

FOR CONSIDERATION

December 16, 2010

TO: The Directors

FROM: Dennis Mullen

SUBJECT: Buffalo (Erie County) –Richardson Olmsted Complex

REQUEST FOR: Land Use Improvement Project & Civic Project Findings; Adoption of a General Project Plan; Acceptance of a Draft Environmental Impact Statement; Authorization to Hold a Public Hearing; Authorization to Take Related Actions

---

Project Summary (Please see the attached General Project Plan for a more detailed description of the Project)

Developer: The Richardson Center Corporation (the “RCC”), a not for profit 501(c)(3) organization.

Project Site: The Project Site is generally bounded on the north by Rockwell Road, on the west by Rees Street, on the south by Forest Avenue, and on the east by Elmwood Avenue. A Map of the project site is attached to the General Project Plan.

Project Description: The development of an approximately 42 acre parcel into a mixed-use cultural, educational, recreational, and community project that will save the historic buildings and grounds from additional deterioration, vandalism and potential collapse and renovate for new uses.

Preliminary Funding:

<b>Funding Uses</b>	
<b>Core Project</b>	
Planning studies and pre construction activities – previously approved <sup>1</sup>	\$10,000,000
Emergency Stabilization site wide Phase I – previously approved <sup>2</sup>	\$2,100,000
Emergency Stabilization site wide Phase II- previously approved <sup>3</sup>	\$7,840,800
Mothball remaining buildings not used in the Core Project	\$5,900,000
Landscape Rehabilitation and Circulation	\$22,860,000
Stabilization & Preparation of Core Project to clean shell	\$24,360,000
Purchase of Architecture Center Exhibits	\$5,900,000
Construction of New Entry Addition	\$4,000,000
Parking relocation and relocation of BPC Maintenance Building	\$11,500,000
Private Development Historic Buildings – Core Project	\$11,000,000
<b>Core Project Total</b>	<b>\$105,460,800</b>
<b>Additional Phases</b>	
Prepare remaining buildings to a clean shell for a developer	\$65,000,000
Private Development Historic Buildings – remaining	\$35,600,000
Private Development New Buildings, incl. infrastructure and landscape	\$75,500,000
<b>Additional Phases Total:</b>	<b>\$176,100,000</b>
<b>Total Project Cost:</b>	<b>\$281,560,800</b>

<b>Funding Sources</b>	
<b>Core Project</b>	
New York State (SUB SUNY appropriation)	\$76,500,000
Federal and State Tax Credits	\$17,300,000
Private Development	\$11,660,800
<b>Core Project Total</b>	<b>\$105,460,800</b>
<b>Additional Phases</b>	
Private Development	\$105,600,000
Federal and State Tax Credits	\$62,700,000
Private Foundations	\$7,800,000
<b>Additional Phases Total:</b>	<b>\$176,100,000</b>
<b>Total Funding Sources:</b>	<b>\$281,560,800</b>

<sup>1</sup> Project No. U898 approved by ESDC Board on 12/18/2006

<sup>2</sup> Project No. V755 approved by ESDC Board on 8/30/2007

<sup>3</sup> Project No. V755 approved by ESDC Board on 1/15/2009

## Background

In 2004, New York State appropriated \$100 million dollars of capital funds for cultural and architectural projects in Buffalo including \$76.5 million for the Project. In 2006, the Richardson Center Corporation was formed as a New York State not-for-profit corporation with the mission of carrying out the state established public purposes: to renovate the landmark buildings and grounds by carrying out reuse activities that honor the history and architecture of the buildings and grounds, that are compatible with the operations of the Buffalo Psychiatric Center on adjoining land, and that establishes new uses that will provide sufficient revenues to operate the facilities and save the historic complex. To date, the ESDC Board of Directors has approved grants totaling \$19.94 million out of the \$76.5 million appropriated by the State for critical planning studies and stabilization.

Today, the Directors are being asked to approve the Richardson Olmsted General Project Plan, which sets forth, in detail, the proposed development of the historic complex. A copy of the General Project Plan is attached hereto.

The Project is anticipated to be completed in phases. The first phase will consist of leveraging the \$76.5 million of State funds to complete the Core Project with a total budget estimated to be in excess of \$105 million. The Core Project will include:

- Focus on reuse of three buildings, one third of the historic complex (188,000 sq. ft. of the total 480,000 sq. ft), and 42 acres of grounds. The mixed use campus will start with a core set of integrated uses - an Architecture Center to highlight the architecture of Buffalo and the region, a Buffalo Niagara Convention and Visitors Bureau Visitor Center or other comparable visitor's center, hotel and hospitality, conference center/event space— in the iconic towers administration building #45 and two flanking former wards #44 and #10. A new shared entrance to the complex will be constructed to address contemporary safety and building codes, provide vertical circulation, and accommodate large groups of visitors. The existing historic entry will remain as a functional entry.
- Building stabilization efforts beyond initial emergency repairs already authorized will be undertaken across the entire complex to prevent further deterioration and “mothball” the buildings not occupied in the first phases. This stabilization includes removing hazardous materials, repairing wooden floors, removing debris, providing water and electric services, patching loose plaster, repairing and repointing exterior masonry, repairing and replacing roofs, rebuilding masonry openings, and abating and cleaning.
- Improvements to the landscape and site circulation will create a more unified design through the incremental relocation of existing surface parking, reviving a landscape of Olmstedian character, removal of unnecessary roads and a site-wide vehicular and pedestrian circulation system. New circulation systems, utility services, lighting, service drives, walks, and plantings would prepare the infrastructure necessary to facilitate access. Parking will be addressed by employing a strategy of well landscaped, dispersed surface parking lots and parallel parking along drives.

Three additional stages are located in the Master Plan (Expanded Core Project, Full Reuse of all Historically Significant Structures, and Development Landholding) and contain uses that will take place over a 20 year period depending on market conditions and as improvements to on-site capacity is developed. Proposed uses include: academic uses, residential focused on audiences such as artists, academic related, and seniors, and offices associated with arts and culture uses.

The primary purposes of the proposed Project are to redevelop a blighted area of the City which will (i) rehabilitate the historic Richardson-designed buildings for a mix of public and private uses, (ii) rehabilitate the landscape and improve site circulation, access and parking, (iii) create a place for architectural, educational, cultural, residential, hospitality, and recreational activities for the benefit of the residents of and visitors to the surrounding community, the Museum District, the Elmwood Village, and the entire Buffalo Niagara Region, (iv) create a campus that will succeed economically, and (v) create an environmentally sound Richardson Olmsted Complex.

### Environmental Review

A Draft Generic Environmental Impact Statement (“DGEIS”) for the Project has been prepared in accordance with the requirements of the State Environmental Quality Review Act (“SEQRA”). The DGEIS was prepared by Parsons Brinckerhoff (RCC’s consultant) and its various sub-consultants. The DGEIS includes significant input from staff of the Corporation. The DEIS includes extensive technical analyses of potential impacts on the environment, including, air quality, traffic, noise, social, historic, economic and other conditions, and proposes measures to mitigate any identified potential significant adverse impacts of the proposed Project, where feasible. It also considers alternatives to the Project.

Staff believes that the DGEIS is satisfactory with respect to its scope, content and adequacy for purposes of SEQRA and the implementing regulations of the New York State Department of Environmental Conservation. Upon acceptance of the DGEIS by the Directors, staff will undertake to circulate and file the DGEIS as required by SEQRA. Circulation of the DGEIS affords an opportunity for the public and involved and interested parties to review and comment on the proposed Project for a statutorily required minimum period of 30 days. All substantive comments received by ESDC on the DGEIS will be addressed in the Final GEIS. Pursuant to SEQRA, a duly-noticed public hearing will be held on the DGEIS. The DGEIS hearing is expected to be combined with hearings mandated under the UDC Act.

A copy of the complete DGEIS has been submitted to the Directors under separate cover.

### Project Site Assemblage

The property is owned by the State of New York and overseen by the Office of General Services (“OGS”), the Office of Mental Health (“OMH”) and the Dormitory Authority of the State of New York (“DASNY”). The RCC anticipates that the 42 acres of the Project Site which comprises the historic complex and grounds will be transferred to the RCC at no cost through enactment of special legislation. The legislation, Bill A10578/S07488, is on its third reading in

both houses of the Legislature and is expected to pass in the next session. The legislation is supported by OGS, OMH and DASNY.

#### UDC Act Section 10(g)

No residential or business relocation is required because no families, individuals, or business reside at the Project site.

#### Design and Construction

D&C staff will review and approve schematic and construction documents, review cost estimates and monitor the bid and contract award process for a construction manager, contractors and sub-contractors.

#### Cost Benefit Analysis

The Corporation has reviewed the potential economic and fiscal impacts expected as a result of the Project and the projected employment gains during construction and thereafter. Based on that analysis, Corporation staff believes that the State investment is both justified and merited. A summary of the cost benefit analysis is included within the General Project Plan.

#### Affirmative Action

ESDC's Non-Discrimination and Affirmative Action policies will apply. ESDC will encourage the participation of certified Minority/Women-owned Business Enterprise contractors and/or subcontractor participation goal during development of the Project and minority and female workforce participation during construction of the Project.

#### Project Findings

In accordance with the UDC Act, the Corporation is making Land Use Improvement and Civic Project Findings. Corporation staff has reviewed the required findings and determined that there is an adequate basis for the making the findings. The specific findings, and the basis for such findings, are set forth in the General Project Plan.

#### Requested Actions

The Directors are being requested to (i) accept the Draft Environmental Impact Statement (ii) adopt Land Use Improvement Project Findings and Civic Project Findings pursuant to Section 10 of the UDC Act; (iii) adopt the General Project Plan; and (iii) authorize a public hearing(s) as required under SEQRA, and Section 16 of the UDC Act, and (iv) take all related actions.

#### Attachments

Resolutions  
General Project Plan – With Attachments

December 16, 2010

Buffalo (Erie County) – Richardson Olmsted Complex Land Use Improvement Project and Civic Project - Findings Pursuant to Section 10 of the UDC Act

---

RESOLVED, that on the basis of the materials presented to this meeting, a copy of which is hereby ordered filed with the records of the Corporation, relating to the Richardson Olmsted Complex Land Use Improvement Project and Civic Project (the "Project"), the Corporation hereby finds pursuant to Section 10 of the New York State Urban Development Corporation Act of 1968, as amended (the "Act"):

Land Use Improvement Project

- (1) That the area in which the project is to be located is a substandard or unsanitary area, or is in danger of becoming a substandard or unsanitary area and tends to impair or arrest the sound growth and development of the municipality;
- (2) That the project consists of a plan or undertaking for the clearance, replanning, reconstruction and rehabilitation of such area and for recreational and other facilities incidental or appurtenant thereto; and
- (3) That the plan or undertaking affords maximum opportunity for participation by private enterprise, consistent with the sound needs of the municipality as a whole.

Civic Project

- (1) That there exists in the area in which the project is to be located, a need for the educational, cultural, recreational, community, municipal, public service or other civic facility to be included in the project;
- (2) That the Project shall consist of a building or buildings or other facilities which are suitable for educational, cultural, recreational, community, municipal, public service or other civic purposes;
- (3) That such project will be leased to or owned by the state, or an agency or instrumentality thereof, a municipality or an agency or instrumentality thereof, a public corporation, or any other entity which is carrying out a community, municipal, public service or other civic purpose, and that adequate provision has been, or will be, made for the payment of the cost of acquisition, construction, operation, maintenance and upkeep of the project; and
- (4) That the plans and specifications assure or will assure adequate light, air sanitation and fire protection;

and be it further

RESOLVED, that on the basis of the materials presented to this meeting relating to the Project, the Corporation hereby finds that there is No residential or business relocation is required because no families, individuals, or business reside at the Project site, thereby satisfying the requirements of Section 10(g) of the Act.

\* \* \*

December 16, 2010

Buffalo (Erie County) – Richardson Olmsted Complex Land Use Improvement Project and Civic Project – Adoption of General Project Plan; Authorization to Hold Public Hearing(s) Pursuant to the UDC Act

---

RESOLVED, that with respect to the Richardson Olmsted Complex Land Use Improvement Project and Civic Project (the “Project”), the Corporation does hereby adopt, for purposes of the public hearing(s) required by Section 6 and Section 16 of the New York State Urban Development Corporation Act of 1968, as amended (the “Act”), and as may be appropriate pursuant to other applicable laws, the proposed General Project Plan (the “Plan”) for the Project submitted to this meeting, together with such changes therein as the Chairman and Chief Executive Officer of the Corporation or his designee(s) may deem appropriate, a copy of which Plan, together with such changes, is hereby ordered filed with the records of the Corporation; and be it further

RESOLVED, that the proposed Plan shall not be final until action is taken by the Directors as provided in the Act and until such time as all requirements of all applicable laws in connection therewith shall have been satisfied; and be it further

RESOLVED, that the Chairman and Chief Executive Officer, or his designee, is hereby authorized to take such action as he or she deems necessary or appropriate in connection with the holding of the hearing required pursuant to Section 6 and Section 16 of the Act (which hearing may be held simultaneously with one or more hearings which may be held pursuant to other applicable laws, including but not limited to the New York State Environmental Quality Review Act), including without limitation, the providing, filing or making available of copies of the Plan or a digest thereof, the fixing of a date for such hearing, the publication of a notice relating to the Plan and such hearing in accordance with the procedures heretofore approved by the Corporation with respect to similar hearings, and the making of a report or reports to the Directors on such hearings, written comments received, and any local governmental recommendations respecting the Plan; and be it further

RESOLVED, that the Chairman and Chief Executive Officer of the Corporation or his designee(s) be, and each of them hereby is, authorized in the name and on behalf of the Corporation to execute and deliver any and all documents and to take all actions as he or she may in his or her sole discretion consider to be necessary or proper to effectuate the foregoing resolutions.

\* \* \*

December 16, 2010

Buffalo (Erie County) – Richardson Olmsted Complex Land Use Improvement Project and Civic Project - Acceptance of Draft Environmental Impact Statement

---

RESOLVED, that the Draft Generic Environmental Impact Statement (“DGEIS”) for the Buffalo (Erie County) – Richardson Olmsted Complex Land Use Improvement Project and Civic Project (the “Project”), as presented to this meeting, a copy of which is hereby ordered filed with the records of the Corporation, is satisfactory with respect to its scope, content and adequacy for purposes of the New York State Environmental Quality Review Act (“SEQRA”) and the implementing regulations of the New York State Department of Environmental Conservation, and is hereby accepted by the Corporation; and be it further

RESOLVED, that the Corporation is hereby authorized to publish, circulate and file the accepted DGEIS in the manner required under SEQRA and the implementing regulations of the New York State Department of Environmental Conservation; and be it further

RESOLVED, that the Chairman and Chief Executive Officer or his designee(s) be, and each of them hereby is, authorized in the name of and on behalf of the Corporation to take such actions as may be considered necessary or appropriate to comply with the requirement of SEQRA, including, without limitation, the holding of a public hearing under SEQRA and other applicable law (which hearing may be held simultaneously with one or more hearings which may be held pursuant to other applicable law), the providing, filing or making available of copies of the DGEIS or the summary thereof, the fixing of a date for such hearing, the publication of a notice relating to the DGEIS and such hearing in accordance with SEQRA, the implementing regulations of the New York State Department of Environmental Conservation, other applicable law, and the procedures heretofore approved by the Corporation with respect to similar hearings, and the making of a report or reports to the Directors on such hearing and written comments received.