

CITY PLANNING COMMISSION

Minutes of the Meeting of June 10, 2014
Beginning at 2:05 p.m.

PRESENT OF THE COMMISSION: Chairwoman Christine Mondor, Valaw, Gitnik, Askey, Burton-Faulk, Blackwell

PRESENT OF THE STAFF: Gastil, Layman, Hanna, Rakus, O'Neill

AGENDA ITEMS COVERED IN THESE MINUTES

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Ms. Mondor chaired today's meeting and called the meeting to order.

A. Confirmation of Zoning Administrator: Corey Layman, AICP

On a motion duly moved and seconded Mr. Layman was confirmed as the Zoning Administrator.

B. CORRESPONDENCE

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

4. Stanley Street Plan of Lots (Stanley Street), 15th Ward

Ms. O'Neill made a presentation in accord with the attached staff report. Director Gastil stated that the subdivision committee had met and recommends approval of the plan.

Audrey Glickman, Greenfield Community Association, same questions and answers apply from the previous development.

The Chairwoman called for a motion.

MOTION: That the February 7, 2014 and received by the Planning Commission June 10, 2014 be approved and the signatures of the proper officers of the Planning Commission be affixed thereto. (No improvements or monuments needed.)

MOVED BY Ms.Valaw; SECONDED BY Ms. Askey.

IN FAVOR: Mondor, Valaw, Askey, Burton-Faulk, Blackwell

ABSTAINED: Gitnik

OPPOSED: None

CARRIED

7. Hearing & Action: Project Development Plan #14-41, 342 North Shore Drive, outdoor seating Burgatory

Ms. Rakus made a presentation in accord with the attached staff report. Ms. Rakus stated that in 2012 the Planning Commission approved a request for two new buildings in the downtown riverfront district; the proposed use is restaurant on the first floor and office above. One of the conditions of approval at that time was for the outdoor dining area to come back for review. The application is for the outdoor dining area and one change to the site plan from what was originally approved in 2012, they are proposing to put a cooler enclosure in the pedestrian walkway, this is still meeting the minimum width requirement but it is a change to the overall site plan. Ms. Rakus said it has been through the staff design review process and stated that she will recap that after the presentation. Ms. Rakus turned the presentation over to the applicant.

Mike Hudak, Continental Real Estate North Shore, introduced other members that are present for the meeting. Mr. Hudak presented a Power point presentation explaining the proposed project. Mr. Hudak said the shell and core are scheduled to be completed in August and they hope to have the restaurant tenants sometime this fall.

Mr. Hudak provided a view of the back of the building that was requested by the prior Commission. Mr. Hudak said that a couple of the conditions of approval from the November hearing were that the developer maintain a passageway between the two buildings in the outdoor seating area and that it be a minimum of ten feet and that 25 percent of it be twelve feet wide. Mr. Hudak said they are not asking for any change with this application.

The second component is concerning the seating and cold weather enclosures for the outdoor seating. The SEA requested that they be more active during the winter time so they anticipated that they would be back before the Planning Commission when they had construction details. Mr. Hudak turned the presentation over to Moss Architects to cover the details of the enclosure.

Andrew Moss, Moss Architects, stated they have been working to make changes and since the office buildings look down on the patio roof they feel it is important to have a green roof. Mr. Moss said want to have an outdoor seating area that will be activated throughout the area and as transparent as possible. They have lowered their knee wall a bit.

Mr. Hudak stated that when they were here the last time they erroneously identified this one area as restaurant seating; that will not be restaurant seating it will be seating for the general public. There was a question regarding the patio and how it relates to the building; would you like us to discuss that briefly? Ms. Mondor said there was a question about the three tables which you may have just answered because they are outside of the alcohol enclosure. There was a general question about when this ceases to be a temporary enclosure and when it becomes a building.

Ed Shriever, Strada Architecture, from a building code standpoint anything that is built outside the building would fall under exterior materials, they would all have

to be Class A fire rating; the life safety issues start at the walls. The only building code required issues are the material selections. Ms. Mondor said there was a question about energy code. Mr. Shriever said the energy code doesn't apply to the exterior of the building; the interior will have to meet the energy requirements.

Ms. Mondor said they also had questions about egress from that outdoor space as well, the second means of egress; how do you get out of that space. Mr. Shriever said he thinks they actually do need a second door out of the seating area.

Ms. Mondor asked if there were any questions from the public, there being none, the Chairwoman called for further questions and comments from the Commission members.

Mr. Gitnik asked if you think you need a second door how can you request approval today without showing us where the second door will be placed. Mr. Hudak said that they still have to go to Building Inspection for final approval. Mr. Gitnik said it will change the look of the outdoor dining area. Mr. Hodak said only the arrangement of tables, adding a gate will look close to the rail. Mr. Shriever said it won't change the appearance of the outdoor dining area. Mr. Gitnik said when he thinks of an outdoor seating area he doesn't think of one with a knee wall and he is concerned about the precedence that creates because the drawing that you showed us from Market Square the awnings go to the rail wall, it isn't a knee wall. Mr. Hudak said if you go back through the history of this project one of things that CDAP was concerned with was doing something like Market Square; they did not want something that was temporary material utilized. I realize the vinyl curtain is sort of a temporary measure but one of the reasons why this condition exists is so that we would come back to demonstrate quality cold weather materials.

Mr. Shriever said that one of their goals is to activate this outdoor area for as much of a period of time as possible to utilize the open seating area and activation close to the street. Ms. Rakus said this version was in staff design review and our intent was that this area would feel like a small alleyway as part of the overall Master Plan for the area. Ms. Rakus said the developer did make changes based on staff recommendations to make it appear as open as possible. They also had concerns with the area behind the cooler to make certain that it didn't feel like dead space and activate that space.

Ms. Mondor said she had a slightly different read of how this is going to work, I don't think it will work the way it is described. Ms. Mondor said she said she sees the vestibule double door as the cueing area for the public especially during the off season. You will need that entrance during inclement weather. Also there is a swing door that will always be open or closed; you are going to see all of the activity in the nook and activity in that space will make the alleyway what they all want the area to be as public space if you are not a paying customer of the restaurant.

Mr. Hudak said that part of the answer is that it is a great place to wait with the views and the area is sort of an overflow. Mr. Shriever said they have a no wait system at Burgatory and app system to allow people to walk around. The front

area will be designated and there will be outdoor heaters in the winter. Mr. Hudak stated that they will add benches to that area as well. Ms. Mondor said just the view of a bench there signals that I am allowed to go back and not be a paying customer and she thinks that is important for the public space. Ms. Mondor said she would like to see a condition of some sort of outdoor furniture for the non-paying guest and some sort of addressing of the second egress in an artful way as well.

Mr. Moss said that their intent was that the patio only have one required means of egress, the plan has an extra table and without that extra table we are under the requirement. Ms. Mondor said whatever is appropriate.

Ms. Mondor asked if a second condition could be placed and Ms. Rakus said yes and she would recommend that if they do need a second means of egress that after Zoning Administrator and design review approval that just clarifies the process and asked if the Chairwoman had any recommendations on how the seating would be done. Ms. Rakus said the first condition recommended by staff is our standard that the plans be reviewed; the second one would be changes to the outdoor seating relative to building code issues. Ms. Mondor said assuming that would slide through. Ms. Rakus said just to be clear anything related to that be reviewed by staff design review and the Zoning Administrator would have to sign off on it. Ms. Rakus said if nothing happens then the condition is not required then it is moot. Ms. Mondor said the third recommended condition would be to include some sort of street frontage within the non-paying customer space around the vestibule/double door entry. Ms. Rakus said just to clarify that would be street furniture around the vestibule in the alley area. Also a request to ask what will activate the space at the cooler and that would be included as part of the street furniture.

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 #14-41 for approval of the enclosed and unenclosed outdoor seating and cooler structure for the proposed Burgatory Restaurant at 342 North Shore Drive; based on the application and drawings filed by Moss Architects on behalf of property owner North Shore Developers – 2013 LP; subject to the following conditions:

1. Final plans, elevations, and materials shall be reviewed and approved by the Zoning Administrator prior to issuance of a building permit.
2. Building Code issues will be addressed through the process of staff design review.
3. Include street furniture in the public areas, especially in the two zones in the back of the alley way and in front by the double vestibule doors.

MOVED BY Ms. Askey;

SECONDED BY Ms. Valaw

IN FAVOR: Mondor, Valaw, Gitnik, Askey, Burton-Faulk, Blackwell

OPPOSED: None

CARRIED

7. Hearing & Action: Project Development Plan #13-110, 433 Fort Pitt Boulevard, New 8 story, 99 room hotel

Ms. Rakus made a presentation in accord with the attached staff report. Ms. Rakus stated that this is an application for a new eight story 99 room hotel. This is the same site that in 2012 the Planning Commission approved by the same owner and applicant for a seven story hotel, due to the differences they are back before Planning Commission. The hotel is permitted by right, the applicant has worked with staff in the design review process and this current design has been through and will recap the comments later. The applicant has provided a parking and transportation analysis for the project and it has been reviewed and approved by the transportation planner and the traffic engineering office with a couple of final conditions when they are ready for operation.

Ms. Rakus stated that they have agreed to provide a construction management plan and abide by that as one of the conditions of approval. Ms. Rakus turned the presentation over to the applicant.

Mr. Sittig with Sittig Cortese, and Wachter, representing the owner presented the history of the project. It is eight stories but the same envelope is there, it is only a few feet higher. What happened is that there was a larger level on the first floor and now it is two floors; it also now has fewer rooms. Mr. Sittig provided the basic details and mentioned that Commissioner Spruill mentioned that there is only one deluxe room that is accessible. Changes have been made.

Mr. Sittig said the driveway was shown as 24 feet but they were concerned with the pedestrian experience, they were able to reduce it to 20 feet and they were able to have some additional green space. Mr. Sittig said they are now able to have a drop off in front of the building without losing any of the parking spaces that are there. Mr. Sittig provided an overview of the trash removal and the traffic highlights. Mr. Sittig said one of thing they worked on with CDAP was blending the building into the surrounding architecture and street scape.

Mr. Sittig introduced Keith Andreyko, Integrity Design presented the Power point of the project. Mr. Andreyko said in 2012 they didn't have a flag for the hotel. They now have Holiday Inn and in working within their requirements they believe they have improved the building and have changed the building to a masonry structure. The height is similar to the previous project.

Cindy Giampole, Trans Associates presented the traffic and parking plan for the project and explained how the cueing and drop off will be located. The sidewalk along Cherry Way is currently three feet in width and it will be widened to five feet, both entrances to the building are accessible.

Mr. Sittig stated that was the end of the presentation. Ms. Rakus said to recap the design review process said the current design holds frontage on two sides and is a challenging site and overall staff is in support. One comment that was made and it is not part of this application are the high wall signs that they are showing that will come back for a separate review.

The Chairwoman called for comments from the public and advised those present of the rules for commenting.

David O'Laughlin, owner of Hartley Rose Building which is across the street from the back of the hotel, 9 Dunmoyle Place, 15217. Mr. O'Laughlin is a former director of planning for Allegheny County. Mr. O'Laughlin stated that his building is on the National Historic Register and is concerned about how the community will evolve and how the historic part of the area can be preserved. Mr. O'Laughlin said they have not met with the hotel developers in the last couple of years and wants to make certain that whatever is done here is done with the vision of this being an historic part of Pittsburgh. Mr. O'Laughlin would like to look at the drawings with the developer before the Commission acts and they had hoped for a boutique hotel on the site.

Todd Palcic, owner of two properties on the other side, and said he is looking forward to a hotel on the site but is concerned about the electrical lines and how they are going to be run. Stated that 420 1st Avenue is a historic building that they are planning to renovate but is concerned with the appearance on First Avenue and the moving of telephone poles possibly in front of a building with an historic façade.

Chris Ragland, 429 1st Avenue, said that the hotel has been through four of five different design changes and 1st Avenue seems to be treated as an alley. The sign will only be 40 feet from building to building and he would rather not see a green glow into his building. The second thing is the bump out on Cherry Way, for them that is the main egress that will force all of the traffic into the middle lane.

Bill Buross, Scott, McCune, Fort Pitt Commons Manager, concerned about the height of the building which might cause structural problems to their building and they asked Keith to do something with that and there have been compromises. Mr. Buross said parking is always difficult with only nine parking for numerous employees and guests. Mr. Buross also stated that in the afternoon, Port Authority uses Ft. Pitt Blvd. as a layover area. Mr. Buross said that they were disappointed with the City because they did not come to the neighbors and try to have a meeting and some people never received notice of the meeting. Mr. Buross said he did receive the emailed notice.

Robert Crecin, 429 1st Avenue, wanted to speak about the parking situation as it is without the new building. There are five spaces, one of which reserved for a zip car, said he walks four blocks to park his car, but to bring groceries or large items in and out of the building they need temporary parking. They do have a loading zone in front of Ft. Pitt Commons but they need ability to get in and out. The parking is so tight and the building inspectors use the spots on occasion. Mr. Crecin said there was a lack of communication about the project and just heard about the traffic study now and feels it focuses on Ft. Pitt Blvd. Mr. Crecin said the Mayor's plan included a complete redesign of the bike trail and entrance to Mon Wharf and it will extend and under construction at the same time and will impact the area.

John Stember, partner in law firm with a long term lease in the Hartley Rose Bldg. on the seventh floor. Mr. Stember said they rehabbed the space and have been enjoying the view. They just found out they will now be looking at the back of a Holiday Inn instead of the river. Mr. Stember said he is having a hard time understanding how a Holiday Inn fits in with the look of First Side. Said there will be some people living in an area where the sign doesn't shine. The light and view will be blocked out.

Mary Hagerty, 429 1st Avenue, moved into the building in the fall and invested in a condo with a view of the river and Mt. Washington and in a quiet historical part of the city. When she moved in she wasn't expecting to have a hotel and a neon on sign or additional traffic.

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

Ms. Valaw asked when the last time was that they had a community meeting. Mr. Sittig said he will go back; there had been meetings for the 2012 project and this one isn't legally different enough to come back to the Planning Commission but they didn't want to challenge that. Mr. Sittig said the people are complaining about the height, it is the same, it had started out as a twelve story building and was reduced to the height you see here today and that was what was approved in 2012. Mr. Sittig said this was more an upgrading of the design process. Mr. Sittig said he met with Andrew Dash of the Planning Department and what was done two months ago at Mr. Dash's suggestion was he gave them a list of neighborhood addresses and he sent out the plans. Mr. Sittig said he only had one attorney call him and that was in support.

Mr. Sittig said he sent out the meeting notice two weeks and Mr. Ragland did contact him and he did get back to him. Mr. Sittig said he offered to meet with the neighbors two months ago from a list that he received. Mr. Sittig said Mr. O'Laughlin knows the process. Mr. Sittig said it is not an easy site and they have heard the comments. They don't have a signage plan yet but they will make adjustments and will get neighborhood comments. Mr. Sittig there was an extensive process in 2012, this is an update and notice was sent out and no one responded to a meeting or questions. The mailing list was supplied by the community planner.

Ms. Valaw asked Mr. Stember and he said that they were not aware of the traffic study. Mr. Sittig said he did not send out a traffic study. Mr. Valaw said she sees a lot of community people walking in here and whether you are required to or not, you have neighbors that are not in support of the project and feel left out. Mr. Sittig said they won't be no matter what, you heard the comments that they do not want a eight or seven story building, they have brought the height down as much as they can. Mr. Sittig said if there were things they could respond to, Ms. Valaw said how would you know that if you don't meet with them. Mr. Sittig said because he reached out through the community planning process, this has not been a secret and they are all here today. Ms. Valaw said the neighborhood is a vital partner in development and isn't certain that they are being viewed in that manner.

Mr. Sittig stated he couldn't disagree more, he has been doing this for over thirty years, and has a reputation of working with communities and took it upon himself to offer his time, Mr. Ragland will tell you; this is not the time to delay the process. They attempted to meet with the community and made an effort. Mr. Sittig said he always tries for feedback, why they didn't reach out then and why now a delay. Ms. Valaw said maybe they weren't notified, Mr. Stemper in the audience spoke and stated that he wasn't a property owner at that time and this is the first opportunity he has had to express his opinion. Mr. Sittig stated that the notice that was received by this gentleman would not be any different than the notice sent out two months ago.

Mr. Bulois from the audience spoke and stated that Mr. Layman had said that he had contacted every owner in the neighborhood but not one owner in the neighborhood had heard of it before, stated that Mr. Ragland as a city employee looking through memos saw there was a hearing scheduled and got the word out on the street. That is the only reason they came here. Stated that Mr. Sittig was not a part of that and Mr. Dash may have told him there were community meetings but he wasn't part of that and they didn't happen. Mr. Bulois said there are notice requirements and it is important that communication was a key element, if the notice was sent according to the city regulations that is fine. Mr. Bulois said they need to back up and maybe get together and have a meeting outside of this.

Mr. Sittig said they went beyond the city requirements and code and well in advance of the project. Mr. Sittig that is correct he wasn't involved at the beginning but what he can state is that the building changed from 12 stories to 8 stories in response to the community process. That process worked, not to everyone's satisfaction but it worked. Mr. Sittig said some of the people are new in the area and some were not made aware of this by the seller to the new owner. Mr. Sittig said time is an issue and some things that can't be changed and the signage is something they can react to.

Ms. Burton-Faulk said that if you look at the length of time they have been working on the project, two years, it appears that maybe even the close home owners were aware of the process that has been going on and has this group reached out to the developer and done their due diligence. Someone in audience stated that the only information the residents in the building have received is by way of Mr. Ragland who is the head of the association. Mr. Stemper said that the story keeps changing, when the seven story plan hit in the city office in the spring he had copies and notified the residents; they were not notified by anyone of the revisions.

Mr. Sittig said the notice went to the homeowner's association and two weeks ago Mr. Ragland and I exchanged communications, he expressed concern about construction issues. Mr. Sittig said I told him I am a lawyer and I'll get you the information. That is where it was left. Mr. Sittig said we are not closing off the process but we need to get the project moving. We have to come back to the Commission for signage and we are happy to meet with the neighbors.

Ms. Burton-Faulk said it sounds that the process that needs to happen to move forward there is a willingness to do that with the community and there needs to be a commitment on both sides.

Ms. Mondor said that because this project has been before the Planning Commission before there are some things that are not negotiable; and suggested that possibly the vote be delayed until there are meetings. Ms. Burton-Faulk said I don't know that we can delay development has costs. She thinks that we can ask that there are meetings.

Ms. Valaw asked if they would be willing to come back in two weeks or is it that tight on the construction schedule. Mr. Sittig said I will commit to meet with them; but to make changes he would like that subject to staff review, he doesn't want to have to wait for another hearing and they are willing to report back to the Commission the results of the meeting.

Mr. Gitnik said this is substantially similar to what was presented in 2012 and you felt that you really weren't required to go through the Planning Commission process again; it was a hotel, it was going to be x stories high. You changed it to a masonry structure, was there anything that I am missing that was substantially changed from the original approval. Mr. Sittig said the biggest thing was the flag and changes to room types and numbers; the main things were the review of the design. The biggest changes were to the transportation impacts with the bump outs, drop offs, five feet curbs are beyond what was done before.

Ms. Mondor said everything else is the same as it was previously, were they required to come back. Ms. Rakus said that the Zoning Administrator and I asked them that there were enough differences that they wanted them to come back to Planning Commission.

Mr. Gitnik said if they were to look at the drawings, the way it is placed on the property, is it that much different. Ms. Rakus said you are putting me on the spot because we have started with multiple versions of this to get to this point. Mr. Sittig said not on massing, parking, configuration; it started as a metal panel building and now it is masonry. The massing isn't different. Ms. Mondor said there is not historic review required? Ms. Rakus said this is not a locally designated historic district, there is not local review required.

Mr. Sittig said this is one step in the process; we are going to have regular meetings when they start the construction phase.

Ms. Mondor said that after the public comment period we close public comment.

Ms. Rakus one other option is a condition that they meet with the community over the operating issues like the construction management plan; trash that could still be changed. Mr. Gitnik said he doesn't want that to be misleading; we can't change a hotel and the issues are not in their purview since they are building within the requirements. There aren't any variances.

Ms. Mondor said some of things she has listed are: the height is not negotiable at this point; it is a hotel; the appearance is somewhat not negotiable it has been improved; parking is per code; and it does not have historic designation. So for better or worse, that is the position that you have. The issues that you do still have in play are: signage; electrical lines and utilities; further discussion on traffic; and issues of view is understood and shadow studies. There is not much you can do; it is legal in size and height.

Mr. Sittig said one of the disadvantages of coming back for the design review process you lose the fact that the massing of the building went down significantly; it went down from twelve stories and now it is still too high. Mr. Sittig said we are now limited on what we can do.

Ms. Mondor read the staff recommended motion into the record. Ms. Rakus said there are a couple of small issues; the final conditions of approval were really for Public Works that they come back with final designs for the bump outs and their requests for the loading zones and a final site plan if anything has been changed and that is why it is tied to the final occupancy permit. The traffic plan has been reviewed.

Ms. Mondor asked if there are any additions or changes that the Commission would like to make to the motion. Ms. Mondor asked if they would like to add a condition of a community meeting. Ms. Valaw stated that she would like to do that. Ms. Askey said in the meeting they could take a look at the final site plan and look at light pole placement. Ms. Burton-Faulk added signage, trash removal and the things they had discussed. Ms. Mondor said they would like to add a condition that there be community meetings that are still within the comment and approval process not including items that have received prior approval and not in play right now. Mr. Gitnik said what we want to do are address the issues that are still applicable community issues or that are still open.

Ms. Mondor said we can name them: signage, electrical lines, information and answering questions relating to traffic. Ms. Rakus said she has that: The applicant shall meet with the community regarding operational issues, signage, electrical lines, and informational meetings concerning transportation issues. Applicant shall report back to staff prior to the application for a building permit.

Ms. Valaw said not as part of the motion but if we could ask people that want to be part of the community meeting please provide their addresses to Mr. Sittig directly. Person in audience said that the homeowner's association will provide. Ms. Valaw said this is just a request.

The Chairwoman called for a motion to approve the staff recommended motion with the addition:

MOTION: That the Planning Commission of the City of Pittsburgh approves Project Development Plan #13-110, for the new construction of an 8-story hotel at 433 Fort Pitt Boulevard, based on the application and drawings filed by the Forza Group, property owner, with the following conditions:

1. Final plans, elevations, and materials shall be reviewed and approved by the Zoning Administrator prior to issuance of a building permit;
2. A construction management plan shall be submitted and approved prior to issuance of a building permit;
3. All final conditions of the transportation analysis must be completed prior to issuance of an occupancy permit; and
4. The final landscaping plans shall be submitted for review and approval by the Zoning Administrator prior to the issuance of an occupancy permit.
5. The applicant shall meet with the community regarding operational issues, signage, electrical lines, and informational meetings concerning transportation issues. Applicant shall report back to staff prior to the application for a building permit.

MOVED BY Ms. Valaw ;

SECONDED BY Burton-Faulk

IN FAVOR: Mondor, Valaw, Gitnik, Askey, Burton-Faulk, Blackwell

OPPOSED: None

CARRIED

D. **ADJOURNMENT:**

4:15 p.m.

APPROVED BY:

Paul Gitnik, Esq.
SECRETARY

Attachments

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