charrette led by the Developing Our Transit Future Cohort. Summer-Best Station is a commuter station that is surrounded by medical service buildings, fast-food restaurants, and several smaller retail stores. The area could benefit from investing in wayfinding to better support existing businesses as well as encourage new essential and service businesses in the neighborhood.

## Summer-Best Infrastructure Project Prioritization

Ranking of Priority	Priority Infrastructure Project	Description	Estimated Planning Level Cost
1	Best Street Streetscape Improvements	Streetscape improvements to Best Street are needed east of Main Street to improve accessibility and comfortability of the street. Improvements to Best Street should include reallocation of pavement to allow for on-street parking and bike lanes, improved sidewalks, street trees, streetscape amenities, and improved crosswalks. Further, in front of the Summer-Best Metro Rail Station, a bus bulb or bus pull-off would enhance rider experience.	\$750,000/quarter mile
2	Summer-Best Station Public Realm Enhancements Wayfinding	Wayfinding signage was identified as a need in the neighborhood to better support existing businesses as well as encourage new essential and service businesses in the neighborhood (4-6 wayfinding signs).	\$12,000



## 6.5 DL&W Station Area

The DL&W station area plan focuses on the new Metro Rail station that will be located within the reactivated DL&W Terminal, providing enhanced transit access to Canalside and the Cobblestone District.

### DL&W

Leveraging Transit as a Catalyst for Cobblestone District/ Waterfront Revitalization



The DL&W station area plan focuses on the new Metro Rail station that will be located within the reactivated DL&W Terminal, providing enhanced transit access to Canalside and the Cobblestone District.

## DL&W Infrastructure Project Prioritization

Ranking of Priority	Priority Infrastructure Project	Description	Estimated Planning Level Cost
1	Improvements to Intersection of Michigan Avenue and Ohio Street and Michigan Avenue and South Park Avenue	Expanding the catchment area of the DL&W Terminal station to the east of Michigan Avenue requires a more accessible and comfortable crossing of Michigan Avenue at Ohio Street and at South Park Avenue.	<b>\$300,000</b>
2	Perry Street Streetscape Improvements	Perry Street connects the eastern and western portions of the Cobblestone District, and further ties Cobblestone and Canalside. Perry Street as is doesn't offer an inviting streetscape for non-automobile use. Improvements to Perry Street should include reallocation of pavement to one lane in each direction with on-street parking, street trees, and streetscape amenities.	<b>\$2,000,000/ quarter mile</b>
3	Michigan Avenue Streetscape Improvements	Michigan Avenue acts as a connection between the Cobblestone District and Central Business District but is very auto-oriented. Some enhancements have been made adjacent to the Seneca Buffalo Creek Casino and should be carried across the remainder of Michigan Avenue. Michigan Avenue streetscape improvements should include reallocation of pavement to one lane in each direction, bike lanes, improved sidewalks, street trees, and improved intersection crossings.	<b>\$1,800,000/ quarter mile</b>
4	Michigan Avenue Riverwalk Station Entrance Improvements	The entrance will include a multi-use path connecting Michigan Avenue to the Riverwalk, unique pavement markings on the path, a landscaping buffer between the path and the NFTA facility, gateway structure at the path entrance, pedestrian-scale lighting, and wayfinding signage.	<b>\$445,000</b>
5	Pedestrian Bridge to Key Bank Arena	The pedestrian bridge will connect the exterior concourse on the 2nd floor patio area of DL&W Station to the Key Bank Arena. Additionally, a tower will provide ingress/egress to the new pedestrian bridge and DL&W /Key Bank Arena.	<b>\$7,390,000</b>
6	Pedestrian Bridge to Key Bank Arena Parking Ramp	The pedestrian bridge will connect the existing DL&W Station stair tower at Illinois Street to Key Bank Arena parking ramp.	<b>\$3,480,000</b>

Ranking of Priority	Priority Infrastructure Project	Description	Estimated Planning Level Cost
7	Riverwalk/Shoreline Trail Station Access Improvements	The Riverwalk/Shoreline Trail area will include; a by-pass, a new concrete path with unique pavement markings, artistic elements along the path and building columns, a decorative fence, benches, bike racks, and trash receptacles, pedestrian-scale lighting, and wayfinding signage.	<b>\$480,000</b>
8	South Park Avenue Station Access Improvements	South Park Avenue will include a 2-way cycle track, a new median between the cycle track and roadway, reconstructed sidewalk, street trees, pedestrian-scale lighting, wayfinding signage, benches, bike racks, planters, and artistic elements.	<b>\$4,350,000</b>
9	Bridge View Plaza Riverwalk Station Access Improvements	Bridge View Plaza will include; a defined multi-use path from the new entrance improvements, a landscaping buffer between the path and the NFTA facility, landscaped areas to break up the pavements, benches, bike racks, planters, pedestrian-scale lighting, and wayfinding signage.	<b>\$950,000</b>
10	South Park Avenue Activation	The streetscape and public realm elements along South Park Avenue should be improved to maximize activation of the DL&W Terminal. This project is a streetscape enhancement to South Park Avenue between the foot of Mail Street and Michigan Street.	<b>\$780,000/ quarter mile</b>

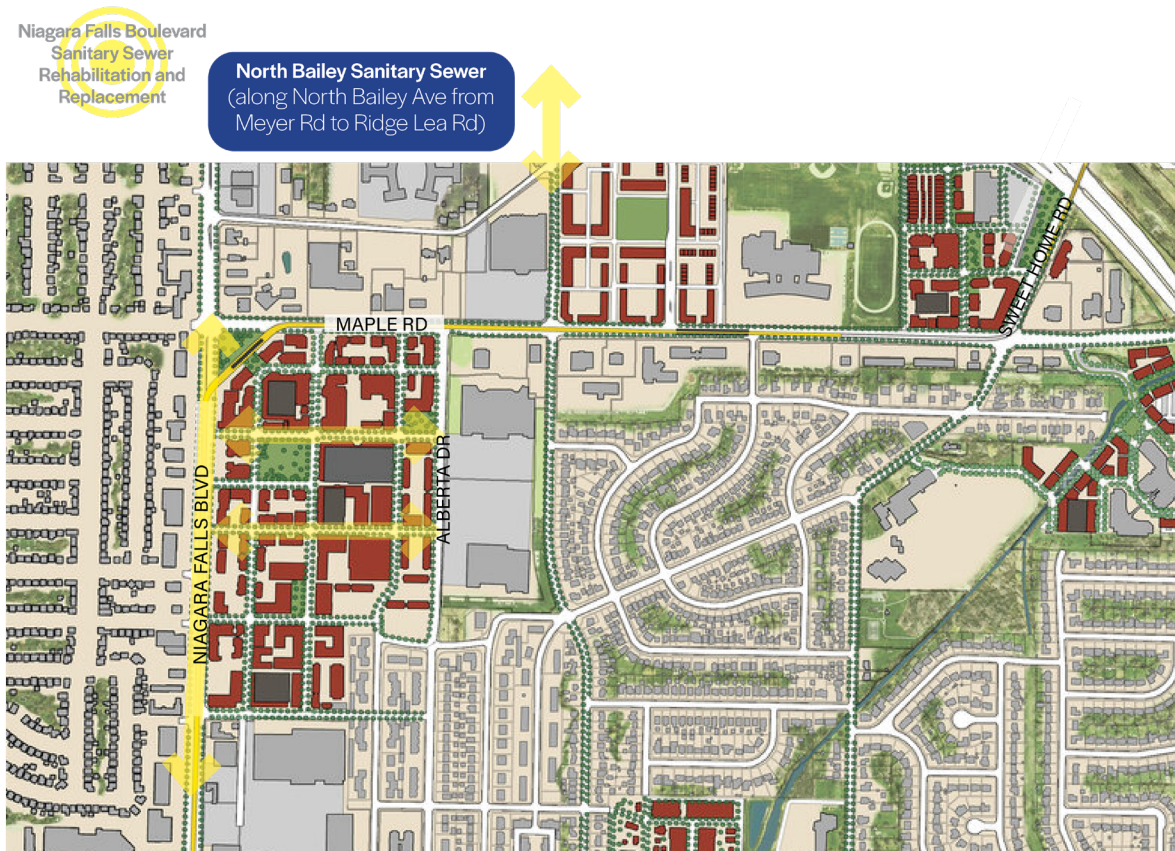
## 6.6 Boulevard Mall Station Area

The Boulevard Mall station area is anchored around an envisioned Metro Rail expansion station. This station is envisaged to be situated along either Niagara Falls Boulevard or within a revamped Boulevard Mall project. The primary objective of this station area is the transformation of Boulevard Mall into a transit-oriented community that encompasses residential, professional, and recreational aspects. Infrastructure enhancements align with the guidelines articulated in the Boulevard Central Master Plan and can be executed ahead of any Metro Rail development. While most street construction, such as streetscape upgrades and accessibility enhancements, will be deferred until the project's construction phase, a significant portion of the work can be carried out before then.



## BOULEVARD MALL

Re-purposing the Boulevard Mall as a Live-Work-Play Neighborhood



Rendering of Recommended Transit Stop, Boulevard Central District Plan Dover. Kohl & Partners.

The Boulevard Mall station area is centered on a proposed station as part of the Metro Rail expansion. The station would be located either along Niagara Falls Boulevard or within a redeveloped Boulevard Mall project. The focus of the station area is to remake the Boulevard Mall into a transit-oriented “live, work, play” neighborhood. Infrastructure improvements are consistent with those outlined in the Boulevard Central Master Plan and can be implemented prior to any Metro Rail construction. The majority of street construction, including streetscape enhancements and accessibility improvements, will come later when construction of the project occurs.

## Boulevard Mall Infrastructure Project Prioritization

Ranking of Priority	Priority Infrastructure Project	Description	Estimated Planning Level Cost
1	Redesign Niagara Falls Boulevard into a Complete Street	North of Maple Road, implement traffic calming, construct continuous sidewalk, improve pedestrian crossings, and upgrade lighting. South of Maple Road, improvements should wait for further direction on the timing of the Metro Rail expansion project.	<b>\$2,000,000/ quarter mile</b>
2	Core Streets	Construction of two east-west core streets connecting Niagara Falls Boulevard and Alberta Drive, through the Boulevard Mall site.	<b>\$1,400,000/ quarter mile</b>

## Boulevard Mall Infrastructure Project Prioritization

Ranking of Priority	Priority Infrastructure Project	Description	Estimated Planning Level Cost
NA Necessary for development	West Side Interceptor Diversion Facility	Construction of a diversion pump station and force main to alleviate surcharge in West Side Interceptor and accommodate future development.	<b>\$25,000,000</b>
NA Necessary for development	Niagara Falls Boulevard Sanitary Sewer Rehabilitation and Replacement	Phase 1 is reconstruction of Niagara Falls Boulevard sanitary sewer from Maple Road to Ridge Lea Road. Phase 2 is relining of existing 8-inch sanitary sewer on Niagara Falls Boulevard south of Maple Road and replacing sanitary sewer along the south side of Maple Road from Niagara Falls Boulevard to Albert Drive.	<b>\$10,500,000</b>
NA Necessary for development	North Bailey Sanitary Sewer	Construction of a 10-inch sanitary sewer along North Bailey Avenue from Meyer Road to Ridge Lea Road.	<b>\$2,500,000</b>

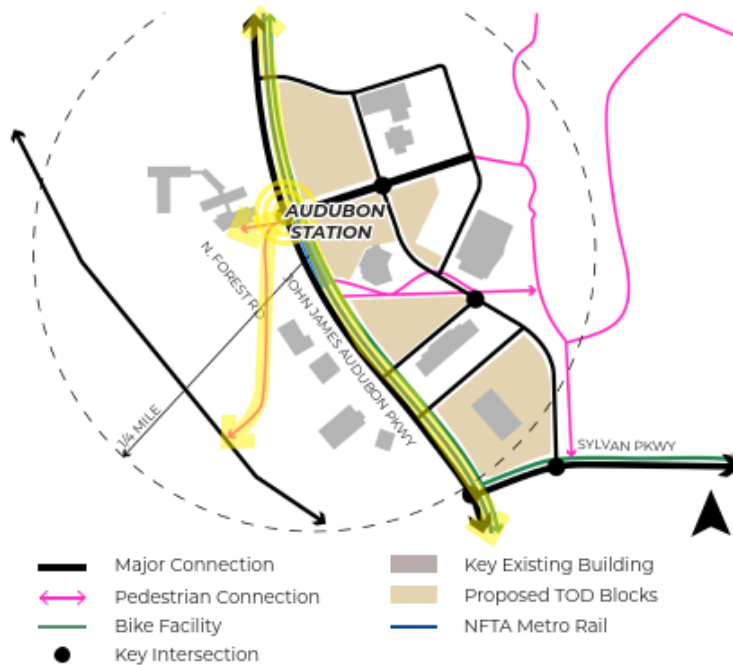
## 6.7 Audubon Station Area

The Audubon Station revolves around a planned Metro Rail expansion station. Positioned near the Amherst Town Complex along Audubon Parkway, this station holds central importance. The station area plan prioritizes cultivating a transit-oriented community in the midst of a conventional office park environment. Infrastructure enhancements in the Audubon station area concentrate on elements that augment immediate area connectivity, even before the Metro Rail expansion takes place. These improvements are designed to facilitate accessibility both to and from a potential Metro Rail station in the future.



## AUDUBON

Re-imagining an office park as a transit-supportive, mixed-use center.



The Audubon Station is centered on a proposed station as part of the Metro Rail expansion. The station would be located along Audubon Parkway near the Amherst Town Complex. The focus on the station area plan is to create a transit-oriented neighborhood within a traditional office park setting. Audubon station area infrastructure improvements are focused on elements that can enhance connectivity of the area in the short-term before Metro Rail expansion occurs, but that are supportive of accessibility to/from a Metro Rail station in the future.

## Audubon Infrastructure Project Prioritization

Ranking of Priority	Priority Infrastructure Project	Description	Estimated Planning Level Cost
1	Install sidewalk/multi-use trail along Audubon Parkway	There are currently no pedestrian facilities along Audubon Parkway. Construction of a sidewalk or multi-use trail between the Audubon Town Center and North Forest Road would allow for pedestrian and bicycle access to several destinations along Audubon Parkway.	<b>\$880,000/quarter mile</b>
2	Install multi-use path	There is an abundance of senior and assisted living residences located along North Forest Road. Constructing a new multi-use path connecting the Weinburg Campus to the Amherst Town Complex will provide enhanced connectivity to residents.	<b>\$225,000/quarter mile</b>

# 7 eTOD HOUSING NEEDS & OPPORTUNITIES ASSESSMENT

## 7.1 Background

This chapter was prepared as part of a larger ongoing effort to encourage and support future equitable Transit-Oriented Development near the Metro Rail corridor in the Buffalo-Niagara Region. Extending Metro Rail into the Northtowns will connect most of the region's knowledge-based employment concentrations and jobs and enable Metro Rail to serve as the backbone for implementing many of the "Big Ideas" presented in the One Region Forward Plan from 2014 (see text box).

This chapter provides a detailed analysis of the demographic trends, real estate market dynamics, and existing opportunity sites in order to identify what investments could be made to address the need for preserving and/or producing affordable housing along the Metro Rail corridor. The term "housing needs assessment" has been adopted throughout the chapter to describe the process of determining what kind of investments could be made and where these investments should be targeted.

Many regions with new or expanding transit systems have used some type of TOD fund to purchase property that can then be used to develop new affordable housing developments. While these projects may ultimately include residents with a mix of incomes, the key goal is to produce high-quality, deed-restricted housing to ensure that there will be a long-term supply of permanently affordable housing along the transit corridor regardless of changing real estate market conditions. As will be discussed further, TOD funds are only one tool in the entire affordable housing toolbox cities and regions typically need to deploy to ensure that low and moderate-income households are not ultimately displaced by market forces and thus unable to benefit from a new transit investment.



### **Metro Rail is the Backbone for Implementing Many One Region Forward 'Big Ideas:'**

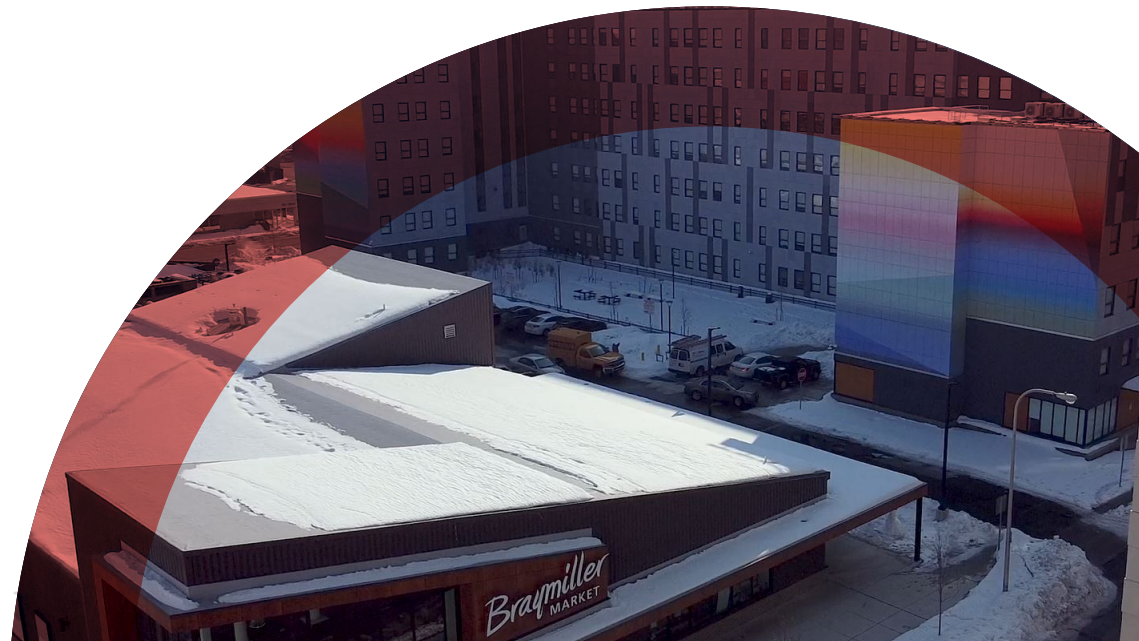
- Improve transportation choices.
- Support efficient land use and employment growth.
- Add new housing choices.
- Connect residents with employment.
- Mitigate climate change and encourage conserving energy.
- Protect our food systems and natural environment.
- Create great places.

## 7.2 Transit and Housing Affordability

Transit offers many benefits to all households by providing improved access to good paying jobs, educational facilities, health care, and cultural amenities, as well as minimizing household transportation costs by reducing auto-dependency. But these benefits can also come at a cost, especially for low-income households. Research shows that even in slower growing regions like Buffalo, new transit investments creating better access to major employment centers tends to increase property values near transit stations. Increasing property values can then create upward pressure on residential rents and home prices, making low-income households vulnerable to displacement. Displacement can take many forms, but the most widely recognized is when rents increase sufficiently to make people's existing housing unaffordable, forcing people to move to less desirable locations away from transit. This is considered "involuntary" displacement. Then, once housing prices go up, low - and sometimes even moderate-income households can no longer move into these newly transit-rich neighborhoods, resulting in neighborhoods that become increasingly exclusive based on income.

Displacement often happens in conjunction with gentrification, i.e., when higher income, typically white, householders begin moving into what have historically been low- or moderate-income communities predominantly occupied by people of color.

A key lesson from other regions that have added new high-quality transit lines is that proactive efforts to ensure housing affordability are essential, even at the early phases of transit planning. Market transitions, including displacement, can start very early in the transit planning process and while these transitions may start out slowly, the market can seemingly "suddenly" hit a tipping point. Once housing prices and property values reach a certain velocity, it becomes too expensive to start acquiring existing units or new development sites for affordable housing units. As a result, low- and moderate -income households increasingly become the victims of involuntary displacement and/or are unable to take advantage of the transit investment intended, at least in part, to help them.



### 7.3 Historic Housing Issues and The Metro Rail Corridor

Appropriate planning for eTOD in the Metro Rail corridor requires acknowledging the history of land use and transportation policies in the Buffalo-Niagara Region and the ways these decisions, as well as private and public sector housing financing practices, benefited or harmed different neighborhoods and locations. Specifically, the history of racial discrimination in transportation and housing investments must be considered when deciding how and where to invest future resources. Even today, the Buffalo-Niagara Region is characterized by stark racial segregation as well as racial inequities in terms of health, wealth, quality of life, and access to opportunity (jobs, education, etc.)<sup>8</sup> These patterns are in large part the result of policy decisions in transportation, housing, banking, and other spheres. This history is well documented in a report prepared by the Partnership for the Public Good.<sup>9</sup>

Although many Buffalo neighborhoods have suffered in various ways from long-term race-based policies and investment decisions, this analysis focuses only on the residential neighborhoods along the entire Metro Rail corridor, given that the benefits from transit, as well as adverse potential impacts, generally occur within a ¼ to ½ mile radius of transit stations. These transit-adjacent neighborhoods, including those in Buffalo, Tonawanda, and Amherst, reflect a continuum of existing housing and real estate market conditions.

However, it bears noting that the neighborhoods east of the Metro Rail line/Main Street and within the ½ mile range extending from approximately Goodell Street in the south to Buffalo's northern border reflect the greatest number of adverse impacts from the historic policies and investment patterns rooted in racism.

Initial impacts from racial discrimination in these east side neighborhoods date back to the 1930s when the Home Owners' Loan Corporation (HOLC) created its City Survey Maps for Buffalo. The HOLC used color codes to designate neighborhood status. Most east side neighborhoods were rated as yellow, or "declining," although one area was rated red, or "hazardous."<sup>10</sup> The negative connotation from the yellow rating combined with the presence of the one red neighborhood was probably sufficient to stifle reinvestment in existing housing units over time (see Figure 7-1). In contrast, neighborhoods on the west side of Main Street received a blue rating, deeming these areas as acceptable for future investment. When urban renewal subsequently began in Buffalo in the 1950s, African American households who were being displaced from older neighborhoods serving the City's older industrial districts were "steered" to the east side neighborhoods, resulting in extensive housing segregation.<sup>11</sup> And finally, construction of the Kensington Expressway, starting in 1957, served to isolate these highly segregated neighborhoods—already suffering from lower levels of reinvestment due to redlining.

<sup>8</sup> For example, One Region Forward, a regional plan for the Buffalo-Niagara Region, includes a Fair Housing Equity Assessment which includes an index which measuring "opportunity" across all of Erie and Niagara Counties. Opportunity was defined using a combination of factors such as school proficiency, poverty, labor market access, housing stability, job access, environmental health, and food access. The analysis found that "in the Buffalo-Niagara region, over 60% of white people live in an above-average opportunity area, while only 10% of black people live in such areas." See: University at Buffalo Regional Institute, State University of New York at Buffalo, School of Architecture and Planning, 2014. "One Region Forward: A New Way to Plan for Buffalo-Niagara." Available at: <http://www.oneregionforward.org/the-plan/>

<sup>9</sup> A recent report written by the Partnership for Public Good summarizes a wealth of resources regarding the history of racial segregation in the Buffalo-Niagara Region. See: Partnership for Public Good, 2018. "A City Divided: A Brief History of Segregation in the Buffalo Region". Available at: <https://ppgbuffalo.org/buffalo-commons/library/resource:a-city-divided-a-brief-history-of-segregation-in-buffalo-1/>

<sup>10</sup> The Federal Home Owners' Loan Corporation (HOLC) created these neighborhoods maps in the 1930s. Hazardous/red was the lowest ranking, and declining/yellow being the second lowest ranking in the HOLC system used to direct mortgage lending practices by both the public and private mortgages to "low risk" communities or away from neighborhoods with a high proportion of African American residents. These discriminatory lending practices formally ended in 1968, with the Fair Housing Act prohibiting racial discrimination in housing. However, redlining has continued to occur in other forms since then as well. Also note that

<sup>11</sup> <https://ppgbuffalo.org/buffalo-commons/library/resource:a-city-divided-a-brief-history-of-segregation-in-buffalo-1/>

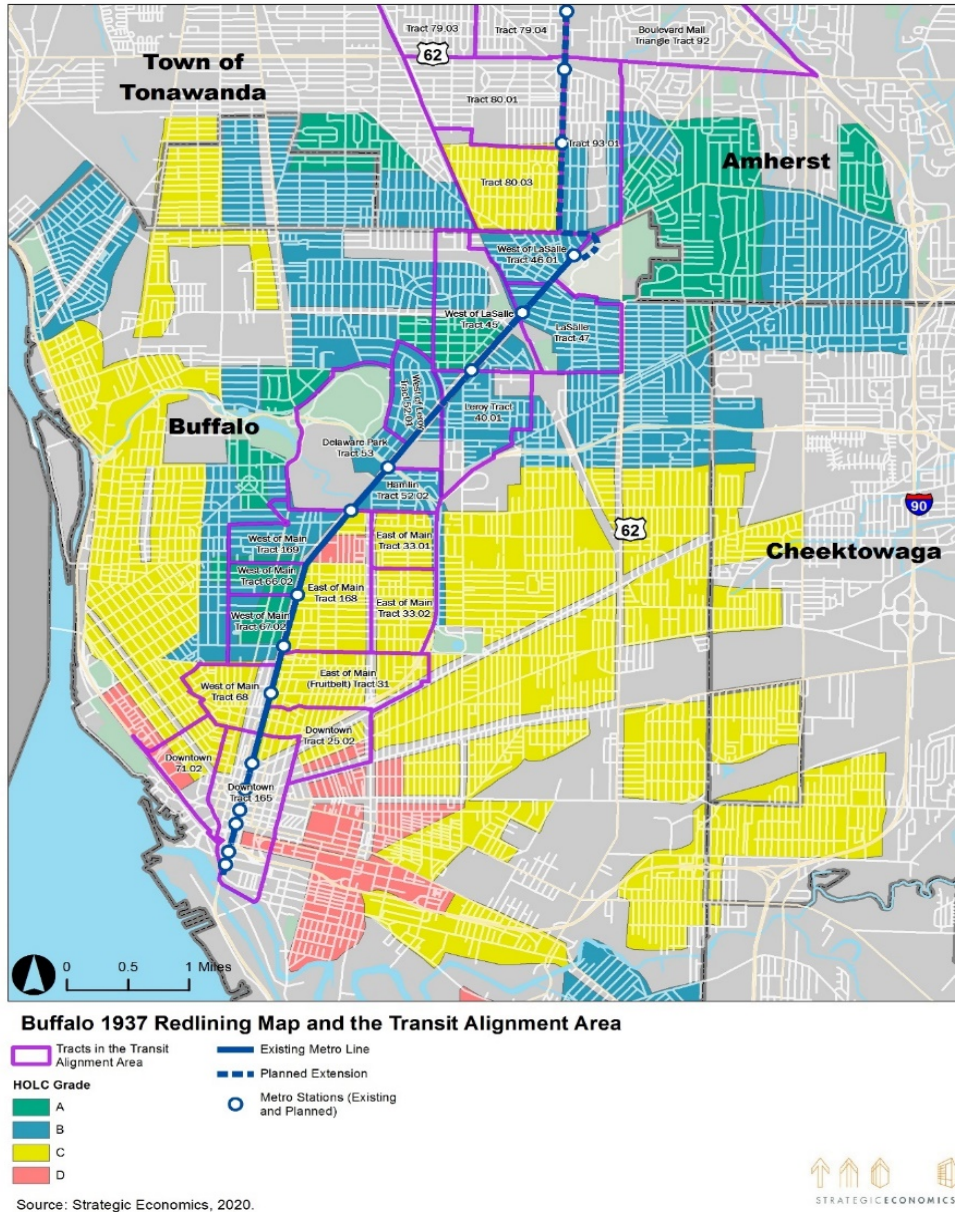


## 7.4 Stakeholder Outreach and Review of Existing Studies

### • 7.4.1 Stakeholder Outreach

In partnership with NFTA and GBNRTC, three affordable housing stakeholder focus groups were convened in August 2020. The purpose of these focus groups was (1) to provide information about the Comprehensive TOD Plan and the potential role of a Regional Affordable Housing TOD Fund, and (2) solicit feedback on the utility of a such a fund, its potential uses, target areas, and other TOD-related affordable housing considerations in the Buffalo-Niagara Region. Focus group participants included public agencies, non-profit organizations, affordable housing developers, and community-based organizations involved in housing and supportive services activities in the Buffalo-Niagara Region. Additional one-on-one interviews and email exchanges were also conducted before and after the focus groups. This outreach was conducted early in the research process to better guide the subsequent data analysis. Stakeholders were engaged throughout the preparation of this report to ensure consistency with these organizations' priorities and on-the-ground knowledge.

In addition, a detailed presentation was made to the TOD Coordinating Committee mid-way through the process in late September 2020. Follow-up meetings with Steering Committee members were organized to respond to specific requests. A complete list of interviewees and focus group participants is included in the appendix.



**Figure 7-1: Buffalo-Niagara Region 1937 Redlining Map and the Transit Alignment Area**



## • 7.4.2 Review of Existing Local & Regional Housing Studies<sup>12</sup>

Many studies have been conducted on housing needs and housing affordability in the Buffalo-Niagara Region. A detailed review of a selection of recent studies, listed below, was conducted. Note that the last column below briefly summarizes the takeaways from each study that informed this chapter, such as a specific methodological approach, a summary map, or other key finding. These studies differ according to their geographic focus (e.g., neighborhood-level, city-level, or regional) and their goals (e.g., conducting comprehensive housing assessment, providing policy recommendations, or analyzing a single issue such as gentrification).

Report Title	Author(s)	Year	Geography
One Region Forward: A New Way to Plan for Buffalo-Niagara	UB Regional Institute at the State University of New York at Buffalo <sup>(12)</sup>	2015	Erie County & Niagara County
Buffalo Housing Opportunity Strategy	CZB LLC	2017	City of Buffalo
A City Divided: A Brief History of Segregation in Buffalo	Partnership for Public Good (Anna Blatto)	2018	Erie County & Niagara County
Buffalo Turning the Corner	UB Center for Urban Studies (H. Taylor, R. Silverman, and L. Yin)	2019	Selected census tracts in the City of Buffalo
Erasing Red Lines	Russell Weaver	2019	City of Buffalo
Analysis of Impediments to Fair Housing Choice	Various jurisdictions <sup>(13)</sup>	2020	Erie County
Town of Amherst Housing Study: Housing Market Overview	Jason Knight & Russell Weaver	2020	Town of Amherst
City of Buffalo Citywide Displacement & Gentrification Analysis	Keith Lucas, City of Buffalo	In progress	City of Buffalo

<sup>(12)</sup> The One Region Forward Steering Committee included NFTA, GBNRTC, University of Buffalo Regional Institute at the State University of New York at Buffalo, the Buffalo-Niagara Partnership, and others.

<sup>(13)</sup> City of Buffalo, Town of Amherst, Town of Cheektowaga, Town of Hamburg, Town of Tonawanda, Urban County of Erie County.

## 7.5 Summary of Existing Local and National Place-Based Investment Funds

A place-based loan fund targeted to spurring new investment in weak market neighborhoods is not a new concept in the Buffalo-Niagara Region. There are already two such funds operating in the City of Buffalo, the Better Buffalo Fund (BBF) and the Buffalo Building Reuse Loan Fund (BBRLF). The BBF, which is managed by Empire State Development (ESD), has a TOD grant program and a revolving loan fund aimed at creating dense housing, mixed use projects, and commercial activity near transit stops and stations along multiple transit corridors in Buffalo, including the entire existing Metro Rail corridor. Land acquisition is an eligible use for this fund.

The BBRLF fund is more narrowly targeted to greater downtown Buffalo, including the Buffalo-Niagara Medical Campus area. This fund focuses primarily on adaptive reuse of existing buildings rather than on new construction.

While these two Buffalo funds are like other TOD funds in that they have leverage investment capital from public and private sources, neither local fund is structured to support long-term income-restricted affordable housing projects. Nor do these local funds support pre-development activity or provide patient capital to purchase and hold development sites for future affordable housing projects. And neither fund is available to projects outside of Buffalo, so today neither could invest along the Metro Rail expansion in Tonawanda or Amherst. Although there is no doubt that Buffalo needs the kinds of market rate projects that the BBF and the BBRLF support, this does not negate the need for additional funding support for longer-term affordable housing support along the Metro Rail corridor as well.

Many other regions have turned to TOD funds as a tool for specifically addressing the need for affordable housing near transit for three reasons. First, by definition, land or property near transit is a scarce resource. When market conditions start to push property values up, it becomes more challenging for affordable housing projects to compete against market rate developers for development sites. Therefore, having access to capital that enables affordable housing developers to acquire development sites as opportunities arise, and while property values remain relatively low, is one way to preserve future opportunities to ensure that affordable housing projects can continue to get built near transit.

The second reason that regions create affordable TOD funds is because these funds are well suited to activities associated with affordable housing projects that are currently the least well-funded through federal and state subsidy sources, including opportunistic property acquisition and pre-development costs. Most subsidy programs are targeted towards construction or permanent take-out loans for development. But the developer must pay for the upfront land and pre-development costs with their own balance sheet (See Figure 7-2).



### Acquisition & Pre-development

- Purchase, design, zoning, permits etc.
- Conventional loan / affordable housing funds  
(hardest to fund)



### Construction

- Labor, materials, etc.
- Conventional loan, tax credits



### Permanent Financing

- Debt servicing, maintenance
- Conventional loan, other subsidy

**Figure 7-2: Simplified Stages of Affordable Housing Development Financing**

Source: Elizabeth Mattiuzzi, 2019. "Funds for Kickstarting Affordable Housing Preservation and Production: Lessons for New Investors". Federal Reserve Bank of San Francisco Community Development Research Brief. Available at: <https://www.frbsf.org/community-development/publications/community-development-research-briefs/2019/march/funds-for-kickstarting-affordable-housing-preservation-and-production-lessons-for-new-investors/>

A third reason that TOD funds can be very effective is that they can leverage funds from multiple sources, including philanthropy and banks, where the fund investors can be paid back when the development project receives its permanent financing. Having a clear exit strategy is essential for prospective fund investors.

Funds that combine public, private, and philanthropic investment sources have the potential to raise more capital than a publicly funded grant or loan program. This can be achieved by creating a "structured fund." TOD structured funds can include investments from foundations, community development finance institutions (CDFI), banks, other philanthropic sources, social impact investors, and public sector grants. The investors are all mission-driven, in that they support the fund's overall objective, but at the same time each investor expects to earn a return on their money, even if the return is relatively small.

Different investors can look for different rates of return on their investment based on their tolerance for risk, (i.e., losing some or all of the investment if too many loans default). A structured fund can blend investments from different investors with varied return expectations by segmenting its capital into layers based on investor risk tolerance. A public agency grant, which has no expectation for repayment is the preferred top layer in the stack, taking the highest exposure risk, or "top loss". The next layer will be the highest risk investors, and so on, whereby the lower the investor is in the stack, the less risk they have for losing their money. Having the public grant in the "top loss" position within the stack is key and a relatively small grant can leverage as much as four or five times its value in private/ philanthropic investments.

Structured funds can be complicated to create and are often managed by one or more CDFI or other development entity who is responsible for originating and underwriting loans as well as managing the loans over the time. However, many of the terms under which a fund can lend money are set by the investors based on their return expectations and appetite for risk. As a result, the funds can be overly restrictive regarding their loan terms including debt subordination, and/or have interest rates that are too high to be helpful to potential borrowers. If the fund's loan terms are too restrictive these can become a major barrier to effective loan deployment.

### • 7.5.1 Findings From Existing Context for an Investment Fund

A review of existing experience in the Metro Rail corridor based on its history, lessons learned from stakeholder interviews, and a review of local/national place-based investment funds led to the following qualitative findings which will be further amplified with the quantitative findings from the following section of this report.

- Residents are leaving or being displaced from certain neighborhoods along the Metro Rail corridor, especially in the “Middle Main” area. Buffalo lost a significant share of its population starting in the 1970s, and some neighborhoods continue to lose population to the present day. The total population of these neighborhoods is decreasing due to a variety of factors. Older, long-time residents may be vacating their units when they are no longer able to live independently in their homes. Additionally, some residents are leaving in search of newer, higher quality housing in other areas, and yet others may be undergoing displacement from their residences as lack of investment causes unit quality to deteriorate over time, gradually rendering housing units uninhabitable.
- Households in the Metro Rail corridor that are housing cost-burdened face affordability challenges primarily due to low household incomes rather than high housing costs. This suggests that housing interventions to support cost-burdened households should be targeted to very low-income households.
- Expanding anchor institutions, such as universities and hospitals, are attracting new residents to various neighborhoods along the transit alignment, potentially contributing to displacement pressures on existing residents. Stakeholders reported that lower-income or long-time residents are at risk of being displaced by newer residents, including students, in neighborhoods adjacent to these major institutions.
- Stakeholders expressed concerns that an expansion of the Metro Rail would increase gentrification and/or displacement risks as housing values in the transit alignment area appreciate. Stakeholders anticipate that investments made to the transit line will result in enhanced residential desirability of transit-adjacent neighborhoods and an influx of new residents, potentially sparking a process of neighborhood gentrification that could result in the displacement of existing residents. This process is described in greater detail in the subsequent section.

- Despite the many housing studies conducted in the region, none have focused on the specific geography of the Metro Rail corridor. This is the only housing analysis covering the jurisdictions of Buffalo, Amherst, and Tonawanda together as one geography. The three jurisdictions include very different histories and housing conditions.
- The existing local place-based investments funds are not structured to support the goal of maintaining long-term housing affordability along the Metro Rail corridor. While there are two place-based funds already operating in Buffalo, neither fund explicitly targets long term affordable housing opportunities, nor does either fund focus on the Metro Rail corridor. In addition, neither fund would be available to assist with housing projects in Tonawanda or Amherst.
- TOD investment funds in other regions have the capacity to support affordable TOD. There are several examples of TOD investment funds focused on affordable housing in other U.S. regions. However, depending on the nature of the underlying investors involved in supporting these funds, they can be complex to establish and may have significant limitations in terms of the types of projects they can support.

## 7.6 Changing Household Dynamics in the Metro Rail Corridor

This section discusses demographic trends along the entire Metro Rail corridor based on an approximately ten-year period of 2010-2019. Although the Metro Rail expansion may not be built for many years, existing demographic characteristics and changing trends provide insight into how households along the corridor may be impacted by the project as it moves forward.

The following analysis presents these household characteristics for the entire corridor, including both the existing Metro Rail line in Buffalo, and the proposed extension into Tonawanda and Amherst. This area is referred to in this analysis as the Transit-Alignment Area (TAA). Subsequently, this analysis breaks the corridor down into different types of neighborhoods that reflect varying degrees of demographic change along the corridor to further assess the relative vulnerability some areas may have to displacement and gentrification relative to other areas.



## • 7.6.1 Transit Alignment Area Demographic Context







This section summarizes the basic demographic trends for the Transit Alignment Area (TAA), which includes 26 census tracts located within roughly a half-mile or a mile of the transit alignment, shown in Figure 7-3. Considering the entire area as one unit provides a baseline or reference geography against which changes in individual “neighborhoods” along the corridor can be compared. The TAA geography is important because it reflects the general conditions in the transit corridor without reflecting the broader demographic conditions in Erie County overall. Even the housing in Tonawanda and Amherst, which tends to be newer than the housing in Buffalo, is still somewhat different than other parts of the County, or the region, which tend to be even less dense and have a more car-oriented suburban street network than in the neighborhoods along the transit corridor.

Note that the census tract that includes the UB North Campus in Amherst was not included in the TAA because it has a very small residential population and very few housing units.

### Key findings regarding the TAA are as follows:

- There were approximately 93,400 residents in the TAA as of 2018. This represents a slight decrease since 2010, when the population was about 96,400.
- The median household income in the TAA was approximately \$45,600 in 2018, up by about 10 percent since 2010. Nearly one third of all households had incomes below \$25,000, indicating that a sizeable share of the corridor’s population is very low income. Some of the households reporting very low incomes are likely to be students and retired people. About 80 percent of all households had incomes under \$100,000.
- Most of the corridor’s residents were either non-Hispanic white (55 percent) or African American (31 percent). Other residents were either Asian (5 percent) or Hispanic/Latinx (6 percent), with the remaining 2 percent being multiracial or some other race.
- The number of African American and white residents living along the corridor declined from 2010 to 2018, while the area gained many Hispanic/Latinx residents. The African American population declined by over 3,000 residents for a total decline of 10 percent during this eight-year period. The area also lost over 2,000 white residents (a 4 percent decrease), while the number of Hispanic/Latinx residents grew by 2,000, a 46 percent increase.
- There were equal shares of renters and homeowners in the transit corridor as of 2018. Of the 42,700 occupied housing units on the corridor, 49 percent owned their own unit while 51 percent were renters.

### Tracts in the Transit Alignment Area

-  Tracts in the Transit Alignment Area
-  Existing Metro Line
-  Planned Extension
-  Metro Stations (Existing and Planned)

Sources: American Community Survey, 2010-2018; Strategic Economics, 2020.

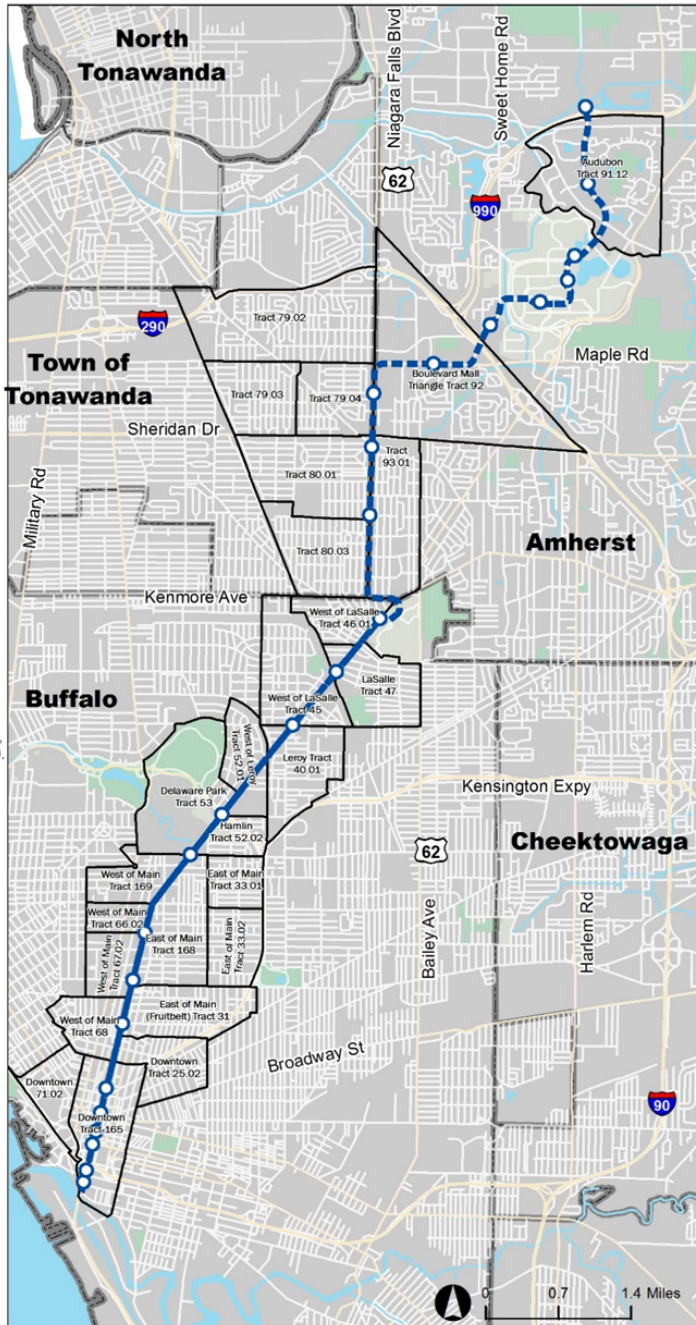


Figure 7-3: Affordable Housing Needs Assessment Transit Alignment Area

	2010	2018	Net	Percent	Share in 2010	Share in 2018
<b>Total Population</b>	96,452	93,445	-3,007	-3.1%		
<b>Number of Households</b>	42,713	42,010	-703	-1.6%		
<b>Median Household Income</b>	\$41,518	\$45,624	\$4,106	9.9%		
<b>Household by Income Category</b>						
Under \$25,000	13,709	13,006	-703	-5.1%	32.1%	31.0%
\$25,000-\$50,000	10,651	9,368	-1,283	-12.0%	24.9%	22.3%
\$50,000-\$100,000	11,220	12,384	1,164	10.4%	26.3%	29.5%
\$100,000-\$150,000	4,748	4,654	-94	-2.0%	11.1%	11.1%
\$150,000 or more	2,384	2,598	214	9.0%	5.6%	6.2%
<b>Population by Race/Ethnicity</b>						
White, non-Hispanic	53,519	51,201	-2,318	-4.3%	55.5%	54.8%
Black or African American, non-Hispanic	32,502	29,190	-3,312	-10.2%	33.7%	31.2%
Asian or Pacific Islander, non-Hispanic	4,509	4,641	132	2.9%	4.7%	5.0%
Hispanic or Latino	4,234	6,195	1,961	46.3%	4.4%	6.6%
All Other Races, non-Hispanic	1,688	2,218	530	31.4%	1.8%	2.4%
<b>Tenure</b>						
Total Housing Units	42,713	42,010	-703	-1.6%		
Owner Occupied	21,903	20,634	-1,269	-5.8%	51.3%	49.1%
Renter Occupied	20,810	21,376	566	2.7%	48.7%	50.9%

**Figure 7-4: Demographic Data for All Transit Alignment Area Census Tracts, 2010-2018**

Source: American Community Survey, 2010-2018; Strategic Economics, 2021.

## 7.7 Transit Alignment Area Neighborhood Demographic Analysis

### • 7.7.1 Neighborhood Geography

Because the Metro Rail corridor is extensive and connects many types of residential neighborhoods, a key step in this analysis was to define geographic subareas that could reflect this diversity. The Comprehensive TOD Plan Phase 1, which included an evaluation of real estate market readiness for housing and commercial uses along the entire corridor, used a very simplistic approach to creating subareas along the corridor. That study merely grouped stations into four “segments” with each segment representing a group of station areas. The segments were organized geographically to generally reflect real estate market areas extending from downtown Buffalo to the corridor’s northern termination in Amherst (see text box).

However, real estate market subareas are a poor representation of the demographic diversity along the transit corridor. Input from the housing focus groups and stakeholder interviews indicated the need to consider a more nuanced approach to this analysis that would reflect not just the changing conditions from the south to the north part of the line, but also to address the historic differences in household demographics and the ways in which this has impacted housing market conditions along the corridor extending all the way back to the 1930s, as was discussed in the previous section. In addition, focus group members and housing stakeholders proposed specific demographic factors that could be considered in evaluating the differences among subareas along the corridor. Therefore, the demographic variables used in other housing assessments for the Buffalo-Niagara Region, and a general scan of the national literature regarding displacement and gentrification were also included in preparing a long list of demographic characteristics to be considered along the corridor. As a result of these considerations, this analysis uses census tract boundaries as the basic unit of analysis, and the term “neighborhood” is applied to census tracts or groupings of tracts, rather than to specific neighborhoods as identified in other local sources including planning documents, real estate market boundaries, etc.



#### Comprehensive TOD Plan Phase 1 Corridor Subareas/Line Segments

- Segment 1 Downtown Buffalo, from Erie Canal Harbor to Allen/Medical Campus station
- Segment 2 Main Street, from Summer-Best to University station
- Segment 3 Niagara Falls Blvd/Eggertsville, from University to Maple Ridge station
- Segment 4 University at Buffalo/Audubon, from Maple Ridge to I-990 station

A complete list of demographic indicators considered for this analysis is provided in the Appendix.

## • 7.7.2 Establishing a Neighborhood Typology

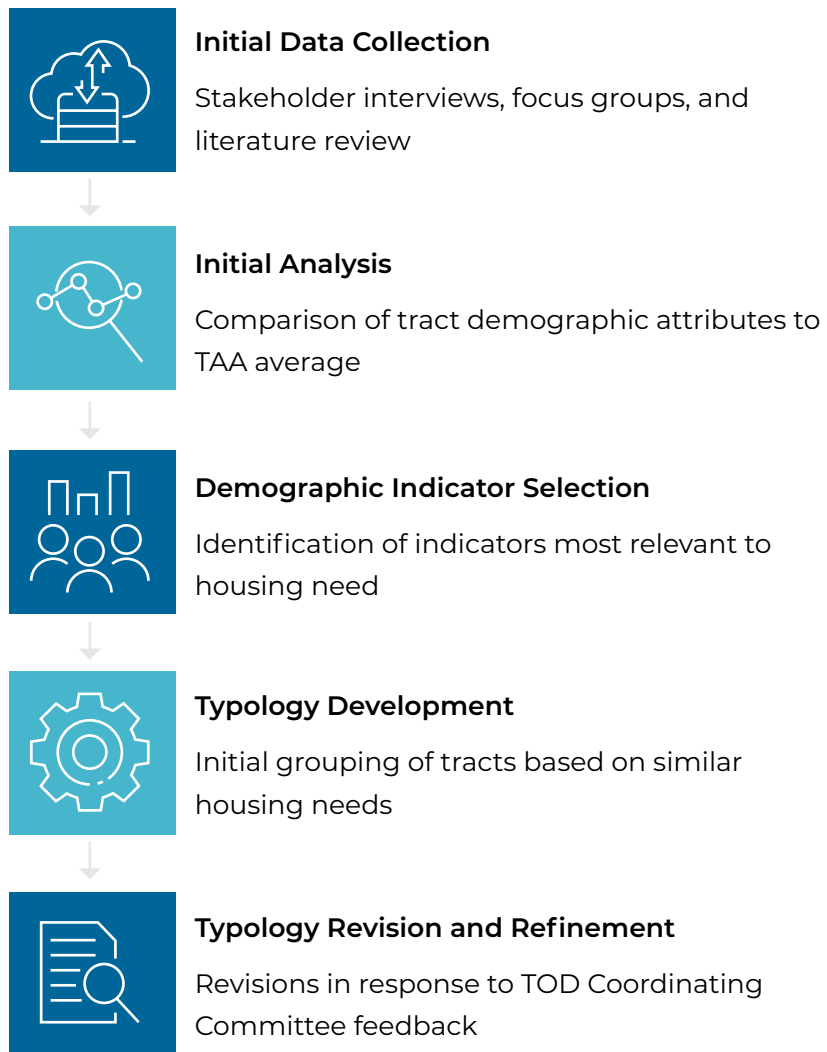
Grouping the 26 census tracts along the Metro Rail corridor into typology neighborhoods based on demographic, rather than geographic characteristics, achieves three goals. The first is to capture the varied demographic trends and conditions along the corridor in enough detail to identify where certain patterns of change are taking place. The second is to establish a framework for evaluating the housing conditions and market trends. The third is to inform the overall assessment as to what housing needs exist along the corridor and which of these needs could be best addressed with a TOD acquisition fund.

The process for establishing the final neighborhood typology involved five key steps (see Figure 7-5). The extensive number of demographic variables that were initially under consideration as the typology was developed are shown in the Appendix, along with, detailed data for each census tract.

The process for developing the typology was iterative and relied on various sources of information, as described below, and summarized in Figure 6:

- Housing focus groups, stakeholder interviews, and the TOD Coordinating Committee provided a local perspective on housing needs that guided a review of literature on local housing issues. These initial conversations, and especially discussions on populations who local stakeholders identified as having unique housing needs, also informed the first round of demographic data collection.
- Findings from these conversations were then compared to each tract's demographic attributes with the average value for tracts in the TAA, and with attributes of the "Transit Region," defined to include City of Buffalo, the Town of Amherst, and the Town of Tonawanda.
- Then, a subset of indicators was selected that best corresponded to major housing needs described in stakeholder interviews, local housing literature, and in the national literature on neighborhood change.
- A draft typology was then created based on tracts' shared demographic attributes that best account for current or likely future housing needs.
- The typology underwent multiple rounds of revisions to account for feedback from TOD Coordinating Committee members and from local community groups.





**Figure 7-5: Demographic Typology Development Process**

In the initial analysis, both point-in-time variables for 2018 and trend variables that capture change over time (2010-2018) were considered in the census tract analysis. However, based on an extensive review of the data, it was determined that focusing only on a limited set of variables reflecting the demographic change trends would be sufficient to capture the variation in changing household dynamics along the corridor.

Several approaches were considered in determining the best way to identify which change indicators would be used to group individual census tracts into the final list of neighborhood types. Based on the variability of the demographic trends and the underlying history of racial dynamics related to housing conditions along the corridor, each neighborhood type was identified based on the most significant types of demographic change relative to other tracts in the TAA. In addition, the typology was vetted multiple times with the TOD Coordinating Committee, both as a group and with individual committee members.

Figure 7-6 summarizes the final neighborhood typology. The 26 individual census tracts were grouped into six neighborhood types reflecting each type's most prominent demographic changes over the 2010-2018 time period. Figure 7-7 shows a map of the neighborhood typologies. As the map shows, the neighborhood typologies are not always concentrated in one location, but in some cases, are distributed across the corridor.

Neighborhood Typology Category	Indicators
Type 1: Areas with Lower Median Incomes and Non-White Racial/Ethnic Group Cluster	<ul style="list-style-type: none"> <li>● Median Income &lt; \$45,000</li> <li>● One non-white group alone represents &gt;30% of Tract Population</li> </ul>
Type 2: Areas with Lower Median Incomes and Moderate Risk of Immediate Demographic Change	<ul style="list-style-type: none"> <li>● Meet same criteria as Type 1</li> <li>● Have at least 1 of the following attributes: <ul style="list-style-type: none"> <li>· High share of renters in 2018 (&gt;60% of households)</li> <li>· Share of renters increased by 10 points or more between 2010 and 2018</li> </ul> </li> </ul>
Type 3: Areas with Lower Median Incomes and Increasing Displacement Risk	<ul style="list-style-type: none"> <li>● Meet same criteria as Types 1 and 2</li> <li>● Experiencing racial transition (significant loss of a non-white group while number of white residents increases)</li> </ul>
Type 4: Low- and Moderate-Income Areas with Other Demographic Changes	<ul style="list-style-type: none"> <li>● Median Income &lt; \$60,000</li> <li>● Not losing LI households or non-white residents</li> <li>● Incomes are stable or changing only modestly</li> </ul>
Type 5: Moderate to High Income Areas Undergoing Loss of Non-White Population or Low- to Moderate-Income Households	<ul style="list-style-type: none"> <li>● Median Income &gt;\$30,000</li> <li>● Any of the following features: <ul style="list-style-type: none"> <li>· Non-Hispanic white population growing while area loses significant Black and/or Latinx population, without major changes in median incomes</li> <li>· Losing significant number of low-income households</li> <li>· Tract median income increased by 20% or more</li> </ul> </li> </ul>
Type 6: High Incomes Areas with Stable Median Incomes and Modest Demographic Change	<ul style="list-style-type: none"> <li>● Median Income &gt; \$60,000</li> <li>● Increasing non-white population</li> <li>● Relatively low household turnover</li> </ul>

**Figure 7-6: Summary of Neighborhood Typology Categories and Indicators Used**

# Demographic Conditions Typology for the Transit Alignment Area, 2010-2018

- Type 1: Areas with Lower Median Incomes and Non-White Racial/Ethnic Group Cluster
- Type 2: Areas with Lower Median Incomes and Moderate Risk of Immediate Demographic Change
- Type 3: Areas with Lower Median Incomes and Increasing Displacement Risk
- Type 4: Low and Moderate Income Areas with Other Demographic Changes
- Type 5: Moderate to High Income Areas Undergoing Loss of Non-White Population or Low to Moderate-Income Households
- Type 6: Higher Income Areas with Stable Median Incomes and Modest Demographic Change
- Parks
- Existing Metro Line
- Planned Extension
- Metro Stations (Existing and Planned)

Sources: American Community Survey, 2010-2018; Strategic Economics, 2020.

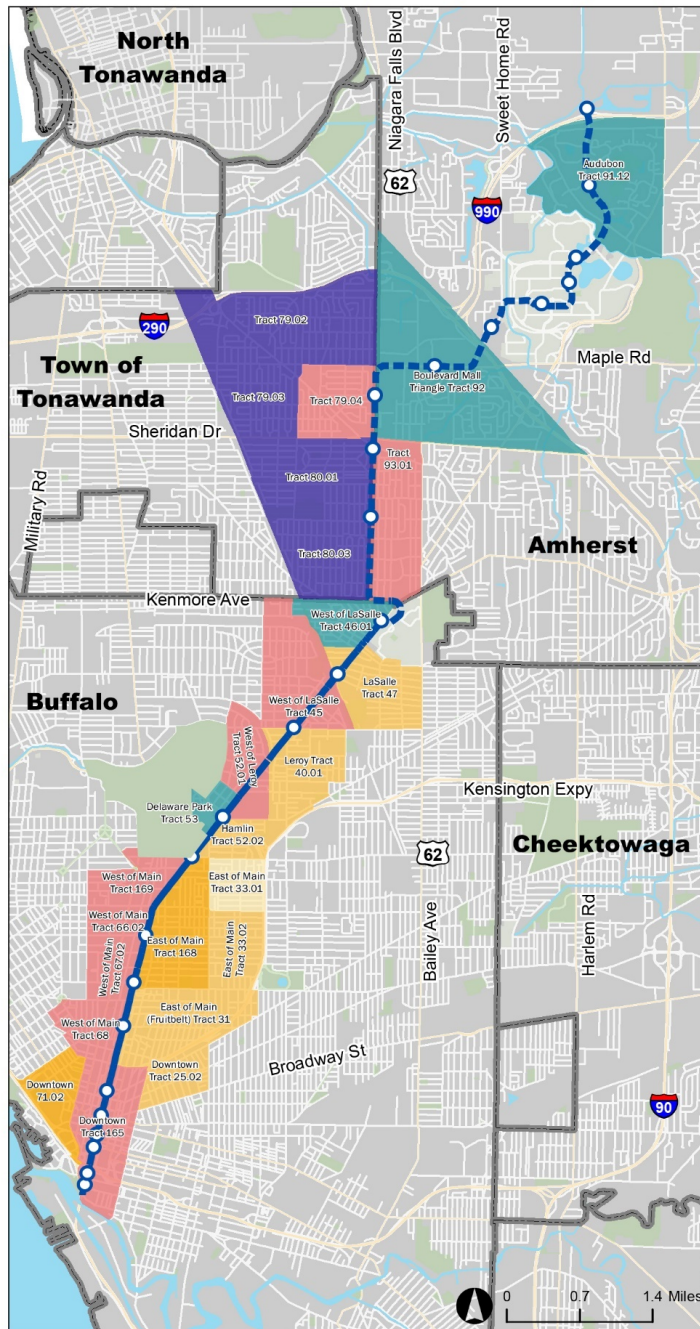


Figure 7-7: Neighborhood typology for the Transit Alignment Area

### • 7.7.3 Key Demographic Findings by Neighborhood Type

Below are key takeaways regarding the results of the demographic analysis and the typology, the details of which are presented in Figures 7-6 and 7-7.

- Tract Types 1 and 2 include areas that were historically excluded from access to capital, and which could benefit from careful housing investments across multiple income categories. These areas are mostly losing population and many of them have relatively high housing vacancy rates, suggesting that without additional investment these areas are struggling to recover. However, investments should be made carefully to avoid triggering a process of displacement for long-time residents who wish to stay in these neighborhoods and who may be vulnerable because of their low household incomes, and especially those who are renters.
- Affordable housing needs for lower income households are distributed throughout the corridor but are most immediate in Type 3 and 5 areas, where low-income residents are at imminent risk of, or are already experiencing, residential displacement. In areas that are anticipated to witness increasing housing costs in the short term, the most salient need is to ensure that low-income households can remain in these neighborhoods. In Type 5 tracts, there are indications that households are already departing and, in some cases, that median household incomes are increasing, both of which are signals that these neighborhoods may rapidly be becoming income exclusive. In Tract Type 3, which includes neighborhoods with lower median incomes, the low housing costs which currently enable low-income households to live in these neighborhoods may be at risk of rising in the future as new investments are made along the corridor, generating a risk of residential displacement.
- Census tracts categorized as Type 6 have experienced relatively little demographic change and have small shares of low-income households, suggesting that housing affordable to a wider range of income categories should be prioritized. These areas are currently experiencing little demographic change because they have been adding few new residents. Additionally, these areas are home to many higher income households that are unlikely to be displaced if new transit investments cause residential property values to increase, and residents in these neighborhoods are also likely to have their housing needs met by the private housing market. In the more distant future, an aging population in these neighborhoods may result in a greater frequency of residential turnover. If these areas are unable to attract new homeowners to occupy their older housing stock, there could eventually be a need for future stabilization.
- Affordable housing needs are unclear in tracts categorized as Type 4. Tracts which have been classified as “Other Dynamic Areas” do not show clear indications of chronic disinvestment, nor are there signs that low-income households are at risk of or are already being displaced. The longer-term affordable housing needs in these tracts are also unclear. However, some of these tracts do show indications of demographic change, which are discussed on a tract-by-tract basis in the Appendix.

## 7.8 Existing Housing Inventory and Development Opportunity Sites

Unlike the previous section which discusses demographic trends by neighborhood typologies, the housing condition and opportunity site analyses are presented primarily by census tract. This approach was taken to simplify the analysis, and to separate the physical conditions in the TAA from changing demographic trends. However, the physical/place dimensions as compared to the demographic/people dimensions are considered in a summary discussion at the end of this section.

### • 7.8.1 Existing Housing Inventory



This section provides an overview of the TAA's existing housing stock and housing market trends. Such information provides further insight into how this existing stock combined with recent market conditions will present opportunities or challenges for retaining and/or supporting future low- or moderate-income households along the transit corridor.

#### • 7.8.1.1 Housing Inventory by housing Type

For purposes of this discussion, existing housing in the TAA neighborhoods has been broken into two categories: single family and multi-family. Based on census definitions, single family houses are all single family detached units, whereas multi-family can cover a range of building types starting with two-unit townhouses. Housing types in any given neighborhood generally reflect the way jurisdictions have historically zoned their residential land as well as the way real estate market conditions interacted with zoning at the time properties were developed or redeveloped. It should also be noted that zoning itself must be considered not just as a “neutral” land use policy, but as one of the most common tools used by cities from the late 19th through the mid-20th century to promote racial segregation.<sup>14</sup> Teasing apart the relationship between zoning, housing types and segregation also requires consideration of other public policies. In the Buffalo regional context, this includes redlining and the ability of different racial groups to obtain financing for home purchases and renovations. Therefore, this discussion of housing types only tells part of the story regarding housing conditions in the TAA and by the individual neighborhoods along the corridor. In 2018, there were 42,010 total housing units in the TAA.

Of these, 45 percent were single family and 55 percent were multi-family units. Figures 7-8, 7-9, and 7-10 show the housing type mix by percentage and absolute numbers by neighborhood.

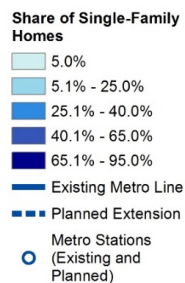
Key findings regarding housing types by neighborhood include the following:

- Neighborhoods around downtown Buffalo have the fewest single-family units along the corridor, whereas neighborhoods in Tonawanda had the highest number. This finding most likely corresponds to the time period when most housing units in Tonawanda were built, as will be shown below.
- Most neighborhoods in Buffalo have significant numbers of both single-family and multi-family units. Given the historic development patterns and other factors, housing mix does not seem to account for other differences in housing condition or real estate market strength along the corridor.

<sup>14</sup>Rothstein, Richard. *The Color of Law*. Liveright, 2017.



Single-Family Homes as a Share of Total Units in the Transit Alignment Area, 2018



Sources: American Community Survey, 2010-2018; Strategic Economics, 2020.

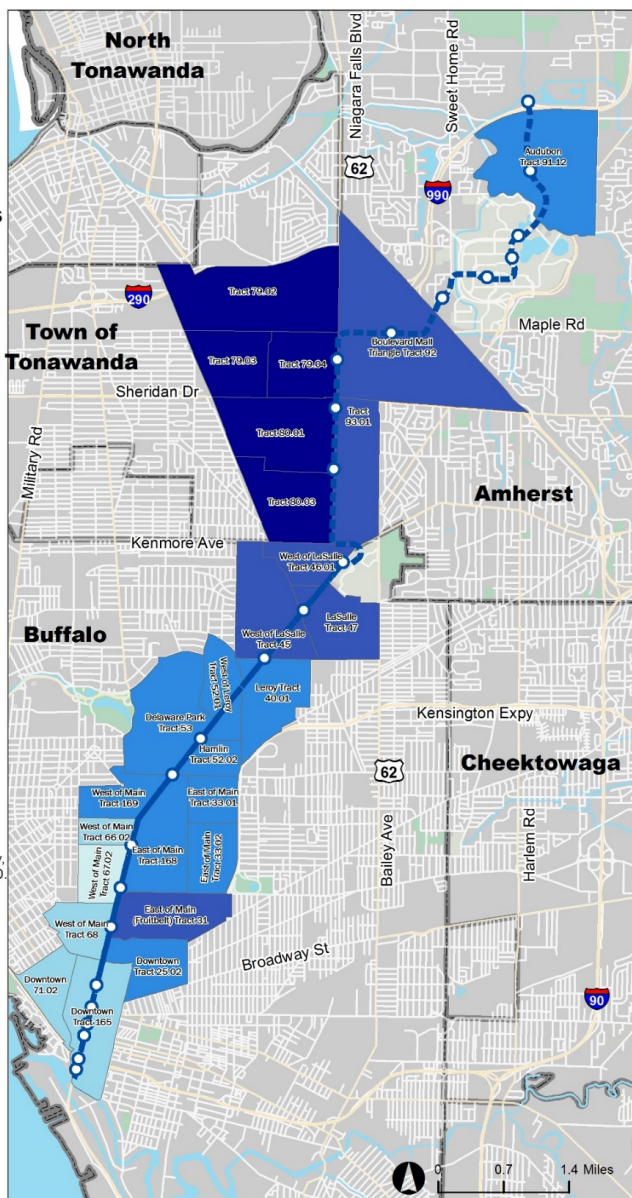
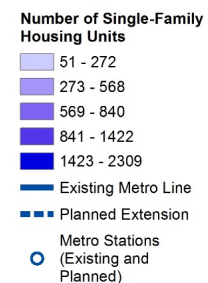


Figure 7-8: Single-Family Homes as a Share of Total Units in the Transit Alignment Area

Single-Family Units in the Transit Alignment Area, 2018



Sources: American Community Survey, 2010-2018; Strategic Economics, 2020.

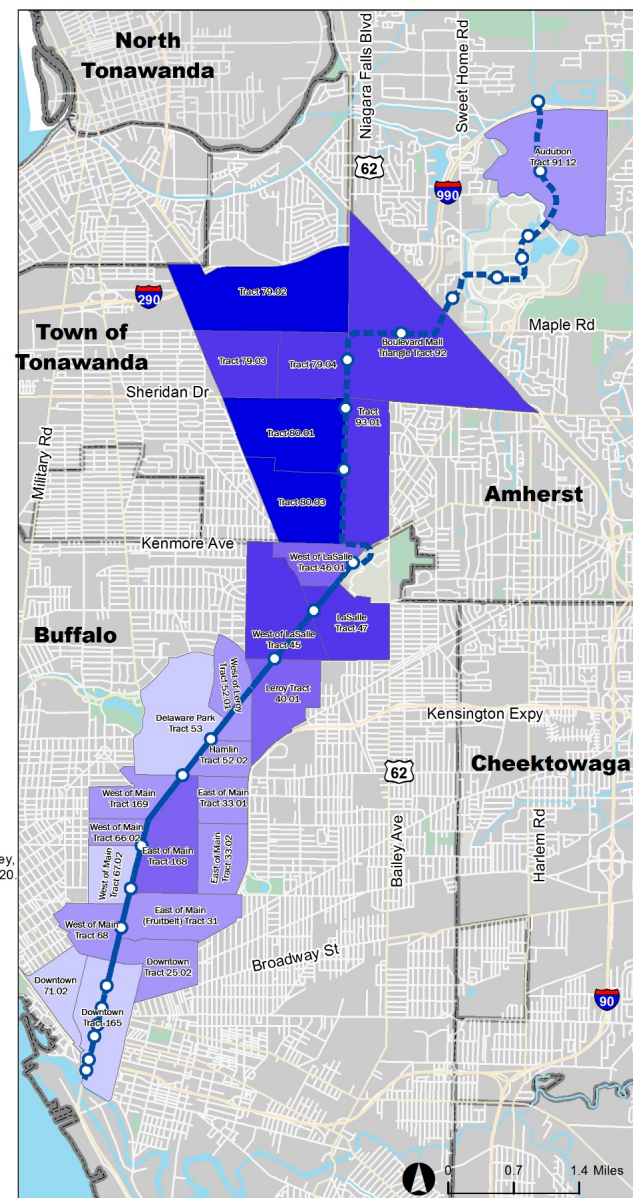
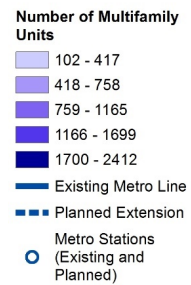
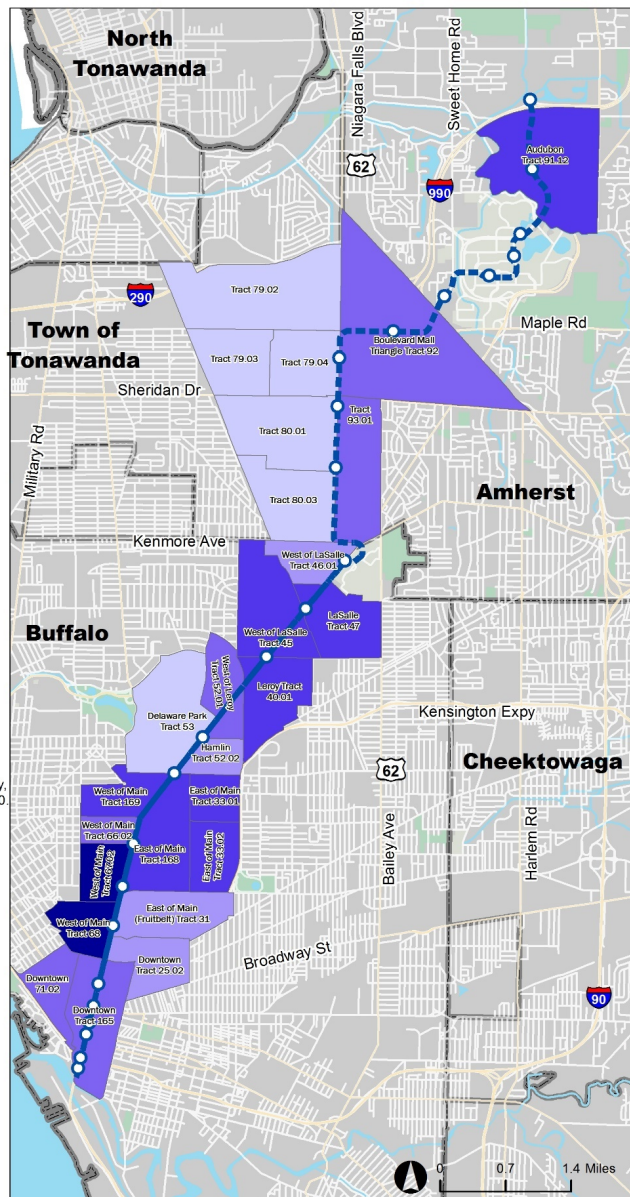


Figure 7-9: Number of Single-Family Units in the Transit Alignment Area

# Multifamily Units in the Transit Alignment Area, 2018



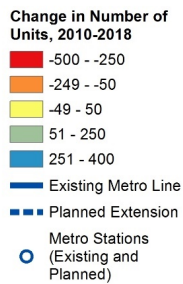
Sources: American Community Survey, 2010-2018; Strategic Economics, 2020



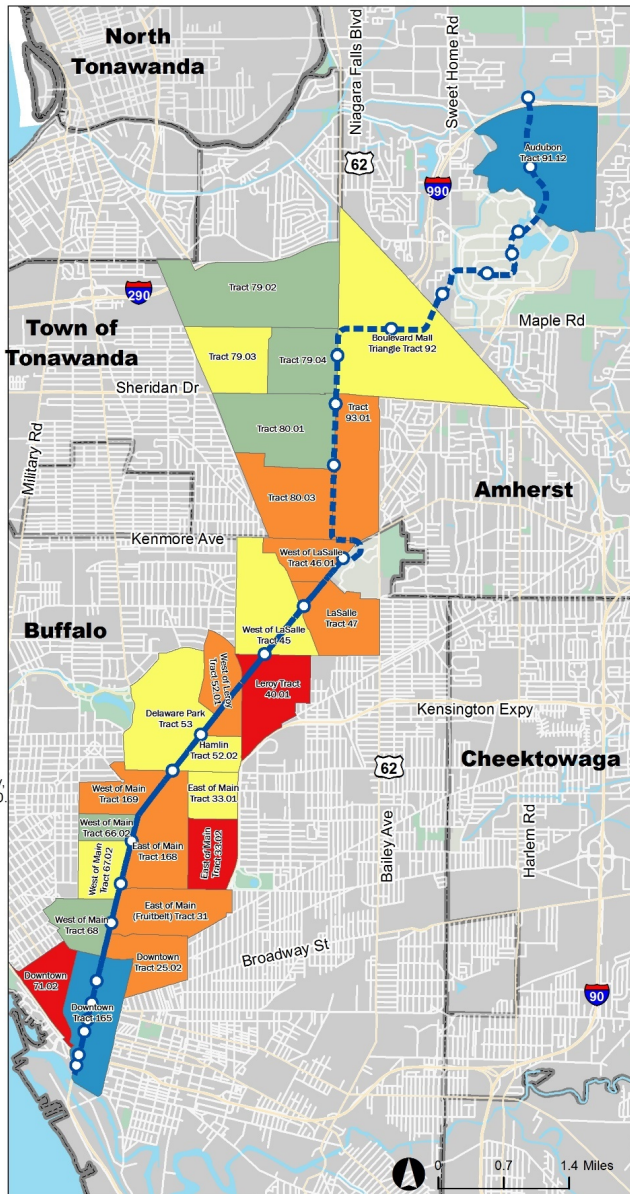
**Figure 7-10: Number of Multi-Family Units in the Transit Alignment Area**



### Change in Number of Housing Units in the Transit Alignment Area, 2010-2018



Sources: American Community Survey, 2010-2018; Strategic Economics, 2020



## • 7.8.2 Change in Housing Inventory



This section provides an overview of the TAA's existing housing stock and housing market trends. Such information provides further insight into how this existing stock combined with recent market conditions will present opportunities or challenges for retaining and/or supporting future low- or moderate-income households along the transit corridor.

- In about half of the census tracts in the TAA, there was a net decrease in the number of housing units between 2010 and 2018. Figure 7-11 indicates that there were tracts with net losses in housing units in all three jurisdictions.
- The neighborhoods experiencing the greatest decreases in units were primarily in Buffalo, especially on the east side of Main Street. However, some neighborhoods in the southern parts of Tonawanda and Amherst also experienced small declines in the total number of housing units during the 2010-2018 period.
- There was a substantial net increase in housing units in about one quarter of neighborhoods along the transit alignment. These neighborhoods are also distributed across Buffalo, Amherst, and Tonawanda.

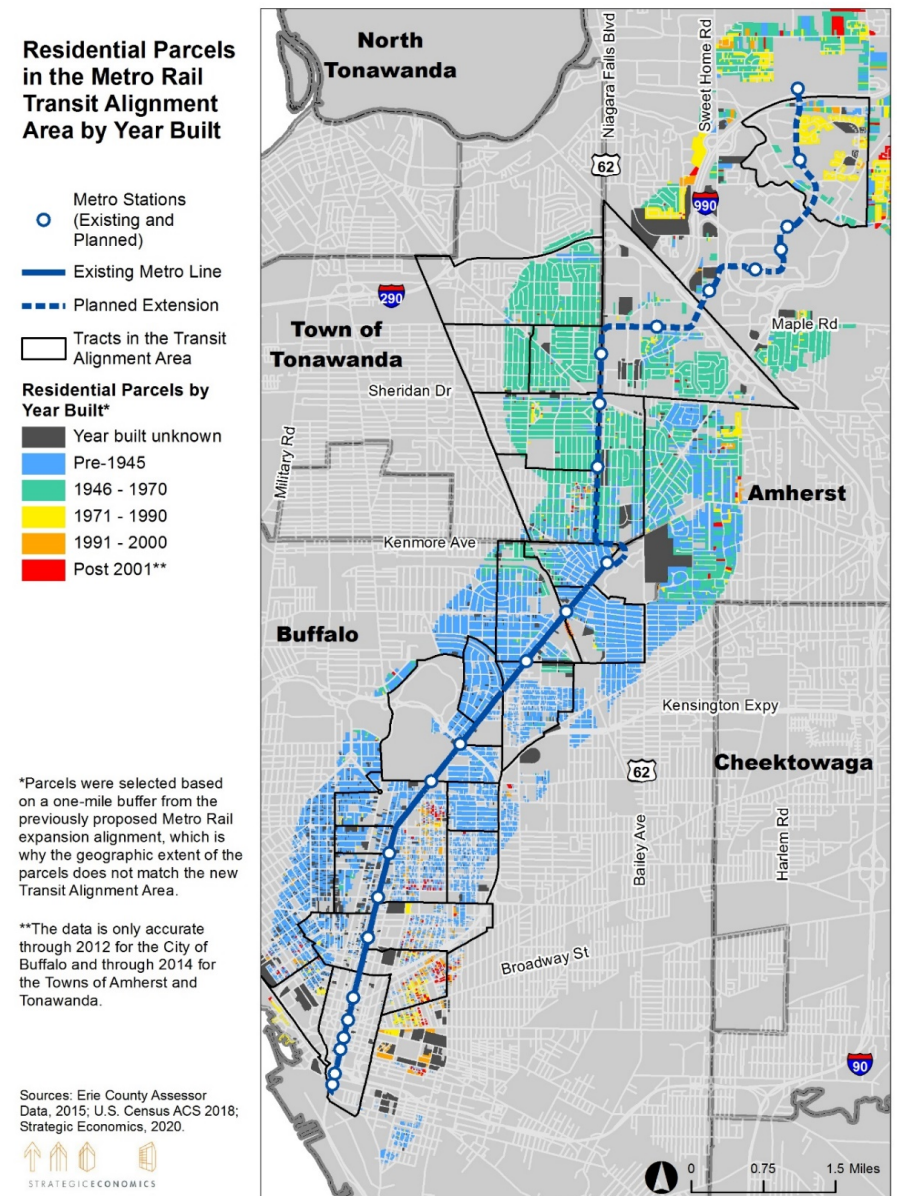
Figure 7-11: Change in Number of Housing Units, 2010-2018

### • 7.8.3 Housing Stock Age and Condition

Stakeholder focus group members, other local experts, and housing related studies that include some or all the neighborhoods along the TAA all noted that there are significant issues related to the quality of the housing stock along the corridor. This analysis uses two variables, housing age and housing condition, to capture these housing quality differences by neighborhood.

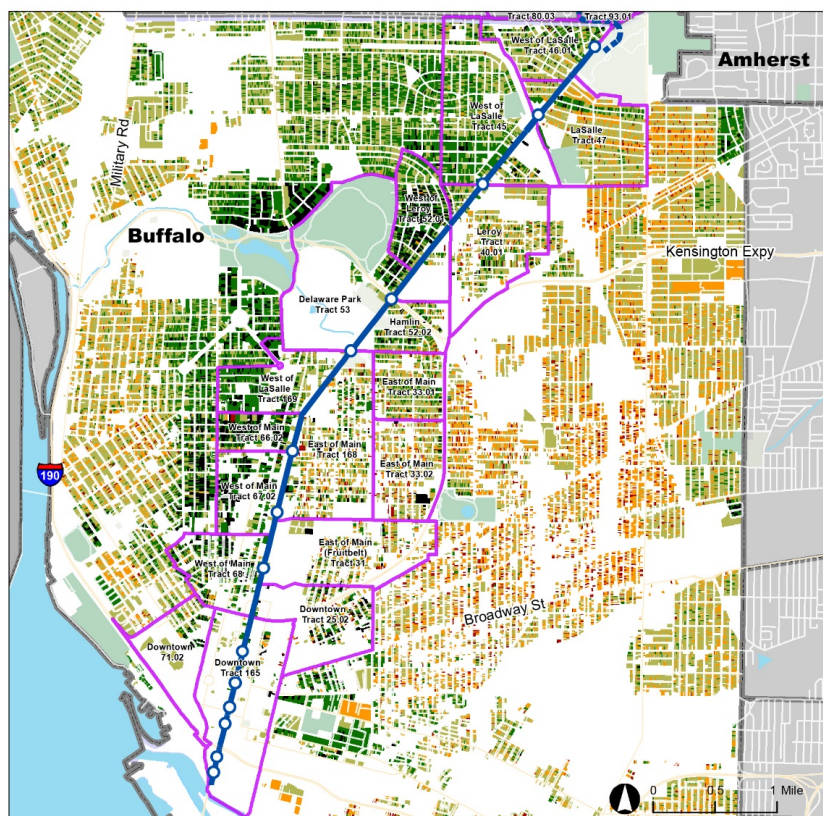
Data regarding housing age, based on the year the unit was built, was taken from the Erie County Tax Assessor's parcel database. As Figure 7-12 shows, the years in which units were built have been grouped to reflect the general periods of growth and change in the region's economy. These include Pre-World War II, the post-war expansion from 1945-1970, and 20-year increments thereafter. Note that the data shown is only available through 2012 for the City of Buffalo and through 2014 for the towns of Amherst and Tonawanda. Because very little housing development occurred in the first few years after the national financial crisis of 2008, parcels shown as being built "Post 2001" were most likely built between 2001 and 2008.

Figure 7-13 shows the exterior housing conditions for each parcel in the City of Buffalo based on a survey prepared in 2017. No such data are available for Tonawanda and Amherst. A major limitation to the exterior condition assessment is that it offers no information regarding the underlying initial construction quality associated with these units. However, a visual survey shows that despite being built in similar eras and having similar a similar housing unit mix, the overall quality of the housing stock in Buffalo appears to be lower on the east side of Main Street.



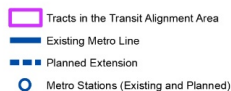
**Figure 7-12: Residential Parcels in the Transit Alignment Area by Year Built**





#### Housing Quality in Buffalo

Exterior Condition Field Survey Residential Structures



Source: czb, LLC, 2017; Strategic Economics, 2020.



#### Key findings regarding housing stock age and condition are as follows:

- Most of the housing stock in Buffalo was built prior to 1945, while housing in Amherst and Tonawanda was predominantly built between 1946 and 1970. This suggests that the housing stock in Buffalo could have a more immediate need for rehabilitation and significant investments to preserve habitability than housing stock in Amherst and Tonawanda.
- Only three neighborhoods have a significant number of housing units that were built after 1970. These include downtown where there have been many adaptive reuse projects converting old commercial buildings into housing, areas around the UB North Campus where there has been a significant amount of new private student housing construction, and neighborhoods in the Audubon area.
- According to the 2017 housing condition survey, there is considerable variation in the exterior condition of housing in Middle Main east side neighborhoods, although these areas generally tend to be more distressed than those located elsewhere on the transit corridor
- Exterior conditions for most homes to the east of Main are rated as “Good,” “Average,” or “Moderate Distress,” with few homes rated as having “Excellent” exterior conditions. Some neighborhoods have significant heterogeneity in their exterior housing condition, with homes ranging from “Excellent” to “Severe Distress” in their rating in relatively close proximity to one another.
- The areas in Buffalo with the most moderate or severely distressed units overlap with neighborhoods that were systematically excluded from credit because of redlining and subsequent discriminatory housing market practices. As a result, many formerly redlined neighborhoods have experienced long-term disinvestment that is reflected in the present-day condition of the housing stock.
- A large share of housing units located to the west of Main Street are rated as having “Excellent” or “Good” exterior housing conditions. There are more housing units rated as “Excellent” located to the west of Main Street than anywhere else on the Buffalo segment of the TAA corridor. However even on the east side of main, there are areas with housing unit considered average, good, or excellent.

Figure 7-13: Exterior Housing Conditions in Buffalo,

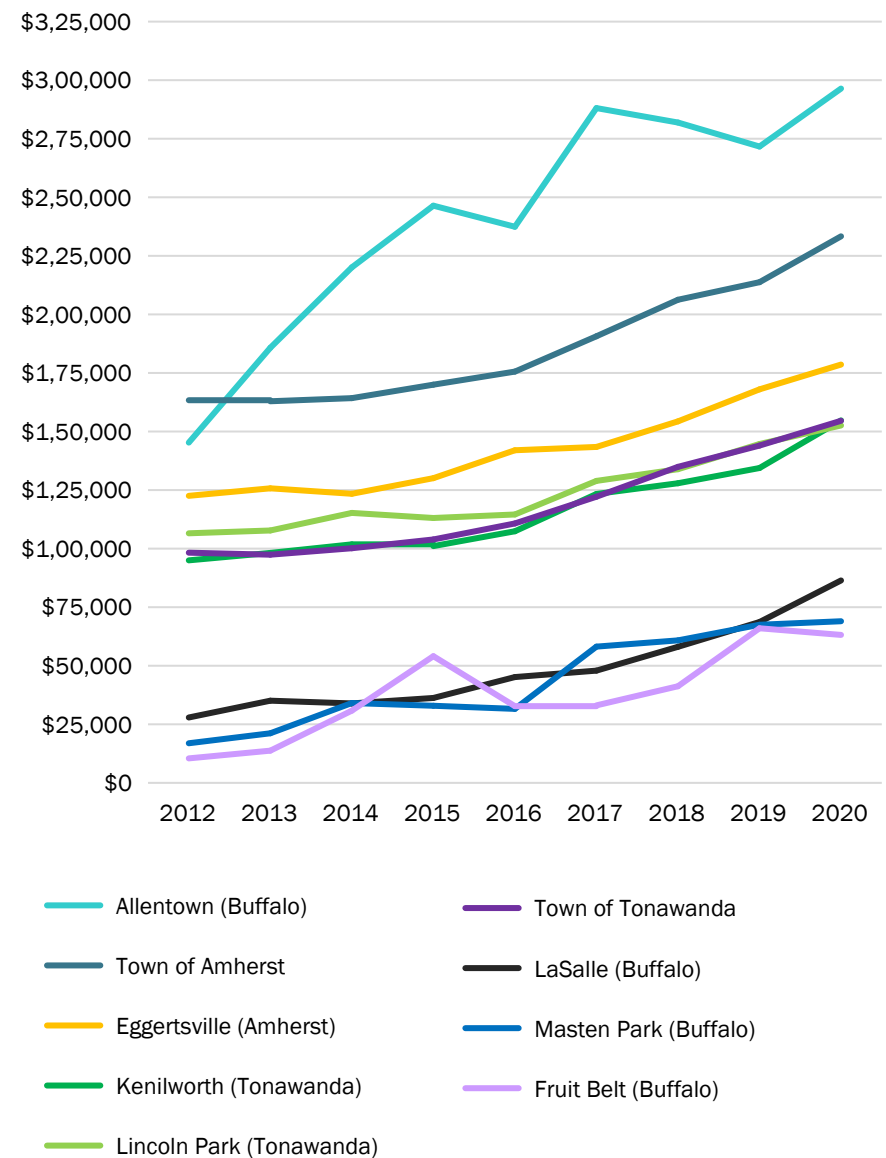


#### • 7.8.4 Residential Real Estate Market Activity

This assessment uses two very high-level indicators to test real estate market strength in neighborhoods along the corridor: changes in residential home prices and multi-family housing construction. Changes in residential home prices show where individual households and/or investors are choosing to invest based on certain neighborhood characteristics, whereas multi-family construction projects signify where investors are willing to put their investment money at risk. Homebuyers tend to make their investment decisions based more on their living preferences, while developers tend to invest in places where they think they will be able to earn a significant return.

Increasing existing housing prices and multi-family construction are also indicators of neighborhood change. Significant price appreciation for existing units and market-rate development activity signal that property values are likely rising, but these also may indicate that neighborhood rents are rising and may eventually price out existing residents. In contrast to market-rate development, new affordable housing development may stabilize neighborhoods that are losing population by adding new, higher-quality units in areas with older housing or poorer housing quality.

Data regarding changes in residential values over time and by neighborhood are only available from Redfin, a national e-commerce real estate brokerage firm specializing in residential real estate. Although Redfin tracks information by “neighborhood,” its neighborhood inventory is not comprehensive for every neighborhood in any given city and the Redfin neighborhood boundaries do not completely correspond to census tract boundaries. Also note that the Redfin database used includes all for-sale home sales, including single-family homes, townhomes, and condominiums (Figure 7-14).



**Figure 7-14: Average Annual Sales Price for Select Jurisdictions and Neighborhoods 2012-2020**

Using Costar, a commercial real estate database, Figure 7-15 shows the locations of new (built since 2010) or planned multi-family projects within the TAA corridor, including those that are both market-rate and affordable (or publicly subsidized). While the Costar data also has limitations, the relative magnitude and location of these investments is enough to illustrate the general trends within the corridor. According to this source, the corridor added 1,170 affordable housing units and 1,265 market rate units. With a few exceptions, virtually all market rate units were built either in the greater downtown area of Buffalo, or in neighborhoods west of Main Street. Affordable units were added primarily in Buffalo neighborhoods east of Main Street with a few additional projects in Tonawanda and Amherst.

**Key findings from the real estate market activity assessment are as follows:**

- Real estate price appreciation along the corridor is currently significant, which is likely already contributing to displacement pressure for low- and moderate-income households. Although the Metro Rail expansion project is not the cause of this current trend, the expansion project could exacerbate existing real estate pressures, especially in the lowest income neighborhoods, which also have the most households subject to displacement pressure.
- The Allentown Neighborhood experienced the greatest dollar increase in property values between 2012 and 2020. Housing prices in this area, west of Main Street, now exceed those in any of the other areas included in this analysis.
- While real estate values remain relatively low in the Buffalo neighborhoods east of Main Street, home prices in the Fruit Belt,

Masten Park, and LaSalle neighborhoods all underwent significant price increases between 2012 and 2020. Home prices increased by 504 percent in the Fruit Belt, 308 percent in Masten Park, and 210 percent in LaSalle.

- Market-rate multi-family development between 2010 and 2020 was concentrated in only a few neighborhoods. New investment only occurred in Buffalo neighborhoods proximate to downtown. Tonawanda and Amherst neighborhoods along the transit corridor are not currently experiencing any new investment in multi-family housing, although the rail expansion could help spur such investment in the future.
- Two lower income neighborhoods are adding a significant number of new market-rate multi-family units, suggesting that neighborhood change resulting in resident displacement may occur faster than in other neighborhoods with displacement risk.<sup>14</sup> New market-rate development occurred in Masten Park (267 units) and Downtown (128 units). The addition of new market-rate units suggests that property values have risen in this area and that additional new market-rate development could happen on a short- to medium-term time horizon. Although some new development has occurred in other neighborhoods with displacement risk factors, these other neighborhoods gained fewer total units than Masten Park and Downtown.
- Most of the affordable housing development between 2010 and 2020 occurred in the “Middle Main” Area. A small number of affordable housing developments were completed or are currently under construction in Amherst and Tonawanda. Note that there is relatively little affordable or mixed-income housing development occurring to the west of Main in Buffalo.

<sup>14</sup> Note that in addition to the development projects shown in 15, there are several residential development projects that have been proposed along the corridor. These were excluded from the analysis because ongoing economic uncertainty as of the COVID-19 pandemic may mean that these proposed residential projects may not ultimately be seen through to completion.

Sources: Redfin, 2021; Strategic Economics, 2021.

## Demographic Conditions Typology with Recent and Pipeline Multifamily Housing Projects

### Recently Built and Pipeline MARKET RATE Housing Projects

- Built 2010 or Later
- Under Construction

### Recent and Pipeline AFFORDABLE OR MIXED-INCOME Housing Projects

- Built 2010 or Later
- Under Construction

Type 1: Areas with Lower Median Incomes and Non-White Racial/Ethnic Group Cluster

Type 2: Areas with Lower Median Incomes and Moderate Risk of Immediate Demographic Change

Type 3: Areas with Lower Median Incomes and Increasing Displacement Risk

Type 4: Low and Moderate Income Areas with Other Demographic Changes

Type 5: Moderate to High Income Areas Undergoing Loss of Non-White Population or Low-to Moderate-Income Households

Type 6: Higher Income Areas with Stable Median Incomes and Modest Demographic Change

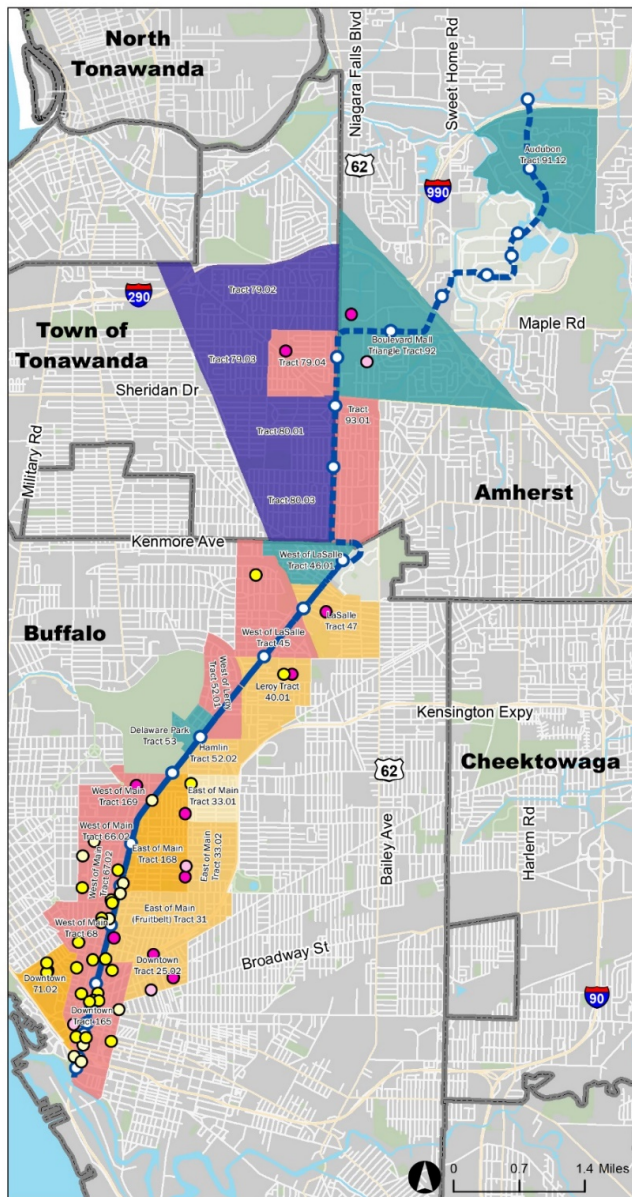
■ Parks

— Existing Metro Line

- - - Planned Extension

○ Metro Stations (Existing and Planned)

Sources: American Community Survey, 2010-2018; Strategic Economics, 2020.



**Figure 7-15. Demographic Change Typology with Multi-Family Residential Development Activity**

Source: Costar, Strategic Economics, 2020

## 7.9 Site Opportunities Analysis

Another important factor in determining where and how a TOD fund could be used is the availability of opportunity sites and/or property that could be acquired to support future affordable housing development. This section provides an overview of three types of opportunity sites: vacant land, underutilized sites, and redevelopment sites. The definitions and methods used for assessing these three site categories are provided below. Also note that these conclusions are based on maps created for the NFTA Metro Rail Economic Benefits Study prepared in 2016, which analyzed a slightly different alignment for the Metro Rail expansion.



### Vacant sites:

All parcels designated as vacant by the Erie County Tax Assessor between 2012 and 2014 (the time period for which these data were provided to Strategic Economics), including parcels designated for residential and commercial uses. Parcels falling above the 0.25 threshold are considered appropriate for an individual development project. The smaller parcels would need to be assembled into a larger single site to be considered “development ready.” Due to formatting issues with that tax assessor data, it is not possible to identify acres of land that could be available for potential future development. However, the general location of these parcels is easy to discern visually. To provide further context, all non-vacant parcels in residential use are also shown on Figure 25, making it clear that the predominate land use along the entire corridor is residential. Although this could eventually be an important factor in further evaluating these vacant sites, this analysis does not differentiate public from privately owned land.



### Underutilized sites:

Underutilized sites were defined by calculating the ratio of the assessed improvements value to assessed land value or improvement to land ratio (ILR) by parcel. Parcels for which the land was worth more than the value of the assessed improvements (i.e., with an ILR lower than 1) were considered underutilized. Parcels with residential units, parks, open space, public/quasi-public, and parcels smaller than a quarter acre were excluded from this analysis. As with the vacant parcels, data limitations prohibit the ability to further quantify these parcels.



### Redevelopment sites:

Input from NFTA, GBNRTC, and planning staff from the City of Buffalo and the Town of Amherst was used to determine whether parcels were viable sites for potential development or redevelopment in the TOD Scenario. Of note, the housing focus group participants also provided input on sites they considered to be viable redevelopment sites. The two most frequently cited sites were Boulevard Mall/Boulevard Central District<sup>15</sup> and Tops University Plaza,<sup>16</sup> which are large, underutilized sites in prime locations relative to the Metro Rail stations and the UB campuses. Stakeholders strongly emphasized the need to include affordable housing in these locations.



### Other sites of concern:

Stakeholders have expressed ongoing concern regarding specific existing affordable housing properties located near existing or planned Metro Rail stations that should be monitored for expiring affordability, market speculation, and/or conversion to market rate due to the new transit investment, such as Princeton Court Apartments and Oxford Village Townhomes.<sup>17</sup>

Key findings regarding potential opportunity sites that could accommodate future affordable housing in the TAA include the following:

- The highest concentration of vacant parcels is Buffalo on the east side of Main Street. As has already been discussed, these neighborhoods suffered from redlining and the negative impacts associated with construction of the Kensington Expressway.
- Underutilized sites appear to be concentrated between downtown Buffalo and Summer/Best Streets to the north. These sites are located on both the east and west side of Main Street. The other large concentration of underutilized sites is in Amherst, in the area around the intersection of Maple and Sweet Home Roads.
- Amherst has the largest potential redevelopment sites, including the Boulevard Mall area. Buffalo also has a few redevelopment sites which have potential for providing both affordable housing and other development activity.

<sup>15</sup> Boulevard Mall is a 63-acre site located in the Town of Amherst near the proposed Boulevard Mall and Maple Stations. A proposed mixed use project is in the early planning stages, and the Town of Amherst is working on a land use plan for the broader Boulevard Central District, in which the Boulevard Mall property is located. See: Town of Amherst, July 29, 2020. "Boulevard Central District Action Plan – DRAFT" Available at: [http://www.amherst.ny.us/pdf/planning/bcd/200731\\_draft\\_bcd\\_action\\_plan.pdf](http://www.amherst.ny.us/pdf/planning/bcd/200731_draft_bcd_action_plan.pdf)

<sup>16</sup> Tops University Plaza is a 14-acre property located in the Town of Amherst near University Station, across from the University of Buffalo South Campus. This 14-acre property was recently up for sale, with discussions of redevelopment of the site into a higher density, mixed use project. See: Stephen T. Watson for Buffalo News, October 8, 2019 – updated August 3, 2020. Available at: [https://buffalonews.com/news/local/revival-of-university-plaza-eyed-as-amherst-property-goes-up-for-sale/article\\_bc736464-b8ef-58af-89f1-1634335ca72f.html](https://buffalonews.com/news/local/revival-of-university-plaza-eyed-as-amherst-property-goes-up-for-sale/article_bc736464-b8ef-58af-89f1-1634335ca72f.html)

<sup>17</sup> These two projects are low-density townhomes on large multi-acre parcels located east of Niagara Falls Boulevard in Census Tract 93.01 in Amherst.

## 7.10 Summary of Existing Housing Conditions and Opportunity Site Availability by Neighborhood Type

The demographic trends reflecting both existing household change dynamics and potential future vulnerability to displacement—captured in the neighborhood typology discussed in the previous chapter—can be combined with the existing housing stock inventory and opportunity site analysis—presented above—to provide a more complete portrait of potential housing need along the Metro Rail Corridor.

As Figure 7-16 shows, Neighborhood Types 1-3 are not experiencing extensive market pressures, but these areas have many vacant parcels that could be assembled into larger holdings for future development.

Neighborhood types 4-5 have stronger markets than the first three types, but there are many fewer opportunity sites, and those that are available will be relatively small. In this case, the housing need is site acquisition for projects that could be built relatively quickly to provide opportunities for low- or moderate-income households to continue living in these areas. Finally, the Type 6 neighborhoods include high income households and housing prices, but limited opportunity sites. The housing need is to invest in mid- to large size underutilized commercial centers. However, because these centers may be too large to redevelop only as affordable housing, the TOD fund could partner with other investors to deliver larger-scale mixed income mixed-use projects.

Neighborhood Type	Demographic Change	MF Housing Market Conditions	Vacant, Underutilized, Redevelopment Opportunities	Housing Investment Need
Type 1: Areas with Lower Median Incomes and Non-White Racial/Ethnic Group Cluster	Slow	Soft	Vacant land	Assemble and hold
Type 2: Areas with Lower Median Incomes and Moderate Risk of Immediate Demographic Change	Moderate	Soft	Vacant land	Assemble and hold
Type 3: Areas with Lower Median Incomes and Increasing Displacement Risk	Rapid	Soft-Moderate	Vacant land	Assemble and hold
Type 4: Low- and Moderate-Income Areas with Other Demographic Changes	Rapid	Moderate-Strong; varies by tract	Small lot acquisition. Small underutilized commercial centers	Purchase and develop



Type 5: Moderate to High Income Areas Undergoing Loss of Non-White Population or Low- to Moderate-Income Household	Rapid	Strong	Small lot acquisition. Small underutilized commercial centers	Purchase and develop
Type 6: High Incomes Areas with Stable Median Incomes and Modest Demographic Change	Moderate	Strong	Mid-to-large underutilized commercial centers	Partner and purchase

**Figure 7-16: Summary by Neighborhood Type, Development Opportunity, and Housing Need**

## 7.11 Key Findings and Recommended Next Steps

This section presents the combined qualitative and quantitative findings from the background research and data analysis presented in the previous sections as well as presenting recommended next steps for advancing a TOD investment fund for the Metro Rail corridor.

### • 7.11.1 Key Findings – Why Create a Metro Rail TOD Investment Fund

Based on the information presented in the previous four sections, the following four findings summarize why the Buffalo-Niagara Region should create a TOD investment for expanded Metro Rail corridor and why this effort should be advanced as quickly as possible.

- 1 The expanded Metro Rail corridor represents a major regional opportunity to create better job accessibility for low- and moderate-income households. And yet, in many parts of the corridor, especially in Buffalo, changing demographic and market conditions indicate that lower income households are already moving away from Metro Rail adjacent neighborhoods, and that there could be mounting market pressure which would accelerate these trends in the future.
- 2 There are very limited opportunities for low- and moderate income-households to access affordable housing near the Metro Rail expansion.
- 3 While there is ongoing policy support for affordable housing in the Buffalo-Niagara Region, other than One Region Forward, there is little or no existing support for directing resources to future affordable housing production along the Metro Rail corridor, despite the benefits for low- and moderate-income households.
- 4 If the region waits too long to preserve opportunities for future affordable housing development, efforts to do so later will likely be too little too late. Therefore, it is essential that the TOD investment fund be deployed as quickly as possible to begin acquiring property and marshaling other resources.

## • 7.11.2 Metro Rail TOD Investment Fund Next Steps

The complex interaction among the factors that go into creating and implementing a TOD affordable housing fund must all be considered in determining what the fund's final activities will comprise. However, based on the research presented above, discussions with the housing focus group meetings held in 2020, input from the TOD Coordinating Committee, and several in-dept discussions with LISC NY staff, potential fund activities are presented below.

**Set Fund Goals:** The fund should have clearly expressed goals which form the basis for the fund's activities, as well as its outreach to potential investors. The following three goals have emerged based on input from multiple sources:

- Goal 1** Maintain and expand affordable housing supply along the Metro Rail corridor, anticipating that market-driven demand for housing along the corridor will continue to increase over time.
- Goal 2** Foster a long-term income mix along the entire Metro Rail corridor.
- Goal 3** Augment the many existing affordable housing programs and funds already available in the Buffalo-Niagara Region.

- **Establish the Geographic Focus:** Because the Metro Rail, including the expansion, will serve many of the region's major employment concentrations, this fund should focus exclusively on the Metro Rail corridor itself, including the existing stations in Buffalo and the new stations to be built in Tonawanda and Amherst. By focusing exclusively in this area, the fund will be able to deliver many key goals already identified in One Region Forward and the fund's impact will be relatively concentrated, rather than diffused out over multiple bus lines and business districts.
- **Address Housing and Small Business Needs.** Most existing and future Metro Rail stations are located along older commercial corridors. These commercial corridors, including Main Street, Niagara Falls Boulevard, and Maple Road support many small locally owned businesses as well as serving the residential populations within the ½ mile station radius typically associated with TOD.

The fund should be able to make appropriate loans to support both the long-term affordable housing needs in these station areas and to stabilize opportunities for small businesses to retain a presence in the corridor.

- **Focus on Obtaining Site Control.** Market pressures are already starting to build up along the Metro Rail corridor, even in areas where there has been little new investment in many decades. This indicates the need for a TOD fund to concentrate on securing site control now for as many future affordable housing or mixed income housing projects and/or small business opportunities as possible. Funding for individual projects, including providing long-term loan opportunities for affordable housing should be the focus of other affordable housing programs targeted directly to project delivery.

- Identify an Entity to Hold Property.** While typical structured funds focus on relatively short-term loans geared to individual developers with already identified projects, the Metro Rail TOD fund's potential focus on obtaining site control indicates that this fund may need a different kind of operating structure. The fund may make loans to other entities, or the fund could also be structure to hold property until it is ready for development. A fund geared towards obtaining site control without a short-term vision for future property disposition will require additional funding to support the cost of holding and managing these assets, regardless of what entity holds that actual management responsibility.
- Establish Fund Activities Based on Housing Need by Neighborhood Type.** As discussed in the previous section, there is considerable variation in housing need in terms of stabilizing existing housing affordability and creating future opportunities to add new affordable housing along the corridor. Based on the kind of demographic change already occurring, real estate market trends, and the types of potential opportunity sites, Figure 7-17 below shows potential fund activities by neighborhood type and potential timing or priority.

Neighborhood Type	Potential Fund Activity	Timing or Priority
Neighborhood Types 1-3 (east of Main Street, Buffalo)	<p>Assemble small vacant and commercial parcels into larger development sites for affordable and mixed income housing projects.</p> <p>Acquire small commercial buildings or strip shopping centers.</p>	Near term acquisition with option for long-term hold.
Neighborhood Types 4-5 (west of Main in Buffalo, east of Niagara Falls Boulevard in Amherst)	Acquire underutilized commercial parcels/strip shopping centers.	Ongoing as sites become available.
Neighborhood Type 6 (Amherst and Tonawanda)	Acquire Mid- to large underutilized commercial sites.	Ongoing as sites become available.

**Figure 7-17: Potential TOD Investment Fund Activities**

- **Identify a Governance Structure for the TOD Fund Oversight.** A public agency, or mix of agencies possibly including philanthropic organizations, should be formed to provide long term policy direction and oversight for the Fund. It is this organization or entity that will determine the Fund's overall goals, geographic focus, and activities as well as identifying a source of grant or top loss money, as appropriate. This organization will also be responsible for selecting and overseeing a fund management entity.
- **Select a Fund Manager to Prepare a Business Model.** To effectively operate, the TOD affordable housing fund will require a detailed business plan that will most likely be developed by the entity or partnership of organizations who have been selected to start up and operate the fund. This entity will be responsible for raising capital, establishing its loan term sheets and underwriting criteria, originating loans, and managing the loan portfolio. Given the complexity of the housing needs along the Metro Rail corridor, it is possible that the managing entity could establish more than one "fund." The entity may also offer a wider range of service beyond making loans. Such activities could include managing real estate assets, supporting small businesses and small development firms, working with community based/small cultural organizations, etc. There are already many actors in the Buffalo-Niagara Region who could play a strong role in forming and managing such a fund. However, this process will likely be iterative and take time to solidify into the one or more tools needed to preserve and promote opportunities for future affordable housing and small business support along the Metro Rail corridor.

## 8.1 Introduction

This chapter outlines an eTOD Housing Action Plan, which is the culmination of extensive research and analysis initiated to evaluate the potential for establishing a regional TOD Housing Fund as the primary tool for providing long term housing affordability along the Metro Rail corridor. Such funds have been deployed in multiple regions across the country to support equitable TOD by creating a short-term loan fund targeted to acquiring property for future use as an affordable or mixed-income housing projects. These funds are most common in regions where TOD opportunity sites are limited and where affordable housing developers are competing with other housing developers for the same sites.

The first step in this process was to prepare an affordable housing needs assessment to consider housing market conditions, neighborhood demographic changes, housing stock characteristics, and the types of potential development opportunity sites along the Metro Rail corridor. This assessment, presented in the previous chapter, found that housing markets and demographic conditions along the corridor are already changing and that to maintain a long-term mix of housing affordability levels along the corridor will require many actions including, but not exclusively, focused property acquisition. Moreover, there are already considerable publicly owned properties in Buffalo and Amherst, that offer opportunities to expand the corridor's affordable housing opportunities without requiring additional property acquisition in the short-term.



**Subsequent research and community leadership consultations have revealed that the Metro Rail corridor needs far more than just a TOD Fund; the corridor needs a comprehensive action plan for equitable Transit-Oriented Development.** In fact, over the past five years as the region has been preparing for the Metro Rail extension, government and community leaders throughout the region have begun to feel an increased sense of urgency around housing affordability. But their new initiatives have not necessarily sought to leverage the multiple benefits that can be achieved with affordable TOD, including increased job accessibility and reduced transportation costs for low- and moderate-income households. While each of these efforts is positive, if these initiatives could be combined and united under an overarching goal focusing on ensuring long-term housing affordability along the entire Metro Rail corridor, the total regional impact will be much greater. Thus, this action plan seeks to better align these existing initiatives, as well as to create new strategies dedicated to achieving the long-term goal to maintain an affordable housing mix along the Metro Rail corridor. One new strategy is still the possibility of establishing a TOD Fund; however, this may not be the most immediate need or highest priority for the region in pursuit of its affordable housing goals. Instead, a variety of collective efforts will be needed for the region to meet affordable housing needs in station areas.



## 8.2 Making the Case for an Equitable TOD Housing Action Plan

Research shows that when new transit investments create improved access to employment centers, property values and housing costs in station areas generally increase—posing a potential challenge for low-income households. In some cases, these housing market pressures can result in low-income household and small business displacement, or these pressures could contribute to other underlying regional economic forces that are already causing neighborhood change whereby low-income households who move out of a transit rich area cannot be replaced by households in a similar income bracket due to rising costs, creating what is called exclusionary displacement. When displacement occurs in transit investment areas, this phenomenon can severely limit the benefits of these investments for the low- and moderate-income households who may be an explicit intended beneficiary of the increased job accessibility.

In this context, it is especially important for regions to commit to proactive efforts to intentionally secure housing affordability along transit corridors well in advance of actual transit construction. While initial market growth may occur very gradually over time, markets can also accelerate very rapidly, pushing housing prices from affordable to expensive in a relatively short period of time. Thus, it is more cost-effective for regions to secure property and plan for affordable housing well in advance of coming transit investments. This makes land acquisition and disposition of previously acquired properties an important component of any equitable transit-oriented development plan.

### • 8.2.1 Metro Rail Corridor Existing Housing Market Conditions

This eTOD Housing Action Plan is based on an extensive study of housing and demographic conditions along the Metro Rail corridor. An initial affordable housing needs assessment found that while many neighborhoods are still occupied by low and moderate-income households, even before the pandemic, there were already signs of ongoing demographic change along the corridor. These findings demonstrate that there are a number of neighborhoods along the Metro Rail corridor where low-income residents are already at risk of leaving the area due to many underlying conditions, and that these households are not being replaced by similar households.

There are also many neighborhoods along the corridor where opportunities are dwindling for low- and moderate-income households to access affordable housing. For example, most neighborhoods near the Metro Rail extension in Amherst and Tonawanda are already moderate to high-income areas. These neighborhoods have stable but relatively high median incomes and increasing home values. Future affordable housing development could be challenging in these neighborhoods because land costs will be higher there than in many parts of Buffalo. However, the Metro Rail extension will allow for improved connectivity to the jobs, educational institutions, and other amenities that these neighborhoods provide. Public subsidies and/or deliberate policy support may be necessary in order to provide opportunities for low- and moderate-income households to access these opportunities.

Today, Amherst and Tonawanda, communities that benefited from the population shift out of Buffalo in the post-war era, are experiencing their own economic challenges along the Metro Rail corridor, primarily with failing or underperforming shopping centers. The most significant example of the decline is Boulevard Mall. Due to restructuring in the retail industry, the mall began suffering from significant vacancies and has been unable to attract sufficient private investment to catalyze a holistic redevelopment process. Therefore, the Town of Amherst has stepped in to acquire Boulevard Mall, opening up the opportunity for public investment to leverage incremental private investment. Taking this significant proactive step also gives Amherst the ability to ensure a greater level of community benefit, including provision of affordable housing, as the mall redevelops.

### • 8.2.2 Regional Context and Support for Equitable TOD

In order to stay up to date on local initiatives and gather feedback on evolving local priorities for eTOD, multiple meetings were held with community leadership and local stakeholders. Outreach efforts included the following groups:

- Periodic meetings with the TOD Coordinating Committee, composed of leadership from all local jurisdictions along the Metro Rail corridor, as well as regional planning entities and occasional attendance from local nonprofit institutions.
- A series of focus groups and interviews with a variety of community-based organizations, including LISC NY, PUSH Buffalo, University at Buffalo, Belmont Housing Resources, Matt Urban Center, and People, Inc.
- Additional individual meetings with BENLIC, the City of Buffalo, Developing Our Transit Future, Erie County, GBNRTC, LISC NY, and the Town of Amherst.

These meetings led to the following key findings, upon which the eTOD Housing Action Plan goals are based:

- **Many local initiatives are building on the vision of One Region Forward**, the groundbreaking plan for sustainable regional growth published by GBNRTC and tackling various components of eTOD, but there is not yet a unified partnership between entities to focus on the Metro Rail corridor.
- Many local neighborhoods along the corridor are home to strong community institutions and community identities built around their neighborhood's existing urban form. **Local stakeholders want to see an equitable TOD strategy that provides support for existing residents and increases affordable homeownership opportunities in their communities.**
- **In order to truly support equity, a TOD strategy must consider more than just housing affordability.** Recent efforts to build capacity for minority developers are viewed positively but are not solving the core issues of access to opportunity and support for small business growth.

- 8.2.2.1 A Growing Regional Consensus to Support Equitable TOD



**With the completion of the One Region Forward plan in 2015, the Buffalo-Niagara Region set a new course for its future, emphasizing regional collaboration and compact Transit-Oriented Development.** The plan focused on five big ideas: efficient land use, diversified transportation, housing choice, preparing for climate change, and strengthening food systems.[ University at Buffalo Regional Institute. 2015. One Region Forward.] However, the plan also recognized that no single entity had the authority to execute this vision; extensive collaboration would be required to achieve any of the ambitious aims of the new regional plan.



**Many organizations in the Buffalo-Niagara Region are already hard at work on projects implementing the One Region Forward vision.** The City of Buffalo is preparing a strategy for infill development on vacant lands; the Town of Amherst is making plans to acquire Boulevard Mall and repurpose it for Transit-Oriented Development; Erie County has committed funds to support affordable housing and infill development; GBNRTC is in the process of re-thinking the Scajaquada Expressway; and of course, NFTA is pursuing plans to extend Metro Rail. In a series of individual and group discussions, each of these entities expressed its support for an equitable TOD strategy and creating clear regional goals for affordable housing production along the Metro Rail corridor.



**A framework for regional collaboration on these projects is still a work in progress.** No existing programs or funding sources are targeted specifically to the Metro Rail corridor, and alignment around the Metro Rail corridor has not been adopted as a regional vision. However, there is widespread support for these ideas. Stakeholders were clear that long-term eTOD efforts should be applied to the entire length of the Metro Rail corridor, and that inter-jurisdictional efforts will be necessary to achieve long-term equitable development when the Metro Rail extension is in place. Lastly, community leaders offered widespread support for the idea of a corridor-wide affordable housing production goal.

### • 8.2.2.2 Community Priorities for Equitable TOD



Many local neighborhoods along the corridor are home to strong community institutions and community identities built around their neighborhood's existing urban form. As part of the affordable housing needs assessment, coordination with LISC NY resulted in a map of cultural anchor institutions on Buffalo's East Side. This map, shown in Figure 8-1, demonstrates that cultural institutions are spread throughout the city's East Side neighborhoods, but are concentrated most strongly in the area between Best Street and Delavan Avenue. Cultural institutions such as these can contribute to civic engagement, sense of belonging, and community resilience.<sup>19</sup>



Local Buffalo East Side community stakeholders expressed a strong preference for fostering housing diversity and preserving a sense of community ownership in future housing developments in their communities. In addition to their strong concentration of community institutions, these neighborhoods already have a diverse housing stock, with a mix of both single family and multi-family units.<sup>20</sup> For example, in one session with the Developing Our Transit Future cohort, many East Side residents emphasized the importance of preserving housing affordability for existing residents, while providing new opportunities for home ownership within their neighborhoods. While local stakeholders such as these recognized the importance of providing new affordable rental housing as well, they emphasized that the scale, design quality, and sense of stability provided by new housing developments is very important for helping new residents to engage and invest in their surroundings.



The Town of Amherst is facing a housing affordability challenge for the first time. Research shows that the lack of affordable housing is starting to constrain the Town's economic growth. This finding further reinforces the fact that housing affordability is not just a local issue for Buffalo, but a regional issue that impacts all of Erie County.

<sup>19</sup> Eric Klinenberg, 2018. Palaces for the People.

<sup>20</sup> American Community Survey. 2018

#### Demographic Conditions Typology with East Side Cultural Anchor Institutions

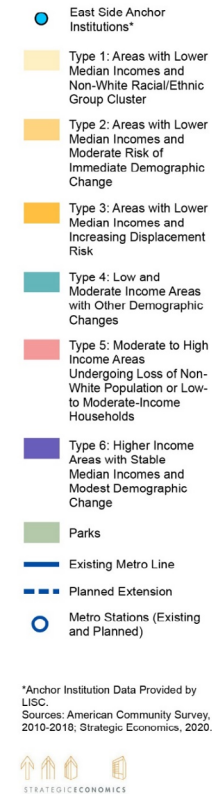


Figure 8-1: East Side Cultural Anchor Institutions, Mapped with Neighborhood Typologies

- **8.2.2.3 Equitable TOD: Supporting Minority Developers and Locally-Owned Small Businesses**



**A multitude of recent programs and investment initiatives have provided some capacity-building assistance for local minority developers.** For example, the City of Buffalo is currently partnering with LISC NY to offer a series of technical assistance seminars for minority developers. In addition, LISC NY and the University at Buffalo Regional Institute (UBRI) collaborated to create the Eastside Avenues program, which offers East Side community members training on how to implement a redevelopment or infill project and pairs these efforts with a series of targeted investments funded from state, local, and philanthropic dollars.



**Additional changes are needed to scale up affordable housing development capacity throughout the county, provide growth opportunities for minority developers, and support small business growth.** According to local experts, most for-profit developers who work in Buffalo are not local to the Buffalo-Niagara Region, and many of the non-profit developers within the region need assistance to scale up their enterprises. For towns like Amherst and Tonawanda, where large multi-family affordable housing projects have not been common, local developers may need assistance in branching out to take on a wider range of housing products. Similarly, local minority developers indicated that even with some of the benefits of recent capacity programs, they still face systemic barriers to winning larger contracts and scaling up their operations. Several stakeholders emphasized that, beyond the educational resources provided by current programs, both mentorship and funding support are needed for minority developers to overcome the hurdles of completing even an initial development project. Without these resources, developers of color will always be forced to either take small positions in larger projects, or work for other bigger developers. Both scenarios are antithetical to the goal of building entrepreneurship and intergenerational wealth for BIPOC individuals and families.



## 8.3 Vision and Goals for Metro Rail Equitable TOD

### • 8.3.1 Metro Rail Equitable TOD Vision

The Metro Rail corridor offers the potential of significant mobility enhancements and increased low-cost commuting options for households throughout the region. However, history demonstrates that new transit investments can prompt quick changes in a housing market and lead to displacement of households in station areas. In order for low- and moderate-income households to participate in the benefits of Metro Rail investments, action will need to be taken before land prices increase substantially to ensure long-term affordable housing along the corridor.

The vision statement for eTOD along the Metro Rail line emphasizes three key components. **First, the vision emphasizes regionwide cooperation, spanning jurisdictional boundaries to achieve equitable TOD goals collectively. Second, the statement emphasizes both the existing Metro Rail stations and the planned extension as the backbone for all other transit in the region. Third, the vision statement emphasizes job accessibility specifically for low and moderate-income households along the line.** Achieving the latter requires both housing affordability—needed to keep the corridor accessible to low and moderate-income households—and increasing job density—needed to maximize the value to the community of Metro Rail as a transportation asset. The full vision statement is as follows:



**Vision: The Buffalo-Niagara Region leverages its Metro Rail asset and extension process to increase job accessibility for low & moderate-income households.**

### • 8.3.2 Equitable TOD Goals

This Action Plan includes three goals to achieve the eTOD vision. The purpose of these goals is to translate the vision statement into reality by advancing equity, producing affordable housing, and preserving affordability for current neighborhood residents along the Metro Rail corridor. The section that follows provides an overview of the three goals, describes how they were defined, and provides a rationale for their inclusion in the equitable TOD plan. The three goals are as follows:

- **Goal 1:** Produce 3,274 new units of affordable housing within ½ mile of Metro Rail stations by 2050.
- **Goal 2:** Stabilize current households by preserving affordable units and providing affordable ownership opportunities.
- **Goal 3:** Use equitable TOD projects to support local minority developers and small local businesses.

- **8.3.2.1 Goal 1: Produce 3,274 new units of affordable housing within ½ mile of Metro Rail stations by 2050**



**The first goal, to produce 3,274 new affordable housing units within half a mile of Metro Rail stations by 2050, directly addresses three important challenges for equitable TOD initiatives.** First, it provides a source of unity and alignment for disparate organizations within the Buffalo-Niagara Region. Building on the One Region Forward vision, this goal provides a source of partnership between jurisdictions that will require collaboration to complete effectively. Second, this goal provides a source of accountability for local governments, by setting a benchmark they can be evaluated against. Third, this goal provides a simple clear vision with specific geographic boundaries that can be used to align funding sources, programs, and collaborative efforts along the corridor.



**This goal directly addresses findings from case study research—showing that that establishing a quantitative affordable housing goal as a high-priority objective early in a planning process is very important for achieving long-term affordable housing production.** However, on-going resources must be dedicated to producing the necessary housing units to ensure this goal's success. One example of how a similar goal has failed is the Atlanta Beltline. In the 2005 Atlanta Beltline redevelopment plan, which initiated redevelopment activities and parkland investments along a circular corridor in Atlanta over a 20-year period, the Beltline Partnership established a quantitative goal to produce 5,600 units by 2030. However, this goal was not made a high-priority objective, and the entity responsible for delivering the Beltline project did not allocate sufficient financial resources to long-term housing affordability in the corridor.<sup>21</sup> In addition, many “affordable” units that did get built were resold at market rate prices, allowing for individual property owners to capture a windfall, but effectively locking out future low-income households from being able to find a place to live near this significant amenity.



**Establishing a regional affordable housing goal for the Metro Rail corridor will also support and reinforce existing local policies.** For example, Buffalo has committed to a policy goal that 40 percent of all new housing units produced in the City should be permanently affordable.<sup>22</sup> The City of Buffalo is also creating a strategy to repurpose vacant lands for infill development, while the Town of Amherst is acquiring the 62-acre Boulevard Mall with the intention of using some of its acreage for affordable housing. In addition, GBNRTC's new demographic forecast for its 2050 Metropolitan Transportation Plan projects the growth of 8,184 new households along the Metro Rail corridor between 2020 and 2050. Applying a 40 percent target to this projection results in a goal figure of 3,274 affordable housing units to produce in the corridor by 2050, a target that can be aligned with planned local government investments.

<sup>21</sup> The Redevelopment Plan initially dedicated 15 percent of the Beltline's Tax Allocation District (TAD) funds to be used for affordable housing. However, a combination of lawsuits against the TAD and the housing market recession limited the availability of what was already a limited pool of funds. For more on the history of the Beltline initiative, see Appendix II.

<sup>22</sup> Mayor Byron W. Brown. 2023. 2023 State of the City Address.



GBNRTC Projection for Corridor:  
8,184 New Households



Target: 40% of Units Affordable



Goal: 3,274 Affordable Units

- 8.3.2.2 Goal 2: Stabilize current households by preserving affordable units and providing affordable ownership opportunities



The second goal, to stabilize current households living in the Metro Rail corridor by preserving affordable units and providing affordable ownership opportunities, addresses community concerns about neighborhood vitality and community involvement in the eTOD process. This goal affirms the importance of existing community anchor institutions and responds to community concerns about the importance of fostering new housing developments that lead to community engagement and commitment from new residents.



This goal directly addresses community priorities to preserve affordability for existing residents and foster housing development that fits with the existing housing stock—much of which is single-family homes. As shown in Figure 8-2, most neighborhoods along the Metro Rail corridor have a mix of housing stock, with between 25 percent and 65 percent of all units represented by single family homes. Many of those homes are occupied by long-term neighborhood residents who are invested in their communities. While new affordable housing stock is often developed as multifamily rental properties, an affordable housing strategy focused exclusively on multifamily rentals would not necessarily address the affordability challenges of current homeowners who could see their neighborhoods change with new transit investments. Nor would such a strategy contribute to preserving the existing housing mix in neighborhoods along the corridor.

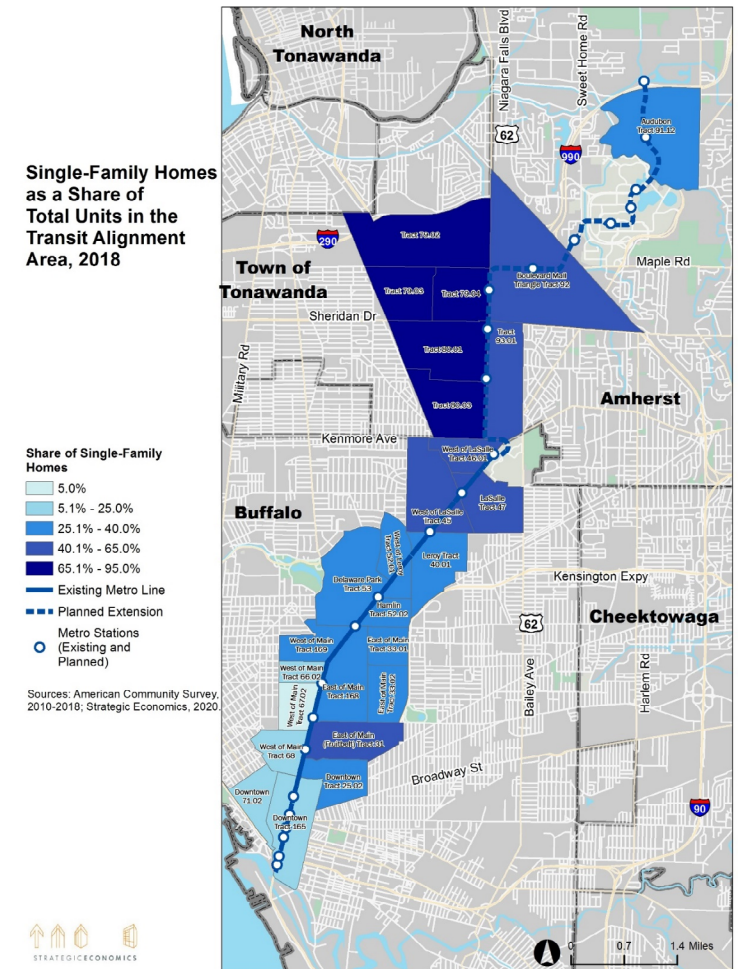


Figure 8-2: Single Family Homes as Share of Total Housing Units, 2018

• 8.3.2.3 Goal 3: Use equitable TOD projects to support local minority developers and small local businesses



The third goal, to use equitable TOD projects to support local minority developers and small local businesses, builds on existing momentum within the Buffalo-Niagara Region and addresses local concerns that an equitable TOD strategy cannot just be about vacant parcels and new multi-family development. The goal is to support local minority developers in delivering community-scaled projects that meet local needs, build and retail local wealth, and enable these developers to gain the experience and expertise necessary to be competitive in the real estate industry. Similar efforts should be made to support local small businesses.



This goal builds upon strategies employed in the region and around the country to build inclusion into the eTOD process, as well as community feedback about ways in which existing developer capacity-building efforts can be amplified. As shown in Figure 8-3, a clear expression of objectives to support minority developers in RFP selection process is a common first step to achieving greater equity in the development community and building capacity for local developers looking to grow their businesses. Based on input from a variety of local stakeholders, the Buffalo region has been taking positive steps to support minority developers over the past decade; however, more work is needed to help these businesses continue to grow.

Project	Location	Equity Components of Selection Process/Results
LaSalle Station RFQ	Buffalo, NY	<ul style="list-style-type: none"> <li>Required a community engagement plan</li> <li>Required “meaningful participation” from Minority and Women-Owned Business Enterprises</li> </ul>
Invest South/West RFPs	Chicago, IL	<ul style="list-style-type: none"> <li>Integrated community input process in RFP selection</li> <li>Gave preference to projects that utilized local developers, and supported local businesses</li> </ul>
Obama Presidential Library	Chicago, IL	<ul style="list-style-type: none"> <li>Hired a collection of five primarily African-American-owned firms (instead of one larger firm) to construct Obama’s Presidential Library</li> </ul>

**Figure 8-3: Case Studies of Equity Initiatives in RFP Selection Processes**

Sources: City of Buffalo, 2023; City of Chicago, 2023; Chicago Tribune, 2018; Strategic Economics, 2023.

## 8.4 Equitable TOD Housing Action Plan

In order to achieve each of these eTOD goals, the Buffalo-Niagara Region will need to work collectively and pursue a concrete set of actions to bring about affordable housing production, household stabilization, and small business equity. This eTOD Housing Action Plan provides a list of three to five action items in support of each goal. This section defines each of these action items, provides context for existing initiatives that are aligned with the goal, and suggests responsible parties and partner organizations for implementing each action. The suggested action items are as follows:

- Goal 1: Produce 3,274 new units of affordable housing within ½ mile of Metro Rail stations by 2050
  - Action 1.1: Establish long-term regional collaborative to lead eTOD efforts
  - Action 1.2: Use publicly-owned parcels for affordable ownership housing
  - Action 1.3: Target commercial properties for mixed-use, affordable, multi-family projects
  - Action 1.4: Invest in affordable housing at Boulevard Mall site
  - Action 1.5: Enact inclusionary housing incentives
- Goal 2: Stabilize current households by preserving affordable units and providing affordable ownership opportunities
  - Action 2.1: Target existing weatherization and home repair resources to households along the Metro Rail corridor
  - Action 2.2: Proactively identify expiring contracts for 100% affordable projects and work with property owners to preserve these units for long-term affordability
  - Action 2.3: Increase tenant protections
- Goal 3: Use eTOD projects to support local minority developers and small local businesses
  - Action 3.1: Create a development 202 program to support minority developers in growing their networks and implementing projects
  - Action 3.2: Strengthen procurement policy priorities for minority developers
  - Action 3.3: Incorporate neighborhood priority considerations in public land RFP processes, incentivizing spaces for local businesses and community amenities in proposals for new TOD projects



## • 8.4.1 Goal 1: Produce 3,274 New Units of Affordable Housing Within ½ Mile of Metro Rail Stations by 2050

### • 8.4.1.1 Action 1.1: Establish Long-Term Regional Collaborative to Lead eTOD Efforts

Description	Alignment with Existing Initiatives	Responsible Parties
Transition the current TOD Coordinating Committee into a collaborative that can commit to implementing TOD goals and fostering ongoing partnerships.	<ul style="list-style-type: none"> <li>Current TOD Coordinating Committee</li> </ul>	<ul style="list-style-type: none"> <li>Leadership: NFTA</li> <li>Participation: cities &amp; towns, Erie County, GBNRTC, and relevant non-profits</li> <li>Other Possible Leaders: UB Regional Institute</li> </ul>

The Buffalo-Niagara Region should formalize its current TOD Coordinating Committee and make it permanent in order to establish a clear leadership framework for achieving eTOD goals. One clear finding from case studies of TOD implementation across the country is that clear leadership and lines of responsibility are necessary to ensure long-term collaboration in achieving eTOD goals. The Buffalo-Niagara Region already has a framework for this type of collaboration, with the TOD Coordinating Committee that has been engaged with eTOD planning and coordination thus far. By formalizing this committee and making it permanent, the region could establish a clear structure for eTOD leadership and ongoing collaboration. This transition could be initially led by NFTA, accompanied by all current TOD Coordinating Committee participants as well as relevant non-profits or institutions such as UBRI, LISC NY, and BENLIC. One model for this approach is the Purple Line Corridor Coalition in Montgomery and Prince George's counties in Maryland.<sup>23</sup>

This regional collaborative responsibilities would be as follows:


- Convene members quarterly to discuss ongoing collaboration and strategies for achieving eTOD goals
- Track progress towards eTOD goals, action items, and relevant metrics
- Identify new opportunities for eTOD programs, funding, or policies
- Evaluate need for creation of a TOD Fund, as market conditions change

<sup>23</sup> For more information about how this Coalition functions, see Appendix II. Case Studies

- One responsibility for this regional collaborative could still be to establish a property acquisition and funding mechanism similar to Indianapolis’s TOD Fund.<sup>24</sup> Acting on this model would only be appropriate under the following conditions:
- A clear set of funders and fund administrators have been identified
  - Market conditions in the Buffalo-Niagara Region have changed, such that there is immediate demand for the short-term financing that a TOD fund provides
  - There is a clear opportunity for a single entity to serve as the sole lending recipient (in the role of INHP in Indianapolis) to secure land and bank it for use by private affordable developers.

• **8.4.1.2 Action 1.2: Use Publicly-Owned Parcels for Affordable Ownership Housing**

Description	Alignment with Existing Initiatives	Responsible Parties	Relevant Metrics
Create targeted disposition strategies for publicly-owned vacant parcels along the corridor to be redeveloped as affordable housing	<ul style="list-style-type: none"> <li>• City of Buffalo - vacant land strategy</li> <li>• Lincoln Land Institute - Legacy Cities infill initiative</li> </ul>	<ul style="list-style-type: none"> <li>• City of Buffalo</li> <li>• Town of Amherst</li> <li>• Town of Tonawanda</li> <li>• Affordable housing developers</li> </ul>	<b>529</b> new affordable homes in corridor by 2050



**Municipalities and public agencies should use some portion of the land they own along the Metro Rail corridor to seed development projects that would create affordable ownership units.** Based on analysis of parcel data, the majority of currently vacant publicly-owned properties along the corridor are in residential areas and are approximately one-quarter acre or smaller. These properties lend themselves well to single-family or “missing-middle”<sup>25</sup> housing projects, which are suitable for homeownership. By dedicating 40 percent of vacant publicly-owned parcels to affordable housing production at a density of 12 units per acre, the City of Buffalo and the Town of Amherst alone could create approximately 529 new units of affordable homeownership housing.

<sup>25</sup>“Missing-middle” housing refers to projects that are around two to 19 units in size, and are typically multi-unit buildings or clusters of housing that are slightly denser than traditional single-family homes, but not as large as a typical multifamily housing development.



**While these projects require significant financial support to be feasible, several emerging programs and models could help local developers to close affordability gaps.** For example, the State of New York has created an Affordable Homeownership Opportunity Program (AHOP) provides funding to developers for small projects (less than 100 units) that create ownership housing units for low- and moderate-income households. Ownership units could also be created by following the pattern of Cleveland Housing Network’s Lease Purchase Program, which uses LIHTC financing to create affordable homeownership opportunities in single-family homes. Housing units start as deed-restricted rental projects and stay that way for a 15-year period in compliance with LIHTC regulations. However, once these 15 years are completed, residents are given an opportunity to purchase the home and are provided with assistance on purchaser readiness, loan terms, and sales agreements. Lastly, publicly-owned vacant parcels themselves are an asset that could be used to reduce financing gaps for developers of affordable homes. While cities in New York are obligated to sell land at the best or most beneficial terms,<sup>26</sup> disposing of property via BENLIC could allow local communities to provide affordable housing developers with land at below market-rate prices. Such an arrangement could proactively reduce costs for affordable developers and reduce their funding gaps, particularly if land prices increase.

• **8.4.1.3 Action 1.3: Target Commercial Properties for Mixed-Use, Affordable, Multifamily Projects**

Description	Alignment with Existing Initiatives	Responsible Parties	Relevant Metrics
Pursue public acquisition of neighborhood commercial properties for redevelopment as mixed-use affordable housing projects	<ul style="list-style-type: none"><li>• Eastside Avenues program</li><li>• Amherst acquisition of Boulevard Mall</li></ul>	<ul style="list-style-type: none"><li>• City of Buffalo</li><li>• Town of Amherst</li><li>• Town of Tonawanda</li><li>• Erie County</li><li>• NFTA</li><li>• Affordable housing developers</li></ul>	<b>2,313</b> new affordable units in corridor by 2050

<sup>26</sup> Office of the New York State Comptroller. 1990. Opinion 90-37.



**Public agencies along the Metro Rail corridor should also pursue acquisition of commercial properties and aging shopping centers along the Metro Rail corridor to redevelop them as mixed-use projects including some deed-restricted affordable rental units.** There are currently 3,269 acres of commercial properties within half a mile of stations in Amherst, Buffalo, and Tonawanda. Many of these properties are under-utilized, with empty storefronts, deteriorating buildings, or land use patterns that are not conducive to transit-supportive uses. By acquiring a small percentage of these parcels and converting them to mixed-use properties, the region could produce both market-rate and affordable housing units while preserving and revitalizing commercial space. Based on the overall affordable housing production goals and strategies for the corridor as a whole, the region should target a production goal of 2,313 units using this strategy. These units could be funded through a variety of methods, with a mixture of mixed-income, workforce housing, and 100 percent affordable housing projects. Assuming a hypothetical affordable unit share of 40 percent, this strategy could meet its target affordable unit count using just 193 acres, or 6 percent of the total commercial acreage.<sup>27</sup> These calculations assume new developments would be constructed at a density of 30 units per acre and that 40 percent of all new units would be affordable; if new developments were developed at even higher densities, less commercial acreage would be required. NFTA and Erie County could also support these efforts through funding initiatives or joint development projects of their own.

• **8.4.1.4 Action 1.4: Invest in Affordable Housing at Boulevard Mall Site**

Description	Alignment with Existing Initiatives	Responsible Parties	Relevant Metrics
Dedicate 25 percent of Boulevard Mall for housing development, and produce 40 percent of total units as affordable.	<ul style="list-style-type: none"><li>• Amherst Boulevard Mall acquisition</li></ul>	<ul style="list-style-type: none"><li>• Town of Amherst</li><li>• Affordable housing developers</li></ul>	<b>186</b> units by 2050


Perhaps the largest single opportunity for development of new multi-family affordable housing units is Boulevard Mall, which the Town of Amherst is actively working to acquire. This 62-acre property is located directly adjacent to a planned Metro Rail station, and offers tremendous potential for affordable, market-rate, and commercial redevelopment. If the Town designated 25 percent of the property's total acreage for residential projects, and 40 percent of new units were affordable housing, the Town could produce 186 new units of deed-restricted affordable rental housing.<sup>28</sup> These units could be funded through a variety of methods, with a mixture of mixed-income, workforce housing, and 100 percent affordable housing projects. In order to improve the financial viability of these projects, the Town could consider a variety of options, including funding assistance, streamlined permitting, and flexibility in development requirements (such as required parking ratios or the incorporation of retail space).


<sup>27</sup> More details on these calculations can be found in Appendix I.

<sup>28</sup> This assumes that new housing projects would be developed at a density of 30 units per acre. For more details about this calculation, see Appendix I.

• **8.4.1.5 Action 1.5: Enact Inclusionary Housing Incentives**

Description	Alignment with Existing Initiatives	Responsible Parties	Relevant Metrics
Create density-based and/or streamlining incentives for market rate developers who include on-site affordable units in their projects	<ul style="list-style-type: none"> <li>Amherst Boulevard Mall acquisition</li> </ul>	<ul style="list-style-type: none"> <li>City of Buffalo</li> <li>Town of Amherst</li> </ul>	<b>246</b> inclusionary affordable units in corridor by 2050

 **The City of Buffalo and Town of Amherst should also enact inclusionary housing incentives to require developers of market-rate housing to provide on-site affordable units in exchange for any policy exception that provides financial benefits to a developer's project.** For example, inclusionary housing requirements could be applied in exchange for a density bonus, expedited permitting, parking reductions, or in a situation where a project is receiving tax breaks or other public subsidy. The region could achieve a target of 246 new inclusionary units by applying this policy to approximately five percent of projected new housing units in the Metro Rail corridor between 2023 and 2050.<sup>29</sup>

 **The exact specifications of an inclusionary policy can vary significantly based on local context and needs; each municipality should carefully consider different inclusionary policy alternatives before selecting a final policy.** For example, the City of Chicago's Affordable Requirements Ordinance imposes inclusionary requirements selectively, only in neighborhoods experiencing high housing costs or risks of displacement. The city also offers density bonus incentives for projects in TOD areas that are at least 50 percent affordable.<sup>30</sup> Other communities offer incentives in exchange for affordable units, such as Indianapolis, which offers to return up to 80 percent of the tax increment on a parcel to the project, if developers provide at least five percent affordable units.<sup>31</sup>

<sup>29</sup> GBNRTC projects 8,184 new households in the corridor by 2050. Assuming a similar level of housing production, if 40 percent of these households are in new affordable units, 4,910 would be in new market-rate units. If five percent of this total could be added as on-site inclusionary, it would create an additional 246 units.

<sup>30</sup> City of Chicago. Connected Communities Ordinance. 2022.

<sup>31</sup> Indianapolis Business Journal. 2021.



## • 8.4.2 Goal 2: Stabilize Current Households by Preserving Affordable Units and Providing Affordable Ownership Opportunities

### • 8.4.2.1 Action 2.1: Target Existing Weatherization and Home Repair Resources to Households Along the Metro Rail corridor

Description	Alignment with Existing Initiatives	Responsible Parties	Goal or Relevant Metrics
Partner with existing weatherization and home repair organizations to develop targeted outreach for services in the Metro Rail corridor	Existing Orgs: Neighborhood Housing Service of South Buffalo; Lt. Col. Matt Urban Human Services; Weatherization Assistance Program	<ul style="list-style-type: none"> <li>• City of Buffalo</li> <li>• Town of Amherst</li> <li>• Town of Tonawanda</li> <li>• Nonprofit home repair and weatherization programs</li> </ul>	Establishment of at least one program targeted specifically to the Metro Rail corridor



**Local communities should develop programs to target existing home repair and weatherization assistance programs to households within half a mile of Metro Rail stations.** Such a program would not require any adjustment to existing housing resources or assistance, just targeted marketing, and outreach to Metro Rail station area communities to make homeowners aware of the resources that are available. By partnering more closely with existing local organizations, public sector agencies could more comprehensively address the needs of existing households in the Metro Rail corridor.

### • 8.4.2.2 Action 2.2: Proactively identify expiring contracts for 100% affordable projects and work with property owners to preserve these units for long-term affordability

Description	Alignment with Existing Initiatives	Responsible Parties	Goal or Relevant Metrics
<ul style="list-style-type: none"> <li>• Use State of New York AHOP program and other state/federal resources to preserve projects with expiring contracts</li> <li>• If current owner is not interested, consider community option to purchase (Action 3)</li> </ul>	<ul style="list-style-type: none"> <li>• BURA HOME Investment program</li> </ul>	<ul style="list-style-type: none"> <li>• City of Buffalo</li> <li>• Town of Amherst</li> </ul>	Renewal of at least 50% of annually expiring affordable housing units



**The City of Buffalo, Town of Amherst, and Town of Tonawanda should also take proactive steps to preserve affordability of existing units along the Metro Rail corridor.** The Buffalo Urban Renewal Agency (BURA) already has one such program, which uses federal HOME funds to renovate existing residential structures or rehabilitate existing units; by concentrating these investments along the Metro Rail corridor, the City could better preserve affordability for residents as market pressures increase. State funding can also be to preserve affordable units; the AHOP program provides funding for developers looking to acquire rental properties and convert them to limited-equity ownership cooperatives. In addition, the National Housing Preservation Database provides an address-level list of all federally-assisted rental housing in the U.S., which can be used to identify expiring affordable rental contracts. Municipalities can preserve these units through proactive uses of federal funding, such as HUD’s Rental Assistance Demonstration (RAD) and Senior Preservation Rental Assistance Contracts (SPRACs) programs.

• **8.4.2.3 Action 2.3: Increase Tenant Protections**

Description	Alignment with Existing Initiatives	Responsible Parties	Goal or Relevant Metrics
<ul style="list-style-type: none"><li>• Pass “good-cause” eviction bill locally</li><li>• Establish right of first refusal to provide tenants to purchase rental housing</li></ul>	<ul style="list-style-type: none"><li>• PUSH Buffalo’s Tenant Bill of Rights</li><li>• NY State bill S305</li></ul>	<ul style="list-style-type: none"><li>• City of Buffalo</li><li>• Town of Amherst</li><li>• Town of Tonawanda</li></ul>	Passage of both bills (at state or local level)



**Policy changes should also be implemented to protect tenant rights and provide alternatives for residents to purchase their units.** A “good-cause” eviction ordinance, such as S305 currently being considered by the New York Senate, would prevent tenants from being evicted due to an “unreasonable” rent increase (currently defined as exceeding three percent.)<sup>32</sup> A tenant right of first refusal or Tenant Option to Purchase (TOPA) program would allow tenants the opportunity to buy housing units that are being put up for sale. Tenants in such a situation can collectively bargain to purchase their buildings to preserve the affordability and stability of the units for current occupants. These types of circumstances can also leverage State AHOP funding, as described in Action 2.2.

<sup>32</sup> New York State Senate. 2023. Senate Bill S305.

### • 8.4.3 Goal 3: Use Equitable TOD Projects to Support Local Minority Developers and Small Local Businesses

#### • 8.4.3.1 Action 3.1: Create a Development 202 Program to support minority developers in growing their networks and Implementing Projects

Description	Alignment with Existing Initiatives	Responsible Parties
<ul style="list-style-type: none"> <li>• Provide an expanded pool of training, mentoring, and funding to help development 101 program graduates advance their careers and implement projects.</li> <li>• Help developers navigate real-world hurdles of development as they build their first projects.</li> </ul>	<ul style="list-style-type: none"> <li>• Eastside Avenues Community Based Real Estate Development Training</li> <li>• Lincoln Land Institute Legacy Cities Initiative</li> </ul>	<ul style="list-style-type: none"> <li>• LISC</li> <li>• UBRI</li> <li>• City of Buffalo</li> <li>• ULI of Western New York</li> <li>• Funding: local or national philanthropy; federal grants</li> </ul>



**Local nonprofit, philanthropic and public sector institutions have already achieved initial success with capacity building programs for minority developers; they should build on these programs by creating a development 202 program for BIPOC developers.** Local developers indicated that mentorship and partnerships are incredibly important for businesses navigating the developer process for the first time, but that it can be hard to find good mentors, fill financing gaps, and navigate the hurdles of initial project completion. A developer 202 program could be created for graduates of existing capacity-building programs as a continuing cohort or opened up more broadly to developers of color across the Buffalo-Niagara Region. Current capacity building programs in Buffalo offer support to individuals with limited development experience, but other strong credentials and a deep understanding of the kinds of development projects their communities need. A second level program offered to these early-stage developers could help them navigate the hurdles of development as they pursue and complete real-world projects. This program could also help connect them to sources of equity capital to help them build a base for their businesses by establishing strong business balance sheets. Such a program could be implemented by any non-profit or public entity who is offering this training, such as LISC, UBRI, or the City of Buffalo. Though perfect analogs for this program do not appear to exist, one potential analog is the Center for Community Investment's Capital Absorption Framework programs.

• **8.4.3.2 Action 3.2: Strengthen procurement policy priorities for minority developers**

Description	Alignment with Existing Initiatives	Responsible Parties
<ul style="list-style-type: none"> <li>• Increase target percentages for minority and women-owned business owners in development contracts for station area NOFAs or RFPs.</li> <li>• Provide technical assistance to small businesses to help them win projects and comply with public contracting rules</li> </ul>	<ul style="list-style-type: none"> <li>• City of Buffalo Executive Order 16-02 (Contract Compliance)</li> <li>• LaSalle Station RFQ</li> </ul>	<ul style="list-style-type: none"> <li>• City of Buffalo</li> <li>• Town of Amherst</li> </ul>



**The City of Buffalo and Town of Amherst already have minority business contracting requirements in their contracting rules and regulations, but these rules could be strengthened.** Buffalo’s contracting rules currently dictate that the contractor must work toward a minority workforce goal of 25 percent and the City has established a list qualified contractors and subcontractors to whom RFPs are sent.<sup>33</sup> However, the City does not appear to have an exact target for minority business ownership in its contracting opportunities. In comparison, the Town of Amherst has a target of awarding 10 percent of the city’s contracting funds to minority business enterprises.<sup>34</sup>



**Both the City of Buffalo and the Town of Amherst should implement quantitative targets for minority business participation in RFPs for station-area projects on publicly-owned land.** Ideally, quantitative targets would mirror the proportion of total residents who could qualify as minority business in each community. For the City of Buffalo, where more than 50 percent of residents identify as African-American, Asian-American, Hispanic-American, or Native-American, this standard would be 50 percent. For the Town of Amherst, the equivalent standard would be 20 percent.<sup>35</sup>



**In addition to quantitative targets, public agencies should provide technical assistance and educational support to small, minority, and women-owned businesses who may be applying to win public contracts for the first time.** Local developers in Buffalo indicated that there are steep barriers and learning curves for developers who are looking to take on larger projects and compete for public contracting opportunities. Elsewhere around the country, transit agencies have noticed the same challenges and created technical assistance programs to help small contractors overcome these barriers. For example, Bay Area Rapid Transit (BART) provides workshops and technical assistance to help small, minority, women, Disabled, Veteran, and LGBT-owned businesses obtain necessary certifications, navigate the procurement process, and comply with required post-award submittals.

<sup>33</sup> City of Buffalo. Contract Compliance Committee – Executive Order 16-02. 2017.

<sup>34</sup> Town of Amherst Code. Chapter 32, Sections 1—5.

<sup>35</sup> Social Explorer. 2023. American Community Survey 5-Year Estimates, 2021.

- **8.4.3.2 Action 3.3: Incorporate neighborhood priority considerations in public land RFP processes, incentivizing spaces for local businesses and community amenities in proposals for new TOD projects**

Description	Alignment with Existing Initiatives	Responsible Parties
Build community engagement mechanisms into RFP processes for publicly-owned land in station areas, to ensure that community priorities for development products, design, and small business spaces are considered.	<ul style="list-style-type: none"> <li>• LaSalle Station RFQ process</li> </ul>	<ul style="list-style-type: none"> <li>• City of Buffalo</li> <li>• Town of Amherst</li> <li>• NFTA</li> <li>• Town of Tonawanda</li> </ul>



**Lastly, public sector agencies should continue to build community engagement requirements into their RFP processes for lands near transit stations.** The LaSalle Station RFQ process is one recent example of this, where applicants were required to submit a community engagement plan as part of their application materials. Chicago's Invest South/West program also provides an example of how community engagement can be integrated into TOD investment processes. In this initiative, the city conducted a series of community meetings, workshops, and surveys to identify locations for redevelopment and incorporate community input into RFP proposal evaluations. This process also prioritized the hiring of local architecture firms and selecting proposals that contribute to neighborhood wealth-building.<sup>36</sup>

<sup>36</sup>City of Chicago. 2021. Invest South/West Two Year Update.



## 9.1 Performance Criteria

Seven criteria that the TOD Coordinating Committee can use for evaluating eTOD implementation around stations along the NFTA Metro Rail corridor (existing and the proposed expansion) were submitted in NFTA's grant application to the FTA. The following are the criteria submitted in the grant application:

- 1 Private sector investment in TOD corridor.
- 2 Public investment in TOD corridor.
- 3 Affordable and Mixed Income Housing (Number of households).
- 4 Employment opportunities (Number of jobs).
- 5 Percentage of regional residents living in and working in the corridor.
- 6 Capital raised for a regional TOD fund.
- 7 Walkability and pedestrian safety in TOD corridor.

These criteria relate to goals defined by the Comprehensive Transit-Oriented Development planning work and regional planning guidance documents including the GBNRTC's Metropolitan Transportation Plan, the City of Buffalo's Land Use Plan and Unified Development Ordinance (Green Code), the Town of Amherst's Bicentennial Comprehensive Plan and Zoning Code, and the Town of Tonawanda's Comprehensive Plan and Zoning Code update. These goals include:

- 1 Maximize investment in historically underinvested areas.
- 2 Encourage mixed-use, mixed-income development in areas not experiencing or vulnerable to displacement.
- 3 Cater development types to station area typology needs and strengths.
- 4 Improve mode choice, affordability, and off-peak service of transportation services.
- 5 Facilitate development of transit and pedestrian supportive amenities in areas in close proximity to transit centers.
- 6 Create more sustainable communities
- 7 Improve access and quality of open space.

## 9.2 Additional Criteria / Performance Measures

Research related to measuring eTOD was conducted to confirm and amend the criteria submitted in the 2018 FTA Pilot Program for Transit-Oriented Development Planning grant application and identify metrics to measure the criteria. Additionally, the 2023 FTA Capital Investment Grants Policy Guidance was incorporated to qualitatively examine the existing local plans and policies to support economic development related to the project. Other sources used for this effort are listed below.

- Measuring Benefits of Transit-Oriented Development, Mineta National Transit Research Consortium
- Measuring the Performance of TOD in Western Australia
- Performance-Based Transit-Oriented Development Typology Guidebook, Center for Transit-Oriented Development
- Transit-Oriented Development: Developing a Strategy to Measure Success, National Cooperative Highway Research Program
- Transit-Oriented Development Performance Measures, Reconnecting America's Center for TOD
- Reporting Instructions for the Section 5309 Capital Investment Grants Program

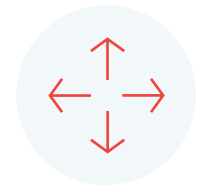
Six additional criteria were added based on the eTOD research, as follows:



Car Usage and  
Parking



Density  
(development  
and employment)



Anti-Displacement  
TOD



Public Transit  
Usage



Commute to  
Work



Public Space

Figure 9-1 presents the links between the eTOD goals and twelve criteria. Figure 9-2 presents the TOD criteria and corresponding performance measures and data sources. Most performance measures have identified data sources. Performance measures without data sources include: new housing unit data for the Town of Tonawanda (relevant to the private sector investment in TOD in the corridor and increase in number of households in the corridor criteria), money raised for the TOD fund (data source will be linked to the group responsible for raising TOD funds when this is decided on), and a housing affordability index which is not available for the Towns of Tonawanda or Amherst.










Data should be collected for the Metro Rail corridor defined as the area within a ½-mile of existing and proposed Metro Rail service for all criteria and performance measures listed in the table to provide a baseline. Baseline data will be populated in a spreadsheet. Data can then be collected annually (or as available) and added to the spreadsheet tool to measure progress in each criterion and to access trends in eTOD over time. Multiple performance measures are provided for each criterion. While some metrics may remain constant, others are anticipated to change to allow for the measurement of eTOD growth in the Metro Rail corridor.








In addition to these measures, the Comprehensive Transit-Oriented Development Planning Program will follow the FTA “Guidelines for Land Use and Economic Development Effects for New Starts and Small Starts Projects” which is a qualitative evaluation the potential land use and economic development impacts of transit projects seeking funding through the New Starts and Small Starts programs.

The FTA evaluation process involves a thorough examination of how well the proposed transit project aligns with existing and planned land use policies. Transit projects that are integrated with land use plans and have market support for transit-oriented development are more likely to receive favorable consideration. Additionally, the guidelines assess how the transit project could contribute to the economic competitiveness of the region. Factors such as job creation, business attraction, and improved access to employment centers and other key destinations are evaluated.



These FTA guided qualitative measures will be supported by the quantitative New Starts rating of the ‘Project Justification Criterion’. These criteria include the following: Mobility Improvements, Cost Effectiveness, Congestion Relief, Environmental Benefits, Land Use and Economic Development. To support their claims about the potential economic development impacts, project sponsors are expected to provide robust data and conduct comprehensive analyses. The guidelines suggest various methods for quantifying economic benefits, including direct and indirect impacts on property values, employment, business activity, and tax revenues.








Figure 9-1: TOD Goals and Criteria

Criteria	Goals					
	Financial	Land Use	Development/ Land use	Transit Options	Pedestrian Experience	Environment
	Maximize investment in historically underinvested areas	Encourage mixed use development in areas not experiencing or vulnerable to displacement	Cater development type to typology needs and strengths	Improve mode choice, affordability, and off-peak service of transportation services	Facilitate transit orientation and pedestrian amenities in areas in close proximity to transit centers	Create more sustainable communities and improve access and quality of open space
<b>Private-sector investment:</b> Foster partnerships and attract private investors to support and invest in the TOD project, leveraging their resources and expertise for economic growth.						
<b>Public investment:</b> Secure funding and resources from public sources to finance and sustain the transit project, ensuring its successful implementation and long-term viability.						
<b>Capital raised for a regional TOD:</b> Actively pursue capital funding for the regional TOD to facilitate its development and create a thriving urban environment.						

Criteria	Goals					
	Financial	Land Use	Development/ Land use	Transit Options	Pedestrian Experience	Environment
	Maximize investment in historically underinvested areas	Encourage mixed use development in areas not experiencing or vulnerable to displacement	Cater development type to typology needs and strengths	Improve mode choice, affordability, and off-peak service of transportation services	Facilitate transit orientation and pedestrian amenities in areas in close proximity to transit centers	Create more sustainable communities and improve access and quality of open space
<b>Number of households:</b> Promote the integration of residential units within the TOD corridor, aiming to accommodate a diverse range of households and contribute to vibrant communities.						
<b>Percentage of residents living and/or working in TOD corridor:</b> Encourage a significant percentage of residents to live and work within the TOD corridor, maximizing accessibility and fostering a sense of community.						
<b>Walkability and pedestrian safety:</b> Design and implement pedestrian-friendly infrastructure, prioritizing safety, and walkability to promote active transportation and reduce reliance on cars.						



Criteria	Goals					
	Financial	Land Use	Development/ Land use	Transit Options	Pedestrian Experience	Environment
	Maximize investment in historically underinvested areas	Encourage mixed use development in areas not experiencing or vulnerable to displacement	Cater development type to typology needs and strengths	Improve mode choice, affordability, and off-peak service of transportation services	Facilitate transit orientation and pedestrian amenities in areas in close proximity to transit centers	Create more sustainable communities and improve access and quality of open space
<b>Anti-Displacement TOD:</b> Develop strategies to mitigate displacement risks and ensure that the TOD project benefits existing communities, preserving affordability and inclusivity.						
<b>Employment opportunities:</b> Integrate commercial and employment spaces within the TOD to create a mix of job opportunities, reducing commute times and enhancing economic activity.						
<b>Car usage and parking:</b> Implement measures to reduce car usage and demand for parking, incentivizing alternative transportation options and reducing environmental impacts.						

Criteria	Goals					
	Financial	Land Use	Development/ Land use	Transit Options	Pedestrian Experience	Environment
	Maximize investment in historically underinvested areas	Encourage mixed use development in areas not experiencing or vulnerable to displacement	Cater development type to typology needs and strengths	Improve mode choice, affordability, and off-peak service of transportation services	Facilitate transit orientation and pedestrian amenities in areas in close proximity to transit centers	Create more sustainable communities and improve access and quality of open space
<b>Public Transit Usage:</b> Encourage and promote the use of public transit services through seamless integration with the TOD, making public transportation a convenient and preferred choice.						
<b>Commute to work:</b> Aim to reduce commuting distances and times for workers by providing efficient transit options and employment opportunities within the TOD.						
<b>Density:</b> Optimize land use through appropriate density levels to support a thriving and vibrant urban environment, maximizing the benefits of transit infrastructure.						

Criteria	Goals					
	Financial	Land Use	Development/ Land use	Transit Options	Pedestrian Experience	Environment
	Maximize investment in historically underinvested areas	Encourage mixed use development in areas not experiencing or vulnerable to displacement	Cater development type to typology needs and strengths	Improve mode choice, affordability, and off-peak service of transportation services	Facilitate transit orientation and pedestrian amenities in areas in close proximity to transit centers	Create more sustainable communities and improve access and quality of open space
<b>Public Space:</b> Design and create attractive public spaces within the TOD, fostering community interaction, social engagement, and overall quality of life for residents and visitors.						

**Figure 9-2: eTOD Criteria, Performance Measure, and Data**

Category	Criteria	Performance Measure	Data	Data Source
Financial	Private-sector investment	New or rehabilitated housing units	Permits for new housing units	Open Data Buffalo Town of Amherst Town of Tonawanda Building Dept.
		Increase in property tax revenue generated	Tax rate data	City of Buffalo Town of Tonawanda Town of Amherst
		New commercial development	Permits for new commercial development	Open Data Buffalo Town of Amherst Town of Tonawanda Building Dept.
		Number of remediated brownfield properties	Department of Environmental Protection	Brownfield EPA Mapper
		Equitable development	30% of the project's contract work is awarded to a DBE firm	RFP
	Public investment	Dollars spent on transportation, utility, and infrastructure projects	Transportation Improvement Program (TIP) projects and municipal engineering projects	TIP City of Buffalo Engineering Town of Amherst and Town of Tonawanda DPW and Engineering Dept. Erie County DPW.
	Capital raised for a regional TOD	Money raised for a TOD fund	TOD fund	TOD Fund

Category	Criteria	Performance Measure	Data	Data Source
Placekeeping	Anti-Displacement TOD	Increase in density and variety of housing	Housing density and mix change	Census data on household density
		Increase in building permits issued or occupancy rates	Multi-family building permits	Open data buffalo Town of Amherst
		Number of affordable housing units	Total number of legally binding affordability restricted housing units within a ½-mile radius of all station areas	LISC NY
		Increase in subsidized and “naturally occurring” affordable units	Number of subsidized units	LISC NY HUD subsidized housing list
		Change in percent of people experiencing homelessness in the region	Number of persons experiencing homelessness or in temporary housing	Continuum of Care (CoC) Housing Inventory Count Reports
		Mix of household types	Housing unit types	Census data on households
		Decrease in displacement	General mobility of households	Census data on households Strategic Economics Housing Demographics
		Number of community and essential services	Land use	Erie County land use data Local Initiatives Support Corporation (LISC) NY
	Percentage of residents living and/or working in TOD corridor	Increase in % low-income or minority populations served by transit	Low-income households within ½ mile of transit	Census data on households Census data journey to work



Category	Criteria	Performance Measure	Data	Data Source
Placekeeping	(cont.)Percentage of residents living and/or working in TOD corridor	Population density	Population density	Census data on population
		Vacancy rate change Number of residents commuting by transit	Vacancy rate Journey to work characteristics	Census data on housing vacancy Census data on journey to work GBNRTC travel demand model
Streetscape/ Design	Walkability and pedestrian safety	WalkScore metric and streetscape quality	Walkscore	Walkscore.com, local news
		Pedestrian amenities and bicycle infrastructure in the area/at the station	Linear miles of bicycle lanes/ paths, linear feet of sidewalks, acres of park and public realm, other engineering, and transportation related data.	City of Buffalo Engineering Town of Amherst and Town of Tonawanda DPW and Engineering Dept. Erie County DPW GoBike Buffalo
		Number of intersections with pedestrian and bicycle improvements	Improved intersections, bike lanes, crosswalks	Local news, community survey
		Decrease in crash reports between years	Crash reports	Crash reports
		Improved score/approval rating on resident survey regarding safety (CPTED, lighting	Community survey	Community survey

Category	Criteria	Performance Measure	Data	Data Source
Local Economy	Employment opportunities	Employment density	Employment density	Census data on household density
		Number of businesses or commercial space	Number of businesses	Open data buffalo Town of Amherst
		Average distance from employment zone	Distance to work	Census data on workplace area characteristics
Travel Mode/ Infrastructure	Car usage and parking	Decrease in number of parking spaces, public parking facilities, or parking ratios	Parking maximums or ratios Number of public parking spaces	Local news Buffalo Place, Access and Infrastructure
		Decrease in vehicle miles traveled (VMT)	GBNRTC model	GBNRTC model
		Decrease in auto ownership	Access to car per household	Census data journey to work
	Public Transit Usage	Public transit VMT	Public Transit VMT / Ridership Population	NFTA vehicle miles traveled
	Commute to work	Increased share of residents commuting to work via public transit	Commute to work data	Census data journey to work
		Decrease share of residents commuting to work via single occupancy vehicles	Commute to work data	Census data journey to work

Category	Criteria	Performance Measure	Data	Data Source
Land Use	Density	Increased floor area ratio (FAR) that support mixed-use development with higher densities	Zoning Codes	City of Buffalo Town of Amherst Town of Tonawanda
		Increased Ground floor activation	Zoning Codes	City of Buffalo Town of Amherst Town of Tonawanda
		Use of density bonuses or other entitlement increases in exchange for providing transit-supportive elements	Zoning Codes	City of Buffalo Town of Amherst Town of Tonawanda
	Public Space	Increase in parkland/public space	Land use	Erie County land use data

## 9.3 New Starts Supplemental Documentation

The Capital Investment Grant (CIG) Program, New Starts is a funding initiative administered by FTA for “fixed guideway” projects, like the options explored in the Buffalo-Amherst-Tonawanda Transit Expansion project.

In addition to being an eligible project, proposed New Starts investments must be evaluated and rated according to project justification and local financial commitment criteria set forth in the FAST Act and carried into the BIL, in order to be considered for funding. The Project Justification criteria includes the following:

- Mobility Improvements
- Cost Effectiveness
- Congestion Relief
- Environmental Benefits
- Economic Development
- Land Use

This section exclusively focuses on documenting the Land Use and Economic Development impacts of this project and help facilitate a strong submission of these criteria that will further support the quantitative New Starts template. The FTA provides ratings ranging from Low (1) to High (5) for each measure, which are then consolidated to create an overall economic development rating. Unlike the other New Starts criteria, the economic development evaluation relies on qualitative factors rather than quantitative ones. However, the FTA does permit the inclusion of an optional quantitative factor that analyzes environmental benefits resulting from changes in Vehicle Miles Traveled (VMT) attributed to transit investment-induced development patterns. The Supplemental Land Use and Economic Development criteria are as follows:



**Existing Land Use:** This criterion evaluates the alignment of the proposed transit project with local land use policies and how well it complements market demand and economic development plans. Projects that integrate well with existing and planned land uses and have strong market support for TOD may receive favorable consideration.



**Economic Development:** This criterion examines how the proposed transit project could improve the economic competitiveness of the region. Projects that are expected to enhance the region’s economic opportunities, attract businesses, create jobs, and promote economic growth may score higher under this criterion.

The 2019 preliminary economic development rating is Medium-Low. At the time planning and development of a major transit investment in the Metro Rail expansion corridor was in its early stages. Since 2021, the transit-supportive land use and economic development plans within the corridor have become more supportive, partly due to the additional FTA grant funding under the FTA Transit Oriented Development Pilot Planning Program to support the implementation of policies recommendations generated from the Comprehensive TOD Plan.

## Land Use

**Figure 9-3: FTA Qualitative Land Use Rating**

Current Land Use		
Criteria	How to achieve a high rating	Documentation
Existing corridor and station area development character.	Current levels of employment sufficient to support a major transit investment.	<ul style="list-style-type: none"> <li>• Listing and description of high trip generators (examples include colleges/universities, stadiums/arenas, hospitals/medical centers, shopping centers, performing arts centers, and other significant trip generators).</li> <li>• Station area maps with uses and building footprints shown, as available.</li> <li>• Ground-level or aerial photographs of station areas, as available.</li> </ul>
Existing station area pedestrian facilities, including access for persons with disabilities.	Other trip generators in station areas are sufficient to support a major transit investment.	<ul style="list-style-type: none"> <li>• Station area maps or photographs identifying pedestrian facilities and access provisions for persons with disabilities, as available. Documentation of achievement of curb ramp transition plans and milestones required under CFR 35.150(d)(2).</li> </ul>
Existing corridor and station area development.	Current levels of population sufficient to support a major transit investment.	<ul style="list-style-type: none"> <li>• Corridor and station area population, housing units, and employment</li> <li>• Description of existing land use mix, urban design characteristics, pedestrian environment, and parking supply in each station area (or groups of adjacent station areas with similar characteristics).               <ul style="list-style-type: none"> <li>• The number of existing housing units that have legally binding affordability restrictions within a ½-mile radius of all proposed transit project stations.</li> <li>• The total number of existing housing units within a ½-mile radius of all proposed transit project stations.</li> <li>• The number of existing housing units that have legally binding affordability restrictions in the county or counties through which the project travels.</li> <li>• The number of existing total housing units in the county or counties through which the proposed transit project travels.</li> </ul> </li> </ul>

## Current Land Use

Criteria	How to achieve a high rating	Documentation
Existing corridor and station area parking supply	Most station areas are pedestrian-friendly and fully accessible.	<ul style="list-style-type: none"> <li>Station area maps or photographs identifying pedestrian facilities and access provisions for persons with disabilities, as available. Documentation of achievement of curb ramp transition plans and milestones required under CFR 35.150(d)(2).</li> </ul>
Proportion of existing legally binding affordability restricted housing in the corridor compared to the proportion of legally binding affordability restricted housing in the counties in which the project travels.	The proportion of affordable housing in the corridor compared to the counties in which the project is located is high.	<p>(Simply indicate here whether the affordable housing data reported in the quantitative land use template is from the National Housing Preservation Database or local/regional sources. If the data is from local/regional sources, please also identify the source(s) here and include with your submittal a signed certification by the head(s) of the entities from which the information was gathered attesting to the accuracy of the numbers provided.)</p> <ul style="list-style-type: none"> <li>Total number of legally binding affordability restricted housing units within a ½-mile radius of all station areas+ • Total housing units of all types and total housing units that are legally binding affordability restricted for each county in which project stations are located.</li> <li>Identification of the source(s) of the affordable housing data. Provide a signed certification by the head(s) of the entities, such as state or local housing agencies or nonprofit organizations that maintain databases of affordable housing units, from where the information was gathered attesting to the accuracy of the numbers provided. (Certification is not needed if using the National Housing Preservation Database to obtain affordable housing counts.)</li> </ul>



## Economic Development

### I. Transit Supportive Plans and Policies

Figure 9-4: FTA Qualitative Economic Development Rating

Growth Management		
Criteria	How to achieve a high rating	Documentation
Concentration of development around established activity centers.	Adopted and enforceable growth management and land conservation policies are in place throughout the region.	<ul style="list-style-type: none"><li>• State or regional plans, policies, or programs to guide growth in the metropolitan area and the enforceability of each. Describe any aspects that promote increased development, infill development, and redevelopment in established urban centers and activity centers, and/or limit development away from primary activity centers</li><li>• Regional plans or policies to concentrate development around major transit facilities.</li></ul>
Land conservation and management.	Existing and planned densities and market trends in the region and corridor are strongly compatible with transit. Density is concentrated in potential station areas to help preserve suburban, rural, and environmentally sensitive areas.	<ul style="list-style-type: none"><li>• Aspects of local comprehensive plans or capital improvement plans that demonstrate alignment with these growth management plans, policies and programs.</li><li>• State or regional plans, policies or programs that seek to limit development in identified portions of the metropolitan area. Examples of such plans, policies and programs are growth management area designations, urban growth boundaries, agricultural preservation plans, open space preservation plans, and incentives or mandates for land conservation and management. Include maps as available and appropriate.</li><li>• Regional policies that allow for transfer of development rights from open space or agricultural land to urban areas.</li></ul>

## Transit Supportive Corridor Policies

Criteria	How to achieve a high rating	Documentation
Plans and policies to increase corridor and station area development.	Conceptual plans for the corridor and station areas have been developed. Local jurisdictions have adopted or drafted revisions to comprehensive and/or small area plans in most or all station areas.	<ul style="list-style-type: none"> <li>For each station area (or group of adjacent station areas where similar provisions apply), identify applicable city, town, county, and campus/institutional plans and policies, and report the following: <ul style="list-style-type: none"> <li>Recommended land uses and development densities.</li> <li>Any recommendations or policies for high density development in the corridor and station areas, and/or policies that support changes to zoning in the corridor and station areas.</li> <li>Status of the plans (i.e., adopted or under development). For plans that are under development, indicate the remaining steps and expected timeframe for adoption. Include links to or electronic copies of the plans with the submittal. Note that plans may include general plans, specific plans (subarea, station area, etc.), redevelopment project plans, or other district plans.</li> <li>Population density.</li> <li>Housing unit density.</li> </ul> </li> </ul>
Plans and policies to enhance transit-friendly character of corridor and station area development.	Development patterns proposed in conceptual plans and local and institutional plan revisions are strongly supportive of a major transit investment.	<ul style="list-style-type: none"> <li>Documentation of transit-supportive plans and policies for municipalities that control land uses along the corridor.</li> </ul>
Plans to improve pedestrian facilities, including facilities for persons with disabilities.	No specific guidance. FTA looking for transit-supportive policies.	<ul style="list-style-type: none"> <li>Capital Improvement Programs that document intersection projects proposed for current and upcoming fiscal years.</li> </ul>
Parking policies	No specific guidance. FTA looking for transit-supportive policies.	<ul style="list-style-type: none"> <li>Documentation of any new or revised parking policies for areas within a ½ mile of the corridor.</li> </ul>

## Supportive Zoning Regulations Near Transit

Criteria	How to achieve a high rating	Documentation
Zoning ordinances that support increased development density in transit stations.	Local jurisdictions have adopted zoning changes that strongly support a major transit investment in most or all transit station areas.	<ul style="list-style-type: none"> <li>For each station area (or group of adjacent station areas where similar provisions apply), report the following:</li> <li>Recommendations for development character or form from the plans identified above.</li> <li>Any recommendations or policies to promote pedestrian-and transit-friendly development (e.g., mixed uses, vertical zoning, buildings oriented toward the street).</li> <li>Policies for sidewalks, connected street or walkway networks, and other pedestrian facility development plans that apply to project station areas.</li> <li>Capital Improvement Programs to enhance pedestrian facilities in station areas.</li> <li>Curb ramp transition plans and milestones required under CFR 35.150(d)(2), and other plans for retrofitting existing pedestrian infrastructure to accommodate persons with disabilities in station areas.</li> <li>Street design guidelines or manuals addressing pedestrian and transit- oriented street design that apply to station areas.</li> <li>Recommended parking provisions (i.e., proposed minimum and maximum ratios, shared parking allowances, changes in the amount of land occupied by parking facilities, policies to encourage structured parking) for all station areas per plans and policies.</li> <li>Mandatory minimum cost for parking in areas served by transit or policies to encourage “unbundling” of parking costs from rents.</li> <li>Parking taxes.</li> </ul>
Zoning ordinances that enhance transit-oriented character of station area development and pedestrian access.	Local jurisdictions have adopted zoning changes that strongly support a major transit investment in most or all transit station areas.	
Zoning Allowances for reduced parking and traffic mitigation.	Local jurisdictions have adopted zoning changes that strongly support a major transit investment in most or all transit station areas.	

## Tools to Implement Land Use Policies

Criteria	How to achieve a high rating	Documentation
Outreach to government agencies and the community in support of Land Use Planning.	<ul style="list-style-type: none"> <li>Transit agencies and/or regional agencies are working proactively with local jurisdictions, developers, and the public to promote transit-supportive planning and station area development.</li> <li>Public and private capital improvements are being programmed in the corridor and station areas which implement the local policies, and which leverage the Federal investment in the proposed major transit investment corridor.</li> <li>The transit agency has established a joint development program and identified development opportunities.</li> <li>Agencies have adopted effective regulatory and financial incentives to promote transit-oriented development.</li> </ul>	<ul style="list-style-type: none"> <li>For each station area (or group of adjacent station areas where similar provisions apply), report the following:               <ul style="list-style-type: none"> <li>Allowable uses and prescribed minimum and/or maximum densities or floor area ratios. Include applicable overlay zones. Identify approximate floor area ratios if these are not identified in the zoning (for instance, under form-based codes).</li> <li>Any recently adopted or drafted changes to zoning ordinances to allow or encourage development with transit supportive densities and uses.</li> </ul> </li> <li>Include links to or electronic copies of zoning maps and relevant portions of zoning ordinances with the submittal.</li> <li>For each station area (or group of adjacent station areas where similar provisions apply), report the following:               <ul style="list-style-type: none"> <li>Zoning regulations that allow mixed-use development.</li> <li>Zoning regulations addressing lot coverage, placement of building footprints and parking, pedestrian facilities, façade treatments, etc.</li> <li>Architectural design guidelines and mechanisms for implementation.</li> </ul> </li> </ul>
Zoning ordinances that enhance transit-oriented character of station area development and pedestrian access.		
Zoning Allowances for reduced parking and traffic mitigation.		

## II. Performance and Impacts of Policies

Performance of Transit-supportive Plans and Policies		
Criteria	How to achieve a high rating	Documentation
Demonstrated cases of development affected by transit-oriented policies.	A significant number of development proposals are being received for transit-supportive housing and employment in station areas. Significant amounts of transit-supportive development have occurred in other, existing transit corridors and station areas in the region.	<ul style="list-style-type: none"> <li>• Characterization of the quantity and transit supportiveness (in terms of uses, scale and design) of recently built developments within existing and planned transit station areas.</li> <li>• Description and/or pictures of any projects that have recently been built consistent with transit-oriented design principles (higher density, orientation toward street, provision of pedestrian access from transit, mix of uses etc.). Include the locations of these projects.</li> <li>• Characterization of the quantity and nature of proposed developments within project station areas (including any joint development proposals).</li> </ul>
Station area development proposals and status.	Individualized development strategies are developed for each station area based on context.	<ul style="list-style-type: none"> <li>• More detailed descriptions of a representative sample of proposed developments in project station areas. Include renderings as available and identify the location of the development. Descriptions should indicate the size, development character (e.g., setbacks, façade treatments, amount, and location of parking), types of uses, and expected dates of start of construction and completion,</li> <li>• Amount of transit supportive development constructed (measured as square feet of development),</li> </ul>

## II. Performance and Impacts of Policies

Potential Impact of Transit Project on Regional Development		
Criteria	How to achieve a high rating	Documentation
Adaptability of station area land for development.	A significant amount of land in station areas is available for new development or redevelopment at transit-supportive densities.	<ul style="list-style-type: none"> <li>• Description or inventory of land near project stations that is vacant or available for redevelopment.</li> <li>• Assessment of development anticipated for these parcels.</li> <li>• Assessment of the amount of development allowed at station area build-out compared to existing development.</li> <li>• Information that indicates the level of market support for transit-oriented development in station areas.</li> </ul>
Corridor economic environment.	Local plans, policies, and development programs, as well as real estate market conditions, strongly support such development.	<ul style="list-style-type: none"> <li>• Regional and corridor economic conditions and growth projections.</li> <li>• Development market trends in existing corridors and station areas (for areas with existing transit).</li> <li>• Real estate market study examining prospects for higher-density and transit/pedestrian-oriented development in the corridor.</li> <li>• Permitting and construction data from local governments. Locations of major employment centers in the corridor and expected growth in these centers.</li> </ul>



### III. Tools to Maintain or Increase the Share of Affordable Housing

Plans and Policies to Maintain or Increase Affordable Housing in Corridor		
Items Considered	High Assessment	Documentation
Evaluation of corridor-specific affordable housing needs and supply.	Comprehensive affordable housing plans have been developed and are being implemented that identify and address the current and prospective housing affordability needs along the corridor.	<ul style="list-style-type: none"> <li>Regional and/or corridor-specific needs assessment that evaluates the demand for affordable housing and compares it to the supply of affordable housing.</li> </ul>
Regional and/or corridor-specific needs assessment that evaluates the demand for affordable housing and compares it to the supply of affordable housing.	The plans include efforts to preserve existing affordable housing (both legally binding affordability restricted housing and market-rate affordable housing.) The plans also explicitly address the housing affordability and quality needs of very- and extremely low-income households.	<ul style="list-style-type: none"> <li>Inclusionary zoning or housing programs that require or provide incentives for developers to set aside a percentage of units for income-qualified buyers or renters.</li> <li>Density bonuses or reduction of parking requirements for the provision of units made available for income-qualified buyers or renters.</li> <li>Employer assisted housing policies, using tax credits, partnerships, matching funds, and/or other mechanisms to encourage employers to help employees to buy or rent homes close to work or transit.</li> <li>Rent controls or condominium conversion controls on existing units to maintain affordability for renters.</li> <li>Zoning to promote housing diversity, such as zoning that permits accessory or “in-law” units, and residential zoning based on floor area ratio rather than dwelling units to reduce the disincentive to build smaller units.</li> <li>Tenant “right of first refusal” laws, which require that an owner provide the tenants with an opportunity to purchase the property at the same price as a third-party buyer.</li> <li>Affordability covenants, which limit appreciation of rents and/or sales values for units rented or sold to income-qualified tenants for a given length of time.</li> </ul>

### III. Tools to Maintain or Increase the Share of Affordable Housing

Plans and Policies to Maintain or Increase Affordable Housing in Corridor		
Items Considered	High Assessment	Documentation
Adopted financing tools and strategies targeted to preserving and increasing affordable housing in the region and/or corridor.	Comprehensive affordable housing plans have been developed and are being implemented that identify and address the current and prospective housing affordability needs along the corridor.	<ul style="list-style-type: none"> <li>• Tenant “right of first refusal” laws, which require that an owner provide the tenants with an opportunity to purchase the property at the same price as a third-party buyer.</li> <li>• Tenant “right of first refusal” laws, which require that an owner provide the tenants with an opportunity to purchase the property at the same price as a third-party buyer.</li> </ul>
Evidence of developer activity to preserve and increase affordable housing in the corridor.	Financing commitments and/or sources of funding and robust financial incentives are secured and available at the local and/or regional level and along the proposed corridor to support affordable housing acquisition (including acquisition of land and/or properties intended to be converted to affordable housing), development and/or preservation consistent with adopted plans and policies. These commitments may include early phase or acquisition financing as well as permanent financing.	<ul style="list-style-type: none"> <li>• Examples of the provision of affordable housing in planned or recent developments, including number of units, specific affordability restrictions, length of time restrictions apply, etc.</li> <li>• Documentation of evidence that legal affordability restrictions in the transit corridor will be continued over the long-term following the project’s opening. Examples include commitments tied to the receipt of Low-Income Housing Tax Credits, HOME or other HUD funds, payment in lieu of taxes (PILOT) agreements, and other legal instruments tied to the receipt of Federal, state, local and/or private funds/financing.</li> </ul>

III. Tools to Maintain or Increase the Share of Affordable Housing

Plans and Policies to Maintain or Increase Affordable Housing in Corridor		
Items Considered	High Assessment	Documentation
The extent to which the plans and polices account for long-term affordability and the needs of very- and extremely low-income households in the corridor.	Developers are actively working in the corridor to secure priority development sites and/or maintain affordability levels in existing housing units.	<ul style="list-style-type: none"><li>Documentation of how plans, policies, tools, etc. address the needs of very- and extremely low-income households.</li></ul>

# EVALUATION OF FUNDING, LAWS, AND LEGISLATION RELATED TO eTOD

## 10.1 Overview

This chapter offers an evaluation of numerous regional, state, and federal funding and financing resources, laws and policies, and legislation related to further promoting TOD in the Buffalo-Niagara Region. This evaluation is meant to provide further direction to the TOD Coordinating Committee and project partners in continuing to advance various policies and legislation.

The Phase I Comprehensive TOD Plan included a “toolkit” that can be used by implementing agencies and stakeholders for identifying potential mechanisms to fund and/or finance infrastructure improvements that support TOD. There are a range of funding and financing mechanisms used around the country to fund and finance transportation infrastructure and related development. Funding and financing mechanisms can be broken into a number of categories:

- Direct fees
- Debt
- Tax abatement, credits, and credit assistance
- Equity
- Grants and other philanthropic sources
- Value capture

This section looks to expand on some of the funding and financing tools originally discussed in the Phase I effort as action items to advance their implementation.

## 10.2 Funding and Financing TOD Infrastructure and Projects

Conversations were held with financial stakeholders in the region to discuss tax incentives, funding, and financing. These meetings reviewed existing financial tools available to key regional stakeholders, discussed their applicability to future transit-oriented development efforts, and identified areas for further investigation. Meetings were held with the following stakeholders:

- Angela Rossi, Empire State Development
- John Cappelino, Erie County Industrial Development Agency
- Dave Mangoia, Amherst Industrial Development Agency
- Becky Gandour, Buffalo Urban Development Corporation
- Lisa Hicks, City of Buffalo

From these meetings, tax incentives, local and federal funding, and local and federal financing were evaluated as options for TOD in the Buffalo-Niagara Region. This review identified key funding and financing tools to advance TOD, including payment in lieu of taxes increment financing (PIF), Transportation Infrastructure Finance and Innovation Act loans (TIFIA), and Better Utilizing Investments to Leverage Development (BUILD) grants, now the Rebuilding American Infrastructure with Sustainability and Equity (RAISE). In addition, a number of new mechanisms were identified for potential use in the region, as well as areas for further investigation.

The TOD Coordinating Committee will be able to use the funding and financing tools and recommendations detailed in this chapter to guide their work in deploying TOD solutions in the committee's overall Work Plan.

There are five local agencies generally responsible for funding and financing development deals along the Metro Rail corridor – Empire State Development (ESD), Erie County Industrial Development Agency (ECIDA), Amherst County IDA (AIDA), and the City of Buffalo and its Buffalo Urban Development Corporation (BUDC).

### • 10.2.1 Empire State Development

ESD is the lead economic development agency in New York State which operates regional subsidiaries and has operationally assumed the New York State Department of Economic Development. The agency has a critical role in engaging localities across the state to advance their development projects, most notably in Buffalo through the development of the Better Buffalo Fund, which is a Buffalo Billion initiative aimed at creating vibrant, mixed-use, high-density neighborhoods and is focused on giving residents of the City of Buffalo greater access to the major employment hubs. The Better Buffalo Fund offers two initiatives, (1) Transit Oriented Development, which is a grant and revolving loan fund for up to \$2 million in gap financing for adaptive or infill projects and (2) Buffalo Main Streets Initiative, which is a \$40 million fund to support mixed use projects in the region by considering grant requests from \$50,000 to \$1 million to help revitalize historic downtowns and mixed-use neighborhood commercial districts.

### • 10.2.2 Industrial Development Agencies

New York State industrial development agencies (IDAs) promote and assist private sector industrial and business development by offering tax incentives, discounts, or exemptions to qualified businesses. The ECIDA and AIDA have been involved in the use of Payment in Lieu of Taxes (PILOT) Increment Financing (PIF), one of the key financing tools for the region. ECIDA additionally provides public financing for projects and is a major landowner in the region through its Land Development Corporation. AIDA is reviewing ways to combine PIFs and Opportunity Zones, as well as implementing district wide PIFs.

### • 10.2.3 City of Buffalo and Buffalo Urban Development Corporation (BUDC)

BUDC can buy and hold land and real property and serves as lead management entity of the Buffalo Building Reuse Project. The organization's responsibilities include coordination of financial assistance for downtown adaptive reuse projects and public right-of-way improvements. BUDC seeks out private partners for development as well as provides oversight for projects of regional significance.

## 10.3 Current Development Tools

This section details tax incentives, public financing, and funding options currently at the disposal of these stakeholders. Where appropriate, select implementation examples are included.

## • 10.3.1 Tax Incentives

Local agencies have used a variety of different tax incentives to accelerate new development project around the region. The key incentives are listed in Figure 10-1. To date, tax incentives have been the core mechanism of development efforts, ranging from residential, commercial, and industrial developments. The core need for the Buffalo-Niagara Region is to develop more mixed-income housing in the Metro Rail corridor.

**Figure 10-1: Tax Incentives**

Incentive	Administrator	Description
<b>Historic Tax Credit</b>	NYS Parks, Recreation, and Historic Preservation	The HTC is the most widely used incentive along the project corridor. ESD's Better Buffalo Fund is focused on mixed-used, adaptive reuse and infill projects that promote multi-modal transportation that has supplemented developers who utilize historic tax credits.
<b>Low Income Housing Tax Credit</b>	NYS Homes and Community Renewal	The LIHTC supports the development of affordable rental housing. BUDC and City of Buffalo utilize this and have recently used the 4% federal affordable housing incentive for the 201 Ellicott development. The 4% LIHTC generates less capital than the 9% LIHTC; therefore, is typically used for redevelopment, not new development.
<b>485-a Tax Exemption</b>	BUDC/City of Buffalo	485-a is the most widely used incentive in the City of Buffalo, typically for dense market rate residential and for adaptive reuse to transform underutilized space to residential. This financial incentive has supported TOD projects.
<b>IDA Tax Incentives</b>	ECIDA/AIDA	IDA tax incentives focus on commercial office and industrial real estate; however, can also be used for rental housing as part of mixed-use projects so long as the project cost related to retail uses does not exceed one-third of the cost. Projects that fall under NYS Brownfield Cleanup Program for additional benefits, including 100 more employees on site, qualify for 100% tax abatement.

### Key Takeaways



Historic tax credits have been most widely used for developments and are a key contributor to successful building rehabilitation and adaptive reuse projects.



IDA incentives in the region are not designed for mixed-use development (historically geared towards commercial office and industrial development).



## • 10.3.2 Public Financing

A variety of public financing options are available for development projects, and many have been utilized in the Buffalo-Niagara Region. The ECIDA has evaluated potential PIF districts around for projects near the Metro Rail corridor as options for funding local infrastructure, and the AIDA is exploring the creation of a PIF District, rather than a project based PIF. BUDC and City of Buffalo have successfully used PIFs including most recently at Seneca One and the surrounding neighborhood.

### Key Takeaways

- PIFs are the most likely financing/value capture option to help with and facilitate TOD projects in the region.
- TIFIA is a potential Federal financing option to assist with surrounding TOD infrastructure.

### Source Overviews

Figure 10-2 describes the public financing options currently available to the local agencies in the Buffalo-Niagara Region.

**Figure 10-2: Public Financing**

Source	Administrator	Description
<b>Erie County Financing Group (Bonds)</b>	ECIDA	Issues tax-exempt bonds through the Internal Revenue Bond, which is a vehicle for tax incentives and private financing. The Erie County Financing Group is public sector lending program sourced with federal funding that can fund construction, but federal requirements come into play. Attracting market rate financing for these deals can be difficult, particularly before funding for transit is secured.
<b>Buffalo Building Reuse Loan Fund</b>	ESD	Low interest gap financing for adaptive reuse and new construction projects in downtown Buffalo through the BUDC but are small (max \$2M awards).
<b>PILOT Increment Financing</b>	BUDC/City of Buffalo	PIF agreements are similar to Tax Increment Financing (TIF) districts but involve the use of PILOTs instead of the property tax levy. TIFs create funding for public or private projects by borrowing against the future increase in these property-tax revenues. Local governments enter into PILOT agreements with the owners of specific redevelopment sites and agree to use a portion of the proceeds to fund related capital improvements.
<b>TIFIA</b>	USDOT (Build America Bureau)	Provides credit assistance via direct loans, loan guarantees, and standby lines of credit to projects of national or regional significance. There is a \$10 million minimum for Transit-Oriented Development and Local Projects. Credit assistance is limited to 33% of reasonably anticipated eligible project costs.

### • 10.3.3 Implementation Example

- **Garvies Point Mixed-Use Development (District-Wide PIF)**

- **Project Type:** A mixed-use district with residential apartments, retail, and office space funded through PIF.
- **Funding and Financing Mechanisms:** The PILOT Increment Financing agreement with the developers was more expansive than a single development site and covered a wider district.
- **Project Partners:** City of Garvies Point, NY; Glen Cove IDA; Local Economic Assistance Corporation; RXR (developer).
- **Key Findings:**
  - Garvies Point is a New York example of utilizing the PIF mechanism for a district-wide, not site-specific, value capture mechanism.

## 10.4 Funding and Financing Programs

Federal, state, and local funding programs can support TOD development and compliment financing solutions. Phase I of the Comprehensive TOD Planning effort took a look at potential funding and financing programs that can be used for infrastructure in support of station areas and TOD. Below is an updated list of funding and financing programs.

**Figure 10-3: Funding and Financing Programs**

Source	Administrator	Description
Federal	Transit Oriented Development Planning Grant Program	Provides funding to projects that integrate land use and transportation planning. Must be a project that is currently seeking or recently received funding through the Capital Investment Grant Program.
	HOME Investment Partnerships Program (HOME)	HOME is the largest federal block grant to state and local governments designed exclusively to create affordable housing for low-income households. HOME funds are awarded annually as formula grants to participating jurisdictions (PJs). The program's flexibility allows states and local governments to use HOME funds for grants, direct loans, loan guarantees or other forms of credit enhancements, or rental assistance or security deposits.

Source	Administrator	Description
Federal	Transit Oriented Development Planning Grant Program	Provides funding to projects that integrate land use and transportation planning. Must be a project that is currently seeking or recently received funding through the Capital Investment Grant Program.
	HOME Investment Partnerships Program (HOME)	HOME is the largest federal block grant to state and local governments designed exclusively to create affordable housing for low-income households. HOME funds are awarded annually as formula grants to participating jurisdictions (PJs). The program's flexibility allows states and local governments to use HOME funds for grants, direct loans, loan guarantees or other forms of credit enhancements, or rental assistance or security deposits.
	Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation (PROTECT)	The Bipartisan Infrastructure Law (BIL) establishes PROTECT Formula Program to help make surface transportation more resilient to natural hazards, including climate change, sea level rise, flooding, extreme weather events, and other natural disasters through support of planning activities, resilience improvements, community resilience and evacuation routes, and at-risk coastal infrastructure.
	Highway Safety Improvement Program (HSIP)	HSIP is a core Federal-aid highway program with the purpose of achieving a significant reduction in fatalities and serious injuries on all public roads, including non-State-owned public roads and roads on tribal land.
	Safe Streets and Roads for All (SS4A)	The BIL established the new SS4A discretionary program with \$5 billion in appropriated funds over the next 5 years. The SS4A program funds regional, local, and Tribal initiatives through grants to prevent roadway deaths and serious injuries.
	Federal Investment Tax Credit Program	Owners of income producing real properties listed on the National Register of Historic Places are eligible for a 20% Federal income tax credit for the substantial rehabilitation of historic properties. The final dollar amount is based on the cost of the rehabilitation; in effect, 20% of the rehab costs will be borne by the Federal government.
	Transportation Infrastructure Finance and Innovation Act (TIFIA) 49 Program	TIFIA is designed to close funding gaps with low-cost, long-term financing and speed the delivery of infrastructure projects. TIFIA 49 authorizes borrowing of up to 49% of eligible project costs for projects that meet eligibility requirements (TIFIA loans have historically been capped at 33%).

Source	Administrator	Description
Federal	Federal Brownfields Cleanup Program	<p>EPA's Brownfields Program provides competitive funding for brownfields projects:</p> <ul style="list-style-type: none"> <li>Cleanup Grants provide funding to carry out cleanup activities at brownfield sites owned by the applicant. Performance period is up to four years. Sites may not receive this funding more than once. Applicants may request up to \$500,000, up to \$1 million or up to \$2 million to address one or more brownfield sites contaminated by hazardous substances, pollutants, contaminants, or petroleum. Applicants may submit only one Cleanup Grant application each competition cycle.</li> </ul>
	Federal Brownfields Revolving Loan Grants	<p>Revolving Loan Fund (RLF) Grants provide funding to capitalize a long-term program for issuing loans and sub-grants that are used to clean up brownfield sites. Key points for how an RLF program operates:</p> <ul style="list-style-type: none"> <li>At least 50 percent of the total award amount must be used for loans and eligible programmatic costs associated with those loans.</li> <li>Repaid loans are returned into the fund and reloaned to other borrowers, providing an ongoing source of capital within the community.</li> <li>RLF programs are designed to operate for many years, possibly decades, and require long-term resource commitments by the grant recipient during the performance period of the cooperative agreement and afterwards, under a closeout agreement.</li> <li>RLF recipients commit to properly managing the program income generated by their RLF program in perpetuity, unless they terminate the agreement and return the program income to EPA (see closeout references linked below). <ul style="list-style-type: none"> <li>A strong understanding of real estate financing principles and approaches, including loan underwriting, loan servicing and credit analysis.</li> <li>The ability to market the RLF program on an ongoing basis, regardless of whether the program is operating under a cooperative agreement or a closeout agreement.</li> </ul> </li> </ul>

Source	Administrator	Description
Federal	Federal Brownfields Revolving Loan Grants (cont.)	<ul style="list-style-type: none"> <li>High-performing RLF recipients who have an open cooperative agreement and meet specific criteria can recapitalize their RLF program by requesting additional EPA funds through the annual non-competitive supplemental funding process.</li> </ul>
	Opportunity Zone Tax Credit	<p>Opportunity Zone Tax Credits are a class of private sector investment vehicles authorized to aggregate and deploy private investment into Opportunity Zones. Opportunity Zones allow U.S. investors holding unrealized gains in stocks and mutual funds to pool their resources in projects located in Opportunity Zones, which will be invested in rebuilding low-income communities.</p> <p>A permanent exclusion from taxable income of capital gains from the sale or exchange of an investment in a qualified opportunity zone fund if the investment is held for at least 10 years.</p>
	New Markets Tax Credits (NMTC)	The New Markets Tax Credit Program permits individual and corporate taxpayers to receive a credit against federal income taxes for making Qualified Equity Investments (QEIs) in qualified community development entities (CDEs).
	Economic Development Administration Public Works and Economic Adjustment Assistance Funding	<p>The Economic Development Administration (EDA) has published the FY 2020 Public Works and Economic Adjustment Assistance Programs Notice of Funding Opportunity (PWEAA NOFO). EDA's Public Works and Economic Adjustment Assistance (EAA) programs provide economically distressed communities and regions with comprehensive and flexible resources to address a wide variety of economic needs. Projects funded by these programs will support work in Opportunity Zones and will support the mission of the Department by, among other things, leading to the creation and retention of jobs and increased private investment, advancing innovation, enhancing the manufacturing capacities of regions, providing workforce development opportunities, and growing ecosystems that attract foreign direct investment.</p> <p>Through the PWEAA NOFO, EDA solicits applications from applicants in order to provide investments that support construction, non-construction, planning, technical assistance, and revolving loan fund projects under EDA's Public Works program and EAA programs (which includes Assistance to Coal Communities). ). Grants and cooperative agreements made under these programs are designed to leverage existing regional assets and</p>

Source	Administrator	Description
Federal	Economic Development Administration Public Works and Economic Adjustment Assistance Funding (cont.)	and support the implementation of economic development strategies that advance new ideas and creative approaches to advance economic prosperity in distressed communities, including those negatively impacted by changes to the coal economy.
	Pedestrian Safety Action Plan (PSAP)	The BIL established the All Stations Accessibility Program to provide funding to upgrade the accessibility of legacy rail fixed guideway transit systems for people with disabilities.
	All Stations Accessibility Program (ASAP)	The RAISE program is geared towards projects that have high local or regional impact. In order to be high impact, several of the projects in the Preferred Station Area Infrastructure Improvement Priorities would likely need to be combined into a package.
	FTA TOD Planning Pilot	The Pilot Program for TOD Planning helps support FTA's mission of improving public transportation for America's communities by providing funding to local communities for corridor-wide planning to integrate land use and transportation planning with a new fixed guideway or core capacity transit capital investment. This Comprehensive TOD Planning process has benefited from two rounds of FTA TOD Planning Pilot grants.
State	Better Buffalo Fund	The Better Buffalo Fund offers two initiatives, (1) Transit Oriented Development, which is a grant and revolving loan fund for up to \$2 million in gap financing for adaptive or infill projects and (2) Buffalo Main Streets Initiative, which is a \$40 million fund to support mixed use projects in the region by considering grant requests from \$50,000 to \$1 million to help revitalize historic downtowns and mixed-use neighborhood commercial districts. There is a focus on grant or revolving loan fund (20% of project) adaptive reuse and infill projects. ESD does not fund pre-development costs.
	State Consolidated Funding Application	The New York State Consolidated Funding Application (CFA) program is a single streamlined source for a variety of funding programs. The CFA allows applicants to access multiple state funding sources through one application.
	New York Clean Transportation Prizes	This program seeks to electrify transportation, reduce air pollution, and enhance clean mobility in underserved communities.



Source	Administrator	Description
State	Small Building Participation Loan Program (PLP)	The program provides gap project financing assistance acquisition, capital costs and related soft costs associated with the preservation and improvement or new construction of rental properties in buildings of 5 to 50 units located outside of New York City. HCR subsidy is combined with bank financing from a participating private institutional lender, resulting in a lower blended financing cost.
	New York State Low Income Housing Tax Credit (SLIHC)	SLIHC is modeled after the federal LIHC program with the following exceptions; SLIHC assisted units must serve households whose incomes are at or below 90 percent of the area median. SLIHC provides a dollar-for-dollar reduction in state taxes to investors in qualified low-income housing which meet the requirements of Article 2-A of the Public Housing Law.
Other	FHWA Funding Administered through GBNRTC's Transportation Improvement Program (TIP)	GBNRTC maintains the TIP for all federally funded transportation projects using a prioritization process for highway, transit, bicycle, pedestrian, and demand management/ air quality projects. Many of the projects identified in the Preferred Station Area Infrastructure Improvement Priorities are eligible for funding through the TIP utilizing a range of FHWA and/or FTA funds.
	General Obligation Bonds	The Pilot Program for TOD Planning helps support FTA's mission of improving public transportation for America's communities by providing funding to local communities for corridor-wide planning to integrate land use and transportation planning with a new fixed guideway or core capacity transit capital investment. This Comprehensive TOD Planning process has benefited from two rounds of FTA TOD Planning Pilot grants.

## 10.5 POTENTIAL NEW AND EMERGING FUNDING AND FINANCING OPTIONS FOR TOD

New and emerging tax incentives, funding, and financing mechanisms are outlined in this section that could complement the existing funding and financing tools already used in the region. These new options were sourced from best practices across the country, some of which had been used locally as well.

Figure 10-4 describes new funding and financing tools for the Niagara region.

**Figure 10-4: New Funding and Financing Sources**

Title	Description	Example
<b>General Obligation bonds for TOD</b>	General obligation bonds are backed by the “full faith and credit” of the issuer rather than the revenue from a specific project and can therefore be used to finance infrastructure that does not generate revenue. General obligation bonds are tax-exempt but will need a revenue source to repay.	In 2016, King County, WA approved a 5-year TOD bond program to fund \$87 million in TOD housing projects through a competitive RFP process. The County bonded against 37.5% of its hotel tax revenues.
<b>Partnerships</b>	Developing partnerships with anchor institutions or philanthropic organizations can result in funding or low-cost financing options for TOD.	The Central Corridor Funders Collaborative (CCFC) was created as a partnership of 12 local and national philanthropic organizations to catalyze TOD development along Minneapolis’ Central Corridor LRT,
<b>Developer Contributions</b>	Developer contributions are determined on an ad hoc basis as part of the development approval process. They often take the form of one-time land transfers or cash payments but may also be used to contribute to the financing of transit stations, local roads, sidewalks, streetlights, and local water and sewer lines.	The Action 29-New York Avenue Metro Station Corporation was formed by major developers, area property owners, corporate business leaders, and community leaders for the purpose of leveraging private investments for WMATA’s NoMa - Gallaudet U Metrorail Station. \$10 million of land was amortized over 30 years and donated to the project, reducing property acquisition costs.
<b>Joint Development</b>	Joint development is used when the local government or transit agency owns the land in proximity to a station and lease it to a private developer. This provides an income stream for the landowner and is often more financially viable for the developer.	Joint development is used when the local government or transit agency owns the land in proximity to a station and lease it to a private developer. This provides an income stream for the landowner and is often more financially viable for the developer.

<b>Transportation Utility Fees</b>	A transportation Utility Fee (TUF) is a monthly fee based on use of the transportation system that is paid on an ongoing monthly basis like a utility bill. The fee is calculated on estimated trip generation rates for different land uses. A TUF can be bonded against.	In Oregon City, the City could no longer rely solely on the State Highway Fund for enough funding to maintain city street and implemented a TUF as the preferred alternative for a supplemental funding source to manage the City's street infrastructure investment.
------------------------------------	--	---

## • 10.5.1 JOINT DEVELOPMENT

The University at Buffalo (UB) Medical Campus TOD Joint Development was an innovative use of land surrounding a Metro Rail station. Joint development is used when the local government or transit agency owns the land in proximity to a station and leases it to a private developer. This provides an income stream for transit enhancements and is often more financially viable for the developer.

### **Allen/ Medical Campus Station Joint Development Example**

Construction of the UB Jacobs School of Medicine and Biomedical Sciences incorporated the Allen/ Medical Campus Metro Rail station. The project scraped off the top of the Metro Rail station building and incorporated it into a new public space and connections to the building and surrounding buildings. This agreement led to the development of a new medical school facility integrated with the station. This project involved NFTA, UB, HOK (architect) and LPCiminelli (Contractor).

Interviews were held with NFTA staff to understand the Joint Development process and to identify challenges overcome as part of the Allen/ Medical Campus project that needed to be overcome. This led to a proposed work plan of improving the Joint Development process for future projects.

The following is a summary of the process and challenges overcome throughout the Allen/ Medical Campus project.

- There is no entity within NFTA to lead Joint Development projects.

- The Allen/ Medical Campus project was spearheaded by the NFTA Legal Department; Engineering was involved during construction.
- There is a need for coordinated Joint Development/ TOD standards and overall work plan for NFTA to follow so that they are consistent for all projects and not created on a project by project basis. The work plan should give direction to NFTA inter-departmental coordination and provide compensation for plans review and other operating costs.
- For future Joint Development projects, NFTA would be looking to maintain land ownership and lease air rights. Through this, there is the potential to create performance standards through operating and maintenance agreements.
- The ideal situation would be for NFTA to assign a dedicated engineer to Joint Development/ TOD projects, involve NFTA staff earlier in the process, and mandate developer concessions to upgrade NFTA infrastructure. If a solid contract is in place, NFTA can begin to realize capital improvement and operations and maintenance savings.
- Current revenue generating projects, such as agreements and Joint Development projects, have their revenue put into a general fund rather than a dedicated fund for capital improvements at the station area.
- It would be difficult for NFTA to bring capital resources to a Joint Development/ TOD project. Would rely heavily on private equity and/or other public subsidies.

## Key Findings:

- NFTA should develop a Joint Development/ TOD work plan that places a standardized policy in place for all projects.
- Buffalo and Erie County Industrial Land Development Corporation (ILDC) could manage early site prep and infrastructure, then sell the site for development. BUDC and City of Buffalo can work closely with NFTA, who owns certain land at stations.
- NFTA should progress its MOU with the City of Buffalo for the LaSalle Station for joint development, as well as advance due diligence occurring prior to an RFP being released.

## 10.6 VALUE CAPTURE REGIONAL STRUCTURES

The original scope of the Phase II effort placed a heavy emphasis on evaluating various value capture structures for the region. Several conversations were held with financial and development stakeholders in the region to discuss the potential for a regional TOD value capture structure.

This section outlines the value capture structure developed and evaluated based on the input received from stakeholders/ The overwhelming feedback that stakeholders, and ultimately the TOD Coordinating Committee provided is that each municipality is comfortable in their own economic development services and that municipal leaders are not ready for a regional value capture strategy. Thus, the TOD Coordinating Committee ultimately decided to start with coordination of planning activities in the short-term, and possibly work towards a longer-term vision on regional collaboration.

Nonetheless, this chapter outlines various regional structures that were developed to facilitate eTOD along the Metro Rail corridor. These frameworks were designed to serve as effective tools in realizing TOD's potential. Potential benefits of adopting a regional structure are:

- Focused Advocacy for TOD.
- Single Point of Contact to Optimize TOD Resources.
- Collaborative Process to Meet Regional Equity Goals.
- Predictable Developer Intake Process; Consistent Protocols.
- Transparency in Project Finance Structures.
- Regional Collaboration Increases Potential for FTA Funding

Subsequently, a comprehensive review process in collaboration with economic development stakeholders was done to discern the merits of the proposed regional structures, identifying concepts worthy of further exploration and study. Concurrently, efforts were directed towards identifying and engaging appropriate lead agencies to oversee the implementation of these promising TOD governance models. This collaborative approach sought to harmonize expertise and resources, with the ultimate aim of fostering effective and cohesive regional planning while capitalizing on the intrinsic potential of Transit-Oriented Development.

### • 10.6.1 OPTION 1: EMPIRE STATE DEVELOPMENT SUBSIDIARY MANAGEMENT

**Structure:** An Empire State Development Subsidiary would manage TOD development along the Metro Rail corridor

**Benefits:**

- Ability to have coordinated, focused, and expedited development of TOD.

- Can conduct expedited General Project Plan (GPP) approval process.
- Property tax exempt status and the use of PILOT/ PILOST/ PIF for debt service.
- Can use Better Buffalo Fund and become de facto conduit for TOD funds.
- Provide access to pooled funding, potentially lowering risk and cost of capital.
- Act as a conduit for tax-exempt bond financing within Private Activity Bond Allocation.
- Provide tax incentives, primarily abatement- effective for lowering cost.
- Has county-wide jurisdiction and can act as multi-jurisdictional broker

## ● 10.6.2 OPTION 2: ERIE COUNTY IDA MANAGEMENT

**Structure:** ECIDA manages TOD along the corridor and uses its Regional Development Corporation and Land Development Corporation to effectuate TOD.

### **Benefits:**

- Ability to have coordinated, focused, and expedited development of TOD
- Property tax exempt status and the use of PILOT/ PILOST/ PIF for debt service
- Opportunity for multi-jurisdictional districts
- Regional composition of Board
- Local knowledge and experience in economic development
- Eliminate potential conflict between sites/ looking to maximize economic development potential

- Act as a conduit for tax-exempt bond financing within Private Activity Bond Allocation
- Provide tax incentives, primarily abatement- effective for lowering cost
- May have some TOD-benefiting flexibility in use of funds
- Has county-wide jurisdiction and can act as multi-jurisdictional broker

## ● 10.6.3 OPTION 2A: HYBRID OF ECIDA AND LOCAL DEVELOPMENT ENTITIES

**Structure:** Hybrid ECIDA and Local Development Entities (Amherst IDA and BUDC) managing TOD throughout the Metro Rail corridor.

### **Description:**

- For ESD or ECIDA managed sites, same as previously outlined
- Even though not as coordinated as a single entity, provides for more coordination than current TOD structure
- Allows pre-development of certain sites already underway to continue
- Allows for more local control
- Hybrid structure may be a quicker, less controversial structure
- Local knowledge and experience in economic development
- Can provide tax incentives, primarily abatement- effective for lowering costs

## ● 10.6.4 OPTION 3: CONTINUE INDIVIDUAL DEVELOPMENT ENTITY MANAGEMENT

**Structure:** No regional governing structure – all entities (ECIDA, Amherst IDA, BUDC) continue to be involved in their own TOD, essentially the current condition.

### Description:

- Ultimate local control
- Property tax exempt status and the use of PILOT/ PILOST/ PIF for debt service
- Local knowledge and experience with economic development
- Can provide tax incentives, primarily abatement- effective for lowering costs
- Acts as conduit for state and federal funds
- Local control of TOD process

Meetings with financial stakeholders in the region were held in 2021 to discuss various governance structures that were developed to facilitate TOD and to better coordinate regional planning for TOD. Based on the discussions during these calls, Option 2a and Option 3 had the greatest support among economic stakeholders. These options would allow the continued local adoption and prioritization of projects that are important to the local community while engaging the regional collaboration that each thought was needed. There was consensus that there should be a structure that can focus on TOD – whether that is a working/committee group formed through a Memorandum of Understanding or a formal new entity. For Option 3, stakeholders noted the need for a TOD committee to provide guiding principles and TOD tools. A TOD committee could also advocate for needed changes to legislation to allow IDA's the ability to incentivize TOD projects. There was acknowledgment that TOD does not mean the same to all developers, and that TOD guidance can help with meeting the region's goals.

In addition, it was noted that there is not a “one size fits all” approach for various parts of the corridor because the needs vary greatly throughout the entire corridor. There is a need for an understanding of how individual projects fit into a regional goal.

### Economic stakeholders noted the following concerns with Option 1a and Option 1b.

- **Staffing** – there is a lack of confidence that this would be staffed by the state and would need direct allocation and a budget.
- **A Home Rule state** – there are concerns about abdicating local control to the state, due to lack of trust and political will.
- **ESD subsidiary managed sites** – this would not apply to most of the corridor, as sites are privately owned. On larger projects, ESD could still be in the line of title to facilitate TOD projects without the need for the structure in Option 1a and 1b. There is a need for continued ownership of individual local projects.
- **Zoning** – individual municipalities have recently spent time and effort to create new zoning that meets the vision of their community, and there would be concerns for something that would override recent zoning efforts.
- **Incentive** – there does not seem to be a great advantage to Option 1. All of the power and tools exist at the local level and could be collaborated through one of the other options.
- **Political will** – All participants indicated that their administrations would not support any abdication of local power to a state or regional entity but acknowledged that there would likely be support for regional collaboration to promote consistent TOD vision and goals.

There were similar concerns raised for Option 2a in that municipalities didn't want to abdicate any local 'Home Rule' powers to a regional entity. Participants were more comfortable with Option 2b in that it allows for local control of projects and, when needed, greater involvement from ECIDA. This option, as well as Option 3, introduce much needed regional collaboration on the direction and goals the region should be promoting when it comes to TOD.



## Sample Structure Build Out: Unsolicited Proposal

**Key Component:** Typically, private site control

**Sample Project:** One Seneca

**Benefits of a TOD Entity:**

- Single point of contact for developers
- Lead for Coordination between stakeholders
- Advocate for TOD goals during entitlement negotiations



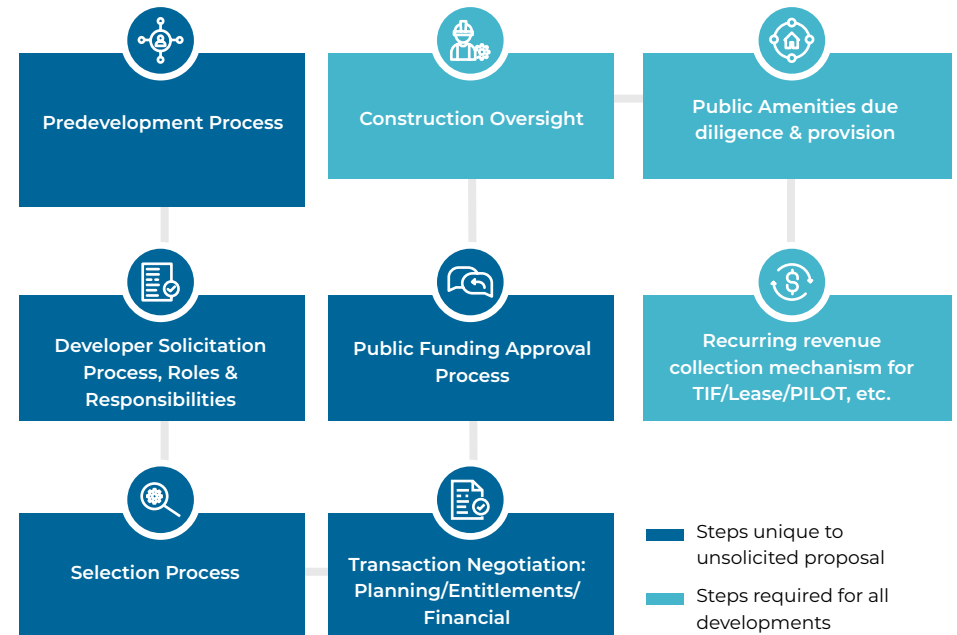
## Sample Structure Build Out: RFP Solicitation

**Key Component:** Public site control

**Sample Project:** LaSalle Station

**Benefits of a TOD Entity:**

- Single point of contact for potential developers
- Lead for Coordination between stakeholders
- Define TOD goals within RFP



## 10.7 CONSIDERATIONS FOR FURTHER INVESTIGATION

The following policy and legislative recommendations can be considered by NFTA and other regional stakeholders to advance eTOD in the region.

### • 10.7.1 IDA POLICY CHANGES

IDAs in the region that were interviewed noted that the restrictive regulatory environment surrounding IDA incentives has not kept pace with business preferences toward denser mixed-use development. For example, current state regulation hinders tax incentive support for service and retail businesses within mixed-use development. More flexible eligibility would further incentivize new business locations along the Metro Rail corridor and allow for more robust placemaking efforts.

**Action Item:** A public information campaign should be developed to support the changes described above. This campaign could: 1) garner support for these changes, and 2) educate local developers on the benefits of existing incentives.

### • 10.7.2 PIF DISTRICT DEVELOPMENT

As mentioned, PIF districts have the potential to be used in lieu of TIF districts for incentivizing TOD along the corridor. IDAs and BUDC can structure a station area or corridor wide PIF district as well as outline the structure of such PIF district.

**Action Item:** Use TOD Coordinating Committee to convene a focus group to understand the potential for a corridor wide PIF district from a government/ IDA standpoint as well as appetite for PIF districts from the private development sector.

### • 10.7.3 EXPANDING USE OF ECIDA LAND DEVELOPMENT

The ECIDA currently uses its Buffalo and Erie County Industrial Land Development Corporation to buy, assemble, and prepare land for industrial development. Ideally, this Land Development Corporation would be used to undertake the same to prepare land for TOD; however, state regulations currently limit use of the Land Development Corporation to industrial economics development purposes only. This effort could be coordinated with the Buffalo Erie Niagara Land Improvement Corporation (BENLIC) to purchase, hold, and dispose of smaller infill parcels adaptable for affordable housing development near Metro Rail stations.

**Action Item:** Work with ECIDA and AIDA to identify the potential to utilize Land Development Corporations as a way to buy, assemble, and prepare land for TOD, and identify revisions to state statutory regulations that would be needed to accommodate such.

## 10.8 NEW YORK HOUSING COMPACT

This section includes a review of the New York Housing Compact Fund as well as possible opportunities for the Metro Rail corridor if the program is advanced across the state.

**The Housing Compact Fund** is a comprehensive policy package introduced by Governor Kathy Hochul aimed at addressing the affordable housing crisis in New York State. The plan aims to increase the supply of affordable housing units through a combination of funding and streamlined approval processes. The plan aims to create 800,000 new housing units over a three-year cycle, with a 3% target for downstate municipalities and a 1% target for upstate communities.

It offers fast-track approval for housing projects that meet specific criteria, such as a minimum number of homes and affordability requirements, encouraging developers to invest in affordable housing construction.

## ● 10.8.1 COMPONENTS

### **Tax Exemptions**

To encourage developers and organizations to engage in affordable housing projects, the Housing Compact Fund offers a range of incentives. These incentives can take various forms, including financial incentives, regulatory relief, and expedited approval processes. Some incentive modifications include:

- Revise PILOT rules via regulations, excluding residential PILOTs from the tax cap calculation.
- Authorize property tax exemptions in areas outside of NYC to incentivize affordable housing.
- Establish property tax exemptions specifically for ADUs, similar to the existing home improvement exemption.
- Encourage affordable units in commercial conversions within NYC.
- Grant exemptions for capital investments in existing affordable residential buildings in NYC.

### **Zoning**

The plan calls for strategic zoning amendments to facilitate the construction of affordable housing units. By revising existing regulations and adopting policies that encourage the integration of affordable housing in various neighborhoods, the Compact Fund seeks to overcome the barriers that have historically impeded such developments. Strategies include:

- Legalize accessory dwelling units (ADUs).
- Facilitate lot splits.

- Eliminate exclusionary measures, such as minimum lot size requirements, unreasonable height limits, lot coverage restrictions, and parking minimums.
- Implement smart growth strategies, rezoning one-third of developed land in a municipality to accommodate 25 units per acre.
- Enable adaptive reuse rezoning, allowing residential density of at least 25 units per acre in a minimum 100-acre area that was previously designated only for commercial use.

### **Fast Track Approval**

Localities that successfully meet growth targets or have implemented independent actions in previous years will be granted Safe Harbor status, exempting them from the builder's remedy in the subsequent cycle. This provides an incentive for localities to take proactive measures and engage in preferred actions to address housing needs and avoid potential consequences in the builder's remedy process.

In cases where a municipality or community district has not carried out rezonings within a 3-year cycle, a fast-tracked approval process is activated. If a developer's project is denied, they have the option to initiate a fast-track appeal, either through a state-level Housing Review Board (HRB) or the courts. To be eligible for the fast-track process, projects must meet certain criteria, including a minimum number of homes (10 in Upstate or 20 in Downstate) and a minimum affordability requirement (20% of units at or below 50% AMI or 25% of units at or below 80% AMI), or include supportive housing. The projects meeting these conditions must be approved, except if the locality demonstrates valid health/safety reasons for denial, implemented two Preferred Actions or hit growth targets in the previous three-year cycle, constructed enough units to meet the growth target, or the project was ineligible for the fast-track process.

## • 10.8.2 PROGRAM POSSIBILITIES

While New York's Housing Compact Fund is unique to its specific challenges and goals, it reflects a broader trend across the country of using tax incentives, growth targets, and streamlined processes to address housing shortages and affordability issues. The compact combines ideas and best practices from various states to develop a comprehensive plan to tackle housing challenges in New York State. Some of the states that have influenced aspects of New York's Housing Compact include:

- **California:** California's housing policies have been a significant influence on New York's Housing Compact, particularly in terms of growth targets and transit-oriented development. Similar to New York's approach, California has set ambitious housing production goals and implemented streamlined approval processes to address housing shortages.
- **Illinois (Chicago):** Chicago's "LaSalle Reimagined" program, which offers Tax Increment Financing (TIF) to developers pursuing downtown office-to-residential conversions, has likely inspired aspects of New York's focus on commercial developments.
- **Washington (Seattle):** Washington's proposal for a \$970 million tax levy covering all real property to fund affordable housing reflects the emphasis on tax incentives to address housing affordability issues, an approach also seen in New York's Affordable Housing Rehabilitation Program (AHRP).

## • 10.8.3 ADAPTABILITY IN WESTERN NEW YORK

### Zoning Updates

Municipalities surrounding the existing and proposed Metro Rail corridor have varying ideas on what appropriate housing looks like for their community. This aligns with the growth goals of the Housing Compact which encourages cities, towns, and villages to customize the rezoning regulations concerning housing capacity to align with the unique needs of their community.

### Increased Density around Transit

Downstate municipalities are required to establish zoning regulations for minimum average densities near train stations offering regular service. **The scope of this requirement could be expanded to include regions served by rail, including NFTA in the Buffalo-Niagara Region.**

### Tiered densities for Transit Oriented Development

Taking inspiration from the Compact Funds proposed tiered density requirements tied to commuting distance, the Buffalo-Niagara Region could adopt tiered density requirements based on proximity from transit stations and the character of the street it fronts.

Figure 10-5: Photo Examples of Residential Densities

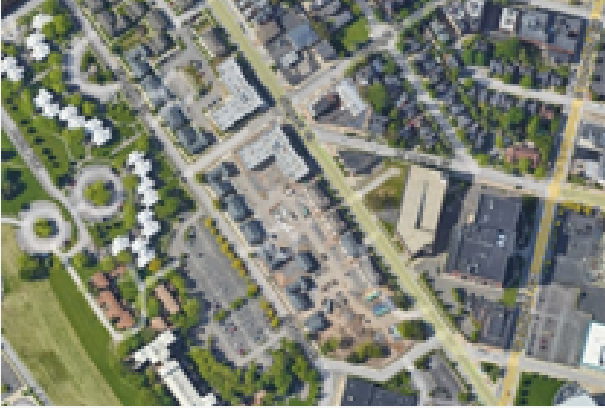





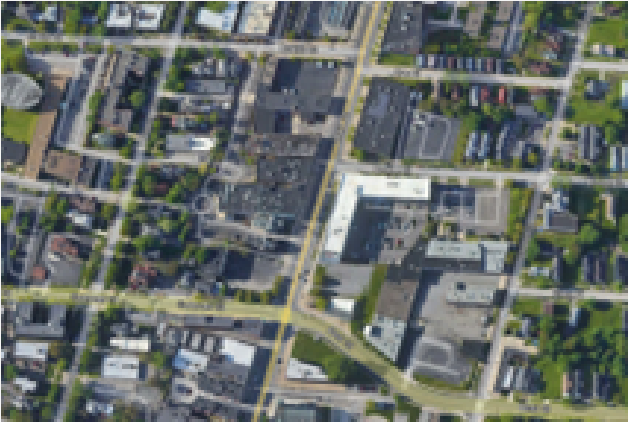

Typography	Density	Aerial View of Density	Typical Housing Type
Residential street, Suburban area, within ½ mile of transit station	15 homes/acre		 Townhomes or Rowhouses 208 Niagara Street
Residential street, Suburban area, within ¼ mile of transit station	20 homes/acre		 Two- or Three-story Cluster Buildings 89 Lasalle Avenue

Figure 48: New Funding and Financing Sources

Typography	Density	Aerial View of Density	Typical Housing Type
Residential street, Urban area, within ¼ mile of transit station	30 homes/acre		 <p>Four or Five Story Building 2915 Main Street</p>
Commercial street, Urban area, within ¼ mile of transit station	50 homes/acre		 <p>Mid-Rise Building 1155 Main St</p>



## Regional Progress

- The City of Buffalo has committed to ensuring that 40% of its housing units are permanently affordable.
- During 2022, Buffalo experienced a substantial surge in development, particularly noticeable in East and West Buffalo, where investments surpassed \$300 million. As part of its efforts to foster growth, the city promoted investment in numerous East Buffalo neighborhoods, encouraging collaborations with minority developers.
- An eTOD Housing Strategy was outlined as a part of the TOD Strategic Implementation Plan and identified several goals that are complimentary to the Housing Compact policy.
  - The housing compact is focused primarily of increasing rental units while the fund also prioritizes the Increase home ownership opportunities for moderate income households by suggesting the use of pattern books to facilitate pre-approved housing. Additionally, they suggest targeting homeownership program resources to Metro Rail station areas.

The housing strategy aims to retain long-time area residents and support their needs. Proposed policy to facilitate improved quality of life is pursuing programs for both long term wealth creation and housing affordability. Additionally, to target public acquisition & vacant land disposition on affordable housing surrounding the metro corridor.
- Support local small business retention and expansion targeting resources to existing and future small locally owned businesses along the corridor. Additionally, the strategy echoes the Compact Funds strategy to convert commercial property into residential and proposes that municipalities facilitate the acquisition and redevelopment of commercial properties for mixed use/mixed income redevelopment.
- Foster intergovernmental partnerships, cooperation, and coordination through the formation of a TOD Coordinating Committee.
- Prioritize partnerships with local minority developers for eTOD project delivery is a practice that is growing in the area and can be strengthened through explicit procurement policy priorities for minority developers. Additionally, municipalities should provide sustained outreach and follow-up to ensure that minority developers are finding and following through with development opportunities