

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: Oakland Public Realm District, Subdistrict E (OPR-E) Proposed Legislation	Groups Represented (e.g., specific organizations, residents, employees, etc. where this is evident): Applicants, Walnut Capital, both RCOs, RCO staff, residents, University of Pittsburgh, journalists.
Parcel Number(s): Multiple	
ZDR Application Number: Council Bill 2021-1906	
Meeting Location: Virtual (Zoom)	
Date: 11/29/2021	
Meeting Start Time: 6:00 p.m.	
Applicant: City Councilperson Kraus, Office of Mayor Peduto (statement read by Councilperson Kraus), Jonathan Kamin, Todd Reidbord, Karen Brean	Approx. Number of Attendees: 74
Boards and/or Commissions Request(s): Planning Commission	

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.

City Councilperson Kraus read statement from Mayor Peduto’s Chief of Staff about what they like about the proposed legislation and their view that it is consistent with the current neighborhood planning process and previous processes. Noted that Oakland Plan process acknowledged that development would continue to occur throughout the planning process and Mayor’s Office didn’t want to miss this opportunity, so they introduced the legislation. Councilperson Kraus then spoke to the concerns of City Council in their review of the legislation and the need to make amendments in partnership with Jonathan Kamin to address them. Kraus then walked through basic changes that were made including setting maximum heights for each of the subareas. Demolitions that aren’t part of new construction would require report/study/statement of proposed uses. If project doesn’t provide sufficient evidence of meeting the intent of the bonus used, they will be fined 1% of the construction costs. If not paid, the City of Pittsburgh can revoke the certificate of occupancy. Then introduced Jonathan Kamin who tried to share slides on behalf Walnut Capital, but the RCO said they would focus on the text of the legislation and not review the slides. Jonathan Kamin said he disagreed with the approach, but recognized it was the RCO’s meeting to run. Kamin walked through each section of the legislation and what it does and some important notes for each section. Walked through the intent statements in detail and mentioned some potential infrastructure projects and commercial uses such as a grocery store that could implement them with future development. Subdistrict A: McKee Place. Noted that the proposal includes many different types of parking, hope that world will move towards walk to work, but in meantime want to avoid eyesore. Proposal has focus on mixed-use, many different uses within the same areas, not just commercial but residential, which helps to support amenities like grocery store. Subdistrict B: Halket Street. Would have a more commercial focus, similar uses listed as McKee Place district. Subdistrict C: Boulevard of the Allies area. Starts north of the Boulevard of the Allies and goes south through the Isaly’s site. Want to have a meaningful connection across the Boulevard, have heard through the neighborhood plan process of need to connect the neighborhoods together, part of the inspiration for the name of the

project. Want to create connection across the Boulevard and some new open spaces. Expect to have the most density here, grocery store at the Quality Inn site, development around that. Uses are more intensive here, more flexibility for non-residential uses. 20% of the district is Urban Open Space as defined in the Zoning Code where people can enjoy their lunch on sidewalk cafes, activate the Boulevard that has been a highway thus far. Parking section has added language for specific subareas borrowed from the Uptown Public Realm district, refers to Parking and Transportation Demand Management Plan. Ground floor height taller to have a good pedestrian experience. Discussed text about ground floors of non-residential buildings having active ground floor uses. Noted that Residential Compatibility Standards won't apply, but feel that they've pulled out the "operational standards" that will make the new buildings be good neighbors. Noted the intent statement that design fits into the context of Oakland and that the development and design processes for each building will ensure this happens. Want to protect and preserve façade of Isaly's building, so they included that all sides of the building will be reused, mentioned East Liberty project where this was done by Walnut Capital. Wrote into the ordinance that Zulema Street wouldn't be permanently closed to traffic until traffic on Boulevard of the Allies can make the left onto Bates Street, think their analyses show how this can happen and would re-establish connections between the neighborhoods. Described the Walk to Work Housing element that they think will make it possible for families to live and work in Oakland. 10% of units will be Walk to Work Housing. Want to share parking garages so they don't need a new garage for every building. Includes requirement for articulated facades, where dumpsters are stored, utilizing green infrastructure in public infrastructure projects. Then described the idea of a bonus as rewarding a developer for doing high quality development by giving them density. Their view is that density is not bad, supports amenities like the grocery store. Carrot and stick with carrot being the height, but have to meet performance standards that have come from other ordinances such as meeting LEED requirements. Includes proposal for grocery store, hotel, more than 50% of buildings being residential. Penalty guarantees that what is required is delivered, added by Councilperson Kraus's office. Then walked through Special Definitions included in the proposal such as Walk to Work Housing. Want to make sure housing opportunities are available for people who work in cafeterias, secretaries, for families, think the proposal's flexibility allows for that.

Input and Responses

Questions and Comments from Attendees	Responses from Applicants
<p>You stated the purpose statement is consistent with other OPR subdistricts. Note that one about protecting the existing districts from new inconsistent development is missing. Can you confirm this is missing or inconsistent?</p>	<p>Jonathan Kamin: No. You are missing the point that the purposes of the various districts are different, and what we're talking about here is different because it's focused on residential, mixed-use, creating amenities that they presented. Don't agree that it's inconsistent, just not in those.</p>
<p>McKee Place is currently residential and residential all around it. Your proposal is a significant change in terms of uses permitting educational classrooms, large-scale office, parking garages of at least 50 cars as a primary use, utilities as a primary use (generating plants, substations, water treatment plants, etc.). Why is that being proposed for a residential area on McKee Place. What is intended by including Utility General in this section? Don't understand why Utility General is listed.</p>	<p>Todd Reidbord: Our vision of Oakland is different from yours. The current uses are primarily student housing, we think it should be mixed use development similar to what's around universities across the country. Think segregating uses is the past, not the future. The future is mixed use development. With respect to uses within that, microgeneration plants, solar arrays, are part of the future and should be allowed in this district. Need to be sustainable and these should be in there. No reason someone would put a generating facility in there, that's scare tactics.</p>
<p>Why are Residential Compatibility Standards removed here when they exist wherever commercial districts about residential districts? Why wouldn't they apply here like they do elsewhere?</p>	<p>Kamin: Two components to Residential Compatibility Standards, (1) massing and how you build the building, and (2) how the building operates and exists as a neighbor. Can't think that they've left any of the second set out from</p>

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<p>We do have those two R zones in this part of Oakland, so Residential Compatibility would be consistent here.</p>	<p>what's in the code already. Question of massing, the current standards are for pure residential neighborhoods where there isn't mixed-uses, for an R1 or R2 right next to a commercial district.</p> <p>We think we've got the good neighbor components in there, but want flexibility for massing.</p>
<p>Several comments about having housing that is affordable to families. High priority for neighborhood.</p> <p>South Oakland Neighborhood Group (SONG) provided data about displacement. Ty from SONG noted that he's seen the loss of countless families due to lack of affordable housing, presentations from developers have loopholes that render them ineffective, community agreements misused. Randy from SONG said that he has said a lot of this directly to the developer, not kept it from them. Runs afterschool programs serving local youths, and over the last few decades, they've lost many of their neighbors, replaced by newer wealthier neighbors, lost families, new data from Census shows that they've lost half of their families, over 2,000 neighbors. Many of those losing housing are people of color. There are long waitlists for the only housing they can afford, and they've seen people on the streets. They feel that the proposal as written would tear down housing and replace it with wealthy high-rise housing, destroy affordable housing, and won't provide housing affordable to the residents. Asked for time to include things from the Oakland Plan process around real affordable housing, creating jobs for residents, programs for youths. Zoning can be used to include affordable housing, but there are four loopholes in the legislation as presented. Scrolls down to page 12 where Walk to Work Housing is defined. Since it's only about what they can afford, it could be the very wealthy who can move there and they can afford very costly housing. Developer doesn't have to change anything to make that happen. Household income in Pittsburgh is \$70,000/year, and seeing that very few people will be able to afford this. Inclusionary Zoning as created for Lawrenceville is needed, making housing affordable for those who make the less, avoid displacing neighbors. Noted that affordability requirement is met in the first 12 months, could be introductory one-time deal, not permanent, doesn't say. Inclusionary Zoning (IZ) spells out 45 years of restricted costs. No requirement for affordable housing if the developer sells units as condominiums which could then be rented. IZ in Lawrenceville has affordability for rental and for-sale housing. Also, after tearing down buildings in subareas B and C, it doesn't require any housing to be built, only A requires some housing is built. As spelled out</p>	<p>Reidbord: Feels they have been treated unfairly because they haven't seen the data in the past even though they've requested it.</p>

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<p>in the legislation, tenants only qualify if they work for a specific employer making it even harder for Oakland residents to meet the requirements to get into this housing. The project team needs to work with the community and serve community needs. Most of what we're saying has already been identified in the Oakland Plan process.</p>	
<p>A lot of questions about Performance Points and bonuses. The presenters say that it's pulled verbatim from the Performance Points section, but explicitly did not include the Affordable Housing bonus when it was otherwise verbatim the other sections. That section of the Zoning Code does have affordability criteria.</p> <p>The previous statement showed that your proposal doesn't have requirements for affordability.</p>	<p>Kamin: We have a different view of the affordable housing we're trying to create in this district from Lawrenceville, Uptown, other parts of the city. Want to create the Walk to Work Housing. Don't want to have a program that doesn't create the right cross-section of housing affordability.</p> <p>Not here to debate you. Disagree, but respect what Randy said, and feel this will create the most diversity of housing costs.</p>
<p>Question about why you are creating a bonus for a hotel that the market should support.</p>	<p>Kamin: Want a hotel to support a healthy development ecosystem.</p>
<p>Why is a bonus provided to reward developers for providing market rate residential units when there is a profitable market for doing this already in Oakland?</p>	<p>Reidbord: Oakland has lost population. We need more people to create vitality. Have 90% of population as students, want to change the mix to something more sustainable. There is not grocery store, no true amenities for those living full time year-round in Oakland to stop the downward spiral of the neighborhood. Want to encourage more residents, more density, more amenities. Most of the people we've spoken with agree with our view of the world.</p>
<p>Can you speak to the concerns expressed about the potential that your proposal will accelerate the displacement of the lowest income families?</p>	<p>Reidbord: Don't have data that shows any of those people living in these units, so don't think it would displace them. False narrative. Most of these units are housing students.</p>
<p>Why pursue this zoning outside of the neighborhood plan process?</p>	<p>Reidbord: Oakland Plan is not a moratorium on new development, think this is consistent with the plan, time to move forward.</p>
<p>Many comments that your view is not the view of neighbors, leaves out the view of the residents. Several comments about the scale of surrounding Coltart with 200+ ft buildings is not something residents desire.</p>	<p>Reidbord: We don't agree. Have met with residents on Coltart and they want quality buildings. Want to make sure we don't impact their quality of life.</p>
<p>If Walnut owns the buildings that would be demolished on these sites today, why can't the existing buildings be rented to families today?</p>	<p>Reidbord: The buildings are currently predominantly rented to students and not compatible with families. Want to create new buildings that are.</p> <p>Kamin: Families are looking for places to live that aren't surrounded by students.</p>
<p>Where will those displaced students go? What stops them from going into the residential parts of Oakland and driving up the rental market there? They will cause other</p>	<p>Reidbord: Student housing project at the Marathon Gas site, University is creating more housing on their property, think there will be enough supply to meet their needs. Not</p>

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issues in the neighborhood. Many comments in the chat about this.	that many of them. Existing buildings have hundreds of students not thousands and new buildings will handle them.
Skepticism in comments about City's inability to enforce the requirements in the Zoning Code.	Reidbord: I don't know which department enforces them, City Planning staff may know that.
Many comments identify factors that have caused grocery stores to leave including the loss of residents, expansion of universities, etc.	Reidbord: Grocery stores are driven by density, have to have people who will shop there.
Many comments about developer getting much more through the bonuses than the benefits the project is providing to the city and community.	Kamin: There is flexibility about the nature of the bonuses, but there are caps on height due to Councilman Kraus. Even if you have a bunch of bonuses, the height is capped.
Is this being rushed through before the new mayor is sworn in?	
Why was gross income chosen for Walk to Work instead of Area Median Income (AMI)?	Kamin: Want flexibility for what families are able to participate, not solely based on AMI.
Several comments about changing the scale and character of the existing residential area in the vicinity.	Reidbord: Oakland Crossings is a transformational development that will transform these sections into something over the next 50 years. Change is good, vital for future of Pittsburgh. Have lost population, need to increase the population. Density is good, mixed use is good, vitality is good. There is no opportunity there today like there is in other university districts in the country. If you can't embrace change you're doomed to failure.
Many comments about lack of affordability requirements and the need to close loopholes in the legislation.	Reidbord: Rental units are a great landing place for those unable to afford purchasing homes.
Many comments about the lack of housing options for older students and graduate students.	
Additional comments about scale and that height of 4-5 stories might make more sense for residential areas, why should buildings on McKee Place be taller than what's allowed on Fifth and Forbes Avenues?	
The applicant's reference to MIT area redevelopment as comparison to what's proposed in Oakland is inappropriate because that was redevelopment of an industrial area not an active residential area like what is being proposed in Oakland.	Reidbord: Disagree that Kendall Square was all industrial. Also important that we are proposing to tear down student housing.
Question about whether 1 point equaling 15 ft is a normal amount of bonus height.	Kamin: Other districts do have different types of bonuses, but we have different height caps. Want floor-to-floor heights that represent high quality urban design.

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<p>Not clear why presenters have been surprised by push back from residents. Generally, we start projects like this with lots of meetings. There are five different plans being created in Oakland, covers the comment periods for each of them. Since you've bypassed all of the processes that have been set up, what's going to stop everyone from bypassing all of the processes that have been set up in the future? It raises the question of why we have public process at all? That's the fastest way to lose the entirety of Oakland. I'm surprised you're not getting more push back.</p> <p>You're talking about listening in on other people's meetings, but not talking about public outreach for your own project. What you're proposing is a change that is a government kind of proposal. You're not government organization and you've bypassed all of the steps the government would take.</p>	<p>Reidbord: We've had 6 public meetings that we've held and promoted. OPDC didn't want to promote our meetings. Talked to residents on Coltart and Niagara Streets.</p> <p>Disagree with your statement and think it's a false narrative that we've bypassed process. We went through City Council and all 8 voted for it, will be another hearing at Planning Commission, then another at Council. Then each buildint will have a public hearing. We're not surprised by anything. The vast majority of the people who've reached out to us agree with what we're doing. A small group of people most of whom are on this call, don't agree with us. Up to our elected officials to decide what's best for Oakland and the City of Pittsburgh moving forward.</p>
<p>More comments about scale of buildings not being favorable to Coltart Street and the residences around it.</p>	
<p>RCO closed by noting materials online, opportunities to provide more comments by survey. Reminded attendees that regardless of the presentation materials, the Zoning legislation is the only thing going to Planning Commission and that's what was reviewed tonight.</p>	<p>Kamin: We'll post the presentation we were intending to give to our project website so you can see what we would have covered.</p>

Other Notes

RCO introduced the project, how the meeting would be run, noted an additional Development Activities Meeting that would take place the following night. For the Q&A portion, the RCO would collect and summarize questions and comments for the applicant to respond to. There was also time for members of the South Oakland Neighborhood Group (SONG) to speak to their concerns about the lack of true affordable housing in the project, and that the project would serve to increase displacement of long-term residents, particularly African-American residents.

Planner completing report: Derek Dauphin