

Development Activities Meeting Report (Version: 06/24/2020)

This report created by the Neighborhood Planner and included with staff reports to City Boards and/or Commissions.

Logistics	Stakeholders
Project Name/Address: Mixed Use Apartment Building (site of former Marathon Oil gas station) 3500 Forbes Ave	Groups Represented (e.g., specific organizations, residents, employees, etc. where this is evident): Oakland Planning and Development Corporation Family House Pittsburgh Oakcliffe Community Organization South Oakland Neighborhood Group Oakland Transportation Management Association
Parcel Number(s): 28-F-322, 28-F-330, 28-F-354, 28-F-356, 28-F-360	
ZDR Application Number: DCP-ZDR-2020-09427	
Meeting Location: Virtual via Zoom/Facebook Live (Oakland Planning and Development Corporation account)	
Date: December 15, 2020	
Meeting Start Time: 6:00 PM	
Applicant: Clark Street Holdings (special purpose entity to hold title to the property) Presenters: Kevin McKeegan – Meyer, Unkovic & Scott LLP (legal counsel) Jay Silverman – Dwell Design Studio (designer) Sherry Sadai – Dwell Design Studio (designer) Joseph Ahmadi – Dwell Design Studio (designer) Jessica Leo – CA Ventures (developer)	Approx. Number of Attendees: 49
Boards and/or Commissions Request(s): Planning Commission (first project briefing will be on January 26, 2021)	

How did the meeting inform the community about the development project?

Ex: Community engagement to-date, location and history of the site, demolition needs, building footprint and overall square footage, uses and activities (particularly on the ground floor), transportation needs and parking proposed, building materials, design, and other aesthetic elements of the project, community uses, amenities and programs.

- K. McKeegan introduced the project, noting its location on the former Marathon Oil site, its height of 102 feet (permitted under the LEED bonus provisions in the Zoning Code), and the lot combination that was approved by the Planning Commission in the prior week (see parcel numbers above).
- K. McKeegan had a brief overview of their development process to date, which included City staff design review (including review of urban design targets) and review by the Contextual Design Advisory Panel (CDAP). He also mentioned that the project would be presented for the first time to the Planning Commission (PC) on January 26 in a briefing (which he differentiated from a hearing, in that public testimony would not be taken). The final hearing and action by the PC are to take place at a later to-be-determined date.
- J. Silverman mentioned that the team last presented on the project in October (was not clear as to whom).
- J. Silverman discussed meeting with the Port Authority of Allegheny County and the subsequent accommodation by the design team of the future bus rapid transit (BRT) station at the corner of Forbes Ave and McKee Pl.

- J. Silverman went through a slideshow showing renderings, elevations from all three street faces, a site plan, site context, and sustainability and stormwater features. In the presentation, he discussed project amenities, including walkup entrances to apartments on McKee Pl, a bike storage facility at the rear of the property, a designated Uber drop-off location in the parking structure, and retail spaces on Forbes Ave and Semple St. He also noted that there would be an “enhanced” pedestrian connection with the project by means of a mid-block pass-through walkway along the rear lot line of the property, allowing for pedestrians to walk from McKee Pl to Semple St.
- J. Silverman mentioned that the team had made some changes to the exterior design since October based on comments from City staff and CDAP. He pointed out some color and material changes that had been made to break up the massing of the building. He also discussed the project’s focus on walkability and an active building at the streetscape level, including with the proposed “carved-in” part of the façade in front of the Port Authority BRT station (with an overhang height of 10 feet), the amount of glass proposed for the façade of the leasing office, and the at-grade walk-up entrances to some of the residences.
- Additional information about the project was presented throughout, including the following:
 - The mix of units: studios, one-bedroom, two-bedroom, and three-bedroom
 - The target multifamily customers: not just students but also professionals and medical workers
 - The level of LEED certification to be pursued: no higher than base LEED certification
 - Details about the green roof and sustainable water and energy features
 - Existing conditions, including the site’s surroundings
 - Neighborhood context, including other nearby multifamily mixed-use developments and the nature, scale, and character of the retail and residential uses in the surrounding neighborhood
- The following figures were provided about the project:
 - 3,000 sq ft of retail space
 - 153 long-term bicycle parking
 - 232 parking spaces
 - 102 feet in height
- J. Silverman discussed the project’s materials, which include a fiber cement skin on the upper floors and masonry with metal panel and wood tone accents up to the fourth-floor level. He noted that the fiber cement product was designed to last for commercial and high-rise applications, which he mentioned had been a comment brought up by CDAP as it related to potential warping.
- J. Silverman discussed the anticipated traffic flow for residents and visitors, which would involve vehicles entering the parking garage from McKee Pl and exiting the garage from Semple St.
- J. Silverman then added some details about the rear portions of the building, including:
 - The pedestrian walk-through path, which would have an open-air, “park-like” design lined with trees, an art mural on the side of the building, and the see-through bike storage facility
 - The “supergraphic” of “3500” that would be imprinted on the parking garage’s mesh screen
 - The generator outside, which would be screened by an enclosure that could potentially include art on the skin of the enclosure

Input and Responses

Questions and Comments from Attendees	Responses from Applicants
Is this a final review meeting or is this an interim update?	
So there WILL be a mid-block pass through??	
Not really. same as it was. they "enhanced".	

Questions and Comments from Attendees	Responses from Applicants
Will it be truly public and open at all times?	Yes, there is a mid-block connection that is open to the public at all times.
"mid block" but fully behind/outside the building.	
will it be lighted? is this student housing?	Yes it is student housing.
Is this LEED certified/silver/gold/other?	Just basic LEED Certified.
yes, please can we have some RICH architecture rather than what we see on the Bridge, etc etc. Contretizement is not very pretty in my view.	We don't want to benchmark against other projects in the area that may not have used higher-quality materials.
Are they going to the ZBA for the height approval or did they already get approval for the height?	The City Zoning Code does allow the height bonus if meeting the LEED standard. Buildings can get FAR or height bonuses (limited to 20% of base zoning height for the district, which was 85' - so 17' additional is 102'). The LEED bonus is administered through the Zoning Administrator's office; we will have to provide to Corey that it's registered through the USGBC, and credits and proof also have to be submitted to the City. The team has to have a LEED AP (Jay Silverman is a LEED AP, but the team also has an outside LEED professional as well). We have to provide evidence and proof to USGBC; the process can sometimes take 6 months to a year (City code allows 3 years after receiving Certificate of Occupation to prove achievement of credits; otherwise, the City can recoup 1% of construction costs as a penalty, as specified in Section 914 of the Zoning Code).
so we're clear, this is very much student housing	
oh my good goodness!!	
The project is benchmarking against Bridge and Skyvue. While these are a part of the neighborhood they use low quality materials and this project is trying to match the bottom of the barrel. Fiber cement panels. You can't get a cheaper skin.	
Thought do. sad but!!! up above!!!	

Questions and Comments from Attendees	Responses from Applicants
Fiber cement. What will it look like in 10 years. But by then CA Ventures will have sold it and won't care	
so is Bridge etc Bridge is already warping	
What is lifespan? Why not more masonry?	
is there an guarantee or no warping?? Have you / will you look at use of existing bike garages?? what data are you basing this on?	
Is the height view on page 23 102'?	
I think that Bridge was expected to be there a long time too. Already warping when only a couple years old	
In perspective your rendering shows your building lower than hotel. Is it higher than hotel?	
what are the price points on these units? I have some questions regarding who these 300 units are being marketing too amidst our lack of affordable housing and pending mass evictions happening across the city? (Additional comment from W. Wilson of OPDC, that affordable housing is a big need, with a serious lack of affordable housing in the community.)	The project is currently planned as market-rate housing. We can't make any promises right now. We understand the particulars of the affordable housing issue in Pittsburgh, but not every project has to have an affordable component the way City policy is now.
It appears that the parking garages are set up to have lights and exhaust that will directly impact Family House guests, as well as community volunteers and staff. What mitigations have been proposed?	
On previous page 14 I think, it was noted about the context along McKee. Further the design tries to acknowledge that with the step down they noted. But isn't there a larger setback along McKee? They appear to be building to the property line. Why are they not subject to 40' setback?	The building within the allowable zoning setback for the block.
We can see past the color changed that at expected to fool us	

Questions and Comments from Attendees	Responses from Applicants
Who determined the zoning envelope? OPDC should be well aware of the 40' setback. Why are they not fighting to maintain it? This would degrade McKee greatly!	
where did you get that data?	
Yes, should be 40-foot set back on McKee	
It is our understanding that a setback of feet on McKee Place is required. It appears that this design is ignoring that requirement.	
PAAC and the State both have established bus stop/shelter designs that should be considered in your transit facility design.	
Will this give us a shoe store and hardware store??? Doubt it	
40' x 102 feet = a lot of units they will lose	
All of the mechanicals, including the transformer and generator, appear to be located adjacent to Family House and would likely have a negative effect on Family House. Has there been any thought about compatibility?	The pedestrian walkway will be a buffer between the project and the Family House. The transformers will be located underneath the pedestrian walkway.
40' setback would make the street a lot more walkable What is height of overhang? Seems a bit low. Can that be increased to be double story?	The 40' area is one shown on a very old plan for the neighborhood from the turn of the 20th century; that plan is not entirely clear as to how it applies to this property or even whether it was used. We have checked with the title company and attorneys handling acquisition of the property and have been assured that the 40' area does not apply to this parcel; that's the most I can say about it. I want to emphasize that the 40' is not a City requirement but one found on the old plan of lots.
Simple side is high, McKee side is low.	
It is our understanding that a setback of 40 feet on McKee Place is required. It appears that this design is ignoring that requirement.	
This isn't a pass through — it's an alley behind the huge building	

Questions and Comments from Attendees	Responses from Applicants
That tree "line" isn't exactly a park.	
what are the price points on these units? I have some questions regarding who these 300 units are being marketing too amidst our lack of affordable housing and pending mass evictions happening across the city? it's not likely we need another luxury vacant building.	
Will the 20' walk way have a fence?	
It also appears that the loading and trash areas are located immediately behind this structure, immediately adjacent to where Family House guests are lodging while they are in the City for medical care. What mitigations for noise, lighting, smells, etc. are being proposed for that area?	All of the trash and loading will take place in the interior of the building; none of these activities will take place outside. Trash collection, specifically, will take place in an enclosed room. The traffic patterns are set up so that traffic should not affect the Family House property itself. The building mechanicals are primarily on the roof. Semple Street will handle most loading.
ahhh so the walkway is an exhaust filled alley behind the building	
Is the "super graphic" literally just the numbers or is that representative, intended to be more "arty"?	It will be a metal mesh material for the screen. We will change the color of the mesh to provide the "supergraphic." At this point, it's just shown as numbers, but our team can look at incorporating art; we've done it on some other projects.
With respect to the height and setback concerns and any other relief from the District's zoning ordinances, what is the process they'll have to undertake and what is that timeline?	
what is the setback on Forbes?	
Oakland is in desperate need of cohesive design review for materiality. The pervasive use of low quality materials is a big problem. How can we compel them to use better materials?	
Anyone not happy with zoning code issues should consider attending the action team meetings for the Oakland Plan. https://pittsburghpa.gov/dcp/oakland	
The setback on Forbes looks tight with the BRT. Couple that with a low (10 foot) overhang and it will feel like a tunnel. Not the open feel they are saying	We have met with the Port Authority, and they have emphasized what an important stop this is (they anticipate very heavy use); this is the Port Authority's current design for the structure at least in size but not final design visually; we've gotten the Port Authority's preliminary

Questions and Comments from Attendees	Responses from Applicants
	guidelines and are working closely with them. The Port Authority will also be having public meetings after the new year on the BRT, but keep in mind that the bus shelter is not on our property and that the design of it is not up to us. We're doing our best to accommodate it, but how the shelter ends up looks at is not within our jurisdiction.
So, only a 1% penalty if you don't follow through on your LEED bonus, but you got a 20% height bonus for it? What a deal!	
tsk tsk tsk	
And they have years to prove it	
Agreed, penalty in the code seems light for the gain. But that's a criticism aimed at the city code.	
we have heard this "it's within code" for other project. Such a shame. Skyview had similar comments as it was rolled out to the public.	
The Pittsburgh Zoning Code Map is available here: https://gis.pittsburghpa.gov/pghzoning/ - and it's clear there that this building is within the Oakland Public Realm District C. McKee's RM-H zoning line cuts mid-block below the parcel.	
The slides are similar to others we've seen. Well placed perspective to reduce impact of enormous building.	
Will generator exhaust be run to roof or discharged at street level?	Exhaust from the generator will come up above the pedestrian level, and the generator will be enclosed.
Future versions should show the adjacent buildings. This image does not show the family house building nor the apartment on temple just to the right So the exhaust may enter the adjacent building at the third floor or higher? Family House has immune suppressed guests including lung transplant and cancer patients. Air quality is a significant concern	
Is OPDC as the RCO willing to fight for the residents and maintaining the 40' setback?	(Answer from W. Wilson of OPDC: OPDC doesn't set the zoning envelope – that's set by the City Code. OPDC would like to look at as much information as possible but would only advocate if anything is in violation. We would like to see more information if the title company can provide

Questions and Comments from Attendees	Responses from Applicants
	more research. Based on interest in this from a lot of parties, we would like to provide a particular study or something on this particular issue and can update our project page on the OPDC website to share with the community.)
Could you please give the breakdown of how many units are going to be studio, 1 bedroom, 2 bedroom and so on?	This is going to be a mix of studios, one-bedroom, two-bedroom, and three-bedroom units, at about 17% studio, 17% one-bedroom, 29% two-bedroom, and 35% three-bedrooms.
There are *two* lots fronting McKee that got consolidated, surely the second one wouldn't be exempt? Even if the first one is.	
But there are multiple lots. ^^^^	
but if there could be interpretation of the zoning ... why shouldn't the community fight to keep the 40-foot setback there doesn't seem to be much attention to water retention in this project. We are asked to create "water retention" sites in our neighborhoods, just to off-set THIS type of project. once more. sad	
If the community concludes the 40ft setback is required, would that require a lawsuit? Some zoning process? City Planning?	(Answer from W. Wilson of OPDC: There is a lot of interest and discussion about the 40' setback. We'll post all the various documents people are sharing to the website.)
The plan of lots clearly shows this property and the 40' setback.	
Good!!	
How does the 40' setback get resolved prior to Planning approval	
But is that just a placeholder design?	
I meant what is the actual setback of the building, on Forbes? At the BRT Station and adjacent thereto.	There is zero setback on Forbes required in this area, but we have provided 10 feet behind the BRT structure to keep good pedestrian flow. We really thought about the pedestrian use of Forbes and creating generous space around the structure.

Questions and Comments from Attendees	Responses from Applicants
<p>how does retention release over time? water retention</p>	<p>There will be a stormwater detention strategy, and the green roof will be part of that. There will also be an underground tank under the parking to store additional runoff, which will work in concert with the green roof.</p>
<p>Re the supergraphic on the mesh, almost anything would be more artful/fitting than 30-foot-high numbers. Basically, I wouldn't want to see the mesh used as a de facto advertisement for the building, skirting signage regs.</p> <p>(Additional comment from W. Wilson of OPDC, that there is real interest in seeing something besides just the numbers.)</p>	<p>Anything would have to get permitted as signage, so that's a great point.</p>
<p>What percentage of the rental units will be able to accommodate renters with disabilities?</p>	<p>All of the residential units will be adaptable for the disabled. The building served by elevators, and every unit could be adapted. CA Ventures specifically works with an ADA consultant on all of our projects. We have made sure there are ADA units scattered all throughout the building to prevent discrimination of units.</p>
<p>Given that the largest portion of unit designs will be 3 bedroom units and that the city has a limit of 3 unrelated folks on a lease, are we to believe that these units are specifically designed for student housing? (If not to specifically designed for student housing, specifically designed to target students)</p>	<p>We have a very large student housing group, but like many of our projects, we look at this as multifamily housing appealing to not only students but also young professionals and medical professionals. Three-bedrooms are a great way to bring a more affordable housing to students and young professionals alike.</p>
<p>and what is the plan to fill them? there are buildings just like this vacant</p>	
<p>10' sidewalk behind the BRT is not appreciably better than what is up and down Forbes already. It would be great to see wider sidewalk there</p>	
<p>will there be short-term rentals for people visiting folks in hospital?</p>	

Other Notes

From W. Wilson of OPDC: We will provide meeting notes and the meeting recording on our website and any info we gather on the project; we also will update dates for the Planning Commission and development process.

Planner completing report: Phillip Wu