

**LAND USE CONTROL FILE No. C-776
ZONE CHANGE PETITION No. 770
SP-11, SPECIALLY PLANNED DISTRICT No. 11, LOWER HILL**

PROPERTY: Area bounded by the Crawford Street, Centre Avenue, Fifth Avenue, Chatham Square, Bigelow Boulevard and Bedford Avenue
EXISTING ZONING: GT-E, Golden Triangle, Subdistrict E
PROPOSED ZONING: SP-11, Specially Planned District No. 11
ACTION REQUIRED: Public Hearing and Recommendation to City Council on the Proposed Zone Change & Proposed Zoning Code Text Amendments; Approval of the Preliminary Land Development Plan
COUNCIL DISTRICT: 6; Councilman R. Daniel Lavelle
DATE: December 2, 2014
SUBMITTED TO: The Planning Commission of the City of Pittsburgh
FROM: The Zoning Administrator

PROPOSED FINDINGS OF FACT

1. A request for a rezoning has been filed by Pittsburgh Arena Real Estate Redevelopment LP, property owner/optionee, to rezone approximately 42 acres of property bounded by Bigelow Boulevard and Bedford Avenue to the north, Crawford Street to the east, Centre Avenue and Fifth Avenue to the south, and Washington Place and Chatham Square to the west.
2. Section 901.01.D.1 of the Pittsburgh Zoning Code requires that one hundred percent of the land in an SP District shall be controlled by the applicant at the time of the application or sales options. Pittsburgh Arena Real Estate Redevelopment LP is optionee for certain properties owned by the Sports & Exhibition Authority of Pittsburgh and Allegheny County and the Urban Redevelopment Authority of Pittsburgh.
3. The proposed zone change, from GT-E, Golden Triangle, Subdistrict E to SP-11, Specially Planned (SP) District, will allow for the creation of a new mixed-use development that may include residential, commercial, and office uses. All development will be in accord with a Preliminary Land Development Plan that establishes the goals for the new district, designates a street grid, sets development standards, landscaping and architectural design standards, establishes public open space, and addresses impacts on the environment and traffic. The Planning Commission must review the Preliminary Land Development Plan along with the proposed zone change.
4. Except for the area of the existing Consol Energy Center and parking garage, the site area presently contains surface parking and vacant land.
5. The Specially Planned District regulations are intended to provide a framework for alternative forms of development for very large sites that have citywide impact. They are intended to permit a substantial amount of flexibility and create efficient and attractive urban areas that incorporate a high level of amenities.

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6. A new SP zoning district also includes a zoning code text amendment (attached) that establishes the district by ordinance, sets the site development standards, and identifies the permitted uses. Along with the text regulating the SP-11 District, the applicant has proposed several amendments to the Zoning Code relating to Specially Planned Districts in general, which would apply to other future Specially Planned District applications:
- a) Amending Section 909.01.B.7 by reducing the number of acres required for a subdistrict within a Specially Planned District from five to three acres;
 - b) Amending Section 909.01.D.3 (a) by eliminating the requirement that floor area ratio be included within zoning text for a Specially Planned District when height and build-to/setback requirements are included in the SP text;
 - c) Amending Section 909.01.D.3 (d) by removing the requirement that the Land Use Intensity Rating System is applicable;
 - d) Amending Section 914.04 by adding the SP-11 District to the table of Parking Exempt Areas with a one hundred percent permitted decrease in parking requirements; and
 - e) Amending Chapter 922 to eliminate the requirement that Final Land Development Plans submitted for development within a SP district contain a minimum of five acres or one third of the area of the SP district.

Staff has reviewed these amendments and is supportive of the intent and language.

7. If City Council approves the proposed zoning map and text ordinances, the applicant must submit a Final Land Development Plan to the Planning Commission for review and approval as sites within the SP district are developed. An Improvement Subdivision Site Plan must also be approved by the Commission and recorded for the zone change to go into effect.
8. The proposed Preliminary Land Development Plan for the SP-11 district contains three sub-districts: Subdistrict 1 is located along the majority of Crawford Street, excepting the development parcels on the corners of Crawford Street and Bedford Avenue, Crawford Street and Centre Avenue; Subdistrict 2 is comprised of the rest of the site, including the area spanning Crosstown Boulevard, but not including the site of the Consol Energy Center, which is designated as Subdistrict 3.
9. The SP regulations require a minimum of 10% of the land within the proposed SP district be improved and maintained as public open space. The PLDP currently identifies 10.6 percent of the district as Urban Open Space, located in parks and easements throughout the sub-districts. An additional 1.26 acres of open space could be provided as a cap over the Crosstown Boulevard. The applicant does not intend to build out the open space immediately, but has included a development schedule for the provision of open space as FLDP's are approved.
10. The PLDP identifies locations for new buildings based on street frontages, street types, building types and building heights. Generally, building heights and types are residential in scale to the east and residentially adjacent area, with larger and more commercial buildings along Centre Avenue and Bedford Ave, while creating a view corridor through the middle of the site. The sites which allow the greatest amount of height are located along the north western most portions of Bedford Avenue and Bigelow Boulevard. Since the initial application, and in response to community input, the applicant has revised the proposed height limits in order to reduce height in those areas that allow the greatest height, and the parcels located at the corners of Bedford Avenue and Crawford Street and Centre Avenue and Crawford Street (opposite Freedom Corner).

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11. The Lower Hill SP-11 district and Preliminary Land Development Plan went through both staff Design Review and the Contextual Design Advisory Panel, and changes were incorporated into the PLDP based on the comments received. The design review process focused on ensuring that high standards and guidelines related to urban design were set in the PLDP. These site and building design standards included strong build-to lines, ground floor transparency, building articulation requirements, and high quality building materials. Future building design in each FLDP will be reviewed for compliance with these standards.
12. A Transportation Study has been prepared and submitted to the City Planning Department's Transportation Planner and the City's Traffic Engineer. The applicant has responded to the City's comments and the plans have been approved.
13. A Stormwater Management Plan has been submitted and reviewed by the Department of City Planning's Environmental Planner, and has been approved.
14. The SP district will include the development of new public rights-of-ways. Environmental and technical reports have been prepared to PennDOT standards, and final plans will be submitted to the Department of Public Works for review and approval as implementation is undertaken.
15. All of the criteria for establishing a Specially Planned District – that it be a contiguous area of land of at least 15 acres; that 100% of the land be controlled by the applicant at the time of application; that it be in a location suitable for the proposed development; and that adequate public facilities are expected to be implemented; have been demonstrated.
16. The Planning Commission shall approve a Preliminary Land Development Plan if it finds that the proposal meets the following criteria:
 - a) That the proposal shall create an efficient, functional and attractive urban area which incorporates a high level of amenities;
 - b) That the proposal shall protect and preserve the natural environment;
 - c) That the proposal shall create a favorable environmental, social, and economic impact on the City;
 - d) That the establishment and operation of the proposed district shall not be detrimental to or endanger public health or safety or general welfare;
 - e) That the proposal shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes permitted, nor substantially diminishes or impairs property values;
 - f) That the establishment of the district shall not impede orderly development and improvement of property in adjacent districts;
 - g) That adequate utilities, roads and drainage and other necessary facilities will be provided;
 - h) That adequate measures will be taken to provide ingress and egress designated so as to minimize traffic congestion;
 - i) That the proposal complies with plan and policy documents adopted from time to time by the City.

Additionally, under Sec. 922.11.B.4, the Planning Commission may recommend approval with conditions if "such conditions, when met, would have the effect of bringing the proposal into full compliance" with the above criteria.

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17. The applicant has met with interested community and stakeholder groups, including holding public meetings, as part of an extensive community process that has been undertaken prior to and subsequent to preparing the PLDP document and application.
18. The Department of City Planning has notified property owners in an area of 150 feet surrounding the proposed SP district by mail, as well as posting 10 notices in the area.
19. Council Bill 2014-0708, referred to Planning Commission for Report and Recommendation on September 24, 2014, proposes amendments to the Pittsburgh Zoning Code, Section 909.01, Specially Planned District. The amendments propose additional items in Section 909.01.B, Special Definitions, and Section 909.01.D.1, Criteria for Establishment of an SP District as follows:
 - a) Adding language regarding Housing impact analysis of the site and surrounding areas as a type of planning study that may be required of the Planning Commission,
 - b) Adding language so that the implementation program would include information regarding the purpose of private or public funds as part of a cost estimate, a statement on how funds may be used to positively impact the socio-economic conditions on-site and in surrounding areas, and when an SP District will include a transfer of City or Authority owned land to a private entity or when public subsidy will be used for building construction or infrastructure improvements, an affordable housing plan shall be included in the PLDP which demonstrates that commercially reasonable efforts have been made in order to provide a minimum of thirty percent of the estimated on-site housing units as affordable housing units.
 - c) Where applicable, a Specially Planned District shall comply, to the greatest extent feasible, with the guidelines of the community's Master Plan.

The Planning Commission finds the following regarding the PLDP's potential compliance with Council Bill 2014-0708 as referred by City Council:

- a) The section regarding housing impact analysis as a possible planning study may be more applicable to FLDP approvals for residential development. The housing study to be conducted by the City of Pittsburgh Urban Redevelopment Authority may be consistent with a housing impact analysis under the pending ordinance.
- b) The CCIP is a reference document that may satisfy the pending ordinance requirement regarding a statement on how funds may be used to positively impact the socio-economic conditions on-site and in surrounding areas.
- c) The provision of an affordable housing plan (approved by the Executive Management Committee under the CCIP) with each application for an FLDP that includes residential development within blocks A, B, and C (as identified in the PLDP) showing that commercially reasonable efforts to achieve affordable housing at the levels set forth in the CCIP may satisfy that commercially reasonable efforts have been made to achieve thirty percent affordable housing as stated within the pending ordinance.
- d) The PLDP may be compatible with the physical development standards of the Greater Hill District Master Plan. The Planning Commission typically only considers a plan's consistency with plans and policy documents that have been adopted by the City.

This legislation has been scheduled for a Public Hearing at Planning Commission on December 16, 2014, where the Planning Commission may recommend approval, approval with conditions and/or amendments, or denial to City Council. This legislation has not been acted on by the Planning Commission or City Council; however, it is considered a pending ordinance. Applications affected by the proposed legislation should be in compliance with the ordinance in its final form, once it is

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determined. Planning Commission may consider a condition of approval for SP-11, Lower Hill Specially Planned District, which requires compliance with Council Bill 2014-0708 in its final iteration upon action by City Council.

RECOMMENDED ACTION:

Approval of the zoning map change, zoning text amendment and Preliminary Land Development Plan with conditions.

RECOMMENDED MOTIONS

**** As amended by Planning Commission, December 2, 2014*

Motion 1

That the Planning Commission of the City of Pittsburgh **Recommends Approval** to City Council of Zone Change Petition No. 770, to rezone approximately 42 acres of property bounded by Bigelow Boulevard and Bedford Avenue to the north, Crawford Street to the east, Centre Avenue and Fifth Avenue to the south, and Washington Place and Chatham Square to the west; from GT-E, Golden Triangle, Subdistrict E to SP-11, Specially Planned District No. 11; rezoning to take effect upon the recording of a Planning Commission-approved Improvement Subdivision Site Plan for the subject property in the office of the Department of Real Estate of Allegheny County.

Motion 2

That the Planning Commission of the City of Pittsburgh **Recommends Approval** to City Council of the proposed text amendments to Sections **909.01, SP, Specially Planned District, 914.04, Off-Street Parking Exemption/Reduction Areas, and 922.11.C, Final Land Development Plans** of Title Nine of the Pittsburgh Code as recommended.

Motion 3

That the Planning Commission of the City of Pittsburgh **Approves** the Preliminary Land Development Plan for SP-11, Lower Hill based on the document submitted by Pittsburgh Arena Real Estate Redevelopment LP, property owner/optionee, and dated September 18, 2014; subject to the following conditions of approval:

PENDING ORDINANCE

1. That Council Bill 2014-0708 ("Pending Ordinance") in its current or amended form be approved or denied by City Council. In the event that Council Bill 2014-0708 in its current or an amended form is approved by City Council, the Preliminary Land Development Plan (PLDP) for SP-11 shall comply with all provisions of the ordained and enacted ordinance, as applicable.
 - a. Any right to appeal has been preserved.

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2. Prior to the Planning Commission approving any Final Land Development Plan (FLDP) within the SP-11, the Commission shall review the PLDP for compliance with the ordained and enacted ordinance, as applicable.

OTHER CONDITIONS

3. All FLDP submissions shall include a true and correct copy of the executed "Statement of Affirmation", which has been made part of the Community Collaboration and Implementation Plan (CCIP), with written documentation of the receipt thereof in writing, which states that a developer endorses the CCIP.
4. All FLDPs for Blocks A, B and C (as identified in the PLDP) that include residential development must submit an affordable housing plan (approved by the Executive Management Committee under the CCIP) showing the applicant's commercially reasonable efforts to achieve the affordable housing goals set forth in the CCIP. An affordable housing plan may include future phases of development that are not part of the initially submitted FLDP.
5. Each FLDP application shall incorporate the community design charrette or other public process engaging community groups related to design of the proposed development as agreed upon within the CCIP.
6. The Executive Committee (as defined in the CCIP) shall submit a copy of all reports provided by developers under the CCIP. Such reports shall be submitted on an annual basis to the Department of City Planning.
7. Conditions 3 through 6 above shall remain in effect for as long as the Option Agreement dated September 11, 2014 by and between the co-applicants remains in effect, or for a period of ten (10) years from the date of PLDP approval, whichever is later.

SUBMITTED BY:

Corey Layman, Zoning Administrator