

CITY PLANNING COMMISSION

Minutes of the Meeting of September 18, 2012
Beginning at 2:00 p.m.

PRESENT OF THE COMMISSION: Chairwoman Wrenna Watson,
Rabner, Reidbord, Thomas, Myers,
Valentine

PRESENT OF THE STAFF: Ismail, Tymoczko, Hanna, Rakus, Holloway,
Meritzer

AGENDA ITEMS COVERED IN THESE MINUTES

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1. Garfield Glen Plan Number 1 Subdivision Plan of Lots, 10 th Ward	2
2. Garfield Glen Plan Number 2 Subdivision Plan of Lots, 10 th Ward	2
3. The 1008 5 th Avenue Consolidation Plan of Lots, 1 st Ward	3
4. Stabile-Penn Avenue Plan of Lots (Penn Avenue), 2 nd Ward	3
5. Continued Hearing and Action: New Residential Permit Parking District CC, South Side Flats	4

Mr. Reidbord chaired today’s meeting and called the meeting to order.

A. ACTION ON THE MINUTES

No minutes available.

B. CORRESPONDENCE (See Attachment A for staff reports.)

Mr. Reidbord stated that the Commission was in receipt of correspondence concerning the South Side Residential Parking Program and it would be introduced during that portion of the meeting.

D. DEVELOPMENT REVIEWS (See **Attachment C** for staff reports.)4. For Continued Hearing and Action: New Residential Parking Permit District Southside Flats Community

Mr. Holloway summarized the petition request from the residents and stated that this is a newly proposed parking area for the South Side Flats neighborhood between S. 10th Street and S. 16th Street south of E. Carson Street. Mr. Holloway said that the residents are requested that the area be posted for enforcement from 12 noon to 12 midnight, Monday thru Saturday with a two-hour grace period. The residents say they are impacted during the day by commuters heading to town and in the evening and weekends from the E. Carson Street nightlife. Mr. Holloway said that at least 70 percent of the residents are in favor and a parking survey was done by staff.

Mr. Reidbord said at the last meeting the Commission requested an opinion from the City of Pittsburgh Law Department and Ms. Tymoczko responded that the Commission does have a copy of their response and along with her request. Ms. Tymoczko said the response is from Assistant Solicitor Zollet and basically it is the first two paragraphs in which he answers how much flexibility there is in your ability to make changes to what the applicant and the last paragraph states how we would transmit the information to Council in the form of a resolution with a report attached.

Mr. Reidbord said that the way he reads this is that the Commission has to vote yea or nay on what is proposed. If we vote no, we can suggest what we would like to see but it is up to Council to accept or modify. Mr. Reidbord said if we can't recommend approval with these changes we would have to recommend denial but say that we are in favor of it with changes. Mr. Rabner said we could reject it but give a recommended time change to Council. We can't change the time and then vote on it. Mr. Thomas said that after all this; why not keep it at their original requested time of 7 a.m. to midnight. There is no benefit to businesses so why not be fully in favor of the residents. Mr. Reidbord said we can only vote on what is presented to us by the neighbors. Mr. Thomas said there really is no benefit to businesses with the times being 12 to 12, so we might as well be fully in favor of the residents. Commission discussion.

Mr. Valentine said his biggest concern was to make certain that it goes to midnight because of the residents that were concerned and fearful about finding a parking spot near their homes late at night. There might be a chain reaction to that but he would like to do something for the neighbors that can't go out at night, they are almost like prisoners in their own neighborhood. Mr. Valentine said he is ok if it is 7 to 12 or 12 to 12 but he wanted it to be at least to midnight so I am in favor of the resolution to allow permit parking. Mr. Reidbord said to be clear this is a recommendation; Council is still going to have a hearing and vote on this, it isn't like the renewals where the Commission is the final say and Ms. Tymoczko responded correct.

Mr. Thomas said he is still displeased with the hours and would have preferred 5 to 12 to keep businesses from being impacted. Ms. Meyers said the major concern is so that they can come home at night.

Mr. Rabner asked what Mr. Thomas's biggest concern was about the businesses and Mr. Thomas responded that he is concerned for the visitors to the businesses, not so much the people that work there. Mr. Valentine said the reason for at least 5:00 o'clock, in the wintertime it is still dark then. Mr. Reidbord said the one issue is fairness to the business owners, when they came here, invested, signed a lease, and expected to have a place primarily for their employees to park during the day; it's a difficult thing to do to a business person. Mr. Rabner said his business is in town and Mr. Reidbord stated that town is different there are parking garages. Mr. Rabner said there are parking garages; they are just a little further.

Mr. Valentine said they negotiated twice now and the residents have made changes but the business owners have been inflexible. We want to be fair to everyone, it's a good compromise when no one is totally happy or disappointed but I haven't seen any flexibility. Mr. Reidbord said he missed the first hearing but the business owners never came back and said this is what we can accept. Mr. Valentine said the business owners never came back with a counter proposal and Councilman Kraus states in his letter that he only surveyed attendees that were affected by the proposal and the hours that were polled were 12 to 12. Mr. Valentine said he is in favor of those hours, they work for the business owners and they work for the safety of the residents. Mr. Reidbord he agrees with Mr. Valentine and said the fact that they didn't compromise at all doesn't show a willingness to work with everyone.

Mr. Thomas asked if the business owners were represented at the last meeting and Mr. Holloway said there were some business owners there and Mr. Meritzer attended also. Mr. Meritzer said there were a number of employees of business owners and they wanted to kick this back to the South Side Forum where it has been three times and they have been unwilling to come up with a solution. Mr. Thomas said it is resident generated; isn't the South Side Forum generated and Mr. Meritzer said exactly. Mr. Meritzer said the process was followed to the letter. Mr. Thomas said the RPPP is resident generated and what they are asking for you either approve or disapprove.

Ms. Watson arrived. Mr. Reidbord provided her with an overview of the prior discussion and response from the Law Department. Mr. Reidbord stated and Mr. Valentine agreed that the business owners have never come back with a compromise and Ms. Watson stated that is the same with the residents and Mr. Reidbord disagreed and stated that the residents have compromised with the time. Ms. Watson stated that to her that isn't really a compromise. Mr. Rabner said in their minds it is and they have increased the grace period. Mr. Thomas stated that effect on business is still the same. Ms. Watson said her personal thoughts on it is that she was hoping they would come back and say let's do it from 6:00 p.m. to a time in the evening, then that allows the businesses to have their 9:00 a.m. to 5:00 p.m. framework to work with and then the residents have the evening to come and go.

Mr. Thomas said our hands are a little tied in that regard, we can either accept it at 12 to 12 or deny it and make a recommendation. Mr. Rabner said maybe they will come up with a solution by the time it gets to Council.

Director Ismail said there were three letters received and entered them into the record: one from Councilman Kraus, one from the Assistant City Solicitor, and the other one is from the South Side Planning Forum.

Mr. Rabner said he makes a motion to approve the South Side RPP Program as presented by staff and Mr. Valentine seconded the motion. Ms. Watson asked about the correspondence from the South Side Planning Forum and if they had met with anyone. Director Ismail said she spoke to Mr. Holloway and what the business people tried to do was take this to the South Side Planning Forum and they said they do not want involved in this project. Ms. Watson said it seems that they have not had any formal presentations made by any organizations and Director Ismail stated that she guesses that they didn't want to take a position.

Ms. Watson stated that as part of the discussion and for the record for her it is unfair and doesn't have the balance that she thinks needs to be incumbent on that community for businesses to be able to do what businesses are there to do, this is a community that has a major business district and I think we are sorely and unnecessarily hindering them during the hours of 9:00 a.m. to 5:00 p.m. and I fully favor the residents having their parking in the evening, that is not what is before us, so I am going to vote no but I want it clear that I am not against the residents and what they want, I just think this is doesn't have the balance that is going to allow business to still do business during their hours and let the residents have what they want during the home hours in the evening. Ms. Watson said if it came with something that was like that, she would vote in favor so she will be voting no at the time. Ms. Watson asked if there is any other discussion.

Mr. Thomas said he is going to agree with Ms. Watson, and Ms. Myers said she thinks that is the perfect case and wishes they would come back with hours. Mr. Reidbord stated that so we are all clear, this is a recommendation to Council. Ms. Watson said Council can have a super majority vote to override any negative recommendation from the Planning Commission.

Ms. Watson asked for the clarification of the correspondence and asked if there had been meetings. Director Ismail said that Mr. Holloway said that what the business people tried to do was take it to the South Side Planning Forum and South Side Planning Forum said in their letter that they do not want involved in this and do not want to take a position.

Ms. Watson said there has been a motion and a second, so it has been properly moved and seconded to approve the staff recommendation. Mr. Rabner and Mr. Valentine voted in favor. Ms. Watson stated that the motion to recommend the RPP as recommended fails. Mr. Reidbord said just so we are clear then our recommendation to Council is a negative recommendation. Mr. Thomas asked if our recommendation is to change the hours to 5 to midnight and Ms. Myers said we didn't recommend it. Commission discussion.

Mr. Rabner said there were businesses that were complaining about the permit parking in the evening, especially the yogurt place. Mr. Valentine suggested that since there is a two hour grace period and we want to have a balance between the business and the residents maybe the proper time would be 3:00 p.m. to midnight. That would mean with the two hour grace period that would take them to 5:00 p.m. when their work day is over. Even if it would be 3:30 and give them an extra half hour but that would help the businesses because they would have parking until at least 5:00 p.m. but the residents even in the winter time when it is dark would be protected so they wouldn't have to walk down from the river to their homes, that might be the balance the works for everyone.

Ms. Watson said she would probably go along with that if you said 4:00; that would give them the grace period until 6. Six o'clock to her is if you are a lawyer or a dentist or an architect, all of those have their businesses over there, I am not so concerned with the bars and restaurants, their customers will find somewhere to park, but the other sort of business people, if they had the grace until 6:00, if you say till 4:00, then you have the grace until 6:00 and I would go along with that. Mr. Valentine said he isn't against that but he provided his reasoning for saying an hour earlier. In the summertime it isn't a problem when it is light out, but in the wintertime, it is dark at 5:00 and I always put safety first and my concern is with the safety of the residents, and at 5:00 if they have to walk and they are scared it's still dark out, and I ask that you reconsider for their safety.

Ms. Watson said you mentioned 3:30, Mr. Valentine said I can live with that, and the Commission discussed. Mr. Thomas said then we are recommending that are Permit Parking hours be from 3:30 p.m. to midnight. Ms. Watson asked if a Commission member would put that in the form of a motion as to our recommendation to Council.

Mr. Thomas said he would make a motion that our written recommendation to Council for RPPP District CC be hours from 3:30 p.m. to 12:00 a.m. (midnight). Ms. Watson said so we voted down the 12 to 12 but we would recommend 3:30 p.m. to 12:00 a.m. Ms. Myers seconded the motion. The Chairwoman called for the vote included all in favor.

Mr. Meritzer said for clarification, since the legislation hasn't been drafted yet and Mr. Holloway can include your recommendation in the drafting of the legislation, your recommendation goes up as your recommended hours. Would you then stipulate that as a positive recommendation. Mr. Reidbord said he believes the Law Department answered that in the letter. Mr. Rabner said that stated that we give a negative recommendation and then provide an alternative. Mr. Reidbord said another solution provided by the Law Department was to go back to the petitioners and request that they resubmit this way.

Mr. Reidbord asked if Mr. Holloway should go back to the group and advise them of the Commission's recommendation and ask them to amend. Mr. Thomas said he feels that is up to the neighborhood. Mr. Reidbord said that was one suggestion from the solicitor.

Ms. Watson said that part of the reason she feels the way she feels about this is that this is Carson between 10th and 17th and once they get it, there is going to be

D. **ADJOURNMENT:**

2:35 p.m.

APPROVED BY:

Page Thomas
ACTING SECRETARY

Attachments

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