Planning Commission Briefing

April 5, 2022
Overview

• The Oakland Plan
  • Development

• Zoning Proposals
  • Three New Base Zoning Districts
  • Inclusionary Zoning

• Timeline
This chapter is about improving the physical, social, and economic development of Oakland. The content of this chapter focuses on new and existing buildings and what they contribute to Oakland and the Pittsburgh region.
Development – Land Use Policy and Regulations

Goals

• **D1.A Development review system.** A system of City processes, local guidelines, and local review committee(s) supports plan implementation through development.

• **D1.B Land use addresses community needs.** The use of private and public land, including the rights-of-way, consider the needs of current and future Oaklanders.

• **D1.C Framework to provide community amenities.** Incentives, requirements, and policies work together to target amenities to specific parts of the neighborhood where they are needed most.

Policies

• **Managed density.** Locate dense development in appropriately designed buildings and in locations near transit and other supportive amenities.

• **Reduce negative externalities.** Design new buildings to internalize or otherwise address nuisance issues to avoid increasing conflict between residents.

• **Limit development on hillsides.** Avoid new development activities in environmentally sensitive areas such as landslide prone and steeply sloped areas and seek to move people out of potentially hazardous locations.

• **Improve living conditions.** Support the Rental Registration Program and other efforts to improve living conditions and fair treatment for all renters.
Development – Urban Sustainable Design

**Goals**

- **D2.A High performing buildings.** Buildings reduce energy, water, and other resources used in construction, materials, management, and across their life cycle.

- **D2.B Prioritizing green.** Buildings in all areas of Oakland incorporate green features to improve the comfort and livability of Oakland for people and other animals.

- **D2.C Buildings that belong in Oakland.** Building design speaks to the unique context of Oakland and contributes to the outstanding architectural heritage of the area.

**Policies**

- **Excellence in sustainability.** Incorporate sustainability principles and best practices into public spaces, buildings, and infrastructure.

- **Design for topography.** Design infrastructure and buildings to help residents overcome topography challenges and enjoy unique publicly accessible views.

- **Amenities for all ages.** Use public and private investments as opportunities to provide publicly accessible amenities for people of all ages.

- **Inspiring gateways.** Incorporate unique architecture, open spaces, public art, and plantings into entry points to the neighborhood to present an image of what Oakland is and aspires to be.

- **Limit pedestrian bridges.** Prioritize street-level activity on Oakland’s major commercial corridors including Fifth and Forbes Avenues, the Boulevard of the Allies, and Craig Street by building pedestrian bridges only on smaller streets and ways.

- **Design for children.** Design buildings, open spaces, and transportation projects to establish safe places and routes that allow children to navigate the neighborhood.
Development – Equitable Economic Development

Goals

• **D3.A Welcoming Oakland.** Oakland’s institutions, non-profit organizations, businesses, residents, and students work proactively to welcome BIPOC, LGBTQ, immigrant and refugee, and disabled people to live, work, study, invest in businesses, and play in the community.

• **D3.B Buildings that overcome inequities.** The construction, rehabilitation, and tenanting of buildings are opportunities to overcome inequities experienced by residents, entrepreneurs, and employees.

• **D3.C Inclusive hiring.** Activities and investments in Oakland maximize opportunities for minority, women, and disadvantaged business enterprises, particularly those based out of Oakland.

Policies

• **Access and influence.** Ensure communities of color and immigrants are part of social and business networks and represented in leadership positions in Oakland.

• **Minority and immigrant business focus.** Prioritize tenanting of minority, women, and immigrant business enterprises, particularly by local residents, in ground floor spaces on commercial corridors.

• **Access to careers.** Regularly study and address barriers to participation for underrepresented communities in Oakland’s career opportunities at major employers.
Development – Housing

Goals

• **D4.A Jobs and housing for all.** Residents have access to career services and opportunities that allow them to work in good paying jobs in their neighborhood, and Oakland’s low income employees and students have access to affordable housing that allows them to walk to work or school.

• **D4.B Healthy and comfortable buildings.** All buildings in Oakland are well maintained, resource efficient, and healthy for their residents and employees.

Policies

• **Black and African-American residents.** Ensure the needs of Oakland’s Black and African-American residents are addressed through initiatives that create housing and fight displacement.

• **Transit oriented housing.** Build and maintain affordable housing within walking distance of transit stations.

• **Frontline and low income worker housing.** Create housing that meets the needs of Oakland’s frontline and low income workers.

• **Students as residents.** Tap the full potential of Oakland’s diverse student population by providing the right mix of housing and amenities to retain them following graduation.
Development – Transit Oriented Development and Commercial Corridors and Nodes

Goals

- **D5.A Vibrant commercial corridors.** Development on commercial corridors provides healthy and safe pedestrian experiences with inviting public realm improvements, open spaces, and complementary ground floor uses that serve the broader community and integrate with transit services.

- **D5.B Integrate development and transit.** Development provides amenities for transit users including commercial services, enjoyable waiting areas, and first-mile/last-mile multimodal facilities.

Policies

- **Community hubs.** Build up transit station amenities, wayfinding, and adjacent ground floor activities in buildings to create local hubs of community activity.

- **Transit station circulation.** Design clear and accessible public connections between transit station areas and the surrounding neighborhood as part of development.

- **Boulevard of the Allies as connector.** Invest in development and infrastructure to create a healthy, comfortable, and enjoyable pedestrian and transit-oriented character that stitches together Central and South Oakland.
Example Development Strategy – Community Reinvestment Fund

Establish a City Trust Fund that can receive payments from the Equitable Development Performance Point in the Zoning Code. This fund should be managed by the Department of City Planning in partnership with a community board that makes recommendations on investments that benefit all of Oakland.

Related: Development Strategy – Community Reinvestment Board
Create design guidelines that establish shared expectations for both developers and the community about how to integrate community input into project design. These guidelines should create a design process that allows residents and other community members to feel that development and other types of projects contribute to their neighborhood instead of serve only to displace.

Related: Community Strategy – Arts and Design Committee
Example Development Strategy – Land Use Strategy

Implement land use strategy through rezoning projects.

Zoning is what is allowed to happen, land use is about the desired development pattern. The expression of goals through development. Includes proactive efforts like the Oakland Community Land Trust, housing cooperatives, etc. that are needed in addition to updated zoning to ensure the desired outcomes occur.

Expected rezonings to implement:

• Current zoning proposal
• Missing Middle Housing (including Accessory Dwelling Units)
• North Oakland Mixed Use Area
• Melwood Employment Area
Example Development Strategy
– Land Use Strategy

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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: 3-4 stories.

Urban design considerations: Reconsider how building and open spaces are regulated on sites.

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

Programming: Anti-displacement initiatives such as permanently affordable housing, Oakland Community Land Trust, housing cooperatives, and grants/loans for home maintenance. Note: Given scale, current Inclusionary Zoning unlikely to impact housing development here.
Zoning – Phasing

Initial Package as Part of Plan Adoption
• Mandatory Inclusionary Zoning – Oakland-wide (except EMI and UPR)
• Employment District – Fifth/Forbes and Boulevard of the Allies
• 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
Zoning - Overview

• Proposing three new base zoning districts:
  • Urban Center – Employment (UC-E)
  • Urban Center – Mixed Use (UC-MU)
  • Residential – Mixed Use (R-MU)

• City-owned parks to be rezoned as parks
  • Oakland Public Realms A (Atwood), C (Fifth and Forbes) and D (Blvd of the Allies) proposed to be rezoned. OPR – B (North Craig) will remain for now.

• Mapped Heights, separate from Zoning district.

• New Base Zoning Districts use Performance Points System in Chapter 915, allowing Bonus Heights. Options for new points are added to the system as well, including prerequisites.
Existing Zoning
Zoning Proposal

Urban Center – Employment (UC-E)
Urban Center – Mixed Use (UC-MU)
Residential – Mixed Use (R-MU)
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.
Height Proposal

Map Notes:

Height is shown as the limit in feet (ft) with the possible maximum height that can be earned through the bonus point system in parentheses.

Note: Height Reduction Areas are illustrated with a thin white line. The height reduction zone restricts building height for twenty (20) feet into the development parcel. Structures or portions of structures in this zone may not exceed the maximum height permitted in the adjacent zoning district plus twenty (20) feet. The height reduction zone is not a setback, it restricts height within the first twenty (20) feet as shown on the adopted height map.
Bonus Points Available

• Zero Energy or Zero Carbon Buildings – All new districts
• On-Site Energy Generation – All new districts
• Affordable housing - Points modified as follows: 4.c is four (4) points; 4.d is six (6) points. – All new districts
• On Site Public Art – All new districts
• Workforce Development – points modified as follows: 12.c is five (5) points – UC-E and UC-MU Only
• Rainwater – R-MU Only
Prerequisites for Bonus Points

• Minority and Women Business Enterprise (MWBE) compliance intent. All projects seeking Performance Points must show satisfactory efforts made to meet City of Pittsburgh policies regarding minority and women business enterprises found in Section 177A.02 of the City Code.

• All projects seeking Performance Points must meet the standards for the lowest point of the relevant energy consumption point for the project type (i.e., new construction or existing buildings).
# Updated Energy Point

## Zero Energy or Zero Carbon Buildings - New Construction

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<thead>
<tr>
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<tbody>
<tr>
<td>1.a</td>
<td>Demonstrate compliance with International Energy Conservation Code Section C407 Total Building Performance criteria or ASHRAE Standard 90.1-2019 Appendix G Building Performance Rating Method.</td>
<td>1</td>
</tr>
<tr>
<td>1.b</td>
<td>Demonstrate compliance with International Energy Conservation Code Section C407 Total Building Performance criteria or ASHRAE Standard 90.1-2019 Appendix G Building Performance Rating Method and buildings shall be designed and constructed with no gas or fossil-fuel fired equipment as described in Zero Code 2.0.</td>
<td>2</td>
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<tr>
<td>1.c</td>
<td>Demonstrate compliance with International Energy Conservation Code Appendix CC: Zero Energy Commercial Building Provisions.</td>
<td>4</td>
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Applicant may earn the following combinations:

1.a = 1 pt
1.b = 2 pts
1.a plus 1.c = 5 pts (this means applicant could have fossil-fuel fired equipment)
1.b plus 1.c = 6 pts
<table>
<thead>
<tr>
<th>12 Equitable Development</th>
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<tbody>
<tr>
<td><strong>12. a.</strong> Commitment to ensuring 10% of jobs in the building will be hired from Underrepresented Groups for the first 10 years the building is in operation and recertified by the City of Pittsburgh every two (2) years; or</td>
<td>1</td>
</tr>
<tr>
<td>Contribution of a sum equal to $4 per rentable commercial square foot (RCSF) of the project into the City’s Equitable Development Trust Fund either in full or annually over a period not to exceed 10 years with a minimum of 25% of the total sum due at the time the project completes construction; or</td>
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<tr>
<td>A signed lease agreement between the applicant and a Local Workforce Group for a period not less than five (5) years.</td>
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<tr>
<td><strong>12. b.</strong> Commitment to ensuring 20% of jobs in the building will be hired from Underrepresented Groups for the first 10 years the building is in operation and recertified by the City of Pittsburgh every two (2) years; or</td>
<td>2</td>
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<tr>
<td>Contribution of a sum equal to $5 per rentable commercial square foot (RCSF) of the project into the City’s Equitable Development Trust Fund either in full or annually over a period not to exceed 10 years with a minimum of 25% of the total sum due at the time the project completes construction.</td>
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<tr>
<td><strong>12. c.</strong> Commitment to ensuring 30% of jobs in the building will be hired from Underrepresented Groups for the first 10 years the building is in operation and recertified by the City of Pittsburgh every two (2) years; or</td>
<td>3</td>
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<tr>
<td>Contribution of a sum equal to $6 per commercial square foot (RCSF) of the project into the City’s Equitable Development Trust Fund either in full or annually over a period not to exceed 10 years with a minimum of 25% of the total sum due at the time the project completes construction.</td>
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Green Buffer

• Required for developments with a new primary structure with a maximum height of more than twice the average height of an existing adjacent primary structure
• Green Buffers are a minimum of 15 feet.
• They can either be designed for ecological benefit or pedestrian access and use
• Additions to existing structures in the Green Buffer shall be permitted as a Special Exception, subject to the provisions of 922.0
Mapped height reduction zone

• Height Reduction Zone is mapped on the Zoning Map
• Height Reduction Zone is 20 feet in depth.
• In that 20 feet, new structures cannot be more than 20 feet taller than the permitted height in the adjacent zoning district.
Parking

• Automobile parking minimums reduced to half of base requirements, existing parking minimums now the maximum. (Bicycling parking remains the same.)

• To reduce parking provided further, must contribute to Mobility Trust Fund.

• Surface parking prohibited except as accessory to single and two-unit residential when located at the rear of the property. New Commercial Surface Parking prohibited.

• 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).
Parking

- Structured and integral parking of 6 or more spaces, 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).
Site and Building Standards

• Urban Open Space required on lots of 20,000 sf or more
  • Based on downtown model, with updated standards

• Minimum sidewalk widths for new Development
  • 20 feet on Fifth Ave and Forbes Ave
  • 12 feet on Blvd of the Allies
  • 10 feet everywhere else

• Maximum building length of 400 feet

• Architectural Design Standards
  • Ground Floor Transparency, Long blank facades prohibited, and others

• Bird Safe Glazing
  • First 60 feet on the building and adjacent to green roofs
Uses

- Full Proposed Use Table and Use Standards available for Review On EngagePGH
- UC-E and UC-MU allow wide range of commercial uses
- UC-MU also allows residential (Single-unit Attached and multi-unit)
- UC-E allows multi-unit residential only if units are Affordable Housing or if the residential use is less than half of the GSF of the structure
- R-MU allows Residential uses with smaller scale commercial uses intended to serve residents
Site and Building Standards

• Upper Story Stepbacks
Site and Building Standards

• Building Frontage

A Structures must meet a build-to zone of zero to 10 feet from any public street, with a minimum build-to percentage of 60%.

B A minimum of 60% of the building facade must be located within the build-to zone of zero to 10 feet.
Planning Commission Thresholds

- All new construction of 15,000 square feet GFA or greater.
- Any addition of 15,000 square feet or more in GFA.
- Commercial structured parking of 50 or more spaces.
- Demolition of any Primary Structure of 15,000 square feet or greater or a total of 5 or more Primary Structures under the same ownership or control.
- New Parks and Recreation uses of 2,400 square feet or greater, where Art Commission approval is not required.

Project Development Plans that are filed for building demolitions not part of an application for new construction shall include a report, study, or statement of the property's future use that meets the review criteria of Section 922.10.E.2.
Whole Building Life Cycle Assessment

• Whole-Building Life-Cycle Assessment - an assessment of the embodied carbon impact of a whole building, which includes:
  • Operational Carbon – *Carbon emitted while the building is in use.*
  • Embedded Carbon – *Carbon emitted during the making of a building, including building material extraction, transportation, construction and deconstruction.*

• Required for projects going to Planning Commission in the new base Zoning Districts

• Integrated into Design Review Process (ie CDAP) and then concepts presented as part of Planning Commission process

• Estimated Cost for Assessment $10,000 - $15,000

• No metrics for carbon reductions proposed currently, study only
Inclusionary Zoning

- 2016 Affordable Housing Task Force
- 2017 Inclusionary Housing Exploratory Committee & report
- 2019 IPOD-6, Pilot Inclusionary Housing Ordinance in Lawrenceville
- 2021 IZOD, Permanent Inclusionary Housing Ordinance applied in Lawrenceville
Inclusionary Zoning | Purpose

Per presentation to Planning Commission of April 6, 2021 (slide 17)

• "Although at this point the IZ-O is only being mapped to the existing IPOD-6 boundaries within the Lawrenceville neighborhoods, creating the permanent overlay allows for its expansion into other neighborhoods at a later date."

• **Inclusionary Zoning** (IZ) is an ordinance that promotes affordable housing by tying the construction of market-rate housing to that of affordable housing.

• It requires or incentivizes new residential development to make a percentage of the units affordable to residents of a certain income level (typically low- or moderate-income residents).
Inclusionary Zoning | Oakland

• Proposed: Expansion of IZOD to Oakland
• Excludes Districts
  • Educational/Medical Institutions (EMI)
  • Uptown Public Realm (UPR)
Inclusionary Zoning

• Incentivized Inclusionary Zoning
  • Uptown Public Realm (UPR) - adopted December 2017
  • Riverfront Zoning District (RIV) - adopted July 2018

• Mandatory Inclusionary Zoning
  • IPOD-6: EXPIRED piloted in Lawrenceville, 2019-2021, mandatory
    • Responsible for creation / eventual creation of 40 affordable units (35 rental, 5 for-sale)
  • IZOD: Permanent, created Feb 2021, currently in Lawrenceville
  • IZOD: Permanent, pending council April 2022, Bloomfield and Polish Hill
Inclusionary Zoning | Standards

• What type of projects will need to provide affordable units?
  • Every new construction, substantial rehabilitation, or conversion/reuse project with 20 or more residential units for sale or for rent.

• How many of the units will need to be priced affordably?
  • 10% of units, rounding up if a fraction.

• Do the affordable units all need to be constructed on site?
  • A developer can put affordable units on another site, if meet certain conditions:

• 12% of the units must be affordable
  • Located no more than 0.25 mile from original site
Inclusionary Zoning | Standards

- What income levels may participate?
  - To rent, a household can't earn more than 50% AMI.
  - To own, a household can't earn more than 80% AMI.
- How will affordable units be priced?
  - Units will be priced at no more than 30% of income (based on AMI)
- How long will units remain affordable priced?
  - Rental and for-sale units will remain affordable for a minimum of 35 years.
## Inclusionary Zoning | Area Median Income

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<th>1 person</th>
<th>2 person</th>
<th>3 person</th>
<th>4 person</th>
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<tbody>
<tr>
<td>50% AMI</td>
<td>$29,700</td>
<td>$33,950</td>
<td>$38,200</td>
<td>$42,400</td>
</tr>
<tr>
<td>80% AMI</td>
<td>$47,520</td>
<td>$54,320</td>
<td>$61,120</td>
<td>$67,840</td>
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</table>

***AMI calculation will change. Waiting for HUD 2022 report. April 2022***
## Inclusionary Zoning | Household AMI & Unit Size

***AMI calculation will change. Waiting for HUD 2022 report. April 2022***

<table>
<thead>
<tr>
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<tr>
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<td>Studio / Efficiency</td>
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<tr>
<td>50% AMI</td>
<td>$742</td>
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</tbody>
</table>
Maximum Height/Build Out Section

Proposed UC-MU Zoning – 10 foot setback on Ophelia

Proposed UC-MU Zoning – no setback on Ophelia

Sections illustrate maximum height with bonuses, no Urban Open Space provided. Location on block is general, illustration intended to show maximum build out for any location in this area.
Maximum Height/Build Out Section

Proposed UC-E Zoning at the Rear of Niagara Street

Section illustrates maximum height with bonuses, no Urban Open Space provided. Location on block is general, illustration intended to show maximum build out for any location in this area.
Maximum Height/Build Out Section

Proposed UC-E Zoning along McKee Place

Section illustrates maximum height with bonuses, no Urban Open Space provided. Location on block is general, illustration intended to show maximum build out for any location in this area along McKee Place.
Maximum Height/Build Out Section

Proposed R-MU Zoning along McKee Place

Section illustrates maximum height with bonuses, no Urban Open Space provided. Location on block is general, illustration intended to show maximum build out for any location in this area.
Maximum Height/Build Out Section

Proposed R-MU Zoning – 10 foot setback on Dawson

Proposed R-MU Zoning – No setback on Dawson

Sections illustrate maximum height with bonuses, no Urban Open Space provided. Location on block is general, illustration intended to show maximum build out for any location along Dawson Street.
Timeline

May 1, 2022
• Public Comment Period end for the Oakland Plan

May 17, 2022 Hearing and Action
• The Oakland Plan
• Packages of Zoning Amendments
Where can you find us?

Online at pittsburghpa.gov/dcp/oakland and engage.pittsburghpa.gov/oakland