Draft Zoning Proposals

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Packages of Zoning Amendments

Initial Package as Part of Plan Adoption
• Mandatory Inclusionary Zoning – Oakland-wide
• Employment District – Fifth and Forbes
• Residential District – Central Oakland
• Mixed Use District – Boulevard of the Allies

Future Zoning Code Projects After Plan Adoption
• Missing Middle Housing (including Accessory Dwelling Units)
• North Oakland Mixed-Use Zone(s)
• Employment Zone – Melwood Area
Reminder: Land Use vs. Zoning

Land use

• Reflects the desired future development pattern for an area.
• Consider land use maps are a geographic expression of goals for an area.
• Neighborhood Plans are adopted into the City’s Comprehensive Plan.

Zoning

• One tool for implementing the land use map / goals.
• Regulates what uses are allowed on publicly and privately owned parcels.
• Sets design and development requirements (standards).
• Future Zoning amendments should implement the land use plan.
What is Zoning?

• “Zoning is the regulation of land use with the goal of allowing property owners reasonable use of their property to the extent that it is not detrimental to neighboring properties or the broader community.”

• Ultimately, zoning is a tool to achieve land use policy goals.

• Zoning can be viewed as a tool to harness private development investments to implement community goals. However, there are limitations and constraints based on State and Federal property rights laws. Zoning laws need to balance private property rights and public/community goals.

• Zoning can allow something to happen or prohibit it, but it can’t make something happen.
Recent Zoning Code Efforts

• Accessory Dwelling Unit Overlay (pilot, has since expired)
• Uptown Public Realm District (implements the EcoInnovation District Plan)
• Performance Points System
• Riverfront Zoning
• Inclusionary Zoning Overlay (currently undergoing expansion)
• Stormwater Code and Ordinance Review and Update (at Council now)
Types of Zoning Districts

- **Base zoning districts**: these apply at different locations throughout the city. Consider them a common kit of parts. Examples include Single-Family Residential Attached (R1A), Local Neighborhood Commercial (LNC), Residential Multifamily (RM). Many zones have density set through a modifier such as High, Very High (e.g., RM-H, R1A-VH).

- **Public realm districts**: these are created by the City to apply to an area with unique needs. They often have subdistricts where some of the provisions are different (e.g., Oakland Public Realm District, Subdistrict D).

- **Specially Planned Districts (SP)**: are created by the property owner as a means to negotiate with the community and City about a collective desired outcomes for large sites (e.g., Pittsburgh Technology Center is SP-1 on the former J&L Coke Works site).

- **Overlay districts**: typically modify a specific aspect of an existing underlying district (e.g., allowing Accessory Dwelling Units in residential zones in Garfield).
Existing Zoning

Full Oakland area shown. Maps on remaining slides focus on area where initial package of amendments is being proposed.
Elements of Public Realm Districts

- **Boundaries**: defines the area for which the regulations apply. Could be between X and Y streets, but often uses a map.

- **Objective/purpose/intent statements**: often used for public realm districts and subdistricts to describe the desired outcome.

- **Uses**: identifies the set of uses from categories already in the Zoning Code that are allowed in the area. They can be allowed outright or if certain conditions are met.

- **Development standards**: set parameters for the size (height), shape, and placement of the building on the parcel.

- **Exception criteria**: sets conditions that need to be met for an exception in this district/area (e.g., Infrastructure Hub in Uptown).
How they’re handled by the proposal

• **Boundaries:** No change, found on the Zoning Map.

• **Objective/purpose/intent statements:** All projects going to Planning Commission will be reviewed for conformance with the plan’s adopted vision, goals, and policies by DCP. The Zoning Code text will also include purpose/intent statements that provide context and background to objective standards applied to development review, whereas broader goal/intent language will be incorporated into the adopted plan.

• **Uses:** Listed in the relevant table.

• **Development standards:** Many of these remain the same. Some that are more complicated in the code today will be simplified by being shown on clear maps such as the height limits.

• **Exception criteria:** No change, but height will be earned through objective bonuses in the code vs. Special Exceptions argued through Zoning Board of Adjustment.
Height - converting floors to feet

Floor heights

• First floor: 15 ft
• Residential: 10 ft
• Commercial: 14 ft
• Life sciences: 16 ft

Story to feet conversion notes

• For commercial and life sciences, averaged knowing that buildings may have a mixture of uses across floors.
Proposed Land Use Map

This land use map and those on following pages are adapted from the October 2021 Steering Committee meeting and provided as a reminder of the land use concepts the Zoning Proposal is trying to address for the relevant areas.
Land use proposal: Housing

Higher Density Residential (Inclusionary Zoning)

Goal: Provide healthy, attractive, and affordable rental housing, particularly for students, in multifamily buildings that reduce negative externalities of student living.

Character: Mixture of restored historic homes and modern apartment buildings that provide open space, parking, and green street features.

Height: 3 stories without bonus. Affordable housing bonus up to 7-8 stories.

Urban design considerations: Require "green buffers" where new taller buildings are adjacent to smaller buildings. Require publicly accessible and functional open spaces (e.g., playgrounds, community gardens, exercise areas) – could be met by green buffers. Require upper floor setbacks above 3 stories.

Mixed uses: Allow neighborhood-serving commercial uses on the ground floor of buildings along Atwood Street and McKee Place.

Programming: University programing to support students, further reduce negative externalities. Integrate community land trusts and cooperatives into projects.
Land use proposal: Housing

Medium Density Residential (Inclusionary Zoning)

Goal: Provide well designed rental and condo options for long-term residents and graduate students.

Character: Historic and new multifamily buildings with homes interspersed.

Height: 4-5 stories, may have bonus potential but building height reduced on Dawson Street. (Updated following meeting.)

Urban design considerations: Reconsider how building and open spaces are regulated to allow missing middle options. Community desire for building design and shared spaces that can help return community-mindedness to the area.

Mixed uses: Allow neighborhood-serving commercial uses on the ground floor of buildings along Bates and Semple Streets.

Programming: Focus on generating a sense of community cohesion among long- and short-term residents through efforts like community gardens, recreational activities, etc. Integrate affordability into structures wherever possible through programs like community land trusts, vouchers, accessory dwelling units for existing homes.
**Land use proposal:**

**Housing**

**Lower Density Residential**

**Goal:** Provide diversity of affordable housing options for long-term residents. Particularly seniors, young professionals, families. Improve comfort and sustainability of structures.

**Character:** Houses, multiplexes, cottage apartments, and 3-4 story residential buildings. Many of these typologies are historic, but no longer allowed by current Zoning.

**Height:** 3 stories with no bonus potential.

**Urban design considerations:** Reconsider how building and open spaces are regulated on sites to allow missing middle options.

**Mixed uses:** Allow small scale (e.g., 5,000 sf) commercial uses on ground floors of buildings, but apply approval criteria.

**Programming:** Anti-displacement initiatives such as permanently affordable housing, community land trust, housing cooperatives, and grants/loans for home maintenance. Note: Given scale, Inclusionary Zoning unlikely to affect development here.
Land use proposal: Innovation District

High Density Employment

- **Goal**: Support life sciences, healthcare, and other sectors that provide jobs available to a greater variety of workers and educational levels and also benefit from locating in Oakland.

- **Character**: New research and development buildings that add publicly accessible open space, active ground floor spaces, varied community services and amenities.

- **Height**: 5 stories without bonus. Workforce development bonus up to 15 stories.

- **Urban design considerations**: Require 20 ft sidewalk on Fifth and Forbes Avenues, publicly accessible and functional open spaces (e.g., playgrounds, community gardens, exercise areas), upper floor setbacks above 5 stories. No skybridges over Fifth and Forbes Avenues.

- **Mixed uses**: Prohibit or limit residential to affordable housing. All other uses are allowed. Student housing allowed on campuses.

- **Programming**: Workforce development, cultural programs (arts, museums, etc.), community services.
Land use proposal: Mixed Use Areas

Blvd of the Allies and North Oakland (Inclusionary Zoning)

Goal: Provide diversity of affordable housing options for long-term residents, neighborhood amenities.

Character: A vibrant mixture of buildings of different scales, styles, and uses with active ground floors and walkable streets.

Height: North Oakland: 4 stories without bonus. Affordable housing or workforce development bonus to 9 stories. Boulevard of the Allies: 4 stories without bonus. Affordable housing bonus up to 18 stories in narrow towers away from Oakcliffe area.

Urban design considerations: Require "green buffers" where new taller buildings are adjacent to smaller buildings. Require publicly accessible and functional open spaces (e.g., playgrounds, community gardens, exercise areas) – could be met by green buffers. Require upper floor setbacks above 4 stories.

Programming: Integrate community land trust, housing cooperatives, and public housing into development projects to establish permanent affordability. Ground floor spaces should incubate MWDBE and immigrant businesses.
SLIDE FROM OCTOBER 2021 STEERING COMMITTEE MEETING

Land use proposal: Cultural District

Cultural, Academic, and Open Space Uses

Goal: Maintain building character and improve open spaces and public realm to reinforce this area as shared hub for large-scale community and cultural activities.

Character: Historic buildings from a variety of eras are preserved and/or expertly integrated into new developments and connected by pedestrian-oriented streets and open spaces. Open spaces are improved to create an interconnected system with each serving distinct community needs.

Height: Varies dramatically. Regulated by IMP with view corridors to the Cathedral of Learning typically preserved.

Urban design considerations: Additional view corridors may be worth considering to highlight buildings and improve wayfinding.

Mixed uses: Uses are predominantly academic or cultural (museums, libraries, etc.). Further integrate retail and public facing ground floor spaces (e.g., galleries, studios, services).

Programming: These areas should serve as shared space for the community and provide regular and seasonal activities that bring the varied cultures of Oakland together.
Existing Zoning

Full Oakland area shown.
Maps on remaining slides focus on area where initial package of amendments is being proposed.
Existing Zoning
Potential Height Bonuses

Priorities from the planning process and possible locations for bonuses:

EMP
Workforce Development – Top priority
Energy Efficiency
Energy Generation (Renewables/DES)
Public Art

RES
Affordable Housing – Top priority
Building Reuse
Rainwater
Public Art

MU
Combine the above

Note: Inclusionary Zoning applied for all areas where multi-family residential is allowed.
Mixed Use District from Prior Conversation

Example allowed uses:
• Residential (single-family, multi-family, Assisted Living, etc.)
• Office
• Retail (including Grocery Stores)
• Schools and child care
• Banks
• Hotels
• Many other uses

Potential prohibited uses from last week’s conversation: hospital and academic campus related uses that are part of EMI/IMP processes.
**Existing Height Limits**

**Map Notes:**

Height is shown as the limit in feet (ft) with the possible maximum height through Special Exception shown in parentheses.

Note: Special Exception heights are not bonuses that must be earned, but instead allow additional height if applicants can make a case to the Zoning Board of Adjustment that impacts on adjacent properties are mitigated.
Proposed Height Limits

Map Notes:
Height is shown as the limit in feet (ft) with the possible maximum height earned through the Performance Points System (height bonus) shown in parentheses.

White lines represent proposed mapping of the Height Reduction Areas.
What needs would this proposal meet?

- **Housing**: inclusionary zoning and affordable height bonuses work to integrate affordable housing into market rate projects. This proposal would allow for more of both. It allows taller buildings than can be created today so that more units are generated in modern buildings that are accessible, energy efficient, and provide on-site amenities. These buildings create new housing for people with various levels of income so that more people regardless of pay have the opportunity to live and work and Oakland. It’s only part of the solution to creating the housing our city needs.

- **Employment**: currently, developers of employment buildings on the Fifth and Forbes corridor compete with residential developers. Our research shows that student housing can be created and meet demand in Central Oakland off the major employment corridors and is highly profitable. Restricting residential from the Fifth and Forbes Avenue corridor ensures we have space for development that grows jobs for the region in a place where life sciences jobs are most possible. Our research shows that life sciences companies create more jobs for people with lower levels of educational attainment than other sectors.
What needs would this proposal meet? (cont.)

- **Efficiency**: developers are able to make projects work that they may not be able to today because they do so through a predictable and enforceable process legislated in the Zoning Code and supported by the adopted plan for the area. Instead of the current options to build within what the existing code allows or seek unpredictable variances through the Zoning Board of Adjustments, developers can read what is required, meet that requirement, and design their project based on that knowing that they are addressing the goals of the neighborhood plan on multiple fronts.

- **Competitiveness**: other Pittsburgh neighborhoods and peer cities have these kinds of bonuses and requirements already. When development happens in these places, they get more benefits from it. That means more parks, more affordable housing, and areas more attractive to existing and future employers, employees, and residents.
Inclusionary Zoning Overlay

Inclusionary Zoning (IZ) is a tool that achieves the intent of creating affordable housing through:

• Tying the construction of market-rate housing to that of affordable housing. Market rate housing is still allowed and usually the majority of units.

• Requiring new residential development to make a percentage of the units affordable to residents of a certain income level (typically low- or moderate-income residents).

For new multi-family developments and renovations of 20 units or more, it creates the following requirement:

• 10% of units must be provided on-site to Eligible Households.

• Alternatively, developers can create 12% of the units off-site, but must be within 0.25 miles of the original project.
Inclusionary Zoning Overlay (continued)

- Eligible Household, in this case, means a household that earns no more than 50% of Area Median Income.

- With respect to Inclusionary Owner-Occupied Units, a household that earns no more than 80% of AMI.

- Off-site units can be created by the same developer, or the developer can sign an agreement with an Affordable Housing Provider such as the Housing Authority of the City of Pittsburgh (HACP) to create the units. Community Land Trusts are qualified developers.

- Rental and for-sale units must be affordable for a minimum of 35 years.

- Affordable units must be indistinguishable from market rate units.

- Currently applies in Lawrenceville. Polish Hill and Bloomfield have requested the overlay as well with legislation in progress.
### 2021 Inclusionary Units Occupancy and Rent Table

<table>
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<th>AMI</th>
<th>1 Person Household Income</th>
<th>2 Person Household Income</th>
<th>3 Person Household Income</th>
<th>4 Person Household Income</th>
<th>Studio Unit Rent Income</th>
<th>1 Bedroom Unit Rent</th>
<th>2 Bedroom Unit Rent</th>
<th>3 Bedroom Unit Rent</th>
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<tr>
<td>30%</td>
<td>$17,820.00</td>
<td>$20,370.00</td>
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</tr>
</tbody>
</table>

AMI = Area Median Income, a long-established standard for how much the middle household earns in Pittsburgh. Half of all households make more, half of all households make less.
Sample of cities with density/height bonuses

- Pittsburgh’s Uptown and Riverfront Areas
- Charlotte
- Atlanta
- Boston
- Seattle
- Portland
- San Francisco
- Philadelphia
- Cincinnati
- Los Angeles
- San Diego
- Denver
- Many, many more
Proposal - Height bonus details

- To access bonus height, the following conditions must be met:
  - Minority, Women, and Disadvantaged Business Enterprise. All projects seeking Performance Points must show satisfactory efforts made to meet City of Pittsburgh requirements for inclusive contracting. Currently, this is 18% minority, 7% women, and 2% veteran owned businesses. Staff will confirm that reasonable efforts have been made to meet these requirements. EORC review will not be required.
  - One-site energy consumption. All projects seeking Performance Points must meet the standards for the lowest Energy Consumption Performance Point for new construction or existing buildings.
- Other changes to Performance Points (Chapter 915)
  - Update Energy Points to exceed new building energy code requirements.
  - Create Workforce Development Bonus (fee per gross square foot of building).
Questions – Height bonuses

• Do you foresee any issues with applying Oakland Plan MWDBE goals into Zoning Code as proposed?

• Any additional thoughts on what bonuses to apply and where? For example, we don’t provide a bonus for energy efficiency in the RES zone currently. Should we?
Proposal - Open space requirements

• Following a Downtown model for requiring open space as part of larger scale developments, we are considering projects with a site area of 20,000 sf or larger to incorporate publicly accessible open space on 10% of the site. Spaces would be 2,000 sf or greater. This would apply to the Employment (EMP), Mixed Use (MU), and Residential (RES) districts.

• For reference, this would have meant a 6,000 sf open space for SkyVue. Oakcliffe Community Playground is approximately 9,000 sf and many of Oakland’s single-family parcels are 1,500 sf.

• We’ve heard in the planning process that these should be integrated into the neighborhood where open space is currently very limited.

• Desirable functions were identified as playgrounds, community gardens, dog walk areas, places for rest and being together.
Open space examples

Mellin Park, Chicago (Site Design Group)

Greenacre Park, NYC (Sasaki)

John F Collins Park, Philadelphia (CCD Parks)

CCH, Chicago (Site Design Group)

Groenacre Park, NYC (Sasaki)

Chelsea Street Playground, Sydney (City of Sydney)

Los Amigos Community Garden, Harlem (NYRP)
Public art

• The Arts, Culture, and Design Technical Advisory Group recommended that art and artists be thoughtfully embedded in the development of buildings and open spaces. Inclusion, fair pay, and treatment are key considerations.

• Making the Public Art Performance Point an available bonus in the EMP, RES, and MU areas should create an incentive for public art throughout these parts of the neighborhood.

• The Public Art and Civic Design Division of DCP and the Office of Public Art are working to create new resources to reduce barriers to developers finding and working with artists.

• The Oakland Plan also proposes the creation of Design Guidelines that would further enhance new development.
Public art (continued)

• Staff are currently looking at areas where policies and potentially changes to standards can lead developers to engage artists early in the development process and consider the role that art and design can play in low or no cost alternatives to existing needs such as fencing, railing, parking screening, lighting, pavement treatments, furnishings in the public realm, signage and wayfinding.

• New required open spaces are also places artists, art, and design can play a meaningful role to enrich the community.
Public art examples

- Artist Carin Mincemoyer, photo credit Heather Mull
- Artist Rob Ley, photo credit Serge Hoeltschi
- Artist Jenny Heishman, photo credit Spike Mafford
- Artist Francois Fouilhe, photo credit Katya Horner
- Artist Kyuseok Oh, photo credit Rose Kennedy Conservancy
- Artist Janet Zweig
Managing height impacts

The planning process identified strong feelings among Oakland stakeholders about the need to have a more predictable and beneficial system for managing the impacts of taller structures.

The following conditions were noted as needing to be addressed:

• Street frontages where new taller buildings will be constructed alongside smaller structures. **Proposal – Upper floor step backs.**

• New taller development adjacent to smaller structures. **Proposal – Green buffers.**

• Areas between Zoning Districts with significantly different height limits. **Proposal – Height reduction areas.**
Proposal – Upper floor step backs

A Buildings over 65 feet in height are limited to a maximum building footprint of 40,000 square feet.

B Structures measuring taller than 65 feet in height are required to provide a minimum front and street-side step back of ten feet at the portion of the building exceeding 65 feet or six stories, whichever occurs first.

C Structures measuring taller than 85 feet in height are required to provide either of the following:

D An additional minimum front and street-side step back of ten feet at the portion of the building exceeding 85 feet; or

D The footprint of the portion of the structure exceeding 85 feet in height may be no greater than 80% of the total building footprint.
Proposal - Green buffers

• Green buffers are 15 ft wide landscaped areas where no buildings are allowed and no protrusions from existing buildings allowed.

• This would apply in the Mixed Use (MU), and Residential (RES) districts where new buildings would be more than twice the height of the immediately adjacent building.

• This would not apply when the adjacent structure is across a street or way.

• The buffer could be met by providing publicly accessible open space (would also meet open space requirements), pedestrian through access, or environmental benefit (habitat, stormwater management, etc.).
Proposal – Height reduction areas

• Height reduction zone is proposed to be mapped in the Zoning Code to create clear provisions that are easily understood and enforced.

• Adjacent to lower scale structures, structures in this zone cannot exceed 20 ft above what the maximum height is in the adjacent zoning district.

• The height reduction zone is 20 ft deep from the edge of the parcel adjacent to the smaller structure. It would not reduce the height across the entire new development.

• Upper story stepbacks required, based on maximum height of proposed districts.

• Stepbacks are only required on Street frontages.
Green buffer and height reduction area

Height reduction area (20 ft)
Green buffer (15 ft)

Tree-lined walk
Wider sidewalk & trees along Meyran
Wider sidewalk & trees at Fresco
Other standards being developed

• Projects in the Employment (EMP), Residential (RES), and Mixed Use (MU) Districts will be required to submit a Whole-Building Life Cycle Assessment from LEED and includes embodied carbon and operational carbon calculations and has an ANSI/ISO standard. Partnering with GBA.

• Bird safe glass requirements. Consulting with Bird Safe PGH.

• Updating Planning Commission thresholds to match other zoning districts.
Proposal - Parking

- Parking minimums reduced to half of base requirements, existing parking minimums now the maximum.
- To reduce parking provided further, must contribute to Mobility Trust Fund.
- Surface parking prohibited, including commercial surface parking.
- All structured and integral parking, whether a primary or accessory use, must have at least 10% of spaces EV Ready (conduit, wiring, and expanded electrical panels) or 20% of spaces EV Capable (conduit only).
- Curb cuts must be on Way if possible (not Street), unless documented that this is infeasible.
- Ground floor parking prohibited except where wrapped by an active use on the primary frontage (Street).
Where can you find us?

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