

## Development Activities Meeting Report (Version: 12/20/2019)

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

Logistics	Stakeholders
Project Name/Address: 1915 Forbes Avenue	<b>Groups Represented (e.g., specific organizations, residents, employees, etc. where this is evident):</b> RCOs, residents, applicants, elected officials, community non-profits, etc.
Parcel Number(s): 11-J-42	
ZDR Application Number: DCP-ZDR-2020-11754	
Meeting Location: Virtual (Zoom)	
Date: 12/21/2020	
Meeting Start Time: 6:10 p.m.	
Applicant: Sergei Matveiev / Elagin Architecture on behalf the owner	Approx. Number of Attendees: 24
Boards and/or Commissions Request(s): Planning Commission approval for demolition (see below for details)	

### 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.*

Architect is sympathetic with community concerns about demolition but professional opinion is that this project is different, not salvageable. Identified owners, their company Zelata LLC, and legal counsel. Showed map that includes all properties owned by Zelata and one parcel they are trying to acquire to create a larger site. Walked through history of the site that included purchase, subsequent condemnation of the building by PLI, owner submitted demolition application and feel it was not approved due to IPOD, took case to Judge Ceoffe who recommended they work with PLI to find resolution, PLI asked them to submit a report that shows there is an imminent danger, they commissioned an engineer who submitted a letter that it was “unsafe for habitation” and would require high cost to renovate. The architect submitted his own letter that the building was an “imminent danger”, but PLI responded that it was not an imminent danger to the public. Dan Kunz, the owner’s council described the legal term in more depth, feels that case law shows the term doesn’t apply only to people in the public right of way, but also to those in the building. PLI gave them three options: (1) going to Planning Commission, (2) revise the report, or (3) go to the Board of Appeals. The applicants chose the Board of Appeals which supported the PLI decision. Applicants returned back to Judge Ceoffe which gave them another continuance or chance to appeal to plead guilty without penalty and apply to another body, in this case being the Planning Commission. Showed images of the roof bowing under snow and how this is impacting the building walls. Concerned that this can lead to collapse of the building wall(s) and have evidence that the vacant building is being used by drug users, homeless individuals. Owners have tried to secure the property, but boards are torn down, there’s no safe way to secure the property. Interior photos show that plaster is falling and this could kill anyone inside the property. Believes this is not a matter of “if” but “when” the collapse happens. Bureau of Fire Deputy was quoted during Board of Appeal hearing that their staff were not being considered because they would be at risk should they need to respond to an emergency here, and that they flagged it as a do not enter building for emergency first responders. Referred to community complaints they received. Referred to passage from the EcoInnovation District Plan which notes that some vacant buildings may need to be cleared for safety reasons. No plan for what the future project would look like, but in the immediate post-demolition, the site would be cleared of all debris, topsoil would be

added, surface strawed and seeded, landscape maintenance would expand to this area. Owners spoke with Uptown Partners' previous staff as well as Black Urban Gardeners and other community groups about temporary uses including food trucks and urban farming. Also allowed their properties to be looked at by Duquesne University students. Also looked at Greater Hill District Master Plan from 2011 and feels that future development ideas are in alignment with the plan's goals for mixed-use development in this area. Right now they are focusing on obtaining a missing property to complete the site, no specific timeline for how long this might take. Full site would be 14,000 sf (currently control 11,000 sf).

### Input and Responses

Questions and Comments from Attendees	Responses from Applicants
Is Dan Kunz legal council for the owners or as independent advisor?	Introduced as legal council for the owner.
What investments did the owner make from the time they bought it and when they submitted application for demolition to stabilize it?	Covered the roof, but even that roof was destroyed. Internal work was too great.
This property is not in an IPOD, it's in the Uptown Public Realm which was passed before the demolition permit was submitted. Added: And it prohibits demolition.	Is there an impact because of that that I'm not aware of?  That part we're aware of. Prohibition of demolition should give way to public safety when it's an imminent danger.
I think the point was that the zoning was in place before the property was acquired.	Okay.
As a homeowner I have had to replace my roof to protect my house. Why are you pointing out the repairs that the owner should have done that led to this condition. The owners should not be rewarded for irresponsible behavior of neglecting their building in the three years they've owned it.	The owner did not originally propose demolition when he talked to me about the project. He was trying to save the building, but the architects told them it was beyond saving. So it's not true that they intended to demolish when they bought. In terms of roof maintenance, there's a big difference between maintaining a roof vs. structural issues related to a roof and structure that is failing. This was a condition before they bought it and probably at least a decade or more.
"Clean and clear vacant lots" in the Ecolnnovation District Plan is about cleaning up vacant sites.	Quoted the plan further which includes removing vacant buildings.
Nearby homeowner says the condition of this building has not changed since 2014. Can the owner speak to the intent of purchasing the other parcels?	The owner doesn't own all the parcels, but would like to pursue mixed-use development. Takes time, not from lack of trying, but it takes time to put projects together. Noted the arhictec is working on projets since 2014 that is just getting built now.
Why aren't there development plans? Why aren't they landscaping and maintaining the current vacant lots?	They are trying to upkeep the vacant lots. They have done outreach to organizations and nothing has panned out.

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<p>When the building was condemned, was the City aware that the building was a historic building? Understand distinction between community's feeling about the history vs. the official designation.</p>	<p>Building is not designated by City, State, or Federal government and neither is the neighborhood. The service entrance appears in a Teenie Harris photograph, gorgeous historic photo, but that doesn't make the building itself historic. A lot of the Hill District appears in the Teenie Harris's photo and that doesn't mean it makes it historically designated.</p>
<p>As far as Greater Hill District Master Plan alignment, this is determined by going through the Development Review Panel. Goes beyond urban design, so not clear the future plans are in alignment.</p>	<p>No time provided for response.</p>
<p>Are the owners developers or investors? Should be clear about the difference. Why couldn't the façade be stabilized so that it can be included in future development?</p>	<p>Gave example of project where they tried to stabilize the façade of the building, but the construction destabilized the property due to vibrations and movement, and that building was in much better condition than this one. The building failed in the middle of the night and the building fell into Butler Street. See parallels with this building, not sure if there is a way to stabilize the façade, but doing so would require you to enter into the building which the architect doesn't feel is safe. In terms of the first question, they have purchased other properties as investments, this is more ambitious, but it's part of a portfolio and the next step in their path. Don't have experience with something of this scale yet.</p>
<p>"Understand the concern for public safety...however it appears that several sheets of 5/8 or 3/4 ply wood would have been sufficient from an engineering perspective....Please help us to understand where is the evidence of that boarding effort...Consider there are many examples of properly boarded bldgs in the HILL...So why acquire the building if there was no clear approach to rehab the building prior to contacting the architect...Since you have acquired other parcels, there must some facsimile of a plan before financial expenditure....WHY was demolition of the bldg denied...Since you understand the existence HDMP....Why was there no effort to contact the HILL CDC..."</p>	<p>Our understanding was that the permitting process was demolition, not necessarily the pathway through Planning Commission. Concern is about the public safety of the community, which took them down the path they are on. Others brought in to review the condition of the building and they all agreed that demolition was needed.</p>
<p>Would the owners develop the property themselves or through a developer?</p>	<p>Owners responded they want to develop themselves.</p>
<p>How about planning a mixed-use development and bringing that to us instead of rushing to demolish 100+ year old building.</p>	<p>Building is not safe.</p>
<p>Plaque is not only sign of historic significance. Historic to the African-American community.</p>	<p>No response.</p>

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Please don't patronize us with this safety narrative, it is disingenuous.	No response.
What exactly is your mixed development plan? Specifics please.	We don't have these plans to present at this time. Despite the previous commenter's feelings that we are patronizing, this is actually our concern. I'm an architect that tries to preserve things and part of their core business. If they felt there was a safe and possible way to restore this building, I would be in favor of it, but don't see that path. Most of my work is existing buildings and especially 100 year old buildings including another one in Uptown across from the Consol Center. That's what I do, and if we could do that with this building, I would be doing that.
The approach you've taken, it's not clear what your intentions are. I'm an engineer, understand what you're saying about the conditions of the building. If a building is somewhat stable with concrete and brick, it's possible to retain it. You are acquiring property, you don't have a plan, you reached out to groups in the Hill District, you understand that the Hill District Master Plan exists, but your approach suggests you don't understand its intention. It appears the building will be demolished, there's another parcel you want to acquire, and it will sit there as vacant land, and that you are running out the clock so that no one is paying attention. There needs to be a community benefit, and that isn't clear.	Thanks for comments. Don't know if there was a clear focus on what the project could be when it was purchased. My recommendation may depart from what the community wants to see, but it's not ill willed towards the community, it's just that this property is a problem for the community's safety if someone should walk by at the wrong time. We'll need to sit down and discuss how to move forward with this property.
Thinks that a bigger project that has not been foreseen could retain the building. Still don't see the benefit to the community. Described the loss of the Lower Hill in the 1950s, and that there has to be a benefit to the people who have been disenfranchised. Need to try to connect those dots. We have to go back to the community and have no answers, just more questions. Trying to get clarity, to move forward, lots of missing dots.	No response.
EcoInnovation District had a big effort to avoid demolition. Have long history of owners asking to tear down vacant buildings and this is why these restrictions are in place. Doesn't mean we can't support demolition, but there needs to be a quality development plan in place. We're not here to arbitrate, we depend on PLI to determine that, our concern is that the building will be demolished and there's no plan in place to replace the building.	Understand that, and not hiding from urban renewal efforts of the city in its past and how poorly that has turned out. In this case, this demolition is being supported by the Public Safety Bureau, so even within the City, there is a schism about what should happen with this building.
You're telling me that we can't use ¾ inch plywood to block entrances and keep it safe?	Those are getting ripped off, and the collapse is caused by water infiltration from above. Past efforts have not been successful in stopping that. We've been evaluating this building as professionals and after looking at it thoroughly, it's our opinion that it cannot be saved. Happy to show you

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<p>Not challenging that, I'm challenging the path forward. In terms of safety, that can be addressed. In terms of loading, there's things that can be done, but they take more elbow grease than greenbacks. Trying to understand a path forward other than demolishing because of a public safety or nuisance issue. Reasonable path forward for you and the community. Again, there does not appear to be any benefit to the community moving forward and that's a problem given the history of this community. You didn't facilitate that in the past, but it has to be dealt with now. Those things have to be dealt with now. It appears to be a use and abuse situation.</p> <p>See no cost-benefit analysis that would lead to that conclusion. Not trying to challenge this, it's a matter of opinion and highly subjective. There's still the issue that there's no path forward and no clear benefit to the community. Want development, for people to do what they want to do, but it has to be reasonable. Willing to work with you to get to a conclusion that's amicable to everyone.</p>	<p>the structural engineer's report and its unambiguous. Not just my opinion.</p> <p>Hill CDC offered to share the engineers report with the commenter. The engineer said it would be cost prohibitive, but the architect feels it would be unsafe to enter to do the rehabilitation.</p> <p>Architect reads more of the report about how unsafe it would be to go inside to inspect upper floors and that the building could undergo sudden collapse and that this is a result of the building being open for a long period of time.</p>
<p>Recommend saving the façade of the building and incorporating it into a new development project at the bare minimum.</p>	<p>No time for response given.</p>
<p>Building's condition same for decade, pretty clear that the community doesn't support demolition. Owner should present a project or sell the project to someone else.</p>	<p>No time for response given.</p>
<p>Pretty clear the owner bought the house to allow it to decay so they could demolish it and sell it to someone else. That's not operating in good faith.</p>	<p>No response.</p>
<p>There appears to be a lack of transparency about intentions. Why would someone buy a property without plans unless they wanted to sell it for more than they paid.</p>	<p>We're not planning to sell it.</p>
<p>How can you know it's consistent with the Greater Hill District Plan if you don't have a proposal?</p>	<p>Owners state that they need to have a plan for development that can be financed and is in alignment with community needs. We put our good faith into these properties working with the City and Uptown Partners.</p>
<p>With it being winter, are there plans to secure the building as soon as possible?</p>	<p>Put up the fence again, but was cut down again. It's an ongoing issue that the police know about, emergency services, but they will not enter the building if something happens there during the winter.</p>
<p>With enough money the building can be saved, but demolishing now makes it easier for the building to be sold.</p>	<p>No time for response given.</p>

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Save the façade of the building to allow that history to be preserved for the future.	No time for response given.
Moving forward, providing the materials to us today, doesn't give us enough time to review them. We want to move forward with you, and hope you'd recognize that these are reasonable requests.	Thank you. Those are reasonable comments.

**Other Notes**

Prior engagement with the developer – Uptown Partners: Met with them on December 14th, presented that the building is unsafe, presented drone footage and other materials, but don't seem to have a project proposed. Uptown Partners doesn't support demolition without a proposed project.

Prior engagement with the developer – Hill CDC: Hill CDC contacted them with details from DCP, Greater Hill District Master Plan also calls for avoiding demolition, just met with the applicant today, noted the location is the old Miller Radio and Television and showed Teenie Harris picture. Showed pictures of projects in the Hill District where the CDC or others have rebuilt buildings in similar poor conditions. Just received materials from the applicant and are reviewing them, so they cannot take a position, but do have concerns about loss of historic character, and uncertain plans for the affordability of a future development. Proposed façade retention, submitting the project to the Development Review Panel. Similar position to Uptown Partners.

**Planner completing report:** Derek Dauphin and Philip Wu