



## Text File

**Introduced:** 9/29/2017

**Bill No:** 2017-1945, **Version:** 2

**Committee:** Committee on Land Use and Economic Development

**Status:** Passed Finally

Ordinance amending the Pittsburgh Code, Title Nine, Zoning Code, Article I, Section 902.03 Zoning Map; Article IV, Chapter 908, Public Realm Districts; Chapter 914, Parking Loading and Access, and Chapter 915, Environmental Performance Standards to establish the Uptown Public Realm Zoning District, and an associated Performance Points density bonus system.  
(Public Hearing Held, 11-16-17)

### **The Council of the City of Pittsburgh hereby enacts as follows:**

**Section 1.** Amending the Pittsburgh Code, Title Nine, Zoning, Article I, Section 902.03 Zoning Map, by changing from LNC, R1A-H, R2-VH, RM-M, and NDI, an area generally bounded by Colwell Street on the north; Boulevard of the Allies on the south; Interstate 579 Freeway / Crosstown Boulevard on the west; and Dinwiddie and Van Braam Streets on the east, to UPR-A, Uptown Public Realm, Subdistrict A, in accordance with the attached proposed zoning map. The UPR-A will not replace existing EMI and SP-11 zones within this area.

**Section 2.** Amending the Pittsburgh Code, Title Nine, Zoning, Article I, Section 902.03 Zoning Map, by changing from LNC, UNC, RM-M and GT-E, an area generally bounded by generally bounded by: Colwell Street on the north; Boulevard of the Allies on the south; Dinwiddie and Van Braam Streets on the west; and extends for one block on either side of Fifth Avenue for approximately seven hundred (700) feet west of the Birmingham Bridge at its easternmost terminus, to UPR-B, Uptown Public Realm, Subdistrict B, in accordance with the attached proposed zoning map. The UPR-B will not replace existing EMI zone within this area.

**Section 3.** The Pittsburgh Code, Title Nine, Zoning Code, Article IV, Chapter 908, Public Realm Districts, is hereby amended as follows:

## **SEE ATTACHMENT**

CHAPTER 908: - PUBLIC REALM DISTRICTS<sup>[1]</sup>

Footnotes:

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**Editor's note-** Ordinance 16-2002, § 1, effective June 4, 2002, repealed former Ch. 908, in its entirety, and enacted provisions designated as a new Ch. 908 to read as herein set out. Prior to inclusion of said ordinance, Ch. 908 pertained to similar subject matter. See also the Code Comparative Table.

908.01. - General.

### **908.01.A Purpose**

In recognition of the strategic importance of specific Areas, Pathways and Places within the city which possess distinctive characteristics and which have city-wide or regional importance, or have the potential to develop such importance, the Public Realm District regulations are intended to provide a framework to:

1. Identify significant Areas, Pathways and Places, with unique and distinctive characteristics;
2. Preserve and enhance qualities that contribute to district identity and to its public nature;
3. Encourage development that is consistent with and enhances the distinctive characteristics of the district; and
4. Address the impacts of larger scale development within the districts in the surrounding residential and commercial areas.

### **908.01.B Overview of Public Realm District Regulations**

Public Realm Districts address land use and development issues that are unique to specific areas of the city. Public Realm Districts and their subdistricts provide a means of modifying otherwise applicable zoning regulations for specific areas of the city that are the subject of special plans or studies. Because Public Realm Districts are meant to carry out area-specific objectives, they shall be designated as either a base zoning district or overlay zoning provisions.

### **908.01.C Applicability of Public Realm District Regulations**

Public Realm District regulations apply in combination with all other applicable standards and requirements of this Code. When standards of a Public Realm District or smaller subdistrict conflict with other standards of this Code, the regulations of the Public Realm District/subdistrict shall always control. When no Public Realm District standards are specified, all otherwise applicable regulations of this Code shall control.

### **908.01.D Establishment of Public Realm Districts**

1. The City Council may designate Public Realm Districts/subdistricts upon the request of the City Planning Commission in accordance with the provisions of Sec. 922.05, Zoning Map and Text Amendments.

2. A Public Realm District shall possess unique qualities and characteristics that distinguish it from other districts within the city and enable it to be considered a city asset.

3. At the time of establishment of a Public Realm District, the City Council shall, upon recommendation from the City Planning Commission:

(a) Delineate the boundaries or limits of the district or overlay;

(b) Identify the distinguishing characteristics of the district or overlay;

(c) Categorize either the district or the overlay as one of the following three types:

(1) Public Realm Area. A Public Realm Area shall comprise a contiguous area of land of not less than five (5) acres and shall abut or include a publicly accessible street, walkway, park, river, or right-of-way.

(2) Public Realm Pathway. A Public Realm Pathway shall comprise a contiguous path or artery (automobile, pedestrian or river route) that is not less than one mile in length. Regulations shall apply to the street yards and building faces of the properties with frontage on the Public Realm Pathway.

(3) Public Realm Place. A Public Realm Place shall comprise a specific location of natural, historic or cultural significance or city amenity, and the street yards of properties abutting and fronting the Public Realm Place.

(d) Adopt Public Realm regulations for each Public Realm District or overlay after recommendation by City Planning Commission.

#### **908.01.E Compliance with Public Realm Regulations**

Within any Public Realm District, an application for a permit for new construction, enlargement of existing structure, grading or removal of vegetation shall be approved only in accordance with the Public Realm regulations adopted by the City Council for that Public Realm District.

#### **908.01.F Public Realm Project Development Plan Review and Approval**

In the every Public Realm District, every new use of land, every building demolition, every new, enlarged or reconstructed advertising sign, every new or enlarged parking area, and every structure erected or enlarged, with the exceptions noted in the following sub paragraph, shall, in addition to conforming to any and all regulations pertaining thereto in this Zoning Ordinance, be in accord with a Project Development Plan (PDP) approved by the Commission.

1. Developments that do not require approval of a Project Development Plan are:

- (a) Structures involving external alterations not in excess of one hundred thousand dollars (\$100,000) in the Uptown Public Realm District or fifty thousand dollars (\$50,000.00) elsewhere;
  - (b) Exterior alterations where those alterations have no visible impact on the proximal public realm; or
  - (c) Interior renovations only, except where four (4) or more dwelling units are created.
2. Plans and documents constituting Project Development Plan shall be prepared in a manner set forth in submissions requirements established by the Zoning Administrator, and shall include but not be limited to, site plans, building elevations with material descriptions, landscaping plans with types of plant materials, lighting and signage plans, and planning studies as defined in Sec. 922.10 of this Zoning Ordinance.
  3. Development which is subject to Project Development Plan review and approval shall comply with all review criteria specified in Section 922.10 and all applicable standards contained in the plans and policy documents adopted by the Commission which were noted at the time of application for the Project Development Plan.

#### **908.01.G Procedure**

The procedures listed hereunder shall be followed in the review and approval of Project Development Plans.

1. The applicant shall request a preliminary review of the Public Realm Project Development Plan by filing an application for preliminary review with the Zoning Administrator.
2. The Zoning Administrator shall prescribe the required form and content of application plans and documents, which may be in schematic or preliminary form and which may include a site plan, building elevations, building and site perspective drawings, information on building size, height, proposed uses, traffic generation characteristics, geotechnical information regarding site stability and potential for new construction, and other plans and information sufficient to illustrate any proposed development and its relation to adjacent buildings, streets and open spaces.
3. An application for interim review and approval of a Public Realm Project Development Plan shall be filed with the Zoning Administrator when all of the requirements contained in this chapter of the Zoning Ordinance and all applicable requirements contained in other provisions of this Zoning Ordinance have been fulfilled, including the review criteria specified in Sec. 922.10.E.2. The Zoning Administrator shall prescribe the form and content of plans and documents required for interim review of the Project Development Plan.
4. The City Planning Commission may, but shall not be required to hold a public hearing on the proposed Public Realm Project Development Plan, unless a public hearing is requested by petition filed with the Commission, prior to action by the Planning Commission, and signed by twenty-five

(25) residents, property owners or merchants, or at the discretion of the Planning Director, in which event a public hearing shall be held.

5. In the event that the City Planning Commission gives interim approval to a Public Realm Project Development Plan, the Commission, where applicable, shall include a description of the specific site improvements, off-site mitigation measures; and development and operating characteristics upon which its approval is conditioned, and these conditions shall be binding upon the applicant and shall be considered to be part of the project development plan.

6. The Zoning Administrator shall not authorize zoning approval of an application for an occupancy permit for a development subject to the requirements of this section until the Commission has approved the Public Realm Project Development Plan.

7. If a Project Development Plan within the Public Realm District requires approval of a Conditional Use Application by City Council, such approval shall be in accordance with both the requirements for Conditional Use Applications and with the requirements for Public Realm Project Development Plan, and shall be filed and processed as single application. The City Planning Commission shall take action on the separate motions for the Conditional Use Application and the PDP application.

8. Following approval of the Public Realm Project Development Plan by the City Planning Commission, Special Exception approval by the Zoning Board of Adjustment and/or Conditional Use approval by City Council, the applicant may file for a Certificate of Occupancy with the Zoning Administrator. The Zoning Administrator shall prescribe the required form of the application, which shall address parking needs and minimize traffic disruptions during construction.

**Section 4.** The Pittsburgh Code, Title Nine, Zoning Code, Article IV, Chapter 908, Public Realm Districts, is hereby supplemented as follows:

908.04. - Uptown Public Realm District.

**908.04.A Definitions**

1. **Affordable Housing** shall mean housing with a gross cost, including utilities, that does not exceed thirty (30) percent of the occupant's income.
2. **Green Infrastructure** shall mean a strategic network of vegetated areas and water retention techniques intended to mitigate stormwater problems. Examples of green infrastructure include: greenways, rain gardens, bioswales, green roofs, and rain barrels.
3. **Regulated Activities** shall include land operations, earth disturbances, or any activities that involve the

alteration or development of land in a manner that may affect stormwater runoff.

#### **908.04.B Objective**

The Uptown Public Realm District (UPR) or “district” was created to provide regulations for the development and growth of Uptown as Pittsburgh’s first EcoInnovation District. A special emphasis is placed on sustainability and economic development in the district. The regulations preserve the mixed-use nature of the community and encourage investment to increase the residential population and commercial activity.

Specifically, the intent of the Uptown Public Realm District is:

To implement the development vision of the Uptown / West Oakland EcoInnovation District Plan;

To allow denser development which better utilizes limited lands and supports a complete and healthy urban community;

To encourage innovative new buildings that are highly energy efficient, produce energy on-site or connect to efficient district energy systems, and/or capture and treat rainwater on-site using green infrastructure;

To provide Affordable Housing in the district; and

To encourage sustainable development through adaptive reuse of existing buildings to maintain the district’s built heritage.

#### **908.04.C General Provisions**

The provisions of this section shall apply to the entire Uptown Public Realm District unless otherwise noted.

##### **908.04.C.1 Use**

Permitted uses shall be those listed in each subdistrict below.

##### **908.04.C.2 Development Standards**

- a. All Project Development Plans within the district shall be subject to Design Review.
- b. Project Development Plans that are filed for building demolitions not part of an application for new construction shall include a report, study, or statement of the property's future use that meets the review criteria of Section 922.10.E.2.
- c. No surface parking, accessory or primary, shall be constructed with frontage on Fifth Avenue, Forbes Avenue, or Boulevard of the Allies. Surface parking in all other locations will only be

permitted if the applicant provides the alternatives considered and demonstrates why those alternatives were not feasible.

- d. Landscaping and screening standards (Chapter 918) shall apply to all Project Development Plans within the district. The exemption provisions of Section 918.01.B.2 shall not apply in the Uptown Public Realm District, and off-street parking areas shall be subject to all screening and landscaping standards of Chapter 918.
- e. Structured parking must be designed to allow for conversion to other uses or the applicant must provide analysis that clearly demonstrates this requirement cannot be met including engineering diagrams and/or other schematics.
- f. No building wall adjacent to a street shall contain a non-articulated condition greater than fifty (50) linear feet in length. Building wall articulation shall be achieved through changes in the façade depth no smaller than six (6) inches.
- g. Street level facades fronting on Fifth Avenue and Forbes Avenue or primary building frontages on any other street shall be transparent between the height of three (3) feet and eight (8) feet above the walkway grade for no less than sixty (60) percent of the horizontal length of the building façade.
- h. Active uses shall be provided along the ground floor of the building frontage along Fifth Avenue and Forbes Avenue or primary building frontages on any other street. Active uses include residential, retail, office, lobbies, and bike facilities.
- i. All primary structures shall provide a prominent and highly visible street level doorway or entrance on the facades of the building that front onto Fifth Avenue or Forbes Avenue.
- j. Continuous pedestrian sidewalks at least ten (10) feet wide shall be provided along the facades of the building that front onto streets inclusive of obstructions including street furniture, tree pits, and Green Infrastructure. A clear path exclusive of obstructions of at least five (5) feet shall be provided. If the sidewalk does not have ten (10) feet of width available in the public right of way as determined by the City, the additional width must be provided on the development parcel.
- k. All new buildings with a gross floor area greater than ten thousand (10,000) square feet or building additions with a gross floor area greater than five thousand (5,000) square feet shall undergo a green building advisory consultation coordinated by the City of Pittsburgh.
- l. Stormwater standards (Chapter 1003) shall apply to all Project Development Plans with Regulated Activities equal to or greater than five thousand (5,000) square feet in area. Small Project Stormwater Standards of Section 915.03 shall apply to all new construction and building additions that include a land disturbance greater than five hundred (500) square feet

but less than five thousand (5,000) square feet in area.

#### 908.04.C.3 Bonus Goals and Points

New buildings and renovations in this district can utilize the bonus system of Section 915.07. The list below identifies the bonus options available to projects in this district and any modifications to the points earned. Points earned by satisfying the bonus goals can be utilized in this district to achieve the bonus height as identified in Section 908.04.C.4 . Points are not transferrable to other development projects.

- a. On-site energy consumption - New construction: Section 915.07.D.1.a - 1.c; points as listed.
- b. On-site energy consumption - Existing buildings: Section 915.07.D.2.a - 2.c; points modified as follows: 2.a is two points, 2.b is three points and 2.c is four points.
- c. On-site energy generation: Section 915.07.D.3.a - 3.c; points as listed.
- d. Affordable housing: Section 915.07.D.4.a - 4.c; points modified as follows: 4.c is four points; 4.d is six points.
- e. Rainwater: Section 915.07.D.5; points as listed.
- f. Building Reuse: Section 915.07.D.5; points as listed.

#### 908.04.C.4 Bonus Height

New buildings and renovations in this district can exceed the maximum heights permitted without bonuses in each subdistrict by using the Performance Points System. Each point equates to fifteen (15) feet of additional building height. Maximum heights with bonuses are regulated for each subdistrict.

Bonus height earned through the Performance Points System may not be applied in addition to any other height or FAR bonus or exception. These bonuses may not be applied in addition to any additional height or FAR variances or special exceptions granted by the Zoning Board of Adjustment.

#### 908.04.C.5 Off-Street Parking

Off-street parking spaces shall be provided in accordance with the minimum and maximum standards below. Where application of the standard results in a fraction of a space, the number of spaces allowed shall be calculated by rounding the number of spaces allowed down to the nearest full space when the fraction is less than 0.5 spaces and rounding up to the next full space when the fraction is equal to or greater than 0.5 spaces. The parking schedule in this section shall not apply to the Bicycle Parking Requirement of Section 914.05.D.



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Use Type	Minimum Off-Street Automobile Spaces Required	Maximum Off-Street Automobile Spaces Allowed
<b>Residential Uses</b>	Exempted in accordance with Section 914.04. - Off-Street Parking Exemption/Reduction Areas	0.9 per unit
<b>Commercial Uses</b> Includes all permitted non-residential uses other than Manufacturing and Assembly, Welding or Machine Shop		1 per 1,000 s.f.
<b>Industrial Uses</b> Includes Manufacturing and Assembly, Welding or Machine Shop		Parking Demand Analysis Required, see Sec. 914.02.B

**908.04.D Uptown Public Realm Subdistricts**

908.04.D.1 Uptown Subdistrict A/UPR-A: Mixed-Use Urban Core

a. Purpose

To encourage mixed-use buildings with office, retail and restaurant uses in the ground floors of residential- and office-like structures;

To increase the scale and density of the subdistrict to allow for more employment and housing; and

To encourage adaptive reuse of existing buildings and/or the incorporation of existing buildings into new development projects.

b. Uses

Uses are the same as those found in Chapter 903 for the GT, Golden Triangle District, except where modified below.

Permitted By Right:

Housing for the Elderly (Limited)

Housing for the Elderly (General)

Outdoor Retail Sales and Service [Non-Accessory Use]

Sidewalk Cafe

Not permitted:

Adult Entertainment

Correctional Facility (Limited)

Correctional Facility (General)

Excavation/Grading/Fill, Major

Firearms Business Establishment

Gaming Enterprise

Special Exceptions:

Funeral Home

Incinerator, Solid Waste

Laundry Service

Manufacturing and Assembly (Limited)

Manufacturing and Assembly (General)

Parking, Structured (General)

Recycling Processing Center

Welding or Machine Shop

Administrator Exception:

New and Unlisted Uses

In accordance with 922.08, the Zoning Administrator shall consider New and Unlisted Uses consistent with the Uptown / West Oakland EcoInnovation District Plan, as adopted by Planning Commission.

Accessory uses shall be allowed in accordance with the Accessory Use regulations of

Chapter 912.

c. Conditions of approval for Special Exceptions

Parking, Structured (General) uses shall not be permitted unless at least three (3) of the following site features are included:

- On-site renewable energy generation;
- Combined heat and power with battery storage;
- Connection to district energy system;
- Connection to smart/micro-energy grid;
- Secured bike storage;
- Bike share station;
- Electric vehicle charging for 10% of spaces;
- Green infrastructure that mitigates stormwater runoff from the right of way;
- Air or other environmental quality monitors;
- Neighborhood scale recycling collection station; and
- Neighborhood scale compost station.

d. Site Development Standards

Site Development Standard	UPR-A Regulation
Minimum Lot Size	None
Minimum Height	30 feet
Maximum Height without Bonus	60 feet
Maximum Height with Bonus	180 feet
Minimum Interior Sideyard Setbacks	0 feet
Minimum Front and Exterior Sideyard Setbacks First 50 feet from ground level 51-90 feet from ground level 91-120 feet from ground level 121-180 feet from ground level Heights are measured from grade on primary frontage.	0 feet 10 feet 15 feet 25 feet

Minimum Rear Setback When not adjacent to way, Tustin Street or Watson Street	20 feet
When adjacent to way, Tustin Street or Watson Street	0 feet

e. Specific Project Development Plan Standards

- (1) All new construction and/or enlargements shall maintain an eighty-five (85) percent building frontage along the established build-to line on the primary frontage except where determined by the minimum front and side setbacks for the subdistrict.
- (2) All new buildings greater than ten thousand (10,000) square feet or building additions greater than five thousand (5,000) square feet shall join the Pittsburgh 2030 District.

908.04.D.2 Uptown Subdistrict B/UPR-B: Residential Core

a. Purpose

- To encourage a diverse range of residential use types;
- To encourage appropriately scaled infill development; and
- To encourage creative/industrial and live/work uses.

b. Uses

Uses are the same as those found in Chapter 903 for the LNC, Local Neighborhood Commercial District, except where modified below.

Permitted By Right:

- Housing for the Elderly (Limited)
- Housing for the Elderly (General)
- Grocery Store (General)
- Laboratory/Research Services (General)
- Office (General)
- Recycling Collection Station
- Restaurant (General)

Retail Sales and Services (General)

Sidewalk Cafe

Not permitted:

Controlled Substance Dispensation Facility

Excavation/Grading/Fill, Major

Hotel/Motel (General)

Service Station

Vehicle/Equipment Sales (Limited)

Special Exceptions:

Agriculture (General)

Agriculture (Limited) with Beekeeping

Agriculture (Limited)

Hotel/Motel (Limited)

Manufacturing and Assembly (Limited)

Manufacturing and Assembly (General)

Nursery, Retail (Limited)

Nursery, Retail (General)

Parking, Structured (General)

Incinerator, Solid Waste

Recycling Processing Center

Warehouse (Limited)

Welding or Machine Shop

Administrator Exception:

New and Unlisted Uses

In accordance with 922.08, the Zoning Administrator shall consider New and

Unlisted Uses consistent with the Uptown / West Oakland EcoInnovation District Plan, as adopted by Planning Commission.

Accessory uses shall be allowed in accordance with the Accessory Use regulations of Chapter 912.

c. Conditions of approval for special exceptions

Parking, Structured (General) uses shall not be permitted unless at least three (3) of the following site features are included:

- On-site renewable energy generation;
- Combined heat and power with battery storage;
- Connection to district energy system;
- Connection to smart/micro-energy grid;
- Secured bike storage;
- Bike share station;
- Electric vehicle charging for 10% of spaces;
- Green infrastructure that mitigates stormwater runoff from the right of way;
- Air or other environmental quality monitors;
- Neighborhood scale recycling collection station; and
- Neighborhood scale compost station.

d. Site Development Standards

Site Development Standard	UPR-B Regulation
Minimum Lot Size	None
Minimum Height	20 feet
Maximum Height without Bonus	40 feet
Maximum Height with Bonus	70 feet
Minimum Interior Sideyard Setbacks	0 feet

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Minimum Front and Exterior Sideyard Setbacks First 40 feet from ground level 41-70 feet from ground level Heights are measured from grade on primary frontage.	0 feet 10 feet
Minimum Rear Setback When not adjacent to way, Tustin Street or Watson Street When adjacent to way, Tustin Street or Watson Street	20 feet 0 feet

**Section 5.** The Pittsburgh Code, Title Nine, Zoning Code, Article VI, Chapter 914, Parking Loading and Access, is hereby amended as follows:

914.04. - Off-Street Parking Exemption/Reduction Areas.

The minimum off-street parking requirements of Sec. 914.02.A shall be decreased as shown in the following table for uses located in districts designated on the Official Zoning Map as "Parking Exempt Areas." Uses located in Parking Exempt Areas shall provide no more than the otherwise required minimum parking ratio established in Sec. 914.02.A.

Area	Use Type	Percent Decrease
<b>SP Districts &amp; PUDs</b>	Any use	Parking Demand Analysis Required, see Sec. 914.02.B
<b>Downtown</b>	Any use	100
<b>East Liberty</b>	Any use except residential	50
<b>SP-11 Lower Hill Planned Development</b>	Any use	100
<b>North Shore</b>	Any use except residential	25
<b>North Side</b>	Any use except residential	25
<b>Oakland</b>	Any use except residential	50
<b>Uptown Public Realm District</b>	Any use	100

The parking reductions of this section shall not be applicable to the minimum Bicycle Parking requirements of Section 914.05.

**Section 6.** The Pittsburgh Code, Title Nine, Zoning Code, Article VI, Chapter 915, Environmental Performance Standards, Section 915.01 is hereby amended as follows:

CHAPTER 915: - ENVIRONMENTAL PERFORMANCE STANDARDS

915.01. - General.

**915.01.A Purpose**

The performance of the city's natural and built areas is key to the success of its communities. The provisions of this Section are intended to protect environmental areas and to support new development that will make Pittsburgh more livable and resilient.

**915.01.B Applicability**

No structure or land use shall be located, erected, constructed, reconstructed, moved, altered, demolished, converted, enlarged or designed to be so, except in conformance the provisions of this section.

**Section 7.** The Pittsburgh Code, Title Nine, Zoning Code, Article VI, Chapter 915, Environmental Performance Standards, is hereby supplemented as follows:

915.03. - Small Project Stormwater Standard.

**915.03.A Purpose**

Viewed in aggregate, effective management of stormwater on small sites is as important as management on large sites. Small sites may require different technologies and methods to achieve stormwater management due to limited available space and smaller overall project budgets. The provisions of this standard have been designed to regulate stormwater management on smaller sites where the requirements of Chapter 1003 do not apply.



### **915.03.B Applicability**

When required by the Zoning District, the requirements of this section shall be applicable to all new construction and building additions that include a land disturbance greater than five hundred (500) square feet up but less than five thousand (5,000) square feet in area.

### **915.03.C Requirement**

Projects require an approved Small Project Stormwater Worksheet that clearly identifies:

1. The total new impervious area created as a result of the proposed development; and
2. The Best Management Practices (BMP) of Section 915.03.D that will be used to infiltrate the volume of stormwater to be managed;
3. How the BMP(s) identified manage the complete volume of stormwater captured by the new impervious surface area over a 24-hour period.

### **915.03.D Best Management Practices (BMP)**

Different BMPs can be deployed based on the unique characteristics of the development site and development plan. Green Infrastructure is preferred. The following is a partial list of BMPs that can be used to manage stormwater for small projects.

1. Decreased impervious surface coverage
2. Routed flow over grass
3. Grassed channels and vegetated strips
4. Rain gardens
5. Concrete lattice block or permeable surfaces
6. Seepage pits, seepage trenches, or other infiltration structures

7. Rooftop detention
8. Parking lot detention
9. Cisterns and underground reservoirs
10. Amended soils
11. Retention basins
12. Infiltration basins
13. Ecoroofs, green roofs, vegetated roofs
14. Other methods

915.04. - Sustainable Development Bonuses.

**915.04.A Purpose**

Green buildings improve air and water quality, reduce solid waste, conserve natural resources, reduce operation costs, optimize life-cycle economic performance and minimize the strain on local infrastructure. Given that buildings are responsible for a large portion of the city's energy and resource use, the provisions of this section are intended to promote sustainable developments that reduce the impact of the built environment in the City of Pittsburgh.

**915.04.B Applicability**

The following bonuses for sustainable development may be permitted in all non-residential zoning districts. These bonuses may not be applied in addition to any other height or FAR bonus or exception. These bonuses may not be applied in addition to any additional height or FAR variances or special exceptions granted by the Zoning Board of Adjustment.

**915.04.C Special Definitions**

**LEED Certified Building:** shall mean a building certified, under the Leadership in Energy and Environmental Design (LEED) program of the United States Green Building Council, that meets LEED standards for either New Construction and Major Renovation Projects or Core and Shell Projects.

**915.04.D Floor Area and Height Bonuses**

If floor area ratio and density bonuses are permitted pursuant to Section 915.04.E, the maximum floor area ratio and height may exceed the amounts specified for the applicable base zoning district, but shall not exceed an additional twenty (20) percent of floor area ratio and height.

#### **915.04.E Review Process**

- 1) For all non-residential zoning districts, except the LNC Zoning District, the floor area and height bonus of this Section may be permitted as an Administrator's Exception.
- 2) In the LNC Zoning District, the approval of the floor area and height bonus of this Section shall require the approval of a Project Development Plan by the Planning Commission after a public hearing.

#### **915.04.F Penalty**

- (1) If a project is awarded a density bonus pursuant to this subsection, then the Developer shall provide the City with satisfactory evidence of having completed the following steps in the process toward achieving LEED certification prior to obtaining a building permit for the project:
  - Registering the project with the U.S. Green Building Council for Leadership in Energy and Environmental Design (LEED) certification under USGBC Combined Design and Construction Review
  - Hiring a LEED Accredited Professional (AP) as part of the Project team
  - Documentation that the Project Team has submitted all Design Phase credits for consideration to USGBC
- (2) If the project does not attain LEED certification within three (3) years of receiving its initial certificate of occupancy, then the developer shall be subject to a fine equal to one (1) percent of the construction costs. If the fine is not paid within thirty (30) days of the date it is imposed, then the City shall have the authority to revoke the certificate of occupancy for the building.

#### **915.06 - Sustainable Development for Publicly Financed Buildings.**

##### **915.06.A Purpose**

The City of Pittsburgh is committed to building and supporting sustainable developments, to yield cost savings to the city taxpayers through reduced operating costs, to provide healthy and productive work environments for all residents and employees, and to contribute to the city's goals of protecting, conserving, and enhancing the region's environmental resources. Additionally, the city shall help to set a community standard of sustainable building.

##### **915.06.B Applicability**

- 1) The following development requirements apply to all new construction on City-owned property of ten

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thousand (10,000) gross square feet or greater or if the total project cost exceeds two million dollars (\$2,000,000.00), and renovations of City owned property where the total project cost exceeds two million dollars (\$2,000,000.00).

2) Any new construction or renovation project that receives Tax Increment Financing (TIF).

### 915.06.C Definitions

**Construction Costs:** - shall mean the project's total hard and soft costs.

**LEED Certified Building:** shall mean a building certified, under the Leadership in Energy and Environmental Design (LEED) Program of the United States Green Building Council, that meets LEED standards for either New Construction and Major Renovation Projects or Core and Shell Projects.

**Hard Construction Costs:** - shall mean all costs with respect to the construction or rehabilitation of the property/project, including, without limitation, demolition, excavation, proffers, and all other required on- and off-site work, furniture, fixtures and equipment, and all general conditions and general contractor or construction management fees and profit associated with such costs, if any. Soft Costs shall not be included in Hard Costs.

**Soft Construction Costs:** - shall mean all architectural, engineering, consulting, accounting, legal and surveying costs, appraisals and inspections (unless related to the financing of the project), costs of licenses and permits, permit expenditures, tests and inspections, cost of bond or insurance premiums, real and personal property taxes, utilities, and title insurance costs, plus any leasing or brokerage fees. Soft Costs shall also include site acquisition costs and financing costs and all development fees. Hard Costs shall not be included in Soft Costs.

### 915.06.D Sustainable Development Requirements

All projects receiving Tax Increment Financing and all new construction on City owned property of 10,000 gross square feet or greater or if the total project cost exceeds two million dollars, and renovations of City owned property where the total project cost exceeds two million dollars must receive a LEED Silver rating level.

### 915.06.E Penalty

(1) Prior to the sale of any bonds associated with providing Tax Increment Financing (TIF), the Developer shall provide the City with satisfactory evidence of having completed the following steps in the process toward achieving LEED Silver certification:

- Registering the project with the U.S. Green Building Council for Leadership in Energy and Environmental Design (LEED) certification under USGBC Combined Design and Construction

Review

- Hiring a LEED Accredited Professional (AP) as part of the Project team
- Documentation that the Project Team has submitted all Design Phase credits for consideration to USGBC

(2) If the project does not attain LEED Silver certification within three (3) years of receiving its initial certificate of occupancy, then the developer shall be subject to a fine equal to one (1) percent of the construction costs. If the fine is not paid within thirty (30) days of the date it is imposed, then the City shall have the authority to revoke the certificate of occupancy for the building.

(3) All Penalties shall be deposited into the Green Building Trust Fund.

(Ord. No. 18-2009, § 1, eff. 7-31-09)

915.07 - Performance Points System.

#### **915.07.A Purpose**

The City of Pittsburgh recognizes that communities that embrace innovation and livability while remaining affordable to all citizens will be more sustainable both in their demands on the environment and their ability to continue to grow and succeed over time. This set of incentives for development seeks to increase the provision of affordable housing, increase the number of green buildings constructed, and incent the retention of existing structures that represent the city's built heritage.

#### **915.07.B Applicability**

The following incentives are available within designated zoning districts that include the following elements:

1. Provision enabling use of this bonus system;
2. Bonus Goals and Points section specifying the points awarded for each option; and
3. Bonus section specifying how points earned through the incentives can be used.

#### **915.07.C Definitions**

- 1. 1.5 inches of Rainfall in a 24-Hour Period** shall mean the total volume of rainwater that falls on the site area at a depth of 1.5 inches in a single 24-hour period. This standards is based on PWSA analysis of events that have caused local flooding.

2. **95th Percentile Rain Event** shall mean the measured precipitation depth accumulated over a 24 -hour period for the period of record that ranks in the 95th percentile rainfall depth based on the range of all daily event occurrences during this period.
3. **Affordable Housing** shall mean housing with a gross cost, including utilities, that does not exceed thirty (30) percent of the occupant's income.
4. **AIA 2030 Commitment Average Savings Level** shall mean the average reported energy reduction of architecture firms that have committed to the AIA (American Institute of Architects) 2030 Challenge. Average savings levels can be found in the annual AIA 2030 Commitment Report.
5. **Area Median Income (AMI)** shall mean the average medium income of the metropolitan area (MSA) or Non-Metropolitan areas (counties) as established annually by the U.S. Department of Housing and Urban Development (HUD).
6. **Building Energy Model (BEM)** shall mean the use of a physics-based software simulation of building energy use. A BEM program takes as input a description of a building form and materials, the building's use and operation including schedules for occupancy, lighting, plug-loads, and thermostat settings, and combines these inputs with information about local weather and uses physics equations to calculate thermal loads, system response to those loads, and resulting energy use, along with related metrics like occupant comfort and energy costs.
7. **Distributed Energy Systems** shall mean a range of smaller-scale technologies designed to provide electricity and thermal energy closer to consumers. These approaches include fossil and renewable energy technologies, micro-grids, on-site energy storage, and combined heat and power systems. Technologies could include: existing district energy facilities combined heat and power systems, microgrids, fuel cells, and batteries.
8. **Green Infrastructure** shall mean a strategic network of vegetated areas and water retention techniques intended to mitigate stormwater problems. Examples of green infrastructure include: greenways, rain gardens, bioswales, green roofs, and rain barrels.
9. **On-Site Renewable Energy** shall mean renewable sources, such as wind, solar, and co-generation, that are generated on the project site, thereby relieving reliance on the grid and providing alternative sources of electricity.
10. **National Median Site Energy Use Intensity** shall mean the middle of the national population - half of buildings use more energy, half use less. The National median source EUI is published regularly by the U.S. Environmental Protection Agency's Energy Star program.
11. **Native Plants** shall mean plants indigenous to Western Pennsylvania. This includes plants that have developed or occurred naturally, excluding invasive species.
12. **Pittsburgh 2030 District** shall mean the initiative led by the Green Building Alliance that supports business and building owners and managers in working toward 50% reductions in energy

use, water consumption, and transportation emissions (below baselines) by the year 2030.

**13. Site Energy Use Intensity (EUI)** shall mean the total, annual building energy use normalized by its gross square footage. Site energy is the amount of energy consumed by a building or development on site, usually reflected on utility bills, but including heat and power generated and used on site. Site EUI is a building’s total annual on-site energy usage in kBtu/ft<sup>2</sup> and can be determined by using an online calculator to aid in the assessment of energy performance of commercial building designs and existing buildings such as the U.S. Environmental Protection Agency’s Target Finder.

**915.07.D Bonus Goals and Points**

Goal	Points
<b>1. On-Site Energy Consumption - New Construction</b>	
1.a	Site e1
1.b	Site e2
1.c	Site e3
<b>2. On-Site Energy Consumption - Existing Buildings</b>	
2.a	Site e1
2.b	Site e2
2.c	Site e3

<b>3. On-Site Energy Generation</b> At least one (1) point from On-Site Energy Consumption required prior to using the On-Site Energy Generation points below.	
3.a	At least 1
3.b	At least 2 Connections
3.c	75% of 3



<b>4. Affordable Housing</b> Available only to projects where at least 50% of the gross floor area is used for residential units. Points for options 4.c and 4.d below will only be awarded to development projects providing at least 20 housing units.	
4.a	At least 80% of the gross floor area must be used for residential units.
4.b	At least 80% of the gross floor area must be used for residential units that are personally affordable to the general public.
4.c	At least 30% of the gross floor area must be used for residential units that are personally affordable to the general public.
4.d	20% of the gross floor area must be used for residential units that are personally affordable to the general public or below.

<b>5. Rainwater</b> All vegetated Green Infrastructure must use at least 50% Native Plants. The Zoning Administrator can update payment-in-lieu options as needed to remain consistent with Green Infrastructure construction costs.	
5.a	At least 1.05 inches of greater total volume of rainwater captured through strategic time period
5.b	At least 2.0 inches of greater total volume of rainwater captured through strategic time period

5.c	100%3 1.05 in greate total v minut captur strateg time p Fund.
<b>6. Building Reuse</b>	
6.a	Exteri1 than f materi eleme
6.b	At lea2 years
6.c	Existi3

**915.07.E Enforcement**

1. If a project is awarded a height bonus pursuant to this subsection, the Developer shall provide the Department of City Planning with satisfactory evidence of having completed the following steps in the process toward achieving the requirements of the bonus:

a. On-site energy consumption and production:

(1) **Application and predesign phase:**

Submission of the p4 Energy Declaration or other form as proscribed by the Zoning Administrator clearly indicating the EUI target of the building based upon percent reduction from the baseline. The baseline as determined by building use type, is based upon the 2003 Commercial Building Energy Consumption Survey (CBECS) data. In addition to EUI target of the building, the Declaration must also include the energy efficiency approaches and technologies that will be used to minimize demand, any on-site energy generation systems, and the amount of expected building demand that will be offset.

(2) **Design completion and prior to construction:**

Provide design narrative and construction documents. For projects with at least 20,000 square feet of gross floor area a BEM will be required showing that the building is designed to meet the desired site EUI reductions compared to national averages for the building type and size. All projects, including those with less than 20,000 square feet of gross floor area, are required to submit an updated p4 Energy Declaration or other form as proscribed by the Zoning Administrator.

(3) **Construction completion & building occupancy:**

Provide final performance-based commissioning report and/or applicable third party certification of energy performance (e.g., Passive House, Leadership in Energy and Environmental Design, Living Building Challenge).

(4) **Following first-year operations completion:**

Provide proof of whole building energy consumption, verified with utility invoices or digital meter data for energy consumed and produced or third party verified by Professional Engineer or equivalent. This requirement may be satisfied by ongoing participation in the Pittsburgh 2030 District.

b. Affordable housing

(1) **Application and predesign phase:**

Provide a matrix that documents the unit count and includes AMI of occupants. Identify in writing all subsidies and/or financing programs the project will utilize in the provision of affordable housing. Provide letters of commitment for any subsidies and/or financing secured.

(2) **Design completion and prior to construction:**

Provide floor plans that identify housing unit types and location of amenities, entrances, and lobbies with American Disabilities Act (ADA) accessibility. Provide letters of commitment for any subsidies and/or financing secured. Where letters of commitment are forthcoming, this requirement can be met by submitting the project for review by the Housing Department of the Urban Redevelopment Authority which will provide a memo to the Department of City Planning identifying how the project satisfies the p4 Affordability component.

c. Rainwater

(1) **Application and predesign phase:**

Provide a preliminary stormwater management plan clearly identifying how the project will

satisfy the bonus.

(2) **Design completion and prior to construction:**

Provide a Stormwater Management Site Plan clearly identifying how the project will satisfy the bonus.

(3) **Construction completion & building occupancy:**

Register the project with the Pittsburgh Water and Sewer Authority (PWSA).

(4) **Following first-year operations completion:**

Provide a performance-based report following one (1) year of operation that shows Green Infrastructure is performing as specified in the project's Stormwater Management Site Plan.

2. If the project does not provide satisfactory evidence of achieving the performance standards of each used bonus within three (3) years of receiving its initial certificate of occupancy, then the developer shall be subject to a fine equal to one (1) percent of the construction costs. If the fine is not paid within thirty (30) days of the date it is imposed, then the City shall have the authority to revoke the certificate of occupancy for the building.