

DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT

April 15, 2009

Comprehensive Plan and Zoning Amendments

City of Niagara Falls, Niagara County, New York

Lead Agency:

**City Council of the City of Niagara Falls
745 Main Street, PO Box 69
Niagara Falls, New York 14302
Contact: Tom DeSantis, Senior Planner
Phone: 716-286-4470**

Prepared by:

**Behan Planning Associates, LLC
274 North Goodman Street, Suite B260
Rochester, New York 14607
Contact: Lawrence Bice
Phone: 877-698-6429**

Date of Acceptance:

Public Hearing:

Comments Due:

TABLE OF CONTENTS

	<i>Page</i>
I. INTRODUCTION	
A. Proposed Action	I-1
1. Comprehensive Plan	I-1
2. Amendments to the Zoning Code	I-6
i. New and Revised Zoning and Overlay Districts	I-6
ii. New and Revised Zoning District Regulations	I-8
iii. Zoning Administration Revisions and Additions	I-25
iv. Editorial Revisions	I-26
B. State Environmental Quality Review Procedure	I-27
C. Background	I-28
D. Project Purpose and Need	I-29
E. Mitigation Measures	I-30
F. Alternatives Considered	I-30
G. Issues of Controversy	I-31
H. Required Approvals and Circulation List	I-31
II. ENVIRONMENTAL SETTING	
A. Introduction	II-1
III. POTENTIAL IMPACTS	
A. Land Use and Zoning	III-1
1. Existing Conditions	III-1
a. Land Use	III-1
b. Zoning	III-1
c. Local and Regional Plans	III-2
2. Potential Impacts	III-4
B. Community Character	III-5
1. Existing Conditions	III-5
2. Potential Impacts	III-6
C. Demographics	III-7
1. Existing Conditions	III-7
a. Population	III-7
b. Age	II-7
c. Housing	II-8
2. Potential Impacts	III-9
D. Community Economics	III-10
1. Existing Conditions	III-10
2. Potential Impacts	III-10
E. Transportation	III-10
1. Existing Conditions	III-11
2. Potential Impacts	III-12

F.	Natural Resources	III-13
1.	Niagara Falls / Niagara River Gorge	III-13
2.	Wetlands	III-14
3.	Floodplain	III-14
4.	Threatened / Endangered Species	III-14
G.	Air Quality	III-14
IV.	MITIGATION	
A.	Land Use and Zoning	IV-1
B.	Community Character	IV-1
C.	Demographics	IV-2
D.	Community Economics	IV-2
E.	Transportation	IV-2
F.	Natural Resources	IV-4
1.	Niagara Falls / Niagara River Gorge	IV-4
2.	Wetlands	IV-4
3.	Floodplain	IV-5
G.	Air Quality	IV-6
V.	ALTERNATIVES	
A.	Introduction	V-1
B.	"No-Action" Alternative	V-1
C.	Unfocused Development	V-1
D.	Transportation Without Pedestrian Friendly, Greenway Linkages	V-2
E.	Modified Rezoning	V-2
1.	Building Heights and other Design Standards	V-3
2.	Setback Requirements in Downtown and Commercial Districts	V-5
3.	Minimum Lot Area and Non-Conformity	V-5
4.	Surface Parking	V-6
VI.	OTHER ISSUES	
A.	Unavoidable Adverse Impacts	VI-1
B.	Irreversible and Irretrievable Commitment of Resources	VI-1
C.	Growth Inducing Impacts	VI-2
D.	Effects on the Use and Conservation of Energy	VI-2
E.	Issues of Controversy	VI-2

LIST OF TABLES

	<u>On or Follows Page</u>
1. Existing and Proposed Zoning Districts – Summary Table	I-7
2. Existing and Proposed Residential Zoning Districts	I-9
3. Bulk Standards: Existing and Proposed Residential Zoning Districts	I-10
4. Significant Changes to Permitted Uses in Proposed Residential Zoning Districts	I-12
5. Existing and Proposed Downtown Zoning Districts	I-14
6. Existing and Proposed Commercial Zoning Districts	I-15
7. Bulk Standards: Existing and Proposed Downtown Zoning Districts	I-16
8. Bulk Standards: Existing and Proposed Commercial Zoning Districts	I-18
9. Significant Changes to Permitted Uses in Proposed Downtown Zoning Districts	I-19
10. Significant Changes to Permitted Uses in Proposed Commercial Zoning Districts	I-20
11. Existing and Proposed Industrial & Business Park Zoning Districts	I-21
12. Bulk Standards: Existing and Proposed Industrial Zoning Districts	I-21
13. Significant Changes to Permitted Uses in Proposed Industrial Zoning Districts	I-23
14. Existing and Proposed “Other” Zoning Districts	I-24
15. Bulk Standards: Existing and Proposed “Other” Zoning Districts	I-24
16. Significant Changes to Permitted Uses in Proposed “Other” Districts	I-25
17. Land Uses by Parcels, City of Niagara Falls, 2005	III-1
18. Population Change 1980 –2004	III-7
19. Age Cohorts, Niagara Falls, Niagara County and New York State, 2000	III-7
20. Population by Age Cohort, Niagara Falls and New York State, 1990 -- 2000	III-8
21. Average Household Size, City of Niagara Falls, Niagara County, New York State, 1980 – 2000	III-8
22. Household Types, Niagara Falls, Niagara County, New York State, 2000	III-9

LIST OF FIGURES (follows Section VI)

1. Proposed Zoning
2. Proposed Waterfront Overlay District
3. Proposed Design Overlay District
4. Existing and Proposed Single Family Detached Districts
5. Existing and Proposed Two Family Districts
6. Existing and Proposed Multifamily Districts
7. Proposed R4 Heritage District
8. Nonconforming Lots with Respect to Lot Area, *Existing* Zoning
9. Nonconforming Lots with Respect to Lot Area, *Proposed* Zoning
10. Nonconforming Lots with Respect to Lot Width, *Existing* Zoning
11. Nonconforming Lots with Respect to Lot Width, *Proposed* Zoning
12. Existing and Proposed Downtown Districts
13. Existing and Proposed Neighborhood Commercial Districts
14. Existing and Proposed Traditional Commercial Districts
15. Existing and Proposed General Commercial Districts
16. Existing and Proposed Industrial Districts

SECTION I

Introduction

I. INTRODUCTION

A. PROPOSED ACTION

The Proposed Action consists of two main elements: 1) adopting the Comprehensive Plan, and 2) adopting amendments to the Zoning Code, which implement many of the objectives and policies set forth in the Comprehensive Plan with respect to land use.

1. Comprehensive Plan

The City of Niagara Falls Comprehensive Plan (the “Comprehensive Plan”) forms the basis for the revitalization of the City of Niagara Falls and the proposed zoning amendments that will serve to implement many of its recommendations. The Comprehensive Plan establishes a framework capable of directing positive change over the long term. It identifies a set of planning principles to guide decision-making, and recommends general strategies, specific renewal programs and action projects that focus on strengthening the city.

The City of Niagara Falls recognizes that the contemporary challenges and opportunities facing the city are complex, often interrelated and that they cannot be addressed overnight or by a single project or program. Therefore, a sustained strategy of focused, incremental and targeted efforts, programs and strategies is needed across the community to create a more attractive quality of life and improve the economic circumstances of the city and its residents.

Principles for Renewal

The Comprehensive Plan sets forth the following *Eight Principles for City Renewal*:

1. Build on core assets;
2. Develop the waterfront: its recreation, adjacencies and cultural potential;
3. Create green streetscape connections that link the riverfront amenities to the city, its neighborhoods and main streets;
4. Prioritize residential development: revitalize neighborhoods and make living in the Core City attractive;
5. Plan to become a more compact, attractive and manageable city;
6. Commit to sustained small-scale incremental change, design excellence, and authentic place making;
7. Carefully target ‘catalyst projects’ to ignite renewal efforts and encourage private sector interest and reinvestment; and
8. Build strategic partnerships and promote a common agenda to undertake ‘catalyst’ projects.

Recommendations

Recommendations in the Comprehensive Plan essentially fall into two categories, those pertaining to the downtown area of Niagara Falls – the “Core City” strategies – and those pertaining to the city as a whole – the “Citywide Policies”.

The Core City Strategies identify targeted initiatives specific to a site or issue within downtown Niagara Falls. Many are project oriented, such as: “Undertake an integrated land use and transportation improvement project to redesign and reconfigure the Robert Moses Parkway (Strategy 4.2.2.2)” and “Support the Reuse of the Customs House as the IRS-ITC and Visitor Orientation Center (Strategy 4.2.1.1).” All relate back in some fashion to the abovementioned *Principles for Renewal*. As discussed more fully below in Section I(B) of this DGEIS, approval of the Comprehensive Plan or Zoning Amendments does not constitute approval of any specific initiatives targeted for the Core City in the

Comprehensive Plan. Any such future project-and/or site-specific proposals will require the preparation of a supplemental or site-specific EIS if the particular proposal was not addressed or was not adequately addressed in the anticipated Final GEIS for the Comprehensive Plan and Zoning Amendments, and will, of course, be subject to all other necessary federal, state and local approvals.

The citywide policies, on the other hand, establish a broad framework for the revitalization of key components of the City’s urban environment. Specifically, the citywide strategies have been organized into the following nine policy areas:

1. Land Use
2. Historic Resources
3. Built Environment
4. Environmental and Open Space Resources
5. Transportation
6. Economic Development and Tourism
7. Housing
8. Brownfield/Greyfield Development
9. Waterfront Development

Each of the above are important components of a healthy urban city. The more generalized Citywide Policies, building on the Core City Strategies, outline recommendations for major components of the city as a whole. As such, they represent ongoing or continuous programs that must be established, managed and monitored over time and will require financial and personnel resources.

While the Comprehensive Plan itself should be consulted for the full extent and scope of the many recommendations it makes, the following, selected Citywide Policies, which by no means constitute an exhaustive list, are particularly pertinent to land use issues and provide the basis for many of the proposed zoning code amendments:

(SECTIONS 7.X OF COMPREHENSIVE PLAN)

7.1 POLICY AREA 1 LAND USE

- | | |
|---------------------|--|
| Policy 7.1.1 | Conserve and strengthen existing residential neighborhoods |
| Policy 7.1.2 | Encourage a pattern for new development that incorporates a mix of uses at a variety of densities. |
| Policy 7.1.3 | Pursue a “fine grained” approach to land use that allows uses to mix and benefit from one another. |
| Policy 7.1.4 | Strengthen the Core City by encouraging higher density development that encompasses a mix of uses that supplies services to residents, especially to adjacent neighborhoods, as well as to tourists. |
| Policy 7.1.5 | Encourage development that supports an accessible waterfront from waterfront adjacent districts which offer a mix of uses and connections to other land use districts – such as nearby neighborhoods, parks, greenways or trails, etc. |
| Policy 7.1.6 | Maintain and enhance natural areas and open space while also providing connections and which may promote alternative forms of transportation. |
| Policy 7.1.7 | Encourage commercial and light industrial uses only where most appropriate. |
| Policy 7.1.8 | Encourage and support alternative or interim land uses and creative site planning solutions in vacant and/or underutilized industrial areas that support the City’s overall renewal vision and strategy. |

- Policy 7.1.9** Retain public sector functions, uses, and institutions in centralized locations.
- Policy 7.1.10** Coordinate the City’s land use vision with its transportation policies and projects to encourage and support the connection between development and transportation for both resident and tourist populations.
- Policy 7.1.11** Employ land use policy to solve and prevent transportation related issues, such as traffic congestion and land use related issues, such as parking.
- Policy 7.1.12** Undertake and adopt future area- and/or issue-specific plans, as needed.

7.2 POLICY AREA 2 HISTORIC RESOURCES

- Policy 7.2.1** Identify and protect the City’s cultural, natural, and historic resources and structures.
- Policy 7.2.2** Identify, conserve and replicate successful, historic elements of design in existing neighborhoods, including both new development and reinvestment in existing structures and infrastructure:
- Policy 7.2.3** Encourage the adaptive reuse of historic structures.
- Policy 7.2.4** Celebrate and interpret the City’s many historic, cultural, and archeological heritage resources.

7.3 POLICY AREA 3 BUILT ENVIRONMENT

- Policy 7.3.1** Maintain and replicate the City’s scale and urban form where appropriate, while creating opportunities for increased densities elsewhere.
- Policy 7.3.2** Enhance the City’s streetscape and important gateways to and from neighborhoods.
- Policy 7.3.3** Enhance the pedestrian environment and experience through design and amenities that support pedestrian movements, for both the able and disabled population.
- Policy 7.3.4** Protect the City’s scenic views and encourage development that complements the City’s natural resources and its desired community character.
- Policy 7.3.5** Mitigate the negative impacts of vacant and abandoned properties.
- Policy 7.3.6** Focus City funds for infrastructure repairs and maintenance to areas identified as necessary to support the City’s renewal and revitalization efforts and to better align service delivery and maintenance of the City’s infrastructure with actual needs until new growth requires renewed expansion and investment.
- Policy 7.3.7** Limit height and density along the waterfront in order to protect and maintain the natural context and experience of the river setting while maximizing the availability of scenic views.

7.4 POLICY AREA 4 ENVIRONMENTAL AND OPEN SPACE RESOURCES

- Policy 7.4.1** Limit the potential for cumulative and secondary impact of development and other activities on water, air, and land quality and quantity.
- Policy 7.4.2** Provide connections and public access, where appropriate, between development and natural areas, parks, and recreation areas within the City, as well as to regional connections of these resources outside of the City.
- Policy 7.4.3** Ensure that there is an adequate supply of permanently protected natural areas, open space, and recreation resources.
- Policy 7.4.4** Protect and enhance the city’s waterfront from degradation and damage associated with new development.
- Policy 7.4.5** Guide development into the Core City to protect the city’s natural resources and to provide an efficient level and cost of services to residents.
- Policy 7.4.6** Preserve important viewsheds and corridors with scenic views.

- Policy 7.4.7** Protect, maintain, and enhance the city’s open space resources, parks, and natural environment.
- Policy 7.4.8** Acknowledge and enhance the city’s primary open space network and resources as valuable new public infrastructure.
- Policy 7.4.9** Support and advocate for the National Heritage Area Designation
- Policy 7.4.10** Establish agreements with State Parks and a management entity to implement the City Waterfront Programs and develop a Natural Heritage Area Master Plan and Programming Strategy

7.5 POLICY AREA 5 TRANSPORTATION

- Policy 7.5.1** Offer choices between multiple modes of transportation so that residents and tourists can choose to travel and move about and through the City in many different ways.
- Policy 7.5.2** Coordinate land use and transportation policies.
- Policy 7.5.3** Favor and nurture pedestrian environments over automobile environments, if required at all, and utilize design standards to camouflage parking through design and landscaping.
- Policy 7.5.4** Encourage walking and bicycling as viable alternate modes of transportation.
- Policy 7.5.5** Promote transit supportive development.
- Policy 7.5.6** Ensure that the public transit system is designed to be a system of “choice” rather than a system of “last resort.”
- Policy 7.5.7** Reduce opportunities for transportation conflicts, both within and between modes.
- Policy 7.5.8** Employ alternative approaches to traffic and congestion management than traditional limited access, highway approaches.
- Policy 7.5.9** Balance the needs of multiple modes of transportation to move both “through” the City and “within” the City.
- Policy 7.5.10** Mitigate the Negative Impacts of Past Transportation Choices

7.6 POLICY AREA 6 ECONOMIC DEVELOPMENT AND TOURISM

- Policy 7.6.1** Work actively to retain existing businesses and jobs and to promote and strengthen a mixed economy.
- Policy 7.6.2** Promote and support locally owned and controlled small businesses.
- Policy 7.6.3** Coordinate the City’s land use and zoning policies with the City’s economic development vision.
- Policy 7.6.4** Pursue and support programs, institutions and activities aimed at the promotion and development of retraining programs, facilities and satellite facilities within key growth sectors.
- Policy 7.6.5** Retain and attract a broader population to Niagara Falls, including young families and young adults.
- Policy 7.6.6** Encourage incremental, holistic and broad based approaches to improving the City’s quality of life that pay off in the long term, rather than focusing on large scale, “silver bullet” projects.
- Policy 7.6.7** Acknowledge the importance and uniqueness of the City’s traditional commercial and retail corridors and activity areas, such as Main Street, Pine Avenue, Niagara Street and Third Street, and support these corridors.
- Policy 7.6.8** Coordinate activities and development ventures with the Seneca Nation to maximize mutual economic benefit and ensure every project fully contributes to positive change within the city without precluding future opportunities.
- Policy 7.6.9** Coordinate activities and development ventures with the Seneca Nation to

maximize mutual economic benefit and ensure every project fully contributes to positive change within the city without precluding future opportunities.

Policy 7.6.10 Use historic preservation as an economic development tool.

Policy 7.6.11 Support the development of high quality education at all levels.

7.7 POLICY AREA 7 HOUSING

Policy 7.7.1 Encourage a diverse and healthy housing stock and housing market.

Policy 7.7.2 Support the development of additional housing opportunities within the City, with concentrations of higher density development in the Core City portion of downtown and around the activity centers of surrounding neighborhoods.

Policy 7.7.3 Encourage a mix of housing options to meet the different needs of households, such as the elderly, households with children, people with disabilities, and low-income households.

Policy 7.7.4 Halt and reverse the decline in the residential housing market.

Policy 7.7.5 Capitalize on the City's supply of affordable, "under-valued," historic housing.

Policy 7.7.6 Broaden existing programs into a more comprehensive set of neighborhood and housing renewal programs.

Policy 7.7.7 Promote, support and/or undertake residential development and/or conversion projects to increase the population within the Core City

7.8 POLICY AREA 8 BROWNFIELD/GREYFIELD REDEVELOPMENT

Policy 7.8.1 Pursue existing federally funded brownfield remediation programs.

Policy 7.8.2 Identify priority remediation areas, particularly along the riverfront and along entrances to the City, for remediation and redevelopment programs.

Policy 7.8.3 Implement short term, improvements to reduce the visual impact of prominent brownfield sites.

Policy 7.8.4 Improve the visual appearance of the edges of industrial areas adjacent to residential areas.

Policy 7.8.5 Evaluate potential for alternative uses in industrial areas, such as residential, retail and office.

Policy 7.8.6 Develop an aggressive targeted marketing program that matches available industrial properties and structures with potential users.

7.9 POLICY AREA 9 WATERFRONT REDEVELOPMENT

Policy 7.9.1 Develop the Niagara waterfront, the Falls, Gorge and River, as a great public space of international significance.

Policy 7.9.2 Encourage waterfront development that supports an active, urban waterfront by offering a mix of uses, public access, and connections to other land uses – such as nearby neighborhoods, greenways, trails, etc.

Policy 7.9.3 Protect, enhance or restore the unique qualities and characteristics of the Niagara River —as the fundamental building block and encourage development that only complements this resource.

Policy 7.9.4 Create a Heritage Corridor Framework to develop, interpret, link and promote a wide range of natural, historical, cultural, architectural and other attractions as a regional destination to extend visitation in the Niagara Region.

Policy 7.9.5 Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources, property from flooding, and erosion by protecting natural protective features

- Policy 7.9.6** Develop attractive and understandable modes of access along the entire waterfront that establish clear links between destinations.
- Policy 7.9.7** Mining, excavation or dredging in coastal waters shall not significantly interfere with the natural coastal processes.
- Policy 7.9.8** Best management practices will be used to ensure the control of storm-water run-off and combined sewer overflows.
- Policy 7.9.10** Protect, enhance and restore structures districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the City.
- Policy 7.9.11** Decisions to the siting and construction of major energy facilities in the waterfront area will be based on public energy needs, compatibility of such facilities with the environment, and the facility's need for a shorefront location.
- Policy 7.9.12** Safeguard the vital economic, social, and environmental interests of the State and of its citizens, proposed major actions in the coastal area must give full consideration to those interests, and to the safeguards which the State has established to protect valuable coastal resource areas.

2. Amendments to the Zoning Code

a. Executive Summary

The proposed amendments to the City of Niagara Falls Zoning Ordinance (the "Zoning Amendments") serve to implement the policies and strategies of the Comprehensive Plan. The amendments recognize the historic pattern of development within the city's residential areas, establish new opportunities for growth and enhancement in core commercial areas, and provide guidance for design to ensure for a high quality urban environment for Niagara Falls. Specifically, amendments can be broken down into the following basic categories:

- New and revised zoning and overlay districts; and
- New and revised zoning district regulations;
- Zoning administration and process revisions and additions; and
- Editorial revisions.

Throughout the discussion that follows below, zoning boundary maps, use tables and bulk tables are used to illustrate and highlight the substantive changes between the existing zoning and the proposed zoning. For example, use tables do not provide an exhaustive list of each and every permitted use under the existing and proposed zoning – rather, they indicate the substantive changes in permitted/prohibited uses between the existing and proposed zoning.

i. New and Revised Zoning and Overlay Districts

The proposed zoning amendments involve the reorganization and expansion of the city's 13 existing zoning districts into 25 districts.

A schedule of the proposed new zoning districts and their boundaries are depicted in Figure 1, *Proposed Zoning*. It should be noted that the increase from 13 to 25 districts is due to the proposed technique of taking existing zoning districts and subdividing them into smaller districts that respond more sensitively to the areas of the city that they cover. Therefore, while the proposed zoning involves more districts, in practice, the number of uniquely distinct zoning districts remains the same.

For instance, the proposed R1 Detached Single Districts (R1-A, -B, -C, and -D) are essentially derived from the existing R-1 One-Family Residential District. In this particular case, the existing,

single, one-family district has been subdivided under the proposed zoning into four “detached single” districts, which enables the zoning to be more responsive to the existing conditions and future goals for an area that is currently governed by just one district.

This same approach has also been taken with non-residential districts. The end result is a more fine-grained zoning approach that acknowledges, reinforces and supports the unique characteristics of the city’s many neighborhoods and areas.

Table 1, below, shows existing and proposed zoning districts aggregated into zoning district classes (“Residential”, “Commercial”, “Industrial”, etc.) and the amount of city acreage that these district classes cover, both in terms of total acres, and as a percentage of the city’s total land area. As shown in the table, the overall proportion of the various zoning district classes, the city’s “zoning make-up”, changes very little between the existing zoning and the proposed zoning. Increases in residentially zoned land can be partly ascribed to the proposed residential rezoning of portions of land currently zoned NPD (Negotiated Planned Development) along Portage Road and Buffalo Avenue.

It should be noted that the existing and proposed zoning district boundaries, while very similar, do not line up in every case. These differences can be seen in a series of zoning comparison maps that on subsequent pages, in which existing zoning district boundaries are overlaid with the proposed zoning district boundaries. However, while some few properties may undergo a change in zoning district class under the proposed zoning, the vast majority of properties will not.

Table 1. Existing and Proposed Zoning Districts -- Summary Table

Existing Zoning District Classes	Acres	Percent of City Total		Proposed Zoning District Classes	Acres	Percent of City Total
RESIDENTIAL (R-1, R-2, R-3, R-4)	3,946	44%	►	RESIDENTIAL (R1-A, R1-B, R1-C, R1-D; R2-A, R2-B; R3-A, R3-B, R3-C; R4)	4,115	46%
COMMERCIAL (C-1, C-2)	926	10%	►	COMMERCIAL (C1-A, C1-B; C2-A, C2-B; C-3)	977	10%
INDUSTRIAL (C-3, M-1, M-2)	2,180	24%	►	I1 - Business Park, I2 - Industrial ¹	2,053	23%
DOWNTOWN (DCD)	175	2%	►	DOWNTOWN (D1-A, D1-B, D1-C, D1-D; D2)	349	4%
OTHER (NPD, PS, RMHS)	1,777	20%	►	OTHER (INS, NPD, OS)	1,502	17%
TOTAL ACRES	9,004			TOTAL ACRES	8,996	

In addition to the revised zoning districts, revisions to the existing Waterfront Overlay District, and a new Design Overlay District are proposed. Overlay districts provide an opportunity to tailor zoning and development guidelines to specific areas of the city that possess unique characteristics.

Revisions to the Waterfront Overlay District consist of minor increases in its extent to cover areas adjacent to Gill Creek and Cayuga Creek.

The areas of the city covered by the Waterfront Overlay are depicted in Figure 2, *Proposed Waterfront Overlay District*.

The purpose of the new Design Overlay District, depicted in Figure 3, is to provide guidance for both public and private undertakings within the district to ensure that they protect and enhance economic viability, safety, and character and implement the goals and vision set forth in the City of Niagara Falls Comprehensive Plan. All properties within the Downtown, Neighborhood Commercial (C1) and Traditional Commercial (C2), which contain the city’s unique commercial, retail and mixed use areas, are subject to the Design Overlay guidelines and requirements. It is in these areas of the city where high quality design can help to revitalize and reinforce vital, dynamic and healthy neighborhoods and districts that are both economically successful and exciting places in which to live, work and visit. Guidelines and requirements have been written in such a manner as to provide clear direction for projects, while allowing for flexibility, creativity and a common sense approach. Perhaps most importantly of all, clearly articulated and consistently applied guidelines assure today’s investors and developers that high quality, well-designed development will continue to increase value and vitality in Niagara Falls with each new project.

ii. New and Revised Zoning District Regulations

New and revised bulk and use regulations are needed to achieve the city’s vision for itself as a revitalized, exciting tourist destination and as an exceptional place in which to live and work. Many of the revised regulations are designed to better respond to existing and historic development patterns and uses that provided a “sense of place” rooted in a pedestrian friendly scale at the street level, something that has been lost in many parts of the city in recent decades. The substantive changes to district regulations for each district class, are set forth below:

Residential Districts

In general, the proposed amendments to the city’s residential districts recognize the historic patterns of development and serve to maintain the integrity of solid neighborhoods. In addition, new districts are established for areas surrounding the downtown and commercial core in order to allow for enhanced development and reuse of these areas in conjunction with commercial investment nearby.

Proposed residential districts, which consist of R1, R2, R3 and R4, are found throughout the City of Niagara Falls and generally match the existing residential boundaries. In some cases an existing district is proposed to be “split” into one or more new sub-districts in order to refine the use and scale of future development. Figures 4 through 7 depict new residential zoning boundaries with respect to existing boundaries. Table 2, below, shows the area, in acres, of land that is currently zoned, and proposed to be zoned for residential uses.

Table 2. Existing and Proposed Residential Zoning Districts

Existing Zoning District	Acres		Proposed Zoning District	Acres
R-1 One-Family Residential	2,054		R1 - Detached Single	
			R1-A	970
			R1-B	62
			R1-C	1,247
			R1-D	105
		►	Subtotal	2,384
R-2 One and Two-Family Residential	860		R2 - Doubles	
			R2-A	114
			R2-B	565
		►	Subtotal	679
R-3 Multi-Family Residential	965	►	R3- Multi-Family	
R-4 Multi-Family Residential	67	►	R3-A	224
			R3-B	666
			R3-C	132
Subtotal	1,032	►	Subtotal	1,022
Does not currently exist	0	►	R4 - Heritage	30
TOTAL ACRES	3,946		TOTAL ACRES	4,115

As shown in Table 2, With the exception of R4, each proposed residential district is made up of sub-districts that provide flexibility and refinement in terms of lot size, density, setbacks and height in order to respond better to the diversity of scale and development patterns in the city's residential areas. The proposed, newly created R4, *Heritage*, zoning district is made up of lands along Buffalo Avenue that are currently zoned NPD, sandwiched between the downtown core and the Robert Moses Parkway. The purpose of the R4 district is to build on the existing, historic character and scale of this neighborhood, while allowing for a variety of housing types as well as limited tourist and resident oriented commercial uses that are compatible with residential uses and would reinforce the area as an intimately scaled, vibrant tourist and residential area.

- Revisions to Bulk and Dimensional Standards

Table 3, *Bulk Standards: Existing and Proposed Residential Zoning Districts*, compares existing residential bulk standards to proposed residential bulk standards. With the exception of the R3 *Multi-family* sub-districts, in which density is governed by combination of lot size, unit count and newly proposed Floor Area Ratios (FARs), residential density continues to be determined largely by lot size.

Table 3. Bulk Standards: Existing and Proposed Residential Zoning Districts

	R-1 One-Family Residential to R1-A, R1-B, R1-C, R1-D Detached Single				
	Existing "One Family Residential" District	Proposed "Detached Single" Districts			
Bulk and Density Standard	R-1	R1-A	R1-B	R1-C	R1-D
<i>Minimum Lot Size</i>	6,000 s.f.	6,000 s.f.	6,000 s.f.	4,500 s.f.	3,400 s.f.
<i>Maximum FAR</i>	No Existing Standard	n/a	n/a	n/a	n/a
<i>Maximum Lot Coverage</i>	30%	Standard Eliminated	Standard Eliminated	Standard Eliminated	Standard Eliminated
<i>Minimum Lot Width</i>	60 ft.	60 ft.	60 ft.	40 ft.	25 ft.
<i>Minimum Front Yard Setback*</i>	30 ft.	25 ft.	30 ft.	20 ft.	10 ft.
<i>Minimum Rear Yard Setback*</i>	20 ft.	20 ft.	30 ft.	20 ft.	20 ft.
<i>Total Side Yards</i>	1/6 of the width of the lot up to a maximum of 15 ft. OR 1/2 the height of the building	30% lot width (at least 6 ft.)	30% lot width (at least 6 ft.)	30% lot width (at least 6 ft.)	Each side yard 3 ft.
<i>Maximum Front Yard Setback</i>	No Existing Standard	n/a	n/a	n/a	20 ft.
<i>Percent of building façade within Maximum Setback**</i>	No Existing Standard	n/a	n/a	n/a	n/a
<i>Maximum Height</i>	2-1/2 Stories of 35 ft.	35 ft.	35 ft.	35 ft.	35 ft.
<i>Minimum Height</i>	n/a	n/a	n/a	n/a	n/a
* Applicant may use the average of two (2) adjacent lots to reduce minimum setbacks (excluding rear yard)					
** Describe the percent of building façade facing the street that must abut the city right-of-way or be located within the maximum setback area. Areas set aside for publicly accessible parks or plazas are exempt from the maximum setback area requirement.					

Table 3. Bulk Standards: Existing and Proposed Residential Zoning Districts (cont'd.)

	R-2 One and Two-Family Residential to R2-A, R2-B Doubles		
	Existing "One and Two Family Residential" District	Proposed "Doubles" District	
Bulk and Density Standard	R-2	R2-A	R-2B
<i>Minimum Lot Size</i>	5,000 s.f.	5,000 s.f.	4,000 s.f.
<i>Maximum FAR</i>	No Existing Standard	n/a	n/a
<i>Maximum Lot Coverage</i>	30%	Standard Eliminated	Standard Eliminated
<i>Minimum Lot Width</i>	45 ft.	45 ft.	30 ft.
<i>Minimum Front Yard Setback*</i>	25 ft.	20 ft.	10 ft.
<i>Minimum Rear Yard Setback*</i>	20 ft.	20 ft.	20 ft.
<i>Total Side Yards</i>	1/6 of the width of the lot up to a maximum of 15 ft. OR 1/2 the height of the building	25% lot width (at least 5 ft.)	Each side yard 3 yard ft.
<i>Maximum Front Yard Setback</i>	No Existing Standard	n/a	20 ft.
<i>Percent of building façade within Maximum Setback**</i>	No Existing Standard	n/a	n/a
<i>Maximum Height</i>	2-1/2 Stories or 35 ft.	35 ft.	35 ft.
<i>Minimum Height</i>	n/a	n/a	n/a
* Applicant may use the average of two (2) adjacent lots to reduce minimum setbacks (excluding rear yard)			
** Describe the percent of building façade facing the street that must abut the city right-of-way or be located within the maximum setback area. Areas set aside for publicly accessible parks or plazas are exempt from the maximum setback area requirement.			

Table 3. Bulk Standards: Existing and Proposed Residential Zoning Districts (cont'd.)

R-3 and R-4 Multi-Family Residential to R3-A, R3-B, R3-C Multi-Family						
	Existing “Multi-Family Residential” Districts		Proposed “Multi-Family Residential” Districts			Proposed R4 Heritage District
Bulk and Density Standard	R-3	R-4	R3-A	R3-B	R3-C	
<i>Minimum Lot Size</i>	1,400 s.f.	750 s.f.	1,400 s.f./unit	3,400 s.f.	n/a	3,400 s.f.
<i>Maximum FAR</i>	No Existing Standard	No Existing Standard	1.0	1.0	2.0	n/a
<i>Maximum Lot Coverage</i>	40%	50%	Standard Eliminated	Standard Eliminated	Standard Eliminated	Standard Eliminated
<i>Minimum Lot Width</i>	40 ft.	40 ft.	60 ft.	25 ft.	25 ft.	25 ft.
<i>Minimum Front Yard Setback*</i>	25 ft.	20 ft.	25 ft.	5 ft.	0 ft.	10 ft.
<i>Minimum Rear Yard Setback*</i>	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
<i>Total Side Yards</i>	1/6 of the width of the lot up to a maximum of 15ft. Or 1/2 the height of the building	1/6 of the width of the lot up to a maximum of 15ft. Or 1/2 the height of the building	15% lot width up to maximum of 15 ft. or 1/2 the height of the building	Each side yard 3 ft.	0 ft.	10% lot width (at least 3 ft.)
<i>Maximum Front Yard Setback</i>	No Existing Standard	No Existing Standard	n/a	20 ft.	15 ft.	25 ft.
<i>Percent of building façade within Maximum Setback**</i>	No Existing Standard	No Existing Standard	n/a	n/a	75%	50%
<i>Maximum Height</i>	3 stories or 45 ft.	20 stories or 200 ft.	45 ft.	45 ft.	60 ft.	45 ft.
<i>Minimum Height</i>	n/a	n/a	n/a	n/a	n/a	25 ft.
* Applicant may use the average of two (2) adjacent lots to reduce minimum setbacks (excluding rear yard)						
** Describe the percent of building façade facing the street that must abut the city right-of-way or be located within the maximum setback area. Areas set aside for publicly accessible parks or plazas are exempt from the maximum setback area requirement.						

As shown in Table 3, the major changes to the bulk and dimensional standards consist of reduced lot area, width and setback requirements for individual residential zoning sub-districts, which is more in keeping with existing, desirable residential development patterns. As noted above, this has been achieved by subdividing current residential districts into further sub-districts. For instance, the existing R-1 zoning district is proposed to be split into four single family detached residential sub-districts, R1-A, -B, -C, and -D, which to varying degrees modify the bulk requirements of the existing R-1 zoning district to be more in keeping with the development pattern of the area of the city which they cover.

It is not anticipated that these changes will result in significant increases to residential densities in the lower density residential districts, rather, they will allow property owners in these districts to be able to make improvements to residential structures, and in some cases, to subdivide new lots, at a pattern and scale that are keeping with the character of the neighborhood. Current bulk requirements render many existing residential lots and structures nonconforming, making improvements on such lots difficult, if not impossible. Figures 8 through 11, on the following pages, depict graphically how revised lot area and lot width requirements would reduce the number of nonconforming lots in the city’s one-family and two-family zoning districts.

As shown in Figure 8, under existing zoning, 50% of the lots in the R-1 district and 62% of the lots in the R-2 district are currently nonconforming with respect to Lot Area. This indicates that the existing Lot Area requirements are out of step with the existing development pattern in these areas of the city. However, as shown in Figure 9, under the proposed zoning the percentage of nonconforming lots in these districts with respect to Lot Area drops considerably, to 20% and 18% respectively.

Likewise, as shown in Figure 10, under existing zoning, 66% of the lots in the R-1 district and 69% of the lots in the R-2 district are currently nonconforming with respect to Lot Width. Once again, as with Lot Area above, this solid majority of nonconforming lots with respect to Lot Width indicates that the existing requirements are out of step with the existing development pattern in these areas of the city. However, as shown in Figure 11, under the proposed zoning the percentage of nonconforming lots with respect to Lot Width drops significantly, to 20% and 10% respectively.

In addition to modifications to Lot Area and Lot Width requirements under the proposed zoning, similar proposed modifications to Setback requirements in the R1 and R2 districts would render conforming many currently nonconforming residential structures, again, thereby allowing property owners to make improvements and expansions to their properties that are in keeping with the scale and historic development patterns of the neighborhoods in which they are located.

- Revisions to Uses

The most substantive changes to permitted uses occurs in the multifamily sub-districts, where additional non-residential would be permitted in keeping with a more mixed-use approach to zoning that stresses quality design. Other notable changes to permitted uses includes bed-and-breakfasts, which are now permitted in the R1 districts by special permit and by right in the R2 districts. Accessory dwelling units would also be permitted in the R2 and R3 districts. Accessory dwelling units help to fulfill a need for affordable, senior housing, a need that is common to almost every community across the nation as the population ages. Table 4 illustrates the substantive changes to permitted uses in connection with the proposed zoning.

Table 4. Significant Changes to Permitted Uses in Proposed Residential Zoning Districts

Existing R-1 One-Family Residential to Proposed R1-A, R1-B, R1-C and R1-D Detached Single	Existing R-2 One and Two-Family Residential to Proposed R2-A and R2-B Doubles	Existing R-3 and R-4 Multi-Family Residential to Proposed R3-A, R3-B and R3-C Multi-Family	Proposed R4 Heritage District
The following additional uses would be permitted under the proposed zoning: Bed and Breakfast, by Special Permit	The following additional uses would be permitted under the proposed zoning: Bed and Breakfast, by Special Permit Accessory Dwelling Units	The following additional uses would be permitted under the proposed zoning: -Retail Sales and Service in R3-C -Office in R3-C -Cultural Facilities, Private -Restaurants in R3-C -Bars in R3-C -Daycare Facilities -Camper Parks in R3-A, by Special Permit	The following additional uses would be permitted under the proposed zoning: Hotels/Motels

Commercial and Downtown Districts

A major focus of these proposed amendments is to allow for re-use and redevelopment of the city's underutilized commercial areas in a manner that is consistent with the goals of the Comprehensive Plan. The city's current regulations for these areas are inconsistent with the stated policies for the core city and are more typical of suburban standards – for example, limiting mixed-use opportunities and requiring large setbacks between structures. The updated regulations for commercial areas are intended to allow for a range of development alternatives (e.g., mixed-use) while ensuring that these projects contribute to the creation (and enhancement) of pleasant, walkable, urban environments within the City of Niagara Falls.

The downtown district includes the D1 (Downtown) and D2 (Gorge View) sub-districts. The D-1 district is further refined through sub-districts A, B, C, and D. The D-1 district generally entails the former DCD and areas of the NPD districts between Rainbow Boulevard and Portage Road. The D2 Gorge View district is found between Robert Moses Parkway and Main Street just north of the primary downtown area. The D1 district is a mixed-use area allowing for intense development while the D2 is primarily a natural area for recreation and cultural facilities.

More specifically:

D1-A: High density downtown area with allowances for some of the tallest structures in the downtown. This area is generally surrounded by other commercial and downtown districts.

D1-B: Medium density downtown area encompassing major corridors of the downtown district including areas of Niagara Street and portions of Rainbow Boulevard.

D1-C: Lowest density allowance of the D1 sub-districts encompassing areas along the city's downtown waterfront (south and west of Rainbow Boulevard) and adjacent to Buffalo Avenue. This sub-district moderates the scale and height of development and the core downtown transitions to the waterfront, park, and surrounding residential areas – particularly the residential district along Buffalo Avenue.

D1-D: Entails the lands owned by the Seneca Nation. This sub-district allows for the tallest structures and highest level of development. Note: development within this area related to the Seneca Nation is generally exempt from local zoning regulations.

Outside the downtown core, three primary commercial districts are proposed: *Neighborhood Commercial* (C1); *Traditional Commercial* (C2); and *General Commercial* (C3). The traditional commercial district is made up of two sub-districts (a and b) which refine the overall development density for these areas. These commercial areas generally coincide with the city's existing C-1, C-1B, and C-3 zoning districts. Major commercial districts are found along Main Street, Pine Avenue, Portage Rd., and Niagara Street. C1 *Neighborhood Commercial* areas apply to small scale commercial operations in a mixed-use pattern. These areas are generally surrounded by and integrated with residential districts and uses.

The Neighborhood Commercial (C1) district is intended to allow for a range of residential and small-scale commercial uses in a “pedestrian friendly” manner. Allowed uses include all residential uses with only limited-impact commercial operations. Auto-related uses are generally prohibited from this district. The change in acreage between the existing C-1 district and the

proposed C1 and C2 districts reflects the fact that the existing C-1 district was 'mislabeled', never truly qualifying as a neighborhood commercial district (see Table 6 and Figures 13 and 14 below). The existing C-1B district, by contrast, is a true neighborhood commercial district and as such, is greatly expanded under the proposed zoning. As a rule, areas zoned C-1 under the existing zoning were reallocated to either a new *neighborhood* commercial district or new *traditional* commercial district depending on the existing built form and function of the respective area.

As with the C1 district, the Traditional Commercial district (C2) allows for a mix of residential and commercial uses in a walkable, pedestrian-oriented environment. C2 *Traditional Commercial* areas permit the highest commercial densities allowed outside of the downtown core and are found primarily along Main Street. C2 areas permit light manufacturing activities provided that a minimum of 75% of the front building façade must be retail use. C2-B covers areas with a relatively smaller scale of development density compared with C2-A, reflecting a more moderate scale and density for Pine Avenue. Auto-related uses such as gas stations and vehicle repair shops are also prohibited in order to encourage a pedestrian oriented commercial district.

The General Commercial district (C3) allows for a full range of commercial operations including auto-related businesses, hotel/motel, and some light manufacturing operations. These areas are outside of the city core and more appropriate for conventional shopping plazas and auto-related uses.

Figures 12 through 15 depict new Downtown and Commercial district boundaries with respect to existing boundaries. Tables 5 and 6, below, show the area, in acres, of land that is currently zoned, and proposed to be zoned for downtown and commercial uses.

Table 5. Existing and Proposed Downtown Zoning Districts

Existing Zoning District	Acres		Proposed Zoning District	Acres
DCD Downtown Commercial District	175		D1- Downtown	
			D1-A	60
			D1-B	50
			D1-C	177
			D1-D	67
			Subtotal	309
			D2 - Gorge View	40
			Subtotal	40
TOTAL EXISTING ACRES	175	►	TOTAL PROPOSED ACRES	349

Table 6. Existing and Proposed Commercial Zoning Districts

Existing Zoning District	Acres		Proposed Zoning District	Acres
C-1B Neighborhood Commercial	8		C1 - Neighborhood	
			C1-A	197
			C1-B	25
		►	Subtotal	222
C-1A Neighborhood Commercial	457		C2 - Traditional	
			C2-A	156
			C2-B	72
		►	Subtotal	228
C-2 General Commercial	461	►	C3 - General	527
TOTAL EXISTING ACRES	926		TOTAL PROPOSED ACRES	977

- Revisions to Bulk and Dimensional Standards

Tables 7 and 8 on the following pages compare existing commercial and downtown bulk standards to proposed standards. Under the proposed zoning amendments, all Commercial and Downtown districts utilize Floor Area Ratio (FAR) to regulate scale and density.

Another substantive change is the replacement of Minimum Setback standards with Maximum Setback standards that set limits on how far a building façade can be set back from the street. This regulation is supplemented by another new standard that requires a substantial portion of the façade to be located within the Maximum Setback area. Taken together, these regulations, along with Design Overlay District standards, including the prohibition of surface parking lots between buildings and streets, support the creation of pedestrian friendly, active streetscapes.

Subdividing the existing commercial and downtown districts into smaller sub-districts, as with the residential sub-districts described above, enables the zoning to take a more fine grained approach to bulk standards. Building height, in particular, is one bulk standard that in the proposed zoning can be applied more sensitively.

- Height Bonuses for Downtown Districts

In the Downtown districts, the proposed Zoning Amendments provide for a system of potential building height bonuses intended to promote high quality architecture and urban design within specified downtown areas by incentivizing appropriate scaling of building floorplates and the provision of community benefits and district amenities by the private sector. This bonus system is further intended to create, protect and optimize world-class views and viewsheds, and otherwise improve the quality of life of City residents and visitors. Developments meeting the new bonus criteria will be eligible for a height bonus over and above new base building height allowances specified for each downtown sub-district. *See Table 7.*

For example, the current maximum height of 200 feet applicable throughout all downtown districts will be increased to a base height allowance of 320 feet in the D1-A

sub-district, while other Downtown sub-districts that border lower density commercial and residential areas or the waterfront will have lower base building height allowances. In sub-districts D1-A, D1-B and D1-C, the proposed Zoning Amendments would enable developers to exceed the new base height allowances in exchange for providing a number of public amenities, including public plazas and parks, structured parking, improved retail / commercial design and streetscape elements, subject to building height caps of 608 ft (D1-A), 304 ft (D1-B) and 152 ft (D1-C), as well as square footage limitations at specified elevations.

Table 7. Bulk Standards: Existing and Proposed Downtown Zoning Districts

Bulk and Density Standard	DCD Downtown Commercial to D1-A, D1-B, D1-C, D1-D Downtown and D2 Gorge View					
	DCD	D1-A	D1-B	D1-C	D1-D	D2
<i>Minimum Lot Size</i>	1,400 s.f./One or Two Family dwelling unit 750 s.f./Multiple dwelling unit No minimum with respect to other permitted uses	Standard Eliminated	Standard Eliminated	Standard Eliminated	Standard Eliminated	Standard Eliminated
<i>Maximum FAR</i>	No existing standard	8.0	6.0	5.0	n/a	1.0
<i>Maximum Lot Coverage</i>	50% - 90% depending on use type	Standard Eliminated	Standard Eliminated	Standard Eliminated	Standard Eliminated	Standard Eliminated
<i>Minimum Lot Width</i>	40 ft.	Standard Eliminated	Standard Eliminated	Standard Eliminated	Standard Eliminated	Standard Eliminated
<i>Minimum Front Yard Setback</i>	20 ft. for Residential Uses 0 ft. for other permitted uses	Standard Eliminated	Standard Eliminated	Standard Eliminated	Standard Eliminated	Standard Eliminated
<i>Minimum Rear Yard Setback</i>	20 ft. for Residential Uses 0 ft. for other permitted uses	Standard Eliminated	Standard Eliminated	Standard Eliminated	Standard Eliminated	Standard Eliminated
<i>Total Side Yards*</i>	For Residential Uses: 1/6 of the Width of the Lot Up to a maximum of 15 ft. or 1/2 the height of the building For other permitted uses: 0 ft.	Standard Eliminated	Standard Eliminated	Standard Eliminated	Standard Eliminated	Standard Eliminated
<i>Maximum Front Yard Setback</i>	No existing standard	10 ft.	10 ft.	10 ft.	10 ft.	n/a
<i>Percent of building Façade within Maximum Setback**</i>	No existing standard	100%	90%	80%	100%	n/a
<i>Maximum Height</i>	20 Stories or 200 ft.	320 ft. ***	160 ft.***	80 ft. ***	400 ft.	45 ft.
<p>* Where Downtown district abuts a Residential District the side, front, and rear setback required for a residential use in the abutting district applies. These setbacks shall only apply to the area of the downtown district adjacent to the residential use</p> <p>** Details the percent of building façade facing the street that must abut the city right-of-way or be located within 10 ft. of the sidewalk. Areas set aside for publicly accessible parks or plazas are exempt from the maximum setback area requirement.</p> <p>***Building heights may exceed these specified base height allowances in exchange for satisfaction of specified public amenity-based bonus criteria, subject to caps of 608 ft (D1-A), 304 ft (D1-B) and 152 ft (D1-C) and square footage limitations at specified elevations.</p>						

Table 8. Bulk Standards: Existing and Proposed Commercial Zoning Districts

	C-1B Neighborhood Mixed-Use Commercial to C-1A and C-1 B Neighborhood Commercial		
Bulk and Density Standard	C1-B	C-1A	C-1B
<i>Minimum Lot Size</i>	None	Standard Eliminated	Standard Eliminated
<i>Maximum Lot Size</i>	13,000 s.f.	Standard Eliminated	Standard Eliminated
<i>Maximum FAR</i>	No Existing Standard	1.0	1.0
<i>Maximum Lot Coverage</i>	70% - 90%	Standard Eliminated	Standard Eliminated
<i>Minimum Lot Width</i>	None	n/a	n/a
<i>Maximum Lot Width</i>	125 ft.	Standard Eliminated	Standard Eliminated
<i>Minimum Front Yard Setback *</i>	See “Maximum Front Yard Setback” below	n/a	Varies, as depicted in Schedule 6
<i>Minimum Rear Yard Setback *</i> ***	20 ft.	n/a	Varies, as depicted in Schedule 6
<i>Total Side Yards *</i>	10 ft. for corner lots	n/a	Varies, as depicted in Schedule 6
<i>Maximum Front Yard Setback</i>	At least 50% of the length of the front façade of buildings must be within 10 ft. of the lot line with the exception of one and two family dwellings which shall be setback no more than 20 ft.	10 ft.	Varies, as depicted in Schedule 6
<i>Percent of building façade within Maximum Setback **</i>	No Existing Standard	50%	n/a
<i>Minimum Height</i>	16 ft. or avg. height of all buildings in contiguous block, whichever is greater (excluding any accessory structures or minor additions)	Standard Eliminated	Standard Eliminated
<i>Maximum Height</i>	2-1/2 stories or 35 ft.	35 ft.	Varies, as depicted in Schedule 7
* Where commercial zones abut a Residential District the side, front and rear setback required for a residential use in the abutting district applies. These setback requirements shall only apply to the area of the commercial zone that is adjacent to the residential district, not the entire lot.			
** Describe the percent of building façade facing the street that must abut the city right-of-way or be located within 10 ft. of the sidewalk. Areas set aside for publicly accessible parks or plazas are exempt from the maximum setback area requirement.			
*** For all floors containing dwelling units, the minimum rear setback is 20 ft.			

Table 8. Bulk Standards: Existing and Proposed Commercial Zoning Districts (cont'd)

	C-1B Neighborhood Commercial to C2-A and C2-B Traditional		
Bulk and Density Standard	C1	C-2A	C-2B
<i>Minimum Lot Size</i>	1,400 s.f./One or Two Family dwelling unit 750 s.f./Multiple dwelling unit No minimum with respect to other permitted uses	Standard Eliminated	Standard Eliminated
<i>Maximum Lot Size</i>	No Existing Standard	No Change	No Change
<i>Maximum FAR</i>	No Existing Standard	5.0	3.0
<i>Maximum Lot Coverage</i>	50% - 90% depending on use type	Standard Eliminated	Standard Eliminated
<i>Minimum Lot Width</i>	40 ft.	n/a	n/a
<i>Maximum Lot Width</i>	No Existing Standard	No Change	No Change
<i>Minimum Front Yard Setback *</i>	20 ft.	0 ft.	0 ft.
<i>Minimum Rear Yard Setback *</i> ***	20 ft.	0 ft.	0 ft.
<i>Total Side Yards *</i>	1/6 of the width of the lot up to a maximum of 15ft. Or 1/2 the height of the building	0 ft.	0 ft.
<i>Maximum Front Yard Setback</i>	No Existing Standard	10 ft.	10 ft.
<i>Percent of building façade within Maximum Setback **</i>	No Existing Standard	75%	75%
<i>Minimum Height</i>	No Existing Standard	No Change	No Change
<i>Maximum Height</i>	10 Stories or 100 ft.	60 ft.	45 ft.
* Where commercial zones abut a Residential District the side, front and rear setback required for a residential use in the abutting district applies. These setback requirements shall only apply to the area of the commercial zone that is adjacent to the residential district, not the entire lot.			
** Describe the percent of building façade facing the street that must abut the city right-of-way or be located within 10 ft. of the sidewalk. Areas set aside for publicly accessible parks or plazas are exempt from the maximum setback area requirement.			
*** For all floors containing dwelling units, the minimum rear setback if 20 ft.			

Table 8. Bulk Standards: Existing and Proposed Commercial Zoning Districts (cont'd)

	C-2 General Commercial to C-3 General	
Bulk and Density Standard	C-2	C-3
<i>Minimum Lot Size</i>	1,400 s.f./One or Two Family dwelling unit 750 s.f./Multiple dwelling unit No minimum with respect to other permitted uses	Standard Eliminated
<i>Maximum Lot Size</i>	No Existing Standard	No Change
<i>Maximum FAR</i>	No Existing Standard	0.5
<i>Maximum Lot Coverage</i>	50% - 90% depending on use type	Standard Eliminated
<i>Minimum Lot Width</i>	40 ft.	50 ft.
<i>Maximum Lot Width</i>	No Existing Standard	No Change
<i>Minimum Front Yard Setback *</i>	None	0 ft.
<i>Minimum Rear Yard Setback * ***</i>	None	0 ft.
<i>Total Side Yards *</i>	None	0 ft.
<i>Maximum Front Yard Setback</i>	No Existing Standard	n/a
<i>Percent of building façade within Maximum Setback **</i>	No Existing Standard	n/a
<i>Minimum Height</i>	No Existing Standard	No Change
<i>Maximum Height</i>	10 Stories or 100 ft.	n/a
<p>* Where commercial zones abut a Residential District the side, front and rear setback required for a residential use in the abutting district applies. These setback requirements shall only apply to the area of the commercial zone that is adjacent to the residential district, not the entire lot.</p> <p>** Describe the percent of building façade facing the street that must abut the city right-of-way or be located within 10 ft. of the sidewalk. Areas set aside for publicly accessible parks or plazas are exempt from the maximum setback area requirement.</p> <p>*** For all floors containing dwelling units, the minimum rear setback is 20 ft.</p>		

- Revisions to Uses

Tables 9 and 10 illustrate the substantive changes to permitted uses in the downtown and commercial districts in connection with the proposed zoning.

Table 9. Significant Changes to Permitted Uses in Proposed Downtown Zoning Districts				
Existing DCD Downtown Commercial to Proposed D1-A, D1-B, D1-C and D1-D Downtown, and D2 Gorge View				
D1-A	D1-B	D1-C	D1-D	D2
The following additional uses would be permitted under the proposed zoning:				The following additional uses would be permitted under the proposed zoning:
Recreation, Commercial Outdoor				
Cultural Facilities, Private				
The following uses would no longer be permitted under the proposed zoning:				
Motor Vehicle Service and Repair (Gas Stations, without repair and service facilities, formerly permitted by Special Permit)				
Funeral Home (formerly permitted by special permit)				Cultural Facilities, Private
Parking, Commercial				

Table 10. Significant Changes to Permitted Uses in Proposed Commercial Zoning Districts				
Existing C-1B Neighborhood Mixed-Use Commercial to Proposed C1-A and C1-B Neighborhood Commercial		Existing C-1 Neighborhood Commercial to Proposed C2-A and C2-B Traditional		Existing C-2 General Commercial to Proposed C3 General
C1-A	C1-B	C2-A	C2-B	C3
The following additional uses would be permitted under the proposed zoning:		The following additional uses would be permitted under the proposed zoning:		The following additional uses would be permitted under the proposed zoning:
Community Centers		Bed and Breakfast, by Special Permit		Storage, Self-Serve
Cultural Facilities, Private		Accessory Dwelling Units		Day Care Centers
The following uses would no longer be permitted under the proposed zoning:		The following uses would no longer be permitted under the proposed zoning:		Kennels or Catteries, by Special Permit
Fabrication, Repair and and/or Assembly Activities (formerly permitted as an accessory use)		Motor Vehicle Sales		Veterinary Clinic
Motor Vehicle Service and Repair		Motor Vehicle Service and Repair		Community Centers
				Cultural Facilities, Private
				Family Day Care Home
				Light Manufacturing
				Warehouse
				Hospitals

Within the downtown districts, allowed and specially permitted uses are similar to the existing zoning ordinance with the exception of gas stations, motor vehicle-related uses and funeral homes, which would no longer be permitted. In the D2 district (Gorge View) recreation, and cultural facilities would be permitted.

Likewise, most uses that are currently permitted in the city's commercial districts would continue to be permitted, with the exception of gas stations and motor-vehicle repair, which would be prohibited in all commercial districts save C3. Motor Vehicle Sales, formerly permitted in the C-1 district, would also be prohibited under the proposed zoning.

The elimination of many automotive related uses in the downtown and select commercial districts is in keeping with the goals and vision of the Comprehensive Plan, which seeks to strengthen the quality and pedestrian streetscape in the city's more traditional, urban commercial areas. Automotive uses are typically not compatible with pedestrian oriented destinations and streetscapes. It should be noted, however, that automotive uses would continue to be permitted in large areas of the city, including the C3 district (former C-2), I1 Business Park and I2 Industrial Districts (former C-3, M-1 and M-2 districts). Moreover, the Board of Appeals can permit a 50% expansion in gross floor area for any automotive use that is rendered existing nonconforming by the proposed zoning, provided it makes the site more compatible with the surrounding area.

Industrial Districts

The existing zoning distinguishes between Light Industrial (M-1) and Heavy Industrial Districts (M-2). Under the proposed zoning, all former M-1 areas would be rezoned to either I1, *Business Park*, or non-industrial zones such as *Downtown* and *Institutional*. The I1 district is a new zoning district that, while allowing for light industrial uses, also permits and encourages business park development. The I1 District is largely made up of lands formerly zoned not only M-1, but M-2 and C-3 as well. The shift of emphasis from industrial to office park is acknowledgment of the transition of Niagara Falls from an industrial oriented economy to a more complex and layered economy that draws on other sectors. It should be noted, however, that large areas of the city continue to be zoned for heavy industry under the I2 Industrial district.

Figure 16 depicts the proposed zoning boundaries of the I1 and I2 zoning districts. Table 11 shows the area, in acres, of land that is currently zoned for industrial uses, and proposed to be zoned for industrial and business park uses.

Table 11. Existing and Proposed Industrial and Business Park Zoning Districts

Existing Zoning District	Acres		Proposed Zoning District	Acres
C-3 Heavy Commercial	986	►	I1 - Business Park	422
M-1 Light Industrial, M-2 Heavy Industrial	1,193	►	I2 - Industrial	1,631
TOTAL EXISTING ACRES	2,180		TOTAL PROPOSED ACRES	2,053

- Revisions to Bulk and Dimensional Standards

As shown in Table 12, the I1 Business Park district, which is drawn from existing C-3, M-1, and M-2 districts, would have increased standards to ensure more landscaping and building setbacks that are consistent with a more office-oriented district.

Table 12. Bulk Standards: Existing and Proposed Industrial Zoning Districts

	C-3 Heavy Commercial to I1 Business Park	
Bulk and Density Standard	Existing C-3 Heavy Commercial	Proposed I1 Business Park
<i>Minimum Lot Size</i>	None	10,000 s.f.
<i>Maximum FAR</i>	No Existing Standard	n/a
<i>Maximum Lot Coverage</i>	90%	50%
<i>Minimum Front Yard Setback *</i>	None	20 ft.
<i>Minimum Rear Yard Setback * ***</i>	None	10 ft.
<i>Maximum Front Yard Setback</i>	n/a	n/a
<i>Percent of building façade within Maximum Setback **</i>	No Existing Standard	n/a
<i>Minimum Landscaped Area</i>	50% of Required Front Yard	30%, of which half shall be within the front yard
<i>Maximum Height</i>	10 Stores or 100 ft.	60 ft.

Table 12. Bulk Standards: Existing and Proposed Industrial Zoning Districts (cont'd).

	M-1 Light Industrial, M-2 Heavy Industrial to I-2 Industrial		
Bulk and Density Standard	Existing M-1 Light Industrial	Existing M-2 Heavy Industrial	Proposed I-2 Industrial
<i>Minimum Lot Size</i>	None	None	None
<i>Maximum FAR</i>	None	No Existing Standard	n/a
<i>Maximum Lot Coverage</i>	75%	75%	Standard Eliminated
<i>Minimum Front Yard Setback *</i>	None	None	None
<i>Minimum Rear Yard Setback * ***</i>	None	None	None
<i>Maximum Front Yard Setback</i>	No Existing Standard	No Existing Standard	None
<i>Percent of building façade within Maximum Setback **</i>	No Existing Standard	No Existing Standard	n/a
<i>Minimum Landscaped Area</i>	50% of Required Front Yard	50% of Required Front Yard	1 Street Tree per 50 ft. Street Frontage
<i>Maximum Height</i>	20 Stories or 200 ft.	None	None

With respect to the I2 district, existing height and lot coverage limits would be eliminated. And landscaping and coverage requirements would be relaxed in recognition of the industrial oriented nature of this district.

- Revisions to Uses

As shown in Table 13, a significant number of new, non-industrial uses would be permitted in both the I1 and I2 zones. This is in keeping with the mixed-use approach that allows the city to be flexible and adaptable to the changing economic picture where industry is but one sector of the economy. It should also be noted that residential uses would continue to be prohibited in the industrial zones.

Table 13. Significant Changes to Permitted Uses in Proposed Industrial Zoning Districts	
Existing C-3 Heavy Commercial to Proposed I1 Business Park	Existing M-1 Light Industrial, M-2 Heavy Industrial to Proposed I2 Industrial
<p>The following additional uses would be permitted under the proposed zoning:</p> <ul style="list-style-type: none"> - Office - Motor Vehicle Sales as of right (formerly by special permit) - Motor Vehicle Service and Repair, Major and Minor, by right (formerly by special permit) - Hotel/Motel - Funeral Home <p>The following uses would be prohibited in both the I1 and I2 Districts:</p> <ol style="list-style-type: none"> 1. Acid Manufacture 2. Asphalt and asphalt products manufacture, refining or mixing plants 3. Junkyards 4. Cement, lime, gypsum, or plaster of paris manufacture 5. Charcoal, lampblack and fuel briquettes manufacture, 6. Coal, coke and tar products manufacture 7. Distillation of bones, coal, tar, wood 8. Dumps, landfill and slag piles and any other waste related permanent storage 9. Explosives manufacture and storage 10. Fireworks manufacture and storage 11. Gas manufacture or storage 12. Magnesium manufacturing or processing. 13. Manufacture, processing, storage, or distribution of animals or animal byproducts including; fat rendering, fertilizer, soap, tallow, gelatin, glue and size manufacture from animal or fish refuse, offal and dead animals,, manure and peat processing and storage, meat packing, slaughter houses or slaughtering of animals, stock yards 14. Paint manufacture including enamel, lacquer, shellac, turpentine and varnish 15. Petroleum and petroleum products refining and storage 16. Stone quarries, gravel pits, mines and stone mills 17. Tar roofing or tar waterproofing manufacture 	<p>The following additional uses would be permitted under the proposed zoning:</p> <ul style="list-style-type: none"> - Motor Vehicle Sales (formerly not explicitly permitted in the M-2 district) - Bar - Commercial Parking - Retail Sales and Service - Office - Funeral Home - Recycling Operations <p>See prohibition list for I1 District.</p>

Other Districts

The proposed new *INS Institutional* District would recognize existing major institutional uses as well as their typical accessory sub-uses. Specifically, this district has been utilized for the hospital, public safety building and other similar uses.

With respect to the *NPD District*, existing *NPD* zoned areas of the city whose permitted uses and intent were in essence the same as those found in an analogous new zoning districts, were simply merged with the proposed districts. The result is that few areas of the city are now exclusively zoned *NPD*.

The existing *PS Public Space* district would be renamed to *OS Open Space*. The new *OS* district takes in additional lands that have been determined to be appropriate for open space uses.

Table 14 shows the area, in acres, of land that is currently and proposed to be zoned for the above uses.

Table 14. Existing and Proposed "Other" Zoning Districts

Existing Zoning District	Acres		Proposed Zoning District	Acres
NPD Negotiated Planned Development	474	►	** Eliminated **	0
PS Public Space	1,303	►		1404
RMHS Residential Mobile Home Subdivision		►	** Eliminated **	0
Does not currently exist	0	►	INS - Institutional	98
TOTAL EXISTING ACRES	1,777		TOTAL PROPOSED ACRES	1,502

- Revisions to Bulk and Dimensional Standards

Maximum Lot Coverage (10%) and Maximum Height (45 ft.) have been added to the Open Space district to guide the development of any structures which may be erected in these areas in connection with their use as open space.

Bulk standards for the Institutional and Open Space Districts are set forth in Table 15.

Table 15. Bulk Standards: Existing and Proposed "Other" Zoning Districts

	PS Public Space to OS Open Space		New INS Institutional District
Bulk and Density Standard	PS	OS	
<i>Minimum Lot Size</i>	No Existing Standard	No Change	No proposed standard
<i>Maximum FAR</i>	No Existing Standard	No Change	3.0
<i>Maximum Lot Coverage</i>	No Existing Standard	10%	No proposed standard
<i>Minimum Lot width</i>	No Existing Standard	No Change	No proposed standard
<i>Minimum Front Yard Setback</i>	No Existing Standard	No Change	0 ft.
<i>Minimum Rear Yard Setback</i>	No Existing Standard	No Change	0 ft.
<i>Total Side Yards*</i>	No Existing Standard	No Change	0 ft.
<i>Maximum Front Yard Setback*</i>	No Existing Standard	No Change	No proposed standard
<i>Percent of building Façade within Maximum Setback**</i>	No Existing Standard	No Change	No proposed standard
<i>Maximum Height</i>	No Existing Standard	45 ft.	60 ft.
* There are no side or rear setbacks required except where Institutional zones abut a Residential District. In these areas, the side and rear setback required for a residential use in the abutting district applies.			

- Revisions to Uses

As shown in Table 16, no significant changes to permitted uses are proposed in the Open Space District. However, it should be noted that the proposed zoning dispenses with an existing requirement that "any use by non-public parties" obtain a petition for the "appropriate zoning change." By explicitly setting forth a list of permitted uses under the proposed zoning, such a zoning change petition, by any party, be they private or public, would no longer be necessary.

Permitted uses in the Institutional District would be limited to institutional uses.

Table 16. Significant Changes to Permitted Uses in Proposed “Other” Zoning Districts

Existing PS Public Space to Proposed Open Space	New INS Institutional District
<p>Proposed Zoning sets forth the following permitted uses, as of right:</p> <p>Cultural Facilities, Private</p> <p>Community Centers and Services</p> <p>Parks</p> <p>The following additional use is permitted by Special Permit:</p> <p>Recreation, Commercial Outdoor</p>	<p>Supports a broad range of related uses, including public and private education; health care; cultural and research centers.</p>

* * * * *

Parking

Recognizing the detrimental effect that surface parking lots can have to community character and streetscape vitality, one of the more substantive changes contemplated for the proposed zoning is the manner in which surface parking facilities are treated. For properties that are subject to the Design Overlay District, no surface parking may be placed between a structure and the street upon which it fronts. Additional screening and landscaping requirements are also proposed to mitigate the visual impact of surface lots.

Moreover, parking standards in the proposed zoning have been largely relaxed in comparison to existing standards. In fact, in the downtown and select commercial districts, a number of uses no longer have any minimum parking requirement, but rather, have maximum requirements for ground level parking. The proposed minimum off-street parking requirements are set forth in Section 1325.7 of the proposed Zoning Amendments. Exceptions are made for parking that is provided in parking structures and below grade parking. Guidelines for the design of parking structures in areas subject to the Design District Overlay include requirements that street level frontage on major streets be utilized for retail or commercial uses.

iii. Zoning Administration Revisions and Additions.

The proposed Zoning Amendments include administrative revisions and additions to the following areas:

Section 1301. General Provisions. The key changes include a revised set of enforcement standards and procedures which are intended to enhance clarity and consistency with enabling statutes and other applicable laws and requirements.

Section 1302. Zoning Administration. The key changes include revised procedures for decisions by the Board of Appeals and for amendments to the Zoning Ordinance to enhance clarity and consistency with enabling statutes and other applicable laws and requirements.

Section 1324. Site Plan Review. A number of changes to the site plan review process are proposed to streamline and clarify the review and approval process for both applicants and the city. The major change to the site plan review requirements is the introduction of a two-tiered

system, whereby smaller projects falling below specified use and dimensional thresholds will not be subject to site plan review, but rather will be reviewed by the Director of Planning or his designee ("Level 1" review), and larger projects falling above specified use and dimensional thresholds will be subject to full site plan review ("Level 2" review). Level 1 reviews would be conducted for any project that involve less than 1,000 s.f. of residential space or 2,500 square feet of non-residential space, as well as single- and two-family projects that are located in either the Design Review District and the Waterfront Overlay. For such projects, review and decision making would be delegated to the Department of Planning, Economic Development and Environmental Services, under the direction of the Director of Planning, with no public hearings required.

Level 2 reviews would be undertaken for projects exceeding the Level 1 thresholds. Level 2 reviews would take place as they currently do, with review and decision making resting with the Planning Board, taking into consideration the Director of Planning's recommendations, and which may require public hearings.

Section 1326. Environmental Quality Review. This section has been revised to enhance clarity and consistency with applicable regulations promulgated by the New York State Department of Environmental Conservation.

Section 1327. Non-conforming Uses, Structures and Lots. This section has been revised to enhance clarity and consistency with the purposes and intent of the Comprehensive Plan and applicable laws and requirements.

iv. Editorial Revisions.

In addition to the substantive zoning changes proposed, a number of editorial changes have been made to render the zoning code easier to use and interpret, including the provision of a comprehensive use table. These include, among other things, revisions to various definitions in Section 1303 that are intended to improve clarity and consistency with current zoning practices.

CONCLUSION

The proposed amendments to the Zoning Code serve to implement the policies and objectives set forth in the Comprehensive Plan. The zoning amendments are designed to both protect and maintain stable, established areas of the city, while providing for flexibility, creativity and vitality in those areas of the city that are currently underutilized, in serious decline and are otherwise not realizing their full potential.

B. STATE ENVIRONMENTAL QUALITY REVIEW PROCEDURE

This Draft Environmental Impact Statement or "DGEIS" was prepared in accordance with the New York State Environmental Quality Review Act ("SEQRA") and the implementing regulations set forth in Title 6 Part 617 of the New York Code of Rules and Regulations (N.Y.C.R.R.). SEQRA essentially requires the consideration of environmental factors in the planning of actions that are directly undertaken, funded or approved by local, regional and state agencies in New York.

Under SEQRA, if a proposed action involves other "involved agencies" as in the present case, a "lead agency" must be designated prior to evaluating the environmental significance of the proposed action. The "lead agency" is defined as the agency which is principally all responsible for carrying out funding or approving an action. As discussed more full below, "involved agencies" are those with jurisdiction to fund, approve or directly undertake an action. The Niagara Falls City Council has been designated lead agency through agreement with the only other involved agency in this matter, the City of Niagara Falls Planning Board. As lead agency, the City Council is responsible for ensuring that the proposed Comprehensive Plan and Zoning Amendments are subject to a thorough environmental review under SEQRA.

A DEIS generally is designed to identify, evaluate and if possible, mitigate any significant adverse environmental impacts that may arise from a particular action as determined through a public environmental and review process. A Draft **Generic** EIS may be used to "...assess the environmental effects of ...an entire program or plan having wide application or restricting the range of future alternative policies or projects. 6 N.Y.C.R.R. §617.10(a)(4). Likewise, 6 N.Y.C.R.R. § 617.10(b) specifically provides that agencies may prepare GEISs on the adoption of a comprehensive plan prepared in accordance with subdivision 4, section 28-a of the General City Law.

The SEQRA regulations at § 617.10(a) provide that GEISs may be broader, and more general than, site-specific EISs, and that GEISs may be based upon conceptual information and discuss in general terms the constraints and consequences of any narrowing of future options. A GEIS should set forth specific conditions or criteria under which future actions will be undertaken or approved, including requirements for any subsequent SEQRA compliance, as discussed more fully below.

After the DGEIS is accepted for public review and circulated to interested parties, a public hearing is expected to be scheduled by the City Council to discuss the contents of the DGEIS. SEQRA requires the City Council as lead agency to consider the substantive comments received on this DGEIS during a public comment period. Upon review of the comments, the City Council will respond to such comments in a Final GEIS or FGEIS. Further, the City Council as lead agency may not make a final decision to adopt either the Comprehensive Plan or the proposed Zoning Amendments until a reasonable amount of time, not less than 10 days, for consideration of the FGEIS has passed. Prior to rendering a final determination, the City Council must also file written findings that it has considered the FGEIS and that the requirements of SEQRA have been met. The findings statement must demonstrate that, consistent with social economic and other essential considerations, adoption of the Comprehensive Plan or Zoning Amendments minimizes or avoids adverse environmental effects to the maximum extent practicable and incorporates those mitigation measures identified in DGEIS as practicable.

With respect to future actions which may be proposed pursuant to the Comprehensive Plan and Zoning Amendments, the FGEIS will provide a general foundation upon which City and other agencies may base, at least in part, certain related SEQRA determinations concerning such possible future actions. It is not the City Council's intent that the FGEIS will fulfill the SEQRA requirements for the approval of any

future project- and / or site-specific proposals which may follow adoption of the Comprehensive Plan and Zoning Amendments. In fact, certain future project- and/or site- specific proposals will require the preparation of a supplemental or site-specific EIS if the particular proposal was not addressed or was not adequately or site-specifically addressed in the FGEIS. Further, depending upon the size and character of a given future project, it may require certain additional approvals from and/or collaboration with various City and other agencies including, but not necessarily limited to:

- Niagara County Industrial Development Agency
- Niagara County Planning Board
- Niagara County Department of Economic Development
- Greater Buffalo Niagara Regional Transportation Council
- New York State Department of Environmental Conservation
- New York State Department of Transportation
- New York State Department of State
- New York State Office of Parks, Recreation and Historic Preservation
- United States Army Corps of Engineers
- United States Coast Guard
- Federal Highway Administration

C. BACKGROUND

Over the past four decades, the City of Niagara Falls has suffered from economic and industrial decline, and serious employment and population loss. As well, a number of misguided renewal initiatives that removed residential stock in the heart of the city have fragmented the downtown core and the communities that traditionally supported it. Today, many urban neighborhoods are in decay, large areas of the city's industrial corridors have been abandoned, and many residents, community and business leaders have lost their sense of pride in their city. In fact, many former residents have chosen to move out of Niagara Falls. Many visitors are disappointed and clearly unimpressed by the quality of the urban environment and the tourism offering that is not what they would expect adjacent to a world-class natural heritage destination such as the Falls. Tourists prefer to visit Niagara Falls, Ontario than remain in Niagara Falls, New York for more than a couple of hours.

While these conditions have taken their toll, the future need not be that of continued decline. A number of recent positive initiatives have renewed interest in the city, including the establishment of USA Niagara and the introduction of the Seneca Nation's Casino in the heart of Niagara Falls. The re-licensing agreement with the New York Power Authority (NYPA) will likely provide the municipality with new sources of revenue, which should be used for carefully considered 'catalyst' projects. The recent streetscape improvement program along John B. Daly Boulevard has demonstrated the positive impact that carefully chosen and executed capital projects can bring to the city.

Niagara Falls has a number of existing assets and key opportunities that can be positioned and leveraged to improve the overall social and economic circumstance of the city; support and strengthen new and emerging economic, employment and cultural sectors; and achieve, over time, the renewal of the city as an attractive and desirable place to live, work, invest, visit and play.

The Comprehensive Plan and associated zoning amendments place a strong emphasis on the quality of the urban experience for both visitors and residents. By supporting improvements to the whole community – main streets, parks, heritage neighborhoods and local business establishments – the

Proposed Action aims to enhance the quality of life for Niagara Falls residents, as well as enticing tourists to stay longer and visit again.¹

By way of background, the proposed Comprehensive Plan and associated Zoning Amendments are the culmination of a widely publicized and open planning process that dates back until at least the spring of 2003. This process initially lead to the development and release of the Niagara Falls Strategic Master Plan in October 2004, a precursor to the Comprehensive Plan.

In most aspects, the Comprehensive Plan is identical to the October 2004 Strategic Master Plan and owes an enormous debt to Urban Strategies, Inc. and the many individuals who came together to make the plan possible, all of whom should continue to be regarded as the chief authors of this plan (see “Acknowledgements” page). The main difference between the two documents is reflected in Section 7 of the Comprehensive Plan, “General Citywide Strategies,” which has been substantially expanded upon, although significant elements of the original section were preserved. The expanded discussion reflects input received from the public and was developed in close consultation with City staff. Additional changes to the original document include: revisions to Section 1.2, “The Planning Process,” to reflect the additional public workshop conducted as part of the effort to expand the citywide policies and the related zoning code update process; provision of a conceptual neighborhood planning map in Appendix A; and a brief overview of previously completed plans and studies that have been consulted in the development of this plan.

Public outreach for the revised Comprehensive Plan and Zoning Amendments included, among other things, two workshops in May of 2005, followed by public discussions of potential policy and zoning amendments at regular Planning Board meetings throughout 2005 and 2006. The Comprehensive Plan and Zoning Amendments also have received input from various City departments. The Planning Board thereafter conducted a public hearing on February 14, 2007 concerning the Comprehensive Plan and a prior version of the Zoning Amendments that did not include certain administrative changes described below.

The City Law and Planning Departments subsequently arranged for a legal review of the Zoning Amendments, which led to various administrative and editorial changes to Section 1301 (General Provisions); Section 1302 (Zoning Administration); Section 1303 (Definitions); Section 1324 (Site Plan Review); Section 1326 (Environmental Quality Review); and Section 1327 (Non-conforming Uses, Structures and Lots). These changes are intended to enhance clarity and consistency of the Zoning Amendments with the Comprehensive Plan, the enabling statutes and other applicable laws and requirements.

D. PROJECT PURPOSE AND NEED

The Proposed Action fulfills the following purposes and needs:

- Develops a clear vision and set of strategies for the revitalization of the city.
- Encourages future development that is supportive of the city’s revitalization goals.
- Protects and celebrates the city’s unique assets and character.
- Streamlines and clarifies the city’s development review and approval process.

¹ Excerpted from the Comprehensive Plan, Page 1.

E. MITIGATION MEASURES

Under SEQRA, when an agency decides to carry out or approve an action which has been the subject of an environmental impact statement, it must determine that, consistent with social, economic and other essential considerations, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided to the maximum extent practicable. Accordingly, SEQRA requires that environmental impact statements include a description of mitigation measures designed to minimize potential adverse environmental impacts which have been identified during the environmental review process.

On a broad conceptual level, the proposed Comprehensive Plan and Zoning Amendments themselves are designed to mitigate the potential adverse environmental impacts associated with current development trends and zoning regulation in the City of Niagara Falls, which has been marked by steady population, economic and infrastructure decline. At the Generic level, mitigation measures may include the types of planning policies, strategies and performance standards embodied in the proposed Comprehensive Plan and Zoning Amendments themselves. For example, the Zoning Amendments include a new "Design District" with associated design standard reforms which are intended to provide guidance for private and public projects undertaken within the Design District in order to protect and enhance the economic viability, safety, function, and character of the area, assist in the development of a pleasant pedestrian environment and otherwise implement the Comprehensive Plan.

The potential impacts of the Comprehensive Plan and Zoning Amendments and corresponding mitigating strategies and standards are summarized in Sections III and IV of this DGEIS, respectively. As discussed above, the anticipated FGEIS will provide a general foundation upon which the City and other agencies may evaluate future project- and/or site-specific proposals actions which may be proposed pursuant to the Comprehensive Plan and Zoning Amendments, which may require the preparation of a supplemental EIS. Mitigation measures will need to be developed on a site and project-specific basis to address environmental factors which cannot be quantified at this preliminary stage of the Comprehensive Plan and Zoning Amendments.

F. ALTERNATIVES CONSIDERED

In developing the Comprehensive Plan and Zoning Amendments, the City considered a various alternative development approaches in light of the principles and strategies identified during the public planning process leading to issuance of the 2004 Strategic Master Plan. As discussed more fully in Section V of this DGEIS, these alternatives included, among other things, the "No-Action" Alternative, whereby no changes to the City's existing planning policies or zoning regulations would be made. This City does not advocate the no action alternative as it fails to achieve the City's planning goals and objectives as determined during the open planning process.

As discussed in Section V, the City also studied and incorporated, as appropriate, alternative planning approaches, zoning regulations and design standards utilized by other U.S. cities that were determined to be consistent with the purposes and intent of the Comprehensive Plan.

G. ISSUES OF CONTROVERSY

The Proposed Action will encourage, and in many cases require, a development pattern that is more in keeping with the traditional urban form of the city. Flexibility and creativity have been built into the new zoning amendments to ensure that development makes a positive contribution to the city's urban form

and sense of place. Because the zoning amendments are designed to stimulate and allow for a revitalization of the downtown area, while largely preserving and protecting existing regulations governing the city's stable residential neighborhoods, it is not expected that issues of controversy will arise in connection with the proposed action.

One potential exception to this rule is the issue of building height. The zoning amendments will permit taller buildings in the core, downtown area of the city. However, measures to protect views and mitigate visual impacts of taller buildings have been incorporated into the zoning, as detailed in this DGEIS

H. REQUIRED APPROVALS AND CIRCULATION LIST

Approvals are required for: 1) the adoption of the Comprehensive Plan and, 2) adoption of the proposed associated amendments to the Zoning Code. The City Council of the City of Niagara Falls is the legislative body that will decide this action.

The circulation list is as follows:

Planning Board	Angelo D'Aloise, Chairman	Niagara Falls City Hall	745 Main Street, PO Box 69	Niagara Falls, NY	14302-0069
Zoning Board of Appeals	Vince Spadorcia, Chairman	Niagara Falls City Hall	745 Main Street, PO Box 69	Niagara Falls, NY	14302-0069
City Council	Chris Robins, Chairman	Niagara Falls City Hall	745 Main Street, PO Box 69	Niagara Falls, NY	14302-0069
City of Niagara Falls	Mayor Paul Dyster	Niagara Falls City Hall	745 Main Street, PO Box 69	Niagara Falls, NY	14302-0069
City of Niagara Falls	Carol Antonucci, City Clerk	Niagara Falls City Hall	745 Main Street, PO Box 69	Niagara Falls, NY	14302-0069
Niagara Falls Board of Education	Carmen Grant, Superintendent	Administrative Building	6040 Frontier Avenue	Niagara Falls, NY	14304
Niagara County Health Dept.	Paul Dickey, Supv. Public Health Engineer	Shaw Building	5467 Upper Mountain Road	Lockport, NY	14094-1899
Niagara County Center for Economic Development	Amy Fisk, Environmental Planner	Vantage Centre, Suite One	6311 Inducon Corporate Drive	Sanborn, NY	14132
NYS Dept. of Environmental Conservation	Steven Doleski, Reg. Permit Administrator	Region 9 Office	270 Michigan Avenue	Buffalo, NY	14203
NYS Dept. of Transportation	Gary Gottlieb, SEQRA Intake Officer		100 Seneca Street	Buffalo, NY	14203-2939
NYS Dept. of Environmental Conservation	Div. of Environmental Permits		625 Broadway	Albany, NY	12233
Army Corps of Engineers	Mike Senus, Hydrologist		1776 Niagara Street	Buffalo, NY	14207
NYS Office of Parks, Recreation & Historic Preservation	Mark Thomas, Regional Director		Niagara Reservation State Park	Niagara Falls, NY	14302-0132
US Customs & Border Protection	Tina Voulgaris, Mission Supp.		4445 Genesee Street	Buffalo, NY	14225

	Spec.				
US Dept. of Housing & Urban Development	Stephen Banko, Field Office Director	Lafayette Court, 2 nd Floor	465 Main Street	Buffalo, NY	14203-1780
USA Niagara Development Corporation			222 First Street 7 th Floor	Niagara Falls, NY	14303
NYS DOS Division of Local Government Services	Charlie Murphy, Director		41 State Street	Albany, NY	12231-0001
Niagara Falls Water Board	Gerry Grose		5815 Buffalo Avenue	Niagara Falls, NY	14304
Town of Niagara	Steven Richards, Supervisor		7105 Lockport Road	Niagara Falls, NY	14305
Town of Wheatfield	Timothy Demler, Supervisor		2800 Church Road	No. Tonawanda, NY	14120
Town of Lewiston	Fred M. Newlin, II, Supervisor		1375 Ridge Road PO Box 330	Lewiston, NY	14092

SECTION II

ENVIRONMENTAL SETTING

A. INTRODUCTION

The environmental and land use context at issue in the proposed Comprehensive Plan and associated Zoning Amendments are detailed in the Tables and Schedules referenced in this DGEIS and, more particularly, in the Comprehensive Plan itself. Accordingly, the proposed Comprehensive Plan is expressly incorporated herein by reference, and the reader is directed to that document for an exhaustive discussion of the City's urban environment.

SECTION III

Potential Impacts

A. LAND USE AND ZONING

1. EXISTING CONDITIONS

a. Land Use

The City of Niagara Falls has a land area of approximately 14 square miles. The following table shows how land parcels in the City are currently being used:

Table 17. Land Uses by Parcels, City of Niagara Falls, 2005

Land Use	# of Parcels	% of Total
Residential	17,182	74.4
Vacant	3,399	14.7
Commercial	2,047	8.9
Recreation and Entertainment	61	0.3
Community Service	186	0.8
Industrial	84	0.4
Public Services	128	0.6
Public Parks, Wild, Forested	21	0.1
TOTAL	23,108	100.0

Source: New York State Office of Real Property Services, 2004

As Table 1 illustrates, nearly three-quarters of land parcels in the City are devoted to residential uses. Vacant parcels, amount to 14.7 % of all parcels in the City. Rounding out the top three are commercial uses, to which use 8.9% of City land parcels are devoted.

However, looking at land use on a land parcel basis is only part of the picture. For instance, residential lots are, on average, significantly smaller than industrial parcels. Thus, for a fuller picture of land uses, it is important to know the actual land area devoted to any one particular use. This is graphically depicted in the land use map of the City on the following page. As the map shows, industrially used parcels, while far fewer than residential parcels, occupy a substantial portion of the City's land area.

b. Zoning

Currently, the City of Niagara Falls has thirteen zoning districts, as follows:

- R-1 One Family Residential
- R-2 One and Two Family Residential
- R-3 Multifamily Residential
- R-4 Multifamily Residential
- C-1 Neighborhood Commercial
- C-1B Neighborhood Commercial
- C-2 General Commercial

- C-3 Heavy Commercial
- M-1 Light Industrial

- M-2 Heavy Industrial
- NPD Negotiated Planned Development
- DCD Downtown Commercial District
- PS Public Space

In addition to 13 zoning districts, there is a Waterfront Overlay District. These districts are depicted on the current zoning map for the City, which appears on the following page.

c. Local and Regional Plans

i. *Achieving Niagara Falls' Future – An assessment of Niagara Falls' waterfront planning (April 2002)*

This study reviewed and assessed previous plans, reports, and studies for Niagara Falls' waterfront and incorporated the best ideas from these plans into this study. This study provides an aggressive strategy to help Niagara Falls assume its proper role in the economic resurgence of the region. As part of the strategy, this study defines and identifies specific projects to be undertaken and implemented by the City to assist in the economic development and revitalization of the waterfront.

ii. *Pine Avenue Business District Urban Design Plan (January 2001)*

This plan specifically addresses the Pine Avenue Business District in the City of Niagara Falls. It provides a development strategy that promotes a coherent, uniform, and pedestrian-friendly environment that retains the character and ambiance of the corridor as commercial development occurs. Its overall goal is to create a cohesive quality street life in the Pine Avenue Business District.

The plan's primary recommendation is the development of design guidelines to establish a coherent streetscape, encourage a mix of uses, and promotes investment in pedestrian and streetscape amenities.

iii. *Highland Area Redevelopment Plan (November 1998)*

This plan outlines the characteristics of the Highland Area, provides a market and economic analysis overview, defines guiding principles for redevelopment of the area, and outlines specific projects to implement. This plan also provides estimates for development costs of these projects based upon the concept plan.

iv. *Main Street Business District Revitalization Study (October 2001)*

This plan is the second of a two-part report. The first part focused on gathering and analyzing background information about the Main Street corridor, which culminated in the final Conceptual Master Plan and recommended actions.

This plan outlines recommendations to revitalize Main Street and reinforce a pedestrian-friendly environment, institute design guidelines, and guide economic development. The plan also highlights important traffic calming measures and highlights the importance of existing and future public open spaces.

v. *Comprehensive Plan for the City of Niagara Falls (1992)*

This plan provides an exhaustive survey and analysis of existing conditions including: land use, population, economic activities, housing, transportation, community facilities, and natural and environmental features. This plan provides a baseline for the City in the year 1992 and then provides a 20 year outlook

towards the future of the City. In essence, this plan provides a long range plan for various types of land use within the City that includes residential, commercial, and industrial activities.

vi. *Impediments and Opportunities for the Future Use and Disposition of the Robert Moses Parkway (August 2005).*

This report, which was prepared on behalf of the New York State Power Authority (NYPA), is intended to describe the roles and responsibilities of various regulatory agencies with respect to the Robert Moses Parkway, outline the regulatory requirements applicable to any proposed changes to the Parkway; describe proposed redevelopment plans affecting the Parkway; outline the results of related ongoing pilot studies; describe the historical purpose and intent of the Parkway; and identify impediments and opportunities related to the future of the Parkway.

vii. *City of Niagara Falls USA - Niagara River Greenway Vision and Project Proposals (July 2006).*

This report was prepared by the City of Niagara Falls for the Niagara River Greenway Commission and advances three major principles of development of the economy, environment and community: (1) re-connect Niagara Falls – its downtown and neighborhoods alike – with the Niagara River waterfront; (2) repair and improve both the urban and natural environments for the benefit of residents and visitors alike; and (3) develop the means to tell the compelling stories of the City and region to build the visitor industry and create meaning for those who live here. To this end, the report identifies some 54 recommended projects including, among other things, installation of a waterfront trail system; reconfiguration of the Robert Moses Parkway to reconnect downtown and adjacent commercial districts; implementation of a comprehensive waterfront naturalization program; and planning for the future of Niagara Falls' "green structure."

viii. *Multi-Modal Access Program: Downtown Niagara Falls, New York Parsons Brinkerhoff (December 2005).*

This report was prepared for USA Niagara Development Corporation to identify infrastructure and transportation proposals to facilitate redevelopment in downtown Niagara Falls. The report compiles and reviews past redevelopment plans dating back to 1992 and summarizes a series of inventory, analysis and planning tasks to identify potential components of a multi-modal access program. The report recommends a series of near-to medium-term projects intended to create a more balanced system of access for the downtown area for all transportation modes (i.e. pedestrian, bicycle, transit and vehicular). The recommended improvements are intended to foster economic development through the creation of a more walk-able and bike-able setting to enhance new development and redevelopment activities.

2. POTENTIAL IMPACTS

Beneficial Impact

Overall, the proposed Comprehensive Plan and Zoning Amendments are designed to have a significant beneficial impact on the City, as reflected in the Core City Strategies and Citywide Policies and implementing zoning district reconfigurations summarized in Section I of this DGEIS and discussed more fully below with respect to Community Character impacts. In addition, the proposed Zoning Amendments are expected to effectuate positive benefits in various other key areas discussed below.

Building Heights

While the Zoning Amendments will permit taller buildings in the core, downtown area of the City, measures to protect views and mitigate visual impacts of taller buildings have been incorporated into the zoning. Specifically, Building heights in the downtown core area have been revised through the creation of sub-districts where lower base height allowances generally coincide with areas of the downtown core that abut lower density areas. Building heights may exceed specified base height allowances in exchange for satisfaction of specified public amenity-based bonus criteria, subject to caps on building heights and square footage limitations at specified elevations. The purposes and intent of the proposed building height restrictions are discussed in more detail in Section V ("Alternatives") of this DGEIS.

Automotive Uses

Under the proposed zoning, automotive uses would be prohibited in the downtown and select commercial districts in the City. As previously discussed, such uses are deemed incompatible with the goal of providing a high quality, pedestrian oriented streetscape in these areas of the City. A number of existing automotive facilities (gas stations, repair shops, sales facilities) would be rendered existing nonconforming uses under the proposed zoning. Owners of such facilities, however, would be entitled to a one-time, 50% expansion in floor area provided that the expansion would improve the appearance and functioning of the facilities, or otherwise make them more compatible with the surrounding uses.

Surface Parking

Recognizing the detrimental effect that surface parking lots can have to community character and streetscape vitality, one of the more substantive changes contemplated for the proposed zoning is the manner in which surface parking facilities are treated. For properties that are subject to the Design Overlay District, no surface parking may be placed between a structure and the street upon which it fronts. Additional screening and landscaping requirements are also proposed to mitigate the visual impact of surface lots.

Moreover, parking standards in the proposed zoning have been largely relaxed in comparison to existing standards. In fact, in the downtown and select commercial districts, a number of uses no longer have any minimum parking requirement, but rather, have maximum requirements for ground level parking. Exceptions are made for parking that is provided in parking structures and below grade parking. Guidelines for the design of parking structures in areas subject to the Design District Overlay include requirements that street level frontage on major streets be utilized for retail or commercial uses.

Applicants seeking to provide more parking than the maximum permitted are entitled to seek a variance from the Zoning Board of Appeals. The purposes and intent of the proposed parking restrictions are discussed in more detail in Section V ("Alternatives") of this DGEIS.

B. COMMUNITY CHARACTER

1. EXISTING CONDITIONS

The Falls and surrounding park are, of course, a defining element of the community character in the City of Niagara Falls. While this protected resource has remained relatively intact over the years, the character of the City itself has in many ways suffered, in large part due to economic factors, some of which are beyond the City's control, and disinvestment. However, land use and transportation policies and choices have also had their impact, particularly on the character of the Core City. Suburban development patterns that cater to the automobile have gradually eroded the urban fabric over time. Many large-scale projects, often well-intended, have neglected to address the City's streetscape in a positive manner. Where buildings once formed continuous street walls that directly engaged pedestrians and created a sense of place, one finds parking lots and block-long expanses of blank walls. Current zoning policies reinforce, if not outright require such a development pattern.

Comprehensive Plan

While enhancing and protecting community character is a theme that runs through the Comprehensive Plan and the associated Zoning Amendments, the following Comprehensive Plan objectives and strategies set forth in the Comprehensive Plan specifically address community character¹:

- Policy 2.2** Identify, conserve and replicate successful, historic elements of design in existing neighborhoods, including both new development and reinvestment in existing structures and infrastructure:
- Policy 3.1** Maintain and replicate the City's scale and urban form in the most densely developed areas, while creating opportunities for increased densities where appropriate.
- Policy 3.4** Enhance the pedestrian environment and experience through design and amenities that support pedestrian movements, for both the able and disabled population.
- Policy 3.6** Preserve important viewsheds and corridors with scenic views.
- Policy 5.3** Favor and nurture pedestrian environments over automobile environments, if required at all, and utilize design standards to camouflage parking through design and landscaping.
- Policy 9.2** Protect the City's scenic waterfront views and encourage development along the waterfront that complements this natural resource and its character.

In addition to the abovementioned general Citywide policies, the Comprehensive Plan contains many core City strategies that are relevant to community character. The following are, in general terms, some of the projects most relevant to community character:

1. A number of road and transportation projects that balance traffic flow with pedestrian amenities, neighborhood scale and quality streetscapes;

¹ See "Citywide Policies", *Comprehensive Plan*.

2. Design guideline for new construction and infill, streetscape and façade improvements and other design oriented strategies, for a number of key retail and mixed-use corridors, such as Niagara Street, Daly Boulevard, Pine Avenue, Buffalo Avenue, Main Street, etc; and
3. Redevelopment and renewal projects focusing on community character, including proposed projects for Rainbow Centre and Falls Street Festival Square.

Zoning Amendments

A major focus of the proposed Zoning Amendments is to allow for re-use and redevelopment of the City's underused commercial areas in a manner that is consistent with the goals of the Comprehensive Plan. The City's current regulations for these areas are inconsistent with the stated policies for the core City and are more typical of suburban standards – for example, limiting mixed-use opportunities and requiring large setbacks between structures. The updated regulations for commercial areas are intended to allow for a range of development alternatives (e.g., mixed-use) while ensuring that these projects contribute to the creation and enhancement of pleasant, walkable, urban environments within the City of Niagara Falls.

Design District Overlay

Properties covered by the Design District Overlay would be subject to an additional set of guidelines and requirements that would ensure quality development in these important areas of the City. The guidelines and requirements have been written to give both a clear direction for what is expected of projects in these areas, while allowing for flexibility and common sense approaches.

2. POTENTIAL IMPACTS

The proposed rezonings will improve community character by permitting and encouraging the development of a dynamic urban environment while protecting and enhancing stable, established residential and commercial areas of the City. The Comprehensive Plan sets forth a comprehensive, yet detailed, plan for improving community character throughout the City, with a special focus on the Core City (downtown). Both specific strategies and projects, as well as Citywide policies, will enhance the community character of Niagara Falls by setting forth a plan for addressing past and current issues with respect to community character, as well as ensuring that future development supports the community's vision for how it wants to look and feel, for both residents and tourists alike.

Implementation of the Design District guidelines and requirements will add an extra layer of review to projects within its bounds, but this should be offset by the efficiencies gained in communicating a clear vision of what the City expects for development and actions undertaken in these key areas.

C. DEMOGRAPHICS

1. EXISTING CONDITIONS

a. Population

The following table breaks down the City's population by decade:

Table 18. Population Change 1980-2004

	1980	% Change 1980 - 1990	1990	% Change 1990- 2000	2000	% Change 2000- 2004	2004*	% Change 1980- 2004
Population	70,664	-12.5	61,840	-10.1	55,593	-3.4	53,708	-24.0

* Census Estimate

Source: U.S. Census Bureau, City of Niagara Falls. Adapted by Behan Planning Associates, LLC.

As shown above, the rate of population loss appears to be slackening somewhat in recent years. However, between 1980 and 2004, the City lost nearly one-quarter of its population. From its post World War peak of just over 100,000, the City has lost approximately 50% of its population.

b. Age

As shown in the Table 3 below, the City has a significantly higher percentage of residents aged 65 and older than either the county or the state.

Table 19. Age Cohorts, Niagara Falls, Niagara County and New York State, 2000

Age Group	Niagara Falls		Niagara County	Niagara County less Niagara Falls	New York State	
0-4	3,578	6%	13,165	6%	1,239,417	7%
5-14	8,001	14%	31,546	14%	2,684,290	14%
15-19	3,518	6%	15,759	7%	1,287,544	7%
20-24	3,402	6%	12,347	5%	1,244,309	7%
25-34	6,878	12%	26,222	12%	2,757,324	15%
35-44	8,518	15%	36,208	17%	3,074,298	16%
45-54	6,959	13%	30,755	14%	2,552,936	13%
55-64	4,419	8%	19,960	9%	1,687,987	9%
65-74	4,841	9%	17,236	8%	1,276,046	7%
75+	5,479	10%	16,648	7%	1,172,306	6%

Source: U.S. Census Bureau, City of Niagara Falls. Adapted by Behan Planning Associates, LLC.

Not only does Niagara Falls have a larger percentage of older residents, but a percentage that is growing, relative to other age cohorts. As the following table shows, between 1990 and 2000 the age composition of the City's population shifted significantly towards older residents. The 75+ age

cohort grew by 12%, while all other age cohorts experienced declines. This is in contrast to the state trend, which showed growth in a number of age cohorts, in addition to the 75+ age cohort, with the greatest growth occurring in the 5 – 14 age cohort.

Table 20. Population by Age Cohort, Niagara Falls and New York State 1990-2000

	1990	1990	2000	2000	Percent Change Comparison	
Age Cohort	Niagara Falls	New York State	Niagara Falls	New York State	Niagara Falls	New York State
0-4	4,505	1,255,764	3,578	1,239,417	-21%	-1%
5-14	8,056	2,318,183	8,001	2,684,290	-1%	16%
15-19	3,808	1,230,127	3,518	1,287,544	-8%	5%
20-24	4,385	1,408,899	3,402	1,244,309	-22%	-12%
25-54	22,905	7,776,793	22,355	8,384,558	-2%	8%
55-64	6,327	1,636,967	4,419	1,687,987	-30%	3%
65-74	6,981	1,348,279	4,841	1,276,046	-31%	-5%
75+	4,873	1,015,443	5,479	1,172,306	12%	15%

Source: U.S. Census Bureau, City of Niagara Falls. Adapted by Behan Planning Associates, LLC.

The increasingly elderly population suggests that population losses will continue into the future, unless significant increases in the birthrate or migration to the City occur.

c. Housing

As shown in the following table, the City has a low average household size, which is relatively typical of urban vs. suburban or rural areas. The decline in average household size in the period 1980 – 2000 coincides with similar declines in the county and state. Further declines are anticipated with the aging of the population.

Table 21. Average Household Size, City of Niagara Falls, Niagara County, New York State 1980 -- 2000

Year	Niagara Falls	New York State	Niagara County
1980	2.58	2.77	2.83
1990	2.35	2.63	2.56
2000	2.27	2.61	2.45

Source: U.S. Census Bureau, City of Niagara Falls. Adapted by Behan Planning Associates, LLC.

As shown in the following table, the City has a higher percentage of non-family households, and householders living alone, relative to the state and the county. Correspondingly, the City has a lower percentage of family households relative to the state and county.

Table 22. Household Types, Niagara Falls, Niagara County,
New York State, 2000

Year 2000	Niagara Falls	Niagara County	New York State
Family Household	59%	67%	66%
Non Family Household	41%	33%	34%
Householder Living Alone	36%	29%	28%
Persons Living in Group Quarters	1.4%	1.9%	3.1%

Source: U.S. Census Bureau, City of Niagara Falls. Adapted by Behan Planning Associates, LLC.

2. POTENTIAL IMPACTS

The proposed adoption of the Comprehensive Plan and related Zoning Amendments will not directly result in any building activity. Moreover, the ongoing population loss affecting the City has many complex and interrelated causes that the proposed Comprehensive Plan and Zoning Amendments, by themselves, are not expected to reverse. However, the strategies and policies set forth in the Comprehensive Plan and the related Zoning Amendments are expected to have a significant beneficial impact on the City by ensuring that development occurs in a manner that enhances the City and ultimately makes it more attractive to both residents and tourists.

While the proposed rezonings could result in some density increases in limited portions of the City, it should be said that in many cases current residential development densities in the core areas of the City do not approach the limits set by current zoning. This confirms that external market and demographic forces are ultimately the determining factor in the density of residential development and overall population of the City, not zoning. Moreover, the City's current population of approximately 53,000 residents is about 50% of the City's peak population of just over 100,000 in the post World War II years, suggesting that the City is capable of reabsorbing additional population.

Therefore, the proposed action is not expected to have a significant adverse environmental impact with respect to demographics.

D. COMMUNITY ECONOMICS

1. EXISTING CONDITIONS

The City of Niagara Falls has a diversity of land uses that contribute to the fiscal health of the community. However, the City's total taxable valuation has remained essentially flat between 1993 and 2005, even while the City's non-homestead (i.e., non-residential) valuation fell. This is because falling non-homestead valuation was compensated for, over the same period, by a corresponding rise in the City's homestead (i.e., residential) valuation. Essentially, the City has witnessed a shift in the relative contributions of homestead and non-homestead properties to the City's tax coffers. In 1993 the proportional contribution of the homestead and non-homestead properties was approximately 42% and 58% respectively. By 2005 this proportion had shifted to 54% and 46% respectively.²

2. POTENTIAL IMPACTS

Since the proposed adoption of the Comprehensive Plan and related Zoning Amendments would not directly result in building activity, no significant adverse environmental impacts are anticipated. In fact, the long-term effects of the Proposed Action on the City's fiscal health is expected to be positive, as future development occurs in a manner that enhances the City's appearance and quality of life, for both residents and tourists alike. This, in turn, is likely to result in increases to property values and higher tax revenues for the City, enabling it to meet increased demands for services.

E. TRANSPORTATION³

Across North America, there has been a fundamental shift in transportation thinking and planning over the last decade. Many North American cities are currently engaged in dismantling and reconfiguring their expressways built in the 1960s and 70s to reconnect their waterfronts to urban cores, reclaim and develop extensive land areas sterilized by transportation corridors, and repair frayed and blighted fabric, which has often resulted along expressway corridors. These cities are engaged in recreating and extending their original network based system, and finding opportunities for community building and economic development through lands reclaimed from the expressways. Boston, MA, San Francisco, CA, Rochester, NY, New York, NY and Toronto, Canada are among the many cities engaged in studying and/or re-planning their expressway corridors to create healthy, prosperous and productive urban areas, which can fully contribute to the growth and vitality of the City.

The proposed adoption of the Comprehensive Plan and related Zoning Amendments will not directly result in any physical change to the City and will not directly affect the City's transportation system. However, the Comprehensive Plan does set forth a number of strategies and potential projects that will serve to both guide future transportation decisions, as well as undo the damage of past transportation projects. For the most part, these recommendations are design-oriented. For both existing and potential future projects, the overall emphasis is to move away from past policies of regarding transportation corridors as simply a means for swiftly conducting traffic through the City. The new direction moves the balance towards the center of the equation, with policies that regard the City's transportation resources as not just conduits for automobile traffic, but as public spaces in their own right, that can and should be held to higher design standards.

² Source: City of Niagara Falls Assessor

³ This section largely excerpted and adapted from the *Comprehensive Plan*.

1. EXISTING CONDITIONS

Waterfront Connections

With the exception of a small area fronting the Niagara Reservation, the City of Niagara Falls is completely cut off from its waterfront, the Niagara River and the Gorge by the Robert Moses Parkway. Configured with multiple lanes in each direction and a central dividing median, the Parkway is set within an expressway-width right-of-way and is grossly over-scaled in relation to the current and anticipated transportation and capacity needs of the City. Occupying virtually the entire length of the City's interface with its riverfront, the parkway presents a barrier not only by its width, but also by the absence of east/west local street connections between the City and the riverfront.

Through the reconfiguration and downsizing of some sections of the Parkway, land can be reclaimed and conveyed back to productive use as riverfront parkland, as well as yield new urban development parcels to stimulate economic growth and reinvestment on the City side of the reconfigured route.

Convert Rainbow Boulevard to a Two-Way Street

A new streetscape improvement program and the conversion of Rainbow Boulevard from a one-way to a two-way circulation pattern will support the development of new mixed-use developments fronting the street. The reintroduction of two-way traffic is essential for improving movement and connections within the Core City and creating a more pedestrian-friendly environment with slower moving traffic. For pedestrians, two-way streets are easier to cross as opposing traffic encourages cars to travel at more moderate speeds. Two-way streets also provide important functional advantages for drivers, including a greater choice of alternate routes, ease of lane movement for left and right turns, more moderate speeds, improved way-finding and a more flexible street system less confusing to navigate. The streetscape improvement program should emphasize numerous pedestrian crossings, street tree planting, pedestrian and overhead lighting, streetscape furnishings and special planting and paving treatment zones.

Alternative Transportation Modes

The Comprehensive Plan also recommends that the City incorporate more alternatives into its transportation infrastructure, such as bicycle and pedestrian improvements. Specific strategies for the core City include undertaking the West Falls Promenade improvements, and streetscape improvements for a number of the City's key commercial corridors.

Daly Boulevard

The John B. Daly Boulevard Precinct extends from the existing Daly Boulevard terminus at Niagara Street north to Pine Avenue. It encompasses the right-of-way of the planned boulevard extension and the blocks of land located between the extension and Seventh and Ninth Streets.

The Comprehensive Plan supports the Daly Boulevard extension as the first phase of a larger redevelopment program to create a new appropriately scaled residential neighborhood. The extension of John B. Daly Boulevard will provide an important local and visitor link to the Pine Avenue commercial precinct and should function as a local street appropriate for new medium density residential development.

The development of the properties fronting the extension will provide important opportunities to attract new residents to the Core City by providing land for new housing, such as, potentially, townhouses or small apartment or condominiums. The extension of Daly Boulevard and the subsequent development of the properties along it will increase the value of adjacent residential properties and help to encourage reinvestment and renewal within the surrounding neighborhoods.

2. POTENTIAL IMPACTS

The Comprehensive Plan embodies urban renewal and transportation strategies which represent a shift from the conventional emphasis on expedited conveyance of people and goods to roadway reconfigurations intended to maximize linkages and access between urban communities and the waterfront and other natural amenities. While this policy shift is a necessary component of the City's urban renewal strategy and is consistent with strategies employed in other major US cities, implementation of this strategy has the potential to increase traffic flow through the City.

The proposed Zoning Amendments will allow for higher densities in the downtown “Core Area,” such as in areas surrounding the Seneca Niagara Casino, which may result in increased traffic and congestion, should private investment avail itself of the higher permitted densities. However, increased traffic and congestion there is seen as preferable to the current lack of downtown vitality or commercial activity.

On the other hand, in the residential districts, the proposed Zoning Amendments largely are intended to harmonize current zoning regulations with the existing built environment in those neighborhoods. Therefore, traffic levels within residential neighborhoods are not projected to increase significantly. In fact, the proposed Neighborhood Commercial Districts is expected to lead to a reduction of density. The future changes that would be facilitated from adoption of the proposed Comprehensive Plan and Zoning Amendments are expected to lead to minimal overall impacts on the average traffic levels within the City given the offsetting nature of the proposed changes.

Key proposals for density changes within various zoning districts are outlined below. These may provide some basis for predicting which districts might be expected to see an increase in traffic levels. .

Downtown Districts (4% of City land area)

The existing zoning code encourages suburban-style development by limiting mixed-use opportunities and imposing suburban development standards in the residential component of downtown. The existing zoning code requires large setbacks, which results in low-density residential development and is inconsistent with the City's Comprehensive Plan. The proposed Zoning Amendments divide the downtown area into two major districts, D1 and D2. The D1 district is further divided into four sub-districts. The allowable density will vary based on the district and sub-district. The D2 district will be primarily a natural area with low-density development concentrated around tourist and cultural activities. The D1 district will range from high-density development around land owned by the Seneca Nation to low density development around the waterfront. The standards in all the districts will be managed by maximum FAR requirements and maximum height requirements.

Residential Districts (46% of City land area)

The major residential categories for the most part match the boundaries for residential districts in the existing code. Key differences include the establishment of a Heritage District and various residential sub-districts. For instance, there will be four sub-districts in the R1 zone. The sub-districts are intended to match the existing development patterns and hence are not expected to spur significant increases in development density, with the possible exception of infill development.

Commercial Districts (10% of City land area)

The proposed Zoning Amendments reflect that permitted densities and uses within the commercial districts will be changed to better integrate the commercial districts with adjoining land uses in the City. The permitted densities will decrease in major commercial corridors such as Main Street and, to a lesser

extent, Pine Avenue because height limits have been reduced from 100 feet to 60 feet in the proposed C2-A District and to 45 feet in the proposed C2-B district. The actual decrease in the density of development is difficult to determine at this preliminary stage, particularly given the proposed FAR requirements and potential height bonuses in the Downtown Districts. While Main Street and Pine Avenue are developed more densely than Niagara Falls Boulevard, they have significantly lower traffic volumes. Low-density suburban-style development therefore can yield comparatively greater traffic volumes than higher density development, this may complicate predictions of traffic volumes associated with the proposed density changes.

New commercial development will be limited in areas that are meant to serve the City's neighborhoods. These districts will cater to City residents and intensive development within such areas will not be permitted. New retail development in the neighborhood commercial districts is expected to become more pedestrian-friendly and is hoped to foster increased access *via* walking or bicycles. Traffic impacts are expected to be minimal as this district will only permit small-scale commercial use integrated with the residential neighborhoods.

The General Commercial district (renamed from C-2 to C-3) will permit intensive commercial development, and currently accommodates the highest traffic volumes within the City. The proposed Zoning Amendments do not include any proposed changes in the permitted uses here, although the potential for development will decrease due to a reduction in the maximum height from 100 feet to 65 feet, and a FAR requirement of 0.5 will be introduced. The actual density within this district may increase as the private sector has shown increased interest in this area. The proposed Zoning Amendments are expected to have minimal impacts in this district because existing development patterns are expected to continue.

Business Park, Industrial (23% of City land area)

The proposed Zoning Amendments contemplate significant changes within this district, which was previously zoned for light and heavy manufacturing. The new districts would permit a variety of new uses with a mixed-use development approach. This will provide the City with flexibility to adapt and grow as the economy changes. The existing C-3 district has very few requirements, which will change with adoption of the proposed new light industrial zoning district ("I1") designation, which will impose minimum lot size, lot width, front yard setback, and rear yard setback requirements. The maximum permissible height in the I1 district will be reduced from 100 feet to 60 feet, while being eliminated from the I2 district. Given the diversity of permissible uses within the proposed industrial districts, it is difficult to predict the potential traffic impacts at this conceptual stage.

F. NATURAL RESOURCES

1. Niagara Falls / Niagara River Gorge

The Niagara Falls and Niagara River Gorge are unique and unusual land forms with world-class scenic views. Increased development within the City, if not carefully managed, could result in adverse impacts to these important regional assets and the view sheds they occupy. Potential future development within the City pursuant to the proposed Comprehensive Plan and Zoning Amendments is not expected to result in adverse impacts to Niagara Falls or the Niagara River Gorge.

2. Wetlands

As reflected in Schedule 10 of this DGEIS, there are over 125 acres of Federal and State wetlands within the City of Niagara Falls. Potential future development within the City, with or without adoption of the proposed Comprehensive Plan and Zoning Amendments, could adversely affect those wetland areas.

3. Floodplain

As reflected in Schedule 10 of this DGEIS, there are areas of the City that are within a FEMA-regulated 100 year flood plain / flood zone. Potential future development within the City, with or without adoption of the proposed Comprehensive Plan and Zoning Amendments, could adversely affect those floodplain areas.

4. Threatened / Endangered Species

Plant life that has been identified as endangered exists in the Niagara Gorge. There is also the potential for endangered plant life to exist in the DeVeaux Woods area (i.e., elk sedge, sky-blue aster, slender blazing-star). Both of these areas are located in the City's "Public Space" District.

The proposed Comprehensive Plan and Zoning Amendments are not expected to pose any adverse impacts to threatened or endangered species in the Niagara Gorge because the "Public Space" District will change in name only to become part of the new "Open Space" District. Likewise, the DeVeaux Woods area, which is currently located in a "Negotiated Planned Development" district, will be absorbed into the Open Space district, thereby resulting in heightened protection for that area.

G. AIR QUALITY

In 1997, EPA established national ambient air quality standards for certain criteria pollutants, including ground-level ozone. According to the GBNRTC's 2030 Long Range Transportation Plan, the United States Environmental Protection Agency has classified both Erie and Niagara Counties as a Subpart 1 Basic non-attainment area under the 8-hour ozone standard.

Adoption of the proposed Comprehensive Plan and Zoning Amendments will have no direct affect on air quality in the City of Niagara Falls. Potential future development within the City and potential corresponding increases in vehicular traffic, with or without adoption of the proposed Comprehensive Plan and Zoning Amendments, could adversely affect air quality in the City. The extent to which future implementation of the proposed Comprehensive Plan will result in a net increase in vehicular traffic in the City is difficult to predict at this conceptual stage. Potential air impacts will be assessed on a project and site-specific basis as definite future project proposals are developed.

SECTION IV

MITIGATION

I. INTRODUCTION

As previously indicated, under the SEQRA regulations, a GEIS may be based upon conceptual information and is intended to discuss in general terms the constraints and consequences of a proposed action. On a conceptual level, the proposed Comprehensive Plan and Zoning Amendments themselves are designed to mitigate the potential adverse impacts on the urban environment and community character in the City of Niagara Falls, which has been marked by steady population, economic and infrastructure decline.

At the Generic level, mitigation measures may include the type of Core City Strategies, Citywide Policies, zoning district reconfigurations and design standards embodied in the proposed Comprehensive Plan and Zoning Amendments themselves. For example, the Zoning Amendments include a new "Design District" with associated design standard reforms which are intended to guide private and public sector projects undertaken within the Design District in a manner that protects and enhances the economic viability, safety, function, and character of the area, and which fosters a pleasant human-scale pedestrian environment more in keeping with prevailing smart growth principles.

Again, the anticipated FGEIS will provide a general foundation upon which the City and other agencies may evaluate future project- and/or site-specific proposals actions which may be proposed following adoption of the Comprehensive Plan and Zoning Amendments, which may require the preparation of one or more supplemental EISs. SEQRA will require that mitigation measures be developed on a site and project-specific basis to address environmental factors which cannot be quantified at this preliminary stage of the Comprehensive Plan and Zoning Amendments

A. Land Use and Planning

Adoption of the proposed Comprehensive Plan and Zoning Amendments is expected to protect and maintain stable, established areas of the City, while providing for flexibility, creativity and vitality in those areas of the City that are currently underutilized and/or in suffering from blight and economic decline.

As discussed in Section III of this DGEIS, no significant adverse impacts to land use is expected to result from the adoption of the proposed Comprehensive Plan and Zoning Amendments. In light of the planning policies and strategies embodied in the Comprehensive Plan and effectuated through the proposed Zoning Amendments, no further land use mitigation measures at this preliminary stage are recommended.

B. Community Character

As discussed more fully in Section III of this DGEIS, the Comprehensive Plan itself advocates various key Principles for City Renewal that have been vetted during the City's significant previous public outreach program. In order to facilitate the resultant "Core City" strategies and "Citywide Policies," the proposed Zoning Amendments include various zoning district reconfigurations and design standards for specified City zoning districts which are designed to enhance and protect community character.

For example, Section 1314.4.1 sets forth a system of potential zoning incentives or bonuses for certain eligible development within the Downtown Districts (D1-A through D) which are intended to encourage the provision of community benefits and amenities to improve the quality

of life of City residents, employees and visitors. Proposed developments in Downtown Districts meeting the requirements of Section 1314.4.1 may be eligible for height bonuses over and above specified base height allowance for the Downtown District in question. Subject to floor area restrictions at specified elevations and building height bonus caps, bonuses are made available in exchange for specified public amenities including public plazas and parks, structured parking and improved retail / commercial design and streetscape elements. loading, above-grade parking ramps and off-site streetscapes improvements.

In accordance with Gen City Law § 81-d(3), the City has determined that the proposed Downtown Districts (D1-A through D) contain adequate resources, environmental quality and public facilities, including adequate transportation, water supply, waste disposal and fire protection, to support the proposed system of potential zoning incentives or bonuses, and that such incentives or bonuses are compatible with the development that will otherwise be permitted in the Downtown Districts. The proposed system of zoning incentives or bonuses is not expected to have an adverse impact on the potential development of affordable housing. In this regard, implementation of the Comprehensive Plan and Zoning Amendments should improve the range and quality of housing choices, including housing in mixed-use developments. In the event that the availability of affordable housing somehow becomes adversely affected in the future, the City will take reasonable action to compensate for any such negative impact.

For the reasons stated above, and those detailed in the Comprehensive Plan itself, no further community character mitigation measures at this preliminary stage are recommended.

C. Demographics

The proposed adoption of the Comprehensive Plan and related Zoning Amendments would not directly result in building activity or significant increases in the city population. Increases in population are considered to represent a positive impact to a City that has been steadily losing population since the 1950s. Therefore, no additional demographic mitigation is deemed necessary at this time.

D. Community Economics

The proposed adoption of the Comprehensive Plan and Zoning Amendments is designed to have long term, beneficial fiscal impacts for the City for the reasons detailed in the Comprehensive Plan and summarized in this DGEIS. The progressive urban planning policies and strategies identified in the Comprehensive Plan, coupled with Zoning Amendments carefully adapted from other successful City models, are intended to facilitate urban revitalization efforts, improve the quality of urban life in the City and enhance the City's property values and fiscal health. As such, no further economic mitigation measures at this preliminary stage are recommended.

E. Transportation

The proposed adoption of the Comprehensive Plan and Zoning Amendments will not directly result in any significant adverse environmental impacts on the City's transportation resources. Rather, the Comprehensive Plan sets forth a number of recommendations for better integrating land use and transportation policies and providing alternative modes of transportation such as mass transit. While the proposed Zoning Amendments will allow for higher development densities and possible increases in traffic in the downtown "Core City" area, this is considered preferable to continued urban decay and economic stagnation.

At this conceptual planning phase, it is difficult to predict the precise type and location of development and corresponding traffic levels that might occur following adoption of the proposed Comprehensive Plan and Zoning Amendments. However, the current City population is approximately 55,500, representing a significant decline from historical figures. The public infrastructure within the City of Niagara Falls was designed when the City was thriving and had a population of approximately 100,000. Therefore, the City infrastructure, though in disrepair, has excess capacity to service future growth within the City. Accordingly, it is expected that the City population would have to significantly increase, perhaps even double the current population figures, before City-wide traffic impacts would exceed the capacity of the City's major transportation corridors.

With respect to the deteriorating condition of the City's transportation infrastructure, the Comprehensive Plan and smart growth principles advocated therein are intended to leverage the limited resources now available to the City for infrastructure improvements. For example, the Comprehensive Plan and Zoning Amendments encourage mixed-use development and redevelopment and infill development of certain areas to lessen the necessity for expansion of infrastructure and accommodate an appropriate proportion of necessary development which might otherwise be located on undeveloped land.

In December 2005, U.S.A Niagara prepared a study entitled "Multi-Modal Access Program: Downtown Niagara Falls, New York" which concludes that the four major roadways within the City's downtown have sufficient capacity to absorb significant traffic increases. The study reports that four lane urban roadways with an additional center lane, such as Niagara Street, Rainbow Boulevard, and Daly Boulevard, can accommodate up to approximately 35,000 two-way trips. *Id.*, p. 2-12. These roadways currently operate at a third or less of their operating capacity.

Likewise, the Robert Moses Parkway, which serves as an economic detour around the City and a barrier to the Niagara River, is also significantly underutilized. According to the Multi-Modal Access Program study, the southern portion of the Parkway is operating at approximately half of its capacity, while the northern portion is operating at approximately one-third of its capacity. Significantly, the recent reconfiguration of the northern portion of the Parkway reportedly has not adversely affected local traffic volumes based upon data generated by the Greater Buffalo Niagara Regional Transportation Council ("GBNRTC").

The City has analyzed pavement condition and traffic counts studies conducted by GBNRTC, which are typically utilized in determining whether a given development will cause adverse impacts on roadway capacity. As compared to the Level of Service ("LOS") threshold levels applicable to local roadways, actual current traffic counts reveal that the road network within the City of Niagara Falls is operating significantly under capacity. For purposes of assessing potential traffic impacts associated with potential future developments following adoption of the proposed Zoning Amendments, the capacity of affected roadways and the need for mitigation may be estimated based on existing road condition, width, traffic volumes and Trip Generation Rates reported in standard reference texts.

GBNRTC data indicate that public transit ridership has seen a slight increase over the last few years. Based on GBNRTC's population, household, and employment forecasts for 2030, the City of Niagara Falls is projected to experience minimal growth during that period, from 55,593 in 2000 to 57,373, absent planning reform and implementation of urban revitalization strategies.

The number of households is projected to experience a modest increase from 24,099 in 2000 to 25,592 in 2030. Meanwhile, City employment figures are expected to increase from 24,541 in 2000 to 30,244 in 2030.

Based on these forecasts, the City does not anticipate that adoption of the proposed Comprehensive Plan and Zoning Amendments will result in significant adverse traffic impacts. Traffic impacts associated with specific future development proposals will be subject to a site specific environmental review and development of appropriate mitigation measures.

The Comprehensive Plan reflects an emphasis on Smart Growth principles and clearly favors the availability of enhanced public and other transportation options. The emphasis on pedestrian-scale streetscapes that facilitate walking and biking has the potential to reduce the traffic levels in the central parts of the City.

F. Natural Resources

1. Niagara Falls / Niagara River Gorge

The proposed Zoning Amendments are intended to continue to provide a protective buffer for these critical regional assets through establishment of an expanded Open Space District adjoining the waterfront. Strict development controls will remain in place in the Open Space District, which is intended to "protect the function, integrity and health of the city's natural systems environment, provide for a balance between developed and undeveloped land, protect air and water quality, provide adequate open areas for recreation and conservation and to enhance the city's quality of life and the aesthetic qualities of the city, moderate climate, reduce noise pollution, provide wildlife habitat, and preserve open space in its natural state."

Further, as detailed in Section V of this DGEIS, the proposed Zoning Amendments incorporate various design guidelines including, among other things, building height restrictions which are intended to protect and enhance the world class view-sheds occupied by the Falls and the Niagara River Gorge.

2. Wetlands

The New York State Legislature passed the Freshwater Wetlands Act in 1975 with the intent to preserve, protect and conserve freshwater wetlands and their benefits. Subject to certain narrow exceptions, proposed future development in the City that could have a negative impact on wetlands will be carefully regulated by NYSDEC. To conduct any regulated activity in a state-regulated wetland or its adjacent 100 foot buffer area, an NYSDEC permit would be required. Compensatory mitigation often is required for significant impacts to wetlands. This may include creating or restoring wetlands to replace the benefits lost by the proposed project.

State law requires NYSDEC to map all wetlands protected by the Act (i.e., wetlands comprising 12.4 or more acres) so that affected landowners may be notified and as a means for other interested parties to identify the location of state jurisdictional wetlands. Wetlands shown on NYSDEC maps usually are also protected at the federal level by the U.S. Army Corps of Engineers (USACE), but

there are many additional wetlands not shown on the DEC maps that are protected by USACE but not NYSDEC.

Similarly, federal law prohibits the discharge of dredged and fill material into "navigable waters of the United States," without a permit. Absent coverage under a so-called "Nationwide Permit," such discharges require a permit from USACE under Section 404 of the Clean Water Act. Essentially, all discharges of fill or dredged material affecting the bottom elevation of a jurisdictional water of the U.S. require a permit from the USACE. The federal wetland areas constituting "navigable waters of the United States" can be less than 12.4 acres and generally are not mapped. Since 1975, the USACE's rules have defined such "waters" expansively to include not only traditionally navigable waters (e.g., lakes, rivers, etc.), but also "tributaries" of such waters and wetlands adjacent to navigable waters and tributaries, and any other wetlands "the degradation or destruction of which could affect interstate commerce...." 33 C.F.R. §328.3. "Adjacent" wetlands include those "bordering, contiguous [to], or neighboring" waters of the United States, even when such wetlands are "separated from [such] waters ... by man-made dikes or barriers...." 33 C.F.R. §328.3(c).

For every authorized discharge to federal wetlands, adverse impacts to wetlands, streams and other aquatic resources must be avoided and minimized to the extent practicable. New mitigation regulations promulgated by USEPA and the USACE in June 2008 create a preference hierarchy for mitigation that favors third-party mitigation (in the form of mitigation bank credits and similar in-lieu fee program credits) over permittee-responsible mitigation (i.e., requiring the permittee to create and maintain the mitigation wetland).

3. Floodplains

Any future projects proposed for property within the FEMA-regulated boundaries must comply with stringent FEMA-based flood zone regulations as well as often more restrictive local zoning regulations. Any future development in the City would be subject to construction regulations if it occurs within a Special Flood Hazard Area (i.e., areas subject to inundation by the base (100-year) flood).

In New York State, local communities that participate in the National Flood Insurance Program regulate development in Special Flood Hazard Areas. An exception is development funded and undertaken by the state or federal government, which is regulated by the responsible agency, subject to technical assistance by the New York State Department of Environmental Conservation and FEMA.

G. Air Quality

Any future proposed development projects in the City will be the subject of a site-or project-specific environmental review under SEQRA to ensure that any potential adverse impacts, including air quality impacts, will be identified and mitigated to the maximum extent practicable.

Further, the Clean Air Act requires provides that any federally supported transportation projects must be consistent with the federally-approved air compliance "state implementation plan" ("SIP") developed by the New York State Department of Environmental Conservation. Before any federal funding or approvals can be granted for any projects in ozone non-attainment areas, GBNRTC must determine that the project conforms with the SIP and that modeled emissions from the proposed project will not interfere with efforts to attain the air quality standards mandated by the Clean Air Act.

SECTION V

Alternatives

A. INTRODUCTION

The proposed Comprehensive Plan is based upon citizen participation in a widely publicized and public planning process dating back until 2003. Following years of public outreach and input from various City departments, local development professionals and other interested parties, the City developed a proposed Comprehensive Plan which embodies the following specific strategies to guide future decision-making for urban revitalization:

1. Build on Core Assets (the Falls, the River, regional health care and educational institutions);
2. Develop the riverfront, its recreational, development and cultural potential;
3. Create green streetscape connections that link waterfront amenities, its neighborhoods and main streets;
4. Prioritize residential development; revitalize neighborhoods and make living in the Core attractive;
5. Plan to become a more compact, attractive and manageable City;
6. Commit to sustained, small-scale incremental change, design excellence and authentic place-making;
7. Carefully target "catalyst projects" to ignite renewal efforts and encourage private sector interest and reinvestment.
8. Build strategic partnerships and promote a common agenda to undertake "catalyst projects."

In developing the Comprehensive Plan and Zoning Amendments, the City considered a number of alternative development approaches in light of the foregoing principles. As forth below, these alternatives included, among other things:

B. "NO-ACTION" ALTERNATIVE

The "no-action" alternative essentially contemplates proceeding with the existing Comprehensive Plan and Zoning Ordinance as the sole guide to land use planning and economic development in the City. The City found that prior well-intentioned renewal initiatives under these conditions have contributed to the economic and industrial decline and serious employment and population loss in the City of Niagara Falls, marked in part by the removal of residential stock in the heart of the City which has fragmented the downtown Core and the communities that traditionally supported it.

This alternative would maintain the status quo, inhibiting the ability of the City to change course and bring back vitality, excitement and investment to the downtown Core Area while preserving and protecting stable, established residential and commercial areas. In the end, it has been determined that many of the City's existing zoning requirements are designed with a suburban, low density environment in mind. Excessive requirements, at the very least, are burdensome and cost both applicants and the city time and money, such as excessive parking requirements along Pine Avenue and Main Street, which require virtually every addition and building improvement in these corridors to come before the city for a variance.

C. UNFOCUSED DEVELOPMENT

Under this alternative, planning efforts would not focus community resources at prime development locations. In evaluating this alternative, the City found that if it would spread scarce community

resources broadly throughout the City, it would jeopardize the opportunity to create focal points of development necessary to build a critical mass of public investment that is essential to attracting private investment and economic activity. Accordingly, the City determined that such a development approach would not meet the objectives of the City or minimize or avoid the perceived adverse impacts associated with development under current zoning regulations.

While the Comprehensive Plan generally focuses on the "Core City" (defined as the area loosely bounded by Portage Road, the Whirlpool Bridge and the Niagara River), other key planning areas include the Deveau-Highland Planning Area, the Hyde Park Planning Area and the La Salle Planning Area. With respect to the Core City, the Comprehensive Plan generally advocates possible future "catalyst projects," to be pursued alone or in combination with one another following future-site and project specific SEQRA review and approval processes. The key alternative projects identified include a new Cultural District (that would be located on State Street and the City Waterfront with an expanded aquarium Gorge Discovery Center and Niagara Experience Center); a Downtown Festival Square (that would be located between Prospect Street and Rainbow Boulevard) ; and an Entertainment/Theatre Center (that would be located on Niagara Street).

The catalyst projects identified in the Comprehensive Plan are conceptual in nature and are intended to provide a basis for discussion and comparison. Again, the Comprehensive Plan is a flexible document that is intended to serve as a general guide for, rather than dictate, future planning and development decisions within the City.

Ultimately, the evaluation of specific development proposals will require extensive additional public and agency scrutiny given the diverse interests and issues presented within the City of Niagara Falls. Specific development plans advanced in accordance with the Comprehensive Plan and Zoning Amendments are appropriate subjects of future site-specific environmental reviews, in which alternative development scenarios of varying scope and development intensity and appropriate mitigation measures would be considered.

D. TRANSPORTATION WITHOUT PEDESTRIAN FRIENDLY, GREENWAY LINKAGES

Under this alternative, transportation planning would only provide for the efficient movement of people, goods and services within the City without consideration of green streetscape connections that link waterfront amenities. The City found that this approach fails to integrate economic development and aesthetic considerations with transportation planning and development. Further, by ignoring aesthetic consideration of greenway linkages, this concept fails to capitalize on the amenity value of the Riverfront and Gorge Views. Therefore, a key strategy identified for the Core City would be to reconfigure and redesign the Robert Moses Parkway to be a more pedestrian-friendly "Riverfront Drive," with enhanced connectivity between various City commercial nodes and corridors and the Niagara River. Again, any such future initiatives would be subject to a future site-specific environmental reviews, in which alternative development scenarios of varying scope and development intensity and appropriate mitigation measures would be considered

E. MODIFIED REZONING

Under this alternative, the city would proceed with some but not all of the proposed zoning amendments. While the proposed zoning amendments are comprehensive in nature, this would not preclude the option of modifying the scale and scope of certain amendments. However, the proposed

zoning amendments are the product of a public input process and significant analysis. Together, the various components of the zoning and design guidelines mutually support one another and work toward a common goal.

In the course of preparing the proposed Zoning Amendments, the City carefully studied and analyzed potential impacts and effects. A variety of “case studies” – hypothetical projects and situations – were examined to ensure that the proposed zoning and design guidelines would meet the city’s goals and objectives, as set forth in the Comprehensive Plan.

While far greater benefits would accrue under the Proposed Action (i.e., adopting all proposed zoning amendments), implementation of the "Modified Rezoning" alternative would result in more benefits on a citywide basis than would be possible under the "No Action" alternative. Those benefits would not necessarily be uniform, however, since they would accrue in some areas but not in others.

Pursuant to policies and strategies of the Comprehensive Plan, the proposed Zoning Amendments are intended to harmonize the zoning requirements with the historic development patterns within the city's residential areas and establish new opportunities for growth and enhancement in core commercial areas. The proposed Zoning Amendments generally include new and revised zoning and overlay districts, new and revised zoning district regulations, and revisions and additions to the zoning administration procedures. While the City's 14 existing zoning districts are redistributed into 25 districts which are intended to be more closely tailored to the character of the city areas covered, the overall proportion of district classes changes very little and few properties undergo a change in zoning classification. Below is a discussion of certain key changes to the zoning regulations and relevant alternatives considered.

1. Building Heights and other Design Standards

The proposed Zoning Amendments include several tools to regulate structures within the City Core. The tools incorporate, among other things, bonus incentives, design guidelines, as well as building height restrictions. During the City's prior public outreach efforts, concerns have been raised regarding the extent to which height restrictions may unduly constrain downtown development. The City is mindful of this concern but believes that the proposed height restrictions are reasonable and appropriate, and that elimination or significant alteration of the proposed height restrictions could impair the quality of life for Niagara Falls residents given the world class view-sheds occasioned by proximity to the Falls and the Niagara River Gorge.

The City of Niagara of Falls Planning Office has examined alternative methods utilized in other cities to control building heights in a manner that is consistent with attracting businesses while preserving the quality of urban life. For example, the City considered Vancouver, British Columbia as a model situation wherein local regulations allow for construction of high-rise buildings in a manner that preserves view-sheds and increases density while providing a safe and comfortable environment for the city’s residents. This model has been adopted by several other cities which enjoy stable economies and robust property values such as San Diego (Marina District), San Francisco (Rincon Hill Neighborhood), and Portland (South Waterfront Lands). Seattle is also considering modifications to its zoning to incorporate Vancouver- type standards.

Vancouver-style development consists of tall, thin towers that graduate in height from 15 to 40 stories. The towers are developed in this staggered manner to preserve the

view-shed and minimize shadows while increasing density. The buildings have an approximately 6,500 square foot floor plate, and are set on top of a podium, which can range to three stories in height. The podiums do not have blank walls and were designed to create a pedestrian-scaled environment on the street level consisting of retail storefronts and townhouses. The podiums are landscaped on the top, and provide underground parking, which makes the towers comparatively inconspicuous at street level.

While recognizing that there are significant differences between Niagara Falls and Vancouver, the City of Niagara Falls' proposed Zoning Amendments incorporate, as appropriate, certain aspects of the Vancouver model. The City of Niagara Falls has proposed designated sections of the City, where high-rise development is allowed and encouraged. The City's zoning regulations are intended to make tall, thin tower development in appropriate downtown districts a priority and favor urban design standards and incentives over stringent regulations to ensure that such towers are not overwhelming on the street level.

The proposed bulk and density standards in the downtown districts include base building height allowances that range from 45 to 400 ft. The height limitations vary in different sections of the City, and the proposed code encourages buildings to gradually rise in height as the development moves toward the center of downtown. This is intended to encourage high-density, vertical development, while preserving the City's valuable views and reducing street level impacts. The proposed regulations also include potential bonuses to exceed the base building height allowances in the D1-A, B and C sub-districts in a manner that will preserve and/or enhance important scenic viewsheds. The potential building height bonuses in these sub-districts are tied to the provision of public amenities, including public plazas and parks, structured parking, improved retail / commercial design and streetscape elements, subject to building height caps of 608 ft (D1-A), 304 ft (D1-B) and 152 ft (D1-C), as well as square footage limitations at specified elevations. The incentives are intended to encourage greater creativity in the design component of buildings, and enhance the likelihood of pedestrian-friendly and other public amenities in exchange for building height increases. Such building height restrictions and bonuses also are expected to provide valuable leverage to the City in attracting development.

Careful regulation of building heights is essential to preserve the quality of development in the City of Niagara Falls and to encourage an aesthetically pleasing, human-scale pedestrian environment. The proposed Zoning Amendments are intended to avoid a clustering of buildings with excessive heights, as this has the potential to tunnel winds downward toward the street level and/ or to limit sunlight there. The City's proposed Zoning Amendments are also designed to prevent high rise buildings from being developed along the waterfront and residential neighborhoods, as this could adversely affect river and gorge views and property values. Even with potential height bonuses, the City's proposed building height restrictions are intended to protect residential communities and the view-sheds of the Niagara River and the American Falls. Each serve as important assets to the community and catalysts for future economic development.

To complement the City's proposed building height restrictions in the downtown districts

as well as the existing State Park, the proposed Zoning Amendments include a proposed Gorge View District (D-2) that would fall between the Robert Moses Parkway and Main Street just north of downtown, which district would allow recreational, cultural and tourist activities along the waterfront. The proposed D-2 district predominantly is composed of land currently zoned public space and downtown commercial district, with a small portion of an R-3 zone as well. The new D-2 district will not only promote tourist activity in a concentrated location, but promote the enhancement of the natural environment there as well.

2. Setback Requirements in Downtown and Commercial Districts

The City's existing zoning code consists of suburban-style minimum setback requirements that restrict development opportunities for the City. As compared to the alternative of perpetuating development epitomized by buildings set far back behind spacious parking lots, the City favors a more human-scale, pedestrian-friendly urban environment.

The proposed Zoning Amendments generally divide existing zoning districts into sub-districts which allow for the division of requirements based on existing conditions. For the Downtown and Commercial districts, the proposed Zoning Amendments reduce current minimum setback requirements to allow for a walk-able, pedestrian friendly environment. (While the proposed Zoning Amendments also modify minimum setback requirements in the residential districts, these changes generally are intended to reflect existing densities and preserve existing neighborhood development patterns and character).

3. Minimum Lot Area and Non-conformity

Non-conforming uses can be found throughout the City of Niagara Falls and can cause unnecessary hardships for certain property owners. The City's existing zoning code has set uniform bulk and density requirements for large residential zones within the City of Niagara Falls. The bulk and density requirements have resulted in 50% of the R-1 zone becoming non-conforming due to lot area, and 66% of the R-1 zone is non-conforming due to lot width. The percentages of non-conformity in the R-2 zone is even higher, as 62% is non-conforming due to lot area, and 69% non-conforming due to lot width.

The existing non-conforming lots can unduly complicate desired improvements at the affected properties. For example, redevelopment of a lot where a building has been demolished often creates a lot that cannot be developed under the current regulations. The City theoretically would need to wait until entire neighborhoods collapse, and invest large sums of funding, in order to appropriately size the bulk and density of lots in a given residential area, without a corresponding increase in the real property tax base.

As compared to the alternative of allowing this situation to persist, the proposed Zoning Amendments are intended to protect property values and to reduce the number of existing non-conforming residential lots in both the residential zones. This is expected to facilitate modification and repair of such properties and allow for the housing stock within the city to be improved, resulting in an increase of property values and the quality of life within the city. Re-introduction of smaller lots sizes to the City's development

patterns is consistent with the City's goal of evolving into a more walk-able and pedestrian-friendly community which accommodates of a variety of densities. This in turn is expected to reduce automobile usage and improve the City's air quality.

4. Surface Parking

The City of Niagara Falls has an abundance of surface parking lots, which are rarely fully occupied. Existing minimum parking requirements render the City streets less walk-able and pedestrian-friendly, occupy potential green space and landscaping, contribute to increased automobile usage and traffic congestion, greater exhaust emissions and corresponding reduction in air quality. The large impermeable surface areas created by surface parking lots increase the amount of surface water run-off substantially. This puts a strain on the city's storm water management system and can potentially reduce water quality. These parking-related factors limit the redevelopment potential of the City of Niagara Falls and have had a detrimental effect on the community character and streetscape vitality of the City.

As an alternative to these undesirable conditions, the City has considered and favors an alternative parking management technique incorporating the relaxation of, and in select commercial districts, elimination of parking requirements. Relaxing the parking requirements is projected to not only substantially reduce the cost of development and create an attractive environment for new businesses, but also to increase the revenue the City will be able to generate from paid parking resources. The increased usage of priced parking, and the promotion and encouragement of alternate transportation modes such as walking, bicycling, and public transit, will enable the City to expand its development potential and create a walk-able, more densely populated downtown.

The City has examined the Multi-Modal Access Program study conducted by USA Niagara Development Corporation, which analyzes the parking situation in Niagara Falls. The study analyzed on-street parking demand within four areas within downtown Niagara Falls: North of Niagara Street, the State Park Area, the Buffalo Avenue Area, and the Casino Area. The peak occupancy only exceeded capacity within the Casino Area, and the State Park Area was at 99% capacity. The analysis of parking lots or off-street parking found that the capacity was exceeded in only three parking lots and capacity was met in nine others during peak occupancy. The peak occupancy of the entire parking lot inventory in downtown Niagara Falls was only 63.9%. The City of Niagara Falls has one parking structure remaining, which is located on Rainbow Blvd and Niagara, which has a peak occupancy rate of fewer than 40%.

According to the aforementioned Multi-Modal Access Program study, the City of Niagara Falls has sufficient parking available to support the current demands generated during peak hours. The study has only examined peak occupancy rates, and the occupancy percentage during off-peak times is projected to be significantly lower.

Further, the relaxation and elimination of minimum parking requirements is a recognized trend among smart growth and livable community advocates. It has been adopted within several municipalities throughout the United States, including San Francisco, California, Portland, Oregon and many others. Portland, Oregon has eliminated parking requirements within its central business district, and for sites located

within 500 feet of a high-capacity train station. Outside of Portland's Central Business District, the zoning code actually places a cap on the number of parking spaces. In San Francisco, minimum parking requirements were eliminated for downtown housing, and a maximum of one space per four units was imposed. This has resulted in the reduction of traffic congestion and the increase of affordable housing within the city. Likewise, Seattle, Washington has reduced minimum parking requirements in mixed-use neighborhoods, and eliminated them in downtown areas to increase housing opportunities and create pedestrian friendly neighborhoods. The city has also imposed maximum parking requirements for office space within its downtown.

SECTION VI

Other Issues

A. UNAVOIDABLE ADVERSE IMPACTS

Adoption of the proposed Comprehensive Plan and Zoning Amendments is not expected to result in any direct unavoidable adverse environmental impacts.

The anticipated future development of lands under the proposed Zoning Amendments will likely result in the unavoidable adverse impacts typical of all development, such as demand for community services; increased solid waste generation; increased water use and sewage generation; increased usage of electricity and energy resources; and increased traffic. However, it is not anticipated that such demands will exceed the City's capacity to meet them, especially as the proposed action is not expected to create a sudden increase in new development. Rather, current development trends will likely continue uninterrupted in the short term. However, as the recommendations of the Comprehensive Plan are implemented, and the adopted Zoning Amendments begin to have an impact on the look and feel of the City, the City is expected to become a more attractive place to visit and in which to live. In the long run, this may draw more residents to the City and result in greater demand for services and increased burdens on infrastructure. However, it is expected that there will also be a corresponding improvement in the City's economic health, which will help the City to meet such increased service demands. Moreover, much of the City's infrastructure was designed and built for a peak population of approximately 100,000, so in many instances, excess capacity and infrastructure is available to absorb significant population change without requiring substantial infrastructure expansion.

It is also noted that any proposed development of land affected by any Zoning Map amendment discussed in this DGEIS will be subject to its own environmental review under SEQRA when such development is proposed. Through that process, the potential impacts described above would be mitigated to the maximum extent practicable. While those potential impacts have been described conceptually herein, reference to them in this DGEIS is not intended to serve as a substitute for a site-specific environmental review which will still be required on a case-by-case basis at the time that an application for development approval is submitted.

B. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

The proposed adoption of the Comprehensive Plan and Zoning Amendments in and of itself would not entail any irreversible and irretrievable commitment of resources. In fact, if necessary, the proposed Zoning Amendments could be reversed if future conditions warrant such a reversal and the affected properties have not been developed.

Typical irreversible and irretrievable commitments of resources associated with development include the commitment of land resources; manpower for the construction of structures; building materials such as wood, concrete and stone; energy resources such as gasoline, diesel fuel, and electricity; and water for domestic use and irrigation. These resources may be expended even absent adoption of the Zoning Amendments. Since any proposals for residential development would be subject to individual site-specific environmental reviews at the time of application for approval, irreversible and irretrievable commitments of resources cannot be fully quantified at this time.

C. GROWTH INDUCING IMPACTS

The proposed adoption of the Comprehensive Plan and Zoning Amendments is not expected to induce growth in the short term. In the long term, it is expected that implementation of the recommendations and strategies of the Comprehensive Plan and the associated zoning, would positively impact the character of the City. This in turn is expected to make the City a more desirable place to visit and in which to live and work. Thus, in the long term, it is hoped that adoption of the proposed Comprehensive Plan and Zoning Amendments will induce much-needed economic growth and development in the City. However, the proposed adoption of these changes will not, in and of itself, directly result in any building activity or physical change to the environment.

D. EFFECTS ON THE USE AND CONSERVATION OF ENERGY

The energy resources that will potentially be indirectly affected in the long term by the proposed adoption of the Comprehensive Plan and Zoning Amendments are electricity, gas and oil. However, mixed-use development patterns and emphasis on pedestrian and other modes of transportation will potentially decrease the need for vehicular fuel. The use and conservation of other energy sources, such as electricity and oil, are not anticipated to be effected by the proposed action.

E. ISSUES OF CONTROVERSY

Achievement of the goals of the Comprehensive Plan, which has been the subject of much public scrutiny and review over the past several years, will not happen overnight. Again, if the purposes and intent of the Comprehensive Plan and proposed Amendments to the Zoning Ordinance are realized over time, the City will experience the types of positive change that epitomize effective urban revitalization and redevelopment - increased population and economic, cultural and recreational activity borne out of an enhanced, human-scale urban experience. With such potential future changes, building height, traffic and the preservation of views of parklands, water resources and the Falls are potential areas of concern.

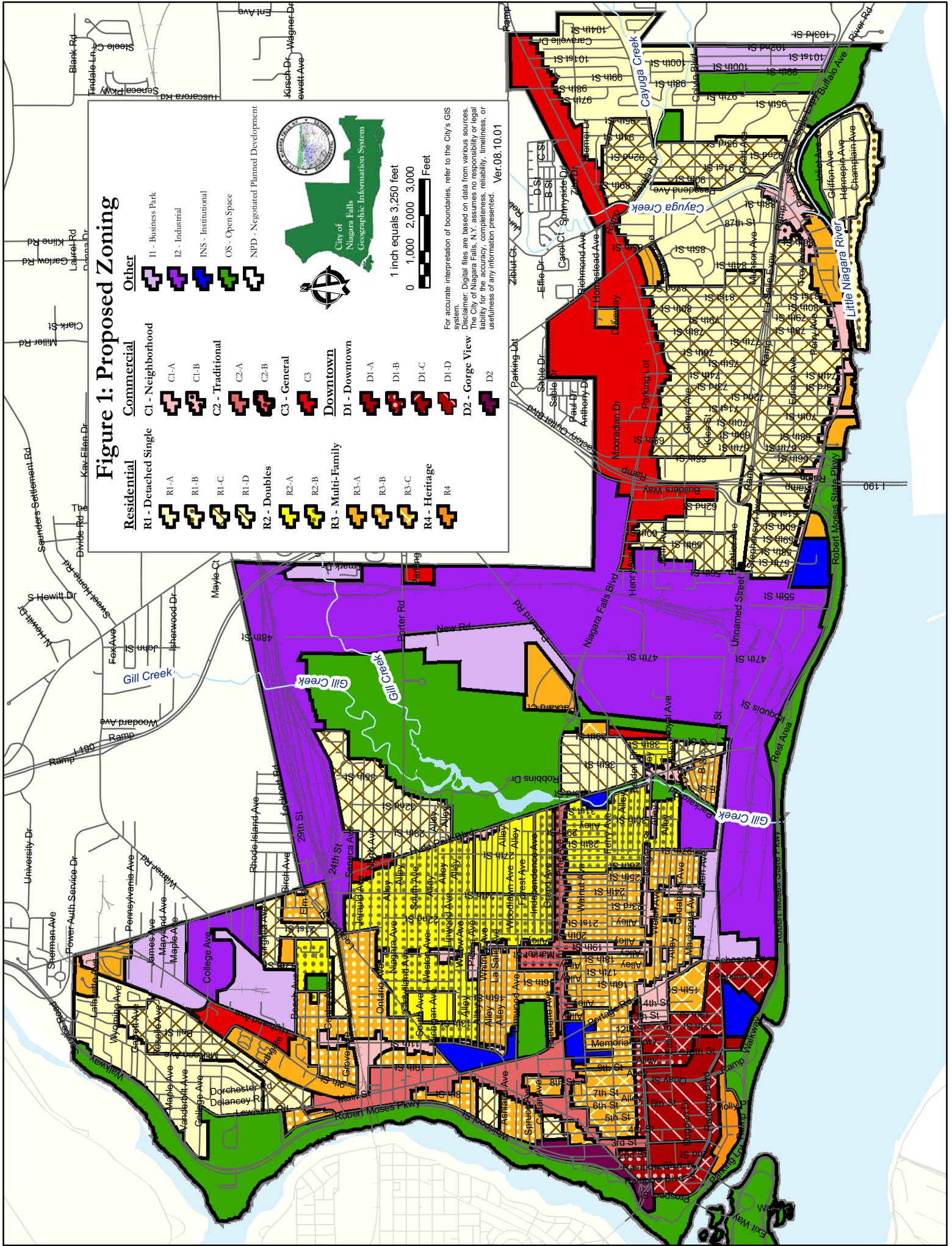
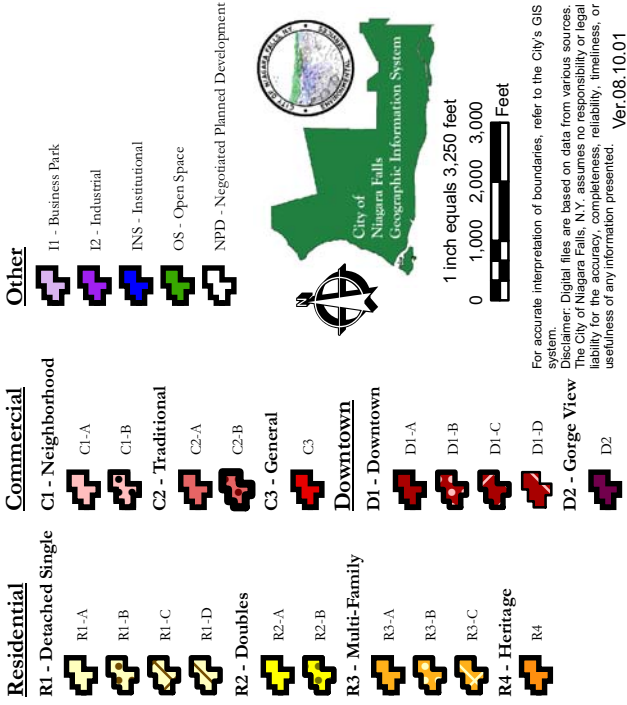
As detailed throughout this DGEIS, the proposed zoning changes accompanying the proposed Comprehensive Plan revision themselves are specifically designed to mitigate possible adverse impacts on the City's world-class natural vistas, open spaces and water resources. The proposed zoning changes afford special protection to these sensitive areas and establish zoning districts that carefully regulate building height in a manner that reduces height as one moves from the central downtown area to the city's waterfront. Consideration of visual impacts also will be paramount in the City's development review process.

Unfortunately, the urban environment in the City of Niagara Falls has been marked by steady population and economic decline over the past several decades. Accordingly, any modest or even significant population growth that may be spurred by the policies and standards articulated in the Comprehensive Plan is not expected to exceed the capacity of the City's existing transportation infrastructure. Still, the anticipated FGEIS will provide a general foundation upon which the City and other agencies may evaluate future project- and/or site-specific proposals actions which may be proposed following adoption of the Comprehensive Plan and Zoning Amendments, which may require the preparation of one or more supplemental EISs. SEQRA will require that mitigation measures be developed on a site and project-

specific basis to address traffic and other environmental factors which cannot be quantified at this preliminary stage of the Comprehensive Plan and Zoning Amendments.

LIST OF FIGURES

Figure 1: Proposed Zoning



**Figure 2:
Proposed Waterfront Overlay District**



For accurate interpretation of boundaries, refer to the City's GIS system.
Disclaimer: Digital files are based on data from various sources. The City of Niagara Falls, N.Y., assumes no responsibility or legal liability for the accuracy, completeness, reliability, timeliness, or usefulness of any information presented.

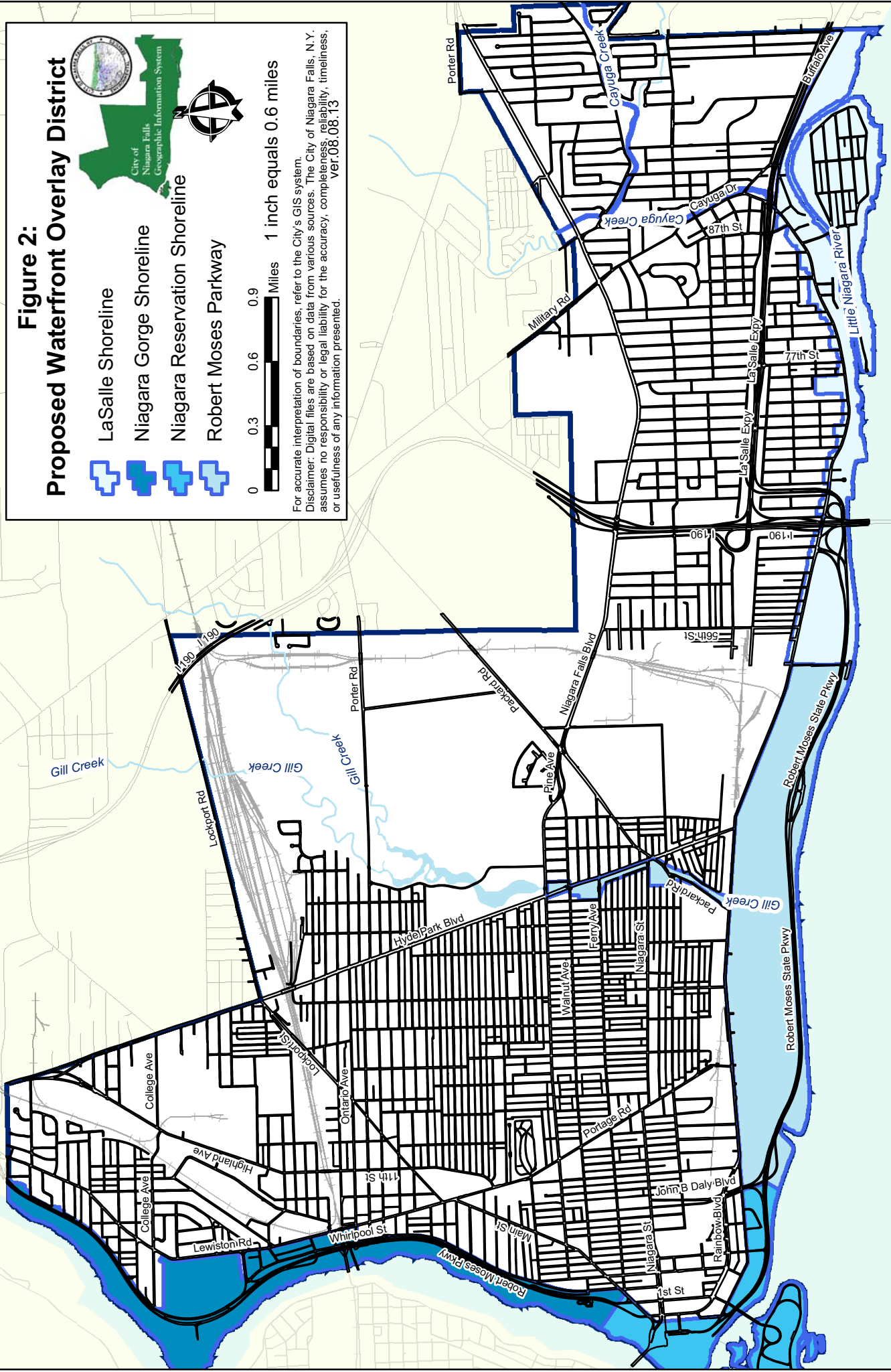


Figure 3: Proposed Design Overlay District



Design Overlay



1 inch equals 3,200 feet

0 1,600 3,200 4,800

Feet

For accurate interpretation of boundaries, refer to the City's GIS system.
Disclaimer: Digital files are based on data from various sources. The City of Niagara Falls, N.Y. assumes no responsibility or legal liability for the accuracy, completeness, reliability, timeliness, or usefulness of any information presented.
ver.08.08.13

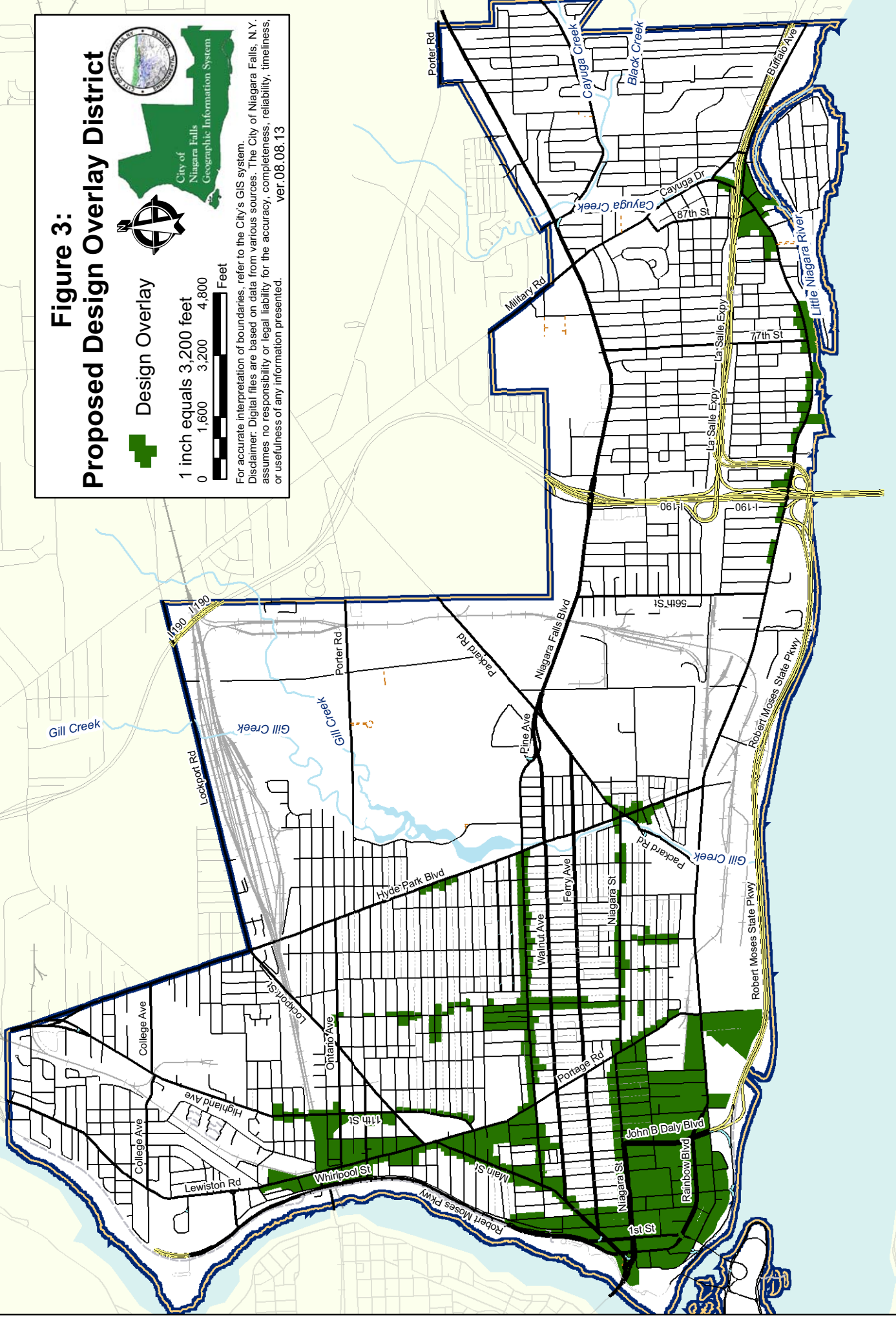


Figure 4: Existing and Proposed Single Family Detached Districts



Residential - Current



R-1

Residential - Proposed

R1 - Detached Single



R1-A



R1-B



R1-C



R1-D

1 inch equals 3,250 feet

0 0.25 0.5 0.75

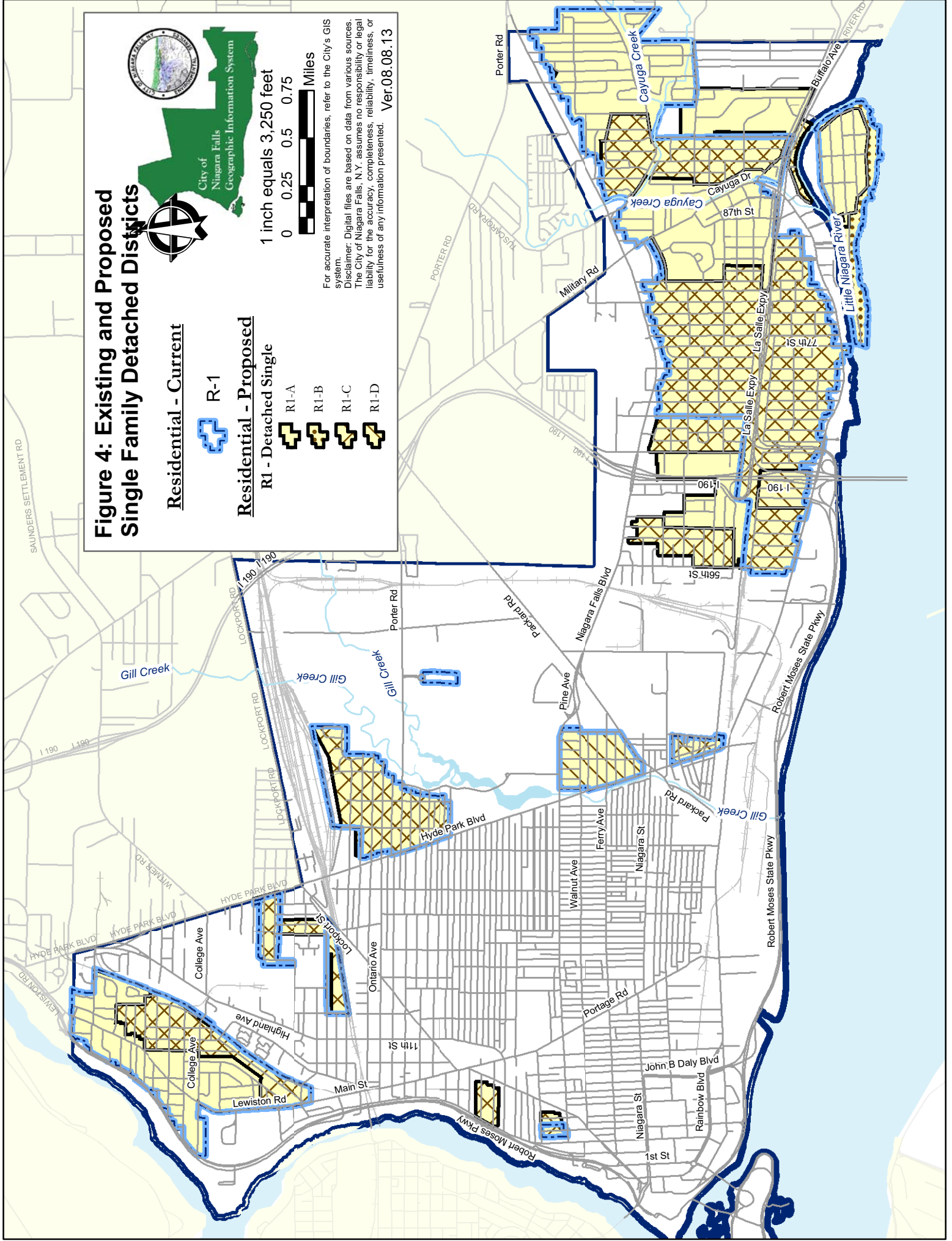


Miles

For accurate interpretation of boundaries, refer to the City's GIS system.

Disclaimer: Digital files are based on data from various sources. The City of Niagara Falls, N.Y. assumes no responsibility or legal liability for the accuracy, completeness, reliability, timeliness, or usefulness of any information presented.

Ver. 08.08.13



**Figure 5: Existing and Proposed
Two Family Districts**



Residential - Current



R-2

Residential - Proposed

R2 - Doubles



R2-A



R2-B

1 inch equals 3,250 feet

0 0.25 0.5 0.75



Miles

For accurate interpretation of boundaries, refer to the City's GIS system.

Disclaimer: Digital files are based on data from various sources.

The City of Niagara Falls, N.Y. assumes no responsibility or legal liability for the accuracy, completeness, reliability, timeliness, or usefulness of any information presented.

Ver.08.08.13

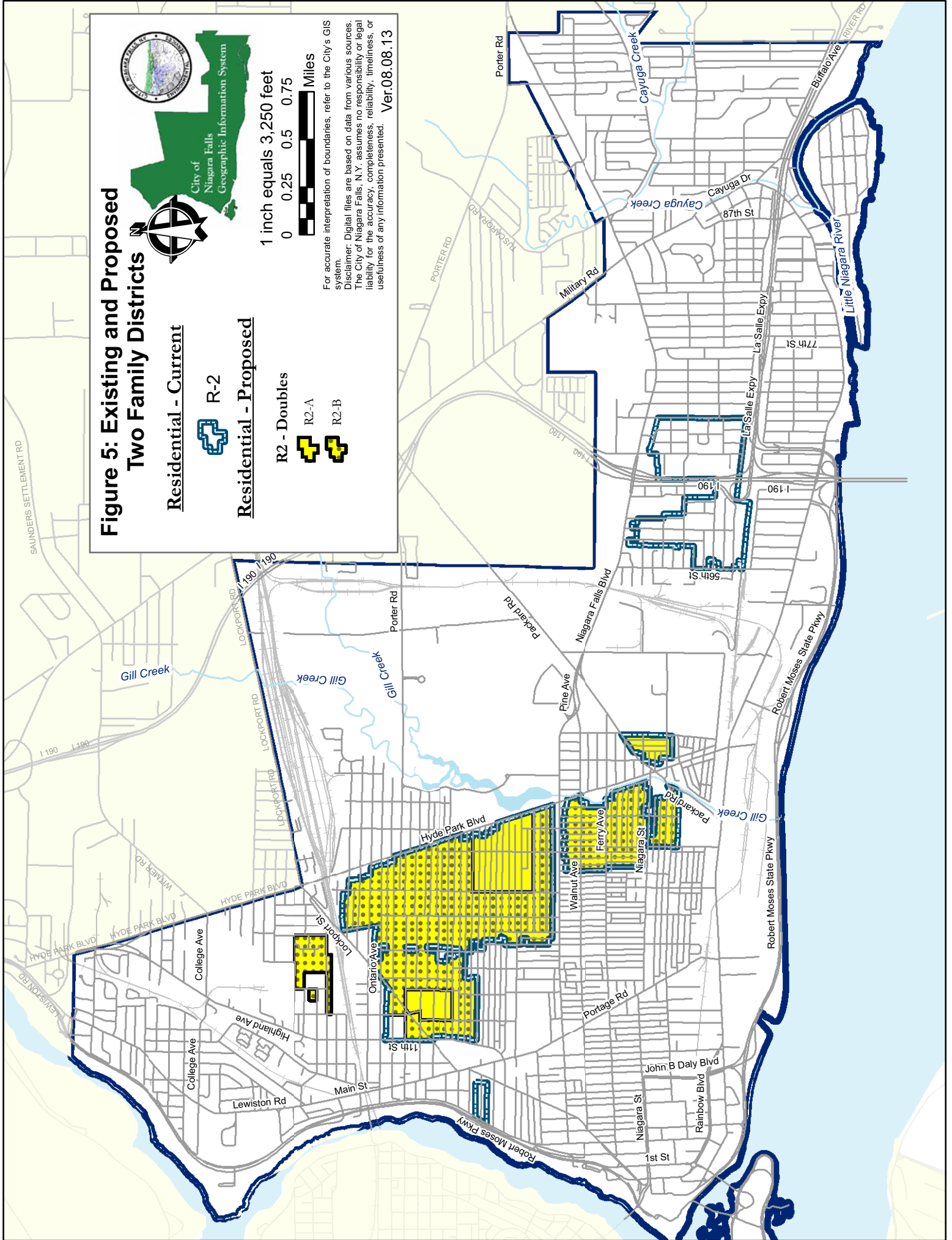
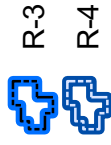


Figure 6: Existing and Proposed Multifamily Districts



Residential - Current



Residential - Proposed

R3 - Multi-Family



1 inch equals 3,250 feet

0 0.25 0.5 0.75



Miles

For accurate interpretation of boundaries, refer to the City's GIS system.

Disclaimer: Digital files are based on data from various sources. The City of Niagara Falls, N.Y. assumes no responsibility or legal liability for the accuracy, completeness, reliability, timeliness, or usefulness of any information presented.

Ver.08.10.01

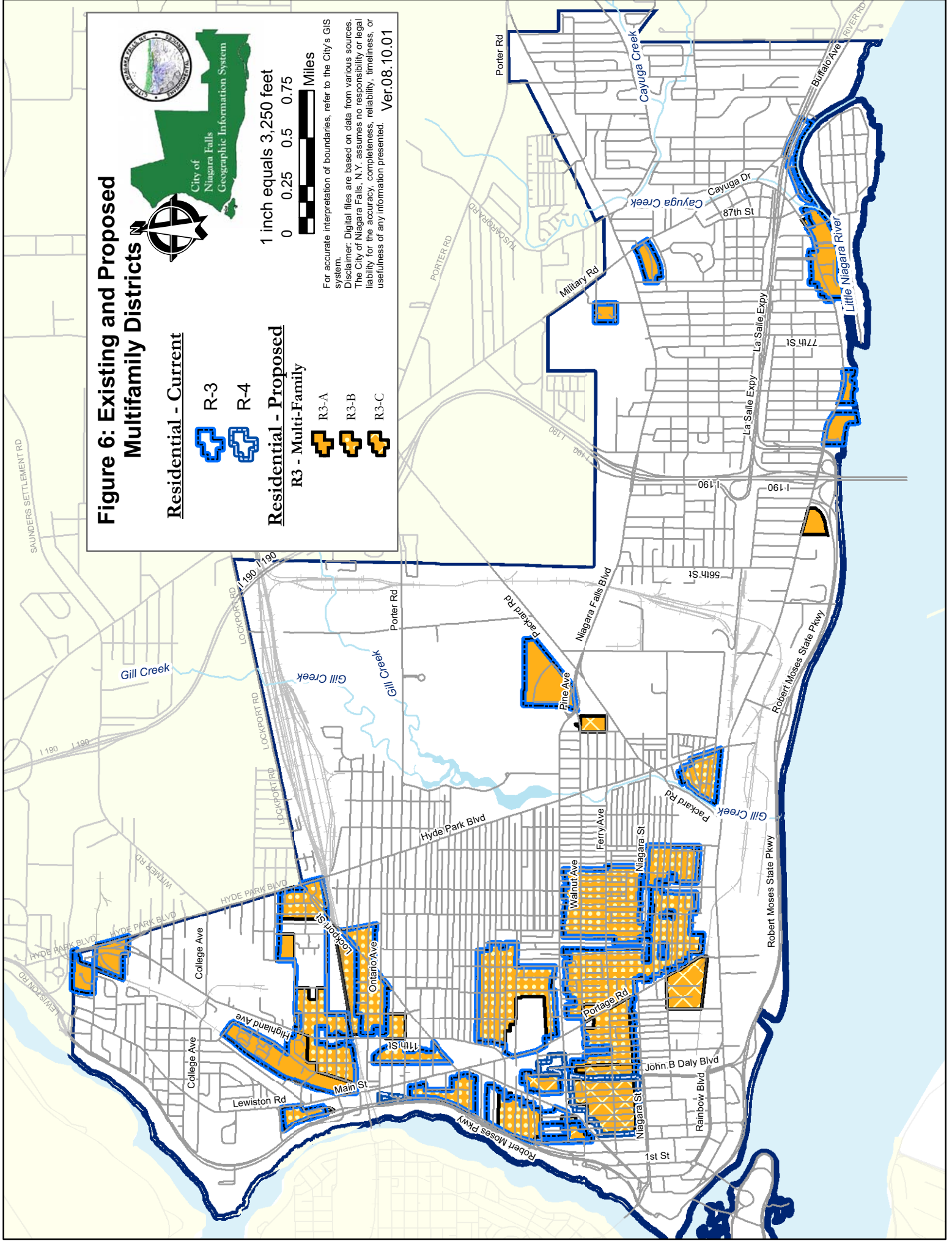


Figure 7: Proposed R4 Heritage District



Residential - Current

No Equivalent

Residential - Proposed

1 inch equals 3,250 feet

0 0.25 0.5 0.75



Miles

For accurate interpretation of boundaries, refer to the City's GIS system.

Disclaimer: Digital files are based on data from various sources. The City of Niagara Falls, N.Y. assumes no responsibility or legal liability for the accuracy, completeness, reliability, timeliness, or usefulness of any information presented.

Ver. 08.08.13

R4 - Heritage



R4

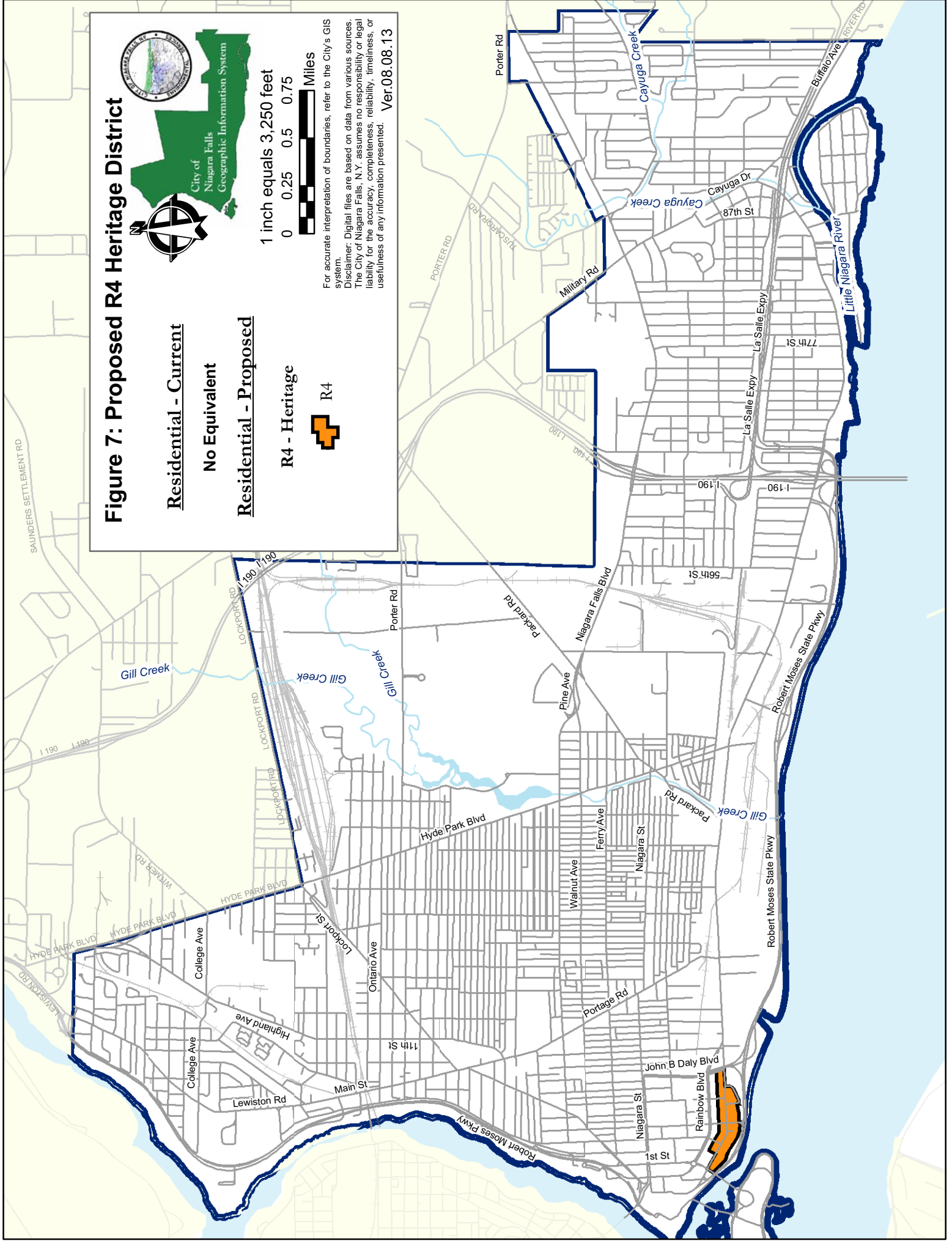


Figure 8:

Non-Conforming Lots With Respect to Lot Area, Existing Zoning



Disclaimer: Digital files are based on data from various sources. The City of Niagara Falls, N.Y., assumes no responsibility or legal liability for the accuracy, completeness, reliability, timeliness, or usefulness of any information presented.
ver.08.08.13

Zone: Non-Conforming	
R1	50%
R2	62%

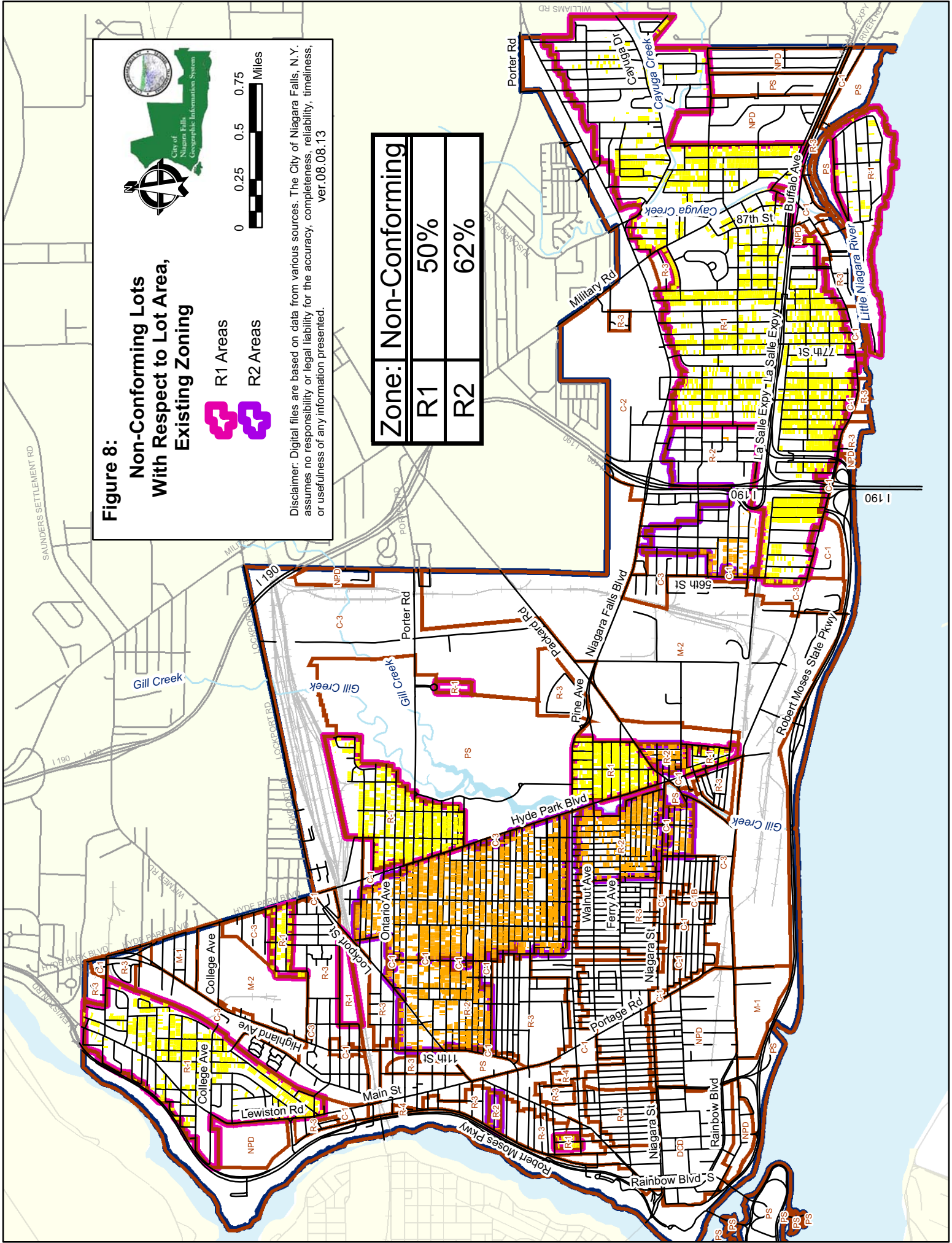
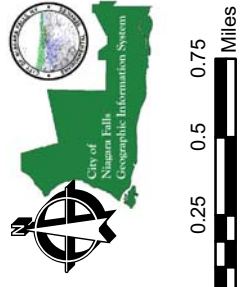


Figure 9:

**Non-Conforming Lots
With Respect to Lot Area,
Proposed Zoning**



Disclaimer: Digital files are based on data from various sources. The City of Niagara Falls, N.Y., assumes no responsibility or legal liability for the accuracy, completeness, reliability, timeliness, or usefulness of any information presented.
ver.08.08.13

Zone: Non-Conforming	
R1	20%
R2	18%

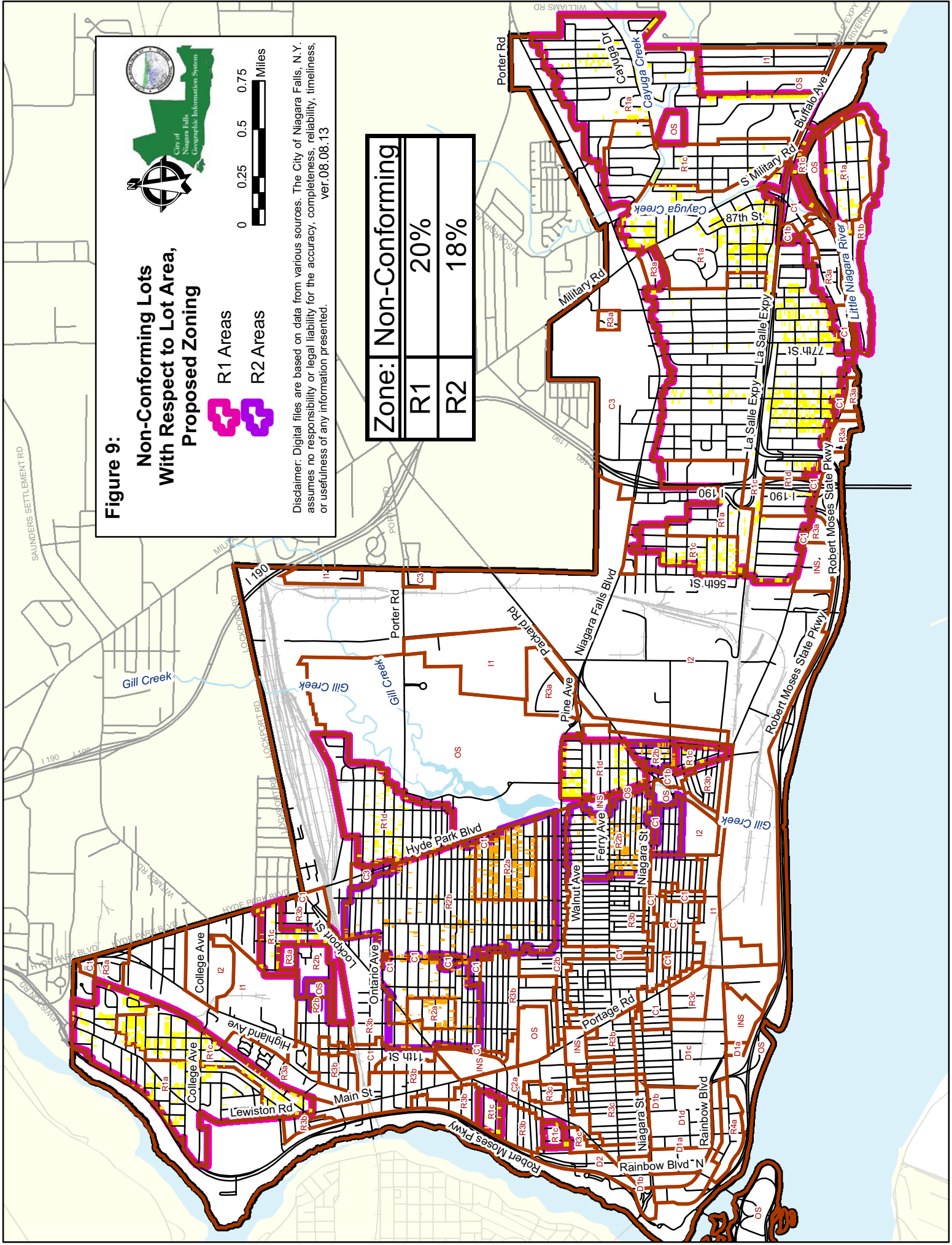


Figure 10:

Non-Conforming Lots With Respect to Lot Width, Existing Zoning



Disclaimer: Digital files are based on data from various sources. The City of Niagara Falls, N.Y., assumes no responsibility or legal liability for the accuracy, completeness, reliability, timeliness, or usefulness of any information presented.
ver.08.08.13

Zone: Non-Conforming	
R1	66%
R2	69%

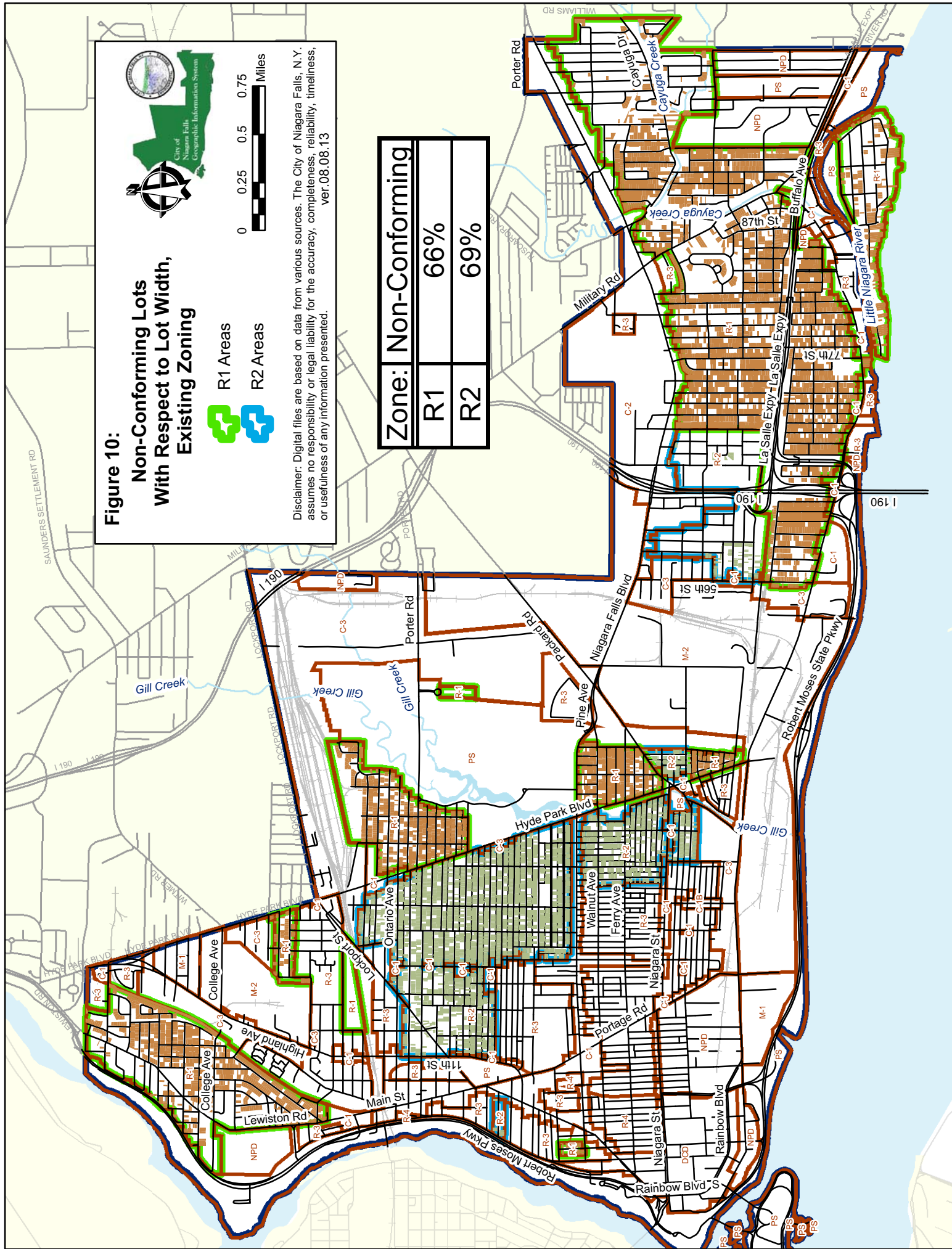


Figure 11:

**Non-Conforming Lots
With Respect to Lot Width,
Proposed Zoning**



Disclaimer: Digital files are based on data from various sources. The City of Niagara Falls, N.Y., assumes no responsibility or legal liability for the accuracy, completeness, reliability, timeliness, or usefulness of any information presented.
ver.08.08.13

Zone: Non-Conforming	
R1	20%
R2	10%

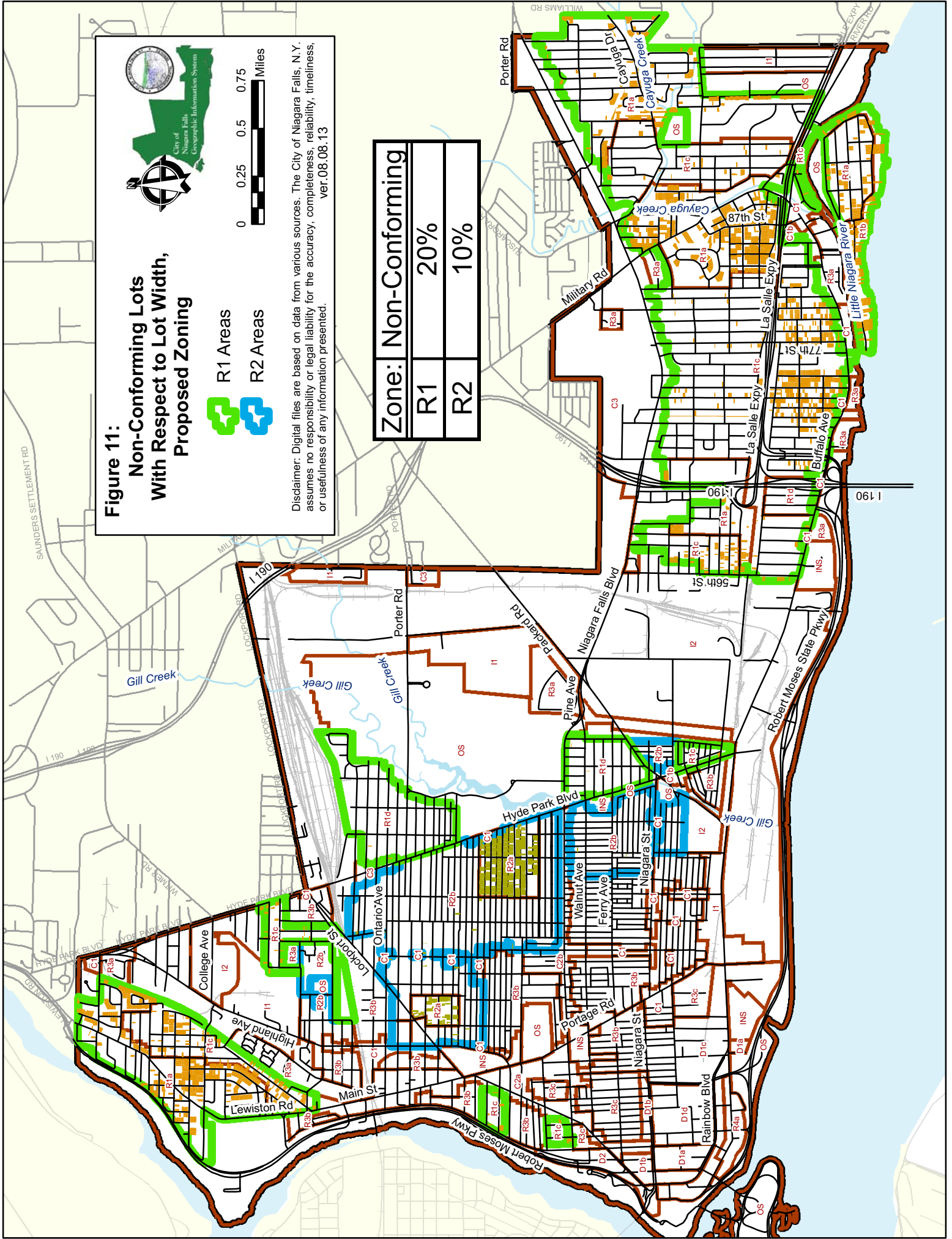


Figure 12: Existing and Proposed Downtown Districts



Downtown - Current



DCD

Downtown - Proposed

D1 - Downtown



D1-A



D1-B



D1-C



D1-D

D2 - Gorge View



D2

1 inch equals 3,250 feet

0 0.25 0.5 0.75



Miles

For accurate interpretation of boundaries, refer to the City's GIS system.

Disclaimer: Digital files are based on data from various sources. The City of Niagara Falls, N.Y. assumes no responsibility or legal liability for the accuracy, completeness, reliability, timeliness, or usefulness of any information presented.

Ver.08.10.01

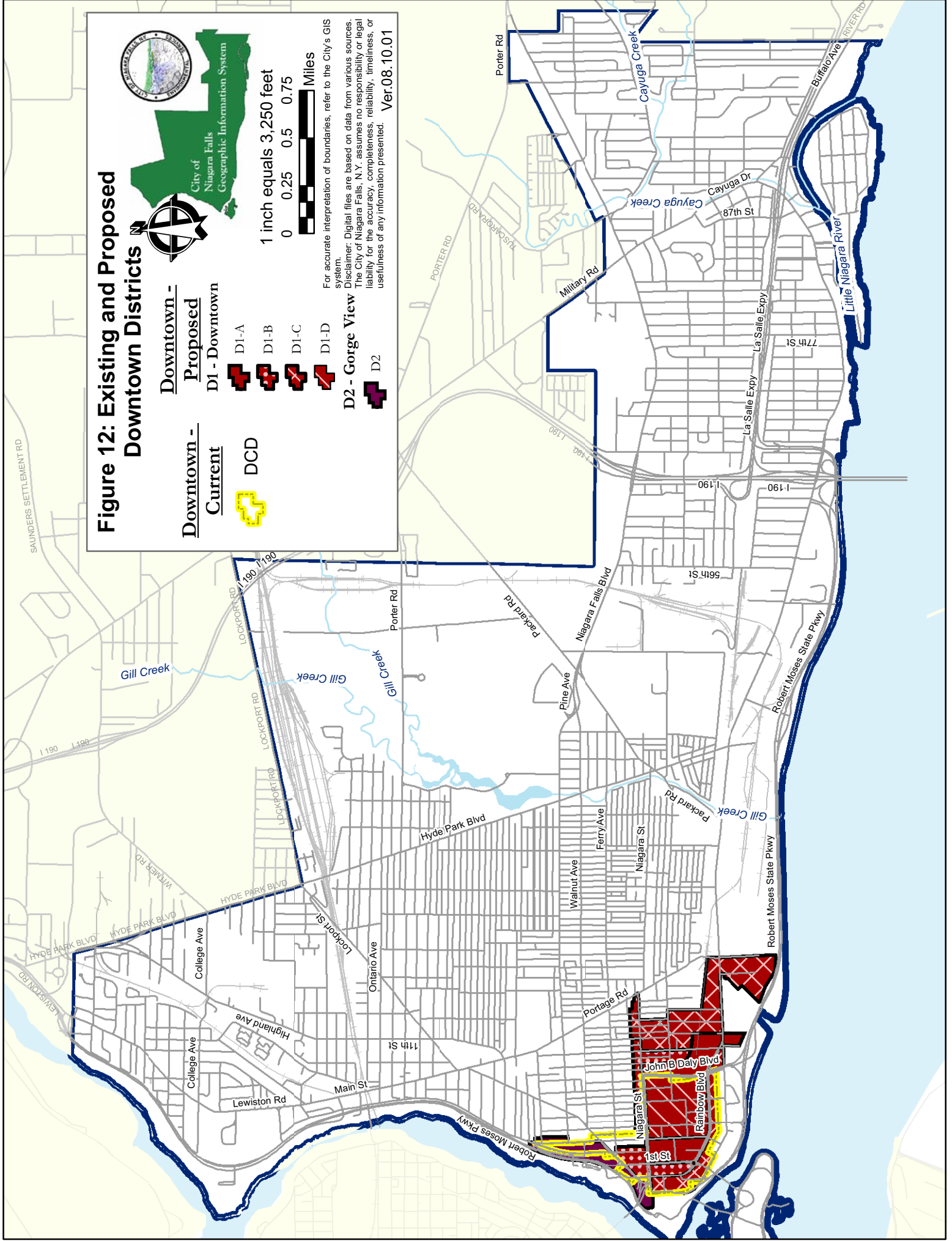


Figure 13: Existing and Proposed Neighborhood Commercial Districts



**Commercial -
Current**



C-1B

**Commercial -
Proposed**

C1 - Neighborhood



C1-A



C1-B

1 inch equals 3,250 feet

0 0.25 0.5 0.75 Miles



For accurate interpretation of boundaries, refer to the City's GIS system.
Disclaimer: Digital files are based on data from various sources. The City of Niagara Falls, N.Y. assumes no responsibility or legal liability for the accuracy, completeness, reliability, timeliness, or usefulness of any information presented.

Ver.08.08.13

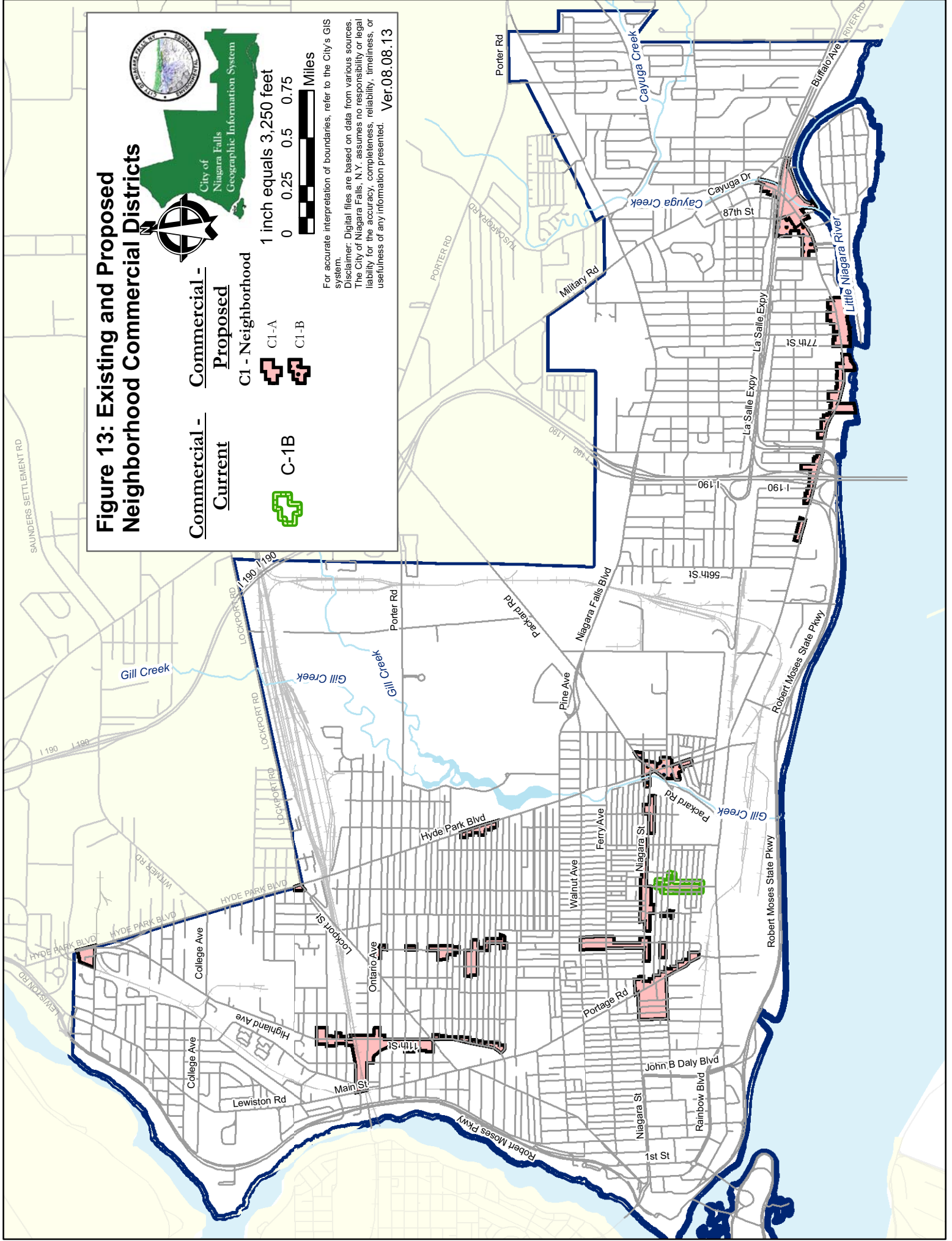


Figure 14: Existing and Proposed Traditional Commercial Districts



**Commercial -
Current**

**Commercial -
Proposed**

C2 - Traditional



1 inch equals 3,250 feet

0 0.25 0.5 0.75 Miles



For accurate interpretation of boundaries, refer to the City's GIS system.

Disclaimer: Digital files are based on data from various sources. The City of Niagara Falls, N.Y. assumes no responsibility or legal liability for the accuracy, completeness, reliability, timeliness, or usefulness of any information presented.

Ver.08.08.13

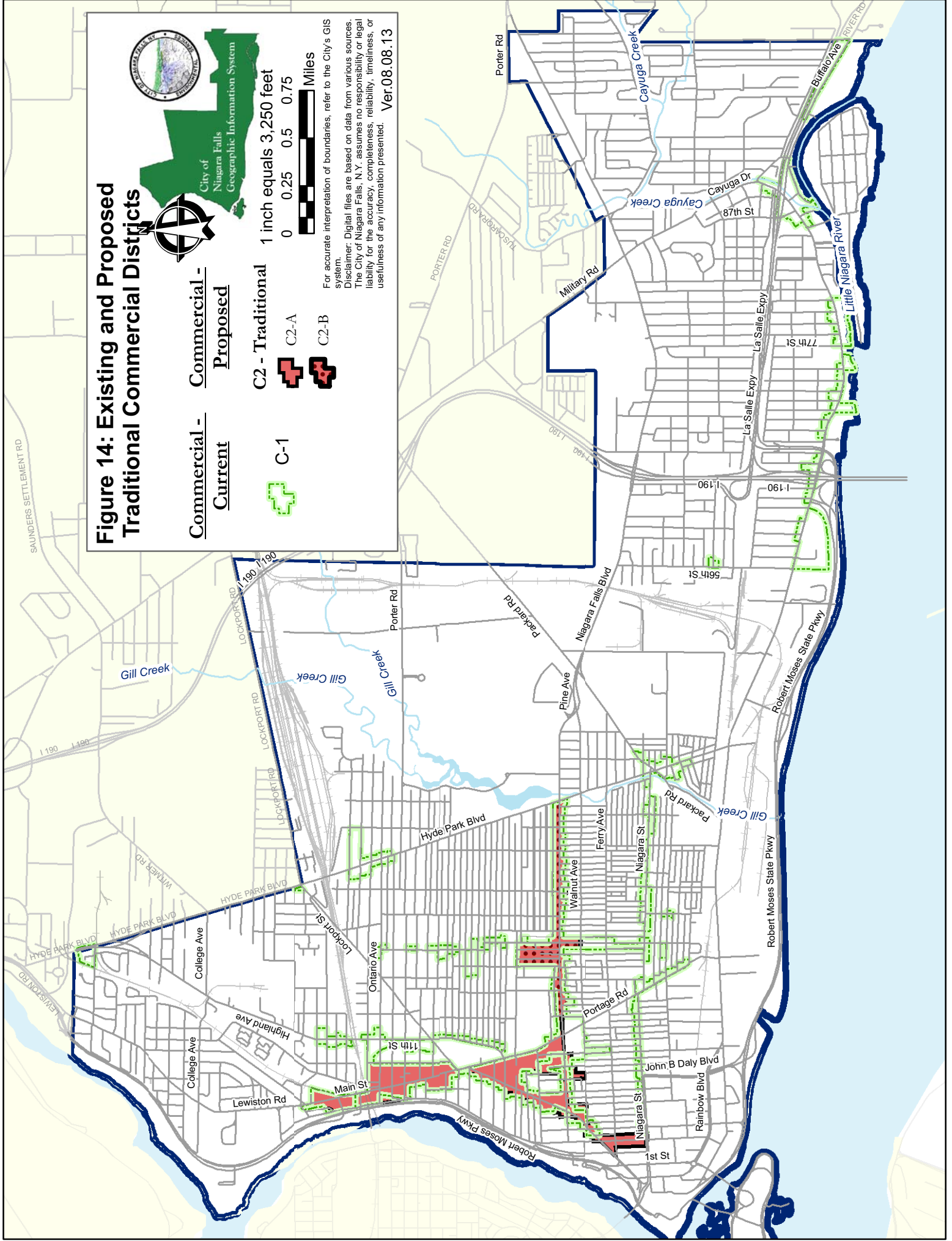


Figure 15: Existing and Proposed General Commercial Districts



**Commercial -
Current**

**Commercial -
Proposed**



C-2



C3

C3 - General 1 inch equals 3,250 feet

0 0.25 0.5 0.75 Miles



For accurate interpretation of boundaries, refer to the City's GIS system.
Disclaimer: Digital files are based on data from various sources. The City of Niagara Falls, N.Y. assumes no responsibility or legal liability for the accuracy, completeness, reliability, timeliness, or usefulness of any information presented.

Ver.08.10.01

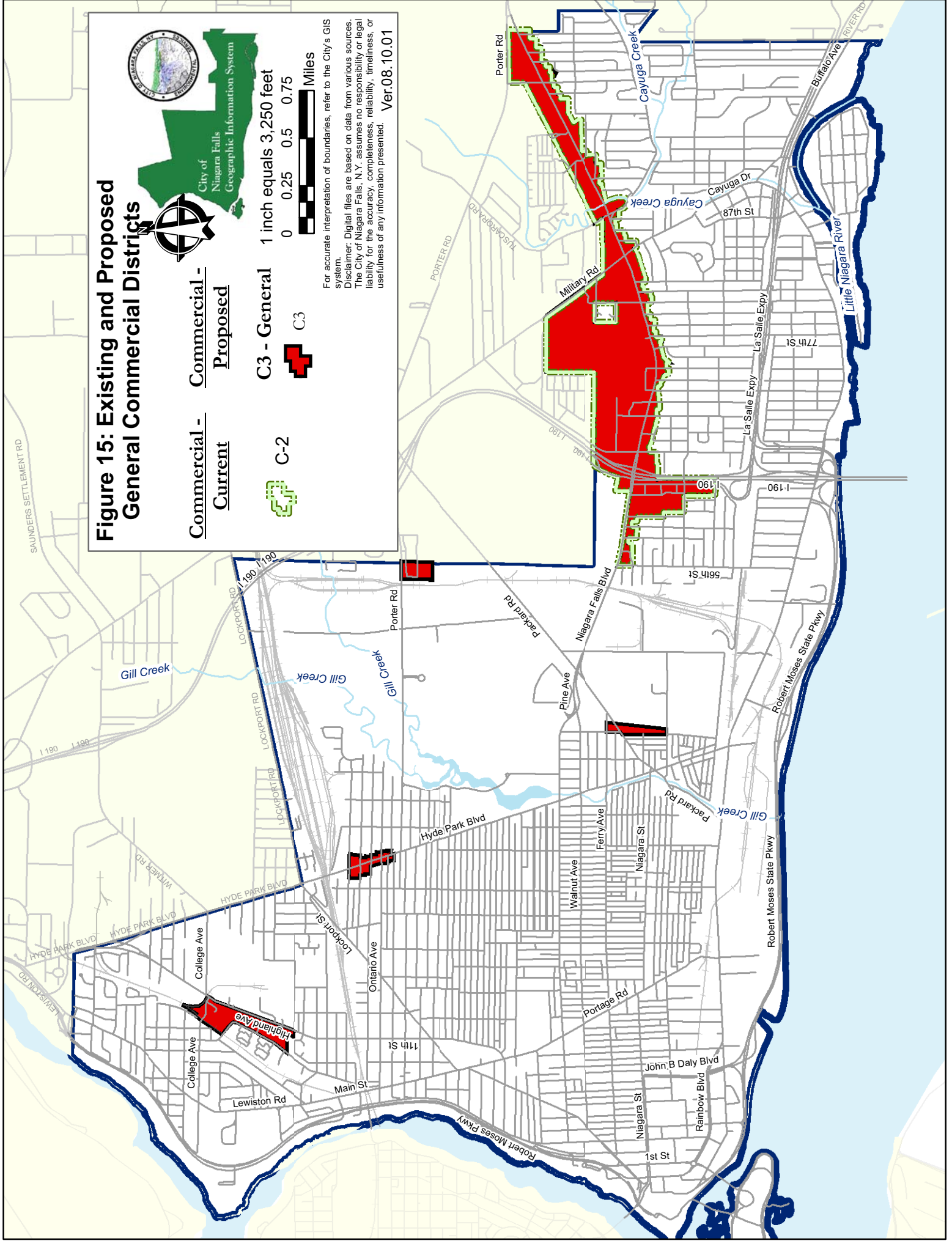


Figure 16: Existing and Proposed Industrial Districts

