

ZONING CODE TEXT & PRELIMINARY LAND DEVELOPMENT AMENDMENT FOR SP-10 HAZELWOOD GREEN

COUNCIL BILL 2021-1815 AND DCP-MPZC-2021-01314

PROPERTY: Specially Planned District 10 –Hazelwood Green
NEIGHBORHOOD: Hazelwood Green
PROPOSED ZONING: Council Bill 2021-1815 and DCP MPZC-2021-01314
ACTION REQUIRED: Public Hearing and Recommendation to City Council on the Proposed Zone Change and Action on the PLDP Amendment
COUNCIL DISTRICTS: 7, Councilperson Corey O’Connor
DATE: November 23, 2021
SUBMITTED TO: The Planning Commission of the City of Pittsburgh
FROM: The Zoning Administrator

FINDINGS OF FACT

1. Council Bill 2021-1815 amending the Specially Planned District 10 –Hazelwood Green was introduced by Councilmember Corey O’Connor and referred to Planning Commission for report and recommendation. DCP MPZC-2021-01314 was filed by Goldberg, Kamin & Garvin, LLP on behalf of ALMONO and RIDC, property owners for the amendments to the Preliminary Land Development Plan (PLDP).
2. Prior to briefing, staff reviewed and made comments on the PLDP and Zoning Code proposed changes. Planning Commission also asked questions; made comments; and suggested changes at the briefing on November 9, 2021.
3. After briefing, the applicant made two rounds of revisions to the Zoning Code text and PLDP. The changes as submitted for Hearing and Action are summarized as:
 - Lowering Building Heights – Minimum building height of 32 feet except for:
 - 20 feet for Type A Structures (residential structures)
 - 20 feet for structures under 25,000 sf with uses either Cultural Services, Retail, or Restaurant for no more than 20% of a given HG Block can fall within this requirement.
 - Waivers to Build-to Zone Requirements for easements or significant underground structures
 - Allowed but only to the extend necessary
 - Visibility of Permanent Surface Parking
 - Surface parking shall not front onto an Open Space, Active Street, or across the street from Open Space
 - Warehouse as a Primary Use
 - Permitted in all of the Hazelwood Green parcels but total limit to four and not permitted within 500 feet of each other. (Staff has concerns regarding this solution, concerns about warehouses adjacent to the residential and in front of Mill Building)
 - Curb Cuts
 - Shall be located on Shared Ways unless the Shared Ways are used for pedestrians only
 - Curb cuts may only be 24 feet, unless approved by the Department of Mobility and Infrastructure.
4. Changes that were not addressed in the current proposed Zoning Code or Preliminary Land Development Plan:
 - Active Use Rhythm

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- The PLDP currently requires 30 feet and the proposed change would be 50 feet.
 - All Active Ground Floor Use frontages shall have an individual entry door for each tenant/occupant directly from an adjacent public right-of-way, public space, and/or public easement. Entries shall occur at an average of 30 feet or less along the building frontage.
 - Ground Floor Transparency
 - Staff has concerns that allowing the transparency between 2 and 12 feet permits situations where the transparency could be between 6 and 12 feet, functionally above eye level.
 - In addition, with the expansion of Basic Industry (decoupling with other uses in the SP District), that only requires a 5 percent ground floor transparency.
 - Basic Industry
 - Staff has concerns regarding the ability to locate on parcels 18 and 22 across from the front of the Mill Building.
 - Surface parking
 - No new Temporary Surface Parking Lots above 3.1 million GSF but existing spaces may remain and be relocated as needed.
 - For zoning code efficiency, we recommend that the regulatory definitions in SP districts, such as height, match the standard definitions in the code in 925.07. In addition, many items called out as exempted from height in this SP district are already exempted from height standards in Section 925.07.C of the Zoning Code.
 - Maximum Parking Requirements
 - The Maximum parking numbers for permanent (not temporary parking) have increased, including for some uses above the maximum permitted in the RIV districts.
 - Podium Parking -
 - The PLDP amendments dated August 30, 2021 maintained that when podium parking was adjacent to a street, it would be lined with an active use. The most recent PLDP changes that to Active Streets only.
5. As changes to the legislation were proposed after the legislation was referred to Planning Commission, the legislation will need to be amended by City Council after the recommendation is made by Planning Commission.
6. A Development Activities Meeting was held on October 12, 2021. Please see attached memo.
7. Hazelwood Green is located in a neighborhood with an approved neighborhood plan. Please see attached Plan Compliance Letter from Ose Akinlotan, Senior Planner.
8. In accordance with Section 922.11.B.3, the Planning Commission shall review Preliminary Land Development Plans based on the following criteria:
- a. That the proposed district shall create an efficient, functional and attractive urban area which incorporates a high level of amenities;
 - b. That the proposed district shall protect and preserve the natural environment;
 - c. That the proposed district shall create a favorable environmental, social and economic impact on the City;
 - d. That the establishment, maintenance, location and operation of the proposed district shall not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;

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- e. That the proposed district shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes permitted, nor substantially diminish or impair property values within adjacent zoning districts;
 - f. That the establishment of the proposed district shall not impede the normal and orderly development and improvement of property for uses permitted in the adjacent districts;
 - g. That adequate utilities, access road, drainage and other necessary facilities have been or shall be provided;
 - h. That adequate measures have been or shall be taken to provide ingress and egress designated so as to minimize traffic congestion in the public streets; and
 - i. That the proposed development complies with plans and policy documents adopted from time to time by the City.
9. In accordance with Section 922.05.F, the Planning Commission shall review Zoning District Map or Zoning Code text amendments based on the following criteria:
- 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 the 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.

Not all of the criteria must be given equal consideration by the Planning Commission or City Council in reaching a decision. The applicant for DCP-MPZC-2021-01314 has submitted a Statement of Compliance with the PLDP Review Criteria.

MOTIONS

That the Planning Commission makes a **positive recommendation** to City Council on Council Bill 2021-1815 with the following conditions:

1. City Council amend 2021-1815 to the legislation provided by Goldberg, Kamin & Garvin, LLP to the Planning Commission on November 16, 2021.
2. Zoning Code text be further amended to match the definition of building height with the existing definition in the Zoning Code.
3. Zoning Code text be further amended to require that Temporary Surface Parking Lots expire 40 years after date of initial issuance.
4. Zoning Code text be further amended to require that Temporary Surface Parking Lots be accessory to other primary uses in this SP District
5. Zoning Code legislation to be amended to retain the existing requirements for Ground Floor Transparency for Basic Industry to be the same as Light Industrial and Production (30 percent.)
6. Zoning Code text to be further amended to clarify that ground floor transparency must be provided at a height above grade that provides visibility into the space for adjacent pedestrians.

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That the Planning Commission **approves** the amendments to the Preliminary Land Development with the following conditions:

1. Preliminary Land Development Plan to remain as currently approved relating to entries along Active Use Ground Floors.
2. Preliminary Land Development Plan to remain as currently approved relating to requirements for Ground Floor Transparency for Basic Industry to be the same as Light Industrial and Production (30 percent.)
3. Preliminary Land Development Plan be further amended to require that Temporary Surface Parking Lots expire 40 years after date of initial issuance.
4. Preliminary Land Development Plan be further amended to require that Temporary Surface Parking Lots be accessory to other primary uses in this SP District.
5. Preliminary Land Development Plan to be further amended to clarify that ground floor transparency must be provided at a height above grade that provides visibility into the space for adjacent pedestrians.

SUBMITTED BY:

Corey Layman, Zoning Administrator

PROJECT & CASE NUMBER: Zoning Code Text and Preliminary Land Development Amendment for
SP-10 Hazelwood Green
DCP-MPZC-2021-01314
LOCATION: Hazelwood Neighborhood
PLANNING COMMISSION HEARING AND ACTION DATE: November 23, 2021

Planning Commission Review Criteria - Statement of Compliance

Project Development Plans

922.11.B.3 Review Criteria

The Planning Commission shall recommend approval of the Preliminary Land Development Plan application only if it finds that the proposal meets all of the following criteria:

(a) That the proposed district shall create an efficient, functional and attractive urban area which incorporates a high level of amenities;

The revisions to the existing SP-10 zoning district further enhances the efficient, functional, and attractive urban area vision embodied in the PLDP originally approved by the Commission. The strategic objectives of the amendment to the PLDP seek to provide opportunities to permit the development to thrive by incorporating the ability to adapt to market realities, increase the flexibility of design, enhance affordability, and create more efficient and functional connections with the larger neighborhood. The modifications to the PLDP facilitate the appropriate development of the anticipated residential, office, commercial, and open space uses, with amenities that will serve not only those residing on the property, but the surrounding community.

(b) That the proposed district shall protect and preserve the natural environment;

The amendment to PLDP does not seek to change the protections and preservation of the existing natural environment. The proposed modifications retain and enhance the forward-thinking storm water management and sustainability requirements set forth in the SP-10 regulations and PLDP. The project will comply with the sustainability goals of the SP-10 District, the existing PLDP, all pertinent codes, and LEED requirements. The existing PLDP focuses upon the principals of creating a healthy ecosystem through healing the past damage to the property through the management or rainwater on-site, attaining a net-positive building energy, and restoration of a healthy ecosystem on-site; each of which guiding principles are retained in the amendment.

(c) That the proposed district shall create a favorable environmental, social and economic impact on the City;

The proposed amendment improves the existing plan of development for the anticipated redevelopment of a portion of the heart of Hazelwood which will serve as a catalyst for positive

social and economic impacts in the neighborhood and City-wide. The inclusion of additional commercial uses alongside residential uses will attract more business to the area, provide an increased tax base to the City, and give an economic boost to the local community by way of increased property values. In addition, the increased use of the site by members of the local and at-large community will bring people of different socio-economic and ethnic backgrounds together in one place. Providing space for people of different backgrounds to come together in pursuit of everyday tasks and pleasures fosters acceptance of others and an inclusive environment which serves to benefit not only Hazelwood, but the entire City of Pittsburgh.

(d) That the establishment, maintenance, location and operation of the proposed district shall not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;

The proposed amendments do not modify the goals of the existing PLDP or the establishment, maintenance, location, or operation of the approved Special Purpose District. The revisions follow the guiding principles of Hazelwood Green by striving to Advance Human Well-Being, Inspire Innovation, Regenerate the Ecology, and Create Resilient Places.

(e) That the proposed district shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes permitted, nor substantially diminish or impair property values within adjacent zoning districts;

The amendments to the PLDP for the SP-10 District will further the use and enjoyment of properties within the Hazelwood neighborhood, City, and region. The proposals seek to create an appropriate design to compliment existing Second Avenue retail, situated outside of the SP-10 District, and to create a pedestrian connection with the existing Hazelwood community. Additional on-site amenities, dedicated bike lanes providing access to the significant existing network of bicycle trails within the City, and open space will enhance the enjoyment of other property in the immediate vicinity of the district.

(f) That the establishment of the proposed district shall not impede the normal and orderly development and improvement of property for uses permitted in the adjacent districts;

The development and future use of the property within the SP-10 District will spur and encourage the improvement and development of additional permitted uses within adjacent neighborhoods and districts. Through the creation of healthy and safe working environments that provide a greater number of variations in employment fields the SP-10 District will act as an innovation and employment hub that enhances the neighborhood.

(g) That adequate utilities, access road, drainage and other necessary facilities have been or shall be provided;

Through the existing PLDP and FLDPs, the site has undergone substantial improvements including, but not limited to, the installation of utilities, public roadways, stormwater controls, and pedestrian amenities. The amendment to the PLDP maintains the mobility networks and

designs established in the existing PLDP while providing additional focus on improvements to the Lytle Street experience, creating a welcoming throughfare which will enhance the entire district.

(h) That adequate measures have been or shall be taken to provide ingress and egress designated so as to minimize traffic congestion in the public streets;

Transportation opportunities both to and from Hazelwood Green were incorporated into the existing PLDP. The amendments do not propose significant or material modifications to those transportation plans.

(i) That the proposed development complies with plans and policy documents adopted from time to time by the City;

The revisions comply with and support the plans and policies of the City, including furthering those incorporated into the original adoption and creation of the SP-10 District. The goals for this development meet not only the legal requirements set forth in this Zoning Code, but also those policies seeking to provide for sustainable development, affordability in design and use, and an opportunity for all residents of the City to enhance their quality of life.