

**CITY PLANNING COMMISSION**

Minutes of the Meeting of June 11, 2013  
Beginning at 2:00 p.m.

**PRESENT OF THE COMMISSION:** Chairwoman Wrenna Watson,  
Rabner, Reidbord, Burkley, Thomas, Myers,  
Valentine, Costello, Byrne

**PRESENT OF THE STAFF:** Ismail, Tymoczko, Hanna, Rakus, Sorice,  
Quinn, Holloway

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**AGENDA ITEMS COVERED IN THESE MINUTES**

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2. Smith/Sestric Subdivision Plan (Eberhardt Street and Froman Street), 24 <sup>th</sup> Ward	2
3. Cohen, Vance, James Plan of Lots (Almond Way north of Eden Way), 9 <sup>th</sup> Ward	3
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Mr. Reidbord called the meeting to order and Ms. Watson chaired the meeting after the Plan of Lots were reviewed and approved.

**A. ACTION ON THE MINUTES**

No minutes available.

**B. CORRESPONDENCE**

Ms. Watson stated that the Commission was in receipt of no correspondence.







- D. **DEVELOPMENT REVIEWS** (See **Attachment B** for staff reports.)
7. For Hearing and Action: Project Development Plan #13-33, 139 7<sup>th</sup> Street, New Dwelling Unit, GT-C, Golden Triangle District

Ms. Rakus made a presentation in accord with the attached staff report. Ms. Rakus said this is an application for just one dwelling unit in downtown and is the old Tambellini's Restaurant. We do have an approved application for a new restaurant use on the first floor and one dwelling unit on the second floor. Ms. Rakus said this project is scheduled to be heard before the Board of Standard and Appeals for their exterior renovations. The exterior renovations are less than \$50,000 so they are not before the Planning Commission for approval just the dwelling unit. Ms. Rakus recommended approval of the proposal and turned the presentation over to the applicant.

Mr. Thomas asked what was reviewed or briefed two weeks ago. Ms. Rakus said this was actually briefed four weeks ago, and it was the same at that time. Ms. Tymoczko said the Commission is just approving the use which is a single dwelling unit.

Mark Viola presented and said they are looking at a single unit and provided a site plan view of the project. Mr. Viola said two parcels will be joined and that is before the Appeals Board later this month, it is approximately 1,900 square feet. There are existing windows in the front and it will be an all brick facade. They have requested windows on the park side of the building and a request for glass block windows on the parking lot side and those are both before the Board of Appeals also.

The Chairperson called for questions from the public.

Pierce Richardson with K&L Gates representing the Pittsburgh Cultural Trust, stated that they are opposed to windows on both sides, one window would be looking out into the park and that would be disruptive to the park itself. The park is actually a short term, long term the trust is looking to develop that corner parcel. On the parking lot side, that parcel is also owned by the trust, and their issue is that they intend to develop those parcels and would like to avoid any potential limitation on that redevelopment that those windows may pose in the future should they develop the neighboring properties. The trust would prefer to maintain the status quo with no windows on those sides of the building because they could become an issue with any future redevelopment of those parcels.

Janet Pelligrini, owner of Tambellini's Restaurant, said that they can rest assured if they need any kind of documentation as to if they were to do any development that the windows or openings would be taken care of before any groundbreaking of any development. Said they would be willing and would absorb any cost involved to revert them back to the wall if there was to be a neighbor. They were surrounded when the building was built and now they would like to make it more livable.

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

Mr. Thomas asked if they are proposing any windows on the second floor of what were party walls. Mr. Viola said they are on the parking lot side, there is a skylight that is existing but the windows would be an added feature. Mr. Thomas said he assumes there are accessible windows from the residential unit. Mr. Viola said the two front windows that exist and the skylight with spiral stairs up to the roof, there are no other windows available. Mr. Thomas said it is 2,000 square feet with one window and Mr. Viola said it is that which is why they requested the side windows.

Mr. Viola said that Ms. Pelligrini was stating that the owner would be more than willing to remove the windows and they would abandon their use. Mr. Burkley asked if there was a building code issue here or is it not on the property line. Mr. Thomas said the windows are on the property line. Ms. Rakus said the windows are on the property line and they are signed up for a Standard and Appeals hearing with BBI. Mr. Reidbord asked from a Zoning perspective and Ms. Rakus said there is no problem with zoning, it is a question of a building code issue. Mr. Reidbord said then it is not before the Commission and Ms. Rakus said it is not before us.

Ms. Rakus said she does have one question for the applicant when you talk about the second floor windows is that apartment shown on the drawings that you presented. Mr. Viola said he believes, Mr. Thomas said his question about that is how many windows are required to put the dwelling unit on the second floor. Mr. Viola said one operable window in the bedroom. Mr. Thomas said and that is in the front.

Mr. Valentine asked if he could make a suggestion that they don't bring it to a vote today to give the applicant and the trust an opportunity to sit down and discuss the issues. Mr. Reidbord said that issue isn't before the Commission.

Ms. Rakus said that staff was concerned as to if this is above or below the \$50,000 threshold and we don't see those on the drawing. Mr. Viola said there were on the prior presentation that he made, these are the updated drawings because there was a suggestion that the front glass block window ruined the look of the building. They removed that and it is a regular window and using a film across the window. Mr. Thomas asked how many windows are being proposed. Mr. Viola said a minimum of two other windows on the side. Mr. Thomas asked if that crosses the threshold and Mr. Viola said no.

Ms. Watson asked Ms. Tymoczko to explain to the Commission why this project is before them. Ms. Tymoczko said even though there are less than \$50,000 worth of alterations which is one trigger, the addition of a dwelling unit also triggers a Project Development Plan to Planning Commission. Mr. Valentine said the only thing we are voting for is the use. Commission discussion.

Mr. Burkley asked if in fact the developer was successful at the appeals board for getting a window put in, would that mean that no one would be able to build a structure on the property line on the adjacent lots. Ms. Tymoczko said they

would have to maintain a five foot setback. Mr. Burkley said we don't know that right now pending the outcome of the Board of Appeals Hearing. Mr. Valentine and Mr. Burkley said if they were to be successful at their hearing and able to put the windows in then that would have an effect on the neighboring property owners. Mr. Valentine said there are future plans to build on that property as part of a major development effort in town.

Mr. Valentine asked if he could suggest that this come back to the Commission after the appeals process is complete. Ms. Watson asked if what happens here has any effect on the appeals process. Mr. Valentine said it has an effect on the building that may go up on the lot next door. Ms. Watson said she doesn't want to send anyone in a circular motion with the process. Mr. Thomas said it appears for the moment that they are mutually exclusive.

Commission discussion.

Mr. Burkley said if the parties could work out an agreement then it takes it off the table for us. Ms. Watson said if there is an agreement between the parties that they wouldn't contest someone building within the five foot setback that would prevent future problems. Mr. Valentine said is this something that we should postpone so that the parties can speak to each other. Ms. Watson asked what the owner's solution was and Mr. Burkley said the owner had said that if they ever build on that lot she would remove the windows. Further discussion.

Mr. Thomas said the window is not before this Commission. Mr. Burkley said they have a pending appeal on that issue, he thinks they could say you are approved on the condition if you receive approval to install the window you would remove in the event of construction on the adjacent lot. Mr. Valentine said the Commission can remove itself from this, he feels they may already have this worked out. Mr. Costello said the only thing before the Commission at this time is the dwelling unit and he doesn't see any real harm if the Commission approves the use alone and Mr. Thomas said they meet all the requirements.

Director Ismail asked Ms. Tymoczko to read the relevant zoning code section, Ms. Tymoczko read in the section concerning light access, buildings shall be designed to provide at least five feet from the zoning lot line of proposed affected windows except when the lot line is contiguous to a public right of way 10 feet or more in width an affected window is a window that is defined by light, air, and visibility to the outdoors. The 5 foot space may be waived when a similar amount of open space is provided on the adjacent property with recorded use and documentation.

Mr. Richardson asked questions from the audience and there was commission discussion concerning the windows.

Mr. Viola said the issue of the windows is before the Board of Appeals, if they were to deny the request, that would not prevent them from having a dwelling unit, if they say yes, that will allow them to place windows. If we are allowed to place windows the owner is willing to go into an agreement.



8. For Hearing and Action: Project Development Plan #13-25, 11 Stanwix Street, Plaza Improvements

Ms. Rakus made a presentation in accord with the attached staff report and illustrations included in Attachment B. Ms. Rakus said this project is part of the open space requirement for 11 Stanwix Street and has been through staff design review and CDAP. This site is one level up from the street and is an existing space, but CDAP did have some outstanding design concerns including the visitability of the space and storm water management.

Ms. Rakus said that storm water was mentioned by Planning Commission and we are going to amend the proposed staff motion related to the final drawings and ask them to submit storm water plans, this doesn't mean that they have to provide mitigation. Dan Sentz, our environmental planner, looked at this issue and it is not really clear how you deal with these issues where there is pervious and impervious surface but it is above street level and above a garage. The regulations aren't really clear whether mitigation would actually be required but they can work with the applicant after approval or the Planning Commission could require mitigation. We will require some sort of documentation on it and will add that to the recommended staff motion as a condition of approval.

Ms. Rakus recommended approval of the proposal and turned the presentation over to the applicant.

Todd Brandt, GAI, presented and stated that a representative for the owner will address the storm water issue. Mr. Brandt distributed printed information to the Commission members. The plaza is a mixture of pavers, grass, and landscape areas on an elevated structured parking deck. Mr. Brandt said the plaza is about 17 feet above street level which adds to accessibility challenges. Mr. Brandt said there is existing concrete paving around the building that is going to remain. Mr. Brandt said they are trying to incorporate circular patterns that the owner is planning to use on the interior renovations of the lobby. The steps will be wider at the entrance. There will be a main gathering area for the building tenants for functions that are held and a bocce court for the tenants. The granite wall that surrounds the plaza will be retained and trees are proposed to berm up the plaza.

Ms. Kylie Matrionni with CVRE representing the owner stated that two weeks ago the Commission had a question regarding storm water and asked that the Commission clarify what they mean: slow releasing or what their ideas are. They had their engineer look into it further, they are looking at upwards of \$300,000 to do something currently it is not in the budget and they are at 2 and half to 3 million dollars for the project. Ms. Matrionni asked if it is just to slow release the water into the system or is there another reason as to why you would like us to consider the storm water.

The Chairwoman called for comments from the public, there being none, the Chairwoman called for questions and comments from the Commission members.

Mr. Valentine said there were really two questions; the first was what was the reason and the second was what would be the process to solve this. Mr. Valentine said he would take the reason first and stated that he lives in town and in Pittsburgh there is a large storm water problem, the system backs up and goes back into our rivers. To correct the problem it may cost the city a billion dollars, it is a situation that has to start somewhere to repair. Mr. Valentine said he doesn't want to drink water that backs up into the system, what he was asking was is there a solution. If it is released slower that would make sense and be a start.

Ms. Matrionni said she did speak to the owner about Mr. Valentine's concerns and he is very much invested in the building and have already made improvements, if there was not a budget issue on this project the owner would probably not have a problem doing this but because of where they are with the budget issue, it is not included in the budget.

Mr. Valentine said he challenges them to invest in a healthy community and if there is something that they can do to work with the city on this issue and urged them to look again at the budget for the project. Ms. Matrionni said she would go back to the owner and speak to him again concerning this and will push from a Pittsburgh perspective.

Mr. Thomas asked if they would address the decision to place the water feature where it is. Ms. Matrionni said currently there isn't a fountain, they have removed it.

Mr. Costello said he doesn't see any accessibility. Ms. Matrionni said from the lower level on Stanwix there is a ramp. Mr. Brandt said there are two areas where you can access the site from the exterior and showed them on the power point presentation. Mr. Costello said he wants to know how he can access the area when arriving in an access van or a bus and stated that he hopes that the only access isn't down the driveway. Mr. Brandt said there is building space under the plaza. Mr. Thomas asked if there is an external accessible path. Mr. Brandt said there is a ramp and doors that take you into the building at the lower level and then the elevator. Mr. Brandt said they can't grade a ramp up to that level.

Mr. Costello said his question is; assuming pedestrian traffic that can do steps can enter that plaza from several different areas. Mr. Costello said he drives but many people do not, if they are presented with the steps, how do they know to find that one ramp that may be all the way around the building, will there be way finding or accessible signs for direction. Ms. Matrionni said that the steps that lead up to the plaza are the next to the steps. So if you are entering the building, you are entering at that location.

Mr. Costello asked if there is signage planned to direct people. Ms. Matrionni said there is nothing currently. Mr. Costello said it is ADA required to have clear signage. Mr. Matrionni said you can see every entry, Ms. Watson said but you are willing to put up signs and Mr. Brandt said they have no problem with that. Mr. Thomas asked if the entire plaza level barrier free and Mr. Brandt said the entire plaza level is all at the same elevation. Mr. Thomas said he sees steps from the right half to the left half. Mr. Brandt said this area is steps. Mr. Thomas

said if he comes up from the right area how does he get to the other side. Mr. Brandt said there is a walkway and there is a perimeter walkway. Ms. Watson asked about crossing over Commonwealth and that is not accessible either, Mr. Brandt is not certain who owns that property.

Mr. Costello said his main point is it a big development but you are opening yourself up to litigation if it is not obvious how to get there. The entry should be similar to everyone else's entry, make certain there is signage. Ms. Watson said they stated they were willing to put up signage and Ms. Matrionni said they will place signs.

Mr. Thomas said asked about the storm water management and you have a dozen or so drains and asked if they had considered using bios walling as well, you have a lot of hard scape that just drains to drains and not mitigating the water. Mr. Brandt said there is complication with making this level for pedestrians and some of the drains have to drain internally but a lot of this does just sheet flow off. Mr. Brandt said they only have 8 inches until they get to the deck of the parking garage, we wouldn't have enough cover to get some our conduits under there and growing medium. Mr. Thomas said if you were using sedums you could use drip irrigation which is on top. Mr. Thomas said if they were on top of the medium they wouldn't need all that depth. Mr. Brandt said they can't have pipes going across the plaza, they need conduit. Mr. Thomas said sedums do not need drip irrigation, they are drought resistant and there is another way to mitigate the storm water through the design itself. Mr. Brandt said even with the paving to get a one percent slope, they are taking up six inches, it doesn't allow them enough room to get their pavement depth. Discussion. Mr. Brandt said they will take another look at it. Mr. Thomas said the amount of the water that collects is an issue for the community.

Mr. Burkley asked if the Commission was planning on voting on this today. Mr. Thomas said there is a condition in the staff suggested motion and asked Ms. Rakus to read the motion. Ms. Rakus said we are going to amend the motion to say that final construction plans and final site plans, storm water plans, and landscaping plans shall be submitted for review and approval by the Zoning Administrator prior to issuance of a structural building permit. The other one that I might propose adding is language regarding signage and accessibility to the plaza open space. Ms. Rakus said she is not an expert on ADA and doesn't know if it is actually required. Ms. Rakus said she might suggest that as a condition. Ms. Watson said they have agreed to determine what is required by ADA and to meet those requirements. Ms. Rakus said you might want to go above and beyond for the open space.

Mr. Costello said the main stairs are an accessible route. Mr. Reidbord said can we say they will submit a signage plan to the Zoning Administrator showing the accessible route.

Mr. Thomas asked if there was a condition for storm water and Ms. Tymoczko said we amended the existing language to request a storm water plan. Ms. Rakus said if it requires mitigation will be up to Mr. Sentz.

Mr. Valentine said that two weeks ago we asked them to come back with something and today they came back and said no, that we may look at it but it is not in our budget, so it is an easy vote. Mr. Valentine would like clarification on Mr. Sentz's review and approval. Ms. Rakus said you could decide right now to require them to do mitigation or you could require them to submit a plan to Mr. Sentz as a condition because of the unique design of the space, there is a formula to decide what is required. Ms. Rakus said because this is above grade and above a parking garage and the renovation of an existing space staff is going to defer to Mr. Sentz as to what is required and if current law requires them to mitigate.

Ms. Watson said what happens with any condition, the developer comes back with his plan and they make the determination if they have done what was requested. It doesn't come back to the Commission.

Mr. Thomas asked if the roof is being considered a green roof or just a landscaped roof, how is it classified. Ms. Tymoczko said the two triggers for complying with storm water requirements are creation of more than 5,000 square feet of new impervious surface; that would apply here. The second trigger is disturbing more than 10,000 square feet of area. Even though it is above a garage it still triggers. Mr. Thomas said the entire roof is impervious except for the drainage holes. Ms. Rakus said because there is grass that would count toward the ability to absorb.

Discussion concerning public open space and standards.

Ms. Rakus said currently the way the condition reads is that we are not requiring mitigation just a plan as reviewed by staff. Mr. Valentine said he would prefer that we require mitigation. Mr. Thomas said he doesn't feel that it is in our prevue to ask for that since this is a hardship. Mr. Burkley said whenever we give conditions to staff, we have to be somewhat specific on what we are looking for. Mr. Thomas said he would like to have flow per minute but he doesn't have the information on how it is being classified. Mr. Costello said it does something now and we don't have that data. Mr. Thomas said the plan that Mr. Sentz will review will reflect that information. Mr. Valentine said the discussion about slowing down the flow came from the Commission not the applicant.

Mr. Thomas said he feels that the review and what the applicant said on the record that we have mechanism in place to have further conversation about mitigation and what the effects are.

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

**MOTION:** That the Planning Commission of the City of Pittsburgh approves Project Development Plan #13-25 for renovation of an existing plaza at 11 Stanwix Street based on the application and drawings filed by GAI Consultants, Inc. on behalf of the property owner, 11 Stanwix LLC, GLL Real Estate Partners, with the following conditions:

1. Final construction plans including final site plans, storm water plans, and landscaping plans shall be submitted for review and approval by the Zoning Administrator prior to issuance of a structural building permit.
2. That a signage plan for accessible routes be submitted to the Zoning Administrator for review and approval prior to issuance of a structural building permit.

MOVED BY Mr. Thomas;

SECONDED BY Mr. Burkley.

IN FAVOR:

Watson, Reidbord, Thomas, Burkley, Myers, Valentine,  
Costello, Byrne

OPPOSED:

None

**CARRIED**

9. For Hearing and Action: Project Development Plan #13-26, 131-135 9<sup>th</sup> Street, Facade improvements, Blush

Ms. Tymoczko made a presentation in accord with the attached staff report. Ms. Tymoczko said this is a Project Development Plan for exterior improvements over \$50,000, this is an existing six story plus basement structure with existing mixed use. Ms. Tymoczko said the project has been reviewed by staff and the Contextual Design Advisory Panel and in general they were very pleased with many aspects of the design. One issue was possible signage, there is currently an existing non-conforming LED type sign that most likely remain and CDAP was recommending that the signage package be reviewed as a whole.

Ms. Tymoczko said construction is expected to begin this month and the cost is a total of one and half million. Ms. Tymoczko turned the presentation over to the architect.

Andrew Moss, Moss Architects, presented a Power point presentation of the renovation of the ground floor storefront of the building. The ground floor at 135 9<sup>th</sup> Street is disconnected from the rest of the building and what we are proposing is the renovation of this building. We are proposing a renovation to allow the building to be integrated back into the main building and preserve the three bay configuration of the facade and create a building storefront that has an illusion of transparency without providing it.

One of the things that was important at the CDAP meetings was to have a continuous facade across the three bays. Mr. Moss said design of any signage is not part of this, that will be a separate application. The building entrance has an architectural canopy that is over it with lights on the bottom side. Mr. Moss said they are hopeful that they will undercover the original stone piers while remodeling.

The Chairwoman called for comments from the public, there being none, the Chairwoman called for questions or comments from the Commission.

Mr. Thomas said he was looking at the budget, it says 1.5 million, is that really just for the facade. Ms. Tymoczko said that is the entire project.

Mr. Thomas asked about the canopy are you proposing any building identification signage on the canopy itself. Mr. Moss said any signage will be a separate application. Mr. Thomas asked if the existing neon signs are staying, you aren't showing them. Mr. Moss said that is not part of their scope.

Mr. Costello asked if the hotel entry and the entry to blush the same door and the response was yes.

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



10. For Hearing and Action: Historic Nomination, Fairhaven Church, 2415 Saw Mill Run Boulevard

Mr. Valentine and Mr. Reidbord had to leave but registered a favorable vote on the project prior to leaving.

Ms. Quinn, Preservation Planner, made a presentation in accord with the attached staff report and illustrations included in Attachment C. Ms. Quinn said the Commission was briefed on this project four weeks ago. Ms. Quinn said that the Historic Review Commission voted to positively recommend the nomination.

Ms. Quinn said the Church is located in Overbrook, in the 32<sup>nd</sup> Ward. Ms. Quinn presented photographs and stated that when she was here a month ago she spoke about the historical criteria that the church was potentially eligible for and it was identification with significant persons and Ms. Quinn went on to list those people.

Ms. Quinn said the HRC looked at if the work was that of a specific engineer or architect and they felt that the leaded glass windows met their criteria. Ms. Quinn said the church has had the windows restored.

Ms. Quinn said it met the criteria of significant pattern of neighborhood development and is the only remaining non-residential structure as part of the Village of Fairhaven.

Ms. Quinn said the other criteria that the HRC mentioned and was included in the nomination is number ten that suggests that the church represents a landmark in the community.

Ms. Quinn stated that the Historic Review Commission recommended approval of the proposal as does staff.

Ms. Quinn turned the presentation over to the nominator.

Rich Cummings, representing the Congregation, stated that they voted unanimously for historic designation. Mr. Cummings mentioned the German Club that is being razed and moved and is as old as the Church. Mr. Cummings said the church has 17 stained glass windows and they have begun fund raising.

Mr. Cummings said the church was built by poor people that donated ten or fifteen cents every week and it is significant to their work. The only paid staff at the church is the Pastor and is volunteer driven.

The Chairwoman called for comments from the public, there being none, the Chairwoman asked for questions from the Commission, there being none, Mr. Burkley made the motion to approve.

