



**Division of Development Administration and Review**

City of Pittsburgh, Department of City Planning

200 Ross Street, Third Floor

Pittsburgh, Pennsylvania 15219

Minutes of the Meeting of January 5, 2011

Beginning at 12:30 PM

200 Ross Street

First Floor Hearing Room

Pittsburgh, PA 15219

In Attendance:

<u>Members</u>	<u>Staff</u>	<u>Others</u>	<u>Others (cont.)</u>
Noor Ismail	Makenzie Diehl	Keith Cochran	John Menniti
Ernie Hogan		Ahmed Martin	Anne Nelson
Linda McClellan		Eloise McDonald	Travis Williams
Arthur Sheffield		Jeff Wilhelm	Jeff Slack
Joe Serrao		Dusty Kirk	Gary English
John Jennings		Matthew Galluto	Lloyd Wright
		James Eash	John Stephen
		Scott Leib	Audrey Reihblum
		Scott Pollock	Steve Swartz
		Pat Washington	Sandy Brown

New Business

**Approval of Minutes:** In regards to the November 2010 minutes, Mr. Serrao moved to approve. Ms. Ismail seconded the motion, all members voted in favor.

**Certificates of Appropriateness:** In regards to the November 2010 Certificates of Appropriateness, Mr. Serrao moved to approve, Ms. McClellan seconded, all members voted in favor.

**Other:**

**Applications for Economic Hardship:** None

Upcoming Demolitions:

- None

**Adjourn:** Mr. Serrao moved to adjourn, Ms. McClellan seconded the motion, all voted in favor.

Discussion on hearing items follows on the attached pages.

**Iron City Brewery**

OWNER: Iron City Brewery, LLC 3340 Liberty Avenue Pittsburgh, PA 15201	WARD:..... 6 <sup>th</sup> LOT & BLOCK:..... 26-A-300 INSPECTOR: ..... JIM KING COUNCIL DISTRICT: .....	APPLICATION RECEIVED:12/15/2010 SITE VISITS: CERTIFICATES OF APP.:00-000
APPLICANT: Iron City Brewery, LLC 3340 Liberty Avenue Pittsburgh, PA 15201	ZONING CLASSIFICATION: .....	ARCH. RATING:.....
NATIONAL REGISTER:	LISTED..... <input type="checkbox"/>	ELIGIBLE..... <input type="checkbox"/>

**Proposed Changes:**  
Proposed demolition of “Pipe Shop” Building

**Discussion:**

1. Tim Hickman, CEO of Iron City Brewing Company, introduces himself. Mr. Hickman says they have filed an application to the HRC for the demolition of the “Pipe Shop” building. He says they have been given an abatement order by the City to resolve the collapse of the roof on this building. He says they feel that demolition is the appropriate course of action. Mr. Hickman references the projected pictures. He points out the collapse of the wooden beam in the middle of the building, which is bringing the roof down, and will eventually cause the roof to collapse. Mr. Hickman says the tresses are metal and the weight of them is causing the building to collapse upon itself.
2. Mr. Hogan asks if any movement has progressed with establishing a re-use for this site, and if any work has been done on a National Designation for federal tax credits.
3. Mr. Hickman says in reference to the first question that Iron City Brewing Company is willing to contribute funds, and it is his understanding that the URA was also going to contribute funds and has withdrawn that commitment. Therefore he is not sure where they stand because not all the funds have been gathered. He says they have not applied for the National Historic Registry at this time.
4. Mr. Hickman says, on another note, that he believes they have come up with a solution to remove the tanks from the D & E Buildings. Mr. Hickman says there were walls removed in 1951 when the tanks were originally installed. He says they are working with contractors and engineers to mimic what was done to get them in.
5. Mr. Serrao asks if Mr. Hickman has an engineering or architectural opinion in writing about the condition of the Pipe Shop Building. Mr. Hickman says he has had two demolition companies bring engineers in, one did an asbestos survey and told him to tear the building down.
6. Mr. Hogan asks for public comment.
7. Keith Cochran, of Lawrenceville Stakeholders, introduces himself. Mr. Cochran says the organization supports the retention rather than demolition of the building based on three things. He says this building is an integral component of the ICB complex and contributes to its eligibility for the National Register of Historic

**Iron City Brewery**

---

- Places. He says National Register listing brings prestige as well as tangible assistance in the form of tax credits which may be crucial to a financing plan for the re-use of the property. He says tax credits were of significant help to renovating the Armstrong Cork Factory. He says they are happy the owner has agreed to participate in the Master Plan with various community groups, but are very concerned with the idea of demolishing any of the buildings before the Master Plan is completed.
8. Mr. Serrao asks Mr. Cochran if it is a matter of opinion, or has his organization done research to determine this building would be eligible for a tax credit. Mr. Cochran says they have an architectural historian in their neighborhood and it is of her professional opinion that it is an important part of the complex.
  9. Anne Nelson of Pittsburgh History & Landmarks Foundation introduces herself. Ms. Nelson says she is not familiar with this particular building but PHLF did provide testimony when Buildings D & E were proposed for demolition, and their testimony mirrored that of the Lawrenceville Stakeholders. She says historic tax credits are an integral part of rehabing historic buildings. Ms. Nelson says to determine whether this is eligible for the National Register and whether the demolition of this building will impact the whole sites eligibility can be determined by contacting the Pennsylvania Historical & Museum Commission, and she believes this would be a smart avenue to ensure that 20% of the development costs are covered down the road.
  10. Matthew Galluzo, executive director of Lawrenceville Corporation, introduces himself. Mr. Galluzo says they are in full support of a Master Plan for this site, and would want any demolition strategy to be informed by that process. He says they are in the process of completing Phase I, with funds secured for the next phases by Iron City Brewery and Community Design Center of Pittsburgh. He says it is their hope that it will be completed in the first quarter, possibly second quarter of the year.
  11. Mr. Hogan asks Mr. Jennings if a BBI inspector has visited this site. Mr. Jennings says yes, a demolition inspector has been, and as Mr. Hickman said the building is in very poor condition and is collapsing upon itself. Mr. Jennings says he was also at the site in late 2010, and his own opinion is the building is in poor condition and the cost of restoration would be phenomenal.
  12. Mr. Hogan says he thinks what the Commission needs to weigh is how the entire assemblage of the ICB complex was developed, and being that this was one of the first buildings built after the construction of the main building. Mr. Hogan says his concern is that if the HRC proceeds with issuing a demolition permit before a S106 review is done by PHMC and through the Department of the Interior to make sure there is a compensating factor plan in place, they could be jeopardizing the viability of the entire tax credit scenario and the entire preservation of the asset. If they don't get the tax credit it could jeopardize the redevelopment of the entire site and the preservation of those buildings.
  13. Mr. Hogan says he is wondering what the procedure is under the state and federal government for emergency review? He says he believes it would be in the best interest of all parties if there would be some next step to review what the impact of the loss of this building is and if there could be some preliminary determination from PHMC and The Department of the Interior.
  14. Mr. Hogan calls Mr. Hickman to the stand. Mr. Hickman says he completely understands the Commission's concern with the tax credit, but if he loses a life in that building he could care less about the tax credit. He says the building is to the point now where security is running 24/7 chasing copper thieves off. He says the building is ready to collapse and is a safety hazard, as the City has said, and he would respectfully request that it is taken into consideration. He says that if they deny him the demolition he wants a letter stating why it was denied for his files, and insurance company.

***Iron City Brewery***

---

15. Mr. Hogan says he understand the health and safety concerns, but unfortunately the HRC reviews the significance of architecture and how it interrelates for the single building and entire complex, and can that asset be preserved in perpetuity going forward. He says this a part of Pittsburgh's history, and he is trying to make sure they protect that.
16. Mr. Cochran asks if there has been any discussion for shoring up the conditions of the building as it stands rather than paying for demolition.
17. Mr. Hickman says they have looked at all options. Mr. Serrao says that according to BBI it is economically unfeasible. Mr. Hickman says they are as concerned with the history of the site as anyone in Pittsburgh, but again the tax credits mean nothing if they lose a life. Mr. Hogan asks if it is Mr. Hickman's intention to seek the federal tax credits to be able to market and reposition this property. Mr. Hickman says at this point they have not made that determination, and are still analyzing all of the events that are transpiring on this site whether there is value to it or no value to it. He says when you look at the history of these buildings as they were constructed over 150 years, there are probably four that are significant. He says they are reaching a level of frustration, and do not know what they are going to do next.
18. Mr. Hogan says the Commission's guidelines have extenuating circumstances, but they are not the guiding principles. The question in front of the Commission is is this a significant piece of architecture and contributing to this complex which has receive nomination approval, and is it jeopardizing its future to be able to maintain a piece of Pittsburgh's history. Mr. Hogan says it would be in everyone's best interest to receive some sort of state review. Mr. Hickman asks what the timeline for that would be. He says he would then work with the City to try to get a waiver for this building.
19. Mr. Jennings asks if the building were nominated for historic status would the tax credits be enough to restore this building. Mr. Hogan says they don't know. Mr. Hogan says when you go to do demolition within a nationally nominated or eligible site and plan on using any federal resources within that site for its redevelopment, you have to do a S106 review to ensure the protection of those credits and those credits being awarded. The federal government has been particularly picky about the S106 process. It is not prohibiting them but there might be a requirement that for approval of the demolition there be compensating factors that maybe they provide resources to do restoration work on another building, etc.
20. Mr. Hogan says his concern is that the Commission nominated this site because they felt it was a significant piece of architecture for the City and our history, and it is a component to that neighborhood and what it stood for. He says if demolition was approved, and national status and tax credits were sought, they could deny this status because a piece of the complex has been removed without their review. Mr. Hickman says he does not mean to overstep his bounds, but the property is owned by private individuals and it is their choice whether or not to accept those tax credits.
21. Ms. Ismail says there could be other future funding affects as well aside from the historic tax credit. She says there could be an emergency/expeditious review of the site. Ms. Ismail asks if the URA is a partner in this. Mr. Hickman says yes. Ms. Ismail says they or City Planning could give Mr. Hickman the proper contacts, such as Bill Callahan of PHMC.
22. Mr. Hogan says he has been through the S106 processes numerous times and in this situation they can move it rather quickly, and it protects everyone. Ms. Ismail says she will establish the contacts.
23. Mr. Hickman asks Mr. Jennings if it is fair to assume they will not be cited by BBI based on the Commissions decision today. Mr. Jennings says yes.

***Iron City Brewery***

---

**MOTION:**

Mr. Serrao ..... Motions to table the application to the subsequent month’s meeting.

Ms. McClellan..... Seconds the motion.

Opposed ..... Mr. Jennings.

Voted in favor. .... Mr. Hogan, Ms. Ismail, Mr. Sheffield

..... **Motion passes.**

**Civic Arena – Preliminary Determination**

**CIVIC ARENA - HISTORIC NOMINATION STAFF REPORT**

**Name of Property** .....Civic Arena  
**Address of Property** .....66 Mario Lemieux Place  
**Property Owner**.....Sports & Exhibition Authority/Pittsburgh Arena Real Estate Redevelopment LP  
**Nominated by:** .....Eloise McDonald  
**Date Received:** .....23 November 2010  
**Parcel No.:**.....2-C-400  
**Ward:** .....3<sup>rd</sup>  
**Zoning Classification:** .....GT-E  
**Neighborhood** .....Central Business District/Hill District  
**Bldg. Inspector:** .....Bob Molyneaux  
**Council District:** .....6 - R. Daniel Lavelle

**FORMAL ACTION REQUIRED BY THE HISTORIC REVIEW COMMISSION:**

1. Act on the Preliminary Determination of Eligibility for Historic Designation (5 January 2011)
2. Conduct a public hearing for the Historic Designation (2 February 2011)
3. Review the Report prepared by staff for the property in question, and make a recommendation to the City Council on the Historic Designation (2 March 2011)

**FORMAL ACTION REQUIRED BY THE PLANNING COMMISSION:**

4. Conduct a public hearing for the Historic Designation
5. Review the recommendations of the Historic Review Commission and make a recommendation to the City Council on the Historic Designation

**FORMAL ACTION REQUIRED BY THE CITY COUNCIL:**

6. Conduct a public hearing for the Historic Designation
7. Review the recommendations of the Historic Review Commission and the City Planning Commission and take action on the Historic Designation

**TIMELINE:**

<b>Nomination:</b>	<i>Civic Arena</i>	<b>Notes</b>	<b>Occurred</b>	<b>Must Occur Before</b>
Nomination Submitted			23-Nov-10 <i>With Check</i>	
Date of Notice sent to Property Owner			29-Nov-10	2-Dec-10
Date of Notice Sent to each Owner of Record			N/A	1-Aug-10
Date of Preliminary Determination Hearing			5-Jan-11	7-Jan-11
Date of Public Hearing			<b>2-Feb-11</b>	
Date of HRC's Recommendation			<b>2-Mar-11</b>	
Date of PC Briefing				
Date of PC's Recommendation				
Date Recommendations sent to CC			<b>23-Apr-11</b>	23-Apr-11
Date of City Council Hearing				
Date of Adoption by City Council				21-Aug-11
Mayor Signs				
Effective Date				

**Discussion:**

1. Ms. Diehl gives an overview of the nomination.
2. Mr. Serrao asks if the nomination pertains to just the building or to the entire parcel. Ms. Diehl says it is the building only.
3. Eloise McDonald, the nominator, introduces herself. Ms. McDonald says she believes this [Civic Arena] is a very viable entity, there is nothing like it anywhere else. She says all the snow we had in February did not touch it. She says to tear it down is an awful thought, knowing that an architectural genius did this retractable roof, and she thinks its really sad that if younger kids saw the dome open there would be a whole lot more support. If you've never seen it open you have no idea how extravagant and beautiful it is. She says we felt left out from the Winter fest, it was not inclusive at all, they never thought about their neighbors up the street. She says they know that most African American can't ice skate. She said they could have said today is inner-City day for all the kids in the City that don't know how to ice skate. Ms. McDonald says she understands the politics of this situation, and it would be terrible not to consider the historic value of the Civic Arena.
4. Mr. Hogan references the nomination form, and commends the nominator for recognizing the uniqueness and historic character of the Civic Arena, and the significance of the building and what it means for Pittsburgh. Mr. Hogan asks if she has anything to talk about in regards to the building itself.
5. Ms. McDonald says she would like the Commission to consider what can be happening in the Civic Arena.
6. Mr. Hogan says that is not within their privy. Mr. Hogan tells Ms. McDonald that through her nomination she has asked the Commission to consider if this meets the criteria of being a City historic landmark. He says the HRC has to determine if the building's architecture is significant enough for that determination and is there significant history behind this building that makes the case for its nomination. He says we are not to be looking at this in regards to what happened socially or the impacts of what that meant to the Lower Hill at that point. The real question in our mind is – is this a significant piece of architecture that meets the minimum requirements of the Commission and of the nomination?
7. Ms. McDonald says that is what I want you to look at, how the dome retracts.
8. Mr. Hogan says that is correct and it was very breathtaking when it was opened.
9. Mr. Hogan directs a question to Shawn Gallagher, counsel to the Sports & Exhibition Authority. He asks if it is still the position of the SEA to waive the preliminary determination and move straight to the public hearing, as per their earlier request.
10. Mr. Gallagher says he will explain the context in which that request was made. Mr. Gallagher says after Ms. McDonald nominated the arena on November 23, he submitted a letter to the HRC asking that the preliminary determination be waived, and we proceed immediately on the hearing of merits which is now scheduled for February 2, 2011. Mr. Gallagher says the main reason for doing that is because the purpose of the preliminary determination is for the sole benefit of the owner. He says whatever the vote of the Commission at the preliminary determination, is still entitled to be heard at a full evidentiary hearing before the HRC, Planning Commission, and City Council. He says the only difference between a negative and positive determination here is whether or not the prohibition against exterior alterations would go from nomination to preliminary determination or continue until the City Council hearing. He says the SEA waived the right if there was a negative preliminary determination to proceed immediately with demolition. Mr. Gallagher says as he outlined in a subsequent letter there are significant carrying

**Civic Arena – Preliminary Determination**

---

costs associated with the Arena – it is \$65,000 a month for it to sit there. Mr. Gallagher says we still contest the preliminary determination since we are here but he can state on the record that if there is a negative determination the SEA is not going to proceed with demolition following this meeting and will wait until the public process concludes.

11. Mr. Gallagher says he hopes that all the testimony can fit into the evidentiary hearing on February 2<sup>nd</sup>, but would like to make a request that if it doesn't, that the Commission schedule a meeting for February 3<sup>rd</sup> just in case. Mr. Hogan says it is the Commission's intention to put in whatever time is necessary to hear it out that day.
12. Mr. Hogan asks Mr. Gallagher if the SEA is committed to going through the entire public process. Mr. Gallagher says they have to. He says they object to the nomination and intend to present testimony in February that it doesn't meet any of the criteria and will prove that through evidence and testimony.
13. Mr. Gallagher says there is an initial burden that must be met, and based on what was filed and what was presented to the Commission, he does not believe that Ms. McDonald met that burden. He says he will present evidence to why the nomination is not proper here, but there is enough to make a negative vote based on what we know right now. He said he would like to point out that the Arena was nominated in 2002 and went through a similar process; and when it was last at this preliminary determination stage there was a positive preliminary determination made, however at the evidentiary hearing, Planning Commission and City Council hearings all three bodies found that it did not meet the criteria for designation. Mr. Gallagher says the only things that have changed since then are: unlike 2002 there is no use of the Arena...
14. A member of the public raises an objection to Mr. Gallagher's testimony. Mr. Hogan calls for a point of order and tells Mr. Gallagher that the Commission has reviewed the 2002 record so they could understand what happened. He says that today's determination is if we are going to make a preliminary determination if it meets the minimum standards necessary, and go into the public process. He says he does not want to get into further testimony.
15. Mr. Hogan asks if Mr. Gallagher has anything to say which is relevant to today's determination. Mr. Gallagher says he respectfully objects because under the Ordinance as a party we are allowed to make comments. He says this is a due process right for them. Mr. Hogan says he would like any comments to relate to the merit of why this should receive a negative vote, and does not want to get into any discussion points, which is for the evidentiary hearing.
16. Mr. Gallagher says just based on what was presented by Ms. McDonald in the nomination and at this meeting and the last, this should be cause alone for a negative determination. Mr. Gallagher states his objection, and says that as a property owner and party to this matter we are not being fully permitted to comment upon why there is no reasonable cause that the Arena will meet any of the criteria for designation.
17. Mr. Hogan says at this point the Commission is reviewing the application to determine if there is enough information here to preliminarily nominate and move into the public process. Mr. Hogan says all he is asking for is clarification from the nominator and property owner to any of the relevance of the information as submitted and if it is indeed the information is accurate. Mr. Hogan tells Mr. Gallagher if wishes to go through the criteria for designation and explain why the Arena does or does not meet them, he would accept this.
18. Mr. Gallagher says there is significant overlap for some of the criteria, and we will present testimony and evidence to each one of these criteria, but these are the same criteria that were submitted before and didn't meet the muster that time. Mr. Gallagher says with respect to the significance of the site – the

**Civic Arena – Preliminary Determination**

---

- Civic Arena is a symbol of one of the greatest civil and social injustices in the City of Pittsburgh. He says the devastation that was caused by the Arena and the displacement of thousands of people still persists today. He says also Ms. McDonald made comments about the retractable roof and what a great engineering marvel this is, and he thinks this is a little overstated. He says the original intent of the retractable roof was to open and close in 2 1/2 minutes, and that never worked , as this Commission recognized in 2002. He says this was never really an engineering marvel since it never really worked – in 1995...
19. Mr. Hogan says he is asking if he agrees or disagrees with the criteria. Mr. Gallagher says he is saying he disagrees and is telling the Commission why.
  20. Mr. Gallagher says the retractable nature of the roof – it doesn't work anymore, it hasn't worked since 1995. He says in reference to the iconic sense that this is the Eiffel Tower, simply is not true. Mr. Hogan tells Mr. Gallagher he is walking a very fine line between comments and testimony. Mr. Gallagher says he is commenting on what is in the nomination itself. Mr. Gallagher says when you think of iconic Pittsburgh landmarks you think of Point State Park, the Cathedral, and the bridges. Mr. Gallagher says assuming the Arena met one of those ten criteria, it still has to have sufficient integrity to make it worthy of preservation. Mr. Gallagher says it is not worthy of preservation.
  21. Dusty Elias Kirk, counsel to the Pittsburgh Penguins, whom she identifies as an equitable owner of the property, comes to the stand. Mr. Hogan objects. A member of the public objects and Mr. Hogan asks for point of order, and for the person to leave the room if they do not take a seat. Ms. Kirk says the Penguins are an equitable owner and she can cite the case law: Allegheny Energy Supply vs. Township of Blaine, the 2003 Township Court Decision that says the owner of and option to purchase land is a land owner under the MPC which governs these proceedings. She says so the Penguins are an equitable owner and have the right to speak in these proceedings.
  22. Mr. Hogan asks if Ms. Kirk has anything to add to these nominating points.
  23. Mr. Hogan calls for a brief recess to have a discussion with legal counsel.
  24. Mr. Hogan tells Ms. Kirk this is the first time the Commission is hearing interest in this site, and are without documentation that has been provided to of their standing. Mr. Hogan says it is the preference of the Commission that they provide documentation to the fact of their interest in this site. He says they will allow Ms. Kirk to comment on the criteria for designation at this point, but in the event the documentation is not provided by the public hearing, these comments will be stricken from the record.
  25. Ms. Kirk says the owner is here and can speak to our interest. Mr. Serrao says with all do respect, the owner did speak. Ms. Kirk says she believes one of the critical parties is the Pittsburgh Penguins and they have due process rights and are affected by the decision the Commission makes, and the Penguins are a taxpayer in this City. Ms. Kirk says Ms. Diehl has said that only the building has been nominated, but that is not clear from the nomination form and that greatly affects the Pittsburgh Penguins and their equitable rights. Ms. Kirk says they would like the nomination to be stricken as being overly broad. She says they believe more than criteria 1-5 and 10 need to be considered. Ms. Kirk says she believes "sufficient integrity" is also a criterion which the Commission much consider. She says the testimony that is on record to this point is unclear, the nominating form is unclear, and we do not believe this meets the preliminary standards necessary as a threshold nomination.
  26. Scott Lieb, President of Preservation Pittsburgh, comes to the stand. Mr. Hogan says he understand that Preservation Pittsburgh helped prepare the nomination form, but they will be given time to testify in February. He says the point of contact for the nomination is Ms. McDonald, and the SEA and Pittsburgh Penguins are two separate agencies, which is why the HRC went that direction. Mr. Lieb says his

**Civic Arena – Preliminary Determination**

---

signature is on the nomination form. Mr. Hogan and Mr. Serrao say they understand, but the nominee has spoken. Mr. Lieb says he thought it was important to address some of the questions/concerns. Mr. Hogan says at this point there are no further questions of the nominator.

**MOTION:**

Mr. Serrao. .... Motions to approve the preliminary determination of the nomination and allow the nomination to move forward to the evidentiary phase for the building only.

Ms. Ismail..... Seconds the motion.

Opposed ..... Mr. Jennings.

In favor ..... Mr. Sheffield, Ms. McClellan, Mr. Hogan.

..... **Motion passes.**