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To: City of Pittsburgh Planning Commission Member & City Planning Staff  
From: Preliminary Land Development Plan (PLDP) Review Committee  
Date: November 4, 2014  
Re: Lower Hill Preliminary Land Development Plan & Specially Planned District

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The PLDP Review Committee was formed as a coalition of the willing in Spring 2013 to review the proposed plan for the Lower Hill District PLDP and SPD. The group of residents and community stakeholders held nearly twenty meetings to vet, discuss and address concerns dealing with the PLDP and its impacts on the Greater Hill District community. The Committee is staffed and convened by the Hill CDC, which serves as the development review body and facilitator of development within the Greater Hill District. Members of the committee have experience ranging from small business ownership, legal, housing issues, and land-use planning. All members are volunteers, yet have committed to fully engaging a process with, and independent of, the Applicant(s) to assure the very best outcome for the Hill District and City of Pittsburgh.

The PLDP Review Committee submitted its initial comments in a memo to the Penguins on July 8, 2013. It was the Committee's goal to resolve any and all issues prior to the formal submission of the PLDP to City Planning, however, some issues remain outstanding. The PLDP Review Committee ask for the consideration of the City Planning Commission in assuring resolution prior to approval of the PLDP and proposed Specially Planned (SP) Zoning Text. Additional issues may be added through the public meeting process, or removed if addressed by the Penguins et al.

## Overview of Current Issues

- **Community Collaboration and Implementation Plan (CCIP)\***
- **Hill District Housing Study\***
- **Building Heights\***
- **Open Space and Public Art**
- **Signage**
- **Community Charrette**
- **Parking & Traffic**

### *Community Collaboration and Implementation Plan (CCIP)*

**Goal of the PLDP Review Committee:** To ensure the Lower Hill PLDP creates a favorable social impact on the Greater Hill District and City of Pittsburgh.

**Recommendation:** Attach and reference the CCIP throughout the PLDP, and specifically in the Implementation Section, as well as the SP Zoning Text. Language should assure future accountability, and the CCIP should be attached as a supporting document.

### *Hill District Housing Study*

**Goal of the PLDP Review Committee:** To encourage equitable and inclusive neighborhood development practices that will have a favorable social impact on the Greater Hill District and City of Pittsburgh.

**Recommendation:** Incorporate the Hill District Housing Study (referenced in the CCIP) within the PLDP as a supporting report, and begin conducting the Housing Study immediately to assure that it impacts all forthcoming developments within the Lower Hill District.

### *Building Heights*

**Goal of PLDP Review Committee:** To ensure the design of the Lower Hill is appropriately scaled, honoring significant cultural and historic elements of the Middle Hill and overall residential character of the neighborhood.

**Recommendation:** Lessen the proposed height maximums at the northeastern (Crawford St. and Bedford Ave. – Energy Innovation Center and K. Leroy Irvis

Towers) and southeastern (Crawford St. and Centre Ave. – Freedom Corner and St. Benedict the Moor Church) sections of the site to encourage contextually sensitive design that transitions appropriately from a medium-density residential neighborhood to a high-density, mixed-use neighborhood. Additionally, clearly articulate height limitations for all structures on the lower northeastern part of the site which are currently designated as “unlimited”.

### *Open Space and Public Art*

**Goal of the PLDP Review Committee:** Encourage placemaking activities that honor the Historic Hill District throughout the development of the Lower Hill District.

**Recommendation:** Reference the Curtain Call project through text and renderings in Section 7.3 of the PLDP. Also, incorporate sound urban design practices that encourage formal and informal gathering, often called “Third Space”. These spaces promote social equality by leveling the status of guests and creating space for public association which in turn strengthens the social connection of individuals and communities.

### *Signage and Branding*

**Goal of PLDP Review Committee:** To encourage cohesive neighborhood development within the Lower Hill that honors the significant cultural and historical legacy of the Greater Hill District.

**Recommendation:** Incorporate a comprehensive signage plan within the Lower Hill PLDP. Also, assure that street naming occurs in tandem with the community as outlined in the CCIP. Assure that branding, including development-related communications and media, honor the significant cultural legacy of the Lower Hill District.

### *Community Charrette*

**Goal of PLDP Review Committee:** To enhance the discourse and input of the Lower Hill PLDP review process and development through a community charrette (a technical and formal model of community input into a development process).

**Recommendation:** Incorporate the community charrette(s) as an implementation strategy in the Lower Hill PLDP, as agreed upon within the CCIP.

## *Parking and Traffic*

**Goal of PLDP Review Committee:** To assure that there is not an adverse impact to adjacent residences.

**Recommendation:** Require additional research on sufficiency of parking and impacts of traffic for adjacent residential areas above Crawford Street; projections should span over the life of the development project.

\* Please see attachment for additional detail on these outstanding issues.

## **Specific issues and suggestions regarding: CCIP, Building Heights and Housing Study**

The Community Collaboration and Implementation Plan referenced by the Penguins in the proposed PLDP should be attached to and incorporated in the PLDP.

In order for the Planning Commission to approve the proposed PLDP, the Penguins must show, among other things, that the development district will “create a favorable environmental, social and economic impact on the City.” The Penguins’ submitted PLDP contains at least 14 chapters describing the environmental impact of the development, 3 attachments providing environmental and geotechnical information, and 2 attachments analyzing the likely economic impact, but contains no documentation at all in support of a finding of favorable social impact. The only information on social impact is a single paragraph in the Implementation Program that refers to an unattached Community Collaboration and Implementation Plan (CCIP) which is said to provide “a framework for positive impacts through the collaborative participation of the project sponsors, developers, service providers, local corporations, foundations and the immediate community.”

The mere reference to the existence of a plan is not enough to support a finding that a proposed development will create a favorable social impact on the City as required under Section 922.11.B.3 of the Zoning Code. If the Penguins wish to cite the CCIP as evidence of favorable social impact, they need to make it a part of the record so that the Planning Commission can consider it and use it to support the necessary finding.

Moreover, there is no reason to treat social impact any differently than economic impact when it comes to reporting on projected outcomes as the development proceeds. Section 11.1.11 of the PLDP says that “the applicant of each FLDP will report the projected outcome of the development in regard to jobs and tax generation.” The same commitment should be made regarding the social impacts addressed in the CCIP (M/WBE contracting; homeownership and affordable housing; local business inclusion; workforce development and local hiring; and honoring the legacy and history of the neighborhood).

The social impact that this proposed development will have on the City is every bit as important as the environmental and economic impact. This is especially true given the history of the Lower Hill. We have raised this issue with the Penguins, and they have responded that the CCIP represents a “parallel” effort that should not be “enforced” through the zoning code. We disagree with this construction. Attaching the CCIP to the PLDP would not place any more enforcement responsibility on the Planning Commission than attaching an economic impact analysis already does. A failure by the Penguins to achieve the fiscal projections outlined in the AECOM Economic Impact Analysis would not cause the Planning Commission to reject a Final Land Development Plan, but completely ignoring the assumptions contained in that analysis might.<sup>1</sup> The same would be true of the CCIP.

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<sup>1</sup> For example, the Planning Commission might reject an FLDP that proposed substantial tax exempt uses after finding favorable economic impact based on an economic impact analysis that projected significant tax revenues.

<sup>2</sup> Charter of the New Urbanism, #13 (available online at <http://www.cnu.org/charter>). See also

For the above reasons, the Lower Hill PLDP Review Committee asks that the City Planning Commission:

1. Reject the proposed PLDP unless the Penguins submit documentation (such as attaching the CCIP to the PLDP document) sufficient to support a finding that the proposed development will create a favorable social impact on the City; and
2. Condition approval of the Penguins' proposed PLDP on a commitment that the applicant of each PLDP will report projected outcomes of the development regarding the social impacts addressed in the CCIP.

The PLDP should clearly state a commitment to build a range of housing types, sizes and prices in order to create a residential community for people of diverse ages, races, and incomes.

The submitted PLDP does not provide any information on the proposed types, bedroom counts, prices or target demographic markets for the 1188 units of housing proposed for the Lower Hill redevelopment area. A market analysis prepared for the Penguins by AECOM in February, 2010, describes the potential tenant characteristics as "singles, seniors and childless couples". If this is the proposed market, it would be an extremely narrow demographic for a housing development of the scale proposed in the PLDP.

As previously mentioned, in order for the PLDP to be approved, the Penguins must show that the development will create a favorable social impact on the City." It is a core principle of New Urbanist design that neighborhoods should include a range of housing types, sizes and prices in order to "bring people of diverse ages, races, and incomes into daily interaction, strengthening the personal and civic bonds essential to an authentic community."<sup>2</sup> The City has a nearly 20-year history of promoting development that adheres to this principle in the context of revitalizing distressed, high-poverty communities. If the tenant characteristics identified in the AECOM Market Study reflect the housing that the Penguins intend to develop, the Planning Commission should not find that the proposed development will create a favorable social impact.

Moreover, the City has an affirmative duty as a recipient of federal Community Development Block Grant (CDBG) funds to provide opportunities for inclusive patterns of housing occupancy regardless of race. That duty applies to "all housing and housing-related activities in the grantee's jurisdictional area, whether publicly or privately funded."<sup>3</sup> The Planning Commission's determination of whether the proposed development will create a favorable social impact on the City must be considered in light of the City's duty to affirmatively further fair housing, and a finding of favorable social impact should only be made if it is determined that the Penguins' development plans will not perpetuate racial segregation.

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<sup>2</sup> Charter of the New Urbanism, #13 (available online at <http://www.cnu.org/charter>). See also NewUrbanism.org, Principles of Urbanism, #4 ([www.newurbanism.org](http://www.newurbanism.org)).

<sup>3</sup> HUD Fair Housing Planning Guide, vol. 1, p. 1-3 (Applicability).  
<http://portal.hud.gov/hudportal/documents/huddoc?id=fhpg.pdf>

In August, 2013, the Lower Hill PLDP Review Committee asked the Penguins to evaluate the effect of their proposed development on restoring opportunities for residential integration and economic inclusion of African-Americans in the Lower Hill. Although the Penguins refused, they later agreed in the CCIP to join with the URA and HACP to conduct a study (the "CCIP Housing Study") of the housing market in the Hill District and the Lower Hill development area, and to rely on that study to "evaluate the inclusion of more affordable rental housing and both market-rate and affordable for-sale housing units in the residential development on the Development Site."<sup>4</sup>

The PLDP should clearly state a commitment to build a range of housing types, sizes and prices in order to create a residential community for people of diverse ages, races, and incomes, and the CCIP Housing Study should be designed to accomplish that objective.

For the above reasons, the Lower Hill PLDP Review Committee asks that the City Planning Commission:

1. Do not approve PLDP unless the Penguins commit to build a range of housing types, sizes and prices so as to create a residential community for people of diverse ages, races, and incomes;
2. Condition approval of the proposed PLDP on a commitment by the Penguins to evaluate the demand among African-Americans for housing in the Lower Hill at various housing types, sizes and price points; and
3. Condition approval of the proposed PLDP on a commitment that the applicant of each PLDP that includes a housing component will identify the proposed mix of housing types, sizes, prices and target demographic markets.

The allowable building heights along the upper portions of Centre Avenue and Bedford Avenue should be contextual with the adjacent residential district, should maximize the availability of natural light in the new development area, and should preserve views of St. Benedict the Moor Church.

The Lower Hill redevelopment site should be a transitional zone connecting Crawford Square, a low-density residential district, with Downtown, a high-density business district. The building heights in the Penguins' proposed Zoning text amendment and Preliminary Land Development Plan (PLDP) would allow Downtown-scale buildings to be erected at the Crawford Square edge of the site. Specifically, the proposed zoning text amendment and PLDP would allow a 10-story building on the corner of Crawford Street and Centre Avenue and a 15-story building on the corner of Crawford Street and Bedford Avenue. Those heights are out of context with the residential character of Crawford Square, where the homes are 1-3 stories.<sup>5</sup>

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<sup>4</sup> Lower Hill Redevelopment Community Collaboration and Implementation Plan, p. 15.

<sup>5</sup> While there are two existing buildings in the vicinity that have comparable building heights (Washington Plaza and K. Leroy Irvis Tower), they are anomalies that were built during a period of urban renewal when neighborhood context was not a consideration.

The 100-foot to 160-foot maximum building heights along the upper portion of Centre Avenue (zones b, d and f) are particularly troubling. Centre Avenue forms the southern edge of the undeveloped portion of the site (subdistricts 1 and 2), and erecting 10- to 16-story buildings there would block natural light from entering much of the new development. Buildings at those heights would also completely block views of the iconic tower of St. Benedict the Moor Church from Centre Avenue west of Crawford Street. The church is a cultural landmark and the statue of St. Benedict standing atop the church's tower with outstretched arms is a neighborhood treasure. This view should be preserved.

In order for the City Planning Commission to approve the proposed PLDP, the Penguins must show that the development district will create an efficient, functional and attractive urban area and that it will not be injurious to the use and enjoyment of other property in the immediate vicinity. The proposed building heights along the eastern portions of Centre and Bedford Avenues do not meet those standards. We have raised these concerns with the design consultants for the Penguins to no avail.

For the above reasons, the Lower Hill PLDP Review Committee asks that the City Planning Commission:

1. Do not approve the proposed PLDP unless the minimum and maximum height limitations at the eastern portion of the site are reduced so as to be in context with the low-density residential character of Crawford Square; and
2. Do not approve the proposed PLDP unless the maximum height limitations along the upper portions of Centre Avenue (zones b, d and f) are reduced so as to maximize the availability of natural light in the new development area and preserve views of the tower of St. Benedict the Moor Church from Centre Avenue between Crawford Street and Washington Place.