

**CITY PLANNING COMMISSION**

Minutes of the Meeting of [January 23, 2007](#)  
Beginning at 2:00 p.m.

**PRESENT OF THE COMMISSION:** [Chairwoman Wrenna Watson,](#)  
[Vice Chairwoman Straussman, Rabner,](#)  
[Reidbord, Dick, Ernsberger, Mistick](#)

**PRESENT OF THE STAFF:** [Ford, Smith, Tymoczko, Andrews,](#)  
[Hanna, Kaikai, Halloran, Fitzgibbons](#)

**AGENDA ITEMS COVERED IN THESE MINUTES**

<i>Item</i>	<i>Page No.</i>
1. DeDemonico Plan of Lots (Mexico St. and Cottage Place) 27 <sup>th</sup> Ward	2
2. Pomo-Sweetbriar Plan of Lots (Sweetbriar Street between Grandview Avenue and Well Street), 19 <sup>th</sup> Ward	3
3. Wick Yards Plan of Lots (Bigbee Street and Aline Street), 18 <sup>th</sup> Ward	4
4. Hamilton Avenue Subdivision (Hamilton Avenue between Laschall Street and N. Dallas Avenue), 12 <sup>th</sup> Ward	5
5. <b>Hearing and Action:</b> Council Bill 2006-0935, Sections 911.02 and 911.04 (Bar Legislation)	6
6. <b>Action Only:</b> LEED Legislation	13
7. <b>Hearing and Action:</b> CUA #728 – C-681, Craig Academy, 215 Negley Avenue	15
8. <b>Hearing and Action:</b> PDP #0650, 0651 – Fifth Avenue and Washington Place Demolitions, New Arena Sports & Exhibition Authority	18

Ms. Watson chaired today’s meeting and called the meeting to order.

**A. ACTION ON THE MINUTES OF THE MEETING OF [December 19, 2006](#)**

On the motion duly moved and seconded, the minutes of the meeting of [December 19, 2006](#) were approved.

**B. CORRESPONDENCE (See Attachment A)**



2. Subdivision: Pomo-Sweetbriar Plan of Lots (Sweetbriar Street between Grandview Avenue and Well Street), 19<sup>th</sup> Ward.

Ms. Tymoczko made a presentation in accord with the attached staff report. Mr. Ford stated that the subdivision committee had met and recommends approval of the plan. The Chairwoman called for public comment or questions from the Commission, there being none, the Chairwoman called for a motion.

**MOTION:** That the Pomo-Sweetbriar Plan of Lots, 19th Ward, City of Pittsburgh, County of Allegheny, prepared for Pomo Development by Liadis Engineering & Surveying, Inc., dated April 17, 2006 and received by the Planning Commission January 23, 2007 **BE APPROVED** and the signatures of the proper officers of the Planning Commission be affixed thereto. (No improvements or monuments needed.)

MOVED BY Ms. Straussman;

SECONDED BY Mr. Rabner.

IN FAVOR: Watson, Straussman, Ernsberger, Reidbord, Rabner, Dick, Mistick

OPPOSED: None

**CARRIED**



4. Consolidation: Hamilton Avenue between LaSchall Street and North Dallas Avenue

Ms. Tymoczko made a presentation in accord with the attached staff report. Mr. Ford stated that the subdivision committee had met and recommends approval of the plan. The Chairwoman called for questions from the Public, there being none the Chairwoman called for questions or comments from the Commission. Ms. Straussman asked what is the proposed development of the site. The response was housing for the elderly. The Chairwoman called for a motion.

**MOTION:** That the Hamilton Avenue Subdivision, 12<sup>th</sup> Ward, City of Pittsburgh, County of Allegheny, prepared for DAH Partners, L. P. by James R. Deglau Registered Surveyor, dated December 1, 2006 and received by the Planning Commission January 23, 2007 BE APPROVED and the signatures of the proper officers of the Planning Commission be affixed thereto. (No improvements or monuments needed.)

MOVED BY Mr. Dick;

SECONDED BY Ms. Ernsberger

IN FAVOR:

Watson, Straussman, Ernsberger, Reidbord, Rabner, Dick, Mistick

OPPOSED:

None

**CARRIED**

Due to the number of people present concerning the proposed Council Bill #2006-0935 the order on the agenda was changed so that this item would be heard by the Commission as the next order of business.

**D. Development Reviews**

5. **Public Hearing and Action:** Council Bill 2006-0935, Sections 911.02 and 911.04 (Bar legislation), in the LNC, NDI, UNC, HC, GI, UI, P, EMI, GT, DR Zoning Districts, requested by Councilman Koch

Mr. Smith made a presentation in accord with the attached staff report (See attachment C for staff reports and testimony) and illustrations of LNC district of East Carson Street. Mr. Dick asked about the yellow area at the far end of the map. Mr. Smith recommended approval of the proposal.

The Chairwoman called for questions or comments from the Commissioners.

Mr. Dick asked about the yellow area at the far end of the map. Mr. Smith responded that area is S. 18<sup>th</sup> Street and that the LNC goes that far into the area and that there are non-conforming uses outside the LNC as well, in the residential section. Ms. Straussman asked what would happen if an existing restaurant would apply for a liquor license and Mr. Smith explained that it would be a change of use and would have to be approved by the Zoning Board of Adjustment for a special exception. Ms. Mistick asked how many LNC areas would be affected by this legislation. Mr. Smith responded there are 40 or 50 areas, the most known are: Butler Street in Lawrenceville, Walnut Street, Liberty Avenue. This would apply in all of the areas. Ms. Mistick asked if we have the data for the other districts. Mr. Smith responded that it is a rigorous data collection process and we were unable to collect the data for all of the areas prior to this meeting. Assuming the legislation would pass, we would have to do this for the entire city. Mr. Reidbord suggested that we could take a couple of the larger ones, but we don't seem to have a problem along Walnut or Forbes/Murray as yet. Mr. Smith said preliminary data indicates that a similar picture to this would occur in those areas as well. Ms. Watson said that in those areas you don't seem to have the same detrimental effect to the community and should they be impacted by this legislation the same way. Ms. Watson asked if there was a way to handle this legislation so that they aren't impacted. Mr. Smith responded that under the legislation, districts throughout the city would be affected. Ms. Straussman said this legislation would impact all of the LNC's and Mr. Smith advised that it is on the advice of the City's Law Department that it has to be done by zoning district. Ms. Mistick said this may be premature since we don't know what the impacts will be in the other neighborhoods.

Ms. Watson advised the people in the audience that video taping or recording is not permitted at this meeting and requested that the person video taping please stop.

Ms. Straussman asked about similar legislation that might be used in other areas outside of Pennsylvania. Mr. Smith said yes he has some information. Ms. Watson asked if Mr. Smith had completed his presentation and he responded that we had received petitions from approximately 900 residents of the South Side area in favor of the legislation and 60 or more signatures from business owners in favor. Mr. Smith explained that as a zone text amendment the Planning Commission makes a recommendation to City Council, a negative recommendation requires a super majority, 7 out of 9 members. Mr. Smith said staff is recommending approval of the bill as amended.

There being no further questions or comments from the Commission at this time, the Chairwoman introduced correspondence received by the Commission concerning this bill. The correspondence was from: The Honorable Harry Readshaw, State Representative, in favor; letter from Prince of Peace Parish, Rev. Bernard Harcarik, Pastor; petition from 60 business in favor, email from South Side Planning forum with no position; South Side Chamber of Commerce opposed; Mary Civek authority to speak on behalf of South Side Community Council; a petition from 900 residents in favor of the proposal.

Ms. Watson then polled the audience for their affiliations and if they were requesting to speak.

Councilman Koch spoke in favor of the legislation and explained that it is only a starting point.

Planning Commission discussion off the record.

Becky Rodgers, Neighbors in the Strip, spoke against the proposal. Ms. Rodgers said the Strip neighborhood is not affected by this since they are zoned Urban Industrial but they don't feel that this legislation will stop the problem on the South Side.

Lou Bucci, West End residents, spoke against the proposal, feels the legislation is poorly conceived and there are different issues in the West End neighborhood. As the legislation stands now they would not be able to develop their small commercial district with restaurants.

Mary Ann Sivick, spoke in favor of the legislation, and is the representative of the bar task force of the South Side Community Council. Mentioned reports of the Gas Lamp district and is an example of good development in an entertainment district which is what the South Side is becoming.

Copy of report is included in the attachments. Ms. Sivick mentioned parking problems and increased crime rate.

Mary Ellen Lee, 106 S. 23<sup>rd</sup> Street, South Side Historic Review Commission, in favor of the legislation. Spoke about how she is currently restoring a property on the South Side.

Melanie Evankovich, NAN, Neighborhood Awareness Network, business owner on the South Side and currently applying for a liquor license for a restaurant, opposed to the legislation. Doesn't feel that the legislation addresses the problem. Feels the problems are more quality of life issues and should be addressed with more police and responsible tavern owners.

Tom Smith, South Side Chamber of Commerce, opposed to the legislation, presented written testimony.

Brad Palmisiano, South Side Slopes Neighborhood Association, spoke against the legislation, presented written testimony.

Thomas Shannon Barry, South Side Bar and Restaurant Association, spoke in favor of the legislation. Mr. Barry said there are over 100 liquor licenses issued along this area. Mr. Barry said they have protested to the State Liquor Control Board when another tavern opens within 150 feet of another one but they have yet to receive a favorable ruling from the LCB.

Mr. John Graff, North Side Chamber of Commerce, opposed to the legislation. Understands the problem that the residents on the South Side are facing but feels this legislation will prohibit development. They have a small LNC district and this would grandfather the nuisance bars and stop new restaurant/bars.

Mr. Mark Fatla, North Side Leadership Conference, as far as this council is concerned they would like the legislation deferred until other areas can be studied. Mr. Fatla said that representing the Historic Deustchtown Merchants Association Main Street Program, they are opposed to the legislation. Not certain this legislation provides a solution but may limit a higher quality of restaurant establishment. Feels that another option would be to create an overlay district of a certain length.

Rob Stephany, East Liberty Development, neutral to the legislation. Would like to study it further but feels there should be local controls and not just at the state level.

Sandy Stephenson of 124 Baun Drive, McMurray owns a restaurant with a liquor license and is opposed to the legislation. She said it will restrict new establishments.

Nick Kefal of 112 S. 15<sup>th</sup> Street spoke in favor of the legislation. Mr. Kefal said there are currently 100 liquor licenses on the South Side with two more pending which is an increase while licenses in other parts of the city have decreased. Mr. Kefal said municipalities have the right to enforce zoning for health and welfare of the residents. The size of some of the establishments coming into the area hold between 600 to 650 people. Mr. Kefal said once a license is transferred into the area it remains with the business.

Thomas Michael, 436 South Main Street, spoke against the legislation. Said it will impede development in the area.

John Martine, 2122 Sarah Street, spoke in favor of the legislation. Mr. Martine said he worked to revitalize the area. Mr. Martine feels that enforcement is difficult. Written testimony in the attachments.

Carey Harris, 10 Crossman Street, spoke in favor of the legislation. Ms. Harris said they need the tools to get control over their neighborhood. Would like to see more businesses in the area that aren't centered on alcohol sales.

Chris Tokash, 1907 Wrights Way, spoke in favor of the legislation. Mr. Tokash would also like to see state involvement in this also.

Jeff Eddings, 2303 Sidney Street, spoke in favor of the legislation and is the Pastor of the Hot Metal Community Church.

Liz Style spoke in favor of the legislation and said she had contacted other community organizations in other areas of the City of Pittsburgh and thirty percent of those organizations were in favor of the proposal.

Susan McCoy spoke in favor of the legislation and said there are 3800 911 calls from zone 3 alone, Ms. McCoy has copies of police reports.

Miss Smith of 2820 Sarah Street spoke in favor of the legislation.

Penny Falino, resident of Dormont, owns a business at 1758 E. Carson Street, spoke in favor of the legislation.

Michelle Margittai, 138 S. 15<sup>th</sup> Street, spoke in favor of the legislation.

Ted Moses, 48 S. 11<sup>th</sup> Street, spoke in favor of the legislation.

Ms. Carick, 1726 Carey Way, spoke in favor of the legislation.

There being no **more** questions or comments from the public, the Chairwoman called for questions or comments from the members of the Commission.

Ms. Straussman said she worked on the South Side and feels a responsibility to help them. Ms. Straussman is opposed to the legislation and feels another solution should be found.

Ms. Ernsberger feels that the city has dropped the ball on this and is now pitting one community against the other.

Mr. Dick said this legislation is far reaching into other areas and would like to know how it will affect other areas. Would like to see an emergency halt to help South Side residents and forward this to City Council.

Ms. Mistick agrees with Mr. Dick and said the community is desperate for help and a local solution needs found and urged a vote.

Mr. Rabner agrees with majority of Commission members.

Ms. Watson said that there are four potential steps that can be taken now: take action and vote today; propose amendments and wait two weeks; ask staff for more information which might take four to six weeks; set up a task force and a study for further consideration which will take about six months. Ms. Watson said it sounds as if everyone wants to take a vote now and would enter a motion

Ms. Straussman asked if they could take a vote and also ask for a task force to study solutions.

Director Ford said the Commission just needs to ask him and he will discuss the issue with staff and the Mayor. Planning did something similar with the gaming zoning text amendment.

Ms. Straussman said she would like to vote on the regulation and at the same time request a task force be put together to work with the community groups on the South Side and do what the City can to resolve the crisis in the community. Director Ford suggested that two motions be made act on the first one, close it, and then make a second motion.

**MOTION 1:** That the Planning Commission of the City of Pittsburgh recommend DISAPPROVAL of Council Bill 935 of 2006, as amended; an Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Section 911.02, Use Table, and Section 911.04, Use Standards, by amending the definition of Restaurant, providing new definition for Restaurant with Liquor License, and providing new use standards for restaurants with

liquor licenses and instructed staff to return the Bill to City Council with a negative recommendation.

MOVED BY Ms. Straussman

SECONDED BY Mr. Dick

IN FAVOR: Watson, Straussman, Reidbord, Rabner, Dick, Mistick

OPPOSED: Ernsberger

**CARRIED**

Ms. Straussman then proposed a second motion that would direct City Planning staff to develop a task force to look at liquor license regulation use in the LNC (Local Neighborhood Commercial) zoning district on the South Side.

Ms. Watson asked that the proposed motion be expanded to look at the legislation in all neighborhoods and the effects. How something could be legislated to not impact the development that is going on in other communities.

Mr. Reidbord would caution that the purpose of a task force is to be direct and he feels that if they are asking the Planning Director to put together a task force and it should be directed to study that area.

Ms. Watson said that the legislation that was geared toward the problem on the South Side but would have a negative impact on other areas.

Ms. Straussman said it is the South Side Community that has come to the Commission and the Commission should come up with something that will provide them with professional support from the Planning staff in the shortest possible time frame.

Director Ford said the South Side is very organized and he assured the Commission that Planning would come up with a solution faster because of their organization.

Ms. Watson would also like any impacts on other portions of the city checked.

Ms. Mistick would like the task force to look at every area that sells and dispenses alcohol, not just restaurants. Ms. Mistick would like public safety issues addressed also.

Director Ford said he does have the latitude under the Mayor's office to include other Department Directors if the Commissioners request. The problem solving would include police, fire, and building inspection.

Ms. Straussman asked when the Commission could expect a follow-up report, how the communities would be communicated with.

Director Ford said the first thing he would do would be to establish a mission, identify stakeholders, and then establish a time frame for solution. Would like a couple of weeks to formulate the mission and then report back with the game plan. Mr. Ford would first like to speak to the Mayor.

Mr. Reidbord said the motion should possibly be that they ask the Director to come back to them in two weeks on recommendations for the task force.

Councilman Koch asked if anyone can apply at this point for an occupancy permit since the legislation was voted down by the Planning Commission

Director Ford said that the pending ordinance rule still applies and no occupancy permits can be issued while it is still at Council and it will take a super majority at council to overturn the ruling by the Planning Commission.

**MOTION 2:** That the Director of City Planning and staff work to develop a task force and a mission to a solution of the problems presented by the residents of the South Side and that there be reporting deadline in two weeks on the status of the task force.

MOVED BY Ms. Straussman;

SECONDED BY Mr. Reidbord

IN FAVOR: Watson, Straussman, Ernsberger, Reidbord, Rabner, Dick, Mistick

OPPOSED: None

**CARRIED**

D. **CONTINUED HEARING:** (See **Attachment D** for staff reports.)

5. For Action: [Zoning Text Amendment: Sustainable Development Bonuses in Non-Residential and RM Zoning Districts, LEED](#)

[Mr. Smith](#) made a presentation in accord with the attached staff report. Mr. Smith recommended approval of the proposal.

Ms. Watson said she read in the minutes that Mr. Reidbord considered Mr. Dick not being able to vote that day and requested this be held for two weeks since Mr. Dick had expressed concerns with the amendment.

Mr. Dick said looking at the latest legislation from the Planning Commission to have hearings in residential areas. Mr. Dick's biggest concern was public input and he is satisfied that is taking place. Mr. Dick has reservations about the process and how long it will take but feels the bonus is not a problem.

Director Ford to summarize the issues, you have legislation that was introduced by Councilman Peduto, you have the administrators recommendation, and he added that at the last Commission hearing there were a number of questions raised by the Commission that questioned the ability to interpret the legislation, apply, and implement the recommendations of this legislation. The City of Chicago found that based on their years of study on green building legislation, the developers want an expedited permit process of thirty to sixty days for a permit and this was more effective than incentives. They guaranteed an expedited building permit process. That alone has ramped up their LEED building initiative.

Ms. Straussman asked if that was something we should consider or was it something we did consider. Director Ford doesn't know if was considered or not.

Ms. Ernsberger said it takes six months to get an occupancy permit, you have a building you can't occupy. Director Ford is suggesting we get away from incentives and head toward an expedited building permit process since we have this new information.

Mr. Reidbord asked if we could meet those deadlines. Director Ford said yes, we have been working with the building department and PWSA to come up with an expedited building permit process.

Mr. Dick asked how this work effect a building such as Elmhurst, which with involvement by HRC was stopped. Director Ford said that would be included in the expedited building review process.



- E. **DEVELOPMENT REVIEW** (See **Attachment E** for staff reports and written testimony.)
6. Hearing & Action: [CUA #728 – C-681 – Craig Academy, 215 S. Negley Avenue](#)

This is a request by Craig Academy, for **Conditional Use** approval to develop [a 55,000 square foot school](#) at 215-235 S. Negley Avenue, in the R3-M (residential 3-unit moderate density) in Council District 8.

[Mr. Smith](#) made a presentation in accord with the attached staff report. Mr. Smith recommended approval of the proposal and mentioned that staff has worked with the team from Craig Academy over several months.

Ms. Straussman asked about the report from the traffic planner. Mr. Smith explained that Sidney Kaikai of the Planning Department was present at the meeting for questions.

Ms. Watson distributed a packet from Mr. Whitmore of Craig Academy and mentioned that there is a concern from some of the board members that this meeting may be going on too long. The Chairwoman asked how many people were present that wished to speak. There were seven people present in favor of the proposal, three of which requested an opportunity to speak. There were ten people present opposed and all would like to speak. Ms. Watson said with this many people present that will have to continue this matter due to the lateness of the hour. Ms. Straussman said they should delay action since many of the members have to leave. Ms. Watson said the Commission will hear testimony from anyone that cannot return in two weeks. Ms. Watson then asked the Commission to hear the next item on the agenda to finalize it this week.

The proposal was entertained again after the Arena proposal was heard and voted on. The Chairwoman then called for testimony from any member of the public present that could not return in two weeks.

[Susan Peterson, 415 S. Pacific Avenue, Board Member of the Friendship Preservation Group](#), spoke and said the board voted unanimously to support Craig Academy. Ms. Peterson said that Craig Academy has met with the community and provided information to residents and has altered their plans in support of concerns by the residents.

[Ms. Watson](#) mentioned that there has been a parking study done and [Mr. Kaikai](#) from the City Planning office is present. Ms. Peterson said that

Craig Academy has turned the building based on neighbors concerns about traffic from students being picked up and dropped off at the school.

Director Ford asked if the architect will present the change in the design at the next meeting. Mr. Smith responded that it has been presented and was agreed to by the community.

Mr. Whitmore, 218 Stratford Avenue, opposed to the proposal due to the impact on property values, safety of the residents, and traffic. Neighbors have commissioned a traffic study themselves from David Wooster to study the impact on the community. Their study shows that parking is inadequate, buses will not be able to turn and that the turning radius shown is incorrect. Mr. Whitmore said that Craig's study was done before other schools in the area were in session. The building is going to be 40 feet high and 9 lots long and Mr. Whitmore feels it will divide the community.

Mr. William Davies, 330 S. Negley Avenue, opposed to the proposal. Mr. Davies said Craig Academy works with problem youth that have conduct disorders and feels they would add safety problems to a residential area. Mr. Davies said he is a member of the Friendship Preservation Group and that it is currently a new board and they are not in favor of the proposal since the recent election.

Ms. Kelly Robertson, 218 Stratford Avenue, Friendship Development Association Board member, and they have not taken a vote. Some members are opposed to the development. Mr. Robertson feels there are detrimental health and safety concerns with the buses being lined up along Negley Avenue. Ms. Robertson spoke to police officers at zone 5 and feel there are concerns with students leaving the facility. Ms. Robertson said that most of the neighbors only found out about the meetings held by Craig Academy for the last two meetings. They were not part of the entire process. Ms. Straussman asked that as a community activist you were not notified of meetings? Ms. Robertson said the early meetings were not advertised and held with a small group of residents from the Amber Street side, when the building was turned around there were not as many meetings. Ms. Robertson said the process was murky.

Robert Zamish, 218 Stratford Avenue, opposed to the proposal. Mr. Zamish rents in the area and said his topics were covered by the other speakers. Mr. Zamish has friends that work in correctional schools and has concerns with his safety.

The Chairwoman asked if that was all of the parties that indicated they would not be able to return in two weeks and announced that the next meeting will be in two weeks and that the Commission will take testimony.

Mr. Biswas, 222 Stratford Avenue, said he would not be able to return and is opposed to the proposal. Mr. Biswas moved here from New York and said their small community has many professional people moving into the area. Mr. Biswas said this will increase traffic in their small area and will change their quality of life and discourage people from moving into the area.

There being no more questions or comments from the public, the Chairwoman recessed the hearing for two weeks when continued testimony will be heard from the public and questions from the Commission members.

Ms. Mistick asked if in the future the sign-in sheet for the public include an area where the public can designate which hearing they are there for. Ms. Watson said it will be included. Ms. Mistick requested that this be the first hearing on the list for the next meeting.

Ms. Watson said that Mr. Whitmore gave correspondence to them opposing the proposal.

Ms. Straussman asked for a presentation on the City of Pittsburgh's report on the traffic for the area for the next meeting. Director Ford responded that the studies have to be reviewed.

7. Hearing and Action: PDP #0650, 0651 – Fifth Avenue and Washington Place Demolitions, New Arena, Sports and Exhibition Authority (See Attachment F)

Mr. Smith made a presentation in accord with the attached staff report. Mr. Smith recommended approval of the proposal.

The Chairwoman called for questions or comments from the Commissioners.

Ms. Watson asked if there was anyone present to speak concerning the Arena demolition.

Ms. Straussman asked if this demolition request was related to the casino development that had been proposed in the area. Mr. Smith responded that this is a series of parcels for the future arena. Ms. Straussman asked if we are certain this will be the location for the new arena and Director Ford responded that they are certain. Ms. Conturo from the Sports and Exhibition Authority responded that asbestos removal has already begun on the site.

There being no more questions or comments from the Commission, the Chairwoman called for public comments.

There being no questions or comments from the public, the Chairwoman called for the motion.

**MOTION:** That the Planning Commission of the City of Pittsburgh approves Project Development Plan #0651 for the demolition of 1017, 1021, 1023, 1025, 1029, 1031, 1033, 1101, 1109 Fifth Avenue; 1018 Centre Avenue; and 50 Congress Street, Downtown, in preparation for the proposed construction of a new hockey arena based on the application filed by Douglas J. Straley on behalf of The Sports and Exhibition Authority of Pittsburgh and Allegheny County dated November 15, 2006 with the following conditions:

1. That the site will be left in a safe and clean condition following the demolition of the buildings, and;
2. That any future development on the site will be reviewed and approved the Planning Commission as a Project Development Plan.

