

HEARING & ACTION REPORT

APPLICATION: DCP-MPZC-2024-00046, Council Bill 2023-2330

PROPERTY: McKee Place and Louisa Street, Parcels 28-F-314, 28-F-310, 28-F-308, 28-F-306, 28-F-304, and 28-F-302

PROPERTY OWNER: PITT BLUE HOLDINGS LP and WALNUT CAPITAL MCKEE L P

ZONING DISTRICT: Urban Center Employment (UC-E)

RCO AND DAM: Oakland Planning and Development Corporation; Oakland Business Improvement District
Development Activities Meeting Date - February 12, 2024

PROPOSAL: Oakland Land Use Plan Update and Zoning Map Amendment to change the zoning map from UC-E (Urban Center Employment) to R-MU (Residential – Mixed Use) certain properties located on McKee Place in Central Oakland

COUNCIL DISTRICT: District 3; Councilman Bob Charland

MEETING DATE: March 19, 2024

FINDINGS OF FACT

1. Council Bill 2023-2330, filed by Councilman Bob Charland, was referred to the Planning Commission by City Council on December 18, 2023 for the Commission's report and recommendation. A copy of the legislation is attached to this report.
2. Master Plan/Zone Change Application DCP-MPZC-2024-00046 was then filed by Councilman Bob Charland to change the zoning district on parcels 28-F-314, 28-F-310, 28-F-308, 28-F-306, 28-F-304, and 28-F-302 from UC-E (Urban Center Employment) to R-MU, Residential - Mixed Use).
3. The intent of the UC-E District is to support life sciences, healthcare, and other industrial sectors that benefit from locating together and provide employment for a variety of workers and educational levels. The priority is on employment over residential uses.
4. Residential uses in the UC-E District must comply with the 911.04.A.85 use standards. Under the 911.04.A.85 standards, either one hundred (100) percent of residential units must be affordable and located on site; or residential housing shall be less than fifty (50) percent of the Gross Floor Area in a mixed-use structure.
5. The intent of the R-MU is to provide healthy, attractive, and affordable rental housing in multifamily buildings. Encourage a mixture of restored historic homes and modern apartment buildings, with neighborhood serving retail.

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6. In the R-MU District, Multi-Unit Residential uses would be required to meet the standard inclusionary zoning requirements for the IZ Overlay as outlined in 907.04.A.5, which requires a minimum of ten (10) percent of units to be inclusionary units with an affordability period of a minimum of thirty-five (35) years.
7. Both zoning districts are governed by the max height overlay, which imposes a 120 ft. max height with bonuses.
8. There are minor differences between the upper story step-back standards in the UC-E and R-MU. The R-MU requires 10 ft. upper story step-backs beginning at 45 ft. while the UC-E requires 10 ft. step-backs beginning at 65 ft. In addition, the portion of the structure that exceeds eighty-five (85) feet in height must be no more than eighty (80) percent of the building footprint in the UC-E, while this requirement is imposed for the portion of the structure that exceeds sixty-five (65) feet in height in the R-MU. A visual depicting these step-back differences is attached to your report.
9. Per Section 922.05.B.2, an application to amend the boundaries of the Zoning District Map may be proposed by the City Council, the Planning Commission, the owner of the subject property or the owner's agent.
10. Per Section 922.05.D, the Commission shall act to recommend approval or denial of the application within ninety (90) days of the receipt of the completed application. The applicant has agreed in writing to a three (3) day extension to the 90-day requirement to allow for the Hearing on March 19, 2024. A copy of the extension letter is attached.
11. In addition to the Zoning Map Amendment, the Land Use Strategy of the 2022 Oakland Plan would need to be updated, as the proposed zone change would result in a misalignment with the Oakland Plan's Land Use Strategy, program D-18.
12. The Land Use Map reflects what the future development pattern in an area should be and is a general reflection of the land use goals for the area. The current Land Use Strategy map, as outlined in D-18 on page 74 of the Oakland Plan, includes the parcels for the rezoning as part of the Innovation District. If the map were to be updated in concurrence with the zone change, the parcels would be part of the Higher Density Residential land use type.
13. These two districts are characterized by different development standards and goals. The Innovation District is characterized by new research and development buildings that add publicly accessible open space, active ground floor spaces, and varied community services and amenities. The Higher Density Residential land use type includes the goal of providing well designed rental and condo options for long-term residents including graduate students, housing, and neighborhood serving retail uses.
14. For the proposed zone change to align with the Land Use Strategy, the Planning Commission may consider revising the Land Use Strategy in concurrence with their recommendation regarding the zone change. As outlined on page 56 of the Neighborhood Plan Guide, minor addendums to the neighborhood plan may be updated through an addendum reviewed and adopted by the Planning Commission. Minor addendums that add detail or change up to five actions may occur biennially during the audit and must be posted online. A copy of the

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potential new Land Use Map is attached along with accompanying information on the land use classifications for your consideration.

15. A Development Activities Meeting (DAM) was held with the Oakland Planning and Development Corporation (OPDC) and Oakland Business Improvement District (OBID) on February 12, 2024. A copy of the report is attached.
16. Planning staff found the proposed Oakland Land Use Plan update and Zoning Map Amendment to be in compliance with the Oakland Plan. Both the UC-E and R-MU zoning districts were conceived as part of a community-driven planning process during the adoption of the Oakland Plan. A Letter of Plan Compliance is attached.
17. The Neighborhood Plan Guide notes that projects, programs and actions should have flexibility to allow for changes over time. This includes Program D-18 – Land Use Strategy Map.
18. The proposed R-MU zoning would be a continuation of the existing R-MU zoning district to the east and is consistent with existing land uses.
19. Per code sections 922.01.C.1 and 922.01.C.2, property owners within 150 feet of the proposed zone change area were notified of the proposal and posted notice was placed on-site 21-days in advance of the March 19, 2024 hearing date.
20. Under Section 922.05.F, the Planning Commission shall review the proposed Zoning Map Amendment according to certain criteria. Not all of the criteria must be given equal consideration by the Planning Commission in reaching a decision. A copy of the applicant's responses to the criteria are attached. The criteria to be considered shall be as follows:
 - a. *The consistency of the proposal with adopted plans and policies of the City;*
 - b. *The convenience and welfare of the public;*
 - c. *The intent and purpose of this Zoning Code;*
 - d. *Compatibility of the proposal with the zoning, uses and character of the neighborhood;*
 - e. *The suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;*
 - f. *The extent to which approval of the proposed zoning map amendment will detrimentally affect nearby property;*
 - g. *The length of time the subject property has remained vacant as zoned;*
 - h. *Impact of the proposed development on community facilities and services; and*
 - i. *The recommendations of staff.*

RECOMMENDED MOTIONS:

1. That the Planning Commission of the City of Pittsburgh **APPROVES** an update to the Oakland Land Use Plan to revise the Land Use Strategy Map, as outlined in D-18 on page 74 of the Oakland Plan for (Parcels 28-F-314, 28-F-310, 28-F308, 28-F-306, 28-F-304, and 28-F-302)

PLANNING COMMISSION

19 MARCH 2024

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from Innovation District to High Density Residential.

2. That the Planning Commission of the City of Pittsburgh **MAKES A POSITIVE RECOMMENDATION** on Master Plan/Zone Change Application, DCP-MPZC-2024-00046, based on the application filed by Councilman Bob Charland for a Zoning Map Amendment to change from UC-E (Urban Center Employment) to R-MU (Residential - Mixed Use) certain properties (parcels 28-F-314, 28-F-310, 28-F308, 28-F-306, 28-F-304, and 28-F-302) located on McKee Place in Central Oakland.

SUBMITTED BY: _____

Joseph Fraker, Senior Planner