CITY OF BUFFALO URBAN RENEWAL AGENCY **BOARD MEETING AGENDA**

Thursday, March 24, 2022 9:30 am Eastern Time (US & Canada)

VIA WEBEX VIDEO

https://cityofbuffalourbanrenewalagency.my.webex.com/cityofbuffalourbanr enewalagency.my/j.php?MTID=m46424a878e3d4cacf2ba89b0cd423e84

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- 1. Roll Call
- 2. Action on minutes of meeting of February 24, 2021
- 3. FINANCIAL CONTROL OF AGENCIES

Fiscal Update

Tracy Cooley

(INFORMATIONAL)

4. HOME

(ACTION) Yvonne McCray

Approval of Negative Declaration 4a. West Side Homes, Twelve Scattered Sites

Buffalo Neighborhood Stabilization Company Inc. - Developer

(INFORMATIONAL)

Jenna Bichler

- 5. OPERATIONS UPDATE
- **5a.** BURA Operational Update
- **6.** Executive Session
- 7. Adjournment

CITY OF BUFFALO URBAN RENEWAL AGENCY BOARD MEETING MINUTES February 24, 2022

Meeting held via Webex video conference at the following link:

 $\frac{https://cityofbuffalourbanrenewalagency.my.webex.com/cityofbuffalourbanrenewalagency.}{my/j.php?MTID=m46424a878e3d4cacf2ba89b0cd423e84}$

Meeting Audio was made available via the following number and access code:

Join by phone +1-415-655-0001 US Toll Access code: 182 379 3191

MEETING DATE: February 24, 2022

MEMBERS PRESENT: Brendan R. Mehaffy, BURA Vice Chairman

Council President Pridgen Commissioner Donna Estrich

Cavette Chambers, Acting Corporation Counsel

Council Member Golombek Council Member Nowakowski

MEMBERS EXCUSED: Mayor Byron Brown

SECRETARY: Scott C. Billman

OTHERS PRESENT: Yvonne McCray, BURA Director of Housing, Jenna Bichler, BURA Director

of Operations, Tracy Cooley, BURA Deputy Director of FCA, Jessica Brown, Director of Administration & Finance, Maria Melchiorre, Christine Marino, Tony Chestnut, Pam Walker-Jarmon, Evelyn Rodriguez, Julia Dutka

- 1. Mr. Mehaffy called the meeting to order at 9:35 am.
- 2. Council Member Nowakowski made the motion to waive the reading of the minutes of the December 16, 2021 meeting, seconded by Council Member Golombek and carried unanimously.
- 3. FINANCIAL CONTROL OF AGENCIES (Informational)
- **3a.** Ms. Cooley, Director of FCA (Financial Control of Agencies) provided a fiscal update to the Board.

4. <u>HOME</u>

4a. McCarley Gardens - 818 Michigan Avenue HOME Loan and approval of Negative Declaration Agency Members approved a request for BURA to allocate an amount not to exceed \$1,020,000 in HOME funds for the McCarley Gardens project. The funds will be allocated to the developer, or an entity formed by the developer for the specific purposes of and completion of the project at 818 Michigan Avenue. \$20,000 of the not to exceed amount will be utilized for Project Delivery Costs.

McCarley Gardens is a 150 unit \$56.8 million-dollar affordable rental townhouse complex on 15 acres located in the Historic Fruitbelt Neighborhood just south of the Buffalo Niagara Medical Campus. Constructed in 1978, the complex consists of a variety of 1, 2 and 3-bedroom units. The codeveloper will partner with the current owner, St. John Fruitbelt CDC/St. John's Baptist Church,

to rehabilitate 135 units. The units will receive a comprehensive tenant-in-place renovationthat includes new kitchens with upgraded appliances, fixtures, cabinets, and countertops; new bathroom fixtures; new flooring and new paint. All units will receive new windows, retrofitted insulation and new hot water heaters and boilers. Most work can be completed with tenants remaining in their units, and at the end of each workday tenants will be left with working facilities. During each workday, tenants will have access to a hospitality suite near their unit. Accommodations will be made available for tenants with disabilities and others that require special assistance. The balance of the project consists of demolishing two buildings that hold 15 units and rebuilding them at another location on the existing site. To avoid relocating any tenants off site, the new unitswill be built first, and existing tenants in the demolished buildings will be moved into the new units. Once vacant, the units in the two buildings being demolished will be used as hospitality suites for residents whose units are being renovated. Demolition of the two buildings will occur after new construction and renovation. The site will be considered for future development. Pursuant to Section 617.4(b)(4) of New York State's Environmental Quality Review Act, the transfer of title is an "unlisted action" for which BURA has completed an environmental assessment. It is, in accordance with Section 617.7 of the regulations, that the impacts resulting from the proposed action will not have significant adverse impacts on the environment. The BURA Board Chairman or his designee is authorized to execute any and all documents necessary to complete the transaction.

Motion made by Council President Pridgen to approve Item 4a, seconded by Council Member Nowakowski and carried unanimously.

4b. Westminster Commons Increase in Funds

Agency Members approved a request to increase the funding allocation for Westminster Commons by an additional \$175,000 due to project cost increases that have consisted of significant delays in both construction start and completion; cost overruns on materials needed to complete the additional work; and a reduction in investor equity due to the unforeseen delays in completion of the project.

Motion made by Commissioner Estrich to approve Item 4b, seconded by Council President Pridgen and carried unanimously.

5. CONTRACT AMENDMENTS/MODIFICATIONS

5a. Amendment and Modification to the Subrecipient Agreement between the City of Buffalo and the City of Buffalo Urban Renewal Agency for ESG-CV funds

Agency Members approved a request to amend and modify the subrecipient agreement executed between the City of Buffalo (Grantee) and the City of Buffalo Urban Renewal Agency (BURA and/or Subrecipient) for administration and management of CDBG-CV funds (the Agreement) and the parties to the executed agreement on or about January 20, 2021.

The CDBG-CV Subrecipient Agreement is amended as follows:

The funding available to BURA is increased by the transfer to BURA of \$88,741.70 City of Buffalo ESG-CV funds. The Coronavirus Aid, Relief, and Economic Security Act of 2020 (CARES Act) provided for supplemental appropriation of Homeless Assistance Grants under the Emergency Solutions Grant (ESG). The Emergency Solutions Grant COVID-19 (ESG-CV) funds are to be used to prevent, prepare for, and respond to the Coronavirus pandemic. ESG-CV funded projects include Homelessness Prevention, Rapid Rehousing, Emergency Shelter, and Temporary Emergency Shelter.

1. These additional funds are for staffing support to provide administrative and program oversight to manage the flow of ESG-CV funds and support ESG-CV activities by funding staff to work with partners to help them achieve their goals, troubleshoot issues, serve on committees to determine next steps on eviction moratorium, and engage on future shelter and housing needs.

- 2. The scope of the administration and management of the Microenterprise CDBG-CV Program is modified due to the expansion of that program. The program design is being modified to create a pathway to provide short-term assistance due to disruption of business operations and loss of revenue as a result of the COVID-19 pandemic to small businesses. This new small business working capital for covid recovery program will do the following:
 - a. Target low to moderate-income service areas;
 - b. Remove the microenterprise component restriction and allow businesses with up to fifty (50) employees to apply for assistance. Microenterprises can still apply;
 - c. Provide technical assistance to support businesses as they recover from the pandemic; and
 - d. Increase business funding limits from \$10,000 to \$25,000.

Motion made by Commissioner Estrich to approve Item 5a, seconded by Council Member Nowakowski and carried unanimously.

5b. <u>Permission to amend CDBG-CV Eviction Prevention program partner contracts budgets and amend scope of services</u>

Agency Members approved a request to amend each Stand-Up Buffalo Eviction Prevention program contract for each of our partners and an extension of the contract for VIA 2-1-1 until November 30, 2022. Funding for the additions to the budget will come out of CDBG-CV Program Delivery at a cost of \$546,400he amendments are for budgets to add 150 slots for Catholic Charities in the amount totaling \$60,000, ERAP partners, add 148 slots for Neighborhood Legal Services totaling \$59,200, 80 slots for Erie Regional Housing Development Corporation d/b/a The Belle Center totaling \$32,000, add 239 slots for Metro CDC totaling \$95,600, 374 slots for Harvest House totaling \$149,600. Application review assistance would be for 1200 slots split between Harvest House and Via 2-1-1 at \$75,000 for each agency. Harvest House and VIA 2-1-1 will receive \$125/per application for review assistance.

Motion made by Commissioner Estrich to approve Item 5b, seconded by Council Member Nowakowski and carried unanimously.

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There being no further business to discuss, Council President Pridgen made the motion to adjourn the meeting, seconded by Commissioner Estrich and carried unanimously. The meeting was adjourned at 10:30 am.

Scott C. Billman	Reported By: Risë Geller
Scott C Billman BURA Secretary	1 ,



Buffalo Urban Renewal Agency

920 City Hall, 65 Niagara Square Buffalo, New York 14202-3376 716-851-2872 Byron W. Brown, Chairman Brendan R. Mehaffy, Vice Chairman

BOARD ITEM

TO: BURA Board of Directors

BURA MEETING DATE: March 24, 2022

FROM: Yvonne McCray

PREPARER PROOFREAD

FOR ACCURACY BY: Rob Gilray

BURA BOARD ITEM LOG NO.: 3a

ITEM: Approval of Negative Declaration

West Side Homes Twelve Scattered Sites

Buffalo Neighborhood Stabilization Company Inc – Developer

PROPOSED BOARD ACTION:

Before BURA today is a request to allocate an amount not to exceed \$520,000 in HOME funds for the project. The funds will be allocated to the developer, or an entity formed by the developer for the specific completion of the project at 217 Massachusetts; 223 Massachusetts; 625, 629, 633 and 635 West; 146 and 148 Rhode Island; 172 and 174 Hampshire; 176 and 178 Congress; 297 Parkdale; 301 Parkdale; 338 and 340 Parkdale; 225 West Delavan; 422 Fourteenth; and 412 Massachusetts. \$20,000 of the not to exceed amount will be utilized for Project Delivery Costs.

The Buffalo Neighborhood Stabilization Company Inc (BNSC), the housing development arm of PUSH Buffalo, proposes to develop a forty-nine (49) unit \$20 million dollar affordable rental housing project on Buffalo's West Side. The project was conceived to align with BNSC and PUSH Buffalo's organizational missions to create sustainable housing, community facilities, and living wage jobs for West Side residents. Through a planning process that began in 2017, community members identified these sites to be returned to use as affordable housing and have been directly involved in the planning of the project. The project is strategically situated within and adjacent to PUSH Buffalo's Green Development Zone, an area on the West Side that PUSH and BNSC have designated for targeted affordable housing reinvestment and community building initiatives.

The project includes four (4) substantially rehabilitated units in two (2) buildings and twelve (12) newly constructed buildings on twelve (12) sites consisting of 2-4 family homes and small multi-family buildings. The unit breakdown will include eight (8) one-bedroom apartments, seventeen (17) two-bedroom apartments, eighteen (18) three-bedroom apartments, and six (6) four-bedroom apartments.

BNSC is partnering with Best Self Behavioral Health to designate sixteen (16) apartments for homeless individuals and families with a substance use disorder or serious mental illness. Seven (7) units will be HOME assisted.

Pursuant to Section 617 of New York State's Environmental Quality Review Act, the proposed action is an "Unlisted" action for which BURA has completed an environmental assessment. It is submitted, in accordance with Section 617.7 of the regulations, that the impacts resulting from the proposed action will not have significant adverse impacts on the environment. The Negative Declaration (determination of no significant impact on the environment) is enclosed for your review."

(accession of the configuration of the configuratio	
RECOMMENDED ACTIONS:	
☐ Approval☑ Approval with Conditions (state of Funds)☐ HUD Release of Funds	ate conditions below)
Condition(s): The Board should approve the to approve the allocation of fu	Negative Declaration prior to taking action on the request inds.

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1. Environmental Review

SEQR	
Type II No Further Review Required □	
Unlisted	
☐ Positive Declaration	
☐ Conditional Negative Declaration	
Type 1	
☐ Lead Agency Designation	
□ Negative Declaration	
☐ Positive Declaration	
☐ Finding Statement	
NEPA Review Required Yes □ No	
☐ Continued Relevance	
☐ Exempt	
Exempt CE	
Categorical Exclusion (CE)	
X Full Assessment	
X HUD Release of Funds	
Maria Melchiorre	3/16/2022
Maria Melchiorre Chudy	Date:
2. <u>Federal Labor Standards:</u>	
Davis-Bacon Required x Yes ☐ No	□ N/A
tarold Cardwell Harold Cardwell	3/16/2022 Date
Section 3 Required	□ N/A 3/16/2022
tarold Cardwell Harold Cardwell	Date

Additional Background Information: N/A

3. Fiscal Impact:	
Revenue:	
Disbursement(s):	
Other (explanation if needed):	t Loss Impact
	□ No □ N/A
Tracy Cooley FCA	3/17/2022 Date:
4. Project/Program meets the following I	National Objectives:
and 635 West; 146 and 148 Rhode Island	es: 217 Massachusetts; 223 Massachusetts; 625, 629, 633 d; 172 and 174 Hampshire; 176 and 178 Congress; 297 arkdale; 225 West Delavan; 422 Fourteenth; and 412
Removal of Slum & Blight	Census Tract:
5. Attachments:	
□ Project Location Map	□ Project Budget
☐ Project Pictures/Drawings	Other
6. Approvals:	
Approved for submittal to Board:	
Donna J. Estrich	3/16/2022
Donna J. Estrich, Commissioner of Admin, Finance, Policy, & Urban Affairs	Date
Approved to form:	
Scott C. Billman	3/16/2022
Scott C. Billman, BURA General Counsel	Date

SEQRA Notice of Determination

Non-Significance

Negative Declaration

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (SEQR – State Environmental Quality Review) of the Environmental Conservation Law.

Lead Agency: City of Buffalo Urban Renewal Agency

920 City Hall 65 Niagara Square Buffalo, NY 14202

As per the provision of SEQR, the Lead Agency has reviewed the following action as it relates to the environment:

Action Title: West Side Homes

Location: 625, 629 & 633 West Avenue, Buffalo, NY;

160 Congress Street & 225 West Delavan Avenue, Buffalo, NY;

146 & 148 Rhode Island Street, Buffalo, NY;

297 & 301 Parkdale Avenue, Buffalo, NY;

217 Massachusetts, 223 Massachusetts, 172 Hampshire, 176 Congress, and 338 Parkdale, Buffalo, NY; and

22 14th Street and 412 Massachusetts Avenue, Buffalo, NY.

Type of Action: Unlisted – Uncoordinated

Description: The overall Action encompasses the new construction of 12 residential buildings and the rehabilitation of 2 existing homes totaling 49 residential units.

The Action involves construction of a three story, 18,080 square foot residential building with fifteen (15) units on a 0.30 acre parcel at 625, 629 and 633 West Avenue. Six (6) new parking spaces would be provided with access off of West Avenue. The site will incorporate new pervious surfaces/green infrastructure and will treat stormwater on-site in accordance with Buffalo Sewer Authority (BSA) requirements for stormwater management.

The Action involves the construction of a three story, 6,730 square foot residential building with five (5) units on a 0.09 acre parcel at 160 Congress Street and the construction of a three story, 8,100 square foot residential building with six (6) units on a 0.146 acre parcel at 225 West Delavan Avenue. The project at 225 West Delavan Avenue would have two (2) new parking spaces with access off of Congress Street.

The Action involves the construction of a three story, 900 square foot residential building with five (5) units on a 0.149 acre parcel at 146 and 148 Rhode Island Street. Two (2) new parking spaces would be provided with access off of Rhode Island Street.

The Action involves the construction of two (2), two and a half story residential buildings (consisting of four (4) units per structure), at 297 Parkdale Avenue (0.11 acres) and 301 Parkdale Avenue (0.13 acres). Four (4) new parking spaces would be provided on each parcel, with access to Parkdale Avenue provided from a shared driveway along the shared property boundary.

The Action involves the construction of a 2,819 square foot, two (2) unit dwelling at 172 Hampshire Street, the construction of two (2) two (2) unit dwellings at 176 Congress Street, the construction of a 2,107 square foot two (2) unit dwelling at 217 Massachusetts Avenue, the construction of a 2,107 square foot two (2) unit dwelling at 223 Massachusetts

Avenue, and the construction of two (2) 2,452 square foot two (2) unit dwellings at 338 Parkdale Avenue. The Action also includes substantial renovation of two buildings located at 422 14th street and 412 Massachusetts Avenue.

As a Result of this Environmental Review: The Lead Agency has determined the undertaking of this action will not result in any potentially significant adverse effects or impacts on the quality of the environment. No further environmental review will be conducted prior to implementation of the action and a Draft Environmental Impact Statement will not be prepared.

Reasons Supporting This Determination: Potential environmental impacts associated with the action were identified in the Environmental Assessment Form to assess potential adverse environmental impacts compared to the criteria for determining significance identified in 6 NYCRR §617.7(c)(1) and in accordance with §617.7 (c)(2)(3). The potential impacts are not significant.

Impacts on Land

The construction of the new residential buildings, existing building renovations and associated site improvements will not have any significant adverse environmental impacts on land as the site was previously developed and currently contains pervious and impervious surfaces. No significant adverse environmental impacts are anticipated.

Impacts on Air Quality

The project will not have a significant impact on air and would not require an air permit. No significant adverse environmental impacts are anticipated.

Impacts on Surface Water

The project will not have a significant adverse impact on ground or surface water quality or quantity and will not result in any significant adverse impacts on surface water or groundwater quality or quantity. A stormwater pollution prevention plan (SWPPP) in accordance with Buffalo Sewer Authority (BSA) standards will be required for handling runoff during construction of the portion of the project located at 625-633 West Avenue and will incorporate required erosion and sediment control practices. On-site stormwater management at this location will also be required in order to comply with applicable stormwater quality and quantity standards. No significant adverse environmental impacts are anticipated.

Impacts on Transportation

The proposed action will not have a substantial adverse change in existing traffic levels or roadway/intersections levels of service. The project is located in a developed urban area and road capacity is adequate to accommodate any increase in traffic generated by the project. The project is also served by public transportation in the form of bus service. No significant adverse environmental impacts are anticipated.

Impacts on Noise, Odor and Light

The project will not have a substantial adverse change on noise levels. The proposed uses are similar to the existing character of the area which consists of commercial, institutional, residential and mixed uses in an urban environment.

The project will not have a substantial increase in solid waste production. The use of the sites for residential uses will not significantly increase waste. Waste from the site will be disposed of in accordance with local and state regulations.

The project will use code compliant lighting and not have an impact on adjacent properties.

No significant adverse environmental impacts are anticipated.

Impacts on Flooding

The proposed action is not located within a 100–year floodplain and therefore will not have any significant adverse environmental impacts on flooding.

Impacts on Flora and Fauna

The project will not result in the removal or destruction of large quantities of vegetation or fauna; substantially interfere with the movement of any resident or migratory fish or wildlife species; impact on a significant habitat area; impact a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources.

Impacts on a Critical Environmental Areas

The project is located in an urban area and is not within or adjacent to a Critical Environmental Area and will therefore, not impair the environmental characteristics of a Critical Environmental Area.

Consistency with Community Plans and Character

The proposed action is generally consistent with the community's current plans and goals, including the development of new residential buildings in the project area, and is overall consistent with the existing community and neighborhood character. The applicants received multiple area variances to density and setback requirements of the zoning code from the Zoning Board of Appeals. Although the proposed project is generally consistent with the existing pattern of development in the project area, the requested variances are inconsistent with community plans, specifically the zoning code. While the area variance requests were minor adverse environmental impacts, they were not a significant adverse environmental impact. No significant adverse environmental impacts are anticipated as a result of the proposed action.

<u>Impacts on Historic and Archeological Resources</u>

The project will not significantly impact the character and quality of a historic resource as the sites are not located in or adjacent to a local, state or national historic district or structure. No significant adverse environmental impacts are anticipated.

The project will not impact the character and quality of an archeological resource. There are no known and/or identified significant cultural resources on site or adjacent to the properties. Although the proposed action is located within an area designated as sensitive for archaeological sites on the NYSHPO archaeological site inventory, the sites were previously developed and some are currently developed, with any ground disturbance occurring on previously developed and disturbed areas. No significant adverse environmental impacts are anticipated.

Impacts on Energy

The project will not result in a major change in the quantity or type of energy used. There will be a minor increase in energy consumption consistent with residential uses at these sites, but these impacts would not be significant as adequate capacity currently exists. No significant adverse environmental impacts are anticipated.

Impacts on Human Health

The project will not create a hazard to human health. The proposed uses do not involve hazardous materials and/or operations. All applicable local and state regulations must be adhered to in regards to any environmental contaminants present on site and/or from removed building materials. No significant adverse environmental impacts are anticipated.

Impacts on Aesthetic Resources

The project will not create a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses. No significant adverse environmental impacts are anticipated.

Additional Considerations

The project will not encourage or attract a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action.

The project will not create a material demand for other actions that would result in one of the above consequences.

The project will not involve changes in two or more elements of the environment, no one of which has a significant adverse impact on the environment, but when considered together result in a substantial adverse impact on the environment.

The project does not include two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in 6 NYCCR 617.7(c)(1).

For further information relative to this Negative Declaration, contact Mr. Scott Billman, General Counsel, Room 920 City Hall, Buffalo, New York 14202, (716) 851-5775 or Ms. Maria Melchiorre Chudy, Environmental Review Coordinator, at (716) 851-5050

Dated: March 10, 2022

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	WEST SIDE HOMES -	- SOURCES A	ND USES BUDGET
SUM	MARY OF SOURCES		
TYPE	OF FINANCING	AMOUNT	SOURCE
1	LIHTC Equity	\$ 10,431,010.00	Federal
2	SLIHC Equity	\$ 1,679,095.00	State
3	Solar Tax Credit Equity	\$ 104,613.00	Federal
4	ННАР	\$ 3,612,021.00	State
5	HCR SHOP	\$ 596,468.00	State
6	HCR HOME	\$ 2,676,342.00	State
7	City HOME Funds	\$ 500,000.00	Local
8	NY Sun Incentive	\$ 186,390.00	State
9	NYSERDA Incentives	\$ 195,000.00	State
10	NYSERDA Buildings of Excellence	\$ 326,358.00	State
11	Deferred Developer Fee	\$ 730,754.00	
	Total Sources	\$ 21,038,051.00	
SUM	MARY OF USES		
CATI	EGORY	AMOUNT	SOURCE
1	Acquisition Cost	\$ 470,600.00	LIHTC/SLIHC/solar Equity
2	Soft Cost	\$ 4,494,020.00	LIHTC/SLIHC Equity
3	Construction/Rehabilitation	\$ 15,797,788.00	LIHTC/SLIHC Equity, HOME, SHO
4	Working Capital	\$ 82,150.00	LIHTC/SLIHC Equity
5	Project Reserves	\$ 193,493.00	LIHTC/SLIHC Equity
TOT	ALUSES	\$ 21,038,051.00	





