

CITY PLANNING COMMISSION

Minutes of the Meeting of July 22, 2014
Beginning at 2:30 p.m.

PRESENT OF THE COMMISSION: Chairwoman Christine Mondor, Gitnik, Brown, Askey, Spruill, Burton-Faulk

PRESENT OF THE STAFF: Gastil, Layman, Hanna, Rakus, Holloway

AGENDA ITEMS COVERED IN THESE MINUTES

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9. Floodplain Legislation	

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

A. ACTION ON THE MINUTES

On a motion duly moved by Ms. Spruill and seconded by Ms. Askey the minutes from the July 8, 2014 meeting were approved.

Mr. Gitnik asked how many meetings they are missing and staff responded three or four. Mr. Gitnik asked if they will be available on the website and staff responded yes after the Commission approves them. Mr. Gitnik urged staff to aggressively get the minutes up to date. Staff said they would and that staff is also working to have recorded version of the meeting available to the public on line also.

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

Ms. Mondor stated that the Commission was in receipt of four pieces of correspondence.

Mr. Gitnik asked if it were possible to hear the Floodplain legislation first on the agenda since there may not be quorum later in the afternoon since Ms. Spruill advised the Commission that she would have to leave at 4:30 p.m. Mr. Layman explained that all of the hearings are important and staff would try to move the presentations along to accommodate the members.

D. DEVELOPMENT REVIEWS (See **Attachment C** for staff reports.)

7. For Hearing and Action: Residential Permit Parking Area II, New District South Side Flats Community

Mr. Holloway made a presentation in accord with the attached staff report and illustrations included in Attachment C. Mr. Holloway said this is a proposal for a new permit parking zone in the South Side Flats community. Mr. Holloway said as you can see on the screen that is the general proposal for the permit area and in front of you there is a report. Mr. Holloway said the report represents a study that was conducted to determine the eligibility of the streets south of E. Carson Street from S. 22nd to S. 29th Street. Mr. Holloway listed the items that are in the report. Mr. Holloway explained the purpose of the study and the six criteria to qualify an area for the program and they are listed in Section 549 of the Municipal Code. Mr. Holloway stated that this program is a neighborhood driven program based on need and based on the number of vehicles parked there that belong to non-residents. Mr. Holloway introduced his intern, Mira Singhal to explain the methodology used.

Mira Singhal said the methodology included a parking inventory, a parking survey, a parking duration study, a petition drive, neighborhood meeting, and inventory. During the survey the number of legal parking spaces was determined. A duration survey was conducted and the license plate numbers of the vehicles parked were recorded on two different occasions. Ms. Singhal stated that 57 blocks and 14 streets were qualified to be in the program. Ms. Singhal stated that there are 693 households in this permit area.

Mr. Joe Cully an intern for Mr. Holloway provided the date information and the criteria that was used. Mr. Cully stated that 81 percent of the on street parking was occupied during the surveys which is above the recommendation. 72 percent of the vehicles belonged to commuters which is well above the needed 15 percent and were occupied for over two hours. Mr. Cully stated that there are six bus routes and parking authority lots available to commuters.

Mr. Holloway stated that in conclusion, based on the results of the parking survey and the criteria, this area does qualify for a residential permit parking zone, if it is approved it will be known as permit area II. Mr. Holloway read the staff recommended motion and mentioned that the residents have requested that enforcement be Monday to Friday from 12 pm to 12 am with a two hour grace period.

The Chairwoman called for questions or comments from the public and asked Councilman Kraus if he would like to speak first.

Councilman Kraus, stated that he is present as an observer and wants to hear all sides. One thing that may have not been shared with the Commission is that this is a continuation of an ongoing formula to install the permit parking program on the South Side with the South Side Local Development Company. This is the third installment of the program; they have the same proposed enforcement hours. Councilman Kraus said this is a residential driven program and he is willing to answer questions and he will stay for the testimony.

Qualification requested by someone, it states in the report Monday to Saturday and Mr. Holloway stated Monday to Friday in error. Someone from audience interrupted the proceedings and asked for copies of the report. Mr. Holloway did read the report. Discussion.

Daria Brasher, said resident of one of the donut holes on Larkins Way, the process wasn't fully communicated and didn't hear anything further until the meeting of the hours. Was given four days to get to signatures from his block and feels that the communication was poor until today. Very concerned with parking on his street and it is a dead end. Would like to not see things proceed any further until further steps are taken.

Ms. Burton-Faulk asked if they could ask a question and the Commission decided to go through the comments first.

Tom Crock, wants a copy of the report, a copy of the law the permits the City to institute the program. Mr. Crock feels that the parking authority enforcement of the program is a problem because of past booting of his vehicle and problems with this. Mr. Crock does agree that there is a parking problem and was concerned with the fee involved for the parking permit.

Todd Bradshaw, Assistant Directing Business Rep for the Machinists, S. 26th Street and Sarah Street, they occupy the second floor. They usually have two vehicles, during meetings which run from 6:30 p.m. to 9:00 p.m. we have anywhere from five to twenty five cars, the two hour limit could be a hardship. Some of the part time employees from South Side Works are parking there because they can't afford to park in the garages. Said he heard businesses would receive 1 parking permit and 1 visit.

Barbara Rudiak, 1908 Jane Street, lives in the DD expansion area, and petitioned the area and stated that they received overwhelming support for the program. Prior to this program, residents felt that no one was willing to help them. Ms. Rudiak said at the meeting they heard from a business owner that said that his employees would not have a place to park if the program was implemented and his business was expanding and would be adding more employees. His business is close to the parking garages that are never full.

Candice Gonzales, Executive Director South Side Chamber of Commerce, provided written testimony in correspondence. Ms. Gonzales said they attended the meeting and they recommend that the Planning Commission take the following action: approve a thorough and comprehensive review and update of Chapter 549; require that all renters must submit a valid, current and signed

rental agreement with any signed permit survey; direct planning staff to identify and assist with specific requirements to establish one overall permit parking zone for the entire South Side Flats neighborhood.

Joe Argyos, Medical Device Company, 2500 Jane Street, stated that had they known that permit parking was coming to the area, they would not have chosen this location. Mr. Argyos said they support the residents need for a permit area but they are asking that the hours be changed from 12 am to 12 pm to 4 pm to 12 am, to give their employees a chance to park on the street.

Whitney, hairdresser Phillip Pelusi Salons, said they don't make much money to pay for parking, and would like to have more than one permit per building for the employees and have the businesses pay a higher fee.

Dan Veto, Fire Barn City, said that the map that was on the telephone poles in the area is different than the map that is being shown, and which one is the correct one. Mr. Veto asked which is the correct map.

Ms. Mondor said the map being shown is the correct. Person from audience said she has a copy. Mr. Veto said it was posted and the notice stated that if they wanted to speak about permit parking, they should come down and talk about that map. Mr. Veto said on the one map Larkins Way was shown as part of the permit area but it isn't on the other one. Mr. Holloway said when the first petition was circulated some streets did get right percentage of residents, so Mr. Holloway said he sent out another letter asking those residents if that was correct because they would be surrounded. The map being shown is the correct map but there is a correction to that map which as a late addition last week and the 2500 block of Larkins does qualify and also S. 26th Street changed their mind about the program. Our GIS division didn't have time to update the map but the legislation will reflect the changes when it is sent to Council. Ms. Mondor said so our written narrative describes it correctly but our map does not and Mr. Holloway said correct. A resident asked if there were more copies of the written and Ms. Mondor stated yes in the back.

Jody Figas, South Side resident, lived there for twelve years and parking is difficult to carry children and groceries two blocks from your home. Their bedrooms face the street and late in the evening when people are returning to their cars they are waking up residents. Ms. Figas urged the Commission to vote in favor.

Erin Morgan, 27th and Sarah, stated that when she leaves in the morning there is always a car waiting for her spot. They have all commuters parked along here. Suggested businesses help with the cost of bus passes. Ms. Morgan has to pay to park to work in Oakland.

Hani Cordese, 138 ½ S. 24th Street, in favor of the program. Parking is an issue for safety. Car and truck broken into and vandalized. Live near the school bus lot and the drivers are always hunting a spot to park.

Jonathan Weaver, 27th and Larkin, in favor.

Dennis Connor, 2526 Carey Way, opposed. When alley was polled six people have moved and thinks the system is flawed and people that voted for this proposal may have already moved.

Todd Bradshaw, again, just noticed that the map that he saw and the presented now differ he will not be able to park at all since they aren't in the zone.

Josh Heffran, south side resident for seven years, difficult to find parking in the area. In favor.

Adrian Smith, resident and speaking for her mother who is a resident and a business owner and her grandmother, lives with a sibling that needs assistance. Concerned that they are only permitted one visitor's pass. Caller said she was originally in a donut hole and went around to talk to the residents and said that people they spoke to said they voted yes or no and the list she was given doesn't have them on it. Ms. Smith questions the validity of the survey.

Mike McAsh, 2700 block Sarah Street, stated that a lot of this problem could be alleviated if UPMC would be forced to park elsewhere. There is parking available that they are not using.

Jody Sherman, Larkins Way between S. 25th and S. 26th Streets, recently included in the process. Not for or against the program but is against the method that was used to come up with the area. Said the amount of time that expired from the beginning eight tenants have seen moved and one resident died, feels the original result may not be valid.

Michael Clark, 2208 Jane Street, did a lot of the petitioning and it took a lot of effort, and stated that he had 96 percent of the people he spoke to and thinks this is a first step for a plan for the neighborhood.

John Huckel, 2219 Jane Street, urged the Commission to approve the program and the hours recommended.

Katherine Masamy, commuter, wanted to ask that the time frame be changed from 4 pm to midnight. If she lived there she would have a problem with the night life parking.

Comment from someone in the audience and Mr. Holloway explained the cost of the permits and how many are given per household.

There being no further comments from the public, the Chairwoman called for questions and comments from the Commission members.

Ms. Spruill stated that this would be an unreasonable hardship on elderly people and people with disabilities to limit them to one visitor's pass. She feels an exception should be made for them.

Ms. Spruill stated that the zoning restriction of three unrelated persons doesn't apply to people that are living together because of a disability and some of the people could be drivers and thinks that there should be an accommodation. But

her greatest concern is for people that need caregivers and would make that definition very liberal. Mr. Holloway said there are exceptions for medical personnel, caregivers and nannies. Ms. Spruill asked to see the language and Mr. Holloway said he could get the language from the Parking Authority as they are the ones that issue the variances. Ms. Spruill said it would be good to look at that before a final vote. Mr. Layman said this hearing is different than most hearings that we have a Planning Commission, the process for approval is in Title 5 of the City Code and almost everything else under our prevue is in Title 9 of the Zoning Code and the process and rules are a little different and the enforcement is under the Parking Authority.

Ms. Spruill just thinks it is something that was overlooked and may need more detail. Ms. Mondor stated that some of these are systemic problems that the approval process cannot solve. That is not part of the criteria for approval but it may require a system change. Ms. Spruill asked if they can find out how that can be addressed if not by this body. Mr. Layman said we could send a formal letter to the parking authority. Ms. Spruill said she would like to see if addressed.

Ms. Askey asked if this is approved and then there are still donut holes what would the process be if they want to become part of the program or do they have to wait for the next re-certification of the area. Mr. Holloway said that since this is a resident driven program he would have to receive requests from the residents and start the process all over again per block.

Mr. Gitnik said that the map that we received and the one that is posted on the web site, is that the correct map. Mr. Holloway said no, there were last minute changes. Mr. Gitnik said how can you enact without the correct map. Mr. Holloway said a map is not required for a recommendation. Mr. Gitnik asked what was posted and Mr. Holloway said that was a different one. Mr. Gitnik is concerned about how the map would come out and Ms. Spruill asked if the residents had been legally informed. Mr. Holloway said the recommendation is based on the written information not the visual. Mr. Gitnik said but attached to my paperwork was a map and no where was there a disclaimer that this was not the current map and he is concerned that the map and the legal description are not the same. Mr. Holloway said he can get a new map but this is under Title 5 of the City Code not Zoning and that may be a difference and he has never had this happen before. Mr. Gitnik said there should not be included.

A woman in audience yelled from the audience concerning this.

Mr. Gitnik asked when the people were polled did Mr. Holloway ask for a copy of the lease and Mr. Holloway said he did not circulate the petitions, that is done by the residents. Mr. Gitnik asked how do you validate and Mr. Holloway said he does so by calling and mailing. Mr. Gitnik questioned valid leases and license plates. Mr. Holloway said he writes down the license plate numbers and receives the information from the DMV where the vehicles are registered, according to the Code.

Mr. Clark from the audience stated that since he did most of the petitioning and they knocked on doors and asked and most people identified their status. Ms. Burton-Faulk asked about the percentage and Mr. Clark said he has 96% percent

yes vote of the 100 percent. Mr. Brown said that 100 percent would be around 600 people and Mr. Clark said yes around that. Mr. Holloway said they do this by households and there were 693 households, so that would be about 70 percent.

Ms. Mondor said they have some procedural questions and put it to the Commission.

Mr. Gitnik said his motion is and he isn't saying that he is for or against the parking but he is concerned that if the process is defective with the map being included or not but he doesn't want to see it be defeated on a procedural technicality, that he what he is afraid of since he is an attorney. Residents have seen multiple versions of this map and not the written version and as a lawyer that gives me pause for concern.

Ms. Spruill said she is not a lawyer but she shares his concern. Mr. Brown asked if there is a motion that you wish to make and Mr. Gitnik said he would like to continue this until the next hearing until we get a response. Mr. Gitnik said we can close the testimony. Councilman Kraus said this changes on a dime, people change, the process is fluid and you begin to see a more realistic number after you confirm the data received and that number was 79 percent.

Mr. Gitnik said he is more concerned with the streets that weren't included and the map that was provided to Commission members wasn't correct. Ms. Mondor said they are asking that everything be internally consistent or an adjustment be made. There is an inconsistency in the current document that makes it hard to move forward. Mr. Brown asked what are we asking Mr. Holloway to do. Ms. Mondor said we are asking for confirmation that the document that is submitted to the Planning Commission is accurate and reflects the most current data. Ms. Burton-Faulk said what was presented is that the data that is presented is accurate but the GIS office was not able to catch up to have the map match.

Mr. Gitnik said he will make a motion to conclude the testimony. Mr. Brown seconded the motion. All were in favor.

Mr. Gitnik said then he will make a motion that since a map was submitted and that the map and the proposed district mirror each other, or they only submit the written and not the map. Mr. Gitnik said he is going to go one step further, and you may want to validate this with the solicitor, is what we did appropriate since the residents did not really receive the packet of information in any form. Mr. Layman said he understands what you are saying but the way the language in Title 5 reads, the Planning Commission is presented a study, and it is different from Zoning Code recommendations in that notice and maps are not mentioned. Mr. Brown said in spite of all of that there was unintentional misrepresentation of the targeted area that was put out in the public, and a vote is about to be taken that moves that forward, and undue process is that moves it forward knowing that there was information that wasn't consistent, we can reconvene and vote.

The Chairwoman called for the motion to be stated.

MOTION: That staff returns to the Commission with a revised map or present without the map so that the Commission will know exactly what area is being voted on in two weeks.

MOVED BY Mr. Gitnik; SECONDED BY Mr. Brown.

IN FAVOR: Mondor, Gitnik, Brown, Askey, Spruill

ABSTAIN: Burton-Faulk

OPPOSED: None

CARRIED

8. Hearing & Action: Project Development Plan #09-11, Extension of Condition of Approval #1, Stage AE, 400 North Shore Drive

Mr. Layman made a presentation in accord with the attached staff report and illustrations included in Attachment ___. Mr. Layman recommended approval of the proposal.

The Chairwoman called for questions or comments from the Commissioners.

Insert notes.

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

Insert notes and references to any attachments.

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

MOTION: That the Planning Commission of the City of Pittsburgh approves revised amended conditions to Project Development Plan #09-11, approved for construction of a two-story, 36,000 sq. ft. indoor/outdoor entertainment complex as Public Assembly, General: with a 150 – space accessory parking area as follows:

(1) That by October 28, 2014, a new Project Development Plan application including a site plan of the subject property shall be submitted for review and approval of an updated design, based upon its presentation in the North Shore Master Development Plan, dated April 2009 Revised, and as depicted in the conceptual plan entitled “PromoWest Entertainment Complex – Rendered Phase II Plan View” dated June 19, 2009. In the event a new plan is not submitted in accord with the condition as amended, the certificate of occupancy will expire until such time as a plan is approved that includes an updated design, based upon its presentation in the North Shore Master Development Plan, dated April 2009 Revised, and as depicted in the conceptual plan entitled “PromoWest Entertainment Complex – Rendered Phase II Plan View” dated June 19, 2009.

(2) That prior to Planning Commission review and approval as stated above, the updated design must go through the City’s Design Review process for recommendations.

MOVED BY _____; SECONDED BY _____

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

OPPOSED: None

CARRIED

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