

## ARTICLE 3 - CONSISTENCY REVIEW PROCEDURES

### SECTION 37-26 - INITIAL REVIEW

Any City agency, including the Common Council, which has the authority to undertake, approve or fund either a Type I or Unlisted Action shall, prior to undertaking, approving or funding such an action within the waterfront area, prepare or cause to be prepared a CAF for the proposed action. The CAF and other documentation pertinent to describe the proposed action shall be referred to the Common Council for review and determination of consistency of the proposed action with the City's Local Waterfront Revitalization Program (LWRP).

### SECTION 37-27 - CERTIFICATION OF CONSISTENCY

37-27.1 Prior to undertaking, approving or funding a proposed Type I or Unlisted Action within the City's waterfront area by any City agency, the Common Council shall either:

- (a) Find and certify in writing that the action will not substantially hinder the achievement of any of the policies or purposes of the LWRP; or
- (b) If the action will substantially hinder the achievement of any policy of the LWRP, find and certify in writing that the following three requirements are satisfied: (i) no reasonable alternatives exist which would permit the action to be undertaken in a manner which would not substantially hinder the achievement of such policy; (ii) the action will minimize all adverse effects on such policy to the maximum extent practicable; and (iii) the action will result in an overriding regional or state-wide public benefit. Such certification shall constitute a determination that the action is consistent to the maximum extent practicable with the LWRP; or
- (c) Find and certify in writing that the action is not consistent with the policies and purposes of the LWRP. Such a finding would conclude that the action would substantially hinder the achievement of one or more policies and would not satisfy all three of the specific requirements identified in (b) above.

37-27.2 The Common Council shall complete its consistency review of all proposed actions within thirty (30) days of the date that the Common Council receives the referral. Prior to making a consistency determination, the Common Council may refer such matters to any municipal agency for review and an advisory opinion. Referral agencies may include, but shall not be limited to the City Clerk's Office, the Planning Commission and the Waterfront Commission.

37-27.3 No action shall be undertaken, approved, or funded by any City agency unless the Common Council certifies that the action is consistent with the policies and purposes of the LWRP by a finding pursuant to either 37-27.1 (a) or 37-27.1 (b) above.

- 37-24.4 If the Common Council determines that the proposed action is consistent with the policies and purposes of the LWRP, the agency referring the proposed action shall complete the remaining steps necessary to comply with SEQR before the action is undertaken, approved or funded.
- 37.27.5 All findings of the Common Council made relative to this local law shall be made in writing and filed with the City Clerk and the referring City agency before the action is undertaken, approved or funded.

SECTION 3.1 - EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State.